

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

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

On Monday, August 22nd, 2005

Volume 60

Inquiry Proceedings



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INDEX OF PROCEEDINGS

DESCRIPTION:

PAGE:

EDDIE ALEXANDER KARST, SWORN

- BY MR. HODSON

11728



Transcript of Proceedings

(Reconvened at 1:10 p.m.)

COMMISSIONER MacCALLUM: Good afternoon.

ALL COUNSEL: Good afternoon.

MR. HODSON: The next -- good afternoon,
Mr. Commissioner. The next witness is Mr. Eddie
Karst. Come up to the witness stand, please.

EDDIE ALEXANDER KARST, sworn:

BY MR. HODSON:

Q Good afternoon, Mr. Karst, and just for the
record, Mr. Commissioner, Mr. Karst is a party
with standing before the Commission and of course
his counsel, Mr. Aaron Fox, is present.

Mr. Karst, you currently reside
in Saskatoon; is that correct?

A I do.

Q And your current age?

A 76.

Q And you were a member of the Saskatoon Police
Service from 1954 to 1989?

A I was.

Q And I'll be asking you a number of questions, Mr.
Karst, over the next couple of days and I would
ask just at the outset if you could, where
possible, distinguish for me in your answers where



1 you actually have a memory of events, okay, and I
2 will try when I ask you the questions as well to
3 be looking specifically for what you remember as
4 distinct from what you may read in a report that
01:13 5 may refresh your memory or a document of yours
6 that does not refresh your memory that you accept
7 as being true, and I guess lastly information that
8 you may have learned from others or read elsewhere
9 and have some knowledge about that, so just at the
01:13 10 outset I will try and make sure when we go through
11 this that where necessary and appropriate we'll
12 distinguish the basis upon which you are
13 answering. Okay?

14 A Okay.

01:13 15 Q If we could call up 325557, please. I think
16 that's part of 555, the years of service. And,
17 Mr. Karst, this is a record that we've obtained
18 from the Saskatoon Police Service, I believe
19 you've had a chance to review that previously, and
01:14 20 does that reflect your service record with the
21 police service?

22 A It does.

23 Q And just a couple of dates here. I see that you
24 served in morality for about three months in 1965
01:14 25 before you moved to detectives; is that right?



1 A That's right.

2 Q And then other than that stint in morality, that
3 would be your only service in morality while you
4 were with the force?

01:14 5 A Yes.

6 Q And then if we look at the time of Gail Miller's
7 murder, January of 1969, you would have been a
8 detective; is that correct?

9 A Correct.

01:14 10 Q And then on April the 8th, 1971 you would have
11 been promoted to detective sergeant; is that
12 right?

13 A Yes.

14 Q And then as well in 1982 it looks as though you
01:15 15 moved out of detectives into patrol and detention;
16 is that right?

17 A That's correct.

18 Q If we could call up 325569, please, and, Mr.
19 Karst, we've had a chance to look at this
01:15 20 organizational chart with a number of officers and
21 I would like to just go through with a couple of
22 questions for you and specifically to draw your
23 attention to the time period 1969 and at that time
24 you would have been a detective in detective
01:15 25 division; is that correct?



1 A Yes.

2 Q And then if we could maybe go to page, the third
3 page of that, 71, the names, and at that time you
4 would have been one of a number of detectives in
01:16 5 that department; is that right?

6 A Yes.

7 Q And was there any type of seniority at work at the
8 time amongst just the detectives, or let me put it
9 this way, did seniority mean anything in the
01:16 10 detectives division?

11 A Somewhat.

12 Q In what way?

13 A Well, those that had been there the longest length
14 of time were naturally considered senior.

01:16 15 Q And did, for example, would, and again now just
16 talking about detectives, would a senior detective
17 tell a more junior detective what to do on a file
18 on occasion?

19 A Occasionally.

01:16 20 Q And what about the other way, would a junior
21 detective give direction to a senior directive or
22 did that happen?

23 A Not very likely.

24 Q Can you tell us again, 1969, what was the role
01:16 25 generally of detective sergeants, where did they



1 fit in in the organization?

2 A They generally assigned the files and gave
3 direction to us junior detectives.

4 Q So Mackie, Reid, Porter and Ward, did they have
01:17 5 their own case load at the time?

6 A Not generally, but if a major file came along,
7 they could be assigned to it.

8 Q And I think we've heard evidence, and perhaps you
9 can confirm, when a file came in, a new file that
01:17 10 would be assigned to detectives, would that file
11 normally be assigned to one or two individuals to
12 be responsible for?

13 A What type of file are you referring to?

14 Q Any type of file in detective division.

01:17 15 A No, generally it was just an ordinary file, it was
16 assigned to one person.

17 Q So let's take a robbery file, that would be within
18 detectives?

19 A Yes.

01:17 20 Q And a detective sergeant would assign that to a
21 detective; would that be the normal practice?

22 A That's correct.

23 Q And when you were assigned a file, what did that
24 mean, what were the responsibilities?

01:18 25 A It was your responsibility to investigate it.



1 Q And would you be the quarterback of that file, the
2 decision maker?

3 A You would.

4 Q And what role would the detective sergeants play
01:18 5 then on that file?

6 A He would read it over occasionally and see if
7 there's any more you could do to investigate it
8 and if you felt there was no more, you would hand
9 it in with a report saying file concluded and then
01:18 10 he would read it to see whether it was concluded.

11 Q Now, you also mentioned that in more significant
12 cases detective sergeants might be assigned the
13 file; is that right?

14 A That's correct.

01:18 15 Q And in the case of the Gail Miller file, do you
16 recall who would have been assigned responsibility
17 for the file?

18 A I think it was Reid and Parker and Mackie, but I'm
19 not sure.

01:18 20 Q And in any event, was it you, sir, were you
21 assigned responsibility of the file?

22 A No, sir.

23 Q And so then as far as Reid, Parker or Mackie,
24 then, what would be their responsibilities on the
01:19 25 Gail Miller file based on what you understood at



1 the time and observed?

2 A They would be supervising and doing the actual
3 work on the file.

4 Q And we will be talking in detail in going through
01:19 5 your reports, but as far as your involvement on
6 the Gail Miller murder investigation, did you --
7 the tasks that you undertook, did you do them on
8 your own initiative or did you receive direction
9 from others?

01:19 10 A We received directions from senior men.

11 Q And would that vary from time to time?

12 A Yes.

13 Q What was the role of Lieutenant Short at the time
14 in 1969, and specifically the Gail Miller
01:19 15 investigation?

16 A It ended up, or by the time I became aware of it,
17 that Short supervised most of the investigation
18 that was going on and I'm sure he conferred, I
19 know he conferred with Mackie on numerous
01:20 20 occasions.

21 Q Yes.

22 A Along with other department heads, including
23 Lieutenant Penkala and Superintendent Wood.

24 Q And I believe we'll be seeing some reports, in
01:20 25 fact, where Lieutenant Short was out in the field



1 investigating as well; is that correct?

2 A That's correct.

3 Q And, on this chart, did Lieutenant Short report to
4 Jack Wood? That's what the chart says?

01:20 5 A I believe so.

6 Q And what role did Jack Wood have in the Gail
7 Miller investigation?

8 A He was the overall supervisor -- excuse me -- the
9 overall supervisor.

01:20 10 Q And do you have a recollection of him having
11 active involvement in the file?

12 A I know they had meetings in his office, and I
13 would presume that he was directing operations.

14 Q And what about, you mentioned Lieutenant Penkala
01:21 15 in identification, what do you recall the role
16 that he played?

17 A He was quite active in the role of, he had to do
18 with fingerprints, serology, blood samples, hair
19 samples and he took a very active role in the
01:21 20 whole case.

21 Q And what about Inspector Nordstrom in morality; do
22 you recall his involvement?

23 A Nothing on an ongoing basis.

24 Q And Deputy Chief James Forbes; do you recall
01:21 25 whether he --



1 A I don't know.

2 Q And what about Chief Kettles; do you recall his
3 role?

4 A I know he attended some of the meetings in the
01:21 5 office but I don't know what his role was.

6 Q And when you say 'meetings' what meetings are you
7 talking about?

8 A There were meetings every once in a while in
9 Superintendent Wood's office, in the detectives
01:21 10 office, and the chief would attend some of them.

11 Q Did you attend those meetings?

12 A No.

13 Q And so you observed a number of officers meeting
14 in Wood's office?

01:22 15 A I did.

16 Q And were they talking about the Gail Miller --

17 A I can only assume they were. I don't know.

18 Q And who would typically be in these meetings?

19 A The chief a lot of the times, Superintendent Wood,
01:22 20 Lieutenant Short when he was there, Lieutenant
21 Penkala, and some members of the mounted police
22 detachment here would occasionally attend.

23 Q Do you recall the names of any of those officers,
24 the RCMP officers?

01:22 25 A Yes, I think Inspector Riddell was there on



1 occasion, and Staff Sergeant Edmondson, and
2 Corporal Rasmussen.

3 Q And I think we've heard, and maybe it was
4 Mr. Penkala who described or called them
01:22 5 brainstorming sessions where matters were
6 discussed about the Gail Miller file, so these
7 meetings; you don't recall being at any of them?

8 A No, I wasn't.

9 Q And do you know why you weren't there, was it --

01:23 10 A Well, none of the junior men attended, it was only
11 men that were instructing that attended those
12 meetings.

13 Q When you say 'men that instructed', were the
14 people that you described, then, was that who you
01:23 15 viewed as being in charge of the file?

16 A Yes.

17 Q I'm trying to, Mr. Karst, address the issue of who
18 was running the investigation -- and maybe that's
19 a broad question, but let me just ask a couple of
01:23 20 points, here, and then I'll ask you to answer
21 that -- for example which avenues to pursue, which
22 suspects to pursue, which suspects to eliminate,
23 where to focus the resources, how much, how many
24 men, in what areas and how long, those types of
01:23 25 things; who were the people, to your knowledge,



1 that were making those decisions?

2 A I can't really answer that. It came down from, to
3 me from Ray Mackie and Lieutenant Short, and where
4 that came from I can only assume.

01:24 5 Q Were you involved in any of those decisions that I
6 talked about as far as --

7 A No, sir, I wasn't.

8 Q We also heard, have heard some evidence about
9 outside travel, and can you tell us, back in 1969,
01:24 10 what was your understanding about two things;
11 number 1, the ability of a Saskatoon City Police
12 officer to go outside the city limits to do police
13 work; and secondly, what approval, if any, you
14 needed to get, and from whom?

01:24 15 A I don't understand the first part of your
16 question, 'ability'?

17 Q For example, back in 1969, if you had to go out
18 and interview a witness in Regina in connection
19 with the Gail Miller file, did you need to get the
01:25 20 RCMP, for example, or the Regina police to assist
21 you or attend with you?

22 A Generally we did.

23 Q And why was that?

24 A You were out of your jurisdiction, as a matter of
01:25 25 policy you would take a mounted policeman or they



1 would go with you, and when you got to Regina you
2 would have a city policeman with you.

3 Q So was that standard practice at the time?

4 A It was.

01:25 5 Q And the second part of that question was if you,
6 for example, were to travel outside of the city on
7 an investigation did you need to get approval for
8 your travel from someone?

9 A Yes.

01:25 10 Q And who made those decisions and on what basis?

11 A The decision would be made by the chief at that
12 time.

13 Q And do you know whether, or did you understand
14 that the approval process -- in other words that
01:25 15 you had to get someone senior to approve for you
16 to go anywhere, is that correct?

17 A That's correct.

18 Q And did you understand that to be for budgetary
19 reasons or because senior people wanted to know
01:26 20 who was going where?

21 A I really don't know.

22 Q Now when we went through the chart we identified
23 the morality section, and I think you served there
24 for four months in 1965, and we've heard evidence,
01:26 25 I think, from a couple of officers that the



1 morality section was located in a different area
2 of the building than detectives; is that right?

3 A A floor lower than the detective office.

4 Q Can you tell us what interaction there was, again
01:26 5 in and around 1969, between detectives and
6 morality officers?

7 A During the course of your duty you would run into
8 the odd morality officer but we had no direct
9 communication with them.

01:26 10 Q Were there morning meetings, Mr. Karst, at the
11 time within the detectives division?

12 A Usually by senior personnel.

13 Q Was there any type of bulletin or communication
14 where officers were informed about what was
01:27 15 happening generally?

16 A Yes, there was a daily bulletin published, and it
17 was usually printed out in the morning and you
18 could read it and see what was going on in the
19 various departments such as traffic, morality,
01:27 20 detectives.

21 Q For example, if there had been a rape complaint --
22 and we'll deal with these a bit more
23 specifically -- but a rape complaint in October of
24 1968, is that something that you would expect to
01:27 25 be put in a bulletin and posted so that detectives



1 could see it?

2 A It would.

3 Q Was there any other form of formal or informal
4 communication between morality and detectives
01:27 5 division?

6 A Not that I am aware of.

7 Q And let me be a bit more specific. If morality
8 were working on a file pursuing a suspect and the
9 detectives division on a different offence,
01:27 10 because they are different areas, but pursuing the
11 same suspect, was there anything in place that
12 would ensure that the two groups cooperated or at
13 least knew what the other was doing?

14 A Nothing other than the morning sessions that
01:28 15 senior personnel would have to converse with one
16 another.

17 Q Were there occasions when you, as a detective,
18 would work on a morality file?

19 A Not that I recall.

01:28 20 Q And would there be occasions where on a detectives
21 file, for example a homicide file, that morality
22 officers would be involved?

23 A Not that I am aware of.

24 Q We will see in the reports, and we have seen
01:28 25 already, Mr. Karst, that, in the Gail Miller file,



1 that on a number of occasions morality officers
2 accompanied detectives or were involved in
3 following up on matters; is that -- were you aware
4 of that or is that something unusual?

01:28 5 A It's unusual, but I'm aware of it.

6 Q If we can turn, now, just to the flow of the
7 paperwork, and we've heard evidence about
8 investigation reports, and you know what I am
9 talking about, investigation reports --

01:29 10 A I do.

11 Q -- and the occurrence reports; could you tell us
12 what was the purpose, or what was your
13 understanding of the purpose of preparing an
14 investigation report?

01:29 15 A To show the ongoing work that the officer did on
16 that file, he should report everything that he had
17 done.

18 Q And we've heard some evidence that -- would this
19 be the form of communication, then, where you
01:29 20 would tell those senior and other officers
21 involved what you had done and what you think
22 ought to be done further?

23 A Yes.

24 Q And so, for example if you had interviewed a
01:29 25 suspect and eliminated the suspect, that would be



1 something you would put in the report so that the
2 senior officers would know that; is that fair?

3 A Yes.

4 Q And if you investigated something and you
01:29 5 concluded that you thought some further work
6 should be done in a particular area, is that
7 something you would put in your report?

8 A It would.

9 Q And then you would, what, send it up the line to
01:30 10 whoever is ever in charge of the file?

11 A I would leave a report to that effect and he would
12 read it and decide what should be done.

13 Q So let me give you an example. For example if you
14 interview a suspect, let's talk about Gail Miller,
01:30 15 just a hypothetical, and you talk to someone who
16 says 'you know what, I think you should talk to
17 Mr. X because I think Mr. X knows someone who
18 should have some information', and it's the end of
19 your shift, is that something you would put in
01:30 20 your report that Mr. X should be followed up on,
21 and you would leave that in your report?

22 A I would.

23 Q Would you then follow up with Mr. X on your own?

24 A Yes, whatever the person who was in charge of the
01:30 25 file, if it was something urgent he may get



1 somebody else.

2 **Q** So, but would you do it on your own initiative, or
3 would you report and wait?

4 **A** I would report and wait.

01:31 5 **Q** And so who was it, then, that would be reading
6 these files and absorbing what everybody was doing
7 and deciding what should be done next and when and
8 who should do it?

9 **A** Are you the talking about a specific file?

01:31 10 **Q** The Gail Miller file.

11 **A** More than one person, but if there was something
12 important I think probably Ray Mackie, when he was
13 reading it, would take it up with Lieutenant
14 Short.

01:31 15 **Q** Did you play any role in that, Mr. Karst, in
16 reviewing the file and deciding what steps ought
17 to be taken next?

18 **A** No I did not.

19 **Q** And did you believe someone else, though, was
01:31 20 performing that function?

21 **A** I would believe so.

22 **Q** And, other than your comment about Mr. Mackie, are
23 you able to help us out with who that might have
24 been that was responsible for that?

01:31 25 **A** I believe there were times in that office when



1 Staff Sergeant Ward was reviewing files, and I
2 don't know whether he specifically did any
3 direction on that file or not.

4 Q And let's talk about the physical reports
01:32 5 themselves; would you normally dictate your report
6 at that time?

7 A No, I wrote them out on paper, handwritten.

8 Q Handwritten, and then you would hand them to a
9 clerk or just to somebody to type up, is that
10 right?

11 A We had a basket in our office where you put
12 outgoing files, incoming files, and you would lay
13 your report in there, somebody would transport
14 them down to central registry where they were
01:32 15 dictated or put on paper, typed.

16 Q And what happened to the typed version, who got
17 the typed versions of the report?

18 A You should get one back on your file, and where
19 the rest all went I don't know for sure, they
01:32 20 would go to the master file or --

21 Q Okay. When you say 'on your file', let's talk
22 about the Gail Miller investigation, did you have
23 your own file, your own personal file of reports
24 that you had worked on?

01:32 25 A No, but there was one in the detective office that



1 was available to anybody.

2 Q So let's talk about that. In the detectives
3 office there would be one detectives division
4 file; is that right?

01:33 5 A Yes.

6 Q And if you needed to find out what was going on in
7 the file you could go read that, I take it?

8 A I could.

9 Q And did Mr. -- do you know if anybody else had an
01:33 10 additional copy?

11 A I would think there were, but I don't know.

12 Q And you, when you -- what about the central
13 records copy, what would happen to that; do you
14 know?

01:33 15 A Generally, the main master file was kept in
16 central registry.

17 Q And did you have the ability, at that time in
18 1969, to go to central records and view what was
19 in there?

01:33 20 A With authorization from someone, yes.

21 Q From someone more senior?

22 A That's correct.

23 Q And what was your understanding of the purpose of
24 the central records' records?

01:33 25 A Just to maintain the files so they wouldn't be



1 waylaid, so we knew where to -- if, in case you
2 lost part of your copy you knew where to get the
3 other one.

4 Q And were there occasions where you would have to
01:33 5 go to central records to get a copy of a file?

6 A I can't say that I remember one, no.

7 Q So when you prepared a report, and let's talk
8 about the Gail Miller file, who do you think, or
9 do you know who would have read it or reviewed it
01:34 10 and decided what further work needed to be done
11 with respect to the work that you had done?

12 A I'm sure that Staff Sergeant Mackie and Lieutenant
13 Short reviewed it, and probably Superintendent
14 Wood.

01:34 15 Q Do you recall whether there was any way, or was
16 someone keeping track of, on the Gail Miller file,
17 who might be a suspect and who might need to be
18 checked and who might need to be eliminated?

19 A All I recall is that we had a file book and in
01:34 20 addition to a man's report, investigation report
21 having checked somebody, your name would be in
22 that -- that man, the name would be in that book,
23 or the person's name would be in that book along
24 with him being checked, and the officer that
01:35 25 checked him, and either beside it saying



1 'eliminated' or 'further work' or whatever.

2 Q So if, in the course of your investigation, you
3 encountered an individual who you thought was a
4 suspect, you would put that person's name in this
01:35 5 book?

6 A You would.

7 Q And was this book unique to the Gail Miller
8 investigation, and was there one book for that
9 file, or was there one general book?

01:35 10 A No, there was one book kept for that particular
11 file.

12 Q And who -- how would you determine whether someone
13 was a suspect as opposed to a witness?

14 A How would I?

01:35 15 Q Yes, what were the criteria as to who got entered
16 into this book?

17 A Well someone that you hadn't been able to really
18 eliminate, or find any other information about
19 him.

01:35 20 Q But would it have to be someone that you, as a
21 police officer, felt may be a person of interest
22 or a suspect for the crime?

23 A No, it could be anybody, just to ascertain that he
24 was checked and if his name come up again somebody
01:36 25 could go through that book and see, 'oh, he has



1 already been checked'. So it wouldn't necessarily
2 have to be a person of interest, that might be
3 just somebody that was checked on the street,
4 or -- you know.

01:36 5 **Q** Let me give you a couple of examples. Gail
6 Miller's roommates at the time were interviewed
7 and a number of statements taken about what they
8 observed in and around the time of Gail Miller's
9 death; would you have expected their names to go
01:36 10 into this book?

11 **A** I would.

12 **Q** And, similarly, we've read reports where people
13 were checked on the street to see if they observed
14 anything, there was a door-to-door search, would
01:36 15 those names, would you expect, to be put into this
16 book?

17 **A** Yes. I guess I should clarify, it was actually a
18 ledger, not really a book. It was ruled in there
19 with room for name and address and that kind of
01:37 20 thing.

21 **Q** And I take it one of the purposes was if some name
22 came up in the course of your investigation you
23 could go look and see if that person had been
24 checked; is that right?

01:37 25 **A** That's correct.



1 Q And if that person was eliminated then could you
2 rely on that and, therefore, do no further work,
3 or did it depend?

4 A I think I would rely on it. It saves you the work
01:37 5 of going, if a name came up, going all through the
6 whole file to see where that name was. If you had
7 the ledger all you had to do was go down the
8 ledger and say 'oh yeah, he has been checked' or
9 'not checked'.

01:37 10 Q And did someone oversee that so that, in the
11 course of the investigation, you could tally up
12 and see who was left to eliminate?

13 A I don't know.

14 Q Now you interviewed Albert Cadrain, and we'll deal
01:37 15 with this a bit later, you were the first to
16 interview Albert Cadrain; is that right?

17 A I was --

18 Q I think on March 2nd?

19 A I was the first to take a statement.

01:37 20 Q I'm sorry, first to take the statement?

21 A Yes.

22 Q Would you have put his name in that book?

23 A I did.

24 Q And do you have a recollection of that?

01:38 25 A I do.



1 Q Now you are aware, Mr. Karst -- and I will be
2 dealing with this a bit later -- that there is a
3 report, a police report on the file that indicates
4 Mr. McCorriston interviewed or talked to Larry
01:38 5 Fisher on the morning of February the 3rd, 1969;
6 are you aware of that report that I am talking
7 about?

8 A I know of it.

9 Q Yes.

01:38 10 A I can't say that I, you know, remember it.

11 Q Yeah. And for example, and I can just tell you in
12 that report -- we'll deal with that later, we'll
13 call it up -- but in that report Mr. McCorriston
14 and perhaps some others talked to Larry Fisher on
01:38 15 the street, got his name, age, where he worked,
16 and I think the note says 'didn't see anything
17 unusual' or something of that nature. Is that the
18 type of -- in that situation, Mr. Karst, is that
19 something that you would expect to be entered into
01:39 20 this --

21 A Ledger?

22 Q -- ledger?

23 A Yes.

24 Q Do you know if it was?

01:39 25 A I'm not positive.



1 Q Now what about, let's just talk for a moment about
2 morality files, and again in 1969 they were
3 located in a different part of the building; is
4 that right?

01:39 5 A That's correct.

6 Q And, as a detective, could you go into morality
7 and take a look at what files -- have a look at
8 what files were ongoing?

9 A Not unusual, not usually, unless there was a
01:39 10 morality sergeant there to see what you were doing
11 as it was their files.

12 Q As a matter of course though, as a detective, did
13 you ever take time to go read some morality files
14 to see what is going on or what is happening?

01:39 15 A No I didn't.

16 Q If there was occasion where, on one of the
17 detective files, you felt you needed some
18 information about from a morality file or a
19 morality officer, were there any difficulties in
20 getting information out of morality officers
21 generally, as would you go see someone over there
22 or what would happen?

23 A Yes, I would go talk to him.

24 Q And were there any difficulties in getting
01:40 25 information out of morality officers generally as



1 to what they were doing?

2 A Not that I'm aware of.

3 Q Now, I understand -- I take it, Mr. Karst, that
4 you would have kept a notebook; is that right?

01:40 5 A I did.

6 Q And what was your practice as far as what you
7 would record and when you would record it?

8 A It was just an outline of what you did every day.
9 It might not have all the details in it, you would
01:40 10 leave details, if they meant anything, in an
11 investigation report, but just an outline of your
12 activities during the day. If you had nothing
13 really spectacular to report, your staff sergeant
14 would go to your book to see what you had been
01:40 15 involved in during the day, what you were working
16 at.

17 Q So your notebook was available for your staff
18 sergeant to go and review?

19 A It had to be turned in at the end of your shift.

01:41 20 Q And did you normally do that?

21 A Yes.

22 Q And to your knowledge, did other officers do it,
23 was it a practice that was observed?

24 A It was.

01:41 25 Q And do you know whether or not the staff sergeant



1 would review your notebooks, do you have any
2 personal knowledge of that?

3 A Yes, I have personal knowledge. If they reviewed
4 it, they would initial the end of the page.

01:41 5 Q And what did you understand the purpose of their
6 review to be?

7 A I guess to see what you were doing.

8 Q And can you tell us when you would take notes --
9 if you went and interviewed a witness, you would
01:41 10 take notes. When would you prepare an
11 investigation report, what was the criteria for
12 you to actually file a formal investigation
13 report?

14 A If you had learned something of importance on that
01:41 15 file or there was something that you thought
16 should be carried out further, you would make an
17 investigation report.

18 Q Now, when you retired, Mr. Karst, in 1989, where
19 were your notebooks; do you remember?

01:42 20 A They were all turned into the department.

21 Q And did you turn them in as and when you were done
22 with them or did you turn them in at the end?

23 A No, they were turned in when you were finished
24 with the book, you had to turn them in.

01:42 25 Q So when you retired, all of your notebooks were



1 with the city police; is that right?

2 A They were, yes.

3 Q Did you ever have occasion to go back and try and
4 locate your notebooks from 1969?

01:42 5 A I did.

6 Q And can you tell us when that was and what the
7 results were, roughly when?

8 A I think about 1990 or '91 some members from the
9 justice department came to interview me about that
01:42 10 file and went to look for my memo books and I was
11 advised that they had been destroyed.

12 Q And do recall who advised you of that?

13 A Inspector Orville Fisher.

14 Q Now, on the Gail Miller investigation, we'll be
01:43 15 going through some documents, Mr. Karst, and I
16 think it's common ground that you would have had
17 significant involvement with Albert Cadrain; is
18 that correct?

19 A That's correct.

01:43 20 Q And you had some involvement with David Milgaard
21 as well; is that correct?

22 A I did.

23 Q Took a statement from him?

24 A I did.

01:43 25 Q And as well significant involvement with Ron



1 Wilson?

2 A Yes.

3 Q And as well with Nichol John?

4 A Very little.

01:43 5 Q And I believe your interview with Mr. Cadrain was
6 on March 2nd, 1969; does that sound right?

7 A That's right.

8 Q About five weeks after the murder. Prior to that,
9 do you recall having much involvement in the
01:43 10 investigation?

11 A No. I recall through looking at reports that I
12 did some door-to-door checking in the area shortly
13 after the incident, but that was it.

14 Q How would you describe your role in the Gail
01:44 15 Miller murder investigation, your role and your
16 responsibilities?

17 A To begin with, I had no role in it other than what
18 I just explained. As it ended or when Mr. Cadrain
19 came in, then I did a considerable amount of work
01:44 20 with him and other witnesses that he had
21 mentioned.

22 Q And did you play a role in deciding the direction
23 of the investigation and the direction of
24 resources on the investigation?

01:44 25 A I did not.



1 Q Now, I take it that when you were carrying out
2 tasks on the investigation though, that if you had
3 particular views or opinions about a certain piece
4 of evidence or a statement or an individual, that
01:44 5 that's something that you would express; correct?

6 A I'm sure I did.

7 Q And that, for example, if after doing a task that
8 was assigned to you, if you felt some further work
9 ought to be done or that the investigation ought
01:45 10 to go in a certain direction, that's something
11 that you would express to other officers?

12 A Either that or give an investigation report to
13 that effect.

14 Q And I take it that in addition to the formal
01:45 15 investigation reports that you prepared, that you
16 would have daily personal and direct contact with
17 other detectives and senior detectives?

18 A I would not say daily, but quite often.

19 Q So in other words, if, for example, you wanted to
01:45 20 communicate something to Lieutenant Short or
21 Detective Sergeant Mackie, certainly one way would
22 be through a report, but you could also just go
23 talk to them; is that fair?

24 A That's right.

01:45 25 Q And I take it that in the course of the



1 investigation, you would have, on occasion, talked
2 to Mackie and Short and Wood and Penkala and tell
3 them what you thought, what you observed and
4 things of that nature, just generally?

01:46 5 A Generally it would be with Staff Sergeant Mackie
6 and Lieutenant Short, not with Superintendent
7 Wood.

8 Q Okay. So Mackie and Short you would have had --
9 do you recall actual conversations with them where
01:46 10 you would talk about the Gail Miller
11 investigation?

12 A Several.

13 Q And, for example, you would talk about whether or
14 not David Milgaard was a suspect, a good suspect,
01:46 15 things of that nature; is that --

16 A That's correct.

17 Q And would you talk to them about the credibility
18 of Albert Cadrain, for example?

19 A I don't specifically remember, but I would think I
01:46 20 would.

21 Q And how about Ron Wilson, did you have discussions
22 about trying to figure out Mr. Wilson?

23 A I'm sure we did.

24 Q And the same with Nichol John?

01:46 25 A Yes.



1 Q Now, in some documents, and I think they are later
2 documents or commentaries, Mr. Karst, you have
3 been referred to as the lead investigator or words
4 to that effect. Did you view yourself as the lead
01:47 5 investigator in the Gail Miller file?

6 A No, I did not.

7 Q Who was the lead investigator or investigators?

8 A I don't know whether I could point to any one
9 person. I think it was between Mackie, Short and
01:47 10 Penkala that were really directing things.

11 Q If we -- and again I appreciate that those are
12 someone else's words, but you would agree, sir,
13 that if we look at some of the significant
14 players, being Albert Cadrain, Ron Wilson, Nichol
01:47 15 John, George Lapchuk, Craig Melnyk and Ute Frank
16 and as well David Milgaard, you would have had
17 dealings with all of those individuals; is that
18 fair?

19 A I did.

01:47 20 Q And in the case of some of them, you would have
21 been the main police officer who would have had
22 the dealings with them; is that fair?

23 A Some of them, yeah.

24 Q And let's go through with Mr. Cadrain. Is it fair
01:48 25 to say that of the police officers involved, that



1 you would have had more dealings with him than any
2 other officer at the time?

3 A I don't think any more than Lieutenant Short.
4 Whenever we were with Mr. Cadrain, Mr. Short was
01:48 5 usually there.

6 Q Fair enough. And what about Ron Wilson?

7 A I just can't remember all the interviews with him.
8 I know I was there on some, but I can't remember
9 it all.

01:48 10 Q Now, I think the record shows, and we've talked
11 about it, the March 2nd, '69 interview of Albert
12 Cadrain, prior to that, and again for the month of
13 February do you recall, Mr. Karst, I presume you
14 were working on other files; is that --

01:48 15 A Yes.

16 Q And what type of case load did you have or did the
17 other detectives have at that time?

18 A Most of us would carry between 15 and 25 files.

19 Q And do you recall whether there was any murder
01:49 20 files, other murder files that you were working on
21 at the time?

22 A I don't recall that there was any.

23 Q And so the fact that you were not involved other
24 than, and I'll deal with the involvement prior to
01:49 25 Cadrain, but the fact that you as a detective were



1 not involved until, in a significant way until
2 March 2nd, was that unusual?

3 A No.

4 Q And would that be because other detectives were
01:49 5 doing the work and you were doing other things?

6 A That's correct.

7 Q Maybe just go through a few reports, Mr. Karst,
8 just to touch on your early involvement. If we
9 can call up 106109, please, and this is a report
01:50 10 dated January 31, '69 which is the date of the
11 murder and it's a report of Dimmitt, you can't see
12 it very well at the bottom, and at the top part it
13 says:

14 "Detective Dimmitt reports having
01:50 15 checked out the following addresses:"

16 And if you could just call out this paragraph
17 here at the bottom, please, and then it says:

18 "Det. Karst and I also checked 100 and
19 200 Blks, Ave. L So. with the following
01:50 20 not at home -"

21 Etcetera. Do you have a recollection of checking
22 some houses on the day of the murder?

23 A I have a recollection of checking some houses. I
24 couldn't tell you what day or --

01:50 25 Q And would someone have told you to go and tell you



1 which houses to check?

2 A Certainly.

3 Q Do you remember who that was?

4 A No, I don't.

01:50 5 Q Now, we've -- a number of reports touch on
6 checking houses and I think, at least based on the
7 written reports, it appears that the checking of
8 houses was done north of 20th and not south of
9 20th Street. Do you recall that at all?

01:51 10 A I found it out afterwards. I didn't know it at
11 the time.

12 Q When you say afterwards, are you talking many
13 years later or --

14 A Yes, several years later.

01:51 15 Q And do you know what reason, what the reason was
16 for deciding what houses to check?

17 A I don't. Just that it was in the immediate
18 vicinity I guess.

19 Q For example, are you aware, Mr. Karst, whether or
01:51 20 not the Cadrain house was checked in a
21 door-to-door canvass?

22 A No, I'm not.

23 Q Next if we could call up 024935, please, and this
24 is a report of Detective Sergeant Ray Mackie, if
01:51 25 we could just go to the second page, please, call



1 out the bottom paragraph, and I don't propose to
2 go through this in detail, we've looked at this
3 with other witnesses, but it talks about
4 interviews being conducted at 1308 Temperance
01:52 5 Street, and that's the address of the party that
6 Gail Miller was at the night before her murder,
7 and it says Morality Sergeant Oleksyn, Detective
8 Karst and Ray Mackie were there and details a
9 number of interviews. Do you have a recollection
01:52 10 of that?

11 A No, sir.

12 Q And can you tell us why -- or it appears that
13 Morality Sergeant Oleksyn is along on these
14 interviews; is that right?

01:52 15 A That's right.

