

*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 Bessborough Hotel at  
Saskatoon, Saskatchewan

On Wednesday, January 19th, 2005

Volume 5

Inquiry Proceedings



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and *Ms. Rochelle Wempe,*  
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**Transcript of Proceedings**

(Reconvened at 10:00 a.m.)

MR. HODSON: Good morning,  
Mr. Commissioner.

COMMISSIONER MacCALLUM: Mr. Hodson.

MR. HODSON: Today we have re-adjusted the  
witness schedule a bit, I've left on your table  
there a revised calendar. Given the pace at  
which we've gone through the first six or so  
witnesses, I have moved up a couple today, so we  
have six witnesses on our schedule today. They  
will be Syd Sargent, Anne Peters, Anthony Humen,  
Nahtilie Treimans, Joe Burns and John Husulak, so  
I'm hopeful that we'll be able to get through  
them. If not, we'll move some until tomorrow,  
and tomorrow we've actually moved up some of next  
week's witnesses regarding physical evidence.

COMMISSIONER MacCALLUM: Will the order of  
cross-examination be the same?

MR. HODSON: Yes, it will be for today,  
yes.

COMMISSIONER MacCALLUM: Okay.

MR. HODSON: Now, before I start with the  
first witness, there's a matter -- yesterday I  
read in the evidence of Henry Diewolf and Marie



1 Indyk and there was one document in Marie Indyk  
2 that I did not specifically read in and if I  
3 could call it up, it's 105605, and this is in the  
4 Marie Indyk exhibit binder, and we'll hear  
10:01 5 evidence about this later. My understanding is  
6 that this is a document prepared by Saskatoon  
7 City Police officers sometime in the spring --  
8 well, or summer of 1969 and a summary that's  
9 prepared for the prosecutor. We'll hear evidence  
10:01 10 exactly what it is, I'm just telling you what my  
11 understanding is, but this is a brief that was  
12 prepared, and if I could just have you call out  
13 this bottom part, please, and I'll just read in  
14 where Marie Indyk fits in here. Starting here:

10:02 15 "The east-west lane is T-intersected by  
16 north-south lane. John states she ran, but  
17 is not sure where. Marie Indyk, who was at  
18 the north-west corner of Avenue O, 20th  
19 Street observed a female, believed to be  
10:02 20 John, run toward her, stop and just look at  
21 her, then walk north on Avenue O. At this  
22 same time she observed a male walking north  
23 on Avenue O. She described this male as  
24 being like a ghost, as she could not hear  
10:02 25 his footsteps, while the female's steps



1           sounded crisp in the cold snow. It is  
2           possible Milgaard was without shoes, as he  
3           was sometime later at the Trav-a-leer  
4           Motel."

10:02 5           And then just at the top of the next page,  
6           please, just that first paragraph, and it states:

7           "This area is further corroborated by Henry  
8           Diewold who observed the headlights of an  
9           auto in the lane to the rear of the Westwood  
10:03 10          Funeral Chapel approximately 7 a.m. The  
11          lights were still there at approximately  
12          7:10 a.m. He also observed Mrs. Indyk."

13          I'm done with that document. The first witness  
14          this morning will be Syd Sargent. If I can ask  
10:03 15          him to come up to the witness stand, please.

16          **SYDNEY CHARLES SARGENT**, sworn:

17          BY MR. HODSON:

18          **Q**       Good morning, Mr. Sargent. Thank you for  
19                    testifying at this Commission of Inquiry. I  
10:04 20                   understand that you currently reside in Dorintosh,  
21                   Saskatchewan; is that correct?

22          **A**       That's right.

23          **Q**       And that in 1969, specifically January of 1969,  
24                    you lived in Saskatoon?

10:04 25          **A**       That's right.



1 Q And your residence was at 1502 Warman Road?

2 A That's right.

3 Q And I understand that you worked for Shell Oil  
4 Company; is that correct?

10:04 5 A I did.

6 Q And were you a truck driver?

7 A Yeah.

8 Q And I understand that Shell Oil Company was  
9 located in the 500 block of Avenue N South in  
10:04 10 Saskatoon?

11 A Yes.

12 Q I wonder if you could just call up map -- we'll  
13 maybe start off with map A, please. Sorry, map A.  
14 And just to zoom in there, please. And, Mr.  
10:05 15 Sargent, this is a map of the area in 1969. I'm  
16 not sure if it will show here, but here's 20th  
17 Street, 22nd Street and Avenue N. It's my  
18 understanding that Shell Oil would be somewhere  
19 down here; is that right?

10:05 20 A Yes.

21 Q In that vicinity?

22 A Yes.

23 Q If you could go to map B, please, and at the time  
24 what hours did you work back in 1969? Did you  
10:05 25 have regular hours?





1 A Well, it was supposed to be, on that shift, from  
2 four in the afternoon until four in the morning.

3 Q And did that vary from time to time?

4 A In the winter all the time.

10:05 5 Q And why was that?

6 A Weather.

7 Q And did you work later than four a.m. on occasion?

8 A Oh, yes, yeah.

9 Q And how did you get to and from work?

10:06 10 A I drove -- well, I would come from Warman Road  
11 up -- well, it used to be -- well, it's Idylwyld  
12 now, and then up 20th Street and turn down in.

13 Q If you could bring up -- sorry, just bring up map  
14 A again and just zoom in. And then would you  
10:06 15 usually take the same route home, sir?

16 A Most of the time. Sometimes I went, depending on  
17 the traffic, I would go west a block or two and  
18 then go over to 22nd.

19 Q I'm just going to show -- I think we identify  
10:06 20 there on the map where your place of business was.  
21 You would travel north, Avenue N to 20th?

22 A Uh huh.

23 Q East on 20th to Idylwyld and home was one way?

24 A Yeah. It depended on the time of the morning and  
10:06 25 the traffic.



1 Q So that, would that be one route that I've just  
2 drawn there?

3 A Yes.

4 Q And another route would be, I think you said west  
10:07 5 on 20th to Avenue P and then north; is that right?

6 A Well, it would either be P or R.

7 Q Okay. So you took various routes home?

8 A Yeah.

9 Q Do you recall the day that Gail Miller was  
10:07 10 murdered, on January 31, 1969?

11 A Vaguely.

12 Q Do you recall hearing about that in the news?

13 A Yeah. I think it was probably two days later or a  
14 day later. It wouldn't be the next day or that  
10:07 15 same day because I went and I slept until three  
16 o'clock in the afternoon.

17 Q On the morning of January 31, 1969 do you recall  
18 driving in this area of 20th Street and Avenue N  
19 in the morning?

10:07 20 A Yes.

21 Q Can you tell me what you recall?

22 A Well, I got off work and I started my vehicle up,  
23 it was right around 40 below I guess, and I went  
24 up -- pardon me, up Avenue N and turned right on  
10:08 25 20th Street.



1 Q Do you know approximately what time that was?

2 A It would probably be about seven in the morning,  
3 somewhere around there.

4 Q And did you observe anything near the intersection  
5 of Avenue O and 20th Street?

6 A Well, as far as I'm concerned, it was Gail Miller  
7 that was standing to the east about -- I would say  
8 about three houses, somewhere around there.

9 Q If you could call up map B, please, just zoom in  
10 that area. So here's Avenue N, Mr. Sargent. You  
11 would have travelled in this direction and turned  
12 right?

13 A Yeah.

14 Q East?

15 A Yeah.

16 Q And then you said three houses, about three houses  
17 in on 20th Street you saw --

18 A Something like that, yeah.

19 Q And how did you know it was Gail Miller?

20 A Well, I vaguely knew her. I had met her someplace  
21 and I don't know where. I can't remember that.

22 Q And do you recall how she was dressed or what she  
23 was wearing?

24 A Well, she was wearing, you know, the nurses'  
25 capes, the blue, and I don't think she had a hat



1 on or anything, I can't remember that, but I  
2 believe she was wearing a dress, a nurse's  
3 uniform.

4 Q Did you wave to her?

10:09 5 A Yes, I did.

6 Q Did she wave back?

7 A Yes, she did.

8 Q Had you on previous occasions waved at Gail  
9 Miller?

10:09 10 A Oh, yeah.

11 Q Pardon me?

12 A Yes.

13 Q Now, I understand that in the following weeks you  
14 had occasion to talk to the city police; is that  
10:10 15 correct?

16 A That's right.

17 Q And can you tell me how that came about?

18 A Well, I guess I was probably listening to the  
19 radio and I was on night shift again and they were  
10:10 20 advertising on there they wanted any information  
21 of where she had been or if anybody had seen her  
22 or anything.

23 Q I see.

24 A So I phoned them when I got home. No, I think I  
10:10 25 phoned them from Shell Oil, I'm not sure.



1 Q I'm going to call up document 019339, please.

2 I'll just be one second there, Mr. Sargent.

3 A That's fine.

4 Q Mr. Commissioner, this is bump number 1 of the  
5 bumps that I referred to on Monday. On the  
6 screen, Mr. Sargent, is document 019339. This is  
7 a Saskatoon Police Department investigation  
8 report. It's dated February 16th, 1969, 4:30  
9 a.m., by a Constable Wilton, and I just want to go  
10 through this document with you because it purports  
11 to record a conversation with you and I'll just  
12 start there. It says --

13 COMMISSIONER MacCALLUM: I see the 15th, if  
14 that makes any difference.

15 MR. HODSON: Sorry, did I say --

16 COMMISSIONER MacCALLUM: 16th.

17 BY MR. HODSON:

18 Q Yeah, February 15th, I'm sorry. It says:

19 "At 3 a.m. this date I spoke to Syd Sargent,  
20 1502 Warman Road, who was working late in  
21 his place of business at the Shell office,  
22 500 block Avenue N South, his home phone  
23 number 652-7630 and his business phone,  
24 244-8124. Sargent states on the morning of  
25 the murder he had left the Shell office at



1 exactly 7 a.m. and driven a truck north on  
2 Avenue N to 20th Street where he had come to  
3 a stop. Sargent states that the time would  
4 be between 7 a.m. and 7:05 a.m. when he  
10:13 5 arrived at 20th Street. He observed a woman  
6 standing at the bus stop at the south curb  
7 wearing a blue, or what appeared to be a  
8 blue coat similar to a nurse's cape. This  
9 woman also wore white nylons, a white dress,  
10:14 10 and may have been bearing a hat. Before  
11 proceeding from the stop sign Sargent states  
12 he saw a young male person, age 18-20 years,  
13 staggering in a southerly direction on  
14 Avenue N towards 20th Street. He described  
10:14 15 the person as approximately 6'2", skinny,  
16 blondish hair. He wore blue jeans and a  
17 khaki coat. The youth was staggering as  
18 though drunk however may have been walking  
19 in this manner if he had been wearing  
10:14 20 leather shoes. Syd Sargent did not pay any  
21 more attention to the 2 persons and then  
22 drove away. He delayed contacting the  
23 police on this matter as he believed the  
24 information was of little importance.  
10:14 25 Perhaps photos could be shown to Sargent and



1 identification made."

2 Now, I think you told me, Mr. Sargent, you did  
3 phone the police and speak to someone on the  
4 telephone; is that correct?

10:14 5 A Yes.

6 Q And at that time would you have provided them with  
7 your best and truthful recollection of what you  
8 had observed that morning?

9 A Yes, but there's a mistake in here though.

10:14 10 Q Okay. Could you point that out, please?

11 A There's no bus stop there. She wasn't waiting at  
12 a bus stop.

13 Q Okay. She was, I think we had identified, she was  
14 across -- she was on the other side of Avenue N.  
10:15 15 I'll come back to the map. So apart from that,  
16 would this, what's recorded by Constable Wilton,  
17 be a fairly accurate recording of what you would  
18 have told him?

19 A I hope so. After 35 years my memory is not very  
10:15 20 good.

21 Q Okay. So, other than the bus stop, this looks  
22 correct?

23 A Yeah.

24 Q Now in this -- and just point out here -- it says  
10:15 25 at exactly 7:00 a.m. Would your recollection of



1 the time you saw her have been better in 1969 than  
2 it is today, sir?

3 A Oh, 100 percent, yes.

4 Q Now this report doesn't specifically say the name  
10:15 5 Gail Miller. Do you recall if you would have told  
6 the police officer, when you were describing this  
7 woman in a white dress and a nurse's cape, whether  
8 you knew it to be Gail Miller; do you recall  
9 saying that?

10:16 10 A I don't recall it.

11 Q Was the reason that you called the police that day  
12 because you thought it was Gail Miller?

13 A Yes.

14 Q This report also talks about seeing a male person.  
10:16 15 Today, do you recall, do you recall that?

16 A Vaguely.

17 Q Okay. And what do you recall?

18 A Just that he was over six feet tall and is -- like  
19 I have worn all kinds of shoes and I'm -- he  
10:16 20 didn't have good shoes on --

21 Q Okay.

22 A -- for walking on the ice and snow, he was  
23 slipping and sliding all over the place.

24 Q And when you observed this young lady on that  
10:16 25 morning did you form any impression as to what she





1 was doing; was she walking, was she stationary?

2 A I took it for granted she was waiting to be picked  
3 up by a car, because she wasn't at a bus stop.

4 Q Now just at the bottom, here, the police report  
10:17 5 says:

6 "Perhaps photos could be shown to Sargent  
7 and identification made."

8 Did you ever hear from the Saskatoon City Police  
9 after February 15th, 1969?

10:17 10 A No.

11 Q After the date of this call to the Saskatoon City  
12 Police, when was the next time that you were  
13 contacted by anyone in connection with this  
14 matter?

10:17 15 A Umm, a fellow -- there goes the names again --  
16 from Edmonton called me.

17 Q Don Christal?

18 A Don Christal, and that's a couple weeks ago, or  
19 something like that.

10:17 20 Q Right. So a couple weeks ago in 2005, and Mr.  
21 Christal is an investigator who is assisting me,  
22 and that's who would have called you?

23 A Yeah.

24 Q Let's just go back to map B, please. So I take it  
10:18 25 you were never shown any photos at the time?



1 A None.

2 COMMISSIONER MacCALLUM: Pardon me, you  
3 were never shown what?

4 A Pardon me?

10:18 5 COMMISSIONER MacCALLUM: You were never  
6 shown what?

7 A Any pictures.

8 COMMISSIONER MacCALLUM: By the police?

9 A Yeah, that's right.

10:18 10 BY MR. HODSON:

11 Q If you could just rearrange the map, and just zoom  
12 in there, I'm showing the witness map B. Here is  
13 Avenue N, Mr. Sargent, and I think, just to  
14 clarify, this is your route, you said?

10:18 15 A That's right.

16 Q And you saw Gail Miller here?

17 A That's right.

18 Q And I think when you said you were -- in the  
19 February 15th, 1969 police report you said she was  
10:18 20 not at the bus stop but she was, in fact, east of  
21 Avenue N; is that right?

22 A That's right.

23 Q And the male person; do you have any recollection  
24 as to where you would have seen that male person  
10:18 25 referred to in the report?



1 A I think he was north here.

2 Q So in that vicinity on Avenue N?

3 A Yeah.

4 Q And just for the record, you were not involved in,  
10:19 5 as a witness in either the David Milgaard or Larry  
6 Fisher trial proceedings?

7 A No.

8 Q Thank you, Mr. Sargent, those are my questions.  
9 Counsel for the other parties may have questions  
10:19 10 for you.

11 BY MR. WOLCH:

12 Q This is my first venture into this. Can you put  
13 that last, 019339, up? Thank you. Mr. Sargent,  
14 it's pretty difficult to remember that far back,  
10:19 15 is it not?

16 A Yes, it is.

17 Q And, really, you would rely perhaps even more on  
18 what the officer records you as having said than  
19 what you can remember now?

10:20 20 A Definitely.

21 Q And the officer spoke to you a little more than  
22 two weeks after Larry Fisher murdered Gail Miller;  
23 correct?

24 A About that, yeah.

10:20 25 Q And I want you to -- perhaps just give you some



1 logic, you would have known about Gail Miller  
2 being murdered perhaps a day or so after the  
3 killing?

4 A Yeah, probably around there, yeah.

10:20 5 Q And if you thought the young woman that you saw  
6 was definitely Gail Miller you wouldn't have  
7 waited two weeks to call the police; would you?

8 A Saw no reason to. They were supposed to have had  
9 whoever was responsible as far as I know.

10:20 10 Q Well, unfortunately they didn't, actually.

11 A Well, that's -- apparently, yes.

12 Q But nobody was arrested for quite a bit later.

13 A I don't know how long it was.

14 Q I'm not trying to be difficult, it's just that  
10:21 15 I -- and I appreciate how tough it is to think  
16 back that far.

17 A Yeah.

18 Q But, take it from me, there was no suspect in  
19 custody.

10:21 20 A That could be, yes.

21 Q And I'm suggesting, if you thought you saw Gail  
22 Miller, you wouldn't wait more than two weeks to  
23 call the police?

24 A Actually, I forgot about it, I never even --

10:21 25 Q Well is it --



1 A You know, I wasn't involved in it.

2 Q But isn't it more likely you didn't know it was  
3 Gail Miller?

4 A No.

10:21 5 Q Well wouldn't you have told the police, in your  
6 statement, that it was Gail Miller?

7 A As far as I know I did.

8 Q And it's not recorded in there anywhere?

9 A Well that's -- I didn't write the report, nor have  
10:21 10 I ever seen it until today.

11 Q No, no, but -- well, and I appreciate your  
12 problems, and it's hard to remember that far back,  
13 but I'm asking you more to use logic, almost, than  
14 memory, if you could; and I'm saying, in this, you  
10:21 15 talk about seeing a woman standing at the bus stop  
16 with a blue or a blue coat similar to a nurse?

17 A Uh-huh.

18 Q Now I would think, back then, you wouldn't have  
19 said "a woman," you would have said "I saw Gail  
10:22 20 Miller?"

21 A Well as far as I can remember, I did, but that's  
22 not what's in there.

23 Q So you think they may be wrong or --

24 A Well I --

10:22 25 Q Or perhaps, 35 years, it's pretty hard to



1 remember?

2 A No, I don't think it's that hard to remember that,  
3 because I did know her.

4 Q And they talk about showing you photos; do you  
10:22 5 recall anything about that?

6 A None whatsoever.

7 Q Or even the suggestion?

8 A Nope.

9 Q But you do agree that this report does not  
10:22 10 indicate you ever said it was Gail Miller?

11 A I agree with that, yes.

12 Q And, once again, do you not think that it would  
13 not have taken you two weeks to call the police to  
14 say you had seen Gail Miller on the morning of her  
10:23 15 murder if you really were certain it was Gail  
16 Miller?

17 A I don't know. I guess I don't think the way you  
18 do.

19 Q Well --

10:23 20 A I don't know.

21 Q That's fine, thank you.

22 A Okay.

23 COMMISSIONER MacCALLUM: Ms. McLean?

24 MS. McLEAN: No, thank you.

10:23 25 COMMISSIONER MacCALLUM: Mr. O'Keefe?



1 MR. O'KEEFE: I have no questions.

2 COMMISSIONER MacCALLUM: Mr. Elson?

3 BY MR. ELSON:

4 Q Mr. Sargent, you indicated, in answering  
10:23 5 Mr. Hodson's question, that you believe that you  
6 had met Gail Miller sometime previous?

7 A I don't believe, I know.

8 Q You know?

9 A Yes.

10:23 10 Q Do you recall exactly where it was that you met  
11 Gail Miller?

12 A No. It could be -- I knew several of the nurses  
13 that worked at the hospital where she was at, eh,  
14 they were training --

10:23 15 Q Yes?

16 A -- and we used to have parties and that, and I  
17 kind of think that's where I may have met her. I  
18 don't know.

