# Commission of Inquiry <br> Into the Wrongful <br> Conviction of David Milgaard <br> before 

THE HONOURABLE MR. JUSTICE EDWARD P. MacCALLUM
and
Testimony before the Commission
sitting at the
Delta Bessborough Hotel at
Saskatoon, Saskatchewan

On Tuesday, April 12th, 2005
Volume 38
Inquiry Proceedings

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## Appearances:


(Retired)
Mr. Kenneth Watson, Esq., for Ronald Dale Wilson

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## Transcript of Proceedings

(Reconvened at 10:00 a.m.)
COMMISSIONER MacCALLUM: Good morning.
ALL COUNSEL: Good morning.
COMMISSIONER MacCALLUM: Mr. Pringle?
RONALD DALE WILSON, continued:

## BY MR. PRINGLE:

Thank you, sir. If we could go back to document 004752 , please; would you highlight that area, please. Mr. Wilson, this is the newspaper article I referred to you yesterday from the Winnipeg Free Press dated July 17th, 1990, and this is the article where you made the comment to a reporter that you feel that, if you had been cross-examined on your first statement, you believe that Mr. Tallis could have broken you down on the witness stand. And, in that same article, Mr. Asper is commenting on that subject; do you note that in the middle column?

Yes.
Did you -- he is commenting on that same article; did you discuss that subject with Mr. Asper?

I can't recall if $I$ did or not.
When you made that comment, could that comment have come from Mr. Asper, in other words you were
told about this problem and that's the reason you made this comment to the reporter?

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Q

I don't believe so, no.
You recall, yesterday, that $I$ put a portion of your cross-examination to you where you were asked about your -- about the discussions you had with Inspector Riddell of the RCMP, and in that portion of the cross-examination at the trial you had indicated that, in that statement you had given to Inspector Riddell, that you had indicated that David Milgaard had not committed the murder; do you remember that?

Correct.
When you were asked about that at the trial, asked about that statement at the trial, why didn't you, at that point in time when you admitted that in that statement you had given to Inspector Riddell that David Milgaard had not committed the murder, why didn't you break down at that point and advise the Court that he had, indeed, not committed the murder?

No idea.
Okay. I think, Mr. Wilson, it would seem that by the time of -- the trial came along, by that point in time you had given evidence confirming the May
$23 r d$ and May $24 t h$ statements at the preliminary hearing, and by the time the trial came along, you know, your approach at that point in time was just to continue with what you were saying at the preliminary hearing, and you were going to do that no matter how you were cross-examined?

I can't say that for sure.
Okay. But isn't it fair to say that, you know, as we discussed yesterday, that right prevalent in your thinking at that point in time is the fear of being charged with perjury or obstruction of justice for giving a contradictory statement? Sure.

Those are all charges under the Criminal Code, and you were very concerned that you could receive a big jail term if you started deviating from the May $23 r d$ and May $24 t h$ statements, and also the evidence that you had earlier given under oath at a preliminary inquiry?

Correct.

And $I$ put it to you that, no matter how you were cross-examined, you were going to stick with that story because of your fear of getting into that type of trouble?

I can't say that for sure.

Q
And we talked yesterday about your minimizing the use of drugs to, you know, to what $I$ was arguing, enhance your testimony to make it more believable at the trial. I wonder if we could call up, this is a document number 120748, I believe it's page 125114. Now I have got the, once again $I$ have got the wrong number, sorry. This is 125114, is the examination of you by Mr. Williams -- sorry, I have got the Supreme Court document. Thank you very much, I appreciate your help over there. COMMISSIONER MacCALLUM: 125144? MR. PRINGLE: 114, 125114, sorry.

BY MR. PRINGLE:
And just to get an idea of sort of the magnitude that you were prepared to go, I would like to read you a portion of your testimony when Mr. Williams was interviewing you, and it states here, the question was:
"Q At various points in the trial, and without being specific, you gave estimates of the amount of drugs you had been using. You have reread those estimates I presume?

A Yes, I have."
And, Mr. Wilson, it's true you reread your
testimony before you were examined by Mr.
Williams; is that right?
Right.
And then the next question:
"Q How would you compare what your actual usage of drugs was compared to the evidence you gave at the trial?

A About ten-fold over.
Q Are you were using in fact far more drugs than you let on at the trial?

A Yes. I was also using it in gaol which $I$ didn't tell them at the time.

Q At one point $I$ believe you denied you used them in gaol?

A Yes."
And is it fair to say that, at one point, Mr. Tallis asked you if you were using drugs in jail and you lied about that too?

I don't, I don't recall that question.
Okay. But you acknowledge giving this portion of testimony to Mr. Williams when he interviewed you?

You said yesterday that you, in answer to questions from Mr. O'Keefe, that you thought that the defence maybe should have gone out and found
out more about your drug usage?
A
Q

Right.
Nobody asked you whether you were trafficking in drugs at the trial; did they?

A

Q
And you certainly had the opportunity, on the witness stand, to tell the truth about the use of your drugs?

No.
Now with respect to your testimony about getting

25
stuck at the first -- on the first occasion when you and David got out of the trial -- got out of the car?

A
Q

A

Q

A

Q

A

Q

Q

Yes.
And do you remember how that was handled in cross-examination?

No $I$ don't.
You don't? Okay. Do you remember that Mr. Tallis estab -- went through some questions indicating that, and maybe this will help refresh your memory, remember he went through some questions wherein you admitted that you had walked down the alley where the body was found with the police, the police had taken you there?

I vaguely recall that, yes.
Okay. And do you remember testifying in cross-examination that the car did not get stuck in that alley?

I believe so, yes.
So that was, that was a fairly important thing to establish for the defence, is that not fair to say?

Yes.
And you recall that Mr . Tallis was able to establish that through you?

A Yes.

Q

And he also established in cross-examination that the police had showed you Ms. Miller's clothing, particularly the coat, right?

A
$Q$
And he was also able to establish that the police were taking you down the alley, showing you the alley where this incident happened?

Yes.
And he also was able to, through your cross-examination he was also able to establish that -- and almost -- he was also able to establish that you were together with Nichol John for a period of time in Saskatoon at the time of the lie detector tests?

Yes.
So he was able to establish that there was an opportunity for you and Nichol to discuss this matter?

Yes.
And he had also established in cross-examination that the police had showed you some knives?

Correct.

Yes.
And he also established in cross-examination that you were shown where the body was found? 25

A Yes.

Q

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Q

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Q

And he also was able to establish in
cross-examination that you were shown where, a trash can where the purse was located, and told the purse was located in that trash can? Correct.

So, you know, it's obvious that he was working on
the fact that you were getting information from the police that contributed to the statements and the testimony that you provided?

Yes.
And when he was developing that theme in his cross-examination, you at no point had told the Court that the police had manipulated you into giving this testimony did you?

Correct.
And do you remember at the outset of your cross-examination, do you remember the position you took at trial as to how far you walked once you got stuck the first time? Do you remember saying that you walked four to five blocks and then turned around and came back?

Yes.
And do you remember saying that you were away for about 15 minutes?

A Yes.
Q

And he also established that in cross-examination from your testimony, that David had not been wearing a toque that day?

A
I believe so.

|  | 1 | Q | And that David, when he came back to the car, |
| :---: | :---: | :---: | :---: |
|  | 2 |  | didn't have any blood on his hands or his jacket |
|  | 3 |  | or anything like that? |
|  | 4 | A | Correct. |
| 10:18 | 5 | $Q$ | Didn't have a knife with him when he came back to |
|  | 6 |  | the car? |
|  | 7 | A | Correct. |
|  | 8 | $Q$ | And his cross-examination was quite lengthy and |
|  | 9 |  | covered a lot of different areas didn't it? |
| 10:18 | 10 | A | I can't remember. |
|  | 11 | $Q$ | Can't remember. Now if we could turn to a |
|  | 12 |  | document, 052969 , I think $I$ have the right number |
|  | 13 |  | this time, this is the statement you provided to |
|  | 14 |  | Mr. Henderson, Mr. Wilson, and on page 3 of that |
| 10:19 | 15 |  | statement, if we could go there, please, the last |
|  | 16 |  | page, that's -- thank you -- you say at the top |
|  | 17 |  | there, you were talking about the portion of your |
|  | 18 |  | testimony where you stated: |
|  | 19 |  | "- that someone found a woman's compact |
| 10:20 | 20 |  | in the glove compartment of the car |
|  | 21 |  | after we left Saskatoon." |
|  | 22 |  | And you notice the words you use there: |
|  | 23 |  | "I have no independent recollection |
|  | 24 |  | today of this having occurred." |
| 10:20 | 25 |  | Now, those words "independent recollection", do |
|  |  |  | $\qquad$ M eyer CompuCourt Reporting <br> Certified Professional Court Reporters serving P.A., Regina \& Saskatoon since 1980 Central Booking - Call Irene @ 1-800-667-6777 or go to www.compucourt.tv |

those words come from Mr. Henderson or are they yours?

A

Q

A
$Q$

No. I had suggestions about the purse, but not
"hit a girl" or "got a girl".
But those words are yours; are they not?
Yes, they are.

Q

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Q

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Q

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Q
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Q
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Q

The police didn't say, Mr. Wilson, you give us a statement saying that Milgaard hit a girl or got a girl, they didn't say that to you?

No, they didn't.
And then if we could go down near the bottom, please, go down a bit, please, you say here:
"Although he has suffered the most, I feel that $I$ was also a victim of this case."

Now, I put it to you that those aren't your words, they are Mr. Henderson's words.

No, those are my words.
You feel you are a victim?
Yes, I did.
You haven't been charged with anything?
No.
You weren't sued by anybody?
No.
And you somehow feel you are a victim?
Yes.
And so let's be clear here. At times you come off as somebody who feels quite sorry and remorseful for what you've done, but are you not accepting responsibility for what you've done here, are you saying that other people are responsible for your
perjury?

A
$Q$

A

Q
A
Q

A
Q

A
Q

No, I accept some of it too also myself.
But when you say you are a victim, how could you possibly say you are a victim for what they -Because I lived with this for many years and that's why it made me feel like a victim.

You've lived with it for many years?
Yes.
I mean, your feelings of guilt about it, that's what you mean; is that what you are saying?

Correct.
You are not suggesting that somebody else is responsible for your perjury, you are taking responsibility for it yourself?

Yes.
Now if we could go back to document 065361 , please, this is the May $23 r d, 1969$ statement that you provided to the police, and I talked yesterday about how some of the portions of the statement are subtle and let's talk about how you came up with some of this information. Would it be fair to say that this statement is, the composition of this statement is partly what happened and partly stuff that you made up?

Correct.

Q

A
Q

A
Q

A
$Q$


For instance, the break-in at Aylesbury is something that happened; right?

Correct.
Getting stuck the first time and you and David getting out is something that happened? Yes.

I would suggest that the compact -- seeing the compact, the incident involving the compact in driving to Calgary is also something that happened, particularly when you take a look at the description that you provided, the very detailed description you provided, that isn't something you would make up?

I just don't recall that.
But it's likely something you wouldn't make up, you know, the type of detailed description you provided there?

I don't recall.
And then another part of the statement, on the way to Saskatoon where you indicated we discussed B \& E's, rolling someone or purse snatching for money, now, $I$ get the impression your thinking now, Mr. Wilson, is that you are not the type of person that would engage in purse snatching, that's not your thing and you are thinking back, but as far
as actually what was discussed between you and Milgaard, could that comment have actually been made?

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Q

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Q
I don't believe so.
But you are not sure?
No.
It could have been a comment that Milgaard made
instead of you; right?
It could have.
And the addition that you've had where you make
the offhand remark "stupid bitch", do you know
whether you made that up or whether that is
something that could have happened?
I made that up.
You made that up?
Yes.
You are sure about that?
Yes.
And there's certainly some other stuff in this
statement that, you know, you clearly indicate you
made up, for instance, about him, he may have got
the knife from the Champs Hotel, that's clearly
made up; right?
Correct.
And when you say in the statement about 15 minutes
later Dave and $I$ came back, or the 15 minute time period in the statement, you made that up too?

A

Q

A
Q

A

Q

A
$Q$
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Q

A
$Q$ Yes.

And when you quote David as saying "I got her" or "I fixed her", you made up those words? Correct.

And those words were carefully made up; is that fair to say?

I don't think they were carefully made up, just how it came out.

You must have thought about those words before you --

I don't believe so.
-- gave them?
I don't believe so, no.
You must have thought it would sound more believable if $I$ restrained what $I$ was saying a little bit?

I don't know what $I$ thought back then.
This statement that you've provided, Mr. Wilson, I submit to you it's a very careful statement where you combine some things that happened and then you add on to it some downplayed items, downplayed circumstantial items and some downplayed admissions from David to make him look guilty.

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$Q$

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$Q$

I don't recall.
You don't recall?
No.
In any event, would you agree with me that a statement such as this is a lot more, would result in a lot more effective testimony than if you were coming up with something a lot more obvious?

I couldn't say.
Now, you provide the police with this statement, you go into court and testify at the preliminary inquiry, and there was no publication ban at the preliminary inquiry was there?

I don't know.
Pardon me?
I don't know.
The testimony was being reported wasn't it?
I don't know. I was in jail.
And when you were at the -- you were in jail at the time and you are saying that there was no impact in jail for you being taken to Saskatoon to give evidence in this matter?

Could you repeat that?
There was no impact amongst the other prisoners? No .

Surely it must have been something that concerned

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$Q$
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Q

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Q
you though that they would find out --
No.
-- that you are providing testimony against somebody on a murder trial when you are in jail?

No.
Why wouldn't that concern you?
Because $I$ was dealing drugs at the time in the jail, so nobody bothered me.

And you were dealing drugs in Fort Saskatchewan jail?

Yes.
You had a contact there?
Yes.
Who was your contact?
Some people.
You had contacts in Edmonton as opposed to Saskatchewan?

I had contacts everywhere.
And you get to the trial and this is a
high-profile trial, you've just joined a bike gang
a couple of months earlier?
Yes.
Surely the members of the bike gang wouldn't be very happy about having one of their members
testifying for the Crown at a murder trial?

A

You said yesterday that you don't remember telling the police on the drive up to the trial about the contribution that Lapchuk and Melnyk had made? proceed with that testimony and put him away?

I don't know.

A
Q

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Q

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Q

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Q

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Q

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Q

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Q

Correct.
Let's just think about this. You are under oath at this proceeding here today?

Correct.

And you are saying under oath that you can't remember telling the police about the fact that Lapchuk and Melnyk could be co-operative witnesses in this matter?

Correct.
You are saying you -- surely you would have a recollection of that, sir?

No, I don't.
You are just denying it because it doesn't look good aren't you?

No.
You are saying that you can't recall that drive up
there and this is a pretty big thing, you are
telling the police that Lapchuk and Melnyk would
be good witnesses for the prosecution?
I don't recall it at all.
You are doing this, you know, shortly before the
trial and then they go out and get Lapchuk and
Melnyk and add them to the witness list?
I just don't recall.
You don't recall that?

And I put it to you that in the lengthy cross-examination that Mr. Tallis, Mr. Tallis conducted, you could have waffled on things and you didn't, you stuck to the line you had in those May $23 r d / M a y 24 t h$ statements, you didn't waffle, in fact you tried to improve your testimony from going from 5 to 15 minutes at the trial, he caught you; you increased the amount of drugs -- you minimized the amount of drugs you were using, and you didn't waffle from the rest of the story? Correct.

And you had ample opportunity to do that because he questioned you for a long time; didn't he? Yes, he did.

And you had that opportunity but you did not do it?

Correct.

Q Thank you. Those are my questions, sir.
COMMISSIONER MacCALLUM: Thank you. I lost my list. I guess it's yours, Ms. Knox.

BY MS. KNOX:
Mr. Wilson, are you okay to start, or would you like a break before I get started?

Could I have a short one?
If that's okay with the Commissioner, and I'll
take a few minutes to get a little more organized, and Mr. Wilson can have a bit of a reprieve?

COMMISSIONER MacCALLUM: All right. Mr. Wilson, you have only been going 35 minutes now, I mean in session, so this will be the only break. 15 minutes. (Adjourned at 10:36 a.m.) (Reconvened at 10:53 a.m.)

BY MS. KNOX:
Thank you, Mr. Commissioner. And, Mr. Wilson, you will probably know by now my name, I'm Katherine Knox?

And I am the counsel who is representing Mr. Caldwell, and you remember him, through these proceedings and previous reviews of the file, to be the prosecutor who worked with you at the


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$Q$

preliminary inquiry and the trial; is that correct?

Yes.

Okay. Now, before $I$ start, $I$ just want to sort of explain to you a little bit about what $I$ am going to try to do. I'm not looking for you to be on my team, I'm not looking for you to give me any answers that you are not comfortable with in terms of the questions $I$ ask you, what $I$ would ask you to do, however, is to take some time, think about my question, and try to answer from the best that you remember as opposed to how you think it must have been.

Correct.

Okay. And sometimes I'm going to say to you that, now we're talking about stuff that happened in 1969, and I'm going to say to you "do you have a clear memory of that", because if you are like most of us, when you are asked to look back a week, much less 35 years, you don't get pictures in your head of the way things were back then, you get bits and pieces and you try to put them together. Is that how your memory comes back to you?

Sometimes.

Q Yeah, okay. There is a couple of times, and I'll deal with the specifics, there is a couple of times in interviews that $I$ am going to take you to where you actually say to a person who is interviewing you that "Mr. Caldwell said", and you give a sentence, a quote, "he said to me", and I'll say for an example, you know, "what colour is the", you know, "the curtains at the hotel room window", and you actually give a verbatim statement. Do you actually remember anything, verbatim, that you and he talked about back in 1970 prior to the trial?

