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 Radisson Hotel at Saskatoon, Saskatchewan

On Monday, May 30th, 2005

Volume 44

Inquiry Proceedings



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for Minister of Justice

(Canada), The Hon. Irwin Cotler



Page 8367 ■

INDEX OF PROCEEDINGS

DESCRIPTION:

GERARD H. CHARTIER

- BY MR. HODSON 8420



1 Transcript of Proceedings 2 (Reconvened at 1:00 p.m.) 3 Good afternoon. 4 ALL COUNSEL: 5 MR. HODSON: Good afternoon, Mr. 01:08 Commissioner. 6 7 I would like to welcome 8 9 01:08 10 11 12 Miller's murder. 13 14 01:09 15 16 17 phase. 18 19 01:09 20 21 22

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01:09 25

Vol 44 - Monday, May 30th, 2005

COMMISSIONER MacCALLUM: Good afternoon.

everybody back to the commencement of phase 2 of the Inquiry. In this phase we're dealing with police investigators, namely officers who were involved in the original investigation of Gail Before we call our first witness this afternoon I would like to make some introductory remarks about this phase and provide some background information that will hopefully assist us as we go through the witnesses in this

I have about seven points I intend to cover; first, a brief recap of where we are at and what we will be dealing with in this phase; secondly, some background information on the Saskatoon Police Service as it existed in 1969; thirdly, an outline of areas and issues that I intend to canvass with the witnesses in this phase; fourth, I will go through a list of

1 witnesses that I intend to call for this phase; 2 fifth, the documents, I'll spend a bit of time 3 explaining how we have organized the police investigation documents that we will be using in 4 5 this phase; sixth, I will go briefly through the 01:09 timeline, but only as it relates to the 6 investigation, just to again refresh us as to 8 what were the key dates and times in the 9 investigation; and, lastly, to provide some 01:10 10 summaries that Commission Counsel and staff have 11 prepared based upon a review of the police 12 investigation documents that will hopefully 13 summarize and save us some time in going through the volumes of documents. 14 01:10 15 So starting off with where 16 we're at and what we will cover, I would like to 17 call up the Terms of Reference at OPO9, just call 18 out the first paragraph, and again just to remind 19 us that -- what our terms of reference mandate us 01:10 20 And, in this phase the key part is to: 21 "... to inquire into and report on any 22 and all aspects of the conduct of the 23 investigation into the death of Gail 24 Miller ...".



And if I can pause there, and I made this comment

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on opening day, Mr. Commissioner, the mandate is beyond just the investigation of David Milgaard, but rather the investigation into the death of Gail Miller, so that is our mandate. And, as well, the Commission is asked to determine whether the investigation should have been re-opened based on information subsequently received by the police and the Department of Justice.

If I could next call up document OPO7, and again this is a document we saw on the opening day where we set out the phases of the Inquiry, and you will see the first part is dealing with the Gail Miller murder, the investigation, and the David Milgaard Court proceedings. We've heard from the event witnesses, being the non-police witnesses, in this phase we're hearing from the police investigators. And they are the police officers who were involved in the investigation into the death and the related sexual assaults, and those would be the assaults that occurred both before and after the death of Gail Miller, we've already heard some evidence on that.

I should also point out that in



1 this phase we're limited, as far as the people that we will be calling as witnesses, to only 2 3 those officers who were involved in the investigation in 1969. We know that in 1991, 4 01:12 5 1993, 1997, other police forces were involved in 6 two things; one, reviewing what had happened in '69-'70; and re-investigating, in the latter case, Larry Fisher. Those officers we'll hear 8 9 from at a later date. If I could just have that 01:12 10 document back up, please. 11 So you'll see here, when we get 12 into Federal Justice, I believe the RCMP were 13

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So you'll see here, when we get into Federal Justice, I believe the RCMP were involved with that phase in 1991, investigating. If you go to the next page, please, you will also see the RCMP that are involved in '93, '91, and there is also a phase, phase 10, which is Saskatoon City Police -- and this is post-conviction -- who were involved in any post-conviction subject matter or event relevant to the Inquiry. And that's when we propose to focus on the missing files investigation, which was around 1990 when they did the review of the files, the Linda Fisher attendance at the city police station in 1980, so those police matters will be dealt with in other phases.



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However, also as I stated on opening day, when we call a witness we'll hear everything they have to say. So of the 26 witnesses, police witnesses we intend to call, a number of them had involvement post-investigation, so we will hear from them about what they did in '69 but we'll also hear from them what they did in connection with Larry Fisher's convictions in Winnipeg, for example, with the 690, the RCMP, so hopefully that is clear.

is the systemic phase, and at a later phase we will be calling witnesses on systemic issues, including those identified in this police investigators' phase. Although our primary focus in the upcoming phase is fact-finding, in other words what these people did and why, we will certainly touch on systemic issues where appropriate. And, again, I think it's difficult to draw a fine line to say 'well this is something we should hear now' or 'this is something we should hear later'. I think, you know, when we put the systemic phase at the end it was on the understanding or thinking that



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that's when all the facts came out and we would be better able to address them. Having said that, I certainly expect that I and others may get into some systemic issues when the officers are on the stand, and where appropriate I may recall some of these officers to focus more on systemic issues at a later phase. And, again, I think we'll need to be guided by you,

Mr. Commissioner, as to where it is appropriate to draw the line.

So that is an introduction as to where we're at. I would like to now turn to some background information on the Saskatoon City Police Service as it existed in 1969, and we will be hearing from a number of officers about what their recollection is of how the police force ran at the time and the people involved, unfortunately I don't think there is one witness that can give us the whole package of how everything operated so we'll hear bits and pieces as we go along. And that's a fact for a couple of things; one, a number of officers are deceased; and secondly, not one officer was involved in all parts of it. So I'm confident that once we hear all the witnesses we will have



1 all the pieces we need, but I thought it would be 2 helpful to do a bit of introduction from some 3 police documents to give us some grounding on what the police service looked like at the time, 4 01:15 5 and I'll start with an annual report that the police service put out in 1969. It's document 6 And this is a report prepared by James Kettles, who was chief of police at the time, and 8 9 I believe provided to the Board of Police 01:16 10 Commissioners and through to the City of 11 Saskatoon, and I would like to go through parts 12 of that and just identify some relevant portions 13 for the purposes of our Inquiry. 14 If you could go to page 306444, 01:16 15 16 17

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please, just call up the top half. And I believe you will see, just down at the bottom, this is as of December 31, 1969 so I think this is a good indication, Mr. Commissioner, of what the force looked like at and about the time of Gail Miller's murder and the investigation. You will see that there was 249 personnel involved, 203 police personnel, and you will see here -- I'll call this up on a later document, I don't propose to go through it now -- but the organization chart of as to where everybody fit, and I'll



1 refer to that a bit later.

If you could scroll down to the bottom of that page, this is a distribution of police personnel at the time, and when we look at the organizational chart we'll see this again, but you will see there's one morality inspector, one identification lieutenant, three detective sergeants, 17 detectives, eight morality officers, and 102 constables. Again, for our purposes, I think that those are the key areas where we will be hearing from.

If you could go to the next page, please, 306445, and at the bottom paragraph -- and, again, this is Chief Kettles reporting, saying:

"Throughout the year we again took
advantage of specialized Police Training
Courses as they became available,
sending qualified personnel for such
advanced training as was provided
through these courses in order to keep
abreast of further developments in the
techniques of modern law enforcement."

And then he goes on to talk about the internal

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rotation training program. We made a request to

1 the Saskatoon City Police Service through their 2 counsel, Mr. Elson, for copies of any training or 3 policy manuals that existed at the time, and 4 unfortunately there are -- they no longer have 01:18 5 those documents, I believe if they did exist they were discarded some time ago. So we've made 6 efforts to try and find out what was there, I will be questioning a number of the officers on 8 9 training and training courses and education, 01:18 10 etcetera, as we go along, but there are no formal documents other than what's listed in the report. 11 12 If you could then go to 306447, 13 and again for what it's worth, Mr. Commissioner, 14 this just sets out the police budget for 1969, 01:19 15 their estimate and their expenditures -- can we 16 just go back to the full document, that's fine. And again, I'm not sure if this will become 17 18 relevant, but this sets out what they budgeted, 19 what they spent, and I don't propose to be 01:19 20 calling much detailed evidence on that but it 21 does give us a snapshot of what financial

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Go to 306449, please. This talks about the detective division, which is the division that is responsible for investigating



resources were available at the time.

1 murders, it says here: 2 "Although the Detective Division of our 3 Force had an extremely busy year, this Division, through devotion to duty and 4 5 an application of professional efforts, 01:19 was relevantly successful in its efforts 6 in investigating several major crimes, including four murders and one attempted 8 9 murder." 01:20 10 And those are dealt with in a bit more detail in 11 a report. 12 If you go to the next page, 13 please, and you will see a reference here to: 14 "... changes made in the Detective Division, including the establishment of 01:20 15 16 a Fraud Section and the placing of two 17 Constables on full-time N.C.I.U. duties 18 ...", 19 and that's the intelligence unit, and our first 01:20 20 two witnesses will be Mr. Chartier and 21 Mr. Morrison who were part of that NCIU, it was 22 new in 1969. If you can scroll down to the 23 bottom, please, and again just down to the murder 24 and attempted murder you will see, again, the 01:20 25 numbers there, there were four murders and one



1 attempted murder in 1969 compared to zero for 2 1968 in both those categories. 3 And the next page, 306451, there is a discussion here about dealings with 4 5 the RCMP and referring to, there: 01:21 "... the close liaison and assistance 6 7 received from many other Police 8 Departments across Canada and we must 9 emphasize particularly and express our 01:21 10 thanks and appreciation to the R.C.M. Police in Saskatoon, Regina, Canada and 11 12 this Province for the close and 13 successful associations we enjoyed 14 throughout the year." 01:21 15 16 17 Gail Miller murder investigation. 18 19 01:21 20 Miller. 21 that. 22 23 24 Go to the top of the next page, please.

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And, again, we will be hearing evidence from some RCMP officers who were, in fact, involved in the Next, if you could scroll down, there is a report on the murder of Gail Olena I don't propose to read through all of There is a portion at the bottom that I will just identify that again summarizes parts of the investigation and the information that they

And again, after referring to the information

about Mr. Cadrain, they say: 1 2 "With this new information, Police 3 concentrated investigation around the 4 activities of Milgaard, Wilson and John 5 on January 31st. Through the 01:22 6 persistence of the investigators and 7 constant strengthening of circumstantial 8 evidence, Wilson and John were brought 9 to Saskatoon, at which time they gave 01:22 10 statements implicating Milgaard in the murder." 11 12 And then it goes on to say: "The successful conclusion of this case 13 14 could not have been accomplished without 01:22 15 the assistance and co-operation of the 16 R.C.M. Police, other Municipal Police 17 Departments in Canada, the legal, 18 medical and technical professions as 19 well as individual public-minded 01:22 20 citizens." 21 And then again just to highlight in the report, I 22 don't propose to go through it, Mr. Commissioner, 23 but it does set out the circumstances of the 24 other murders in 1969 and the dates of those 01:22 25 murders. That may be of some assistance in



determining what other matters police officers were looking at the time and, as I say, I don't think anything turns on the circumstances so I simply point it out.

There is a reference on, if we go to page 306453 and back to the full page, just to identify, we did hear I think in one of the tapes, I think it was maybe with Father Murphy, recall the name Mahar and a murder committed by Lorne Mahar, who was in a psychiatric hospital or receiving treatment at the time. That's referred to there.

If we could go to page 306455, please, and now focus on the morality division.

And we'll hear evidence from officers that the morality division were responsible for investigating sexual assaults at back in 1969, and we will be hearing from some of those officers both on their investigation of the sexual assaults that Mr. Fisher subsequently confessed to and, as well, their involvement in the Gail Miller investigation. You will see there they had one inspector, three sergeants, and eight morality officers. If you can scroll down to the number of occurrences you will see in

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1 1969 that there were 47 indecent assaults and 66 2 indecent acts, and we'll have some further 3 statistics on the sexual assaults at that time, 4 but that gives some sense of the occurrences. 5 Next, if we could go to page 01:24 306468, and again down at the bottom, the 6 identification division, and it was headed up by Lieutenant Penkala, and he'll be our third 8 9 witness. And if you could just call out that 01:25 10 paragraph, please. It says: "Identification duties in 1969 started 11 12 with an unusual load of participation in 13 crimes of the most serious nature. 14 first half year saw our section involved 01:25 15 in four murders and one attempted murder 16 investigation." 17 And the next page, please, and you'll see the 18 dates there, Mr. Commissioner, and locations as 19 they relate to the Gail Miller murder which was 01:25 20 in January, February, two in April and one in 21 August. 22 If you go to page 306470, 23 please, and again I don't propose to go through 24 it, but this talks about the central registry



which is the records and documents and we'll be

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hearing from a number of officers about how the police kept documents, made reports, who they were given to, what were done with them, where they were located and, as the Commission has already heard, there are some files from 1969, 1970 that when they went to find them in 1990 were not located, so we'll be hearing some evidence about that as well, so central registry and the record keeping will be an important matter that we'll be hearing from various witnesses on.

and here's a bit more detailed information on, you'll see the reported, so in the first category is reported and you'll see there is eight reported rapes in 1969, 14 in 1968 and ended up with 14 actual from this column and five charges, so that's the information for 1969 and 19 -- or 1968 and 1969 rapes and as well other sexual offences has the same information there, so that gives some idea, at least according to this report, about the number of rapes and other sexual offences that the police were investigating in 1968 and 1969.

If we go to the last page,



306488, and that simply is the last page of this report that shows it's a report submitted by James Kettles who was the Chief of Police at the time.

I would like to now go to the organizational charts and if we first could call up 325570 and just maybe flip it around and this has been taken straight out of the annual report, Mr. Commissioner, and we've put the yellow coding in there and it might be worthwhile just to spend a few moments on that. That sets out the divisions. We've -- based on our interviews and reports, we've gone and put in the names of officers involved and I'll go to that in a moment, but we'll see the chief of police, the deputy chief of police and then superintendent of criminal investigations, who was Jack Wood, oversaw detectives, morality and identification division and there were supervisors, lieutenants, detective sergeants at that level. Detective division were responsible for investigations of criminal offences, fraud, robbery, homicide, so it was the detective division that was responsible for the Gail Miller murder investigation. Morality looked at investigation

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of moral offences which would include the sexual assaults and we will hear some evidence from officers where there was some cross-over between these two divisions as to what they looked at, but there were separate divisions, and thirdly, the identification division that was responsible for scenes of the crime, etcetera, and again we'll be hearing from a number of officers, a number of them were involved in a significant way in the investigation of Gail Miller.

On the side over here of operations, there's patrol division where a number of the constables, I think they are actually down here, I think there's 102 constables that would be assigned work from time to time on this file and we'll be hearing from some of those.

pardon me, 325571, and you'll see this is the same organizational chart and we have put in officers' names, primarily the key officers who were involved. You'll see that James Kettles was the chief of police, he is deceased. James Forbes was the deputy chief, he is deceased. Jack Wood was the superintendent of criminal



investigations, he will be testifying, we have him planned for the third week of June and it's either then or in August.

If we want to maybe then, just before we get over to the right-hand side, over under patrol division there's a Sergeant Vern Passett who was involved with the canine section, we'll be hearing from him, and as well there was a number of constables who were assigned various tasks and we'll be hearing from some of those.

If we could maybe just -- I'm

not sure if we can zoom in on that portion. So this is the set-up of the key people. detective division, the most senior officer in that area was Lieutenant Charles Short. Lieutenant Short is deceased. Reporting to him were Detective Sergeant Raymond Mackie, George Reid, Andrew Porter and Jack Ward. Jack Ward died in 1969, he had some involvement we will hear in reviewing some of the documents and assembling some of the police reports. Porter is deceased, he had I think minor involvement in taking some of the Cadrain family statements, and we will hear evidence that the two officers originally assigned to be in charge

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1 of the file were Raymond Mackie and George Reid 2 and both of those gentlemen will be witnesses. 3 We then go down to the detectives who were involved and many of these 4 5 names we have already heard. Jack Parker, we 01:32 will be hearing from him, Gerald McCorriston, 6 7 we've seen his notebooks on a number of 8 occasions, he is deceased. Maurice Bennett was 9 involved, we'll be hearing from him. Labreque 01:32 10 and Hanson, Safruk and Craig and Dimmitt will not I'll be going through the witness 11 be called. 12 list later, they are not on the witness list. 13 We've concluded they do not have a need to 14 testify. Eddie Karst, who is a party with 01:32 15 standing, we will be hearing from Mr. Karst. 16 Keith Mackie is deceased. Robert Barrett was 17 involved in one interview with David Milgaard, 18 we'll be hearing from him, and as well from -- I 19 think that's all from that list of detectives. 01:32 20 The National Criminal 21 Intelligence Unit, Rusty Chartier and Robert 22 Morrison will be our first two witnesses, that's 23 where they fit in. 24 Under the morality division we



have Inspector Nordstrom who was the senior

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officer there. Mr. Nordstrom is deceased.

Morality Sergeant Gryba is deceased, Martin is deceased. We will be hearing from John Oleksyn and the youth sergeant John Malanowich, he was the sergeant who took Sharon Williams' statement, and as well there were eight morality officers identified that were involved primarily in the investigation of the sexual assaults and we'll be hearing from Cressman, Lewis, Weir, Valila, I think that's it from that group.

Over on identification

division, Lieutenant Joe Penkala was the senior

officer at the time and identification officers

Thor Kleiv, we'll be hearing from him, as well as

Lorne Grant and I believe Dale Winter.

So that's the organizational chart at the time, gives us some sense of how the police force was structured and who was involved in the investigation and who was left to come and tell us what happened.

The next document I propose

to -- or the next area I wish to touch on is just

the areas that I propose to cover in the

examination of witnesses at this phase and this

outline is a general guide, Mr. Commissioner,



it's not exhaustive, but it's to give some idea to you and to counsel for the parties of the general areas that I wish to touch on with the witnesses. It is certainly not to be viewed, as I said, as exhaustive and certainly not to limit what other counsel may wish to ask of these witnesses.

If we could call up document 326593 and for counsel, the documents that I'm referring to today, the documents I prepared are in the binder of materials that I've provided to you.

I should also add at this
point, Mr. Commissioner, we intend to call 26
witnesses. A number of the officers will have
evidence on only a discrete part of the
investigation and they will not be able to offer
us evidence on every part of this outline and I
think that will become apparent as I lead the
witnesses through that.

The first phase, the first area just talks about the organization of the investigation, again the resources that the police had, experience and training of officers, I will be asking a number of the witnesses who

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was running the show, who was supervising, who was directing the officers, who was making the decisions. As well an important point, the preparation, distribution and preservation of the investigation documents. I will be asking a number of the witnesses what documents were normally prepared and for what purpose and what As well, the co-ordination and happened to them. communication between the executive, which I refer to as the chief, the deputy chief and Jack The morality, detectives and identification divisions, and lastly the role of the RCMP and other police forces in the investigation. So again this is just a guide of the areas or some of the areas that I intend to cover with witnesses.

If you could scroll down, please, to point 2, the general investigation into the death of Gail Miller. I think it's fair to say that we will focus most of our time with witnesses on the investigation as it related to David Milgaard and I think that's the most significant chunk. We will also, though, be hearing from some officers as to what else they did and certainly that's important to our



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mandate, to inquire into the conduct of the entire investigation, and so here just to identify some general areas of the investigation. We've already heard evidence about Gail Miller activity, suspects and I'll be referring to a document a bit later that will assist us in identifying the suspects that the police looked at. I put a point here, investigation of other suspects after David Milgaard is identified as a suspect which is around March 3rd, 1969, we'll hear evidence about that, but that's the date that they first interviewed him and the day after Mr. Cadrain came into the police station.

Again, generally investigative steps, and this is certainly not exhaustive, but if one were to read through all of the investigation reports, one will get a sense of what it was the police were doing and I don't propose to exhaustively go through all of the investigative steps that the officers took, they are in the reports. I will touch on some of them as witnesses are called, but again I've identified some of the things that the documents show they looked at and we've already heard from, for example, Les Spence, Dennis Elliott, male



1 friends and enemies, Gail Miller's co-workers, 2 known sex offenders, they made efforts to look at 3 bloody clothes, the bus and taxi, the neighbourhood search of houses, and I'll have a 4 5 map that I'll refer to in a moment, and area 6 witnesses being people who were in and around Then the next page, please. that area. 8 course the related sexual assaults. 9 Under number 3, identification

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and physical evidence, I've simply identified, and I won't go through them now, but the various issues or items that we will be dealing with some of the witnesses on that relate to identification and physical evidence and we've heard evidence about most of these already. Scroll down to number 4, the sexual assaults and the investigation of the sexual assaults prior to the Gail Miller murder. Again, I just remind all, including the media, about the publication ban that exists for the names of the sexual assault victims, but the three that were prior to Gail Miller were (V1)-, (V2)---- and (V3)---- and again we'll be dealing with the physical evidence the police had, the description of the assailant, modus operandi and location.

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The role of the sexual assaults in the Gail Miller murder investigation is an area that I will be touching on with a number of witnesses, the investigation of sexual assaults occurring post Gail Miller murder, and that would be the (V5)-- (V5)--- murder in February of 1970, the missing sexual assault files. As I say, that was, is something we'll be dealing with in a later phase, but certainly any officer that can help us shed some light on what may have existed or what may have happened to those documents, we'll touch on that, and lastly under that area the informing assault victims of Larry Fisher's conviction, we'll be dealing with some officers on that.

The next area is the investigation of David Milgaard and what I've done here is to try and break it down into either witnesses or groups of witnesses that in some way was relevant to the investigation and prosecution of David Milgaard. I suspect I have missed some items in here and we'll add it as we go along, but certainly Albert Cadrain, we have his March 2nd interview and statement, his March 5th interview and statement, subsequent police



1 2 3 4 5 family members. 01:40 6 8 9 01:40 10 11 12 that date. 13 14 01:41 15 time period in May, 1969. 16 17 18

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interviews, we heard from earlier recordings of Shorty Cadrain and his brother Dennis Cadrain about a number of police interviews that he had and as well the police investigations of Cadrain

Nichol John, we've heard about the March 11th interview and statement, April 14th interview, and again I suspect we'll be hearing a fair bit of evidence about the time period May 22nd to 24th, '69 which was the interviews with Art Roberts and her statement of

Similarly with Ron Wilson, we have his statement and interview and the critical

David Milgaard, there are the two interviews and statements and as well police background checks, but other investigation the police did of Mr. Milgaard at the time.

Sharon Williams was a witness we've heard from and her interview and statement, we'll be hearing from Mr. Malanowich who took that statement, and the next, Robert Rasmussen, who is deceased, we didn't call him, we'll hear about the police investigation of him, as well



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the Danchuks, and we've heard their evidence, service station employees and the motel reenactment witnesses, and again this is I guess to get the police involvement in those areas.

Physical evidence would be the physical evidence that the police relied upon in their decision to investigate and prosecute, or charge Mr. Milgaard, and lastly the Peggy Miller April 15th, 1969 interview and statement and that was a statement that referred to David Milgaard.

Under number 6, I've just put forward in theory, I'm not sure if it's the right term so I put it in quotes, but again we will be touching on some of the officers about whether or not there was a car involved in the assault and the evidence they had at the time. Timing was and is an issue, or was an issue raised, as to whether or not, based upon the movements of various people, whether Mr. Milgaard was there at the time and had the time to commit the offence based upon the information they had at that time, so that's what timing refers to. (c), observation of David Milgaard car in vicinity at time of murder, again the police did do some investigation of what people observed in and



1 around that area. (d), the mid May, 1969 police 2 summary, pre-polygraph session, and that's the 3 five page document that is, there's one page of 4 notes summary, it appears to be prepared prior to 5 the polygraph session with Mr. Roberts and there 01:43 are four pages of a summary of police, or summary 6 of what's in the police reports, and I think we'll be hearing evidence from Mr. Mackie that 8 9 that is his document. The last page are his 01:43 10 notes and some evidence as to how the first four 11 pages may have come about, but certainly that is 12 a document that we will be examining some of the 13 witnesses about, and (e), the mid May, 1969 14 meetings, we'll be hearing evidence from a number of witnesses, in particular Mr. Penkala, about, 01:43 15 16 and Mr. Mackie, meetings in mid May that led up 17 to calling in Art Roberts, and so again those 18 persons who were involved in that we'll be 19 hearing from. 01:43 20 The seventh area is preparation 21 of case for prosecutor and we'll be hearing from 22 officers about the role of the prosecutor in the

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decision to charge Mr. Milgaard, preparation of

the case for the prosecutor. We'll be hearing

evidence about what documents were provided to

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the prosecutor, as well what further investigation the police did directed by the prosecutor or after the prosecutor was involved and again the police role at trial.

The next area, post David Milgaard conviction investigation of Larry To the extent that the witnesses we call have relevant evidence or knowledge about Mr. Fisher's confessions and convictions in '70/'71, we'll be hearing from them. We'll be hearing more evidence about these at a later phase, likely from Mr. Fisher and perhaps his counsel at the time, but I put it in this phase because, as I say, some of the officers who will be called, in particular Mr. Karst, had some involvement, so he will be asked about that, and as well the Linda Fisher statement in 1980. I do not propose to call Mr. Wagner, he's the fellow who took the My present plan is to call him later when we deal with post-conviction matters, but Detective Parker we'll be hearing from was involved there, so again -- and that's subject to change, I'll call it in the most efficient manner I can, but certainly while we have witnesses on the stand, I think it's fair to get everything



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they have, and as well the media/police, the exchange of information on convictions, we'll hear some evidence on that.

And then number 9, the post

David Milgaard conviction police actions and, as

I said earlier, here are some matters that to the

extent these witnesses were involved in matters

post conviction, we'll be hearing from them. The

Milgaard family contact with police was in the

early '80s, we've heard some evidence about that,

their dealings with Fisher, 690, the '93

investigation and the prosecution of Larry

Fisher.

So that is an outline of where, some of the areas I intend to cover.

If I could move now to the list of witnesses and I provided this to counsel, various versions of this, and I can say that there were probably in excess of 100 officers from various police forces, although primarily the Saskatoon City Police Service, that were in some way involved in the investigation in Gail Miller's death or the related sexual assaults. Of that there are approximately 30 officers who are deceased. We have contacted and interviewed

1 every other officer who, by the records, is shown 2 to have some involvement in the investigation and we've identified 26 witnesses from this group to 3 testify, there likely will be a couple of others 4 5 that we'll add, and I guess our decision in 01:47 determining who to call is based on this: 6 Obviously the key players who were involved in 8 the investigation, we will be calling those 9 officers. Some officers we'll be calling to deal 01:47 10 with the discrete issue. One example of that is 11 Officer Wilton who took the call from Syd 12 Sargent, again that will be a very short witness, 13 but there's evidence there and it's necessary to 14 call him, and generally any other officer who can 01:47 15 give relevant evidence to assist the Commission. 16 With respect to those officers 17 that we do not intend to call, I will be 18 providing counsel with summaries of our 19 interviews of all of those officers and if any

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that we do not intend to call, I will be providing counsel with summaries of our interviews of all of those officers and if any counsel, again I'll be doing that at some point before we're done this phase and again, if counsel identifies officers that they think ought to be called, I will take another look at that.



1 provided to counsel and it's a proposed order of 2 witnesses and certainly the first six witnesses I 3 think will be fine, I don't think we'll vary from 4 that order. We are only sitting three weeks, we 5 have 12 sitting days and then we break for eight 01:48 weeks and so I'm mindful of the fact that I do 6 not want to have a witness incomplete when we're 8 done the three weeks, and as well there are a 9 couple of conflicts with counsel where they are 01:48 10 not available a couple of days in the third week, 11 in particular the RCMP, and Mr. Fox has advised 12 that he is not available on the last two days and 13 so the RCMP witnesses and Mr. Karst, those may 14 get juggled around. I mean, we will hear from 01:48 15 all of them. 16 As far as an order, generally, 17 I mean, the key players we're going to hear from, 18 you know, Penkala, Reid, Parker, Mackie, Walters, 19 I mean, I think right down to there -- I 01:49 20 shouldn't say that, I mean, all of the witnesses 21 are important, but we have grouped, for example, 22 the morality officers at the end, Elmer Ulrich is

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the case preparation officer, he's at the end, but the rest of the officers, we may move them around based simply on schedule and timing and

1 those that have to travel, so again I will keep 2 counsel advised of the calendar as we go along. 3 As far as the, I think Mr. 4 Penkala who we may get to tomorrow, we intend to 5 spend a fair bit of time with Mr. Penkala on the 01:49 organization of the police force. He was also 6 the chief of police later on and had some 8 involvement there, so he will be, we will spend a 9 bit more time with him on more general issues. 01:50 10 As well Mr. Mackie and Mr. Karst had significant 11 involvement, Mr. Wood again, so we will see how 12 that goes along. 13 As far as cross-examination 14 order, Mr. Commissioner, I think we'll do the 01:50 15 same as in the past, after a witness is done in 16 chief, I will canvass counsel to see who wishes 17 to cross-examine and in what order. 18 I don't propose to have any 19 read-ins at this phase, I think other than 01:50 20 perhaps a couple of statements from some deceased 21 officers when they gave them to the RCMP in '93, 22 but other than that, there will be very few of 23 those. 24 If I could turn now to 01:50 25 The police investigation documents,



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documents.

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if we can call it that, the Commission did not receive one comprehensive, complete set of police investigation documents, we received them from various sources, and for good reason I might add. I'm not suggesting that any party should have had one complete set. The primary set of documents we received from the Saskatoon City Police, and we'll hear evidence that the documents were reorganized in the early 1990s and put in binders A to F and we've already seen documents that have that reference on the top right-hand corner. Τn the course of our review, we have located additional investigation documents, police documents that came from other sources. cases it's the Saskatoon City Police file that, for example, was found on Mr. Caldwell's file or the file that the government provided to us and said this is Mr. Caldwell's file. We found some police documents on there that were not in the binders A to F, we found documents from various sources, so to assist us in this phase, what we did was gathered them all in and took one version of the document, if I can call it that, and categorized them into nine categories and this will be the basis of the documents we use for



1 this phase, and I'll also be asking, 2 Mr. Commissioner, to tender all of these 3 documents as exhibits right at the outset so that 4 we're not simply filing documents as we go along 01:52 5 with the witnesses. The entire police 6 investigation record, it's appropriate to be as an exhibit, so I will tender those now and it may 8 take us a few days to get them up on our web site 9 for the public because we have to complete our 01:52 10 redacting for the sexual assault victims, but the 11 entire set of documents will be up on our web 12 site and they will be full exhibits. 13 Counsel have already been 14 01:52 15 16 17 18 19 01:52 20 21

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provided through our internet server with these groupings of documents and I will simply go through them quickly. The police phase correspondence, and again this is just the general correspondence that was collected from various sources, and this is limited to '69/'70, at the time, we have not included documents where people subsequently reviewed, like the RCMP investigation report, so these are original investigation documents.

The investigation reports, we've seen many of those, and these are the ones



relating to the Gail Miller murder. 1 The lab and 2 exhibit and related materials are included in 3 that folder. The notes and miscellaneous 4 includes the media reports, we've received that 5 01:53 6 from various sources, the newspaper articles that 7 existed and other media that existed at the time. 8 Under 5, police officers' 9 notebooks, we have collected some, we were given 01:53 10 some officers' notebooks from the RCMP when they did their '93 investigation. 11 We have also 12 obtained some from some witnesses. We'll hear 13 evidence that, from a number of officers that 14 they returned their notebooks when they retired 01:53 15 and they were destroyed, some kept them, and so 16 there's not a consistent practice amongst the 17 officers, so we have some notebooks and not 18 others. 19 The RCMP reports, and this is 01:54 20 again limited to the RCMP's role in 1969, not 21 their subsequent work, and there's only a few 22 documents there. 23 The Regina City Police, again 24 we heard some evidence, and we'll deal with



Constable Walters, they dealt with Albert Cadrain

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in February of 1969 and did some assistance with
Ron Wilson and Nichol John.

The police phase -- or pardon
me, the sexual assault files, we've gathered all

me, the sexual assault files, we've gathered all the police investigation files relating to the four sexual assaults and those files are not complete. The (V5)--- one we believe was complete and we'll be hearing evidence about what may have happened to the other three, so again, we have included what we have, but it's not complete.

And the last one is all the witness statements that we've assembled in one folder.

Now, having done that, we also, in doing this, concluded that it may be important for some witnesses and for some documents, to know who had the investigation report, where it came from and whether it was in someone's file, and as you can appreciate, Mr. Commissioner, we've had, when we collect all the documents, we may have 20 versions of the same investigation report and we were able to identify who had it and where it came from, and rather than call up various versions, we've gone through and coded

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the one set of documents so that we'll be able to readily identify where the document came from.

I have sent a memo out to counsel last week explaining our coding. purposes today I just want to identify, because we will be seeing in the hearing room when a document comes up it will be red, it will be flagged with a colour that will tell us something about the document. For a number of witnesses it may not matter, for some it does, and so if we could just go to the Court brief. And we will be hearing evidence about this but there is, when the police turned over the file to Mr. Caldwell for the prosecution a Court brief was prepared, and we have determined that the police file, which would be the investigation reports and lab reports, etcetera, was numbered by at least one officer in the top right-hand corner with numbers from 1 to 523, and so in our documents we've identified those that were part of that. be hearing from officers who will tell us that that's how they organized the file, they put it together, and to keep track of it they numbered it 1 to 523, and also the statements were numbered 1 to 98, those were included.

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As well, there was a summary prepared, if I can call it that, by Elmer Ulrich, who was the case preparation officer, and it was a 'Can Say' type of document, I think it was about 20 pages, where he listed all of the witnesses and the relevant evidence. And that document refers to page numbers in the Court brief and statement numbers, and so there -- we will be hearing evidence from a number of people as to what they had, what was given to Mr. Caldwell at the time, and I don't think that's entirely clear.

Here is an example of a document that will have, it will show the Court brief reference there and the page number, 151-152. So you will see up here in some versions of the document that would have been, I believe it was -- may have been Ray Mackie or Ward or Ulrich that numbered this, so that number will have importance for some witnesses, and so, any time we see a red flag on a document, we know that that was in the Court brief prepared by the police. We may hear evidence that not all of it was given to Mr. Caldwell, we'll hear evidence from some witnesses that they think it was. When

1 we received the documents from the Government of 2 Saskatchewan that had Mr. Caldwell's file -- and 3 that's what we received last year -- the file did not have all 523 pages, but that file had been 4 5 sent to the RCMP, Federal Justice, I believe the 01:58 prosecution, so I'm not suggesting that what we 6 received was how that file existed at the time 8 and, again, I would rather leave it to the 9 witnesses to tell us what they thought they got 01:58 10 and what they thought they sent but the Court 11 12 13 page, the blue flag is the SCP binders. 14 01:58 15 16 17

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brief is what we have tried to reconstruct. Next, if you go to the next And the Saskatoon City Police, in I think about 1990 under the direction of Chief Penkala at the time, put together their documents, and I believe it was for Eugene Williams and Federal Justice, it may also have been for the investigation into the missing sexual assault files, but they organized their documents in binders A to F and put a page number in the top right, a typed sticky note on it with the binder and the page number, and you will see reference to that on a number of the reports. That number is also referred to in subsequent reports. On occasion, for example,



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the RCMP or others would refer to an investigation report by the binder, like A23, F12, whatever, so that numbering, we felt, was important. And so two things; one, it may become important to know what was in the police files in 1990 or thereabouts when they prepared that, so we can tell by the blue flag whether a document was in there or not; and secondly, the blue flag will also tell us the binder and page number. And as I say, it won't be needed for every witness, but it will be helpful on some.

Next we go to documents found in the Court brief but not found in the SCP binders. And, again, that is to try and identify any document that was in what -- the Court brief that the police prepared at the conclusion of the investigation, but was not in the binders that the police put together in 1990, and so that will have a yellow flag, that will tell us a document that was not there in 1990.

4 and 5 are documents, and again I should caution that this is based upon the prosecutor file as it was delivered to us last year by the Government of Saskatchewan, saying 'here's what is in the prosecutor's file



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now', and, again, we've gone through there and identified what police documents were on the prosecutor's file, and it's got a green flag if it's a document that was in the police binders, if it's not it's got I think a lilac flag if it's a document that, again, is not in the 1990. And so what that, I think, will tell us, that a document may have existed but wasn't there in 1990 when the binders were put together.

