

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

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Transcript of Proceedings  
and  
Testimony before the Commission  
sitting at the  
Sheraton Cavalier Hotel at  
Saskatoon, Saskatchewan

\*\*\*\*\*

On Thursday, August 18th, 2005

Volume 59

Inquiry Proceedings



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<i>Mr. Aaron Fox, Q.C.,</i>	<b>for</b> Mr. Eddie Karst
<i>Mr. Bruce Gibson and Ms. Rochelle Wempe,</i>	<b>for</b> the RCMP
<i>Mr. Eamon O'Keefe, Esq.,</i>	<b>for</b> Mr. Larry Fisher
<i>Ms. Jennifer Cox,</i>	<b>for</b> Minister of Justice (Canada), The Hon. Irwin Cotler



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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Morning.

ALL COUNSEL: Morning.

MR. HODSON: Mr. Commissioner, the next witness is Mr. Ed Rasmussen, if he could come up to the witness stand please.

EDWIN ARTHUR RASMUSSEN, sworn:

COMMISSIONER MacCALLUM: Please have a chair, sir.

BY MR. HODSON:

Q Good morning, Mr. Rasmussen, thank you for agreeing to testify before the Commission.

I understand you currently reside in Green Lake, Saskatchewan; is that correct?

A I do.

Q And your current age?

A 67.

Q 67. And you were employed as a member of the Royal Canadian Mounted Police from 1957 until 1977 when you retired?

A That's correct.

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



1 A That's correct too.

2 Q And your rank at that time, sir, was a corporal?

3 A Yes.

4 Q And we have seen some reference in the documents  
09:03 5 to various officers and command, and that was an  
6 NCO, non-commissioned officer; is that right?

7 A That's correct.

8 Q And then, as well, there was some mention of F  
9 division and GIS; can you tell us what that is?

09:03 10 A F division is simply referring to Saskatchewan as  
11 a whole. GIS is a general investigation section  
12 which is a plainclothes section operating out of  
13 Saskatoon.

14 Q And if we go back my understanding, and please  
09:03 15 correct me if I'm wrong, that in 1969 for the RCMP  
16 there would be F division, which would be the  
17 Saskatchewan division, and the head office of that  
18 would have been in Regina; is that right?

19 A That's correct.

09:03 20 Q And so there would be RCMP officers associated  
21 with F division; correct?

22 A That's correct.

23 Q And that there was an S division for Saskatoon, a  
24 division of the RCMP; correct?

09:04 25 A Subdivision.



1 Q A subdivision? Sorry.

2 A Saskatoon subdivision, yes.

3 Q So that would be a detachment, if I can call it  
4 that, of the officers in Saskatoon that would be  
09:04 5 associated with the S subdivision; is that  
6 correct?

7 A S subdivision, that's correct.

8 Q And what, generally, would the S division's,  
9 Saskatoon subdivision -- they would deal with  
09:04 10 matters in Saskatoon and area that were within  
11 your jurisdiction?

12 A That's right.

13 Q And then there was a third division, GIS, which  
14 was general investigation section; is that right?

09:04 15 A That's correct.

16 Q And that was a subdivision as well?

17 A Well, we were really a unit within the Saskatoon  
18 subdivision.

19 Q Okay, so a unit within the Saskatoon subdivision?

09:04 20 A Yes.

21 Q And that's the division you were part of, GIS?

22 A In 1969 I was, yes.

23 Q And then, in addition to that, there would have  
24 been the RCMP lab in Regina, and we heard from  
09:04 25 Mr. Paynter about that the other day; is that



1 correct?

2 A That's correct.

3 Q So as far as the RCMP's presence, if I can call it  
4 that, in the province, or in Saskatoon in 1969,  
09:05 5 the F division, the Saskatoon subdivision, and the  
6 GIS unit of the Saskatoon subdivision, and the  
7 lab; would those be the four main divisions or  
8 components of the RCMP?

9 A Partly, yes, part of it is, yeah.

09:05 10 Q Is there more?

11 A Well there is, for example, Saskatoon rural  
12 detachment --

13 Q Yeah.

14 A -- which would be uniformed personnel.

09:05 15 Q Yes.

16 A The GIS were comprised of plainclothes individuals  
17 and also had, you know, members of the drug  
18 section and -- attached to that unit as well.

19 Q Okay. So the GIS, in 1969 you were a member of  
09:05 20 the GIS --

21 A Yes.

22 Q -- unit, and was that plainclothes?

23 A Yes.

24 Q And can you just briefly describe what type of  
09:05 25 work it was that you, the GIS division, did at





1           that time?

2           A       The GIS section were mainly responsible for major  
3           crimes mainly within the subdivision itself. For  
4           major crimes I mean major frauds, murders, you  
09:06 5           know, suicides and that type of thing, break and  
6           enters and theft and so on.

7           Q       So would it be fair to say in 1969, at the time  
8           you became involved in the Gail Miller murder  
9           investigation, that you were the equivalent, if we  
09:06 10          looked at the Saskatoon Police Service, of a  
11          detective or a homicide -- you investigated  
12          homicides and you --

13          A       Yes.

14          Q       And other crimes?

09:06 15          A       Yes.

16          Q       And I appreciate there is a distinction in  
17          jurisdictions and all those things --

18          A       Yeah.

19          Q       -- but, generally, you investigated major crimes?

09:06 20          A       That's correct.

21          Q       And just, again, the -- as far as the RCMP role at  
22          the time, it's my understanding -- and please  
23          correct me if I'm wrong -- that the RCMP had a  
24          relationship with the Attorney General of  
09:06 25          Saskatchewan, or the government, to provide



1           policing in the Province of Saskatchewan in areas  
2           where there was not a municipal police force?

3       A       That's correct.

4       Q       And is that correct?

09:07 5       A       We were basically hired by the Attorney General's  
6           Department within Saskatchewan, yes.

7       Q       And that would be to provide policing in areas  
8           that did not have a municipal police force?

9       A       That's correct.

09:07 10      Q       And, as well, that I understand that as part of  
11           that you would also provide assistance within  
12           those areas that had a municipal police force in  
13           certain circumstances?

14      A       Yes, we would.

09:07 15      Q       So that part of your mandate -- and I don't want  
16           to get too legal here but just looking for your  
17           understanding -- where the RCMP might, for  
18           example, provide assistance to the Saskatoon  
19           Police force, the Regina police force, and that  
09:07 20      was part of your deal with the government?

21      A       Yes, yeah.

22      Q       Is that fair?

23      A       Yeah.

24      Q       And so, at the time, you would be doing  
09:07 25      investigation work in rural areas in those



1 communities that didn't have a municipal police  
2 force, and as well, on occasion, within the larger  
3 cities; is that --

4 A That's correct, yes.

09:08 5 Q And so I take it, sir, that you would have had  
6 occasion to deal with members of the Saskatoon  
7 City Police force on other files prior to the Gail  
8 Miller murder investigation?

9 A Yes, there was always a working relationship with  
09:08 10 the local police force.

11 Q Now can you tell us how it was, sir, that you  
12 became involved in the Gail Miller murder  
13 investigation?

14 A The Saskatoon GIS, the individual in charge was  
09:08 15 Mr. Edmondson, Staff Sergeant Edmondson.

16 Q Yes?

17 A And he was a senior member of the section at that  
18 time, and I don't remember exactly, but I would  
19 assume that he was -- I was instructed by him to  
09:08 20 give assistance to the Saskatoon City Police.

21 Q And, sorry, I'm just going to go back a question  
22 on the relationship between the RCMP and the  
23 municipal police forces, and specifically the  
24 Saskatoon Police force.

09:08 25 A All right.



1 Q It's my understanding that, in 1969, that the RCMP  
2 would assist a municipal police force where they  
3 had to go outside of their jurisdiction, out of  
4 their boundaries; is that correct?

09:09 5 A That's correct, yes.

6 Q And I, again I don't want to get too legal on this  
7 point, but there was a question or an issue about  
8 whether or not a municipal police force could act  
9 outside of their city boundaries, the municipal  
09:09 10 boundaries; is that your understanding?

11 A Yes. My understanding was that the RCMP acted  
12 with the municipal police forces to conduct  
13 investigations outside their boundary.

14 Q And so would it be a common thing for RCMP  
09:09 15 officers to be called in to assist where municipal  
16 forces had to do police work outside of their  
17 physical boundaries?

18 A Yes.

19 Q And then just back, and I think the record shows,  
09:09 20 Mr. Rasmussen, that the RCMP -- and I'll go to  
21 some documents in a moment -- became involved, and  
22 is it fair to say that your services and Staff  
23 Sergeant Edmondson and Inspector Riddell, your  
24 services were provided to assist the murder  
09:10 25 investigation for a time period; is that fair?



1 A Yes.

2 Q And can you help us understand that relationship,  
3 would it be a partnership between the two? Like  
4 who ran the investigation, was it -- once the RCMP  
09:10 5 became involved, what was your understanding?

6 A Well my understanding was I, as a corporal I  
7 probably had less service than even the Saskatoon  
8 City Police members, of course Stan Edmondson had  
9 a lot more service than I did, but my impression  
09:10 10 was that the Saskatoon City Police were in charge  
11 of the investigation, as to which member, I don't  
12 know if it was one or several within the Saskatoon  
13 City Police department.

14 Q And as far as the role of the RCMP officers, and  
09:10 15 specifically your role, would it be one where you  
16 people -- 'you', and when I say 'you people' I  
17 mean the RCMP' -- would go off on your own and try  
18 and solve the crime, or did you work with the  
19 Saskatoon City Police in virtually everything you  
09:11 20 did; and can you help us understand, generally,  
21 the relationship?

22 A Yeah. We worked on most occasions with the  
23 Saskatoon City Police. I know I, myself, I  
24 accompanied Saskatoon City Police members to do  
09:11 25 interviews as far as Purdue and Aberdeen and



1 places like that. Umm, that, it was sort of a  
2 working relationship. We always had a working  
3 relationship with the Saskatoon City Police in  
4 that the Mounted Police, and in particular the  
09:11 5 plainclothes section, were interested in  
6 individuals within the city that are going out  
7 into our rural areas and committing crime, so  
8 we've always had a close relationship with the  
9 Saskatoon City Police because of that.

09:12 10 Q I see. So, apart from the Gail Miller murder  
11 investigation, are you telling us that you and  
12 other RCMP officers would, on a fairly regular  
13 basis, exchange information with city police  
14 officers about --

09:12 15 A Yes, that's correct.

16 Q -- persons of interest?

17 A Yes.

18 Q So then when the Gail Miller murder investigation  
19 came along, again, I take it that as far as how  
09:12 20 you discharged your duties as an investigator on  
21 that file, was it any different than how you would  
22 discharge those duties as if it were an exclusive  
23 RCMP murder investigation?

24 A No.

09:12 25 Q No? And again, generally, would it be -- the work



1 and the tasks that you did, who would tell you  
2 what to do or ask you what to do on the file?

3 A Well, generally it would be the Staff Sergeant  
4 Edmondson, but there would also be an occasion  
09:12 5 when a phone call would have been received from  
6 the Saskatoon member, police member, and we would  
7 get together and proceed on an investigation.

8 Q And would most of the tasks, then, that you  
9 undertook on the investigation be in conjunction  
09:13 10 with a Saskatoon City Police member?

11 A Yes, that's correct. There was only one occasion,  
12 when Staff Sergeant Edmondson and I, by police  
13 plane, went to Flin Flon --

14 Q Yes.

09:13 15 A -- to make an interview. That's the only occasion  
16 I can recall where we didn't have a member with  
17 us.

18 Q So that on all other occasions, then, there would  
19 have been a member of the Saskatoon City Police  
09:13 20 with you when you were doing your duties?

21 A Yeah, that's my recollection, yes.

22 Q Let's talk a moment about your method of reporting  
23 the work that you did. I take it, sir, that you  
24 kept a notebook?

09:13 25 A I did, yes.



1 Q And we'll put that up in a moment -- and, as well,  
2 a daily diary; --

3 A Yes.

4 Q -- is that right? And what was your practice  
09:13 5 about preparing written reports about the  
6 investigation work that you had undertaken?

7 A Well of course we would keep up-to-date notes on  
8 the file, we had received copies of all the  
9 Saskatoon City Police reports and we maintained a  
09:14 10 file in our office that contained our notes and so  
11 on, and those notes and pieces of paper would be  
12 done by myself and Stan Edmondson.

13 Q So at the RCMP detachment where you worked --  
14 well, let me ask this. Did you generally work out  
09:14 15 of the RCMP offices, then, while you were doing --

16 A Yes.

17 Q -- Gail Miller work?

18 A Yes.

19 Q And you would have a file there that would have  
09:14 20 all of the relevant paper relating to your work?

21 A That's correct.

22 Q And I think you said you got the file from the  
23 Saskatoon City Police; is that fair?

24 A Yes.

09:14 25 Q And then I'll show you a document in a moment on





1           that.

2           A       Okay.

3           Q       And in addition -- let me put it this way --  
4                   you've seen, had occasion to see the investigation  
09:14 5                   reports, the type of report prepared by the  
6                   Saskatoon City Police Service; you know the  
7                   documents I am referring to?

8           A       I have just saw them on the screen, I --

9           Q       Yes.

09:14 10          A       Yes.

11          Q       And I think we've heard evidence that, when the  
12                   city police would undertake a task on a given day  
13                   they would prepare a written report called an  
14                   investigation report detailing what they found,  
09:15 15                   what follow-up might be needed, and it would go  
16                   into central records and to others, and that that  
17                   was their form of recording what they did. Was  
18                   there a similar type of document, sir, that you  
19                   would have prepared that set out what you did on a  
09:15 20                   daily basis?

21          A       No.

22          Q       So your record -- I mean, for example, if you and  
23                   Mr. Chartier went out and interviewed a witness on  
24                   a given day and made three inquiries, what we have  
09:15 25                   seen is that Mr. Chartier would have prepared an



1 investigation report --

2 A Yeah.

3 Q -- that says 'here's what we did', you know

4 'Corporal Rasmussen went with me, we did this,

09:15 5 this, and this, attached is a statement', and that

6 would go onto the file. In that hypothetical --

7 what would you prepare on your file?

8 A I would only have my notes.

9 Q Your notes?

09:15 10 A Handwritten notes, yes.

11 Q And was there a reason that you wouldn't prepare a

12 more detailed summary of what you did that day to

13 put on the file?

14 A No, I don't think there was any reason for that,

09:15 15 we just kept a chronological list of events.

16 Q Yes.

17 A And, you know, interviews and that that we had,

18 and eventually all that would be comprised into

19 one report.

09:16 20 Q We've seen in the Flicker investigation in 1993 an

21 RCMP document called a continuation report. Did

22 those exist at the time in 1969?

23 A No.

24 Q No. Now, as far as your reporting, so you would

09:16 25 keep your records on the file, correct, any pieces



1 of paper?

2 A Correct, yeah.

3 Q And then -- and we'll deal with a couple of  
4 lengthy reports later, there's a report dated May  
09:16 5 the 7th, '69 I believe that is signed by you and  
6 Mr. Edmondson.

7 A Yes.

8 Q You know which report I'm talking about?

9 A I do.

09:16 10 Q Would those -- was it your practice or do you  
11 recall whether any of your paperwork would have  
12 been shared with or sent to the Saskatoon City  
13 Police?

14 A No, it wasn't.

09:16 15 Q And was there a reason that wasn't done?

16 A Well, it was a practice that we didn't. Any of  
17 our -- any of our documents, reports, etcetera,  
18 were always sent through our channels to the  
19 Attorney General's department.

09:17 20 Q Yes.

21 A To the CIB office, Regina, the Attorney General.  
22 The Attorney General would generally distribute  
23 that document on our behalf.

24 Q And I'll show you some of those documents in a  
09:17 25 bit, but what you are telling us then, sir, is



1           that you would report up the line, if I can call  
2           it that, to your superiors within the RCMP and  
3           they would eventually go up and then it would go  
4           to the Attorney General for Saskatchewan?

09:17 5           A           Right.

6           Q           And there would be no, that report would not have  
7           been sent to the Saskatoon City Police?

8           A           Not by us, no.

9           Q           Okay. What about the information, let's just talk  
09:17 10          about, putting aside the written documents, what  
11          about the information that you had learned about  
12          in the course of your investigation, how would you  
13          share that information with the investigators with  
14          the city police?

09:17 15          A           Well, I don't specifically recall any meetings  
16          with the city police, but I would assume that we  
17          had a number of meetings and a lot of our contact  
18          was by telephone. Like, we didn't have the  
19          systems like we have today like cell phones and  
09:18 20          that, it would be an office phone and personal  
21          meetings.

22          Q           What about the flow of paper the other way, from  
23          the Saskatoon City Police to the RCMP, I think,  
24          and I'll show you a document in a moment that I  
09:18 25          think when you first met with the police in



1 February of '69 the report indicates that the  
2 police provided you with a file at that time, a  
3 copy at that time. Do you recall that document?

4 A Vaguely, yeah.

09:18 5 Q And I'll put it up in a moment, but then after  
6 that do you remember whether or not on a daily or  
7 weekly basis you would be getting updated  
8 investigation reports from the city police?

9 A Not from the city police, I don't think so.

09:18 10 Q Okay. Now, when you first became involved in the  
11 Gail Miller file, and I think the documents show  
12 that would have been in late February, did you  
13 take some time then to read through the work that  
14 had been done to that date to learn about the  
09:19 15 file?

16 A Yeah. My notes indicate I viewed the scene and I  
17 spent time in the office reviewing the city police  
18 file.

19 Q Now, while you were involved in the Gail Miller  
09:19 20 investigation, were you devoting all of your time  
21 to that or were you doing other RCMP work?

22 A No, I had other commitments, you know, court  
23 appearances, some operations that were ongoing  
24 that I had to attend to.

09:19 25 Q And would it be, would you be spending more than



1 half your time for -- for the time period, and I  
2 think the record shows it was a couple of months  
3 maybe that you were assigned --

4 A Yeah.

09:19 5 Q -- would it be more than half, 50 percent of your  
6 time would have been on Gail Miller or can you  
7 break it down?

8 A A good estimate would be at least half of my time  
9 was spent because of some of the surveillance  
09:20 10 duties we were doing with the city police.

11 Q If we could call up 065399, please, and this is  
12 Inspector Riddell's report dated March 20th, 1969?

13 A Yeah.

14 Q And I think up here, C237 I saw a reference, was  
09:20 15 that a standard -- is that what these reports were  
16 called, a C237?

17 A Yes, that's one of the forms we did our reporting  
18 on.

19 Q And tell us, what was the purpose of the C237  
09:20 20 report?

21 A That was required to be submitted upon  
22 investigation, or ongoing investigations report at  
23 headquarters.

24 Q And so if we take a look at this, maybe just call  
09:20 25 out the top part, please, so "F" division, this



1           Inspector Riddell, he was part of "F" division; is  
2           that right?

3       A       Yeah, the criminal investigation branch, there was  
4       also a CIB office within headquarters in Regina.

09:21 5       Q       Yes.

6       A       That would be "F" division headquarters.

7       Q       Yes.

8       A       And that's where Riddell worked out of, he was  
9       sort of the overseer of various GIS plain-clothes  
09:21 10       units within in Saskatchewan?

11       Q       So the GIS, you reported to Staff Sergeant  
12       Edmondson?

13       A       Yes.

14       Q       Who was the head of GIS in Saskatoon; correct?

09:21 15       A       Correct, right.

16       Q       And he in turn reported to Riddell who was head of  
17       GIS for the province or for "F" division?

18       A       Yeah, he was -- we could even call him the  
19       coordinator for all the plain-clothes sections in  
09:21 20       Saskatchewan.

21       Q       And then who would Riddell report to?

22       A       He would report to probably the chief of CIB  
23       Regina.

24       Q       Do you remember who that was?

09:21 25       A       No, I'm sorry, I don't.



1 Q Was it Ross, a fellow by the name of Ross?

2 A That rings a bell, that's possible, yes.

3 Q And I'll show you a letter in a moment that shows  
4 that.

09:22 5 A Is that superintendent or chief superintendent?

6 Q Superintendent -- yeah, superintendent, officer in  
7 charge, CIB.

8 A Yeah, that's him.

9 Q So he would be the top RCMP officer in the  
09:22 10 province in connection with GIS activities; is  
11 that right?

12 A That's correct, yes.

13 Q And so again subdivision headquarters CIB, that  
14 would be where Riddell was located in Regina?

09:22 15 A That's correct.

16 Q And investigation branch. This file reference, I  
17 take it 69F, would that be an "F" division file?

18 A That would be a headquarters file number.

19 Q And we'll see on some other reports reference to  
09:22 20 an S file and a GIS file, so I take it there would  
21 be, each division or subdivision would keep their  
22 own file?

23 A Have their own file number.

24 Q File number?

09:22 25 A Yes.





1 Q And it's my understanding, Mr. Rasmussen, that the  
2 RCMP had a policy regarding destruction of these  
3 files. Do you remember what that was?

4 A Yes. It would depend on the, it would depend on  
09:23 5 the seriousness of the charge. Some of our files,  
6 the destruction date would be five years, some  
7 were seven and I think some were 10. I vaguely  
8 remember that, I'm not that sure, but --

9 Q It's my understanding, Mr. Rasmussen, that in fact  
09:23 10 this document that we're looking at, in fact all  
11 of the RCMP documents from back then, other than  
12 the lab reports, came from the Attorney General's  
13 department as opposed to being RCMP files and that  
14 the RCMP files would have been destroyed in the  
09:23 15 normal course. Is that your understanding?

16 A That's my understanding, yes.

17 Q And so the file that you kept back in 1969 was  
18 destroyed some time ago as part of the normal  
19 destruction proceedings?

09:23 20 A I believe so, yes.

21 Q And in fact I think this stamp shows that this is  
22 a copy that ended up at the Attorney General's  
23 department?

24 A Yes. The March 28th, '69 stamp indicates that.

09:24 25 Q And then if we can just carry on here, this report



1 of Riddell says that the force would supply two  
2 men, namely Edmondson and Rasmussen, to assist the  
3 Saskatoon City Police on a full-time basis with  
4 this investigation and work in close co-operation  
09:24 5 with the Saskatoon City Police, and so I take it  
6 other than your evidence that you had some other  
7 duties that you had to do, apart from that, this  
8 would be accurate; is that --

9 A Yeah.

09:24 10 Q -- fair?

11 A Yes.

12 Q And then Riddell says he would have also talked to  
13 the officer commanding Saskatoon subdivision, made  
14 aware of these arrangements. Who would that have  
09:24 15 been; do you know?

