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

\*\*\*\*\*

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

\*\*\*\*\*

On Wednesday, April 20th, 2005

Volume 43

Inquiry Proceedings



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Ms. Lana Krogan,               **for** Government of Saskatchewan  
Mr. Si Halyk, Q.C.,           **for** Mr. T.D.R. (Bobs) Caldwell  
Mr. Garrett Wilson, Q.C., **for** Mr. Serge Kujawa  
Mr. John Beckman, Q.C.,       **for** the Saskatoon Police Service  
Mr. Aaron Fox, Q.C.,           **for** Mr. Eddie Karst  
Mr. Bruce Gibson, Esq.,       **for** the RCMP  
Mr. Eamon O'Keefe, Esq.,      **for** Mr. Larry Fisher  
Ms. Jennifer Cox,              **for** Minister of Justice  
  (Canada), The Hon. Irwin Cotler



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(V5)-- (V5)-----

- BY MR. HODSON

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**Transcript of Proceedings**

(Reconvened at 9:08 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

09:08 5 MR. HODSON: The only witness for today,  
6 Mr. Commissioner, is (V5)-- (V5)-----, she is one  
7 of the assault victims, and her name and  
8 documents, etcetera, are subject to the  
9 publication ban. Ms. (V5)----- is located in  
09:08 10 another room and we will be dealing with her as  
11 we did the other witnesses. I should also advise  
12 and introduce if I can, Ms. (V5)----- has her  
13 counsel Henry Kloppenberg who is present in the  
14 room with Ms. (V5)----- . In addition, her  
09:09 15 husband Raymond is in the room with her as well  
16 and the witness has been sworn previously I  
17 believe, or maybe --

COMMISSIONER MacCALLUM:

19 A Not yet.

09:09 20 COMMISSIONER MacCALLUM: Not yet she says.

21 MR. HODSON: I think our clerk is just on  
22 the way up.

23 (V5)-- (V5)-----, sworn:

24 BY MR. HODSON:

09:10 25 Q Good morning, Ms. (V5)----- . Thank you very much



1 for agreeing to testify before the Commission. I  
2 understand that your maiden name is (V5)---; is  
3 that correct?

4 A Yes.

09:10 5 Q And that your date of birth is July 18th, 1952?

6 A Yes.

7 Q And that you are currently 52 years of age?

8 A Yes.

9 Q Now, the record reflects and I'm going to be  
09:10 10 asking you some questions related to the sexual  
11 assault that occurred on February 21, 1970 where  
12 you were assaulted by Larry Fisher, and you recall  
13 that incident, I will not be questioning about  
14 that, but you know the incident I'm talking about?

09:10 15 A Yes.

16 Q And you were 17 years old at the time of that  
17 assault; is that correct?

18 A Yes.

19 Q And you gave statements to the police at that  
09:11 20 time; is that correct?

21 A Yes.

22 Q And that you would have dealt with members of the  
23 Saskatoon City Police Service at the time?

24 A Yes.

09:11 25 Q Do you remember the names of any of the officers



1           that you may have dealt with?

2       A       Just one.

3       Q       And who was that?

4       A       Umm, Officer Weir.

09:11 5       Q       Was that Gus Weir?

6       A       Yes.

7       Q       And how is it that you can remember his name?

8       A       It's just because we started talking and he was  
9           from Perdue and that's -- I used to go out there a  
09:11 10       lot with my cousins and we used to party out  
11       there.

12       Q       In addition to Mr. Weir, were there other officers  
13       that you had contact with from time to time?

14       A       Yes.

09:11 15       Q       Now, I'm going to show you a document which is a  
16       statement and it's document 105212 and this is a  
17       statement, you'll see it on your screen in a  
18       moment, and this is a statement from February 21,  
19       1970, and is that your signature on the bottom  
09:12 20       right corner where I've circled?

21       A       Yes.

22       Q       And do you recall giving a statement to the police  
23       at the time? I don't propose to go through it,  
24       Ms. (V5)-----, but do you remember giving a  
09:12 25       statement or statements to the police back at the



1 time?

