

Commission of Inquiry
Into the Wrongful
Conviction of David Milgaard
before
THE HONOURABLE MR. JUSTICE
EDWARD P. MacCALLUM

Transcript of Proceedings
and
Testimony before the Commission
sitting at the
Delta Bessborough Hotel at
Saskatoon, Saskatchewan

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Volume 39

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

MR. HODSON: The first witness this morning, Mr. Commissioner, is Les Spence and I would ask Mr. Spence to come up to the witness stand, please.

LESLIE JOHN SPENCE, sworn:

BY MR. HODSON:

Q Good morning, Mr. Spence. Thank you for agreeing to testify before the Commission. I understand that you are currently 57 years of age?

A That's right.

Q And born in February of 1948?

A That's right.

Q And in January of 1969 I believe you were, January 31 you were 20, almost 21; is that correct?

A That's correct.

Q And you currently reside in, in or near Edmonton, Alberta?

A Sherwood Park.

Q And you are employed as a truck driver and have been for some time?

A That's right.

Q In January of 1969 I understand that you were in a



1 relationship with Gail Miller; is that correct?

2 A That's correct.

3 Q And would it be fair to term that as a
4 boyfriend/girlfriend relationship or how would you
09:05 5 describe that?

6 A Boyfriend/girlfriend.

7 Q And how long had you been dating Gail Miller then?

8 A Since I was 16.

9 Q So for about four years?

09:05 10 A About four years, yeah.

11 Q And at the time of her death on January 31, 1969
12 was she your girlfriend then in your --

13 A In my mind, yeah.

14 Q When and how did you learn about Gail Miller's
09:05 15 death?

16 A In the morning, I don't know what the date was,
17 but in the morning going across town I was stopped
18 by a detective, asked to get in his car and then
19 he told me.

09:06 20 Q When you say in town, where were you living at the
21 time?

22 A In Perdue.

23 Q And how far is Perdue from Saskatoon?

24 A Approximately 40 miles.

09:06 25 Q And so you say a detective, that was with the RCMP



1 or the city police or do you know?

2 A I believe it was the RCMP.

3 Q And tell us what you recall about that meeting?

4 A He asked me if I knew Gail Miller and then he was
09:06 5 very blunt and said did you know she was killed
6 last night, stabbed so many times, and I remember
7 that because I was in disbelief.

8 Q And what else do you recall of that discussion?

9 A That's about it.

09:06 10 Q Pardon me?

11 A That's about all I recall.

12 Q Do you recall if that officer asked where you were
13 the night before?

14 A I believe he did, yes.

09:06 15 Q And do you recall what you told him?

16 A I was at home.

17 Q And again, maybe let's just go through your
18 contacts with the police and then I'll come back
19 to this initial incident. After this meeting --
09:07 20 and this was in Perdue with the police?

21 A Yes.

22 Q What do you recall of your next meeting with any
23 police officer about this matter?

24 A In my dad's office. I had an interview by two
09:07 25 police officers.



1 Q And where did your father work at the time?

2 A At the Pool elevator.

3 Q And who was present at this interview then?

4 A My dad, myself and two police officers. I can't
09:07 5 remember their names.

6 Q And when would that have been in relation to your
7 first meeting with the officer?

8 A I don't recall that.

9 Q A couple of days?

09:07 10 A Yeah, it was a short time.

11 Q And then after that do you recall any further
12 contact with the police?

13 A No.

14 Q So the second meeting do you recall that those
09:08 15 were Saskatoon City Police or RCMP or both?

16 A I don't recall that.

17 Q I'll go through some documents with you in a
18 moment, Mr. Spence, that may assist you. So let's
19 just go back to the very first meeting when you
09:08 20 were informed of Gail Miller's death. Do you

21 recall if that officer asked you any questions
22 about where you had been or whether you had been
23 with her or whether you had committed the crime?

24 A I believe he did, but I don't recall exactly what
09:08 25 was said.



1 Q At that time, and again -- well, did you form the
2 impression, Mr. Spence, that you were a suspect in
3 Gail Miller's murder?

4 A I assumed I was because I was the boyfriend.

09:08 5 Q Did any police officer tell you that you were a
6 suspect?

7 A You know, I don't recall that.

8 Q And I think you told us that on the evening of
9 January 30th, 1969, the morning of January 31,
09:09 10 1969, you were at home in Perdue; is that right?

11 A That's right.

12 Q And your parents were home with you?

13 A That's right.

14 Q And you would have told the police that at the
09:09 15 time?

16 A Yes.

17 Q And your parents would have told the police that
18 at the time?

19 A Yes.

09:09 20 Q Now, just some general questions about your
21 dealings with the police then. You had a second
22 interview. What do you recall of the types of
23 questions that they asked you at that time?

24 A I don't remember what the questions were, but they
09:09 25 were -- I believe it was a very tense situation.



1 Q Did you say tense or intense?

2 A Well, both.

3 Q Both. And why do you say that?

09:10 4 A I remember, I recall them asking the same
5 questions, but in different ways.

6 Q I see. Did they ask about your relationship with
7 Gail Miller at the time?

8 A Yes.

09:10 9 Q Did they ask whether you had had any fights or
10 disagreements with her?

11 A I don't recall that, but they probably did.

12 Q Did they have questions about your sexual
13 relations with Gail Miller?

14 A I don't recall.

09:10 15 Q Did they ask you to take a blood test at any time?

16 A I don't recall that either, but they might have.

17 Q Did they question you about what vehicles you
18 either owned or had access to, do you recall that?

19 A No.

09:10 20 Q Did they ask you about any other associates or
21 potential enemies of Gail Miller, do you recall
22 anything of that?

23 A No.

09:10 24 Q If we could go through some of the police reports.
25 If I could call up 106118 and this is a police



1 report dated January 31, it says '68, but it's
2 dated 1969 by a Detective Sergeant Porter, and
3 just call out that paragraph. So this would be
4 taken the day of Gail Miller's murder and there's
09:11 5 a fellow here, Nicholas Canton, who lived at the
6 same boarding house as Gail Miller. Did you know
7 Nicholas Canton?

8 A No, I don't recall knowing him.

9 Q The only reason I point this out, he says in this
09:11 10 report to the police about you, Les Spence:

11 "He felt this person is capable of this
12 particular crime."

13 My question is did the police -- do you recall
14 the police telling you this or asking you about
09:11 15 this?

16 A No, I don't.

17 Q If we can go to the next -- if it makes you feel
18 any better, Mr. Spence, I'll be going to a report
19 where they ask you about Nicholas Canton, so the
09:12 20 next report is 106145. I'll just do these
21 chronologically. This is a report, February 1,
22 again it says '68, but it is 1969, of patrol
23 Sergeant Lafreniere, if we can just call this out,
24 please. So Gail Miller's death was on January 31,
09:12 25 Mr. Spence, which was a Friday. This would be a



1 report dated Saturday at 8:20 p.m. and the report
2 says:

3 "At 5:10 PM, Feb. 1st, while checking
4 the west lane at 200 Blk. Ave. N South I
09:12 5 had occasion to check Leslie John
6 Spence, 20 years, of Box 61 Perdue,
7 Sask. This person stated he was the
8 boyfriend of the deceased person which
9 he had known for four years. He was
09:12 10 advised to go down to the police station
11 and see the Detective Division as he may
12 be of assistance to this file."

13 Do you recall being in or near the alley the day
14 after the murder, Mr. Spence?

09:13 15 A I don't recall that.

16 Q Do you recall going to Gail Miller's house after
17 you heard about the murder?

18 A No, I don't.

19 Q If we can go to the next document, 106142, and
09:13 20 this is a report the same date, February 1, 1969,
21 and the last report that I talked to you said it
22 was at 5:10 p.m., and this a report of Detective
23 Sergeant Mackie, and Mackie says:

24 "At 5:35 p.m., I interviewed and
09:13 25 received a statement from Leslie Spence



1 of Perdue, Sask., who is a boyfriend of
2 Gail Miller. Two colour polaroid
3 photographs which are in our possession
4 on this file which show Gail Miller also
09:13 5 show that of Jack Canton. Spence
6 indicated that he hadn't been to very
7 many parties at 130 Ave. O but on
8 occasions that he had been there to his
9 recollection Canton was usually there.
09:14 10 He stated that his brother Nick Canton
11 did not usually attend the parties,
12 although he did associate with one of
13 the girls..."

14 Carrying on. Do you recall meeting with
09:14 15 Detective Sergeant Mackie and giving a statement?

16 A I don't recall, unless he was one of the ones in
17 the elevator.

18 Q I would like to call up document 045472 and this
19 is a statement dated February 1, 1969 at 5:35 p.m.
09:14 20 which is the same time as in the report. I
21 believe it is in Mr. Mackie's writing and if we
22 could just look at the bottom right, is that your
23 signature, Mr. Spence?

24 A It is.

09:14 25 Q Yes?



1 A Yes.

2 Q And you've had a chance to review this statement
3 yesterday; is that correct?

4 A That's correct.

09:10 5 Q And are you able to tell us whether this is a
6 statement that you gave to the police on February
7 1, 1969?

8 A I believe it -- I believe it is. I signed it.

9 Q Okay. Do you recall giving this statement,
09:15 10 though?

11 A Vaguely.

12 Q I'll just go through parts of this. Would it be
13 fair -- let me ask you this generally, at the time
14 you were 20 or 21 years of age; is that right?

09:16 15 A 20, yeah.

16 Q 20? Would you have told the police truthful
17 information when they asked you questions?

18 A I would have.

19 Q What was your emotional state at the time, these
09:16 20 few days after the death of Gail Miller?

21 A Probably disbelief, still hadn't hit, you know, in
22 shock.

23 Q And what did you think about your -- about your
24 possibly being a suspect; was that in your mind?

09:16 25 A Of course.



1 Q And what did you think?

2 A As far as?

3 Q Were you scared, were you --

4 A Yes.

09:16 5 Q -- concerned?

6 A Scared.

7 Q And why was that?

8 A Well you don't want to suffer the repercussions
9 of, you know, murdering somebody.

09:16 10 Q If we can just go through just a couple parts of
11 this, and it says:

12 "I live with my parents in Purdue. My

13 Father is a grain buyer for the Pool."

14 That's correct, sir, the first paragraph?

09:17 15 A Yes.

16 Q The second paragraph, again, that you knew Gail
17 for four years, went out with her, and had
18 discussed the possibility of marriage but were not
19 engaged; and is that accurate information?

09:17 20 A Yes.

21 Q And right -- scroll down to the bottom, please.
22 Just right here it says:

23 "On Thursday January 30 1969 I played

24 hockey at Purdue. It was not a

09:17 25 scheduled game. It was a game between



1 the old timers & midgets."

2 And then the next page, please:

3 "On January 30 I got home about 10:00
4 p.m. and never left again. On Friday,
09:17 5 January 31 I got up about 11:30 a.m. My
6 mother & father would both know I was at
7 home during this time."

8 And that's accurate information; is it?

9 A Yes.

09:17 10 Q And then to the next page, please. Just the last
11 paragraph, it says:

12 "I do not recall anyone that was at any
13 party which I attended that I would
14 suspect of possibly being responsible
09:18 15 for the death of Gail Miller."

16 Is it fair to conclude from that, Mr. Spence,
17 that the police were asking you about who you
18 might know or think could be responsible for the
19 murder?

09:18 20 A I'm assuming that.

21 Q Now did there come a time, Mr. Spence, when the
22 police or someone else told you that you were not
23 a suspect?

24 A No.

09:18 25 Q So --



1 A Not that I recall.

2 Q If we could call up the next document, it's
3 106171, and this is a document dated February the
4 2nd, '69, and you had told us about a meeting at
09:19 5 the elevator with your father and the police;
6 correct?

7 A That's right.

8 Q And there is a report that I will be showing you
9 in a moment that would suggest that that happened
09:19 10 on February 3rd, 1969, which is the Monday. Are
11 you able to tell us whether that -- the day of the
12 week that took place; do you know?

13 A No.

14 Q Was it a work day? Did your father work weekends?

09:19 15 A No -- well sometimes, but no, that was a regular
16 day.

17 Q So is it fair to conclude that February 3rd is
18 likely the day that that took place if that's
19 what's in the report?

09:19 20 A Yup, well it's probably right, yeah.

21 Q So this is the day before, the February 2nd, and I
22 just want to point out a few items here. And it
23 talks about -- and this is the report of Detective
24 McCorriston, and he says:

09:20 25 "Subsequent to this investigation it was



1 learned from Staff Sergeant Edmundson of
2 the local RCMP, G.I.S. that Corporal
3 Mosher of that Section had investigated
4 Leslie Spence at Perdue, Sask. and was
09:20 5 able to establish that Spence had not
6 been in Saskatoon on the date of this
7 murder and could offer no information
8 that would assist in this
9 investigation."

09:20 10 Was Corporal Mosher or Mosher the detective or
11 the officer that you learned of Gail Miller's
12 murder from?

13 A I believe it was, yes.

14 Q And then if I could just sort of complete the
09:21 15 record, here, call up from Detective McCorriston's
16 notebook from February 1, 1969. I think I can get
17 a doc. ID when it's up, 041688, and there's just a
18 note here that says:

19 "Detective Craig advises ...",
09:21 20 and this is February 1, '69:

21 "Detective Craig advises Spence checked
22 out by RCMP Corporal Mosher and not
23 involved."

24 If we could then turn to the interview, if I can
09:21 25 call up document 106189, please. And this is a



1 report of Detective Reid dated February 3rd, '69,
2 and I'm not sure if this helps you but it refers
3 to the funeral for Gail Miller being February
4 4th, '69, and then if you could just scroll down
09:22 5 you will see at the top here it's -- it talks
6 about February 3rd, and then at approximately
7 12:30 in Perdue they interviewed your father and
8 then you; does that assist you in confirming the
9 date, Mr. Spence?

09:22 10 A I can't confirm the date, but I remember it
11 happening.

12 Q Okay. If you could just go down to the next -- or
13 sorry -- call out that paragraph. It says:

14 "Approximately 12:30 p.m. in Perdue
09:22 15 interviewed at the Pool Elevator, Mr.
16 Spence, father of Les Spence, after
17 talking to Mr. Spence for awhile, his
18 son Les appeared at the elevator office.
19 Corporal Mosher, RCMP and Mr. Spence and
09:23 20 myself ...",

21 being Reid:

22 "... then checked his residence and
23 Sergeant Mackie & Oleksyn remained at
24 the Pool Elevator with Les Spence to
09:23 25 question him further regarding this



1 matter."

2 Do the names Mackie and Oleksyn and Reid; do
3 those ring a bell with you, sir?

4 A No they don't.

09:23 5 Q According to this report, it looks as though two
6 officers and your father went to search your
7 house, and that Mackie and Oleksyn stayed with you
8 to question you; do you recall that?

9 A Umm, my father was there too.

09:23 10 Q Okay. Was your father present, then, when you
11 were questioned?

12 A That's right.

13 Q Were you aware that they went and checked your
14 residence?

09:23 15 A Umm, no, I wasn't.

16 Q Carry on. It says:

17 "At approximately 1:00 p.m. Corporal
18 Mosher and I searched Les Spence's room
19 located in basement of that house and
09:23 20 also checked the house and garage with
21 negative results."

22 Do you have any recollection of that happening?

23 A Umm, I don't have any recollection of that.

24 Q And then it goes on here, I don't propose to read
09:24 25 this paragraph, but that they interviewed your



1 family members and your sister; are you aware of
2 that?

3 A Yes.

4 Q And if we could go to Mackie's report of the same
09:24 5 date, 031562, it's a police report February 5,
6 '69, and this is a report of Detective Mackie that
7 talks about the February 3rd, '69 meeting at the
8 Pool Elevator. I read you from Detective Reid's
9 report, this is the other officer and his report,
09:25 10 and there is a reference in here to the report
11 about checking out vehicles in Perdue; do you
12 recall what kind of vehicle you had at the time,
13 Mr. Spence?

14 A It was either one of two, a '63 Mercury or a
09:25 15 '70 -- I can't remember the year -- Ford.

16 Q Do you recall the officers checking out your
17 vehicles, what vehicles you either owned or had
18 access to?

19 A Well they asked about them, I believe, but they
09:26 20 were all under snow at that time.

21 Q What about snowmobiles, any -- do you recall
22 anything being discussed about that?

23 A Umm, no. I think we were asked if we had one, or
24 what forms of transportation we did have, and we
09:26 25 did have a snowmobile.



1 Q If you could scroll down, please, and this is
2 Mackie's report of the meeting at the elevator.
3 It says:

4 "At 12:13 we contacted Mr. Spence ...",
09:26 5 carrying on:

6 "Mr. Spence told us of Gail Miller
7 having been to their home on one
8 occasion and he had told Mrs. Spence of
9 an ex-boyfriend of Gail Miller named Bob
10 ...",

11 carrying on, it says here:

12 "Mr. Spence himself was unaware of
13 whether his son Les, had gone out from
14 the home after this or not. Mr. Spence
09:27 15 gets up at about 7:00-7:30 a.m., Perdue
16 time, which would be 8:00 to 8:30 a.m.
17 Saskatoon time. He stated that he goes
18 home from the elevator about 10:00 for
19 coffee and that Les had come upstairs
09:27 20 about 11:00 a.m. from his basement
21 room."

22 Do you recall questions of your father about
23 whether he could vouch for your whereabouts at
24 the time of the murder?

09:27 25 A I don't recall.



1 Q And if you could just scroll down, then he carries
2 on here:

3 "At 1:00 p.m. Les Spence came to the
4 elevator where he was interviewed by all
09:27 5 of us concerning this matter."

6 How many officers do you remember being present
7 when you were interviewed?

8 A Two.

9 Q Two officers?

09:27 10 A Yes.

11 Q And can you tell us what you recall about the type
12 of questioning?

13 A I just don't recall.

14 Q Were you scared at this interview?

09:27 15 A I don't recall, but I'm assuming I was, yeah.

16 Q Go to the next page, please. Call out that, just
17 the part in Mackie's report, it says here:

18 "Although Les Spence was interviewed for
19 a considerable length of time for
09:28 20 approximately one hour, he did not
21 become upset or disturbed at any time
22 and appeared quite sincere and
23 cooperative in his efforts to attempt to
24 establish his whereabouts. When it was
09:28 25 suggested to him that he may have come



1 to Saskatoon without his parents
2 knowledge, he denied having done this,
3 although he admitted that he was not
4 followed around by his parents, and they
09:28 5 did not necessarily know where he was
6 going or when he would come to
7 Saskatoon, he did however state that on
8 any occasion that he was away from home
9 and when he returned that his mother
09:28 10 always heard him coming in and they
11 usually locked the door after he
12 returned. Spence also readily admitted
13 having a key to Gail Miller's room but
14 denied having one to the building. This
09:29 15 was noted as consistent with the
16 knowledge of other people who have been
17 interviewed."

18 And, again, does that -- is that an accurate
19 report of what would have been discussed with
09:29 20 you, Mr. Spence, are you able to tell us that?

21 A It sounds accurate.

22 Q And then Corporal Mosher goes on to say that this
23 boy seems obviously upset about this crime and he
24 did not feel that Spence was probably involved,
09:29 25 although there is no way at this time of either



1 eliminating him completely or involving him in
2 this matter.

3 If we go to another report of
4 that same day, February 3rd, it's 106183, and this
09:29 5 is a report of Detective Keith Mackie. And the
6 first paragraph there, I don't propose to read it
7 all, but what it says here is that the police were
8 checking a possible registration of one Les Spence
9 or Dennis Elliott at various hotels on January 31,
09:30 10 1969. Were you aware of that or were you asked
11 that question by the police?

12 A I don't recall that.

13 Q So after the meeting in the elevator with your
14 father on February 3rd, 1969, did you have any --
09:30 15 do you recall any further contact with the police?

16 A I don't recall any further contact.

17 Q Were you aware, Mr. Spence, that the police
18 continued to talk to other people about you as a
19 possible suspect?

09:30 20 A By hearsay only.

21 Q Okay. And can you tell us, was it your friends,
22 or tell us what you --

23 A I don't recall anymore.

24 Q Would you have been aware that they were checking
09:30 25 you out, if I can use that term?



1 A I wasn't aware of that.

2 Q Okay. Now, yesterday, I went through with you a
3 number of police reports post-February 3rd, 1969
4 that referenced the police talking to other
09:31 5 people, to either your associates or Gail Miller's
6 associates about you, and I think you told me you
7 have no recollection and no knowledge of those; is
8 that correct?

9 A That's right.

09:31 10 Q I don't propose to go through those,
11 Mr. Commissioner, I do propose to put them in
12 through the police officers who wrote them and
13 others. Mr. Spence, I think, has indicated he has
14 no knowledge of any of those.

09:31 15 COMMISSIONER MacCALLUM: Thank you.

16 BY MR. HODSON:

17 Q I would like to just call up a couple of
18 documents, though, one dated March 20th, that's
19 document 106637. And this is a report of March
09:31 20 20th, so this would be seven weeks after the
21 murder, and it's a report of Detective Mackie. If
22 we could just call up that part, and it refers to
23 inquiries being made at the Red Cross about blood
24 typing, and it says here:

09:32 25 "As a result of this inquiry a list has



1 been prepared of names and ages of
2 persons for the Red Cross to check for
3 us which will undoubtedly eliminate a
4 percentage of the suspects."

09:32 5 And it says:

6 "While we were at the Red Cross a blood
7 check was done on Les Spence but they
8 had no record of him on their files
9 ..." ,

09:32 10 and were you aware of that check being made, Mr.
11 Spence?

12 A Umm, no, I wasn't.

13 Q And as well if I could call up document 250597,
14 and this is a report by the RCMP on May 7th, 1969,
09:33 15 and if you could go to page 250607, please, and
16 call out paragraph 30. And this is dated March
17 28th, '69, and it says:

18 "The following persons have submitted to
19 blood tests and are members of "A" Group
20 ..." ,

21 and it lists a bunch of names, including David
22 Milgaard of no fixed address, and J.D. Spence of
23 Perdue; who is J.D. Spence?

24 A He would be my father.

09:33 25 Q Were you aware of him providing a blood sample to



1 the police, or is it possible that was yours?

2 A I don't recall that.

3 Q If we could just go back, call up Detective
4 McCorriston's notes of February 8th, 1969, and
09:34 5 that's document 0 -- or sorry, of February 8th,
6 '69 -- and 041708, and these are an officer's
7 notes of February 8th, 1969, so that would be
8 about five days after the meeting at the elevator.
9 And I just want to read out a couple of portions,
09:34 10 here at the bottom, it says:

11 "... called at Spence residence. Mrs.
12 Spence informed us Les was out
13 skidooing. Could be ten miles or so
14 from town."

09:34 15 Next page:

16 "Searched Perdue area. Not located."
17 And then down here, if we could just go back to
18 the -- actually, just scroll that down, it says:

19 "Approached by Mr. Douglas Spence,
09:35 20 father ...",
21 that's your father; is that right?

22 A Yes.

23 Q "... who sat in our car, was cooperative,
24 however it is obvious he is becoming
09:35 25 impatient with so frequent



1 interrogations of his son and stated his
2 son was home all the night of January
3 30/31, that he knew this although unable
4 to prove this, for time he was sleeping.
09:35 5 Is prepared to back up his son to the
6 limit. Due to being unable to locate
7 Spence did not call Jalbert."

8 And then down at the bottom, if you could scroll
9 down, it says, and this is 6:30:

09:35 10 "Left for Saskatoon. Met Sergeant
11 Oleksyn and Constable Merit
12 approximately half-way to Saskatoon.
13 Discussion re: necessity to question
14 Spence & Jalbert and it was decided this
09:35 15 would serve little or no useful purpose
16 and it is agreed that Spence not
17 responsible or involved."

18 This was a note of February 8th, 1969. I'm just
19 wondering, Mr. Spence, if you were made aware of
09:36 20 that, or do you know whether your father was made
21 aware of that?

22 A No, I'm not. I don't know.

23 Q Now did you become aware, at some point, that
24 David Milgaard had been charged with the murder of
09:36 25 Gail Miller?



1 A I believe through the news, yes.

2 Q Okay. Were you ever contacted by the prosecutor,
3 Mr. Caldwell?

4 A Umm, I don't recall, I don't think so.

09:36 5 Q Okay. And what Mr. Tallis, defence counsel for
6 David Milgaard?

7 A No.

8 Q I'm just going to call up, for the record, a
9 letter 168034. And this is a letter -- actually,
09:37 10 they have got a different version, 043456 -- but
11 it's a letter dated September 9th, 1969 from the
12 prosecutor, Mr. Caldwell, to Mr. Tallis, and I
13 just want to point out for the record, here, it
14 says -- and this would be right after the
09:38 15 preliminary. It says:

16 "The only material that could possibly
17 fall into this category, as far as I am
18 concerned, arose early in the
19 investigation. Les Spence, of Perdue,
09:38 20 Saskatchewan, age 21, had known Gail
21 Miller for some time and had been a
22 boyfriend of hers for some time previous
23 to her death. Both one Orlee Lehne ...
24 and Nicholas Canton ... expressed some
09:38 25 doubts about Spence when these two were



1 interviewed after the murder, since
2 Spence had evidently had one or more
3 fallings out with Gail Miller in past."

4 Then scroll down to the bottom:

09:38 5 "Both Dennis Elliott and Leslie Spence
6 were eliminated as suspects in the
7 murder to the satisfaction of the
8 investigators as the investigation
9 progressed."

09:38 10 Were you aware of your statement being given to
11 the defence counsel or -- at the time, Mr.
12 Spence?

13 A No.

14 Q Next I want to go to 1993, and the next
09:38 15 involvement, if I recall it, that -- with you in
16 this matter was being interviewed by the RCMP in
17 1993; do you remember that?

18 A Yes.

19 Q And do you recall knowing what that was about at
09:39 20 the time, what they were investigating?

21 A It was to go over the statement that I had given
22 back in '69.

23 Q Okay. And I'll simply call up that, there is a
24 transcript of that, 037927. And would you have
09:39 25 told the RCMP the truth at the time you met with



1 them to the best of your recollection?

2 A I would have.

3 Q And if we could go to page 037931, and there is a
4 question here, Officer Dyck asks you to describe
09:39 5 the interview you had had with the police
6 officers, and I -- you say the only interview I
7 had was with Mr. Mosher, was direct and he asked
8 me a few questions which I can't remember
9 explaining circumstances of the murder, and then a
09:40 10 couple of days later or whatever in my dad's
11 office I was questioned by two police officers
12 about the murder, where I was, and they were very
13 direct and doing their job, I guess, cause they
14 kept asking me the same questions over and over
09:40 15 again. Then you are asked do you feel that that
16 approach by the police during that second
17 interview affected the way you gave your
18 information or the content, and you answer I guess
19 it made me more aware of, you know, I should make
09:40 20 sure that I give them every detail that I could
21 give them and in every respect and try and help
22 them as much as I could, basically. And is that
23 an accurate, truthful statement, Mr. Spence?