16 A That would be Superintendent W.W. Peterson.

17 Q And scroll down to paragraph 3, and we've seen  
18 this before with other witnesses, but it talks  
19 about a meeting of February 21, '69, Edmondson,  
09:25 20 Rasmussen and Riddell met with Woods, spent  
21 several hours going over the particulars of the  
22 offence and the results of the investigation to  
23 date, and it says we were provided with complete  
24 copies, you see that, of all investigational  
09:25 25 reports. "At this time the Saskatoon City Police



1           had no real suspects in mind..." and does that  
2           report, is that consistent with your recollection  
3           of what would have happened at the time?

4           A       Yes, that's probably the one I reviewed back in my  
09:25 5           office.

6           Q       So you got a package of documents?

7           A       Yes.

8           Q       And then at that time do you have any -- it says  
9           there was no leads. Do you have any recollection  
09:25 10           of what Superintendent Woods might have said about  
11           leads or where they were at or theories or  
12           anything of that nature?

13          A       No, I'm sorry, I don't recall it.

14          Q       That's fine. Now next Riddell, and I don't  
09:25 15           propose to go through this, sets out sort of the  
16           particulars that I presume he got from the  
17           meeting. If you could go to the next page,  
18           please, there's a reference here to, it says:

19                   "Male sperm found in the snow beside the  
09:26 20                   body had been checked by our Laboratory  
21                   and indications are that this sperm came  
22                   from a male person having blood group  
23                   "A". "

24           Do you have a recollection of that, of a blood  
09:26 25           grouping identifying a suspect?



1 A Yes. I was involved with a number of the city  
2 police personnel checking and interviewing  
3 individuals that were known sex offenders, albeit,  
4 and having a group A blood, and we checked on a  
09:26 5 number of individuals in that group.

6 Q So you -- would it be fair to say that you knew,  
7 based on this frozen semen found in the snow, that  
8 the assailant was of a blood type A; is that fair?

9 A That's correct, yes.

09:27 10 Q And what about the secretor or non-secretor status  
11 of the assailant, do you recall anything about  
12 that?

13 A I do. I recall that initially the suspect or the  
14 individual involved in this case was a member of  
09:27 15 group A, a member of group A, and a secretor.  
16 Now, that sort of changed during the span of the  
17 investigation. I don't think anyone was positive  
18 whether this individual was a secretor or  
19 non-secretor.

09:27 20 Q But certainly a group A?

21 A Certainly a group A.

22 Q Okay. Go to the next page. Do you recall,  
23 there's a mention here about how Gail Miller's  
24 body was found and the fact that the stabbing, the  
09:28 25 stab holes were found in her coat, but not in her



1 dress. Do you remember that being a unique  
2 feature at all?

3 A No, I don't.

4 Q Now if we can scroll down to paragraph 10, please,  
09:28 5 and again in Riddell's report he talks about two  
6 rapes and one attempted rape were committed in the  
7 same area where the girl was murdered and it goes  
8 on to say here:

9 "In view of the similar methods used in  
09:28 10 committing these offences, there is a  
11 good possibility that they were all  
12 committed by the same individual and  
13 this fact is not being overlooked during  
14 this investigation."

09:28 15 Do you have any recollection of this theory or  
16 thought being discussed or being communicated to  
17 you?

18 A No, I don't. I don't recall that at all.

19 Q And then paragraph 11 says:

09:29 20 "Our two G.I.S. members --"

21 Which would be you and Edmondson,

22 "-- are actively engaged in following up  
23 new leads, checking on all known sex  
24 offenders in the Saskatoon area and  
09:29 25 reinterviewing all of this girl's known



1 associates in an effort to uncover  
2 information that would lead to the  
3 arrest of the person responsible."

4 And does that sound accurate?

09:29 5 A Yes, it does.

6 Q And so why would you go back and reinterview all  
7 of the people that the city police had  
8 interviewed?

9 A I don't recall doing the interviews myself.

09:29 10 Q You don't recall, I'm sorry?

11 A Not.

12 Q Yes.

13 A I don't recall reinterviewing. The only thing I  
14 can really recall is those individuals that we had  
09:29 15 to check out as far as belonging to group A. I  
16 don't recall ever reinterviewing anyone. No, that  
17 just escapes me.

18 Q Sure. Now just back on paragraph 10 and these  
19 earlier rapes and attempted rape and I think you  
09:30 20 said you have no recollection. Let me ask you  
21 this, do you have any recollection of these  
22 earlier rapes being discussed or part of any of  
23 the work that you did on the file back in 1969?

24 A No, I don't.

09:30 25 Q And we see this in Inspector Riddell's report, and



1 Inspector Riddell is deceased, but whether you are  
2 able to help us understand whether -- let me put  
3 it this way. Is it fair to say that this  
4 information in paragraph 10 would have been  
09:30 5 information that the city police gave to the RCMP  
6 as opposed to the RCMP getting on its own?

7 A Oh, without a doubt that came from the city police  
8 I would imagine.

9 Q Now if we could go to 065398, please, and this is  
09:30 10 a letter of March 27th, '69 and here's where the  
11 name Superintendent Ross, officer in charge, CIB,  
12 to the Deputy Attorney General, and I believe it's  
13 the report of Riddell that we just talked about.

14 A Yes.

09:31 15 Q And would this be then the report you talked about  
16 where your senior person would report up to the  
17 Attorney General?

18 A Yes.

19 Q And if we can just scroll up to the top, it's got,  
09:31 20 and I don't know whose handwriting this is, but I  
21 believe it says Mr. Kujawa. Do you recall whether  
22 Mr. Kujawa had any relationship with the RCMP  
23 where reports went to him or do you know who got  
24 them?

09:31 25 A No, I have no idea, no.



1 Q Next I would like to call up document 250597, and  
2 you'll be happy to know, sir, this has been  
3 referred to as the Rasmussen report. If we go to  
4 the next page, it's a report dated May 7, 1969,  
09:31 5 and you are familiar with this report, sir?

6 A I certainly am.

7 Q And if we could just go to the last page, 250608,  
8 and we see here that's your signature; is that  
9 right?

09:32 10 A It is so, yes.

11 Q And as well that is Staff Sergeant Edmondson's  
12 initials; is that right?

13 A Yes.

14 Q Can you tell us the circumstances of this report,  
09:32 15 who prepared it and based on what information and  
16 for what purpose?

17 A This report was prepared by myself and by Stan  
18 Edmondson. What happens in a case like this when  
19 you have more than one individual involved, we get  
09:32 20 together and likely put on tape what I did and  
21 what he did.

22 Q Yes.

23 A It would go to the steno and, you know, she would  
24 type it out, we would review it, and this  
09:32 25 particular report, there's information here that I





1           probably wasn't even aware of, meetings and that,  
2           so it had to be Stan Edmondson involved, so  
3           that's -- you know, I probably instigated the  
4           report, that's why I signed it, but the input  
09:33 5           would be from both of us.

6           Q       So there would be information in this report that  
7           would have been contributed by Mr. Edmondson; is  
8           that what you are saying?

9           A       And myself.

09:33 10          Q       And you, but --

11          A       Yes.

12          Q       For example, parts of this report may have been  
13          parts that Stan Edmondson dictated and prepared  
14          based on his knowledge as opposed to your  
09:33 15          knowledge?

16          A       That's correct.

17          Q       And so in that respect it would be somewhat of a  
18          joint effort; is that a fair characterization?

19          A       That is correct, yes.

09:33 20          Q       And what was the purpose of this report? Maybe we  
21          can go back to the first page, please.

22          A       Well, we're required under all circumstances to  
23          advise of any work that we do and it's a  
24          requirement that these reports be forwarded to  
09:33 25          subdivision and through to the Attorney General's



1 department, so it's actually a requirement.

2 Q So would this be, and maybe standard is the wrong  
3 word, but a standard report that you would  
4 normally prepare communicating up the line in the  
09:33 5 RCMP what you had done, when you had done it, why  
6 you had done it, etcetera?

7 A That's correct.

8 Q And can you tell us generally, what would be the  
9 source of the information that you and  
09:34 10 Mr. Edmondson would use to prepare this report?

11 A There would certainly be some verbal information,  
12 but anything that we had contained on our file in  
13 our office would be included in that report and  
14 that's applicable to the case.

09:34 15 Q And would you also have, you would have some  
16 Saskatoon City Police reports as well on your  
17 file?

18 A Well, we would have the original one.

19 Q Yes.

09:34 20 A I don't think there was any document flow  
21 subsequent to our involvement.

22 Q Yes.

23 A Other than the verbal-type situations.

24 Q And then if you can just help me out, what does  
09:34 25 PCR March 20, '69 mean?



1 A That's a previous criminal report and the date of  
2 it and the HQ indicates it was by headquarters,  
3 criminal investigation branch, likely done by Mr.  
4 Riddell.

09:34 5 Q So this report would tell the reader that this is  
6 the report following the March 20th --

7 A That is correct.

8 Q And "F" division again, and why would this be "F"  
9 division? Is that who you are reporting to?

09:35 10 A Well, "F" division headquarters, that's what we're  
11 basically under. "F" just indicates Saskatchewan  
12 and the date and then Saskatoon subdivision,  
13 Saskatoon GIS.

14 Q And so I take it the RCMP would have three files  
09:35 15 open on the Gail Miller matter, one in "F"  
16 division, one in the "S" subdivision and one in  
17 the GIS?

18 A Yeah, all containing the same information.

19 Q They would all be identical?

09:35 20 A Yes.

21 Q And I take it at this time as far as copying, and  
22 we've heard sort of varying evidence on this, do  
23 you recall whether or not the RCMP Force had the  
24 ability to photocopy records at that time, 1969?

09:36 25 A Yes, we did. Not good, but we did have I believe.



1 Q If we can just go down to paragraph 3, please, and  
2 again this I think is consistent with Riddell's  
3 report, full-time assistance rendered to the city  
4 police and worked closely with Mackie, Reid, Wood  
09:36 5 and Penkala, and would those be the four officers  
6 then that you worked most closely with or --

7 A Personally, yes, but also I recall going out into  
8 the country assisting a fellow by the name of  
9 Safruk and I believe Chartier at one time as well.

09:36 10 Q I'm sorry, what was the first name?

11 A A guy by the name of Safruk.

12 Q Safruk?

13 A Detective Safruk. S-A-F-R-U-K I believe.

14 Q And I believe that may have been out in Perdue  
09:36 15 with Les Spence?

16 A That's the one.

17 Q Okay.

18 A You know, to my recollection, to the best of my  
19 recollection.

09:37 20 Q Do you have any recollection as to who you  
21 believed or understood to be in charge of the file  
22 or who was, who were the significant senior  
23 players on behalf of the city police?

24 A Well, I know that Joe Penkala, the ident officer,  
09:37 25 was certainly involved. Wood was in charge of the



1 section and his actually on-the-street involvement  
2 was limited I assume. A guy by the name of Eddie  
3 Karst I sort of thought was spearheading most of  
4 it. We were simply assistants, so, you know, we  
09:37 5 didn't direct anybody.

6 Q Go to the next page, please, and paragraph 7 just  
7 talks about obtaining names of sexual offenders  
8 from the local Central Registry and our Crime  
9 Index Section, and I take it, sir, that given that  
09:38 10 there appeared to have been a rape committed in  
11 conjunction with the murder of Gail Miller, that  
12 you and the city police were looking at sexual  
13 offenders?

14 A Yes, we were.

09:38 15 Q And then it's mentioned here about a list of  
16 persons employed at potash mines. Do you have any  
17 recollection as to the interest in that?

18 A I don't know why that's there. I don't recall.

19 Q If we can then go to the next page, please, and in  
09:38 20 paragraph 9, I don't propose to read through it,  
21 this details Albert Cadrain coming into the police  
22 station and giving a statement, and again is this  
23 something that you -- do you have any personal  
24 knowledge of that or would this have been taken  
09:38 25 from reports or statements?



1 A I have no personal knowledge of that.

2 Q So would it be a fair characterization to say when  
3 you and Mr. Edmondson, and/or Mr. Edmondson were  
4 preparing this part of the report, that this would  
09:39 5 be derived from either a city police report or  
6 Mr. Cadrain's statement as opposed to your  
7 personal dealings with it?

8 A That's correct.

9 Q Do you have any recollection of Albert Cadrain or  
09:39 10 any dealings --

11 A No, I don't. I don't.

12 Q And then if we can go down to paragraph 10, this  
13 talks about the interview of David Milgaard in  
14 Winnipeg and it talks about -- oh, here, would it  
09:39 15 be fair to assume that Staff Sergeant Edmondson  
16 might have completed this part of it since he was  
17 there?

18 A I would assume so, yes.

19 Q Next page, please, and in paragraph 11 we have a  
09:39 20 report about Ron Wilson's statement that Inspector  
21 Riddell took, and do you recall, did Inspector  
22 Riddell keep his own file of his work and, if so,  
23 where he would have kept that and whether he would  
24 have given it to you?

09:40 25 A I can't be positive on that, but I would assume he



1 did.

2 Q And we know that from the record that Inspector  
3 Riddell travelled -- or went to see Ron Wilson on  
4 March 3rd, took a statement from him and did a  
09:40 5 number of other interviews, and if we assume that  
6 he kept notes or had notes, what file in the  
7 RCMP system, where would he keep that?

8 A That would likely be on the CIB headquarters file,  
9 Regina.

09:40 10 Q Would that get sent to you so that you could have  
11 it on your file?

12 A I don't think so.

13 Q You don't think it would have gone that way?

14 A No.

09:40 15 Q So this paragraph then, would this have been based  
16 on discussions you had with Inspector Riddell or  
17 his -- or how would you prepare this, how would  
18 you know what Inspector Riddell did and thought?

19 A Well, see, I don't recall discussing this with  
09:41 20 Riddell at all, that would be Thomas Stanley  
21 Edmondson's doings I would assume. I don't recall  
22 there being any correspondence on our file  
23 respecting those interviews.

24 Q Okay.

09:41 25 A But there could have been.



1 Q Go to page 250603, top of the page, paragraph 15  
2 talks about an incident with a lady by the name of  
3 (V4)---- (V4)--- who reported being indecently  
4 assaulted the morning of the murder at 7:07 a.m.  
09:41 5 about six or seven blocks away. Do you have any  
6 recollection of that piece of information being  
7 brought to your attention?

8 A No, no, I don't.

9 Q And again would it be fair to say that paragraph  
09:41 10 15, that this would have been something you  
11 derived from a Saskatoon City Police report or  
12 statement?

13 A Or Riddell, I'm not sure who that would be.

14 Q There is a police report from that date that talks  
09:42 15 about this in a statement --

16 A Oh.

17 Q -- that would have existed on February 21st, '69 I  
18 believe.

19 A Okay.

09:42 20 Q Again, I take it that you didn't have any personal  
21 knowledge of that to prepare this --

22 A No.

23 Q -- paragraph? If we can go down to paragraph 18,  
24 it says here:

09:42 25 "Our Crime Detection Laboratory at





1 Regina advised that seminal fluid found  
2 at the scene was very probably from a  
3 secretor of group "A". The Lab. defined  
4 a 'secretor' as a person who secretes  
09:42 5 their "AB" blood grouping substance and  
6 other body fluids. Copy of Lab. report  
7 attached."

8 And again is that consistent with what you told  
9 me earlier, that was your understanding, at least  
09:42 10 at some point that you were looking for an A  
11 secretor?

12 A Yes.

13 Q And I think you said that then changed later to --

14 A Some question as to whether he was a secretor or  
09:43 15 non-secretor.

16 Q Then it goes down, it says it is mentioned that  
17 during the late fall of 1968 reports of two rapes,  
18 etcetera, and then we go to the next page, it  
19 details the complainants, date of birth,  
09:43 20 circumstances of the offence and comments upon the  
21 fact that in these three instances the M.O. was  
22 similar in that the male approached his victim  
23 from the rear, etcetera. Where would this  
24 information come from?

09:43 25 A I don't know. I'm not familiar with that at all.



1 Q And would this -- again, would someone with the  
2 RCMP reach the conclusion that the M.O. was  
3 similar or would they take that from the Saskatoon  
4 City Police or can you help us out where that  
09:43 5 would have come from?

6 A I assume there must have been something in a  
7 Saskatoon City Police report indicating those  
8 facts, but I really don't know.

9 Q And if you could scroll down, please, paragraph 20  
09:44 10 again talks about going back to some of those  
11 files and checking out to see whether or not the  
12 physical evidence might disclose that the  
13 perpetrator of those assaults was also a group A  
14 secretor to connect it to the Gail Miller murder.  
09:44 15 I think I'm summarizing that fairly. Do you  
16 recall any of that? If you want to take your time  
17 and read it if you like.

18 A Yeah, I'm just about through here. No, I'm sorry,  
19 I don't.

09:44 20 Q And again is it fair for us to conclude that this  
21 would have been information that you got from  
22 somewhere?

23 A Yes.

24 Q And if we go down to paragraph 21, it says:

09:45 25 "As a result of the foregoing, it is



1 felt that there is a strong possibility  
2 that three rapes and the murder are  
3 directly connected. In view of this,  
4 extensive interrogation was conducted  
09:45 5 with (V2)----- with negative results.  
6 She, however, did indicate and named a  
7 person who was later interrogated and  
8 submitted to a blood test..."

9 It says:

09:45 10 "These three girls have been interviewed  
11 at length to no avail. All stated that  
12 they have not seen a person as described  
13 in their statement nor have they any  
14 idea who may have been responsible."

09:45 15 And again, do you recall anything of that nature?

16 A No, I'm sorry, I don't.

17 Q And I believe, in the case of (V2)-----, I believe  
18 Inspector Riddell may have re-interviewed her, or  
19 someone from -- maybe it was Edmondson. You don't  
09:46 20 recall, yourself, interviewing --

21 A No, I don't recall being involved in that, no.

22 Q Okay. And, again, when it says here it is:

23 "As a result of the foregoing, it is  
24 felt there is a strong possibility the  
09:46 25 three rapes and the murder are directly



1 connected.",

2 who would be feeling that? When you say 'it is  
3 felt' is that by you, by the RCMP, by the city  
4 police?

09:46 5 A I think probably, as a result of meeting with the  
6 city police, there was a consensus there. That's  
7 likely what happened.

8 Q Okay.

9 A I don't recall such a meeting, however.

09:46 10 Q And then, again, it goes down do March 11th,  
11 Inspector Riddell located Nichol John and  
12 interviewed her, and again, would the source of  
13 that information -- can you help us out, there, as  
14 to where that information would have come from for  
09:46 15 you to prepare the report?

16 A Yeah. That likely came from Riddell himself.

17 Q Okay. Go to the next page, please. And, again,  
18 there's further information, follow-up, and as  
19 well a report about Officer Malanowich --

09:47 20 A Uh-huh.

21 Q -- interviewing Sharon Williams; do you have any  
22 recollection of that?

23 A No, I don't.

24 Q Sharon Williams was a friend of David Milgaard's  
09:47 25 at the time.



1 A Uh-huh.

2 Q In looking at this, we know that there was a  
3 police report prepared by Malanowich regarding his  
4 visit there?

09:47 5 A Uh-huh.

6 Q Is it likely that you would have received a copy  
7 of that, and the statement, in order to prepare  
8 this?

9 A I don't know.

09:47 10 Q Would it be fair to say that you or Mr. Edmondson  
11 would have got information from somewhere --

12 A Yes.

13 Q -- about Malanowich's visit?

14 A Yeah.

09:47 15 Q Go to the next page, please. Again, this talks in  
16 paragraph 26 about the wallet being found at the  
17 Cadrain's; do you recall any of that?

18 A That I don't, no.

19 Q And then it talks about Milgaard volunteering to  
09:47 20 give blood, if we could just call out that part,  
21 and it says here:

22 "Milgaard was found to be of Group 'A'  
23 however, is not a secretor and has also  
24 been eliminated as a possible suspect."

09:48 25 A Yes.



1 Q And do you recall that?

2 A Not, not really. I can only assume that, based on  
3 the lab results, someone or some group decided  
4 that, because he was not a secretor, that he would  
09:48 5 no longer be a suspect. That's the only thing I  
6 can read out of that.

7 Q Was it within your area, or -- of responsibility  
8 to eliminate suspects, or was that --

9 A No. No.

09:48 10 Q So you -- so it would be someone with the city  
11 police, that was their role, to eliminate  
12 suspects?

13 A Well it would be someone in charge of the  
14 investigation, or a group meeting --

09:48 15 Q Right.

16 A -- of a sort.

17 Q So when you say here in your report that he has  
18 been eliminated as a possible suspect are you  
19 reporting that the city police eliminated him as a  
09:49 20 suspect, or help us out?

21 A I think I would speak for us all, not necessarily  
22 me, but Edmondson was more involved in --

23 Q Okay?

24 A -- a lot of the discussions and I would assume  
09:49 25 it's a group decision.



1 Q And that was based upon his blood type?

2 A That's correct.

3 Q Now you said earlier that at some point this A  
4 secretor issue changed in your mind, that it may  
09:49 5 have just been group A and not a secretor; can you  
6 explain that any further?

7 A Well, way back in my mind it seems to me that  
8 there was some doubt as to whether or not this  
9 individual was a secretor or a non-secretor, and  
09:49 10 it's something that I -- you know, just creeped up  
11 on me and --

12 Q Yeah. In your own mind, Mr. Rasmussen, back then  
13 did you ever -- do you recall ever thinking of  
14 David Milgaard as a suspect yourself?

09:49 15 A Myself? Yes, I did.

16 Q And at what point was that in the investigation?

17 A Well that was probably subsequent to the  
18 interviews in, you know, in Winnipeg and  
19 discussions later on in February.

09:50 20 Q Yeah. So you recall him being a suspect, then,  
21 being discussed as a suspect?

22 A There was discussions on him being a suspect,  
23 absolutely, yes.

24 Q And do you recall in your mind, sir, eliminating  
09:50 25 him in your own mind as a suspect?



1 A I can't answer that.

2 Q And that's because you don't recall?

3 A That's right.

4 Q And if we can go to the next page, please. And  
09:50 5 then here it looks March 28th a number of persons  
6 submitting to blood tests of A group, or listing  
7 members of the A group, including David Milgaard,  
8 and do you recall any of this Mr. Rasmussen?

9 A I was involved, the only one I can say for sure is  
09:51 10 the interview of J.D. Spence of Perdue.

11 Q Yes?

12 A The, the other names aren't familiar to me, like  
13 Morris, Walker and Wolfleg and so on, they are not  
14 familiar to me.

09:51 15 Q And there is no mention here, in this paragraph,  
16 of secretors, just of members of the A group?

17 A That is correct.

18 Q And do you know why that is?

19 A No I don't.

09:51 20 Q And next paragraph, please. And, again, there is  
21 discussion here about a suspect with a lengthy  
22 record of sex offences, and even though he does  
23 not fit the description of the attacker given by  
24 the three previous rapes and attempted rape,  
09:51 25 extensive inquiries were made and a check of this





1           fellow's blood type; do you remember any of that?

