

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 Tuesday, August 23rd, 2005

Volume 61

Inquiry Proceedings



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Mr. Alexander Pringle, Q.C., **for** Justice Calvin Tallis
 (Retired)



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EDDIE ALEXANDER KARST, CONTINUED

- BY MR. HODSON

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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

MR. HODSON: Morning, Mr. Karst.

A Morning.

EDDIE ALEXANDER KARST, continued:

BY MR. HODSON:

Q If we could have document 305273 brought up, the David Milgaard statement, and go to page 305281. And just before we go to that document, Mr. Karst, yesterday you told us that in your first interview with Albert Cadrain he told you he saw blood on Mr. Milgaard's clothing; do you recall telling us that?

A I do.

Q And what do you remember about the amount of blood, location of the blood, do you have any memory of what he told you?

A No, I really don't.

Q Do you have any memory of what you subsequently may have inquired of him, or anybody else, about the quantity and location of blood on Mr. Milgaard's clothing?

A Not that I recall.



1 Q Do you remember it being a significant amount, a
2 small amount, or anything that stuck out in your
3 mind?

4 A No, I don't.

09:03 5 Q Okay. And yesterday we were going through Mr.
6 Milgaard's statement, and just to refresh your
7 memory, we had looked at the handwritten
8 statement, this is the statement of March 3rd,
9 1969, and I was going through the typewritten
09:03 10 version of that statement, and just at the top
11 here you asked Mr. Milgaard about his pants being:

12 "... ripped when you went into the
13 motel - how did they get ripped?

14 A I don't know."

09:03 15 And, again, any significance to the pants being
16 ripped that you recall?

17 A Yes. I suppose, if he had been involved in a
18 rape, his trousers could be ripped.

19 Q And then down here they talk about what they were
09:03 20 doing in St. Albert, and Sharon's folks looking
21 for her, and then:

22 "Q What is Sharon's address?

23 A 54 Gillian Cresc., St. Albert ...",
24 and then:

25 "... - don't go there."



1 What do you recall about that or -- and any
2 significance?

3 A I don't know whether then, if he didn't want us to
4 inquire there, but I don't remember.

09:04 5 Q And do you recall whether inquiries were made of
6 Sharon Williams to see what she may know about the
7 case?

8 A Someone else did.

9 Q And we'll deal with that a bit later. Go to the
09:04 10 next page, please. And I believe, sir, you said
11 these are Mr. Milgaard's notes; is that right?

12 A Yes.

13 Q And did you have him write something at the top as
14 well, it says:

09:04 15 "Green striped pants ...",
16 etcetera?

17 A It appears that way.

18 Q I recall reading somewhere, and I can't recall
19 where, that -- and perhaps just confirm this for
09:04 20 me -- that you were also trying to identify
21 whether he was right or left-handed?

22 A I was.

23 Q And do you remember what you determined?

24 A I believe he was left-handed.

09:04 25 Q And do you recall whether or not you were looking



1 for a left or right-handed assailant?

2 A I knew we were but at this time I can't tell you
3 which hand.

4 Q Okay. I believe Dr. Emson's evidence was
09:05 5 something to the effect that, although it could be
6 either, that it was more likely from a
7 right-handed person, do you recall that, the stab
8 marks?

9 A I don't know.

09:05 10 Q Yeah. Is that something you think you would have
11 been aware of at the time?

12 A At the time I would have been.

13 Q And that would have prompted your test to see what
14 hand he was?

09:05 15 A Yes.

16 Q Okay. And it says at the top, and I'll maybe just
17 read through this:

18 "Green striped pants - worn when I was
19 in the car from Regina to Saskatoon.

09:05 20 There at Shortys or Rons, (I think
21 Shortys) "

22 I take it that those were the pants he changed
23 out of when he got to Shorty's?

24 A I believe so.

09:05 25 Q And those would have been an important piece of



1 evidence; is that fair to say?

2 A Yes.

3 Q And those would be the same pants that Albert
4 Cadrain said he saw blood on?

09:05 5 A Yes.

6 Q And do you know what efforts were made to try and
7 locate those?

8 A Someone contacted the Mounted Police or city
9 police in Regina to check his vehicle to ascertain
09:06 10 if the clothing was there.

11 Q Yeah, tell --

12 A We also made efforts to check the garbage cans at
13 the rear of the Cadrain dwelling, and I know the
14 other members were detailed to go out to the
09:06 15 landfill to check where the garbage had been
16 dumped earlier, however, I don't think anything
17 significant came of that.

18 Q And so do you have a recollection of officers
19 actually being assigned to, or going out to check
09:06 20 the garbage and/or the landfill?

21 A I do.

22 Q Were you involved at all in that?

23 A No, I wasn't.

24 Q Do you know who was?

09:06 25 A No, sir.



1 Q And I could be mistaken on this but I don't recall
2 seeing any written report of that, at least in the
3 investigation file, of a check; are you aware of
4 whether a report would have been made?

09:06 5 A No, I'm not.

6 Q And then it states -- now, and I appreciate that
7 would have been about five weeks after --

8 A Correct.

9 Q -- the date of the murder; is that fair?

09:07 10 A Yes.

11 Q And your recollection, I think you said, is that
12 nothing was found of interest?

13 A To my knowledge, nothing was found.

14 Q And then he says, maybe we can just enlarge this
09:07 15 area here, and it says:

16 "This is the house of stuck car owner.",
17 right here. And I believe, Mr. Karst, when the
18 reference was made in the statement when we went
19 through it, this was the Danchuk location?

09:07 20 A Vehicle, I think so.

21 Q And again, I don't know if we need to go into too
22 much detail, but you would have asked him to draw
23 where it was that he got stuck when they came upon
24 a car in the alley; is that fair?

09:07 25 A It would appear that way.



1 Q And so he drew that map. And then as well:

2 "This is garage who helped us.",

3 I take it that's where they went after the Dan --
4 or as part of the Danchuk incident; is that fair?

09:08 5 A I think so, yes.

6 Q And then, if you could just go back to the main
7 page, and then he has got a picture of the motel
8 over here, and would that be -- again, he told you
9 about going to the motel for a map; is that right?

09:08 10 A Yes, he did.

11 Q So he would be trying to describe for you, and
12 again without going back to the statement, but I
13 think what the statement said is that they got
14 stuck -- or that they went to the motel for a map,
09:08 15 and then got stuck in this alley over by the
16 Danchuk's, then went over to the garage; is that
17 right?

18 A Yes.

19 Q And again, in relation to where the Cadrain house
09:08 20 was and Gail Miller's body, did you draw any
21 connection, here, from this drawing?

22 A Not particularly.

23 Q Okay. I believe, and if my directions are right,
24 that the Cadrain house and the Gail Miller murder
09:08 25 scene would be to the left?



1 A That's right.

2 Q In that direction of the arrow?

3 A Yes.

4 Q The left of the drawing?

09:09 5 A Right.

6 Q And then down at the bottom I believe -- and
7 please correct me if I'm wrong, maybe just call
8 that out -- that you asked him to draw where he
9 went when he was at Cadrain's house when he moved
09:09 10 the car, and I believe the line, horizontal left
11 to right is 20th Street, that would be Avenue O,
12 and the square would be Cadrain's house; is that
13 right?

14 A I don't remember what that was.

09:09 15 Q Okay. You had asked him to draw where he went at
16 Cadrain's house though?

17 A I did, yes.

18 Q Okay. It would seem -- and maybe let me just
19 suggest this, Mr. Karst -- that there is a picture
09:09 20 of a car and going around the alley around the
21 Cadrain house; does that make sense?

22 A Yes, it does.

23 Q And this square at the bottom might be St. Mary's
24 Church; is that possible?

09:09 25 A Yes.



1 Q Do you know what else that might have been other
2 than the Cadrain house?

3 A No, sir, I can't remember that.

4 Q If we can go to the next page, please. 283,
09:10 5 please, next page. Oh, sorry, if we could go to
6 0066 -- or pardon me 006586 and go to page -- this
7 is just a different version of the statement, Mr.
8 Karst, with notes on it. If you could go to
9 006603, please, in fact I think if -- and I think
09:10 10 earlier you identified these as being notes that
11 you would have made, and maybe we'll just enlarge
12 that first part so you can take a look at them. I
13 think you told us yesterday these would have been
14 notes that you made when you first talked to Mr.
09:11 15 Milgaard on the morning of March 3rd before you
16 took the Q and A statement; is that correct?

17 A I believe so, yes.

18 Q And maybe we can just read it, it says:
19 "When you got to Regina what did you
09:11 20 do",
21 and it says something about:
22 "Saw Pat Murray - stayed there three
23 days"?

24 A Yes.

09:11 25 Q And:



1 "Shannon Rd - Whitmore Place - stayed at
2 Ron's place - 1 night",

3 I -- would that be relating to once they got to
4 Regina February 6th after the trip to Calgary; is
09:11 5 that what it's referring to? And it says:

6 "Nichol and Shorty - dropped off at
7 Cornwall"?

8 A Oh yeah, yeah.

9 Q Okay. And scroll down, please:

09:11 10 "Lost tooth in hockey - game
11 one pair in Ron's car",
12 do you know what that refers to?

13 A Probably a pair of trousers.

14 Q "Ripped pair at Ron's place - around
09:11 15 crotch - bell bottoms - left at Ron's
16 car
17 brown coat - left at Ron's - or Pat's -
18 dry-cleaning - Perth's dry cleaning
19 (Roger does cleaning)";

09:12 20 do you know what that relates to?

21 A Roger was his supervisor on his job and he looked
22 after the cleaning of the clothes for the boys.

23 Q And some of this was dealt with in the statement,
24 but is it fair to say that you were interested in
09:12 25 Mr. Milgaard's clothes from the morning of January



1 31, '69, and he told you where he thought they
2 were and what were done with them?

3 A That's correct.

4 Q And in fact the coat, I think inquiries were made
09:12 5 at Ron Wilson's parents' home; is that right?

6 A Yes.

7 Q And I think you already told us efforts were made
8 to locate the pants without success?

9 A Correct.

09:12 10 Q Did the fact that Mr. Milgaard voluntarily, or
11 appears from this to voluntarily have tried to
12 help you out to find the clothes, did that tell
13 you anything or did you put any significance on
14 that?

09:13 15 A He seemed to be quite cooperative.

16 Q Right. And if, in fact, there was something on
17 there that was incriminating what would you have
18 expected him --

19 A I wouldn't have expected them to have been around
09:13 20 at that time anyway, but you have to check.

21 Q Okay. If we can go to the next page, please.
22 Again, just call out the top part, and then it
23 says here:

24 "Got stuck at Shorty's",
09:13 25 is that right, in the corner?



1 A Yes.

2 Q And then you write:

3 "Who phoned -- called maybe Ron

4 I phoned - I can't remember all the

09:13 5 time."

6 And I take it that's when they were at Cadrain's

7 house and phoned for a tow truck?

8 A I believe so.

9 Q Says:

09:13 10 "Was Yorkton",

11 do you know what that is:

12 "Yorkton centre"?

13 A No, I can't.

14 Q "Psych centre",

09:14 15 I think:

16 "13 years - Dr. Andres - made snap

17 decisions."

18 And, again, you'll recall yesterday in his

19 statement that was something that was referred to

20 in the Q and A; correct?

21 A It was, yes.

22 Q And it says:

23 "Could you have done something in

24 Saskatoon & had memory lapse -",

09:14 25 scroll down, please. Again, is that something



1 you would have asked him, I think we saw that in
2 the Q and A?

3 A Yes.

4 Q And:

09:14 5 "How long a hippie - 1 1/2 ys."

6 Made in states, or:

7 "Canada and states - Seattle - sent back
8 to Canada, getting ...",

9 do you know what that word is?

10 A 'Married'.

11 Q "getting married near future".

12 And, again, I think we saw that in the Q and A?

13 A Yes.

14 Q Is it possible, Mr. Karst, that you would have

09:14 15 made these notes and then written the Q and A

16 later, or --

17 A I believe this was the interview prior to that.

18 Q And then says:

19 "have been on acid - 5 or 6 times

09:14 20 speed - drugs - dexadrine Regina

21 was on pot 2 days before coming to

22 Saskatoon".

23 And I think we saw that in the statement;

24 correct?

09:15 25 A Yes.



1 Q And if we can go to 006405, please, and it says at
2 the top:

3 "Call from Inspector Riddell re -
4 interview with Ron Wilson",

09:15 5 and I think, yesterday, you told us that these
6 would have been notes either from your call with
7 Inspector Riddell or from Stan Edmondson's call;
8 is that right?

9 A That's correct.

09:15 10 Q Do you have a memory of talking to Inspector
11 Riddell on that date?

12 A I don't other than this note.

13 Q And let's maybe just go through it. We know, and
14 I think you told us, you knew that Ron Wilson was
09:15 15 being interviewed that morning as well didn't you?

16 A After being informed by Riddell, yes.

17 Q Okay. Did -- I'm sorry, did Stan Edmondson not
18 inform you that -- or did you not know that Ron --
19 when you went down to see Mr. Milgaard, were you
09:16 20 aware that Ron Wilson was also being interviewed
21 the next morning?

22 A I can't remember.

23 Q Something would have caused you to phone Inspector
24 Riddell?

09:16 25 A Yes.



1 Q It says:

2 "- left Regina - 1:00

3 Got to Saskatoon 5:00 A.M.

4 Looked for Albert

09:16 5 - Milgaard - Peace Hill (Pleasant)

6 - 1 1/2 hrs stuck in lane

7 saw gas station cafe & went to Albert's

8 then Calgary - 2-3 afternoon.

9 Not separated

09:16 10 red car stuck in alley - pushed it out &
11 stalled his own.

12 Went into house -

13 - changed clothes -

14 Wilson changed clothes - acid -

09:16 15 Acid story - O.K.

16 Ron Wilson, Nichol John, Albert Cadrain.

17 Wilson says bought paring knife out of

18 Saskatoon."

19 And would those have been notes of what Riddell
09:16 20 told either you or Edmondson about what Wilson
21 had said?

22 A It would appear that way.

23 Q Do you recall -- let's just scroll up at the top

24 there, please. "5:00 - 9:00," is that your

09:16 25 handwriting, "4 hrs"?



1 A I think it is.

2 Q Do you know what that refers to?

3 A No, I don't.

4 Q Is it possible, and again it looks like here you
09:17 5 are talking about five a.m., and then I think nine
6 a.m. at Shorty's. Is that --

7 A Maybe that's when they left.

8 Q Possible four hours?

9 A Yeah, time lapse between when they got to the city
09:17 10 until they got to Shorty's.

11 Q That's just my read of it, Mr. Karst. I don't
12 want to -- is that --

13 A It sounds reasonable, but I'm not positive of
14 that.

09:17 15 Q Okay. And do you recall after talking to Riddell,
16 and again with the assistance of these notes,
17 whether you felt that Milgaard's story checked out
18 with Wilson's story?

19 A It appeared that way.

09:17 20 Q And was that surprising to you, or let me put it
21 this way, what did that tell you, if anything?

22 A All I recall is that after the interview and after
23 talking to -- I must have talked to Riddell, that
24 this warranted further inquiries and discussion
09:18 25 when I got back to Saskatoon, but there certainly



1 wasn't, certainly wasn't enough information or
2 evidence there to think about any charges at that
3 time.

4 Q Would you put -- so Milgaard wouldn't -- Mr.
09:18 5 Milgaard wouldn't know that you were interviewing
6 Mr. Wilson the same morning; is that fair?

7 A That would be correct.

8 Q And you would have known, or would you have known
9 whether or not Mr. Milgaard and Mr. Wilson had
09:18 10 talked in the last, in the weeks prior to your
11 interview?

12 A I have no idea, sir.

13 Q I believe in the interview at least of -- maybe in
14 both interviews, they both talk about the last
09:18 15 time they saw each other and I believe they both
16 said it was sometime earlier.

17 A That's what they said, yes.

18 Q And so did you place -- tell us what significance
19 if any would be on the fact that two separate
09:18 20 interviews at the same time of two people in the
21 car with each not knowing the other is being
22 interviewed and giving consistent stories that
23 seemed to check out, did you place any
24 significance on that?

09:19 25 A Not a great deal.



1 Q And why is that?

2 A I don't know whether I was convinced that they
3 couldn't have been together after they got back to
4 Regina, if there was some involvement, and checked
09:19 5 the story out that sounded reasonable.

6 Q Okay. And just again from your general
7 experience, I take it that if two people were
8 involved in something and you questioned them
9 independently of each other and they had not
09:19 10 talked to each other before being interviewed, is
11 there a rule of thumb, do you expect that if they
12 are involved you might get some inconsistencies if
13 they are covering up?

14 A If I was sure they hadn't been together since
09:19 15 that, yes, that would be significant.

16 Q And so if they hadn't been together and their
17 stories checked out as being consistent, that
18 might lead you to think that there was more
19 credibility to the story?

09:20 20 A I would say so.

21 Q And if you found out that they had talked to each
22 other immediately prior, then did you expect maybe
23 it to be more consistent?

24 A That's correct.

09:20 25 Q And would the fact that the stories appeared to be



1 fairly consistent at this time, would that be
2 enough in your mind as on investigator to say,
3 well, let's eliminate Mr. Milgaard as a suspect?

4 A No.

09:20 5 Q Why not?

6 A There were too many things in his statement that
7 had even been legitimately so, couldn't remember
8 or was evasive about that I wanted to be sure of.

9 Q Okay. And I think those are outlined in a report
09:20 10 of yours which I will go to in a moment. So I
11 take it at this time you are saying that it was a
12 factor, the Wilson/Milgaard stories that were
13 fairly consistent was a factor in your thought
14 process, but didn't cause you to eliminate him,
09:21 15 Mr. Milgaard as a suspect; is that what you are
16 saying?

17 A That's correct.

18 Q Can we just go back to doc ID 031058 and go to
19 page 031086, and do you recall these are from a
09:21 20 different version of the document, Mr. Karst, and
21 they were notes, I think you told us yesterday as
22 well, related to the interview of March 3rd, and:

23 "Acid - Regina - battery stolen & taken
24 to his car."

09:21 25 I take it the acid is referring to battery acid



1 and not the drug?

2 A I think so, yes.

3 Q And:

4 "Go to Wilsons vehicle check for pants -
09:21 5 ripped in crotch - also check car."

6 Would this be a note of follow-up that was
7 required or can you tell us what that might be?

8 A I would think that those are something we wanted
9 to check.

09:21 10 Q And then the next page, please -- or sorry, 031091
11 would be the next page to go to, and again I think
12 you told us these were your notes of the morning:

13 "What kind of morning; - foggy & clear."

14 Just call out that part:

09:22 15 "Nickey worked at Champs cafe - I stayed
16 at Kitchener hotel."

17 Again, would those have been notes of your
18 initial meeting with Mr. Milgaard?

19 A Yes.

09:22 20 Q And then did the rest -- can you tell us what this
21 says here:

22 "Did the rest leave you during time,"

23 I think it says, and answer:

24 "I'm not sure."

09:22 25 Do you know what that is?



1 A I can't read that.

2 Q It says:

3 "When did you get to Saskatoon - early."

4 And then if you just scroll down, it says:

09:22 5 "Remember bus depot and Hudson Bay -

6 also stopped and asked woman on street."

7 Is that right?

8 A It looks that way, yes.

9 Q Now, would that have been -- I note in that note,
09:22 10 Mr. Karst, you have just "asked woman" and in the
11 Q & A you have "old woman". Do you recall --

12 A In the statement he said old woman, yes.

13 Q And here is it possible he said old woman and you
14 only put woman down or do you know?

09:23 15 A I can't remember.

16 Q Okay. And then it says:

17 "Stopped at hotel - & asked.

18 Maybe went to motel twice - on perimeter
19 road - got city map. Maybe motel man
09:23 20 30-40 yrs - roof over drive in - pants
21 ripped, don't know how."

22 Over here. And then:

23 "What type of morning - weather."

24 And then I think here:

09:23 25 "Not very long picking up map - went in



1 by himself. I went in myself - Ron
2 driving."

3 Is that what that says?

4 A Yes.

09:23 5 Q And then just scroll down to the bottom, it says:

6 "I had suitcase -

7 Nickey - no clothes

8 Ron - no clothes

9 2 screw drivers."

09:23 10 And then something about knife. Do you know what
11 that says?

12 A "Was there a knife - didn't think so -
13 didn't know. Maybe."

14 Q And that would have been something you asked and a
09:24 15 note of what he told you?

16 A I believe so.

17 Q Now, after you were at the police station, or the
18 station with Mr. Milgaard and took his statement,
19 did you accompany him back to his motel?

09:24 20 A Yes, I did.

21 Q And for what purpose?

22 A Check his room.

23 Q Okay. And can you tell us what you recall doing
24 there?

09:24 25 A Looked through any clothing he had which had been



1 dry cleaned, there were I think tags on them from
2 a certain dry cleaning establishment, and also I
3 checked his body.

4 Q And for what purpose?

09:24 5 A If there were any scars or evidence of any scratch
6 marks or anything like that that I could connect
7 with a possible rape.

8 Q And did you find anything of interest?

9 A I did not.

09:24 10 Q And did Mr. Milgaard co-operate with you?

11 A Yes, he did.

12 Q Do you recall whether you had gone and checked
13 with dry cleaners as well?

14 A I did, I went to the dry cleaners, I can't
09:25 15 remember the name of it, but I went to a dry
16 cleaning place to check, but they couldn't shed
17 any light on it.

18 Q In Winnipeg?

19 A In Winnipeg.

09:25 20 Q And so if I have this right, Mr. Milgaard had told
21 you that his clothes had been cleaned since he had
22 been in Saskatoon?

23 A Yes.

24 Q And he told you where they were cleaned at; is
09:25 25 that fair?



1 A He did.

2 Q And did you then go to the dry cleaners and ask if
3 they noticed anything unusual about the clothes?

4 A I did that.

09:25 5 Q And to be more specific, whether they noticed any
6 blood on any of the clothes?

7 A They could not recall.

8 Q If we could then go back to 009233, please, and
9 this is your March 7th report, go to the next
09:25 10 page, please, and again just call out -- actually,
11 the bottom paragraph, please, and your report
12 confirms:

13 "Milgaard's body was checked with
14 regards to the physical marks, although
09:26 15 old scratches, etc. were noted on his
16 hands and on the back of his neck, it
17 was nothing that could be connected with
18 any recent struggle."

19 And then you went on to talk about checking,
09:26 20 saying:

21 "... the premises thoroughly searched.
22 Also his luggage, clothing, etc.
23 checked, nothing was noted ..."

24 Next page, and then talks about going to the dry
09:26 25 cleaners, and that would detail what you had done



1 then after you took Mr. Milgaard back?

2 A That's correct.

3 Q And I think we heard yesterday or saw a note of
4 Constable Coppang that Mr. Milgaard was actually
09:26 5 arrested and put in custody; is that right? Is
6 that your recollection?

7 A That's my recollection of what he said.

8 Q And then did someone have to make a decision to
9 release him, or tell us what happened when you
09:27 10 were done with Mr. Milgaard?

11 A I know he was released, that's all I can remember.

12 Q And do you recall any discussion with Inspector
13 Riddell as to whether or not you should keep him
14 or release him?

09:27 15 A I think his feeling was that we should release
16 him.

17 Q Do you know if it was your decision or Inspector
18 Riddell's or a joint decision?

19 A It was probably Inspector Riddell. He was an
09:27 20 inspector and a senior.

21 Q And if in that situation Mr. -- or tell me, in
22 what circumstances where you are interviewing a
23 suspect in a murder case might you detain the
24 person in custody?

09:27 25 A If I had evidence to clearly indicate to me that



1 this man is involved.

2 Q And so that on the day of March 3rd, if you felt
3 there was enough evidence, would it be enough
4 evidence to charge him with the murder, would that
09:28 5 be the criteria to keep him?

6 A I would think so.

7 Q Okay. And if you felt -- if it's a situation
8 where you are suspicious but you have to do some
9 more work, would the normal practice be then to
09:28 10 release?

11 A That's correct.

12 Q And did you -- were you in agreement, if it was
13 Inspector Riddell's decision to release Mr.
14 Milgaard, did you have any concern or objection to
09:28 15 that?

16 A No, I did not.

17 Q And do you recall how you left it with Mr.
18 Milgaard as far as whether you would be back to
19 him or things of that nature?

09:28 20 A I don't recall that.

21 Q Would he have asked you anything about what does
22 this mean, am I clear, anything like that?

23 A I don't remember.

24 Q Now, can we just scroll down on this report, and
09:28 25 again this is March 7th is the date of your



1 report, but it appears here, Mr. Karst, and we'll
2 go through these, it says:

3 "Through investigation and statements
4 taken from Milgaard there were several
09:29 5 points of interest noted."

6 And do I take it that this would have been your
7 summary of what you thought at the time based
8 upon your interview with Albert Cadrain, your
9 interview with David Milgaard and what you may
09:29 10 have learned from others such as the service
11 station operators and maybe what other
12 investigators had checked at the Cadrain house?

13 A I believe that to be true.

14 Q Do you know at the time you prepared this whether
09:29 15 you had visited the Cadrain house yet?

16 A I would -- I don't know. I would have thought I
17 would, but I don't know.

18 Q Okay. Maybe we'll just go through these, and the
19 purpose of writing these down, would it be for
09:29 20 what purpose, for your own benefit or others or
21 tell us what --

22 A I think more for the benefit, my benefit and also
23 for the benefit of the senior officers that were
24 conducting the investigation, let them know what
09:30 25 my feelings were, what I found out.



1 Q And so we'll go through these, number 1:

2 "That his arrival time in Saskatoon

3 coincided with the time of the murder."

4 And I take it that's referring to Mr. Milgaard;

09:30 5 correct?

6 A And Nichol John.

7 Q And Nichol John, yeah.

8 A Yes.

9 Q And 2:

09:30 10 "He can be placed in the vicinity of the
11 Murder due to his own admission."

12 3. And we know he was travelling in the
13 lanes having been told --"

14 Having been towed I think it should have said; is
15 that right?

16 A Yeah.

17 Q "-- from same by tow trucks which we
18 have information and statements with
19 regard to.

09:30 20 4. Also that Milgaard attended at the
21 Cadrain residence and also through his
22 own admission was in an excited
23 condition and although he denies this,
24 Cadrain stated that he had blood on his
09:30 25 clothing, this clothing not to be found



1 or located at this time."

2 Can we just go back up to the first three items,
3 and we talked about this yesterday, I take it at
4 this time the information you had had placed Mr.
09:31 5 Milgaard in the vicinity at or about the time
6 that you thought the murder took place?

7 A That's correct.

8 Q And when we say vicinity, that could be anywhere
9 from a block to a couple of miles; is that fair?

09:31 10 A Well, a couple of miles, I wouldn't say it was in
11 the vicinity, it had to be closer than that.

12 Q And what caused you -- what caused you to think
13 that he was in the vicinity of the T alley where
14 Gail Miller's body was found?

09:31 15 A He drew diagrams that indicated to me he was, he
16 knew where the cathedral was and that's the area
17 they were in and this is the area where the body
18 was found.

19 Q Would it be -- fair enough. And then I guess
09:31 20 number 4, you are talking about Mr. Milgaard being
21 in an excited condition and the issue of the blood
22 which Albert Cadrain said he saw but David
23 Milgaard denies; is that right, at that time?

24 A I don't know where you are reading.

09:31 25 Q Sorry, number 4, I just had read that, if you want



1 to take a look at that.

2 A Okay, yes.

3 Q And then five:

4 "Also that from Insp. Riddell's
09:32 5 conversation with the other youth
6 involved, Ronald Wilson in Regina,
7 stating that certainly Milgaard was
8 excited giving the reason as his girl
9 friend having ditched him for one of the
09:32 10 other youths when in fact it is found
11 through Milgaard's statement that he was
12 a little excited and in a hurry due to
13 the fact that he was going to see his
14 girl friend in St. Albert ... this girl
09:32 15 friend being Sharon Williams ..."

16 And her address. Do you recall what this related
17 to or what the significance of that?

18 A Well, it appeared there were two different stories
19 there, one, that he had just been ditched by
09:32 20 another girlfriend, that's the reason he was
21 excited, and the other was that he was excited
22 because he was going to see Sharon William.

23 Q And would that be an inconsistency then that
24 concerned you?

09:33 25 A A slight one.



1 Q Okay. And is it possible that both might have
2 been right?

3 A That's very well possible.

4 Q And then number 6:

09:33 5 "That we know these persons were under
6 the effect of drugs through their own
7 admission."

8 I think you told us yesterday about that,
9 correct, your thoughts --

09:33 10 A Yes.

11 Q -- about people on drugs or alcohol.

12 "Also that these persons were in
13 financial trouble."

14 And again what caused you to reach that
09:33 15 conclusion?

16 A What caused me to --

17 Q On what basis did you say that?

18 A Well, I think Cadrain also says that they came to
19 him for money and I believed that Milgaard also
09:33 20 said they wanted to take the girl along and also
21 Albert so they would have some money to buy drugs.

22 Q So what you are saying is that they were, these
23 persons were in need of money; is that --

24 A I think that was the impression I --

09:33 25 Q Okay. And then number 8:



1 "Also to be taken into consideration is
2 the record and type of offences which
3 Milgaard has a record, this being
4 covered in the statements taken from
09:34 5 him."

6 And again, when you talk about his record, would
7 you be relying upon the information that he had
8 given you in the interview?

9 A Yes, we tried to check that out in Langenburg,
09:34 10 which we didn't have much success.

11 Q And would that have been done later after this
12 report do you think?

13 A No, prior.

14 Q Do you recall when you went to Langenburg? Or,
09:34 15 I'm sorry, let me back up, when you say you
16 checked out, was that by phone call or in person?

17 A No, when Lieutenant Short and I were in Langenburg
18 we made a few calls, but I don't know whether we
19 didn't find the people or what. We didn't get any
09:34 20 information.

21 Q And when did you and Lieutenant Short go to
22 Langenburg; do you recall?

23 A I think sometime in March.

24 Q Okay. Let me just put a couple of dates to you
09:34 25 and see if you can help pin this down. March 2nd



1 on Sunday you took Albert Cadrain's statement?

2 A Yes.

3 Q You flew to Winnipeg that evening, took Mr.
4 Milgaard's statement on March 3rd, a Monday. I'll
09:35 5 be going in a moment to a statement of Albert
6 Cadrain on March 5th and this report is dated
7 March 7th, which would be the Friday I believe.
8 Do you think you went to Langenburg before this
9 March 7th report or after?

09:35 10 A I don't know.

11 Q Okay. And I'll deal with that later, but you and
12 Lieutenant Short went to Langenburg to check up on
13 some of the things Mr. Milgaard had told you and
14 to get some background; is that fair?

09:35 15 A And to advise the Milgaard parents what was going
16 on.

17 Q Why don't you tell us what you recall about that
18 trip?

19 A Not too much. I believe we attended at the
09:35 20 Milgaard residence, spoke to Mr. and
21 Mrs. Milgaard. Mrs. Milgaard was very upset, she
22 was quite sure her son wouldn't be involved in
23 anything like that, but the father seemed to be
24 not too surprised and with that we left and made
09:36 25 further inquiries.



1 Q Let's just back up. When you went to their home,
2 what would you or Mr. Short have said to them
3 generally as to why you were there?

4 A Probably that we were investigating their son with
09:36 5 regards to a murder.

6 Q And so you -- let me back -- you would have told
7 them he was a suspect in a murder case?

8 A I don't know whether I said suspect, but we were
9 doing some investigation with regards to a murder
09:36 10 and he was one of the people we were talking to.

11 Q And do you recall what Mr. Milgaard had said to
12 you when you told him that?

13 A Words to the effect that he wasn't surprised or he
14 expected he would be in some kind of trouble
09:36 15 sooner or later, words though that effect, I can't
16 recall.

17 Q And did you place any significance on that?

18 A Not really. He may not have been getting along
19 with his son, so he may say things like that.

09:37 20 Q And what about Mrs. Milgaard, do you recall what
21 she had said to you?

22 A Very upset and was sure her son would not be
23 involved in something like that.

24 Q Okay. And do you recall anything further than --
09:37 25 or what else did you do when you were in



1 Langenburg?

2 A I think we tried to see a school teacher.

3 Q And do you recall --

4 A I can't remember anything else.

09:37 5 Q And in the statement Mr. Milgaard had told you
6 that he had been in to see a Dr. Andres, I think
7 that was in Yorkton. Did you make any inquiries
8 about any --

9 A I think somebody did, but I didn't.

09:37 10 Q Okay. So if we go back to the statement, again
11 number 8:

12 "... the record and type of offences
13 which Milgaard has a record, this being
14 covered in the statements taken from
09:37 15 him."

