

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
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Saskatoon, Saskatchewan

On Monday, August 15th, 2005

Volume 56

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 1:00 p.m.)

COMMISSIONER MacCALLUM: Good
afternoon.

12:59 ALL COUNSEL: Good afternoon.

COMMISSIONER MacCALLUM: Mr. Hodson?

MR. HODSON: Good afternoon,
Mr. Commissioner, welcome back, and welcome back
to all counsel and parties after our summer
break.

Before we start with our first
witness, I would like to provide just a brief
overview of where we are at in the Commission
calendar and where we intend to go in the coming
weeks and months up to the conclusion of the
inquiry, and if I could call up document 0P07,
please, and this is a document we've seen before
that just outlines the phases of the inquiry and
the first phase deals with the investigation and
the court proceedings and just by way of update,
the event witnesses which were the non-police
persons provided in the original, or involved in
the original investigation, we've completed that
phase. There was 46 witnesses and 21 read-ins
for a total of, we heard evidence from 67 persons



1 under event witnesses.

2 Back in June we started the
3 police investigators, we've called nine
4 witnesses. I have 14 more witnesses that I
01:00 5 intend to call for a total of 23. There are four
6 witnesses that I had planned on calling that we
7 are, have decided not to call because we don't
8 think their evidence will add anything to what
9 we've heard. I expect, and I'll go in a moment
01:00 10 to the calendar that will show us what's planned
11 for the next three weeks, but I'm hopeful that we
12 will complete the police investigator phase in
13 this three week period that would have us done on
14 September 1st.

01:01 15 Following that we will deal
16 with the trial participants and the main
17 witnesses here will be Mr. Caldwell and
18 Mr. Tallis and there will be some other witnesses
19 as well in that area.

01:01 20 If we can then scroll down to
21 the post-conviction group, we'll then, once we're
22 done the trial, we'll go to the Milgaard group
23 and this will include people associated with or
24 involved on behalf of David and Joyce Milgaard
01:01 25 and that will include David and Joyce Milgaard



1 and other witnesses that we'll hear at that time.

2 My present thinking for the
3 fifth phase, the media, is to move that to the
4 end, so we may then go to six, miscellaneous, and
01:01 5 this is primarily the Larry Fisher evidence and
6 this is where we'll hear from Mr. Fisher, from
7 Linda Fisher and others with evidence relating to
8 Mr. Fisher.

9 Following that post-conviction
01:01 10 conduct of the police and government, we'll be
11 dealing with Federal Justice, Government of
12 Saskatchewan -- next page, please -- the RCMP and
13 again the Saskatoon City Police to the extent
14 that it dealt with post-investigation matters
01:02 15 followed by the systemic phase.

16 Based on our current estimate,
17 I have identified 63 witnesses that we need to
18 call. That number will likely change, it may go
19 up, it may good down, but right now I've
01:02 20 identified 63 witnesses that are left to call.
21 Although we're only in Phase 2 of 10 phases, we
22 are about halfway done as far as numbers of
23 witnesses. We're in the process of contacting
24 and interviewing perspective witnesses, it has
01:02 25 been on ongoing process, well over 200



1 individuals have been contacted and interviewed
2 to date. I expect by the end of August to have a
3 witness list for the remaining, remainder of the
4 Inquiry to counsel and published on the web site.
01:02 5 Again, there's a few people we still have to
6 contact, I would like to contact them before we
7 finalize the witness list, and again that will be
8 subject to change, but will give us a good idea
9 of who is left.

01:03 10 When this Commission started
11 the hearings, Mr. Commissioner, you set dates
12 until early December of this year. Based upon
13 our experience to date and the number of
14 witnesses left to call, I think it prudent that
01:03 15 we add hearing dates and we have made
16 arrangements to secure dates in January, February
17 and March of 2006. We've added 32 hearing dates.
18 Those dates have been provided to counsel
19 previously and today they will be publicly put up
01:03 20 on the web site and the public will be advised of
21 those sitting dates, and I fully expect that we
22 will complete all of the evidence within that
23 time frame, Mr. Commissioner. That will give us
24 a total of 137 hearing days and approximately 140
01:03 25 witnesses and I think I can say that with the



1 witnesses called to date, we have covered a lot
2 of ground with many of them and with upcoming
3 witnesses it's my hope that we will not have to
4 cover the same ground over again with those
01:04 5 witnesses unless of course it's necessary to do
6 so if that witness adds something or provides a
7 different perspective, we certainly will, but
8 certainly it's not our intent to duplicate that.

9 I will now turn to what's left
01:04 10 for the police witnesses, and if we could call up
11 the calendar, I think it's the August witness
12 calendar, and just go through what we can expect
13 for the next three weeks.

14 Today we will hear from Ken
01:04 15 Walters who was a police officer with the Regina
16 City Police Service in 1969 and had extensive
17 dealings with some of the significant players in
18 this matter, Ron Wilson, Nichol John and others.
19 Bruce Paynter, who was with the RCMP and did some
01:04 20 lab work back in 1969, I expect that we'll get to
21 Mr. Paynter today and he will be on tomorrow.
22 That will be followed by Jack Wood who was the
23 superintendent of operations back in 1969 and he
24 was the fellow that I believe Lieutenant Short
01:05 25 reported to at the time. Following Mr. Wood, and



1 again I expect Mr. Wood to be a half a day to a
2 day, we'll then follow with Stan Edmondson who
3 was with the RCMP and Ed Rasmussen on Thursday
4 with the RCMP and, as you can gather, it's
01:05 5 sometimes difficult to estimate how long these
6 witnesses will be, but that's the present plan.
7 Mr. Edmondson and Mr. Rasmussen are both
8 travelling some distance, so we hope to get
9 through them this week.

01:05 10 If we finish early with
11 Mr. Rasmussen on Thursday, we will probably move
12 up Mr. Kleiv and/or Mr. Oliver or perhaps Mr.
13 Malanowich to Thursday with the idea that on
14 Monday the 22nd we'll start with Mr. Karst and I
01:05 15 expect I'll be some time with Mr. Karst and so
16 we've got the whole week scheduled for him, and
17 then the following week we have Malanowich who
18 was the officer that dealt with Sharon Williams,
19 a witness that we've heard from, Gus Weir who was
01:06 20 with morality, Harry Valila and Bev Cressman who
21 were in morality in '69 and investigated some of
22 the Fisher sexual assaults. Thor Kleiv was an
23 ident officer that worked with Lieutenant Penkala
24 at that time. Ian Oliver was an ident officer I
01:06 25 believe at the time as well, his evidence will be



1 fairly brief, and Gordon Lewis, again a morality
2 officer who was involved in the sexual assault
3 investigations, and lastly Elmer Ullrich by way
4 of video, Mr. Ullrich has some health concerns
01:06 5 and as a result I do not intend to call him as a
6 live witness before the hearing, but we intend to
7 videotape his evidence, and Mr. Ullrich's main
8 involvement was preparing the police file for the
9 prosecutor and again we have some details to work
01:07 10 out about how we go about getting that evidence
11 in, allowing counsel the opportunity to have
12 questions put to Mr. Ullrich. We will find a way
13 to get his evidence in without having him appear
14 like the other witnesses. So again, that brings
01:07 15 us to the conclusion of the police phase.

16 With respect to, there's
17 probably 50 other police officers that we've
18 interviewed that we decided not to call and
19 shortly I'll be sending out memorandums of our
01:07 20 interviews of all those officers to counsel for
21 the parties to see if there's any desire on the
22 part of any parties to have any other officers
23 called, but I'm hopeful that will be it.

24 So unless there's any
01:07 25 questions, Mr. Commissioner, I think I'm ready to



1 start with Mr. Walters.

2 COMMISSIONER MacCALLUM: Okay.

3 MR. HODSON: Mr. Walters, if you could come
4 up, please.

5 **KENNETH WALTERS, sworn:**

6 **BY MR. HODSON:**

7 Q Good afternoon, Mr. Walters, thank you for
8 agreeing to testify before the Commission. I
9 understand that you currently reside in Regina,
10 Saskatchewan; is that right?

01:08

11 A Yes, that's correct.

12 Q And you are 68 years of age?

13 A Yes.

14 Q And that you served as a member of the Regina City
15 Police Service from 1957 to 1985?

01:08

16 A Yes.

17 Q And that you retired in 1985 as a superintendent
18 in administration?

19 A Yes.

20 Q I understand following your retirement you were
21 appointed a traffic court justice and served in
22 that capacity for 14 years?

01:08

23 A Yes.

24 Q And in 1969 you had some involvement, sir, in the
25 Gail Miller murder investigation; is that correct?

01:09



1 A Yes.

2 Q And you worked with members of the RCMP at that
3 time?

4 A Yes.

01:09 5 Q And members of the Saskatoon City Police Service?

6 A Yes.

7 Q And in 1969 you were a constable in the criminal
8 investigations division; is that correct?

9 A Yes.

01:09 10 Q And that you had started and were working in the
11 youth section at that time?

12 A That's correct.

13 Q And can you tell us a bit about the youth section,
14 what was the purpose of that section and who did
01:09 15 you deal with?

16 A In around 1964 we had a couple of major riots in
17 the city which resulted in a major youth problem
18 that we had going at the time. It was decided by
19 the powers that be to start what we called a youth
01:09 20 section and I was seconded from the traffic
21 division along with another gentleman to start a
22 youth section and that's how I became involved
23 with the criminal investigation division in 1969.

24 Q And would you be spending then all or most of your
01:10 25 time dealing with youth issues?



1 A Yes.

2 Q And when we talk about youths, what age group are
3 we talking?

4 A Under 16, but primarily not only just youth, but
01:10 5 also the drug scene at that time as well.

6 Q Now, we've heard some evidence, Mr. Walters, that
7 in 1969, that Regina, Saskatoon were in the midst
8 of the hippie culture, for lack of a better term,
9 and that drugs were fairly prevalent. Can you
01:10 10 tell me your recollection of the youth scene, if I
11 can call it that, back in 1969?

12 A I suppose the term hippie would characterize
13 pretty much the social activities of the young
14 people of that era. They had, they congregated
01:10 15 with one another in groups of people and certainly
16 it was involved around the drug scene at that time
17 which was relatively new in the city, we had
18 virtually no drug scene until about 1963, '64, and
19 then when it did surface, it surfaced in the form
01:11 20 of marijuana, LSD and that sort of thing,
21 amphetamines, so they did congregate with one
22 another and there was sort of a, I'm not sure I
23 could characterize this correctly, but a status,
24 if you want to put it that way, of being involved
01:11 25 in that sort of thing amongst the element.



1 Q When you talk about the element, what do you mean
2 by that?

3 A Well, we had a couple of things going for us at
4 that time, we had a group called the Apollo
01:11 5 motorcycle group, which is still in existence to
6 this day by the way, but they were quite involved
7 in various crime and they were certainly involved
8 in narcotics and drug trade and some of the people
9 that we're going to be talking about were
01:11 10 peripherally involved with them as well, so they
11 had sort of a subculture if you want to put it
12 that way.

13 Q And again talking about 1969, drug use among
14 youth, was that prevalent in Regina?

01:12 15 A Yes, it had its beginnings at that point, yes.

16 Q And I take it, and again if we can try and focus
17 our attention on the 1969 time period,
18 Mr. Walters, would it be fair to say that young
19 people that were involved in drugs and crime would
01:12 20 have had a fair bit of contact with the police at
21 the time?

22 A Yes, that would be a fair assessment, yes.

23 Q And we've heard evidence from some witnesses to
24 date who had dealings with you back in 1969 and I
01:12 25 understand at least from some of them that you had



1 developed a good relationship, if I can call it
2 that, with some of the young people who were in
3 trouble with the law at the time?

4 A I would like to think so, yes.

01:12 5 Q And in fact we've heard from some witnesses that
6 if they had issues with the police, etcetera, that
7 they would contact you over other officers, did
8 that happen from time to time?

9 A Yes, it did, uh-huh.

01:13 10 Q And were there situations where other officers
11 would call you in to deal with certain youths or
12 people that you had a relationship with?

13 A Yes.

14 Q Now, I would like to ask you about some of the
01:13 15 people that are relevant for the purposes of our
16 Inquiry and I want to ask you what your dealings
17 were with them at the time back in 1969, in that
18 time frame, and what your impression was of these
19 young people back then and whether they were
01:13 20 involved in crime, suspects, informants, we've
21 heard the term snitch, in trouble, etcetera, and I
22 want to start with Ron Wilson, and you knew of Ron
23 Wilson and were involved with Ron Wilson in 1969;
24 is that correct?

01:13 25 A Yes, that's correct.



1 Q And can you tell us what your dealings were with
2 him at or about that time?

3 A I had a fair amount of contact with Ron at that
4 time through a variety of incidents, mostly minor
01:14 5 crime, petty theft sort of thing, but I did get to
6 know him rather well, and I always felt that Ron
7 was acting out and he needed some guidance, if you
8 want to put it that way, the lack of that not
9 being there in the home, so I guess I took a
01:14 10 rather liking to Ron in terms of hoping that I
11 could get him off the streets and get him sort of
12 straightened away a bit, so I spent a lot of time
13 at his home with his mother and himself and I did
14 develop a bit of a rapport with Ron, so I had a
01:14 15 fair amount of contact with him.

16 Q Okay, carry on.

17 A His involvements were, as I say, more minor in
18 terms of criminal activity, but he certainly was
19 involved in the drug scene at that time and
01:14 20 certainly involved with the Apollo motorcycle gang
21 at that time.

22 Q And what about his relationship with the police
23 generally, did you have occasion to talk to him or
24 understand what his view of, his view was of
01:15 25 dealing with the police?



1 A He didn't have the great dislike that a lot of
2 them had for the police. I don't think he trusted
3 the police all that much, and I certainly found
4 that in my dealings with him, but he certainly did
01:20 5 not have the dislike that a lot of them had.

6 Because at that time, if you will recall, the
7 police were going through that 'pig' phase and he
8 was really not to that extent. He tried to avoid
9 the police if he possibly could, but he did not
01:20 10 have that kind of disdain for the police, this
11 hatred that some people had.

12 Q Now we've heard evidence, and indeed from Mr.
13 Wilson, about his criminal offences and record in
14 1968-1969 and, without going to the document,
01:20 15 there were some crimes and he was incarcerated.
16 Would you have dealt with him, then, in connection
17 with some or all of his offences at that time?

18 A Certainly some but not, I don't think I dealt with
19 all of them, no.

01:20 20 Q And as far as your dealings with Mr. Wilson on
21 those can you tell the Commission what your
22 experiences were with them as far as interviewing
23 him, getting information from him, your impression
24 of his reliability?

01:20 25 A That's somewhat difficult to assess because Ron



1 was the kind of an individual -- he was a typical
2 16-year-old, and he was sort of bouncing around
3 all over the place in terms of his mentality, and
4 it was sort of hard to characterize one or the
01:20 5 other. I would suggest that there were times when
6 I thought he was being quite forthright with me on
7 issues, but then there were other times I had
8 reservations about whether he was being completely
9 honest with me or not, so it probably would take
01:20 10 maybe a second or a third interview under
11 different circumstances, sometimes, to sit down
12 and talk with him, and sometimes I would get
13 various accounts from Ron as to what happened, but
14 ultimately I would end up with a conclusion that I
01:20 15 think I had the information I wanted. But it was
16 an amicable kind of relationship in terms of
17 sitting down, having a cup of coffee, and talking
18 with him.

19 Q And so, as far as being forthright with you, can
01:20 20 you tell us whether he would, for example, tell
21 you everything when you sat down and talked to
22 him, or did it take some --

23 A No, no, he sometimes -- I think he sometimes told
24 you what you wanted to hear, or about as much as
01:20 25 he needed to tell me. But this -- then again,



1 when I say we would meet a second time this would
2 somewhat change, and this was his nature.

3 Q And did you ever make an assessment as to why he
4 doing that or what he was up to?

01:20 5 A I suppose, in some respects, you might have called
6 him a bit player, he played to the scene as to
7 what was going on at the time and his involvement
8 at the time.

9 Q Did he provide you information about offences or
01:20 10 potential crimes by others --

11 A Yes.

12 Q -- as --

13 A Yes.

14 Q And would that be termed an 'informant' or a
01:20 15 'snitch'?

16 A Yes, I suppose you could term it that, yes.

17 Q And tell us about that; what types of things would
18 he tell you?

19 A Pretty much in terms of drug involvement. He did
01:20 20 have access to information through his
21 involvements with the Apollo motorcycle gang, and
22 he would share some of that with me on occasion,
23 again just giving me as much, probably, as he
24 thought I would want.

01:20 25 Q And why? Did you ever conclude why he would do



1 that?

2 A This might sound a little hard to believe, but I
3 think he enjoyed the contact he had with me and he
4 sort of kept us sometimes dangling, because quite
01:20 5 often when we did go out to talk, be it at a meal
6 or a cup of coffee or something of that nature,
7 and I think sometimes he played that role, yeah.

8 Q Did you have any experiences with him where he
9 would either exaggerate or make something up about
01:20 10 something?

11 A They all had their own egos --

12 Q And what do you mean by that?

13 A -- and they all -- well, they all -- there was a
14 thing about status within the group, sort of
01:20 15 thing, and if you could maintain a status within
16 the group, that was good, and they all tried to
17 maintain this status, this hierarchy, if you want
18 to put it that way, within the organization,
19 within the Apollo organization. So they would
01:20 20 sometimes embellish things a little bit so they
21 could have this status in the group which, of
22 course, I was able to use that particular status
23 that they had because then they would determine
24 certain things that, probably, they could share
01:20 25 with me.



1 Q So when you say 'status' you mean status amongst
2 Apollo gang members?

3 A Yes, yes.

4 Q So they would want to be -- and let's talk about
01:20 5 Ron Wilson, and you say 'others', I'm presuming
6 others that he hung around with at the time were
7 the same way?

8 A Yes, yeah.

9 Q When you say 'status' they wanted people in the
01:20 10 Apollo gang to think, what, that they were more
11 involved in drugs or crime than they were?

12 A Yes, yes, and others outside the gang as well, on
13 the street scene.

14 Q What about -- tell us a bit about what your
01:20 15 experiences were with, for example, Mr. Wilson
16 providing information? If he was trying to
17 impress the Apollo members giving you information
18 about their criminal activity it would seem to me
19 to be not the way to do it?

01:20 20 A They would look at it in this sense, that if they
21 were taken in by the police, this was a bit of a
22 status sort of thing. If the police were
23 interested in them, they knew that they were
24 involved in something, and that they would have a
01:20 25 bit of a status that way. If the police weren't



1 really involved with them, they were
2 insignificant. See, it was a sort of a strange
3 mentality that existed amongst this group of
4 people, but this is the way it was.

01:20 5 Q Did you have any experiences with Mr. Wilson where
6 he would give you information incriminating a
7 friend of his or an acquaintance?

8 A Umm, an acquaintance, yes. I wouldn't say friend,
9 but yes, acquaintance, yeah. People within the
01:21 10 group that I was talking -- referring to earlier,
11 yes.

12 Q And in your dealings with Mr. Wilson I think you
13 told us on occasion you had to sometimes go back
14 and question him on one or more occasions; --

01:21 15 A Yes.

16 Q -- is that right?

17 A Yes, that's true.

18 Q And when you were done the questioning did you,
19 and again generally, usually feel that you got to
01:21 20 the bottom of it?

21 A In most cases, yes.

22 Q And as far as how you questioned Mr. Wilson, was
23 there anything that you did with him different
24 than other youths at the time, to try and get the
01:21 25 truth out?



1 A No, I don't think so. What I did try to develop
2 amongst the people, the young people that I dealt
3 with, is that I wanted them to know where they
4 stood with me. That was very important to me in
01:21 5 establishing relationships with young people, that
6 they knew that they were being honest with me and
7 fair with me, that I would be honest and fair with
8 them. At the same time, if they knew that they
9 crossed the line and got their hands caught in the
01:22 10 cookie jar, they were going to go up for it.

11 Q Okay.

12 A But it would be done in such a way is that it was
13 a business relationship, if you want to put it
14 that way. But I certainly wanted to develop that,
01:22 15 and I think I did, that I wanted them to
16 understand what I was up to and how I was going to
17 deal with them.

18 Q When you were dealing with Mr. Wilson, again back
19 in the 1969 time frame, did you ever get the
01:22 20 impression that he was intimidated by the police,
21 whether it be you or any other police?

22 A No. No.

23 Q Did you get any impression as to what he, if he
24 wasn't intimidated, any other impression as to how
01:22 25 he felt about dealing with the police?



1 A If he wasn't directly involved, if he was
2 peripherally involved or had information, he
3 seemed to enjoy that aspect of it. He didn't seem
4 to really mind that all that much. If he was
01:22 5 involved, then of course that was a different
6 matter, then he realized that it could be
7 potentially hazardous to his health, so to speak,
8 so he was a different individual at that time.

9 Q Okay.

01:23 10 A But they did -- they did assume a role within the
11 organization.

12 Q Let's turn to Nichol John; you had occasion to
13 deal with Nichol John in 1969?

14 A Yes.

01:23 15 Q And you knew her reasonably well at that time; is
16 that fair?

17 A Yes, yes.

18 Q And tell us about your dealings with Nichol John
19 and your impressions of her at the time?

01:23 20 A I would suggest that Nichol was an introvert. She
21 was, for a lot of the times, a sullen girl, she
22 wasn't very outgoing at that point in time, and I
23 think that also had a lot to do with her home
24 life, which was difficult. She had a difficult
01:23 25 home life and she was on the street for most of



1 her young life, she was running with an element
2 that was away above her, probably her mentality at
3 that time, and she got herself involved with these
4 groups of people. And yeah, she was a good
01:24 5 person, basically she was a good person, she was
6 just playing with the wrong crowd.