2       A       No, I don't.

3       Q       And down to paragraph 32. It says:

4                        "As it was believed that the rapes which  
09:52 5                        occurred in this area in the late fall  
6                        of 1968 are definitely connected to this  
7                        offence and were committed by the same  
8                        person, local individuals who have been  
9                        interrogated have fitted the  
09:52 10                      descriptions as given by (V2)-----,  
11                      (V1)- and (V3)-----. Attempts to  
12                      uncover further information in this  
13                      respect have been to no avail."

14           And, again, when you say here it was believed  
09:52 15           that the rapes are definitely connected, who  
16           would be believing that, what was your -- when  
17           you wrote this?

18       A       That would be, again, a consensus.

19       Q       Of whom?

09:52 20       A       Amongst the investigators.

21       Q       RCMP and the city police?

22       A       I believe so, yes.

23                      COMMISSIONER MacCALLUM: Excuse me. Do you  
24                      understand by that, sir, that the rapes were  
09:52 25                      connected one to the other, or to the Gail Miller



1 murder as well, was it --

2 A I think the Gail Miller murder as well, sir.

3 COMMISSIONER MacCALLUM: Oh, okay.

4 BY MR. HODSON:

09:53 5 Q Next page. And we see a reference, here, that the  
6 police recovered 15 pairs of womens' panties,  
7 etcetera, and I don't know that there's any other  
8 record of that; do you have any recollection of  
9 that, sir?

09:53 10 A No I don't.

11 Q If we could go to 065346, please. And this  
12 appears to be -- and your report was May 7th,  
13 '69 -- this appears to be May 15th, '69, your  
14 report, --

09:53 15 A Yes.

16 Q -- going to the Deputy Attorney General; is that  
17 right?

18 A That's correct.

19 Q If I could then turn to document 250609, please.  
09:54 20 And this is a report of Inspector Riddell dated  
21 May 21, 1969 and talks here, as of May 21:

22 "... an outline of the assistance  
23 provided and the results are contained  
24 in a report dated May 7 ...",

09:54 25 which is your report, and then talks about dates



1 active assistance.

2 "Investigation to date has failed to  
3 reveal the person responsible for this  
4 offence."

09:54 5 Scroll down to number 2, it says:

6 "On 3 Apr 69 I personally met with the  
7 Chief of the Saskatoon City Police and  
8 advised him that this Force would be  
9 withdrawing S/Sgt. Edmondson and Cpl.  
10 Rasmussen from full-time assistance on  
11 this investigation.",

12 and carries on to say that they would continue to  
13 cooperate. Do you recall, at some point, being  
14 pulled off full-time, to the extent it was  
09:55 15 full-time, duties on this investigation?

16 A Not officially, no, I don't recall that.

17 Q Do you recall at some point, and I'll suggest  
18 early April '69, where you became less involved in  
19 the investigation?

09:55 20 A I can't recall just exactly when that happened.

21 Q At some point did your involvement cease?

22 A Yes.

23 Q And do you know when that was in relation to the  
24 investigation?

09:55 25 A Well, in looking through and pursuing my notes, it



1 appears around the first part of April that I had  
2 no more involvement, I -- my notes don't indicate  
3 interviews or things like that.

4 Q So, based on your review of your notes, you  
09:55 5 believe that early April you may have had no  
6 further involvement or very limited involvement?

7 A That, that is correct.

8 Q And then, if we can just go down to paragraph 3,  
9 Inspector Riddell talks about a meeting he  
09:55 10 attended on May 16th, '69 with the city police,  
11 Penkala, Short, and Edmondson were present, and  
12 thereafter they talk about Milgaard as a suspect.

13 A Uh-huh.

14 Q And if we can just go down here:

09:56 15 "After a great deal of discussion it was  
16 agreed that David Milgaard could be  
17 considered as the prime suspect in this  
18 case and that further efforts should be  
19 made to eliminate or implicate him in  
09:56 20 this offence."

21 Do you have any recollection of being involved or  
22 discussing this meeting with either Riddell or  
23 Edmundson?

24 A No doubt I probably discussed it with Edmondson,  
09:56 25 'specially upon, you know, doing this report, but



1 of course I wasn't at the meeting so --

2 Q Now in fairness, sir, this is Riddell's report,  
3 this isn't your report.

4 A Oh, I'm sorry.

09:56 5 Q Yeah. So, again, do you have any recollection of  
6 this meeting or this meeting being talked about?

7 A No doubt we had discussions at, back at the  
8 office, but I can't recall what the discussions  
9 were.

09:56 10 Q And then next page, please. And this talks about  
11 bringing Wilson and John in for further  
12 questioning and submitting to a lie detector test;  
13 do you have any recollection of that being  
14 discussed?

09:57 15 A No I don't.

16 Q And then down at the bottom, paragraph 9, it says:  
17 "One copy of this report is being  
18 forwarded direct to Saskatoon GIS."

19 A Yes.

09:57 20 Q Would that have been your file?

21 A Yes.

22 Q So this likely would have -- or this report would  
23 have gone on your file?

24 A Yes.

09:57 25 Q If we can go to 065349, and this is a letter of



1 May 26, '69 from Ross sending Riddell's report up,  
2 and it says -- attaches the May 21 report. It  
3 says:

4 "Milgaard is now considered a prime  
09:57 5 suspect in this case and a concentrated  
6 effort is being made to establish his  
7 guilt or innocence."

8 Do you recall being involved in any of that?

9 A No, I wasn't.

09:58 10 Q And Ross wouldn't copy you in -- or pardon me --  
11 Superintendent Ross wouldn't copy you in on his  
12 correspondence?

13 A No. No.

14 Q I'm done with that document. Now we've heard a  
09:58 15 great deal of evidence about the events of May 21  
16 to 24, 1969 when Ron Wilson and Nichol John were  
17 interviewed in Regina, brought back to Saskatoon,  
18 interviewed in Saskatoon, and they had meetings  
19 with Inspector Roberts, Roberts conducted a  
09:58 20 polygraph test of Wilson, interviewed John, and  
21 then incriminating statements were taken; do you  
22 have any recollection of being involved in any of  
23 that, sir?

24 A I wasn't involved in any of that.

09:58 25 Q Now at some point I take it you became aware that



1 David Milgaard had been charged with the murder of  
2 Gail Miller?

3 A Absolutely.

4 Q And do you remember how you heard about that or --

09:59 5 A Oh, via the grapevine I would assume.

6 Q And --

7 A We had continual meetings on other matters with  
8 the city police.

9 Q In light of the fact that, and I referred to the  
09:59 10 report earlier, where at least in your report you  
11 had eliminated him or you said that he was  
12 eliminated as a suspect, --

13 A Yeah.

14 Q -- did it surprise you when you heard that he had  
09:59 15 been charged?

16 A I don't recall being surprised, no.

17 Q If I could just call up for the record your  
18 notebook, it's 324512, and I don't propose to go  
19 through it but the starting date is February 20,  
09:59 20 '69. That's your handwriting?

21 A Yes.

22 Q And I believe, sir, that you gave the Commission a  
23 copy of this notebook a number of months ago; is  
24 that right?

09:59 25 A I believe so, yes.



1 Q And so when you retired you retained all of your  
2 notebooks; did you?

3 A A bit of a pack rat, yes.

4 Q Okay. And as well, if we could call up 054649,  
10:00 5 and this is a daily diary, --

6 A Yes.

7 Q -- Saskatoon GIS, Rasmussen, May of '68. Maybe  
8 we'll just go to the next page, please, just to  
9 show what's there. And this is a detailed diary  
10:00 10 of what you did on various dates; is that right?

11 A That's correct.

12 Q And, again, this is a copy that you retained when  
13 you retired and provided a copy to the Commission;  
14 is that fair?

10:00 15 A That is correct, yes.

16 Q Mr. Commissioner, there is a number of Saskatoon  
17 Police reports that simply mention Corporal  
18 Rasmussen as being involved in interviews and  
19 etcetera. Nothing turns on the particulars of  
10:01 20 those and I think, rather than go through them,  
21 sir, you had a chance to look at those  
22 investigation reports prepared by the city police  
23 where they mentioned your involvement; is that  
24 right?

10:01 25 A No, I haven't.





1 Q Did we not -- well I think we provided you with a  
2 copy. I'll call up one. 106614.

3 A Okay.

4 Q And this is a report of March 7th, '69 by  
10:01 5 Detective Sergeant Reid --

6 A Uh-huh.

7 Q -- and he simply talks, if we can call out this  
8 first paragraph:

9 "This date Corporal Rasmussen R.C.M.P.  
10:01 10 and writer interviewed Mrs. Marcella  
11 Friesen who resides at 342 Whitney Ave.  
12 So. ...",

13 and just carries on about some details; have you  
14 had a chance to look at these at all?

10:02 15 A No.

16 Q No?

17 A But I would suggest that it's probably correct,  
18 you know, any of the involvement with the city  
19 police.

10:02 20 Q Yeah. Do you have any recollection of any details  
21 of specific interviews --

22 A No.

23 Q -- other than the Flin Flon and the Perdue that  
24 you told us about?

10:02 25 A And Aberdeen. No I don't.



1 COMMISSIONER MacCALLUM: Just repeat that,  
2 sir?

3 A Aberdeen, Saskatchewan --

4 COMMISSIONER MacCALLUM: Aberdeen?

10:02 5 A -- is the other one that I recall off the top of  
6 my head.

7 BY MR. HODSON:

8 Q Okay. Let's turn to an RCMP report, 03610 --  
9 that's backwards here -- 036101 I think is the  
10:02 10 doc. ID. And do you recall, Mr. Rasmussen, being  
11 interviewed in 1993 by members of the RCMP in  
12 connection with an investigation they were doing  
13 related to the David Milgaard matter?

14 A I do so.

10:02 15 Q And if we can go to page 036104 which I think is  
16 the first page. And this is their report, I just  
17 want to put -- ask you a few questions about what  
18 they have reported you saying. It says:

19 "Mr. Rasmussen pointed out, that had it  
10:03 20 not been brought to his attention at the  
21 time the appointment was made to see him  
22 that he had put in a report on the  
23 murder, he had no recollection of doing  
24 so."

10:03 25 A Yeah.



1 Q "Mr. Rasmussen believes that he only had  
2 limited involvement in the case and that  
3 portions of his report would likely have  
4 been based on information supplied by  
10:03 5 the S.C.P. and others working on the  
6 case."

7 And is that an accurate statement, sir?

8 A Yes it is.

9 Q And if we can then go to 036103. It says here:

10:03 10 "Mr. Rasmussen was not able to  
11 specifically say why the S.C.P.  
12 requested assistance from the R.C.M.P.  
13 He speculated that it may have been done  
14 to bring in some expertise into the  
10:04 15 investigation and this fact that the  
16 S.C.P. Chief at the time had a  
17 restriction on travel. It also came to  
18 mind that there was a lot of bickering  
19 going on in the plain clothes units at  
10:04 20 the time."

21 And do you recall making this statement to the  
22 RCMP at the time?

23 A I know we discussed, we discussed the members, the  
24 involvement, but I don't remember saying there was  
10:04 25 bickering going on.



1 Q Do you have any recollection of there being  
2 bickering amongst the plainclothes officers in  
3 1969?

4 A Well no, it's the same as getting a group of  
10:04 5 individuals together, and there was always, you  
6 know, some having different thoughts than the  
7 others. There was, you know, I would say there  
8 was always a bit of bickering going on amongst all  
9 of us as to what was to be done next, and so on,  
10:04 10 but nothing that was detrimental to the case I  
11 don't think.

12 Q Okay. And if you could scroll down the paragraph,  
13 it says:

14 "Mr. Rasmussen does not recall looking  
10:04 15 at rape incidents as part of the murder  
16 investigation and did not recall any  
17 public concern at the time of the  
18 investigation over rapes that were  
19 taking place in the city. We talked  
10:05 20 about the rape matters in association to  
21 the murder investigation, however, Mr.  
22 Rasmussen simply did not recall any of  
23 the rapes and the referenced association  
24 to them in the S.C.P. investigation. To  
10:05 25 this end he was not able to respond to



1 the issue suggesting a split within the  
2 department concerning the rapes/murder  
3 or what would have happened to the  
4 unsolved rape investigations once  
10:05 5 Milgaard was charged."

6 And is that accurate?

7 A Yes.

8 Q Next paragraph:

9 "The name Larry Fisher meant nothing to  
10:05 10 him at the time of the murder  
11 investigation. He did not know about  
12 Fisher's 1970 confessions and his  
13 subsequent convictions."

14 And is that accurate?

10:05 15 A Yes, 1970 I was transferred out of GIS to  
16 commercial crime --

17 Q Yes?

18 A -- so I had -- my contact was changed and  
19 altogether different and I had no, I didn't have  
10:05 20 the same association with the city police members  
21 as I did when I was in the GIS section.

22 Q Okay. 036102, please. It says:

23 "Members briefly touched upon interview  
24 techniques with Mr. Rasmussen. While he  
10:06 25 did not appear to have any specific



1 knowledge concerning how witnesses were  
2 handled in this case, he did make a  
3 couple of personal observations  
4 concerning interviews: These being,  
10:06 5 that although he does not believe  
6 physical violence was ever used in  
7 interviews, playing mind games, sitting  
8 a person down in a corner for a day and  
9 you might as well confess types of  
10:06 10 situations could certainly have been  
11 techniques of the day. In talking  
12 specifically about Detective Karst, Mr.  
13 Rasmussen alluded to the fact that Karst  
14 could be perceived as intimidating by  
10:06 15 his mere size alone, however, he never  
16 knew him to be heavy handed."

17 And is that an accurate statement of what you  
18 would have told them?

19 A That appears to be pretty close, yes.

10:06 20 Q And when you talk about interviewing techniques I  
21 think it says --

22 A 'Does not believe', yeah.

23 Q Not specific knowledge about the case but just  
24 general observations; is that what you were  
10:07 25 saying?



1 A Yes.

2 Q And then as well, scroll down please, it says:

3 "Mr. Rasmussen pointed out that he had a  
4 number of dealings with Mr. Caldwell and  
10:07 5 believed him to be an honest individual.  
6 He does not believe that he could be  
7 involved in any wrong doing in so far as  
8 this case is concerned."

9 And is that accurate as to what you would have  
10:07 10 told the RCMP?

11 A Absolutely.

12 Q And that's what you believed then?

13 A Yes, still do.

14 Q Okay. Next paragraph:

10:07 15 "Mr. Rasmussen does think persons like  
16 Karst or other members he knew could  
17 ever be involved in any fabrication of  
18 evidence. He believes that he would  
19 have heard something, if there was  
10:07 20 anything wrong being done by the S.C.P."

21 A That's exact.

22 Q Now that may be a typo, I don't know:

23 "Mr. Rasmussen does think persons like  
24 Karst ...",

10:07 25 maybe take a read of that and see whether they --



1 A Yes, that's, it's grammar at the time.

2 Q Should it have said, and I don't want to put words  
3 in your mouth?

4 A 'Does not think'.

10:07 5 Q 'Does not think'?

6 A Yeah.

7 Q So you did not think persons like Karst or other  
8 members you knew could ever be involved in any  
9 fabrication of evidence?

10 A That's correct.

11 Q And you say you believe you would have heard  
12 something if there was anything wrong?

13 A I would imagine I would have, yes.

14 Q And then scroll down, please, it says:

10:08 15 "Mr. Rasmussen was not aware of any  
16 concerns within the S.C.P. over whether  
17 or not they had the right person  
18 (Milgaard) and he does not personally  
19 feel they had the wrong person."

10:08 20 Is that accurate?

21 A I believe so, yes.

22 Q And then page 036101.

23 A Excuse me, we're talking about Dosenberger and  
24 Jorgenson, is that who that is?

10:08 25 Q This interview I think is -- just scroll down --





1 A Jorgenson, is that, or is that Dosenberger?

2 Q No, it's Jorgenson and Dosenberger, yes, yeah.

3 A Okay, thanks.

4 Q Yeah. If you go back to 104, please, here is  
10:08 5 Jorgenson's name on 101.

6 A Yeah.

7 Q If we go back to 104, Sergeant Dosenberger was  
8 there, so is that --

9 A Okay.

10:09 10 Q We're on the same page as far as the interview?

11 A We're there now, yes.

12 Q Yes. And then to page 101, it says:

13 "He appears to have no personal  
14 knowledge of cover-up or wrongdoing in  
10:09 15 the handling of the murder  
16 investigation."

17 Is that what you would have told them?

18 A Yes.

19 Q Yes?

10:09 20 A Pretty close.

21 Q And, sir, yesterday that -- did you recall ever  
22 going on a trip with Eddie Karst to Regina to  
23 interview witnesses?

24 A No, I didn't.

10:09 25 Q Okay. I'll save the Kandahar steak question for



1 Mr. Fox but --

2 A Kandahar was a place where you, you know, would  
3 come back to due to the juicy steaks.

4 Q Oh, I see. And you were here yesterday and heard  
10:10 5 Mr. Edmondson say that it wasn't him, it must have  
6 been someone else that had gone, do you recall  
7 about that trip, and that wasn't you?

8 A No.

9 Q Okay. Mr. Rasmussen, what role if any did you  
10:10 10 play in the decision to pursue David Milgaard as a  
11 suspect in the murder of Gail Miller?

12 A None.

13 Q What role did you play in the decision to charge  
14 David Milgaard with the murder of Gail Miller?

10:10 15 A I had no role.

16 Q Did you have a belief, at that time, about David  
17 Milgaard's responsibility for the murder of Gail  
18 Miller back at the time he was charged?

19 A I think a lot of us always had the belief that  
10:10 20 when an individual was charged, you know, I  
21 realize that, you know, they are not guilty until  
22 proven so, but in the back of my mind I thought he  
23 was the right person, and that was just because of  
24 our discussions and --

10:11 25 Q Okay. One of the mandates of this Commission of



1 Inquiry is to inquire into the conduct of the  
2 investigation into the death of Gail Miller and,  
3 as you know, Larry Fisher has been convicted of  
4 the rape and murder of Gail Miller and the  
10:11 5 Government of Saskatchewan has exonerated David  
6 Milgaard and declared him to be factually innocent  
7 of this crime. If you look back at your role in  
8 the investigation into the death of Gail Miller is  
9 there anything that you believe you could have or  
10:11 10 should have done differently?

11 A No.

12 Q If you look back at the original police  
13 investigation in its entirety, not just your role  
14 but the police investigation, being both city  
10:11 15 police and RCMP, and based upon your observations  
16 or personal knowledge of the investigation, what  
17 do you think could have or should have been done  
18 differently?

19 A I can't think of anything that would have been  
10:11 20 done differently.

21 Q Okay. Those are all my questions, Mr. Rasmussen.

22 I'm not sure, Mr. Commissioner,  
23 whether you want to break here or whether we --  
24 I'm not sure, I haven't --

10:12 25 COMMISSIONER MacCALLUM: Is anybody ready?



1 MR. HODSON: Pardon me?

2 COMMISSIONER MacCALLUM: Is anyone ready to  
3 cross right now?

4 MR. HODSON: Yes, Mr. Fox is saying 'yes',  
10:12 5 I think -- actually, 10:30 is our break time,  
6 isn't it?

7 COMMISSIONER MacCALLUM: Yes.

8 MR. HODSON: Okay. Yeah, Mr. Fox?

9 BY MR. FOX:

10:12 10 Q Mr. Rasmussen, I'm Aaron Fox, I'm the lawyer for  
11 Eddie Karst, I have just got a few questions for  
12 you.

13 A How do you do.

14 Q Fine, thanks. You mentioned -- you were asked  
10:12 15 some questions by Mr. Hodson about your  
16 recollections of who might have been in charge of  
17 the investigation with the Saskatoon City Police,  
18 and I think you indicated you weren't necessarily  
19 sure who was in -- who was in charge or whether  
10:12 20 that was one person or a group of people, that  
21 sort of thing?

22 A Yes.

23 Q We know from the reports that you did review, and  
24 the one report that you authored, that there --  
10:13 25 appeared as though there were some meetings that



1           took place with a number of officers present, and  
2           we know, we can see Superintendent Wood was there,  
3           Inspector Penkala was there, some of those  
4           officers like that. Do you have any recollection  
10:13 5           of Eddie Karst being at those sort of, if I can  
6           call them, higher-level meetings?

7           A       No, I don't.

8           Q       Now you mentioned, you used the words when you  
9           referred to Mr. Karst, as 'spearheading' most of  
10:13 10          it?

11          A       Yeah.

12          Q       Can you comment, can you tell me what you meant by  
13          that?

14          A       That's the impression I received.

10:13 15          Q       Okay. And would I be correct that that would be  
16          referring to doing a lot of the legwork or doing a  
17          lot of the investigating?

18          A       Yeah, I recall seeing him quite often and, you  
19          know, it was senior individuals meeting and  
10:13 20          discussing, yes.

21          Q       Right.

22          A       Yes.

23          Q       And that would include interviewing witnesses,  
24          that sort of thing?

10:14 25          A       I believe so, yes.



1 Q I suppose a little bit not unlike yourself, you  
2 would get directions to interview people or a  
3 decision would be made to interview people, and  
4 you would follow up on that?

10:14 5 A Generally a request from someone, yes, and we  
6 would follow up on that.

7 Q Okay. And did you know who Mr. Karst reported  
8 back to?

9 A I would assume to Superintendent Wood.

10:14 10 Q Okay.

11 A Assuming the structure.

12 Q Right. So from your observations, again, it would  
13 appear as though he is getting instructions to  
14 follow up on an investigation, report back, and  
10:14 15 then get further instructions, that sort of thing?

16 A I would assume so, yes.

17 Q Did you ever get the impression that it was  
18 Detective Karst who was sort of in charge of the  
19 investigation in terms of making the decisions on  
10:14 20 it, that sort of thing?

21 A That was, that was sort of my impression. Maybe  
22 just his size intimidated me but --

23 Q Okay.

24 A No, but that's the impression I had. Whether it  
10:14 25 be right or wrong, but that's the impression I



1 had.

2 Q Did you have meetings with Mr. Karst at all?

3 A Yes, I remember him being at meetings I was at, I  
4 would assume he was at a lot of our meetings.

10:15 5 Q And that was for the purposes of discussing what  
6 was going on with the investigation?

7 A Yes.

8 Q Do you know why, for example, Detective Karst  
9 wouldn't have been at the meetings that are  
10:15 10 referred to in the reports where we see Penkala,  
11 Woods, that sort of thing; do you know why --

12 A No, I don't know why.

13 Q Would it be reasonable to assume that decisions in  
14 terms of charges or determining who should be a  
10:15 15 prime suspect would have been made at those high  
16 levels of Penkala, Wood, that sort of thing?