2 A Yes.

3 Q If we could just go to the page 105218, the last  
4 page, and I just want to call out the last three  
09:12 5 lines if I could, please, and this says:

6 "Could recognize him if I saw him again.

7 I think I have seen him someplace

8 before."

9 And I just want you to confirm, Ms. (V5)-----,

09:12 10 that the person that assaulted you at the time,  
11 you told the police that you were able to  
12 recognize him if you saw him again; is that  
13 correct?

14 A Yes.

09:12 15 Q And can you confirm that based on your  
16 observations that you were able to identify the  
17 attacker from a photo?

18 A Yes.

19 Q And just a general question, Ms. (V5)-----, I  
09:13 20 don't propose to go through all of the dealings  
21 that you had with the police, we went through  
22 yesterday various police reports. Is it fair to  
23 say that when you dealt with the police at the  
24 time that you would have given them accurate and  
09:13 25 truthful information to the best of your ability?





1 A Yes.

2 Q And I take it that subsequent to the assault that  
3 you would have had occasion to have contact with  
4 the police over various issues related to the  
09:13 5 investigation?

6 A Yes.

7 Q Yes?

8 A Yes.

9 Q And I want to talk a bit about photographs. Do  
09:13 10 you remember the police showing you photographs  
11 and asking you to try and identify your attacker?

12 A Yes.

13 Q Do you recall a meeting with the police where the  
14 police advised you that they had caught someone  
09:14 15 who had confessed to your assault?

16 A Yes.

17 Q Can you tell us what you remember about that,  
18 where the meeting was, who was there and what you  
19 remember being talked about if you can?

09:14 20 A That was in our basement suite and two officers  
21 came and they showed me in the picture and asked  
22 me if I recognized him and I said yes and they  
23 said he was in, got caught in Winnipeg for two  
24 other assaults and he confessed to my attack  
09:14 25 and --



1 Q Okay. And you said basement suite. Were you  
2 living somewhere different than you were at the  
3 time of the assault?

4 A Yes.

09:15 5 Q And I think -- was it a basement suite?

6 A Yes.

7 Q And had you been married?

8 A Yes.

9 Q And how many officers were there that came to see  
09:15 10 you?

11 A Two.

12 Q And do you recall if either of those officers was  
13 Gus Weir?

14 A I can't remember that.

09:15 15 Q Okay. Do you remember what the officers looked  
16 like, are you able to describe anything about  
17 their physical appearance?

18 A One was tall and slim and one was short.

19 Q One was tall and slim, one was short?

09:15 20 A Uh-huh.

21 Q Were they plain-clothes officers or uniformed?

22 A Plain clothes.

23 Q And the photograph that they showed you, were you  
24 able to identify that as the person that attacked  
09:15 25 you?



1 A Yes.

2 Q Do you recall if they mentioned the name Larry  
3 Fisher at this meeting?

4 A I can't remember that.

09:15 5 Q Okay. Do you recall any discussion with the  
6 officers at this time about the condition of this  
7 person or any mental or psychiatric evaluations or  
8 anything of that nature?

9 A Yes.

09:16 10 Q And what do you remember?

11 A That he was -- sorry, just a minute.

12 (Discussion off the record)

13 A That he was in a mental institute.

14 BY MR. HODSON:

09:16 15 Q And who told you that?

16 A I think one of the officers.

17 Q Do you recall a subsequent meeting -- or do you  
18 recall another meeting with the police at your  
19 parents' home in and around this time?

09:16 20 A Yes.

21 Q And tell us what you recall about that, please?

22 A They just brought my clothing to the house.

23 Q And when you say they, who was that; do you  
24 remember?

09:17 25 A Just some officers.



1 Q And was that to your parents' house or to your --

2 A Yes, to my parents' house.

3 Q And were you living there at the time?

4 A No.

09:17 5 Q Were you living in the basement suite?

6 A Yes.

7 Q And what do you recall, your clothes were brought

8 back and I take it those were ones that were

9 picked up at the time of the assault; is that

09:17 10 correct?