16 Q And again, would that be something unusual?

17 A It wasn't a regular thing.

18 Q Is it possible, Mr. Karst, and -- that given -- I
19 take it the Gail Miller investigation was a
01:52 20 significant investigation; is that fair?

21 A Correct.

22 Q And do you recall whether or not more resources
23 might have been used on that investigation than
24 other murders?

01:53 25 A I'm sure they were.



1 Q And might that be an explanation as to why
2 morality officers might have been involved in
3 parts of the investigation?

4 A That could be one.

01:53 5 Q And again if we could call up 006379 and this is a
6 statement, this is your handwriting and your
7 signature at the bottom?

8 A It is.

9 Q And this is February 5, '69 and this is MacRae
01:53 10 Fraser who was the taxi driver who gave Gail
11 Miller a ride a day or two before her death. Do
12 you have any recollection of that statement?

13 A No, sir.

14 Q And would it be fair to say, Mr. Karst, that
01:53 15 someone would have asked you to go out and take
16 this statement and --

17 A Somebody must have directed me.

18 Q I'm done with that document. I want to now turn
19 your mind to March 2nd, 1969 when Albert Cadrain,
01:54 20 when you interviewed Albert Cadrain. Do you have
21 a recollection of meeting with Mr. Cadrain the
22 first time?

23 A I do.

24 Q And then as well I think the record shows that you
01:54 25 interviewed David Milgaard the next day. Do you



1 have a recollection of that?

2 A Yes.

3 Q Prior to your -- and again I want to ask you to
4 try and think back to what you knew at that time,
01:54 5 okay, and prior to your interview of Mr. Cadrain,
6 did you have much knowledge of the Gail Miller
7 investigation?

8 A No, I didn't.

9 Q And did you review the file as a result of your
01:54 10 interview with Mr. Cadrain?

11 A I can't remember, but I would think I would look
12 at it to see what it was.

13 Q So prior to -- and perhaps you can just tell us.
14 How did it come to be that you took a statement
01:54 15 and interviewed Albert Cadrain?

16 A Lieutenant Short was on duty that morning as I was
17 and I don't know why I was called, I was called in
18 and Lieutenant Short said I think this man has
19 something interesting to say, take a statement
01:55 20 from him.

21 Q And at that time, Mr. Karst, and I think we've
22 gone through, at least in the record, your
23 involvement in the Gail Miller file prior to that
24 date. Would you have read through the file just
01:55 25 to keep up on things, would that have been -- I



1 mean, I think you said you don't recall that, but
2 would that have been a normal thing you might have
3 done?

4 A I would review part of the file.

01:55 5 Q So you would have a general understanding of what
6 was going on; is that fair?

7 A Yes.

8 Q Now -- and we'll deal with this in more detail,
9 but then you went and interviewed David Milgaard
01:55 10 the next day; is that right?

11 A The next day after what? Oh, yes.

12 Q Yeah. And then some subsequent interviews. Do
13 you recall at some point, Mr. Karst, that you
14 would have sat down and read through the Gail
01:56 15 Miller investigation file?

16 A I can't remember that I did.

17 Q And do you think that's something that you likely
18 would have done?

19 A I think I would have.

01:56 20 Q And again, as far as the review of the file, and I
21 appreciate that you don't recall it, but what
22 would your purpose have been in reviewing the
23 file?

24 A Probably to see if Cadrain's story matched
01:56 25 anything that was in the file.



1 Q And if you had reviewed the file, would you be
2 reviewing it to tell other officers what might
3 need to be done on the file or things of that
4 nature?

01:56 5 A Yes.

6 Q So if you saw something on the file that had been
7 done two weeks earlier, is that something you
8 might say, for example, to Mr. Mackie, lookit,
9 this might need to be followed up or did you leave
01:57 10 that to someone else?

11 A No, I would convey that to Mackie or Short I
12 believe.

13 Q Now, Mr. Karst, you are aware today, and we've
14 heard significant evidence to date that there were
01:57 15 two rapes and one attempted rape prior to the Gail
16 Miller murder, and specifically the (V1)-,
17 (V2)----- rapes in October of 1968 and the
18 (V3)----- indecent assault in November, 1968, and
19 you know the files I'm talking about today; is
01:57 20 that correct?

21 A Yes.

22 Q And I think it's known that Mr. Fisher was
23 convicted of those two rapes and attempted rape;
24 agreed?

01:57 25 A Agreed.



1 Q And we have heard evidence that, from some
2 officers that one of the theories being pursued by
3 police in the Gail Miller murder investigation was
4 that the perpetrator of these offences, the two
01:57 5 rapes and indecent assault, was also the person
6 who killed Gail Miller and that there was a link
7 between the two, and I think you've heard officers
8 testify to that before this Commission; is that
9 fair? You've heard that before?

01:58 10 A I have.

11 Q I would like to ask you, Mr. Karst, whether you
12 recall back, and again in March of 1969, whether
13 that was a theory that you were aware of or were
14 pursuing, again the March to May, 1969?

01:58 15 A I was not.

16 Q Was not. And do you know at that time whether you
17 would have been aware of these earlier rapes?

18 A I don't remember.

19 Q If they were on the Gail Miller file and details
01:58 20 about that, and I'll show you some in a moment, is
21 that something you think you would have read at
22 the time?

23 A I think I may have read that.

24 Q But as far as today, do you have any recollection
01:59 25 of the rapes being discussed back in 1969 when you



1 were involved in the Gail Miller investigation?

2 A I do not.

3 Q Now again just so that I'm clear, I think you
4 answered that it was not one of the theories, the
01:59 5 connection between the rapes and the murder was
6 not a theory that you were aware of or pursuing;
7 is that what you said?

8 A That's what I said.

9 Q And just so that I'm clear, you have a
01:59 10 recollection of not knowing about that or is it
11 something you don't recall?

12 A I just don't recall that.

13 Q So is it possible that it was a theory you were
14 pursuing and you don't recall or are you telling
01:59 15 us that it's not something you think you pursued?

16 A It's not something I think that I pursued.

17 Q So if we can just call up a couple of documents,
18 009299, please, and this is a report that Mr.
19 Penkala prepared and we heard his evidence I think
02:00 20 around February 5, '69 to the RCMP Crime Index,
21 and you were familiar about the Crime Index at the
22 time were you?

23 A Yes.

24 Q And I think his evidence was that you would put in
02:00 25 the particulars of your offence to go on an index



1 in case there might be some similarities
2 elsewhere; generally is that correct?

3 A Yes.

4 Q If we can go to the second page, please, call out
02:00 5 that paragraph, and Mr. Penkala says:

6 "Our department has two unsolved cases,
7 dating back into October and November of
8 1968, which involve complaints of rape."

9 And then it goes on to discuss those details. Do
02:00 10 you recall having reviewed this document at the
11 time back in 1969?

12 A I do not.

13 Q Is it something you think you would have reviewed
14 or are you able to tell us?

02:00 15 A I just can't say.

16 Q Okay. And then if we could call up 105520,
17 please, and this is a report again of Penkala,
18 February 27th, '69, and at the top it says:

19 "In the event a search is being made in
02:01 20 connection with the Miller murder case,
21 the following articles should be sought
22 and may be of evidencial value:"

23 And it goes on to talk about the knife handle,
24 etcetera. Is this the type -- do you recall
02:01 25 reading this report back at that time?



1 A I do not.

2 Q And do you think this is something that you might
3 have read at the time?

4 A I don't know.

02:01 5 Q And, for example, if you can just scroll down,
6 please, it talks here about looking, and again
7 this is February of '69, it talks about a wallet
8 and contents still missing, and you recall in
9 early April that Mr. Mackie, or someone found a
02:01 10 wallet and turned it over to Mr. Mackie?

11 A I remember of it.

12 Q And again if you can scroll down to the bottom,
13 and again these are Mr. Penkala's words:

14 "The similarity of our departments
02:02 15 occurrences numbers 10173/68 and
16 10910/68, complaints of rape --"
17 And those are the (V1)- and (V2)----- files,
18 "-- with this murder investigation,
19 lists the following items which are
02:02 20 reported missing, identifiable and could
21 be of evidential value."

22 If we can go to the next page, please, and then
23 it just lists some items, and then down to the
24 bottom, please, and it says:

02:02 25 "The above information has been left to



1 assist investigators in this file."

2 And again, does that assist at all, Mr. Karst, in
3 determining whether or not this might have been
4 something you would have read or been aware of at
02:02 5 the time?

6 A I don't recall it at all.

7 Q If we can go to 106664, please, and this is your
8 report of April 18th, '69 and just, I'll tell you
9 some dates, Mr. Karst, so that you are aware, and
02:03 10 we'll be dealing with these later, April 18th was
11 also a date that you and Detective Barrett met
12 with Mr. Milgaard and took a saliva sample and
13 I'll be showing you those reports later and
14 Mr. Barrett took a statement from him, and on this
02:03 15 date, if I could just call that out, please, the
16 report states:

17 "On March 28 one Richard McKee known to
18 this dept., 529 Ave. J North, date of
19 birth Jan. 15/54, was interviewed with
02:03 20 regards to this file, this being as he
21 fitted the description of the composite
22 photo described in one of the rape cases
23 however his alibi appeared to stand up
24 and he was also taken to the Red Cross
02:03 25 where a sample of his blood was taken



1 and found to be of "O" type, which would
2 eliminate him in this murder file."

3 Do you have any recollection of this incident?

4 A I don't.

02:04 5 Q Would it be fair to conclude from this report, or
6 do you have any reason to believe that this report
7 doesn't accurately reflect what you would have
8 done?

9 A Not at all.

02:04 10 Q And would it be fair to conclude from this that at
11 that time, April 18th, you would have been aware
12 of the rape cases or at least some understanding;
13 is that fair?

14 A I probably knew there were some, yes, but I don't
02:04 15 recall anything specific.

16 Q And in fact do you recall anything about blood
17 type being an issue, of looking for people with
18 blood type?

19 A Yes.

02:04 20 Q And were you aware of a composite photo being
21 prepared for one of the earlier rape cases and
22 being used on the Gail Miller file to look for a
23 suspect?

24 A I don't recall that.

02:04 25 Q But any -- I take it, Mr. Karst, from this,



1 though, that at the time that would have been
2 something you would have been aware of?

3 A It appears that way.

4 Q Now, what is your recollection of the role that
02:05 5 the RCMP played in the investigation?

6 A As far as I know, they came to some of our morning
7 meetings where the administration would conduct
8 these get-togethers and if ever something had to
9 be done, especially if we went out of town, they
02:05 10 were there to assist us.

11 Q So sorry, on these morning meetings, would there
12 be morning meetings that you were involved in?

13 A No.

14 Q Oh, sorry, you are talking about the ones --

02:05 15 A Administration.

16 Q And when you say administration, are you talking
17 senior officers?

18 A Yes, I am.

19 Q So you would observe the RCMP present at some of
02:05 20 those?

21 A They were.

22 Q And what did you understand, what was your
23 understanding of what they were doing in the
24 investigation?

02:05 25 A Just to assist us with anything they could.



1 Q And was that unusual, to have the RCMP assisting
2 on a significant file?

3 A No, it was not.

4 Q And do you recall, back in 1969, whether you would
02:05 5 have ever received a report, a written report from
6 the RCMP, or read a written report?

7 A I don't think I ever seen one. I can't remember.

8 Q If I could call up 065399, please. And this is a
9 report of Inspector Riddell; do you recall a
02:06 10 Inspector Riddell being a part of the people who
11 met from time to time?

12 A I do.

13 Q And this just talks about a meeting they had with
14 Inspector -- or Superintendent Woods to get
02:06 15 briefed on the file, and then if you could go to
16 the last page, please. And again, this is
17 Inspector Riddell's report, and I don't think
18 there's any evidence, Mr. Karst, that this was on
19 the Saskatoon City Police file, but in this report
02:06 20 Riddell talks about the two rapes and one
21 attempted rape and goes on to say:

22 "In view of the similar methods used in
23 committing these offences, there is a
24 good possibility that they were all
02:07 25 committed by the same individual and



1 this fact is not being overlooked during
2 this investigation."

3 Does that assist your memory at all as to whether
4 or not that was something that you would have
02:07 5 been aware of at the time?

6 A Does not.

7 Q If we could go to 250597, and the next page,
8 please, and this is Corporal Rasmussen's report of
9 May 7, '69; and do you recall Mr. Rasmussen being
02:07 10 involved?

11 A I do.

12 Q And, again, this is a report -- and I don't
13 believe, Mr. Karst, there's any evidence that this
14 report would have been on the city police file at
02:07 15 the time -- and if you could go to page 250602,
16 please. Actually, if you can just go back a page,
17 please, two pages, I'm sorry, to 600. And this is
18 Mr. Rasmussen's report and he talks about,
19 describes the March 2nd, '69 interview with Mr.
02:08 20 Cadrain, and if you could go to the next page some
21 follow-up interviews, I don't propose to go
22 through that. And then the next page, actually if
23 you could go to 602, and then under the heading
24 March 10th, '69 -- and at that time you would have
02:08 25 already met with Mr. Cadrain and interviewed David



1 Milgaard; is that fair?

2 A That's correct.

3 Q And then if you could go to the next page, please,
4 at the bottom, paragraph 19, Rasmussen writes:

02:08 5 "It is mentioned that during the late
6 fall of 1968 the local police department
7 had reports of two rapes and one
8 attempted rape. These investigations
9 were conducted by the City Police with
02:08 10 negative results. Persons involved are
11 as follows:",

12 and then next page. I don't propose to go
13 through that, we have seen and had that read a
14 number of times. If you go down to paragraph
02:09 15 number 21, please, paragraph 21 it is written:

16 "As a result of the foregoing, it is
17 felt there is a strong possibility the
18 three rapes and the murder are directly
19 connected. In view of this, extensive
02:09 20 interrogation was conducted with

21 (V2)----- ...",

22 etcetera. And I believe Mr. Rasmussen's evidence
23 last week, that he said that when he said 'it is
24 felt there is a strong possibility', I think he
02:09 25 said he thought it was a consensus of the police.



1 Now in fairness, he didn't name names or
2 anything, but he said that he felt that it was a
3 consensus; does that assist at all in your
4 recollection, Mr. Karst?

02:09 5 A Does not.

6 Q Now again, if I could ask you to turn your mind
7 back to March of 1969 through May of '69 when you
8 were involved most significantly in the
9 investigation, do you recall the name Larry Fisher
02:10 10 coming up in the course of that investigation?

11 A No, I don't.

12 Q And at some point subsequent do you recall the
13 name Larry Fisher surfacing?

14 A Yes.

02:10 15 Q And do you recall when that would have been?

16 A No, I don't.

17 Q And I will deal in further detail with some later
18 dealings, Mr. Karst, but if we could call up
19 183170. And this is a report of Detective
02:10 20 McCorriston, and you recall dealing with Detective
21 McCorriston; is that right?

22 A Dealing with him?

23 Q Yeah, he was an officer that you worked with at
24 the time?

02:10 25 A Yes, yeah.



1 Q And this is a report of his dated February 6th,
2 1969, and if you can go to the next page, and
3 there's an entry here which we've looked at
4 before -- if we could just call that out -- where
02:11 5 McCorriston says:

6 "6:49 A.M. checked in 300 Blk. Ave. O
7 South, Larry Fisher 334 Avenue O South.
8 Works at Masonery Contractors at the
9 Education Building, U. of Sask. Wearing
02:11 10 yellow hard hat. Stated last Friday he
11 caught ...",

12 I think that's 'bus' that's not there:

13 "... at 6:30 A.M. at Avenue O and 20th
14 Street. He states that there was no one
02:11 15 else around at that time and he had no
16 information to offer."

17 And I think, before, I had asked you the question
18 whether this would be -- based on what's in this
19 report, is that something that you, sir, would
02:11 20 have put into the ledger that you talked about
21 earlier?

22 A Yes, it should have been in there.

23 Q Okay. Now do you recall, back in 1969 when you
24 were involved in the investigation, whether or not
02:11 25 you would have read this report; are you able to



1 tell us?

2 A I don't know.

3 Q And again, putting aside the address for a moment,
4 if you would have read something like this do you
02:12 5 think this is something that would have stood out
6 in your review of the file?

7 A At what time?

8 Q March of 1969, March-April-May of '69?

9 A I don't know. My instructions then were along the
02:12 10 lines of interviewing the people that Cadrain had
11 mentioned and, unless I was instructed to, I don't
12 know whether that would have come out.

13 Q Now 334 Avenue O South is also the address of
14 Albert Cadrain at the time, the Cadrain family, is
15 that right?

16 A I think so.

17 Q In the course of your investigation, again March
18 to May of 1969, do you recall making any
19 connection between this report, and specifically
02:13 20 this address listed for Mr. Fisher, and the
21 Cadraings?

22 A I do not.

23 Q And again, if you would have been aware of that,
24 is that something that you think you would have
02:13 25 checked out?



1 A I think I would have at least left a report to
2 that effect.

3 Q Okay. So that if, back in let's say March 3rd of
4 '69 after you met Mr. Cadrain, it had been --
02:13 5 caught your attention that McCorriston, a month
6 earlier, had interviewed a fellow at the bus stop
7 with the same address as Albert Cadrain -- and I
8 appreciate you don't recall this -- but is that
9 something you think would have twigged in your
02:13 10 mind that something should be checked?

11 A I would suppose so.

12 Q And why would that be?

13 A Well, same address as Cadrain, it might verify
14 some of the things that Cadrain told me.

02:13 15 Q Now do you recall attending at the Cadrain home
16 from time to time during the course of the
17 investigation?

18 A I did.

19 Q And did you interview various members of the
02:14 20 Cadrain family?

21 A Yes.

22 Q And why is that?

23 A Mostly to either substantiate, or not, whether
24 Albert's revelation of what he told me was
02:14 25 correct.



1 Q And was the, what people may have heard or seen on
2 the morning of January 31, '69 at the Cadrain
3 house, of interest to you?

4 A Yes.

02:14 5 Q And do you recall whether you would have asked
6 them who was there that morning?

7 A I -- I did.

8 Q And do you recall being aware, at that time, that
9 Mr. Fisher resided in the basement?

02:14 10 A I was not aware of that.

11 Q And, again, is that something -- did -- are you
12 aware of whether anybody else with the police was
13 aware of that?

14 A I don't know.

02:14 15 Q And would it be fair to say that that's something
16 that should have been checked, if he was in the
17 basement at the time, that someone should have
18 talked to him?

19 A I suppose so.

02:15 20 Q And in fact I think his wife, Linda Fisher, also
21 resided in the basement?

22 A I understand that now.

23 Q And, again, are you able to tell us, Mr. Karst, as
24 to who you think should have been the person or
02:15 25 persons with the police force who -- who should



1 have talked or should have -- I -- found out that
2 Mr. Fisher resided in the basement?

3 A I don't know whether I can answer that. They
4 weren't canvassing that particular area, so I
02:15 5 don't know who would have, unless whoever was
6 coordinating it in the file would put it together.
7 At that time we had no knowledge of Mr. Fisher.

8 Q But do you recall, I think you said earlier -- and
9 please correct me if I'm wrong -- that when you
02:15 10 went to the Cadrain house, did you ask -- ask the
11 Cadrains, i.e. Mrs. Cadrain or Mr. Cadrain, the
12 adults, who was in the house on the morning of
13 January 31, 1969?

14 A I don't recall, but I would presume that I did, to
02:16 15 verify Albert's story.

16 Q And if Mrs. Cadrain or someone would have said
17 'there are people that live in the basement', is
18 that something you think you would have followed
19 up on?

02:16 20 A I believe so.

21 Q And why would -- why is that?

22 A I wanted to hear from everybody in that house as
23 to what went on that morning.

24 Q Okay. I'm done with that document. Do you have a
02:16 25 recollection, Mr. Karst, of, again back in 1969 in



1 the course of the Gail Miller investigation,
2 whether a person with a hard hat was a person of
3 interest?

4 A Did I remember it then?

02:17 5 Q Yes?

6 A I don't think it was in my thinking at that time.

7 Q And again, there are a number of reports that talk
8 about a construction worker, I think one of the
9 earlier rape files identified the assailant as
02:17 10 wearing a construction hat, and as well there was
11 a number of persons interviewed in and around the
12 bus stop, and there is a number, in number of
13 occasions where the police were checking for
14 someone with a hard hat, and so do you have any
02:17 15 recollection of people with -- a person with a
16 hard hat being relevant in the Gail Miller
17 investigation?

18 A No I do not.

19 Q If we could call up 106110, please. This is a
02:18 20 report of January 31, 1969 by Detective Bennett,
21 and it talks about a call by a lady named (V4)----
22 (V4)--- who says that she was assaulted at 7:07
23 a.m. the same morning of the murder. And I
24 appreciate, Mr. Karst, you've heard evidence as
02:18 25 you've been here through this Inquiry, you are



1 familiar about this -- you are presently familiar
2 with this incident; is that fair?

3 A Now I am.

4 Q Back in 1969 do you have any recollection of
02:18 5 (V4)---- (V4)--- and her claim of being assaulted
6 the morning of the murder?

7 A I do not.

8 Q Can you tell us -- and I appreciate you don't have
9 a recollection of it -- but what would be the
02:18 10 significance, if any, of that complaint or -- by
11 her that she was assaulted at 7:07 a.m. about
12 seven blocks away from where Gail Miller's body
13 was found?

14 A I don't think I would attach any significance to
02:19 15 it.

16 Q And why is that, sir?

17 A I can't see that two people were assaulted, if
18 that's what you are referring to, --

19 Q Yes?

02:19 20 A -- at the same time that same morning --

21 Q Okay. So the fact --

22 A -- by the same person.

23 Q So, and I think as far as the time is concerned, I
24 think 6:45-7:00 a.m., somewhere in there -- and
02:19 25 I'm not trying to give evidence here -- but I



1 think that's generally the time frame where it's
2 believed that Gail Miller was murdered, or plus or
3 minus whatever time. So the significance, then,
4 in your mind as an investigator, at least looking
02:19 5 back now, is that you would attach no significance
6 to the (V4)--- --

7 A I don't believe so.

8 Q And would you have concluded that that must have
9 been someone else unrelated?

02:20 10 A I would.

11 Q And on what basis?

12 A I can't see two assaults being committed by the --
13 a murder and then an assault, or an assault -- I
14 don't know which one was first, the Miller murder
02:20 15 was before this?

16 Q I don't know, sir.

17 A I don't either.

18 Q I think that, I think that the evidence has tended
19 to suggest that it would have been prior to 7:07
02:20 20 a.m. --

21 A Yeah.

22 Q -- but, again, that's maybe --

23 A In my opinion the time element is too close for
24 the two incidents to have happened with the same
02:20 25 person.



1 Q And if we take a look at (V4)---- (V4)---'s
2 statement, 006404, please. And this is her
3 statement and there's some writing at the top:
4 "Ind. Assault
02:21 5 not connected";

6 do you know whose handwriting that is?

7 A No I don't.

8 Q Is it your handwriting?

9 A It is not.

02:21 10 Q And so it would appear that someone determined
11 that this assault was not connected; is that a
12 fair conclusion from this note?

13 A I haven't read it.

14 Q Sorry, just this note here, I'm sorry.

02:21 15 A Oh, I see. Yes, yes, that's what you would have
16 to conclude.

17 Q And you say you would find it -- you expressed
18 concern that, due to the time element, that I
19 think you said you didn't think it would be the
02:21 20 same person; is that --

21 A Yeah, I can't see somebody committing an assault
22 and a rape and a murder, and then going seven
23 blocks away and assaulting someone else.

24 Q And would you find it to be unusual, again as an
02:21 25 investigator, that on a morning that I think was



1 40 below, that you would have two different
2 assailants seven blocks apart committing two
3 separate attacks; would that -- would you find
4 anything unusual about that?

02:22 5 A I don't follow you?

6 Q Well I think you, I think what you are saying is
7 you would have concluded that they would not be
8 related, in other words it would be different
9 people committing the Gail Miller murder and
02:22 10 different people committing -- a different person
11 committing the (V4)--- assault; is that what you
12 were saying?

13 A That's what I would think.

14 Q And my question is would that strike you as being
02:22 15 unusual, that at 7:00 a.m. or thereabouts on a
16 morning that's 40 below, that two different women
17 are attacked by two different men seven blocks
18 apart; would that be something that would be
19 unusual?

02:22 20 A I don't know. It's unusual that somebody would be
21 raped if it was 40-below weather in the first
22 place, so I can't really answer that, it's not
23 something that I have run into before.

24 Q If we could call up 009233, please. And
02:22 25 Mr. Karst, this is your report dated March 7th,



1 1968, and it details your meeting with Mr.
2 Cadrain, and I think you told me that you have a
3 recollection, independent of this document, of Mr.
4 Cadrain coming into the police station; is that
5 right?

6 A I have.

7 Q And I intend to go through this document in
8 detail, but perhaps if you are able, what is it --
9 what do you recall about your first encounter with
02:23 10 Mr. Cadrain?

11 A In what respect?

12 Q Well you, do you remember, I think you said
13 Lieutenant Short called you; is that right?

14 A Yes.

02:23 15 Q Do you recall what -- and, again, I don't, I don't
16 want you to answer the questions without access to
17 the documents and the statements, and if you would
18 prefer to do it that way I'm quite fine, but I'm
19 just wondering if you can, from your recollection,
02:23 20 sort of your reaction to this fellow, what you
21 remember about him, anything of that nature?

22 A Nothing unusual, except I thought he was a comical
23 little fella.

24 Q Okay. And why do you say that?

02:24 25 A Just the way he carried himself and the way he



1 talked.

2 Q Yeah. And, prior to this encounter, had you ever
3 met Albert Cadrain before?

4 A No.

02:24 5 Q Had you ever heard of Albert Cadrain before?

6 A I had not.

7 Q Were you aware whether he was an informant of
8 other police officers at the time?

9 A I was not.

02:24 10 Q And do you recall whether there was anybody with
11 Albert Cadrain when you met with him?

12 A When I met with him there was not, he -- there was
13 nobody with him. I understood that he came in
14 with his brother but I'm -- I have no direct
02:24 15 knowledge of that.

16 Q And would that understanding have been something,
17 at the time, you learned either from Albert
18 Cadrain or from Lieutenant Short?

19 A From somebody else, yes.

02:24 20 Q So maybe we'll go through the report, and it talks
21 about approximately noon, that he attended at the
22 city police station and advised Staff Sergeant
23 Brady and Lieutenant Short that he felt he had
24 information pertinent to the murder of Gail Miller
02:25 25 approximately one month ago in this city. What



1 was Staff Sergeant Brady, what, where was he
2 situated at the police station?

3 A He was at the front desk, when you entered the
4 station, he would be the first man that you would
02:25 5 encounter.

6 Q So is it your understanding that Albert Cadrain
7 simply walked into the police station and told the
8 first person he saw 'I have got information on the
9 murder'?

02:25 10 A That was my understanding.

11 Q Was that unusual, for something like that to
12 happen?

13 A No.

14 Q And then your report goes on to say:

02:25 15 "After interrogating this youth Lt.
16 Short advised me to take a statement
17 from him with regards to this
18 information which was done at
19 approximately 12:30 PM ...",

02:25 20 and then goes on to talk about suspicious
21 information about David Milgaard. Do I take it
22 from this, Mr. Karst, that Lieutenant Short had
23 interviewed Mr. Cadrain first?

24 A He must have talked to him and thought there was
02:25 25 something interesting, so, obviously he had spoken



1 to him.

2 Q If we could maybe just call up -- and then I take
3 it there's then a summary, Mr. Karst, of what is
4 generally information that's in the statement, is
02:26 5 that -- would that have been your practice to sort
6 of, in your report, repeat or summarize what was
7 in the statement?

8 A If I thought it was necessary I guess.

9 Q Yeah. And I'm just wondering here, this is a
02:26 10 report March 7th, on March 2nd you've taken a
11 statement and in this report you are simply
12 describing what it was that Mr. Cadrain told you
13 in his statement and, in some cases, some
14 commentary; is that fair?

02:26 15 A Correct.

16 Q So much of what's in this report would be taken
17 directly from this statement; is that fair?

18 A I believe so, yeah.

19 Q If we could maybe just call up Lieutenant Short's
02:26 20 report, it's 106640. And, again, this is a report
21 dated March 22nd, it's Lieutenant Short's report
22 of what transpired on March 2nd, and he says, if
23 we could just call out this part, it says:

24 "On Sunday March 2/69, Dennis and Albert
02:27 25 Cadrain came to this station and



1 discussed for a few minutes a matter
2 with S/Sgt. Brady and were in turn
3 brought to the Det. office, to Supt.
4 Wood's office where I was in charge.
02:27 5 These both boys, brothers, who lived at
6 334 Ave. O. So. related a story to me in
7 regards to the Gail Miller murder and
8 subsequently a statement was taken from
9 both of these boys, the one of most
02:27 10 importance from Albert Cadrain by Det.
11 Karst and is self explanatory."

12 It then goes on to say:

13 "This episode involving David Milgaard
14 of Langenberg, Sask. and Nichol John
02:27 15 female of Regina and Ron Wilson of
16 Regina, who had apparently come here on
17 the morning in question..." ,

18 etcetera:

19 "... and had later picked up Albert
02:28 20 Cadrain ...".

21 So, again, this would be his summary of what
22 happened that morning?

23 A I believe so.

24 Q And then if you could just scroll down a bit,
02:28 25 please, about in there. And, here, Lieutenant



1 Short writes:

2 "According to Albert Cadrain he was
3 unaware of this murder until he returned
4 home on Saturday March 1/69 and was told
02:28 5 by his parents of this murder and he
6 then with his brother discussed it and
7 decided that one or all three of these
8 persons may have been implicated."

9 And I think the three persons are Milgaard,
02:28 10 Wilson and John; is that how you would read that?

11 A Yes.

12 Q And do you recall, do you recall that from your
13 meeting with Mr. Cadrain, that he thought Wilson
14 and John might also be involved?

02:28 15 A No, I don't.

16 Q And then Short goes on to say:

17 "It was my opinion at the time after
18 having interviewed these boys for a
19 considerable length of time probably one
02:29 20 or two hours or more that there was
21 something to this and it should be
22 investigated."

23 When you interviewed Albert Cadrain, was
24 Lieutenant Short in there with you?

02:29 25 A No, he was not.



1 Q And, once you were done with Albert Cadrain, do
2 you recall what -- what happened to him and where
3 he went or who he talked to?

4 A I don't know.

02:29 5 Q And do you believe that -- again, Short talks
6 about interviewing these boys for a considerable
7 length of time, probably one or two hours; do you
8 think that was before you took the statement from
9 him, from Albert Cadrain, or are you able to tell
02:29 10 us?

11 A I'm not able to tell you that.

12 Q Now, at the time you interviewed Mr. Cadrain, did
13 you have a standard practice, Mr. Karst, about how
14 you took a statement; or what, what was your
02:29 15 practice?

16 A I don't think I had a specific practice.
17 Depending on your witness, some people would start
18 to talk and you could just keep writing, other
19 witnesses you would have to ask questions and
02:30 20 obtain answers.

21 Q So in some cases it would be a question and answer
22 format; is that --

23 A That's right.

24 Q And in other cases you would simply write?

02:30 25 A That's correct.



1 Q And did you have a practice to have the witness
2 review the statement when you were done?

3 A Generally read it over with him, yes.

4 Q And then did you have them sign it?

02:30 5 A Generally.

6 Q At the time you took Albert Cadrain's statement on
7 March 2nd, 1969 had you ever heard of David
8 Milgaard?

9 A Never.

02:30 10 Q And I take it he was not a suspect in the Gail
11 Miller murder at the time Mr. -- prior to Mr.
12 Cadrain coming into the police station?

13 A Not that I am aware of.

14 Q In your interview with Albert Cadrain on March
02:30 15 2nd, 1969, did you threaten him in any way?

16 A I did not.

17 Q Did you tell him what to say in any way?

18 A No, sir.

19 Q Was there anything unusual that you recall about
02:31 20 your interaction with Albert Cadrain on that day?

21 A There was not.

22 Q Did you ask him repeated questions?

23 A I asked him lots of questions.

24 Q And what would the purpose of that be?

02:31 25 A To obtain answers to see what he knew.



1 Q Did you ask him the same question over and over
2 again?

3 A Oh no.

4 Q If I could call up 006713, please, and this is
02:31 5 Albert's -- Cadrain's statement of March 2nd, '69;
6 is that your handwriting Mr. Karst?

7 A Yes it is.

8 Q And that would be your signature, bottom left?

9 A Correct, yes.

02:31 10 Q And I think that's Albert Cadrain's signature; is
11 that fair?

12 A Yes, it is.

13 Q Just go to the next page, please. And again I'm
14 not sure, Mr. Karst, if this, these brackets and
02:32 15 notes were put on later, at the time; are you able
16 to help us out whether those are your notes or
17 whether --

18 A I don't know.

19 Q If we can maybe go to 006717, and there's some
02:32 20 marks here -- and in fairness, Mr. Karst, I'm not
21 sure which version this witness statement is from
22 so it may be that these were at -- editorial
23 comments later; are you able to help us out
24 whether those would have been yours or would
02:32 25 someone have made those notes at the time?



1 A You mean those on the side?

2 Q Yes?

3 A They don't look like mine.

4 Q Okay. And then if we could go to 006722, this is
02:33 5 the last page, and, again, that would be
6 Mr. Cadrain's signature at the bottom?

7 A Yes.

8 Q I'll maybe call up the typed version, Mr.
9 Commissioner, I think that's -- no offence to your
02:33 10 handwriting, Mr. Karst, but I think the typed
11 version might be easier to follow. 018501,
12 please. And, Mr. Karst, do you want a break or --
13 I'm sorry?

14 A No, that's fine, I'm all right.

02:33 15 Q Is it about quarter to 3:00 or -- I can't recall
16 Monday break time.

17 COMMISSIONER MacCALLUM: This is a good
18 time.

19 MR. HODSON: Now?

02:33 20 COMMISSIONER MacCALLUM: Yes. 15 minutes
21 please.

22 (Adjourned at 2:33 p.m.)

23 (Reconvened at 2:55 p.m.)