7 Q And in your dealings with her did you find her to
8 be honest and forthright with you?

9 A Yes, for the most part, but again as -- it
01:24 10 depended how much she wanted you to know and when
11 she wanted you to know it. It would depend on the
12 circumstances of what we were talking about.

13 Q And did she -- was she an informant or a snitch at
14 the time?

01:24 15 A Yes, she did provide me with some information,
16 yes.

17 Q And about, again, about --

18 A Essentially drugs.

19 Q And when you say -- and you used this term with
01:24 20 Ron Wilson where they would provide you
21 information; would they actually give you a
22 statement so that they would --

23 A No, no.

24 Q -- be a witness in proceedings?

01:24 25 A No, no.



1 Q Can you tell us just generally what --

2 A Just general conversations.

3 Q -- what types of things they would give that would
4 help you out?

01:24 5 A Okay. They would tell me where stashes were being
6 held, when drugs were coming into the city and how
7 they were coming in, that they were aware of. On
8 occasion, after break and entries there is the
9 proceeds from the break and enter, they would know
01:25 10 where it's at, where we could have access to
11 getting search warrants and going and looking for
12 it, so that sort of thing. They would know who
13 was involved in certain break and enterings.

14 Q And so they would share this with you?

01:25 15 A Yes.

16 Q And why, do you know why they would share it with
17 you?

18 A Probably hoping that somewheres along the line it
19 would be to their benefit, that maybe I wouldn't
01:25 20 come down so hard on them for some other reasons.

21 Q Okay. And, again, did you find the information
22 that Nichol John provided to you reliable?

23 A For the most part, yes. There were times when we
24 had to flesh it out, but for the most times, yes.

01:25 25 Q Now David Milgaard, did you have any dealings with



1 David Milgaard in 1969?

2 A Not directly, no. I knew David in terms of he
3 being there, at various locations that I had
4 opportunity to go to, he was there, but I had
01:26 5 nothing to do with him directly, no.

6 Q A fellow by the name of George Lapchuk, who is now
7 deceased, his name has come up; --

8 A Yes.

9 Q -- did you deal with Mr. Lapchuk at the time?

01:26 10 And, again, your dealings with him and general
11 impressions of Mr. Lapchuk?

12 A He, umm, yeah, he was running pretty extensively
13 with the Apollo gang, and again it was a status
14 thing with him to be there. Umm, I knew him and
01:26 15 Craig Melnyk and a few of these other people, yes.

16 Q Okay. And let's go to Craig Melnyk; he was an
17 acquaintance of Lapchuk's?

18 A Yes.

19 Q Was he a member of the Apollo gang at the time?

01:26 20 A They didn't wear the colours but they were there
21 with them.

22 Q Okay.

23 A You see, that was the other side of it I should
24 perhaps mention too, is that it was one thing to
01:26 25 wear the Apollo colours as a motorcycle group, it



1 was quite another just to be associates or fringe
2 involvement, and these people were more or less on
3 the fringe.

4 Q Okay. Are you able to tell us, again based on
01:26 5 your dealings with these youths at the time and
6 the Apollo gang, as to what impact or what effect
7 it would have on an individual's relationship with
8 that element, or with the gang, by being a witness
9 in a criminal proceeding like the David Milgaard
01:27 10 trial? And let me be a bit more specific.

11 A On --

12 Q We know that Melnyk and Lapchuk testified at David
13 Milgaard's trial and gave evidence that I think
14 can be characterized as unfavourable to Mr.
01:27 15 Milgaard, he was then convicted, and, again,
16 either any direct knowledge of that or just
17 generally whether -- was there a -- how was that
18 viewed, at the time, by these people?

19 A I really, honestly, couldn't say.

01:27 20 Q Okay. And, similarly, Mr. Wilson and Ms. John
21 also testified at the Milgaard trial; would
22 that -- are you able to help us out whether
23 that -- what impact, if any, that may have had in
24 their status or dealings with the Apollo gang; are
01:27 25 you able to help us out?



1 A No I don't.

2 Q Ute or Ute Frank was another name of a witness
3 that we heard; did you have any dealings with her?

4 A Very limited. I knew who she was, but no, I
01:28 5 didn't have any major dealings with her.

6 Q And Barbara Berard?

7 A Same thing.

8 Q You had some dealings with her?

9 A Yes.

01:28 10 Q And, again, your impressions of your dealings with
11 her?

12 A Umm, Barbara was a bouncy little gal, she was sort
13 of all over the place and she would pop up here,
14 there, and everywhere, and she enjoyed the status
01:28 15 that she had with the group, and it again provided
16 some, I guess, sense of security or association
17 when she ran with this particular group of people.

18 Q The name Albert Cadrain or Shorty Cadrain; did you
19 have any occasion to deal with him?

01:28 20 A No, I knew the name but I did not have any
21 dealings with him, no.

22 Q And Larry Fisher; did you have any dealings with
23 Larry Fisher?

24 A No I did not. I knew the name but I did not have
01:28 25 any dealings with him.



1 Q When you say you knew the name; did you know the
2 name back then?

3 A Yes.

4 Q Or what time frame, can you --

01:29 5 A It was in that era.

6 Q And can you help us out as to where or under what
7 circumstances?

8 A No, no.

9 Q And when you say you heard of him, would it be in
01:29 10 connection with sort of the criminal element, if
11 we can call it that?

12 A Yes, yes.

13 Q Again just a couple, before we get into the
14 specifics of the Gail Miller investigation, just
01:29 15 some general questions, if I can, about how you
16 dealt with sort of young people at the time.
17 Again, you've described for us the culture, the
18 gangs, the status, etcetera. When you questioned
19 young people for any offence or any involvement
01:29 20 were there -- what worked best, if I can call it
21 that, the type of questions? Did -- were they
22 generally evasive, were they forthright, can you
23 share your experiences with us?

24 A I suppose a great deal depended on the
01:30 25 circumstances of what we were talking about, but



1 when I said earlier on that I tried to develop a
2 rapport with these people it was a straightforward
3 situation, we would sit down and have
4 conversation. It was more conversation that it
01:30 5 was inter -- an interrogation. We would simply
6 sit down and discuss many things, and sometimes we
7 spent a long time doing this, but in doing so I
8 think we developed a relationship with these
9 people that they could trust me and, in turn, that
01:30 10 I, when I talked with them, I wanted the straight
11 goods as it were.

12 Q Yeah. In your experiences back then, at the time,
13 was it common for these people to give you the
14 full story in the first meeting?

01:30 15 A No.

16 Q And why -- why was that?

17 A Well, I suppose it was like the dangling the
18 carrot, they would always keep a little bit back.

19 Q What techniques, then, or what did you do to get
01:31 20 the information?

21 A I had no special techniques. I just simply sat
22 down and talked with them. That was my method of
23 investigation, is that we would sit down in a room
24 and discuss the issues and their conceivable
01:31 25 involvements, or I would let them know that I knew



1 certain things and I expected them to be
2 forthright with me, and in many respects they
3 were, but there were occasions when they weren't
4 and you would have to go back the second time and
01:31 5 say 'you weren't completely honest with me that
6 first time so let's have another conversation',
7 'well I just held back a little bit', and so on
8 and so forth, but eventually it would come around.

9 Q Okay. Now let's turn to your involvement in the
01:31 10 Gail Miller investigation, and I believe at least
11 the documents and some of the evidence that we've
12 heard suggest that you were involved in assisting
13 both the RCMP and the Saskatoon City Police, is
14 that correct?

01:31 15 A Yes.

16 Q And would that be uncommon to be called in by
17 another police force to assist where persons of
18 interest were in Regina?

19 A Yes.

01:32 20 Q That's common?

21 A It was a courtesy.

22 Q And I believe Inspector Riddell was the fellow
23 from the RCMP who you worked with; is that
24 correct?

01:32 25 A Yes.



1 Q And is this the first occasion that you worked
2 with him?

3 A On this particular matter, yes.

4 Q Yes. And do you recall who you dealt with from
01:32 5 the Saskatoon City Police Service?

6 A Essentially Detective Karst and Mackie. I believe
7 Lieutenant Short was also involved down there but
8 I don't recall my involvement with him.

9 Q Okay.

01:32 10 A It may have been, but I don't recall, but I do
11 remember Detective Karst and Mackie, yes.

12 Q And do you recall, sir, how you first became
13 involved in the Gail Miller murder investigation?

14 A Umm, yes, I received a call from Inspector
01:32 15 Riddell, who knew about my relationship with Ron
16 Wilson, and he asked if I would accompany him out
17 to the provincial correctional centre where he
18 wanted to interview Ron Wilson, and the following
19 day that's where we went, yes.

01:33 20 Q Okay. If we could call up document 09239, please.
21 And I should ask, Mr. Walters, we had -- your
22 notebooks, you would have kept an officer's
23 notebook at the time?

24 A At the time, yes.

01:33 25 Q And those would have been turned over to the



1 police service when you retired; is that correct?

2 A Well that's -- some were, some were destroyed by
3 myself at that time, or shortly thereafter.

4 Q Okay. And I think, as far as the 1969 time
01:33 5 period, you do not have your officer's notebooks?

6 A No, no, no.

7 Q And you have had occasion to go through some of
8 these police reports that we've provided to you to
9 prepare yourself for your evidence; is that
01:33 10 correct?

11 A Yes, that's true.

12 Q Now the first report is a Regina City Police
13 occurrence report, it's dated March 2nd, 1969, has
14 a file number, and we've heard evidence from the
01:33 15 Saskatoon City Police -- and I'm assuming, Mr.
16 Walters, that the Regina force operated in the
17 same way, when a new occurrence happened you would
18 prepare -- open a file and prepare an occurrence
19 report; is that right?

01:34 20 A That's correct.

21 Q And in this case it looks like Detective Sergeant
22 Zalinko and you are the investigating officers; is
23 that correct, sir?

24 A Yes.

01:34 25 Q And if we could just call out paragraph 1, please,



1 and paragraph 1 talks about Staff Sergeant
2 Galenzoski getting a phone call from Lieutenant
3 Short and trying to locate David Milgaard on that
4 day, and talks about the information from Cadrain,
01:34 5 etcetera. And we know from other evidence that on
6 that date Mr. Cadrain had given a statement to the
7 city police implicated Mr. Milgaard. Were you
8 involved at all in trying to locate Mr. Milgaard
9 on that date; do you remember?

01:34 10 A I believe I was, yes.

11 Q Okay. If we could just scroll down to the next
12 paragraph, please, and it says:

13 "On instructions from Staff Sergt,
14 Galenzoski, ...",
01:34 15 and I think this is in Zalinko's hand or yours,
16 report:

17 "... I was to attempt to make discreet
18 inquiries to see if there was a chance
19 of locating Milgaard ...",

01:35 20 goes on to list a number of his acquaintances:

21 "A number of calls were made ... with
22 negative results. As a result, due to
23 all these persons being of the hippie
24 type, I met with Constable Walters and
01:35 25 he told me that he knows this person and



1 that a few weeks ago, Milgaard had
2 stayed at the Shelbourne Motel at
3 Wallace St. and Victoria Ave. At that
4 time, indications were that this youth
01:35 5 was employed by *McLean Hunter*. Const.
6 Walters contacted *McLean Hunter* Regina
7 Supervisor and learned that to the best
8 of his knowledge, Milgaard was presently
9 in Winnipeg ... and staying at the
01:35 10 Boulevard Motel ...";

11 So does that accurately reflect what you would
12 have done?

13 A I think so, yes.

14 Q And so at that time you would have been fairly
15 knowledgeable about, I think the term here is 'the
16 hippie type'; is that right?

17 A Yes, yes.

18 Q Scroll down. And then it talks about getting a
19 call from a Corporal McCarthy of the RCMP and
01:36 20 Inspector Riddell and then at 7:00 p.m. Riddell
21 contacted the writer, further contact with Short,
22 and it says:

23 "... and then I contacted ...",
24 which I assume is Zalinko:

01:36 25 "... Const. Walters and as he had



1 certain information Riddell then
2 contacted ... Walters.

3 And:

4 "At 7:45 p.m. ... Walters contacted the
01:36 5 writer and said that he had been just
6 talking to ... Riddell ...",
7 etcetera, and it looks like he had a conversation
8 with Howard Shannon, is that right, about --

9 A Yes, that sounds correct, yes.

01:36 10 Q -- Milgaard's location. And then down at the
11 bottom, please, it says here:

12 "Attached to this report is a Morality
13 Div. Photo and description of Milgaard",
14 and I don't think we have been able to find that,
01:36 15 but I take it that the Regina Police Service
16 would have had either a photo and some
17 information on Mr. Milgaard; is that fair?

18 A I believe that's probably correct, yes.

19 Q Now the next page of that report I'll just go to
01:37 20 for a quick moment, but I think this is later in
21 time, it's after the statement with Ron Wilson
22 because it talks about that. And maybe we'll just
23 skip to another report and come back to that.

24 009275, and this is a report
01:37 25 prepared March 4th, 1969, and it's got your name



1 on the bottom accompanied by Inspector Riddell, so
2 is it fair to say that this is your report of what
3 you did on March 2nd and 3rd of 1969?

4 A Yes.

01:37 5 Q Go to paragraph 2, and you say you were contacted
6 in the evening by Inspector Riddell and called
7 into the case, and Riddell requested you to
8 accompany him to the provincial correctional
9 centre on March 3rd to interview one 'Dale' Wilson
01:37 10 and talks a bit about the details; do you have a
11 recollection of going to see Ron Wilson on March
12 3rd, 1969, at the jail?

13 A Yes.

14 Q And did you go with Inspector Riddell?

01:38 15 A Yes.

16 Q And can you tell us what you recall of that
17 interview or meeting?

18 A Umm, I recall being present when Inspector Riddell
19 took a statement from Ron Wilson at the provincial
01:38 20 correctional centre, yes.

21 Q And at that time do you remember if you would have
22 had much details of the Gail Miller crime, or what
23 it was that you were questioning Mr. Wilson about,
24 or was that Inspector Riddell's role?

01:38 25 A Yes, not in great detail, in fact that this is



1 what he was doing, yes.

2 Q And do you recall whether you questioned Mr.
3 Wilson at all?

4 A No, I did not question him.

01:38 5 Q So you were present --

6 A Yes.

7 Q -- and Inspector Riddell questioned him --

8 A Yes.

9 Q -- and took a statement?

10 A Yes.

11 Q Now there is a reference in some of the, in fact I
12 think it's in Ron Wilson's preliminary hearing
13 transcript and his trial when he testified at the
14 David Milgaard trial -- and I'll go to that in a
01:39 15 moment to put it on the record -- where he says
16 that he thinks he talked to you first, before he
17 talked to Riddell and you together, and in other
18 words he says the first person he talked to about
19 this matter was Constable Walters, and then on a
01:39 20 number of occasions he says that was first and
21 then he talked to you and Riddell together, and in
22 fairness he also says, I think -- and I'll show
23 you the transcript portion -- he also says that
24 he, the first time he talked to you, Riddell was
01:39 25 there. I'm wondering if you can shed any light on



1 that, to the extent that it's relevant, as to
2 whether or not, prior to you and Inspector Riddell
3 going to the Regina jail, is it possible you would
4 have talked to Ron Wilson about the murder, his
01:39 5 trip to Saskatoon, or anything connected with
6 David Milgaard?

7 A I don't recall anything specific to that effect.
8 It's quite possible that yes, it did come up in
9 conversation at one point in time or another, but
01:39 10 I don't recall ever conducting any kind of an
11 interrogation or interview or having a
12 conversation with specifically that in mind, no.

13 Q So prior -- let -- prior to Inspector Riddell
14 calling you and saying 'let's go see Ron Wilson at
01:40 15 the jail --'

16 A Yes.

17 Q -- would you have had any knowledge of the Gail
18 Miller murder at the time?

19 A Yes, I was aware, of course, that there had been a
01:40 20 murder, yes.

21 Q So the Regina police would have been generally
22 aware that there was a murder in Saskatoon?

23 A Yes, yes.

24 Q And so, again, you would have had that knowledge.
01:40 25 Would you have had any knowledge, prior to



1 Inspector Riddell calling you, that Ron Wilson may
2 have had information?

3 A It's conceivable, but I don't -- but I can't
4 recall that, but it's quite possible, yes.

01:40 5 Q There is a reference, and I'll show it to you a
6 bit later in the examination, to a dis -- that you
7 may have had a discussion with Mr. Wilson where he
8 indicated that he was in Saskatoon at the time of
9 the murder, had been on a trip, and talked -- do
01:40 10 you have any recollection of that?

11 A I don't have any recollection, but that's
12 possible, yes.

13 Q And if you would have had a discussion with Ron
14 Wilson prior to your meeting at the jail cell with
01:41 15 Inspector Riddell, would you have made a report of
16 that somewhere, if it was --

17 A No, no. Any discussion that I would have had with
18 him was not to the extent where a statement, or
19 something of that nature, would have been taken or
01:41 20 contemplated.

21 Q Let's put it this way; if Mr. Wilson had given you
22 information that you thought might be relevant to
23 the Gail Miller murder investigation, would you
24 have passed that on to somebody?

01:41 25 A Oh yes, yes.



1 Q Now if we can just go down to paragraph 4, it
2 talks about Ron Wilson's statement, and, again, do
3 you have any specific recollection of what Ron
4 Wilson said at the time?

01:41 5 A To Inspector Riddell?

6 Q Yes?

7 A No, I don't.

8 Q Do you recall getting any impression, throughout
9 the interview or at the end, as to whether or not
01:41 10 Mr. Wilson was providing any information that was
11 of value to the Gail Miller investigation?

12 A No.

13 Q You don't recall or --

14 A No, I don't recall.

01:41 15 Q In this report it talks about one Albert Cadrain,
16 and then it goes:

17 "A Saskatoon 'Hippie' type, who was
18 recently in Regina, incarcerated for
19 Vagrancy at this point and who has since
01:42 20 returned to Saskatoon."

21 And I'll show you, in a moment, the vagrancy
22 file; was that something you would have checked
23 on your system to see that Cadrain was there in
24 Regina?

01:42 25 A Would I have checked?



1 Q Yes?

2 A No. I had nothing to do with Mr. Cadrain.

3 Q Okay. In -- I'm just wondering in your report,
4 Mr. Walters, how -- where you would get this
01:42 5 information that Mr. Cadrain was incarcerated for
6 vagrancy?

7 A I, I couldn't tell you, I don't know.

8 Q Okay. Now, again, -- we're done with that
9 document, just back to the Inspector Riddell
01:42 10 interview with Mr. Wilson -- do you recall whether
11 you formed any impression of whether Mr. Wilson
12 was being honest and forthright or evasive or
13 believable?

14 A No, I didn't notice anything there to indicate
01:43 15 otherwise, I --

16 Q Otherwise than what?

17 A Straightforward, I thought he was being fairly
18 straightforward in his responses.

19 Q Okay. And I'll show you a document in a moment
01:43 20 that Inspector Riddell prepared about his
21 observations. As far as -- do you recall whether
22 or not Mr. Wilson was informed if he was a suspect
23 by Inspector Riddell or whether he was being
24 questioned as a witness; do you remember that?

01:43 25 A No.



1 Q And, as far as Inspector Riddell's questioning of
2 Mr. Wilson, do you recall him being intimidating
3 or threatening in any way?

4 A No, no. I do recall that he gave him the standard
01:43 5 police warning, that he gave him.

6 Q And that that would be what, that --

7 A That he need not say anything but anything that he
8 did say could be used as evidence against him.

9 Q Okay. And that would be given to any witness that
01:43 10 you questioned?

11 A Yes, yes.

12 Q If we could call up 006709, and this is the typed
13 version of Ron Wilson's statement, there's
14 another, I believe a handwritten version. But if
01:44 15 we can go to page 006711, I just want to highlight
16 a couple parts and then ask you a question. Just
17 at the bottom the statement says:

18 "At no time during the time we were in
19 Saskatoon was Dave Milgaard out of my
01:44 20 sight for more than one or two minutes,
21 ...",

22 next page. And then it says here:

23 "I am convinced that Dave Milgaard never
24 left our company during the morning we
01:44 25 were in Saskatoon."



1 And then at the bottom:

2 "All during this trip there was never
3 any mention about the murder of a girl
4 in Saskatoon. In fact, I didn't even
01:44 5 know about this murder until the police
6 told me today."

7 Do you have any recollection of that being
8 discussed with Mr. Wilson?

9 A At the time with the Inspector Riddell; is this
01:45 10 what you are --

11 Q Yes, yes.

12 A I don't recall the conversation, I'm sorry.

13 Q Are you able --

14 A The specifics of the conversation.

01:45 15 Q Right. Do you recall whether or not -- you had
16 told us earlier that in your dealings with Mr.
17 Wilson, on occasion, you felt that he would
18 withhold information; do you remember telling us
19 that?

01:45 20 A Yes, that's true.

21 Q Do you recall, on the occasion with Inspector
22 Riddell, did you form any impression or conclusion
23 or discuss with Riddell whether you thought Wilson
24 was holding something back?

01:45 25 A Umm, no, I never had that perception.



1 Q Based on your experiences with Mr. Wilson prior to
2 March 3rd, 1969, did you expect for Mr. Wilson to
3 provide you and Inspector Riddell with everything,
4 in other words all the information he knew?

01:45 5 A That's difficult to assess.