19 Q But you are certain you met her?

10:24 20 A Yes.

21 Q You can't identify specifically which place you  
22 met her?

23 A No.

24 Q Would you be able to identify how much prior to  
10:24 25 January of 1969 you would have met Gail Miller?



1 A No.

2 Q When you indicate that she was wearing a nurse's  
3 cape, are you able to describe how long the cape  
4 was?

10:24 5 A Well I think it came down below the knees.

6 COMMISSIONER MacCALLUM: I think, if you  
7 could turn to the statement, 'something like a  
8 cape' I believe were his words.

9 MR. ELSON: 'Something like a cape'. If we  
10:24 10 could have the statement brought up, I believe it  
11 is, yes.

12 COMMISSIONER MacCALLUM: "He observed a  
13 woman standing at the bus stop at the south  
14 curb wearing a blue or what appeared to be a  
10:25 15 blue coat similar to a nurse's cape."

16 BY MR. ELSON:

17 Q Thank you, Mr. Commissioner. That particular  
18 passage that the Commissioner has identified, a:  
19 "... coat similar to a nurse's cape.", and I'm  
10:25 20 sorry, when I think of a coat and I think of a  
21 cape, I'm thinking of a coat as something with  
22 sleeves and something more like a woman's coat.  
23 In what way might a nurse's cape, in your  
24 recollection of what you saw, be different from a  
10:25 25 coat?





1 A I don't think there was any, like, sleeves; you  
2 know what I mean?

3 Q All right.

4 A They kind of do them up and --

10:25 5 Q Do you recall how large a collar it was?

6 A No.

7 Q And when you indicate that she was not at a bus  
8 stop, you indicated that the statement was wrong,  
9 it indicated she was waiting at the bus stop; if I  
10:26 10 could have map B and if we could configure it --  
11 thank you very much. Would she have been  
12 standing -- and I want to make sure I understand  
13 this correctly, and you may have said this to  
14 Mr. Hodson, if I'm asking you to repeat an answer  
10:26 15 I apologize -- but I understand from your evidence  
16 that she was standing to the east of the corner of  
17 Avenue N and 20th Street; is that correct?

18 A That's right.

19 Q And approximately how much to the east from the  
10:26 20 corner?

21 A As far as I can remember, about the third house,  
22 somewhere in that neighbourhood.

23 Q And the bus stop was much closer to the corner  
24 than that?

10:26 25 A The bus stop was across Avenue N.



1 Q Across Avenue N?

2 A Yeah, I believe so, I can't -- either it was at  
3 the end of the block to the east, or it was on the  
4 other side of the street, I don't remember for  
5 sure.

6 Q All right.

7 A But I thought it was strange that she was standing  
8 there and not at a bus stop, it didn't make sense,  
9 but --

10 Q If -- would it surprise you that there has been  
11 evidence before these proceedings to the effect  
12 that the bus stop was on the southeast corner of  
13 Avenue N and 20th Street, where it is today?

14 A That's possible.

15 Q In any event, if she was standing three --

16 COMMISSIONER MacCALLUM: Excuse me.

17 MR. ELSON: I'm sorry?

18 COMMISSIONER MacCALLUM: I believe you  
19 better get the appropriate map.

20 MR. ELSON: I believe that would be map C.

21 I'm sorry.

22 BY MR. ELSON:

23 Q I'm sorry, I've been corrected by counsel, the bus  
24 stop would be actually on the southwest corner of  
25 Avenue N and 20th Street. So she would have been



1 standing directly across from Avenue N three doors  
2 to the east?

3 A Yes.

4 Q And you did not offer to give her a ride or  
10:27 5 inquire as to why she was waiting there?

6 A No.

7 Q You simply waved?

8 A Just waved.

9 Q And you waved because you believed that you knew  
10:28 10 her?

11 A That's right.

12 Q Now it would be fair to say, then, that you did  
13 not know her well?

14 A Oh no, not really that well.

10:28 15 Q And, if you had known her at all, you would have  
16 known her, likely, from one of the parties  
17 involving City Hospital staff?

18 A That's possible.

19 Q And would that have been more than one party, or  
10:28 20 just one party, perhaps?

21 A Back then, I have no idea.

22 Q So you certainly didn't know -- you didn't attend  
23 her funeral, for example?

24 A No, no.

10:28 25 Q So you would agree with me that you did not know



1 her well?

2 A That's right.

3 Q And, in light of the fact that you did not know  
4 her well, is it not conceivable that you would  
10:28 5 have told Constable Wilton that you would not have  
6 identified her by name simply because you did not  
7 know her well?

8 A I don't remember.

9 Q Thank you. I have no further questions.

10:28 10 COMMISSIONER MacCALLUM: Mr. Fox?

11 MR. FOX: No questions, Mr. Commissioner.

12 COMMISSIONER MacCALLUM: Mr. Gibson?

13 MR. GIBSON: Nothing from me, sir.

14 COMMISSIONER MacCALLUM: Ms. Krogan?

10:29 15 MS. KROGAN: Nothing, sir.

16 COMMISSIONER MacCALLUM: And Ms. Knox?

17 MS. KNOX: No questions, sir.

18 COMMISSIONER MacCALLUM: Any redirect,

19 Mr. Hodson?

10:29 20 MR. HODSON: No, Mr. Commissioner.

21 COMMISSIONER MacCALLUM: Thank you very  
22 much for coming, you are excused.

23 MR. HODSON: The next witness is Ms. Anne  
24 Peters.

10:29 25 ANNE PETERS, sworn:



1 BY MR. HODSON:

2 Q Good morning, Ms. Peters.

3 A Morning.

4 Q Thank you for appearing before this Commission of  
10:30 5 Inquiry. I understand that you currently reside  
6 in Saskatoon; is that correct?

7 A Yes.

8 Q And that, in January of 1969, you lived at 130  
9 Avenue O South in Saskatoon?

10:30 10 A Yes.

11 Q And that was a boarding house where Gail Miller  
12 was a roommate?

13 A Yes.

14 Q And you knew Gail Miller?

10:30 15 A Yup.

16 Q Let me just show you a couple of maps, please, map  
17 B, please. Maybe just -- actually just -- yeah,  
18 that would be great, thanks. Here is a map we  
19 have been referring to, Ms. Peters, that simply  
10:30 20 shows up here. You will see this is Avenue O, and  
21 that's north, here is the Miller rooming house,  
22 here is 20th Street; does that look familiar?

23 A Yup.

24 Q And so you lived at 130 where I have marked the X?

10:30 25 A Yes.



1 Q And you would have been familiar with the bus  
2 stops on 20th Street; is that right?

3 A Well, I don't remember exactly where they were,  
4 but it was on 20th somewhere. I never took it in  
10:31 5 the morning so I don't know.

6 Q I would also like to show you a photograph of the  
7 boarding house, and I understand that it is  
8 actually your photo, is that correct?

9 A Yes.

10:31 10 Q Pull up the 1969 photo.

11 A That's right.

12 Q And you would have taken that sometime around  
13 1969?

14 A Yeah, I guess so.

10:31 15 Q Okay.

16 A Looks summer.

17 Q Do you recall the day of Gail Miller's murder?

18 A Yeah, I was at work, I -- I must have heard it at  
19 work because when we come home, then it was all  
10:31 20 bustling, everybody was talking pretty -- you  
21 know, there was a lot of people in the house.

22 Q So, when you arrived home, were there police  
23 officers at your house?

24 A I think so, I -- must have been, because there was  
10:31 25 a --



1 Q Okay.

2 A -- lot going on anyway.

3 Q If I could call up document 106116, please.

4 KEVIN SHORT: (Technology Consultant): We  
10:32 5 don't have that document, Mr. Hodson.

6 BY MR. HODSON:

7 Q Thank you. On the screen is document 106116,  
8 which is an investigation report dated January 31,  
9 1969, and I'll just refer to the second page, and  
10:32 10 this is prepared by Detective Keith Mackie. And  
11 you will see, there, it looks as though 7:30 p.m.  
12 that day a witness statement was taken from Anne  
13 Friesen; is that your maiden name, Friesen?

14 A Yes.

10:33 15 Q And that was the name you were known by at the  
16 time?

17 A Yup.

18 Q So do you recall giving the police a statement on  
19 that date?

10:33 20 A Oh yeah, we did go in, we had to go give a  
21 statement, yeah.

22 Q Pardon me?

23 A I did remember we did give a statement.

24 Q Okay. I would like to show you a copy of a  
10:33 25 document, which is 006585, and it has your name at



1 the top, January 31, '69 -- are you able to scroll  
2 down there, Larry, or is that -- and the bottom  
3 right, you see that, is that your signature?

4 A Yes.

10:34 5 Q I'll have Mr. Agioritis be my scroller. We'll  
6 just start at the top, here, and it says:

7 "I am employed at Waldman & Paul. I have  
8 been there 2 1/2 years. My parents live at  
9 Hague, Saskatchewan.

10:34 10 I have lived at 130 Avenue O  
11 South for over a year."

12 Is that correct?

13 A I didn't remember that, I guess maybe I forgot,  
14 how --

10:34 15 Q And it says you have, it says:

16 "I have known Gail Miller since she moved to  
17 130 Avenue O South."

18 Is that correct?

19 A Yeah, I guess, yeah.

10:34 20 Q Were you good friends, acquaintances, with Gail?

21 A No, we were just acquaintances, we lived in the  
22 same house.

23 Q And this paragraph here, it says:

24 "I have known Gail Miller ..., "  
10:35 25 or pardon me, starting here:





1 "The last time I saw Gail was on Wednesday  
2 morning. I was going to give her a ride to  
3 work, but when I came back in she had gone  
4 to catch her bus - she leaves every morning  
10:35 5 between 6:40 a.m. and 6:45 a.m. when ...",

6 I think it says:

7 "... the is due at 20th Street and Avenue O  
8 at 6:45 a.m. She walks south on Avenue O to  
9 20th Street bus stop. She leaves by the  
10:35 10 front door."

11 Is that accurate?

12 A That's right, yup.

13 Q And then it says here:

14 "We have only talked about work she never  
10:35 15 mentioned having any enemies or ever being  
16 threatened - she stated she was scared of  
17 20th Street and didn't want to go near it."

18 Is that something you would have told the police?

19 A I must have said it, then, because they didn't  
10:35 20 like going to the bus in the morning when it was  
21 so dark.

22 Q And Gail Miller would have told you that?

23 A Well, she said that, yeah.

24 Q Now, after you provided this statement to the  
10:35 25 police, do you recall having any other dealings



1 with the police or anybody in the year or two that  
2 followed?

3 A No.

4 Q And you were not a witness at the David Milgaard  
5 proceedings?

6 A No I wasn't.

7 KEVIN SHORT: (Technology Consultant):  
8 Mr. Hodson, we can go back into the database.

9 MR. HODSON: Please call up 044683.

10 Thanks.

11 BY MR. HODSON:

12 Q I understand that sometime in or about 1993 you  
13 were contacted by the RCMP; is that right?

14 A I don't remember that one, so I --

15 Q Pardon me?

16 A I don't remember that one.

17 Q Okay.

18 A I -- they came a couple times, but I don't  
19 remember the one on -- no. My husband said he did  
20 but I don't remember.

21 Q Okay. Is this your signature at the bottom?

22 A Yeah, it is, yup.

23 Q Okay.

24 A I guess he was there.

25 Q If you could go to the next page, please, and at



1 the top it looks as though there is a question and  
2 answer that I'll just go through. Okay, maybe  
3 just go down to the bottom, is that your  
4 signature?

10:37 5 A Yes, it is.

6 Q Right here the question:

7 "Was this the statement you provided, and  
8 does this depict your observations to the  
9 best of your recollection?"

10:37 10 I presume the police, the RCMP, would have shown  
11 you your statement?

12 A Yes.

13 Q And then just call out that part, please, and it  
14 says:

10:37 15 "Did any person ever attempt to alter your  
16 statement in any way to exclude or add any  
17 pertinent details?"

18 They would have asked you that?

19 A Yes, they did, but I -- it never changed.

10:37 20 Q Next I understand -- if you could call up document  
21 081005, please -- I understand that, in connection  
22 with the RCMP's investigation of the Larry Fisher  
23 matter, that you would have been contacted by the  
24 RCMP; is that correct, do you remember that?

10:38 25 A Yeah, I guess, yeah.



1 Q And if you could just go to the next page, please,  
2 06 -- pardon me -- 07. And it looks as though  
3 October 29th, 1997 Carol Thomson, Constable Carol  
4 Thomson, obtained a written statement from Anne  
10:38 5 (Friesen) Peters, and if you could just go to page  
6 081009, and I think we can just zoom at the  
7 bottom; does that look familiar to you,  
8 Ms. Peters, is that --

9 A Yeah, I guess so, yeah.

10:39 10 Q And are those your initials?

11 A Yup.

12 Q Just go back to that main page. If you could go  
13 to page 081010, please, and this just asked  
14 questions. I take it, from time to time, you gave  
10:39 15 Gail Miller a ride to work in the morning?

16 A Yes, I did sometimes.

17 Q And you would normally take your vehicle to work  
18 then?

19 A If it wasn't too cold. Like those days was very  
10:39 20 cold, the car didn't start, so --

21 Q Okay. And just the question and answer:

22 "Q How often did you give Gail Miller a  
23 ride to work.

24 A ..."

25 A Oh, I --



1 Q I'll just read this for you.

2 A Okay.

3 Q "A I don't remember. It was quite a few  
4 times. Whenever my car would start.  
10:40 5 Sometimes I went with my dad so she took  
6 the bus. She would take the bus, leave a  
7 little earlier. Sometimes I didn't come  
8 home. On the days that were decent I  
9 would drive. She always, unless her  
10:40 10 boyfriend came, seems to me she always  
11 left using Avenue O to get to the bus.  
12 She would never take the back alley. It  
13 was too dark. At least in the front  
14 there was a couple lights."

10:40 15 Does that sound accurate?

16 A Yeah, that sounds right, yeah.

17 Q Okay. So I take it, back in January of 1969, did  
18 you or others at the boarding house, the young  
19 ladies, including Gail Miller, use the back  
10:40 20 exit-way?

21 A Only to go to the car. I don't remember anybody  
22 ever using it other than that.

23 Q If you could then go to page 81, 081011, and just  
24 call out that part, please, it says:

10:41 25 "She said sometimes that she didn't like



1 walking 20th Street.",  
2 referring to Gail:

3 "I don't know why. Then 20th Street was  
4 20th Street young kids it was a rough  
10:41 5 street. I didn't like walking 20th Street  
6 but it was the only street to get to the bus  
7 stop. Then again she didn't know the city  
8 as well as me."

9 So is that, that's something you would have  
10:41 10 provided?

11 A I guess.

12 Q And you were not called as a witness at the Larry  
13 Fisher proceedings?

14 A No.

10:41 15 Q Those are all my questions, Ms. Peters, other  
16 counsel may have some questions.

17 BY MR. WOLCH:

18 Q Ma'am, so Gail Miller would normally leave between  
19 6:40 and 6:45?

10:41 20 A From what I remember, yes.

21 Q But 6:45 would have been the time of the bus?

22 A Yeah. I don't know which -- I can't remember  
23 that.

24 Q As far as you remember?

10:42 25 A Yeah, as far as my memory.



1 Q So obviously it's not a very long walk to the bus?

2 A Well, I don't know where it was on 20th Street, I  
3 can't remember, but it's still a little over a  
4 block until 20th.

10:42 5 Q But if she would leave between, in your memory, or  
6 by your report, between 6:40 and 6:45, it's five  
7 minutes or less as far as the walk is concerned?

8 A Well, yeah.

9 Q Right?

10:42 10 A I don't know what time the bus came there, I can't  
11 remember that.

12 Q Okay. And you mentioned that there was some  
13 concern about walking in the dark and that sort of  
14 thing?

10:42 15 A Well, I didn't like it and I know she didn't  
16 either.

17 Q Were you aware at that time of somebody assaulting  
18 women --

19 A No.

10:42 20 Q -- in the area?

21 A No.

22 Q You had no knowledge of that?

23 A No knowledge, no.

24 Q And as far as, like, your evidence as to where  
10:42 25 Gail Miller walked and took the bus and left, et



1           cetera, et cetera, you were never called to the  
2           Milgaard --

3       A       No.

4       Q       -- hearing at all?

10:43 5       A       No, I was not.

6       Q       Were you ever contemplated being called, did  
7           somebody say to you you will be called and --

8       A       No.

9       Q       -- you weren't called or anything like that?

10:43 10      A       No.

11                   MR. WOLCH: Thank you very much.

12                   COMMISSIONER MacCALLUM: Ms. McLean?

13       BY MS. McLEAN:

14      Q       A couple of quick ones. You were questioned in  
10:43 15           1997 about Gail Miller's fear of walking down --

16      A       She didn't like it, I know she didn't.

17      Q       And that she would have taken Avenue O as did  
18           everybody else?

19      A       Well, yes.

10:43 20      Q       Do you remember having any conversations about  
21           that topic prior to 1997?

22      A       No.

23      Q       Do you know if any police officers discussed it  
24           with you?

10:43 25      A       No, never.





1 Q I just want to be clear, do you remember or it did  
2 not happen?

3 A I don't remember. I don't know if they ever asked  
4 me.

10:44 5 MS. McLEAN: That's fine. Thank you.

6 COMMISSIONER MacCALLUM: Mr. O'Keefe?

7 BY MR. O'KEEFE:

8 Q Could you bring up 081009, please, and,  
9 Ms. Peters, this again is your statement from  
10:44 10 October 29th, 1997. Can we go to the next page,  
11 please, just that portion of the statement,  
12 please.

13 "On the days that were decent I would drive.  
14 She always, unless her boyfriend came, it  
10:45 15 seems to me she always left using Avenue O  
16 to get to the bus."

17 Am I to understand from that that there were  
18 times that her boyfriend would give her a ride to  
19 work?

10:45 20 A From what it says I must have said it, because I  
21 don't remember -- she had a boyfriend, but I  
22 didn't really know him, so I don't know. I can't  
23 remember all that, no.

24 Q Were you aware of anyone else giving Gail Miller a  
10:45 25 ride to work in the morning?



1 A No, I don't remember that either.

2 Q Sometimes she would go with you --

3 A Sometimes she --

4 Q -- sometimes she would take the bus?

10:45 5 A Yeah.

6 COMMISSIONER MacCALLUM: Please be careful  
7 to wait until the question is finished before you  
8 give your answer.

9 A Okay.

10:45 10 BY MR. O'KEEFE:

11 Q Sorry about that. Sometimes she would go with  
12 you?

13 A Sometimes.

14 Q And sometimes she would take the bus?

10:45 15 A Uh huh.

16 Q There were times as well that her had boyfriend  
17 would take her?

18 A Well, that's -- if I said that, then that's  
19 probably what happened, because I don't even  
10:45 20 remember that.

21 MR. O'KEEFE: All right, thank you.

22 COMMISSIONER MacCALLUM: Mr. Elson?

23 MR. ELSON: No questions.

24 COMMISSIONER MacCALLUM: Mr. Gibson?

10:45 25 MR. GIBSON: No thank you.



1 COMMISSIONER MacCALLUM: Mr. Fox?

2 MR. FOX: No.

3 COMMISSIONER MacCALLUM: Ms. Krogan?

4 MS. KROGAN: No.

10:46 5 COMMISSIONER MacCALLUM: Ms. Knox?

6 MS. KNOX: No thank you.

7 COMMISSIONER MacCALLUM: Is there any  
8 redirect, sorry?

9 MR. HODSON: No.

10:46 10 COMMISSIONER MacCALLUM: You are excused,  
11 ma'am. Thank you for coming.