We've received documents from other sources and we've simply put an orange flag on those. For example Mr. Penkala gave us two binders with documents, the witnesses, some officers have given their notebook, so that is a document that we've got from another source, being the Commission.

Documents obtained from parties with a brown flag means that it's, it's one -it's a police investigation document that's not
in the Court brief, not in the police binders,
not in the prosecutor's files, but we've received
that from one of the parties to this Inquiry and,
again, it may or may not be important for all
witnesses but we will be able to tell right from
the document.

Lastly, we've put a grey flag
on the police investigation documents that relate
to investigations other than the Gail Miller
murder investigation.
So this was done primarily for
our own purposes, Mr. Commissioner, but it does,

our own purposes, Mr. Commissioner, but it does, we are using it for the documents, we've provided it to counsel, and it may save us some time in rooting through paper copies.

Next, if I could just quickly go through the parts of the chronology, it's document 324945. And this is a document we went through on day one and I simply want to highlight, and again we have been off for five weeks so it might be useful just to touch on some of the key dates before we get into the witnesses. If we can go to the second page, and this is post-conviction, we've heard again February 3rd, 1969 when Larry Fisher is questioned by Detective McCorriston, and we will be hearing some evidence about that. If you can carry on, scroll down, same day a purse and contents are found in the garbage can; February 4th, which is I think on the Tuesday after the murder, Lieutenant Penkala finds two yellow

02:04 25

frozen lumps in the snow at the murder scene, they are delivered to the lab and are later determined to contain semen and hair, and we'll hear from Detective Penkala and others about that and we've heard from Dr. Emson as well. could just scroll down, there is reference there February 6th and 7th to Cadrain in Regina; skip down to March 2nd and the knife handle, we've heard from Mr. Hounjet; and then as well Albert Cadrain contacting the city police and providing a statement. And then scroll down to the bottom, March 2nd, we'll hear that Mr. Milgaard was apprehended in Winnipeg and then questioned the next day -- next page, please -- and again March 3, the interview with Mr. Milgaard in Winnipeg, the same day Mr. Wilson is interviewed in Regina, and we've heard from him about that. And then March 11th, Nichol John was interviewed in Regina March 18th, Lieutenant Short and by the RCMP. Detective Karst take Cadrain to Regina, locate Nichol John, and interview them there. I don't believe there was any statements taken at that Ron Wilson is interviewed, we have heard him -- heard his evidence about his recollection April 4th, Gail Miller's wallet is found there.



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in the 300 block of Avenue O South, and we'll hear from Mr. Mackie on that. Detective Karst on April 5th retrieved a stained toque from Helen Gerse, we've heard from Mr. -- or from Mrs. Gerse and we'll hear from Mr. Karst on that. Next page, again April 14th, 1969, Nichol John is interviewed in Regina by Detective Karst, denies that Mr. Milgaard was apart from the group long enough to commit the offence, and other details in that report. April 18th, Mr. Milgaard is interviewed and blood and saliva samples are May 1969, we don't have an exact date, but that's the exact date of the motel incident that we've heard evidence from various people in Scroll down, May 21, 1969, this is attendance. the date that Ron Wilson is interviewed in Regina by Detective Karst and Detective Sergeant Mackie, and then returned to Saskatoon. I won't go through that in detail, we will be hearing a fair bit of evidence about, you know, May 21 to May 24. And, again, I don't intend to go through this, Mr. Commissioner, other than to indicate through this time frame, and we heard -- we went through this in detail with both Mr. Wilson and Ms. John, and so those are the key dates and



times. And of course if you could scroll to May 23 and 24 -- next page, please -- and this is where Ron Wilson on May 23rd is interviewed by Roberts and provides a statement implicating David Milgaard, and Nichol John is interviewed by Roberts and the next day provides a statement to Raymond Mackie, and then David Milgaard is subsequently charged and arrested.

The last area I wish to touch on just is -- relates to some information we have gleaned from the investigation reports and to assist in the process we, and in particular John Agioritis who is Assistant Commission Counsel, has gone through the process of reviewing the police investigation files, and to try and summarize them so we can save some time and assist us in better understanding what happened.

The first document is the Summary of Persons Checked and Investigated, it's 326548. If we go to the next page, please. And what we have done here is gone through the investigation reports, and there is a bit of a subjective element involved, but for the most part it is to try and identify where the police either identified a suspect or had someone they



02:08 25

checked as a possible suspect, not as a witness but as someone who may be responsible, and tried to identify the name, the officer who investigated, the date, the document ID, and if possible when that person was eliminated as a And hopefully this summary will give us suspect. some idea of how many people they checked, without calling up all the officers and going through them in detail, so if we could just go through, there is a couple have points to highlight. Again, the ledger was compiled using documents authored by the police, the investigative authorities that we have, so again it's based on the documents, not on any interviews with anybody. And obviously the evidence of police officers, to the extent that it may be contrary, would be preferable, this is simply a summary based on the reports. you could just scroll down to (a), the ledger shows the name of the people checked or investigated; (b), the reason why the police checked or investigated the person; the date they checked or investigated; and the date where they were eliminated as a possible suspect; and the names of the officers involved. And, again, if

1 you could scroll down, here are the parameters 2 that we used, and again this is based on what's 3 in the written reports where a person generated some form of suspicion in the minds of the 4 5 investigative authorities based on information 02:08 from civilians or other sources. 6 If you could go to the next 8 page please, and I won't go through this, this 9 will be a document tendered as an exhibit, Mr.

Commissioner, and one that we may come back to from time to time. And you will note here that where the documents review disclose that a person was questioned by the investigative authorities only as a possible witness to the crime or Gail Miller's routine, that person was not included in I think an example of that would be the ledger. Larry Fisher, and again some might say that he, he was interviewed as a suspect or as a witness, and again this is not evidence, this is simply a summary to try and understand what's in there. So he is not included in the ledger of suspects, some people can certainly say maybe he should have been.

As far as the statistics extrapolated from the ledger, this is what it

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shows, that 208 people were checked or investigated in connection with the murder in total, and so that would be people that the police checked into as a possible suspect; 17 people were checked or investigated for the first time on January 31, 1969, which is the date of the murder; 99 people were checked or investigated for the first time between February 1 to February 7th, so the first week; 116 people were checked or investigated for the first time between January 31 and February 7th; and then 139 people checked or investigated for the two weeks following the murder; and then for the month of February 147 people were checked or investigated; we then go to March 1969, 30 people were checked or investigated for the first time, so some of the people in February they may still have been checking, but this would indicate new people; and 167 people were checked for the first time between January 31 and March 1; and 38 people were checked or investigated for the first time after March 2nd, being the day the Saskatoon City Police received information regarding David Milgaard. Next page. During April, 10 people were checked or investigated for the first time,



and one person was checked or identified -- or investigated for the first time in May.

As well, other crime statistics which are attached; the police in 1991 did a review of sexual assault files -- and I'll refer to that document in a moment and we will be hearing more evidence about that -- but their review of their files at the time said there were ten reported cases of rape and 28 reported cases of sexual assault; and in '69, 9, with 29 sexual assaults. So if we go to the next page, please, which is the ledger, and just turn the page around, I don't intend to go through this other than to identify what it shows. So it has the name of the person, again the reasons, and here you will see (V4)---- (V4)--- picked him out of an SCP photo array; date first checked; there's nothing in the documents to say that the person was eliminated; and the officers involved; and the document ID being investigation report. again we heard, I think Nick Canton was a name that we heard about, Dennis Elliott, and so this identifies when they were checked and officers involved, etcetera. So I don't propose to go through that, it's there, and I suspect we may be

02:12 25

1 tweaking this as we go along, and again the 2 purpose of this is simply to assist us in 3 understanding what the documents tell us. If you could go to 012700 which 4 02:12 5 is -- and this is a document prepared in August of 1991 by Lorne Gelowitz, a constable at the 6 time, based upon a review of -- for sex crimes, and again we will be hearing evidence in due 8 9 course about some of that, and so that simply has 02:13 10 the total reported cases based on their review at 11 that time. 12 Next is, if I could call up 13 document 326581, and again we have gone through 14 the investigation reports and identify the 02:13 15 officers who were involved in the investigation 16 on the dates starting on the date of the murder, 17 and it simply refers to the name of the officer 18 who was involved in the murder investigation, and 19 the doc. ID refers to the police report that 02:13 20 details their involvement, and this goes right 21 through until, I think right into 1970, I 22 believe. 23 And lastly, if I could call up

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document 326571, we have already seen in some of the reports reference to police doing a check of

	1	houses in the area on the various dates, and so
	2	we've gone through the investigation reports and
	3	tried to identify, according to the reports, the
	4	addresses of houses checked, who investigated,
02:14	5	and the doc. ID. So this lists the houses that
	6	were checked and the date, and we've also
	7	proposed a map up at the front, Mr. Commissioner,
	8	that has an indication of what houses were
	9	checked by police and on various dates, and again
02:14	10	that's simply to assist us as we go along.
	11	So that is the introductory
	12	remarks that I have, I'm I would propose that
	13	we maybe adjourn for our break now. I know there
	14	were some Internet problems, we should just check
02:14	15	on that, and when we resume Mr. Chartier will be
	16	our first witness.
	17	COMMISSIONER MacCALLUM: Thank you. We'll
	18	take our break now.
	19	(Adjourned at 2:15 p.m.)
02:33	20	(Reconvened at 2:35 p.m.)
	21	MR. HODSON: The first witness is Rusty
	22	Chartier, I think the legal name is Gerard
	23	Chartier, is that correct?
	24	MR. CHARTIER: That's correct.



sworn:

GERARD H. CHARTIER,

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			1 age 0420
	1	ву	MR. HODSON:
	2	Q	Mr. Chartier, I understand you go by 'Rusty'
	3		Chartier; is that correct?
	4	А	Yes.
02:36	5	Q	And your current age, please, how old are you?
	6	A	72.
	7	Q	72? And you reside in Saskatoon?
	8	A	Yes I do.
	9	Q	And you are a retired member of the Saskatoon
02:36	10		Police Service; is that correct?
	11	A	Yes.
	12	Q	And I understand that you served from 1960 to
	13		1988; is that correct?
	14	A	Yes.
02:36	15	Q	If I could call up document it's from document
	16		325555.
	17		I might add, Mr. Commissioner,
	18		we asked the Saskatoon Police Service, through
	19		their counsel, to provide us with a CV or their
02:36	20		summary of records of service and they provided us
	21		with their records for a number of officers, and
	22		we will be using this throughout.
	23		If I could go to the next page,
	24		please, and we'll see for Gerard Chartier if we
02:37	25		could just call that up, please and it says \P

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			1 ago 0-12 1
	1		started on April 4th, 1960, 'Taken on Strength'.
	2		I see for all of them; do you know what that
	3		refers to?
	4	A	Pardon?
02:37	5	Q	Do you know what 'Taken on Strength' means, is
	6		that a
	7	A	Oh, started the police service.
	8	Q	Started. And then it appears throughout the '60s
	9		you were a Constable moving up from fourth to
02:37	10		first class, and then on April 21st, 1969 you
	11		became part of special surveillance; is that
	12		correct?
	13	А	Yes, well, not completely. That was the fall of
	14		1968.
02:37	15	Q	And I have got another document I'll show you that
	16		I think you prepared, so you the fall of 1968
	17		is when you would have started in the special
	18		surveillance unit?
	19	A	Yes.
02:38	20	Q	And then January 1 of '72 you went into morality;
	21		is that correct?
	22	A	It's, umm, if that's what the records I thought
	23		it was '71 but
	24	Q	Okay.
02:38	25	А	somewhere in there.
		il	



			——————————————————————————————————————
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	1	Q	In morality, and then it appears for about 11
	2		years, '73 to '84 you were a detective, and then
	3		moved to patrol; is that correct?
	4	А	That's right.
02:38	5	Q	If I could maybe call up another document that you
	6		prepared, 324650, and this is that first
	7		document, Mr. Commissioner, you will see this has
	8		got the orange tag to indicate that it's from
	9		another source. And, Mr. Chartier, I understand
02:38	10		that you prepared this document; is that right?
	11	А	Yes, from my memo books.
	12	Q	And if you could maybe just walk through for us
	13		just generally, and in particular I'm I want
	14		you to focus on the '68-'69-'70 time period?
02:39	15	А	Oh, April the 4th I commenced duties; then for a
	16		few months I was called up to detectives, from
	17		March to September '63; then from October 17th,
	18		'63 to November 29th, '63, called up to
	19		detectives; July 7th to August 24th, '65 up to
02:39	20		detectives; November 13, '65 to December 30, '65
	21		to detectives.
	22	Q	If we could just pause there. So do I understand
	23		you were on patrol and, for these dates, you were
	24		called from patrol to detective division?
02:39	25	А	That's correct.
		I	

		——————————————————————————————————————
		7 dg0 0-120
1	Q	Okay. Carry on, please?
2	А	August the 1st oh, I didn't see what that's
3		rotation training, I believe that's when that
4		started, because we went through identification,
02:40 5		morality, and traffic.
6	Q	Okay. If we could just go back here, then, from
7		August 1, '67 to September 1967 you were in
8		morality?
9	A	Yes.
02:40 10	Q	Is that correct? And then did you go back to
11		patrol, in this time period here, before you went
12		into NCIU?
13	A	November 25th, '68, I was in morality. I can't
14		recall why I went to morality, but I went to
02:40 15		morality there for that period of time in '67, and
16		then November 25 to December 31st, '70, that's
17		from '68 to 1970, and then CIU, and then rotation
18		training.
19	Q	Through these other divisions. This reference to
02:40 20		February 3rd to 12th in Ottawa; what does that
21		refer to?
22	A	Went on a course, NCIU training.
23	Q	And that was in February of 1969?
24	A	Yes, February 3rd to 12th.
02:41 25	Q	Okay. I will be dealing with that in a bit
	II	



			r ago 0424
	1		further detail with you. Just go back and just
	2		generally tell us what type of training you
	3		received, Mr. Chartier, when you started with the
	4		police force; was there any specific training, was
02:41	5		it on-the-job training or courses?
	6	Α	On-the-job training.
	7	Q	Was there any pre pre-job training or college
	8		or course that you entered into?
	9	А	No.
02:41	10	Q	What about while you were on the job; were there
	11		any courses?
	12	А	Yes, I recall one, I have forgot what professor,
	13		on law which I took with a number of other people,
	14		and I can't even remember what years and that, but
02:41	15		no other outside courses like to the training
	16		centre in Ottawa.
	17	Q	And so when you said on-the-job training, I think
	18		were your words, can you tell us how that
	19		happened?
02:42	20	А	Well the first day on the job we were sitting in
	21		the lunch room and doing odd jobs, and then
	22		eventually we went to classes right within the
	23		department and had the chief, the deputy, people
	24		in different branches speak to us, and that
02:42	25		then plus out on the beat and that. That's
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	1	Q	Were you given any instruction on how to
	2		investigate a file, for example, or interview a
	3		witness?
	4	A	Not at that particular time. It's something you
02:42	5		learned on the job and that.
	6	Q	Okay. If I could just take you to January of
	7		1969, and I'm going to call up the organizational
	8		chart which is 325571, please. And, again, if we
	9		can and you, have you, you have seen this
02:43	10		before, Mr. Chartier, I believe, this
	11		organizational chart, in our meetings?
	12	A	Yes, yeah.
	13	Q	Yeah. And down at the bottom here it has National
	14		Criminal Intelligence Unit, NCIU, Constable Rusty
02:43	15		Chartier, Constable Robert Morrison; is that
	16		correct that you and Mr. Morrison were in that
	17		unit at the time?
	18	A	Yes.
	19	Q	And I believe you said that started in the late,
02:43	20		late 1968?
	21	А	'68, and then '69 we went to Ottawa for our
	22		training in it. Umm, Constable Morrison and
	23		myself, those periods of times in detectives and
	24		that, we had some experience with detectives and
02:44	25		that in those years.

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	1	Q	Would the this National Criminal Intelligence
	2		Unit, am I correct that the Saskatoon Police
	3		Service, the first time it had one of these units
	4		was in November 1968 and that you and Constable
02:44	5		Morrison were the first members of that unit?
	6	A	No, actually Gerry McCorriston was for a short
	7		period of time in there until it was decided that
	8		the two of us would go.
	9	Q	And so Mr. McCorriston was in there in, what, in
02:44	10		1968?
	11	А	Yeah, '68, but I can't tell you it should be on
	12		some document somewhere but
	13	Q	And can you tell us what this National Criminal
	14		Intelligence Unit was all about?
02:44	15	A	It was dealing more with organized crime and
	16		gambling, and those were the serious crimes in
	17		those days, like horse-betting and people who were
	18		spies and things like that, so
	19	Q	And it says here 'national'; did you have some
02:45	20		dealings with other police forces then?
	21	A	Yes we did.
	22	Q	And can you tell us about that?
	23	A	Well there is a connection right across Canada.
	24		If there were, there was another department
02:45	25		wondering about a certain individual from
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1		Saskatoon, they would contact us and we would try
2		to determine who and what.
3	Q	And again at this time, 1968-1969, do you know;
4		did other police services across Canada have
02:45 5		similar National Criminal Intelligence Units?
6	A	At that particular time, yes.
7	Q	Or
8	A	I don't know what it is now, but at that time.
9	Q	So other police forces
02:45 10	A	Right across Canada, from coast to coast.
11	Q	And what about the RCMP?
12	A	Yes.
13	Q	And I think you have said you went to Ottawa in
14		February of 1969; is that right?
<i>02:45</i> 15	A	February 3rd, I believe, to 12th of '69.
16	Q	And what happened there?
17	A	It's a course in gathering information,
18		surveillance.
19	Q	Okay. And who, who did you report to then? And
02:46 20		I'm talking, let's talk about 1969, who did you
21		report to?
22	A	Superintendent Wood.
23	Q	So Jack Wood, who was Superintendent of Criminal
24		Investigations, that's who you reported to?
02:46 25	Α	Yes.
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	1	Q	Did you receive who did you receive
	2		instructions from as to what to do?
	3	A	Well, there would be different people, but
	4		basically it was Superintendent Wood that, you
02:47	5		know, if there was something in particular they
	6		wanted done, but we had the freedom to develop
	7		certain things for gambling, like, gaming was
	8		considered to be a big problem then and we
	9		developed that information within Saskatoon and
02:47	10		that went right across Canada and connected to
	11		other areas.
	12	Q	Was there some secrecy surrounding what your unit
	13		did, and when I mean secrecy, I mean from other
	14		police officers?
02:47	15	А	No, they knew we were working special services,
	16		but yes, we and I think you are aware they
	17		called us the secret squirrels, there wasn't much
	18		secret about what we did, we tried to obtain
	19		information and that, and we were not to get
02:47	20		involved with any of these things so that we had
	21		to go to Court because that would then not look
	22		too good for the whole Canadian system in that it
	23		was to support investigators to get information in
	24		regards to whatever incident they were looking
02:48	25		into.

	1	Q	What do you mean by not get involved?
	2	A	Well, we were supposed to stay away from getting
	3		involved because that would take away with our
	4		effectiveness going out doing what as soon as
02:48	5		you get involved, say, with a file, which we did
	6		in some ways in '69, but that was just the
	7		beginning, where you would help other members and
	8		that out and along the way somewhere later in '69
	9		we were asked not to do that, but to stay strictly
02:48	10		towards our task.
	11	Q	So when you say not get involved, if you were
	12		involved in assisting on an investigation then,
	13		did you have some specific direction about how you
	14		were to report or record what you were doing?
02:48	15	A	Well, we would report to, say, the investigator,
	16		we'll say it was Superintendent Wood wanted some
	17		information or knowledge, who's around, how are
	18		they moving around and that, then we would report
	19		directly to him. If it was Sergeant Karst, we
02:49	20		would do the same with him, which I carried on
	21		over the years, many years after that, so it was a
	22		specialized unit in that our job was surveillance
	23		and obtaining information.
	24	Q	Compared to, and I take it you had done, prior to
02:49	25		this time and during this time, some regular



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	1		detective work if I can call it that; is that
	2		correct?
	3	А	Yes, I was involved in about not involved, but
	4		helped and assisted in investigations with some
02:49	5		murders and that with Sergeant Karst.
	6	Q	And in those cases where you were, you would
	7		prepare reports, take statements; is that correct?
	8	A	Yes.
	9	Q	When you were doing your National Criminal
02:49	10		Intelligence Unit work, did you change your
	11		practices how you worked?
	12	А	Yes, we basically didn't leave reports in regards
	13		to what we did unless, like I say in '69, that's
	14		why I've still got memo books on that particular
02:50	15		deal because we did take brief notes then.
	16	Q	Why did you not leave reports then on what you did
	17		when you were working for the National Criminal
	18		Intelligence Unit?
	19	A	Well, they didn't want us getting involved in
02:50	20		Court and taking us away because then you would
	21		have to go through the Court process and time and
	22		that from our focused job which was gathering
	23		intelligence.
	24	Q	When you say they, who are you referring to?
02:50	25	A	The national I think it was more guided by the



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	1		RCMP. This was an RCMP program that they
	2		initiated and Saskatoon police and police services
	3		right across Canada.
	4	Q	Now, it's my understanding, and please correct me
02:51	5		if I'm wrong, and again let's talk about 1969,
	6		that time frame, Mr. Chartier, is it correct that
	7		in addition to your NCIU work, you also helped out
	8		in detectives, for example, and did, if I can call
	9		it, regular police work?
02:51	10	А	Yes, taking statements and such from different
	11		people and doing a little surveillance in regards
	12		to the Milgaard case.
	13	Q	And you had some involvement in the Gail Miller
	14		murder investigation; is that correct?
02:51	15	A	The investigation, yeah, we assisted, I assisted.
	16	Q	And I'll go through some documents with you on
	17		that. I would like you to tell me, and we've got
	18		this organizational chart up, from your
	19		recollection, Mr. Chartier, who do you recall
02:52	20		being in charge of or in charge of the Gail Miller
	21		murder investigation?
	22	А	I understood it to be Ray Mackie.
	23	Q	And anybody else?
	24	А	Well, I just noted George Reid was, it was
02:52	25		co-signed, which happened occasionally on serious
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Page 8432

	1		deals, but my understanding at that time was Ray
	2		Mackie.
	3	Q	And did Mr. Mackie then report to Lieutenant
	4		Short; is that correct?
02:52	5	A	That's who he would report to, yes.
	6	Q	Now, do you have any recollection of the RCMP
	7		being involved in the Gail Miller murder
	8		investigation?
	9	А	No, no recollection. I'm sure they were around,
02:52	10		I'm sure some of the people would have been, but I
	11		can't recall.
	12	Q	Now, it's my understanding, Mr. Chartier, and I'll
	13		walk you through each of these four areas, but
	14		that you had four different involvements in the
02:53	15		Gail Miller murder investigation, one, some
	16		general investigation work; is that correct?
	17	А	Right.
	18	Q	Secondly, you had some dealings with Albert
	19		Cadrain?
02:53	20	A	That's right.
	21	Q	Third, you took a statement from Sandra Danchuk;
	22		is that correct?
	23	A	That's right.
	24	Q	And fourthly, you were involved in the May 23,
02:53	25		1969 interview by Art Roberts of Ron Wilson and
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	1		Nichol John; is that correct?
	2	А	That's correct.
	3	Q	I'll go through each of those four in that order
	4		and starting first with the general investigation.
02:53	5		Just a couple of documents I wish to ask you
	6		about. You were at the time, would it be fair to
	7		say that you would be doing tasks assigned by
	8		other officers or how would you become involved in
	9		the Gail Miller matter, just the general
02:53	10		investigation?
	11	A	Right. No, we were pretty well we didn't sign
	12		in or sign out, we determined the work that had to
	13		be done for ourselves, and how I got involved, I
	14		came into the station up to the office one evening
02:54	15		and I was called from the staff sergeant's desk
	16		that there was someone to see someone in
	17		detectives.
	18	Q	And that's Mr. Cadrain, is that what you meant,
	19		Mr. Cadrain?
02:54	20	A	That he was sent up.
	21	Q	I'll refer to that in a moment. If we can maybe
	22		just call up document 106562 and this is a police
	23		report February 20, 1969 and, Constable Chartier,
	24		that's your report; is that correct?
02:54	25	А	Yes.



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1	Q	What was your practice for preparing investigation
2		reports generally? Were there any rules as to
3		when you did it, what you put in them?
4	А	No. You had to put everything in the
<i>02:54</i> 5		investigation, you had to put down what you did
6		and what might have been accomplished or what
7		should be carried on further. That was on what
8		date, February 20?
9	Q	Right. And this just involves, and again, it's an
02:55 10		interview of a commissionaire at the Medical Arts
11		Centre and talks about an individual wanted by the
12		police in relation to a murder and again it's
13		referred to the Gail Miller file. I don't propose
14		to go through it in detail, but it appears on this
<i>0</i> 2: <i>5</i> 5 15		date that you would have done some investigating
16		of a possible suspect; is that fair?
17	A	Yes, I was asked by someone, probably Short or
18		Mackie, I don't know who.
19	Q	So that was my question before.
02:55 20	А	Yeah.
21	Q	So in this case, someone would have asked you to
22		go out and follow up?
23	А	Yes.
24	Q	Is that right?
<i>0</i> 2:55 25	A	Yup.



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	1	Q	And when you did that, is this investigation
	2		report how you would communicate back to the
	3		decision-makers or the people in charge as to what
	4		you found out?
02:55	5	A	Yes.
	6	Q	Is that correct?
	7	A	You always had to do that, leave your
	8		investigation report.
	9	Q	Now, if you had an investigation or an interview
02:56	10		where you concluded that something significant
	11		happened or something should be followed up on,
	12		would you put that in your report then?
	13	A	Yes.
	14	Q	And then would you be responsible for following up
02:56	15		or as long as you gave the report in, that was
	16		sort of the end of your
	17	A	That would be the end of mine and whoever had the
	18		file then would have to at that time we had no
	19		analysts or anything like that, so that was the
02:56	20		detective sergeant's job.
	21	Q	When you say analysts, is that someone who can sit
	22		and read the file and decide what to do?
	23	Α	Oh, I'm sorry, yeah, that came years later, an
	24		analyst, in the '80s, but the staff sergeant would
02:56	25		have, detective staff sergeant would have to do
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	1		that.
	2	Q	For example, on this report, and again who would
	3		have read this or who would have got this report?
	4	А	Well, I think Sergeant Mackie Sergeant Ray
02:56	5		Mackie would have had to, it was his file, or it
	6		might have been George Reid, but I don't know.
	7	Q	Just so I understand it then, if you followed up
	8		and did an interview and said you know what, I
	9		think we should check out John Smith, he might
02:57	10		have some information, someone should follow up,
	11		you would put in the investigation report and it
	12		would get filed, someone else would look after
	13		getting it to Mr. Mackie or how would that work?
	14	А	No, that would come back directly to Mackie, like,
02:57	15		the Gail Miller file, and it would come up, he
	16		could have arms full of paper the next morning and
	17		he or Sergeant Bocking or whoever, it didn't
	18		have to be Mackie, it could have been one of the
	19		sergeants, but their responsibility was reading
02:57	20		that report and making sure the work got done,
	21		whatever might have been
	22	Q	And so in that example where you've identified
	23		something, Mackie or whoever else would have read
	24		it the next day might come back and say, okay, you
02:57	25		follow up or go to another officer and say follow
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	1		up?
	2	A	That's right.
	3	Q	And how would these reports, would you dictate
	4		them or would you type them yourself or
02:58	5	А	I wouldn't have typed them.
	6	Q	Okay.
	7	A	They were dictated.
	8	Q	And was there a process in place then that made
	9		sure these documents got to the people that should
02:58	10		see them?
	11	A	As far as I know, everything moved up and down, it
	12		was that up and down bit, down to the central
	13		records and then back up to the office, and really
	14		I don't know how Mackie or
02:58	15	Q	Would you get a copy of your report back on your
	16		desk?
	17	А	No.
	18	Q	What about your officer's notebook, I take it that
	19		you and other officers would keep a notebook of
02:58	20		your work; is that right?
	21	А	That's right.
	22	Q	And was there a general practice about what you
	23		put in your notebook?
	24	А	You put in everything that you did that particular
02:58	25		day. The detective staff sergeant, which was, I $lacksquare$



	1		think permanent at that time was Sergeant Les
	2		Bocking, would go through that and then well,
	3		we knew he went through it because he checked off
	4		everything and he might even put a question on
02:59	5		something, but that was the detective sergeant's
	6		job.
	7	Q	On your notebook?
	8	А	On our notebooks, yeah.
	9	Q	Again, if we could call up 106565 and again this
02:59	10		is a report, February 21, 1969 on the Gail Miller
	11		file, there's also a related file there, I think
	12		it may have been a different assault, but again
	13		this is a report of Detective Sergeant Reid and he
	14		says on February 21, '69 observations were
02:59	15		continued at 5:45 p.m. Observations were
	16		conducted by Detective Sergeant Mackie, Reid and
	17		Chartier with the following observations, so I
	18		take it here you would have been called out by
	19		Reid and Mackie to assist on some part of it.
03:00	20	А	Yes.
	21	Q	Next is 106588, please, and this is another report
	22		of yours, March 1, 1969, and I won't go into all
	23		the details, but it says:
	24		"At approximately 1:30 p.m., this date,
03:00	25		Lieutenant Short called home stating



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	1		that Jeffrey Crusklow had showed up at
	2		the police station and wanted to talk to
	3		me."
	4		So I take it do you recall anything about this
03:00	5		fellow?
	6	А	Not directly. I just know that I think this
	7		refers to Bedford Road Collegiate, although I'm
	8		not sure, and I knew some of the teachers and
	9		that, he lived right behind me in fact, and I
03:00	10		remember talking about it.
	11	Q	Right. And in this case it looks as though
	12		Lieutenant Short would have given you some
	13		direction; is that correct?
	14	А	Yes, I would think so.
03:01	15	Q	What do you recall of Lieutenant Short's
	16		involvement being in the Gail Miller
	17		investigation?
	18	А	Well, he's the senior officer there and he would
	19		be dealing with Mackie and not too much, you know,
03:01	20		with us at all. I can't remember too much about
	21		the case itself because we weren't directly
	22		involved except when we were asked to do
	23		something.
	24	Q	If we could call up 106596 and here's a report of
03:01	25		March 1, '69 and two people interviewed regarding \P

	1		Gail Miller murder and just to comment here, were
	2		you in your report it says:
	3		"I feel Larson is not and could not be
	4		responsible."
03:02	5		So I take it then that you would follow up on the
	6		investigation, you would leave in your report
	7		your view on whether this person was or wasn't a
	8		suspect?
	9	A	Well, I felt he was not and could not be
03:02	10		responsible, that was you know, I can't
	11		remember the deal about whatever was said or done
	12		that made me feel that way, but that was still to
	13		be determined, the staff sergeant would send that
	14		back to you and say did you do this, this and
03:02	15		this.
	16	Q	Do you recall any ledger or book or list of
	17		suspects being kept on the Gail Miller
	18		investigation?
	19	A	No.
03:02	20	Q	Was that a practice in any other investigations do
	21		you remember?
	22	A	Well, over the years I know there was some, but I
	23		can't recall the Gail Miller one.
	24	Q	And again if I could call up 106616 and this is a
03:02	25		police report of March 7th, '69 and just call out

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	1		the first two lines. It appears here that you and
	2		Corporal Rasmussen of the RCMP checked on a fellow
	3		out of the city. Do you recall dealing with
	4		Corporal Rasmussen?
03:03	5	A	Yes. Well, not on this particular deal. We dealt
	6		with quite a few different RCMP officers.
	7	Q	When, just, and again back in 1969, when would the
	8		RCMP be brought in to assist on a file, was there
	9		any type of file or
03:03	10	A	Any type that would take you out of Saskatoon.
	11		Our jurisdiction was within the boundaries of
	12		Saskatoon and I think, though I'm not sure, this
	13		was suggested it was going to be out of town, so
	14		we had to get an RCMP officer to go with us. I
03:03	15		could be mistaken, but it seems it seems to me
	16		it was an out-of-town deal.
	17	Q	Let's move ahead on the we can take that
	18		document down. Do you have any recollection, Mr.
	19		Chartier, again at the time of the Gail Miller
03:04	20		murder investigation, of sexual assaults that had
	21		occurred in Saskatoon within a couple of months
	22		prior to the murder?
	23	A	No.
	24	Q	Is that something that you would have been aware
03:04	25		of at the time are you able to say?
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	1	A	I don't want to give you a long answer, but
	2		basically the service was very, or police force
	3		was very stove-piped then. I remember as a junior
	4		constable saying, well, they don't talk to you,
03:04	5		you know, detectives from morality, the street
	6		officer didn't know what was going on. I believe
	7		that system has changed, in fact that's one of the
	8		community-based deals, communication within the
	9		department, it improved over the years, but not
03:05	10		then.
	11	Q	I'll come back before you are done, Mr. Chartier,
	12		about your observations of morality and
	13		detectives, but just back to the question, at the
	14		time back in 1969 when you were involved, whether
03:05	15		you told us you have no recollection of the
	16		sexual assaults and you are not able or are you
	17		able to tell us whether that's something you would
	18		have been aware of?
	19	A	No, I might not have been aware of it. If I was
03:05	20		in patrol, I probably wouldn't have been aware of
	21		it, like, working uniform.
	22	Q	Now let's go to Albert Cadrain. I understand
	23		let's go to March of 1969 and were you acquainted
	24		with Albert Cadrain and the Cadrain family?
03:05	25	A	Yes, I was.

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	1	Q	And can you tell us how?
	2	A	Well, Mrs. Cadrain was a teacher at St. Mary's
	3		school, a teacher, a kindergarten teacher. I
	4		guess she wasn't a teacher, but she taught
03:05	5		kindergarten at St. Mary's and I had two children
	6		that went there, and plus Larry Cadrain, Albert's
	7		brother, was a gymnast along with my son at the
	8		Marion Gym Club which took place at the St. Mary's
	9		church hall, so I knew the family, plus I grew up,
03:06	10		you know, I lived up on the hill, Pleasant Hill
	11		there for a few years coming into Saskatoon and
	12		was quite aware, Charlie McClocklin, who was the
	13		police manager of the area, lived right on that
	14		street and the I knew a lot of people on that
03:06	15		street. Not the Cadrains at that time, but over
	16		time I got to know the Cadrains because of school
	17		and my own children.
	18	Q	And in March of 1969 then, did you know Albert
	19		Cadrain then personally, had you dealt with him
03:06	20		before?
	21	A	Yes.
	22	Q	And what dealings, and I'll get in a moment to
	23		your dealings with him in connection with the Gail
	24		Miller matter, but prior to that what dealings did
03:07	25		you have with him?

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	1	Α	I never had any particular dealings. I knew him,
	2		but no police dealings with him. I just know that
	3		he was, didn't like, Larry was very driven as
	4		far as gymnastics and I'm searching for a word,
03:07	5		but Albert was more, as I've always said, kind of
	6		a rounder type in the criminal sense because I
	7		don't remember him ever being involved with the
	8		law, but doing those silly kid things like I used
	9		to do when I was
03:07	10	Q	You said a rounder, is that what you referred to?
	11	А	You know, kind of out at night and doing, oh,
	12		egging houses, things like that. He wasn't the
	13		Larry Cadrain or what I knew of Mrs. Cadrain and
	14		that kind of a, followed the norms of society.
03:08	15	Q	Did you have any, and you may have answered this,
	16		but did you have any dealings with him or were you
	17		aware of any dealings with Albert Cadrain in your
	18		capacity as a police officer?
	19	А	No.
03:08	20	Q	So I understand that you encountered Mr. Cadrain
	21		in connection with the Gail Miller matter; is that
	22		correct?
	23	А	Yes.
	24	Q	And can you tell us what happened?
03:08	25	А	Well, he came, when the staff sergeant called up \P

	1		and said is there anyone up there and I said yeah,
	2		I am, and he said I'm sending someone up, whoever
	3		it was, and I can't recall, and it was Albert
	4		Cadrain that came up and we sat down I was the
03:08	5		only one in the office, this was a little later in
	6		the evening, I can't recall the time, it was dark,
	7		or getting dark, so it had to be, you know,
	8		getting around that eight o'clock mark, but I
	9		can't recall.
03:09	10	Q	Do you recall who the desk sergeant was?
	11	A	I can't somebody called up. I wasn't in the
	12		office, I had come in from doing something and was
	13		all by myself up there.
	14	Q	And at that time were you I take it you were in
03:09	15		NCIU, that was your
	16	A	Yes.
	17	Q	And so tell us what you recall about your meeting
	18		with Mr. Cadrain?
	19	A	Well, he sat down, we started talking, not as
03:09	20		strangers, but and somewhere along the line he
	21		mentioned a murder that took place. I wasn't
	22		here, I had read the file or quickly read the file
	23		I think when I came back from Ottawa which
	24		wouldn't have been much on it except the murder
03:10	25		and the identification report and that. Anyhow,
			Meyer CompuCourt Reporting



1		he says I think I know who may have been
2		responsible for that and we just kept talking. I
3		didn't even take notes at the time.
4	Q	And why was that?
03:10 5	А	Well, it was just someone who was kind of talking
6		about what he thought and I knew the officer
7		responsible for the file was Ray Mackie, so he
8		mentioned a number of things to me and I said
9		okay, I can't do anything about this, but I will
03:10 10		get a hold of Sergeant Mackie tomorrow and he will
11		come and talk to you.
12	Q	Okay. And did you do that?
13	A	Yes.
14	Q	And then what happened next, did you go
03:10 15	A	Yes, I took Sergeant Mackie to the house, I drove
16		there, and we went in and got Shorty, went back to
17		the police station and that's I assumed, or
18		maybe I can't recall that Sergeant Mackie took
19		his statement at that time, but from that point on
03:11 20		I had very little to do with the case directly,
21		with Cadrain or anyone else.
22	Q	If we can just pause there. I think you said when
23		he came in. I take it that he had come into the
24		police station wanting to talk to an officer; is
03:11 25		that correct?



