

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

Transcript of Proceedings
and
Testimony before the Commission
sitting at the
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Volume 69

Inquiry Proceedings



Commission Staff:

Mr. Douglas C. Hodson,	Commission Counsel
Ms. Candace D. Congram,	Executive Director
Ms. Sandra Boswell,	Document Manager
Ms. Kara Isabelle,	Document Assistant
Ms. Jodie Kendry	Document Assistant

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Ms. Karen Hinz, CSR, and	Official Q.B. Court Reporters
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Mr. Jerry Wilde,	Security Officer
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Appearances:

<i>Mr. Hersh Wolch, Q.C.,</i>	for Mr. David Milgaard
<i>Ms. Joanne McLean,</i>	for Ms. Joyce Milgaard
<i>Ms. Lana Krogan,</i>	for Government of Saskatchewan
<i>Ms. Catherine Knox,</i>	for Mr. T.D.R. (Bobs) Caldwell
<i>Mr. Garrett Wilson, Q.C.,</i>	for Mr. Serge Kujawa
<i>Mr. Rick Elson, Esq.,</i>	for the Saskatoon Police Service
<i>Mr. Aaron Fox, Q.C.,</i>	for Mr. Eddie Karst
<i>Mr. Bruce Gibson, Esq.,</i>	for the RCMP
<i>Mr. Eamon O'Keefe, Esq.,</i>	for Mr. Larry Fisher
<i>Ms. Jennifer Cox,</i>	for Minister of Justice (Canada), The Hon. Irwin Cotler
<i>Mr. Dan Chivers, Esq.,</i>	for Justice Calvin Tallis (Retired)



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Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

MR. HODSON: Mr. Commissioner, before we start with our first witness this morning, who is Lorne Huff, I just wanted to give a brief introduction to the next set of witnesses.

We are jumping ahead a bit, the original plan was to go to the trial witnesses, being Mr. Caldwell, Mr. Tallis, Mr. Kujawa, Mr. MacKay, etcetera. Due to some scheduling issues, we've moved that to a later date, and we will be next hearing from I guess what are called the Fisher phase witnesses, those witnesses who have relevant information for the Inquiry relating to Larry Fisher. And of course Mr. Fisher will be here next week, I'll have further comments before he testifies about the purpose in calling him.

But at this point, just before we hear from the next set of witnesses, I think it's important to remind ourselves where this fits in in the Terms of Reference.

This is not, this Inquiry is



1 not about finding anything with respect to Mr.
2 Fisher's guilt or innocence, that's already been
3 determined by the Court. What we're focused on
4 is information, primarily information that was
09:04 5 provided to authorities post-conviction of Mr.
6 Milgaard that may have been information relevant
7 to the re-opening. In addition, some of the
8 evidence we will be hearing relates to the
9 conduct of the investigation and the trial.

09:04 10 So again, just to emphasize
11 that the reason we're hearing this was that this
12 was information that was provided to authorities
13 that may or may not have been acted upon, we'll
14 certainly hear more evidence about that, and as
09:04 15 well another important part of this is we will
16 hear evidence about Mr. Fisher's conviction in
17 Winnipeg for some assaults in 1971 and the
18 subsequent convictions in Saskatoon, and we've
19 already heard lots -- or in, pardon me, in
09:04 20 Regina, and we've heard about that.

21 So the first witness is Lorne
22 Huff, if I could ask Mr. Huff to take the witness
23 stand, please.

24 As Mr. Huff is being sworn I
09:05 25 should also add that I think we have 21 or 22



1 witnesses scheduled for the next 15 days, a
2 number of these witnesses are from out of the
3 city and so we've done our best to try and
4 arrange continuous evidence. There -- however,
09:05 5 if it goes other than as planned, we may have a
6 few pockets of open time, but I think we will get
7 all the witnesses done in the time frame.

8 COMMISSIONER MacCALLUM: Right.

9 **LORNE HUFF, sworn:**

09:05 10 A Morning, Mr. Commissioner.

11 **BY MR. HODSON:**

12 Q Morning, Mr. Huff. Thank you very much for
13 agreeing to testify before the Commission. I
14 understand that you reside in Winnipeg, Manitoba?

09:06 15 A Yes sir.

16 Q And your current age?

17 A I'm sorry?

18 Q Your current age?

19 A 66.

09:06 20 Q And I understand that you were a police officer
21 with the Fort Garry Police Service from 1961 to
22 1974 and, after the amalgamation with the Winnipeg
23 Police Service, an officer there until 1987; is
24 that correct?

09:06 25 A That's correct, sir.



1 Q And you retired as a sergeant?

2 A Yes sir.

3 Q And that from 1987 to 1994 you operated a business
4 called Huff Investigation & Polygraph Services; is
09:06 5 that correct?

6 A Yes sir.

7 Q And I take it that was -- or tell us, just
8 generally, the nature of that work?

9 A Primarily, it was polygraph testing for defence
09:06 10 counsel, for companies, and investigations for
11 mainly defence counsel.

12 Q And I want to go back to 1970, and at that time
13 you were a detective with the Fort Garry Police,
14 is that correct?

09:06 15 A That's correct.

16 Q And I understand, sir, that you investigated or
17 were involved in the investigation of two rapes,
18 namely the rape of (V7)--- (V7)--- on August 2nd,
19 1970, and (V8)-- (V8)--- on September 19th, 1970,
09:07 20 both rapes that Larry Fisher was convicted of; is
21 that correct?

22 A Yes sir.

23 Q And I understand, sir -- and we'll be getting into
24 this in greater detail -- but that you had
09:07 25 occasion to deal with Mr. Fisher at that time; is



1 that correct?

2 A That's correct.

3 Q Now in -- let's go back to August of 1970 and the
4 Fort Garry detachment; can you tell me what --
09:07 5 approximately how many officers were in that
6 police force?

7 A There would be 30, perhaps up closer to 40, I
8 don't recall the exact count but 30 at least.

9 Q And I understood or understand, sir, that the Fort
09:07 10 Garry Police would be responsible for policing in
11 an area then known as Fort Garry; is that correct?

12 A In the Rural Municipality of Fort Garry, yes.

13 Q And that was next door to Winnipeg, or part --

14 A Yes sir.

09:07 15 Q And then in 1974 I understand that the Fort Garry
16 Police force amalgamated with --

17 A That's correct, with the Winnipeg City Police.

18 Q And I think there were seven other municipal
19 police forces as well with --

09:08 20 A Yes, I believe there was a total of eight.

21 Q And so, again just generally in 1970, what
22 population base or what type of area was your
23 police force looking after?

24 A We had a population of approximately 20,000, not
09:08 25 including the University of Manitoba and some



1 rural areas, we had a lot of farming area around
2 but basically about 20,000 people.

3 Q Now I will go through with you the police reports
4 that we have, Mr. Huff, but just before I do; do
09:08 5 you have a general recollection, today, of your
6 dealings on these two rape files and your dealings
7 with Mr. Fisher?

8 A Yes, sir, I do.

9 Q And I will go through the documents with you. And
09:08 10 Mr. Commissioner, I think this is the first
11 occasion where we will be dealing in detail with
12 these two rape incidents, and I believe Mr. Huff
13 will be the only witness, other than perhaps
14 Mr. Greenberg tomorrow, that was involved in that,
09:09 15 so I will go through some of the documents with
16 him. In some cases it's simply to identify for
17 the record what we have and in other cases, Mr.
18 Huff, I'll have questions for you; okay?

19 COMMISSIONER MacCALLUM: Do we have some
09:09 20 privacy concerns about the victims' names?

21 MR. HODSON: Yes, I believe the earlier
22 publication ban applies to both (V8)--- and
23 (V7)---, and I think when the original ban was
24 granted, so their names will be removed from any
09:09 25 documents that go up on CaseVault (sic) and the



1 media -- or there is a ban on publication of the
2 names of these two victims.

3 COMMISSIONER MacCALLUM: All right.

4 BY MR. HODSON:

09:09 5 Q The first document, if we could call up, is
6 321248, please. And I understand, Mr. Huff, this
7 is a crime report August 2nd, 1970, if you could
8 just take a look at that. I take it this would be
9 the standard-form Crime Report at the time, is
09:10 10 that right, for the --

11 A That's correct, sir.

12 Q And this one relates to (V7) (V7)--- (V7)---, it's
13 August 2nd, 1970, and there is a file number that
14 we'll see on some later reports. I take it that
09:10 15 your police department would assign file numbers?

16 A That's correct.

17 Q And then if we can scroll down a bit, please, it
18 just talks about the original report and asking,
19 or indicating that the police were called at 2:00
09:10 20 in the morning to attend at a home in Fort Garry,
21 and then 'see supplementary for details'.

22 If we could just go to 002043
23 please, and again, if I read these correct the
24 supplementary crime report would be the reports
09:10 25 that follow the original report; is that right?



1 A That's correct.

2 Q And this would be just a chronology of the
3 investigation?

4 A Yes sir.

09:10 5 Q And I believe in this case, if we could just
6 enlarge that please, I take it an officer Don -- I
7 don't believe you were the officer in charge of
8 this initial -- first rape; is that correct?

9 A No, sir, I was not.

09:11 10 Q And then if we can go to the next page, please.
11 And, Mr. Commissioner, I'm just going to go
12 through the -- this report provides an account of
13 the rape and the circumstances, and when I ask Mr.
14 Huff some questions later we'll need to be aware
09:11 15 of this, so I'll just read parts of this for the
16 record. There is also the statement from each of
17 the victims as well, but I think the police report
18 simply summarizes that, that's the most concise.

19 So again, Mr. Huff, I'll just
09:11 20 read out parts of this, and it talks -- and,
21 again, I believe this is Mr. Donnelly's report.
22 It says:

23 "At 11:30 P/M, Saturday August 1st.,
24 1970, she ...",
09:11 25 being Ms. (V7)---



1 "... finished work at the Winnipeg
2 General Hospital, changed her cloths and
3 left the hospital to catch her bus at
4 about 11:40 to 11:45 P/M."

09:12 5 And then if we could just scroll down, I won't go
6 through this, it just talks about the bus route
7 etcetera. Then if we can pick it up right here:

8 "As she approached the church of the
9 Good Shephard which is located on
09:12 10 Silverstone Avenue, she observed a male
11 person come out of the bush which is on
12 the west side of the Good Shephard
13 Church and walk towards her. As she
14 approached this person he asked her
09:12 15 'where is 2781' and she replied 'I don't
16 think the number run that high', and
17 continued to walk west on Silverstone
18 Avenue. This male person then said the
19 he would continue to look for the
09:12 20 number.