12 MR. HODSON: I have one more witness this  
13 morning, Mr. Commissioner, Anthony Humen. We can  
14 take a break now and we will definitely finish  
10:46 15 him before lunch or I can start him and half way  
16 through, whatever you wish. I have three this  
17 morning and three more this afternoon, so subject  
18 to your direction.

19 COMMISSIONER MacCALLUM: Well, we have a  
10:46 20 half an hour before our usual break. Will that  
21 be time?

22 MR. HODSON: We'll get him started. We  
23 probably won't get him finished, but he's the  
24 only other witness. I can try and move up one of  
10:46 25 this afternoon's witnesses.



1 COMMISSIONER MacCALLUM: Let's start him  
2 then, please.

3 MR. HODSON: Anthony Humen, please.

4 ANTHONY HUMEN, sworn:

10:47 5 BY MR. HODSON:

6 Q Good morning, Mr. Humen.

7 A Good morning.

8 Q Thank you for testifying at this Commission of  
9 Inquiry. I understand that you currently reside  
10:47 10 in Saskatoon?

11 A Yes, I do.

12 Q And that on January 31, 1969 you resided at 216  
13 Avenue O South?

14 A Yes, I did.

10:47 15 Q And how old were you at that time?

16 A Good question.

17 Q Approximately?

18 A About 21.

19 Q 21. If you could call up map B, please, and just  
10:48 20 zoom in here. I think again this is 20th Street  
21 and Avenue O, that's the north, and my  
22 understanding, you were on 216 Avenue O South,  
23 right in here?

24 A That's right.

10:48 25 Q Or there, one of those two. In that block?



1 A In that block.

2 Q Maybe just call up map C, please. In fact, I  
3 think you may even have your own designation in  
4 this map. Right there, Humen, does that look  
10:48 5 about right, about the fifth house in,  
6 thereabouts?

7 A That's about right.

8 Q Okay. And if you can go back to map B, please,  
9 and you would be familiar with 20th Street and the  
10:49 10 intersection of Avenue O; is that correct?

11 A Yes, I am.

12 Q And there was a bus stop, was there, on the  
13 southwest corner of Avenue O and 20th Street?

14 A Yes, there was.

10:49 15 Q And did you use that bus stop on a regular  
16 occasion?

17 A Just about every day. Pretty well every day.

18 Q Now, who -- I think you said you were 21. Who  
19 lived at 216 Avenue O South with you at that time?

10:49 20 A My sister and her husband, Sophie and Elmer Zook,  
21 and my sister-in-law lived there and my sister  
22 Nahtilie.

23 Q And your sister Nahtilie?

24 A Yes.

10:49 25 Q And I believe her married now name now is



1 Treimans?

2 A Treimans.

3 Q Treimans, I'm sorry. And how old was -- I think  
4 she was 17 at the time. Does that sound about  
10:49 5 right?

6 A That's about right.

7 Q Now, in January of 1969 where did you work?

8 A At the Robin Hood flour mills.

9 Q And that was located --

10:50 10 A 1st Avenue and 33rd.

11 Q And how did you normally get to work?

12 A I used to take the bus, the city transit bus.

13 Q And do you recall what time you started in the  
14 morning?

10:50 15 A I started work at seven o'clock in the morning and  
16 I usually took the bus about six o'clock, five  
17 after six.

18 Q And would you take it at Avenue O?

19 A Yes.

10:50 20 Q I believe there has, or there will be evidence,  
21 but I think the first bus was about 6:15 on that  
22 route. Does that sound right or --

23 A Somewheres. It's shortly after six. I don't  
24 exactly remember it, the right time.

10:50 25 Q That's fine. Now, back in January, 1969 did



1           you -- did Gail Miller take the bus with you on  
2           occasion?

3       A       There was a few times before that. On that day I  
4       don't remember.

10:51 5       Q       Yeah. I'm just talking generally at that time.

6       A       Yes.

7       Q       And did you know her by name?

8       A       No. She got on the bus one time, she sat by me  
9       and she introduced herself and that's all I knew  
10:51 10      about her.

11      Q       So you knew her face and you knew her name?

12      A       Right.

13      Q       And would you take the bus at times other than  
14      going to work, i.e., in the evening or weekends?

10:51 15      A       Yes, I used to take the bus in the evening times.  
16      I used to come home with the bus after work and in  
17      the evening times used to go see, take the bus, go  
18      see my girlfriend on Avenue M South, 1228 Avenue M  
19      South.

10:51 20      Q       Did you see Gail Miller on the bus on any of the  
21      evening occasions?

22      A       Not that I recall.

23      Q       Now, did you know a fellow by the name of Larry  
24      Fisher at that time?

10:52 25      A       I probably saw him. If I did see him on the bus,



1 I didn't know who he was. We were playing pool at  
2 a pool hall on 20th Street and after we finished  
3 playing pool we went down to the Albany to the bar  
4 for a beer and I don't know what the conversation  
10:52 5 was about or anything else like that and somebody  
6 said there's Larry Fisher, you know, and that's  
7 about the only thing I knew about Larry Fisher.

8 Q Okay. And so would this have been before or after  
9 the murder or in and around that time do you know?

10:52 10 A This was before.

11 Q Before. And so would you have known Larry  
12 Fisher's face and his name then at that time?

13 A Well, you know, when I saw him on the bus, you  
14 know, okay, well, there's Larry Fisher, you know.  
10:53 15 His name didn't mean anything to me, or him, you  
16 know.

17 Q So that after you saw him in the Albany Hotel,  
18 later when you saw him on the bus you associated  
19 with him and his name; is that fair?

10:53 20 A Well --

21 Q You knew it was Larry Fisher?

22 A I knew it was Larry Fisher.

23 Q And did he actually catch the bus at the same bus  
24 stop as you?

10:53 25 A Sometimes he did, you know. It wasn't too often.





1 Q So he would be at the Avenue O and 20th bus stop  
2 on occasion?

3 A Occasionally.

4 Q Now I want to ask you some questions about the day  
10:53 5 of the murder, January 31, 1969. Do you recall  
6 how you heard about the murder?

7 A I don't recall if it was that same day or next  
8 day. My sister told me that, you know, the police  
9 were digging in the back alley, digging around the  
10:54 10 garbage can, and I don't know if it was the day or  
11 next day we heard it on the news, the news at six  
12 o'clock.

13 Q Now, the morning of the murder, would you have  
14 taken the bus to work?

10:54 15 A Yes, I did.

16 Q At or around six a.m.?

17 A Right.

18 Q Do you have any recollection as to whether either  
19 Gail Miller or Larry Fisher were on that bus?

10:54 20 A No, no recollection.

21 Q Now, I understand on Monday, which would be  
22 February the 3rd, 1969, you would have caught the  
23 bus to work; is that correct?

24 A Right.

10:54 25 Q Do you recall encountering some police officers on



1 the bus that morning?

2 A Well, when I got on the bus they drove up with the  
3 car and come and asked, you know --

4 Q Pardon me?

10:55 5 COMMISSIONER MacCALLUM: What day was that,  
6 please?

7 MR. HODSON: That was Monday, February the  
8 3rd, '69.

9 COMMISSIONER MacCALLUM: Thank you.

10 BY MR. HODSON:

11 Q I'm sorry?

12 A They came and asked if they said there was anybody  
13 on the bus with a green parka and a red toque and  
14 there was some lady on there, I think she was the  
10:55 15 only other passenger on the bus over there, and  
16 she pointed to me.

17 Q Were you wearing a green coat and a red toque?

18 A Yes, I was.

19 Q And tell me what happened then with the officers?

10:55 20 A Well, they called me off the bus and, you know,  
21 they questioned me about the murder, if I knew  
22 anything about it, you know. I didn't know  
23 anything about it. They drove me to work. I told  
24 them over there that I've got a strict boss over  
10:55 25 there, you know, so I wanted to be at work on time



1 over there or else I was going to get fired, you  
2 know.

3 Q Right.

4 A So they told me fine, they were going to get me to  
10:55 5 work on time. They asked me about the murder  
6 while they drove me to work.

7 Q Okay. Let me just pause there. Was it one or two  
8 officers?

9 A There was two officers.

10:56 10 Q So they actually took you off the bus then and you  
11 went in the police car with them?

12 A Right.

13 Q Did you ask them why they were questioning you?

14 A No. Like I said, I was scared, you know. I was  
10:56 15 just a plain ordinary farm kid, you know, mom and  
16 dad always taught us to respect the law, you know,  
17 and police are always there to help you, you know.  
18 About six or eight months later, you know, police  
19 are taking me off the bus asking me about the  
10:56 20 murder. I was scared.

21 Q Did they ask you about your red hat then?

22 A Yeah, they asked me if I wore it, and I said yes,  
23 I did, you know.

24 Q And did they ask you about whether you wore a  
10:56 25 construction hat do you recall?



1 A No, I don't recall that.

2 Q I would like to call up document 106212, please.  
3 And, Mr. Humen, I'm just going to go through some  
4 police reports. These are typed reports that  
10:57 5 police officers prepared back at the time that  
6 deal with their recording of discussions and  
7 dealings with you and just walk through some of  
8 those with you if I can for the record. This is  
9 dated February 5, 1969, it's Detective  
10:57 10 McCorriston, and in fact on page 4 at 106215 it's  
11 got McCorriston again, so this is his report, and  
12 if I could just ask you to -- it talks about, it  
13 starts off on the afternoon of February 2nd, but  
14 you'll see here it says:

10:57 15 "On the morning of February 3rd Detective  
16 Parker and myself report for work and go to  
17 the area of the murder and make some  
18 observations."

19 And if you could call out this portion right  
10:58 20 here, and I'll just read this, Mr. Humen, it  
21 says:

22 "6:17 a.m. checked at Avenue O and 20th  
23 Street one Tony Humen of 216 Avenue O South.  
24 Humen was identified by transit driver John  
10:58 25 Husulak of 217 Avenue V North as the person



1 he had referred to as the person who usually  
2 bears a red or orange hard hat and who he  
3 believes had not caught this bus on January  
4 31st. Humen at this time was wearing a red  
10:58 5 ski cap and stated he never wears a hard  
6 hat. On February 4th Detective Parker and  
7 myself again questioned Tony Humen who  
8 advised at approximately --"

9 Let me just pause there for a moment, that goes  
10:58 10 on to a different subject. So just when we stop  
11 there, this appears -- you don't recall anything  
12 about a hard hat being discussed?

13 A No, I never did wear a hard hat.

14 Q And sorry to ask you this question, but do you  
10:59 15 remember what your hat or your toque was like?

16 A It was a red cap. I did a lot of hunting when I  
17 was younger, you know. Hey, it kept my head warm,  
18 kept my ears warm and that's what I wore.

19 Q Was it anything like a construction hat?

10:59 20 A No. Just an ordinary cap, a red cap.

21 Q Okay. Now, do you recall whether the police  
22 officers asked you, and I'm just talking about the  
23 morning of February 3rd, did they ask you whether  
24 you were on the bus on the morning of the murder,  
10:59 25 Friday morning?



1 A I don't recall.

2 Q So they then would have driven you to your place  
3 of employment and dropped you off?

4 A Yes, they did.

10:59 5 Q Did they go in and talk to anybody who you worked  
6 with?

7 A No, they didn't.

8 Q And I think you said you were scared?

9 A Yes, I was scared. I was scared of the officers  
11:00 10 over there. Like I say, we were brought up to  
11 respect the law, you know, and police were there  
12 to help you, not question you about murder or  
13 something like that, you know.

14 Q Did they accuse you of anything?

11:00 15 A No, they just asked me about the murder, you know,  
16 and they asked me if I did it, you know, and I  
17 said no.

18 Q So now it looks like according to this report --  
19 sorry, where was I. On February 4th, which would  
11:00 20 be a Tuesday I believe, it looks like they talked  
21 to you again. Do you remember talking to the  
22 officers again the next day or within that time  
23 frame?

24 A Shortly after. I don't know if it was a day or  
11:00 25 two or three, you know, it was shortly after.



1 Q Did they come to your house?

2 A No, they didn't. Again, it was at the bus stop,  
3 they picked me up at the bus stop.

4 Q So it looks as though the next day, at least  
11:00 5 according to this report, it says 6:30 in the  
6 evening. No, I'm sorry, that's what you saw. So  
7 it was probably at the bus stop the next morning  
8 of the 4th; is that right?

9 A Right.

11:01 10 Q And then I'll just read on here, it says:

11 "On February 4th Detective Parker and  
12 myself --"

13 Who is McCorriston,

14 "-- again questioned Tony Humen who advised

11:01 15 at approximately 6:30 p.m. January 30th,

16 1969 he had noted a 1963 Pontiac sedan,

17 white/blue, the operator being alone, the

18 window of his car was down, he had been

19 going west on 20th Street and when Humen and

11:01 20 his sister, Natalie, 17 years, caught the

21 bus, this car followed this bus east on 20th

22 Street to the vicinity of Adilmans Limited.

23 Humen's sister, Natalie advised him she had

24 seen this same auto at approximately 7 :05

11:01 25 a.m. January 31st as she was catching the



1 bus at Avenue O and 20th Street. His car  
2 window was down and he seemed to be acting  
3 in a somewhat suspicious manner. Tony is  
4 employed at the Robin Hood flour mills.  
11:02 5 Both he and his sister will be home during  
6 evening hours."

7 Would that be an accurate recording of what you  
8 would have told the officers that morning? Are  
9 you able to comment on that?

11:02 10 A Like I say, I don't quite remember everything, but  
11 I do remember that car because it was a '63  
12 Pontiac, that was the same car like I had. That's  
13 the only reason I remember that car. The motor  
14 went out on my car and that's why I was taking the  
11:02 15 bus. When I seen that car on there I was sort of  
16 --

17 Q -- thinking you might get a motor?

18 A Right.

19 Q Let's just go back to talk about -- let's set  
11:02 20 aside for a moment what you told the police, let's  
21 talk about what you now remember in and around  
22 that time. So you recall being at a bus stop on  
23 20th Street and O in the evening hours prior to  
24 the murder when you saw this vehicle?

11:03 25 A Yes, I did. I don't know if it was prior to, you





1 know -- I don't exactly remember the day it was.

2 Q That's fine. This report is four days after the  
3 murder, so it looks as though you would have told  
4 the officers at this time, but that's fine. So  
11:03 5 you are saying you are not sure exact -- it would  
6 have been that winter; is that fair?

7 A Well, it would have been close to the day of the  
8 murder or something like that, you know.

9 Q And so you remember being at a bus stop in the  
11:03 10 evening and this vehicle driving by; is that  
11 right?

12 A Right.

13 Q Now, this report says -- and keep in mind this is  
14 the police officers writing this down, this isn't  
11:03 15 your statement, but this records that your sister  
16 Nahtilie was with you -- or I'm sorry, let me --  
17 yes, I'm sorry, it does say that your sister  
18 Nahtilie caught the bus, this car followed you.  
19 Do you remember if Nahtilie was with you on  
11:03 20 that --

21 A I don't remember who was with me. There was  
22 somebody on there.

23 Q That's fine.

24 A I don't remember his name.

11:04 25 Q And what do you remember, was there anything



1           suspicious about this vehicle or something other  
2           than the kind of vehicle that caught your eye?

3           A       Well, they had -- I don't remember telling the  
4           police there was one.   What I remember, there was  
11:04 5           three people in the car, there was one in the  
6           back, one driver, you know, and one in the  
7           passenger side.   They had the window open and they  
8           were hollering.   Now, I don't know if it was at me  
9           or the other person that was standing at the bus  
11:04 10           stop, whatever, but they made a turn, they went  
11           around -- they made a right-hand turn on Avenue O,  
12           so they went around the block and come back again,  
13           that's why I noticed it.   When we got on the bus,  
14           you know, the car followed the bus, but for what  
11:04 15           reason, I don't know.

16           Q       Okay, and I'll go to the map in a moment.   Just  
17           before we finish up with this, and again this is  
18           February 4th and it reports that you are telling  
19           the officers that your sister Nahtilie caught --  
11:05 20           was with you and then goes on to say right here --  
21           just clear that --

22                   "Humen's sister Natalie advised him she had  
23                   seen this same auto at approximately 7:05  
24                   a.m. January 31st as she was catching the  
11:05 25                   bus at Avenue O and 20th Street."



1 Now, did your sister Nahtilie also catch the bus  
2 at Avenue O and 20th in the morning do you  
3 remember?

4 A Yes, she did.

11:05 5 Q Do you remember her telling you about seeing that  
6 vehicle that morning?

7 A I don't remember.

8 Q If you could just go to map B, please, and just  
9 maybe zoom in there. So you were at this bus stop  
11:05 10 and you said the car was suspicious. What route  
11 was the car going? Here's Avenue O right up here,  
12 so was the vehicle travelling in this direction?

13 A The car was travelling east on 20th Street.

14 Q Yes. Where I've got the area there, yes?

11:06 15 A Yes.

16 Q And then did it turn south on Avenue O?

17 A It turned south on Avenue O.

18 Q I'm sorry, go ahead.

19 A Then it came around the same direction. It must  
11:06 20 have went around the block I figured because they  
21 came down again the same way, east on 20th Street,  
22 you know. The bus stopped, we got on the bus and  
23 it was snow, I don't think there was room to pass  
24 on there. When we got on the bus, you know, you  
11:06 25 could see the car was following the bus, that's



1 about it.

2 Q And then when you got off the bus, the car wasn't  
3 there any more?

4 A The car wasn't there.

11:07 5 Q Next if you could call up, please, document 278794  
6 and these are the notes of Detective McCorriston  
7 who is, according to the reports, Mr. Humen, one  
8 of the fellows who spoke to you, and if you could  
9 just go to page 278801, please, and just it shows  
11:07 10 February 3rd -- sorry, that's better over there,  
11 Monday, February 3rd, McCorriston, and then if you  
12 could just go to page 278801A and just call out  
13 that, please, and in the notebook it says:

14 "Checked 2 postmen and Tony Humen of 216  
11:08 15 Avenue O South. Humen was identified as man  
16 who usually catches bus at this location  
17 wearing hard hat. Humen was wearing red  
18 peaked cap. Humen stated no information."

19 Then if we could just go to the next page,  
11:08 20 please. So that's February 3rd. Next is 278802.  
21 Call out that, please. This is just a note from  
22 later, Mr. Humen, that:

23 "The officers checked again with operator of  
24 number 2 bus, number 156, John Husulak, and  
11:08 25 he advises the man with red ski cap - Tony



1 Humen was the person he had referred to as  
2 wearing hard hat. Humen stated he never  
3 wears hard hat. Husulak states he must have  
4 been mistaken about this."

11:09 5 Does that assist you at all in any recollection  
6 about hard hats?

7 A No.

8 Q Next if you could go to 278808, please, and again  
9 this is still part of McCorriston's notebook, and  
11:09 10 it says:

11 "6:15 a.m. --"

12 This is February 4th,

13 "-- further interviewed Tony Humen - 216 O  
14 South. States approximately 6:30 January  
11:09 15 30, '69 noted '63 Pontiac sedan white/blue -  
16 operator alone - window down - followed bus  
17 - sister Natalie 17 with Tony at time. Saw  
18 same auto and man approximately 7:05 January  
19 31 as she was catching bus at O and 20th.  
11:10 20 Window down. Sister scared. Description,  
21 early 20s, brownish hair. Natalie home  
22 5:30."

23 Do you recall any discussion with the officer  
24 about your sister's recollection or about your  
11:10 25 sister knowing something?



