

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 at
Saskatoon, Saskatchewan

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Volume 36

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

RONALD DALE WILSON, continued:

BY MS. McLEAN:

Q Just to finish off from yesterday, I was talking about the cosmetic bag versus the compact issue, and I neglected to give the document numbers, which I probably should, for the things I was referring to at the end. There is no need to bring them up, the document numbers are 034623, and that is the creation of the issue number 54, and that's the inquiry into the cosmetic bag versus the compact; and then document number 036095 at 036096, it's a report of Officer Jorgenson who writes that the interview with you, Mr. Wilson, failed to resolve the issue as between a cosmetic bag and a compact, and that's where we went through where he said that you have always said 'compact'?

A Yes.

Q Do you remember that from yesterday? And then 'he as always been questioned', meaning you have always been questioned, 'about a compact and never



1 about a cosmetic bag', and Officer Jorgenson
2 includes himself in that because he's the one that
3 did the September interview with you, right, of
4 '93, and the reference is 022904; and the final
09:04 5 document in reference to that is at 036095 where
6 Officer Jorgenson concludes, on October 12th, '93,
7 that there is no further action required in that
8 respect.

9 Which brings us to something
09:04 10 else that Mr. Wolch asked you yesterday; as to
11 whether or not you were aware of any investigation
12 into your financial situation?

13 A No I wasn't.

14 Q You were not?

09:05 15 A No.

16 Q If we could have document 155223, please, this
17 seems to be, from what I can tell, the beginning
18 of things. It's August the 5th of 1990, and this
19 is a memo to the file by Mr. Williams, that's
09:05 20 somebody that Mr. Wolch spoke to you about
21 yesterday; remember?

22 A Yes.

23 Q Okay. And we were discussing his potential bias
24 in this regard -- in regards to the investigation,
09:05 25 I mean, and if you look down, it's a -- it's with



1 respect to his interview of Mr. Melnyk, all right,
2 and if you look down at the bottom of the page
3 here, of 223, he just notes that Mr. Melnyk
4 received nothing for his evidence at the trial.
09:06 5 All right.

6 And then if you go over to 224,
7 please, then on the second page Mr. Melnyk is
8 being questioned by Mr. Williams about his
9 contacts with you, all right. And then the second
09:06 10 paragraph of there, Mr. Melnyk understood from
11 you, all right, that you had -- so this would be
12 in 1990, all right -- that you:

13 "... had retained Morris Shumiatcher,
14 ..."

09:06 15 A Shumiatcher.

16 Q Sorry, I'm not from Saskatchewan.

17 ALL COUNSEL: Shumiatcher.

18 BY MS. McLEAN:

19 Q "... a highly regarded Saskatchewan
09:06 20 counsel, and had also retained another
21 counsel to provide him with advice in
22 relation to this matter. Mr. Melnyk was
23 curious about the source of Mr. Wilson's
24 funds, because he believes that
09:07 25 Mr. Shumiatcher's ...",



1 sorry, I'm having a --

2 MR. HODSON: Shumiatcher.

3 BY MS. McLEAN:

4 Q -- as supplied by other counsel:

09:07 5 "... retainer would probably match the
6 enormous reputation he has in the
7 Province of Saskatchewan."

8 So there's -- there seems to be an insinuation in
9 there, sir, that you may have been paid off for
09:07 10 your recantation in July of 1990. Any truth to
11 that?

12 A No.

13 Q Did you, in fact, hire that lawyer, sir?

14 A I ended up with one of his rookies, I guess you
09:07 15 would call him. That was for an impaired charge,
16 an impaired driving charge.

17 Q Okay. And any funding for that retainer came from
18 where, sir?

19 A From myself.

09:07 20 Q Thank you. And I think, also, I missed something
21 on the first page. Could we go back to 223,
22 please. Yes. Now some 20 years after, so this is
23 19 -- 1970 is when Melnyk first comes to the
24 attention of the, of the authorities, and he gives
09:08 25 evidence at the trial, as you know, I think, about



1 this motel room --

2 A Yes.

3 Q -- reenactment so to speak?

4 A Yes.

09:08 5 Q So some 20 years later he is being questioned by
6 Mr. Williams about any conversations he might have
7 had with you about what you had seen. Mr. Melnyk
8 said that you told him that when David came back
9 to the car he:

09:08 10 "... had a wallet and blood on his
11 hands; or blood on the wallet in his
12 hands ...",

13 and that you had made some additional remarks
14 about a wallet which Mr. Melnyk did not recall;
09:09 15 did that occur, sir?

16 A No.

17 Q Do you have any idea where that's coming from?

18 A No I don't.

19 Q Okay. You can see that that allegation, of
09:09 20 course, would serve to tie David even further into
21 the case?

22 A Yes.

23 Q More blood and more linking of physical evidence
24 from the crime?

09:09 25 A Right.



1 Q Okay, if we can go to 002131, please. This is the
2 next day, and it's another memo from Mr. Williams,
3 and he has now interviewed Mr. Lapchuk, who also
4 testified 20 years earlier about this motel room
09:09 5 thing, and he has something to say about you as
6 well. All right. And that's at 2132, please, the
7 next page. Yup. Mr. Lapchuk noted that he spoke
8 with you after the trial and that you told him
9 that you saw blood on David's clothes when you
09:10 10 were in Saskatoon. Did you ever tell Mr. Lapchuk
11 that, sir?

12 A No I didn't.

13 Q But you can see the effect of that would be that
14 you weren't just telling the police, you weren't
09:10 15 just telling the trial, you were telling your
16 friends that it was true? You see that's what the
17 effect of that would be?

18 A Yes.

19 Q So the case, again, against David is getting
09:10 20 better and better from Mr. Lapchuk's mouth 20
21 years later?

22 A Yes.

23 Q Go to the next paragraph. :

24 "Recently Ron Wilson met George

09:11 25 Lapchuck. Mr. Wilson attempted to offer



1 an explanation for his recent actions.
2 According to Mr. Lapchuck, he ... did
3 not want to hear any explanations from
4 Wilson. (From his longterm acquaintance
09:11 5 with Wilson, Lapchuck gave me some
6 insights no to Wilson's character. I am
7 left me,"

8 that's a 'sic' but I guess it says 'it left me':
9 "... with the impression that Ron Wilson
09:11 10 had gotten more than religion for
11 changing his story.)"

12 All right. And that is, again, is the gentleman
13 that was trying to interview you in 1990, Mr.
14 Williams.

09:11 15 A Uh-huh.

16 Q This memo, incidentally, is c.c.'d to Mr. Corbett,
17 who was the other gentleman that Mr. Wolch was
18 speaking to you about yesterday when he was
19 talking about the Department of Justice officials?

09:12 20 A Yes.

21 Q Yeah. It goes on to say:

22 "(The writer was left ...",
23 and the writer being Mr. Williams:

24 "... was left with the distinct
09:12 25 impression that Lapchuck and Melnyk were



1 very disappointed by the Wilson
2 retraction, because it reminds them of a
3 period of their life that they would
4 like to put behind them. It was
09:12 5 suggested that there was a financial
6 incentive for Mr. Wilson to recant his
7 earlier testimony.)"

8 Okay. Any financial incentive for you to recant
9 your trial evidence, sir?

09:12 10 A No, there wasn't.

11 Q Now next document is 044260, please. After the
12 1992 hearing in April you understand that David
13 was released from custody --

14 A Yes.

09:12 15 Q -- by -- okay -- that's by order of the Supreme
16 Court, the Province of Saskatchewan elected not to
17 retry him but he was never cleared, you understand
18 that?

19 A Yes.

09:13 20 Q So he is out, he is walking around branded as a
21 murderer, and there's an RCMP investigation into
22 what is called a -- or what's referred to as
23 'alleged wrongdoing', all right, and this is
24 wrongdoing of the Saskatoon Police and other
09:13 25 officials into the purported wrongful conviction



1 of David Milgaard; you understand that?

2 A Yes.

3 Q And it's a result of submissions that were made at
4 the 690 applications, that's the application to
09:13 5 have David's conviction reviewed, all right?

6 A Yes.

7 Q And also at the application itself in 1992 there
8 were submissions made, evidence called on behalf
9 of David, all right; and in 1993, the following
09:13 10 year, is an investigation by the RCMP into those
11 allegations of wrongdoing against officials.

12 Okay? Do you understand that by way of
13 background?

14 A Yup.

09:14 15 Q Okay. So, as part of that, on May the 4th of
16 1993, okay -- and this is one of those documents
17 that is coded back to front so if we could start
18 at page 61, please -- this is Officers Homeniuk
19 and Gagne, it's written on May the 4th of 1993;
09:14 20 all right?

21 A Okay.

22 Q And they interview Mr. Lapchuk, okay. And do I
23 have the right page number, the starter, 61? Is
24 there a 62? It confuses me when we've got them
09:14 25 backwards. Okay. So it starts at 044264, all



1 right, they attend to Surrey, B.C. and interview
2 Mr. Lapchuk and do and interview of him. All
3 right?

4 A Okay.

09:15 5 Q Go to the next one sequentially, please. Okay.
6 And Mr. Lapchuk advises that there was no deal
7 made between himself -- there it is:

8 "- Stated there was no deal made between
9 himself and SCP",

09:15 10 and that's the Saskatoon City Police. Thank you
11 again. Okay, could you go back to show the whole
12 page, please. Moving on to the next sequential,
13 next sequential:

14 "- Lapchuk was ...",

09:16 15 and this is on 044261:

16 "- Lapchuk was adamant as to what he saw
17 and I feel he is telling the truth.

18 - Lapchuk feels Dale Wilson was bought
19 off by the Milgaard family however he
09:16 20 cannot prove this."

21 All right. You see that, sir?

22 A Yeah.

23 Q And the next page sequentially, it's 260, I think:

24 "Lapchuk is extremely honest and appears
09:17 25 to be sincere and truthful in what he



1 has to say. This story has never
2 changed since Day 1."

3 All right. See, so there is two observations
4 there about the truthfulness of Mr. Lapchuk?
09:17 5 Right?

6 A Yes.

7 Q A cursory inquiry with him as to whether or not he
8 received anything from the authorities for his
9 testimony?

09:17 10 A Yes.

11 Q You saw that?

12 A Yes.

13 Q And another insinuation, made three years after
14 his first one, that you had been bought off by the
09:17 15 Milgaard family?

16 A Yes.

17 Q Again, you were not bought off by --

18 A Exactly.

19 Q Yeah, okay. Now as part of this investigation by
09:17 20 the RCMP into the alleged wrongdoing of
21 authorities in relation to why David came to spend
22 almost 23 years in jail, all right, his mother, as
23 you know, had been doing a lot of investigating of
24 her own over the 10 and 12, 15 years before that;
09:18 25 you understand that?



1 A Yes.

2 Q April the 15th she spoke with you, and that's
3 046588, please. This is the telephone interview
4 where she phoned you, she caught you off guard,
09:18 5 and you had quite an extensive conversation with
6 her in 1981; right?

7 A Yes.

8 Q Commission Counsel went through that with you the
9 other day; do you remember?

09:18 10 A Yes.

11 Q Okay. And this is where you start to -- you are
12 being helpful and you are trying to remember
13 things, and you have said various things of --
14 that you don't remember, you have made some
09:18 15 allegations against the police in the way of --
16 the way you were questioned, all right, you have
17 given her some information and you were trying to
18 be helpful; correct?

19 A Yes.

09:19 20 Q And then at the very end of that transcript -- if
21 we can go to 046618 within that document,
22 please -- the transcript that is prepared here is
23 by the RCMP; the tape was turned over to the RCMP
24 by Mrs. Milgaard, all right, that's to assist them
09:19 25 in their investigation into the wrongdoing of



1 authorities -- or potential wrongdoing; the tape
2 was received, it looks like, sometime in the fall
3 of 1993, right around the time that Officer
4 Jorgenson was interviewing you by telephone in --
09:19 5 you were in B.C. then, I think, right?

6 A No, Regina.

7 Q Okay. So right around that same time David's
8 mother turns over the tape to them. The RCMP had
9 that tape enhanced because the quality was very
09:20 10 poor?

11 A Yes.

12 Q And prepared their own transcript of it. At page
13 046618 or page 30 of the actual transcript you've
14 been -- this is the wind-down of the interview of
09:20 15 you by Mrs. Milgaard and there's been some talk
16 about you maybe assisting her to get back in touch
17 with Nichol?

18 A Yes.

19 Q Do you remember that?

09:20 20 A (Nods head).

21 Q And that Nichol seems to be quite spooked because
22 Joyce had shown up at her apartment without an
23 invitation, that kind of thing; do you remember
24 that?

09:21 25 A Yes.



1 Q And you were going to help to try and put her in
2 touch with Nichol so that she could speak to her
3 and you were going to have your own review of the
4 materials and the transcripts and things like that
09:21 5 to see if there was anything that you could add or
6 elaborate on from back in the 1969, 1970 period.
7 Do you remember that?

8 A I believe so, yes.

9 Q I'm sorry?

09:21 10 A I believe so, yes.

11 Q So we have here Mrs. Milgaard saying to you, and
12 this is in respect of Nichol:

13 "I am hoping that she still will call
14 me. If she does, that I'll be able to
09:21 15 have a chance just to chat with her as I
16 have with you."

17 And that's in reference to this last 30 pages of
18 conversation:

19 "And as I said, I'm not going to be
09:21 20 having a big to-do or any more
21 publicity. I do have ten thousand
22 dollars and I'm willing to pay that
23 \$10,000 out to anybody that can prove
24 David, you know."

09:22 25 And your response, "I can't prove it." And



1 Mrs. Milgaard says:

2 "No, but if you think of anything that
3 will help. I mean this is what I'm
4 interested in right now, Dale. I'm not
09:22 5 interested..."

6 And then you ask for a transcript of the trial
7 and then it goes on to say that you would like to
8 look over the transcript and maybe there's
9 something in there, and there's a lot of
09:22 10 illegible, or sorry, unintelligible parts of the
11 tape here, but it looks like you are saying that
12 you are willing to look over the tapes and look
13 into some of the discrepancies of some of the
14 various things you said. Agreed?

09:22 15 A Agreed.

16 Q And it seems that what Mrs. Milgaard is telling
17 you is that there is, or referring to anyway, that
18 there is \$10,000, right, that she has effectively
19 put up by way of a reward for anybody that can
09:23 20 prove that David is innocent?

21 A Correct.

22 Q And your response was that you can't do that;
23 right?

24 A I guess so.

09:23 25 Q I mean, that's what we just read?



1 A Yeah.

2 Q Do you want to go back, "I do have ten thousand
3 dollars. I'm willing to pay that out to anybody
4 that can prove David, you know." And then it
09:23 5 actually gets inaudible on the tape, and your
6 response, "I can't prove it"?

7 A Correct.

8 Q And you couldn't prove David was innocent could
9 you?

09:23 10 A No.

11 Q And in fact nothing can prove he was innocent
12 except for the DNA which actually was done in
13 1997?

14 A Exactly.

09:23 15 Q Now if we could go to 054786 document and within
16 that page 787. Now, what's happened here is by
17 November the 3rd, so this is the date up at the
18 top of the page is November the 3rd, and this is a
19 report written by a Constable Smith who is with
09:24 20 the RCMP and it appears that he was assigned to do
21 some work as part of this investigation into
22 alleged wrongdoings on behalf of the authorities,
23 he was assigned to investigate certain things.

24 So if we look at the beginning
09:24 25 part here, it says discussed with -- so this is



1 being written by Constable Smith. Discussed with
2 Constable Jorgenson of detective I guess --

3 MS. KNOX: Detachment.

4 BY MS. McLEAN:

09:24 5 Q "Discussed with Constable Jorgenson of
6 detachment. Wilson may have received a
7 bribe in the area of \$10 K --"

8 That's \$10,000,

9 "-- to recant his story at the Supreme
09:25 10 Court hearing to gain David Milgaard's
11 release. Transcript of a 1982 telephone
12 interview between Joyce M. & Wilson
13 appear to give this impression. Records
14 will be looked @ for as far back as 1982
09:25 15 (if possible).

16 - 1st step will be to get SIN --"

17 That's social insurance number,

18 "-- for Wilson. I'll try and locate any
19 suspicious deposit before looking to
09:25 20 Joyce M's accounts."

21 Now, I would like to advise you as well, sir,
22 that I'm going to be referring to some documents
23 that do have financial information as regards you
24 and your wife, your then wife. I don't know if
09:25 25 she's still your wife, Monica?



1 A Yeah.

2 Q I've spoken to Commission Counsel and he's advised
3 me that prior to any of these documents being
4 released to the public, that the sensitive
09:26 5 information, the financial information as it
6 relates to you, will be censored, if I can -- is
7 that correct?

8 MR. HODSON: Yes, it is.

9 BY MS. McLEAN:

09:26 10 Q So I'm going to talk about them, but they are not
11 going to show up in the paper.

12 A Okay.

13 Q So November the 3rd is about four or five days
14 after Officer Jorgenson had submitted this tape to
09:26 15 be enhanced and had a transcript prepared, okay,
16 so in that time period here's the investigation,
17 first step, looking for suspicious deposits before
18 looking to Mrs. Milgaard's accounts. So this is
19 starting to look like an investigation into
09:26 20 alleged wrongdoing of you and alleged wrongdoing
21 of Mrs. Milgaard; correct?

22 A Correct.

23 Q Can we just go full page, please. So here we go
24 trying to get your social insurance number,
09:27 25 calling social security, looking to see if you are



1 on the welfare system at all, various addresses,
2 calls to banks to see where you might have had a
3 bank account.

4 Next page, 86, please. 786,
09:27 5 please. Thanks. Indications of where you used to
6 work, a source is checking with where you used to
7 work it looks like. Various places they've tried
8 to check to see if you have bank accounts, they
9 are trying the Equifax, that's the credit
09:28 10 reporting people, they do have a file for you.
11 Calls to other banking authorities looking for
12 information about your wife's financial materials
13 and in order to obtain her full legal name and her
14 social insurance number. Back to the Bank of
09:28 15 Montreal looking for credit cards and lines of
16 credit, bills, things going on like that. Okay.
17 That's the kind of thing that's going on within
18 four or five days of receiving this tape of your
19 interview with Mrs. Milgaard. Okay?

09:28 20 A Okay.

21 Q 054793 is showing the involvement of -- sorry,
22 054793, this is Officer Jorgenson himself,
23 financial background inquiries is the title, your
24 current address, your past addresses, other
09:29 25 possible addresses, other people that they might



1 conceivably talk to about you.

2 Next page of it, 93 I think is
3 the next page -- sorry, right, I wasn't paying
4 attention, 94. Potential period of interest, this
09:29 5 is the very bottom here -- sorry, this is the
6 continuation. Potential period of interest
7 1982-1992 inclusive. Of particular interest
8 1990-1992 inclusive. You see that, sir?

9 A Yes.

09:30 10 Q So potential period of interest, 1982, and this is
11 because Jorgenson believes that the tape was made
12 in 1982, and I hope there's not going to be a
13 further investigation of your finances in 1981,
14 but of particular interest, 1990, that's when you
09:30 15 were speaking to Mr. Henderson and you fully
16 recanted your trial evidence; right?

17 A Right.

18 Q 1992 inclusive, that's where you testified at the
19 Supreme Court of Canada and admitted to having
09:30 20 lied repeatedly at David's trial?

21 A Yes.

22 Q And where you were subject to a contempt citation
23 for having done so?

24 A Yes.

09:30 25 Q There's no need to pull up the next document, it



1 is 054793, and this is simply a CPIC printout,
2 November 16th of 1993, and that's an investigation
3 by CPIC of Monica, or an attempt to find out about
4 Monica.

09:31 5 Document 054772, and this is a
6 continuing report relating to the work of
7 corporal -- I think it's corporal -- maybe
8 Constable Smith, this is the fellow that was
9 assigned by Jorgenson, and it goes from November
09:31 10 of 1993 through to February the 14th of 1994.
11 Start, please, at 054777, which I think is the
12 first page of this document. So this is
13 continuing on from the last time that Smith
14 reported, right, and he's got some feedback now,
09:32 15 he's got a social insurance number for you, social
16 insurance number for Monica, the savings accounts,
17 the loans that Monica has, the fact that you have
18 a joint savings account, where the accounts are,
19 and here we have -- now, he's discovered this on
09:32 20 November, it looks like maybe the 16th or the
21 14th, he discovers in the joint account near the
22 beginning of 1993 there was \$2,000 in the account
23 and it has whittled down with withdrawals to low
24 amount at present. Security is checking to see
09:32 25 the account history if there was a significant



1 deposit that would be of interest to this
2 investigation, and then he reviews it, this
3 information with Constable Jorgenson.

4 Back to the full page, please.

09:32 5 And then they are back to calling Equifax, that's
6 credit checks on your social insurance numbers,
7 there's files, those files are being faxed to
8 them, and then we get a report back, or he gets a
9 report back, rather, from one of the banking
09:33 10 institutions related to you, right. They find out
11 at the end of November that Dale and Monica opened
12 a joint account approximately April, 1991. That's
13 certainly well within the period of interest,
14 isn't it, sir?

09:33 15 A Yes.

16 Q With a small \$200 cash deposit. Shortly after a
17 "large chunk of change" went in and the account
18 history has been one of continual withdrawals
19 since then until being almost depleted at present.
09:33 20 And the present being November 30th, '93. The
21 banking officer advises that she's asking for
22 complete details on the original deposit, i.e.,
23 cash, cancelled cheques, etcetera, and Constable
24 Smith advises Jorgenson apparently immediately of
09:34 25 that information. Do you see that, sir?



1 A Yes.

2 Q At 775, please, a whole bunch of follow-up calls
3 looking for information. Let's see, they learn at
4 the beginning of January of '94 that you had put
09:34 5 in a 1,200 and some odd change cheque in August by
6 your wife, and having received that information,
7 Corporal Smith calls back for clarification and
8 finds out that there was \$2,000 in the chequing
9 account, so this \$1,200 would only partially cover
09:35 10 that, so he's awaiting a return call for
11 clarification because there's \$800 difference
12 here. Do you see that?

13 A Yes.

14 Q So maybe that \$800 was from Joyce Milgaard as
09:35 15 opposed to something else and we better find out.
16 And then at the bottom here of that page the
17 complete file has been reviewed, the account was
18 started in April, '91 with \$200, the history shows
19 the biggest deposit was a \$1,235 cheque from
09:35 20 Monica and then Ronald took out \$135 for a net
21 deposit of 1,100. The bottom file, and I suppose
22 that should say bottom line, is there is no record
23 of any \$10,000 deposit cheque, etcetera, the
24 account has never been higher than \$2,000, no
09:36 25 other bank accounts are known, and that's as of



1 January, 1994.

2 Go to 774, please. So at the
3 end of January, Smith discusses it with Jorgenson,
4 reviewed with Constable Jorgenson. He is
09:36 5 wondering if we can determine if Dale Wilson had
6 an account at any bank in Nakusp. Is that how you
7 say it?

8 A Nakusp.

9 Q Nakusp, B.C., so they call the RCMP and find out
09:36 10 what banks are there, they call the bank security,
11 try to pull up any old accounts, it looks like
12 seven or eight calls that very day into B.C.
13 looking for information about your banking, and
14 here we find that you do have, apparently, a
09:37 15 dormant account and that it was a chequing
16 account, and Officer Smith speaks with Bob
17 Williams, who is an officer at CIBC, who advises
18 that without any dates of the actual account, this
19 is the dormant account, it would be almost
09:37 20 impossible to retrieve the account history. What
21 he will do is check to see the dormant balance and
22 when the last account activity was.

23 Next page, please. And they
24 make some more calls to other banks looking for
09:38 25 other accounts, find out from somebody who



1 personally knows you, so this may be even a friend
2 now, it says they know you as a resident there and
3 neither one of you had an account at that
4 particular branch, okay.

09:38 5 And finally here, February 14th,
6 Smith gets some information back from the security
7 office at the CIBC, that's the Bank of Commerce,
8 and find out that this account, the dormant
9 account they've been talking about, it has been
09:38 10 dormant since September, '89, so since about nine
11 months before you spoke to Henderson. Do you see?

12 A Yes.

13 Q "There is minimal cash in the account
14 (one figure) but there is no way --"

09:39 15 Page 772,

16 "-- there's no way to look at the
17 account history short of manually
18 checking all monthly balance sheets for
19 the CIBC branch. We can't tell when the
09:39 20 account was opened, etc., without going
21 through the procedure. In short, if we
22 can get a possible opening date, we
23 could execute a search warrant if we
24 have the grounds."

09:39 25 No idea any of that was going on into your



1 financial affairs, were you, sir?

2 A No.

3 Q 054795, please. If we can go -- I'm sorry, I
4 don't have the number where this actually begins.

09:40 5 It will be going backwards again, or maybe not.

6 Okay, so back to 95, sorry. Mrs. Milgaard

7 supplied us with a copy of a taped conversation,

8 and this is being written November 3rd by

9 Jorgenson, that she had with Dale Wilson. This

09:40 10 conversation appears to have taken place in either

11 '81 or '82 towards the end of the conversation and

12 then here we have the extract that I read to you

13 earlier from that tape.

14 In the Supreme Court Wilson

09:40 15 recalls Mrs. Milgaard contacting him by telephone,

16 and now he's got a quote of your evidence at the

17 Supreme Court, and the report reads:

18 "In the Supreme Court of Canada the

19 following comes out during the

09:41 20 questioning by Mr. Neufeld of

21 Saskatchewan Justice."

22 And then there's a quote there of the questions

23 and answers asked of you at the Supreme Court in

24 relation to the reward offered by the Milgaard

09:41 25 family and, as it's cast by Mr. Neufeld, that



1 might lead to Mr. Milgaard being released. It
2 would actually lead to his exoneration or prove
3 him innocent.

4 A Yes.

09:41 5 Q If we go on to the next sequential page, it
6 continues with the evidence that you gave at the
7 Supreme Court, and here we have:

8 "If Wilson accepted monies for recanting
9 his 1969 trial evidence and subsequently
09:41 10 perjured himself in the Supreme Court,
11 he would be guilty of an offence
12 relating to enterprise crime."

13 That's a serious crime by the way.

14 "Therefore, I undertook to have
09:42 15 enquiries conducted to determine whether
16 evidence existed in this regard."

17 And having read Smith's report, which is the one
18 that we just reviewed where it all comes to
19 not --

09:42 20 A Uh-huh.

21 Q -- the conclusion offered by Constable Jorgenson
22 on February 15th, 1994, so we're roughly four
23 months from the time they got the tape from
24 Mrs. Milgaard:

09:42 25 "Inquiries conducted by Corporal Smith



1 failed to produce any evidence in
2 support of the noted suspicion. (Note
3 Corporal Smith's report on file. Same
4 is self-explanatory.) Given the
09:42 5 outcome, it is not felt that I can
6 justify pursuing this issue further.
7 Certainly, while Wilson's recantations
8 before the Supreme Court are
9 questionable, they are arguable.

09:42 10 No further action ... at this
11 time."