21 As she started to walk past the
22 bush he put both of his hands over her
23 mouth and dragged her in to the bush,
24 throwing her to the ground. He then
09:12 25 told her not to scream. He then went



1 for her sweater putting his hand under
2 her sweater and her bra and began to
3 feel her breasts. While he was feeling
4 (V7)---'s breasts she was fighting him,
09:12 5 but to no avail. He kept choking her
6 with his arm and cutting off her breath,
7 it seemed like he was choking her for a
8 long time. He then placed his knee
9 across her throat and started to remove
09:12 10 her sweater and unhook her bra. He
11 removed her sweater and left her bra on
12 one arm and then he went down on her
13 breasts with his mouth and began to bite
14 her breasts and nipples. While he was
15 biting her breasts he had his hand down
16 on the lower part of her between her
17 legs. He then took her shoes, nylons,
18 and panties off, held her legs apart and
19 raped her. He also struck her several
09:13 20 times across the face with an open hand
21 and a closed hand telling her not to
22 scream, and she said that she wouldn't.
23 He then told her to close her eyes and
24 turn over on to her stomach. He tied
09:13 25 her hands behind her back with her



1 nylons very tight and then he tied her
2 ankles to her hands. He also used her
3 bra to secure her. He then tied her
4 sweater around her mouth so she could
09:13 5 not scream out. When he asked her how
6 much money she had in her wallet, and
7 started calling off numbers, 2-7, etc.
8 She could not answer as she was gagged,
9 but when he reached 15 she nodded her
09:13 10 head. He then removed the \$15 and some
11 change from her wallet. He then told
12 her that he was going to leave and call
13 somebody and tell them where she was and
14 they would come and untie her. He said
09:13 15 this would take about ten minutes. She
16 said she must have waited all of that
17 and she was trying to get free, but to
18 no avail."

19 And then it goes on to talk about her efforts to
09:14 20 get free. And then if I could just go down to
21 the bottom it says:

22 "(V7)--- gave a description of her
23 assailant as follows:

24 Long brown messey hair, about half way
09:14 25 between his ears and shoulders, appeared



1 to be clean shaven, white male, 18 to 20
2 years, 5'8-9" tall, 140 - 150 lbs,
3 average build, very strong, wearing a
4 purple short sleeved 'T' shirt, and
09:14 5 light coloured pants, he spoke good
6 english and had a low voice. The purple
7 'T' shirt had white bleach spots on it."

8 Then to the next page, and then just at the
9 bottom it says:

09:14 10 "At approximately 10:00 A/M, Sunday
11 August 2nd., the writer advised the
12 Winnipeg City Police Enquiry Office as
13 to the offence and gave the description
14 of the assailant, and requested that it
09:14 15 be broadcasted over the police network."

16 Just on that last point, Mr. Huff, what -- was
17 there some relationship with the Winnipeg City
18 Police, then, that Fort Garry had for conveying
19 information?

09:15 20 A Yes, all departments had, with Winnipeg and vice
21 versa, we would give them a description of an
22 assailant in this particular case so that they
23 would be on the lookout for something, or if they
24 had something that occurred similar.

09:15 25 Q Okay. Now, this isn't your report, sir, but you



1 would have been familiar with the details of this
2 report back in 1970 when you were involved in
3 these matters?

4 A Yes, I would.

09:15 5 Q Is that fair? And any reason to dispute anything
6 that's written down in that report?

7 A No, sir.

8 Q And I think, and I went through her statement as
9 well, I don't believe Ms. (V7)--- indicated that
09:15 10 the assailant had a knife. Do you recall -- now,
11 when we get to the second one, the (V8)--- one,
12 she talks about a knife, but do you recall whether
13 or not there was a knife involved or whether Ms.
14 (V7)--- --

09:15 15 A I don't recall if there was a knife involved in
16 that one.

17 Q And then go to 071223, please, and just for the
18 record, I don't propose to go through this, this
19 is the statement that Ms. (V7)--- provided to the
09:16 20 police on August 2nd, 1970 and I think it forms
21 the basis of the police report that we just read.
22 And then if we could go to 321222, please, and if
23 we can just look at the bottom, this is an
24 investigation report, maybe we'll just look at the
09:16 25 top for a moment, further to this file, rape of



1 (V7) (V7)---, 5:30 p.m., Monday, August 3, 1970,
2 the writer interviewed (V7) (V7)---. If we could
3 just scroll down to the bottom, please. And
4 that's your signature, is it, Mr. Huff?

09:17 5 A Yes, sir.

6 Q So it appears that the, a day or two after the
7 rape you would have interviewed Ms. (V7)---; is
8 that right?

9 A That's correct.

09:17 10 Q If we can just go back to the top of the document
11 and it says here:

12 "She stated that she has not had any
13 trouble with patients at the General
14 Hospital where she is employed, and she
09:17 15 did not see anyone in the area of the
16 hospital when she left. She did not
17 observe anyone that looked like the
18 accused on either of the busses that she
19 took home. She does not think that she
09:17 20 was followed."

21 So I take if that would have been, you would have
22 been following up to get information about where
23 the assailant may have been and where she may
24 have encountered him?

09:17 25 A Yeah, and if she had any problem with anybody at



1 the hospital over a period of time that was
2 bothering her or harassing her.

3 Q And then if we could just scroll down a bit, it
4 says here:

09:18 5 "The complainant did not at any time see
6 an auto in the area or an auto that may
7 have followed her nearby."

8 And then if we could just scroll down a bit to
9 the bottom, and then it says here:

09:18 10 "A special circular was made up by the
11 writer and delivered to the Winnipeg
12 City Police for publication in their
13 bulletins. Further enquiries are
14 pending at this time."

09:18 15 And so I think we have -- if we can call up
16 321225, please, and this is dated the next day,
17 just the special circular, and is this something,
18 Mr. Huff, you think you would have prepared?

19 A I may have helped prepare it. I think it was
09:18 20 Inspector Perry that was doing it.

21 Q And then it just again goes through the details.
22 If we can go to the next page -- actually, sorry,
23 if we can go to 321224, please, the previous page,
24 and I think this has a composite photo, and as
09:19 25 well for information contact Inspector Perry. So



1 who would have received this bulletin then, would
2 that --

3 A It would have been sent to the detective division
4 of the Winnipeg City Police and they in turn would
09:19 5 pass it out to the various locations.

6 Q Okay. Next if we could call up 002023 and I don't
7 propose to go through it. This is the statement
8 of, just at the top, Richard Marcum who I think
9 was one of the young persons who came across Ms.
09:19 10 (V7)---, and if we can just go to the next page,
11 it just indicates that you took the statement, and
12 again, I take it you would have had some
13 involvement then in talking to witnesses on this
14 file?

09:19 15 A Yes, sir.

16 Q And now next I want to move ahead to the (V8)---
17 assault which was September 19th and I understand,
18 sir, please correct me if I'm wrong, that prior to
19 the second rape, which was September 19th, 1970,
09:20 20 where the records indicate Mr. Fisher was caught
21 in the course of committing the offence, that
22 prior to that, that he was not a suspect by the
23 Fort Garry Police; is that fair?

24 A No, he was not.

09:20 25 Q If we could call up 261217, please, and this is



1 again a similar crime report, if we could just
2 call out the top part, and again this has got a
3 different file number and this is September 19th,
4 1970 and the complainant's name is (V8)-- (V8)---,
09:20 5 and it looks as though it was about 1:30 in the
6 morning that the call came in. If we can scroll
7 down, it talks about Earle Hoccom calling the
8 office stating there was a couple of prowlers in
9 his yard and then see the supplementary report.
09:21 10 And if we can go to the next page, please, and
11 this will be Sylvestre, you recall Sylvestre being
12 an officer of the Fort Garry Police?

13 A That's correct, Marcel Sylvestre.

14 Q And just again, Mr. Commissioner, I'll just go
09:21 15 through parts of this report so that we have the
16 details of the offence and the police involvement,
17 and I think it indicates that Mr. Hoccom called
18 the police and directed his attention to the east
19 side of the home. As police officers approached
09:21 20 the side of the home, a male person was seen
21 running away from behind some shrubs, pulling up
22 his trousers while running. P/Cs immediately gave
23 chase, and while passing the shrubs from which
24 this man was seen running from, the writer heard a
09:21 25 faint cry from what seemed to be a female's voice



1 for help. P/Cs did not stop to investigate the
2 plea for help but continued to pursue the fleeing
3 male person. This person at this time was wearing
4 a gold coloured sweater and light coloured pants
09:22 5 with bleach spots. He had medium length black
6 hair and appeared to be in his late teens or early
7 20s. The man was chased through the back yard of
8 1305 Windemere Avenue, a short distance west down
9 the service lane, through the rear and front yard
09:22 10 of #24 Venus Bay East and finally apprehended in
11 the back yard of 26 Venus Bay East. When the man
12 was apprehended he did not put up a struggle and
13 he said, "Okay, you've got me." The man was then
14 searched and was asked for his name and address to
09:22 15 which he replied "Larry Fisher, I live at 448
16 Spence Street." At this time Constable Stoyka
17 arrived on the scene and Fisher was placed in rear
18 of the cruiser car. The accused was later found
19 out to be Larry Earl Fisher, and then with his
09:22 20 address. So it appears from this that Mr. Fisher
21 was caught in the course of the offence or leaving
22 the area of the offence; is that correct?

23 A That's correct.

24 Q If we could then go to the next page, please, it
09:23 25 says the accused, Fisher, along with the rape



1 victim, (V8)---, were returned to the police
2 station. Fisher was charged for rape and
3 cautioned in the usual police manner, but he
4 declined to give a statement. A voluntary
09:23 5 statement was then obtained from (V8)---, in which
6 she related the following. (V8)--- had gotten off
7 a bus at Pembina Highway and Windemere Avenue and
8 began walking home west on Windemere Avenue. This
9 being approximately 1:15 a.m. this date. At a
09:23 10 point, about three houses west of Daniel Street,
11 she saw a man appear from a yard on the north side
12 of the street, and began walking towards her. As
13 this man met her on the sidewalk, he attacked her
14 and threw her on the ground, holding his hand over
09:23 15 her mouth. A struggle ensued, during which the
16 man threatened the girl by holding a knife to her
17 throat and eventually dragging her behind some
18 bushes between two houses. (V8)--- mentions also
19 in her statement that at one point her assailant
09:23 20 appeared to have lost his knife and was feeling
21 around on the ground for it. (V8)--- became so
22 exhausted from trying to fend her attacker, that
23 she had to give in to his wishes. The rapist
24 proceeded to push his victim's sweater and bras up
09:24 25 to her neck and began to kiss and bite her breasts



1 and upper parts of her body. He then pulled the
2 girl's blue jeans, panty hose and under panties,
3 which she was wearing at the time, down to her
4 ankles and raped her. (V8)--- does not remember
5 how her coat, mentioned earlier in this report,
6 was taken off of her, but that while she was being
7 raped her attacker kept trying to hold the coat
8 over the girl's face, to prevent her from seeing
9 his face. (V8)--- went on to say in her statement
09:24 10 that just as the rapist was having his orgasm, the
11 police appeared on the scene. (V8)--- was then
12 taken to the Winnipeg General Hospital.

