

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

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

\*\*\*\*\*

On Wednesday, August 24th, 2005

Volume 62

Inquiry Proceedings



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Ms. Lana Krogan,               **for** Government of Saskatchewan  
Ms. Catherine Knox,           **for** Mr. T.D.R. (Bobs) Caldwell  
Mr. Jay Watson, Esq.,         **for** Mr. Serge Kujawa  
Mr. Rick Elson, Esq.,         **for** the Saskatoon Police Service  
Mr. Aaron Fox, Q.C.,         **for** Mr. Eddie Karst  
Mr. Bruce Gibson and Ms. Rochelle Wempe, **for** the RCMP  
Mr. Eamon O'Keefe, Esq.,     **for** Mr. Larry Fisher  
Mr. David Frayer, Q.C. and Ms. Jennifer Cox, **for** Minister  
  of Justice (Canada), The Hon.  
  Irwin Cotler  
Mr. Alexander Pringle, Q.C., **for** Justice Calvin Tallis  
  (Retired)



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- BY MR. HODSON

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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

EDDIE ALEXANDER KARST, continued:

BY MR. HODSON:

Q Good morning, Mr. Karst.

A Good morning, sir.

Q Yesterday we finished up talking about the May  
23rd statement that you took from Ronald Wilson.  
Do you recall that?

A I do.

Q And just to sort of get the chronology a bit, I  
think we had gone through in detail your  
investigation report and everything that  
Mr. Wilson had told you up until the evening of  
May 22nd. You recall we went through your  
report --

A I do.

Q -- and some items there, and then I think you said  
on the 23rd you took Mr. Wilson to the Cavalier,  
he went through a session with Mr. Roberts and you  
told us you picked up Mr. Wilson and met Mr.  
Roberts I think you said for the first time; is  
that right?



1 A I believe so.

2 Q And he said words to the effect that Mr. Wilson  
3 has more to tell you or something like that.

4 A Words to that effect, yes.

09:01 5 Q And then you went and took the statement?

6 A Correct.

7 Q And I think you also told us that prior, or when  
8 we talked about the information that Mr. Wilson  
9 had given you, okay, you personally, on the 21st  
09:02 10 and 22nd, you had not yet put that into a  
11 statement; is that fair?

12 A Apparently not.

13 Q And so the statement of May 23rd that we went  
14 through, would that be to capture firstly those  
09:02 15 items that Mr. Wilson had told you on May 21st and  
16 22nd, the new items; is that fair?

17 A I would think so.

18 Q And secondly, the items or information that he had  
19 provided to Inspector Roberts in the polygraph  
09:02 20 session; is that fair?

21 A Yes.

22 Q And so it would be a combination of the two; is  
23 that fair?

24 A I think that's fair.

09:02 25 Q And I asked you yesterday about your recollection



1 of Nichol John and where she was at this time and  
2 I believe you said that you didn't recall dealing  
3 with her on the 23rd?

4 A No, I don't.

09:03 5 Q And when you brought Mr. Wilson, I think you told  
6 us after you were done with Mr. Wilson I believe  
7 you said, and please correct me if I'm wrong, that  
8 you either took him, you may have taken him back  
9 to the Cavalier Hotel or you may have taken him to  
09:03 10 the Ritz Hotel or you couldn't recall. Do you  
11 remember --

12 A To the best of my recollection, I think I took him  
13 back to the Ritz Hotel.

14 Q And do you recall having any further dealings with  
09:03 15 Mr. Wilson that day?

16 A Not on that day.

17 Q Do you recall having any further dealings with  
18 Inspector Roberts other than the incident you  
19 described for us when you picked up Mr. Wilson and  
09:03 20 had the knife shown to you?

21 A I'm sorry, I don't recall anything further.

22 Q I'm wondering if we could go, I would like to go,  
23 Mr. Karst, to Inspector Roberts' transcript of his  
24 evidence at the Supreme Court of Canada and just  
09:03 25 go through parts of that. It's document 043300



1 and, Mr. Karst, this is -- you'll recall you  
2 testified at the Supreme Court hearings in  
3 February I think of 1992?

4 A I did.

09:04 5 Q And Inspector Roberts, who is now deceased, he  
6 also testified as part of those proceedings and so  
7 I'm going to go through and ask you some questions  
8 about some of the things that he had said under  
9 oath at the Supreme Court; okay?

09:04 10 A Yes.

11 Q And first if you could go to page 043320, and this  
12 is where Mr. Roberts is being examined by Mr.  
13 Neufeld who is the lawyer for the Government of  
14 Saskatchewan, and this is Mr. Roberts, says, and  
09:05 15 he's talking about May 23rd and 22nd, and he says:

16 "I then went to the hotel. Now, as far  
17 as my recollection goes, I set up the  
18 polygraph the next morning in the hotel.  
19 About ten o'clock, or thereabouts --

09:05 20 Q Do you happen to recall what hotel chain  
21 it was?

22 A Yes, sir. It was -- I keep referring  
23 to it as the Sheraton Cavalier."

24 Next page, he goes on to say:

09:05 25 "A After I was set up Mr. Wilson was





1 brought to me by a detective. I think  
2 it was Detective Karst, but I cannot be  
3 sure of that."

4 And that would be consistent with what you had  
09:05 5 said earlier, that you took him to Inspector  
6 Roberts?

7 A Yes.

8 Q And if we can go to the next page, please -- I'm  
9 sorry, just go back, and at the bottom here Mr.  
09:05 10 Roberts is talking, this is talking, Mr. Roberts  
11 is talking about his interview with Ron Wilson,  
12 recall what happened on the morning and he relayed  
13 to me that Nichol John and Milgaard in the car.  
14 Next page. And so this is Mr. Roberts telling you  
09:06 15 the initial story that Ron Wilson told him, and  
16 they were driving around, stopped somebody to ask  
17 directions, don't know whether they got it, but  
18 apparently the car got stuck and he got out to try  
19 and get help.

09:06 20 "He went away and came back later -- I  
21 don't know how much later -- and found  
22 that -- the first thing that ticked me  
23 off was that he said the girl, Nichol  
24 John, was highly agitated."

09:06 25 Now, if I pause there, I think the he, if you



1 just read that, refers to Ron Wilson, it says:

2 "He got out to try and get help. He

3 went away and came back later --"

4 And:

09:06 5 "He said the girl was highly agitated."

6 So again I just want to point that out, I'm not

7 asking you to comment on this part of his

8 evidence, and then it goes on to say:

9 "Now, that was not the exact words he

09:06 10 used, but I gathered from his words that

11 the girl in the car, Nichol John, was

12 quite upset, quite agitated ..."

13 And then if we could go to page 043324, and if I

14 can just pause here, Mr. Karst. Yesterday we

09:07 15 went through in detail information that

16 Mr. Wilson had provided you that tended to

17 incriminate Mr. Milgaard; is that fair, what he

18 had told you?

19 A That's fair.

09:07 20 Q And would it be fair to characterize it as

21 circumstantial information?

22 A Yes.

23 Q And then Roberts says as following:

24 "A Of course --"

09:07 25 And he's talking about his initial discussion



1 with Wilson:

2 "A Of course, he did not admit to anything,  
3 or of seeing anything. Now, that was  
4 when I asked him then, again, "Would you  
09:07 5 volunteer for a polygraph test?", and he  
6 agreed to it."

7 And then he talks about making up some questions.

8 Then if you can go to page 043332, and,

9 Mr. Commissioner, we've gone through this

09:08 10 transcript with other witnesses, I'm only going

11 to identify those parts that I wish to have Mr.

12 Karst review and ask questions about. Mr.

13 Roberts previously testifies about setting up the

14 polygraph and going through that process and then

09:08 15 he's describing what happens and Roberts says:

16 "A I said to him --"

17 This is Ron Wilson, and they are talking about

18 the polygraph chart or the results:

19 "No, that is where I asked you, 'Do you

09:08 20 suspect anyone? Do you know for sure?'"

21 And I said, "Can you explain that?" He

22 finally said that Milgaard had made a

23 remark to him, and he said that he kind

24 of thought that he wasn't sure, and he

09:08 25 couldn't really say for sure he was the



1 one. I asked him then, I said, "Well,  
2 what did he say to you?" He said that  
3 he had hit the girl. He had hit a girl.  
4 Now, I took it to mean Gail Miller. I  
09:08 5 said, "Did he say the girl in the back  
6 alley?", and he said, "Well, I knew it  
7 was the girl in the back alley and he  
8 said he hit the girl." I said, "What  
9 did you take it to mean by that?" Well,  
09:09 10 he says, "That he murdered her." He  
11 didn't say "murdered", he said something  
12 else, but it meant the same thing.  
13 "Killed her", I think he said."

14 Here Mr. Roberts is saying that this, he's  
09:09 15 testifying that this is information that  
16 Mr. Wilson told him on May 23rd and I think, Mr.  
17 Karst, yesterday when we went through his  
18 statement that you took on May 23rd, I believe  
19 you said that this piece of information was  
09:09 20 something that Mr. Wilson had not told you prior  
21 to going to see Inspector Roberts; is that fair?

22 A That's fair.

23 Q And it was something that he told you on May 23rd  
24 though when you took his statement?

09:09 25 A Correct.



1 Q If you could carry on, or scroll down, please, it  
2 says:

3 "Q Go on. Please, relate --

4 A I said, "Well, do you know for sure?

09:09 5 Did you see it?" And he said, "No, he  
6 did not see it." I said, "Well, how do  
7 you -- what makes you think that it  
8 happened?" "Well", he said "because he  
9 told me." I said, "How many times did  
09:09 10 he tell you?" Now, he said once he told  
11 him, and then later on I think he said  
12 twice Milgaard told him."

13 And again that is something, Mr. Karst, that  
14 Mr. Wilson had not disclosed to you prior to  
09:10 15 going to see Inspector Roberts; is that fair?

16 A That's fair.

17 Q Then if we can go to page 043335 and then Roberts  
18 says, and again to the question can you tell me  
19 any more you recall, he says:

09:10 20 "A Yes, in talking to him --"

21 Which is Ron Wilson,

22 -- he indicated that he had got out of  
23 the car. I think it was to seek help to  
24 get a tow-truck, or get a push, or  
09:10 25 something. When he came back he said



1                   that the girl in the car, Nichol John,  
2                   was quite agitated. She was upset. He  
3                   asked her, apparently, what had  
4                   happened, and I'm not too sure of the  
09:10 5                   reply, sir, so I would rather not say."

6                   And this part about Nichol John being agitated or  
7                   upset when Mr. Wilson returned to the car, I  
8                   don't believe that was something that was in, or  
9                   that was told to you prior to Mr. Wilson going to  
09:11 10                  see Inspector Roberts, at least it wasn't in your  
11                  report; is that fair?

12           A           That's fair.

13           Q           And it was in the statement that you took after  
14                        Mr. Wilson met with Inspector Roberts?

09:11 15           A           I think so.

16           Q           And then Mr. Neufeld says:

17                        "Q I don't want you to speculate, as I told  
18                        you in the beginning. Just go on with  
19                        your recollections.

09:11 20           A           As I say, I went on with this, and I  
21                        asked him, then, would he be prepared  
22                        to now tell the truth about the  
23                        matter. Now that he had told me about  
24                        it, would he now be prepared to tell  
09:11 25                        the Saskatoon City police about it and



1 give them a statement to this effect,  
2 because he was only a witness. He  
3 agreed to that. I then, I guess,  
4 phoned the Saskatoon City police and  
09:11 5 shortly thereafter a detective came  
6 and picked him up, and I believe it to  
7 be Karst that picked him up.

8 In front of Karst I said,  
9 "Ron has now told me what had  
09:11 10 happened. Milgaard told him that he  
11 hit a girl or killed a girl in the  
12 back alley and he wants to tell you  
13 about it." I think my last words to  
14 him were, "Thanks, Ron. Make sure you  
09:12 15 tell everything."

16 Q All right. That was the end of your  
17 test process with Mr. Wilson?

18 A Yes."

19 Now, does that accord with your, the last part of  
09:12 20 your recollection of picking up Mr. Wilson?

21 A Yes.

22 Q And I take it, sir, and you may have already  
23 answered this, but prior to this, prior to your  
24 meeting and picking up Ron Wilson when Inspector  
09:12 25 Roberts was there, had Mr. Wilson, prior to that,



1 told you that David Milgaard had told Ron Wilson  
2 that he had hit or killed a girl in a back alley?

3 A Could you repeat that, please?

4 Q Sure. And again, I've just gone through what

09:12 5 Inspector Roberts said he told you when he was  
6 done the polygraph with Ron Wilson?

7 A Yes.

8 Q And the words here are, "Ron has now told me what

9 had happened," and prior to that, and I think May

09:12 10 22nd in the evening, remember we went through

11 yesterday everything that Ron Wilson had told you?

12 A Yes.

13 Q And had Ron Wilson told you prior to going in to

14 see Inspector Roberts that David Milgaard had told

09:13 15 Ron Wilson that he hit a girl or killed a girl in  
16 a back alley?

17 A No, he had not.

18 Q And then he says, scroll down, he says:

19 "Q Okay. Do you know, yourself, today, how

09:13 20 long you were with Mr. Wilson in total  
21 time that day?

22 A I would say about two hours the first

23 time. He was taken away and then I

24 think I phoned again and requested him

09:13 25 to come back in the afternoon when





1                   Nichol John was there. He came back,  
2                   and I'm going to say for about another  
3                   hour, hour-and-a-half, with Nichol  
4                   John. Maybe an hour. And there we  
09:13 5                  discussed it again. Then, the  
6                   Saskatoon City police -- we went down  
7                   for coffee. I remember going  
8                   downstairs for coffee; buying them  
9                   coffee. We took a walk in the park,  
09:13 10                across from the Sheraton Cavalier, and  
11                  came back, the three of us. Then I  
12                  called for the Saskatoon City police  
13                  and they came and picked him up."

14                And then:

09:14 15                "Q    Can you tell me, after you first left  
16                    Mr. Wilson in the hands of the city  
17                    police, after you finished your first  
18                    interview with him and the test, all  
19                    right --

09:14 20                A    Yes, sir.

21                Q    Who did you then interview?

22                A    Nichol John."

23                And I'm wondering, Mr. Karst, do you have any  
24                recollection of being with Inspector Roberts  
09:14 25                together with Nichol John and Ron Wilson on May



1 23rd?

2 A I have no recollection of that.

3 Q And it would appear, according to Inspector  
4 Roberts' evidence here, that he took a polygraph,  
09:14 5 or interviewed Ron Wilson and got the story that  
6 appears to have been similar to what, at least in  
7 part what had been told to you prior. He then  
8 conducted a test, then had Mr. Wilson make some  
9 further incriminating statements and then he

09:14 10 called you to take a statement and then it appears  
11 that he called you back or somebody back to bring  
12 Wilson back and spent some time with Wilson and  
13 John. Were you aware of that?

14 A If he, somebody brought Wilson back, I don't  
09:15 15 recall that, ever being aware of that.

16 Q Now, I guess another possibility is, and again  
17 let's get back to when you picked up and took his  
18 statement, whether you are able to tell us, and  
19 let's assume for the moment that Inspector  
09:15 20 Roberts' evidence is correct, whether you would  
21 have taken Mr. Wilson's first statement, the May  
22 23rd statement after the first time that Inspector  
23 Roberts was done with him and before he  
24 interviewed Ron, or before he interviewed Nichol  
09:15 25 John, or is it possible, sir, that the statement



1           was taken after Wilson was brought back and Mr.  
2           Roberts met with Wilson and John together?

3       A       The only thing that I can say is I believe that  
4           Mr. Roberts was -- had completed his mission with  
09:15 5           Mr. Wilson when I picked him up and took him to  
6           the station.

7       Q       And is it possible that -- let me -- your  
8           recollection is picking up Mr. Wilson only once;  
9           is it?

09:16 10      A       That's correct.

11      Q       Now is it possible that another officer may have  
12           picked up Mr. Wilson the first time?

13      A       That's possible.

14      Q       In which case your statement from him on May 23rd  
09:16 15           would have been after Mr. Wilson had talked to  
16           Nichol John and Inspector Roberts together; do you  
17           know if that happened?

18      A       I don't, I don't believe that.

19      Q       Okay, and why do you say that?

09:16 20      A       Well when I picked him up, I don't know, I didn't  
21           see anything of Nichol John or anything. He could  
22           have been in the room, I guess, but I had -- I was  
23           under the impression that, when I had picked him  
24           up, he had just talked to Wilson.

09:16 25      Q       Okay. And so again, when we go through Inspector



1           Roberts' -- and I appreciate, sir, this is his  
2           recollection of what happened -- is it your  
3           belief, then, that you would have taken Mr.  
4           Wilson's statement after Mr. Roberts conducted the  
09:16 5           polygraph and was done with him -- was done with  
6           it?

7           A       That was my recollection.

8           Q       Okay. And I think I said you don't believe Nichol  
9           John was present at that time?

09:17 10          A       If she was I do not recall it.

11          Q       And if we can go to the next page, please. And,  
12                  again, we'll just go through some of Mr. Roberts'  
13                  recollection of his dealings with Nichol John. He  
14                  is asked:

15                 "Q    Can you tell us, please, of your  
16                        recollection of your dealings with  
17                        Nichol John?

18                 A    Yes, sir. Now, it would be, I think,  
19                        after lunch, but I'm not too sure. I  
20                        remember taking both of them down for  
21                        coffee, so it would have to be after  
22                        lunch when Wilson came back that we  
23                        went for coffee."

24                 And if I pause there, your statement with him is  
09:17 25                 dated to be -- you picked him up at 3:00; is that



1 right?

2 A I believe so.

3 Q And the statement, then, was at 3:30?

4 A I believe so.

09:17 5 Q Do you have any reason to dispute the accuracy of  
6 those times?

7 A No, I don't.

8 Q Then the question:

9 "Q What I'm trying to understand, though,  
10 is that you had -- you've told us you  
11 had the two individuals together.

12 A Yes, but that was after I spoke to  
13 Nichol John alone.

14 Q That's what I'm trying to understand.  
15 Could you tell me about that aspect of  
16 your involvement, and tell me where that  
17 fits in in the chronology, please?

18 A Yes, sir.

19 Q I want to take you back once more.  
20 You've told us now that Mr. Wilson was  
21 given over to the city police,  
22 right?

23 A Yes, sir.

24 Q What happens next?

25 A The next thing is I spoke to Nichol



1 John. She was brought to the room. I  
2 introduced myself again, told her who  
3 I was and that I understood she may  
4 have some information with respect to  
5 the murder of Gail Miller."

6 And then if we could skip ahead to page 043341,  
7 and this is Mr. Roberts telling about what Nichol  
8 John had said to him. And his evidence, sir, was  
9 that there was nobody else in the room, just him  
10 and Nichol John. And here's the remark where he  
11 showed the bloodied nurse's uniform and:

12 "I said, 'What if this had been your  
13 sister?', and she burst out, she said,  
14 'My God, I do remember. I do remember.  
15 I saw him fighting with her down the  
16 lane. I saw him stab her.' I said,  
17 'Well, now you remember', and she said,  
18 'Yes.' I said, 'Was there some reason  
19 that you didn't want to tell me before?'  
20 She said, 'I couldn't tell you before.  
21 I didn't remember until I saw the  
22 dress.'"

23 And then scroll down, and then he carries on  
24 about talking to her, and she says:

25 "... 'What did you do when you saw



1                   this?' She said, 'I think I got out of  
2                   the car. I think I got out of the car  
3                   and ran.' I said, 'Well, where did you  
4                   run to?' She said, 'I don't know.'  
5                   Well, I said, 'Did you get back in the  
6                   car? Were you picked up after, or what  
7                   happened?' She said, 'I must have got  
8                   back in the car, because I was there  
9                   when Ron came back.' I said, 'What  
10                  happened then?', and again she couldn't  
11                  remember what happened."

12                So it appears here that, according to Mr.  
13                Roberts, Nichol John is saying that -- or appears  
14                to be saying that Ron Wilson had also left the  
09:19 15                car; is that fair?

16           A           Who was saying that?

17           Q           That Nichol John is saying that, at least  
18                        according to Inspector Roberts.

19           A           Yes.

09:19 20           Q           And then down at the bottom:

21                        "But I felt at that time that she had  
22                        made an admission. She told me what she  
23                        knew. I said, 'Would it help you if I  
24                        brought back Wilson and we sat down  
25                        together and talked about it? Would it



1 help your memory?' To that, I imagine,  
2 she must have said, 'It may', because I  
3 did get Wilson back again. That's when  
4 Wilson came back and we sat and talked  
5 for, I don't know, possibly about  
6 three-quarters of an hour.

7 But I cannot recall anything  
8 else that came out of that talk, other  
9 than they went over it again. I  
10 remember Wilson saying, 'Well, I didn't  
11 see that. I guess I was away from the  
12 car.' "

13 And I'm wondering, having gone through that, Mr.  
14 Karst, does that assist you at all in trying to  
09:20 15 recall the sequence of events as to whether or  
16 not you were aware of Mr. Roberts putting Nichol  
17 John and Ron Wilson together at some point on May  
18 23rd?

19 A I can't recall being aware of that.

09:20 20 Q Okay. And, based on your recollection of events  
21 and your dealings with Mr. Wilson, do you think or  
22 do you know whether the meeting described here by  
23 Inspector Roberts would have been before or after  
24 you took Mr. Wilson's statement at 3:00 p.m., 3:30  
09:21 25 p.m., on that day?





1 A I just don't know, I have the -- I was of the  
2 opinion that it was before he talked to Nichol  
3 John but -- and I can be mistaken because I wasn't  
4 in the room.

09:21 5 Q Now what about the -- Mr. Roberts stating that  
6 after Nichol John made an admission, that getting  
7 Nichol John and Ron Wilson to get together and  
8 talk about the events, what are your views about  
9 that?

09:21 10 A About him having the two together?

11 Q Yeah, yeah?

12 A I really can't express an opinion on that because  
13 I don't know how people run polygraphs and what  
14 they do.

09:21 15 Q Okay. Yesterday we had talked about risks that  
16 may happen when you put two witnesses together to  
17 talk about things, and I think you had put Nichol  
18 John and Cadrain together, but said 'I had Ron  
19 Wilson to verify it'?

09:22 20 A Right.

21 Q Would you have had any concern about putting Ron  
22 Wilson and Nichol John together to talk about what  
23 they remember?

24 A I would have, I don't know how they run the  
09:22 25 polygraph, but I think I would have had concerns.



1 Q If we ignore -- and I appreciate your comment  
2 about the polygraph, and let's assume for the  
3 moment there had been no polygraph, you are just  
4 trying to get the truth from these two witnesses;  
09:22 5 would you have had a concern yourself, on May  
6 23rd, of bringing Wilson and John together and  
7 having them discuss what happened together before  
8 they gave statements?

9 A Yeah, I think there is always that possibility  
09:22 10 that they can get together and concoct a story.

11 Q And what is the risk, sir, the potential risk?

12 A Well, as I said, they very easily can concoct a  
13 story up without anybody knowing.

14 Q And so, when you took the statement from Ron  
09:23 15 Wilson on May 23rd, were you aware -- and I'm not  
16 saying that he did talk to Nichol John prior,  
17 I'm -- I think that's an issue, a fact to be  
18 determined -- but were you aware that he may have  
19 talked to her, together with Inspector Roberts,  
09:23 20 before he gave the statement?

21 A No, sir, not that I recall.

22 Q And when you picked him up again -- and sorry to  
23 go over this again -- but when you picked him up I  
24 think you said that's when Inspector Roberts  
09:23 25 showed you the knife?



1 A Correct.

2 Q And that's when he said 'go, he has something to  
3 tell you'?

4 A That's right.

09:23 5 Q And if you had been aware that Ron Wilson had  
6 spent three-quarters of an hour talking to Nichol  
7 John and Inspector Roberts about the matter, would  
8 that have caused you concern in taking Mr.  
9 Wilson's statement?

09:24 10 A Then again I don't know whether -- at this time I  
11 was under the impression that he hadn't talked to  
12 -- the two hadn't been together --

13 Q Okay.

14 A -- so I had no qualms about taking Wilson's  
09:24 15 statement.

16 Q I wonder if we can go to page 043359, and this is  
17 Mr. Wolch questioning Inspector Roberts, and he  
18 says:

19 "Q Yes. How long, in total, were you with  
20 these kids, cumulatively?

21 A Both of them?

22 Q Both. All time. Talking to one, the  
23 other, or both.

24 A From about ten o'clock in the morning  
25 to, I would say, around two-thirty in



1 the afternoon, and interspersed in  
2 there, I know, was a cup of coffee and  
3 a walk in the park with the two of  
4 them."

09:25 5 Now if that evidence is correct, Mr. Karst, that  
6 would suggest that at the 3:00 or 3:30, when you  
7 took Mr. Wilson's statement, that Mr. Roberts  
8 would have already talked to Nichol John and Ron  
9 Wilson together?

09:25 10 A If that is correct, that's what I understand  
11 there.

12 Q Okay. Then if we can go to page 043374 and,  
13 again, here Inspector Roberts says:

14 "A And I know, when Wilson came back, that  
15 I told him what Nichol had said in front  
16 of Wilson.

17 Q I see. So that if Wilson was to have  
18 changed a significant portion of his  
19 story, that may have been because of  
20 what you told him Nichol said?

21 A No, sir.

22 Q Well, how would you know?

23 A I tested Wilson first and Wilson told  
24 me first.

25 Q He told you that he had left the



1 car?

2 A Yes. After -- yes.

3 Q At the very beginning?

4 A Not at the very beginning; after I  
5 tested him.

6 Q And before you talked to Nichol?

7 A Yes.

8 Q You are sure of that?

9 A Yes.

10 Q It can't be wrong?

11 A I'm not wrong on that, sir."

12 And so, again, it appears here that Mr. Roberts  
13 is saying that he had tested -- or got Mr.

14 Wilson's story and tested it before he brought

09:27 15 him back and told him Nichol's story which,

16 again, I think is what you had said earlier, you

17 thought you had taken the statement after the

18 first -- after the polygraph, the first polygraph  
19 session had been completed?

09:27 20 A That's what I was under the impression.

21 Q Now if we can go back to 009264, please, and go to  
22 page 268. Call out that paragraph, please. And  
23 this is your report, sir, of May 25th, '69, and it  
24 says:

09:28 25 "The morning of May 24th, 1969, further



1 interviews were again held with Wilson  
2 where he stated he would like to change  
3 and add to various parts of his  
4 statement given the previous day."

09:28 5 Do you recall dealing with Mr. Wilson again on  
6 the morning of May 24th?

7 A Yes.

8 Q And what do you recall about that? And I'll go  
9 through his statement, I'm just talking your  
09:28 10 recollection of the circumstances of how this came  
11 up?

12 A I don't know how it came up.

13 Q Okay. Well would someone have made you aware  
14 that -- I believe the evidence shows that Mr.  
09:28 15 Wilson was staying at the Ritz Hotel; would  
16 someone have made you aware that he had further  
17 information to add?

18 A Possibly.

19 Q You have no recollection of that?

09:28 20 A No, sir, I don't.

21 Q Do you have a recollection of picking him up or  
22 meeting with him at the police station?

23 A No. I have seen my statement so I know I took a  
24 statement from him.

09:29 25 Q But, today, do you have a memory of dealing with



1 him a second time and taking that statement?

2 A I don't know.

3 Q Okay. And if we could call up 006705, please, and  
4 this is -- that's your handwriting; is it?

09:29 5 A It is.

6 Q And it's May 24, '69, 9:30 a.m.; do you see that?

7 A Yes.

8 Q And go to the next page, please, and this  
9 statement; that's your signature there?

09:29 10 A Yes.

11 Q And would this statement have been taken at the  
12 police station do you think?

13 A I would think so, because the Justice of the Peace  
14 there, he worked out of the police station.

09:29 15 Q And we'll maybe go to the typed version of the  
16 document, 065360, please. And call out that  
17 paragraph, it says:

18 "I would like to add further occurrences  
19 to what I said yesterday in my sworn  
09:30 20 statement. When Dave and I got out to  
21 push the first time we were stuck we  
22 couldn't push the car so I said to Dave  
23 'You go one way for help and I'll go the  
24 other'. I went to the corner on the  
09:30 25 drivers side of the car and walked down



1 the block, I couldn't find help so I  
2 went back to the car the same way I had  
3 left. The car was still stuck. Nicky  
4 was waiting in the car almost  
09:30 5 hysterical."

6 And just pause there. And I think yesterday,  
7 when we went through the May 23rd statement and  
8 where Mr. Wilson had told you that David Milgaard  
9 had left the car, remember we went through  
09:31 10 that, --

11 A Right.

12 Q -- I think I pointed out to you at that time that  
13 the statement was silent as to where Mr. Wilson  
14 was at that time, it didn't say he was in the car,  
09:31 15 it didn't say he had left, it talked about -- or  
16 he talked about Mr. Milgaard leaving and coming  
17 back; do you remember we went through that?

18 A Yes, I recall that.

19 Q And so it would appear, here, that he is adding to  
09:31 20 what he said by saying, in addition to Mr.  
21 Milgaard leaving, he also left the car; is that  
22 fair?

23 A That's fair.

24 Q And do you have a recollection -- and you remember  
09:31 25 when we went through the transcript of Mr.





1 Roberts, when he talked about when he brought  
2 Nichol John and Ron Wilson together, remember the  
3 comment where Roberts said when he relayed to Mr.  
4 Wilson about what Nichol John had seen and Wilson,  
09:31 5 he said Wilson's comment was 'I guess I must not  
6 have been there', or words to that effect;  
7 remember I showed you that?

8 A Yes, you did.

9 Q And now is it possible, Mr. Karst, that this  
09:32 10 additional statement may have been something that  
11 arose out of Mr. Wilson's meeting with Inspector  
12 Roberts and Nichol John either before or after you  
13 took the first statement?

14 A Very possible.

09:32 15 Q And then the second, I think the second piece of  
16 new information here, it says:

17 "Nicky was waiting in the car almost  
18 hysterical."

19 and I don't believe that had been in the first  
09:32 20 statement; is that fair?

21 A That sounds correct.

22 Q I stand to be corrected on that, I don't think  
23 it's in there, and then:

24 "I asked her what was wrong and she told  
09:32 25 me she saw Dave carry or drag a girl



1 down the lane and bring out the knife  
2 and stab her a few times. Then she  
3 broke down again. Dave came back to the  
4 car from the back I think and got in  
09:32 5 beside Nicky. She shrugged away from  
6 him. The rest is the same as I told you  
7 in the other statement."

8 And then talks about the car. And, again, this  
9 is a new piece of information that was not  
09:33 10 provided on May 23rd; is that fair?

11 A That's fair.

12 Q And again -- and I have asked you this question a  
13 number of times but I'll ask you again -- on May  
14 23rd, when you got Mr. Wilson to tell you his  
09:33 15 story, and I think it's agreed that he was  
16 incriminating Mr. Milgaard, would you have  
17 expected him to leave out further pieces of  
18 incriminating information? In other words were  
19 you concerned at all that he hadn't told you this  
09:33 20 the day before?

21 A I can't remember, but I would think I would have  
22 been.

23 Q Yeah. And, again, we went through Mr. Roberts'  
24 evidence where he talks about bringing Ron Wilson  
09:33 25 and Nichol John together and telling Ron Wilson



1 'here's what Nichol John saw'; again is -- you had  
2 talked about the risk of witnesses, and I can't  
3 remember the words you used, I think -- what were  
4 the words you used when -- not 'contaminating' but  
09:34 5 when you get two witnesses together discussing  
6 evidence?

7 A I don't remember the word I used.

8 Q Okay. Again, would there be a concern or did you  
9 have a concern that this piece of information may  
09:34 10 have resulted from Mr. Wilson and Ms. John  
11 talking?

12 A Like I say, I don't know whether I knew that they  
13 were together.

14 Q And in fairness, if we look back now, Mr. Karst --  
09:34 15 and, again, let's assume that Inspector Roberts'  
16 evidence at the Supreme Court is correct -- now  
17 when you look back at it do you see a risk there  
18 that perhaps this information may have come from  
19 Nichol John -- or pardon me -- may have arisen out  
09:34 20 of Mr. Wilson/Ms. John being together with  
21 Inspector Roberts?

22 A Oh, it's a possibility.

23 Q Okay. Now if we could just put this document on  
24 one side, and if we could call up the typewritten  
09:34 25 version of the May 23 statement, 065361. And I



1 take it the fact that Ron Wilson, on May 24th,  
2 would now be saying 'Nichol John told me she  
3 witnessed the murder right when I got back in the  
4 car'; would that be corroboration of Nichol John's  
09:35 5 evidence?

6 A I don't understand that.

7 Q Okay. The fact that Nichol John says 'I witnessed  
8 a murder', and the fact that she says 'I then told  
9 Ron Wilson right away that I witnessed a murder',  
09:35 10 and Ron Wilson says 'yes, I heard her tell me she  
11 witnessed a murder'; does Ron Wilson's evidence,  
12 does that corroborate Nichol John's statement?

13 A Correct.

14 Q In fact, if Ron Wilson had not or if Ron Wilson  
09:35 15 had said -- or let me back up. If Nichol John's  
16 statement is 'I witnessed a murder and then  
17 moments later Ron Wilson got in the car', and Ron  
18 -- and she says 'I told him about it', and Ron  
19 Wilson's evidence is 'I don't recall her telling  
09:36 20 me that, she didn't tell me that, I didn't notice  
21 anything unusual', that would tend to weaken  
22 Nichol John's evidence a bit?

23 A I would agree with that.

24 Q So if we could go back -- and, again, I take it  
09:36 25 this would have been an important piece of



1 evidence, Ron Wilson's corroboration of Nichol  
2 John's witnessing of the murder?

3 A I think I would feel that.

4 Q Yeah. And if we could go back to -- go to the  
09:36 5 second page of the document on the right-hand  
6 side, please, call out that paragraph and that  
7 paragraph, please. So on May 23rd, which is the  
8 top, the first statement, you will recall Wilson  
9 gives a statement that in Calgary Milgaard said  
09:37 10 that he jabbed her with a knife, etcetera, and  
11 then Wilson on May 23rd says:

12 "A little later in Calgary when Nicky  
13 and I were together I told her what Dave  
14 had told me ...",

09:37 15 i.e. that he admitted to stabbing someone:

16 "... and she said she already knew."