17 A I would assume so, yes.

18 Q I don't need to bring this particularly up, but  
19 for the record, Mr. Commissioner, document 006532  
10:15 20 was a statement that was obtained from a Ken  
21 Moritz, I think was the name of the fella. That  
22 was where I believe you went to Flin Flon, flew to  
23 Flin Flon to interview that individual?

24 A I and Stan Edmondson, yes.

10:16 25 COMMISSIONER MacCALLUM: Again, who?



1 MR. FOX: Moritz I think it is. And  
2 that --

3 COMMISSIONER MacCALLUM: M-O-R-I-T-Z?

4 MR. FOX: M-O-R-I-T-Z I believe it is.

10:16 5 A Moritz, M-O-R-I-T-Z?

6 BY MR. FOX:

7 Q Yes. That was obtained March 25th, 1969?

8 A That is correct.

9 Q And I'm assuming somebody would have made the  
10:16 10 decision, information had been received about Mr.  
11 Moritz being possibly involved in the Gail Miller  
12 murder, so you would have been assigned to follow  
13 up on that?

14 A Yes.

10:16 15 Q And the purpose for interviewing him didn't have  
16 anything to do with David Milgaard, that was to  
17 try and see if Mr. Moritz had any involvement in  
18 the death of Gail Miller?

19 A I think we determined his blood group to be O.

10:16 20 Q So you were able to eliminate him as a suspect?

21 A Yes.

22 Q Okay. Now, you've answered Mr. Hodson and pointed  
23 out to him that you had no recollection at this  
24 point in time about the rapes and attempted rape  
10:16 25 that had taken place in Saskatoon or their





1 possible association to the death of Gail Miller?

2 A That's correct.

3 Q When we look at the report, the reports that went  
4 in, and including the report that you authored,  
10:17 5 clearly there's reference in those reports to that  
6 possible association?

7 A Yes.

8 Q I take it you would accept that in 1969, in April  
9 and May when those reports were being put forward,  
10:17 10 at that time you would have had some knowledge of  
11 at least that there's a theory out there that  
12 maybe these are all connected?

13 A That information was on our file. Now, whether I  
14 received it or Stan did, I don't know.

10:17 15 Q And I say that just because it's in the report  
16 that you ultimately signed, so I appreciate that  
17 you may not have been involved in the  
18 investigation of them in any way, but it looks as  
19 though at least you were made aware of that theory  
10:17 20 and the basis for that theory.

21 A Okay.

22 Q Would you agree with that?

23 A I would have to agree with that, yes.

24 Q Okay. And I take it you have no recollection of  
10:17 25 those sexual assaults or rapes being resolved at



1 the time David Milgaard was charged?

2 A No.

3 Q Nonetheless, at the time David Milgaard was  
4 charged, and I appreciate we're talking about  
10:18 5 feelings or impressions, if I can put it that way,  
6 but at the time he was charged you were satisfied  
7 in your mind at that time that they had the right  
8 individual?

9 A I believe I was, yes.

10:18 10 Q Do you have any recollection, and this would be  
11 going back to 1969, not what you've been told  
12 subsequently or heard subsequently, but do you  
13 have any recollection of Stan Edmondson and Eddie  
14 Karst making a trip from Saskatoon to Regina to,  
10:18 15 in regards to the Miller investigation and then  
16 coming back via Kandahar, do you have any  
17 recollection of that?

18 A I think Mr. Edmondson just forgot about that trip.  
19 I would assume that it occurred, you know. I have  
10:19 20 no personal knowledge of it, but how do I say  
21 this, I think probably Kandahar was the ultimate  
22 return route.

23 Q I'll leave it at that time.

24 A Thank you.

10:19 25 MR. FOX: Thanks a lot, Mr. Rasmussen.



1 MR. HODSON: There are no further  
2 questions. Thank you very much, Mr. Rasmussen.

3 A You're very welcome.

4 COMMISSIONER MacCALLUM: Thanks,  
10:19 5 Mr. Rasmussen, you are excused.

6 A Thank you.

7 MR. HODSON: I suggest -- our next witness  
8 is Harry Valila. Can I suggest we maybe break  
9 here and then --

10:19 10 COMMISSIONER MacCALLUM: Yes, uh-huh.

11 (Adjourned at 10:20 a.m.)

12 (Reconvened at 10:40 a.m.)

13 MR. HODSON: The next witness is Harry  
14 Valila.

10:40 15 **HARRY ALBERT VALILA, sworn:**

16 BY MR. HODSON:

17 Q Good morning. I just realized I've been  
18 mispronouncing your name for a number of months.

19 A That's the way I pronounce it, but it all comes  
10:40 20 out the same.

21 Q Okay. I understand, and just for the record,  
22 Mr. Mark Henderson is here as counsel on behalf of  
23 Mr. Valila.

24 COMMISSIONER MacCALLUM: Mr. Henderson, how  
10:40 25 do you do.



1 BY MR. HODSON:

2 Q Sir, you reside in Saskatoon?

3 A I do.

4 Q And you are currently 69 years of age?

10:40 5 A I am.

6 Q And that you were a member of the Saskatoon City  
7 Police Service from 1959 until 1987 when you  
8 retired?

9 A I was.

10:40 10 Q I'll call up 325561, and this document is from the  
11 police service and sets out your tenure at the  
12 police service; is that correct?

13 A I'm just checking. Yes, that looks correct.

14 Q And the time period I think we're most interested  
10:41 15 in is around the time of the Gail Miller murder,  
16 January 1, 1969 you became a morality officer; is  
17 that correct?

18 A I did.

19 Q And then you left morality on April 8th, 1971 to  
10:41 20 the detectives branch; is that correct?

21 A I did.

22 Q If I can just call up the organizational chart,  
23 325569, and go to page 571, and this is an  
24 organizational chart that we've obtained from the  
10:41 25 annual report of the city police and if we could



1           just maybe focus on that area, please. This would  
2           show you, sir, as one of eight morality officers  
3           at the time; is that right?

4           A       That's right.

10:42 5           Q       And you would report to morality sergeants; is  
6           that right?

7           A       That would be the second in command.

8           Q       Or second in command?

9           A       Yes.

10:42 10          Q       And then Inspector Nordstrom, was he the officer  
11          in charge of the morality division?

12          A       At that time, yes.

13          Q       And then above him, Jack Wood as superintendent of  
14          criminal investigations; is that right?

10:42 15          A       That's correct.

16          Q       And again let's just talk about '69, '70 while you  
17          were in morality. Who was it that -- just tell us  
18          what your understanding of the chain of command  
19          was, if I can call it that, who you reported to  
10:42 20          and sort of up the line?

21          A       Well, I would ultimately report to Inspector  
22          Nordstrom, but the next person down would be the  
23          morality sergeant, depending on what was  
24          happening.

10:42 25          Q       And did you have any dealings with Jack Wood?



1 A No.

2 Q And what about the chief, did you have interaction  
3 with the chief on duty?

4 A Not on duty, no.

10:42 5 Q And do you know whether Nordstrom, what his  
6 reporting relationship was with either Wood or  
7 Kettles, the chief?

8 A No, I don't.

9 Q And as far as Inspector Nordstrom, he's deceased a  
10:43 10 number of years ago. Again, '69, '70, can you  
11 tell us what, was he a hands-on inspector, what  
12 type of management style did he exhibit in  
13 morality division?

14 A He was, in my view he was an administrator.

10:43 15 Q Yes.

16 A I don't ever recall him, during my service, ever  
17 being an investigator, but there is one, you know,  
18 he seemed to want -- he was very interested,  
19 seemed to be interested in what was going on and  
10:43 20 one thing that I had mentioned previously was that  
21 he was a real early bird in coming to work, he  
22 always worked days, you know, during my tenure,  
23 but he was -- he wanted to know what was going on.

24 Q Okay. I'm done with that document. What about,  
10:44 25 and again you were in morality until '71, April,



1           then to detectives. When you were in morality  
2           what -- was there communication between morality  
3           and the detective division about cases in common  
4           or tell us what was the flow of information?

10:44 5       A       Well, not really. I mean, if there was something  
6           going on, you know, that we should communicate on,  
7           it probably did happen. I can't recall any  
8           specific incident, but, you know, most of the  
9           people that had been in, were detectives at one  
10:44 10          time had perhaps been in morality, so there was,  
11          you know, they knew both ends of the spectrum.

12       Q       Was detectives -- was morality considered to be a  
13           stepping stone to detectives or were they on par?

14       A       Oh, the morality section was a corporal rank.

10:45 15       Q       Yes.

16       A       So that would be your first step after leaving the  
17           constable rank.

18       Q       Yes. And detectives would be what?

19       A       Sergeant rank.

10:45 20       Q       Okay. So are you telling us there was -- was  
21           morality considered to be a lesser, and I don't  
22           mean that in a derogatory sense, but as compared  
23           to detectives, were detectives considered to be  
24           more senior than morality?

10:45 25       A       Well, the way the promotion scale went, usually



1 was that you would go from constable to corporal  
2 to sergeant and then whatever happened from there  
3 on.

4 Q Were there occasions when you were in morality  
10:45 5 where morality officers might accompany a  
6 detective and vice versa on a particular file for  
7 a particular reason?

8 A It could happen, yes.

9 Q Now I want to go to -- you are familiar with the  
10:45 10 Gail Miller murder and the investigation in 1969;  
11 is that correct?

12 A Well, I am aware of the Gail Miller murder, but I  
13 was not involved in the investigation.

14 Q Okay. I will show you a few investigation reports  
10:46 15 in a moment that indicate you accompanied some  
16 detectives on a couple of occasions; is that  
17 correct?

18 A Yes.

19 Q As part of the investigation?

10:46 20 A Well, yeah, I did accompany them, but at that time  
21 I was not aware of all the mechanics of the  
22 investigation.

23 Q Right. So is it fair to say you may have  
24 participated in a couple of tasks?

10:46 25 A That's better, yeah.





1 Q But apart from that, you were not involved in the  
2 Gail Miller --

3 A I was not.

4 Q At the time of that murder and the subsequent  
10:46 5 investigation, you were in morality; is that  
6 correct?

7 A I was.

8 Q Do you have any recollection as to whether at that  
9 time you, sir, were aware of two rapes and one  
10:46 10 attempted rape that had occurred within a couple  
11 of months prior to the Gail Miller murder; namely,  
12 the (V1)-, (V2)----- and (V3)-----?

13 A I was not familiar with those three. I was  
14 familiar with another one.

10:47 15 Q And that would be (V5)-- (V5)---?

16 A (V5)-- (V5)---, right.

17 Q Now, that was over a year after the Gail Miller  
18 murder; correct?

19 A That's right.

10:47 20 Q And so the (V1)-, (V2)-----, (V3)----- matters,  
21 you are saying you would not have been aware of  
22 those at the time?

23 A I was not aware of those files, no.

24 Q Now, would that be unusual, for a morality officer  
10:47 25 not to be aware of rape files or investigations?



1 A Well, each person, each investigator had their own  
2 files.

3 Q Yes.

4 A And we had lots of them, like, the work load was  
10:47 5 heavy, so it's not unusual that, you know, that we  
6 would not necessarily know something unless  
7 something specific came up, brought to my  
8 attention. What I'm trying to say is if you had  
9 some files and I had some files, you would not  
10:47 10 necessarily know what I had and I would not  
11 necessarily know what you had.

12 Q And was there anything in place within the  
13 morality division where communication to ensure  
14 that officers communicated one with the other in  
10:48 15 the event that assistance or similarities between  
16 files might exist?

17 A Well, as I was mentioning, if there was something,  
18 you know, that we needed to know in a group, it  
19 would probably have been, you know, brought  
10:48 20 together, coordinated somehow.

21 Q And who would do the coordination?

22 A Well, probably either the inspector or one of the  
23 morality sergeants.

24 Q And would the morality sergeants then, would they  
10:48 25 be reading the reports of the various morality



1 officers?

2 A Well, that was one of their prime duties as far as  
3 I know.

4 Q Let's just talk about the set-up of morality at  
10:48 5 the time, and it's my understanding that it was on  
6 a different floor than the detectives division?

7 A Yes, we were on the lower level and they were at  
8 the top as high as they could go.

9 Q Okay. So -- and the morality sergeants would have  
10:48 10 been in the same area of the building as well, as  
11 the morality officers?

12 A That's right.

13 Q Corporals?

14 A They had a little office off -- well, when  
10:48 15 Inspector Nordstrom wasn't in, a lot of times they  
16 would use that office.

17 Q When you say they, are you talking --

18 A Morality sergeants, yes.

19 Q And let's talk about the preparation and flow of  
10:49 20 investigation reports, and we have heard evidence  
21 and we have seen the standard investigation  
22 reports that the police prepared at the time and  
23 you are familiar with those?

24 A I am.

10:49 25 Q And an occurrence report. As far as a file, let's



1 take an example, a rape file, there's an  
2 occurrence report, there would be a file prepared,  
3 and would that be assigned to an officer to be --  
4 A -- investigated, yes.

10:49 5 Q Investigated. So let's take a situation where  
6 there's a rape file that comes in, an occurrence  
7 report. Who would assign it? Let's say it was  
8 assigned to you. Would that be a sergeant or  
9 would that be Nordstrom?

10:49 10 A No, that would be a morality sergeant.

11 Q And where would -- tell us where, how many files  
12 would exist and where they would be, what would be  
13 the flow of paper?

14 A In the morality office there would be two copies,  
10:50 15 there would be the file, the office copy --

16 Q Yes.

17 A -- and an investigator's copy. I would have the  
18 investigator's copy and the office copy would stay  
19 in the building in the office.

10:50 20 Q And in addition to those two copies, would there  
21 be a central records copy as well?

22 A Yes. That was what I referred to as the control  
23 copy. That was never to be removed, that was made  
24 clear to me.

10:50 25 Q So that there would be -- let's take a rape file.



1                   There would be one file in central records?

2           A           Yes.

3           Q           There would be one file in morality that would be  
4                   an office copy?

10:50 5           A           The office copy and then the investigator's.

6           Q           And the office copy, was there a set of files that  
7                   had all of the ongoing files or where were those  
8                   located?

9           A           Well, they would be located in a filing cabinet in  
10:50 10           the general office, morality office.

11          Q           So if I wanted, if I was a morality sergeant and I  
12                   wanted to go in and look at the current inventory  
13                   of cases, I could go to one spot and all of the  
14                   files would be there; is that right?

10:50 15          A           Supposedly that's where they should be.

16          Q           And then every investigator who had responsibility  
17                   for a file would have their own copy?

18          A           That's right.

19          Q           And would that be a working copy?

10:51 20          A           That would be a working copy.

21          Q           And do you know where the -- the occurrence  
22                   reports and investigation reports, did you dictate  
23                   your reports, is that how you prepared them?

24          A           Yes.

10:51 25          Q           And where would they go and who would read them



1 before you would get them back?

2 A Well, they would be again, they should have been  
3 read by the morality sergeant.

4 Q And so a copy would pass through their office  
10:51 5 before it got back to you; is that right?

6 A Well, that's my understanding. That was the way I  
7 understood it should be.

8 Q And what about Nordstrom, do you know if he got a  
9 copy or went through --

10:51 10 A I don't know if he got a personal copy, but he  
11 would certainly have access to the office copy.

12 Q And did the morality sergeants then from time to  
13 time review the files and did you ever get a  
14 morality sergeant saying lookit, I reviewed file  
10:51 15 X, why don't you do, follow up with this or things  
16 of that nature?

17 A I was never given, you know, I can't recall being  
18 given specific instructions, but there would be,  
19 you know, oftentimes where the file was to be  
10:52 20 continued.

21 Q Right. What would happen when a file was  
22 concluded? Let's say you arrested and convicted a  
23 suspect. What would happen to the file?

24 A Well, I can't -- the only thing I can speak about  
10:52 25 is what would happen to my copy.



1 Q Sure, tell us about that.

2 A Well, that would then be concluded and it would be  
3 pulled, it would disappear from me and it would  
4 then go through the system and eventually I would  
10:52 5 hope would end up in the prosecutor's office, or a  
6 copy of it anyway.

7 Q So let's say you have a file, you get a suspect,  
8 you lay a charge -- could you lay a charge  
9 yourself, a rape charge, or who did you have to go  
10:52 10 to for that?

11 A No, that would go through the process and it would  
12 be done through the prosecutor's office.

13 Q But how would you -- let's say you have identified  
14 a suspect and you believe you have enough evidence  
10:52 15 to charge the individual, what would you do?

16 A Well, I would leave a report suggesting that he be  
17 charged. Then it would be up to the adjudication  
18 of the prosecutor as to whether or not they felt  
19 there was enough.

10:53 20 Q How would it get to the prosecutor, would you call  
21 the prosecutor?

22 A No, it would go through the channels again the  
23 other way.

24 Q So would that be a morality sergeant or Nordstrom,  
10:53 25 who would -- once you've identified the suspect



1 and said I think I've got enough, I think he  
2 should be charged, who or what offices or officers  
3 would take that and make it happen?

4 A Well, it would go back to the morality sergeant I  
10:53 5 would think.

6 Q Yes.

7 A And then it would go back through the chain and  
8 down to the proper --

9 Q Did you understand that the morality sergeants  
10:53 10 would discuss it with the prosecutor then?

11 A No, they wouldn't discuss it. They may have, but,  
12 you know, what they would make sure is that the  
13 file got down there.

14 Q So it would be pulled from you and someone else  
10:53 15 would look after getting it to the prosecutor and  
16 doing the rest of the work to get it through to  
17 conclusion; is that right?

18 A Yes, and there's one more thing that's very  
19 important, in some cases the prosecutor may talk  
10:54 20 to me personally --

21 Q Yes.

22 A -- and say, you know, discuss the file to make  
23 sure that everything was in order.

24 Q Yes.

10:54 25 A That did happen, you know, it did happen to me on





1 different occasions.

2 Q So once the file is concluded, let's say there's a  
3 charge, a conviction, your working copy I think  
4 you said would be pulled once you --

10:54 5 A That's right, I would not have it any more.

6 Q So someone would come and take it and do something  
7 with it?

8 A Yes.

9 Q And what about the office copy in that system,  
10:54 10 would that also get pulled once the case was  
11 concluded?

12 A I would think it might be, but I would suggest it  
13 probably stayed there for some, you know, over  
14 the, see what happens in court.

10:54 15 Q But once the court is all concluded --

16 A Then it would probably be pulled, that's right.

17 Q And so to the extent that a sexual assault or rape  
18 file is concluded and there's a conviction, then  
19 in the morality area the working file and the  
10:54 20 office file would be pulled by someone and would  
21 go --

22 A That's right, there would be no use for it to be  
23 there any more.

24 Q Okay. Now if we can call up, I just want to go  
10:55 25 through a couple of reports regarding the Gail



1 Miller murder. First is 106115 and this is a  
2 report January 31, '69 which is the date of the  
3 murder and you'll see at the top the occurrence  
4 number is 461, I think that's a typo, it should be  
10:55 5 641, it talks about alleged murder, 200 block  
6 Avenue N South, and it says here, and this is your  
7 report, sir, it says:

8 "Upon reporting for duty in the Morality  
9 Division at approximately 1:30 p.m. this  
10:55 10 date, Sergeant Gryba gave M/O Henschel  
11 and myself a list of names to be checked  
12 out regarding their activities and their  
13 whereabouts during the past 24 hours."

14 Do you have any recollection of that, sir?

10:56 15 A Well, not specifically, but obviously it happened  
16 because I left the report.

17 Q Yes. And so I take it on the day of the murder  
18 Sergeant Gryba, who was a morality sergeant, asked  
19 you and Henschel to go and check presumably  
10:56 20 some --

21 A Some names.

22 Q Some names of interest?

23 A Yes, that's what it appeared had happened.

24 Q Next, 106179, please, and again this is a report  
10:56 25 on the Gail Miller file of yours and it just talks



1           about getting a phone call at home regarding some  
2           information and then passing it on to Detective  
3           Sergeant Reid; is that right?

4           A       Yes.

10:56 5           Q       And would he have been one of the officers in  
6           charge of that file?

7           A       Well, he must have been, you know, for me to  
8           single him out. I would think that he was.

9           Q       Go to 106534, please, this is a report of Raymond  
10:57 10          Mackie, February 13th, '69, and this is details  
11          that Lieutenant Short, Morality Officer Valila and  
12          Mackie went out to visit the Miller family, and do  
13          you recall doing that, sir?

14          A       Yes, I do.

10:57 15          Q       I don't propose to go through this report, but do  
16          you know why you would have been -- I take it that  
17          either Mackie or Short asked you to go along; is  
18          that right?

19          A       I would think so, yes.

10:57 20          Q       And do you know why a morality officer would go as  
21          opposed to a detective or --

22          A       No, I don't.

23          Q       Were there other morality officers that were doing  
24          tasks from time to time on the Gail Miller file to  
10:57 25          your knowledge?



1 A Well, I'm not sure. They probably were, but I  
2 can't give you any specifics on that.

3 Q Now, back in 1969 -- we're done with that  
4 report -- do you have a recollection of dealing  
10:57 5 with David Milgaard at a shopping centre I think  
6 the report indicated?

7 A Yes, I do.

8 Q And tell us about that.

9 A As I recall, this happened sometime in April of  
10:58 10 1969, there had been a complaint as I understand  
11 it through the dispatchers office that there was  
12 someone on Grosvenor Park Shopping Centre lot that  
13 had been -- I think if I remember correctly, that  
14 this person, it's not a very nice way of putting  
10:58 15 it, but had been described as being an annoyance,  
16 and the fact of this, had done something to be  
17 judged as an annoyance or called that, selling  
18 something. As I recall it, I think that it was  
19 magazines.

20 Q Yes.

21 A However, having attended there, to the best of my  
22 recollection I did not see this person with any  
23 magazines, so what I would have -- if somebody  
24 wants my opinion, I would say maybe subscriptions  
10:59 25 instead of magazines.



1 Q Yes. And then what happened? I understand that  
2 you had further dealings with him?

3 A Well, the only dealings I had with him was when I  
4 attended the complaint of course I would be  
10:59 5 telling him why I was there and telling him, you  
6 know, what the complaint was.

7 Q And had he -- sorry, carry on?

8 A That's fine. And somewhere during that duration  
9 that I was there, which I recall wasn't very long,  
10:59 10 his name would have been of course, I would have  
11 got his name.

12 Q Yes.

13 A Which at that time I recall as being David  
14 Milgaard, and I just want to emphasize that at  
10:59 15 that point I knew nothing about a David Milgaard.

16 Q Yes.

17 A When I looked at him it didn't mean anything as  
18 far as knowing him physically or facially.

19 Q Yes.

10:59 20 A And during the course of that stay there talking  
21 to him, I must have called the name back into the  
22 dispatcher to maybe get some more information or  
23 perhaps I was clearing the call, and that's the  
24 way we used to do it, or at least I used to do it,  
11:00 25 is give the brief rundown as to what I was doing,



1           that I was completed and I was going to be on my  
2           way. The other thing I recall about this, and  
3           I'm, you know, I'm trying to be, you know, my  
4           memory as good as I can, I think the crux of that  
11:00 5           whole situation was to remove this, tell this  
6           person that he was not wanted because he was  
7           bothering people.