13 If we can just scroll down,
14 please, after leaving the hospital with (V8)---,
09:24 15 this patrol proceeded to return to the scene of
16 the crime, where (V8)--- showed constables the
17 area where her assailant appeared to be looking
18 for his knife. A paring knife was found in the
19 grass on the southwest corner of the house at 1305
09:25 20 Windemere Avenue. The knife has a 2 3/4 inch
21 blade and a 4 inch brown wooden handle. The blade
22 is engraved as Sky-line make. (V8)--- could not
23 identify the knife as she did not see it while
24 being threatened by the accused. Constables
09:25 25 returned the knife to the police station to be



1 dusted for possible prints.

2 And then just down at the
3 bottom, at about 6:45 a.m., this date, constables
4 located a white coloured G.M.C. 1/2 truck, parked
09:25 5 facing west in front of 1117 Windemere Avenue.
6 This vehicle bore Saskatchewan number plate
7 D1-885. The truck had Masonry Contractors Ltd.
8 printed on the door.

9 And then just down at the bottom
09:25 10 it says here, the accused was incarcerated at the
11 Vaughn Street jail.

12 Again, based on your
13 involvement, Mr. Huff, does what I read to you
14 from these reports, does that sound accurate as
09:25 15 far as the circumstances reported about the
16 incident?

17 A Yes, sir.

18 Q And it talks about the Vaughn Street jail and
19 we're going to hear about the Headingley jail.
09:26 20 Can you just explain for us at this time where and
21 how prisoners were located when they were arrested
22 and where they were transported to and from for
23 court purposes?

24 A Yes, sir. The Vaughn Street jail is a very, very
09:26 25 old jail that dates back quite some time and they



1 even used it at one point for capital punishment.
2 It is close to the courtroom in as much as it's
3 just across the back lane and when we arrested
4 someone we would take him to Vaughn Street. The
09:26 5 following morning we would then take him across
6 the lane way to court, then return him to the
7 Vaughn Street where all, anybody that was on
8 remand would then be placed on a bus at some point
9 in time and taken to the Headingley jail which is
09:26 10 out west of Winnipeg which is also a provincial
11 jail and he would be held there until his remand
12 date at which time he would be bussed back in and
13 taken to the Vaughn Street Detention where we
14 again would go over and pick him up and take him
09:27 15 to court.

16 Q So the Vaughn Street Detention Centre would be
17 basically holding cells?

18 A Yes, sir.

19 Q And so it looks like here when Mr. Fisher was
09:27 20 arrested, he would have been delivered to Vaughn
21 Street; is that right?

22 A That's correct.

23 Q And then would it be on a daily or regular basis
24 that prisoners would then get sent from Vaughn
09:27 25 Street out to Headingley and back?



1 A I'm sure it was every day. At the end of the day
2 when all the remands were done they would take
3 them back, but in some cases they may have stayed
4 an extra day.

09:27 5 Q And obviously there would be occasions where the
6 prisoners would stay overnight at the Vaughn
7 Street jail?

8 A Yes, sir.

9 Q If we could then go to 261631, please, and this is
09:27 10 a court officer's report. I think it's, again the
11 signature at the bottom is Mr. Sylvestre and talks
12 about the accused. I just want to refer to this
13 part of the document, please, and I think,
14 although there's no date on this document, I
09:28 15 believe it's when Mr. Fisher was arrested on
16 September 19th, 1970, it says:

17 "Fisher was returned to the police
18 station where he was charged with rape
19 and cautioned in the usual police
09:28 20 manner. The accused declined to give a
21 statement or answer any questions at the
22 time. Fisher was then incarcerated."

23 And again, do you recall that, Mr. Huff, that Mr.
24 Fisher initially declined to give a statement?

09:28 25 A Yeah. I wasn't there at the time, but I remember



1 when we came in in the morning that he had not
2 given a statement.

3 Q And then if we could call up 093359 and,
4 Mr. Commissioner, this is the best copy of this
09:28 5 document we have, the original is no better, but I
6 think, and I went through it with Mr. Huff, I
7 think this is an adult statement form that simply
8 was a form at the time where, if we can enlarge
9 that area, "Do you understand this caution?" I
09:29 10 think it's "Right." "Do you wish to give a
11 statement?" "No." And then I think it's
12 Mr. Sylvestre's signature again. Is that right,
13 Mr. Huff, and we looked at that yesterday?

14 A Yes, it looks like Larry Fisher's signature,
09:29 15 Constable Armand Stoyka and Marcel Sylvestre.

16 Q Right. And so this would be a document that
17 confirms he declined to give a statement; is that
18 fair?

19 A That's right.

09:29 20 Q Then if we could call up 002050, and again this is
21 (V8)-- (V8)---'s statement of September 19th,
22 1970. I don't propose to go through it,
23 Mr. Commissioner, but it appears to be what the
24 earlier police report was based on. If we could
09:29 25 then go to 261223 and -- sorry, 261223. We can



1 come back to that if there's a problem. If we can
2 go to 093348. Just for the record, 261223 was
3 simply the statement of Earle Hoccom, he was the
4 fellow who phoned the police initially and that
09:30 5 statement indicates that it was taken by you,
6 Mr. Huff, and I think I showed you that yesterday,
7 that you would have taken a statement from the
8 fellow who phoned the police in the first
9 instance?

09:31 10 A Yes, sir.

11 Q And then if we could just enlarge this, please.
12 That's your signature at the bottom is it?

13 A Yes, sir, it is.

14 Q And so this is again on the (V8)--- file which is
09:31 15 the second rape, the September 19th rape, it says:

16 "At 6:00 p.m., Saturday, September 19th,
17 1970 --"

18 And if I can just pause there. I think the rape
19 occurred at 1:30 a.m. or thereabouts on the
09:31 20 Saturday, the 19th, Friday night, Saturday
21 morning, so this would be sort of the following
22 evening after the rape.

23 "... acting upon information received,
24 the writer accompanied by Det., R. Rentz
09:31 25 attended at the Headingley Gaol and



1 returned the accused Larry Earl Fisher
2 21 yrs., of age, d.o.b. Aug. 21/49 of
3 Suite # 5-448 Spence St., to this office
4 for further interrogation.

09:31 5 Fisher was under caution at
6 this time. Upon arrival at this office
7 he was asked to give an account of his
8 actions, to which he replied, "I feel
9 very bad about last night", "I will
09:32 10 plead guilty right now". He was
11 questioned further and he admitted that
12 he had raped the girl last night.

13 He stated that he had been out
14 with a fellow worker by the name of Jack
09:32 15 who works at Masonry Contractors with
16 him. He does not recall the man's last
17 name. He himself has just arrived from
18 Saskatoon Saskatchewan about one and a
19 half (1 1/2) months ago. He worked for
09:32 20 the same firm in Saskatoon. He and his
21 friend "Jack" had visited a number of
22 bars and he had been drinking a
23 considerable amount. He also helped to
24 consume a 26 ounce bottle of whiskey.
09:32 25 He left his friend at about midnight or



1 12:30 a.m. and drove out to Fort Garry.
2 He parked his truck and began to walk
3 for awhile and then he spotted the girl
4 and raped her. The accused is somewhat
09:32 5 familiar with the area as he lived at
6 Lot 30 in the Covered Wagon Trailer Park
7 in Fort Garry.

8 The accused showed considerable
9 remorse at this time for his actions and
09:32 10 after some time spent interrogating him
11 he also admitted to the rape of another
12 female in the Fort Richmond area, see
13 file # 3038/70. A signed statement is
14 attached to this report. The accused
09:33 15 was detained in the Vaughn Gaol pending
16 his subsequent transfer back to
17 Headingley Gaol."

18 And this 3038/70, Mr. Huff, is the (V7)--- rape
19 file that I went through earlier, okay?

09:33 20 A Yes.

21 Q Now, do you have a recollection of this dealing
22 with Mr. Fisher?

23 A Yes, sir, I do.

24 Q Just a couple of questions and then I'll ask you
09:33 25 to tell me what you remember. Picking him up at



1 the Headingley jail, it looks as though he would
2 have gone then from Vaughn Street out to
3 Headingley then after he was arrested?

4 A Yes, sir.

09:33 5 Q And then you pick him up and bring him to the
6 police station for interrogation. Was that usual
7 practice at the time?

8 A Yes, it was.

9 Q And then if you could tell us, sir, what you
09:33 10 recall about this dealing with Mr. Fisher?

11 A Well, he, as I indicated here, he immediately said
12 he was very sorry about what happened the night
13 before and readily confessed that he had in fact
14 raped the young lady and then we asked him about
09:33 15 another rape which was the first one --

16 Q Let me just pause there.

17 A Sorry.

18 Q Did you, prior to talking to Mr. Fisher, did you
19 in your own mind connect the earlier (V7)--- rape
09:34 20 to the (V8)--- rape?

21 A We thought there might be a connection, yes.

22 Q Sorry, carry on.

23 A And as we were talking to him he didn't say too
24 much, he was being sort of quiet, and then when I
09:34 25 asked him how he would feel if that was his



1 daughter who was raped, he then put his head down
2 and said I raped the other woman in Fort Garry.

3 Q Okay. And what information did you have about his
4 daughter at the time?

09:34 5 A That was just part of the background that you get
6 from an individual, marital state, family, this
7 sort of thing.

8 Q And do you recall anything else about your
9 dealings with Mr. Fisher at that time?

09:34 10 A Yeah, he had also indicated that he had driven by
11 the police station and had wanted to turn himself
12 in, but he didn't, and that was from the first
13 rape I understand.

14 Q And do you remember how long you were with Mr.
09:35 15 Fisher?

16 A Probably an hour.

17 Q And --

18 A It could have been longer.

19 Q I'm sorry, and the nature --

09:35 20 A It could have been longer.

21 Q I'm sorry, I cut you off.

22 A Okay. It could have been a little longer than an
23 hour. I'm not positive.

24 Q And again, do you recall the nature of your
09:35 25 questioning, was it tough questioning? What was



1 your style at the time?

2 A No, it was very easy. I never used to yell at
3 people, just cool, calm and just talk to them
4 and --

09:35 5 Q I take it as far as the (V8)--- rape, the second
6 rape, that the police had pretty good evidence on
7 him at that time?

8 A Well, he was caught with his pants down running
9 from the scene, so --

09:35 10 Q And then what about the second rape then, do you
11 recall what, other than what you've told us about
12 your questioning, that led to him confessing to
13 that rape?

14 A Well, as we got talking about it, we had indicated
09:35 15 that there had been a second rape that had
16 occurred earlier and I asked him about it and he
17 didn't say anything and then that's when I said,
18 "Well, how would you feel if that was your
19 daughter that was raped?" And he said, "I did it.
09:36 20 Yeah, I did it."

21 Q If we could then call up 093325. Oh, thank you,
22 there's the Hoccom document that I referred to
23 earlier, and that just shows, for the record, the
24 statement that you took; is that correct?

09:36 25 A That's correct, sir.