16 Do you know if you would have had a formal
17 criminal record at this time for him?

18 A I don't think so. If there was, I don't remember
19 seeing it.

09:37 20 Q Okay. And then number 9:

21 "There is also some indication from one
22 of the Service Station attendants that
23 while the vehicle was being fixed at the
24 garage at Ave. P and 22nd St. that
09:38 25 Milgaard made various attempts to clean



1 the auto out."

2 And I believe, was that George Davis, does that
3 name ring a bell?

4 A No, it doesn't.

09:38 5 Q But do you have a recollection of talking to
6 someone at a garage or --

7 A Yes, I recall that somebody told us that they were
8 trying to clean the car out.

9 Q And again, did that cause suspicion in your mind
09:38 10 at the time?

11 A Some significance to me, yes.

12 Q And then at the bottom:

13 "And one of the most important factors
14 to be kept in mind is the time element
09:38 15 involved, as there is no accounting for
16 the time which they arrived in the City,
17 which is approx. 5:00 or 5:30 by their
18 own testimony and statements and we
19 cannot account for any of their actions
09:38 20 until approx. 20 minutes to 8:00 when
21 they were stuck in a lane in the 100
22 Blk. off of south of 22nd St. between
23 Ave. T and U."

24 Again, this is covered by the Danchuks.

09:38 25 And again, can you just elaborate on that, Mr.



1 Karst, what were you thinking there?

2 A Well, that was about the time it was understood
3 that the offence had taken place and this is a
4 time period which neither him nor Wilson accounted
09:39 5 for, so it left room for more inquiries as to what
6 really happened, where they were.

7 Q And would you have expected them to be able to
8 account for that time period?

9 A I thought so. Being that in some instances
09:39 10 Milgaard could relate to me, you know, really
11 specific things like the age of the man in the
12 motel room, there was certain things he was so
13 definite about, yet he couldn't fill in the time
14 period a couple of hours with some answers.

09:39 15 Q Okay. And so in your mind that required further
16 investigation?

17 A It did.

18 Q And then you go on to say:

19 "Intensive interrogation and questioning
09:39 20 of Milgaard by myself and S/Sgt.

21 Edmunson reveal that he does not account
22 for this period of time and states he
23 just doesn't remember other than
24 probably driving around looking for his
09:40 25 friend "Shorty's" residence. It was



1 also noted that Insp. Riddell had the
2 same results with regards to the time
3 element when questioning the Wilson
4 youth in Regina."

09:40 5 And again the term intensive interrogation and
6 questioning, is that -- those are your words.
7 Would that be an accurate description of your
8 interview of Mr. Milgaard on March --

9 A I think so. It depends how you interpret
09:40 10 intensive. To me it just meant, you know,
11 lengthy, talking to him.

12 Q And I believe when we looked at the statement,
13 about six hours you spent with him?

14 A I believe that's pretty close.

09:40 15 Q And then you say:

16 "I might also add that a peculiarity of
17 Milgaard noted was that upon my arrival
18 in Winnipeg and the questioning of him
19 on the early morning of March 3rd, he
09:40 20 did not appear nervous or in a tense
21 condition as would be anticipated of a
22 16 year old youth being held on a
23 suspicion of murder charge, being held
24 several hours in anticipation of what
09:41 25 might be coming, he made no mention of



1 obtaining legal aid, which is the usual
2 custom when dealing with youths with a
3 record of his type."

4 If I can just pause there, and we talked a bit
09:41 5 about this yesterday, I think you said when you
6 met him on the Monday morning he did not appear
7 nervous; is that correct?

8 A No, he did not.

9 Q And again his reaction when Constable Coppang
09:41 10 picked him up the night before, do you have any
11 recollection of being informed of that?

12 A No, I don't.

13 Q And this discussion about obtaining legal aid, can
14 you tell us what your thinking was then as far as
09:41 15 your experience with young suspects as to when
16 they ask for a lawyer, when they don't and what if
17 anything you read into that?

18 A That varies. I know some youths that are street
19 wise and had dealings with the police, the first
09:41 20 thing they say when they are told they may be
21 charged, they want to see a lawyer and no other
22 way. On the other hand, you can construe that,
23 well, I'm not guilty of anything, I don't need a
24 lawyer, so it just needed further investigation.

09:42 25 Q And I believe I read somewhere that you thought



1 Mr. Milgaard was street wise; is that fair?

2 A Yes.

3 Q And so what at the time, what did you read into
4 the fact, if anything, that Mr. Milgaard did not
09:42 5 ask for a lawyer or legal aid?

6 A I probably thought it was the two ways that I just
7 mentioned to you.

8 Q So it could be incriminating and it may not be
9 incriminating?

09:42 10 A That's correct.

11 Q And one more than the other, did it tip in your
12 mind? I mean, the fact that you mention it here
13 and say this is the usual custom when dealing with
14 youths with a record of this type, am I correct
09:42 15 that you had expected him to ask for a lawyer?

16 A I probably did.

17 Q And again the fact that he didn't, did you in your
18 mind, did that make you more suspicious, less
19 suspicious?

09:43 20 A I don't think it mattered either way.

21 Q And then you say:

22 "Also noted that Milgaard has in fact
23 received psychiatric treatment during
24 the past years from the Psychiatric
09:43 25 Centre in Yorkton, Sask. his doctor



1 being at the time Dr. Andres. This
2 portion being admitted by Milgaard,
3 however not checked out."

4 Do you recall if that was checked out further?

09:43 5 A No, I don't know.

6 Q Did you, were you involved in checking out any
7 psychiatric --

8 A No, I was not.

9 Q And then you say:

09:43 10 "It was also noted that although
11 Milgaard's clothing has not been
12 located, he states that when attending
13 at the Trav-a-leer Motel in the early
14 morning of Jan. 31st, in regards to
09:43 15 obtaining a map for directions, he
16 recalls his crotch being completely
17 ripped out of his trousers. It was also
18 noted -- "

19 Let me pause there, and again you may have
09:43 20 touched on that, did that cause some suspicion,
21 the ripped crotch?

22 A It's possible to be connected to a rape.

23 Q Yeah.

24 "It was also noted that Milgaard's
09:44 25 reason for driving in the lanes while in



1 this City on the morning in question his
2 explanation for being in the lanes was
3 that he was looking for his friend's
4 residence and for St. Mary's cathedral
09:44 5 as he would be able to get directions
6 from this, however it is felt that
7 anyone being lost and not knowing
8 directions would hesitate to drive in
9 the alleys to get bearings."

09:44 10 Again, can you elaborate on that?

11 A Yes, it just seemed rather odd to me that somebody
12 looking for somebody's dwelling would go down the
13 lane looking.

14 Q And the fact that Gail Miller's body was found in
09:44 15 a lane near the Cadrain house, was that a factor
16 that you considered?

17 A I considered it.

18 Q Scroll down, please:

19 "It was noted that Inspector Riddell
09:44 20 checked out the Wilson vehicle which was
21 located in Regina and found nothing that
22 would indicate that it was involved in
23 the murder in the same, however it was
24 also noted that the suitcase mentioned
09:45 25 nor the articles of clothing were



1 located in same, nor has the girl been
2 located or interviewed, namely Nichol
3 John which may be of some value with
4 regards to interrogation and further
09:45 5 information with regards to this suspect
6 Milgaard."

7 And then:

8 "My personal feelings after
9 interrogating this youth and after being
09:45 10 in conversation with Sgt. Edmunson is
11 that he could be responsible for an
12 offence of this type and there are many
13 areas which I think should be cleared up
14 further with regards to time element and
09:45 15 discrepancies in statements made etc.
16 which I believe should be done before
17 this person should be eliminated as a
18 suspect with regards to this file."

19 And does that accurately state what you would
09:45 20 have thought at the time, Mr. Karst?

21 A I believe so.

22 Q So do I read into that that you, what you are
23 saying is that he, you say he could be
24 responsible; is that fair, you are not saying he
09:45 25 is, you are saying he could be?



1 A Could be.

2 Q You suspected him?

3 A That was my feeling.

4 Q And that you are -- you say there are many areas
09:46 5 that should be cleared up before this person
6 should be eliminated as a suspect; is that fair?

7 A That's fair.

8 Q And would that, then, be the next task of the
9 investigators to check into the discrepancies to
09:46 10 see if you could eliminate?

11 A I would think so.

12 Q And just generally, in an investigation of this
13 nature, when you have -- what is the process of
14 suspects and elimination of suspects, persons of
09:46 15 interest, what -- how did things work at that time
16 at least as far as you were concerned?

17 A Could you be a little more specific?

18 Q Sure. Well it says here that he was a suspect.

19 A Uh-huh.

09:46 20 Q And then what would you do once you had a suspect,
21 I take it you would take steps to either confirm
22 or eliminate, is that fair?

23 A That's correct, yes.

24 Q And then, if you couldn't eliminate, at some point
09:46 25 you would say 'well then this must be the person'?



1 A No, it needs further investigation. Just because
2 you can't eliminate somebody still doesn't mean
3 that he is a guilty person.

4 Q Let me ask you this question: Would you then
09:47 5 follow up, in this case with a suspect, would you
6 then take steps to try and prove that Mr. Milgaard
7 was the one who did it or to try and prove that he
8 should be eliminated?

9 A One or the other.

09:47 10 Q Or both?

11 A Or both, yes.

12 Q But did you focus on one more than the other, and
13 that's --

14 A I don't think so.

09:47 15 Q Next page, please, at the top:

16 "Further detailed accounts of the
17 conversation with Milgaard with regard
18 to his employment, type of person, type
19 of answers received when questioning him
09:47 20 and his general attitude are noted
21 through the statement taken from him
22 which is attached to this file."

23 And again, you may have touched on this, but
24 would those be, his attitude and type of person,
09:47 25 etcetera, would those be factors that would be



1 relevant in your investigation?

2 A Attitude not so much as the type of person, what
3 he -- his background.

4 Q And in what way?

09:48 5 A Well, like I think he stated he had been charged
6 with sexual offences, and that interested me as
7 far as investigating him.

8 Q And then it goes on to say:

9 "After a further conversation with Insp.
09:48 10 Riddell I was advised that the Milgaard
11 youth should be released at that time
12 due to insufficient evidence obtained
13 with with which to lay charges,
14 consequently on the evening of March 3,
09:48 15 the suspect was released to the
16 Boulevard Motel."

17 And would that accurately reflect your discussion
18 with Inspector Riddell?

19 A I think so.

09:48 20 Q And then at the bottom:

21 "As a point of interest it is noted that
22 the Cadrain youth was again interrogated
23 and a further statement taken however he
24 stuck close to his original story. He
09:48 25 insists the marks on Milgaard's pants



1 and shirt were blood and that Milgaard
2 stated at the time that he had blood on
3 his clothes, however when interrogating
4 the suspect he denied any knowledge of
09:48 5 this blood on his clothing."

6 And, again, there is a March 5th statement, Mr.
7 Karst, that I'll go to in a moment I think that
8 Mr. Mackie took; is that what you are referring
9 to there?

09:49 10 A I believe so.

11 Q We're done with this document. Now I think you
12 would have been aware -- and please correct me if
13 I'm wrong -- on March 3rd, when you talked to
14 Inspector Riddell, that he had interviewed Ron
09:49 15 Wilson and taken a statement, is that fair, that
16 he -- that that was happening?

17 A I beg your pardon?

18 Q Okay. Sorry. That on March 3rd you interviewed
19 Mr. Milgaard, you have told us based on the notes
09:49 20 that you would have talked to Inspector Riddell,
21 compared notes as to what he found out from Ron
22 Wilson?

23 A That's correct.

24 Q Correct? And would it be fair to assume that you
09:49 25 would have known that Ron Wilson would have



1 provided a written statement?

2 A I don't know whether I knew he provided a written
3 statement. I know he was in conversation with
4 him.

09:49 5 Q And, given your knowledge at the time, is it --
6 would you have expected Inspector Riddell to have
7 taken a statement from Ron Wilson, a written
8 statement?

9 A I don't think -- I don't know.

09:50 10 Q Okay. If we could call up 006709, please. And
11 this is a statement, a typed statement of Ron
12 Wilson March 3rd, '69 from Inspector Riddell, and
13 I don't believe -- I think the only version we
14 have is a typed version, at least I haven't seen a
09:50 15 handwritten version. Would you have received a
16 copy of this statement at or about that time, Mr.
17 Karst?

18 A I don't recall ever seeing any Mounted Police
19 files on our statement -- on our file.

09:50 20 Q Okay. So this, this, you don't recall seeing this
21 statement, then, on the police file back in 1969?

22 A No I don't.

23 Q And would you have been aware of the contents of
24 what Mr. Wilson had to say?

09:50 25 A I probably was through conversation.



1 Q Okay. Now given that -- and we'll hear about this
2 a bit later -- given that you interviewed Mr.
3 Wilson on a couple of further occasions and took
4 two statements from him would it not have been
09:51 5 important, sir, to get a copy of the statement he
6 gave to the RCMP?

7 A I suppose it would have, but it wasn't my area to
8 demand a statement from the Mounted Police.

9 Q Okay. And we'll see it, we'll see it when we look
09:51 10 at the May 23rd statement that you took, the first
11 statement you took. I believe it starts off with
12 words to the effect that 'I would like to add
13 something or make additional comments to the
14 statement I gave to Inspector Riddell', and if you
09:51 15 would like I can call that up, but that's -- it
16 references in that statement, in fact I can read
17 you the exact words, what it says:

18 "With regards to the statement I gave
19 Inspector Riddell in Regina I now have a
09:51 20 few things to add and change."

21 Okay? That's how he starts off the written
22 statement he gave to you on May 23rd. And my
23 question is do you not think that that statement
24 is something that you would have been interested
09:52 25 in reading?



1 A I don't know whether that refers to a written
2 statement or a verbal statement.

3 Q Okay.

4 A But if there was one, I would have been interested
09:52 5 in seeing it.

6 Q Okay. Are you able to tell us whether you may
7 have read this statement of Mr. Wilson back at the
8 time or are you telling us you don't think you
9 did?

09:52 10 A I would say I don't remember.

11 Q Okay. Is it possible you would have?

12 A It's possible.

13 Q Yeah.

14 A If there was one there.

09:52 15 Q And, again, I take it --

16 A Beg pardon. When was that statement that he took
17 from Riddell -- or Riddell took from him?

18 Q It was on March the 3rd, '69, the same day as you
19 --

09:52 20 A I wouldn't see a statement there because he was in
21 Regina, I would be coming home from Winnipeg.

22 Q Yeah, right. And I'm wondering if after, at some
23 later date, a week or --

24 A Oh, at a later date?

09:52 25 Q A later date, I'm sorry, I should have been



1 clearer. At some point after Inspector Riddell
2 takes this statement, you know, for the month of
3 March for example, or April, at some point do you
4 recall whether or not you got a copy of this
09:53 5 statement?

6 A No, I don't recall if I got a copy.

7 Q Okay. Do you think you would have discussed with
8 Riddell his perception, or what he would have
9 learned, other than the notes that we already
09:53 10 referred to?

11 A I don't think I would have, but I'm sure Mackie or
12 Short would have had communication, or
13 Superintendent Wood.

14 Q Okay. So you don't know whether senior officers
09:53 15 would have read this statement or not?

16 A No, sir, I don't.

17 Q And, again, I'm just -- when you talk about, and
18 we have seen a bit of it, but when you go back and
19 talk to Wilson and John later it's in reference to
09:53 20 trying to get more information than from what's in
21 the statements, and I guess I'm just wondering,
22 Mr. Karst, again, why you would not, as an
23 officer, have said, 'lookit, give me the statement
24 that Wilson gave originally so I can know what he
09:54 25 said to see if I can find holes in it or to



1 question him further'?

2 A It would not be my business to do that.

3 Q Okay. Well when you took his statement in May, on
4 May 23rd and 24th --

09:54 5 A Yes.

6 Q -- where he specifically refers to making
7 additional comments, would it not be reasonable to
8 think that you would have that statement or you
9 should get that statement to see what he had said
09:54 10 there?

11 A Like I said, I don't think we received any copies
12 of anything from the Mounted Police.

13 Q Okay. Okay. If we could just go through parts of
14 this -- and I appreciate your statement, Mr.
09:54 15 Karst, that you don't recall getting it or
16 reviewing it. It appears that this, at this time,
17 March 3rd -- and, again, this is touched on in the
18 notes, your notes from Inspector Riddell -- that
19 Wilson is saying they arrived at 5:00 or 6:00 a.m.
09:54 20 in the morning, began driving around, didn't know
21 where Albert lived but David had been there, and
22 recognized it as Peace Hill. And we have seen
23 this in a couple of spots, reference to Peace Hill
24 and Pleasant Hill, and is that just a mistake by
09:55 25 some of the people thinking --



1 A Thinking it was Pleasant Hill.

2 Q Was Pleasant Hill referred to as Peace Hill at any
3 time to your recollection?

4 A No, no it was not, but they thought.

09:55 5 Q And does anything, in your mind, turn on the fact
6 that people were using Pleasant Hill or Peace
7 Hill?

8 A No. I just thought they weren't very familiar
9 with the city and that's what they had heard it
09:55 10 was called.

11 Q Okay.

12 A That's my interpretation.

13 Q And Wilson gives a statement about driving down an
14 alley and came across a car that was stuck and
09:55 15 then goes on to talk about the Danchuks, and I
16 take it do you recall, Mr. Karst, whether you
17 either checked out or were aware that the version
18 of the story, or the version of the statements
19 given by Milgaard, John, and Wilson about their
09:56 20 dealings with the Danchuks, were fairly
21 consistent? In other words --

22 A I didn't check that, but I know, I'm sure somebody
23 did.

24 Q Okay. When you say you think, were you aware of
09:56 25 someone saying 'lookit, their story about the



1 Danchuks is pretty much identical or consistent'?

2 A I was aware of that.

3 Q Okay. And next page, please. And so you would
4 have been aware I take it, from even Mr.

09:56 5 Milgaard's statement, that at about, I don't know,
6 7:30 in the morning or at some point before they
7 got to Cadrain's -- I think they got to Cadrain's
8 around 9:00 -- so in the hour, hour and a half
9 prior, that they had got stuck at the Danchuks'
09:56 10 and spent a considerable amount of time there; is
11 that fair?

12 A I would agree.

13 Q And is it your understanding that that would have
14 been after the murder of Gail Miller, in other
09:56 15 words that it would have been after, in time, to
16 the Gail Miller murder?

17 A I believe that's what I felt.

18 Q Okay. And so that if Mr. Milgaard had committed
19 the murder of Gail Miller, shortly after he would
09:57 20 have gone to the motel and then to the Danchuks',
21 was that your understanding?

22 A I can't remember just exactly what --

23 Q Okay.

24 A -- series of events, how they went, but --

09:57 25 Q I think the body was found at about 8:20, and the



1 time of death I think from 7:00 to 8:00 a.m., but
2 I think 6:45 to 7:00 a.m., somewhere around there,
3 I think the evidence was that Gail Miller was
4 either going to the bus at 6:49 or 7:04, so in
09:57 5 that time frame. And I believe that the
6 Mr. Rasmussen at the motel said that Mr. Milgaard
7 was in after 7:00 at some time, and the Danchuks
8 put them in their back alley at I think 7:20 or
9 7:30, somewhere in there, and they were there for
09:58 10 about an hour, hour and a half, and then went in
11 daylight to Cadrain's house. So I think that the
12 record suggests that, if Mr. Milgaard had
13 committed the murder, it would have had to have
14 been before he went to the motel and before he
09:58 15 went to the Danchuk's; does that sound about
16 right?

17 A I believe so.

18 Q And so that's something that you would have been
19 aware of at the time I take it?

09:58 20 A I think so.

21 Q And, given Mr. Cadrain's statement to you that he
22 saw blood on Mr. Milgaard's clothing when he
23 arrived there on the morning at about 9:00
24 o'clock, would you have expected other people to
09:58 25 have also seen blood on Mr. Milgaard?



1 A Depending on the amount of blood that was there,
2 they maybe didn't have close contact with him as
3 Cadrain did, I don't know.

4 Q And, again, I had asked you when we started this
09:58 5 morning about the quantity of blood that Mr.
6 Cadrain said he saw on the clothes, and do you
7 have any recollection of whether -- are we talking
8 blood splattered all over the place, or little
9 pieces, or do you remember?

09:59 10 A I do not recall that.

11 Q Yeah. And so, again, did you become aware in the
12 investigation that the Danchuks, Walter and Sandra
13 Danchuk, spent some time with Mr. Milgaard that
14 morning, which would have been shortly after the
09:59 15 time of the murder?

16 A Was I aware of that?

17 Q At the time, yes?

18 A I think so.

19 Q And what significance, if any, did you place on
09:59 20 the fact that the Danchuks did not observe any
21 blood on Mr. Milgaard's clothing?

22 A He may have taken his coat off, or I don't know, I
23 mean various reasons. They may have, they maybe
24 paid no attention, maybe if he had his clothes
09:59 25 eaten about by acid as it was anticipated or



1 believed, I believed to be, there could be many
2 reasons they didn't notice blood.

3 Q If the Danchuks, or either of them, had noticed
4 blood on Mr. Milgaard's clothing that morning,
10:00 5 that would have been, that would have been a
6 significant piece of evidence; is that fair?

7 A Yes, it would have.

8 Q And would the fact that they did not observe blood
9 on his clothing; would that also be a significant
10:00 10 piece of evidence?

11 A I think so.

12 Q And, again, is that something that you took into
13 consideration, then, in the investigation?

14 A I believe so. That's why we continued
10:00 15 investigating.

16 Q And then, if we can go down again, this is
17 Mr. Wilson's statement, he talks about it was
18 daylight about 8:00 or 9:30 a.m., Dave recognized
19 a gas station, they were able to direct us to
10:00 20 Albert's place. And, again, if we can go to the
21 next page, please, and this is where Mr. Wilson
22 talks about changing clothes and Mr. Milgaard
23 driving around the block to park it. Would it be
24 fair to say at this point, now, that you had
10:00 25 Albert Cadrain's original story about Mr. Milgaard



1 driving the car around the block a couple of
2 times, which you thought was suspicious; correct?

3 A Yes.

4 Q And now both Mr. Milgaard and Mr. Wilson
10:01 5 corroborated that; is that fair?

6 A That's fair.

7 Q And, again, I don't think there's any mention in
8 here of Mr. Wilson saying he didn't see blood, he
9 says David wanted to change the clothes as they
10:01 10 were dirty. Do you recall talking to Riddell or
11 learning whether or not -- or what Mr. Wilson had
12 to say about observing blood?

13 A I just can't recall that.

14 Q Again, if Mr. Wilson had said at this time that he
10:01 15 saw blood on Mr. Milgaard's clothing, presumably
16 you would have made note of that?

17 A I would think so.

18 Q And then at the bottom of that page, please. Mr.
19 Wilson says:

10:02 20 "At no time during the time that we were
21 in Saskatoon was Dave Milgaard out of my
22 sight for more than one or two minutes,
23 the one time being when he drove the car
24 around the block. This would be well
10:02 25 after daylight. I never knew of Dave to



1 have a knife. I am convinced that Dave
2 Milgaard never left our company during
3 the morning we were in Saskatoon."

4 And then scroll down:

10:02 5 "The last time I saw Dave Milgaard was
6 about 10 Feb 69. I know we got back
7 from our trip on a Wednesday and he left
8 for Winnipeg ... the next Monday.

9 All during this trip there was
10:02 10 never any mention about the murder of a
11 girl in Saskatoon. In fact, I didn't
12 even know about this murder until the
13 police told me today."

14 Just go back to the full page, please. So the
10:02 15 first part, Mr. Wilson is telling Inspector
16 Riddell that Dave Milgaard was not out of his
17 sight for more than one or two minutes, and that
18 one of them would have been at -- in daylight at
19 Cadrain's when he drove around the block. And
10:03 20 would it be fair to say that you would have been
21 aware of that information at the time, or shortly
22 after that you would have been aware that Mr.
23 Wilson was saying 'lookit, he was with me'; is
24 that fair?

10:03 25 A That's fair.



1 Q And when he drove around the block at Cadrain's
2 would have been well after Gail Miller's body had
3 been discovered; fair enough?

4 A That is correct.

10:03 5 Q Yeah. So if Mr. Wilson is telling the truth in
6 this statement, and telling everything, that would
7 appear to be an alibi for Mr. Milgaard; is that --
8 that's fairly obvious; is that correct?

9 A That's obvious, yes.

10:03 10 Q And so at this point what would you do as a police
11 officer, then, or how did you deal with the fact
12 that one of Mr. Milgaard's -- both Mr. Milgaard
13 denies being involved, I think from his statement,
14 and Mr. Wilson is saying 'lookit, I was with him
10:03 15 the whole time, he couldn't have done it, I know
16 nothing about it'; what, as an officer, do you
17 then do, like, how do you deal with that?

18 A Personally, as an officer investigating a
19 complicated murder, I don't think I ever took
10:04 20 statements right off the bat in -- as -- in face
21 value. You investigate everything that was said
22 if you have a person of interest.

23 Q Yeah. And why is that?

24 A Because most people don't admit everything right
10:04 25 away, in fact, very few do.



1 Q And so, if Mr. Wilson had been involved with Mr.
2 Milgaard in the crime, is that something you would
3 have suspected at the time?

4 A No, I never ever suspected, after I spoke to
10:04 5 Cadrain I never ever focused on Wilson as a, as an
6 accomplice.

7 Q And why was that?

8 A Because of Cadrain's information that he related
9 to us.

10:04 10 Q Okay. Well, what, Cadrain would have told you
11 that he saw blood on Milgaard; correct?

12 A Yes, yeah.

13 Q And --

14 A Not on Wilson.

10:05 15 Q No, not on Wilson. But, for example, what if Mr.
16 Wilson -- and I think this had been a theory at
17 some point that Mr. Wilson was involved in purse
18 snatching and Mr. Milgaard was involved in the
19 rape and murder; did that cross your mind, that
10:05 20 perhaps the two of them were out doing something
21 and --

22 A I think that we went through questions like that
23 later on.

24 Q Did you think it might be unusual that, given --
10:05 25 and you knew Mr. -- you found out that Mr. Wilson



1 had a criminal background as well?

2 A Yes.

3 Q And that Mr. Wilson later talked about purse
4 snatching and things of that nature; correct?

10:05 5 A Later on, yes.

6 Q And do you think it would be unusual that Wilson
7 and Milgaard, being what you knew of them and
8 being together that morning, that one would commit
9 a crime without the other one knowing about it or
10:05 10 being involved in it?

11 A That's a possibility.

12 Q And it's a possibility that they could have been
13 involved?

14 A Yes, absolutely.

10:06 15 Q And so what was it at this time, then, that -- or
16 at any time, that caused you to rule out Ron
17 Wilson as being involved in some way, not
18 necessarily -- involved in some way in an
19 encounter with Gail Miller?

10:06 20 A I don't think I ever ruled him out, but he was
21 never a suspect in my mind.

22 Q Okay. And, again, is that because it was
23 Cadrain's evidence or statement that he saw blood
24 on Milgaard, Mr. Milgaard?

10:06 25 A Probably partly.



1 Q And I take it that if Mr. Wilson was involved in
2 some way or had something incriminating you, as an
3 experienced officer, would you expect him to tell
4 Inspector Riddell at his first interview about
10:06 5 that?

6 A Maybe not.

7 Q Now we note in looking at this statement there is
8 no mention, in Ron Wilson's statement, about
9 stopping someone and asking for directions -- and
10:07 10 I think you can take it that it doesn't state
11 that, Mr. Karst -- and yet Mr. Milgaard, in his
12 statement to you, talked about that; do you recall
13 whether that would have been an inconsistency that
14 you would have followed up, or someone would have,
10:07 15 with either Mr. Wilson and, later, Ms. John?

16 A I'm sure it was followed up, not by me, but
17 somebody had checked with him.

18 Q And would that be an important thing to check?

19 A Yes, because Wilson never mentions that, but yet
10:07 20 Milgaard does.

21 Q And, again, I think you told me yesterday that --
22 and please correct me if I'm wrong -- that when
23 Mr. Milgaard told you about asking an old woman
24 for directions, that it occurred to you at that
10:08 25 time that that may have been Gail Miller, is that



1 what you said?

2 A It was a possibility.

3 Q A possibility, yeah.

4 A Yes.

10:08 5 Q And so the stopping the person and asking for
6 directions; at that point in time, Mr. Karst, it
7 was in your mind that that could have been Gail
8 Miller?

9 A Yes.

10:08 10 Q Is that fair?

11 A It's possible, yes.

12 Q And so that's something that you think you would
13 have checked?

14 A Somebody might. Somebody did.

10:08 15 Q Do you know who?

16 A No I don't.

17 Q And do you know what the results of that were?

18 A No, I can't tell you now.

19 Q If we can go to the -- 009231, and this is a
10:08 20 document that I believe was prepared by Inspector
21 Riddell, and it's called Additional Facts Obtained
22 Concerning the Statement, and it's attached as
23 part of his March 3rd, '69 statement. And I'll go
24 through this in detail, Mr. Karst, but do you
10:09 25 remember whether this might have been something



1 that you saw at the time?

2 A I don't remember, but I don't think so.

3 Q And, again, would that be for the same reasons
4 that you think you didn't see the statement of Ron
10:09 5 Wilson?

6 A That's correct.

7 Q And is it possible that you would have talked to
8 -- well, let's go through the statement, and then
9 when we're done I will ask you whether you would
10:09 10 have talked to Mr. Riddell about these things.

11 Point number (1) Ridell writes:

12 "A check with the license office in
13 Regina reveals that Wilson obtained the
14 plates for his car on 30 Jan 69, which
10:09 15 would be in keeping with the fact that
16 he was in Saskatoon ...";

17 do you recall any discussion with him about that
18 or becoming aware of that?

19 A No, I had no discussion with Mr. Riddell about
10:09 20 that.

21 Q Item (2), Wilson's vehicle was searched, nothing
22 of interest located, pair of grey pants, no blood
23 stains noted, and I think in your March 7th report
24 you referred to the fact that they had searched
25 Wilson's car and found nothing; is that fair?



1 A Right.

2 Q So this information would have been, in number 2,
3 would have been communicated to you in some way do
4 you think?

10:10 5 A I would think I was aware of it.

6 Q Yeah. And number (3):

7 "A check with Mrs. Wilson, his mother,
8 revealed that she had thrown the brown
9 jacket, mentioned in his statement, into
10:10 10 the garbage sometime ago. She states
11 the jacket had several acid burns in it
12 and she did not notice any bloodstains."

13 Do you recall being -- becoming aware of that?

14 A I recall something about the acid, yes.

10:10 15 Q About the jacket being thrown away?

16 A I don't remember that.

17 Q Number (4):

18 "A check with the parents of Nichol John
19 in Regina revealed that they have not
10:10 20 seen her for sometime. This girl, who
21 has more or less been disowned by her
22 parents, hangs out at the various hippy
23 joints but we have been unable to locate
24 her to date."

10:11 25 Do you recall receiving that information?



1 A No, I don't.

2 Q I take it that, when you wrote your report on
3 March 7th, I think you said that you or the police
4 were still looking for Nichol John; is that fair?

10:11 5 A I know we were making attempts to locate her.

6 Q Yeah. Number (5):

7 "During the interview with Wilson, he
8 appeared straightforward with nothing to
9 hide."

10:11 10 And that, those are Inspector Riddell's comments,
11 I believe; do you recall discussing that with
12 Inspector Riddell or receiving that information?

13 A No, sir, I don't.

14 Q When you talked to Inspector Riddell, again I
10:11 15 think when you were comparing notes on March 3rd,
16 would that be something you might say, 'does he
17 sound believable, what's your impression of him',
18 or that Inspector Riddell may have offered to you?

19 A I cannot remember.

10:11 20 Q Do you think it's likely that that's something
21 that would have been discussed?

22 A Riddell may have conveyed something like that but,
23 like I say, I just don't remember it.

24 Q No, I appreciate that, but again, when you were
10:12 25 talking to Riddell, would you have told him your



1 impression of Mr. Milgaard?

2 A Probably. And I'm not so sure, yet, that I spoke
3 to Riddell.

4 Q Okay.

10:12 5 A It could have been Rasmussen, but --

6 Q Or Edmondson?

7 A Edmondson.

8 Q Fair enough.

9 A Yeah.

10:12 10 Q But you are saying you don't have a recollection
11 of talking to Inspector Riddell and getting his
12 assessment of Ron Wilson when he gave this
13 statement?

14 A No, I don't, no.

10:12 15 Q Okay. Do you recall hearing from others or
16 getting any information about Riddell's
17 assessments of Wilson when he gave the March 3rd
18 statement?

19 A Yes.

10:12 20 Q And what was that?

21 A That he thought he was telling the truth.

22 Q And when would you have learned of that; are we
23 talking in March at some point do you think?

24 A I can't remember that.

10:12 25 Q But during the course of the investigation?