6 Q Possible?

7 A It's possible, yeah.

8 Q And would it be fair to say that, if he was
9 involved in some way in some criminal activity,
01:46 10 would it be less likely --

11 A Yeah.

12 Q -- that he would provide you with everything?

13 A Yeah.

14 Q On the other hand, if he had no involvement, is it
01:46 15 more likely that he would have told you
16 everything?

17 A I believe he would have been more candid that way,
18 yes.

19 Q Call up 006582, please. This is a page that's
01:46 20 attached to the Ron Wilson statement and I believe
21 the evidence has been that it was authored by
22 Inspector Riddell. Do you recall seeing this,
23 again if you go to 582, please, this additional
24 facts, do you know if this was Inspector
01:46 25 Riddell's? Maybe we'll just go -- maybe we'll



1 just go through it and then I'll ask you at the
2 end, it says additional facts obtained concerning
3 this statement, it talks about number 1 --

4 A Excuse me, which statement are we talking about?

01:47 5 Q March 3rd.

6 A At the Provincial Correctional Centre?

7 Q Yes.

8 A Okay, thank you.

9 Q And I believe the evidence is that after the
01:47 10 statement was taken, that Inspector Riddell
11 prepared these notes or facts about the statement,
12 and if you go down, actually I'll just show you,
13 down at number 5, if we can scroll down, it says:

14 "During the interview with Wilson, he
01:47 15 appeared straightforward with nothing to
16 hide."

17 So I'm assuming from that that it's either you or
18 Inspector Riddell that's prepared this being the
19 only -- you were the only two present?

01:47 20 A Yes.

21 Q And so do you know if this is a document you
22 prepared or he prepared?

23 A No, he would have prepared it.

24 Q Just go back to the top, please, paragraph 2 says:
01:47 25 "Wilson's vehicle, a 1958 green and



1 white Pontiac with a grey hood,
2 presently being held in the Regina City
3 Police compound, was searched and
4 nothing of interest was located. One
01:47 5 pair of grey trousers were located under
6 the front seat - no blood stains noted."

7 Do you recall searching Ron Wilson's car at the
8 city police compound after the March 3rd, '69
9 interview?

01:48 10 A Yes, I do.

11 Q And was it with Inspector Riddell?

12 A Yes, it was.

13 Q And was it the same day as the interview with
14 Mr. Wilson?

01:48 15 A I'm not sure whether it was the same day or the
16 day after. It could have been the 3rd or the 4th
17 I would think.

18 Q So in conjunction with that, you and Inspector
19 Riddell went to search --

01:48 20 A Yes.

21 Q And what do you recall finding in his car?

22 A He searched the interior of the vehicle and I
23 searched the trunk.

24 Q And what did you find?

01:48 25 A I found a paring knife in the trunk.



1 Q And can you describe the paring knife?

2 A Yes, it was a small paring knife probably with
3 about a three inch blade and I retrieved it from
4 the trunk and handed it to Inspector Riddell.

01:48 5 Q And do you recall what type of handle or what
6 colour handle it had?

7 A It was a dark-coloured handle, but I don't recall
8 anything more than a dark-coloured handle. It was
9 an ordinary paring knife type of thing.

01:48 10 Q And would it be fair to say that finding a knife
11 in the trunk of a car would be a significant piece
12 of evidence in a murder investigation?

13 A We thought so at the time.

14 Q When you say we, are you including Inspector
01:49 15 Riddell?

16 A Yes.

17 Q Now, Mr. Walters, there's no, at least in the
18 documents we have, there's no record, at least any
19 written record of a paring knife being found in
01:49 20 the vehicle or being part of an exhibit. Do you
21 recall any further discussions with either
22 Inspector Riddell or Ron Wilson about the paring
23 knife you found?

24 A Yes.

01:49 25 Q Tell us about that.



1 A I retrieved the knife from the trunk of the car, I
2 handed it to Inspector Riddell and he bagged it
3 and I gather that he would be taking it for
4 identification. That's the last time I saw the
01:49 5 knife. Sometime later, and I can't be exact as to
6 when the time was, he advised me that there was no
7 significance to it, there was nothing -- the knife
8 was clean, there was nothing on it, and I
9 discussed with Ron Wilson some time after that,
01:49 10 and again I can't be sure of the date or the
11 times, but he told me that he had used this knife
12 to cut bologna when they were travelling, either
13 to Saskatoon or from Saskatoon, I can't be sure,
14 but that was the purpose of the knife in the
01:50 15 trunk.

16 Q And as far as making a report of the knife --

17 A That would have been left up to him because I
18 handed it to him and he was looking after the
19 exhibit.

01:50 20 Q Inspector Riddell?

21 A Yes.

22 Q Do you recall talking to anybody else at or around
23 that time about the knife?

24 A Some of my colleagues in the force, yes.

01:50 25 Q And would that be just general discussions?



1 A Yes.

2 Q And paragraph 3 says:

3 "A check with Mrs. Wilson, his mother,
4 revealed that she had thrown the brown
01:50 5 jacket, mentioned in his statement, into
6 the garbage sometime ago. She states
7 the jacket had several acid burns in it
8 and she did not notice any bloodstains."

9 Do you recall talking to Mrs. Wilson, Ron

01:50 10 Wilson's mother, about the jacket that David
11 Milgaard was wearing when he returned?

12 A I didn't go to see Mrs. Wilson to talk about the
13 jacket specifically, but it did come up in
14 conversation. I did see the jacket and I can't
01:50 15 recall exactly when I saw the jacket, but it was
16 badly contaminated and destroyed by acid. There
17 didn't seem to be any other markings on the jacket
18 at all that would have been relevant other than
19 the acid and I believe she destroyed it if I
01:51 20 recall correctly.

21 Q Her evidence I think at the preliminary hearing,
22 if I'm not mistaken, was that when she found it
23 she called you, showed it to you and that she told
24 you -- you told her, pardon me, that she could
01:51 25 throw it out. Does that sound right?



1 A Yeah, that could pretty well be true, yes. I
2 don't think she called me with respect to the
3 jacket, but it did come up in conversation when I
4 was there and she showed it to me, yes.

01:51 5 Q And so do you recall looking at the jacket then?

6 A Yes.

7 Q And would it be fair to say that you looked at the
8 jacket for blood stains?

9 A Yes.

01:51 10 Q And anything else that might be --

11 A That's correct.

12 Q And did you see any blood stains?

13 A No. It was badly configured by the acid.

14 Q And do you recall what colour or what type of
01:51 15 jacket?

16 A I believe it was brown, of a brown nature. I
17 can't be positive, but I believe it was brown.

18 Q And at the time would this have been when Mr.
19 Milgaard was a suspect do you think or being
01:52 20 looked at by the police as opposed to him being
21 charged? Are you able to --

22 A I can't give you the time frame on that. I don't
23 know.

24 Q Would there be any reason to keep the jacket or to
01:52 25 forward it to the police just in case some -- now,



1 appreciate this is 1969, but was there any testing
2 that could have been done of the jacket that might
3 have assisted you?

4 A Yes, in retrospect and by today's standards, I
01:52 5 think I would have kept that jacket, yes, and sent
6 it to the lab.

7 Q And at that time did it occur to you that it might
8 have some inculpatory or exculpatory evidence?

9 A I can't honestly say because I'm not sure of the
01:52 10 time frame on when I saw it there. It was some
11 time after the event --

12 Q Yes.

13 A -- I know that, so I would assume it probably
14 would have been the latter, perhaps March or
01:52 15 April.

16 Q Okay. Scroll down to paragraph 4 and again this
17 is I believe Inspector Riddell's notes after the
18 March 3rd statement, it says:

19 "A check with the parents of Nichol John
01:53 20 in Regina reveals that they have not
21 seen her for some time. This girl, who
22 has more or less been disowned by her
23 parents, hangs out at the various hippy
24 joints but we have been unable to locate
01:53 25 her to date."



1 Do you recall assisting Inspector Riddell in
2 trying to locate Nichol John?

3 A Specifically, no, but it's conceivable that I did
4 in some way, shape or form. I can't be sure.

01:53 5 Q Now, there is a statement that Inspector Riddell
6 took from Nichol John about a week later on March
7 11th, 1969 and I don't think that the documents
8 suggest that you were involved in that. Do you
9 have any recollection of being with Inspector
01:53 10 Riddell?

11 A No.

12 Q And in paragraph 5 Riddell says:

13 "During the interview with Wilson, he
14 appeared straightforward with nothing to
01:53 15 hide. He was not sure of the exact
16 times mentioned in his statement but
17 felt that between the hours of 6:30 A.M.
18 and 8:00 A.M., 31 January 69, they were:
19 (a) driving around Saskatoon trying to
01:53 20 locate Albert Cadrain's house, and
21 (b) stalled in the alley behind the
22 house owned by the fellow driving the
23 red car."

24 And again, this is Riddell's assessment about
01:54 25 Wilson being straightforward with nothing to



1 hide. Did you share that assessment?

2 A Yes, I probably did, yes.

3 Q Now, the records also show that on March the 3rd,
4 1969 when you and Inspector Riddell were

01:54 5 interviewing Ron Wilson, Staff Sergeant Edmondson
6 and Detective Karst were interviewing David
7 Milgaard in Winnipeg and that in fact

8 Mr. Edmondson and Inspector Riddell may have been
9 having some conversation, or some of the officers
01:54 10 back and forth comparing notes about the
11 statements. Do you have any recollection of being
12 involved in any of those discussions?

13 A No.

14 Q Would it be fair to say that your role in being
01:55 15 there was a bit of an aid to help the relationship
16 with Ron Wilson as opposed to an investigator?

17 A Yeah, absolutely, that I think that the
18 investigators felt that Ron and Nichol were more
19 comfortable in my presence and that they would be
01:55 20 more outgoing in terms of the interview.

21 Q But I take it you didn't read up on the file and
22 get familiar with everything and ask questions; is
23 that --

24 A No. I was a very passive bystander, if you want
01:55 25 to put it that way.



1 Q If you can just call up from Ron Wilson's
2 transcript which is 007595 and go to page 007664,
3 and this is Ron Wilson's evidence, Mr. Walters, at
4 the preliminary hearing in August of 1969, and I
01:56 5 believe this is Mr. Tallis cross-examining him and
6 he says:

7 "Q So would you recall the first policeman
8 that came to see you in connection with
9 this matter?

01:56 10 A Ken Walters.

11 Q Ken Walters from Regina?

12 A Yes.

13 Q And this was when you were in jail?

14 A Yes, it was.

01:56 15 Q Did any policeman come to see you about
16 this matter before you went to jail?

17 A No.

18 Q I see. And I take it then that
19 Mr. Walters interviewed you relative to
01:56 20 this matter involving Gail Miller?

21 A Yes, he did.

22 Q And he didn't take any samples -- no
23 clothing -- and I take it that on that
24 occasion he would tell you being
25 interviewed, or that he wanted to talk



1 to you about the tragedy -- "

2 And it says:

3 "Q Did he take a statement in writing from
4 you on that occasion?

01:56 5 A No, he didn't."

6 And then there are some other references,
7 Mr. Commissioner, in the transcript, I don't
8 propose to go through them, I just wanted to
9 point that out to Mr. Walters that Mr. Wilson had
01:57 10 given that evidence, and I think what you've told
11 us, and please correct me if I'm wrong, that you
12 believe the first time you would have questioned
13 him about it would have been with Inspector
14 Riddell and that possibly, possibly prior to that
01:57 15 time it may have come up in conversation?

16 A That's correct.

17 Q And I think you said if it came up in conversation
18 and was anything of value to the investigation,
19 you would have passed it on?

01:57 20 A That's right, yes.

21 Q If I could call up 042761, and I referred you to
22 your earlier report, Mr. Walters, where you had
23 made reference to Albert Cadrain being picked up
24 on vagrancy, and we have a record of Mr. Cadrain's
01:57 25 involvement with the Regina police in February of



1 1969, and in fairness I don't believe you had any
2 direct involvement or indirect involvement in
3 that?

4 A No.

01:58 5 Q But just generally as far as Regina police
6 practices at the time, I take it, I think this is,
7 if we could just enlarge that, is this a standard
8 card you would keep on suspects or people at the
9 time that would indicate whether they were charged
01:58 10 with anything or a suspect?

11 A Yeah. It was a standard identification section
12 card that they would use, yes.

13 Q So if someone said look, if someone phoned up and
14 said have you had any dealings with an Albert
01:58 15 Cadrain, you could go check --

16 A Yes.

17 Q -- and this should indicate what you have?

18 A Yes, exactly.

19 Q And if you can go to the next page, please,
01:58 20 actually if you can go to 042764, and just at the
21 bottom, Leitner and Arndt, you would have dealt
22 with those officers at the time; is that fair?

23 A Yes, I suppose that's true, yes.

24 Q And I don't propose to go through this, we've seen
01:59 25 this before, but Mr. Cadrain was picked up,



1 according to this report, walking on the street
2 and of no fixed address and no money and so they
3 charged him with vagrancy, put him in jail, or he
4 went to court and was sentenced to seven days in
01:59 5 jail. Do you recall back at that time, was that a
6 common thing with street people or people who were
7 out there without fixed abode, to be picked up?

8 A Yeah, it was used occasionally.

9 Q Pardon me?

01:59 10 A It was used occasionally, yes.

11 Q When you say used, when would you decide to pick
12 up someone and put them in jail for a week
13 versus --

14 A Probably when they are in an area where there is
01:59 15 some misgiving as to why they were there to begin
16 with, and of course that it's conceivable that
17 there was going to be some problems, then we would
18 use it, yes. It wasn't something that was overly
19 used, but it was used on occasion, yes.

01:59 20 Q Now, and again I appreciate that you weren't
21 directly involved in this, but there has been some
22 conflicting stories about Mr. Cadrain being
23 questioned by the Regina police about the Gail
24 Miller investigation and talked about it. Would
02:00 25 it have been the practice at the time that if



1 members of your force had interviewed Mr. Cadrain
2 who was picked up on a vagrancy charge about a
3 murder in Saskatoon, would that be something that
4 would be recorded in a report and forwarded on to
02:00 5 the Saskatoon police?

6 A Oh, I would think so, I would think so, and if it
7 wasn't, it certainly should have been.

8 Q Now, 106640, please, and this is a report,
9 Mr. Walters, of Lieutenant Short dated March 22nd,
02:00 10 1969 and if we could just call out the bottom
11 part, please, and it talks, around March 31,
12 that's a typo, it's March 3rd, Riddell obtained a
13 statement and then on March 11th another statement
14 was obtained from Nichol John, and then it starts
02:01 15 here, it says:

16 "On Tuesday, March 18/69, Detective
17 Karst & myself took Albert Cadrain to
18 Regina and were in touch with the Regina
19 City Police there and later we proceeded
02:01 20 to the Regina goal and interviewed Ron
21 Wilson again, however, nothing further
22 was learned from him and we also found
23 his home and talked to Mrs. Wilson where
24 there was some discrepancies found in
02:01 25 the clothing that these boys both Wilson



1 & Milgaard were wearing when they left
2 Regina. Also female Nichol John was
3 located in a hippie house in Regina and
4 she was after considerable persuasion
02:01 5 brought to the Regina goal and
6 interviewed by Karst and myself --"
7 Being Short,
8 "-- and was placed in a room with
9 Cadrain and allowed to discuss this
02:01 10 matter and it was learned from her after
11 this discussion that through
12 interrogation that she was of the
13 opinion that Cadrain was telling the
14 truth and that everything he said was
02:02 15 exactly what had happened on this trip."

16 If we can just pause there. Do you have any
17 recollection of being involved with this incident
18 where Detective Karst, Lieutenant Short
19 interviewed Wilson, John and Cadrain in Regina?

02:02 20 A No, I don't recall that.

21 Q And it talks there about putting Cadrain and
22 Nichol John in a room together to discuss the
23 matter and again is that a technique that you
24 would have used at the time where you had
02:02 25 divergent stories at the time, to put them in a



1 room together?

2 A No.

3 Q Why not?

4 A The rules of evidence I don't think would have
02:02 5 certainly applied to that. It was not uncommon to
6 have them in the same area of the building but in
7 separate rooms and to discuss the investigation
8 with one and going back to talk with the other one
9 as well, but never to put them together in the
02:03 10 same room, no.

11 Q And what would be your concern about that?

12 A Well, I would have reservations that -- I'm not
13 sure that the evidence that you would get from
14 that would be acceptable because of the fact that
02:03 15 they were together. I just -- no, I would not do
16 that.

17 Q Okay.

18 A No. Separately, yes, but not together.

19 Q Call up 009254, please, and this is a report of
02:03 20 April 18th, 1969 and it's report of Detective
21 Karst and it talks with your assistance located
22 Nichol John, transported her to the city police
23 station and was interviewed at length. Further
24 investigation of this girl, etcetera, and it talks
02:03 25 about the interview, and if you wish, you can just



1 read that to yourself. My question is do you
2 recall being present when she was picked up and/or
3 interviewed?

4 A Yes, I vaguely recall being present, yes. I don't
02:04 5 recall too many of the exact details, but yes, I
6 recall going to the house there with them, yes.

7 Q And then would you have been present then when
8 Detective Karst interviewed Nichol John?

9 A I can't remember on that particular matter.

02:04 10 Q I think it says with Staff Sergeant Edmondson if
11 you go further up. Do you remember Staff Sergeant
12 Edmondson of the RCMP?

13 A No, I don't.

14 Q And so I take it then would this have been the
02:04 15 first, at least according to the written
16 documents, your first involvement in an interview
17 of Nichol John in connection with the Gail Miller
18 matter?

19 A I couldn't say, sir. I don't know.

02:04 20 Q Do you have a recollection of being present when
21 she was interviewed by others with respect to the
22 Gail Miller matter?

23 A Yes, on one occasion I believe it was with her
24 worker, social worker, Robertson, Robinson, Don
02:05 25 Robertson I believe it was. I'm not sure if this



1 was the occasion they were referring to or not.

2 Q And when you were present when Nichol John was
3 being interviewed, did you form any impressions
4 about whether she was being honest and forthright
02:05 5 or whether she was being evasive?

6 A No, she wasn't being evasive. Forthright, I
7 suspect she probably was, I thought she probably
8 would have been, yes, but no, she wasn't evasive.
9 Again, as I say, Nichol was the kind of girl, she
02:05 10 wasn't an outgoing personality if you want to put
11 it that way, that she would just blurt a lot of
12 things out to you, you did have to extract it.

13 Q And did you observe anything in her demeanour in
14 any of these interviews that was unusual or
02:05 15 noteworthy?

16 A No, no. No, she was being typical Nichol.

17 Q And typical Nichol meaning what?

18 A That she was just very quiet. She's generally a
19 quiet person, she was a very sullen, introverted
02:06 20 person and she was not one to give you a long
21 story about anything. She would answer you, but
22 she would not be the kind of a girl at that point
23 of time in her life that she would share a lot of
24 information with you.

02:06 25 Q In your dealings with her, did you get any



1 impression of her relationship with David
2 Milgaard?

3 A Not particularly, no.

4 Q Any indication that she was afraid of him?

02:06 5 A No.

6 Q Or a friend of his?

7 A A friend, yes, she associated with him, yes.

8 Q Down at the bottom, if you can scroll down,
9 please, to there, there's reference to a toque
02:06 10 being found and there's some other reports that
11 talk about talking to Ron Wilson's siblings and
12 parents about locating a toque that David Milgaard
13 may have been wearing. Do you have any
14 recollection --

02:07 15 A No.

16 Q If we could call up 042757, again this is Regina
17 police occurrence report prepared by Constable
18 Bagwell and it refers to a fellow, an individual
19 found a driver's license application with David
02:07 20 Milgaard's name on it that may have been stolen by
21 someone from Mr. Milgaard, but anyway, I just want
22 to draw your attention to paragraph 3 and it looks
23 as though at this time that there would have been
24 a card, the writer then looked up his card in
02:08 25 Central Index, and was that the card you talked --



1 A No, that would have been a different card.

2 Q And what would that be? It goes on to say from
3 this he was being sought by the Saskatoon City
4 Police in regards to the murder of Gail Miller and
02:08 5 talks about your report dated March 2nd and an
6 RCMP bulletin from May 1st.

7 A That would have been part of the central registry
8 filing system, report filing system at that time.
9 The other card I was referring to was an
02:08 10 identification section card.

11 Q I see. So where -- in this case, it looks as
12 though, as of May 7th, 1969, the Regina police
13 would have had a card that had information that
14 said David Milgaard was being sought by the city
02:08 15 police in regards to the murder of Gail Miller?

16 A Yes, that probably would have been through our
17 records control, our central registry.

18 Q Who would have prepared that and why?

19 A The civilian staff from various reports that would
02:08 20 have gone through.

21 Q Okay, but why would you -- what would cause you to
22 say that he's being sought in regards to the
23 murder of Gail Miller?

24 A I think we would go back probably to my report
02:09 25 there when I was making inquiries to the Saskatoon



1 Police Department that we were looking for him and
2 that he went to Winnipeg, that he's being sought.
3 That report would have went through records
4 control, they would have extracted that from that
02:09 5 report and put it on that card.

6 Q Because I think the evidence shows at this time he
7 had been in to see the police on a couple of
8 occasions?

9 A Probably that's true, yeah.

02:09 10 Q And he wasn't charged, I think he was a suspect?

11 A Yes.

12 Q So it may have been from your original report that
13 said we're looking for --

14 A And other related reports, yes.

02:09 15 Q Fair enough. If we could then turn our attention
16 to May 20th, 1969, call up 009264, and I want to
17 ask you some questions, Mr. Walters, about the
18 records and the evidence indicates that about May
19 20th of 1969 Detective Karst and Detective Mackie
02:09 20 went to Regina and they indicate that you were
21 involved, and I'll show you the specific details,
22 but interviewed Ron Wilson, Nichol John and
23 brought them back to Saskatoon. Do you remember
24 being involved in that process?

02:10 25 A Yes, I believe that's -- yes, yes, I do.