1 Q Yeah, and if we could go to -- let me just pause
2 here. At this time, again September 19th, 1970,
3 did you have any knowledge of any rapes or murders
4 committed in Saskatoon prior to this time?

09:36 5 A No, sir.

6 Q And then if we can go to this document, again it's
7 a bit difficult to read, I think if we can just
8 look at the top. I believe, sir, that this is --
9 the report that I just read you about meeting with
09:36 10 Mr. Fisher was on the (V8)--- file, okay, and it
11 looks like this is a similar report that you left
12 on the (V7)--- file, okay, and if we could just
13 scroll down to the bottom, we see your signature
14 there. If we can just go to the top, you'll see
09:37 15 again it talks about 6:00 p.m., going to see
16 Fisher in the Headingley jail and there's a bit
17 more detail here that I'll just go through. It
18 says Fisher is 21 years of age, date of birth
19 August 21/49, his address, he had just moved
09:37 20 there, and then it says here:

21 "He arrived from Saskatoon about one and
22 a half (1 1/2) months ago and has been
23 employed with Masonry Contractors."

24 So I take it he would have told you where he had
09:37 25 been from, you knew he had moved there recently;



1 is that --

2 A Yes, sir.

3 Q It says:

4 "He was interrogated by this team..."

09:37 5 And I take it that's you and Detective Rentz; is
6 that right?

7 A That's correct.

8 Q "... and he admitted to raping a girl on
9 the night that he was arrested and he
09:37 10 showed some remorse at his actions. He
11 denied any knowledge of the offence in
12 the Fort Richmond area..."

13 And that's the (V7)--- rape; is that correct?

14 A That's correct.

09:37 15 Q "... and maintained that he had only been
16 involved in the offence for which he was
17 arrested."

18 Scroll down:

19 "After a short length of time, the
09:38 20 accused began to weep and he then
21 confessed to this team that he had raped
22 the girl in the Fort Richmond area. He
23 stated that at the time he lived at Lot
24 30 in the Trailer Park and that he had
09:38 25 been drinking very heavy that particular



1 day. He got on the wrong bus to come
2 home and he ended up near the Salisbury
3 House by a large building. It is
4 believed that it was the Salisbury House
09:38 5 Pembina Highway at University Crescent.
6 He then remembers walking for quite some
7 time and then he saw the girl."

8 And is that again an accurate recording of what
9 he would have told you?

09:38 10 A Yes, sir.

11 Q He says:

12 "He did not remember talking to the
13 girl, but remembers dragging her into
14 the bush and raping her. He remembered
09:38 15 tying her up but could not at first
16 recall that he had taken her money as
17 well. He later remembered some of the
18 facts that left no doubt in the minds of
19 this team that he was the one
09:38 20 responsible for this offence."

21 And I take it from that, Mr. Huff, that you would
22 go through a process with him to ensure that he
23 knew enough about the rape that he was admitting
24 to something that he had done?

09:38 25 A Yes.



1 Q And do you recall doing that with him, satisfying
2 yourself that he had been the assailant?

3 A Yes.

4 Q And then it goes:

09:39 5 "The accused stated that he had stopped
6 in front of this police office about two
7 days after this offence and contemplated
8 giving himself up but could not summon
9 the courage. The accused did not wish
09:39 10 to go into too much detail about the
11 rape and could not give any explanation
12 at all. He gave a signed statement,
13 find same attached. The accused was
14 again returned to the Vaughn Detention
09:39 15 to be transported back to the Headingley
16 Gaol."

17 Again, if we could go to 235034, please -- pardon
18 me, 255034 -- and I believe this is a typed
19 version of the statement, if we could just go at
09:39 20 the top, please, and at the top, this appears to
21 be the statement that you took from Mr. Fisher on
22 September 19th, 1970; is that correct?

23 A That's correct, sir.

24 Q And this would be the standard form caution; is
09:40 25 that fair?



1 A That's correct, sir.

2 Q And I won't go through the details, I think they
3 are covered in your report. If we could just
4 scroll down to the bottom, it talks here that he
09:40 5 admitted to the first rape and then goes on to
6 talk about the second rape. So this is a
7 statement where he admitted to both the (V8)---
8 and the (V7)--- rape; is that right?

9 A That's correct, sir.

09:40 10 Q If we could then go to 047052, please, and it
11 looks as though -- this is an information, John
12 McRobie, constable, again charging Mr. Fisher on
13 the September 19th rape, and it looks like this
14 was sworn actually that same day; is that right?

09:41 15 A That's correct, sir.

16 Q And I just want to point out on this information,
17 Mr. Huff, we'll come to this a bit later, this
18 date October 21, 1970, that's the date that again
19 you meet with Mr. Fisher and take his statement,
09:41 20 and it appears from this that he would have been
21 remanded to that date; is that correct?

22 A He may have been remanded from week to week, there
23 may have been other receipts.

24 Q If he were remanded and had to appear in court on
09:41 25 October 21, 1970, as you described earlier, would



1 he be transported from Headingley jail to the
2 Vaughn Street Detention Centre and then taken --

3 A Yes.

4 Q I'm sorry?

09:41 5 A Yes, he would.

6 Q And then would the police, would the police do
7 that or would prison officials do that?

8 A No, prison officials do that.

9 Q And then the police would take a prisoner from
09:41 10 Vaughn Street to court?

11 A That's correct.

12 Q And that's something that you may have done on
13 that occasion?

14 A Yes.

09:42 15 Q And again, if we could call up 047053, and this is
16 an information of Doug Gilbert. Now, he was your
17 partner at the time or co-worker; is that right?

18 A Yes, sir.

19 Q And this is the charge where Mr. Fisher is charged
09:42 20 with the rape of (V7) (V7)--- and this is the
21 first rape, so on September 19th it looks as
22 though he was charged with the second rape,
23 (V8)---, the one that he was caught in the course
24 of, and then two days later he was charged with
09:42 25 the rape of (V7)--- (V7)---, and I take it that



1 would have been based on his confession to you,
2 sir?

3 A Yes, that's correct. The reason it would have
4 been two days later, we interviewed him on a
09:42 5 Saturday, they would have laid it on the Monday.

6 Q Okay. And then as well 002035, and this is an
7 information again relating to the (V7)--- one, the
8 first one, and charged with robbery with violence,
9 is that right, and that would be relating to the
09:43 10 money that was taken from her; is that correct?

11 A That's correct.

12 Q And then 261229, this is the information again for
13 the (V7)--- rape being the August rape -- sorry,
14 for the -- I'm sorry, this is for the (V8)---
09:43 15 rape, September 19th, and I had already gone
16 through the rape charge for (V8)---. It also
17 looks that there's a second charge for having in
18 his possession an offensive weapon, a paring
19 knife, for the purpose of committing the offence.
09:43 20 Is that correct?

21 A That's correct.

22 Q And I think what the charges indicate, that I've
23 gone through, is that with respect to the first
24 rape of Ms. (V7)---, that it was a charge of rape
09:44 25 and a charge of theft with violence; is that



1 correct?

2 A That's correct.

3 Q As with (V8)---, a charge of rape and then a
4 second charge of having an offensive weapon. Does
09:44 5 that sound right?

6 A I think there was also a charge for stealing of
7 some money.

8 Q I'm sorry, the first one, (V7)---, was the rape
9 and the stealing of the money?

09:44 10 A Yes.

11 Q And the (V8)--- one was the rape and the offensive
12 weapon; does that sound right?

13 A Yes.

14 Q Then if we can skip ahead, 002021, and this is a
09:44 15 front page of a letter, Mr. Huff, it's dated
16 September 25, 1970, so this would be again about
17 five days after you obtained Mr. Fisher's
18 confession, and I think when we went through that
19 Mr. Fisher had informed you that he had recently
09:44 20 moved to the Winnipeg area; is that correct?

21 A That's correct.

22 Q And this letter we believe to be from Inspector
23 Perry; Inspector Perry was who in the Fort Garry
24 Police Service?

09:45 25 A He was the Inspector in charge of the detective



1 division.

2 Q And, at that time, did detectives look after rape
3 offences?

4 A Yes sir.

09:45 5 Q And if we could just call out the first paragraph.
6 And, again, this sets out:

7 "The above named accused has been
8 arrested and charged ... with two (2)
9 charges of 'Rape', one (1) of 'Theft By
09:45 10 Violence' and 'Possession of an
11 Offensive Weapon'. It has been brought
12 to our attention that the accused moved
13 to our area approximately one and one
14 half months ago. His previous address
09:45 15 is reported as 120 Adelaide Street,
16 Saskatoon ..."

17 Is that something you would have obtained or the
18 police would have obtained from Mr. Fisher?

19 A It was probably obtained when we did the
09:45 20 background information on him and he would supply
21 that.

22 Q When you say 'background', in addition to talking
23 to Mr. Fisher, would you get any other background
24 information?

09:45 25 A Basically marital status, children, 'where did you



1 live when you were in Saskatoon', that's -- 'where
2 did you work'.

3 Q Yeah. Apart from information from Mr. Fisher, was
4 there any other source that you could check, I'm
09:46 5 thinking of a criminal record or things of that
6 nature that --

7 A We may have. I don't know. Perry would have
8 probably looked after that.

9 Q And at that time, that was obviously before the
09:46 10 days of computer, do you recall what sources you
11 had to get information about a suspect's previous
12 criminal activity?

13 A Usually we had to go to the RCMP.

14 Q And the RCMP; did they have a database or a set of
09:46 15 records then?

16 A Yes, they usually had a better set of records than
17 anybody, and we would check with them.

18 Q And then if we could just scroll down, please.
19 And, again, this letter is to the Saskatoon Police
09:46 20 Department, it says:

21 "We are not able to find any record of
22 previous convictions of any kind. We
23 would appreciate any record, as
24 background, that you would be able to
09:46 25 provide."



1 And are you able to tell from this, Mr. Huff,
2 whether or not there would have been a check for
3 a record or anything?

4 A Yes, I would think there had to have been.

09:47 5 Q And would that have been the standard practice at
6 the time?

7 A Yes.

8 Q And then it says:

9 "I will also briefly outline the
09:47 10 offences allegedly committed by the
11 accused, in the hope that it may help to
12 clear up any similar offences that have
13 occurred in your jurisdiction."

14 So do I take it, from that, that this is one
09:47 15 police force telling another police force (a) do
16 you have any information on this fellow, and (b)
17 here's some information of what he did here for
18 your purposes; is that fair?

19 A That's correct.

09:47 20 Q And was that a standard procedure done back then?