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	1	A	I gather that was he didn't come in because he
	2		knew me, but he wanted to talk about his beliefs,
	3		that Hoppy might be the one responsible.
	4	Q	So did you understand that he was at the police
03:11	5		station to talk to a police officer about his
	6		suspicions or beliefs about the Gail Miller
	7		murder; is that fair?
	8	A	Well, my sense was that he wanted to tell a
	9		policeman about it, what he felt.
03:12	10	Q	Did you and I think you said you had some
	11		before you got into the discussion about the Gail
	12		Miller murder, did you talk about other things
	13		or
	14	A	Oh, I'm sure we did. Like, my son and Larry, they
03:12	15		were very close and quite involved with athletics
	16		and that, so and Shorty knew that, and I didn't
	17		know what was coming to be honest.
	18	Q	And tell us what you recall of him, of what
	19		Mr. Cadrain said to you about the Gail Miller
03:12	20		murder?
	21	A	Well, he gave me the name Milgaard and I don't
	22		think he gave me the first name, though I could be
	23		mistaken, but he says a fellow by the name of
	24		Milgaard who we call Hoppy and that he had come to
03:12	25		his mother's place that morning. What date was
			Meyer CompuCourt Reporting



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	1		that?
	2	Q	January 31, 1969 was the date of the murder, yes.
	3	A	And that he said there was blood on his pants,
	4		that they then sometime later took off for Calgary
03:13	5		in a car that wasn't really roadworthy, but they
	6		left and talked about things, Milgaard throwing
	7		things out of the car and that, a locket or some
	8		little broach or something, and just conversation
	9		like that, so I just chalked it up as another
03:13	10		possible suspect, but to leave it for the officer
	11		responsible for the file, so I took him home that
	12		night
	13	Q	I'm sorry, you took him home?
	14	A	Yeah, I took him home that night and dropped him
03:13	15		off at home and the next day, it was the next day
	16		I took, I think it was in the afternoon, I took
	17		Sergeant Mackie there and we picked him up, took
	18		him to the station and I think I took him home
	19		again after Sergeant Mackie was finished with him,
03:14	20		but I can't recall any conversation or anything.
	21	Q	Did you did Mr. Cadrain mention anything about
	22		talking to police officers in the days prior to
	23		coming in and talking to you?
	24	A	Not to me.
03:14	25	Q	Were you able to determine whether or did you
			4

	1		get some sense as to whether he was telling his
	2		story to the police for the first time or is it
	3		possible he could have been in earlier?
	4	A	There was nothing that led me to believe that and
03:14	5		I gather Sergeant Mackie too. I don't know. I
	6		had no feeling whatsoever that there was someone
	7		else that he had talked to before.
	8	Q	And do you recall whether or not you maybe took
	9		seriously is the wrong word, but when he told you
03:15	10		this, these events, did you think that this was
	11		some, was something important that ought to be
	12		followed up on right away?
	13	А	Yes.
	14	Q	And was there a reason then that you didn't make a
03:15	15		note or take a statement at that time from him?
	16	А	Well, at that particular time it was just
	17		someone it was Sergeant Mackie. I was not that
	18		aware of the file or the details and that and
	19		about all I could have done is say, well, he
03:15	20		came his name was Milgaard, that he came to my
	21		mother's place and that we went to Calgary later
	22		that day, that was it, but he had a suspicion in
	23		his mind I gather that this was a possibility.
	24	Q	If I go through a couple of documents here, police
03:15	25		reports that may assist us, the first is document
			Meyer CompuCourt Reporting



		Page 8450 ————
1		324535, and this is a copy of your police notebook
2		that you provided to us; is that correct?
3	А	Yes.
4	Q	And those would be the dates, I presume you put
5		the dates on the front of your notebook?
6	A	That's right, the book takes in that period of
7		time.
8	Q	If we could go to page, the next page, 324536.
9		And I think you have said that, after you returned
10		from Ottawa, you would have read the Miller file;
11		is that correct?
12	A	Yeah, I 'read murder file', so I think it had
13		to be the Gail Miller one.
14	Q	So here, February 14th you returned from Ottawa,
15		you were assigned to detectives; what does that
16		mean?
17	А	Well that was the general assignment. We were
18		working within the detective service, so that's
19		what you would put in the book, if it was morality
20		it would be assigned to morality, or patrol.
21	Q	And would that mean that you would be doing your
22		NCIU work for detectives?
23	А	That, that not for detectives, but I worked up
24		in the detective, under Superintendent Wood who
25		was in charge of that, who was in charge of
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	2



	1		detectives.
	2	Q	And it says here 'read murder file'; do you think
	3		that does that refer to the Gail Miller file,
	4		do you think?
03:17	5	А	I would think so, it's so such a short time. I
	6		was called in Ottawa by a partner of mine at that
	7		time, Ron Ross, talking about the murder. We were
	8		on course and he mentioned that 'we had a murder'
	9		and that, and nothing was said one way or the
03:17	10		other, just that it happened.
	11	Q	If we could go through some documents and dates,
	12		Mr. Chartier, but I just, first, want to quickly
	13		go over what we have in evidence so far and what
	14		some of the documents suggest as far as the timing
03:17	15		of Mr. Cadrain's attendance at the police station,
	16		and I'll show you all these documents but maybe
	17		just give you an overview. There is a statement
	18		that Mr. Cadrain gave on March the 5th, 1969 that
	19		Raymond Mackie took at about 5:25 in the
03:18	20		afternoon, and that would be on a Wednesday.
	21		There are also reports that on Sunday, March the
	22		2nd, there's reports of Detective Karst and
	23		Lieutenant Short, that on Sunday at about noon
	24		Albert Cadrain came into the police station and
03:18	25		met with Detective Karst and gave a statement on
			1

			. age 6.162
	1		that date, and so I'm going to go through some of
	2		these documents to see if you can assist us in
	3		placing where your encounter with Mr. Cadrain may
	4		have been?
03:18	5	A	I can tell you that that's the first I have
	6		well, it's not the first, but I have no knowledge
	7		of that whatsoever.
	8	Q	Okay. Maybe we'll just go through and see if we
	9		can let the documents give us some help on this.
03:19	10		If you could go to page 324555, and this would be
	11		Saturday, March 1, '69, 'report for duty 6 a.m.,
	12		off 12 noon', and you can't see it very well but
	13		it looks as though you worked until 4:00 p.m. that
	14		day; is that right?
03:19	15	A	We
	16	Q	Zoom that in, please.
	17	А	We I can't tell you, 6:00 a.m. to you see,
	18		we, we just marked down in our memo books eight
	19		hours somewhere in the 24-hour clock, but what we
03:19	20		worked actually could be anything different, we
	21		worked flex time.
	22	Q	If you were working, would it be fair to say that
	23		you would put a note in your notebook that you
	24		were working that day?
03:19	25	А	Yes, you usually, still at that time. My books

			Page 8453 ————————————————————————————————————
	1		run out, here, shortly after this time.
	2	Q	If we could just scroll down here, and again this
	3		is Saturday, March the 1st, and it refers to '641
	4		- Gail Miller, Hartmut Schleuter', some
03:20	5		'surveillance on Hartmut Schleuter' and 'search of
	6		his residence, left reports'; is it fair to say
	7		that that's work you would have done that day on
	8		the Gail Miller file?
	9	A	Umm, I can't tell you. It was noted there for my
03:20	10		benefit somewhere along the line but what it was I
	11		don't know.
	12	Q	And here's the interview of Jeff Crutchlow; you
	13		will recall I showed you that report about the
	14	A	Yup.
03:20	15	Q	your involvement there? So, okay, so if we
	16		could go to the next page, please, in the notebook
	17		and you will see the next page is Monday, March
	18		3rd, '69; is it fair to assume that Sunday, March
	19		2nd, '69 you wouldn't have been on duty?
03:20	20	A	Umm, umm, you jumped from where, March 3rd? You
	21		haven't got the previous page?
	22	Q	Yeah, the previous page was March
	23	A	Was the 1st?
	24	Q	Yeah, if you could just go back
	25	А	Yeah.
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	1	Q	Yeah, March 1st, and then it goes to March 3rd.
	2	A	Okay. I wasn't sure. Okay. So March 3rd is when
	3		I'm back on duty, so I didn't work the 2nd and
	4		3rd no, Monday, March the 3rd?
03:21	5	Q	You, Monday, March 3rd, you report for duty 12:45
	6		Monday, March 3rd?
	7	A	Maybe. I put in five hours that day, what I don't
	8		know.
	9	Q	Okay. And then if we could go to the next page,
03:21	10		please, and again this is Tuesday, March the 4th,
	11		'report for duty 10:00 a.m., assigned to
	12		detectives, off 6:00 p.m., eight hours'. Just
	13		scroll down to the bottom. I don't see any
	14		reference there to anything about Mr. Cadrain. If
03:21	15		we can maybe just go to the next page, Wednesday,
	16		March 5th, '69, 'report for duty 9:00 a.m.,
	17		assigned to detectives'. Then if you go down to
	18		the bottom there you will see the reference to
	19		Wally Danchuk, and I will be going to that in a
03:22	20		moment, but that's the day you took a statement
	21		from the Danchuks, and I don't see any mention
	22		there of Mr. Cadrain. Is it fair to say that
	23		oh, I'm sorry, go to the next page, please. So
	24		this is March 5, '69, and if we could go down
03:22	25		there, and it says 'picked up Albert Cadrain with
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			Page 8455 —————
	1		Sergeant Mackie - took statement', March 5; do you
	2		see that?
	3	A	Yes.
	4	Q	And would that have been the day, I mean the
03:22	5		that you took
	6	A	March the 5th is when Mackie and I picked him up.
	7	Q	So would it be Tuesday, March 4th, that Mr.
	8		Cadrain would have been in to the police station
	9		to see you?
03:23	10	A	Yeah, I'm you know, a long time for memory, but
	11		I know it was that evening, and the next day Ray
	12		was at work and I told him about it and that he
	13		had to pick this fellow up, but time might have
	14		done something, but it seemed to me it was the
03:23	15		night before.
	16	Q	Okay. And if I could call up 006723, and this is
	17		a March 5, 1969 statement, 5:25 p.m., of Albert
	18		Cadrain, and if you could just go to the last page
	19		of that, please, and you will see Mr. Mackie's
03:23	20		signature there. Were you present when Mr. Mackie
	21		took Albert Cadrain's statement then?
	22	A	No I wasn't.
	23	Q	Okay. So would it be fair to say and, please,
	24		I don't want to put words in your mouth,
03:24	25		Mr. Chartier but that it was March 5, '69 that



	1		you took Mr. Mackie to Cadrain's house and brought
	2		Albert Cadrain back to the police station for a
	3		statement?
	4	А	Yes.
03:24	5	Q	And that it was likely the night before, March 4,
	6		1969, that Mr. Cadrain would have come to the
	7		police station to talk to you?
	8	A	Yes.
	9	Q	If we could just go back, and I want to show you a
03:24	10		couple of other documents, first is 106640. And
	11		this is a police report of Lieutenant Short, it's
	12		dated March 22nd, but in this report we'll just
	13		call out the first part Lieutenant Short is
	14		saying:
03:24	15		"On Sunday March 2nd/69 Dennis and
	16		Albert Cadrain came to this station and
	17		discussed for a few minutes a matter
	18		with Staff Sergeant Brady and were in
	19		turn brought to Det. office, to
03:25	20		Superintendent Wood's office where I was
	21		in charge."
	22		And he goes on to talk about information about
	23		the Gail Miller murder and in fact, if you just
	24		scroll down, it talks about there is a statement
03:25	25		that was given that day.
		II	•

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	1	A	By Cadrain?
	2	Q	Yes.
	3	А	This, or there is a statement, that's yes.
	4	Q	Okay, I'll go to that in a moment.
03:25	5	A	Okay.
	6	Q	But this, it appears and I was just looking in
	7		there for the reference to blood on the clothing,
	8		but I know that that's in his statement that he
	9		came in and gave that information to an officer on
03:25	10		Sunday, March the 2nd; were you aware of that when
	11		you met with him?
	12	A	No I wasn't.
	13	Q	Did you have an impression that he was and I
	14		may have asked you this but did you have an
03:25	15		impression that this was the his first visit to
	16		the police, that's
	17	А	Yes, from how he talked and that I assumed it was,
	18		but
	19	Q	Okay. If we could also go to 009233. Before we
03:26	20		get there, do you remember Cadrain, Albert Cadrain
	21		telling you about who else was with him, you said
	22		he mentioned the name Milgaard; did he mention any
	23		other names?
	24	А	I can't recall him but there were other people,
03:26	25		and I can't recall, and I didn't note it anywhere
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	1		who that might have been.
	2	Q	And this is Detective Karst's report of March 7th,
	3		and again he says:
	4		"On Sunday, March 2nd, at approx. noon,
03:26	5		one Albert Henry Cadrain attended at
	6		the police station",
	7		etcetera. Then if I could just also call up his
	8		statement, 001466, and if we could go to the last
	9		page of that I believe this is, it's not on this
03:27	10		report but it was Detective Karst, and were you
	11		aware that Detective Karst had taken a statement
	12		from him?
	13	А	No, I wasn't, until I saw this I wasn't aware that
	14		there was a previous and never understood it
03:27	15	Q	Okay.
	16	А	at the time.
	17	Q	If we could just go back to Detective Short's
	18		report, 106640, just call up that part. And here
	19		Lieutenant Short says:
03:27	20		"On Wednesday, March 5/'69 Albert
	21		Cadrain was again brought in by my
	22		request and another statement was taken
	23		from him at which time he verified and
	24		stuck with his story and he was
03:28	25		interviewed at that time by several
			4



			Page 8459
	1		members of this dept. and one Inspector
	2		Riddell of the RCMP and also Staff
	3		Sergeant Edmundson"
	4		Do you recall talking to Lieutenant Short about
03:28	5		your meeting with Albert Cadrain?
	6	А	No, I don't recall, but I'm sure and I have no
	7		reason to not believe what's on here that
	8	Q	Okay. If I could now turn to Sandra Danchuk, and
	9		if I can just call up 041433, please, and this is
03:28	10		a statement by Sandra Danchuk on March 5, '69, and
	11		is that your signature
	12	A	Yes it is.
	13	Q	in the bottom left? And this is, Walter and
	14		Sandra Danchuk lived at 129 Avenue T South, and
03:29	15		they encountered Mr. Milgaard, Mr. Wilson and Ms.
	16		John on the morning of January 31st, 1969, their
	17		vehicle was stuck in the back lane. Do you recall
	18		meeting with the Danchuks and taking their
	19		statements?
03:29	20	A	Not until you showed me these statements. I had
	21		forgotten all about it.
	22	Q	Do you have a recollection, today, of taking a
	23		statement from Sandra Danchuk?
	24	А	Well, yes, because my signature is on it.
03:29	25	Q	Well I



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			. ago 0.700
	1	А	I have no recollection about discussing it or
	2	Q	So let's try this again; that's your signature and
	3		you are saying
	4	А	Yes.
03:29	5	Q	Is that your handwriting as well?
	6	A	Yes it is.
	7	Q	And so I take it you are saying that you did take
	8		the statement?
	9	А	Yes.
03:29	10	Q	But do you have a recollection of it today, of
	11		meeting with her and taking her statement?
	12	A	Just from the statement. I can't, you know,
	13		trying to remember the place or where it was
	14		taken, I don't know if it was taken at the station
03:30	15		or I think it must have been taken at her place,
	16		though. I'm not sure.
	17	Q	So do you have any independent recollection of the
	18		meeting with her?
	19	A	No.
03:30	20	Q	What was your practice, Mr. Chartier, about taking
	21		statements from witnesses at this time?
	22	А	Well, tried to get the story, and everything went
	23		into the statement that, you know, they, they told
	24		you.
03:30	25	Q	Now there is in this statement Ms. Danchuk
		ıl .	



	1		describes the appearance of Mr. Milgaard and those
	2		in the group. I want to draw your attention to
	3		some evidence that she gave before this Commission
	4		of Inquiry about her statement, and if we could go
03:30	5		to and if you want to look through the
	6		statement, I think you have read through this
	7		before, haven't you, her statement?
	8	A	Umm, yes, but I can't even remember
	9	Q	Maybe we should just go back and go through it,
03:31	10		and just asking about a reference to any blood on
	11		David Milgaard, and there's nothing in here?
	12	A	No. No. She described who she believed she saw.
	13	Q	And so I
	14	A	This is what she told me and that's what I copied.
03:31	15	Q	Yeah. And now if I could just go to her
	16		statement, and I believe if we could just go to
	17		the evidence of Sandra Danchuk that was called on
	18		January 25th, 2005, and then if we could go to
	19		page sorry it's page 1018 in that page
03:32	20		numbering. And this is a question, and this is
	21		Mrs. Danchuk's evidence January of this year, and
	22		there is reference here to an RCMP report and I'll
	23		just read this to you, I'll read you a couple of
	24		excerpts and then I'll have you a question for
03:32	25		you. And, again, if this is quoting from an
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1 RCMP report in 1993: 2 "Second, Mrs. Danchuk stated that when 3 Milgaard came into her residence, she was under the impression that he had 4 5 recently had a nose bleed. She has absolutely no idea as to why she formed 6 this opinion but she recalls this to be 8 In fact, Mrs. Danchuk informed the 9 police at the time that she felt he had 10 a nose bleed but that she wasn't sure 11 why she felt that way. Mrs. Danchuk was 12 told that if she wasn't sure as to why 13 she felt that way, then that information 14 would not be incorporated in her 15 statement." 16 And of -- if we go to the next page, please, 17 which is 1020, and this is questioning of her, 18 and she was asked: 19 But you adopt, and you do have a clear 20 memory of providing that information 21 . . . " , 22 and that was the nose bleed: 23 "... to the investigators at the time of 24 the 19 --25 I do. Α



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	1		Q	69 investigation?
	2		А	Yes.
	3		Q	Okay. And do you remember what their
	4			response was?
	5		А	They asked me where I saw the blood, I
	6			remember them asking me that, and
	7			because I couldn't specify exactly
	8			where I saw it, if I saw it, that they
	9			told me that, if I can't remember
	10			seeing it, then I shouldn't include
	11			that in my testimony."
	12		Now there	e she uses 'testimony', not 'statement'.
	13		Do you re	ecall having any discussion with
	14		Mrs. Dan	chuk about her seeing blood or a nose
03:34	15		bleed of	Mr. Milgaard that morning?
	16	A	My pract:	ice of taking a statement at the time was
	17		basicall	y say nothing, you wrote down or you asked
	18		the perso	on to describe what was going on, and if I
	19		didn't p	ut it in there I suspect I didn't, but I'm
03:34	20		not sayi	ng
	21	Q	Let me;	do you have any recollection, first of
	22		all?	
	23	А	No, I ha	ven't, whatsoever.
	24	Q	If she wo	ould have just again on your practice,
03:34	25		I apprec	iate you don't recall



	Г		
	1	А	Yeah.
	2	Q	if she would have told you the part that I just
	3		read you about thinking he had a nose bleed would
	4		you have, according to your normal practices, have
03:34	5		put that in the statement?
	6	A	I would have.
	7	Q	Can you think of any reason why you wouldn't have
	8		put that in the statement?
	9	A	No.
03:34	10	Q	I would now like to turn to the events of May 23,
	11		1969, and again I understand that you had some
	12		involvement with Inspector Art Roberts of the
	13		Calgary Police Service on May 23, 1969; is that
	14		correct?
03:35	15	А	Yes.
	16	Q	Had you met Mr. Roberts prior to that?
	17	А	Yes.
	18	Q	And when and how did that happen?
	19	A	In Calgary. He was the polygraph operator
03:35	20		basically for Canada, he was he wrote the book
	21		for the RCMP, and he was the professional in
	22		polygraphs. My partner, Morrison and myself, went
	23		to Calgary and we saw the operation and what's
	24		involved, because we knew very little about it,
03:35	25		lie detector test, that was it, and what is it, I



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	1		didn't have a clue myself.
	2	Q	And you went was this close in time to the date
	3		that Mr. Roberts came to Saskatoon?
	4	А	I think it must have been but I I know I have
03:36	5		noted in my book a trip to Calgary, but I have
	6		made notes, trips to a lot of other places so
	7	Q	If we could call up 324618, please, and go to page
	8		324636, and this is May 15th, '69 to Calgary, go
	9		to the next page, please, it is Friday, May 16th,
03:36	10		in Calgary; are you able to tell us whether that
	11		was your trip to see Mr. Roberts?
	12	А	I can't tell you definitively but I suspect that's
	13		what it was.
	14	Q	And so who would have sent you to Calgary, who
03:36	15		would have asked you to go?
	16	A	I would think either the chief or Superintendent
	17		Wood, but there again I'm guessing, because I
	18	Q	I
	19	А	Nobody else had the authority, I think, to be able
03:37	20		to do that.
	21	Q	And you would have met with Inspector Art Roberts
	22		then?
	23	A	Yes, I remember meeting with him.
	24	Q	And did he show you the polygraph?
03:37	25	А	Yes, and that there the room, and generally,
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	1		you know, without any great detail, what it's
	2		about, and putting cuffs on people's arms and
	3		blood pressures and things like that, but
	4	Q	Were you being trained on polygraph
03:37	5	A	No.
	6	Q	or was this an information
	7	А	No, no, no, it was just information, it I can't
	8		recall if we ever had one done before in Saskatoon
	9		but
03:37	10	Q	Do you recall whether or not you discussed the
	11		Gail Miller murder investigation with him at all
	12		while you were there?
	13	А	I can't recall.
	14	Q	Are you able to tell us whether your trip to see
03:37	15		Inspector Roberts was related to the Gail Miller
	16		murder investigation?
	17	А	Can't tell you that neither.
	18	Q	Is that because you don't remember?
	19	А	I don't remember, umm, and, umm, I was in Calgary,
03:38	20		that's all I have.
	21	Q	Now I understand, and we've heard in evidence
	22		already, Ron Wilson and Nichol John tell us about
	23		their interviews with Inspector Roberts on May 23,
	24		1969 where they were interviewed at the Sheraton
03:38	25		Cavalier, and were you present at the Sheraton



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	1		Cavalier that day?
	2	А	Yes I was.
	3	Q	Tell us what you recall of that day, please?
	4	A	There were two rooms, was it 608, 610 I'm only
03:38	5		going by what I saw in some report at the
	6		Sheraton Cavalier, and Inspector Roberts was in
	7		one room, I can't even recall being in his room,
	8		we were in a room next to his, and there were I
	9		remember Superintendent Wood, I can't remember
03:39	10		Charlie Short but he was probably there, and
	11		Mackie was there, and I think there was Short,
	12		Wood, I'm not sure about Eddie Karst, it just
	13		doesn't ring a bell but he could have been in
	14		there, yeah, I think he would have been in there
03:39	15		but I don't know.
	16	Q	You don't recall?
	17	A	I don't recall.
	18	Q	What about Constable Morrison, your partner?
	19	A	Yes, the two of us were in there.
03:39	20	Q	And tell us what you did that day?
	21	A	Well we, we put a mic' into room 608 to hear what
	22		transpired in 608.
	23	Q	And who was in 608 or what was going on in 608?
	24	А	Art Roberts I might be mistaken room-wise, I
03:40	25		think it's 608, 610, but whichever one we were in
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			Page 8468 ——————————————————————————————————
	1		the other room, and we had put a probe in through
	2		the wall to listen what was going on in that room.
	3	Q	And who did you understand Mr. Roberts to be
	4		interviewing in that other room?
03:40	5	A	Over the years I thought the, well, I knew there
	6		was two people. The time frame escapes me, you
	7		know, time of day when it started or quit.
	8	Q	But was it Ron Wilson and Nichol John that he was
	9		interviewing?
03:40	10	A	I know for sure female, and there were two people
	11		involved, and I can't recall, and I'm sure we
	12		didn't see either one of those two people. What
	13		period of time it was I don't know, but we had set
	14		up to listen, and not my partner and I in
03:41	15		particular because our job wasn't to listen to
	16		what was going on, but it was the investigators'
	17		job, our job was to put a microphone in and see if
	18		the investigators picked up anything that they
	19		wanted to know.
03:41	20	Q	Was the purpose of this, then, to listen
	21		surreptitiously to Art Roberts interviewing Ron
	22		Wilson and Nichol John?
	23	A	It was, Art Roberts knew, so it wasn't
	24		surreptitiously but
03:41	25	Q	How about Ron Wilson and Nichol John?



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	1	71	Oh I don't think there know
		A	Oh, I don't think they knew.
	2	Q	And who asked you to do this?
	3	Α	That, again, I can't tell you, but it had to come
	4		from a superior officer, but which one I don't
03:41	5		know.
	6	Q	Who would be the possible candidates, who do you
	7		mean when you say 'superior'?
	8	A	Well, 'superior', it could have been Ray Mackie,
	9		Eddie Karst, Superintendent Wood, Charlie Short,
03:42	10		umm, I don't know. For the life of me I can't
	11		remember. We usually took our orders from
	12		Superintendent Wood but I'm not saying that he is
	13		the one that
	14	Q	So tell us exactly what you did, then, in this
03:42	15		room?
	16	А	Well I can't remember doing too much. If I
	17		remember rightly, it wasn't working very well, the
	18		probe.
	19	Q	Did you drill a hole in the wall?
03:42	20	A	Yes, we did, and
	21	Q	From one room to the other room?
	22	A	To the other room, yes.
	23	Q	And did you put a microphone in the room that
	24		Mr
03:42	25	А	Yeah, put a probe in.
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	1	Q	Into the room that Mr. Roberts was in?
	2	A	Yes.
	3	Q	And then in your room what did you have; was it a
	4		recorder?
03:42	5	A	I there was a tape recorder, but whatever
	6		happened to that or what transpired on it, I
	7		recall hearing, especially with Nichol John, but
	8		for some reason for a long time I had the
	9		impression it was two women that were in that room
03:43	10		but that's just this is years after. Because I
	11		remember very little about it I would think it
	12		would be Ray Mackie and probably Eddie Karst and
	13		that who were interested in what's coming out,
	14		because Bob and Morrison and myself, we would
03:43	15		have no need for any of this information as such,
	16		it was just supportive information we were trying
	17		to they were trying to obtain.
	18	Q	So was your job, then, to set up the equipment so
	19		that others could listen?
03:43	20	A	Yes.
	21	Q	And what was the purpose of listening in on the
	22		interview and recording it?
	23	A	Well that I can't tell you directly, but it
	24		wouldn't be an unusual thing, as it could have
03:44	25		even been Art Roberts who suggested it, I don't
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	1		know.
	2	Q	Was this something that you had done before
	3	А	Yes.
	4	Q	on other files where you had recorded
03:44	5		interviews?
	6	А	Yes.
	7	Q	Secretly?
	8	A	Umm, usually it would be secretly.
	9	Q	From the person being interviewed as opposed to
03:44	10		the officer?
	11	A	Yes, yes.
	12	Q	And I think you said that Art Roberts was aware
	13		that you were doing this; is that right?
	14	A	Yes.
03:44	15	Q	And on what basis do you say that?
	16	А	Well for some reason I can make a little aside
	17		here after it was all finished, and that's
	18		about the only time I can remember seeing Art
	19		there was in the hallway, that room or that hotel,
03:44	20		and saying 'well did you polygraph him' and he
	21		said 'I didn't have to, I know they were telling
	22		the truth', so, you know, I kind of left it at
	23		that.
	24		COMMISSIONER MacCALLUM: What did he tell
03:45	25		you when you asked him?
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	1	A	They were telling the truth, the young people, and
	2		I know that because Ron Ross and Sergeant Gryba
	3		and that, those people kind of did that, and I
	4		think detectives had that gut feeling. So I
03:45	5		didn't probably the conversation, and I didn't
	6		sit there and listen to the conversation
	7	BY N	MR. HODSON:
	8	Q	What caused you to think that it would be
	9		polygraphed?
03:45	10	A	Well, that was the intention, they were going to
	11		polygraph these kids, and my understanding,
	12		because why did I ask, that sticks in my mind to
	13		this day, asking that question.
	14	Q	So would it be fair to say that you would have
03:46	15		listened to Inspector Roberts' interview of Ron
	16		Wilson and Nichol John?
	17	А	Yes, I would have heard that.
	18	Q	Let's start first with Ron Wilson. What do you
	19		recall Mr. Wilson saying?
03:46	20	А	I don't.
	21	Q	At that time you knew that both Mr. Wilson and
	22		Ms. John were being interviewed in connection with
	23		the Gail Miller murder and in particular whether
	24		David Milgaard, whether they had any evidence
03:46	25		incriminating against David Milgaard; is that
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	1		fair?
	2	А	That's right.
	3	Q	And do you recall hearing Mr. Wilson giving any
	4		incriminating statements to Inspector Roberts?
03:46	5	A	No.
	6	Q	What about Nichol John?
	7	А	No.
	8	Q	Now, Inspector Roberts, and I'll go to this in a
	9		moment, has reported that in his interview of
03:46	10		Nichol John, at some point in the interview she
	11		said words to the effect that she saw David
	12		Milgaard kill Gail Miller. Do you recall hearing
	13		her say those words to Inspector Roberts?
	14	A	No, I don't.
03:47	15	Q	Is that something, if you would have heard, that
	16		you would have remembered?
	17	A	I think it would have stuck in my mind, but to be
	18		honest with you, I didn't sit by that machine and
	19		listen. It seems to me it wasn't working as good
03:47	20		as it should or could have, but it was the
	21		investigator's job to pick out.
	22	Q	Prior to this interview by Art Roberts of Ron
	23		Wilson and Nichol John, would you agree that the
	24		police did not have significant incriminating
03:47	25		evidence from Wilson and John about David
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	1		Milgaard? Did you know that at the time?
	2	А	Well, just no, I didn't, but around May,
	3		because I remember that when Cadrain came in and I
	4		had seen nothing happening, I think I probably had
03:47	5		those blurbs with investigators and that, but
	6		nothing happened, but one investigator, whoever it
	7		was, said to me that we are not going to arrest
	8		him until every "T" is crossed, and that's what
	9		the prosecutor wanted, every "T" crossed and every
03:48	10		"I" dotted, that's another statement that sticks
	11		in my mind. Now, I don't know who told me that.
	12	Q	Do you remember if it was before or after the day
	13		with Art Roberts?
	14	A	That was before because I was wondering, here it
03:48	15		was March sometime when Shorty had come in and
	16		told us that and I you've got to be aware that
	17		file wasn't ours to do, we had other things we had
	18		to do, so not hearing about it I was wondering,
	19		well, is this person a suspect any more and I
03:48	20		asked someone and I was told that the prosecutor
	21		said until every "T" is crossed and every "I" is
	22		dotted, and that's a statement that sticks in my
	23		mind.
	24	Q	Would it be fair to say, Mr. Chartier, that
03:49	25		Inspector Roberts' purpose that day in
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1		interviewing Ron Wilson and Nichol John was to see
2		if he could get information or evidence from them
3		that would incriminate David Milgaard with respect
4		to the Gail Miller murder?
<i>03:4</i> 9 5	A	Well, I'm sure that was, and they could be
6		accomplices too. I mean, they were with him
7		apparently.
8	Q	And I will go through them in more detail in a
9		moment, but we have shown you, and I will show you
03:49 10		again, the statement of Ron Wilson and the
11		statement of Nichol John that they provided after
12		meeting with Mr. Roberts where they provide
13		incriminating evidence about the murder of Gail
14		Miller that they had not previously provided to
<i>03:4</i> 9 15		the police.
16	A	I saw those statements you gave me and I can't
17		recall.
18	Q	So I guess my question is this: If the purpose of
19		this interview that day was to get incriminating
03:50 20		evidence, would you have remembered if
21		incriminating evidence was obtained if you would
22		have heard it?
23	А	I would think so. There's incidents that I do
24		remember, but I can't recall any.
03:50 25	Q	For example, if a witness said, yes, I witnessed
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	1		the murder, is that something that would stick in
	2		your mind?
	3	A	I would think so. Like I said, I remember little
	4		blurbs and statements made at the time and I would
03:50	5		think that would be one of them. It's just like
	6		blood on clothing or nose bleed and that,
	7		something that just kind of
	8	Q	And why did you ask Inspector Roberts why he
	9		didn't polygraph them?
03:50	10	A	Because I believe what I had heard, and I didn't
	11		hear the whole deal, in fact I could have gone out
	12		for coffee or anything throughout this deal, it
	13		wasn't my deal, but parts I heard I thought he was
	14		just talking to him like you and I, it was just a
03:51	15		conversation, and not knowing how polygraphs
	16		worked, and I found out later when we got our own
	17		how these people do operate, but I thought at that
	18		time the no polygraph and that's why I asked the
	19		question.
03:51	20	Q	And, I'm sorry, did Art Roberts tell you that he
	21		had not done a polygraph?
	22	А	Well, he didn't say he had not done it, he said he
	23		didn't have to. Now, was he referring to one
	24		person or two people, I don't know, but he says I
03:51	25		don't have to because they are telling the truth.
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	1	Q	Do you recall any discussion with any officers
	2		then after this date, within the following week,
	3		for example, talking about what Ron Wilson or
	4		Nichol John may have said to Inspector Roberts in
03:51	5		this interview?
	6	А	I don't recall any and no doubt, you know,
	7		police culture and that, you sit around and yak,
	8		but I can't recall anything being said about that.
	9	Q	I'm going to call up a police report, 009264, and
03:52	10		this is a report dated May 25, 1969 of Detective
	11		Karst, and if you could go to page 009267 and
	12		again this is Detective Karst, his report, it
	13		says:
	14		"On Friday, May 23rd, I attended at 608
03:52	15		Cavalier motel in the company with
	16		Inspector Wood, Lieutenant Short,
	17		Detective Sergeant Mackie, Constable
	18		Chartier and Morrison, and at 3:00 p.m.
	19		I called at room 610 of the Cavalier
03:53	20		where Wilson picked out a knife which
	21		was out of a group of five, which
	22		Inspector Roberts had shown him as being
	23		similar to the one he states he had seen
	24		en route from Regina to Saskatoon on the
03:53	25		morning of January 31st, this being a



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	1		reddish brown coloured bone handled type
	2		paring knife."
	3		Do you recall any discussion about a knife while
	4		you were
03:53	5	А	You know, in what context I can't remember, but I
	6		do recall this statement. Maybe it was on the
	7		investigation report of the file at that time, but
	8		I can't recall anyone or with Karst and that in
	9		regards to this particular statement. Maybe
03:53	10		that's something I read years ago, but, you know,
	11		as far as identifying something positive, I can't
	12		help you there.
	13	Q	Do you have any independent recollection of
	14	A	No, I don't.
03:53	15	Q	the knife being picked out? No?
	16	A	No, I don't.
	17	Q	If I could go to document, and it's the Art
	18		Roberts' Supreme Court transcript, it's page
	19		043332. Pardon me, the doc ID is 043300 and go to
03:54	20		332. Now, Mr. Chartier, we've provided you with a
	21		copy of Inspector Roberts' testimony at the
	22		Supreme Court of Canada; is that right?
	23	А	Right.
	24	Q	And you've had a chance to read through it?
03:54	25	А	Yes, I did, but



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	1	Q	And Inspector Roberts described his interview with
	2		Ron Wilson and Nichol John in that evidence; is
	3		that right?
	4	A	Yes.
03:54	5	Q	Did any of that assist your memory in recalling
	6		what may have been discussed?
	7	A	No, it didn't. Like I say, I remember very little
	8		about the conversation
	9	Q	If we could
03:54	10	A	that took place in that room.
	11	Q	If we could go to you'll see here that he's,
	12		Roberts is testifying that his discussion with Ron
	13		Wilson about showing him a chart on the polygraph,
	14		picking out where you think the variance in the
03:55	15		chart is. Do you recall hearing any of that,
	16		about a discussion about how the polygraph worked
	17		or charts?
	18	A	No.
	19	Q	And if you would have heard that, I take it you
03:55	20		wouldn't have asked Art Roberts why he didn't
	21		polygraph?
	22	A	Right.
	23	Q	Now, you said earlier you may not have been in
	24		that room the entire time. Do you remember
03:55	25	A	I can't remember going out for a coffee or
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	1		anything, but I might have. Like I say, I can't
	2		recall much of anything that transpired and for
	3		some reason I kind of think the machine wasn't
	4		working as good as it should have as far as and
03:55	5		I'm on the deaf side as it is, so and the
	6		investigators would have been the ones.
	7	Q	Go to the next page, please, and again this is
	8		part of Roberts' evidence at the Supreme Court
	9		talking about his recollection about what Wilson
03:56	10		said in the May 23rd meeting and Roberts is saying
	11		about Wilson:
	12		"He said that he hit the girl. He had
	13		hit a girl. Now, I took it to mean Gail
	14		Miller. I said, "Did he say the girl in
03:56	15		the back alley?", and he said, "Well, I
	16		knew it was the girl in the back alley
	17		and he said he hit the girl." I said,
	18		"What did you take it to mean by that?
	19		Well, he says, "That he murdered her."
03:56	20		He didn't say "murdered", he said
	21		something else, but it meant the same
	22		thing. "Killed her", I think he said."
	23		Now, do you remember Ron Wilson saying anything
	24		with respect to that nature?
03:56	25	A	No.
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	1	Q	And if he would have said words to that effect and
	2		you heard them, is that something that you think
	3		you would have remembered?
	4	А	Yes.
03:56	5	Q	If you could also go and call up Ron Wilson's
	6		statement, 006701, and were you aware, Mr.
	7		Chartier, that after Inspector Roberts interviewed
	8		these people, that they went and gave statements
	9		to the police, I mean Wilson and John?
03:57	10	A	Not until I read yes, I'm sure probably at the
	11		time they were going to go to the police station.
	12		They didn't just disappear.
	13	Q	And would you have found out within a week or so
	14		that David Milgaard had been charged with the
03:57	15		murder of Gail Miller? I take it you would have
	16		been aware of that?
	17	A	Oh, yes, I think and I can't even remember when
	18		he was charged or was it that month. I'm not
	19		sure.
03:57	20	Q	Okay. And this statement of Ron Wilson, I won't
	21		go through it, you've had a chance to review it;
	22		is that correct?
	23	А	Yes.
	24	Q	And as well I think one that he gave the next day
03:57	25		as well?