1 Q And if we can just go through, this is a report of
2 Detective Karst, May 25, if we can just go through
3 parts of this, it talks about going on a Tuesday
4 to Regina, it says Inspector Riddell and Constable
02:10 5 Walters were interviewed and arrangements made for
6 various appointments and interviews, and the next
7 day Mackie and Walters attended the Department of
8 Welfare where Nichol John's social worker was
9 interviewed, Nichol John being a female, etcetera,
02:10 10 it says:

11 "The interview was taped for further
12 use, and although the Social Worker
13 interviewed "Mr. Don Robertson", stated
14 there were certain interviews he had had
02:11 15 with this girl since he has worked with
16 her, since the time of the alleged
17 offence in Saskatoon, which is of a
18 confidential nature, he is not prepared
19 to divulge to us, he, however, did say
02:11 20 that she stated she was not personally
21 involved in a murder."

22 Do you recall meeting with Don Robertson or a
23 social worker?

24 A Yeah, that was the one I was referring to earlier
02:11 25 on.



1 Q And what do you recall of that meeting?

2 A Very little, to be honest with you, other than the
3 fact that I was present with them there, yes.

4 Q And do you recall Mr. Robertson not providing
02:11 5 information about what she would have --

6 A There was an element of reluctance on his part,
7 yes.

8 Q And did you reach a conclusion one way or the
9 other about that, that you thought he might be
02:11 10 hiding some information or --

11 A No, I wouldn't say I would go so far as to say
12 that. He was not the most cooperative person with
13 the police department, let's put it that way.

14 Q And I take it that you were trying to find out, or
02:11 15 Detective Mackie was trying to find out
16 information about whether Nichol John had said
17 anything to Mr. Robertson or others about --

18 A I believe that would be a fair assessment, yes.

19 Q And so the fact that he wasn't forthcoming, did
02:12 20 that cause you in your mind to say, well, maybe
21 there's something there that he's hiding?

22 A In retrospect, that could be well true. I can't
23 recall specifically.

24 Q Fair enough. If you can scroll down, please, it
02:12 25 says a call was made to Nicky's parents, could not



1 locate her. Do you recall that?

2 A Yes, uh-huh.

3 Q And then:

4 "At 2:00 PM, May 21st, Ron Wilson was
02:12 5 interviewed at the Regina Police
6 Station."

7 Present, Mackie, Walters, Dike, along with
8 myself, being Karst, "This conversation also
9 being taped and presently in my possession." Do
02:12 10 you recall being present at that interview?

11 A Yes.

12 Q And do you recall it being taped?

13 A I believe there was a tape recorder there. I
14 can't be absolutely positive, but I believe there
02:12 15 was, yes.

16 Q Was that common practice at the time, to tape
17 record interviews?

18 A Perhaps not so much in the early stages of an
19 investigation as perhaps in the latter stages
02:13 20 where you are becoming more involved with a
21 particular conclusion of what might be taking
22 place, yes.

23 Q Now, do you have any recollection of that
24 interview, as to who questioned Ron Wilson?

02:13 25 A No.



1 Q Would it be fair to say that it would have been
2 either Mackie or Karst as opposed to you or Dyck?

3 A Yes.

4 Q And again would your role have been there, sir, to
02:13 5 be -- friend is maybe the wrong word, but someone
6 who Wilson was familiar with?

7 A Yes. I think she felt comfortable with my
8 presence there, yes.

9 Q I'm sorry, this is talking about Ron Wilson.

02:13 10 A Yes, either one.

11 Q Yeah. Do you recall whether or not at this
12 interview, whether Ron Wilson provided any
13 information that implicated David Milgaard?

14 A I don't recall, no.

02:13 15 Q And do you recall whether or not Ron Wilson was
16 told either directly or by implication that he was
17 a suspect --

18 A No.

19 Q -- in the Gail Miller --

02:14 20 A No, I don't recall that.

21 Q Did you have any impression at the time as to
22 whether Ron Wilson was being looked at as a
23 suspect or as a witness?

24 A No.

02:14 25 Q Now, this goes on to again talk about, this



1 conversation talks about them being stuck and
2 apart and then it says:

3 "All Wilson would state at this time was
4 that Milgaard appeared to be puffing and
02:14 5 running, slightly out of breath when he
6 returned to the vehicle, and he admitted
7 that he had since thought that this was
8 the time that Milgaard was probably
9 involved in a murder."

02:14 10 Do you have any recollection of that being
11 discussed?

12 A No, no.

13 Q Now if we could go back to Fisher's preliminary
14 hearing transcript 007595, and go to page 007764,
02:15 15 again this is where Mr. Fisher is being cross --
16 or pardon me -- Mr. Wilson is being cross-examined
17 by David Milgaard's lawyer in August of '69, and
18 he is asked:

19 "Q And it was only later on, after, as you
02:15 20 have told us, when you - I think on May
21 22nd, that you made some reference
22 implicating David?

23 A Yes, I did.

24 Q And that was to Mr. Karst?

02:15 25 A Yes.



1 Q And I think that's the first person to
2 whom you ever said anything that would
3 implicate him?

4 A Yes.

02:15 5 Q And that was when Mr. Walters was along
6 with him?

7 A Yes, it was."

8 And, again, I think you are telling us you don't
9 have any recollection of --

02:15 10 A No, I don't.

11 Q Do you have any reason to dispute what Mr. Wilson
12 has said?

13 A No. It's quite possible but I don't recall.

14 Q And, again, just for the record, Mr. Commissioner,
02:16 15 007626 down at the bottom at question 390 --
16 sorry, that's 696 -- 007696, there's question 393
17 at the bottom:

18 "Q In any event, witness, I take it that
19 the first time that you ever implicated,
02:16 20 or suggested that David Milgaard was
21 implicated in the Gail Miller murder was
22 on May 23rd, 1969...

23 A No.

24 Q To the police?

02:17 25 A No, it was the day before.



1 Q The day before?

2 A In Regina.

3 Q In Regina. Well now, who did you see in
4 Regina?

02:17 5 A Ken Walters.

6 Q I see.

7 A And Ed Karst was down there at the
8 time."

9 And again I point that out, Mr. Commissioner,
02:17 10 but, again, I take it you have no recollection
11 and no reason to dispute that?

12 A That's true.

13 Q If we can go back to 009264, please, and this is
14 again the Karst report of May 25, and if you go to
02:17 15 page 9268. And I think, from a time frame, this
16 is after, at least in the report it's after
17 talking about the statements that Ron Wilson gave
18 to the police in Saskatoon incriminating David
19 Milgaard, and it goes on to say:

02:18 20 "Inquiries have been made in Regina in
21 regards to Milgaards whereabouts,
22 however, no one had any information to
23 offer with regards to his present
24 employment or residence, in fact, it was
02:18 25 revealed to me by the Wilson youth that



1 Milgaard assaulted another girl in
2 Regina and that he was being sought by
3 various members of the Criminal Element
4 in that Centre, and if the Police didn't
02:18 5 get to Milgaard before they do, they
6 didn't need to worry about him."

7 Again, do you have any recollection of a
8 discussion --

9 A No.

02:18 10 Q -- with Ron Wilson about that?

11 A No.

12 Q Were you aware, at the time, that David Milgaard
13 may have been being sought by the criminal element
14 for assaulting --

02:18 15 A No, not aware of that at all.

16 Q Okay. If we can call up 009222, please, and this
17 is a report of May 29th. And just, again, to get
18 the dates, Mr. Walters, the key dates are May 20th
19 to 24th, '69, and the reports indicate that it was
02:19 20 May 21st and 22nd when Karst and Mackie were in
21 Regina with you and others talking to Wilson and
22 John, and then brought back to Saskatoon. I have
23 referred you to Detective Karst's report of his
24 involvement in that, this is Detective Mackie's
02:19 25 report of a similar time frame, and there's just



1 some comments in here, and I think the Mackie
2 report deals more with Nichol John. So his report
3 says on May 22nd --

4 A Excuse me, is this related to that day when she
02:19 5 was --

6 Q Is everybody okay?

7 A -- at the Cornwall Street address; is this still
8 part of that?

9 Q Yes, this is the same time frame, yes.

02:19 10 A Yes, okay.

11 Q Just a different officer talking about the same --

12 A Yes, all right.

13 Q -- time.

14 A Mackie instead of Karst. Okay.

02:19 15 Q Yeah. Okay. And so, again, this talks about on
16 May 22nd, Nichol John was picked up at her home,
17 817 Victoria Avenue, and taken to the police
18 station where she was interviewed, and I think the
19 evidence has established that 817 was Barbara
02:20 20 Berard's home; you will see it right there?

21 A Yes, it was.

22 Q And that Nichol was living there at the time. And
23 it says:

24 "On May 22nd, Barbara Berard ... was
02:20 25 contacted and interviewed in regards to



1 her knowledge of this murder from what
2 she might have heard from Nichole Johns.
3 Present at the interview was ... Walters
4 ...",

02:20 5 and Mackie.

6 "Berard in her interview indicated that
7 Nichole John was disturbed or upset
8 about something that she had started to
9 make statements in regards to what had
02:20 10 happened in Saskatoon, and these
11 statements were never completed."

12 Do you have any recollection of talking to
13 Barbara Berard, with Mackie, about any of this?

14 A Not specifically.

02:20 15 Q Do you have any recollection of observing Nichol
16 John, or observing Nichol John or being told that
17 Nichol John was disturbed or upset about
18 something?

19 A Yes, that seemed to be true.

02:21 20 Q Okay. By your observations?

21 A Yes.

22 Q And what did you observe or what do you recall?

23 A Umm, she was -- she had the appearance of being
24 disturbed about something but what, exactly, it
02:21 25 was I had no idea.



1 Q Okay. And would these observations, sir, have
2 been made in connection with your dealings with
3 her on the Gail Miller murder investigation?

4 A I couldn't nail it down to be that definitive.

02:21 5 Q Okay. But on --

6 A During the course of those conversations, though,
7 yes.

8 Q Yes. On the occasions that you were present when
9 she was being asked about the Gail Miller murder,
02:21 10 or anything in relation to that, was it on those
11 occasions when you observed her to be upset or
12 disturbed?

13 A 'Upset' might be a little stronger word, but
14 certainly reluctant to talk about it.

02:21 15 Q Okay.

16 A Yes.

17 Q Now back to Barbara Berard. Do you recall any
18 dealings with Barbara Berard, at the time, in
19 relation to Nichol John or the Gail Miller --

02:22 20 A Yes.

21 Q And what do you recall?

22 A About Barbara Berard?

23 Q Yes.

24 A Barbara had a bit of a reputation at that
02:22 25 particular time as a result of her associations



1 with the Apollo motorcycle group, and she had the
2 distinction of being referred to as a groupie,
3 which meant that she was active with the
4 motorcycle gang at various events --

02:22 5 Q Yes.

6 A -- in motels and so on and so forth, so she did
7 have a bit of a reputation at that point in time.

8 Q And as far as an informant, or giving information,
9 did she deal with you on that basis?

02:22 10 A Not to the extent that Ron Wilson or Nichol John
11 did. She would, on occasion, make comments, yes,
12 that were valuable, but directly, no, I wouldn't
13 say that.

14 Q Do you have any recollection of her being in touch
02:22 15 with you or you talking to her where she expressed
16 concern about Nichol John or telling you that
17 Nichol John may have information or anything of
18 that nature?

19 A No, no.

02:23 20 Q I'm just going to call up if I can, from Barbara
21 Wispinski whose maiden name was Berard, her
22 evidence before the Inquiry on April 13th, 2005.
23 I think it's at page 7742, and go to page 7742, if
24 we can just call that out. And, again, this is
02:23 25 her evidence, now, before the Inquiry,



1 Mr. Walters, and asked:

2 "Q ... do you recall -- do you know a Ken
3 Walters?

4 A Yes."

02:23 5 And it says here:

6 "Q Let's just talk generally. Did you
7 confide in Ken Walters, was he on
8 officer that you would talk to about
9 things?

02:24 10 A Yeah, because he came around to the
11 schools.

12 Q And do you recall talking to him, Ken
13 Walters, about this matter?

14 A Yes.

15 Q And what do you recall?

16 A He came to my house -- I phoned him
17 and he came to my parents' place and I
18 wanted Nichol to talk to him.

19 Q And why was that?

20 A Well, because she was worried for --
21 she was scared for her life.

22 Q And did she tell you that?

23 A Yup.

24 Q And what was she afraid of?

25 A Well, she didn't want no part of this.



1 She didn't know anyone was murdered
2 yet I don't think and then again I
3 don't know.

4 Q So you phoned Ken Walters then?

5 A Yeah.

6 Q Did Nichol John know that you were
7 phoning him?

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

10 Q And then did Ken Walters come and see
11 you or did you go and see him?

12 A I think we went to the police station.
13 He came and picked me up I think."

14 And just carrying on to the next page, actually
02:24 15 at the bottom there, just referring to Mackie's
16 report, and the next page, please. And then I
17 read to her the report that I just read to you of
18 -- that Mackie had about Barbara Berard being
19 interviewed, and if you could just scroll down,
02:25 20 and then the question is:

21 "Q And according to this it would appear,
22 Ms. Wispinski, at this time you are
23 telling them, if this report is correct,
24 that Nichol John was upset and started
25 to make statements, but never finished



1 them. Is that correct?

2 A Yeah."

3 Now do you have any recollection of Barbara
4 Berard and -- or Nichol John in any discussion of
02:25 5 this nature, in particular, Nichol John being
6 upset and starting to make statements but not
7 finishing them?

8 A Specifically in this respect, no, I don't. But I
9 do, as I said earlier on, I recall Nichol being
02:25 10 upset about something but I'm not -- I can't be
11 definitive and say it was this particular issue.
12 Umm, she could be quite correct, that she did call
13 me on several occasions about various things, so
14 it's quite, it's quite conceivable that she did,
02:26 15 yes.

16 Q Okay.

17 A But I can't be definitive and say, nail it down
18 and say 'yes, I recall it definitively, yes', but
19 Barbara -- Nichol was upset about something, yes,
02:26 20 that's true.

21 Q Now can you go to, back to the Mackie document,
22 009222 please, and go to page 09223, pardon me,
23 and this is Mackie's report and it says:

24 "I called at the Regina City Police

02:27 25 Station where Cst. Ken Walters advised



1 me that he had attempted to locate Bob
2 Harris and George Lapchuk."

3 Let me pause there. Bob Harris; did you have
4 dealings with him?

02:27 5 A Yes.

6 Q And what dealings had you had with Bob Harris?

7 A Umm, drug-related.

8 Q And was he an associate of Lapchuk and Melnyk?

9 A Yes.

02:27 10 Q And Milgaard, and David Milgaard?

11 A Yes.

12 Q It says:

13 "Cst. Walters advised that both of these
14 youths had left Regina, and gone to
02:27 15 Calgary for marijuana and neither had at
16 this time returned to Regina. Both
17 these youths will be interviewed by
18 Regina City Police on their return in
19 regards to David Milgaard."

02:27 20 Do you have any recollection of talking to Mackie
21 about this subject matter?

22 A Not specifically, but that could well be, yes.

23 Q And we haven't found any record of an interview
24 other than later, about a year later around the
02:27 25 time of trial, of an interview of Harris or



1 Lapchuk or Melnyk; do you recall interviewing them
2 in connection with this matter?

3 A No.

4 Q And if you had interviewed them at the request of
02:27 5 the Saskatoon City Police, is that something that
6 you would have sent to them, a report?

7 A Not necessarily. If I would have taken a
8 statement, yes, other than that I probably would
9 have made notations in my notebook --

02:28 10 Q Okay.

11 A -- as to the interview. If there was something
12 that I would have thought relevant to their
13 investigation in Saskatoon, that would have been
14 reported too.

02:28 15 Q Okay. Now I think later on, around the time of
16 trial, Melnyk -- Craig Melnyk and George Lapchuk
17 and Ute Frank gave statements to the Saskatoon
18 City Police describing a motel, an incident in a
19 motel room with David Milgaard; are you familiar
02:28 20 with that incident and those statements?

21 A Yeah, I'm familiar with several of them, I'm not
22 sure which one you are referring to?

23 Q Okay. This is a motel room incident where some of
24 the people in the room described David Milgaard as
02:28 25 having reenacted a stabbing --



1 A All right, okay.

2 Q -- or carrying out --

3 A Okay.

4 Q And again, in fairness, there are different

02:28 5 descriptions of what happened in there, but it's

6 been called the motel reenactment, and I don't

7 believe, from the documents, that you had any

8 direct involvement in --

9 A No. I heard about it.

02:29 10 Q You have heard about it?

11 A Yes.

12 Q But you had no direct involvement in that?

13 A No.

14 Q Okay. And again, if you would have interviewed

02:29 15 Melnyk or Lapchuk or Harris from May, this is May

16 24 or May 29, 1969 where they asked you to track

17 these guys down, if you would have interviewed

18 these people and heard a story that David Milgaard

19 had acted out a murder, --

02:29 20 A Oh yeah.

21 Q -- or something like that, is that something you

22 would have passed on to the City of Saskatoon --

23 A Absolutely.

24 Q -- police?

02:29 25 A Absolutely.



1 Q Okay. Now at the time -- and, again, I don't know
2 that you had any direct dealings with him -- but
3 on May 23rd, 1969 both Ron Wilson and Nichol John
4 were interviewed by Inspector Art Roberts of the
02:29 5 Calgary Police Service. Had you had any dealings
6 or any knowledge about Art Roberts at that time?

7 A I had by reputation only.

8 Q And what did you know about Mr. Roberts?

9 A That he was a -- umm, he was quite involved with
02:30 10 polygraph, also to the extent that he was also
11 involved in some hypnotic work that he was doing,
12 hypnosis.

13 Q Okay. And would that be with witnesses?

14 A I believe so, yes.

02:30 15 Q Okay.

16 A It's only by reputation so I'm not sure, it's
17 certainly second-hand information, but this is
18 what I had heard about him, yes, that he was very
19 good at what he did.

02:30 20 Q And so that's something you would have heard
21 within the police force at the time?

22 A Yes, yes.

23 Q Okay. And did you have any dealings with him?

24 A No.

02:30 25 Q Now do you recall having any discussions or



1 dealings with the prosecutor in the David Milgaard
2 trial, prelim and trial, being Mr. Caldwell?

3 A No.

4 Q And I don't believe you testified either at the
02:30 5 preliminary hearing or the trial of David
6 Milgaard?

7 A No.

8 Q After the May 1969 time frame, I think when Mackie
9 and Karst were there and interviewed Wilson and
02:31 10 John and took them back, after that do you recall
11 having any other dealings or discussions with
12 Nichol John or Ron Wilson about this matter?

13 A Not that I am aware of. I'm not saying that I
14 didn't but I'm not aware of it.

02:31 15 Q And if we could just quickly call up Shirley
16 Wilson's preliminary hearing transcript, 032363
17 please, and if we could go to 02368, please. And
18 this is Mrs. Wilson at the preliminary hearing,
19 sir, talking about the coat. Question 42:

02:32 20 "Q But I take it you are certain you did
21 eventually throw it out?

22 A Oh definitely, yes.

23 Q And this was after speaking to Walters?

24 A Yes, I had him come up right to the
02:32 25 house to make sure that he saw what he



1 wanted to see, and I asked his
2 permission, if it was alright to throw
3 it away, and he said yes.

4 Q And that's what you did, is it?

5 A Yes."

6 And I think; is that consistent, sir, with what
7 you've told us today?

8 A Yes.

9 Q Mr. Commissioner, I'm not sure what time you want
02:32 10 to break for the afternoon, I have got about
11 another 10 or 15 minutes with this witness, I'm
12 fine to carry on, I'm not -- can't remember when
13 our break --

14 COMMISSIONER MacCALLUM: Well, if you
02:32 15 finish with him, that will --

16 MR. HODSON: Perfect.

17 COMMISSION MacCALLUM: -- provide the
18 afternoon break.

19 BY MR. HODSON:

02:32 20 Q If we could call up 106109, please, and this is a
21 letter of January 16, 1981. And just again the
22 dates, Mr. Walters, for your assistance, Mr.
23 Milgaard was convicted on January 31, 1970, and so
24 this is about 11 years later, and members or
02:33 25 people on behalf of David Milgaard and Mrs. Joyce



1 Milgaard had contacted the police seeking out the
2 whereabouts of certain of the witnesses, and here
3 Detective Sergeant Karst indicated that he
4 contacted you about Wilson and John, and basically
02:33 5 trying to find out whether either of these people
6 wanted to have their names and addresses -- or
7 their addresses and phone numbers given to the
8 Milgaards; do you have any recollection of that?

9 A No, not specifically.

02:33 10 Q Okay.

11 A Nope.

12 Q And then again in 19 -- in or about 1990 Ron
13 Wilson made a couple of statements to
14 investigators with the Centurion Ministries, or a
02:34 15 statement recanting some of his earlier evidence
16 and statement; did you have any contact with Mr.
17 Wilson or any discussion with him at that time?

18 A No.

19 Q Or with anybody, for that matter?

02:34 20 A No.

21 Q Now I understand, in 1993, you were contacted by
22 the RCMP in connection with an investigation they
23 were doing related to the David Milgaard matter?

24 A Yes.

02:34 25 Q And do you recall who it was you met with?



1 A I believe it was Jorgenson, I believe the name
2 was.

3 Q And did you -- what did you understand they were
4 looking into?

02:34 5 A Into the Milgaard situation and his incarceration.

6 Q If we could call up 035206, please. And this is
7 their report of March 26th, 1993, and I take it
8 that would have been your address and contact
9 information at the time; is that right?

02:35 10 A Yes, that's correct.

11 Q And do you have a recollection of that meeting?

12 A Yes, I do.

13 Q And it goes on to say:

14 "Walters no longer has his note books
02:35 15 that would cover his work on the murder
16 investigation."