21 A Yes.

22 Q If we could then go to 002019. So that was
23 September 25, and here's a letter back October
24 20th, 1970 from Mr. Perry to Inspector Nordstrom,
09:47 25 who at that time was the head of the morality



1 division for the Saskatoon Police force. Now in
2 this document there is reference to a letter dated
3 October 15th, 1970 from Inspector Nordstrom to
4 Perry. We don't have that letter, Mr. Huff, so we
09:48 5 don't know what was in there, but it would appear
6 from this document that the October 15th letter
7 from Inspector Nordstrom of the Saskatoon Police
8 to the Fort Garry Police had information about
9 some unsolved offences. Okay? I think that's --
09:48 10 that might be speculation, but I think that's what
11 --

12 A I think that's the inference, yes.

13 Q Yeah. And so then it says:

14 "... members of our Department attended
09:48 15 at the Headingly Gaol and interviewed
16 the above named accused. He denied any
17 knowledge of the offences committed in
18 your area. This could be due to the
19 fact that the inmates of the Gaol have
09:48 20 been giving him a hard time. Also that
21 he has had sufficient time in Gaol now
22 to know what may be in store for him if
23 he admits to any further offences.

24 Then again it is possible that
09:49 25 he is not guilty, this will be up to



1 your discretion."

2 And so this talks about a visit with Mr. Fisher
3 prior to October 20th, 1970, okay, and I will be
4 dealing in a moment with your October 21 visit
09:49 5 with him. Do you recall, Mr. Huff, whether you
6 would have been one of the members from Fort
7 Garry that went and interviewed Mr. Fisher?

8 A Probably would have, but I don't recall it just
9 offhand.

09:49 10 Q And, again, it appears from this that, whether it
11 was you or someone else, that Mr. Fisher denied
12 any involvement in the Saskatoon rapes; is that
13 right?

14 A That's correct.

09:49 15 Q Do you have any recollection of getting any
16 detailed information about any Saskatoon rapes?

17 A No I do not.

18 Q And then it goes on to say:

19 "Please find enclosed herewith one copy
09:49 20 of the report submitted by the team of
21 detectives who interviewed the accused."

22 And again, I don't believe we have that Mr. Huff,
23 and I did see, and we'll see another document a
24 bit later about efforts to locate the Fort Garry
09:49 25 Police files, and do you recall anything about



1 trying to find those records?

2 A Yes sir. I was advised by the Winnipeg Police at
3 the time that those records had all been
4 destroyed. I think you to have look at the
09:50 5 overall picture, where eight departments were
6 amalgamating with Winnipeg and they didn't have
7 room for everything, so because Fisher had already
8 been dealt with at our point they would have
9 destroyed them.

09:50 10 Q Yeah.

11 A The time for appeal was over so they would just
12 destroy them.

13 Q Yeah. And I believe for the record, Mr.

14 Commissioner, the copies of the Fort Garry

09:50 15 materials that the Commission has, I believe, have
16 as their source the correctional services, either
17 the penitentiary or the parole board, I think is
18 where the records we have originated. Okay.

19 If we could, so this is October
09:50 20 20th, if we could then go to 010697.

21 Or just pause there. In that
22 document there is reference to inmates of the jail
23 been giving Mr. Fisher a hard time; do you have
24 any recollection about that?

09:50 25 A Yes sir. One particular day, I don't recall the



1 date, we were -- we went to pick up Fisher to take
2 him for his remand date, and he had a couple of
3 bruises on him, and we asked him what happened and
4 he indicated that he had been -- they got him to
09:51 5 wash a floor, and wash --

6 Q When you say 'they'; who?

7 A The people that run the Headingley jail, the
8 guards.

9 Q Okay.

09:51 10 A They had him washing a floor, and he was working a
11 mop when he indicated a guard opened up the door
12 and let approximately four inmates in, who laid a
13 beating on him and then left.

14 Q Okay.

09:51 15 A So we didn't think that this was right and so we
16 went out to the jail and cautioned them that this
17 had better not happen again, it's not right to
18 have him beat up and we don't particularly want to
19 be taking him into Court when he looks like this
09:51 20 and cast any aspersions towards us, and so we
21 would launch an investigation if it happened
22 again.

23 Q Okay. If we could call up this document. And,
24 again, I don't think you've seen this other than
09:52 25 when I showed it to you yesterday, this is a



1 letter of October 20th, 1970 and it's from a Dr.
2 Johnson, who is with the Psychiatric Institute, I
3 think, with the Manitoba Government at the time,
4 and it's a report that he was providing to the
09:52 5 Crown Attorney. And if we could just call out the
6 first paragraph of that just to indicate that it
7 appears the Crown requested that Mr. Fisher be
8 examined at the Psychiatric Institute; do you have
9 any recollection of that happening, whether he was
09:52 10 --

11 A No, sir, I don't, that would have been up to Perry
12 to do this.

13 Q Okay. So then if we could just scroll down, and
14 again, I just want to point out this is October
09:52 15 20th, this is the same date as Mr. Perry's letter
16 back to Inspector Nordstrom indicating that Mr.
17 Fisher has denied any involvement. And just
18 scroll down to the bottom paragraph and it just
19 talks about Mr. Fisher giving this -- the
09:53 20 information about the offences, and then at the
21 bottom it says:

22 "Mr. Fisher told me that he had never
23 raped a girl ...",
24 and I can't see what's under there, but:

09:53 25 "... continued 'that is why I asked for



1 a doctor's help'."

2 And then to the -- skip ahead to 010699. And so
3 again it appears from this document, Mr. Huff --
4 and I'm not asking you to agree or disagree, I'm
09:53 5 just pointing it out -- it appears that on this
6 date, according to Dr. Johnson, at that time Mr.
7 Fisher was saying he had not committed another --
8 any previous rapes. And, again, it also talks
9 about the fact that he says his wife had lived
09:53 10 with him on Minto Street for two weeks from the
11 3rd to the 17th of September, so it appears from
12 this that Mr. Fisher's wife had been up to see
13 him, and had left a couple days before the
14 (V8)--- assault; do you recall that being
09:54 15 discussed with him?

16 A I believe that he did tell us that, yes.

17 Q And then, just again to point out, Dr. Johnson
18 says that:

19 "... Mr. Fisher is not suffering from
09:54 20 any psychotic mental disorder ...",
21 so that's October 20th. If we can then go to
22 002032, please. And this is -- just call out the
23 top part. So this is the next day, Wednesday,
24 October 21st, 1970, and you will see it says
09:54 25 Vaughan Street Detention Home 11:19 a.m., and



1 it's the statement of Larry Fisher, presently an
2 inmate at Vaughn. And I take it if he was an
3 inmate at Vaughn that would be because he had
4 just come in from Headingley to go to Court; is
09:54 5 that a fair inference?

6 A Yes sir.

7 Q And then we'll just -- the caution here, and it
8 says:

9 "Do you wish to give a statement?"

09:55 10 And I'll just read through this, Mr. Huff, and
11 then ask you some questions. And it's reported:

12 "Yes. I want to clear up three more
13 things. The first one was in Saskatoon
14 sometime around this spring. I was
09:55 15 downtown, I seen this girl get on a bus
16 to I got on to. She got off and I got
17 off to. I followed her. I grabbed her
18 from the front, dragged her into the
19 back of a yard. I took off her clothes
09:55 20 and raped her. This was in the Pleasant
21 Hill District around Avenue 'U'. It was
22 around, west of St. Paul's Hospital, I
23 think. I think the girl was wearing a
24 dark coat and slacks.

25 The second one was also in



1 Saskatoon, near the University. I don't
2 know what I was doing in that District.
3 I saw the girl, I followed her, dragged
4 her into a back alley. I tried to rape
09:55 5 her but a car came along and I took off.
6 This happened this summer, about six or
7 seven months ago. The girl was wearing
8 slacks and carried some books.

9 The third one was in Winnipeg
09:55 10 about two months ago. I grabbed her at
11 night, about eleven or twelve o'clock.
12 She screamed and I took off. This was
13 where the buses meet on Pembina. I'll
14 show you where it happened. I didn't
09:56 15 rape this one. I was walking when I saw
16 this girl, I grabbed her, dragged her
17 off the street into a yard and then she
18 screamed."

19 Now do you recall the circumstances and the
09:56 20 details of taking this statement?

21 A I don't recall them exactly, but it seems to me
22 that Fisher had wanted to speak to us.

23 Q Okay. And what, when you say 'us', who; are you
24 referring to you and Mr. Gilbert?

09:56 25 A Gilbert, right.



1 Q And so, again, we had looked at the earlier
2 information that indicated he may have been in
3 Court on this day; is that --

4 A That's correct, he could have been in Court.

09:56 5 Q And your recollection is that he asked to talk to
6 you?

7 A Yes. If we were taking him over, for example, he
8 maybe would have said, "I want to talk to you guys
9 after."

09:56 10 Q Okay. And do you recall why, or any explanation
11 as to why he would have asked for you?

12 A The only thing that I can think of is that he was
13 happy that we had gone to the jail and told them
14 that he better not be beaten up again, and that we
09:56 15 sort of backed him up on it, and I think that had
16 something to do with it.

17 Q Had you developed a bit of a rapport with him
18 then?

19 A A slight rapport, yes.

09:57 20 Q And then again, any other recollection other than
21 what's in the statement as to what he would have
22 told you?

23 A No, basically that. I don't recall if he told us
24 anything else other than what happened in
09:57 25 Saskatoon, which was foreign to us, we didn't know



1 anything about it. And the one in Winnipeg, we're
2 not sure where that occurred. Where he says
3 'where the busses meet', that could have been in
4 Winnipeg or it could have been down near the
09:57 5 University of Manitoba, but we weren't sure. When
6 he said 'I'll take you and show you where it
7 happened' I don't know if we followed through on
8 that or not.

9 Q Just on the Saskatoon rapes for a moment, and I
09:57 10 had asked you earlier based on Inspector Perry's
11 October 20th letter where he said members went and
12 interviewed him about Saskatoon offences, plural,
13 it doesn't say how many, and I think you said you
14 don't recall that but it might have been you. If
09:58 15 you would have been the officer who went and
16 interviewed Mr. Fisher the first time and had more
17 than these two offences, had four or six offences,
18 for example, when you interviewed him on the 21st,
19 would you have raised those with him again or do
09:58 20 you follow my --

21 A No, not necessarily. He, at one point he had
22 indicated to us that there was probably six
23 incidents or less where he would run by a woman in
24 Winnipeg and grab her breast and carry on.
09:58 25 Unfortunately, we couldn't pinpoint anything and



1 there were no -- it would appear that there were
2 no complainants came forward on it, or that they
3 couldn't find anything.

4 Q Okay. And that was on October 21st; is that
5 right?

6 A No, I think it was prior to that.

7 Q Prior to that? And I guess, just back to my
8 question, if on October 21, 1970 when you were
9 interviewing Mr. Fisher, when he was telling you
09:58 10 about the two incidents in Saskatoon, if you would
11 have been aware of other incidents in Saskatoon at
12 the time, unsolved rapes, if you would have been
13 aware of that do you think you would have raised
14 those with him at this time?

09:59 15 A Had I been aware of it, yes.

16 Q And do you have any recollection of raising other
17 rapes with him from Saskatoon at this time?

18 A I probably just said 'is there anything else?'

19 Q Okay. So once you got this information from Mr.
09:59 20 Fisher, I guess there is the Winnipeg offence
21 which was -- let's talk about the one incident in
22 Winnipeg; what would you have done about that?