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	1	А	I looked at them, but it was getting a little
	2		confusing, but
	3	Q	And why was that?
	4	А	Well, sitting down reading these statements and I
03:58	5		thought I was finished that many years ago.
	6	Q	Had you seen the statements before?
	7	A	No, I hadn't. You gave them to me.
	8	Q	And so just for the record, the other statement,
	9		and I'll just call it up quickly, is 006705, and
03:58	10		this is a statement given the next day, and so I
	11		don't want to go through in detail, Mr. Chartier,
	12		we've heard a lot of evidence about what's in
	13		these statements, but there are a number of items
	14		in there, would you agree, that are incriminating
03:58	15		to David Milgaard?
	16	А	Oh, yes, the ones I read that you gave me, there
	17		are incriminating statements.
	18	Q	Do you recall hearing any of those, Ron Wilson
	19		making any of those incriminating statements on
03:59	20		May 23rd when you were listening in on Art
	21		Roberts' interview of him?
	22	А	No, I don't recall.
	23	Q	Now if I could turn to Nichol John, and I think
	24		you said you recalled Art Roberts interviewing
03:59	25		Nichol John or



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	1	A	Well, you know, for a long time after well, I
	2		shouldn't say a long time, I thought it was two
	3		girls that were being interviewed. Like I say
	4		and I knew the names just in passing and that and
03:59	5		not being personally involved with the file, I
	6		recall two girls in that room. I don't know, it's
	7		probably
	8	Q	Would that be based on the voices you heard?
	9	A	Voice, yes.
03:59	10	Q	Did you ever see either of the individuals?
	11	A	No, I didn't.
	12	Q	Now, was your partner Constable Morrison in the
	13		room with you the entire time at this stage do you
	14		recall?
04:00	15	A	I can't tell you that, but I can't recall if he
	16		left for a coffee or I left for a coffee or
	17	Q	Did he assist you in setting up the room?
	18	A	Yes, he did.
	19	Q	And what do you recall of that?
04:00	20	A	Well, we had to drill through cement to get
	21		through it and I remember it was kind of funny at
	22		the time, I remember he was using the drill and
	23		kind of fell through. Usually you can drill and
	24		it just comes to an end and you know where you are
04:00	25		supposed to be, but that's one of the other funny
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	1		things I remember about this particular file,
	2		but
	3	Q	Did you ever have occasion to discuss the events
	4		of May 23rd, 1969 with Constable or with Mr.
04:00	5		Morrison after that?
	6	A	You know, I can't recall us talking too much
	7		unless it's information we were going to get for
	8		ourselves and listen to what other investigators,
	9		that was their
04:01	10	Q	If I could call up again Art Roberts' transcript,
	11		if you could call up page 043339, and again this
	12		is part of the transcript that you had reviewed I
	13		think at our request and I'm just going to go over
	14		and this is Mr. Roberts' evidence at the
04:01	15		Supreme Court telling about what he recalls
	16		happening when he had, when he interviewed Nichol
	17		John on May 23rd, 1969. He says:
	18		"The next thing is I spoke to Nichol
	19		John. She was brought to the room. I
04:01	20		introduced myself again, told her who I
	21		was and that I understood she may have
	22		some information with respect to the
	23		murder of Gail Miller."
	24		And then carrying on and just down to the bottom
04:01	25		here and it says:
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	1		"And what happened then?", and she
	2		hesitated and hummed and hawed, and I
	3		said, "Well, something must have
	4		happened." She said, "Well, I can't
04:02	5		remember." That was what she said. I
	6		can remember her saying that. "I can't
	7		remember."
	8		Go on, and then to the next page, bottom of the
	9		next page, or actually just scroll up, please,
04:02	10		and then he talks about having some articles of
	11		clothing, the white nurse's uniform in a plastic
	12		bag and the nurse's cape. Do you recall either
	13		any of that, the articles being at the hotel room
	14		or any discussion about that?
04:02	15	A	Vaguely I remember clothing and things where
	16		because it took me back to Calgary where we were
	17		shown a room where they had things to show people,
	18		knives and uniforms, anything like that, that's
	19		how it worked.
04:02	20	Q	I'm sorry, I don't follow, how what worked?
	21	A	Well, there's something that just kind of, when I
	22		read this about my wife was a nurse, even at
	23		that time, and this white uniform could have
	24		connected, I don't know. Something kind of sits
04:03	25		in my mind about this particular statement, but I

	1		can't really say that that was in that room.
	2	Q	Okay. And then if we could scroll down and Mr.
	3		Roberts says:
	4		"Now, during this she kept saying, "No,
04:03	5		I don't remember. I don't remember." I
	6		said, "Well, I think you do remember,
	7		but for some reason or other you don't
	8		want to tell me." I took the white I
	9		can recall a white uniform being there,
04:03	10		and it was in a plastic bag, and I gave
	11		it to her. I said, "What if this had
	12		been your sister?", and she burst out,
	13		she said, "My God, I do remember. I do
	14		remember. I saw him fighting with her
04:03	15		down the lane. I saw him stab her." I
	16		said, "Well, now you remember", and she
	17		said, "Yes." I said, "Was there some
	18		reason that you didn't want to tell me
	19		before?" She said, "I couldn't tell you
04:04	20		before. I didn't remember until I saw
	21		the dress."
	22		Do you recall hearing anything of that nature?
	23	A	No, I don't.
	24	Q	And again if you would have heard, if what Mr.
04:04	25		Roberts says, if you would have heard Nichol John

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	1		say that to him, is that something that you think
	2		would have stuck in your mind?
	3	A	I would have thought so because I remember a few
	4		insignificant things.
04:04	5	Q	And if I could call up 125195, please, and this is
	6		Nichol John's statement dated May 24, 1969, and
	7		prior to us providing you with a copy of this, had
	8		you read it before?
	9	A	I can't recall. I'm sure I might have read the
04:04	10		file initially, but after that
	11	Q	This is dated May 24th, so it's the day after.
	12	A	Yeah, I'm sure I didn't
	13	Q	Okay.
	14	A	follow the case whatsoever.
04:05	15	Q	And you did have a chance to read it in the last
	16		couple of weeks; is that correct?
	17	A	Yes, I did. Nothing rings a bell to me there.
	18	Q	And you would agree with me, I don't propose to go
	19		through it, but in this statement there are some
04:05	20		incriminating statements about David Milgaard; is
	21		that fair?
	22	A	Yes.
	23	Q	And if we could go to 125204, this is page 10, and
	24		in her statement she says:
04:05	25		"I have not told anyone about witnessing
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	1		this murder. I didn't recall actually
	2		witnessing a murder until yesterday when
	3		I talked with Mr. Roberts. I was aware
	4		that however that I was somehow
04:05	5		involved."
	6		And again were you aware that she had made this
	7		statement at the time?
	8	А	No.
	9	Q	Now if I could call up from your notebook page
04:06	10		324642 and this is a page from your notebook,
	11		Friday, May 23rd, 1969, it says report for duty
	12		8:00 a.m., if we could zoom in the top, please.
	13		Assigned to detectives off. Is that 11 or 4 p.m.,
	14		are you able to tell?
04:06	15	А	Four p.m. because we put eight hours, you know, in
	16		our notebooks and that, so the actual time and
	17		that I wouldn't we had a log that is no longer
	18		available that we kept, but we had to just show
	19		eight hours of every day, so whatever time.
04:07	20	Q	So is it possible on this day you worked past four
	21		p.m.?
	22	А	Oh, yes, it might have been from noon until
	23		midnight. I can't help you there.
	24	Q	And it says OCC, which I believe is occurrence,
04:07	25		re: lie detector Cavalier hotel; is that right?



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	1	A	Right.
	2	Q	Now, there's no other note there. Did you make
	3		any notes of what you did that day in the hotel
	4		room?
04:07	5	A	No, not there. Like I say, we used to keep a
	6		master log for Superintendent Wood and that in
	7		case they had to have information, but it's no
	8		longer available and I can't really it was
	9		sometime in the afternoon, I know that.
04:08	10	Q	So the log you are talking about, the time you
	11		worked?
	12	A	Right, the actual time.
	13	Q	Okay. Let's turn to a different subject matter.
	14		There's nothing in your notes, would you agree,
04:08	15		about what you did in the hotel room, the setup of
	16		the tape, the drilling of the hole in the wall,
	17		the hidden mike, the recording of the interview;
	18		is that correct?
	19	A	What was put in those notes I can't recall
04:08	20		whatsoever.
	21	Q	No, this is your notebook for that day.
	22	A	That's the notebook, yes.
	23	Q	Is there some other I'm sorry, go ahead.
	24	A	I kept, we kept a log book which is no longer
04:08	25		available, not available, it's in the police
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	1		department, within the police department of our
	2		duty and work.
	3	Q	When you say we kept, who are you referring to?
	4	А	Morrison and myself, NCIU unit, because we had to
04:08	5		keep track of what we I mean, the city says we
	6		have to know what they are doing. Well, the city
	7		didn't look at what we were doing, but we had to
	8		keep it for our own purposes and for our
	9		superintendent.
04:09	10	Q	So in this log, what were the types of things you
	11		would put in this log?
	12	А	Well, the actual times worked, where we worked,
	13		what was done. On a deal like this, I wouldn't
	14		think we would put too much in as what we could
04:09	15		remember hearing.
	16	Q	Why not?
	17	А	Because it wasn't our file. We wouldn't put too
	18		much of anything that wasn't connected with NCIU,
	19		National Intelligence work. The stuff we do for
04:09	20		Sergeant Mackie or Superintendent Wood and that
	21		was being done for, to support an investigator.
	22	Q	So we looked earlier at some investigation reports
	23		on this file and some fairly detailed reports that
	24		you left and as well some statements and I guess
04:10	25		my question is why did you not prepare an
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1		investigation report that outlined what you did on
2		this day and what you observed and heard?
3	A	On the file we did, when I took a statement or
4		anything else, that was turned over as a file.
<i>04:10</i> 5	Q	I'm talking about May 23rd, 1969, why is there not
6		an investigation report with your name on it
7		saying Constable Morrison and I
8	A	We didn't leave investigation reports on our work
9		unless we were asked by someone to do something
04:10 10		directly, but as far as this particular file, we
11		kept there was no necessity. Art Roberts is in
12		one room, these people were in the other room, the
13		investigators had all the information. We were
14		insignificant.
04:10 15	Q	I'm trying to understand why in this case you
16		wouldn't keep a note or report, was it because
17		your unit was secret or there was something about
18		the surveillance?
19	А	Well, we were a support staff and we were asked
04:11 20		never to get our names and job and that into
21		investigative reports and that, that
22	Q	That's so someone wouldn't find out that you were
23		involved?
24	Α	Well, everyone knew we were involved, but
04:11 25	Q	Everyone at the police?
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	1	A	I don't we were never summonsed to Court
	2		hearings or anything.
	3	Q	Let's
	4	А	It's the powers that be.
04:11	5	Q	Let me back up. The purpose of an investigation
	6		report, I think you told us, was to record
	7		relevant information about an investigation?
	8	A	Right.
	9	Q	So if you were not wearing your NCIU hat, if I can
04:11	10		call it that, on May 23rd
	11	A	We were wearing our NCIU hat that day, we were
	12		putting an installation in, that was our job. The
	13		information that came from that was not kept by
	14		ourselves or anything, whoever was going to listen
04:12	15		to it and that, that was their job to do it. Our
	16		job was to put that microphone in.
	17	Q	So are you saying someone else was responsible to
	18		record what happened and what was said?
	19	A	Well, I'm pretty sure it would have been
04:12	20		recording, but we didn't have very good equipment.
	21		As you know, we just started this operation and my
	22		mindset is that things didn't come through as good
	23		as it should have.
	24	Q	So back on this log then, so I understand it,
04:12	25		would you have prepared the equivalent of what you
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	1		would have put in a standard investigation report?
	2	A	Yeah, more than that, the room and how it came
	3		about. I can't even say if we were the ones that
	4		went to see someone about getting that room.
04:13	5	Q	Let me just back up. So I think you said you
	6		would have prepared a report on a log that you
	7		provided to Wood; is that correct?
	8	А	No, we kept our own log. In fact, Wood didn't
	9		even see that particular log because there was
04:13	10		times, hours of work, the whole shemozzle went
	11		into that log book and I'm sure that we would have
	12		noted something in there because our time, work
	13		time, we had to keep track of our time.
	14	Q	Would it be technical information or substantive
04:13	15		information that you put in the log?
	16	A	Well, the technical part would be making the
	17		installation, but if there was something that we
	18		felt, and I can't recall if we did or even if it
	19		was I, because it could have been Constable
04:13	20		Morrison or myself that did that, that kept that.
	21	Q	If you would have heard Nichol John say I saw
	22		David Milgaard kill Gail Miller, is that something
	23		you would record in the log?
	24	A	Yeah, if I had heard it, I think I would have.
04:14	25	Q	And where was this log kept?
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	1	A	Down in our dungeon.
	2	Q	At the police station?
	3	A	Yes.
	4	Q	Who had access to the log?
04:14	5	A	Morrison and myself.
	6	Q	Could, for example, Detective Sergeant Ray Mackie
	7		who was in charge of the file
	8	A	No.
	9	Q	And why not?
04:14	10	A	Well, he had the file, that was upstairs. We were
	11		down in the basement, a separate entity all
	12		together. We were the only ones that we
	13		thought that had access to it.
	14	Q	And I'm sorry to keep coming back to this, was it
04:14	15		due to the fact that you were part of this
	16		National Criminal Intelligence Unit that caused
	17		you as a police officer to record and report
	18		information differently than you otherwise would
	19		have?
04:14	20	A	Yes.
	21	Q	And so that if you were wearing your regular
	22		officer hat, if I can call it that, and sat in a
	23		room and heard Art Roberts interview Nichol John
	24		and Ron Wilson, you would have prepared an
04:15	25		investigation report about what you heard?
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	1	A	It would have been in the memo book.
	2	Q	And in your notebook?
	3	A	Yeah, that's the first place you do.
	4	Q	So did you receive instructions from anyone then
04:15	5		not to record information in your notebook and
	6		regular investigation reports when you were doing
	7		your National Criminal Intelligence Unit work?
	8	A	Yes, it came down from on high. I don't know if
	9		it was the RCMP or Superintendent Wood, someone
04:15	10		said because somewhere along in '69 my books
	11		end, I kept every book, but until '71, I no longer
	12		have a book except for these first few months
	13		here.
	14	Q	And I take it would you have then the machine
04:15	15		that you had in the room, would you physically
	16		have taken that back to the police station?
	17	А	I can't remember that at all. I think we would
	18		have, or someone would have. I would have thought
	19		it should have been an investigator that took the
04:16	20		machine and that.
	21	Q	What did you do with the tape?
	22	A	Can't remember a tape.
	23	Q	I'm going to show you page 324648 from your
	24		notebook. Let me just pause there. When you
04:16	25		would do these surveillance and the tapes, what $lack$



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	1		was your practice as to what you did with the
	2		tape?
	3	А	Well usually the tape was for our own benefit, the
	4		NCIU intelligence unit from across Canada, so we
04:16	5		would follow up on that and make the notes and
	6		listen and take any relevant information. But,
	7		umm, the tapes in this particular it was being
	8		done for within service, the detectives, only
	9		because of the technical end that we could put
04:16	10		that machine in.
	11	Q	In the interviews of Nichol John and Ron Wilson
	12		were not national intelligence unit matters;
	13	А	No.
	14	Q	were they?
04:16	15	А	No.
	16	Q	And you were assisting some investigators on a
	17		murder investigation?
	18	А	Yes.
	19	Q	So would you have given the tape what was the
04:17	20		purpose of taping it, why would you tape it?
	21	А	Well that was the common thing to do in an
	22		installation but, as I say, I can't remember. I
	23		think I asked you was that tape around, I wouldn't
	24		have had the tape, I doubt if my partner would
04:17	25		have had the tape.



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	1	Q	Would you wouldn't have thrown it out, I
	2		presume?
	3	А	No, umm, no.
	4	Q	And would it be fair to say that the purpose of
04:17	5		recording would be for someone to listen to it
	6		later, to have a record?
	7	A	Right, if it was something important that was on
	8		it.
	9	Q	This is your notebook from Friday, May 30th, 1969,
04:17	10		and down at the bottom there is a reference there
	11		that says 'took recorder to Ray Mackie', and do
	12		you know what that refers to?
	13	A	Well we took a recorder to Ray Mackie, and it
	14		could be that, it's close to that time I suspect
04:17	15		it might be that recorder, though we and I
	16		don't if we wanted a good machine, I can't
	17		remember if that's right or not, we would have
	18		gone to the RCMP and got one, and that could have
	19		been it. Maybe Ray Mackie got us the machine,
04:18	20		because the machines we had weren't worth a
	21	Q	Would the tape itself, after you and Constable
	22		Morrison had performed your duty on that day,
	23		would you or Morrison need that tape for any NCIU
	24		purpose; in other words did you need to keep the
04:18	25		tape for whatever it was that you were doing?
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	1	A	No.
	2	Q	And so if you didn't need it, what would you have
	3		done with it, or do you know?
	4	A	The investigators should have had it, if there was
04:18	5		a tape that actually like I say, there's some
	6		reason, could hear it but it wasn't good quality.
	7	Q	After this date did you have any further
	8		involvement on the David Milgaard matter up until
	9		he was convicted?
04:18	10	A	No.
	11	Q	Did you follow the trial at all or the preliminary
	12		hearing?
	13	A	No.
	14	Q	Were you aware that Nichol John, when she
04:19	15		testified at both the preliminary hearing and at
	16		the trial, stated that she could not recall
	17		witnessing the murder, and as well some other
	18		incriminating statements that she had in her
	19		had put in her May 24th statement?
04:19	20	A	No.
	21	Q	I take it you recently became aware of that?
	22	A	Yes.
	23	Q	So, at the time, you didn't hear from anybody that
	24		'lookit, Nichol John, when she got on the stand,
04:19	25		wouldn't say 'I saw David Milgaard kill her' like
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Page 8499

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	1		she had put in the statement'?
	2	А	I had I had nothing, and I would didn't even
	3		know the judge who was responsible, I just knew
	4		the defence lawyer and the prosecutor, that was
04:19	5		it.
	6	Q	So did anybody come to you and say 'lookit, Nichol
	7		John is now saying she can't remember, have you
	8		got the tape or do you remember hearing her saying
	9		that', or anything like that?
04:19	10	А	No. They might have talked about she recanted, or
	11		something, but I can't remember.
	12	Q	I see it's 20 after 4:00, Mr. Commissioner, I
	13		presume that we were going I don't think we
	14		were to take another break, but if we were, I can
04:20	15		finish up here shortly.
	16		COMMISSIONER MacCALLUM: You can go ahead.
	17		BY MR. HODSON:
	18	Q	We I take it you subsequently followed, and I'm
	19		talking post-1970 and into the '80s and the '90s,
	20		the efforts by the Milgaard family to re-open the
	21		case; I take it you followed that in the media,
	22		did you?
	23	A	Yes.
	24	Q	And there's an article in The StarPhoenix May 8th,
04:20	25		1992 by you, did you, I believe you sent in a
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	1		letter to the editor or a personal viewpoint; is
	2		that right?
	3	A	Viewpoint.
	4	Q	And can you tell me; what prompted you to do that?
04:21	5		And I'll go to the article in a moment but do you
	6		remember what
	7	A	Yes. I have had a constant mad on about the media
	8		for a number of years and the unfairness, in my
	9		opinion, the unfairness and the unbalance of news
04:21	10		reporting, so I not
	11	Q	In what way? And, again, if it refers to this
	12		matter.
	13	A	All you had to do was listen to the news today. I
	14		mean the news media is the most disliked, along
04:21	15		with the politicians, and that's now an empirical
	16		study. But they put things in papers, that's why
	17		I don't get the paper any more, because my blood
	18		pressure goes up. I decided that I would try to
	19		correct something, because between politicians and
04:21	20		media people I'm getting a little personal
	21		here but they don't understand policing. And I
	22		can go back to Wally Ope (ph) and many of them who
	23		say politicians do not understand it. I was to
	24		The StarPhoenix in 1994 saying, 'look, here's a
04:22	25		world-renowned study done on it, why don't you do
			Meyer CompuCourt Reporting



	1		something about it', 'well, can't do anything
	2		about it'. So I have got a
	3	Q	Okay, let's go to the article, it's 077817. And
	4		if we can just call up that part here, and I'll
04:22	5		just go through parts of this, Mr. Chartier. And
	6		you say here, talking about negative stories:
	7		"A story may be positive or negative
	8		depending on which side of the issue you
	9		stand. Instead, the balance and
04:22	10		fairness of stories should be judged."
	11		And then you say:
	12		"In this area, the SP",
	13		which I believe was The StarPhoenix:
	14		" has failed miserably, especially on
04:23	15		the David Milgaard issue."
	16		And what did you mean by that?
	17	Α	Well that's, that's the trouble with policing,
	18		it's they don't defend themselves properly, I
	19		don't think, and it's been found that's the case.
04:23	20		But Bill Pedersen, when at The StarPhoenix, he
	21		invited the public, and I went to that, what was
	22		needed in the media, and that. And like the
	23		headline says, balance and fairness, so let's get
	24		both sides of the story and let's get a discourse
04:23	25		going within the city or the police department, no \blacksquare



1 matter where it is, and I didn't think the stories 2 I had been reading about how Karst was maligned 3 and Mackie was maligned and people like that, and 4 I knew these people from way back and there isn't 5 a dishonest or bad bone in their body, they were 04:24 6 good police officers, I respected them, and it -the media made them -- and I didn't say anything about Milgaard, I had said it was the media that 8 9 left that, contrary to what Bill Pedersen tried to 04:24 10 tell us as a public group at one time shortly 11 before. 12 If you can just go to the next column, please, and 13 it says here: "I was the first police officer to be 14 04:24 15 told Milgaard could be considered a 16 suspect. 17 18 19

04:24 20

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"I was the first police officer to be told Milgaard could be considered a suspect. Shorty Cadrain, whom I knew personally as well as his mother and brother, came to the detective office one evening. He told me Milgaard and some of his friend had come to his door the morning of Gail Miller's death. He said Milgaard had blood on his pants and Cadrain's mother had washed it out for him. Later the same day, he said, they all left for Calgary."



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	1		And just on this about being the first person,
	2		police officer to be told Milgaard could be
	3		considered a suspect, is that something you
	4		thought at the time?
04:25	5	А	No, I always believed that I was the first one
	6		that got this information, but it didn't make
	7		anything whoever got it didn't make any
	8		difference to me. But I this is why, somewhere
	9		along the line, I was seeing nothing happening and
04:25	10		I, of course, asked someone about it and that's
	11		when they said they wanted to make sure that it
	12		was done right.
	13	Q	And it says here that, or you report that Albert
	14		Cadrain said Milgaard had blood on his pants and
04:25	15		Cadrain's mother had washed it out for him; did
	16		Albert Cadrain tell you that or
	17	A	Yeah.
	18	Q	did
	19	А	Yeah.
04:25	20	Q	Did you ever talk to Mrs. Cadrain about that?
	21	A	No I didn't.
	22	Q	And then it says here:
	23		"Cadrain told me he had talked to his
	24		mother about his suspicions and she
04:25	25		advised him to speak with the police. I

			1 age 0304
	1		explained to him it was not my file but
	2		I would pass this information to the
	3		investigating officer.
	4		The next day, officer Ray
04:26	5		Mackie and I went to Cadrain's home,
	6		picked him up and brought him to the
	7		police station. I had nothing further
	8		to do with Cadrain."
	9		And I think that's what you told us earlier this
04:26	10		afternoon; is that right?
	11	A	Right.
	12	Q	And go to the next column, please, just go to the
	13		top. And you say here:
	14		"Many other sex offenders had been
04:26	15		looked at prior to this but they could
	16		not be connected to the crime."
	17		And I'm wondering on what basis you made that
	18		statement?
	19	А	Well some of the things that, not definitively sex
04:26	20		offenders but other people because I had taken
	21		statements from other people, and this was the
	22		I knew people, and I think it was Ross told me
	23		they were doing a door to door and looking for sex
	24		offenders and that the amount, you amazed me
04:26	25		today when you, in your summary there, the amount
			Meyer CompuCourt Reporting

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			30.000
	1		of people that had been talked to and questioned
	2		in regards to this, so I wasn't aware of that.
	3	Q	So is this information that you would have become
	4		aware of at the time, in 1969, or something that
04:27	5		you learned subsequent to the conviction of Mr.
	6		Milgaard?
	7	A	Yeah, over time and during the investigation, like
	8		I say, that's your job as an investigator.
	9	Q	And would it be a bit of both, then, some let
04:27	10		me try that again. Here you are saying:
	11		"Many other sex offenders had been
	12		looked at prior to this",
	13		and that being when Albert Cadrain came in:
	14		" but they could not be connected to
04:27	15		the crime."
	16		And my question was, was that something that you
	17		knew and formed a conclusion on at the time back
	18		in 1969, or something that you concluded in 1992
	19		when you wrote the article?
04:27	20	A	Maybe the wording 'sexual offenders', so
	21		offenders, I should have left this was a sexual
	22		crime.
	23	Q	My question was whether the source of your
	24		statement here was
04:28	25	А	Yeah.
		II	



			——————————————————————————————————————
	1	Q	information
	2	A	Many other people were talked to, I'm aware of
	3		that, because I like the Danchuks who swore a
	4		witness statement, this kid from Bedford Road
04:28	5		Collegiate sitting watching other people, so I was
	6		aware of personally that other people had been
	7		questioned. I also know that and I never knew
	8		this Fisher guy, which I find a little surprising
	9		but I didn't, and I had known Gerry McCorriston,
04:28	10		at that time he was alive, and he mentioned
	11		talking to Fisher, I just remember him saying he
	12		talked to him but what he said I don't know.
	13	Q	Do you remember him when did he tell you that?
	14	A	Well, somewhere along the line it was said by him
04:28	15		that Fisher had been talked to.
	16	Q	Yeah. Now the reports show that McCorriston
	17		talked to Fisher; my question is would McCorriston
	18		have told you that in 1969-1970 or sometime after
	19		Mr. Milgaard's conviction?
04:29	20	A	I couldn't tell you that.
	21	Q	Mr. Commissioner, this is probably an appropriate
	22		spot to break for the day. I do have I will be
	23		15 to 30 minutes with Mr. Chartier, and then I
	24		will be done, that gives counsel some indication.
04:29	25		And I can tell you that I intend to just cover
			Meyer CompuCourt Reporting



Page 8507

1 Mr. Chartier's dealings with the RCMP, and then 2 some general questions, and then I'll maybe, when 3 we're done here, canvass with counsel to see who 4 might be cross-examining in what order. 5 MR. HODSON: Thank you. 04:29 COMMISSIONER MacCALLUM: Thank you. 6 9:00, 7 then, tomorrow morning. 8 (Adjourned at 4:29 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25



1	OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES:
2	We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,
3	Official Queen's Bench Court Reporters for the Province of
4	Saskatchewan, hereby certify that the foregoing pages
5	contain a true and correct transcription of our shorthand
6	notes taken herein to the best of our knowledge, skill,
7	and ability.
8	
9	
10	
11	
12	, CSR
13	Karen Hinz, CSR
14	Official Queen's Bench Court Reporter
15	
16	
17	
18	, RPR, CSR
19	Donald G. Meyer, RPR, CSR
20	Official Queen's Bench Court Reporter
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22	
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8/07:0 8505:/

0422-7 0420-22

	8423:7, 8438:22,	8497:9, 8505:4,	300 - 8412:1
•	8439:25, 8452:11	8505:18	306437 - 8374:7
100 - 0404.0	10 - 8371:16, 8416:24,	1969-1970 - 8506:18	306444 - 8374:14
'60s - 8421:8	8487:23	1970 - 8382:6, 8392:6, 8418:21, 8423:17	306445 - 8375:13
'63 - 8422:17, 8422:18 '641 - 8453:3	100 - 8397:19 1018 - 8461:19	1980 - 8371:24,	306447 - 8376:12 306449 - 8376:23
'65 - 8422:19, 8422:20	102 - 8375:9, 8384:14	8396:17	306451 - 8378:3
'67 - 8423:7, 8423:15	1020 - 8462:17	1988 - 8420:13	306453 - 8380:6
'68 - 8423:13, 8423:17,	106562 - 8433:22	1990 - 8371:22,	306455 - 8380:13
8425:21, 8426:11	106565 - 8438:9	8382:6, 8407:14,	306468 - 8381:6
'68-'69-'70 - 8422:14	106588 - 8438:21	8408:6, 8408:18,	306470 - 8381:22
'69 - 8372:7, 8393:10,	106596 - 8439:24	8408:20, 8409:6,	306474 - 8382:12
8417:10, 8425:21,	106616 - 8440:24 106640 - 8456:10,	8409:9 1990s - 8401:9	306488 - 8383:1 30th - 8364:21, 8497:9
8427:15, 8429:6, 8429:8, 8430:13,	8458:18	19905 - 8401.9 1991 - 8371:4,	31 - 8374:17, 8416:6,
8438:14, 8439:25,	10:00 - 8454:11	8371:13, 8417:4,	8416:11, 8416:20,
8440:25, 8452:11,	11 - 8422:1, 8488:13	8418:6	8448:2
8453:18, 8453:19,	116 - 8416:9	1992 - 8499:25,	31st - 8379:5, 8423:16,
8454:16, 8454:24,	11th - 8393:7, 8411:18	8505:18	8459:16, 8477:25
8455:25, 8459:10,	12 - 8399:5, 8452:12	1993 - 8371:5, 8462:1	324535 - 8450:1
8465:8, 8495:10 '69-'70 - 8371:7	125195 - 8487:5 125204 - 8487:23	1994 - 8500:24 1997 - 8371:5	324536 - 8450:8 324555 - 8452:10
'69/'70 - 8402:19	129 - 8459:14	1:00 - 8368:2	324618 - 8465:7
'70 - 8423:16	12:45 - 8454:5	1:30 - 8438:24	324636 - 8465:8
'70/'71 - 8396:9	12th - 8423:20,	1st - 8423:2, 8453:3,	324642 - 8488:10
'71 - 8421:23, 8495:11	8423:24, 8427:15	8453:23, 8454:1	324648 - 8495:23
'72 - 8421:20	13 - 8422:20	_	324650 - 8422:6
'73 - 8422:2 '80s - 8397:10,	139 - 8416:11	2	324945 - 8410:12
8435:24, 8499:19	14 - 8382:16, 8382:17 147 - 8416:14	2 - 8368:8, 8389:18	325555 - 8420:16 325570 - 8383:7
'84 - 8422:2	14th - 8393:8, 8412:6,	20 - 8404:22, 8406:5,	325571 - 8384:19,
'90s - 8499:19	8450:14	8433:23, 8434:8,	8425:8
'91 - 8371:15	15 - 8506:23	8499:12	326548 - 8413:20
'93 - 8371:15, 8397:11,	151-152 - 8406:16	2005 - 8364:21,	326571 - 8418:24
8400:21, 8403:11	15th - 8394:9, 8465:8	8461:18	326581 - 8418:13
'can - 8406:4 'look - 8500:24	167 - 8416:19 16th - 8465:9	203 - 8374:21 208 - 8416:1	326593 - 8388:9 326610 - 8398:25
'lookit - 8498:24,	17 - 8375:8, 8416:4	21 - 8412:15, 8412:20,	332 - 8478:20
8499:6	17th - 8422:17	8438:10, 8438:14	38 - 8416:20
'national' - 8426:19	18th - 8411:19,	21st - 8421:10	3:00 - 8477:18
'picked - 8454:25	8412:10	22nd - 8393:10,	3rd - 8390:10, 8410:19,
'read - 8450:12, 8451:2 'report - 8452:11,	19 - 8382:18, 8462:24 1960 - 8420:12, 8421:1	8456:12 23 - 8413:2, 8432:24,	8423:20, 8423:24, 8427:15, 8453:18,
8454:11, 8454:16	1967 - 8423:7	8464:10, 8464:13,	8453:20, 8454:1,
'rusty' - 8420:2	1968 - 8378:2,	8466:23	8454:2, 8454:4, 8454:5,
'search - 8453:5	8382:16, 8382:19,	23rd - 8413:3, 8477:14,	8454:6
'sexual - 8505:20	8382:24, 8421:14,	8480:10, 8482:20,	_
'statement' - 8463:12 'superior' - 8469:7,	8421:16, 8425:20, 8426:4, 8426:10	8484:4, 8484:17, 8488:11, 8491:5,	4
8469:8	1968-1969 - 8427:3	8492:10	4 - 8391:16, 8408:21,
'surveillance - 8453:5	1969 - 8368:23,	24 - 8412:21, 8413:2,	8456:5, 8488:13
'taken - 8421:1, 8421:5	8371:4, 8373:14,	8487:6	44 - 8364:22
'testimony' - 8463:12	8374:6, 8374:17,	24-hour - 8452:19	47 - 8381:1
'this - 8372:22	8376:14, 8377:22,	249 - 8374:21	4:00 - 8452:13,
'took - 8497:11	8378:1, 8379:24,	24th - 8393:10,	8499:12
'we - 8451:8 'well - 8372:21,	8380:17, 8381:1, 8381:11, 8382:5,	8422:19, 8487:11, 8498:19	4:29 - 8507:8 4th - 8410:24, 8411:25,
8471:20, 8501:1	8382:16, 8382:18,	25 - 8423:16, 8477:10	8421:1, 8422:15,
,	8382:19, 8382:24,	25th - 8423:13,	8454:10, 8455:7
0	8385:19, 8390:10,	8461:18	
	8393:15, 8394:9,	26 - 8372:3, 8388:14,	5
001466 - 8458:8 006701 - 8481:6	8395:1, 8395:13, 8403:20, 8404:1,	8398:3 28 - 8417:9	5 - 8403:8, 8408:21,
006705 - 8482:9	8410:19, 8412:6,	29 - 8417:10	8454:24, 8455:1,
006723 - 8455:16	8412:12, 8412:15,	29th - 8422:18	8455:17, 8455:25,
009233 - 8457:19	8416:6, 8416:15,	2:15 - 8419:19	8459:10
009264 - 8477:9	8421:10, 8423:23,	2:35 - 8419:20	5/'69 - 8458:20
009267 - 8477:11	8425:7, 8427:14,	2nd - 8392:24, 8411:8,	523 - 8405:19,
012700 - 8418:4 041433 - 8459:9	8427:20, 8431:5, 8432:25, 8433:23,	8411:12, 8416:22, 8451:22, 8453:19,	8405:24, 8407:4 5:25 - 8451:19,
041433 - 8459.9 043300 - 8478:19	8438:10, 8438:22,	8454:3, 8457:10,	8455:17
043332 - 8478:19	8441:7, 8442:14,	8458:4	5:45 - 8438:15
043339 - 8484:11	8442:23, 8443:18,	2nd/69 - 8456:15	5th - 8392:24, 8412:3,
077817 - 8501:3	8448:2, 8451:18,		8451:18, 8454:16,
•	8455:17, 8456:6,	3	8455:6
1	8459:16, 8464:11, 8464:13, 8466:24,	3 - 8391:9, 8411:15	6
1 - 8405:19, 8405:24,	8477:10, 8484:4,	30 - 8384:18, 8397:24,	6
8405:25, 8416:9,	8484:17, 8487:6,	8416:15, 8422:20,	6 - 8394:11, 8452:11