8           Q       Yes.

9           A       Now, whether this came from an owner of a business  
11:00 10           or some customer, I'm not sure, because I never  
11           did have a name of a complainant.

12          Q       And what happened then when you spoke to the  
13           police station and gave the name?

14          A       Well, I was told that the detectives were  
11:00 15           interested in this person and to bring him in.

16          Q       Okay. So you took him to the police station?

17          A       I did.

18          Q       And do you recall who you handed him over to or  
19           dealt with at the time?

11:01 20          A       Lieutenant Short.

21          Q       And do you know why they were looking at him at  
22           all or --

23          A       I do not.

24          Q       If we can just go back to -- you had talked about  
11:01 25           concluding morality files. I take it that when



1           you were done with the matter you had indicated  
2           you prepared a concluding report; is that right?

3       A       That's right.

4       Q       And that would then, what, trigger the sergeants  
11:01 5           to conclude the file?

6       A       Well, if they felt it should be continued for  
7           whatever reason, they would return it back to me.

8       Q       If I can call up 261640, please, and this is on  
9           the (V5)-- (V5)--- file and it's Morality Officer  
11:01 10          Weir and it just talks -- just call out the last  
11          part there -- it ends, "This therefore is a  
12          concluding report"?

13      A       Yes.

14      Q       And would that be the type of note you would leave  
11:02 15          on a file to signal to someone that the file is  
16          concluded?

17      A       Yes.

18      Q       And then what in your experience, what would  
19          happen then once this report went into the  
11:02 20          morality sergeants?

21      A       Well, then he would make a decision if -- usually  
22          if I concluded a report --

23      Q       Yes.

24      A       -- they would not -- they would conclude it.

11:03 25      Q       If we could go back to the Gail Miller



1 investigation, then, for a moment, you were not --  
2 you did not testify at David Milgaard's  
3 preliminary hearing or trial; is that right?

4 A No I did not.

11:03 5 Q And I think you had mentioned earlier you had some  
6 involvement on the (V5)-- (V5)--- investigation;  
7 is that right?

8 A Yes.

9 Q And I believe you may have interviewed a witness  
11:03 10 or two; is that right?

11 A I think I spoke to an individual by the name of  
12 Gary Ritzand.

13 Q And do you recall who -- which morality officer  
14 was in charge of that file?

11:03 15 A Well I, as far as I know it was Morality Officer  
16 Weir that attended there.

17 Q Yes.

18 A I think he got the -- he was the first officer  
19 there. Now whether he had the file himself or not  
11:03 20 I don't know.

21 Q Okay.

22 A But, knowing the progression, he probably did.

23 Q Okay. So you would have been familiar sir, then,  
24 with the -- some of the circumstances or facts  
11:03 25 related to the (V5)-- (V5)--- rape?





1 A Yes. I think there is a report --

2 Q Yes.

3 A -- to that effect.

4 Q Do you recall either considering or discussing  
11:04 5 with anybody any similarity between the (V5)--  
6 (V5)--- rape and any of the earlier three rapes,  
7 the (V1)-, (V2)----- or (V3)-----?

8 A Well, as I had mentioned earlier, I was not aware  
9 of the other three.

11:04 10 Q Uh-huh?

11 A I didn't have any of the information on those so I  
12 wouldn't have been able to do that.

13 Q Do you recall either considering or discussing any  
14 similarities between the (V5)-- (V5)--- rape and  
11:04 15 the Gail Miller murder?

16 A No.

17 Q The record shows that in 19 -- in August of 1970 a  
18 fellow by the name of Larry Fisher was picked up  
19 for a couple of rapes in Winnipeg, and that in  
11:04 20 October of 1970 he confessed to the (V3)-----  
21 attempted rape and the (V5)-- (V5)--- rape, and  
22 that Detective Karst and Inspector Nordstrom  
23 travelled to Winnipeg to get his confession, he  
24 was subsequently charged with four sex -- three  
11:05 25 rapes and one attempted rape, and convicted about



1 a year later.

2 A Right.

3 Q Were you aware, at or around that time, that  
4 Detective Karst and Inspector Nordstrom had gone  
11:05 5 to Winnipeg to interview a suspect in connection  
6 with the (V5)-- (V5)--- or some other sexual  
7 assaults in Saskatoon?

8 A No, I'm not. The first indication that I remember  
9 of that was that two members had gone to Winnipeg  
11:05 10 but I didn't, at that time I didn't know who they  
11 were --

12 Q Yes?

13 A -- and I didn't -- had no idea who they were going  
14 to interview or if they interviewed anybody.

11:05 15 Q And where do you get that information from?

16 A Well it's -- I don't know, I don't recall exactly,  
17 but it would be, probably be from talk around the  
18 station.

19 Q So you would have known someone went to Winnipeg  
11:05 20 to interview someone in connection with some rape  
21 files; is that --

22 A Well I didn't even know it was rape files, just  
23 somebody had gone to interview somebody about some  
24 of our files, but I don't recall specifically it  
11:06 25 was rape files.



1 Q At some point did you become aware that it was  
2 Detective Karst and Inspector Nordstrom who had  
3 went?

4 A Later on I did.

11:06 5 Q When you talk 'later on', or can you give us a  
6 time frame when that might have been?

7 A No, I can't. It was, I don't think it was that --  
8 no, I'm sorry, I can't, I --

9 Q So let me give you some dates here. You -- Aug --  
11:06 10 or April of '71 you moved from morality to  
11 detectives?

12 A That's right.

13 Q Would it have been while you were in detectives  
14 that you might have heard of this or when you were  
11:06 15 still in morality?

16 A No, it was, I think it was when I was in  
17 detectives.

18 Q And, okay, so you would have learned, then, that  
19 Nordstrom and Karst had gone?

11:06 20 A Later on, yup.

21 Q Yeah. Now was there anything unusual about  
22 Nordstrom and Karst being the officers going to  
23 interview a suspect in Winnipeg?

24 A Well it certainly wasn't anything unusual about  
11:06 25 Mr. Karst because he was, you know, in my view, a



1 pretty good -- or a good investigator.

2 Q Yes.

3 A But on the other, I'm not so sure about how that  
4 came about.

11:07 5 Q You are talking about Nordstrom?

6 A That's right.

7 Q So that would be unusual for Inspector Nordstrom  
8 to go to take a statement?

9 A Well, I don't know, I suppose. But knowing what I  
11:07 10 do, I had never known Mr. Nordstrom to be an  
11 investigator, so unless he -- no, I don't know.

12 Q Okay. Now at some point did you learn that an  
13 individual had been convicted for some sexual  
14 assaults in Saskatoon in the '68-'69-'70 time  
11:07 15 period?

16 A No, I can't really recall, I'm not sure.

17 Q Okay. If -- did you become aware, did the name  
18 Larry Fisher come to your attention at any point  
19 in the early '70s?

11:07 20 A After the -- somehow or another the information  
21 came that -- it came in a couple of parts, the  
22 first part was that somebody had pleaded guilty in  
23 Regina to some of our files, no name.

24 Q Okay, let me pause there for a moment, so you  
11:08 25 learned of that?



1 A Yes.

2 Q And do you know where you learned it?

3 A Just the same as I said before, that was just  
4 probably general talk around the building.

11:08 5 Q And do you recall whether other officers were  
6 aware, to your knowledge, about whether there --  
7 whether someone had been convicted in Regina?

8 A Oh, I'm not -- I can't speak for anybody else.

9 Q And I'm just looking for your -- whether you knew.  
11:08 10 Did another officer tell you this or where did you  
11 learn it?

12 A Well I don't know if -- well obviously it was a  
13 police person that told me, or it was discussed,  
14 or I overheard discussion.

11:08 15 Q Okay.

16 A But who it was I don't know.

17 Q Sorry, and I had interrupted, you said there was a  
18 couple parts of this. Please carry on?

19 A Well the first part was that I, as I best  
11:08 20 recall -- this took place 36 years ago so I'm not  
21 --

22 Q Yes.

23 A -- you know, I'm not -- as I recall it the first  
24 part was that somebody had pleaded guilty to some  
11:09 25 of our files in Regina.



1 Q Yes.

2 A No name.

3 Q Okay.

4 A Later on, and I can't tell you how much later, the  
11:09 5 name Larry Fisher surfaced. Now Larry Fisher to  
6 me, at that time, meant nothing. I had never, as  
7 far as I'm concerned, I never heard that name  
8 before in, you know, in connection with any -- in  
9 anything.

11:09 10 Q And so you heard, you heard at some point, within  
11 the police force, that someone had pled guilty in  
12 Regina to some Saskatoon offences?

13 A That's right.

14 Q Now was there anything unusual about that, the  
11:09 15 fact that that would have occurred in Regina as  
16 opposed to Saskatoon?

17 A Well I don't, I don't know if I ever discussed  
18 that with anybody, but to me that seemed rather  
19 odd.

11:09 20 Q Okay. And why is that?

21 A Well, I can't understand why somebody would appear  
22 in Regina on our charges unless there was somebody  
23 had been apprehended there and our files would  
24 have been moved there for, you know, just for  
11:10 25 convenience.



1 Q Right.

2 A To deal with it in one place.

3 Q As far as Saskatoon-based charges being dealt with  
4 elsewhere, when you were with morality and even in  
11:10 5 detectives, was it a common occurrence or did it  
6 happen that people were picked up in other  
7 jurisdictions where they had committed crimes in  
8 Saskatoon, and that the Saskatoon charges were  
9 sent to that other jurisdiction to be dealt with,  
11:10 10 did that happen from time to time?

11 A It could have happened, but I'm not aware of  
12 any, --

13 Q Okay?

14 A -- any that I have any personal knowledge of.

11:10 15 Q Okay. So then back on this. You then learned  
16 about Larry Fisher. Again, can you tell us what  
17 time period that would have been? And, again,  
18 April '71 you moved from morality to detectives?

19 A Uh-huh.

11:10 20 Q Would it have been within months?

21 A It would have been after I was in detectives.

22 Q Are we talking within months or a year or many  
23 years, or are you able to help us pin down the  
24 time?

11:11 25 A I would say that it happened between the period of



1 the first date that you mentioned, the date when  
2 he pleaded guilty, and the retirement of Inspector  
3 Nordstrom which took place in 1974.

4 Q Okay. And why do you say it would have happened  
11:11 5 before Inspector Nordstrom retired?

6 A Because I had conversation with him.

7 Q Okay. And what was that conversation?

8 A Well I had -- because I didn't know about these  
9 other files and I knew about --

11:11 10 Q What other files?

11 A The rape files.

12 Q Yes?

13 A Other than (V5)-- (V5)---.

14 Q Yes?

11:11 15 A And having been in morality at that time,  
16 supposedly as far as I -- at the time frame  
17 anyway, I guess it was curiosity.

18 Q Yes?

19 A And the other thing that I was -- sort of whether  
11:11 20 I had unknowingly had, you know, had been, you  
21 know, had been attending something that -- not  
22 knowing any different, so I was wanting to sort of  
23 clear my --

24 Q I'm sorry, I don't follow that, --

11:12 25 A -- own --





1 Q -- attending something, not knowing something?

2 A Well I guess that's a bad choice of words, but  
3 what I am saying is that maybe that's something I  
4 had received some information or talked to  
11:12 5 somebody about, but not knowing exactly what that  
6 was I was being told --

7 Q I see.

8 A -- or learning.

9 Q Okay. So what was your discussion with Inspector  
11:12 10 Nordstrom?

11 A Well I had asked him about these files, you know,  
12 and I don't remember the specific question but,  
13 you know, what -- I probably asked him, as best as  
14 I can remember, is 'what about these files, what  
11:12 15 are they', and his answer was, as best as I can  
16 remember, was 'no, they have been taken care of'.

17 Q And when you said 'these files' to him did you  
18 refer to the Regina convictions, or Mr. Fisher by  
19 name, or what -- how --

11:13 20 A I never got at that. We never got that far in the  
21 conversation.

22 Q But did you communicate to Nordstrom what files  
23 you were talking about?

24 A No, I didn't. I just mentioned, I said I didn't  
11:13 25 get to the -- that far. He just up and said



1 'no' -- he didn't say 'no', he said 'they have  
2 been taken care of'.

3 Q Let me take back a step. How would Inspector  
4 Nordstrom know what files you were talking about?

11:13 5 A Well if he had been gone, if he had been in  
6 Winnipeg and wherever and he was in charge of  
7 knowing about the -- I assumed that he -- we were  
8 on the same page.

9 Q I'm sorry, when you raised it with him, did you  
11:13 10 communicate with Nordstrom when you said about the  
11 files, did you refer to the fact -- to 'the rape  
12 files or sexual assault files where someone had  
13 pled guilty in Regina'?

14 A No. I'm going to tell you again. My memory is  
11:13 15 that he did not allow me to elaborate any further,  
16 he said 'they have been taken care of', and the  
17 conversation ended.

18 Q And so your question to him was 'what happened to  
19 those files'?

11:14 20 A Yes.

21 Q And do you have any idea whether he knew what  
22 files you were talking about?

23 A Oh, I'm quite sure he did.

24 Q And how would that be?

11:14 25 A Well, what other files would I be talking about at



1 that time, because I was already in detectives.

2 Q And I guess my question is, if you didn't say  
3 anything to him to describe the files, how would  
4 he know which ones you were talking about?

5 A Well --

6 Q And maybe you didn't, I'm just trying to find out?

7 A My impression at the time was that he knew exactly  
8 what I was talking about.

9 Q Okay. And on what basis did you form that?

11:14 10 A Well the short sort of conversation that we had  
11 and the way he addressed it.

12 Q And what did you take from that conversation, if  
13 anything, then?

14 A Well I took it that they had been taken care of.

11:14 15 Q Okay. Now of the -- we know that Mr. Fisher pled  
16 guilty to and was convicted for three rapes and  
17 one attempted rape, being the (V1)-, (V2)-----,  
18 (V3)----- and (V5)--- files, and the files  
19 relating to (V1)-, (V2)----- and (V3)-----, other  
11:15 20 than the odd piece of paper, have not been located  
21 and appear to have been destroyed at some point  
22 in the last -- well, prior to 1990. Do you have  
23 any knowledge whatsoever as to what may have  
24 happened to any of those files?

11:15 25 A Well no, I don't, but in 1977 we moved from --



1 June of 1977 we moved from the old building to the  
2 new police station --

3 Q Yes?

4 A -- and perhaps in that, that move there were  
11:15 5 things that maybe should have been moved, or  
6 whatever, that may have been misplaced. And  
7 that's only a guesstimate, like, I have no idea  
8 about that for sure.

9 Q Now in 1993 do you recall being interviewed by  
11:16 10 members of the RCMP in connection with an  
11 investigation related to David Milgaard?

12 A Yes.

13 Q And what do you remember; where did that take  
14 place, how did they contact you, and what was  
11:16 15 discussed generally? I'll show you the -- some  
16 documents in a moment, --

17 A Okay.

18 Q -- but just how did it come about?

19 A Well I was employed with the Court Services Branch  
11:16 20 of the Department of Justice at that time.

21 Q Yes?

22 A And at that time the Court was in the old, we  
23 called it was in the Phoenix House, used to be the  
24 old StarPhoenix building.

11:16 25 Q Yes?



1 A And I was in charge, looking after Youth Court at  
2 the time, and I was summoned from Youth Court down  
3 to the general -- where the -- our -- we called it  
4 an office, it wasn't much of an office at that  
11:16 5 time, and where I met the RCMP officers.

6 Q And were you aware that they were coming?

7 A No I did not.

8 Q And what happened; did you have a discussion with  
9 them?

11:17 10 A Yes.

11 Q Did they provide you with any documents or papers  
12 to review?

13 A No they didn't.

14 Q And they asked you questions about what happened  
11:17 15 back in 1970?

16 A Yeah, they were questioning me, yes, in front --  
17 in regards to the matter that's in front of us  
18 today.

19 Q If we can call up document 048933, please, and if  
11:17 20 we can go to page 048937, it appears to be the  
21 first page, and do you remember the names of the  
22 officers?

23 A No I don't.

24 Q And these are notes prepared by the RCMP at the  
11:17 25 time and I just wish to go through them and ask



1           you, for you to comment on a couple of things;  
2           one, whether you recall telling them this  
3           information; and 2, whether the information is  
4           accurate. And so they talk about being  
11:18 5           interviewed at the Saskatoon Provincial  
6           Courthouse, and then if you can just scroll down,  
7           talked about:

8                     "The interview ... covered a one hour  
9                     period during which he was  
11:18 10                    straightforward and candid."

11           Does that sound about right, one hour, that you  
12           met with them?

13       A           Well I can't remember it was an hour, but I --  
14           that seems about right I would think.

11:18 15       Q           And then they start a synopsis, and this is the  
16           writer's, I think, assessment of what you had  
17           said, and it starts here:

18                     "At time of Miller murder ... Valila was  
19                     a Cpl. assigned to Morality squad and  
11:18 20                    had little or no involvement in the  
21                    murder investigation."

22           I take it that's accurate?

23       A           That's very accurate.

24       Q           Go to page 36, please, and at the top:

11:18 25                    "Recalls attending Miller family in



1 Laura, Sask. with ... Short."

2 And I think you told us that?

3 A Yup.

4 Q And Short and Mackie headed up investigation; is  
5 that right?

6 A Yes it is.

7 Q And then it says:

8 "Valila was working Morality squad  
9 60-1-31. He and Det. Gus Weir discussed  
10 the connection between the unsolved  
11 rapes and the Miller murder. Valila  
12 expressed his thoughts to Nordstrom who  
13 was in charge of morality."

14 Is that accurate?

11:19 15 A No, it's not.

16 Q Did you tell the RCMP that, or anything of that  
17 nature?

18 A No, I didn't tell them that, I had no -- no way of  
19 knowing that to tell them that.

11:19 20 Q Next paragraph:

21 "Valila felt that CID focused on  
22 Milgaard and did not look at any other  
23 aspects however Valila could not suggest  
24 any other leads at time."

11:19 25 Did you tell them that?



1 A Can I just read that again?

2 Q Yes, please, just -- there's the highlighted part  
3 there.

4 A I can see it there. That's not true.

11:19 5 Q Okay. And so that's not something you felt at the  
6 time?

7 A No, it's not.

8 Q And did you tell the RCMP that?

9 A That I didn't --

11:20 10 Q Do you remember telling the RCMP this, what they  
11 have written down there?

12 A No, I don't.

13 Q Okay. Then it goes on to say:

14 "Valila recalls Karst and Nordstrom  
11:20 15 going to Winnipeg and felt that Karst  
16 went to do interview as that was his  
17 expertise. Felt Chief Kettles may have  
18 detailed Karst."

19 Was that accurate?

11:20 20 A Well I believe the part about Karst being -- that  
21 was his expertise, he was very good at that, but  
22 as far as who detailed Mr. Karst I have no idea.

23 Q And it says here that you recall Karst and  
24 Nordstrom going to Winnipeg?

11:20 25 A No, I don't recall them going to Winnipeg, and I





1 have already alluded to that.

2 Q And do you know if you recalled that back in 1993?

3 A No, I don't. I didn't recall -- know of that at  
4 any time.

11:20 5 Q So is it possible that in '93 you had recalled it  
6 and told the RCMP that and then today you don't  
7 remember, or do you think in '93 you didn't  
8 recall?

9 A No, I don't recall Karst and Nordstrom going to  
11:21 10 Winnipeg at all on my own.

11 Q Yes.

12 A And I'm talking about in the, you know, my own  
13 information.

14 Q Okay.

11:21 15 A I may have picked that up from other people, which  
16 I have alluded to. But as far as me knowing,  
17 period, from -- specifically, no, I don't know  
18 that.

19 Q And then it says, scroll down:

11:21 20 "Upon Nordstrom's return from Winnipeg  
21 Valila recalls that Nordstrom brought  
22 back either Fisher or info concerning  
23 the Saskatoon rapes."

24 A Well, he may have, but I'm not aware of it.

11:21 25 Q Okay. And did you tell the RCMP that?



1 A No I didn't.

2 Q Go to 048935. It says -- actually, let's go to  
3 the top:

4 "Valila never personally got info from  
11:21 5 Nordstrom but recalls talk in the office  
6 that someone had been convicted of  
7 rapes. Heard this info a few months  
8 after it had occurred."

9 Is that accurate?

11:22 10 A Heard that, but I think it's a little more than  
11 just a few months.

12 Q It may have been a longer time?

13 A Well, I'm quite satisfied that it was.

14 Q And are you talking a year after, ten years?

11:22 15 A I'm not saying it was -- a few months, to me, is  
16 something like three or four.

17 Q Right?

18 A But I think it was somewhat longer than that.

19 Q And then it says:

11:22 20 "Valila became aware via Nordstrom that  
21 charges were to be laid concerning the  
22 Saskatoon rapes however did not get  
23 details."

24 A No, that's inaccurate.

11:22 25 Q Is it? All of it?



1 A All, every bit of it.

2 Q And then scroll down. It says:

3 "Valila became aware from general  
4 conversation that Fisher had appeared in  
11:22 5 Regina. Heard this info months after  
6 the fact. Valila saw no documentation  
7 concerning Fisher."

8 Is that accurate?

9 A Well I became aware that -- well, I mentioned it  
11:22 10 was two parts.

11 Q Yes?

12 A First of all, if you recall just a few minutes  
13 ago, --

14 Q Yeah?

11:22 15 A -- I recalled that someone had appeared in --  
16 later on the name Fisher appeared.

17 Q So --

18 A So that is accurate in that sense.

19 Q So you became aware from general conversation  
11:23 20 that --

21 A That's right.

22 Q -- someone had appeared in Regina, heard this info  
23 months after the fact, and then at a later point  
24 heard the name Fisher --

11:23 25 A Fisher.



1 Q -- as being that person?

2 A That's exactly right.

3 Q Okay. And then, here:

4 "Valila has never seen a Fisher file."

11:23 5 Is that accurate?

6 A That's very accurate.

7 Q "Valila states the the rape complainants  
8 were never advised of outcome of  
9 investigation. One rape complainant  
11:23 10 contacted Valila to determine if Fisher  
11 was rapist. He felt complainant may of  
12 heard about Fisher through the media."

13 A I have never had any contact with any of the  
14 complainants. The first three I -- three of them  
11:23 15 I never knew at all.

16 Q Yes.

17 A The one I knew about was (V5)-- (V5)---. I had  
18 never spoken to (V5)-- (V5)---.

19 Q Just while we're there, if we could talk about  
11:23 20 your practice in informing victims of rapes at the  
21 time, what was your practice as far as if you had  
22 a file, a rape file, and you had apprehended  
23 someone; was it your practice to inform the victim  
24 that someone had been apprehended, charged, and/or  
11:24 25 convicted?