11 A Yes.

12 Q And do you recall a discussion with the officers

13 at that time?

14 A No.

09:17 15 Q Are you able to tell us, Ms. (V5)-----, you've  
16 told us about two meetings with the police, which  
17 one came first?

18 A No.

19 Q Do you recall a discussion with the police at  
09:17 20 either of these two meetings about whether or not  
21 this person had or would be charged or whether you  
22 would need to testify or anything of that nature?

23 A No.

24 Q I'm going to show you a document, 105246, and this  
09:18 25 is a police report dated February 5, 1971 signed



1 by Gus Weir and it says:

2 "On February 4/71 I returned the  
3 articles seized from the complainant on  
4 the evening of the occurrence. A signed  
09:18 5 receipt was obtained for all of these  
6 articles and is attached to this  
7 occurrence.

8 This complainant has since been  
9 married. Her married name now being  
09:18 10 (Redacted). This couple now resides at  
11 209 Vancouver Avenue South in a basement  
12 suite.

13 The situation concerning this  
14 occurrence and the alleged mental  
09:18 15 condition of the accused was explained  
16 to this girl and her parents. At the  
17 present time these people appear to be  
18 completely satisfied with the actions  
19 taken re this occurrence. This  
20 therefore is a concluding report."

21 I'm wondering, Ms. (V5)-----, this description by  
22 Mr. Weir, do you think that is of the meeting  
23 that took place at your parents' place that you  
24 told us about? I'm just wondering, I've read you  
09:19 25 Mr. Weir's account of meeting with and returning



1 clothing and I'm just wondering --

2 A Yes.

3 Q Does it sound like, based on what he recorded,  
4 that that is what was discussed at the meeting  
09:19 5 generally?

6 A Yes.

7 COMMISSIONER MacCALLUM: What number was  
8 that, Mr. Hodson?

9 MR. HODSON: That is 105206.

09:19 10 COMMISSIONER MacCALLUM: Thanks.

11 BY MR. HODSON:

12 Q Now, at this time, and let's just take 1970 to  
13 1971, Ms. (V5)-----, were you aware at that time  
14 of the Gail Miller murder? Do you recall that at  
09:19 15 all?

16 A No.

17 Q Do you recall any discussion with any police  
18 officer in 1970 or '71 about the Gail Miller  
19 murder and any similarity it may have had with  
09:19 20 your assault?

21 A No.

22 Q Do you recall an officer saying that your assault  
23 was similar to Gail Miller's murder?

24 A I don't remember.

09:20 25 Q After the two meetings you had with the police



1           that you've told us about, did you expect to hear  
2           further from them in connection with your assault?

3       A       No.

4       Q       And why is that?

09:20 5       A       I didn't want to hear anything more about it.

6       Q       Did you make any assumptions about what may have  
7           happened or what happened to Mr. Fisher?

8       A       No.

9       Q       Did you understand that he would be charged or had  
09:20 10       been charged and convicted?

11       A       Yes.

12       Q       In your mind did you have closure on this matter  
13           then in 1971?

14       A       Yes.

09:20 15       Q       I'll call up document 010718 and this is a  
16           document, Ms. (V5)-----, from the police to the  
17           Deputy Attorney General dated March 17, 1971. If  
18           you could go to page, the next page, please, just  
19           the bottom line, I'll just read something to you.  
09:21 20       This is what the police are reporting at that time  
21           and it says, starting here:

22                        "She has viewed police photos, including  
23                        one of Fisher, and states that he  
24                        appears similar to her assailant,  
09:21 25                        however, it appears that her



1 identification is extremely weak."

2 And just ask you to confirm that you did in fact,  
3 Ms. (V5)-----, identify Mr. Fisher in a  
4 photograph shown to you by the police; is that  
09:21 5 correct?

6 A Yes.

7 Q Now, I understand that the next time this assault  
8 or this incident was raised with you was in or  
9 about 1991; is that correct?

09:22 10 A Yes.