8467:22, 8467:23, 8467:25, 8477:14 **610** - 8467:4, 8467:25, 8477:19 **66** - 8381:1 **69** - 8463:1 **690** - 8372:10, 8397:11 **6:00** - 8452:17, 8454:12 6th - 8411:7

7

72 - 8420:6, 8420:7 **7th** - 8411:7, 8416:9, 8416:11, 8422:19, 8440:25, 8458:2

8420 - 8367:4 **8:00** - 8488:12 8th - 8499:24

9

9 - 8397:4, 8417:10 98 - 8405:25 99 - 8416:7 9:00 - 8454:16, 8507:6

Α

A23 - 8408:2 Aaron - 8366:8 **ability** - 8508:7 **able** - 8373:2, 8388:17, 8404:23, 8405:1, 8409:24, 8441:25, 8442:16, 8442:17, 8448:25, 8465:10, 8465:19, 8466:14, 8488:14 abreast - 8375:22 absolutely - 8462:6 access - 8494:4, 8494:13 accomplices - 8475:6 accomplished -8379:14, 8434:6 **according** - 8382:21, 8419:3, 8464:4 acquainted - 8442:23 actions - 8397:5 activities - 8379:4 activity - 8390:5 acts - 8381:2 actual - 8382:17, 8488:16, 8489:12, 8490:12 add - 8388:13, 8392:22, 8398:5, 8401:4, 8420:17 addition - 8431:7 additional - 8401:13 address - 8373:2 addresses - 8419:4 adjourn - 8419:13 **Adjourned** - 8419:19, 8507:8 adopt - 8462:19 advanced - 8375:20 advantage - 8375:17 advised - 8399:11, 8400:2, 8503:25 afternoon - 8368:3. 8368:4, 8368:5, 8368:13, 8448:16, 8451:20, 8489:9, 8504:10



6 - 8394:11, 8452:11 608 - 8467:4, 8467:21,

8506:23

1 - 8405:19, 8405:24, 8405:25, 8416:9, 8416:20, 8421:20,

8484:17, 8487:6, 8488:11, 8491:5,

age - 8420:5
Agioritis - 8413:13
ago - 8376:6, 8478:10,
8482:5
agree - 8473:23,
8482:14, 8487:18,
8489:14
ahead - 8441:17, 8489:23, 8499:16
Albert - 8392:23,
8403:25, 8411:9,
8432:18, 8442:22,
8442:24, 8443:18,
8444:5, 8444:17,
8445:3, 8451:24,
8454:25, 8455:17,
8455:21, 8456:2, 8456:16, 8457:20,
8458:5, 8458:20,
8459:5, 8503:13,
8503:16, 8505:13
Albert's - 8443:6
alive - 8506:10
alley - 8480:15,
8480:16
amazed - 8504:24 amount - 8504:24,
8504:25
analyst - 8435:24
analysts - 8435:19,
8435:21
Andrew - 8385:18,
8385:21
annual - 8374:5, 8383:8
answer - 8442:1
answered - 8444:15
Anyhow - 8445:25
apart - 8412:8
apparent - 8388:19
appearance - 8461:1
appearance - 8461:1 Appearances - 8366:1
appearance - 8461:1 Appearances - 8366:1 application - 8377:5
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8421:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16.
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8399:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8375:10, 8387:23, 8388:3, 8389:15,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8375:10, 8387:23, 8388:3, 8389:15,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8389:15, 8390:3, 8389:44, 8397:15, 8428:11,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8366:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17 arrest - 8474:7
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17 arrested - 8413:8
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17 arrested - 8413:8 Art - 8393:11, 8395:17,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17 arrested - 8413:8 Art - 8393:11, 8395:17, 8432:25, 8464:12,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8366:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17 arrested - 8413:8 Art - 8393:11, 8395:17, 8432:25, 8466:24,
appearance - 8461:1 Appearances - 8366:1 application - 8377:5 appreciate - 8404:20, 8463:25 appreciation - 8378:10 apprehended - 8411:13 appropriate - 8372:20, 8373:5, 8373:9, 8402:6, 8506:21 approx - 8458:4 April - 8381:20, 8393:7, 8394:9, 8411:25, 8412:3, 8412:6, 8412:10, 8416:24, 8421:1, 8421:10, 8422:15 area - 8385:15, 8387:22, 8388:21, 8391:5, 8391:7, 8392:3, 8392:12, 8392:16, 8395:1, 8395:20, 8396:5, 8413:9, 8419:1, 8443:13, 8501:12 areas - 8368:23, 8375:10, 8387:23, 8388:3, 8389:15, 8390:3, 8394:4, 8397:15, 8428:11, 8432:13 arms - 8436:16, 8466:2 array - 8417:17 arrested - 8413:8 Art - 8393:11, 8395:17, 8432:25, 8464:12,

8471:18, 8473:22, 8474:13, 8476:20, 8478:17, 8479:20, 8482:20, 8482:24, 8484:10, 8491:11, 8494:23 **article** - 8499:24, 8500:5, 8501:3, 8505:19 articles - 8403:6, 8485:10, 8485:13 Arts - 8434:10 aside - 8471:16 aspects - 8369:22 assailant - 8391:24 assault - 8391:20, 8392:7, 8392:13, 8394:15, 8402:10, 8404:4, 8407:19, 8417:5, 8417:10, 8438:12 **assaults** - 8370:21, 8370:22, 8380:17, 8380:20, 8381:1, 8381:3, 8384:2, 8387:8, 8391:8, 8391:16, 8391:17, 8392:1, 8392:4, 8397:23, 8404:6, 8417:11, 8441:20, 8442:16 assembled - 8404:13 assembling - 8385:21 Assigned - 8488:13 **assigned** - 8488:13 **assigned** - 8384:15, 8385:9, 8385:25, 8433:7, 8450:15, 8450:20, 845 8450:20, 8454:11, 8454:17 assignment - 8450:17 assist - 8368:16, 8390:6, 8398:15, 8401:21, 8413:12, 8413:17, 8418:2, 8419:10, 8438:19, 8441:8, 8449:25, 8452:2, 8479:5, 8483:17 **assistance** - 8378:6, 8379:15, 8379:25, 8404:1 Assistant - 8365:3, 8365:6, 8413:13 assisted - 8430:4, 8431:15 assisting - 8429:12, 8496:16 associations -8378:13 assume - 8453:18 assumed - 8446:17, 8457:17 athletics - 8447:15 attached - 8417:4 attempted - 8377:8, 8377:24, 8378:1, 8381:15 attendance - 8371:23, 8412:15, 8451:15 attended - 8458:5, attention - 8461:2 Audio - 8365:14 August - 8381:21, 8385:3, 8418:5, 8422:19, 8423:2, 8423:7 authored - 8414:12 authorities - 8414:13, 8415:5, 8415:13 authority - 8465:19

available - 8375:18, 8376:22, 8399:10, 8399:12, 8488:18, 8489:8, 8489:25 Avenue - 8412:1, 8459:14 aware - 8428:16. 8441:24, 8442:18, 8442:19, 8442:20, 8443:12, 8444:17, 8449:18, 8457:10, 8458:11, 8458:13, 8471:12, 8474:16, 8481:6, 8481:16, 8488:3, 8488:6, 8498:14, 8498:21 8505:2, 8505:4, 8506:2, 8506:6

В background -8368:15, 8368:21, 8373:13, 8393:18 bad - 8502:5 bag - 8485:12, 8486:10 balance - 8501:9, 8501:23 ban - 8391:19 Barrett - 8386:16 based - 8369:11, 8370:7, 8383:12, 8394:18, 8394:21, 8398:6, 8399:25, 8408:22, 8414:14, 8414:18, 8415:2, 8415:5, 8418:7, 8418:10, 8442:8, 8483:8 basement - 8494:11 basis - 8401:25, 8471:15, 8504:17 beat - 8424:25 became - 8375:18, 8421:11, 8498:21 become - 8376:17, 8388:19, 8408:4, 8433:8, 8505:3 **Bedford** - 8439:7, 8506:4 beginning - 8429:7 behind - 8439:9 Beitel - 8365:10 beliefs - 8447:2, 8447:6 bell - 8467:13, 8487:17 Bench - 8508:1, 8508:3, 8508:14, 8508:20 benefit - 8453:10, 8496:3 Bennett - 8386:8 best - 8508:6 **better** - 8373:2, 8413:17 betting - 8426:17 between - 8384:3, 8389:9, 8416:8 8416:11, 8416:20, 8500:19 beyond - 8370:2 big - 8428:8 Bill - 8501:20, 8502:9 binder - 8388:11, 8407:22, 8408:2, 8408:9 binders - 8401:9. 8401:20, 8407:13, 8407:20, 8408:14,

8409:9, 8409:13, 8409:20 bit - 8369:2, 8374:2, 8375:1, 8377:10, 8382:13, 8390:6, 8393:9, 8400:5, 8400:9, 8412:20, 8413:22, 8423:25, 8437:12, 8505:9 bits - 8373:20 **bleed** - 8462:5, 8462:10, 8462:22, 8463:15, 8464:3, 8476:6 block - 8412:1 blood - 8412:11, 8448:3, 8457:7, 8461:10, 8463:5, 8463:14, 8466:3, 8476:6, 8500:17, 8502:22, 8503:14 **bloody** - 8391:3 **blue** - 8407:13, 8408:7, 8408:8 blurbs - 8474:5, 8476:4 Board - 8374:9 **Bob** - 8470:14 Bobs - 8366:5 Bocking - 8436:17, 8438:2 body - 8502:5 bone - 8478:1, 8502:5 book - 8440:16, 8450:6, 8450:19, 8464:20, 8465:5, 8489:24, 8493:11, 8495:1, 8495:11, 8495:12 books - 8422:11, 8430:14, 8452:18, 8452:25, 8495:10 Boswell - 8365:5 bottom - 8374:16, 8375:3, 8375:13, 8377:23, 8378:21, 8381:6, 8411:11, 8425:13, 8454:13, 8454:18, 8459:13, 8484:24, 8485:8, 8497:10 **boundaries** - 8441:11 **Brady** - 8456:18 branches - 8424:24 break - 8392:18, 8399:5, 8419:13 8419:18, 8499:14, 8506:22 brief - 8368:19. 8405:11, 8405:14, 8406:8, 8406:15, 8406:22, 8407:11, 8408:13, 8408:15, 8409:20, 8430:15 briefly - 8369:5 broach - 8448:8 brother - 8393:2, 8443:7, 8502:18 brought - 8379:8, 8441:8, 8456:1, 8456:19, 8458:21, 8484:19, 8504:6 brown - 8409:18, 8478:1 Bruce - 8366:9 budget - 8376:14 budgeted - 8376:18 burst - 8486:12 **bus** - 8391:3

busy - 8377:3

C 83

Cadrain - 8379:1, 8385:23, 8390:13, 8392:23, 8393:2, 8393:4, 8403:25, 8411:7, 8411:10, 8411:20, 8432:19, 8433:18, 8433:19, 8442:22, 8442:24, 8443:2, 8443:6, 8443:19, 8444:13, 8444:17, 8444:20, 8444:17, 8444:20, 8445:4, 8445:18, 8446:21, 8447:19, 8448:21, 8451:18, 8451:24, 8452:3, 8454:14, 8454:22, 8454:25, 8455:8, 8455:18, 8456:2, 8456:6, 8456:16, 8457:1, 8457:20, 8458:5, 8458:21, 8459:5, 8474:3, 8502:16, 8503:14, 8503:16, 8503:20, 8503:23, 8504:8, 8505:13 Cadrain's - 8451:15, 8455:21, 8456:1 8502:23, 8503:15, 8504:5 Cadrains - 8443:15, Caldwell - 8366:5, 8405:13, 8406:11, 8406:24 Caldwell's - 8401:16, 8401:18, 8407:2 calendar - 8400:2 **Calgary** - 8448:4, 8449:21, 8464:13, 8464:19, 8464:23, 8465:5, 8465:8, 8465:10, 8465:14, 8466:19, 8485:16, 8502:25 Canada - 8366:13, 8378:8, 8378:11, 8379:17, 8426:23, 8427:4, 8427:10, 8428:10, 8431:3 8464:20, 8478:22, 8496:4 Canadian - 8428:22 Candace - 8365:4 candidates - 8469:6 canine - 8385:7 Canton - 8417:21 canvass - 8368:24, 8400:16, 8507:3 capacity - 8444:18 cape - 8485:12 car - 8394:15, 8394:23, 848:5, 848:7 carried - 8429:20, Carry - 8423:1 carry - 8410:22 carrying - 8484:24 case - 8371:8, 8379:13, 8395:21, 8395:24, 8399:23, 8436:3, 8431:12, 8434:21, 8439:11, 8439:21, 8446:20, 8487:14, 8489:7, 8491:15, 8499:21,

8501:19



8408:17, 8409:4,

cases - 8401:15,
8417:9, 8418:10,
8430:6 categories - 8378:2,
8401.24
categorized - 8401:24
category - 8382:14 Catherine - 8366:5
caused - 8472:8,
8494:16 caution - 8408:22
Cavalier - 8466:25,
8467:1, 8467:6, 8477:15, 8477:19,
8488:25
cement - 8483:20 central - 8381:24,
8382:8, 8437:12
Centre - 8434:11
centre - 8424:16 certain - 8426:25,
8428:7
certainly - 8372:19, 8373:3, 8388:4, 8388:5,
8389:25, 8390:15,
8392:9, 8392:23, 8395:11, 8396:24,
8399:2, 8415:22
Certificates - 8508:1
certify - 8508:4 chalked - 8448:9
chance - 8478:24.
8481:21, 8487:15 change - 8396:23,
8430:10
changed - 8442:7 changes - 8377:14
charge - 8385:25,
8394:8. 8395:23.
8431:20, 8435:3, 8450:25, 8456:21,
8494:7
charged - 8413:8, 8481:14, 8481:18
charges - 8382:17
Charles - 8385:15 Charlie - 8443:12,
8467:10, 8469:9
chart - 8374:25,
8375:5, 8384:20, 8387:17, 8425:8,
8425:11, 8431:18,
8479:13, 8479:15 Chartier - 8367:3,
8377:20, 8386:21,
8419:15, 8419:22, 8419:23, 8419:24,
8419:25, 8420:2,
8420:3, 8420:24, 8422:9, 8424:3,
8425:10, 8425:15,
8431:6. 8431:19.
8432:12, 8433:23, 8438:17, 8441:19,
8438:17, 8441:19, 8442:11, 8451:12,
8455:25, 8460:20, 8474:24, 8477:18,
8478:20, 8481:7,
8482:11, 8501:5, 8506:23
Chartier's - 8507:1
charts - 8383:6, 8479:17
check - 8418:25,
8419:14, 8436:9
Checked - 8413:19 checked - 8414:1,
8414:7, 8414:20,
8414:22, 8414:23, 8416:1, 8416:4, 8416:5,
, ,

8416:7, 8416:10, 8416:12, 8416:14, 8416:15, 8416:19, 8416:21, 8416:25, 8417:1, 8417:17,
8417:23, 8419:4, 8419:6, 8419:9, 8438:3, 8441:2
checking - 8416:18 checks - 8393:18 chief - 8374:8, 8383:15, 8383:16,
8384:23, 8384:24, 8389:10, 8400:7, 8400:16, 8424:23,
8465:16 Chief - 8375:14, 8383:3, 8407:15
children - 8443:5, 8443:17 chronology - 8410:11
chunk - 8389:23 church - 8443:9 circumstances - 8379:23, 8380:3
circumstantial - 8379:7 citizens - 8379:20
city - 8371:23, 8411:10, 8441:3, 8490:5, 8490:6,
8501:25 City - 8371:17, 8373:13, 8374:10,
8376:1, 8397:21, 8401:7, 8401:15, 8403:23, 8407:14, 8416:22
Ciu - 8423:17 civilians - 8415:6 class - 8421:10
classes - 8424:22 clear - 8372:11, 8406:12, 8462:19
Clerk - 8365:10 clock - 8452:19 close - 8378:6, 8378:12, 8447:15,
8465:2, 8497:14 clothes - 8391:3 clothing - 8457:7,
8476:6, 8485:11, 8485:15 Club- 8443:8
clue - 8465:1 co - 8379:15, 8389:8, 8391:1, 8431:25 co-operation -
8379:15 co-ordination - 8389:8 co-signed - 8431:25
co-workers - 8391:1 coast - 8427:10 coded - 8404:25
coding - 8383:9, 8405:4 coffee - 8476:12, 8479:25, 8483:16
collect - 8404:21 collected - 8402:18, 8403:9
college - 8424:7 Collegiate - 8439:7, 8506:5
colour - 8405:8 coloured - 8478:1 column - 8382:17, 8502:12, 8504:12
coming - 8443:11, 8447:17, 8448:23,

8421:9, 8425:14,
8425:15, 8425:22,
8425:15, 8425:22, 8426:4, 8433:23,
8467:18, 8477:17,
8483:12 8484:4
8483:12, 8484:4, 8491:7, 8493:19,
6491.7, 6493.19,
8497:21
Constables - 8377:17
constables - 8375:9,
8384:13, 8384:15,
8385:9
constant - 8379:7,
8500:7
contact - 8397:9,
8427:1
contacted - 8397:25
contacting - 8411:10
contacting - 0411.10
contain - 8411:3,
8508:5
contents - 8410:23
context - 8478:5
continued - 8438:15
contrary - 8414:17,
8502:9
conversation - 8448:8
8448:20, 8472:5,
8472:6, 8476:15,
8479:8
convicted - 8498:9
Conviction 02044
Conviction - 8364:4
Conviction - 8364:4 conviction - 8371:18,
8371:19, 8392:14,
8396:6. 8396:20.
8397:5, 8397:8,
8410:18, 8505:5,
8506:19
convictions - 8372:9,
8396:9, 8397:2
copied - 8461:14 copies - 8376:2,
copies - 8376:2,
8410:9
8410:9 copy - 8437:15,
copy - 8437:15, 8450:1, 8478:21,
copy - 8437:15, 8450:1, 8478:21,
copy - 8437:15, 8450:1, 8478:21, 8487:7
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16.
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16.
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7, 8431:4, 8431:6,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:4, 8431:6, 8431:14, 8432:4,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:14, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:14, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:1, 8433:2,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:1, 8433:2, 8433:24, 8435:6,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:2, 8433:1, 8435:6, 8433:24, 8435:6, 8439:13, 8444:22,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:14, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:1, 8433:2, 8433:24, 8435:6, 8439:13, 8444:22, 8446:25, 8450:2.
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:14, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:1, 8433:2, 8433:24, 8435:6, 8439:13, 8444:22, 8446:25, 8450:2.
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:13, 8434:22, 8433:13, 8434:22, 8439:13, 8445:6, 8439:13, 8445:6, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8449:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8430:2, 8430:7, 8431:4, 8432:4, 8432:16, 8432:22, 8433:1, 8433:2, 8433:2, 8433:2, 8438:24, 8435:6, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8499:18, 8493:7,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7, 8431:14, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:24, 8435:6, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:14, 8431:6, 8431:14, 8432:4, 8432:16, 8436:6, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence -
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8423:10, 8425:16, 8430:7 8431:4, 8431:4, 8431:4, 8432:4, 8432:16, 8439:13, 8444:22, 8433:24, 8435:6, 8439:13, 8444:22, 8446:25, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8423:10, 8425:16, 8430:7 8431:4, 8431:4, 8431:4, 8432:4, 8432:16, 8439:13, 8444:22, 8433:24, 8435:6, 8439:13, 8444:22, 8446:25, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8442:4, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8430:2, 8430:7, 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:26, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler- 8366:13 Counsel - 8365:2,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8442:4, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8430:2, 8430:7, 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:26, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler- 8366:13 Counsel - 8365:2,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8422:25, 8423:10, 8425:16, 8436:2, 8430:2, 8430:7, 8431:4, 8431:6, 8431:14, 8432:4, 8432:24, 8432:24, 8432:24, 8432:16, 8432:24, 8432:16, 8439:13, 8444:22, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 8446:14, 8481:22, 8447:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8366:2, 8365:3, 8368:4,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8436:2, 8430:7, 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:22, 8433:1, 8433:2, 8430:7, 8436:13, 8444:22, 8446:25, 8450:1, 8464:14, 8481:22, 8487:16, 8439:13, 8444:22, 8446:25, 8450:1, 8464:14, 8481:22, 8487:16, 8439:13, 8434:25, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 843:10, 8425:16, 8426:2, 8430:2, 8430:7 8431:4, 8432:4, 8432:16, 8432:2, 8433:2, 8433:2, 8433:2, 8433:2, 8438:24, 8435:6, 8439:13, 8434:22, 8446:25, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8449:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:16, 8426:2, 8430:2, 8430:7, 8431:4, 8432:4, 8432:16, 8432:22, 8443:14, 8432:24, 8432:24, 8446:25, 8450:2, 8450:11, 8464:14, 8481:22, 846:25, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8439:13, 8439:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8369:10, 8402:13, 8413:13 counsel - 8376:2,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8420:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7, 8431:14, 8431:6, 8431:14, 8432:4, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8432:24, 8438:24, 8439:13, 8444:22, 8446:25, 8450:1, 8464:14, 8481:22, 8446:14, 8481:22, 8446:14, 8481:22, 8450:17, 8402:18 Cotler - 8366:13 Counsel - 8366:13 Counsel - 8366:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13 counsel - 8376:2, 8388:9, 8388:9
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8420:10, 8420:13, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8423:10, 8425:16, 8426:2, 8430:2, 8430:7, 8431:14, 8431:6, 8431:14, 8432:4, 8432:24, 8432:24, 8432:24, 8432:24, 8439:13, 8444:22, 8446:25, 8450:1, 8464:14, 8481:22, 8446:14, 8481:22, 8447:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13 counsel - 8376:2, 8388:9, 8388:6, 8388:9, 8396:12, 8397:17,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4. correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:16, 8430:7, 8431:4, 8431:6, 8431:4, 8431:4, 8431:4, 8432:4, 8432:16, 8439:13, 8444:22, 8439:13, 8434:22, 8439:13, 8434:22, 8439:13, 8434:22, 8439:13, 8439:13, 8444:22, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13 counsel - 8376:2, 8388:2, 8388:9, 8388:9, 8396:12, 8397:17, 8398:18, 8398:20, 8388:98, 8398:20, 8388:98, 8398:20, 8388:98, 8398:20,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8430:2, 8430:7, 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:2, 8433:2, 8433:2, 8433:2, 8433:2, 8438:2, 8438:2, 8438:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8445:2, 8450:2, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13 counsel - 8376:2, 8388:2, 8388:6, 8388:9, 8396:12, 8397:17, 8398:18, 8398:20, 8398:22, 8399:1,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4 correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8422:3, 8422:25, 8430:2, 8430:7, 8431:4, 8431:6, 8431:14, 8432:4, 8432:16, 8432:2, 8433:2, 8433:2, 8433:2, 8433:2, 8438:2, 8438:2, 8438:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8435:6, 8439:13, 8445:2, 8450:2, 8450:2, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13 counsel - 8376:2, 8388:2, 8388:6, 8388:9, 8396:12, 8397:17, 8398:18, 8398:20, 8398:22, 8399:1,
copy - 8437:15, 8450:1, 8478:21, 8487:7 corner - 8401:11, 8405:18 Corporal - 8441:2, 8441:4. correct - 8419:23, 8419:24, 8420:3, 8420:10, 8420:13, 8421:12, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:21, 8421:16, 8430:7, 8431:4, 8431:6, 8431:4, 8431:4, 8431:4, 8432:4, 8432:16, 8439:13, 8444:22, 8439:13, 8434:22, 8439:13, 8434:22, 8439:13, 8434:22, 8439:13, 8439:13, 8444:22, 8450:11, 8464:14, 8481:22, 8487:16, 8489:18, 8493:7, 8500:19, 8508:5 correspondence - 8402:17, 8402:18 Cotler - 8366:13 Counsel - 8365:2, 8365:3, 8368:4, 8369:10, 8402:13, 8413:13 counsel - 8376:2, 8388:2, 8388:9, 8388:9, 8396:12, 8397:17, 8398:18, 8398:20, 8388:98, 8398:20, 8388:98, 8398:20, 8388:98, 8398:20,

8410:8, 8420:19, 8506:24, 8507:3 couple - 8373:21, 8398:4, 8399:9, 8399:10, 8400:20, 8414:10, 8433:5, 8441:21, 8449:24, 8456:10, 8461:23, 8487:16 course - 8391:8, 8401:12, 8413:1, 8418:9, 8423:22, 8424:8, 8427:17, 8451:8, 8503:10 Courses - 8375:18 courses - 8375:18 courses - 8375:21, 8376:9, 8424:5, 8424:11, 8424:15 Court - 8365:11, 8370:15, 8405:11, 8406:7, 8406:14, 8406:7, 8406:14, 8406:22, 8407:10, 8408:13, 8408:15, 8409:20, 8428:21, 8478:22, 8480:8, 8484:15, 8492:1, 8508:1, 8508:3, 8508:14, 8508:20 cover - 8368:19, 8369:16, 8397:15, 8506:25 Cox - 8366:11 Craig - 8386:10 Cressman - 8387:9 crime - 8384:7, 8415:14, 8417:3, 8426:15, 8504:16, 8505:15, 8506:22 crimes - 8377:7, 8381:13, 8418:7, 8426:16 criminal - 8386:20, 8425:14, 8426:16, 8505:15, 8505:22 crimes - 8377:7, 8383:22, 8384:25, 8444:6 Criminal - 8386:20, 8425:14, 8426:16, 8505:15, 8505:22 crimes - 8377:7, 8383:22, 8384:25, 8444:6 Criminal - 8386:20, 8425:14, 8426:11, 8426:13, 8427:5, 8427:23, 8430:9, 8430:17, 8494:16, 8495:7 critical - 8393:14 cross - 8384:3, 8400:13, 8400:17, 8507:4 cross-examination - 8400:17 cross-examination - 8400:17 cross-examination - 8400:17 cross-examination - 8507:4 cross-over - 8384:3 crossed - 8474:8,
8400:13 cross-examine - 8400:17
8507:4 cross-over - 8384:3
Crutchlow - 8453:12 Csr - 8365:11, 8365:12. 8508:2, 8508:12, 8508:13, 8508:18, 8508:19
cuffs - 8466:2 culture - 8477:7 current - 8420:5 Cv- 8420:19



Dale - 8387:15



Danchuk - 8432:21,	deceased - 8373:23,
8454:19, 8459:8,	8384:23, 8384:24,
8459:10, 8459:14,	8385:16, 8385:22,
8459:23, 8460:25,	8386:8, 8386:16,
8461:17, 8462:2, 8462:8, 8462:11,	8387:1, 8387:2, 8387:3, 8393:24, 8397:25,
8463:14	8400:20
Danchuk's - 8461:21	December - 8374:17,
Danchuks - 8394:1,	8422:20, 8423:16
8454:21, 8459:18,	decide - 8435:22
8506:3	decided - 8426:7,
dark - 8445:6, 8445:7 date - 8371:9, 8390:11,	8500:18 decision - 8394:7,
8393:12, 8412:12,	8395:23, 8398:5,
8412:13, 8412:16,	8435:3
8414:4, 8414:22,	decision-makers -
8414:23, 8416:6,	8435:3
8417:17, 8418:16, 8419:6, 8434:8,	decisions - 8389:3 defence - 8499:4
8434:15, 8438:24,	defend - 8501:18
8447:25, 8448:2,	definitively - 8465:12,
8452:1, 8465:2, 8477:2,	8504:19
8498:7	delivered - 8408:23,
dated - 8456:12,	8411:2
8477:10, 8487:6, 8487:11	denies - 8412:7 Dennis - 8390:25,
dates - 8369:8,	8393:2, 8417:22,
8379:24, 8381:18,	8456:15
8410:16, 8412:25,	Department - 8370:8
8418:16, 8419:1,	department - 8424:23,
8419:9, 8422:23, 8450:4, 8450:5,	8426:24, 8442:9, 8490:1, 8501:25
8451:11	Departments - 8378:8,
David - 8364:4, 8366:2,	8379:17
8366:11, 8370:2,	dept - 8459:1
8370:15, 8386:17,	deputy - 8383:16,
8389:22, 8390:9,	8384:24, 8389:10,
8392:17, 8392:21, 8393:16, 8394:10,	8424:23 describe - 8463:18
8394:23, 8396:5,	described - 8461:12,
8397:5, 8413:5, 8413:7,	8479:1
8416:23, 8461:11,	describes - 8461:1
8472:24, 8472:25, 8473:11, 8473:25,	Description - 8367:2 description - 8391:24
8475:3, 8481:14,	desk - 8433:15,
8482:15, 8487:20,	8437:16, 8445:10
8493:22, 8498:8,	destroyed - 8403:15
8498:25, 8501:15	Det - 8456:19
days - 8399:5, 8399:10, 8399:12,	detail - 8377:10, 8412:19, 8412:24,
8402:8, 8426:17,	8414:9, 8424:1,
8448:22	8434:14, 8466:1,
deaf - 8480:5	8475:8, 8482:11
deal - 8396:20, 8398:9,	detailed - 8376:20,
8403:24, 8430:15, 8440:11, 8441:5,	8382:13, 8490:23 details - 8412:9,
8441:16, 8476:11,	8418:20, 8438:23,
8476:12, 8476:13,	8449:18
8490:13	detective - 8375:7,
dealing - 8368:9,	8376:24, 8383:20,
8368:20, 8370:14,	8383:23, 8385:14,
8391:12, 8391:23, 8392:8, 8392:14,	8422:2, 8422:24, 8430:1, 8435:20,
8423:25, 8426:15,	8435:25, 8437:25,
8439:19, 8441:3	8438:5, 8450:18,
dealings - 8378:4,	8450:24, 8502:18
8397:11, 8426:20,	Detective - 8377:2,
8432:18, 8443:22, 8443:23, 8443:24,	8377:14, 8383:20, 8385:17, 8396:21,
8444:1, 8444:2,	8410:20, 8411:4,
8444:16, 8444:17,	8411:20, 8412:2,
8507:1	8412:7, 8412:17,
deals - 8432:1, 8442:8	8438:13, 8438:16,
dealt - 8371:25,	8451:22, 8451:25, 8458:2, 8458:10,
8377:10, 8403:25, 8441:5, 8443:19	8458:11, 8458:17,
death - 8369:23,	8477:10, 8477:12,
8370:3, 8370:21,	8477:17, 8494:6
8370:23, 8389:19, 8397:23, 8502:21	detectives - 8375:8, 8383:18, 8386:4.
0001.20, 0002.21	0000.10,0000.4.

```
8386:19, 8389:11,
8422:16, 8422:19,
8422:20, 8422:21,
8425:23, 8425:24,
8431:8, 8433:17.
8442:5, 8442:13,
8450:15, 8450:22
8450:23, 8451:1,
8454:12, 8472:4
8488:13, 8496:8
detectives' - 8454:17
detector - 8464:25,
determine - 8370:5,
8427:2, 8448:25
determined - 8405:15,
8411:3, 8433:12,
8440:13
determining - 8380:1,
8398:6
develop - 8428:6
developed - 8428:9
developments -
8375:22
 devotion - 8377:4
dictate - 8437:3
dictated - 8437:7
 died - 8385:19
difference - 8503:8
different - 8424:24,
8428:3, 8431:10,
8432:14, 8438:12,
8441:6, 8452:20,
8489:13
differently - 8494:18
difficult - 8372:20
Dimmitt - 8386:10
 directed - 8396:2
directing - 8389:2
direction - 8407:15,
8429:13, 8439:13
directly - 8429:19,
8436:14, 8439:6,
8439:21, 8446:20
8470:23, 8491:10
Director - 8365:4
disappear - 8481:12
discarded - 8376:6
 disclose - 8415:12
discourse - 8501:24
discrete - 8388:16,
8398:10
 discuss - 8484:3
discussed - 8456:17,
8466:10, 8479:6
 discussing - 8460:1
discussion - 8378:4,
8447:11, 8463:13,
8477:1, 8478:3,
8479:12, 8479:16,
8485:14
dishonest - 8502:5
disliked - 8500:14
distribution - 8375:3,
8389:4
division - 8376:24,
8376:25, 8380:14,
8380:16, 8381:7,
8383:19, 8383:21,
8383:23, 8384:6,
8384:12, 8385:6,
8385:14, 8386:24
8387:12, 8422:24
Division - 8377:2,
8377:4, 8377:15
divisions - 8383:12.
8384:4, 8384:5,
8389:12, 8423:19
doc - 8418:19, 8419:5, 8478:19
```

Document - 8365:5, 8365:6 document - 8370:11, 8371:10, 8374:6, 8374:23, 8376:16, 8387:21, 8388:8, 8390:6, 8395:3, 8395:9, 8395:12, 8398:24, 8401:23, 8405:2 8405:7, 8405:9, 8406:4, 8406:7, 8406:14, 8406:17, 8406:21, 8408:7, 8408:15, 8408:19, 8409:4, 8409:6, 8409:8, 8409:15, 8409:19, 8409:25, 8410:12, 8413:18, 8414:4, 8415:9, 8417:6. 8417:20, 8418:5 8418:13, 8418:24, 8420:15, 8421:15, 8422:5, 8422:7 8422:10, 8426:12, 8433:22, 8441:18, 8449:25, 8478:17 **Documents - 8409:17** documents - 8369:2, 8369:4, 8369:12, 8369:14, 8374:3, 8376:5, 8376:11, 8381:25, 8382:2 8385:20, 8388:9, 8388:10, 8389:5, 8389:6, 8390:23 8392:11, 8395:25, 8400:25, 8401:3, 8401:6, 8401:8, 8401:10, 8401:13 8401:14, 8401:19, 8401:20, 8401:25, 8402:3, 8402:4, 8402:11, 8402:15, 8402:20, 8402:23, 8403:22, 8404:17, 8404:21, 8405:1, 8405:19, 8407:1, 8407:16, 8407:20, 8408:12, 8408:21, 8409:2, 8409:10, 8409:13, 8410:2 8410:7, 8414:12 8414:14, 8415:12, 8417:18, 8418:3, 8431:16, 8433:5, 8437:9, 8449:24 8451:11, 8451:14, 8451:16, 8452:2 8452:9, 8456:10 **Don** - 8365:12 Donald - 8508:2, 8508:19 done - 8382:3 8392:18, 8398:21, 8399:8, 8400:15, 8404:15, 8410:5, 8413:21, 8428:6 8429:24, 8433:13, 8434:15, 8436:20, 8440:11, 8442:11, 8449:19, 8453:7, 8455:14, 8466:8, 8471:2, 8476:21 8476:22, 8490:13, 8490:21, 8496:8, 8498:3, 8500:25, 8503:12, 8506:24, 8507:3 **door** - 8502:20, 8504:23

dotted - 8474:10, 8474:22 doubt - 8477:6, 8496:24 Douglas - 8365:2 down - 8374:16, 8375:2, 8377:22, 8377:23, 8378:18, 8380:25, 8381:6, 8384:14, 8386:3, 8389:17, 8391:15 8392:18, 8399:19, 8410:22, 8411:6, 8411:8, 8411:11, 8411:3, 8411:11, 8412:15, 8414:19, 8415:1, 8425:13, 8434:5, 8437:11, 8437:12, 8441:18, 8445:4, 8445:19, 8452:18, 8453:2, 8454:13, 8454:17 8454:13, 8454:17, 8454:24, 8456:24, 8463:17, 8482:4, 8484:24, 8486:2, 8486:15, 8494:11, 8495:8, 8497:10 Down - 8494:1 Dr - 8411:5 draw - 8372:21, 8373:10, 8461:2 dress - 8486:21 drill - 8469:19, 8483:20, 8483:22, 8483:23 drilling - 8489:16 driven - 8444:3 dropped - 8448:14 drove - 8446:15 due - 8418:8, 8494:15 dungeon - 8494:1 during - 8429:25, 8486:4, 8505:7 During - 8416:24 duties - 8377:17, 8381:11, 8422:15 **duty** - 8377:4, 8452:11, 8453:19, 8454:3, 8454:5, 8454:11, 8454:16, 8488:11, 8490:2, 8497:22

E

Eamon - 8366:10 early - 8397:10, 8401:9 Eddie - 8366:8, 8386:14, 8467:12, 8469:9, 8470:12 editor - 8500:1 **Edmundson** - 8459:3 education - 8376:9 Edward - 8364:7 effect - 8473:11, 8481:1 effectiveness - 8429:4 efficient - 8396:23 **efforts** - 8376:7, 8377:5, 8377:6, 8391:2, 8499:20 egging - 8444:12 eight - 8375:8, 8380:24, 8382:15, 8387:6, 8399:5, 8445:8, 8452:18, 8454:12, 8488:15, 8488:19 either - 8385:3. 8392:18, 8413:25, 8465:16, 8468:12, 8483:10, 8485:12 element - 8413:23



family - 8385:23, 8393:5, 8397:9, 8442:24, 8443:9,

eliminated - 8414:5,
8414:24, 8417:19
Elliott - 8390:25.
8417:22
Elmer - 8399:22, 8406:2
Elson - 8366:7, 8376:2
emphasize - 8378:9 empirical - 8500:15
empirical - 8500:15
employees - 8394:2 Emson - 8411:5
en - 8477:24
encounter - 8452:3
encountered -
8444:20, 8459:15 end - 8372:24,
8399:22, 8399:23,
8435:16, 8435:17,
8483:24, 8495:11,
8496:9
ended - 8382:16 enemies - 8391:1
enforcement - 8375:2
enjoyed - 8378:13 entered - 8424:8
entered - 8424:8
entire - 8390:2, 8402:5, 8402:11,
8479:24, 8483:13
8402:5, 8402:11, 8479:24, 8483:13 entirely - 8406:12 entity - 8494:11
entity - 8494:11
equipment official,
8492:20 equivalent - 8492:25
escapes - 8468:6
especially - 8470:7,
8501:14
Esq - 8365:3, 8366:3,
8366:7, 8366:10 establishment -
8377:15
estimate - 8376:15
etcetera - 8376:10,
8384:7, 8405:17, 8417:24, 8458:7
Eudene - 0407.17
evening - 8433:14,
8445:6, 8455:11,
8502:19 event - 8370:16,
8371:19
events - 8449·10
8464:10, 8484:3
eventually - 8424:22 evidence - 8370:24,
8376:20, 8378:15,
8379:8, 8380:15,
8382:8, 8384:2,
8385:24, 8388:16, 8388:18, 8390:4,
8390:11, 8391:10.
8390:11, 8391:10, 8391:14, 8391:23,
8393:9. 8394:1. 8394:5
8394:6, 8394:16, 8395:8, 8395:10,
8395:14, 8395:25,
8396:8. 8396:11.
8397:3, 8397:10, 8398:13, 8398:15,
8398:13, 8398:15,
8401:8, 8403:13, 8403:24, 8404:8.
8403:24, 8404:8, 8405:12, 8406:6,
0406.0 0406.22
8406:9, 8406:23,
8406:24, 8410:21,
8406:24, 8410:21, 8411:24, 8412:14.
8406:24, 8410:21, 8411:24, 8412:14, 8412:20, 8414:16, 8415:19, 8417:7.
8406:24, 8410:21, 8411:24, 8412:14, 8412:20, 8414:16, 8415:19, 8417:7.
8406:24, 8410:21, 8411:24, 8412:14, 8412:20, 8414:16, 8415:19, 8417:7.
8406:24, 8410:21, 8411:24, 8412:14.