1 A During the investigation, yes.

2 Q And do you know who would have told you that?

3 A No, sir.

4 Q Or where you learned it?

10:12 5 A Probably -- no, I don't.

6 Q So at some point you would have become aware that
7 Riddell felt that Wilson was telling the truth in
8 his first statement; is that fair?

9 A That's correct, yes.

10:13 10 Q Yeah. And what significance did you place on
11 that?

12 A Well, him being a senior investigator, I placed a
13 lot of faith in that.

14 Q And did you accept that, then, that that meant
10:13 15 that Wilson's statement was complete and truthful?

16 A No. In my opinion it still had to be
17 investigated. Whether that was somebody else's
18 opinion or not didn't matter to my superiors,
19 because I was sent out to do more, and I agreed.

10:13 20 Q Yeah. Are you saying Mr. Karst, then, that the
21 decision to re -- or the decision -- we know that
22 you re-interviewed and took a statement from Mr.
23 Wilson, --

24 A Yes.

10:13 25 Q -- and we'll get to that later; was that a



1 decision you made or someone else made?

2 A Someone else would have made it because I wouldn't
3 be going to Regina to bring him here for a
4 statement without being directed by superior
10:13 5 officers.

6 Q Had it been left to your decision Mr. Karst, after
7 hearing about what Inspector Riddell said about
8 Ron Wilson, would you have gone back and further
9 interviewed him and checked further?

10:14 10 A I think so.

11 Q And why is that?

12 A There were inconsistencies that I wasn't satisfied
13 with.

14 Q Okay. And then, carrying on, Riddell states that
10:14 15 Wilson:

16 "... was not sure of the exact times

17 mentioned but felt that between 6:30

18 A.M. and 8:00 A.M., ...",

19 and let me just pause there. 6:30 and 8:00 a.m.,

10:14 20 that would have been sort of the time when Gail

21 Miller, at that time you thought Gail Miller

22 could have been murdered; is that fair?

23 A That's fair.

24 Q And so that would be an important time frame?

10:14 25 A Yes it would.



1 Q That:

2 "... they were:

3 (a) driving around Saskatoon trying to
4 locate Albert Cadrain's house, and

10:14 5 (b) stalled in the alley behind the
6 house owned by the fellow driving
7 the red car."

8 And that's Danchuk; right?

9 A Right.

10:14 10 Q And so at this stage, after hearing about what Ron
11 Wilson had to say, were you satisfied that the
12 time frame between let's say 6:30 and 8:00, or
13 5:00 and 9:00 a.m., was accounted for or did you
14 still have concerns?

10:15 15 A I still had concerns.

16 Q And then number (6):

17 "Although they had originally planned on
18 going to Vancouver when they left
19 Saskatoon, they eventually ended up
10:15 20 going to Calgary, then Edmonton, ...",
21 etcetera. And we have seen in various
22 statements, I think, the group of Mr. Milgaard,
23 Mr. Wilson, Ms. John and Mr. Cadrain had planned
24 on going to Vancouver, then had planned on going
10:15 25 to Edmonton but ended up going to Calgary I think



1 by mistake, and then ended up in Edmonton; do you
2 recall seeing that in various statements?

3 A Yes I do.

4 Q Did you place any significance on any of that, the
10:15 5 fact that they ended up going to --

6 A I don't believe so.

7 Q If I could call up 106640, please, and this is
8 Lieutenant Short's report of March 22nd and we
9 looked at this before. Okay. This starts off,
10:16 10 remember I went through the March 2nd account, and
11 this is where Lieutenant Short talked about Dennis
12 and Albert Cadrain coming in, and if you could
13 just scroll down here and call out that part,
14 please. Starting right here, Lieutenant Short
10:16 15 writes:

16 "On Wed. March 5/69 Albert Cadrain was
17 again brought in by my request and
18 another statement taken from him at
19 which time he verified and stuck with
10:16 20 his story and he was interviewed at that
21 time by several members of this dept.
22 and one Insp. Riddell of the RCMP and
23 also S/Sgt. Edmundson."

24 If I can pause there. So it looks as though on
10:17 25 March 5 Lieutenant Short asked to have Cadrain



1 brought in and he was interviewed by several
2 members of the department including Riddell, and
3 Riddell and Edmondson. Were you aware of that?

4 A No, sir.

10:17 5 Q And the statement, which I'll go to in a moment, I
6 think the statement ended up being taken by Ray
7 Mackie, and there's no mention in this document
8 about you being involved in that. Do you
9 remember, Mr. Karst, being involved in that?

10:17 10 A No, sir, I don't.

11 Q And again it looks as though, and it doesn't say
12 who the officers are other than several members of
13 the department. Would that be unusual, to have --
14 well, at least Riddell, Edmondson, Short and at
10:17 15 least a couple of other police officers, one of
16 whom must have been Ray Mackie who took the
17 statement, would that have been unusual, to have
18 that many officers question Mr. Cadrain?

19 A In my opinion, I haven't seen that done before.

10:18 20 Q So that would be unusual then; is that --

21 A I would say unusual.

22 Q And why is that?

23 A Because I hadn't seen it happen before.

24 Q So now you took his statement on March 2nd;
10:18 25 correct?



1 A Correct.

2 Q And did you think at that time that he was
3 withholding information, Mr. Cadrain?

4 A Not at that time I didn't.

10:18 5 Q Did you subsequently reach that conclusion?

6 A I don't know if I did.

7 Q And so again -- and again, and I appreciate, Mr.
8 Karst, this does not appear to be your decision to
9 bring him in and you don't appear to be involved,
10:18 10 but would all these officers be interviewing him
11 to try and get more information or to test his
12 first story or do you know?

13 A I don't know what the intent was. Obviously to
14 get information, but I wasn't there.

10:18 15 Q And at this time you've got the initial statement
16 of Cadrain, which implicates Mr. Milgaard, is that
17 fair, when I use the word incriminates or
18 implicates?

19 A That's fair.

10:19 20 Q And the next day you and Edmondson and Riddell
21 talk to Wilson and Milgaard and get information
22 which I think you summarize as being suspicious --
23 I'm sorry?

24 A I didn't follow your second --

10:19 25 Q Yeah, okay. So after you get Mr. Cadrain's



1 statement, the next day --

2 A On the --

3 Q On the 2nd.

4 A On the 2nd, yes.

10:19 5 Q That incriminates Mr. Milgaard; correct?

6 A Correct.

7 Q You then go and meet Mr. Milgaard with

8 Mr. Edmondson and you would get a response that I

9 think, and I'm summarizing, but I think said that

10:19 10 after you talked to Mr. Milgaard there was still

11 some unanswered questions, some time not accounted

12 for and further work needed to be done; is that

13 right?

14 A Yes.

10:19 15 Q And we have seen Wilson's statement with Riddell,

16 and I appreciate you don't recall seeing that, but

17 when we went through it it appeared from that that

18 Wilson, if he was to be believed, was giving Mr.

19 Milgaard an alibi; is that fair?

10:20 20 A That's fair.

21 Q And that on the face of it, of at least what

22 Mr. Wilson stated in his statement, there's

23 nothing in there that would incriminate Mr.

24 Milgaard; is that fair?

10:20 25 A That's fair.



1 Q So at that time can you help us understand what
2 might have prompted the police, and I appreciate
3 again, Mr. Karst, that you weren't there, that
4 Mr. Short is not here to tell us, but I'm
10:20 5 wondering if you can help us understand what might
6 have been the purpose in bringing Mr. Cadrain in
7 and having these officers interview him?

8 A What might have been is only what, the only thing
9 I can say is probably to get more information from
10:20 10 him or decide if he was telling the truth.

11 Q Okay. Do you recall receiving a report or hearing
12 a report about this date, this interview,
13 interviews?

14 A Do I recall getting a report?

10:21 15 Q Yes.

16 A No.

17 Q Or do you recall talking to Lieutenant Short or
18 Riddell or Edmondson or anybody who was there,
19 Mackie, saying --

10:21 20 A About this interview?

21 Q Yes.

22 A No, sir.

23 Q And it says here that he stuck with his story and
24 presumably that would have been the story he gave
10:21 25 you on March 2nd; is that a fair reading?



1 A It looks that way.

2 Q And then he goes on to say, Short does, that on
3 March 2nd after getting in touch with Wood and
4 Kettles it was decided that Karst would go to
10:21 5 Winnipeg, so I take it from there Short is saying
6 that between he, Wood and Kettles it would have
7 been their decision to send you to Winnipeg; is
8 that your read of that?

9 A That's my read of that, yes.

10:21 10 Q And then it says:

11 "... where it was learned through the
12 assistance of Insp. Riddell that one
13 David Milgaard who was here at that time
14 was located in Winnipeg ..."

10:21 15 And it goes on to talk about the statement, and
16 then it says:

17 "... where of course he denied any
18 knowledge of this murder."

19 And so I take it at this time it certainly
10:22 20 appears from this, do you know if Lieutenant
21 Short was thinking of Mr. Milgaard as a suspect
22 or are you able to tell us?

23 A I cannot say that. I don't know.

24 Q Then if we can just scroll down a bit, and then it
10:22 25 says:



1 "Also, it should be mentioned that on
2 and around March 31 --"

3 I think that should be March 3rd,

4 "-- Insp. Riddell obtained a statement
10:22 5 from Ron Wilson who was and is in the
6 Regina gaol and on March 11 another
7 statement was obtained from Nichol John
8 female who was in the city of Regina.
9 Both these persons admitted having been
10:22 10 in S'toon at the time but knew nothing
11 of this particular murder."

12 And so if we can pause there, if we could call up
13 006723, please, and this is a statement of March
14 the 5th, 1969 and I believe it is in Raymond
10:23 15 Mackie's, if we can go to the last page, please,
16 and that's, is that Mr. Mackie's signature? I
17 believe it is.

18 A It looks to me like it is.

19 Q And do you know if this handwriting -- is this
10:23 20 your handwriting?

21 A No.

22 Q If we can go back to the first page, would you
23 have been made aware of this statement or reviewed
24 this statement at some later point, Mr. Karst?

10:23 25 A Maybe at a later date, yes, I would think so.



1 Q Since you had interviewed him a couple of days
2 earlier, would you have expected that you would
3 have become aware of this or at least read it?

4 A No, I didn't know that the Mounted Police or
10:23 5 Mackie had interviewed him again.

6 Q Okay.

7 A I probably found out later on, but I wasn't aware
8 of it then.

9 Q I think you either told us yesterday or I have
10:24 10 read it somewhere that you would have had, after
11 March 2nd, a number of further interviews with
12 Mr. Cadrain; is that fair, Albert Cadrain?

13 A I did.

14 Q March, April, May perhaps; is that fair?

10:24 15 A Several, yes.

16 Q And in the course of that, Mr. Karst, do you think
17 you would have either received a copy of this or
18 reviewed this statement on the file?

19 A All I can say is I don't remember, but I would
10:24 20 think I would have seen it.

21 Q If you were going to go interview him again and
22 talk to him, would it not be reasonable to assume
23 that you would have read what he had said before?

24 A Not necessarily. It may have been conveyed to me
10:24 25 by Mackie by general conversation, I've taken



1 another statement from him, go see him again.

2 Q Okay. And again am I to take from your answer,
3 Mr. Karst, that at this time period you've
4 interviewed Mr. Cadrain, you've interviewed Mr.
10:25 5 Milgaard. Are you telling us that you wouldn't
6 actually take a step or do something unless a
7 senior officer directed or asked you to do it?

8 A I would think so, on a complicated murder
9 investigation I would think I would have had to
10:25 10 have direction.

11 Q Okay. So as a matter of interest, would you --
12 let me ask you this. Now that you took
13 Mr. Cadrain's and Mr. Milgaard's statement, I
14 mean, you would agree that you were more involved
10:25 15 in the investigation than you were before; is
16 that --

17 A Absolutely true.

18 Q And would that cause you to become, to take more
19 involvement or take further steps to gain more
10:25 20 information about the file and the people
21 involved?

22 A I think so.

23 Q And again help me understand this, on March 3rd
24 you take Mr. Milgaard's statement and you prepare
10:25 25 your report on March the 7th. On March the 8th



1 you show up for work. Would you go and take the
2 Gail Miller file and look through it and think of
3 some things to do or would you work on other files
4 or help me understand --

10:26 5 A Just depends on what my instructions were. If
6 they called me in and said, "Eddie, there's
7 something you should do here on this file," I
8 would go and do it. If they didn't, I would go
9 about my other 25 files.

10:26 10 Q Okay. So are you telling us then that on your own
11 initiative you would not have undertaken
12 investigative steps on the Gail Miller file?

13 A Nothing major, no.

14 Q When you say nothing major, what do you mean by
10:26 15 that?

16 A To go and see any of the suspects or interview
17 Milgaard again or something like that.

18 MR. HODSON: Okay. This might be an
19 appropriate spot to break, Mr. Commissioner.

10:27 20 *(Adjourned at 10:26 a.m.)*

21 *(Reconvened at 10:45 a.m.)*

22 BY MR. HODSON:

23 Q If we could call up 006723, please, and again, Mr.
24 Karst, this is Albert Cadrain's March 5, '69
10:46 25 statement taken by Ray Mackie, and I think you had



1 said you were not present or part of the taking of
2 this statement; is that correct?

3 A That's correct.

4 Q And, I'm sorry, you may have told me this already,
10:46 5 but do you think you would have reviewed a copy of
6 this statement at some point afterward during the
7 course of the investigation?

8 A I probably was made aware of it.

9 Q When you say made aware of it, that's having read
10:46 10 it or provided a copy or told of its contents?

11 A Probably conversed verbally with Mackie who took
12 this I think.

13 Q And I don't -- we've seen this on a number of
14 occasions, I don't propose to go through it. This
10:47 15 part just talks about boots and finding boots and
16 Betty Weeks and I'm not sure what if any
17 connection that might have to the investigation.
18 Do you know -- did you place any significance on
19 that?

10:47 20 A No, I did not, I was not particularly aware of it.

21 Q And then the next page, please, page 2, it appears
22 here that Mr. Cadrain says:

23 "On the way to Calgary Milgaard talked
24 mad and indicated he was mad because I
10:47 25 was with his girl."



1 Who I presume would have been Nichol John. Is
2 this something that Mr. Cadrain would have told
3 you on March 2nd or do you remember?

4 A I don't recall that at all.

10:47 5 Q Again, any significance that he would say this
6 three days later and not when he talked to you?

7 A Not that I'm aware of.

8 Q And then down at the bottom he talks about before
9 the car left Saskatoon on January 31 they went to
10:48 10 Leonard's house and went in to look for Betty and
11 his boots and things of nature. Was that
12 something new or that you had heard before?

13 A I don't think I heard it before.

14 Q Next page, and there's reference here to a party
10:48 15 in Regina in "the great bear" and City Hall,
16 etcetera. Do you remember at the time placing,
17 hearing about that or placing any significance on
18 that?

19 A No, sir, I don't remember that.

10:48 20 Q Let me put it a little broader. When you were
21 investigating and interviewing Mr. Cadrain, did
22 you ever consider what had transpired with
23 Mr. Cadrain in Regina prior to the day of the
24 murder? I think in this statement he talks about
10:49 25 being in Regina at some parties and he talks



1 about, if you could just scroll down, that he
2 inquired about Hoppy, stopped there when he was
3 there, and so just generally do you recall
4 Mr. Cadrain's activities in Regina prior to the
10:49 5 date of the murder as being something you looked
6 at or were aware of?

7 A Mr. Cadrain being in Regina prior to the day of
8 the murder?

9 Q Yes.

10:49 10 A I'm not aware of that.

11 Q Okay. And then down at the bottom, he says, and
12 again this is the March 5:

13 "The blood I saw on his clothes was on
14 his shirt tail and on his pants going
10:49 15 down. I thought at first he had had a
16 virgin."

17 Does that -- is that consistent with what he told
18 you three days earlier about where the blood was
19 or are you able to tell us?

10:50 20 A I can't tell you that.

21 Q And then scroll down, please, here he says:

22 "Hoppe mentioned he had blood on his
23 clothes & had to change. I did not see
24 any blood on his shorts."

10:50 25 And I believe in the March 2nd statement it says,



1 Mr. Cadrain says that he saw blood. I don't
2 believe in the statement he says that Hoppy
3 mentioned it. Does that sound right as far as
4 what was in the statement?

10:50 5 A Are you saying he didn't mention blood in the
6 original statement?

7 Q I believe in the first March 2nd statement, at
8 least the words in the statement, and I'll just
9 double-check for you and maybe we can -- what he
10:50 10 says, and we don't need to call it up, in the
11 March 2nd statement he says:

12 "I was getting dressed and I noticed
13 that Hoppe changed his pants and shirt.
14 Now I recall that he had blood on his
10:51 15 shirt on the front and bottom and also
16 saw blood on his pants."

17 And there's no mention in that statement of Mr.
18 Milgaard actually mentioning to Cadrain that he
19 had blood and I'm just wondering if you have any
10:51 20 recollection, Mr. Karst, of whether or not, in
21 your first interview with Mr. Cadrain, whether he
22 told you about David Milgaard talking about blood
23 on his clothes.

24 A I don't remember.

10:51 25 Q And if it -- if he would have told you on March



1 2nd that not only did he see blood on David
2 Milgaard's clothes, that David Milgaard also
3 mentioned to Cadrain that he had blood on his
4 clothes, is that something you think you would
10:51 5 have put in the statement?

6 A It would have been significant enough to do that,
7 yes.

8 Q Okay. And so if we can take it from that that on
9 March 2nd, that since it's not in the statements,
10:51 10 likely he didn't tell you that; is that fair?

11 A That's fair.

12 Q And so now on March 5th he is adding something to
13 the statement; is that fair, by now saying --

14 A It appears that way.

10:52 15 Q And what if any significance did you place on
16 that?

17 A I don't recall. I didn't take the statement, so I
18 just can't recall anything about it.

19 Q And would that be something that might tell you
10:52 20 something about Mr. Cadrain and/or his story or
21 statement?

22 A I suppose it could.

23 Q And what would that be?

24 A He either had a bad memory or else he was making
10:52 25 things up, one of the two.



1 Q Okay. And do you know if he would have questioned
2 Mr. Cadrain further about the blood and --

3 A Not that I recall.

4 Q I think you had said earlier you interviewed him
10:52 5 on a number -- or talked to him on a number of
6 occasions after March 2nd; right?

7 A That's true.

8 Q And in those discussions would you not have asked
9 him again about the blood?

10:53 10 A I may have, but I can't remember now.

11 Q Then down at the bottom, it says:

12 "On the trip there was no mention of
13 Hoppe or anyone else having had a girl
14 in a back lane."

10:53 15 And that I think may have been something in the
16 first statement, and then the next page, and I
17 think this is referring to when they were in
18 St. Albert about:

19 "... carrying a suitcase out of Hoppe's
10:53 20 room on the morning before we left. I
21 don't remember anyone taking it in ..."

22 Do you recall any significance about that?

23 A No, I don't.

24 Q Now, the record shows that on March 11th, 1969, so
10:53 25 that's nine days after your interview with



1 Mr. Cadrain, that Inspector Riddell took a
2 statement from Nichol John in Regina, and would
3 you have become aware at or around that time that
4 Nichol John was interviewed and gave a statement?

10:54 5 A I'm sure I became aware sometime after that.

6 Q And if we could call up 006329 and this is a typed
7 version of the statement taken by Inspector
8 Riddell on March 11th. You'll see at the top it
9 says copy for Superintendent Woods. Do you know
10:54 10 if you would have reviewed this statement in
11 March, April, May of '69?

12 A I don't believe so. As I said, I've never seen
13 any of their copies in their own file.

14 Q Now, I believe, Mr. Karst, that this statement was
10:54 15 part of -- actually, it may not have been part of
16 the police file, certainly part of the court brief
17 that went to Mr. Caldwell. In any event, you
18 don't have a recollection of reviewing this
19 statement at the time?

10:55 20 A No, sir.

21 Q Do you recall learning about what Nichol John had
22 said to Inspector Riddell in a general way?

23 A I don't recall, but I'm sure Mackie or Short made
24 me aware of it.

10:55 25 Q Is it possible that Mackie or Short or Woods would



1 have had a copy of this statement?

2 A Possible. I don't know.

3 Q And if this statement would have been on the Gail
4 Miller Saskatoon City Police file, if it had been
10:55 5 on there, do you think you would have read it?

6 A I may have.

7 Q You say you are not sure?

8 A No, I'm not sure. I didn't read every report that
9 was on there. It would have taken you two weeks
10:55 10 to do that.

11 Q Now, you'll see in a moment that you subsequently
12 went to Regina and interviewed Nichol John?

13 A Correct.

14 Q And again, do you think as part of that exercise
10:56 15 that you would have obtained a copy of this or at
16 least known what she had said earlier?

17 A I'm sure, as I said, I would be made aware of it
18 by somebody.

19 Q If you were aware that there was a written
10:56 20 statement and you were going to interview her,
21 would you not want to get a copy of that so that
22 you could test what it was she had said?

23 A If I'm not mistaken, Detective Sergeant Mackie was
24 with me, he probably had one.

10:56 25 Q Okay.



1 A I think he's the one that actually interviewed
2 Nichol.

3 Q Okay. Well, we'll go through those reports in a
4 bit. Now, what is your recollection and when did
10:56 5 you first learn from anywhere that Nichol John had
6 been interviewed and what she may have said?

7 A I don't remember that.

8 Q We can go through parts of this, and again we talk
9 here, she says that they arrived in Saskatoon
10:57 10 between 6:30 and 7:30, started to drive around.
11 Ron and I had never been there. So again, that
12 would have been, or is somewhat consistent with
13 what the others had said, being Milgaard and
14 Wilson. Maybe 6:30 and 7:30 might be a little
10:57 15 tighter time frame. Is that fair?

16 A That's fair.

17 Q And then scroll down, please, it talks about
18 getting a map and in her statement she says:

19 "David went in in his stocking feet."

10:57 20 Do you recall hearing about that or learning
21 that?

22 A Yes, I learned that he went to the motel to get a
23 map in his stocking feet.

24 Q And do you remember where you heard that from?

10:57 25 A I'm sure it was conveyed to me by one of the



1 officers we were working with.

2 Q And then it talks about getting stuck in the alley
3 and the Danchuks. Next page, the bottom, it says:

4 "At Albert's place both David and Ron
10:58 5 changed clothes. Ron's pants were being
6 eaten by acid and David had ripped the
7 crotch out of his pants which were green
8 with some kind of stripe."

9 And again pause there. That's what Mr. Milgaard
10:58 10 had told you on March 3rd, didn't he, the green
11 striped pants he was wearing?

12 A Yes.

13 Q "I think David also had on a brown coat
14 ... I didn't see any blood on anybody's
10:58 15 clothing."

16 Would you have become aware at some point after
17 this statement was taken that Nichol John had
18 said she did not see blood on David Milgaard?

19 A I would think so.

10:58 20 Q Next page, please, and here she says that after
21 they got dropped off in Regina, Albert got picked
22 up the next day by the police, and again that's
23 consistent with what Mr. Cadrain told you?

24 A Yes.

10:59 25 Q And then she says:



1 "All during the morning we were in
2 Saskatoon, the three of us were together
3 and I am sure that David or Ron never
4 left me for more than one or two minutes
10:59 5 that morning."

6 So again that would be consistent with what
7 Mr. Wilson said in his statement; is that fair?

8 A That's fair.

9 Q And that if Nichol John is telling the truth here,
10:59 10 this would appear to be an alibi for Mr. Milgaard;
11 is that fair?

12 A That's fair.

13 Q And then:

14 "Just yesterday or the day before, Barb
10:59 15 Berard, a friend of mine, told me that
16 David had returned to Regina and I think
17 it was him that told her that he was
18 going to be picked up for murder."

19 And do you recall learning about this statement
10:59 20 in Nichol John's statement about --

21 A Sometime afterwards I'm sure I did.

22 Q And I think that Mr. Milgaard, prior to this
23 statement anyway, I believe the record suggests
24 that Mr. Milgaard's only dealings with the police
11:00 25 would have been the March 3rd interview.



1 A With regards to this case?

2 Q Yes.

3 A Yes.

4 Q And do you recall telling Mr. Milgaard at that
11:00 5 time that he was going to be picked up for murder
6 in that interview?

7 A No, I do not.

8 Q Are you able to tell us, and I had asked you this
9 a bit earlier, I think you said you don't recall
11:00 10 what was said to Mr. Milgaard, but do you know
11 what type of impression you may have left with him
12 or wanted to leave with him when you were done
13 interviewing with him?

14 A I suppose that we were still going to check out
11:00 15 his story.

16 Q And in a case where you had interviewed a suspect
17 and came to the conclusion at the end of the
18 interview that that person would be eliminated,
19 would you normally tell that person?

11:01 20 A I would think so.

21 Q Yeah. And where you were going to do some further
22 checking, would you want that person to think that
23 they were still under the microscope a bit or --

24 A I just can't answer that. I don't know whether I
11:01 25 left that impression with him or not.



1 Q Now, in this statement as well there's no mention
2 by Nichol John of asking someone for directions
3 when they arrived in Saskatoon, okay, and you can
4 take my word for that, it's not in there.

11:01 5 A Right.

6 Q And so it would appear that after the first three
7 statements, that Mr. Milgaard -- Mr. Cadrain
8 wasn't with them when they arrived; correct?

9 A Correct.

11:01 10 Q So Mr. Milgaard says he stopped an old woman for
11 directions, Ron Wilson in his statement says
12 nothing about it and Nichol John says nothing
13 about it in the first statements. Do you recall
14 following up on that with either Nichol John or
11:02 15 Ron Wilson, and I think I asked you this question
16 with respect to Ron Wilson, but Nichol John about
17 that fact?

18 A I don't specifically remember talking to Nichol
19 about that, no.

11:02 20 Q So at this point, and I appreciate your evidence,
21 Mr. Karst, about not recalling or not having the
22 Ron Wilson and Nichol John statements, the written
23 statements, but at that time certainly some police
24 officers, I mean, the RCMP would have it; right,
11:02 25 Inspector Riddell took the two statements?



1 A Yes.

2 Q Would you have expected the senior officers on the
3 file, Short, Mackie, to have copies of the Wilson
4 and John statements or be aware of what was said?

11:02 5 A Yeah, they may be aware. I don't know if they had
6 copies.

7 Q And would you have generally been aware, and again
8 we're talking mid March of '69, that Ron Wilson
9 and Nichol John had given statements that, number
11:03 10 1, were fairly consistent with each other, and
11 again, I mean, that's maybe debatable, but fairly
12 consistent about the events of the morning and
13 that in both cases gave an alibi for Mr. Milgaard
14 in that he was not away from them? Would you have
11:03 15 known that?

16 A I would think that Short or Mackie probably
17 advised me of that.

18 Q Yeah. So -- and at that point then you would have
19 Mr. Milgaard saying that he couldn't account for a
11:03 20 certain time that morning, and I think you said
21 some suspicious questions, but at that point what
22 would be your thought process as far as, as an
23 investigator, as to where do you go next given
24 that you've got Wilson and John giving, and
11:04 25 Milgaard giving similar statements?



1 A Although they were similar, there were
2 inconsistencies, and then again I refer to -- also
3 Milgaard says he did see a woman on the street,
4 where the other two didn't mention that. That to
11:04 5 me was rather significant. Why would that, they
6 not mention that.

7 Q So at this point is it fair to say, Mr. Karst,
8 that Wilson and John had told you, in conjunction
9 with Mr. Milgaard and Mr. Cadrain, that you were
11:04 10 not prepared as an investigator to say, well,
11 let's eliminate Mr. Milgaard as a suspect, further
12 work was needed?

13 A That's correct.

14 Q If I could call up 106640, please, and again this
11:05 15 is Lieutenant Short's report, call out the bottom
16 half, please. So he talks about getting Nichol
17 John's statement on that date and says:

18 "Both these persons admitted having been
19 in S'toon at the time but knew nothing
11:05 20 of this particular murder. On Tuesday,
21 March 18/69, Det. Karst & myself took
22 Albert Cadrain to Regina and were in
23 touch with the Regina City Police there
24 and later we proceeded to the Regina
11:05 25 gaol and interviewed Ron Wilson again,



1 however, nothing further was learned
2 from him and we also found his home and
3 talked to Mrs. Wilson where there was
4 some discrepancies found in the clothing
11:06 5 that these boys both Wilson and Milgaard
6 were wearing when they left Regina."

7 Do you recall taking a trip to Regina with
8 Lieutenant Short and Albert Cadrain and
9 interviewing Ron Wilson?

11:06 10 A I know we did, but I made several trips and I
11 can't differentiate this one from four or five
12 others that I took, so -- I'm sure this is right.

13 Q Yeah. This would appear to be the first time that
14 you would personally have met Ron Wilson; do you
11:06 15 remember the first time you -- and in jail, do you
16 remember that?

17 A No, I don't.

18 Q Now there's not another report about this trip
19 from you, would -- what would the practice have
11:06 20 been where you and Lieutenant Short, or you and
21 any officer, would do something together; was
22 there a protocol as to who and how reports would
23 be left?

24 A I think that was left with the senior officer, if
11:06 25 he says that he needs a report I would, if he says



1 'I'll do it' well of course that's where it would
2 stay.

3 Q And would there be any situations where you would
4 leave two reports, your own report about what
11:07 5 happened?

6 A I don't think so. It may have happened but I sure
7 can't recall anything like that, --

8 Q And --

9 A -- duplication of a report.

11:07 10 Q And you recall, on one of your trips to Regina,
11 having Albert Cadrain with you?

12 A Yes.

13 Q And what would the purpose have been to take
14 Albert Cadrain to Regina?

11:07 15 A One thing, we didn't know our way around there, he
16 knew these two people, he could help us locate
17 them, where they had been. Secondly, I thought
18 maybe -- my thinking would be that, you know, if
19 something came up there, other evidence from these
11:07 20 other two, I could go back and talk to Cadrain to
21 see whether it verified or disagreed with what he
22 had said.

23 Q And would you have told Mr. Cadrain why you were
24 taking him down there or what you were doing?

11:07 25 A I would think so.



1 Q Do you have any recollection of -- it says here
2 they interviewed Wilson in jail:

3 "... nothing further was learned from
4 him ...";

11:07 5 do you remember the interview with Wilson?

6 A Specifically, no.

7 Q And do you recall whether or not his March 3rd,
8 '69 statement would have been there either with
9 Short or with you?

11:08 10 A I don't know.

11 Q Do you think, given that he had given a statement
12 16 -- sorry -- 15 days earlier, that it would have
13 been prudent to have his earlier statement when
14 you interviewed him?

11:08 15 A Oh, it, it could have been there, Short may have
16 had it, I don't know.

17 Q Okay. Would there be any reason that you would
18 not have his earlier statement when you were
19 interviewing him?

11:08 20 A I see none.

21 Q And it says:

22 "... nothing further was learned from
23 him ...",

24 and can we conclude from that that, at least in
11:08 25 the interview that you and Lieutenant Short had,



1 that Wilson didn't give you any further
2 information that would assist in the Gail Miller
3 murder investigation?

4 A It appears that way.

11:09 5 Q And then, as far as going to Mrs. Wilson's home
6 and the clothing, do you recall what these
7 discrepancies were or what you discovered there?

8 A I can't recall going there.

9 Q And then it says:

11:09 10 "Also female Nichol John was located in
11 a hippie house in Regina and she was
12 after considerable persuasion brought to
13 the Regina gaol and interviewed by Karst
14 and myself and was placed in a room with
11:09 15 Cadrain and allowed to discuss this
16 matter and it was learned from her after
17 this discussion that through
18 interrogation that she was of the
19 opinion that Cadrain was telling the
11:09 20 truth and that everything he said was
21 exactly what had happened on this trip.
22 She was of the opinion that Milgaard was
23 of a dangerous character and that he had
24 forced her to have intercourse etc.
11:09 25 several times and she was afraid of



1 him."

2 And stop there. If we could just go back and
3 have the first page on the top half of this and
4 we'll take a look at that. And so -- start right
5 here -- Mr. Karst; so do you recall finding
6 Nichol John in a hippie house?

7 A No I don't.

8 Q Do you have a recollection -- this would appear to
9 be the first time that you would have met Nichol
10 John; is that right?

11 A It appears that way.

12 Q Do you have a recollection of her, the first
13 meeting with her?

14 A No I don't.

15 Q And it says here that you were -- she was
16 interviewed by Karst and Short; do you recall
17 interviewing her at the Regina jail?

18 A No I don't.

19 Q And then it says here she:

20 "... was placed in a room with Cadrain
21 and allowed to discuss this matter ...",
22 do you recall that happening?