1 A Well that -- that's -- the first thing you would  
2 have to do is you would have to be very careful as  
3 to what you said because that -- this is a, you  
4 know, a situation like trying to figure out how  
11:24 5 high is up, at least in my mind. The first thing  
6 you would have to do is be very careful about  
7 whether or not -- let's go from the beginning.

8 A person appears in Court --

9 Q Yes?

11:24 10 A -- and might be set aside for a plea, --

11 Q Yes?

12 A -- might have even been remanded in custody, I  
13 don't know. Up to a certain point, I would not  
14 say anything, because I -- you know, it's an  
11:24 15 unknown factor, so I would, you know, I would not  
16 do that. But in the event that it was concluded  
17 to a point where I felt comfortable in telling --

18 Q Yes?

19 A Unless they had picked it up some other way --

11:25 20 Q Yes?

21 A -- then I would -- that was my practice, I would  
22 contact them and give them as much information as  
23 I felt in a discretionary what I should tell  
24 them --

11:25 25 Q Yes?



1 A -- without upsetting them. Especially, some  
2 people were very -- you know, this is a -- those  
3 were traumatic times --

4 Q Yes.

11:25 5 A -- for the victim.

6 Q And so, as far as when someone is charged, you  
7 might not tell the victim until sometime later; is  
8 that --

9 A That's, that could happen, it would be strictly a  
11:25 10 discretionary move on my part.

11 Q And, obviously, if it was going to go to trial and  
12 the complainant needed to testify either you or  
13 the prosecutor would be in touch with the  
14 complainant?

11:25 15 A It would probably be the prosecutor.

16 Q Yup. And if it was a case where there was a  
17 charge and the accused pled guilty and no need for  
18 the complainant to appear, and once the conviction  
19 was entered, would it have been your practice to  
11:26 20 inform the victims that the perpetrator of this  
21 crime has been convicted?

22 A And that the matter was, as far as I was  
23 concerned, the matter had been concluded.

24 Q Yes?

11:26 25 A But I always cautioned people, if I were to do



1           what you just mentioned, that 'this may not  
2           necessarily be the end of this', that there could  
3           be something else turn up in the future, so that  
4           if something did happen, that they would not be  
11:26 5           taken totally by surprise.

6       Q       But if it was a case where someone confessed, pled  
7           guilty, was convicted, and the appeal period had  
8           expired, and the person was in jail?

9       A       Well that would be, if that all happened then that  
11:26 10           would be, then, a -- it would be a whole different  
11           story.

12      Q       And would it be your practice, sir, to inform the  
13           victim of that?

14      A       I have done that.

11:26 15      Q       Yeah, and would -- I appreciate that, but would it  
16           be your practice to do that in all cases?

17      A       Well that would be, again, depending on the case.  
18           That would be my discretionary move.

19      Q       Would there be cases where there was a conviction  
11:26 20           of that nature where you would not tell the  
21           victim?

22      A       Yes, there would be.

23      Q       And why not?

24      A       Because that would maybe depend on the stability  
11:27 25           of the victim.



1 Q Okay. If we could just go back to this document,  
2 it says here:

3 "Relations between morality and CID was  
4 tenuous due to CID utilizing prostitutes  
11:27 5 and bootleggers as sources of  
6 information."

7 And is that accurate as something you would have  
8 told the RCMP?

9 A No, the -- as far as I am concerned there was no  
11:27 10 problem, it was not tenuous, because I had been in  
11 morality and now I was up in detectives.

12 Q Okay.

13 A So, I mean I'm going to tell you again, the people  
14 that were in detectives had probably at one time  
11:27 15 been a morality officer and they had now been  
16 promoted up to the next rank, so there was no  
17 reason for any animosity. Having said that, at  
18 times, you know, things don't all -- you know, the  
19 water doesn't always flow smooth, so there could  
11:27 20 have been times when, you know, there would have  
21 been some -- you know, they didn't, again, exactly  
22 agree on what was happening. But I wouldn't say  
23 it was tenuous.

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

11:28 25 "Valila states he knew Karst and got





1 along well with him. Felt Karst was a  
2 good investigator."

3 And is that something you would have told the  
4 RCMP?

11:28 5 A Yes, and I think that right as we sit here.

6 Q And it goes on to say that you were contacted by a  
7 newspaper reporter and a representative of *Fifth*  
8 *Estate*.

9 "He did not discuss the Miller  
11:28 10 investigation with anyone."

11 Is that truthful?

12 A As far as I know it was *Fifth Estate*. All I can  
13 tell you for sure it was a news media.

14 Q And do you have any explanation, Mr. Valila, as to  
11:28 15 why -- and I appreciate these aren't your notes --  
16 why it would be that the RCMP would record this  
17 information and attribute it to you when you tell  
18 us today that, on a number of counts, that you are  
19 saying they are flat out wrong?

11:28 20 A To me they are flat out wrong, and I have  
21 mentioned previously, had we discussed the -- what  
22 the, you know, what they were going to write down  
23 or showed me a trans -- a copy of what they were  
24 going to write --

25 Q Yes.



1 A -- we could have straightened it out right there.

2 Q Did you ever receive, from the RCMP, a statement  
3 or a summary or anything and asking you to verify  
4 it or anything like that?

11:29 5 A Not a word.

6 Q And had you had an opportunity to review any  
7 documents prior to this interview with the RCMP?

8 A No I did not.

9 Q If we can go to 048942, please. And it appears,  
11:29 10 here, that you were re-interviewed in Saskatoon;  
11 do you remember a follow-up interview?

12 A No, this is not -- took me completely by surprise  
13 when you mentioned this.

14 Q And it mentions here that, and again just the  
11:29 15 synopsis, that you?

16 "... did not personally show any photo  
17 line-ups to rape victims in Saskatoon."

18 Is that accurate?

19 A That's accurate.

11:30 20 Q Do you have any recollection of telling the RCMP  
21 that?

22 A Well I had no -- whose photo was I going to show?

23 Q Yes.

24 A I don't know.

11:30 25 Q Those, Mr. Valila, are my questions. I want to



1 check if other counsel have questions.

2 Any volunteers to go first? I  
3 think we have, for the record -- you will? Sorry.

4 MR. WOLCH: I'll go first.

11:30 5 BY MR. WOLCH:

6 Q Sir, I'm Hersh Wolch, I'm David Milgaard's lawyer.

7 A Yes, thank you.

8 Q I just have a few questions for you. You referred  
9 to the incident in the mall --

11:31 10 A Shopping centre, yes.

11 Q -- shopping centre, sorry -- where David was  
12 involved with magazines and you took him to the  
13 station?

14 A Yes.

11:31 15 Q Umm, did you actually arrest him?

16 A No I did not.

17 Q You asked him to accompany you?

18 A Yes I did.

19 Q And he went voluntarily?

11:31 20 A Yes, he was -- as far as I can remember my best  
21 guesstimate is that he was very polite.

22 Q And would you have made a report about that?

23 A No, I didn't make a report.

24 Q And did you do any follow-up as to what happened  
11:31 25 to him?



1 A No, I did not.

2 Q Any idea how long he was kept or questioned?

3 A No, I don't.

4 Q I have a few questions from the document 048933

11:31 5 that we were looking at just a few moments ago, if  
6 that can be brought on the screen, and Commission  
7 Counsel just went over that with you to some  
8 degree. I believe it runs backwards, so can you  
9 go to the last page?

11:32 10 COMMISSIONER MacCALLUM: Of 942 is it?

11 MR. WOLCH: Sorry.

12 MR. HODSON: 048937 is the front page.

13 MR. WOLCH: I'm having trouble with this  
14 document. When I run it to the end I get where I  
11:32 15 want to be.

16 MR. HODSON: You want to go to --

17 BY MR. WOLCH:

18 Q That's right, 41. Now, can you turn one page  
19 beyond that. Now, this would appear to be the  
11:32 20 officer's notes as to what you would have told  
21 him, and I appreciate you don't agree with this to  
22 a considerable degree, but I would like to get  
23 your views on it keeping in mind this is what the  
24 officer wrote down.

11:32 25 A I'm well aware of that.



1 Q Right. Now, he starts off by saying, "Got along  
2 good with Karst," so I take it that's something  
3 you would have told him?

4 A Yes.

11:32 5 Q Then you've got, "Karst was loner," I think the  
6 word is?

7 A That's what it says on my screen.

8 Q "Worked for himself. In for the kill"?

9 A That's language that I would never use.

11:33 10 Q You are saying you would never use this?

11 A Especially "In for the kill."

12 Q Okay. Well, "Karst was a loner," is that  
13 something you might have said?

14 A No, I would not. In fact, my impression of Mr.  
11:33 15 Karst was always that he was, like, a team player.

16 Q Okay. So you are saying you didn't say that?

17 A That's positively I didn't.

18 Q "Worked for himself" is something you wouldn't  
19 have said?

11:33 20 A That's right.

21 Q And "In for the kill" is --

22 A Just a moment, Mr. Wolch. "Worked for himself,"  
23 that's about as broad as it is wide. What does  
24 that mean, worked for himself?

11:33 25 Q Well, I can't speak for the officer, perhaps he'll



1 speak for himself, but worked for himself, was a  
2 loner, I read those somewhat together.

3 A I never found him to be that way at all.

4 Q "In for the kill" are not your words?

11:33 5 A No, I don't use that kind of language.

6 Q So you are not saying this is a case where you may  
7 have forgotten over the years what you may have  
8 felt at the time you were speaking to the officer,  
9 you are saying you definitely didn't say this to  
11:34 10 the RCMP officers?

11 A I'm saying definitely that I did not. In my view  
12 as I just mentioned to you, Karst was not -- well,  
13 again what is a loner, are we talking about -- I  
14 don't know what.

11:34 15 Q Okay.

16 A So, I mean, interpretation, as I said, is as wide  
17 as it is long.

18 Q I'm offering you an opportunity to say that you  
19 may have been mistaken, you may have said it then,  
11:34 20 but your evidence, I want to be clear, is that the  
21 RCMP who wrote this down either fabricated it or  
22 totally misunderstood what you were saying?

23 A Well, one or the other.

24 Q Okay. But "In for the kill" are words you would  
11:34 25 never use?



1 A Not in conjunction with anybody.

2 Q And then you've got noted here, "Never understood  
3 why Karst went to see Fisher in Winnipeg"?

4 A Well, I could understand that totally.

11:35 5 Q Well, I'm not asking -- I'll give you a chance to  
6 explain that in a second. You are saying you  
7 never said this to the officer?

8 A That's right, I did not.

9 Q So he would have taken this down either totally in  
11:35 10 error or fabricated it?

11 A Or whatever I said, this was his interpretation.

12 Q Well, at that time that Karst went, he wasn't in  
13 morality; right?

14 A He wasn't, no.

11:35 15 Q And this was a morality matter?

16 A That's right.

17 Q And --

18 A Now, just a moment, let's get this clear. I have  
19 mentioned in my evidence-in-chief I did not know  
11:35 20 why he went there.

21 Q Okay. Well, except that you understood it to be  
22 in connection with morality offences?

23 A That's what I understood.

24 Q And when you were speaking to the RCMP, you  
11:35 25 understood that Karst and Nordstrom went to



1 Winnipeg in connection with morality offences?

2 A Morality files, yeah.

3 Q Yes. And would it not seem logical that normally  
4 morality offences would require the sending of  
11:36 5 morality officers?

6 A The only thing, the one thing that I would perhaps  
7 read into this was because of the Gail Miller  
8 offence, perhaps there was some kind of a  
9 connection, that they were trying to establish a  
11:36 10 wider connection.

11 Q Okay. So it made sense to you that Nordstrom and  
12 Karst would go to Winnipeg because they were  
13 concerned still about the Gail Miller murder?

14 A That may have been one of the -- I want to correct  
11:36 15 myself, you know, what you are asking here. I  
16 never could understand why Nordstrom went, you  
17 know, in my own mind.

18 Q Sure.

19 A I'm only entitled to my own mind, but I can  
11:36 20 certainly see why Mr. Karst would go because he  
21 was a good investigator.

22 Q Who was also involved in Gail Miller?

23 A That's right, to the best of my knowledge. Like I  
24 mentioned, I never seen the file.

11:37 25 Q What made Karst logical to go was because he was





1 involved in the Gail Miller murder investigation?

2 A Possibly, yes. That would be my understanding.

3 Q Because otherwise it made sense just to send a  
4 morality officer?

11:37 5 A Yes, it would have made sense I guess, yes, but in  
6 that sense, unless -- well, no, it could happen  
7 that way, but it didn't.

8 Q For ordinary morality investigation, the  
9 combination of Nordstrom and Karst was totally  
11:37 10 unusual?

11 A It was unusual for Nordstrom, but I wouldn't  
12 suggest that it was unusual for Karst.

13 Q Unless he was looking at Miller?

14 A Unless he had more information than had ever come  
11:37 15 to my attention.

16 Q All right, thank you very much.

17 A You're welcome.

18 BY MR. O'KEEFE:

19 Q Good afternoon, Mr. Valila, my name is Eamon  
11:38 20 O'Keefe and I represent Larry Fisher.

21 A Yes.

22 Q I just want to ask you a couple of questions.

23 A Sure.

24 Q Mr. Wolch explored this area with you just a  
11:38 25 couple of moments ago regarding Detective Karst's



1 visit to Winnipeg and I appreciate we've received  
2 testimony from other witnesses in this Inquiry  
3 regarding Mr. Karst's expertise in conducting  
4 interviews is the reason why he would go.

11:38 5 A Yes.

6 Q And you've echoed those comments as well. Are you  
7 aware of other morality investigations on which  
8 either Detective Karst or another detective would  
9 be involved in interviewing witnesses with another  
11:38 10 morality officer present?

11 A Not specifically, but I'm not saying it didn't  
12 happen, but I can't recall anything at the moment.

13 Q Are you aware of Detective Karst conducting  
14 interviews of morality investigations or witnesses  
11:39 15 in morality investigations in general, whether or  
16 not morality officers were present?

17 A No, I can't.

18 Q Other detectives in the detectives division, do  
19 you recall them being involved in conducting  
11:39 20 interviews in morality investigations?

21 A No.

22 MR. O'KEEFE: Thank you.

23 MR. FOX: Mr. Commissioner, I did have a  
24 question or two I wanted to ask just in light of  
11:39 25 the questions that Mr. Wolch asked.



1 COMMISSIONER MacCALLUM: Sure, uh-huh.

2 BY MR. FOX:

3 Q Could you just bring up document 048933. Mr.  
4 Valila, I'm Aaron Fox, I'm counsel for Eddie  
11:39 5 Karst.

6 A Yes, I know you.

7 Q Thanks. Just if we can turn to I think the page  
8 that was being discussed by Mr. Wolch, which I  
9 think was 048940, if we can go to that, I think  
11:40 10 I've got the right one. Thanks. And you've got  
11 there, this is the officer's notes, and the  
12 portion that was pointed out to you, "Never  
13 understood why Karst went to see Fisher in  
14 Winnipeg," that was referred to. Later on, just  
11:40 15 down that same page, if we could understand that,  
16 or sorry, highlight that.

17 A I can see it.

18 Q "Understood that Kettles may have sent Karst  
19 because he was interviewer." Do you know if you  
11:40 20 would have said something like that to the RCMP?

21 A I wouldn't have known who sent him.

22 Q No, and what I'm getting at --

23 A He is a good interviewer.

24 Q And did that thought occur to you at the time,  
11:40 25 that if they've got somebody that needs to be



1 interviewed in Winnipeg or wherever, that Karst  
2 would be a logical choice to send because he's a  
3 good interviewer?

4 A If I was making a choice if I was in that  
11:41 5 position, I would certainly consider him.

6 Q And if Inspector Nordstrom needed somebody  
7 interviewed, he certainly wouldn't be the guy who  
8 would do the actual interview, you wouldn't expect  
9 him to do the interview?

11:41 10 A I would think not.

11 Q And to you, it didn't strike you as unusual that  
12 Detective Karst would have gone along to do the  
13 interview because of the experience and the  
14 quality of the interviewer he was?

11:41 15 A No, it wouldn't surprise me at all.

16 Q And am I correct that when I look through the RCMP  
17 report in 1993, there's no speculation in there  
18 anywhere that he may have gone along because of  
19 the Gail Miller matter, I take it that wasn't  
11:41 20 something you suggested to the RCMP in 1993?

21 A No, I didn't.

22 Q Mr. Wolch asked you about the description of  
23 Detective Karst and you've stated that it was, the  
24 words that are there are not your words and would  
11:42 25 not have accurately reflected what you thought of



1 him. If we could just go to 048934. That's  
2 recorded as what you would have conveyed to them,  
3 this is the same document that was referred to by  
4 Mr. Wolch:

11:42 5 "Valila states that he knew Karst, got  
6 along well with him. Felt Karst was a  
7 good investigator."

8 A Yes.

9 Q That would be an accurate statement?

11:42 10 A I still feel the very same today.

11 Q And that's what you would have told them in 1993?

12 A If that was put to me, no doubt about it.

13 MR. FOX: Thank you.

14 A Mr. Commissioner, can I stand up for a minute? I  
11:42 15 have a bad back.

16 COMMISSIONER MacCALLUM: Oh, for sure, yes.

17 Do you want a break? We can break.

18 A No, I'm fine. I just want to stand up, my leg  
19 goes numb.

11:43 20 COMMISSIONER MacCALLUM: Sure.

21 **BY MR. GIBSON:**

22 Q Mr. Valila, my name is Bruce Gibson, I act for the  
23 RCMP.

24 A Yes, I met you before.

11:43 25 Q If you wish to stand up at the other microphone, I



1 don't have any objection.

2 A No, I'm fine, no problem.

3 Q If I could have up document 048933 at 937, please.  
4 Now, this is a document that you should see on the  
11:43 5 screen there?

6 A I see it, yeah.

7 Q Again, some of this information has been put to  
8 you, and if we can just call that up, and you  
9 mentioned of course that the RCMP came out to see  
11:43 10 you in 1993 and it was a bit of a cold call, is  
11 that what you recall, in that you weren't aware  
12 they were coming?

13 A No, not -- I was called from the youth court where  
14 I was conducting my business.

11:44 15 Q And is it safe to say that for that about 24 year  
16 period between 1969 and 1993, that you may not  
17 have spent a lot of time focusing on your  
18 involvement in this case and what you may have  
19 known about this case?

11:44 20 A Well, I had really no reason to.

21 Q And so I guess your memory, as it may well be  
22 today, is taxed a bit and was probably taxed a bit  
23 24 years after the fact as well, you are trying to  
24 recall what you can?

11:44 25 A That's the best I can do, yeah.



1 Q And when you met with the RCMP members, was it a  
2 fairly informal conversation, it wasn't like they  
3 were grilling you, was it just sort of a dialogue  
4 back and forth between the members and yourself?

11:44 5 A They weren't grilling me, no. Just like we're  
6 talking, you and I right now.

7 Q Sure. And it says here again:

8 "The interview with Valila covered a one  
9 hour period during which he was  
11:45 10 straightforward and candid. He offered  
11 his recollection of the Miller  
12 investigation as well as his personal  
13 thoughts concerning events and persons  
14 relating to other issues."

11:45 15 So some of the discussion that you had with the  
16 RCMP may have been concerning information that  
17 you wouldn't have had firsthand information on;  
18 is that fair to say?

19 A That could be, yeah.

11:45 20 Q All right. And in that interview did you get the  
21 feeling that the RCMP were trying to get you to  
22 fabricate evidence or do you think that some of  
23 the discrepancies that we have here would really  
24 be a matter of interpretation or perhaps a matter  
11:45 25 of timing as to what information may have been



1 known by who when?

2 A Well, I have considerable experience in talking  
3 with people and sometimes when you enter into a  
4 conversation, such as you and I are doing now,  
11:45 5 unless the people are persons really paying  
6 attention, it's not that hard to get, write down  
7 something that may not exactly have been what the  
8 other person is conveying.

9 Q Right.

11:46 10 A And that has happened to me, to myself.

11 Q Okay. Now, we've shown you a few documents, and  
12 I'm going to switch back and forth here a little  
13 bit, but this document here is the continuation  
14 report which is more of a formal document for the  
11:46 15 RCMP, but we were going through some of the  
16 documents earlier with Mr. Wolch and Mr. Fox  
17 concerning some notes that may well have been  
18 taken and I'm just going to try and locate those  
19 and find that document number, and it is document  
11:46 20 048941 at 940, please.

21 COMMISSIONER MacCALLUM: That's it.

22 BY MR. GIBSON:

23 Q Thank you. And again this part here, if we can  
24 just call that up, again these are notes that  
11:47 25 never ended up in the RCMP continuation report but





1           were again notes just jotting down information,  
2           and perhaps, and again we don't know this and I  
3           suppose you don't know this, but maybe it was some  
4           of the areas that the officer wanted to question  
11:47 5           you on, because we have information here that says  
6           Karst was a loner, but you can appreciate after  
7           going through the continuation report, there's no  
8           reference to Karst being a loner in the  
9           continuation report that we've seen today is  
11:47 10          there?

11          A           No.

12          Q           So that may be something that the officer asked  
13           you about, was Karst a loner, and you said, you  
14           know, he worked well with other people, so this  
11:47 15           here may not be evidence that you provided, but  
16           maybe sort of a bit of a check list as to what the  
17           officer wanted to ask you?

18          A           It could be. Like, I have --

19          Q           Again, and I appreciate it's not being very fair  
11:48 20           to you, Mr. Valila, but you don't know what these  
21           notes were for exactly?

22          A           No, I have no -- how would I know what his intent  
23           was.

24          Q           So some of the information here as to whether "In  
11:48 25           for the kill," that may well not be your evidence,



1 but maybe something that the officer wanted to ask  
2 you about Mr. Karst and whether he focused in on  
3 one suspect or whatever, we don't --

4 A I understand you.

11:48 5 Q And I suppose those are questions that had to be  
6 asked, but again, this may not be necessarily  
7 evidence of what you advised the officers that  
8 day?

9 A That's probably a better explanation I've heard  
11:48 10 for a while.

11 Q Okay. Now, if we can go back to that original  
12 document that I had, I think that was at page 37,  
13 and if we can then go to page 38, and I appreciate  
14 again that these aren't your notes, this is an  
11:48 15 officer's impression of what information may have  
16 been provided, and again at issue 14 -- I'm sorry,  
17 at page 935, I probably gave you the wrong number,  
18 and it says here:

19 "Valila never personally got info from  
11:49 20 Nordstrom but recalls talk in the office  
21 that someone had been convicted of the  
22 rapes. Heard this information a few  
23 months after it had occurred."