12 Kind of hard to remember this investigation into
13 the wrongdoing by the authorities in 1969 and
14 1970 isn't it.

09:43 15 A Yeah.

16 Q Okay. If you recall on Tuesday, sir, if that was
17 April 5th, and I believe it was, Commission
18 Counsel was asking you about this exchange that
19 you had in the Supreme Court. Do you remember him
09:43 20 asking you about that?

21 A Yes, I believe so.

22 Q And he read to you the exchange between you and
23 Mr. Neufeld in the Supreme Court of Canada where
24 you said that you, you said to Mr. Neufeld that
09:43 25 you hadn't known about the \$10,000 reward that



1 might lead to Mr. Milgaard being released from
2 prison and Commission Counsel asked you to explain
3 why you might have given that answer and your
4 response, "I had forgot about hearing it before
09:43 5 from Mrs. Milgaard." So what you were telling us
6 on Monday was that in 1992, some 11 years after
7 this conversation with Mrs. Milgaard where it's
8 trailed off at the very end where she mentions
9 this, you had forgotten that in the intervening 11
09:44 10 years?

11 A Yes.

12 Q Rather a sinister interpretation seems to be put
13 on that by Constable Jorgenson of the RCMP?

14 A Yes.

09:44 15 Q He's the guy that interviewed you in 1993, the one
16 that couldn't solve the cosmetic bag versus
17 compact issue because he didn't ask you about it.
18 Same guy?

19 A Okay.

09:44 20 Q 119709 is the document. It's the Bates number
21 within it, 119816. This, sir, is a photocopy of,
22 as it's written on the side, a hand bill
23 circulated in Saskatoon December 22, 1980.

24 "A total \$10,000 reward is offered to
09:45 25 any person or persons, able to provide



1 information that will exonerate David
2 Milgaard convicted on circumstantial
3 evidence, of the murder of Gail Miller
4 in Saskatoon, Saskatchewan on January
09:45 5 31st, 1969.

6 David has spent over 11 years
7 in prison, where he presently remains.
8 His family, who pledge this money,
9 believe David is innocent and that
09:46 10 justice must prevail. If you know
11 anything, it may help. Please write or
12 send your name and phone number to:"

13 A box number in Stonewall, Manitoba. And then
14 actually down at the very bottom, this is kind of
09:46 15 interesting too, the very bottom of that
16 information:

17 "Any disputes concerning entitlement or
18 the amount of entitlement can be
19 submitted to arbitration pursuant to the
09:46 20 Arbitration Act of Manitoba or dealt
21 with in any manner agreed to between the
22 parties."

23 That's Joyce Milgaard's efforts in 1980 to get
24 her son out of jail for a murder he didn't commit
09:46 25 and appears to make her 12 years later, when she



1 does get him out of jail for a murder he didn't
2 commit, appears to make her a target for an
3 investigation into wrongdoing by her and you.

4 A Yeah.

09:47 5 Q Does something seem a little upside down about
6 this?

7 A Seems to be.

8 Q The last thing I want to talk to you about, sir,
9 is further investigations into you, and we've
09:47 10 already heard from your questioning by Mr. Wolch
11 that there never seems to be any investigation
12 into what's wrong with your story in 1969; right?

13 A Right.

14 Q And how implausible it is and how unlikely it is
09:47 15 and how ridiculous parts of it are, no
16 investigation ever into that?

17 A No.

18 Q And we know that, and I don't think you challenge
19 this at all, that there's no doubt that you were
09:47 20 the alternative suspect to David in 1969?

21 A I believe so, yes.

22 Q And you'll agree with me, though, a lot of what
23 you were saying in your evolving story served to
24 keep the heat off of you?

09:48 25 A Yes.



1 Q As long as you kept the investigation focused on
2 David, you were not at risk?

3 A Correct.

4 Q Now, you were scared?

09:48 5 A Yes.

6 Q And I suggest you were scared every day of this
7 throughout the investigation part until David was
8 ultimately convicted?

9 A Yes.

09:48 10 Q And you were truly scared that if they didn't
11 pursue the matter with David, then they were going
12 to end up charging you?

13 A Good possibility, yes.

14 Q Because you felt you had been a suspect right from
09:48 15 the beginning of the time they start coming to
16 talk to you and certainly by May of 1969?

17 A Definitely by May, yes.

18 Q I'm sorry?

19 A Definitely by May, yes.

09:48 20 Q And Mr. Wolch went through with you yesterday the
21 investigative document that was prepared right
22 before that May interview where they are setting
23 out the various theories of what might have
24 happened; do you remember that?

09:49 25 A Yes.



1 Q And the main theory is David did it, David did it,
2 David did it, but maybe you were involved too. Do
3 you remember that as an alternative?

4 A Yes.

09:49 5 Q Maybe you did it together, maybe it was just
6 David; right?

7 A Yeah.

8 Q 006929, please, at 937. Somebody will correct me
9 if I'm wrong, but I believe these to be the
09:49 10 handwritten notes of Mr. Caldwell who was the
11 prosecutor at the trial. The date on it is
12 December 2nd of 1969, up at the very top there is
13 N.B., and I don't know if that means -- I don't
14 know, it says N.B. for trial. It seems to be some
09:50 15 thoughts that Mr. Caldwell is having about things
16 he might do in respect of you and in respect of
17 David during the trial and if we could have number
18 1, please, enlarged. Number 1:

19 "Get in evidence via John --"

09:50 20 That would be Nichol John,

21 "-- that Wilson told her that Milgaard
22 told him of killing somehow?"

23 And then here we have a note after that.

24 "No way to do this."

09:50 25 And then scratched out is what used to say:



1 "Leave it out because if it goes in,
2 then they are accomplices."

3 You see there's the theory again about maybe you
4 all did it together?

09:51 5 A (Nods head).

6 Q Sorry, you have to say something verbally.

7 A Yes.

8 Q Number 2, "conversation on way to Saskatoon re
9 purse snatching", okay, "is it admissible as to
09:51 10 motive or such", and then the handwritten comment
11 "leave it out as if it goes in Wilson and John may
12 be regarded as accomplices". All right. Very
13 clear that you are an alternate suspect there?

14 A Yes.

09:51 15 Q Were you advised by Mr. Caldwell or any police
16 officers, or any other authorities at the trial,
17 not to mention anything about purse snatching?

18 A I don't recall.

19 Q Do you remember being advised not to say anything
09:51 20 about -- okay, I'll leave that there. I think I
21 was just going to ask you exactly the same
22 question I just asked. So this -- and the other
23 document that we went through yesterday, the one
24 that was prepared right before the prelim,
09:52 25 suggesting there is some real problems with your



1 story and maybe you are just kind of making it up
2 because it gets the heat off of you, right?

3 A Yes.

4 Q Very clear that people still have concerns back at
09:52 5 that point, 1969-1970, that you either committed
6 the offence yourself or that you were involved
7 somehow; right?

8 A Looks that way, yes.

9 Q And Mr. Wolch, when we was questioning you
09:52 10 yesterday, that there was more trouble for you,
11 right, in 1990 and following when you became a, a
12 stable -- or certainly not became -- but when you
13 were demonstrably -- I'll give you that -- a
14 demonstrably stable individual who had been out of
09:53 15 crime for well over ten years and was completely
16 in the, what we would call the run-of-the-mill,
17 boring lifestyle?

18 A Yes.

19 Q And you had far more difficulties with respect to
09:53 20 the attitude of the authorities against you at
21 that point than you did when you were kind of a
22 wild teenager?

23 A Yes.

24 Q All right. And you have basically got nothing but
09:53 25 grief from the authorities since your recantation



1 in 1990?

2 A True.

3 Q Included a contempt charge at the Supreme Court of
4 Canada?

09:53 5 A Yes, right.

6 Q All right. As a result of that -- could I have
7 057628, please -- you did your, you gave your
8 evidence at the Supreme Court of Canada starting
9 in January of 1992, the Court ruled in April of
09:53 10 1992, and you were released -- or sorry -- David
11 was released finally. Okay.

12 So what's going on in August of
13 1992? And this is a document prepared by one
14 Sergeant R. Pearson, and Pearson is a fella who
09:54 15 had been used by the Department of Justice -- he
16 works for the RCMP -- been used by the Department
17 of Justice to investigate David's claims and his
18 application, the 690 applications that he started
19 making in the 1980's, okay?

09:54 20 A Okay.

21 Q Sergeant Pearson had been involved in a great deal
22 of the investigative work and had written numerous
23 reports as part of that 690 application, and those
24 reports were forwarded to primarily Eugene
09:54 25 Williams at the Department of Justice, okay?



1 A Okay.

2 Q So here we have Sergeant Pearson sending some
3 documents to a Sergeant Stanistreet, Federal
4 Enforcement Section of the RCMP:

09:55 5 "Further to our telephone conversation,
6 please find attached the
7 'Milgaard/Wilson/John - Car Theory'
8 which was attached to my most recent
9 report of the investigation carried out
09:55 10 under Section 690 ...",

11 of the Criminal Code.

12 "As you now have the task of
13 investigating Wilson's 'contradictory'
14 evidence given during the 1970 trial of
09:55 15 David Milgaard and the testimony
16 provided to the Supreme Court in 1992 by
17 Wilson, please keep in mind this
18 'theory'. The possibility exists that
19 Wilson provided false testimony during
09:55 20 the Milgaard trial as he (Wilson) may
21 have been involved in the murder of Gail
22 Miller. In my opinion there is still
23 further police investigation that can be
24 carried out regarding this homicide,
09:56 25 however, the jurisdiction of the offence



1 is with the Saskatoon Police Service,
2 who, at the present time, are not
3 conducting investigation into this
4 matter."

09:56 5 All right. Now attached to that is what is
6 called the Milgaard/Wilson/John Car Theory. That
7 document, if you go to 008893 please, is the --
8 okay. The very first page of this document is a,
9 is a map, it's quite a carefully-drawn map
09:56 10 showing both Avenue O, which is where Gail Miller
11 resided; you see her residence here? Okay?

12 A Yup.

13 Q And then Avenue N up at the top, the next street
14 over?

09:56 15 A Yes.

16 Q And then they have drawn in the:

17 "Approximate location where Milgaard
18 talked to a woman who was walking
19 south".

09:57 20 Now, you remember, this is a theory as to how it
21 might have happened; all right?

22 A Right.

23 Q So they have got Gail Miller walking down Avenue
24 N, which is contrary to the evidence of all of the
09:57 25 people that knew her that she goes down Avenue O



1 and takes the bus here, right?

2 A Right.

3 Q So here's the theory: That your vehicle comes
4 down N, all right, and then turns into the
09:57 5 alleyway leading to where Gail Miller's body is
6 ultimately found; do you see that?

7 A Yes I do.

8 Q Okay. So they are certainly relying not on you,
9 there, but on Nichol John's evidence that you got
09:57 10 stuck in this alley here, which you have always
11 said you were never anywhere near; right?

12 A Correct.

13 Q Even when you were testifying against David you
14 didn't say you were in that alley?

09:57 15 A Correct.

16 Q And you said you weren't?

17 A Correct.

18 Q Right? Okay. Next page, please. Now, as noted
19 at the top of the page at 894:

09:58 20 "This theory is advanced for
21 discussion/investigative purposes and is
22 an attempt to rationalize the facts and
23 circumstances as they existed at the
24 time of Gail Miller's murder",
09:58 25 okay, and then there is a little brief summary,



1 it's -- which says that:

2 "During the ... trial ... evidence was
3 presented which suggested Gail Miller
4 was sexually assaulted and stabbed to
09:58 5 death in the alley where her body was
6 recovered.

7 This theory ...",
8 meaning the Milgaard/Wilson/John Car Theory:

9 "... concludes that Miller was sexually
09:58 10 assaulted by David Milgaard and Ronald
11 Wilson inside Wilson's car. Shortly
12 after the sexual assault, Miller escaped
13 from the vehicle, was chased by
14 Milgaard/Wilson, then fatally stabbed at
09:59 15 the location where her body was found.

16 The unusual crime scene
17 supports a theory that the death of Gail
18 Miller occurred in two distinct stages;
19 the first being the sexual assault and
09:59 20 the second being the fatal knife attack.
21 This theory supports the view that the
22 sexual assault occurred at a location
23 different than where Gail Miller was
24 fatally stabbed."

09:59 25 It goes on to recognize, I would suggest, as



1 really the obvious, which seems to have been
2 missed entirely at the trial, that:

3 "The undressing and redressing by Miller
4 suggests she was first sexually
09:59 5 assaulted then allowed to put her
6 overcoat back on before being fatally
7 stabbed."

8 Now that, sir, accords with the actual physical
9 evidence in the way Gail Miller's clothing was
10 found, and the state of the wounds to her, and
11 the markings on her clothes caused by the knife;
12 do you understand that?

13 A Yes.

14 Q Okay. And that's completely contrary to the
10:00 15 version given by Nichol John, right, that she sees
16 David grab the woman and start stabbing her?

17 A Okay.

18 Q There is no sexual assault there; right?

19 A Right.

10:00 20 Q Okay:

21 "The police investigation revealed that
22 Miller had her overcoat and sweater
23 removed before her nurse's uniform was
24 forcibly ripped down from her
10:00 25 shoulders.",



1 and then going on about the attack there, okay:

2 "This theory will conclude that Ronald
3 Wilson and Nichol John were parties to
4 this offence, however, provided only
10:00 5 sufficient evidence to the police
6 investigators to ensure the focus
7 remained on Milgaard and away from
8 themselves."

9 It's actually kind of accurate in a sense that
10:00 10 you were certainly providing information to keep
11 the focus on David and away from yourself; right?

12 A Yes.

13 Q But not because you had done it, simply because
14 you didn't want to be the alternative, right?

10:00 15 Fair?

16 A Right.

17 Q Next page, please. Okay. So the fact that --
18 this is number or item (c):

19 "Because of the extreme cold and the
10:01 20 fact that Milgaard may have been in
21 stocking feet, ..."

22 and that's because David went into the motel in
23 his stocking feet, remember that?

24 A Yes.

10:01 25 Q "... Miller was forced inside the car



1 and was physically attacked, probably in
2 the back seat."

3 And this is despite the fact that there is
4 absolutely no physical evidence found in your
10:02 5 car.

6 "It is known that Wilson was the driver
7 of the vehicle, Nichol John was in the
8 front seat, and Milgaard was on the
9 front passenger side."

10:02 10 Going ahead:

11 "... in all likelihood Milgaard would
12 have stepped out of the vehicle and been
13 first to have contact with her. Because
14 of the crowding in the front seat,
10:02 15 probably Miller was taken into the back
16 seat of the car by Milgaard. The motive
17 may initially have been robbery,
18 however, this quickly changed to a
19 sexual assault."

10:02 20 Next page, please. Okay. Now this page, items
21 (g) and (h) are relying on the evidence of Nichol
22 John and the evidence given by you about the
23 presence of knives in the car, all right. So
24 there is a sexual attack in the car, somehow
10:03 25 manages -- Ms. Miller somehow manages to get her



1 coat sort of up and runs out of the car as David
2 is distracted trying to get himself together
3 having raped her, next page:

4 "During the lull in the attack ...",
10:03 5 this is item (i):

6 "During the lull in the attack, Miller
7 was able to escape from the vehicle and
8 began running north up the alley toward
9 her home. Milgaard chased Miller by
10:03 10 exiting from the same door that Miller
11 had left by. Wilson also exited the
12 vehicle out of the driver's side and
13 began chasing after Milgaard and
14 Miller."

10:03 15 All right. Next page, please, so at item (l)
16 we've got the theory here that David brought the
17 knife back, the:

18 "... knife handle back to the car and
19 threw it away just prior to getting into
10:04 20 the ...",

21 car. (m):

22 "As Milgaard/Wilson had intended on
23 committing a robbery, they then rifled
24 through the purse contents and, in all
10:04 25 likelihood, money was taken and the



1 personal items of Miller's were
2 scattered throughout the area and thrown
3 in garbage cans nearby."

4 All right. And then a brief comment that a
10:04 5 search after the murder revealed various items
6 from her purse, and:

7 "... it is known that
8 Milgaard/Wilson/John were looking for a
9 potential robbery victim."

10:04 10 All right. Now I haven't seen any evidence of
11 that, but that seems to be the theory here. And
12 what's really interesting here, it's item (o):

13 "The Milgaard/Wilson/John vehicle was
14 never stuck at the location, as
10:05 15 indicated in evidence.

16 There was no evidence at the
17 scene indicating a vehicle had been
18 stuck in the east-west alley, and the
19 two individuals that were said to have
10:05 20 pushed the Wilson vehicle out were never
21 located. Very little has been made of
22 these two people. Wilson states the
23 vehicle was stuck when he last saw
24 Milgaard walking toward the girl they
10:05 25 had just passed. This means the two



1 individuals that pushed the vehicle out
2 must have been on the scene immediately
3 after the murder."

4 Kind of makes sense, doesn't it, sir?

10:05 5 A Yeah.

6 Q "The evidence by Wilson of the vehicle
7 being stuck and that he (Wilson) walked
8 away from the confrontation between
9 Milgaard/Miller, may be nothing more
10:06 10 than a convenient alibi to protect
11 himself."

12 Item (p):

13 "Wilson never did leave the scene as he
14 suggests, but provided the 15 minute
10:06 15 'window of opportunity' only to shift
16 responsibility to Milgaard and away from
17 himself."

18 And you remember, sir, that's what we were
19 talking about yesterday, how this creates an
10:06 20 opportunity for David?

21 A Yes.

22 Q And it all feeds into your motivations not to get
23 charged, yourself, with the murder; do you see
24 that?

10:06 25 A Yes.



1 Q "Wilson/John may have been parties to the
2 offence of murder by assisting Milgaard
3 by holding and/or robbing Miller."

4 And then his analysis of this:

10:06 5 "Wilson stated the vehicle became stuck
6 and that he (Wilson) walked in the
7 opposite direction from Milgaard, who
8 was last seen walking toward the girl
9 they had just passed. In one of
10:07 10 Wilson's statements he indicated that
11 efforts were made by the occupants of
12 the vehicle to get it unstuck, which
13 would certainly provide sufficient time
14 for Miller to walk past the scene on her
10:07 15 way to the bus stop."

16 All right. And that's something that was
17 demonstrated by the Milgaard family in a video
18 that they were making in the 1980's to show that
19 Gail Miller would have been long past and on the
10:07 20 bus before any encounters had taken place;
21 remember that?

22 A Yes.

23 Q He goes on:

24 "Was John driving the vehicle while
10:07 25 Milgaard/Wilson were pushing? When



1 Wilson was subsequently interviewed by
2 the police, he realized that Milgaard
3 was the main suspect ..., "
4 and that's certainly true, right?

10:07 5 A Yes.

6 Q "... because of what Albert Cadrain had
7 said; i.e., blood on Milgaard's clothes.
8 Wilson then provided the 'window of
9 opportunity' to keep the suspicion on
10:07 10 Milgaard and off of himself."

11 Now aside from the fact that you -- aside from
12 their allegation that you would be doing so
13 because you were involved in the murder, do you
14 think that's sort of a rational theory, sir; that
10:08 15 you provided that to keep the suspicion on David
16 and off of yourself?

17 A On certain aspects of it, yes.

18 Q (q):

19 "Nichol John became a hostile witness at
10:08 20 trial and 'forgot' much of what
21 happened."

22 And the analysis of that:

23 "John may have provided sufficient
24 evidence to protect her and/or Wilson's
10:08 25 involvement in this crime. In all



1 likelihood, there was a conspiracy
2 between Nichol John and Ronald Wilson to
3 provide evidence which would keep the
4 suspicions off themselves and on David
10:08 5 Milgaard."

6 And you almost acknowledge that, sir, don't you,
7 with the conversations that you had with Nichol
8 on May 23rd, right around the polygraph time,
9 where you agreed to offer up David?

10:09 10 A Yes.

11 Q (r), and here we are back to your Supreme Court
12 proceedings:

13 "During Wilson's recent appearance
14 before the Supreme Court, he suggested
10:09 15 he lied during the original trial. One
16 has to question today why he would have
17 lied during the original trial."

18 Now we have been going through various reasons
19 you lied and they all seem to be because you
10:09 20 didn't want to be charged, yourself, with
21 something that they were intent on blaming on one
22 of the two of you?

23 A Yeah.

24 Q Am I right?

10:09 25 A Right.



1 Q You knew, and always knew, that David had not left
2 the car and had not killed Gail Miller; correct?

3 A Pardon?

4 Q You had always --

5 A I'm sorry.

6 Q Sorry, are we running longer than I expected,
7 never trust a lawyer.

8 A Sorry, I was dazing there for a while.

9 Q Okay. We went through, yesterday, that you had
10 lied --

11 COMMISSIONER MacCALLUM: Excuse me?

12 MS. McLEAN: Yup.

13 MR. WATSON: Excuse me, Mr. Commissioner.
14 Perhaps we could take a break?

10:10 15 MS. McLEAN: Maybe that's --

16 COMMISSIONER MacCALLUM: 15 minutes.

17 (*Adjourned at 10:10 a.m.*)

18 (*Reconvened at 10:30 a.m.*)

19 BY MS. McLEAN:

20 Q Last page of the document, please, which is 00890.
21 So when we left off at section (r), talking about
22 questioning why you might have lied at the
23 original trial:

24 "It can be speculated Wilson lied during
25 his original testimony to distance



1 himself from his activities with
2 Milgaard during the sexual attack/murder
3 of Miller, and to provide an alibi which
4 would protect himself from being
5 implicated in this crime."

6 Section (s):

7 "During Wilson's most recent Supreme
8 Court of Canada testimony, one would
9 have to ask why he would be lying
10 today.",

11 'today' being 1992, so are you lying in 1992 when
12 you said you were lying in 1969. Okay? That's
13 the issue.

14 "Again, this could be perceived as a
15 possible way to protect himself from the
16 events of the day; i.e., Milgaard will
17 soon be out of prison. Wilson may now
18 believe that he had others to fear and
19 this is one way of today vindicating
20 himself in the eyes of Milgaard, or
21 possibly Wilson has a conscience and is
22 being truthful when stating that he lied
23 at the original trial."

24 So at least they give you the possibility, sir.

25 "Wilson may have originally lied about



1 his own activity at the scene only to
2 protect himself from being charged with
3 murder and to keep the police focused on
4 Milgaard."

5 Exactly what happened; right?

6 A Good theory.

7 Q Pardon?

8 A Pretty good theory.

9 Q Yeah. And you were, sir, still a suspect in the
10 eyes of some authorities as late as July of 1997.
11 Document 033010, I don't know the author of this,
12 sir, I can tell you it came from the Saskatoon --
13 Saskatchewan Government files, I don't know who
14 prepared it, but we can tell from the contents of
15 it that it's 1997. The DNA testing that
16 ultimately exonerated David Milgaard was done in
17 July of 1997.

18 A Okay.

19 Q This document is entitled Potential Responses
20 Regarding Results of Milgaard DNA Testing, and I
21 don't want to go through the entire document.
22 There are two possibilities here. The first one
23 -- the second possibility, sorry, option 2 deals
24 with the potential for a DNA result that is found
25 to be consistent with David's profile, and that is



1 not what happened. Option 1, however, says -- so
2 these are the two possibilities, right, one is
3 that it matches David and one is that it doesn't;
4 are you with me?

5 A Yes.

6 Q So option 1 says:

7 "Semen samples found on Gail Miller's
8 clothing do not belong to David
9 Milgaard; someone else (ie Larry Fisher
10 or Ron Wilson) is identified."

11 All right. So what's going on here is they are
12 considering how to respond to it if you are
13 actually found to be the killer as a result of
14 the DNA testing, so you are just right out there
15 as a possible suspect as late as 1997; agreed?

16 A Agreed.

17 Q So you are very clearly, as we said, you are one
18 of the two alternates, right, once Mr. Fisher
19 comes alive in -- to the investigation in 1970,
20 1980, 1990, it's David or it's Fisher or it's you;
21 right?

22 A Sure looks that way.

23 Q We get the DNA results in July of 1997, it's not
24 David, it's not you, it's Fisher. Okay. So at
25 that point I think we could say that you are



1 cleared in 1997, just as David was, okay?

2 A Yes.

3 Q So what I am going to suggest to you, that from
4 the point that you realized in 1969 that you were
5 really the alternate suspect to David, that
6 everything you said from that point from which you
7 realized it, which gives David the means, the
8 motive, the opportunity, the evidence against him,
9 the blood, the confessions, the consciousness of
10 guilt stuff, that was made up to focus the
11 attention on David as opposed to yourself; fair?

12 A Fair.

13 Q And then since acting on your conscience in 1990
14 you have been treated and thought of as the
15 alternate suspect, right, we know that; right?

16 A We know that now.

17 Q Yeah. So in 1990, 1991, 1992, 1993, what we're
18 looking at from the Milgaard/John/Wilson Car
19 Theory and some of these other documents we've
20 looked at, it seems that the new theory is very
21 much the same as the old one, right, the one from
22 back in May of 1969; it's either you or it's David
23 or it's both of you, right?

24 A That's what it looks like.

25 Q And that's just a continuation of the kind of



1 thing that was happening that Mr. Wolch was
2 talking about where, all right, every time you try
3 and do something good and right, all right, it
4 creates more grief for you. When you lied in 1969
5 and you lied in 1970 David went to jail, all
6 right, and when you came forward and admitted you
7 lied, all right, you have your financial affairs
8 poked and prodded, you have got police officers
9 convinced that if you are lying, all right, if you
10 lie, if you say you lied, well maybe you lied to
11 shift the blame for your activities and what you
12 had done to Gail Miller, all right. Do you see
13 how all that was happening there?

14 A Yup.

15 Q All right. So since 1997 when we've got a DNA
16 result, all right, we know -- let me say instead
17 of 'we know' we can prove, all right, that David
18 Milgaard did not, all right, touch Gail Miller, he
19 didn't steal her purse, he didn't stab her, he
20 didn't call her a stupid bitch, he didn't push
21 her, he didn't chase her, and he didn't sexually
22 assault her; we can prove that now, right?

23 A Right.

24 Q And, if we can prove that now, that means that you
25 didn't have any involvement in it yourself; did



1 you?

2 A Exactly.

3 Q So we kind of proved that too. So if we go back,
4 all right, to your evidence at the Supreme Court,
5 all right, it kind of looks like, all right:

6 "... possibly Wilson has a conscience
7 and is being truthful when stating that
8 he lied at the original trial."

9 That seems to be the only option available now;
10 isn't it?

11 A Yes.

12 Q You had a conscience and you exercised it; right?

13 A Right.

14 Q All right. Thank you for doing that. That's all
10:38 15 my questions.

16 COMMISSIONER MacCALLUM: Mr. Fox or Mr.
17 Elson?

18 MR. GIBSON: I think it's myself, My Lord.

19 COMMISSIONER MacCALLUM: Oh, I see, I
10:38 20 thought you decided to switch places.

21 MR. HODSON: I think Mr. Elson and Mr. Fox
22 switched spots.

23 COMMISSIONER MacCALLUM: Oh.

24 MR. GIBSON: You are stuck with me.

10:38 25 COMMISSIONER MacCALLUM: I had you down



1 here as going first anyway and then switching.