Yes.
You have actual sentences in your memory?
Yes.
You are sure about that?
Yes.
Okay. Now, before $I$ start doing my examination that $I$ had planned for you $I$ want to pick up on one area that was covered by Mr. Pringle this morning, and he asked you -- and it's been covered by others -- but he asked you about your memory of whether you had told the police, back in 1970, that George Lapchuk and Craig Melnyk were saying that they saw David Milgaard do a reenactment of

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$Q$

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Q
the murder; do you remember that question?
Yes I do.
And you said to him that you don't have any memory of telling the police that?

No I don't.
I get the impression, as $I$ listen to you and as you have given answers on that before, that you are inclined to believe or you need to believe that you didn't do that; is that fair?

No, $I$ just don't recall it.
Okay. I'm going to ask to bring up a document, and the number is 007070 , and $I{ }^{\prime} m$ going to give you a little time to look at it because the first question $I$ 'm going to have for you is "have you ever seen it before".

Okay. Could I get that blown up, please? Okay. If we could start with the first paragraph and have it enlarged for the witness, you can just read it over to yourself if you want, or $I$ could read it to you.

Scroll up, please?
Could we scroll it, please. And the last part
doesn't really have to do with you, but the first paragraphs have to do with Mr. Caldwell making a telephone call to Mr. Tallis on the evening that
you were driven from Regina to Saskatoon for the trial because he has just come into possession of new information, and it's about your friends Craig and George and the girl Debbie Hall and a girl Ute Frank, who $I$ don't know if you knew or not; okay? Correct.

Do you see that?

Yes.

Now we have, and $I$ don't have the exhibit number in front of me, but you have been shown a copy of a police report from that time frame where the police officer documented it was you who told him about Lapchuk and Melnyk; right?

Yes, I've seen it.
Okay. So you agree with me that there is a police report that was made $I$ think a couple days, or after this, that documented that you had told him about these two characters?

Correct.

Up to that point in time they were friends of yours; correct?

Yes.

But there was nothing about anything that you or anybody, to your knowledge, had told the police that would involve them in this investigation?

Not that $I$ recall, no.
Okay. Would you agree with me, looking at this letter and knowing the police report that you have previously reviewed, that there is a really good possibility that you are the one who told the police about that motel reenactment?

It's a good possibility but I still don't recall it.

Okay. And would you agree with me that, whether it was you who told them or somebody else who told them, that for a prosecutor to get that kind of information the night before a major trial starts, that not only is there the evidence that he believed he had to present to the jury from you and Nichol and Shorty Cadrain that came from the January 31 st, 1969 day, but there is also evidence that he may be able to get from people who saw the accused reenact the murder five months later, four months later?

I'll agree with that, yes.
Yeah. That's a pretty significant piece of evidence to find?

Yes.
Okay. Now according to this letter it came to him out of the blue, he extended the courtesy that he

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$Q$

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$Q$

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$Q$
contacted Mr. Milgaard's lawyer right away, you agree with that?

Yes.
Okay. So, in terms of the dealings that he subsequently had with you, would you think it's possible that he might be influenced, in his assessment of your truthfulness, that this story turned out to be true?

I couldn't say.
Okay. Then this document can be put down, now, if -- I don't have any need to refer to it further. The next area $I$ want to go with you, if $I$ may, is $I$ want to talk to you a little bit about the evidence that you have given specifically with respect to Mr. Caldwell, and I'll try to stick with that as much as $I$ can; okay?

Okay.
Okay. Mr. Commissioner, I'm going to do -- and I have given the staff kind of a list of pages of transcript because, to a certain extent, I'm going to take a walk through your transcript of what you have said here in the hearing room; okay? Okay.

Because I don't want you to get any impression
that I am trying to trick you, I want to show you what you have said in this hearing room about my client, okay?

Okay.
Okay. Now the first transcript that $I$ want to have called up is from March 17th, 2005, and it's at page 5718. Sorry, Mr. Commissioner, I didn't copy these pages and I'm having a little trouble finding it. Actually, if $I$ could go to 5722, please. Now do you recall telling the -- and I'm going to take you to line 15 in that transcript, okay, do you want to take a minute to read it over? Do you remember Mr. Hodson asking you if you had had any recollection of meeting the prosecutor before the preliminary inquiry? Correct.

And you indicated to them that you didn't meet with him because -- and you said it was because you were in custody?

Correct.
You were escorted from Fort Saskatchewan?
Yes.
And you were kept in the holding cells in Saskatoon?

Correct.

A

So all that time you were in police custody?

Okay. You didn't indicate that he said anything to you about what you should say?

Correct.
He asked you if you were sure about the time? you, he asked you if you were sure about the time? Correct.

A Yes.

Q
Okay. Now you have been shown various pieces of documentation that we have here about what you said back in 1969 and 1970 about the time; you remember that?

Correct.
Do you remember that when you gave your, had your initial contact -- not your initial contact but your contact with the police in May, and in particular on May $23 r d$ when you gave your first statement, you said that you were away from the car about 15 minutes?

Correct.
Okay. Do you remember that when you testified at the preliminary inquiry and you were asked on cross -- on direct examination by Mr. Caldwell how long you'd been away from the car you told him 5 to 10 minutes?

Correct.
Okay. Subsequently, in cross-examination, do you remember that Mr . Tallis asked you, he challenged you on your time, basically, and said, you know, "are you sure it was four or five blocks", you said "it might have been 2 1/2", and he said "so how long were you away from the car", and you said
to him, then, 5 minutes?

A
Q

Correct.
Okay. Now, do you realize that neither Mr. Tallis nor Mr. Caldwell asked the question of you at the preliminary inquiry as to how long Mr. Milgaard was away from the car after you got back?

I don't recall, no.
Okay. So I'm going to suggest to you, and I can bring up the transcript, that there is no question asked of you at the preliminary inquiry by either counsel as to how long you were -- sorry, Mr. Milgaard was away from the car?

Okay.
And trust me, I'm not tricking you on that because everybody here has the transcript.

Okay.
And they are going to know that I'm not misstating it for you. You agree with me that your evidence was you got back to the car first?

Yes.
And you still agree to this day that Mr. Milgaard came back a bit of time after you and there's been different times you've given different estimates of time?

Yes.

Q

Okay. Now, in respect of the questions that he was asking you, you've at other times suggested that he told you to stretch the time. I'm going
to suggest to you that what Mr . Caldwell said to you or what he did with you was exactly what you told Mr. Hodson when you gave your first answers here, he questioned you as to how sure you were about the time?

Correct.
Okay. And, sir, when you went into the courtroom and you gave your testimony at trial, you gave testimony that you were away from the car about -you changed back from what you had told Mr. Tallis at the prelim didn't you, you expanded it from five minutes back to maybe 10 minutes, thereabouts?

Yes.
And at the trial you were asked how long Mr. Milgaard was away from the car or how long after you he got back and you said five to six minutes? I don't recall.

Well, the transcript, and again $I$ can bring it up if you wish to see, the transcript indicated that you said five to six minutes and there was a question of you -- there was a question asked as to whether or not when you said your original time estimate you included, that was total time, I believe the Court asked that, and ultimately the

|  | 1 |  | total time that you gave at the trial was about 15 |
| :---: | :---: | :---: | :---: |
|  | 2 |  | minutes. |
|  | 3 | A | Correct. |
|  | 4 | $Q$ | So what you said at the trial was what you had |
| 11:07 | 5 |  | said to the police officer in May, 1969? |
|  | 6 | A | Correct. |
|  | 7 | 2 | And it was part of what you had said at the |
|  | 8 |  | preliminary inquiry, but unfortunately at the |
|  | 9 |  | preliminary inquiry your evidence was only about |
| 11:07 | 10 |  | how long you were away. |
|  | 11 | A | Okay, right. |
|  | 12 | $Q$ | So if you had added at the preliminary inquiry |
|  | 13 |  | that little bit of time that David was away after |
|  | 14 |  | you got back, $I^{\prime}$ m going to suggest to you that |
| 11:07 | 15 |  | based on what you said at the trial there would |
|  | 16 |  | have been no difference between your testimony at |
|  | 17 |  | the preliminary inquiry, or there would have been |
|  | 18 |  | little difference between your testimony at the |
|  | 19 |  | preliminary inquiry and what you gave at the |
| 11:07 | 20 |  | trial? |
|  | 21 | A | Correct. |
|  | 22 | $Q$ | Because throughout you never indicated to anyone, |
|  | 23 |  | Mr. Tallis, the police or Mr. Caldwell, that you |
|  | 24 |  | and David together were away from the car for more |
| 11:08 | 25 |  | than 15, 16 minutes? |
|  |  |  | $\qquad$ M eyer CompuCourt Reporting Certified Professional Court Reporters serving P.A., Regina \& Saskatoon since 1980 Central Booking - Call Irene @ 1-800-667-6777 or go to www.compucourt.tv |



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 Correct.

Okay. So when you say that Mr. Caldwell told you to stretch your time, and you've used that language here, I'm going to suggest to you that what he said to you was are you sure about the time, he asked you, as prosecutors want to do when there's conflicts, to think about it and to be sure about how long you were away and how long he was away, and you simply said what was your original estimate, which was the 15 minutes. Yes.

Okay. Now, at various times again when you've been questioned, and $I$ want to refer you to the transcript at page 6002 , this is March 22 nd transcript, and there's a question asked at question 7, I'll ask the staff to bring it up, Mr. Hodson asked you at question 7 :
"Q Did the prosecutor Mr. Caldwell do anything at all to cause you to lie at trial?"

And your answer was:
"A Just suggesting to me about the length of time that we were separated."

And I'm going to suggest to you again that this is really a pretty good answer because what he
asked you to do was to be sure about the time that you were separated and if you could be sure to give that evidence, but he didn't tell you to lie did he?

Correct.

And he didn't tell you to stretch, he told you to make sure to the best of your ability?

Yes.

Okay. If $I$ could go now to the transcript from March $23 r d$-- and this, Mr. Commissioner, for the record, is the day that Mr. Wilson was not present, we played the interview that the police did with him in 1993.

COMMISSIONER MacCALLUM: Yes.

BY MS. KNOX:

And, Mr. Wilson, just so that we're clear here, I understand that you weren't here in the hearing room on March $23 r d$, but you listened to it in Mr. Hodson's office the next week before you started giving testimony?

Correct.

And you remember being interviewed by constable Jorgenson and Constable Dyck in 1993 about some of the things that you had said in '69, things that you had said at trial in ' 70 , things that you had
said to Mr . Henderson in 1990 , things that you said to Mr. Williams in 1990, your testimony at the Supreme Court in 1992?

Yes.
Okay. He took you through a whole bunch of stuff? Yes, he did.

Okay. Now, I'm going to ask if I could go to page 6193 of the transcript of your interview with the RCMP as it's recorded here, and we have to use paper copies because the staff didn't bring the electronic copy, okay, so it's going to be a little bit different, but Constable Jorgenson -question 21 on that list -- he started asking you at the bottom of that page, if I'm following this transcript as $I$ followed it on the internet this morning, he started asking you about how long, what you had said about how long you were separated?

Yes.
Okay. And at the bottom at 21 he says, not having the opportunity to show you, because he's talking to you over the telephone, in some final questioning that was done, and he's referring to your testimony in Supreme Court of Canada in 1992, he asked you, do you agree that you and David
could have been separated for up to 10 to 15 minutes, and if we could go to the next page, please, and at line 1, and if $I$ could just sort of get you to look here, can you just read to yourself for a minute what kind of responses you started giving to the police officer at that time in 1993?

Yes, I see that.
What you said is that the prosecutor came up to your room and kind of, how could $I$ put it -- at that time talked me into extending the time period, and then he asked you some more questions about that, and I'm going to suggest to you that when you stated that in that manner to the police officer in 1993, you were misstating a bit what happened because he didn't suggest to you to extend it, he asked you to make sure that your evidence about the time was accurate to the best of your ability.

Correct.
Okay. So this is kind of an unfortunate use of language, but in fairness to you, you had been questioned about this a bazillion times, you were getting pretty tired of being questioned, and you particularly didn't want to talk to these police
officers?

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Correct.
Okay. But you are agreeing that this is a little bit unfair in terms of the characterization you put on what happened with Mr. Caldwell prior to the trial?

Yes.
Okay. And then Constable Jorgenson -- and, Mr. Commissioner, Constable Jorgenson went on at some lengths through pages 6195 and 6196 going over with you again to clarify the meeting with the prosecutor -- and if $I$ could take you to page 6196, please, starting at line 5, and Constable Dyck this time is asking you the questions and he's asking you to clarify what the prosecutor did with you that day before the trial. Do you see that?

Yes.
And it says here, I said to you earlier, you gave some exact quotes as to what Mr. Caldwell and you said to each other that day, okay. Do you see where you said, okay, he brought the transcripts to me, we come down, Constable Dyck said if you could just detail the circumstances regarding the conversation regarding the lengthening of time you
were separated. Okay. So this is Constable Jorgenson pushing your memory from 35 years ago and you answer, okay, let's see if $I$ can or not. If we can move the page up a bit, please. Constable Dyck, just speak up a little bit, they were losing you, and then you start talking about he was helping me go over my transcript and $I$ got it to that time and he says, are you sure you weren't gone longer, and $I$ said, well, we could have been. If we could continue, please, to the next page. And he stated, well, you know, it sounds like you should have been gone longer, and I want you to think on this because he said it should have been longer, and I said okay, like, I've been through this, even through the supreme Court, scared shitless, and I figured okay, he wants more time, I'll give him more time, so that's what I did. Now, I'm going to suggest to you, and $I$ want you to think really carefully about this because $I$ do believe that you are trying to be honest and fair to the best of your memory, $I$ 'm going to suggest to you that when you started saying that to the police officers at that time when you started giving them the suggestion that he was coaching you to give false testimony,
effectively is what you were doing, that as you told us earlier, that's not really what happened, what he asked you to do was to think about your evidence and to try to be sure?

Correct.

Okay. Now if I could go to page 6266, please, and at line 1 , or at line 2 I guess, Constable Jorgenson starts and if you could just look at that bit for me. He starts asking you some questions about that lawyer, referring to Mr. Caldwell, and he's asking you how did he treat you, and you said not bad, except for mentioning that $I$ should, you know, change the times, or the length of time we had been separated, and then you talk about it being very casual and Constable Jorgenson says he didn't tell you you had to say something, was it just a casual statement, and you said it was just a casual statement, and again, Mr. Wilson, $I$ want you to think really seriously about how you phrased it there, and I'm going to suggest to you that that really wasn't a fair phrasing again because reading that you could get the impression that he told you what to say and you've agreed with me he never did that? Correct.

Now I want to go to page 6267, please, and it's going to take me a minute because $I$ didn't put down my line. Yeah, okay, it's at line 1 actually. You see, Constable Jorgenson asked you a question then, did he make any further statement about that, referring to the time, and you said $I$ think he repeated a couple of times, but he always seemed to come back to that point going over this document, but then you said, in fairness to you, you said a couple of times. Anyway, so what you were saying was a couple of times he asked you if you were sure?

Yes.
Didn't tell you to lie, didn't tell you to stretch, asked you to think about it and be sure? Right.

Okay. Now, line 19 on that page, and I'm just going to ask you this, it's not particularly important, but Constable Jorgenson asked you a question if you were to grade how you were treated by him as to poorly, or what end of the spectrum $I$ think he's trying to say, would you put it, and you said medium. Now -- and I'm not quibbling if that was your impression of him, and at one point you said he was a bit of a jerk, and that's okay
too, he might not think so, but if that was your perception of him it's fair that you tell us the truth, but, Mr. Wilson, your perceptions of any prosecutor at that time, as you said later on, weren't going to be favourable were they? Correct.

You didn't like prosecutors?
No.
You didn't want to be in the room with this man? Exactly.

And you didn't want to be involved in this trial at a certain level?

Correct.
But there's no way you were going to get any warm or fuzzy feelings about somebody who's a prosecutor?

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$Q$
Exactly.
Seen too many of them even at that young age to have any kind disposition towards him?

Correct.
Now, in terms of Mr. Caldwell and his contact with
you, we have a number of times where there are discussions gone on with people where you've been asked things and over time you've changed the way you recalled things and stuff like that, but with

Mr. Caldwell would you agree with me that we have the benefit of having some fairly good records of the exchanges between you and him because you and he only spoke three times?

Correct.
You spoke in the room that night and you said all he did, or that afternoon -- and I'm not sure if it was the hotel room or his office, but that really doesn't matter -- in any event, you and he had a meeting, but you spoke that one meeting, he went over with you some of your evidence, I presume he talked with you about how he was going to lead your evidence in terms of what you could expect in the courtroom, again, the kind of things prosecutors do with witnesses to prepare them for the hearing.

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$Q$

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$Q$

Talked to you about the fact that there might be some times when the judge asked, or he asked or Mr. Tallis asked that the jury leave the room because something might come up that they didn't want them to be there.

Yes, I imagine.
And that happened in fact during the trial?
Yes.
Yeah, there was at least one time, if not two, where the jury was excused while you were giving your evidence?

Yes.
So basically he would have given you a primer on what to expect when you went on the stand? Yes.

Okay. Now, there's no record of that meeting of course, there's your memory, there's his memory, and do you remember whether there was a police officer with him?

No, I don't.
Okay. Is it possible that there was a police officer with him when he had that meeting?

It's possible, yes.
Okay. Now, you've told various people at various points in time, and you've told us here today, he 25
didn't sort of come on hard on you or yell at you
or do anything like that?

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$Q$

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$Q$
didn't sort of come on hard on you or yell at you or do anything like that?

No.
Even though you say you grade him as a medium, his manners to you were polite and proper?