24 BY MR. HODSON:

02:55 25 Q If we could have 018501 up on the screen, and



1 again, Mr. Karst, this is a typewritten version of
2 your handwritten statement, okay.

3 A Yeah.

4 Q And we'll go through this, if we could just call
02:55 5 out the first paragraph, please, and again here
6 Mr. Cadrain is giving you his address as 334
7 Avenue O South. Do you recall at that time, Mr.
8 Karst, and again I had shown you before the break
9 McCorriston's report that identified Larry Fisher
02:55 10 living at that address. Do you recall whether
11 that was something that your mind was drawn to at
12 the time?

13 A No, sir.

14 Q You are saying you don't recall or you are saying
02:56 15 your mind was not drawn to it?

16 A My mind was not drawn to it.

17 Q And then it goes on to say:

18 "I had known a fellow by the name of
19 David Milgaard from Langenburg about a
02:56 20 year ago. The fellow came to our house
21 the morning of the murder of Gail Miller
22 at about 9:05 a.m. That was the first
23 time I had seen him for about a year."

24 If we can pause there. So I take it the fact
02:56 25 that Mr. Milgaard was in the city the morning of



1 the murder, was that of significance to you?

2 A Yes.

3 Q And why was that?

4 A Because Mr. Cadrain related that he was in the
02:56 5 area of where the murder had taken place.

6 Q And you would have known, I take it, that Cadrains
7 were about a block or a block and a half from
8 where Gail Miller's body was found?

9 A Yes.

02:56 10 Q And then Mr. Cadrain says:

11 "I had not known about this murder until
12 a few days ago when I came to Regina and
13 then last night when I got my mother
14 told me about it."

02:57 15 And again was that something that you recall, Mr.
16 Karst, discussing with Mr. Cadrain, when and how
17 he heard about it?

18 A Yes.

19 Q And would you have asked him something to the
02:57 20 effect of, well, why did you wait this long or why
21 weren't you in before, do you remember any of
22 that?

23 A I don't recall exactly how it went, but I think
24 his explanation was I didn't get a rundown on it
02:57 25 from the police in Regina, he had been checked



1 there --

2 Q Yes.

3 A -- on a vag charge and had talked about this
4 murder in Saskatoon, but he apparently paid no
02:57 5 attention to it.

6 Q And so did you understand then when he got home he
7 heard more about it and that's what prompted him?

8 A That's correct, yes.

9 Q And then he goes on to tell you that David, or
02:58 10 Hoppy, came to his house and brought Ron and a
11 girl by the name of Nichol John. Had you ever
12 heard of Ron Wilson or Nichol John before you
13 talked to Mr. Cadrain?

14 A I had not.

02:58 15 Q He goes on to say:

16 >About the first thin Hopy said was that
17 they had to leave town right away. He
18 seemed excited but not scared."

19 And again, was there anything with that statement
02:58 20 that caused you to be suspicious?

21 A Not that alone.

22 Q Was there any significance with that, the fact
23 that Cadrain said Hoppy had to leave town right
24 away?

02:58 25 A In conjunction with everything else, yes.



1 Q And then he goes on to say:

2 "I was getting dressed and I noticed
3 that Hopy changed his pants & shirt.

4 Now I recall that he had blood on his
02:58 5 shirt on the front & bottom and also saw
6 blood on his pants."

7 And again I take it you would have placed some
8 significance on that?

9 A Yes.

02:59 10 Q And what significance?

11 A Well, he could be involved in a murder if he had
12 blood on his clothes.

13 Q Would it be fair to characterize this as a fairly
14 significant piece of information from Mr. Cadrain?

02:59 15 A To me it was.

16 Q Would you have subsequently followed up with
17 others to see if they saw blood on Mr. Milgaard at
18 the Cadrain house or elsewhere?

19 A I went to the house, I can't remember just what
02:59 20 day, and spoke to Mrs. Cadrain later on, she had
21 no further light on that. However, there was a
22 younger person there, I don't know, I can't
23 remember, four or five or six years old, and he
24 said that he recalled seeing blood on those
02:59 25 clothes.



1 Q And would that have been in and around March of
2 1969?

3 A Yes.

4 Q Now, there is no, at least in our records, Mr.
03:00 5 Karst, there's no statement from a younger member
6 of the Cadrain household. There's one from Dennis
7 and Celine Cadrain, it's not those two that you
8 are thinking about is it?

9 A No.

03:00 10 Q And we have heard evidence of Ken Cadrain who said
11 he was five, close to six at the time. Do you
12 recall if it was him?

13 A I don't know. I know just a young child.

14 Q Okay. And there's no investigation report, at
03:00 15 least that I have seen in any of our records, that
16 indicates that another member of the Cadrain
17 household saw blood on David Milgaard. Are you
18 able to tell us -- is that something you would
19 have put in a report?

03:00 20 A I would think so.

21 Q Do you have any explanation as to why it wouldn't
22 be in at least the reports that the Commission
23 has, why there would be no mention of that?

24 A I don't know why it's not in there.

03:01 25 Q Would you have taken a written statement from --



1 A I doubt somebody that young, I don't think I would
2 have.

3 Q And so you have a memory today then of talking to
4 someone at that time?

03:01 5 A I do.

6 Q And again would you agree that that's something
7 that should have been recorded on the file
8 somewhere?

9 A Yes.

03:01 10 Q And are you able to tell us whether you did that
11 or not?

12 A No, I can't say, all I can say is I presume I did,
13 and also in my notebook, but --

14 Q And then if we could just scroll down here, and
03:01 15 they talk about changing clothes, and did you
16 place any significance on that, other than the
17 blood, the additional fact that they changed
18 clothes?

19 A Probably on account of blood.

03:01 20 Q And then Cadrain says:

21 "Hopy took the keys from Ron & said he
22 wanted to drive a couple of blocks, he
23 came back shortly seemed very excited
24 because he had got stuck in the car."

03:02 25 And there was something wrong with it. Do you



1 recall that discussion or getting that
2 information from Mr. Cadrain?

3 A I do.

4 Q And what if any significance did you place on
03:02 5 that?

6 A Well, the fact that he just went out and drove
7 around the block a couple of times, maybe he was
8 getting rid of something, maybe he had to do
9 something, I don't know. It was suspicious to me.

03:02 10 Q And then as well Cadrain here says:

11 "He first asked me if I had money which
12 I did."

13 And then talked about going to get money from the
14 Credit Union. Do you see that?

03:02 15 A Yes.

16 Q And was there any significance about that?

17 A Not necessarily.

18 Q Were you aware at this time that Gail Miller's
19 purse had been taken and that her wallet was
03:03 20 missing?

21 A I don't think I remember that.

22 Q Was that something that you would have been aware
23 of --

24 A At the time.

03:03 25 Q -- at the time?



1 A Yes.

2 Q And do you recall forming an opinion or an
3 assessment at the time whether robbery was a
4 motive in the attack and murder of Gail Miller?

03:03 5 A I think it was one of the things that were thought
6 about.

7 Q And so the fact that it appears here that Mr.
8 Milgaard asked Mr. Cadrain to have money, would
9 that suggest that maybe Mr. Milgaard didn't have
03:03 10 money?

11 A It could suggest that.

12 Q Do you recall -- I'm sorry, go on.

13 A I was just going to say there was lots of young
14 people at that time that didn't have money, so it
03:03 15 wasn't unusual to me that he didn't have money.

16 Q And then again here it says:

17 "Hopy always seemed in a hurray."

18 And did you attach any significance to that?

19 A Yes, I did.

03:04 20 Q And what significance?

21 A Well, if he was involved in something, as Cadrain
22 anticipated he was, it would seem natural he would
23 be in a hurry to get out.

24 Q And then Cadrain says:

03:04 25 "I can't remember actually what he did



1 with his soiled clothes but I think he
2 put them back in the suitcase and took
3 them out to the car."

4 And again do you recall subsequently trying to
03:04 5 find the clothes that Mr. Milgaard had changed
6 out of that morning?

7 A Yes.

8 Q And do you know if they were ever located?

9 A Not to my knowledge.

03:04 10 Q And then again Mr. Cadrain goes on to say:

11 "We left for Calgary & Hopy drove like
12 crazy, over a hundred miles an hour on
13 the icy roads. Sometimes he drove on
14 the side roads."

03:04 15 Did you place any significance on that?

16 A Some.

17 Q And what was that?

18 A I guess if he was involved in something which was
19 anticipated at that time, he would want to get
03:05 20 away from the scene as quick as possible.

21 Q Now, I think that they left at about, in the mid
22 afternoon; is that right?

23 A I believe so.

24 Q And what was your thinking about that as far as
03:05 25 Mr. Cadrain saying he was in a hurry and wanted to



1 get out of town, but it appeared that they spent
2 about eight hours in the city before they left?

3 A My information was that they had car trouble, the
4 car was in a garage and left when that was
03:05 5 finished.

6 Q Okay. Now, if you could scroll down, there's
7 mention here about:

8 "... Hopy got some grass and we smoked
9 it, then we went on to Edmonton."

03:05 10 Just back in 1969, Mr. Karst, what was your
11 experience in dealing with young people and drugs
12 at that time, was it prevalent at the time or do
13 you remember?

14 A All I remember, it was a time that marijuana was
03:06 15 quite prevalent and I wasn't really versed in
16 drugs.

17 Q And what about LSD and things like that?

18 A I have no knowledge of it.

19 Q And when you were investigating a crime in dealing
03:06 20 with witnesses and/or suspects, did their use of
21 drugs, was that a factor that you considered?

22 A That along with alcohol, yes.

23 Q And why was that?

24 A Sometimes people under the influence don't
03:06 25 remember or do things they don't want to do.



1 Q And so would the fact that Mr. Cadrain told you
2 that there was -- now, here he says drug use on
3 the trip to Calgary, but did that, was that
4 significant in your mind, the fact that
03:06 5 Mr. Cadrain said that they had used drugs on the
6 trip?

7 A Yes.

8 Q And was it for the reasons you've just stated?

9 A It was.

03:07 10 Q Go to the next page, please, maybe just call out
11 that paragraph. Actually, I think it might be
12 easier if you actually call out the paragraph,
13 please, and then Mr. Cadrain -- can we just
14 actually -- sorry:

03:07 15 "... on the way back to Calgary I think
16 Hopy faked car trouble. After a
17 transport came along after some light
18 blinking & Hopy talked to the driver and
19 gave him some packages out of our trunk.
03:07 20 Then he gave us a fake push & we went
21 on. I was pretending I was sleeping.
22 Later on Hopy got me alone and asked me
23 if I was asleep last night, I said I was
24 pretty sure I knew what was going on.
03:07 25 He told me he was in the Mafia.



1 Sometime after this we ended up in Banf
2 and were picked up by the police, they
3 gave us a meal ticket. I should also
4 mention that Nichol bounced some cheques
03:08 5 in Edmonton."

6 Do you recall this exchange of information from
7 Mr. Cadrain?

8 A I do.

9 Q And what was your reaction from this information
03:08 10 from Mr. Cadrain?

11 A I didn't know what to make of it at the time.

12 Q And why was that?

13 A Understandably they might stop to get a push if
14 the car wasn't working again. However, as to this
03:08 15 bit about the Mafia, I didn't think that a young
16 fellow like Milgaard would be involved with the
17 Mafia. I had some reservations about that.

18 Q And so again you would write it down because
19 Mr. Cadrain told you that?

03:08 20 A Yes.

21 Q And would it be fair to say that you had some
22 skepticism about this story?

23 A That's correct.

24 Q What effect if any did that skepticism have with
03:08 25 respect to the rest of Mr. Cadrain's story?



1 A It just would make me want to check everything a
2 little further.

3 Q Did a red flag go up with this information?

4 A Yes, I would say that.

03:09 5 Q And did you question him further about the Mafia
6 and ask him more about that or --

7 A I don't think I did at that time.

8 Q And this business about the transport and the fake
9 push and the exchange of packages, do you recall
03:09 10 your reaction to that or whether you put any
11 significance on that?

12 A I don't know as I did or not.

13 Q Okay.

14 A It was probably in my mind that it was an exchange
03:09 15 of drugs or marijuana because that's what they
16 were going for.

17 Q Did you think it had anything to do with the Gail
18 Miller crime or do you recall?

19 A I don't recall that.

03:09 20 Q Call out the second paragraph, please:

21 "From Banf we went to Regina. This
22 would be about a week after leaving
23 Saskatoon, as I said after smoking all
24 that grass I don't remember too good."

03:10 25 Did that cause you some concern about



1 Mr. Cadrain's recollection and the story that he
2 was telling you?

3 A Yes.

4 Q And why? It may be obvious, but --

03:10 5 A Well, his memory is kind of vague. I guess you
6 would have to check and see how vague it was.

7 Q And then he goes on to say:

8 "In Regina Nichol & I were dropped off
9 ... I stayed there a couple of days and
03:10 10 then got picked up by the Regina police
11 on a vag charge and spent a week at the
12 institute. After I got out I went back
13 to Cornwall House --"

14 Etcetera, and then carried on. The fact that he
03:10 15 was picked up by the Regina police, did that
16 cause you any concern?

17 A It wasn't a concern, but I checked with the police
18 to see whether that part of the story was right
19 and what he says there and he was right.

03:10 20 Q So -- and tell us what you recall about your
21 exchange with the Regina police?

22 A I don't know whether I had called them or whether
23 Staff Sergeant Mackie had called them, but I know
24 the information was that he was picked up by the
03:11 25 police on a vag charge and held for a few days and



1 went working on a farm and then came home.

2 Q So you had verified that part of the story?

3 A I had or somebody had.

4 Q Do you recall what it was that the Regina police
03:11 5 would have told you or through Mr. Mackie to you
6 about the extent to which they may have talked to
7 Albert Cadrain about the Gail Miller murder in
8 Regina?

9 A My recollection is that they said they had talked
03:11 10 to him about it.

11 Q And do you know what he had said to them about it
12 or what they --

13 A I do not.

14 Q Did you have an understanding as to whether it was
03:11 15 an interrogation of him or simply comments or do
16 you know?

17 A From what he said, I gathered it was just a minor
18 conversation. I can't remember his words, but I
19 didn't have a full meaning of what they were
03:12 20 after.

21 Q And did you ever hear from either Mr. Cadrain back
22 in 1969 or the Regina police that they had
23 interrogated him for a lengthy period with five
24 officers and strip searched him, things of that
03:12 25 nature?



1 A No, I was not aware of that.

2 Q Call out that paragraph, please, and then he
3 describes coming back and he says:

4 "That's actually the first run down I
03:13 5 got of the murder here and I started to
6 think about all the things that happened
7 and the way Hopy acted that first day
8 and him changing clothes & blood and I
9 think he is involved. I talked to my
03:13 10 brother Dennis all night & discussed
11 this. We decided to tell our parents
12 which we did this morning and they told
13 us to come to the police which we did."

14 And do you recall that exchange with Mr. Cadrain?

03:13 15 A Yes, I do.

16 Q And did you follow up with Mr. and Mrs. Cadrain,
17 do you recall, to verify this part of the story?

18 A I did.

19 Q And do you recall what they would have told you?

03:13 20 A That they had discussed that matter and advised
21 him to come to the police.

22 Q And then if you could scroll down, please, it
23 says:

24 "Hopy always talked about cleaning the
03:13 25 car but he either didn't have money or



1 did not get around to it."

2 Pause there. Was there any significance with
3 that?

03:14 4 A I can't remember. I don't think I placed too much
5 faith in that.

6 Q And why is that?

7 A Well, I wouldn't know what he would want a gun for
8 after the crime was committed.

03:14 9 Q I'm sorry, I didn't get to the gun part yet, just
10 the first one about cleaning the car.

11 "Hopy always talked about cleaning the
12 car but he either didn't have money or
13 did not get around to it."

14 Any significance with that?

03:14 15 A Yes.

16 Q And what was that?

17 A If there were things there that may be connected
18 with the murder, he would want to get rid of it,
19 clothing, blood, whatever.

03:14 20 Q And so was this something that you felt to be
21 suspicious and needed to be checked?

22 A Yes.

23 Q And then next:

03:14 24 "Hopy talked about a gun once but I
25 never seen one."



1 And I think you started to answer that before.
2 What if any significance did you place on that?

3 A I didn't.

4 Q And did you find that statement to be believable
03:15 5 or did that cause you any concerns?

6 A It caused me concern, but I wasn't particularly --
7 particularly concerned with it I guess.

8 Q Did you doubt that part of Mr. Cadrain's story?

9 A Yes, I did.

03:15 10 Q And why is that?

11 A What would he want a gun for. I couldn't see the
12 reason at that time.

13 Q And the fact that you would doubt that part of
14 Mr. Cadrain's story, did that have any effect on
03:15 15 the credibility of the remaining parts of the
16 statement?

17 A Depending what I would find out as I went along.

18 Q And in your experience, Mr. Karst, as an officer
19 at that time, had you encountered again witnesses
03:15 20 where you get some credible stuff and some not
21 credible, was this unusual?

22 A No, it wasn't.

23 Q And so you would come across witnesses like this
24 before where you doubted some of the information,
03:16 25 but some you didn't?



1 A Some would have to be checked out, yes.

2 Q And then he says:

3 "I never noticed any blood or knives in
4 the car. I never did see into the
03:16 5 trunk."

6 Again I take it, is that something you would have
7 asked him?

8 A I would imagine I would have asked him whether he
9 seen any blood or knives.

03:16 10 Q And at the bottom he said:

11 "Everyone seemed to be afraid of Hopy
12 all the time."

13 Do you recall that information?

14 A I do.

03:16 15 Q And do you recall anything further what he would
16 have said as to why they were afraid and who was
17 afraid?

18 A No, I don't.

19 Q And again what significance if any would you have
03:16 20 placed on that information?

21 A Well, if Milgaard was involved in something and he
22 had done what Shorty Cadrain had said he had, I
23 would think that he was a guilty person, there
24 would be reason to be afraid of him.

03:17 25 Q Okay. So I've gone through the statement, Mr.



1 Karst. Do you recall anything else about this
2 first meeting with Mr. Cadrain that we didn't
3 touch on in the statement?

4 A I can't think of anything.

03:17 5 Q Can you tell us what you were thinking at the time
6 on a couple things, number 1, the credibility of
7 Mr. Cadrain's statement to you, did you form any
8 conclusions as to that?

9 A Not at that time. I just thought that Milgaard
03:17 10 would be a person of interest after this
11 information.

12 Q And the second thing related to Mr. Milgaard, and
13 I take it then that after you received this
14 information that Mr. Milgaard, you used person of
03:17 15 interest, but suspect, is that a similar -- would
16 you have viewed him as a suspect?

17 A I don't know the difference between a suspect and
18 a person of interest, but to me they are much the
19 same.

03:18 20 Q Fair enough. And would it be fair to say that
21 based upon the information Mr. Cadrain gave you,
22 did you form the conclusion that Mr. Milgaard may
23 be the person who committed the murder?

24 A Did I form that conclusion?

03:18 25 Q At that time, that he may be a person --



1 A He may be.

2 Q Yes. And that further checking was required; is
3 that right?

4 A That's correct.

03:18 5 Q And did you form any conclusions about whether you
6 needed to check Mr. Cadrain's statement out; in
7 other words, the credibility and authenticity of
8 what he was telling you?

9 A Yes, I did.

03:18 10 Q And would that be a standard practice, would you
11 do that with any witness?

12 A Yes.

13 Q And why is that? It may be obvious, but tell us.

14 A You just don't take everything for granted what a
03:18 15 person comes in and tells you, especially about a
16 crime as serious as a rape and murder, you would
17 want to be sure everything was right.

18 Q And at that time in the case, Mr. Karst, and I
19 appreciate that you had not had much involvement
03:19 20 in it, but that would be about four and a half, or
21 about a month after the murder; is that right,
22 January 31 to March 2nd?

23 A Yes.

24 Q And at that time I believe the record shows that
03:19 25 there were not, there were no significant leads at



1 that time or suspects in mind; is that -- do you
2 remember that?

3 A Not to my knowledge.

4 Q And so would this have been viewed as some
03:19 5 significant new information then to the police?

6 A I would think so.

7 Q The fact that Mr. Cadrain, and I think you said he
8 showed up at the police station, did the fact that
9 Albert Cadrain came into the police station on his
03:20 10 own initiative as opposed to being picked up by
11 the police and questioned, did that have any
12 effect whatsoever on how you viewed the
13 credibility of his statement?

14 A After I spoke to the other people at his house,
03:20 15 yes.

16 Q And why is that?

17 A They were verifying that he did discuss it with
18 them and what he was telling them was essentially
19 what he told me.

03:20 20 Q Let me restate it, maybe I didn't ask it the right
21 way. Would there be -- if, for example,
22 Mr. Cadrain had been a person of interest and you
23 picked him up and said okay, tell us what you know
24 about Mr. Milgaard versus a situation where he
03:20 25 comes into the police without being contacted by



1 the police first, did that matter in your mind,
2 was that relevant? Do you understand my question?

3 A Not really.

4 Q Okay. There's mention in some reports the fact
03:20 5 that it was Albert Cadrain who came into the
6 police station voluntarily --

7 A Yes.

8 Q -- to offer this information. Let's compare him
9 with Ron Wilson and Nichol John who you or the
03:21 10 police contacted and said tell us what you know as
11 opposed to them coming in and offering
12 information, and my question is in your mind at
13 the time did that have any impact on how you
14 viewed Albert Cadrain's story?

03:21 15 A I think it did.

16 Q And why and in what way?

17 A He comes in voluntarily without being questioned,
18 it's his own doing. I don't think he got
19 pressured or anything like that. I think I would
03:21 20 place a lot of emphasis on that.

21 Q Do you recall, and again I can't remember the
22 words you used, I think peculiar fellow or
23 peculiar --

24 A Funny little guy.

03:21 25 Q Pardon me?



1 A Funny little guy.

2 UNKNOWN SPEAKER: Comical.

3 BY MR. HODSON:

03:21 4 Q Comical? Comical guy. Do you recall whether
5 again from your first meeting whether you had any
6 concerns about Mr. Cadrain's intellectual or
7 mental capacity?

8 A No concerns, no.

03:22 9 Q And you would have dealt with him on a number of
10 occasions in the subsequent months; is that
11 correct?

12 A I did.

13 Q And did you at any time become concerned about,
14 let's just talk about his intellectual capacity,
03:22 15 about whether he was -- did you form any
16 conclusions whether he was a smart guy, not so
17 smart, things of that nature?

18 A I would say he would probably not be at the top of
19 his class.

03:22 20 Q And that would have been based on your dealings
21 with him I take it?

22 A It would.

23 Q And did you again, during the course of the
24 investigation, ever have any concerns about his
03:22 25 mental condition?



1 A When are we referring to?

2 Q In 1969.

3 A No.

4 Q At some point did you become aware that

03:22 5 Mr. Cadrain may be suffering some medical
6 conditions?

7 A Yes.

8 Q And do you recall when that was?

9 A Some years later.

03:23 10 Q And how did you find out about that?

11 A We made contact one time at a later date when he
12 was working at a bakery.

13 Q Yes.

14 A And I realized that things were bothering him, he
03:23 15 didn't seem to be quite the same as he used to be.

16 Q And are we talking three years, 10 years, months
17 after?

18 A Oh, probably a couple of years.

19 Q And did you talk to him about the Gail Miller
03:23 20 investigation?

21 A No, I did not.

22 Q You have heard evidence before the Commission from
23 Mr. Cadrain about visions and we went through
24 those in detail. Do you recall ever having him
03:23 25 tell you about seeing visions related to the Gail



1 Miller murder?

2 A No, not --

3 Q I'm sorry, go on.

4 A Not at that time, no.

03:23 5 Q Did you at any time?

6 A I think later on I was made aware of it.

7 Q And do you remember when that was?

8 A No, I don't.

9 Q And who that was from?

03:24 10 A I believe his mother or his brother. I can't
11 remember which.

12 Q And again are we talking, was it before -- I think
13 the Supreme Court of Canada was in 1992 I believe.
14 Was it before that or many years before?

03:24 15 A I think it was before that. I can't say when.

16 Q Okay. And what do you recall hearing from them?

17 A That he had had these visions and acted a little
18 different.

19 Q And visions about seeing David Milgaard and a
03:24 20 snake and things of that nature?

21 A Yes, that was related to me.

22 Q And what was your reaction when you heard that?

23 A That obviously he's having a mental breakdown or
24 something is wrong.

03:24 25 Q And were you with the city police force at the



1 time you would have heard that information?

2 A I think so.

3 Q And do you recall if you would have made a report
4 or informed anybody about that?

03:24 5 A No, I didn't.

6 Q Did it cause you any concern with respect to the
7 information and evidence that he had given back in
8 1969?

9 A No, it didn't.

03:25 10 Q And why not?

11 A He was normal at that time.

12 Q We'll touch on that a bit later, Mr. Karst, when
13 we get into some events in later years. If we
14 could just go back to 009233, please, and again
03:25 15 this is your report of March 7th, if we can go to
16 the next page, please, and again I think the
17 report goes through a summary of the information
18 he provides you and then it goes on to say:

19 "Consequently on the afternoon of March
03:26 20 2nd, further inquiries were made by
21 myself and Lt. Short with regards to
22 Cadrain's stories and various parts of
23 his conversation checked out with
24 regards to Milgaard's actions his
03:26 25 nervousness with service Station



1 attendants where the car was fixed two
2 tow truck drivers which he had been in
3 conversation with, also the fact that
4 Cadrain was in custody in Regina, etc.
03:26 5 etc. and it was felt that Cadrain's
6 information warranted further
7 investigation."

8 So I take it, Mr. Karst, that you and Mr. Short
9 would have done some further follow-up?

03:26 10 A I can't remember whether we did it or not.

11 Q And if I could call up, it's document 007561, and
12 this is the preliminary hearing evidence of a
13 fellow named George Davis, this was a read-in, he
14 worked at the second service station where the
03:27 15 vehicle was getting repaired, and if you could go
16 to page 007573, please, just call out this, and
17 this is cross-examination by Mr. Tallis I believe
18 at the preliminary hearing and he asks:

19 "Q And I presume that along the way you
03:27 20 were interviewed by police officers? I
21 see you're nodding, I take it you mean
22 yes?

23 A Yes.

24 Q And it was how long after January 31st,
03:27 25 do you remember, that you were



1 interviewed by them?

2 A A month.

3 Q Pardon?

4 A A month.

03:27 5 Q Quite sometime after, I guess.

6 A Mhmm.

7 Q So that you don't have the advantage of
8 looking at a statement you made a day
9 after to refresh your memory?"

10 He says:

11 "A They phoned me up at three o'clock one
12 Sunday afternoon, they had to send the
13 neighbors up to my place."

14 So it would appear from Mr. Davis' evidence that
03:27 15 a month later, on a Sunday, March 2nd was a
16 Sunday, that he was called in the afternoon. Do
17 you have any recollection of either talking to
18 him or getting this information?

19 A No, sir.

03:27 20 Q I take it from your report, though, that that was
21 checked out? Do you remember?

22 A No I don't.

23 Q If we could just go back to 009233. Second page,
24 please. Here, and again this is your report, and
03:28 25 I think you said you don't recall this, but can we



1 accept that this is accurate that you would have
2 followed up with the service station attendants
3 and tow truck drivers, or someone did?

4 A Yes.

03:28 5 Q Scroll down, please. It says:

6 "Lt. Short advised the Chief of this
7 information, consequently this Dept. was
8 in touch with Insp. Riddell of the RCMP
9 detachment Regina, and through those
03:28 10 efforts it was revealed that Milgaard
11 was presently staying at a Motel in
12 Winnipeg ... It was then decided that a
13 member of this Dept. should attend in
14 Winnipeg and interview this suspected
03:29 15 Milgaard."

16 And it goes on, and then on the morning of March
17 the 3rd, you attended; do you recall that
18 happening?

19 A Yeah, I do.

03:29 20 Q And do you recall who determined that you should
21 go to Winnipeg to interview Mr. Milgaard?

22 A It would be the chief.

23 Q And do you know why you were -- or I'm sorry?

24 A At least I would have to say he would authorize
03:29 25 it.



1 Q And who would, would Short, or who would have been
2 involved in the decision to send you?

3 A I'm sure Short and Superintendent Wood would be.

4 Q And do you know why you were sent?

03:29 5 A No, I don't, other than the fact that I took the
6 statement from Milgaard -- or from Cadrain.

7 Q And if you could then go to -- or let me just back
8 up. Do you recall going to the Cadrain house on
9 March 2nd, '69, the day you took the statement
03:30 10 from him?

11 A I don't know whether it was that day or a day
12 later when I talked to the young boy, but --

13 Q If I could just call up, we've looked at a couple
14 of statements here, Dennis Cadrain 006492. And
03:30 15 this is Andrew Porter, he was a detective sergeant
16 at the time, was he?

17 A Yes.

18 Q And this statement is the same date as Albert
19 Cadrain's statement and it's 12:35 p.m., yours was
03:30 20 12:30; do you recall seeing Dennis Cadrain at the
21 police station when --

22 A No I don't.

23 Q Would you have had an opportunity to have reviewed
24 this statement at or about this time, or at least
03:31 25 been aware of its contents?



1 A Can't remember.

2 Q It would be fair to say that, after your interview
3 with Albert Cadrain, that finding out what those
4 at the house, Cadrain house had to say, would have
03:31 5 been information you would have received?

6 A Sounds logical.

7 Q And if, in fact, you later went to the Cadrain
8 house to talk to the people there can we conclude
9 that you would have at least read the statements
03:31 10 that they had already given to the police?

11 A Or converse with those officers that had took the
12 statement.

13 Q All right. So you would be generally aware of
14 what Dennis Cadrain had said?

03:31 15 A I think so, yeah.

16 Q And in Cadrain's, or Dennis's, he said he was at
17 school at the time that Milgaard arrived. If we
18 can go to the 006494, please, and in this
19 statement Dennis Cadrain says:

03:31 20 "Albert told me David had to leave

21 Calgary last year because the Calgary

22 Police wanted him on a rape charge."

23 Do you have a recollection of either reading that
24 at the time, or hearing from anybody with the
03:32 25 police about that?



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

2 Q If we could call up Celine Cadrain's statement,
3 it's 006333. And, again, do you recall either
4 reading Celine Cadrain's statement or discussing
03:32 5 its contents with anyone?

6 A No I don't.

7 Q Would you agree that you would have, would have
8 read it, or at least been aware of what she had to
9 say?

03:32 10 A I, I think I would have been aware of it one way
11 or another.

12 Q If we can go to page 006336, and she says in this
13 statement:

14 "I don't recall seeing any blood on his
03:33 15 clothing. His hair was short, curly and
16 neat."

17 Now, again, do you recall learning that Celine
18 Cadrain, who was there that morning, said she did
19 not recall seeing any blood on Milgaard's
03:33 20 clothing?

21 A I don't recall that.

22 Q And that would -- would that be something of
23 significance, sir, in checking out Albert
24 Cadrain's story?

03:33 25 A Not necessarily. Sometimes people don't see



1 things that other people see.

2 Q And if she would have seen blood on Mr. Milgaard's
3 clothing, that would have been significant?

4 A I think it would have been.

03:33 5 Q And if she had not, if she had observed Mr.
6 Milgaard that morning and not seen blood, would
7 that also not be significant?

8 A Yes.

9 Q If we could scroll down, please. And she said
03:33 10 that:

11 "He said he was high ...",

12 on that:

13 "... or that we are high and I took that
14 as being high on drugs."

03:33 15 when they arrived. Again, do you recall learning
16 of this information, that at least Celine Cadrain
17 said she thought Milgaard, Wilson and John were
18 high on drugs when they arrived?

19 A What is the question?

03:34 20 Q Whether you became aware, at or about this time,
21 that Celine Cadrain had said that Milgaard and, I
22 believe, Wilson and John, appeared to be high on
23 drugs when they arrived that morning?

24 A I don't recall that now.

03:34 25 Q Would that have been something of significance?



1 A Yes.

2 Q If we could go back to 009234, please. If we
3 could then call out the bottom portion, there, and
4 it says:

03:35 5 "On the morning of March 3rd, I attended
6 at the Von Street Boys Correctional
7 Institute to interview David ...
8 Milgaard ...",
9 and he had been detained there by:

03:35 10 "... one Cst. Charles Coppang of the GIS
11 section of that Division."

12 Do you recall Mr. Coppang?

13 A I do.

14 Q And do you recall going to Winnipeg to interview
03:35 15 David Milgaard?

16 A Yes.

17 Q If we could call up 009338, please. And, again,
18 this is I think an RCMP document, it's an exchange
19 of telexes I believe March 2nd of '69 advising
03:35 20 that Detective Karst leaving Saskatoon Sunday
21 evening to arrive in Winnipeg 12:15 a.m. March
22 3rd", and then down at the bottom, and it says:

23 "We already have this from our Regina
24 office."

03:36 25 And I take it, Mr. Karst, on Monday, which would



1 be March 3rd, '69, in Winnipeg, you were going
2 there to interview David Milgaard; correct?

3 A That's correct.

4 Q Do you recall running into Staff Sergeant Stan
03:36 5 Edmondson of the RCMP?

6 A Yes I do.

7 Q And what do you recall of that?

8 A I don't know whether the meeting was arranged by
9 somebody else, but I thought it was just an
03:36 10 offhand meeting that I met Staff Sergeant

11 Edmondson, and I told him why I was in Winnipeg
12 and wanted to know whether he would assist me in
13 the checking this Milgaard youth out, because he
14 was a seasoned officer and I thought it would be
03:36 15 an asset to have him along, and which he consented
16 to.

17 Q I believe there may have been, been some evidence,
18 Mr. Karst, or some suggestion that the RCMP had
19 asked, or had either sent sergeant -- Staff
03:37 20 Sergeant Edmondson there, or arranged to have him
21 be there for the purposes of assisting you; do you
22 recall if that --

23 A That's possible. I don't know.

24 Q If we could go back to 009233, please, and it just
03:37 25 talks here -- sorry, the next page, please -- and



1 it, again it refers to Staff Sergeant Edmondson
2 being there and it says:

3 "... after a lengthy interrogation and
4 statements taken from this youth, it was
03:38 5 decided that there were many points for
6 which his answers were too vague to be
7 actually authentic."