24 A Yes.

09:40 25 Q Those are all my questions, Mr. Spence, I believe



1 other counsel may have questions. I haven't
2 canvassed anybody for order, I'm not sure that --

3 COMMISSIONER MacCALLUM: No questions from
4 the front row, or over there, the front row.
09:40 5 Anybody else? You can go ahead then, in the
6 back, Mr. Fox.

7 BY MR. FOX:

8 Q Mr. Spence, I'm Aaron Fox, I'm the lawyer for
9 Eddie Karst, he is one of the detectives that was
09:41 10 with the Saskatoon Police Service back in 1969
11 when the murder occurred. I don't think you had
12 any direct dealings with him but I'm just going to
13 ask you about, a few questions just about your
14 dealings with the police in 1969 at the time you
09:41 15 heard about the murder, and the questioning that
16 took place after that.

17 A Okay.

18 Q I'm assuming, first of all, just being advised as
19 to what had happened to Gail would have come as --
09:41 20 come as a real shock to you?

21 A That's correct.

22 Q And then the sort of prospect, or at least the
23 realization, that because you had gone with Gail
24 and had been going with her off and on for an
09:41 25 extended period of time, and therefore there was



1 some question about whether you might have been
2 involved in her death; would have been an
3 additional shock?

4 A That's true, yes.

09:42 5 Q And, from what I understand, no one from the
6 police services that -- who spoke to you, and that
7 would include the RCMP or members of the Saskatoon
8 Police Service, directly accused you of being
9 involved in the death of Gail Miller; would that
09:42 10 be correct?

11 A Not directly, no.

12 Q But, nonetheless, from the questioning it was
13 pretty clear that, and you certainly understood,
14 they wanted to know if you had any information
09:42 15 about the death of Gail Miller?

16 A That's right.

17 Q Or if you were involved in the death of Gail
18 Miller?

19 A That's right.

09:42 20 Q Thinking back on that, did that come as a surprise
21 to you, that they might want to know whether you
22 had any involvement?

23 A No surprise.

24 Q Umm, similarly, I take it you wouldn't have known
09:42 25 all of the information that they had about what



1 your relationship was with Gail Miller?

2 A Umm, they didn't inform me what they had, but --

3 Q That's what I am getting at.

4 A Yeah.

09:43 5 Q Like it wouldn't have surprised you, knowing that
6 you had gone with Gail for some period of time,
7 that they may have made some inquiries, 'how did
8 they get along', 'did they ever have an argument
9 or fight', or that sort of thing; that wouldn't
09:43 10 have surprised you?

11 A No.

12 Q So whatever information they had, whether it was
13 accurate or inaccurate, you wouldn't have been
14 privy to that?

09:43 15 A That's right.

16 Q It was interesting, I noted your comment that you
17 made that Mr. Hodson referred to you right at the
18 end in your statement to the RCMP, that from the
19 repeated questioning that took place you got the
09:43 20 clear impression that, first of all, this was a
21 very serious matter?

22 A Of course, yes.

23 Q And you wanted to be as helpful as you could be?

24 A Yes.

09:43 25 Q And you wanted to give them as much detail as you



1 were capable of giving?

2 A That's right.

3 Q Did you ever conclude from that that you should
4 lie?

09:44 5 A No.

6 Q Did you ever conclude from that, notwithstanding
7 that you might be suspected of being involved in
8 some -- in some way in this death, that you should
9 hold back information?

09:44 10 A I knew that I was -- I wasn't involved in it, but
11 I did assume that I was a suspect.

12 Q All right. And notwithstanding that you knew or
13 assumed you were a suspect, that didn't cause you
14 to hold back information from the RCMP or the city
09:44 15 police when they spoke to you?

16 A No, I didn't have any reason to.

17 Q And did you, as a result of being suspected,
18 either being a suspect or being repeatedly
19 questioned, give them any sort of false
09:44 20 information?

21 A No.

22 Q I noted, in your first statement, there were some
23 fairly personal questions that seemed to have been
24 asked of you about your relationship with Gail
09:45 25 Miller?



1 A Umm, yes.

2 Q And, notwithstanding that they were of a personal
3 nature and may have been interpreted one way or
4 another by the police, nonetheless you provided
09:45 5 that information to the police?

6 A I did.

7 Q Thank you. Those are all the questions I have,
8 Mr. Spence, thank you.

9 COMMISSIONER MacCALLUM: Any redirect?

09:45 10 MR. HODSON: No.

11 COMMISSIONER MacCALLUM: Thank you very
12 much, Mr. Spence, you are excused.

13 A Thank you.

14 MR. HODSON: The next witness,
09:45 15 Mr. Commissioner, is Peggy Morrow, and I would
16 ask Ms. Morrow to come up to the witness stand,
17 please. We just have to wait a moment.

18 COMMISSIONER MacCALLUM: Okay.

19 (Off record momentarily)

09:47 20 **PEGGY MORROW, sworn:**

21 **BY MR. HODSON:**

22 Q Good morning, Ms. Morrow, thank you very much for
23 agreeing to testify. I understand your maiden
24 name is Miller?

09:47 25 A Yes, it is.



1 Q And that you are Gail Miller's sister?

2 A Uh-huh.

3 Q And that your current age is 57; is that correct?

4 A Yes, it is.

09:48 5 Q And you reside in Outlook, Saskatchewan?

6 A Yes, I do.

7 Q In January of 1969 you were 21 years of age; is
8 that correct?

9 A Yes, I was.

09:48 10 Q And Gail was 20?

11 A Uh-huh.

12 Q And you were very close in age to Gail; is that
13 right?

14 A She was 16 months younger than I was.

09:48 15 Q And I take it you were very close to your sister
16 Gail?

17 A Yes, I was.

18 Q Can you tell us who your other family members are
19 and just sort of age wise of your siblings,
09:48 20 please?

21 A If I can do it. Okay, I'm the oldest, then
22 there's Gail, then there was Lloyd, he would have
23 been 18.

24 Q Yes.

09:48 25 A Then Wendy and then Jack, then Betty, then Jim,



1 Doreen, Diane.

2 Q So how many kids then all together?

3 A There was nine.

4 Q Nine. And at the time of Gail's death in January
09:49 5 of 1969 you resided in Delisle, Saskatchewan?

6 A Yes, I did.

7 Q And you were working there at the time?

8 A Yes, I was. I was working in the hotel cafe as a
9 waitress.

09:49 10 Q And you were living on your own at that time?

11 A Yes, I was.

12 Q And when had Gail moved into the city then, was it
13 a number of months prior to that?

14 A Prior to that. Probably in '68.

09:49 15 Q And that was to pursue nursing; is that right?

16 A Yes.

17 Q Can you tell us when and how you learned of your
18 sister Gail's death?

19 A Okay. January 31st I worked, I was working at the
09:49 20 Delisle Hotel cafe and I was doing shift work, so
21 my hours were from 11 in the morning to two in the
22 afternoon, then I went back and started at six
23 o'clock at night until 11 o'clock at night, and I
24 had just finished having my lunch and I was just
09:50 25 going to get ready to leave when the phone rang



1 and it was mom and she, I knew there was something
2 wrong and she said could I speak to Art, which was
3 my boss, and I said mom, what is wrong, so then
4 she proceeded to tell me, but I thought she had
09:50 5 said Lynn at first, which was my cousin, and she
6 said no, Gail. Well, I just lost it and I
7 remember the people that owned the hotel and the
8 bar, their living quarters were right across from
9 the cafe and I remember she came over and she had
09:50 10 to calm me down and she took me into her living
11 quarters, and then there was a gentleman by the
12 name of Alf Willy that took the phone from me and
13 then he took me back home to Laura.

14 Q Did you in subsequent days then have occasion to
09:51 15 talk to police officers who were investigating
16 your sister's death?

17 A Yeah, yes.

18 Q I would like to go through some of that with you
19 if I may. First if I could call up document
09:51 20 106179. So at this time you would have been the
21 eldest then in the family?

22 A Yes, I was.

23 Q And this is a report of Officer Valila of February
24 3rd, 1969 and there's a reference in this to some
09:51 25 information about a party that had been at Lloyd's



1 residence, and I don't propose to go through that
2 in detail, it just talks about his sister Peggy
3 Miller were all present, etcetera. Do you recall
4 two things, one, this party, and two, the police
09:51 5 questioning about it?

6 A I recall the party because Gail had invited me,
7 but I had to say no because I had to babysit.

8 Q And was there an altercation at this party of some
9 sort you became aware of, or incident?

09:52 10 A Something about a knife being pulled out and I
11 found out that through Lloyd, my brother Lloyd.

12 Q And so did the police ask you about that then at
13 the time, do you recall discussions with family
14 members about that?

09:52 15 A Yes.

16 Q Next is 106542, please, and this is a report of
17 February 13th, '69 of Detective Mackie. Do you
18 remember any of the names of the officers that you
19 dealt with?

09:52 20 A No, not offhand right now.

21 Q Does Mackie sound familiar?

22 A Yes.

23 Q And this report simply refers to a photograph
24 being shown to you, one of Gail's pictures, or
09:53 25 that you said it wasn't one of Gail's pictures,



1 and I believe this may have been one found in a
2 back alley. Do you recall this incident?

3 A Yes, I remember that.

4 Q And do you remember what the photograph was?

09:53 5 A No, I do not.

6 Q Can we just scroll down on this report and it says
7 here:

8 "On Feb. 12, 1969, a call was made at
9 Delisle where Peggy Miller was
09:53 10 interviewed and a statement taken from
11 her covering a party which had occurred
12 at 130 Ave. O South in October, 1968.
13 The story she related in her statement
14 was only the story she had understood it
09:53 15 from Gail when being told of it.
16 Miller, however, believed this party had
17 been a week prior..."

18 Etcetera, etcetera. Is that the party you just
19 told us about?

09:53 20 A Yes, it is.

21 Q And if I could call up 006452 and this is a
22 statement, it's actually dated February 11th. Is
23 that your signature in the bottom right, Peggy
24 Miller?

09:54 25 A Yes, it is.



1 Q And do you recall giving this statement? This is
2 in February. I think you gave another statement
3 in April that we'll deal with. This would be
4 about 11 days after the death.

09:54 5 A Yes.

6 Q Maybe I'll just go through parts of it, and again
7 this simply refers to the party. I don't propose
8 to get into the details and I think you are
9 relating what Gail told you about these three
09:54 10 fellows and an altercation. Does that sound
11 familiar?

12 A Uh-huh, yes, it does.

13 Q Okay. And I think if we go to page 006454 and you
14 give a statement here, it says:

09:54 15 "Les & Gail were going together about 2
16 years and I have known Les for about a
17 year and a half. I don't really think
18 Les Spence even when drinking would be
19 responsible for Gail's death."

09:55 20 Would the police have asked you about Gail's
21 relationship with Les Spence?

22 A Yes, they did.

23 Q And others, other men, boys, friends?

24 A Uh-huh, yes, they did.

09:55 25 Q If I could then go to 106626, please, and this is



1 a report of Detective Sergeant Reid, or -- yes,
2 Detective Sergeant Reid of March 10th, 1969, so
3 this would be about six weeks after the death, and
4 if we could just call out that portion, please, it
09:55 5 says:

6 "On March 10, '69, Corporal
7 Rasmussen --"
8 Who was with the RCMP,
9 "-- and writer --"

09:56 10 Being Reid,

11 "-- journeyed to Delisle and at this
12 point interviewed Bertha Boucher born
13 1952, whose home is at Donavon, Sask.
14 but she is employed in Delisle by Wally
15 Powers as proprietor of Wally's
16 Restaurant. Also questioned in Delisle
17 was Peggy Miller, sister of deceased.
18 At this time no further additional
19 information was obtained and of new
09:56 20 names that have come to our attention
21 when mentioned to these two girls they
22 meant nothing and they had never heard
23 them before. These girls have not heard
24 any further information or gossip which
09:56 25 may be of assistance to us at this



1 time."

2 Do you recall this meeting with the police?

3 A Yes, I do.

4 Q And what do you recall about that meeting?

09:56 5 A Well, they just wanted to know if I had any new
6 information for them and I had told them no.

7 Q It says here that they mentioned new names that
8 came to our attention. Do you recall --

9 A No, I don't, any of those names.

09:56 10 Q Next if we could go to 106659 and this is a report
11 dated April 15th, 1969 and there's a statement
12 that I'll be referring to you in a moment,
13 Ms. Morrow, the April 15th statement, and this is
14 the report that details the statement, so I'll go
09:57 15 through the report and then I'll go through the
16 statement and then ask some questions for you, and
17 this says:

18 "On April 15, '69 Mrs. Miller --

19 Which I presume is your mother --

09:57 20 "-- called personally at the Det. Dept.
21 and with her at this time was her
22 daughter, Peggy Miller who works at the
23 Delisle Hotel and Cafe in Delisle, Sask.
24 A statement at this time was received
09:57 25 from Peggy Miller, who is a sister of



1 the deceased, Gail, who advises that she
2 recalled after being interviewed by the
3 police in Delisle, that she recalls some
4 letters that she had received from her
09:57 5 sister, Gail when she was training at
6 Weyburn, Sask. often mentioning her
7 boyfriend that she was going steady with
8 in Swift Current by the name of Dave
9 Milgaard and that this person was from
09:58 10 Regina and that he used to go to Swift
11 Current every weekend to see her sister.
12 She advises also that when Gail was home
13 twice from Swift Current that she
14 mentioned this person to her personally
09:58 15 and it was of her opinion that Gail
16 thought this Milgaard person was a real
17 nice guy and apparently had no problems
18 at all with him. Peggy Miller at this
19 time has never seen this person and that
09:58 20 Gail had never brought him to her home
21 in Perdue and to her knowledge this
22 person had never contacted or visited
23 Gail at her residence in this city.
24 Peggy Miller advises that she
09:58 25 believes that she still has in her



1 possession these letters from Gail and
2 also Mrs. Miller advised that she would
3 check further as to letters that she had
4 received from her daughter and if any of
5 these letters are obtainable, she will
6 have them into our possession at the
7 Det. Dept. on Thursday of this week, if
8 possible."

9 If we could then go to the statement which is
10 046042, and this is April 15th, 1969, Saskatoon,
11 and is that your signature in the bottom right
12 corner?

13 A Yes, it is.

14 Q And if we could just go to the next page of the
15 statement, please, and actually on my copy -- I
16 believe that another version shows it to be Reid's
17 signature as witness, Mr. Commissioner, I'll find
18 another copy of that, but that is your signature
19 in the bottom right?

20 A Yes, it is.

21 Q Okay. And if we could just go back to the page,
22 first page of that statement, and is this your
23 handwriting in the body of the statement?

24 A Yes, it is.

25 Q This is your handwriting here or is this --



1 A No, it's not.

2 Q It says, if we could just call out this, please,
3 it says:

4 "Peggy Miller states as follows:

10:00 5 I am presently employed at
6 Delisle Hotel, in the cafe part.

7 About a week and a half after
8 the police spoke to me at Delisle - I
9 now recall that in letters I received
10:00 10 from Gail - while she was in Swift
11 Current - training between April and
12 August 1968 - I recall her mentioning in
13 about three letters, of a boy friend
14 that she was going steady with in Swift
10:00 15 Current. She mentioned his name as Dave
16 Milgaard and he was from Regina and he
17 was to go to swift current every
18 weekend."

19 If I can pause there and just go back. Do you
10:00 20 recall giving a statement to the police in April
21 of 1969?

22 A No, I do not.

23 Q Do you recall going to the police station?

24 A No, I do not.

10:00 25 Q With your mother?



1 A No, I don't.

2 Q At this time, in April of 1969, I mean, did you
3 know David Milgaard?

4 A No, I did not.

10:01 5 Q And did you tell the police that Gail was dating
6 David Milgaard?

7 A No, I did not.

8 Q Now, do you have any explanation, Ms. Morrow, as
9 to how, and we've just read through this
10:01 10 statement, how Mr. Milgaard or how it is that you
11 are reported to say that in your statement?

12 A I don't recall. I just don't know how.

13 Q At the time in mid April is it possible that you
14 would have been aware that Mr. Milgaard was a
10:01 15 suspect the police were looking at?

16 A I do remember -- I don't know what date it was,
17 but I do remember asking the police if they had
18 any suspects or how the investigation was going
19 and if they had anybody in mind and they said yes,
10:02 20 we do, but we can't say very much. Then he asked
21 me if I knew David Milgaard and I said no and they
22 said, did Gail know him, and I said no.

23 Q Do you remember who this officer was?

24 A No, I do not.

10:02 25 Q And do you know when this was roughly?



1 A Not to my mind, no. I just don't remember.

2 Q And do you recall where this discussion took
3 place?

4 A It probably was in Delisle.

10:02 5 Q Now, this statement also -- I'm sorry, thanks for
6 bringing up 046020, it does appear to be the
7 signature of Reid. Does Officer Reid, does that
8 name sound familiar at all to you?

9 A Not -- no.

10:02 10 Q That's fine. Now, this statement also talks about
11 letters that you received from Gail. Do you have
12 any recollection of --

13 A I do not have any recollection of ever receiving
14 any letters from Gail.

10:03 15 Q And this talks about checking for letters after or
16 your mother checking. Do you remember any of
17 that?

18 A No, I don't.

19 Q Did you ever discuss this with your mother?

10:03 20 A I -- when the two police officers from Regina came
21 up and they were asking me about this statement
22 and I told them exactly, no, I don't remember ever
23 receiving a letter from Gail, and after they left
24 I had phoned mom, read the statement that I was
10:03 25 supposed to have said and I said, mom, do you



1 remember taking me into Saskatoon, and she said
2 no.

3 Q And when you say the officers from Regina, was
4 that the RCMP in 1993?

10:03 5 A Yes, it was.

6 Q And just if we can go to the next page, the last
7 page of that statement, just ends off saying:

8 "I believe I still have these letters at
9 home in which Gail referred to this Dave
10:04 10 Milgaard. This is all I know about this
11 person."

12 And again you have no recollection of any of
13 those letters?

14 A No, I don't.

10:04 15 Q Now, at some point, Ms. Morrow, did you become
16 aware that Mr. Milgaard was charged with the
17 murder of your sister?

18 A Yes.

19 Q And what do you recall? How did you become aware
10:04 20 of that?

21 A It was in May of 1969 and I remember, I was at
22 work and there was a customer that came in and he
23 said, Peggy, have you got the TV on, and I said
24 no, and he says, well, it's been put on the TV
10:05 25 that somebody, a David Milgaard has been arrested,



1 so I went and asked my boss if I could turn the TV
2 on and I turned it on and then it came across that
3 David Milgaard had been arrested.

4 Q And prior to that had you been aware of Mr.
10:05 5 Milgaard?

6 A No.

7 Q The discussion that you had with the police when
8 they asked you whether you knew him, was that
9 prior to him being arrested?

10:05 10 A Yes, it was.

11 Q Do you recall talking to the police at or about
12 this time about your sister Gail's compact and/or
13 cosmetic bag?

14 A Yes.

10:05 15 Q What do you recall?

16 A They asked me what her, if she had the compact and
17 also could I describe her cosmetic bag and what
18 she had in it if I could.

19 Q And what do you recall telling them?

10:05 20 A That it was the -- the one -- the one compact was
21 pink and the other one, the cosmetic bag was blue
22 and it had some squares, designs on the cosmetic
23 bag.

24 Q Did -- were you aware as to why the police were
10:06 25 asking about this?



1 A Yeah.

2 Q What do you recall?

3 A That this was found in her purse and that I was
4 told also that the compact was in the glove
10:06 5 compartment of the car in which David and Nichol
6 John were in and that I was told that it was
7 thrown out the window.

8 Q And do you recall who told you that?

9 A Offhand it was one of the officers, but I don't
10:06 10 know.

11 Q Okay. I'm going to call up a police report here,
12 106676, and this is a report dated May 29th, 1969
13 by Detective Sergeant Mackie and I believe this is
14 right around the time that Mr. Milgaard was
10:07 15 arrested or had been charged, one of the two. If
16 I can go to the next page, 106677, and it says
17 here:

18 "On May 27th, I travelled --"

19 And this is Mackie,

10:07 20 "-- to Laura, Sask. where I interviewed
21 Mrs. and Mr. Miller and her son Lloyd in
22 regards to the cosmetic case and compact
23 which Gail was alleged to have had
24 possession of and I learned that she did
10:07 25 have a compact which is possibly one of



1 two or three different, one that she had
2 was all pink and is believed to be
3 round, and the other was a gold top,
4 black bottom compact. She also had
10:07 5 sample tubes of lipstick of Avon
6 products and the plastic cosmetic bag
7 with these items were contained in was
8 about 7" long and about 3" wide with a
9 zipper along the top, believed to be
10:08 10 blue in colour with some sort of design
11 on it.

12 I then stopped at Delisle,
13 Sask. where I interviewed Peggy Miller,
14 sister of the deceased, and she advised
10:08 15 that Gail had had a round compact, pink
16 in colour, and that she had also been
17 given by Peggy a gold topped, black
18 bottomed compact which had once been her
19 property. The cosmetic bag was a blue
10:08 20 colour with squares and circles of
21 various other colours approximately 7"
22 long and 3" wide with a zipper along the
23 top. The pink compact contained face
24 powder while the gold and black compact
10:08 25 contained face powder and a mirror as



1 well. Also contained in this case was a
2 long tube which broke up in sections
3 containing different coloured lipsticks
4 and a similar item containing eye
10:08 5 shadows."

6 Now, what Detective Sergeant Mackie has reported
7 here, is that accurate as to what you would have
8 told him?

9 A Yes, it is.

10:08 10 Q Do you recall any discussion with Mr. Mackie or
11 any police officers at the time about a white or
12 cream-coloured compact or cosmetic bag?

13 A No, I don't.

14 Q With flowers?

10:09 15 A No, I don't.

16 Q Now, I understand, Ms. Morrow, that you were
17 subpoenaed to attend the preliminary hearing in
18 August of 1969?

19 A Yes, I was.

10:09 20 Q And do you know what purpose -- and you didn't
21 testify; is that correct?

22 A No, I didn't.

23 Q And you did not testify at the trial of David
24 Milgaard?

10:09 25 A No, I did not.



1 Q And do you know what reason you were being called
2 at the preliminary hearing for?

3 A I was to go on the stand and identify her
4 belongings that she had at the time.

10:09 5 Q I see. And were other family members there with
6 you?

7 A Yes, my mom, dad and grandma.

8 Q Now, I want to ask you about while you were at the
9 preliminary hearing. Did you have occasion to be
10:09 10 in a room with other witnesses?

11 A Yes, I was.

12 Q And can you tell us what you recall about what you
13 observed and heard at that time?

14 A Well, I remember being in the witness room and I
10:10 15 remember sitting beside a girl and her mom and
16 then I couldn't recall who else was in there, but
17 there was a table in front of me and there was
18 Albert Cadrain and Nichol John, but I don't recall
19 if Ron Wilson was there at the time or if he was
10:10 20 on the stand.

21 Q Okay. Can I just pause there for a moment. Had
22 you been in the courtroom prior to that?

23 A Yes, I was.

24 Q And how did you have occasion to go into this
10:10 25 room?



1 A Because either the security guard or whoever had
2 come and said all the witnesses please come with
3 me, you cannot be allowed in the courtroom, you
4 have to be in a witness room.

10:10 5 Q And was there any police officer in the room with
6 you at the time?

7 A Yes, Sergeant Mackie.

8 Q And tell us what you recall observing and hearing?

9 A Well, I remember, like I said, Nichol and Albert
10:10 10 were in front of me and I remember her, Nichol
11 saying I don't know why he didn't arrest me
12 because I seen him do it.

13 Q And who was she saying that to?

14 A I have no idea.

10:11 15 COMMISSIONER MacCALLUM: Don't know why he
16 didn't what?

17 A I don't know why he didn't arrest me, why they
18 didn't arrest me because I seen him do it.

19 COMMISSIONER MacCALLUM: Oh.

10:11 20 BY MR. HODSON:

21 Q And what else do you recall?

22 A That I remember Nichol John getting up and she was
23 laughing and carrying on and I thought to myself,
24 you know, why are you doing this, this is a
10:11 25 serious matter, you know, I was upset with my



1 sister involved, and she went and sat next to
2 Sergeant Mackie and then she asked him could you
3 tell me who all these people are.

4 COMMISSIONER MacCALLUM: Who asked this?

10:11 5 A Sergeant -- or Nichol John asked Sergeant Mackie
6 who all these people were and so he told them and
7 he said, and do you see that young lady that's
8 sitting over there, and Nichol said yes, and he
9 says that's Gail's sister. Well, she just went
10:12 10 completely white, her head fell and she never said
11 another word.

12 BY MR. HODSON:

13 Q I'm just going to call up a note here, I think of
14 Mr. Caldwell, it's 059128, and this note relates
10:12 15 to someone overhearing -- it actually says here at
16 the top, if we can just call it out, it says:

17 "Mrs. Miller, Mary Marcoux, Albert
18 Cadrain all heard N. John say, 'I don't
19 know why he didn't kill me too - I was
10:12 20 right there and saw it all, but I'm not
21 going to say nothing'."

22 Now, those quoted words, does that -- I think you
23 told us what you recall is that I don't know why
24 they didn't arrest me; is that right?

10:13 25 A Uh-huh.



1 Q Yes?

2 A Uh-huh, yes, it is.

3 Q These words here, "I don't know why he didn't kill
4 me too," do you recall those words being --

10:13 5 A That could have been, it could have been either
6 killed or arrested.

7 Q Arrested, okay. And so the rest of what's
8 recorded here, is that close to or accurate as to
9 what you heard in that room but from Nichol John?

10:13 10 A Yes.

11 Q Now, it says here Mrs. Miller and Mary Marcoux.
12 Was your mother in the room at the time?

13 A No, she was not.

14 Q Do you know if Mary Marcoux was in there?

10:13 15 A Yes, she was.

16 Q And was her mother in there?

17 A Yes, she was.

18 MR. HODSON: Mr. Commissioner, are we going
19 to 10:15 or 10:30? I wasn't sure what --

10:13 20 COMMISSIONER MacCALLUM: Probably 10:30 if
21 everybody is all right with that.

22 BY MR. HODSON:

23 Q Okay. So after -- I take it you didn't testify
24 then, I think you told us, at the preliminary
10:14 25 hearing or at the trial?



1 A That's right.

2 Q Did you tell anybody at that time about what you
3 heard Nichol John say in this room?

4 A No, I did not.

10:14 5 Q And was there any reason that you didn't tell
6 anybody?

7 A No.

8 Q So after Mr. Milgaard's conviction in January of
9 1970, I believe that your next contact with
10:14 10 authorities was in 1990 with Sergeant Pearson; is
11 that correct?

12 A Yes, it was.

13 Q And just generally from the time period 1970, from
14 the date of conviction until 1990, that 20 year
10:14 15 period, were you aware of this case or Mr.
16 Milgaard's conviction or anything relating to this
17 matter coming up?