Yes.
He took you through your testimony, he spent some time with you to help you establish a comfort level --

Yes.
-- for what you were going to be doing?
Yes.
Okay. Would it be fair to say that even though you graded him as medium, that he was a pretty decent guy to you in that meeting in the way that he treated you, polite, proper and with respect? He was a good medium.

Yeah. He didn't do anything to upset you or cause you to get mad at him, nothing you did caused him to get mad at you?

No.
It was a good meeting?
Yeah.
Okay. The other two times that you spoke with him, unlike the others as $I$ started out saying to
you before $I$ went off on a frolic of my own, the other two times that you talked with him are recorded at the preliminary inquiry so we have a transcript.

Correct.

And they were recorded at the trial so we have a transcript.

Correct.

Now, you've indicated a number of times in this hearing, and you've indicated as late as yesterday, that you've gone over these transcripts a number of times?

Yes.

Would you agree with me that there was nothing that he did to you in the courtroom according to the record that indicated that he ever got angry with you or pushy with you or tried to force you to say something you didn't want to say?

No.

Okay. It appears, on the record at least, that it was a polite leading in of your evidence?

Yes.

Okay. I had said to you that somewhere in the transcript $I$ noted that you said you didn't like prosecutors. We don't need it bring it up, but at
page 6268 you said you didn't care for the meeting with him, you don't like prosecutors generally, you thought he was a bit of a jerk?

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Kuskanax at Nakusp.
Nakusp, sorry. But when you had that meeting with Mr. Henderson, and we can bring up your statement if you want me to refer to it, but I'm going to suggest to you that you talked about the police and you talked about the police coercion and manipulation and pressure on you, but in June, on June 4th, 1990 you made no suggestion whatsoever that Mr. Caldwell had done anything to you that was improper or induced you to lie or in any way alter your testimony did you?

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$\square$
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Correct.
Okay. And, in fact, you didn't say it because he hadn't done that; had he?

Correct.

Okay. Now the next series of questions I'm going to ask you are questions that $I$ want you to listen, because I'm not meaning to suggest that anybody did anything wrong with you, okay, I'm not meaning to suggest that you did anything wrong, I'm not meaning to suggest that anybody that you talked to did anything wrong.

Okay.
Okay? So we're clear on that. What I am going to suggest to you is that after you gave that statement to Mr. Henderson on June 4th, 1990, you became involved in or engaged in discussions with a number of people; Mr. Henderson of course you talked with, you talked to Mr. Asper, -Yes.
-- you talked to David Milgaard that very night, January 4th you said, you have testified and the records show there was contact with Mr. Asper and arrangements were made for you to talk to Mr. Milgaard at his jail?

Yes.

And over the next number of days you talked to other people and you have testified, here, you were sent some newspaper clippings about what had been going on up until that point in time? Yes.

Okay. You, up to that point in time in your own mind, I'm going to suggest to you, hadn't sort of put your head around thinking that Mr . Caldwell was a bad guy and that he had done bad things to get Mr. Milgaard convicted?

I can't say yes or no to that.
Okay. I'm going to suggest to you that the record clearly shows that after you gave that statement on June 4th, 1990 there were lots of people out there willing to tell you and eager to tell you that Mr. Caldwell was a bad guy and he had done bad things?

A

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It's possible.
Okay. I can refer you, if you wish, to a series of newspaper stories that were being done -- and I'm not saying that Mrs. Milgaard was doing anything wrong, okay, I'm not saying that Mr. Asper was doing anything wrong, I'm not saying that the reporter who Mr. Pringle referred you to yesterday was intentionally doing anything

A
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wrong -- but would you agree with me that there were bunches of stories out there in the press that said that Mr. Caldwell was a bad guy? I don't recall that.

Okay. Then if $I$ could just take a minute, and I'll ask the staff to bring up a few documents for me, please. I'm going to ask if we could have brought up for you to look at document 004755 . This is a story out of Winnipeg that was done on June 9th, 1990, which was five days after you met with Mr. Henderson.

COMMISSIONER MacCALLUM: Regina?
MS. KNOX: Sorry, it's the Leader-Post but, Mr. Commissioner, the story is out of Winnipeg. COMMISSIONER MacCALLUM: Oh yes. MS. KNOX: The wire service in Winnipeg reproduced in the Leader-Post. Okay? COMMISSIONER MacCALLUM: Okay.

BY MS. KNOX:
Okay, if you want to take a minute to look at that one, then $I$ 'm going to bring up a few others. Can you scroll up, please? If we could go to the next part of it, please. Okay.

Okay? Do you recall the whether that's one of the

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newspaper articles that you saw or was sent to you?

I can't recall or -- actually what articles were sent to me.

Okay. I'm going to ask to bring up 015979, please. Now this is one that was actually earlier in time, it's May 11th, 1990 , and if you want to take the time to read it, it actually starts in the bottom part of the page first. Nope, I'm not going to be asking you any specific questions about the contents of the articles, I'm just trying to see if you recognize any of these articles as information that you got?

I'm sorry, even just looking at it, I don't.
Okay. Next one, 039010 , and if we could go to the first part of it right here. And you will note on the side that this is one of -- from May 15 th, 1990, so this is before Mr. Henderson talked to you, but it's done by the same guy, Dan -- same reporter, Dan Lett.

Okay.
Do you remember if this is one that was sent to you when you got that bunch of newspaper clippings after you talked to Mr. Henderson?

I believe this was one of them, yes.

Q

Okay. And this is one that talks about a police cover-up?

Yes.
And I'm not suggesting you had this before your interview with Mr. Henderson, my understanding -your evidence is that you got some articles after? Yes.

Okay. And then $I$ would like to bring up 039118 , this is another one by Mr. Lett June $26 t h$, and if you could do just a quick scan of it and tell us whether this is one that you think you have seen, or was sent to you, or may have been sent to you? Yes, I recall this one.

Okay. Now if $I$ could bring up 039136 , this is out of order too, this is June 9th and I'm -- sorry, June 7th, 1990; if you could do a quick scan of that and indicate to me -- and, again, it's by Mr. Lett, the Winnipeg guy -- whether or not this is one that you were sent?

Well, $I$ recognize the picture, but $I$ believe it was used in quite a few articles.

So it may or may not have been this one, but you think you saw a version of it, because you saw this picture of Mr. Milgaard --

Yes.

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-- taken -- okay. Now $I$ want to bring up the ones that Mr. Pringle referred you to yesterday, 039139 is the number $I$ have, and that's July 17th, as he referred you to yesterday.

Next part here, please. If we could go down to the bottom, if you are ready to go right to the end of that first column?

Yes I am.
Tell me when you are finished and I'll get her to
show you the rest of it.
Okay.
Okay. If we could go up to the top of that second column now, and if you could start reading under 'Exposed in court', and tell us when you are ready to read the last bit; okay?

Okay.
Okay? If we could go to the last bit, please, and you tell me when you are finished; okay?

Okay.
Okay. Now my first question to you, as Mr. Pringle didn't ask this yesterday and he probably had no reason to, is do you remember when you were interviewed by this Mr. Lett?

I know it was over the phone but I really don't recall it.

Okay. Do you remember how long after your transcripts were sent to Mr. Watson that this interview took place?

No I don't.
Do you remember whether you had had a chance to read your transcripts from your preliminary inquiry evidence and your trial evidence that were sent to Mr. Watson about June 26 th, 1990 , before you did this interview with Mr. Lett?

I don't recall.
Okay. Do you know if you had read your transcripts before you did your interview with Mr. Lett?

I don't know.
Okay. I'm just going to ask if $I$ could get the staff to bring up document 003573, and I just want -- I'm just bringing this up just to refresh your memory, because $I$ think you might have looked at it yesterday or the day before. Okay? This is a letter that the Department of Justice sent to your lawyer, Mr. Watson, on June 25th; you remember that was shown to you?

Yes.
And in -- this is a letter about setting up this meeting with you where Mr. Williams could interview you, and if $I$ could go to page 2 of that letter, please, 574. Now I should have stayed on the bottom of the first page for a minute, but this is where you will agree, I think it was Mr. Frayer pointed out to you yesterday, that Mr. Corbett made the offer that they would send to your lawyer all of your previous statements and the transcript of your testimony at the preliminary inquiry and trial?

Yes.
This is June 25 th and at that time, remember, you were talking about meeting on June 28 th ?

Yes.

Okay. Now if I could bring up 003559 . And you will recall yesterday you were referred to this letter, and if $I$ can summarize it -- if you want any part of it brought up we can bring it up for you -- but just to refresh your memory, this is where Mr. Watson writes to the Justice Department and says -- to Mr. Corbett and says 'hold your horses here, you are going too fast for me, basically, you said yesterday, the $25 t h, y o u$ would send the transcripts, we're in the back of beyond, we are not going to be able to get through it and be ready to do the interview on the 28 th', and so he asked to delay the interview; right?

Correct.
Okay. Now there was a delay in the interview after that letter because, instead of it taking place on the 28 th of June as had been talked about, you will agree that Mr. Williams came and saw you actually on the $20 t h$ of July?

Yes.
Okay. If I could bring up 125081, please. Now I
want to refer you to your -- if $I$ could bring up this section here, starting at question 874 . And again, just so that you are absolutely with me in terms of what $I$ am doing here, you remember it was pointed out to you yesterday that you were asked by Mr. Williams whether you had read the transcripts and you said you had?

Yes.

You told him that you had gone over them in two days and you have gone back to them every once in a while since then?

Yes.

Then he asked you how many hours you spent and you said 24,25 hours, and $I$-- the next part is not that important, but just this part from 874 to 877. Now -- and I, again, I just -- I'm not trying to trick you or $I^{\prime} m$ not trying to get you to, you know, put you in a bad position or anything, but when we looked at the article with Mr. Lett earlier, that article on January -sorry -- on July 17th, 1990, you will agree with me that that was -- the article was printed three days before you did this interview with Mr. Wilson (sic)?

A Yes.

And, in that article, there is a pretty bald assertion made that the Crown engaged in misconduct with respect to the statements that you had given the police in 1969; isn't it?

Yes.
It's suggested by the lawyers that Mr. Caldwell had withheld your March 2nd, 1969 statement?

Correct.
And you obviously, and with Mr. Watson, have discussed this because there's some comment from Mr. Watson as well?

Yes.
And what you say in the article is that if the Crown had given that March 2 nd statement to Mr. Tallis, the lawyer, none of you might be in this position because that would have been the answer to the Court and to Mr. Tallis to prove that David hadn't done this?

Yes.
Okay. Now the problem with that, as you know -and, again, $I$ 'm not setting you up here -- is when
you look at your transcript from the preliminary inquiry, in fact the very transcript that was sent to Mr. Watson and that Mr. Asper and Mr. Wolch had, in 1969, at your preliminary inquiry, Mr.

Tallis did ask you about that statement; didn't they?

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I believe so, but I don't remember right now.
I can get the pages out for you if you want, but trust me, I'm --

Yeah.
It's absolutely in your transcript at the preliminary inquiry.

Okay.
And again at the trial, when you testified at the trial, as was pointed out by other counsel here and particularly Mr. Pringle, you were asked again about Inspector Riddell's statement that he took from you on March 2nd, 1969?

Yes.
There is absolutely no way in the world that anybody could have done a thorough reading of those transcripts and not known that Mr. Caldwell didn't withhold that statement? Correct.

Okay. Can you explain to us then -- and I'll take you back, again, to question 874 through 877 -how you didn't pick up on it yourself? And I'm, the lawyers should have picked up on it, they should have been smarter than that, they are
supposed to be smart, and I mean no disrespect to them, but how it is that you could have spent all this time that you told Mr. Williams about getting ready for the interview with him and yet you didn't realize, when you talked to Mr. Lett before that July 17 th article that he printed, that they were wrong, that in fact your statement had been disclosed, your statement of March $2 n d ?$

Correct. Well probably because when $I$ do all that reading $I$ read really fast, sometimes $I$ only read every second line or something, and $I$ just missed it myself.

Okay. And I'm going to suggest to you that when all of these big people, these professional people are saying to you "this guy is a bad guy, he did a bad thing here", you trusted them?

Correct.

And you followed what they were saying in good faith when you spoke to that reporter? Probably, yes.

Okay. Now there's one other possibility, in fairness, $I$ should ask you about because $I$ haven't asked you. The interview was published on the 17th and you are not interviewed by Mr. Williams until the 20th; is it possible that you hadn't yet
read it?
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You will agree with me that he had it because in his newspaper quote in the article, or his quote in the newspaper article, he was -- said he was shocked when he got the package?

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Yes.
So, by the time you did the interview, those transcripts and those statements were in your lawyer's hands?

Yes.
Because it was part of the story on January -sorry -- on June (sic) 17th?

Yes.
And you don't know now whether or not you had read
them by that time. I'm going to ask -- well, I'm not going to suggest to you -- is it possible that
you read them but you just got persuaded by the big move that was afoot -- and I'm not sort of implying malfeasance on everybody's part -- but somebody made a mistake and everybody jumped on the bandwagon?

And it's possible that you jumped on the bandwagon with them, that in fact you had read it, but we would probably have to go to Mr. Watson's file to find out when, in fact, you looked at the transcripts, because he might keep a note of that, but you don't?

Correct.
Okay. I want to go back to the transcript for a
minute and $I$ want to go to page 6563. Actually, sorry, if I could go first to 6553. Just give me a minute here. You were asked some questions, and I'm going to bring out that part about question 18, because we've just been talking about your contact with Mr. Asper and the discussions that you had before that June (sic) 17th, 1990 article. You were asked some questions about how you came into contact with Mr. Asper. Now the impression $I$ got here is that you are not really clear about that. I'm just going to refer you to the excerpt of transcript where Mr. Williams was asking you some questions, and if you take a minute to read it?

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Q okay.

Do you recall indicating to him at the time that you think it was Mr. Henderson who put you in contact -- or -- with Mr. Watson?

You mean Mr. Asper?
Okay. The question, question number 18:
"Q How did you come to have contact with Mr. Asper?

A I believe it was through Mr. Henderson."

So, yeah, I'm not doing my question very well
here. So it was as a result of Mr. Henderson that you got in touch with Mr. Asper?

I believe so, yes.
Now $I$ don't know if you have been asked, $I$ don't remember your answer on the record, but do you remember how you came to have contact with Mr. Watson?

No I don't.
Okay. I don't -- I didn't make a note of it, but there is a suggestion in one of Mr. Watson's letters to the Department of Justice in June 1990 or thereabouts that you were brought into his office by a private investigator, and that's how he came to have his initial contact with you? I don't recall that.

So you don't recall whether you were taken in by a private investigator to meet Mr. Watson?

No.
But if you were taken in by a private investigator would it be fair for us to assume that the only private investigator you had any dealings with in June 1990 was Mr. Henderson?

A
$Q$
A
Q True.

So ipso facto, if it was a private investigator it had to be Mr. Henderson, but you don't remember
it?
Correct.
Okay. Now do you remember -- and I want you to stop and think about this if you can -- the first time that you actually went on record, other than in that story with Mr. Lett on July 17th, 1990, saying that you, Ron Wilson, believed that the prosecutor at the preliminary inquiry and the trial, Mr. Caldwell, had done bad things, if $I$ can -- and I sound like I'm talking to a little child, and $I$ don't mean to be patronizing, -It's okay.
-- but I hope you get my point?
Yes I do.
Do you remember the first time you ever -- the words came out of your mouth?

Right now, no, $I$ don't.
Okay. If $I$ could bring up transcript page 6563, and if we could go to question 17, please. Now just so that you are clear as to what we're -where we are here, do you remember that at a certain point in time in your interview with Mr. Williams on July 20th, 1990, when Mr. Williams was finished, Mr. Watson, your lawyer, asked you some questions?

A Yes.
Q Okay. Now I'm gonna suggest to you that the passage that $I$ am pointing to you here is part of the questioning by Mr. Watson, and if you want to take a minute to read that, and then I'm going to ask the staff to bring up the next page for you as well. And he, what he is talking about is your -and we can go back a bit, perhaps I should do that in fairness to you -- but what he is asking you about is your discussions with Mr. Caldwell. If we go to line 13 he is talking -- you are talking about the discussion you had prior to the trial? Correct.

And he is asking you about your recollection, so we know you are talking about -- or he is talking about the meeting with Mr. Caldwell, and you answer 'he wanted to make sure that $I$ was clear on the length of time that he was gone and $I$ was sure that's how long he was gone', and then you go on to say 'and if you look at the transcripts you can see that $I$ changed the length of time'.

Now I'm going to suggest to you that what you did with Mr. Watson is what you did in other interviews, is you perhaps not
intentionally -- and I'm not suggesting that it
was intentional -- but by that point in time you had it in your head, because you had talked to Mr. Lett, you had, you know, read the newspaper stuff about Mr. Caldwell not giving statements and stuff like that, but you had gotten it in your head that he was one of the bad guys? I imagine so, yes.

Yeah. And when you were answering Mr. Watson's questions here, and you said that he wanted to make sure that you were clear on the length of time and that you were sure how long he was gone, referring to Mr. Milgaard, and then you go on to say, 'if you look at the transcripts $I$ changed my, like $I$ changed the times to give him what he wanted' effectively is what you are saying, but you will agree with me that the true fact is that all you did, and as a result of his questions, was you thought about the evidence?

Correct.
And all he asked you to do was try to be sure because there was the conflict between your statement on May $23 r d, \quad$ ' 69 , your testimony in direct at the preliminary inquiry, and your testimony in cross; he had some conflict in what your evidence was and he asked you to think about
$Q$
A
Q
it and be sure?
Correct.
Okay. So when Mr. Watson takes you through this series of questions and you state it that way, just as a couple of times here you have sort of stated that -- or you left the impression that he told you to stretch it or he told you to lie, that's not an accurate statement of what he talked with you about or what he asked you to do; is it? Correct.