23 A No I don't.

24 Q Let me just back up. When you interviewed Ron
25 Wilson do you recall whether or not you put Mr.



1 Wilson and Mr. Cadrain together to talk?

2 A Don't remember.

3 Q And, as far as the practice, did you see any --

4 well let me back up. Do you have any reason to

11:11 5 dispute that Albert Cadrain was put in a room with

6 Nichol John to discuss the matter?

7 A None at all. If that's in Lieutenant Short's
8 report I believe it.

9 Q And why would you put Mr. Cadrain and Ms. John
11:11 10 together to discuss the matter?

11 A I'm sure to see if they still agreed with one
12 another or disagreed as to what happened on the
13 trip and to see if everything added up or didn't
14 add up.

11:11 15 Q We've heard some evidence, Mr. Karst, from some
16 officers that they -- it would not be a practice
17 to allow two witnesses to discuss a matter for
18 fear of contamination or risks in that. Do you --
19 and, again, is that something that you would, as
11:12 20 an officer would you -- was it a common practice
21 to allow two witnesses to talk together?

22 A Depending on the circumstances.

23 Q Okay. And in what circumstances would you not do
24 it?

11:12 25 A Well in this particular case there were three what



1 we considered witnesses, there was Nichol, Shorty,
2 and Wilson, and I could see nothing wrong with
3 putting just two of them together because we still
4 had another independent witness that wasn't there,
11:12 5 and he wouldn't know what they were saying, and we
6 could go to him later and say 'you know, is this
7 right or is that wrong?'

8 Q Okay. I take it that if the only two witnesses
9 were Nichol John and Albert Cadrain would you
11:12 10 still put them together?

11 A No, it would not be a good practice.

12 Q And why not?

13 A Because they could corroborate their evidence and
14 nobody could dispute it.

11:13 15 Q Now in this case was there not a risk that Nichol
16 John and Albert Cadrain could also corroborate?

17 A That's true, but Wilson wasn't there, and we could
18 go to him for verification --

19 Q Okay.

11:13 20 A -- or not verification, one of the two.

21 Q Okay. So, again, your evidence is you didn't see
22 anything improper or inappropriate about putting
23 John and Cadrain together?

24 A No.

11:13 25 Q And what were you hoping or what did you think



1 might come out of that that would benefit the
2 investigation?

3 A What the specifics were at that time, I can't
4 remember, but we must have had a reason.

11:13 5 Q And just again back, as far as statements, it
6 doesn't appear that there were any statements
7 taken from Wilson or John or Cadrain on this
8 occasion; is that fair?

9 A It would appear that way.

11:14 10 Q And let's talk about Ron Wilson, that -- and I
11 think, we touched on this, I think you've said
12 that nothing further was learned from him, and can
13 we take it that if Mr. Wilson had said anything
14 that might have either incriminated or exculpated
11:14 15 Mr. Milgaard, that you would have taken a
16 statement from him?

17 A Or be in this report.

18 Q Okay, or in the report?

19 A Yes.

11:14 20 Q So when would you decide to take a statement and
21 when would you put it in the report?

22 A That would be up to my lieutenant, in that case,
23 to make that decision.

24 Q And if Mr. Wilson had given anything to you that
11:14 25 incriminated Mr. Milgaard you would expect it to



1 be in the report or statement; is that fair?

2 A I would expect that Short would have told me to
3 take a statement.

4 Q So, and similarly, the same with John?

11:15 5 A Right.

6 Q Okay. So other than what is noted in this report,
7 can we assume that if Ron Wilson or Nichol John
8 had provided any incriminating evidence that might
9 implicate Mr. Milgaard, that it would be noted?

11:15 10 A I would think so.

11 Q Now next page, please. No, sorry, if we could go
12 back to 106641. Actually, just on the previous
13 page -- we don't have to go back to it, I read it
14 already -- and this is Short's report, after
11:15 15 putting Cadrain and John in a room:

16 "... allowed to discuss this matter and
17 it was learned from her after this
18 discussion that through interrogation
19 that she was of the opinion that Cadrain
20 was telling the truth and that
21 everything he said was exactly what had
22 happened on this trip."

23 If we can pause there, is that -- and I
24 appreciate this isn't your report -- but would
11:16 25 that be referring to what happened when they left



1 Cadrain's house or --

2 A It appears that way.

3 Q So that would be the trip to Calgary?

4 A Banff and wherever they went, yes.

11:16 5 Q So if we go back and recall what Mr. Cadrain had
6 said to this point about what happened on the trip
7 that would be, I think, the transport truck and
8 the exchange; correct?

9 A Right.

11:16 10 Q And I think, as well, about -- the comment about
11 the Mafia and the gun; is that right?

12 A Yes.

13 Q And is that something you think that you would
14 have had Nichol John corroborate?

11:16 15 A Correct.

16 Q Just give me a moment. And, as well, he told you
17 that Hoppy talked about a gun; do you know if
18 that's something you would have had Albert Cadrain
19 mention to Nichol John?

11:17 20 A I would think so.

21 Q And when this happened were you and Mr. Short in
22 the room when they were discussing, or did you let
23 them discuss it alone, or do you recall?

24 A I just don't recall that, where we were.

11:17 25 Q Now, and I'm not sure if you are able to answer



1 this because this is Mr. Short's report, but Mr.
2 Cadrain had told you on March 2nd that he saw
3 blood on David Milgaard's clothing?

4 A Correct.

11:17 5 Q And are we to read this report, where Short says
6 that everything he said was exactly what had
7 happened on this trip, do you know whether or not
8 Nichol John was saying 'yes, Albert Cadrain is
9 telling the truth when he said he saw blood'?

11:18 10 A That's really not part of the trip, but -- I can't
11 really answer that.

12 Q Okay. If Nichol John would have told you or
13 Mr. Short on this trip that she had observed blood
14 on David Milgaard is that something you would have
11:18 15 noted in the report?

16 A I would have think he would have.

17 Q Yeah. And I think in fairness, Mr. Karst, in her
18 subsequent statements I don't think Nichol John,
19 even in her May 24th statement, said she saw
11:18 20 blood, I don't think there's any record that she
21 had; you are aware of that?

22 A I think so. I was aware of it at that time I
23 would think.

24 Q It talks here about Nichol John -- or pardon me --
11:19 25 that:



1 "She ...",

2 being Nichol:

3 "... was of the opinion that Milgaard
4 was of a dangerous character and that he
5 had forced her to have intercourse etc.
6 several times and she was afraid of
7 him."

8 Do you recall those discussions with Ms. John?

9 A Not now I don't.

11:19 10 Q And would that -- was that something that factored
11 into your thinking at the time as to Mr.
12 Milgaard's culpability for the murder?

13 A I'm sure it would have been.

14 Q And are you saying that based on memory or just
11:19 15 saying you presume it would have been?

16 A I'm just saying that I presume it would have been.

17 Q And then this goes on to say, this is Mr. Short's
18 report:

19 "It is my opinion that Milgaard is a
11:19 20 dangerous person and it is known that he
21 had a record as a juvenile for several
22 serious offences and although at this
23 time we did not locate Milgaard it is my
24 opinion that he should be located and
11:19 25 probably followed and kept under close



1 contact for some time in hopes of
2 learning something further in regards to
3 this person's activities ...",
4 and pause there. Would that have been an opinion
11:20 5 you held at the time, Mr. Karst, or can you tell
6 us?

7 A It was probably my opinion too.

8 Q And then Short writes:

9 "I have since learned from Malanowich
11:20 10 who has recently made a trip to Edmonton
11 to locate a girl in that city who
12 Milgaard contacted on this trip that
13 they made, and that this particular girl
14 is of the same opinion as Nichol John
11:20 15 and Cadrain in regards to Milgaard, that
16 he is of a dangerous character."

17 And do you recall that?

18 A I recall talking to Malanowich.

19 Q And if we could call up 009245, please. And this
11:20 20 is Mr. Malanowich's report of March 22nd, 1969 --
21 and we will be hearing from Mr. Malanowich next
22 week -- and he sets out a report here, Mr. Karst,
23 about interviewing Sharon Williams who was the
24 individual that Mr. Milgaard went to see in
11:21 25 Edmonton; you recall that?



1 A I beg your pardon?

2 Q Okay. This is a report of Mr. Malanowich's
3 interview of Sharon Williams who was the person, I
4 think, David Milgaard went to see in Edmonton on
11:21 5 the trip; do you recall that?

6 A I do.

7 Q Umm, and you had mentioned you recalled talking to
8 Malanowich; what do you remember about that?

9 A When he came back from that trip he made to St.
11:21 10 Albert, and he had talked to this girl, and words
11 to the effect that she thought Milgaard could be
12 involved in something like that.

13 Q You are talking about the Gail Miller murder?

14 A I am.

11:21 15 Q Yeah. And did she say why or did Malanowich
16 relate why or --

17 A I think there was some discussion about sexual
18 activity, but specifics I can't remember.

19 Q If we could just go down to the bottom, is this,
11:22 20 the report that he prepared, is that something
21 that you would have either read or become aware of
22 at some --

23 A I probably became aware of it through that
24 conversation.

11:22 25 Q And at the bottom, and again this is Malanowich's



1 report, he says after questioning her:

2 "It is quite obvious that David Milgaard
3 was definitely different on this
4 occasion when he saw her in Edmonton,
5 she made it quite clear that he seemed
6 to be running away from something, she
7 sensed this."

8 And is that something that Malanowich would have
9 told you?

10 A I don't recall exactly what he told me, but --

11 Q Something to that effect?

12 A To that effect.

13 Q And then the next page, please, and call out the
14 top paragraph. Mr. Malanowich says:

15 "The matter also came up that David
16 Milgaard mentioned several times to her
17 that he was concerned about the girl
18 that he took money from and didn't give
19 her any marihuana for it, that he just
20 took off with her money. When
21 questioned Sharon Williams stated that
22 she thought the girl was from Regina,
23 just took it for granted, that she never
24 thought that this girl could have been
25 from Saskatoon. I think that in a way



1 David Milgaard possibly did in this way
2 admit a guilt complex and instead of
3 saying that he killed a girl, he shared
4 his guilt by talking about it
11:23 5 substituting marihuana for sex and the
6 money he received as the money he took
7 from the murdered girl's purse."

8 Do you recall a discussion with Mr. Malanowich
9 along those lines?

11:23 10 A Something along that line, like I said, he said
11 that she thought he could be involved.

12 Q Mr. Malanowich also took a lengthy statement from
13 Sharon Williams; do you recall whether you would
14 have read or reviewed that?

11:23 15 A I don't recall that, sir.

16 Q So your information about Sharon Williams would
17 have come from Mr. Malanowich either from talking
18 to him and/or reading this report; is that fair?

19 A I did talk to him.

11:24 20 Q And what effect, if any, did that information have
21 on your thought process as far as whether -- as
22 far as what you thought about Mr. Milgaard as a
23 suspect?

24 A I probably thought it was more involving as far as
11:24 25 he was concerned, yes. Here was a girl that knew



1 him quite well, and that was her opinion, so I'm
2 sure it was -- impressed me as to him being
3 involved possibly.

4 Q And do you recall this being discussed amongst
11:24 5 other officers as well?

6 A No I don't. I wasn't a part of that group, that
7 senior group that discussed this, when they had
8 their meetings.

9 Q And why would it be that you would have talked to
11:24 10 Malanowich, then, what prompted that?

11 A He probably come to tell me or I probably went to
12 ask him what he learnt.

13 Q Now the report that I just showed you from
14 Lieutenant Short mentioned talking to Malanowich;
11:25 15 is it possible that you and Mr. Short could have
16 talked to Mr. Malanowich, or you were present when
17 Malanowich talked to Short, or --

18 A It's possible. I just don't remember.

19 Q Call up 105595, please -- sorry, 105525. And this
11:25 20 is a report of April 7th, I think it's a report of
21 Mr. Penkala, and it talks about a wallet coming
22 from Raymond Mackie on April 4th. And we've
23 heard, actually, evidence from two people who say
24 they found a wallet, and from Mr. Mackie who
11:25 25 received it from one or both of them. Do you



1 recall back at the time, Mr. Karst, becoming aware
2 that Gail Miller's wallet was found?

3 A I don't remember that now but I probably was aware
4 at that time.

11:26 5 Q And I think this report indicates that her wallet
6 was found a couple of doors down from Mr.
7 Cadrain's house; do you recall that?

8 A I would be aware of it at that time.

9 Q And do you remember whether that would have been a
11:26 10 significant piece of evidence in the investigation
11 of David Milgaard as a suspect?

12 A I imagine it would have been.

13 Q And why is that?

14 A Milgaard attended that residence and this is -- or
11:26 15 the residence of Cadrain, and this wallet is found
16 only a couple of doors away, so when he was out
17 driving around the block he could have well thrown
18 it out.

19 Q Okay. And is that something you would have
11:26 20 thought at the time or --

21 A I would think I would think that at the time, yes.

22 Q And if we could go down to the bottom of the page,
23 please, it says:

24 "At 10:45 AM, April 7th, 1969, I
11:27 25 received additional exhibits from Det.



1 E. Karst in connection with this case.
2 One blue woolen touque, soiled and
3 stained, one gentleman's white
4 handkerchief, soiled and stained, one
11:27 5 ladies white girdle. These exhibits
6 will be forwarded the crime laboratory
7 for analysis in connection with this
8 case."

9 The blue woolen toque; do you remember finding
11:27 10 that?

11 A I didn't find it, I was directed to it.

12 Q Tell us what you remember about your dealings with
13 the toque?

14 A Either by telephone or by word of mouth somebody
11:27 15 directed me to go to that address next door to the
16 Cadrain's, and this lady had found a toque, and
17 she thought it was dark coloured, maybe had blood
18 on it. Anyway, I attended at that residence and
19 the lady told me she had found this toque in the
11:28 20 -- on the front boulevard some little time prior,
21 and it was very not nice-looking, badly messed up,
22 and she threw it in the back yard. She directed
23 me to it there, and I picked it up and took it to
24 the station, and turned it over to Penkala.

11:28 25 Q And was that Helen Gerce that you talked to?



1 A Yes, that's correct.

2 Q And do you recall her telling you when it was that
3 she had found it on the boulevard?

4 A She probably did, but I can't remember.

11:28 5 Q And the toque itself, you found it in the back, or
6 she showed you where it was in the back yard?

7 A That's correct.

8 Q And do you recall whether you observed any blood,
9 or anything that looked like blood, on it?

11:28 10 A It, I believe it was a dark-coloured toque and it
11 had spots on it, and it, in my mind it could have
12 been blood or could not have been blood, but it
13 was worth checking.

14 Q And, again, at that time did you think it -- this
11:28 15 would have been three days after the wallet was
16 found; correct?

17 A Yes.

18 Q And, again, did you think this might have been Mr.
19 Milgaard's toque; was that something that crossed
11:29 20 --

21 A There was that possibility.

22 Q And I take it, then, it was turned over to Mr.
23 Penkala to do with whatever he needed to do with
24 that?

11:29 25 A That's correct.



1 Q And do you recall hearing back from Mr. Penkala,
2 or anybody else, about what they found on the
3 toque?

4 A Best of my recollection, it was of no
11:29 5 significance.

6 Q Okay. If we could call up 009303, please. And
7 this is your report of July 2nd, 1969, and this --
8 just to give you some dates here, Mr. Karst, May
9 21st to the 24th of '69 is when you interviewed
11:29 10 Ron Wilson and brought him -- in Regina and
11 brought him back to Saskatoon, okay?

12 A Correct.

13 Q I believe the end of May is when Mr. Milgaard was
14 charged and arrested, around June 2nd or something
11:30 15 like that, and his preliminary hearing started in
16 mid-August. Okay? Those are the time frames. So
17 this report is July 2nd, '69, which would be a
18 month after, more or less, that Mr. Milgaard was
19 arrested. Okay?

11:30 20 A Okay.

21 Q And I'll just call out the first paragraph. It
22 says:

23 "With regards to this file, whilst
24 inquiries were made in the 300 block
11:30 25 Avenue O, South, on April 5 ... I had



1 occasion to interview Mrs. Helen Gessey
2 ... and at this time she advised me that
3 as close as she could recall it was only
4 a few days after the offence of the
11:30 5 murder of the Miller girl, she had
6 observed a blue tuke on the boulevard
7 portion of the front of her house, which
8 is between the actual street and her
9 fence line, which appeared to be covered
11:31 10 with a red substance possibly blood,
11 this being such a nasty sight, she had
12 taken this and removed it to her rear
13 yard. I, in turn, checked where she
14 shoed me she had thrown this tuke out
11:31 15 and found same and it appeared to have
16 blood on it."

17 And then it was brought to Penkala. And would
18 that sort of accurately describe your dealings
19 with the toque?

11:31 20 A It would.

21 Q And why would this be in a report dated three
22 months after the fact, Mr. Karst?

23 A I don't know. I would like to know when my --
24 when I -- I just don't have any answer for that.

11:31 25 Q Okay. Perhaps let me just go down to the next



1 paragraph, then I can come back to that, and it
2 also says:

3 "At this time, mention should also be
4 made of other information which has
11:31 5 apparently not been attached to this
6 file. This being, in fact, the portion
7 where Albert Cadrain, the informant in
8 this matter, advised myself and Lieut.
9 Short, that at the time himself, along
11:32 10 with Milgaard, Wilson and Nicholjohn
11 attended in Calgary, the girl Nicholjohn
12 and Wilson had left the car at one time,
13 and at this time David Milgaard
14 approached Cadrain and made suggestions
11:32 15 to the effect that he would obtain a gun
16 for Cadrain to dispose of the other two
17 as they apparently knew too much.
18 Cadrain advised that although no gun was
19 in sight and he never heard Milgaard
11:32 20 speak of one at any other time, he does
21 recall that these are the words which
22 were said to him, and it obviously was
23 in reference to a gun. Cadrain was
24 questioned extensively in this, however,
11:32 25 stuck to this particular story."



1 And at the top, there, it should -- again, it
2 says:

3 "... mention should ... be made of other
4 information which has apparently not
11:32 5 been attached to the file."

6 Does that assist you at all, Mr. Karst, in
7 explaining why this would be in a later-dated
8 report?

9 A The only possible reason I can think of, that I
11:32 10 was waiting for some finalization from Penkala
11 whether this toque was of any importance.

12 Q Yeah. If we go down here, this, this incident
13 here where Cadrain told you that in Calgary David
14 Milgaard had asked Mr. Cadrain to dispose of the
11:33 15 other two, this underlined part, do you recall Mr.
16 Cadrain telling you that?

17 A I recall, I can remember some mention of it, yes.

18 Q And I don't believe that that is in either of Mr.
19 Cadrain's written statements of March 2nd or March
11:33 20 5; okay?

21 A Okay.

22 Q And I don't believe it's in any of the police
23 reports prior to this date and I'm just wondering,
24 Mr. Karst, why this would have been put in on July
11:33 25 2nd, if you can give us any explanation?



1 A No, I can't.

2 Q Now is it possible -- and again at this time I
3 think, and we will be hearing other evidence on
4 this, that Mr. Ullrich would have been preparing
11:34 5 the file for the prosecutor; do you recall being
6 contacted by someone in relation to the
7 preparation of the police file, or anything, for
8 the prosecutor to --

9 A No I don't.

11:34 10 Q And this information that Mr. Cadrain -- let's go
11 back to what he told you here about it looks like
12 Mr. Milgaard asking Mr. Cadrain to kill Nichol
13 John and Ron Wilson because they knew too much; is
14 that what he told you?

11:34 15 A That's what I gathered from that.

16 Q Do you know when, in the course of the
17 investigation, that he would have told you this?

18 A No, sir, I don't.

19 Q Would it have been -- if we can just go back in
11:34 20 time, we know that you first talked to him on
21 March 2nd, on March 18th you took him down to
22 Regina; correct?

23 A Correct.

24 Q And then I don't believe there's any other report
11:34 25 that details you talking to him in April or May;



1 do you remember talking to Mr. Cadrain in and
2 around the time that Mr. Wilson and Ms. John were
3 brought back for the polygraph, that time frame?

4 A I talked to Cadrain several times, he would call
11:35 5 and I would meet him, or go to his house when he
6 called or Mrs. Cadrain had called. Which instance
7 it was I have no idea.

8 Q So would it have been prior to Mr. Milgaard being
9 charged that he would have told you this?

11:35 10 A I don't know. I can't remember.

11 Q And would this be something you think would be in
12 your police notebook, this information?

13 A I'm sure it would be.

14 Q And then can you tell us what, what did you make
11:35 15 of this information when Mr. Cadrain gave it to
16 you?

17 A I suppose it registered with me, but I don't think
18 I placed an awful lot of credence in it.

19 Q And why not?

11:36 20 A It sounded a little too far out, if he was
21 involved in killing one person, that he would want
22 to kill two more.

23 Q So did you doubt the veracity or credibility of
24 this --

11:36 25 A I did.



1 Q -- a little bit?

2 A Yes.

3 Q And I think you said, far out were the words you
4 used?

11:36 5 A Yes.

6 Q And this wouldn't have been the first piece of
7 information that Mr. Cadrain gave you that you had
8 some doubts about; is that fair? I think -- and I
9 think you told us yesterday the Mafia line --

11:36 10 A Yes, that's right.

11 Q -- you said you thought was a bit odd; is that
12 fair?

13 A That's correct.

14 Q So are you telling us then that you didn't believe
11:36 15 Mr. Cadrain when he told you that Mr. Milgaard had
16 told him this?

17 A I wouldn't say I didn't believe him, but I had
18 doubts about it.

19 Q And that's because it just didn't sound right?

11:37 20 A That's correct.

21 Q What effect did that have on your assessment of
22 the rest of Mr. Cadrain's story?

23 A As time went on -- you mean at what particular
24 time?

11:37 25 Q The time he told you.



1 A I don't know when he told me.

2 Q Well, at any time in the course of the
3 investigation.

4 A I'm missing -- forgetting part of the question.

11:37 5 Q Sure, that's fine. I'll go back. The question
6 was what effect if any did the fact that -- I
7 think you told us first of all the Mafia story you
8 said you had trouble, I think you didn't believe,
9 or --

11:37 10 A Doubts about it.

11 Q Had doubts about, sorry, and then this information
12 about the gun you said was far out?

13 A Same thing.

14 Q Same thing, that you didn't believe or had doubts
11:38 15 about?

16 A Right.

17 Q And the question was what effect if any did that
18 have, these two stories have on your assessment of
19 the credibility of the rest of Mr. Cadrain's
11:38 20 story?

21 A It would want to make me check out his story
22 thorough and thorough.

23 Q Okay. And so did it occur to you that, let's take
24 the gun thing, if you are saying if you didn't
11:38 25 believe that, then that would be something that he



1 would have made up; is that fair?

2 A Correct.

3 Q And did you think why would he make up something
4 like that?

11:38 5 A I'm sure it went through my mind.

6 Q And did you think if he made up that, about the
7 gun, did he make that up about the Mafia?

8 A Could well have done.

9 Q And did you think did he make up seeing the blood?

11:38 10 A Not after it was verified by somebody else in the
11 house.

12 Q Okay. And that was the evidence you gave
13 yesterday about the young person there?

14 A That's correct.

11:39 15 Q Did you have doubts about -- did the statements
16 about the gun and killing Wilson and John, did
17 that cause you to doubt in any way the evidence
18 about the blood or Mr. Cadrain's credibility
19 generally?

11:39 20 A I think it would be a factor in considering that.

21 Q And certainly in your mind, sir, the fact that --
22 would it be fair to say that this piece of
23 information about the gun was a relevant fact in
24 your assessment of Mr. Cadrain's credibility?

11:39 25 A I would say that's right.



1 Q And his statement about the Mafia was a relevant
2 fact in your mind in assessing his credibility, a
3 factor?

4 A Yeah, a factor, that's true.

11:40 5 Q If we could go back to 009254, please, and this is
6 your report, sir, of April 18th, 1969, and we're
7 now, if I could call out the first two paragraphs,
8 please, and this, we're now into April:

9 "On Monday, April 14/69, in company with
11:40 10 S/Sgt. Edmondson, local Mounted Police
11 Detachment, further inquiries were made
12 in Regina with regards to the Nichol
13 John girl and Ronald Wilson and also
14 with regards to David Milgaard."

11:40 15 And do you recall Staff Sergeant Edmondson going
16 on this trip with you, Mr. Karst?

17 A I don't recall the date, but I recall going to
18 Regina with him.

19 Q Did you go to the Kandahar Steak House after?

11:41 20 A We did.

21 Q And I take it that's what causes you to remember
22 the trip with Staff Sergeant Edmondson?

23 A Partly.

24 Q And it says:

11:41 25 "The above inquiries were made in



1 addition to those previously made at
2 that centre by Lt. Short and myself ..."
3 And I take it that would have been the March 18th
4 meetings that we talked about; right?

11:41 5 A I believe so.

6 Q "... as further information had been
7 obtained and more answers needed with
8 regards to these persons."

9 And then go down to the next paragraph, please,
11:41 10 it says:

11 "With the assistance of Ken Walters,
12 Cst. with Regina City Police, we located
13 the Nichol John girl at 817 Victoria
14 Ave. and transported her to the City
11:41 15 Police Station and was interviewed at
16 length."

17 Do you remember Ken Walters, Constable Walters?

18 A I do.

19 Q And what role did he play in your dealings with
11:42 20 these witnesses in Regina?

21 A I don't believe anything other than assisting us
22 in finding them and transportation.

23 Q And it says she was interviewed at length. Do you
24 recall interviewing Nichol John with Staff
11:42 25 Sergeant Edmondson?



1 A Yes.

2 Q And I believe this would have been the second time
3 you had met with Nichol John; is that right? We
4 had talked about the March 18th when you took
11:42 5 Mr. Cadrain down.

6 A Apparently, yes. I don't remember that, but --
7 the dates I mean.

8 Q I'm sorry, so you do have a memory of the
9 interview when Staff Sergeant Edmondson was there;
11:42 10 is that fair?

11 A Yes.

12 Q And you either don't have a memory or not a very
13 good memory of the interview with her when you
14 were with Lieutenant Short; is that --

11:42 15 A No, I don't.

16 Q So it goes on:

17 "Further investigation of this girl when
18 she was interviewed gave one the feeling
19 that she was telling the truth and she
11:42 20 emphatically stated she could not recall
21 any time while they were in the City of
22 Saskatoon during the morning of the
23 murder at which time Wilson or Milgaard
24 had left the vehicle in which they were
11:43 25 driving long enough to commit this



1 offence. She denied that Milgaard had
2 left their vehicle at any time to go to
3 a bathroom or go for a cup of coffee
4 which she could recall. This girl did
11:43 5 however state that she felt Milgaard was
6 capable of an offence of this nature and
7 admitted having sexual relations with
8 him at different times and that he was
9 more of the animal nature than you would
11:43 10 expect of a human."

11 And again this is your report, does that reflect
12 a summary of what she would have told you?

13 A Yes.

14 Q And I take it there was no statement taken from
11:43 15 her at this time; is that right?

16 A I don't remember if I did or not.

17 Q There isn't one mentioned here and there's not one
18 on the file, so --

19 A Then probably I didn't take one.

11:43 20 Q And can you tell us what, anything more than
21 what's in the report about this last part about
22 her describing him as to be more of an animal
23 nature?

24 A Oh, I don't think we went into that.

11:44 25 Q And what significance if any did you place on



1 that?

2 A None.

3 Q And why is that?

4 A Didn't mean anything to me.

11:44 5 Q Scroll down to the next paragraph, it says:

6 "She was again questioned with regards
7 to the alleged blood on Milgaard's
8 clothing and changing clothing at the
9 Cadrain residence ... however she states
11:44 10 she could not recall seeing any blood on
11 his clothes and thought he had changed
12 the trousers for the reason that they
13 had been ripped. Questioning of this
14 girl also revealed that her thoughts of
11:44 15 Milgaard had been that he had acted in a
16 queer manner when in Saskatoon to the
17 effect that he was always in a rather
18 hurry also that he drove unusually fast
19 when in the car leaving Saskatoon and
11:44 20 did not seem to be himself at that
21 time."

22 Do you recall this information?

23 A Not specifically, but it's in my report.

24 Q And so here this would be the second occasion when
11:45 25 you are talking to her and she again appears to be



1 quite adamant that she didn't see blood on Mr.
2 Milgaard?

3 A Correct.

4 Q And that he was not away from her at any time that
11:45 5 morning?

6 A That's correct.

7 Q Scroll down, please, and then it goes on to talk
8 about his clothing and the toque. Do you recall
9 her talking about that and the dark-coloured
11:45 10 toque?

11 A No, I don't remember that.

12 Q And it says:

13 "This being of interest as a toque had
14 been found by myself in the yard
11:45 15 directly north on Cadrain residence
16 which had red substance on it which
17 Lieut. Penkala at present has sent to
18 lab. for further analysis."

19 So do we take it from this report that you were
11:45 20 following up with her to see whether she could
21 identify a toque that Mr. Milgaard may have had
22 that evening?

23 A It would appear that way.

24 Q And do you recall if anything became of that?

11:45 25 A The toque?



1 Q Yes.

2 A I don't think anything, anything of any
3 importance.

4 Q And then if we can scroll down, please, it says:

11:46 5 "We were unable to contact the Wilson
6 youth who was in custody in jail at that
7 point as he was out on a work crew some
8 90 miles from the city on that date."

9 So I take it you were trying to interview Ron
11:46 10 Wilson again as well?

11 A It looks that way.

12 Q And then:

13 "A call was made to 126 Cornwall ...
14 where we interviewed Wilson's mother
11:46 15 however she could shed no further light
16 on the situation."

17 Next page, and then she goes on to say:

18 "... she was not missing any cutlery or
19 knives of the description that we wanted
11:46 20 nor did she have any of that
21 description."

22 So do I take it from that that you would have
23 asked her -- I mean, at that time you would have
24 known the murder weapon appeared to be a
11:46 25 maroon-handled paring knife; is that fair?



1 A That would be fair.

2 Q In fact, the blade had been found under the body
3 and the handle that matched it had been found on
4 March 2nd in a nearby yard; does that sound right?

11:46 5 A I can't remember that. I know there was talk of a
6 knife.

7 Q And in fact we've heard evidence that I think Mr.
8 Penkala or others had purchased a replica knife
9 somewhere that was identical, or identical to the
11:47 10 murder weapon and that was being shown around to
11 people. Do you recall that?

12 A No, I don't, the only thing I remember, I can
13 recall of that knife coming up again was with
14 Robert Savoy.

11:47 15 Q Okay. So again it appears you would have been
16 trying to find out whether Mrs. Wilson had been
17 missing a knife and I take it your thinking there
18 was that that may have been where Mr. Milgaard got
19 a knife and may have committed the murder; is that
11:47 20 a fair read of that?

21 A It's a possibility, yes.

22 Q And she then says:

23 "She did however state, though that the
24 both youths, Wilson and Milgaard had
11:47 25 changed clothing at her residence on the



1 night of Jan. 30 before leaving for
2 Saskatoon, as they had spilled acid on
3 them while working on the battery in the
4 car in which they were trying to start."

11:47 5 Again, what significance if any did you place on
6 that?

7 A Well, I think they said, somebody said that they
8 had changed clothes at Cadrain's because of the
9 acid, while Mrs. Wilson here states they changed
11:48 10 clothes before they even went. Maybe they got
11 acid on their clothes afterwards, I don't know.

12 Q So did this cause you to suspect or doubt --

13 A Another discrepancy in some of the things that
14 were said.

11:48 15 Q And then it says here that efforts were made with
16 Riddell to try and locate Milgaard, however,
17 unable to locate him. Is that right? Do you
18 recall that?

19 A No, I don't recall that.

11:48 20 Q And it says:

21 "Insp. Riddell will make further efforts
22 to obtain blood samples and blood typing
23 of Wilson's blood while he is being held
24 at that point."

11:48 25 And I think Mr. Wilson is in jail at that time;



1 is that right?

2 A I believe so.

3 Q And at that time what was your understanding of
4 the blood profile of the suspected assailant?

11:48 5 A I probably knew at that time, but I don't remember
6 because I wasn't well versed in that, and these
7 were probably things that were relayed to me by
8 Penkala or Mackie or somebody because I had no
9 knowledge of blood typing.

11:49 10 Q Okay. Down here, and I'll deal with that in a
11 moment, it talks about Mr. Milgaard's blood and
12 type A blood. Would it be fair to say you knew
13 that suspects were being tested because you had
14 some physical evidence that suggested the
11:49 15 assailant was a blood type A; does that --

16 A That's fair.

17 Q And do you remember anything about secretor
18 status, anything of that nature?

19 A I know it was talked about, but I didn't
11:49 20 understand it.

21 Q So when we talk here about getting a blood sample
22 from Ron Wilson, whose decision would that be and
23 why would you be getting a sample of his blood?

24 A It was probably, I'm saying probably Penkala's
11:50 25 decision to eliminate or implicate people of



1 interest.

2 Q Okay. So from that would Ron Wilson be a person
3 of interest that you were seeking to eliminate or
4 implicate?

11:50 5 A He may have been in somebody's mind.