18 A There was nothing being said until 1980 and at
19 that time when I was married my husband was in
10:14 20 Lucky Lake hospital and we went to see him and I
21 said -- he said Peggy, have you had your TV, the
22 TV on, and I said no, and he said, well, he said,
23 it's come up again that Joyce Milgaard has given
24 out, wants to give a \$10,000 reward out for
10:15 25 anybody with information to prove that her son did



1 not do it, and I recall saying, oh, no, not this
2 all over again.

3 Q And why was that?

4 A Well, you know, back -- not hearing it from '70 to
10:15 5 '80, not a word, and then all of a sudden this is
6 all, you know -- I was pretty upset when I seen
7 it, when I went home, went to his mom and dad's
8 and turned on the TV and heard all this coming up
9 again.

10:15 10 Q And did you, yourself, have any contact with
11 anybody on behalf of David Milgaard at this time?

12 A No I did not.

13 Q At any time did you?

14 A No.

10:15 15 Q So if we can go ahead to 1990, do you remember
16 talking to Sergeant Pearson of the RCMP?

17 A Yes I do.

18 Q Was it by phone or in person?

19 A In person.

10:16 20 Q And do you recall what he was investigating or why
21 he was talking to you?

22 A It was probably about the statement that I gave
23 about the letter.

24 Q Okay. And I think, at this time, the record shows
10:16 25 that Mr. Milgaard had applied to the Federal



1 Minister of Justice to review his conviction, and
2 that Sergeant Pearson was assisting
3 representatives of the federal minister in
4 reviewing matters; does that sound right?

10:16 5 A Yes, it does.

6 Q So he, do you recall what he said when he
7 contacted you, as to --

8 A Not offhand, right now, no I don't.

9 Q If we could call up document 011907, please. And
10:16 10 this is a report October 18th, 1990, and it's re:
11 David Milgaard, Assist Federal Department of
12 Justice. And if we could go to page, the next
13 page 011908, and right at the bottom, D., and this
14 is Sergeant Pearson's report. It says:

10:17 15 "In our previous report Peggy Miller,
16 sister of the deceased, had provided a
17 statement on the 69-APR-15 to the
18 Saskatoon City Police indicating that
19 Gail Miller knew David Milgaard prior to
10:17 20 her death. I have since made contact
21 with Peggy Miller to confirm if in fact
22 she recalls a relationship between the
23 deceased and David Milgaard, however,
24 Peggy Miller denies ever providing that
10:17 25 kind of information to the Police. A



1 statement is on file with Peggy Miller's
2 signature indicating that in fact Gail
3 knew David Milgaard. I have requested
4 of Peggy Miller to provide me with
10:17 5 samples of her signature to confirm if
6 in fact she did sign her name to the
7 statement in question. There is a good
8 possibility that Peggy Miller, through
9 time, has completely forgotten about the
10:17 10 detail provided in the statement. Peggy
11 is quite adamant that she never provided
12 the information that I have referred to.
13 This seems rather odd, however, time may
14 have faded the memory of Peggy or she
10:18 15 may in fact be afraid to confirm this
16 knowledge for fear of becoming involved
17 in a highly publicized criminal case."

18 When -- so this -- now I'll have a few questions
19 about this -- but when did you first realize, Ms.
10:18 20 Morrow, that there was a statement from April of
21 1969 with your name on it saying that Gail had
22 dated or knew David Milgaard?

23 A Probably in 1993.

24 Q Or 19 -- would it have been at this time? This is
10:18 25 1990.



1 A No.

2 Q Okay. This time -- okay, let me ask the question
3 again. Would you, at this time, have known that
4 there was a statement?

10:18 5 A Yes.

6 Q Okay. So when Sergeant Pearson talked to you --
7 and then I'll have some questions about what he
8 reports -- but you were aware that there was a
9 statement with your name on it from 1969 that said
10:18 10 Gail knew David Milgaard; is that right?

11 A Yes.

12 Q Okay. And did Sergeant Pearson tell you that, or
13 give you a copy of the statement, do you remember?

14 A Umm, he told me about it, but I don't recall him
10:19 15 giving me a statement.

16 Q So he would have called you and told you "there is
17 a statement, here, where you say Gail knew David
18 Milgaard"?

19 A Yes.

10:19 20 Q Is that correct?

21 A Yes.

22 Q And prior to that -- and that's my question -- was
23 that the first time, then, that it dawned on you
24 that you had made this statement?

10:19 25 A I just don't recall.



1 Q Okay, no, I appreciate that. I -- let me try my
2 question again. What I am trying to find out is
3 when did you -- let's go after April 15th, 1969,
4 after the conviction of Mr. Milgaard, when did you
10:19 5 realize that there was a statement that existed
6 with your signature that said Gail knew David
7 Milgaard, when did you learn that that statement
8 existed?

9 A Probably 1990.

10:19 10 Q Okay. And that's when Sergeant Pearson told you?

11 A Yes.

12 Q Okay. And what was your reaction at the time; do
13 you recall?

14 A Stunned.

10:20 15 Q I --

16 A I just did not recall.

17 Q Now he goes on to say that Peggy Miller denies
18 ever providing that information to the police; is
19 that correct?

10:20 20 A That's right.

21 Q And did you get a, it says a statement is on file
22 and that I have requested of Peggy Miller to
23 provide me with samples of her signature; do you
24 remember if you did that?

10:20 25 A I did not do that.



1 Q And Sergeant Pearson says here:

2 "There is a good possibility that Peggy
3 Miller, through time, has completely
4 forgotten about the detail provided in
5 the statement."

6 Is that the case?

7 A I just, I just don't recall.

8 Q It says here:

9 "Peggy is quite adamant that she never
10 provided the information that I have
11 referred to."

12 And then it goes on to say that time may have
13 faded the memory; and is that possible?

14 A It could have been.

15 Q I guess what I am trying to understand, is it a
16 case of -- you are saying here you are adamant
17 that you didn't tell them that, and what Sergeant
18 Pearson is stating here is, well, maybe you did
19 tell the police that and thought that, you just
20 forgot it?

21 A I just don't -- do not recall ever, ever doing --
22 making that statement.

23 Q Okay. And then it goes on to say that:

24 "... she may in fact be afraid to
25 confirm this knowledge for fear of



1 becoming involved in a highly publicized
2 criminal case."

3 And is that -- was that the case at the time?

4 A No. I wouldn't have been scared to.

10:21 5 Q Okay. Now in August of 1991 your family released
6 a public statement expressing your family views
7 about Mr. Milgaard's situation, and if I could
8 call up 009067, please. And we have seen this
9 document before, it's dated August the 6th, 1991,
10:22 10 and it's Family of Gail Miller, Saskatoon, and if
11 we could call out that. It says:

12 "After careful consideration, we have
13 decided to release a statement which may
14 be presented to the press. It follows
10:22 15 below:

16 'In light of the new evidence
17 presented to us by Centurion Ministries,
18 Inc., we feel that there is reasonable
19 doubt as to the guilt of David Edgar
10:22 20 Milgaard. We are making this statement
21 simply because we want justice to
22 prevail!"

23 And scroll down, and it says:

24 "Thank you,"

10:22 25 and is that -- do you know whose signature that



1 is?

2 A Yes I do.

3 Q And whose is that?

4 A It does look like my brother Jack's.

10:22 5 Q All right. Now what role if any did you play, Ms.
6 Morrow, in the preparation of this statement?

7 A I was not there when they were doing it, but they
8 did inform me that they had made this statement,
9 and I agreed to it.

10:22 10 Q And at the time of this then, August 6th, 1991, is
11 what's stated in this document; did that reflect
12 your view at the time?

13 A Yup, yes.

14 Q And can you tell us why or what caused you to have
10:23 15 that view?

16 A Umm, when I was in the hospital on -- in '92, I
17 had cancer and I was in the hospital, and my mum
18 had given me a book to read, *When Justice Fails*,
19 and I read it, and just after I was finished I
10:23 20 thought, no, David couldn't have done it.

21 Q And so you think that was in 1992?

22 A '92 was when I had my operation.

23 Q Now next is -- I take it you became aware then, in
24 1992, that David Milgaard was released?

10:23 25 A Yes.



1 Q Yeah. And then I think you told us earlier about
2 two officers, police officers from Regina, coming
3 to visit you; is that right?

4 A Yes.

10:23 5 Q And were they RCMP officers?

6 A Yes.

7 Q And what did you understand they were doing or
8 what they were investigating?

9 A They were coming to -- asking me about the
10:24 10 statement with the letters, with the letter that I
11 supposedly had received.

12 Q And did they tell you what they were investigating
13 or why they were investigating; do you remember?

14 A Not offhand, right --

10:24 15 Q Did they -- do you recall anything about an
16 investigation into alleged wrongdoings related --

17 A Yes.

18 Q Okay.

19 A Yes.

10:24 20 Q Does that sound familiar?

21 A Yes.

22 Q If we could call up, it's doc. ID 044569, and if
23 we could go to the page 044573 and it says:

24 "Interview of Peggy Morrow/Miller",
10:24 25 and that's your address, or was at the time; is



1 that right? Just call that --

2 A At that time, yes.

3 Q And it appears that it was February the 9th, 1993;
4 does that sound right?

10:25 5 A Yes.

6 Q And it says you were interviewed at your residence
7 in Outlook, very open and cooperative with
8 members, is that correct?

9 A Yes, yes.

10:25 10 Q And then if you could scroll down, please, it
11 says:

12 "She was shown the statement that she
13 provided to S'toon P.D. members and she
14 advised that although her signature was
10:25 15 on the bottom of form she stated she did
16 not provide the information contained
17 within."

18 And is that -- is that what you would have told
19 the person at the time?

10:25 20 A Yes.

21 Q And is it fair to say you would have been telling
22 the officers the truth to the best of your
23 recollection when you were giving this
24 information?

10:25 25 A Yes.



1 Q Go to the next page, please. You also say here:

2 "She also stated that Gail never said to
3 her that she knew Milgaard and does not
4 know how this got into her statement."

10:25 5 Is that accurate?

6 A That's right.

7 Q And:

8 "Morrow also advised us that there was
9 one thing she had never told anyone
10:25 10 about before, and this was during the
11 trial of Milgaard she was seated in a
12 witness room with Nichole John, Shorty
13 Cadrain, and Sergeant Mackie.

14 Nichole John apparently made
10:26 15 the comment, 'I don't know why the
16 police didn't arrest us, because I seen
17 him do it.' Apparently no one else in
18 the room heard this statement."

19 And does that accurately reflect what you would
10:26 20 have told the RCMP?

21 A Yes.

22 Q And then they go on to obtain a written statement,
23 if we could go to 037859, and it appears to be
24 Constable Ken Homeniuk; is that a familiar name?

10:26 25 A Not offhand, no.



1 Q And then if we could just go through the next
2 page, please, and this is a questionnaire that was
3 -- go back to the main page, please, call out
4 that. It says:

10:26 5 "Were you approached and interviewed by
6 a member(s) of the Saskatoon City Police
7 department to supply a statement ...",
8 your answer:

9 "Yes, they first came out and saw me in
10:27 10 Delisle. This would have been the first
11 part of April 1969."

12 And it says:

13 "Was this the statement you provided,
14 and does this depict your observations
10:27 15 to the best of your recollection?"

16 Your answer:

17 "I do not recall giving the statement
18 you have shown me."

19 And I take it that's the April 15th, 1969
10:27 20 statement, is that right?

21 A Yes.

22 Q And if we could carry on to page 046052, and this
23 appears to be a handwritten statement and I will
24 take you to a typed version of that, but are those
10:27 25 your initials at the bottom right?



1 A Yes it is.

2 Q Yeah. Do you remember the RCMP writing out
3 questions and answers while they were interviewing
4 you?

10:27 5 A Yes I do.

6 Q Okay. And then if you could go to page 046055,
7 and you will see at the bottom it says "signed",
8 and is that your signature, "Peggy Morrow"?

9 A Yes it is.

10:28 10 Q And it appears to be Officer Homeniuk, February 9,
11 1992 -- it says 2 but I think that should be '93,
12 maybe it is 1992, no, '93.

13 If we could then go to 037869,
14 and this is a typed copy of your statement, and
10:28 15 again I think the date there has a 2 with a 3
16 crossed out, and this is just a typed version of
17 the handwritten part I went through, and just go
18 through a couple of questions and answers. It
19 says:

10:28 20 "Q Peggy, I have shown you a statement that
21 is dated 1969-Apr-15 that was apparently
22 made out in Saskatoon, Sask. and
23 reportedly signed by yourself. Do you
24 recall this statement?

10:28 25 A I do not recall the statement."



1 And that's accurate, is it?

2 A That's right.

3 Q And then if we could go to the next page, please,
4 just go through some questions and answers here.

10:29 5 It says:

6 "Q Do you recall telling the police that
7 your sister knew David Milgaard?

8 A No.

9 Q Did she ever mention David Milgaard to
10:29 10 you?

11 A No she never mentioned.

12 Q On the statement I have shown you there
13 is a signature on the bottom that says
14 Peggy Miller, is this your signature?

10:29 15 A Yes.

16 Q Do you have any idea how your signature
17 got to the bottom of the pages?

18 A No."

19 Is that accurate?

10:29 20 A That's right.

21 Q And it says:

22 "Q Did you ever get called to testify in
23 this case?

24 A I was subpoenaed to identify all of
10:29 25 her things but I did not have to



1 because my parents did.

2 Q Is there anything you can add to this
3 matter?

4 A At the Court case in Saskatoon I was
10:29 5 sitting in the witness room with a
6 bunch of witnesses. Nichole John was
7 there, there was a Cadrain boy and
8 they were sitting together. Nichole
9 said, 'I don't know why the police
10:29 10 didn't arrest us, because I seen him
11 to do it.' I did not mention this to
12 anyone. Sergeant Mackie of the
13 Saskatoon City Police was also in the
14 room, but I don't think he heard
10:30 15 this."

16 And is that accurate?

17 A That's right.

18 Q And you would have told the officers that at the
19 time?

10:30 20 A I would have.

21 Q Yeah, and at the time of the interview in '93?

22 A Umm, yeah.

23 Q I'm sorry, did you understand?

24 A Yes, yeah.

10:30 25 Q Okay. Next page, please, this will clear it up.



1 It says you were asked:

2 "Q Have you ever told any policemen about
3 this comment?

4 A No.

10:30 5 Q Is there any reason you have told no one
6 else about this?

7 A I never thought of it.

8 Q Was that the only comment John made?

9 A Yes, other than she was laughing about
10:30 10 it."

11 And was that accurate?

12 A That's right.

13 Q Now if I can move ahead, and I should be able to
14 finish up in a minute, Mr. Commissioner, if you
10:30 15 want to --

16 COMMISSIONER MacCALLUM: Okay.

17 BY MR. HODSON:

18 Q Do you recall learning about Larry Fisher being
19 charged with your sister's death in 1997?

10:30 20 A Yes.

21 Q And what do you recall about that?

22 A I remember I was at -- in Outlook, and I got a
23 phone call, and stating that, "Did you know that
24 Larry Fisher was arrested?" And I said, "What?"
10:31 25 And then they proceeded to tell me all about it



1 so, then, that's when the media never left me
2 alone.

3 Q The media?

4 A The media.

10:31 5 Q And when did you first learn of Larry Fisher as a
6 possible suspect in your sister's death?

7 A Umm, I don't recall offhand what --

8 Q Would it have been in the 1990's?

9 A It would have been in the 1990's, yes.

10:31 10 Q And certainly, when you read the book *When Justice*
11 *Fails*, was he mentioned in that?

12 A Oh yes.

13 Q Yeah. So what about prior to the 1990's; did the
14 name Larry Fisher --

10:31 15 A No.

16 Q Just one last item. There is a reference in an
17 RCMP officer's notebook from 1997, if I could call
18 up 081178, and this is a note of July 31, 1997,
19 and it's an RCMP officer, and I believe these are
10:32 20 notes of officers involved in the investigation of
21 Larry Fisher. And it says:

22 "Corporal Hopkins ...",
23 blow that up, please:

24 "... spoke with Peggy Morrow ... She was
10:32 25 advised that Corporal Hopkins was a



1 member of the task force assigned to
2 investigate her sister, Gail Miller's
3 death."

4 Do you recall having discussions with the RCMP in
10:32 5 and around that time? Okay, and this is July
6 '97, and this would be right after the DNA
7 results came out?

8 A Yes.

9 Q And then the RCMP investigated Mr. Fisher, and I
10:32 10 think he was arrested in or around this time, do
11 you remember that?

12 A Yes.

13 Q Do you remember having -- being contacted by the
14 RCMP then?

10:33 15 A Offhand, no.

16 Q Okay. We'll go through some notes, here, and
17 maybe this will assist your memory. If we could
18 go to the next page, please, and it says here
19 that:

10:33 20 "- Peggy requested that she be informed
21 of any new developments.

22 - She stated that she did not want to
23 hear about new developments via the
24 press."

10:33 25 Do you recall --



1 A Yes.

2 Q Yeah, so you would have told the RCMP that?

3 A Yes.

4 Q Okay. And next page, and this is again August 1,
10:33 5 it says:

6 "- Peggy requested that the police keep
7 her advised of any new developments, she
8 does not want to hear about it through
9 the press. Peggy felt that she should
10:33 10 have been told that Fisher was being
11 charged with Gail's murder.

12 - Peggy denies providing statement to
13 police in which she said that she had
14 received a letter from Gail while she
10:33 15 was in Swift Current telling her that
16 she met David Milgaard and that she
17 (Gail) had gone out with him."

18 Is that -- would you have told the officers that?

19 A Yes.

10:34 20 Q "- Peggy stated that she does not believe
21 that David Milgaard is responsible."

22 Did you tell the police that?

23 A Yes.

24 Q And did you believe that?

10:34 25 A Yes.



1 Q Next page, there is a note here that says:

2 "- Peggy said that one Eva Carlson ...
3 of Outlook told her that while she was
4 at Milgaard's trial she overheard Joyce
10:34 5 Milgaard say that she washed David's
6 clothes."

7 Do you remember telling that to the officers?

8 A I don't recall, but I would remember that
9 statement.

10:34 10 Q Okay. And what do you recall about that?

11 A Well Eva Carlson, their whole family knew us for a
12 long time, and she used to come to the Esso all
13 the time and she was -- every time she came in she
14 would ask, you know, "how are things going, how is
10:34 15 this doing with the family about this, all this
16 being brought up again", and she said, yes, she
17 had been to the trial and she said she overheard
18 Joyce Milgaard washing David's clothes. That's
19 exactly what she told me.

10:35 20 Q And do you know why you would have told the RCMP
21 that at this time?

22 A Probably because I thought that would be new
23 information.

24 Q Okay. And then it just goes on here, it says:

10:35 25 "- Peggy questioned whether or not the



1 DNA evidence says anything about the
2 killing or just the rape";

3 do you recall mentioning that to the RCMP?

4 A Yes.

10:35 5 Q And can you explain what you were getting at there
6 or what you were questioning?

7 A Not offhand, no.

8 MR. HODSON: I think those are all my
9 questions, Mrs. Morrow. Maybe this is an
10:35 10 appropriate spot to break, Mr. Commissioner.

11 COMMISSIONER MacCALLUM: Yes.

12 MR. HODSON: Let's break for 15 minutes.

13 *(Adjourned at 10:35 a.m.)*

14 *(Reconvened at 10:58 a.m.)*

10:58 15 MR. HODSON: I have canvassed counsel for
16 cross-examination, Mr. Commissioner, and I'm
17 advised that Mr. Fox, Mr. Wolch, and Mr. Lockyer
18 each wish to examine the witness. Mr. Wolch and
19 Mr. Lockyer have asked to go last, and I think
10:58 20 Mr. Fox has no difficulty going first, if I have
21 properly --

22 COMMISSIONER MacCALLUM: Okay.

23 MR. HODSON: -- stated that.

24 **BY MR. FOX:**

10:59 25 Q Good morning, Ms. Morrow. My name is Aaron Fox,



1 I'm the lawyer for Eddie Karst, he was a detective
2 with the Saskatoon Police Service back in 1969 and
3 '70, and that's who I represent.

4 I just wanted to ask you; did
10:59 5 Gail, for her training to be a nurse, did -- was
6 she in Swift Current at all?

7 A Yes, she was.

8 Q And do you have a recollection, now, of the time
9 period when she would have been in Swift Current?

10:59 10 A Well that was when her training was, so it had to
11 have been, it had to have been either late
12 '67-early '68.

13 Q Okay. And would have she actually lived in Swift
14 Current for a period of time then?

10:59 15 A Yes.

16 Q Any idea, any recollection, how long she was
17 there?

18 A Well just until her course was finished.

19 Q So, but would we be talking like a couple weeks or
10:59 20 a couple months?

21 A I don't remember if it was four months, six
22 months.

23 Q So --

24 A I know it was that, probably six months, I would
10:59 25 think.



1 Q Okay. So it would have been a few months, at
2 least, anyways?

3 A Uh-huh.

4 Q And do you have any recollection, now, if she was
5 going with anybody, not necessarily a boyfriend --
6 or if she did have a boyfriend -- but if she was
7 going with anybody while she was down there at
8 all?

9 A No I do not.

10 Q Okay. And by that, she may have been going with
11 somebody, you just don't have a recollection at
12 this time --

13 A No.

14 Q -- one way or the other?

15 A No.

16 Q Okay, thanks, that's all I wanted to ask you.
17 Thanks a lot.

18 A Thank you.

19 BY MR. WOLCH:

20 Q Mrs. Morrow, I'm Hersh Wolch, I'm David Milgaard's
21 lawyer, and I also have just a very few questions
22 for you.

23 Obviously, the possibility of
24 David and Gail knowing each other before would be
25 important if it were true, or would have been



1 important?

2 A It would have been important, yes.

3 Q Right. And I take it we can maybe draw some
4 conclusions by the fact that it would appear that
11:01 5 you didn't actually go and look for any letters?

6 A No.

7 Q And there was no follow-up from the police where
8 they came to you and said "where are those
9 important letters" or "have you looked" or
11:01 10 whatever?

11 A I don't recall.

12 Q Okay. So -- and, also, I take it that you would
13 appreciate that in '67 or '68 David would have
14 been about 14 or 15 years --

11:01 15 A Yes.

16 Q -- of age?

17 A Yes.

18 Q And the likelihood of any contact between a
19 19-year-old and a 14-year-old wouldn't have
20 been --

21 A That wouldn't have been -- I knew her, I knew
22 Gail, and she would never have gone with somebody
23 that much younger.

24 Q Yeah. It made no sense?

11:01 25 A No.



1 Q Okay. Just one last question. You had mentioned
2 about Nichol John at the trial, and regardless of
3 the words that were spoken or whatever, would I be
4 correct in gleaning from you that her behaviour
11:02 5 appeared inappropriate?

6 A Possibly, yes.

7 Q That is laughing or --

8 A Laughing and carrying on. She, I took it that she
9 thought it was a big joke, and at that time I
11:02 10 didn't think it was.

11 Q Obviously not. And the officer, you believe,
12 cautioned her, or at least brought to her
13 attention that it wasn't appropriate?

14 A I believe so.

11:02 15 Q Okay. Anyway, I think I have basically asked you
16 some questions mainly to just get here, and to get
17 a chance to thank you and your family's help in
18 this matter.

19 A You are welcome.

11:02 20 Q Thank you.

21 A You are welcome.

22 BY MR. LOCKYER:

23 Q Umm, Mrs. Morrow, I'm here for Joyce Milgaard, and
24 I wanted to ask you a few questions arising out of
11:02 25 what you said on July 31st and August 1st of 1997



1 to the RCMP officer who contacted you when you
2 said that you didn't want to hear any more
3 developments in the case through the press; you
4 remember saying that?

11:03 5 A That's right.

6 Q You told us that you first heard of David's arrest
7 in 1969 through the television; right?

8 A That's right.

9 Q And would it -- would I be right in saying that in
11:03 10 1969 and 1970 your family, including yourself,
11 were presumably all convinced that David was the
12 one who --

13 A That's right.

14 Q -- raped and killed your sister?

11:03 15 A That's right.

16 Q And can you tell me how that, that thought process
17 came about, was it simply because he was charged,
18 was it simply because he was convicted, was it
19 because of what people were saying to you; what
11:04 20 brought that about?

21 A That was more or less through the television, that
22 he was arrested and they thought he committed the
23 crime.

24 Q And that was, that pretty well satisfied you as a
11:04 25 family, that --



1 A Yes.

2 Q -- you sort of assumed they got the right man?

3 COMMISSIONER MacCALLUM: Excuse me,

4 Ms. Miller -- Ms. Morrow, would you try be

11:04 5 careful not to start your answer before counsel

6 is finished his question?

7 A All right.

8 COMMISSIONER MacCALLUM: Thank you.

9 BY MR. LOCKYER:

11:04 10 Q So it was just an assumption they got the right
11 man?

12 A Yes.

13 Q Is that right?

14 A Yes.

11:04 15 Q And do you remember if the police, at that time,
16 spent much time with members of your family
17 talking about the case, or not?

18 A I believe they did.

19 Q Okay. Did that include you or was that more your
11:04 20 mother and father?

21 A That was probably more mum and dad.

22 Q Uh-huh. Which members of the family, if any,
23 attended the trial; do you know?

24 A Of which trial.

11:05 25 Q Of David's trial?



1 A Of David's trial?

2 Q Yes, watched it?

3 A It was just mum and dad, and partially, I don't
4 know if grandma was there all the time but I do
11:05 5 know mum and dad were there.

6 Q And as of, then, 1970 there was really nothing
7 more until I think you told us in 1980 when you
8 heard that Joyce, David's mother, was trying to
9 re-open the case; is that right?

11:05 10 A That's right.

11 Q And from the questions asked of you by Commission
12 Counsel it would seem the next time you had any
13 contact with any authority figure was in 1990; is
14 that correct?

11:05 15 A '90, that's right.

16 Q So no one from the Department of Justice ever
17 contacted you or other members of your family in
18 the meantime to let you know what was going on?

19 A Not that I recall.

11:06 20 Q Do you know if any members of your family were
21 trying to find out from the Department of Justice
22 what, exactly, was going on or were you just
23 relying on media?

24 A Just the media.

11:06 25 Q Okay. Do you think or do you wish, on reflection,



1 that there had been more contact with members of
2 your family as to what was going on?

3 A I thought so at the time.

4 Q You thought there should have been?

11:06 5 A Yes.

6 Q And other members of your family thought so too;
7 is that right?

8 A Yes.

9 Q Because there's various memos, which I won't go
11:06 10 to, I think we'll see them later in the Inquiry,
11 where members of the Department of Justice are
12 reflecting on how this might impact on members of
13 Gail's family in terms of how to react to the --
14 to David's application, but if they were worried
11:06 15 about how your family might react they didn't
16 contact your family at all; is that right?