2 You are here, Mr. Elson. Go ahead, please.

3 **BY MR. GIBSON:**

4 **Q** Mr. Wilson, my name is Bruce Gibson. I represent
10:39 5 the RCMP.

6 COMMISSIONER MacCALLUM: Oh, sorry, Mr.
7 Gibson.

8 **BY MR. GIBSON:**

9 **Q** It's quite all right. The good news is we're
10:39 10 running out of lawyers. The bad news is you are
11 going to spend a few minutes with me. I don't
12 think I'm going to take a great deal of your time,
13 I certainly will be the shortest lawyer that's
14 cross-examined you to date, and I'm going to focus
10:39 15 basically on your contact with the RCMP so you
16 know where we're going. All right?

17 **A** Okay. Can you make it so I can hear him better?

18 **Q** Is that a little better now?

19 **A** Yes.

10:39 20 **Q** Let me know if you can't hear me. The first
21 document I would like to put up with you is 046733
22 at 046741, and are you able to read that in the
23 form that it is there or do you need that
24 highlighted at all? Is that clear enough for you?

10:40 25 **A** Close enough.



1 Q I'm going to walk through that. 93-5-19, so May
2 19th of '93, this is an RCMP continuation report
3 and notes that RCMP officers would put on their
4 file to show where their investigation is going
10:40 5 and who they were talking to, etcetera, so I doubt
6 that you've seen these, but we'll walk through
7 them, and I don't think there's anything really
8 controversial in there, but I just want to set the
9 stage where you eventually speak with the RCMP.

10:40 10 A Okay.

11 Q You are contacted by telephone around May 19,
12 1993. Do you recall any of that contact at all?

13 A No, I don't.

14 Q Do you recall the officers? It says there, "Our
10:40 15 investigation was explained to him and he
16 basically said he would speak with us." Do you
17 recall the officers explaining the investigation
18 that they were conducting in '93 and the purposes
19 for that?

10:40 20 A I don't recall.

21 Q Okay. It looks like he did say prior to speaking
22 with us, he was going to speak with his lawyer in
23 Nakusp, B.C. Apparently his lawyer instructed
24 Wilson to call if the police approached him.

10:41 25 And again, is that your recollection back in '93,



1 that Mr. Wilson had directed you -- sorry,
2 Mr. Watson had directed you, Mr. Wilson, to get a
3 hold of him if the police came calling?

4 A I don't remember that, no.

10:41 5 Q Okay. And it goes on to say here, in any event,
6 unless there is any extenuating circumstances
7 Wilson stated he would meet with us at "F"
8 division headquarters June 7th, 1993 at 10 in the
9 morning, and do you recall if you ever did meet
10:41 10 face to face with the RCMP officers?

11 A No, I didn't.

12 Q And do you know why not? It says extenuating
13 circumstances. Can you guess what that might have
14 been or recall what that might have been?

10:41 15 A I don't have a clue.

16 Q Okay. Again, it looks like you were willing, at
17 first instance, to meet with the RCMP; is that
18 correct?

19 A No.

10:42 20 Q Pardon me?

21 A No.

22 Q It says unless extenuating circumstances. It
23 looks like you were leaning in that direction;
24 would that be a better way to put it?

10:42 25 A If my memory stays with me correctly, I told them



1 that I would not meet with them, but I would talk
2 to them over the phone.

3 Q And eventually we'll go to those documents. If I
4 could go to 046738. Now, the document that I just
10:42 5 showed you indicated that you were going to be
6 speaking with the RCMP again and the RCMP were
7 made aware of who your lawyer was, Ken Watson in
8 Nakusp, B.C., and that's correct, he was your
9 counsel at that time?

10:42 10 A Yes.

11 Q And if we can just pull up the first part here, it
12 says -- and these are the notes of Inspector
13 Sawatsky with the RCMP, May 28, '93, so I guess
14 about nine days after that you had initially been
10:43 15 contacted by the RCMP. It says:

16 "I contacted Mr. Ken Watson. In
17 previous conversations with Mr. Wilson,
18 he had indicated that Sergeant Williams
19 and Constable Jorgenson had indicated to
10:43 20 them he wished to contact his lawyer
21 prior to consenting to an interview. In
22 view of the fact that we have not heard
23 from Mr. Wilson, I felt that it was
24 appropriate to contact Mr. Watson and
10:43 25 inform him of our wishes to interview



1 Dale Wilson."

2 Did your lawyer get a hold of you at that time?

3 Do you remember having a discussion with him
4 about any of this?

10:43 5 A No, I don't remember.

6 Q If we could go to the bottom of this paragraph
7 here, right there, it says:

8 "I advised Mr. Watson that our
9 investigation was interested in
10:44 10 determining the truth and that if
11 Mr. Wilson had been coerced into lying,
12 then we were interested in obtaining
13 that from him."

14 Do you remember any of that at all, as to what
10:44 15 the purpose of the RCMP investigation was?

16 A No, I don't.

17 Q Were you aware at all that they were doing an
18 investigation into allegations of wrongdoing, that
19 the city police or the Department of Justice had
10:44 20 somehow pressured you at your testimony in
21 the initial trial?

22 A I wasn't aware of it at all.

23 Q And your lawyer didn't have any discussions with
24 you about the purpose of that?

10:44 25 A I don't recall.



1 Q So that could have happened? Again, I appreciate
2 that this is 12 years ago now, but that may have
3 happened?

4 A It may have, because I barely remember the
5 interview.

6 Q Just at the next paragraph, it says -- again these
7 are the notes of Inspector Sawatsky:

8 "During my conversation with Mr. Watson,
9 I indicated to him that Wilson is the
10 only witness to date who has given
11 evidence that conflicts with that given
12 by other witnesses. I again reiterated
13 with Mr. Watson that the RCMP
14 investigation concerns itself with the
15 issues of misconduct on the part of the
16 police and the justice system of
17 Saskatchewan, and that anything Wilson
18 had to say would be taken down and would
19 form part of the overall investigation."

20 So again, does that help you at all to recall as
21 to what was going on at that time?

22 A No.

23 Q If we could go to 733 of that document, please.

24 Sorry, 735. If we could call that up, please.

25 Again, this is 93-06-03 and officer's notes with



1 respect to contacting you, and maybe this was what
2 you were alluding to earlier, Mr. Wilson, and I'll
3 read that in.

4 "Wilson's answer to an interview is, no.
10:46 5 His lawyer states that it is not worth
6 his while to see us. That we can take
7 what we need from what he has already
8 supplied in his statement."

9 Skipping down.

10:46 10 "I explained to Wilson that we would
11 like to talk to him about his concerns.
12 How he was treated, however, his answer
13 is no. I suggested that possibly he
14 would like to take some time and he
10:46 15 might reconsider his position, however,
16 the answer is still no and he concluded
17 by saying that he was sorry."

18 And then the comment that you were very polite.
19 So at least you get one compliment out of this
10:46 20 ordeal so far here.

21 A Yes.

22 Q Again, is that what you recall, that you did not
23 want to meet with them in person?

24 A That's what I recall, yes.

10:47 25 Q And do you recall what you were thinking of at



1 that time, why you didn't want to meet with them
2 in person?

3 A I think because I thought things were over with
4 and why should I have to talk about it any more.

10:47 5 Q If we could go to 34, just the next page, just
6 call that paragraph out, and this is a contact,
7 June 7th, with your lawyer, and I'm just wondering
8 whether you will be able to enlighten us on that
9 at all, and I'm picking it up partway in. It
10:47 10 says:

11 "He stated that his decision --"

12 And this is notes related to a conversation with
13 Mr. Watson:

14 "He stated that his decision not to talk
10:47 15 with the police was based on the fact
16 that he has provided his story to the
17 Supreme Court and transcripts are
18 available. He also advised Mr. Watson
19 that he was not concerned that the
10:48 20 investigators would be oppressive with
21 him or he would be treated anything less
22 than professionally."

23 Again, does that ring a bell with you at all as
24 to what you were thinking at that time, and I'm
10:48 25 just wondering if you can comment on the



1 reference to the investigators.

2 A That's a good possibility, yes, that would be the
3 reason, because my transcripts were available and,
4 you know, everything else there seems to be right.

10:48 5 Q You weren't concerned at that point about police
6 treating you oppressively or anything, you
7 obviously were, I guess, co-operating to some
8 extent by speaking with them in the first place?

9 A Yes.

10:48 10 Q If we can just go down to the next paragraph
11 there, we'll look at that paragraph partway in:

12 "Watson stated that Wilson advised he
13 had some questions in his mind about
14 what occurred that morning in Saskatoon
10:49 15 in 1969, but was not prepared to discuss
16 that any further."

17 Can you recall at that point in time what
18 questions you may have had in your mind at that
19 time?

10:49 20 A I can't recall, no.

21 Q Do you think things were still unclear in your
22 mind as to what had happened in 1969? Of course
23 the crucial dates we're talking about.

24 A I can't recall.

10:49 25 Q Now, before we turn to the actual interview with



1 the RCMP, I believe you had an opportunity on
2 Monday this week to review that interview? I
3 think you listened to the tape and looked at the
4 transcript?

10:49 5 A Yes, I did.

6 Q And if I recall correctly, and please tell me if
7 I'm wrong, I think you told Mr. Hodson that you
8 were satisfied that that was the conversation that
9 you did have with the police and that you had no
10:50 10 concerns about it?

11 A Yes.

12 Q And in your mind was there any inappropriate
13 questioning that was put to you or did you get a
14 chance to tell your story or can you comment on
10:50 15 that at all?

16 A I believe it went the way I thought it would or
17 else I would have hung up on him.

18 Q Right. Because they -- there was no ability for
19 the RCMP, when they came to see you, to compel you
10:50 20 to speak to them, you could have told them to take
21 a hike, couldn't you have?

22 A Exactly.

23 Q And you did co-operate at that point?

24 A Yes.

10:50 25 Q Now, you had mentioned that you hadn't been



1 provided with a transcript of that. Do you recall
2 for sure whether you were provided with one or not
3 provided with one?

4 A No.

10:50 5 Q You don't --

6 A I was not provided with one.

7 Q You don't have one. And speaking of transcripts,
8 when you met with Mr. Henderson in 1990, do you
9 recall, I think you told us that that conversation
10:50 10 with him was tape recorded at times; is that
11 right?

12 A Yes.

13 Q And do you recall whether you ever got a copy of
14 that tape or a transcription of that?

10:51 15 A No, I didn't.

16 Q I wonder if we can go to document 036041 and I
17 want to go -- again it's backwards of course
18 here -- maybe this one isn't, but I want to go to
19 036044. Sorry, I want to go to 046, my apologies,
10:51 20 if we could start at 046 and just have that
21 paragraph up, and again, Mr. Wilson, this is I
22 believe the day of your interview with the RCMP by
23 telephone, 93-09-13, I think it was the fall of
24 '93. Do you recall that one?

10:52 25 A Yes.



1 Q And 10 o'clock in the morning:

2 "Above noted time and date telephone
3 contact was made with Ronald Dale Wilson
4 at his mother's residence here in
10:52 5 Regina."

6 And so you were in Regina at the time?

7 A Yes.

8 Q And I believe that the officers were also in
9 Regina at the time; correct?

10:52 10 A I don't know where they were.

11 Q And:

12 "With the permission of Wilson a taped
13 interview was conducted and which lasted
14 until 1300 hours."

10:52 15 So about three hours, does that sound about
16 right, that you spent on the phone with them?

17 A Yup.

18 Q Okay. And the bottom paragraph, and again it was,
19 you touched on it the other day, I'll just read
10:52 20 that in:

21 "Wilson agreed to draw a map outlining
22 the route they took into Saskatoon and
23 around the city. He indicated that he
24 would try and complete it today. I will
10:53 25 go through his mother to inquire about



1 its completion and my picking it up."

2 And again, my recollection is you didn't get
3 around to completing that and you felt your
4 memory wasn't sufficient to do that; is that
10:53 5 correct?

6 A Correct.

7 Q And if we go to the next page, 045 -- just a
8 little ways up, sorry, if we can go up just a bit
9 from that. It's just a note on file, a copy of
10:53 10 the transcribed interview with Wilson is now on
11 file, "Note on file a copy of the transcribed
12 interview with Wilson," which would have been the
13 one that you were -- I guess you were interviewed,
14 as we mentioned, September 13th of '93, so that
10:53 15 transcription is on there.

16 Then at 93-10-07, so about a
17 month later, and I'll read this next paragraph in:

18 "Phoned Mrs. Wilson, who stated that she
19 had spoken with Dale the other day.

10:54 20 Apparently Dale forgot about the map and
21 now feels that he simply cannot remember
22 enough to do it. Mrs. Wilson simply
23 does not know when she will see Dale
24 again."

10:54 25 Skipping down to the bottom a ways here:



1 "Dale did not indicate any possible date
2 to his mother that would be good with
3 him for speaking to me again."

4 Again, that's the police officer and his notes
10:54 5 there:

6 "Advised Mrs. Wilson that I would try
7 and get in touch with Dale, however, I
8 would call her back if I was not
9 successful and she can ask him again,
10:54 10 the next time she see's him, about a
11 date to talk to me."

12 Do you recall any conversations? I believe that
13 Mrs. Wilson referenced there, is that your
14 mother?

10:54 15 A Yes.

16 Q Do you recall any conversations with her about the
17 police trying to get a hold of you at that time?

18 A No, I don't.

19 Q If we could go to 044 and pull that up, please,
10:54 20 and again it's the same day, October 7th at 2010
21 hours:

22 "I tried the noted telephone number
23 again, at which time I learned that this
24 number was for his mother-in-law's
10:55 25 residence in Dysart. Dale was not there



1 and according to his mother-in-law, Dale
2 has been up north siding her cabin. She
3 doesn't believe that she will see Dale
4 before he goes home to Regina for
10:55 5 Thanksgiving either Sunday or Monday.
6 If she see's him though she will ask him
7 to call me.

8 I then called Dale's mother.
9 Mrs. Wilson will have Dale call me,
10:55 10 however, she stated that Dale is not
11 come home on Thanksgiving. Doesn't know
12 when she will see Dale next."

13 Does that help at all whether there was any
14 contact with any family members about the police
10:55 15 trying to get a hold of you?

16 A No.

17 Q And then if we can just go to the next paragraphs
18 there, 93-10-12, so five days later:

19 "Again to this date and time Dale has not
10:55 20 called and I question if in fact he will."

21 Skipping down. Sorry, next sentence.

22 "Given the attempts made to date I see
23 little point in making any further attempts
24 beyond what has been done. If and when he
10:56 25 calls he can be spoken to about the map and



1 the further questions that we have as a
2 result of our 93-09-13 interview. For now,
3 the updates that have been applied to the
4 generated files on Wilson will have to stand
10:56 5 as is."

6 So again, were you aware that there was a number
7 of attempts to get a hold of you?

8 A No, I wasn't.

9 Q And it appears that the RCMP had a number of
10:56 10 questions that they wanted to go through with you
11 on the transcript; would you agree with that,
12 from --

13 A From that, yes.

14 Q And so I guess there was an attempt by the police
10:56 15 to follow up on additional questioning that they
16 may have stemming from that interview; would you
17 agree with that?

18 A Yes.

19 Q And that interview never did occur?

10:56 20 A No.

21 Q Correct? Okay. If we could go to 063619, just go
22 to the next page on that document, and again, I
23 don't propose to go through a lot of this, but
24 we'll go through a few portions of it. This is
10:57 25 the interview of 93-09-13 and we'll just go to the



1 bottom there. Officer Jorgenson says partway in:

2 "Before we go on a little further, is
3 there any way, again, that we could meet
4 face to face."

10:57 5 If we could go to the next page please, and your
6 answer is "no".

7 "E. JORGENSEN: And one of the reasons why I
8 ask that is that I have a pile of
9 material here that as we go through this
10:58 10 interview, I mean you're just going to
11 have to be able to, it kind of puts you
12 in a position where you're going to have
13 to take my word for what I'm saying
14 because if we meet face to face I can
10:58 15 show you what I'm talking about.

16 Dale WILSON: Yeah.

17 E. JORGENSEN: And that's kind of an
18 advantage in an interview because you
19 may have a question "well where did you
10:58 20 get that from". You know and I would be
21 in a position to say "well, here it is."
22 Can you see where I'm coming from?"

23 And your answer is "yes". Do you appreciate how
24 not being in a position to meet face to face
10:58 25 might inhibit the interview?



1 A At that time I didn't care.

2 Q Okay. But you would appreciate the fact that it
3 might be difficult for the RCMP to kind of go
4 through as thorough as they would like to --

10:58 5 A I suppose so, yes.

6 Q -- with you? Okay. And it goes on to say there,
7 as I mentioned before, we would be prepared
8 certainly to meet on a neutral site. And did they
9 give you an option as to where to meet? Do you
10:59 10 recall any of that, Mr. Wilson?

11 A No.

12 Q And again if we go on there, your answer is:

13 "Dale WILSON: No I feel more comfortable
14 doing it this way.

10:59 15 E. JORGENSEN: Is that right? Well, if that
16 changes as we go on...

17 Dale WILSON: I get too nervous when you
18 guys come around.

19 E. JORGENSEN: What's that?

10:59 20 Dale WILSON: I get too nervous when I talk
21 eyeball to eyeball..."

22 And again, at that point in time what was going
23 through your mind in '93 when you were having
24 this discussion, or can you tell us?

10:59 25 A I just don't like talking to police officers. It



1 doesn't matter if it's eyeball to eyeball or even
2 on the phone.

3 Q But you did agree to carry on with the --

4 A Yes, I did.

10:59 5 Q -- the taped interview, the telephone interview.
6 If we could just go to 063627, please, just pull
7 up that portion. Now, I don't mean to belabour
8 these points, Mr. Wilson, and I know you've given
9 a lot of testimony on this, but it's not too clear
11:00 10 to me on some of the points what's finally been
11 decided as far as your evidence goes. The
12 question from the officer is:

13 "You speak of the lady and in your
14 Supreme Court testimony and in the
11:00 15 documentation that I have you have
16 always referred to her as a young lady."
17 And this is with the directions, when you are
18 seeking directions. Do you remember testimony on
19 that earlier?

11:00 20 A Yes.

21 Q And your answer is "yes". And the question then
22 becomes:

23 "E. JORGENSEN: When you say a young lady,
24 are you able to give an age. I realize
11:00 25 back then you were what, 16?



1 Dale WILSON: Yeah.

2 E. JORGENSEN: O.K. What would young have
3 been to you?

4 Dale WILSON: Under 30.

11:01 5 E. JORGENSEN: Under 30?"

6 Are you able to tell us today whether you can
7 recall whether that was a young lady or not,
8 because I'm not too clear, I think you've given
9 evidence a couple of times now and I don't know
11:01 10 what your final answer is.

11 A Well, since I am older myself, talking to some
12 older women, they can sound like they are 18 years
13 old, so when you are not seeing their face, it's
14 hard to tell what they are.

11:01 15 Q And if we can go to 063633.

16 COMMISSIONER MacCALLUM: I'm sorry, I
17 really didn't understand the answer. So today
18 you believe she was what, under 30 or --

19 A She could have been over 30.

11:01 20 COMMISSIONER MacCALLUM: Could have been
21 over 30?

22 A By people's voices it's hard to tell, but what
23 they look like --

24 COMMISSIONER MacCALLUM: Okay.

11:01 25 BY MR. GIBSON:



1 Q And that's where I'm going to go to next, is
2 063633, just right there, and again speaking about
3 the lady that was stopped for directions, that's
4 where we are now. The officer asks you a question
11:02 5 simply, "The voice?" and your answer is:

6 "Dale WILSON: The voice sounded like a
7 young voice. That's why I figured it
8 was a younger lady.

9 E. JORGENSEN: Was she polite?

11:02 10 Dale WILSON: Yes very."

11 But with respect to the voice, is that why you
12 think that the person was a young person or are
13 you able to tell today?

14 A That's why I thought it was a young person, just
11:02 15 by the tone of the voice.

16 Q Now, we'll carry on with that page and it goes:

17 "E. JORGENSEN: When she didn't know, or
18 wasn't able to help you with directions,
19 was there any other conversation with
11:03 20 this lady?

21 Ron WILSON: No there wasn't.

22 E. JORGENSEN: The reason why I asked that
23 is the reference has been made that
24 David said to her 'stupid bitch'.

11:03 25 Ron WILSON: I don't know if that reference



1 was made directly at her or after we
2 were pulling away. I'm not sure."

3 Question, on the next page at the top, 34:

4 "E. JORGENSEN: O.K. So David said it but
11:03 5 you don't know at what point it took
6 place?"

7 And then skipping down.

8 Ron WILSON: No I don't. In fact, I can't
9 even remember, you know, that, or who he
11:03 10 was calling a stupid bitch or if he said
11 that but in my testimony I believe I
12 remember it. I'm not sure.

13 E. JORGENSEN: Sure. But as you say, it
14 could have been either to her face or as
11:04 15 you drove away?

16 Ron WILSON: Yes."

17 And again, I believe your testimony at this
18 inquiry is that that did not occur?

19 A Correct.

11:04 20 Q And do you have any explanation as to why you
21 might have told the RCMP in '93 that particular
22 answer?

23 A No, I have none.

24 Q If we can go to 063652, and you were asked
11:04 25 yesterday by Ms. McLean about the RCMP



1 investigation and issues relating to the compact
2 or cosmetic bag and how that was explored with
3 you?

4 A Yes.

11:05 5 Q Do you recall that?

6 A Yes.

7 Q And there's a rather lengthy excerpt here that
8 we're going to go through, and we'll just have to
9 go and scroll through from the top down, and again
11:05 10 they have discussed in the previous page a little
11 bit about the compact issue.

12 "Ron WILSON: As I said in Supreme Court, it
13 never happened.

14 E. JORGENSEN: I believe Mr. Neufeld, and
11:05 15 again going back to Supreme Court, if
16 you've got the, it will be the February
17 17th ...

18 Ron WILSON: I don't have anything with me.

19 E. JORGENSEN: No, no, no, I realize, but
11:05 20 when you want to go you back to it
21 after I'll just... O.K. I'll grab the
22 page I need here... If you have any
23 questions, John, go ahead.

24 J. DYCK: Yeah, I was just going to..."

11:05 25 And it skips down.



1 "... so you indicated that the incident
2 with the compact never happened?

3 Ron WILSON: Right.

4 J. DYCK: O.K.

11:06 5 E. JORGENSEN: O.K. This is questioning
6 with... Mr. Neufeld questioning you and,
7 again going back to February 17th of
8 1992. Is it possible that this, if I
9 understand you correctly, now you are
11:06 10 saying that you have no recollection of
11 the compact being found, or are you
12 saying that no compact was found on that
13 trip between Saskatoon and Calgary?
14 Your answer was I have no recollection
11:06 15 of it. And your answer was yes sir.
16 And Mr. Neufeld asks was that true under
17 oath and your response, yes. Now, going
18 through that and what you have just
19 stated, at that point you're saying you
11:06 20 don't recall it happening, as opposed to
21 yes or no.

22 Ron WILSON: At that time or now?

23 E. JORGENSEN: Right.

24 Ron WILSON: Well I thought I said at that
11:06 25 time that it didn't happen. I know I



1 was talking to somebody, maybe that was
2 the justice department, I can't
3 remember.

11:06 4 E. JORGENSEN: O.K. What is your position
5 today?

6 Ron WILSON: It never took place.

7 E. JORGENSEN: O.K. Just going along with
8 that and, again, I'm going to pull out
9 some more documentation here. Are you
11:06 10 familiar with Mr. Tallis."

11 Going to the next page.

12 "Ron WILSON: The name sounds familiar. I
13 can't...

14 J. DYCK: Mr. Tallis was David Milgaard's
11:07 15 defence lawyer.

16 Dale WILSON: Oh, O.K."

17 And then in the next lengthy passage he goes on
18 to talk about what Mr. Tallis has to say, and
19 partway through there:

11:07 20 "Justice Tallis' response is, 'I recall
21 asking about that during the course of
22 one of our discussions, --"

23 This is his discussions with David Milgaard.

24 "-- he confirmed that he had thrown out
11:07 25 a compact. The general area, I think it



1 was, on the trip to Rosetown. I think
2 there was a reference to Rosetown, or
3 something like that. I'm not saying
4 that he used the term Rosetown. I asked
11:07 5 about that in a fair amount of detail, I
6 certainly asked where it came from. He
7 said I don't know, it was just there. I
8 asked why did you throw it out, or why
9 did you do that? And he said well, I
11:07 10 don't know, I just threw it out. That
11 is all there was to it.'

12 Now, does that help you at all?

13 Ron WILSON: No. To me it's like it never
14 happened. Not that I remember it ever
11:08 15 happening.

16 E. JORGENSEN: O.K. And I'll try not to
17 dwell on this too much longer, you're...
18 you cannot say yes or no, is that what
19 you're saying?

11:08 20 Ron WILSON: Yeah, I guess I could say it
21 that way.

22 E. JORGENSEN: So there is a possibility
23 that it could have happened?

24 Ron WILSON: Yeah but, my recollection now
11:08 25 it didn't."



1 So again after going through all of that, and I
2 apologize for belabouring this point, but your
3 recollection is that that didn't happen or you
4 have no recall of that happening? What is it
5 today?

11:08

6 A It didn't happen.

7 Q Okay. And so Ms. McLean went through with you
8 yesterday the question of it being a cosmetic bag
9 or a compact, so I'm assuming then that the
10 compact didn't happen?

11:08

11 A Right.

12 Q And with respect to the cosmetic bag, didn't
13 happen I'm assuming?

14 A Never heard about that.

11:08

15 Q Okay. So with the questioning that the RCMP went
16 with you here where you say that you have no
17 recollection of it, I suppose there's not much
18 further that can be explored on that when you
19 don't recall whether it was a compact or a
20 cosmetic bag or anything, you didn't recall or it
21 didn't happen?

11:09

22 A Correct.

23 Q And when you were speaking with the RCMP, your
24 recollection appears to be that you have no
25 recall; initially you say it didn't happen, but

11:09



1 later on you say to my recollection --

2 A It didn't happen.

3 Q -- it didn't happen. So are you, and I guess
4 emphatic today, your answer today is that never
11:09 5 occurred?

6 A Correct.

7 Q Whether it be a compact, bag or anything else?

8 A Correct.

9 Q If we can go to 56, please. This is a discussion
11:09 10 of I believe purse snatching here.

11 "E. JORGENSEN: O.K. Backing up a little
12 bit and we're looking at the lady that
13 you met on the street, O.K. Did any
14 conversation take place in the car after
11:10 15 directions were asked for, with regard
16 to this person? The reason I ask that
17 is during Supreme Court testimony, the
18 question is raised with regard to
19 possibly robbing this individual.

11:10 20 Ron WILSON: No.