6 Q Was he in your mind?

7 A No.

8 Q And then here, Mr. Karst, you say:

9 "Although there are many unanswered
11:50 10 questions with regards to Milgaard's
11 activities on that particular morning,
12 if one is to believe the girl, Nichol
13 John, and it appears that she is very
14 convincing with her story, then there is
11:50 15 no way in which Milgaard can be
16 connected with this crime."

17 I take it that would have been your thinking at
18 the time, sir?

19 A It was.

11:50 20 Q And I take it that -- well, your words are that
21 Nichol John is very convincing with her story. I
22 take it you believed what she had to say?

23 A I don't know whether I believed it, but it was
24 pretty convincing.

11:51 25 Q And was it enough for you to eliminate Mr.



1 Milgaard as a suspect at that point?

2 A No, it wasn't.

3 Q Why not?

4 A I still had reservations, I can't remember all the
11:51 5 reasons, but I know I had some, and so did the
6 rest of the investigators.

7 Q Yeah. And again we'll be going through the
8 reports later on, but apart from that, do you have
9 any recollection of what some of those things may
11:51 10 have been?

11 A Not without putting --

12 Q Fair enough, yeah, and I'll go through the
13 reports.

14 A Okay.

11:51 15 Q And again I think you are saying if Nichol John is
16 telling the truth at this time, then your words
17 are there's no way in which Milgaard can be
18 connected. Is that fair?

19 A That's fair.

11:51 20 Q That regardless of what Albert Cadrain has said,
21 if Nichol John is to be believed, he couldn't have
22 done it; is that fair?

23 A You had to keep an open mind both ways.

24 Q So -- and we'll be going through these statements
11:52 25 later, Mr. Karst, but I take it at some point in



1 May of 1969 you became aware that Nichol John gave
2 a statement where she described witnessing David
3 Milgaard stab the girl or Gail Miller. Do you
4 recall hearing about that?

11:52 5 A I don't remember the date, but I remember of it.

6 Q You would have found out that Nichol John gave a
7 statement with a number of incriminating items,
8 including that she had actually witnessed the
9 murder. Do you remember hearing about that?

11:52 10 A I remember hearing something about that.

11 Q And given what you have reported here a month
12 earlier, did that surprise you?

13 A I don't know that it surprised me. It certainly
14 concerned me.

11:52 15 Q In what way?

16 A Well, that now there's more evidence coming out
17 that she didn't give us before.

18 Q Okay. And what concerned you about that?

19 A Why was she withholding the original answers. I
11:53 20 don't know, it had to be checked.

21 Q And did it ever cross your mind at the time, sir,
22 that what she told you on April 18th may have been
23 the truth and what she had said at the end of May
24 may not have been the truth?

11:53 25 A Yes, I think I thought about that.



1 Q Okay. And what did you do about it, if anything?

2 A Waited for further instructions.

3 Q So at that time you had had some -- now, you
4 didn't have any dealings with Nichol John on her
11:53 5 May 24th statement; is that right?

6 A I don't think so.

7 Q Okay. I'll have some further questions when we
8 get, when we touch on those.

9 I think, Mr. Commissioner, I'm
11:53 10 moving onto dealings with Mr. Milgaard. This
11 might be an appropriate spot to break.

12 COMMISSIONER MacCALLUM: Okay.

13 (Adjourned at 11:55 a.m.)

14 (Reconvened at 1:33 p.m.)

01:33 15 MR. HODSON: Good afternoon Mr. Karst.

16 A Good afternoon.

17 BY MR. HODSON:

18 Q Call up 009254, please. And when we left -- if
19 you go to the next page, please -- when we left
01:33 20 off we were right here talking about we had just
21 gone through your report of the events of April
22 14th, '69 in Regina with Nichol John, and then now
23 we're onto April 18th, and it says:

24 "On April 18th, '69 in Saskatoon David
01:33 25 Milgaard was interviewed staying at this



1 centre in the Big T Motel, however no
2 further information was obtained, Det.
3 Barrett did however take a further
4 statement from him and a blood sample
01:34 5 was taken from him by Dr. Brand and this
6 taken to the Red Cross where it was
7 analysed and found to be of "A" type of
8 which we are interested. Lieut/Penkala
9 obtained a further blood-sample saliva
10 sample for a further analysis with
11 regards to being a secretor or not and
12 further hair samples obtained by ...
13 Kleiv with regards to further
14 investigation. Milgaard was interviewed
01:34 15 at length by various members of this
16 dept. however seems to be no way to
17 shake that youth's story. He denies
18 emphatically having any blood on his
19 clothing when changing them and when
01:34 20 confronted with the statement that
21 Cadrain stated he did have blood on his
22 trousers he stated that Cadrain was a
23 lyer."

24 Now do you recall this encounter with Mr.
01:34 25 Milgaard or the events described in this



1 paragraph, Mr. Karst?

2 A I had no encounter with him at that time. I was
3 present, though, that same day when Penkala took
4 samples of hair, I believe, or something from him.

01:35 5 Q And blood?

6 A And blood.

7 Q And it says here Detective Barrett took a
8 statement from him; is that right?

9 A I believe so. I don't know, like I say I wasn't
01:35 10 there, but I think he did.

11 Q And I'll show you the statement in a moment, but
12 you don't think you were present when the
13 statement was taken?

14 A No, sir, I wasn't.

01:35 15 Q And then you say here that, on the blood stuff,
16 you say:

17 "... type "A" of which we are interested

18 "...";

19 is that right?

01:35 20 A I believe I was advised by Penkala of that, yes.

21 Q Do you recall, during the course of the
22 investigation, becoming aware as to whether or not
23 there was any issues about Mr. Milgaard's blood
24 type? In other words did you understand that his,
01:35 25 based on the physical evidence, that his blood



1 type or whatever fit the profile or did not, or
2 there were any issues relating to that?

3 A The only way I can answer that is it probably was
4 the type we were looking at or, otherwise, I would
01:36 5 have been advised otherwise.

6 Q Okay. So the fact that no one told you
7 'lookit' -- and would you expect that to come from
8 Penkala?

9 A I would.

01:36 10 Q And so the fact that Mr. Penkala didn't tell you
11 'lookit, he should be excluded because of his
12 blood type', you presumed that -- presumed that
13 his blood type didn't exclude him; is that fair?

14 A That's correct.

01:36 15 Q Okay. And then you put in your report here that:
16 "Milgaard was interviewed at length by
17 various members of this dept. ...",
18 do you remember how many, or who, or anything of
19 that nature?

01:36 20 A No, I don't.

21 Q And I take it someone would have given you a
22 report, then, of what Mr. Milgaard had to say
23 during those interviews?

24 A I don't know whether I have got a report but I
01:36 25 presume we talked verbally about it.



1 Q If we could just go maybe to 305267, please. And
2 this is the typed version of the statement of
3 April 18th, and if we can go to the -- well, it's
4 a statement taken by Barrett, it shows that on the
01:37 5 last page. Do you recall whether you would have
6 been provided a copy of the -- and I think it
7 would have been a handwritten one at the time; do
8 you remember reading the Barrett statement or
9 being aware of its contents?

01:37 10 A I don't remember reading it but I may have been
11 aware of its contents.

12 Q If that statement had been put on the file do you
13 think that's something you likely would have read?

14 A I may have.

01:37 15 Q If we could go to page 305268, and do you see this
16 here, Mr. Milgaard is questioned about the record
17 for:

18 "... sex offence when you were younger?"

19 And he gives an answer:

01:38 20 "I was in Winnipeg with my girlfriend,
21 Sharon Williams, that I lived with for
22 about two months, we were in a motel
23 down on Main Street in Winnipeg, when
24 two officers from the Morality Squad
01:38 25 came up in the morning and took us to



1 the station for being together under
2 age, and that's it."

3 Do you recall that?

4 A I don't recall it.

01:38 5 Q If we go to 305271, and he is asked here by
6 Barrett:

7 "When did you learn about the murder in
8 Saskatoon?

9 A When I was in Winnipeg.

01:39 10 Q Would you take a lie detector test for
11 us if we wanted you to?

12 A I don't know until I consulted a
13 lawyer.

14 Q Do you have something to hide?

01:39 15 A No.

16 Q Then in all probability you would take
17 the test for us?

18 A I would take the test if it wouldn't
19 do me any harm."

01:39 20 Do you recall any discussions or becoming aware
21 about this exchange about the lie detector test?

22 A No, sir.

23 Q And at the time what did you know, if anything,
24 about lie detector tests?

01:39 25 A Very little at that time.



1 Q Had you ever been involved in a case where one was
2 used?

3 A Not at that time.

4 Q And then the next page, I see here it appears that
01:39 5 Mr. Barrett would have asked him:

6 "Q Did you murder this girl or have
7 anything connection with the murder?

8 A No."

9 And I take it at this stage, Mr. Karst, would it
01:40 10 be -- I think when I asked you before you said
11 you didn't ask the question at the first
12 interview, I take it here the police felt that it
13 was appropriate to ask the question about the
14 murder?

01:40 15 A It appears that way.

16 Q And if we can just go back to 009254, and to the
17 next page, please, call out that paragraph. So at
18 this stage it appears that someone, Mr. Karst,
19 would have told Mr. Milgaard that Mr. Cadrain had
01:40 20 provided information to the police suggesting that
21 Mr. Milgaard had blood on his pants; is that fair
22 based on what's highlighted there?

23 A Whose report is this?

24 Q This is your report.

01:41 25 A Okay.



1 Q And --

2 A And asking what?

3 Q Okay, I'll maybe just read this, and this talks
4 about Barrett taking a statement from Mr.
01:41 5 Milgaard, and I think you told me you wouldn't
6 have been involved in that but would have been
7 aware, likely, of the contents. And then it says
8 here:

9 "He ...",

01:41 10 which I think is referring to Mr. Milgaard:

11 "... denies emphatically having any
12 blood on his clothing when changing them
13 and when confronted with the statement
14 that Cadrain stated he did have blood on
01:41 15 his trousers he stated that Cadrain was
16 a lyer."

17 And my question is I take it from that that
18 someone on April 18th from the police would have
19 confronted Milgaard and said 'lookit, Cadrain has
01:41 20 told us, has given us a statement that he saw
21 blood on your pants that morning'; is that fair?

22 A Somebody must have said that, yes.

23 Q And that Milgaard, Mr. Milgaard would have said
24 that Mr. Cadrain was a liar, is that fair?

01:41 25 A Yes.



1 Q And if we could scroll down to the next paragraph
2 it says:

3 "With regards to the above information
4 ...",

01:41 5 and the above information would be the part about
6 Mr. Milgaard, and earlier before the break I went
7 through your interview with Nichol John; remember
8 that?

9 A Yes.

01:42 10 Q It's in the same report?

11 A Yup.

12 Q And in that report is where you said that Nichol
13 John was very convincing with her story; remember
14 that part that I went through?

01:42 15 A I do.

16 Q Okay. So that's the same report here, and you
17 say:

18 "With regards to the above information
19 it now appears that further questioning
01:42 20 of Cadrain is warranted with regards to
21 the blood as both youths Milgaard and
22 Wilson along with the girl, Nicholjohn
23 deny that Milgaard had any blood on his
24 clothing, while Cadrain emphatically
01:42 25 states that he observed this blood.



1 There is also the fact to take into
2 consideration that when the Cadrain
3 youth first attended at the Police
4 Station some weeks ago to advise us of
01:42 5 his information he denied that he knew
6 anything of this murder in Saskatoon
7 until he returned home approx. 1 month
8 later when his mother advised him of
9 same. However this was found to be
01:42 10 untrue when speaking to Regina City
11 Police we were advised by them that they
12 had advised Cadrain of this murder and
13 in fact questioned about same when they
14 had him in custody at that point some 2
01:43 15 weeks prior to coming to Saskatoon.
16 Also it should be noted that the dead
17 girl's wallet and contents were found
18 near the Cadrain residence which could
19 be implicating for either Cadrain or
01:43 20 Milgaard in that case as they were both
21 known to be in the area."

22 Now do you recall this thought process at the
23 time, Mr. Karst?

24 A I do.

01:43 25 Q And this would accurately set out what you were



1 thinking at the time?

2 A There is one little clause there I'm not sure of,
3 where it says -- where he denied being interviewed
4 by the Regina police --

01:43 5 Q Sure, we can maybe just --

6 A -- regarding the murder.

7 Q Yes?

8 A And I think when he spoke to me he said it's the
9 first time he had a rundown of the murder when he
01:43 10 got to, what, when he got to Saskatoon. I don't
11 know if he said he never heard of it.

12 Q Okay.

13 A I think he just said when he got to Saskatoon, got
14 to his parents' place, was the first time he had a
01:44 15 rundown of the murder.

16 Q So he had told you that he had talked about it in
17 Regina but --

18 A No, he didn't tell me that, he just -- going by
19 what I say here --

01:44 20 Q Yes?

21 A -- that he, the first time he really knew about
22 the murder was when he got home to his parents',
23 is when he had the first rundown. So he may have
24 been approached by the police in Regina and never
01:44 25 thought too much about it.



1 Q Okay. So it would appear, though, at this
2 point -- and please correct me if I'm wrong --
3 that after talking to Nichol John on the 14th of
4 April and to David Milgaard on April 18th -- I
01:44 5 don't think there was a reference to Wilson at
6 that time -- you are now saying 'we better go back
7 and just take a look at Mr. Cadrain's statement'?

8 A I felt that we needed to, yes, that's correct.

9 Q And is it correct to read this that you were
01:45 10 raising some concern that maybe Cadrain's version
11 of events was not --

12 A Needed to be checked out.

13 Q -- not truthful, needed to be checked out?

14 A Yes.

01:45 15 Q And, as well, it appears -- and please correct me
16 if I'm wrong -- that you are raising a couple of
17 concerns about Cadrain's story about when he --
18 and again, when he attended the police station, in
19 reading the report it appears to say that 'lookit,
01:45 20 he denied knowing anything about the murder and
21 we've now found out that he really did', so --

22 A No, he didn't say he denied, he said that's the
23 first rundown he had of it.

24 Q And, well, let me just read this again. And it's
01:45 25 your report and you tell me what was intended, it



1 says:

2 "... when the Cadrain youth first
3 attended at the Police Station some
4 weeks ago to advise us of his
5 information he denied that he knew
6 anything of this murder in Saskatoon
7 until he returned home approx. 1 month
8 later ...",

9 And then you say:

10 "However this was found to be untrue
11 when speaking to Regina ... Police we
12 were advised ... that they had advised
13 Cadrain of this murder and in fact
14 questioned about same ..."

01:46 15 So when I read that, Mr. Karst, it seems to
16 suggest that you are saying that, when Mr.
17 Cadrain first told you that he heard about the
18 murder, you since checked with the Regina police
19 and felt that there maybe was an inconsistency or
01:46 20 an issue there; is that a fair reading of that?

21 A That's the way I would read it, yes.

22 Q And is that -- tell me if you thought otherwise at
23 the time?

24 A I don't think that I read into it that that's the
01:46 25 first time he heard of it. I think that he's, as



1 he said, the first time he had a rundown. My
2 impression was at the time that the police meant
3 it to him, but he didn't realize it was that close
4 to his home or exactly on that day that they left
01:46 5 and I don't think he put any emphasis on that
6 until he was spoken to by his parents.

7 Q Okay. And so what you are saying is then when he
8 first talked to you, the murder was mentioned by
9 the police. If we look at this, according to your
01:46 10 note, it says that Cadrain was in fact questioned
11 about the murder when they had him in custody, and
12 is that a distinction you are drawing there?

13 A I think he was spoken to about it.

14 Q Okay. But am I reading this wrong in taking from
01:47 15 this that you were concerned with -- or may be
16 concerned with Cadrain's story because of what he
17 told you about when and how he learned of the
18 murder and was questioned on it?

19 A I had some concern about that, yes.

01:47 20 Q So something to do with what he was told in Regina
21 and what he led you to believe in the first
22 interview, did you have a red flag go up and say I
23 better check something, something may not be
24 right?

01:47 25 A Yes.



1 Q Is that fair?

2 A Yes, that's fair.

3 Q And you also say that the dead girl's wallet was
4 found by the Cadraings which would be implicating
01:47 5 for him or Milgaard; is that fair?

6 A That's fair.

7 Q So did you think Mr. Cadrain might be a suspect at
8 this time?

9 A In my mind he never was, but it doesn't mean to
01:48 10 say I was right.

11 Q And if you could just go down to the next
12 paragraph, it says:

13 "A blood sample was taken from Cadrain
14 one week ago by Dr. Cross at University
01:48 15 Hospital however to date of writing of
16 this report we have been unable to
17 obtain the results of this, due to other
18 implications and possibly further
19 efforts should be obtained to get
01:48 20 another blood sample from Cadrain to
21 ascertain the typing of his blood
22 grouping."

23 And would the blood typing, again would the
24 purpose of that be to eliminate him as a suspect,
01:48 25 or tell us what the purpose of that would be?



1 A All I can say about that is that I don't know
2 enough about it, but I must have been instructed
3 by Penkala or somebody to try to get another
4 sample.

01:48 5 Q And then your report goes on to say:
6 "Efforts should be made in the near
7 future to interrogate both or all 3 of
8 the Cadrain youths along with the
9 parents to ascertain with their stories
01:49 10 -- "
11 Whether their -- to ascertain, I think that
12 should be whether their stories coincide
13 "-- when all are taken at separate times
14 and apart from one another."

01:49 15 Do you see that?

16 A I do.

17 Q And when you say the three Cadrain youths, can you
18 tell us who you were referring to?

19 A It would be Albert and his brother Dennis and the
01:49 20 little fellow, I don't know what his name was.

21 Q Kenneth?

22 A There was a younger one there.

23 Q Okay. When you say younger, I think at the time
24 Kenneth was five, going on six?

01:49 25 A That may have been him then.



1 Q And did you think there was another name?

2 A Maybe one of the girls, I don't know. I can't
3 remember.

4 Q Now, Celine was in the house that morning and gave
5 a statement. Would she be -- would she be one of
6 the youths that you were referring to?

7 A It may have been. I just don't remember.

8 Q Okay. Now, do you remember whether or not you did
9 what you suggested should be done in this report?

01:50 10 A I don't think I did.

11 Q Okay. And why do you say that, you don't have a
12 recollection?

13 A I don't have any recollection of it and it's not
14 in any report I don't think.

01:50 15 Q So in this, when you are preparing this report,
16 are you telling your senior officers lookit, based
17 on what I have, based on what I have observed, I
18 now think efforts should be made to do the
19 following, and then you communicate that through
20 the report to your senior officers and they decide
21 if it should be done and if so who should do it?

22 A That would be my intent.

23 Q Would there be anything wrong with you just going
24 out and doing that on your own? When I say
01:50 25 wrong --



1 A I don't think there would be anything really
2 exclusively wrong with it, but as I said before,
3 you just don't go out on your own when senior
4 officers are preparing what to do.

01:51 5 Q And so if this went back to whoever was
6 coordinating tasks, would you agree that it would
7 likely be, that you would likely be the best
8 person to go back and do this or be part of it
9 anyway?

01:51 10 A I could well be.

11 Q And do you know if anybody else went back to the
12 Cadrain house to talk?

13 A No, sir, I don't.

14 Q And then the last paragraph:

01:51 15 "It is also known that through inquiries
16 made to 218 Ave. D South where I
17 interviewed Leonard Woytowich, that
18 contrary to Cadrain's story he was in
19 fact smoking pot or weed on the night
01:51 20 prior to the murder which Cadrain denied
21 when I originally interviewed him. A
22 statement was taken from Woytowich to
23 this effect and he himself states that
24 at approx. 10 on the evening prior to
01:51 25 the murder when he was associated with



1 Cadrain they were both very high in fact
2 he himself was stoned. Investigations
3 continue with regards to this particular
4 aspect of this file."

01:52 5 And do you recall getting this information from
6 Mr. Woytowich?

7 A I do.

8 Q And what significance if any did you place on
9 that?

01:52 10 A One was that possibly Cadrain wasn't telling me
11 the whole truth. Secondly, if Woytowich was
12 stoned, I don't know what he would remember
13 either, so it was just left up in the air.

14 Q And when you say investigations continue with
01:52 15 regards to this particular aspect of the file, can
16 you tell us what that would have referred to?

17 A I expect somebody would have been told to inquire
18 about those things.

19 Q Okay. Was there any point in the investigation,
01:52 20 Mr. Karst, where you doubted whether
21 Mr. Cadrain -- doubted Mr. Cadrain's story about
22 seeing blood on David Milgaard's clothing?

23 A I don't think there ever was.

24 Q And why was that, can you tell us what caused you
01:53 25 to think that?



1 A He seemed quite sincere on that part of it, along
2 with this youth that verified it, I thought it was
3 quite sincere.

4 Q And when you say this youth, was that the person,
01:53 5 the young person in the Cadrain home?

6 A That's the young person I was referring to.

7 Q Now, that information from the young person, and
8 again I think you are saying -- do you know
9 whether it was male or female or the age?

01:53 10 A No, I just can't remember. I would doubt it was
11 Dennis because Dennis must have been, was he about
12 the same size as Albert, because they came to the
13 station together.

14 Q Dennis, if I may assist, Mr. Karst, Dennis'
01:53 15 statement indicated that he was at school at the
16 time Mr. Milgaard arrived and I believe the
17 statements of others suggest that Albert was home
18 babysitting his brother Kenneth who was five, and
19 Celine, who was about 20 at the time, was home as
01:54 20 well.

21 A I guess that's the word I should have used, was
22 Kenneth. I forgot about that.

23 Q So you think it was Kenneth that would have
24 verified?

01:54 25 A I believe so. I know there was a young person



1 there.

2 **Q** And again would that have been important
3 information that you would have received from
4 Kenneth Cadrain?

01:54 5 **A** I think so, coming from a child, five years old.
6 He wouldn't know what the significance of that was
7 I don't think when he says he seen blood. Well, I
8 have to take that as face value until I can find
9 out otherwise.

01:54 10 **Q** And did you share that information with anybody
11 else in the investigation?

12 **A** I'm quite sure I would have shared it with Mackie
13 or Short.

14 **Q** And I think I touched on this yesterday, but again
01:54 15 there's no investigation report, at least in the
16 records that the Commission has, where that is
17 talked about, and do you have any explanation as
18 to why that information wouldn't be in there?

19 **A** I have no idea and I don't remember whether I left
01:55 20 a report. I haven't got my notebooks, so I can't
21 verify those things.

22 **Q** Is that the type of information you might have
23 shared with -- or let me ask this. Did you have
24 discussions with Mr. Caldwell in preparation for
01:55 25 the trial?



1 A I believe I spoke to Mr. Caldwell.

2 Q And is that information about Mr. Kenneth Cadrain
3 seeing blood, is that something you think you did
4 or would have shared with him?

01:55 5 A I would think I would have.

6 Q Do you have any memory of that?

7 A Not really.

8 Q Now, Mr. Karst, this information about Kenneth
9 Cadrain and verifying the blood with him, I don't
01:55 10 believe, based at least on my review and our
11 review of the records where you've been previously
12 asked about this case, and we'll be going through
13 most if not all of them, and I don't believe
14 anywhere in any of those has it ever been
01:56 15 recorded, this piece of information about you
16 checking with Kenneth Cadrain about the blood, and
17 now in fairness, when I went through, at least on
18 my review, I don't think you were ever asked the
19 question, but again, do you have any explanation
01:56 20 as to why this information may not have been
21 shared previously?

22 A Let me get the two names straight again, who came
23 to the police station with Albert?

24 Q It was Dennis I believe. Dennis was a year
01:56 25 younger than Albert, I think 15 at the time, and



1 Dennis, the evidence has been that Dennis gave a
2 statement to the police on March 2nd.

3 A Right.

4 Q That he went with Albert I think to the police
01:56 5 station, but on the morning of the murder he had
6 gone to school, and Celine Cadrain gave a
7 statement on March 2nd, she was I think about 19
8 or 20 at the time, she had gone down to the bus
9 stop that morning, wasn't feeling well, came home
01:57 10 and was in bed when the three other youths
11 arrived, and so -- sorry, back to my question just
12 as to why, and again, Mr. Karst, in fairness, I
13 was not able to find anywhere in any of those
14 transcripts or reports where you were specifically
01:57 15 asked the question, but it does not appear to have
16 been volunteered anywhere, and I'm just wondering
17 why that might be, if you have any explanation.

18 A I don't other than if it didn't come to my mind or
19 I wasn't asked, I guess I didn't think of it.

01:57 20 Q Is it possible, Mr. Karst, that that's a
21 recollection that may have been influenced by
22 later events and, for example, we heard Kenneth
23 Cadrain testify here and there were reports later
24 where Kenneth Cadrain talked about seeing blood.
01:57 25 Is it possible that that is information that, that



1 you are thinking about?

2 A I don't believe so.

3 Q And so your evidence is you have a memory of back
4 in '69 of dealing with a young person and
01:58 5 verifying --

6 A Somebody else that verified what Albert had said.

7 Q And you have -- did you have a memory of that
8 being a young person, a young Cadrain?

9 A A young person.

01:58 10 Q In the Cadrain house?

11 A Yes.

12 Q If we could call up 105526, please, and again this
13 is Lieutenant Penkala's report and it just talks
14 about the saliva samples from Mr. Milgaard, and I
01:58 15 think you said you remembered being there for that
16 part?

17 A I was.

18 Q And do you recall, did you understand what that
19 was all about or why you were getting saliva
01:58 20 samples?

21 A Vaguely I knew it had something to do with DNA or
22 something along that line to do with it.

23 Q I think the evidence we heard, that DNA was not --

24 A Available at that time.

01:59 25 Q -- available, but it had to do with a scientific



1 test or a forensic test, something of that nature?

2 A Yes, right.

3 Q We're done with that report. The next mention in

4 at least the written reports, Mr. Karst, of

01:59 5 anything further to do with you is May 21 when you

6 are dealing with, or May 20th when you are dealing

7 with Ron Wilson in Regina, and I'll go through

8 that, but do you recall any further, any further

9 involvement you may have had sort of after that

01:59 10 April 18th report and before you were, you went to

11 Regina to interview Mr. Wilson?

12 A Any further which?

13 Q Any further dealings with either Mr. Cadrain,

14 Mr. Wilson or Ms. John?

01:59 15 A I may have talked to Cadrain because I talked to

16 him several times, but I can't tell you any dates.

17 Q When you talked to Mr. Cadrain, how would that

18 come about, were you -- can you tell us a bit

19 about that?

02:00 20 A There would be times when he would call and say,

21 you know, I have something else here to tell you

22 or -- I know a lot of times Mrs. Cadrain would

23 call and say, you know, Albert doesn't know

24 whether he should come in and tell you what he is

02:00 25 thinking about this or what he knows and I would



1 go there and talk to him.

2 Q And so of the times you would go see them, would
3 most of them be at his request then; is that --

4 A Yes.

02:00 5 Q Or at Mrs. Cadrain's request?

6 A Yeah.

7 Q And I think you said that he would want to add
8 something; is that what you said?

9 A Or ask questions or see what was happening I
02:00 10 guess. He was quite interested.

11 Q And given Mr. Cadrain's involvement, at least on
12 the morning of the murder and the trip after, was
13 it something that you would have expected him to
14 be adding information to over the subsequent
02:00 15 months, or I'm trying to understand what
16 information would you not have got from him on the
17 first or second interviews?

18 A That's what I was trying to find out, is there
19 more stuff forthcoming or can he add something
02:01 20 that we can check something further with.

21 Q So is it fair to say then that any time he either
22 had a question or something additional, you used
23 that as an opportunity to see if he had more
24 information?

02:01 25 A Correct.



1 Q Did you ever have the feeling during the
2 investigation that Mr. Cadrain was withholding
3 information from you, Albert Cadrain?

4 A No, I didn't.

02:01 5 Q And did you use these occasions when you talked to
6 him to test his story?

7 A At times, yes.

8 Q And how did you do that?

9 A I can't remember specifically, but I remember, you
02:01 10 know, questioning him on things that he told us.

11 Q And just generally if you would ask him to repeat
12 the story and find out if it was the same --

13 A See if it would be the same as it was the first
14 time.

02:02 15 Q Apart from I think March 2nd when he came in to
16 see you, you took the statement, we saw Lieutenant
17 Short indicate that on March the 5th he asked that
18 Mr. Cadrain be brought in and then I think on
19 March 18th you and Mr. Short took Mr. Cadrain to
02:02 20 Regina, remember we talked about that?

21 A Yes.

22 Q So on those three occasions, the first one
23 Mr. Cadrain came in on his own; is that right?

24 A Yes, right.

02:02 25 Q And the second one it appears, at least from the



1 documents, that Lieutenant Short asked him to come
2 in, requested him; right?

3 A That's what it appears to be.

4 Q And then on March 18th when you and Lieutenant
02:02 5 Short took him to Regina, is it fair to assume
6 that again you would have asked him to go with
7 you?

8 A I would think that's correct.

9 Q And then I think those are the only documented
02:02 10 visits, at least from the reports we have. Would
11 the other interactions that you would have had
12 with Albert Cadrain, would they have been at his
13 request or do you recall where you would have gone
14 back to him and asked to see him or brought him
02:03 15 in?

16 A It was generally at his or his mother's request.

17 Q And when you would go talk to him, do you recall
18 how long you would talk to him, are we talking --
19 give us an idea.

02:03 20 A They were not a great length of time, but we would
21 go for coffee or lunch or something like that,
22 maybe an hour or two, I can't remember, but --

23 Q Any that were 10 or 12 hours?

24 A Certainly not.

02:03 25 Q So maybe one to two hours I think you said at the



1 most?

2 A Yeah, that sounds reasonable.

3 Q And can you tell us again --

4 A Excuse me, I should correct myself.

02:03 5 Q I'm sorry, go ahead.

6 A There was one occasion, I can't remember when it
7 was, that Lieutenant Short and I went, Cadrain was
8 working on a farm at Cochin and we went out and
9 picked him up and we were together that day a
02:03 10 certain length of time, I can't remember what the
11 occasion was, maybe that was the day we went to
12 Regina, I don't know, but somewhere in the notes
13 there I think I make note of going to Cochin, or
14 somebody does, and we spent a considerable time
02:04 15 with him that day.

16 Q And that may have been, there's some notes we'll
17 get to later, that may have been in connection
18 with bringing him for the preliminary hearing;
19 does that -- or prior to that?

02:04 20 A That may well have been, yes.

21 Q I'm not sure about that, I'm just saying that
22 there was a reference to that. I know he was, a
23 reference to him being out in Cochin or Jackfish
24 Lake at the time.

02:04 25 A Yes.



1 Q So on that occasion you and Lieutenant Short would
2 have picked him up there, and do you remember
3 where you went or what you did?

4 A No, I don't.

02:04 5 Q Do you remember what time of year it was, winter,
6 summer?

7 A It was summer, I know that.

8 Q And as far as your dealings with Mr. Cadrain and
9 how you questioned him, did you employ any type of
02:04 10 interviewing technique with him?

11 A You didn't have to, he talked a lot, you didn't
12 have to prod him or use any technique.

13 Q And over the course of these meetings, and I think
14 yesterday, and please correct me if I'm wrong, you
02:05 15 said approximately 10 occasions you would have
16 talked to him during the investigation?

17 A That's an estimation, yes.

18 Q Yeah. And did you -- did you develop any
19 impressions about Mr. Cadrain from the first time
02:05 20 you met with him until sort of the end of the
21 investigation as to his credibility, his state of
22 mind, things of that nature?

23 A It didn't change, no.

24 Q If we could call up 006799, please, and this is a
02:05 25 document, Mr. Karst, there's four pages of a



1 summary of information from the Gail Miller file,
2 and if you can go to the fifth page, please,
3 006803, and this is the summary, and I believe
4 Mr. Ray Mackie gave evidence that suggested that
02:06 5 he prepared this summary based upon I think late
6 April, early May, 1969, and do you recall hearing
7 Mr. Mackie's evidence about this document
8 generally?

9 A I recall most of it.

02:06 10 Q Yeah. So this is the document I want to ask you
11 some questions about, if we could just go back to
12 the first page, please. Do you recall seeing this
13 document during the course of the Gail Miller
14 murder investigation, and if you would like the
02:06 15 chance to go through it, we can --

16 A I don't recall it, no.

17 Q And I believe that it was shown to you at the
18 Supreme Court hearings in 1992. Do you remember
19 that?

02:06 20 A It may have been. I don't remember it, no.

21 Q And so this is a document that other than in later
22 proceedings is one that's not familiar to you; is
23 that your evidence?