17 A Not that I recall.

18 Q When Pearson from the RCMP spoke to you in 1990,
19 were you -- do you know if he spoke to other
11:07 20 members of your family?

21 A Not that I recall.

22 Q Okay. And his main interest seems to have been in
23 this statement that your signature was on of April
24 15th, '69; is that right?

11:07 25 A That's right.



1 Q When the -- when your brother provided the note to
2 Jim McClosky of Centurion Ministries in which it
3 was suggested that Gail's family, of which you
4 were one, thought there was a reasonable doubt
11:07 5 about David's guilt, umm, was it -- was it true of
6 all the family that it was the book that was the
7 primary catalyst for that feeling?

8 A I don't recall, because I lived in Outlook and the
9 ones, rest of them lived in Saskatoon, so they got
11:08 10 --

11 Q I'm sorry, I didn't hear what you said?

12 A I said I lived in Outlook and the rest of the
13 family, most of them lived in Saskatoon, so they
14 would just relate between them, then they would
11:08 15 let me know what was going on.

16 Q And, apparently, they spent a fair bit of time
17 with Jim McClosky; is that your understanding?

18 A That's what I understand, yes.

19 Q You never met him yourself?

11:08 20 A No, I did not.

21 Q And in between the interview with Pearson and the,
22 this note that was prepared by your brother in
23 1992, had there been any contact with the
24 authorities in that interim period that you can
11:08 25 remember?



1 A Not -- I don't remember.

2 Q As far as you know, had any members of your family
3 been contacted by the authorities --

4 A I have --

11:09 5 Q -- one way or another?

6 A I don't know.

7 Q And had any members of your family heard from the
8 Saskatoon Police at all?

9 A I believe so.

11:09 10 Q In the 1990-1992 period?

11 A Yes.

12 Q And which members of your family?

13 A Well probably mum and dad, or mum, I shouldn't say
14 dad.

11:09 15 Q All right. And what makes you think that they had
16 been in touch with your mother?

17 A Well probably to recall the statement that was
18 supposed to have, I was supposed to have made,
19 that she took me into Saskatoon to the police
11:09 20 station.

21 Q All right. Sorry, has your mother told you this
22 or are you just speculating? I'm not quite sure
23 what you said?

24 A Oh, speculating it.

11:10 25 Q Your mother didn't contact you and say --



1 A No, no.

2 Q -- the police had been over to see me?

3 A No, no, no.

4 Q Do you think she would have told you if they had?

11:10 5 A Oh, yes, most likely.

6 Q So the fact that she didn't tell you would suggest
7 that they hadn't been in touch with her?

8 A Probably not then. I don't remember.

9 Q All right. The -- do you remember when David's
11:10 10 case was ultimately reopened by the justice
11 minister, when the justice minister agreed to do
12 it in 1992 months after your, the note that your
13 family had written?

14 A Do I recall?

11:10 15 Q Yes, finding out about it.

16 A Not offhand right now I don't.

17 Q Okay. Did any members of your family attend the
18 Supreme Court of Canada --

19 A I don't believe they did.

11:11 20 Q -- when David's case was heard?

21 A I don't believe they did.

22 Q And do you know how members of your family,
23 including yourself, had heard about the DNA
24 results in July of 1997?

11:11 25 A I heard it through the television.



1 Q And as far as you know was the same true for -- is
2 your mother still alive?

3 A No. They are both gone now.

4 Q Were they alive in 1997?

11:11 5 A No, they weren't.

6 Q Okay. Do you know if any others of your brothers
7 or sisters heard directly from the authorities?

8 A No, I don't.

9 Q Did you know that the DNA testing was being done
11:11 10 even?

11 A Yes, I did, through the media, through the
12 television.

13 Q So the media was your sole source of information?

14 A Yes.

11:12 15 Q As to what was going on?

16 A Yes.

17 Q And when these officers came to you August 31st,
18 or officer called you I think August 31st, can you
19 remember if Larry Fisher had already been arrested
11:12 20 by then?

21 A No, I don't remember that.

22 Q I think -- sorry, July 31st. I said August 31st.
23 July 31st. I think I'm right in saying he had
24 been am I? Wasn't he arrested in the 20s (sic)?

11:12 25 Okay, so he had already been arrested. So do you



1 know how you first found out that Larry Fisher had
2 been arrested 28 years later for the crime?

3 A I had received a phone call stating that did you
4 know that David -- or Larry Fisher was arrested
11:13 5 and I said what? No, I hadn't heard prior to
6 that, it's just when I received the phone call.

7 Q From who?

8 A From the media.

9 Q So once again your information is coming from
11:13 10 media, not from anyone else?

11 A That's right.

12 Q And is that phone call of July 31st that
13 Commission Counsel put to you, as far as you know
14 is that the first time you heard, you had heard
11:13 15 from the police or any figure of authority since
16 Pearson had contacted you in 1990?

17 A That's right.

18 Q Sorry, there was the 1993 contact as well?

19 A Oh, yes, that was from the RCMP in Regina.

11:13 20 Q So there was the contact in 1990 and the 1993
21 contact?

22 A Yes.

23 Q And then July 31st of 1997; is that right?

24 A Yes.

11:13 25 Q Now, it must have been a pretty extraordinary,



1 it's a pretty extraordinary thing when you think
2 about it what your family has gone through, you
3 not only lost a sister, but for 23 years, or close
4 to 23 years you thought the right man was in jail
11:14 5 for the crime?

6 A That's right.

7 Q You then discover the wrong man is in jail for the
8 crime?

9 A That's right.

11:14 10 Q And then another five years pass and finally
11 someone else is arrested for the crime?

12 A That's right.

13 Q And at the time, I don't know if you remember
14 this, but on the day that the DNA results came out
11:14 15 in July of 1997, did you watch the television that
16 day?

17 A I did.

18 Q Did you see the justice minister, the federal
19 minister, Ann McClellan at the time, publicly
11:15 20 apologize to David for what he had been through?

21 A Yes, I did.

22 Q Did you see the Saskatchewan justice minister do
23 the same thing?

24 A Yes, I did.

11:15 25 Q Did anyone ever apologize to you?



1 A Not that I recall, nobody apologized to me, no.

2 Q Has anyone ever in authority apologized to any
3 member of your family for what you went through?

4 A Not that I recall.

11:15 5 Q So no one has ever -- no one, a prosecutor, police
6 officer or anyone has ever taken you to one side
7 and said we have a lot to answer for for what
8 happened here and we want to apologize to you?

9 A Not that I recall.

11:15 10 Q Did any member of your family attend Mr. Fisher's
11 trial?

12 A Yes.

13 Q Who?

14 A I was there part time, but my sister Doreen was
11:15 15 there most of the time.

16 Q And was that sort of a part of what you felt you
17 owed your sister?

18 A Yes, it was.

19 Q Let me ask you this, madam, it's really a last
11:16 20 question, and I don't know if you've thought about
21 it or members of your family have thought about
22 this at all, but is there anything that as far as
23 you are concerned this inquiry can do for you and
24 for members of your family?

11:16 25 A Just to prove that why didn't they do this in the,



1 right in the first place and that we would like to
2 see the right person, you know -- we feel that
3 David was wrongfully convicted and we want to
4 prove it that he didn't do it and prove his
11:17 5 innocence.

6 Q That's you thinking of David?

7 A Uh-huh.

8 Q And I find that quite incredible that you do that
9 in answer to the question. Can you think of it
11:17 10 from the point of view of your family too?

11 A Well, we just -- it would be peace for Gail. I'm
12 sure through all this, I don't know if it's
13 rightful to say, but she could be rolling around
14 in her grave, but I think it would be peace for
11:17 15 her, peace for mom and dad and to reassure us.

16 MR. LOCKYER: All right. Thank you, ma'am.

17 BY MR. HODSON:

18 Q Just one quick question in re-exam. Mr. Lockyer
19 referenced being contacted by the media and being
11:17 20 informed about Mr. Fisher's arrest. If I could
21 call up 077543 and this is a -- it's a newspaper
22 article that was published in the *Star-Phoenix*,
23 it's a bit of a different format, but it's
24 published July 26, 1997 which is a Saturday, and
11:18 25 the caption is "Fisher, charged with first-degree



1 murder," and it says:

2 "Calgary police arrested Larry Fisher
3 Friday afternoon."

4 Which I believe was the 25th. And if I could
11:18 5 just call up that part, please, and it says here:

6 "Peggy Morrow, Miller's sister, sighed
7 audibly and cheered up noticeably when
8 told the news. 'I never heard that. I
9 never heard that' she said. 'I'm happy,
11:18 10 but it's going to be a long road yet'."

11 And would this be the time that you were informed
12 of Fisher's arrest? Do you recall this
13 discussion with a reporter?

14 A Uh-huh.

11:18 15 Q Yes?

16 A Yes, it does.

17 Q And so would that be when you were informed of Mr.
18 Fisher's arrest?

19 A Yes.

11:19 20 MR. HODSON: Those are all the questions I
21 have, Mr. Commissioner.

22 COMMISSIONER MacCALLUM: Thank you very
23 much, Mrs. Morrow, thank you for coming, and you
24 are excused.

11:19 25 MR. HODSON: Our next witness is Barbara



1 Wispinski who is travelling here this morning
2 from British Columbia. Her flight is not here
3 until I believe noon, so I'm afraid we're going
4 to have to adjourn until 1:30. This afternoon we
11:19 5 have Mrs. Wispinski and some read-ins, so it
6 won't affect our schedule for today.

7 COMMISSIONER MacCALLUM: All right, thank
8 you. We'll adjourn until 1:30.

9 *(Adjourned at 11:19 a.m.)*

01:17 10 *(Reconvened at 1:30 p.m.)*

11 MR. HODSON: Good afternoon. The next
12 witness is Barb Wispinski who I think is already
13 at the witness stand.

14 **BARBARA ANN WISPINSKI, sworn:**

01:30 15 **BY MR. HODSON:**

16 Q Good afternoon. I'm sorry, do you go by Berard or
17 by Wispinski?

18 A By Wispinski.

19 Q And your maiden name is Berard; is that correct?

01:31 20 A Yes.

21 Q And you were known by Barbara Berard in 1969?

22 A Yes.

23 Q And what's your current age?

24 A 51.

01:31 25 Q And how old would you then have been in 1969; 15,



1 16?

2 A Yes.

3 Q And you currently reside in Mission, British
4 Columbia; is that right?

01:31 5 A Yes.

6 Q And that in 1969 you were a friend of Nichol
7 John's; is that correct?

8 A Yes, it is.

9 Q And were you a close friend of hers?

01:31 10 A Yes.

11 Q And before I deal with the events of 1969, just a
12 couple of questions about your life since then. I
13 understand you are currently residing at or
14 attending the Mending Spirits Recovery Centre; is
01:31 15 that right?

16 A Yes.

17 Q And that's in British Columbia?

18 A Mission.

19 Q In Mission. And that you are there voluntarily;
01:31 20 is that correct?

21 A Yes, that's correct.

22 Q And you are dealing with a drug addiction; is that
23 correct?

24 A Yes.

01:32 25 Q And how long have you been off of drugs?



1 A Now?

2 Q Yes.

3 A Two years.

4 Q So about 2003 you would have quit?

01:32 5 A Yes.

6 Q And from 1969 to 2003 then were you a regular user
7 of drugs?

8 A Off and on.

9 Q And what kind of drugs were you taking?

01:32 10 A Heroin.

11 Q And were you addicted?

12 A Yes.

13 Q And what other drugs?

14 A When I was young I smoked pot, did LSD.

01:32 15 Q And again 1969 to 2003, were you in trouble with
16 the law during that time period?

17 A I started getting in trouble with the law -- yes,
18 I was.

19 Q And have you been convicted and put in jail for
01:32 20 offences over those years?

21 A Yes.

22 Q What types of offences?

23 A Theft and fraud.

24 Q Now, I want to go back to 1969 and I understand
01:33 25 that you lived in Regina at that time?



1 A Yes, I did.

2 Q And do you recall where you lived, the address of
3 your home?

4 A 817 Victoria Avenue.

01:33 5 Q And was that your parents' home?

6 A Yes, it was.

7 Q And you resided there with your parents at the
8 time?

9 A Yes.

01:33 10 Q And so January of 1969 can you tell me, were you
11 working or going to school at the time?

12 A I was going to school at the time.

13 Q And that would be high school?

14 A No, it was elementary. I was in grade 8.

01:33 15 Q And at that time we've heard evidence from various
16 people about I think the hippie culture, for lack
17 of a better term. Were you part of that crowd?

18 A Yes, I was.

19 Q And tell me what kind of things you were involved
01:33 20 in in 1969?

21 A On the weekends I would meet with my friends at a
22 co-op house and we would do LSD and go to Wascana
23 Park in Regina and hang out.

24 Q Now, Nichol John was a friend of yours at the time
01:34 25 was she?



1 A Yes, she was.

2 Q And how long had you known Ms. John at that time?

3 A Oh, maybe a year.

4 Q And was she a close friend?

01:34 5 A She lived with me at my parents' place.

6 Q And why was that?

7 A Because she kept running away from home.

8 Q And can you tell us a little bit about Nichol at
9 that time?

01:34 10 A She was a good friend and we used to get high
11 together.

12 Q What about David Milgaard, did you know Mr.
13 Milgaard in 1969?

14 A Yes, I did.

01:34 15 Q And was he part of the group that you hung around
16 with, for lack of a better term?

17 A Yes.

18 Q What about George Lapchuk?

19 A I knew George.

01:34 20 Q Did you know George well?

21 A Yes.

22 Q Craig Melnyk?

23 A I knew Craig Melnyk very well as well.

24 Q Bob Harris?

01:35 25 A Yes.



1 Q And Deborah Hall?

2 A I vaguely remember her.

3 Q And what about Ute Frank?

4 A I don't know who Ute Frank is.

01:35 5 Q So I want to go back to January of 1969, and you
6 are aware, Ms. Wispinski, that Gail Miller was
7 murdered on January 31, 1969?

8 A Yes.

9 Q And at that time in January was Nichol John living
01:35 10 at your house with you?

11 A Yes.

12 Q Do you recall Nichol going on a trip in that time
13 frame?

14 A Yes.

01:35 15 Q And who do you remember her going with or do you?

16 A I don't remember who she went with, but I know
17 they were picking up some guy, Shorty, on their
18 trip.

19 Q We've heard evidence that it was David Milgaard
01:35 20 and Ron Wilson, and I should have mentioned Ron
21 Wilson, did you know Ron Wilson back then?

22 A Yes.

23 Q Do you recall Nichol going on a trip then with Mr.
24 Milgaard and Mr. Wilson or on a trip?

01:36 25 A Well, I know she went with Ron, but I don't



1 recall if --

2 Q I'm sorry, carry on.

3 A I don't recall if Hoppy was with them.

4 Q You said Hoppy. Is that how you knew Mr. Milgaard
01:36 5 as?

6 A Yes.

7 Q And do you recall where they were going on this
8 trip?

9 A Moose Jaw maybe. I don't know. No, I don't
01:36 10 recall.

11 Q And I think you said they were going to get
12 Shorty?

13 A Yes.

14 Q And did you know Shorty Cadrain at all?

01:36 15 A No.

16 Q Do you recall Nichol John returning to Regina from
17 this trip?

18 A Yes.

19 Q And did she stay at your house for a time after
01:36 20 she returned?

21 A Yes, but not very long.

22 Q Tell us what you recall of your observations of
23 Nichol John and your discussions with her when she
24 returned from this trip?

01:36 25 A She was really upset and she said that the police



1 might be looking for her because David followed
2 some girl in an alley between a house and a garage
3 or something and when he came back to the car he
4 had blood on him.

01:37 5 Q Now, where did this discussion take place?

6 A At my parents' place.

7 Q And are you able to tell us when that occurred?

8 A I remember it was cold, you know, it was a cold
9 time of the year, but I can't give you an exact
01:37 10 date.

11 Q And why do you remember it being cold?

12 A I don't know. I can't remember why I know it was
13 cold.

14 Q So tell us again, where in the house did this
01:37 15 discussion take place?

16 A In the basement.

17 Q And how long after Ms. John had returned did you
18 have this discussion?

19 A It was right away because I told her -- well, in
01:37 20 those days you didn't rat people out, so I talked
21 to her about talking to Cody Crutcher about it.

22 Q And who was Cody Crutcher?

23 A He ran a co-op house, it was a halfway house for
24 men and women.

01:38 25 Q And why would you tell her to see Cody Crutcher?



1 A Because he was older and he would know what to do.

2 Q So back to what else Nichol told you then, what
3 else did she tell you about the trip?

4 A That they went to Saskatoon and came back. She
01:38 5 didn't really tell me a whole lot. She was pretty
6 upset.

7 Q Did she tell you anything about witnessing a
8 murder?

9 A No. She just said that they were going to get
01:38 10 picked up.

11 Q That they were going to get picked up?

12 A That -- yeah, that the police were going to be
13 looking for her and I don't know who told me about
14 the murder, but I think it was Craig Melnyk.

01:39 15 Q And you are referring to Gail Miller's murder?

16 A Yes.

17 Q And when did that take place; do you know?

18 A After they got back.

19 Q And so Mr. Melnyk told you about -- what do you
01:39 20 remember him telling you?

21 A Well, they went to a hotel before they came back,
22 they had some hotel room in Regina, and he was
23 showing Craig Melnyk how he stabbed the nurse and
24 he was using a pillow in a stabbing motion.

01:39 25 Q Okay. When you say he, who are you referring to?



1 A David Milgaard.

2 Q And you are telling us this is what Mr. Melnyk
3 told you?

4 A Yes.

01:39 5 Q Do you recall what else Mr. Melnyk would have told
6 you?

7 A I don't recall.

8 Q So just going back to your discussion with Nichol
9 John, I think you told us you told her to go see
01:39 10 Cody Crutcher; is that right?

11 A Yes.

12 Q Do you know if she did?

13 A She got picked up before that happened.

14 Q Got picked up by whom?

01:40 15 A The police.

16 Q And did they come to your house?

17 A Yes.

18 Q Were you there at the time?

19 A Yes.

01:40 20 Q And what do you recall?

21 A Them coming to the door and asking for Nichol
22 Johns (sic) and my mother came down to the
23 basement and told us that the police were at the
24 door and they wanted to talk to her.

01:40 25 Q And then did you go upstairs with Nichol?



1 A I can't remember if I did or not.

2 Q Do you recall seeing any police officers?

3 A I don't recall.

4 Q And do you recall Nichol going and talking to the
5 police?

6 A Yes.

7 Q Are you able to tell us a time frame when this
8 might have been, time of year?

9 A I can't say for sure.

01:40 10 Q Are you able to tell us how long that would have
11 been after your discussion that you just told us
12 about?

13 A It wasn't that long after.

14 Q Are we talking days, weeks, months?

01:40 15 A Maybe a week.

16 Q A week?

17 A One week maybe.

18 Q Did you have a discussion with Nichol after she
19 had talked to the police?

01:41 20 A Yes.

21 Q And tell us about that.

22 A She said that they were going to be charging Hoppy
23 with the murder of this woman and she was moving
24 back home.

01:41 25 Q Now, to your own knowledge, Ms. Wispinski, are you



1 aware of how many times that Nichol John talked to
2 the police about this?

3 A No, I don't know for sure.

4 Q What do you know? You've told us about one. Are
01:41 5 you aware of any others?

6 A Not for sure.

7 Q And are you aware whether Nichol John was taken to
8 Saskatoon by the police or not?

9 A No, I'm not.

01:41 10 Q Did you have any discussion with her about that?

11 A I can't remember.

12 Q When you say she came home -- and I think you said
13 packed her clothes; is that right?

14 A Yes.

01:42 15 Q And then where did she go; do you know?

16 A She went home to her parents' place because she
17 was scared.

18 Q And how long was she with the police, do you know,
19 or how long was she -- or do you know how long she
01:42 20 was with the police?

21 A No, I don't.

22 Q I'm going to show you a statement of Ms. John. If
23 I could call up 006662, please, and this is a
24 typed version of a statement that Nichol John gave
01:42 25 to Inspector Riddell of the RCMP on March 11th,



1 1969, okay, so that is about a little over a month
2 after Ms. John returned to Regina, and if you
3 could go to page 006664 and just call out the
4 bottom part, and again this is Ms. John's
01:42 5 statement, it says:

6 "All during the morning we were in
7 Saskatoon, the three of us --"
8 She's talking about Mr. Milgaard, Mr. Wilson and
9 her,

01:43 10 "-- were together and I am sure that
11 David or Ron never left me for more than
12 one or two minutes that morning. Just
13 yesterday or the day before, Barb
14 Berard, a friend of mine, told me that
01:43 15 David had returned to Regina and I think
16 it was him that told her that he was
17 going to be picked up for murder."

18 Do you see that?

19 A Yeah.

01:43 20 Q And do you recall any discussion with David
21 Milgaard at this time about whether, about him
22 telling you he's going to be picked up for murder?

23 A No, I don't.

24 Q Do you recall a discussion with anybody at or
01:43 25 about this time about David Milgaard being picked



1 up for murder?

2 A Yeah, only Cody Crutcher.

3 Q And Cody Crutcher, what did he tell you?

4 A He told me to tell Nichol to go talk to him.

01:43 5 Q No, but my question was as to whether anybody told
6 you. It says here in Nichol John's statement that
7 you told her that David had returned to Regina and
8 she says I think it was him that told you that
9 Milgaard was going to be picked up for murder.
01:44 10 You told us that Milgaard didn't tell you that;
11 right?

12 A Yeah.

13 Q And my question is, well, did someone else tell
14 you that David Milgaard was going to be picked up
01:44 15 for murder?

16 A It was either Ron Wilson or Craig Melnyk that told
17 me he was going to be picked up for murder, but
18 I'm pretty sure Nichol said something too.

19 Q Is it possible -- here Nichol John is telling the
01:44 20 police that you told her that David Milgaard was
21 going to be picked up for murder. Did you tell
22 her that?

23 A It's possible.

24 Q So is it possible that someone told you around
01:44 25 this time that David Milgaard was going to be



1 picked up for murder and you told Nichol John
2 that?

3 A I don't know. It's possible. My memory is really
4 bad, but --

01:44 5 Q Okay. So now you'll note in this statement, Ms.
6 Wispinski, that at March 11th Ms. John is saying
7 that David and Ron never left me for more than one
8 or two minutes. Do you see that?

9 A Yes.

01:45 10 Q And at this time do you know whether or not you
11 had a discussion with Nichol John about her trip?

12 A Oh, I would have.

13 Q You would have?

14 A Yeah, we talked about it when she got back.
01:45 15 That's why she was so upset.

16 Q And is that the conversation where she told you
17 about the alley and Mr. Milgaard with blood?

18 A Yeah.

19 Q So you are telling us you had that discussion with
01:45 20 her before this statement of March 11th?

21 A Yeah.

22 Q And on what basis do you tell us that?

23 A Because I was told by Nichol and somebody else
24 that this happened in Saskatoon.

01:45 25 Q Okay.



1 A Because she was really upset.

2 Q Yes. Now, do you recall -- do you know a Ken
3 Walters?

4 A Yes. Regina City Police.

01:45 5 Q And back in 1969 did you know Ken Walters?

6 A Yes, I did.

7 Q And what kind of relationship did you have with
8 him?

9 A Friendly.

01:46 10 Q And did you give Mr. Walters information, were you
11 an informer for him?

12 A No, but I think I talked to him at that point
13 about this.

14 Q Let's just talk generally. Did you confide in Ken
01:46 15 Walters, was he an officer that you would talk to
16 about things?

17 A Yeah, because he came around to the schools.

18 Q And do you recall talking to him, Ken Walters,
19 about this matter?

01:46 20 A Yes.

21 Q And what do you recall?

22 A He came to my house -- I phoned him and he came to
23 my parents' place and I wanted Nichol to talk to
24 him.

01:46 25 Q And why was that?



1 A Well, because she was worried for -- she was
2 scared for her life.

3 Q And did she tell you that?

4 A Yup.

01:46 5 Q And what was she afraid of?

6 A Well, she didn't want no part of this. She didn't
7 know anyone was murdered yet I don't think and
8 then again I don't know.

9 Q So you phoned Ken Walters then?

01:47 10 A Yeah.

11 Q Did Nichol John know that you were phoning him?

12 A I don't know for sure. I did talk to him about
13 this though.

14 Q And then did Ken Walters come and see you or did
01:47 15 you go and see him?

16 A I think we went to the police station. He came
17 and picked me up I think.

18 Q And were you with Nichol John when you went to see
19 him?

01:47 20 A I can't remember.

21 Q Okay. I'm going to call up a document, 106676,
22 and this is a police report from the Saskatoon
23 City Police of May 29th, 1969, it's of a Detective
24 Sergeant Mackie. Does that name ring a bell at
01:47 25 all, Mackie?



1 A No.

2 Q I'm just going to call out this paragraph here and
3 I'll read it to you, Ms. Wispinski, it says:

4 "On May 22nd, Barbara Berard, 817

01:48 5 Victoria Avenue was contacted and

6 interviewed in regards to her knowledge

7 of this murder from what she might have

8 heard from Nichole Johns. Present at

9 this interview was Constable Ken

01:48 10 Walters, Regina City Police and myself.

11 Berard in her interview indicated that

12 Nichole John was disturbed or upset

13 about something that she had started to

14 make statements in regards to what had

01:48 15 happened in Saskatoon, and these

16 statements were never completed."

17 Does that assist you in your recollection of your

18 discussions with Mr. Walters?

19 A Yeah.

01:48 20 Q And according to this it would appear, Ms.

21 Wispinski, at this time you are telling them, if

22 this report is correct, that Nichol John was upset

23 and started to make statements, but never finished

24 them. Is that correct?

01:48 25 A Yeah.



1 Q And would you have told Constable Walters about
2 what Nichol had told you about the murder?

3 A Yeah, I would have.

4 Q You trusted Ken Walters; is that right?

01:49 5 A Yes, I did.

6 Q And so are you able to recall whether you told him
7 about what Nichol told you?

8 A I can't remember, but --

9 Q However -- I'm sorry, go ahead.

01:49 10 A -- if I called him, it would have been about that.

11 Q And do I understand that Ken Walters is someone
12 that you would have confided in and told
13 everything you knew; is that fair?

14 A That's fair.

01:49 15 Q So I'm trying to understand this statement here,
16 Ms. Wispinski. Is it possible at this time when
17 you are talking to Ken Walters, that Ms. John had
18 not said anything to you yet completely about what
19 happened in Saskatoon?

01:49 20 A That's what I'm understanding.

21 Q When you say your understanding --

22 A Well, that's what this says, but I can't remember.

23 Q Okay. And is it possible that the discussion you
24 had with Nichol John was after she returned from
01:49 25 Saskatoon, about four days after this?



1 A Yeah.

2 Q So do you have any -- just back on this statement.
3 Do you have any reason to doubt that this, what is
4 stated here, is accurate?

01:50 5 A Yes.