8 As far as the length, do you remember, does that
9 accurately describe it, Mr. Karst?

03:38 10 A Yes, it was quite a while.

11 Q Now do you recall, when you arrived in Winnipeg,
12 had Mr. Milgaard been kept in custody, do you
13 recall, the night earlier?

14 A Yes, he was at some boy's centre.

15 Q Yeah.

16 A And I don't think they call it Winnipeg-St. James,
17 or something, but I can't -- he was held by the
18 Mounted Police.

19 Q And would that have been at the request of the
03:38 20 Saskatoon City Police? He, let me put it this
21 way, he was being held so that you could question
22 him; is that correct?

23 A That's correct.

24 Q And do you recall any discussion with officer
03:39 25 Coppang from the RCMP?



1 A No I don't.

2 Q And did you understand that he had picked Mr.
3 Milgaard up the night before and --

4 A He or somebody, I don't know who.

03:39 5 Q Call up document 068628, please, and if you could
6 go to page 068630. These are Officer Coppang's
7 notes that were provided to the RCMP in 1997,
8 March 2nd, '69, re: David Milgaard, and I would
9 just point out that, for those wondering, the
03:39 10 reference here to 'Caldwell' is not to the
11 prosecutor Caldwell, it's another officer in the
12 RCMP, at least that's the information we have
13 received and we believe it to be correct. And
14 then it goes on to talk about his dealings, if you
03:40 15 could go to the next page, please. And he says
16 here:

17 "Det. Bob Barrett requested that
18 Milgaard be picked up and lodged
19 overnight in detention. Milgaard
03:40 20 arrested at 8:10 p.m. ... in Rm 4 ...
21 Boulevard Motel - given police warning &
22 advised reason for being picked up.
23 Roger Renaud present in room at time of
24 arrest."

03:40 25 Bob Barrett was a detective at the time with the



1 Saskatoon service, was he? Or Detective Barrett,
2 you recall a Detective Barrett?

3 A I have -- I believe he was.

4 Q And then it says:

03:40 5 "Escorted to HQ ... Portage Ave. Wpg -
6 Asked on way what this was all about -
7 told murder of girl named Gail Miller -
8 he was quite shook up about being picked
9 up for questioning - said he had just
03:40 10 got a suspended sentence in Vancouver
11 for trafficking ...",
12 etcetera. Do you recall any discussion with
13 Mr. Coppang, when you arrived, about anything
14 that Mr. Milgaard may have said to him prior to
03:41 15 arriving?

16 A I do not.

17 Q Do you recall being advised by Mr. Coppang that he
18 said Mr. Milgaard was quite shook up about being
19 picked up?

03:41 20 A I do not.

21 Q If we could go back and call up 006586, please,
22 and is that your handwriting? This is David
23 Milgaard's statement of March 3rd, 1969; that's
24 your handwriting, is it?

03:41 25 A It is.



1 Q And do you recall, again, present at the interview
2 of David Milgaard, at least at some point during
3 the day, you would have been there throughout the
4 day; is that fair?

03:42 5 A Most of the time.

6 Q And did you leave at any time?

7 A Yes.

8 Q And for what -- with Mr. Milgaard?

9 A No, no.

03:42 10 Q Okay, and where would you have gone, do you
11 recall, or --

12 A You are referring to in the room that he was in?

13 Q Yes?

14 A Actually, yes, I left that room.

03:42 15 Q Okay. And would you have stayed at -- and I think
16 this was at the police station you interviewed --

17 A Yes, that's correct.

18 Q And you would have stayed there, though, is that
19 correct?

03:42 20 A Yes.

21 Q And if you could tell us, to the best of your
22 recollection, sort of the sequencing of which of
23 you and Mr. Edmondson and Mr. Coppang were in the
24 room when Mr. Milgaard was questioned?

03:42 25 A I don't recall as Mr. Coppang was ever in the room



1 when he was questioned. My best recollection is
2 that I spoke to him for a while and --

3 Q Sorry, you spoke to David Milgaard for a while?

4 A Yes, yes.

03:42 5 Q Okay. In the presence of who?

6 A -- just myself --

7 Q Yes?

8 A -- to begin with. Then, I don't know whether

9 Staff Sergeant Edmondson arrived or somebody

03:43 10 brought him, and we both went in and talked to
11 him.

12 Q Yes.

13 A I went out, again, and left Mr. Edmondson with
14 him.

03:43 15 Q Yes?

16 A And that wasn't very long, he was not in there no
17 longer than a half an hour, and then he came out,
18 and then I went back in and took this statement.

19 Q Okay. And do you recall any discussion with Mr.

03:43 20 Edmondson, after he came out, about his --

21 A Yes.

22 Q -- take on --

23 A Yes I do.

24 Q What do you recall?

03:43 25 A He had made some comment to the effect of 'I think



1 maybe this is the right guy', something like that,
2 I don't remember maybe the right words but to that
3 effect.

4 Q And did you ask him why, or discuss it any
03:43 5 further?

6 A I don't recall that I did.

7 Q Okay. And so then you would have gone back in and
8 taken this statement; is that right?

9 A Yes.

03:43 10 Q Now you have a recollection of the day, a general
11 recollection of the day you spent with Mr.
12 Milgaard?

13 A I do.

14 Q And did he cooperate with you during the
03:44 15 interview?

16 A Yes, he did.

17 Q And did you form a general impression of him at
18 the time?

19 A Seemed like a nice young boy, umm, smart,
03:44 20 street-wise, he was a -- easy to get along with.

21 Q And when you say 'smart' and 'street-wise', is
22 there anything that you can tell us that caused
23 you to think that?

24 A I wasn't too well aware of hippie street language,
03:44 25 but he was using that, and like I say, he was more



1 street-wise or vocabulary-wise than I was.

2 Q Did you form any conclusions, in the course of
3 this meeting with him, as to whether he was being
4 evasive, or trying to hide or withhold
03:44 5 information?

6 A I don't know whether I formed a conclusion, but I
7 had doubts about some of the things that he was
8 saying.

9 Q And, again, we'll go through the statement in
03:45 10 detail and if you wish I can refer to that; is
11 there anything that comes to mind that you can
12 tell us or --

13 A I recall asking him, you know, 'were you in
14 Saskatoon on such and such a day or this month',
03:45 15 and he said he couldn't remember. Those things
16 that were just a red flag went up, and say 'why
17 wouldn't -- even if he was high on drugs, I
18 thought he would remember being in Saskatoon.
19 However, later on during his statement, he does
03:45 20 admit that he was probably in Saskatoon.

21 Q And I take it prior to this interview, Mr. Karst,
22 you had interviewed many suspects in the past on
23 different files?

24 A Quite a few.

03:45 25 Q Is that correct? And when you are interviewing



1 Mr. Milgaard are you looking for things to try and
2 assist you in forming a judgement as to whether or
3 not this might be the person who committed the
4 crime?

03:46 5 A I would think so.

6 Q And their reaction or behaviour in the interview;
7 does that tell you something?

8 A Sometimes.

9 Q And can you explain; what do you look for when you
03:46 10 are interviewing somebody as a suspect?

11 A Different things, nervousness, sweating,
12 evasiveness, those kind of things.

13 Q And when you say 'nervousness' is there a rule of
14 thumb as to if you are -- if you have committed
03:46 15 the crime you are more nervous than if you haven't
16 committed the crime, or --

17 A I would say generally.

18 Q So if you've committed the crime and are hiding
19 something, in your experience, suspects or people
03:46 20 you were talking to would show more nervousness?

21 A Generally.

22 Q Okay. And what about people's reaction to being
23 -- let me back up for a moment. I don't know; did
24 you ever accuse Mr. Milgaard of committing the
03:47 25 crime, or ask him whether he committed the crime?



1 A I don't think so.

2 Q And right at the top there is a standard warning
3 here; do you recall providing that warning to Mr.
4 Milgaard?

03:47 5 A Yes, I do.

6 Q And do you believe that Mr. Milgaard was aware
7 that the reason he was talking to you on March
8 3rd, '69 was because he was a suspect in Gail
9 Miller's murder?

03:47 10 A Yes, it was read to him.

11 Q Yeah, so you believe he would have known that?

12 A Yes.

13 Q And do you place any significance on the reaction
14 of someone being accused or suspected of a crime?

03:47 15 A Yes.

16 Q And what do you look for?

17 A Well I would think, after reading that to him,
18 that he would have said 'eh, I'm not this guy you
19 are looking for, I didn't have anything to do with
03:47 20 that', but he didn't.

21 Q And was that significant in your mind?

22 A In my mind, it was.

23 Q Yeah, and are you telling us that you would have
24 expected him to deny it at that time?

03:47 25 A Vigorously.



1 Q And had that been your experience in the past?

2 A Generally.

3 Q Do you know if he would have denied it or been
4 upset with Mr. Coppang when he was picked up the
03:48 5 night before?

6 A That I don't know.

7 Q And, again, I take it the fact that someone is not
8 outraged at the time; does that, in your mind, not
9 mean that they committed the crime?

03:48 10 A Reason to make inquiries.

11 Q Okay. So, again, your antennae would go up; is
12 that fair?

13 A I think so.

14 Q And again, and you may have already covered this,
03:48 15 apart from the content of his answers, of what he
16 actually told you, apart from that were there
17 things that you observed with Mr. Milgaard's
18 demeanour and how he acted that caused you to be
19 more or less suspicious of him?

03:48 20 A No, just his answers --

21 Q Okay.

22 A -- and his lack of answers.

23 Q Now if we can go through and identify, I have got
24 a typed version that we'll go to in a moment, but
03:49 25 it appears that this is question and answer; is



1 that right, Q and A?

2 A Yes sir.

3 Q And would it have been your practice then, it
4 looks like in this case, to ask him a question and
03:49 5 write down the answer?

6 A In this case it was.

7 Q And would you try, as best you could, to get a
8 verbatim answer close to what he said or --

9 A Yes.

03:49 10 Q Or, in fact, was it verbatim? In other words you
11 paused and --

12 A I don't say it's word for word, but as close as I
13 can write to what he was saying.

14 Q Okay. And I take it, then, this Q and A you would
03:49 15 have done with him after spending some amount of
16 time with him talking about matters; is that
17 right?

18 A I didn't hear you in the first part?

19 Q Sure. That you took this statement, you had
03:49 20 already talked to Mr. Milgaard about -- about
21 events related to Gail Miller's murder?

22 A Briefly, yes.

23 Q When you said -- do you know how long you would
24 have spent with him before the statement?

03:50 25 A Not very long I don't think.



1 Q And Mr. Edmondson had also spent some time with
2 him as well?

3 A Yes, briefly too.

4 Q And if we can just go through to page 006602,
03:50 5 please, or actually 601, and this is page 16 at
6 the top of the handwritten version, and it appears
7 to stop at the bottom with a Q and there is
8 nothing else on that page. And then if you go to
9 the next page, at least in this version, there is
03:50 10 a drawing and at the bottom -- if you could just
11 enlarge that, please -- it says:

12 "4:00 p.m.

13 March 3/69

14 E. Karst

03:51 15 drawn by Milgaard".

16 And I'm wondering, Mr. Karst, if you could tell
17 us; would that have been the end of the
18 statement, the previous page, there -- it appears
19 that it finishes mid-question?

03:51 20 A I don't think that was the end of that statement.

21 Q Yeah. And in fact there, do you recall whether or
22 not Mr. Milgaard signed the statement, or whether
23 you asked him to sign it?

24 A I think he refused to sign the statement.

03:51 25 Q And then if we can just carry on with this, whose,



1 whose writing would this be on here?

2 A That would be Milgaard's.

3 Q Okay. And he would have drawn some things, and I
4 think it's touched on in the statements, we'll go
03:51 5 through that. So you would have had him draw
6 where he went and describe some things; is that
7 right?

8 A Tried to, yes.

9 Q Then next page, please, and that's your
03:51 10 handwriting; is it?

11 A It is.

12 Q And would -- these don't appear to be, and I'll go
13 through these in detail with you, but these don't
14 appear to be part of the question and answer; can
03:52 15 you tell us what these notes would relate to?

16 A I can't say for sure but I think they were
17 probably notes I made talking to him prior to
18 taking the statement.

19 Q Okay. And we'll, I'll go through those with you,
03:52 20 sir, and allow you to tell us what's there. If
21 you could go to the next page, please, and that --
22 would those be the same for those notes?

23 A Yeah.

24 Q Again notes -- and I will go through them in
03:52 25 detail with you, Mr. Karst, but I think they do



1 relate to what's in the statement?

2 A I would think so.

3 Q And then the next page, please. And at the top,
4 if you could just call that out, please, it says:

03:52 5 "Call from Insp. Riddell re interview
6 with Ron Wilson",

7 and then is that your handwriting?

8 A It is.

9 Q And do you know what those notes relate to?

03:52 10 A It would appear that I talked to Inspector
11 Riddell, or Stan Edmondson did, I don't remember
12 which, discussing the information that he had
13 received in Regina.

14 Q We know from the record, and I take it you knew as
03:53 15 well that at the time you were interviewing Mr.
16 Milgaard, Inspector Riddell was interviewing Mr.
17 Wilson in Regina; did you know that at the time?

18 A At the -- yes.

19 Q And so does it appear from this that you would
03:53 20 have, either you or Mr. Edmondson would have
21 talked with Inspector Riddell?

22 A Yes, it would appear that way.

23 Q And was it comparing notes to see what the two of
24 them had said; is that --

03:53 25 A I don't recall, but I am -- suspect it was.



1 Q Now there is a different version of this
2 statement, Mr. Karst, I located this morning that
3 has got a couple of extra pages of notes, and if I
4 could just call up, it's from doc. ID 031058. And
03:54 5 this is a different -- and you can appreciate,
6 Mr. Karst, that we have various versions that we
7 were provided of this statement, and here's where
8 someone has typed up the same statement. But if
9 you could go to page 031086, please. Actually,
03:54 10 just go to the page before, please, and you will
11 see this is page 12 of the handwritten statement,
12 and I think it was 16 pages in the last version.
13 And then go to the next page, and is that your
14 handwriting?

03:54 15 A Yes.

16 Q And, again:

17 Nichol John -

18 Shorty Albert Cadrain -

19 acid - Regina - battery stolen & taken
03:54 20 to his car

21 Go to Wilson vehicle check for pants -
22 ripped in crotch - also check car."

23 Do you know what those notes would have been,
24 Mr. Karst?

03:55 25 A It had to do with Ron Wilson, I -- it looks like,



1 and it's clothing.

2 Q Okay. If we could go to page 031091, and again,
3 that's your handwriting?

4 A Yes it is.

03:55 5 Q And then down at the bottom, for example, it says
6 here:

7 "I had suitcase

8 Nicky - no clothes

9 Ron - no clothes

03:55 10 2 screw drivers",

11 something about -- can you read that?

12 A Something about knife.

13 Q "Don't think so - didn't know
14 maybe."

03:55 15 Are these notes that you would have taken at the
16 time you interviewed Mr. Milgaard do you think?

17 A I think this is prior to the statement.

18 Q Prior to the statement?

19 A Yes.

03:55 20 Q And it may well be, Mr. Karst, that the original
21 version that I showed you was missing a few pages.
22 So these, those two pages that I showed you, would
23 have been notes, do you think, that you took at or
24 around the time of the statement?

03:55 25 A Yes.



1 Q And then if you could go to 031096, please, that's
2 your handwriting as well, is it?

3 A Yes it is.

4 Q And it says:

03:56 5 "Why did you ditch Nichol
6 how long ... Calgary",
7 etcetera, etcetera. Again, would these be notes
8 that you took in conjunction with the interview
9 of Mr. Milgaard?

03:56 10 A Yes.

11 Q And then the next page, please. And you will see,
12 again this is the same document, although it's cut
13 off at the top, that I showed you before about
14 your discussion with Mr. Riddell; correct?

03:56 15 A Yes.

16 Q So maybe what I'll do is we'll go back to the
17 original -- to a typed version of the statement,
18 and then I'll come back to these notes. So what I
19 have shown you, I think, is a record at least of
03:56 20 what we have of the statement and the notes of
21 that date; is that fair

22 A Yes.

23 Q And I think you said you thought there would be
24 more, that there would be an ending to that
03:57 25 statement?



1 A Yes, that's -- usually I signed my statement, and
2 had the witness sign it, but neither one is on
3 there.

4 Q Okay. And do you have a recollection of there
03:57 5 being more, or is it possible that if Mr. Milgaard
6 refused to sign it, you would have ended it there?

7 A No. If it would have ended there I should have
8 put on there 'reread and completed' and my
9 signature, and that's not there.

03:57 10 Q Okay. So you -- are you telling us you think that
11 there may have been more to this?

12 A I do.

13 Q And do you recall seeing more to this statement at
14 any point, Mr. Karst?

03:57 15 A No I don't.

16 Q So at the time you interviewed Mr. Milgaard, then,
17 you would have obviously had the information that
18 Albert Cadrain provided you; correct?

19 A Correct.

03:58 20 Q And do you remember whether you would have done
21 any further reading or preparing for the
22 interview, looking at the file?

23 A I don't know.

24 Q Would it be fair to say you would have had at
03:58 25 least general information as to where the body was



1 found?

2 A Yes.

3 Q And do you recall if you were aware of how many
4 times she had been stabbed and where the stabs
03:58 5 were, things of that nature?

6 A At that time I probably knew.

7 Q And would you have been aware, Mr. Karst, that,
8 when the body was found, that Gail Miller's
9 nurse's uniform, that her arms were taken out of
03:58 10 the arm holes on the uniform, that it was down
11 around her waist, and her arms back in her coat,
12 and that the stab marks that -- in fact the stab
13 that killed her went through the coat but not
14 through her uniform?

03:58 15 A At that time I was aware that there was some
16 discrepancy on how she was stabbed and what
17 clothings were on and off, but I can't remember
18 that now.

19 Q Sure. But you would have some general information
03:58 20 about how she was killed?

21 A Yes.

22 Q And were you aware that she had also -- the
23 evidence suggests that she had been raped as well?

24 A Yes.

03:59 25 Q And then when you were meeting with Mr. Milgaard,



1 I take it at that time, on March 3rd, '69, you
2 were viewing him as a suspect; is that fair?

3 A March 3rd, '69?

4 Q Yes, your first meeting with him.

03:59 5 A Yes, I would say so.

6 Q And I think you had said earlier, and please
7 correct me if I'm wrong, that you didn't ask him
8 whether or not he killed Gail Miller; is that
9 right?

03:59 10 A No, I did not.

11 Q And why not?

12 A It was stated in the beginning of the statement
13 that he could be charged with this, which is when
14 I would think he would say I had nothing to do
03:59 15 with that, although I didn't see the relevancy in
16 asking him until I had all the other information.

17 Q Okay. And when you had all the other information,
18 why didn't you ask him then, "Did you kill Gail
19 Miller?"

04:00 20 A Because that story had to be checked out too.

21 Q And if he would have said no, I didn't -- if you
22 would have asked the question and he would have
23 told you no, I didn't, again, would that have been
24 something significant?

04:00 25 A I think it would have had a bearing.



1 Q And would that be your usual practice when you are
2 dealing with a suspect, not to ask them the
3 question, did you commit this crime?

4 A Once you read the statement and the charge, that's
04:00 5 about as far as you have to go with that.

6 Q So in your view, that was enough to prompt him to
7 deny; is that --

8 A I think so.

9 Q Okay. And again any other reason why you wouldn't
04:00 10 just ask him the question, "Lookit, did you kill
11 Gail Miller?"

12 A No, I can't think of any other reason.

13 Q Okay. Now, would you have told Mr. Milgaard
14 during the course of your meeting with him that
04:00 15 you had met with Albert Cadrain the day before?

16 A I don't remember, but I don't think so.

17 Q And -- I'm sorry?

18 A I would just say we had information.

19 Q And why is that?

04:01 20 A Generally don't like, if you don't have to, to
21 reveal your source of information.

22 Q And so would it be fair though that although you
23 maybe didn't tell him you had met with Cadrain,
24 would you have tested some of the information that
04:01 25 Cadrain gave you --



1 A Yes.

2 Q -- with Mr. Milgaard?

3 A Absolutely.

04:01 4 Q If we could call up 305273, please, and this is a
5 typewritten version of the statement. Did you
6 want to break, Mr. Karst?

7 A No, that's fine.

8 Q We've got another half hour.

9 A Continue. I'm all right.

04:01 10 Q Okay. It says -- again, this just sets out the
11 details and has the standard warning, and I take
12 it that would be a standard warning you would give
13 to anybody that you were interviewing as a
14 suspect; correct?

04:02 15 A Correct.

16 Q It says:

17 "You may be charged with: Murder or
18 some related charge --"

19 Etcetera?

04:02 20 A Yes.

21 Q And then if we could go down, and I'll ask you for
22 your comments on some of these questions, and you
23 said here:

24 "Q If there is something you don't
04:02 25 understand, say so."



1 And he says:

2 "A I understand, if you want me to, I'll
3 tell you what I know. I don't know days
4 or times."

04:02 5 And again is that -- and then just scroll down to
6 the next one:

7 "Q Were you in Saskatoon this year?

8 A Maybe.

9 Q When would you have been in Saskatoon?

04:02 10 A I'm not sure."

11 Did those answers cause you some concern?

12 A Yes.

13 Q And why was that?

14 A If he had nothing to hide, I would say yes, I was
04:03 15 in Saskatoon. Being he was evasive, a red flag
16 went up, I guess you could put it that way.

17 Q Did you expect him to recall that about five weeks
18 earlier he had been there?

19 A That he had been in Saskatoon?

04:03 20 Q Yeah.

21 A Yes.

22 Q And so was that something you expected that he
23 would have remembered; is that --

24 A I would think so.

04:03 25 Q And did you form any impression at the time as to



1 whether he was simply not recalling it or whether
2 he was being evasive I think were your words?

3 A I don't know whether I formed an opinion at that
4 time. I wasn't sure maybe because I already knew
04:03 5 that they were taking drugs on that trip or
6 smoking marijuana together, maybe he legitimately
7 didn't remember. I would have to check that out.

8 Q And then if you scroll down, you say:

9 "Q Do you know Saskatoon?"

04:04 10 A I was around Pleasant Hill.

11 Q Have you been in Saskatoon other than
12 this year?

13 A I was at Shorty's place --"

14 Etcetera. And I think this is referring to a
04:04 15 trip a year earlier; is that right?

16 A I think so.

17 Q And then it says:

18 "Q Have you got a record of any type?"

19 And he said:

04:04 20 "A Sexual immorality, trafficking, stolen
21 cars, B&E, was deported from states too
22 - maybe Seattle. I'm on probation out
23 of Vancouver. Now, transferred to
24 Saskatoon, trouble in Ottawa too."

04:04 25 And why would you ask the question about a



1 record, what would be your rationale for that?

2 A Well, your background may have some bearing on
3 your future, on what your -- or present. If you
4 have stole before, it wouldn't surprise me if you
04:05 5 stole again. Your past record in my mind has some
6 bearing on your person.

7 Q And do you know if you would have had Mr.
8 Milgaard's record, like, an official record at
9 this time?

04:05 10 A No, I'm sure I didn't.

11 Q And do you recall whether or not Mr. Milgaard
12 volunteered this information or did you have to
13 push him to get this information?

14 A I just asked him and he gave it to me.

04:05 15 Q And again, sexual immorality, do you know if he
16 expanded on that at all?

17 A No, I don't think so.

18 Q And would that cause you concern?

19 A I'm sure it was in my mind.

04:05 20 Q And would the fact that the Gail Miller crime
21 appeared to have a sexual nature to it, were you
22 drawing a connection there?

23 A I would believe so.

24 Q Trafficking, I presume drugs, did that -- tell us
04:05 25 what you were thinking then?



1 A If they are on drugs, like I said before, maybe
2 they don't remember what they did.

3 Q Okay. Stolen cars, B & E, was deported, out on
4 probation, again, anything significant from that
04:06 5 other than it's part of his record?

6 A Yeah, that's all, just got involved in lots of
7 things.

8 Q Again, you had mentioned background, and I don't
9 recall your words, background of a person may be
04:06 10 relevant; is that right?

11 A It could be.

12 Q And in what way?

13 A If you have a history of sexual offences, it's not
14 unusual then when you hear something like this.

04:06 15 Q So that if the background of an individual
16 questioned, had been no record whatsoever versus
17 someone who had been involved in other offences,
18 are you saying that you would more likely suspect
19 one with the record than one without the record?

04:06 20 A I would say so.

21 Q Next page, please, and then:

22 "Q Any other arrests?

23 A Escape from lawful custody, Winnipeg, I
24 think."

04:07 25 Again, did that cause you any concern?



1 A Nothing other than it just showed me that he was
2 in quite a bit of trouble.

3 Q Now, this question, you say:

4 "Q How did you get to Saskatoon a month
04:07 5 ago?

6 A By car - Ron Wilson's ..."

7 Car. I presume by this point that you had -- I
8 mean, there's no answer that I can see where he
9 says yes, I was there a month ago, but it would
04:07 10 appear from this that you were satisfied he was
11 saying he was there a month ago?

12 A Yes, I think by some previous answers he gave --

13 Q Okay.

14 A -- I knew that.

04:07 15 Q And then he told you who he was with; is that
16 right?

17 A Yes.

18 Q And then this question here:

19 "Q When did you get to Saskatoon?

04:07 20 A In the morning - don't know light or
21 dark - don't know the day."

22 Again, did that cause any concern for you?

23 A Yes.

24 Q And I take it at this time you would have known at
04:07 25 least from Mr. Cadrain's statement, and assuming



1 that he was correct on the date, you would have
2 known that Mr. Milgaard was in Saskatoon the
3 morning that Gail Miller was murdered; is that
4 fair?

04:08 5 A Whether I had known?

6 Q You knew at the time you asked the question?

7 A Yes.

8 Q And was Mr. Milgaard saying lookit, I was there
9 but I don't know the specific day or date?

04:08 10 A That's what it appears.

11 Q And would that be unusual, for someone to say
12 lookit, I was there a month ago, but I don't know
13 the specific date or day?

14 A Probably unusual for someone, but if they were
04:08 15 high on drugs, I've heard it said that they
16 forget, memory is bad.

17 Q But to remember the exact date, whether it was
18 January 30th or February 1st, would you --

19 A No.

04:08 20 Q I'm sorry?

21 A That wouldn't be unusual.

22 Q And then as far as recalling what time he arrived
23 in Saskatoon, about light or dark, again, is that
24 something you expected him to remember?

04:08 25 A Yes.



1 Q And why is that?

2 A Well, usually you remember if you are driving in
3 daylight or dark.

4 Q Okay. And then if you could scroll down, please,
04:09 5 and the question:

6 "Q Where did you go?

7 A Looked for Shorty's in Pleasant Hill.

8 Spoke to old woman on street - asked

9 directions - stopped at motel with

04:09 10 carport - maybe got a map - motel was

11 on the perimeter."

12 Do you recall this information, Mr. Karst?

13 A Yes.

14 Q And again I believe, would this have been the

04:09 15 first mention of the Milgaard vehicle stopping

16 someone for directions?

17 A The first I knew.

18 Q And you've got the word old woman. Do you

19 remember the discussion with Mr. Milgaard about

04:09 20 this person?

21 A There was really no discussion, it was just the

22 information that he gave me.

23 Q And at that time did you, in your mind, think that

24 might have been Gail Miller or --

04:09 25 A It crossed my mind.



1 Q And would you have pressed him more to describe
2 this person or where this person was?

3 A No, I didn't.

4 Q And then scroll down, please -- sorry, right here:

04:10 5 "Q When did you stop first when you got to
6 Saskatoon?

7 A I don't know."

8 And again I take it at this time, Mr. Karst, all
9 that Cadrain had given you was that the Milgaard
04:10 10 vehicle arrived at his house I think about nine
11 o'clock or thereabouts; is that right?

12 A That's correct.

13 Q And so you had no information as to where they
14 were prior to that, Mr. Cadrain didn't offer any
04:10 15 of that; is that fair?

16 A That's correct.

17 Q And so is it fair to say you were trying to find
18 out where they might have been at or around the
19 time you thought Gail Miller had been murdered; is
04:10 20 that --

21 A That's correct.

22 Q Next page, please, and I take it here you say:

23 "Q Who is Shorty?

24 A Albert Cadrain, I met him before, he's
04:11 25 been in trouble with the police."



1 I take it from that that again, and you maybe
2 already answered this, you wouldn't have told him
3 that you had met with Cadrain the day before; is
4 that fair.

04:11 5 A No, I didn't.

6 Q And the fact that he offered that Shorty had been
7 in trouble with the police, does that cause you
8 any concern?

9 A That Albert Cadrain had been in trouble with the
04:11 10 police?

11 Q Yes.

12 A Yes, I wanted to check that out.

13 Q And then it says:

14 "Q Where did you look for Shorty?

04:11 15 A I figured he lived in Pleasant Hill, I
16 looked for St. Mary's Cathedral, I
17 figured if I found that, we'd find
18 Shorty."

19 And, sir, you would have been familiar with the
04:11 20 Pleasant Hill area at that time?

21 A At that time I would have been.

22 Q And my understanding is that where Gail Miller's
23 body was found was in Pleasant Hill?

24 A Yes.

04:11 25 Q And Mr. Cadrain lived in Pleasant Hill?



1 A He did.

2 Q And St. Mary's church was in Pleasant Hill?

3 A That's correct.

4 Q So the fact that Mr. Milgaard told you that he was
04:11 5 looking for Shorty's place in Pleasant Hill, was
6 that of significance?

7 A Well, it showed me that he knew the area a little
8 bit.

9 Q And what about the mention of St. Mary's
04:12 10 Cathedral, was there any significance to that?

11 A It wasn't far from where the offence had taken
12 place.

13 Q Then scroll down, please, you say:

14 "Q Did you stop & talk to anyone else that
04:12 15 morning, other than the motel operator
16 or the old lady in the street?

17 A I don't know.

18 Q Did you have car trouble?"

19 And then it goes on to talk about being stuck.

04:12 20 And your question about car trouble, was that
21 because of Mr. Cadrain telling you they had car
22 trouble at his place?

23 A Yes.

24 Q And then I think he goes on to say that he had car
04:12 25 trouble in an alley:



1 "Q Why were you in an alley?

2 A Looking for Shorty's and the church."

3 And again, did that cause you to be concerned?

4 A Yes.

04:12 5 Q And why is that?

6 A Because they were around the church again.

7 Q Scroll down, it says:

8 "Q Can you tell me where from Shorty's
9 place you were stuck in the alley?

04:13 10 A I don't know.

11 Q Was it around an apartment block?

12 A Yeah I think so."

13 And why would you have asked him about the
14 apartment block?

04:13 15 A I think at that time there was an apartment block
16 down the street or down the alley from that
17 location.

18 Q From which location?

19 A Where the body was found.

04:13 20 Q And so the fact that he says "Yeah I think so,"
21 again, is that something that caused you concern?

22 A I beg your pardon?

23 Q I said did that answer, did that information then,
24 did that cause you to be suspicious?

04:13 25 A It concerned me.



1 Q And then it says:

2 "(He took paper and drew a map of the
3 street & acts. to which more was added
4 from time to time)."

04:13 5 So I take it from time to time you got him to
6 draw where he was and where he was stuck?

7 A I think there's a piece of paper showing that.

8 Q And I'll get to that in a moment. The next page,
9 please. And then he goes on to talk about getting
04:13 10 stuck and relates the incident with the Danchuks,
11 and you remember who the Danchuks were?

12 A I'm aware of it.

13 Q And I don't propose to go through this, but he
14 talks about being stuck in an alley behind a car,
04:14 15 and I think this was checked out by the police, is
16 that right, that this in fact did happen?

17 A Yes.

18 Q And I think the time was 7:20 and later in the
19 morning, or 7:30, thereabouts; is that right?

04:14 20 A It was early in the morning.

21 Q Yeah. And at this time were you suspicious about
22 this information about getting stuck?

23 A I don't know if it really concerned me at that
24 time.

04:14 25 Q And so Mr. Milgaard would have told you where he



1 got stuck, described a car and the service
2 station, so I take it he would have given you a
3 fair bit of information about that?

4 A He tried to, but I really didn't understand when
04:15 5 he was finished just where this being stuck was
6 and he really didn't know either.

7 Q Then down at the bottom, it says:

8 "Q Who had the money?

9 A I don't know, the girl maybe, that's
04:15 10 why we brought her.

11 Q I thought you said you had no money?

12 A We were about broke, I don't know."

13 And again, is that, did you draw any significance
14 with that?

04:15 15 A Yes, they were short of money and people that are
16 short of money sometimes do funny things.

17 Q It says:

18 "Q You keep saying, you don't know, were
19 you drinking liquor or on drugs?"

04:15 20 Next page:

21 "A Not then, just tired."

22 And again, did you suspect that, did you suspect
23 that they were on drugs, that group that morning,
24 or were you aware?

04:15 25 A At that stage I didn't know.



1 Q And then you ask:

2 "Q I'd like to know why - if you were
3 looking for a cathedral or Shorty's
4 place, why were you in the alley?

04:16 5 A I told you, I like driving, ask my
6 boss."

7 And can you tell us the significance if any of
8 that information?

9 A It's rather odd, if you don't know the area and
04:16 10 you are looking for some place, it's rather
11 difficult to understand why you are going down an
12 alley.

13 Q The fact that he was looking for a cathedral and
14 Shorty's place, and I think it was St. Mary's, was
04:16 15 that of particular interest given where Gail
16 Miller's body was found?

17 A Right in the area, yes.

18 Q And then carrying on:

19 "Q Think - when did you get to Shorty's?

04:16 20 A Don't know, I think it was light -
21 maybe 9-10."

22 And again you knew that would have been
23 consistent with what Mr. Cadrain told you?

24 A Correct.

04:16 25 Q Scroll down at the bottom, and again talks about



1 the tow truck:

2 "Q Where did this money come from?

3 A I don't know who had it, I think there
4 was a five dollar bill."

04:16 5 Again, the significance with that? I'm sorry,
6 was there any significance with that?

7 A I beg your pardon?

8 Q About this answer here, about not knowing where
9 the money came from to pay for the tow truck, was
04:17 10 there any significance?