21 E. JORGENSEN: Do you recall anything like
22 that?

23 Ron WILSON: No.

24 E. JORGENSEN: Again, and so you know where
11:10 25 I'm getting that from, during justice



1 Tallis' testimony: 'I know that I, at
2 some stage I asked for further details,
3 once again I can't say during which
4 interview because it was an ongoing
5 process from time to time, meeting and
6 so on. In any event, I said what do you
7 mean by I guess and during the course of
8 our discussion he said well I have to
9 admit that I was looking her over with a
10 view to possibly robbing her, whether he
11 used the term snatching her purse as
12 distinct from robbing I am unable to
13 recollect at this stage.' Now, this is
14 Justice Tallis in his Supreme Court
15 testimony in regards to conversation
16 with David. Now these are statements
17 that David had made to his counsel.
18 Does that help your memory at all?

19 Ron WILSON: No it doesn't.

11:11 20 E. JORGENSEN: O.K. Did you at any time
21 during your trip discuss purse
22 snatchings?

23 Ron WILSON: No.

24 E. JORGENSEN: O.K. What, what offences do
11:11 25 you recall talking about committing?



1 And that might specifically settle that
2 issue.

3 Ron WILSON: Break and entering and selling
4 drugs."

11:11 5 Now, is that your testimony today, that you don't
6 recall purse snatchings being discussed, or I
7 believe you may have said that purse snatchings
8 were discussed at the time. Do you know what the
9 answer is today?

11:11 10 A Right now at this moment I can't recall.

11 Q I guess what I am trying to get at here is you
12 appear to be fairly emphatic that that wasn't
13 discussed, that purse snatchings were not
14 discussed there? That's a fairly, I guess, minute
11:12 15 detail considering that other offences were
16 discussed --

17 A Hmm.

18 Q -- and what I am -- and I guess you are probably
19 having trouble understanding what you remember and
11:12 20 what you don't as well, but what I am trying to
21 understand is how you can remember that kind of
22 specific detail in '93 when you speak with the
23 RCMP, but some of the other I guess more prominent
24 matters you don't have any recall of?

11:12 25 A Because, how could I put that, we weren't that



1 type of people. We knew the break and entering
2 part and selling drug parts, so that was easy
3 stuff for us to do.

4 Q Umm, again I, what I am getting at is that you
11:12 5 were able to recall, and you don't remember
6 telling the police about talking to Melnyk and
7 Lapchuk about the motel reenactment; is that
8 correct?

9 A That's correct.

11:13 10 Q And is there, is there anything you can help us
11 with on how -- that seems to be a fairly
12 significant detail?

13 A There's certain things seem to pop out at me where
14 other stuff doesn't.

11:13 15 Q Okay. And that's, I guess that's as good as you
16 can give us at this point; is that right?

17 A Yes.

18 Q If we can go to 063678, just call that up, and
19 again we're going to be dealing with that point.

20 "CONSTABLE EINOR JORGENSEN: Okay. I'm
21 just going to read through a document
22 that -- with regards to Craig Melnyk and
23 George Lapchuk. Do you remember these
24 gentlemen?

25 DALE WILSON: Yes, I do.



1 CONSTABLE EINOR JORGENSEN: Okay. All

2 right. Okay. In quotes:

3 "Ronald Wilson advised members of the
4 Saskatoon Police Department on January
5 18th, when they were driving him to
6 Saskatoon for the trial commencing on
7 the 19th, that the previous evening in
8 Regina (which would be January 17th) he
9 had learned, as a result of telling
10 either Melnyk or Lapchuk he was going to
11 Saskatoon to testify in the Milgaard
12 trial, of an incident in which Milgaard
13 had, in effect, reenacted the killing
14 for the benefit of Melnyk, Lapchuk and
15 two girls who had been with Milgaard in
16 a motel in Regina in May of 1969."

17 Then, skipping down, your answer is:

18 "DALE WILSON: That I don't remember,
19 any of that.

20 CONSTABLE EINOR JORGENSEN: You don't
21 remember any of it at all.

22 DALE WILSON: No, I don't."

23 Okay. And is that something that could have
24 happened, do you accept that that's something you
25 probably told police, now, or not?

11:15



1 A No.

2 Q Because I believe those documents have been
3 pointed out to you.

4 A I don't recall mentioning to the police at all.

11:15 5 Q Okay. And is that a possibility, now, do you
6 accept that as a possibility that that information
7 came from you?

8 A It's a possibility, but I don't recall it.

9 Q Okay. And can you -- can you enlighten us at all
11:15 10 here as to why, at that point in time, you would
11 tell the police that particular matter about the
12 hotel reenactment or motel reenactment when,
13 clearly, there was no, I guess, heat or pressure
14 on you at that point in time because Mr. Milgaard
11:15 15 was standing trial the next day?

16 A That's --

17 Q Can you offer any explanation on that?

18 A That's why I don't believe I did it.

19 Q So I guess any testimony that we've heard, or any
11:15 20 documents, would be incorrect, then, on that
21 point?

22 A Yes.

23 Q Now we -- you had an opportunity to go through a
24 rather lengthy series of documents this morning
11:16 25 with Ms. McLean involving your bank records, and



1 were you aware that there was that allegation from
2 George Lapchuk that you had been bought off, so to
3 speak, by the Milgaard family?

4 A No.

11:16 5 Q And that's a fairly serious accusation against
6 you, isn't it, because it changes the whole tenor
7 of you coming forth at the time you did?

8 A Yes.

9 Q And was Lapchuk a friend of yours at that time?

11:16 10 A Hmm.

11 Q I guess an old friend?

12 A We had been friends for quite a while until about,
13 probably, we stopped being friends just before
14 Supreme Court.

11:16 15 Q Okay. And I suppose that, today, it might
16 surprise you that a friend would come forth and
17 say something like that about you?

18 A Well with George, after that, no.

19 Q No?

11:17 20 A No.

21 Q Okay. And I suppose you will agree with me that
22 that's a fairly serious allegation and clearly
23 would call into question your recantation in 1990?

24 A That's what he believed.

11:17 25 Q Okay. And would that surprise you, that that



1 would be something that the police would look at?

2 A I wouldn't see why they would look into it.

3 Q You don't see why?

4 A No.

11:17 5 Q Okay. Now if the RCMP were investigating
6 allegations about pressure on you by police or
7 other officials in 1969 to give the evidence that
8 you gave in 1969, --

9 A Right.

11:17 10 Q -- all right, if they are investigating that then
11 they are trying to figure out why you said what
12 you said in 1969; aren't they?

13 A Right.

14 Q And if someone has come forth, a friend of yours
11:18 15 has come forth and made an allegation that what
16 you said in 1990 is a fabrication because you were
17 paid off, do you see how those two would tie
18 together to try and figure out whether you had
19 been pressured in 1969?

11:18 20 A I can see it to a point, yeah.

21 Q And the documents that you went -- that we went
22 through this morning in great detail clearly shows
23 a very thorough investigation in that regard?

24 A Yes.

11:18 25 Q And clearly shows that you received absolutely no



1 money?

2 A Correct.

3 Q And that's something that obviously bodes well
4 with your recantation as to why you came forth,
11:18 5 the reason you came forth then was obviously
6 conscience as a result of that thorough
7 investigation?

8 A Yes.

9 Q Now Ms. McLean asked you as to whether that would
11:19 10 be surprising to you that that kind of thing would
11 be explored, that you would be looked at, so to
12 speak, in an investigation involving allegations
13 of inappropriate conduct by Justice officials and
14 police officers back in '69-'70; do you remember
11:19 15 that?

16 A Yes.

17 Q And you seemed to think that that was odd; or what
18 did you think of that?

19 A I just couldn't believe that it was that
11:19 20 important.

21 Q I'm sorry?

22 A I couldn't believe that -- excuse me -- they would
23 investigate me that deeply.

24 Q And were you aware that if, any new allegations or
11:19 25 matters that came to light during the RCMP



1 investigation into Justice officials and police,
2 that they were going to follow up on that? You
3 weren't aware of what the terms of reference were
4 for that --

11:20 5 A No.

6 Q -- investigation, and I take it you have not
7 reviewed the RCMP investigation?

8 A No.

9 Q And there will be police officers, no doubt,
11:20 10 commenting on what avenues were explored, and so
11 you are not able to offer us any real insight into
12 that, are you?

13 A No.

14 Q Okay. Now you were asked as well by Ms. McLean
11:20 15 this morning about a car theory, do you remember
16 that, and you went through that in quite a bit of
17 detail?

18 A Yes.

19 Q A document that was authored by a Rick Pearson for
11:20 20 the RCMP, and you went through that, and do you
21 remember at the outset it was pointed out to you
22 that it was a theory?

23 A Right.

24 Q That it was described as a theory and only for
11:20 25 investigation purposes?



1 A Right.

2 Q Clearly, you have never been charged in relation
3 to any of the matters we've discussed?

4 A No.

11:21 5 Q Okay. And, again, would it surprise you that in
6 1992, where there seems to be some very serious
7 questions about how Gail Miller was killed, that
8 the RCMP would continue to investigate and to try
9 and come up with some sort of theory or connection
11:21 10 as to how that could have occurred? I mean there
11 is a murder, it appears to have -- not have been
12 solved, and I suppose that wouldn't surprise you
13 that the police would keep looking?

14 A Yes, I suppose.

11:21 15 Q And I think you conceded that, when you went
16 through the points on the car theory, that certain
17 aspects of that appeared to be quite rational?

18 A Yes.

19 Q And, again, you admitted that at trial and
11:21 20 throughout the Inquiry -- for too many days now
21 with you on the stand, I'm sure you feel that
22 way -- that one of your concerns was to take the
23 heat off yourself and put the heat on Mr.
24 Milgaard?

11:22 25 A Correct.



1 Q And, again, that appears to be part of that car
2 theory and it appears to be quite a rational part
3 of that; doesn't it?

4 A Yes.

11:22 5 Q Okay. If we could go to a new document, 051308,
6 at 309. And again, Mr. Wilson, this is an RCMP
7 continuation report. I don't believe you have
8 seen these documents, so if there's any questions
9 that you have on them trying to understand them
11:22 10 then please let me know, but there is a synopsis,
11 here that we'll look at. Just call the bottom
12 portion up, please, and it has to do with a
13 contact with a Kim Dunlop; do you remember a Kim
14 Dunlop?

11:23 15 A No, I don't.

16 Q Okay. And I'll just read that portion out:

17 "Kim Dunlop states the following:

18 - went out with Ron Wilson for

19 approximately three months in the spring

11:23 20 of 1970";

21 do you remember any of that?

22 A No.

23 Q Don't mean to get you in trouble on that.

24 A No, no.

11:23 25 Q "- Aware that Wilson had testified at a



1 trial but matter never discussed in front
2 of her."

3 If we can go to the next page, please, and again
4 just at the top:

11:23 5 "- Wilson acted normal not showing any
6 signs of fear or remorse.

7 - Describes Wilson as quiet, nice guy,
8 laid back without a worry."

9 So, again, your second compliment I have been
11:24 10 able to give you while you are up there. Did --
11 do you recall any discussion with her or contact
12 with her just about anything during 1970; do you
13 remember her at all?

14 A I vaguely remember her.

11:24 15 Q And, again, there is a follow-up there by the RCMP
16 in this investigation to see whether there had
17 been any concerns raised by you as to the manner
18 in which you were treated at that period of time,
19 or anything else that was going on at that period
11:24 20 of time, because that's a person that would have
21 had contact with you shortly after that.

22 A Uh-huh.

23 Q Do you understand why there would be this kind of
24 follow-up?

11:24 25 A No.



1 Q Well in 1970 the trial is over; right?

2 A Right.

3 Q It ended. And you were in contact with this
4 person in the spring for three months of 1970, and
11:24 5 if the concern had been -- if you had had a
6 concern with respect to whether you had been
7 pressured or pushed by police into giving
8 testimony, perhaps you told others; do you
9 understand?

11:25 10 A Okay.

11 Q And at this point, here, there doesn't appear to
12 be any of those concerns raised.

13 A Correct.

14 Q All right. Now again, and I don't mean to put
11:25 15 words in your mouth, but I believe you gave
16 evidence that, at the trial, you were convinced,
17 or at least in your mind partially convinced, that
18 Mr. Milgaard may have been involved in the murder
19 of Gail Miller?

11:25 20 A Yes.

21 Q Is that correct?

22 A Yes.

23 Q And had you convinced yourself of that by the time
24 you gave evidence at trial?

11:25 25 A Yes.



1 Q And I guess safe to say that, at that point, you
2 had convinced the police?

3 A Yes.

4 Q And I suppose you convinced the jury at the trial?

11:26 5 A Yes.

6 Q And would you agree with me that, at the trial,
7 you were trying your best to convey that you were
8 a conscientious witness, that you were telling the
9 truth?

11:26 10 A I imagine so.

11 Q And we've talked earlier about drug usage and I
12 think you have told us earlier in testimony,
13 questioning from Mr. Hodson, that you had
14 downplayed your drug usage --

11:26 15 A Yes.

16 Q -- during that time?

17 A Yes.

18 Q And am I correct in saying that you did that in an
19 effort to be, I guess, more credible?

11:26 20 A Yes.

21 Q If we could go to 036159, please, and go to 168 of
22 that document, please, call out the bottom portion
23 there. Again, Mr. Wilson, this is an RCMP
24 continuation report in 1994, and it's referencing
11:27 25 the discussion that you had over the telephone



1 with Mrs. Milgaard in I believe 1981 or 1982; do
2 you remember testifying to some aspects of that
3 earlier?

4 A Yes.

11:28 5 Q And the portion that I want to point out at the
6 bottom there, you state -- and this, again, is
7 from that transcription:

8 "He should never been put in jail, they
9 should have put him in a home for a
11:28 10 while."

11 Question: "That what?"

12 Answer: "They should have put him in North
13 Battleford or someplace for a while,
14 never in jail."

11:28 15 Mrs. Milgaard: "Why? Do you feel that there was
16 some, that, there was something wrong
17 with him mentally?"

18 Answer: "Yes, I do."

19 Again, the tape recording not very clear.

11:28 20 "Four or five years ... there was, he
21 used to slip out quite consistently."

22 And do you remember having that discussion with
23 Mrs. Milgaard?

24 A I believe I do.

11:28 25 Q And I'm assuming that when you spoke with her in,



1 over the telephone, that you were being honest
2 with her, and that was your feeling at the time?

3 A Yes.

4 Q And do you think that that could have influenced
5 you into believing that he could have been
6 involved in the murder of Gail Miller?

7 A No.

8 Q Pardon me?

9 A No.

10 Q Okay. And why would you say that?

11 A I mean because that, when he did flip out, that it
12 wasn't all that bad, but I -- what I really meant
13 about that is if they could have proved he was a
14 little mentally unstable he wouldn't have to be in
15 jail, he could be in North Battleford instead.

16 Q Okay. Now you -- at the time in 1981, or pardon
17 me, back in 1970 at the trial you were, I guess,
18 convinced that he was involved in the murder;
19 right?

20 A Yes.

21 Q And then in 1981 you make this comment to
22 Mrs. Milgaard about him being mentally unstable,
23 and I'm -- what I am saying to you is the fact
24 that you had convinced yourself in 1970 that he
25 was involved in the murder and then later on



1 convinced yourself -- sorry -- at the time, I'm
2 assuming you had your contact with David Milgaard
3 in 1970, didn't you, in and around 1968, '69, '70,
4 that's when you would have had contact with him?

11:30 5 A Yes.

6 Q And that's when you would have drawn that view of
7 him, that he could be somewhat mentally unstable?

8 A Yes.

9 Q And what I am getting at is do you think, in your
11:30 10 mind, that it could have been playing on your view
11 that Mr. Milgaard had been involved in the killing
12 of Gail Miller because of that instability?

13 A No.

14 Q Not, not at all?

11:30 15 A Not at all.

16 Q Because it was a -- and why would you say that
17 again, I'm sorry, I'm just not too clear on that?

18 A Why would I have said this now?

19 Q Yeah, why would you say that that wouldn't have
11:31 20 had some impact?

21 A Because I didn't even think about it back then.
22 One of the main reasons I brought it up to her at
23 that time, like, to me being in P.A. was better
24 than being in jail.

11:31 25 Q So in 1970 that never crossed your mind; is that



1 what you are saying?

2 A No.

3 Q Okay. And you talked about drug usage and you
4 said that you had downplayed the drug usage during
11:31 5 that period of time?

6 A Yes.

7 Q I think you said that the usage was about, sort
8 of, tenfold more than what you had admitted to?

9 A Yes.

11:31 10 Q And, if I recall correctly, you also said that the
11 drugs made you paranoid?

12 A Yes, eventually, yes.

13 Q And at that point in time, with your drug usage,
14 do you believe that the drug usage also caused you
11:32 15 to believe that the police were looking at you
16 because you were paranoid from the drug usage, and
17 that that could have influenced you, as well, to
18 look at Mr. Milgaard, then, and put the heat onto
19 him --

11:32 20 A I --

21 Q -- because you were concerned about yourself?

22 A Not at that time, no. I didn't really get
23 paranoid until the mid-'70s.

24 Q Until when, I'm sorry?

11:32 25 A 'Til about the mid-'70s.



1 Q Okay. But you still were looking to put the blame
2 towards Milgaard as opposed to yourself?

3 A Yes.

4 Q All right. Okay. If we could go to tab 30 --
11:32 5 sorry, that's my tab 30 -- document 045057 and at
6 062 -- and, again, this is an RCMP continuation
7 report 93/03/18 -- and Shirley Wilson; is that
8 your mother, Mr. Wilson?

9 A Yes.

11:33 10 Q Okay. And, again, there was some follow-up by the
11 RCMP with your mother, and if we can just call
12 that portion up please, and again this is the
13 notes of an officer here, he says:

14 "Mrs. Wilson feels that Ron has been
11:33 15 upset over the years largely due to his
16 past use of drugs ...",
17 and I think you have agreed that that was causing
18 you some current concern at that time?

19 A Yes.

20 Q And:

21 "That Ron is still not sure David did
22 the murder or not. That Ron is worried
23 though that he has put someone away
24 wrongly. That he indicated this to her
11:34 25 in recent years."



1 Do you recall having discussions with your mother
2 about, sort of, the turmoil you were in in the
3 '90s, or late '80s, still --

4 A Yes.

11:34 5 Q And, at that point in time, was there still part
6 of you thinking that Mr. Milgaard may have been
7 involved in the murder?

8 A A very small part.

9 Q Okay. And do you recall having a discussion, at
11:34 10 all, with her:

11 "That Ron is still not sure David did
12 the murder or not."

13 Do you recall having any discussions along that
14 line with her?

11:34 15 A I remember telling my mum I thought I had put an
16 innocent person in jail, but --

17 Q And, again, do you recall that that may have been
18 part of your discussion, or not?

19 A No I don't.

11:34 20 Q Okay. Is it possible that that was part of your
21 discussion, that you were still not sure at that
22 point?

23 A It's possible.

24 Q Okay. So would you agree with me, then, that over
11:35 25 a very lengthy period of time that you were



1 interviewed by various agencies and police, that
2 you were, for a large portion of that, not
3 entirely clear as to whether he had been involved
4 in the murder or not, that you still believed to
11:35 5 some extent?

6 A Like I said, very little.

7 Q And with that belief, even if it may, as you say,
8 at times been miniscule, do you think that would
9 impact on the ability of police to try and
11:35 10 interview you and get to the truth?

11 A I don't believe so.

12 Q And why do you believe that, do you -- because,
13 again, your story has gone back and forth a number
14 of times, and do you think that that would impact
11:36 15 on the analysis by various police agencies as what
16 is true and what isn't true from you? Do you
17 think that could cause difficulties?

18 A That's possible, yes.

19 Q Okay. Thank you, Mr. Wilson, those are my
11:36 20 questions.

21 COMMISSIONER MacCALLUM: Mr. Gibson, thanks
22 very much.

23 Now, having succeeded earlier
24 in mixing you up with Mr. Elson and mixing the
11:36 25 order up between Mr. Elson and Mr. Fox, I'm



1 almost afraid to ask, but Mr. Fox, you are going
2 to come forward, are you?

3 MR. FOX: Yes, I am, sir.

4 COMMISSIONER MacCALLUM: Mr. Watson?

11:36 5 MR. WATSON: Mr. Commissioner, I realize
6 it's an awkward time, but I would request a small
7 break for --

8 MR. HODSON: Umm, may I ask; Mr. Fox, you
9 are next, we're scheduled to break at noon I
11:37 10 think, noon until 1:30, unless we break now and
11 come back at 1:15 is an option?

12 MR. FOX: Either option is fine, or
13 whatever is -- whatever works fine for me.

14 COMMISSIONER MacCALLUM: No, Mr. Watson has
11:37 15 suggested it's time for a break so I accept that,
16 and we'll come back -- how about 1:00, then, and
17 then --

18 MR. FOX: Sure, 1:00 would be fine, we're
19 quitting early today and --

11:37 20 COMMISSIONER MacCALLUM: We're quitting at
21 3:30 so --

22 *(Adjourned at 11:37 a.m.)*

23 *(Reconvened at 1:03 p.m.)*

24 COMMISSIONER MacCALLUM: Mr. Fox?

01:03 25 **BY MR. FOX:**



1 Q Thank you. Mr. Wilson, I'm Aaron Fox, I'm the
2 lawyer for Eddie Karst, and that's one of the
3 police officers that you dealt with back in 1969
4 and perhaps 1970.

01:03 5 A Could I get you to turn him up, please?

6 Q Sure. And I'll try and get this a little closer.
7 Is that better? I'll try and speak up.

8 A That's better.

9 Q And by all means if you can't understand me, and I
01:04 10 mumble a little bit once in a while, make sure you
11 remind me.

12 A Okay.

13 Q Mr. Karst, he's the white-haired gentleman that
14 has been sitting with me. I don't know if you
01:04 15 recognize him. He tells me he didn't have white
16 hair in 1969, so I don't know if you recognize him
17 from back then or not.

18 A Yes, I do.

19 Q And I know we've all changed a little bit, maybe
01:04 20 some of us a lot from 1969 and 1970, but most of
21 my questions are going to be directed towards that
22 time period, and so again, as you know, I'm trying
23 to get you to direct your mind back to that time
24 period and sort of what you were thinking of at
01:04 25 that time as opposed to conclusions you may have



1 drawn now.

2 A Yes.

3 Q Okay. And as I said, I know that's a long time
4 back and there's been lots of changes since then.

01:04 5 I was just going to ask you, I saw -- you
6 mentioned that Dr. Shumiatcher's office, or
7 Shumi's office represented you in 1980. Do you
8 remember who the rookie lawyer was?

9 A No, I wasn't. I think I just used him to get me
01:05 10 out on bail and then I realized I couldn't afford
11 to pay him.

12 Q I was looking and I see the charge was dismissed
13 and I was hoping maybe I was that rookie and won
14 one for a change, but maybe not.

01:05 15 A I can't remember.

16 Q Fair enough. Just going back, and again directing
17 your mind back to March of 1969, and you've
18 answered lots of questions already about sort of
19 the lifestyle you were living at that time versus
01:05 20 later on or certainly now, but going back to 1969,
21 certainly you had a number of involvements or
22 interactions with the police primarily out of the
23 City of Regina I take it?

24 A Yes.

01:05 25 Q And that would have included them questioning you



1 about things, actually being charged and sometimes
2 being prosecuted and convicted?

3 A Yes.

4 Q And it looks like by March of '69 there had been a
01:05 5 few convictions, not for major offences, but at
6 least enough that you were sentenced to periods of
7 incarceration. I think you had been sentenced
8 once before January of '69 and then I think after
9 that you were sentenced to a second matter, that's
01:06 10 why you were doing time the first time they came
11 down to Regina to see you. Have I got that about
12 right?

13 A About right, yes.

14 Q Okay. And just even going to the day of the trip,
01:06 15 this would have been the evening of January 30th,
16 1969 and then early morning January 31st, 1969
17 when you left, as I understand what you've said,
18 the primary purpose of the trip was to try and
19 purchase some drugs?

01:06 20 A Yes.

21 Q And at that point in time buying drugs, selling
22 drugs for a small profit or whatever or to be able
23 to buy more drugs perhaps, that was a little bit
24 of what was, or not a little bit, a big part of
01:06 25 what was going on in your life at that time?



1 A Correct.

2 Q And a trip to go to Calgary or Vancouver or
3 something like that to purchase drugs, this
4 wouldn't have been the first time something like
01:07 5 that had happened?

6 A No.

7 Q And to sort of get started on the trip, you had to
8 get the car going and that involved stealing a
9 battery?

01:07 10 A Yes.

11 Q And then looking for some money, and I'm assuming
12 sources of money could have come from a couple of
13 places at that time in your life, one of them
14 would be, you know, trying to get hooked up with
01:07 15 somebody whose got some money?

16 A Correct.

17 Q So Nichol John, if she's got a paycheque and
18 coming from the restaurant that she worked at and
19 wanted to come along with, maybe she's got some
01:07 20 money?

21 A Correct.

22 Q Albert Cadrain, you know, would it be fair to say
23 David's thought in dropping in to see Albert
24 Cadrain is he might have some money or might want
01:07 25 to come with, so now we've got some more money to



1 finance the trip?

2 A Correct.

3 Q Another source of money obviously would be a break
4 and enter or stealing something that might be able
01:07 5 to get some money for you?

6 A Yes.

7 Q Okay. So the battery is taken, driving up the
8 number 11 highway, and you recognize that's the
9 highway between Regina and Saskatoon?

01:08 10 A Yes.

11 Q The thought strikes, and I'm sure there wasn't a
12 whole lot of forward planning on this, but pulling
13 into Aylesbury, let's go into the elevator office,
14 maybe there's some money in there, that was the
01:08 15 idea behind that?

16 A Yeah. Spur of the moment.

17 Q And I think you mentioned at one time you then
18 pulled into Craik and got stuck there and didn't
19 actually break into anything in Craik?

01:08 20 A No.

21 Q Do you recall that?

22 A Yeah.

23 Q And again, that would be sort of seeing is there
24 anything there where we might get some money from
01:08 25 there?



1 A Correct.

2 Q You then got up to Saskatoon and again it sort of
3 looked like throughout the trip you are more or
4 less just keeping your eyes open for
01:08 5 opportunities, not any great plan or scheme, but
6 if it looks like I might get some money from this
7 source, I'll take that opportunity?

8 A Yeah, to a point.

9 Q For example, you mentioned you broke into a
01:09 10 curling rink I think on the way back?

11 A Yeah.

12 Q Same sort of thing?

13 A Yeah.

14 Q You talked with David about, and you were asked
01:09 15 this many times, about what were the discussions
16 that went on either before you left for the trip
17 or while you were on the trip, B & Es was referred
18 to, purse snatchings were referred to, you
19 testified to that, but I think your position now
01:09 20 is that you have no recollection of specifically
21 talking about purse snatchings?

22 A Correct.

23 Q And I think I actually heard you say you had never
24 been involved in a purse snatching as such?

01:09 25 A No.



1 Q Like, what did you understand when everybody has
2 been asking you about a purse snatching, what do
3 you understand people to mean by that?