Okay. And indeed, in fairness to you, if we go to page 6564 of the transcript when Mr. Watson asks you if you were -- and $I$ didn't make a note of the, if we could look, bring up this part down here -- and when Mr. Watson was asking you some questions you did say that you were talking about -- that nobody gave you -- let's go to this question here. You say it was because of a suggestion by the Crown prosecutor that they required more time, which you have agreed with me was not quite how it was, you did go on, in fairness to you, and say nobody pressured you to change your times or anything?

Correct.
And I think we're fairly clear, and I'll leave you
alone on it pretty quickly, is that all Mr.
Caldwell asked you to do was to think about your evidence, be sure you were clear, and to be sure that you gave accurate evidence?

Yes.

Okay. Now if we could go to page 6826, please. Now moving into this point in the -- your evidence here at the Commission, because there is a couple of things that occurred here, and if you look at the testimony at 6826 Constable Jorgenson at that stage in time is questioning you about some evidence that you gave at the Supreme Court of Canada; do you see that?

No, I can't.
He said you were asked a couple of questions about the separation and the period you would have been -- and these are questions that you were being asked by Mr. Neufeld, the lawyer for Regina -- or Saskatchewan Justice when you were in the Supreme Court of Canada. You remember, I'm sure you remember Mr. Neufeld, because it was as between him and Mr. Wolch you got in a lot of trouble? Correct.

Now, this is transcript taken from February 17th, 1992, which is when you were back for the contempt

A

Q
hearing so we get the setting here right --

Okay. Now, at the Supreme Court of Canada, or at that point in Supreme Court of Canada, at some point you indicated to him that you weren't gone from the car for more than two, two and a half minutes?

A

Q

Correct.
And that Mr. Milgaard was about 30 seconds behind you I think, if we went through your whole transcript, getting back to the car?

Correct.

Okay. Now, would you agree with me that at no point in time in 1969, either to the police or to Mr. Caldwell or to Mr. Tallis, or in January, 1970 at the trial did you suggest you guys were only away from the car two and a half, three minutes. Correct.

You said five to 10 minutes for you away at the preliminary inquiry, you said up to 15,16 minutes total at the trial for you away and he away and coming back, and in your statement to the police you said 15 minutes.

Correct.

Okay. Now, here at this hearing when Mr. Wolch started to examine you on April 6th, and I want to refer to page 6886 --

COMMISSIONER MacCALLUM: Just at the bottom of this page we have up here, would you scroll up there, please, a minute? She's asking for the period of time -- a little further, please. He didn't give the answer to the question.

MS. KNOX: Oh, I'm sorry, if we could go to the top of the next page before we leave that. COMMISSIONER MacCALLUM: So two and a half minutes, no more than two and a half minutes is what he said at the Supreme Court.

MS. KNOX: At that point, on February 22nd, but Mr. Neufeld put it to him that earlier he had said 10 minutes, so there was conflict at that level too if $I^{\prime} m$ reading the transcript properly. COMMISSIONER MacCALLUM: Uh-huh.

MS. KNOX: But certainly when he was back for the contempt hearing he was saying two and a half, no more than two and a half minutes at tops.

COMMISSIONER MacCALLUM: Right.

MS. KNOX: Okay.

COMMISSIONER MacCALLUM: Thanks very much.

MS. KNOX: This is -- and Mr. Hodson is pointing out to me, Mr. Commissioner, so the record is clear, this is taken out of the RCMP interview where Constable Jorgenson, Constable Dyck are reviewing a portion of his testimony at the Supreme Court of Canada.

COMMISSIONER MacCALLUM: Thanks.

BY MS. KNOX:

A
$Q$

Okay. Now, $I$ wanted to go to page 6886, and just for your reference this is when you are being examined by Mr. Wolch, Mr. Hodson is finished and you were being asked some questions by Mr. Wolch, and he's asking, starting at line 6 , he says you met with the prosecutor, and you said yes, and he said I think you said three times, is that right, and you corrected him and said no, it was once, and you are agreed there was only the one time before trial, no meeting before preliminary inquiry?

And only the one meeting, Mr. Wolch was mistaken on that. And you confirm for him that it was just prior to the trial, and Mr. Wolch put this question to you, okay, before the trial -- he's accepting that there was one meeting before the trial -- and you indicated he wanted you to expand the time that David was out of the car, that was his question, and you said correct. Now, I just bring you to this point because $I$ wanted to ask you again, looking at that, and appreciating that we're all pushing you for answers, is that really a correct answer?

No.

Q

A

Q

A
Q

A
$Q$

No. And again, your evidence today is that as you've said when you first started talking about Mr. Caldwell, is what he asked you to do was to think and be sure?

Yes.
He never ever asked you to change the time?
No.
He never ever suggested to you a time that you should say?

No.
And in fact you never gave him any time when you were examined by him at the trial that was not previously recorded by you as early as May 23rd, 1969 ?

Correct.
Now, my next heading $I$ had, and I'm going to skip some things as $I$ made a note to myself to ask you whether you were intimidated by Mr. Caldwell, and I think we've pretty much covered that whatever you may have said at various points in time when people are poking at you and asking you questions is you weren't intimidated by him?

Not really, no.
I'm going to refer you to document number 125078
just as a point of reference, and this is your
interview with Mr. Williams, July 20th, 1990, and -- Mr. Wilson, I'm not wearing a watch, I'm advised it's 12 o'clock and I had told your counsel I expected we would finish before lunch and I really do, I promise. I've got a lot of papers, but a lot of them $I$ can skip because of what $I$ think are very fair answers that you've given this morning. I just want to direct you to the bottom, question 852, you were asked some questions by Mr. Williams, you may recall, when he was interviewing you back in that July $20 t h$ interview with Mr. Watson present as your counsel about whether you were intimidated and you essentially indicated to him that, and you talk now, you go on to talk about the police officers, like, you weren't afraid of the police officers, you weren't afraid of, we go to the next page, you weren't afraid of Eddie Karst, you weren't afraid of Charlie Short. In fact, you said you seemed to get along well with them?

Correct.
And you went on to say at question 860 when he asked you, they didn't intimidate or threaten you or challenge you, you said no, and those were the police officers who were working with Mr.

Caldwell; right?

A

Q
Okay.
So in his seeing them?

I imagine so, yes.
And he would not have seen, looking at you and looking at those guys, any sense of discomfort by you or anything that would cause him to think is there something not quite right here, because you were getting along okay with those guys?

Yes.
You said, and $I$ don't want to sort of minimize what you said, you kind of didn't like Mr. Roberts that much?

Correct.
You felt he intimidated you, but you never were in Mr. Roberts' company during the time, or any time you had dealings with Mr. Caldwell were you?

No.
And you never ever told Mr. Caldwell that you had felt intimidated, manipulated or coerced by Mr.

Roberts?
A
Correct.
Gave absolutely no indications that you had any level of discomfort about the questioning that had
been done or the statements that you had given?

A
Q Correct.

In fact, $I$ 'm going to suggest to you not only did you not give any indication that you were uncomfortable, that you had been pressured or coerced, to the opposite, there were points in time when he could look at your statements and see you weren't willing to say things to the police that might have been sort of concern to him. Like, you never, for example, said that your car was stuck in that alley or you never said a whole bunch of things that were really bad about Mr. Milgaard as in $I$ saw him kill her or anything like that?

Correct.
Okay. Now, one of the issues that was asked of you, and it has been dealt with at length here, was why you felt that you had to give what you now tell us, and what we know through other means, was some false testimony at the preliminary inquiry and the trial and you said it was because you felt like you were a suspect?

Yes.

Okay. Do you remember that in fact that issue was raised with you by Mr. Tallis during his
cross-examination of you at the preliminary inquiry?

A
Q
No, I don't.
I'm going to ask to have brought up page 007681 , and if $I$ could refer you to the top here, and you can see from the way the question is going that he's asking you about who you had contact with and he's continuing with some questions about you being told that you were still a suspect and you see that your answer to him when he asked you this, it says "moreless". I presume you meant more or less?

Yes.
And he says to you at question 229 , the whole setting was such, you knew you were still a suspect, and you said yes, and he then says, question 230, $I$ take it as an ordinary person this would give you some concern. A little bit you said, and then he says, can you really minimize it and just say it was a little bit, and in August of 1969 with that opportunity presented to you by Mr. Tallis, you said yup, just a little bit, so when you come to the inquiry now and you say, and you said to others over the years that one of the reasons why you behaved in the manner that you did
was because of your fears that you were a suspect --

A
$Q$

Yes.
-- back in 1969 you told him that that wasn't a particularly big concern for you?

True.
Any reason that you would have lied to him about that given your evidence here that you didn't want to see Mr. Milgaard convicted, this was kind of an opening for you as has been suggested in other places by Mr. Pringle and others, to sort of say, well, you know, something's not right here?

No, I don't recall why I did that.
I'm just going to skip some areas that I've already covered. Now, various counsel have covered with you some of the evidence that you've given before this inquiry and some of the evidence that you've given in statements and in other proceedings about your drug use back on January 31st, 1969 and your drug use up to and during the trial in 1970, we've pretty much beaten that horse to death you'll agree?

Yes.
Okay. Now, one of the things that $I$ was doing, and $I$ was getting ready for trying to do this as 25
efficiently as possible, I was reading the transcript of your evidence at the jury trial in 1970, you were on the stand over two days. You remember?

Yes.
Okay. You testified part of one day, I think it was the 20th of January, and Mr. Tallis at that time was cross-examining you when the day was over and he continued with you the next morning? I believe so, yes.

Now, do you remember that he asked you -- well, you do remember, he asked you a lot of questions about your drug use?

Yes.
Do you remember the jury asking the Court to ask you a question about your drug use on January 31st, 1969?

No, I don't.
But the Court, it was the Court, not Mr. Tallis, who asked you a bunch of questions about your drug use and whether you and Nichol and David had been under the influence of alcohol or drugs?

A

Q
A

Q

A
Q

A
Q

A
$Q$ Yes.

So you did, you had an opportunity there to say yup?

A Yes.

Q
And do you remember that when you came back the second day the Court had another question for you and the record shows it came actually from the jury, they were a pretty on-the-ball kind of jury there, and the question that the jury or the judge, the Court asked you the next day was when you gave your statements on the $23 r d$ and 24 th of May, you had been under the influence of drugs, and do you remember telling them that no, you hadn't?

No, I don't remember it, but if it's there -The transcript, if $I$ suggest to you the transcript shows that, would you agree with me that was the second opportunity, at the behest of the court as it were, for you to step up to the plate and say yeah?

Correct.
And you chose not to take it?
Correct.
And you can't give us a really good explanation for that, you just chose not to take it?

Correct.
Now, $I$ just want to talk to you for a minute about evidence that you've given here and in other
proceedings about your contact with Nichol during the time period of May $23 r d$ and May 24 th when you were interviewed by Mr. Roberts, the polygraph operator.

Okay.
There's been various questions by various people, but I'm going to put to you some things that seem to be fairly clear. You spent some time with Mr. Roberts on the morning, or early afternoon of May 23rd at the Cavalier Hotel?

Correct.
Previous to that you had been taken over to the west side?

Yes.
And you had looked at some areas over there that the police took you to?

A

Q

A

And Nichol John wasn't with you when you were driven from Saskatoon -- sorry, Regina to Saskatoon?
Yes.

Nichol John was not with you when you went over to the west side, you had said that at various places?

Correct.

Correct.

In fact, you have said at various times that you had no contact with Nichol John in the months leading up to the police coming and getting you in Regina on the 21 st?

Correct.

Okay. So from the time you got back from Calgary or Banff or whatever it was in early February, 1969, and you remember you came back in a bit of a hurry because your dad was sick, you had never seen Nichol John?

Correct.

You and she hadn't had any opportunities to discuss the contact that the police made with you when you were in custody, the statement that you gave to Inspector Riddell or the subsequent visits from the Saskatoon Police Service, the request to give a blood sample, the fact that David was a suspect, you never had a chance to talk with her about that?

That's correct.

Okay. Now, as I look over your various pieces of testimony that you've given, it's correct, is it not, that the first contact that you had with Nichol in Saskatoon was on May $23 r d$ and it was after you had done your first session with Mr.

Roberts and after you had given your first statement?

A

Q
$Q$
A

Q

A
$Q$

A
Q

A
Q
had given the police some pretty damning
information about Mr. Milgaard and his possible guilt before you ever had an opportunity to speak to Nichol? that?

Yes.
Okay. So whatever may have happened, what was contained in your May $23 r d$ statement was not influenced by any discussion that you had with Nichol?

Correct.
Okay. And many times during the course of these proceedings and as late as this morning there's been discussions about Nichol finding a compact in the car?

Correct.

Okay. Now, would you agree with me that you told

A
Q
the police that Nichol found that compact in that car on January 31 st, 1969 before you ever had a chance to get together with her?

I believe so, yes.
Yeah. It was in your first statement and you didn't see her until after?

Correct.
And I'm not going to go through the various pieces of evidence that we have with respect to that and whether it really happened, but that came out of your mind on the $23 r d$ before you talked with Nichol?

Correct.
And you told the police before you ever talked with Nichol that after she found it David threw it out of the car?

I believe so, yes.
Well, we can look at your statement. Honest to God, everybody here is checking me, I'm not going to try and trick you on that one for sure, but that came from you in your statement before you saw Nichol.

Okay.
Okay. Now, you've indicated a number of times, including in your statement to Mr. Henderson on

June 4th, that you have, as Mr. Pringle referred you this morning, you have no independent recollection of it?

Correct.

Would you agree with me that regardless of the fact that you have no independent recollection of it, given that you told the police that you saw it when they interviewed you on May $23 r d, \quad$ 69, given that Nichol told the police it happened and given that Mr. Tallis remembers and testified under oath in Supreme Court of Canada David told him it happened back when he was interviewing him and talking about his case in January -- sorry, 1969, '70, that even though you don't remember it, there was probably a compact in the car because you and Nichol and David wouldn't have imagined the same wrong thing?

That's possible, yes.

The next area $I$ want to touch on, and I've just got two more to go, so $I$ will finish before lunch, was this notion that has come up various times as to when in time you began to think, believe or to falsely suggest to the police, and I'm not sure which is the true answer on that at this stage, and I'm not sure you know, but when you began to
suggest to the police your belief that David Milgaard was implicated in the murder, and you say now that you don't, and $I$ think I've heard you say at various times these last weeks, that you don't remember or you don't have a memory of implicating him or suggesting to the police in Regina that you thought he might have committed the murder. Correct.

Okay. If I could bring up -- well, first up, you know from -- and $I$ can bring it up if you want -there's a document, the number is 106669 which is a report prepared by Mr . Karst that outlines what happened as between him and you in Regina that led him to bring you back to the city.

Yes.
And they've got it up on screen now, and he says that you told him, and I'll just refer you to the last bit right here and have that brought up, he recorded, never anticipating that 40 years later we would all be here, he recorded in May of 1969 that in Regina on the 21st of May you told him that you had begun to think that the time David was away from the car that morning of January 31 st, ' 69 was when he committed the murder of Gail Miller. Do you see that?

A Yes.
Q
Now if I could bring up transcript 005321, which is either trial or preliminary inquiry, I'm not sure. 005325 , I'm sorry, it's preliminary inquiry. Do you remember being cross-examined -that's trial. If I could go back, please, I may have misled the staff. If I could get 007626 which is the preliminary inquiry transcript, and $I$ want to go and get brought up -- I'm sorry again, it looks like what I've got here, and my numbers are smeared, it must be 007696, not 26 . Yes, now I'm in the right place. If I could have brought out for you -- once while I'm up here I want to say blown up, so if $I$ could have blown up, because everybody else has been saying it and I always think it's really funny -- this is your cross-examination by Mr. Tallis at preliminary inquiry, okay, and he's asking you some questions about basically when you talked with the police, and the question 392 is not important here, he's talking about your dealings, whether you had any dealings with Mr. Short. Question 393, Mr. Tallis puts it to you:
"Q In any event, witness, I take it that the first time that you ever implicated,
or suggested that David was implicated
in the Gail Miller murder was on May
23rd..."
Going to the top of the page. You see what your
answer to him was?

A
Q

Okay. Now, this preliminary inquiry was held in August of 1969; agreed?
Yes.
"No." And he questions you:
"Q To the police?"
And you say:
"A No, it was the day before."
And then the next question, he says:
"Q The day before?"
And you say:
"A In Regina."
And then it goes on to talk about you telling him very clearly that you had said to the police before your statement of May 23 rd that you had a belief that David was involved in the murder. Do you see that?

Yes, I do.

Yes.
Okay. Your contact with the police was May 21 st, May 22 nd, May $23 r d$, May 24 th?

Yes.
This is a really silly question in some respects, but would you agree that in August of 1969, two to three months after you had your dealings with the police in May, your memory of what had happened in Regina those few months earlier would have been fresher and clearer than it is today?

I believe so, yes.
Hmm?
I believe so, yes.
Because it was only a matter of weeks, months, you talked to the police on May 21st, 22nd, 23rd, '69 you are testifying at the preliminary inquiry, as hard as that is for us lawyers who practice today to imagine, within a couple of months, three months?

Yes.

And you have said, before $I$ got off on my little tirade, you agree that your memory would have been better in August when you gave your testimony at the preliminary than it is today or it was in 1990, '91, '92?

Correct.

Common sense. Now, I didn't pull out the page numbers, but I'm going to suggest to you, or my
notes seem to indicate that you gave the same evidence to Mr. Tallis at the trial, that you told him that you had told the police prior to your statement that David was involved, and I don't have a document number, $I$ 'm hoping my note is right, but I'll be corrected if I'm wrong, but if you said that at the trial in January, January 20th, January 21st, 1970, would you also agree that your memory back, that's only another three or four months, was better than it was in 1990 when you talked to Mr. Henderson, when you talked to Mr. Williams and all the way through, Supreme Court of Canada and even here?