11 Q And can you tell us about that, please?

12 A Joyce Milgaard came, I was going into town and she  
13 came out to the farm, I met her on the road, I  
14 didn't know at the time that was her, and she went  
09:22 15 to my brother-in-law's and he told her that I was  
16 going to town and she tracked me down right into  
17 the small town where I lived in the coffee shop  
18 and she approached me at the coffee shop and asked  
19 me if I knew who she was and wanted to talk to me  
09:22 20 and made the mistake of going out to the car and  
21 talking to her.

22 Q Was there anybody else with her?

23 A A private investigator.

24 Q An investigator. Does the name Paul Henderson  
09:23 25 sound familiar?





1 A Yes.

2 Q And can you tell us generally what you discussed  
3 with Mrs. Milgaard and the investigator?

4 A I really can't remember.

09:23 5 Q Did they talk to you or tell you about Larry  
6 Fisher's conviction for your assault, was that  
7 discussed?

8 A I think so.

9 Q Did this meeting upset you, Ms. (V5)-----?

09:23 10 A Yes.

11 Q Are you able to tell us why?

12 A I had not dealt with some personal things and  
13 after she came into my life she opened that door I  
14 had slammed on that attack, I had put that out of  
09:24 15 my mind, and all flashbacks and -- sorry.

16 Q That's fine. Take your time.

17 A Flashbacks of the attack and everything came back  
18 and I had to deal with everything else that had  
19 happened to me before that and it's caused extreme  
09:24 20 anxiety for me for 15 years now.

21 Q Did you ask Mrs. Milgaard and/or her investigator  
22 how they found you?

23 A Yes.

24 Q And what do you recall being discussed?

09:24 25 A I remember her saying something about, that she



1           worked for the government and that she had got my,  
2           found me through my social insurance number.

3           Q       Do you recall any of the details of the  
4           discussion -- I'm not going to ask you about  
09:25 5           them -- but do you have any recollection of the  
6           discussion about your assault incident with them?

7           A       Umm, I'm sorry.

8           Q       That's fine. At -- let me ask this, Ms.  
9           (V5)-----, at this time -- and, again, this is  
09:26 10          1991 -- had you known that your attacker had been  
11          caught?

12          A       Yes.

13          Q       And did you know that prior to meeting with  
14          Mrs. Milgaard?

09:26 15          A       Yes.

16          Q       I'm going to call up a couple of documents and ask  
17          you some questions. The first is document 222178.  
18          And this, I believe, is a summary prepared by  
19          Mr. Henderson and, in this, it says -- and this  
09:26 20          reports -- I take it up at the top that's your  
21          address there, is that correct? See at the top it  
22          says:

23                    >Date of Interview: April 30, 1991",  
24          and your address; does that sound -- is that  
09:27 25          where you lived at the time?



1 A Yes.

2 Q And does that date sound right as to when you  
3 would have met with Mrs. Milgaard and the  
4 investigator?

09:27 5 A Yes.

6 Q And it says here -- and, again, this is, I think,  
7 Mr. Henderson's note:

8 "At the time a tall skinny detective  
9 mentioned it was very similar to the  
09:27 10 Gail Miller case."

11 Do you remember telling Mr. Henderson or  
12 Mrs. Milgaard that?

13 A No, I don't remember anything.

14 Q Do you remember a tall, skinny detective telling  
09:27 15 you at the time of your assault that your assault  
16 was very similar to the Gail Miller case?

17 A No, I don't remember.

18 Q Next, if we could go to 070584, and this is a  
19 three-page document that I believe, again, is  
09:28 20 Mr. Henderson's. This is the second page,  
21 Mr. Commissioner, the first page we don't need to  
22 go to it, is 070586. And just call out that  
23 paragraph, and what this report says, it says:

24 "Like the others from Saskatoon, she was  
09:28 25 never informed of Fisher's arrest and



1 confessions, and she told us that she  
2 has lived through the years with a fear  
3 that her attacker might return some  
4 day."

09:28 5 Did you tell Mr. Henderson or Mrs. Milgaard that  
6 you were never informed of Fisher's arrest and  
7 confessions and that you lived through the years  
8 with a fear that your attacker might return some  
9 day? Maybe let's just take the first part.