8475:2, 8475:13, 8475:20, 8475:21, 8479:2, 8480:8, 8482:12, 8484:14 exact - 8412:12, 8412:13 exactly - 8463:7, 8469:14 examination -8387:24, 8400:13 examine - 8400:17 examining - 8395:12, example - 8372:9, 8390:25, 8398:10, 8399:21, 8401:16, 8406:13, 8407:25, 8409:12, 8415:16, 8425:2, 8431:8, 8436:2, 8436:22, 8475:25, 8477:3, 8494:6 **except** - 8439:22 8445:24, 8495:12 excerpts - 8461:24 excess - 8397:19 exchange - 8397:2 **executive** - 8389:9 **Executive - 8365:4** exhaustive - 8388:1, 8388:5, 8390:15 exhaustively - 8390:19 **exhibit** - 8402:7, 8403:2, 8415:9 exhibits - 8402:3, 8402:12 exist - 8376:5 existed - 8368:22, 8373:14, 8376:3, 8392:10, 8403:7, 8407:7, 8409:8 exists - 8391:20 expect - 8373:3 expenditures -8376:15 **experience** - 8388:24, explained - 8504:1 explaining - 8369:3, 8405:4 express - 8378:9 **extent** - 8396:7, 8397:7, 8414:16

F

extrapolated - 8415:25 extremely - 8377:3

F12-8408:3 fact - 8372:17 8373:21, 8378:16, 8399:6, 8439:9, 8442:7, 8456:23, 8462:8, 8476:11, 8493:8, 8494:15 fact-finding - 8372:17 facts - 8373:1 failed - 8501:14 fair - 8389:19, 8393:9, 8396:25, 8400:5, 8412:19, 8433:6, 8434:16, 8447:7, 8452:22, 8453:6, 8453:18, 8454:22, 8455:23, 8472:14, 8473:1, 8474:24, 8487:21, 8497:4 fairly - 8490:23 fairness - 8501:10. fall - 8421:13, 8421:16

8499:20 far - 8371:1, 8399:16, 8400:3, 8400:13, 8415:24, 8437:11, 8444:4, 8451:13, 8451:14, 8478:11, 8480:4, 8491:10 Father- 8380:8 February-8381:20, 8392:6, 8404:1, 8410:19, 8410:23 8411:7, 8416:8, 8416:9, 8416:11, 8416:14, 8416:17, 8423:20, 8423:23, 8423:24, 8427:14, 8427:15, 8433:23, 8434:8, 8438:10, 8438:14, 8450:14 **Federal**- 8371:12, 8407:5, 8407:17 fell - 8483:23 fellow - 8396:18, 8439:5, 8441:2, 8447:23, 8455:13 felt - 8408:3, 8440:9, 8447:9, 8462:9, 8462:11, 8462:13, 8493:18 female - 8468:10 few - 8383:11, 8400:22, 8402:8 8403:21, 8422:16, 8441:6, 8443:11, 8456:17, 8487:3, 8495:12 fifth - 8369:2 fighting - 8486:14 file - 8384:16, 8386:1, 8401:15, 8401:16, 8401:17, 8401:18, 8404:19, 8405:13, 8405:15, 8405:22, 8407:2, 8407:3, 8407:4, 8407:7, 8408:23, 8408:25, 8409:3, 8425:2, 8429:5, 8434:13, 8435:18, 8435:22, 8436:5, 8436:15, 8438:11, 8441:8, 8441:9, 8445:22, 8446:7, 8448:11, 8449:18, 8450:10, 8451:3, 8453:8, 8474:17, 8478:7, 8483:5, 8484:1, 8487:10, 8490:17, 8490:23, 8491:3, 8491:4, 8491:10, 8494:7, 8494:10, 8504:1 file' - 8450:12, 8451:2 filed - 8436:12 files - 8371:21, 8371:23, 8382:5 8392:7, 8404:4, 8404:5, 8404:6, 8407:19, 8408:5, 8409:21, 8413:15, 8417:5, 8417:8, 8471:4 filing - 8402:4 financial - 8376:21 fine - 8372:21. 8376:16, 8399:3 finish - 8499:15 finished - 8448:19, 8471:17, 8482:5

8413:18, 8416:5, 8416:8, 8416:9, 8416:10, 8416:16, 8416:19, 8416:21, 8416:25, 8417:2, 8417:17, 8419:16, 8419:21, 8421:10, 8422:6, 8424:20, 8426:3, 8426:5, 8433:4, 8441:1, 8447:22, 8449:2, 8449:25 8451:12, 8452:5, 8452:6, 8456:10, 8456:13, 8457:15, 8463:21, 8472:18, 8495:3, 8495:12, 8502:14, 8503:1, 8503:5 Fisher- 8366:10, 8371:8, 8371:23, 8380:20, 8396:7, 8396:12, 8396:17, 8397:11, 8397:13, 8410:19, 8415:17, 8506:8, 8506:11. 8506:15, 8506:17 Fisher's- 8372:9, 8392:13, 8396:9 fit - 8374:25, 8386:23 Fitzpatrick- 8365:14 five - 8382:17, 8395:3, 8410:14, 8454:7, 8477:21 flag - 8406:21, 8407:13, 8408:7, 8408:8, 8408:19, 8409:3, 8409:5, 8409:11, 8409:18, 8410:1 flagged - 8405:8 flex - 8452:21 flip - 8383:7 focus - 8371:21, 8372:16, 8373:6, 8380:14, 8389:20, 8422:14 focused - 8430:22 folder - 8403:3, 8404:14 follow - 8434:22, 8436:10, 8436:25, 8440:5, 8485:20, 8487:14, 8496:5, 8498:11 followed - 8435:11. 8436:7, 8444:14, 8449:12, 8499:18, 8499:21 **following** - 8416:13, 8435:14, 8438:17, 8477:2 Forbes- 8384:24 force - 8373:16, 8374:18, 8387:18 8400:6, 8424:4, 8442:2 Force-8377:3 forces - 8371:5. 8389:13, 8397:20, 8426:20, 8427:9 foregoing - 8508:4 forgot - 8424:12 forgotten - 8459:21 form - 8415:4

first - 8368:12,

8368:19, 8369:18,

8370:13, 8377:19,

8381:14, 8382:14,

8383:6, 8386:22,

8388:21, 8390:12,

8395:10, 8399:2,

formal - 8376:10 formed - 8462:6. 8505:17 forward - 8394:12 Four- 8488:15 four - 8377:8, 8377:25, 8381:15, 8395:6, 8395:10, 8404:6, 8432:13, 8432:14, 8433:3, 8488:20 fourth - 8368:25, fourthly - 8432:24 Fox- 8366:8, 8399:11 frame - 8412:23, 8431:6, 8468:6 fraud - 8383:22 Fraud- 8377:16 Frayer- 8366:11 freedom - 8428:6 **Friday**- 8465:9, 8477:14, 8488:11, 8497:9 friend - 8502:20 friends - 8391:1 front - 8419:7, 8450:5 frozen - 8411:1 full - 8376:16, 8377:17, 8380:6, 8402:12, 8436:16 full-time - 8377:17 funny - 8483:21, 8483:25

G

Gail - 8368:11, 8369:23, 8370:4, 8370:14, 8370:23, 8374:19, 8378:17, 8378:19, 8380:22, 8381:19, 8383:24, 8384:10, 8389:19, 8390:4, 8391:1, 8391:18, 8391:21, 8392:2, 8392:5, 8397:22, 8403:1, 8410:3, 8411:25 8415:14, 8431:13, 8431:20, 8432:7, 8432:15, 8433:9, 8434:13, 8436:15 8438:10, 8439:16, 8440:1, 8440:17, 8440:23, 8441:19, 8443:23, 8444:21, 8447:6, 8447:11, 8447:19, 8450:13 8451:3, 8453:4, 8453:8, 8456:23, 8466:11, 8466:15, 8472:23, 8473:12, 8475:4, 8475:13, 8480:13, 8481:15, 8484:23, 8493:22, 8502:21 gambling - 8426:16, 8428:7 gaming - 8428:7 garbage - 8410:23 Garrett - 8366:6 gather - 8447:1, 8449:5, 8449:23 **gathered** - 8401:22, 8404:4 gathering - 8427:17, 8430:22 **Gelowitz** - 8418:6 **general** - 8387:25, 8388:3, 8389:18, 8390:3, 8400:9,



8402:18, 8432:16, 8433:4, 8433:9, 8437:22, 8450:17, 8507:2 **generally** - 8390:14, 8398:14, 8399:16, 8422:13, 8424:2, 8434:2, 8465:25 generated - 8415:3 gentlemen - 8386:2 George - 8385:17, 8386:1, 8431:24, 8436:6 Gerald - 8386:6 Gerard - 8367:3. 8419:22, 8419:25, 8420:24 **Gerry** - 8426:6, 8506:9 **Gerse** - 8412:4 Gibson - 8366:9 girl - 8480:12, 8480:13, 8480:14 8480:16, 8480:17 girls - 8483:3, 8483:6 given - 8382:3, 8403:9, 8406:10, 8406:24, 8409:14, 8425:1, 8439:12, 8456:25 8482:10, 8496:19 gleaned - 8413:11 God - 8486:13 government - 8401:17 Government - 8366:4, 8407:1, 8408:24 **Grant** - 8387:15 **great** - 8466:1 green - 8409:3 grew - 8443:9 grey - 8410:1 grounding - 8374:3 group - 8387:10, 8398:3, 8412:8, 8461:2, 8477:21, 8502:10 grouped - 8399:21 groupings - 8402:15 groups - 8392:19 Gryba - 8387:2, 8472:2 guess - 8394:3, 8398:5, 8443:4, 8475:18, 8490:24 guessing - 8465:17 guide - 8387:25, 8389:14 guided - 8373:8, 8430:25 gut - 8472:4 guy - 8506:8 Gym-8443:8 gymnast - 8443:7 gymnastics - 8444:4

Н

hair - 8411:3 half - 8374:15, 8381:14 hall - 8443:9 hallway - 8471:19 hand - 8385:5 8401:11, 8405:18 handle - 8411:8 handled - 8478:1 handwriting - 8460:5 Hanson - 8386:10 Hardy - 8365:3 Hartmut - 8453:4, 8453:5 **hat** - 8492:9, 8492:11, 8494:22 hawed - 8485:2 headed - 8381:7

hear - 8371:8, 8372:2, 8372:6, 8372:7, 8372:22, 8372:23, 8373:20, 8373:25, 8380:7, 8380:15, 8384:2, 8385:20, 8385:24, 8390:11, 8393:24, 8397:3, 8399:14, 8399:17, 8401:8, 8403:12, 8406:23, 8406:24, 8411:4, 8411:12, 8412:2, 8412:5, 8467:21, 8476:11, 8498:6, 8498:23 heard - 8370:16, 8370:24, 8382:5, 8386:5, 8390:4, 8390:24, 8391:14, 8393:1, 8393:6, 8393:21, 8394:1 8397:10, 8403:24, 8410:18, 8411:5, 8411:9, 8411:17, 8411:23, 8411:24, 8412:4, 8412:14, 8412:23, 8417:21, 8417:22, 8466:21, 8472:17, 8473:15, 8475:22, 8476:10, 8476:13, 8479:19, 8481:2, 8482:12, 8483:8, 8486:24, 8486:25, 8491:2, 8493:21, 8493:24, 8494:23, 8494:25 **hearing** - 8370:18, 8373:15, 8375:11, 8378:15, 8380:18, 8382:1, 8382:7, 8382:10, 8384:8, 8384:16, 8385:8, 8385:10, 8386:6, 8386:9, 8386:15, 8386:18, 8387:3, 8387:9, 8387:14, 8389:24, 8393:9, 8393:22, 8395:8, 8395:14, 8395:19, 8395:21, 8395:24, 8396:10, 8396:21 8397:8, 8404:8, 8405:6, 8405:12, 8405:21, 8406:9, 8410:21, 8412:19, 8417:7 8418:8, 8470:7, 8473:3, 8473:12, 8474:18, 8479:15, 8482:18, 8486:22, 8490:15, 8498:12, 8498:15, 8499:8 hearings - 8492:2 Helen - 8412:3 help - 8392:10, 8429:7, 8452:9, 8478:12, 8488:23 helped - 8430:4, helpful - 8374:2, Henry - 8458:5 her' - 8498:25 hereby - 8508:4 herein - 8508:6 Hersh - 8366:2

hesitated - 8485:2

highlight - 8379:21,

hidden - 8489:17

high - 8495:8

headline - 8501:23

8410:14, 8414:11 hill - 8443:10 Hill - 8443:10 him' - 8471:20 Hinz - 8365:11, 8508:2, 8508:13 hit - 8480:12, 8480:13, 8480:17 Hodson - 8365:2, 8367:4, 8368:5, 8419:21, 8420:1, 8472:7, 8499:17, 8507:5 hold - 8446:10 hole - 8469:19, 8489:16 home - 8438:25, 8448:11, 8448:13, 8448:14, 8448:15, 8448:18, 8504:5 homicide - 8383:22 Hon - 8366:13 honest - 8447:17, 8473:18 Honourable - 8364:6 hopefully - 8368:15, 8369:12, 8372:10, 8414:6 Hoppy - 8447:3, 8447:24 horse - 8426:17 horse-betting -8426:17 hospital - 8380:10 hotel - 8471:19, 8485:13, 8488:25, 8489:3, 8489:15 Hotel - 8364:16 Hounjet - 8411:9 hours - 8452:19, 8454:7, 8488:15, 8488:19, 8493:10 hours' - 8454:12 house - 8446:15, houses - 8391:4, 8419:1, 8419:4, 8419:5, 8419:8, 8444:12 hummed - 8485:2

I

ld - 8398:24, 8414:4, 8417:20, 8418:19, 8419:5, 8478:19 **idea** - 8382:21, 8388:1, 8414:7, 8462:6 Identification identification - 8375:7, 8381:7, 8383:18, 8384:6, 8387:11, 8387:13, 8389:12, 8391:9, 8391:13, 8423:4, 8445:25 identified - 8372:15, 8387:7, 8390:9, 8390:23, 8391:10, 8398:3, 8405:20, 8409:2, 8413:25, 8417:1, 8436:22 identifies - 8398:22, identify - 8374:12, 8378:22, 8380:7, 8390:3, 8404:23, 8405:2, 8405:5, 8408:14, 8413:24, 8414:3, 8417:14.

identifying - 8390:7, 8478:11 implicating - 8379:10, 8413:4 importance - 8406:20 important - 8382:9, 8389:3, 8389:25, 8399:21, 8404:16, 8408:4, 8408:5, 8409:23, 8449:11, 8497:7 impression - 8457:13, 8457:15, 8462:4, 8470:9 improved - 8442:9 incident - 8412:13, 8428:24 incidents - 8475:23 include - 8384:1, 8463:10 included - 8402:20, 8403:2, 8404:10, 8405:25, 8415:15, 8415:21 includes - 8403:5 including - 8372:15, 8377:8, 8377:15, 8391:19 incomplete - 8399:7 incorporated -8462:14 incriminate - 8475:3 incriminating -8472:25, 8473:4, 8473:24, 8475:13, 8475:19, 8475:21, 8482:14, 8482:17, 8482:19, 8487:20, 8498:18 indecent - 8381:1, independent -8460:17, 8478:13 Index - 8367:1 indicate - 8412:22, 8416:18, 8422:8 indication - 8374:18, 8419:8, 8506:24 individual - 8379:19, 8426:25, 8434:11 individuals - 8483:10 information - 8368:15, 8368:21, 8370:7, 8373:13, 8378:23, 8378:25, 8379:2, 8382:13, 8382:18, 8382:20, 8394:21, 8397:2, 8413:10, 8415:5, 8416:23, 8427:17, 8428:9, 8428:19, 8428:23, 8429:17, 8429:23, 8436:10, 8456:22, 8457:9, 8462:13, 8462:20, 8466:6, 8466:7, 8470:15, 8470:16, 8475:2 8484:7, 8484:22, 8489:7, 8491:13, 8492:7, 8492:13 8493:14, 8493:15, 8494:18, 8495:5, 8496:6, 8503:6, 8504:2, 8505:3, 8506:1 informed - 8462:8 **informing** - 8392:13 initiated - 8431:2 Inland - 8365:14 inquire - 8369:21, 8390:1

Inquiry - 8364:2, 8364:23, 8368:9, 8370:13, 8371:20, 8374:13, 8409:22, 8461:4 insignificant - 8487:4, Inspector - 8386:25, 8459:1, 8464:12, 8465:21, 8466:15, 8466:23, 8467:6, 8472:15, 8473:4, 8473:8, 8473:13, 8474:25, 8476:8, 8477:4, 8477:16, 8477:22, 8478:21, 8479:1, 8481:7 inspector - 8375:6, installation - 8492:12, 8493:17, 8496:22 Instead - 8501:9 instruction - 8425:1 instructions - 8428:2, 8495:4 intelligence - 8377:19, 8430:23, 8496:4, 8496:12 Intelligence - 8386:21, 8425:14, 8426:1, 8426:14, 8427:5, 8430:10, 8430:18, 8490:19, 8494:16, 8495:7 intend - 8368:19, 8368:24, 8369:1, 8372:4, 8388:14, 8389:15, 8397:15, 8398:17, 8400:4, 8412:21, 8417:13, 8506:25 intention - 8472:10 interested - 8470:13 internal - 8375:24 Internet - 8419:14 internet - 8402:14 interview - 8386:17. 18392:24, 8392:25, 8393:7, 8393:8, 8393:14, 8393:21, 8394:9, 8411:15, 8411:21, 8425:2, 8432:25, 8434:10, 8425:9, 8436: 8435:9, 8436:8, 8453:12, 8470:22, 8472:15, 8473:9, 8473:10, 8473:22, 8475:19, 8477:5, 8479:1, 8482:21 8489:17, 8494:23 interviewed - 8390:12, 8397:25, 8411:16, 8411:18, 8411:23, 8412:7, 8412:11, 8412:16, 8413:3, 8413:5, 8415:18, 8439:25, 8458:25, 8466:24, 8471:9, 8472:22, 8481:7 8483:3, 8484:16 interviewing - 8468:4, 8468:9, 8468:21, 8475:1, 8482:24 interviews - 8383:12, 8393:1, 8393:3, 8393:11, 8393:17, 8398:19, 8414:15, 8466:23, 8471:5, 8496.11

introduced - 8484:20



8418:14. 8419:3

introduction -
8373:11, 8374:2 introductory -
8368:14, 8419:11
investigate - 8394:7,
8425:2 investigated - 8414:4,
8414:21, 8414:22, 8414:23, 8416:2,
8414:23, 8416:2, 8416:5, 8416:8,
8416:10, 8416:12,
8416:14, 8416:16,
8416:21, 8416:25, 8417:2, 8419:4
Investigated - 8413:19
investigating - 8371:7, 8371:13, 8376:25,
8377:7, 8380:17,
8382:24, 8434:15,
8504:3 investigation -
8368:11, 8369:4,
8368:11, 8369:4, 8369:7, 8369:9, 8369:12, 8369:23,
8370:2. 8370:3. 8370:6.
8370:15, 8370:20,
8371:4, 8371:21, 8372:6, 8374:20,
8378:17, 8378:23,
8378:17, 8378:23, 8379:3, 8380:19,
8380:22, 8381:16, 8383:25, 8384:10,
8387:8, 8387:19,
8388:17, 8388:23, 8389:5, 8389:14,
8389:18, 8389:21,
8389:18, 8389:21, 8390:2, 8390:3, 8390:8,
8390:17, 8391:17, 8392:2, 8392:4,
8392:17, 8392:20,
8393:18, 8393:25, 8394:25, 8396:2,
8396:6, 8397:12,
8397:22, 8398:2, 8398:8, 8400:25,
8401:3. 8401:13.
8402:6, 8402:22, 8402:23, 8402:24,
8403:11, 8404:5,
8404:18, 8404:22,
8405:16, 8407:18, 8408:2, 8408:17,
8409:19, 8410:2,
8410:4, 8413:11, 8413:15, 8413:22,
8417:20, 8418:14,
8418:15, 8418:18,
8419:2, 8429:12, 8431:14, 8431:15,
8431:21, 8432:8,
8432:15, 8432:16, 8433:4, 8433:10,
8434:1, 8434:5, 8435:1, 8435:8, 8435:9,
8435:8, 8435:9, 8436:11, 8439:17,
8440:6, 8440:18,
8441:20, 8463:1,
8466:11, 8466:16, 8478:7, 8490:22,
8491:1, 8491:6, 8491:8,
8492:5, 8492:7, 8493:1, 8494:25, 8495:6,
8496:17, 8505:7
investigations - 8383:17, 8383:21,
8385:1, 8393:4, 8410:3,
8430:4, 8440:20 Investigations -
8427:24
investigative -

8390:14, 8390:20, 8414:13, 8415:5, 8415:13, 8491:21 investigator - 8429:15, 8474:6, 8490:21, 8495:19, 8505:8 investigator's -8473:21 investigators -8368:10, 8370:19, 8379:6, 8428:23, 8462:23, 8468:18 8474:5, 8480:6, 8484:8, 8491:13, 8496:16, 8498:4 investigators' -8372:16, 8468:16 invited - 8501:21 involved - 8368:11, 8370:20, 8371:3, 8371:5, 8371:13, 8371:15, 8371:18, 8373:17, 8373:24, 8374:21, 8378:16, 8381:14, 8383:14, 8384:9, 8384:22, 8385:7, 8386:4, 8386:9, 8386:17, 8387:7, 8387:18, 8394:15, 8395:18, 8396:3, 8396:22, 8397:7, 8397:22, 8398:7, 8413:23, 8414:25, 8417:19, 8417:24, 8418:15, 8418:18, 8428:20, 8429:1, 8429:3, 8429:5, 8429:11, 8429:12, 8430:3, 8430:19, 8432:7, 8432:24, 8433:8, 8433:13, 8439:22, 8442:14, 8444:7, 8447:15, 8464:24, 8468:11, 8483:5, 8488:5, 8491:23, 8491:24 involvement - 8372:5. 8380:21, 8385:19, 8385:23, 8394:4, 8396:15, 8398:2, 8400:8, 8400:11, 8418:20, 8431:13 8439:16, 8453:15, 8464:12, 8498:8 involvements -8432:14 involves - 8434:9 Irene - 8365:10 Irwin - 8366:13 Isabelle - 8365:6 issue - 8394:17, 8398:10, 8501:8, 8501:15 **issues** - 8368:23, 8372:14, 8372:19, 8373:4, 8373:7, 8391:12, 8400:9 it' - 8501:1, 8501:2 items - 8391:12, 8392:22, 8482:13 itself - 8439:21, 8497:21

.I

Jack- 8383:17, 8384:25, 8385:18, 8386:5, 8389:10, 8427:23 James- 8366:3,

8374:7, 8383:3 8384:22, 8384:23 January-8379:5, 8381:20, 8416:6, 8416:11, 8416:20, 8421:20, 8425:6, 8448:2, 8459:16, 8461:18, 8461:21, 8477:25 Jeff- 8453:12 Jeffrey- 8439:1 Jennifer- 8366:11 **Jerry**- 8365:13 **job** - 8424:5, 8424:6, 8424:7, 8424:10, 8424:17, 8424:20, 8425:5, 8429:22, 8430:22, 8435:20, 8438:6, 8468:15, 8468:17, 8470:18, 8473:21, 8491:20, 8492:12, 8492:15, 8492:16, 8505:8 jobs - 8424:21 Joe- 8387:12 John-8379:4, 8379:8, 8387:3, 8387:4, 8393:6, 8404:2, 8411:18, 8411:21, 8412:6, 8412:25, 8413:5, 8413:12, 8433:1, 8436:9, 8459:16, 8466:22, 8468:8, 8468:22, 8468:25, 8470:7, 8472:16, 8472:22, 8473:6, 8473:10, 8473:23, 8473:25, 8475:1, 8475:11, 8477:4, 8479:2, 8481:9, 8482:23, 8482:25 8484:17, 8484:19, 8486:25, 8493:21, 8494:23, 8496:11, 8498:14, 8498:24, 8499:7 John's- 8487:6 Jordan- 8365:3 Joyce- 8366:3 Joyce- 8366:3 judge - 8499:3 judged - 8501:10 juggled - 8399:14 **July**- 8422:19 jumped - 8453:20 June- 8385:2 junior - 8442:3 jurisdiction - 8441:11 Justice- 8364:6, 8366:12, 8370:9, 8371:12, 8407:5, 8407:17

Κ

Kara - 8365:6 Karen - 8365:11, 8508:2, 8508:13 Karst - 8366:8, 8386:14, 8386:15, 8396:15, 8399:13, 8400:10, 8411:20, 8412:2, 8412:5, 8412:7, 8412:17, 8429:19, 8430:5, 8451:22, 8451:25, 8458:10, 8458:11, 8467:12, 8469:9, 8470:12, 8477:11, 8477:12, 8478:8, 8502:2 Karst's - 8458:2

keep - 8375:21, 8400:1, 8405:23, 8437:19, 8489:5, 8490:5, 8490:8, 8491:16, 8493:13, 8494:14, 8497:24 keeping - 8382:9 Keith - 8386:16 **kept** - 8382:2, 8403:15, 8440:17, 8446:2, 8486:4, 8488:18 8489:24, 8490:3 8491:11, 8492:13, 8493:8, 8493:20, 8493:25, 8495:11 Kettles - 8374:8, 8375:14, 8383:3, 8384:22 **key** - 8369:8, 8369:20, 8375:10, 8384:21, 8385:13, 8398:7, 8399:17, 8410:16, 8412:25 kid - 8444:8, 8506:4 kids - 8472:11 kill - 8473:12, 8493:22, 8498:25 Killed - 8480:22 kind - 8444:5, 8444:11, 8444:14, 8446:5, 8471:22, 8472:3, 8476:7, 8480:3, 8483:21, 8483:23, 8485:21, 8485:24 kindergarten - 8443:3, 8443:5 Kleiv - 8387:14 knife - 8411:8, 8477:20, 8478:2 8478:3, 8478:15 knives - 8485:18 knowing - 8476:15 knowledge - 8396:8, 8429:17, 8452:6, 8508:6 known - 8391:2, 8506:9 Knox - 8366:5 Krogan - 8366:4 Kujawa - 8366:6

L

lab - 8403:1, 8405:16, Labreque- 8386:9 **Lana**- 8366:4 lane - 8459:17, 8486:15 **Larry**- 8366:10, 8371:8, 8372:8, 8392:13, 8396:6, 8397:12, 8410:19, 8415:17, 8443:6, 8444:3, 8444:13, 8447:14 Larson- 8440:3 last - 8372:12, 8382:25, 8383:1 8395:9, 8399:12, 8404:12, 8405:4, 8407:3, 8408:24, 8413:9, 8455:18, 8458:8, 8487:15 **Lastly**- 8410:1 **lastly** - 8369:9, 8389:12, 8392:12, 8394:8, 8418:23 late - 8425:19, 8425:20 later' - 8372:23

latter - 8371:7 law - 8375:23, 8424:13, 8444:8 lawyer - 8499:4 lead - 8388:19 learned - 8425:5, 8505:5 least - 8382:21, 8405:17 leave - 8407:8, 8430:12, 8430:16, 8435:7, 8440:6, 8448:10, 8491:8 led - 8395:16, 8449:4 ledger - 8414:11, 8414:19, 8415:16, 8415:21, 8415:25, 8417:12, 8440:16 left - 8387:19, 8448:6. 8453:6, 8459:13, 8471:22, 8483:16, 8490:24, 8502:9, 8502:25, 8505:21 legal - 8379:17, 8419:22 Les- 8390:25, 8438:1 letter - 8500:1 level - 8383:20 Lewis- 8387:9 liaison - 8378:6 lie - 8464:25, 8488:25 lieutenant - 8375:7 Lieutenant-8381:8, 8385:15, 8385:16, 8387:12, 8410:25, 8411:19, 8432:3, 8438:25, 8439:12, 8439:15, 8451:23, 8456:11, 8456:13, 8458:19, 8459:4, 8477:16 lieutenants - 8383:19 life - 8469:10 light - 8392:10 likely - 8396:12, 8398:4, 8456:5 lilac - 8409:5 limit - 8388:5 **limited** - 8371:1, 8402:19, 8403:20 Linda-8371:23, 8396:17 line - 8372:21 8373:10, 8445:20, 8453:10, 8503:9, 8506:14 lines - 8441:1 list - 8368:25, 8386:12, 8386:19, 8397:16, 8398:25, 8440:16 listed - 8376:11, 8406:5 listen - 8468:2. 8468:14, 8468:15, 8468:20, 8470:19, 8472:6, 8473:19, 8484:8, 8492:14, 8496:6, 8497:5, 8500:13 listened - 8472:15 listening - 8470:21, 8482:20 lists - 8419:5 lived - 8439:9. 8443:10, 8443:13, 8459:14 load - 8381:12 locate - 8411:20 located - 8382:4,

8382:7, 8401:12



location - 8391:25 locations - 8381:18 locket - 8448:7 Lockyer- 8366:3 log - 8488:17, 8489:6, 8489:10, 8489:24, 8490:10, 8490:11, 8492:24, 8493:6, 8493:8, 8493:9, 8493:11, 8493:15, 8493:23, 8493:25, 8494:4 look - 8375:4, 8391:2, 8398:23, 8428:21, 8436:12, 8461:5, 8490:7 looked - 8374:4, 8374:19, 8383:25, 8384:4, 8390:7, 8390:24, 8482:1, 8490:22, 8504:15, 8505:12 looking - 8380:2, 8428:24, 8457:6, 8504:23 looks - 8439:11, 8452:13 Lorne-8380:10, 8387:15, 8418:6 lumps - 8411:1 lunch - 8424:21

M

Maccallum - 8364:7, 8368:3, 8419:17, 8471:24, 8499:16 8507:6 **machine** - 8473:18, 8480:3, 8495:14, 8495:20, 8496:10, 8497:16, 8497:19 machines - 8497:20 Mackie - 8385:17, 8386:1, 8386:16, 8395:8, 8395:16, 8399:18, 8400:10, 8406:18, 8412:2, 8412:17, 8413:7, 8431:22, 8432:2, 8432:3, 8434:18, 8436:4, 8436:5, 8436:13, 8436:14, 8436:18, 8436:23, 8437:14, 8438:16, 8438:19, 8439:19, 8446:7, 8446:10, 8446:15, 8446:18, 8448:17, 8448:19, 8449:5, 8449:17, 8451:19, 8455:1, 8455:6, 8455:20, 8456:1, 8467:11, 8469:8, 8470:12, 8477:17, 8490:20, 8494:6, 8497:13, 8497:19, 8502:3, 8504:5 Mackie' - 8497:11 Mackie's - 8455:19 mad - 8500:7 Mahar - 8380:9, 8380:10 major - 8377:7 makers - 8435:3 Malanowich - 8387:4, 8393:22 male - 8390:25 maligned - 8502:2,