Yes, it would have been better.
Okay. So -- and you've told us nobody was putting you up to what to say, but you stood your ground with Mr. Tallis when he challenged you as to when you first identified him and said ah-ah, buddy, it wasn't May $23 r d$, it was earlier than that, $I$ told them in Regina, which we know to be May $21 s t ?$ I guess so, yes.

Now, sir, $I$ just have a couple of other areas that I want to touch on very briefly and they are about some evidence that you've given to other counsel here, and one of the issues arose on Friday when,
remember Mr. Fox, who's counsel for Mr. Karst, was asking you some questions?

A

Q

A
Yes.

And he was asking you some questions because of the evidence that had been led by, primarily by Ms. McLean, that the RCMP did an investigation of you in 1993 to determine whether you had received any financial benefit for giving the statement, a recantation you did to Mr. Henderson. Do you remember that?

Yes.
Now -- and this is just more of a summary kind of thing. Would you agree with me that when the RCMP were tasked in 1993 to figure out whether any wrongdoing had happened here by the police, by the Crown, by anybody, they didn't have the benefit of knowing what everybody learned in 1997, and that was that there was DNA evidence that implicated another person and exonerated Mr. Milgaard? Yes.

So back in 1993 the police were doing the old-fashioned gumshoe investigation, they were having to look and figure it out without the benefit of science?

I guess so, yes.

Q

A

Q

Okay. And would you agree with me that one of the concerns or one of the considerations for the police in 1993 might have legitimately been that even though you were saying in 1990 and thereafter that you had lied at Mr. Milgaard's trial in 1970 and you were consequently a major part in getting him convicted wrongfully of murder, that you applied for the reward that was offered back then? Yes.

Okay. So you are telling everybody that you lied and that you felt bad about it, but yet you applied for the reward, so as a police investigator kind of a little bit of a flag to think, nya (phonetic); agreed?

I guess so.
Okay. Now you also have testified at various times about, and you testified in the Supreme Court of Canada in 1992 I believe it was, that you didn't know there was a $\$ 10,000$ reward? Correct.

Okay. And you know, with your questions that various people have asked you, that there's documentation before this Commission that shows that in 1991 Mrs. Milgaard told you she was offering a $\$ 10,000$ reward? 25

A

A
Q
A
Q
$Q$

Yes.
COMMISSIONER MacCALLUM: '81?
BY MS. KNOX:
'81. And $I ' m$ going to ask to bring up a document, 048235, this is a letter to you, it doesn't have a date on it but it was written by David Milgaard.

And $I$ can't remember if you have been asked about
this letter before or not, but do you remember
getting a letter from Mr. Milgaard?
No I didn't.
You didn't get this letter?
No I didn't.
So, okay, so then there is no point in my going there because you don't know anything about it.

And then $I$ have already referred
you to the testimony that you gave in the Supreme Court of Canada, and you were interviewed by two criminologists, $I$ think is their proper title, in 1991; Mr. Boyd --

Yes.
-- and Mr. Rossmo? And have you ever been provided with a copy of the report that they did? No.

Okay. Then I'm going to conclude by just directing you to a document 040519 . Okay. And
just for your benefit this page says it's page 22, and it's page 22 -- full document number is 040497 for the benefit of counsel -- and it's of a study or a report prepared by those two criminologist, Mr. Rossmo and Mr. Boyd, titled Milgaard v. The Queen: Finding Justice - Problems, and Process. Okay? So I take it you know they interviewed a whole bunch of people, they looked at documents, statements, transcripts, and in fact they even spent some time with you, as we know, in October of 1991?

A
$Q$

Yes.
Okay. I want to refer you to the last paragraph -- and I'm going to give you a chance to read it because you told me you haven't seen this before and $I$ want to make sure that $I$ am really fair, and I'm not asking you to read this to embarrass you, I'm just asking you if you would take a look at it, and then $I$ have a question for you. And when you get to the end, to the 'primary' down here, if you would tell the girl so that she will move to the next page, because there's another sentence. Okay.

Okay, if we could go to the top of the next page, please.

COMMISSIONER MacCALLUM: I'm sorry, but I think $I$ have to call for the adjournment now, so we'll have to meet again at $2: 00$ and finish this. MS. KNOX: I just have one more question left. BY MS. KNOX:

Q
Well, you have never seen that before, but $I$ was going to ask you --

COMMISSIONER MacCALLUM: Well my concern is twofold; one concern $I$ need not mention, the second one is that this witness has told us that he is in the habit of speed-reading things, which in the proof -- in the past has proved, has resulted from some bad effects --

MS. KNOX: Okay, Mr. Chairman, I --
COMMISSIONER MaCCALLUM: -- and I want him to read carefully for once.

MS. KNOX: Okay.
COMMISSIONER MacCALLUM: 2:00. (Adjourned at 12:29 p.m.) (Reconvened at 2:00 p.m.)

BY MS. KNOX:
Thank you, Mr. Commissioner. And just for the record, Mr. Wilson, when we took the lunch break, although I didn't clear it with the Commissioner,

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I want to state that $I$ provided a copy of this Boyd paper to your counsel, the full document being 040497 , so that he would have a hard copy of what $I$ was going to refer you to to look at in addition to what was up on the screen before we took the break.

Yes.
And I'm assuming that Mr. Watson, in his presence you took a look at it over lunch?

Yes, I did.
If $I$ could bring up again then 040519 and direct your attention to the bottom of that page and the very first two lines at the top of the next page if $I$ could, being the end of that paragraph from page 22, Mr. Boyd and Mr. Rossmo basically do a description of their perception of you as you were in 1969 and $I$ know you hadn't seen it before today, but did they do a fairly good summary of who you were back then?

Yes, not bad.
Okay. Now, sir, there's two matters that because I had the benefit of time $I$ want to address for the record, and not so much to introduce or to question you on new areas, but you'll remember I was asking you this morning if you remembered
giving testimony to Mr. Tallis in
cross-examination at the preliminary inquiry about when you first implicated Mr. Milgaard and you were very assertive with him at that time that you had done it before you came to Saskatoon, you did it in Regina, and I referred you to the passages from the preliminary inquiry. You remember that? Yes.

And I indicated on the record that $I$ had forgotten to copy the trial transcript, but $I$ asked you to trust me that it was in the trial transcript. Other counsel have provided me with a copy of the trial transcript and I'm going to ask to have brought up 005325 and $I$ 'm just going to read the last line of 005324 without getting the staff to bring it up. There's a question from Mr. Tallis that's similar to what he asked you at the preliminary inquiry, he says:
"And then when did you first tell the police --"

And then it moves over to the top, and I'll ask to have this blown up,
"-- the story that you have told in this courtroom ..."

And you start to answer him before he finishes
and he goes on to say, "Just a minute, please, which tended to implicate - now, implicate means to bring into --" I can't read that word, "-bring the accused into the thing as a possible culprit - when did you first tell the police about that?" And you again at the trial, you indicated to him when approximately that was, you said approximately May 22 nd, which was the day before your May 23 rd statement you agree? Yes.

And in fact the police report done by constable -or Detective Karst indicated that it was on the 21st in Regina before you came to Saskatoon that afternoon, so you did have an opportunity at trial as well and, as you said this morning, your memory was fresher then than it has been in recent years on this issue?

A Yes.
Now, I have to correct myself on one thing, again looking at my notes because $I$ had that extra bit of time, I said to you this morning that nobody had asked you a question at the preliminary inquiry that $I$ could see as to how long David was away from the car, you were asked about how long you were away and on direct you said five to 10
minutes. I found a note as I was just doing my quick check to make sure $I$ covered everything that I made to myself and $I$ want to bring up page 005256 and $I$ want to refer you to this portion starting right here. Oh, I've marked it up. Mr. Tallis is -- this is in the trial transcript and I think this is where I got confused, but what he's actually doing is he's referring you to some evidence that you gave at the preliminary inquiry and he's saying to you that he asked you the question at the preliminary inquiry as to how long it was after you got back to the car that David got back and his question is:
"Q Is it fair to say David came back to the car just a few minutes after you returned?"

And you answered yes, and again this is at preliminary inquiry:
"Q And would it be fair to say that that would not have been more than five minutes after you got back?"

And your answer was:
"A Not more than five or six minutes." Okay. So if we take the time, just so that $I$ didn't otherwise mislead you this morning, if we
take the time that you gave on direct examination at the preliminary inquiry when you said you were away five to 10 minutes, then you said that Mr. Milgaard was away five to six minutes, it was within that 15 minute period that you had told Detective Karst back in May of ' 69 wasn't it? Yes.

Okay. So again the suggestion that somehow Mr. Caldwell got you to lie or to stretch your evidence at the trial is not borne out by any record that we have available to us from those days?

Correct.
Okay. And if $I$ could say finally you'll recall that yesterday morning $I$ raised a concern about a question that had been put to you last week by Mr. Wolch that he asked you if Mr. Caldwell had told you to leave out of your evidence at the trial anything to do with a purse snatching? Correct.

And you told him that you didn't remember and he said to you it could have happened and you said it could have. Mr. Wilson, $I$ want you to think very carefully, did -- and I've gone through everywhere I can, all of the statements you've given to
various people -- to your best memory, regardless of the suggestion made that it may have happened, did Mr. Caldwell tell you to leave anything out of your evidence when you testified at the trial in January, 1970 about purse snatching or anything of that nature?

That $I$ don't recall.
Okay. It was made clear to you, though, was it not, that you weren't going to be asked any questions about any of the other prior bad acts, the break and enters, anything like that, when you were being prepared to give your evidence at the trial?

I can't recall that either, sorry.
Okay. And looking at the transcript, and you've looked at it, you know you weren't asked about any of those things whatsoever, were you, except the judge asked one question toward the end how long were you guys stopped in Craik?

Correct.
MS. KNOX: Those are all the questions I have, Mr. Wilson, and thank you very much. MR. HODSON: I believe that is all the counsel, Mr. Commissioner. I'm not aware of any requests for any redirect and $I$ do not have any
questions or re-exam. Maybe $I$ can just confirm my assumption.

COMMISSIONER MacCALLUM: Thank you.
MR. HODSON: So if I could, if I could thank you, Mr. Wilson, for the many days you've been here and as well express my thanks to his counsel Mr. Watson for his co-operation, and that's all, Mr. Wilson.

Thank you.
COMMISSIONER MacCALLUM: Thank you, Mr. Wilson, you are excused. Mr. Watson, thank you.

MR. HODSON: The next witness is
Mr. Wilson's mother Shirley Wilson and Jordan
Hardy will be leading her evidence. If Mrs. Wilson would like to come up.

## SHIRLEY WILSON, sworn:

## BY MR. HARDY:

Good afternoon, Mrs. Wilson. I want to begin by thanking you for attending at this Commission of Inquiry today to give testimony, and please let me know if at any point you need a break or would like to take a break and we'll be more than happy to accommodate you.

I understand that you presently

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reside in Regina?
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Yes, I do.
And that's at 126 Cornwall Street North?
Yes, it is.
And am $I$ correct that that was the same residence you resided at in 1969?

Yes.
And you are presently married to Cecil Wilson?
Yes.
And that was the case as well in 1969 ?
Yes.
And $I$ understand that you have five children,
Mrs. Wilson?
Right.
And perhaps you can name them for us from oldest to youngest?

Well, we've got Ron, Gail, Debbie, Kathy and Rick.
And as you are likely aware, Mrs. Wilson, the
Commission has been hearing the evidence of your
son Ron over the past few weeks and at the outset
today $I$ was hoping that you could give us a little bit of a description of Ron as you remember him as a youngster before his teen years.

Oh, he was a happy boy, the whole family was.
They did sports of all kinds.

And what can you tell us about Ron moving into his teen years, what is your recollection of him? In his teen years things changed, so did the whole country it seemed, we had the hippies, we had the flower people and there was drugs.

So specifically with respect to Ron, when you say things changed, what did you notice about Ron?

He seemed to be depressed. It was hard to describe exactly what was going on in his mind, but $I$ didn't know this was going on.

And again $I$ want to direct your attention to the time period prior to the events that we're going to be talking about that are the subject of this inquiry, again Ron was in his early teen years, is that the time period you are referring to when you noticed a change in him?

It didn't happen until basically, that $I$ really noticed it, is when David was, came around, and things, $I$ don't know, it seemed like all the kids were changing, all of them about the same age. So it's --

You don't know why, but they seemed, their attitudes seemed to change and you just thought, well, it was growing pains or something to that. It seems like parents are always the last to know
of anything.
Okay. And again $I$ want to focus for the time being on the time period prior to the trip to Saskatoon that we've heard in evidence your son Ron took with David, and again prior to that time period who were some of your son's friends, who was he associating with at that time?

Basically there was Jim and there was Wayne and there was a Craig, a Lapchuk and a Bob. There was quite a few.

And what sorts of activities was this group of friends engaging in from your recollection?

Well, with some of them he had gone to school with and the other ones just showed up and our house was always loaded with people.

And what did the boys like to do together?
They liked driving around like teenagers do.
And was Ron attending school during this time period?

Off and on.
And again we're referring to high school years then it was off and on?

Yes, it was.
And do you know whether Ron was doing drugs or alcohol during that time period in his earlier
teens to mid teens?

I really didn't know until this trial came up. That's when I noticed, that's when I started really paying attention.

And when you say this trial, just to be clear, what are you referring to?

I'm talking about the one with David Milgaard.
Okay. Now I would like to turn your attention, Mrs. Wilson, to some of the events of 1969 that are the subject of this inquiry, and we've heard in evidence that your son Ron went on a trip to Saskatoon on the night of January 30th, 1969. Do you have a memory of your son getting ready to go on this trip?

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Yes, partly, yes.
And your son then was at your home prior to leaving on this trip?

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No, I didn't.
What did -- what was -- how did you refer to him?
I only found out -- I called -- it was Hoppy
David.
Okay. And did you know David as David at that time?
because some of the boys had first names, nicknames, last names, but $I$ only knew him as Hoppy.

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And how long had you known Hoppy or David --
Not very long.
-- prior to this time period?
Not very long.
Had he been at your home for a period of time before the boys left?

I can't remember. Maybe a day or something like that.

So he perhaps had stayed overnight at your house?
Yes, he did.
He did stay overnight?
Yes, he did, because my young son at that time, because he stayed at our place, he slept on the chesterfield.

And although you were with him for a short period of time, what was your general assessment of

David?
He was very nervous, very fidgety.
And were you able to pin down or did you have any conclusions what that was relating to?

I had no idea.
And just perhaps give us a description as best you 25
can what you mean by that, what was his manner?

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Okay. And I don't want you to speculate,
Mrs. Wilson, but do you recall anything about what the boys were wearing prior to departing from your prior to their departure?

I gave Ron some money and David, I gave him a sweater. He just couldn't sit still, he had to go, that's all there was to it, he had to go to Saskatoon, and $I$ said nothing can be that important to go in cold weather, storming, the car is not fit to drive, but he insisted that they had to go.

Can you recall for us specifically some of the activities that Ron and David were doing that day, again $I$ 'm referring to January $30 t h$, getting ready for the trip?

They were trying to fix the car, the car that his dad had bought.

Okay. Do you remember in particular what they were doing with the vehicle?

I have no idea about cars.
And I think you started to express it, but what were your thoughts on this trip?

I think it was nuts, not in that kind of weather.
And did you provide anything to David and Ron M eyer CompuCourt Reporting $\overline{\text { Cesfied Pressin }}$
home?

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I know my son was wearing jeans and what David was wearing I'm not sure.

Do you recall, and again $I$ don't want you to speculate, $I$ just want you to go from your own recollection, do you recall whether they changed their clothing prior to departing on the trip?

I think they did.
And do you have a memory of whether you did laundry for the boys prior to their departure? I'm not sure.

Did you know who else might be going on this trip with David and Ron?

They mentioned Nicky.
And who did you understand Nicky was?
Supposed to be David's girlfriend.
And how had you learned that?
That's because they said so.
Okay. Ron or David had said that?
I'm not sure which one.
And so the boys departed then. Do you have a memory of Ron returning home from that trip?

Yes.
And do you have a sense of how long he had been gone?

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No. I thought it was only a couple of days, but I guess maybe it wasn't.

But your memory is that it was a couple of days?
I thought it was.
And did Ron return home alone or was he with somebody?

No, he was with David.
And what do you recall of the boys upon their return in terms of their manner or anything that they were saying?

They never really said anything to tell you the truth.

Did you notice anything unusual about either of them?

Not really. They were about in the same thing as they were before. David was still excited or whatever you want to call it.

Did David --
Very fidgety.
Did David stay at your home for any period of time after they returned?

I think he stayed for a day or two. I know I did his washing, but don't ask me exactly what completely I washed. I know I washed both their clothes.

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So you have a specific recollection of that?
Yes, I do remember that $I$ washed clothes for them, but how much of it, shirts, pants, jeans.

So you have no memory of the specific items that you washed?

Well, $I$ didn't want the boys running around with dirty clothes.

And did David bring back the sweater that he had borrowed?

Yes, he did.
Did you notice anything about the sweater?
The only thing I could remember, that it looked like battery acid on it.

Okay. And you do have a specific memory of that then?

Well, I know battery acid when $I$ see it, my husband is a mechanic, so $I$ know what battery acid looks like on clothes.

And maybe just give us a description of what you recall seeing then.

It's sort of a rusty red sort of. Depending on the material, that's how it would come out on clothing, the battery acid.

Okay. And do you remember seeing that on the sweater then? 25

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I think maybe there was a touch of it there and I was hoping $I$ would be able to get it off, but -Do you remember trying to clean it?