17 And I think that's what you told us; is that
18 right?

19 A That's correct.

02:35 20 Q And then it says:

21 "Prior to any involvement in the murder
22 investigation, he knew both Ron Wilson
23 and Nichole John. That both of these
24 persons were informants of his. That
02:35 25 Ron Wilson was an active juvenile



1 delinquent. That both Wilson and John
2 were involved in the drug trade."

3 Is that accurate?

4 A Yes.

02:35 5 Q And is that something that you would have told the
6 RCMP?

7 A Quite possibly, yes.

8 Q And then it says:

9 "Recalls picking up Wilson on an
02:35 10 unrelated matter. During his
11 conversation with Wilson he learned of
12 his trip to Saskatoon with John and
13 Milgaard. Knowing of these persons drug
14 activities and being aware of a murder
02:35 15 in Saskatoon at the time of this trip,
16 he believes that he took a statement
17 from Wilson. Recalls no admission by
18 Wilson to witnessing a murder. He then
19 made contact with his counter part
02:36 20 Riddell with the R.C.M.P. in Regina
21 about his contact with Wilson. From
22 that point he worked with Riddell.
23 Essentially working with Riddell on the
24 Regina end of Saskatoon's
02:36 25 investigation."



1 Now do you recall telling that to the RCMP?

2 A No, absolutely not.

3 Q Okay. And is that, in fact, accurate when they --

4 A No.

02:36 5 Q And what is not accurate?

6 A The whole thing.

7 Q Okay. So, again, let's just go through this. It
8 suggests here that what you told the RCMP is that
9 you talked to Wilson on an unrelated matter, took
02:36 10 a statement, which I think is different than what
11 you have told us today; is that correct?

12 A That's correct, yes.

13 Q So you are telling us what's recorded here, (a),
14 didn't happen; is that right?

02:36 15 A It would be a misinterpretation there somewhere,
16 yes.

17 Q And, (b), are you telling us that you wouldn't
18 have told this to the RCMP?

19 A I don't recall saying anything to that effect at
02:36 20 all, along those lines.

21 Q Okay. And then it goes on to say:

22 "Walters believes that he may have been
23 involved in the taking of a second
24 statement from Wilson. That he spoke to
02:36 25 Wilson on different occasions about the



1 murder. Cannot recall when, believes
2 possibly when he first talked to Wilson,
3 that Wilson mentioned something about
4 Milgaard using a washroom to wash some
02:37 5 blood off. (File documentation,
6 including R.P.S. reports, indicate that
7 Walters worked on this murder from the
8 Regina end, however, I can find no
9 indication of a statement being taken by
02:37 10 Walters from Wilson or any reference to
11 this washing off of blood."

12 Now, did any of that happen, to your
13 recollection?

14 A No. There's, I think there's been a
02:37 15 misinterpretation there, he -- what he may have
16 been referring to is the fact that I was with
17 Inspector Riddell when these statements were
18 taken.

19 Q And do you have any recollection of Wilson, either
02:37 20 Wilson telling you that Milgaard used a washroom
21 to wash --

22 A No.

23 Q And did you tell the RCMP that?

24 A No. No.

02:37 25 Q Okay. If we can go to the next page, please, it



1 says:

2 "Walters stated, that in all his contact
3 with Wilson, statements or otherwise.
4 He feels that everything Wilson had to
02:38 5 say was voluntary. That all interviews
6 were above board. That he was not
7 interviewed aggressively. That Wilson
8 was treated well. That Wilson was
9 co-operative."

02:38 10 Again, is that an accurate statement?

11 A That is accurate, yes.

12 Q And that's what you thought and that's what you
13 told the RCMP?

14 A Yes, yes.

02:38 15 Q It then says:

16 "Walters stated that he knew John from
17 unrelated matters. He described John as
18 a bad actor. An informant more or less
19 against the activities of the Appollos
20 M.C. Gang."

21 Motorcycle gang.

22 "That John was reluctant to talk at
23 first, but gave the impression that she
24 was not be open. That she knew more
02:38 25 than she was telling. From past



02:38

1 unrelated dealings with John he had
2 found her to be straight forward. Good
3 eye contact. Would look you straight in
4 the eye when telling you something. If
5 she didn't do something, she would look
6 you right in the eyes and tell you. On
7 interviews dealing with the murder
8 though she would not make eye contact.
9 Eyes down and elsewhere. He does not
10 recall taking any statements from John."

02:39

11 Is there anything in that paragraph, sir, that is
12 not accurate?

13 A Umm, I disagree with that statement.

14 Q Okay.

02:39

15 A And I -- there's an interpretation of something,
16 perhaps, but I'm not sure what. I don't recall
17 saying anything of that nature.

18 Q Okay. And is there, is there -- I believe, is it
19 the eye contact part that -- or is it the entire
20 paragraph?

02:39

21 A No, it's the entire paragraph.

22 Q It says --

23 A There was discussion with respect to Nichol John
24 as we have had discussion here today.

02:39

25 Q Okay.



1 A But I don't recall anything of that nature at all,
2 that would come to that conclusion.

3 Q So, as far as your dealings with Nichol John, you
4 don't have any recollection of you construing her
02:39 5 eye contact --

6 A No.

7 Q -- or lack of eye contact?

8 A No.

9 Q And is that something you think you would have
02:39 10 told the RCMP in 1993?

11 A If I was aware of it, I suppose I would have, but
12 I was not aware of something of that nature.
13 Since -- when I read this report I was quite
14 surprised, quite frankly.

02:39 15 Q Okay. Then it goes on and says:

16 "As far as Walters is concerned. John
17 was treated well. Not interviewed
18 aggressively and as is the case of
19 Wilson, not being forced to say
02:39 20 anything."

21 And is that accurate?

22 A That is accurate, that is true.

23 Q And that would be based on those interviews --

24 A Yes.

02:40 25 Q -- where you were present?



1 A Yes.

2 Q And then down at the bottom you were asked, it
3 says:

4 "Does not recall any statement being
02:40 5 made by anyone at the Wilson residence."
6 This is where Mrs. Wilson resides.

7 "... in which she stated that she
8 recalls a policeman saying:

9 'If he gets off on this at least two
02:40 10 other girls lived')"

11 Do you recall anything of that --

12 A No, absolutely not.

13 Q And then, here, it says:

14 "At the time of his involvement in the
02:40 15 murder investigation he never heard
16 about a Fisher.",

17 And is that --

18 A No.

19 Q I think today, earlier, you said you had heard the
02:40 20 name; do you know what time frame?

21 A Not specifically. But if you go back even to the
22 second paragraph, that 'does not recall dealing
23 with Karst or Short', that's not true, I dealt
24 with Detective Karst all along.

02:40 25 Q So you have a recollection of dealing with Karst



1 and Short and Riddell?

2 A With Karst and Mackie in particular.

3 Q Okay.

4 A Yes.

5 Q So that's not accurate, the first --

6 A I had heard about Albert Cadrain, I had no idea
7 who he was, I knew he was a Saskatoon resident and
8 he had some history. I was also familiar with the
9 name Fisher and that he had some history.

02:41 10 Q And then as far as the comment about Fisher, then,
11 do you recall -- are you able to tell us today
12 based on your recollection, sir, at the time, the
13 name Larry Fisher, was it something -- did you
14 hear the name Larry Fisher in connection with the
02:41 15 Gail Miller murder?

16 A No, no, no.

17 Q It was a name that you --

18 A I was aware of, yes, but not in connection with
19 this specific case, no.

02:41 20 Q Okay. And then, again, it says:

21 "Recalls being involved in the seizure
22 and search of Wilson's vehicle. States
23 that he found a three inch paring knife
24 in the trunk of Wilson's car, which he
02:41 25 states that he turned over to Riddell.



1 He believes that Riddell took the knife
2 to the lab and believes the results came
3 back as negative."

4 And then:

5 "... never saw it again."

6 And then you say:

7 "... Wilson stated ... they were using
8 this knife to cut bologne while on their
9 trip."

02:42 10 And, again, I think that's consistent with what
11 you've told us today; is that correct?

12 A I believe so, yes, that's correct, yes.

13 Q And then if we could call up 035980, and this is a
14 follow-up note by the RCMP of September 27th, '98:

02:42 15 "Spoke with Mr. Walters by phone. Both
16 subjects were known to him."

17 Being:

18 "Harris & Lapchuk were running with the
19 Appollo's at that time, along with
02:42 20 Wilson & Melnyk. He does not recall a
21 request to interview Harris & Lapchuk
22 and he didn't interview them about the
23 Miller murder."

24 And, again, is that accurate?

02:42 25 A It's accurate, yes.



1 Q I believe those are my questions, Mr. Walters, I
2 believe we'll be taking an adjournment now, and
3 I'm sure others will ...

4 (Adjourned at 2:42 p.m.)

5 (Reconvened at 3:00 p.m.)

6 BY MR. HODSON:

7 Q Mr. Commissioner, there was a couple, an area that
8 I neglected to examine Mr. Walters on that I
9 intended to, just a couple of short questions.

03:01 10 We heard evidence by way of
11 statements and audiotapes from Albert Cadrain, who
12 is now deceased, about some events in Regina in
13 1969 and one is in relation to Old City Hall or a
14 building in Regina, Old City Hall, and I'm
03:02 15 wondering if you had any familiarity with Old City
16 Hall being a place where young people might hang
17 out, for lack of a better word, in 1969?

18 A I'm not sure what the reference would be. If this
19 would be to the Old City Hall between Rose Street
03:02 20 and Hamilton on 11th Avenue or was it the Scarth
21 Street City Hall?

22 Q Yeah, I don't know.

23 A See, I would not know that. The Old City Hall,
24 the original City Hall, which was between Rose
03:02 25 Street and Hamilton off of 11th Avenue, did have



1 some public washroom areas that were at times some
2 problem in nature. The other time when it moved
3 out of there to Scarth Street, I'm not aware of
4 anything there particularly, so depending which
03:02 5 one you are referring to.

6 Q And there was also mention of a fellow by the name
7 of I believe Richard Bear. Was that name familiar
8 with you back to 19 --

9 A Yes, yes.

03:03 10 Q Who was Richard Bear?

11 A He was rather notorious downtown, had a bit of a
12 reputation.

13 Q As what?

14 A Enforcer, tough guy.

03:03 15 Q For who?

16 A Most anybody that would come along and that would
17 require his services.

18 COMMISSIONER MacCALLUM: How do you spell
19 his name, his surname?

20 BY MR. HODSON:

21 Q B-E-A-R, Bear. Is that right?

22 A Yes.

23 Q And what about a Richard Pells (ph), was that a
24 name that --

03:03 25 A Yes. He wouldn't be in the same category as



1 Mr. Bear though.

2 Q And so Mr. Bear was someone who was known to you
3 in 19 --

4 A He had a reputation, yes.

03:03 5 MR. HODSON: Those are all my questions,
6 Mr. Commissioner. I've been advised that Mr.
7 Wolch, Mr. Fox, Mr. Pringle, Mr. Gibson are the
8 only ones who wish to -- Mr. Frayer, did you --

9 MR. FRAYER: No.

03:03 10 MR. HODSON: And as far as order, I think
11 Mr. Gibson may wish to go first and I'll leave it
12 to the rest to sort out.

13 COMMISSIONER MacCALLUM: Thanks. Okay, Mr.
14 Gibson.

03:03 15 **BY MR. GIBSON:**

16 Q Thank you. Mr. Walters, my name is Bruce Gibson
17 and I represent the RCMP in this Inquiry.

18 A Yes.

19 Q I want to focus a little bit on your meeting in
03:04 20 1993 with the officers. I believe you indicated
21 that you met with them in March of 1993 and you
22 recall that meeting?

23 A Yes.

24 Q If we could put up the document 035206, please.
03:04 25 Mr. Hodson went through this with you and I'm



1 going to touch on just a couple of points and
2 maybe we could just bring up the first couple of
3 paragraphs there, and I take it that that was your
4 first meeting with the RCMP on that particular
03:04 5 matter?

6 A Yes, I believe that's correct.

7 Q Okay. And is it safe to say that between 1969 and
8 1993 that you probably never addressed your mind
9 to the Milgaard matter, certainly your involvement
03:05 10 in it and what your role may have been for that 24
11 years or so?

12 A That's true, not particularly, that's correct.

13 Q And again it says here that you indicated that it
14 was a long time ago and you didn't recall a great
03:05 15 deal, and is that fair to say?

16 A Yes.

17 Q And you could not be specific on dates and times?

18 A Generally -- I can speak in generalities, but not
19 specific dates, yes.

03:05 20 Q And the next sentence indicates that you no longer
21 had your notebooks that would cover your work
22 during the investigation?

23 A That's correct.

24 Q So again fair to say that you were going strictly
03:05 25 on your memory at that time when you spoke with



1 the RCMP?

2 A Yes.

3 Q All right. And as far as the setting goes, did
4 this interview take place at your home then in
03:05 5 Regina?

6 A Yes, I believe it did, yes.

7 Q A fairly relaxed atmosphere I would think?

8 A Yes.

9 Q I take it the RCMP were there kind of

03:06 10 brainstorming with you trying to get some ideas as
11 to what may have happened during that time, trying
12 to understand the setting and all that kind of
13 thing?

14 A I suppose we were speaking more in generalities
03:06 15 for the most part I suppose.

16 Q Okay. Now if we could go, call up that paragraph,
17 please.

18 A Uh-huh.

19 Q "Recalls picking up Wilson on an?
03:06 20 unrelated matter."

21 I'm just going to read this through and then
22 we're going to stop at a couple of places. You
23 recalled picking up Wilson on an unrelated
24 matter.

03:06 25 "During his conversation with Wilson he



1 learned of his trip to Saskatoon with
2 John and Milgaard."

3 Does that -- do you recall that at all or not?

4 A No.

03:06 5 Q You don't recall?

6 A No.

7 Q Is it possible that that's something you may have
8 had a discussion with Ron Wilson about prior to
9 following up with him and Inspector Riddell?

03:06 10 A Not -- I don't recall that specifically at all.
11 It may have come up in conversation on occasion
12 when I was with him, but I never picked him up for
13 that or anything of that nature.

14 Q Oh, no, I appreciate that. I think if we're
03:07 15 trying to interpret what's put here, what I'm
16 reading from that, and please correct me if I'm
17 wrong, and I don't think a great deal turns on
18 this, it indicated that you had a relationship
19 with Ron Wilson, that you knew him --

03:07 20 A Yes, that's correct.

21 Q -- and would speak with him?

22 A Yes.

23 Q And that you may have picked him up on an
24 unrelated matter and he may have said to you that
03:07 25 he went on a trip to Saskatoon or was somehow



1 involved with Nichol John and Milgaard during a
2 trip?

3 A That could have happened in conversation, yes.

4 Q Okay, very good. And again --

03:07 5 A Up to that point there, yes.

6 Q And I'm not saying at that point in time, you
7 know, we're talking about a murder investigation,
8 we're talking about a passing comment --

9 A Yes.

03:07 10 Q -- with an informant --

11 A Yes.

12 Q -- that you had a relationship with?

13 A That's possible, yes.

14 Q Then it says:

03:07 15 "Knowing of these persons drug
16 activities and being aware of a murder
17 in Saskatoon at the time of this trip,
18 he believes that he took a statement
19 from Wilson."

03:08 20 Now, again you are saying that you don't recall
21 taking a statement from Wilson?

22 A No.

23 Q Okay. But as far as being involved in taking a
24 statement from Wilson, your recollection is that
03:08 25 you took a statement or were part of taking a



1 statement with Riddell, you were at least present
2 when that --

3 A I was present, yes.

4 COMMISSIONER MacCALLUM: Just a minute.

03:08 5 Mr. Walters, would you be careful not to answer
6 before he's through --

7 A Yes.

8 COMMISSIONER MacCALLUM: -- his questions.

9 A Sorry.

03:08 10 BY MR. GIBSON:

11 Q And regardless of whether you took the statement
12 or didn't take the statement, that initial contact
13 with Ron Wilson in the spring, March of 1969,
14 there was no admission by Wilson of witnessing a
03:08 15 murder?

16 A No.

17 Q Okay. And this next part of the statement I would
18 assume is accurate in the sense that you did have
19 some contact with Inspector Riddell and you did do
03:09 20 some follow-up as you had mentioned to Mr. Hodson
21 dealing with Ron Wilson and contacting him with
22 Mr. Riddell present?

23 A Most of the contact, other than going out to the
24 Provincial Correctional Centre for that particular
03:09 25 statement and searching the vehicle in the police



1 compound, the only other contact would have been
2 primarily telephone, yes.

3 Q Okay. Now, again as far as this next part here --
4 sorry, I've now put the arrows there so you can't
03:09 5 read it -- Walters believes that he may have been
6 involved in the taking of a second statement from
7 Wilson, and again we're talking about, we'll call
8 it a second statement now, but we're talking about
9 the contact with Riddell, again you were out with
03:09 10 Riddell to the Regina Correctional Centre and
11 gathered some information there; fair to say?

12 A I was present there, yes.

13 Q And if you look at that paragraph, it seems quite
14 clear that the RCMP were not under the impression
03:10 15 that you had taken a statement from Wilson because
16 it says in that report right there:

17 "(File documentation, including R.P.S.
18 reports, indicate that Walters worked on
19 this murder from the Regina end,
03:10 20 however, I can find no indication of a
21 statement being taken by Walters from
22 Wilson or any reference to this washing
23 off of blood."

24 And I think you said that your recollection is
03:10 25 you never said that?



1 A No.

2 Q Right? But yet here it is, it's written down
3 twice in this report, once where there's a
4 reference where you believe that Ron Wilson had
03:10 5 mentioned to you that Milgaard had said to him
6 that there was, that he had observed -- sorry,
7 that Ron Wilson had observed Milgaard washing
8 blood off his hands, but your recollection is you
9 never said that?

03:10 10 A No.

11 Q And it's written down twice in this report?

12 A I noticed that.

13 Q Okay. And you didn't have a chance to review this
14 report then did you?

03:10 15 A Pardon me?

16 Q When you finished interviewing with the RCMP --
17 did you take notes of that?

18 A No, I did not, no.

19 Q And did you review the RCMP notes then?

03:11 20 A No.

21 Q Okay. But here there clearly is no misimpression,
22 if I can put it that way, that you took a
23 statement from Wilson on your own because there
24 has been no indication in any of the documents in
03:11 25 this Inquiry that you ever did take a statement



1 from Wilson, so that seems to be accurate then?

2 A In the preceding paragraph I believe he said:

3 "He believes that he took a statement
4 from Wilson."

03:11 5 It says:

6 "Recalls no admission by Wilson to
7 witnessing a murder."

8 I never said I took a statement. In the second
9 paragraph, or the latter paragraph, then he says:

03:11 10 "Walters believes that he may have been
11 involved in the taking of a second
12 statement."

13 I was present when Inspector Riddell took the
14 statement at the Provincial Correctional Centre,
03:11 15 that's true, but these other facts, I have no
16 recollection of me making those statements at
17 all.

18 Q But those are there, they are written down, and I
19 appreciate that, and again the RCMP has followed
03:12 20 up on that and there's no indication whatsoever
21 that you have ever taken a statement from Ron
22 Wilson?

23 A No, never have.

24 Q So again as far as trying to find a statement,
03:12 25 there isn't one, I mean, people have tried to look



1 for it, so --

2 A I've never taken a statement.

3 Q Now, just give me a moment here, I might be able
4 to speed this process up. If we can go to the
03:12 5 next page, 207, the middle paragraph there -- this
6 one -- again, do you recall having a discussion
7 with the RCMP about your knowledge of Nichol John?

8 A Yes.

9 Q Okay. And if we can go through that statement
03:12 10 there, it says:

11 "Walters stated that he knew John from
12 unrelated matters. He described John as
13 a bad actor. An informant more or less
14 against the activities of the Apollo's
03:13 15 M.C. gang. That John was reluctant to
16 talk at first, but gave the impression
17 that she was not --"

18 It must be a typo there,

19 "-- be open. That she knew more than
03:13 20 she was telling."

21 Is that again your recollection of dealing with
22 her, would she at times withhold information?

23 A No, I think what I said was, I think I repeated
24 that earlier on here today, that she was an
03:13 25 introvert and sort of a sullen personality.



1 Q Yes.

2 A And this may have been misinterpreted as to what I
3 was saying, that she would not look you in the
4 eye, I don't recall that part of the conversation
03:13 5 at all. What I do recall saying is that Nichol
6 was an introvert-type person, that she was more
7 often than not quite sullen, she was just that
8 kind of a gal, but I don't recall ever making
9 these comments. It might have been an
03:13 10 interpretation of our conversation, but --

11 Q No, and that's why we're here today, we're
12 obviously trying to get the best evidence to
13 assist the Commissioner in getting to the matters
14 that are, you know, going to have to be dealt with
03:14 15 in this case, and again, from this particular
16 statement here, you do recall having a discussion
17 about your dealings with Nichol John?

18 A Yes.

19 Q And again you don't think that there's -- I guess
03:14 20 is there blatant untruths here or is it simply a
21 matter of what you would say is an interpretation,
22 a difference as to the information that may have
23 been relayed?

24 A I would say the latter, I think that there has
03:14 25 been a misinterpretation of the conversation.



1 Q And you never got the impression that the RCMP
2 were not trying to find out all of the information
3 that was available from you, it wasn't a situation
4 where they were trying to feed information to you
03:14 5 was it?

6 A No, not at all?

7 Q They wanted to hear your answers to the questions,
8 they weren't visiting answers upon you were they?

9 A No.

03:14 10 Q If we could go to page 208, please, just call that
11 paragraph out, it says here:

12 "At the time of his involvement in the
13 murder investigation he never heard
14 about a Fisher."

03:15 15 And I believe you said today that you had never
16 heard about Larry Fisher in relation to the
17 murder trial?