17 The next day Mr. Wilson says that, when he got  
18 back in the car on the morning of January 31,  
19 that Nichol John had told him that she:

09:37 20 "... saw Dave carry or drag a girl down  
21 the lane and bring out the knife and  
22 stab her ...",

23 and it would seem, Mr. Karst, that if, on January  
24 31, 1969, Nichol John told Ron Wilson that she  
09:38 25 saw David Milgaard stab a girl in the alley, that



1 a little later in Calgary it wouldn't make much  
2 sense for Ron Wilson to be telling Nichol John  
3 'lookit, David Milgaard admitted he stabbed a  
4 girl' when, on the morning it supposedly  
09:38 5 happened, she had already told him. Do you  
6 follow?

7 A With difficulty.

8 Q Okay. Let's just go through it again. Do you  
9 see, if Mr. Wilson's second statement on March --  
09:38 10 or on May 24th, which is at the bottom, let's take  
11 that for a moment. And in that statement Ron  
12 Wilson says 'Nichol John, on the morning of  
13 January 31, '69 when I got back in the car, she  
14 told me she saw Dave carry or drag a girl down the  
09:39 15 lane and bring out the knife and stab her a few  
16 times', so if that's correct, on the morning of  
17 January 31 both Ron Wilson and Nichol John know  
18 that David Milgaard has stabbed a girl in the lane  
19 and Ron Wilson knows it, according to this  
09:39 20 statement, because Nichol John told him; right?

21 A Right.

22 Q And the statement the day earlier Mr. Wilson says,  
23 I think, that he found out in Calgary later, and I  
24 think that was the next day, when David Milgaard  
09:39 25 told him that he had jabbed a girl in the alley.



1 And Wilson's first statement, he says 'I went and  
2 told Nicky that and she told me she already knew',  
3 and I'm wondering if there -- if you or others saw  
4 an inconsistency, here, as to why Wilson -- if the  
09:39 5 second statement is true it wouldn't make much  
6 sense, would it, sir, for Mr. Wilson to be telling  
7 Nichol John something she already knew, and  
8 something that Wilson knew she already knew  
9 because that's where he heard it from; do you  
09:40 10 follow that?

11 A Yeah, I --

12 Q And I guess my question is is that something that  
13 would have been on your mind, or other officers at  
14 the time, do you recall that being discussed by  
09:40 15 the police?

16 A No I don't.

17 Q Would you agree that there is at least an issue  
18 there about which of those --

19 A Some discrepancy there, yes.

09:40 20 Q A discrepancy?

21 A Yes, I would agree with that.

22 Q Okay. And do you know if that was something that  
23 would have been pursued further with Mr. Wilson;  
24 do you recall checking that out at all?

09:40 25 A I do not.



1 Q And do you know if anybody else did?

2 A No, sir.

3 Q I think we're done with those statements. Now we  
4 know that that statement is 9:30 on the 24th, if  
09:41 5 we could call up 003038, please. And this is a  
6 statement that Nichol John gave to Raymond Mackie  
7 at 10:00 a.m., and I believe, I believe the  
8 evidence is that it was done at the police  
9 station. Do you recall Nichol John being present  
09:41 10 and giving a statement at the police station?

11 A No, sir, I don't.

12 Q And when you would have taken -- now Mr. Wilson's  
13 second statement is on the morning or half an hour  
14 prior to this; do you recall whether or not you  
09:42 15 would have been aware of what Nichol John had told  
16 Inspector Roberts or others?

17 A I don't specifically recall it, but I'm sure I  
18 would have been, or I think I would have been.

19 Q So if you were at the police station interviewing  
09:42 20 Wilson and Nichol John was there with Ray Mackie,  
21 and both of these individuals were giving evidence  
22 and statements incriminating to Mr. Milgaard, is  
23 that something you think you would have been aware  
24 of?

09:42 25 A I think that probably Mackie and I had discussed





1           them.

2           **Q**       Yeah. And then if we go to -- if you can call up  
3           the typewritten version of this, it's 018589, and  
4           if we can go to the second page, please. And here  
09:43 5           she says, she talks about describing what she saw  
6           take place in the alley, and then she says:

7                       "The next I remember is sitting in the  
8                       car. I don't remember Ron being in the  
9                       car or coming back."

09:43 10          And then scroll down one more paragraph, one more  
11          please, and then she says:

12                       "I don't remember talking to Ron before  
13                       Dave got back. I do not recall Dave  
14                       saying anything."

09:43 15          So it would appear, here, that at least in Nichol  
16          John's statement she is not -- maybe  
17          'corroborating' is the wrong word -- but she is  
18          not saying 'I told Ron Wilson about the murder';  
19          do you see that?

09:43 20          **A**       I see that.

21          **Q**       And so, again, would that be -- would you have had  
22          an opportunity to review Nichol John's statement  
23          after or be aware of its contents?

24          **A**       I think I would have had that opportunity.

09:44 25          **Q**       Do you recall if you did?



1 A No, sir.

2 Q And if we can go to the next page, please. And  
3 here again, Nichol John talks about the cosmetic  
4 case in the glove compartment, do you recall her  
09:44 5 corroborating that piece of information that Mr.  
6 Wilson had provided?

7 A Yes.

8 Q And then if we scroll down to this paragraph, and  
9 this is where Nichol John says in Calgary, sat on  
09:44 10 the steps:

11 "Here Ron told me Dave had killed a girl  
12 in Saskatoon. I told him 'I know'. I  
13 do not recall anything further being  
14 said about this murder."

09:44 15 So she seems to corroborate the first statement,  
16 being the May 23rd statement, where Wilson says  
17 -- is silent about Nichol John saying anything to  
18 him when he got back in the car on the morning of  
19 January 31; right? Let me just back up, Mr.

09:45 20 Karst. In the May 23rd statement what Wilson  
21 says is Milgaard left the car, got back, he  
22 doesn't say he left the car, Wilson does, he is  
23 silent, he doesn't say anything about Nichol John  
24 saying 'I witnessed a murder', and he later says  
09:45 25 'in Calgary I told Nichol what David had told me,



1           that David admitted the stabbing, a stabbing, and  
2           I told Nichol and she said she already knew', so  
3           Nichol John's statement appears to be consistent  
4           on those two points with that, is that fair?

09:45 5           A           That's fair.

6           Q           And the second statement of May 24th, which you  
7           took a half an hour before Nichol John's  
8           statement, where Wilson says, "When I got back in  
9           the car she told me she saw David kill a girl,"  
09:46 10          does not appear to be corroborated by this  
11          statement; is that fair?

12          A           That's fair.

13          Q           So how -- I'm just wondering, Mr. Karst, whether,  
14          at the time, is that something that would trouble  
09:46 15          the police or do you find that sometimes there are  
16          questions still remaining?

17          A           I would agree with that.

18          Q           And do you have a recollection of -- would someone  
19          with the city police, or would you have done, sat  
09:46 20          down and said okay, let's take a look at these  
21          statements and let's just see how they fit and  
22          things of that nature, do you recall doing that?

23          A           I don't recall it, but I was quite involved in it  
24          and I wouldn't be surprised if I took part in a  
09:47 25          discussion with Mackie or Short about it.



1 Q Do you have any recollection of it?

2 A No, sir, I don't.

3 Q So then after taking Ron Wilson's statement on May  
4 24th, do you remember if you had any further  
09:47 5 involvement in the following week or so?

6 A With?

7 Q With this investigation, and I don't -- actually,  
8 in fairness, let me bring up 009222, please, and  
9 this is Mr. Mackie's report. Actually, I'm sorry,  
09:47 10 I'll go first to your May 25th report, 009264, and  
11 go to the third page I think. Actually, the next  
12 page, please, and next page. So this is your  
13 report, let's just carry on and see what your May  
14 25th report says. It says:

09:48 15 "The morning of May 24th, 1969, further  
16 interviews were again held with Wilson  
17 where he stated he would like to change  
18 and add to various parts of his  
19 statement given the previous day. This  
09:48 20 was to the effect that when they  
21 originally got to Saskatoon, and had  
22 become stuck, Wilson had said to  
23 Milgaard, "you go one way for help, I'll  
24 go to the other," and that when he  
09:48 25 returned 10 - 15 minutes later Milgaard



1 had not yet returned, however, Nickey  
2 was still in the car but in a hysterical  
3 condition. She had told Wilson that she  
4 saw Milgaard dragg a girl down the lane  
09:48 5 and stab her with a knife, shortly after  
6 that Milgaard returned to the vehicle  
7 and sat beside Nickey, However, she  
8 shrugged away as she was afraid of the  
9 youth, understandably, at the time.

09:48 10 At present D/Sgt. Mackie is in  
11 Regina making further inquiries with  
12 regards to other investigations along  
13 this line, and it should be noted that  
14 several other investigations should be  
09:49 15 conducted at this point with regards to  
16 anyone, including the Millar girl's  
17 parents being aware of or being able to  
18 identify a compact which was found in  
19 the car by Nickey, also trying to locate  
09:49 20 this compact possibly in the ditches on  
21 the outskirts of the City, and also so  
22 far as having Ms. Indeyk see Nickey in  
23 her dark colored coat to see whether it  
24 was similar and whether the girl is  
09:49 25 similar to that of the girl which had



1                   approached her at the church at Avenue O  
2                   and 20th Street on the morning in  
3                   question."

4                   And so I take it here, Mr. Karst, it appears that  
09:49 5                  you are setting out your thoughts as to what  
6                  further investigation ought to be done?

7           A        Yes, sir.

8           Q        And would this -- tell me what the purpose of this  
9                  would be? Why would you be doing these things?

09:49 10          A        What are you referring to specifically?

11          Q        About looking for the compact case, talking to  
12                  Mrs. Indyk.

13          A        We must have been aware of the fact that the  
14                  Nichol girl said there was a compact thrown out.

09:50 15          Q        Do you recall, would you have taken any steps to  
16                  verify what either Wilson or John were telling you  
17                  in those statements?

18          A        I don't remember that. I would think I would.

19          Q        Do you know if others were? For example, we know  
09:50 20                  from Mr. Mackie, I believe, that, and Mr. Passet,  
21                  that a dog went out and searched the ditches for  
22                  the compact.

23          A        I recall that.

24          Q        And why would that be done?

09:50 25          A        To see whether we could substantiate -- I realize



1           it's a long ways from Saskatoon to Calgary, but we  
2           tried to search the area immediately out of town.  
3           Maybe if we had found one, we might substantiate  
4           Nichol John's story or Wilson's -- or yeah,  
09:50 5           Nichol's.

6           Q       We also have seen previously a newspaper article  
7           that was put in, I think May 27th in the  
8           *StarPhoenix*, asking the public to help identify  
9           two people who may have pushed out a vehicle that  
09:51 10          morning, and I think it was the two people that  
11          Mr. Wilson identified as in the cream-coloured  
12          Dodge or Chrysler that pushed them out. Do you  
13          recall that happening?

14          A       I'm sure I was aware of it at the time.

09:51 15          Q       So on May 24th, after you got the two statements  
16          from Wilson and the statement from Nichol John  
17          that Mr. Mackie took, would you continue to  
18          investigate the matter?

19          A       I would suggest we did.

09:51 20          Q       And why is that?

21          A       Anything we could find out helps.

22          Q       Then if we can just go back to finish your report:

23                    "Inquiries have been made in Regina in  
24                    regards to Milgaards whereabouts,  
09:51 25                    however, no one had any information to



1 offer with regards to his present  
2 employment or residence, in fact, it was  
3 revealed to me by the Wilson youth that  
4 Milgaard assaulted another girl in  
09:51 5 Regina and that he was being sought by  
6 various members of the Criminal Element  
7 in that Centre, and if the police didn't  
8 get to Milgaard before they do, they  
9 didn't need to worry about him."

09:52 10 And do you recall discussing that with Wilson?  
11 Do you know what that refers to?

12 A No, sir, I don't.

13 Q And then:

14 "Statement obtained from Nickey by  
09:52 15 D/Sgt. Mackie which coincides with above  
16 story related by Wilson."

17 So I take it from that that you would have been  
18 aware of the statement; is that fair?

19 A It appears that way.

09:52 20 Q And then you say:

21 "Investigation continuing."

22 And I think that's what you told us, you and  
23 others would continue to check out some of the  
24 things in Wilson and John's statement; is that  
09:52 25 fair?





1 A That's fair.

2 Q If we could then go to Mackie's report of 009222,  
3 please, and go to the next page, please, or page  
4 3, and this is Mr. Mackie's report, Mr. Karst, and  
09:52 5 we'll just go through parts of this, and Mackie  
6 says on May 24th he returned to Regina with Ron  
7 Wilson and Nichol John and received a black  
8 flashlight which he stated he had obtained from  
9 David Milgaard after the break-in at the elevator  
09:53 10 at Aylesbury. I also received one blue sweater  
11 that he had been wearing and then he went to the  
12 welfare department to interview somebody there, so  
13 would the flashlight, would that be to corroborate  
14 the information about the elevator break-in?

09:53 15 A I suspect that's true.

16 Q And then it appears -- Mackie doesn't state that  
17 you're with him in this report. Do you recall  
18 whether you would have gone with him on this?

19 A I don't recall getting that flashlight. When was  
09:53 20 this report left; do you know?

21 Q It's May 29th and this is talking about May 24th.

22 A Right, okay.

23 Q And then Mackie says that he called at Champs Cafe  
24 with the sample knife and to identify that. Were  
09:53 25 you aware that that had happened?



1 A I believe I was aware that Mackie was making  
2 efforts to find out where a knife could have come  
3 from.

4 Q And on May 24th both Nichol John and Ron Wilson  
09:54 5 had told the police that they saw a knife, a  
6 maroon-handled, a knife similar to the  
7 maroon-handled paring knife; is that fair?

8 A That's correct.

9 Q And then it appears, if you could scroll down, he  
09:54 10 took the sweater to the crime lab and then he  
11 called at the Regina police department where  
12 Walters had said he would try to locate Harris and  
13 Lapchuk, and I think earlier in Mr. Mackie's  
14 report Barbara Berard had told the police or  
09:54 15 somebody that Harris and Lapchuk knew Mr. Milgaard  
16 well, so do you know what, do you recall why  
17 Mr. Harris and Mr. Lapchuk may have been being  
18 pursued?

19 A I don't remember where this came from, but I think  
09:54 20 it had to do with the hotel reenactment.

21 Q I think that's a bit later, Mr. Karst, and I'll go  
22 through that, and Mr. Lapchuk is one of the  
23 fellows, so this -- this would be an earlier time  
24 frame.

09:55 25 A And I don't know why they would be pursued unless



1           somebody mentioned their names.

2           **Q**       And then Mackie goes on to say prior to leaving  
3           Regina you went to the Wilson home to interview  
4           Ron Wilson and his sister in regards to toques  
09:55 5           that might be missing but "I was unable to gain  
6           any information." And I take it that would have  
7           been the toque that you found or got from Helen  
8           Gerce?

9           **A**       I suspect it was.

09:55 10          **Q**       And then Mackie says on returning to Saskatoon he  
11          stopped at the elevator and received a statement  
12          from the agent, shown the flashlight that Wilson  
13          gave and he said it was an identical flashlight,  
14          and the knife, which I had, was shown to him and  
09:55 15          he stated he had never had a knife of this nature  
16          at the elevator and he did not know of any toque  
17          of the description of the one we had, so would it  
18          appear here that Mr. Mackie is trying to identify  
19          the toque and knife as being from the elevator?

09:56 20          **A**       I would agree with that.

21          **Q**       And then on May 27th, it goes on, and Mackie  
22          describes travelling to Laura, Saskatchewan and  
23          interviewing Gail Miller's parents and Gail  
24          Miller's brother about a compact and there's some  
09:56 25          information there about the compact. Do you



1 recall that being checked?

2 A I recall somebody checking it out.

3 Q And then he goes on, and stopped at Delisle to  
4 talk to Peggy Miller and again talks about the  
09:56 5 compact and some inquiries about that, and I take  
6 it you recall that happening?

7 A I believe I do.

8 Q Now, do you know why, Mr. Karst, and it appears  
9 from the record that Mr. Cadrain was not  
09:56 10 questioned May 21 to 24, do you know why  
11 Mr. Cadrain was not asked to take a polygraph or  
12 lie detector test?

13 A No, sir, I have no idea.

14 Q And in the May 20 to 24 time period where Wilson  
09:57 15 and John are being questioned, there's no mention  
16 of Mr. Cadrain being part of that. Do you have  
17 any recollection of anybody talking to Mr. Cadrain  
18 at that time?

19 A I don't have a specific recollection, but I know I  
09:57 20 was in touch with him from time to time, and  
21 whether I asked about the polygraph I don't know.

22 Q And again, are you aware of a decision being made  
23 not to polygraph --

24 A No, sir.

09:57 25 Q Polygraph Mr. Cadrain?



1 A No.

2 Q And any reason that you can tell us as to why, and  
3 I appreciate you told us that it was senior  
4 officers who made the decision to do the  
09:57 5 polygraph, but why the police would test Wilson  
6 and John's statements and not test Cadrain's  
7 statement?

8 A Sir, I can't enlighten you on that.

9 Q Okay. Now, after, and again I think I went  
09:58 10 through Mr. Mackie's report near the end of May  
11 and I think the record shows that around the end  
12 of May or early June Mr. Milgaard was charged with  
13 murder and arrested. Do you remember that  
14 happening?

09:58 15 A I remember of it.

16 Q And I'm wondering, do you recall being involved  
17 with any other officers and yourself sitting down  
18 and analysing the statements from Wilson and John  
19 and trying to verify it or justify it or  
09:58 20 corroborate it or challenge it based on other  
21 information you would have had on the police file?

22 A As I said, I know I was certainly involved, but I  
23 don't really recall getting together and having a  
24 meeting where we would discuss everything.

09:59 25 Q And you'll recall in your evidence yesterday or



1 the day prior when we talked about getting the  
2 first statements from Mr. Milgaard, Mr. Wilson,  
3 Ms. John and Mr. Cadrain, and I think you said  
4 that you didn't accept them at face value, that  
09:59 5 you would take steps to verify, etcetera?

6 A That's correct.

7 Q And I'm wondering, sir, did the police and you,  
8 let me ask you first, you and/or the police apply  
9 the same level or degree of scrutiny to the last  
09:59 10 statements from Nichol John and Ron Wilson as they  
11 did to their first statements?

12 A I don't believe that I did.

13 Q Okay. And why was that?

14 A I suspect I was under the impression that when Mr.  
10:00 15 Roberts had concluded his process, I must have  
16 felt that I guess he determined the truth and  
17 there would be no reason for me to check it.

18 Q And do you know if that was a view held by other  
19 officers at the time?

10:00 20 A That I don't know, sir.

21 Q And do you think it would have been -- let me  
22 rephrase that. I think when you told us before  
23 about looking at the first statements of Nichol  
24 John and Ron Wilson and Mr. Milgaard and  
10:00 25 Mr. Cadrain, that you would check inconsistencies



1 and just see how it all fit together, is that  
2 fair, to see if it rings true?

3 A That would be fair.

4 Q And if not, then that would suggest that something  
5 in the statement may not be right; is that fair?

6 A That's correct.

7 Q Now, in this case I just want to go through a  
8 couple of these to see whether this was something  
9 that you considered or whether you were aware that  
10 other police considered. The fact that Nichol  
11 John in her statement of May 24th, 1969 said that  
12 she saw David Milgaard drag a girl down the alley  
13 and stab her, and you'll recall we went over the  
14 condition of Gail Miller's body when she was found  
15 and the fact that her dress, her arms were out of  
16 the sleeves and her dress was rolled down, her  
17 jacket, she had her arm holes in and the stab  
18 marks were through the jacket and not dress, and I  
19 think, although there may be other explanations,  
20 but I think the most common explanation that we've  
21 seen is that she would have had to remove her  
22 winter coat, remove the top of her dress, or  
23 someone else remove it, and then put her coat back  
24 on. Is that a fair --

25 A That's a fair analyzation of that.



1 Q And so the fact that if Nichol John saw David  
2 Milgaard drag the girl down the alley and I think  
3 pull a knife out of his jacket and stab her,  
4 presuming that the stab marks are in the back of  
10:02 5 the coat, she would have had to have her uniform  
6 rolled down; is that fair?

7 A Something to that effect, yes.

8 Q And again I'm wondering, did anybody or did you  
9 look at that and say, well, how could Nichol John  
10:02 10 see Mr. Milgaard stab the nurse when the stab  
11 marks in the back of the coat suggest that she had  
12 to have her dress off first? I'm just wondering  
13 if that was something that came to your mind or  
14 that the police --

10:03 15 A I know it did to mine and I was never able to  
16 satisfy myself as to exactly what happened, but  
17 maybe somebody else did. I know it was in my  
18 mind.

19 Q And would that be an unanswered question, is that  
10:03 20 a fair --

21 A Yes.

22 Q Do you know if there were theories put forward  
23 about how her dress may have been taken off either  
24 in the car, their car or elsewhere, or do you  
10:03 25 recall anything of that nature?





1 A I believe there were many theories discussed, but  
2 I can't recall any completions of them.

3 Q As well the fact that Albert Cadrain saw blood, or  
4 what he thought was blood, Ron Wilson saw blood on  
10:04 5 Mr. Milgaard and Nichol John didn't see blood, the  
6 Danchuks didn't see blood, did that, was that  
7 something that you looked at and said how does  
8 that fit?

9 A I believe we did, or I did.

10:04 10 Q At the time the -- just back up for a moment on  
11 the statement. Now, Ron Wilson's statement about  
12 location as to where they got stuck, I think at  
13 the time he gave the statement he was around the  
14 area where the police drove him around, M, N, P,  
10:04 15 22nd Street. At the trial and prelim he talked  
16 about the funeral home, I don't believe he did in  
17 his statement, Nichol John in her statement talked  
18 about near the funeral home, and I'm wondering,  
19 did you or anybody else to your knowledge go out  
10:05 20 and go back and say, okay, well, if they got stuck  
21 in that vicinity, did anybody see them and go back  
22 and check who might have been in the area, who  
23 might have been talked to by the police to see  
24 whether or not they had information that could  
10:05 25 either corroborate or not corroborate Wilson and



1 John's statements?

2 A I'm sure it was checked.

3 Q Do you recall if you would have done that?

4 A No, I didn't.

10:05 5 Q And when you say you are sure it was, on what  
6 basis do you say that?

7 A Well, as I said, when these theories come up,  
8 that's the reason for leaving your reports, that  
9 somebody will check them.

10:05 10 Q And I believe the statements of Nichol John and  
11 Ron Wilson were such that they were travelling  
12 down a street, stopped Gail Miller, asked her for  
13 directions, then proceeded to get stuck, tried to  
14 push out their car and then went looking for help;  
10:06 15 is that right?

16 A That's the way I understood it.

17 Q And Gail Miller lived a block and a half from 20th  
18 Street. Do you recall that?

19 A I do.

10:06 20 Q Do you recall any discussion or any thinking about  
21 the timing, and in particular if it was Gail  
22 Miller who the vehicle, Mr. Milgaard's vehicle  
23 stopped to talk to, that if by the time they  
24 drove, got stuck, tried to push and went for help,  
10:06 25 whether Gail Miller would already be at the bus



1 stop on 20th Street. In other words, the timing  
2 of what Mr. Wilson and Ms. John said happened, do  
3 you recall ever looking at that?

4 A I'm sure we did.

10:07 5 Q Do you have any recollection of it?

6 A Not really.

7 Q And what about the fact, and this I think came up  
8 at the Supreme Court hearings, that I think the  
9 theory, or one of the theories or thoughts was  
10:07 10 that the rape and murder may have started out as a  
11 robbery; is that fair?

12 A That went through my mind.

13 Q And the fact that according to the statements of  
14 Wilson and John, when Mr. Milgaard left the car  
10:07 15 and then where Wilson and John say committed the  
16 murder, it would have been at a time when he knew  
17 his vehicle was stuck; is that fair?

18 A Fair.

19 Q And I think the question at that time was posed,  
10:07 20 well, would someone go and commit a robbery, a  
21 rape and a murder when their get-away vehicle they  
22 knew was stuck, and I believe that may have been  
23 put to you before, but did you consider that or do  
24 you know if the police considered that?

10:08 25 A I'm sure we considered it.



1 Q Do you have any recollection of it or --

2 A Not specifically, but we went through as many  
3 avenues as we could, or I'm sure I did.

4 Q Now, do you recall being part of the decision to  
5 lay charges against Mr. Milgaard or do you know  
6 who would have been involved in that?

7 A Specifically I can't remember, but I'm sure that I  
8 had a part of it.

9 Q And do you know whether or not -- or to what  
10 extent or what role if any would the prosecutor,  
11 Mr. Caldwell, play in the decision of the police  
12 to lay charges?

13 A I would suggest he would listen to the theories  
14 that were put to him and make a decision.

15 Q Let me rephrase that. Could the police back at  
16 the time, and let's talk specifically Gail Miller,  
17 if you know, or just generally, but could the  
18 police go and lay a charge of murder without  
19 getting either the approval, the okay or  
20 consulting with the prosecutor?

21 A I don't think without consulting him, but I don't  
22 know for sure what, the information he has to  
23 have.

24 Q And then once the charge is laid, what did the  
25 police do then with the file, or generally how did



1           you transfer the matter, if I can call it that,  
2           over to the prosecutor?

3       A       We had what, at that time what we called a court  
4           preparations officer.

5       Q       Yes.

6       A       The file would go to him, he would pursue it or  
7           peruse it, whatever you want to call it, and if he  
8           felt there was further things to be done, he would  
9           advise Mackie or Short or somebody that this is --  
10:10 10          that was done. If he was satisfied, I think he  
11          would probably take it to the prosecutor's office  
12          and see what conclusion he came to.

13       Q       And then once -- but after the charge is laid,  
14           okay, so the charge has been laid --

10:10 15       A       Yeah.

16       Q       -- and I think it's a given the prosecutor then  
17           presents the case to the court; is that fair?

18       A       That's fair.

19       Q       And the police, in order for the police to get the  
10:10 20          information to the prosecutor to present the case  
21          to the court, how would that happen after the  
22          decision has been made to lay the charge?

23       A       What other information are you referring to, sir?

24       Q       Just general information.

10:10 25       A       You are talking about the file?



1 Q Yes.

2 A Well, I would think that the court preparations  
3 officer took it to the prosecutor.

4 Q Okay. And do you have any knowledge of what parts  
10:11 5 of the file would be given to the prosecutor in  
6 this case or generally?

7 A No, sir, I don't. I just respected that he had it  
8 all, but I don't know.

9 Q If we can just go back again around the end of May  
10:11 10 of '69, Mr. Karst. You would agree that you would  
11 have spent time with Ron Wilson throughout March,  
12 April, May; is that fair?

13 A I agree.

14 Q And took the two statements the 23rd and 24th of  
10:11 15 May?

16 A That's correct.

17 Q What impressions did you have of Mr. Wilson at  
18 that time?

19 A Very dubious about him.

10:11 20 Q And why is that?

21 A He just didn't seem like the person I would want  
22 to put all my faith in?

23 Q And why is that?

24 A I guess just the way he came across to me. Just  
10:11 25 my feeling.



1 Q Did you have concerns about his credibility?

2 A I think I would have had.

3 Q And what do you as a police officer do in that  
4 situation where you have a witness -- a serious  
10:12 5 crime and an important witness; is that agreed?

6 A Agreed.

7 Q -- that has given incriminating evidence and yet  
8 you have, I think you said you had some doubts; is  
9 that fair?

10:12 10 A That's fair.

11 Q And would you have, would those doubts have been  
12 shared by others do you think in the police?

13 A I'm sure they were.

14 Q And would they have been communicated to the  
10:12 15 prosecutor?

16 A That I don't know. I would think so.

17 Q And were the doubts significant enough to cause  
18 you to rethink about pursuing Mr. Milgaard?

19 A No. I think the final touches were when the  
10:12 20 results of the polygraph were relayed at least to  
21 me, that I think that settled in my mind as to  
22 exactly Milgaard being guilty.

23 Q So if there had not been a polygraph conducted,  
24 would you have had more doubts about the truth of  
10:13 25 Mr. Wilson's statements?



1 A I doubt if charges had been laid.

2 Q Without the polygraph?

3 A Without the polygraph, because we wouldn't have  
4 had that information that Wilson came through with  
10:13 5 after.

6 Q So number 1, you are saying as a result of the  
7 polygraph you learned some additional information  
8 that was important?

9 A That's correct.

10:13 10 Q And the fact that at least you understood that his  
11 evidence was somehow verified by the polygraph,  
12 was that a factor as well?

13 A That would be a factor. I don't want to state  
14 that it was wholly on the polygraph, but it was  
10:14 15 certainly a mitigating factor. I was pretty  
16 convinced prior to that that Milgaard had  
17 something to do with this situation.

18 Q Okay. When you said something to do with it, are  
19 you saying that he was the murderer or that he was  
10:14 20 somehow --

21 A I guess that's what I'm insinuating.

22 Q When you say pretty sure, was it enough to lay, in  
23 your mind, to lay charges?

24 A No, I don't think charges would have been laid, in  
10:14 25 my opinion.





1 Q And again just on Ron Wilson and his evidence  
2 alone, what was your view as to whether his  
3 evidence alone was, in your mind --

4 A Alone it wouldn't have been, in my opinion,  
10:14 5 credible enough.

6 Q And why is that?

7 A Just my feeling about him.

8 Q And did that have to do with your dealings with  
9 him and the statements and what he told you?

10:14 10 A I believe it had.

11 Q What about Nichol John, what was your assessment  
12 of Nichol John?

13 A I don't think I ever really formed an opinion  
14 about her. All I know is that she was very quiet  
10:15 15 and seemed withdrawn to me, but what little I had  
16 to do with her, I thought she was honest enough.  
17 I had no doubts about her explanations, put it  
18 that way.

19 Q And her statement or her evidence that she  
10:15 20 witnessed the murder and witnessed David Milgaard  
21 committing the murder I take it would have been an  
22 important piece of evidence in the decision to lay  
23 the charges?

24 A I believe it was.

10:15 25 Q And if you did not have her eye witness account,



1 are you able to tell us whether, what your  
2 thoughts would have been about, A, whether you  
3 would have charged or the strength of the case you  
4 felt you would have had?

10:15 5 A The strength of the case would have been much  
6 weaker.

7 Q And what about your assessment of Albert Cadrain  
8 again at the end of May and his evidence and his  
9 credibility?

10:16 10 A As far as this situation was concerned, I thought  
11 his, he was credible enough.

12 Q Did you have concerns about his credibility  
13 though?

14 A I don't think I did.

10:16 15 Q If we can call up 105605, please. And this is a  
16 document, Mr. Karst, that was prepared by Elmer  
17 Ullrich, who is the case preparation officer, and  
18 we will be hearing from him next week and I think  
19 you had alluded earlier to him; is that right?

10:16 20 A I had.

21 Q And it's my understanding that his evidence and  
22 his earlier statements and his evidence will be to  
23 the effect that he was the person that would  
24 gather the information from the file, and he would  
10:16 25 put together a summary for the prosecutor that



1           would put together the police theory -- well,  
2           'theory' -- the police case, if I can call it  
3           that, what they thought, and as well the file or  
4           file information to be provided to the prosecutor,  
10:17 5           and you would have understood that that process  
6           took place at the time; is that fair?

7           A           That's fair.

8           Q           And that I think Mr. Ullrich's evidence will be  
9           that he would have gathered this information from  
10:17 10           the files and from talking to officers, and it  
11           would be a summary to the prosecutor saying  
12           'here's the case the police have put together',  
13           and I think you said earlier, 'let us know if  
14           there's anything further you think we ought to  
10:17 15           do'; is that a fair --

16          A           That's a fair assessment.

17          Q           And I think the timing of this may be around the  
18           end of June/early July, and again we'll hear  
19           evidence about that but I think, just time-wise, I  
10:17 20           think it was after Mr. Milgaard was charged and  
21           prior to his preliminary hearing that started in  
22           August. Okay? And I want to go through parts of  
23           this, and he is putting through the chronology,  
24           and he says:

10:18 25                        "They ...",



1 and he is talking to Mr. Wilson, Ms. John, and  
2 Mr. Milgaard:

3 "They are also alleged to have met a  
4 female walking on a street from whom  
10:18 5 Milgaard asked directions and offered  
6 her a ride which she refused. They  
7 allegedly continued to the entrance to a  
8 east-west lane where they allegedly  
9 became stuck. The police have not been  
10:18 10 able to determine the truthfulness of  
11 this."

12 So it appears from this, Mr. Karst, that at least  
13 at this time had the police been trying to  
14 determine the truthfulness of this part, to your  
10:18 15 knowledge?

16 A I presume we did try.

17 Q And is it --

18 A I don't know how you would actually verify that  
19 unless you could find somebody that witnessed it  
10:18 20 and, if you didn't find any, it would be difficult  
21 to substantiate.

22 Q I'm just wondering, I note the words 'alleged',  
23 'alleged', 'alleged', and then 'we can't determine  
24 the truthfulness of this'; would that be a fair  
10:19 25 summary of what the police thought at the time or



1 knew at the time?

2 A Well it looks like he was going by the information  
3 that we had from the witnesses, that he alleges  
4 that they met a female.

10:19 5 Q Okay.

6 A He is not saying that they met the female, he is  
7 just saying he alleged. Why he used that term, I  
8 guess because nobody else verified it.

9 Q Okay. And then if you can scroll down, next  
10:19 10 paragraph, and we see here it talks about:

11 "The sweater had no holes in it. This  
12 would suggest that the uniform top and  
13 sweater were removed and the top coat  
14 put back on."

10:19 15 So then I think you confirm that that would have  
16 been at least on your mind or you would have been  
17 aware of that at the time?