24 And again you took issue with the fact that that  
11:49 25 was probably a longer period of time after?



1 A Yes, I would say that it was, yeah.

2 Q And again, you would agree with me that there was  
3 some talk later on about the conviction on those  
4 rapes that had occurred in and around that time, I  
11:49 5 suppose that was, I don't know if it was common  
6 knowledge with everyone, but that was information  
7 that at least you say you were aware of after the  
8 fact, after the fact that Mr. Milgaard was  
9 convicted?

11:50 10 A That's right.

11 Q And again if we can go down to about the middle of  
12 that page, right here, it says:

13 "Valila became aware from general  
14 conversation that Fisher had appeared in  
11:50 15 Regina. Heard this info months after  
16 the fact. Valila saw no documentation  
17 concerning Fisher."

18 Now, your evidence today was that you heard that  
19 it was some other person; correct? You heard it  
11:50 20 was a person, but you weren't sure that it was  
21 Fisher, but that information came to you later on  
22 that you became aware that it was Fisher?

23 A Then the name appeared, yes.

24 Q Okay. So the officer here again, your concern was  
11:50 25 simply that the use of the word Fisher in this



1 note was perhaps a little bit premature?

2 A Yes, I would say that at this point it hadn't  
3 happened yet.

4 Q And as you may or may not be aware, the officers  
11:51 5 that were investigating you obviously would have  
6 some information that it was Fisher that had been  
7 there?

8 A Yes.

9 Q And so perhaps simply in their notes they used the  
11:51 10 word Fisher, although that may not be attributable  
11 to you, but means something to the officers who  
12 are continuing on with the investigation?

13 A That could be, yes.

14 Q Okay. And again at the bottom of that page, and  
11:51 15 again I'm not sure a lot turns on this, but it  
16 says:

17 "Valila states that the rape  
18 complainants were never advised of the  
19 outcome of the investigation."

11:51 20 And I suppose that's accurate, is it, to your  
21 knowledge?

22 A That the rape complainants were never advised?

23 Q Of the outcome of the investigation.

24 A Well, I don't know that.

11:51 25 Q Okay.



1 A If you recall, if you were listening to my  
2 evidence, I was only aware of one, that was (V5)--  
3 (V5)---.

4 Q (V5)-- (V5)---.

11:52 5 A So I didn't know the other three, so it's pretty  
6 hard to talk about something I didn't know about.

7 Q Okay. So to your knowledge, then, they were never  
8 advised, but they could have been advised by  
9 someone else?

11:52 10 A Well, yes, probably the people that had the files.

11 Q And again in that portion, and it goes on to the  
12 next page:

13 "One rape complainant called Valila to  
14 determine if Fisher was rapist. He felt  
11:52 15 complainant may of heard about Fisher  
16 through the media."

17 And again your recollection, Mr. Valila, is that  
18 you didn't have any contact with the complainant?

19 A No, I didn't.

11:52 20 Q But there may -- do you know if there was ever any  
21 contact by the media inquiring about this and  
22 there may have been some queries directed to you  
23 or others in the office about this and you may  
24 have heard about that?

11:52 25 A Well, it may have been someone else, but I don't



1 recall talking to anybody about Fisher or whether  
2 or not they ever had been advised of this.

3 Q But again, and I appreciate that, but there may  
4 have been some contact with other members within  
11:53 5 the Saskatoon Police Service that you may have  
6 heard about?

7 A Could have been, yes, that's possible. There's a  
8 whole bunch of us.

9 Q And again on this part here:

11:53 10 "Relations between morality and --"

11 Is that CID?

12 A It is so, yeah.

13 Q "-- was tenuous due to CID utilizing  
14 prostitutes and bootleggers as sources  
11:53 15 of information."

16 And again, as far as the word tenuous goes,  
17 that's clearly a word you feel that you never  
18 chose, but the officer used that word?

19 A That's not in my vocabulary, no.

11:53 20 Q Right. And as far as your evidence goes on that  
21 point, you are not saying that it was tenuous, but  
22 to clarify, that at times there's personalities in  
23 any outfit and sometimes people take different  
24 views of things and there can be some disagreement  
11:54 25 on matters; is that --



1 A I mentioned that in my evidence-in-chief, yeah.

2 Q Okay. And again, as far as what the officer put  
3 down in his continuation report, which eventually,  
4 as you are well aware, goes into further reports  
11:54 5 within any organization --

6 A I'm aware of that.

7 Q -- what he put down in his report on Mr. Karst was  
8 not that he went for the kill, but that he got  
9 along well with Karst and felt Karst was a good  
11:54 10 investigator?

11 A Yes, and that's --

12 Q So that's what ends up in the report then?

13 A As I mentioned previously, that's my belief right  
14 today.

11:54 15 MR. GIBSON: Those are my questions, Mr.  
16 Valila. Thank you.

17 A Thank you very much.

18 MR. ELSON: Mr. Chairman, my questions were  
19 asked by Mr. O'Keefe and Mr. Fox, so I have no  
11:55 20 questions.

21 COMMISSIONER MacCALLUM: Thank you.

22 MR. HODSON: I believe no re-examination.  
23 I think that's all, Mr. Valila. Thank you very  
24 much.

11:55 25 A That means I can go watch my grandson now?



1 MR. HODSON: Yes, you may. Sorry for  
2 keeping you from him.

3 COMMISSIONER MacCALLUM: Thanks for coming,  
4 Mr. Valila.

11:55 5 A Thank you very much, Mr. Commissioner.

6 MR. HODSON: I'm wondering,  
7 Mr. Commissioner, we have one more witness for  
8 today, it's Mr. Oliver who's here and has been  
9 here all morning. His evidence is likely not  
11:55 10 going to take more than 20 to 30 minutes, it's on  
11 one narrow point, and I think I speak for all  
12 counsel in saying we would like to plug ahead and  
13 finish it for the day rather than break and come  
14 back at 1:30.

11:55 15 COMMISSIONER MacCALLUM: Does anybody need  
16 a short break for any reason?

17 MR. HODSON: Yeah, if we could take a short  
18 break and then finish, good point.

19 COMMISSIONER MacCALLUM: 10 minutes.

11:56 20 *(Adjourned at 11:55 a.m.)*

21 *(Reconvened at 12:07 p.m.)*

22 MR. HARDY: Mr. Commissioner, our next  
23 witness is Ian Oliver.

24 **IAN GEORGE CLIFFORD OLIVER, sworn:**

12:08 25 **BY MR. HARDY:**





1 Q Good afternoon, Mr. Oliver.

2 A Good afternoon.

3 Q I understand you currently reside in Saskatoon?

4 A Yes.

12:08 5 Q And can you tell us your age, please?

6 A 62.

7 Q And you were previously a member of the Saskatoon  
8 Police Service?

9 A Yes.

12:08 10 Q And what were your years of service?

11 A I started in 1963 and retired in 1999.

12 Q I'll refer you briefly to a record of service  
13 we've obtained from the Saskatoon Police Service,  
14 it's document 325555, and if we could turn,  
12:08 15 please, to page 325559, I'll have you take a look  
16 at that, Mr. Oliver. Does that accurately reflect  
17 your record of service?

18 A We're missing -- I was assigned to the  
19 identification section until, I was a staff  
12:09 20 sergeant until February of 1999.

21 Q You are talking about the last entry here?

22 A Yes, '89 traffic.

23 Q And in terms of the last aspect of your service  
24 then up until 1999, what was your position?

12:09 25 A From 1995 until 1999 I was the staff sergeant in



1 charge of the identification section.

2 Q Okay. And for our purposes, as of 1969 then,  
3 January, 1969, am I correct you would have been a  
4 first class constable?

12:09 5 A Yes.

6 Q And do you recall what section you were assigned  
7 to at that time?

8 A I was assigned to traffic, school patrol within  
9 the traffic section.

12:09 10 Q And do you recall the Gail Miller murder  
11 investigation?

12 A I remember it happening, yes, but I wasn't  
13 involved.

14 Q Do you recall having some involvement in that  
12:10 15 investigation?

16 A Yes.

17 Q And can you tell us what that involvement was,  
18 please?

19 A I was assisting Identification Officer Kleiv when  
12:10 20 they were searching the area where the incident  
21 happened, where the occurrence happened. We were  
22 looking for anything that was related to that  
23 occurrence.

24 Q And this was on one day in particular then?

12:10 25 A Yes.



1 Q And you were working with Mr. Kleiv on that date?

2 A I was with Thor Kleiv, yes.

3 Q And would that have been standard, do you know why  
4 you were working with Mr. Kleiv on that date?

12:10 5 A He would have asked me to assist him there.

6 Q And can you tell us about your attendance then at  
7 the scene on that date, what did you do, what did  
8 you find?

9 A The area that we were checking had been, had had a  
12:10 10 tent with heat over it and all the snow was melted  
11 and we were looking for anything in the area that  
12 could be related to the occurrence and I had found  
13 a knife, a small hunting knife on the inside of a  
14 fence.

12:11 15 Q And we'll just back up for a moment. You talked  
16 about the area. Did you understand this to be  
17 then the crime scene?

18 A Yes.

19 Q And you talked about a tent structure. Had you  
12:11 20 understood that that tent structure used for  
21 melting purposes had been erected over the crime  
22 scene?

23 A Yes.

24 Q And was the tent structure there any longer upon  
12:11 25 your attendance?



1 A Not when I arrived, no.

2 Q And you talked about finding a knife and can you  
3 go through that in some detail with us, please?

4 A Just when we were looking, when I was checking the  
12:11 5 area, there was a fence at the rear of one of the  
6 addresses there, it was a picket fence with  
7 upright pickets, it wasn't painted, and I looked  
8 over on the inside and there, or on the inside of  
9 the fence and there was a small hunting knife  
12:11 10 approximately six inches long on one of the  
11 stringers on the yard side.

12 Q And on your attendance on that date, did you have  
13 an understanding of where the body of Gail Miller  
14 had been found on January 31st, 1969?

12:12 15 A I believe Thor Kleiv pointed out to me where it  
16 was found, yes.

17 Q And the location where you found the knife, how  
18 close then was that to the spot where you  
19 understood the body to have been?

12:12 20 A It was to the east of where the body had been and  
21 I think it was within 20 or 30 feet to the right,  
22 and I'm just guessing, I'm trying to remember, to  
23 the right of where the body was.

24 Q Okay. And maybe we can look at a couple of  
12:12 25 photographs and we'll work through this, Mr.



1 Oliver, and see if we can get your best  
2 recollection of where in fact that knife was  
3 found, and I'm going to show you a few photographs  
4 and you might choose one that might work best for  
12:12 5 you, but I'll start with 077847. We've heard in  
6 evidence that is where the body of Gail Miller was  
7 found on the morning of January 31st.

8 A Yes.

9 Q Does any of that look familiar and assist you in  
12:13 10 terms of telling us where you located the knife?

11 A There's a tall fence and a shorter fence and it  
12 was behind the shorter fence on one of the  
13 stringers that I found the knife.

14 Q Okay. And correct me if I'm wrong, but you are  
12:13 15 referring to a tall fence. Are you referring to  
16 this stretch of the picket fence?

17 A Yes.

18 Q And your recollection is then that you found the  
19 knife on one of the stringers on the inside of  
12:13 20 this stretch of fence that I've just marked in  
21 red?

22 A Yes.

23 Q The shorter pickets?

24 A Yes.

12:13 25 Q And when you say stringer, I think I understand



1           what you mean, do you mean the two-by-four framing  
2           structure running horizontally on the inside of  
3           that fence?

4           A       Yes.

12:13 5           Q       And do you recall whether that was the top  
6           stringer or the bottom stringer where you located  
7           that knife?

8           A       I thought it was on the top stringer. I just  
9           looked over the picket fence and the knife was  
12:14 10          there. I thought it was the top stringer where I  
11          had found it.

12          Q       And I've drawn a stretch of the shorter pickets  
13          again. Do you recall exactly where along that  
14          stretch of the shorter pickets you located the  
12:14 15          knife?

16          A       On your top red line there, more to the left of  
17          your top red line is where I recall finding the  
18          knife.

19          Q       I'll clear the screen and I'll put some markings  
12:14 20          on it.

21          A       No.

22          Q       Closer to the taller pickets?

23          A       Left, a little further yet. If I'm remembering  
24          right, yeah, in that area.

12:15 25          Q       Okay. And I think we have a way of perhaps saving



1 the image, could we do that, please.

2 Again, on the top stringer is  
3 your recollection, where I have marked the X, and  
4 is there a way that perhaps we could move the X up  
12:16 5 to the top stringer? Sorry, perhaps a little bit  
6 higher, if I'm correct. Again, in that  
7 approximate vicinity is your recollection, Mr.  
8 Oliver, of where you located that knife?

9 A Yes.

12:16 10 Q And can you tell us, please, what you recall the  
11 description of that knife?

12 A It was a small hunting knife and if I remember  
13 right it was approximately 6 inches long, it was  
14 only sharpened on one side and it had, I don't  
12:16 15 believe it was a bone handle, it was a  
16 light-coloured handle with brown on it and it was  
17 high in the centre, it was -- I don't know how to  
18 describe it but it was a cur -- it was a -- it was  
19 a factory-made handle on it and it contained brown  
12:16 20 colours and the light colour as well.

21 Q Okay. Sorry, I'm going to move slowly on this,  
22 and we'll talk about the handle then. You  
23 indicated you didn't think it was a bone handle?

24 A I -- part of it might have been a bone handle but  
12:17 25 I know there was, the colouring was brown and



1 light or white, and the centre could have been a  
2 bone handle but I believe the ends were some other  
3 material.

4 Q And there --

12:17 5 A And it had a metal end, it had a -- the opposite  
6 end of the blade had a metal end on it.

7 Q At the butt end of the handle?

8 A At the butt end of it, yes.

9 Q And so the colour of the actual handle was a light  
12:17 10 and brown?

11 A A light colour, a white, and a brownish colour.

12 Q Okay. And I think you told us the size, but what  
13 do you recall of the size of that knife?

14 A I'm guessing at approximately 6-inch total with  
12:17 15 handle and blade.

16 Q And am I hearing you correctly that, in terms of  
17 the handle, that it perhaps had a pot belly or --

18 A Yeah, it was curved. It was convex in the centre,  
19 not concave, it was convex.

12:17 20 Q Okay. And what sort of condition was that knife  
21 in?

22 A It was, it looked like it had been laying there  
23 for some time, it was covered with dust and  
24 whatnot. It appeared like it had been covered  
12:18 25 with snow and it had melted and it had dust and





1           whatnot from the garden in it -- on it, on the top  
2           of it.

3       Q       No indication of blood stains, anything of that  
4           nature?

12:18 5       A       No.

6       Q       And you say that it looked like it had been laying  
7           there for some time; again, can you tell us what  
8           gave you that impression?

9       A       Just the way that there was grime and whatnot on  
12:18 10       the top of it there. It looked like it had been  
11       rained on or had snow, it had dust on it from, I  
12       would guess from the garden, that -- where the  
13       fence was. It wasn't a clean knife.

14       Q       And were you aware, at the time, whether or not  
12:18 15       the melting operation that we have spoken of  
16       covered the area where you had located that knife?

17       A       I believe it did. I believe it covered -- I  
18       wasn't there, I'm not sure, but I believe it did,  
19       just the way the, all the area was cleared of  
12:19 20       snow.

21       Q       It was clear of snow; that's your recollection?

22       A       Yes.

23       Q       And, in terms of time frame, do you have any way  
24       to tell us when -- how long after January 31st you  
12:19 25       attended at the scene, from your recollection?



1 We'll look at some documents in a moment but I  
2 just wanted to get your recollection first.

3 A I believe it was in, I believe it was in February  
4 of that year. It was within three weeks or a  
12:19 5 month -- oh, yes, it was within three weeks or a  
6 month of the occurrence.

7 Q And just --

8 A I don't recall the exact date.

9 Q Okay. And just going back to the knife for a  
12:19 10 moment, and talking about the blade, did you tell  
11 us earlier on that you thought it was a  
12 single-edged blade?

13 A It was, it was sharpened one side only, and it was  
14 curved.

12:19 15 Q Was there any rust on the blade?

16 A Not that I recall, no. Not noticeable.

17 Q And what did you do with that knife, Mr. Oliver?

18 A Turned it over to Identification Officer Kleiv.

19 Q And do you recall whether you thought that the  
12:20 20 find was significant at that time?

21 A I give it to him and he thought it was significant  
22 so he took it in his possession.

23 Q Do you recall discussions with Mr. Kleiv about  
24 that find?

12:20 25 A Just showing him where I found it, like he wanted



1 to know where I found it and the condition and  
2 everything that it was in, I took it back and  
3 showed him where I had located it.

4 Q Any other discussions?

12:20 5 A Just that he -- I marked it for identification and  
6 he marked it and took it into his possession, that  
7 was it.

8 Q And what do you recall of the course of dealings  
9 with that knife afterwards; were you aware of what  
12:20 10 happened to that knife?

11 A After I turned it over to Kleiv it was returned to  
12 me and I believe he said that it wasn't re -- it  
13 wasn't sent to the lab for examination and he  
14 returned it to myself, and I don't recall when it  
12:21 15 was that he -- at a later date he returned it to  
16 me, it wasn't required for an exhibit.

17 Q So the knife was out of your possession for some  
18 time?

19 A Yes it was.

12:21 20 Q And then returned to your possession?

21 A Yes.

22 Q And would that be the standard course of dealings  
23 with an item such as a knife found in the course  
24 of an investigation?

12:21 25 A Yes.



1 Q And, in particular, I'm talking about the return  
2 of that item to you at the conclusion of the  
3 matter or at some other point in time?

4 A Yes.

12:21 5 Q And do you know who kept it in the interim period  
6 while it was out of your possession?

7 A Identification Officer Kleiv.

8 Q And do you know what Officer Kleiv did with that  
9 knife?

12:21 10 A I, I don't know, but working in identification I  
11 can tell you what a -- the procedure. He would  
12 have discussed it with the pathologist and that,  
13 you know, whether it was going to be significant  
14 to the occurrence or not. I don't know, he never  
12:22 15 told me what he did with it, but that's the  
16 procedure that it would be.

17 Q And perhaps tell us that, then, what would the  
18 standard course be?

19 A Well if it was in my case I would take it to the  
12:22 20 pathologist, whoever did the autopsy, to see if it  
21 was compatible to the wounds on the Gail Miller  
22 case, and if it wasn't then -- and there was no  
23 blood or anything on the knife itself, then it  
24 would not be expected to be, you know, an exhibit  
12:22 25 in the occurrence.



1 Q And how would an exhibit of that nature, assuming  
2 that perhaps it was considered to have potentially  
3 some significance, how would an exhibit of that  
4 nature be retained during the course of the  
12:22 5 investigation?

6 A By Kleiv? It would have been -- it first would  
7 have been examined by the pathologist and then it  
8 would have been sent to the RCMP crime lab in  
9 Regina for analysis for blood, hair, fibre.

12:22 10 Q And what sort of reporting would you expect --

11 A There would be --

12 Q -- related to what you have been telling us?

13 A There's an exhibit report made out in the first  
14 place, and then there would be an investigation  
12:23 15 report on the exhibit itself, as to what the -- we  
16 would get a reply -- we would get an investigation  
17 report from the RCMP crime lab as to what the  
18 conclusion was of the exhibit, and that would all  
19 be attached to the main occurrence report.

12:23 20 Q And do you have any direct knowledge of what  
21 happened to this particular knife during the  
22 course of this investigation?

23 A Other than it didn't -- it was just returned to  
24 me, it wasn't sent to the RCMP crime lab.

12:23 25 Q Okay. And we'll look at a document in a moment,



1 but your understanding was that it wasn't sent to  
2 the crime lab?

3 A My understanding was that it wasn't sent to the  
4 crime lab.

12:23 5 Q And perhaps before we move on I am going to show  
6 you another photograph, Mr. Oliver, it's a  
7 photograph that shows the mechanical melting  
8 structure that we have been talking about and,  
9 again, we'll look at it to see if that refreshes  
12:24 10 your memory at all in terms of the location of the  
11 knife. The document is 073387, and those pictures  
12 aren't real clear, but perhaps we could focus in  
13 on the bottom picture. Again, our understanding  
14 from evidence that's been heard, Mr. Oliver, is  
12:24 15 that is the melting structure that we have been  
16 discussing. Does that assist you at all in terms  
17 of your recollection of where the knife was  
18 located?

19 A Yeah, I have got it further down the fence, it  
12:24 20 must have been closer to the higher pickets that  
21 the knife was located.

22 Q And so I want, I want to get you correctly here;  
23 your memory tells you that it was further north --

24 A Further north, yes.

12:25 25 Q -- than the edge of the mechanical structure that



1 we have been talking about, or enclosed  
2 structure, --

3 A Yes.

4 Q -- and -- but, seeing that picture, are you  
12:25 5 suggesting that --

6 A It would have had to have been closer to the  
7 higher pickets on the -- it was found on the  
8 lower, where the lower pickets are, but it had to  
9 be located closer to the higher ones than I first  
12:25 10 indicated.

11 Q And when you say 'had to be' why are you saying  
12 that?

13 A Well that's where the snow would have been melted  
14 from the enclosure there, the plastic structure.

12:25 15 Q And do you recall that? I mean when I'm looking  
16 at this -- and of course I have no knowledge of  
17 this -- but the structure doesn't seem to enclose  
18 the other side of the fence, and if we assume  
19 perhaps that snow was on the stringers of both  
12:25 20 fences, is it possible that the snow on the  
21 stringers wasn't melted?

22 A When -- after I found the knife?

23 Q Yes?

24 A No, it was melted.

12:26 25 Q It was melted?



1 A Yes.

2 Q That's a clear recollection?

3 A Yes.

4 Q There were some signs that were telling you that  
12:26 5 snow had been there but had been melted?

6 A There was no snow on the stringer at all, and I  
7 would have gathered that it had been melted by  
8 this, the heat from this structure here.

9 Q And I realize I'm pushing you a bit on this, but  
12:26 10 what about the ground in the same particular area,  
11 did you notice snow had been melted on the ground  
12 in that area? Did you --

13 A On the structure side of the fence, it was, but  
14 not on the yard side of the fence.

12:26 15 Q Okay. But something, anyways, told you that the  
16 location where you had found the knife, that  
17 perhaps snow had been there and had been melted?

18 A Been melted, yes.

19 Q And have you shared all the details with us, then,  
12:26 20 of the evidence that was telling you that?

21 A Yes, I have.

22 Q Okay. I'm going to turn you to an investigation  
23 report by Mr. Kleiv, and it's dated February 28th,  
24 1969, relating to the knife, and it's document  
12:27 25 020250. I'll review a portion of this with you.