18 A That's correct.

19 Q Or in relation to the Miller murder rather?

03:15 20 A I heard the name and I knew the name Larry Fisher.

21 Q Okay.

22 A But not in connection with this particular
23 incident.

24 Q And are we talking about 1969 that you would have
03:15 25 known the name Larry Fisher?



1 A Yes.

2 Q And can you tell us why you may have known about
3 that name considering the fact that he never had a
4 criminal record at that time?

03:15 5 A No, I can't be completely positive how I knew, but
6 we had several Fisher families living in Regina at
7 that particular time who were involved in some
8 activity that we were interested in and I believe
9 his name came up during the course of those
03:16 10 investigations. Now, whether he was related to
11 them, I believe there was a connection between the
12 relationship between some of the Fisher families
13 in Regina and him. I'm just not sure what it was
14 though.

03:16 15 Q You are not thinking about Larry Fisher in Regina
16 versus one in Saskatoon are you?

17 A No, no, this one was, this one was living in
18 Saskatoon, but he did come to Regina, that's the
19 connection that I was aware of.

03:16 20 Q So then this is an accurate statement?

21 A Which one are you referring to?

22 Q At the time of his involvement in the murder
23 investigation, you never heard about a Fisher in
24 relation to the murder investigation?

03:16 25 A That's correct, yes.



1 Q Now, this paragraph here, if you can call that one
2 up a little more clearly, you say:

3 "Recalls being involved in the seizure
4 and search of Wilson's vehicle. States
03:17 5 that he found a three inch paring knife
6 in the trunk of Wilson's car, which he
7 states that he turned over to Riddell."

8 And is that your evidence then, that your
9 recollection is that?

03:17 10 A Yes.

11 Q "He believes that Riddell took the knife
12 to the lab and believes that the results
13 came back as negative. That after he
14 turned the knife over to Riddell, he
03:17 15 never saw it again. That Wilson stated
16 that they were using this knife to cut
17 balongne while on their trip."

18 And again the report goes on, and this is just a
19 comment:

03:17 20 "(R.P.S. file documentation on this
21 vehicle being searched makes no
22 reference to a knife being found. This
23 report was prepared by Constable Dyck.
24 Recent inquiries learned that Dyck is
03:17 25 deceased. Also, recent inquiries



1 learned that Riddell's note books were
2 destroyed after he died.)"

3 There are no documents in the inquiry that
4 indicate that you had found a knife. Is it
03:17 5 possible that you were thinking of something
6 else?

7 A No.

8 Q Well, let's have a look at the report of 009281,
9 would you call that up, please, go to the next
03:18 10 page at 282, and again if we could enlarge the
11 written portion. Let's go to the top first so we
12 can identify the document, sorry. It's a May
13 30th, 1969 Regina City Police Department follow-up
14 report and I take it that would be the type of a
03:18 15 document that you would be familiar with?

16 A Yes.

17 Q And the first paragraph talks about a 1958 Pontiac
18 sedan, again it's a document (sic) that appears to
19 have been owned by Ronald Wilson of Cornwall
03:18 20 Street, and there was, if you look at paragraph 3:

21 "The following items were located and
22 retained by the writer at the time."

23 And it shows a number of documents that were
24 seized and held after being seized from that
03:19 25 vehicle, and again if we go through that, and I



1 don't really want to belabour the point, but if
2 we go through all of the documents seized, and I
3 believe there may be some on the next page, it
4 talks about various items that were taken, but
03:19 5 again there's no reference whatsoever. Now, I
6 appreciate this is after the fact. Are you aware
7 then with your involvement in the case why there
8 would have been a subsequent analysis of that
9 vehicle?

03:19 10 A No.

11 Q Subsequent searching of that vehicle?

12 A No.

13 Q If you had done that in the first place --

14 A Two different occasions.

03:19 15 Q Okay.

16 A The two different -- the one that I was involved
17 in was in the police compound.

18 Q Right.

19 A At which time the knife was taken out of the trunk
03:19 20 and handed to Inspector Riddell. This one was
21 sometime after that particular event and I'm not
22 sure why it surfaced, I have no idea, why Dyck was
23 involved in this.

24 Q But you can see that the Regina police then went
03:20 25 out and examined that vehicle afterwards --



1 A Yes.

2 Q -- when you indicated earlier that you thought you
3 had examined it earlier that spring, in March of
4 1969?

03:20 5 A We had.

6 Q Okay. And if we go to I believe your report,
7 009239, and that is the occurrence report of March
8 2nd of 1969, and again if I recall correctly,
9 that's something that you would have been involved
03:20 10 in, it references steps that were taken by you?

11 A Yes.

12 Q And if we go to paragraph 6 on the next page,
13 please, and it says:

14 "With the permission of Wilson, his
03:21 15 vehicle, a 1958 Pontiac, white, green
16 with a grey hood was examined with
17 negative results."

18 Now, that's a report prepared by the Regina City
19 Police Department, I'm assuming a report that you
03:21 20 helped to author, and yet it doesn't have any
21 reference whatsoever to a knife. Now,
22 considering the fact that you were following up
23 on an investigation of a young woman that was
24 murdered in Saskatoon and killed with a knife, it
03:21 25 strikes me as very odd that you would not have



1 referenced that in your report.

2 A In this report?

3 Q Yes.

4 A This report I believe was submitted by Sergeant
03:21 5 Zalinko. Is this the one you are referring to, is
6 that the author of this report?

7 Q Well --

8 A And I believe there was another occasion, this was
9 not the same occasion.

03:21 10 Q And you would not have passed this on to Sergeant
11 Zalinko who I would assume you were working with
12 that you had located a knife?

13 A No, no, the knife situation did not come up at
14 this particular time. This is not the same
03:22 15 occasion we're talking about.

16 Q Well, March of 1969, I believe your earlier
17 testimony was that you examined the vehicle either
18 on the day that you and Riddell went out to talk
19 to Wilson or the next day.

03:22 20 A Yes, about the 2nd or 3rd I thought is correct.
21 Probably about the 3rd would have been the next
22 day.

23 Q Now, this document is referenced March 2nd of '69,
24 but if you go back to the previous page, there are
03:22 25 other dates in there that are after that.



1 A I'm not sure what you are referring to, I'm sorry.

2 Q There may be other dates in here I believe that
3 reference a different time.

4 A I don't know.

03:22 5 Q I may be mistaken on that, my apologies. But
6 again, you never prepared a report with respect to
7 the knife?

8 A No, because Inspector Riddell was making the, was
9 taking care of the investigation, he made the
03:23 10 reports.

11 Q And --

12 A I was just with him in terms of searching.

13 Q And in dealing with Inspector Riddell, was it your
14 impression that he was fairly meticulous in the
03:23 15 sense that he paid attention to detail and would
16 have likely prepared a report on that or not?

17 A I have no reason to doubt otherwise.

18 Q You had worked with him at least on this occasion
19 and he seemed to be diligent in preparing --

03:23 20 A Oh, yes.

21 Q -- notes and documentation with respect to what
22 was being followed up on?

23 A Yes.

24 Q And again this is something that you may not be
03:23 25 aware of, but just for the record, if we can go to



1 document 035212, if we could just enlarge the
2 first portion, and it's 93-4-01, and again this is
3 an RCMP continuation report and it says:

4 "Attended Saskatoon City Police,
03:24 5 Inspector John Quinn provided
6 investigators with the original murder
7 file and same reviewed. There was no
8 mention of a paring knife found by
9 Constable Walters of Regina Police
03:24 10 Department. Nothing mentioned in the
11 lab reports either."

12 And again, if we go to the next page of that
13 document, at 213, the top paragraph there says:

14 "Contact with Regina Police Service
03:24 15 failed to turn up any documentation that
16 would assist in the areas --"

17 Next paragraph:

18 "I do not know what more we can do about
19 the paring knife that Walters said he
03:24 20 found in the trunk of Wilson's car."

21 And all of the investigation by the RCMP in '93
22 failed to turn up any lab report on that, any
23 mention of that in Inspector Riddell's reports or
24 in any documentation whatsoever, and again, your
03:25 25 recollection is that that was located in March



1 and would have been turned over to Riddell?

2 A Yes, I believe it was March and it was turned over
3 to Inspector Riddell. I think we had in one of
4 the previous reports some mention made by Ron
03:25 5 Wilson that they used the knife to cut bologna on
6 one of their trips.

7 Q And there's been evidence to that effect --

8 A Yes.

9 Q -- in this Inquiry.

03:25 10 A That was the knife probably that I'm referring to,
11 the one that I handed over to Inspector Riddell.
12 Why it has not surfaced in any reports I don't
13 know. I did not submit a report on it. It was
14 his investigation, I was simply there present when
03:25 15 it was found.

16 Q And just to be accurate, if I understand
17 correctly, Regina City Police and the RCMP were
18 assisting the Saskatoon Police Service in that
19 investigation?

03:25 20 A Yes.

21 Q So in your understanding of working with other
22 police agencies, anything along that line or any
23 major exhibit or anything to that effect would be
24 turned over to the main investigation body, the
03:26 25 main agency; would that be fair to say?



1 A I would think so, yes. Inspector Riddell was the
2 liaison person between the two departments in
3 terms of this particular investigation, yes.

4 Q And police departments that are assisting the main
03:26 5 agency that's doing the investigation, it's not
6 common for them to hold exhibits, that would be
7 something that would routinely be handed over to
8 the main investigators on that file?

9 A I would assume so, yes.

03:26 10 MR. GIBSON: Thank you very much.

11 BY MR. FOX:

12 Q Mr. Walters, I'm Aaron Fox, I'm counsel for Eddie
13 Karst. I just want to go over a couple of things
14 that you covered in your testimony. You talked
03:27 15 about, you described your observations of Nichol
16 John and Ron Wilson back in 1969 and generally the
17 crowd that they hung out with and you used the
18 word status a few times in terms of wanting to
19 establish status with others that they hung out
03:27 20 with, maybe the Apollos motorcycle gang, maybe
21 even status with the police, would that be fair to
22 say as well?

23 A Yes, yes.

24 Q You started to give an answer that drug activity,
03:27 25 being involved in drug activity could give you



1 status and you mentioned -- with a couple of
2 things, and you mentioned the Apollos as one,
3 obviously if you are involved in drug activity the
4 people associated with the Apollos motorcycle gang
03:28 5 might look at you with some respect or something
6 like that. I'm assuming that's what you were
7 referring to?

8 A That's correct.

9 Q Do you recall giving that answer, what the second
03:28 10 part was or what else might, drug activity where
11 that might give you status? I'm not sure if you
12 remember that or not.

13 A Well, I suppose we could characterize it this way,
14 that there were major players in the drug scene,
03:28 15 there were minor players. This group of people
16 here, David, Ron Wilson, Nichol John, they were
17 the lesser players, they were the minor players.
18 When I use the word status, that they would try to
19 enhance their involvement to the point that they
03:28 20 would gain more respect from their peers and
21 everybody wanted to be the major player. They
22 weren't, but they were trying to establish
23 themselves as major players in the drug scene, so
24 they would enhance their involvement sometime as
03:28 25 to what they were doing and this would give them



1 that status and that's about the best way I can
2 characterize it.

3 Q Okay. And I suppose the enhancement of one's
4 status would help you perhaps move into that major
03:29 5 category?

6 A Yes.

7 Q If in fact that's what you wanted to do?

8 A Yes, absolutely, that's exactly what they were
9 trying to do.

03:29 10 Q And when you talk about enhancing or embellishing,
11 what you are saying is that they might make
12 themselves out to be a little bit more involved
13 maybe than what they even really were just to try
14 and impress someone?

03:29 15 A Yes.

16 Q That would obviously impress other people in the
17 drug business, so to speak?

18 A Yes.

19 Q But I suppose maybe impress you as well, that
03:29 20 maybe these are guys I should keep contact with
21 because they might have valuable information?

22 A Yes.

23 Q You talked about speaking with Ron Wilson and I'll
24 break it down because you described really two
03:29 25 very different individuals, Ron Wilson and Nichol



1 John in terms of your dealings with them, in terms
2 of their character or what they displayed in your
3 dealings with them. Would that be fair to say?

4 A Yes.

03:29 5 Q In terms of Mr. Wilson, I kind of got the
6 impression that what he would say to you had a
7 great deal to do with what his involvement or lack
8 of involvement in the particular subject matter
9 might be?

03:30 10 A Yes.

11 Q If he wasn't involved in the particular subject
12 matter, he might be prepared to speak pretty
13 freely and openly, and in fact might even
14 embellish it hoping to impress you?

03:31 15 A Yes.

16 Q If he perhaps had some involvement, direct
17 knowledge, or perhaps implication in it, he might
18 be a little bit more reserved about what he told
19 you?

03:31 20 A That's correct.

21 Q And I'm assuming you, as a police officer, were
22 always faced with -- I was going to say the word
23 'problem', but part of your job would be making an
24 assessment as you go along; 'is this guy being up
03:31 25 front with me now, or is he holding something



1 back, is he embellishing it, is there further
2 information'? That's part of your job, probably
3 every day, dealing with people in that particular
4 world?

03:31 5 A Yes.

6 Q And Ron Wilson was no different than that?

7 A That's correct.

8 Q And, if you were looking for information from Ron
9 Wilson, often-times you wouldn't get the full
03:31 10 story first time around?

11 A That's true.

12 Q So you would ask some further questions and if he
13 gave you a little bit more information that might
14 tell you, okay, I should continue scratching here
03:31 15 because there might be more there'?

16 A Yes, that's true. A lot of it would depend on his
17 circumstances that particular time when you are
18 talking to him. For example, if he was involved
19 in something the night before that he shouldn't
03:32 20 have been involved in he probably wouldn't be as
21 quite candid or as open the next day because he
22 didn't know where you were going with it, and you
23 probably weren't even aware of it yourself.

24 Q Right.

03:32 25 A But three or four days later, when he realizes



1 that 'they are not going to be talking to me about
2 this particular event', he will talk about
3 something else, yeah.

4 Q And you are constantly making assessments?

5 A Yes.

6 Q 'Is he giving me the truth, part of the truth, or
7 is it all just --'

8 A Yes.

9 Q '-- a bunch of bologna' so to speak?

03:32 10 A Yes.

11 Q With Nichol John, I just -- you made reference to
12 her being upset about something, and I take it
13 that's just sort of a general recollection of your
14 observations of her during this time period?

03:32 15 A Yes.

16 Q And I think you've indicated you can't nail down
17 exactly what it was that was upsetting her but
18 just a general recollection that, at least at the
19 time she was being interviewed about the Gail
03:33 20 Miller death or their trip to Saskatoon, there
21 seemed to be something upsetting her, you never
22 ever determined exactly what that was?

23 A No. It was not unusual for her to be upset about
24 something.

03:33 25 Q Okay. But you recall, specifically, her being



1 upset at that time?

2 A Yes. In and around that time.

3 Q Yes.

4 A Yes.

03:33 5 Q Umm, you've been asked a lot of questions already
6 about what took place back in March-April, or
7 certainly March and May of 1969, in terms of
8 interviews or when you were present and weren't
9 present, and I appreciate the difficulty in trying
03:34 10 to recall back to that period of time. I want to
11 go back to May 22nd of 1969. I understand, I
12 think I have got that right, May 22nd, '69 is when
13 Eddie Karst and Sergeant Mackie came down to
14 Regina, eventually spoke to Ron Wilson and Nichol
03:34 15 John, and in due course Ron Wilson went back to
16 Saskatoon with Sergeant Karst and Nichol John
17 eventually went back with Sergeant Mackie. Do you
18 recall the time period I'm referring to?

19 A I can't be specific as to the time period, I do
03:34 20 recall the event, --

21 Q Okay.

22 A -- but I can't be specific about the time.

23 Q Okay. Do you know if, at the time Detective Karst
24 spoke with Ron Wilson in Regina -- this would have
03:35 25 been when he first came down there, and that would



1 have been May 22nd, 1969 -- if Ron Wilson gave him
2 any information at that time which might have
3 implicated David Milgaard?

4 A No, I'm not aware.

03:35 5 Q That's --

6 A I don't recall that.

7 Q Okay. Possible he may have said something?

8 A Yes, it is.

9 Q And in terms of where that conversation then went
03:35 10 with, between Detective Karst and Ron Wilson,
11 obviously you wouldn't have any knowledge of that?

12 A No.

13 Q There was a reference in the report, and I believe
14 this was Sergeant Mackie's report, about David
03:35 15 Milgaard being sought by the criminal element in
16 Regina about some concern they had; do you know if
17 that's possible, if that was information that was
18 received?

19 A I have no idea.

03:36 20 Q Okay. So --

21 A I'm not aware of that.

22 Q Not aware of it?

23 A No.

24 Q Do you know if you might have been aware of that
03:36 25 in 1969?



1 A I could have been, I'm -- I probably.

2 Q You just don't have a recollection of it at this
3 time?

4 A No. No.

03:36 5 Q Okay. I wasn't sure if you had indicated this,
6 but did you have any direct dealings with David
7 Milgaard?

8 A No.

9 Q So what you would have known of him is sort of
03:36 10 street information, that sort of thing?

11 A Street information and the fact that David was
12 present in -- sometimes when I happened to enter a
13 particular room or a hangout and he was there,
14 yes.

03:36 15 Q Okay. And --

16 A So I knew who he was but I had no direct dealings
17 with David.

18 Q Okay. When we talked, you were asked some
19 questions right at the end by Mr. Hodson about
03:36 20 City Hall or Old City Hall.

21 A Uh-huh.

22 Q I understand; do you know the building that the
23 Globe Theater presently --

24 A Yes.

03:36 25 Q Okay. Is that one of the old city halls?



1 A That's it.

2 Q Okay. I understand in 1969 that at least
3 certainly the top couple of floors of that
4 building were occupied by sort of apartments, a
03:37 5 bit of a flop area, that sort of thing; would I be
6 correct, do you have any recollection of that?

7 A Yes.

8 Q And it would not be unusual to find people using
9 drugs or part of the drug element in that building
03:37 10 at that time?

11 A Yes.

12 Q Okay. If I were looking for Richard Bear in 1969
13 one of the first places I would start would be
14 downtown Regina?

03:37 15 A Ah, yes, in particular 1700 block Rose Street.

16 Q Okay, and that's fairly close --

17 A Yes.

18 Q -- to that City Hall building that we've just
19 referred to. And I'm assuming part of Mr. Bear's
03:37 20 persona was intimidation?

21 A Umm, he would characterize himself as an enforcer.

22 Q Okay. And would, I'm assuming, want people in and
23 around him to know that he was capable of physical
24 enforcement?

03:37 25 A Absolutely. And he was.



1 Q And he was? And that would be from your
2 experience --

3 A Yes.

4 Q -- in dealing with various investigations?

03:38 5 A Yes.

6 Q He not only was physically intimidating, he
7 carried out those intimidation threats from time
8 to time?

9 A Yes.

03:38 10 Q Umm, in terms of your dealings with Detective
11 Karst -- and I'm not sure if you had any other
12 dealings with him beyond those in 1969 in relation
13 to the Gail Miller murder -- do you know if you
14 had any other dealings with him?

03:38 15 A No, I have not.

16 Q In terms of your observations, your dealings with
17 him in 1969, did you have any concerns with how he
18 was treating Ron Wilson or dealing with Ron
19 Wilson?

03:38 20 A No.

21 Q Any concerns about how he was treating Nichol
22 John?

23 A No.

24 Q Did you gain any impression, from what you
03:38 25 observed, that he was attempting to intimidate



1 them, or to make Mr. Wilson provide a false
2 statement, or something of that nature?

3 A No.

4 Q Were you familiar Mr. Walters, in 1969, who was
03:39 5 actually heading the investigation or calling the
6 shots, so to speak, on the Gail Miller murder
7 investigation?

8 A Umm, I believe it was the -- Detective Karst was
9 the primary investigator that I was dealing
03:39 10 with --

11 Q Okay.

12 A -- so I assumed that he was in charge of the
13 investigation. Now there could have been other
14 people within the force here that were involved,
03:39 15 Woods for example and some of these other people,
16 but --

17 Q Okay. So Karst would have been the one that you
18 primarily dealt with in terms of Ron Wilson in
19 Regina?

03:39 20 A Karst and Mackie.

21 Q Karst and Mackie. Do you know who they reported
22 to?

23 A No.

24 Q Do you know who was giving them directions?

03:39 25 A No.



1 Q You would -- would you assume that, in a murder
2 investigation like this, that somebody higher than
3 a detective would be overseeing the investigation?

4 A Yes, I would think so.

03:39 5 Q And these people would be carrying out the
6 investigation as directed?

7 A I would think so, yes.

8 Q Thank you. Thank you, Mr. Walters, those are all
9 the questions I have.

03:40 10 BY MR. PRINGLE:

11 Q Mr. Walters, I'm Alex Pringle, I represent Calvin
12 Tallis. I just have a few questions for you. I
13 want to talk a little bit about Mr. Wilson. We
14 have seen him here as an older man, you saw him as
03:40 15 a 17-18 year old, and by the time this -- by the
16 time he attracted the attention of the police in
17 this matter in March of 1969, at that point in
18 time he would be about 17 1/2 years old -- his
19 birth date was August 10th, 1951 -- and by that
03:40 20 point in time he had accumulated a criminal
21 record; were you aware of that?

22 A Yes.

23 Q In those days the juvenile delinquency age was
24 16 -- under 16?

03:41 25 A Under 16.



1 Q So he had already accumulated a record. And I'm
2 just interested, you made some comments, but I'm
3 just interested how he would project when being
4 interviewed with the police? And I'm sure you had
03:41 5 the occasion to interview him yourself but you
6 also, during the course of this investigation and
7 perhaps others, had the opportunity to see him
8 being interviewed by other police officers, and is
9 it fair to say you already said that you never had
03:41 10 the impression he was intimidated by the police?