6 Q You do have reason to doubt it or do you accept
7 it?

8 A No, I accept it as being the truth.

9 Q It also says here that:

01:50 10 "In regards to David Milgaard, Barbara
11 Berard stated that Milgaard associated
12 very closely with Bob Harris and George
13 Lapchuk."

14 Would you have told them that?

01:50 15 A Yeah.

16 Q I mean, that's true, isn't it, that he did
17 associate with them?

18 A Yeah.

19 Q And it appears from this that -- would you have
01:50 20 been co-operating with the police at this time?

21 A Yeah. We're talking about murder, so --

22 Q Now, let's just go back to after Nichol John, I
23 think you told us at some point she returned to
24 your house and packed her clothes and moved out;
01:51 25 is that right?



1 A She moved back home.

2 Q Yeah. And to try and get some sense of when that
3 would be, is there an event around that time that
4 you can associate that with?

01:51 5 A I think it was after she went to Saskatoon.

6 Q And so it was -- and --

7 A Because she didn't move out of my mom and dad's
8 right away, it was after.

9 Q So after Saskatoon, and again, what do you recall
01:51 10 of a discussion with Nichol John after she
11 returned from Saskatoon?

12 A That David Milgaard was going to be charged.

13 Q Okay. Now, after this discussion with Ken Walters
14 I think we went through on May 22nd --

01:51 15 A Right.

16 Q -- did you talk to the police about this matter at
17 all, anybody with the police?

18 A I could have.

19 Q Do you recall any?

01:52 20 A No.

21 Q And you were not a witness at the trial or the
22 preliminary hearing of David Milgaard?

23 A No, I'm not.

24 Q Did you stay in touch with Nichol John after this?

01:52 25 A I tried to, but she -- I didn't.



1 Q So you haven't had much contact with her; is that
2 fair? When's the last time you talked to Nichol
3 John?

4 A After she got married, like, years later, like,
01:52 5 maybe 10 years later.

6 Q In the '70s? Oh, sorry, maybe you misunderstood
7 my question.

8 A Yeah. No, I never had anything to do with her.

9 Q So after she moved out of your parents' house --

01:52 10 A Yes, she moved home.

11 Q -- did you have any further contact with her?

12 A No, and then 10 years later I ran into her, she's
13 married and had two children.

14 Q Okay. And that's the last time you would have had
01:52 15 contact with her?

16 A Yes.

17 Q Did you say in touch with Lapchuk and Melnyk and
18 Wilson?

19 A All my life.

01:52 20 Q Okay. After -- I take it that you would have
21 become aware that Mr. Milgaard was convicted of
22 the murder of Gail Miller in January 1970?

23 A Yes.

24 Q And let's take over the course of the next 20
01:52 25 years, the '70s and the '80s, would you have been



1 in touch with Mr. Melnyk and Mr. Lapchuk and
2 Mr. Harris and that group; you were -- were you
3 still friends with them?

4 A Yes.

01:53 5 Q Did you talk about the David Milgaard matter?

6 A Never.

7 Q Now is it fair to say that from 1969 to about
8 2003, and I think you said on and off, you were
9 using drugs; is that correct?

01:53 10 A Yes.

11 Q When you say on or off, tell me a bit more, is
12 that one month on, one month off, or a year at a
13 time, or --

14 A It was years.

01:53 15 Q Years at a time?

16 A Years, well no, years off. When I had my children
17 I stopped using and, you know, I had lots of clean
18 time as well.

19 Q Are you able to tell us whether your drug use
01:54 20 affected your memory at all?

21 A It could have.

22 Q Have you, yourself, noticed that?

23 A Yes, I am a diabetic now, and it has affected my
24 memory.

01:54 25 Q And I take it that it affected it adversely?



1 A I forget, I can walk from one room to the next,
2 and I can -- and as a matter of fact there's days
3 when you ask me what I had for dinner last night,
4 I can't remember.

01:54 5 Q Do you recall meeting with the RCMP in 1993 and
6 being interviewed by them?

7 A No.

8 Q Do you remember, and I think I had you go over a
9 transcript of an interview with Officers Dyck, do
01:54 10 you remember that?

11 A Yeah, no I don't.

12 Q And you have had a chance to go through that
13 interview, though, you have read the transcript;
14 does that assist you?

01:54 15 A No.

16 Q I think, Mr. Commissioner, we're going to play the
17 tape of that interview, I think it's about 15
18 minutes, and I think there is a transcript with
19 it, and then I'll have some questions.

01:54 20 A Okay.

21 **(TRANSCRIPT OF TAPE INTERVIEW OF BARBARA WISPINSKI**
22 **(NEE Berard) 93-04-18 TAKEN AT CALGARY, ALBERTA BY**
23 **CPL. J. TEMPLETON AND CST. J. DYCK.)**

24 J. DYCK: This is the taped statement of
25 Barbara Ann Wispinski, nee Berard, born 16th of



1 January/54. Her address is Suite 81 420 Greer
2 Avenue North East, Calgary, Alberta. The date is
3 the 18th of April, 1993 and the time is 1:00 P.M.
4 or 1300 hours.

5 Barbara, were you ever
6 questioned by the police during the investigation
7 into the murder of Gail Miller?

8 B. WISPINSKI: Never.

9 J. DYCK: In a Saskatoon Police Department
10 report dated the 29th of May/69, it indicates
11 that on the 22nd of May, you were contacted and
12 interviewed by two police officers, one of them
13 being a Cst. Ken Walters of the Regina City
14 Police. Do you recall that interview at all?

15 B. WISPINSKI: No I don't.

16 J. DYCK: O.K. Um... further to that, it
17 indicates that uh... you stated that Nichol John
18 was disturbed or upset about something, that she
19 had started to make statements in regards to what
20 happened in Saskatoon. And these statements were
21 never completed, do you recall that interview at
22 all?

23 B. WISPINSKI: No I don't.

24 J. DYCK: Did you ever supply a statement
25 to any police officers in regards to that



1 investigation?

2 B. WISPINSKI: Not that I remember. I
3 really don't recall .

4 J. DYCK: Did you ever testify in court?

5 B. WISPINSKI: No.

6 J. DYCK: Um... did you know Nichol John at
7 that time?

8 B. WISPINSKI: Yes.

9 J. DYCK: O.K. In which manner did you
10 know Nichol John?

11 B. WISPINSKI: She lived with myself and my
12 parents in Regina.

13 J. DYCK: Uh... did you and Nichol John
14 ever talk about the murder, itself?

15 B. WISPINSKI: Yes.

16 J. DYCK: O.K. Uh... when did she talk to
17 you about that?

18 B. WISPINSKI: Uh.... it was after and it
19 was in bed one night. We shared a bedroom.

20 J. DYCK: O.K.

21 B. WISPINSKI: And...

22 J. DYCK: This being at whose place now?

23 B. WISPINSKI: At my parents' place in
24 Regina.

25 J. DYCK: In Regina. And what did Nichol



1 John tell you at that time?

2 B. WISPINSKI: She was afraid that Hoppy,
3 who was Dave Milgaard, we knew him as Hoppy,
4 would kill her if she ever said anything.

5 J. DYCK: O.K. Did she... did she say what
6 he had told her, like specific words or anything
7 that you can recall?

8 B. WISPINSKI: When he got back to the
9 vehicle that day, what they were going to do was
10 a house break and enter... they were going to B &
11 E a house.

12 J. DYCK: Which... Which day are you
13 referring to now?

14 B. WISPINSKI: The day that Gail was
15 killed.

16 J. DYCK: O.K.

17 B. WISPINSKI: He went to check out the
18 house and when he came back to the vehicle, he
19 was full of blood.

20 J. DYCK: Did he make any comments to her?
21 Did she say anything?

22 B. WISPINSKI: At that time I can't
23 remember. I real... like that was a long time
24 ago, so I really can't remember.

25 J. DYCK: O.K. When was the very first



1 time you saw Nichol John after the murder?

2 B. WISPINSKI: There was a house in Regina
3 called the Co-op House. It was uh... a hostel
4 for hitchhikers that would pass through the city
5 and uh... I was there and she... that's where she
6 was dropped off.

7 J. DYCK: O.K. Uh... was she dropped off
8 alone. Did she come with anybody else?

9 B. WISPINSKI: No. She came in by herself.

10 J. DYCK: O.K. Did you have occasion uh...
11 to talk to any of the people that she had been
12 with. Or if she had been with anybody else prior
13 to her coming to the house.

14 B. WISPINSKI: All she wanted to do was go
15 home to my parents' place.

16 J. DYCK: O.K. Um..., could you add any
17 other details in regard to the conversation you
18 had with her regarding the murder?

19 B. WISPINSKI: Well she was upset. She
20 never said anything at the house... at the Co-op
21 House. We uh... left there, we hitchhiked to my
22 parents' place, which was on Victoria Avenue and
23 uh... when we got there, she started crying. And
24 I asked her, I said what's the matter? And she
25 said uh... Hoppy killed someone. And I said,



1 who? And she.... she wasn't sure. All... all
2 she said was he got back in the car full of blood
3 and he said I killed her.

4 J. DYCK: Did you know David Milgaard,
5 yourself.

6 B. WISPINSKI: Uh... we used to hang around
7 at Wascana Park and do LSD and uh... have seances
8 and he was from ... he was a newcomer at that
9 time and I... I never did know his real name
10 until he was charged.

11 J. DYCK: Did you ever talk to David
12 Milgaard regarding the murder.

13 B. WISPINSKI: Never.

14 J. DYCK: Never. Did Milgaard ever tell
15 you that he was going to be picked up for murder?

16 B. WISPINSKI: No. Never.

17 J. DYCK: How many times did Nichol John
18 talk about the murder to you.

19 B. WISPINSKI: Uh... a few times. She was
20 afraid to talk about it.

21 J. DYCK: Do you recall what she said on
22 those other occasions?

23 B. WISPINSKI: Oh. Geez... she was afraid
24 for her life and she didn't really want to talk
25 to anyone about it.



1 J. DYCK: Did she talk... tell you about
2 her being questioned by the police?

3 B. WISPINSKI: She was laying low, is what
4 she was trying to do.

5 J. DYCK: In which respect was she laying
6 low?

7 B. WISPINSKI: Because she didn't want to
8 talk to the police.

9 J. DYCK: But, did she talk about the
10 police themselves, when she had been interviewed?

11 B. WISPINSKI: By then I think she had
12 already moved back home. When she was
13 interviewed.

14 J. DYCK: Uh... so was there anything
15 additional that she might have mentioned on the
16 other occasions where she spoke about the murder,
17 as opposed to initial time she told you?

18 B. WISPINSKI: Well, you know, all she knew
19 is that he had killed someone in Saskatoon, but
20 at first she didn't know for sure if it was a
21 male or a female but she did say when he got in
22 the car he said "I killed her".

23 J. DYCK: Do you know if Nichol John ever
24 confided to anyone else regarding this?

25 B. WISPINSKI: Yes she did.



1 J. DYCK: And who was that?

2 B. WISPINSKI: Cody Crutcher.

3 J. DYCK: Cody Crutcher?

4 B. WISPINSKI: Yeah. He was kind of... he
5 was older.. so he was at the Co-op House he kind
6 of run it ... so to speak.

7 J. DYCK: Right. O.K.

8 B. WISPINSKI: Yeah.

9 J. DYCK: Uh... you mentioned Cody
10 Crutcher, did she if uh... if... if Wilson knew
11 anything.

12 B. WISPINSKI: Ron Wilson.

13 J. DYCK: Yes.

14 B. WISPINSKI: No. She went to Cody
15 Crutcher for advice. She didn't know what to do.
16 She was afraid.

17 J. DYCK: O.K. Uh, where was Ronald Wilson
18 when David Milgaard came back to the car?

19 B. WISPINSKI: I have no idea.

20 J. DYCK: O.K. Did she say why she thought
21 he had killed someone?

22 B. WISPINSKI: Yeah well he had blood all
23 over him.

24 J. DYCK: Getting back to Nichol John and
25 her being questioned by the police. Did she ever



1 talk to you about how she was treated by the
2 police, or anything like that?

3 B. WISPINSKI: Never.

4 J. DYCK: Never. Did uh... Nicky tell you
5 anything else about David Milgaard?

6 B. WISPINSKI: Well, when he got in the car
7 after, he would... he went to check out the house
8 for the B & E he was full of blood and they went
9 to some shopping centre and some... I don't know
10 who... went in... boosted... they didn't have any
11 clothes with them... or suitcases or... they had
12 left on the spur of the moment and... uh... they
13 went in and boosted him clothes.

14 J. DYCK: O.K. When was the last time you
15 spoke with Nichol John?

16 B. WISPINSKI: It was years after she was
17 already married and a family.

18 J. DYCK: O.K. Did you discuss this
19 incident again with her?

20 B. WISPINSKI: Yes I did. I had asked
21 her... I said are you afraid when uh...
22 Milgaard... when Dave gets out... actually I
23 recalled him Hoppy. I said are you afraid when
24 he gets out and she said oh yea. She said I will
25 be... I'm married so he'll never know my married



1 name, but she if he finds out she said my husband
2 and I are leaving Regina.

3 J. DYCK: Did you know Albert Cadrain or
4 Ronald Wilson?

5 B. WISPINSKI: Ron Wilson, yes.

6 J. DYCK: Yes. O.K. Did Ron Wilson ever
7 discuss this with you?

8 B. WISPINSKI: Never.

9 J. DYCK: Never.

10 B. WISPINSKI: No, but he uh... well...
11 never.

12 J. DYCK: Getting back to the uh.. the
13 issue regarding the clothing. Um... do you know
14 where he changed?

15 B. WISPINSKI: In the car.

16 J. DYCK: O.K. Uh... do you know what was
17 done with the clothing?

18 B. WISPINSKI: They disposed of it in some
19 garbage can somewhere in Saskatoon.

20 J. DYCK: Did Nicky tell you that she saw
21 David change in the vehicle?

22 B. WISPINSKI: Yes.

23 J. DYCK: O.K. Um... did you have an
24 opportunity to talk to Nicky in and around the
25 time of the trial?



1 B. WISPINSKI: No. Never... After she
2 moved out of my parents house, I never seen again
3 for years.

4 J. DYCK: Did Nicky ever discuss her
5 relationship with David Milgaard?

6 B. WISPINSKI: No. Never.

7 J. TEMPLETON: Uh, Barbara, when you were
8 discussing what had happened in Saskatoon uh...
9 with Nichol John, did she indicate to you that
10 she was uh.. concerned about the police coming to
11 find her?

12 B. WISPINSKI: Yes.

13 J. TEMPLETON: O.K. And what was she going
14 to do about that?

15 B. WISPINSKI: She was going... she moved
16 back home because she figured by moving back
17 home, that the police would never look there for
18 her.

19 J. TEMPLETON: O.K. Did she indicate to
20 you if she had a story prepared for the police,
21 or if the others had uh... had a story that they
22 were going to tell the police or any indication
23 of how they were going to handle uh... the police
24 coming to see them?

25 B. WISPINSKI: Yes. She never told me the



1 story, but if she didn't stick to the story,
2 Hoppy said he would do the same to her as he did
3 to the person that he... in Saskatoon. So, in
4 other words, she would end up dead.

5 J. TEMPLETON: O.K. Did... did Ron Wilson
6 ever indicate a similar concern to you?

7 B. WISPINSKI: I never seen him. You know,
8 he ... I never... I seen very little of Ron
9 Wilson.

10 J. TEMPLETON: O.K. O.K. Barbara, you and
11 Nichol John were close friends and after she left
12 uh... your family's home to go home to hide out
13 from the police, she subsequently went and
14 testified at a trial in Saskatoon. Uh... that
15 being David Milgaard's murder trial. Did you
16 ever see her after that.

17 B. WISPINSKI: Not that I recall.

18 J. TEMPLETON: O.K. You still lived in
19 Regina?

20 B. WISPINSKI: Yes.

21 J. TEMPLETON: And did Nichol John return
22 to Regina after the trial?

23 B. WISPINSKI: I don't know. I don't know
24 if she did, or not.

25 J. TEMPLETON: O.K. Um... just to get back



1 for a second to um... what Nichol John indicated
2 to you uh... that had happened in Saskatoon, did
3 she make any comments uh... concerning other
4 actions of David Milgaard? Uh... when he
5 returned to the car covered in blood? Did she
6 say anything about that?

7 B. WISPINSKI: Just that uh... I didn't
8 mean... this is exactly what she told me... is I
9 didn't mean to kill her.

10 J. TEMPLETON: This is what David Milgaard
11 would have said?

12 B. WISPINSKI: Said to her and that's what
13 she said to me.

14 J. TEMPLETON: O.K.

15 J. DYCK: Have you ever been questioned, uh
16 or have you ever been questioned by anyone else
17 since the trial?

18 B. WISPINSKI: No. Never.

19 J. DYCK: You haven't been contacted by any
20 other people, whether police people, outside
21 agencies...

22 B. WISPINSKI: Never.

23 J. TEMPLETON: Barbara, in your circle of
24 friends in Regina, was it ever discussed uh...
25 that being the David Milgaard getting arrested



1 for murder? Was that ever discussed amongst
2 youse?

3 B. WISPINSKI: Oh yea.

4 J. TEMPLETON: And what would that
5 conversation consist of?

6 B. WISPINSKI: Everyone knew he was guilty.

7 J. TEMPLETON: And what would they base
8 that on?

9 B. WISPINSKI: Well... Nichol had talked to
10 Cody Crutcher about it. You know he was older
11 than us and so she went to him for advice. You
12 know and there was a lot of people at the Co-op
13 House. And Uh... he just told her not to tell
14 the police nothing. You know to even deny she
15 was there.

16 J. TEMPLETON: O.K. Did you know uh...
17 Craig Melnyk or George Lapchuk?

18 B. WISPINSKI: Very well.

19 J. TEMPLETON: Were they in that same
20 circle of friends?

21 B. WISPINSKI: No.

22 J. TEMPLETON: Would they have known David
23 Milgaard?

24 B. WISPINSKI: Yes.

25 J. TEMPLETON: Were you aware that those



1 two gentlemen, along with uh... Ute Frank and...

2 B. WISPINSKI: I don't know Ute Frank.

3 J. TEMPLETON: O.K. Uh... they testified
4 at Mr. Milgaard's trial. Are you aware of that?

5 B. WISPINSKI: No.

6 J. TEMPLETON: O.K. Did you know a lady by
7 the name of Deborah Hall?

8 B. WISPINSKI: No.

9 J. TEMPLETON: O.K. Uh... those people
10 uh... were involved in an incident uh...
11 allegedly at a hotel with Mr. Milgaard where
12 there was some substance abuse taking place ...
13 uh where.. uh..

14 B. WISPINSKI: Where David Milgaard took
15 the pillow and demonstrated how he did it to that
16 girl.

17 J. TEMPLETON: That's what I'm referring
18 to. O.K. Are you aware of that with first-hand
19 knowledge or uh... because of newspaper
20 articles...

21 B. WISPINSKI: No, Craig told me that.

22 J. TEMPLETON: O.K. Craig Melnyk?

23 B. WISPINSKI: Yeah.

24 J. TEMPLETON: And what did he tell you?

25 B. WISPINSKI: How uh... uh Hoppy was



1 boasting and bragging about how he got away with
2 this.

3 J. TEMPLETON: O.K. I don't have any
4 further questions for you right now Barbara.
5 Perhaps Cst. Dyck does.

6 J. DYCK: I have nothing. This statement
7 is now concluded. It's the 18th of April, 1993
8 and the time is 1:30 p.m., or 1330 hours.

9 **(TAPE ENDS)**

10 BY MR. HODSON:

11 Q Now Ms. Wispinski, was that your voice on the
12 tape?

13 A Yes.

14 Q And does that assist you in recalling meeting with
15 the RCMP at all?

16 A (Witness nods).

17 Q You are nodding your head; is that a "yes"?

18 A Yes.

19 Q And would you have told the police, at this time,
20 the truth to the best of your recollection?

21 A Yes.

22 Q And I'll go through parts of that transcript with
23 you, but was there anything there, as we listened
24 to it, that you -- that stood out in your mind as
25 not being correct or accurate?



1 A No, everything is accurate.

2 Q If I could just go to the transcript, please, to
3 page 023037. And I'm just going to go through
4 parts of this with you, and you will recall on the
02:11 5 tape right at the start Officer Dyck, he referred
6 to that same May 29th report that I went through,
7 and being with Ken Walters, and it says "do you
8 recall that interview at all" and you say "no I
9 don't." Now I believe you told me a little while
02:11 10 ago, earlier, that you did recall a meeting with
11 Ken Walters; is that right or am I mistaken?

12 A No, I did.

13 Q Do you recall an interview with Ken Walters?

14 A I'm pretty sure.

02:11 15 Q Okay. Is there any reason you would have told
16 Officer Dyck, at this time, that you didn't recall
17 the interview?

18 A I don't know.

19 Q All right.

02:11 20 A I don't even know for sure if I met Ken Walters.

21 Q Okay.

22 A To be honest with you, I don't remember.

23 Q I -- well, let's go back. I thought you told us
24 that you phoned Ken Walters, and that he picked
02:12 25 you up and took you to the police station, and



1 when I ready you that part from the police report
2 you said "yes, that's accurate", you would have
3 told him that?

4 A Yeah.

02:12 5 Q Okay, so help me out here, are you telling --

6 A I'm telling the truth. I'm -- I don't know why
7 I'm becoming confused.

8 Q Okay. Do you have a recollection -- and just take
9 your time for a moment -- do you have a
02:12 10 recollection of meeting with Ken Walters about
11 Nichol John in 1969?

12 A Yes.

13 Q Okay. And so at the time, in 1993, it appears
14 here that you told the RCMP that you didn't recall
02:12 15 it at that time?

16 A Right.

17 Q Were you -- were you taking drugs at the time, not
18 at this interview, but -- well, I mean --

19 A I was at -- I can tell by my voice in the
02:12 20 interview that I was.

21 Q That you were?

22 A Doing drugs.

23 Q And how can you tell that?

24 A My voice changes.

02:13 25 Q So, at this time, you would have been a drug user;



1 is that fair?

2 A Yes.

3 Q And do you remember what kind of drugs you would
4 have been using at the time?

02:13 5 A Umm, Morphine.

6 Q This --

7 A Morphine.

8 Q This is 1993?

9 A In Calgary, Morphine.

02:13 10 Q So then, when we carry on a bit here, it says that
11 Officer Dyck read you the part of the police
12 report that I read to you, and if you could just
13 scroll down, "do you recall that interview",
14 and you say, "no, I don't", and so I take it the
02:13 15 same answer there, you do -- you are telling us
16 you have a recollection of meeting with Ken
17 Walters; is that correct?

18 A Yes.

19 Q Okay. If we can go to the next page, please. And
02:13 20 here, just call out that part, Officer Dyck asks
21 you, he says, "what did Nichol John tell you at
22 that time" -- and this is, you had explained that
23 you were in bed one night, it says "she was afraid
24 that Hoppy, who was Dave Milgaard, we knew him as
02:14 25 Hoppy, would kill her if she ever said anything",



1 and do you recall having that discussion with
2 Nichol John?

3 A Pardon me?

4 Q My question is, today, do you recall -- you told
02:14 5 Officer Dyck that -- and let's just scroll back up
6 to the top, here, and help you out here -- and the
7 officer has asked you about having a discussion
8 with Nichol and you say "it was after, it was in
9 bed one night, we shared a bedroom"?

02:14 10 A Yeah.

11 Q Is that correct?

12 A Yes.

13 Q At your parents' place, and scroll down, and the
14 officer asked you, "what did Nichol John tell
02:14 15 you", and you say, "she was afraid that Hoppy, who
16 was David Milgaard, would kill her if she ever
17 said anything". And my question is, today, do you
18 recall a discussion with Nichol John to that
19 effect?

02:14 20 A Yes.

21 Q You have a recollection of that?

22 A Yup. We were downstairs in our bedroom.

23 Q And would this have been the same discussion,
24 then, that you told us about a bit earlier?

02:15 25 A Yes.



1 Q It was all -- okay. And if you could just scroll
2 down a little bit, and about specific words that
3 you can recall, which was I think the same or a
4 similar question that I asked you, and you said,
02:15 5 "when he got back to the vehicle that day what,
6 what they were going to do was a house break and
7 enter, they were going to B & E a house". Do you
8 have a recollection, today, of Nichol John telling
9 you that they were going to house break and do a B
02:15 10 & E on a house on that trip?

11 A Yes.

12 Q You have a recollection of that?

13 A Yeah.

14 Q And is that accurate as to what she told you?

02:15 15 A Yes.

16 Q And then scroll down, and then you say "he went to
17 check out the house and when he came back to the
18 vehicle he was full of blood". Do you have a
19 recollection, today, of Nichol John telling you
02:15 20 that?

21 A Yes.

22 Q Next page, please. And you are asked by the
23 Officer Dyck to any other details in regards to
24 the conversation, and then you go on to say that
02:16 25 "never said anything at the Co-op House but left



1 there and hitchhiked to your parents' place, when
2 we got there, she started crying"; do you recall
3 that?

4 A Yes.

02:16 5 Q "And I asked her, I said what's the matter, and
6 she said oh, Hoppy killed someone and I said who
7 and she said she wasn't sure, all she knew was he
8 got back in the car full of blood and he said I
9 killed her". Do you have a recollection, today,
02:16 10 of Ms. John telling her that?

11 A Yes.

12 Q And would that again be -- are we talking one
13 conversation or one day of discussions, Ms.
14 Wispinski?

02:16 15 A This is one day of discussions.

16 Q Okay. Just go to the next page, please. And,
17 here, you described for the officers that "she was
18 laying low is what she was trying to do, she
19 didn't want to talk to the police", and then Dyck
02:17 20 says, "but did she talk about the police
21 themselves when she had been interviewed", and
22 then you say, "by then I think he had already
23 moved back home when she was interviewed"?

24 A Right.

02:17 25 Q But, now, I think that's different from what you



1 told me a bit earlier; is that right?

2 A I think that she stayed a little while after and
3 then moved back home.

4 Q Okay. So this statement here, about her moving
02:17 5 back home when she was interviewed, that's not
6 correct; is that what you are telling us? Just
7 take a look at that.

8 A Yeah, I believe she was moved back home.

9 Q Okay. So now earlier, in some of my earlier
02:17 10 questions I --

11 A Well she spent a night or two at my parents'
12 place, still, and then she moved back home. This
13 all happened, like, in a short period of time
14 though.

02:18 15 Q Okay. Okay. And then if you could just scroll
16 down, and again you tell Officer Dyck, "all she
17 knew was that he had killed someone in Saskatoon,
18 but at first she didn't know for sure if it was a
19 male or a female, but she did say when he got in
02:18 20 the car he said 'I killed her'." Do you have a
21 recollection, today, of Ms. John telling you that?