09:28 10 A I don't remember saying that.

11 Q Okay. After this meeting -- we're done with the  
12 document -- after this meeting were you contacted  
13 by the media?

14 A Yes.

09:29 15 Q Do you remember who, or how frequently that  
16 contact was?

17 A I think it was twice.

18 Q And how close was it to your interview with  
19 Mrs. Milgaard?

09:29 20 A Oh, almost right after.

21 Q And did you ask these media people how they got  
22 your name?

23 A They said they had their sources.

24 Q Pardon me?

09:29 25 A They said they had their sources.



1 Q And what did they ask you, just generally? Let me  
2 rephrase; were they asking you about the -- your  
3 sexual assault?

4 A Uh-huh.

09:29 5 Q Yes?

6 A Yes.

7 Q I'm going to show you a newspaper article, 012250,  
8 and this is an article in the Toronto Star August  
9 of '91, so this would be within a few months after  
09:29 10 your interview, and it's by Peter Edwards of the  
11 Toronto Star. Does that name sound familiar at  
12 all, Peter Edwards?

13 A No.

14 Q I would ask to go to page 012252. And then this  
09:30 15 article, and I'll just read you this part, it  
16 says:

17 "Three weeks after Milgaard was  
18 sentenced, Larry Fisher attacked an  
19 18-year-old high school student on  
09:30 20 February 21, 1970. She worked part-time  
21 as a Canadian National Institute of the  
22 Blind canteen worker at City Hospital.  
23 She was attacked a block from home.

24 She later recalled someone in  
09:30 25 the Saskatoon Police remarking the



1 attack was, 'similar to the Gail Miller  
2 case.' "

3 Now this article doesn't say the reporter talked  
4 to you, but this comment is attributed to you,  
09:30 5 Ms. (V5)----- . Are you able to tell us whether  
6 you talked to this reporter in connection with  
7 this article?

8 A I can't remember.

9 Q Do you remember telling any reporter that the  
09:31 10 Saskatoon Police remarked to you that the attack  
11 was similar to the Gail Miller case?

12 A No, I can't remember.

13 Q If I could now go to 039421, and this is a Globe  
14 and Mail article May 2nd, 1992, and it doesn't  
09:31 15 show on this page but I believe the writer is a  
16 fella by the name of David Roberts. And there is  
17 a quote, here, it says:

18 "A second victim, (V5)- (V5)-----, who  
19 was raped on February 21, 1970, says she  
09:31 20 identified Mr. Fisher as her attacker  
21 when she was shown a single photograph  
22 of him by Detective Weir in the fall of  
23 1970. (Standard police procedure is to  
24 place prospects in a 'gallery pack' of  
09:32 25 mug shots). "



1 And then here is a quote that I believe was  
2 attributed to you, Ms. (V5)-----, it says:

3 " 'It was one of those Polaroid pictures  
4 of Fisher alone', she recalled in an  
09:32 5 interview from her rural Saskatchewan  
6 home last week. 'It was just one  
7 picture, just him. I identified him. I  
8 was sure. Then they told me he was  
9 responsible for two other rapes in  
09:32 10 Saskatoon, they told me he was in a  
11 mental institution. Then they left.' "

12 Do you recall having a discussion with the  
13 reporter to this effect which is reported, Ms.  
14 (V5)-----?

09:32 15 A No.

16 Q And is what is attributed to you there; is that  
17 accurate?

18 A No.

19 Q And what's not accurate about that?

09:32 20 A Well it wasn't in Saskatoon.

21 Q Okay. Where it says 'rapes in Saskatoon', and  
22 where was it, the rapes that --

23 A Winnipeg.

24 Q Winnipeg? Is there anything else in that quote,  
09:32 25 there, that you say is not accurate? Is there



1 anything -- let me just point this out. I think  
2 you -- it says here you were shown a single  
3 photograph by Detective Weir, --

4 A Uh-huh.

09:33 5 Q -- and I think you told us earlier --

6 A Oh right.

7 Q -- that you weren't sure; is that --

8 A No, it wasn't, I don't think it was Detective  
9 Weir.

09:33 10 Q Okay.