11 A Not really, just the fact that they had no money.

12 Q Then the next page, please, and it says:

13 "Q Did you change clothes there?"

14 And I take it that that's a question prompted by
04:17 15 the information Albert Cadrain gave you?

16 A That's correct.

17 Q And then you record, "(after long pause)." Do you
18 remember that, or why would you record that?

19 A It looks like maybe he had to think about this for
04:17 20 a while.

21 Q And then it says:

22 "Q Maybe, maybe my pants, there was acid on
23 it from the battery. Maybe my shirt, I
24 don't know, my clothes were dirty, I had
04:17 25 to change.



1 Q Did Ron change?

2 A I think so."

3 And then scroll down:

4 "Q Did you have blood on your clothes?

04:18 5 A I don't know. - I don't think so, I
6 suppose you think I had something to
7 do with the girl.

8 Q What girl?

9 A Gail Miller.

04:18 10 Q Where did you hear that name?

11 A The mounty (who was there) told me
12 about her being killed last night."

13 So I take it that Coppang would have still been
14 in the room when you were doing this?

04:18 15 A I don't think so, I think that just means he had
16 been there.

17 Q I see, okay. And so again, did this exchange,
18 let's just start about his answer about having
19 blood on his clothes, did that -- what
04:18 20 significance if any did you place on that?

21 A I think I was concerned with it because he didn't
22 deny that he had blood on his clothes and had he
23 been involved, if he denied it and we found out
24 later that he did have blood, it would make it
04:18 25 look rather incriminating on his part, the fact



1 that he was denying it.

2 Q Here actually he says, "I don't know, I don't
3 think so."

4 A Yeah.

04:19 5 Q And again, I take it that if he were involved and
6 had blood, would you expect him to deny it or not?

7 A No, I don't think so.

8 Q If he had committed the crime, would you expect
9 him to say, I mean, I don't know if I had blood?

04:19 10 A If he had blood on his clothes and knew it, I
11 think he would admit it, but not -- he wouldn't
12 necessarily have to connect it with that crime, he
13 may have another alibi.

14 Q Okay. Is it possible as well that he just
04:19 15 couldn't remember whether he did or not?

16 A That's very possible.

17 Q And that I don't know?

18 A Very possible.

19 Q And then what about his asking you about, "I
04:19 20 suppose you think I had something to do with the
21 girl," any significance to that?

22 A Not in my mind.

23 Q And then he says, scroll down, please, about
24 getting the car fixed:

04:20 25 "Q Where did you go?



1 A We got the car fixed - did you know
2 about that too?"

3 Was he being a bit defensive at that point?

4 A No, I think he was just wondering where we got our
04:20 5 information from.

6 Q Okay.

7 A No, he was never defensive.

8 Q And then again here:

9 "Q Didn't you drive around the block?

04:20 10 A Yeah around up the lane - maybe
11 twice."

12 And this was after at Shorty's house and drew a
13 map. Again, the fact that he was driving around
14 the lanes at Cadrain's house, did that -- I guess
04:20 15 that would have corroborated what Albert Cadrain
16 had told you; is that right?

17 A Correct.

18 Q And did it cause you any concern?

19 A Yes.

04:20 20 Q And what was that?

21 A If there's things he had to get rid of, it would
22 be an opportune time to do it.

23 Q And you ask him:

24 "Q Did you see any people or police cars
04:20 25 when you were driving around there?



1 A No."

2 Can you explain what you were getting at there?

3 A Oh, just wondering whether he went anywhere near
4 back to the scene to see if anybody was
04:21 5 investigating that.

6 Q And why would you think that?

7 A Sometimes people go back to where their crime was
8 committed to take a look to see what's happening.

9 Q And so at that time was at least one thought that
04:21 10 crossed your mind was that when David Milgaard
11 left the Cadrain vehicle and drove around, the car
12 a couple of times, that you thought two things,
13 one, maybe I think you said to get rid of things;
14 is that --

04:21 15 A Yes, correct.

16 Q And two, maybe to go back to the scene of the
17 crime?

18 A Came to take a look what's going on.

19 Q And did you find the driving, the fact -- again,
04:21 20 you may have answered this already when I asked
21 you about Cadrain's statement, but did you find
22 that to be unusual, the fact that Mr. Milgaard
23 would have taken the car out that morning from
24 Cadrain's?

04:21 25 A Yes.



1 Q And were you satisfied with Mr. Milgaard's answer
2 when you asked him about it?

3 A Up to that point I had no reason to doubt what he
4 was telling me.

04:22 5 Q And at some point did you change your view on
6 that?

7 A Yes.

8 Q And when and why?

9 A Later on evidence came to light that there were
04:22 10 certain articles that were found along the route
11 to the Cadraains' residence that may have come from
12 the scene which, if he was the guilty person, he
13 may have discarded.

14 Q Next page, please, the top, it says:

04:22 15 "Q Were you in a hurry or excited?"
16 And I take it you were checking what Cadrain had
17 said about Milgaard being in a hurry; is that
18 fair?

19 A That's correct.

04:22 20 Q He says:

21 "A Yeah, I guess - wanted to see my girl.
22 I get excited all the time, see how I
23 am."

24 Again, any concern with that answer or were you
04:23 25 satisfied with his explanation?



1 A I missed that, sorry.

2 Q Sure. You had said when you took Albert Cadrain's
3 statement the fact that he said David Milgaard was
4 in a hurry and wanted to get out of town caused
04:23 5 you to be suspicious?

6 A Yes.

7 Q And here you asked Mr. Milgaard:

8 "Q Were you in a hurry or excited?

9 And he said:

04:23 10 "A Yeah, I guess - wanted to see my girl.

11 I get excited all the time."

12 And my question was did Mr. Milgaard satisfy the
13 suspicion you had about him being in a hurry or
14 did you still have concerns?

04:23 15 A I still had concerns.

16 Q Scroll down, please, and again you talk about the
17 garage bill:

18 "Q Who paid for the garage bill?

19 A Shorty - he got money."

04:23 20 And I think in Mr. Cadrain's statement, at least
21 in one of them he talked about going to the
22 Credit Union. Did it occur to you or did you
23 think, Mr. Karst, that if robbery had been the
24 motive and this group of individuals were
04:24 25 involved, that they would have had money from the



1 robbery as opposed to getting Mr. Cadrain to go
2 to the Credit Union and get it out? Do you
3 follow my question?

4 A I would have no idea if they had been successful
04:24 5 in getting money. Maybe the deceased didn't have
6 any.

7 Q Okay. Next page, please, and you ask the question
8 at the top:

9 "Q Have you ever had psychiatric treatment?

04:24 10 A Yes."

11 And what prompted you to ask that question?

12 A I suppose I wanted to know if he was mentally fit.

13 Q Did you have some -- I'm sorry, did you have some
14 concerns? Was there anything at that time that
04:24 15 caused you to think he may have some issues?

16 A Not that I recall.

17 Q Would that be a standard type question then that
18 you might ask?

19 A Probably in a murder case.

04:25 20 Q And he said:

21 "A Yes.

22 Q Where?

23 A Yorkton Psychiatric Centre when I was
24 13.

04:25 25 Q Who was the doctor?



1 A Dr. Andrew - I make snap decisions, he
2 had a name for it."

3 Again, did that information cause you some
4 concern?

04:25 5 A I would think so.

6 Q And can you explain?

7 A Well, if you had psychiatric problems, things
8 strange happen.

9 Q And the fact that he said I make snap decisions,
04:25 10 did that cause you to be concerned or --

11 A Not necessarily.

12 Q And then you ask:

13 "Q Are you a hippie?"

14 And I take it, and we may have touched on this,
04:25 15 at this time hippies were common, in 1969, was
16 there a hippie culture, for lack of a better
17 word?

18 A There was.

19 Q And what was the general -- what was the police
04:25 20 attitude, if I can call it that, towards hippies,
21 did you have lots to do with them?

22 A Didn't bother us in our work, or me anyway.

23 Q And what about in other areas, morality and drugs,
24 did you deal with any of that?

04:26 25 A No, I didn't.



1 Q So would the fact that Mr. Milgaard said he was a
2 hippie or used to be a hippie, did that have any
3 significance?

4 A I suspect I wanted to know what his lifestyle was
04:26 5 like.

6 Q And then -- I'm sorry, his lifestyle, and if he
7 had a hippie lifestyle, did that cause you to be
8 more suspicious?

9 A Not really, but they did a lot of travelling
04:26 10 around and just a concern of mine.

11 Q And then he says:

12 "A I'm getting married soon."

13 Do you see that?

14 A Yes.

04:26 15 Q Did you ever follow up with that, do you know who
16 he was talking about or --

17 A Later on I found out.

18 Q And who was that?

19 A Some girl that lived in St. Albert.

04:26 20 Q Sharon Williams?

21 A I think so.

22 Q Okay. And you say:

23 "Q Are you on drugs or anything?

24 A Not now, was on acid 5 or 6 times -
04:27 25 speed - dexedrine - pot.



1 Q Were you hopped up before coming to
2 Saskatoon?

3 A I was on pot a few days before but
4 O.K. when got to Saskatoon."

04:27 5 And again you may have answered this, but the
6 fact that he had used acid and speed, did you
7 know what those things were at the time?

8 A I was not really familiar with them. I just knew
9 that they were drugs that they were taking.

04:27 10 Q And then you ask:

11 "Q Could you have had a memory lapse in
12 Saskatoon?"

13 And why did you ask that question?

14 A Well, because he said so many times he didn't
04:27 15 remember, so I was wondering whether this had
16 something to do with it.

17 Q And he says:

18 "A No way, I forget something that's not
19 important."

04:27 20 Is that right?

21 A No way what?

22 Q He says:

23 "A No way, I forget something that's not
24 important."

04:27 25 I think he's saying --



1 A He's saying he didn't forget anything that's
2 important.

3 Q Then down at the bottom, and you say:

4 "Q When you were in Saskatoon that morning
04:27 5 were you by yourself or did the rest
6 leave you at any time?

7 A I'm not sure."

8 Again, the significance of that?

9 A Well, he could have been out, we were suspicious
04:28 10 of him being involved and he's out by himself,
11 nobody else would know.

12 Q Yeah. And again, were you trying to find out
13 whether he had an opportunity?

14 A That's correct.

04:28 15 Q At this time did you have any thoughts as to
16 whether or not the other travelling companions,
17 Ron Wilson and Nichol John, may have been involved
18 either in a crime or been aware of it or
19 participated in it?

04:28 20 A At this time I wasn't sure.

21 MR. HODSON: This might be an appropriate
22 time to break, Mr. Commissioner.

23 COMMISSIONER MacCALLUM: Okay.

24 (Adjourned at 4:28 p.m.)
25



OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:

We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,
Official Queen's Bench Court Reporters for the Province of
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contain a true and correct transcription of our shorthand
notes taken herein to the best of my knowledge, skill, and
ability.

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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



'69 - 11760:11,
11761:10, 11764:9,
11769:20, 11770:18,
11771:7, 11772:8,
11776:9, 11776:19,
11776:24, 11778:7,
11780:8, 11781:4,
11782:2, 11797:5,
11829:9, 11833:19,
11834:1, 11836:8,
11843:8, 11854:1,
11854:3
'91 - 11755:8
'ability' - 11738:16
'bus' - 11779:12
'caldwell' - 11836:10
'eliminated' - 11748:1
'further' - 11748:1
'it' - 11777:23
'meetings' - 11736:6
'men' - 11737:13
'nervousness' -
11842:13
'not' - 11750:9
'oh' - 11748:25,
11750:8
'on' - 11745:21
'reread' - 11852:8
's' - 11787:1
'smart' - 11840:21
'street' - 11840:21
'street-wise' -
11840:21
'there' - 11783:17
'were' - 11841:13
'why' - 11841:16
'you' - 11743:16

O

006333 - 11831:3
006336 - 11831:12
006379 - 11764:5
006404 - 11787:2
006492 - 11829:14
006494 - 11830:18
006586 - 11837:21
006602 - 11846:4
006713 - 11797:4
006717 - 11797:19
006722 - 11798:4
007561 - 11826:11
007573 - 11826:16
009233 - 11788:24,
11825:14, 11827:23,
11834:24
009234 - 11833:2
009299 - 11769:18
009338 - 11833:17
018501 - 11798:11,
11798:25
024935 - 11762:23
031058 - 11849:4
031086 - 11849:9
031091 - 11850:2
031096 - 11851:1
065399 - 11775:8
068628 - 11836:5
068630 - 11836:6

1

1 - 11738:11, 11818:6
1/69 - 11794:4
10 - 11823:16
100 - 11761:18
10173/68 - 11771:15

105520 - 11770:16
106109 - 11761:9
106110 - 11784:19
106640 - 11792:20
106664 - 11772:7
10910/68 - 11771:16
10th - 11776:24
11728 - 11727:4
12 - 11849:11
12:15 - 11833:21
12:30 - 11791:19,
11829:20
12:35 - 11829:19
13 - 11878:24
1308 - 11763:4
15 - 11760:18,
11798:20
15/54 - 11772:19
16 - 11846:5, 11849:12
183170 - 11778:19
18th - 11772:8,
11772:10, 11773:11
19 - 11777:4
1954 - 11728:20
1965 - 11729:24,
11739:24
1968 - 11740:24,
11767:17, 11767:18,
11770:8, 11777:6,
11789:1
1969 - 11730:7,
11730:23, 11731:24,
11734:14, 11738:9,
11738:17, 11740:5,
11746:18, 11751:5,
11752:2, 11755:4,
11756:6, 11764:19,
11768:12, 11768:14,
11768:25, 11770:11,
11775:4, 11778:7,
11779:2, 11779:23,
11780:8, 11780:18,
11783:13, 11783:25,
11784:20, 11785:4,
11796:7, 11796:15,
11803:2, 11808:10,
11813:22, 11823:2,
11825:8, 11837:23,
11879:15
1971 - 11730:10
1982 - 11730:14
1989 - 11728:20,
11754:18
1990 - 11755:8
1992 - 11824:13
1997 - 11836:7
1:10 - 11728:2
1st - 11862:18

2

2 - 11850:10
2/69 - 11792:24
200 - 11761:19
2005 - 11724:21
20th - 11762:8,
11762:9, 11779:13
21 - 11777:15
22nd - 11724:21,
11792:21
25 - 11760:18
250597 - 11776:7
250602 - 11776:15
27th - 11770:18
28 - 11772:17
2:33 - 11798:22
2:55 - 11798:23
2nd - 11750:18,
11756:6, 11760:11,
11761:2, 11764:19,

11776:19, 11792:10,
11792:22, 11796:7,
11796:15, 11797:5,
11819:22, 11825:20,
11827:15, 11829:9,
11833:19, 11836:8

3

3/69 - 11846:13
300 - 11779:6
305273 - 11856:4
30th - 11862:18
31 - 11761:10,
11782:2, 11783:13,
11784:20, 11819:22
31st - 11826:24
325557 - 11729:15
325569 - 11730:18
334 - 11779:7,
11780:13, 11793:6,
11799:6
3:00 - 11798:15
3rd - 11751:5, 11781:3,
11828:17, 11833:5,
11833:22, 11834:1,
11837:23, 11843:8,
11854:1, 11854:3

4

4 - 11836:20
40 - 11788:1, 11788:16
40-below - 11788:21
4:00 - 11846:12
4:28 - 11882:24

5

5 - 11764:9, 11769:20,
11880:24
529 - 11772:18
555 - 11729:16

6

6 - 11880:24
60 - 11724:22
600 - 11776:17
601 - 11846:5
602 - 11776:23
6:30 - 11779:13
6:45-7:00 - 11785:24
6:49 - 11779:6
6th - 11779:1

7

7 - 11776:9
71 - 11731:3
76 - 11728:18
7:00 - 11788:15
7:07 - 11784:22,
11785:11, 11786:19
7:20 - 11868:18
7:30 - 11868:19
7th - 11788:25,
11792:10, 11825:15

8

8:10 - 11836:20
8th - 11730:10

9

9-10 - 11870:21
9:05 - 11799:22

A

Aaron - 11725:13,
11726:8, 11728:13
ability - 11738:11,
11746:17, 11883:7
able - 11744:23,
11748:17, 11770:14,
11779:25, 11782:23,
11789:8, 11795:9,
11795:11, 11797:15,
11797:23, 11803:18,
11804:10
Absolutely - 11856:3
absorbing - 11744:6
accept - 11729:6,
11828:1
access - 11789:16
accompanied -
11742:2
According - 11794:2
account - 11804:19
accurate - 11828:1
accurately - 11773:7,
11835:9
accuse - 11842:24
accused - 11843:14
acid - 11849:19,
11871:22, 11880:24,
11881:6
acted - 11814:7,
11824:17, 11844:18
actions - 11825:24
active - 11735:11,
11735:17, 11735:19
activities - 11753:12
acts - 11868:3
actual - 11734:2,
11758:9
added - 11868:3
addition - 11747:20,
11757:14
additional - 11746:10,
11804:17
address - 11737:17,
11749:19, 11763:5,
11780:3, 11780:13,
11780:20, 11781:7,
11781:13, 11799:6,
11799:10
addresses - 11761:15
Adjourned - 11798:22,
11882:24
Administration -
11774:15
administration -
11774:7, 11774:16
admit - 11841:20,
11873:11
adults - 11783:12
advantage - 11827:7
advised - 11728:11,
11755:12, 11790:22,
11791:16, 11814:20,
11828:6, 11836:22,
11837:17
advising - 11833:19
afraid - 11817:11,
11817:16, 11817:17,
11817:24
afternoon - 11728:3,
11728:4, 11728:5,
11728:10, 11807:22,
11827:16
11825:19, 11827:12,
11827:16
afterwards - 11762:10,
11762:12
age - 11728:17,
11751:15
ago - 11790:25,
11799:20, 11800:12,

11861:5, 11861:9,
11861:11, 11862:12
agree - 11759:12,
11804:6, 11831:7
agreed - 11767:24
Agreed - 11767:25
Albert - 11750:14,
11750:16, 11755:17,
11758:18, 11759:14,
11760:11, 11764:19,
11764:20, 11765:15,
11780:14, 11781:7,
11790:3, 11790:5,
11790:11, 11790:17,
11791:6, 11792:24,
11793:10, 11793:19,
11794:2, 11794:23,
11795:1, 11795:9,
11796:6, 11796:14,
11796:20, 11797:10,
11813:7, 11820:9,
11821:5, 11821:14,
11829:18, 11830:3,
11830:20, 11831:23,
11849:18, 11852:18,
11855:15, 11864:24,
11865:9, 11871:15,
11874:15, 11877:2,
11880:19
Albert's - 11781:24,
11783:15, 11797:5
alcohol - 11808:22
Alexander - 11726:14,
11727:3, 11728:8
alibi - 11772:23,
11873:13
alley - 11866:25,
11867:1, 11867:9,
11867:16, 11868:14,
11870:4, 11870:12
allow - 11847:20
alone - 11801:21,
11809:22
amount - 11756:19,
11845:15
Andrew - 11829:15,
11879:1
answer - 11737:20,
11738:2, 11783:3,
11788:22, 11789:16,
11795:21, 11816:1,
11844:25, 11845:5,
11845:8, 11847:14,
11861:8, 11867:23,
11871:8, 11872:18,
11876:1, 11876:24
answered - 11769:4,
11865:2, 11875:20,
11881:5
answering - 11729:13
answers - 11728:25,
11795:20, 11796:25,
11835:6, 11844:15,
11844:20, 11844:22,
11857:11, 11861:12
antennae - 11844:11
anticipated -
11806:22, 11807:19
anyway - 11879:22
apart - 11788:2,
11788:18, 11844:15,
11844:16
apartment - 11867:11,
11867:14, 11867:15
appear - 11787:10,
11827:14, 11847:12,
11847:14, 11848:10,
11848:19, 11848:22,
11861:10
Appearances -



11726:1
appeared - 11772:23,
 11808:1, 11832:22,
 11859:21
appreciate - 11759:11,
 11766:21, 11781:8,
 11784:24, 11785:8,
 11819:19, 11849:5
appropriate -
 11729:11, 11882:21
approval - 11738:13,
 11739:7, 11739:14
approve - 11739:15
April - 11730:10,
 11771:9, 11772:8,
 11772:10, 11773:11
april - 11780:8
area - 11740:1,
 11743:6, 11756:12,
 11783:4, 11800:5,
 11865:20, 11866:7,
 11870:9, 11870:17
areas - 11737:24,
 11741:10, 11879:23
arm - 11853:10
arms - 11853:9,
 11853:11
arranged - 11834:8,
 11834:20
arrest - 11836:24
arrested - 11836:20
arrests - 11860:22
arrive - 11833:21
arrived - 11830:17,
 11832:15, 11832:18,
 11832:23, 11835:11,
 11837:13, 11839:9,
 11862:22, 11864:10
arriving - 11837:15
articles - 11770:21,
 11876:10
ascertain - 11748:23
aside - 11780:3
asleep - 11809:23
assailant - 11784:9
assailants - 11788:2
assault - 11767:18,
 11768:5, 11786:13,
 11787:11, 11787:21,
 11788:11
Assault - 11787:4
assaulted - 11784:22,
 11785:5, 11785:11,
 11785:17
assaulting - 11787:23
assaults - 11786:12
assessment - 11806:3
asset - 11834:15
assign - 11732:20
assigned - 11732:2,
 11732:7, 11732:10,
 11732:11, 11732:16,
 11732:23, 11733:12,
 11733:16, 11733:21,
 11757:8
assist - 11738:20,
 11772:1, 11772:2,
 11774:10, 11774:25,
 11776:3, 11778:3,
 11834:12, 11842:2
Assistant - 11725:5
assisting - 11775:1,
 11834:21
assume - 11736:17,
 11738:4
assuming - 11861:25
attach - 11785:14,
 11786:5, 11806:18
attack - 11806:4
attacked - 11788:17

attacks - 11788:3
attempted - 11767:15,
 11767:23, 11775:21,
 11777:8
attend - 11736:10,
 11736:11, 11736:22,
 11738:21, 11828:13
attendants - 11826:1,
 11828:2
attended - 11736:4,
 11737:10, 11737:11,
 11790:21, 11828:17,
 11833:5
attending - 11781:15
attention - 11730:23,
 11781:5, 11801:5
attitude - 11879:20
Audio - 11725:13
August - 11724:21
authentic - 11835:7
authenticity - 11819:7
authorization -
 11746:20
authorize - 11828:24
available - 11746:1,
 11753:17
Ave - 11761:19,
 11772:18, 11779:6,
 11793:6, 11837:5
Avenue - 11779:7,
 11779:13, 11780:13,
 11799:7
avenues - 11737:21
aware - 11734:16,
 11741:6, 11741:23,
 11742:3, 11742:5,
 11751:1, 11751:6,
 11753:2, 11762:19,
 11767:13, 11768:13,
 11768:17, 11769:6,
 11772:4, 11772:9,
 11773:11, 11773:20,
 11774:2, 11776:5,
 11780:23, 11782:8,
 11782:10, 11782:12,
 11782:13, 11790:7,
 11796:13, 11805:18,
 11805:22, 11814:1,
 11823:4, 11824:6,
 11829:25, 11830:13,
 11831:8, 11831:10,
 11832:20, 11840:24,
 11843:6, 11853:3,
 11853:7, 11853:15,
 11853:22, 11868:12,
 11869:24, 11882:18

B

B&e - 11858:21
background -
 11859:2, 11860:8,
 11860:9, 11860:15
bad - 11862:16
bakery - 11823:12
Banf - 11810:1,
 11811:21
Barrett - 11772:11,
 11772:14, 11836:17,
 11836:25, 11837:1,
 11837:2
based - 11733:25,
 11762:6, 11779:18,
 11818:21, 11822:20
basement - 11782:9,
 11782:17, 11782:21,
 11783:2
basement' - 11783:17
basis - 11729:12,
 11735:23, 11739:10,

11786:11
basket - 11745:11
battery - 11849:19,
 11871:23
bearing - 11854:25,
 11859:2, 11859:6
became - 11734:16,
 11832:20
become - 11822:13,
 11823:4
beg - 11867:22,
 11871:7
begin - 11756:17,
 11839:8
beginning - 11854:12
behaviour - 11842:6
behind - 11868:14
Beitel - 11725:9
believable - 11816:4
below - 11788:1,
 11788:16
Bench - 11883:1,
 11883:3, 11883:14,
 11883:18
Bennett - 11784:20
beside - 11747:25
best - 11838:21,
 11839:1, 11845:7,
 11883:6
better - 11879:16
between - 11740:5,
 11741:4, 11759:9,
 11760:18, 11768:7,
 11769:5, 11780:19,
 11818:17
bill - 11871:4,
 11877:17, 11877:18
birth - 11772:19
bit - 11740:22,
 11741:7, 11750:15,
 11751:2, 11793:24,
 11810:15, 11825:12,
 11861:2, 11866:8,
 11869:3, 11874:3
blinking - 11809:18
Blk - 11779:6
Blks - 11761:19
block - 11800:7,
 11805:7, 11867:11,
 11867:14, 11867:15,
 11874:9
blocks - 11785:12,
 11787:23, 11788:2,
 11788:17, 11804:22
blood - 11735:18,
 11772:25, 11773:16,
 11773:18, 11802:4,
 11802:6, 11802:12,
 11802:17, 11802:24,
 11803:17, 11804:17,
 11804:19, 11814:8,
 11815:19, 11817:3,
 11817:9, 11831:14,
 11831:19, 11832:2,
 11832:6, 11872:4,
 11872:19, 11872:22,
 11872:24, 11873:6,
 11873:9, 11873:10
Bob - 11836:17,
 11836:25
Bohs - 11726:5
body - 11785:12,
 11800:8, 11852:25,
 11853:8, 11865:23,
 11867:19, 11870:16
book - 11747:19,
 11747:22, 11747:23,
 11748:5, 11748:7,
 11748:8, 11748:9,
 11748:10, 11748:16,

11748:25, 11749:10,
 11749:16, 11749:18,
 11750:22, 11753:14,
 11754:24
books - 11755:10
boss - 11870:6
Boswell - 11725:4
bother - 11879:22
bothering - 11823:14
bottom - 11761:12,
 11761:17, 11763:1,
 11764:7, 11771:12,
 11771:24, 11777:4,
 11797:8, 11798:6,
 11802:5, 11817:10,
 11833:3, 11833:22,
 11846:7, 11846:10,
 11850:5, 11869:7,
 11870:25, 11882:3
Boulevard - 11836:21
bounced - 11810:4
boy - 11829:12,
 11840:19
boy's - 11835:14
Boys - 11833:6
boys - 11793:5,
 11793:9, 11794:18,
 11795:6
brackets - 11797:14
Brady - 11790:23,
 11791:1, 11793:2
brainstorming -
 11737:5
break - 11798:12,
 11798:16, 11799:8,
 11856:6, 11882:22
breakdown - 11824:23
briefed - 11775:15
Briefly - 11845:22
briefly - 11846:3
broad - 11737:19
broke - 11869:12
brother - 11790:14,
 11794:6, 11814:10,
 11824:10
brothers - 11793:5
brought - 11793:3,
 11801:10, 11839:10,
 11869:10
Bruce - 11726:9
budgetary - 11739:18
Building - 11779:9
building - 11740:2,
 11752:3
bulletin - 11740:13,
 11740:16, 11740:25
bus - 11781:6,
 11784:12
business - 11811:8

C

Cadrain - 11750:14,
 11750:16, 11755:17,
 11756:5, 11756:18,
 11758:18, 11759:14,
 11759:24, 11760:4,
 11760:12, 11760:25,
 11762:20, 11764:19,
 11764:20, 11764:21,
 11765:5, 11765:10,
 11765:15, 11776:20,
 11776:25, 11780:10,
 11780:14, 11781:4,
 11781:7, 11781:13,
 11781:14, 11781:15,
 11781:20, 11782:2,
 11783:10, 11783:11,
 11783:16, 11789:2,
 11789:4, 11789:10,

11790:3, 11790:5,
 11790:11, 11790:18,
 11791:6, 11791:23,
 11792:12, 11792:25,
 11793:10, 11793:20,
 11794:2, 11794:13,
 11794:23, 11795:1,
 11795:9, 11795:12,
 11796:12, 11796:14,
 11796:20, 11799:6,
 11800:4, 11800:10,
 11800:16, 11801:13,
 11801:23, 11802:14,
 11802:18, 11802:20,
 11803:6, 11803:7,
 11803:10, 11803:16,
 11804:20, 11805:2,
 11805:10, 11806:8,
 11806:21, 11806:24,
 11807:10, 11807:25,
 11809:1, 11809:5,
 11809:13, 11810:7,
 11810:10, 11810:19,
 11813:7, 11813:21,
 11814:14, 11814:16,
 11817:22, 11818:2,
 11818:21, 11820:7,
 11820:9, 11820:22,
 11821:5, 11823:5,
 11823:23, 11826:4,
 11829:6, 11829:8,
 11829:14, 11829:20,
 11830:3, 11830:4,
 11830:7, 11830:14,
 11830:19, 11831:18,
 11832:16, 11832:21,
 11849:18, 11852:18,
 11855:15, 11855:23,
 11855:25, 11864:9,
 11864:14, 11864:24,
 11865:3, 11865:9,
 11865:25, 11866:21,
 11870:23, 11871:15,
 11874:15, 11875:11,
 11876:16, 11878:1
Cadrain's - 11766:24,
 11796:6, 11797:5,
 11797:10, 11798:6,
 11810:25, 11812:1,
 11816:8, 11816:14,
 11818:7, 11819:6,
 11821:14, 11822:6,
 11825:22, 11826:5,
 11829:19, 11830:16,
 11831:2, 11831:4,
 11831:24, 11861:25,
 11874:14, 11875:21,
 11875:24, 11877:2,
 11877:20
Cadrians - 11780:21,
 11783:11, 11800:6
Cadrians' - 11876:11
Caldwell - 11726:5,
 11836:11
Calgary - 11807:11,
 11809:3, 11809:15,
 11830:21, 11851:6
Calvin - 11726:14
Canada - 11726:12,
 11824:13
Candace - 11725:3
canvass - 11762:21
canvassing - 11783:4
capacity - 11822:7,
 11822:14
car - 11804:24,
 11807:3, 11808:3,
 11808:4, 11809:16,
 11810:14, 11814:25,
 11815:10, 11815:12,