4 A Well, to me it's something against a woman, which
01:09 5 I don't agree with.

6 Q So --

7 A And people can get hurt while it's happening.

8 Q So sort of like a lady walking down a street with
9 a purse, just running up and grabbing it from her
01:10 10 sort of?

11 A Yes.

12 Q Okay. But you did mention, and you testified to
13 this, that one of the things that you were also
14 looking to do was to possibly roll someone?

01:10 15 A Yes.

16 Q And you indicated when you testified, I think this
17 was on March 16th, one of the first days you
18 testified, and this is at page, just for the
19 record, I don't need to bring it up, 5362 to 63 of
01:10 20 the transcript, of the proceedings on March 16,
21 Mr. Hodson asked you a question:

22 "Q Now, on this trip, and again I'm talking
23 either the planning stages or getting
24 ready to go or actually in the car on
01:10 25 the trip, do you recall any discussion



1 with David Milgaard and/or Nichol John
2 about doing any break and enters, purse
3 snatchings, robbing to get money for the
4 trip."

01:10 5 And your answer was:

6 "A I remember the break and entering part.
7 Purse snatching I don't recall."

8 And then Mr. Hodson said:

9 "Q And what about robbing people?"

01:10 10 And you said:

11 "A Possibly rolling somebody, which is
12 again whack somebody in the head and
13 take their wallet."

14 A Right.

01:11 15 Q So your recollection would have been no
16 recollection talking about purse snatching, but a
17 B & E or rolling somebody, those would have been
18 talked about?

19 A Yes.

01:11 20 Q Okay. And there's been lots of questions asked
21 again about was David violent, did you see any
22 violent tendencies, that sort of thing, but do you
23 think that whacking somebody on the head and
24 taking their wallet would be a form of violence?

01:11 25 A Yes, it would, but what we were looking at was



1 somebody that was really drunk, so you just had to
2 push them over actually.

3 Q Sort of an easy target?

4 A Yeah.

01:11 5 Q And I appreciate you are not looking at killing
6 anybody or causing any serious injury, but using a
7 little bit of physical force on an easy target to
8 get their money?

9 A Yeah, because we were pretty small, so we need a
01:12 10 little bit of force.

11 Q Yeah. You are not going to take on somebody or a
12 group of people that you are not going to be able
13 to handle?

14 A Exactly.

01:12 15 Q Okay. And I suppose, and again Ms. McLean, when
16 she was questioning you this morning and she was
17 referring to the RCMP interview that took place,
18 the RCMP investigation that took place in 1992, I
19 thought I heard her make the statement there was
01:12 20 no evidence of looking for a potential robbery
21 victim, but in point of fact, that's exactly what
22 you were doing, in the sense that if I saw
23 somebody that was a bit of an easy target, I could
24 whack them on the head, as you said, and take
01:12 25 their wallet?



1 A Yes.

2 Q And I'm not sure if you are aware that David made
3 similar comments, that that's what he was thinking
4 about that morning as well?

01:12 5 A No, I don't.

6 Q And by that I'm just referring, this is the
7 Supreme Court of Canada hearing, this would be
8 Mr. Justice Tallis, now former Mr. Justice Tallis,
9 at that time his lawyer, Volume 10, and I think
01:13 10 we're at document 300656. Sorry, I think actually
11 the one we're using now, I apologize for that, I
12 think the one we're using is 232815 and if we
13 could go to page 838. This is an answer that
14 Mr. Justice Tallis gave when he testified at the
01:14 15 Supreme Court, this was at the same hearing that
16 you testified at in, I think, 1992, and this is
17 relating his discussions that he had with David
18 prior to David's trial.

19 "A Yes."

01:14 20 I'm reading the whole page.

21 "A Yes. I cannot recall during what stage
22 there was this discussion. But while
23 they were in what I would call the west
24 side of Saskatoon -- and he wasn't able
01:14 25 to pinpoint the area -- there was a



1 reference to coming upon a lady walking
2 along a street.

3 At that time of year you
4 wouldn't say sidewalk, but it would be
01:14 5 in the sidewalk area as distinct from on
6 the street.

7 They either stopped -- let me
8 put it this way: They pulled up
9 alongside. Whether he said he got out
01:15 10 or whether he just spoke to her from the
11 window, or sort of opened the door, I
12 cannot recall. But there was an
13 incident where he was in the car on the
14 passenger side and he came upon a lady.
01:15 15 I wasn't able to ascertain, as I say,
16 precisely the streets or anything like
17 that.

18 I guess the best way for me to
19 put it this way: I asked him what was
01:15 20 the purpose -- and here again these are
21 my words, "What was your purpose?" or
22 "Why did you stop this lady?" He said
23 something like this: "I guess to ask
24 directions" or "To ask directions, I
01:15 25 guess."



1 I know that at some stage I
2 asked for further details. Once again,
3 I can't say during which interview
4 because it was an ongoing process, from
01:15 5 time to time meeting and so on.

6 In any event, I said: "What do
7 you mean by 'I guess'?" And during the
8 course of our discussion, he said:
9 "Well, I have to admit that I was
01:15 10 looking her over with a view to possibly
11 robbing her." Whether he used the term
12 "snatching her purse" as distinct from
13 "robbing", I am unable to recollect at
14 this stage."

01:16 15 Now, does that -- and you don't know what David
16 Milgaard was thinking then, unless he told you,
17 so I'm not sure if he did or not, but is that
18 consistent with what you recall of that time? In
19 other words -- first of all, let me break it down
01:16 20 a little bit. You know you did stop and talk to
21 a lady?

22 A Correct.

23 Q Correct. And do you know if David Milgaard was
24 basically sizing her up as to whether or not this
01:16 25 was an opportunity to get some money?



1 A No, I didn't.

2 Q Okay. But based on sort of the general idea that
3 if I see an opportunity and maybe I can whack
4 someone and get their money, that would be
01:16 5 consistent with what the general discussion was?

6 A I perceived that, yes.

7 Q Now -- so, you would agree, and there's been lots
8 of questions asked about your first statement,
9 that's your March 3rd, 1969 statement, the first
01:17 10 written statement you gave --

11 A Yes.

12 Q -- clearly you didn't convey any of that to the
13 police when they spoke to you on that occasion?

14 A True.

01:17 15 Q And we've had a chance to see David Milgaard's
16 statement and we'll hear more about it, but it
17 wouldn't surprise you that he didn't tell the
18 police about that either?

19 A Correct.

01:17 20 Q So against that background, when the police came
21 to see you first, and this is when you first got
22 called in and you indicated you didn't know
23 anything about the murder of Gail Miller, that's
24 what you've told us, but nonetheless, having had
01:17 25 lots of dealings with the police, having served



1 some time already, the police coming to talk to
2 you wouldn't be something that you would
3 particularly like to have happen on any occasion;
4 would that be fair to say?

01:17 5 A Yes.

6 Q I mean, I can recall an impaired driving case I
7 had where a witness said that the reason why he
8 was weaving down the road, and that's the usual
9 symptom you hear all the time, is the police were
01:18 10 following him and he was nervous and scared, and
11 the Crown said, well, you know, why would you be
12 nervous if you weren't doing anything wrong, and
13 the judge, to his credit, piped up and said, well,
14 I was driving out from Moose Jaw today and the
01:18 15 police followed me for three miles and I was
16 nervous too. Fair to say that just the police
17 coming to see you, right or wrong, you would be a
18 little apprehensive of what they wanted to talk to
19 you about?

01:18 20 A Correct.

21 Q And maybe they are talking about Gail Miller's
22 death or maybe they are talking about something
23 else, but you would just as soon not have to talk
24 to them if you had a choice; fair to say?

01:18 25 A Fair to say.



1 Q So you gave the statement on March 3rd, 1969 and
2 we've heard the word incriminating used an awful
3 lot the last few weeks. You remember being asked
4 about that and I think you've used it as well?

01:19 5 A Yes.

6 Q Can you tell me what you mean by an incriminating
7 statement?

8 A It's a statement that you start to -- how can I
9 put that -- involve somebody else.

01:19 10 Q And does that statement -- and again, I'm just
11 trying to get your understanding of that, does
12 that statement necessarily have to say this other
13 person committed the other offence?

14 A No.

01:19 15 Q Okay. So an incriminating statement, fair to say
16 then, would be anything that might point towards
17 this person being involved in the offence?

18 A Correct.

19 Q Okay. In our circumstance here and the David
01:19 20 Milgaard prosecution that took place, we know that
21 Albert Cadrain told the police a number of things
22 which suggested David Milgaard was involved in
23 Gail Miller's death, we know that now, and we know
24 that happened before they ever spoke to you. You
01:19 25 understand that?



1 A Yes.

2 Q Okay. One of them of course was that early in the
3 morning of January 31st, 1969 David Milgaard
4 showed up at my residence, he had blood on his
01:20 5 clothes, made some other comments and did some
6 other things that led me to believe he killed Gail
7 Miller. You are aware of that now?

8 A Yes.

9 Q You in your statement given on March 3rd, 1969
01:20 10 basically confirmed that David Milgaard was in
11 Saskatoon early the morning of January 31st, 1969;
12 that would be correct?

13 A Yes.

14 Q Basically confirmed as well that David Milgaard
01:20 15 went to Albert Cadrain's house; correct?

16 A Yes.

17 Q And you know now, you might not have known then,
18 but you know now that Albert Cadrain's house is
19 less than a block away from where Gail Miller was
01:20 20 found?

21 A Yes.

22 Q Okay. So do you see where making -- just even
23 saying that, saying "yeah, that's right, when
24 Albert Cadrain says David Milgaard showed up early
01:22 25 that morning, the morning Gail Miller was killed,



1 and I live within a block of where Gail Miller was
2 found", that, to some extent, is incriminating
3 evidence?

4 A No, it was the truth.

01:22 5 Q Oh sure, absolutely, it's -- incriminating
6 evidence doesn't have to be dishonest or
7 non-truthful, and my question isn't whether it was
8 true or not, but certainly, having given that
9 information to the police, they would now have to
01:22 10 look at it and say, "well, Albert Cadrain, I don't
11 know if he is -- what he is saying is true or not,
12 but David Milgaard was at his house, we know that
13 because Ron Wilson has told us", it would be
14 something else that would corroborate the evidence
01:22 15 that they have got from Albert Cadrain?

16 A I suppose, yeah.

17 Q And I'm not suggesting in any way, Mr. Wilson,
18 that, from that, you would conclude that David
19 Milgaard killed Gail Miller. That's not my point
01:22 20 and my questions aren't towards that. The police,
21 the job of the police isn't to determine if
22 anybody is guilty or innocent as such, they are
23 not the judges, but they are obligated to gather
24 the evidence and follow up; you -- you would
01:22 25 appreciate that?



1 A Yes.

2 Q Okay. So then you gave --

3 COMMISSIONER MacCALLUM: I just didn't get
4 an answer to his question, to your question, that
01:22 5 in view of what he has just said do you agree
6 that this was incriminating to some extent, your
7 statement of March the 3rd, '69; that's what he
8 was trying to get at?

9 A The way they were putting it, yes, yes.

01:22 10 COMMISSIONER MacCALLUM: All right. Thank
11 you.

12 BY MR. FOX:

13 Q And I'm sure, when you gave that statement, you
14 didn't think that it was incriminating, I mean I'm
01:22 15 sure that thought didn't cross your mind, that
16 "I'm giving them some evidence that is going to
17 help show David Milgaard killed Gail Miller", I'm
18 sure you didn't think that on March 3rd, 1969;
19 would that be correct?

01:22 20 A Yes.

21 Q That's one of the reasons why we, defence counsel,
22 why we often tell people "be careful about giving
23 statements because you never know how they might
24 be used". But, nevertheless, you appreciate how
01:22 25 it might be viewed as evidence, or that would



1 corroborate or support what Albert Cadrain said?

2 A Yes.

3 Q Okay. Now I can go through your March 3rd, 1969
4 statement if you want, but I'll just ask you
01:22 5 generally, and I think you have answered this
6 already; would it be fair to say that there were
7 some things that you held back from the police
8 about what occurred on January 31st, 1969?

9 A Yes.

01:22 10 Q And I think you indicated that some of those
11 things you held back because, at the time, you
12 didn't necessarily recall them or think that they
13 were particularly relevant?

14 A Yes.

01:23 15 Q Okay. And, as well, some of the things you held
16 back because they pointed to illegal activity and
17 you would prefer that the police not know about
18 that?

19 A Correct.

01:23 20 Q Things like the break and enter, things like the
21 plan to roll somebody, you didn't want to tell the
22 police about that?

23 A No.

24 Q Okay. And it wouldn't surprise you, I take it,
01:23 25 and we've already read into evidence earlier in



1 the testimony of Nichol John, statements that were
2 attributed to David when he spoke to his lawyer,
3 but -- and, also, statements that David gave in
4 the Supreme Court of Canada -- and My Lord, just
01:23 5 for your reference, I'm referring to the Supreme
6 Court of Canada testimony, this would be doc.
7 number 323580.

8 COMMISSIONER MacCALLUM: Milgaard
9 testimony?

01:23 10 MR. FOX: Milgaard testimony, yes. Sorry,
11 I -- I'm going to -- I'll give a different doc.
12 number, and doc. number 120408, and I think it's
13 at 549 to 550 and 563 is the references.

14 BY MR. FOX:

01:24 15 Q But it wouldn't surprise you that David,
16 similarly, might have withheld some information to
17 the police when he spoke to them?

18 A No.

19 Q For the same reasons that you did, he --

01:24 20 A Correct.

21 Q -- would probably just as soon the police didn't
22 know about what your plans were, the drug
23 activity, that sort of thing?

24 A Yes.

01:24 25 Q Okay. Now when the police did come to see you on



1 March 3rd, 1969 I'm assuming you either had been
2 told beforehand, or at least were told at that
3 time, "we're investigating the murder of Gail
4 Miller, a nurse who was found raped and stabbed
01:24 5 lying in a back alley in Saskatoon"; do you -- I
6 am assuming you would have been told by somebody
7 at least those basic facts?

8 A Yes.

9 Q And then the next question would be, you know,
01:25 10 "were you with David Milgaard, what do you know
11 about it", that sort of thing?

12 A Umm, basically next thing was "this is the first I
13 have heard of it", you know.

14 Q No, I appreciate that's what you said, but I'm
01:25 15 assuming there then followed some questions about
16 "what, if anything, can you tell us about this"?

17 A I imagine so, yes.

18 Q And, again, so I take it you are not real clear or
19 at least don't have a recollection of sort of how
01:25 20 that interview went?

21 A No.

22 Q Okay. Certainly they would have discussed the
23 fact, though, that you went to Albert Cadrain's
24 residence the morning of January 31st, 1969?

01:25 25 A I would imagine, yes.



1 Q And, as I understand it, in that first interview
2 you didn't tell the police that you had seen David
3 with the knife sometime between Regina and
4 Saskatoon?

01:26 5 A True.

6 Q And did it occur to you that -- and -- or do you
7 recall if it occurred to you, that if they are
8 investigating a murder that took place nearby
9 where we were that morning and the girl was
01:26 10 stabbed to death, whether David had a knife or not
11 might be a pretty significant fact; did that occur
12 to you or do you know if that occurred to you?

13 A Didn't occur to me at that time, no.

14 Q Okay. It would be fair to say though, if they
01:26 15 were investigating a death involving stabbing by a
16 knife, the presence of a knife would be a pretty
17 significant factor?

18 A I would imagine, yes.

19 Q And is it possible -- is it possible, Mr. Wilson,
01:26 20 that, at that time, you recognized that or thought
21 about that; is that possible?

22 A Umm, no, to me at that time probably it wasn't
23 important to me, because I knew we weren't there,
24 and nothing had happened anyway.

01:27 25 Q Okay, so you were aware of the knife at the time,



1 you didn't tell them about it because you didn't
2 think it was very important?

3 A Exactly.

4 Q Would it be fair to say, as well, that --

01:27 5 Mr. Wolch put it to you that your only errors in
6 your first statement, that's the March 3rd, '69
7 statement, the words he used, 'the only errors
8 were due to memory', in other words what you left
9 out of that statement were things that you
01:27 10 actually forgot. That wouldn't be quite correct,
11 would it?

12 A Not all of it, no.

13 Q Okay. Because some of the things you purposely
14 didn't tell the police because you didn't want
01:27 15 them to know about it?

16 A Exactly.

17 Q And that's not surprising, I can understand that,
18 but that wasn't an error of memory, that was a
19 conscious decision, just, 'I'll not tell them
01:28 20 about that'.

21 A Yup.

22 Q Okay. The problem with the March 3rd, 1969
23 statement isn't so much that there is errors in it
24 in the sense of lies or misinformation, it's just
01:28 25 incomplete; would that be fair to say?



1 A Correct.

2 Q And I take it it didn't surprise you, or looking
3 back on it now it wouldn't surprise you that the
4 police would want to pursue that a little further
01:28 5 and just see if there is some more information
6 that you have got that you weren't telling them
7 about?

8 A No, I thought we were done.

9 Q Okay. Having said that, though, it wouldn't
01:28 10 surprise you that they would want to see if there
11 is more information that you have got? In other
12 words -- I'm sorry, go ahead?

13 A No, continue.

14 Q Yeah. In other words, if there's information that
01:28 15 you had got stuck or had been separated, or
16 something of that nature, they might want to ask
17 you more about that and see what you can tell us
18 about it?

19 A I would imagine.

01:29 20 Q And I suppose, if we were talking about just a
21 break and enter or a theft or something like that,
22 maybe they are not going to pursue it very
23 actively, but talking about a sexual assault and a
24 murder, not surprising they might want to make
01:29 25 sure that you are giving them all the information?



1 A I would imagine.

2 Q Umm, would it be fair to say as well, Mr. Wilson,
3 that going back to March of 1969, notwithstanding
4 that you didn't think anybody had anything to do
01:29 5 with the murder of Gail Miller, nonetheless it was
6 a little bit discomfoting that the police were
7 talking to you about the possible involvement of
8 David Milgaard, or even yourself, in that murder?

9 A Yeah, for a while it did, but then after they left
01:29 10 I went "nothing to worry about", so --

11 Q They didn't arrest you or anything like that?

12 A No.

13 Q And I'm assuming, once they left, you hoped that
14 would be the last you would hear of it?

01:30 15 A I thought that was going to be it, yes.

16 Q Okay. Did you phone David after that?

17 A No.

18 Q You didn't talk to him and say "you know, geez,
19 the police were here talking to me about you
01:30 20 possibly being involved in this murder in
21 Saskatoon"?

22 A No, because you weren't allowed to make phone
23 calls out of the jail at that time.

24 Q When you were released, did you call him?

01:30 25 A No.



1 Q Okay. So even after you got released you didn't
2 --

3 A I haven't seen David since we split company in
4 January -- or early February.

01:30 5 Q I appreciate that, but this was a pretty serious
6 allegation, or at least a pretty serious matter
7 that was being investigated. You didn't phone him
8 up at all then I take it, at any time in 1969, to
9 discuss this matter with him?

01:30 10 A No.

11 Q Now just looking, quickly going through that March
12 '69 statement -- and I can produce it for you if
13 you need to see it, let me know if you do want to
14 see it -- but I just noted some of the things that
01:31 15 weren't in that statement. The break and enters,
16 the rolling someone, there is no reference to that
17 in the statement?

18 A True.

19 Q Okay. No reference to the drugs?

01:31 20 A Nope.

21 Q No reference to the knife?

22 A Nope.

23 Q No reference to talking to the girl?

24 A Nope.

01:31 25 Q No reference to getting stuck and separating?



1 A Nope.

2 Q No reference to the looking for the church, that
3 sort of thing?

4 A Correct.

01:31 5 Q Okay. Mr. Wilson, when did you start begin
6 thinking that, or when did you start begin -- bad
7 question, I'll try that again. When did you begin
8 --

9 A Could I get you louder, again, please?

01:31 10 Q Sure. When did you begin to think or have the
11 first small suspicion, if I can put it that way,
12 that David Milgaard might have been involved in
13 the death of Gail Miller?

14 A In May.

01:32 15 Q Okay. And this would have been just prior to
16 coming up to Saskatoon then?

17 A I believe so, yes.

18 Q Okay. And do you know what was, you know, what
19 was getting to you that was making you think this
01:32 20 might be possible; do you recall now?

21 A The other questioning periods I had prior to going
22 to Saskatoon.

23 Q Okay. So these would have been information that
24 you received when you were in Regina?

01:32 25 A Yes.



1 Q Okay. And I ask that because, you know, I -- you
2 have been referred to the interview that you had
3 with Joyce Milgaard in 1981, and I think
4 Mr. Gibson went through that with you -- it's
01:32 5 actually found at the transcripts of these
6 proceedings, and I don't need it up I don't think,
7 but pages 5985 and 5987 -- and it seems as though
8 at least in 1981, when you are talking to her, you
9 still have it in your head that it's possible
01:33 10 David could have done this murder, committed this
11 murder?

12 A There was still a bit of doubt.

13 Q Okay. I'm going to go back to May, then, of 1969,
14 and would -- am I correct this is May 21st or 22nd
01:33 15 when you drove up to Saskatoon?

16 A One of those days.

17 Q One of those days? Your first written statement
18 was on May 23rd, and take my word for that, I'll
19 show it to you, but that's the date on the
01:33 20 statement.

21 A Okay.

22 Q And that written statement was given after your
23 polygraph testing and questioning by Mr. Roberts?

24 A Correct.

01:33 25 Q Okay. And then you gave another statement,



1 another short statement the next day, which is May
2 24th.

3 A Correct.

4 Q Okay. And, from what I can see, there were no
01:34 5 further statements given to the police -- that's
6 the Saskatoon Police Service -- after May 24th,
7 1969?

8 A Correct.

9 Q Okay. Now your contact with the -- you talked a
01:34 10 bit about the contact you had with the Saskatoon
11 Police Service after May 24th, 1969, and I think
12 you indicated for the preliminary hearing they had
13 flown with you to Saskatoon where you gave your
14 evidence here and then flew with you back to --
01:34 15 back to I guess it was Edmonton you were at at
16 that time?

17 A Yes.

18 Q And you don't have a recollection of exactly who
19 it was? I think the records indicate it was
01:34 20 probably Officer Karst going one way, Officer
21 Short going back, I don't know if you recall that
22 or not?

23 A No, I didn't recall who was who.

24 Q Okay. And I think you have indicated -- and you
01:34 25 correct me if I'm wrong -- that there may have



1 been some general conversations that occurred but
2 no sort of questioning, as such, about what
3 happened in 1969 during those flights and on that
4 occasion?

01:35 5 A Yes, not that I can recall.

6 Q Okay. And in terms of testifying at the
7 preliminary hearing, as I understand it you have
8 no recollection of sort of sitting down and going
9 through a questioning session or going through
01:35 10 things with the police, as such, for the
11 preliminary hearing?

12 A No I don't.

13 Q And then the next contact you would have had would
14 have been when you testified at the trial which
01:35 15 occurred in January of 1970. I understand, at
16 that time, you were living in Regina; correct?

17 A Yes.

18 Q And you would have travelled to Saskatoon on your
19 own?

01:35 20 A I believe so, yes.

21 Q Okay. And it doesn't look like there was any
22 dealings with the police at that time as such?

23 A They might have brought me my transcripts up to
24 the hotel. I can't remember who brought them.

01:35 25 Q Okay. So somebody gave you your transcript from



1 the preliminary hearing?

2 A Yes.

3 Q Okay. Any sort of questioning or anything like
4 that, at that time, by the police?

01:36 5 A Not that I can recall.

6 Q Okay. And do you have any recollection of any
7 contact with the police between the preliminary
8 hearing and the trial as such?

9 A No.

01:36 10 Q Okay. And then you said, prior to you testifying
11 at the trial, you'd have had the meeting with the
12 Crown prosecutor?

13 A Yes.

14 Q Okay. Umm, and I think you have answered this,
01:36 15 again, a number of times and it's in a number of
16 your statements, no recollection of -- or at
17 least, not just no recollection, you have said the
18 police didn't put any pressure on you, as such, at
19 the trial or anything like that?

01:36 20 A No they didn't.

21 Q Okay. What I gather from this is sort of whatever
22 information you passed on to the police, that
23 would have taken place during those couple days of
24 May of 1969, when you were here in Saskatoon?

01:36 25 A I believe so, yes.



1 Q And I take it you don't have any recollection of
2 any further dealings with them that involved you
3 giving them further information, or that sort of
4 thing, about what might have happened with David
01:37 5 Milgaard and the Gail Miller murder after May of
6 1969?

7 A Correct.

8 Q Mr. Wilson, you made a, you have made a comment --
9 and I'm just going to see if I can find it -- this
01:38 10 was in the interview that you had with the RCMP,
11 it would have been the taped telephone
12 conversation that occurred in 1993.

13 A Okay.

14 Q Okay? And I believe that's document number
01:38 15 063619. And at page 706 of that document, if we
16 can get it, there is a portion right at the bottom
17 of the page, page 706, and Officer Jorgenson
18 states:

19 "Okay. I'm just trying to go through
01:39 20 some papers here just to make sure I
21 have gone over everything I wanted to
22 talk to you about.",
23 and so he doesn't seem to be asking a question
24 there, and then you state:

01:39 25 "Like to me, okay, the main person that



1 was at fault in this whole thing, in the
2 investigation itself, was the polygraph
3 guy and whichever cops started the ball
4 rolling about Albert seeing blood. You
01:39 5 know, if that's what you are interested
6 in, then."

7 Do you -- I think that's been referred to you
8 earlier in your evidence last week, but do you
9 recall making -- giving that answer?

01:39 10 A Yes I do.

11 Q And would that be, would that be accurate, would
12 you agree with that?

13 A Yes I would.

14 Q Okay. And just, we'll talk about Mr. Roberts and
01:39 15 the polygraph a bit, you have talked lots about it
16 and I don't mean to go over all of that again, but
17 just in terms of Albert Cadrain seeing the blood,
18 were you aware of how Albert Cadrain's statement
19 came to exist, in other words how did the police
01:39 20 get information from Albert Cadrain that he had
21 seen blood?

22 A I don't have a clue.

23 Q Okay. Would I be correct, at this time you were
24 thinking that somebody sat down and questioned
01:40 25 Albert Cadrain and he volunteered, or at least



1 came around and finally said that there was blood
2 on David Milgaard's pants, and the investigation
3 got going from there?

4 A Yes.

01:40 5 Q That's what you are referring to when you make
6 that statement?

7 A Correct.

8 Q Okay. We know, from evidence we've heard, that
9 Albert Cadrain actually returned home, spoke to
01:40 10 his brother and told his brother that he had seen
11 blood on David Milgaard's pants and some other
12 things which led him to believe that David had
13 killed Gail Miller, that he then discussed that
14 with his parents and after discussing it with his
01:40 15 parents it was decided that he should tell the
16 police, and he, with his brother, basically showed
17 up at the police station unannounced and said "I
18 have got some information about who I believe
19 killed Gail Miller", and related the story to
01:41 20 them, concluding the story about seeing blood on
21 David Milgaard's pants. I take it you weren't
22 aware of that?