18 A I believe I was.

19 Q Then if you could scroll down, please, it says:

10:19 20 "Wilson and John in their statements to  
21 the police were not definite as to exact  
22 locations at all times. It would appear  
23 that if they were looking for Cadrain's  
24 address they were driving about in the  
10:20 25 general area of the murder scene and



1 Cadrain's. They appear to have been  
2 proceeding south in the 200 blk. Ave. N  
3 south when they observed Miller approx.  
4 7:00 a.m. walking south on the west  
10:20 5 sidewalk. Wilson who was driving pulled  
6 to the curb. John sat in centre front,  
7 while Milgaard sat in right front.  
8 Milgaard opened his door and allegedly  
9 asked Miller for directions and offered  
10:20 10 her a ride. Miller refused the ride.  
11 Miller apparently was catching a  
12 Pleasant Hill bus at Ave. N - 20th St.  
13 to City Hospital where she was employed  
14 as a nursing assistant. The three then  
10:20 15 continued south on Ave. N to where a  
16 east-west lane is. Here they allegedly  
17 attempted to make a U-turn and became  
18 stuck. When Milgaard and Wilson could  
19 not push the car free, Milgaard went  
10:21 20 toward where they had just spoken with  
21 Miller. Wilson states he went toward  
22 20th. St. John states she observed  
23 Milgaard leading Miller into the  
24 east-west lane, jabbing at her with the  
10:21 25 knife and disappear around a corner in



1 the lane. The east-west lane is  
2 T-intersected by a north-south lane.  
3 John states she ran, but is not sure  
4 where. Marie Indyk, who was at the  
10:21 5 north-west corner at Ave. O - 20th. St.  
6 observed a female, believed to be John,  
7 run toward her, stop and just look at  
8 her, then walk north on Ave. O. At this  
9 same time she observed a male walking  
10 north on Ave. O. She described this  
11 male as being like a ghost, as she could  
12 not hear his foot steps, while the  
13 female's steps sounded crisp in the cold  
14 snow. It is possible Milgaard was  
15 without shoes, as he was sometime later  
16 at the Trav-a-leer Motel."

17 So I take it that would have been the police  
18 thinking of what happened, at least from the  
19 information you had gathered?

10:21 20 A That looks fair.

21 Q And as far as this, I think the words used here:  
22 'They appear to have been proceeding  
23 south in the 200 blk. Ave. N ...',  
24 you are aware that Gail Miller lived on Avenue O?

10:22 25 A I was.



1 Q And do you remember how it was that, at least in  
2 this report, the police thought that she would  
3 have been on Avenue N, not Avenue O, walking to  
4 the bus stop?

10:22 5 A I can't tell you how we arrived at that theory at  
6 that time.

7 Q If you go to the next page, at the top it says:  
8 "This area is further corroborated by  
9 Henry Dieward who observed the  
10:22 10 headlights of an auto in the lane to the  
11 rear of the Westwood Funeral Chapel  
12 approx. 7:00 a.m.",  
13 and I believe -- do you remember Mr. Dieward and  
14 what he had to say?

10:22 15 A I don't recall that.

16 Q He was the church caretaker at St. Mary's that  
17 said he saw car headlights in the east-west -- if  
18 I have got this right -- in the alleyway running  
19 parallel to 20th Street, so behind the funeral  
10:22 20 home pointing at Avenue O, which would suggest the  
21 vehicle would have come in on Avenue N I believe  
22 was his -- that was his evidence and that may have  
23 been conclusions drawn; do you recall that?

24 A I may have at the time but right now it doesn't  
10:23 25 register.





1 Q Okay. And then it says:

2 "John states she does not remember  
3 clearly what occurred at this point but  
4 seems to recall seeing Milgaard put a  
10:23 5 ladies purse into a garbage can. The  
6 purse was found in one of two garbage  
7 cans at the rear of 1414-20th. St. west  
8 which is near where the murdered victim  
9 was found. John also sometime later  
10:23 10 showed Det/Sgt. Mackie the area in which  
11 this took place."

12 Were you aware that Nichol John had actually  
13 shown Detective Sergeant Mackie the area where it  
14 took place?

10:23 15 A I may have been at the time but I don't remember  
16 it now.

17 Q Okay. And then it goes down, talks about Wilson's  
18 statement about Milgaard, saying:

19 "I got her,"

10:23 20 "I fixed her.",

21 and then it says:

22 "It is not clear exactly what occurred  
23 here as Wilson and John state two men  
24 arrived and assisted in pushing the car  
10:24 25 free, however the police have failed to



1 identify such persons. Police wonder if  
2 this part of Wilson's and John's story  
3 is not somewhat shaded to cover their  
4 part. One possibility is that Miller  
10:24 5 was picked up in the car instead of just  
6 spoken to on the first instant. Keeping  
7 in mind there was two males and one  
8 female in the car at the time and it was  
9 about 40 degrees below and very foggy  
10:24 10 she might have accepted an offer for a  
11 ride. It could be possible the assault  
12 started in the car, the uniform top and  
13 sweater pulled off, perhaps even one  
14 boot, then the top coat put on again.  
10:24 15 Miller could have fled the car at the  
16 lane or been forcibly made to leave. It  
17 is hard to believe Miller would have  
18 removed the top coat in the lane and  
19 been allowed to put it on again. If  
10:24 20 this is true, who buried the sweater and  
21 boot."

22 And it would appear here, Mr. Karst, that the  
23 police are, themselves, questioning Wilson's and  
24 John's story; is that fair? Do you know what  
10:25 25 that's about?



1 A No. I know my theory was never about a car.

2 Q Okay. And then scroll down to the bottom, please.

3 And again, here, they are talking about:

4 "... 9:05 ... they arrived at the

10:25 5 Cadrain residence ...",

6 and carries on. And then the report says:

7 "Wilson and Cadrain observed what

8 appeared to be blood on Milgaard's

9 clothing."

10:25 10 And I'm wondering if there's any significance to

11 that 'appeared to be blood' as opposed to 'seeing

12 blood'; do you know if there was any --

13 A I don't know why his wording was like that.

14 Q Next page. It talks about:

10:26 15 "The four then started for Calgary,

16 Milgaard driving. A short distance out

17 of Saskatoon John found a compact case

18 in the car.",

19 threw it out, and it says:

10:26 20 "This articles has not been recovered."

21 And I think you told us earlier the police would

22 have looked for that to see if that could have

23 been corroborated; is that fair?

24 A That's correct.

10:26 25 Q And it appears that nothing was found?



1 A Correct.

2 Q Scroll down, please. Here it says:

3 "At Calgary Milgaard told Wilson that  
4 while in Saskatoon he had hit a girl,  
10:26 5 grabbed her purse. When she fought he  
6 had jabbed her a few times with a knife.  
7 He had put her purse in a trash can and  
8 that he thought she would be alright.

9 Wilson told John and she  
10:26 10 replied she already knew. This does not  
11 seem to be the complete truth as police  
12 feel sure Wilson knew something, if not  
13 all, the story while still in  
14 Saskatoon."

10:27 15 And again, while I appreciate this is not your  
16 document, Mr. Karst, but it suggests here that --  
17 it says 'the police', I don't know who in  
18 particular, the police feel that this is not the  
19 complete truth; do you see that?

10:27 20 A I see that.

21 Q And do you recall those concerns being discussed  
22 at the time?

23 A No.

24 Q No? It appears that there is some concern about  
10:27 25 Wilson and John's story; is that a fair reading of



1 this?

2 A I'd -- that's a fair reading of that.

3 Q Would you have had any involvement, Mr. Karst, in  
4 June of 1969, putting together the case and sort  
10:27 5 of getting it all ready to go to Court?

6 A No, sir. I am sure that, as in all cases, if  
7 there was something that the reader or court  
8 preparations officer wasn't sure had -- of  
9 something that I had to do with, I'm sure he would  
10:28 10 call me and we would discuss it.

11 Q Okay. Would this type of report here we're  
12 looking at, is that something that you -- I think  
13 you maybe answered this -- you didn't prepare,  
14 that wouldn't be your job to prepare this report?

10:28 15 A No, sir, we had a court preparations officer for  
16 that.

17 Q In fact, if we can scroll down, next paragraph it  
18 says:

19 "In Calgary Milgaard approached Cadrain  
10:28 20 about obtaining a gun and getting rid of  
21 Wilson and John. Det. Karst has this  
22 information."

23 And do you remember, yesterday I showed you your  
24 July 2nd, '69 report where you put in there this  
10:28 25 information and said 'this additional information



1 was not on the file'; do you remember that  
2 report?

3 A I remember.

4 Q And I had asked you the question whether or not  
10:28 5 that report might have been prompted by the  
6 exercise that Mr. Ullrich was going through, and  
7 is that a possibility?

8 A I -- would you explain that?

9 Q Sure. And I think you said you don't recall how  
10:29 10 that report came about but one scenario might be  
11 that when Mr. Ullrich is preparing this, he has  
12 information to the effect that in Calgary Milgaard  
13 approached Cadrain about obtaining a gun and  
14 getting rid of Wilson and John, and Detective  
10:29 15 Karst has this information but that there's not a  
16 police report for it, and that's what prompted you  
17 to prepare a report for information that was  
18 known, and I -- is that a possibility that that's  
19 why the report was prepared on July 2nd?

10:29 20 A Possibility.

21 Q Yeah. This is probably an appropriate spot to  
22 break, Mr. Commissioner.

23 (Adjourned at 10:29 a.m.)

24 (Reconvened at 10:46 a.m.)

10:46 25 BY MR. HODSON:



1 Q Mr. Karst, do you recall any meetings with Mr.  
2 Caldwell, the prosecutor in this case, in  
3 connection with the Gail Miller matter?

4 A I can't say that I specifically recall a meeting  
10:47 5 but I know that I was in touch with him.

6 Q Okay. And would that be normal in a case that you  
7 were involved in, to have discussions with the  
8 prosecutor?

9 A Yes.

10:47 10 Q Do you have any recollection of what you might  
11 have discussed?

12 A Probably my aspects of the case.

13 Q If we could call up 007029, please. And this is a  
14 note of, I think, Mr. Caldwell's, and I think it's  
10:47 15 August 25th, '69, and it just references a meeting  
16 on Tuesday, Penkala, Karst, Short, Oleksyn. Any  
17 recollection of being at a meeting with --

18 A I don't, but I believe that I would be there.

19 Q Okay. Next if I can call up 065441, please. And  
10:48 20 this is a letter September 16th, '69 by the deputy  
21 chief to the attorney general and there is a  
22 reference in here, I won't go through it, but for  
23 reimbursing expenses for air transportation, you  
24 will see here, for Detective Karst from Saskatoon  
10:48 25 to Edmonton and to bring Mr. Wilson back from



1 jail, I think he was in jail in Alberta; do you  
2 recall going to pick him up and bringing him back?

3 A I know I did, but I don't recall it.

4 Q Okay. You don't have any recollection of what, if  
10:48 5 anything, might have been discussed?

6 A No, sir.

7 Q Now there is a couple that -- we're done with that  
8 document. Call up the document 045988, please.

9 This is a statement dated January 14th, 1970 from  
10:49 10 a fella named Maurice Cerato, and that's your  
11 handwriting?

12 A It is.

13 Q And that's your signature at the bottom left?

14 A Yes it is.

10:49 15 Q And this is a statement, in this statement  
16 Mr. Cerato states that he knew David Milgaard and  
17 bought a pair of pants from him, and we'll maybe  
18 just call out that part. He says:

19 "While in Winnipeg I bought a pr. of

20 "...",

21 pants:

22 "... trousers from David for .15 cents.

23 This was in the motel room where we  
24 stayed."

10:49 25 And then it goes on to say:





1 "Later I noticed there was what  
2 certainly looked like blood around the  
3 crotch of this pants so they were  
4 drycleaned the next day. I believe  
10:50 5 David told me he had..."

6 last worn:

7 "... these pants and that's ...",  
8 when they came back, something to that effect.

9 In any event, do you have any recollection of  
10:50 10 taking this statement or dealing with Mr. Cerato?

11 A Would you go back and tell me what's the date of  
12 that?

13 Q Yeah, it's January 14th, 1970, and I think the  
14 trial started around January 20th, thereabouts, so  
10:50 15 this would be the week prior to the trial  
16 starting?

17 A I do not recall this.

18 Q And I believe there's evidence somewhere that this  
19 information may have come to the attention of  
10:50 20 police or to the prosecutor, or somebody, and you  
21 were sent to check it out; does that --

22 A I don't recall it.

23 COMMISSIONER MacCALLUM: Would you  
24 highlight Milgaard's explanation again, please?

10:50 25 MR. HODSON: Sure. Why don't I -- on his



1 pants the next day. It says:

2 "I believe that David told me he had  
3 last ..."

4 COMMISSIONER MacCALLUM: 'Lent'.

10:50 5 MR. HODSON: "... he had lent someone these  
6 pants ...",

7 I'm sorry:

8 "... and that's how they came back."

9 I'm sorry, I didn't read that correctly.

10 COMMISSIONER MacCALLUM: Okay.

11 BY MR. HODSON:

12 Q "Sometime later when I got back to  
13 Saskatoon my step-mother - Carmela  
14 Cerato who lives ...",  
15 on whatever:

16 "... cut the legs off ..."

17 And, actually, just let me take a look at the  
18 rest of the statement. And I don't believe Mr.  
19 Cerato's evidence was called at either the -- at  
10:51 20 the trial; is that -- do you remember that at  
21 all?

22 A I don't know.

23 Q Okay. Do you have any recollection of this?

24 A I do not.

10:51 25 Q Actually, I'm sorry, the typewritten version is



1 045986, I won't need to call it up.

2 If we could call up 000790,  
3 please, and this is a letter from January 15th  
4 from Mr. Caldwell to Mr. Tallis, and it says:

10:52 5 "Further to my telephone call last  
6 night, as mentioned Nichol John's father  
7 called Detective Karst here, Monday  
8 night, January 12th, and told him that a  
9 youth in Regina had approached him as to  
10:52 10 having evidently received a pair of  
11 pants with blood on them, from Milgaard,  
12 some time ago.

13 Detective Karst advised me of  
14 this on Tuesday and I had him go to  
10:52 15 Regina Wednesday, the 14th, where he  
16 located this youth ... and obtained the  
17 pants ... and took them to Cpl. McDonald  
18 ...",

19 etcetera.

10:52 20 "Detective Karst took a statement ...  
21 and I enclose a photostatic copy and a  
22 typed copy, since the photostat is  
23 somewhat hard to read.

24 I had Detective Karst subpoena  
10:52 25 Cerato and I will have him up and



1 interview him, I hope, early next week

2 ...",

3 and then it goes on to talk about some testing to  
4 be done and I believe what the record shows, Mr.  
5 Karst, is that the testing didn't show anything  
6 on the pants and that Mr. Cerato was not called  
7 as a witness. Does this assist your memory at  
8 all as to either interviewing Mr. Cerato or how  
9 he became known to you?

10:53 10 A I don't remember anything of this.

11 Q Do you have any reason to dispute what Mr.  
12 Caldwell says in the letter?

13 A None whatsoever.

14 Q Now we have heard evidence about a motel room  
10:53 15 reenactment, and we've heard evidence before this  
16 Commission by Craig Melnyk, Ute Frank, a Deborah  
17 Hall, a Bob Harris, and have read in the evidence  
18 of George Lapchuk, and you are familiar with those  
19 names, are you now, Mr. Karst?

10:53 20 A I am.

21 Q And I think on the record there are three  
22 statements in your writing from Craig Melnyk,  
23 George Lapchuk, and Ute Frank; do you have any  
24 recollection of dealing with those three  
10:53 25 individuals or taking their statements?



1 A I do not.

2 Q If we could call up 006583, please, and that's  
3 your handwriting and your signature in the bottom  
4 left corner?

10:54 5 A Correct.

6 Q And there is a reference here to -- and I'll just  
7 point this out and I'll have some questions  
8 later -- in Mr. Melnyk's statement to Debbie Hall  
9 as being there, I think. If we could then call up  
10:54 10 002129, and this is Mr. Lapchuk's statement, and  
11 that's your writing?

12 A It is.

13 Q That's your signature on the bottom left corner?

14 A That's correct.

10:54 15 Q And you've got the word -- or the name Debbie Hall  
16 in there; is that correct?

17 A Yes.

18 Q And if you could call up 001171, please. And this  
19 is your handwriting?

10:54 20 A Correct.

21 Q And I should have mentioned they are all dated  
22 January 19th, '70, two of them are stated as being  
23 in Regina, this one is in Saskatoon, but I suspect  
24 that that may be in error; is that fair?

10:55 25 A I can't remember.



1 Q Okay. And, again, that's your signature on Ute  
2 Frank's statement?

3 A It is.

4 Q And in this statement we have some other names,  
10:55 5 Gary Silljer, Bob Harris, Craig Melnyk, and you  
6 will see Debbie Hall; is that correct?

7 A That's correct.

8 Q And I believe the record shows that Debbie Hall  
9 did not provide a statement or was not contacted  
10:55 10 at the time; do you have any recollection of that?

11 A No, sir, I don't.

12 Q If I could go to 007070, please. Actually, just  
13 hang on one second. If we can go back to 006583,  
14 please, this is Mr. Melnyk's statement, and when  
10:56 15 he talks about Debbie Hall, if I could just call  
16 that out please, I think it says -- or Melnyk  
17 says:

18 "... then on a chair, Debbie Hall, I  
19 think she's in Vancouver now."

10:56 20 Do you see, is that what that says?

21 A Yes.

22 Q Okay. If we could then go to 007070, please. And  
23 this is Mr. Caldwell's letter to Mr. Tallis of  
24 January 21st, and again he refers to the fact that  
10:56 25 Mr. Caldwell advised Mr. Tallis:



1 "... on Sunday, January 18th, that I had  
2 learned that day of an alleged incident  
3 in Regina, in which Milgaard was  
4 supposed to have stated in front of  
10:56 5 witnesses that he had stabbed or killed  
6 the nurse in Saskatoon.

7 I had Detective Karst go to  
8 Regina on January 19th to interview the  
9 people supposedly involved in this  
10:57 10 incident, and on January 20th I received  
11 three statements taken by Detective  
12 Karst ...",

13 he goes on to mention them:

14 "... and I now enclose ...",  
10:57 15 them. And, again, does that assist your memory  
16 at all?

17 A Only because I've read these reports. I don't  
18 remember it.

19 Q And you have no reason to dispute what Mr.  
20 Caldwell --

21 A None whatsoever.

22 Q There is also a reference, and I believe it may  
23 have been in Mr. Lapchuk's or someone else's  
24 evidence or statement, that the source of the  
10:57 25 information, if I can call it that, came through



1 Ron Wilson, and that Ron Wilson told either you or  
2 someone else while he was being driven up to the  
3 trial or something like that, about this  
4 information; do you recall any of that?

10:57 5 A No I don't.

6 Q Now we're done with that document. Now it's my  
7 understanding, Mr. Karst, from the documents, that  
8 you testified at Mr. Milgaard's preliminary  
9 hearing and trial; is that fair?

10:58 10 A I don't think I was at the preliminary.

11 Q Okay. I'm -- I can --

12 A I may have been, but I don't recall it if I was.

13 Q 008122, please. I believe this is your evidence  
14 from the preliminary hearing?

10:58 15 A I stand to be corrected.

16 Q And in fairness it's very brief and it simply  
17 talks about the toque and the continuity --

18 A Right.

19 Q -- and, as well, you are cross-examined about  
10:58 20 checking Mr. Milgaard for marks.

21 A Right.

22 Q And I don't propose to go through that. You  
23 testified at the trial?

24 A Yes.

10:58 25 Q As well, you testified before the Supreme Court of





1 Canada under oath in a reference in February of  
2 1992?

3 A I did.

4 Q And, as well, there is a transcript under oath  
10:58 5 from an examination for discovery conducted by Mr.  
6 Milgaard's counsel in a civil proceeding in April  
7 of 1996; you would have given evidence under oath  
8 there?

9 A I did.

10:59 10 Q And can you confirm for us, Mr. Karst, that in  
11 those transcripts where you gave evidence under  
12 oath, that you would have told the truth to the  
13 best of your recollection at the time?

14 A To the best of my recollection, yes.

10:59 15 Q And, Mr. Commissioner, those I'll give you the  
16 doc. IDs just for the record, they can go in as  
17 exhibits, I will be referring to some of them a  
18 bit later; 008122 is the preliminary hearing;  
19 076809 is the trial transcript of David Milgaard;  
10:59 20 the Supreme Court of Canada transcripts, there is  
21 two dates, February 17th and 18th, the doc. IDs  
22 are 121433 and 014297; and the discovery  
23 transcript is 146450.

24 Now it's my understanding that  
10:59 25 you did --



1 COMMISSIONER MacCALLUM: I'm sorry, 146  
2 what?

3 MR. HODSON: 450.

4 COMMISSIONER MacCALLUM: Thank you.

10:59 5 BY MR. HODSON:

6 Q Now it's my information that you did not testify  
7 at Larry Fisher's preliminary hearing?

8 A I did not.

9 Q Or trial?

11:00 10 A Or trial.

11 Q And, again, do you have a recollection of  
12 testifying at Mr. Milgaard's trial?

13 A I know I was there but I don't remember it.

14 Q Okay. And, again, I have gone through the  
11:00 15 transcript, Mr. Commissioner, and it's in for what  
16 it says. It deals with continuity and some other  
17 information and I don't propose any questions on  
18 it.

19 Were you aware, in 1969, about a  
11:00 20 reward being offered in connection with the Gail  
21 Miller murder?

22 A I think I was made aware of it sometime.

23 Q Do you recall after Mr. Milgaard was convicted, at  
24 some later date any dealings with Albert Cadrain  
11:00 25 in connection with the reward?



1 A Having read that portion of it, yes, I know I was.

2 Q Having -- okay, I'll call up 002295 and this is an  
3 affidavit of Mr. Cadrain, if we can go to the next  
4 page, please, and it's May of '71, signed by him  
11:01 5 with you as a witness, and then as well if we  
6 could call up 025961, please, and this is a June  
7 2nd, 1971 letter from the city solicitor to the  
8 secretary of the Board of Police Commissioners.  
9 It says:

11:01 10 "Further to the instructions of the  
11 Board of Police Commissioners, the  
12 \$2,000.00 reward monies was paid to  
13 claimant Albert Cadrain on the 25th of  
14 May, 1971 by delivery thereof to said  
11:02 15 Albert Cadrain by Detective Eddie  
16 Karst."

17 Are those the documents you had referred to a bit  
18 earlier?

19 A That's correct.

11:02 20 Q And apart from these two documents, do you have a  
21 recollection of being involved with Albert  
22 Cadrain?

23 A I don't recall him receiving that, no, but  
24 obviously I was there.

11:02 25 Q Now, prior to -- in your dealings with Mr. Cadrain



1 in March, April, May of 1969, or leading right up  
2 until Mr. Milgaard was convicted, do you recall  
3 Albert Cadrain ever mentioning or bringing up the  
4 reward?

11:02 5 A No, I don't.

6 Q Do you remember whether or not the police, whether  
7 you would have brought it up with him, do you  
8 remember that?

9 A I don't think I would have. I don't know in my  
11:02 10 conversations with him, I don't recall it ever  
11 coming up. Had it have come up, I think I would  
12 have had some concerns as to maybe he was just  
13 doing this for the purpose of the reward,  
14 referring to his statement.

11:03 15 Q Okay.

16 A And I don't ever remember that being a concern, so  
17 I don't think I was aware of it at that time.

18 Q Okay. Now, shortly after David Milgaard was  
19 convicted on January 31, 1970, a young lady by the  
11:03 20 name of (V5)-- (V5)--- was raped in Saskatoon near  
21 Avenue V, February 22nd, 1970, and today, sir, you  
22 presently are familiar with the (V5)-- (V5)---  
23 incident; is that fair?

24 A Today I am.

11:03 25 Q Do you have any recollection of being involved in



1 the (V5)-- (V5)--- investigation in Saskatoon?

2 A No, sir, I don't.

3 Q If I could show you 105211, please, and this is a  
4 report, the (V5)-- (V5)--- file, morality,  
11:04 5 February 22, 1970, it's Detective Sergeant Ray  
6 Mackie's report, just call out the top part,  
7 please, it says:

8 "On this date, Det. Karst and myself  
9 contacted Mr. Wood at the King George  
11:04 10 Hotel. Mr. Wood had been working at the  
11 hotel on the evening of Feb. 21st, and  
12 had seen many of the young people who  
13 occasionally frequent the Beverage Room  
14 at the King George. He could not,  
11:04 15 however, recall seeing any person around  
16 their premises, fitting the description  
17 of that given by (V5)-- (V5)---."

18 And then it goes on to talk about a description,  
19 and:

11:04 20 "Roy Wilkening, the boyfriend of (V5)--  
21 (V5)---, was interviewed by Det. Karst  
22 and myself, without success in gaining  
23 any further information."

24 And:

11:04 25 "Albert Cadrain, 334 Ave. O South, was



1 interviewed in regards to any  
2 information he might be able to supply  
3 concerning this suspect, without  
4 success."

11:04 5 Do you have any recollection of the events  
6 described in this report?

7 A None whatsoever.

8 Q Do you have any reason to dispute the accuracy of  
9 Mr. Mackie's --

11:05 10 A I believe what's said there is true.

11 Q Would -- can you tell us whether it would be  
12 unusual for you and Detective Sergeant Mackie,  
13 being in the detective division, to be involved in  
14 a morality file?

11:05 15 A Yes, I would say so.

16 Q You say that would be unusual?

17 A I think so. I find it unusual that Mackie, or  
18 both of us would be doing that.

19 Q And the fact that we see Albert Cadrain mentioned  
11:05 20 here, do you know -- again, I appreciate you don't  
21 recall this. Any reason why you would be talking  
22 to Mr. Cadrain about information on this rape?

23 A I don't know, and then again I'm not so sure that  
24 I would have talked to him if there were two of  
11:05 25 us, and maybe Sergeant Mackie was the one that was



1 out in the car doing -- I don't know.

2 Q Now, we're done with that document. During the  
3 course, and I apologize if I've asked you this  
4 question before, Mr. Karst, but during the course  
11:06 5 of the Gail Miller investigation back in 1969 and  
6 your involvement, do you have a memory today of  
7 the name Larry Fisher coming up during that time,  
8 from back in 1969?

9 A No, sir, I don't recall that.

11:06 10 Q Now, the record indicates that on October 22nd,  
11 1970 you took a statement, two statements from  
12 Larry Fisher in Winnipeg and there are some  
13 records that suggest that Inspector Nordstrom  
14 accompanied you on that trip. Do you have any  
11:06 15 recollection of going to Winnipeg in October of  
16 1970 and taking statements from Larry Fisher?

17 A Only through the reports that I've read.

18 Q Okay. And we'll get to that in a moment. Apart  
19 from the reports that you have read, do you have  
11:07 20 any memory of meeting Mr. Fisher in Winnipeg in  
21 1970?

22 A I do not.

23 Q And when you say only by the records, what are you  
24 referring to?

11:07 25 A I must have read this someplace in the file.



1 Q There are two typed statements that we'll go to in  
2 a moment that have your name as a witness. Are  
3 those the documents you refer to?

4 A Probably one of them.

11:07 5 Q And do you recall ever seeing a handwritten  
6 statement, a statement of Larry Fisher in your  
7 handwriting, do you have a recollection, and I'm  
8 talking about later on?

9 A Whether I seen it after I took the statement?

11:07 10 Q Okay, let me try this. I think, and I'll go to  
11 these documents in a moment, but at some point I  
12 think in 1990 you were asked by the media about  
13 Mr. Fisher and I believe you gave replies to the  
14 effect that you hadn't heard of him before; is  
11:08 15 that fair?

16 A I recall that.

17 Q And then I think, and it may have been the media,  
18 and we'll go through this, but someone made you  
19 aware that two statements that Larry Fisher gave  
11:08 20 had your name on them, that you in fact took the  
21 statements. Do you recall being made aware of  
22 that?

23 A That's correct.

24 Q And do you remember who or how you became aware of  
11:08 25 that?





1 A I thought it was in Ottawa at the hearing, but I'm  
2 not sure.

3 Q And I'll go through some reports. I'm sorry, I  
4 didn't mean to get -- I'm just wondering if, when  
11:08 5 you first realized that, or when you first became  
6 aware or saw a statement that had your name on it,  
7 obviously in 1970 you would have been aware when  
8 you took it; is that fair?

9 A Repeat that, please?

11:08 10 Q Well, obviously in 1970 when you -- I think you  
11 are saying you accept that you took the statement  
12 from Mr. Fisher in 1970?

13 A Absolutely.

14 Q And so at that time you would have been aware that  
11:09 15 you took the statement and that you had the  
16 statement?

17 A Yes.

18 Q I think then in and about 1990 you were asked and  
19 you said you had never heard of Mr. Fisher or  
11:09 20 words to that effect?

21 A That's exactly what I said.

22 Q And at that time did you recall the interview with  
23 Mr. Fisher?

24 A No.

11:09 25 Q And then at some point you were made aware of



1 statements that existed that had your name on  
2 them?

3 A That's correct.

4 Q And was it at that point that you acknowledged  
5 that you had in fact taken the statements?

6 A Must have.

7 Q And back then do you remember being shown  
8 statements that you took from Mr. Fisher?

9 A I think I must have been because I think I've seen  
10 somewhere that I made a comment that's my  
11 signature. I must have been there.

12 Q Okay. And I guess -- and I'm wondering, sir, if  
13 you recall seeing a statement in your handwriting  
14 that you took from Larry Fisher as opposed to a  
15 typed statement?

16 A I can't answer that. I don't remember.

17 Q And the reason I ask, Mr. Karst, is that we only  
18 have, at least the Commission only has a typed  
19 version of those statements and they do have your  
20 name typed in as witness, but there was a  
21 reference somewhere I saw to your signature, your  
22 writing.

23 A Yes.

24 Q And I'm wondering if you have any recollection of  
25 having seen one with your signature on it?



1 A I just don't remember.

2 Q Now, did it surprise you or does it surprise you,  
3 Mr. Karst, that you would not remember taking the  
4 statements from Mr. Fisher?

11:10 5 A In a way.

6 Q And why is that?

7 A Well, generally you remember things, but on the  
8 other hand, there's lots of things back there that  
9 I don't remember.

11:10 10 Q Would it be unusual for you to be taking a  
11 statement from someone out of the city?

12 A No, I was out of the city many times. The fact  
13 that it was a morality file is a little different.

14 Q And let me ask you about that. Is that something  
11:11 15 that you now think was unusual, for you to be  
16 taking a statement on a morality file?

17 A I kind of think so.

18 Q And why is that?

19 A Well, I was working in the detective division and  
11:11 20 really had nothing to do with morality files.

21 With that in mind, I think now it's a little  
22 different. However, there may have been lots of  
23 reasons for it, I don't know.

24 Q And again I take it you are not able to tell us  
11:11 25 who would have selected you to go and why?



1 A No, sir, I can't.

2 Q And do you think it may have had something to do  
3 with the fact that you had worked on the Gail  
4 Miller file?

11:11 5 A I do not.

6 Q And why not?

7 A Because I never made any connection to that that I  
8 recall.

9 Q I wish to go through some documents relating to  
11:11 10 this time period and just -- and again we've heard  
11 evidence about this, I don't think there's any --  
12 and you've heard this as well, there were four  
13 morality files that we're going to talk about and  
14 in chronological order it's the (V1)- file, which  
11:12 15 was a rape that occurred in mid October, '68 near  
16 Avenue E and F, in that area, the (V2)----- rape  
17 that was towards the end of October in and near  
18 the same area, there was the (V3)----- indecent  
19 assault in the university area around Wiggins at  
11:12 20 the end of November, '68, and then the (V5)--  
21 (V5)--- rape which I think was February 21, 1970  
22 near Avenue V, so those we know, those are the  
23 dates and the names, and do you have -- and we've  
24 heard evidence before about, a lot of evidence  
11:12 25 about these rapes, but going back to 1969, and I



1           may have asked you this already, I'll ask you  
2           again, in the course of the Gail Miller murder  
3           investigation do you recall whether you would have  
4           been aware of the (V1)-, (V2)----- and (V3)-----  
11:13 5           files, do you have any memory of that?

6           A       I don't have any memory of it, but I'm quite sure  
7           that I was aware there was rapes going on.

8           Q       And similarly, the (V5)--- rape, I think you just  
9           told me today you don't have a recollection of  
11:13 10          that?

11          A       No, sir.

12          Q       And you don't dispute Mackie's report that you  
13          were involved at least on that day in  
14          investigating it?

11:13 15          A       I do not disagree at all.

16          Q       If we can call up 010326, and this is a letter,  
17          unfortunately the second page is missing and has  
18          been missing for some time, I think back in 1993  
19          efforts were made by the RCMP to locate it, but it  
11:14 20          is believed that this is a letter from the Fort  
21          Garry police, and just, Mr. Karst, if I may, what  
22          is on the record, that Mr. Fisher was in Winnipeg  
23          in August of 1970, committed a rape, August 2nd I  
24          believe, committed a second rape on September 19th  
11:14 25          and was caught either in the course of the offence



1 or shortly after and arrested and charged with  
2 that rape. I think he then later confessed to the  
3 first rape, but he was in custody at that time in  
4 Winnipeg, and so on September the 25th, it would  
11:14 5 be about a week after he had been arrested on at  
6 least one rape and may or may not have confessed  
7 to the second rape. In any event, this is a  
8 letter to the chief -- it says the chief  
9 constable. Now, was there such a thing as a chief  
11:14 10 constable?

11 A I think some departments called their chief of  
12 police chief constable.

13 Q And it talks about Larry Fisher, and maybe call  
14 out the first paragraph, and it talks about Fisher  
11:15 15 being charged --

16 "... arrested and charged by our  
17 department with two (2) charges of  
18 "Rape," one (1) of "Theft by Violence"  
19 and "Possession of an Offensive Weapon."

11:15 20 So I guess at this time he had actually admitted  
21 to the first rape.

22 "It has been brought to our attention  
23 that the accused moved to our area about  
24 one and one half months ago."

11:15 25 Which would be early August.



1 "His previous address is reported as 120  
2 Adelaide Street, Saskatoon,  
3 Saskatchewan."

4 Scroll down:

11:15 5 "We are not able to find any record of  
6 previous convictions of any kind. We  
7 would appreciate any record, as  
8 background, that you would be able to  
9 provide.

11:15 10 I will also briefly outline the  
11 offences allegedly committed by the  
12 accused, in the hope that it may help to  
13 clear up any similar offences that have  
14 occurred in your jurisdiction."