1 A No, I don't recall anything.

2 Q Do you recall having any discussion with your  
3 sister Nahtilie in or about that time?

4 A I don't recall anything about that.

11:10 5 Q So after February 4th I have those two notes. Do  
6 you know if the police, did you have any contact  
7 with them within the following couple of weeks,  
8 did they talk to you again or did you observe them  
9 in or around your house or your place of --

11:10 10 A I came back from my girlfriend's at about two  
11 o'clock in the morning and I seen there was a car  
12 sitting at the St. Mary's parking lot, just right  
13 across the street, and I was putting the key into  
14 the door, you know, just unlocking the door, and  
11:11 15 one of them came out and said, "Where are you  
16 going?" and I said, "What the hell you mean,  
17 you've been watching me long enough over here,"  
18 you know, because every time they come in there,  
19 you know, same car used to be up there, which I  
11:11 20 presumed was the police and everything else,  
21 watching me to where I was, you know, my coming  
22 and going on there, and then a little while later  
23 I seen, after the police questioned me about my  
24 work and everything else, they asked me where I  
11:11 25 took the bus in the evening time, and I saw them



1 on, that was on Queen Street right across from  
2 McGavin's, it used to be the old McGavin's  
3 building, right now it's the Earl's Restaurant, I  
4 saw them again in the vehicle again, the same two  
11:11 5 policemen, you know, and no, I didn't have no more  
6 contact with them whatsoever after that.

7 Q Did you express concern to the police about the  
8 fact that they were in contact with you?

9 A No, I just told them, I said you should know that  
11:12 10 I live over here, you know, and they asked me,  
11 when they asked me where are you going, I said,  
12 "Well, you should know, I live over here." It was  
13 a sort of pain in the butt over there, you know,  
14 being watched all the time, you know, where are  
11:12 15 you going, you know, what you are doing and  
16 everything else over there.

17 Q Did they contact your employer do you know to see  
18 if you were at work that day?

19 A No, they never checked with the employer.

11:12 20 Q Do you recall if they ever showed you a knife?

21 A Yes, they did. They brought over two pieces of a  
22 knife, you know, and they asked, "Do you know  
23 anything about this knife?" and I said, "Yes,  
24 that's my sister's knife, it's broken, she threw  
11:12 25 it in the garbage," and that's all that was said,



1           you know. They talked to my sister about that  
2           knife the same, you know, I don't know if it was  
3           the same day or anything, but that's what she told  
4           them also, that was her knife, it was broken, so  
11:13 5           she threw it in the garbage.

6           Q       Do you remember what kind of knife it was?

7           A       I don't recall.

8           Q       And so the knife had been taken from your garbage  
9           behind your house you believe?

11:13 10          A       Well, that's where it was thrown, was in the  
11           garbage can in the back alley up there, so that's  
12           probably where they found it.

13          Q       Now, I understand that after this time you did not  
14           hear from the police; is that right?

11:13 15          A       No, I didn't hear anything from them.

16          Q       And you were not a witness at the David Milgaard  
17           proceedings?

18          A       No, I wasn't.

19          Q       Do you recall being interviewed by the RCMP in the  
11:13 20           early 1990s?

21          A       I got a telephone call and it was from an RCMP  
22           officer. I don't remember his name. He gave me  
23           his name, but I don't remember it now. I talked  
24           to him on the phone and that's all I could  
11:14 25           remember.





1 MR. HODSON: Okay. Mr. Commissioner, it's  
2 11:15. I'm at a point where it's convenient to  
3 break. I'm not done with this witness, but maybe  
4 if it's an appropriate spot to adjourn?

11:14 5 COMMISSIONER MacCALLUM: It is, thank you.

6 MR. HODSON: And if I could just ask Mr.  
7 Humen not to discuss this matter with anybody  
8 during the break, please.

9 A Okay.

11:14 10 COMMISSIONER MacCALLUM: 15 minutes,  
11 please.

12 *(Adjourned at 11:15 a.m.)*

13 *(Reconvened at 11:30 a.m.)*

14 MR. HODSON: Thank you. Mr. Humen, if you  
11:34 15 could come on back up.

16 BY MR. HODSON:

17 Q Now at the break, Mr. Humen, I had asked you about  
18 whether you had any contact with the RCMP, and I  
19 believe you -- did you say you had a call -- I'm  
11:34 20 sorry, I don't want to put words in your mouth --  
21 did you say, in the '90s, did you get a call  
22 from --

23 A It was in the '90s sometimes, I don't remember the  
24 year.

11:34 25 Q Okay. And an RCMP officer -- was it an RCMP



1 officer?

2 A That's who he told me he was, he was an RCMP  
3 officer, and he was the one that was looking, sort  
4 of the investigation into the Gail Miller murder.  
11:34 5 And then he asked me about Larry Fisher, you know,  
6 he said -- he mentioned something that they  
7 figured it was Larry Fisher that did it, but I  
8 don't remember what it was all about, though.

9 Q Okay. And then I believe, at least according to  
11:35 10 the records, that in 1999, in connection with the  
11 Larry Fisher matter, you had occasion to talk to a  
12 Saskatoon City Police officer; is that right?

13 A Yes, I did. It was Murray Zoorkan.

14 Q Zoorkan?

11:35 15 A Right.

16 Q And that's Z-O-O-R-K-A-N, I believe?

17 A Uh-huh.

18 Q And if we could call up document 076580, please,  
19 and this is a document -- there it is -- Sergeant  
11:35 20 Murray Zoorkan, and it's a report to Rick  
21 Torgunrud, RCMP, Regina, statement of Tony Humen,  
22 notes, copy of correspondence. So, if we could  
23 just maybe go ahead to page 076586. Now do you  
24 remember where you met with Mr. Zoorkan?

11:36 25 A He came, he came to the house at 126 Streb



1 Crescent, where we live now.

2 Q Okay, and you -- he interviewed you in your home  
3 then?

4 A Nope. The kids were, the kids were crying and  
11:36 5 everything else, so I just told him "let's go out  
6 to the car there," you know. We talked in the  
7 car, in the police car.

8 Q And then I would like to just go through. Could  
9 you just identify the bottom right, if you could  
11:36 10 zoom, is that your signature?

11 A Yes it is.

12 Q Okay. Let's just go back to the main document.  
13 Is this statement in your handwriting or is this  
14 in Sergeant Zoorkan's?

11:36 15 A I --

16 Q Maybe just zoom in on it a bit, there, and we'll  
17 give you a little better sample to look at.

18 A Right. No, that's in Murray Zoorkan's  
19 handwriting.

11:36 20 Q All right.

21 A That's not mine.

22 Q Now if we could just go back to the main document,  
23 do you remember why Mr. Zoorkan was talking to  
24 you, did he tell you why he needed to talk to you?

11:37 25 A No, he never said why, he said he just wanted --



1 it was more about the conversation with the RCMP,  
2 and that was the same time when he did all his  
3 questioning, that was the same time he gave me a  
4 subpoena to appear in court in Yorkton.

11:37 5 Q Okay.

6 A Yeah.

7 Q And if you could just back up, please, to 076582  
8 and just zoom in on that, please. And so this  
9 appears to be a subpoena to have you attend at  
11:37 10 Larry Fisher's trial, looks on Friday, November 5,  
11 1999 and this is October 28th; does that sound  
12 about right?

13 A That sounds about right.

14 Q So he came to your house, he wanted to interview  
11:38 15 you, he wanted to serve you with a subpoena to  
16 testify; is that right?

17 A Right.

18 Q Now it's my understanding from the documents that  
19 you, in fact, were a witness called by Mr. Beresh,  
11:38 20 on behalf of Larry Fisher, as a defence witness?

21 A Umm, yes, I -- it was from Mr. Beresh who called  
22 me as witness.

23 Q Okay. Did you have a discussion with Mr. Beresh  
24 at or around this time?

11:38 25 A No. The only time I had discussion with



1 Mr. Beresh was the evening, it was in the evening,  
2 a Sunday evening when we got to Yorkton at the  
3 motel room.

4 Q And he had a discussion with you?

11:38 5 A Right.

6 Q So prior to Mr. Zoorkan coming to your house had  
7 someone made you aware that Mr. Fisher's counsel  
8 wished to call you as a witness, or did you become  
9 aware of that when Mr. Zoorkan came?

11:39 10 A Just when I was served a subpoena, that was the  
11 only time.

12 Q Okay. So if you could go back to 076586, please.  
13 And, Mr. Humen, I want to just go through this  
14 document, and this is what -- I would just call  
11:39 15 that out, and we'll go through some of this. This  
16 is what the RCMP recorded and you signed, it says:

17 "I moved into Saskatoon in June of 1968 from  
18 the farm in Hafford. I lived with relatives  
19 at 216 Avenue O South. I started work at  
11:39 20 this time with Robin Hood Multi-Foods where  
21 I work today. At this time I used busses as  
22 my car was not running."

23 Just call down the next paragraph, please, this  
24 if you could:

11:40 25 "'Probably somewhere around the time of her



1 death I was waiting at the bus stop with  
2 Gail Miller and it was 'darn' cold!! She  
3 was wearing a dark long coat below the knees  
4 and slacks. It was around 6:00 p.m. and the  
5 bus stop was on the southwest corner of  
6 Avenue O and 20th Street. This bus would be  
7 heading downtown. I was going to see Teresa  
8 at 1228 Avenue M South. So I transferred at  
9 Avenue H and 20th Street."

10 Is that an accurate recording of what you had  
11 told the officer at the time?

12 A Well I don't remember exactly what I had, what I  
13 talked to him now, but, you know, it's probably  
14 what I said when I talked to him. I don't  
15 remember right now.

16 Q Would you have provided Sergeant Zoorkan with your  
17 best and truthful recollection of events at that  
18 time?

19 A As best as I could remember.

20 Q Yes. Okay. If you could go down and go back to  
21 the main document, please, and just call up this  
22 last paragraph, it says:

23 "I knew she was Gail Miller as I rode the  
24 bus every morning with her when we were  
25 going to work. She had introduced herself



1                   ..."

2                   If I could just pause there, I think you told me  
3                   earlier that you -- that it wasn't every day that  
4                   you rode the bus with her?

11:41 5           A           No, it wasn't every day.

6           Q           Okay. But the part where it says she had  
7                   introduced herself; that's correct?

8           A           Yes, she did.

9           Q           Yeah. Go to the next page, please, and just call  
11:41 10          out that part. And from the previous page, I'll  
11          just read that, it says:

12                   "She had introduced herself to me one  
13                   morning previous. I also remember her when  
14                   her picture was in the paper after her  
11:41 15          death."

16                   Do you recall seeing her picture in the paper  
17                   after her death?

18          A           I don't remember if I did.

19          Q           All right. And it says:

11:41 20                   "She was wrapped up with a scarf around her  
21                   face. I recognized her coat and build."

22                   If you could then go on to the next full -- call  
23                   out that, please, if you could call out that,  
24                   yes. This paragraph says:

11:42 25                   "While we were waiting for the bus a



1 1963-'64 Pontiac came off of Avenue P onto  
2 20th Street eastbound. As the car went by  
3 us the male in the right rear hollered  
4 something. I don't remember what it was.  
11:42 5 The car turned south on Avenue O and I lost  
6 sight of it. The car came around a second  
7 time off of Avenue P again, and again east  
8 on 20th. The person in the right rear again  
9 hollered. I don't remember what he  
11:42 10 hollered."

11 Now I believe this is referring in this  
12 statement, at least according to what's recorded,  
13 you told Sergeant Zoorkan that Gail Miller was  
14 with you when this incident happened with the  
11:42 15 vehicle?

16 A Like I said, I don't remember who it was, if it  
17 was my sister or Gail. Like I said, I -- right  
18 now, I just don't remember.

19 Q That's fine. Is it possible you would have told,  
11:43 20 you would have recalled in 1999, and told Sergeant  
21 Zoorkan, that it was Gail Miller?

22 A Umm, could be possible, you know.

23 Q No, that's fine. If you could then go down to  
24 this full paragraph, and it says:

11:43 25 "The car was a '63-'64 Pontiac, white top





1 and blue bottom. I am familiar with this  
2 style of car as I owned a '63 Pontiac. The  
3 car had a male driver, a female in the right  
4 front seat, a male in the right rear seat,  
11:43 5 (the one who hollered) and another person in  
6 the left rear. I could see the people in  
7 the front and on the right as they drove  
8 toward and past us. I could only tell it  
9 was a person in the left rear not ..., "  
11:43 10 and if you could go to the next page:

11 "... not if that person was male or female.  
12 When he hollered from the right rear he had  
13 the window down. They were young kids."  
14 If you could then just go to the full page,  
11:44 15 please, and I think that part that I just read  
16 you, Mr. Humen, does that -- I think that's  
17 consistent with what you recall today; is that  
18 right?

19 A Right.

11:44 20 Q Call out that paragraph, it says:

21 "I don't remember what he was hollering but  
22 I think he was hollering at her, but it  
23 could have been both of us. That's when  
24 Gail said she was scared. I said don't  
11:44 25 worry the bus should be here any moment and



1                   it was. We got on the bus and I didn't see  
2                   the car again after the second time around."

3                   Does that help assist your recollection of that  
4                   event?

11:44 5           A           Well, like I say, I don't remember if it was Gail  
6                   Miller or my sister at that time.

7           Q           Okay.

8           A           It's just --

9           Q           That's fine. If you go to the next -- back to the  
11:45 10           main document, please, it says:

11                   "On the morning of the murder I remember it  
12                   being very cold and foggy and that Gail  
13                   never got on the bus. I don't remember if  
14                   Fisher was on the bus or not on the bus, the  
11:45 15                   morning of the murder.

16                               After the murder I remember the  
17                   detectives pulling me off the bus, asking me  
18                   to get off, on three or four different  
19                   days."

11:45 20           Does that sound like an accurate recording of  
21                   what you would have told them?

22           A           Right.

23           Q           Okay. Go to the next full page, please, 076589.

24                   Just call out that paragraph, please, it says:

11:45 25                   "One time a lady pointed me out to the



1           detectives as they asked her about anyone  
2           wearing a red hat. There was only two of us  
3           on the bus and I was wearing the red cap. I  
4           felt that the police thought I was a  
5           suspect; because of their questions of me  
6           and there was always police around the area  
7           watching."

8           Let me just pause there. Did you feel like you  
9           were a suspect at that time, in 1969?

11:46 10       A       Well the way they were questioning me, taking me  
11           off the bus, yes, I honestly figured they figured  
12           I was a suspect.

13       Q       Okay. It then goes on to say:

14           "They watched me by the house, by the bus  
11:46 15           stop, at night and in the morning."

16           And I think you have told us about that; is that  
17           correct?

18       A       Yes. And it says:

19           "One time I had mitts on my hands that had  
11:46 20           rabbit blood on them from hunting. I was  
21           fearful of questions about this but they  
22           never questioned me on that. I don't think  
23           they saw this or they would have questioned  
24           me."

11:46 25       Do you recall that?



1 A Yes, I was --

2 Q And --

3 A We were hunting, I was hunting rabbits with my  
4 brother-in-law, he had some dogs on the farm so we  
11:46 5 just went out for rabbits, and that's the same  
6 gloves, same mitts that I wore that time, and I  
7 got blood on my mitts.

8 Q Okay. And did you have those mitts on at any time  
9 that --

11:47 10 A Yeah, yes, I wore those mitts to work over there.

11 Q And that caused you some concern; did it?

12 A Yes it did.

13 Q Did the police ever ask you about those mitts?

14 A No, they did not.

11:47 15 Q Okay. If you could go to the full page, please,  
16 this statement says:

17 "After the murder there was a platform and  
18 canvass on ...,"

19 I think that says

11:47 20 "... platform and canvass on the telephone  
21 ..., "

22 I'm not sure what that says.

23 MS. McLEAN: "Pole".

24 MR. HODSON: Pardon me?

25 MS. McLEAN: "Pole".



1 MR. HODSON: Oh, telephone pole? Thank  
2 you.

3 "After the murder there was a platform and a  
4 canvass on the telephone pole right above  
11:47 5 the murder scene. I don't know if the  
6 phones were tapped. It didn't bother me as  
7 I had nothing to hide."

8 Can you tell me what you would have been talking  
9 about there?

11:48 10 A Well shortly right after the murder, there was  
11 telephone lines ran in the back alley --

12 Q Yes?

13 A -- and, like I say, you know, maybe from watching  
14 too much TV or something like that, you know, I  
11:48 15 don't know, but all of a sudden there was, on this  
16 telephone poles it looked like it was just a  
17 platform covered up with the canvass on there, and  
18 it stayed on there probably for about three  
19 months, on there. And like I said, I don't know  
11:48 20 if it was the telephones that were tapped or, you  
21 know, listening to conversations or, you know,  
22 someone, I don't know, you know. But there was  
23 just a coincidence, you know, it never was there  
24 until after the murder.

11:48 25 Q And at the time then, in 1969, did you form the



1 impression, then, that it may have been related to  
2 tapping telephone lines?

3 A Right.

4 Q And then if you could just go down here, it says:

11:48 5 "I knew Larry Fisher from the pool hall on  
6 20th Street between Avenue A and Avenue B."

7 It says:

8 "He would sometimes be at the Albany bar  
9 when I was in there. I first knew him from  
11:49 10 being around ...,"

11 go to the next:

12 "... the same places."

13 Go right down to there, please. Back to the main  
14 page, please, just call out that. It says:

11:49 15 "... the same places. The few times I saw  
16 him on the bus he was wearing a hard hat  
17 (yellow) with a liner and the other times in  
18 a toque."

19 Pause there. Is that -- do you recall that?

11:49 20 A Yes I do.

21 Q You don't remember what colour of toque he wore;  
22 do you?

23 A It was a red one.

24 Q A red toque?

11:49 25 A Yeah, it was a red toque, it was a yellow hard hat



1 and a red toque underneath.

2 Q Then it goes on to say:

3 "Q You mentioned about the nurse and a car  
4 travelling around?"

11:49 5 I think that says "nurse," has anyone got a  
6 better -- no?

7 "... about the nurse and a car  
8 travelling around?"

9 And the answer:

11:50 10 "A Yesterday or the day before I heard on  
11 the news that there was a car travelling  
12 around in the area so I was telling  
13 Teresa 'could it be that car I saw.'"  
14 I'm not sure where that's --

11:50 15 MS. McLEAN: "Nurse" or "news"?

16 MR. HODSON: Pardon?

17 MS. McLEAN: "News".

18 BY MR. HODSON:

11:50 19 Q Okay. Thank you. So let's just go back. It  
20 says:

21 "Q You mentioned about the news and a car  
22 travelling around?"

23 A Yesterday or the day before I heard on  
24 the news that there was a car  
11:50 25 travelling around in the area, so I



1                   was telling Teresa 'could it be the  
2                   car I saw.'"

3                   Now is this something that happened in 1999 that  
4                   you had heard on the news?

11:50 5           A       No. I don't remember when I heard that on the  
6                   news.

7           Q       And is Teresa; is that your wife?

8           A       Yes, she is.

9           Q       So this doesn't -- you are not able to tell me  
11:51 10           what this refers to?

11          A       No, I can't.

12          Q       Okay. If you could go back to the main document,  
13                   please, call out that. And it appears that  
14                   Sergeant Zoorkan asked you:

11:51 15                "Q   Did Teresa have any knowledge of the  
16                   incident?"

17          Tony A   She didn't know anything about it only  
18                   what I told her. I told things as they  
19                   happened.

11:51 20                Q   Would there be any reason if there are  
21                   any discrepancies in your story?"

22          And:

23          "Tony A   After 30 years, if there is  
24                   discrepancies it would be because it was  
11:51 25                   such a long time. What I told the





1                    police then I don't remember now but it  
2                    would have been the truth. I was scared  
3                    at that time, because I knew I didn't  
4                    kill Miller. I told them what I knew."