11 A I'm not sure who it was.

12 Q Okay. Is it possible it could have been Detective  
13 Weir?

14 A No.

09:33 15 Q No?

16 A No.

17 Q Now, next, I'm going to call up an RCMP document  
18 that I just want to ask you a question about, it's  
19 034906. And this is an RCMP document, Ms.

09:33 20 (V5)-----, and it's in 1993, and this is where  
21 they interviewed Dave Roberts, who is a reporter  
22 of The Globe and Mail, and I just want to ask you  
23 some questions about this part, and I'll just read  
24 it and ask you a question. They say:

09:34 25 "According to Roberts, ...",





1 have I got the right:

2 "According to Roberts, (V5)--- told him  
3 that Weir had mentioned that the fellow  
4 was being held in a mental institution  
09:34 5 in Winnipeg. That she would not have to  
6 go through the strain of having to  
7 testify. That there would be no trial."

8 And then carrying on:

9 "That (V5)--- stated that Weir said that  
09:34 10 they think that the accused was  
11 responsible for several others. (I took  
12 this to mean other rapes.)"

13 Are you able to recall any conversation with a  
14 fella named Dave Roberts at The Globe and Mail?

09:34 15 A No.

16 Q What I have read to you, is that -- is that an  
17 accurate -- is what Mr. Roberts -- what  
18 Mr. Roberts is saying you said; is that accurate?  
19 I appreciate you don't recall talking to him, but  
09:35 20 what he says here, is this -- is this what you  
21 thought at the time or you think to be the case?

22 A No.

23 Q No? Is there something in there that you say  
24 isn't accurate?

09:35 25 A Well, I don't know where he was being held.



1 Q Okay. Where it says here:

2 "... was being held in a mental

3 institution in Winnipeg ...",

4 you say you didn't know where he was being held?

09:35 5 A Right.

6 Q Other than that, does what's reported here, is

7 that fairly accurate as to what you thought at the  
8 time?

9 A Well I didn't know if there was going to be a  
09:35 10 trial either.

11 Q Okay. And is there anything else?

12 A And I didn't -- I don't know if it was Weir or  
13 not.

14 Q Okay. Next, if we can go ahead to 1993, I'm going  
09:36 15 to call up a document, it's ID 254911, and if we  
16 could go to page 920, please. And, Ms. (V5)-----,  
17 this is an RCMP report of a meeting June 3rd, 1993  
18 with the RCMP; do you remember -- and it's  
19 Constable Homeniuk, and I'm not sure if I can find  
09:36 20 the other name here, but another officer who met  
21 with you; do you remember meeting with the RCMP in  
22 1993?

23 A No.

24 Q You have no recollection of that meeting?

09:36 25 A No.



1 Q Okay. I'm going to go through parts of this and  
2 just ask if what they report -- and I appreciate  
3 that you don't remember meeting with them -- but  
4 I'll ask you some questions as to whether what  
09:36 5 they report based on this meeting, whether you say  
6 it was accurate as to what you thought at the time  
7 or now, okay? It says:

8 "(V5)-- was open to discuss the matter  
9 however admitted that she'd been trying  
10 to put the matter behind her. As a  
11 matter of fact everything had been going  
12 along fine until Mrs. J Milgaard & Paul  
13 Henderson approached her in (V5)-  
14 ----...

09:37 15 Mrs. Milgaard told her that  
16 Fisher had probably killed Gail Miller  
17 as his attack on her had been similar."  
18 Is that something that maybe you would have  
19 thought at the time, Ms. (V5)-----? Let's just  
09:37 20 take paragraph 2.

21 A Yes.

22 Q So I appreciate you don't remember meeting with  
23 the RCMP, but what they have written down here,  
24 you are -- are you telling us that that's what you  
09:37 25 thought at the time?



1 A Yes.

2 Q And then, number 3, do you have any recollection  
3 of Mrs. Milgaard telling you that Fisher had  
4 probably killed Gail Miller as his attack on her  
09:37 5 had been similar?