22 A No.

23 Q Next page, please. And this is an answer to the
24 question, if you could just scroll up a bit,
02:18 25 Officer Dyck says, "never, did Nicky tell you



1 anything else about David Milgaard", and you say,
2 "well when he got in the car after he would -- he
3 went to check out the house for the B & E he was
4 full of blood and they went to some shopping
02:19 5 centre and some, I don't know who went in and
6 boosted, they didn't have any clothes with them or
7 suitcases, or they had left on the spur of the
8 moment, and they went in and boosted him clothes."
9 Do you recall a discussion with Nichol John about
02:19 10 that?

11 A I'm not sure.

12 Q Okay. Next page, please. Officer Dyck asks you
13 here, "do you know what was done with the
14 clothing", and you answered him, "they disposed of
02:19 15 it in some garbage can somewhere in Saskatoon",
16 "did Nicky tell you that she saw David change in
17 the vehicle", and you answered, "yes". Do you
18 have a recollection, today, of a discussion with
19 Nichol where she told you what you state here?

02:19 20 A You want me to answer that?

21 Q Please?

22 A Yeah.

23 Q Pardon me?

24 A Yeah, he did dispose of his clothes.

02:20 25 Q Okay. Now my question was did she tell you; do



1 you recall her telling you that?

2 A Yes, and it was after she had talked to the
3 Saskatoon Police.

4 Q Okay. So are some -- let me just clarify that.

02:20 5 So this she told you after she had talked to the
6 Saskatoon Police?

7 A Yes.

8 Q And was this in the same conversation with -- that
9 you described before where she told you that Hoppy
02:20 10 had killed someone?

11 A No, I -- it was after, when he got picked up.

12 Q Okay. So this, this part here about the garbage
13 can --

14 A Came after.

02:20 15 Q This came after; after what, again?

16 A After Ron -- Hoppy got picked up.

17 Q Okay. When you mean 'picked up' do you mean
18 charged?

19 A Charged, yes.

02:21 20 Q Okay. Next page, please. And Officer Templeton
21 asks you here -- and, again, this is about, again,
22 your discussions with Nichol John -- "did she
23 indicate to you if she had a story prepared for
24 the police, or had a story that they were going to
02:21 25 tell the police, or any indication how they were



1 going to handle the police coming to see them",
2 and you answer -- and this is in relation to her
3 not wanting to see the police, and you say, "she
4 never told me the story but if she didn't stick to
02:21 5 the story Hoppy said he would do the same to her
6 as he did to the person he -- in Saskatoon, so in
7 other words she would end up dead".

8 A Yes.

9 Q Do you recall, today, of having that discussion
02:21 10 with Ms. John back in 1969?

11 A Uh-huh. She was really afraid, yes.

12 Q Okay, but do you recall discussion, I mean your
13 answer here is fairly specific, and my question is
14 not whether you recall her being upset, but do you
02:22 15 recall her telling you what you told the RCMP
16 here?

17 A Yes.

18 Q And then down at the bottom, please, right down to
19 the bottom. And Templeton asks you a question
02:22 20 again, "and when he returned to the car did she
21 say anything about that", and you say "just that,
22 I didn't mean, this is exactly what she told me,
23 is I didn't mean to kill her", "this is what David
24 Milgaard would have said", and you say, "said to
02:22 25 her and that's what she said to me". Today, Ms.



1 Wispinski, do you have a recollection of Ms. John
2 telling you that?

3 A No, I don't.

4 Q Next page, please. And here about Cody Crutcher,
02:23 5 which I had asked you about, here you say, "well
6 Nichol had talked to Cody Crutcher about it", and
7 I thought when I questioned you earlier you said,
8 and I could be wrong on this, but I thought you
9 said that you told her to go see him but that she
02:23 10 got picked up?

11 A I did, and I thought she didn't get a chance to
12 see him.

13 Q Okay. It suggests here that you told the RCMP
14 that she had talked to him; are you able to tell
02:23 15 us whether she did or didn't talk to Cody
16 Crutcher?

17 A No, but I told her that's who she should talk to.

18 Q Yeah, no I appreciate that, but here you are
19 telling the RCMP that he -- now you say that
02:23 20 "Nichol had talked to Cody Crutcher and that he
21 just told her not to tell the police nothing, you
22 know, to even deny she was there"; do you see
23 that?

24 A Yeah.

02:23 25 Q So, when I read this, it appears that you told the



1 RCMP that you knew she had gone to see Cody
2 Crutcher?

3 A Yeah, you're right.

4 Q And my question --

02:24 5 A I recall that.

6 Q Okay. Because when I asked you at the outset,
7 probably about half an hour ago I asked you about
8 Cody Crutcher, you said you didn't know whether
9 she had or not?

02:24 10 A Yeah, I remember this conversation.

11 Q Okay. What conversation are you referring to?

12 A To her not saying a word, saying that she wasn't
13 there at all.

14 Q So I --

02:24 15 A That's what Cody advised her to say.

16 Q And how do you know he advised her to say that?

17 A Well when she first got back from Saskatoon, I
18 can't remember if she -- she was -- showed up at
19 my parents' place and then we went to the Co-op
02:24 20 House or if she came straight to the Co-op House
21 when she got in.

22 Q But my question is how are you -- how do you know
23 whether or not Nichol John talked to Cody
24 Crutcher? Presumably either Nichol John told you,
02:24 25 or Cody Crutcher told you, or someone else told



1 you, or you were there?

2 A Yeah. Umm, I don't know how I knew that.

3 Q But you are telling us, today, you have a
4 recollection that Nichol John talked to Cody
02:25 5 Crutcher; is that correct?

6 A Yeah. Yeah, this statement is correct.

7 Q Okay. Now, I take it other than this discussion
8 with the RCMP, have you had any other discussions
9 with any other police officers or authorities
02:25 10 about this matter?

11 A No.

12 MR. HODSON: Mr. Commissioner, those are my
13 questions. I anticipate that there will be some
14 cross-examination. I have not canvassed the
02:26 15 parties yet. I'm not sure if you wish to do so
16 now and see if I can figure out who wishes to and
17 get an order, maybe take a short break or
18 whether --

19 COMMISSIONER MacCALLUM: Yes, we can do
02:26 20 that.

21 MR. HODSON: Is that fine?

22 COMMISSIONER MacCALLUM: So what I'm just
23 trying to get down here is your answer to the
24 last question, and that was, apart from talking
02:26 25 to the RCMP in 1993, you didn't speak to any



1 other policemen at any time about this?

2 A No.

3 COMMISSIONER MacCALLUM: Okay. How many
4 counsel will be asking questions in cross? One?

02:26 5 MR. HODSON: Two, three --

6 COMMISSIONER MacCALLUM: Two for sure?

7 MR. HODSON: There's a couple. I think
8 three for sure.

9 COMMISSIONER MacCALLUM: All right. You
02:27 10 can speak to them then during the break, please.

11 MR. HODSON: Okay.

12 COMMISSIONER MacCALLUM: 15 minutes.

13 MR. HODSON: And, Ms. Wispinski, you should
14 not discuss your evidence with anybody during the
02:27 15 break.

16 A I won't.

17 *(Adjourned at 2:27 p.m.)*

18 *(Reconvened at 2:45 p.m.)*

19 MR. HODSON: There are two counsel who wish
02:45 20 to cross-examine, Mr. Hersh Wolch on behalf of
21 David Milgaard, and Bruce Gibson on behalf of the
22 RCMP, and I believe they've agreed to go in that
23 order.

24 COMMISSIONER MacCALLUM: All right.

02:46 25 **BY MR. WOLCH:**



1 Q Ma'am, I only have a couple of questions for you
2 actually. I think you would be the first to admit
3 that your memory of 1969 should be looked at with
4 a great deal of caution?

02:46 5 A Yes.

6 Q Okay. And I wonder if we could have 106676
7 brought up, please. Now, you were shown this
8 several times by Commission Counsel and I just
9 want to be sure I understand you correctly, and
02:46 10 that is you said earlier that on this date, which
11 was May 22nd, you would have been reasonably
12 candid with Constable Walters?

13 A Yes.

14 Q That is, if you knew something important to tell
02:47 15 him, you would have told him?

16 A Yes.

17 Q And I would suggest to you that if you knew
18 something really important and held back, it's
19 something you might remember?

02:47 20 A Yes.

21 Q If you see what I'm getting at.

22 A Yes, I do.

23 Q Okay. So would it be fair to say that from your
24 perspective, you would consider Nichol's comments,
02:47 25 whether it's the break-in or the blood, to be



1 important?

2 A Oh, yes.

3 Q So can we conclude then that whatever those
4 comments were, they would have been after May
02:47 5 22nd?

6 A Yes.

7 Q And am I right in concluding that after May 22nd,
8 among the comments that Nichol was making to you,
9 was that she wanted to avoid the police?

02:48 10 A Yes.

11 MR. WOLCH: Thank you very much.

12 BY MR. GIBSON:

13 Q Ms. Wispinski, I'm Bruce Gibson, I'm counsel for
14 the RCMP. Just a couple of questions in relation
02:48 15 to your meeting with the RCMP in 1993 and I
16 believe again, as Mr. Wolch has spoken with you
17 about your memory over these events, and I suppose
18 it's fair to say it's not as clear as you would
19 like it to be?

02:48 20 A Yes.

21 Q And when you did meet with the RCMP in 1993, am I
22 correct, and I believe Mr. Hodson asked you these
23 questions, that you were trying your best to
24 recall events as well as you could?

02:48 25 A Yes.



1 Q And were trying your best to recall your sources
2 of information and as to what you could attribute
3 the information that you were giving to the RCMP,
4 where you could attribute that information from?

02:49 5 A Yes.

6 Q Okay. And again you have a couple of times on
7 giving your evidence today, weren't at all really
8 clear as to when you may have spoken to Ms. John
9 about the events of 1969, January 31st?

02:49 10 A Yes.

11 Q And when you spoke with the RCMP, you made a
12 number of statements that were, I guess, quite
13 damning towards Mr. Milgaard and I'm assuming at
14 that point in time you were trying your best to
02:49 15 tell the truth; correct?

16 A Yes.

17 Q And is there any way that you can help us explain
18 as to how in May 22nd, or on May 22nd of 1969 you
19 simply advised the Saskatoon police and Ken
02:50 20 Walters that Nichol was upset and that she was
21 going to say things but didn't quite finish her
22 thoughts versus what you ended up telling the RCMP
23 in 1993? Is there anything that you could help
24 this Commission with to understand that process,
02:50 25 because there's so much detail in the statement to



1 the RCMP.

2 A You know, I don't even remember meeting with the
3 RCMP in '93. I don't.

4 Q But you obviously agree that that was your voice?

02:50 5 A Yes, it was.

6 Q And those were the stories, or the evidence,
7 rather, that you were relaying?

8 A Yes.

9 Q And we've listened to that, and would you agree
02:50 10 with me that you were trying your best to be
11 sincere and honest and forthright in that
12 evidence?

13 A Yes.

14 Q Now, you did mention that during this period of
02:50 15 time you've had some addictions issues?

16 A Yes, I have.

17 Q And I'm assuming, and correct me if I'm wrong,
18 that when you sat down with the RCMP in 1993 that
19 you didn't tell them that you were under the
02:51 20 influence of morphine at that time?

21 A No, I didn't.

22 Q And when you are under the influence of morphine,
23 what does that do to you, what impact does that
24 have, is it just a sedative type of thing, does it
02:51 25 just relax you?



1 A Yes.

2 Q And I would assume then that in your discussion
3 with the RCMP, they didn't question you with
4 respect to any drug usage or anything like that?

02:51 5 A Nothing.

6 Q Okay. And over the course of time again, we've
7 covered a great period of time, do you think that
8 that drug use, and again you may well have
9 answered this, could have impacted on what you
02:51 10 were able to recall?

11 A Yes.

12 Q And regardless of what you can recall today and
13 what you could recall in 1969, we do know in 1993
14 that you gave the information to the RCMP that
02:51 15 we've heard and can you, I guess, in trying to
16 sort of capsulize your information that you are
17 giving this Commission, can you expand at all on
18 your discussions with Nichol John and what she did
19 actually tell you, can you tell us today what she
02:52 20 actually told you in and around that time in 1969?
21 Are you able to tell us that today or is that
22 strictly from reviewing these papers?

23 A It's mostly from reviewing these papers. The only
24 thing I can say for sure is she was very upset,
02:52 25 she moved back home because she was afraid and she



1 felt safer moving back home.

2 **Q** And what you told the RCMP in 1993 then was that
3 that was your attempt to tell the truth at that
4 time?

02:52 5 **A** Yes, it was, to the best of my ability.

6 **Q** And today your memory is not as clear as it was in
7 1993?

8 **A** No, it's not.

9 MR. GIBSON: Thank you.

02:53 10 MR. HODSON: There's no re-exam,
11 Mr. Commissioner. You are done.

12 **A** Thank you.

13 COMMISSIONER MacCALLUM: Thanks, Ms.
14 Wispinski. Thank you for coming. You are
02:53 15 excused.

16 MR. HODSON: Next I'll just give a quick
17 update as to where we are at on the schedule,
18 Mr. Commissioner.

19 We have three read-ins left for
02:53 20 this afternoon that Mr. Hardy will be doing, they
21 are Launa Edwards, Bobby Stadnyk and Marg
22 Preston, which is a short one. Bobby Stadnyk had
23 been scheduled to testify tomorrow. We've
24 decided to read in her evidence for a couple of
02:53 25 reasons that Mr. Hardy may explain, so tomorrow



1 we have Don Robertson who is travelling from
2 Winnipeg. We tried to reach him to get him on
3 this afternoon, but he's travelling. He will be
4 on tomorrow morning. He's a very short witness,
02:53 5 my guess, 15 minutes at the most.

6 The remainder of tomorrow
7 morning I intend to introduce the sexual assault
8 victim area which is the next phase of the
9 inquiry. There are five victims of assaults,
02:54 10 this is dating back to 1968 to 1970, and so those
11 witnesses will be testifying next week, and I
12 think I've indicated to all the parties that
13 there's some sensitivity with these witnesses,
14 they do not want to be present in the hearing
02:54 15 room when details about the attacks are read in,
16 so what I propose to do tomorrow is to introduce
17 the five, go through them and read in parts of
18 the statements and familiarize everybody and put
19 on the record the circumstances of the assaults.
02:54 20 They are scheduled next week Monday, Tuesday and
21 Wednesday. Again, it's difficult to predict how
22 long we will need for these five witnesses. I
23 anticipate that we should have no trouble
24 finishing them by Wednesday. They would prefer
02:55 25 to have set dates, so we have scheduled times a



1 half a day each and I think that should be
2 sufficient. That would leave Thursday as an open
3 day and I believe it will not be necessary to
4 proceed Thursday.

02:55 5 Once we're done the sexual
6 assault victims we're done Phase I which is all
7 of the event witnesses. The next phase is the
8 city police and given that we have a five week
9 break after the session before we start up, I
02:55 10 think it's wise to start on May 30th with the
11 police. The bottom line is it looks as though
12 next Thursday will not be a sitting day for the
13 Commission and we'll maybe confirm that tomorrow,
14 but that looks to be the case, and as well
02:55 15 tomorrow likely will not be a full day as well,
16 probably done in the afternoon, early afternoon.

17 COMMISSIONER MacCALLUM: Okay. Thank you.

18 **READ-INS RELATING TO LAUNA EDWARDS**

19 **BY MR. HARDY:** Mr. Commissioner, I'm going to begin

02:56 20 with a read-in of Launa Edwards who was a
21 common-law of George Lapchuk for a period of
22 time. I'm going to begin with an interview that
23 Ms. Edwards had with Paul Henderson January 6th,
24 1992, and if we could bring up the document,
02:56 25 please, 003636, you see the introduction to the



1 interview there, and if we could focus in,
2 please, beginning at about this portion of the
3 page:

4 "Q You were married to George in 1985 in
5 Red ... No?

6 A In 1988, December 31st I think of '88.

7 Q Of '88?

8 A Yeah.

9 Q In Red Deer?

10 A Red Deer, Alberta at the Red Deer
11 Lodge.

12 Q I have here that I took some notes from
13 you the other day that said you were
14 married in '85 in Red Deer and left him
15 in Easter of '87. Is that incorrect?

16 A Yeah."

17 Next page:

18 "A We were married ... on 88 and I left
19 Easter Sunday of '89.

20 Q OK - And how long had you known him?

21 A Since '84."

22 And then move ahead, please, to page 003639,
23 focus in beginning at this portion, please:

24 "Q When did you move to Vancouver area?

25 A In '89.



1 Q In '89 and that was soon after moving
2 ...

3 A Easter that year was in March and it
4 was in the second week I believe that
02:57 5 I moved here - that I came out here
6 because I had to do the thing with the
7 lawyer.

8 Q You were married by then to him?

9 A Yeah.

02:57 10 Q And did you file for divorce right away?

11 A No, I was scared that doing so ...

12 Q How did George - Did he follow you here?

13 A Yes.

14 Q And how many times has he been in
02:58 15 contact with you since you've lived here
16 the last two and a half years?

17 A I don't know.

18 Q Several times?

19 A Yes.

02:58 20 Q How does he find you?

21 A The way that we figured out between a
22 police officer and myself and a person
23 from social services is through a
24 friend of his and the (inaudible) of
02:58 25 common-law - a woman that he lived



1 with - through social services and
2 they've been able to track me."

3 Stop there, and if we could move to page 003641,
4 please, this question and answer near the bottom
02:58 5 of the page:

6 "Q What ah - how would you evaluate
7 George's credibility? Do you know him
8 as a person who tells the truth or
9 someone who lies?

02:59 10 A Like a pathological liar. Because
11 I've seen him even with friends when
12 there was no reason to lie about
13 something, to still lie. Like in
14 small little things - just to lie when
02:59 15 there is no reason - just to fabricate
16 things or lie about them. I've seen
17 him lying to get his way out of
18 things. Protect himself."

19 Move to the next page, please, begin here:

02:59 20 "Q OK - You also met Craig Melnyk, is that
21 correct?

22 A Yes.

23 Q Do you recall when you met Craig?

24 A Within a week or two of knowing
02:59 25 George.



1 Q OK - And when did you first hear about
2 the role of both Lapchuk and Melnyk in
3 the David Milgaard trial?

4 A The second place that I was living
02:59 5 before I moved to Saskatoon, we were
6 at Bobby's house and there was Bobby,
7 myself and George ...

8 Q Who is Bobby?

9 A A lady friend of both theirs - I don't
02:59 10 know her last name.

11 Q OK.

12 A And they were discussing it in the
13 dining room. And then another time
14 when I lived in Saskatoon, Craig was
03:00 15 at our house and he and George had
16 discussed it.

17 Q Now this was years, excuse me, this was
18 years after the trial. It would have
19 been at least fourteen years later. The
03:00 20 trial was in 1970 so this would have
21 been 14, 15 years after that. Was this
22 still fresh in their minds. Was it
23 something that they had a great deal of
24 interest in.

03:00 25 A Yeah, they knew exactly what they were



1 talking about.

2 Q Muhum, how, in what context did it come
3 up Launa?

4 A I don't know, they were just all of a
03:00 5 sudden they were just talking about it
6 and it caught my interest.

7 Q Do you remember - they were talking
8 about somebody who was in prison who
9 they testified against, is that correct?

03:00 10 A Yes. They were talking about being in
11 Saskatoon and then about being in the
12 hotel and about partying and doing a
13 bunch of MDA and pot and booze and
14 everything. Then saying about how
03:00 15 they had lied - And George said I lied
16 through his teeth but ha ha big joke.

17 Q He thought it was funny?

18 A Yeah.

19 Q How did he bring this up? Did he talk
03:01 20 about the guilt or innocence of the
21 person he testified against?

22 A I don't remember them ever saying he
23 wasn't guilty or that he was guilty.
24 But I remember him saying that on the
03:01 25 stand, that when he was on the stand



1 that he lied.

2 Q Did he said he'd lied about what he'd
3 witnessed?

4 A Yes, that he'd lied about what was
03:01 5 said and what he'd witnessed.

6 Q OK.

7 A And then a home though in Saskatoon
8 before the time with Craig and him one
9 time there was something on TV some
03:01 10 kind of documentary thing, I don't
11 remember what it was and he was really
12 drunk and he started crying and he
13 started talking about it.

14 Q The Milgaard case.

03:01 15 A Yes.

16 Q What did he say this time?

17 A The same thing - that he'd lied that
18 the guy was there and it was all his
19 fault and how him and Craig had both
03:01 20 lied and other people that he knew had
21 lied.

22 Q That he had lied about what they'd seen
23 in the motel room.

24 A What they'd seen and heard.

03:02 25 Q OK - Did Melnyk, Craig Melnyk ever talk



1 to you about this?

2 A Craig never talked to me about it.

3 George and him were talking about it.

4 Q OK - Did you hear Craig Melnyk admit

03:02 5 that he was lying, that he lied also?

6 A I can't swear absolutely sure that it

7 was Craig who said it himself or it

8 was when they were talking about it

9 and George said about them and he

03:02 10 agreed with him. But I can't remember

11 if it was out of Craig's mouth ...

12 Q How many times did this Milgaard

13 testimony come up?

14 A Around maybe three times ...

03:02 15 (inaudible)

16 Q You can definitely remember three times.

17 OK we've just discussed the first time.

18 Let's go over that again. That was in

19 where?

03:02 20 A In Regina.

21 Q In Regina and you were where at the

22 time?

23 A At Bobby's house.

24 Q At Bobby's house, and this would have

03:02 25 been your best estimate of the year and



1 month would be what?

2 A Well the year would have been around
3 '87 and I really can't remember that.
4 Things that will tell me, I have to
03:03 5 associate everything.

6 Q OK.

7 A There are other things that were
8 happening at the time or whatever.

9 Q So you had known George three years
03:03 10 before this came up the first time?

11 A About two and a half, maybe three.

12 Q OK - And then the second time was it
13 where you were living that he brought
14 this up. That's when he was crying, he
03:03 15 was drunk and crying about it?

16 A And we were married by then. Yeah, we
17 were married by then."

18 Stop there and move to the next page, please,
19 003645, and focus in here:

03:03 20 "Q And what did he say the third time.

21 A That's when it was him and Craig that
22 were talking about it.

23 Q OK, prior to this, the first two times
24 Craig was not with him when he was
03:03 25 talking about it.



1 A No.

2 Q OK, what - And the conversation that he
3 had with Craig Melnyk, the third time he
4 brought this up, that is George brought
03:04 5 was, can you explain how this came up?

6 A No.

7 Q Do you know, was there something that ah
8 - was there a television program or an
9 news article or something that brought
03:04 10 this to mind.

11 A I really don't remember."

12 If we can move to the next page, please,
13 beginning here:

14 "Q Yeah, I got the picture? Now, more
03:04 15 recently, I think you said in 1990 you
16 spoke with him and he said something to
17 the effect that whoever might be looking
18 for him would never find him.

19 A Would never find him.

03:04 20 Q OK - Could you give me the circumstances
21 surrounding that conversation?

22 A It was another of his calls to me and
23 he would just babble to me and a lot
24 of times he was phoning me and I'd
03:04 25 hang up on him. Other times if it was



1 in the middle of the night or
2 something I was just stunned for a bit
3 and then go back to sleep.

03:05 4 Q Was this one of those occasions where he
5 tracked you down and you didn't expect
6 to hear from him, or you're hoping you
7 wouldn't?

8 A Hoping that I wasn't ...

03:05 9 Q Where were you living when he called
10 you?

11 A Woodland Townhouses.

12 Q And that's right here?

13 A Yes, in (Port Coquitlam?)

03:05 14 Q And what time of day was this that he
15 called you?

16 A That wasn't one of the middle of the
17 night calls. That was one of the ones
18 that were in the late - it would have
19 been in the late afternoon or early
03:05 20 evening.

21 Q How did this come up this time?

22 A He was just bragging about stuff,
23 again I think it may have been on the
24 TV around that time. I'm not sure.

03:05 25 Q OK, what did he say?



1 A He just said that it was all being
2 rehashed and that if these guys ever
3 came looking for him he would never
4 find him and big deal.

03:05 5 Q You gave me a specific quote. I'd like
6 you to repeat that, what did he say?

7 A About the (inaudible).

8 Q No, you said those something.

9 A (Inaudible).

03:06 10 Q Alright did he say those dumb fucks
11 they'll never find us or words to that
12 effect?

13 A Yeah.

14 Q OK - Have you seen George since that
03:06 15 phone call?

16 A Once, only I don't know if he saw me,
17 because I was in a car, he was in a
18 car and I booted it as fast as I
19 could.

03:06 20 Q I see.

21 A I was driving next to him and I looked
22 over and there he was.

23 Q Now I understand, I just want to make
24 sure, you're giving this statement to us
03:06 25 why? Why - Why are you telling us about



1 this?

2 A I'm not really sure. Really I'm not.

3 I know that I don't want somebody

4 innocent to be in a prison and

03:06 5 everything. I really don't know why

6 because of all the trouble that I've

7 had and everything I'm so scared that

8 it's going to come back on me. But

9 there's - I just felt yuck knowing

03:06 10 that the guy could be innocent and you

11 guys may not be able to get him out.

12 Q You were - I guess - Are you saying you

13 were aware that your husband, still your

14 husband, had something to do with the

03:06 15 conviction because of what he told you

16 on a number of occasions?

17 A Yeah.

18 Q OK - And you are doing this with no

19 amount, no small amount of fear?

03:07 20 A With a big amount of fear.

21 Q OK - Have I promised you anything in

22 return for talking to me.

23 A No.

24 Q OK - Alright - we're going to conclude

03:07 25 the taped interview and I'm going to



1 take a statement from Launa at this
2 time."

3 Now I'll next turn to that statement which is
4 document 031406. I'll read just a portion of
03:07 5 that statement beginning on that first page.

6 "I, Launa Edwards --"

7 Beginning at the top:

8 "I, Launa Edwards, declare as follows.

9 I live in _____ and am employed as a
03:07 10 housekeeper. I moved to _____.

11 I first met George Lapchuk in
12 the spring of 1984 in Regina, Sask. He
13 moved into my apartment a short time
14 later. At the time, George was
03:07 15 associating with a dangerous group of
16 people, including Craig Melnyk, who were
17 heavily involved in illegal activities.
18 Our relationship was up and down and on
19 and off. I was concerned about the
03:08 20 negative influence George and his
21 friends had on my son. But despite my
22 better judgment, I continued my
23 involvement with him.

24 The first time I heard about
03:08 25 the David Milgaard case was in about



1 1986 when George and I were visiting one
2 of George's friends in Regina. I recall
3 that this came up while the three of us
4 were sitting at the dining room table.
03:08 5 George was talking to his friend and
6 describing his involvement as a witness
7 in the Milgaard murder trial some years
8 earlier. George said he'd testified as
9 to being in a motel room with Milgaard
03:08 10 and seeing him jump on the bed, grab a
11 pillow and reenact the murder by
12 stabbing at it. He said he'd given them
13 exactly what they wanted, meaning the
14 police or the Crown, and seemed amused
03:08 15 by this. He made it clear in his
16 conversation that he'd lied in the trial
17 and was treating it like a joke. From
18 what he said and how he acted, it was
19 apparent to me that didn't care whether
03:09 20 he'd lied or told the truth.