11:51 5                    Is that something that you would have told the  
6                    police at the time?

7            A            Right.

8            Q            Yes, and that's accurate?

9            A            Yeah, that's accurate.

11:51 10            Q            Okay. Now I understand that you testified at the  
11                    trial of Larry Fisher; is that right?

12            A            Yes, I did.

13            Q            And, according to my documents, I don't think you  
14                    testified at the preliminary hearing; did you? Do  
11:52 15                    you remember? You only testified once?

16            A            Only, only once.

17            Q            And that was in Yorkton?

18            A            That was in Yorkton.

19            Q            If you could call up document 309951, please, and  
11:52 20                    go to page 309952 -- sorry, 953. And it appears  
21                    from this document, Mr. Humen, that you were  
22                    called by Mr. Beresh who did the  
23                    examination-in-chief; does that accord with your  
24                    recollection?

11:52 25            A            Yes, that's right.



1 Q He was the fella who examined you first; right?

2 A Uh-huh.

3 Q Yes?

4 A Yes, it is.

11:52 5 Q If you could go to page 309957, please, and I want  
6 to just walk through some of your evidence here,  
7 sir. Call out that, please, it says:

8 "Q Okay. Where would you catch the bus?

9 After your car had broken down what was  
11:53 10 the location where you would catch the  
11 bus, please?

12 A It was right across from the St.  
13 Mary's Church.

14 Q Across from St. Mary's Church?

11:53 15 A Right.

16 Q Okay.

17 A Right across the street.

18 Q Across the street. And then the bus  
19 would go downtown, you would take a  
11:53 20 transfer and go up to Queen Street, and  
21 then walk over to Robin Hood?

22 A And then walk over to Robin Hood.

23 Q Okay. Thank you very much, if you can  
24 retake the witness stand. After you  
25 started to take the bus, do I understand



1                   that there was an occasion when someone  
2                   introduced herself to you?"

3                   Go to the next page, please, and we'll -- and the  
4                   answer:

11:53 5                   "A    Yes, it was Gail Miller.

6                   Q    I'm sorry.

7                   A    It was Gail Miller.

8                   Q    Okay. And just tell us briefly how it  
9                   was that the two of you came to meet  
11:53 10                  each other, please?

11                  A    Well, we just got on the bus, and I  
12                  don't know if she was paying her fare  
13                  but I paid my fare, I sat down. She  
14                  sat down by me in the same seat of the  
11:54 15                  bus and she introduced herself as Gail  
16                  Miller."

17                  Just pause there. Is that accurate, Mr. Humen,  
18                  is that your recollection of what happened?

19                  A    That's pretty close to what happened.

11:54 20                  Q    Okay. If you could just scroll down, please, and  
21                  start there:

22                  "Q    Okay. And how was she dressed, please?

23                  A    She was all bundled up in the morning  
24                  because it was cold. She had a long  
11:54 25                  coat on. That's about all I can



1 remember.

2 Q Fair enough. And are you able to  
3 pinpoint a time when she introduced  
4 herself to you? You said you started --  
11:54 5 the car broke down in November, I'm  
6 wondering when she would have introduced  
7 herself to yourself?

8 A This was probably the first or second  
9 week of December.

11:54 10 Q Okay. Of 1968?

11 A Right."

12 If I can pause there, does that sound accurate,  
13 Mr. Humen; that it would have been in and around  
14 that time that she introduced herself?

11:54 15 A Probably sometime that, around that time, but I  
16 don't recollect if it was December, first or  
17 second week, or --

18 Q All right. The questioning goes on:

19 "Q Okay. Do I understand that sometime  
11:55 20 after you were at a bus stop with her  
21 when there was an incident which came to  
22 your attention, or which drew your  
23 attention to it?

24 A Yes. I was going to see my girlfriend  
11:55 25 at that time, this was about between



1 6:00 and 6:30 that -- at night.

2 Q And can I ask you how long it was after  
3 the time she introduced herself to you?

4 A Oh, I can't remember. Maybe about  
5 three weeks to a month."

11:55

6 Go to the next page, please, call out:

7 "Q Okay. What did you observe happen at  
8 that bus stop, please?

9 A Well we were waiting for a bus. Like  
10 I said, I presumed it was Gail Miller  
11 by the coat that she wore, I  
12 recognized the coat and her body  
13 build.

14 Q Right.

11:55

15 A She was all bundled up because it was  
16 very cold and we were just standing at  
17 the bus stop and there was a car that  
18 drove by, driving east on 20th Street.  
19 And when we were waiting at the bus  
20 you could see the driver of the car  
21 was a male and the passenger in the  
22 front seat was a female, and someone  
23 opened up the back window of the car  
24 which was a male, you could see, and  
25 we were waiting at the bus. They were

11:56



1 hollering, the male in the back seat  
2 was hollering something.

3 Q And?"

4 just scroll down to the bottom, please:

11:56 5 "A And they drove -- they made a  
6 right-hand turn on Avenue O, and I never  
7 seen that car again until it came down  
8 oh, maybe about five minutes later, and  
9 again the same thing happened. They  
11:56 10 were travelling east, again on 20th  
11 Street, and the same thing, the person  
12 in the back seat was hollering something  
13 at us. Now, I don't know if it was at  
14 me, or supposedly at Gail Miller, or  
11:56 15 both of us.

16 Q All right. But it was in the direction  
17 of --

18 A It was in the direction of us.

19 Q Now, let me ask you; did you recognize  
11:56 20 the people in the car as somebody you  
21 would know?

22 A No, I don't.

23 Q Did you recognize the car as someone  
24 that -- belonged to someone you knew?

11:56 25 A No.



1 Q And there was only the two of you at the  
2 bus stop?

3 A There was only the two of us at the  
4 bus stop.

11:56 5 Q What happened? And let me just get this  
6 straight. Tell me if I'm wrong. You  
7 say the vehicle came proceeding in an  
8 easterly direction?

9 A Travelling east on 20th Street.

11:57 10 Q Okay. And you were at the bus stop?

11 A Yes, we were.

12 Q At 20th and O?"

13 "Q At 20th and O?

14 A Yes.

11:57 15 Q So the car came, went east, the  
16 hollering takes place?

17 A Right.

18 Q And did you see where the car went after  
19 that?

11:57 20 A They turned. After the second time,  
21 which I think it was Gail Miller, she  
22 said she was scared, and I said 'don't  
23 worry about it because the bus will be  
24 here'. And within about two or three  
11:57 25 minutes later the bus came, we got on,



1 I sat down in my seat, she sat down in  
2 whatever seat. And we went -- I got  
3 off on Avenue H and 20th Street and I  
4 transferred over to Riversdale bus,  
11:57 5 and the girl just kept on going  
6 downtown."

7 Now does that -- that's the evidence that you  
8 gave at the Larry Fisher trial; does that sound  
9 accurate, or is your best recollection at the  
11:57 10 time?

11 A To the best of my recollection, yes, that was the  
12 evidence I gave.

13 Q Yeah. You go on to the next page, please, 0961 --  
14 or pardon me -- 961, and again just carrying on:

11:58 15 "A And I don't know if it went through the  
16 back alley or it went right around  
17 Avenue O, and then it came back again  
18 the second time.

19 Q And when it came back the second time  
11:58 20 was it going in the same direction?

21 A It was going in the same direction.

22 Q Okay.

23 A It made a turn also on Avenue O.

24 Q Did that strike you as being unusual?

11:58 25 A Well, yes, it did.





1 Q Okay. Now, you said something about her  
2 saying that she was afraid or scared?

3 A Yes. She said --

4 Q Okay. Tell us when that was, just so we  
11:58 5 have it clear in our minds.

6 A Well, after the second time the car  
7 came around and made a turn, when they  
8 hollered again, that's when she said  
9 she was scared.

11:59 10 Q Okay.

11 A So I told her 'don't be afraid, the  
12 bus will be here shortly'.

13 Q Okay. Do you remember what kind of car  
14 it was, please?

11:59 15 A I don't remember the year of the car  
16 but it was a blue and white car. It  
17 was a Pontiac, either a '63 or a '64  
18 Pontiac.

19 Q How do you remember the colour?

11:59 20 A Because it was the same kind of colour  
21 my car was.

22 Q Okay. And when you say after the second  
23 time of the hollering she got on the  
24 bus, the bus came?

11:59 25 A Yes. About two or three minutes later



1 the bus came and we got on the bus."

2 Go to the next page, please:

3 "Q Could you make out any of the words that  
4 the people were hollering or shouting  
11:59 5 from the car on either occasion?

6 A I don't remember the words at this  
7 time.

8 Q Okay. Did you ever see her again after  
9 that?

11:59 10 A If I did I don't remember.

11 Q Okay. I understand from you you  
12 subsequently learned about her death?

13 A Yes, I did.

14 Q Okay. Did the police have any contact  
11:59 15 with you in 1969, please?

16 A Yes, they did.

17 Q How often did they speak to you in 1969?

18 A Oh, I was taken off the bus probably  
19 about three times. Three, four times.

12:00 20 Q When you say taken off the bus, just  
21 explain that to us, please?

22 A Well they'd come onto the bus and --  
23 well, first of all they asked, you  
24 know, about someone wearing a red cap  
12:00 25 on there, there was an old lady, you



1 know, she just pointed 'well, he wears  
2 a red cap.' There was only two of us  
3 on the bus, you know, it looked a  
4 little embarrassing, you know, I was a  
12:00 5 little scared. But --

6 Q You were the guy with the red cap?

7 A I was the one with the red cap.

8 Q Okay.

9 A Yeah. So they'd take me off the bus  
12:00 10 and they -- they'd drive me to work,  
11 they'd question me all the time, all  
12 the way to work. I told them I had a  
13 strict boss, I told them I'd better  
14 not be late, you know, ..."

12:00 15 top of the next page:

16 "... so I'd better be at work on time or  
17 else I'm going to lose my job, but they  
18 always had me to work on time.

19 Q Okay. What I wanted to know, is when  
12:00 20 you say 'they came on the bus', I'm  
21 presuming you mean the police?

22 A Yes, the police did."

23 We can pause there. The part that I just read,  
24 Mr. Humen, that would be an accurate  
12:01 25 recollection, at the time, that you gave the



1 court?

2 A Yes it is.

3 Q Just carrying on:

4 "Q And when was that in relation to when  
12:01 5 you learned about her death, how long  
6 after, please?

7 A Oh, I don't remember if it was days, you  
8 know, three days, a week. I don't  
9 remember just exactly how long after the  
12:01 10 death.

11 Q But I gather it was around that time?

12 A Yes, it was around that time.

13 Q Okay. And so the police that would do  
14 this, were they in uniform?

12:01 15 A No, they were not.

16 Q Okay. And would this be on the bus that  
17 travelled on Avenue O -- I'm sorry, on  
18 20th Street, that this happened?

19 A Yes, it did.

12:01 20 Q Okay. Do I understand that when you  
21 rode the bus you saw somebody who you  
22 believed to be Mr. Fisher?

23 A Yes, I did.

24 Q All right. Tell us, please, what time  
12:01 25 did you catch the bus to go to work?



1 A Between five and 10 after six in the  
2 morning.

3 Q So 6:05 or 6:10?

4 A Right.

12:02 5 Q And then you would catch it at Avenue O  
6 and 20th?

7 A Right."

8 Next page:

9 "Q Go downtown, you told us, transfer, and  
12:02 10 get to work by 7:00 or so?

11 A Right.

12 Q When did you see Mr. Fisher catching the  
13 bus, please?

14 A In the mornings.

12:02 15 Q What time, please?

16 A Well, same time I did.

17 Q Six-o-five or 6:10?

18 A Six five, 6:10.

19 Q Okay. And did you see where he got off,  
12:02 20 please?

21 A No, I did not.

22 Is that an accurate recording and truthful  
23 recollection of your events, Mr. Humen?

24 A Yes, it is.

12:02 25 Q If you can go to page 309965, just call out that



1 part, please:

2 "Q When you saw Mr. Fisher, did you see  
3 what kind of head gear he was wearing,  
4 if any?

12:02 5 A Yes. At that time it was -- at times  
6 you would see him wearing a yellow hard  
7 hat with a liner.

8 Q Right.

9 A And then another time you would see him  
12:03 10 wearing a dark toque.

11 Q Okay. And with regard to the yellow hat  
12 and liner, was that something that you  
13 saw people wear to work outside?

14 A Yes. There was other people getting on  
12:03 15 the bus with -- wearing the same things.

16 Q Okay. So it wasn't unusual to see that  
17 in the area?

18 A Sometimes there was a -- you know,  
19 actually it wasn't very unusual, because  
12:03 20 there was people coming on the bus  
21 wearing the same things."

22 And that would be an accurate recollection of  
23 events at that time, Mr. Humen?

24 A Right.

12:03 25 Q And then again to page 309967, just call out that,



1 and I think you've talked to me about this, but  
2 we'll just read through what you said at the  
3 trial:

4 "Q All right. How did you know Mr. Fisher?

12:03 5 A How did I know Mr. Fisher? It was -- at  
6 that time when he was getting on the bus  
7 I didn't know who he was, it's just that  
8 we were playing pool at the pool hall on  
9 20th Street, between Avenue A and B, and  
12:04 10 then we went down to -- we went down to  
11 the bar at the Albany Hotel, which is on  
12 Avenue B and 20th, and someone -- I  
13 don't know if I asked someone who he was  
14 or someone mentioned that it was Larry  
12:04 15 Fisher, because that was -- I seen him  
16 getting on the bus earlier on at that  
17 time."

18 And I think that's consistent with what you told  
19 me earlier, Mr. Humen?

12:04 20 A Yes, it is.

21 Q And if you could go to page 309968 and just call  
22 out -- and, I'm sorry, I should have clarified,  
23 this is now cross-examination by Mr. Johnston as  
24 was the last paragraph that I read,  
12:04 25 Mr. Commissioner. Page 309967 was



1 cross-examination by the Crown, Mr. Johnston.  
2 This too is cross-examination by Mr. Johnston, and  
3 you were asked:

4 "Q And I appreciate you are trying to be  
5 honest here, Mr. Humen, that's why I  
6 heard you say a couple of times "the  
7 girl that maybe was Gail Miller" or "I'm  
8 not sure it was", what did you mean by  
9 that?

10 A Well, I did not see the face on there  
11 because she was all bundled up, she had  
12 a scarf around herself.

13 Q So you -- so with respect to this lady  
14 that was at the bus stop with you the  
15 night these kids hollered at you, you  
16 believed it was Gail Miller but you  
17 never did see her face?

18 A I believed it was Gail Miller by the  
19 coat that she wore and her body build.

20 Q All right. But you are sure this was  
21 at -- in the evening one night when it  
22 happened?

23 A Yes, I'm sure it was in the evening the  
24 day it happened.

25 And is that your, that's an accurate recording of





1 your recollection at the time?

2 A Yeah, that's my recollection at that time.

3 Q Okay. If you go to page 309969 and just call out  
4 that, and again this is Mr. Johnston  
12:06 5 cross-examining. He asks:

6 "Q How did you come to be going to work  
7 with them at all?"

8 He's referring to the police.

9 "A Well, like I said, I was scared at that  
12:06 10 time, they asked me the questions, they  
11 asked me if I knew Gail Miller and, you  
12 know, stuff like that, and that's about  
13 it I could remember.

14 Q Yeah, that's what I mean, I was  
12:06 15 wondering why you went with them to  
16 work, Mr. Humen.

17 A They were questioning me about the Gail  
18 Miller murder.

19 Q Did you say you were scared of them at  
12:06 20 the time?

21 A Yes, I was."

22 And that's an accurate recollection at the time?

23 A Yes, it is.

24 MR. HODSON: Those are all my questions,  
12:06 25 Mr. Humen. There may be other counsel who have



1 questions for you.

2 A Okay.

3 MR. WOLCH: I have no questions.

4 COMMISSIONER MacCALLUM: Ms. McLean?

12:06 5 MS. McLEAN: No thank you.

6 COMMISSIONER MacCALLUM: Mr. O'Keefe?

7 MR. O'KEEFE: I have no questions.

8 COMMISSIONER MacCALLUM: Mr. Elson?

9 MR. ELSON: No questions, thank you.

12:07 10 COMMISSIONER MacCALLUM: Mr. Fox?

11 MR. FOX: None, sir.

12 COMMISSIONER MacCALLUM: Mr. Gibson?

13 MR. GIBSON: Nothing, thank you.

14 COMMISSIONER MacCALLUM: Ms. Krogan?

12:07 15 MS. KROGAN: Nothing.

16 COMMISSIONER MacCALLUM: Ms. Knox?

17 MS. KNOX: I do.

18 BY MS. KNOX:

19 Q Mr. Humen, my name is Katherine Knox and I appear  
12:07 20 as a lawyer with the prosecutor on the file, Mr.  
21 Caldwell, from back at David Milgaard's trial, and  
22 I'm just a little confused about one bit of  
23 evidence that you gave. I understood you to say  
24 to Mr. Hodson early in your evidence that you are  
12:07 25 not sure today whether it was Gail Miller or your



1 sister who was at the bus stop with you when you  
2 heard -- when that car was going by and those guys  
3 were hollering?

4 A Right, I don't remember. Like I say, I can't  
12:07 5 recall who it was, whether it was my sister or  
6 Gail Miller. I don't remember.

7 Q And when you testified or when you spoke to  
8 Sergeant Zoorkan and when you testified at Mr.  
9 Fisher's trial in Yorkton in 1999, you believed  
12:08 10 then that it was Gail Miller?

11 A I believed then it was Gail Miller like I said,  
12 you know, but --

13 Q But your best evidence today, even though you said  
14 that you gave that testimony, you are really not  
12:08 15 sure if it was your sister?

16 A No, right now I'm not sure.

17 Q And when you talked to the police back in 1969 you  
18 told them it was your sister Nahtilie?

19 A That's probably --

12:08 20 Q According to the police record?

21 A According to the police, yes, I probably did.

22 Q So the best we can get today is you don't know,  
23 and when you said in testimony that Gail Miller  
24 told you that she was scared and you said to her  
12:08 25 don't worry, the bus will be here soon, you are



1 not sure if that actually happened any more, are  
2 you, or whether that was your sister you were  
3 talking to?

4 A Like I said, I don't remember if it was Gail  
12:08 5 Miller or my sister.

6 Q No, I understand, and --

7 A I --

8 Q Mr. Humen, just so that you understand, I'm not  
9 trying to suggest that you did anything wrong or  
12:09 10 anything.

11 A No, no, no.

12 Q But it was 30 odd years ago and I'm trying to find  
13 out what your best memory is today, and I  
14 understand from you now that your best memory is  
12:09 15 that you just don't know?

16 A No. Right now, no, I don't. I can't remember.

17 MS. KNOX: Thank you very much.

18 COMMISSIONER MacCALLUM: Mr. Hodson, any  
19 redirect?

12:09 20 MR. HODSON: No, Mr. Commissioner.

21 COMMISSIONER MacCALLUM: Thank you very  
22 much, Mr. Humen. You are excused.

23 MR. HODSON: Our next witness is Nahtilie  
24 Treimans and I think she's here at two. We did  
12:09 25 try to reach her to come before, but she will be



1 here at two, and then --

2 COMMISSIONER MacCALLUM: Adjourn until two.

3 (*Adjourned at 12:10 p.m.*)

4 (*Reconvened at 2:00 p.m.*)

02:10 5 MR. HODSON: Good afternoon. We have three  
6 witnesses this afternoon. The first is Nahtilie  
7 Treimans. That is formerly Nahtilie Humen.  
8 Mr. Commissioner, this will be a fairly brief  
9 witness. She was referred to in the documents  
02:14 10 this morning and I have a few questions for her,  
11 and then next some bus evidence, one from Joe  
12 Burns of transit and then John Husulak, the bus  
13 driver. So the first witness, if Nahtilie  
14 Treimans could come up to the front, please.