23 A We would have contacted the Winnipeg Police and
24 they would have wanted to know when, where, how,
09:59 25 why, date, location, etcetera.



1 Q And do you recall if you would have had any of
2 that information?

3 A I don't believe we had that information other than
4 it would have been around the same time as the
09:59 5 other two rapes in the Fort Garry area.

6 Q Okay. What about the information about the
7 Saskatoon rape and indecent assault; what did you
8 do with that information?

9 A That would have been forwarded to Saskatoon
09:59 10 Police.

11 Q Okay. Do you know if you would have done that or
12 Inspector Perry?

13 A No, that would have been Perry.

14 Q And then I think the record suggests that on the
10:00 15 next day, October 22nd, 1970, Mr. Fisher provided
16 two statements to Saskatoon City Police officers;
17 do you recall that?

18 A I recall a bit of it. I wasn't present when he
19 was giving the statements.

10:00 20 Q Okay. Let's go back, and do you recall meeting
21 some officers from the Saskatoon Police Department
22 --

23 A I do.

24 Q -- around this time? Tell us what you remember?

10:00 25 A Well, when they first came in, I thought they



1 weren't very friendly. Usually when police
2 officers meet from different jurisdictions they
3 will shake hands, sit down and have a cup of
4 coffee, shoot the breeze, go over the reports,
10:00 5 that sort of thing. But I don't know if they were
6 all business-like, or just what it was, but all
7 they wanted to do was read the reports and then
8 interview Fisher.

9 Q Okay. When you say 'read the reports', what
10:00 10 reports are you talking about?

11 A Our statements and what had occurred here, in Fort
12 Garry rather, in respect of the two rapes.

13 Q So would you have provided the officers with the
14 (V7)--- and (V8)--- files then?

10:01 15 A Yes sir.

16 Q And then, as well, the statement that you took
17 from Fisher the day before?

18 A That's correct.

19 Q And I take it you knew what they were doing there;
10:01 20 is that correct?

21 A Yes.

22 Q And what was that?

23 A They were there to interview Fisher.

24 Q And do you recall the names of the officers who --

10:01 25 A No I don't.



1 Q Now we have records that indicate an officer by
2 the name of Inspector Nordstrom and an officer by
3 the name of Detective Karst were the individuals
4 who attended, and do you recall those names from
10:01 5 that time period?

6 A Not from that time period I don't, no.

7 Q And I take it subsequently you have read documents
8 that suggest those are the two people who went?

9 A That's right.

10:01 10 Q And do you have any recollection of the physical
11 appearance of the officers who attended?

12 A All I remember is one in particular seemed to be
13 very big.

14 Q Are you talking tall?

10:01 15 A No, just big, broad-shouldered sort of individual.

16 Q Okay. Now let's just go through what happened.
17 They arrived, would they have arrived at the Fort
18 Garry police station?

19 A Yes sir.

10:02 20 Q And then what happened, did you meet with them
21 there?

22 A We met with them there, showed them the reports,
23 and I don't recall if we took them to the jail, I
24 would assume that we did, or they followed us to
10:02 25 the jail, or whatever happened, to interview



1 Fisher. We were not present when Fisher was
2 interviewed, and then if we brought them back to
3 our station it would have -- we didn't have any
4 conversation or very little conversation about
10:02 5 what happened.

6 Q And do you know whether -- where Mr. Fisher would
7 have been, was he at Headingley or at the Vaughan
8 Street --

9 A I'm not sure on that one.

10:02 10 Q So one or the other, he wouldn't have been at the
11 police station?

12 A No.

13 Q And could he -- would an interview of him have
14 been done at the jail as opposed to the police
10:02 15 station?

16 A It could have been, or we may have even got him
17 from the jail and brought him to the station, I
18 don't know, I don't recall.

19 Q So the possibilities are that Mr. Fisher was
10:02 20 interviewed at the Fort Garry police station, you
21 would have brought him in, or the officers could
22 have gone out to either Headingley or Vaughan
23 Street; is that --

24 A That's correct.

10:02 25 Q And you are saying that you weren't present, then,



1 when they interviewed Mr. Fisher?

2 A No.

3 Q Do you know if your partner, Mr. Gilbert, was?

4 A No, I don't believe he was either.

10:03 5 Q And then what happened when they were finished
6 with Mr. Fisher?

7 A Well we invited them to go for supper, and I can't
8 recall if we did go for supper. See, usually we'd
9 get \$50 in those days to take out-of-town police
10:03 10 officers for cocktails or dinner, whatever, and I
11 think in retrospect, the more I thought about it,
12 that we had taken them to the Ramada Inn. And
13 policemen are notoriously cheap, don't -- you
14 know, all of them are, and we went to dinner, and
10:03 15 so Gilbert and I thought if we spend too much
16 money eating ourselves we won't have enough to buy
17 them a drink, so we didn't eat, and I believe that
18 the owner of the Ramada Inn came by and bought
19 lunch or supper for everybody, and then we invited
10:03 20 them for a drink and they wouldn't go.

21 Q Was that because you had 50 bucks left?

22 A We'll, yeah, we wanted to get rid of it, you know.

23 Q Okay. So you believe you would have had dinner
24 with the officers then?

10:04 25 A Yeah. In retrospect, when I -- the more I thought



1 about it I keep recalling this incident where the
2 owner came by and picked up the tab and we were
3 kicking ourselves for not having a steak, or
4 something, and then take them for cocktails.

10:04 5 Q Do you recall whether you would have discussed
6 anything about Mr. Fisher, about the Winnipeg
7 rapes, the Saskatoon rapes?

8 A We may have, and I don't recall the conversation
9 at all.

10:04 10 Q Now at this time, prior to the officers arriving,
11 did you have any knowledge of the Gail Miller
12 murder in Saskatoon?

13 A None whatsoever.

14 Q And of David Milgaard's conviction for that
10:04 15 murder?

16 A No.

17 Q And did that topic come up in your discussions
18 with the policemen?

19 A At no time.

10:04 20 Q Now if we could call up 010721, please. This is a
21 typewritten version of the statement that Larry
22 Fisher gave on October 22nd, 1970 to Detective
23 Karst, and this relates to the (V3)-----, there
24 is a similar one for the (V5)--- incident; would
10:05 25 you have been shown a copy of this or been aware



1 of the contents at that time?

2 A No.

3 Q Other than what Mr. Fisher had told you on October
4 21st, 1970 in the one-page statement that I just
10:05 5 showed you, would you have learned any more
6 details about the Saskatoon rapes then, at that
7 time?

8 A No, probably not, because I -- to me it would have
9 been I wouldn't know what they were talking about,
10:06 10 the locations etcetera, so --

11 Q So it --

12 A -- unless we discussed it, and I don't recall
13 discussing it.

14 Q So, apart from that, it would be what Mr. Fisher
10:06 15 told you on October 21, 1970; is that fair?

16 A That's correct.

17 Q Now just back at this time would this, in Fort
18 Garry, would -- give us an idea of how many rapes
19 you would have a year, was this sort of one of
10:06 20 many, or was this --

21 A No, we didn't really have too many rapes. If we
22 had one a year maybe, that might be it, but we
23 really didn't have too many.

24 Q So once you were done with -- we're done with this
10:06 25 document. Once you were done with the police



1 officers from Saskatoon on the 22nd of October do
2 you recall whether you would have had any further
3 dealings with Mr. Fisher?

4 A No, I don't believe so, unless we took him back
10:07 5 and forth to Court, but I don't recall.

6 Q Did you become aware, at some point around -- at
7 some point after that, that Mr. Fisher was
8 convicted of the Fort Garry assaults?

9 A Yes.

10:07 10 Q And that he was sentenced to jail?

11 A Yes.

12 Q And do you remember how you would have became
13 aware of that or --

14 A On our charges I was aware that he got, I believe,
10:07 15 6 1/2 years on each count to run consecutive, and
16 then later I did hear that, that he had been
17 sentenced on some offences in Regina for the
18 Saskatoon --

19 Q Okay. And when you say 'later' how much later?

10:07 20 A Quite a bit later. I didn't know how long it was.

21 Q And I'll get to some documents a bit later, are we
22 talking 1990 when you had other dealings on the
23 matter, or are we talking post-1970?

24 A I really can't recall.

10:07 25 Q Around the time then, 1970-'71, do you have a



1 recollection of hearing about Mr. Fisher being
2 convicted in Saskatchewan?

3 A I don't know, I don't recall when the date was,
4 but it could have been somewhere in that time
10:08 5 frame after he had been sentenced on ours and
6 taken back to Regina.

7 Q Okay.

8 A It could have came up later on, and how it came up
9 I don't know.

10:08 10 Q And do you remember who you would have heard that
11 from?

12 A I have no idea.

13 Q Now back, again in your dealings with Mr. Fisher,
14 would it have been the practice of the Fort Garry
10:08 15 Police to take a photograph of Mr. Fisher?

16 A Yes.

17 Q And would you have the photograph available to
18 assist you in investigating other crimes, for
19 example?

10:08 20 A Yes.

21 Q And do you have a recollection as to whether the
22 two Saskatoon Police officers were provided a copy
23 of Mr. Fisher's photograph?

24 A I have no knowledge of that.

10:08 25 Q Would that be standard practice on something like



1 this, to get a photograph of the suspect?

2 A Usually, yes. We have our own -- we had our own
3 ident. man there, Sergeant Puhl (ph), and he would
4 have taken photographs and fingerprints of Fisher
10:08 5 at the time of his arrest, so if they had
6 requested a picture I'm sure that he would have
7 given them one. I don't recall whether or not
8 they ever asked for one or whether or not we ever
9 offered them one.

10:09 10 Q Now just back to the (V8)--- and the (V7)---
11 rapes, do you recall -- and I'll go to it in a
12 moment here, the RCMP report, the interview of
13 (V8)-- (V8)--- in 1993, maybe we'll just call it
14 up, 255020. And just a couple things. And these
10:09 15 are interview notes of the RCMP of Ms. (V8)--- in
16 1993, and in this note it says that she:

17 "- 1st became aware of rape conviction
18 by reading of same in newspaper May of
19 '71",

10:09 20 and I think there's another reference in there
21 and I think, according to this, Ms. (V8)--- is
22 saying she didn't learn -- or that she learned of
23 Mr. Fisher's conviction from the newspaper. And
24 what was your practice, or do you recall talking
10:10 25 to Ms. (V8)--- about --



1 A I don't recall talking to her about it, no, but I
2 am sure that if -- in the rapes that she was
3 involved in, that somebody would have told her.

4 Q Was that -- what was the practice at the time
10:10 5 about informing victims?

6 A You would inform the victim of a serious offence
7 such as that. On some of the other ones we didn't
8 bother.

9 Q And so when -- you would inform them when a charge
10:10 10 was laid; is that right?

11 A Well, they knew the charge had been laid, and we
12 would usually tell them when he was convicted or
13 when he pled guilty and what his sentence was.