1 You will note it's dated February 28th, as I  
2 indicated, and we'll focus in on the first  
3 paragraph, please. It states:

4 "While attending at the murder scene,  
12:27 5 February 28, 1969, with Cst. Oliver, a  
6 search was conducted of the area where  
7 snow has been melted by mechanical means  
8 and the following described knife was  
9 found by Cst. Oliver. This knife was  
12:27 10 lying on the bottom 2 X 4 stringer of  
11 picket fence which borders the west end  
12 of property numbered 221 Ave. N. So.,  
13 1 1/2 feet north of the south fence line  
14 of this property."

12:27 15 Just a couple of things arising from that  
16 paragraph, and maybe I'll get you to comment  
17 generally, would you agree with the contents of  
18 that paragraph in terms of the accuracy?

19 A I recall finding it on the top stringer, but Thor  
12:28 20 must have made notes at the time that it was found  
21 on the bottom stringer, but as I recall it I just  
22 looked over the fence and the knife was there so I  
23 thought it -- I recall it being on the top  
24 stringer and I don't have my notes with me to  
12:28 25 verify that.



1 Q Are you telling us, then, that you accept what Mr.  
2 Kleiv has indicated, that it was likely on the  
3 bottom stringer, --

4 A Yes.

12:28 5 Q -- and that you, your memory has perhaps faded on  
6 that point to some extent?

7 A Yes.

8 Q Okay.

9 A These are notes that he would have made at the  
12:28 10 time as well, and like I said, I haven't my -- I  
11 don't have my notes with me to verify where.

12 Q And, similarly, he indicates -- if we recall the  
13 pictures we were looking at it looks like he is  
14 stating that the knife was found 1 1/2 feet north  
12:28 15 of the south fence line of this property. And  
16 again, the property with the picket fences that we  
17 were looking at, we have seen in evidence  
18 previously that that is 221 Avenue N South, and if  
19 we could maybe just go back to that picture, the  
12:29 20 first picture for a moment, 077847. And I believe  
21 the property line, perhaps, would be somewhere in  
22 that approximate vicinity, and if we accept Mr.  
23 Kleiv's measurement of 1 1/2 feet to the north of  
24 that line, it places the knife several feet south  
12:29 25 of where you had indicated to us your recollection



1 tells you you had found it. Does that refresh  
2 your memory at all in terms of where you located  
3 that knife?

4 A No. The property line isn't the division of the  
12:29 5 two fences, is it, the high and the low fence?

6 Q No, it's not.

7 A Okay. I, again, I'll have to go with his notes.  
8 I -- I remember it to be further down, but if  
9 he -- if his notes indicate, then that would be  
12:30 10 notes made at the time, and that would be what we  
11 would go by.

12 Q Do you recall which side of the fence you were on  
13 when you --

14 A This -- the lane side.

12:30 15 Q The lane side?

16 A Yes.

17 Q And tell us, then, did you look over the fence; is  
18 that --

19 A Yes.

12:30 20 Q Okay.

21 A I recall it as being further south than that.

22 Q Or further north than that?

23 A I'm sorry, further north than that, but if his  
24 notes indicate then we have to go by his notes.

12:30 25 Q You would accept that as accurate?



1 A Yes, yes.

2 Q And let's look down at -- back at the  
3 investigation report, please. If we continue  
4 forward with the description of the knife, if we  
12:30 5 could focus in on that portion, it gives some  
6 measurements of the blade, the handle, length of  
7 the knife. It indicates:

8 "The blade is quite sharp and had very  
9 little rust adhering to the blade. It  
12:31 10 is believed that the knife was equipped  
11 with a small compass which is mounted in  
12 the side of the handle. There is a  
13 circular hole on one side of the handle  
14 of this knife where the compass is  
12:31 15 mounted."

16 A That's right.

17 Q Would that description be accurate as best you can  
18 recall?

19 A Yes.

12:31 20 Q Do you recall that description in terms of perhaps  
21 a small compass having been on the handle?

22 A When I read this, yes, there was a compass on it.

23 Q Okay. And just moving on down in that report it  
24 indicates that Mr. Kleiv called at 221, spoke with  
12:31 25 a Mr. Bentley, who stated that he had never seen



1 the knife before. Do you recall making inquiries  
2 at that address respecting the knife?

3 A No.

4 Q And then, finally, the knife was:

12:32 5 "... initialed by Cst. Oliver and myself  
6 and is stored in my locker."

7 And that would fit with your recollection of this  
8 matter?

9 A Yes.

12:32 10 Q And I note there's some handwriting at the  
11 left-hand side of that page which I believe says:

12 "Knife not believed connected with this  
13 case?"

14 A Yes.

12:32 15 Q Do you recognize that handwriting?

16 A I don't recognize it, but it looks like Thor's  
17 writing, Thor Kleiv's writing.

18 Q Are you able to tell us for certain whether or not  
19 that's Mr. Kleiv's writing?

12:32 20 A No, no. It's similar to his writing, the same as  
21 the word 'exhibits' at the bottom, but I can't say  
22 definitely.

23 Q Okay. Turn your attention as well, we have a copy  
24 of a page, I understand from your notebook at the  
12:32 25 time, it's document 046507; do you recognize those



1 notes?

2 A That's my writing, yes.

3 Q Okay. Just at the bottom of the page I see an  
4 entry there:

5 "12:30 - 1:30

6 Assist Ident Officer Kleiv

7 Found 1 hunting knife

8 Initialed and turned over to

9 Kleiv."

12:33 10 A Right.

11 Q Would that be your entry relating to what we have  
12 been discussing?

13 A Yes.

14 Q And I see you've described it as a hunting knife;  
12:33 15 that would be accurate?

16 A Yes.

17 Q Okay. I'll refer you to an exhibit report as  
18 well, 025591, and page 025598 of that document.  
19 Do you recognize that form of report, Mr. Oliver?

12:34 20 A Yes.

21 Q And what is that report telling us, and in  
22 particular I'm referring to the top entry, where:

23 "one 6 inch long knife"

24 is noted?

12:34 25 A It's an exhibit report that we use for seized



1 property, and the time and the date and the  
2 description of the exhibit, which is:

3 "one 6 inch long knife".

4 And its purpose, procedure, it's an exhibit and  
12:34 5 -- can't read that.

6 Q Under the Disposition section?

7 A Disposition, it was turned over to myself, turned  
8 back to myself at 9:20 on January the 27th (sic),  
9 1970.

12:34 10 Q Okay. And just back to the full document, is  
11 there anything on that document that tells us  
12 whether or not this item was sent to the lab?

13 A Umm, it wasn't sent to the lab. The other  
14 exhibits below it, if you look at the boot and  
12:34 15 the -- it says to the crime lab on March the 19th  
16 and the other was to the lab on April the 20th.  
17 This one, the disposition of it was just turned  
18 back to myself.

19 Q And you would conclude from that that it was not  
12:35 20 sent to the lab then?

21 A Yes.

22 Q Okay. And I'll turn your attention to another  
23 investigation report, it's 103810, it's an  
24 identification section report by Mr. Kleiv dated  
12:35 25 January 30th, 1970, refers to a number of exhibits



1           that had been entered in Court, and if we go to  
2           the bottom of the page and focus on the  
3           second-last paragraph, please, you will note there  
4           it states that:

12:35 5                       "The knife found at 12.30 p.m. February  
6                       28, 1969 at the scene was turned over to  
7                       Cst. Ian Oliver at 9.20 a.m. January 28,  
8                       1970 upon instructions from Mr.  
9                       Caldwell, Agent for Attorney General."

12:35 10           And again, having referred already to some of the  
11           previous information, would that fit with your  
12           recollection, Mr. Oliver?

13       A       Yes.

14       Q       Do you recall where you were when that knife was  
12:36 15           turned over to you?

16       A       I would -- no, I don't, but I would have been  
17           called up to the identification section and turned  
18           over to me there. Thor would have called me up.

19       Q       Do you recall any discussion with Mr. Kleiv at the  
12:36 20           time?

21       A       Nope. He would have told me that it's not part of  
22           an exhibit and it was being returned to me.

23       Q       Okay. And just for context sake we know January  
24           28th was three days, I believe, before the  
12:36 25           conclusion of the trial; did you know at that time





1           whether or not the knife had been considered or  
2           used during the course of the trial of David  
3           Milgaard?

4           A        I didn't know, no.

12:36 5           Q        You had no knowledge of that at the time?

6           A        No.

7           Q        Do you recall having impression or thinking that  
8           you might be called to testify in relation to that  
9           knife at that trial?

12:37 10          A        I would have known, if it had have been used in  
11           the trial, that I would have been called as a  
12           witness, and I was never subpoenaed as a witness,  
13           so therefore it would not be -- like I knew it  
14           wasn't an exhibit pertinent to the case.

12:37 15          Q        And perhaps you've answered this for us already,  
16           but from the time that you turned the knife over  
17           to Mr. Kleiv until this point in time when it was  
18           returned to you, do you have any personal  
19           knowledge of who else may have had possession of  
12:37 20           that knife?

21          A        Other than the identification officer, I don't  
22           have any idea.

23          Q        Okay. And I'll turn your attention to your notes,  
24           again it's document 046508, and you will see at  
12:37 25           the top there is the date January 28th, 1970, and



1 if we focus in on the bottom of the page it  
2 indicates:

3 "9:20 AM

4 Received from I/O Kleiv

12:38 5 1 hunting knife

6 found at scene of Miller

7 murder."

8 And then I'm not sure what this states?

9 A That's the next occurrence, 10:00 to 10:40 I was  
12:38 10 assigned to station duty.

11 Q So you are back at the station there?

12 A Well, they are all different occurrences, they are  
13 all different entries for the date. 9:20 a.m.  
14 Thor turned this over to me; 10:00 until 10:40 I  
12:38 15 was assigned to station duty, traffic, in the  
16 traffic office; 10:00 to 10:45 I was in court, I  
17 was just an observer in court; and then 4:05 I  
18 chalked a vehicle. All these are separate entries  
19 for the day's work.

12:38 20 Q Okay. And just with reference to that, that's  
21 10:00, I think, to 12:45?

22 A I'm sorry, 11:00 to 12:45.

23 Q Or 11:00 to 12:45, and that's 'court'?

24 A Yes.

12:38 25 Q So does that say 'Milgaard' underneath 'court'?



1 A Yes.

2 Q So you recall attending at the Milgaard trial?

3 A I don't recall, but I was there, according to my  
4 notes.

12:39 5 Q Okay. And do you know why you would have been at  
6 the trial?

7 A No. Just as an observer, I think. I believe the  
8 courtroom was upstairs in the police station at  
9 that time.

12:39 10 Q You wouldn't have attended the trial in relation  
11 to the knife?

12 A No.

13 Q I'm going to refer you also to some short portions  
14 of the testimony of Thor Kleiv, Thor Kleiv at the  
12:39 15 preliminary hearing, that's document 008164. I'll  
16 turn you to page 008235, please. Starting here,  
17 Mr. Kleiv is talking about the knife, you will  
18 note he states that:

19 "It was a short knife, a hunting type of  
12:39 20 a knife."

21 "... three inches or so."

22 And he indicates that he believed that it was a  
23 double-edged blade, and I take it that doesn't  
24 fit with your recollection, Mr. Oliver?

12:40 25 A No.



1 Q Okay.

2 A No, it doesn't.

3 Q But --

4 A But, again, I got to go -- he had the knife with  
12:40 5 him, and these notes were made at the time, so we  
6 have to go with his. I don't remember it as being  
7 such, I recall it as a single sharpened blade.

8 Q Right. And, again, Mr. Kleiv is giving testimony  
9 here at the preliminary hearing --

12:40 10 A Yes.

11 Q -- and he'll be able to speak for himself, but  
12 your -- you've given us your recollection it was  
13 single-edged?

14 A Yes.

12:40 15 Q Okay. If we could turn to page 008238, please.  
16 Actually, we -- I have already dealt with that  
17 point.

18 008252, please, just a short  
19 portion at the bottom of the screen. This is Mr.  
12:41 20 Caldwell examining Mr. Kleiv and he asks:

21 "Q Alright. Now, in answer to a question  
22 from my learned friend, you said at that  
23 time it was possible it could have been  
24 connected with this crime, referring to  
12:41 25 the hunting type knife?



1 A Yes.

2 Q Now, have you since established any  
3 connection, any positive connection of  
4 the knife with the crime to your  
12:41 5 knowledge?

6 A No, I haven't."

7 And were you aware from the time that you found  
8 the knife, Mr. Oliver, whether or not any further  
9 connection had been drawn between the knife and  
12:41 10 the Gail Miller murder?

11 A I'm not aware of any connection being drawn, no.

12 Q And you weren't at that time?

13 A Nope.

14 Q And do I understand correctly, Mr. Oliver, that  
12:41 15 you were interviewed by the RCMP in 1993 with  
16 respect to the Milgaard matter?

17 A Yes I was.

18 Q And you recall those discussions with RCMP  
19 officers?

12:42 20 A Yes.

21 Q I'm going to refer you to some documents that are  
22 the officers' notes arising from their discussions  
23 with you. If we could turn to document 046491,  
24 please, and page 046498. You will see the date  
12:42 25 there, March 18th of 1993, again this is one of



1 the RCMP's, officer's notes arising from their  
2 conversations with you, which appear to have taken  
3 place at the Saskatoon Inn; you recall that?

4 A Yes.

12:42 5 Q Just a short portion near the bottom of the page  
6 here. It indicates there that:

7 "Oliver was shown a faxed photo of the  
8 crime scene and asked to indicate the  
9 exact location. Indicated a location  
12:43 10 which appears to be about 20 feet north  
11 of the body (photo attached)".

12 And I'm sorry, we don't have a copy of that  
13 photo, but would that be approximately consistent  
14 with what you had told us from your own  
12:43 15 recollection, Mr. Oliver, in terms of the  
16 location of that knife?

17 A Yes.

18 Q Reading on --

19 A On the lower fence is where I -- but again, I got  
12:43 20 to go back to Kleiv's note made at the time, and  
21 he said it was where he indicated.

22 Q I understand your point, sir. And reading on  
23 there from:

24 "Oliver described the knife as approx.  
12:43 25 6" overall, bone handle with a metal



1 end."

2 Next page indicates:

3 "There was grime on the blade and  
4 appeared as if it had been there for  
12:43 5 some time. Described the blade as 3/4  
6 to 1" wide."

7 Do you recall giving this information to the RCMP  
8 officers?

9 A Not that particular, but I -- we -- there was two  
12:44 10 RCMP officers at the Saskatoon Inn and we talked  
11 about everything, so I would say that that come  
12 up, yes.

13 Q Okay. Was this accurate information that you were  
14 providing?

15 A Yes.

16 Q You described what was on the blade as grime?

17 A Yes.

18 Q Okay. And, reading on from there, it indicates:

19 "In referring again to his notes Oliver  
12:44 20 stated he received the knife back from  
21 Kleiv on January 28th, 1970 ... Oliver  
22 does not know what he did with the  
23 knife. He stated that at that time  
24 members were in charge of keeping and  
12:44 25 disposing of exhibits they found. There



1                   were no formal exhibit reports at that  
2                   time and any documentation about  
3                   exhibits was done on the file report  
4                   itself. He added that when an exhibit  
12:44 5                  was disposed of it should have been  
6                  documented on the file.

7                               Oliver feels he probably threw  
8                   the knife out when the Saskatoon P.D.  
9                   moved from the old building to the new  
12:44 10                  in 1974."

11               Do you recall giving that information to the  
12               RCMP?

13       A       I -- yes, because they come down and searched both  
14               my lockers. I didn't know if the exhibits were  
12:44 15               still there or not, we were in the new building  
16               then. But like when I say it was thrown out it  
17               would be sent to -- and I can't remember the  
18               person in charge of lost and found for  
19               destruction, or sometimes we took 'em, turned them  
12:45 20               over to the identification section where they had  
21               a board, and different articles from different  
22               occurrences were attached to the board just for  
23               information purposes.

24       Q       Do you have any recollection in this case, sir,  
12:45 25               what you did with that knife?





1 A No, I don't.

2 Q Are you saying that --

3 A Not positive identification. One of the two  
4 things. There will be an exhibit report, if you  
12:45 5 go on the master file there will be a -- or there  
6 will be an investigation report as to what I did  
7 with it.

8 Q And we've searched through the reports and have  
9 found no other documentation which would suggest  
12:45 10 what ultimately happened with that knife but your  
11 evidence for us today is that it should have gone  
12 to one of two places?

13 A Yeah.

14 Q Either back to identification or to lost and  
12:45 15 found?

16 A Where it would have been destroyed.

17 Q And you are telling us that there would have been  
18 some sort of reporting procedure --

19 A Yes.

12:45 20 Q -- in both of those instances?

21 A Just a one-liner as to what I did with it, an  
22 investigation report that goes on the master file  
23 in central records.

24 Q Okay. And you expect that that's what would have  
12:46 25 been done in this case?



1 A Yes.

2 Q And if we turn you -- your attention to the next  
3 page, please, 046496. Just at the top of the  
4 page:

12:46 5 "Stated he did not take the knife home  
6 but there was a possibility it might  
7 still be in a trunk at his office.  
8 Oliver invited the investigating members  
9 to accompany him to the Saskatoon P.D.  
12:46 10 building to go through this trunk."

11 I think you just alluded to that. Is that --

12 A The trunk they are talking about is my locker, --

13 Q Okay.

14 A -- not a trunk. I had two lockers.

12:45 15 Q And were you aware at that time whether there was  
16 an allegation that you had taken this knife home?

17 A I don't think so.

18 Q And I'm not suggesting there was, but were you  
19 under that impression or had someone advised you  
12:45 20 of that?

21 A Not that I recall, no.

22 Q Okay.

23 A I think they just asked what I did with it. Just  
24 let me read this and see. Where does it say that  
12:46 25 I took it home?



1 Q No, no, I just read that from the first paragraph,  
2 stated he did not take the knife home.

3 A No, I -- no. They didn't accuse me of taking it  
4 home, no.

12:46 5 Q Turn to page 046494, it refers to the March 18th  
6 date at the top, it looks like Corporal Templeton  
7 and the writer met with you again and did take a  
8 look at your lockers?

9 A Yes.

12:46 10 Q You recall that?

11 A Yes.

12 Q Do you recall following up any further in an  
13 attempt to assist the RCMP in terms of determining  
14 the final disposal of that knife or location of  
12:46 15 that knife?

16 A No, not once we had searched -- I just opened the  
17 lockers and let them search the lockers and once  
18 that was done, that was the conclusion of it.

19 Q There's one further report, Mr. Commissioner, I  
12:47 20 think I can just refer to it by document IDs for  
21 the record, it's another set of RCMP notes, 034892  
22 is the ID, just give me a moment to take a look at  
23 it.

24 Just one further question for  
12:47 25 you relating to document 046515, Mr. Oliver.



1           These are some notes that were taken at the time  
2           of your meeting with the RCMP officers. I note at  
3           the top of the page there's an entry there that  
4           indicates:

12:48 5                       "Shorty and Milgaard came in back door  
6                       and a little girl saw them."

7       A       Yes.

8       Q       Do you know what that entry relates to?

9       A       The house where Shorty Cadrain lived across from  
12:48 10       St. Mary's School and I think that was this  
11       conversation at the police station, that somebody  
12       had said that they saw Shorty Cadrain and Milgaard  
13       come in the back door and there was a little girl  
14       in the basement that saw them. Nothing -- it was  
12:48 15       conversation at the station. Whether it was when  
16       we were having lunch or what, I don't know.

17       Q       And when you received this information or heard  
18       this information, was it somehow indicated that  
19       this was connected to the Gail Miller murder  
12:48 20       investigation?

21       A       Yes, this is what we were talking, or this is what  
22       the conversation was at the time, yes.

23       Q       And in what fashion did you understand that  
24       connection?

12:49 25       A       The morning of the Gail Miller murder, that Shorty



1 Cadrain and Milgaard came in the back door of  
2 Cadrain's house, which was across from St. Mary's  
3 School. I was in traffic section and school  
4 patrol at this time and so St. Mary's was one of  
12:49 5 my schools and somebody had said that they had saw  
6 the two come in the back door in the morning.

7 Q And what's the significance of a little girl saw  
8 them?

9 A Just that there was a little girl in the basement  
12:49 10 saw them come in. I don't know what -- I can't  
11 add any more to it than that.

12 Q Okay. And do you know who you had heard that  
13 information from?

14 A No. It was likely at lunch, in the lunch room or  
12:49 15 something like that at the police station.

16 Q No recollection of who was taking place during, in  
17 that discussion?

18 A No.

19 Q I refer as well for the record, Mr. Commissioner,  
12:49 20 to document 046095, it's just some further notes  
21 from the RCMP's work in 1993.

22 Thank you, Mr. Oliver, those are  
23 all the questions that I have for you. My friends  
24 may have some questions for you.

12:50 25 COMMISSIONER MacCALLUM: How many



1 cross-examiners are there?

2 MR. HODSON: Mr. Fox. Is that right?

3 BY MR. FOX:

4 Q Mr. Oliver, I'm Aaron Fox, I'm the lawyer for  
12:50 5 Eddie Karst. Mr. Hardy asked you some questions  
6 about meeting with the RCMP in 1993. Do you  
7 recall if you were asked about your dealings with  
8 Eddie Karst or working with Eddie Karst?

9 A I was never asked about -- that I recall, I don't  
12:50 10 believe I was ever asked about working with Eddie.  
11 I worked with Eddie lots, but I don't believe I  
12 was asked.

13 Q Okay. I'm going to just, if I could just bring up  
14 document 046491 and if we could go to page 495,  
12:51 15 and this paragraph here is the paragraph I would  
16 like to highlight. Just reading that paragraph:

17 "Oliver was asked about Ed Karst and his  
18 relationship with other detectives.

19 Oliver himself had worked with Karst in  
12:51 20 the past and found him very good to work  
21 with. Felt that Karst was open and  
22 shared his information."

23 Do you recall first of all if you had any, do you  
24 have any recollection of discussing that with the  
12:51 25 RCMP in 1993?



1 A I could have, yeah, and this is what my answer  
2 would have been. I could well have.

3 Q Is that an accurate answer?

4 A Exactly.

12:51 5 MR. FOX: Thank you. Those are all the  
6 questions I have.

7 MR. HODSON: That is all for Mr. Oliver.

8 COMMISSIONER MacCALLUM: You are excused  
9 Mr. Oliver, thank you.

12:51 10 MR. HODSON: And our next witness on Monday  
11 will be Mr. Karst and we have him scheduled for  
12 the week.

13 COMMISSIONER MacCALLUM: We'll adjourn  
14 until Monday at one.

12:52 15 (Adjourned at 12:55 p.m.)

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

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notes taken herein to the best of my knowledge, skill, and  
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Karen Hinz, CSR

Official Queen's Bench Court Reporter

\_\_\_\_\_, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter





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