24 A It's not familiar to me now.

02:07 25 Q And I think the evidence that we heard, if I can



1 just briefly summarize, was that Mr. Mackie
2 prepared a summary in late April, early May, 1969
3 of thoughts and theories, went to Lieutenant Short
4 and they went to Mr. Caldwell and then some senior
02:07 5 officers had some discussions, and I don't know if
6 there's any direct evidence or speculation, but
7 that the first four pages of this document may
8 have been prepared by someone in the case
9 preparation area to summarize what was in the file
02:07 10 as of early May, 1969. Do you recall hearing
11 evidence here at the Commission to that effect,
12 Mr. Karst?

13 A I heard it being discussed here, yes.

14 Q Now, are you able to shed any light on this
02:07 15 document, as to who would have prepared it, when
16 it would have been prepared and for what purpose?

17 A No, sir, I can't.

18 Q And if we can go to the second page, please, and
19 this is a summary and it's got statement 81, March
02:08 20 11th, 1969, and this is Nichol John's statement,
21 and it goes through a summary of what is in the
22 March 11th statement, and that's a statement taken
23 by Inspector Riddell, and all of the information
24 listed under there I think is talked about in her
02:08 25 first statement except for the part that I've



1 circled which says:

2 "Admits seeing nurse (looked like nurse)

3 near funeral home. Asked directions."

4 And that's not in the statement that's referred
02:08 5 to and I think a number of people over the course
6 of years, Mr. Karst, have tried to figure out why
7 that is in there, when it got in there and on
8 what basis, and I'm going to ask you a few
9 questions about that. Do you recall, and I think
02:09 10 we've gone through -- let me just back up. What
11 we went through earlier today, the first
12 statement with David Milgaard on March 3rd, '69
13 you told us he told you that he asked an old
14 woman for directions. Do you remember that?

02:09 15 A That's correct.

16 Q And I think you told us that, we went through Ron
17 Wilson and Nichol John's first statement and you
18 told us that it wasn't in there and I think you
19 said that that was I believe an inconsistency or
02:09 20 something that you might check further?

21 A Correct.

22 Q We went through the reports and you told us that
23 you would have interviewed Ron Wilson on at least
24 one occasion in March and Nichol John on two
02:09 25 occasions, one in March, one in April, do you



1 remember that, and I think you said you don't
2 recall the first one?

3 A Yeah.

4 Q Or don't have a very good memory, you had a pretty
02:10 5 good memory of the second, or a memory of the
6 second one. Remember we went through that?

7 A That's correct.

8 Q And do you have any recollection of asking Nichol
9 John or hearing from Nichol John prior to the May
02:10 10 24th time frame, okay, I'm talking March and
11 April, do you have any --

12 A Not --

13 Q I'm sorry?

14 A I was just going to say not that I recall.

02:10 15 Q Any recollection of her saying that she saw a
16 nurse or someone who looked like a nurse near the
17 funeral home and asked for directions?

18 A Not at this stage, no.

19 Q And again, if that was a piece of information that
02:10 20 Nichol John had provided to you in the course of
21 an interview, is that something you think you
22 would have either put in a statement or recorded
23 in an investigation report?

24 A I would well think so.

02:10 25 Q And in fact if she said I think I saw a nurse, you



1 knew Gail Miller was a nurse?

2 A Yes.

3 Q And you knew that Gail Miller's body was found
4 near a funeral home?

02:11 5 A I did.

6 Q And so I take it if Nichol John had, in either
7 March or April, have told you that she saw a nurse
8 near a funeral home and they asked for directions,
9 that that would be important?

02:11 10 A It would.

11 Q And in fact that might put their vehicle not only
12 near the murder scene, but near the victim; is
13 that fair?

14 A Correct.

02:11 15 Q And so again I think you have no recollection of
16 any of this information coming up at that time?

17 A Not at that time.

18 Q If we can go to page 006801, and what we have seen
19 before in this report, Mr. Karst, that it has a
02:11 20 statement number or a report number and then it
21 lists the information, so statement 70 is Celine
22 Cadrain's statement and then lists the
23 information. We get down to here, scroll down,
24 please, we get down to here, you'll see statement
02:12 25 82, Sharon Williams, and it talks about that, and



1 then it appears to end, and then it says:

2 "Lieut. Short - Det. Karst -

3 - Albert Cadrain advised them that

4 Milgaard spoke to him about getting a

02:12 5 gun and wanting his help to get rid of

6 (murder?) Nichol John and Wilson."

7 Do you see that?

8 A I do.

9 Q And is that, I think, consistent with what was in
02:12 10 your July 2nd, 1969 report that we talked about
11 this morning? Do you remember that?

12 A Yes.

13 Q And I think in that report you had said here's
14 some information that should be, or is missing or
02:12 15 should be added to the file or something like
16 that. Do you remember that?

17 A It should be checked out.

18 Q And so is this -- is it possible, Mr. Karst, that
19 this piece of information is something that you
02:12 20 and Lieutenant Short had and provided to somebody
21 in late April, early May?

22 A I don't remember.

23 Q Okay.

24 A I remember Cadrain talking about it, being told
02:13 25 about getting a gun, but I don't remember when



1 that was.

2 Q And then if we can go to the next page, please,
3 and again we see another reference again not to a
4 statement or to a report, but it says:

02:13 5 "Lt. Short & Det. Karst -

6 Father of Milgaard made statement to
7 effect that he was not surprised and had
8 suspected something like this might
9 happen."

02:13 10 And again, is that a fair summary of what you
11 recall being told?

12 A I don't think I got the impression that he had
13 suspected, I got the impression that he wasn't
14 surprised.

02:13 15 Q Okay. So the first part, your recollection is
16 that David Milgaard's father said that he was not
17 surprised --

18 A Yes.

19 Q -- that you were investigating him for a murder?

02:14 20 A Yes.

21 Q And the part that he had suspected something like
22 this might happen --

23 A -- was not in my mind. I didn't interpret it that
24 way.

02:14 25 Q Okay. And again I think the visit to Langenburg



1 and this information I don't believe is in an
2 investigation report, and again just -- it appears
3 that this is information in this document that was
4 obtained by whoever prepared it from either you or
02:14 5 Mr. Short; is that a fair conclusion?

6 A That's a fair statement.

7 Q Go to the next page, please, and this is a summary
8 document, Mr. Karst, of Mr. Mackie's theories and
9 thoughts, and you've had a chance to review this
02:15 10 recently; is that fair, in the last -- or as part
11 of these proceedings?

12 A As part of these proceedings.

13 Q And I'm wondering if we could just go through, and
14 I think in fairness this is his document, these
02:15 15 are his thoughts, his theories of what he had at
16 the time, but just see if you can assist us in
17 letting us know where your thinking was at the
18 time, and the first one is:

19 "- Milgaard alleges he could not find
02:15 20 Cadrain's house even though he lived
21 there a few days."

22 And:

23 "- On his travels he seems to have no
24 problem finding any particular address
02:15 25 to obtain drugs or other things he



1 wants."

2 Now, again, and I think what Mr. Mackie said
3 about that is that sort of doubting in a way Mr.
4 Milgaard's story that he couldn't find Cadrain's
02:15 5 house. Is that a fair read of that?

6 A That's a fair read of it.

7 Q And is that something that you thought about at
8 the time?

9 A I suppose I thought about it.

02:16 10 Q And then as well from where articles were found
11 and no lights, it appears that possibly no lights
12 on at Cadrain's house when the first three
13 arrived, and therefore they did not call at the
14 home -- or at the house. I think if you take
02:16 15 these three together what it seems to be saying is
16 that, doubting his story about getting lost and
17 driving around, but that they got there, lights
18 were off, so they then went and drove around, and
19 that would put them in the area of the murder as
02:16 20 opposed to being lost. Now is that a theory that
21 you remember thinking about, or being discussed,
22 or --

23 A I don't think I would place a lot of emphasis on
24 the fact that he couldn't find the house, because
02:17 25 it may have been dark when they first got here,



1 and I don't think he was well versed in the city.

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

3 "- All were out of funds and may have
4 gone driving with a view to getting
02:17 5 money."

6 And I think you've talked about that already,
7 haven't you, your thoughts about the lack of
8 money?

9 A Yes, it could be necessary to steal some or do
02:17 10 some purse snatching.

11 Q And then the summary says:

12 "- On seeing nurse (Miller) she was
13 approached on pretence of getting
14 directions with a view to stealing her
02:17 15 purse."

16 A Uh-huh.

17 Q And is that something, in the course of the
18 investigation, you considered to be a motive for
19 the crime, Mr. Karst?

02:17 20 A Could well have been.

21 Q And when you say 'could well have been' are you
22 saying you don't recall or -- let me just ask it,
23 maybe, a different way. And again, this is not
24 your document, but did you, in the course of the
02:18 25 investigation, did you consider or think that Mr.



1 Milgaard may have approached, or the car may have
2 approached Gail Miller with the view to stealing
3 her purse, and that the rape and murder then
4 followed from the purse snatching?

02:18 5 A I had considered that.

6 Q And that was a possible motive in your mind, was
7 it?

8 A It was.

9 Q And then the statement says:

02:18 10 "- This would be around funeral home
11 which would coincide with statements of
12 Nichol John - Diwold seeing lights in
13 alley - Doell saying Miller took bus at
14 Avenue N."

02:18 15 Again, it talks about statements, plural, of
16 Nichol John, and I think at this point there was
17 only one, and I think you have told us you have
18 no recollection of Nichol John's saying she was
19 around the funeral home at this stage in the
02:19 20 investigation; did you?

21 A I don't, no.

22 Q And what about Diwold, he was the St. Mary's
23 Church caretaker, do you remember anything about
24 that?

02:19 25 A Not a thing.



1 Q And Simon Doell was the fellow who says he thought
2 Gail Miller took the bus at Avenue N and not
3 Avenue O; do you remember anything about that?

4 A No, sir.

02:19 5 Q And then it goes on to say:

6 "- Wilson appears to be driver of car,
7 therefore, Milgaard would leave car to
8 get purse - having seen Miller closer
9 his sex drive takes over and he forces
02:19 10 her down alley to where she is found.
11 - Nichol John knows or suspects results
12 and leaves car. Runs west on 20th
13 Street in 1400 Block and is girl seen by
14 Indyh at St. Mary Church. At this point
02:19 15 she changes her mind about saying
16 anything and goes north on Avenue "O"
17 where she meets car again."

18 I'll pause there. And, again, this is someone
19 else's document, Mr. Karst, but did you think of
02:19 20 situations such as this as being --

21 A I don't recall that at all.

22 Q Now Ms. Indyk, do you have a recollection of
23 dealing with a Marie Indyk?

24 A No, I don't.

02:20 25 Q And, to give you some assistance, she gave a



1 statement or gave information to the police that
2 on the morning of the murder around St. Mary's
3 Church she observed two people on different
4 occasions, and as well that one person sounded
02:20 5 like they were walk -- sounded like a ghost or
6 couldn't hear footsteps; do you recall that?

7 A I recall something about that.

8 Q And do you recall connecting that possibly to the
9 fact that David Milgaard was out in his stocking
02:20 10 feet at least at the Trav-a-leer Motel?

11 A I remember that.

12 Q Okay. And what do you remember about Mrs. -- the
13 impact, if any, of Mrs. Indyk's information?

14 A I don't recall that name, but I remember the fact
02:20 15 that somebody had seen somebody or there was
16 somebody that sounded like a ghost, and maybe they
17 had -- they thought they were a man; at a motel,
18 that somebody came in in stockings or bare feet,
19 they didn't know which.

02:21 20 Q And so do you recall thinking that perhaps the
21 person that Ms. Indyk saw or heard or didn't hear
22 might have been David Milgaard?

23 A I think that crossed our minds -- or my mind.

24 Q And then, down, it says:

02:21 25 "- Milgaard after murder returns to car



1 with boot and sweater (car possibly
2 followed down lane) to which Wilson
3 objects to and as a result are buried in
4 the snow.

02:21 5 - Purse thrown in garbage on way through
6 alley from Avenue "N" to "O" - possibly
7 when Nichol John returns to car and is
8 picked up."

9 And, again, this theory talks about Milgaard
02:21 10 coming back to the car with items of Gail
11 Miller's, and that Wilson objects, and so
12 Milgaard buries the items in the snow; do you
13 remember discussing that with anybody as being --

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

02:21 15 Q And then:

16 "- Wallet and touque are in car and when
17 Milgaard gets keys from Wilson at
18 Cadrains to put suitcase in car, he
19 disposes of touque and wallet at this
02:22 20 time.

21 - Nichol John says Milgaard wore a dark
22 touque which she has not seen since Jan.
23 31st.

24 - Milgaard has removed wallet from purse
02:22 25 at scene and retains it without Wilson



1 or Nichol John knowing he obtained it."

2 And, again, is this something that crossed your
3 mind in the course of the investigation as a
4 possible theory?

02:22 5 A The first two paragraphs of that notation, I
6 recall that.

7 Q And you are talking about the wallet and toque?

8 A Yes.

9 Q And again -- and you may have already answered it,
02:22 10 I think, saying the wallet and toque; the wallet
11 was certainly Gail Miller's, you knew that?

12 A Yes.

13 Q And the toque, were you able to determine whether
14 or not (a) the toque was Mr. Milgaard's, and (b)
02:22 15 that it had blood?

16 A No, I can't remember what Penkala found out about
17 that.

18 Q About the blood? I think you had said earlier you
19 didn't think the toque amounted to much, or words
02:22 20 to that --

21 A I think that's correct.

22 Q So is it fair to say at a point in the
23 investigation you thought the toque may have been
24 Milgaard's?

02:23 25 A Yes.



1 Q And did you think that throughout or was that
2 something that you left for someone else to figure
3 out?

4 A I think that was left for Penkala to figure out if
02:23 5 it had.

6 Q And then again, and I believe Mr. Mackie
7 acknowledged this is his, --

8 A Yes.

9 Q -- he says he may have been -- or it talks about
10 removing the:

11 "... wallet from purse at scene and
12 retains it without Wilson or Nichol John
13 knowing he obtained it.

14 - He may have been intent on keeping the
02:23 15 purse and it is put in garbage after
16 Wilson looks for money in it, and at
17 time Nichol John returns to car."

18 Pausing right there, at least according to
19 Mr. Mackie, he is saying 'well maybe Mr. Wilson
02:23 20 was involved, not necessarily in the rape and
21 murder, but at least in the theft of the purse';
22 do you see that?

23 A Yes.

24 Q And is that something that you considered as a
02:23 25 possibility?



1 A I can't remember that angle of it at all.

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

3 "- Or did Wilson and Milgaard both

4 become involved in theft of purse and

02:24 5 Milgaard intent on rape assaults and

6 murders Gail Miller.

7 Wilson has purse, goes through it and

8 puts it in the garbage can while waiting

9 on Milgaard who he is aware is raping

02:24 10 Miller."

11 And again, same answer for that Mr. Karst, as far

12 as is this something that you ever considered or

13 heard being considered as a theory?

14 A No, sir.

02:24 15 Q And then at the bottom, Suggestions, it says:

16 "Nichol John, Wilson and Cadrain be

17 brought to Saskatoon where with all

18 present the true story can be obtained

19 ever if hypnosis or polygraph are

02:24 20 necessary."

21 Do you recall that being discussed, Mr. Karst?

22 A No, I was not in on that discussion.

23 Q And if we could go to 250609, go to the next page,

24 please. And this is Inspector Riddell's report of

02:25 25 May 21st, 1969, and if we could just call out the



1 third paragraph. And in this report, Mr. Karst,
2 and we've heard a number of witnesses talk about
3 this already, Riddell writes:

4 "On 16 May 69 I attended a meeting at
02:25 5 the Saskatoon City Police office for the
6 purpose of reviewing this investigation
7 and deciding what further course of
8 action was open that would bring this
9 matter to a successful conclusion."

02:25 10 And he says at the meeting were Wood, Penkala,
11 Short, Edmondson, and that Kettles was away. And
12 we've heard evidence that -- if we could maybe go
13 to the next page please -- talks about Mr.
14 Milgaard being considered a prime suspect and:

02:25 15 "The Saskatoon City Police will be
16 requestioning Wilson and Nichol John to
17 establish what knowledge they have ...",
18 and then talks about the polygraph. And so you
19 are familiar with this report at least presently,
02:26 20 is that fair, Mr. Karst?

21 A Presently, I am.

22 Q And I think Mr. Penkala's evidence was that there
23 was this meeting on May 16th with the people
24 mentioned to decide what to do and, following
02:26 25 that, a decision was made to bring Wilson and John



1 in for a polygraph; do you recall being part of
2 any of those discussions?

3 A No, sir.

4 Q And is it something that, that you don't recall,
02:26 5 or can you tell us that you wouldn't have been
6 involved?

7 A No, it's -- those people had have been there, and
8 I was present at that meeting, I would have
9 remembered that.

02:26 10 Q And is that the type of -- were there other
11 meetings of this nature, again, brainstorming
12 sessions of senior people about the case?

13 A There were. There were several times I know they
14 met in Superintendent Wood's office, and they
02:26 15 would talk behind close doors so they would have
16 privacy, but I know they were held occasionally.

17 Q And do you recall if Wood or Penkala or Short came
18 and asked you for your thoughts or input about
19 what direction the investigation ought to go at
02:27 20 this time?

21 A I think I gave them my thoughts occasionally. I
22 was not the director of operations but I know that
23 I had input.

24 Q And at this time, and again this is May 16th,
02:27 25 Mr. Karst, the last report that we have would be



1 the April 18th report, the one that I went through
2 earlier, and that's the one where you said that
3 Nichol John -- that her story is convincing and
4 that, if she is to be believed, Mr. Milgaard could
02:27 5 not have done it, and as well Mr. Milgaard's story
6 about emphatically denying it, and then you went
7 on to talk about checking out Shorty Cadrain's
8 story which you had some questions about; you
9 remember that report?

02:28 10 A I do.

11 Q And would that have been your -- are you able
12 to -- and I appreciate it's a long time ago and
13 I'm asking you to try to identify what your
14 thoughts were at various stages in the
02:28 15 investigation but are you able to tell us, you
16 know, in early May what your thinking was at that
17 time about Mr. Milgaard as a suspect, or the
18 direction of the investigation, things of that
19 nature?

02:28 20 A For certain I remember that I considered him a
21 suspect.

22 Q You considered him as a suspect?

23 A I did.

24 Q And in May were you -- you became involved in
02:28 25 travelling to Regina to interview Ron Wilson; do



1 you remember that?

2 A I remember going there, I don't know if it was May
3 or --

4 Q Okay. The report indicates, I think, May 20th or
02:28 5 21st, and I'll go through that with you, but at
6 that time do you remember how it came to be that
7 you went to Regina, or who asked you to go, or why
8 did you go?

9 A Who was I with?

02:29 10 Q I think Raymond Mackie?

11 A Raymond Mackie? Then he likely told me I was
12 going with him.

13 Q Is that something -- and again, if you want, maybe
14 we'll call up the report 009264. And I'll go
02:29 15 through this a bit later, but:

16 "With regards to the Miller Murder file,
17 D/Sgt. Mackie and myself attended in
18 Regina on Tuesday, May 20th, to make
19 further inquiries with regards to this
02:29 20 aspect of the file."

21 And then it goes on to detail meetings and
22 interview Wilson, Nichol John, and then a trip
23 back to Saskatoon where you brought Mr. Wilson
24 back; do you remember that?

02:29 25 A I recall that.



1 Q So for this, let's talk about this trip, I think
2 you said that Mr. Mackie would have directed you
3 to go; is that --

4 A That's right, or maybe his direction came from
02:30 5 Short or Wood, but --

6 Q Would this be something you would have done on
7 your own initiative or --

8 A No, certainly not.

9 Q And prior to going down to Regina on this
02:30 10 occasion -- and, again, I'm trying to get a sense
11 of where your thought process was as far as Mr.
12 Milgaard being a suspect and sort of where that
13 was at -- and the last report on the file is the
14 April 18th one, and are you able to assist in
02:30 15 telling us how strong a suspect did you think he
16 was before you went down there, or had you checked
17 into Cadrain's story, or can you tell us what you
18 were thinking?

19 A Let's just say I considered him a suspect at that
02:30 20 time.

21 Q Any more or less so than you had the first day you
22 talked to Mr. Cadrain?

23 A No, I wasn't convinced in my mind that he was
24 innocent or guilty.

02:31 25 Q Okay. And I'll go through the reports with you in



1 detail, Mr. Karst, but do you have a general
2 recollection of the trip to Regina and bringing
3 Ron Wilson back?

4 A I don't have any recollection of going to Regina
02:31 5 but I have a recollection of the trip coming back.

6 Q And that was with Ron Wilson?

7 A That was with Ron Wilson.

8 Q And then, as well, I think the report -- and I'll
9 go through this with you -- talks about Inspector
02:31 10 Roberts from Calgary being here; do you have a
11 memory of that?

12 A I remember him being here.

13 Q And the record shows that you would have taken two
14 statements from Ron Wilson; do you have a memory
02:31 15 of that?

16 A I do.

17 Q Okay. When you went down to Regina do you
18 remember whether or not you knew anything about a
19 polygraph test being set up?

02:32 20 A I don't believe I did.

21 Q And do you recall at what point you became aware
22 of that?

23 A It would be sometime very shortly after that,
24 because I know I delivered some officers and Ron
02:32 25 Wilson to the Cavalier, and then I found out



1 that's what was going on.

2 **Q** Okay. So when you went down -- and you can put
3 the report back up, please -- when you went down
4 to Regina with Mr. Mackie to do some interviews,
02:32 5 and the first paragraph says:

6 "... to make further inquiries with
7 regards to this aspect of the file.",
8 are you telling us that -- did you think that you
9 would be bringing Ron Wilson back with you when
02:32 10 you went down or --

11 **A** I had no idea.

12 **Q** And were you aware that at least some senior
13 officers had made arrangements to have a polygraph
14 operator in Saskatoon to --

02:32 15 **A** While I was in Regina?

16 **Q** Yes?

17 **A** No, sir.

18 **Q** And did you play any part, Mr. Karst, in making
19 the decision to have Ron Wilson undergo a
02:33 20 polygraph test?

21 **A** No, sir.

22 **Q** And on Nichol John, I think the evidence is that
23 she did not undergo a polygraph but I think it was
24 intended that she was, did you play any part in
02:33 25 the decision to at least plan on having her



1 undergo a polygraph exam?

2 A No, sir.

3 Q Do you know who would have made that decision?

4 A I can only assume, I don't know.

02:33 5 Q And who would you assume?

6 A It would be between the chief and Wood, Short.

7 Q Okay. This report talks about Inspector Riddell
8 and Constable Walters being there; do you have a
9 memory of Riddell and Walters being there to help
02:33 10 you?

11 A No, I don't.

12 Q And then it talks about on Wednesday, May 21st,
13 looks like Tuesday you travelled down there, May
14 21st you and Mackie and Walters attend a social
02:34 15 worker office and interview a fellow by the name
16 of Don Robertson; do you have any recollection of
17 that?

18 A Of this?

19 Q I'm sorry?

02:34 20 A I see the gentleman here but I don't recall that
21 at all.

22 Q Do you have any recollection of making inquiries
23 of Nichol John's social worker or anything of that
24 nature?

02:34 25 A I do not recall that.



1 Q And then it talks about a call being made to
2 Nichol John's parents' place and could not locate
3 them; do you remember looking for Nichol John's
4 parents?

02:34 5 A No, sir.

6 Q And then it says:

7 "At 2:00 PM, May 21st, Ronald Wilson was
8 interviewed at the Regina City Police
9 Station, The following officers being
02:34 10 present D/Sgt. Mackie, Cst. Walters and
11 Cst. Dike of the Regina Department,
12 along with myself."

13 Do you recall that, Mr. Karst, do you have a
14 memory of that?

02:35 15 A Yes, I remember that, but I don't remember this
16 Constable Dike but he could have well been there.

17 Q Okay. And it says:

18 "This conversation also being taped and
19 presently in my possession."

02:35 20 Who taped the conversation?

21 A Sergeant Mackie.

22 Q And it says you've got the tape; do you recall
23 getting the tape from the conversation?

24 A Yes, but he instructed me to bring Wilson back to
02:35 25 Saskatoon, because I don't think we had seen



1 Nichol yet at this time.

2 Q I think that's right, yes.

3 A And he probably didn't want to have this tape on
4 him so he gave it to me and I brought it back.

02:35 5 Q And do you recall what you did with it?

6 A I gave it back to him when -- the next time I had
7 a chance.

8 Q And what, was it your practice to tape interviews
9 at the time, Mr. Karst?

02:35 10 A I never took one.

11 Q And was there a reason for that?

12 A I had my own reasons, yes.

13 Q And I take it you didn't like to tape interviews?

14 A No. Generally when you brought a tape recording
02:36 15 machine out your witness would kind of back away
16 from it and, therefore, I didn't want to use it.

17 Q Okay. So in this interview are you telling us it
18 was Mr. Mackie's decision to --

19 A Certainly.

02:36 20 Q And then the report says:

21 "During this conversation with Ronald
22 Wilson, he admitted attending in
23 Saskatoon with Milgaard and Nickey on
24 the early morning of January 31st and in
02:36 25 contradiction to his original and other



1 interviews, he admitted that Milgaard
2 had left the car when they became stuck
3 at approx. 6:45 that morning, while
4 looking for the Cadrain residence. All
02:36 5 Wilson would state at this time was that
6 Milgaard appeared to be puffing and
7 running, slightly out of breath when he
8 returned to the vehicle, and he admitted
9 that he had since thought that this was
02:37 10 the time that Milgaard was probably
11 involved in a murder."

12 And do you have a recollection of Mr. Wilson
13 telling you this information, Mr. Karst?

14 A Yes I do.

02:37 15 Q And would it be fair to say that this is the first
16 time that it's been disclosed that Mr. Milgaard --
17 or, first of all, that the car became stuck at
18 6:45 a.m.?

19 A That's fair to say.

02:37 20 Q And I take it this would be a different, a
21 different time the vehicle got stuck than the
22 Danchuk time, is that right; is that what your
23 understanding was?

24 A That I am not sure of.

02:37 25 Q Okay. This talks at approximately 6:45 a.m. and



1 the earlier statements about the Danchuks would
2 have been closer to 7:30; do you remember that?

3 A No I can't.

4 Q Okay. So, here, Mr. Wilson is telling you that
02:38 5 the car got stuck and that David Milgaard left the
6 car; is that right?

7 A Yes.

8 Q And I -- did you place any significance on this
9 information?

02:38 10 A Yes I did.

11 Q And what was that?

12 A Well this was the first time that I knew of that
13 somebody had said, yes, he left the car.

14 Q And was the time that Mr. Wilson gave you of 6:45;
02:38 15 was that significant?

16 A It was in the morning when they were alleged to be
17 in that area.

18 Q Yeah. And was that around the time that Gail
19 Miller was believed to have been murdered?

02:38 20 A I believe that's correct.

21 Q And then Wilson says:

22 "All Wilson would state at this time was
23 that Milgaard appeared to be puffing and
24 running ... when he returned ... and he
02:38 25 admitted that he had since thought that



1 this was the time that Milgaard was
2 probably involved in a murder."

3 Was it at this interview of May 21st that Mr.
4 Wilson told you that he thought that Milgaard was
02:39 5 probably involved in a murder?

6 A While in Regina, yes.

7 Q Now is this -- and I think you make reference to
8 the fact that it was in contradiction to his
9 original and other interviews, and do you know at
02:39 10 this time, Mr. Karst, whether you would have had
11 his March 3rd statement from Riddell or been aware
12 of its contents?

13 A I was probably aware of its contents. I believe I
14 had never seen it, so I was told, I --

02:39 15 Q 'And other interviews', and you would have done at
16 least one of the other interviews, is that right,
17 of -- in fact maybe two interviews with Ron
18 Wilson?

19 A Yes.

02:39 20 Q And so would it be fair to say that Mr. Wilson had
21 changed his story?

22 A That's correct.

23 Q And did that cause you concern?

24 A Yes.

02:40 25 Q And in what way?



1 A Well he was telling us things that we hadn't heard
2 before and, naturally, those had to be checked
3 out.

4 Q And I take it the fact that he would tell you that
02:40 5 'I think this is when Mr. Milgaard committed a
6 murder'; I take it that would be a pretty
7 significant piece of information?

8 A Very significant, yes.

9 Q Now, at this interview, do you recall where it
02:40 10 took place?

11 A In the Regina police station.

12 Q Do you recall how long it would have been?

13 A No, sir, I don't.

14 Q And do you recall who was doing the questioning?

02:40 15 A I believe that, if I was with Mackie, he would.
16 The senior officer did that, so it would be
17 Mackie.

18 Q When you say he was the senior officer, was there
19 some protocol that the senior officers always did
02:41 20 the questioning, or --

21 A They generally took the lead role and, other than
22 taking a statement, they were kind of in control
23 of the interrogation.

24 Q And was there a reason that you didn't take a
02:41 25 statement from Mr. Wilson at this time?



1 A Probably I wasn't instructed to.

2 Q Did you come to any conclusion, at this time, that
3 Mr. Wilson may have had more information?

4 A I don't know if I would say I came to a conclusion
02:41 5 but I was certainly concerned that he may have
6 more.

7 Q And did you conclude that further questioning
8 might be necessary?

9 A I did.

02:41 10 Q Now, in the course of the questioning of Mr.
11 Wilson in Regina, would you have been present
12 throughout that questioning?

13 A I think so. I don't remember exactly but I know I
14 was there.

02:41 15 Q And, at that time, did you believe that Ron Wilson
16 was a suspect --

17 A No, --

18 Q -- for the murder?

19 A -- I never did.

02:42 20 Q Do you know if any of the other officers present
21 held that view?

22 A I don't know.

23 Q Do you recall, during that interview, whether
24 anyone suggested or accused Ron Wilson of being
02:42 25 involved in the murder?



1 A I don't recall that happening.

2 Q And, if that did happen, is that something that
3 you think you would have remembered?

4 A I think so.

02:42 5 Q And why is that?

6 A Well it would be a change in our investigation
7 because, up until that time, I hadn't heard
8 anything.

9 Q Did you threaten Mr. Wilson at all in this
02:42 10 interview?

11 A No, sir.

12 Q Did you hear or observe any other officers
13 threaten Mr. Wilson?

14 A I did not.

02:42 15 Q Did you observe anything, during the course of
16 this interview, that you thought was inappropriate
17 by any of the officers doing the interviewing?

18 A I did not.

19 Q Can you tell me at this time, Mr. Karst -- and,
02:43 20 again, I will be asking you this question later --
21 but what, what did you make of Ron Wilson and his
22 credibility? You had been, I think this was your
23 second or your third time with him, were you --
24 and if you, if you would rather give me your
02:43 25 global assessment of him at the end, that's fine,



1 I appreciate it's a tough question to say 'what
2 did you think on this day 36 years ago', but are
3 you able to tell us what you thought of this
4 fellow and his credibility at or around this time?

02:43 5 A At that time I was rather undecided.

6 Q And why was that?

7 A Well at first he didn't tell us about Milgaard
8 getting out of the car, now he tells us he is, you
9 know, you have reservations about where he is
02:43 10 coming from.

11 Q Did you have concerns about this information that
12 Ron Wilson provided you, in particular that the
13 car became stuck, that Mr. Milgaard left the car
14 at 6:45, came back puffing and running, and that
02:44 15 Mr. Wilson thought this was when Mr. Milgaard was
16 probably involved in a murder; did you have any
17 concerns or doubts about that?

18 A Yes I did.

19 Q And why was that?

02:44 20 A Well, if he comes back to the car and he is
21 puffing and running, maybe there was a reason for
22 it.

23 Q Okay. I'm sorry, let me ask, the question was did
24 you have any concerns about whether Mr. Wilson was
02:43 25 telling the truth when he told you this



1 information in Regina?

2 A Certainly I had concerns.

3 Q And what were those concerns?

4 A That he didn't tell us this the first time, or
02:43 5 didn't tell Riddell.

6 Q Okay. And so that might cause you to think that
7 maybe this isn't true; is that fair?

8 A That's correct.

9 Q And so as an officer, then, what do you do with
02:43 10 that?

11 A Well you try and verify it or disqualify it, one
12 of the two.

13 Q So did you accept this as being the truth at the
14 time you heard it then?

02:43 15 A Not at that time.

16 Q If we can go down, it says:

17 "With this information at hand, I
18 brought Wilson back to Saskatoon while
19 D/Sgt. Mackie stayed in Regina to
02:44 20 conduct further inquiries and locate the
21 Nickey referred to in this report, as
22 she no doubt could shed further light on
23 this investigation."

24 And so I take it, then, you brought Mr. Wilson
02:44 25 back?



1 A That's correct.

2 Q Go to the next page, please:

3 "En route to Saskatoon, Wilson divulged
4 to me that on that trip on Jan. 31st
02:44 5 with Milgaard and Nickey, the two boys
6 had discussed B & Es, along with rolling
7 someone and purse snatching as a source
8 of money, as their financial position at
9 this time was not one with which they
02:44 10 could do any amount of travelling, as
11 they anticipated going to Edmonton and
12 Vancouver."