6 A No, I don't remember that at all.

7 Q Next page, please. Number 4, it says:

8 "Mrs. Milgaard became somewhat disturbed  
9 when she told her that she didn't want a  
10 thing to do with her investigation and  
11 that she didn't know/care who had done  
12 the murder."

13 Do you recall -- do you recall that at all, Ms.  
14 (V5)-----?

09:38 15 A No, I don't remember that at all.

16 Q Okay. Number 5:

17 "(V5)-- remembered looking at a number  
18 of photo books at the SCP in order to  
19 see if her assailant could be  
20 identified."

21 Do you recall that? I believe this is dating  
22 back to 1970.

23 A Yes.

24 Q Okay. Number 6:

25 "She also recalled contacting Detective



1 Weir and telling him of a possible  
2 suspect in Asquith, Saskatchewan. This  
3 person was later identified as Robert  
4 Hay and after further scrutiny of his  
5 picture she eliminated him as a  
6 suspect."

7 Do you remember this, Ms. (V5)-----?

8 A Yes.

9 Q And I had read some reports yesterday about a  
10 Robert say so we won't need to go through that.  
11 Next page, please, it says:

12 "(V5)-- stated that she was also shown  
13 other line-ups (photos) with negative  
14 results."

09:39 15 Do you remember that?

16 A No.

17 Q I -- okay, I think this is referring to 1970. Do  
18 you remember, other than you have told us about  
19 the picture of Mr. Fisher, other than that do you  
09:39 20 remember being shown photos by the police?

21 A Yes.

22 Q And then number 8:

23 "She does remain adamant that in the  
24 fall of 1970 Detective Weir came to her  
25 residence and produced a single photo of



1 a man which she identified as her  
2 assailant. This man was Larry Fisher  
3 and Detective Weir told her that he had  
4 admitted to her assault and others.  
5 Also he had informed her that Fisher was  
6 presently in a mental institution or  
7 something to that effect."

8 Now are you able to tell us whether that's what  
9 you would have thought at the time? And, again,  
09:39 10 I'm saying 1993 when the RCMP wrote this down  
11 about the interview.

12 A Well, yes.

13 Q Is there anything -- I'm sorry, go ahead?

14 A I'm not sure who the -- I don't think -- I don't  
09:40 15 remember if it was Detective Weir or not.

16 Q Okay. Other than that, is that paragraph that I  
17 read, Ms. (V5)-----, does that reflect what you  
18 would have thought at the time? Is that correct?

19 A Yes.

09:40 20 Q And I think, is that something you recall today  
21 then, what's described in paragraph 8 about the  
22 police coming and showing you a photo; --

23 A Yes.

24 Q -- is that what you have told us about --

09:40 25 A Yes.



1 Q -- this morning?

2 A Yes.

3 Q Paragraph 9 it says:

4 "She couldn't recall if Detective Weir  
5 had mentioned anything about charges  
6 being laid and as a matter of fact she  
7 didn't care to know as she was trying to  
8 forget the assault."

9 Is that accurate?

09:40 10 A Yes.

11 Q "(V5)-- couldn't remember the date when  
12 Detective Weir last contacted her but it  
13 was when they had returned some of her  
14 articles. During their talk she  
15 remembers Weir's partner saying  
16 something to the effect 'Fisher usually  
17 admits to his crimes'.

18 Do you remember, remember that comment back in  
19 1970 or '71 by a police officer?

09:41 20 A Yes.

21 Q And would that have been one of the two meetings,  
22 then, that you had with them?

23 A Yes.

24 Q Next paragraph, please:

09:41 25 "When shown Weir's police report dated



1 71/02/05 she remembers the comments  
2 concerning the alleged mental condition  
3 of the accused but can't remember if she  
4 was told that charges had been laid."

09:41 5 Is that accurate? And that was the police report  
6 I just showed you a bit earlier, Ms. (V5)-----,  
7 about the mental condition of the accused.

8 A I'll just read it again.

9 Q Sure.

09:42 10 A No, I can't remember.