23 A No.

24 Q Okay. Again, that's a little different situation
01:41 25 than what you thought it was, which was Albert



1 kind of being grilled and finally saying there is
2 blood on the pants, that's a little bit different
3 situation; fair to say?

4 A Yes.

01:41 5 Q So the police come to see you and suggest -- or at
6 least start asking you more questions about what
7 did happen on January 31st, 1969, and I'm assuming
8 you don't know the extent of what information they
9 had on May 21st, 1969? You don't know, for
01:41 10 example, what Albert Cadrain had already told them
11 by that time?

12 A No.

13 Q Or what others may have told them, like Sharon
14 Williams or Nichol John, what they may have told
01:42 15 them; you wouldn't have had any knowledge of that?

16 A No.

17 Q So in terms of why they might have thought David
18 Milgaard was at least a suspect that they should
19 give some attention to, you wouldn't know all of
01:42 20 those reasons?

21 A Correct.

22 Q Okay. But, nonetheless, clear from the
23 questioning that they were putting to you they
24 certainly were investigating whether David
01:42 25 Milgaard was involved in the death of Gail Miller;



1 there was no doubt about that?

2 A True.

3 Q And so you began driving down the number 11
4 highway, and you said that you thought there was
01:42 5 two officers in the car with you?

6 A I believe so, yes.

7 Q And one, you thought, was Officer Karst, but you
8 are not sure who the other was?

9 A No.

01:42 10 Q Okay. And you then point out to them the elevator
11 where -- that the break and enter had occurred?

12 A Correct.

13 Q And in fact it looks like there was some actual
14 confirmation that took place, some contact with
01:43 15 the elevator agent to confirm that that, in fact,
16 had happened?

17 A Yes.

18 Q And so you are now starting to give them some
19 further information that maybe is putting a little
01:43 20 different picture on the original trip to
21 Saskatoon?

22 A Yes.

23 Q And then, as I understand it, you then entered
24 Saskatoon, and they of course were interested in
01:43 25 knowing "well what route did you take, how did you



1 drive into Saskatoon"; do you remember that at
2 all?

3 A Yes.

4 Q And do you recall driving by the Labatt brewery
5 when you came into Saskatoon?

6 A That's one of the things I remember, yeah.

7 Q Okay. And I think you actually told the RCMP
8 about that in 1993?

9 A Yes.

01:43 10 Q And I'm referring -- and I don't think we need to
11 bring it up but it's for the record,
12 Mr. Commissioner, it's document 063619, and that's
13 found at pages 630 to 631.

14 What you indicated to the RCMP
01:44 15 was "I remember we were driving in", because they
16 wanted to know "did you come in on the freeway",
17 or whatever they call it here in Saskatoon, and so
18 on, and you said "well I remember we drove by that
19 Labatt brewery", and that Labatt brewery was right
01:44 20 beside the freeway at one time, "but we drove by
21 the brewery and we got to the end of the sort of
22 freeway and we turned left"; does that accord with
23 your recollection?

24 A Yes.

01:44 25 Q And fair to say you don't know whether that's 20th



1 Street or 22nd Street or any other street in the
2 city; you wouldn't know what the number was or the
3 name of the street was?

4 A No.

01:44 5 Q But that basic recollection, that "I drove into
6 town on the freeway, went by the brewery, got sort
7 of to the end of it and made a left turn", that
8 you do recall?

9 A Yes.

01:44 10 Q If I took you out there today do you think you
11 would be able to find that?

12 A Yes.

13 Q Okay. Then, in terms of the rest of the
14 information that you either told the police that
01:45 15 day or what they already knew, clearly you were in
16 the area, clearly you were at Albert Cadrain's
17 residence, we know that?

18 A Yes.

19 Q There was some sort of church that you were
01:45 20 looking for, at least you can recall seeing a
21 church?

22 A Yes.

23 Q Some vague recollection of seeing a church?

24 A Yes.

01:45 25 Q Correct?



1 A Yes.

2 Q Can we just -- have we got a map we can put up?
3 Could we put -- I think the next, or the third map
4 which shows the bigger map of the area, not just
01:45 5 the block. Thanks. I don't know, I don't know if
6 this helps you or if you can sort of pick out what
7 we've got on here, Mr. Wilson, or if you can
8 orientate yourself to it, but you will see -- I'm
9 just going to mark this and then I'll have it
01:46 10 erased -- that's 22nd Street along there; do you
11 see that?

12 A Yes, yes.

13 Q And then just a little bit south of that, that's
14 20th Street along there, okay? Do you recognize
01:46 15 that?

16 A Yes.

17 Q Now if, if we're looking at the Trav-a-leer Motel,
18 that's over here on the west side; you would
19 recognize that?

01:46 20 A Yes.

21 Q And I understand the freeway is over here to the
22 east; would you recognize -- or understand that?

23 A Yes.

24 Q Okay. And so if I came in on the freeway and made
01:46 25 a left turn -- if you can erase my markings,



1 please, or I can do that, can't I, thanks -- if
2 you had turned on 20th Street you would be going
3 down this way here, fair to say? You would agree
4 with that?

01:46 5 A Yeah, if I turned down there, yeah.

6 Q Yeah, if you did, if that -- and I realize you
7 can't say if you did or you didn't, but if you
8 turned on 20th coming off the freeway, that would
9 put you down there; correct?

01:47 10 A Correct.

11 Q Now if we look -- if I can erase my markings
12 again -- if we look where Albert Cadrain lived,
13 that's right there, I don't know if you would
14 recognize that or not?

01:47 15 A No.

16 Q Okay. There is a church, St. Mary's Church, right
17 there; would you recognize that? Do you know? Do
18 you know if that's the church you saw?

19 A No, that's not the church I saw, no.

01:47 20 Q No, that's not the church you saw?

21 A No.

22 Q Okay, and this is where Gail Miller's body was
23 found, right around in that area there.

24 A Right.

01:47 25 Q Do you know that now or are you --



1 A I know that now, yes.

2 Q Know that now? Okay. So I guess what I'm getting
3 at is having said -- there being no question that
4 you were at Albert Cadrain's residence that
01:47 5 morning, the morning of the murder, whether you
6 were in that back alley or not I don't know, but
7 you certainly were in the area of the murder that
8 particular morning, weren't you, there was no
9 question about that?

01:48 10 A Eventually we were, yes.

11 Q Sure, sure. And in terms of where you drove
12 around throughout this area that morning, you are
13 not able to tell us right now, in fact you weren't
14 even able to tell them about that in 1969;
01:48 15 correct?

16 A No, correct.

17 Q And I take it you didn't know the city, you didn't
18 know the area. Had you ever been to Albert
19 Cadrain's place before?

01:48 20 A Never.

21 Q Do you know if you had ever been down avenue 20 --
22 or 20th Street before?

23 A First time I had ever been to Saskatoon.

24 Q Okay. So not surprising you wouldn't be able to
01:48 25 say "I was on this street" or "that street" or



1 whatever that particular day?

2 A Sure.

3 Q And you were stoned to boot? You were stoned the
4 morning of January 31st, 1969?

01:48 5 A Correct.

6 Q That probably didn't help things either in terms
7 of remembering where you were?

8 A Umm, I guess not.

9 Q Okay. You had been driving all night too, it
01:48 10 looked like, right?

11 A Well, when you are stoned, you can.

12 Q Okay. So we know you are in this general area, we
13 know eventually you get over here to the
14 Trav-a-leer Motel, do you recognize that as the
01:49 15 motel you went to get the map?

16 A Yes I do.

17 Q Okay. And I think at some point in time you
18 identified that you were stuck behind the
19 Danchuks', this area here, do you recall that?

01:49 20 A Yes.

21 Q Okay. And when you first pulled into Albert, or
22 to Albert Cadrain's -- we can erase that, can I
23 push this and erase that, okay -- when you pulled
24 into Albert Cadrain's, let's assume this is
01:49 25 Albert's here, 334, do you know if you were parked



1 on the east side or the west side of the street
2 when you pulled in?

3 A Across the street from it.

4 Q Across the street from it?

01:49 5 A Yup.

6 Q Okay. So if he was across the street that would
7 sort of indicate you had pulled in that way?

8 A Hmm.

9 Q Correct?

01:50 10 A Umm.

11 Q You were on the opposite side of the street of his
12 house?

13 A Yeah.

14 Q Take your time on that. You understand what I'm
01:50 15 saying?

16 A Okay. With your arrow are you --

17 Q Let's maybe -- let's go to the smaller map, maybe
18 that will help a little bit. This is the Cadrain
19 residence down here at the corner, Mr. Wilson?

01:51 20 A Okay.

21 Q Okay. And you were parked on the opposite side of
22 the street, that meant you would have been over on
23 the side of the street towards -- by St. Mary's
24 school?

01:51 25 A Can I point on this thing?



1 Q Yeah. Can he --

2 MR. HODSON: Yeah.

3 BY MR. FOX:

4 Q Go ahead.

01:51 5 A Okay. To me we would have been parked right here.

6 Q Right there, okay. And were you parked on the --
7 do you know what direction you were facing?

8 A No.

9 Q Okay. If you were -- assuming you didn't park on
01:51 10 the wrong side of the road, you would have been
11 facing this direction?

12 A I believe so.

13 Q Right, okay. And if you were parked facing that
14 direction, that meant that you would have either
01:51 15 come off of 20th Street or have come straight down
16 that avenue, one or the other?

17 A Yes.

18 Q Okay. I guess all I'm getting at with this, and
19 it has taken a long time to get there, Mr. Wilson,
01:52 20 but the fact of the matter is January 31st, 1969
21 you were in at least within a block of where Gail
22 Miller was found; you would agree with that?

23 A Yes, I would agree with that.

24 Q And you weren't able to sort of tell the police
01:52 25 here's exactly where we drove because you didn't



1 know the city, you didn't know the area, and maybe
2 had limited recollection of that. You would agree
3 with that?

4 A Well, none of it looked familiar.

01:52 5 Q None of it looked familiar. But I take it you
6 didn't have any -- there didn't seem -- or do you
7 see any problem with the police driving you
8 through that area and saying look, do you
9 recognize anything here, does -- does this help by
01:52 10 seeing this area, does it help you to figure out
11 where you were that day?

12 A No.

13 Q I mean, that would make sense. How else are they
14 going to put that to you.

01:53 15 A True.

16 Q Now, you talked -- you've said this as well, that
17 one of the concerns you had, or the two other
18 concerns you had, you mentioned Mr. Roberts with
19 the polygraph and, as I understand it, the concern
01:53 20 there is he kept on asking the questions over and
21 over and over again?

22 A Yes.

23 Q But as I understand it, you've already said this,
24 at the end of the questioning he told you to tell
01:53 25 the truth?



1 A Correct.

2 Q The one concern you expressed with the police was
3 that they drove you around the area and from this
4 you picked up things?

01:53 5 A They showed me where everything had been picked
6 up.

7 Q Okay. Having said that, as I understand it, you
8 felt as though you were treated fairly by the
9 police?

01:54 10 A Yes.

11 Q I think at one point in time in your evidence you
12 had indicated that you were scared of Mr. Roberts?

13 A Yes.

14 Q You weren't scared of Mr. Karst or Officer Short?

01:54 15 A No.

16 Q And I take it as well, from your recollection,
17 Officers Karst and Short didn't mistreat you in
18 any way?

19 A No.

01:55 20 Q There were no threats?

21 A No.

22 Q They didn't put any words in your mouth?

23 A No.

24 Q I understand you've actually, you've told that to
01:55 25 a number of people long before this hearing ever



1 took place, that at least as far as your dealings
2 with Officer Karst went and Officer Short, no
3 recollection of any kind of mistreatment or
4 inducements being offered out to you, that sort of
01:55 5 thing?

6 A Exactly.

7 Q And I understand similarly when you were
8 interviewed by Joyce Milgaard, Mrs. Milgaard
9 talked to you in about 1981, you've already
01:55 10 referred to that interview, you recall that;
11 correct?

12 A Yes.

13 Q And at that time she similarly asked you about how
14 the police treated you; correct?

01:56 15 A Yes.

16 Q And I'm just looking here, this is at your
17 transcript from evidence you gave on March 21st,
18 this is at pages 5983 to 5984 starting at line 20.
19 5983. Starting at line 20, can you see that,
01:57 20 Mr. Wilson? We can blow it up here a bit.

21 "Q I think the question here is -- no, go
22 to the next page -- and the question is
23 whether the police back in 1969 and '70
24 say, well, we'll give you less of a
01:57 25 sentence or something like this."



1 And you answered:

2 "A That never happened."

3 And then the next question:

4 "Q Or influence you in any way if you
01:57 5 co-operated. That never happened?

6 A No.

7 Q Okay. Carrying on, Mrs. Milgaard says,
8 "Okay. Now, they never threatened you
9 or told you what to say or anything like
01:57 10 that," and your answer is "nope".

11 Is that the truth?

12 A No, they never threatened me, that's
13 true.

14 Q And did they ever tell you what to say
01:58 15 or anything like that?

16 A No."

17 That was the evidence you gave at this inquiry?

18 A Right.

19 Q And that's consistent with what you told
01:58 20 Mrs. Milgaard in 1981?

21 A Yes.

22 Q So in terms of driving you around the area then,
23 am I correct, though, that that driving around
24 didn't result in you identifying a specific spot
01:58 25 where you say you were stuck?



1 A No, it didn't.

2 Q It didn't result in you saying, yeah, we were
3 stuck here behind this funeral home or near this
4 funeral home?

01:58 5 A No.

6 Q No. So whatever might have taken place in your
7 interaction with the police on May 22nd, 23rd and
8 24th or the days that you drove around, it didn't
9 result in you sort of saying here's where we were
01:59 10 stuck, right by the funeral home, right by where
11 the body of Gail Miller was found, anything like
12 that, it didn't lead to anything like that?

13 A Not on that day, no.

14 Q Well, what day did it?

01:59 15 A I believe the statement day.

16 Q Do you want to take a look at your statement?

17 A Yes, please.

18 Q Sure.

19 COMMISSIONER MacCALLUM: Which one?

01:59 20 A Yeah, which one. 20 --

21 COMMISSIONER MacCALLUM: 23rd?

22 A 23rd, please.

23 BY MR. FOX:

24 Q The doc number I've got for the statement is
01:59 25 065360 and I think if you go to 361, that's right.



1 You can look at the statement, but it looks to me
2 like the only reference to area where you were
3 stuck is there in the third paragraph that starts,
4 "Also when we got to Saskatoon." This is it right
02:00 5 here.

6 "Also when we got to Saskatoon and were
7 looking for Cadrain's we got stuck
8 earlier trying to make a "U" turn just
9 after we had spoken to a young lady in a
02:00 10 dark coat about directions. This was in
11 the area where the police showed me the
12 all night cafe."

13 That looks like, I think, and I could be wrong,
14 but I think that's about all there is in there
02:00 15 about location where you were stuck.

16 A Right.

17 Q So it doesn't look like you are giving them
18 anything very specific about being stuck, where
19 Gail Miller was found or a funeral home or
02:00 20 something like that?

21 A Except we weren't stuck there.

22 Q Sorry?

23 A Except we weren't stuck there.

24 Q Okay. So you weren't stuck in the area of the
02:01 25 all-night cafe?



1 A No.

2 Q Where is the all-night cafe?

3 A I don't know.

02:01 4 Q Where -- do you know if it has anything to do with
5 the death of Gail Miller?

6 A I believe it was a landmark or something, one of
7 the landmarks David was looking for.

8 Q The landmark we've repeatedly heard referred to is
9 the funeral home.

02:01 10 A And the garage with the restaurant in it or
11 something.

12 Q And a church. So I'm just wondering, you know,
13 did you identify being stuck behind a funeral home
14 or by a funeral home or anything like that?

02:01 15 A I believe it just essentially came around, well,
16 this is where you guys thought you were stuck, so
17 this must have been where we were stuck.

18 Q Well, then let's look at -- and your supplementary
19 statement, that's pages -- that's 360, the first
02:01 20 page of this document, you talk about what Nicky
21 said or whatever, but no reference to location
22 there; correct?

23 A Correct.

24 Q Now, Ms. McLean and Mr. Wolch and others have
02:02 25 reviewed with you your police reports and your



1 statements and it has been suggested, Ms. McLean
2 certainly suggested all sorts of things had been
3 put to you by police May 22nd to 24th, 1969,
4 certainly including the fact that you had got
02:02 5 stuck and separated, but your position is that you
6 did get stuck and for a period of time you and
7 David were both gone from the car?

8 A Yes.

9 Q And of that there's no doubt in your mind?

02:02 10 A Yes.

11 Q Okay. So if you -- if that in fact did take
12 place, then obviously it wasn't something being
13 suggested by the police because that's a fact;
14 correct?

02:03 15 A Correct.

16 Q And if we look, for example, at what David told
17 his lawyer, if David similarly told his lawyer we
18 got stuck and were separated, it would kind of
19 confirm that that really did happen; you would
02:03 20 agree with that?

21 A Yes.

22 Q The same sort of thing, if you really were looking
23 to maybe roll someone or, as David said, he was
24 eyeing up the lady you talked to as a possible
02:03 25 opportunity to rob her, again, that's not a police



1 suggestion, that really happened; correct?

2 A For David it did, yes.

3 Q Yeah. And I'm not saying he did, I'm not saying
4 he went ahead and robbed her, that's not what I'm
02:03 5 saying, but in terms of was this thought going
6 through your mind, the thought going through your
7 mind was, yeah, we might roll someone in a very
8 general way, if I saw an opportunity and thought
9 it was not going to be a big hassle or whatever, I
02:03 10 might do it?

11 A Yes.

12 Q Similarly, David seems to have told his lawyer,
13 after I spoke to that lady I thought about, yeah,
14 would she be somebody I might roll, so to speak,
02:04 15 as you would describe it. Again, that's not
16 something that's made up, that's something that's
17 fact?

18 A True.

19 Q The suggestion --

02:04 20 COMMISSIONER MacCALLUM: Excuse me, I just
21 wanted to be clear about something. I heard your
22 last question, "That's not something that was
23 made up." Do you mean by him or by the police or
24 by either one of them?

25 BY MR. FOX:



1 Q What I'm suggesting to you, what I was trying to
2 establish, Mr. Wilson, was that the fact of
3 rolling someone or the fact of getting stuck and
4 separated, those weren't matters that were
02:04 5 suggested to you by the police and as a result you
6 made them up, those in fact did happen?

7 A Correct.

8 MR. FOX: I hope that clarifies that.

9 COMMISSIONER MacCALLUM: It does, thank
02:04 10 you.

11 BY MR. FOX:

12 Q Thanks. Ms. McLean suggested that there were,
13 that there was sort of an attempt by the police --

14 COMMISSIONER MacCALLUM: Mr. Watson is
02:04 15 approaching.

16 MR. WATSON: If it's possible,
17 Mr. Commissioner, could we have another break?

18 COMMISSIONER MacCALLUM: It is possible.
19 Thank you.

02:05 20 MR. FOX: Yeah. I'm just going to move
21 into another area. This would be a good time.

22 COMMISSIONER MacCALLUM: 15 minutes.

23 *(Adjourned at 2:05 p.m.)*

24 *(Reconvened at 2:21 p.m.)*

02:21 25 BY MR. FOX:



1 Q Thank you, Mr. Commissioner. Mr. Wilson, and
2 Ms. Knox pointed this out to me, I had asked you
3 about when you came up to attend at the trial to
4 testify and I think I had suggested that you
02:21 5 possibly came up here on your own. Do you know if
6 you got a ride up here with the police or not?

7 A I don't know if I came up with the police or came
8 up with some friends. I can't remember.

9 Q Certainly no recollection of discussing anything
02:22 10 with the police at least during that time period?

11 A No.

12 Q Okay. Now I'm going to turn to Detective Karst's
13 report, and this has been referred to you, this is
14 his report, it's document 009264. This is the
02:22 15 report that he prepared just talking about his
16 dealings with you during that May 21st to the 24th
17 time period in 1969, so I'm just going to ask you,
18 I'm going to point to some things in his report
19 and ask just simply if that accords or is the same
02:22 20 as your recollection of what took place during
21 that time period. Okay?

22 A Okay.

23 Q And you can -- I'll point out the portions I want
24 to ask you about, but if there's anything else you
02:22 25 want to look at, you know, don't hesitate to



1 interrupt and ask. The first reference on the
2 report to his dealings with you looks like it's
3 here on the first page, just highlight that:

4 "At 2:00 p.m. May 21st, Ronald Wilson
02:23 5 was interviewed at the Regina City
6 Police station, the following officers
7 being present, Detective Sergeant
8 Mackie, Constable Walters --"

9 I think that's supposed to be Constable Dyck,
02:23 10 "-- of the Regina department, along with
11 myself. This conversation also being
12 taped and presently in my possession."

13 Now, you said you did recall them meeting with
14 you or at least some officers meeting with you in
02:23 15 Regina?

16 A Some officers, yes.

17 Q I take it -- do you have any recollection whether
18 that was a very long interview or fairly short
19 or --

02:23 20 A I have no recollection.

21 Q No recollection of it?

22 A No.

23 Q So at least what he's got in there, that would
24 appear to be correct?

02:23 25 A Yes.



1 Q If we could turn to the next page then and now
2 he's starting to note some information, and the
3 first paragraph there -- sorry, if we could just
4 go back to the page before, I'm sorry. If we
02:24 5 could just highlight this paragraph here -- this
6 paragraph here:

7 "During this conversation with Ronald
8 Wilson, he admitted attending in
9 Saskatoon with Milgaard and Nickey on
02:24 10 the early morning of January 31st and in
11 contradiction to his original and other
12 interviews, he admitted that Milgaard
13 had left the car when they became stuck
14 at approximately 6:45 that morning,
02:24 15 while looking for the Cadrain
16 residence."

17 Just stopping there. The fact of being stuck and
18 Milgaard leaving the car, that would be correct?

19 A Yes.

02:24 20 Q And do you know if you would have conveyed that to
21 him on May 21st?

22 A I don't recall.

23 Q Possible that you may have done that?

24 A Possible, yes.

02:25 25 Q And it says stuck at approximately 6:45 that



1 morning. Do you know if you would have conveyed
2 that time to him on that occasion?

3 A No.

4 Q Possible that you did?

02:25 5 A Possible.

6 Q Okay. And we've seen, and I'm not going to go
7 through it, you've given various estimates of
8 time, of getting to Saskatoon at 6:00 a.m. or
9 6:30, that sort of thing, so possibly you'd have
02:25 10 given a time of approximately 6:45 at that time?

11 A Yes.

12 Q And then it goes on:

13 "All Wilson would state at this time was
14 that Milgaard appeared to be puffing and
02:25 15 running, slightly out of breath when he
16 returned to the vehicle, and he admitted
17 that he had since thought that this was
18 the time that Milgaard was probably
19 involved in a murder."

02:25 20 Now, if I can just go to the first part of that,
21 would I be correct, your recollection is that
22 David did appear to be puffing and running and
23 slightly out of breath when he returned to the
24 vehicle?

02:25 25 A I would agree with that, yes.



1 Q And that there's an indication here that you had
2 thought about this and this was probably when he
3 was involved in the murder. Do you know if you
4 would have said that to Detective Karst then or
02:26 5 not?

6 A I don't believe I did.

7 Q Possible that you would have said that?

8 A No.

9 Q And the reason why I say that is I thought you had
02:26 10 said at one point in time that you may have given
11 an indication to the police, an indication while
12 still in Regina before coming to Saskatoon that
13 David may have killed Gail Miller?

14 A I don't believe it was in Regina though.

02:26 15 Q Is it possible that you did, sir?

16 A Possible.

17 Q Okay. At some point in time you do recall saying,
18 yeah, that is maybe when David Milgaard could have
19 killed Gail Miller?

02:26 20 A At one time, yes.

21 Q Okay. This indicates that that occurred before
22 the trip while meeting with Detective Karst in
23 Regina before leaving for Saskatoon, that's a
24 possibility that it occurred then?

02:26 25 A Possibility.



1 Q Certainly you are not revealing much in the way of
2 details, but the possibilities are being put
3 there?

4 A Yes.

02:27 5 Q If we could go to the next page, then, the first
6 paragraph:

7 "En route to Saskatoon, Wilson divulged
8 to me that on the trip on January 31st
9 with Milgaard and Nickey, the two boys
02:27 10 had discussed B & E's, along with
11 rolling someone and purse snatching as a
12 source of money, as their financial
13 position at this time was not one with
14 which they could do any amount of
02:27 15 travelling, as they anticipated going to
16 Edmonton and Vancouver."

17 Would that be correct, Mr. Wilson?

18 A Other than the purse snatching part, I would say
19 yes.

02:27 20 Q So you recall mentioning about B & E's, you recall
21 rolling someone, and you actually told Commission
22 Counsel what you meant by rolling someone, but no
23 specific recollection of saying purse snatching?

24 A Correct.

02:27 25 Q Okay. And that very well could have occurred in



1 the conversation while travelling to Saskatoon?

2 A Yes.

3 Q Okay. Then the next paragraph:

4 "Wilson admitted that Milgaard broke

02:28 5 into an elevator office on the road,

6 Nickey nor himself being responsible,

7 however, stated that Milgaard did the

8 actual entering. Consequently, when

9 passing the town of Aylesbury, Wilson

02:28 10 pointed out the elevator which Milgaard

11 had broken into."

12 That would be correct?

13 A Yes.

14 Q And fair to say that you would have conveyed that

02:28 15 to Detective Karst while travelling to Saskatoon?

16 A Yes.

17 Q It then goes on to talk about actually stopping at

18 the elevator and confirming that a flashlight was

19 missing. Do you have any recollection of doing

02:28 20 that, of that occurring on the trip up?

21 A No, I don't.

22 Q That may have happened though?

23 A Yes.

24 Q He notes there, this is referring to the elevator

02:29 25 agent, or the RCMP as well, that:



1 "He also stated that the only thing that
2 he could recall missing was a
3 flashlight, but could think of nothing
4 else. When the knife was put to his
02:29 5 thought, he did not recall a knife
6 missing from the premises."

7 That would be what Detective Karst has reported.
8 I take it you would have no knowledge about that?

9 A No.

02:29 10 Q Okay. But certainly he seems to be recording the
11 fact that, well, the elevator agent didn't say
12 there was a knife taken from there.

13 A It seems that way, yes.

14 Q This report was prepared May 25th, 1969, so by
02:29 15 that time, by the time this report was prepared,
16 Detective Karst would have already known
17 subsequently what your statement was,
18 notwithstanding that he seems to be reporting that
19 the elevator agent is saying no knife was taken
02:29 20 from the elevator. Would that be correct?

21 A Correct.

22 Q That would be an inconsistency with what you seem
23 to be saying?

24 A Yes.

02:29 25 Q Nonetheless, it's still recorded in Detective



1 Karst's report?

2 A Correct.

3 Q Next paragraph:

4 "When returning to the car and
02:30 5 continuing on to Saskatoon, Wilson
6 admitted that Milgaard had returned from
7 the elevator with the flashlight and
8 that this flashlight is presently in his
9 possession at his home at 126 Cornwall
02:30 10 Street North, Regina."