14 Q If --

10:10 15 A I don't know if she is talking here about her rape
16 or the rapes of people in Saskatoon.

17 Q Fair enough. If we could go to 021, please.

18 There's just a reference here that says:

19 "Shortly after the A/N rape ...",

10:10 20 I'm not sure what that:

21 "... one of the peace officers told

22 Ms. (V8)--- her attacker was wanted in
23 three provinces."

24 Do you have any recollection of --

10:11 25 A No, I don't know where that would have come from.



1 Q Okay.

2 COMMISSIONER MacCALLUM: What does 'A/N'
3 mean; do you know?

4 A I'm sorry?

5 COMMISSIONER MacCALLUM: Do you know what
6 'A/N' means?

7 MR. CALDWELL: 'Above-noted'.

8 COMMISSIONER MacCALLUM: Above-noted?
9 Okay.

10:11 10 BY MR. HODSON:

11 Q Yeah, if we could just go back to that page.
12 Yeah, 'above-noted rape', so that would be
13 referring to that. If I could just have one
14 moment.

10:11 15 COMMISSIONER MacCALLUM: Thank you.

16 BY MR. HODSON:

17 Q Actually, if we could just go to page 022, and
18 again this is the RCMP notes of Ms. (V8)---'s
19 interview, and it just says that:

10:11 20 "Just shortly after the assault one of
21 the peace officers told her the attacker
22 was wanted in three other provinces.
23 Stated the city police never did come
24 back to her to advise her about a
10:12 25 conviction. Ms. (V8)--- first became



1 aware of the conviction when she read
2 about it in a Saturday paper in May
3 1971. Stated she never did talk to any
4 police from Saskatoon."

10:12 5 So, again, I think that's her reference. You are
6 saying, Mr. Huff, that it was your practice to
7 inform victims?

8 A Yes, on a rape in particular, sure.

9 Q I want to move ahead. I take it that after Mr.
10:12 10 Fisher was convicted then in 1971, I think May of
11 '71 he was convicted in Manitoba, did you have any
12 further dealings with him?

13 A None whatsoever.

14 Q And at some point, and I think it was in 1990, you
10:12 15 became aware of publicity surrounding David
16 Milgaard and his conviction for the murder of Gail
17 Miller; is that correct?

18 A Yes, that's correct.

19 Q Can you tell us what you recall about that and
10:13 20 what it was you became aware of?

21 A Well I'm not exactly sure how I became aware of
22 it. But I think it was probably in the
23 newspapers, and Mrs. Milgaard, bless her, was
24 trying to find some way to have people review her
10:13 25 son's case and I read a quote by David Asper in



1 the paper, who was with Wolch, Pinx, Tapper,
2 Scurfield, that they were looking into an
3 individual who had committed some rapes in
4 Saskatoon. And I had always remembered Larry
10:13 5 Fisher, so I phoned David Asper and said 'I don't
6 know if it's of any help to you but we had some
7 dealings with an individual by the name of Larry
8 Fisher who had committed rapes in Winnipeg and in
9 Saskatoon'.

10:13 10 Q Okay. And what you had read or heard in the
11 media, had you heard the name Larry Fisher being
12 --

13 A No, I had not.

14 Q -- sorry -- just being associated with the suspect
10:14 15 they were looking at?

16 A Yeah, I had never heard his name mentioned in any
17 of them.

18 Q And there is a file memorandum of Mr. Asper that
19 suggests -- and I'll go to that in a moment --
10:14 20 that the call, that he called you on May 29th,
21 1990, does that sound right? Do you have any
22 reason to dispute that?

23 A I have no reason to dispute it, no.

24 Q And what was it that caused you to think that Mr.
10:14 25 Fisher may have some involvement in the Gail



1 Miller murder?

2 A Well I recalled Fisher because I had never dealt
3 with what I considered to be a serial rapist in
4 the past and I remembered the rapes, the brutality
10:14 5 of the rapes in our area in particular, and I just
6 remembered Fisher, he was someone I just thought I
7 would never forget.

8 Q And I've got a -- just as far as the newspaper
9 documents, I'll maybe just show you a couple from
10:14 10 the May 1990 period, and I don't know that you are
11 able to recall looking at them but I think they
12 are in the time frame. The first is 159870, and
13 this is a *Winnipeg Free Press* article May 11th,
14 1990. I'll just go through a couple of these, Mr.
10:15 15 Huff, and see if this jogs your memory or whether
16 you are able to tell us if these are the types of
17 articles or information that you would have been
18 aware of that prompted you to phone Mr. Asper.
19 Okay? And I think this talks about the
10:15 20 circumstances of Mr. Milgaard and then talks
21 about:

22 "Harvard (Winnipeg-St. James) ...",
23 a Member of Parliament:

24 "... detailed the investigation while
10:15 25 grilling Justice Minister Kim Campbell



1 ...",

2 and it says:

3 "The real killer is serving time in
4 jail in Saskatchewan and (I've been
10:15 5 told) that the RCMP have interviewed
6 this man twice,' Harvard said. 'What we
7 have here is an investigation on two
8 fronts, but no concrete action ..."

9 And then it goes on to say:

10:16 10 "Joyce Milgaard, David's mother, said
11 she tracked down evidence that led to
12 the second suspect while conducting an
13 independent investigation in Saskatoon.

14 Milgaard said the evidence she
10:16 15 found clearly indicated the second man
16 was a more appropriate suspect for the
17 crime in question. She said he has a
18 long record of convictions for rape and
19 violent assault of women."

10:16 20 Next if we could call up 216784, and I'll just go
21 through them all, Mr. Huff, and then ask you some
22 questions, 216784. Sorry, I don't have the doc
23 ID. 216784, I suspect that's a collection of
24 larger documents. Do you want me to put it up on
10:17 25 the Elmo, is that easier? If we could go to



1 216784 and this is a May 15th, 1990 *Winnipeg Free*
2 *Press* article, just call out that paragraph, it
3 says:

4 "A man now being investigated as a
5 suspect in a 1969 murder, for which
6 Stony Mountain inmate David Milgaard was
7 convicted, was interviewed by Saskatoon
8 police only four days after the
9 slaying."

10:17 10 If you could just scroll up to the top of that
11 article, it talks about:

12 "RCMP investigators have twice
13 interviewed the man, she said, and are
14 trying to build a case that would clear
10:17 15 her son of the crime."

16 And if we could go to 216786, please, and again
17 there's reference here, this is a May 15th,
18 1969 -- pardon me, 1990 *Winnipeg Free Press*, it
19 says:

10:18 20 "Information recently came to light that
21 the RCMP are investigating a second
22 suspect, who is currently serving time
23 in a Saskatchewan penitentiary."

24 And then the last article is 228803, please. I
10:19 25 apologize for the delay, I think I plucked pages



1 out of a large document ID. 228803. It's
2 actually the same, I think it was the very first,
3 the same version -- there we have it -- and this
4 is a May 15th *Winnipeg Sun*, and just call out the
10:19 5 bottom part, it says:

6 "The Federal Justice department has
7 asked the RCMP to investigate new
8 allegations another man committed the
9 murder.

10:20 10 That suspect is currently
11 serving time in Prince Albert
12 penitentiary and has a string of
13 rape-related convictions stretching back
14 to 1971, sources close to the case
10:20 15 said."

16 So those again are just a collection of articles,
17 Mr. Huff. Would those have been the type of
18 documents you think you read at the time in the
19 media or the information?

10:20 20 A Very likely, sir, yes.

21 Q Do you have a recollection of any of them today?

22 A No.

23 Q If we could then go to 169912, please, and this is
24 a memorandum from David to the file, I believe
10:20 25 it's David Asper -- well, it is David Asper's file



1 memorandum, it says:

2 "I got a call from Lorne Huff (phonetic)
3 on May 29, 1990. Lorne had been reading
4 about the Milgaard case and called to
10:21 5 enquire as to whether the new suspect
6 was Larry Fisher. The reason he called
7 was because he was the person on the
8 Winnipeg Police Force who obtained all
9 of the confessions from Larry Fisher way
10:21 10 back in 1971. Lorne has offered his
11 services, and said that when he dealt
12 with Fisher, he got the guy to talk
13 freely about all his various activities.
14 Lorne recalls that Fisher had a special
10:21 15 affinity for nurses, and as well has a
16 very good recollection of the modus
17 operandi that this guy used, i.e. tie up
18 the girl and rape her.

19 I suggested that Lorne contact
10:21 20 Rick Pearson at the RCMP in Saskatoon to
21 enquire as to whether Pearson might be
22 interested in having Huff become part of
23 the investigation. Huff would be
24 interested in doing this for his
10:21 25 expenses plus a few bucks, although he



1 is prepared to do it at a hugely reduced
2 rate.

3 I will keep you advised as to
4 whether Huff will be involved."

10:21 5 Now, does that sound generally about what you and
6 Mr. Asper would have talked about then?

7 A Yeah, basically that sounds like it.

8 Q Had you known Mr. Asper prior to this call or his
9 law firm? Had you dealt with him before?

10:22 10 A I used to do a lot of work for his law firm. I
11 don't know if I had met David personally, but the
12 law firm was well respected and I did a lot of
13 work for them.

14 Q And prior to this call, though, had you done any
10:22 15 work related to David Milgaard?

16 A No.

17 Q And if we could just go through, there's a comment
18 here, it says:

19 "Lorne recalls that Fisher had a special
10:22 20 affinity for nurses..."

21 Do you remember saying that or thinking that?

22 A I was thinking that because of one rape in Fort
23 Garry was a nurse and the other one was a dental
24 assistant.

10:22 25 Q Okay.



1 A And I just thought maybe he's got an affinity for
2 ladies in white smocks or something.

3 Q Do you recall, I think when we went through the
4 (V7)--- and (V8)---, do you recall whether they,
10:22 5 either of them were wearing nurse's uniforms?

6 A I don't recall if they were.

7 Q So that's what you were referring to there about
8 the nurses?

9 A Yes.

10:22 10 Q And then it says here that Mr. Asper suggested you
11 contact Rick Pearson. Did you in fact do that?

12 A Yes, I did.

13 Q And --

14 A I'm not sure if I talked to him personally. I
10:23 15 made some contact with somebody and I can't recall
16 exactly who it was.

17 Q And do you remember what you offered to do or what
18 you advised or what happened?

19 A No, I don't, sorry.

10:23 20 Q Did they get back to you or was there any
21 follow-up?

22 A I don't recall. I was interviewed by a police
23 officer at one particular time, both Gilbert and
24 I.

10:23 25 Q Okay. And I think that may have been in 1993.



1 Just back on 1990, do you remember having any
2 discussions with the RCMP who were then
3 investigating Mr. Fisher as a suspect?

4 A I don't recall who it was in particular, but I
10:23 5 think I wrote a report back to Mr. Asper
6 indicating I had made some of the inquiries that
7 he asked me to make.