13 Do you recall this discussion with Mr. Wilson?

14 A No, sir.

02:45 15 Q And do you have any reason to dispute what's in
16 your report?

17 A None whatsoever.

18 Q Do you remember who else was in the car with you?

19 A Coming back?

02:45 20 Q Yes?

21 A Just the two of us.

22 Q And had you arrested Mr. Wilson or placed him in
23 custody when you brought him back?

24 A No, sir, he was brought back of his own free will
02:45 25 at our request.



1 Q And so is that what -- do you recall what you
2 would have said to him as to why you were bringing
3 him back or how that went?

4 A Probably wanted to check out his story.

02:45 5 Q Okay. Did you ask him to go back with you?

6 A I didn't, but Mackie asked him if he would come
7 back with me, and he did.

8 Q And what if Mr. Wilson would have said 'no, I
9 don't want to', what would have happened?

02:45 10 A I guess we wouldn't have brought him back.

11 Q And then as far as this information that's in this
12 paragraph about the discussion of break and
13 enters, rolling someone and purse snatching as a
14 source of money, I think you are saying -- do you
02:46 15 have any recollection of this information coming
16 out at some, in some form?

17 A I don't recall that on that trip, but if I wrote
18 it there, I obviously discussed it.

19 Q And I appreciate you don't have a recollection,
02:46 20 but what would be, what would have been the
21 significance of that information?

22 A Well, maybe put some credence to the fact that
23 maybe they did try and snatch a purse from
24 somebody in Saskatoon and maybe it resulted in
02:47 25 something more serious.



1 Q When you were driving back with Mr. Wilson, were
2 you questioning him or was it conversation or --

3 A The only thing I can remember specifically about
4 that trip is the Aylesbury situation.

02:47 5 Q Well, that's the -- let's go to that, the next
6 paragraph, it says:

7 "Wilson admitted that Milgaard broke
8 into an elevator office on the road,
9 Nicky nor himself being responsible,
02:47 10 however, stated that Milgaard did the
11 actual entering. Consequently, when
12 passing the town of Aylesbury, Wilson
13 pointed out the elevator which Milgaard
14 had broken into. A call was made to the
02:47 15 United Grain Growers Elevator office at
16 this point, Aylesbury, where the agent,
17 George William --"

18 I think it's Trottski and crossed out as Pratt,
19 "-- was interviewed, and he admitted
02:47 20 that on the night of Jan. 30th, he had
21 had a break in at that point and that he
22 had notified the Craik Detachment of the
23 Mounted Police, Cst. Weaver attending.
24 He also stated that the only thing that
02:48 25 he could recall missing was a flashlight



1 but could think of nothing else and when
2 the knife was put to his thought, he did
3 not recall a knife missing from the
4 premises."

02:48 5 So does that accurately set out what happened
6 with you and Mr. Wilson and the elevator?

7 A I'm not prepared to say that that's all that we
8 did. I can't remember whether I went into the
9 elevator and talked to that agent or whether
02:48 10 somebody else later went and spoke to him.

11 Q Can you tell me what -- you said you have a
12 recollection of this. How did it come about, this
13 information?

14 A Well, I think just as we were driving along he
02:48 15 made a comment that they broke into that elevator.

16 Q So were you driving by when --

17 A Yes.

18 Q Saw the elevator, Mr. Wilson said, oh, on the
19 night of January 30th we broke in or Mr. Milgaard
02:48 20 broke in or words to that effect?

21 A I remember turning around and we took a look at
22 the elevator, but I don't remember me going in. I
23 may have, but I can't remember.

24 Q Okay. And it talks here about someone checking
02:49 25 about whether a knife was missing and they said a



1 flashlight was missing. I take it someone, either
2 you or someone corroborated that the elevator was
3 broken into the evening --

4 A At a later date, I think somebody else did.

02:49 5 Q Now, what significance, if any, did you place on
6 this information from Mr. Wilson on the trip back
7 about the elevator?

8 A It strengthened the fact that they were probably
9 short of money and needed some financial
02:49 10 assistance and maybe that's where they could pick
11 up a knife. I suppose there were several things
12 went through my mind.

13 Q Did the fact that this information had not been
14 provided to you prior by Mr. Wilson or to the
02:49 15 police, Riddell or whoever else, what did you make
16 of that?

17 A Not a great deal. Like I said before, many times
18 when you have witnesses like this, they don't tell
19 you all the facts the first interview or two, you
02:50 20 follow those things through and see what else you
21 can find out.

22 Q So we have at least earlier on that day Mr. Wilson
23 telling you two or three new things in Regina, one
24 being they got stuck, two, Mr. Milgaard left the
02:50 25 car, and three, Wilson thought this is when he



1 committed the murder, and then I guess on the
2 drive back this elevator break-in again would have
3 been further information you had not been aware
4 of; is that fair?

02:50 5 A And that's something we could easily check.

6 Q Do you recall again, and I think you said you
7 remember the elevator incident, did you -- what
8 did you think about whether Mr. Wilson, A, was
9 telling you the truth, B, had more information to
02:51 10 provide you?

11 A Well, it didn't take long to find out if he was
12 telling the truth about that and if that was the
13 case, if that picked him up and it's true, maybe
14 he has more things to tell us.

02:51 15 Q So at that time, after the elevator incident, did
16 you in your mind accept that you had heard
17 everything from Mr. Wilson or did you think you
18 had to do more questioning, or others, police have
19 to do more questioning?

02:51 20 A The police would have to do more questioning. I
21 still wasn't sure that they had broke into the
22 elevator, but --

23 Q Okay. Well, this report suggests that a call was
24 made and it was confirmed. Now, this report is
02:51 25 dated May 25th and it's talking about events of



1 May 22nd. Do you recall -- let me back up. What
2 is your memory today, Mr. Karst, when you went
3 back to Aylesbury with Ron Wilson, did you go to
4 the elevator?

02:52 5 A We went and looked at the elevator and made sure,
6 pointed out, yes, that's the place.

7 Q And did you call the office at Aylesbury and talk
8 to someone there, do you remember that?

9 A That I can't remember, but I remember reading some
02:52 10 report that -- maybe even the Mounted Police
11 checked it out, I'm not sure.

12 Q So you have a memory that someone confirmed the
13 elevator break-in?

14 A That's correct.

02:52 15 Q And it could have been you, but you don't
16 remember?

17 A No, I think if I had checked it out I would
18 remember.

19 Q And do you remember a time frame, was it that day
02:52 20 or closely around there that it was checked out or
21 a number of days later?

22 A No, sir, I can't tell you that.

23 Q And then it says:

24 "When returning to the car --"

02:52 25 And I presume that's from the elevator,



1 "-- and continuing onto Saskatoon,
2 Wilson admitted that Milgaard had
3 returned from the elevator with the
4 flashlight and that this flashlight is
02:52 5 presently in his possession at his home
6 at 126 Cornwall Street."

7 And if you just go back here, this report
8 suggests that that was information obtained that
9 a flashlight was missing. Do you see that?

02:53 10 A Yes.

11 Q And I'm just wondering, Mr. Karst, if when you and
12 Mr. Wilson returned to the car and he admitted
13 that Milgaard had returned from the elevator with
14 the flashlight, is that something you think you
02:53 15 would have known was missing?

16 A I would have known?

17 Q Maybe I didn't ask that very well. When I read
18 this report, it suggests that when you and
19 Mr. Wilson went from the elevator and got into
02:53 20 your car, and this would be again on the 21st of
21 May when you are driving back, that when you got
22 to the car Wilson admitted that Milgaard had
23 returned from the elevator with the flashlight,
24 and I'm just wondering, reading that in light of
02:53 25 the previous paragraph, whether you would have had



1 the -- let me ask it this way. When you and Ron
2 Wilson returned from the elevator to the car, do
3 you think you knew that a flashlight had been
4 taken from the elevator when Mr. Wilson told
02:54 5 you --

6 A I don't think so. I can't remember that I spoke
7 to that elevator agent.

8 Q Fair enough.

9 A I just don't remember.

02:54 10 Q And then scroll down, please:

11 "He also stated at this time that he
12 could not recall a knife being in the
13 car nor did he see Milgaard bring one
14 from the elevator. On further
02:54 15 questioning, he thought that possibly
16 Milgaard could have picked up a knife
17 from the Champs Hotel where they had
18 eaten earlier that day where Nickey had
19 been employed, however, could shed no
02:54 20 further light on that aspect."

21 And do you remember that, having a discussion
22 about whether he saw a knife on the trip?

23 A That's correct.

24 Q Now, at this point, Mr. Karst, according to this
02:54 25 report, Mr. Wilson has already provided probably



1 five pieces of incriminating information with
2 respect to Mr. Milgaard that day, the first being
3 that the car got stuck at 6:45 a.m. near the
4 murder scene; two, that Mr. Milgaard had left the
02:55 5 car, came back puffing and running; three, that he
6 thought that's when Mr. Milgaard had committed the
7 murder; four, that driving to Saskatoon they
8 talked about purse snatching and B & Es; and five,
9 they had broken into an elevator the night of or
02:55 10 the evening of, and I take it at this time, and my
11 question relates to a day or two later, you recall
12 that Mr. Wilson gave a statement where he said he
13 saw a knife, do you remember that, and we'll go
14 through that, but he identified for Inspector
02:55 15 Roberts and said yes, he saw a knife on David
16 Milgaard on the trip from Regina to Saskatoon. Do
17 you recall that?

18 A I recall that.

19 Q And my question is, given that he has sort of
02:56 20 given you five pieces of incriminating evidence
21 and yet when asked about the knife says I don't
22 recall, when he did the next day recall did that
23 cause you any concern, like, did you think why
24 didn't he tell me that when I asked him in the car
02:56 25 and when he was giving the other incriminating



1 information how could he not remember the knife on
2 May 22nd in the car and the next day remember the
3 knife?

4 A I can't account for his memory. I can't account
02:56 5 for my own sometimes.

6 Q And I'm not asking about his memory, but let me
7 put it this way, did you ever think, when he did
8 tell you about the knife on May 23rd, and I'll get
9 to that statement, but that's when he said yes, he
02:56 10 picked out a knife that he said he saw on David
11 Milgaard on the trip. Did you ever ask him or
12 yourself or someone and say lookit, I just asked
13 him that yesterday and yesterday he said he didn't
14 remember, and I could appreciate it if it had been
02:57 15 a month earlier when he wasn't giving you any
16 incriminating information, but here he's just
17 given you four or five pieces of incriminating
18 information; right?

19 A Correct.

02:57 20 Q And I'm trying to understand, Mr. Karst, if there
21 would be -- why -- a couple of things, one, if you
22 read anything into the fact that he didn't give
23 you this piece of information on the car trip, but
24 he gave it the next day?

02:57 25 A As I said before, it's not uncommon to get all the



1 information the first time you interview somebody,
2 or the second.

3 Q So do you remember being concerned about the fact
4 that he didn't tell you about the knife on the
02:57 5 22nd, but he did on the 23rd?

6 A I probably thought of it, but I don't think it was
7 a big concern.

8 MR. HODSON: Okay. I see it's three
9 o'clock, Mr. Commissioner, we should maybe --
02:58 10 this is an appropriate time to break.

11 (Adjourned at 3:00 p.m.)

12 (Reconvened at 3:17 p.m.)

13 BY MR. HODSON:

14 Q I'm going to have up 009264, please, and go to the
03:18 15 next page, please. So then it looks as though, it
16 talks about, again we're back on May 22nd, Mr.
17 Karst:

18 "When entering the Saskatoon City
19 outskirts, Wilson directed me across the
03:18 20 overpass and taking the Freeway up as
21 far as Idylwyld where he became unsure
22 of his directions, as to where they had
23 gone after that on that particular
24 morning, however, stated that the area
03:18 25 around P and 22nd was familiar and he



1 was able to pick out the Trav-a-leer
2 Motel as the place where Milgaard had
3 entered to obtain a map for directions,
4 this being done in Milgaard's stocking
03:18 5 feet, which was verified by the
6 Trav-a-leer Motel proprietor."

7 Is that something you would have verified at the
8 time?

9 A I don't think so.

03:18 10 Q And then:

11 "Wilson was able to point out the
12 address of 129 Avenue T South when we
13 were in the 100 block, as the house
14 where they had entered that morning when
03:19 15 being stuck the second time, where
16 Milgaard allegedly entered the
17 bathroom."

18 And again that was the Danchuks; is that right?

19 I think that's Avenue T -- I think the record
03:19 20 shows that was the Danchuks?

21 A I agree, but I don't remember it.

22 Q Okay. And then the next paragraph, it says:

23 "Wilson pointed out the area of Avenue P
24 and Avenue M and N around 22nd St. West,
03:19 25 as an area which is similar to the



1 location where the girl was seen walking
2 on the street that early morning when
3 they approached her to ask directions,
4 however, he was unsure of the exact
03:19 5 block. Nor could he point out the exact
6 location where the car had become
7 stalled, where Milgaard had left the
8 vehicle to go for help."

9 Do you have a recollection, Mr. Karst, of driving
03:19 10 around with Mr. Wilson that evening?

11 A I do.

12 Q And I'm wondering, there's mention here -- let me
13 back up. Where would you have driven him
14 generally?

03:20 15 A Generally around the area of the scene of the
16 crime, but not actually to the scene.

17 Q Okay. And why is that?

18 A I found out that when you are making that sort of
19 an investigation, it's not a good idea to take the
03:20 20 witness or suspect to the scene because when it
21 goes to court it's alleged that you showed him
22 where rather than he show you where.

23 Q And so that's something you had either been aware
24 of or had experienced previous to this
03:20 25 investigation?



1 A That's correct.

2 Q And so how would you find out if he recognized the
3 area of the murder scene?

4 A Well, if you drove around that area, you may
03:20 5 recognize an apartment block or the church or
6 funeral home, something that might come to his
7 attention.

8 Q So it appears he identified Avenue P, M and N
9 around 22nd Street which would be a couple of
03:21 10 blocks away; is that right?

11 A Which would be in the area, yes.

12 Q And I think, if I'm not mistaken, and we'll go to
13 a map in a moment, that's where the service
14 station was that they went to after the Danchuks;
03:21 15 is that not right, and if you don't remember it --
16 we'll go to a map and take a look at that in a
17 moment. Do you remember that?

18 A I probably recalled it at the time, but I don't
19 now.

03:21 20 Q And so do you know, would you have driven by the
21 funeral home, for example, that evening do you
22 remember?

23 A I don't remember, but I would think I would.

24 Q Would you have driven down the alley where the
03:21 25 body was found?



1 A No, no.

2 Q And would you have told Mr. Wilson where the body
3 was found?

4 A Probably to the extent of in this area, to let him
03:21 5 point it out being the area where they were stuck
6 where they left and went out of the car.

7 Q And is that something when you are driving around
8 that he asked you, wondering where it was that the
9 body was; do you remember that?

03:22 10 A No.

11 Q And again, Mr. Karst, is there anything again,
12 looking back, is there anything that you did in
13 the driving around that in your mind might have
14 suggested to Mr. Wilson where he thought he should
03:22 15 have been stuck or where he should have been?

16 A I don't think so.

17 Q Now, it says here that:

18 "Wilson pointed out the area as an area
19 which is similar to the location where
03:22 20 the girl was seen walking on the street
21 and they asked for directions."

22 And I believe this is the first written record of
23 Mr. Wilson identifying first of all that they had
24 asked a girl for directions and where that was,
03:22 25 and so I'm wondering, and help me out here, Mr.



1 Karst, it doesn't look, when I read that report,
2 as though he's telling you for the first time
3 about that, but rather this is where the girl
4 was. Is that a fair reading of it? Let me ask
03:23 5 it this way. Prior to Mr. Wilson pointing out,
6 as it says here, the area which was similar to
7 the location where the girl was seen walking on
8 the street that early morning when they
9 approached her to ask directions, prior to that
03:23 10 had Mr. Wilson told you that he actually saw a
11 girl and asked for directions that morning?

12 A I don't know. I can't remember. I don't recall
13 them ever telling me before, but I'm not sure.

14 Q And again, I think you told us earlier when you
03:23 15 were interviewing Mr. Milgaard for the first time,
16 that one of the thoughts you had was that the
17 person they asked for directions, he described it
18 as an old woman, you thought that may have been
19 Gail Miller; is that right?

03:24 20 A A possibility.

21 Q Yeah. So it would appear from this note, and tell
22 me from your recollection if that's correct, that
23 by this time Mr. Wilson was telling you that they
24 did stop a girl for directions the morning of the
03:24 25 murder; is that right?



1 A That's fair.

2 Q And the term here is, "The girl was seen walking
3 on the street." When you use the term girl, are
4 you distinguishing that from woman or are you just
03:24 5 saying -- how do we read that?

6 A It looks to me like I'm describing somebody
7 younger, not an old woman.

8 Q And again it goes on to say:

9 "He couldn't point out the exact
03:24 10 location where the car had become
11 stalled where Milgaard had left the
12 vehicle to go for help."

13 Is that right?

14 A That's correct.

03:24 15 Q And earlier that day in Regina he had told you the
16 car had become stuck at around 6:45 and that
17 Milgaard had left; is that right?

18 A That's correct.

19 Q So that evening you couldn't find, you couldn't
03:25 20 find that, or he couldn't identify that location;
21 is that fair?

22 A That's fair.

23 Q And we'll go to a map in a moment, and so he
24 talked about M, N and P around 22nd Street; is
03:25 25 that right?



1 A That's correct.

2 Q If we could go to the map, and I think it's map A
3 that has the service stations on it, just zoom in
4 there, and just to get our bearings here, we
03:25 5 haven't seen this map for a while, here is the
6 Cadrain house, here is the T intersection where
7 the body was found, Gail Miller's house and I
8 think you'll see down here M, N and P and 22nd
9 Street, so that would be in this area; is that
03:25 10 fair? That's what the report says?

11 A Yeah, that's in the area.

12 Q And Hillcrest Texaco is on the corner of P and
13 22nd and I believe that is the, at least one of
14 the service stations where Mr. Wilson would have
03:26 15 been on the morning of the murder; is that fair?

16 A I believe so.

17 Q And then as well he said M and N around 22nd
18 Street, so in that area?

19 A Yes.

03:26 20 Q If we can go back to 009264, next page, please, it
21 says:

22 "Wilson was then brought to the police
23 station where arrangements were made by
24 Lt. Short for night accommodation for
03:26 25 him."



1 And I believe there's a record that Mr. Wilson
2 spent the night in the police cells. Do you
3 remember that?

4 A I thought he was in a hotel. Obviously he wasn't.

03:27 5 Q If we could call up 106639, please. This is a
6 document, Wednesday, May 21st, '69 of Short, at
7 the bottom, to the Staff Sergeant, and it says:

8 "You have in your custody one Ronald
9 Wilson being held only as a sleeper for
03:27 10 the detective dept, this is in
11 connection with a very serious matter &
12 I would appreciate it if no one
13 questions this young man for any reason
14 as to why he is here or anything else.
03:27 15 This man will be looked after by Det.
16 Karst on the a.m. of Thursday."

17 And it appears from this, Mr. Karst, that at
18 least the first night that Mr. Wilson may have
19 spent the night as a sleeper in the police cells;
03:27 20 do you recall that?

21 A I agree.

22 Q And you agree, you recall or you agree that that's
23 what would have happened?

24 A I agree that's what would have happened.

03:28 25 Q And what's a sleeper?



1 A Many times when you have vagrants, they are not
2 charged with any offence and you bring them in and
3 let them have a place to stay. They are not
4 charged with any offence, they are just brought in
03:28 5 so they are off the streets.

6 Q We'll see in a later, later on in this report or
7 another report that the next night Mr. Wilson was
8 taken to the Ritz Hotel and I think spent the
9 night of the 22nd and 23rd there. Was that -- do
03:28 10 you recall that?

11 A It sounds right. I know he spent time in the Ritz
12 Hotel.

13 Q And would there be any reason that he would not,
14 A, be in as a sleeper for all three days or why he
03:28 15 didn't go to the Ritz on the first night? Are you
16 able to shed any light on that?

17 A Those were Lieutenant Short's decisions and I had
18 no input into that.

19 Q And was Mr. Wilson charged with anything or in
03:29 20 custody or anything?

21 A Not to my knowledge.

22 Q It says:

23 "On the morning of May 22nd, in company
24 with Lt. Short and M/Sgt. Oleksyn,
03:29 25 Wilson was again taken to various parts



1 of the City to ascertain if he could
2 point out the various areas where they
3 had been on the morning of January 31st,
4 however, he could add little to the
03:29 5 previous information other than when
6 they had been stuck the original time in
7 the vicinity of Ave. M or N that two men
8 in a vehicle described as a 1967-68
9 cream or yellow coloured Dodge or
03:29 10 Chrysler had come and assisted them in
11 pushing their vehicle out of the snow."

12 Do you recall that piece of information?

13 A I probably did at the time. I don't now.

14 Q And so here, according to the report, it looks as
03:29 15 though -- had Mr. Wilson identified the area
16 around M and N as being the vicinity as to where
17 they got stuck the morning of the murder; is
18 that --

19 A I believe it was in the area.

03:30 20 Q And I believe this is the first mention of two
21 people assisting their vehicle in being pushed out
22 of the snow; is that correct?

23 A As far as I know.

24 Q And then there's descriptions of the two men. I
03:30 25 take it that was given by Mr. Wilson?



1 A Apparently.

2 Q And again the fact that -- did you question Wilson
3 as to why he wouldn't have told you about these,
4 this vehicle and the two men the night before or
03:30 5 the afternoon before?

6 A I don't recall.

7 Q So the afternoon before he said we got stuck and
8 Mr. Milgaard left the vehicle, that evening when
9 you drove around he said yeah, this is in the
03:31 10 vicinity where we got stuck, but no mention of the
11 two people in the Dodge or Chrysler; is that fair?

12 A That's fair.

13 Q And then the next day, or the next morning he
14 would tell you about this; is that fair?

03:31 15 A Yes.

16 Q And did you think about, did you think about, or
17 did it concern you at all that you were getting
18 bits and pieces of information about that?

19 A No. As I have said before, many times when you
03:31 20 are speaking to witnesses they give you little
21 bits and pieces just to keep you satisfied, and --

22 Q Did you form the impression that Mr. Wilson was
23 deliberately withholding pieces and just giving
24 you a bit at a time?

03:31 25 A I'm not saying deliberately, but maybe he didn't



1 recall everything at the time, I don't know.

2 Q And that was my next question; or that he didn't
3 recall some of the details?

4 A As time went on, yes.

03:31 5 Q And would you agree that having Mr. Milgaard leave
6 the car at or about the time that the murder took
7 place was something that would -- was that
8 something you thought he just forgot about and
9 then mentioned, or that he had known about and
03:31 10 didn't tell you, or did you reach any conclusion
11 on that?

12 A I believe I reached the conclusion that he wasn't
13 telling me to begin with because, as I said,
14 little bits of information were coming out as time
03:32 15 went on.

16 Q So let's just talk generally, and we've gone
17 through a number of pieces of new information, and
18 one explanation would be that he simply hadn't
19 recalled the details earlier and was telling you
03:32 20 as he remembered; correct, that's one explanation?

21 A Yes.

22 Q And another explanation is that he didn't want to
23 tell the police earlier and he was now telling
24 them; is that --

03:32 25 A I would concur with that.



1 Q Or would there be a third one, that he was
2 fabricating them?

3 A Always a possibility, but I think we checked that
4 out and he -- that was true, he did see that car
03:32 5 and two men.

6 Q And do you know where that was checked out or --

7 A I don't. Somebody did.

8 Q And then, if we scroll down, it says:

9 "Wilson's account of what transpired

03:33 10 that morning was roughly as follows.

11 The three of them drove into the city

12 and drove around for a short while when

13 they met a girl in the area described

14 above, asked directions for Peace Hill.

03:33 15 The asking done by Milgaard who was on

16 the passengers side of the vehicle where

17 the pedestrian was. This girl stated

18 she didn't know and wasn't able to

19 assist them, however, Milgaard had asked

03:33 20 whether she would like a lift or ride to

21 where she was going, to which she

22 declined. Upon driving away, Milgaard

23 had made the remark to the effect, "The

24 stupid bitch".

03:33 25 And I pause there. That comment there, would



1 that have been -- I think that's the first time
2 we have seen that; is that a new piece of
3 information?

4 A It was.

03:33 5 Q And, again, what significance did you attach to
6 that?

7 A Well the fact that he is saying they did approach
8 a girl.

9 Q And the comment by -- attributed to Mr. Milgaard,
03:33 10 'the stupid bitch', did you read anything into
11 that?

12 A I don't think I placed much of anything on that,
13 because young people in that era, lots of them
14 spoke that way.

03:34 15 Q Okay. So then he says, or you go on to say, I'm
16 sorry:

17 "They drove a short distance further and
18 while making a turn, the vehicle became
19 stuck, as they had no reverse gear. At
03:34 20 this time Milgaard left for help
21 returning approx. 15 minutes later
22 puffing and running, however, Wilson
23 states that he saw no blood, etc., or
24 anything on Milgaard at this time. They
03:34 25 then drove on around the city a little



1 further ..."

2 So let's pause there. I think the 15 minutes, I
3 think the day before he had simply said that Mr.
4 Milgaard had left the vehicle at 6:45, remember
03:34 5 when we looked at that report?

6 A Correct.

7 Q And so now he is saying about 15 minutes later is
8 how long he was gone; do you have a recollection
9 of talking to Mr. Wilson about the time?

03:34 10 A Yes.

11 Q And what do you recall about that discussion?

12 A It became very interesting because this gives the
13 suspect lots of time to have committed the crime.

14 Q And do you recall how this information came out
03:35 15 from Mr. Wilson?

16 A No I don't.

17 Q And would it have been information given to you,
18 Mr. Karst, or to others, or do you know?

19 A Obviously it was given to me, and maybe others,
03:35 20 but --

21 Q Now if we look at this report and what's stated
22 here, at least according to this report it doesn't
23 say that Mr. Wilson also left the car, does it,
24 it's silent about where he was when Mr. Milgaard
03:35 25 left; do you agree?



1 A That's correct, at that time he didn't.

2 Q Do you recall asking Mr. Wilson what he was doing
3 during this time?

4 A No, sir, I don't.

03:35 5 Q It says:

6 "They then drove on around the city a
7 little further where a map was obtained
8 ...",

9 and then the Danchuks, etcetera, and eventually
03:36 10 got to the Cadrain residence at 9:00 a.m., and
11 then it goes on to describe what happened at the
12 Cadrain residence and talks about Milgaard
13 leaving the house for ten minutes, reasons
14 unknown. It says:

03:36 15 "... however, it is felt that this is
16 where Milgaard disposed of the wallet
17 which was found on boulevard at 330
18 Avenue O South and which had belonged to
19 the Miller girl and also a toque with
03:36 20 blood on it being found there which is
21 still be processed at the lab. This is
22 no other logical explanation for
23 Milgaard leaving that residence at that
24 time after having changed his clothes,
03:36 25 ... "



1 Let me pause there. When you say:

2 "... it is felt that this is where

3 Milgaard disposed of the wallet ...",

4 was that the thinking of the police officers, or

03:37 5 Mr. Wilson, or --

6 A I think that was my thinking.

7 Q Okay. And then, here, it talks about the changing
8 the clothes and you say:

9 "... which Milgaard when interviewed

03:37 10 several weeks prior had stated he had

11 done this because of acid on them,

12 however, this alibi being foiled by

13 Mrs. Wilson who stated he had changed

14 clothes at their residence in Regina

03:37 15 before leaving for Saskatoon, after the

16 acid accident."

17 So I take it that -- and I think you may have

18 alluded to this earlier -- Mrs. Wilson's

19 information to you that they had changed the

03:37 20 clothes with acid on them the night before; did

21 that cause you to doubt Mr. Milgaard's reason for

22 changing his pants at the Cadrain's house?

23 A Some, somewhat.

24 Q And then next page please, just at the top, and

03:37 25 then went to the garage, and it says:



1 "After this information was obtained,
2 Wilson was brought back to the Police
3 Station and then to the Ritz Hotel where
4 he was left for the night."

03:38 5 And do you recall that, him going to the Ritz
6 Hotel?

7 A Yes I do.

8 Q Now at this stage on the evening of May 22nd --
9 and we've gone through, I think, the events of
03:38 10 that day and the day before, and I don't propose
11 to go through it in detail -- but you would agree
12 that in that time frame Mr. Wilson gave you a
13 number of pieces of new information that he had
14 not provided before; is that fair?

03:38 15 A Is this the day following coming back from Regina
16 or --

17 Q Yes, yeah.

18 A Yes, I concur.

19 Q And just quickly; one, he told you for the first
03:38 20 time in Regina that the car had got stuck at 6:45
21 while looking for Cadrain's, so the time and
22 location of the murder; two, he said that Mr.
23 Milgaard was gone from the vehicle?

24 A Correct.

03:39 25 Q And then on the 22nd he said it was for 15



1 minutes?

2 A Correct.

3 Q He said he returned puffing and huffing -- or
4 puffing, and Wilson thought that this is when Mr.
03:39 5 Milgaard committed the murder?

6 A Correct.

7 Q Correct? Third, he told you that -- on the trip
8 back he said that prior to arriving in Saskatoon
9 he and Mr. Milgaard had discussed break and enters
03:39 10 and to roll someone and purse snatching for money;
11 correct?

12 A Correct.

13 Q And the elevator break-in was mentioned; and that
14 on the 22nd that Mr. Wilson identified an area
03:39 15 where they approached a woman for directions on
16 the morning of the murder; is that fair?

17 A Yes.

18 Q As well, that Mr. Milgaard called this girl a
19 stupid bitch; that was new?

03:39 20 A Yes.

21 Q And as well he told you I think, or the police,
22 for the first time about two individuals in a
23 Dodge that pushed them out?

24 A That's right.

03:40 25 Q And he also had said that he saw no blood on Mr.



1 Milgaard at that time; is that fair?

2 A That's correct.

3 Q Now, and again, and I appreciate it's difficult to
4 separate in your mind what you were thinking about

03:40 5 Mr. Wilson at various times, but when you were

6 done with him on the 22nd of May and the next day

7 he goes for the polygraph and then you take a

8 statement, okay, do you recall, again prior to him

9 going in to see Inspector Roberts, what did you

03:40 10 think about Mr. Wilson and this -- the information

11 that he was providing to you and his credibility?

12 A Obviously I had some doubt about his credibility

13 or I would have left a report saying I thought we

14 would have enough to consider charges. Also, I

03:41 15 guess senior officers must have felt the same,

16 because they were contemplating a polygraph test

17 to see what results that would bring.

18 Q And so are you saying that, based on what Mr.

19 Wilson had told you, if that was all true you felt

03:41 20 that that might be enough to warrant a charge?

21 A If that was found to be all true, yes.

22 Q And so are you saying you still had some doubts,

23 then, about what he was telling you?

24 A Yes.

03:41 25 Q Do you recall, in your dealings with Mr. Wilson on



1 the 21st, the 22nd, and again the days that
2 followed, did he ever express to you any fear of
3 David Milgaard?

4 A It seems to me I can recall that but I just have
03:41 5 to say I don't remember.

6 Q And when you questioned Mr. Wilson I take it you
7 spent, well, a good part of the 21st of May, at
8 least the afternoon you drove back with him, and a
9 good part of the 22nd, that day with him; is that
03:42 10 fair?

11 A Correct.

12 Q And would you have asked him questions about the
13 case, I presume?

14 A I don't know what our discussion was but
03:42 15 obviously, if I recall the elevator incident, we
16 must have been discussing where they were.

17 Q I'm sorry, I think when we went through on the
18 22nd of May when you were driving around with
19 Short and Oleksyn and when he shared the
03:42 20 information about the fellas in the cream-coloured
21 car, etcetera, I take it you would have spent some
22 time with Mr. Wilson trying to learn more
23 information about the case?

24 A Yes. I thought you were talking about the
03:42 25 previous day.



1 Q Yeah, I'm sorry. And that, in the course of
2 talking to him, you would ask questions to elicit
3 information?

4 A I'm sure we did.

03:42 5 Q And you would ask him questions to test whether
6 what he told you was true; is that fair?

7 A I'm sure, yes.

8 Q And did you ask him the same questions different
9 parts of the day to see if you would get the same
03:43 10 answer?

11 A I imagine we did.

12 Q Again, on the 22nd of May do you recall anybody in
13 your presence suggesting to Ron Wilson that he was
14 a suspect in the murder of Gail Miller?

03:43 15 A I never did.

16 Q And do you recall whether either Short or Oleksyn
17 or anybody else did?

18 A Nobody in my presence.

19 Q In the course of the day you spent with Mr. Wilson
03:43 20 on May 22nd do you recall whether or not any
21 officer threatened Mr. Wilson in any way?