11:15 15 And then it goes on to describe the August 2nd  
16 rape of a 19 year old girl being raped:

17 "Investigation showed that she had been  
18 walking home when a young man had  
19 attacked her, dragging her into the  
11:16 20 bush. He had beaten her about the head,  
21 undressed her, bitten the nipples of her  
22 breast and raped her. He then robbed  
23 her of Fifteen (\$15.00) Dollars and tied  
24 her up with her own under clothing."

25 And then:



1 "On September 19th, 1970, at 1:34 a.m.,  
2 Police had occasion to investigate the  
3 report of a prowler. This turned out to  
4 be another rape. Again a girl, eighteen  
11:16 5 years of age had been walking home when  
6 she was attacked by the accused, thrown  
7 to the ground and a knife placed at her  
8 throat. She was dragged into the bushes  
9 where, from fear, she assisted in  
11:16 10 undressing herself. The accused then  
11 bit the nipples of her breasts and raped  
12 her. He was arrested by the Police who  
13 attended while the act was being  
14 committed."

15 And then at the bottom:

16 "Thank you in advance for any help you  
17 are able to give, I --"

18 And it may well be that just the bottom part of  
19 the letter is cut off or there's a second page.  
11:16 20 Now, this type of letter back at the time in  
21 1970, do you have any recollection of seeing it  
22 at the time?

23 A No, sir.

24 Q Who do you think this letter would have been  
11:17 25 directed to in the department?





1 A It would come to the chief originally and then  
2 directed to the morality department.

3 Q And then if we could call up 073787, please. This  
4 is a letter of October 20th, 1970 and again it's  
11:17 5 from Perry, the police inspector, and he was the  
6 police inspector in Fort Garry and it's believed  
7 that he was the author of the letter that I just  
8 showed to you, okay. He's writing back, attention  
9 Inspector Nordstrom, and I think Inspector  
11:17 10 Nordstrom was in charge of morality at the time;  
11 is that right?

12 A He was.

13 Q And if we can just call out that, please, it says:  
14 "As requested in your letter dated  
11:18 15 October 15th, 1970, members of our  
16 department attended at the Headingly  
17 Gaol and interviewed the above named  
18 accused."

19 If we can pause there. This October 15th letter  
11:18 20 from Nordstrom, or it appears to be from  
21 Nordstrom, we do not have a copy of, and again I  
22 think efforts were made in 1993 to find it, it  
23 could not be located, so that's why I'm not  
24 showing you that letter. It says, in talking  
11:18 25 about Fisher:



1 "He denied any knowledge of the offences  
2 committed in your area. This could be  
3 due to the fact that the inmates of the  
4 Gaol have been giving him a hard time.  
11:18 5 Also that he has had sufficient time in  
6 Gaol now to know what may be in store  
7 for him if he admits to any further  
8 offences.

9 Then again it is possible that  
11:18 10 he is not guilty, this will be up to  
11 your discretion.

12 Please find enclosed herewith  
13 one (1) copy of the report submitted by  
14 the team of detectives who interviewed  
11:18 15 the accused.

16 I am sorry that I could not  
17 have had better news for you, but if we  
18 can be of any further help in the  
19 future, do not hesitate to ask."

11:19 20 And again I don't believe we have that report, I  
21 could be mistaken on that. In any event, would  
22 it be uncommon -- this type of exchange of  
23 information, Mr. Karst, where another police  
24 force picks up an accused, a suspect and they  
11:19 25 know they have lived, he or she has lived in



1           Saskatoon previously, to check back and, number  
2           1, have you got a record, number 2, have you got  
3           any unsolved crimes, things of that nature?

4           A       I don't think it would be unusual, but I wouldn't  
11:19 5           see these type of reports.

6           Q       And why would that be?

7           A       They are obviously from one commissioned officer  
8           to another.

9           Q       So senior people would deal with those; is that --

11:19 10          A       Yes, they got the information and would deal as  
11          they see fit.

12          Q       If we could call up 010302 and go to page 010305,  
13          and this is again a statement of Larry Fisher on  
14          Wednesday, October 21, 1970, it's a typewritten  
11:20 15          version, and it's taken by Detective Gilbert and  
16          witnessed by Detective Lorne Huff who are officers  
17          at the time with I believe the Fort Garry police  
18          force in Winnipeg, and if we could just go through  
19          this, and this is dated October 21st, 1970, so  
11:20 20          this is the day after the October 20th letter that  
21          I just showed you where the Fort Garry inspector  
22          is saying to Inspector Nordstrom we've asked Mr.  
23          Fisher about some offences, it doesn't list the  
24          offences, but some, and he denies any involvement,  
11:20 25          so the next day a statement of Larry Fisher after



1 being cautioned and it says:

2 "Q Do you wish to give a statement?"

3 And he says:

4 "A Yes. I want to clear up three more

11:21 5 things. The first one was in Saskatoon

6 sometime around this spring."

7 And that would be spring of 1970 because this is  
8 September of '70.

9 "I was downtown, I seen this girl get on

11:21 10 a bus so I got on to. She got off and I

11 got off to. I followed her. I grabbed

12 her from the front, dragged her into the

13 back of a yard. I took off her clothes

14 and raped her. This was in the Pleasant

11:21 15 Hill District around Avenue "U". It was

16 around, west of St. Paul's Hospital, I

17 think. I think the girl was wearing a

18 dark coat and slacks.

19 The second one was also in

11:21 20 Saskatoon, near the university. I don't

21 know what I was doing in that District.

22 I saw the girl, I followed her, dragged

23 her into a back alley. I tried to rape

24 her but a car came along and I took off.

11:21 25 This happened this summer, about six or



1                   seven months ago. The girl was wearing  
2                   slacks and carried some books.

3                   The third one was in Winnipeg  
4                   about two months ago. I grabbed her at  
11:21 5                  night, about eleven or twelve o'clock.  
6                   She screamed and I took off."

7                   Etcetera. Signed Larry Fisher. So this would  
8                   have been, it appears, Mr. Fisher giving a  
9                   statement admitting to two, to a rape and an  
11:22 10                indecent assault in Saskatoon; is that fair?

11           A           That's fair.

12           Q           And do you have any recollection of seeing this  
13                   statement back then other than many years later?

14           A           No.

11:22 15           Q           Now, the next document is 012656 and this is a  
16                   typed statement. Is this the form of statement  
17                   that would have been used at the time?

18           A           It was.

19           Q           In fact, I think this is the same type of document  
11:22 20                as the statement you took from Mr. Milgaard in  
21                   March of '69; is that --

22           A           I believe it was.

23           Q           And at the bottom you'll see it says:

24                    "Signed - "Larry Fisher" Witness - "E.  
11:22 25                    Karst."



1 A Correct.

2 Q And earlier when I had asked you about a  
3 handwritten version of this, this is what I was  
4 referring to, whether you have a recollection from  
11:23 5 post 1990 and afterward of seeing a handwritten  
6 version of this statement. Do you recall?

7 A I don't recall seeing a handwritten statement, but  
8 as I said, I must have seen one someplace because  
9 I recall reading it. That's my signature.

11:23 10 Q And was that in and after 1990, is that what  
11 caused you to acknowledge that you did take the  
12 statement?

13 A I don't know what the time frame would be, sir.

14 Q Okay. And I'll have some other documents we'll go  
11:23 15 through on that.

16 A Okay.

17 Q And again it talks about the warning and then this  
18 is talking about the rape of (V5)-- (V5)--- on the  
19 21st day of February:

11:23 20 "Q Did you live in Saskatoon in February of  
21 this year?

22 A Yes, I was.

23 Q Does the name (V5)-- (V5)--- mean  
24 anything to you?

11:23 25 A No, it don't.



1 Q I have talked about a rape to you on the  
2 night of February 21 around Avenue U and  
3 V in Saskatoon. Are you responsible for  
4 this offence?

11:24 5 A Yes, I am."

6 I pause here, and I appreciate you don't have a  
7 recollection, Mr. Karst, but it would appear from  
8 this that you would have talked to him about the  
9 rape before you took the Q and A?

11:24 10 A It appears that way.

11 Q So he says:

12 "A Yes, I am."

13 And carrying on:

14 "Q On that date do you remember where you  
11:24 15 were living?

16 A Yes, I lived at 1824 Avenue D North.

17 Q Where did you first see this girl?

18 A On the bus which I caught on 2nd  
19 Avenue and 20th Street, I think.

11:24 20 Q Where were you going?

21 A I was going to visit a friend ..."

22 And if we just carry on, I take it at this point  
23 you would have asked him where he was living at  
24 the time?

11:24 25 A I presume I did.



1 Q And --

2 A As I said, "Where were you living".

3 Q And what would be the reason for that?

4 A A common thing to ask when you are taking a  
11:24 5 statement, what your residence is.

6 Q Okay. Go to the next page, please, and then he  
7 goes on to describe the offence, and you've read  
8 this statement recently; have you not?

9 A I have.

11:25 10 Q And does it in any way refresh your memory about  
11 taking the statement?

12 A No, sir.

13 Q Then go to 012659, please, and again this is the  
14 same date, 12:45, and you'll see at the bottom:

11:25 15 "Signed - "Larry Fisher" Witness - "E.  
16 Karst."

17 Correct?

18 A Correct.

19 Q And again the same question about, I had asked you  
11:25 20 about the (V5)-- (V5)---, whether ever having seen  
21 a handwritten statement. Do you have the same  
22 answer with respect to the (V3)----- statement?

23 A The same answer.

24 Q And so this is the assault and intended rape of  
11:25 25 (V3)-- (V3)-----, November 29th, 1968, and then I





1           presume that, if we can just go back up to the  
2           top, please, you'll recall the statement that he  
3           gave to the Winnipeg police or the Fort Garry  
4           police the day before, he had said he thought it  
11:26 5           was sometime this summer, being the summer of  
6           1970. Do you remember when I showed you that?

7           A           I do.

8           Q           And here it's got a date November 29th, 1968, and  
9           is it fair to assume, Mr. Karst, that you would  
11:26 10           have had file information on the (V3)----- matter  
11           when --

12          A           I would think so.

13          Q           And if we assume that, that you would have had her  
14           statement and a police report that indicated that  
11:26 15           that was the date of the offence?

16          A           I would think I would have had that information.

17          Q           So if we scroll down, and you ask him the  
18           question:

19                       "Q    Did you live in Saskatoon around  
11:26 20                       November of 1968?

21                       A    Yes, probably at 512 Avenue F South or  
22                       1530 Avenue C North.

23                       Q    Do you remember this assault we are  
24                       talking about?

11:26 25                       A    Yes, but it doesn't seem that long



1                   ago.

2                   Q     How did you get to this area of the  
3                   city?"

4                   Etcetera. So again I take it you would have  
11:27 5                   asked where he lived at the time of the offence,  
6                   that would have been the standard procedure?

7           A     Yes, sir.

8           Q     Now if we can go back just to the October 22nd,  
9                   1970, and again you at some point in 1990 I think  
11:27 10                  you said, or at some point you acknowledge that  
11                  you were there based on looking at a document; is  
12                  that fair?

13          A     That's fair.

14          Q     And I believe you also at some point also  
11:27 15                  acknowledged that Inspector Nordstrom went with  
16                  you. Do you remember that?

17          A     Yes, I do.

18          Q     And do you have a recollection of Mr. Nordstrom  
19                  being involved with you on that trip?

11:27 20          A     None whatsoever.

21          Q     And on what basis did you acknowledge that  
22                  Inspector Nordstrom went with you?

23          A     I don't know, but it could have been through  
24                  conversation with somebody or a report I read  
11:28 25                  or -- I don't know. I just have no recollection



1 of it.

2 Q Okay. And -- but something, and again we'll go  
3 through some documents, something caused you to  
4 acknowledge -- and do you acknowledge that it was  
11:28 5 Inspector Nordstrom that went?

6 A I do.

7 Q Now, would that be unusual, to have Inspector  
8 Nordstrom go to take a statement or to go with you  
9 to take a statement?

11:28 10 A To the effect I guess it's the first time he ever  
11 went with me.

12 Q Pardon me?

13 A That's the first time he ever went with me.

14 Q Okay. Now, we saw the one letter that was from  
11:28 15 the Fort Garry police addressed to Inspector  
16 Nordstrom, so it would appear from that letter  
17 that he at least had some contact with the police?

18 A Exactly.

19 Q And again -- and he was in morality at the time?

11:28 20 A Correct.

21 Q And so did you see anything unusual about a person  
22 in morality going to Winnipeg?

23 A No, that wasn't unusual.

24 Q Was it unusual for an inspector to go?

11:29 25 A I would think so.



1 Q And why would that be?

2 A As I said, I can't remember it happening before.

3 Q Now, I'm going to ask you some questions about  
4 this interview and that, Mr. Karst, and I  
11:29 5 appreciate your evidence that you don't recall,  
6 but I want to try and get an understanding based  
7 upon your practices at the time, and you've  
8 obviously read the documents, as to whether you  
9 can tell us what you think you would have done and  
11:29 10 why you would have done it. Okay?

11 A As soon as I see what you're --

12 Q No, and just so that you know when I'm asking you  
13 these questions.

14 A Okay.

11:29 15 Q And first of all, you took statements on the  
16 (V3)----- and (V5)--- file; correct?

17 A I see them, yes, or I've seen them.

18 Q And would it be fair to conclude that you would  
19 have taken those two files with you, or they would  
11:29 20 have been with you and Mr. Nordstrom when you went  
21 there?

22 A I believe that to be true.

23 Q And that would make sense, wouldn't it, that you  
24 would have them with you?

11:30 25 A It certainly would.



1 Q Now, there's no mention in the two statements or  
2 in the report of October 20 -- or the October 21  
3 report where Mr. Fisher confessed to the Fort  
4 Garry police, you only mention two, the  
11:30 5 typewritten statements of the 22nd only mentioned  
6 two, there's no mention of the (V1)-, (V2)-----  
7 files, the earlier letter that talks about  
8 offences in the plural, it doesn't say how many.  
9 Are you able to tell us whether you think you  
11:30 10 would have taken other unsolved rape files with  
11 you and, in particular, the (V1)- and (V2)-----  
12 rape files?

13 A I can't say for sure, but it would sound  
14 reasonable to me because -- just to take the  
11:30 15 two because those are the ones that he admitted to  
16 the Winnipeg Police that he was willing to admit  
17 to and, personally, I don't think there would have  
18 been a reason to take the rest because we probably  
19 didn't associate them all with the same person. I  
11:31 20 don't know, they weren't my files and I wasn't in  
21 morality, so I can't really comment any further  
22 than that.

23 Q If you would have taken, for example, the (V1)-  
24 and (V2)----- files and questioned Mr. Fisher on  
11:31 25 them in Winnipeg and had him deny that he was



1 involved; would you have taken a statement to that  
2 effect?

3 A Probably. You read the warning, you know, the  
4 charge and the warning, and then you ask him if --  
11:31 5 something about them, and if he says he doesn't  
6 want to say anything or 'I'm not guilty', that  
7 should be there.

8 Q So --

9 A So, obviously, I never asked him.

11:31 10 Q So that if you would have questioned him about the  
11 (V1)- rape and asked 'did you commit this', and if  
12 he would have said the same as he did the day  
13 before or earlier, 'I didn't commit them', would  
14 you have taken a written statement where he denies  
11:31 15 it?

16 A Just to the fact that he denies it, yeah.

17 Q Okay. On the other hand, if there was some  
18 suspicion that he may have been involved in some  
19 other rapes, would it be reasonable that Inspector  
11:32 20 Nordstrom might have brought along those files, or  
21 those files would have been brought along just to  
22 see whether or not --

23 A If Inspector Nordstrom had suspicions of that  
24 nature I expect they would have been brought  
11:32 25 along.



1 Q And for example, from what we just showed you, we  
2 know that Mr. Fisher initially denied whatever  
3 rapes Inspector Nordstrom asked the Winn -- or the  
4 Fort Garry Police put to them, he initially denied  
11:32 5 them and then admitted them shortly thereafter; do  
6 you remember I showed you that?

7 A Yes, I recall it.

8 Q Or admitted two of them.

9 A I recall it

11:32 10 Q And so is it also possible that other files, and  
11 maybe in addition to the (V1)-, (V2)----- files,  
12 or other files other than (V5)--- and (V3)-----  
13 were along with you, and that Mr. Fisher was  
14 questioned on them; is it possible that that may  
11:32 15 have happened?

16 A Possible.

17 Q And, again, I appreciate you don't have a  
18 recollection, Mr. Karst, --

19 A No.

11:33 20 Q -- and is there anything that you can add that  
21 would assist us in trying to understand whether it  
22 would have been logical or reasonable for you to  
23 either question on those two or not question on  
24 those two, being (V1)- and (V2)-----?

11:33 25 A The only reason that I would question them is if I



1 had the files to look at and the inspector said  
2 'question him about those'.

3 Q And would it also be fair to conclude, Mr. Karst,  
4 that prior to -- and it appears that the  
11:33 5 information came to Nordstrom on October 21st and  
6 it was the next day, or the 21st is when Mr.  
7 Fisher confessed to the Fort Garry Police and it  
8 was the next day that you took his statement; do  
9 you think you would have reviewed the (V5)--- and  
11:34 10 (V3)----- files before doing the interview?

11 A I suspect I would have.

12 Q And in fact gone through their statements and at  
13 least read what they had said happened?

14 A I don't know whether I would have really reviewed  
11:34 15 them thoroughly, that thoroughly, because it's my  
16 impression, according to all reports, was that he  
17 was prepared to admit to these offences. That's  
18 why my statements are pretty short and not too  
19 many questions asked, he is going to admit to  
11:34 20 them, and that was it.

21 Q Given that he had already provided a statement to  
22 the Fort Garry Police, why did you need to get a  
23 second statement given to you?

24 A I think that was procedure, you took a warned  
11:34 25 statement from him, he -- I don't think there was





1 any warned statement ever brought to my attention  
2 by the Fort Garry Police --

3 Q Yes, I think on --

4 A -- on our -- at least on our -- I don't know.

11:35 5 Q Yeah. If we could bring up 010315, that's part of  
6 010302, and this is the one of October 21st, '70  
7 to Gilbert and Huff. It says:

8 "You will be charged with "Rape and  
9 Attempted Rape", I therefore must  
11:35 10 caution you ...",  
11 etcetera. And just wondering, Mr. Karst, what;  
12 would it have been your practice, where another  
13 police force got a statement, for you to take an  
14 additional statement?

11:35 15 A Is this a warned statement taken from one of our  
16 offences?

17 Q I -- well, I can only tell you what's on the  
18 document, and let's just go through it.

19 A Lighten that up a little bit.

11:35 20 Q Sure. If we could just -- so this is October  
21 21st, 1970, Vaughan Street Detention, 11:19 a.m.,  
22 statement of Larry Fisher, and then the document  
23 says -- and, again, this is the typewritten  
24 version, I don't think we have any handwritten  
11:36 25 version, but it starts with the caution:



1 "Q Do you understand the caution?"

2 "Q Do you want to give a statement?"

3 A Yes. I want to clear up three more  
4 things."

11:36 5 And if we can scroll down. I just read this to  
6 you, so this is the Saskatoon one, and if you  
7 look at the circumstances and the location it is  
8 similar to the (V5)-- (V5)--- matter.

9 A Right, yeah.

11:36 10 Q The second one in the university district is  
11 similar, other than the time frame, to the  
12 (V3)-----, and then he also admits to a third one  
13 in Winnipeg.

14 A Uh-huh.

11:36 15 Q So I -- and I can only tell you what's in the  
16 document, Mr. Karst, --

17 A Right.

18 Q -- and that's -- with what I have shown you, --

19 A Right.

11:36 20 Q -- are you able to tell us whether -- or what  
21 would be the reason for the Saskatoon City Police  
22 to get their own statement?

23 A Scroll down to -- up to the top of that statement,  
24 please?

11:36 25 Q Sure. Yes, please, up to the top?



1 A Now I don't see anything there that says who he is  
2 to be charged for raping, that's the first thing,  
3 I mean you have to have a name who are you going  
4 to rape.

11:37 5 Q Okay. Would you have -- let me put it this way;  
6 if you had this statement, and again I appreciate  
7 your comment about the caution, --

8 A Uh-huh.

9 Q -- did you need to have -- for example, on a  
11:37 10 Saskatoon matter did you normally get your own  
11 statement, like would there be a reason to get  
12 your own statement to your own officers as opposed  
13 to a statement given to another police force?

14 A I suspect, had they taken a specific statement  
11:37 15 from Larry Fisher with regards to raping one of  
16 our people and named them, I don't see why we  
17 would have taken another statement.

18 Q Okay.

19 A If that answers your question.

11:38 20 Q Yeah. So you, if there was an existing statement  
21 and confession, and provided it was usable or  
22 acceptable --

23 A Yes.

24 Q -- and had been done properly, you are saying you  
11:38 25 don't see a reason as to why you would have to get



1 a second one?

2 A No, I don't.

3 Q Okay.

4 A But I don't know the legal part of it.

11:38 5 Q Fair enough.

6 A If it has to be signed by our attorney general in  
7 Saskatchewan, or what, I don't know that.

8 Q Fair enough. I'm just trying to get your  
9 understanding at the time.

11:38 10 A Okay.

11 Q So, again, on -- I think you said that you would  
12 have, you think, read some of or all of the  
13 (V5)--- and (V3)----- files, you would have read  
14 -- got some information?

11:38 15 A Enough of it to be aware of what it was about.

16 Q And do you think you would have asked the Fort  
17 Garry Police to read about or get information  
18 about the crimes he had committed in the Winnipeg  
19 area; would that have been important to you?

11:39 20 A I don't think so.

21 Q And why not?

22 A I wasn't concerned with those.

23 Q Okay. And so would that assist in -- if you were  
24 looking at whether or not Mr. Fisher had perhaps  
11:39 25 committed other rapes other than the ones that he



1 was -- had confessed to, being (V5)--- and  
2 (V3)-----; if you were looking at some other  
3 unsolved rapes, which I think you've said you are  
4 not sure you were, but if you were would finding  
11:39 5 out about the particulars of the Winnipeg offences  
6 be of assistance to you?

7 A If I was looking at other rapes I would suspect  
8 that that would be important to me, what MO he  
9 used and that sort of thing.

11:39 10 Q Okay.

11 A And had I been -- had information that he may have  
12 been involved in other rapes I think I would have  
13 taken a more detailed statement than it looks like  
14 I took there.

11:40 15 Q Okay. And what, based on the detail in this  
16 statement that you did take, being the two of  
17 them, what -- are you able to draw any conclusions  
18 from that?

19 A As to?

11:40 20 Q I mean I think you referred to the, I think you  
21 said, lack of detail or the --

22 A Yeah.

23 Q And what does that tell you, if anything?

24 A I don't get your question.

11:40 25 Q Okay. I'm sorry, I thought you had mentioned that



1           you would have taken a more detailed statement?

2       A       I said that, yes.

3       Q       And what did you mean by that?

4       A       I would want more descriptions, exact time

11:40 5           elements, umm, what were these girls wearing

6           exactly, 'how did you accost them', I could have

7           gone through a whole lot of inquiries.

8       Q       And my question was it appears from the statement  
9           that you didn't?

11:40 10      A       That's correct.

11      Q       And what do you -- what conclusion do you draw or  
12           inference do you draw from the fact that you  
13           didn't, what does that tell us, if anything?

14      A       That tells me, in my mind, I couldn't have had any  
11:41 15           other information or suspicions about him being  
16           involved in anything else.

17      Q       Okay. Because, if you had, what would you have  
18           done differently?

19      A       I'd have taken, like I said, a more detailed  
11:41 20           version of what I did in those statements.

21      Q       Okay. Now, Mr. Karst, you have been present  
22           throughout a good part of the Commission's  
23           proceedings and we have, on a number of occasions,  
24           reviewed the four sexual assault files and you are  
11:41 25           familiar with the statements and the circumstances



1 of those assaults, are you not, today, presently?

2 A No, I wouldn't say as I am.

3 Q Okay.

4 A I know of them.

11:41 5 Q Yes.

6 A I'm not saying I'm familiar with them.

7 Q Yeah. And I guess, in looking at the (V5)--

8 (V5)--- statement and which we went through a

9 couple of months ago, and her description of the

11:42 10 rape and how it took place, and there -- some have

11 suggested that there are similarities between that

12 offence and the Gail Miller murder, and you've

13 heard that suggestion being made?

14 A I have.

11:42 15 Q And do you agree with that, that there are some

16 similarities between how the rape of (V5)--

17 (V5)--- occurred and the murder of Gail Miller?

18 A I would have to review those files to be able to

19 answer that.

11:42 20 Q Okay. Well why don't we maybe bring up the (V5)--

21 (V5)--- statement which is 070498, this is the

22 typewritten version, and if we can go to the

23 second page. And maybe I can just go through

24 parts of this where it has been suggested by some

11:43 25 the similarities that -- this occurred I think



1 in -- at least a back alley was involved, that she  
2 removed some of her clothes, and I think -- just  
3 hang on for one -- it has been suggested that she  
4 was -- worked at a hospital. I'm not sure if  
11:43 5 there's any, anything in the statement that  
6 indicates she was wearing anything of that nature.  
7 But the fact that this rape -- and let me just  
8 find it here -- actually, maybe if you want to  
9 just go through that, Mr. Karst, just read it to  
11:44 10 yourself and then I'll ask you a few questions.

11 A (Witness reading)

12 Q Have you read that?

13 A I have.

14 Q And are you able to comment at all on that as far  
11:44 15 as the suggestion that there are similarities or  
16 some similarities between (V5)-- (V5)---'s rape  
17 and the Gail Miller murder? And I appreciate that  
18 that may be a bit of a subjective question.

19 A There probably are similarities but there probably  
11:45 20 are -- what time of the day was this?

21 Q It was in the evening.

22 A I could say, if I studied those, there's probably  
23 as many dissimilarities as there are similarities.

24 Q Okay. If we can go back again to when you went to  
11:45 25 see Mr. Fisher in 1970, and I don't think -- I





1 think you are aware of this, Mr. Karst, that over  
2 the years it has been suggested by some that  
3 either you did draw a connection between Larry  
4 Fisher when you were there in October of 1970 in  
11:45 5 Winnipeg, that you did draw a connection between  
6 Larry Fisher and the Gail Miller murder or, if you  
7 didn't, that you should have; and you are aware of  
8 that suggestion having been made?

9 A I am.

11:46 10 Q And if you did draw -- and I appreciate you saying  
11 you don't recall, but if you did draw a connection  
12 between Larry Fisher and the Gail Miller murder in  
13 October of 1970, is that something you think that  
14 you would remember?

11:46 15 A I think I would.

16 Q And the fact that you don't remember, do you  
17 suggest that that leads you to the conclusion that  
18 you didn't draw a connection?

19 A I didn't make any connection.

11:46 20 Q Now you are aware as well, sir, that some have  
21 alleged that you did draw a connection and that --

22 A Which?

23 Q I'm sorry, let me say this again. You are aware  
24 that in the past, well at various points in the  
11:46 25 last 15 years it has been alleged by some people



1           that you did draw a connection and that you  
2           deliberately covered it up and subsequently lied  
3           about your recollection of the interview; are you  
4           aware of that suggestion being out there by some?

11:47 5       A       I'm aware of that.

6       Q       And how do you respond to that, to those  
7           suggestions, Mr. Karst?

8       A       Well, to me, a lie is when you deliberately  
9           mislead somebody.

11:47 10      Q       Yes.

11      A       I did not do that. When I spoke those words, I  
12           thought I was telling the truth, therefore I have  
13           to take exception to that.

14      Q       Okay. And I think, though, the suggestion -- and,  
11:47 15           again, just on what has been in the public  
16           domain -- the suggestion that when you said you  
17           didn't recall, that you actually did recall, in  
18           other words you remember drawing a connection  
19           between Larry Fisher and the crime and that you  
11:47 20           lied about it and you remember but you are saying  
21           you didn't remember, that type of allegation; are  
22           you aware of that?

23      A       I am.

24      Q       And that --

11:48 25      A       Completely --



1 Q How do you --

2 A Completely false.

3 Q All right. If you would have thought there was a  
4 connection, at the time you are there if you would  
11:48 5 have thought there was a connection between Larry  
6 Fisher and the Gail Miller murder, what would you  
7 have done?

8 A If I thought there was a connection I'd have  
9 probably questioned him about it.

11:48 10 Q Okay. And the fact that Mr. Milgaard had already  
11 been convicted of the murder of Gail Miller and  
12 had an appeal pending; what effect, if any, would  
13 that have had on what you would have done if you  
14 would have drawn a connection?

11:48 15 A Depending. For example, had I had information  
16 like his wife Linda Fisher coming to the police  
17 station and saying 'I think my husband did this, I  
18 have evidence to that effect', I think that would  
19 have had an impression on my mind if I had have  
11:49 20 had that kind of information.

21 Q Okay. And I went through both of the statements  
22 and they talked about -- and in both cases it  
23 appears that you asked Mr. Fisher where he lived  
24 at the time.

11:49 25 A I did.



1 Q There is no mention of 334 Avenue O South in  
2 either of those statements, there's other  
3 addresses. If you would have been aware at that  
4 time, Mr. Fisher would have said 'well I lived at  
11:49 5 334 Avenue O South' and you would have connected  
6 that to Albert Cadrain's house, what if anything  
7 would that have prompted you to do?

8 A I don't know whether that would have been enough  
9 to prompt me to start an investigation. By this  
11:49 10 time Mr. Milgaard had been convicted and I think  
11 my thoughts were not along that line any more  
12 unless, like I said, I had some specific  
13 information.

14 Q So again, if we look back at the information that  
11:50 15 you have got about Mr. Fisher and trying to  
16 understand the types of things that might have  
17 caused you to have the antenna go up and say  
18 'there might be something here that connects to  
19 Gail Miller', you've told us about Linda Fisher  
11:50 20 saying something; the address of Cadrain's house  
21 you are saying probably wouldn't have, is that  
22 fair?

23 A That's what I am saying.

24 COMMISSIONER MacCALLUM: Excuse me.

11:50 25 MR. HODSON: I'm sorry.



1 COMMISSIONER MacCALLUM: I'm not just quite  
2 clear. Are you telling me that you wouldn't have  
3 connected the address to Cadrain's house at that  
4 time, or you would have connected the address to  
11:50 5 Cadrain's house but that still wouldn't prompt  
6 you to do anything about it, which is it? Would  
7 you have recognized --

8 A Oh, if I would have seen that address I would have  
9 recognized it as the house that Cadrain lived in.

11:51 10 COMMISSIONER MacCALLUM: Okay, thanks.

11 A Yeah.

12 BY MR. HODSON:

13 Q And just a follow-up. So that if he would have  
14 said 'I lived at 334 Avenue O South at that time,  
11:51 15 in 1970', you think that would have, in your  
16 own -- you would have known that was Cadrain's  
17 house?

18 A I would have.

19 Q And then, having known that, I think you said that  
11:51 20 you may not -- that may not have been enough for  
21 you --

22 A That's right.

23 Q Okay. If we go back to again trying to identify  
24 things, Mr. Karst, that might have caused you to  
11:51 25 connect Mr. Fisher to the Gail Miller murder, or



1           cause you to even think about that, what about  
2           comparing the offences that he had committed and  
3           admitted to committing and the Gail Miller murder;  
4           is that something that would have or could have  
11:51 5           triggered you to think that he might?

6           A       Had I compared them?

7           Q       No. I guess the fact, and it's again been  
8           suggested by some and in fact disputed by others,  
9           that there were similarities between at least the  
11:52 10           (V5)--- and (V3)----- offences and the Gail  
11           Miller murder, and I think in fairness you are  
12           saying 'there are some similarities and there are  
13           some differences', and I'm wondering, sir, if  
14           that's the type of thing that would cause you, as  
11:52 15           a police officer, to say 'this... ' -- if you  
16           would have, in your mind, said 'the (V5)--- and  
17           (V3)----- assaults are similar to the Gail Miller  
18           murder', would that have been enough to cause you  
19           to say 'I think I better check this guy out'?

11:52 20           A       If I'd have been well-conversed in those files,  
21           and I didn't see any mention of knife in that last  
22           file you showed me, but if there were more  
23           similarities, and obvious ones, I suspect it would  
24           give cause for concern and you might look at it.

11:52 25           Q       Yeah. Now -- and I think you told us on Monday



1 that, when you were involved in the Gail Miller  
2 file, you were not operating on the theory that  
3 the murderer of Gail Miller was the person who had  
4 committed the rapes of (V1)-, (V2)-----, and the  
11:53 5 assault on (V3)-----; is that fair?

6 A I made no connection.

7 Q Okay. And so, again, if you had made a  
8 connection, and in other words that in part of the  
9 Gail Miller investigation that one of the theories  
11:53 10 was that the murderer of Gail Miller was the  
11 person who committed these three sexual assaults,  
12 finding out that Mr. Fisher at least confessed to  
13 one of them, being the (V3)-----, would that have  
14 been something, you think, that would have sent up  
11:53 15 a red flag?

16 A On just that kind of speculation, I can't -- I  
17 don't know.

18 Q Okay. Are you able to answer that then?

19 A No, sir.

11:53 20 Q If we could -- and, again, going back to October  
21 22nd of 1970, if Mr. Milgaard had not been  
22 convicted of the murder of Gail Miller, let's  
23 assume for a moment he wasn't a suspect, wasn't  
24 involved, nothing, the Gail Miller case is  
11:54 25 unsolved; when you went to Winnipeg to interview



1 Mr. Fisher, are you able to tell us whether your  
2 approach to him would have been any different than  
3 when you went after Mr. Milgaard was convicted?  
4 And I appreciate you've told us you don't recall,  
11:54 5 I'm trying to get a sense of what you think you  
6 would have done and thought at the time?

7 A I don't think it would have been any different.  
8 In my mind, in the Miller situation we were  
9 investigating not only a rape but a murder, and I  
11:54 10 guess at that time I didn't connect a rape -- the  
11 rapes that were going on with that murder.

12 Q Okay. And just back to my question. If you went  
13 to interview Mr. Fisher, or when you did in  
14 October of 1970, if in your mind, sir, you would  
11:55 15 have thought or drawn some connection that Mr.  
16 Fisher might be a suspect, might be a person of  
17 interest or might somehow be connected to the Gail  
18 Miller murder --

19 A All right.

11:55 20 Q Okay?