Yes, $I$ tried, but it didn't seem like it was going
to. I'm not sure whether it eventually came out or not.

And so after this time when Hoppy and Ron had returned, $I$ take it Hoppy eventually left from the home. Did you have occasion to see David again? I saw him once after that.

And can you tell us about that?
He came to my place and I couldn't believe it was the same boy, he was all cleaned up, a suit, sport jacket, a hair cut. He was selling magazines. And did you have a conversation with David on this occasion?

He did mention that the Saskatoon police were suggesting that he had something to do with this murder of this nurse.

And do you recall anything else in particular that he may have said?

No.
And in your mind how long after Ron and David's return from their trip and this next occasion that you saw David, how much time had passed?

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in you --

A investigation? the words.

Not really, no. investigation? to that effect? once.

No.

I have no idea, but all $I$ know is it happened before the hearing.

And do you remember then when it was that you learned that Ron was involved in a murder

I just don't quite remember.
Do you recall Ron talking to you about his involvement in that investigation?

He did mention something, but I'm not sure exactly

Do you have any sense of what it was that he mentioned to you if you were to paraphrase it or any recollection in that regard?

But he mentioned something about the

Something that they were thinking maybe he had something to do with it.

And you specifically remember him saying something

Something to that effect, but he only said it

Okay. So I take it otherwise he wasn't confiding

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-- in terms of what was happening?

No.
And did you have any direct dealings yourself with the investigators?

Just when they came to the house.
And can you tell us about that?
I think there was three or four, but I'm not -- I just don't remember when they were searching the house.

And were they uniformed police officers or plain-clothes police officers?

Plain clothes.
And do you remember whether they were from Regina or Saskatoon?

They were from Saskatoon and $I$ think there was one from Regina.

Do you remember their names?
No.
Do you remember a description of any of the officers?

Uh-uh.
And specifically can you tell us what they did, what they asked you, what they were doing?

Oh, they went through every dog-gone bedroom and every dresser drawer and made one heck of a mess
and my daughter happened to be home and we had to get this all cleaned up before my husband got home from work and $I$ was not very impressed with them. Do you remember any specific questions that they had for you on this occasion?

Let me think. I'm not sure whether it was then or when they were looking for the knife, that one of them had told me that $I$ was very lucky, and I said why, and they said because you have three daughters and that could have happened to your three daughters, and they said if David gets off on this one, we have two girls that did live. Excuse me, that did --

That did live.
Okay. And did you understand what the officers were saying in that respect?

No, I wasn't -- I was too disgusted with them, I was really mad at them. I always prided myself in keeping my house clean.

But those two comments that you've just mentioned, that is a specific recollection you have from your own memory, Shirley, of --

Well, $I$ had forgotten all about it, totally forgot about it.

Sorry, forgot about what?

What they had said to me.
Okay. And was there something that refreshed your memory?

Yes, when Ron went down to Ottawa, that's when $I$ remembered.

And what specifically did you remember at that point?

What $I$ remembered was these two girls had said that it was Fisher that had raped them.

And somehow you made a connection back to --
Then it dawned on me what they were talking about, but at the time $I$ just -- I don't know, it just slipped my mind completely and I was never asked about anything like that at all.

Do you remember having any other involvement with the officers during their investigation?

No, that's the only time they came to the house. And were they looking for anything in particular when they came to the house?

I don't know what they were actually looking for and then eventually they asked about a knife and only at that time, $I$ only had two paring knives. I said you can take a look, but that's all you'll find.

I want to turn your attention now, Mrs. Wilson, to
some of the documents that were created at the time of the investigation and I'll have a few questions for you relating to those documents and you'll see them appear in front of you on the screen there. I'm firstly going to refer to Ron Wilson's statement dated March 3 rd , 1969 and that's doc ID 025518. If I could turn, please, to page 025521 of that document?

Could you make that a little larger?
Yeah, we'll enlarge that portion right there, please. I'm going to start reading right here, and again these are your son's words in a statement that he provided to an RCMP officer in Regina, Shirley, at the time of the investigation, and he states:
"The coat he --"
And $I$ believe he's referring to David Milgaard,
"The coat he was wearing, a brown one,
is now at my place as it also has acid burns and the pair of pants he changed is now in my car in the back seat."

I'm not going to get you to comment yet, I'm going to turn to the next page of that document, it's 025522, and if we could focus, please, on this portion here, and this is no longer the
statement of your son Ron, but it was a page that is found at the back of this statement in the records that we received from the Saskatoon City Police, and I'll just read that portion to you. "A check with Mrs. Wilson, his mother, revealed that she had thrown the brown jacket, mentioned in his statement, into the garbage sometime ago. She states the jacket had several acid burns in it and she did not notice any bloodstains." I'm going to refer you to one further document as we move along here, it's 250597 , please. Perhaps we can just turn to the next page to identify the document, it's 250598 . You'll see, Mrs. Wilson, this is a report that was done by one of the RCMP officers who was assisting in the investigation at the time, a Corporal Rasmussen. Does that name sound familiar at all?

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No, I don't remember the name.
And if we can turn to page 250602 of that document, please, again $I$ 'm going to focus in on this paragraph here, beginning reading right here, Mrs. Wilson, it states:
"Subject's mother indicated she had
thrown the brown jacket referred to in
subject's statement into the garbage some time earlier. She stated the jacket had several acid burns, but she hadn't noticed any blood stains."

Now, with respect to all three of those documents, Mrs. Wilson, do you have any
recollection of the brown jacket that's being referred to in the documents?

No, I don't remember the jacket to tell you the truth.

And do you have any reason, though, to dispute the information that's indicated as provided by yourself in these documents?

No. If I said that then, then $I$ must have said it.

But you have no recollection of that brown jacket? No, I don't, but $I$ know he must have had a jacket. Okay. I'm going to turn, next, to an investigation report, Mrs. Wilson, it's doc. ID 106640, please. If we could focus in just at the bottom of the page, this portion here. Actually, I'm sorry, if we could go back out again. You will see, Mrs. Wilson, the document is dated March $22 n d$ of 1969 , it's a Saskatoon Police Department investigation report into the Gail Miller murder,
and if we turn to the next page, please, it's done by a Lieutenant Charles Short. If we can go back to the first page, please, and again focus on that portion that $I$ had identified. I'll just read this to you:
"On Tuesday, March 18/69 Detective Karst \& myself took Albert Cadrain to Regina and were in touch with the Regina City Police there and later we proceeded to the Regina gaol and interviewed Ron Wilson again, however, nothing further was learned from him and we also found his home and talked to Mrs. Wilson where there was some discrepancies found in the clothing that these boys both Wilson \& Milgaard were wearing when they left Regina."

I'll ask you first, Mrs. Wilson, do you recall a Detective Short or a Detective Karst at the time of the investigation?

No.
Those names aren't familiar with you?
No.
Do you have any idea what they are talking about in this comment? Do you recall discussing
clothing with officers at the time?
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I don't remember.
Okay. I'll turn your attention to another investigation report, it's doc. ID 106661 . You will see this report is dated April 18th, 1969, and if we could turn to page 106663 , please, it's authored by a Detective Karst. And if we could go back to 106661 and start to focus on the bottom of the page there, please, I'll read this for you again, Mrs. Wilson:
"A call was also made to 126 Cornwall Street North in Regina where we interview Wilson's mother however she could shed no further light on this situation other than she did not know the Milgaard youth very well and that she was not missing any cutlery or knives of the description that we wanted nor did she have any of that description."

And I'll stop there for a moment. Do you remember officers, in the course of the investigation and in their visits with you, asking questions about David Milgaard?

I think so but I'm not sure.

Okay. And what about the comments about the cutlery or knives; does that refresh your memory at all?

A paragraph:
"She did however state, though that the both youths, Wilson and Milgaard had changed clothing at her residence on the night of Jan. 30 before leaving for Saskatoon, as they had spilled acid on them while working on the battery in the car in which they were trying to start." Does that information refresh your memory at all, Mrs. Wilson, as to what went on?

I do remember them changing clothes.
I'm sorry, you do remember them changing clothes? Yes, I do remember them changing clothes, and when they came back.

Okay. So that would be accurate information as it was gathered from you at that time?

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you recall any further discussions with officers or with the prosecutor prior to testifying at the preliminary inquiry?

No.
Okay. And just for the sake of reference I'm going to show you a letter from the Crown prosecutor to Mr. Milgaard's lawyer at the time. If we could turn, please, to document ID 000798.

This letter is addressed to Mr. Tallis, Mr. Milgaard's lawyer at the time, September 9th, 1969. If we could just turn to the last page for a moment, 000800 I believe, authored by

Mr. Caldwell, the Crown prosecutor. If we could turn, please, to 000799. I'll just focus in on this portion here, please, I'll read this paragraph to you, Mrs. Wilson:
"As requested by yourself, I have added the names of Inspector Roberts of the Calgary Police Department, and, Mrs. Shirley Wilson of Regina, to the list of Crown witnesses as required by the Legal Aid Plan, and $I$ hope that both of these persons will be in Saskatoon Wednesday, September 10th."

Do you remember meeting with Mr. Milgaard's lawyer prior to testifying at the preliminary inquiry, Mrs. Wilson?

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No.
Okay. I would like to, next, review some portions of the testimony you provided at the preliminary inquiry, and I'll have some questions arising from those portions. If we could turn, please, to document ID 032363 and to page 032366 . And to be clear, Mrs. Wilson, I understand you have had a chance to review this transcript prior to providing testimony today; is that correct? Yes.

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Okay. Start reading here, please, I'll read these questions and answers to you and then I'll have some questions for you?
"Q And now, $I$ take it in due course, your son had come back with his car to Regina?"

And, again, they are referring to the trip here, Mrs. Wilson, that your son and David had taken:
"A Yes.
Q And did you see either of these other youths after your son came back.

A No, just Hoppy.
Q But you did see the accused, after your son came back?

A Yes.
Q And did you see Nicky?
A No.
Q Alright, and did you have anything to do with clothing belonging to either your son or Hoppy, or Nicky, after this trip?

A I did Hoppy's washing.
Q And who gave it to you to do?
A He did.
Q And you did that, did you?
A Yes."

Moving to the next page:
"Q Did you have anything to do with any jacket, or outer type of winter coat?

A The winter jacket $I$ threw away.
Q Now, I believe that you had spoken to, or were seen by some police officers about the jacket, before you threw it away?

A Yes.
Q And what was the name of the policeman?
A Detective Walters.
Q Is he a Regina City policeman?
A Yes he is.
Q Now, did that coat go on the trip?
A I can't say for sure whether it did or not.

Q Was it at your place after they came back?

A Yes, it was.
Q I see. And who's coat was this?
A It was Hoppy's.
Q And do you remember - say - the fabric of it, or anything like that?

A I think it was a green corduroy, I can't be sure - green suede or
corduroy, at least $I$ think so, I couldn't swear for sure..what it was.

Q Okay. As I understand you though, it was at your place after the trip?

A Yes.
Q And did you look at it, did you see any irregularities about it?

A No just that the battery acid had eaten it up.

Q And had you been present, so to speak, when acid had gotten on that coat?

A Yes.
Q And when was this?
A When they were changing the battery in the car.

Q And when was that, in relation to the trip?

A Just before they left.
Q Before the trip?
A Yes."
And I'll pause there. I apologize, that was quite a long portion, but does that refresh your memory at all in terms of either the clothes the boys were wearing or the brown jacket referred to?

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Q


I don't remember, but $I$-- he must have had a jacket, but $I$ don't remember the colour or anything like that.

Okay. But I take it that you would adopt, though, this information as accurate, as truthful information as you would have provided it at the time?

Yes I would.
Okay. I'm going to continue reading from where I left off at line 40:
"Q I see. And I take it then that it was after the trip that you threw it out?

A Yes, it was.
Q And was it sometime after the trip?
A Yes, it was. I thought I had already thrown it out, but the children must have stuck their jackets on top of it, so it was quite a bit later.

Q But I take it you are certain you did eventually throw it out?

A Oh definitely, yes.
Q And this was after speaking to Walters?
A Yes, I had him come up right to the house to make sure that he saw what he wanted to see, and I asked his
permission, if it was alright to throw
it away, and he said yes.
Q And that's what you did, is it?
A Yes."
Again I'll pause there. Does this information
refresh your memory at all, Mrs. Wilson?

A
$Q$
A
$Q$
A
$Q$

A

Q
Okay. Just keep reading from where we had left off at line 45:
"Q And did you have anything to do with any other jacket or coat that you knew as


|  | 1 | 2 | And, again, you accept that, those answers that |
| :---: | :---: | :---: | :---: |
|  | 2 |  | you provided at that time, as accurate answers? |
|  | 3 | A | Yes. |
|  | 4 | 2 | Okay. Just move down a little bit to line 53, |
| 02:42 | 5 |  | please, and I'll read on from there: |
|  | 6 |  | "Q And did you give anyone, police officers |
|  | 7 |  | or otherwise, any items of clothing |
|  | 8 |  | which may have been on this trip, with |
|  | 9 |  | any of the two boys? |
| 02:42 | 10 |  | A There was a grey sweater, a bulky-knit |
|  | 11 |  | sweater. |
|  | 12 |  | Q And who did you give that to? |
|  | 13 |  | A A detective from Saskatoon, here. |
|  | 14 |  | Q I see. Now is this the one you |
| 02:42 | 15 |  | mentioned a moment ago? |
|  | 16 |  | A Yes. |
|  | 17 |  | Q As being your husband's sweater? |
|  | 18 |  | A Yes. |
|  | 19 |  | Q And was that in Regina? |
| 02:42 | 20 |  | A Yes. |
|  | 21 |  | Q Now, any other items of clothing that |
|  | 22 |  | you gave anybody, policemen or not? |
|  | 23 |  | A No." |
|  | 24 |  | And does that information refresh your memory at |
| 02:42 | 25 |  | all, Mrs. Wilson? |
|  |  |  | $\qquad$ M eyer CompuCourt Reporting Certified Professional Court Reporters serving P.A., Regina \& Saskatoon since 1980 Central Booking - Call Irene @ 1-800-667-6777 or go to www.compucourt.tv |

A
$Q$
A
$Q$

A
$Q$

A

Q

A
$Q$
A

Q

A
2

I do remember them, giving him my husband's jacket -- or sweater.

You do recall that?
Yes.
Okay. And, again, you would accept that testimony as truthful testimony as you provided it at the time?

Yes.
Okay. I'm going to read you a portion -actually, I'm going to stop there. And, again, you don't recall a Constable Ken Walters?

Yes, I remember Ken Walters now.
Okay. And that's, though, only after being refreshed by the documents; is that correct? Yes, it took me a while, but then all of a sudden it clicked and then $I$ remembered.

And what do you remember about Ken Walters?
He always tried to help me out. Every time Dale got, or Ron got into trouble, he would seem to be always there.

And that was outside the context of this investigation even?

Yes, this is as the years went by.
Now I understand, Mrs. Wilson, that you were not required to testify at David Milgaard's trial?

A
Q

No.
Were you subpoenaed to Saskatoon?
Yes I was.
And again for the sake of reference I'm going to show you a letter from the prosecutor, Mr. Caldwell, to Mr. Tallis. The document is document ID 053950 to Mr. Tallis dated January 12th, 1970, and we can turn to page 053951 , please, and focus in on this paragraph here, and I'll read that to you:
"I have also had Mrs. Shirley Wilson of Regina subpoenaed and $I$ have also advised her to stand by and await further notice. I am not sure whether I will call her as part of my case or not, but perhaps we can also discuss this before the trial or once it gets under way on about January 19th."

And when you were subpoenaed to Saskatoon do you remember being at the courthouse, Mrs. Wilson?

And do you remember meeting with the prosecutor or Mr. Milgaard's lawyer --

No .