8502:3

manager - 8443:13 Manager - 8365:5 mandate - 8369:19 8370:1, 8370:4, 8390:1 manner - 8396:23 manuals - 8376:3 map - 8391:5, 8419:7 March - 8390:10, 8392:23, 8392:24, 8393:7, 8411:8, 8411:12, 8411:14, 8411:18, 8411:19, 8416:15, 8416:20, 8416:22, 8422:17, 8438:22, 8439:25, 8440:25, 8442:23, 8443:18, 8451:18, 8451:21, 8452:11, 8453:3, 8453:17, 8453:18, 8453:20, 8453:22, 8454:1, 8454:2, 8454:4, 8454:5, 8454:6, 8454:10, 8454:16, 8454:24 8455:1, 8455:6, 8455:7, 8455:17, 8455:25, 8456:5, 8456:12, 8456:15, 8457:10, 8458:2, 8458:4, 8458:20, 8459:10, 8474:15 Marion - 8443:8 mark - 8445:8 mark - 8445:8 marked - 8452:18 Martin - 8387:2 Mary's - 8443:2, 8443:5, 8443:8 master - 8489:6 materials - 8388:11, 8403:2 matter - 8371:19, 8382:10, 8405:10, 8433:9, 8443:24, 8444:21, 8456:17, 8489:13, 8498:8, 8500:12, 8502:1 matters - 8371:24, 8380:1, 8396:20, 8397:6, 8397:7, 8496:12 Maurice - 8386:8 Mcclocklin - 8443:12 Mccorriston - 8386:6, 8410:20, 8426:6, 8426:9, 8506:9, 8506:16, 8506:17 **mean** - 8399:14, 8399:17, 8399:19, 8399:20, 8428:13, 8429:1, 8450:16, 8450:21, 8455:4, 8450.21, 8475.6, 8469:7, 8475.6, 8480:13, 8480:18, 8481:9, 8490:5, 8500:14, 8501:16 means - 8409:18, 8421:5 meant - 8433:18, 8480:21 media - 8391:19, 8403:5, 8403:7, 8499:21, 8500:7, 8500:14, 8500:20, 8501:22, 8502:7, 8502:8 media/police - 8397:1 medical - 8379:18 Medical - 8434:10

meeting - 8445:17, 8459:5, 8459:18,

8460:11, 8460:18, 8465:23, 8475:12, 8480:10 meetings - 8395:14, 8395:16, 8425:11 member - 8420:9 **members** - 8393:5, 8426:5, 8429:7, 8459:1 memo - 8405:3, 8422:11, 8430:14, 8452:18, 8495:1 memory - 8455:10, 8462:20, 8479:5 mention - 8448:21, 8454:21, 8457:22 mentioned - 8445:21, 8446:8, 8451:8, 8457:22, 8506:10 **met** - 8451:25, 8457:11, 8464:16, 8465:21 **Meyer** - 8365:12, 8508:2, 8508:19 mic' - 8467:21 microphone -8468:17, 8469:23, 8492:16 **mid** - 8395:1, 8395:13, 8395:16 midnight - 8488:23 might - 8383:10, 8401:4, 8410:15, 8415:17, 8420:17 8434:6, 8436:6, 8436:9, 8436:21, 8436:24, 8438:4, 8442:19, 8447:3, 8455:13, 8458:1, 8467:24, 8480:1, 8487:9, 8488:22, 8497:15, 8499:10, 8507:4 mike - 8489:17 Milgaard - 8364:4 8366:2, 8366:3, 8370:2, 8370:15, 8379:4, 8379:10, 8386:17, 8389:22, 8390:9, 8392:17, 8392:21, 8393:16, 8393:19, 8394:8, 8394:10, 8394:19, 8394:23, 8395:23, 8396:6, 8397:5, 8397:9, 8411:12, 8411:15, 8412:8, 8412:10, 8413:5, 8413:7, 8416:24, 8431:12, 8447:21, 8447:24, 8448:6, 8449:20, 8457:22, 8459:15, 8461:1, 8461:11, 8462:3, 8463:15, 8472:24, 8472:25, 8473:12, 8474:1, 8475:3, 8481:14, 8482:15, 8487:20, 8493:22, 8498:8, 8498:25, 8499:20, 8501:15, 8502:8, 8502:15, 8502:19, 8502:22, 8503:2, 8503:14, 8505:6 Milgaard's - 8506:19 Miller - 8369:24, 8370:4, 8370:14, 8370:23, 8378:17, 8378:20, 8380:22, 8381:19, 8383:24, 8384:10, 8389:19, 8390:4, 8391:18,

8391:22, 8392:2, 8392:5, 8394:8, 8403:1, 8410:3, 8431:13, 8431:20, 8432:7, 8432:15, 8433:9, 8434:13, 8436:15, 8438:10, 8439:16, 8440:1, 8440:17, 8440:23, 8441:19, 8443:24, 8444:21, 8447:6, 8447:12, 8447:19, 8450:10, 8450:13, 8451:3, 8453:4, 8453:8, 8456:23, 8466:11, 8466:15, 8472:23, 8473:12, 8475:4, 8475:14, 8480:14, 8481:15, 8484:23, 8493:22 **Miller's** - 8368:12, 8374:20, 8391:1, 8397:23, 8411:25, 8415:15, 8502:21 mind - 8449:23, 8472:12, 8473:17, 8474:11, 8474:23, 8476:2, 8485:25, 8487:2 minded - 8379:19 mindful - 8399:6 minds - 8415:4 mindset - 8492:22 mine - 8435:17, 8451:6 Minister - 8366:12 minor - 8385:22 minutes - 8456:17, 8506:23 miscellaneous -8403:4 miserably - 8501:14 missed - 8392:21 missing - 8371:21, 8392:7, 8407:19 mistaken - 8441:15, 8447:23, 8467:24 modern - 8375:23 modus - 8391:25 moment - 8383:15, 8391:5, 8417:6, 8433:21, 8443:22 8454:20, 8457:4, 8473:9, 8475:9, 8500:5 moments - 8383:11 **Monday** - 8364:21, 8453:17, 8454:4, 8454:5, 8454:6 month - 8416:13, 8481:18 months - 8422:16, 8441:21, 8495:12 moral - 8384:1 morality - 8375:6, 8375:8, 8380:14, 8380:16, 8380:24, 8383:18, 8386:24, 8387:6, 8389:11, 8399:22, 8421:20, 8422:1, 8423:5, 8423:8, 8423:13, 8423:14, 8423:15, 8442:5 8442:12, 8450:19, 8450:20 Morality - 8383:25, 8387:2 morning - 8436:16, 8447:25, 8459:16, 8463:15, 8477:25, 8502:21, 8507:7

Morrison - 8377:21,

8386:22, 8425:15, 8425:16, 8425:22, 8426:5, 8464:22, 8467:18, 8470:14, 8477:18, 8483:12, 8484:5, 8490:4, 8491:7, 8493:20, 8494:5 8497:22, 8497:23 most - 8381:13, 8385:14, 8389:20, 8389:22, 8391:15, 8396:23, 8413:23, 8500:14 motel - 8394:2, 8412:13, 8477:15 mother - 8502:17, 8502:23, 8503:15, 8503:24 mother's - 8447:25, 8449:21 mouth - 8455:24 move - 8397:16, 8399:24, 8441:17 moved - 8422:3, 8437:11 movements - 8394:18 moving - 8421:9, 8429:18 Municipal - 8379:16 murder - 8368:12, 8370:14, 8374:20, 8377:9, 8377:23, 8377:24, 8378:1, 8378:17, 8378:19, 8379:11, 8380:9, 8381:15, 8381:19, 8383:24, 8391:18 8392:2, 8392:5, 8392:6, 8394:24, 8403:1, 8410:4, 8410:25 8411:1, 8416:2, 8416:7, 8416:13, 8418:16, 8418:18, 8431:14, 8431:21, 8432:7, 8432:15, 8434:12, 8440:1, 8441:20, 8440:1, 8441:20, 8441:22, 8445:21, 8445:24, 8447:7, 8447:12, 8447:20, 8448:2, 8450:12, 8451:2, 8451:7, 8456:23, 8466:11, 8466:16, 8472:23, 8475:4, 8475:13, 8476:1, 8481:15, 8484:23, 8488:1 8488:2, 8496:17, 8498:17 murder' - 8451:8 murdered - 8480:19, 8480:20 murders - 8377:1, 8377:8, 8377:25, 8379:24, 8379:25, 8381:15, 8430:5 Murphy - 8380:8 must - 8378:8, 8460:15, 8465:4, 8485:3 Ν

name - 8380:9, 8414:3, 8414:20, 8417:15, 8417:21, 8418:17, 8419:22, 8447:21, 8447:22, 8447:23, 8449:20, 8457:22, 8491:6 namely - 8368:10



names - 8383:13, 8384:21, 8386:5,	
8384:21, 8386:5, 8391:20, 8414:25,	
8457:23, 8483:4,	
8491:20 National - 8386:20,	
8425:13, 8426:1, 8426:13, 8427:5,	
8430:9. 8430:17.	
8490:19, 8494:16, 8495:7	
national - 8430:25,	
8496:12 nature - 8381:13,	
8480:24, 8486:22 Nciu - 8377:17,	
8377:21, 8423:12,	
8423:22, 8425:14, 8431:7, 8445:15,	
8450:22, 8490:4,	
8490:18, 8492:9, 8492:11, 8496:4,	
8497:23 necessary - 8398:13	
necessary - 8398:13 necessity - 8491:11	
need - 8373:8, 8374:1 8386:13, 8470:15,	:
8497:23, 8497:24, 8498:2	
needed - 8408:10,	
8501:22 negative - 8501:6,	
8501:7 neighbourhood -	
8391:4	
never - 8444:1, 8458:14, 8491:20,	
8492:1, 8506:7	
new - 8377:22, 8379:2 8416:18	-
news - 8500:9, 8500:13, 8500:14	
newspaper - 8403:6	
Next - 8378:18, 8381:5 8407:12, 8408:12,)
8410:10, 8412:5, 8416:24, 8418:12,	
8438:21	
next - 8370:10, 8371:14, 8375:12,	
8377:12, 8378:3,	
8378:24, 8381:17, 8387:21, 8387:22,	
8391:7, 8392:16, 8393:23, 8396:5,	
0401.12.0411.14.	
8413:2, 8413:6, 8413:20, 8415:7,	
8417:11, 8420:23,	
8436:16, 8436:24, 8446:14, 8448:15,	
8450:8, 8453:16, 8453:17, 8454:9,	
8454:15, 8454:23,	
8455:11, 8462:16, 8465:9, 8467:8, 8480:7	,
8481:24, 8482:10,	
8484:18, 8485:8, 8485:9, 8502:12,	
8504:4, 8504:12 Nichol - 8393:6,	
8404:2. 8411:18.	
8411:21, 8412:6, 8413:5, 8433:1	
8411:21, 8412:6, 8413:5, 8433:1, 8466:22, 8468:8,	
0400.22, 0400.25,	
8470:7, 8472:16, 8473:6, 8473:10, 8473:23, 8475:1,	
8475:11, 8477:4,	

0.470.0.0400.00
8479:2, 8482:23,
8482:25, 8484:16,
8484:18, 8486:25,
8487:6, 8493:21,
0407.0, 0493.21,
8494:23, 8496:11,
8498:14, 8498:24,
8499:6
Nick - 8417:21
night - 8444:11,
8448:12, 8448:14,
0455.45 0456.5
8455:15, 8456:5
nine - 8401:24
Nobody - 8465:19
non - 8370:17
non-police - 8370:17
noon - 8451:23, 8458:4, 8488:22 noon' - 8452:12
8458-4 8488-22
0.100.1, 0.100.22
10011 - 8452:12
Nordstrom - 8386:25,
8387:1
normal - 8464:4
1101111ai - 0404.4
normally - 8389:7
norms - 8444:14
nose - 8462:5,
0460:40 0460:00
8462:10, 8462:22,
8463:14, 8464:3,
8476:6
note - 8407:21,
8415:11, 8449:15,
8452:23, 8457:25,
8489:2, 8491:16
notebook - 8409:14,
8437:18, 8437:19,
8437:23, 8438:7,
0450.4 0450.5
8450:1, 8450:5, 8452:23, 8453:16,
8452:23, 8453:16,
8488:9, 8488:10,
8489:21, 8489:22,
0409.21, 0409.22,
8495:2, 8495:5,
8495:24, 8497:9
notebooks - 8386:7,
0400.0 0400.40
8403:9, 8403:10,
8403:9, 8403:10, 8403:14, 8403:17,
8403:14, 8403:17,
8403:14, 8403:17, 8438:8, 8488:16
8403:14, 8403:17, 8438:8, 8488:16
8403:14, 8403:17, 8438:8, 8488:16
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8447:17 nothing - 8447:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8447:18, 8449:4, 8451:19, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8446:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4, now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:2, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8447:17 nothing - 8447:17, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8373:15, 8373:22, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8446:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8388:15, 8388:25, 8388:25, 8388:15, 8388:25, 8388:15, 8388:25, 8388:25, 8388:15, 8388:96,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8446:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8388:15, 8388:25, 8388:25, 8388:15, 8388:25, 8388:15, 8388:25, 8388:25, 8388:15, 8388:96,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8446:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8388:15, 8388:25, 8388:25, 8388:15, 8388:25, 8388:15, 8388:25, 8388:25, 8388:15, 8388:96,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:3,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8449:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:22, 8376:8, 8380:25, 8382:1, 8382:22, 8376:8, 8380:25, 8382:1, 8386:7, 8388:15, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:3, 8394:11, 8395:14,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8487:17 nothing - 847:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 836:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:3, 8394:11, 8395:14, 8397:4, 8403:13
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8487:17 nothing - 847:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 836:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:3, 8394:11, 8395:14, 8397:4, 8403:13
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8384:13, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8389:6, 8391:9, 8391:16, 8392:3, 8394:11, 8395:14, 8397:4, 8403:13, 8405:9, 8406:9,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:3, 8394:11, 8395:14, 8397:4, 8406:19, 8406:19.
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:22, 8376:8, 8380:25, 8333:15, 8373:22, 8373:15, 8373:22, 8384:13, 8385:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:1, 8397:4, 8406:15, 8406:19, 8407:22, 8407:22, 8407:22, 8406:15, 8406:19, 8407:21, 8407:22,
8403:14, 8403:17, 8438:8, 8488:16 noted - 8431:24, 8453:9, 8465:5, 8493:12 notes - 8395:4, 8395:10, 8403:4, 8430:15, 8446:3, 8465:6, 8489:3, 8489:14, 8489:19, 8496:5, 8508:6 Nothing - 8487:17 nothing - 8417:18, 8449:4, 8451:9, 8461:11, 8463:17, 8474:4, 8474:6, 8489:14, 8499:2, 8503:9, 8504:7 November - 8422:18, 8422:20, 8423:13, 8423:16, 8426:4 now' - 8372:22, 8409:1 number - 8372:5, 8373:15, 8373:22, 8376:8, 8380:25, 8382:1, 8382:22, 8384:8, 8384:9, 8384:13, 8385:9, 8386:7, 8388:15, 8388:25, 8389:6, 8391:9, 8391:16, 8392:3, 8393:3, 8394:11, 8395:14, 8397:4, 8406:19, 8406:19.

```
8408:9, 8420:21,
8424:13, 8446:8,
8482:13, 8500:8
numbered - 8405:17,
8405:23, 8405:25,
8406:19
numbering - 8408:3,
8461:20
numbers - 8377:25,
8405:18, 8406:7,
8406:8
nurse - 8485:22
nurse's - 8485:11,
8485:12
```

0

o'clock - 8445:8 O'keefe - 8366:10 observation - 8394:23 observations 8438:14, 8438:17, 8442:12 Observations -8438:15 observed - 8394:25, obtain - 8428:18, 8470:17 obtained - 8403:12, 8409:17, 8475:21 obtaining - 8429:23 obviously - 8414:15 Obviously - 8398:7 Occ - 8488:24 occasion - 8407:25. 8484:3 occasionally - 8431:25 occasions - 8386:8 occurred - 8370:22, 8441:21 occurrence - 8488:24 occurrences 8380:25, 8381:4 occurring - 8392:5 October - 8422:17 odd - 8424:21 offence - 8394:20, 8412:9 **offences** - 8382:20, 8382:23, 8383:22, 8384:1 offenders - 8391:2, 8504:14, 8504:20, 8504:24, 8505:11, 8505:21 offenders' - 8505:20 offer - 8388:17 office - 8433:14, 8437:13, 8445:5, 8445:12, 8456:19, 8456:20, 8502:18 officer - 8373:23, 8385:14, 8387:1, 8387:13, 8392:9, 8398:1, 8398:14, 8399:23, 8405:18, 8406:3, 8414:3, 8418:17, 8436:25, 8439:18, 8441:14, 8442:6, 8444:18, 8446:6, 8446:24, 8447:5, 8448:10, 8457:9, 8469:4, 8471:10, 8494:17, 8494:22, 8502:14, 8503:2, 8504:3, 8504:4 Officer - 8365:13, 8398-11

officers - 8368:10, 8370:19. 8371:3. 8371:8, 8373:4, 8373:6, 8373:15, 8373:22, 8375:9, 8376:8, 8378:16, 8380:1, 8380:15, 8380:19, 8380:24, 8382:1, 8383:14, 8384:3, 8384:8, 8384:21, 8385:25, 8387:6 8387:13, 8388:15, 8388:24, 8389:2, 8389:24, 8390:20, 8392:14, 8394:14, 8395:22, 8396:14, 8397:19, 8397:24, 8398:9, 8398:16, 8398:19, 8398:22, 8399:22, 8399:24, 8400:21, 8403:13, 8403:17, 8405:21, 8409:14, 8414:8, 8414:16, 8414:25 8417:19, 8417:23, 8418:15, 8420:21, 8428:14, 8433:8, 8437:19, 8441:6, 8448:22, 8477:1, 8502:6 officers' - 8384:21, 8403:8, 8403:10 Official - 8365:11, 8508:1, 8508:3, 8508:14, 8508:20 old - 8420:5 Oleksyn - 8387:3 Olena - 8378:19 on-the-job - 8424:5, 8424:17 On-the-job - 8424:6 once - 8373:25 one - 8371:6, 8373:18, 8373:22, 8373:23, 8375:6, 8375:7, 8377:8, 8377:25, 8380:7, 8380:23, 8381:15, 8381:20, 8386:17, 8390:16, 8390:17, 8395:3, 8401:2, 8401:6, 8401:22, 8404:7, 8404:12, 8404:13, 8405:1, 8405:17, 8408:4, 8409:18, 8409:22, 8410:13, 8415:10, 8417:1, 8424:12, 8426:3, 8432:15, 8433:14, 8436:18, 8440:23, 8442:7, 8445:5, 8447:3, 8450:13, 8451:9, 8458:5, 8459:1, 8466:8, 8467:7, 8467:25, 8468:12, 8469:4, 8469:13, 8469:21, 8474:6, 8476:5, 8476:23, 8477:23 8481:24, 8483:25, 8491:12, 8497:18, 8502:10, 8502:19, 8503:5 One - 8398:10 ones - 8402:25, 8480:6, 8482:16, 8493:3, 8494:12

Ope - 8500:22 open - 8499:20

opened - 8370:7 opening - 8370:1, 8370:12, 8372:2

operandi - 8391:25 operate - 8476:17 operated - 8373:20 operation - 8379:15, 8464:23, 8492:21 operations - 8384:12 operator - 8464:19 opinion - 8462:7, 8500:9 Opo7 - 8370:11 Opo9 - 8369:17 opposed - 8471:9 orange - 8409:11, **order** - 8375:21, 8399:1, 8399:4, 8399:16, 8400:14, 8400:17, 8433:3, 8507:4 orders - 8469:11 ordination - 8389:8 organization -8374:24, 8388:22, 8400:6 organizational -8375:5, 8383:6, 8384:20, 8387:16, 8425:7, 8425:11, 8431:18 organized - 8369:3, 8405:22, 8407:19, 8426:15 original - 8368:11, 8402:22 originally - 8385:25 otherwise - 8494:18 Ottawa - 8423:20, 8424:16, 8425:21, 8427:13, 8445:23, 8450:10, 8450:14, 8451:6 ought - 8398:22, 8449:11 ourselves - 8433:13, 8484:8, 8492:14 out-of-town - 8441:16 outline - 8368:23, 8387:25, 8388:18, 8397:14 outlined - 8491:1 outset - 8402:3 outside - 8424:15 oversaw - 8383:18 overview - 8451:17 own - 8410:6, 8443:17, 8476:16, 8490:8, 8493:8, 8496:3

Р

package - 8373:19 Page - 8367:2 page - 8367:2 page - 8371:14, 8374:14, 8375:3, 8375:13, 8377:12, 8378:3, 8378:24, 8380:6, 8380:13, 8381:5, 8381:17 8381:22, 8382:12, 8382:25, 8383:1, 8391:7, 8395:3, 8395:9, 8406:7, 8406:15, 8407:13, 8407:20, 8407:22, 8408:9, 8410:17, 8411:14, 8412:6, 8413:2, 8413:20, 8415:8, 8416:24, 8417:11, 8417:12, 8420:23, 8450:8, 8452:10,



officer's - 8437:18

		rage re		
8453:16, 8453:17,	Peggy - 8394:8	8402:16, 8404:3	8393:3, 8393:4,	8392:5, 8396:5,
8453:21, 8453:22,	Penkala - 8381:8,	phases - 8370:13,	8393:17, 8393:19,	8396:20, 8397:4,
8454:9, 8454:15,	8387:12, 8395:15,	8371:25	8393:25, 8394:4,	8397:8, 8410:18
8454:23, 8455:18,	8399:18, 8400:4,	photo - 8417:17	8394:6, 8394:24,	post-1970 - 8499:19
8458:9, 8461:19, 8462:16, 8465:7,	8400:5, 8407:15, 8409:12, 8410:25,	physical - 8391:10, 8391:14, 8391:23,	8395:1, 8395:6, 8395:7, 8396:2, 8396:4, 8397:5,	post-conviction - 8371:18, 8371:19,
8465:9, 8477:11,	8411:4	8394:6	8397:9, 8397:20,	8396:20, 8410:18
8478:18, 8480:7,	people - 8371:1,	Physical - 8394:5	8400:6, 8400:7,	post-investigation -
8484:11, 8485:8,	8372:18, 8373:17,	physically - 8495:15	8400:25, 8401:2,	8372:6
8485:9, 8487:23,	8385:13, 8391:6,	pick - 8455:13,	8401:13, 8401:19,	powers - 8492:4
8488:9, 8488:10, 8495:23	8394:19, 8394:25, 8402:21, 8406:9,	8473:21 picked - 8417:16,	8402:5, 8402:16, 8403:8, 8404:3, 8404:5,	practice - 8403:16, 8434:1, 8437:22,
pages - 8395:6,	8412:14, 8414:7,	8448:17, 8455:6,	8405:13, 8405:15,	8440:20, 8460:20,
8395:11, 8406:5,	8414:20, 8415:22,	8468:18, 8477:20,	8406:23, 8408:5,	8463:16, 8463:24,
8407:4, 8508:4	8416:1, 8416:3, 8416:5,	8478:15, 8504:6	8408:16, 8408:18,	8496:1
pants - 8448:3,	8416:7, 8416:9,	picking - 8479:14	8409:2, 8409:4,	practices - 8430:11,
8502:22, 8503:14 paper - 8410:9,	8416:12, 8416:14, 8416:15, 8416:17,	pieces - 8373:20, 8374:1	8409:19, 8409:20, 8410:2, 8411:10,	8464:4 pre - 8395:2, 8424:7
8436:16, 8500:17	8416:18, 8416:19,	piped - 8442:3	8413:15, 8413:24,	pre-job - 8424:7
papers - 8500:16	8416:20, 8416:24,	place - 8437:8, 8443:8,	8414:12, 8414:16,	pre-polygraph -
paragraph - 8369:18,	8424:13, 8424:23,	8445:21, 8447:25,	8414:21, 8416:4,	8395:2
8375:14, 8381:10	8426:17, 8428:3,	8449:21, 8460:13,	8417:4, 8418:19,	preferable - 8414:17
parameters - 8415:1 Pardon - 8421:4,	8431:11, 8432:10, 8435:3, 8437:9,	8460:15, 8479:10, 8495:3	8418:25, 8419:9, 8421:7, 8424:4,	preliminary - 8498:11, 8498:15
8478:19	8439:25, 8443:14,	places - 8465:6	8426:20, 8427:4,	preparation - 8389:4,
pardon - 8384:19,	8457:24, 8468:6,	placing - 8377:16,	8427:9, 8428:14,	8395:20, 8395:23,
8404:3	8468:10, 8468:12,	8452:3	8431:2, 8431:9,	8399:23, 8406:3
paring - 8478:2	8472:1, 8472:3,	plan - 8396:19	8433:22, 8434:12,	prepare - 8430:7,
Parker - 8386:5, 8396:21, 8399:18	8476:17, 8476:24, 8481:8, 8485:17,	planned - 8385:2 plastic - 8485:11,	8439:2, 8440:25, 8442:2, 8443:13,	8490:25 prepared - 8369:11,
part - 8369:20,	8491:12, 8500:20,	8486:10	8444:2, 8444:18,	8374:7, 8388:10,
8370:14, 8377:21,	8502:3, 8502:4,	players - 8398:7,	8446:17, 8446:24,	8389:7, 8395:4,
8388:16, 8388:18,	8504:20, 8504:21,	8399:17	8447:4, 8447:5,	8405:14, 8406:2,
8405:20, 8413:24,	8504:22, 8505:1,	Pleasant - 8443:10	8448:22, 8449:2,	8406:22, 8408:6,
8421:11, 8438:19, 8456:13, 8458:18,	8506:2, 8506:5, 8506:6 people's - 8466:2	plus - 8424:25, 8443:6, 8443:9	8449:24, 8450:1, 8451:15, 8451:24,	8408:16, 8418:5, 8421:16, 8422:6,
8464:2, 8480:8,	performed - 8497:22	Pm - 8368:2, 8419:19,	8455:8, 8456:2, 8456:7,	8422:10, 8492:25,
8484:12, 8493:16,	perhaps - 8396:12,	8419:20, 8438:15,	8456:11, 8457:16,	8493:6, 8494:24
8494:15, 8501:4	8400:20	8438:24, 8452:13,	8458:6, 8462:9,	preparing - 8434:1
participation - 8381:12	period - 8393:10, 8393:15, 8422:14,	8454:12, 8455:17, 8477:18, 8488:13,	8473:24, 8475:15, 8477:7, 8477:9, 8481:9,	present - 8396:19, 8455:20, 8466:25
particular - 8395:15,	8423:11, 8423:15,	8488:15, 8488:21,	8481:11, 8489:25,	preservation - 8389:4
8396:15, 8399:11,	8426:7, 8450:6,	8507:8	8490:1, 8491:25,	pressure - 8500:18
8413:12, 8422:13,	8468:13	point - 8370:25,	8494:2, 8494:17,	pressures - 8466:3
8425:4, 8427:6, 8428:5, 8430:14, 8437:24,	periods - 8425:23 permanent - 8438:1	8372:12, 8380:4, 8388:14, 8389:3,	8495:16, 8501:25, 8502:6, 8502:14,	presume - 8450:4, 8497:2, 8499:13
8441:5, 8444:1,	persistence - 8379:6	8389:18, 8390:8,	8503:2, 8503:25,	pretty - 8433:11,
8449:16, 8468:15,	person - 8414:5,	8398:20, 8446:19,	8504:7	8492:19
8472:23, 8478:9,	8414:22, 8415:3,	8473:10	policeman - 8447:9	previous - 8453:21,
8484:1, 8485:25, 8491:10, 8493:9,	8415:12, 8415:15, 8417:1, 8417:15,	points - 8368:18, 8414:10	policing - 8500:21, 8501:17	8453:22, 8458:14 previously - 8475:14
8496:7	8417:18, 8440:7,	Police - 8366:7,	policy - 8376:3	primarily - 8384:21,
particularly - 8378:9	8463:18, 8471:9,	8368:22, 8371:17,	politicians - 8500:15,	8387:7, 8397:20,
parties - 8388:2,	8474:19, 8476:24,	8373:14, 8374:9,	8500:19, 8500:23	8410:5
8409:17, 8409:22 partner - 8451:6,	8503:1 personal - 8500:1,	8375:17, 8376:1, 8378:7, 8378:11,	polygraph - 8395:2, 8395:5, 8464:19,	primary - 8372:16, 8401:6
8464:22, 8467:18,	8500:20	8379:2, 8379:16,	8465:24, 8466:4,	probe - 8468:1,
8468:14, 8483:12,	personally - 8443:19,	8383:3, 8397:21,	8471:20, 8472:11,	8469:18, 8469:25
8496:24	8483:5, 8502:17,	8401:7, 8401:15,	8476:9, 8476:18,	problem - 8428:8
parts - 8373:24, 8374:11, 8378:22,	8506:6 personnel - 8374:21,	8403:23, 8407:14, 8416:23, 8420:10,	8476:21, 8479:13, 8479:16, 8479:21	problems - 8419:14 Proceedings -
8410:11, 8476:13,	8374:22, 8375:4,	8420:18, 8426:2,	polygraphed - 8472:9	8364:12, 8364:23,
8501:5	8375:19	8464:13	polygraphs - 8464:22,	8367:1, 8368:1
party - 8386:14,	Persons - 8413:19	police - 8368:10,	8476:15	proceedings - 8370:16
8401:5 pass - 8504:2	persons - 8395:18 ph - 8500:22	8369:3, 8369:11, 8370:8, 8370:17,	Porter - 8385:18, 8385:22	process - 8413:12, 8413:14, 8430:21,
Passett - 8385:7	phase - 8368:8,	8370:18, 8370:19,	portion - 8378:21,	8437:8
passing - 8483:4	8368:9, 8368:14,	8371:5, 8371:24,	8385:12	professional - 8377:5,
past - 8400:15,	8368:17, 8368:21,	8372:4, 8372:15,	portions - 8374:12	8464:21
8488:20 patrol - 8384:12,	8368:25, 8369:1, 8369:5, 8369:20,	8373:16, 8374:3, 8374:4, 8374:6, 8374:8,	positive - 8478:11, 8501:7	professions - 8379:18 professor - 8424:12
8385:6, 8422:3,	8370:18, 8371:1,	8374:22, 8375:4,	possibility - 8449:23	program - 8375:25,
8422:23, 8422:24,	8371:13, 8371:16,	8376:14, 8380:1,	possible - 8414:1,	8431:1
8423:11, 8442:20,	8372:13, 8372:16,	8382:2, 8382:23,	8414:5, 8414:24,	prompted - 8500:4
8450:20 pause - 8369:25,	8372:17, 8372:24, 8373:7, 8387:24,	8383:15, 8383:16, 8384:23, 8385:21,	8415:14, 8416:4, 8434:16, 8448:10,	properly - 8501:18 propose - 8371:20,
8422:22, 8446:22,	8388:21, 8392:9,	8387:18, 8388:24,	8449:3, 8469:6,	8374:23, 8376:19,
8495:24	8396:11, 8396:13,	8389:13, 8390:7,	8488:20	8378:20, 8379:22,
Pedersen - 8501:20,	8398:21, 8400:19,	8390:13, 8390:18,	post - 8371:18,	8381:23, 8387:21,
8502:9	8401:21, 8402:1,	8391:24, 8392:25,	8371:19, 8372:6,	8387:23, 8390:19,



8396:17, 8400:18,
8417:24, 8419:12,
8434:13, 8487:18
proposed - 8399:1,
8419:7
prosecute - 8394:7
prosecution -
8392:20, 8397:12,
8405:14, 8407:6
prosecutor - 8395:21
8395:22, 8395:24,
8396:1, 8396:3,
8408:23, 8474:9,
8474:20, 8499:4
prosecutor's -
8408:25, 8409:3,
8409:21
provide - 8368:14,
8369:9, 8420:19,
8475:12
provided - 8374:9,
8375:20, 8388:11,
8395:25, 8397:17,
8399:1, 8401:17,
8402:14, 8410:7,
0402.14, 0410.7,
8420:20, 8450:2,
8475:11, 8475:14,
8478:20, 8493:7
provides - 8413:4,
8413:6
providing - 8398:18,
8411:10, 8462:20,
8487:7
Province - 8378:12,
8508:3
psychiatric - 8380:10
public - 8379:19,
8402:9, 8501:21,
8502:10
public-minded -
8379:19
8379:19 publication - 8391:19
8379:19 publication - 8391:19 purpose - 8389:7,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8.
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11.
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 838:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8454:4, 8455:12, 8434:5, 8435:12, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8467:21, 8468:1, 8467:21, 8468:1, 8467:21, 8468:1,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8450:4, 8455:12, 8434:5, 8435:12, 8434:5, 8435:12, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8468:19, 8467:21, 8468:1, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15.
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8450:4, 8455:12, 8434:5, 8435:12, 8434:5, 8435:12, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8468:19, 8467:21, 8468:1, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15.
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8468:19, 8467:21, 8468:1, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:11,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8435:12, 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:11, 8490:14, 8490:17,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8499:14, 8490:17, 8490:14, 8490:17, 8492:16, 8493:1,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:11, 8490:14, 8490:17, 8492:16, 8493:1, 8493:15, 8496:9,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8468:19, 8467:21, 8468:1, 8466:17, 8468:1, 8466:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:17, 8490:14, 8490:17, 8492:16, 8493:1, 8493:15, 8496:9, 8498:19, 8499:1,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:17, 8492:16, 8493:1, 8493:15, 8496:9, 8498:19, 8499:1, 8500:16
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:17, 8492:16, 8493:1, 8493:15, 8496:9, 8498:19, 8499:1, 8500:16 putting - 8466:2,
8379:19 publication - 8391:19 purpose - 8389:7, 8418:2, 8468:20, 8470:21, 8474:25, 8475:18, 8492:5, 8496:20, 8497:4, 8497:24 purposes - 8374:13, 8375:10, 8405:5, 8410:6, 8490:8 purse - 8410:22 put - 8372:24, 8374:6 8383:9, 8383:13, 8384:20, 8390:8, 8394:11, 8394:13, 8396:13, 8401:9, 8405:22, 8407:16, 8407:20, 8408:18, 8409:9, 8409:11, 8410:1, 8434:3, 8434:4 8434:5, 8435:12, 8436:11, 8437:23, 8437:24, 8438:4, 8450:4, 8450:19, 8452:23, 8454:7, 8455:24, 8463:19, 8464:5, 8464:8, 8467:21, 8468:1, 8468:17, 8469:23, 8469:25, 8488:15, 8489:19, 8490:17, 8492:16, 8493:1, 8493:15, 8496:9, 8498:19, 8499:1, 8500:16

Q

Qb-8365:11 **Qc** - 8366:2, 8366:6, 8366:8, 8366:11 qualified - 8375:19 quality - 8498:6 **Queen's** - 8508:1, 8508:3, 8508:14, 8508:20 questioned - 8410:20, 8411:13, 8415:13, 8505:1, 8506:7 questioning - 8376:8, 8462:17 **questions** - 8507:2 **quickly** - 8402:16, 8410:10, 8445:22, 8451:12, 8482:9 quit - 8468:7 quite - 8441:6, 8443:12, 8447:15 quotes - 8394:13 quoting - 8461:25

R

Radisson- 8364:16 raise - 8372:12 raised - 8394:17 ran - 8373:16 rape - 8417:9 rapes - 8382:16 8382:19, 8382:22 Rasmussen- 8393:23, 8441:2, 8441:4 rather - 8370:3 8404:24, 8407:8 Ray- 8406:18, 8431:22, 8432:1, 8436:4, 8446:7, 8455:11, 8469:8, 8470:12, 8494:6, 8497:11, 8497:13, 8497:19, 8504:4 Raymond- 8385:17, 8386:1, 8413:7, 8451:19 Rcm- 8378:10, 8379:16 Rcmp- 8366:9, 8371:12, 8371:15, 8372:10, 8378:5, 8378:16, 8389:13 8399:11, 8399:13, 8400:21, 8402:21, 8403:10, 8403:19, 8407:5, 8408:1, 8411:19, 8427:11 8431:1, 8432:6, 8441:2, 8441:6, 8441:8, 8441:14, 8459:2, 8461:22, 8462:1, 8464:21, 8495:9, 8497:18, 8507:1 Rcmp's- 8403:20 re - 8370:7, 8371:7, 8488:25, 8499:20 re-investigating re-open - 8499:20 re-opened - 8370:7 read - 8378:20, 8390:16, 8400:19, 8435:22, 8436:3, 8436:23, 8445:22, 8450:10, 8461:6, 8461:23, 8464:3, 8478:10, 8478:24, 8481:10, 8482:16,