02:14 15 **NAHTILIE TREIMANS**, sworn:

16 BY MR. HODSON:

17 Q Good afternoon. I'm sorry, is it Treimans?

18 A Treimans.

19 Q It's my understanding that you currently reside in  
02:15 20 Saskatoon?

21 A Yes, I do.

22 Q And that your maiden name is Humen, H-U-M-E-N?

23 A Yes, it is.

24 Q And that your brother is Anthony or Tony Humen?

02:15 25 A Yes, it is.



1 Q And I understand that in January of 1969 you  
2 resided at 216 Avenue O South; is that correct?

3 A Yes.

4 Q And if I could just call up map B, please, and on  
02:15 5 the screen here is, if you could just zoom in on  
6 that, I'm just showing you a map of the area, and  
7 I think this is Avenue O North, there's 20th  
8 Street, Avenue N. It's my understanding that your  
9 house would be right in that vicinity on Avenue O;  
02:15 10 is that right? Does that look right?

11 A Yes.

12 Q And were you working at that time?

13 A Yes, I was.

14 Q And where did you work?

02:16 15 A I worked at Waldman & Paul.

16 Q And did you take the bus to work?

17 A Yes.

18 Q And would you take the bus on 20th Street?

19 A Yes.

02:16 20 Q And do you recall which bus stop on 20th Street,  
21 was it Avenue O or Avenue N?

22 A It's Avenue O and 20th.

23 Q Avenue O and 20th. So at this bus stop?

24 A Yes.

02:16 25 Q And do you recall what time approximately you



1 would normally take the bus?

2 A Seven, 7:15.

3 Q Now, in January of 1969 I understand you were 17  
4 years of age; is that right?

02:16 5 A Yes.

6 Q Do you recall hearing about the Gail Miller murder  
7 at that time?

8 A Yes.

9 Q Do you have much of a recollection of the events  
02:16 10 of January, 1969?

11 A No.

12 Q Do you recall being interviewed by the Saskatoon  
13 City Police at or around the time of Gail Miller's  
14 murder or talking to the police?

02:17 15 A Yes, briefly.

16 Q Do you recall, did they come to your house?

17 A Yes.

18 Q And do you recall how many officers there were?

19 A I'm not sure.

02:17 20 Q If you could call up document 106254, please, and  
21 just zoom in there. This is a police report of  
22 Bennett and Hein, February 7, 1969. This is a  
23 lengthy document of a number of door-to-door  
24 visits. If you could just go to page 106266 of  
02:17 25 this report, please, and just zoom in there,



1 please. Now, this is a police report, this is a  
2 report that the police prepared, Mrs. Treimans,  
3 based upon a discussion with you, and I'll just  
4 read through it for you and then ask you some  
02:18 5 questions. It says:

6 "216 Avenue O South. No answer. Natalae  
7 Humen, Waldman & Paul --"

8 If I can pause there. Waldman & Paul is where  
9 you worked; is that right?

02:18 10 A Yes.

11 Q And then it says:

12 "Leona Hupaelo, separate school board  
13 office."

14 Who is Leona, or who was Leona?

02:18 15 A She is my sister-in-law now.

16 Q And she lived at that address with you?

17 A Yes.

18 Q So it goes on to say:

19 "Nahtilie Humen leaves about --"

20 Or, I'm sorry:

21 "Leona Hupaelo, separate school board  
22 office, leaves about 8:05 a.m. bus, guy  
23 offered her a ride at bus stop about two  
24 days before murder. Tony Humen (22-23  
02:18 25 years) Robin Hood Mills, leaves about 6:10





1 a.m. by transit (not home now) gets up  
2 before 6:00 a.m. Natalae went to work by  
3 bus, caught at O and 20th about 7:05 a.m.,  
4 thinks a green Pontiac window open part way  
02:19 5 drivers, said going real slow, west on 20th,  
6 maybe 59? year. 60 Pontiac, one person in  
7 car, man."

8 And I'll pause there. Do you recall anything  
9 about your discussion with the police at that  
02:19 10 time back in 1969? Do you recall stating words  
11 to that effect to the police?

12 A I don't remember.

13 Q And do you have any recollection of seeing a  
14 vehicle drive by the bus the morning, some morning  
02:19 15 in January?

16 A There were vehicles, but I don't remember any one  
17 particular vehicle.

18 Q And do you recall any discussions with your  
19 brother Tony at or about the time of the murder  
02:19 20 with respect to vehicles near the bus stop?

21 A No.

22 Q Just a couple more questions. Do you recall  
23 sometime in the '90s being contacted by the RCMP?

24 A Yes, I was.

02:20 25 Q If you could call up document 046401, and I



1 believe this is a report from, relating to the  
2 Section 690 proceedings, and I believe we'll see  
3 later it's from Officer Pearson of the RCMP, it's  
4 dated January 19th, 1992. If you could just call  
02:20 5 out that paragraph, please. And this is just a  
6 report that the RCMP prepared. It appears to be  
7 based on their discussion with you and I'll just  
8 read it for the record. It says:

9 "I called Natalia Humen (Treimans). She  
02:21 10 knew that I had already talked to her  
11 brother Tony. Natalia could not recall ever  
12 seeing a suspicious car on the evening prior  
13 to the murder, or the morning of the murder.  
14 Natalia states she caught the bus on Avenue  
02:21 15 O and 20th Street and never knew Gail Miller  
16 or recalls seeing a nurse at that particular  
17 bus stop. Natalia never knew Larry Fisher  
18 and really had very poor recollection of  
19 details as outlined in McCorriston's notes."

02:21 20 Does that accord with what you would have told  
21 the officer at that time?

22 A Yes.

23 MR. HODSON: Those are all my questions,  
24 Mr. Commissioner. I'm not sure if counsel have  
02:21 25 any questions.



1 MR. WOLCH: No questions.

2 COMMISSIONER MacCALLUM: Anybody? Thank  
3 you very much, ma'am. You are excused.

4 MR. HODSON: And I might just add,  
02:21 5 Mr. Commissioner, the reason I called Ms.  
6 Treimans, because she was mentioned in the  
7 report. I was aware from my interviews that she  
8 had little or no recollection and it was put on  
9 the record to indicate just that purpose.

02:21 10 COMMISSIONER MacCALLUM: Thank you.

11 MR. HODSON: Next is Joe Burns, please.

12 **JOSEPH ROBERT BURNS, sworn:**

13 BY MR. HODSON:

14 Q Good afternoon, Mr. Burns. I understand that you  
02:22 15 reside in Saskatoon; is that correct?

16 A That is correct.

17 Q And that in January, 1969 you were employed with  
18 the Saskatoon transit system?

19 A Yes, I was.

02:22 20 Q And I understand you worked there from October 1,  
21 1959 until your retirement on October 31, 1994?

22 A That is correct.

23 Q And I understand that for the first 21 years of  
24 your career you were a bus operator?

02:23 25 A Yes, I was.



1 Q And that in 1980 you were promoted to road  
2 inspector and in 1982 transferred to head office,  
3 planning and scheduling, and that you were  
4 responsible for transit scheduling from 1982 until  
02:23 5 retirement?

6 A That is right.

7 Q I understand that in January of 1969 you operated  
8 a route, route 2 bus; is that right?

9 A I did.

02:23 10 Q And the route 2 bus goes down 20th Street; is that  
11 right?

12 A Yes.

13 Q Now, I understand that you were not directly  
14 involved in any -- in any of the investigation in  
02:23 15 1969; is that correct?

16 A That's correct.

17 Q And I understand that in 1991 RCMP officers came  
18 to your supervisor, Al Ross, at Saskatoon transit  
19 and requested assistance in compiling historical  
02:24 20 route maps, transit schedules and operator  
21 information; is that right?

22 A Yes, they did.

23 Q And I take it that Mr. Ross delegated that  
24 responsibility to you?

02:24 25 A That is right.



1 Q So in 1991 you would have gone back through the  
2 records to try and reconstruct what was happening  
3 with the transit busses, schedule, et cetera, in  
4 January of 1969?

02:24 5 A Yes.

6 Q And do you understand what the RCMP, did you know  
7 what the RCMP was compiling that for?

8 A They just -- the request was for bus times at the  
9 bus stop at Avenue O and 20th Street.

02:24 10 Q Okay. And do you know if that was in relation to  
11 an investigation that was ongoing or --

12 A Yes. They told us what it was for.

13 Q Pardon me?

14 A They stated what the purpose of the investigation  
02:24 15 was for. They said that the investigation was on  
16 behalf of the Milgaard/Miller trial.

17 Q Okay. Now, I want to touch on three areas with  
18 you this afternoon; one, I will ask you some  
19 questions about the times and frequency of busses  
02:25 20 at Avenue O and 20th Street bus stop, secondly, I  
21 want to ask you about who were the bus drivers  
22 back in 1969, and third, some questions regarding  
23 the duration of a trip from Avenue O and 20th to  
24 City Hospital which is where Gail Miller was  
02:25 25 working at the time. First, if we could start off



1 with document 245241, please, and I understand  
2 that the documents that I'm going to be showing  
3 you, Mr. Burns, were documents that you either  
4 assembled or recovered in or about 1991 or  
02:26 5 memorandums and maps that you prepared in  
6 connection with your work done in 1991; is that  
7 correct?

8 A Yes, that is correct.

9 Q So this document, can you tell me what that is,  
02:26 10 please?

11 A That is a sign-on sheet. The operators signed by  
12 seniority for their hours of work for that period  
13 beginning on January the 5th I believe, 1969.

14 Q I think that says -- it might have been cut off,  
02:26 15 but it is January 5th, 1969. Now, my  
16 understanding is that the route in question for  
17 Avenue O and 20th is route 2; is that correct?

18 A That is correct.

19 Q And that -- so this would tell me for route 2-1 --  
02:26 20 and D means day shift does it?

21 A D means day shift.

22 Q And 5:40 a.m., would that be a start time?

23 A That is right. That is the time the operator  
24 would have to punch his time card to be valid for  
02:27 25 that period of work.



1 Q Okay. And we see over here the name Husulak; is  
2 that right, John Husulak?

3 A Yes.

4 Q And do you know John Husulak?

02:27 5 A I do.

6 Q And he was the driver of the number 2 bus in  
7 January of -- or one of the number 2 busses in  
8 January, 1969?

9 A Yes, he was.

02:27 10 Q And then I think over here, these are the days  
11 off; is that right?

12 A That is right.

13 Q So that Mr. Husulak would drive the number 2 bus  
14 every day but Sunday and Wednesday at this time?

02:27 15 A Yes.

16 Q And then there's another bus, the number -- can  
17 you just explain, what would be the 2-1, 2-2, 2-3,  
18 2-4, what does that refer to, were there four  
19 different busses?

02:27 20 A There were four different busses on the route.  
21 The first hour of the service was only two busses,  
22 from 6:15 in the morning until 7:15 in the  
23 morning, from Pleasant Hill terminal at 20th  
24 Street and Ottawa Avenue.

02:28 25 Q And I'll go back and show you a map in a moment.



1           So from 6:15 a.m. to 7:15 a.m. there would be two  
2           physical busses running?

3           A       That is right.

4           Q       And how frequently would they stop or how  
02:28 5           frequently would they -- is it 15 minute cycles  
6           then?

7           A       15 minute cycles, yes.

8           Q       So there would be two different drivers on from  
9           6:15 to 7:15?

02:28 10          A       Yes.

11          Q       And so I think this -- I have a better copy  
12          somewhere, I think that's Porter Beeson is the  
13          name there, I will maybe check, and you can't see  
14          it there. Do you recall if that was the name for  
02:28 15          bus 2?

16          A       Yes.

17          Q       Mr. Commissioner, I'll find a better copy of that  
18          at some point and file it, but I believe that to  
19          be Beeson.

02:29 20          A       Now --

21          Q       I'm sorry?

22          A       That was not necessarily the second bus on the  
23          route.

24          Q       Right, I was going to ask you that. My  
02:29 25          understanding, that Mr. Beeson would start at





1 6:48; is that right?

2 A That is right.

3 Q So who would be driving the second bus then  
4 from six -- let me ask this. From 6:15 a.m. to  
02:29 5 7:15 a.m. this driver, Mr. Beeson, would not be  
6 that operator; is that right?

7 A That is right.

8 Q Can you tell from this sign-up sheet who would be  
9 the driver of the second bus that morning?

02:29 10 A You cannot tell from that -- not from this page,  
11 no.

12 Q Would it be a relief driver or someone from  
13 another route that would fill in for the first  
14 hour?

02:29 15 A There were relief runs and I feel disappointed I  
16 did not copy those pages.

17 Q I will get to that in a bit, but just so that  
18 we're clear here, Mr. Beeson, would -- so let's  
19 back up. The first bus on 20th Street would leave  
02:30 20 at 6:15, is that right, 6:15 a.m.?

21 A That is right, yes.

22 Q So the next one would be at 6:30 a.m.?

23 A Yes.

24 Q The 6:15 a.m. bus would be Mr. Husulak, the  
02:30 25 operator; correct?



1 A Yes.

2 Q The 6:30 bus, we don't know who that was; correct?

3 A Yes.

4 Q And then at 6:45 when it left the terminal at  
02:30 5 Ottawa Avenue, it would be Mr. Husulak again?

6 A Yes.

7 Q And then at 7:00 when that bus left, it would be  
8 an unknown driver?

9 A Yes.

02:30 10 Q Likely the same driver as the 6:30 bus?

11 A Yes.

12 Q And then at 7:15 Mr. Husulak again; is that right?

13 A Yes.

14 Q And then at 7:30 would be when Mr. Beeson would  
02:30 15 come on; is that right, likely?

16 A No, we would have to go to the bus schedules,  
17 because they changed to every 10 minutes at seven  
18 o'clock.

19 Q We'll get to that in a moment then. If you could  
02:31 20 go to document 081713 which is part of 018703 and  
21 is this a document that you prepared or was this a  
22 document that you located in the records?

23 A This was a located document.

24 Q Okay. And can you tell me what this is?

02:31 25 A This is the times for each bus showing the time



1           that he left 23rd Street and 2nd Avenue and the  
2           time they terminated at 20th Street and Ottawa  
3           Avenue to good back downtown to 2nd Avenue and  
4           23rd Street.

02:31 5       Q       Is there anything on this piece of paper that  
6           would tell us what time and what frequency the  
7           busses would go at Avenue O and 20th Street in  
8           January of 1969?

9       A       Yes, there is.

02:31 10      Q       Can you point out where, even if you can just  
11          touch on the computer screen?

12      A       The second column.

13      Q       Right here?

14      A       Yes, is Ottawa Avenue and 20th Street.

02:32 15      Q       Okay.

16      A       Also the fourth column.

17      Q       Yes?

18      A       The sixth column and the eighth column, and the  
19          times are in sequence, 15 minute -- well --

02:32 20      Q       I'll go to the map in a moment and we'll come back  
21          to this, but what these times are are the times  
22          that the bus would leave, I think you said, Ottawa  
23          Avenue?

24      A       Ottawa Avenue and 20th Street.

02:32 25      Q       If you could then just go to document 075638,



1           please, and is this a document that you prepared,  
2           Mr. Burns?

3       A       I prepared this document.

4       Q       In or about 1991?

02:32 5       A       Yes.

6       Q       And this was for the RCMP?

7       A       Yes.

8       Q       And so here we have 20th Street and I think this  
9           is north; correct?

02:33 10      A       That's correct.

11      Q       And so here is Avenue O and 20th Street; is that  
12           right, where I've got the X? Right here?

13      A       That is correct.

14      Q       And you talked about Ottawa Avenue and my  
02:33 15           understanding is that this is where the trolley  
16           bus would start; is that right?

17      A       Yes.

18      Q       And I should have asked that question at the time,  
19           these were trolley busses were they?

02:33 20      A       Those were trolley busses.

21      Q       And so they would start -- Ottawa Avenue, is this  
22           where the drivers would punch the time clock?

23      A       There was a punch time clock at the corner, Ottawa  
24           Avenue and 20th Street.

02:33 25      Q       So this is where they would start work and start



1           their route?

2       A       That's where they departed from to go downtown,  
3       yes.

4       Q       And I think you've got here leave Ottawa and 20th  
02:33 5       Street terminal, bus number, schedule, time, and I  
6       take it you would have prepared these numbers; is  
7       that correct?

8       A       Yes.

9       Q       And so I think just to --

10      A       Well --

11      Q       I'm sorry?

12      A       I copied those off of the previous sheet.

13      Q       So just so that I read this correct, and then I  
14      take it the bus would leave here at Ottawa Avenue,  
02:34 15      the 2-1 bus would leave at 6:15 a.m. and that  
16      would be the first bus?

17      A       Yes.

18      Q       And we're talking January, 1969; correct?

19      A       Yes.

02:34 20      Q       Bus number 2-2 would leave at 6:30?

21      A       Yes.

22      Q       Bus 2-1 would leave at 6:45?

23      A       Yes.

24      Q       And again I think that would be Mr. Husulak's bus,  
02:34 25      was 2-1; is that right?



1 A Yes.

2 Q 2-2 would leave at seven a.m.?

3 A Yes.

4 Q And then now I see bus 2-3 would go at 7:10

02:34 5 because now we're going every 10 minutes; is that  
6 right?

7 A That is right.

8 Q And so on, 2-1, 2 -- and then up to fourth bus at  
9 7:50 a.m.; is that correct?

02:34 10 A Yes.

11 Q We then go over, and I think over here the RCMP  
12 asked you the question, I believe, to say what  
13 time did the bus arrive at 20th and Avenue O; is  
14 that right?

02:35 15 A Yes.

16 Q Now -- and I think just so that I understand this  
17 right, it goes across, so the 2-1, this bus -- let  
18 me redo this -- the 2-1 bus, this would be the  
19 same bus right here; is that right, the 6:19?

02:35 20 A Yes, it is.

21 Q So it would leave Ottawa Avenue at 6:15, get to  
22 Avenue O at 6:19 a.m. approximately?

23 A Yes.

24 Q And from O and N, that would be a block apart;  
02:35 25 correct?



1 A Yes.

2 Q And any estimate, how long would it take for the  
3 bus to go from one stop to the other  
4 approximately?

02:35 5 A Depends on how many passengers boarding, but  
6 approximately a half a minute.

7 Q Did the bus normally keep fairly close to this  
8 schedule of times?

9 A Yes.

02:35 10 Q So again at the Avenue O and N, the 6:34 a.m. bus,  
11 so that would be 2-2 bus, 2-1 would be  
12 Mr. Husulak's bus at 6:49; is that correct?

13 A Yes.

14 Q And then again someone has written over top, but I  
02:36 15 think that's the 2-2 at 7:04 a.m.; is that  
16 correct?

17 A Yes.

18 Q And so the driver of the 6:34 bus and the driver  
19 of the 7:04 bus would be the same driver?

02:36 20 A Yes.

21 Q Then we get into 2-3 at 7:16 a.m. and that would  
22 be a different driver?

23 A Yes.

24 Q Would that likely have been Mr. Beeson's bus or  
02:36 25 can you tell us?



1 A Possibly, yes.

2 Q Okay. And then back, 7:26 a.m. would be  
3 Mr. Husulak being the 2-1 bus; is that right?

4 A Yes.

02:36 5 Q Now, while we're on this map, in order for a  
6 person to go from the Avenue O or Avenue N and  
7 20th Street bus stop to the City Hospital, would  
8 they have to transfer downtown?