21 The second time this came up
22 was when George and I were living
23 together in Saskatoon. As I recall,
24 there was something on TV -- a
03:09 25 documentary or something -- and he was



1 really drunk and started crying and
2 talking about it. He said he was there
3 in the motel and that he'd lied and how
4 him and Craig had lied about what they'd
03:09 5 seen and heard.

6 Then another time after this we
7 were in our apartment in Saskatoon and
8 George and Craig were talking about how
9 they'd been partying in this motel room,
03:09 10 doing a bunch of MDA, pot, and booze and
11 everything. I don't recall George
12 saying whether Milgaard wasn't guilty or
13 was guilty, but I do remember him saying
14 he lied through his teeth, that he'd
03:09 15 lied on the witness stand. It was like
16 ha, ha, ha - big joke. I can't say for
17 sure that Craig admitted during the
18 conversation that he'd lied, too. But
19 they were both talking about it and
03:10 20 Craig was agreeing with George."

21 If we could move, please, to page 031411,
22 starting at this portion here:

23 "I consider George to be a pathological
24 liar. I've seen him lie to get out of
03:10 25 things -- to protect himself -- and I've



1 seen him lie to his own friends when
2 there's no reason. He lies completely
3 without remorse, and I believe he
4 actually believes his own lies.

03:10 5 On more than one occasion
6 George told me that he considers a dog's
7 life more important than a human life.
8 So I'm not surprised at all that George
9 wouldn't care if an innocent person has
03:10 10 been in prison all these years."

11 Next page.

12 "I have provided this statement bona
13 fide, of my own free will, and nothing
14 has been promised to me in return. I
03:10 15 want it to be on record that I have
16 agreed to give this statement with great
17 hesitation. I have worked hard to
18 rebuild a safe and secure life for my
19 son and myself. I fear that this can
03:11 20 all be destroyed by my coming forward.
21 Most of all I fear for the safety,
22 security and emotional well-being of my
23 son and I pray that no harm will come to
24 him because of this."

03:11 25 Signed Launa Edwards on January 6th, 1992 and



1 witnessed by Paul Henderson.

2 We'll next move to a document,
3 a letter from Mr. Asper to Murray Brown, director
4 of appeals, Saskatchewan Justice, that's 156836,
03:11 5 and we can focus on the body of the letter,
6 please. I'll just briefly read that:

7 "Further to your letter of December 20,
8 1991, please find enclosed a copy of the
9 statement of Launa Edwards for your
03:11 10 information. I was in Vancouver on
11 January 6, 1992, and had the opportunity
12 to interview Ms. Edwards following her
13 preparing the enclosed statement. She
14 is extremely scared of Mr. Lapchuk. She
03:12 15 fears that he would cause her physical
16 harm, were he to be made aware of the
17 assistance of this statement.

18 I trust that you will treat
19 this in the strictest confidence until
03:12 20 it becomes absolutely necessary to make
21 public the fact of its existence."

22 If we can just scroll up, I'm not sure if I
23 pointed out the date of the correspondence, it's
24 dated January 8th, 1992 and encloses the
03:12 25 statement that was just referred to.



1 Move next to another letter, if
2 we could move to document 115844, please. This
3 letter is from Mr. Wolch to Chief Justice Lamer
4 at the Supreme Court of Canada dated January
03:12 5 14th, 1992. If we could turn, please, to page
6 115847, just a short paragraph under the Motel
7 Room heading, there, that we could focus on. It
8 states that:

9 "Since December 9, 1991, we have
03:12 10 uncovered a new and important witness
11 with regard to the motel room. We have
12 just recently received a statement from
13 her, and we are in the process of making
14 disclosure. We will discuss her
03:12 15 evidence later in this letter."

16 And if we can turn then to page 115848 of that
17 same document and focus in on that portion of the
18 letter, it states, beginning here:

19 "Another difficulty which requires some
03:13 20 assistance from the Court is the matter
21 of public access to information.
22 Earlier we made reference to a new
23 witness who has just recently come
24 forward. She is deeply concerned for
03:13 25 her own safety as her evidence would



1 reflect on the credibility of two
2 witnesses who testified at trial. We
3 understand that one of those witnesses
4 is currently charged with assaulting her
5 and her child, and the other witness has
6 a history of violence. She is concerned
7 that if it is known that she is about to
8 testify, she will be subjected to harm.
9 We would be more than willing to provide
10 disclosure as to her statement that we
11 have obtained most recently, but we are
12 equally concerned that filing it with
13 the Court will allow public access to
14 her name."

15 We'll next move to document 003669, and enclosed
16 with this fax cover sheet, which was directed to
17 Eugene Williams of the Department of Justice from
18 the RCMP, is a statement -- and if we move to the
19 next page, please -- is a statement of Launa
20 Edwards taken by Staff Sergeant Lawson, and we'll
21 see his name appear at the last page of this
22 statement. We have a date at the top of February
23 15th, 1992 and we can move, please, to page
24 003673 of that document and focus in beginning at
25 the very bottom of the page:



1 "Q Okay. And then when did you first hear
2 about uh, Lapchuk's involvement or
3 knowledge of David Milgaard?

4 A In... when we were living in Regina
03:14 5 still, we were in a friends of his
6 home and they were discussing it.

7 Q Whose home were you in when you were
8 discussing this?

9 A I'm not gonna say.

03:15 10 Q Do you, do you recall the name of these
11 people or do you just not wish to say
12 their names?

13 A I don't wish to acknowledge who the
14 people were.

03:15 15 Q Okay. And during the time of this
16 discussion what was the general
17 conversation, can you relate that to me?

18 A I'm not exactly sure how the subject
19 was brought up but um, they were
03:15 20 talking about um, what had happened
21 um, it was the time of lots of drugs
22 and booze and, and wheeling and
23 dealing of other things, and um, that
24 he had testified and everything and
03:15 25 that it was a bunch of crap, that they



1 were joking around and they were
2 really high one night and this thing
3 came on the T.V. and then the guy got
4 charged or whatever and that was
03:15 5 basically it that he said that he had
6 lied on the stand.

7 Q Who said they had lied on the stand?

8 A George Lapchuk did. He said it with
9 indifference, they were just
03:15 10 discussing it. Then the second time
11 that I heard reference we were already
12 living in Saskatoon and married and
13 uh, I overheard a conversation with
14 George and Craig in the apartment that
03:16 15 we were living in.

16 Q Who's Craig?

17 A A friend of George's.

18 Q Do you know his last name, Craig's last
19 name?

03:16 20 A Melnik.

21 Q Melnik. And where does Craig Melnik
22 live?

23 A I don't know.

24 Q Where did he live at the time?

03:16 25 A In Regina.



1 Q So at the time of the second
2 conversation you were married to George
3 Lapchuk, you were living in Saskatoon
4 and Craig Melnyk had come up to
03:16 5 Saskatoon from Regina?

6 A Yes they were visiting.

7 Q And what was the general conversation
8 the second time?

9 A Again it was, I'm not sure how or why
03:16 10 the conversation was approached. They
11 were discussing what had happened back
12 then and how George had lied and
13 George was saying about how Craig had
14 lied and Craig had been in agreement
03:16 15 but didn't like say like yeah you're
16 right I lied. They were just
17 discussing in general and Craig seemed
18 to be in full agreement with how
19 George was discussing it so.

03:16 20 Q Did they ever during this conversation,
21 or any other conversation that may have
22 been dealing with Milgaard, did anyone
23 ever say why they lied?

24 A I don't recall them ever saying why.
03:17 25 I know um, George had told me a lot of



1 times that he traded things uh, to get
2 off on, if he had problems with the
3 police at, at a certain time he would
4 trade things off the treat, he would
5 trade guns off the street or trade
6 information to get off on whatever it
7 was that they had on him, that the
8 police had on him.

9 Q Is that the case this time?

03:17 10 A I don't know, I honestly don't know.

11 I know that he has a great fear of
12 going to prison so it could very well
13 have been. Then the third time, and I
14 can't remember the proper sequence of
03:17 15 whether this was the second time or
16 third time but, another time in
17 Saskatoon was it was late at night and
18 he had been drinking and I don't know
19 if he had seen or heard something on
03:17 20 the T.V. or whatever, he just started
21 talking about it to me and it was just
22 the two of us and basically in the
23 same jest of, of what I had overheard
24 the other two times. And then the
03:17 25 third time was in the spring of '91 he



1 phoned me and there had been some kind
2 of expose or whatever on a T.V. show
3 and um, he was laughing and saying
4 well that it was such a joke and, and
5 well they'd never come after, or
6 they'd never be able to find him, the
7 fuck heads if they ever came looking
8 for him, and that was the last time.

9 Q Who, who do you mean by they coming
10 looking for him? If the, if the police
11 came looking for John Lapchuk?

12 A Yeah... no if, if I guess, well who he
13 implied was if they ever came after
14 him to re-testify or anything that you
03:18 15 wouldn't be able to find him. He
16 thought it was a joke."

17 And we can move to page 003678 of that document,
18 beginning here:

19 "Q You have related to me 3 different
03:18 20 occasions in which Lapchuk mentioned in
21 your presence that the evidence that he
22 had given in the, in the original Court
23 case of David Milgaard was not correct
24 or was not accurate evidence, is that...

03:19 25 A Yes.



1 Q ... only 3 times that you've heard this?

2 A I can't remember if he said anything
3 the fourth time but for sure those 3
4 times, yes.

03:19 5 Q Is there anything else that you can add
6 to this that you can recall that we may
7 not have covered during the time this
8 taperecorders been running?

9 A I don't know I'm nervous with giving
03:19 10 this again, it does, it can jeopardize
11 myself and my son so I'm nervous about
12 this.

13 Q And the information that you have
14 provided is true and accurate to the
03:19 15 best of your knowledge?

16 A Yes."

17 If we then turn to Ms. Edwards' testimony at the
18 Supreme Court reference case, if we could look at
19 document 050200, please, examination by
03:19 20 Mr. Wolch, and if we could turn to page 050202.
21 Focus in beginning, at that question,
22 please:

23 "Q It is my understanding that during the
24 course of your relationship with Mr.
25 Lapchuk there were times when you were



1 able to overhear conversation pertaining
2 to David Milgaard.

3 A Yes.

4 Q To the best of your recollection, where
5 did the first incident occur and, if you
6 can help us, at what period of
7 time?

8 A The timing -- I am not quite sure of
9 the proper date. The first time was
10 in Regina. It probably would have
11 been around 1985.

12 Q You were at a location, and who was
13 there? Who was in the
14 conversation?

15 A Myself, George and friends of his.

16 Q What did you hear George say?

17 A They were discussing what had happened
18 a long time ago, about a guy that had
19 been convicted of murdering and raping
20 a woman, and about an evening in a
21 hotel room and the partying they were
22 doing, the drugs they were taking, and
23 how something had come on the
24 television about the murder of a
25 nurse, and one of the guys started



1 joking around and grabbed a pillow.

2 Q What, if anything, did George say? Was
3 that George talking?

4 A Yes.

5 Q What did he say, anything more?

6 A He said that there was this same
7 person that was charged with the
8 murder and that he had lied in giving
9 testimony at the time in regards to
10 what had happened.

11 Q What seemed to be his attitude in that
12 conversation or of those around
13 him?

14 A Fairly casual. They were talking
15 quietly.

16 Q To your memory, when was the next time,
17 if at all, the subject came up?

18 A It was a few years later.

19 Q Do you recall the location?

20 A In Saskatoon.

21 Q Can you help us with the circumstances
22 as to how it arose?

23 A I am not sure which came first, but
24 there were two other incidences. One,
25 he was discussing in our apartment



1 with another gentleman that had also
2 testified, and they were talking about
3 how they had both lied. I can't
4 recall reasons or whatever."

03:21 5 We can actually move to the bottom of the page,
6 it identifies Mr. Melnyk:

7 "Q Could you go over that conversation as
8 best you can recall.

9 A They were in the living room talking,
10 and I was outside of the room. I
11 can't remember if I was in the
12 kitchen, or what. I remember them
13 talking similarly of the first
14 discussion I had heard about what had
15 occurred and how they had lied. It
16 was mostly George that I remember
17 doing the talking, and Craig was more
18 in agreement with what was being
19 said.

20 Q And there was another occasion that may
21 or may not predate this one.

22 A Yes.

23 Q And the location of that?

24 A It was also in our apartment in
25 Saskatoon. It was in the evening. I



1 don't know what prompted it, but it
2 was just George and myself in our
3 home. He started telling me about it.
4 That is when I remember more of the
5 detail of the pillow incident and that
6 they had heard on the news. He was
7 telling me things that they had been
8 doing in the hotel room.

9 Q When you say he was telling you things
10 they had been doing in the hotel room,
11 is that your memory of it, or can you
12 tell us what he specifically said?

13 A He told me about how they had been
14 really high on MDA, and they had been
15 drinking, and the guys were fooling
16 around with women in front of each
17 other, and whatnot, in the hotel
18 room.

19 Q What was his emotional state at this
20 time? What was he like in this
21 conversation?

22 A Sort of remorseful. I remember that
23 he was quite sad about it, and then
24 was saying how he had lied. I don't
25 believe he ever told me why he had



1 done it, but he had just done it.

2 Q You might not, but if you remember
3 anything more of the conversation,
4 please tell us. If not, that's
5 fine.

6 A No, I don't remember anything at the
7 moment.

8 Q Were there any other instances that you
9 recall?

10 A Not speaking directly about what had
11 happened. In the spring of '91 I
12 received a phone call from him, and he
13 was laughing. There had been an
14 exposé or some type of TV program that
15 had been on about the incident, and he
16 was laughing and saying the fuckheads
17 would never find him. Even if they
18 did decide to do something about it
19 now, it was just too late and they
20 wouldn't find him anyway.

21 Q That was the last communication about
22 this case you had with him?

23 A The last communication, yes.

24 Q My understanding is that not that long
25 ago you decided to bring this



1 information forward.

2 A Yes.

3 Q My information is that the first person
4 you were in contact with was a newspaper
5 reporter.

6 A Yes.

7 Q And you were hoping to be anonymous or
8 not have to be in the public eye with
9 your information.

10 A That's correct.

11 Q After talking to this individual, you
12 later talked to a man named
13 Henderson.

14 A Yes.

15 Q And you provided him with an account of
16 your memory to the best of your
17 ability?

18 A Yes.

19 Q And then you understood you would be
20 coming to this Court at a later point in
21 time.

22 A I was hoping that it wouldn't come to
23 that point of me having to be here,
24 but I knew that it was a
25 possibility.



1 Q Just prior to coming here, you were
2 served with a document to come here and
3 you were interviewed by a member of the
4 RCMP who, I believe, taped.

5 A Yes.

6 Q Although the document says 'Sign', you
7 never signed it.

8 A No.

9 Q Those statements you made to Henderson
10 and to the RCMP officer were as truthful
11 as they could be to the best of your
12 ability?

13 A Yes."

14 It then moves into the examination by Mr. Neufeld
03:25 15 and we can turn a fair bit ahead to page 050236,
16 beginning that portion, it's referring here to
17 the statement given to Mr. Henderson:

18 "Q You have had an opportunity to review
19 that statement, have you.

20 A Yes, I have.

21 Q Are you satisfied that that is the
22 statement you gave to Mr. Henderson in
23 its entirety?

24 A Yes.

25 Q I am a little curious as to why you



1 would -- perhaps I should put it this
2 way. You were of the view, I take it,
3 that your husband had given false
4 evidence in a criminal trial 20 years
5 ago. Is that right?

6 A Yes.

7 Q And you were of the view that he had, in
8 fact, then committed an offence by doing
9 so, committed perjury.

10 A I didn't look at it in that way, per
11 se.

12 Q I guess I am trying to understand why
13 you didn't take that information
14 immediately to the police. Why would
15 you seek out somebody from Centurion
16 Ministries in the United States or a
17 reporter? What would be the purpose of
18 that?

19 A George and his associates, in respect
20 to friends and whatnot, aren't very
21 nice people. I made the misfortune of
22 making the decision to be involved
23 with them for a while. Since then I
24 have kept completely away, made a
25 point of no contact and have been, in



1 fact, hiding from them, in fear of
2 them.

3 I hadn't really thought about
4 what had been said in legal terms of
5 perjuring or anything like that.

6 Allan, my son, was quite
7 young when all this was first coming
8 about, and everything. He's a little
9 older now, and I see him growing.
10 Part of me has always set aside what I
11 heard. Number one, I wasn't
12 physically involved at the time, as
13 you have brought up. Number two,
14 opening my mouth with the knowledge
15 that I have can cause
16 repercussions.

17 The reason that I finally
18 came forward is, with seeing my son
19 becoming older and whatnot, the idea
20 that someone has been imprisoned for
21 all this length of time, that he
22 didn't get to have the quality of a
23 normal growth and development that a
24 person has in the outside world and
25 the caring and pleasures that a person



1 has in the outside world.

2 Q I appreciate that you were concerned
3 that Mr. Milgaard had been falsely
4 convicted and deprived of his childhood.
5 Is that what you are saying?

6 A It's a lot of that.

7 Q What I am trying to understand is:
8 First of all, where did you get that
9 impression? From the newspapers?

10 A That he had been deprived?

11 Q Yes.

12 A Well, just that it was so long ago.
13 He couldn't have been very old.

14 Q Were you of the view that, without Mr.
15 Lapchuk's evidence, he would never have
16 been convicted? Was that your
17 view?

18 A No.

19 Q Did you think, then, that his evidence
20 was significant or not significant to
21 the conviction of Mr. Milgaard?

22 A I think if one or two people came
23 forward and said, 'Well, these are the
24 facts and this is true,' I think it
25 would give a certain amount of swaying



1 to the belief of others on the truth
2 or the wrong of it.

3 Q Do I understand you correctly that you
4 were hesitant to come forward because it
5 might disclose your whereabouts and
6 cause problems between you and your
7 ex-husband, or husband? Is that
8 right?

9 A Legally separated, yes.

10 Q That was your concern. You wanted to
11 remain anonymous.

12 A Yes."

13 And we can then move forward, please, to page
14 050256 beginning at the top of the page and
15 referring to the statement given to Mr.

03:28

16 Henderson:

17 "Q Who chose what went into the statement
18 and what didn't. The reason I ask you
19 that is because what you had to say
20 about the Milgaard case, I think, takes
21 67 lines out of a 200-line statement.
22 You have very limited knowledge of those
23 things. You are reporting some very
24 basic things that happened a long time
25 ago.



1 I was wondering who chose to
2 add all of those things about your
3 relationship with your husband. Was
4 that you or Mr. Henderson, or what?

5 A I am not sure.

6 Q I am just wondering whether it was put
7 in there to make your husband look as
8 bad as possible, or did you ever give
9 that any thought? Or was it just
10 written down by Mr. Henderson and you
11 accepted it as true and signed it?
12 Maybe that's what happened.

13 A No, the things that are in there are
14 valid.

15 Q I am not suggesting that they are not
16 valid. I am just wondering -- they
17 don't appear to have much relevance to
18 what he said to you.

19 A Yes.

20 Q I am wondering: Whose idea was it to
21 put all these bad things about George in
22 there? Was it your idea or Mr.
23 Henderson's idea, or didn't you think
24 about it?

25 A I don't recall."



1 And then move forward, please, to page 050268,
2 beginning here, and this is referring to one of
3 the three occasions that Ms. Edwards has been
4 speaking of where she states that George Lapchuk
03:30 5 lied and it's where the third unknown person was
6 present:

7 "Q Three or four weeks ago. When the RCMP
8 interviewed you just recently, one of
9 the questions, I understand, that the
10 officer asked you was: Who was that
11 third person at the table? Right.

12 A Yes.

13 Q And you refused to give that answer; is
14 that correct?

15 A That's correct.

16 Q Will you now tell me who that person
17 was?

18 A No, I won't.

19 Q Why not?

20 A To further protect myself and my
21 son.

22 Q Are you afraid that we might check with
23 that person and find out the
24 recollection is different?

25 A No, I am afraid that I can be hurt and



1 my son may be hurt with involving
2 them. So I would rather keep that to
3 myself.

4 MR. NEUFELD: I seek your direction, Chief
5 Justice. I think she should be required
6 to reveal that, if it is done in
7 confidence or something. I think it is
8 important that we know that. She is
9 alleging that her husband is a liar and
10 that there was another witness present
11 when this took place."

12 If we can move to the next page, please, 050270
13 and starting here, Chief Justice Lamer states:

14 "LAMER, C.J.: You witnessed the
15 conversation. We are taking special
16 precautions. You understand that, when
17 you are asked a question, if it is
18 relevant, and there is no lawful reason
19 for not answering, you are to be
20 compelled.

21 Here is what I suggest. Why
22 don't you write it down on a piece of
23 paper and we will have the Clerk of the
24 Court give it to me?

25 THE WITNESS: I am sorry, I can't do



1 that.

2 LAMER, C.J.: You realize that, if you
3 are not compelled to answer, it is a
4 great blow to the credibility of what
5 you have been telling us today because
6 one has to consider other hypotheses
7 than the one you have advanced."

8 You can actually move down the page, please,
9 starting again here, Chief Justice Lamer:

10 "LAMER, C.J.: What we would like you to
11 do is to terminate whatever you would
12 like to ask, and we will let the witness
13 go home. Then we will hear submissions
14 on this matter and decide what course of
15 action we will take.

16 MR. NEUFELD: I should cease now.

17 LAMER, C.J.: No, carry on."

18 And we can move, at that point, to pages 050275,
19 please, starting here. Mr. Neufeld continuing:

20 "Q The statement says he testified to
21 certain facts. Did George Lapchuk say:
22 'I lied about those facts?' Did he say
23 that.

24 A Yes. He said he lied, those words,
25 that he had lied. He said: 'I lied.



1 I gave them what they wanted.'

2 Q Lied about what?

3 A About the evidence that he gave.

4 Q What part of evidence that he gave did
5 he say he lied about?

6 A He was, in general, talking about
7 everything that he had given them. I
8 don't know.

9 Q So you aren't able to --

10 A To the severe point of it, no.

11 Q I appreciate that. The reason we don't
12 have detailed words in every respect of
13 what he said is because you don't
14 remember the detailed words. Is that
15 correct? You don't remember it
16 verbatim, as you put it.

17 A I am sorry, I am not trying to act
18 stupid. In what part of this
19 conversation are we talking about?

20 Q All of it. Every time you talk about
21 what you say your husband said about his
22 participation in the Milgaard case. I
23 have looked at all four of these
24 indications, and it is never clear to
25 me, it is never clearly stated what he



1 said he lied about.

2 A Nobody ever pressed me on it. I just
3 told them he said that he had lied."

4 Move to the next page, please, beginning at the
5 bottom of the page. Mr. Neufeld continuing:

6 "Q What is it that he told you was not
7 true? What was it? What specific thing
8 or things did he say.

9 A Him and the person that were talking
10 in that first discussion, they were
11 discussing how it was too bad that the
12 guy got convicted and everything when
13 he wasn't the one that did it.

14 Q They somehow knew he wasn't the one who
15 did it? That doesn't appear in your
16 statement either. This comes as a
17 surprise to me.

18 A That is what they were talking
19 about.

20 Q Are you saying Mr. Lapchuk and this
21 third person knew that Mr. Milgaard was
22 not the one who did it?

23 A Yes.

24 Q How come that didn't appear in your
25 statement?



1 A I was never pressed on the different
2 issues of it, for clarification.

3 Q Was it Mr. Lapchuk who knew or this
4 mysterious third person who knew?

5 A The third person did know quite a bit
6 about this and is under the impression
7 that Milgaard did not do it, as
8 well.

9 Q A minute ago you told me that George
10 Lapchuk said Milgaard didn't do it.

11 A That is what I just said.

12 Q Did this other person say the same thing
13 or did he just agree with George? I am
14 just trying to find out what was
15 said.

16 A It wasn't so much 'I agree with you'
17 as they were in agreement on it. Do
18 you understand the difference, what I
19 am trying to say?

20 Q I'll try. In any event, you still can't
21 give us anything specific -- no
22 indication of how Lapchuk or this other
23 person knew this or why they knew it,
24 nothing you recall in any event.

25 A All I know is that he had lied in



1 things that he said to convict him. I
2 don't know what he said to convict
3 him, but I was told that the things
4 that he said to convict him were lies.

5 Q But there is something you have added
6 today that we don't see in your
7 statement, that George Lapchuk knew
8 Milgaard didn't do it. Is that what was
9 said or wasn't said? If it wasn't said,
10 I will drop it. I just want to know.
11 If there is a witness out here who can
12 tell us that clearly and unequivocally,
13 we want to know.

14 A He said that the guy didn't do it.

15 Q Did this third person say the same
16 thing, or did he just agree with --

17 A He was in agreement with.

18 Q He seemed to know, though -- or she. I
19 don't want you to disclose until we have
20 a court order. I don't know whether it
21 was a he or a she.

22 A The other person was very familiar
23 with what had happened at that time."

24 We can move ahead to page 050282, referring to
25 the conversation between Mr. Lapchuk and

03:36



1 Mr. Melnyk, Mr. Neufeld continuing, question
2 beginning here:

3 "Q But Mr. Melnyk never said, 'I lied at
4 the trial.'

5 A He never said the words, 'I lied',
6 sort of thing. He was just in
7 agreement that they had both.

8 Q Do you recall George saying to Craig,
9 'We both lied,' and Craig agreeing? Or
10 did he say, 'I lied,' and Craig agreed.
11 Which is it?

12 A George had been talking about how they
13 had both done their little bit and the
14 lies and went on their merry way
15 afterwards.

16 Q Are those the words you are saying they
17 said or he said, or is that a summary
18 again?

19 A It's a summary.

20 Q That doesn't appear in the statement,
21 either.

22 A Nobody has really pushed me on these
23 things."

24 If we could move ahead to page 050288, beginning
03:37 25 here, Chief Justice Lamer had some questions for



1 the witness:

2 "LAMER, C.J.: I have a few questions for
3 you about this unidentified person.
4 You say that he or she, the person,
5 seemed to know a lot about the Milgaard
6 affair.

7 THE WITNESS: Yes.

8 LAMER, C.J.: What did that person say
9 to make you believe that?

10 THE WITNESS: The knowledge about when
11 they were discussing the proceedings,
12 the knowledge that that person had of
13 it, when they were talking back and
14 forth and bringing up different
15 instances, both of them, not just one
16 leading the conversation and the other
17 one listening. It was a two-sided
18 conversation of general knowledge on the
19 happenings of it, involving other people
20 and the mutual knowing of these other
21 people.

22 LAMER, C.J.: You also said that this
23 person expressed the opinion that
24 Milgaard was innocent.

25 THE WITNESS: Yes, that person was in



1 agreement with that.