11817:4, 11826:1,
11849:20, 11849:22,
11861:6, 11866:18,
11866:20, 11866:21,
11866:24, 11868:14,
11869:1, 11873:24,
11874:1, 11875:11,
11875:23
Car - 11861:7
carport - 11863:10
carried - 11754:16,
11789:25, 11812:14
carry - 11760:18,
11846:25
carrying - 11757:1,
11870:18
cars - 11858:21,
11860:3, 11874:24
case - 11732:5,
11733:15, 11735:20,
11747:1, 11759:20,
11760:16, 11770:1,
11770:20, 11819:18,
11845:4, 11845:6,
11878:19
cases - 11733:12,
11770:6, 11772:22,
11773:12, 11773:21,
11792:13, 11795:21,
11795:24
cathedral - 11870:3,
11870:13
Cathedral - 11865:16,
11866:10
Catherine - 11726:5
caught - 11779:11,
11781:5
caused - 11801:20,
11816:6, 11840:22,
11844:18, 11867:21,
11877:4, 11878:15
Cavalier - 11724:16
Celine - 11803:7,
11831:2, 11831:4,
11831:17, 11832:16,
11832:21
central - 11745:14,
11746:12, 11746:16,
11746:18, 11746:24,
11747:5
centre - 11835:14
Centre - 11878:23
certain - 11757:3,
11757:10, 11876:10
Certainly - 11762:2
certainly - 11757:21
Certificate - 11883:1
certify - 11883:4
chance - 11729:19,
11730:19
change - 11871:13,
11871:25, 11872:1,
11876:5
changed - 11802:3,
11804:17, 11807:5
changing - 11804:15,
11814:8
characterize -
11802:13
charge - 11737:15,
11743:10, 11743:24,
11793:4, 11801:3,
11812:11, 11812:25,
11830:22, 11855:4,
11856:18
charged - 11854:13,
11856:17
Charles - 11833:10
chart - 11730:20,
11735:3, 11735:4,
11739:22
check - 11762:1,
11762:16, 11811:1,
11812:6, 11819:6,
11849:21, 11849:22,
11858:7, 11865:12
checked - 11747:18,
11747:21, 11747:24,
11747:25, 11748:24,
11749:3, 11749:13,
11749:24, 11761:15,
11761:18, 11762:20,
11779:6, 11780:25,
11781:10, 11782:16,
11800:25, 11812:17,
11815:21, 11817:1,
11825:23, 11827:21,
11854:20, 11868:15
checked' - 11749:1,
11750:8, 11750:9
checking - 11756:12,
11761:21, 11761:23,
11762:6, 11762:7,
11784:13, 11819:2,
11831:23, 11834:13,
11876:16
cheques - 11810:4
Chief - 11735:24,
11736:2, 11828:6
chief - 11736:10,
11736:19, 11739:11,
11828:22
child - 11803:13
church - 11866:2,
11867:2, 11867:6
City - 11738:11,
11775:19, 11777:9,
11835:20
city - 11738:12,
11739:2, 11739:6,
11755:1, 11776:14,
11790:22, 11790:25,
11799:25, 11808:2,
11824:25
claim - 11785:5
clarify - 11749:17
class - 11822:19
cleaning - 11814:24,
11815:10, 11815:11
clear - 11769:3,
11769:9
Clerk - 11725:9
clerk - 11745:9
close - 11786:23,
11803:11, 11845:8,
11845:12
clothes - 11802:12,
11802:25, 11804:15,
11804:18, 11807:1,
11807:5, 11814:8,
11850:8, 11850:9,
11871:13, 11871:24,
11872:4, 11872:19,
11872:22, 11873:10
clothing - 11815:19,
11831:15, 11831:20,
11832:3, 11850:1
clothings - 11853:17
coat - 11853:11,
11853:13
cold - 11798:25
comical - 11789:22
Comical - 11822:2,
11822:4
coming - 11778:10,
11789:4, 11796:12,
11814:3, 11821:11,
11881:1
comment - 11744:22,
11839:25
commentaries -
11759:2
commentary -
11792:14
comments - 11797:23,
11813:15, 11856:22
Commission -
11724:2, 11724:14,
11725:1, 11725:2,
11725:9, 11728:12,
11768:8, 11803:22,
11823:22
Commissioner -
11728:3, 11728:6,
11728:11, 11798:9,
11798:17, 11798:20,
11882:22, 11882:23
commit - 11855:3
committed - 11775:25,
11786:12, 11815:8,
11818:23, 11842:3,
11842:14, 11842:16,
11842:18, 11842:25,
11844:9, 11873:8,
11875:8
committing -
11775:23, 11787:21,
11788:2, 11788:9,
11788:10, 11788:11,
11842:24
common - 11755:16,
11879:15
communicate -
11757:20
communication -
11740:9, 11740:13,
11741:4, 11742:19
companions -
11882:16
compare - 11821:8
comparing - 11848:23
complaint - 11740:21,
11740:23, 11785:10
complaints - 11770:8,
11771:16
completed' - 11852:8
composite - 11772:21,
11773:20
concern - 11787:18,
11811:25, 11812:16,
11812:17, 11816:6,
11825:6, 11857:11,
11859:18, 11860:25,
11861:22, 11865:8,
11867:21, 11874:18,
11876:24, 11879:4,
11880:10
concerned - 11785:23,
11816:7, 11822:13,
11867:3, 11867:25,
11868:23, 11872:21,
11879:10
concerns - 11816:5,
11822:6, 11822:8,
11822:24, 11877:14,
11877:15, 11878:14
conclude - 11773:5,
11773:10, 11787:16,
11830:8
concluded - 11733:9,
11733:10, 11743:5,
11786:8, 11788:7
conclusion -
11787:12, 11818:22,
11818:24, 11841:6
conclusions -
11818:8, 11819:5,
11822:16, 11841:2
condition - 11822:25
conditions - 11823:6
conduct - 11774:7
conducted - 11763:4,
11777:9, 11777:20
conferred - 11734:18,
11734:19
confirm - 11732:9
Congram - 11725:3
conjunction -
11801:25, 11851:8
connect - 11873:12
connected - 11777:19,
11787:5, 11787:11,
11815:17
connection -
11738:18, 11769:5,
11770:20, 11780:19,
11859:22
consensus -
11777:25, 11778:3
consented - 11834:15
Consequently -
11825:19
consequently -
11828:7
considerable -
11756:19, 11794:19,
11795:6
considered -
11731:14, 11808:21
consistent - 11870:23
construction -
11784:8, 11784:10
contact - 11757:16,
11823:11
contacted - 11820:25,
11821:10
contain - 11883:5
content - 11844:15
contents - 11771:8,
11829:25, 11831:5
Continue - 11856:9
Contractors - 11779:8
conversation -
11813:18, 11825:23,
11826:3
conversations -
11758:9
converse - 11741:15,
11830:11
convey - 11767:11
convicted - 11767:23
Conviction - 11724:4
cooperate - 11840:14
cooperated - 11741:12
coordinating -
11783:6
Coppang - 11833:10,
11833:12, 11835:25,
11837:13, 11837:17,
11838:23, 11838:25,
11844:4, 11872:13
Coppang's - 11836:6
copy - 11746:10,
11746:13, 11747:2,
11747:5
Cornwall - 11812:13
Corporal - 11737:2,
11776:8
correct - 11728:15,
11730:8, 11730:17,
11730:25, 11732:22,
11733:14, 11735:1,
11735:2, 11739:16,
11739:17, 11746:22,
11749:25, 11752:5,
11755:18, 11755:19,
11755:21, 11757:5,
11758:16, 11761:6,
11767:20, 11770:2,
11777:2, 11781:25,
11783:9, 11795:25,
11801:8, 11810:23,
11819:4, 11822:11,
11834:2, 11834:3,
11835:22, 11835:23,
11836:13, 11838:17,
11838:19, 11841:25,
11851:14, 11852:18,
11854:7, 11856:14,
11862:1, 11864:12,
11864:16, 11864:21,
11866:3, 11871:16,
11875:15, 11876:19,
11882:14, 11883:5
Correct - 11730:9,
11763:21, 11792:15,
11797:9, 11852:19,
11856:15, 11870:24,
11874:17
Correctional - 11833:6
corroborated -
11874:15
Cotler - 11726:13
Counsel - 11725:2,
11728:4
counsel - 11728:13
couple - 11728:23,
11729:23, 11730:21,
11737:19, 11739:25,
11749:5, 11769:17,
11804:22, 11805:7,
11812:9, 11818:6,
11823:18, 11829:13,
11849:3, 11875:12
course - 11728:12,
11740:7, 11748:2,
11749:22, 11750:11,
11752:12, 11757:25,
11778:10, 11780:17,
11781:16, 11784:1,
11822:23, 11841:2,
11855:14
Court - 11725:10,
11824:13, 11883:1,
11883:3, 11883:14,
11883:18
covered - 11844:14
Cox - 11726:11
Craig - 11759:15
crazy - 11807:12
credibility - 11758:17,
11816:15, 11818:6,
11819:7, 11820:13
credible - 11816:20,
11816:21
Credit - 11805:14,
11877:22, 11878:2
Crime - 11769:20,
11769:21
crime - 11748:22,
11808:19, 11811:18,
11815:8, 11819:16,
11842:4, 11842:15,
11842:16, 11842:18,
11842:25, 11843:14,
11844:9, 11855:3,
11859:20, 11873:8,
11873:12, 11875:7,
11875:17, 11882:18
criteria - 11748:15,
11754:11
Cross - 11772:24
cross - 11826:17
cross-examination -
11826:17
crossed - 11863:25,
11875:10
crotch - 11849:22
Csr - 11725:10,
11725:11, 11883:2,



11883:12, 11883:13,
11883:16, 11883:17
Cst - 11833:10
culture - 11879:16
curly - 11831:15
current - 11728:17
custody - 11826:4,
11835:12, 11860:23
cut - 11851:12

D

daily - 11740:16,
11757:16, 11757:18
Danchuks - 11868:10,
11868:11
dark - 11861:21,
11862:23, 11863:3
date - 11761:10,
11765:24, 11767:14,
11772:11, 11772:15,
11772:18, 11823:11,
11829:18, 11851:21,
11862:1, 11862:9,
11862:13, 11862:17
dated - 11761:10,
11779:1, 11788:25,
11792:21
dates - 11729:23,
11772:9
dating - 11770:7
David - 11724:4,
11726:2, 11726:11,
11755:20, 11758:14,
11759:16, 11764:25,
11766:9, 11776:25,
11791:21, 11793:13,
11796:7, 11799:19,
11801:9, 11803:17,
11824:19, 11830:20,
11833:7, 11833:15,
11834:2, 11836:8,
11837:22, 11838:2,
11839:3, 11875:10,
11877:3
Davis - 11826:13
Davis' - 11827:14
daylight - 11863:3
days - 11728:23,
11800:12, 11812:9,
11812:25, 11857:3,
11881:3
deal - 11740:22,
11750:14, 11751:12,
11760:24, 11766:8,
11778:17, 11879:24
dealing - 11751:2,
11772:10, 11778:20,
11808:11, 11808:19,
11855:2
Dealing - 11778:22
dealings - 11759:17,
11759:22, 11760:1,
11778:18, 11822:20,
11836:14
dealt - 11822:9
death - 11749:9,
11764:11
deceased - 11878:5
decide - 11743:12
decided - 11747:10,
11794:7, 11814:11,
11828:12, 11835:5
deciding - 11744:7,
11744:16, 11756:22,
11762:16
decision - 11733:2,
11739:11, 11829:2
decisions - 11738:1,
11738:5, 11739:10,

11879:1, 11879:9
defensive - 11874:3,
11874:7
demeanour - 11844:18
denied - 11844:3,
11872:23
Dennis - 11792:24,
11803:6, 11814:10,
11829:14, 11829:20,
11830:14, 11830:19
Dennis's - 11830:16
deny - 11843:24,
11855:7, 11872:22,
11873:6
denying - 11873:1
department - 11731:5,
11734:22, 11754:20,
11755:9, 11770:6,
11777:6
departments -
11740:19, 11771:14
deported - 11858:21,
11860:3
dept - 11772:18
Dept - 11828:7,
11828:13
Deputy - 11735:24
describe - 11756:14,
11835:9, 11847:6,
11864:1
described - 11737:4,
11737:14, 11772:22,
11869:1
describes - 11776:19,
11814:3
describing - 11792:12
description - 11772:21
Description - 11727:2
desk - 11791:3
destroyed - 11755:11
Det - 11761:18,
11793:3, 11793:10,
11836:17
detachment -
11736:22, 11828:9
detail - 11734:4,
11763:2, 11766:8,
11778:17, 11789:8,
11823:24, 11841:10,
11847:13, 11847:25
details - 11753:9,
11753:10, 11763:8,
11768:19, 11770:9,
11789:1, 11856:11
detained - 11833:9
detective - 11730:8,
11730:11, 11730:24,
11731:16, 11731:17,
11731:21, 11731:25,
11732:14, 11732:20,
11732:21, 11733:4,
11733:12, 11740:3,
11741:17, 11745:25,
11752:6, 11752:12,
11752:17, 11760:25,
11829:15, 11836:25
Detective - 11757:21,
11761:14, 11762:24,
11763:7, 11772:11,
11778:19, 11778:20,
11784:20, 11833:20,
11837:1, 11837:2
detectives - 11729:25,
11730:15, 11731:4,
11731:8, 11731:10,
11731:16, 11732:3,
11732:10, 11732:18,
11736:9, 11740:2,
11740:5, 11740:11,
11740:20, 11740:25,

11741:4, 11741:9,
11741:20, 11742:2,
11746:2, 11746:3,
11757:17, 11760:17,
11761:4
detention - 11730:15,
11836:19
determine - 11748:12
determined -
11787:10, 11828:20
determining - 11772:3
dexedrine - 11880:25
dictate - 11745:5
dictated - 11745:15
difference - 11818:17
different - 11740:1,
11741:9, 11741:10,
11752:3, 11788:1,
11788:8, 11788:10,
11788:16, 11788:17,
11824:18, 11841:23,
11849:1, 11849:5
Different - 11842:11
difficult - 11870:11
difficulties - 11752:19,
11752:24
Dimmitt - 11761:11,
11761:14
direct - 11740:8,
11757:16, 11790:14
directed - 11764:17
directing - 11735:13,
11759:10
direction - 11731:21,
11732:3, 11734:8,
11745:3, 11756:22,
11756:23, 11757:10
directions - 11734:10,
11863:9, 11863:16
directive - 11731:21
directly - 11777:18,
11792:17
Director - 11725:3
dirty - 11871:24
discarded - 11876:13
discrepancy -
11853:16
discuss - 11770:9,
11820:17, 11840:4
discussed - 11737:6,
11768:25, 11793:1,
11794:6, 11814:10,
11814:20
discussing -
11800:16, 11831:4,
11848:12
discussion - 11805:1,
11835:24, 11837:12,
11839:19, 11851:14,
11863:19, 11863:21
discussions -
11758:21
distinct - 11729:4
distinguish -
11728:25, 11729:12
ditch - 11851:5
division - 11730:25,
11731:10, 11732:14,
11740:11, 11741:5,
11741:9, 11746:3
Division - 11833:11
doc - 11849:4
doctor - 11878:25
Document - 11725:4,
11725:5
document - 11729:5,
11764:18, 11770:10,
11783:24, 11789:3,
11789:7, 11826:11,
11833:18, 11836:5,

11851:12
documents -
11755:15, 11759:1,
11759:2, 11769:17,
11789:17
dollar - 11871:4
Don - 11725:11
Donald - 11883:2,
11883:17
done - 11742:17,
11742:21, 11742:22,
11743:6, 11743:12,
11744:7, 11747:10,
11747:11, 11754:21,
11757:9, 11762:8,
11764:18, 11766:3,
11766:18, 11767:3,
11767:7, 11773:8,
11774:9, 11783:24,
11791:18, 11795:1,
11796:2, 11817:22,
11826:9, 11845:15,
11852:20
door - 11749:14,
11756:12, 11762:21
door-to-door -
11749:14, 11756:12,
11762:21
doubt - 11804:1,
11816:8, 11816:13,
11876:3
doubted - 11816:24
doubts - 11841:7
Douglas - 11725:2
down - 11738:2,
11745:14, 11750:7,
11766:14, 11771:5,
11771:12, 11771:23,
11777:14, 11793:24,
11804:14, 11808:6,
11810:18, 11814:4,
11814:22, 11828:5,
11832:9, 11833:22,
11845:5, 11850:5,
11853:10, 11856:21,
11857:5, 11858:8,
11863:4, 11864:4,
11866:13, 11867:7,
11867:16, 11869:7,
11870:11, 11870:25,
11872:3, 11873:23,
11877:16, 11882:3
Dr - 11879:1
draw - 11730:22,
11847:5, 11868:6,
11869:13
drawing - 11846:10,
11859:22
drawn - 11799:11,
11799:15, 11799:16,
11846:15, 11847:3
dressed - 11802:2
drew - 11868:2,
11874:12
drinking - 11869:19
drive - 11804:22,
11874:9
driver - 11764:10,
11809:18
drivers - 11826:2,
11828:3, 11850:10
driving - 11863:2,
11870:5, 11874:13,
11874:25, 11875:19
dropped - 11812:8
drove - 11805:6,
11807:11, 11807:13,
11875:11
drug - 11809:2
drugs - 11808:11,

11808:16, 11808:21,
11809:5, 11811:15,
11832:14, 11832:18,
11832:23, 11841:17,
11858:5, 11859:24,
11860:1, 11862:15,
11869:19, 11869:23,
11879:23, 11880:23,
11881:9
due - 11787:18
During - 11740:7
during - 11753:12,
11753:15, 11776:1,
11777:5, 11781:16,
11822:23, 11838:2,
11840:14, 11841:19,
11855:14
duty - 11740:7,
11765:16

E

Eamon - 11726:10
early - 11761:8,
11771:9, 11868:20
easier - 11798:11,
11809:12
easy - 11840:20
Eddie - 11726:8,
11727:3, 11728:6,
11728:8
editorial - 11797:22
Edmondson - 11737:1,
11834:5, 11834:11,
11834:20, 11835:1,
11838:23, 11839:9,
11839:13, 11839:20,
11846:1, 11848:11,
11848:20
Edmonton - 11808:9,
11810:5
Education - 11779:9
Edward - 11724:7
effect - 11743:11,
11757:13, 11759:4,
11781:2, 11800:20,
11810:24, 11816:14,
11820:12, 11839:25,
11840:3
efforts - 11828:10
eight - 11808:2
either - 11747:25,
11781:23, 11786:17,
11790:17, 11813:21,
11814:25, 11815:12,
11827:17, 11830:23,
11831:3, 11834:19,
11848:20, 11869:6,
11882:18
Either - 11757:12
element - 11786:23,
11787:18
eliminate - 11737:22,
11748:18, 11750:12,
11773:2
eliminated - 11742:25,
11747:18, 11750:1
elsewhere - 11729:8,
11770:2, 11802:18
Elson - 11726:7
emphasis - 11821:20
encounter - 11789:9,
11790:2, 11791:5
encountered -
11748:3, 11816:19
end - 11743:18,
11753:19, 11754:4,
11754:22, 11846:17,
11846:20
ended - 11734:16,



11756:18, 11810:1,
11852:6, 11852:7
ending - 11851:24
enlarge - 11846:11
ensure - 11741:12
entered - 11748:15,
11751:19, 11791:3
entry - 11779:3
episode - 11793:13
Escape - 11860:23
Escorted - 11837:5
especially - 11774:9,
11819:15
Esq - 11726:3,
11726:6, 11726:7,
11726:9, 11726:10
essentially - 11820:18
Esson - 11725:12
etc - 11826:4, 11826:5
Etcetera - 11761:21,
11812:14, 11856:19,
11858:14
etcetera - 11770:24,
11777:22, 11793:18,
11837:12, 11851:7
evasive - 11841:4,
11857:15, 11858:2
evasiveness -
11842:12
evening - 11833:21
event - 11733:20,
11770:19
events - 11729:1,
11825:13, 11845:21
evidence - 11732:8,
11738:8, 11739:24,
11742:7, 11742:18,
11757:4, 11767:14,
11768:1, 11769:19,
11769:24, 11775:18,
11776:13, 11777:22,
11784:24, 11785:25,
11786:18, 11803:10,
11823:22, 11825:7,
11826:12, 11827:14,
11834:17, 11853:23,
11876:9
evidential - 11770:22
evidential - 11771:21
exact - 11862:17
exactly - 11800:23
examination -
11826:17
example - 11731:15,
11737:21, 11738:17,
11738:20, 11739:6,
11740:21, 11741:21,
11742:24, 11743:13,
11751:11, 11757:7,
11757:19, 11758:13,
11758:18, 11762:19,
11767:8, 11771:5,
11820:21, 11850:5
examples - 11749:5
except - 11789:22
exchange - 11810:6,
11811:9, 11811:14,
11812:21, 11814:14,
11833:18, 11872:17
excited - 11801:18,
11804:23, 11876:15,
11876:22, 11877:8,
11877:11
excuse - 11735:8
Executive - 11725:3
expanded - 11859:16
expect - 11740:24,
11749:15, 11751:19,
11857:17, 11873:6,
11873:8

expected - 11749:9,
11843:24, 11857:22,
11862:24
experience -
11808:11, 11816:18,
11842:19, 11844:1
explain - 11842:9,
11875:2, 11879:6
explained - 11756:18
explanation - 11764:1,
11800:24, 11803:21,
11876:25
explanatory -
11793:11
express - 11757:5,
11757:11
expressed - 11787:17
extensive - 11777:19
extent - 11813:6
extra - 11849:3

F

fact - 11734:25,
11760:23, 11760:25,
11773:16, 11776:1,
11782:20, 11785:21,
11799:24, 11801:22,
11804:17, 11805:6,
11806:7, 11809:1,
11809:4, 11812:14,
11816:13, 11820:7,
11820:8, 11821:4,
11826:3, 11829:5,
11830:7, 11844:7,
11845:10, 11846:21,
11853:12, 11859:20,
11865:6, 11866:4,
11867:20, 11868:16,
11870:13, 11871:11,
11872:25, 11874:13,
11875:19, 11875:22,
11876:18, 11879:9,
11880:1, 11881:6
factor - 11808:21
fair - 11743:2,
11757:23, 11759:18,
11759:22, 11759:24,
11763:20, 11764:14,
11766:6, 11768:9,
11773:5, 11773:10,
11773:13, 11777:1,
11782:15, 11785:2,
11787:12, 11792:14,
11792:17, 11797:11,
11802:13, 11810:21,
11818:20, 11830:2,
11838:4, 11844:12,
11851:21, 11852:24,
11854:2, 11855:22,
11862:4, 11864:15,
11864:17, 11865:4,
11869:3, 11876:18
Fair - 11760:6,
11818:20
fairly - 11802:13
fairness - 11778:1,
11797:20
faith - 11815:5
fake - 11809:20,
11811:8
faked - 11809:16
fall - 11777:6
familiar - 11769:21,
11785:1, 11865:19,
11881:8
family - 11780:14,
11781:20
far - 11733:23,
11734:5, 11738:6,

11753:6, 11766:20,
11768:24, 11774:6,
11785:23, 11807:24,
11835:8, 11855:5,
11862:22, 11866:11
farm - 11813:1
February - 11751:5,
11760:13, 11764:9,
11769:20, 11770:18,
11771:7, 11779:1,
11862:18
fella - 11789:23
fellow - 11781:6,
11789:20, 11799:18,
11799:20, 11810:16,
11821:22, 11826:13
felt - 11733:8,
11748:21, 11752:17,
11757:8, 11777:17,
11777:24, 11778:2,
11790:23, 11815:20,
11826:5
female - 11793:15
few - 11761:7,
11793:1, 11800:12,
11812:25, 11841:24,
11850:21, 11881:3
field - 11734:25
figure - 11758:22
figured - 11865:15,
11865:17
file - 11731:17,
11732:6, 11732:9,
11732:10, 11732:13,
11732:14, 11732:15,
11732:17, 11732:23,
11733:1, 11733:5,
11733:9, 11733:13,
11733:15, 11733:17,
11733:21, 11733:25,
11734:3, 11735:11,
11737:6, 11737:15,
11738:19, 11741:8,
11741:18, 11741:21,
11741:25, 11742:16,
11743:10, 11743:25,
11744:9, 11744:10,
11744:16, 11745:3,
11745:18, 11745:20,
11745:23, 11746:4,
11746:7, 11746:15,
11747:5, 11747:8,
11747:16, 11747:19,
11748:9, 11748:11,
11750:6, 11751:3,
11752:18, 11754:12,
11754:15, 11755:10,
11759:5, 11765:9,
11765:23, 11765:24,
11766:4, 11766:15,
11766:20, 11766:23,
11766:25, 11767:1,
11767:3, 11767:6,
11768:19, 11772:1,
11772:20, 11773:2,
11773:22, 11775:2,
11775:15, 11775:19,
11776:14, 11780:6,
11783:6, 11804:7,
11852:22
file - 11745:21
files - 11732:2,
11744:6, 11745:1,
11745:12, 11746:25,
11752:2, 11752:7,
11752:8, 11752:11,
11752:13, 11752:17,
11760:14, 11760:18,
11760:20, 11767:19,
11771:17, 11784:9,

11841:23
fine - 11789:18,
11798:14, 11856:7
fingerprints -
11735:18
finished - 11754:23,
11808:5, 11869:5
finishes - 11846:19
first - 11738:15,
11750:15, 11750:19,
11750:20, 11764:22,
11786:14, 11788:21,
11789:9, 11791:4,
11791:8, 11791:23,
11799:5, 11799:22,
11801:16, 11805:11,
11814:4, 11814:7,
11815:10, 11818:2,
11821:1, 11822:5,
11845:18, 11854:4,
11863:15, 11863:17,
11864:5
Fisher - 11726:10,
11751:5, 11751:14,
11755:13, 11767:22,
11778:9, 11778:13,
11779:7, 11780:20,
11782:9, 11782:20,
11783:2, 11783:7,
11799:9
fit - 11732:1, 11878:12
fitted - 11772:21
five - 11756:8,
11802:23, 11803:11,
11813:23, 11857:17,
11871:4
fixed - 11826:1,
11873:24, 11874:1
flag - 11811:3,
11841:16, 11857:15
floor - 11740:3
flow - 11742:6
focus - 11737:23
follow - 11743:23,
11776:21, 11788:5,
11798:11, 11814:16,
11826:9, 11878:3,
11880:15
follow-up - 11776:21,
11826:9
followed - 11743:20,
11767:9, 11783:18,
11802:16, 11828:2
following - 11742:3,
11761:15, 11761:19,
11770:21, 11771:19
follows - 11777:11
Forbes - 11735:24
force - 11730:4,
11782:25, 11824:25
foregoing - 11777:16,
11883:4
forget - 11862:16,
11881:18, 11881:23,
11882:1
form - 11741:3,
11742:19, 11818:7,
11818:22, 11818:24,
11819:5, 11822:15,
11840:17, 11841:2,
11857:25
formal - 11741:3,
11754:12, 11757:14
format - 11795:22
formed - 11841:6,
11858:3
forming - 11806:2,
11842:2
four - 11739:24,
11802:23, 11819:20

Fox - 11726:8,
11728:13
frame - 11786:1
Frank - 11759:15
Fraser - 11764:10
Frayer - 11726:11
Friday - 11779:10
front - 11791:3,
11802:5
full - 11813:19
function - 11744:20
Funny - 11821:24,
11822:1
funny - 11869:16
future - 11859:3

G

Gail - 11730:6,
11733:15, 11733:25,
11734:6, 11734:14,
11735:6, 11736:16,
11737:6, 11738:19,
11741:25, 11743:14,
11744:10, 11745:22,
11747:8, 11747:16,
11748:7, 11749:5,
11749:8, 11755:14,
11756:14, 11758:10,
11759:5, 11763:6,
11763:19, 11764:10,
11765:6, 11765:23,
11766:14, 11767:15,
11768:3, 11768:6,
11768:19, 11769:1,
11773:22, 11784:1,
11784:16, 11785:12,
11786:2, 11788:9,
11790:24, 11793:7,
11796:10, 11799:21,
11800:8, 11805:18,
11806:4, 11811:17,
11813:7, 11823:19,
11823:25, 11837:7,
11843:8, 11845:21,
11853:8, 11854:8,
11854:18, 11855:11,
11859:20, 11862:3,
11863:24, 11864:19,
11865:22, 11870:15,
11872:9
garage - 11808:4,
11877:17, 11877:18
gathered - 11813:17
general - 11748:9,
11766:5, 11840:10,
11840:17, 11852:25,
11853:19, 11879:19
generally - 11731:25,
11732:2, 11732:6,
11732:15, 11740:15,
11752:21, 11752:25,
11758:4, 11770:2,
11786:1, 11792:4,
11830:13, 11842:17
Generally - 11738:22,
11746:15, 11758:5,
11763:3, 11796:5,
11842:21, 11844:2,
11855:20
George - 11759:15,
11826:13
get-togethers -
11774:8
Gibson - 11726:9
girl - 11801:11,
11837:7, 11869:9,
11872:7, 11872:8,
11873:21, 11876:21,
11877:10, 11880:19



Gis - 11833:10
given - 11763:18,
 11825:7, 11830:10,
 11836:21, 11864:9,
 11869:2, 11870:15
Government - 11726:4
granted - 11819:14
grass - 11808:8,
 11811:24
ground - 11755:16
group - 11869:23,
 11877:24
groups - 11741:12
guess - 11729:7,
 11749:17, 11754:7,
 11762:18, 11792:8,
 11807:18, 11812:5,
 11816:7, 11827:5,
 11857:16, 11874:14,
 11876:21, 11877:10
guilty - 11817:23,
 11876:12
gun - 11815:7,
 11815:9, 11815:24,
 11816:11
guy - 11821:24,
 11822:1, 11822:4,
 11822:16, 11843:18
guy - 11840:1

H

hair - 11735:18,
 11831:15
half - 11800:7,
 11819:20, 11839:17,
 11856:8
hand - 11733:8,
 11745:8
handle - 11770:23
handwriting - 11764:6,
 11787:6, 11787:8,
 11797:6, 11798:10,
 11837:22, 11837:24,
 11847:10, 11848:7,
 11849:14, 11850:3,
 11851:2
handwritten - 11745:7,
 11799:2, 11846:6,
 11849:11
Handwritten - 11745:8
hard - 11779:10,
 11784:2, 11784:14,
 11784:16
hat - 11779:10,
 11784:2, 11784:10,
 11784:14, 11784:16
heading - 11776:23
heads - 11734:22
hear - 11783:22,
 11813:21, 11845:18,
 11860:14, 11872:10
heard - 11732:8,
 11737:3, 11738:8,
 11739:24, 11742:7,
 11742:18, 11767:14,
 11768:1, 11768:7,
 11768:9, 11769:19,
 11782:1, 11784:24,
 11790:5, 11796:7,
 11800:17, 11801:7,
 11801:12, 11803:10,
 11823:22, 11824:22,
 11825:1, 11862:15
hearing - 11824:16,
 11826:12, 11826:18,
 11830:24
held - 11812:25,
 11835:17, 11835:21
help - 11744:23,
 11797:16, 11797:23
hereby - 11883:4
herein - 11883:6
Hersh - 11726:2
hide - 11841:4,
 11857:14
hiding - 11842:18
high - 11832:11,
 11832:13, 11832:14,
 11832:18, 11832:22,
 11841:17, 11862:15
Hill - 11858:10,
 11863:7, 11865:15,
 11865:20, 11865:23,
 11865:25, 11866:2,
 11866:5
himself - 11789:25,
 11882:10
Hinz - 11725:10,
 11883:2, 11883:13
hippie - 11840:24,
 11879:13, 11879:16,
 11880:2, 11880:7
hippies - 11879:15,
 11879:20
history - 11860:13
Hodson - 11725:2,
 11727:4, 11728:5,
 11728:9, 11798:19,
 11798:24, 11822:3,
 11882:21
holes - 11853:10
home - 11761:20,
 11781:15, 11794:4,
 11801:6, 11813:1
homicide - 11741:21
Hon - 11726:12
Honourable - 11724:6
hopped - 11881:1
Hoppy - 11801:10,
 11801:23
Hopy - 11801:16,
 11802:3, 11804:21,
 11806:17, 11807:11,
 11808:8, 11809:16,
 11809:18, 11809:22,
 11814:7, 11814:24,
 11815:11, 11815:24,
 11817:11
Hotel - 11724:16
hour - 11807:12,
 11839:17, 11856:8
hours - 11794:20,
 11795:7, 11808:2
House - 11812:13
house - 11762:20,
 11782:3, 11783:10,
 11783:12, 11783:22,
 11799:20, 11801:10,
 11802:18, 11802:19,
 11820:14, 11829:8,
 11830:4, 11830:8,
 11864:10, 11874:12,
 11874:14
household - 11803:6,
 11803:17
houses - 11761:22,
 11761:23, 11762:1,
 11762:6, 11762:8,
 11762:16
Hq - 11837:5
Hugh - 11725:12
hundred - 11807:12
hurray - 11806:17
hurry - 11806:23,
 11807:25, 11876:15,
 11876:17, 11877:4,
 11877:8, 11877:13
hypothetical -
 11743:15

I

icy - 11807:13
Id - 11849:4
idea - 11878:4
identifiable - 11771:20
identification -
 11735:15
identified - 11739:22,
 11784:9, 11799:9
identify - 11844:23
imagine - 11817:8
immediate - 11762:17
immorality - 11858:20,
 11859:15
impact - 11821:13
implied - 11794:8
importance -
 11754:14, 11793:10
important - 11744:12,
 11881:19, 11881:24,
 11882:2
impression -
 11840:17, 11857:25
incident - 11756:13,
 11773:3, 11785:2,
 11868:10
incidents - 11786:24
including - 11734:22
incoming - 11745:12
incriminating -
 11872:25
Ind - 11787:4
indecent - 11767:18,
 11768:5
independent - 11789:3
Index - 11727:1,
 11769:20, 11769:21
index - 11769:25
indicates - 11751:3,
 11803:16
individual - 11748:3,
 11757:4, 11775:25,
 11860:15
individuals -
 11732:11, 11759:17,
 11877:24
influence - 11808:24
informal - 11741:3
informant - 11790:7
information - 11729:7,
 11748:18, 11752:18,
 11752:20, 11752:25,
 11771:25, 11779:16,
 11790:24, 11791:8,
 11791:18, 11791:21,
 11792:4, 11802:14,
 11805:2, 11808:3,
 11810:6, 11810:9,
 11811:3, 11812:24,
 11816:24, 11817:13,
 11817:20, 11818:11,
 11818:14, 11818:21,
 11820:5, 11821:8,
 11821:12, 11825:1,
 11825:7, 11825:17,
 11826:6, 11827:18,
 11828:7, 11830:5,
 11832:16, 11836:12,
 11841:5, 11848:12,
 11852:17, 11852:25,
 11853:19, 11854:16,
 11854:17, 11855:18,
 11855:21, 11855:24,
 11859:12, 11859:13,
 11863:12, 11863:22,
 11864:13, 11867:23,
 11868:22, 11869:3,
 11870:8, 11871:15,

11874:5, 11879:3
information -
 11743:18
informed - 11740:14,
 11825:4
initial - 11754:4
initiative - 11734:8,
 11744:2, 11820:10
Inland - 11725:13
inquiries - 11825:20,
 11844:10
Inquiry - 11724:2,
 11724:23, 11784:25
Insp - 11828:8,
 11848:5
Inspector - 11735:21,
 11736:25, 11755:13,
 11775:9, 11775:10,
 11775:14, 11775:17,
 11848:10, 11848:16,
 11848:21
institute - 11812:12
Institute - 11833:7
instructed - 11780:11
instructed - 11737:13
instructing - 11737:11
instructions - 11780:9
intellectual - 11822:6,
 11822:14
intend - 11789:7
interaction - 11740:4,
 11796:20
interest - 11748:21,
 11749:2, 11782:3,
 11784:3, 11818:10,
 11818:15, 11818:18,
 11820:22, 11870:15
interesting - 11765:19,
 11791:25
interrogated -
 11813:23
interrogating -
 11791:15
interrogation -
 11777:20, 11813:15,
 11835:3
interview - 11738:18,
 11743:14, 11750:16,
 11755:9, 11756:5,
 11760:11, 11765:5,
 11765:10, 11776:19,
 11781:19, 11796:14,
 11828:14, 11828:21,
 11830:2, 11833:7,
 11833:14, 11834:2,
 11838:1, 11840:15,
 11841:21, 11842:6,
 11848:5, 11851:8,
 11852:22
interviewed -
 11742:24, 11749:6,
 11750:14, 11751:4,
 11754:9, 11764:20,
 11764:25, 11765:15,
 11766:9, 11772:19,
 11776:25, 11781:6,
 11784:11, 11791:23,
 11794:18, 11794:23,
 11795:12, 11826:20,
 11827:1, 11838:16,
 11841:22, 11850:16,
 11852:16
interviewing -
 11780:10, 11795:6,
 11841:25, 11842:10,
 11848:15, 11848:16,
 11856:13
interviews - 11760:7,
 11763:4, 11763:9,
 11763:14, 11766:12,