9 A Yes.

02:37 10 Q And I think this is, right here, to route number  
11 3?

12 A That is right.

13 Q And that would take the bus to City Hospital?

14 A Yes.

02:37 15 Q And if someone was going to the university, would  
16 they also transfer at that same spot?

17 A They would alight from route 2 at that same  
18 corner.

19 Q What was at 23rd, is that the King George Hotel?

02:37 20 A That's the King George Hotel. To go to  
21 university, route 7, they had to walk one block to  
22 3rd Avenue to board the route 7 bus.

23 Q So just tell me about the process to transfer.  
24 Would there be a wait time then at the transfer  
02:38 25 point to get onto other busses or were these





1 schedules co-ordinated?

2 A Relatively co-ordinated within a minute, two  
3 minutes.

4 Q Okay.

02:38 5 A The connecting bus would wait for the bus bringing  
6 passengers to transfer.

7 Q Now, did you do -- were you asked to determine  
8 what time a bus -- pardon me, what time the 6:49  
9 a.m. bus, the approximate departure time from  
02:38 10 Avenue O or N, at what time it would arrive at the  
11 City Hospital? I think I've actually got a paper  
12 I can show you.

13 A It would arrive at City Hospital approximately  
14 7:04, 7:05.

02:39 15 Q And what about the bus that left at 7:04 a.m.,  
16 what time approximately would it arrive at City  
17 Hospital?

18 A Approximately 7:20 or in that vicinity of time.

19 Q Okay. Now, I understand that there was also a  
02:39 20 university charter bus running in January of 1969?

21 A Yes, there was.

22 Q And that it went down 22nd Street; is that right?

23 A It went westward on 22nd to Whitney and it went  
24 through a loop and eventually arrived at  
02:39 25 university at 8:15.



1 Q And it's my understanding that the university bus  
2 was a charter and only university students,  
3 faculty and staff could take that bus?

4 A That was the proposed limitations, yes.

02:39 5 Q And is it fair to say in January of 1969, at least  
6 in the vicinity of 20th Street, that 20th Street  
7 was the primary routes for the trolley busses?

8 A Yes.

9 Q Now, I take it that in 1991, these documents that  
02:40 10 I've just shown you -- let me actually just show  
11 you one more here. If you can call up 075639 and  
12 if you could just maybe zoom in on this bottom  
13 half. Is this something you prepared in 1991? Do  
14 you want me to go back to the main photo?

02:40 15 A No, the enlarged is fine. It's route 3, yes.

16 Q So route 3, that's the one you go, if you are on  
17 Avenue O and 20th, you take route 2 downtown and  
18 then you go route 3 to get to City Hospital?

19 A That is right.

02:41 20 Q And so then if you could just enlarge that,  
21 please. And if I read this right, you are going  
22 from Avenue P and 11th down 20th, here's the  
23 transfer point and then it looks as though here,  
24 arrive Queen Street at 7th Avenue bus stop, so  
02:41 25 that's right in front of City Hospital; correct?



1 A Yes.

2 Q And then it looks as though, it says here  
3 approximate time arrival and it's got a check at  
4 7:08 and a check at 7:25. Do you see that?

02:41 5 A Yes.

6 Q Am I reading this correct to say that if you took  
7 the 6:49 a.m. bus from O and 20th or N and 20th,  
8 you would arrive at City Hospital at approximately  
9 7:08?

02:41 10 A You would arrive there before that. I mean,  
11 that's the -- I calculated that time to be the  
12 latest possible it would get there.

13 Q Okay. So 7:08 would be the latest possible; is  
14 that right?

02:42 15 A Yeah. It could be there three or four minutes  
16 before that.

17 Q So am I right, because I think earlier, I think  
18 you said 7:05?

19 A Yes, that's right.

02:42 20 Q So 7:08 would be the latest, possibly three or  
21 four minutes earlier; is that right?

22 A Yes.

23 Q And the same with the 7:25, that would be the  
24 absolute latest, maybe three or four minutes  
02:42 25 earlier?



1 A Yes.

2 Q Now if I could -- just back to this work that you  
3 did with the RCMP in 1991, do you remember, did  
4 you ever deal directly with the RCMP or did you  
02:42 5 give the information to Mr. Ross, your supervisor?

6 A That I don't recall. See, well, the RCMP did a  
7 review with me --

8 Q Okay.

9 A -- personally before they accepted the document.

02:43 10 Q Okay. Now I'm just going to show you another  
11 document. I understand that in 1993 the RCMP  
12 again contacted you, I believe it was in  
13 connection with a different investigation, to go  
14 through some of this information; do you remember  
02:43 15 that?

16 A Yes.

17 Q Okay.

18 A I remember that that did take place, but details  
19 of it, I'm --

02:43 20 Q Okay.

21 A I'm just --

22 Q That's fine. I'll show you a document 049290,  
23 please. And this is a document, Mr. Burns, that's  
24 taken from the RCMP records, March 12th, '93.

02:43 25 This isn't your document but I'll just maybe have



1           you call that out, please, and I'll read the note  
2           for you here. It says:

3                 "Joe Burns from Saskatoon Transit called and  
4                 advised the following:

02:43 5                 - the bus on 22nd Street were all charter  
6                 type."

7           Pause there. That's the university bus, right?

8       A       Yes that's right.

9       Q       "- passes were issued to students, faculty  
10               and staff."

11           And I think that's what you have just told me;  
12           correct?

13       A       Yes.

14       Q       Scroll down please.

02:44 15               "- Burns said it was unlikely that passes  
16               would be issued to other than the above  
17               noted."

18           Is that correct?

19       A       Yes.

02:44 20       Q       And if you could just go to the full document,  
21               please, and I presume the:

22               "- schedule for westbound bus as follows",  
23               this would be from the university back to the  
24               west side, is that right? Do you know what that  
02:44 25               -- because it's got Avenue C? I think this



1 relates to the university charter bus?

2 A Yes, that's correct.

3 Q Okay. Next I'm going to show you, if you could  
4 call up document 034563, and again this is an RCMP  
02:45 5 document from Flicker, and I believe this is just  
6 their own notes but I just want to go over, if you  
7 could call that out please, and it says:

8 "Assuming the trolley busses are on time

9 A) Miller catches bus as either Avenue O or  
02:45 10 N at 6:49 a.m., Transfers to Route 3 bus at  
11 2nd Avenue and 23rd Street and would arrive  
12 at City Hospital 7:08 a.m.

13 B) Miller catches bus at either Avenue O or  
14 N at 7:04 a.m., Transfers to Route 3 bus at  
02:45 15 2nd Avenue and 23rd Street and would arrive  
16 at City Hospital 7:25 a.m.".

17 And I believe those were the outside time limits  
18 that were in your earlier document; is that  
19 right?

02:45 20 A Yeah, yes.

21 Q Okay. So would it be fair to say that, subject to  
22 your evidence that 7:08 and 7:25 are the latest,  
23 that it could be earlier, that is a correct  
24 assumption that the RCMP made in this document?

02:46 25 A Yes.



1 Q And then just for the record, go back to the main  
2 document, just call out that. This is an RCMP  
3 conclusion:

4 "Miller commenced work at 7:30 a.m. City  
02:46 5 Hospital. It is more likely she would catch  
6 the 7:04 a.m. bus but of course that cannot  
7 be stated categorically."

8 Do you recall, Mr. Burns, where the bus stop at  
9 City Hospital was located; was it right in front,  
02:46 10 or was there --

11 A Relatively in front. I do not recall for sure  
12 whether it was far side to 6th Avenue or near side  
13 to 7th Avenue eastbound on Queen Street.

14 Q Okay. I would like you to call up the next page  
02:46 15 of this RCMP report, 034564, and this is again  
16 part of the synopsis of the RCMP, if you could  
17 zoom in on that. And it says:

18 "The two operators who were driving that day  
19 in 1969 were

02:47 20 John Husulak,

21 1237 Crescent Boulevard,

22 Saskatoon, Sask.,

23 Porter Beeson,

24 Biggar, Sask.,"

02:47 25 and:



1 "Homeniuk/Gagne."

2 That's not complete, is it, Mr. Burns?

3 A That is not complete, no.

4 Q There was actually a driver in here that drove the  
02:47 5 bus at 6, that left at 6:30 and 7:00 a.m. that  
6 morning, correct?

7 A That is correct.

8 Q Do you recall anybody making any inquiries of you  
9 in connection with any of your work, other than  
02:47 10 us, to find out who the bus driver was at 6:30 and  
11 7:00 a.m. that morning?

12 A No, not that I recall, not in the previous  
13 investigations.

14 Q Okay. Now I understand that in 1998, pardon me,  
02:48 15 1997 it might have been, that the RCMP contacted  
16 you again in connection with their investigation  
17 of Larry Fisher; is that right?

18 A Yes.

19 Q I'm sorry, let me just go back, I'm sorry. The  
02:48 20 question that -- about the 6:30 and 7:00 a.m. bus  
21 driver on the morning of January 31, 1969, our  
22 office had asked you to investigate that; is that  
23 correct?

24 A Yes.

02:48 25 Q And you were not able to find any records that





1 would disclose the identity of that driver?

2 A That is correct.

3 Q The, just back to 1997, do you recall meeting with  
4 a Constable Stevenson of the RCMP in connection  
02:49 5 with the Larry Fisher investigation?

6 A Yes.

7 Q If you could call up document 081706 which is part  
8 of 081703, this is a witness statement form, and  
9 that's your name and address there; is that  
02:49 10 correct?

11 A That is still correct.

12 Q Do you recall meeting with Mr. Stevenson or  
13 someone from the RCMP?

14 A Yes.

02:49 15 Q And the date stated here is November 12th, '97?

16 A Yes.

17 Q And that is your signature at the bottom, is it,  
18 sir?

19 A That is correct.

02:49 20 Q I'm just going to, if you could call that out,  
21 please. We'll just go through this, I'll just  
22 read parts of this to you, Mr. Burns. It says:

23 "Joe, I have shown you some Saskatoon bus  
24 route information including two handwritten  
02:50 25 schedules marked Route 2 and 3, 1969. What



1 can you tell me about these documents?

2 The typed one is the bus  
3 schedules and the handwritten is a summary  
4 and running times showing the bus routes on  
02:50 5 20th Street noting Avenue O and N. This  
6 shows the stop time in the early morning at  
7 route number 2 Avenue O and N as noted 6:19,  
8 6:34, 6:49, 7:04, 7:16, ...",

9 etcetera. Go to the next page, please. And he  
02:50 10 asked you this question here, call that out:

11 "What were you doing in January of 1969?

12 I was driving the route number  
13 2, the same route as the incident happened."

14 Now is that correct, Mr. Burns?

02:50 15 A That is correct.

16 Q It's my understanding you would have driven that  
17 bus later in the day though; is that right?

18 A My route began at 11:47 in the -- before noon.

19 Q And I take it -- or did you have any dealings with  
02:51 20 either Gail Miller or Larry Fisher on your bus?

21 A Not that I recall.

22 Q Back, if you could just go back to the main  
23 document please, the RCMP asked you there:

24 "Are you familiar with the murder case  
02:51 25 involving Gail Miller?



1 I heard about it at the time  
2 but I have no recollection of her ever  
3 riding my bus."

02:51 4 And you have told me, now, that's your  
5 recollection today?

6 A Yes.

02:51 7 Q And I take it, now, if you could just go to  
8 081710, and I take it that the documents and  
9 schedules that Mr. Stevenson, or the investigator  
10 with the RCMP, was showing you were the same  
11 schedules and busses that I talked to you about;  
12 is that right?

13 A That's right.

02:52 14 Q Now if you could call up 081714, please, and is  
15 this -- this looks to be a city map, it's got  
16 1970. Is this something that you would have drawn  
17 on, Mr. Burns, does this look familiar at all?  
18 This is in the RCMP documents.

02:52 19 A I believe those were the university chartered bus  
20 routes by the appearance of them.

21 Q Okay. Now I understand, Mr. Burns, that you were  
22 called as a witness at the Larry Fisher  
23 preliminary hearing and trial; is that right?

24 A Yes.

02:52 25 Q If you could call up document 315318, please, and



1 this is examination by Mr. Sinclair at the prelim.  
2 If you could go to 315320, please, and start at  
3 the bottom. Mr. Burns, I'm just going to go  
4 through, for the record, some of your evidence you  
02:53 5 gave at that trial, and I believe it's consistent  
6 with what you have told me today but we'll just go  
7 through it. Question 21:

8 "Q Now when did the bus, when did the first  
9 bus of the day start in January of 1969?

02:53 10 A The first bus of the morning?

11 Q Yes.

12 A The first bus in the morning began at  
13 6:15 in the morning ..."

14 if you go to the next page and call out that:

02:53 15 "... in the morning from Ottawa Avenue  
16 and 20th Street.

17 Q That's where it started?

18 A That's where it started.

19 Q How long would it take it for that first  
02:54 20 bus to travel the distance between  
21 Ottawa and Avenue O?

22 A Approximately four minutes."

23 Just pause there. So the bus left, that's how  
24 you get the 6:19 and 6:49 times, --

02:54 25 A Yes.



1 Q -- about four minutes? Okay.

2 "Q Okay.

3 A If it was a delay it could be a little  
4 longer, but from my own experience, if  
02:54 5 I was a passenger, I would expect to  
6 be at that stop about four minutes  
7 from the time it left the end of the  
8 line.

9 Q All right. So would that be the -- what  
02:54 10 time then if it starts at 6:15?

11 A Six-nineteen would be the approximate  
12 time.

13 Q All right. And then how often or after  
14 that how regular would the busses show  
02:54 15 up on any given morning in January of  
16 1969?

17 A The next three busses were at fifteen  
18 minute frequency."

19 And so on. So that's exactly what you told me  
02:55 20 this afternoon; correct?

21 A Yes.

22 Q So if I could then go to page 315323 -- and I'm  
23 just going to go through some evidence here,  
24 Mr. Burns, where the prosecutor asked you the  
02:55 25 question that I asked you about getting to City



1 Hospital. The question:

2 "Q I know those two. Can you advise, sir,  
3 if a person were on the number 2 bus  
4 going downtown intending to travel to  
02:55 5 the City Hospital in Saskatoon, would  
6 you have to transfer?

7 A You would have to transfer.

8 Q And where would you transfer?

9 A At the intersection of 23rd Street and  
02:55 10 2nd Avenue."

11 That is the King George Hotel; is that right?

12 A That's correct.

13 Q "Q So at the same intersection?

14 A That is correct.

02:55 15 Q Did the busses all stop at one stop  
16 there or were they -- were there more  
17 than one transfer point downtown?

18 A The transfer points were specified by  
19 the transit management, so.

02:56 20 Q So that was one?

21 A That was one of them."

22 Next page, please:

23 "Q What bus would I take if I was going to  
24 City Hospital?

02:56 25 A Route 3 bus.



1 Q All right. And was the system set up so  
2 that I could get off the bus, the number  
3 2 bus, and get on to the number 3 bus?

4 A The system was set up so you could  
02:56 5 transfer, yes.

6 Q Immediately?

7 A Immediately, yes.

8 Q Without delay?

9 A There would be approximately a one  
02:56 10 minute wait.

11 Q Would the bus be there or would I have  
12 to wait for the bus for a minute or  
13 would I have to wait for the bus to  
14 leave for a minute? Do you understand  
02:56 15 what I mean?

16 A It could be a combination of both --"  
17 And then just down here:

18 "Q Okay. And how long did it take the bus,  
19 the number 3 bus to travel from that  
02:56 20 transfer point to City Hospital?

21 A Approximately five minutes.

22 Q Five minutes. All right. So eight  
23 minutes downtown, a minute delay we'll  
24 say?

02:56 25 A Or two minutes approximately.



1 Q Or two minutes. Okay. Let's give it on  
2 the ...",?

3 Next page, please:

4 "... on the outside. That's ten  
02:57 5 minutes; is that right? And then five  
6 minutes to City Hospital.

7 A Yes.

8 Q So if I took the 6:49 bus and was  
9 intending own going to City Hospital, I  
02:57 10 would be there in 15 minutes; is that  
11 correct?

12 A You could be there within 15 minutes,  
13 it might be 16, could be 17.

14 Q But around there?

02:57 15 A Yes."

16 Then I think starting here, if you could just  
17 scroll down, Mr. Sinclair asked you about going  
18 to the university, and in particular the  
19 Education Building, and the question:

02:57 20 "Q All right. Now if I was intending on  
21 going to the university instead, and in  
22 particular the education building, ..."  
23 if I can pause there just for a moment, I believe  
24 that's where Mr. Fisher was reported to be  
02:57 25 working at that time. The question goes on:





1 "Q ... would I have to transfer to take --  
2 to get to that location off the number 2  
3 route or the number 2 bus?

4 A Yes, you would.

02:57 5 Q And is that the same or a different  
6 transfer, transfer point?

7 A It's different in that you would be  
8 required to walk one block from 2nd  
9 Avenue over to 3rd Avenue."

02:58 10 So if I can pause there, if there were two people  
11 getting on the bus at the same time on Avenue O,  
12 or Avenue N and 20th Street, one was going to the  
13 City Hospital and one was going to the  
14 university, would they get off at the same stop  
02:58 15 for the purposes of getting a transfer?

16 A Yes.

17 Q And they would go to different locations to get  
18 the next bus though?

19 A Yes.

02:58 20 Q And the one going to City Hospital, the stop would  
21 be right there, is that correct?

22 A Kitty-corner across the street.

23 Q Okay, and the one going to university would have  
24 to walk a block?

02:58 25 A Yes.



1 Q And then it goes on:

2 "Q Okay.

3 A To catch the number 7 bus over to the  
4 university.

02:58 5 Q Now would there be any delay other than  
6 the walking to catch from one bus to the  
7 other?

8 A Shouldn't be. Should not have been  
9 any delay, no."

02:58 10 Go on to the next page, that bottom part:

11 "Q All right. If I took the 6:49 bus on  
12 Avenue O and 20th and I intended to go  
13 to the university, I would be downtown  
14 in eight minutes; is that correct?"

02:59 15 Next page:

16 "A That is correct, yeah.

17 Q So before seven o'clock?

18 A Before seven o'clock.

19 Q I would have to walk a block?

02:59 20 A Yes, you would.

21 Q To catch another bus. And then it would  
22 take me seven minutes to get to the  
23 university?

24 A Yes. Well as a controlling factor in  
02:59 25 that, route 7 was scheduled -- didn't



1 leave the 3rd Avenue before seven  
2 o'clock. And I believe there was a  
3 delay for it to wait for route 4 from  
4 the south. So it usually was one, two  
02:59 5 minutes after 7:00 before it got  
6 away."

7 If I can pause there, so would the first bus in  
8 the morning from downtown to the university leave  
9 at 7:00 a.m., or would there be an earlier bus?

02:59 10 A There would be an earlier bus, yes.

11 Q And would that be 6:45?

12 A I'm not sure of the route, the frequency on route  
13 7 at that time, I didn't look it up, but at one  
14 time it was 20-minute frequency, at one time it  
03:00 15 was half-hour frequency.

16 Q Okay.

17 A I would have to see the times that were in effect  
18 at the -- but those are not available.

19 Q If you could just hold on for one moment, let me  
03:00 20 just check my notes, I might be able to find --,  
21 -- yeah, it doesn't appear that you were asked to  
22 look at that, were you?

23 A I -- not that I recall.

24 Q Okay. If you could go on to page 315331 and you  
03:01 25 will see, at the top, cross-examination; do you



1 recall being cross-examined by Mr. Beresh,  
2 Mr. Fisher's lawyer?