11 A That's right.

12 Q And during this investigation, when Corporal
13 Riddell was interviewing him, did you see any
14 signs whatsoever that he was intimidated?

03:41 15 A By Inspector Riddell?

16 Q Yes?

17 A No.

18 Q And, you know, how would he project? Would he
19 project as somebody who -- you know, like we know
03:42 20 that he is associated with a, you know, a major
21 motorcycle gang in this area, he has got a
22 criminal record, albeit he is under 18, but how
23 would he project; would he project as somebody
24 who, you know, would be defensive, or would be
03:42 25 quiet with the police, or would he stand up for



1 himself?

2 A No. No. Ron had a bit of a cocky nature. That's
3 how he projected. Umm --

4 Q And he would be cocky when being interviewed by
03:42 5 the police?

6 A Yes, yes, yes he would, for the most part. He,
7 that's the best way I can describe it, he was just
8 a cocky young kid.

9 Q So --

03:42 10 A But I think he had a lot of potential there, but
11 it was not coming out at that particular time,
12 that's why I spent a lot of time working with him.
13 But he was cocky. In other words he was -- he
14 would like to be in control of the situation,
03:43 15 whether he is capable of handling it or not, he
16 would like to be in control of the situation more
17 often than not, and during the course of those
18 conversations he would come through as a -- maybe
19 being a little arrogant, be cocky.

03:43 20 Q And certainly not afraid of the police?

21 A No, no.

22 Q And did he know his rights?

23 A Oh yes.

24 Q You know, by that point in time --

03:43 25 A Oh yes.



1 Q -- he had been through the system?

2 A Oh yeah.

3 Q Did he know about his right to remain silent?

4 A Absolutely.

03:43 5 Q He knew that he could get a lawyer if he wanted
6 to?

7 A Yes.

8 Q Okay. And did you -- you know, this has been
9 explored somewhat, but have -- did you -- or were
03:43 10 you aware of anything at all that -- about Wilson,
11 or what you knew about Wilson, that would give
12 some sort of theory as to why he would want to
13 implicate Milgaard? Was there any bad blood
14 between them, --

03:44 15 A No, not that I am aware of.

16 Q -- or were they associated with different groups,
17 or anything like that?

18 A No, I'm not aware of anything like that, but
19 friendships amongst that element in those days was
03:44 20 -- sometimes it wasn't long-standing. It would be
21 there for the moment and then it would be
22 fleeting. They were, they were not lifelong bosom
23 buddies, if you want to put it that way, sort of
24 thing.

03:44 25 Q Right.



1 A They would have an involvement as peers in their
2 activities, most of it drug activity, but not
3 beyond that, really, as friends who would not say
4 anything about anybody else, no.

03:44 5 Q And when he was giving you information, you know,
6 when he was acting as the informant did he want to
7 go to court?

8 A Oh no.

9 Q No?

03:45 10 A No, no.

11 Q He was quite aware that he didn't want to end up
12 being a witness?

13 A Oh no. More often than not, that's the reason why
14 he was giving you information, see, he didn't want
03:45 15 to end up in court on some other matter. So I'm
16 sure that in his mind he felt that if I give you
17 some information, that I can keep himself out of
18 court, out of jail.

19 Q Uh-huh.

03:45 20 A They have a motive for giving you information, and
21 that motive generally is for their own well-being,
22 so to speak.

23 Q Right. But he knew that if he gave information,
24 say on a murder case where he was an eye witness,
03:45 25 he would know enough that he could become a



1 witness in that case?

2 A I would think so, I -- I'm just speculating, but I
3 would think so.

4 Q Yeah. And you've indicated -- you've indicated
03:45 5 that, you know, if he were to appear, if we were
6 to take him and put him on a witness stand when he
7 was that age that you knew him, would he look like
8 he was intimidated by the situation? Could you
9 possibly offer an opinion about that?

03:46 10 A Again, it's speculation on my part, but I don't
11 think so. I don't think he would be intimidated.

12 Q Okay. Now you've indicated that, in your dealings
13 with him, there were times when he wouldn't tell
14 you the truth?

03:46 15 A Yes.

16 Q And I think you said sometimes it would take two
17 or three interviews to get to the truth. I
18 imagine there were times you never did get the
19 truth on certain subjects?

03:46 20 A I'm sure there were.

21 Q And did you ever, ever chronicle that in any
22 reports at any point in time?

23 A Not that I am aware of, no.

24 Q The various falsehoods that he provided to you?

03:47 25 A No.



1 Q And did you -- like you were brought in, as I
2 understand it, as a resource person to assist the
3 RCMP and the Saskatoon Police; did you communicate
4 to them that he had not always been truthful in
03:47 5 the past?

6 A Oh, that may have come up in conversation, I don't
7 recall. It could have come up in conversation,
8 yes.

9 Q Yeah. Did they ever -- you know -- you know,
03:47 10 we've heard about your involvement in March but
11 then you get involved again in May in Regina, but
12 you were not asked to go to Saskatoon I gather?

13 A No.

14 Q Did they ever come back to you, after they --
03:47 15 after Wilson and John went down to Saskatoon and
16 gave statements, did the Saskatoon City Police or
17 the RCMP ever come back to you and say 'look, take
18 a look at these statements, what do you think,
19 should we -- could -- should we lay charges on the
03:48 20 basis of these statements'?

21 A No, no. No, I don't recall them ever coming back
22 to me, but certainly not on that basis.

23 Q They never sought your opinion, as someone who
24 knew these two people fairly well, --

03:48 25 A No, I never.



1 Q -- as to whether, you know, they were
2 sufficiently reliable to lay charges that were
3 based a great deal on the basis of their evidence?

4 A No, they never discussed it with me, no.

03:48 5 Q Now with respect to -- we have seen there is a
6 situation where you tape -- a statement was
7 tape-recorded involving Don Robertson, the social
8 worker?

9 A Yes.

03:48 10 Q How common was it, in those days, to tape-record
11 the statements of witnesses in major cases?

12 A It was becoming more common in major cases, not in
13 the minor cases, it was never -- it was seldom
14 used.

03:49 15 Q Are you talking about your police force and --

16 A Yes, yes.

17 Q You can't speak for other police forces?

18 A No, I can't.

19 Q And --

03:49 20 A But in terms of the Regina Police Service at that
21 time was, if you are doing homicide investigations
22 or major armed robbery situations or violent
23 situations, yes it became more common to tape the
24 interviews.

03:49 25 Q And do you know why, for instance, this statement



1 with respect to Robertson was tape-recorded?

2 A No, I don't recall why.

3 Q Do you recall, when you and Riddell were talking
4 to Wilson in -- back on March 3rd at the
03:49 5 correction centre in Regina, whether that
6 statement was audio recorded?

7 A I don't believe it was, but I could be wrong, I
8 don't believe I recall seeing a tape recorder
9 there.

03:49 10 Q And with respect, with respect to back in May when
11 you -- did you meet with Wilson again in May when
12 the police brought you back in, that -- to -- when
13 they initially had contact with him in Regina?

14 A Yeah, I believe I was present for that second
03:50 15 interview.

16 Q Do you recall whether there was any type of audio
17 recording of that --

18 A I can't record -- I can't recall that.

19 Q Did you suggest that the statements be audio --

20 A No.

21 Q -- recorded?

22 A No.

23 Q And I think it's clear already, but after both of
24 these sessions did you -- what reports did you
03:50 25 prepare?



1 A None.

2 Q And why was that?

3 A Because it was a Saskatoon investigation. I was
4 simply there, I suppose, as a comfort zone for Ron
03:50 5 and Nichol.

6 Q Hmm.

7 A That they were more at ease when I was present
8 with them, and that probably assisted in terms of
9 the interview process, but which was being
03:50 10 conducted by the Saskatoon Police Department. So
11 I had made no -- I made notes in my book.

12 Q Right.

13 A I did not submit any reports, though, no.

14 Q Okay. And your notes; do you recall if they were
03:51 15 ever submitted to the prosecutor?

16 A No, they were never submitted, no.

17 Q Was there -- was there a feeling in police circles
18 in those days, and -- that when a number, you
19 know, maybe two officers or three officers attend
03:51 20 an interview of an accused or a suspect, it was
21 better just to have one person, one of the
22 officers recording the interview and preparing a
23 report rather than having all officers do that,
24 because there might -- differences might arise in
03:51 25 the reports?



1 A Well our -- I can't speak for Saskatoon procedure,
2 but for Regina Police Service procedure was that
3 whoever was conducting the interview and taking
4 the statement, that person submitted the report.
03:51 5 There may have been others present in the room but
6 they were passive.

7 Q And would the practice be in those days that if
8 there was other people in the room, the primary
9 officer, the one that's taking the statement would
03:52 10 prepare -- or prepare a summary of the statement,
11 if it wasn't being written down at the time, plus
12 prepare a report, and that the other officers
13 would not prepare either?

14 A That's correct, that whoever was the primary
03:52 15 investigator at that particular time was the one
16 who would submit a report, a written report. The
17 others may have made notations in their notebooks,
18 etcetera, but the report would have been submitted
19 by the primary investigator or interviewer.

03:52 20 Q Okay. No typed reports by the other officers?

21 A No.

22 Q Is --

23 A I'm not saying it couldn't, they could, --

24 Q Yeah.

03:52 25 A -- a supplementary to the original report, but



1 that would be an unusual situation.

2 **Q** My impression is that, you know, like when
3 witnesses were being interviewed back in that time
4 period, you know, important witnesses on a
03:53 5 homicide case, the investigators would go in and
6 talk to the witness and then eventually the
7 witness would prepare a written statement. And,
8 like, we have statements here from Wilson and
9 Nichol John --

03:53 10 **A** Yes, yes.

11 **Q** -- back in May that were reduced to writing
12 eventually, --

13 **A** Yes.

14 **Q** -- but the questions and answers that occurred
03:53 15 leading to the written statement, a lot of time
16 back in those days there was a bit of a faulty
17 record; would you agree with me?

18 **A** Yes.

19 **Q** And you would agree that it's a better situation,
03:53 20 now, to record everything right from the start to
21 the finish?

22 **A** Absolutely.

23 **Q** Yeah.

24 **A** But the process in those days was that there may
03:53 25 have been lead-up conversation and discussion with



1 the witness.

2 Q Yeah.

3 A When you come to a particular point that you have
4 a -- well, I guess the situation where you would
03:53 5 say 'okay, well we have to stop now and we're
6 going to give them the warning and take the
7 statement', and that's when it would happen.

8 Q But a lot of times back in those days we were --
9 you know, there wasn't a very good record kept --

03:54 10 A No.

11 Q -- of the lead-up questions; right?

12 A No, that's correct.

13 Q That was a, unfortunately, a common practice?

14 A That's right.

03:54 15 Q Okay. Thank you, sir, those are my questions.

16 MR. HODSON: I think Ms. Knox indicated she
17 has a question, if you were planning on going
18 last.

19 MS. KNOX: I just have one question.

03:54 20 BY MS. KNOX:

21 Q Mr. Walters, my name is Catherine Knox, and I'm
22 appearing as counsel with T.D.R. Caldwell who was
23 the prosecutor of the day on the file.

24 A Okay.

03:54 25 Q And I know your evidence is that you didn't speak



1 with him, and I know that you weren't called as a
2 witness, but just arising from an answer that you
3 gave to Mr. Pringle. He had asked you whether the
4 officers from Saskatoon Police Service ever came
03:55 5 back to you after those May interviews with John
6 and Wilson where they got statements from them to
7 ask you your opinion about their reliability and
8 so forth. Would it be unfair or incorrect for me
9 to assume that, given you were brought into this
03:55 10 investigation on March 2nd, 1969, and you
11 continued to be involved hands-on with the RCMP,
12 with Inspector Riddell, and you were in meetings
13 and sat in on interviews with Detective Short
14 and -- or Detective Sergeant Short and Detective
03:55 15 Karst, that if you had reservations or if you
16 thought they needed to be given a caution, that
17 you had lots of opportunity to give it and you
18 would have given it?

19 A In retrospect, yes, if I felt that would have been
03:56 20 necessary I think I would have had discussions
21 with them.

22 Q Yes. You were an officer, by that time, with 12
23 years experience?

24 A Yes.

03:56 25 Q You were the youth officer?



1 A Yes.

2 Q You knew these people best of anybody?

3 A Yes.

4 Q And if you had red flags going off --

5 A Yeah.

6 Q -- it would have been the appropriate,
7 professional, and likely thing that you would have
8 brought it to their attention; isn't it?

9 A We probably would have discussed it in some
03:56 10 fashion, yes.

11 Q Uh-huh, okay, thank you.

12 A If I would have had something that was totally
13 obvious to me that didn't sit well with me I think
14 I probably would have said 'well I'm not sure
03:56 15 about this'.

16 Q Yeah. And afterwards, if you heard something and
17 you knew that they had given statements that
18 implicated Milgaard and you had an itch at the
19 back of your neck or a sense of unease, you were
03:56 20 the type of officer who would have picked up the
21 phone and called up Eddie Karst and said 'listen,
22 guy, I'm a little anxious about this, what about
23 it'?

24 A I think earlier on I said that I had a kind of a
03:56 25 relationship with Ron Wilson and Nichol John,



1 even -- they were characters, but we did have a
2 relationship, and if I would have seen something
3 overt there that concerned me I think I would have
4 said something.

03:56 5 Q Thank you.

6 BY MR. WOLCH:

7 Q Mr. Walters, I'm Hersh Wolch, I'm David Milgaard's
8 lawyer. Could you elaborate a little bit on the
9 use of the vagrancy charge in those days?

03:57 10 A Umm, you know, I don't ever recall, myself, using
11 that section of the code. I know it was used, it
12 was used sometimes by the morality people in
13 particular, that were involved with street
14 activity downtown, and I do know that it was on --
03:57 15 used on occasion, but I, myself, I don't recall
16 using it. I guess I recall threatening some
17 people with it --

18 Q Uh-huh.

19 A -- but I don't recall using it.

03:57 20 Q All right. I take it it would have been used as
21 an opportunity to question somebody as well, when
22 they weren't committing an obvious offence, but it
23 was a good opportunity to have them down at the
24 police station and keep them around while you
03:58 25 asked a few questions upon something that you had



1 some interest?

2 A It's conceivable.

3 Q You were asked some questions about your knowledge
4 of Larry Fisher; might it be that his name came to
03:58 5 your attention when he entered pleas of guilty to
6 a number of very serious offences in Regina?

7 A No, no, I believe I knew that name before.

8 Q Even before that?

9 A Before that, yes.

03:58 10 Q Were you aware that he entered those pleas in
11 Regina?

12 A No.

13 Q Now you were asked a few times about individuals
14 seeking status, be it among their peers or
03:58 15 among -- or with the police, but I understand that
16 David did not fall into that category with you
17 because you didn't have that kind of relationship
18 with him?

19 A No, not with me, no.

03:59 20 Q And, in fact, we read in one of the reports that
21 he was working at McLean Hunter and things like
22 that?

23 A Yes.

24 Q Umm, now I am a little puzzled, and I know you did
03:59 25 a pretty good job of explaining it. But it's a



1 bit difficult to comprehend how you get status
2 being an informer. I always thought an informer
3 was the lowest rung you could be; can you help me
4 a little bit more on that?

03:59 5 A They don't get status amongst their peers for
6 informing, they get status with the police
7 department.

8 Q Okay. So, among their peers, they could be in
9 danger?

03:59 10 A Oh yes.

11 Q That is reporting or informing on the Apollos
12 motorcycle gang would --

13 A Would not be healthy.

14 Q No, it's -- might be a good reason to get life
04:00 15 insurance, I suppose?

16 A Right.

17 Q And yet John and Wilson seemed to be able to put
18 that fear aside, perhaps valuing police approval
19 more than approval there, or getting a credit with
04:00 20 the police?

21 A Oh, I think there is a delicate balance there,
22 between the two sides. They had to walk a very
23 narrow line between their relationship with the
24 police department and the relationship with their
04:00 25 peers, and they did like certain bragging rights,



1 'well the police hauled me in yesterday and they
2 raked me over the coals', etcetera, etcetera.
3 Whether that was true or not is immaterial. When
4 that came back to the group, well there is a
04:00 5 status there; 'so how did you hold up', 'oh, did
6 real good'. So, you see, they played both sides
7 of the fence, so to speak, and they wanted status
8 with the police department, they wanted status
9 with their peers, and it was a delicate balance
04:01 10 that they had to maintain. But equally important,
11 for them and their mentality, for both sides.

12 Q And you got to know them fairly well, so I take it
13 when you were in the interview with Riddell and
14 Wilson and formed the opinion that Wilson was
04:00 15 being credible, you didn't just base that on that,
16 but you based it on your background, the common
17 sense of what he was saying and the manner of
18 presentation?

19 A Yeah.

04:00 20 Q It was an overall picture which in fact turned out
21 to be right in the long run, but at that time you
22 formed that opinion based on a real personal
23 knowledge?

24 A Yes.

04:01 25 Q And you made mention that Wilson had a bit of a



1 cockiness about him; correct?

2 A Yes.

3 Q That's not that uncommon among 16 and 17 year olds
4 is it?

04:01 5 A Quite common.

6 Q And in the time you were with Wilson, you never
7 threatened him?

8 A No.

9 Q You didn't intimidate him?

04:01 10 A No.

11 Q And with that behaviour, he showed you a bit of
12 cockiness?

13 A He had an attitude.

14 Q Right.

04:01 15 A He had a typical 16 year old attitude running on
16 the drug scene with the hippie element.

17 Q But as to how he would react if he was being
18 intimidated, you wouldn't know?

19 A Not really, no.

04:02 20 Q In fact, wouldn't you say, based on your
21 experience, that quite often it's the cocky kids
22 who get frightened the easiest, there's a lot of
23 bravado?

24 A With respect to some of them, yes, that's true.

04:02 25 Q And when they are put in a true stress, they may



1 react very differently and lose the cockiness very
2 quickly?

3 A Uh-huh, absolutely.

4 Q But one thing clear is that when they are telling
04:02 5 you something, be it Wilson or John, you've got to
6 look at it pretty carefully?

7 A Oh, you have to sift through it all right, yes,
8 definitely.

9 Q Look at it from a common sense point of view, look
04:02 10 at it from a logic point of view, look it at from
11 is it reasonable, you have to look at what they
12 are saying quite carefully?

13 A Yes, and I think you have to realize how it's
14 going to impact them as to their circumstances.

04:03 15 Q Right.

16 A And for a lot of them it was a survival kind of
17 thing.

18 Q But what's really important also is that if people
19 like Wilson and John are telling you something,
04:03 20 you would like to be able to get it from them
21 separately to see how it compares?

22 A Yes.

23 Q Because giving them a chance to collaborate gives
24 them a chance to make up a story to see both their
04:03 25 purposes?



1 A When I was asked that question earlier on, that
2 was exactly my point, that there could be this
3 possible bit of collaboration between the two of
4 them. I would never have done that, no.

04:03 5 Q Because if one told you fact A and one told you
6 fact B and they were both talking separately, then
7 what you want to do is get to the truth, but the
8 last thing you want to do is put them both
9 together so they can make up C or take one of
04:04 10 their choices?

11 A I would not have done that.

12 Q Right. You said that at some period of time
13 Nichol John might have appeared upset or something
14 like that?

04:04 15 A Yes.

16 Q You can't pinpoint a time frame?

17 A No.

18 Q And that upset, could it have been the result of
19 police questioning?

04:04 20 A It was not unusual for Nichol to be upset about
21 something.

22 Q But it could have been police questioning?

23 A It could have been. I have no idea why, you know.

24 Q Persistent police questioning could have upset
04:04 25 her?



1 A I suppose. I have no idea why -- quite often she
2 would appear to be upset about something. She had
3 a lot of turmoil in her life and of course a lot
4 of it was her own doing and of course then she
04:05 5 would get involved in situations and then she
6 would become very upset for a variety of reasons I
7 suppose, but I have no idea what this particular
8 one was, no.

9 Q And you weren't in Saskatoon when they were
04:05 10 questioned?

11 A No, no.

12 Q You don't know what took place there or what
13 happened there?

14 A No.

04:05 15 Q Or how it evolved do you?

16 A No.

17 MR. WOLCH: Thank you very much.

18 A You're welcome.

19 MR. HODSON: Those are all the questions,
04:05 20 there's no re-exam. Thank you very much,
21 Mr. Walters.

22 COMMISSIONER MacCALLUM: Thank you very
23 much, Mr. Walters, you are excused.

24 MR. HODSON: And the next witness is Bruce
04:05 25 Paynter and Mr. Hardy will be examining Mr.



1 Paynter, if you can come up to the front.

2 **BRUCE IVAN PAYNTER, sworn:**

3 **BY MR. HARDY:**

4 Q Good afternoon, Mr. Paynter.

04:06 5 A Good afternoon.

6 Q Thank you for appearing today to testify. I
7 understand that you currently reside in Regina?

8 A Yes, I do.

9 Q And how old are you, sir?

04:06 10 A 69.

11 Q And I understand that you were previously a member
12 of the RCMP?

13 A I was, yes.

14 Q And can you tell us for what years you worked with
04:06 15 the RCMP, please?

16 A I joined in 1955 and retired in 1990.

17 Q And as of 1969 what was your position with the
18 RCMP?

19 A At that time I was employed in their, at that time
04:07 20 called the Crime Detection Laboratory, now known
21 as the Forensic Laboratory in Regina, and I was
22 involved in a section known as the serology
23 section which basically was examination for
24 identification of body fluids.

04:07 25 Q And as of 1969 what was your position with that



1 section?