11776:21
investigate -
 11732:25, 11733:7
investigated -
 11743:4, 11794:22
investigating -
 11735:1, 11808:19,
 11875:5
investigation -
 11734:6, 11734:15,
 11734:17, 11735:7,
 11737:18, 11739:7,
 11742:8, 11742:9,
 11742:14, 11745:22,
 11747:20, 11748:2,
 11748:8, 11749:22,
 11750:11, 11753:11,
 11754:11, 11754:12,
 11754:17, 11755:14,
 11756:10, 11756:15,
 11756:23, 11756:24,
 11757:2, 11757:9,
 11757:12, 11757:15,
 11758:1, 11758:11,
 11763:19, 11763:20,
 11763:23, 11764:3,
 11765:7, 11766:15,
 11768:3, 11769:1,
 11771:18, 11774:5,
 11774:24, 11776:2,
 11778:9, 11778:10,
 11779:24, 11780:17,
 11781:17, 11784:1,
 11784:17, 11803:14,
 11822:24, 11823:20,
 11826:7
investigations -
 11777:8
investigator - 11759:3,
 11759:5, 11759:7,
 11786:4, 11787:25
investigators -
 11759:7, 11772:1
involve - 11770:8
involved - 11738:5,
 11741:22, 11742:2,
 11742:21, 11753:15,
 11759:25, 11760:23,
 11761:1, 11764:2,
 11769:1, 11774:12,
 11776:10, 11777:10,
 11778:8, 11779:24,
 11794:14, 11802:11,
 11806:21, 11807:18,
 11810:16, 11814:9,
 11817:21, 11829:2,
 11860:6, 11860:17,
 11872:23, 11873:5,
 11877:25, 11882:10,
 11882:17
involvement -
 11734:5, 11735:11,
 11735:22, 11755:17,
 11755:20, 11755:25,
 11756:9, 11760:24,
 11761:8, 11765:23,
 11819:19
involving - 11793:13
Irene - 11725:9
Irwin - 11726:13
Isabelle - 11725:5
issue - 11737:17,
 11773:17
issues - 11878:15
items - 11771:19,
 11771:23

J

Jack - 11735:4,



11735:6
James - 11726:3,
 11735:24, 11835:16
Jan - 11772:19
January - 11730:7,
 11761:10, 11782:2,
 11783:13, 11784:20,
 11819:22, 11826:24,
 11862:18
Jay - 11726:6
Jennifer - 11726:11
John - 11756:3,
 11758:24, 11759:15,
 11793:14, 11794:10,
 11794:14, 11801:11,
 11801:12, 11821:9,
 11832:17, 11832:22,
 11849:17, 11882:17
Joyce - 11726:3
judgement - 11842:2
junior - 11731:17,
 11731:20, 11732:3,
 11737:10
jurisdiction - 11738:24
Justice - 11724:6,
 11726:12, 11726:14
justice - 11755:9

K

Kara - 11725:5
Karen - 11725:10,
 11883:2, 11883:13
Karst - 11726:8,
 11727:3, 11728:7,
 11728:8, 11728:10,
 11728:11, 11728:14,
 11728:23, 11729:17,
 11730:19, 11737:17,
 11740:10, 11741:25,
 11744:15, 11751:1,
 11751:18, 11753:3,
 11754:18, 11755:15,
 11759:2, 11760:13,
 11761:7, 11761:18,
 11762:19, 11763:8,
 11763:18, 11764:14,
 11765:21, 11766:13,
 11767:13, 11768:11,
 11772:2, 11772:9,
 11773:25, 11775:18,
 11776:13, 11778:4,
 11778:18, 11782:23,
 11783:25, 11784:24,
 11788:25, 11791:22,
 11792:3, 11793:11,
 11795:13, 11797:6,
 11797:14, 11797:20,
 11798:10, 11798:12,
 11799:1, 11799:8,
 11800:16, 11803:5,
 11808:10, 11816:18,
 11818:1, 11819:18,
 11825:12, 11826:8,
 11833:20, 11833:25,
 11834:18, 11835:9,
 11841:21, 11846:14,
 11846:16, 11847:25,
 11849:2, 11849:6,
 11849:24, 11850:20,
 11852:14, 11853:7,
 11856:6, 11863:12,
 11864:8, 11877:23
keep - 11765:25,
 11795:18, 11869:18
keeping - 11747:16
Ken - 11803:10
kept - 11746:15,
 11748:10, 11753:4,
 11835:12

Kettles - 11736:2
keys - 11804:21
kill - 11854:18,
 11855:10
killed - 11768:6,
 11853:13, 11853:20,
 11854:8, 11872:12
kind - 11749:19,
 11812:5, 11842:12
knife - 11770:23,
 11850:12
knives - 11817:3,
 11817:9
knowing - 11769:10,
 11871:8
knowledge - 11729:9,
 11737:25, 11753:22,
 11754:2, 11754:3,
 11765:6, 11783:7,
 11790:15, 11807:9,
 11808:18, 11820:3,
 11883:6
known - 11767:22,
 11772:17, 11799:18,
 11800:6, 11800:11,
 11843:11, 11861:24,
 11862:2, 11862:5
knows - 11743:17
Knox - 11726:5
Krogan - 11726:4
Kujawa - 11726:6

L

lack - 11844:22,
 11879:16
Ladd - 11725:13
lady - 11784:21,
 11866:16
Lana - 11726:4
lane - 11874:10
lanes - 11874:14
Langenberg - 11793:14
Langenburg -
 11799:19
language - 11840:24
Lapchuk - 11759:15
lapse - 11881:11
Larry - 11726:10,
 11751:4, 11751:14,
 11778:9, 11778:13,
 11779:7, 11779:9
last - 11775:16,
 11777:23, 11779:10,
 11798:5, 11800:13,
 11809:23, 11830:21,
 11849:12, 11872:12
lastly - 11729:7
late - 11777:5
lawful - 11860:23
lay - 11745:12
lead - 11759:3,
 11759:4, 11759:7
leads - 11819:25
learned - 11729:8,
 11754:14, 11790:17
learning - 11831:17,
 11832:15
least - 11741:13,
 11762:6, 11765:22,
 11773:12, 11781:1,
 11786:4, 11803:4,
 11803:15, 11803:22,
 11828:24, 11829:24,
 11830:9, 11831:8,
 11832:16, 11836:12,
 11838:2, 11846:9,
 11851:19, 11852:25,
 11861:25, 11875:9,
 11877:20

leave - 11743:11,
 11743:21, 11753:10,
 11767:9, 11801:17,
 11801:23, 11830:20,
 11838:6, 11882:6
leaving - 11811:22,
 11833:20
ledger - 11749:18,
 11750:7, 11750:8,
 11751:22, 11779:20
Ledger - 11751:21
left - 11750:12,
 11771:25, 11781:1,
 11797:8, 11807:11,
 11807:21, 11808:2,
 11808:4, 11838:14,
 11839:13, 11875:11
legitimately - 11858:6
length - 11731:13,
 11794:19, 11795:7,
 11835:8
lengthy - 11813:23,
 11835:3
less - 11844:19
Lieutenant - 11734:13,
 11734:23, 11734:25,
 11735:3, 11735:14,
 11736:20, 11738:3,
 11744:13, 11747:12,
 11757:20, 11758:6,
 11760:3, 11765:16,
 11765:18, 11789:13,
 11790:18, 11790:23,
 11791:22, 11792:19,
 11792:21, 11793:25,
 11794:24
lifestyle - 11880:4,
 11880:6, 11880:7
light - 11802:21,
 11809:17, 11861:20,
 11862:23, 11870:20,
 11876:9
likely - 11731:23,
 11766:17, 11860:18
limits - 11738:12
Linda - 11782:20
line - 11743:9
lines - 11780:10
link - 11768:6
liquor - 11869:19
listed - 11780:20
lists - 11771:19,
 11771:23
live - 11783:17
lived - 11793:5,
 11865:15, 11865:25,
 11880:19
living - 11799:10
load - 11732:5,
 11760:16
local - 11777:6
locate - 11755:4
located - 11740:1,
 11752:3, 11807:8,
 11849:2
location - 11867:17,
 11867:18
Lockyer - 11726:3
lodged - 11836:18
logical - 11830:6
longest - 11731:13
look - 11730:6,
 11730:19, 11749:23,
 11752:7, 11755:10,
 11759:13, 11765:11,
 11773:22, 11787:1,
 11798:3, 11842:9,
 11843:16, 11865:14,
 11872:25, 11875:8,
 11875:18

looked - 11763:2,
 11779:3, 11829:13,
 11865:16
Looked - 11863:7
looking - 11729:3,
 11756:11, 11771:6,
 11773:17, 11786:4,
 11827:8, 11842:1,
 11843:19, 11852:22,
 11866:5, 11870:3,
 11870:10, 11870:13
Looking - 11867:2
Lookit - 11855:10
lookit - 11767:8,
 11862:8, 11862:12
looks - 11730:14,
 11845:4, 11849:25,
 11871:19
lost - 11747:2
lower - 11740:3
Lsd - 11808:17
Lt - 11791:15,
 11825:21, 11828:6

M

Maccallum - 11724:7,
 11728:3, 11798:17,
 11798:20, 11882:23
Mackie - 11732:4,
 11733:18, 11733:23,
 11734:19, 11738:3,
 11744:12, 11744:22,
 11747:12, 11757:21,
 11758:2, 11758:5,
 11758:8, 11759:9,
 11762:24, 11763:8,
 11767:8, 11767:11,
 11771:9, 11771:10,
 11812:23, 11813:5
Macrae - 11764:9
Mafia - 11809:25,
 11810:15, 11810:17,
 11811:5
main - 11746:15,
 11759:21
maintain - 11746:25
major - 11732:6
maker - 11733:2
man - 11747:22,
 11765:18, 11791:4
man's - 11747:20
Manager - 11725:4
map - 11863:10,
 11868:2, 11874:13
March - 11750:18,
 11756:6, 11760:11,
 11761:2, 11764:19,
 11768:12, 11768:14,
 11772:17, 11776:19,
 11776:24, 11778:7,
 11780:8, 11780:17,
 11781:3, 11788:25,
 11792:10, 11792:21,
 11792:22, 11792:24,
 11794:4, 11796:7,
 11796:14, 11797:5,
 11803:1, 11819:22,
 11825:15, 11825:19,
 11827:15, 11828:16,
 11829:9, 11833:5,
 11833:19, 11833:21,
 11834:1, 11836:8,
 11837:23, 11843:7,
 11846:13, 11854:1,
 11854:3
March-april-may -
 11780:8
marijuana - 11808:14,
 11811:15, 11858:6

marks - 11797:20,
 11853:12
married - 11880:12
Mary's - 11865:16,
 11866:2, 11866:9,
 11870:14
Masonry - 11779:8
master - 11745:20,
 11746:15
matched - 11766:24
matter - 11738:24,
 11752:12, 11793:1,
 11814:20, 11821:1
matters - 11737:5,
 11742:3, 11845:16
Mccorriston -
 11751:4, 11751:13,
 11778:20, 11778:21,
 11779:5, 11781:5
Mccorriston's -
 11779:9
Mckee - 11772:17
meal - 11810:3
mean - 11731:9,
 11732:24, 11766:1,
 11798:1, 11826:21,
 11844:9, 11861:8,
 11873:9
meaning - 11813:19
means - 11872:15
meant - 11753:10
medical - 11823:5
meeting - 11736:13,
 11764:21, 11775:13,
 11789:1, 11794:13,
 11818:2, 11822:5,
 11834:8, 11834:10,
 11841:3, 11853:25,
 11854:4, 11855:14
meetings - 11735:12,
 11736:4, 11736:6,
 11736:8, 11736:11,
 11736:18, 11737:7,
 11737:12, 11740:10,
 11747:7, 11774:11,
 11774:12
Melnyk - 11759:15
member - 11728:19,
 11803:5, 11803:16,
 11828:13
members - 11736:21,
 11755:8, 11781:19
memo - 11755:10
memory - 11729:1,
 11729:5, 11729:6,
 11776:3, 11804:3,
 11812:5, 11827:9,
 11862:16, 11881:11
men - 11734:10,
 11737:10, 11737:11,
 11737:24, 11788:17
mental - 11822:7,
 11822:25, 11824:23
mentally - 11878:12
mention - 11803:23,
 11808:7, 11810:4,
 11821:4, 11863:15,
 11866:9
mentioned - 11733:11,
 11735:14, 11756:21,
 11777:5, 11780:11,
 11860:8
met - 11772:11,
 11775:11, 11776:25,
 11781:4, 11790:3,
 11790:11, 11790:12,
 11790:13, 11855:15,
 11855:23, 11864:24,
 11865:3
methods - 11775:22



Meyer - 11725:11,
11883:2, 11883:17
Mhmm - 11827:6
mid - 11807:21,
11846:19
mid-question -
11846:19
might - 11733:12,
11744:23, 11747:17,
11747:18, 11749:2,
11753:9, 11763:23,
11764:1, 11764:2,
11766:2, 11767:2,
11767:8, 11767:9,
11770:1, 11771:2,
11772:3, 11781:13,
11794:14, 11798:11,
11809:11, 11810:13,
11842:3, 11863:24,
11864:18, 11878:18,
11882:21
miles - 11807:12
Milgaard - 11724:4,
11726:2, 11726:3,
11755:20, 11758:14,
11759:16, 11764:25,
11766:9, 11772:12,
11777:1, 11791:21,
11793:13, 11794:9,
11796:8, 11799:19,
11799:25, 11802:17,
11803:17, 11806:8,
11806:9, 11807:5,
11810:16, 11817:21,
11818:9, 11818:12,
11818:14, 11818:22,
11820:24, 11824:19,
11828:10, 11828:15,
11828:21, 11829:6,
11830:17, 11832:6,
11832:17, 11832:21,
11833:8, 11833:15,
11834:2, 11834:13,
11835:12, 11836:3,
11836:8, 11836:18,
11836:19, 11837:14,
11837:18, 11838:2,
11838:8, 11838:24,
11839:3, 11840:12,
11842:1, 11842:24,
11843:4, 11843:6,
11845:20, 11846:15,
11846:22, 11848:16,
11850:16, 11851:9,
11852:5, 11852:16,
11853:25, 11855:13,
11856:2, 11859:11,
11862:2, 11862:8,
11863:15, 11863:19,
11864:9, 11866:4,
11868:25, 11875:10,
11875:22, 11876:17,
11877:3, 11877:7,
11877:12, 11880:1
Milgaard's - 11825:24,
11831:19, 11832:2,
11837:23, 11844:17,
11847:2, 11859:8,
11876:1
Miller - 11733:15,
11733:25, 11734:6,
11734:14, 11735:7,
11736:16, 11737:6,
11738:19, 11741:25,
11743:14, 11744:10,
11745:22, 11747:8,
11747:16, 11748:7,
11755:14, 11756:15,
11758:10, 11759:5,
11763:6, 11763:19,

11764:11, 11765:6,
11765:23, 11766:15,
11767:16, 11768:3,
11768:6, 11768:19,
11769:1, 11770:20,
11773:22, 11784:1,
11784:16, 11786:2,
11786:14, 11788:9,
11790:24, 11793:7,
11796:11, 11799:21,
11806:4, 11811:18,
11813:7, 11823:19,
11824:1, 11837:7,
11854:8, 11854:19,
11855:11, 11859:20,
11862:3, 11863:24,
11864:19, 11872:9
Miller's - 11730:6,
11749:6, 11749:8,
11785:12, 11800:8,
11805:18, 11843:9,
11845:21, 11853:8,
11865:22, 11870:16
mind - 11764:19,
11778:6, 11781:10,
11786:4, 11799:11,
11799:15, 11799:16,
11809:4, 11811:14,
11820:1, 11821:1,
11821:12, 11841:11,
11843:21, 11843:22,
11844:8, 11859:5,
11859:19, 11863:23,
11863:25, 11873:22,
11875:10
mine - 11798:3,
11880:10
Minister - 11726:11
minor - 11813:17
minus - 11786:3
minutes - 11793:1,
11798:20
missed - 11877:1
missing - 11771:8,
11771:20, 11805:20,
11850:21
moment - 11752:1,
11768:20, 11780:3,
11842:23, 11844:24,
11868:8
Monday - 11724:21,
11798:16, 11833:25
money - 11805:11,
11805:13, 11806:8,
11806:10, 11806:14,
11806:15, 11814:25,
11815:12, 11869:8,
11869:11, 11869:15,
11869:16, 11871:2,
11871:9, 11871:11,
11877:19, 11877:25,
11878:5
month - 11760:12,
11781:5, 11790:25,
11819:21, 11827:2,
11827:4, 11827:15,
11861:4, 11861:9,
11861:11, 11862:12
month's - 11841:14
months - 11729:24,
11739:24, 11822:10,
11823:16
Morality - 11763:7,
11763:13
morality - 11729:24,
11730:2, 11730:3,
11735:21, 11739:23,
11740:1, 11740:6,
11740:8, 11740:19,
11741:4, 11741:7,

11741:18, 11741:21,
11742:1, 11752:2,
11752:6, 11752:10,
11752:13, 11752:18,
11752:19, 11752:20,
11752:25, 11764:2,
11879:23
morning - 11740:10,
11740:17, 11741:14,
11751:5, 11765:16,
11774:6, 11774:11,
11774:12, 11782:2,
11782:6, 11783:12,
11783:23, 11784:23,
11785:6, 11785:20,
11787:25, 11788:16,
11793:17, 11793:22,
11799:21, 11799:25,
11807:6, 11814:12,
11828:16, 11831:18,
11832:6, 11832:23,
11833:5, 11849:2,
11861:20, 11862:3,
11866:15, 11868:19,
11868:20, 11869:23,
11875:23, 11882:4
Most - 11760:18,
11838:5
most - 11734:17,
11778:8, 11793:9
Mostly - 11781:23
Motel - 11828:11,
11836:21
motel - 11863:9,
11863:10, 11866:15
mother - 11800:13,
11824:10
motive - 11806:4,
11877:24
Mounted - 11835:18
mounted - 11736:21,
11738:25
mounty - 11872:11
moved - 11729:25,
11730:15
Murder - 11856:17
murder - 11730:7,
11734:6, 11756:8,
11756:15, 11760:19,
11760:20, 11761:11,
11761:22, 11763:6,
11767:16, 11768:3,
11769:5, 11770:20,
11771:18, 11773:2,
11777:18, 11784:23,
11785:6, 11786:13,
11786:14, 11787:22,
11788:9, 11790:24,
11793:7, 11794:3,
11794:5, 11796:11,
11799:21, 11800:1,
11800:5, 11800:11,
11801:4, 11802:11,
11806:4, 11813:7,
11814:5, 11815:18,
11818:23, 11819:16,
11819:21, 11824:1,
11837:7, 11843:9,
11845:21, 11878:19
murder' - 11791:9
murdered - 11786:2,
11862:3, 11864:19
murders - 11763:24
must - 11764:17,
11786:8, 11791:24

N

name - 11747:21,
11747:22, 11747:23,

11748:4, 11748:24,
11749:19, 11749:21,
11750:5, 11750:6,
11750:22, 11751:15,
11778:1, 11778:9,
11778:13, 11799:18,
11801:11, 11872:10,
11879:2
named - 11784:21,
11826:13, 11837:7
names - 11731:3,
11736:23, 11749:9,
11749:15, 11778:1
natural - 11806:22
naturally - 11731:14
nature - 11751:17,
11758:4, 11758:15,
11767:4, 11789:21,
11813:25, 11822:17,
11824:20, 11853:5,
11859:21
near - 11875:3
neat - 11831:16
necessarily - 11749:1,
11805:17, 11831:25,
11873:12, 11879:11
necessary - 11729:11,
11792:8
need - 11738:19,
11739:7, 11747:17,
11747:18, 11767:3,
11767:9
needed - 11738:14,
11746:6, 11747:10,
11752:17, 11815:21,
11819:6
negative - 11777:10
neighbors - 11827:13
nervous - 11842:15
nervousness -
11825:25, 11842:11,
11842:20
Never - 11796:9
never - 11815:25,
11817:3, 11817:4,
11874:7
new - 11732:9,
11820:5
next - 11728:5,
11728:6, 11728:23,
11744:7, 11744:17,
11764:25, 11766:10,
11766:11, 11771:22,
11776:7, 11776:20,
11776:22, 11777:3,
11777:12, 11779:2,
11797:13, 11809:10,
11815:23, 11825:16,
11834:25, 11836:15,
11846:9, 11847:9,
11847:21, 11848:3,
11849:13, 11851:11,
11857:6, 11868:8,
11871:12
Next - 11762:23,
11860:21, 11864:22,
11869:20, 11876:14,
11878:7
nice - 11840:19
Nichol - 11756:3,
11758:24, 11759:14,
11793:14, 11801:11,
11801:12, 11810:4,
11812:8, 11821:9,
11849:17, 11851:5,
11882:17
Nicky - 11850:8
night - 11763:6,
11800:13, 11809:23,
11814:10, 11835:13,

11836:3, 11844:5,
11872:12
nine - 11864:10
nobody - 11790:13,
11882:11
none - 11737:10
noon - 11790:21
Nordstrom - 11735:21
normal - 11732:21,
11766:2, 11825:11
normally - 11732:11,
11745:5, 11753:20
North - 11772:18
north - 11762:8
note - 11751:16,
11787:12, 11787:14
notebook - 11753:4,
11753:17, 11804:13
notebooks - 11754:1,
11754:19, 11754:25,
11755:4
notes - 11754:8,
11754:10, 11797:15,
11797:16, 11797:25,
11836:7, 11847:15,
11847:17, 11847:22,
11847:24, 11848:9,
11848:23, 11849:3,
11849:23, 11850:15,
11850:23, 11851:7,
11851:18, 11851:20,
11883:6
Nothing - 11735:23,
11741:14, 11789:22,
11861:1
nothing - 11753:12,
11846:8, 11854:14,
11857:14
noticed - 11802:2,
11817:3
November - 11767:18,
11770:7
number - 11728:22,
11730:20, 11731:4,
11736:13, 11738:11,
11742:1, 11749:7,
11762:5, 11763:9,
11777:14, 11777:15,
11784:7, 11784:11,
11784:12, 11818:6,
11822:9
numbers - 11771:15
numerous - 11734:19
nurse's - 11853:9

O

o'clock - 11827:11,
11864:11
O'keefe - 11726:10
observe - 11774:19
observed - 11734:1,
11736:13, 11749:8,
11749:13, 11753:23,
11758:3, 11832:5,
11844:17
obtain - 11795:20,
11796:25
obtained - 11729:17
obvious - 11812:4,
11819:13
obviously - 11791:25,
11824:23, 11852:17
occasion - 11731:18,
11737:1, 11752:16,
11755:3, 11758:1
occasionally -
11733:6, 11736:22
Occasionally -
11731:19



occasions - 11734:20,
11741:17, 11741:20,
11742:1, 11747:4,
11784:13, 11822:10
occur - 11877:22
occurrence - 11742:11
occurrences -
11771:15
October - 11740:23,
11767:17, 11770:7
odd - 11740:8,
11870:9
offence - 11741:9,
11769:25, 11798:9,
11866:11
offences - 11768:4,
11775:23, 11860:13,
11860:17
offer - 11779:16,
11821:8, 11864:14
offered - 11865:6
offering - 11821:11
offhand - 11834:10
office - 11735:12,
11736:5, 11736:9,
11736:10, 11736:14,
11740:3, 11744:25,
11745:11, 11745:25,
11746:3, 11793:3,
11793:4, 11833:24
Officer - 11725:12,
11836:6
officer - 11738:12,
11740:8, 11742:15,
11747:24, 11748:21,
11752:19, 11759:21,
11760:2, 11778:23,
11816:18, 11834:14,
11835:24, 11836:11
officers - 11730:20,
11736:13, 11736:23,
11736:24, 11739:25,
11740:6, 11740:14,
11741:22, 11742:1,
11742:20, 11743:2,
11752:20, 11752:25,
11753:22, 11757:11,
11759:25, 11764:2,
11767:2, 11768:2,
11768:7, 11774:17,
11790:8, 11813:24,
11826:20, 11830:11
official - 11859:8
Official - 11725:10,
11883:1, 11883:3,
11883:14, 11883:18
often - 11757:18
old - 11802:23,
11863:8, 11863:18,
11866:16
Oleksyn - 11763:7,
11763:13
Once - 11855:4
once - 11736:8,
11795:1, 11815:24
one - 11731:4,
11732:11, 11732:16,
11741:15, 11744:11,
11745:18, 11745:25,
11746:3, 11747:3,
11747:6, 11748:8,
11748:9, 11748:10,
11749:21, 11752:16,
11757:21, 11759:8,
11764:4, 11767:15,
11768:2, 11769:4,
11772:17, 11772:22,
11773:21, 11775:7,
11775:20, 11777:7,
11779:14, 11784:8,

11786:14, 11790:25,
11793:9, 11794:7,
11794:19, 11795:7,
11803:6, 11806:5,
11815:10, 11815:25,
11823:11, 11827:11,
11831:10, 11833:10,
11852:2, 11857:6,
11860:19, 11875:9,
11875:13, 11877:21
ones - 11774:14
ongoing - 11735:23,
11742:15, 11752:8
operations - 11735:13
operator - 11866:15
opinion - 11786:23,
11794:17, 11806:2,
11858:3
opinions - 11757:3
opportune - 11874:22
opportunity -
11829:23, 11882:13
opposed - 11748:13,
11820:10, 11821:11,
11878:1
ordinary - 11732:15
organization - 11732:1
organizational -
11730:20
original - 11850:20,
11851:17
Orville - 11755:13
Ottawa - 11858:24
ought - 11742:22,
11744:16, 11757:9
outgoing - 11745:12
outline - 11753:8,
11753:11
outraged - 11844:8
outset - 11728:24,
11729:10
outside - 11738:9,
11738:12, 11739:6
overall - 11735:8,
11735:9
overlooked - 11776:1
overnight - 11836:19
oversee - 11750:10
own - 11732:5,
11734:8, 11743:23,
11744:2, 11745:23,
11820:10, 11821:18

P

packages - 11809:19,
11811:9
Page - 11727:2
page - 11731:2,
11731:3, 11754:4,
11762:25, 11770:4,
11771:22, 11775:16,
11776:7, 11776:15,
11776:16, 11776:20,
11776:22, 11777:3,
11777:12, 11779:2,
11797:13, 11798:5,
11809:10, 11825:16,
11826:16, 11827:23,
11831:12, 11834:25,
11836:6, 11836:15,
11846:4, 11846:5,
11846:8, 11846:9,
11846:18, 11847:9,
11847:21, 11848:3,
11849:9, 11849:10,
11849:11, 11849:13,
11850:2, 11851:11,
11860:21, 11864:22,
11868:8, 11869:20,

11871:12, 11876:14,
11878:7
pages - 11776:17,
11849:3, 11849:12,
11850:21, 11850:22,
11883:4
paid - 11801:4,
11877:18
pants - 11802:3,
11802:6, 11849:21,
11871:22
paper - 11745:7,
11745:15, 11868:2,
11868:7
paperwork - 11742:7
paragraph - 11761:16,
11763:1, 11770:5,
11777:4, 11777:14,
11777:15, 11799:5,
11809:11, 11809:12,
11811:20, 11814:2
pardon - 11867:22,
11871:7
Pardon - 11821:25,
11827:3
parents - 11794:5,
11814:11
Parker - 11733:18,
11733:23
part - 11729:16,
11738:15, 11739:5,
11747:2, 11752:3,
11761:12, 11766:4,
11775:10, 11792:23,
11812:18, 11813:2,
11814:17, 11815:9,
11816:8, 11816:13,
11845:18, 11847:14,
11860:5, 11872:25
participated -
11882:19
particular - 11743:6,
11748:10, 11757:3,
11783:4, 11870:15
particularly - 11816:6,
11816:7
particulars - 11769:25
parts - 11764:3,
11816:15, 11825:22
party - 11728:11,
11763:5
past - 11841:22,
11844:1, 11859:5
patrol - 11730:15
pause - 11799:24,
11871:17
Pause - 11815:2
paused - 11845:11
pay - 11871:9
peculiar - 11821:22,
11821:23
Penkala - 11734:23,
11735:14, 11736:21,
11737:4, 11758:2,
11759:10, 11769:19,
11770:5, 11770:17
Penkala's - 11771:13
people - 11737:14,
11737:25, 11739:19,
11749:12, 11773:17,
11775:10, 11780:10,
11782:1, 11783:17,
11784:15, 11785:17,
11788:9, 11788:10,
11795:17, 11806:14,
11808:11, 11808:24,
11820:14, 11830:8,
11831:25, 11832:1,
11842:19, 11869:15,
11874:24, 11875:7

people's - 11842:22
performing - 11744:20
perhaps - 11732:8,
11751:14, 11765:13,
11789:8
perimeter - 11863:11
period - 11730:23,
11813:23
perpetrator - 11768:4
person - 11732:16,
11743:24, 11744:11,
11748:21, 11749:2,
11749:23, 11750:1,
11759:9, 11768:5,
11782:24, 11784:2,
11784:15, 11785:22,
11786:25, 11787:20,
11788:10, 11791:8,
11802:22, 11817:23,
11818:10, 11818:14,
11818:18, 11818:23,
11818:25, 11819:15,
11820:22, 11842:3,
11859:6, 11860:9,
11863:20, 11864:2,
11876:12
person's - 11747:23,
11748:4
personal - 11745:23,
11754:2, 11754:3,
11757:16
personnel - 11740:12,
11741:15
Persons - 11777:10
persons - 11782:25,
11784:11, 11794:8,
11794:9
pertinent - 11790:24
phoned - 11827:11
photo - 11772:22,
11773:20
physical - 11745:4
picked - 11793:19,
11810:2, 11812:10,
11812:15, 11812:24,
11820:10, 11820:23,
11836:2, 11836:18,
11836:22, 11837:8,
11837:19, 11844:4
piece - 11757:3,
11802:14, 11868:7
place - 11741:11,
11788:22, 11800:5,
11804:16, 11805:4,
11807:15, 11816:2,
11821:20, 11827:13,
11843:13, 11858:13,
11866:5, 11866:12,
11866:22, 11867:9,
11870:4, 11870:10,
11870:14, 11872:20
placed - 11802:7,
11815:4, 11817:20
play - 11733:4,
11744:15, 11756:22
played - 11735:16,
11774:5
players - 11759:14
Pleasant - 11858:10,
11863:7, 11865:15,
11865:20, 11865:23,
11865:25, 11866:2,
11866:5
plus - 11786:2
Pm - 11728:2,
11791:19, 11798:22,
11798:23, 11829:19,
11836:20, 11846:12,
11882:24
point - 11759:8,

11766:13, 11778:12,
11823:4, 11836:9,
11838:2, 11852:14,
11861:7, 11874:3,
11876:3, 11876:5
points - 11737:20,
11835:5
Police - 11726:7,
11728:19, 11729:18,
11738:11, 11775:19,
11777:9, 11830:22,
11835:18, 11835:20
police - 11729:21,
11736:21, 11738:12,
11738:20, 11748:21,
11751:3, 11755:1,
11759:21, 11759:25,
11768:3, 11776:14,
11777:6, 11777:25,
11782:12, 11782:25,
11784:13, 11789:4,
11790:8, 11790:22,
11791:2, 11791:7,
11796:12, 11800:25,
11810:2, 11812:10,
11812:15, 11812:17,
11812:21, 11812:25,
11813:4, 11813:22,
11814:13, 11814:21,
11820:5, 11820:8,
11820:9, 11820:11,
11820:25, 11821:1,
11821:6, 11821:10,
11824:25, 11826:20,
11829:21, 11830:10,
11830:25, 11836:21,
11838:16, 11864:25,
11865:7, 11865:10,
11868:15, 11874:24,
11879:19
policeman - 11738:25,
11739:2
policy - 11738:25
Portage - 11837:5
Porter - 11732:4,
11829:15
portion - 11833:3
positive - 11751:25
possibility - 11775:24,
11777:17
possibility' - 11777:24
possible - 11728:25,
11763:18, 11769:13,
11807:20, 11834:23,
11852:5, 11873:14,
11873:16, 11873:18
posted - 11740:25
pot - 11880:25,
11881:3
practice - 11732:21,
11739:3, 11753:6,
11753:23, 11792:5,
11795:13, 11795:15,
11795:16, 11796:1,
11819:10, 11845:3,
11855:1
prefer - 11789:18
preliminary -
11826:12, 11826:18
prepare - 11754:10
prepared - 11747:7,
11757:15, 11769:19,
11773:21
preparing - 11742:13,
11852:21
presence - 11839:5
present - 11728:13,
11774:19, 11836:23,
11838:1, 11859:3
presently - 11785:1,



11828:11
pressed - 11864:1
pressured - 11821:19
presume - 11735:13,
 11760:13, 11783:14,
 11804:12, 11826:19,
 11859:24, 11861:7
pretending - 11809:21
pretty - 11809:24
prevalent - 11808:12,
 11808:15
previous - 11846:18,
 11861:12
previously - 11729:19
Pringle - 11726:14
printed - 11740:17
probation - 11858:22,
 11860:4
problems - 11879:7
Proceedings -
 11724:12, 11724:23,
 11727:1, 11728:1
process - 11739:14
promoted - 11730:11
prompt - 11855:6
prompted - 11801:7,
 11871:14, 11878:11
propose - 11763:1,
 11776:21, 11777:12,
 11868:13
prosecutor - 11836:11
provided - 11836:7,
 11849:7, 11852:18
provides - 11825:18
providing - 11843:3
Province - 11883:3
psychiatric - 11878:9,
 11879:7
Psychiatric - 11878:23
published - 11740:16
purpose - 11742:12,
 11742:13, 11746:23,
 11754:5, 11766:22,
 11796:24
purposes - 11749:21,
 11834:21
purse - 11805:19
pursue - 11737:21,
 11737:22
pursued - 11768:2,
 11769:15, 11769:16
pursuing - 11741:8,
 11741:10, 11768:14,
 11769:6, 11769:14
push - 11809:20,
 11810:13, 11811:9,
 11859:13
put - 11731:8,
 11740:25, 11743:1,
 11743:7, 11743:19,
 11745:11, 11745:15,
 11748:4, 11749:15,
 11750:22, 11769:24,
 11779:20, 11783:6,
 11797:15, 11803:19,
 11807:2, 11811:10,
 11835:20, 11852:8,
 11857:16
putting - 11780:3

Q

Qb - 11725:10
Qc - 11726:2, 11726:8,
 11726:11, 11726:14
quarter - 11798:15
quarterback - 11733:1
Queen's - 11883:1,
 11883:3, 11883:14,
 11883:18

questioned -
 11820:11, 11821:17,
 11838:24, 11839:1,
 11860:16
questioning - 11837:9
questions - 11728:22,
 11729:2, 11730:22,
 11789:16, 11795:19,
 11796:22, 11796:23,
 11856:22
quick - 11807:20
quite - 11735:17,
 11757:18, 11789:18,
 11808:15, 11823:15,
 11835:10, 11837:8,
 11837:18, 11861:2
Quite - 11827:5,
 11841:24