21 A Okay.

22 Q -- would the fact that Mr. Milgaard had been  
23 convicted previously, and you knew that, had any  
24 effect on your approach and questioning and  
11:55 25 thinking in respect to Mr. Fisher?





1 A I don't think so.

2 Q Yeah. So whether -- and I think what you are  
3 saying, and please correct me if I'm wrong, that  
4 if, if it had come to your attention that Mr.  
11:55 5 Fisher may have been involved in the Gail Miller  
6 murder, and Mr. Milgaard had already been  
7 convicted of that offence, would you have followed  
8 up on that?

9 A I would have certainly followed that up.

11:56 10 Q Now in that situation, where Mr. Milgaard is  
11 convicted, and if you would have learned  
12 information that might have suggested that Larry  
13 Fisher was responsible, would you be concerned at  
14 all about what that might do to you and other  
11:56 15 officers? Would that be an embarrassing  
16 situation, sir?

17 A I don't think so. I'd rather have, if this is  
18 what we are referring to, have a guilty man being  
19 interviewed or convicted than an innocent man  
11:56 20 staying in jail.

21 Q Okay. So if you became aware, then, that Mr.  
22 Fisher may be a suspect, and you knew that Mr.  
23 Milgaard had already been convicted and you knew  
24 that you played a role in Mr. Milgaard's  
11:57 25 conviction; correct?



1 A Uh-huh, yeah.

2 Q And if Mr. Fisher had in fact been the person who  
3 committed the crime, then a mistake would have  
4 been made with respect to Mr. Milgaard; is that  
11:57 5 fair?

6 A That's fair.

7 Q And I'm not saying you made a mistake, or anybody,  
8 but the wrong person would be in jail?

9 A That's a fair analysis.

11:57 10 Q And would it be fair, also, to conclude that the  
11 police would -- that there would be some feeling  
12 amongst the police that they had done something  
13 wrong or made a mistake in that?

14 A I don't know whether I would word it that way,  
11:57 15 whether I would say we made a mistake.

16 Q And that's maybe the wrong word. What I am trying  
17 to get at, Mr. Karst, is whether there would be  
18 any reason in your mind not to pursue Mr. Fisher  
19 as a suspect, knowing that Mr. Milgaard had been  
11:57 20 convicted, and related to the fact that it might  
21 put you and other police officers in a difficult  
22 position given what you had done on the David  
23 Milgaard investigation; do you follow me?

24 A I do.

11:58 25 Q Yeah.



1 A Umm, like, I don't say -- I don't think it would  
2 have bothered me.

3 Q Yeah, okay.

4 A Any different than this is right now.

11:58 5 Q Okay. Now what about a situation where you might  
6 have thought there was a connection between Mr.  
7 Fisher -- or not a connection -- but whether you  
8 thought that this might be information that I am  
9 getting from Mr. Fisher that, if Mr. Milgaard got  
11:58 10 it, he might use it to overturn his conviction; in  
11 other words not that you thought -- let me just  
12 finish -- not that you thought Mr. Fisher had  
13 committed the crime, but Mr. Milgaard's appeal was  
14 pending, and let's assume for the moment that you  
11:58 15 would have thought that Mr. Milgaard had done it  
16 at the time and that Mr. Fisher had not, but it  
17 was information that you thought might be used by  
18 Mr. Milgaard to set aside his conviction -- and do  
19 you follow me --

11:59 20 A No, I don't.

21 Q -- in that scenario? Okay, let me restate it.

22 A Okay.

23 Q And I'm not suggesting this happened, Mr. Karst,  
24 I'm just saying as a possibility that if you  
11:59 25 uncovered information that in some way drew a



1 connection, let -- a connection between Mr. Fisher  
2 and the murder, for example --

3 A Okay.

4 Q -- that might have given Mr. Milgaard the ability  
11:59 5 to raise a reasonable doubt or to avoid conviction  
6 or set aside the conviction; do you follow?

7 A Yes.

8 Q And if you had become aware of that, not that you  
9 thought that the wrong person was in jail, okay,  
11:59 10 but that this might be information that the person  
11 in jail, who you thought was the right guy at the  
12 time --

13 A You are losing me.

14 Q Okay. Let me try again. Would you be concerned,  
12:00 15 again when you are talking to Mr. Fisher, if you  
16 would have drawn a connection, and not that he had  
17 committed the crime but that this information and  
18 Larry Fisher, his involvement in these rapes might  
19 be used by David Milgaard to avoid conviction --  
12:00 20 do you understand, in other words help him set  
21 aside his conviction and get off on the murder  
22 charge, and so it's a situation where you are not,  
23 you are not thinking Mr. Fisher is the guilty guy,  
24 you are still thinking David Milgaard did it?

12:00 25 A Okay.



1 Q Okay. But that you learned some information from  
2 Fisher that, in your mind as a police officer, you  
3 say if Milgaard's defence lawyer got ahold of this  
4 he might use it to help Milgaard get out of jail,  
12:00 5 okay; do you follow me?

6 A With great difficulty.

7 Q Okay. And my question is whether that's the type  
8 of -- whether that would have been anything that  
9 might influence your thinking on what to do with  
12:01 10 that information?

11 A You are going to have to simplify that question  
12 for me to understand it.

13 Q Tell you what, why don't we break for lunch here,  
14 and I'll try at 1:30.

12:01 15 A Okay.

16 (Adjourned at 12:01 p.m.)

17 (Reconvened at 1:34 p.m.)

18 BY MR. HODSON:

19 Q Mr. Karst, before lunch we were talking about  
01:34 20 trying to get an understanding of what might have  
21 been going through your mind at the time back in  
22 October 22nd, 1970 when you interviewed Mr.  
23 Fisher.

24 A Excuse me --

01:35 25 Q Yeah.



1 A -- can those curtains behind you be pulled? All I  
2 see is a glare light.

3 Q It's not my brilliance is it?

4 A Well, it might have something to do with that.

01:35 5 Thank you.

6 Q And we were talking about what, trying to get some  
7 assistance from you, Mr. Karst, given the fact  
8 that you don't recall the incident in October of  
9 1970, as to what you might have been thinking at  
01:35 10 the time and what you would have done based on  
11 certain scenarios as to what you knew or thought,  
12 okay.

13 A Right.

14 Q And let me just try and go at this again, and I  
01:35 15 think, and again keeping in mind, Mr. Karst, that  
16 in the past number of years there have been some  
17 people who have made allegations that you did  
18 know, you did connect and you didn't do things,  
19 etcetera, so I just want to explore that area with  
01:36 20 you.

21 A Okay.

22 Q And so I think, I've got it down to four scenarios  
23 as to possibilities as to what might have happened  
24 when you went to Winnipeg, as to what you knew and  
01:36 25 what you did, okay, and I think the first one, and



1           let me just go through these, is that in the  
2           course of the interview of Mr. Fisher, that  
3           nothing came to your mind to cause you to connect  
4           Larry Fisher to the Gail Miller murder  
01:36 5           investigation?

6           A           That is correct.

7           Q           In fact, there would be no reason to and you  
8           couldn't be expected to; in other words, not --  
9           and maybe this isn't for you to say, but that on  
01:36 10           the face of it there would be nothing there that  
11           reasonably could be expected to prompt you to  
12           connect it, and you didn't connect it, that's one  
13           scenario; is that fair?

14          A           That's fair.

01:36 15          Q           And a second scenario is that in the course -- let  
16           me back up for a moment, I should have started by  
17           saying that it's your evidence, sir, that you did  
18           not tell anybody and you did not connect Mr.  
19           Fisher; is that fair?

01:37 20          A           To the murder?

21          Q           Yes.

22          A           That's correct.

23          Q           Okay. So the first scenario we talked about is  
24           that you don't connect and there's nothing in the  
01:37 25           course of the interview that reasonably could be



1 expected to cause you to connect it. Secondly,  
2 that nothing caused you during the course of the  
3 interview to connect Mr. Fisher to the Gail Miller  
4 murder, but it could be reasonably expected that  
01:37 5 you should have, and again that's not necessarily  
6 for you to say, but it could be said that based on  
7 what was discussed, some might say you should have  
8 connected it, but you didn't. Do you see that?  
9 That's the second scenario. You follow?

01:37 10 A Yes.

11 Q A third scenario would be where you did, in the  
12 course of the interview, and I'm not suggesting  
13 this, Mr. Karst, I'm just putting this out as  
14 possible scenarios, and I'll come back to this, is  
01:38 15 that you did think of a connection between Larry  
16 Fisher and the Gail Miller murder, but that you  
17 didn't pursue it further, or the police didn't  
18 pursue it further because either you didn't want  
19 David Milgaard to use it to overturn his  
01:38 20 conviction or you didn't want it to come out and  
21 have to undue the work -- or for whatever reason,  
22 an improper reason. Would you agree that it would  
23 be improper to conceal that information?

24 A It would.

01:38 25 Q And whether it was -- put it this way, I think





1           where we got stuck before lunch, I had asked you  
2           the question if you thought Fisher had really been  
3           the killer of Gail Miller and you knew David  
4           Milgaard had been convicted and an appeal pending,  
01:38 5           I think you said you would have done something  
6           with that; is that fair?

7           A       Yes.

8           Q       And would you agree that it would not be proper to  
9           withhold that information if you thought that you  
01:39 10          perhaps had the wrong person in jail?

11          A       I agree with that.

12          Q       And again a related thing is, and I take it at the  
13          time when you would have -- if you would have  
14          drawn a connection in your mind, of course the  
01:39 15          interview, I'm not sure you would be able to  
16          distinguish whether it meant that Larry Fisher did  
17          it or that he must be a suspect, but to raise a  
18          suspicion, and where I was before lunch is that  
19          even if you drew a connection and thought that,  
01:39 20          okay, I still don't think he's the killer, I still  
21          think David Milgaard is, but that to conceal that  
22          information so that Mr. Milgaard couldn't use it  
23          as he saw fit or his lawyer -- do you follow that?

24          A       I do.

01:39 25          Q       And you would agree that would be an improper



1 purpose?

2 A Very improper.

3 Q So when we go back to the third scenario, is that  
4 in the course of the interview of Mr. Fisher you  
01:39 5 actually do draw a connection --

6 A Stop -- start again.

7 Q Okay. So the third scenario would be where in the  
8 course of interviewing Mr. Fisher you actually do  
9 draw, in your own mind, a connection between Mr.  
01:40 10 Fisher and the Gail Miller murder --

11 A Okay.

12 Q -- and for whatever purpose, and I think I've  
13 identified two reasons, and you've agreed they are  
14 both improper, you don't tell anybody or you  
01:40 15 conceal it, okay, do you understand that scenario?

16 A Okay.

17 Q And I guess the fourth scenario would be that  
18 Larry Fisher would tell you that he killed Gail  
19 Miller in that interview; correct? That's a  
01:40 20 possibility?

21 A You are supposing something?

22 Q Yes, I am supposing, yes.

23 A All right.

24 Q And in this case again you wouldn't tell. So when  
01:40 25 we look at those range of things that might have



1           happened, Mr. Karst, and I want to go back, and  
2           I'm not sure, I don't wish to put the first two to  
3           you, being that either you didn't draw the  
4           connection or you didn't and you should have, but  
01:40 5           on the latter part, is it possible that you would  
6           have drawn some connection and decided not to  
7           pursue it further?

8           A       Do you think you can clarify that question?

9           Q       Yes, I can.

01:41 10          A       I never made any connection.

11          Q       Okay. Now, again let's just go back to what your  
12                  practice would have been at the time in 1970, and  
13                  what would, what do you think you would have done  
14                  once you were finished with Mr. Fisher and had the  
01:41 15               two statements as far as the files, follow-up,  
16               etcetera?

17          A       On those two --

18          Q       Yes.

19          A       -- files?

01:41 20          Q       Yes.

21          A       What I suspect would have happened? That they  
22                  would be turned over to Inspector Nordstrom who  
23                  was in charge of morality section. From then on,  
24                  I really don't know. Proper procedure would have  
01:41 25               had them typed out, copies go to Central Registry



1 on the master file and a copy to the investigating  
2 officer.

3 Q And do you think, Mr. Karst, or would it have been  
4 your practice to prepare an investigation report  
01:42 5 detailing what happened when you were in Winnipeg?

6 A I believe so.

7 Q Now, if Inspector Nordstrom was senior, would he  
8 prepare the report?

9 A No. If I know, remember him, he would instruct me  
01:42 10 to.

11 Q Okay. So you would prepare an investigation  
12 report to go on the file?

13 A I would.

14 Q And I take it, and we've seen situations before,  
01:42 15 would outline, you think, the statement you took  
16 and matters of importance; is that fair?

17 A That's fair.

18 Q And what would you have expected to happen to that  
19 report, where would it go?

01:42 20 A Probably to the court preparations officer and --

21 Q And -- I'm sorry, carry on.

22 A He would, I believe, send it further on for  
23 prosecution.

24 Q And do you think you would have gone to talk to  
01:43 25 the officer, the morality officer or police



1 officer -- when I say officer, I don't mean to say  
2 a rank, just a policeman, I think I'm safe in  
3 saying policeman at that time. If you went, would  
4 you have gone to the police officer in charge of  
01:43 5 that file and told him what you found out?

6 A I doubt if I would have made any special effort.  
7 If I had met him on the hallway or in the stairway  
8 and I just come back, I would have probably said,  
9 you know, I was just in Winnipeg and cleaned up  
01:43 10 that file. However, I don't know that.

11 Q How would that officer find out about the file  
12 being cleaned up?

13 A If he didn't find it out from me, it should have  
14 been on his file from my report.

01:43 15 Q So a copy of the statement and your report you are  
16 saying should have gone on the file; is that  
17 right?

18 A In my opinion, that's what happens.

19 Q And then the officer would know?

01:43 20 A Certainly.

21 Q And in the case of (V1)- and (V2)-----, those are  
22 the two rapes that Mr. Fisher did not confess to,  
23 and if you would have taken a statement from Mr.  
24 Fisher where he denied them or if you would have  
01:44 25 asked Mr. Fisher about the (V1)-, (V2)----- rapes



1 and he denied them, would you have made an  
2 investigation report on that?

3 A There should have been an investigation if I had  
4 asked him on the portion of the statement where he  
01:44 5 would say no, I'm not, nothing to say.

6 Q So let me ask it this way, if you would have  
7 questioned Mr. Fisher on the (V1)-, (V2)-----  
8 rapes, would it have been your normal practice to  
9 either have a written statement from Mr. Fisher  
01:44 10 or -- and/or an investigation report outlining  
11 what he said about the (V1)-, (V2)----- matters?

12 A I would say both.

13 Q And so that if I'm working on the (V1)- file or  
14 the (V2)----- file, I would learn about your trip  
01:44 15 to Winnipeg?

16 A You should.

17 Q And if I'm working on the (V3)----- file or the  
18 (V5)--- file, I would learn about it through that?

19 A I suspect so.

01:45 20 Q Do you recall doing any further work after you got  
21 back -- after you've got the statements from Mr.  
22 Fisher, do you have any recollection doing any  
23 further work on any of those four files?

24 A None whatsoever.

01:45 25 Q Or discussing them with anyone?



1 A I recall no discussion.

2 Q And at that time after you got back, Mr. Karst,  
3 and any time thereafter, did you conceal from any  
4 police officers the fact that you went to Winnipeg  
01:45 5 and took the two statements?

6 A I did not.

7 Q Did you conceal the statements that you took from  
8 Mr. Fisher from anyone within the police?

9 A I did not.

01:45 10 Q Did you conceal the fact that you went to see Mr.  
11 Fisher and took his statements from anyone --

12 A I did not.

13 Q -- in or outside the police? If in the course of  
14 the interview with Mr. Fisher on October 22nd,  
01:46 15 1970, if he was questioned about the (V1)-,  
16 (V2)----- matters, and presumably denied them, and  
17 based on the interviews it gave you cause to think  
18 that further investigation ought to be done with  
19 respect to those two -- do you follow me?

01:46 20 A No.

21 Q Okay. I think -- let's assume for the moment that  
22 you questioned Mr. Fisher about (V1)-, (V2)-----?

23 A Okay, you are assuming I questioned him?

24 Q Yes, I am.

01:46 25 A All right.



1 Q And just follow this, and I appreciate what you  
2 said before, and assuming you investigate, or you  
3 ask him about those and he denies them but in your  
4 mind you think, or Inspector Nordstrom thinks that  
01:46 5 this needs to be checked out; in other words, you  
6 are not sure that he's telling the truth when he  
7 denies them and that some further investigation  
8 ought to be done -- do you follow me?

9 A I follow you.

01:46 10 Q -- who would be responsible to do that and how  
11 would that happen?

12 A I would suspect I would have been the one  
13 responsible to leave a report saying that.

14 Q And who would follow up on that then?

01:47 15 A The investigating officer, whoever's file it was.

16 Q What role would Inspector Nordstrom play in that  
17 do you think?

18 A Being that he was the inspector, I would just say  
19 that he would review the file and probably contact  
01:47 20 the person who had the file and say we have  
21 further information coming here.

22 Q Would it have been, again as far as -- as between  
23 you and Inspector Nordstrom, who would be the  
24 officer, or maybe both of you, that would be  
01:47 25 responsible to do any follow-up arising out of





1           that interview?

2       A       Certainly not me.

3       Q       And why is that?

4       A       I'm not in morality. It was a morality file.

01:47 5       Q       Okay. So again your practice, based on what we're  
6           talking about here, are you saying that you would  
7           have replied upon Inspector Nordstrom in morality  
8           to do whatever --

9       A       -- was necessary.

01:48 10      Q       Was necessary, okay. Now, we have seen evidence  
11           that on December 30th, 1970 Mr. Fisher was charged  
12           with the rapes of (V1)-, (V2)-----, (V5)--- and  
13           the indecent assault of (V3)-----. You recall  
14           seeing that at least in these proceedings, you are  
01:48 15           aware of that?

16      A       I'm aware of it, sir.

17      Q       Were you aware of it back in 1970 that he was  
18           charged?

19      A       When I went to Winnipeg?

01:48 20      Q       No, I'm sorry, this would be about two months  
21           after you went to Winnipeg, in October of 1970 you  
22           got the statements, two months later -- and let me  
23           just put up 067734?

24      A       I'm wondering when you are referring to, which  
01:48 25           time I was in Winnipeg, to see Mr. Fisher?



1 Q Mr. Fisher, yes.

2 A Okay.

3 Q If you can put up 067734, please, and this is an  
4 information sworn December 30th, 1970, a fellow by  
01:49 5 the name of Elmer Goa, G-O-A. Do you remember  
6 Elmer?

7 A I remember him quite well.

8 Q And what was his job?

9 A I believe he was a court officer.

01:49 10 Q Okay. And this is a charge that relates to  
11 (V2)-----, you'll see that, a charge of rape?

12 A Yes.

13 Q And so this was sworn on December 30th, 1970 and  
14 there's similar informations for (V1)-, (V3)-----  
01:49 15 and (V5)---, okay, on the same date, so about --

16 A What date are you saying this is?

17 Q If you go down to the bottom left, please.

18 A Okay.

19 Q December 30th, 1970.

01:49 20 A I see it now, yes.

21 Q So about eight weeks after, 10 weeks after you  
22 went to see Mr. Fisher in Winnipeg charges were  
23 laid with respect to the two that you got a  
24 confession from and (V1)- and (V2)-----, okay, you  
01:49 25 understand that?



1 A I understand that.

2 Q And my question was at the time back in December,  
3 1970 were you aware, did you become aware that Mr.  
4 Fisher was being charged for these offences?

01:50 5 A I was not.

6 COMMISSIONER MacCALLUM: What was your  
7 answer, sir?

8 A I was not aware.

9 BY MR. HODSON:

01:50 10 Q And do you remember at what point in time you did  
11 become aware that Mr. Fisher had been charged for  
12 those?

13 A I don't know, but it was a long time afterwards.

14 Q And would it be, when you say 'a long time', would  
01:50 15 it be around 1990; in that time frame?

16 A Probably.

17 Q Who had authority to lay charges? Who would have  
18 the authority to make a decision to charge Larry  
19 Fisher at this time?

01:50 20 A I can't honestly tell you. I know it wasn't me.

21 Q And would it be -- could a morality officer -- I  
22 think that's what they were called, a morality  
23 officer -- could they lay a charge, or did it have  
24 to go through Nordstrom or Wood, or --

01:51 25 A I think it would have to go through some channels.



1 Q Do you know?

2 A No, not for sure.

3 Q Would you on your own, sir, be able, as a  
4 detective, be able to go and authorize and lay the  
01:51 5 charges against Mr. Fisher?

6 A I don't know if I had that authority, but I can't  
7 ever remember doing it.

8 Q Okay. And do you have a recollection of Mr. Goa  
9 or anybody else discussing with you the statements  
01:51 10 you took from Mr. Fisher in relation to the  
11 decision to charge him?

12 A None whatsoever.

13 Q And do you have any information as to, or  
14 explanation as to the basis upon which the police  
01:51 15 charged Mr. Fisher for the (V1)- and (V2)-----  
16 rapes in December of 1970?

17 A I have no idea.

18 Q Now if we could call up 261053, please. This is a  
19 letter we have seen many times and in these  
01:52 20 proceedings this is a letter from Deputy Chief  
21 Corey to Mr. Mackie March 17th, 1971, and this  
22 sets out the circumstances on the four charges,  
23 and are you familiar with this letter as being one  
24 that we've referred to in these proceedings, Mr.  
01:52 25 Karst?



1 A From Corey to Mackie?

2 Q Sorry, MacKay, I'm sorry.

3 A Oh, okay.

4 Q MacKay.

01:52 5 A Other than seeing it here, I'm not aware of it.

6 Q But you know of the letter that I am talking about  
7 from your observations in the Commission?

8 A That's correct.

9 Q Okay. And we've gone through this on a number of  
01:52 10 occasions, I won't go through it all, but just  
11 prior to these proceedings had you seen this  
12 letter before?

13 A I don't believe so.

14 Q And it's a letter, and I think we heard evidence  
01:53 15 from Mr. Wood that the Deputy Chief Corey, the  
16 deputy chief would be the one who looked after  
17 dealing with disposition of charges in other  
18 jurisdictions; is that right?

19 A I believe so.

01:53 20 Q Okay. And so this is his letter March 17th, it  
21 talks about being contacted by Mr. Caldwell; did  
22 you have any discussions with Mr. Caldwell in  
23 1970-1971 about your interview with Larry Fisher?

24 A Not -- none at all.

01:53 25 Q And did you have any discussion with Mr. Caldwell



1 at that time about any of the four rape files;  
2 (V1)-, (V2)-----, (V3)-----, and (V5)---?

3 A Not that I recall at all.

4 Q Okay. And again in subsequent years, other than  
01:53 5 in connection with later proceedings? Do you  
6 understand my question?

7 A No.

8 Q Okay. I'm sorry, you don't understand my  
9 question?

01:53 10 A I don't understand at all.

11 Q Okay. I'm not interested in whether, if you  
12 discussed it with him in '93 with the RCMP or in  
13 '91 with Eugene Williams; prior to that time,  
14 prior to -- let's say prior to 1990, okay, did you  
01:54 15 ever have a discussion with Mr. Caldwell about  
16 these four rape charges?

17 A No, sir.

18 Q What about Mr. MacKay with the -- do you know who  
19 Mr. MacKay is?

01:54 20 A No, I have no idea.

21 Q What about Mr. Kujawa; do you know who he is?

22 A I know of him, yes.

23 Q And did you ever have a discussion with Mr. Kujawa  
24 in 1970-'71, or at some later date prior to 1990,  
01:54 25 about the four rape charges?



1 A No, sir.

2 Q Or about your interviews of Larry Fisher?

3 A No, sir.

4 Q And so this letter talks about setting out the

01:54 5 charges, if we can go to the next page. And

6 again, Mr. Karst, this is March of '71, so this is

7 October of '70 you would have taken this

8 statement; right?

9 A Okay.

01:55 10 Q And in this letter, it's from the police to the

11 Attorney General's Department outlining

12 information in connection with the charges for the

13 four rapes or three rapes and attempted rape,

14 okay?

01:55 15 A When you are saying 'police' who are you referring  
16 to?

17 Q It's Corey.

18 A Okay.

19 Q The letter -- I'm sorry, if we can just go to the

01:55 20 next page, I'll just show you that. You will see

21 here this is Corey, deputy chief, and so this is a

22 letter from him to the deputy attorney general;

23 okay?

24 A Right.

01:55 25 Q And if we can go to the second page, call out that



1 paragraph, it says:

2 "During the investigation of this  
3 offence Miss (V1)- viewed Police photos,  
4 including that of Fisher, and was unable  
01:55 5 to identify him as her assailant."

6 Do you have any recollection of getting a  
7 photograph of Fisher when you were there in  
8 October of 1970?

9 A I do not recall that.

01:55 10 Q If we go back, and again your practices at the  
11 time, he had been picked up in September and been  
12 in custody for about a month, and charged in  
13 Winnipeg or Fort Garry prior to you going to see  
14 him; do you think you or Inspector Nordstrom would  
01:56 15 have obtained a photograph of him if one existed?

16 A I may well have, I just don't recall if I did.

17 Q No, I appreciate you don't recall that, I'm just  
18 talking to see if you can shed some light as to  
19 where this photograph might have come from and the  
01:56 20 likelihood of that photograph being provided  
21 either to you or to Inspector Nordstrom when you  
22 interviewed him in Winnipeg or in Fort Garry; is  
23 that possible or --

24 A Yes, certainly.

01:56 25 Q And if you were going to do some further





1 investigation after Winnipeg, in other words you  
2 were going to go check -- let me back up. You  
3 recall the question where I said 'let's assume you  
4 asked him about (V1)- and (V2)-----', --

01:56 5 A Okay.

6 Q -- he denied it and you were going to do some  
7 further investigation, I think you said Nordstrom  
8 would do that; is that right?

9 A Yes.

01:57 10 Q And if that were the scenario do you think it  
11 likely that you would have got a photograph of him  
12 to assist in that investigation?

13 A It would have been wise in that case, yes.

14 Q And do you have any recollection of showing Mr.  
01:57 15 Fisher's photograph to anybody in '70-'71?

16 A I think -- I do not.

17 Q So then if we scroll down, another paragraph, it  
18 also says:

19 "(V2)----- was unable to identify Fisher  
01:57 20 from Police photos as her assailant."

21 And then if we can go to the bottom of the page  
22 it describes, here, about (V5)-- (V5)--- and it  
23 says:

24 "She has viewed Police photos including  
01:57 25 one of Fisher, and states that he



1 appears similar to her assailant,  
2 however, it appears that her  
3 identification is extremely weak."

4 Were you aware of that?

01:57 5 A No, sir.

6 Q And then, in this paragraph, Mr. Corey states:

7 "During October 22, 1970, Members of our  
8 Force interviewed Fisher while he was  
9 confined to cells at the Fort Garry,  
01:58 10 Manitoba, police station. Fisher  
11 admitted being responsible for the rape  
12 of (V5)-- (V5)----- (V5)--- on February  
13 21, 1970, and also the attempted rape of  
14 (V3)-- (V3) (V3)----- on November 29th,  
01:58 15 1968. Fisher was questioned about the  
16 offences committed on October 21 and  
17 November 13, 1968, and denied any  
18 knowledge of same."

19 And it appears from this paragraph, Mr. Karst,  
01:58 20 that something has caused Mr. Corey to write that  
21 Mr. Fisher was questioned on those dates; do you  
22 agree?

23 A Right.

24 Q And one possibility would be a police report; is  
01:58 25 that fair?



1 A That's one.

2 Q And can you think of any others?

3 A Only if Inspector Nordstrom went in and had a  
4 conversation.

01:58 5 Q Okay. And so, from reading this, are you able to  
6 reach any conclusions as to whether it was more or  
7 less likely that you interviewed Mr. Fisher about  
8 (V1)- and (V2)-----?

9 A It sounds like he must have had some evidence of  
01:59 10 that.

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

12 "Police investigation revealed that  
13 Fisher lived within a block of the  
14 locations where these rapes occurred,  
01:59 15 the description of the culprit is very  
16 similar and the modus operandi is the  
17 same in all four cases. Fisher claims  
18 that he had never heard of these  
19 offences being committed, which is hard  
01:59 20 to believe as they happened within a  
21 three week period in the same area and  
22 received wide publicity."

23 And from this, Mr. Karst, it appears that there  
24 was some further police investigation done; is  
01:59 25 that a fair reading of that?



1 A It appears that way.

2 Q And were you involved at all in any of that?

3 A Not that I can remember.

4 Q Now -- we're done with that document -- the record

01:59 5 indicates that about a year after he was charged

6 Mr. Fisher was convicted of the four charges --

7 let me back up. In May of 19 -- in May of 1971,

8 okay, you went to see him October of 1970, I think

9 on May 29th of '71 he was convicted of the rapes

02:00 10 and other offences he committed in Manitoba and

11 was sentenced to, I think, 13 years. Did you

12 become aware at or around that time, or within

13 months or a year or two of that, that he had been

14 convicted?

02:00 15 A Much later. I can't remember when but it was a

16 long time after.

17 Q And when you say 'a long time', ten years or --

18 A Years, yes, years.

19 Q And then the record shows that in December of 1971

02:00 20 he was convicted in Saskatchewan, in Regina, and

21 given a concurrent sentence; were you aware of

22 that at the time?

23 A No, sir.

24 Q And, again, did you become aware of that at some

02:00 25 point?



1 A Probably due to some of these hearings or  
2 something, but I don't remember.

3 Q So many years later?

4 A Many years later.

02:01 5 Q And the record indicates that Mr. Fisher's  
6 proceedings in Saskatchewan were done by way of  
7 direct indictment; do you know what a direct  
8 indictment is?

9 A I do.

02:01 10 Q And had you come across that before in your  
11 dealings as a police officer?

12 A Direct indictment, yes.

13 Q And if I were to tell you, and I think which is  
14 the case, that he was -- Mr. Fisher went by way of  
02:01 15 direct indictment, is that something that, as a  
16 police officer, you would see as unusual?

17 A No.

18 Q The fact that Mr. Fisher's, that the charges were  
19 disposed of in Regina rather than Saskatoon, did  
02:01 20 you become aware of that at some point?

21 A Not until a long time after.

22 Q And is that something that you, as a police  
23 officer, would see as being unusual?

24 A I would say unusual, but depending on the  
02:01 25 circumstances.



1 Q Okay. Did you play any role, Mr. Karst, in the  
2 decision to charge and prosecute Larry Fisher and  
3 the decision to have the charges proceed by direct  
4 indictment in Regina?

02:02 5 A None whatsoever, sir.

6 Q Did you have any discussions with Mr. Caldwell or  
7 Mr. Kujawa in that connection?

8 A No, sir.

9 Q It has been suggested by some over the years, Mr.  
02:02 10 Karst, that police and prosecutors conspired to  
11 cover up the Larry Fisher charges and convictions  
12 in Saskatchewan to keep them from the police, the  
13 public, and David Milgaard; you are aware of  
14 suggestions of that being made?

02:02 15 A I am.

16 Q Did you participate in any such coverup?

17 A Not only did I not participate, I don't know of  
18 anybody that did.

19 Q If we could call up 019371. This is a memorandum  
02:03 20 that Mr. Kujawa prepared for his file in December  
21 24, 1971, and I believe you may have been  
22 questioned about this at the Supreme Court, and  
23 this isn't your document but I just want to ask  
24 you to comment on this part. In Mr. Kujawa's  
02:03 25 memorandum to his file he talks about the



1 confessions in Winnipeg, or in Manitoba, and he  
2 says:

3 "Without his confession in Winnipeg we  
4 had no case at all against him and the  
02:03 5 confession would not likely be held to  
6 be voluntary."

7 And are you aware, sir, that that -- you have  
8 been asked about this prior; is that --

9 A I have.

02:03 10 Q Do you know any reason, based on your observations  
11 of the statement from Mr. Fisher, as to why it  
12 might not be considered to be voluntary?

13 A I have no idea.

14 Q Did you ever have any discussion with Mr. Kujawa,  
02:03 15 at or around this time, regarding the  
16 circumstances of --

17 A No, sir.

18 Q Are you aware of what happened between Mr. Fisher  
19 and the authorities in Winnipeg in the days prior  
02:04 20 to your dealings with him on October 22nd, 1970?

21 A Only that they talked to him and, I believe, took  
22 some statements from him.

23 Q And is that from reading the documents?

24 A That's correct.

02:04 25 Q Do you have a recollection of that?



1 A No.

2 Q Okay. I'm done with that document.

3 I would now like to skip ahead  
4 ten years, if I might. The record indicates that  
02:04 5 on August 28th, 1980 Linda Fisher, who was Larry  
6 Fisher's ex-wife, attended at the police station  
7 and talked to Inspector Wagner and told a story  
8 that she and Larry Fisher had lived in the Cadrain  
9 basement at the time of Gail Miller's murder, and  
02:04 10 that Mr. Fisher was in jail for some rapes, and  
11 she told Mr. Wagner that she thought Larry Fisher  
12 may have killed Gail Miller and that David  
13 Milgaard is innocent. And I'm going to show you  
14 -- and you are familiar with that information in  
02:05 15 the course of these hearings?

16 A Yes I am.

17 Q And we'll maybe call up 025417, which is Linda  
18 Fisher's statement, and as well if we could call  
19 up 106701, this is an investigation report dated  
02:05 20 August 28th, 1980 by Inspector Wagner dealing with  
21 Linda Fisher. You are familiar, in these  
22 proceedings, with both the statement and the  
23 investigation report --

24 A Yes --

02:05 25 Q -- to date?





1 A -- I am.

2 Q If I could ask you to think back to 1980, at  
3 around this time do you recall being made aware of  
4 this information that Linda Fisher provided to the  
02:06 5 police?

6 A Specifically, I don't. I don't know whether it  
7 was made general knowledge in the station and, if  
8 it was, I would have known.