2 A I was in charge of the section at that time.

3 Q And can you briefly outline for us what your
4 duties would have been then as head of the
04:07 5 section?

6 A Well, other than operating or being responsible
7 for the section, my main duties would be the
8 receipt of exhibit material from various police
9 agencies around Western Canada and the Northwest
04:08 10 Territories and Yukon, to examine the exhibit
11 material for the presence of body fluids. In the
12 main part this would be blood and seminal fluid.

13 Q And you mentioned some areas covered. Was your
14 laboratory responsible for that sort of serology
04:08 15 work for all of those locations?

16 A There was a laboratory opened in Edmonton, that
17 may have been just prior to 1969, I'm not sure,
18 but I was probably still going to court in Alberta
19 and Manitoba as well as Yukon and Northwest
04:08 20 Territories and Saskatchewan.

21 Q And were you working alone in that department or
22 did you have assistants?

23 A I had been alone earlier, but I believe by 1969 I
24 may have had one or two people working with me.

04:08 25 Q And can you tell us a little bit about your



1 training prior to becoming head of the section in
2 terms of your education and experience?

3 A The education involved obtaining a bachelor of
4 science degree from Carlton University in 1960
04:09 5 approximately, or '64 I mean, and I underwent a
6 period of training in the serology section for
7 approximately four months in 1964.

8 Q And what happened at the conclusion of those four
9 months then?

04:09 10 A At the end of those four months I was then
11 receiving case work and conducting examinations on
12 my own.

13 Q And as part of your education then, was there
14 specific training in serology?

04:09 15 A Specifically in the university degree, no, it
16 would be a general chemistry degree. It involved
17 courses in chemistry and biology and those type of
18 subjects, but it was not a specific course for the
19 work there.

04:10 20 Q So the bulk of your training then in terms of
21 direct work with serology took place in that first
22 four months that you've mentioned?

23 A That is correct. That would be any training or
24 anything that I -- training before 1969.

04:10 25 Q Correct, okay. And I understand, sir, that you



1 were involved in the Gail Miller murder
2 investigation?

3 A Yes, I examined a number of exhibits in that case.

4 Q So I would be correct then that your involvement
04:10 5 related to the receipt of exhibits and examination
6 of those exhibits from a serology perspective?

7 A That is correct.

8 Q And I understand that you have your original notes
9 relating to your work conducted on the Gail Miller
04:10 10 murder investigation; is that correct?

11 A That is correct.

12 Q Did you happen to bring them with you today, sir?

13 A Yes, I did.

14 Q And I do want to bring up those notes for a
04:10 15 moment. If we could bring up document ID 082386,
16 please, and we'll talk about this set of notes for
17 a moment. First of all, do you recognize those
18 notes, Mr. Paynter?

19 A Yes, that would appear to be the notes in
04:11 20 question.

21 Q And again, those would be original notes, or at
22 least a copy of your original notes from the time
23 of your work on this investigation in 1969?

24 A That is correct.

04:11 25 Q And perhaps help us understand that, would these



1 notes be compiled after your work was conducted or
2 would you be taking those notes as you conducted
3 your work at the time?

4 A As you do the work.

04:11 5 Q Okay. And I'm going to show you another set of
6 notes, and perhaps we could do this in a split
7 screen, please, the document is 082377. Do you
8 recognize that set of notes, Mr. Paynter?

9 A Yes, I do.

04:12 10 Q Is that your writing on the second set of notes?

11 A It appears to be, yes.

12 Q And I've read through both sets, it appears to be
13 simply a more legible copy, if I might say, of the
14 first set. Do you remember an occasion when
04:12 15 perhaps you wrote out those notes again following
16 from the original set of notes?

17 A I have no recollection of when I made the second
18 set, or copied the set.

19 Q And I take it that prior to testifying today,
04:12 20 you've had an opportunity to review those two sets
21 of notes?

22 A Yes, I have.

23 Q And am I correct that the second more legible set
24 is in fact a copy for the most part of the first
04:12 25 set?



1 A As far as I could determine, it's an exact copy,
2 yes.

3 Q And there will be a couple of exceptions, but I
4 think we'll cover that, and we'll use that second
04:13 5 set as a bit of a road map as we work our way
6 through your work on this matter. Do your notes
7 tell you, Mr. Paynter, and again perhaps we can
8 just put up the second set alone on the screen, do
9 your notes tell you, Mr. Paynter, what the nature
04:13 10 of your first involvement in this case was?

11 A This would indicate that my first involvement was
12 that I received some exhibits from an ident
13 officer from the Saskatoon City Police, that ident
14 officer being known to me as Thor Kleiv, and I
04:13 15 received them on February the 7th, 1969.

16 Q Okay. And we'll go back to those notes in a
17 moment, but I'm going to refer you firstly to a
18 letter from Lieutenant Penkala, it's document ID
19 084974, we'll take a look at that first page of
04:13 20 the letter, and I note it's dated February the 7th
21 and a Mr. Huber is referred to. Do you recall Mr.
22 Huber?

23 A Oh, yes.

24 Q And what would his position have been?

04:14 25 A He was in charge of the Regina laboratory at that



1 time. He would be my immediate supervisor.

2 Q Okay. Would it be common then for exhibits to be
3 sent to the attention of Mr. Huber notwithstanding
4 the fact that they may make their way to you or
04:14 5 others for examination?

6 A It would be common for an accompanying letter may
7 be addressed to him, but he may or may not have
8 got that letter, it may have came to me.

9 Q Okay. And I want to take you through this letter,
04:14 10 if we can just scroll up a little bit, please,
11 we'll note the reference, the murder of Gail Olena
12 Miller:

13 "The following exhibits are being
14 personally delivered to your laboratory
04:14 15 by Identification Officer T.H. Kleiv for
16 examination:"

17 And we'll be referring to these, so I want to
18 take some time just going through them.

19 "Exhibit "A" - black cloth 3/4 length
04:15 20 coat, with fur-trimmed collar and cuffs;

21 Exhibit "B" - pair of ladies pink
22 panties;

23 Exhibit "C" - ladies girdle and white
24 mesh stockings attached;

04:15 25 Exhibit "D" - ladies half-slip;



1 Exhibit "E" - ladies brassiere,
2 blood-stained, right shoulder strap torn
3 loose;

4 Exhibit "F" - white nurse uniform dress,
04:15 5 bearing white plastic name badge and
6 Nursing Assistant button;

7 Exhibit "G" - two vials of victim's
8 blood;

9 Exhibit "H" - knife blade, handle broken
04:15 10 off;

11 Exhibit "I" - two plastic vials of
12 unknown yellowish substance (in frozen
13 state);

14 Exhibit "J" - control sample of pubic
04:15 15 hair from victim."

16 Next page, the top:

17 "Exhibit "K" - control sample head hair
18 from victim."

19 Mr. Paynter, do you generally recall the receipt
04:15 20 of these items when we look through that list?

21 A Yes, that would appear to be the list, or the
22 exhibits that I received at that time.

23 Q Okay. And I would like to move on, again to page
24 2, please, I'll take a look at purpose of
04:16 25 submission, I would like to refer to a few of



1 these entries, the first one:

2 "Exam for human seminal stains:

3 Exhibit "A" - (black cloth coat) -

4 examine coat tail area, inside and

04:16 5 outside;"

6 Exhibit "B", Exhibit "C", "D" and "F", and I take
7 it that the necessary tests relating to that
8 request would fall in your area, Mr. Paynter; is
9 that correct?

04:16 10 A That is correct.

11 Q And if we move to paragraph number 2:

12 "Examine Exhibit "B" (ladies panties)

13 and Exhibit "C" (girdle and stockings)

14 to determine whether blood stains are

04:16 15 menstrual."

16 Again, would that be the sort of tests that might
17 fall into your area at that time?

18 A No, I had no tests available to me at that time to
19 determine whether blood stains were menstrual or
04:16 20 otherwise.

21 Q And that was the reason I qualified it at the
22 outset, but being that it was bodily fluid, that
23 would be something that would be properly directed
24 to your attention, notwithstanding your response
04:17 25 would be, as you've just indicated, that you



1 couldn't conduct the test?

2 A I would be the section they would ask if I could
3 do it, yes.

4 Q Okay. And number 3, it talks about checking some
04:17 5 fibres off of the name badge that had been
6 secured, and I take it that would not fall within
7 your area?

8 A No, it would not.

9 Q Number 4, though:

04:17 10 "Examine Exhibit "H" (broken knife
11 blade) and determine whether the stain
12 is human blood and of the same grouping
13 as Exhibit "G".

14 That would be something that would fall to you?

04:17 15 A Yes.

16 Q And number 5, 6 and 7, I won't read through those,
17 but perhaps you can take a look at those, I don't
18 believe those would be matters that would fall
19 within your area of responsibility, would that be
04:17 20 correct, and just take a moment to look at those?

21 A No, that would not be my area either.

22 Q Okay. And number 8:

23 "Conduct tests on Exhibit "G" (two vials
24 of blood), to determine blood grouping."

04:18 25 That would fall to you; is that correct?



1 A Yes.

2 Q And when we're referring to blood grouping, I
3 assume that what that's referring to is
4 determining the blood type?

04:18 5 A Yes, that was the ABO blood grouping system that
6 we were using at that time.

7 Q And lastly number 9:

8 "Examine Exhibit "I" (two plastic vials
9 of unknown substance) for the presence
04:18 10 of spermatozoa, and establish whether it
11 is of human origin."

12 Again, that would be something that would fall in
13 your area of expertise, Mr. Paynter?

14 A Yes, sir.

04:18 15 Q And would this correspondence, just generally
16 speaking, be the standard type of letter you might
17 receive with a collection of items that you had
18 been asked to examine?

19 A It would be on the more elaborate end of the type
04:18 20 of information that we would get. Quite often
21 there would be no correspondence if they were
22 bringing in the exhibits in person, they would
23 just ask us, say here's the exhibits, this is
24 what -- you know, what can you do to help us.

04:19 25 Q So this would be a more detailed request than you



1 were accustomed to?

2 A It was more detailed than average.

3 Q Was it, and I don't know if you can answer this
4 question, was it common, the common type of
04:19 5 request that you might receive from Lieutenant
6 Penkala?

7 A It probably was, yes.

8 Q Okay. I'm going to go back to your notes if we
9 could and we'll use the more legible version
04:19 10 again, 082377, and perhaps just at the outset, I
11 note a notation at the top I believe that says CN
12 27 and 58, I might be wrong on that. Do you know
13 what that notation relates to?

14 A Yes. That was an internal coding system that the
04:19 15 laboratory used for different types of
16 examinations that the laboratory conducted so that
17 they could keep statistics on it. The 27 referred
18 to blood examinations and the 58 was seminal fluid
19 examinations.

04:20 20 Q Okay. And again we referenced previously this is
21 a list of items received from Mr. Kleiv on
22 February 7th. Perhaps we'll look at that first
23 entry, A, one black coat, and I note some writing
24 underneath of that. Could you perhaps tell us
04:20 25 what your entries mean following that first line?



1 A I have indicated there that I found no areas to
2 check further for seminal fluid and it would
3 indicate that while there was blood on the coat,
4 because of the nature of the case involved, I did
04:20 5 not do any testing of the coat for blood.

6 Q Okay. So is that consistent short language that
7 you would use, with reference to the SF, that's
8 telling us that you were looking for seminal
9 fluid, and BLD, blood?

04:21 10 A That's correct.

11 Q And that's consistent throughout your reports?

12 A Yes.

13 Q And you talked about the first aspect, looking for
14 seminal fluid. Can you tell us what procedure you
04:21 15 would have employed at that time?

16 A At that time it was basically a visual examination
17 both with ordinary light and perhaps with
18 ultraviolet light as well as general touching or
19 feeling of the garment itself to try and locate
04:21 20 any suspect stains.

21 Q And I take it then that there would be no chemical
22 tests or further specific tests that were done
23 beyond the visual inspection unless that had been
24 indicated in your notes?

04:21 25 A That is correct.



1 Q So when we see no areas, that refers to the
2 procedure that you've just described for us then?

3 A That would mean that I found no areas that I was
4 suspicious of to carry on further with any other
04:22 5 tests.

6 Q Based upon a visual inspection and perhaps by feel
7 as well?

8 A That is correct.

9 Q Okay. And can you tell -- I recall that Mr.
04:22 10 Penkala's letter directed you specifically I
11 believe to the coat tail area. I take it then
12 from this entry, though, that that would have
13 simply been a visual inspection then of the coat
14 tail area of the coat?

04:22 15 A That would be correct, yes.

16 Q Okay. And if we move down to the second item
17 then, B, and again we see the first line, one pair
18 of pink panties, can you explain for us what the
19 following entries mean, Mr. Paynter?

04:22 20 A For seminal fluid I checked two areas. The first
21 one, in the crotch area, I found no seminal fluid,
22 and in the second area, which was behind the
23 crotch area, I did find human seminal fluid
24 present. Now, in this case, in the crotch area,
04:23 25 even whether or not a visual examination would



1 indicate any stain or not, it was common practice
2 to test that area further chemically anyway
3 because that would be where you might suspect
4 seminal fluid to be found in cases of this nature.

04:23 5 Q And I want to be sure I'm understanding you
6 correctly. You've noted a number 1 and a number 2
7 and I take it then that you actually went beyond
8 visual inspection with respect to those two
9 particular areas?

04:23 10 A Yes, I did.

11 Q Okay. Can you tell us what you did then?

12 A When determining, after determining the areas I
13 was going to test, I then conducted a chemical
14 test which we refer to as an phosphatase test
04:24 15 where a portion of the exhibit would be cut out
16 and soaked out and a chemical test ran on the
17 material we soaked out of the garment in this
18 case, and if that gave us a positive result for
19 seminal fluid, I would then do a microscopic
04:24 20 examination of part of the extract to determine
21 whether or not I could locate human spermatozoa.
22 Q And you referred to that as an phosphatase test?
23 A Yes.
24 Q Is that also referred to as an acid phosphatase
04:24 25 test?



1 A It's the same test, yes.

2 Q And would that have then been the common test
3 employed in 1969 after a seminal stain had been
4 suspected on a particular item?

04:24 5 A Yes, it was.

6 Q And again in contrast to the first entry, I take
7 it that this phosphatase test was not done with
8 the coat?

9 A There was no area suspected on the coat and
04:25 10 therefore no phosphatase test was conducted.

11 Q And so we see in terms of that first area that you
12 cut out of the panties, it was negative, and the
13 second area, it was positive on the phosphatase
14 test, and is that, as soon as you have the
04:25 15 positive phosphatase test is when you would go on
16 to microscopically examine that particular item?

17 A Yes, it would.

18 Q And perhaps you can tell us about that, what are
19 you looking for on microscopic examination?

04:25 20 A Is to identify the human spermatozoa which can be
21 a confirmation that human seminal fluid was
22 present.

23 Q And I note that you describe it as human
24 spermatozoa. Was there a way to particularly
04:25 25 identify human spermatozoa?



1 A Yes. When you saw them in a microscope, it was
2 not difficult to tell, to differentiate human
3 spermatozoa from other animal forms.

4 Q And again, your entry respecting blood is similar
04:26 5 to A, not tested, and you indicate, as you've told
6 us already, there was no way to tell if it was
7 menstrual blood or not, and that's correct, sir?

8 A That's correct.

9 Q If we can go down to item C and we continue with
04:26 10 what you've told us thus far, it would appear that
11 you suspected something upon visual inspection in
12 terms of seminal fluid and that you cut out a
13 particular area in this case. Would that be
14 correct?

04:26 15 A I can't say again whether I suspected something or
16 whether it was just automatically testing that
17 particular area of the garment.

18 Q Because it was the crotch area as indicated?

19 A Yes.

04:26 20 Q Okay. And blood, you note same as B above. And
21 if we go to letter D, I note it says SF, no areas,
22 and I take it that would be on visual inspection
23 only?

24 A That is correct.

04:26 25 Q And if we could move to the next page, please.



1 Item E, one white brassiere, it looks like you
2 checked for seminal fluid, no areas. Again, that
3 would be on visual inspection?

4 A Yes.

04:27 5 Q Blood, same as D. I'm going to pause at that one
6 just for a moment. I note from Mr. Penkala's
7 letter that you weren't actually asked to, I
8 believe I'm correct on this one, check for seminal
9 fluid in relation to item E, and I'm just looking
04:27 10 at the document, if you'll take my word on that
11 for a moment, Mr. Paynter, and I'm not asking that
12 question so much to point out that fact, but more
13 to get to the issue of what sort of discretion you
14 had or felt you had in terms of receiving requests
04:27 15 for serological testing on various items. Was
16 this an area where you would make some decisions
17 on what tests were required on your own?

18 A Yes, I would, I would make the decision whether
19 these garments should be looked at. The same as
04:28 20 with the blood, I believe he may have asked me to
21 identify some of the blood stains, but because of
22 the nature of the case and the amount of blood
23 staining that was on it, I made no further
24 examination for blood. That would be my decision
04:28 25 again.



1 Q And you felt you had that level of discretion to
2 make those sorts of decisions?

3 A Yes, I did.

4 Q And I take it that no one complained, so to speak,
04:28 5 that was sort of how it worked at the time?

6 A That was correct.

7 Q Okay. If we move on to the next item, it's item
8 F, one white uniform dress; again I see the entry
9 SF, no areas, so I take it that that was again on
04:29 10 visual inspection only?

11 A It was.

12 Q And you mentioned, and I'll go back to it just for
13 a moment, do you have any recollection of whether
14 you used ultraviolet light in this particular case
04:29 15 when you were doing your visual inspections?

16 A At that time of my career I suspect I probably
17 did. Now the problem with -- certain types of
18 fabric would also fluoresce very brightly
19 themselves, particularly nylons, and whether or
04:29 20 not this was a nylon uniform or not I have no idea
21 at this time, but I would suspect I did use the
22 ultraviolet light.

23 Q So I take it ultimately, in terms of perhaps not
24 at this point but after you gained some
04:29 25 experience, you -- you weren't necessarily always



1 using the ultraviolet light approach?

2 A Yeah. Experience, I would say, probably taught me
3 that I was better with my eyes and fingers than I
4 was with the ultraviolet light.

04:30 5 Q Okay. If we go to the next item, item G, liquid
6 blood sample; again, this would be blood from the
7 victim, and I take it you tested one of those
8 vials and determined it to be group O?

9 A That is correct.

04:30 10 Q If we move down to item H, it indicates one knife
11 blade, and what would the group O entry there be
12 telling us?

13 A The blood stains on the knife blade were of group
14 O.

04:30 15 Q And I take it that would have been dry blood or
16 dried stains?

17 A Yes, it would be.

18 Q And it was possible, then, to test blood typing on
19 dried blood stains at that time?

04:30 20 A Yes, sir.

21 Q Okay. And I note a couple of en -- other entries
22 here on this particular exhibit, 'positive AH' and
23 'positive Hemo'; can you tell us about those
24 please?

04:31 25 A After we found a stain that we suspected would be



1 blood if there was sufficient there we would do a
2 chemical test which produced haemochromogen
3 crystals, which would be a positive identification
4 of haemoglobin, the red constituent in the blood.
04:31 5 And my note, just as a shorthand, it's 'positive
6 Hemo' for haemochromogen crystals. That was the
7 identification of blood as such.

8 We then did another chemical
9 test to determine whether or not it was human
04:31 10 blood, and again, this time 'positive AH' would
11 indicate that it was tested positive for human --
12 human blood.

13 Q And can you tell us, I'm not promising I'm going
14 to understand, but can you tell us, briefly, what
04:31 15 that particular test involved?

16 A The human, antihuman test?

17 Q Yes?

18 A It involved making an extraction of the stain or a
19 liquid sample of the stain, we would then add to a
04:32 20 portion of that extract an antihuman globulin that
21 we obtained commercially from Ortho Diagnostics,
22 and allow them to sit overnight. If there was
23 human protein in the stain it would combine with
24 the antihuman globulin from the material we put in
04:32 25 it. The next morning I would then test for the



1 presence of that added material, if it had been
2 tied up by the blood sample being human blood I
3 would not be able to find the material I had
4 added, and that would tell me that it was human
04:32 5 blood.

6 Q And would that have been a standard test, then,
7 used in 1969 --

8 A That was --

9 Q -- for the purpose you have identified?

04:33 10 A That was the test we used prior to and long after
11 1969.

12 Q And perhaps just help us understand you; you used
13 this test with respect to the blood stain on the
14 knife blade, what would have prompted that, was
04:33 15 there some question on -- from your perspective in
16 terms of determining whether the blood was human
17 or of human origin?

18 A No, it was a standard test that we went through
19 with any blood stain that we were testing.

04:33 20 Q But, ultimately, what its results told you was
21 whether or not the stain was of human origin?

22 A That is correct.

23 Q Okay. And you've mentioned the second test, the
24 haemochromogen test, and I think you mentioned
04:33 25 that that was the second step in testing a



1 substance for blood; was that correct?

2 A In this case it was probably the first step
3 because the amount of material that was probably
4 present on the knife blade. That involved taking
04:34 5 a very small portion of the stain, placing it on
6 the glass slide, adding another chemical to it and
7 observing it under a microscope and watching the
8 production of haemochromogen crystals. These were
9 very specific crystals produced by haemoglobin and
04:34 10 this chemical.

11 Q Okay. I do note the time, Mr. Commissioner,
12 probably not an ideal time to pause, but I think I
13 can pick up tomorrow right where we left off, if
14 we would like to break now.

04:34 15 COMMISSIONER MacCALLUM: All right.
16 Tomorrow at -- what time did we say we would like
17 to start -- 9:00?

18 MR. HARDY: 9:00.

19 (Adjourned at 4:35 p.m.)
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22
23
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25



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We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,
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Karen Hinz, CSR

Official Queen's Bench Court Reporter

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Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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