8485:22, 8487:8,

8487:9. 8487:15

Page 11 read-ins - 8400:19 readily - 8405:2 reading - 8436:19, 8482:4, 8502:2 really - 8437:13, 8448:5, 8486:1, 8489:8 reason - 8401:4, 8414:21, 8449:14, 8459:7, 8464:7, 8470:8, 8471:16, 8480:3, 8486:7, 8486:18, 8498:6 reasons - 8417:15 recalled - 8482:24 recalling - 8479:5 recanted - 8499:10 recap - 8368:19 receive - 8401:2, 8428:1, 8495:4 received - 8370:8 Received - 8370:8, 8378:7, 8401:3, 8401:7, 8403:5, 8407:1, 8407:3, 8407:7, 8409:10, 8409:21, 8416:23, 8424:3 receiving - 8380:11 recently - 8462:5,

receiving - 8380:11 recently - 8462:5, 8498:21 recollection - 8373:16, 8411:24, 8431:19, 8432:6, 8432:9, 8441:18, 8442:15, 8459:22, 8460:1, 8460:10, 8460:17, 8463:21, 8478:13, 8480:9 reconstruct - 8407:11 Reconvened- 8368:2,

8419:20 record - 8382:9, 8402:6, 8429:14, 8482:8, 8492:6, 8492:18, 8493:23, 8494:17, 8495:5, 8497:6 recorded - 8471:4

recorded - 8471:4 recorder - 8470:4, 8470:5, 8497:11, 8497:13, 8497:15 recording - 8470:22, 8489:17, 8492:20, 8497:5 recordings - 8393:1

records - 8381:25,

8398:1, 8420:20, 8420:21, 8421:22, 8437:13 red - 8405:7, 8406:21 redacting - 8402:10 reddish - 8478:1 reenactment - 8394:3 refer - 8375:1, 8389:10, 8391:5, 8408:1, 8417:5, 8423:21, 8433:21, 8451:3

Reference - 8369:17 reference - 8369:19, 8377:13, 8380:5, 8401:11, 8406:15, 8407:23, 8411:6, 8418:25, 8423:19, 8454:14, 8454:18, 8457:7, 8461:10, 8461:22, 8497:10 referred - 8380:11, 8394:10, 8407:24,

8434:13, 8444:10

referring - 8378:5, 8378:25, 8388:10, 8390:5, 8430:24, 8476:23, 8490:3 refers - 8394:22, 8406:7, 8418:17, 8418:19, 8421:3, 8439:7, 8453:3, 8497:12, 8500:11 refresh - 8369:7 regarding - 8416:23, 8439:25 regards - 8428:24, 8430:12, 8431:11, 8478:9, 8505:2 Regina-8378:11, 8403:23, 8411:7, 8411:16, 8411:18, 8411:20, 8412:7, 8412:16, 8477:24 registry - 8381:24, 8382:8 regular - 8429:25, 8431:9, 8494:21, 8495:6 Reid- 8385:18, 8386:1, 8399:18, 8431:24, 8436:6, 8438:13, 8438:16, 8438:19

relate - 8381:19, 8391:13, 8410:2

8389:21, 8391:8,

8397:23, 8403:2

related - 8370:21,

8438:11, 8466:15 relates - 8369:6, 8413:10 relating - 8403:1, 8404.5 relation - 8434:12 relevant - 8371:19, 8374:12, 8376:18, 8392:20, 8396:8, 8398:15, 8406:6, 8492:7, 8496:6 relevantly - 8377:6 relied - 8394:6 remarks - 8368:14, 8419:12 remember - 8424:14, 8439:10, 8439:20, 8440:11, 8440:21, 8442:3, 8444:7, 8457:20, 8460:13 8461:8, 8463:3, 8463:6, 8463:9, 8465:23, 8466:18, 8466:19, 8467:9, 8469:11 8469:16, 8469:17, 8470:11, 8471:18, 8474:3, 8474:12, 8475:24, 8476:3, 8478:5, 8479:7, 8479:24, 8479:25 8480:23, 8481:17, 8483:21, 8483:22, 8484:1, 8485:5, 8485:6, 8485:7, 8485:15, 8486:5, 8486:6, 8486:13, 8486:14, 8486:16, 8486:20,

8487:3, 8490:15,

8499:7, 8499:8,

8499:11, 8500:6,

8506:11, 8506:13

8473:16, 8475:20,

remind - 8369:18,

remembered -

8481:3

8391:18

8495:17, 8495:22, 8496:22, 8497:17,

renowned - 8500:25 reorganized - 8401:9 report - 8369:21, 8374:5, 8374:7, 8376:11, 8377:11, 8378:19, 8379:21, 8382:22, 8383:2, 8383:8, 8402:22 8404:18, 8404:23, 8408:2, 8412:10, 8417:20, 8418:19 8427:19, 8427:21, 8429:14, 8429:15, 8429:18, 8432:3, 8432:5, 8433:23, 8433:24, 8435:2, 8435:8, 8435:12, 8435:15, 8436:2, 8436:3, 8436:11, 8436:20, 8437:15, 8438:10, 8438:13, 8438:21, 8439:24, 8440:2, 8440:6, 8440:25, 8445:25, 8453:13, 8454:5, 8456:11, 8456:12, 8458:2, 8458:10, 8458:18, 8461:22 8462:1, 8467:5, 8477:9, 8477:10, 8477:12, 8478:7, 8488:11, 8491:1, 8491:6, 8491:16, 8492:6, 8493:1, 8493:6, 8494:17, 8494:25, 8503:13 reported - 8382:14, 8382:15, 8382:16, 8417:9, 8418:10, 8427:24, 8473:9 Reporter- 8508:14,

Reporters'- 8508:1 reporting - 8375:15, 8500:10 Reporting- 8385:16 reports - 8382:2, 8383:13, 8385:21, 8390:17, 8390:21, 8395:7, 8402:24, 8403:5, 8405:17, 8407:24, 8407:25, 8413:11, 8413:22, 8414:18, 8415:3, 8418:14, 8418:25, 8418:25, 8418:24, 8418:25, 8418:24, 8418:25, 8418:25, 8418:25, 8418:28, 84

Reporters- 8365:11,

8419:2, 8419:3, 8430:7, 8430:12, 8430:16, 8434:2, 8437:3, 8449:25, 8451:21, 8451:22, 8490:22, 8490:23, 8491:8, 8491:21, 8495:6, 8506:16 reports' - 8453:6

request - 8375:25, 8458:22, 8484:13 reside - 8420:7 residence - 8453:6, 8462:3

resources - 8376:22, 8388:23 respect - 8398:16, 8475:3, 8480:24, 8484:22

respected - 8502:6 response - 8463:4 responsibility -



8486:15, 8486:20, 8493:21, 8498:25 **Say'** - 8406:4 8480:23, 8481:5, 8407:10, 8433:20, 8481:20, 8482:18, 8494:24, 8496:11 8465:14, 8499:25 responsible - 8376:25. 8380:16, 8383:21, separate - 8384:5, room - 8405:6, 8424:21, 8465:25, scene - 8411:1 scenes - 8384:7 8383:24, 8384:6, 8494:11 8414:2, 8435:14. September - 8422:17, 8467:7, 8467:8, 8440:4, 8440:10, 8446:2, 8446:7, 8447:3, schedule - 8399:25 Schleuter' - 8453:4, 8467:21, 8467:24, 8468:1, 8468:2, 8468:4, **Serge** - 8366:6 8448:11, 8492:17, 8453:5 Sergeant - 8385:6, 8385:17, 8387:2, 8412:17, 8429:19, 8499:3 8469:15, 8469:21, school - 8443:3, rest - 8399:24 resume - 8419:15 8469:22, 8469:23 8443:16 **Scp** - 8407:13, 8408:13, 8417:17 8470:1, 8470:3, 8470:9, 8430:5, 8436:4, retired - 8403:14, 8471:19, 8477:19, 8436:17, 8438:1 8479:10, 8479:24, scroll - 8375:2, 8438:13, 8438:16, retrieved - 8412:3 8483:6, 8483:13, 8377:22, 8378:18, 8446:10, 8446:15, 8483:17, 8484:19, 8485:13, 8485:17, 8380:24, 8389:17, 8410:22, 8411:6, returned - 8403:14, 8446:18, 8448:17, 8412:18, 8450:9, 8448:19, 8449:5, 8486:1, 8489:4, 8489:15, 8491:12, 8411:11, 8413:1, 8414:19, 8415:1, 8449:17, 8455:1, 8450:14 8456:18, 8459:3, review - 8369:11, 8371:22, 8401:12, 8415:12, 8417:5, 8493:2, 8493:4, 8494:23, 8495:15 8453:2, 8454:13, 8456:24, 8485:9, 8472:2, 8477:17, 8490:20, 8494:6 sergeant - 8387:4, 8387:5, 8435:24, 8435:25, 8437:25, 8440:13, 8444:25, room-wise - 8467:24 rooms - 8467:4 8417:8, 8418:7, 8486:2 Scroll - 8391:15, 8418:10, 8481:21 rooting - 8410:9 Ross- 8451:7, 8472:2, reviewed - 8402:21, 8412:15 8484:12 search - 8391:4 reviewing - 8371:6, 8385:20, 8413:14 searching - 8444:4 Second - 8462:2 8504:22 8445:10 rotation - 8375:25, sergeant's - 8433:15, Rick- 8366:7 8423:3, 8423:17 second - 8410:17 8435:20, 8438:5 Secondly - 8432:18 secondly - 8368:21, Riddell- 8459:2 rounder - 8444:6, sergeants - 8375:8, right-hand - 8385:5, 8380:23, 8383:20, 8444:10 8401:11, 8405:18 rightly - 8469:17 route - 8477:24 8373:23, 8408:8 8436:19 routine - 8415:15 secrecy - 8428:12, serious - 8381:13, ring - 8467:13 rings - 8487:17 Rpr- 8365:12, 8508:2, 8426:16, 8431:25 8428:13 seriously - 8449:9 served - 8420:12 server - 8402:14 8508:18, 8508:19 secret - 8428:17. Road- 8439:7, 8506:4 roadworthy - 8448:5 robbery - 8383:22 Robert- 8386:16, secret - 8428:17, 8428:18, 8491:17 Secretly - 8471:7 secretly - 8471:8 Section - 8377:16 rules - 8434:2 run - 8453:1 running - 8389:1 **Service** - 8366:7, 8368:22, 8373:14, Rusty- 8386:21, 8419:21, 8425:14 8386:21, 8393:23, 8376:1, 8397:21 section - 8381:14, 8425:15 8385:7 8420:10, 8420:18, Security - 8365:13 see - 8370:13, Roberts- 8393:11, 8426:3, 8464:13 8395:5, 8395:17, service - 8374:4, 8413:4, 8413:6, Safruk - 8386:10 8371:11, 8371:15, 8374:6, 8394:2, 8374:16, 8374:21, 8374:22, 8375:5, 8432:25, 8464:12, saliva - 8412:11 8420:20, 8421:7, 8464:16, 8465:3, samples - 8412:11 8442:2, 8450:18, 8375:6, 8377:13, 8465:11, 8465:21, Sandra - 8365:5, 8496:8 8377:24, 8380:22, 8380:25, 8381:17, 8382:14, 8382:15, 8466:15, 8466:23, 8432:21, 8459:8, services - 8427:4, 8467:6, 8467:24, 8468:3, 8468:21, 8459:10, 8459:14, 8459:23, 8461:17 8428:15, 8431:2 session - 8395:2, 8383:15, 8384:19, 8384:22, 8400:11, Sargent - 8398:12 8468:23, 8470:1 8395:5 set - 8370:12, 8379:23, 8385:13, 8401:2, 8401:6, 8402:11, 8470:25, 8471:12, Saskatchewan -8400:16, 8406:16, 8406:21, 8407:23, 8417:16, 8420:24, 8364:17, 8366:4, 8407:2, 8408:24, 8473:4, 8473:8, 8473:13, 8473:22 8474:13, 8475:12, 8508:4 8405:1, 8468:13, 8476:8, 8476:20, Saskatoon - 8364:17, 8421:2, 8422:7, 8423:2, 8470:18 8477:4, 8477:22, 8479:1, 8479:12, 8366:7, 8368:22, 8371:17, 8373:13, **set-up** - 8385:13 **sets** - 8376:14, 8376:18, 8383:11 8433:16, 8437:10, 8452:2, 8452:8, 8452:12, 8452:17, 8453:17, 8454:13, 8454:18, 8454:21, 8479:20, 8480:10, 8374:11, 8376:1, setting - 8483:17 setup - 8489:15 8481:7, 8482:24, 8378:11, 8379:9, 8486:3, 8486:25, 8488:3, 8491:11, 8397:21, 8401:7, 8401:15, 8407:14, 8455:2, 8455:9, seven - 8368:18 8412:18, 8416:22, 8455:19, 8465:11, seventh - 8395:20 8494:23 8466:14, 8468:12, 8468:17, 8475:1, 8479:11, 8483:10, 8493:4, 8493:9, 8420:7, 8420:9, 8420:18, 8426:2 Roberts'- 8472:15, several - 8377:7, 8474:25, 8478:18, 8478:21, 8480:8, 8482:21, 8484:10, 8458:25 8427:1, 8428:9, 8431:2, 8441:10, 8441:12, **sex** - 8391:2, 8418:7, 8504:14, 8504:19, 8504:23, 8505:11 8499:12, 8507:3 8484:14 8441:21, 8443:11, seeing - 8405:6, 8463:10, 8463:14, Rochelle-8366:9 8465:3, 8466:8, sexual - 8370:21, role - 8389:12, 8392:1, 8395:22, 8396:4, 8380:17, 8380:20, 8381:3, 8382:19, 8477:24 sat - 8445:4, 8445:19, 8471:18, 8503:9 8382:23, 8384:1, 8403:20 8494:22 semen - 8411:3 Ron-8393:13, 8404:2, Saturday - 8452:11, send - 8440:13 8387:8, 8391:8, 8411:23, 8412:16, sending - 8375:19, 8391:16, 8391:17, 8413:3, 8432:25, save - 8369:13, 8391:20, 8392:1, 8445:2 8451:7, 8466:22, 8410:8, 8413:16 senior - 8385:14, 8392:4, 8392:7 **saw** - 8370:12, 8381:14, 8458:13, 8386:25, 8387:12, 8468:8, 8468:21, 8397:23, 8402:10, 8468:25, 8472:2, 8404:4, 8404:6, 8439:18 sense - 8381:4, 8387:17, 8390:17, 8444:6, 8447:8, 8449:1 8407:19, 8417:5 8461:12, 8463:5, 8472:15, 8472:18, 8463:8, 8464:23, 8473:22, 8475:1,

8475:10, 8477:3

8479:2, 8479:12,

8467:5, 8473:11

8475:16, 8486:14,

8393:20 shed - 8392:10 shemozzle - 8493:10 Sheraton - 8466:24, 8466:25, 8467:6 **short** - 8398:12 8426:6, 8451:5 Short - 8385:15, 8385:16, 8411:19, 8432:4, 8434:17, 8438:25, 8439:12, 8451:23, 8456:11, 8456:13, 8458:19, 8459:4, 8467:10, 8467:11, 8469:9, 8477:16 Short's - 8439:15, 8458:17 **shorthand** - 8508:5 shortly - 8453:1, 8499:15, 8502:10 Shorty - 8393:2, 8446:16, 8447:16, 8474:15, 8502:16 show - 8389:1, 8390:24, 8406:14, 8421:15, 8451:16, 8456:9, 8465:24, 8475:9, 8485:17, 8488:18, 8495:23, 8506:16 showed - 8439:1, showed - 6439.1, 8453:13, 8459:20 showing - 8479:13 shown - 8398:1, 8475:9, 8477:22, 8485:17 shows - 8383:2, 8414:20, 8416:1, 8417:14 sic - 8398:25 side - 8384:11, 8385:5, 8480:5, 8501:8 sides - 8501:24 sign - 8433:11, 8433:12 signature - 8455:20, 8459:11, 8459:24, 8460:2 signed - 8431:25 **significant** - 8384:9, 8389:23, 8400:10, 8435:10, 8473:24 **silly** - 8444:8 similar - 8427:5, Similarly - 8393:13 simply - 8380:4, 8383:1, 8391:10, 8399:25, 8402:4, 8402:15, 8409:11, 8410:13, 8414:18, 8415:19, 8418:2, 8418:9, 8418:17, 8419:10 sister - 8486:12 sit - 8435:21, 8472:6, 8473:18, 8477:7 site - 8402:8, 8402:12 sits - 8485:24 sitting - 8364:15, 8399:4, 8399:5, 8424:20, 8482:4, 8506:5 six - 8399:2 sixth - 8369:5 skill - 8508:6 skip - 8411:7 8417:10, 8441:20, 8442:16, 8505:21 Smith - 8436:9 snapshot - 8376:21 Sharon - 8387:5.



sent - 8405:3, 8407:5,

8458:24, 8460:22,

one 0444.4
snow - 8411:1
society - 8444:14
someone - 8413:25,
8414:2, 8433:16, 8434:17, 8434:21,
0434.17, 0434.21, 0435:31 0436:10
8435:21, 8436:10, 8436:12, 8445:2
8436:12, 8445:2,
8446:5, 8449:6,
8449:17, 8474:20, 8491:9, 8491:22,
8492:17, 8493:4,
8495:9, 8495:18,
8497:5, 8503:10
sometime - 8448:4,
8474:15, 8489:9,
8506:18
somewhere - 8421:25,
8426:12, 8429:8,
8445:20, 8452:19,
8453:10, 8495:10,
8503:8, 8506:14
son - 8443:7, 8447:14
soon - 8429:4
sorry - 8435:23.
8448:13, 8454:23,
8461:19, 8476:20,
8485:20, 8489:23,
8494:14
sort - 8435:16
source - 8409:15,
8422:9, 8505:23
sources - 8401:4,
8401:14, 8401:21,
8402:19, 8403:6,
8409:11, 8415:6
South - 8412:1,
8459:14
Sp - 8501:12
special - 8421:11, 8421:17, 8428:15
specialized - 8375:17,
8429:22
specific - 8424:4,
8429:13
specify - 8463:7 Spence - 8390:25
spend - 8369:2,
8383:10, 8400:5,
8400:8
spent - 8376:19
spies - 8426:18
spot - 8506:22
squirrels - 8428:17
St - 8443:2, 8443:5,
8443:8
stab - 8486:15
Staff - 8365:1, 8365:9,
8456:18, 8459:2 staff - 8369:10,
9422:45 9425:24
8433:15, 8435:24,
8435:25, 8437:25, 8440:13, 8444:25,
8491:19
stage - 8483:13
stained - 8412:3
stand - 8373:5,
8396:25, 8498:24,
8501:9
standard - 8493:1
standing - 8386:15
Standing - 0000.10
Starphoenix - 8499:24,
Starphoenix - 8499:24,
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20 start - 8374:5, 8472:18 Started - 8421:8
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20 start - 8374:5, 8472:18 Started - 8421:8 started - 8381:11,
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20 start - 8374:5, 8472:18 Started - 8421:8 started - 8381:11, 8421:1, 8421:7,
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20 start - 8374:5, 8472:18 Started - 8421:8 started - 8381:11, 8421:1, 8421:7,
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20 start - 8374:5, 8472:18 Started - 8381:11, 8421:1, 8421:7, 8421:17, 8423:4, 8424:3, 8425:19,
Starphoenix - 8499:24, 8500:24, 8501:13, 8501:20 start - 8374:5, 8472:18 Started - 8421:8 started - 8381:11, 8421:1, 8421:7,

8492:21 **starting** - 8369:15, 8418:16, 8433:4 statement - 8387:5, 8392:24, 8392:25, 8393:7, 8393:11, 8393:14, 8393:21, 8393:23, 8394:9, 8394:10, 8396:17, 8396:19, 8406:8, 8411:11, 8413:4, 8413:6, 8432:21, 8446:19, 8449:15, 8451:17, 8451:25, 8454:20, 8455:17, 8455:21, 8456:3, 8456:24, 8457:3, 8457:8, 8458:8, 8458:11, 8458:22 8459:10, 8459:23, 8460:8, 8460:11, 8460:12, 8460:23, 8460:25, 8461:4, 8461:6, 8461:7, 8461:16, 8462:15, 8463:16, 8464:5, 8464:8, 8474:10, 8474:22, 8475:10, 8475:11, 8478:6, 8478:9, 8481:6, 8481:20, 8482:8, 8482:10, 8485:25, 8487:6, 8487:19, 8487:24, 8488:7, 8491:3, 8498:19, 8504:18, 8505:24, 8506:4 statement' - 8455:1, 8499:1 statements - 8379:10, 8385:24, 8393:17, 8400:20, 8404:13, 8405:24, 8411:22, 8430:7, 8431:10, 8459:19, 8459:20, 8460:21, 8473:4, 8475:16, 8476:4, 8481:8, 8482:4, 8482:6, 8482:13, 8482:17, 8482:19, 8487:20, 8490:24, 8498:18, 8504:21 states - 8477:23 stating - 8438:25 station - 8371:24, 8390:13, 8394:2, 8433:14, 8439:2 8446:17, 8446:24, 8447:5, 8448:18, 8451:15, 8451:24 8455:8, 8456:2, 8456:7, 8456:16, 8458:6, 8460:14, 8481:11, 8494:2, 8495:16, 8504:7 statistics - 8381:3, 8415:24, 8417:3 stay - 8429:2, 8429:9 **steps** - 8390:15, 8390:20 stick - 8476:1 sticks - 8472:12 8474:10, 8474:22 sticky - 8407:21 still - 8416:17. 8430:14, 8440:12, 8452:25 stories - 8501:6. 8501:10, 8502:1 story - 8449:2,

8501:7, 8501:24 **stove** - 8442:3 stove-piped - 8442:3 straight - 8383:8 strangers - 8445:20 street - 8442:5 8443:14, 8443:15 Strength' - 8421:1, 8421:5 strengthening -8379:7 strictly - 8429:9 structured - 8387:18 **stuck** - 8458:24, 8459:17, 8473:17, 8487:2 study - 8500:16. 8500:25 **stuff** - 8490:19 **subject** - 8371:19, 8396:22, 8489:13 subjective - 8413:23 submitted - 8383:2 subsequent - 8392:25, 8403:21, 8407:25, 8505:5 subsequently -8370:7, 8380:20, 8402:21, 8413:8, 8499:18 substantive - 8493:14 successful - 8377:6, 8378:13, 8379:13 suggest - 8451:14 suggested - 8441:13, suggesting - 8401:5, 8407:6 summaries - 8369:10, 8398:18 summarize - 8369:13, 8413:16 **summarizes** - 8378:22 Summary - 8413:19 summary - 8395:2, 8395:4, 8395:6, 8406:1, 8414:6, 8414:18, 8415:20, 8420:20, 8504:25 summonsed - 8492:1 **Sunday** - 8451:21, 8451:23, 8453:18, 8456:15, 8457:10, 8458:4 Superintendent -8427:22, 8427:23, 8428:4, 8429:16, 8450:24, 8456:20, 8465:16, 8467:9, 8469:9, 8469:12, 8489:6, 8490:20, 8495:9 superintendent -8383:16, 8384:25, 8490:9 **superior** - 8469:4 supervising - 8389:1 supervisors - 8383:19 Support - 8365:9 support - 8428:23, 8490:21, 8491:19 supportive - 8470:16 supposed - 8429:2, Supreme - 8478:18. 8478:22, 8480:8, 8484:15 surprising - 8506:8

8468:21, 8468:24 surrounding - 8428:12 surveillance 8421:11, 8421:18, 8427:18, 8429:22, 8431:11, 8491:18, 8495:25 suspect - 8390:10, 8392:21, 8393:8, 8413:25, 8414:1, 8414:6, 8414:24 8415:18, 8416:4 8417:25, 8434:16, 8440:8, 8448:10, 8463:19, 8465:12, 8474:19, 8497:14, 8502:16, 8503:3 suspects - 8390:5, 8390:7, 8390:9, 8415:21, 8440:17 suspicion - 8415:4, 8449:22 **suspicions** - 8447:6, 8503:24 swore - 8506:3 sworn - 8419:25 Syd-8398:11 system - 8428:22, systemic - 8372:13, 8372:14, 8372:19, 8372:24, 8373:4, 8373:7 Т

tag - 8422:8 talks - 8376:24 8381:24, 8388:22, 8434:11, 8456:24, 8485:10 **tape** - 8470:5, 8489:16, 8495:21, 8495:22, 8496:2, 8496:3, 8496:19, 8496:20, 8496:23, 8496:24, 8496:25, 8497:21, 8497:23, 8497:25, 8498:5, 8499:8 tapes - 8380:8, 8495:25, 8496:7 taping - 8496:20 task - 8429:10 tasks - 8385:10, 8433:7 taught - 8443:4 taxi - 8391:3 Tdr- 8366:5 teacher - 8443:2, 8443:3, 8443:4 teachers - 8439:8 **technical** - 8379:18, 8493:14, 8493:16, 8496:9 Technician-8365:14 techniques - 8375:23 ten - 8417:9 tender - 8402:2, 8402:7 tendered - 8415:9 term - 8394:13 Terms-8369:17 terms - 8369:19 test - 8464:25 testified - 8498:15 testify - 8386:14. 8398:4 testifying - 8385:1, 8479:12 **Testimony**- 8364:14

8478:21 that' - 8499:9 themselves - 8501:18 theory - 8394:12 thereabouts - 8408:6 thinking - 8372:25, 8464:3 **Third**- 8432:21 third - 8381:8, 8385:2, 8399:10 thirdly - 8368:23, 8384:5 Thor-8387:14 three - 8375:7 8380:23, 8391:21 8399:4, 8399:8, 8404:9 throughout - 8378:14, 8420:22, 8421:8, 8476:12 Throughout-8375:16 throwing - 8448:6 thrown - 8497:1 timeline - 8369:6 Timing- 8394:16 timing - 8394:22, 8399:25, 8451:14 today - 8388:10, 8405:5, 8459:22, 8460:10, 8500:13, 8504:25 together - 8405:23. 8407:16, 8408:18, 8409:9, 8494:12 tomorrow - 8400:4, 8446:10, 8507:7 Tony- 8365:14 **took** - 8375:16, 8387:5, 8390:20, 8393:22, 8396:18, 8398:11, 8401:22, 8424:13, 8432:21, 8443:8, 8445:21, 8446:15, 8446:18, 8448:4, 8448:11, 8448:13, 8448:14, 8448:16, 8448:17, 8448:18, 8449:8, 8451:19, 8454:20, 8455:1, 8455:5, 8455:21, 8456:1, 8469:11, 8479:10, 8480:13, 8485:16, 8486:8, 8491:3, 8495:19, 8497:13 top - 8374:15 8378:24, 8401:11, 8405:18, 8407:21, 8488:12, 8504:13 toque - 8412:3 total - 8416:3, 8418:10 touch - 8372:19, 8387:22, 8388:3, 8390:21, 8392:12, 8410:15, 8413:9 touching - 8392:3, 8394:14 towards - 8429:10 town - 8441:13, 8441:16 **track** - 8405:23, 8490:5, 8493:13 traffic - 8423:5 trained - 8466:4 Training-8375:17 training - 8375:20, 8375:25, 8376:2, 8376:9, 8388:24, 8423:3, 8423:18, 8423:22, 8424:2,

testimony - 8463:11,



surreptitiously -

8424:4, 8424:5, 8424:6, 8424:7, 8424:15, 8424:17, 8425:22 Transcript - 8364:12, 8368:1 transcript - 8478:18, 8484:10, 8484:12 transcription - 8508:5 transpired - 8467:22, 8470:6, 8480:2 travel - 8400:1 treatment - 8380:11 trial - 8396:4, 8498:11, 8498:16 tried - 8407:11, 8414:2, 8419:3, 8428:18, 8460:22, 8502:9 **trip** - 8465:5, 8465:11, 8466:14 trips - 8465:6 trouble - 8501:17 true - 8508:5 truth - 8472:1, 8476:25 truth' - 8471:22 **try** - 8376:7, 8392:18, 8408:14, 8413:15, 8413:24, 8415:20, 8427:1, 8460:2, 8500:18, 8505:10 **trying** - 8460:13, 8470:16, 8470:17, 8491:15 **Tuesday**- 8410:24, 8454:10, 8455:7 **turn** - 8373:12, 8400:24, 8417:12, 8456:19, 8459:8, 8464:10, 8482:23, 8489:13 turned - 8405:13, turns - 8380:3 tweaking - 8418:1 **two** - 8371:6, 8377:16, 8377:20, 8381:20, 8384:4, 8385:25, 8386:22, 8393:17, 8399:12, 8408:4, 8409:12, 8410:25, 8416:12, 8426:8, 8439:25, 8441:1, 8443:5, 8467:4, 8467:19, 8468:6, 8468:10, 8468:12, 8470:9, 8476:24, 8483:2, 8483:6 **type** - 8406:4, 8424:2, 8437:4, 8441:9, 8441:10, 8444:6, 8478:1 **typed** - 8407:21, 8437:5 types - 8490:10

Ulrich - 8399:22, 8406:2, 8406:19 umm - 8421:22, 8453:20, 8466:19, 8469:10, 8496:7, Umm - 8425:22, 8453:9, 8453:20, 8461:8, 8471:8 unbalance - 8500:9 under - 8385:6, 8392:12, 8407:15, 8450:24, 8462:4

8391:9. 8394:11. 8403:8 understood - 8431:22, 8458:14, 8484:21 unfairness - 8500:8, 8500:9 unfortunately -8373:18, 8376:4 uniform - 8442:21, 8485:11, 8485:23, 8486:9 uniforms - 8485:18 unit - 8377:19, 8421:18, 8425:17, 8426:5, 8428:12, 8429:22, 8490:4, 8491:17, 8496:4, 8496:12 Unit - 8386:21 8425:14, 8426:2, 8426:14, 8430:10, 8430:18, 8494:16, 8495:7 units - 8426:3 Units - 8427:5 unless - 8430:13, 8484:7, 8491:9 unusual - 8381:12, 8470:24 up - 8369:17, 8370:10, 8371:10, 8374:15, 8374:23, 8381:7, 8382:16, 8383:7, 8384:18, 8385:13, 8388:8, 8395:16, 8398:24, 8402:8, 8402:11, 8404:24, 8405:7, 8406:16, 8414:8, 8418:12, 8418:23, 8419:7, 8420:15, 8420:25, 8421:9, 8422:5, 8422:16, 8422:18, 8422:19, 8425:7, 8431:18, 8433:14, 8433:20, 8433:22, 8434:22, 8435:11, 8435:14, 8436:7, 8436:10, 8436:15, 8436:25, 8437:1, 8437:11, 8437:12, 8437:13, 8438:9, 8439:1, 8439:24, 8440:5, 8440:24, 8443:9, 8443:10, 8444:25, 8445:1, 8445:2, 8445:4, 8445:11, 8445:13, 8448:9, 8448:17, 8449:12, 8450:23, 8454:25, 8455:6, 8455:13, 8455:16, 8458:7, 8458:18, 8459:9, 8465:7, 8468:14, 8468:18, 8470:18, 8477:9, 8481:5, 8482:9, 8483:17, 8484:10, 8484:11, 8485:9, 8487:5, 8488:9, 8492:5 8493:5, 8496:5, 8498:8, 8499:15, 8500:18, 8501:4, 8504:6 upcoming - 8372:17 upstairs - 8494:10

useful - 8410:15

٧

uses - 8463:12

Under - 8386:24,

V1 - 8391:22 V2 - 8391:22 V3 - 8391:22 **V4** - 8417:16 **V5** - 8392:6, 8404:7 Vaguely - 8485:15 Valila - 8387:9 variance - 8479:14 various - 8382:10, 8385:9, 8391:11 8394:19, 8397:18, 8397:20, 8401:4, 8401:20, 8402:19, 8403:6, 8404:25, 8412:14, 8419:1, 8419:9 vary - 8399:3 vehicle - 8459:17 verified - 8458:23 Vern - 8385:6 version - 8401:22 versions - 8397:18, 8404:22, 8404:25, 8406:17 vicinity - 8394:23 victims - 8391:21, 8392:13, 8402:10 view - 8440:7 viewed - 8388:4 viewpoint - 8500:1 Viewpoint - 8500:3 visit - 8457:15 Voice - 8483:9 voices - 8483:8

W

Volume - 8364:22

volumes - 8369:14

Wagner - 8396:18 walk - 8422:12, 8432:13 wall - 8468:2, 8469:19, 8489:16 wallet - 8411:25 **Wally**- 8454:19, 8500:22 Walter - 8459:13 Walters - 8399:18, 8403:25 **Ward** - 8385:18, 8406:19 washed - 8502:23, watching - 8506:5 ways - 8429:6 wearing - 8492:9, 8492:11, 8494:21 web - 8402:8, 8402:11 Wednesday - 8451:20, 8454:15, 8458:20 week - 8385:2, 8399:10, 8405:4, 8416:9, 8477:2, 8481:13 weeks - 8399:4, 8399:6, 8399:8, 8410:15, 8416:12, 8487:16 Weir - 8387:9 welcome - 8368:7 Wempe - 8366:9 whatsoever - 8449:6, 8452:7, 8463:23, 8487:14, 8489:20 whichever - 8467:25 white - 8485:11, 8485:23, 8486:8,

8428:22, 8476:11, 8493:10 wife - 8485:22 Wilde - 8365:13 Williams - 8393:20, Williams' - 8387:5 **Wilson** - 8366:6, 8379:4, 8379:8, 8393:13, 8404:2, 8411:16, 8411:23, 8412:16, 8412:24, 8413:3, 8432:25, 8459:15, 8466:22, 8468:8, 8468:22, 8468:25, 8472:16, 8472:18, 8472:19, 8472:21, 8473:3, 8473:23, 8473:25, 8475:1, 8475:10, 8477:3, 8477:20, 8479:2, 8479:13, 8480:9, 8480:11, 8480:23, 8481:9, 8481:20, 8482:18, 8494:24, 8496:11 Wilson's - 8481:5 Wilton - 8398:11 Winnipeg - 8372:9, 8411:13, 8411:15 Winter - 8387:15 wise - 8467:24 wish - 8372:12 8387:22, 8388:3, 8388:6, 8413:9, 8433:5 wishes - 8400:16 witness - 8368:13, 8372:2, 8373:18, 8381:9, 8386:11, 8386:12, 8393:20, 8398:12, 8399:7, 8400:15, 8404:13, 8408:11, 8414:1, 8415:14, 8415:18, 8419:16, 8419:21, 8425:3, 8475:25, 8506:4 witnessed - 8475:25 witnesses - 8368:16, 8368:24, 8369:1, 8370:17, 8371:2, 8372:4, 8372:14, 8373:25, 8377:20, 8382:11, 8386:2, 8386:22, 8387:24, 8388:4, 8388:7, 8388:15, 8388:20, 8388:25, 8389:6, 8389:16, 8389:21, 8390:22, 8391:6, 8391:13, 8392:4, 8392:19, 8394:3, 8395:13, 8395:15, 8396:7, 8396:24, 8397:7, 8397:17, 8398:3, 8399:2, 8399:13, 8399:20, 8402:5, 8403:12, 8404:17, 8405:9, 8406:6, 8406:20, 8406:25, 8407:9

8409:13, 8409:24,

8410:17, 8460:21

Wolch - 8366:2

women - 8470:9 wondering - 8426:25, 8474:14, 8474:18,

witnessing - 8487:25, 8488:2, 8498:17

whole - 8373:19,

8504:17 Wood - 8383:17. 8384:25, 8389:11, 8400:11, 8427:22, 8427:23, 8428:4, 8429:16, 8450:24, 8465:17, 8467:9, 8467:12, 8469:9, 8469:12, 8477:16, 8489:6, 8490:20, 8493:7, 8493:8, 8495:9 Wood's - 8456:20 word - 8444:4, 8449:9 wording - 8505:20 words - 8372:18, 8424:18, 8455:24 8473:11, 8473:13, 8481:1, 8497:24 workers - 8391:1 world - 8500:25 world-renowned -8500:25 worth - 8376:13, 8497:20 worthwhile - 8383:10 written - 8415:3 Wrongful - 8364:3 **wrote** - 8463:17, 8464:20, 8505:19

Υ

yak - 8477:7 year - 8375:16, 8377:3, 8378:14, 8381:14, 8407:3, 8408:24, 8461:21 years - 8422:2 8424:14, 8425:25 8429:21, 8435:23, 8440:22, 8442:9, 8443:11, 8468:5, 8470:10, 8478:10, 8482:5, 8500:8 yellow - 8383:9, 8408:19, 8410:25 yesterday - 8488:2 young - 8472:1 yourself - 8437:4 youth - 8387:4 Yup - 8434:25, 8453:14

Ζ

zero - 8378:1 Zoom - 8452:16 zoom - 8385:12, 8488:12



8486:9