9 Q And do you have a memory of being made aware of  
02:06 10 this back in 1980?

11 A Not specifically.

12 Q And if we could go to the investigation report,  
13 106701 -- again, we will be hearing evidence from  
14 both Linda Fisher and Inspector Wagner -- but it  
02:06 15 appears that Linda Fisher went into the police  
16 station on her own with information at 4:20 in the  
17 morning and then went on to tell the story, and  
18 that Inspector Wagner took a written statement and  
19 prepared an investigation report, and I take it  
02:07 20 from your experience, Mr. Karst, that would have  
21 been proper procedure to take down the  
22 information?

23 A Yeah. It was rather unusual that Wagner took the  
24 statement, being inspector I don't -- but --

02:07 25 Q And would the fact that it was at 4:20 in the



1 morning be a factor?

2 A That might be a factor, there might not have been  
3 too many people on duty.

4 Q And do you remember what area Wagner was in at the  
02:07 5 time?

6 A In the uniform, patrol division.

7 Q Okay. So that was a bit odd -- or I don't mean to  
8 say 'odd', but --

9 A Different.

02:07 10 Q -- different? But as far as the, in 1980 the  
11 practice, if someone came in and said 'I have got  
12 information that I think my ex-husband killed  
13 someone and the wrong person is in jail', that  
14 information would be -- the procedure would be to  
02:08 15 take a statement and prepare an investigation  
16 report?

17 A Take the information, yes.

18 Q And you are familiar today, sir, with what's in  
19 this report and what it is that Linda Fisher says?

02:08 20 A I think I remember most of it, yes.

21 Q And, again, if you wish to read through it you  
22 may, but I want to ask you this; if you would have  
23 become aware of this, Mr. Karst, in 1980, would  
24 you have done something with it?

02:08 25 A Yes.



1 Q What would you have done?

2 A I believe the first thing I would have done is  
3 taken it to one of my superiors, Short,  
4 Superintendent Wood, Ray Mackie, discuss it and  
02:08 5 see what line of action they thought we should  
6 take.

7 Q And do you think you would pursue it to see if  
8 there's validity to it?

9 A I'm sure they would have -- I would have.

02:08 10 Q And why is that?

11 A Well, if somebody is implicating somebody else  
12 that somebody else is incarcerated for, I think it  
13 should be checked out.

14 Q And would the fact that Mr. Milgaard had been  
02:09 15 convicted of this offence, his appeals exhausted  
16 and been in jail for ten years, would that impact  
17 on your decision as to whether or not to deal with  
18 it?

19 A No, I would want to investigate it.

02:09 20 Q And what type of steps would you take to  
21 investigate it?

22 A I would go and see Mrs. Fisher again.

23 Q Yes?

24 A See whether she gives the same story twice. Not  
02:09 25 unusual for a woman to come in after a domestic



1 dispute and make some odd -- complain against her  
2 husband or whatever. That would be the first  
3 thing I think I would have done if I'd have been  
4 assigned it. Secondly, I would have went to see  
02:09 5 Mr. Fisher.

6 Q Okay.

7 A Question him and see what his answers were, and  
8 see how they coincided with his wife's story, and  
9 went on from there.

02:09 10 Q Okay. What about Albert Cadrain; would you have  
11 talked to Albert Cadrain?

12 A I don't think so.

13 Q Okay. Would the fact that --

14 A I suppose I would have spoke to somebody there,  
02:10 15 maybe Mrs. Cadrain, to answer -- to ascertain, you  
16 know, whether these people lived there for sure,  
17 whether anybody seen him coming in or out of the  
18 house that morning, questions like that that you  
19 would want answers for.

02:10 20 Q And if in the course of your investigation you  
21 found that there may be some credibility to this  
22 story what would you have done?

23 A Investigate further.

24 Q Until what point?

02:10 25 A Until either I can substantiate her story or



1           disqualify it.

2           Q       And then, if you could have substantiated it, what  
3                    would you do with it?

4           A       Well I would have got some superior officers to  
02:10 5                    decide what should be done legally.

6           Q       Okay. If we could just go back to that document,  
7                    and we have heard evidence from Detective Sergeant  
8                    Parker and we'll hear evidence about Inspector  
9                    Wagner -- from Inspector Wagner, but it appears  
02:11 10                  that there were no further steps taken by the  
11                  police on this matter. And I take it, Mr. Karst,  
12                  given your earlier answers, that in your view --  
13                  and I don't want you to say which officer should  
14                  have done it -- but what you are saying is the  
02:11 15                  police should have done something with this  
16                  information; is that fair?

17          A       That's my opinion.

18          Q       And as far as how -- as far as the procedure,  
19                    then, at the time back in 1980, I think you were a  
02:11 20                  detective sergeant at the time in detectives?

21          A       I was.

22          Q       And I think in 1982 you went to patrol; is that  
23                    fair?

24          A       Sounds about right.

02:11 25          Q       Yeah. As far as how this would get handled by



1           somebody as to -- who -- how would you decide who  
2           should follow up on this in the detectives  
3           division?

4           A       It looks like it had already been decided by  
02:12 5           Inspector Wagner. I suppose at that time he would  
6           have known that Parker had been assigned to this  
7           file, and had worked on it, and probably that's  
8           why he put his name on it.

9           Q       Okay. And at that time Detective Sergeant Parker  
02:12 10          was in the detectives division, I believe?

11          A       I would have to look to see whether -- I would  
12          suspect, yes, it says Detective Sergeant Parker.

13          Q       And so then assigning it or directing it to a  
14          detective sergeant then, as far as the procedure,  
02:12 15          you are saying yes, that was the right procedure?

16          A       Yes.

17          Q       If we could go to 106838, please. And there are a  
18          number of letters here about efforts made in 1981  
19          to locate -- efforts by the Milgaard family to  
02:13 20          locate Cadrain, Wilson and John, witnesses; do you  
21          remember being involved in that at all, Mr. Karst?

22          A       I believe it was somebody from the Milgaard group  
23          that contacted me on one or two occasions and  
24          wanted to know if I could give them addresses of  
02:13 25          those people, and I think I advised them that I



1           would check and see whether they would agree to  
2           this, because I wouldn't give their names out  
3           without their consent.

4           Q       Okay.

02:13 5           A       That went through the chief's office and came back  
6           that way.

7           Q       Okay. And, again, it looks like Penkala, 'have  
8           Staff Sergeant Karst check out these names', and  
9           if we could just quickly go to 106839, this is  
02:14 10          your letter of January 16th, '81 to the chief.  
11          And you say:

12                        "I contacted Albert Cadrain ...",  
13           etcetera.

14                        "He requested his whereabouts not be  
02:14 15          divulged to anyone in regards to this  
16          matter for obvious reasons. (He had  
17          been threatened by Milgaard at the  
18          trial.) I assured him this department  
19          would make every effort to abide by his  
02:14 20          request."

21          Do you recall that discussion with Mr. Cadrain?

22          A       Yes.

23          Q       And do you know what he is referring to or you are  
24          referring to in your letter about him being  
02:14 25          threatened by Milgaard at the trial?



1 A I don't know specifically at the trial, but I know  
2 he told me that he had been threatened.

3 Q And this is 'he' being Mr. Cadrain?

4 A Mr. Cadrain.

02:14 5 Q And I take it, from this, that Mr. Cadrain did not  
6 want you to give his address out?

7 A That's correct.

8 Q And then 106840, the same request for Wilson and  
9 John:

02:15 10 "... if possible and confirm whether or  
11 not they wish to have their names and  
12 addresses released ..."

13 Call up 106841, and again I think this is your  
14 January 21 letter, and we've gone through this  
02:15 15 before, but just confirming that neither Wilson  
16 nor John wanted their address released; is that  
17 correct?

18 A As far as I recall, yes.

19 Q And then 106843, this is a letter from Nichol  
02:15 20 John's lawyer to you, and I think we heard  
21 evidence that Nichol John had been contacted by  
22 Joyce Milgaard, and in his letter he states:

23 "With all due respect, the suggestion is  
24 very strong that the address was  
02:15 25 received through the Saskatoon City





1 Police Department. We must object to  
2 this procedure."

3 Do you recall getting this information?

4 A I remember of it.

02:16 5 Q And did you give her address to anybody with the  
6 Milgaards?

7 A It did not come through me.

8 Q 097442, please. And this is a letter, again from  
9 Nichol John's lawyer to the chief, and he says --  
02:16 10 this is June 10th, '81:

11 "Because of co-operation that we have  
12 had with you and with Detective Sgt.  
13 Karst, I thought it was imperative that  
14 I pass this information on to you.  
02:16 15 Mr. Merchant seems to be well versed  
16 regarding police involvement with Nichol  
17 Demyen prior to the taking of a  
18 statement from her. He seems to be  
19 alleging that the Saskatoon City Police  
02:16 20 Department coerced a statement out of  
21 Nichol Demyen which may not have been  
22 the truth."

23 Do you recall seeing this at the time?

24 A I think I recall that.

02:17 25 Q And would this have been the first occasion where



1           you would have heard a suggestion that the police  
2           may have done something improper with respect to  
3           Nichol John?

4           A       I can't say if that was the first time or not,  
02:17 5           sir.

6           Q       I would like to skip ahead another ten years or  
7           so, Mr. Karst, to 1989. And I think we heard on  
8           Monday that you retired in or about April of 1989;  
9           is that right?

02:18 10          A       That's correct.

11          Q       And did you become aware in the late 1980s/early  
12          1990s that David Milgaard had taken steps to have  
13          his conviction for the murder of Gail Miller  
14          reviewed by the Federal Minister of Justice?

02:18 15          A       I believe I was aware there was some proceedings  
16          going on.

17          Q       And that this matter, if I -- that his application  
18          and his efforts to re-open his case, and certain  
19          allegations about your conduct and other conduct,  
02:18 20          was in the media from time to time; do you recall  
21          that?

22          A       I may have been aware of some of it, yeah.

23          Q       And would it be fair to say, or do you recall, Mr.  
24          Karst, there being suggestions or allegations in  
02:18 25          the media or in the public domain about the



1           conduct and the role of the Saskatoon City Police  
2           Service, and your role as well, in the  
3           investigation, and in fact criticism of it; is  
4           that --

02:19 5           A           I'm aware of that.

6           Q           And it appears from the documents, and I'll go  
7           through some of this, that you were contacted by  
8           the media on a number of occasions; is that --

9           A           Many.

02:19 10          Q           And it would appear -- and again I'll go through  
11          them -- that on many occasions you talked to the  
12          media; is that fair?

13          A           Yes, I had no hesitation, I told them I had  
14          nothing to hide.

02:19 15          Q           Okay. In cases where you were contacted about the  
16          Milgaard matter by the media did you answer their  
17          questions or oblige them on all occasions, or most  
18          occasions?

19          A           I can't remember ever saying no.

02:19 20          Q           And why did you do that?

21          A           I felt if I neglected to or would not answer their  
22          requests, that they may feel that I did do  
23          something wrong.

24          Q           Yeah. And do you recall Mr. Karst, at some point  
02:19 25          in time, that other officers were not, or some



1 officers were not talking to the media; is that  
2 fair?

3 A No, some absolutely refused.

4 Q Okay. Did that concern you?

02:20 5 A No. That was their business.

6 Q And what about other people who may have  
7 interviewed you in addition to the media; do you  
8 remember -- do you remember being interviewed by  
9 Paul Henderson?

02:20 10 A I remember that name, and I think he was one of  
11 them --

12 Q From Centurion Ministries?

13 A Yes. I think there was two from Centurion  
14 Ministries that I talked to one day or another.

02:20 15 Q And did they record that interview; do you recall?

16 A I did so many I can't remember whether that was  
17 recorded or whether it wasn't. I don't know.

18 Q I would like to go through in chronological order,  
19 here, some of these dealings, and we'll start with  
02:20 20 004819 please. This is December 8th, 1989, *The*  
21 *StarPhoenix*. And just to put this in the time  
22 frame, Mr. Milgaard would have filed his  
23 application with the Federal Minister of Justice  
24 for review and it was being considered, and I  
02:21 25 believe steps were taken to investigate it at or



1 about this date; okay?

2 A Okay.

3 Q And you've had a chance to review this article  
4 recently?

02:21 5 A I've read many of them.

6 Q And in this one -- let me just start off, I'll  
7 find the -- you see in the second paragraph it  
8 says:

9 "Knowing what I know, I think I'd keep  
02:21 10 him in forever," said the man, on  
11 condition he not be named."

12 A That doesn't sound like me.

13 Q Actually, I'll just go to -- go back to the main  
14 page, please. At the end it says:

02:21 15 "Interviewed in his Saskatoon home, the  
16 ex-officer said he remembers going with  
17 a colleague to Langenburg to tell  
18 Milgaard's parents, Joyce and Lorne,  
19 that their 16-year-old son was a  
02:21 20 suspected murder.

21 "She was crying most of the  
22 time, didn't want to say that her son  
23 wasn't a good boy."

24 Lorne's reaction, however, was  
02:22 25 quite different.



1 "He looked at us and he said,  
2 'Well, I figured it had to happen  
3 sometime'." Coming from him that made  
4 us all rest easier."

02:22 5 And I think your evidence -- go back to the main  
6 article -- the evidence was that it was you and  
7 Mr. Short that went to see Mr. and Mrs. Milgaard;  
8 is that correct?

9 A That's correct.

02:22 10 Q And so I think you've had a chance to recently go  
11 through this and my question is having read this  
12 article, did you talk to Cam Fuller on condition  
13 that you not be named and provide this  
14 information?

02:22 15 A I don't know. I don't remember talking to Cam  
16 Fuller.

17 Q At the time when you were talking to the media,  
18 did you ever ask that your name not be  
19 associated --

02:22 20 A Never did, no.

21 Q And if we can go through some of this information,  
22 I think when I showed you that you said you  
23 don't --

24 "Knowing what I know, I think I'd keep  
02:22 25 him in forever."



1 Does that sound like something you would have  
2 said?

3 A No, not my words.

4 Q If we can then go on, and again I think this is  
02:23 5 the same article here:

6 "He says he just wants to forget his  
7 three decades as a cop, but a retired  
8 police officer holds little back --  
9 except his name."

02:23 10 Does that sound like something you would have  
11 said?

12 A No, sir.

13 Q So are you able to tell us, Mr. Karst, whether  
14 this is, whether this information would have come  
02:23 15 from you or Lieutenant Short or someone else?

16 A It didn't come from me and if it relates to the  
17 fact that he and other officers went to  
18 Langenburg, I'm only aware of him and I that went,  
19 so it would appear it's Short.

02:23 20 Q Okay. If we can go to 039224, please, this is in  
21 the *Winnipeg Free Press*, June 26th of 1990, and it  
22 says:

23 "I'm still convinced that he's guilty,"  
24 Karst said in an interview from  
02:24 25 Saskatoon. "But if there's other



1 physical evidence that proves me wrong,  
2 then I guess we'd have to say those guys  
3 were lying."

02:24 4 And do you recall saying something of that  
5 nature?

6 A I don't recall it, but I'm sure I said it.

7 Q And:

8 "Karst, one of the primary investigating  
9 officers in the brutal stabbing of a  
02:24 10 Saskatoon nursing assistant in 1969,  
11 said he finds it "unbelievable" that  
12 witnesses now claim they were  
13 manipulated by police into testifying  
14 against Milgaard."

02:24 15 Do you recall saying that?

16 A I don't recall it, but I'm sure I said it.

17 Q And back to the main page, please, it says:

18 "Karst, a veteran homicide detective who  
19 interrogated all major witnesses in the  
02:25 20 case, said Cadrain was questioned  
21 intensely but denied they were pressured  
22 into lying.

23 "I would think I spent a lot of  
24 time with him because when a guy comes  
02:25 25 in and says I know who committed a





1 murder, you try and pick holes in his  
2 story to see if he knows what he's  
3 talking about," Karst said. When it was  
4 finished...he told us a story that  
02:25 5 sounded pretty legitimate.

6 Karst said until Cadrain walked  
7 into a Saskatoon police station 30 days  
8 after the murder, he and other  
9 investigating officers had almost  
02:25 10 nothing to go on.

11 It was Cadrain, Karst argued,  
12 who gave them the lead that ended with  
13 Milgaard.

14 "That boy came in to tell us  
02:25 15 about it -- this is where it all  
16 started, with him coming to the police  
17 station, a voluntary thing," Karst said.  
18 "He related the events of the day and  
19 the past month to us. So, we just  
02:25 20 listened to what he had to say."

21 Again, is that something you would have said to  
22 them I take it? Is that what you felt at the  
23 time?

24 A It's generally right. There's a few things in  
02:26 25 there that I took issue, I would take issue with.



1 Q Such as?

2 A "It was Cadrain, Karst argued," I never argued  
3 with him.

4 Q Okay. Anything else?

02:26 5 A Yes. I think when he walked into the station 30  
6 days after the murder he and other investigating  
7 officers, I wasn't involved up until that time, so  
8 I can't include myself in there.

9 Q Okay.

02:26 10 A I think that's a little bit off base.

11 Q Okay. Anything else?

12 A No, that's good enough.

13 Q And then if -- we're done with that article. Do  
14 you recall, and we've certainly seen with other  
02:26 15 witnesses some of the media attention that  
16 surround Albert Cadrain making some statements in  
17 June of 1990 talking about his treatment at the  
18 hands of the police. Do you recall that being in  
19 the media?

02:26 20 A I recall reading or hearing it.

21 Q And you became aware that Albert Cadrain had come  
22 out publicly and made some statements commenting  
23 on or criticizing the way in which the city police  
24 and you as well dealt with him; is that fair?

02:27 25 A I recall that.



1 Q And if we could call up 000229, this is  
2 Mr. Cadrain's handwritten statement to Paul  
3 Henderson of the Centurion Ministries on June  
4 24th, 1990, okay, so June of 1990.

02:27 5 A Okay.

6 Q And this is where he tells Mr. Henderson the  
7 following, if we can just call that out, and he  
8 says:

9 "They arrived at my house a short  
02:27 10 time --"

11 He's talking about meeting with the police, he  
12 says:

13 "They arrived at my house a short time  
14 later and took me to the police station.  
02:28 15 I recall that I was questioned that  
16 first day for 10 to 12 hours. I felt  
17 that they were accusing me of the  
18 murder. When they finally brought me  
19 home late that night I was mentally  
02:28 20 drained and shaking."

21 Now, you've told us your recollection of the  
22 first interview with Mr. Cadrain, Mr. Karst, and  
23 what do you have to say about Mr. Cadrain's  
24 description of --

02:28 25 A Completely inaccurate.



1 Q Did you go to his house and pick him up?

2 A I didn't.

3 Q Do you know if anybody else did?

4 A I have -- I'm not aware of that.

02:28 5 Q Is it your understanding that he came in  
6 voluntarily?

7 A With his brother.

8 Q And do you recall, did you question him for 10 to  
9 12 hours on March 2nd?

02:28 10 A I'm sure not.

11 Q And why do you say that?

12 A Well, it wouldn't take that long for him to give  
13 us the story that he gave us.

14 Q And did you either accuse him of the murder or do  
02:28 15 anything or say anything that would cause him to  
16 think that you were accusing him of the murder at  
17 that time?

18 A None whatsoever.

19 Q Go to the next page, please. Actually, you don't  
02:29 20 have to go back, I'll just read the last line on  
21 the previous, he says:

22 "As I can best recall I was picked up by  
23 police and questioned 15 to 20 times. I  
24 remember two detectives in particular,  
02:29 25 Karst and Short, working me over. They



1 worked like a tag team; one would be the  
2 bad guy and the other would act like he  
3 was my friend. The bad guy would scream  
4 at me then the other would offer me  
02:29 5 coffee and cigarettes. Then they would  
6 switch roles.

7 They asked me the same  
8 questions repeatedly, time after time  
9 after time, until I was exhausted and  
02:29 10 couldn't take it any more. This went on  
11 for months, continuing through the  
12 preliminary hearing. They put me  
13 through hell and mental torture. It  
14 finally reached the point where I  
02:29 15 couldn't stand the constant pressure,  
16 threats and bullying any more."

17 Again, does that accord with your recollection of  
18 how you interacted with Albert Cadrain in 1969?

19 A None whatsoever. I had a very good working  
02:30 20 relationship with him, as I did with his mother,  
21 and I'm sure he would never contact us, or his  
22 mother, time after time if this statement was  
23 true.

24 Q I take it you dispute what he has to say?

02:30 25 A I certainly do.



1 Q And then carrying on down, please, he says:

2 "As a result of the abusive treatment, I  
3 developed serious stomach ulcers and was  
4 actually spitting up blood for a long  
02:30 5 period of time. I also became very  
6 paranoid. At one point I had told the  
7 detectives about David Milgaard bragging  
8 about being in the Mafia."

9 I believe, Mr. Karst, that information was given  
02:30 10 to you by Mr. Cadrain in the first meeting; is  
11 that correct?

12 A That's correct.

13 Q And you doubted it at the time; is that --

14 A I did.

02:30 15 Q It says:

16 "After they finally finished with all of  
17 the questioning and interrogation,  
18 police advised me that I was the star  
19 witness and said I better find someplace  
02:31 20 to hide because they didn't want the  
21 Mafia to kill me."

22 Did you tell Mr. Cadrain anything of that nature?

23 A No, sir.

24 Q Do you know if anybody else did?

02:31 25 A That I can't answer.



1 Q Next page, Mr. Cadrain says:

2 "Before I walked into that police  
3 station I was a happy normal kid. But  
4 everything changed after that. My life  
02:31 5 has been ruined because of all of this  
6 shit. From the evidence it now appears  
7 that David Milgaard is innocent. To  
8 know that my testimony helped cause him  
9 to spend all these years in prison only  
02:31 10 adds to the stress and to the burden  
11 that I've been carrying through my  
12 entire adult life.

13 I feel that the Saskatoon  
14 police did a terrible thing to me 20  
02:31 15 years ago. My life has never been the  
16 same and it never will be. These  
17 detectives pushed me over the edge and I  
18 cracked."

19 What is your comment or reaction to that  
02:32 20 allegation, Mr. Karst?

21 A Very little truth to it. I can't comment on the  
22 first part, happy normal kid, because I didn't  
23 know him prior to this, but he seemed certainly  
24 happy and normal when I did meet him.

02:32 25 Q Okay. And did you become aware at or around this



1 time as well, Mr. Karst, that Ronald Wilson had  
2 recanted some of his, the evidence that he gave at  
3 the original trial?

4 A Which time are you referring to, sir?

02:32 5 Q We're talking about 1990.

6 A Okay.

7 Q And I'll call up his statement in a moment.

8 A Okay.

9 Q June the 4th of 1990 he provided a statement to  
02:33 10 Paul Henderson and he recanted some of the  
11 incriminating evidence that he had earlier given  
12 at the trial. Do you remember hearing about that?

13 A Yes.

14 Q If we could call up 017096, and this is his  
02:33 15 statement at the time. I take it at some point,  
16 Mr. Karst, you would have been either aware of the  
17 statement or generally that Ron Wilson was  
18 recanting some of the things that he had said  
19 earlier?

02:33 20 A I don't think I was ever aware of his statement  
21 that I recall, but I know he was recanting some of  
22 his evidence.

23 Q And in fact I think later I'll show you where  
24 Eugene Williams interviewed you shortly after this  
02:34 25 and went through some of this with you. Do you





1 remember that?

2 A I remember talking to Mr. Williams.

3 Q Okay.

4 A I don't remember specifics, but I know I spoke to  
02:34 5 him.

6 Q And then we'll start off here, that Mr. Wilson  
7 says that:

8 "I believe that my testimony was coerced  
9 by police."

02:34 10 You see that?

11 A I do.

12 Q And you were aware that Mr. Wilson was taking the  
13 position at this time that his evidence was  
14 coerced by the police?

02:34 15 A I'm aware of that.

16 Q Next page, please, or at the bottom of that page,  
17 it says:

18 "I was serving the remainder of this  
19 jail sentence at a bush camp outside  
02:34 20 Regina when two police detectives, one  
21 from Regina and the other from  
22 Saskatoon, started questioning me about  
23 the Gail Miller case. I recall them  
24 telling me that I was a suspect in the  
02:34 25 murder because they knew that I and the



1 others had arrived in Saskatoon on the  
2 morning of the murder and had left town  
3 the same day."

4 And I believe, although -- I believe the evidence  
02:35 5 was that that was a reference to Riddell and  
6 Walters?

7 A Could be. It wasn't me.

8 Q And then down here, he says:

9 "During this period of time I was being  
02:35 10 held in the Regina Correctional Centre.  
11 I was 17 years old and very frightened  
12 because I felt that the police were  
13 trying to pin the murder on me."

14 Do you take issue with that statement?

02:35 15 A I do, I never considered him a suspect or never  
16 treated him that way.

17 Q And did you ever have the impression that  
18 Mr. Wilson was very frightened in any of your  
19 dealings with him?

02:35 20 A No. I felt that he was well versed with the  
21 police.

22 Q And then he says:

23 "Sometime later, maybe two weeks after  
24 police started questioning me, I ended  
02:35 25 up somehow being questioned by police in



1                   Saskatoon. I can't recall being  
2                   escorted there by police, but know that  
3                   I wouldn't have gone there on my own."

4                   And then "I was hooked up to a polygraph," but I  
02:36 5                  think he's talking about the May 21 trip, and  
6                  does that -- what do you have to say about that  
7                  suggestion, that he didn't go on his own accord?

8           A           You are suggesting this is a May 21 trip?

9           Q           Yes.

02:36 10          A           Is that with Aylesbury?

11          Q           Yes.

12          A           He came with me, he didn't come up on his own.

13          Q           No, I think what he's saying is he wouldn't have  
14                       gone on his own, he was escorted there by the  
02:36 15                       police.

16          A           Oh. That's right.

17          Q           Did you make him go there?

18          A           No, I asked him I believe, either Mackie or I  
19                       asked him, I don't know which one.

02:36 20          Q           Do you recall him objecting in any way to wanting  
21                       to go?

22          A           No, sir, I did not.

23          Q           And then he says:

24                       "I was hooked up to a polygraph and they  
02:36 25                       started asking me the same questions



1                   again. Had I killed Gail Miller? Did I  
2                   think David Milgaard had killed her?  
3                   They asked me the same questions over  
4                   and over."

02:36 5               Next page, and then he goes on about the  
6               polygraph and he says -- or let me back up. He  
7               says:

8                   "I remember it now being like  
9                   brainwashing. Finally I began to  
02:37 10              implicate Milgaard in the murder,  
11              telling the police the things they  
12              wanted to hear."

13              And you recall yesterday, Mr. Karst, when I went  
14              through your May 25 report, and I believe your  
02:37 15              evidence was that prior to the polygraph  
16              Mr. Wilson had implicated Mr. Milgaard, or given  
17              implicating evidence to you; is that correct?

18       A       Likely, yes.

19       Q       And then he says:

02:37 20              "I am now certain that I was manipulated  
21              by police into lying and later giving  
22              false testimony against Milgaard."

23              If we can then scroll down, and then I want to go  
24              through what Mr. Wilson, what parts of his  
02:37 25              earlier evidence he recants, he says:



1 "One of the allegations, I recall, was  
2 that Cadrain had seen blood on  
3 Milgaard's pants on that morning at his  
4 house. In court, I testified as to  
02:38 5 having seen the blood on Milgaard  
6 myself. In truth I have no recollection  
7 of seeing the blood on his pants. I  
8 believe that the police somehow  
9 convinced me that I had to have seen the  
02:38 10 blood because Cadrain had."

11 And I believe yesterday when we went through the  
12 statements, Mr. Karst, when you were done with  
13 Mr. Wilson on May 22nd I believe that report  
14 indicated he said he did not recall seeing blood;  
02:38 15 is that right?

16 A I believe that's right.

17 Q And then after the interview with Mr. Roberts, he  
18 told you he did see blood; is that correct?

19 A That's correct.

02:38 20 Q Next page, and then he goes on to talk about  
21 reading the transcript and he says:

22 - that I saw Milgaard with a  
23 maroon-handled paring knife prior to our  
24 arrival -- "

02:39 25 I'm sorry, let me just back up a bit, please.



1 And he says:

2 "I can attest to having made the  
3 following additional allegations against  
4 Milgaard in the trial:

02:39 5 - that I saw Milgaard with a  
6 maroon-handled paring knife prior to our  
7 arrival in Saskatoon from Regina on the  
8 morning of the Gail Miller stabbing  
9 death.

02:39 10 This was not the truth. I saw  
11 no knife prior to our arrival in  
12 Saskatoon. I recall that David  
13 purchased a paring knife to cut our meat  
14 and cheese on that trip. But this was  
02:39 15 when we stopped for groceries in  
16 Rosetown - after we had left Saskatoon."

17 And again on the knife issue, Mr. Karst, I think  
18 you had asked Mr. Wilson that on May 22nd and he  
19 said he did not recall seeing a knife; is that  
02:39 20 correct?

21 A That's correct.

22 Q And that after he met with Inspector Roberts he  
23 identified a knife and told you he saw a knife; is  
24 that correct?

02:39 25 A That's correct.



1 Q Now here, and again there's I think a  
2 supplemental, Mr. Wilson in 1990 added that:

3 "David got a bone handled hunting knife  
4 out of the elevator that he broke into."

02:40 5 This is what Mr. Wilson said in 1990 and I  
6 believe he repeated that before the Commission.  
7 Do you have any recollection of him telling you  
8 that back in 1969?

9 A No, sir.

02:40 10 Q And then scroll down, please, it says:

11 "I recall that detectives showed me  
12 several knives, including one with a  
13 maroon-handle, and that they pressured  
14 me to tell them that the knife with the  
02:40 15 maroon-handle was the one I saw and that  
16 I had seen David Milgaard with this  
17 knife before we got to Saskatoon."

18 And again, were you involved, Mr. Karst, in  
19 showing knives to Mr. Wilson and having him  
02:40 20 select the knife he saw?

21 A I was not.

22 Q And scroll down:

23 - that Nicol John was hysterical when I  
24 returned to the car after we'd gotten  
02:41 25 stuck in the snow and had gone for help.



1 I have no recollection of her  
2 being hysterical at the time. The  
3 allegation that Nicol became hysterical  
4 after witnessing a murder take place  
02:41 5 makes no sense to me. If Nicol had seen  
6 Milgaard kill someone she would never  
7 have continued with us on the trip."

8 And then carrying on:

9 "- that someone found a woman's compact  
02:41 10 in the glove compartment of the car  
11 after we left Saskatoon.

12 I have no independent  
13 recollection today of this having  
14 occurred."

02:41 15 Pause there. The compact, I think you told us  
16 yesterday, you first learned after Inspector  
17 Roberts interviewed him; is that correct?

18 A I can't remember that for sure.

19 Q I think when we went through your May 25th report,  
02:41 20 there was no mention of it, at least prior to May  
21 23rd.

22 A In Wilson's statement?

23 Q Of May 23rd mentioned it.

24 A Yeah.

02:42 25 Q And then it goes on to say:





1                   "- that when we were alone together in  
2                   Calgary, Milgaard told me he'd "hit a  
3                   girl" or "got a girl" in Saskatoon and  
4                   put her purse in a trash can.

02:42 5                   This testimony was planted in  
6                   my mind by police. At no time did  
7                   Milgaard confess anything like this to  
8                   me."

9                   And again, do you recall, Mr. Karst, when and how  
02:42 10                  that evidence, and when that evidence came out  
11                  from Mr. Wilson?

12           A           Probably after the Roberts interrogation.

13           Q           And then down here, it says:

14                   "By the time Milgaard went to trial  
02:42 15                  police had me convinced, in one sense,  
16                  that he was guilty. Deep down I wasn't  
17                  sure, however, and felt badly that I may  
18                  have been manipulated into testifying  
19                  against an innocent person and putting  
02:43 20                  him away."

21                  If we can pause there. You had told us I think  
22                  earlier that you, I think your words were you  
23                  didn't know what to think about Ron Wilson at the  
24                  time; is that correct?

02:43 25           A           At that time, and I still don't now.



1 Q Did you have any concerns that Mr. Wilson may have  
2 been manipulated at the time into saying things  
3 that were not true?

4 A I know I didn't manipulate him and I wasn't aware  
02:43 5 of anybody else doing that.

6 Q When you say you didn't know what to think of him,  
7 were there things with his demeanour or what he  
8 said that you had trouble with at the time, 1969?

9 A Yes, just a feeling I had, that I wouldn't stake  
02:43 10 my life on him.

11 Q Pardon me?

12 A It was a feeling I had, I wouldn't stake my life  
13 on him.

14 Q Okay. And if we can go to 017102, please, he then  
02:44 15 says:

16 "It is true that our car got stuck in  
17 the snow while we were driving around  
18 looking for Shorty Cadrain's house that  
19 morning. It is also true that at some  
02:44 20 point we stopped the car and asked a  
21 lady for directions."

22 And I can pause there. That would be information  
23 that he had provided to you prior to Inspector  
24 Roberts; is that right?

02:44 25 A That's correct.



1 Q And then he says:

2 "But I saw no funeral home in the  
3 location where we became stuck. I  
4 recall that we became stuck at an  
02:44 5 intersection at the end of a block. I  
6 do not recall seeing a funeral home and  
7 would have so testified if I had been  
8 asked that question during the trial."

9 And again I think when we looked at that

02:44 10 yesterday, his statement said that it was around  
11 Avenue M, N and P and 22nd Street, is that right,  
12 where he --

13 A That is right.

14 Q If we could call up 002181, please, this is Dennis  
02:45 15 Cadrain's statement, Albert's brother, and do you  
16 recall hearing or finding out that Dennis Cadrain  
17 made some comments about how Albert was treated  
18 during the investigation?

19 A I think I heard that here.

02:45 20 Q Okay. Just give me a moment. Go to the second  
21 page, this is Dennis' statement in 1990:

22 "Albert called police that night or the  
23 next day. I recall that he went to see  
24 the police on his own and that they  
02:46 25 continued to question him day after day



1                   for a long period of time - maybe for as  
2                   long as a month."

3                   And does that accord with your recollection of  
4                   the time period and the duration of the  
02:46 5                   interviews of Mr. Cadrain?

6           A        No, sir, it does not.

7           Q        I'm done with that document. Mr. Karst, you had  
8                   heard, or do you recall hearing in these  
9                   proceedings, we had played some lengthy interviews  
02:47 10                  that Mr. Cadrain had provided to Peter  
11                  Carlyle-Gordge in 1983 and the RCMP in 1993 where  
12                  he recounted matters about the investigation. Do  
13                  you recall that we heard those?