2 LAMER, C.J.: Did this person indicate
3 on what basis, on what facts, on what
4 knowledge, he or she expressed that
5 opinion? For example, did the person
6 say, 'I know he is innocent because I
7 was there,' or 'I know somebody who was
8 there', or 'I spoke to somebody who was
9 there,' or 'I found out because somebody
10 who did it told me?' I am giving you
11 examples.

12 THE WITNESS: The person knows all the
13 people that were involved with
14 testifying, their situations at the
15 time, how they were able to be swayed to
16 say things that may not have been true.
17 They were a large part of that whole
18 scenario. Most of these people that are
19 involved with all this are people that
20 have been friends since about the age of
21 five to thirteen years old.

22 LAMER, C.J.: So this person was
23 friendly with many other persons
24 involved, with the persons in the car
25 and the persons in the motel and other



1 persons that were more or less mentioned
2 during the proceedings.

3 THE WITNESS: Yes.

4 SOPINKA, J.: Have you ever had a
5 conversation with this person subsequent
6 to this event in which this matter was
7 discussed between you and this
8 person?

9 THE WITNESS: Try that one again,
10 please.

11 SOPINKA, J.: After this occasion when
12 this person who has not been identified
13 was discussing this with your husband,
14 have you ever talked to this person at
15 all?

16 THE WITNESS: About the conversation?

17 SOPINKA, J.: About anything, first of
18 all. Have you been in communication
19 with this person since that
20 occasion?

21 THE WITNESS: Yes.

22 SOPINKA, J.: But I gather you did not
23 discuss the conversation that that
24 person had with your husband relating to
25 Milgaard.



1 THE WITNESS: That's right.

2 SOPINKA, J.: But do you have reason to
3 believe that that person would remember
4 that conversation?

5 THE WITNESS: I don't know.

6 LAMER, C.J.: Did you ever suggest to
7 that person that, if that person has
8 vital information to clear Milgaard's
9 name, he or she should come forward,
10 like you did?

11 THE WITNESS: I never give my opinion on
12 what any of those people should do to
13 them, ever consider trying to tell them
14 anything.

15 LAMER, C.J.: You say 'those people'. I
16 am talking about that person.

17 THE WITNESS: I know, but that person is
18 part of the group of people, and I would
19 never, never try and tell any one of
20 that group what to do, including that
21 person.

22 LAMER, C.J.: You realize that you are
23 making that person a very important
24 person, having regard to this whole
25 process. If that person has vital



1 information that would clear up the
2 matter, don't you think that that
3 person's name should be made known so
4 that we can ask that person. Maybe that
5 person has vital information. If that
6 person has vital information and these
7 proceedings conclude to the disadvantage
8 of Mr. Milgaard, you would have that on
9 your conscience for not having revealed
10 it.

11 THE WITNESS: I would have to live with
12 that on my conscience just to make sure
13 of the safety for my son and myself. I
14 have done what I can. I came forward
15 and have told you what I know.

16 CORY, J.: In any of the three
17 conversations you had with your husband
18 with regard to Mr. Milgaard, did he tell
19 you in what way he lied, what he lied
20 about?

21 THE WITNESS: No, he did not. He just
22 said that he had lied to convict him.
23 That's all I know. He said he lied to
24 convict him. He never gave me
25 details.



1 MR. NEUFELD: My lord Chief Justice, on
2 this issue, I wonder if I might be
3 permitted one further question.

4 LAMER, C.J.: Yes.

5 MR. NEUFELD: Ms Edwards, did you
6 disclose the first name of that
7 individual or any part of the name of
8 that individual to Mr. Henderson.

9 THE WITNESS: I can't recall.

10 MR. NEUFELD: If it appears in the
11 transcript of that conversation, would
12 you agree with me that that is what you
13 did? Have you seen the transcript.

14 THE WITNESS: I have not seen the
15 transcript."

16 Move forward, please, to the next page, 050294,
17 just beginning here:

18 "MR. WOLCH: Perhaps we can confirm it
19 first.

20 Launa, this is not public.
21 Don't get upset. I just want to show it
22 to you and, if this is the name, you
23 might just tell us, and it won't be
24 shown, or will be shown, depending on
25 the Court's decision.



1 Is that the name of the
2 person?

3 THE WITNESS: Yes, it is.

4 MR. NEUFELD: I will ask the witness why
5 she was prepared to tell Mr. Henderson
6 and not us.

7 LAMER, C.J.: She has told us now. We
8 will take judicial notice of that.

9 IACOBUCCI, J.: You said that your husband
10 said on a number of occasions that he
11 lied.

12 THE WITNESS: Yes.

13 IACOBUCCI, J.: Did he indicate to you why
14 he would lie? You said he is a
15 pathological liar, but did he give you
16 any inkling as to why he would lie?

17 THE WITNESS: He just said that he had
18 given them what they had wanted. I
19 don't know why.

20 IACOBUCCI, J.: Why he would do that.

21 THE WITNESS: I can just make an
22 assumption, but I can't give you the
23 exact idea of it."

24 Now we'll move to another document, it is
25 document 008700, letter dated May 8th, 1992 to

03:42



1 Mr. Neufeld from Mr. Egan from the RCMP, and it
2 encloses a report -- if we could move, please, to
3 page 008702 -- dated April 29th, 1992 by Sergeant
4 Pearson of the RCMP. And if we could move,
03:43 5 please, to page 008713 and focus in beginning at
6 the bottom of the page:

7 "On 92/02/13, this Unit received a faxed
8 statement from Federal Justice
9 Department which had been provided to
03:43 10 Centurion Ministries investigator Paul
11 Henderson, ...",

12 at the top of the page:

13 "... by a witness, Launa Edwards,
14 ex-wife of George Lapchuk. George
03:43 15 Lapchuk was a Crown Witness during the
16 original trial, who testified he
17 observed Milgaard going through a
18 stabbing motion on a pillow at a hotel
19 room, at which time Milgaard made
03:43 20 statements that he had stabbed the
21 deceased. Edwards has now provided a
22 statement that on three occasions during
23 her marriage to Lapchuk he admitted that
24 he had lied during his original trial
03:44 25 testimony. Statement is attached as



1 ...",

2 "After contacting GIS in Coquitlam ...
3 arrangements were made to have a
4 follow-up ... statement taken from
03:44 5 Edwards. This was taken by GIS
6 Coquitlam and faxed directly to the
7 Federal Justice Department in Ottawa.
8 Copy of this statement is attached..."

9 "During testimony at the Supreme Court
03:44 10 Review, Launa Edwards provided testimony
11 suggesting that another individual, who
12 she was afraid to identify, was also
13 aware that Lapchuk had admitted lying at
14 Milgaard's original trial. Subsequent
03:44 15 inquiries determined this individual to
16 be a Bobbie Laine Ann Stadnyk. A
17 statement was obtained from here on 21
18 Feb 92, concerning any evidence she may
19 possess. Stadnyk confirmed she had no
03:44 20 information whatsoever that Lapchuk had
21 lied during the original trial.

22 According to Stadnyk, the only reason
23 Launa Edwards implicated her during this
24 testimony, was to get back at her
03:44 25 ex-husband Lapchuk. Stadnyk is adamant



1 she knows nothing of false testimony
2 provided by Lapchuk. Stadnyk was a
3 witness at the Supreme Court Review.
4 Stadnyk's statement is attached ...".

03:45 5 That completes the -- I'm sorry, there's a short
6 portion of the RCMP's meeting with Ms. Edwards in
7 1993 that I'll also refer to, Mr. Commissioner.
8 If we could turn, please, to page 050330, and if
9 we could turn, please, to page 050336 of that
03:46 10 document and focus in beginning here.

11 "Several questions were asked of
12 Edward's and the following is a
13 breakdown of our interview.

14 - she knows Bobby Stadnyk because she
03:46 15 associated with Edward's and Lapchuk
16 whilst they lived together.
17 - last had contact with Stadnyk a few
18 years ago. Exactly when she was unsure.
19 - she was asked what motive Stadnyk
03:46 20 would have for lying and Edward's
21 advised because they were a tight knit
22 group, and were loyal friends."

23 Next page at the top. Actually, I guess the page
24 backwards from there, please, 050335:

03:46 25 "- Edward's was of the opinion that



1 Lapchuk and Melnyk may have cut deals
2 with members of Regina PD to drop
3 charges.

4 - she was not liked by Lapchuk's
03:47 5 associates.

6 - feels that Stadnyk perjured herself at
7 Supreme Court."

8 Move down to the bottom of the page beginning
9 here:

03:47 10 "- the reason she never went to the
11 police with this information was because
12 George was always talking about 'dirty
13 cops' and she feared them as well.

14 - she also stated that the reason they
03:47 15 talked so much about Lapchuk past
16 behaviour was to assure Henderson that
17 she was not a vengeful wife and thus her
18 reason for coming forward."

19 And if we could turn, please, to page 050332
03:47 20 beginning at the bottom, the synopsis:

21 "Edward's maintains that what she stated
22 in her statements to the police,
23 Henderson and how she testified in the
24 Supreme Court is the truth and she
03:47 25 maintains that what she said is what she



1 saw and heard.

2 - Edward's maintains that she has
3 received nothing for what she said and
4 testified too.

03:48 5 - Edward's has had no direct dealings
6 with SCP or any police agencies for that
7 matter.

8 - Edward's still maintains that Bobby
9 Stadnyk had lied at the Supreme Court
03:48 10 because she had been present when George
11 made comments about the reenactment.

12 - Edward's feelings that Stadnyk lied
13 for Melnyk and Lapchuk's assistance and
14 because they were a tightly knit group.

03:48 15 - Edward's is quite adamant about what
16 she claims she heard."

17 That completes the read-ins for Ms. Launa
18 Edward's.

19 **READ-INS RELATING TO BOBBY STADNYK**

03:48 20 MR. HARDY: I'll move to shorter read-ins
21 relating to Bobby Stadnyk and, as Mr. Hodson had
22 advised, Mr. Commissioner, we had considered
23 calling Ms. Stadnyk. I have discussed matters
24 with Ms. Stadnyk and am quite confident that the
03:48 25 evidence that I was anticipating she would



1 provide is fully covered in the documents that
2 I'm going to read.

3 I'll refer firstly to document
4 003602, a memo to the file from Eugene Williams
03:49 5 dated February 21st, 1992 respecting Supreme
6 Court reference - telecom with Bobby Laine
7 Stadnyk. I'll begin reading it at the first
8 paragraph, if we can focus in here, please:

9 "On February 21, 1992 I spoke with
03:49 10 Ms. Stadnyk. Ms. Stadnyk had been
11 identified by Lana Edwards, a witness at
12 the Milgaard trial. Ms. Edwards
13 testified that Ms. Stadnyk was present
14 when George Lapchuk admitted that he had
03:49 15 lied when he testified during the 1970
16 trial of David Milgaard.

17 Ms. Stadnyk said that she knew
18 Ms. Edwards through George Lapchuk.
19 Stadnyk had known Lapchuk for
03:49 20 approximately 20 years but had known
21 Ms. Edwards since 1984-5 when he began
22 to date Ms. Edwards. Ms. Stadnyk also
23 knows Ron Wilson, Deborah Hall and Craig
24 Melnyk and had heard of 'Ute' but did
03:50 25 not know her. Also, she did not know



1 David Milgaard, Sharon Williams, nor
2 Nichol John.

3 Ms. Stadnyk was born on May 8,
4 1954. She said that she had been found
03:50 5 guilty of an offence in 1984-5, but had
6 received a discharge. She had known
7 members of the Apollos motorcycle club,
8 and had associated with Messrs. Melnyk
9 and Lapchuk when they were members of
03:50 10 the club.

11 Ms. Stadnyk said that she had
12 spoken to Deborah Hall during the last
13 couple of days. Apparently
14 Ms. Stadnyk's stepfather is a customer
03:50 15 at the hair salon at which Ms. Hall
16 works. Ms. Hall told the stepfather
17 that the Milgaard family were trying to
18 contact Ms. Stadnyk. Her stepfather
19 relayed the message to her.

03:50 20 Ms. Stadnyk denied that George
21 Lapchuk admitted that he lied when he
22 testified at the trial of David
23 Milgaard. She said that Ron Wilson told
24 her that he had lied. In 1991 Stadnyk
03:50 25 had asked George Lapchuk if he had lied.



1 Mr. Lapchuk replied that he told what he
2 had seen then and he had nothing to
3 change now."

4 Continuing at the top of the page:

03:51 5 "Denying that she had discussed the
6 Milgaard case in the presence of Launa
7 Edwards, Ms. Stadnyk described
8 Ms. Edwards as a compulsive liar.

9 I advised Ms. Stadnyk that the
03:51 10 RCMP would be contacting her to obtain a
11 statement. I also said that she should
12 be prepared to come to Ottawa on March
13 4, 1992 to testify."

14 Then move to the statement, Bobbie Laine Ann
03:51 15 Stadnyk, doc ID 003599 taken February 21st, 1991.
16 I think that's a misspelling, it's meant to be
17 1992, and we can focus in beginning in the first
18 question and answer, please:

19 "Q Bobbi, as you know, your name has
03:51 20 surfaced in the David Milgaard inquiry.
21 When did you first become aware that you
22 would have to speak to authorities about
23 this?

24 A My step-father heard through an
03:51 25 acquaintance of his, but since



1 yesterday, several reporters have
2 called from all over as my name was
3 brought out. I've spoken to the
4 *Leader-Post* and CBC.

03:52 5 Q Do you know a person by the name of
6 Lorna Edwards?

7 A Lana Edwards. I know her through
8 George Lapchuk. I've known George
9 since I was 15 years old. We were
03:52 10 friends then and sort of drifted away.
11 He calls infrequently, maybe twice a
12 year like at Christmas. Around 1984,
13 Lana and George were living together
14 here in Regina; they moved to
03:52 15 Saskatoon in '87 or '88. I've only
16 really been around here a handful of
17 times --"

18 Around her I think that's meant to be,
19 "-- a handful of times where we spent
03:52 20 any time together. We were at this
21 place once here in Regina and once in
22 Saskatoon. We were never close friends,
23 Lana and I. I was friends with George
24 and Lana was just there. When they
03:52 25 eventually married and then separated,



1 Lana would call when they were arguing
2 but I put a stop to that.

3 Q Were you aware back in 1969 or 1980 -- "
4 Perhaps 1970,

03:53 5 "-- that George Lapchuk testified at the
6 David Milgaard murder trial?

7 A I did know it, but not from George; I
8 think I heard it from Gail Wilson, Ron
9 Wilson's sister. We are still good
03:53 10 friends.

11 Q Did you ever speak to George Lapchuk
12 about his original testimony?

13 A About 1 year ago, I discussed this
14 with George. He had called me. In
03:53 15 1990, I attended Gail Wilson's wedding
16 in Lumley, B.C., and spoke with Ron
17 Wilson at the wedding. Ron Wilson
18 told me he had lied in his original
19 testimony and it had been bothering
03:53 20 him for years. He was having trouble
21 dealing with it. He just spoke in
22 general terms about lying; he felt he
23 had been pressured into signing what
24 he signed. George was aware that I
03:53 25 had spoken to Ron Wilson; I don't know



1 if Ron told George what our
2 conversation was. There were hard
3 feelings between George and Ron over
4 this case since it was being brought
03:53 5 back up in courts. Gail Wilson warned
6 me that George and Ron were not close
7 to each other after all this was being
8 brought up again. It was some months
9 later that George called me here on
03:54 10 the phone. I asked George during the
11 phone conversation, 'What's up with
12 the Milgaard case'. He relied, 'My
13 testimony now is the same as my
14 testimony then'. That was his only
03:54 15 comment, other than that the Attorney
16 General's office assured him this case
17 wouldn't go ahead.

18 Q Have you ever spoken to him about his
19 actual testimony?

03:54 20 A No.

21 Q Have you ever spoken to Craig Melnyk
22 about his testimony?

23 A Never. I've known him as long as I've
24 known George but we've never discussed
03:54 25 this case, ever.



1 Q Did you know he had testified?

2 A Yes, I was aware of that.

3 Q Did you ever hear George and Craig talk
4 about this Milgaard case?

03:54 5 A No.

6 Q Were you ever present when George
7 discussed any aspect of this case in
8 front of Lana Edwards?

9 A Definitely not.

03:54 10 Q Have you any opinion as to why Lana
11 Edwards would bring up your name at the
12 inquiry?

13 A I've gone over it in my mind. Lana
14 may have not liked me, but why she
03:55 15 would drag me into this I don't know.
16 It is more likely Lana is trying to
17 get back at George, that is very
18 likely. Theirs was a very volatile
19 relationship. I've never heard
03:55 20 anything like this from either of
21 them. This case was never discussed
22 at any time between us.

23 Q Have you had any contact at all with
24 Joyce Milgaard?

03:55 25 A None. I phoned David Milgaard's



1 lawyers in Winnipeg this morning as I
2 had heard through people here that
3 they were looking for me. I've never
4 spoken to Joyce Milgaard."

03:55 5 Then turn to Ms. Stadnyk's testimony at the
6 Supreme Court of Canada, a short portion of
7 read-ins from there, at document 050352,
8 examination by Mr. Neufeld. If I can turn,
9 please, to page 050354 beginning at the bottom of
03:55 10 the page:

11 "Q Do you know a person by the name of
12 Launa Edwards?

13 A Yes, I do.

14 Q How is it that you know her?

03:56 15 A I met Launa through George.

16 Q What, if any, relationship was there
17 between them, to your knowledge, when
18 you met?

19 A Between Launa and George?

03:56 20 Q Yes.

21 A When I first met Launa, they were
22 going out together and that progressed
23 into living together.

24 Q Were they ever married, to your
03:56 25 knowledge?



1 A Yes.

2 Q Would they visit with you, the two of
3 them and yourself from time to time?

4 A Fairly infrequently, but yes.

03:56 5 Q Very infrequently, but it did happen.

6 A Yes.

7 Q Ms. Edwards has told this Court in your
8 presence that Mr. Lapchuk indicated that
9 he had lied in his testimony at the
03:56 10 Milgaard trial. Do you understand that
11 is what she said?

12 A I understand that that is what she
13 said.

14 Q Has Mr. Lapchuk ever said anything of
03:57 15 that kind to you?

16 A No, he has not.

17 Q In her presence or otherwise?

18 A No, he has never.

19 Q Is there some relationship, either good
03:57 20 or bad, between yourself and Ms. Edwards
21 that would explain this?

22 A I have really thought about this a lot
23 and I don't understand why this has
24 happened, why she has used my name.

03:57 25 The only thing that I can think of is



1 she may not have liked me, or may have
2 been angry with George, or -- I am not
3 sure.

4 Q All right. How is it that you first
03:57 5 became aware that you had been drawn
6 into this case?

7 A I was contacted by my stepfather whose
8 hairdresser is Debbie Hall. He was
9 having his hair cut by Debbie Hall.
03:57 10 And she told him that she thought that
11 I was the person that they were
12 looking for and he contacted me.

13 Q Have you been in contact with the RCMP?

14 A Yes, I have.

03:57 15 Q And the media, I understand?

16 A Yes.

17 Q Actually, who got to you first? I guess
18 I should ask that question.

19 A My stepfather.

03:57 20 Q Your stepfather.

21 A And then media.

22 Q And then the media. So the police were
23 last this time.

24 A Right.

03:58 25 Q Have you had any communication with Mr.



1 Milgaard or Mrs. Milgaard or anyone on
2 their behalf?

3 A No, I have not.

4 Q Did you speak with their counsel? Their
03:58 5 lawyer?

6 A Yes, I did.

7 Q When was that?

8 A Back when this all happened. Probably
9 the Friday that everything kind of
03:58 10 broke loose.

11 Q How is it that you came in contact with
12 whoever you spoke with?

13 A I made a number of phone calls, and my
14 phone call was returned by Mr. Wolch.

03:58 15 Q Did you discuss this evidence with him?

16 A Yes, I did."

17 If we can move then to the next page, 050359,
18 examination by Mr. Wolch, beginning at the bottom
19 of the page:

03:58 20 "Q In that statement you disclosed
21 something which we consider to be very
22 important and I want to touch on that
23 with you.

24 Your closest friend or best
03:59 25 friend is Gail Wilson.



1 A Gail Wilson is a very close friend of
2 mine.

3 Q And her relationship to Ronald Dale
4 Wilson is what?

03:59 5 A She is his sister.

6 Q You have been friendly with her over the
7 years and with Ron also?

8 A Mostly Gail, but I do know Ron quite
9 well through Gail.

03:59 10 Q You have had a number of conversations
11 with him over the years in a friendly
12 relationship.

13 A Yes, that is correct.

14 Q You are people who may confide in each
03:59 15 other from time to time.

16 A I would say so, yes.

17 Q And my understanding is that you
18 attended Gail's wedding in B.C.

19 A Right.

03:59 20 Q Are you able to pinpoint a date?

21 A It was the summer of 1990, but I
22 couldn't be specific about a date.

23 Q Was Ronald Wilson there?

24 A Yes, he was.

03:59 25 Q Was George Lapchuk there?



1 A Yes, he was.

2 Q I believe you had an important
3 conversation with Ron Wilson in which he
4 initiated the conversation.

04:00 5 A Yes, I did.

6 Q Can you tell the Court exactly what
7 Ronald Wilson told you back then in
8 private, I believe.

9 A Yes, I can. I believe it was pretty
04:00 10 much what he has had to say to the
11 Court already. What transpired during
12 that conversation is that Mr. Wilson
13 explained to me that the David
14 Milgaard case was going to break
04:00 15 loose. We started discussing what he
16 meant by that. He said that when he
17 had originally testified he had lied.
18 He said that he felt he had been
19 pressured by the police and that he
04:00 20 had tried to tell them the truth but
21 they wouldn't accept it, and he
22 finally signed what they wanted him to
23 sign. And his conscience had bothered
24 him for many, many years, and he had a
04:00 25 lot of trouble dealing with it. He



1 felt that he wanted to get it off his
2 chest.

3 Q This was a private conversation between
4 friends?

04:00 5 A Yes, it was.

6 Q How was he reacting in terms of his
7 emotional state or behaviour as he was
8 relating that conversation to you?

9 A He was extremely, extremely upset. I
04:00 10 can't say that I had ever seen him
11 quite so devastated, destroyed.

12 Q Based on your knowledge of him over the
13 years, did you take him to be sincere in
14 what he was talking to you about?

04:01 15 A Absolutely.

16 Q At this wedding when this conversation
17 took place, did Lapchuk participate or
18 get drawn into it at all?

19 A No, he did not.

04:01 20 Q Was he aware of your speaking to Ron?

21 A He may have seen me speaking to Ron,
22 but I couldn't say for sure.

23 Q Are you aware of any hard feelings
24 between George and Ron at that time?

04:01 25 A Yes. It was my understanding from



1 Gail that there was bad feelings
2 between the two of them. She was
3 concerned about them being there at
4 the same time.

04:01 5 Q At the wedding.

6 A Yes.

7 Q Is that in regard to his disclosure?

8 A I knew it was in regard to this case."

9 That completes the read-ins for Ms. Stadnyk.

10 **READ-INS RELATING TO MARGARET PRESTON**

11 MR. HARDY: We'll move lastly to the
12 read-ins of Marg Preston who was a common-law of
13 Mr. Lapchuk. Turn firstly to the same report
14 that we had earlier referred to by Sergeant
04:02 15 Pearson, that was document 008702 I believe.
16 Sorry, 008700. I had previously identified that
17 report that's attached to this correspondence and
18 we can move to page 062 -- I'm sorry -- to page
19 008715, please. Just focus in on that top
04:03 20 paragraph, it states:

21 "To further determine the credibility of
22 Launa Edwards' Supreme Court testimony,
23 Margaret Joan Preston was located. She
24 is the ex-common-law wife of George
04:03 25 Lapchuk, and who lived with him prior to



1 Launa Edwards being married to Lapchuk.
2 Preston advises that at no time was she
3 told by Lapchuk that he had lied during
4 the original Milgaard trial. Preston's
04:03 5 statement is attached."

6 And we'll turn to that statement which is
7 document 008801, read from the beginning:

8 "Q Joan, I understand you know a George
9 Lapchuk and may be aware of his
04:03 10 involvement in the David Milgaard
11 inquiry. Is this correct?

12 A Yes.

13 Q How long have you known George?

14 A Since roughly 1975-76.

04:04 15 Q What was your relationship with him?

16 A I lived with George for approximately
17 8 years.

18 Q Did George ever discuss the Milgaard
19 case with you?

04:04 20 A When David escaped the one time, it
21 came up and again recently.

22 Q Did George ever indicate to you that he
23 lied during Milgaard's original trial?

24 A No, he did not.

04:04 25 Q Did you know, when you met him, he had



1 testified at Milgaard's trial?

2 A I didn't know and didn't care until
3 David escaped and George talked about
4 it. George was upset about the
04:04 5 escape.

6 Q Do you know Launa Edwards?

7 A I've met Launa on more than one
8 occasion?

9 Q What can you tell me about her?

04:04 10 A Mostly I've heard about her. She did
11 tell me her husband had been shot and
12 her son was dying a Leukemia at two.
13 She seems to want to be the centre of
14 attention. I take everything Launa
04:05 15 says with a grain of salt. She
16 strikes me as being insecure.

17 Q Do you still talk to George Lapchuk?

18 A Yes, we're still friends.

19 Q Do you know Craig Melnyk?

04:05 20 A Yes.

21 Q Has Craig ever discussed the Milgaard
22 case with you?

23 A No, I knew Craig was upset when David
24 escape but that's all. We never
04:05 25 discussed it.



1 Q Were you ever present when Launa Edwards
2 discussed the Milgaard case with George
3 Lapchuk?

4 A Not with anybody.

04:05 5 Q Did you ever hear George and Craig talk
6 about the Milgaard case?

7 A No. From what I understand they
8 wanted to put it behind them and
9 forget about it. Get on with their
04:05 10 lives. In case it comes up later, I
11 also know Ron Wilson and he has never
12 discussed this case with me being
13 present.

14 Q When did George and yourself split up?

04:05 15 A 1983/84.

16 Q Has Joyce Milgaard ever contacted you?

17 A No.

18 Q Were you ever present when Joyce
19 contacted George?

04:06 20 A Not that I can recall.

21 Q Did you wish to add anything?

22 A I heard a rumour, recently, that
23 George and Craig had been paid to
24 testify against Milgaard. I asked
04:06 25 George about it and he assured me he



1 had never been paid or received any
2 compensation for his testimony."

3 And, Mr. Commissioner, that completes the
4 read-ins for Marg Preston and I have no further
04:06 5 read-ins at this time.

6 COMMISSIONER MacCALLUM: Thanks, Mr. Hardy.
7 Is that it for today, Mr. Hodson?

8 MR. HODSON: Yes.

9 COMMISSIONER MacCALLUM: Okay. Tomorrow at
04:06 10 nine.

11 (Adjourned at 4:06 p.m.)

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OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:

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

_____, CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

_____, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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