11 Do you recall telling Detective Karst that?

12 A No, because even to this day I don't remember the
13 flashlight.

14 Q Okay. It turns out the flashlight we know
02:30 15 actually was at your residence, so fair to say you
16 likely did tell him that?

17 A Yes.

18 Q Okay. So again, his report appears to be accurate
19 there you would agree?

02:30 20 A Yes.

21 Q Okay. The next paragraph:

22 "He also stated at this time that he
23 could not recall a knife being in the
24 car nor did he see Milgaard bring one
02:30 25 from the elevator. On further



1 questioning, he thought that possibly
2 Milgaard could have picked up a knife
3 from the Champs Hotel where they had
4 eaten earlier that day where Nickey had
02:31 5 been employed, however, could shed no
6 further light on that aspect."

7 Do you recall if you told that to Detective
8 Karst?

9 A No, I don't.

02:31 10 Q Would you agree that you likely did?

11 A It's possible.

12 Q Okay. Whatever, certainly Detective Karst now,
13 knowing full well that later on you gave a
14 statement saying there was a knife, has recorded
02:31 15 in his report that at least when you were driving
16 to Saskatoon on, I think it's May 21st, you were
17 still telling him there was no knife, that's what
18 he's got in his report?

19 A That's what is in his report, yes.

02:31 20 Q Next paragraph:

21 "When entering the Saskatoon city
22 outskirts, Wilson directed me across the
23 overpass and taking the Freeway up as
24 far as Idylwyld where he became unsure
02:31 25 of his directions, as to where they had



1 gone after that on that particular
2 morning, however, stated that the area
3 around P and 22nd was familiar and he
4 was able to pick out the --"

02:32 5 I'll just stop there. Do you know if you would
6 have indicated if Avenue P and 22nd was familiar?

7 A I don't know.

8 Q Is it possible that you did?

9 A It's possible.

02:32 10 Q Do you know where Avenue P and 22nd is in relation
11 to where Gail Miller was found?

12 A No.

13 Q Would it be possible just to go back to the map,
14 and if we could kind of blow up that area a bit.
02:32 15 Avenue P and 22nd is right about there, right
16 beside -- near the -- that's the intersection by
17 the Hillcrest Texaco. Gail Miller's body was
18 found over there someplace. Albert Cadrain's
19 house is right there. Now, knowing that you were
02:33 20 driving around in the area, possible that you did
21 drive down 22nd Street?

22 A Probably did.

23 Q Probably did. And may have recognized that that
24 day when you were there with Detective Karst,
02:33 25 that's a possibility?



1 A Probably recognized the Texaco.

2 Q But certainly you weren't, at least if Detective
3 Karst's intention was to get you to identify the
4 location where the body was found, that isn't what
02:33 5 he's recording in his report is it?

6 A No.

7 Q No. If we could just go back to the report. You
8 carry on then:

9 "And he was able to pick out the
02:33 10 Trav-a-leer Motel as the place where
11 Milgaard had entered to obtain a map for
12 directions, this being done in
13 Milgaard's stocking feet, which was
14 verified by the Trav-a-leer Motel
02:34 15 proprietor."

16 Would that be correct, do you recall that, did
17 you go to the Trav-a-leer Motel?

18 A Yes, we did.

19 Q And you recognized that as the place you had been?

02:34 20 A Yes.

21 Q So again that's accurate, what's in the report?

22 A Yes.

23 Q And then:

24 "Wilson was able to point out the
02:34 25 address of 129 Avenue T South when we



1 were in the 100 Block, as the house
2 where they had entered that morning when
3 being stuck the second time, where
4 Milgaard allegedly entered the
02:34 5 bathroom."

6 Do you know if you pointed that out to Detective
7 Karst?

8 A No, I don't.

9 Q Possible that you did?

02:34 10 A Possible, yes.

11 Q And I think you had said in your evidence you sort
12 of remembered that location because you guys had
13 been there for a while?

14 A Yeah, we had been there for a couple of hours.

02:34 15 Q So that sort of stuck in your mind. Can we just
16 go back to the map again? If we can just blow up
17 that area there if we can. Thanks. This I think
18 is the area that we're talking about, Avenue T,
19 the back lane, and that's the only sort of
02:35 20 specific address other than the motel which is off
21 to here someplace that you identify in Detective
22 Karst's report, and again, if that's the address
23 we're talking about and Gail Miller's body was
24 found there, the only specific address that's
02:35 25 being recorded by Detective Karst has got you a



1 fair distance away from where Gail Miller was
2 found?

3 A Yes.

4 Q Again, so if he's trying to get you to suggest
02:35 5 that you were somewhere in this back alley, that's
6 not what he's putting down in his report at least;
7 would you agree with that?

8 A Yes.

9 Q Then he goes on, the last paragraph:

02:35 10 "Wilson pointed out the area of Avenue P
11 and Avenue M and N around 22nd Street
12 West, as an area which is similar to the
13 location where the girl was seen walking
14 on the street that early morning that
02:35 15 they approached her to ask directions,
16 however, he was unsure of the exact
17 block. Nor could he point out the exact
18 location where the car had become
19 stalled, where Milgaard had left the
02:35 20 vehicle to go for help."

21 Would that accord with your recollection of what
22 you had told Detective Karst that day, that you
23 couldn't say exactly where the vehicle had got
24 stuck?

02:36 25 A I would agree with that, yes.



1 Q Okay. And so, again, we don't see Detective Karst
2 saying "well lookit, he said he was stuck behind
3 the funeral home or there", or something like
4 that; what he has recorded is you weren't sure
02:36 5 where you got stuck?

6 A Correct.

7 Q And that would have been accurate?

8 A Yes.

9 Q And I take it you have no recollection of being
02:36 10 compelled or forced or coerced, in some way, of
11 saying "well, yeah, our vehicle was stuck here by
12 the funeral home"; no recollection of that?

13 A No.

14 Q No, or that "we were in the funeral home" or
02:36 15 "behind the funeral home", no recollection of
16 being compelled to say that?

17 A No.

18 Q Okay. There was -- just talking about the
19 intersection where you were stuck for a moment, it
02:36 20 was referred to by Mr. Wolch and then later by
21 Ms. McLean as a 'major intersection', do you know
22 if it was a major intersection or not or --

23 A Didn't seem to be because there was no traffic.

24 Q Didn't seem to be a major intersection?

02:37 25 A It was a T intersection.



1 Q A T intersection? Okay. And if we can go back to
2 the map -- maybe if we can just highlight that
3 area there, if we could -- are you able to say, at
4 all, what T intersection it may have been, looking
02:37 5 at this map at all?

6 A Nowhere in that vicinity.

7 Q Nowhere in that vicinity?

8 A Nope.

9 Q Okay. And where do you think it would have been
02:37 10 in relation to this vicinity?

11 A Quite a ways. If you go back to the map maybe I
12 can show you something.

13 Q Sure, we'll go back if we can, yup.

14 A Because -- blow up this area here.

02:37 15 Q Sorry?

16 A The area by the motel.

17 Q Yup.

18 A Okay. When we went to the motel, like whatever
19 street this is, we came in through there, and we
02:38 20 were stuck way over here someplace.

21 COMMISSIONER MacCALLUM: Could you mark it
22 on the screen, please, sir?

23 A Okay. We came in from this street here, whatever
24 it is, and we had come from the direction that
02:38 25 would have been more that way.



1 BY MR. FOX:

2 Q Okay. 'This street here' that you are talking
3 about here, I think we can just see the word
4 "drive" there, how did you get on that street?

02:38 5 A From this direction over here somewhere.

6 Q From over here somewhere?

7 A Yeah.

8 Q So had you pulled onto that after you had turned
9 off the freeway?

02:38 10 A That's where we got onto that after we got
11 unstuck.

12 Q Sorry?

13 A That's where we got onto after we got unstuck and
14 went and got directions.

02:38 15 Q Okay. So when you got unstuck you pulled onto
16 this street here?

17 A Yes.

18 Q Okay. So, again, do you know how you got to that
19 street, onto that street?

02:38 20 A No I don't.

21 Q Okay. Do you -- were you driving around in a
22 residential area where you got stuck?

23 A It was partially residential, and behind us on the
24 T it was an open field.

02:39 25 Q Okay. So you don't know where you came from to



1 get onto this street here?

2 A No.

3 Q But you eventually, after you got stuck, you
4 eventually ended up on this street and drove to
02:39 5 the motel?

6 A Yes.

7 Q How you got on this street you don't know?

8 A No.

9 Q Okay. Do you know where the freeway is in
02:39 10 relation that street?

11 A No.

12 Q Okay. The freeway actually is over here.

13 A Okay.

14 Q Would it be fair to say, then, that you would have
02:39 15 travelled somewhere in this area, got stuck, and
16 then eventually ended up on here?

17 A No.

18 Q How did you get there then?

19 A I don't know.

02:39 20 Q Okay. Because, you see, because if you are on the
21 freeway and it's over here, and your vehicle ends
22 up over there, you pretty much have got to travel
23 through here?

24 A Not unless we drove further this way and then went
02:40 25 this way. Like I don't know, I still don't know



1 the city, so --

2 Q Sure. Okay. So let's, rather than guessing at
3 it, let's leave it at this; you are on the freeway
4 -- and I'll clear this, there we are -- the
02:40 5 freeway is over here someplace, you came into the
6 city on the freeway; correct?

7 A Correct.

8 Q You remember you got stuck someplace and
9 eventually ended up on this street, here, after
02:40 10 you got stuck?

11 A Yes.

12 Q And then drove to the motel?

13 A Right.

14 Q Okay. In terms of how you got from the freeway to
02:40 15 over here you can't say?

16 A I can't say.

17 Q Fair enough. Thanks. And when Detective Karst
18 then says in his report:

19 "Nor could he point out the exact

02:40 20 location where the car had become

21 stalled ...",

22 that would be a correct statement?

23 A Correct.

24 Q Now I'm going to turn, then, to the next page of
02:41 25 the report and this paragraph here. Now the first



1 day, this is May 21st when you first came to
2 Saskatoon with Detective Karst, do you recall what
3 time of day it was that you drove around with him?

4 A It was daylight.

02:41 5 Q Daylight?

6 A Yes.

7 Q Afternoon, evening?

8 A Probably afternoon.

9 Q Okay. Then it looks like you went back out there
02:41 10 on May 22nd again; correct?

11 A Yes.

12 Q I'm just looking at this paragraph here:

13 "On the morning of May 22nd, in company
14 with Lieutenant Short and ...",
02:41 15 something:

16 "... Sergeant Oleksyn, Wilson was again
17 taken to various parts of the City ...".

18 do you recall driving around the second time?

19 A Yes.

02:42 20 Q Do you know if Detective Karst was with you that
21 morning?

22 A I don't know who was with me that morning.

23 Q Okay. I'm going to suggest he wasn't, that it was
24 just Lieutenant Short and Sergeant Oleksyn that
02:42 25 was with you; is that possible that he wasn't



1 there that morning?

2 A Yes.

3 Q Okay. So it looks like, though, what he has got
4 in his report, just reading through that
02:42 5 paragraph:

6 "... was again taken to various parts of
7 the City to ascertain if he could point
8 out the various areas where he had been
9 on the morning of January 31st, however,
02:42 10 he could add little to the previous
11 information other than when they had
12 been stuck the original time in the
13 vicinity of Avenue M or N that two men
14 in a vehicle described as a 1967-'68
02:42 15 cream or yellow coloured Dodge or
16 Chrysler had come and assisted them in
17 pushing their vehicle out of the snow."

18 And then he goes on to describe the two men;
19 correct?

02:43 20 A Correct.

21 Q So, still not real clear where you were stuck, --

22 A True.

23 Q -- correct? But correct that two guys did come
24 along and push you out?

02:43 25 A Yes.



1 Q And this would have been fairly early in the
2 morning that you were stuck?

3 A Yes.

4 Q Perhaps 6:30, somewhere in there?

02:43 5 A Somewhere in there.

6 Q Okay. And you don't remember an awful lot of
7 traffic on the street you were stuck at?

8 A True.

9 Q Okay. And you didn't recall it as a major
02:43 10 intersection as such?

11 A No.

12 Q But it was a T intersection?

13 A Yes.

14 Q Okay. And I think you said there were houses on
02:43 15 either side of the sort of corner but not across
16 the street from the T?

17 A Right.

18 Q Okay. So it seems as though it's still some sort
19 of residential area that you are in?

02:43 20 A Yes.

21 Q But, in terms of exactly where that was, you
22 weren't able to say?

23 A No.

24 Q And that isn't recorded in the statement, that
02:43 25 "here's where we were stuck"?



1 A True.

2 Q Okay. If we could go on, then, to the next
3 paragraph, about there:

4 "Wilson's account of what transpired
02:44 5 that morning was roughly as follows.
6 The three of them drove into the city
7 and drove around for a short while when
8 they met a girl in the area described
9 above, asked directions for Peace Hill.
02:44 10 The asking done by Milgaard who was on
11 the passengers side of the vehicle where
12 the pedestrian was. This girl stated
13 she didn't know and was unable to assist
14 them, however, Milgaard had asked
02:44 15 whether she would like a lift or ride to
16 where she was going, to which she
17 declined."

18 Up to that point -- do you know if she was
19 offered a ride or not?

02:44 20 A No I don't.

21 Q Is it possible she may have been?

22 A I don't believe so.

23 Q Okay. Is it possible you told Detective Karst
24 that?

02:44 25 A I don't know.



1 Q You don't know?

2 A No.

3 Q Okay. Certainly stopping, speaking to the girl,
4 all of that is accurate?

02:44 5 A Yes.

6 Q And there isn't anything else in here that you
7 would say is not -- that you could say is
8 definitely not accurate?

9 A Correct.

02:45 10 Q Okay. They go on and then it says:

11 "Upon driving away, Milgaard had made
12 the remark to the effect, 'The stupid
13 bitch'."

14 Okay. Now I'm not sure if you are able -- if you
02:45 15 are telling us that that definitely did not
16 happen or is there some possibility that he may
17 have made some remark like that?

18 A To my recollection, it never happened.

19 Q Okay. And is there some possibility that he made
02:45 20 a remark like that?

21 A No.

22 Q Okay. But you definitely told Detective Karst or
23 Lieutenant Short, or whoever you gave your
24 statement to, that a remark like that was made?

02:45 25 A Yes.



1 Q So, again, -- and I'm not really interested at
2 this point whether Mr. Milgaard made that remark
3 or not, but there is no question that you told
4 Detective Karst that David Milgaard did make that
02:45 5 remark?

6 A Yes.

7 Q So Detective Karst has accurately recorded what
8 you told him?

9 A Yes.

02:46 10 Q Okay. And then you have:

11 "They drove a short distance further and
12 while making a turn, the vehicle became
13 stuck, as they had no reverse gear."

14 Now I've looked at this, Detective Karst doesn't
02:46 15 say anything more about how far you drove other
16 than a short distance, and you have described
17 that distance at various times as being a half
18 block, three-quarters of a block, up to two
19 blocks or more before you got stuck; you would
02:46 20 agree with that?

21 A Yes.

22 Q Okay. And I suppose we would have to ask
23 Detective Short what he -- or Detective Karst what
24 he meant by "a short distance", but would it be
02:46 25 fair to say that you got stuck fairly quickly



1 after you talked to the girl?

2 A Fairly quickly, yes.

3 Q Yeah. And so the statement:

4 "They drove a short distance further and
02:46 5 while making a turn, the vehicle became
6 stuck ...",

7 that would be a fairly accurate statement?

8 A Yes.

9 Q Okay. Now you have then got:

02:47 10 "At this time Milgaard left for help,
11 returning approximately 15 minutes later
12 puffing and running, however, Wilson
13 states that he saw no blood, etcetera,
14 or anything on Milgaard at this time."

02:47 15 There's an awful lot in that sentence and I'll go
16 through it one part at a time. First of all,
17 Milgaard did leave the vehicle, that's correct?

18 A Correct.

19 Q And by 'correct' I mean that's what you told
02:47 20 Detective Karst that day?

21 A Yes.

22 Q And what I am trying to go through here with you,
23 Mr. Wilson, is not what factually did or did not
24 happen, I'm just trying to find out what you told
02:47 25 Detective Karst that day.



1 A Okay.

2 Q That's all. Okay. So you did tell him he left
3 the vehicle, you did tell him that he came back
4 kind of puffing and running, you told Detective
02:47 5 Karst that?

6 A Yes.

7 Q And you have got -- he has got down here that he
8 returned approximately 15 minutes later; do you
9 know if you told him that?

02:47 10 A Length of time, I don't know.

11 Q Okay. So you may have said something like that?

12 A Possibly something like that, yes.

13 Q Okay. And, again, I notice he has got
14 "approximately 15 minutes" so I'm not sure whether
02:48 15 he is doing the calculation or you are giving him
16 an approximation or whatever, but you may have
17 said -- whatever you may have conveyed to him
18 would have resulted in an estimate of
19 approximately 15 minutes?

02:48 20 A Yes.

21 Q And then you state -- but then you state that you
22 saw no blood or anything on Milgaard at that time;
23 did you tell Detective Karst that, that you still
24 didn't see any blood on him at that time?

02:48 25 A I believe so.



1 Q Okay. So, again, what Detective Karst has down
2 here appears to be accurate in the sense of
3 accurate in terms of what you told him?

4 A Yes, yes it does.

02:48 5 Q Okay. Including what I suppose would be evidence
6 which, if you were trying to pin this murder on
7 David Milgaard, wouldn't be particularly helpful,
8 and that's the fact that you didn't see any blood
9 on him?

02:48 10 A Correct.

11 Q So he has put down some evidence which might
12 implicate David Milgaard if we -- one might say,
13 but he has also recorded some things that you had
14 told him which wouldn't implicate him; you would
02:49 15 agree?

16 A Yes.

17 Q And it then goes on further to state that you
18 drove to the Trav-a-leer Motel, the rear of Avenue
19 T, and then where you were stuck, and then
02:49 20 eventually the Cadrain residence, and that all
21 would be information that you had conveyed to him
22 that day?

23 A Yes.

24 Q So, again, his report appears to be accurate in
02:49 25 that regard?



1 A Yes.

2 Q Then he has got, right at the bottom, last
3 paragraph, this is when you are at the Cadrain
4 residence:

02:49 5 "He states this is where Milgaard took
6 the car keys from him and left the house
7 driving around the block for 10 minutes,
8 reasons unknown, ..."

9 Now that would be correct, that David did go out,
02:50 10 back out to the car -- this is, you are now at
11 the Cadrain residence, all of you guys are
12 inside -- he did go back out to the car and drove
13 away and was gone for a short period of time?

14 A Yes.

02:50 15 Q So this is information that you would have
16 conveyed to Detective Karst that morning, or at
17 least on that period of time?

18 A Yes.

19 Q Would you agree with this -- and boy, you know,
02:50 20 we've asked so many opinion questions in this
21 Inquiry, and I'm doing it again here and I
22 apologize for it a bit -- but would you agree that
23 if there was evidence -- let me put it this way.
24 This is a storm -- a cold, snowy morning when you
02:50 25 came to Saskatoon, that morning on January 31st,



1 1969?

2 A Yes.

3 Q There was, appeared to be lots of snow around,
4 because it looks like you guys were stuck a few
02:51 5 times?

6 A Yes.

7 Q Your car had bald summer tires on, it wasn't very
8 good for driving in any condition, and certainly
9 not in cold, snowy conditions?

02:51 10 A True.

11 Q You already had lost your reverse gear; right?

12 A Yup.

13 Q You already had to get some help to get the car
14 going, that sort of thing?

02:51 15 A Yes.

16 Q So you are finally at a house and David decides to
17 go take the car for a joyride?

18 A No, he was taking it to move it to the proper side
19 of the street.

02:51 20 Q Then can you see why the police might look at that
21 and say "gee, that just seems kind of unusual"?

22 A I guess so. He liked to drive.

23 Q Yeah, I appreciate that, and I was 16 once and
24 liked to drive too. But can you see why that
02:51 25 might cause the antennas to go up a little bit



1 that, you know, this is cold, this car is not in
2 good condition, and he, according to his
3 statement, just wanted to take it for a joyride
4 and drove down a back alley where you had already
02:52 5 been stuck once already, why at least you might
6 look at that and say 'I don't know, maybe he did
7 take it for a joyride, that could be exactly the
8 correct explanation for it, but there might be
9 some other explanations for it too'; you can see
02:52 10 that I take it?

11 A I can see that, yes.

12 Q In any event, it's accurately recorded there that
13 that's in fact what he did, and then he goes on to
14 talk about the clothes being changed, and again,
02:52 15 that's also information that you would have
16 conveyed to him and that he would have recorded
17 here?

18 A Yes.

19 Q Okay. If we can turn to the next page I think the
02:52 20 next reference, then, to sort of dealings with you
21 is about here. Now May 23rd, that's the date that
22 you underwent the polygraph examination?

23 A I believe so, yes.

24 Q Okay. And I'm -- that is, take my word for it,
02:53 25 that was the dealings with Sergeant Roberts. And



1 as I understand it, although an officer or
2 officers might have been in the room for a short
3 period of time when the knives were being looked
4 at, other than that, during the actual polygraph
02:53 5 questioning and so on, Sergeant Roberts would have
6 been the only one in the room with you?

7 A Correct.

8 Q And after the polygraph questioning was done by
9 Sergeant Roberts, after he had done all of his
02:53 10 questioning of you, as I understood it you were
11 then sort of turned over to Detective Karst and
12 the other officers with the sort of instructions
13 "here is Dave", or "here is Ron, he is now going
14 to give you a statement about what he knows about
02:53 15 David Milgaard being involved in Gail Miller's
16 death", words to that effect?

17 A Yes.

18 Q Okay. And you would have then proceeded to give
19 them that statement, that first witness statement,
02:54 20 on May 23rd, 1969?

21 A Yes.

22 Q Okay. Now in terms of the, this paragraph here,
23 sergeant -- Detective Karst says:

24 "On Friday, May 23rd, I attended at 608
02:54 25 Cavalier Motel in the company with



1 Inspector Wood, Lieutenant Short,
2 Detective Sergeant Mackie, Detective
3 Chartier and Morrison, and at 3:00 p.m.,
4 I called at room 610 of the Cavalier
02:54 5 where Wilson picked out a knife which
6 was out of a group of five, which
7 Inspector Roberts had shown him as being
8 similar to the one he states he had seen
9 en route from Regina to Saskatoon on the
02:54 10 morning of January 31st, this being a
11 reddish brown coloured bone handled type
12 paring knife."

13 Now do you know if Inspector Roberts -- or
14 Sergeant Roberts showed you the knives first?
02:55 15 Like, do you remember how that went, how that
16 procedure went? And I really don't want you to
17 guess but, if you know, please tell me?

18 A No, I can't recall.

19 Q Okay. I take it this was still all in the same
02:55 20 room where Sergeant Roberts was conducting this
21 interview and questioning of you?

22 A Yes.

23 Q And some array of knives were produced, and
24 Sergeant Roberts would have been there, --

02:55 25 A Yes.



1 Q -- and in due course you would have picked out or
2 selected a knife?

3 A Yes.

4 Q This report or this paragraph, at least to your
02:55 5 knowledge as best you are able to say, would
6 accurately reflect what took place on that
7 occasion?

8 A Yes.

9 Q If I can go to the next paragraph, then, this is a
02:55 10 reference where there's an indication that a
11 statement had been made by David Milgaard to the
12 effect that "I fixed her"; okay?

13 A Okay.

14 Q And you have already testified to that, and you
02:56 15 have said that you just made that up, that didn't
16 happen?

17 A Correct.

18 Q Okay. And you decided to tell the police that
19 because that would move the heat, so to speak,
02:56 20 from you and direct it more towards David
21 Milgaard?

22 A Correct.

23 Q Okay. So when Detective Karst records that you
24 had said David had spoke the words to the effect
02:56 25 "I fixed her", that would be correct, he is



1 correctly reporting what, in fact, you did tell
2 him?

3 A Yes.

4 Q And then on paragraph 17 he states in his report:

02:56 5 "Also in this statement Wilson states he
6 has seen blood on Milgaard's trouser
7 when changing his clothes at the Cadrain
8 residence at 334 Avenue O South on the
9 morning of January 31st, 1969. This he
02:56 10 had previously denied."

11 Would it be correct that you did, then, tell
12 Detective Karst -- this would now be the 23rd --
13 "yeah, I did see blood on David's clothes at the
14 Cadrain residence"?

02:57 15 A Yes.

16 Q I don't know whether that's accurate or not, or
17 whether you did or not, but that's certainly what
18 you would have told to Detective Karst; would that
19 be correct?

02:57 20 A Yes.

21 Q And he correctly notes that you had previously
22 denied that; would that be correct, --

23 A Yes.

24 Q -- the very last sentence? So, again, he has
02:57 25 noted two things in that paragraph, one which



1 would incriminate David Milgaard, the fact that
2 there was -- you are now saying that you saw blood
3 on his clothes, but one which would suggest maybe
4 that isn't very reliable because you have
02:57 5 previously said you hadn't seen blood on his
6 clothes; would that be correct?

7 A Correct.

8 Q A pretty fair reporting of what had taken place?

9 A Yes.

02:57 10 Q If we can go to the next page, please, the first
11 paragraph:

12 "He also states that ...",

13 I'm sorry, thanks:

14 "He also states that at Cadraains he
02:58 15 noted Milgaard's trousers were ripped
16 around the seat, which he had not
17 previously noticed while on this trip."

18 That would be correct?

19 A Yes.

02:58 20 Q "He further adds that on the road to
21 Calgary, when leaving Saskatoon, Nickey
22 seemed very nervous and would
23 occasionally scream to which he could
24 offer no explanation at that time but
02:58 25 now he feels that this was because of



1 what she knew."

2 Would that be what you told Detective Karst?

3 A Yes.

4 Q Okay. In terms of that, the word 'hysterical'
02:58 5 shows up I think in your statement, but certainly
6 this basic scenario, that Nicky appeared to be
7 nervous and occasionally screamed and you were
8 attributing this now perhaps to her having seen or
9 knowing something about Gail Miller's death,
02:59 10 that's what you would have conveyed to Detective
11 Karst at that time?

12 A I believe so.

13 Q Okay. I -- just on that, I had thought in your
14 interview with Mrs. Milgaard in 1981 that you did
02:59 15 indicate that Nicky was hysterical when you saw
16 her; do you know, do you recall that?

17 A At --

18 Q It would have just been --

19 A At one time she was.

02:59 20 Q Okay. Can we just go to, it's page 5988 of the
21 transcript of these proceedings, this is
22 Mr. Hodson questioning you. He asked you a
23 question at line 9:

24 "Q "And when you were asked here ...",

03:00 25 and he is referring to, this is the transcript of



1 your discussions with Mrs. Milgaard:

2 "... "You know, he, I mean, he came back
3 to the car. Now, you mentioned that
4 Nichol was hysterical?" "Uh-huh."