14          A        I recall something, yes.

02:47 15          Q        I promise I won't play them. If I could call up  
16                   040654, please, which is the Peter Carlyle-Gordge,  
17                   and go to 040690, please, and he says here:

18                   "ALBERT CADRAIN: But we, we, ah they  
19                   worked me over boy I'm telling you. I  
02:47 20                  was in that, that police station, that  
21                  little room there and they worked me  
22                  over, boy. They questioned me and  
23                  showed me pictures and oh man it was  
24                  freaky. They worked me over."

02:47 25                  Do you remember showing pictures to Mr. Cadrain?



1 A I do not.

2 Q Do you remember working him over?

3 A No.

4 Q Go to 040697, and again he talks about going in,  
02:48 5 told him what they seen, and he said:

6 "ALBERT CADRAIN: They were nice to me  
7 until they got me in the cop shop and  
8 then they, then they worked me over boy.  
9 They didn't believe a word I said. They  
02:48 10 probably did, but they were trying to  
11 find out everything."

12 And then down to the bottom, he says, scroll  
13 down -- a little higher, please:

14 "CARLYE-GORDGE: Did they accuse you at  
15 any time?

16 ALBERT CADRAIN: In, inside there?"  
17 Scroll down, please:

18 "ALBERT CADRAIN: Oh ya, of course they  
19 did."

02:48 20 And again, do you have any recollection of  
21 accusing Shorty Cadrain of committing the murder  
22 of Gail Miller?

23 A Never did.

24 Q Go to 040737, please, and go to page -- this is  
02:49 25 the RCMP interview in '93, 040781, and Mr. Cadrain



1 is asked the question about:

2 "JIM TEMPLETON: Did you go to the  
3 police or did the police come to your  
4 house?"

02:49 5 And this is about the first incident. He says:

6 "ALBERT CADRAIN: They came to my house,  
7 they came to my house and then they  
8 pounded me for until ten or eleven  
9 o'clock that night. They wouldn't leave  
02:49 10 me out of the room. Their was a good  
11 cop and a bad cop, a good cop and bad  
12 cop.

13 JIM TEMPLETON: Did this occur at your  
14 home?

02:49 15 ALBERT CADRAIN: No, they were nice as  
16 pie in front of mommy and daddy but when  
17 they got me in the little private room.  
18 Boy oh boy oh boy, come on take your  
19 fingerprints and ... rough on me."

20 And again I think as far as March 2nd is  
21 concerned, and you may have answered this, but  
22 did you go to his house at all that day?

23 A I did not.

24 Q Page 040788, please. And, again, he is just

02:51 25 talking about pictures and, I'm sorry, you don't



1 recall; would you have shown him pictures?

2 A I beg your pardon?

3 Q Would you have shown Albert Cadrain pictures when  
4 you were interviewing him?

02:51 5 A No, I wouldn't.

6 Q Then he says:

7 "... they put pictures ... took my  
8 fingerprints, took my blood test, took  
9 hair samples all this at the same time."

10 I think we saw a reference to taking a blood  
11 test; is that right?

12 A I recall that.

13 Q Would you have fingerprinted him?

14 A He may have been fingerprinted, the office was  
02:51 15 right there.

16 Q And what about hair samples; do you remember that?

17 A No I don't.

18 Q Page 040804, and there's some discussion there  
19 about discussions before trial, and at the bottom  
02:52 20 he says:

21 "My instructions from Detective Karst  
22 and Detective Short was just don't lie,  
23 if you say one word of a lie the lawyers  
24 are gonna catch you lying and you're  
02:52 25 gonna be moose shit. Don't lie."



1 Do you recall a discussion with Mr. Cadrain to  
2 that effect?

3 A No I don't.

4 Q Is that something you would discuss with a  
02:53 5 witness?

6 A He was probably told not to lie, but I don't know  
7 about this moose part.

8 Q That was the only colourful comment that I will  
9 put to you from Mr. Cadrain.

02:53 10 If we could go back to 025937,  
11 again this is June 27th of '90, *StarPhoenix*  
12 article:

13 "A retired Saskatoon Police officer  
14 denies pressuring witnesses in the Gail  
02:54 15 Miller murder investigation."

16 And just to give you the date, Mr. Karst, this is  
17 about a week after Albert Cadrain's statement  
18 that I just put to you, Ron Wilson's was June  
19 4th, so it was in and around that time frame.

02:54 20 A Okay.

21 Q "'I can only speak for myself and the  
22 people who were around me. There was no  
23 coercion or forcing witnesses to say  
24 something,' Eddie Karst, a detective at  
02:54 25 the time, said Tuesday.





1 Karst said he spoke to 'a  
2 couple hundred' people in the course of  
3 the investigation."

4 And then go back to the main page.

02:54 5 "Karst wonders why Cadrain would say he  
6 was pressured when he was the one to  
7 come forward.

8 He came to us and said 'I think  
9 this fellow I know is responsible for  
02:54 10 this.'"

11 It was considered a big break  
12 in the case.

13 'We naturally took up the  
14 investigation from there. We had to  
02:55 15 question and interrogate and investigate  
16 his story thoroughly and, as far as we  
17 could see, it was authentic,'..."

18 And is that an accurate statement of what you  
19 would have said at the time and what you thought?

02:55 20 A I think so.

21 Q Now do you remember talking to an RCMP officer  
22 named Rick Pearson; does that name sound familiar?

23 A No, it doesn't, but I spoke to many of them so it  
24 doesn't surprise me.

02:55 25 Q And he was assisting Eugene Williams. Do you



1 remember a fellow, Eugene Williams, with Federal  
2 Justice?

3 A I remember him.

4 Q And if we could call up 002248, please. This is a  
02:55 5 memorandum dated July the 5th, 1990, but it talks  
6 about a June 14th interview of Ed Karst; do you  
7 see that?

8 A I do.

9 Q And do you recall that interview?

02:56 10 A I believe it was held at our old police station  
11 where I used to work.

12 Q Okay. And do you remember who was there?

13 A Far as I know, if I'm thinking of the right  
14 gentleman, a man of colour?

02:56 15 Q Yes.

16 A That was him.

17 Q Mr. Williams?

18 A Yes.

19 Q And do you remember if the original police file  
02:56 20 was there, or some police file?

21 A Yeah, he had access to some material there, and I  
22 don't know, I don't think I seen it or didn't look  
23 at it.

24 Q But was it -- you didn't look at it?

02:56 25 A No, unless he showed me something that was in it.



1 Q Okay. It goes on to say in the memo:

2 "I provided Mr. Karst with copies of the  
3 statement, and copies of the occurrence  
4 reports he prepared on May 25 ...",  
02:56 5 and then goes on to talk about it; does that  
6 refresh your memory?

7 A I'm sure it happened, I don't remember it but I'm  
8 sure it happened.

9 Q Okay. And do you have a recollection of what you  
02:57 10 and Mr. Williams would have discussed, generally,  
11 at that meeting?

12 A Nothing other than the Milgaard file.

13 Q If we could go to 039366, please. This is a  
14 transcript that we received from somebody  
02:57 15 detailing an interview, I believe, between a  
16 reporter named Dan Lett and you; do you recall  
17 talking to a fellow, Mr. Lett?

18 A I do not. I'm not saying I didn't.

19 Q Yeah, no, I think --

02:58 20 A Okay.

21 Q I believe there is, there are some newspaper  
22 stories and perhaps even an audio tape of this.

23 A Okay.

24 Q And I take -- do you have any reason to dispute  
02:58 25 that this would be a transcript of a -- or that



1           you would have interviewed Mr. Lett?

2       A       I have no doubt at all.

3       Q       If we could go to page 039368. And again, at the  
4           top it looks as though this interview is August  
02:58 5           21, 1991 according to this document, and Mr. Lett  
6           is talking about -- he says:

7                        "When it became the Winnipeg ...",  
8           he is talking about trying to get the files from  
9           Winnipeg for Larry Fisher, and he says:

02:58 10                      "When it became the Winnipeg Police  
11                      Department, they chunked all the files  
12                      from Fort Garry. Or you know, so the  
13                      story goes. So we've been - we've tried  
14                      to get the information and there's  
02:59 15                      nothing left.

16                      KARST: I think we should have it here.  
17                      But I can't go down there because on  
18                      account of ... I don't need much  
19                      encouraging ...

02:59 20                                I'm the only guy that's doing  
21                      any talking so ..."

22                      Now, in fairness, that may be breaks in the tape,  
23                      Mr. Karst, but do you recall going down to the  
24                      police station? And let me just finish. So:

02:59 25                                "... I've been down a couple of times -



1 and I don't you to print that neither  
2 but ...

3 LETT: No.

4 KARST: ... uh, you know, it's like they  
02:59 5 can't find the file when I'm there or  
6 something so .."

7 And do you recall trying to get information in  
8 '91 from the police? This would be when you were  
9 retired.

02:59 10 A The only time I recall going down there for  
11 information was when I wanted my memo books to go  
12 to Ottawa to the hearing.

13 Q And then it goes on and you are reported to say:  
14 "I'd like to - I'm sure that I could get  
03:00 15 ahold of most of it through Caldwell  
16 because he must have access to it. He  
17 must have turned one over to the Justice  
18 Department, you know, but I suppose  
19 that's in Ottawa. And I know he's been  
03:00 20 told to say nothing 'cause he's still  
21 working for them and it's not his  
22 business to comment I guess."

23 And what would you be referring to there?

24 A I guess that's an interpretation of some kind, or  
03:00 25 a misinterpretation of some kind, because I'm sure



1 Mr. Caldwell never told me that he was told not to  
2 say anything.

3 Q Okay. If we can go to page 039370, and you are  
4 asked about Cadrain, and you say or are reported  
03:00 5 to say:

6 "And of course Cadrain interpreted that  
7 to mean the killing - although he didn't  
8 witness it - he said he interpreted that  
9 to - and you know, like, Cadrain wasn't  
03:00 10 under any pressure to say this. I mean,  
11 he's the one that's volunteering, I  
12 mean, we don't know anything about it  
13 and he's coming and telling us. Now the  
14 little fart is saying we cajoled him  
03:01 15 into coming in and - I didn't know the  
16 guy. I'd never seen him before - and he  
17 comes in on his own. You know. And  
18 then comes in and then he'd phone up on  
19 me later and say 'You know, Mr. Karst, I  
03:01 20 remember something else I forgot to tell  
21 ya.' Now he's trying to make it sound  
22 like we interrogated him in a little  
23 room, you know, by the hour but - which  
24 is totally false. Totally.

03:01 25 I mean, he was just a man off



03:01

03:01

03:02

03:02

1 the street that come in and - in fact  
2 when he come in he said 'I discussed  
3 this all at length all night with my  
4 mother and dad. And they said, well  
5 it's up to me whether I think I should  
6 go and tell the police - there's going  
7 to be a lot of, you know, court case  
8 now', and he said 'I just can't keep  
9 this to myself any longer.' He said 'I  
10 gotta confess, tell people.'"

11 And, again, does that sound accurate as to what  
12 you would have thought at the time?

13 A That would be accurate.

14 Q And then you go on, scroll down, he asks you about  
15 Nichol John and Wilson:

16 "Yeah, absolutely. I mean if, if  
17 Cadrain is telling us the truth; these  
18 guys are holding back information, you  
19 know. And no doubt in my mind that  
20 having investigated dozens of murders or  
21 any other kind of crime; that you're -  
22 when you first approach a person - nine  
23 out of ten don't come through with the  
24 whole story. They will give you little  
25 bits - 'I was there but I didn't see



1 anything', you know, and when you end  
2 up, you know that, they don't wanna get  
3 involved and you know that, you know.  
4 And especially if it's somebody they  
03:02 5 know, the're hesitant. I have been to  
6 lots of murders and when the first guy  
7 is - when you first question him 'Well,  
8 I really don't know, I really ...' and  
9 then you know, when they feel a little  
03:02 10 more relaxed and want to tell you, then  
11 of course they do. And some never do."

12 And is that an accurate recording of what you  
13 would have thought at the time?

14 A I agree with that.

03:02 15 Q And you agree with that today?

16 A I do.

17 Q I'm wondering Mr. Commissioner, I see it's 3:05,  
18 whether --

19 COMMISSIONER MacCALLUM: Yeah, we can take  
03:02 20 our break, please.

21 (Adjourned at 3:02 p.m.)

22 (Reconvened at 3:27 p.m.)

23 BY MR. HODSON:

24 Q If you could get the Lett interview back up on the  
03:28 25 screen, please, 039366. Page 039374, please.





1           Actually, just go back to the previous page,  
2           please. And it says here:

3                       "Because then ...",  
4           it's talking about Wilson and John in your  
03:28 5           dealings:

6                       "Because then they'll pick up what the  
7           other one says. But after I would talk  
8           to Wilson, I would then go and talk to  
9           ...

10          LETT: John.

11          KARST: ... Nichol, and say, 'You know, are  
12                you missing some here?' And eventually  
13                they come up with the same - they were  
14                verifying one another's story."

03:29 15        I'm sorry, let me go back to page 7, the previous  
16        page -- no, page 8, I'm sorry. And you are  
17        talking:

18                       "... I would question them say, now, you  
19           know 'Is there something else you've  
03:29 20           seen that you're not telling me?' you  
21           know, and as you know, you don't put  
22           these two people in the same room so one  
23           can hear what the other one's saying."

24        And is that something you would have said to Mr.  
25        Lett at the time?



1 A I wouldn't be surprised.

2 Q And is that something that -- similar to what you  
3 told us earlier, Mr. Karst, about it being your  
4 practice about not putting two witnesses together?

03:29 5 A Whenever possible.

6 Q Yes. And then you say:

7 "Because then they'll pick up what the  
8 other one says. But after I would talk  
9 to Wilson, ..."

03:29 10 and then go on to the next page, please. And  
11 then you say here:

12 "There's just, you know, and then, and  
13 the part that really got me was when  
14 Nichol said 'Yes, I know all about it.'

03:29 15 You know, she just like - she  
16 screamed to me - and she was almost  
17 hysterical; she said - she says 'I just  
18 can't stand it any more just thinking  
19 about it.'

03:30 20 Now, if this didn't really  
21 happen, and somebody else put these  
22 words in her mouth, I can't see her  
23 getting so damned uptight about that. I  
24 mean - say well - but I could - you  
03:30 25 could see the expression on her face



1                   like she's reliving it. I mean, it's  
2                   so - it's so real."

3                   Now can you tell us what that, whether that's  
4                   something you would have said to Mr. Lett, and  
03:30 5                   what that's referring to?

6           A       He is insinuating that I was talking to Nichol and  
7                   I just don't remember that.

8           Q       Okay. I think these are your -- these are  
9                   attributed to you, Mr. Karst, about talking to  
03:30 10                  Nichol.

11          A       Yes.

12          Q       Do you have a recollection of being present when  
13                   Nichol said 'yes, I know all about it' or 'I just  
14                   can't stand it any more'?

03:30 15          A       No, I do not have a recollection of that.

16          Q       Page 039377. Do you recall -- and, again, maybe  
17                   you told me you don't recall the interview at  
18                   all -- but with Mr. Lett, and there's some  
19                   reference in here; was he, I take it, probing you  
03:31 20                  about suggesting that maybe the police had the  
21                   wrong guy, would that be the tenor of the  
22                   questions, is that fair?

23          A       I would have to read the whole thing over.

24          Q       Okay. No, that --

03:31 25          A       Because I don't remember talking to him.



1       Q       Okay.  Anyway, you are -- down at the bottom he  
2               says:

3                       "You know, again, you know you sort of -  
4                       you said to me, you're keeping an open  
03:31 5                       mind..."

6                       "... is your open mind - is there, are  
7                       there any questions in your open mind  
8                       right now?

9               KARST:  Only one.

10                       That if these witnesses were  
11                       all not right ...",  
12               and you had just finished talking about Cadrain's  
13               mental condition:

14                       "- and you have to include Lapchuk and  
03:31 15                       Melnik.  You know, how many witnesses  
16                       have we got that, you know, that they're  
17                       all not - I just find it hard to believe  
18                       that they'd all get on the stand and all  
19                       lie the same.  To me, I've never seen  
03:32 20                       that, but maybe it's a possibility."

21               And is that what you would have thought of at the  
22               time?

23       A       I probably thought that and said it.

24       Q       Page 039380.  And you are talking about when you  
03:32 25               were in morality:



1 "... and when you had something that  
2 happened if you found a guilty person  
3 you went and assured your victims what  
4 happened but apparently this - I can't  
03:32 5 understand it.

6 And I don't know who was in  
7 charge of morality then either; I'd  
8 phone them and find out."

9 And I think, at this time, Mr. Lett was asking  
03:32 10 you about letting your -- or about the fact that  
11 the victims of the four assaults in '69 -- '68 to  
12 '70 were not made aware of Mr. Fisher's  
13 conviction. And then if you could scroll down,  
14 and you are commenting, or reported to have said:

03:32 15 "Certainly. Certainly it would. No  
16 matter what I know it's not even a rape  
17 - any kind of a crime, if you have a  
18 suspect or you - it's been concluded or  
19 not \_\_\_\_, you tell the victim, you know:  
03:33 20 'We can't find it' or 'We can' ..."

21 And is that -- would that have been your practice  
22 at the time, Mr. Karst?

23 A That was my policy.

24 Q Then 039383. And I think at this time, if we can  
03:33 25 just call out this point, I believe I will be



1 getting to a couple of reports later where you  
2 have stated you don't recall Fisher, and then I  
3 think it's in December of 1991 in a *Globe and Mail*  
4 article where you are quoted to be saying that you  
03:33 5 saw some statements and now realize that you did  
6 interview Fisher, so that's the time frame. Okay?

7 A Okay.

8 Q And it appears from this interview, at least I  
9 don't think there's anything in there where you  
03:34 10 are saying you acknowledge taking the statements  
11 in Winnipeg, and so Mr. Lett says:

12 "So you would have investigated this  
13 Fisher guy more ...",  
14 and you say:

03:34 15 "Well, like I'd - I woulda personally  
16 said like, went to that house and said,  
17 you know 'Do you people upstairs  
18 Cadrain's - did you see him leave? What  
19 time did he come back?' I would,  
03:34 20 obviously the first place I'da went to  
21 is his place of employment and said 'Do  
22 your records tell me' - there's not many  
23 places that don't keep records; they  
24 gotta pay the guy - 'Did this guy show  
03:34 25 up for work and at what time?' You



1 know, what was his state of mind or  
2 \_\_\_\_ - if he appeared there at work at  
3 6:30 or whatever, or does the bus driver  
4 say 'Yes, he got on at the same time  
5 that he always got on' - nothing any,  
6 you know, then you have him cleared."

7 Q Now do you recall giving this information to Mr.  
8 Lett?

9 A I don't recall it, but I have no doubt I would  
03:34 10 have said it.

11 COMMISSIONER MacCALLUM: I'm sorry, I  
12 missed the context.

13 MR. HODSON: I'm sorry, let me go back to  
14 the previous page, and on page 17 Mr. Lett  
03:35 15 finishes and says:

16 "So anyways, that's - that's the case,  
17 that's the case against Larry Fisher."

18 And so I think, if we look previously at the -- I  
19 think Mr. Lett in the previous pages, Mr.

03:35 20 Commissioner, talks about what was known about  
21 Larry Fisher at that time, as a suspect, in 1991.

22 COMMISSIONER MacCALLUM: Oh, all right.

23 MR. HODSON: And I can perhaps find  
24 something. I'll just see if I can find a better  
03:35 25 reference. In fact if we go to page, the



1 previous page, and it's not clear, the first 15  
2 pages there doesn't appear to be much about Mr.  
3 Fisher and then it says:

4 "Just getting back to your tape recorder  
03:36 5 here now."

6 So it may well be that there was parts of it that  
7 were not taped. And then he goes on on the next  
8 page, talks about a CBC interview that you had  
9 earlier, and then at the bottom of the page --  
03:37 10 yeah, and then down at the bottom he says:

11 "... that's the case, that's the case  
12 against Larry Fisher."

13 And then:

14 "KARST: MmHm.

03:37 15 Well, I'm back to square one  
16 again."

17 And then the next page:

18 "Like I say, had - I've heard all these  
19 reports and insinuations. At that time  
03:37 20 there was no doubt; we have made further  
21 - conducted further investigations ...",  
22 and then:

23 "So you would have investigated this  
24 Fisher guy more ..."

03:37 25 And I think back, and again on page -- on the





1 very first page, 039366, and it appears that it  
2 starts mid-sentence, talks about some of the  
3 assaults and then in Winnipeg there's some  
4 information. And again in fairness, Mr.  
03:37 5 Commissioner, I'm not sure if this is a complete  
6 transcript of the interview, but there is some  
7 information about Mr. Fisher contained on pages 1  
8 and 2.

9 And then if we could go back to  
03:38 10 039383, and again you are asked the question:

11 "So you would have investigated this  
12 Fisher guy more ...",  
13 do you remember, Mr. Karst -- again, I think you  
14 said you don't remember the interview -- but what  
03:38 15 you would have known about Mr. Fisher at this  
16 time?

17 A And what year is this?

18 Q This is 1991, August of '91.

19 A I don't know, I would have to be made aware of all  
03:38 20 the dates --

21 Q Okay.

22 A -- and circumstances before I could comment on  
23 that.

24 Q Okay. So, as far as the comments that are here,  
03:38 25 do you recall making them or do those sound like



1 things you would have said?

2 A I don't recall making them but I have -- I don't  
3 doubt for a moment that I said it.

4 Q And then on page 039385 -- can you just go to the  
03:39 5 previous page, please -- he talks about, there is  
6 reference here about (V10) (V10)- in North  
7 Battleford; are you familiar with that? That's  
8 where Mr. Fisher was convicted in 1980.

9 A I know of it.

03:39 10 Q And then the next page, and then here Mr. Lett  
11 says:

12 "Certainly you know, when you go right  
13 back and you look at the fact that, you  
14 know - and you guys had no way of  
03:39 15 knowing - but that there was a serial  
16 rapist living in the basement of the  
17 house that Milgaard visited that morning  
18 - if you - with all the evidence against  
19 both men, do you still think there's  
03:40 20 more evidence against Milgaard?

21 KARST: Oh, without a doubt. I mean, I  
22 haven't got a witness that'll say that  
23 Fisher was at the scene or that he did  
24 it or anything. I have several  
03:40 25 witnesses that ...



1                   LETT: That now - and now say one of them  
2                   fell apart on the stand and two of these  
3                   two say they ...

4                   KARST: Twenty years or thirty years later  
5                   you can say a lot to police that don't  
6                   mean anything. I don't know, you know,  
7                   I'm just telling you what I - what my  
8                   gut feeling is.

9                   With the evidence that was  
10                  presented, I, I still haven't changed my  
11                  mind about, even if Fisher was in the  
12                  area you know, at all, and this and -  
13                  don't get me wrong, I said, if I'd of  
14                  known the things then that I know now,  
03:40 15                I'da certainly would have queried his  
16                  whereabouts a little more to ascertain  
17                  that he was telling the truth or wasn't.  
18                  But, with the evidence that's at hand,  
19                  to just know - I would be the last guy  
03:40 20                to want somebody deal for something he  
21                  didn't do. But that was too clear ..."

22                  And do you -- does that sound like something you  
23                  would have said or thought at the time?

24           A           That's something I would have said.

03:41 25           Q           Page 039394, just a comment here which you are



1 reported to say:

2 "That's what makes me, you know, just -  
3 I've never seen a case where everybody  
4 lies."

03:41 5 Sorry, is that -- yeah, I'm sorry:

6 "I've never seen a case where everybody  
7 lies. You know, you're gonna frame this  
8 guy - for what's in it for them? What's  
9 in it for Cadrain to frame him? Well  
03:42 10 you can say two thousand dollars.

11 LETT: Yeah. Cadrain and Wilson said that  
12 they were told that if they didn't  
13 cooperate; that they would be impli ...-  
14 that they would be hung out to dry in  
03:42 15 this thing. If they made positive ..."

16 And then:

17 "KARST: I don't know who told them that;  
18 it certainly wasn't me; and I can't see  
19 any other officers saying - I mean you  
20 tell a guy like Cadrain comes in. And  
21 he's not even there, and the police can  
22 convince him that he can be nailed for  
23 murder because he was at home sleeping?  
24 It doesn't make sense."

03:42 25 Is that something -- sound like something you



1 would have said to Mr. Lett, thought at the time?

2 A I believe I would have.

3 Q And then page 039401, at the bottom Mr. Lett says,  
4 and he's talked about Markesteyn and Ferris and  
03:42 5 some reports at the time, and then at the bottom  
6 says, "No --" and you say:

7 "Did he say -- is he saying that the  
8 evidence we presented is wrong?"

9 And actually just scroll up a bit. And Lett  
03:42 10 talks about Peter Markesteyn worked with the  
11 province, reviewed the case. You asked:

12 "Did he say -- is he saying the evidence  
13 we presented is wrong?"

14 And Lett said:

03:42 15 "No, what he said is - that what he said  
16 is that the evidence, if you look at the  
17 evidence, it links someone to the crime  
18 - but it's not David Milgaard. And that  
19 what Markesteyn says also, that it, it  
03:42 20 doesn't implicate Milgaard ..."

21 And then down at the bottom, it says:

22 "It's just not -- and then the one of  
23 them says that in fact, if you look at  
24 it, that it, it indicates that it  
03:43 25 definitely wasn't Milgaard."



1 And again it talks about the dog urine evidence.  
2 Do you recall discussing with a reporter or being  
3 told that there was some evidence to suggest that  
4 the physical evidence presented at trial, that  
03:43 5 there may have been problems with it and the dog  
6 urine and that?

7 A No, I was never made aware of it that I recall.

8 Q And then the next page, please, I think in  
9 response, Mr. Lett puts to you the fact that based  
03:43 10 on Markesteyn and other's reports, that the  
11 physical evidence does not implicate Mr. Milgaard,  
12 and you say:

13 "Well, in order to form a - I couldn't  
14 comment on that part - I don't know  
03:43 15 anything about that kind of evidence -  
16 but I'd like to hear the evidence \_\_\_\_\_  
17 the panellist --"

18 And I'm not sure if 'panellist' is a typo,  
19 "-- that did it in Regina or whenever  
03:43 20 they were at, I'm sure it wasn't the  
21 mounted police lab - probably Regina.  
22 I'd like to hear his evidence now - in  
23 with relation to what this fellow says."

24 And I presume that would be Mr. Paynter; is that  
03:44 25 --



1 A I don't -- I don't know if he was the one I  
2 thought, but it was somebody in that lab, yes.

3 Q And then Lett says:

4 "Yeah. His - well, yeah, we've tried to  
03:44 5 get a hold of him and, you know, one of  
6 them - Dr. Emson ... doesn't wanna have  
7 anything to do with it."

8 Do you have any recollection of a discussion with  
9 reporters about scientific evidence then?

03:44 10 A I probably did, but as I said there, I don't know  
11 anything about scientific evidence.

12 Q If we could go to 220403, and this is an article  
13 in *The Globe and Mail* on August 22nd, 1991 by a  
14 Timothy Appleby and David Roberts. Again, do  
03:45 15 those names sound familiar to you at all?

16 A Which names.

17 Q Timothy Appleby and David Roberts from *The Globe*  
18 and *Mail*?

19 A No.

03:45 20 Q If we can just call out that part, please, and  
21 it's reported here:

22 "Through conversations with Saskatchewan  
23 police officers, including retired  
24 Saskatoon investigators, *The Globe and*  
03:45 25 *Mail* has learned that not only were Mr.



1 Fisher's four Saskatoon victims never  
2 told of Mr. Fisher's arrest, but his  
3 name was not mentioned in their police  
4 files -- even after he was convicted of  
03:45 5 the crimes. For several months after  
6 his confessions, investigators continued  
7 to make routine inquiries."

8 Were you aware of that or do you have any  
9 recollection of that?

03:45 10 A No, not really.

11 Q Go back to the main page, please.

12 A Is this *Globe and Mail* referring to Winnipeg?

13 Q It was, I believe they were out of Winnipeg, yes.

14 A Okay.

03:46 15 Q I think Mr. Roberts was out of Winnipeg. This is  
16 not the CBC interview that I will be going to in a  
17 moment.

18 A Right.

19 Q Does that help you out?

03:46 20 A Yes, it does.

21 Q And then this report says:

22 "But once the police had Mr. Milgaard in  
23 their sights, the possibility of a  
24 connection between the three unsolved  
03:46 25 sex attacks and the murder seemed to





1 fade. One of the Milgaard  
2 investigators, retired detective Eddie  
3 Karst, today concedes, "I had no  
4 personal knowledge of what was going on  
03:46 5 with [the rapes]. That was never  
6 brought to my attention."

7 And do you recall making a comment like that to  
8 Mr. Roberts or Mr. Appleby?

9 A I probably did.

03:46 10 Q And then just scroll down, and then:

11 "The police had no evidence to link  
12 these crimes," Mr. McCloskey said. "So  
13 they go with what they have, as  
14 superficial and weak as it is. In  
03:47 15 desperation you put the case together  
16 and you hope to put it to bed. So what  
17 happens when they get Larry Fisher and  
18 he confesses to these four Saskatoon  
19 rapes, where the M/O pattern is exactly  
03:47 20 the same as the Gail Miller killing?  
21 You bury it. Otherwise it humiliates  
22 you. You lose everything."

23 Let me just pause there. To your knowledge, did  
24 Mr. Fisher confess to the four rapes?

03:47 25 A Not that I'm aware of. Oh, later on in court?



1 Q Yes.

2 A I guess he did.

3 Q Okay. And again, would this be one of the  
4 comments when I asked you earlier about the  
03:47 5 allegations made about -- you are aware of that  
6 type of allegation being made, or having been made  
7 in the past?

8 A Yes.

9 Q And if in 1970 you had connected Mr. Fisher to the  
03:48 10 Gail Miller rape and which resulted in his  
11 conviction and Mr. Milgaard being released, would  
12 that have humiliated you?

13 A Repeat that?

14 Q Sure. Here Mr. McCloskey is saying or suggesting  
03:48 15 that when the Fisher confessions come up, they  
16 were buried, otherwise it would humiliate you, and  
17 I think he's referring to the police, you lose  
18 everything. I just want to know what your  
19 thoughts are.

03:48 20 A I don't believe that.

21 Q Now if I could jump ahead to 004286 and this is a  
22 December 7th article by David Roberts and Timothy  
23 Appleby, and just go back to the first part there,  
24 right to the top, please, it says:

03:49 25 "A Saskatoon detective who helped



1 convict murder suspect David Milgaard in  
2 1970 was one of two investigators who  
3 later took a confession for other crimes  
4 from rapist Larry Fisher, the man  
03:49 5 increasingly linked to the Milgaard  
6 case, *The Globe and Mail* has learned.

7 In an interview in August,  
8 retired detective Eddie Karst denied  
9 having ever met Mr. Fisher. Six police  
03:49 10 and justice officials, however, have  
11 confirmed separately that he did, and  
12 yesterday Mr. Karst said that, while he  
13 had no recollection of interviewing Mr.  
14 Fisher, 'certainly now I realize that I  
03:49 15 did'."

16 And do you recall having this type of discussion  
17 with Mr. Roberts and Mr. Appleby, or some  
18 reporter?

19 A Yes.

03:49 20 Q And the August 22nd article that I showed you,  
21 that I just had up on the screen that I went  
22 through --

23 A August 22nd, which year?

24 Q Of '91.

03:50 25 A Okay.



1 Q If we can just go back to that, 220403, and so if  
2 we -- the article I just showed you, Mr. Roberts  
3 is saying that in August you told him that you had  
4 never met -- or that "you denied having ever met  
03:50 5 Mr. Fisher," okay?

6 A Mrs. Fisher?

7 Q Mr. Fisher. So in December of 1971 -- maybe we'll  
8 put them up side by side, please.

9 A It doesn't matter because I've never met her  
03:50 10 anyway.

11 Q No, I'm talking Mr. Fisher.

12 A Oh, sorry.

13 Q And so in the December article Roberts and Appleby  
14 report:

03:50 15 "In an interview in August, retired  
16 detective Karst denied ever having met  
17 Mr. Fisher."

18 Right, in an interview.

19 A Right.

03:50 20 Q If we can take that down. And the August 22nd  
21 article by Roberts and Appleby, I don't believe it  
22 states in there that you denied having ever met  
23 Mr. Fisher. The part that I read to you is what  
24 they report and you said:

03:51 25 "I had no personal knowledge of what was



1                   going on with [the rapes]. That was  
2                   never brought to my attention."

3                   And I think you said you had talked to many  
4                   reporters, you don't recall talking to these two  
03:51 5                   specifically; is that fair?

6           A           That's fair.

7           Q           If in August of 1991 you would have been asked by  
8                   a reporter had you ever met Larry Fisher, what  
9                   would you have said to them?

03:51 10          A           I don't recall having met him.

11          Q           Okay. Now, prior to being -- prior to being told  
12                   that your name was on the statements that Larry  
13                   Fisher gave in October of '70, okay, prior to you  
14                   becoming aware of that --

03:51 15          A           October, '70?

16          Q           Yeah. We know in October '70 you took Mr.  
17                   Fisher's statement; right?

18          A           Yes.

19          Q           And on December 6th or 7th of '91, that's when you  
03:52 20                   became aware that you had taken Mr. Fisher's  
21                   statement?

22          A           Okay, right.

23          Q           Correct? Prior to that time, prior to finding out  
24                   in December of 1991 that you took the statements,  
03:52 25                   go back to August of 1991, at that time, if you



1 would have been asked the question, "Have you ever  
2 met Larry Fisher?", how would you have answered  
3 it?

4 A Not that I know of.

03:52 5 Q Okay. So are you -- again, I know you don't  
6 recall the specific discussions, but if Mr.  
7 Roberts and Mr. Appleby report that in August of  
8 1991 you denied having ever met Mr. Fisher, is  
9 that something that you take issue with or accept?

03:52 10 A I accept that.

11 Q If we could go to 042831, please, and this talks  
12 about, if we can go to page 042852, and this is  
13 from a Police Commission report where they were  
14 investigating missing police files. Do you  
03:53 15 remember that coming up, Mr. Karst, in the early  
16 '90s, an investigation to find missing police  
17 files, do you remember that?