3 A Yes.

4 Q Call out that, please, Mr. Beresh asked the  
03:01 5 question:

6 "Q So I take it because of the effect of  
7 weather on that type of system, the  
8 service was somewhat less reliable in  
9 inclement weather, like winter as  
03:01 10 opposed to summer?

11 A It wasn't. I never run into a  
12 situation where it was not reliable  
13 because of weather."

14 If you go down to question 98, please -- actually  
03:01 15 excuse me, just scroll up to 97, put 97 and 98.  
16 The next question:

17 "Q I'm not being critical. I'm saying  
18 weather was a factor, wasn't it?

19 A The only thing we had to watch if the  
03:01 20 weather was. Was frost on the lines  
21 and we had to turn the shoes. But the  
22 schedule was generally maintained  
23 quite --

24 Q I appreciate that. I'm saying there is  
03:02 25 a greater likelihood that the service



1                   might not be as precise in terms of  
2                   timing in winter as opposed to summer?

3                   A     Pretty much as reliable."

4                   That was your evidence at the time, was it, sir?

03:02 5           A     Yes.

6           Q     And is it correct that with the trolley service;  
7                   what effect, if any, would temperatures of minus  
8                   40 Fahrenheit have on the operation of the trolley  
9                   busses?

03:02 10          A     None. Except number of passengers boarding  
11                   increased in colder weather, people that normally  
12                   walked would ride the bus.

13          Q     But the performance of the trolley bus in minus 40  
14                   Fahrenheit would be as good as plus 20?

03:02 15          A     Yes.

16          Q     Better be careful if I'm in Fahrenheit, 70  
17                   Fahrenheit?

18          A     The problems only occurred around the zero  
19                   temperatures when frost formed on the lines, or  
03:02 20                   like we had the other night when it rained and ice  
21                   formed on the wires, but there was ways of  
22                   treating that.

23          Q     Okay. If we could now go ahead, please, to page  
24                   315336 of this transcript and zoom in on 123, it  
03:03 25                   says:



1 "Q It wouldn't be unusual to have a number  
2 of people, say, ..., "

3 I'm sorry this is Mr. Beresh examining you:

4 "Q It wouldn't be unusual to have a number  
03:03 5 of people, say, who you'd see in the  
6 construction trade? Who appeared to  
7 work in the construction trade?

8 A Mhmm. Yes.

9 Q That was your observation. That was not  
03:03 10 uncommon to see?

11 A Not uncommon to see, no."

12 Go not next page, please:

13 "Q Right. People wearing hard hats. It  
14 wouldn't be uncommon to see somebody  
03:03 15 wearing a hard hat?

16 A No, it wouldn't.

17 Q I take it, it would be common actually?  
18 That is, you'd see --

19 A Hard hats weren't that common, but.

03:04 20 Q You'd see it everyday?

21 A Yeah.

22 Q Somebody or some people wearing hard  
23 hats?

24 A Mhmm. Yeah.

03:04 25 Q Okay. So that wasn't unusual to see on



1                   that route?

2                   A     No, it wasn't unusual."

3                   And I'm going to just pause there, that was --  
4                   you were on the same route as Mr. Husulak, right?

5       A     Yeah.

6       Q     Just a different time?

7       A     Yes.

8       Q     "Q    Okay. Likewise, people who might be  
9                   going to jobs where you're required to  
03:04 10                  wear a uniform. It wouldn't be unusual  
11                  to see somebody in what appeared to be a  
12                  uniform?

13               A     That was common, yes."

14               And then go down to 131, please:

03:04 15               "Q    Nurses' uniforms, generally white as I  
16                   understand in those days. It wouldn't  
17                   be uncommon to see people dressed in  
18                   nurses' uniforms?

19               A     Except in the winter time when you  
03:04 20                   have a coat, you know, it's hard to  
21                   tell what kind of a uniform a person  
22                   had on."

23               So that would have been evidence you gave at the  
24               time, Mr. Burns?

03:04 25       A     Yes.



1 Q And that's your recollection today, is it?

2 A Yes.

3 Q I wonder if you could call up document 314176, and  
4 this -- you testified at the trial of Larry Fisher  
03:05 5 in Yorkton; is that correct?

6 A Yes.

7 Q If you could go to page 314181, please? And I  
8 don't propose to go through this,  
9 Mr. Commissioner, other than to indicate for the  
03:05 10 record on page 314181 Mr. Burns provides, I think,  
11 the same account as he did at the preliminary.

12 If you could go to page 314184,  
13 please, just start there. Mr. Burns, I'm just  
14 going to read through a couple of your questions  
03:06 15 and answers -- actually, sorry, could we go up,  
16 just two questions up. I'm just going to go read  
17 through a couple of your questions and answers.

18 It says:

19 "Q If I took the 6:49 bus from Avenue O and  
03:06 20 20th Street, I would be down there at  
21 about what time?"

22 I think that's referring to downtown:

23 "A At about 6:57, 6:58.

24 Q If I wanted -- if I lived in this area,  
03:06 25 do you know what area of Saskatoon this





1 is, what its called?

2 A That's designated as Pleasant Hill.

3 Q Pleasant Hill. If I lived in that area

4 of Saskatoon and I worked at City

03:06 5 Hospital, where you have indicated here,

6 would I be able to stay on the Route 2

7 bus and get all the way to City

8 Hospital?

9 A No. You would be required to transfer

03:06 10 at 23rd Street and 2nd Avenue.

11 Q Now, what do you mean by transfer?

12 A When you board the Route 2 bus you

13 would ask the operator for a transfer

14 that entitles you to get off that bus,

03:07 15 go across the street and board the

16 Route 3 bus and continue the journey

17 to City Hospital.

18 Q The Route 3 bus left what location

19 downtown then? If I was on the Route 2

03:07 20 bus and I wanted to go to City Hospital,

21 where would I board the Route 3 bus?

22 A Kitty-corner from the King George

23 Hotel at 2nd Avenue and 23rd.

24 Q So, I'd just have to cross the street?

03:07 25 A Yes.



1 Q Did the City of Saskatoon attempt to  
2 arrange a bussing schedule so the  
3 transfers were conveniently accomplished  
4 for passengers?

03:07 5 A Yes.

6 Q And how could you do that, sir? Or, how  
7 did the scheduling work in that regard?  
8 Were some busses not instructed to leave  
9 before a particular time, or --

03:07 10 A There were inspectors downtown, they  
11 were monitoring the situation all the  
12 time. There were certain rules laid  
13 out, bus drivers were expected to wait  
14 for another bus if it was late. But  
03:07 15 usually the timing was so that the  
16 transferring bus arrived -- I mean,  
17 the bus from Route 2 would arrive  
18 before the Route 3 arrived going  
19 north. Usually the Route 2 arrived  
03:08 20 early enough so there was time for  
21 people to cross the street before the  
22 Route 3 arrived.

23 Q And that was set up for the convenience  
24 of the passengers, I take it?

03:08 25 A That's right."



1 So that's your evidence at the time, Mr. Burns?

2 A Yes.

3 Q Yeah. And I take it, from what I just read, that  
4 the scheduling was fairly tight and that there  
03:08 5 were inspectors and others there to make sure that  
6 the busses ran on time?

7 A Yes.

8 Q And then to page 314189, and you were asked a  
9 question about the university:

03:08 10 "Q If I understand your testimony, if I  
11 left Avenue O and 20th Street, if I  
12 caught the bus at 6:49 to go downtown,  
13 my destination was the university, I  
14 would be at the university six or seven  
03:08 15 minutes after it left from downtown?

16 A Yes.

17 Q So, if it left from downtown at 7:00,  
18 about 7:06, 7:07?

19 A Yes.

03:09 20 Q ... 7:02 I would be there at 7:08 or  
21 7:09?

22 A Yes."

23 So is that correct, Mr. Burns?

24 A Yes.

03:09 25 Q Those are all my questions, Mr. Burns. I'm not



1           sure, 3:10, whether -- is there any cross --  
2           whether we break?

3                   COMMISSIONER MacCALLUM: Any counsel have  
4           cross-examination of this witness? No, it seems  
03:09 5           not. Thanks, Mr. Burns, you are excused.

6                   MR. HODSON: Thanks, Mr. Burns.

7                           Do you want to take a break,  
8           Mr. Commissioner, before our next witness, if you  
9           want, because that's the last witness of the day  
03:09 10          so --

11                   COMMISSIONER MacCALLUM: Yes.

12                           *(Adjourned at 3:09 p.m.)*

13                           *(Reconvened at 3:32 p.m.)*

14                   MR. HODSON: The next witness is John  
03:31 15          Husulak.

16                   JOHN HUSULAK, sworn:

17                   BY MR. HODSON:

18           Q           Good afternoon, Mr. Husulak.

19           A           Good afternoon.

03:32 20           Q           Is it Husulak or Husulak?

21           A           Husulak. That's close enough.

22           Q           Or John?

23           A           John, that's good.

24           Q           Okay. I understand that you reside in Saskatoon?

03:33 25           A           Right.



1 Q And that you were employed with the Saskatoon  
2 Transit Commission from 1947 to 1985?

3 A Correct.

4 Q And I understand in January of 1969 you drove the  
03:33 5 Pleasant Hill bus route; is that correct?

6 A Correct.

7 Q And I understand that your route began at 20th  
8 Street and Ottawa Avenue at 6:15 a.m.?

9 A Correct.

03:33 10 Q And you would have picked up passengers at Avenue  
11 O and 20th Street at approximately 6:19 a.m. and  
12 then a half hour later at 6:49 a.m.?

13 A About approximately, yes.

14 Q I would like to call up, please, document 106108.

03:33 15 Now, Mr. Husulak, this is a report that the  
16 Saskatoon City Police typed out and it's a report,  
17 January 31, 196 -- it says '68, but it's 1969,  
18 10:30 p.m., Constable Gabruch, and I'll just read  
19 it for you. If you could just zoom that out and  
03:34 20 then I'll have some questions for you. It says:

21 "On instructions from Lieutenant Short,  
22 Sergeant Passet and myself called at the  
23 transit office in regards to who may have  
24 been operating the first bus on the Pleasant  
03:34 25 Hill route. We spoke to Douglas Star at the



1 transit office and he advised that John  
2 Husulak, 217 Avenue V South was the driver  
3 and he was contacted at home.

4 Husulak stated that around  
03:34 5 Avenue O and 20th Street he would ordinarily  
6 have a male passenger at Avenue O and 20th  
7 Street who appeared to be a construction  
8 worker wearing red hard hat and  
9 approximately 20 years old, however this  
03:34 10 morning the gentleman was not around.

11 He stated that he leaves the  
12 clock at the top of 20th street at 6:15 and  
13 does not recall having anyone on the bus  
14 fitting this description."

03:34 15 Now, if I can just pause there. Do you remember  
16 on or about January 31, 1969, do you remember the  
17 police coming to your house or talking to you?

18 A Yes.

19 Q Did they come to your house?

03:35 20 A They came to the house, yes.

21 Q Was it in the evening?

22 A Yes.

23 Q And do you recall them asking you about passengers  
24 on that bus that morning?

03:35 25 A I can't recall what they asked me.



1 Q Do you remember talking to them at all about a  
2 construction worker?

3 A I think they mentioned something, yeah.

4 Q Do you recall talking about a hard hat?

03:35 5 A A red hard hat, yeah.

6 Q Do you recall telling the police officer -- let me  
7 ask you this. Does what I have read you, does  
8 this sound like an accurate report of what you  
9 would have told them?

03:35 10 A Well, I guess it would be.

11 Q And today, as far as your recollection, you can  
12 remember meeting them. What else do you recall  
13 today about what was discussed?

14 A I can't remember now.

03:35 15 Q You would have told the police at the time your  
16 best recollection?

17 A I guess, yes, I would have.

18 Q Now, do you recall the following week some city  
19 police officers getting on your bus? This would  
03:36 20 be within a couple of days of the murder. Do you  
21 remember in the morning any police officers  
22 getting on your bus?

23 A I think there was, yeah.

24 Q And what do you remember?

03:36 25 A I think there was two of them got on at Avenue P



1 and rode down to Avenue O and got off my bus.

2 Q I'm sorry, they got on at Avenue P, they rode down  
3 to Avenue O?

4 A And got off my bus.

03:36 5 Q Did they talk to you?

6 A No. They just identified themselves.

7 Q And do you know what they did on the bus, did they  
8 talk to anybody else?

9 A No.

03:36 10 Q I'm going to show you, if you could call up  
11 document 106189, and this is a report, February 3,  
12 1969. This is Detective Sergeant Reid, it's his  
13 report, and if you could just call out that,  
14 please, and I'll just read this for you,  
03:37 15 Mr. Husulak, and then I'll ask you a question, and  
16 this is a report that would be on the Monday three  
17 days after the murder, it says:

18 "At approximately 6:50 I interviewed transit  
19 bus driver John Husulak who resides at 217 H  
03:37 20 South --"

21 You were on V South?

22 A V South.

23 Q "-- and was driving a transit bus at the  
24 time on 20th Street regarding a construction  
03:37 25 worker wearing a red hat. Mr. Husulak





1 states the person got on the bus just the  
2 past trip and made a mistake as the person  
3 was wearing a red ski cap and not a red hat.  
4 This person according to the bus driver was  
03:38 5 checked out by Detective McCorriston this  
6 date."

7 Do you recall a discussion like that with any  
8 police officer?

9 A No.

03:38 10 Q Is it possible you would have had that discussion  
11 and just don't recall or are you saying you did  
12 not --

13 A I don't remember them talking about the hard hat  
14 to me, no.

03:38 15 Q Next if you could call up document 106212 and this  
16 is a report of Detective McCorriston, it's dated  
17 February 5, '69, but it's talking about February  
18 3rd. If you could just call out that, please, and  
19 I'll just read this to you, Mr. Husulak, and then  
03:39 20 I have a couple of questions.

21 "6:17 a.m. checked at Avenue O and 20th  
22 Street one Tony Humen of 216 Avenue O South.  
23 Humen was identified by transit driver John  
24 Husulak of 217 Avenue V North as the person  
03:39 25 he had referred to as the person who usually



1 wears a red or orange hard hat and who he  
2 believed had not caught this bus on January  
3 31st. Humen at this time was wearing a red  
4 ski cap and stated he never wears a hard  
03:39 5 hat."

6 Do you recall a discussion with any officers  
7 about that, identifying a fellow with a red ski  
8 cap?

9 A No.

03:39 10 Q So is it your recollection that only the officers  
11 came on your bus once?

12 A Once.

13 Q Once?

14 A Once.

03:39 15 Q And that they did not talk to you?

16 A Pardon?

17 Q And they did not talk to you?

18 A No, they did not talk to me.

19 Q If I could then go to document 265306. And you  
03:39 20 didn't testify in the David Milgaard matter?

21 A No, I did not.

22 Q My understanding, on January 16th -- or January of  
23 1991 Sergeant Pearson of the RCMP would have  
24 contacted you about this matter. Do you remember  
03:40 25 that?



1 A Yes.

2 Q And I'll maybe just call up document 265307, is  
3 the next page. Actually, go to 308, please. Just  
4 zoom in there. Is that your signature?

03:40 5 A Yes.

6 Q That's your signature there?

7 A Yes.

8 Q Okay. So you would have met with an RCMP officer;  
9 is that correct?

03:40 10 A Yes.

11 Q And they would have asked your recollection of  
12 events? Maybe I'll just go back and show you the  
13 statement. If you could go back to 265306 and  
14 this is a typewritten version and we'll just go  
03:40 15 through this. Paragraph 1, it says:

16 "I retired from the City of Saskatoon at the  
17 end of 1985. I was a bus driver for the  
18 Saskatoon Transit at the end of January,  
19 1969. I was driving bus route number 2,  
03:41 20 Pleasant Hill. The route was basically from  
21 downtown Saskatoon to the west end of the  
22 city via 20th Street. At that time there  
23 was a bus stop at every block. Travelling  
24 east on 20th Street, there was a bus stop at  
03:41 25 each block intersection. The stop was on



1 the southwest corner of the intersection,  
2 meaning the pickup was done before the bus  
3 crossed the street intersection. There was  
4 a bus stop at the intersection of Avenue O  
03:41 5 and 20th Street as well as Avenue N and 20th  
6 Street in January, 1969. As I mentioned,  
7 there was a stop at each intersection."

8 Does that sound accurate as to what you would  
9 have told them?

03:41 10 A Yes.

11 Q Go to the next paragraph, please, and it says,  
12 starting here:

13 "All I can remember from the time that girl  
14 was murdered was a couple of city detectives  
03:42 15 got on the bus at Avenue P and rode the bus  
16 east to the stop on Avenue O and 20th. The  
17 detectives got off at the Avenue O stop.  
18 They were talking to a guy that I think was  
19 waiting for the bus. I don't know who they  
03:42 20 were talking to, it must have been a man,  
21 but I don't remember."

22 Is that accurate as to what you would have  
23 told --

24 A Yes.

03:42 25 Q The next paragraph, please, it says:



1 "During the investigation the detectives  
2 asked me who got on my bus. I told them  
3 what I could and remember telling them about  
4 a guy who usually caught the bus who wore a  
03:42 5 construction hard hat. I can't remember  
6 anything about this guy, like a description,  
7 clothing or colour of hard hat. I don't  
8 know if he caught the bus the morning of the  
9 murder or not. I do remember, the hard hat  
03:42 10 wearing guy was kind of a regular, but I do  
11 not know if he caught the bus at the same  
12 time each time."

13 If I could just pause there for a moment. Well,  
14 sorry, let me finish off.

03:42 15 "There were several busses on route 2. I  
16 don't remember the names of the other bus  
17 drivers who were with me on route 2 in those  
18 days. I don't remember anyone dressed like  
19 a nurse using the bus stop on Avenue O or N  
03:43 20 during those days. I do not know Larry  
21 Fisher."

22 Is that an accurate recording of what you would  
23 have told them?

24 A Yes.

03:43 25 Q And just back here it says:



1 "During the investigation the detectives  
2 asked me who got on my bus."

3 Would that have been the discussion that evening  
4 at your home the first time you talked to them?

03:43 5 A Yes, I think so, yes.

6 Q And then it says:

7 "I told them what I could and remembered  
8 telling them about a guy who usually caught  
9 the bus who wore a construction hard hat."

03:43 10 That's what you would have told them at the time?

11 A Yes.

12 Q And it also says here:

13 "I can't remember anything about this guy,  
14 like, a description, clothing or colour of  
03:43 15 hard hat."

16 Is that what you would have told Sergeant Pearson  
17 in 1991?

18 A I guess I probably did, yes.

19 MR. HODSON: Those are all my questions,  
03:44 20 Mr. Husulak. There may be some questions from  
21 other counsel.

22 COMMISSIONER MacCALLUM: Are there,  
23 counsel?

24 MR. WOLCH: No, sir.

03:44 25 COMMISSIONER MacCALLUM: Thank you very



1 much, Mr. Husulak. You are excused.

2 A You are welcome, sir.

3 MR. HODSON: I think, Mr. Commissioner,  
4 we've heard everything on busses now. That's the  
03:44 5 last witness for the day. For tomorrow we have  
6 five witnesses, Giles Beauchamp, Richard Hounjet,  
7 Dennis Elliott, Helen Gerse and Terry Michayliuk.

8 COMMISSIONER MacCALLUM: Thank you. 10  
9 o'clock tomorrow, please.

03:44 10 *(Adjourned at 3:45 p.m.)*

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Karen Hinz, CSR

Official Queen's Bench Court Reporter

\_\_\_\_\_, RPR, CSR

Donald G. Meyer, RPR, CSR

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