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-- at that time?
```

A No.
Q
Okay. So throughout the preliminary hearing and the trial did you know what evidence your son, Ron, was providing?

I had no idea.
Did Ron speak to you at all about his involvement in this matter?

No he didn't.
What information he was giving?
No.
Okay. Following the trial did Ron speak to you about his evidence?

No.
And moving away for a moment entirely from the legal proceedings in the Milgaard matter, what did
you observe about your son or in respect of your
son as the years followed, as he aged into his twenties?

A
He never could seem to settle down to anything.
He -- we sent him to Moose Jaw to take auto body,
he didn't finish that because he took sick, he took the thrush. And then, after he got back on his feet and that, then we tried -- he went to

Weyburn and he took up welding, but then because of having the thrush he had to come back and
forth, back and forth, and he -- all his teeth, he lost all his teeth. And he never could seem to settle down to anything, even though he took a, he tried to get his grade 12 and that, it took him a long time. He took it by correspondence, and he finally did get his grade 12 , but it took him a good many years, believe me, and it was no fun. And what about drug use or alcohol use; did you make any observations in that respect?

He was, at one doggone time he was thinking of committing suicide, he didn't think it was worth living any more. Then $I$ had him going to the doctor to see if they could help. It helped some, but if something -- whatever was bothering him, I didn't know, he would have to work it out himself because he wouldn't tell anybody anything. Nobody in the family knew anything.

Okay.
I'm just finding out, now, what went on.
Okay. And in that immediate time period following the trial, again, do you recall being contacted by anyone in connection with the Milgaard matter?

A
$Q$
A
And who told you that?
My -- I think it was one of the detectives or
something or other.
And do you remember when they told you that?
It was after the -- it was after the trial. I know when she phoned me I told her there was nothing $I$ could tell her, or to help her, because I was only at the hearing. I didn't know what was going on.

So you do remember a conversation with
Mrs. Milgaard then?
Yes I do.
And, if you were to try to place that in time, when would you place that conversation?

All $I$ know is it was after the trial.
Okay. And the discussion that you mentioned that you had with the police officer was before the discussion with Mrs. Milgaard?

Yes it was.
Do you remember who that police officer was? No.

Anything else that was said in either of those conversations of relevance?

No, nothing.
Was there ever an occasion in later years, Mrs. Wilson, when Ron confided in you in terms of what he had testified to?

A
$Q$

A

Q

A

Q

A
$Q$

A
$Q$

A

Q ${ }^{*}$
why.
And did you observe any interaction between George and Ron on that occasion?

There was a confusion there somewhere for some reason. I have no idea.

Okay. And we know that Ron testified in Ottawa in the early 1990's at the Supreme Court of Canada; did he speak to you at all about his testimony at the Supreme Court?

He did afterwards, yes. He phoned me, he was so scared, he was so upset. He was there all by himself with nobody, and when he should have said "yes" he should have said "no" and one way and another, he was all completely confused.

Do you remember specifically what he told you during this conversation?

He was very scared that they would say it was him and everything else, that he was very upset.

Okay. You mean he was expressing to you concern that he would be implicated?

Well he thought, at the time, that he would be incarcerated. He was very scared.

Okay.
'Cause he was trying to pick up his pieces and trying to make a decent life.

And anything else that you recall of that conversation?

A

Q

A
Q

A
$Q$
A
$Q$
A
Q
Q That's about it, except that he was very, very upset.

Okay. And am I correct, Mrs. Wilson, that your next formal involvement in this matter would have been when the RCMP spoke with you in approximately 1993?

Right.
And do you recall speaking with RCMP officers in the context of an investigation they were conducting?

Yes I do.
And where -- where was that conversation?
In Regina at the depot.
At the depot?
The RCMP.
All right. I'm going to refer you to some notes that were taken by the officers following their meeting with you on that occasion, and again I'll have some questions for you from those notes,

Mrs. Wilson. If we could turn, please, to document ID 045057 and turn from there, please, up -- again, Mrs. Wilson, just for context, you will see a 1993 date, March 18th, and these are notes
taken by the RCMP officers who would have met with you on that occasion. If we could turn, please, to 045068 and just focus starting at the bottom of the page, this is information that they gathered from you at the time, Mrs. Wilson. You state:
"Before they left she washed some clothes for David. She recalled washing some jeans, a shirt, underwear and socks. Because it was so cold out she lent David her husband's grey or blue V neck sweater."

And do you recall providing this information to the RCMP officers?

A
$Q$

A
$Q$

A
$Q$
A

2

Yes I do.
And that was accurate information, from the best of your recollection at that time?

From what $I$ could remember at that time, yes.
And does it sound right that you have a more specific memory as to the items of clothing that you washed for David --

No, I was --
-- at this time?
-- sort of guessing, but $I$ knew they had to have the pants and the shirt and stuff.

Okay. I'll turn you next to page 045066 , focus
just on this portion here, please. I'll read that to you again:
"That on their return she did some laundry for David. Recalls nothing unusual on the clothing other than there may have been some acid on the sweater or something described as red rust substance, however indicated it was not blood."

And, again, do you remember providing this information to the RCMP officers, Mrs. Wilson?

A
Q

A
$Q$
$Q$
Yes I do.

And that was accurate information to the best of your recollection at that time?

Yes.
I'm going to read on from that portion, if we could just move the page down, please:
"David stayed @ their house for a few days, left and then came back not all that long after leaving. (Could not give a specific time frame.) When David came back he was all dressed up. He was selling magazines. Recalls David saying something about the Police saying something about his killing someone.

A
Q

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After saying this to Mrs. Wilson he said
to her 'can you believe it.'"
And again, Mrs. Wilson, do you remember providing this information to the RCMP officers?

Yes I do.

And do you have a specific recollection of what David had said to you on that occasion when you spoke to them?

That's just about what he had said.
Okay. And that fits with your memory today then? Yes, basically, yes.

Turn to the next page, please, 045065 . Actually, we've covered that. If we can turn to page 045064 , please, and we'll focus in starting at the top, I'll read that to you:
"Recalls at least four plain clothes policemen coming to her home at 126 Cornwall Street with a search warrant. Feels they were from the Saskatoon City Police, however, cannot recall any of their names and just remembers one of them actually saying that he was from Saskatoon. That they went through everything in the house. They made a mess. She was asked about knives. She
told them that she only had two paring knives, which she still has today. They were at the house for two to three hours. Looking for evidence. They asked what David left behind. Recalls telling them about the sweater. When they left they took only this sweater. (The sweater belonging to her husband that they had lent to David for the trip.)"

I'll pause there just for a moment. Do you remember providing this information to the RCMP in 1993?

Yes.
And, again, this would have been accurate information, --

A Yes.
-- best as you could recall at that time? I'll just read forward from there:
"Recalls one of the policemen making a statement to the effect: 'If he (David) gets off on this at least two other girls lived. Suggested that whoever attacked two other girls killed the nurse.'"

Again, do you remember providing that information to the RCMP on this occasion?

A

Q

A
$Q$
Yes I do.
And that is a memory that you have, Shirley, in terms of what the officers, or one of the officers, said at the time of the investigation?

Yes.
I'll read forward from there:
"When they took Ron to S'toon from the
jail they scared the hell out of him.
They were trying to blame the murder on him. Ron told her this after he got out of jail. He did not say that they had physically in anyway ...",
"... hurt him ..."
on the side there:
"... in anyway. That they just scared
him. Doesn't know what Policemen dealt with Ron in scaring him."

And I'm particularly interested in the middle sentence, Shirley, I'll just -- starting here it states:
"Ron told her this after he got out of jail."

Do you, first of all, recall giving this
information to the RCMP in 1993?

A
Q

A
$Q$

A

2

A
$Q$

A
$Q$
$Q$

A

2 2 2


Yes I do.
And when you were talking about Ron getting out of jail, what time period were you referring to?

I can't remember that part about when he got out of jail.

Do you have a recollection of this conversation, of learning, from Ron, his thoughts that they were trying to blame the murder on him?

He did suggest that, yes.
And when was that?
Umm, I just can't seem to remember.
Would this have been in and around the time of the investigation?

I'm not sure.
And does the fact that it states:
"Ron told her this after he got out of jail."
help you at all in terms of placing that in time? Not really, no. So you can't provide us any more detail that would help us clarify this comment, then?

It must have been before the trial. I'm not sure. Okay. Because I thought maybe you had told us earlier that Ron hadn't confided in you during the
investigation?
A
Just, that he just mentioned it once, and he never made it again.

And on that one occasion what did he mention?
That he was scared.
And that was during the investigation?
I think so.
Okay. And that's the extent of your recollection on that matter?

That's right.
Turn to the next page please, 045062 , and focus on
this portion here. I'll read that to you,
Mrs. Wilson:
"Mrs. Wilson feels that Ron has been
upset over the years largely due to his past use of drugs."

Pause there. Do you remember providing that
information to the RCMP?
A
Q

A
Yes.
And what did you mean when you made that comment to them?

Because then $I$ found out he was using drugs, which
I didn't particularly know before that.
So did you attribute, then, your observations of
Ron being upset through the years largely to his

A
Q
use of drugs, as you have commented here?
That's what I thought.
Okay. I'll read forward from there:
"That Ron is still not sure David did the murder or not."

And I'll read, I'm going to come back to that, I'll read it again:
"That Ron is still not sure David did the murder or not. That Ron is worried though that he has put someone away wrongly. That he indicated this to her in recent years."

First, do you remember telling the RCMP officers this information?

Yes, $I$ do remember saying that.
And do you remember the information that's stated there, do you remember Ron expressing to you some doubt about whether David had done it or not?

I think he sort of mentioned it and that when he had phoned me, because I didn't see him after that, after the wedding.

And help us to place that in time, when you say when he phoned you. When are you referring to? He phoned me after he had been -- or either after he was in Ottawa or while he was still in Ottawa.

And this doubt that he had you believe he expressed to you during that telephone conversation?

A
Q

A
$Q$

A
$Q$

A
$Q$

A
Q
You were not involved in the legal proceedings relating to Larry Fisher at all?

No.

## BY MR. ELSON:

I wonder if $I$ can have document number 106840 , and
I apologize for this, Mr. Commissioner, I wasn't anticipating Mrs. Wilson giving this evidence and I couldn't give advance notice to the staff. That's the document. Mrs. Wilson, you indicated

COMMISSIONER MacCALLUM: Okay.
MR. HARDY: Those are all the questions that I have for you, Mrs. Wilson. My friends may have some questions for you.

MR. HODSON: Mr. Commissioner, I have not canvassed counsel for order or who wishes to -I'm not sure if you want to take a break and I can do that or we can just see who may have. I'm in your hands as to how you wish to proceed.

COMMISSIONER MacCALLUM: How many wish to, please?

MR. HODSON: Five.
COMMISSIONER MacCALLUM: Somebody can go
then. Mr. Gibson was first last time. Do you want to go, Mr. Gibson? You or Mr. Elson, it doesn't matter.

MR. GIBSON: I can go in a minute.
MR. ELSON: I'll be very brief,
Mr. Commissioner.
in answering Mr. Hardy's questions, and that's not a document that you're necessarily going to be familiar with, but $I$ wanted to simply bring it to your attention in light of an answer that you gave to a question put to you by Mr. Hardy, and it specifically related to any communication you might have with either Mrs. Milgaard or a member of the Milgaard family, and I believe your testimony was that a police officer had spoken with you and had asked you whether or not, or had spoken to you about speaking with Mrs. Milgaard. Do you recall giving that evidence?

Yes. All he said, that $I$ should not talk to her. Right. Now --

And $I$ don't know who it was.
All right, I appreciate that. Do you recall whether or not that was a communication with a police officer in person or whether or not that police officer was communicating with you by telephone?

By telephone.
All right. And did you understand that to be a police officer communicating with you by telephone from Saskatoon?

I think so.

Q

Q
A

All right. Before you $I$ have the document, and it's actually, there's several numbers for this document, this is the one number that $I$ specifically referred to, 106840 , and it's my understanding that it is a document from, I believe it would be then Inspector Penkala, he was not yet the Chief of Police, but it is addressed to Detective Staff Sergeant Karst and it reads as follows, re: David Milgaard case, and the message reads:
"Ed, please contact Wilson and John, if possible and confirm whether or not they wish their names and addresses released to lawyer for the Milgaard family. I'm sure they won't, however, the chief would like to know that specifically so that he can tell the lawyer."

Now, first of all let me ask, it's my understanding that Detective Karst did make some contact or attempted to make some contact with Nichol John and with your son. Was your son living in Regina in January of 1981?

A '81?
' 81.
I don't remember.

Q

A
A
$Q$

A
$Q$
$Q$ 2 |


9th of '93, and it reads:
"Phoned Mrs. Wilson to find out if everything is still on for the 13 th."

Skipping down:
"Mrs. Wilson last saw Dale on Sunday.
From the sound of things Dale phones home from time to time. If Mrs. Wilson
talks to him she will find out if the 13th is still a go. Told Mrs. Wilson that $I$ would prefer if Dale called me direct."

Now, I appreciate you probably haven't seen this document, it's a document that's created by RCMP members as they carry out an investigation. Do you remember in the fall of 1993 being a liaison between the RCMP and Dale?

Not -- to tell you the truth, I don't remember. If we could just go ahead to 046668 , the next page, please, and again we're looking at that particular passage, 93-09-15, again it talks about a contact with Mrs. Wilson, and does any of that ring a bell at all as to whether you were contacted by the RCMP or not?

No. I just don't seem to remember.
Okay. If we could go to the bottom portion of
that page, just right along there, it says:
"Phoned Mrs. Wilson, who stated that she had spoken with Dale the other day.

Apparently Dale forgot about the map and now feels that he simply cannot remember enough to do it. Mrs. Wilson simply does not know when she will see Dale again."

Do you remember any discussion with the RCMP about Dale trying to draw a map of how he came into Saskatoon and whereabouts he ended up in Saskatoon on the evening in question and the morning in question?

A
Q

A
$Q$ No.

So no recollection at all of that contact in the fall of '93 with the RCMP trying to contact Dale again?

No, I don't.
Okay. That's fine, thank you. If we could go to 035, I believe it's 818, or 817 would be the document. If you can't find it, it may not be entirely necessary that we put it up. Mr. Hardy asked you questions about whether you were asked by the RCMP whether you had attended the Miller funeral. Do you remember that?

Not really, no.
Mr. Hardy asked you a question about there was a Shirley Wilson on the register at the funeral for Gail Miller. Do you remember him asking you that question?

He might have. I don't remember.
Okay. Just now, the gentleman that asked -Oh, I see what you mean.

Okay, sorry.
Yes, I do remember.
Yes. And $I$ believe you recalled having a brief discussion with the RCMP about that and I believe they did ask you about that?

They might have, but at that time $I$ had only been to Saskatoon only once and that was for the hearing.

Okay.
I don't know Saskatoon.
Okay. And clearly your evidence was that you had not been to the funeral and had not been to Saskatoon; right?

A
No.
And do you remember the RCMP, in asking you that question about that name Shirley Wilson appearing on the register, whether they ever asked you


You may have given a little bit of evidence on this earlier. Do you recall roughly how close David and your son were at that time, did he know him that well or --

No, he didn't.
So he was not a frequent guest around the home at that time?

No, no.
Do you roughly recall, and again $I$ appreciate this is very difficult to recall the dates, do you recall whether you would have met him prior to
that night that he stayed over and then off they went to Saskatoon?

No. I never met him before.
So that was the first time?
Yes.
And so that was, I guess obviously to your
knowledge, the first time that Ron had ever had
him back to the home then?
That's the first time he was ever in our house.
Okay. If we could go to 045066 of that document, please, just call that portion out, and again just
at the top there it says:
"After the trip she recalls only seeing
David and Ron. Ron indicated that he
had a lot of trouble with the car. That
they had gotten stuck with the car."
Do you remember Ron giving any detail about that, about him being stuck with the car?

A
Q

A
Yes.
Can you tell us a little bit about that? We've heard a number of instances of the car perhaps being stuck.

They were just stuck in the snow because it was winter and there was a big storm and the car wasn't fit to drive in the first place.

Okay. And do you remember at all where he might have told you that they were stuck?

No, he didn't tell me where they were stuck. But he did confirm that they had been stuck in that vehicle?

Yes.
MR. GIBSON: Mrs. Wilson, thank you for your time. Those are my questions. COMMISSIONER MacCALLUM: Thanks, Mr. Gibson. We'll take 15. (Adjourned at 3:15 p.m.) (Reconvened at 3:39 p.m.) COMMISSIONER MacCALLUM: Mr. Fox?

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BY MR. FOX:
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Q

Thank you, Mr. Commissioner. Mrs. Wilson, my name is Aaron Fox, I'm the lawyer for Eddie Karst. He was a member of the Saskatoon Police Service back in 1969. I don't know if that name rings a bell for you at all or not?
(Shakes head).
Do you remember the names -- you've mentioned Ken Walters from the Regina Police Service?

That's the only one $I$ remember.
The only one you remember?
Right.
Okay. I'm just going to ask you some questions dealing with that time period in early 1969 when Ron left with David to go to Saskatoon, that's the time period $I$ want to focus on for a bit; okay? Okay.

First of all, I gather from what you said you weren't real excited about them heading out to Saskatoon that night?

Oh, definitely not.
Okay. Do you have any recollection when it was that they left your residence?

All $I$ know is it was at night.
It was dark out?
(Nods head).

|  | 1 | 2 | Okay. And I think you indicated that your |
| :---: | :---: | :---: | :---: |
|  | 2 |  | understanding was that they were going to |
|  | 3 |  | Saskatoon? |
|  | 4 | A | Yes. |
| 03:40 | 5 | $Q$ | Did you have any idea where they were going, if |
|  | 6 |  | anywhere, beyond Saskatoon? |
|  | 7 | A | No. |
|  | 8 | $Q$ | Just knew that that's at least their initial |
|  | 9 |  | destination, was to get to Saskatoon? |
| 03:40 | 10 | A | Right. |
|  | 11 | $Q$ | And did you have any idea or understanding what |
|  | 12 |  | they were planning on doing in Saskatoon? |
|  | 13 | A | No, they never said anything. |
|  | 14 | Q | And $I$ think you said to the RCMP you gave them a |
| 03:40 | 15 |  | few dollars for gas? |
|  | 16 | A | Yes. |
|  | 17 | 2 | And I take it from that you knew that they didn't |
|  | 18 |  | really have very much money between them, or at |
|  | 19 |  | least that was your understanding? |
| 03:40 | 20 | A | Yes. |
|  | 21 | 2 | The next period I want to talk to you about is |
|  | 22 |  | after they got back or after Ron got back and the |
|  | 23 |  | police started making some inquiries of him and |
|  | 24 |  | yourself about what had possibly gone on in |