18 A I don't know if I remember that coming up in the  
19 '90s.

03:53 20 Q In '91 I think there was concern that the (V1)-,  
21 (V2)----- and (V3)----- files could not be  
22 located by the city police. Do you remember  
23 hearing about that, some of the rape files were  
24 not complete or missing?

03:54 25 A I know about it now, but I don't -- I may have



1 known about it then too and don't recall it.

2 Q Okay. And in any event, an investigation was  
3 directed and a fellow by the name of Treble and  
4 Graham appear from this document to have  
03:54 5 interviewed you. Does that --

6 A They may have. I don't remember. Where did this  
7 interview take place?

8 Q I believe at your home it talks about.

9 A Probably.

03:54 10 Q Okay. If you can go to the next page, please, and  
11 then it sets out the typewritten part of your  
12 statement, and I think if you go to 148485,  
13 please, and September 30th, '91, which is the same  
14 date as that interview, and I believe this is your  
03:55 15 statement to them, if we could just call out the  
16 first two paragraphs, and just sort of general  
17 information about the police force, and scroll  
18 down, and you say here:

19 "The specific interview where Insp.  
03:55 20 Nordstrom and I went to Winnipeg to  
21 interview Fisher is one that I can't  
22 recall. I do know that Nordstrom would  
23 likely have done the interview as he was  
24 one that sat back and watched. I don't  
03:55 25 recall these files as being mine.



1 When Mr. Williams phoned and  
2 asked me about the Milgaard file I  
3 phoned down and talked to Frank Simpson  
4 to locate my books. I called back and  
03:55 5 Frank, who is an inspector said they  
6 couldn't locate my books.

7 I think that's when the files  
8 were being moved from the old building  
9 several of these boxes of files were  
03:56 10 thrown out. I remember seeing my box  
11 with my note book in the new building.  
12 I needed a note book for a court case,  
13 we weren't allowed in the room, but the  
14 inspector would come in with you. I got  
03:56 15 the book, I remember having more than  
16 one box of note books."

17 So it would appear from this, Mr. Karst, that on  
18 September 30th, 1991 you would have been aware  
19 that, where it talks about an interview where  
03:56 20 Inspector Nordstrom and you went to Winnipeg to  
21 interview Fisher; is that fair?

22 A That's fair. Do you want to scroll back a ways  
23 where we were just looking?

24 Q Yeah, to the main page, the first page, sure.  
03:56 25 What part of that?





1 A Up a little further. There's a place there where  
2 there's some indentation, "Would likely had done  
3 the interview." I don't think that's right.

4 Q Okay.

03:56 5 A Would have -- likely not having done it.

6 Q Oh, I'm sorry, I maybe misread that:

7 "I do know that Nordstrom would likely  
8 have not done the interview as he was  
9 one that sat back and watched. I don't  
03:57 10 recall these files as being mine."

11 I'm sorry, I misread that.

12 A That's okay. I thought I misread it.

13 Q And so it says here:

14 "The specific interview where Inspector  
03:57 15 Nordstrom and I went to Winnipeg to  
16 interview Fisher is one that I can't  
17 recall."

18 So here you are saying you don't think Nordstrom  
19 would have done it?

03:57 20 A No, I don't think so.

21 Q You are saying he wouldn't have done the  
22 interview?

23 A That's correct.

24 Q You are not saying here that he wouldn't have gone  
03:57 25 with you; is that fair?



1 A No, I'm saying he wouldn't have done the  
2 interview.

3 Q Okay. And then 148487, and I think again this is  
4 November 19th, '91, and I believe it's, I'm not  
03:58 5 sure, I believe it's the Fisher statements, I'm  
6 not sure if it's a, whether it's a typed or  
7 handwritten, it says:

8 "These are my statements, it's my way of  
9 taking a statement. I vaguely remember  
03:58 10 going to Winnipeg with Nordstrom."

11 And then it says:

12 "I'm sure if this was the only trip I  
13 went on I would have recalled it, but I  
14 was in Vegas, Salt Lake City, Vancouver,  
03:58 15 Winnipeg, Ottawa, Castlegar, B.C. a  
16 dozen places without even counting.  
17 Well, Nevada.

18 I saw Fisher on T.V. lately, it  
19 was a poor picture and from that I took  
03:58 20 he was native but don't remember him.

21 If I was supposed to be in  
22 Winnipeg with Nordstrom we must have  
23 flown because I wouldn't have driven  
24 with him.

03:58 25 E. Karst."



1 And I think this is to Mr. Graham. Do you recall  
2 giving this statement?

3 A I don't recall, but it looks accurate.

4 Q If we can then go back to 042831, the Police  
03:59 5 Commission record, and go to 042844, and this is  
6 in the Police Commission report of Gus Weir. You  
7 know who Gus Weir is?

8 A I do.

9 Q And Mr. Weir says that in August of 1971 he went  
03:59 10 from detectives to morality and didn't have  
11 association with those files, and I think he was  
12 talking about (V5)-- (V5)---.

13 "I kept a copy of this file because it  
14 was a high profile. There was about six  
03:59 15 really bad rapes over the period of a  
16 year or six months. We never resolved  
17 any of them, they stuck in your mind.

18 About four or five years  
19 later in casual conversation, Ed Karst  
03:59 20 told me that the (V5)--- file had been  
21 concluded. I was really hot about that  
22 because no one had told me. After that  
23 I went searching for this file and  
24 couldn't find it."

04:00 25 Scrolling down:



1 "Inspector Nordstrom and Ed Karst had  
2 gone to Winnipeg to investigate Fisher  
3 in relation to these rapes."

4 And there's also another reference, Mr. Karst, I  
04:00 5 won't bring it up, but where Mr. Weir talks of a  
6 conversation with you where you tell him that you  
7 had to remove Inspector Nordstrom from the room  
8 while you were doing the interview. Do you  
9 recall reading that comment and --

04:00 10 A I recall reading something like that.

11 Q And do you have any recollection of talking to Gus  
12 Weir about either the (V5)-- (V5)--- file --

13 A I don't, but I certainly don't deny it. I'm sure  
14 we would run into one another on occasions.

04:00 15 Q Now if we can go to 153652, this is a document,  
16 Mr. Commissioner and Mr. Karst, that we, somewhere  
17 in our records it's got a fax date of October  
18 12th, 1990 and it appears to be, or I understand  
19 it to be part of an interview of Mr. Karst, and  
04:01 20 perhaps, Mr. Karst, just a couple of questions.  
21 Do you recall travelling to Winnipeg to be  
22 interviewed by, and I think it was the CBC, a  
23 program about the David Milgaard case?

24 A I do.

04:01 25 Q And just what do you recall about how that was set



1 up and going down there?

2 A As close as I can recall, I think there was a lady  
3 by the name of Gillian, I'm not positive of that.

4 Q Gillian Findlay, does that sound --

04:01 5 A That sounds right, called me several times and  
6 wanted to know whether I would do an interview  
7 with regards to the Miller file. I said yes, I  
8 would do that, come any time. Eventually she said  
9 maybe you could come to Winnipeg. I wasn't too  
04:02 10 keen on that, but anyway, it ended up we made an  
11 arrangement that I would go to Winnipeg, they  
12 bought my ticket or paid my fare, I don't know  
13 whether I stayed overnight, I can't remember, but  
14 I do recall the arrangement we had was that she  
04:02 15 wanted to know if she could tape my conversation.  
16 I said certainly, but I didn't want to be  
17 videotaped. She agreed. However, I think their  
18 offices were in a trailer, when I got there I  
19 realized I was being videoed and I was quite  
04:02 20 upset, I remember that part, and I may have said  
21 some things there that aren't exactly thought out  
22 too well because I was quite upset.

23 Q With the fact that you were videotaped?

24 A Yeah. They weren't truthful with me.

04:02 25 Q And did you go through an interview with her?



1 A I did.

2 Q And did you allow her to audiotape the interview?

3 A Yes. I had no objection to that.

4 Q And as far as the dates here, it says October

04:03 5 12th, 1990 at the top and I probably should have

6 gone through this earlier in the chronology. The

7 article, the interview with Dan Lett was August of

8 1991, okay, and in that interview, which I went

9 through, you talk about, with Mr. Lett, this

04:03 10 interview because you tell him that you were upset

11 about what happened.

12 A Probably true.

13 Q So it would appear that certainly before August

14 21, 1991 and before *The Globe and Mail* articles;

04:03 15 is that --

16 A I agree.

17 Q So October, 1990 being the previous year, does

18 that sound -- and I can't tell you that that's the

19 date of the transcript, Mr. Karst.

04:03 20 A It sounds reasonable.

21 Q Now, the other problem, Mr. Commissioner, is this

22 transcript appears to only have Mr. Karst's

23 answers, there's no questions, and, Mr. Karst, was

24 this interview a question and answer session?

04:04 25 A See, I can't remember it specifically, but



1 obviously I've gone through this. There must have  
2 been questions asked, but they are not there.

3 Q Okay. And so with that in mind, I do intend to  
4 ask Mr. Karst about some of the information in  
04:04 5 here and there are some spots where, and please,  
6 Mr. Karst, let me know if it's a situation where  
7 knowing the question might help you with the  
8 answer, okay?

9 A Okay.

04:04 10 Q Just go down to the bottom, and here is maybe just  
11 an example, if you go to the previous -- just  
12 scroll up a bit. He talks here about, "He  
13 recalled that," and he said:

14 "No they hadn't been on pot yet, because  
04:05 15 they didn't get their pot until they got  
16 to Edmonton --"

17 Etcetera, and then it goes down to the next  
18 paragraph and starts off:

19 "I understand that he has had a number  
04:05 20 of problems but certainly not by talking  
21 to him at the time, he appeared, you  
22 know, earnest in what he was saying."

23 So it appears from that that a question prompted  
24 that; is that fair?

04:05 25 A It would appear that way.



1 Q Go to the next page --

2 COMMISSIONER MacCALLUM: The tape was not  
3 found, Mr. Hodson?

4 MR. HODSON: We do not have the tape, we  
04:05 5 are making efforts to find the tape and/or the  
6 questions.

7 COMMISSIONER MacCALLUM: This was the CBC  
8 reporter?

9 MR. HODSON: I believe so, yes.

04:05 10 COMMISSIONER MacCALLUM: Thank you.

11 BY MR. HODSON:

12 Q And again, just to give a flavour of this, it  
13 appears these are questions about Cadrain:

14 "It is not true that he got a working  
04:05 15 over by the police."

16 "It is not true that he was picked up in  
17 the morning and returned 12 hours later  
18 after intense questioning."

19 And then scroll down, please, and at the bottom,  
04:06 20 and I think this is referring to Cadrain:

21 "I think one day, one day, I did pick  
22 him up in the morning. And that's the  
23 only time. And I can't remember the  
24 reason, yes I do. I think he went along  
04:06 25 with me to Regina. I think we were





1 going to see Wilson -- "

2 Etcetera. And then here, I think this is about  
3 Albert Cadrain:

4 "I felt he was a credible witness.

04:06 5 Everytime he said something we would  
6 check it out and verify it. I would go  
7 to Nichol and say, could this have  
8 happen? Yes. Did he good a hundred  
9 miles an hour going to Calgary. Yes he  
04:06 10 did. We checked every little detail to  
11 see if this guy was putting me on. You  
12 know, is he exaggerating. Did he think  
13 this guy was speeding just because he  
14 was nervous? And the other two  
04:07 15 witnesses, yes he did speed. He did go  
16 down back roads. Even little details  
17 like that. And then I can remember  
18 Nichol mentioning that he threw out a  
19 girl's compact. And I went back and  
04:07 20 asked Cadrain. He said ya, ya, I  
21 remember that now. In fact Wilson did,  
22 we had a statement, said he recalled  
23 that and nothing more was said about  
24 it."

04:07 25 Do you recall giving that information?



1 A It looks like it.

2 Q And then it says:

3 "I am still convinced that what Cadrain  
4 told us at that time in actual fact did  
04:07 5 happen. And like I say we didn't take  
6 him at his word. When you are charging  
7 somebody with murder you don't just take  
8 somebody at face value. And even if he  
9 seemed credible I had to go and check  
04:07 10 every little detail out that he came up  
11 with."

12 And is that accurate, Mr. Karst?

13 A Yes, sir.

14 Q Next page, and here:

04:08 15 "The stab wounds, not being in the coat,  
16 I went through that many times in my  
17 mind. I'll tell you what else went  
18 through my mind was did they have in her  
19 the car? There's always that  
04:08 20 possibility. I remember asking Wilson.  
21 But he said he never had her in the car.  
22 But you have to remember also, that  
23 Wilson leaves the car the same time  
24 Milgaard does, now maybe Milgaard had  
04:08 25 her in the car with Nichol. I don't



1 know. I thought about those things just  
2 like you have and you try to piece it  
3 together as much as you can.

4 There's a lot of answers we  
04:08 5 didn't have."

6 And is that something that you accept as having  
7 stated at the time?

8 A I do.

9 Q And actually:

04:08 10 "... a lot of answers we didn't have.  
11 Still don't."

12 Is that fair, is that what you would have thought  
13 at the time?

14 A That's fair.

04:08 15 Q Is that what you think -- or that's what you  
16 thought at the time you would have said that to  
17 her?

18 A Yes, sir.

19 Q And down at the bottom, you say here, and again  
04:08 20 I'm not sure what the question is:

21 "Why does Ron Wilson tell us about the  
22 Milgaard conversation in Calgary if that  
23 didn't happen? I can't see the purpose.  
24 It's not something we plant in his mind.  
04:09 25 He comes and he tells us."



1 And is that something you would have said to the  
2 reporter at the time?

3 A I believe so.

4 Q And then the next page and then down at the  
04:09 5 bottom, you say:

6 "Inspector Roberts from Calgary would  
7 have been the one with the polygraph.  
8 He was up and give the polygraph but I  
9 wasn't present. I had nothing to do  
04:09 10 with technical evidence."

11 Is that truthful?

12 A That's truthful.

13 Q And then scroll down:

14 "I remember after the polygraph he said  
04:09 15 he wanted to add something to his  
16 statement. But I can't remember what it  
17 was."

18 Did that happen?

19 A Yes.

04:09 20 Q Next page, and then you describe your assessment  
21 of Ron Wilson and you say:

22 "This police aspect didn't fizz on  
23 Wilson at all. He's not going to back  
24 away from a police officer more than he  
04:10 25 would anyone else. He was street wise.



1                   Wasn't born yesterday. He was not  
2                   afraid of police."

3                   Is that your assessment of Mr. Wilson?

4           A        Correct.

04:10 5           Q        And that's your assessment now?

6           A        Still is.

7           Q        Next page, please, and this appears to be Karst,  
8                   (side A), I'm not sure if this preceded the  
9                   earlier transcript, it's after the earlier pages,  
04:11 10           and then there's a reference here, just in  
11                   context, it talks about the trip and then ends off  
12                   saying:

13                   "Nichol has seen him, so he tells  
14                   Cadrain, hey, I think we have to do  
04:11 15                   something here."

16                   And then it goes on to say, and if you could  
17                   scroll down:

18                   "I've heard Fisher's name come up  
19                   recently. I just read in the paper. I  
04:11 20                   understand that he has a record. I also  
21                   know he was checked by the officer whose  
22                   name is McCorsan. Now how detailed that  
23                   questioning went I don't know. But I  
24                   know that it came up and he had to be  
04:11 25                   questioned.



1 I don't believe at that time  
2 anyone had reason to suspect Larry  
3 Fisher."

04:11 4 Do you recall having this discussion with the  
5 reporter?

6 A I don't recall that, but I have no reason to think  
7 it's not true.

8 Q Now, at this time, if it's October of 1990, you  
9 say that you know he was checked by the officers  
04:11 10 whose name is, and I think it should be  
11 McCorriston; is that fair?

12 A That's right.

13 Q And do you know where you got that information  
14 from, Mr. Karst?

04:12 15 A Probably from the ledger book we used to keep, but  
16 I really can't say for sure.

17 Q Okay. Is it something that in 1990 you remembered  
18 from back in 1970, that detail?

19 A Maybe because I've read it somewhere or heard it  
04:12 20 on the news, but where it was I can't remember.

21 Q And so is it, when you say heard it on the news,  
22 at or around the time of the interview?

23 A Oh, I don't remember. I can't pin that down.

24 Q Okay. And then if we can carry on, and it says:  
04:12 25 "I don't believe at that time anyone had



1 reason to suspect Larry Fisher."

2 And then a break, and I presume there's a

3 question there, it says:

4 "I'm sure if that wife of his would have

04:12 5 come into the police station and said,

6 as she said to someone recently, I'm

7 sure my husband killed her, certainly we

8 would have investigated. No doubt about

9 it. If somebody comes in and says

04:12 10 somebody killed somebody you're going to

11 investigate it."

12 And I think that's what you, similar to what you

13 told us earlier today about the Linda Fisher

14 statement?

04:13 15 A Correct.

16 Q "I was still with the force in 1980.

17 I had no knowledge of her coming in in

18 1980. It must have gone to somebody

19 else obviously."

04:13 20 Is that true?

21 A That's true, I recall it. Like I say, before -- I

22 may have read that report and it wasn't mine,

23 that's as far as it went.

24 Q And:

04:13 25 "If I had heard that --"



1 And again I'm not sure if that's referring to the  
2 Linda Wilson (sic) or if there's a question:

3 "If I had heard that, I would have  
4 checked it out mighty quick. No doubt  
04:13 5 about it. Even convinced as I am, that  
6 Milgaard is guilty of what he was  
7 charged, I would still have to  
8 investigate the other to satisfy my own  
9 curiosity."

04:13 10 And again that's similar to what you told us?

11 A Yes.

12 Q And then it says:

13 "I would have thought that it would come  
14 to my attention."

04:13 15 Again, I'm not sure what that, what precedes  
16 that:

17 "But it went to a source higher than I  
18 was. And I believe in 1980 I was no  
19 longer in the investigation division. I  
04:14 20 was in patrol. So it wouldn't go to me  
21 unless somebody had personally come to  
22 me."

23 And again that may be the Linda Fisher statement.  
24 Does that sound reasonable?

04:14 25 A There's something not right there because in 1980





1 I was still in plain clothes.

2 Q You were a detective until '82?

3 A Yes.

4 Q "But even going to somebody else I

04:14 5 expect it should have been investigated.

6 I don't know if anyone took any  
7 steps to investigate it."

8 Then the next page, and I'm not sure where, it  
9 says:

04:14 10 "EXCERPTS USED DURING CROSS-EXAMINATION  
11 OF DETECTIVE KARST (report from CBC)"

12 I do know, Mr. Karst, I believe some of this was  
13 put to you by Mr. Wolch at the Supreme Court in  
14 '92. Do you remember that, being asked about  
04:14 15 this interview?

16 A I don't remember being asked about it, but I have  
17 no reason to doubt it.

18 Q And then the first paragraph says:

19 "It seems strange things are happening.

04:14 20 Like, 20 years later, Wilson and Cadrain  
21 change their stories. 20 years later.

22 Ten or eleven years after, this woman,

23 Miss Fisher comes in and says this. Why  
24 wait ten years?"

04:15 25 And then a break.



1 "I'm surprised, if they haven't checked  
2 that out. I'm surprised. Because  
3 certainly if they'd come to me and I'd  
4 been in the investigation, even as  
04:15 5 positive as I am that we got the wrong  
6 guy I'd check it out. Right off the  
7 bat, go back and get the details. And I  
8 don't know, did anybody go up and see  
9 Fisher. It's odd. Maybe they're taking  
04:15 10 the stand that we have our man why  
11 should we investigate any further. But  
12 I would still do. But I guess they  
13 haven't. Maybe they have. But if they  
14 haven't, they should have."

04:15 15 And again, do you know what that's referring to,  
16 Mr. Karst?

17 A I disagree with part of that that says:

18 "... even as positive as I am that we  
19 got the wrong guy ...",

04:15 20 I think that should be -- would have said:

21 "... the right guy, I'd check it out."

22 Q Okay. Right there? Fair enough.

23 A Yeah, I think that's the way I read that.

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

04:15 25 "I certainly expect that back in 1971



1                   when Fisher was transferred from  
2                   Winnipeg that it should have been  
3                   checked out. But it never came to my  
4                   attention.

04:15 5                   I'm in the section at that time  
6                   and I don't recall that at all. But  
7                   maybe it never got to me. Because if it  
8                   had of, I'd have looked at it."

9                   If I can pause there, Mr. Karst, do you know what  
04:15 10                  that is referring to?

11           A           I don't know what was in between those two  
12                   paragraphs, it must have been a question of some  
13                   kind.

14           Q           Okay. One reading of this paragraph, let me  
04:16 15                   suggest, is that you were asked about checking out  
16                   Fisher in 1971 when he was transferred from  
17                   Winnipeg and you appear to say here that it should  
18                   have been checked out but it never came to my  
19                   attention; is that fair?

04:16 20           A           That could be.

21           Q           And at this time, Mr. Karst, October of 1990 --  
22                   and I think in my earlier questions you said it  
23                   was around December of 1991 or perhaps September  
24                   of 1991 when you talked to the Police Commission,  
04:16 25                   I think you told us that's when you became aware



1 of the fact that you had taken Mr. Fisher's  
2 statement?

3 A I believe that's correct.

4 Q So if, at the time of this interview, is it -- can  
04:16 5 we assume that you -- or let -- tell me what you  
6 would have recalled at this time about whether or  
7 not you would have taken Larry Fisher's statement?

8 A I don't recall that I took it so I can't --

9 Q Okay. In fact one reading of this is you are  
04:17 10 saying whoever -- and, again, I appreciate the  
11 question is not there -- but back when he was  
12 transferred from Winnipeg, it should have been  
13 checked out by someone who was involved?

14 A There must have been some information that they  
04:17 15 were giving me about him being transferred because  
16 I'm not aware of that.

17 Q Okay. But let me try this again. One read of  
18 this -- and I appreciate the question is not  
19 there -- is that you are saying, 'well, whoever  
04:17 20 dealt with Fisher in '71 should have checked him  
21 out', not knowing that it was you, at this time  
22 you said it, that had actually checked him out.  
23 Do you follow my question?

24 A I don't understand. I follow your question but I  
04:17 25 don't understand that.



1 Q Okay. No, and fair enough, I'm just trying to  
2 find out what it was that you were answering or  
3 saying?

4 A I don't know. I can't tell by that.

04:17 5 Q Because it says here:

6 "I'm in the section at that time and I  
7 don't recall that at all. But maybe it  
8 never got to me. Because if it had of,  
9 I'd have looked at it."

04:18 10 And, I guess, what would you have looked at?

11 A Like I said, I don't know what, whether somebody  
12 is making -- whether they were talking about a  
13 connection between the rapes and the murder. I  
14 just don't understand it.

04:18 15 Q Okay. If the question was 'if there was a  
16 connection made back in 1971 between Fisher and  
17 the murder would you have looked at it or should  
18 that have been checked out?'

19 A Yes, certainly.

04:18 20 Q Would you -- you would have?

21 A Yes. You are following up all leads and I'm sure  
22 that would have been followed up.

23 Q And then scrolling down again:

24 "As sure as I am that everything went  
04:18 25 right, I would still check that out. If



1 I was still there I would still do it.

2 I can't speak for somebody else.

3 It's very possible that there  
4 had been rapes in Saskatoon prior to the  
04:19 5 Miller case. I don't know. That's  
6 handled by morality section. Rape isn't  
7 handled by detectives and we were a  
8 different squad. It's a funny way to  
9 work but most are set up like that - you  
04:19 10 have a morality squad."

11 And then a break:

12 "Why hadn't Joe sent somebody up there  
13 to investigate Fisher? I don't know."

14 And now would 'Joe' be Joe Penkala; is that --

04:19 15 A Probably the only 'Joe' I could be referring to.

16 Q Do you know if there was a question about why  
17 Penkala hadn't sent somebody some --

18 A There is a blank there, I can't tell you.

19 Q Are you able to tell us what you would have meant  
04:19 20 by that or --

21 A No, I can't.

22 Q And then you say:

23 "I would think that I would know of the  
24 other rapes in that area because you  
04:19 25 read the bulletin of your own force



1 every morning and obviously I had to  
2 know. I can't remember specifically 20  
3 years later but I had to know. If there  
4 was a rape I had to know."

04:19 5 And is that true, Mr. Karst?

6 A I agree with that.

7 Q Next page, please. And then at the top, here,  
8 there's some discussion about the bus driver and  
9 about checking out people door to door.

04:20 10 "Does the bus driver remember that  
11 person getting on the bus. And if the  
12 bus driver remembers that's about all  
13 you can do. He's pretty well cleared.  
14 As far as you can go. But I remember  
15 that happened, the bus driver remembers  
16 certain guys and one guy that didn't get  
17 on the bus that morning, and he  
18 remembered he wasn't there. So we'd go  
19 and check him out. Where were you that  
04:20 20 morning? 'I was home in bed, sick.'  
21 Ok. It was verified."

22 Then you say:

23 "I can't tell you how Larry Fisher was  
24 cleared."

04:20 25 Do you know what this -- what the questions were



1 or what this related to, Mr. Karst?

2 A Must have asked how we cleared Fisher when we  
3 checked him.

4 Q And, again, we have seen reports back from 1969  
04:21 5 about the bus driver and about checking out Mr.  
6 Fisher; you recall seeing those reports?

7 A I have a recall of that, yes.

8 Q And in 1990, when you were interviewed, is that  
9 something that you would have remembered from 1969  
04:21 10 when you were talking to this reporter?

11 A I doubt it very much.

12 Q Do you know where you would have heard -- where  
13 you would have got this information from?

14 A No, sir, I don't.

04:21 15 Q Next page, please. It would appear in this  
16 paragraph about -- that there must have been a  
17 question about other officers. It says:

18 "I have talked to most of the guys who  
19 were involved. There were many people  
04:21 20 involved."

21 And you went on to name them and indicate where  
22 they were; do you remember doing that?

23 A I didn't get your question?

24 Q I'm sorry, it appears here that you were asked a  
04:21 25 question about who else was involved and where are





1           they?

2       A       That could well have been.

3       Q       And would you have told the media people where to  
4           get ahold of some of these other officers for  
04:22 5           information?

6       A       I probably said to, as it says there, where  
7           certain people lived, whether they were in town or  
8           not.

9       Q       Then it's reported here:

04:22 10                    "If I thought there was something wrong,  
11                    I'd be the first guy to come and say  
12                    hey, I think something went wrong here.  
13                    I wouldn't want an innocent man in  
14                    custody, let alone for 20 years. If I  
04:22 15                   thought there was the remotest  
16                   possibility, I'd be the first one to get  
17                   up and say, hey, something's wrong. I'm  
18                   without doubt. Knowing all the things  
19                   that came together. There's just no  
04:22 20                   doubt."

21           And is that accurate?

22       A       Yes.

23       Q       Is that something you would have said at the time?

24       A       I believe I did.

04:22 25       Q       Then the next page, it says here at the top:



1 "But I agree with you ...",

2 I'm not sure, again, what the question is:

3 "... with you maybe there were things  
4 that should have been done that weren't  
04:23 5 done.

6 I have no objection if the  
7 Justice Department reopens the case  
8 because they will have the same outcome  
9 anyway. Without doubt. I'm so  
04:23 10 convinced, I'm probably ...",

11 prejudged:

12 "... but I have to be honest."

13 A 'Prejudiced'.

14 Q "... prejudiced but I have to be honest."

04:23 15 And are those things that you would have said?

16 A I believe so.

17 Q And do you know what you may have been referring  
18 to when you said there were things that should  
19 have been done that weren't done?

04:23 20 A I have no idea what question was up there.

21 Q Then if we can go back to 004286, please. And  
22 this is the December 7th article that I referred  
23 to earlier, and this is quoting Ivan Lindgren, do  
24 you remember Ivan Lindgren?

04:24 25 A I do.



1 Q And he says:

2 "'Karst and Nordstrom went down there to  
3 talk to Fisher,' recalled retired  
4 Saskatoon detective Ivan Lindgren, one  
04:24 5 of the rape investigators. After Mr.  
6 Fisher confessed, Mr. Lindgren added,  
7 'Karst or Nordstrom should have left a  
8 note on the file to indicate it was  
9 closed. It's a real mystery.'"

04:24 10 And I think you had told us earlier that you  
11 would agree with that, you should have or you  
12 think you would have left a note on the file?

13 A In connection with the statement.

14 Q Yes. And then go back to the main page, and it  
04:24 15 refers to Gus Weir, and here's the comment where:

16 "'He [Inspector Nordstrom] took Karst  
17 because Karst was high-profile,' Mr.  
18 Weir said. 'Nordstrom upset Fisher to  
19 the point where Winnipeg police had to  
04:24 20 ease him out of the interview room.

21 Karst had to take over on his own.'"

22 Do you remember that happening or, (b), remember  
23 telling Gus Weir that?

24 A That wouldn't happen.

04:25 25 Q And why do you say that or why are you able to say



1           that?

2           A       I wouldn't be easing an inspector out of the room,  
3                   if anything I'd be eased out.

4           Q       And then back to the main page, and it appears  
04:25 5                   that Roberts and Appleby are referring to what you  
6                   would have said back in August of '91:

7                   "When interviewed in August, Mr. Karst  
8                   said: 'It didn't register with me that  
9                   it [the rapes] was something the  
04:25 10                  murderer would have done.... I can't say  
11                  it stuck in my mind. We were looking  
12                  for a murder suspect.'"

13           And I think that's something that you told us  
14           earlier; is that fair?

04:25 15          A       That was my opinion.

16          Q       If we could go to 039202. And this is December of  
17                   '91, *The StarPhoenix*, and Weir says:

18                  "'I heard about the file being solved  
19                  and I was just flabbergasted,' says Gus  
04:26 20                  Weir, a retired officer who investigated  
21                  one of the Fisher rapes.

22                  Weir continued to investigate  
23                  the case even after Fisher confessed  
24                  because it was not until 'several years  
04:26 25                  later' that he discovered the rapist had



1                   been apprehended.

2                   Weir said he recently was  
3                   surprised to learn partial files on two  
4                   of Fisher's victims have been located.

04:26 5                   He was unable to find any of  
6                   them when Karst's comments moved him to  
7                   search for the files in the central  
8                   records department.

9                   Weir said he sees nothing  
04:27 10                  suspicious in Karst being dispatched to  
11                  take Fisher's Winnipeg confessions."

12                  And we have seen previously, and we'll see it  
13                  again next week in the (V5)-- (V5)--- file which  
14                  is the one Officer Weir is talking about, there  
04:27 15                  is a concluding report February 4th, 1971 with  
16                  Gus Weir indicating that he returned items to  
17                  (V5)-- (V5)--- and talked about a suspect in a  
18                  mental institution, or something of that nature,  
19                  and I believe a photograph. And I'm wondering,  
04:27 20                  Mr. Karst, if you have any explanation as to why  
21                  Mr. Weir would be saying, here, that he continued  
22                  to investigate that file for years after and then  
23                  became surprised to hear from you at a social  
24                  function that you got a confession on the (V5)--  
04:27 25                  (V5)--- matter, given what is on the police file?



1 A I don't know why he would say that, but there is  
2 something odd happened if that file -- report  
3 wasn't on the file and he didn't know, somebody --  
4 I'm not saying he didn't -- but somebody was  
04:28 5 supposed to put it on his file. Umm, why it's not  
6 there, I have no idea.

7 Q And I guess my question is the fact that on the  
8 (V5)-- (V5)--- file there is a report with Weir's  
9 name on it as the person who prepared the report  
04:28 10 concluding the file and saying 'someone has been  
11 -- I -- someone has been picked up for it,  
12 pictures shown and items returned to the victim'?

13 A So then obviously he was aware of it.

14 Q And I guess my question is if you have any reason  
04:28 15 as to why he would be saying this in the media in  
16 1991; two things, one that he continued to work on  
17 it until -- for a couple of years and then not  
18 finding out about the confession until you told  
19 him years later; --

04:28 20 A I --

21 Q -- and secondly -- sorry, that's what I was  
22 wondering, if you had any --

23 A I have no explanation for that.

24 Q If we could call up 057584. This is, I think,  
04:29 25 April of '92, right after the Supreme Court



1 proceedings, and it says:

2 "David Milgaard should be set free, says  
3 Eddie Karst, one of the detectives who  
4 helped convict him.

04:29 5 Karst said Tuesday a new trial  
6 would serve no purpose.

7 'This is a personal opinion,  
8 but he has done 22 years. He was young  
9 when he went in. Maybe this is the time  
04:29 10 for him to be paroled,' said Karst ..."

11 And then go back to the main page, and I think  
12 you comment that there is no point in having a  
13 new trial; do you remember giving this  
14 information?

04:29 15 A I do.

16 Q Okay. And is this what you would have thought at  
17 the time?

18 A Yes.

19 Q If we could go to 004509. This is a report, again  
04:30 20 I think in April of '92 around the time of the  
21 Supreme Court hearings, it says:

22 "Retired Saskatoon detective Eddie Karst  
23 doesn't recall saying David Milgaard was  
24 likely innocent of the Gail Miller  
04:30 25 murder six weeks before his 1969 arrest.



1                   '(But) I wouldn't doubt that I  
2                   would say that, prior to having gained  
3                   enough evidence,' he said in an  
4                   interview Thursday."

04:30 5                   Again, is that something you would have said?

6           A           As I say, I don't recall seeing that there, and I  
7                   don't recall it now.

8           Q           Okay. It goes on to say:

9                   "Reports out of Milgaard's Supreme Court  
04:30 10                  hearings indicate Karst made the  
11                  comments in a previously unreleased  
12                  police report dated April 18, 1969."

13                  And that's the one where you had said that Nichol  
14                  John is convincing and if she --

04:30 15           A           Oh, I see what you are -- yes, I said that.

16           Q           Mr. Commissioner, I see it's 4:30. I expect I  
17                   will be at most 15 minutes with Mr. Karst, or  
18                   shorter, tomorrow morning, and I think we can then  
19                   start cross-examination.

04:31 20                   COMMISSIONER MacCALLUM: Very well.

21                   (*Adjourned at 4:31 p.m.*)

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**OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES:**

We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,  
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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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