22 A Not in my presence.

23 Q Or told him what to say?

24 A Nobody.

03:43 25 Q If we can just go back to -- or I'm sorry -- back



1 to this paragraph. And, again, there is a
2 reference here about interviewing Ms. Indyk, and
3 again about the girl that had come within a foot
4 of her, and as well another person who was
03:44 5 observed walking -- and the person in her own
6 words described it as a ghost; do you recall this
7 information, making no noise with his shoes?

8 A Yes, I remember that.

9 Q And then your report says:

03:44 10 "This is possibly Milgaard walking in
11 stocking feet as he was known to have
12 done that on the morning in question.
13 This being verified by both occupants of
14 the vehicle that he had his shoes off
15 ...",

16 and I think that's what you had alluded to
17 earlier, you had went and -- did you go and talk
18 to Ms. Indyk or someone about observing someone
19 in the area the morning of the murder?

03:44 20 A I can't remember if I did or somebody else did.

21 Q Now if we could just go back to the main page,
22 please, we then talk about Friday, May 23rd, and
23 this is where Inspector Roberts is involved, and
24 had you ever heard of Inspector Roberts prior to
03:44 25 his involvement in this case?



1 A I had not.

2 Q And do you recall when and how you would have
3 become aware that he was going to conduct a
4 polygraph of Ron Wilson?

03:45 5 A The best I can remember was in that morning that
6 this occurrence took place I brought some of the
7 officers over to the Cavalier Hotel, and then went
8 and got Wilson and dropped him off, and that was
9 the end of my involvement with that until I was
03:45 10 called to pick him up.

11 Q So you would have brought -- and in here I think
12 it says on Friday, May 23rd you went with Wood,
13 Short, Mackie, Chartier, and Morrison?

14 A Correct.

03:45 15 Q And I think you -- did you drive all those people
16 over here or --

17 A I don't recall. It appears that I probably did
18 but I'm not sure.

19 Q Okay. So you --

03:45 20 A It says "I attended", yeah.

21 Q Yeah. Do you remember meeting Mr. Roberts that
22 morning?

23 A No.

24 Q The polygraph -- no?

03:46 25 A No.



1 Q And I think, later on, you indicated that you did
2 meet Mr. Roberts?

3 A Yes.

4 Q Okay. So you would have dropped some officers
03:46 5 off; did you then go and pick up Mr. Wilson you
6 said?

7 A Yes.

8 Q And then what, dropped him off, did you take him
9 up to the hotel room where the officers were or do
03:46 10 you remember?

11 A I left him with the officers but I can't remember
12 if it was downstairs or upstairs or at the room.

13 Q Okay. And do you recall, Mr. Karst, officers
14 Chartier and Morrison putting a hidden microphone
03:46 15 in the room where Inspector Roberts was
16 interviewing Nichol John and Ronald Wilson?

17 A Knew nothing of it, sir.

18 Q And were you present in a hotel room when either
19 Wilson or John were being interviewed by Roberts
03:46 20 and listening in on the conversation?

21 A I was not.

22 Q Okay. Were you aware that that had happened?

23 A Not until later.

24 Q And when did you become aware of that?

03:47 25 A That I can't say, but I know I heard about it



1 later.

2 Q And heard about what later?

3 A That they had recorded the -- or videoed the
4 working of the polygraph.

03:47 5 Q Okay. When you say -- was it video or audio tape?

6 A Well, you know, I'm not sure.

7 Q Okay. When you say 'at some time later' are we
8 talking years later; are you able to help us out
9 on that?

03:47 10 A I would say sometime probably before the trial.

11 Q And what did you become aware of?

12 A That Mr. Roberts had done a polygraph test on
13 Wilson.

14 Q I'm sorry, my question was but when did you become
03:47 15 aware that Chartier and Morrison -- and let me
16 back up, maybe you didn't understand my earlier
17 question. When did you become aware that the
18 interview by Inspector Roberts of Nichol John
19 and/or Ron Wilson was listened to and/or taped by
03:48 20 Officers Chartier and Morrison?

21 A That I don't know.

22 Q And I'm sorry, earlier you said you became aware
23 at some point, and I want to make sure you weren't
24 talking about the polygraph?

03:48 25 A That's what I was talking about.



1 Q Okay. I want to spec -- I take it you became
2 aware that Inspector Roberts had conducted a
3 polygraph of Ron Wilson at some point; is that
4 fair?

03:48 5 A Yes, that's true.

6 Q And when would that have been?

7 A That would have been at some time before the
8 trial.

9 Q Okay. And so I'm sorry, then, the question is as
03:48 10 far as the taping, I think -- and you heard
11 Officer Chartier's evidence before this Commission
12 about what he says he and Officer Morrison did
13 with the hidden microphone and the taping?

14 A I heard that.

03:48 15 Q Okay. And my question is did you hear or become
16 aware of that? I think you said you weren't
17 there, you don't recall being present?

18 A Uh-huh.

19 Q After that did you, at a later point, become aware
03:49 20 that Chartier and Morrison had put a hidden
21 microphone in the room?

22 A Sometime way later I found it out.

23 Q Okay. And when would that be, before the trial,
24 after the trial?

03:49 25 A Probably, oh, quite a while after, so I just can't



1 put a date on it.

2 Q Okay. And do you remember how you became aware of
3 that?

4 A No, sir, I don't.

03:49 5 Q And are you aware as to whether or not there was a
6 tape of what either Nichol John or Ron Wilson had
7 said in that interview room?

8 A No, sir, I'm not.

9 Q And then I think you had earlier said that, after
03:49 10 you dropped Mr. Wilson off at the hotel, you would
11 have got a call later on?

12 A Sometime later, yes.

13 Q And, what, who was that from and what was it
14 about?

03:50 15 A Mr. Roberts came to the door of the room with Mr.
16 Wilson, and I can't remember whether he had more
17 than one knife or just the one, and said 'Mr.
18 Wilson is prepared to give you some statement
19 about this', and he had identified a knife.

03:50 20 Q Okay.

21 A And with that I left, and took him to the station,
22 and took a statement.

23 Q And would that have been the first time that you
24 met Mr. Roberts?

03:50 25 A Yes.



1 Q And then I think, at this report here, it says:
2 "... and at 3:00 PM, I called at room
3 #610 of the Cavalier where Wilson picked
4 out a knife which was out of a group of
03:50 5 five, which Insp. Roberts had shown him
6 as being similar to the one he states he
7 had seen en route from Regina to
8 Saskatoon on the morning of Jan. 31st,
9 this being a reddish brown coloured bone
03:51 10 handled type paring knife."

11 And so again, Mr. Karst, did you remember; did
12 you observe Mr. Wilson picking out a knife?

13 A Not that I remember, but apparently he did,
14 because I have it written here in my report.

03:51 15 Q Well, and I think Mr. Wilson had picked out a
16 knife, I think that had been shown. My question
17 was whether you were present and observed -- do
18 you recall observing Mr. Wilson actually picking
19 out a knife?

03:51 20 A In the room with Roberts?

21 Q Yes?

22 A No, sir.

23 Q So your memory is that -- that -- tell me what
24 your memory is about the knives and your dealings
03:51 25 with Roberts and Wilson?



1 A I was never in the room where the polygraph was,
2 and my best recollection is that Roberts either
3 gave me one knife or several, and handed it to me
4 and told me that Ron Wilson was prepared to give
03:52 5 me a statement about these knives.

6 Q Okay. And was it your understanding that Mr.
7 Wilson had already identified a knife?

8 A That was my understanding.

9 Q Okay. Then it says:

03:52 10 "Wilson was then brought to the Police
11 Station and at 3:30 ... a statement was
12 taken from him with regards to the above
13 described incident adding to the
14 original that he had seen this knife in
03:52 15 the car during the trip, which he
16 previously denied."

17 Etcetera, and talks about the statement. So
18 let's go to 006701, please, and this is your
19 handwriting; is it?

03:53 20 A That's correct.

21 Q And at May 23, '69, 3:30 p.m.; is that right?

22 A That's correct.

23 Q And that's your signature at the bottom left-hand
24 corner?

03:53 25 A It is.



1 Q And after you took this statement, and I'll go
2 through the statement in detail, do you recall
3 what -- what you did with Mr. Wilson or where you
4 took him?

03:53 5 A Not specifically, no.

6 Q Do you remember if you took him back to the
7 Cavalier Hotel?

8 A I have the feeling that I did, but I can't
9 remember.

03:53 10 Q Okay. And when you took this statement of Mr.
11 Wilson what was your understanding, if any, as to
12 whether or not he had undergone the polygraph or a
13 lie detector?

14 A I think, by the time I took the statement, I
03:54 15 realized that he had undergone a test.

16 Q Okay. And was that based on something he told you
17 or someone else told you?

18 A Well, probably I knew by this time that the man I
19 met was a polygraph operator, and that's what he
03:54 20 would be doing there.

21 Q So did you -- did you think, then, that he had
22 given a statement and been tested?

23 A I think I knew he had been tested.

24 Q And what was your understanding at the time as to
03:54 25 what a polygraph or a lie detector machine did or



1 a polygraph operator did?

2 A As far as I knew it was to detect whether the
3 person was lying or telling the truth.

4 Q And did you have any understanding as to whether
03:54 5 or not the statement -- and we'll go through it --
6 that Wilson gave you on May 23rd; what was your
7 understanding as to whether or not that statement
8 or story had been tested by Mr. Roberts?

9 A I don't understand the question.

03:55 10 Q Okay. Did you -- did you have -- now you took
11 this statement from Mr. Wilson?

12 A Right.

13 Q Let me just ask a few questions about that.

14 A Okay.

03:55 15 Q And that was at the police station?

16 A Yes.

17 Q And was it question and answer or did you just
18 have him tell you what --

19 A It looks like he just told me what happened.

03:55 20 Q And you wrote down what he told you?

21 A Correct.

22 Q And so that information that he disclosed in this
23 statement -- and we'll go through it -- there's
24 some new information, did you -- is that something
03:55 25 that you understood that he had told to Roberts



1 earlier?

2 A I believe so.

3 Q And did you have an understanding as to whether
4 Mr. Wilson's statement, or this information that
03:55 5 you took down, was something that Inspector
6 Roberts had tested for the truth?

7 A That's what I believed.

8 Q Okay. So that you had understood that what Mr.
9 Wilson was telling you had been tested by this
03:55 10 machine in some fashion; is that fair?

11 A That's fair.

12 Q Do you recall Mr. Wilson's demeanour at this time?

13 A No, sir, I don't.

14 Q And was there anyone else in the room when you
03:56 15 took this statement; do you remember?

16 A No, sir.

17 Q And then, if we could go to page 006704, I note
18 that the statement was sworn before a Justice of
19 the Peace; is that right?

03:56 20 A That's correct.

21 Q And was that your practice at the time, to have
22 statements sworn?

23 A Not all the time.

24 Q Okay. And when did you do it and why?

03:56 25 A When? Well I don't know what the date is there



1 but --

2 Q Oh, sorry, I'm just wondering in what
3 circumstances would you get a statement sworn?

4 A In serious cases, and for the reason to impress
03:57 5 upon the witness that he could be charged with
6 perjury if he was lying.

7 Q And so was it a -- something you did to try and
8 let the witness know that they better tell the
9 truth; is that --

03:57 10 A That's correct.

11 Q And do you recall any concern by Mr. -- expressed
12 by Mr. Wilson about swearing this statement?

13 A None.

14 Q We'll go to a typewritten version, 065361, please.
03:57 15 And Mr. Karst, this is just a typed version of the
16 written statement you took.

17 A Yeah.

18 Q And call out that paragraph, please. Actually, go
19 back to the first paragraph, I'm sorry. It says:

03:57 20 "Ron Wilson states:

21 With regards to the statement I
22 gave Inspector Riddell in Regina I now
23 have a few things to add and change."

24 And would you have had the statement he gave to
03:58 25 Riddell, do you think, when you took this



1 statement?

2 A No, I don't think I ever seen that statement.

3 Q Would you not want to know what he was adding and
4 changing from that?

03:58 5 A I probably had some idea what Riddell had found
6 out.

7 Q Okay.

8 A But I never seen a statement.

9 Q It says:

03:58 10 "On the way from Regina to Saskatoon we
11 stopped at Alesbury where Milgaard broke
12 into an elevator office. I think he
13 stole a flashlight which I have at
14 home."

03:58 15 And that was information that he had told you on
16 May 21st when you were driving back; correct?

17 A That's correct.

18 Q So you already had that, just not in a statement
19 form?

03:58 20 A That's correct.

21 Q Next paragraph:

22 "Also today Mr. Roberts showed me 5
23 small knives at the Cavalier Hotel and I
24 picked out a brown bone handled one
03:58 25 which I had seen Milgaard with somewhere



1 between Regina and Saskatoon. He may
2 have got this knife from the Champs
3 Hotel where we ate that day. I don't
4 know just where I seen this knife on him
03:59 5 but I remember it or one like it."

6 And this was new information; correct?

7 A Correct.

8 Q In fact the day earlier he had told you in the car
9 when you asked him whether he saw a knife, he says
03:59 10 'I don't recall seeing a knife on Mr. Milgaard';
11 is that right?

12 A That's right.

13 Q And so now, with Mr. Roberts, he has identified a
14 knife, and a brown bone handled one, which I
03:59 15 presume at the time you knew to be similar to the
16 murder weapon?

17 A I did.

18 Q And next paragraph:

19 "Also when we got to Saskatoon and were
03:59 20 looking for Cadrain's we got stuck
21 earlier trying to make a "U" Turn just
22 after we had spoken to a young lady in a
23 dark coat about directions. This was in
24 the area where the police showed me the
03:59 25 all night cafe."



1 And I think, if we pause there, I think that is
2 around 22nd and P, is that right, or somewhere in
3 that vicinity?

4 A In the vicinity.

5 Q Yeah.

6 A I don't remember where that cafe was but --

7 Q And if we look at that, he had already told you
8 that he got stuck. Do you remember if he had told
9 you it was trying to make a U-turn or not?

04:00 10 A I don't recall that coming up before.

11 Q So the U-turn part was new, and he says:

12 "... just after we had spoken to a young
13 lady in a dark coat ..."

14 And I think your report the day before said a
04:00 15 girl, which is -- a girl and young lady, do you
16 view those as the same?

17 A Yeah, young person.

18 Q Yeah, in a dark coat, and again that, was the dark
19 coat a new piece of information?

04:01 20 A I believe.

21 Q Okay. And it says:

22 "This was in the area where the police
23 showed me the all night cafe."

24 And I think the day before he had already told
04:01 25 you that it was in that vicinity; is that



1 correct?

2 A Right.

3 Q "She said she didn't know where Piece
4 Hill was and when we left Milgaard said
04:01 5 she was a stupid bitch."

6 And he had already told you that the day before;
7 right?

8 A Correct.

9 Q "She had been walking on the passenger
04:01 10 side & Milgaard was the only one that
11 spoke to her."

12 I think again you knew that.

13 "I should also mention that on the way
14 to Saskatoon we discussed pulling B &
04:01 15 E's, rolling someone or purse snatching
16 for money. I don't really remember if
17 this girl was carrying a purse."

18 So the discussion about pulling B & Es, rolling
19 someone and purse snatching, you knew that a day
04:01 20 or two earlier; correct?

21 A That's correct.

22 Q Scroll down, it says:

23 "Dave & I got out to push when we got
24 stuck but we couldn't get out. Dave
04:01 25 said he'd go for help & he left &



1 disappeared behind the car. About 15
2 minutes later Dave came back, kind of
3 running & breathing heavy & got into the
4 car."

04:02 5 Again, that's something that he had already told
6 you; is that right?

7 A That's right.

8 Q Now, there's no mention here in this statement as
9 to what Ron Wilson was doing while David Milgaard
04:02 10 had left the car for 15 minutes; is that correct?

11 A That's correct.

12 Q And do you recall discussing that with him or
13 asking him what he was doing?

14 A I don't recall that.

04:02 15 Q And it says that:

16 "About 15 minutes later Dave came back,
17 kind of running & breathing hard & got
18 into the car. He said something to the
19 effect that "I got her" or "I fixed
04:02 20 her". I said "you what" and that ended
21 the conversation."

22 So I take it from that, that when David Milgaard
23 returned to the car, Ron Wilson was already in
24 it; is that right? Is that fair?

04:02 25 A It appears that way.



1 Q And this is new information about David Milgaard
2 saying I got her or I fixed her, is that fair,
3 that's new information?

4 A I agree with that.

04:03 5 Q Then:

6 "I don't remember if Dave had his shoes
7 on or off when he left the car. I don't
8 remember just when we got out, if it was
9 before or after Dave came back to the
04:03 10 car that 2 men in a cream colored dodge
11 or chrysler pushed us out by hand. I
12 think we were stuck there about 6:30 -
13 7:00 A.M."

14 And again I think that was information generally
04:03 15 that you had already received from him; is that
16 fair?

17 A Yes, we had already known they had been stuck.

18 Q And it says:

19 "We eventually got to Cadrain's about
04:03 20 9:00 A.M. after we drove around, got a
21 map at a motel where Dave had his shoes
22 off, got stuck in a lane."

23 Scroll down, it says:

24 "At Cadrain's I changed my pants because
04:03 25 of acid on them. Dave also changed his



1 clothes. When he went out to get his
2 suitcase I noticed blood on the front of
3 his pants at Cadrain's, I also noticed
4 they were ripped up the ass."

04:04 5 So the changing of the pants because of acid,
6 that had been -- that wasn't new was it?

7 A No.

8 Q However --

9 A I don't know about his pants, but I know he
04:04 10 changed his clothes.

11 Q However, his statement that he noticed blood on
12 the front of Milgaard's pants at Cadraings, that
13 was new information?

14 A It was.

04:04 15 Q And in fact I think the day before and the two
16 days previous you asked him specifically if he saw
17 blood and he said no; is that correct?

18 A That's correct.

19 Q And what did you make of it that he was now saying
04:04 20 okay, I saw blood?

21 A He's finally coming out with more information.

22 Q And did that concern you, that he wouldn't have
23 told you that the day before, the two days before?

24 A No. As I said before, you don't always get all
04:04 25 the information at once.



1 Q And so even though that he had given you some
2 incriminating evidence, you would agree with
3 that --

4 A Yes.

04:04 5 Q -- that it was not unusual in your view for him to
6 withhold some further incriminating evidence?

7 A I concur with that.

8 Q Okay. So that you didn't find anything unusual
9 that -- or let me rephrase that. When he gave you
04:05 10 some incriminating evidence, did you expect to get
11 it all in one shot?

12 A I can't say I did or I didn't.

13 Q And then it goes on to say:

14 "On the way to Calgary --"

04:05 15 If you could scroll down:

16 "On the way to Calgary Nicky found a
17 white or cream colored compact with
18 flower design, I'm not just sure about
19 the color. She found this someplace in
04:05 20 the car. She asked Dave who's it was
21 and I don't know what he said, he just
22 took it and threw it out the window."

23 Let me pause there for a moment. This compact,
24 and this is new information; is that right?

04:05 25 A That's right.



1 Q And would this be the first time you ever heard
2 about a compact being thrown out of the Milgaard
3 vehicle?

4 A I believe so.

04:05 5 Q And had you heard that from anybody else then?

6 A No.

7 Q And would this be significant?

8 A Very much so.

9 Q In what way?

04:06 10 A Well, if they had just stolen a girl's purse or
11 anything of that nature, there may have been a
12 compact in it.

13 Q Okay. And then:

14 "I remember on the road to Calgary Nicky
04:06 15 would scream every now & then, I don't
16 know what was the matter with her."

17 And I think that may have been a new piece of
18 information; is that --

19 A That's right.

04:06 20 Q And did you find, did you view that as being
21 potentially incriminating?

22 A I do.

23 Q Next page, please, and then he says:

24 "At Calgary we went to the bus depot,
04:06 25 that is Dave & I. Nicky & Shorty stayed



1 in the car. We went to make a few phone
2 calls for a girl I knew - Heather Beaton
3 - who I couldn't find. This is when
4 Dave told me he hit a girl in Saskatoon,
04:06 5 or maybe he said he did a girl in in
6 Saskatoon. I don't remember for sure
7 which. He told me he grabbed her purse
8 & she fought & he said he jabbed her
9 with a knife a few times & said he put
04:07 10 her purse in a trash can. He said he
11 thought she would be alright."

12 Again, this would be information that you had not
13 heard before; is that fair?

14 A That's correct.

04:07 15 Q And was it your understanding that this
16 information had been provided by Mr. Wilson to
17 Inspector Roberts?

18 A About the purse?

19 Q Yes.

04:07 20 A I don't know.

21 Q When you went to take the statement after you met
22 with Inspector Roberts, or after Mr. Wilson met
23 with Mr. Roberts, did you understand that
24 Mr. Wilson had provided further incriminating
04:07 25 information to Mr. Roberts about the case?



1 A Yes.

2 Q And that you were going to record it in a
3 statement?

4 A That's correct.

04:07 5 Q And would you describe the taking of this
6 statement from Ronald Wilson, and on the one
7 extreme would be a scribe writing down what he
8 told you and the other extreme would be you
9 questioning him and getting further information.
04:08 10 Can you tell us where in that spectrum it might
11 have been or what it was?

12 A Probably in between.

13 Q So in part you were writing down what he was
14 telling you?

04:08 15 A Probably I was asking questions too.

16 Q Okay. And so do you know whether or not some of
17 this information in this statement may have been
18 information that he hadn't even told Inspector
19 Roberts?

04:08 20 A That could be. I don't know.

21 Q Okay. And this information here about his
22 discussion in Calgary and Mr. Milgaard telling
23 Mr. Wilson that he had hit a girl, grabbed her
24 purse, etcetera, and jabbed her, do you recall how
04:08 25 that came out?



1 A No, sir, I don't. It looks like he just
2 voluntarily come out with it.

3 Q Prior to -- prior to getting this information, had
4 you heard this theory or story anywhere else, that
04:09 5 Mr. Milgaard had made this statement to Mr. Wilson
6 in Calgary?

7 A No, I didn't.

8 Q Had you talked to Mr. Wilson prior to this
9 statement about the fact that a purse was found in
04:09 10 a trash can?

11 A No, I hadn't.

12 Q And why not?

13 A As I said before, you let them tell you. You
14 can't -- you shouldn't implant things like that in
04:09 15 their mind, let them tell you.

16 Q So, for example, if the day prior, and I'm not
17 suggesting this, Mr. Karst, this is an example, if
18 the day before you had said to Ron Wilson her
19 purse was found in a trash can right by where the
04:09 20 body was found, are you saying then that if the
21 next day he gives you a statement with that in
22 there --

23 A That's correct, it's very easy for him to say
24 that's where the purse was because I've already
04:10 25 told him.



1 Q And so you are saying that you wouldn't have told
2 him about the purse?

3 A No, sir.

4 Q Do you know if any other police officer would have
04:10 5 told him about it?

6 A I have no idea.

7 Q Do you know, if that would have happened in your
8 presence, would you have been aware of it?

9 A I'm sure I would.

04:10 10 Q And do you have any recollection of that?

11 A No, I don't.

12 Q And then the next paragraph:

13 "A little later in Calgary when Nicky &
14 I were to-gether I told her what Dave
04:10 15 had told me & she said she already knew.
16 I don't know when he told her. We
17 talked about ditching Dave but we were
18 afraid of him so we decided against it."

19 And do you recall how this information came out?

04:10 20 A It looks just like in a matter of conversation.

21 Q So I take it at this time, at least from what
22 Mr. Wilson told you, assuming it to be correct,
23 that Nichol John would also have known about the
24 murder; is that fair?

04:11 25 A It appears that way.



1 Q And did you know that Nichol John was being
2 interviewed by Inspector Roberts the same day that
3 Mr. Wilson was?

4 A No, I did not, until afterwards.

04:11 5 Q And then he adds at the end:

6 "Other than these 4 pages I can't think
7 of anything different than before. I
8 might also add that I am sure that
9 Milgaard killed that nurse, Gail
04:11 10 Miller."

11 And is that something do you recall Mr. Wilson
12 telling you?

13 A As it's recorded there.

14 Q And again, Mr. Karst, you would agree that in this
04:11 15 statement Mr. Wilson has added some, again some
16 further new information than what you had known
17 before; is that --

18 A That's correct.

19 Q And do you recall after having taken this
04:11 20 statement and having it sworn, whether you had any
21 concerns about the credibility of what he had
22 said?

23 A I don't think I had.

24 Q Okay. Did the fact that Mr. Wilson had undergone
04:12 25 a polygraph examination influence your views on



1 the credibility of this statement?

2 A I believe it may have.

3 Q In what way?

4 A Well, if this machine is supposed to be able to
04:12 5 detect lies, I think it should be, have some
6 bearing on your thinking.

7 Q And did you have an understanding then that what
8 Wilson had to say had been in some way tested or
9 verified by Inspector Roberts?

04:12 10 A My understanding was that from what Wilson said
11 was to be the truth.

12 Q And on what -- I'm sorry, and on what basis did
13 you believe that?

14 A Well, if it would have been lies, or thought to be
04:13 15 lies, I don't think Inspector Roberts would have
16 said he's picking out a knife, there would be no
17 point in that.

18 Q Yeah. Just so that I understand then, you placed
19 some weight on the fact that Inspector Roberts had
04:13 20 undertaken a test of Mr. Wilson; is that fair?

21 A That is correct.

22 Q Now, the records indicate that Nichol John was
23 brought back to Saskatoon by Mr. Mackie I believe
24 on the 22nd of May and that she was interviewed
04:13 25 with Inspector Roberts, or interviewed by



1 Inspector Roberts on the 23rd of May, and do you
2 recall meeting Nichol John or interviewing her on
3 the 23rd of May or when she was in Saskatoon?

4 A I don't.

04:13 5 Q Did you know that she was being interviewed by
6 Inspector Roberts on the 23rd at some point?

7 A Later on I learned that.

8 Q Later on that day or later on --

9 A No, later on in the investigation.

04:14 10 Q Okay. And when and how did you become aware of
11 that?

12 A I can't answer that. I don't know.

13 Q So once you were done with Mr. Wilson, do you
14 remember what you did with him? Once you got the
04:14 15 statement -- I take it at that time the statement
16 that he gave you, in your mind would it be fair to
17 say that you would have viewed Mr. Milgaard as a
18 bit more than a suspect, that perhaps this was
19 enough to charge him?

04:14 20 A It was beginning to look like he was more
21 incriminated than I had originally known him to
22 be.

23 Q And would you have delivered the handwritten
24 statement to somebody or phoned them and said
04:14 25 lookit, here's what he told me, or what did you do



1 with this information?

2 A I don't know, but it would go in the file.

3 Q And you had earlier that day dropped off I think,
4 or went with Wood and Short and perhaps Penkala to
04:15 5 the Cavalier Hotel; is that correct?

6 A That's correct.

7 Q And what did you understand they were doing there?

8 A I really didn't know until I brought Wilson there
9 and then I found out and they obviously told me
04:15 10 they were conducting a polygraph test.

11 Q And when you were done with Mr. Wilson, did you
12 know if any of those senior officers were still at
13 the Cavalier or where they were?

14 A I don't know, sir.

04:15 15 Q And I take it when you took Mr. Wilson's
16 statement, the May 23rd statement, there were
17 pieces of information in there where he made, or
18 provided information about what Nichol John either
19 said or did or heard; is that fair?

04:16 20 A That's fair.

21 Q And I take it then as an investigator, that one
22 step would be to see whether or not she would
23 corroborate that; is that fair?

24 A That's fair.

04:16 25 Q And so if Ron Wilson said Nichol John said or did



1 something and Nichol John corroborated it, that
2 might suggest that it's -- it may be truer; is
3 that fair?

4 A That's fair.

04:16 5 Q And if Nichol John had a different version, then
6 that might cause you concern; is that fair?

7 A That's fair.

8 Q And so again, and I don't need to go back to the
9 statement, but certainly the fact of getting stuck
04:16 10 and Mr. Milgaard leaving the car, that's something
11 that again you would expect if Mr. Wilson is
12 telling the truth, that Nichol John would also say
13 that happened?

14 A If it's true, she would substantiate it.

04:16 15 Q And similarly when Mr. Milgaard came back and said
16 "I fixed her" or something that Wilson heard, you
17 would check to see if Nichol John heard that as
18 well?

19 A Yes.

04:17 20 Q And Ron Wilson's statement said that Nichol had
21 found a compact and it had been thrown out the
22 window. Do you remember that?

23 A I remember that.

24 Q So that's something again you would check with
04:17 25 her, or someone would check with her?



1 A Yes.

2 Q And that on the trip Nickey screamed I think he
3 said, that's something again you would check with
4 her?

04:17 5 A I would.

6 Q And that in Calgary Ron Wilson said that David
7 Milgaard had admitted stabbing a girl and throwing
8 the purse in the trash can and that he went on to
9 tell you as well that he told Nichol that in
04:17 10 Calgary and Nichol said she already knew. Do you
11 remember that?

12 A That's correct.

13 Q So again that's something that you would want to
14 check -- or someone would want to check with
04:17 15 Nichol John; is that fair?

16 A Yes.

17 Q If we could go back to 009264, please, go to page
18 267, and again this just details your report, I
19 don't propose to go through it, you talk about him
04:18 20 being brought to the police station and some of
21 the information that's added in the statement. Do
22 you see that?

23 A Yes.

24 Q And the next page, please, in your report, we can
04:18 25 just call out that part, please. So your report



1 talks about the statement and goes on to describe
2 what's in the statement. Then the next entry is
3 the morning of May 24th, further interviews were
4 again held with Wilson, and I'll deal with that a
04:19 5 bit later, but there's nothing in your report as
6 to what happened after you've got the statement;
7 would you agree with that?

8 A I would agree with that.

9 Q And as far as Nichol John is concerned, there is
04:19 10 not a police report at least that we have that
11 details what happened with her on May 23rd, and
12 Mr. Mackie prepared a report that details some of
13 his dealings with her, but there's no mention of
14 what happened with her on that day, and again do
04:19 15 you have any recollection or knowledge, of your
16 own knowledge as to what happened with Nichol John
17 on that day when Inspector Roberts was in town?

18 A No, sir, I don't.

19 Q And did you become aware -- I think the record
04:20 20 indicates that on May 23rd, after meeting with Ron
21 Wilson, Inspector Roberts met with Nichol John and
22 in the course of that interview he says that
23 Nichol John admitted to seeing, to witnessing the
24 murder and to seeing David Milgaard stab the girl
04:20 25 and then a statement was taken the next day. Do



1 you recall becoming aware about that information
2 on May 23rd or around that time?

3 A I became aware it was sometime later, but I don't
4 know just when, but it wasn't that day.

04:20 5 Q And what causes you to say that?

6 A To say what?

7 Q That you didn't find out that day.

8 A Because I know it was sometime later before I
9 found out.

04:20 10 Q And do you remember how you found out or --

11 A Obviously somebody told me.

12 Q And I take it that as far as this investigation
13 was concerned, the fact that someone was now
14 claiming to have witnessed the murder and
04:21 15 identifying David Milgaard as the killer, that
16 that would be a significant piece of information?

17 A I think so.

18 Q And, I mean, the next day you took a statement
19 from Ron Wilson. Do you think you would have
04:21 20 heard about it then at the police station?

21 A I think it might have been later. I just can't
22 tell you when.

23 Q Now, the record also indicates that the interview
24 with Roberts and Nichol John was on May 23rd in
04:21 25 the afternoon and her written statement, which was



1 taken by Raymond Mackie was the next day, May
2 24th, and I'm wondering, Mr. Karst, if you can,
3 and I appreciate this -- I think you've told us
4 you didn't have any dealings with her, but whether
04:21 5 it would be unusual to not take her statement
6 until the next day. Is that something that you
7 would find to be unusual?

8 A I don't know. Maybe Staff Sergeant Mackie had
9 some reason for that, maybe he was too busy. I
04:22 10 don't know.

11 Q If, for example, and again if in the afternoon
12 when Inspector Roberts is here and Nichol John
13 says to him, you know, I remember, I witnessed the
14 murder, do you not think that would be something
04:22 15 that the police would want to get down in a
16 statement pretty quickly?

17 A You mean right now or at that day?

18 Q Well, that day.

19 A I don't know that it's that important, if you put
04:22 20 it down the next day or that day.

21 Q Okay.

22 A As long as it was recorded someplace --

23 Q Okay.

24 A -- very shortly, that would suffice.

04:22 25 Q And are you aware of any reason as to why if what



1 the record suggests her statement wasn't taken
2 until the next morning?

3 A I don't know.

4 MR. HODSON: Mr. Commissioner, this might
04:23 5 be, it's about 4:25, an appropriate spot to
6 break. I'm moving to a different area.

7 (Adjourned at 4:25 p.m.)

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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
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Karen Hinz, CSR

Official Queen's Bench Court Reporter

_____, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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