| 03:40 | 25 |  | Saskatoon. Now, I understand you indicated that |
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the police came to your house and did a search of your house at some point in time?

A

Q

Yes.
And you recall that on that occasion after the search was done they took this sweater with them that you had lent to David on January 30th, 1969? I think they did.

Okay. And $I$ think, the reason why $I$ say that, is I think that's what you told the RCMP when you were interviewed and just on that, I think it's actually document 045057 is the document, and $I$ think it's at page 064. I think you've probably, I think you were asked about this already, but I'll just bring it up again. It's right at the bottom here. This is the RCMP report when they interviewed you in 1993.
"When they left they took only the sweater. (The sweater belonging to her husband that they had lent to David for the trip.)"

Yes.
And I'm not sure if you remember telling the RCMP that or not, but would that accord with your recollection, that after the search had took place of the house, they took the sweater with them?

A Right.
Q
And do you remember them looking for a flashlight at your house?

A

Q
No.
And do you remember them taking a flashlight from your house?

No.
Possible that that may have happened?
I have no idea. I don't remember.
Okay. Mr. Hardy had referred to an occasion when
it appears as though Detective Karst was at your
house and in doing that he referred to a police
report that was prepared by Detective Karst on
April 18th, 1969. In that report it talks about
him talking to you and he suggested or asked you
if that was the occasion when the search had taken
place and you said you thought so. I wonder if we
could take a look at police report, and this is
document number 106676, and if we could -- that's a report dated March 29th, 1969 and I think if we look at the last page we don't have to do that, but I'll leave it to anybody who wants to, it was prepared by Detective Sergeant Mackie. Does Sergeant Mackie, does that name ring a bell to you at all, Mrs. Wilson?

A No.

Q
Okay. I'm going to just turn to the second page of that report and the very first paragraph:
"On May 24 th, $I$ returned to Regina with Ronald Wilson and Nichole John, and on returning Wilson to 126 Cornwall St. North, $I$ received from him one black Atlas flashlight ..."

It goes on and states later on:
"At 2:00 p.m., May 26 th, $I$ took the sweater which I had received from Wilson to the RCMP crime lab ..."

Sorry, going back to the first paragraph, I missed the sentence $I$ was looking for. It talks about obtaining a flashlight and you have no recollection about that, but about halfway through the paragraph, starting right there where I've got the arrow:

> "I also received from him one blue sweater with white trim around the neck which he stated that Milgaard had been wearing when leaving Regina on the early morning of Jan."

That's the sweater that you and $I$ were talking about, Mrs. Wilson?

A
Q

A
$Q$

A

Q

A

Q

A
$Q$

A
$Q$

Yeah.
So it looks like it would have been obtained on
May 24 th when Sergeant Mackie and whoever was with
him was at the house, at your place, at least
that's what this report says; you would agree with
that?
Yes.
And if we assume that that is indeed when they got
the sweater from you, that's likely the day then
the search would have taken place?
I'm not sure of the date because $I$ don't remember the dates at all.

Yeah. All you can recall is that the occasion when you turned over the sweater or they took the sweat was the same day that the search occurred?

Yes.
And in terms of what date that actually was --
I don't remember.
You mentioned, and $I$ think you said it was on the same day that the search occurred, that there was some reference to two other girls having lived or something like that?

Yes.
And I take it those two, who those two girls were
that whatever police officer was speaking to you
at the time of the search, whoever those two girls
were, they weren't specifically identified to you?
No.
Okay. And we've heard some evidence about sexual
relations that David Milgaard had with two other
girls that he knew and $I$ take it you don't know
whether the police officer was talking about them
or not?
I have no idea.
Okay. And the reason why I asked you that, and
maybe I'll just add this for the benefit of people
who maybe aren't aware here why that question was
asked, there was some evidence already by May
$24 t h, 1969$ about dealings David had had with two
other girls and the nature of the sexual relations
and the unsatisfactory nature of those. I take it
none of that was reviewed with you when --
No. These -- from what $I$ could understand what
they were saying, is that had nothing to do with
it. This was if he got off on this case and they
would have two other girls who actually lived.
Two other girls who had, something had gone on
that was not very satisfactory --
And they lived.
And they lived. And who those two girls were no

A
Q
$Q$

A
$Q$

A
$Q$
A
$Q$
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$Q$
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$Q$
A
25
mention was made to you?
They never mentioned it.
Thanks. Mrs. Wilson, Mr. Hardy asked you some questions about a conversation that you had with, you believed, a member of the Saskatoon Police Service about speaking to Joyce Milgaard?

Yes.
Do you recall those questions? Okay. And I think
it was clear from your answers, you weren't sure when that conversation took place?

That's right.
And I'm not sure if it was suggested to you that it may have occurred around 1980. Do you know if that's possible?

No, this was before that.
This would have been before that?
Oh, yes. This is where, before $I$ even went for the -- wait a minute. It was after the hearing. After the preliminary hearing?

And the trial.
But prior to the trial?
After the trial.
After the trial?
That if $I$ could help, if $I$ knew of anything that could help her, but there was nothing $I$ could
because I was only there for the hearing and nothing else and $I$ never knew what went on. Okay. So Mrs. Milgaard phoned you and asked if there was any further information you could provide that might be of assistance and you said there wasn't anything else that you could give? No, there was nothing $I$ could do to help her. And that was the truth?

It was.
At least you weren't aware of anything else you could say?

No, I knew nothing that was going on.
Okay. The conversation then that you had with the police officer, so let me just back up a little bit, when we talk about after the trial, are we talking about then within a year after the trial, like, are we talking about a short period?

I'm not sure exactly when it was.
The trial occurred, I'll help you, the trial
occurred in January of 1970 , so you've indicated it was sometime before 1980?

All $I$ know, from what $I$ could remember, it was after -- it must have been after the trial. Okay. And in terms of how long after the trial you are not sure?

A
Q
A
$Q$


A

No.
But you don't think it was as late as 1980?
I don't think so.
Okay. We've heard evidence that various witnesses were contacted, Mrs. Wilson, and told that they didn't have to speak to Mrs. Milgaard or anybody, but it was up to them. Do you know if you were told that?

No. I was told not to talk to her.
And the reason why $I$ ask that is your son, for example, Ron was told he didn't have to speak to anybody, but it was up to him, he could do what he wanted. Are you aware if he was told that?

No, I don't.
Did you have any discussion with him about that?
No.
Okay. And you have no recollection being told
that?

Just -- oh, you mean about Dale asking -- or
telling me or what?
Well, both of it. Did Dale say -- I say Ron. Do
you refer to him as Dale?
Whichever.
Okay. Your son.
They can call him Ronny or --

Okay. Do you remember Dale talking to you about that at all?

A

Q


Mrs. Wilson, did you ever discuss in detail with Dale what happened in Saskatoon on January 31st, $1969 ?$

A
$Q$

A
No.
Okay. And any discussion with Dale at all about the possibility of speaking to Mrs. Milgaard or anyone else about the investigation or reopening the investigation?

No.
Okay. And in terms of who spoke to you, you think that might have been a phone call?

It was a phone call.
And you don't know who that was?
No.
And was there anything going on in the press or in
the news at that point in time?
Not that $I$ can recall, no.
So this call kind of, from Mrs. Milgaard, sort of
came right out of the blue?
Yes, it did.

He would never talk about it.
So from that $I$ take it that didn't happen? No.

A
$Q$

A
Q
A
2

Okay. In other words -- like, for example, he told you he was stuck, you heard that?

Yes.
He had mentioned that to you?
Right.
Did he say how they got unstuck?
No.
Did he mention anybody helping him to get unstuck, anything like that?

No.
Okay. Beyond being stuck, did he talk about anything else?

No.
So in terms of where they were at in Saskatoon or whose residence they were at, something like that, he just never shared any of those details?

No, he never mentioned anything.
And even to this day have you sat down with him and sort of discussed with him, Dale, what can you tell me about what happened on --

No.
That conversation has never occurred?
Never.
And the suggestion that, or the comment that he
was scared because they were suggesting he might
be involved in this, do you recall the comment
that I'm referring to?
A
Q

No.
Were you scared at the time for his well-being,
that somehow he might have been involved in this murder?

Yes.
And I'm assuming you didn't think he had done anything?

A
$Q$
But at the same time you were scared just because of the fact he's somehow maybe tied into this
thing?
Well, I was just wondering whether he was or not, but then when it came up in court, I just couldn't believe it.

You mentioned a conversation you had with Ron and this was a conversation that occurred at the preliminary -- sorry, while Ron was in the Supreme Court of Canada or shortly after where, and this is referenced in the police report 045057 , that's the RCMP document, and it's at page 062 , right about here, this is, Mrs. Wilson, a conversation you had, you were concerned about his past use of drugs and then you state:
"That Ron is still not sure David did
the murder or not."
When he said that to you, was that in a phone conversation?

A

A

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document, but this is an RCMP report which is dated May the 7 th but starts on January 31 st, and I don't ask you anything about this part of it here, but as a matter of interest it refers to attending at the funeral that was mentioned earlier and if we can just then -- sorry, scroll down below that, please, to this paragraph here, paragraph $3:$

> "As a result of instructions received, full time assistance was rendered to the Saskatoon City Police by S/Sgt.
> Edmondson and myself. We worked closely at hand mainly with Dets. R. Mackie and G. Reid, Supt. Wood and Lieut.
> Penkala."

So was it the RCMP working with the saskatoon City Police, and if we can go to page 250602 - I'm sorry, that seems to be 604. I want 602, please. I'm not going to take you through this, but you've already gone through paragraph 12 which talks about yourself. You see the jacket, you discussed that with Commission Counsel earlier, so this is a report that contains information pertaining to your interview with these particular officers. You see that?

A

0

A

Q
A

Q

Not really. Would you like to bring it up a little bit bigger?

I'm sorry. See, subject's mother, that's regarding your son, you had thrown the brown jacket into the garbage can. You see that?

Yes, I can see it now.
I think he went through that earlier.
Yeah.
I'm sorry for rushing you through it, but you did go through it earlier, $I$ didn't want to focus on that particularly, but to show you that it is in this report referring to yourself because $I$ want to take you then to 250607 . Now, I'm not going to have you read it, but for the Commissioner's information, paragraphs 29,30 and 31 -- my copy has names in here. I'm not sure if they should be or not, paragraph 31.

MR. HODSON: I understand,
Mr. Commissioner, Mr. Wolch had raised the issue of this document prior, or at the break. It does have the names of some of the assault victims that $I$ will be seeking a publication ban. If $I$ could maybe just ask for a ban with respect to this document, of no publication of the names of the victims. I think in paragraph --

MR. WOLCH: 31.
MR. HODSON: -- 31 there may be a couple of names that we'll just redact and I'll be addressing you on Thursday before we call these witnesses, I had thought they had been taken out of this document, but maybe if we can just get that order, that the names of the assault victims contained in this document not be published.

MR. WOLCH: Sorry, Mr. Commissioner, I hadn't noticed but paragraph 32 has them redacted, actually it looks like maybe they were just missed in paragraph 31.

MR. HODSON: It looks like they were just missed in 31.

COMMISSIONER MacCALLUM: Yes, that order will go.

BY MR. WOLCH:

Thank you, Mr. Commissioner. In any event, paragraphs 29,30 and 31 in part deal with three victims of sexual assaults in Saskatoon, all of which were committed by Larry Fisher. That we know about. And if $I$ can take you to paragraph 32, and if $I$ could have paragraph 32 highlighted, please, it says:
"As it was believed that the rapes which
occurred in this area in the late fall of 1968 are definitely connected to this offence ...",
and we're talking about the murder, of course, of Gail Miller:
"... and were committed by the same
person, local individuals who have been
interrogated have fitted the
descriptions as given by blank and blank."

Two victims:
"Attempts to uncover further information
in this respect have been to no avail."
etcetera, etcetera, looking at the clothing, etcetera. So you see here where the RCMP, in the very same report, talk about two victims who survived and who are believed to be victims of the same person who killed Gail Miller; do you see that?

Yes I do.

And, having read this, would you not agree with me that this is in all likelihood what they were talking to you about?

Oh, it was.

That there were two people, two women in

Saskatoon, who were attacked --
A
Definitely.
-- who lived --
Right.
-- and were the same women -- sorry -- were attacked by the same individual who killed Gail

Miller and they were lucky to live?
That's what $I$ understood them to say.
And do you recall if the RCMP were asking you
whether or not your son and David, to your
knowledge, had ever been to Saskatoon before?
No, they hadn't been, $I$ know my son was never at Saskatoon.

But were the police who were here, RCMP and
Saskatoon City Police, whatever combination was
there -- I am not asking you if your son was ever
there -- but do you recall them saying to you
"Mrs. Wilson, two other women were also attacked by the same person; has your son been to Saskatoon before?"

I never heard them say that.
Okay, so you don't recall --
No.
-- if they said it or not?
No. Not that part.
$Q$

Okay. But you do recall them raising the fact that these two victims, that we now know were victims of Larry Fisher, had lived and the same person had done all three?

I presume so, yes.
Thank you very much. Thank you, Mr. Commissioner. COMMISSIONER MacCALLUM: Thank you,

Mr. Wolch.
MR. HARDY: No re-examination.
MR. FOX: No re-examination,

Mr. Commissioner, but My Learned Friend said he had no idea where $I$ would get the suggestion that they were speaking about two women that David Milgaard had some dealings with, and I don't propose to put this to the witness but I think I should refer to the record that $I$ didn't just pluck that out of the air.

The two references that I had
referred to, one is found in the police report, it's document 106640 , that's the police report of March 22nd, 1969 of Lieutenant Short when he talks about speaking with Nichol John and her reference to her opinion of Mr. Milgaard and the forced sexual activity that took place. That opinion or that report was in their -- those
statements were in the hands of the police.
The second one would have been
the Sharon Williams statement which was taken
March $20 t h$ of 1969 and that's document, My Lord or Mr. Commissioner, 006500 , and I'm not going to go through it but the page references I point you to are at pages $502,504,506,507,512$, and they all refer to force, and in fact the one occasion refers to a knife as well.

So I have no idea what the police were referring to but $I$ didn't pluck it out of the air, My Lord.

COMMISSIONER MacCALLUM: Thank you.
MR. WOLCH: If I may, Mr. Commissioner, the statement that My Friend is referring to was taken after this interview, that is the statement on Sharon Williams is after this interview, and it's not really an allegation of rape.

MR. FOX: Well the statement of Sharon Williams is taken March 20th, 1969 .

MR. WOLCH: Yes, and this is March the 6th, I think.

COMMISSIONER MacCALLUM: May the 7th?
MR. WOLCH: No, that's the report, the interview was March 6th I think.

COMMISSIONER MacCALLUM: We can put up 250597 .

MR. FOX: The conversation took place, she said, when the search took place, when the sweater was seized, and that's May 24 th of 1969 . The sweater was seized May 24 th, 1969 , if you look at the report of Mackie that we referred to, and she indicated that was the occasion when the search took place. She also indicates that that's the occasion that the reference to the two other girls were made. I think I have got that right, Mrs. Wilson?

I believe so.
MR. FOX: Thank you. And that would have been the last report of Detective Mackie that refers to that.

MR. WOLCH: Mr. Commissioner, if I understand it right, in that $R C M P$ report the very next date is March the 6th, if we can bring it up I believe that's correct, the next date is March the 6th.

COMMISSIONER MacCALLUM: Well it's all
right, Mr. Wolch, I take your point.
MR. WOLCH: Yeah, my point as to what they are talking about, so $I$ won't belabour it.

COMMISSIONER MacCALLUM: And I also, I also accept that -- what Mr. Fox is saying, that he simply wasn't making something up, that he was referring to something.

MR. WOLCH: Oh no, I didn't mean to say that, my point was that having this report it's pretty obvious what they were talking about.

And one more, and we're all
concerned about reputations, and to bring up
David at this point in connection with this report is a bit unfair.

MR. FOX: Thank you. And the report of Detective Mackie that $I$ referred to is the report of 106676 and that's the one which identifies the date that they were at the Wilson residence taking the sweater as May 24 th, '69.

COMMISSIONER MacCALLUM: All right.
Thanks.
Mr. Hodson, was it you who rose
just before that? MR. HODSON: I was just -- just give us one minute here, please.

## BY MR. HARDY:

Mrs. Wilson, if you will just bear with us, we'll ask you a few further questions in relation to the
timing. Am I correct that, in terms of your contact with investigators, you remember the one occasion when they visited you at your home?

A
$Q$ Yes.

And am I also correct, then, that $I$ was referring you to a document -- and $I$ don't know if this will clarify matters or not but $I$ do want to bring it up -- 106661 , and the report is dated April 18th, 1969, and we see as well reference to April 14th, 1969 at the outset. And I believe on the occasion, the one occasion that you recall officers visiting with you, there was some discussion about knives; is that correct?

Yes, they did look for knives.
And if we just, again, we see the bottom of the page, but if we turn to the next page -- and, again, we can't pinpoint this date, we -- and $I$ pointed this out to you in chief -- we'll see the reference to knives and I guess the -- where you and $I$ had left it is perhaps that this was the same occasion that you were recalling when the officers had -- were at your home; is that correct?

Yes.

Okay. And was this the occasion when they were at
your home when the comments that you have referred to were made?

I think it was. I'm not sure exactly whether it was that one or not, but I'm -- I know that they did.

Okay. Thank you, Mrs. Wilson.
MR. HODSON: That's all for Mrs. Wilson, I believe.

COMMISSIONER MacCALLUM: Thank you for coming, Mrs. Wilson, you are excused. Thanks. MR. HODSON: Mr. Commissioner, the next witness is Les Spence, who we have planned for tomorrow morning, he's travelling from Edmonton today.

We did have some read-in
evidence that we thought we may put in today from Launa Edwards and Mark Preston, that read-in evidence relates to the evidence of Bobbie Stadnyk who will be here on Thursday, and I think it makes more sense -- we won't get through it today and it makes more sense, I think, to have the read-in of that evidence when we call Bobbie Stadnyk.

So I'm going to suggest that we
adjourn until tomorrow at 9:00 when we'll have

Mr. Spence available.
COMMISSIONER MacCALLUM: Very well.
(Adjourned at 4:09 p.m.)

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We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR, Official Queen's Bench Court Reporters for the Province of Saskatchewan, hereby certify that the foregoing pages contain a true and correct transcription of our shorthand notes taken herein to the best of our knowledge, skill, and ability.
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Karen Hinz, CSR
Official Queen's Bench Court Reporter
$\qquad$ , RPR, CSR

Donald G. Meyer, RPR, CSR
Official Queen's Bench Court Reporter

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