5 "When you got back to the car but you
6 didn't say why she was hysterical or
7 anything." Wilson, "She was just
8 hysterical.""

9 That's the answer that you gave to Mrs. Milgaard.

10 Then Mr. Hodson says:

11 "You see that? Do you recall that
12 discussion with Mrs. Milgaard?

13 A No, I don't.

14 Q It would appear, at least from this, Mr.
15 Wilson, that at this time, in 1981, you
16 are telling Mrs. Milgaard that Nichol
17 John was hysterical?

18 A Yes."

19 And then he asks if that's the truth and you say
03:01 20 "no". So I'm just wondering; was she hysterical
21 when you got back to the car?

22 A Not at that time, no.

23 Q Okay. Do you know why you would have said that to
24 Mrs. Milgaard in 1981?

03:01 25 A I probably got the time when she was hysterical



1 different. She was hysterical when we were on the
2 highway.

3 Q Okay. So was there more than one time she was
4 hysterical, like did she get upset sometimes and
03:01 5 --

6 A Just the way we were driving and stuff like that.

7 Q Okay. So you think you just got mixed up --

8 A Yes.

9 Q -- when you were talking to her there? Okay. But
03:02 10 going back to my questions then, in terms of what
11 you conveyed to Detective Karst on May 23rd, 1969,
12 you were indicating to him that, when she was
13 hysterical, that seemed to be attributed to -- you
14 thought it was attributed to what she saw
03:02 15 involving David and Gail Miller?

16 A At that time, yes.

17 Q Okay. That's what you told him?

18 A Yes.

19 Q Okay. Now the next -- if I go back to the
03:02 20 statement, please, thanks -- the next paragraph,
21 this is, refers to:

22 "Wilson also recalls Nickey finding a
23 ladies compact ...",

24 this is the reference to the compact being found
03:02 25 and thrown out. The only question I want to ask



1 you on that, Mr. Wilson, is that you did tell
2 Detective Karst and the other officers, whoever
3 interviewed you there, that you recalled the
4 compact being found by Nicky and David throwing
03:03 5 it out the window, that -- you told them that?

6 A Yes.

7 Q And I understand what your position is today about
8 whether that happened or not, but at least as far
9 as Detective Karst' report goes, he is accurately
03:03 10 recording what you told him?

11 A Yes.

12 Q And it's been pointed out to you that your
13 statement then refers to a compact, Nichol John's
14 statement refers to some type of cosmetic bag or
03:03 15 something like that, if the police were trying to
16 get you guys on the same page and give the
17 identical, same story, that certainly wasn't
18 happening there; would you agree with that?

19 A True.

03:03 20 Q Mr. Wilson, did you tell Detective Karst that you
21 were -- you know, that you had taken some acid,
22 some LSD, before you left Regina?

23 A No.

24 Q Did you tell him that you were still stoned when
03:04 25 you were in Saskatoon?



1 A No.

2 Q Okay. Did you tell him that you were stoned when
3 you were driving around that morning in Saskatoon?

4 A No.

03:04 5 Q Okay. And I take it, even when you got to the
6 point of giving evidence that would implicate
7 David Milgaard in the Milgaard -- in the murder of
8 Gail Miller, you still didn't -- preferred that he
9 not know about you having taken LSD just prior to
03:04 10 that trip or having drugs on the trip, that sort
11 of thing?

12 A Correct.

13 Q Okay. And the reason why I asked that is because
14 you had indicated when you testified earlier, this
03:04 15 would have been -- and you have been here for a
16 while, I know -- but you had indicated that, when
17 you took LSD, the effects lasted for somewhere
18 from 8 to 12 hours?

19 A Yes.

03:04 20 Q Okay. So it would -- you would have still been
21 affected by it somewhat the morning of January
22 31st, certainly at 6:00, between that time period
23 say 6:00 to 9:00 in the morning you would have
24 still been feeling the effects of the LSD at that
03:05 25 point in time?



1 A Yes.

2 Q Okay. And you described -- I'll just see if I can
3 find this -- you described the effects that LSD
4 could have on you. This is at pages 5748 to 49 of
03:05 5 the transcript of your evidence given on March
6 17th, I'm just going to refer to this and just
7 remind you of what you said, if I could get that
8 up please. Thanks. I'm going to, I'll actually
9 start right about line 4, and I'm -- I'll scroll
03:06 10 through this whole page and into the next page if
11 I can. The question is:

12 "Q Okay. And just scrolling down to
13 question 1211: ...",
14 and I think this is -- Mr. Hodson was asking you
03:06 15 some questions that Mr. Tallis had put to you at
16 the trial or the preliminary hearing about your
17 testimony about drug use, that sort of thing.

18 A Uh-huh.

19 Q I think I have got that right.

03:06 20 A Yup.

21 Q And he refers to these questions:

22 "Q Can you tell us some of the other
23 things you have seen?

24 A Once I saw a car that wasn't there.

03:07 25 Q Once you saw a car that wasn't



1 there. So I gather there's a great
2 variety of things that you see that
3 aren't there?

4 A Yes.

03:07 5 Q Some things are there and you don't
6 see them and so on?

7 A Yes."

8 Do you recall that incident?

9 A Several times."

03:07 10 So it seems to be you are talking about when I'm
11 stoned on LSD sometimes I see things that aren't
12 there, sometimes I don't see things that are
13 there, it's happened several times?

14 A Correct.

03:07 15 Q That would be fair?

16 A Yes.

17 Q Then he goes on, questions continuing by Mr.
18 Hodson:

19 "Q Okay. And what -- tell us about that;
03:07 20 you saw a car that wasn't there?

21 A Yes.

22 Q When was that?

23 A Umm, in Regina. And then on the same
24 trip, then there was no cars there
03:08 25 when you knew there was, because it



1 was that time of the night where you
2 can't drive around the city without
3 seeing anything, but we did."

4 Again, you would be referring to a situation
03:08 5 where you are driving around, can't see any cars,
6 but obviously there are cars there?

7 A Yes.

8 Q Have I got that right?

9 A Yes.

03:08 10 Q The next page, carrying on then:

11 "Q So you drove around, you didn't see any
12 cars anywhere, and you knew that --

13 A Anywhere. And that was four people on
14 the same trip."

03:08 15 So this is a different occasion you are talking
16 about, four of you in the car driving around
17 stoned, nobody can see cars, but there's cars
18 there?

19 A Exactly.

03:08 20 Q Okay. And then he asks you:

21 "Q Okay. And so that's where you -- there
22 were cars there, but you didn't see
23 them, and I think you are talking
24 about --

03:08 25 A Yeah, and at other times there was



1 cars there that couldn't have been
2 there."

3 And then he asks you, this is Mr. Hodson:

4 "Q Did you have any of these experiences on
03:08 5 your January 31, 1969 trip? And when I
6 say "trip" I'm talking in the vehicle?

7 A I can't recall, because I was stoned,
8 so I can't recall."

9 That's the answer you gave?

03:09 10 A Yup.

11 Q That answer was accurate when you said that to Mr.
12 Hodson?

13 A Yeah. I can't recall.

14 Q That was a couple of weeks ago you said that?

03:09 15 A No, but what it says there, I can't recall if I
16 saw anything like that.

17 Q Oh, yeah, yeah, and you say the reason why you
18 can't recall is because you were stoned?

19 A True.

03:09 20 Q Would that be fair to say, that you were stoned,
21 you've already told us that, that may have
22 affected your recall of the events of January
23 31st, 1969?

24 A Slightly, yes.

03:09 25 Q Okay. But you didn't tell Detective Karst about



1 that?

2 A No.

3 Q If I can go back to the statement, please. In the
4 third paragraph there's a reference to you saying
03:10 5 that there was a conversation in Calgary at the
6 bus depot where Milgaard told him about a girl in
7 Saskatoon that he had grabbed and tried to take
8 her purse, however, she fought and he jabbed her
9 with a knife and he had put her purse in a trash
03:10 10 can and he thought she would be all right. I'm
11 correct that you did tell Detective Karst that?

12 A Yes.

13 Q And you've told us that no such admission, no such
14 story was told to you by David Milgaard?

03:10 15 A Correct.

16 Q That's not true what's there?

17 A Correct.

18 Q You made that up yourself?

19 A Yes.

03:10 20 Q But nonetheless, that's what you told Detective
21 Karst?

22 A Yes.

23 Q And what he's recorded is what you told him?

24 A Yes.

03:10 25 Q The next paragraph, this talks about May 24th when



1 a further interview took place:

2 "May 24th, 1969, further interviews were
3 again held with Wilson where he stated
4 he would like to change and add to
03:11 5 various parts of his statement given the
6 previous day. This was to the effect
7 that when they originally got to
8 Saskatoon, and had become stuck, Wilson
9 had said to Milgaard, "you go one way
03:11 10 for help, I'll go the other," and that
11 when he returned 10-15 minutes later
12 Milgaard had not yet returned, however,
13 Nickey was still in the car but in a
14 hysterical condition."

03:11 15 That's correct, that's what you would have told
16 Detective Karst?

17 A Yes.

18 Q And again, you've told us that some of this isn't
19 true, but that's nonetheless what you told him?

03:11 20 A Yes.

21 Q And then he's got:

22 "She had told Wilson that she saw
23 Milgaard drag a girl down the lane and
24 stab her with a knife, shortly after
03:12 25 that Milgaard returned to the vehicle



1 and sat beside Nickey."

2 And again, you would say that that's not true
3 either?

4 A Correct.

03:12 5 Q But that is what you told Detective Karst?

6 A I must have. I don't remember, but I must have.

7 Q You accept that that's what you told him?

8 A Yes.

9 Q And again, that would be something that you made
03:12 10 up?

11 A Yes.

12 Q So when I've gone through this report, you would
13 agree that it does accurately reflect what you
14 told Detective Karst during that time period, May
03:12 15 21st to 24th, 1969?

16 A Yes.

17 Q And it includes things which clearly implicate
18 David Milgaard; correct?

19 A Correct.

03:12 20 Q But it also includes things that would exonerate
21 him, things like you not seeing blood on his
22 pants; correct?

23 A Correct.

24 Q And I take it your testimony today is really
03:12 25 consistent with comments that you had made



1 previously about the police. I refer, for
2 example, if I can just have document -- I think
3 the one we've got is 022937. Have we got that?
4 At 978, sorry. Or if you don't have that one, the
03:13 5 other one we've got is 063619 which I think is the
6 same one. Right there, if you could highlight
7 that, please. This is the interview by the RCMP
8 with you.

9 "E. JORGENSEN: Do you hold any animosity
03:14 10 towards these men? How do you feel
11 about them today? If you walked past
12 Mr. Karst and Mr. Short on the street,
13 what would your feelings be?

14 Ron WILSON: My feelings would have been
03:14 15 that they were doing their job."

16 Do you recall saying that to the RCMP?

17 A Yes.

18 Q Would that be an accurate answer?

19 A Yes.

03:14 20 Q And that would still be your position today?

21 A Yes.

22 Q Similarly, as I understand, you expressed to the
23 RCMP the feeling -- you were aware that there was
24 a civil lawsuit going on, that some people were
03:14 25 being sued?



1 A I don't recall.

2 Q Okay. If we can go to -- I'm sorry, I've got
3 now -- this is a different doc number, 063619,
4 sorry, and if we can go to 709 I believe it's at,
03:15 5 at the bottom. Actually, if you can just go up to
6 the question above. It actually isn't relevant,
7 but leads into it. This is Officer Dyck:

8 "J. DYCK: You go ahead. I'm going to look
9 at my briefcase, too.

03:15 10 Ron WILSON: My thing on this, like what
11 David's doing now.

12 E. JORGENSEN: Say again.

13 Ron WILSON: I think, like, with this
14 law suit David's doing --"

03:15 15 So it appears as though you had some knowledge of
16 the lawsuit at least at that time, 1993?

17 A Yes.

18 Q Answer, "Yeah." And again, I don't know if there
19 was a lawsuit then or not, but there's a reference
03:16 20 to it here, "Yeah." If you could then go to the
21 next page.

22 "Ron WILSON: O.K. I don't think Karst and
23 Short should be in it, myself. They did
24 their job the best that they could, I
03:16 25 guess."



1 That would be an accurate statement?

2 A Yes.

3 Q You would agree with that today?

4 A Yes.

03:16 5 Q I've got a few more questions for you, Mr. Wilson.

6 In your statement that, the first statement

7 that you gave -- sorry, this would be the first

8 statement you gave in May of 1969. You gave a

9 statement originally in March, now your first

03:17 10 written statement in May of 1969.

11 A Yes.

12 Q Would I be correct that in that statement you do

13 not state anywhere, and you can look at the

14 statement if you want, that you didn't leave the

03:17 15 car? Do you want to look at the statement?

16 A Yes, please.

17 Q Sure. If we could put that up. I believe it's

18 065360. If we can just go to 361. I think this

19 is -- this is it here.

03:18 20 "Dave and I got out to push when we got

21 stuck but we couldn't get out. Dave

22 said he'd go for help and he left and

23 disappeared behind the car. About 15

24 minutes later Dave came back."

03:18 25 I don't understand you to say -- clearly you said



1 you were outside the car; correct?

2 A Yes.

3 Q And I don't see anywhere where you said that you
4 didn't leave as well to go get help?

03:18 5 A No, it's not there.

6 Q Later on you confirm that you in fact walked a
7 distance as well?

8 A Yes.

9 Q You got back before David got back?

03:18 10 A Yes.

11 Q Mr. Wolch suggested to you, and I'm not sure if
12 you followed this line of questioning or not, but
13 he suggested to you that if you had remained in
14 the car, you would have been a witness to it and
03:19 15 therefore they couldn't have used your evidence
16 that David made an admission in Calgary that he
17 had poked a girl, but she was all right. Would
18 you agree --

19 COMMISSIONER MacCALLUM: I'm sorry, I
03:19 20 didn't follow. Say it again, please?

21 MR. FOX: Sure.

22 COMMISSIONER MacCALLUM: I didn't follow
23 you, I'm sorry.

24 BY MR. FOX:

03:19 25 Q No, I appreciate it. What I was referring to,



1 Mr. Commissioner, and I'll try and direct the
2 witness to it, you were asked some questions by
3 Mr. Wolch about the suggestion being, well, you
4 must have come up with the idea that you left the
03:19 5 car. Your position was that you always had left
6 the car, David went one way and you went the other
7 way, that's your position and it's always been
8 that; am I correct?

9 A Yes.

03:19 10 Q Okay. The suggestion by Mr. Wolch was that, well,
11 the reason why you had to come up with coming out
12 of the car was because if you had remained in the
13 car, then you maybe would have seen what happened.
14 Nichol John says I'm in the car and saw David stab
03:20 15 someone; if you were in the car, then you could
16 have seen him stab someone too. Did you follow
17 that line of questioning?

18 A Yeah, I did.

19 Q And the suggestion was that it would be a heck of
03:20 20 a lot better evidence for you to report this
21 admission than to say that you actually sat in the
22 car and saw David Milgaard stab someone.

23 A Uh-huh.

24 Q Did you follow that?

03:20 25 A Yeah, I did.



1 Q Did it kind of seem to you that if the police
2 really wanted to nail David Milgaard to suggest
3 something to you, if Nichol John says I saw David
4 stab a girl while sitting in the car, the best
03:20 5 evidence you could have given to corroborate that
6 would have been to say, yeah, I was in the car and
7 saw it too.

8 A Exactly.

9 Q Yeah. But that isn't what you said.

03:20 10 A Exactly.

11 Q Do you know if the girl you talked to or the lady
12 you talked to, and there's been -- I'm not going
13 to ask you about how old she was -- but do you
14 know if that was Gail Miller?

03:21 15 A No, I don't.

16 Q Okay. And I've looked, I haven't actually seen
17 anywhere where you've ever said it was Gail
18 Miller.

19 A I don't think I was ever asked if it was Gail
03:21 20 Miller.

21 Q Okay. I'm asking you --

22 A And I would have said I don't know.

23 Q Okay. As much as you can say is you talked to a
24 lady and this conversation took place, you related
03:21 25 that to the police. Whether that was Gail Miller



1 or somebody else completely, you are not able to
2 say?

3 A No.

4 Q And have never said that?

03:21 5 A Correct.

6 Q And if I look in the police reports and the
7 statements that you've given, it's not recorded
8 anywhere that you said "I talked to Gail Miller
9 that morning"?

03:21 10 A Exactly.

11 Q Or that "We talked to girl Miller that morning"?

12 A True.

13 Q I've got a few more and I might be able to just
14 about finish up here. If you are okay,

03:22 15 Mr. Wilson, I've got a few more questions and then
16 I think I might finish today if I could.

17 A Okay.

18 Q But if you are not, then you say no and I'll check
19 with the Commissioner. Okay?

03:22 20 A Okay.

21 Q Okay. The suggestion was made to you, Mr. Wilson,
22 by both Mr. Wolch and certainly by Ms. McLean,
23 that you were brought here to Saskatoon to try and
24 get you to implicate David Milgaard, okay, to try
03:22 25 and nail down David Milgaard as the person who



1 killed Gail Miller, that was the suggestion that
2 was made to you. I'm going to suggest to you that
3 you were brought to Saskatoon to find out what did
4 you know, what actually could you tell the police
03:22 5 about what happened on January 31st, 1969. Are
6 you able to say one way or another whether that's
7 correct or not?

8 A No, I can't.

9 Q And the reason why I say that, like, I'm going to
03:23 10 -- document 001499 was put to you, if we could
11 just get that up, at page 502, right at the
12 bottom, suggestions, this is a conclusion that
13 comes from this document which summarizes
14 different theories and ideas and so on.

03:23 15 "Suggestions - Nichol John, Wilson and
16 Cadrain be brought to Saskatoon where,
17 with all present the true story can be
18 obtained even if hypnosis or polygraph
19 are necessary."

03:23 20 Okay. Now, we've got Albert Cadrain saying I
21 think David Milgaard did it, he had blood on his
22 clothes, you are saying he didn't have blood on
23 his clothes, Nichol John is saying no blood on
24 his clothes, something is not right here,
03:23 25 something is not making sense. The idea that the



1 police would try and find out the true story of
2 what happened, wouldn't that make a lot of sense
3 to you?

4 A Yes.

03:24 5 Q This was a horrible murder that took place, you
6 would want them to find out the true story;
7 correct?

8 A Yes.

9 Q And prior to you speaking to them in May of 1969,
03:24 10 they didn't have all of the story from you did
11 they?

12 A No.

13 Q If we could turn to Detective Karst's report of
14 April 18th, 1969, this is document 106661, if we
03:24 15 can turn to the second page of that report,
16 Detective Karst -- and this has been reviewed
17 already, but Detective Karst appears to put in his
18 report the inconsistencies and discrepancies that
19 exist. Paragraph here.

03:25 20 "Although there are many unanswered
21 questions with regard to Milgaard's
22 activities on that particular morning,
23 if one is to believe the girl, Nichol
24 John, and it appears that she is very
03:25 25 convincing with her story, there is no



1 way in which Milgaard can be connected
2 with this crime."

3 That's Detective Karst's report. That would be a
4 pretty fair statement you would agree?

03:25 5 A Yes.

6 Q Certainly one that's not implicating David
7 Milgaard, frankly it's a statement which would
8 exonerate him; correct?

9 A Correct.

03:25 10 Q If we can go down further:

11 "With regards to the above information
12 it now appears that further questioning
13 of Cadrain is warranted with regards to
14 the blood as both youths Milgaard and
03:25 15 Wilson along with the girl, Nichol John
16 deny that Milgaard had any blood on his
17 clothing, while Cadrain emphatically
18 states that he observed this blood."

19 Pretty fair assessment of the situation, Cadrain
03:26 20 says there is blood, you guys say there isn't
21 blood, let's find out what's really going on
22 here, and the suggestion is let's go back and
23 question Cadrain and see if he's telling us
24 what's accurate. That would be a reasonable
03:26 25 thing to do you would agree?



1 A Yes.

2 Q Go to the next page:

3 "Efforts should be made in the near
4 future to interrogate both or all 3 of
5 the Cadrain youths along with the
6 parents to ascertain with their stories
7 coincide when all are taken at separate
8 times and apart from one another."

9 Now, that's -- I'm sure Detective Karst wishes he
10 had drafted that paragraph grammatically a little
11 better, but I read it to say that we have to go
12 and question all of these people and find out
13 what they really can say. Would you agree that
14 that seemed like a pretty reasonable proposition
15 on April 18th, 1969?

16 A Yes.

17 Q You were asked about swearing your statement
18 before a justice of the peace, so the statement
19 you gave May 23rd, 1969, and you have no
20 recollection of doing that, I think you've told us
21 that?

22 A True.

23 Q Okay. One of the suggestions was, or there was
24 some questions raised as to why you may have done
25 that. Would you agree that one possible reason



1 for having you do that would be to drive home the
2 importance of being truthful in that statement?

3 A I would imagine, yes.

4 Q There were some questions asked of you, and the
03:27 5 suggestion put by Mr. Wolch, that the police were
6 fixated on David Milgaard and you said yes. Do
7 you have any knowledge as to what in fact the
8 totality of the police investigation was in 1969?

9 A No.

03:28 10 Q No. So who else they were looking at in terms of
11 leads or suspects or that sort of thing, you have
12 no knowledge of that?

13 A No.

14 Q I'm not going to -- I'll resist the temptation to
03:28 15 put 200 pages of reports to you to try and
16 establish that. Maybe somebody else will.

17 There was a suggestion made that
18 while some information should have been conveyed
19 to you that would have pointed to Mr. Milgaard's
03:28 20 innocence that you might have spoken differently
21 or treated the matter differently, Ms. McLean
22 suggested that to you, why weren't you told that
23 Nichol John said she saw no blood, that sort of
24 thing. Do you recall that line of questioning?

03:28 25 A Yes.



1 Q I take it, and I think you've already said, you
2 weren't told of the totality of the evidence
3 against Mr. Milgaard either were you?

4 A Correct.

03:28 5 Q We've heard evidence that the police, for example,
6 had information from both Nichol John and Sharon
7 Williams about sexual activity between Mr.
8 Milgaard and the two of them which was of less
9 than a consensual nature. Were you told anything
03:29 10 about that by the police?

11 A No.

12 Q I mean, that would have come as a bit of a
13 surprise to you I take it, you didn't have any
14 knowledge of that?

03:29 15 A True.

16 Q But had that been -- if the police wanted to sit
17 down and convince you that David Milgaard must
18 have been the guy who did that, talking about what
19 he may have done with Nichol John or Sharon
03:29 20 Williams on previous occasions that might have
21 suggested non-consensual sex might have helped
22 convince you of that; correct?

23 A Yes.

24 Q That wasn't done, they didn't tell you anything
03:29 25 about that?



1 A Correct.

2 Q You were asked some questions about a toque being
3 found, Ms. McLean said to you that Detective Karst
4 found a toque. In fact, I think the evidence is
03:30 5 that the Albert Cadrain neighbour found a toque,
6 it was turned over to the police, Detective Karst
7 eventually ended up with it. That toque was found
8 I think in the yard next door to the Cadrain
9 residence and it appeared to have blood on it, it
03:30 10 turns out it did have blood on it, it couldn't be
11 typed or whatever. Did you see anything unusual
12 about the police asking you or your family or
13 anybody else about, you know, do you recognize
14 this toque or did anybody have a toque on that
03:30 15 day?

16 A No.

17 Q That would sort of make sense wouldn't it?

18 A Yes, it would.

19 Q Similarly, you told the police about a knife that
03:30 20 you saw in David Milgaard's possession travelling
21 from Regina to Saskatoon. Wouldn't it make just
22 an awful lot of sense that there would be a lot of
23 questions asked about where did that knife come
24 from, did anybody else see that knife, that sort
03:31 25 of thing?



1 A Yes.

2 Q If I can just be one second. I think I'm just
3 about done, Mr. Commissioner, if I can just take
4 one second, I'll take a quick look at my notes
03:31 5 here.

6 Mr. Wilson, Ms. McLean suggested
7 to you that the police brought you to Saskatoon
8 because they needed to get from you opportunity,
9 motive and means for David Milgaard to have
03:31 10 committed this offence, okay, they needed to get
11 that from you, that was her suggestion, okay. If
12 we look at opportunity, you've already indicated
13 that the morning of January 31st, 1969 you were in
14 the vicinity where Gail Miller was murdered, that
03:32 15 was known prior to May of 1969 wasn't it?

16 A Yes.

17 Q You told them that March 3rd, '69?

18 A Yes.

19 Q Albert Cadrain told them it, you confirmed it?

03:32 20 A Yes.

21 Q You didn't really need opportunity, they already
22 had that; correct?

23 A Correct.

24 Q You subsequently told them that the two of you had
03:32 25 separated and gone your separate ways. You got



1 stuck, David went one way, you went a different
2 way; you recall that?

3 A Yes.

4 Q That's not something the police suggested or made
03:32 5 up, that's fact, that's something you told them?

6 A Yes.

7 Q And it may very well be something that David told
8 his lawyer as well, we'll hear more about that
9 later, but that's not something that came from the
03:33 10 police; correct?

11 A Correct.

12 Q So opportunity existed there, had nothing to do
13 with what the police said or did.

14 Motive, you've told us that one
03:33 15 of the thoughts about how you might get money was
16 to roll someone, that was a possibility, that was
17 something you were looking at possibly doing;
18 correct?

19 A Correct.

03:33 20 Q David subsequently confirmed that in his statement
21 to his lawyer, that he in fact looked at this lady
22 who they talked to as someone who he might think
23 about robbing, so motive didn't come from the
24 police, motive came from you; correct?

03:33 25 A Correct.



1 Q And was confirmed, frankly, we know now, by David
2 in his conversations with his lawyer.

3 Means, the means to commit the
4 offence was the knife. You told them about the
03:33 5 knife; correct?

6 A Yes.

7 Q And your position still is that David Milgaard had
8 a knife when you were travelling from Regina to
9 Saskatoon; correct?

03:34 10 A Correct.

11 Q They didn't suggest anything to you, they didn't
12 put anything in your head, that's something you
13 supplied and to the best of your ability that's
14 still an accurate statement today?

03:34 15 A Yes.

16 Q So if we look at opportunity, motive and means,
17 none of those had to originate from the police
18 because they all were facts that came from you and
19 frankly were, in large part, confirmed by Mr.
03:34 20 Milgaard as well; you would agree with that?

21 A Yes.

22 MR. FOX: Thank you, Mr. Wilson. Those are
23 all the questions I have.

24 COMMISSIONER MacCALLUM: Thank you very
03:34 25 much, Mr. Fox. We'll adjourn now until -- where



1 are we here -- Monday at one o'clock and have a
2 pleasant weekend.

3 Counsel, I have invited two
4 Edmonton lawyers to ride with me to the airport.
5 I hope you won't take that as an expression of
6 bias. In fact, if anybody else is brave enough
7 to ride with me, they can do that sometime too.

8 *(Adjourned at 3:34 p.m.)*
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OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:

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

_____, CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

_____, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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