11 Q Can't remember?

12 A Right.

13 Q What do you remember, today, about any discussion  
14 with the police back in 1970 or '71 about the  
09:42 15 mental condition of the accused, or Mr. Fisher, or  
16 the attacker, whatever that might be? Do you have  
17 a recollection, today, of what was discussed about  
18 mental condition or mental --

19 A No, I can't remember --

09:42 20 Q Okay.

21 A -- anything.

22 Q Next page, please. It says:

23 "She does remember that her ex-husband  
24 had been present at the time and he may  
25 remember more. They had been divorced,





1                   they had been divorced for sometime  
2                   however she was able to provide the  
3                   following:",

4                   and then a name and an address, is that your  
09:43 5                   ex-husband there, (Redacted)?

6           A        Yes, yes.

7           Q        Yes, okay. Paragraph 13:

8                   "During the whole investigation (V5)--  
9                   admits that all SCP members and  
10                  Detective Weir treated properly and had  
11                  no complaints."

12                 And is that correct?

13          A        Yes.

14          Q        Paragraph 14:

09:43 15                 "She did admit that she hadn't been  
16                 advised of the disposition of the charge  
17                 against Fisher and really didn't care as  
18                 she put it as she wanted to forget the  
19                 whole thing."

09:43 20                Is that accurate?

21          A        Yes.

22          Q        It says:

23                   "(V5)-- couldn't add anything further  
24                   however expressed hope that this was the  
25                   last of it. She did mention that if we



1                   had anything further to ask that she  
2                   would speak to us but is not interested  
3                   to talk to the Milgaard family."

09:43 4                   And is that something that you felt at the time  
5                   in 1993?

6           A        Yes.

7           Q        Now I understand that your next involvement in  
8                   this matter would have been at Larry Fisher's  
9                   trial in or about 1999; is that correct?

09:44 10          A        Yes.

11          Q        And I understand that you testified at the voir  
12                   dire as part of the trial in front of a judge but  
13                   not the jury; is that correct?

14          A        Yes.

09:44 15          Q        And that you did not testify at the trial, though,  
16                   is that correct?

17          A        Yes.

18          Q        And just for the record, Mr. Commissioner, I don't  
19                   propose to call it up, but her voir dire evidence  
09:44 20                   is doc. ID 253568. And I'm sorry, I don't know if  
21                   I asked this, you would have told the truth to the  
22                   best of your ability at that voir dire; is that  
23                   correct?

24          A        Yes.

09:44 25          Q        Thank you very much, Ms. (V5)-----, those are my



1 questions.

2 I'll just see if other counsel  
3 have questions for you. There are none and so, if  
4 I may, Ms. (V5)-----, on behalf of myself and our  
09:44 5 staff, to thank you and your husband and counsel  
6 for your co-operation with us and for agreeing to  
7 testify today. Thank you.

8 COMMISSIONER MacCALLUM: Thank you, Ms.  
9 (V5)-----, you are excused.

09:44 10 MR. HODSON: Mr. Commissioner, we had two  
11 other read-ins for two other assault victims and  
12 we've decided that we're going to deal with these  
13 when we call the police officers in the next  
14 phase, so that concludes Phase I, event  
09:45 15 witnesses. I believe we have had 45 or 46 live  
16 witnesses if I'm not mistaken.

17 We're set to start on Monday,  
18 May 30th at 1:00 p.m. and we will be starting  
19 with police officers at that time and we have, I  
09:45 20 believe, 27 witnesses that will be set to go for  
21 that three week time period and I think with that  
22 we can adjourn.

23 COMMISSIONER MacCALLUM: And which hotel  
24 are we convening at?

09:45 25 MR. HODSON: I believe we are at the



1               Radisson?   Yes.

2                       COMMISSIONER MacCALLUM:   Very well, thank  
3               you, we're adjourned until May 30th, 1:00 p.m. at  
4               the Radisson Hotel, Saskatoon.

5                       *(Adjourned at 9:45 a.m.)*



**OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:**

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Official Queen's Bench Court Reporters for the Province of  
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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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