R

rape - 11740:21,
 11740:23, 11767:15,
 11767:23, 11770:8,
 11771:16, 11772:22,
 11773:12, 11773:21,
 11775:21, 11777:8,
 11784:9, 11787:22,
 11819:16, 11830:22
raped - 11788:21,
 11853:23
rapes - 11767:15,
 11767:17, 11767:23,
 11768:5, 11768:17,
 11768:25, 11769:5,
 11775:20, 11777:7,
 11777:18
Rasmussen - 11737:2,
 11776:9, 11777:4
Rasmussen's -
 11776:8, 11776:18,
 11777:22
rather - 11870:9,
 11870:10, 11872:25
rationale - 11859:1
Ray - 11738:3,
 11744:12, 11762:24,
 11763:8
Rcmp - 11726:9,
 11736:24, 11738:20,
 11769:20, 11774:5,
 11774:19, 11775:1,
 11775:6, 11828:8,
 11833:18, 11834:5,
 11834:18, 11835:25,
 11836:7, 11836:12
re - 11836:8, 11848:5
reaction - 11789:20,
 11810:9, 11811:10,
 11824:22, 11842:6,
 11842:22, 11843:13
read - 11729:4,
 11729:8, 11733:6,
 11733:10, 11740:18,
 11743:12, 11746:7,
 11747:9, 11749:12,
 11752:13, 11765:24,
 11766:14, 11768:21,
 11768:23, 11771:3,
 11772:4, 11775:6,
 11777:13, 11779:25,
 11780:4, 11787:13,
 11794:10, 11796:3,
 11826:13, 11830:9,
 11831:8, 11843:10,
 11850:11, 11855:4
read-in - 11826:13
reading - 11744:5,
 11744:13, 11770:25,
 11830:23, 11831:4,

11843:17, 11852:21
realized - 11823:14
really - 11738:2,
 11739:21, 11748:17,
 11749:18, 11753:13,
 11759:10, 11788:22,
 11808:15, 11821:3,
 11863:21, 11868:23,
 11869:4, 11869:6,
 11871:11, 11880:9,
 11881:8
reason - 11762:15,
 11773:6, 11816:12,
 11817:24, 11836:22,
 11843:7, 11855:9,
 11855:12, 11876:3
Reason - 11844:10
reasons - 11739:19,
 11809:8
recalled - 11802:24
recalling - 11858:1,
 11862:22
receive - 11734:8
received - 11734:10,
 11775:5, 11818:13,
 11830:5, 11836:13,
 11848:13
recollection -
 11735:10, 11750:24,
 11761:21, 11761:23,
 11763:9, 11764:12,
 11764:21, 11765:1,
 11768:24, 11769:10,
 11773:3, 11774:4,
 11778:4, 11783:25,
 11784:15, 11785:4,
 11785:9, 11789:3,
 11789:19, 11812:1,
 11813:9, 11827:17,
 11830:23, 11838:22,
 11839:1, 11840:10,
 11840:11, 11852:4
Reconvened - 11728:2,
 11798:23
record - 11728:11,
 11729:17, 11729:20,
 11753:7, 11760:10,
 11764:24, 11765:22,
 11819:24, 11848:14,
 11851:19, 11858:18,
 11859:1, 11859:5,
 11859:8, 11860:5,
 11860:16, 11860:19,
 11871:17, 11871:18
recorded - 11804:7
records - 11746:13,
 11746:18, 11746:24,
 11747:5, 11803:4,
 11803:15
records' - 11746:24
red - 11811:3,
 11841:16, 11857:15
Red - 11772:24
refer - 11841:10
reference - 11836:10
referred - 11759:3
referring - 11732:13,
 11785:18, 11823:1,
 11838:12, 11858:14
refers - 11835:1
reflect - 11729:20,
 11773:7
refresh - 11729:5,
 11729:6, 11827:9
refused - 11846:24,
 11852:6
regards - 11772:20,
 11791:17, 11793:7,
 11825:21, 11825:24
Regina - 11738:18,

11738:20, 11739:1,
 11793:15, 11793:16,
 11800:12, 11800:25,
 11811:21, 11812:8,
 11812:10, 11812:15,
 11812:21, 11813:4,
 11813:8, 11813:22,
 11826:4, 11828:9,
 11833:23, 11848:13,
 11848:17, 11849:19
registry - 11745:14,
 11746:16
regular - 11763:17
Reid - 11732:4,
 11733:18, 11733:23
relate - 11847:15,
 11848:1, 11848:9
related - 11788:8,
 11793:6, 11800:4,
 11818:12, 11823:25,
 11824:21, 11845:21,
 11856:18
relates - 11868:10
relevancy - 11854:15
relevant - 11784:16,
 11821:2, 11860:10
rely - 11750:2, 11750:4
remaining - 11816:15
remember - 11729:3,
 11747:6, 11751:10,
 11754:19, 11758:19,
 11760:7, 11760:8,
 11762:3, 11765:11,
 11766:16, 11768:18,
 11771:11, 11775:7,
 11784:4, 11789:12,
 11789:21, 11800:21,
 11802:19, 11802:23,
 11805:21, 11806:25,
 11808:13, 11808:14,
 11808:25, 11811:24,
 11813:18, 11815:4,
 11820:2, 11821:21,
 11824:7, 11824:11,
 11826:10, 11826:25,
 11827:21, 11830:1,
 11831:1, 11835:8,
 11840:2, 11841:15,
 11841:18, 11848:11,
 11852:20, 11853:17,
 11855:16, 11858:7,
 11860:2, 11862:17,
 11862:24, 11863:2,
 11863:19, 11868:11,
 11871:18, 11873:15,
 11881:15
remembered -
 11857:23
Renaud - 11836:23
repaired - 11826:15
repeat - 11792:6
repeated - 11796:22
report - 11729:4,
 11733:9, 11735:3,
 11742:14, 11742:16,
 11743:1, 11743:7,
 11743:11, 11743:20,
 11743:21, 11744:3,
 11744:4, 11745:5,
 11745:13, 11745:17,
 11747:7, 11747:20,
 11751:3, 11751:6,
 11751:12, 11751:13,
 11753:11, 11753:13,
 11754:11, 11754:13,
 11754:17, 11757:12,
 11757:22, 11761:9,
 11761:11, 11762:24,
 11769:18, 11770:17,
 11770:25, 11772:8,

11772:16, 11773:5,
 11773:6, 11775:5,
 11775:6, 11775:9,
 11775:17, 11775:19,
 11776:8, 11776:12,
 11776:14, 11776:18,
 11778:19, 11779:1,
 11779:19, 11779:25,
 11780:19, 11781:1,
 11784:20, 11788:25,
 11790:20, 11791:14,
 11792:6, 11792:10,
 11792:11, 11792:16,
 11792:20, 11792:21,
 11799:9, 11803:14,
 11803:19, 11825:3,
 11825:15, 11825:17,
 11827:20, 11827:24
reported - 11771:20
Reporter - 11883:14,
 11783:18
Reporters - 11725:10,
 11883:3
Reporters' - 11883:1
reports - 11734:5,
 11734:24, 11741:24,
 11742:8, 11742:9,
 11742:11, 11745:4,
 11745:23, 11749:12,
 11756:11, 11757:15,
 11761:7, 11761:14,
 11762:5, 11762:7,
 11772:13, 11777:7,
 11784:7, 11803:22,
 11821:4
request - 11835:19
requested - 11836:17
required - 11819:2
reservations -
 11810:17
reside - 11728:14
resided - 11782:9,
 11782:21, 11783:2
residence - 11876:11
resources - 11737:23,
 11756:24, 11763:22
respect - 11747:11,
 11789:11, 11810:25,
 11825:6
responsibilities -
 11732:24, 11733:24,
 11756:16
responsibility -
 11732:25, 11733:16,
 11733:21
responsible -
 11732:12, 11744:24
rest - 11745:19,
 11810:25, 11882:5
restate - 11820:20
result - 11765:9,
 11777:16
results - 11755:7,
 11777:10
Retired - 11726:15
retired - 11754:18,
 11754:25
returned - 11794:3
reveal - 11855:21
revealed - 11828:10
revelation - 11781:24
review - 11729:19,
 11753:18, 11754:1,
 11754:6, 11765:9,
 11766:4, 11766:20,
 11780:6, 11796:2
reviewed - 11747:9,
 11747:13, 11754:3,
 11767:1, 11770:10,
 11770:13, 11829:23



reviewing - 11744:16,
11745:1, 11766:22,
11767:2
Richard- 11772:17
Rick- 11726:7
rid - 11805:8,
11815:18, 11874:21,
11875:13
Riddell- 11736:25,
11775:9, 11775:10,
11775:20, 11828:8,
11848:5, 11848:11,
11848:16, 11848:21,
11851:14
Riddell's- 11775:17
ride - 11764:11
ripped - 11849:22
Rm- 11836:20
roads - 11807:13,
11807:14
robbery - 11732:17,
11806:3, 11877:23,
11878:1
Roger- 11836:23
role - 11731:24,
11733:4, 11734:13,
11735:6, 11735:15,
11735:17, 11735:19,
11736:3, 11736:5,
11744:15, 11756:14,
11756:15, 11756:17,
11756:22, 11774:4
Ron- 11755:25,
11758:21, 11759:14,
11760:6, 11793:15,
11801:10, 11801:12,
11804:21, 11821:9,
11848:6, 11849:25,
11850:9, 11861:6,
11872:1, 11882:17
room - 11749:19,
11836:23, 11838:12,
11838:14, 11838:24,
11838:25, 11872:14
roommates - 11749:6
roughly - 11755:7
route - 11876:10
Rpr- 11725:11,
11883:2, 11883:16,
11883:17
rule - 11842:13
ruled - 11749:18
run - 11740:7,
11788:23, 11814:4
rundown - 11800:24
running - 11737:18,
11834:4

S

S/sgt - 11793:2
saliva - 11772:12
sample - 11772:12,
11772:25
samples - 11735:18,
11735:19
Sandra - 11725:4
Sask - 11779:9,
11793:14
Saskatchewan -
11724:17, 11726:4,
11883:4
Saskatoon - 11724:17,
11726:7, 11728:15,
11728:19, 11729:18,
11738:11, 11775:19,
11801:4, 11811:23,
11833:20, 11835:20,
11837:1, 11841:14,
11841:18, 11841:20,

11857:7, 11857:9,
11857:15, 11857:19,
11858:9, 11858:11,
11858:24, 11861:4,
11861:19, 11862:2,
11862:23, 11864:6,
11881:2, 11881:4,
11881:12, 11882:4
sat - 11766:14
satisfied - 11861:10,
11876:1, 11876:25
satisfy - 11877:12
Saturday - 11794:4
saves - 11750:4
saw - 11767:6,
11791:8, 11802:5,
11802:17, 11803:17
scared - 11801:18
scene - 11807:20,
11875:4, 11875:16,
11876:12
school - 11830:17
screen - 11798:25
screw - 11850:10
scroll - 11771:5,
11771:12, 11793:24,
11804:14, 11808:6,
11814:22, 11832:9,
11857:5, 11858:8,
11863:4, 11864:4,
11866:13, 11872:3,
11873:23
Scroll - 11828:5,
11867:7, 11870:25,
11877:16
search - 11749:14,
11770:19
searched - 11813:24
seasoned - 11834:14
Seattle - 11858:22
Second - 11827:23
second - 11739:5,
11762:25, 11770:4,
11811:20, 11818:12,
11826:14
secondly - 11738:13
section - 11739:23,
11740:1, 11833:11
Security - 11725:12
see - 11729:23,
11733:6, 11733:10,
11740:18, 11741:1,
11741:24, 11748:25,
11749:13, 11749:23,
11750:6, 11750:12,
11751:16, 11752:10,
11752:14, 11752:21,
11753:14, 11754:7,
11761:11, 11765:12,
11766:24, 11785:17,
11786:12, 11787:15,
11787:21, 11796:25,
11802:17, 11805:14,
11812:6, 11812:18,
11816:11, 11817:4,
11826:21, 11831:25,
11832:1, 11848:23,
11849:11, 11851:11,
11854:15, 11861:8,
11872:17, 11874:24,
11875:4, 11875:8,
11876:21, 11876:22,
11877:10, 11880:13
seeing - 11734:24,
11802:24, 11823:25,
11824:19, 11829:20,
11831:14, 11831:19,
11852:13
seem - 11806:22,
11823:15

self - 11793:11
send - 11743:9,
11827:12, 11829:2
senior - 11731:14,
11731:16, 11731:21,
11734:10, 11739:15,
11739:19, 11740:12,
11741:15, 11742:20,
11743:2, 11746:21,
11757:17, 11774:17
seniority - 11731:7,
11731:9
sent - 11829:4,
11834:19
sentence - 11837:10
separate - 11788:3
sequencing -
11838:22
Serge - 11726:6
Sergeant - 11737:1,
11745:1, 11747:12,
11757:21, 11758:5,
11762:24, 11763:7,
11763:13, 11790:22,
11791:1, 11812:23,
11834:4, 11834:10,
11834:20, 11835:1,
11839:9
sergeant - 11730:11,
11732:20, 11752:10,
11753:13, 11753:18,
11753:25, 11829:15,
11834:19
sergeants - 11731:25,
11733:4, 11733:12
serious - 11819:16
serology - 11735:18
served - 11729:24,
11739:23
Service - 11726:7,
11728:20, 11729:18
service - 11729:16,
11729:20, 11729:21,
11730:3, 11825:25,
11826:14, 11828:2,
11837:1, 11869:1
sessions - 11737:5,
11741:14
sets - 11856:10
seven - 11785:12,
11787:22, 11788:2,
11788:17
several - 11762:14
Sever - 11758:12
Sexual - 11858:20
sexual - 11859:15,
11859:21, 11860:13
Sharon - 11880:20
Sheraton - 11724:16
shift - 11743:19,
11753:19
shirt - 11802:3,
11802:5, 11871:23
shook - 11837:8,
11837:18
short - 11831:15,
11869:15, 11869:16
Short - 11734:13,
11734:17, 11734:25,
11735:3, 11736:20,
11738:3, 11744:14,
11747:13, 11757:20,
11758:2, 11758:6,
11758:8, 11759:9,
11760:3, 11760:4,
11765:16, 11765:18,
11767:11, 11789:13,
11790:18, 11790:23,
11791:16, 11791:22,
11794:1, 11794:16,

11794:24, 11795:5,
11825:21, 11826:8,
11828:6, 11829:1,
11829:3
Short's - 11792:19,
11792:21
shorthand - 11883:5
shortly - 11756:12,
11804:23
Shorty - 11817:22,
11849:18, 11864:23,
11865:6, 11865:14,
11865:18, 11877:19
Shorty's - 11858:13,
11863:7, 11866:5,
11867:2, 11867:8,
11870:3, 11870:14,
11870:19, 11874:12
show - 11742:15,
11768:20, 11842:20
showed - 11820:8,
11850:21, 11850:22,
11851:13, 11861:1,
11866:7
showing - 11772:13,
11868:7
shown - 11799:8,
11851:19
shows - 11760:10,
11764:24, 11819:24
side - 11798:1,
11807:14
sign - 11796:4,
11846:23, 11846:24,
11852:2, 11852:6
signature - 11764:7,
11797:8, 11797:10,
11798:6, 11852:9
signed - 11846:22,
11852:1
significance -
11785:10, 11785:14,
11786:3, 11786:5,
11800:1, 11801:22,
11802:8, 11802:10,
11804:16, 11805:4,
11805:16, 11806:18,
11806:20, 11807:15,
11811:11, 11815:2,
11815:14, 11816:2,
11817:19, 11831:23,
11832:25, 11843:13,
11866:6, 11866:10,
11869:13, 11870:7,
11871:5, 11871:6,
11871:10, 11872:20,
11873:21, 11880:3,
11882:8
significant - 11733:11,
11755:17, 11755:25,
11759:13, 11761:1,
11763:20, 11767:14,
11775:2, 11802:14,
11809:4, 11819:25,
11820:5, 11832:3,
11832:7, 11843:21,
11854:24, 11860:4
significantly - 11778:8
similar - 11775:22,
11818:15
similarities - 11770:1
similarity - 11771:14
similarly - 11749:12
simply - 11791:7,
11792:11, 11795:24,
11813:15, 11858:1
sitting - 11724:15
situated - 11791:2
situation - 11751:18,
11820:24

six - 11802:23,
11803:11
skepticism - 11810:22,
11810:24
skill - 11883:6
sleeping - 11809:21
smart - 11822:16,
11822:17, 11840:19
smoked - 11808:8
smoking - 11811:23,
11858:6
snake - 11824:20
snap - 11879:1,
11879:9
soiled - 11807:1
someone - 11739:8,
11739:15, 11743:15,
11743:17, 11744:19,
11746:20, 11746:21,
11747:16, 11748:12,
11748:17, 11748:20,
11750:10, 11752:21,
11759:12, 11761:25,
11764:15, 11767:10,
11771:9, 11782:17,
11783:16, 11784:14,
11786:9, 11787:10,
11787:23, 11797:25,
11804:4, 11828:3,
11843:14, 11844:7,
11849:8, 11860:17,
11862:11, 11862:14,
11863:16
Sometime - 11810:1
sometime - 11827:5
Sometimes -
11807:13, 11808:24,
11831:25, 11842:8,
11875:7
sometimes - 11869:16
Somewhat - 11731:11
somewhere -
11785:24, 11804:8
soon - 11880:12
sorry - 11750:20,
11774:11, 11774:14,
11776:17, 11787:14,
11798:13, 11806:12,
11809:14, 11815:9,
11824:3, 11828:23,
11834:25, 11855:17,
11862:20, 11864:4,
11871:5, 11877:1,
11878:13, 11880:6
Sorry - 11787:14,
11839:3
sort - 11789:20,
11792:5, 11838:22
sought - 11770:21
sound - 11756:6
Sounds - 11830:6
source - 11855:21
South - 11779:7,
11780:13, 11799:7
south - 11762:8
Speaker - 11822:2
specific - 11741:7,
11744:9, 11773:15,
11795:16, 11862:9,
11862:13
specifically - 11729:3,
11730:22, 11734:14,
11740:23, 11745:2,
11758:19, 11767:16,
11780:19
spectacular -
11753:13
speed - 11880:25,
11881:6
spending - 11845:15



spent - 11808:1,
11812:11, 11840:11,
11845:24, 11846:1
spoken - 11791:25
st - 11835:16
St - 11865:16, 11866:2,
11866:9, 11870:14,
11880:19
stab - 11853:12
stabbed - 11853:4,
11853:16
stabs - 11853:4
Staff - 11725:1,
11725:8, 11737:1,
11745:1, 11747:12,
11758:5, 11790:22,
11791:1, 11812:23,
11834:4, 11834:10,
11834:19, 11835:1,
11839:9
staff - 11753:13,
11753:17, 11753:25
stage - 11869:25
Stan - 11834:4,
11848:11
stand - 11728:7,
11772:23
standard - 11739:3,
11795:13, 11819:10,
11843:2, 11856:11,
11856:12, 11878:17
standing - 11728:12
start - 11795:17,
11872:18
started - 11814:5,
11816:1
statement - 11750:19,
11750:20, 11755:23,
11757:4, 11764:6,
11764:12, 11764:16,
11765:14, 11765:19,
11772:14, 11787:2,
11787:3, 11791:16,
11792:4, 11792:7,
11792:11, 11792:13,
11792:17, 11793:8,
11795:8, 11795:14,
11796:2, 11796:6,
11797:5, 11797:21,
11799:2, 11801:19,
11803:5, 11803:25,
11816:4, 11816:16,
11817:25, 11818:3,
11818:7, 11819:6,
11820:13, 11827:8,
11829:6, 11829:9,
11829:18, 11829:19,
11829:24, 11830:12,
11830:19, 11831:2,
11831:4, 11831:13,
11837:23, 11839:18,
11840:8, 11841:9,
11841:19, 11845:19,
11845:24, 11846:18,
11846:20, 11846:22,
11846:24, 11847:18,
11848:1, 11849:2,
11849:7, 11849:8,
11849:11, 11850:17,
11850:18, 11850:24,
11851:17, 11851:20,
11851:25, 11852:1,
11852:13, 11854:12,
11855:4, 11856:5,
11861:25, 11875:21,
11877:3, 11877:20
statements - 11749:7,
11789:17, 11829:14,
11830:9, 11835:4,
11847:4

states - 11772:16,
11779:14, 11858:21
station - 11789:4,
11790:22, 11791:2,
11791:4, 11791:7,
11792:25, 11796:12,
11820:8, 11820:9,
11821:6, 11826:14,
11828:2, 11829:21,
11838:16, 11869:2
Station - 11825:25
stayed - 11812:9,
11838:15, 11838:18
staying - 11828:11
steps - 11744:16
still - 11771:8,
11872:13, 11877:14,
11877:15
stint - 11730:2
stole - 11859:4,
11859:5
stolen - 11849:19,
11858:20
Stolen - 11860:3
stood - 11780:5
stop - 11781:6,
11784:12, 11810:13,
11846:7, 11864:5,
11866:14
stopped - 11863:9
stopping - 11863:15
stories - 11825:22
story - 11766:24,
11783:15, 11793:6,
11810:22, 11810:25,
11812:1, 11812:18,
11813:2, 11814:17,
11816:8, 11816:14,
11821:14, 11831:24,
11854:20
strange - 11879:8
Street - 11762:9,
11763:5, 11779:14,
11833:6
street - 11749:3,
11749:13, 11751:15,
11840:20, 11840:24,
11841:1, 11863:8,
11866:16, 11867:16,
11868:3
street-wise -
11840:20, 11841:1
strike - 11788:14
strip - 11813:24
strong - 11777:17,
11777:24
stuck - 11804:24,
11866:19, 11867:9,
11868:6, 11868:10,
11868:14, 11868:22,
11869:1, 11869:5
stuff - 11816:20
subsequent -
11766:12, 11778:12,
11822:10
subsequently -
11793:8, 11802:16,
11807:4
substantiate -
11781:23
successful - 11878:4
suffering - 11823:5
suggest - 11786:19,
11806:9, 11806:11
suggestion - 11834:18
suggests - 11853:23
suitcase - 11807:2,
11850:7
summarize - 11792:6
summary - 11792:3,

11793:21, 11825:17
Sunday - 11792:24,
11827:12, 11827:15,
11827:16, 11833:20
Superintendent -
11734:23, 11736:9,
11736:19, 11747:13,
11758:6, 11775:14,
11829:3
supervised - 11734:17
supervising - 11734:2
supervisor - 11735:8,
11735:9
Support - 11725:8
suppose - 11781:11,
11782:19, 11872:6,
11873:20, 11878:12
Supreme - 11824:13
Supt - 11793:3
surfacing - 11778:13
surprise - 11859:4
suspect - 11741:8,
11741:11, 11742:25,
11743:14, 11747:17,
11748:4, 11748:13,
11748:22, 11758:14,
11773:23, 11796:10,
11818:15, 11818:16,
11818:17, 11842:10,
11843:8, 11848:25,
11854:2, 11855:2,
11856:14, 11860:18,
11869:22, 11880:4
suspected - 11828:14,
11843:14
suspects - 11737:22,
11808:20, 11820:1,
11841:22, 11842:19
suspended - 11837:10
suspicion - 11877:13
suspicious -
11791:20, 11801:20,
11805:9, 11815:21,
11844:19, 11867:24,
11868:21, 11877:5,
11880:8, 11882:9
sweating - 11842:11
Sworn - 11727:3
sworn - 11728:8

T

talks - 11763:3,
11771:6, 11771:7,
11775:13, 11775:20,
11776:18, 11784:21,
11790:20, 11795:5,
11834:25, 11868:14,
11870:25
Tallis - 11726:14,
11826:17
tally - 11750:11
task - 11757:7
tasks - 11734:7,
11757:2
taxi - 11764:10
Tdr - 11726:5
Technician - 11725:13
telexes - 11833:19
Temperance - 11763:4
tended - 11786:18
tested - 11855:24
testify - 11768:8
Testimony - 11724:14
that - 11843:20
themselves - 11745:5
theories - 11768:2,
11769:4
theory - 11768:13,
11769:6, 11769:13

thereabouts -
11788:15, 11864:11,
11868:19
therefore - 11750:2
thin - 11801:16
thinking - 11784:6,
11803:8, 11807:24,
11818:5, 11859:25
third - 11731:2
thoughts - 11882:15
threaten - 11796:15
three - 11729:24,
11777:18, 11794:7,
11794:9, 11823:16,
11827:11
throughout - 11838:3
thumb - 11842:14
ticket - 11810:3
tired - 11869:21
today - 11767:13,
11767:19, 11768:24,
11804:3
together - 11783:6,
11858:6
togethers - 11774:8
took - 11735:19,
11765:14, 11772:12,
11772:14, 11795:8,
11795:14, 11796:6,
11804:21, 11807:2,
11829:5, 11829:9,
11830:11, 11832:13,
11839:18, 11845:19,
11850:23, 11851:8,
11868:2, 11877:2
Took - 11755:23
top - 11761:12,
11770:18, 11787:3,
11822:18, 11843:2,
11846:6, 11848:3,
11851:13, 11876:14,
11878:8
touch - 11761:8,
11762:5, 11818:3,
11825:12, 11828:8
touched - 11847:4,
11879:14
tow - 11826:2,
11828:3, 11871:1,
11871:9
towards - 11879:20
town - 11774:9,
11801:17, 11801:23,
11808:1, 11877:4
track - 11747:16
traffic - 11740:19
Trafficking - 11859:24
trafficking - 11837:11,
11858:20
Transcript - 11724:12,
11728:1
transcription -
11883:5
transferred - 11858:23
transpired - 11792:22
transport - 11745:13,
11809:17, 11811:8
travel - 11738:9,
11739:6, 11739:8
travelling - 11880:9,
11882:16
treatment - 11878:9
Tried - 11847:8
tried - 11869:4
trip - 11809:3,
11809:6, 11858:5,
11858:15
trouble - 11808:3,
11809:16, 11858:24,
11861:2, 11864:25,

11865:7, 11865:9,
11866:18, 11866:20,
11866:22, 11866:25
truck - 11826:2,
11828:3, 11871:1,
11871:9
true - 11729:7,
11883:5
trunk - 11809:19,
11817:5
try - 11729:2,
11729:10, 11755:3,
11765:4, 11842:1,
11845:7
trying - 11737:17,
11758:22, 11785:25,
11807:4, 11841:4,
11864:17, 11882:12
turn - 11742:6,
11754:21, 11754:22,
11754:24, 11764:18,
11778:6, 11793:2
turned - 11753:19,
11754:20, 11754:23,
11771:10
twice - 11874:11
twiggid - 11781:9
two - 11732:11,
11738:10, 11741:12,
11764:11, 11767:7,
11767:15, 11767:23,
11768:4, 11768:7,
11770:6, 11775:20,
11776:17, 11777:7,
11785:17, 11786:12,
11786:24, 11788:1,
11788:2, 11788:16,
11788:17, 11794:20,
11795:7, 11803:7,
11826:1, 11848:23,
11850:22, 11875:12,
11875:16
type - 11731:7,
11732:13, 11732:14,
11740:13, 11745:9,
11751:18, 11760:16,
11770:24, 11773:1,
11773:17, 11773:18,
11858:18, 11878:17
typed - 11745:15,
11745:16, 11745:17,
11798:8, 11798:10,
11844:24, 11849:8,
11851:17
types - 11737:24
typewritten - 11799:1,
11856:5
typically - 11736:18

U

umm - 11840:19
unaware - 11794:3
under - 11776:23,
11808:24
Understandably -
11810:13
understood -
11733:25, 11790:13
undertook - 11734:7
uniform - 11853:9,
11853:10, 11853:14
Union - 11805:14,
11877:22, 11878:2
unique - 11748:7
Unknown - 11822:2
unless - 11752:9,
11780:11, 11783:5
unrelated - 11786:9
unsolved - 11770:6



unusual - 11742:4,
11742:5, 11752:9,
11761:2, 11763:16,
11775:1, 11787:24,
11788:4, 11788:15,
11788:19, 11788:20,
11789:22, 11791:11,
11796:19, 11806:15,
11816:21, 11860:14,
11862:11, 11862:14,
11862:21, 11875:22
unusual' - 11751:17
up - 11728:7,
11729:15, 11730:18,
11734:16, 11742:3,
11743:9, 11743:20,
11743:23, 11744:13,
11745:9, 11748:24,
11749:22, 11750:5,
11750:11, 11751:13,
11761:9, 11762:23,
11764:5, 11765:25,
11767:9, 11769:17,
11770:16, 11772:23,
11775:8, 11776:21,
11778:10, 11778:18,
11783:19, 11784:19,
11788:24, 11792:2,
11792:19, 11793:19,
11797:4, 11798:8,
11798:25, 11802:16,
11810:1, 11810:2,
11811:3, 11812:10,
11812:15, 11812:24,
11814:16, 11820:8,
11820:10, 11820:23,
11826:9, 11826:11,
11827:11, 11827:13,
11828:2, 11829:8,
11829:13, 11831:2,
11833:17, 11836:3,
11836:5, 11836:18,
11836:22, 11837:8,
11837:9, 11837:18,
11837:19, 11837:21,
11841:16, 11842:23,
11844:4, 11844:11,
11849:4, 11849:8,
11856:4, 11857:16,
11874:10, 11880:15,
11881:1
Up - 11876:3
upset - 11844:4
urgent - 11743:25
usual - 11855:1
Ute - 11759:15

V

V1 - 11767:16,
11771:17
V2 - 11767:17,
11771:17, 11777:21
V3 - 11767:18
V4 - 11784:21,
11784:22, 11785:5,
11786:6, 11787:1,
11788:11
vag - 11801:3,
11812:11, 11812:25
vague - 11812:5,
11812:6, 11835:6
value - 11770:22,
11771:21
Vancouver - 11837:10,
11858:23
various - 11740:19,
11781:19, 11825:22,
11849:6
vary - 11734:11

vehicle - 11826:15,
11849:21, 11863:15,
11864:10, 11875:11
verbatim - 11845:8,
11845:10
verified - 11813:2
verify - 11781:13,
11783:15, 11814:17
verifying - 11820:17
versed - 11808:15
version - 11745:16,
11797:21, 11798:8,
11798:11, 11799:1,
11844:24, 11846:6,
11846:9, 11849:1,
11849:12, 11850:21,
11851:17, 11856:5
versions - 11745:17,
11849:6
versus - 11820:24,
11860:16
vicinity - 11762:18
view - 11746:18,
11759:4, 11775:22,
11777:19, 11855:6,
11876:5
viewed - 11737:15,
11818:16, 11820:4,
11820:12, 11821:14
viewing - 11854:2
views - 11757:3
Vigorously - 11843:25
visions - 11823:23,
11823:25, 11824:17,
11824:19
vocabulary - 11841:1
vocabulary-wise -
11841:1
Volume - 11724:22
voluntarily - 11821:6,
11821:17
volunteered -
11859:12
Von - 11833:6

W

waist - 11853:11
wait - 11744:3,
11744:4, 11800:20
walked - 11791:7
wallet - 11771:7,
11771:10, 11805:19
Ward - 11732:4,
11745:1
warning - 11836:21,
11843:2, 11843:3,
11856:11, 11856:12
warranted - 11826:6
Watson - 11726:6
waylaid - 11747:1
Wearing - 11779:9
wearing - 11784:10
weather - 11788:21
week - 11777:23,
11811:22, 11812:11
weeks - 11756:8,
11767:7, 11857:17
whatsoever -
11820:12, 11860:16
whole - 11735:20,
11750:6
wife - 11782:20
Williams - 11880:20
Wilson - 11756:1,
11758:21, 11758:22,
11759:14, 11760:6,
11793:15, 11794:10,
11794:13, 11801:12,
11821:9, 11832:17,

11832:22, 11848:6,
11848:17, 11849:21,
11849:25, 11882:17
Wilson's - 11861:6
Winnipeg - 11828:12,
11828:14, 11828:21,
11833:14, 11833:21,
11834:1, 11834:11,
11835:11, 11835:16,
11860:23
Winnipeg-st-
11835:16
wise - 11840:20,
11841:1
wise' - 11840:21
wish - 11841:10
withhold - 11841:4
witness - 11728:6,
11728:7, 11738:18,
11748:13, 11754:9,
11795:17, 11796:1,
11797:21, 11819:11,
11852:2
witnesses - 11756:20,
11763:3, 11795:19,
11808:20, 11816:19,
11816:23
Wolch - 11726:2
woman - 11863:8,
11863:18
women - 11788:16
wondering - 11789:19,
11792:9, 11836:9,
11846:16, 11874:4,
11875:3, 11881:15
Wood - 11734:23,
11735:4, 11735:6,
11736:19, 11747:14,
11758:2, 11758:7,
11829:3
Wood's - 11736:9,
11736:14, 11793:4
Woods - 11775:14
word - 11845:12,
11863:18, 11879:17
words - 11739:14,
11757:19, 11759:3,
11759:12, 11771:13,
11788:8, 11813:18,
11819:7, 11821:22,
11840:2, 11845:10,
11858:2, 11860:9
work' - 11748:1
worker - 11784:8
Works - 11779:8
Wpg - 11837:5
write - 11795:24,
11810:18, 11845:5,
11845:13
writes - 11777:4,
11794:1
writing - 11787:3,
11795:18, 11847:1
written - 11762:7,
11775:5, 11775:6,
11777:15, 11803:25
Wrongful - 11724:3
wrote - 11745:7

Y

year - 11799:20,
11799:23, 11830:21,
11857:7, 11858:12,
11858:15
years - 11729:16,
11762:13, 11762:14,
11802:23, 11823:9,
11823:16, 11823:18,
11824:14, 11825:13

yellow - 11779:10
Yorkton - 11878:23
young - 11803:13,
11804:1, 11806:13,
11808:11, 11810:15,
11829:12, 11840:19
younger - 11802:22,
11803:5
yourself - 11759:4,
11882:5
youth - 11791:15,
11834:13, 11835:4