8 Q Okay. Then if we can go to 239005, please, and I
9 think this is a page of an interview note of you
10:23 10 and either Mr. McCloskey and/or Mr. Paul Henderson
11 of Centurion Ministries. Do you remember meeting
12 with either or both of those individuals?

13 A Yes, sir.

14 Q And do you remember where it was or when it was?

10:24 15 A I believe it was in my office at the time.

16 Q And in relation to your call with David Asper,
17 would that have been shortly after that, months
18 after or --

19 A I don't recall.

10:24 20 Q And do you recall the discussion with them?

21 A Yes. We had just basically talked about Fisher
22 and that's the only knowledge I had, was of
23 Fisher.

24 Q Okay. And here, I'll just go through parts of
10:24 25 this, it says:



1 "He couldn't provide much detail aside
2 from recalling that Fisher's most
3 vulnerable point seemed to be his
4 daughter."

10:24 5 And:

6 "When he asked Fisher about how he would
7 feel if his own daughter was raped,
8 Fisher lowered his eyes and started
9 talking about his crimes."

10:24 10 And I think that's again what you told us today?

11 A Yes.

12 Q And it says:

13 "In putting together the cases against
14 Fisher, Huff was in contact with
10:25 15 detectives from Saskatoon. But he said
16 he doesn't believe the Gail Miller
17 murder ever came up during the
18 investigation."

19 And I think that's what you've told us today; is
10:25 20 that correct?

21 A Yes.

22 Q And then just scroll down, it says:

23 "Huff recalled that Fisher pleaded
24 guilty to the Saskatoon crimes in Regina
10:25 25 and never appeared before a judge in



1 Saskatoon."

2 And again, if we -- I believe this interview
3 would have been after May 29th, 1990, after your
4 contact with Mr. Asper. Are you able to tell us
10:25 5 whether you recalled from 1970, '71 that Fisher
6 pled guilty in Regina and never appeared before a
7 judge in Saskatoon or did you recall that from
8 information you learned in 1990 or later?

9 A I'm not sure. It could have been either or.

10:25 10 Q Okay.

11 A But I'm really not sure.

12 Q And then if we could just scroll down to the
13 bottom, it says:

14 "It should also be noted that in the
10:26 15 wake of new accusations Huff volunteered
16 to interview Fisher in prison. The
17 offer apparently was rejected by
18 Ottawa."

19 Did you offer to interview Fisher in prison?

10:26 20 A Yeah, I said I would interview him, yes.

21 Q And do you remember who you made that offer to?

22 A I don't know. It could have been David Asper.
23 I'm not sure.

24 Q And it says here the offer apparently was rejected
10:26 25 by Ottawa. Do you know -- do you have any



1 information or knowledge of that?

2 A No, I don't.

3 Q Then go to 010024, again this is an October 4,
4 1991 letter from Manitoba Justice, a fellow by the
10:26 5 name of Bruce Miller, director of prosecutions, to
6 Murray Brown, and it talks about the prosecution
7 files relating to Mr. Fisher no longer in
8 existence, and then it says:

9 "I have been in touch with the Winnipeg
10:27 10 Police Department and they have advised
11 that they have no record of the 1971
12 offences in question involving Mr.
13 Fisher. Apparently these offences were
14 committed in the Municipality of Fort
10:27 15 Garry and investigated by the Fort Garry
16 Police Department. The files of the
17 Fort Garry Police Department and all
18 other Municipal Forces that amalgamated
19 with the City of Winnipeg were held for
10:27 20 seven years and then destroyed."

21 And then:

22 "Although the reports are no longer
23 available there are members of the old
24 Fort Garry Police Department who may be
10:27 25 able to assist you with the Fisher



1 investigation."

2 And then it has your name. And that report by
3 Mr. Miller of Winnipeg prosecutions as far as the
4 destruction of the Fort Garry files, does that
10:27 5 sound correct to you?

6 A Yes.

7 MR. HODSON: This is probably an
8 appropriate spot to break, Mr. Commissioner.

9 COMMISSIONER MacCALLUM: 15 minutes,
10:27 10 please.

11 (*Adjourned at 10:27 a.m.*)

12 (*Reconvened at 10:48 a.m.*)

13 BY MR. HODSON:

14 Q Mr. Huff, if we could call up 173590, please, and
10:48 15 this is a letter from Mr. Asper to your
16 investigation firm, January 9th, '92, and it
17 relates to some work you did on behalf of David
18 Milgaard in interviewing a fellow by the name of
19 Brett Morgan; is that right?

10:48 20 A Yes, sir.

21 Q And I take it you would have been hired then by
22 Mr. Milgaard's law firm or by Mr. Milgaard to do
23 this work; is that right?

24 A By the law firm, yes.

10:49 25 Q Yes. And would this have been the first formal



1 engagement then on their behalf to do --

2 A Yes.

3 Q And I think you told us you had done work for this
4 firm in the past?

10:49 5 A Yes, sir.

6 Q And was this type of work, interviewing Brett
7 Morgan, the type of work that Huff Investigations
8 & Polygraph normally did?

9 A Yes.

10:49 10 Q And then again just tell us briefly what you did
11 with respect to Brett Morgan, and I've got a
12 couple of documents that I'll show you, but if you
13 could just give us -- do you want me to go to
14 those first or can you just give us a general
10:49 15 rundown?

16 A Well, a general rundown was I came to Saskatoon
17 and drove to the Prince Albert Penitentiary. They
18 made arrangements for me to interview Brett Morgan
19 and I went out there and interviewed him and took
10:49 20 a statement from him.

21 Q And how did Brett Morgan fit into matters, what
22 information did he have?

23 A The information that Brett Morgan had was that he
24 had been a cell mate, if you will, of Larry
10:49 25 Fisher, and that Fisher had told him that he had



1 been involved in a murder in Saskatoon and
2 somebody else was doing the time.

3 Q And just for the record, Mr. Commissioner, Mr.
4 Morgan did testify at the Supreme Court in the
10:50 5 reference and I understand he's now deceased and I
6 will go through just briefly Mr. Huff's interview
7 and the statement he took with respect to Mr.
8 Morgan. If we could call up 159381, please, and
9 this appears to be your reporting letter of
10:50 10 January 16th, '92; is that right?

11 A Yes, sir.

12 Q And if we could just call out the bottom part, it
13 says:

14 "At 9:17 a.m. the subject Brett Morgan
10:50 15 was brought to an interview room where I
16 conducted an interview and took a
17 statement from him, find same attached.
18 I found Mr. Morgan to be bright and
19 articulate and he seemed sincere in his
10:50 20 reasons for wanting to co-operate in
21 this matter, namely Mrs. Milgaard. He
22 is willing to be subpoenaed to court or
23 have his statement read into evidence it
24 matters not to him how it is done. He
10:51 25 is aware that there may be repercussions



1 over this, but he's willing to accept
2 that. His biggest concern is what the
3 guards may do to him such as trying to
4 provoke him to react and end up in
5 S.H.U."

6 What's S.H.U.?

7 A Special holding unit.

8 Q "He will advise you if it gets too
9 unbearable. At this point in time he
10 wants nothing done or said and when he
11 was questioned by the guards as to why I
12 was seeing him he told them I was an
13 investigator trying to locate his son."

14 It says:

10:51 15 "He suggests if possible that we attempt
16 to gain access to Fisher's file at the
17 RPC. He firmly believes that Fisher
18 confessed to this crime and that is the
19 only reason he was transferred."

10:51 20 Now, what -- had you been involved in taking,
21 interviewing prison inmates prior to this?

22 A Yes.

23 Q And did you have concerns or were there concerns
24 generally that police or investigators had in
10:51 25 dealing with prison inmates?



1 A Yes.

2 Q And what were those concerns?

3 A Well, the concerns are they are not always
4 reliable. You have to remember they are all a
10:52 5 bunch of con artists, if you will, and they are
6 looking to get something in order to give you
7 something, a reduction in their charges or charges
8 stayed or something along those lines.

9 Q And so prior to going to see Mr. Morgan, then,
10:52 10 would that have been your mindset at the time,
11 sir?

12 A Yes, sir.

13 Q And again, can you tell us, your meeting with Mr.
14 Morgan, what concerns if any did you have?

10:52 15 A Well, I was just concerned that he was going to
16 say now here's what I'm going to give you, but I
17 want you to get me transferred or I want to go to
18 a different unit or something, I didn't know what
19 he was going to ask for, but they usually do ask
10:52 20 for something.

21 Q And did he in this case?

22 A No, he did not.

23 Q And your letter says you found him to be sincere
24 in his reasons for wanting to co-operate; is that
10:52 25 right?



1 A Yes.

2 Q And what caused you to reach that conclusion?

3 A He was talking about Mrs. Milgaard, how he felt so
4 sorry for the mother trying to get her son out of
10:53 5 jail and all that she had done to try and get her
6 son out of jail and he could empathize with her.

7 Q If we could go to 012258, please, and,
8 Mr. Commissioner, this is a lengthy document, 33
9 pages, and it happens to be I think dated January
10:53 10 29th, 1992, it's where Mr. Asper sends to Mr.

11 Brown -- I think this is right at the time of the
12 Supreme Court reference. If we could maybe just
13 go to the next page. It's actually a letter that
14 Mr. Asper writes to Mr. Beresh that encloses a

10:53 15 bunch of information relating to Brett Morgan, and
16 I don't propose to go through it all, but the

17 first three are letters that Brett Morgan wrote to
18 David Asper and I think those letters give the
19 basis upon which Mr. Asper asked Mr. Huff to go

10:54 20 out to see Brett Morgan and I suspect we'll hear

21 from Mr. Asper on those, and then a handwritten

22 and transcribed statement of Brett Morgan dated

23 January 14th, and then if we could just go to the

24 next page, please, and this is the first letter,

10:54 25 November 20th, '91 from Brett Morgan to David



1 Asper, and I don't propose to go through all of
2 it, but there's a couple of points here I just
3 want to put to Mr. Huff. And this appears to be
4 the introduction letter, Mr. Huff, it says:

10:54 5 "The reason I am writing you today is in
6 regards to some information which was
7 shared with me by Larry Fisher back in
8 1980. This information may or may not
9 be of any value to you and your case
10:54 10 pertaining to David Milgaard. I would
11 leave that to you."

12 And then:

13 "A full explanation of this situation is
14 yours if you feel it may be of some
10:55 15 assistance to you. For your information
16 I have never met David nor do I know him
17 other than from news accounts. I will
18 also submit to a polygraph examination
19 and or chemical agents to verify the
10:55 20 statements I make to you."

21 Now, first of all, just going back to 1980, do
22 you recall, was that the time frame that Mr.
23 Morgan was saying he heard this information from
24 Mr. Fisher?

10:55 25 A Yes, sir.



1 Q And then there's talk of a polygraph. Was that
2 ever discussed with him or did you conduct a
3 polygraph?

4 A No, I did not conduct one and I didn't discuss it
10:55 5 with him.

6 Q You didn't discuss it?

7 A No, I don't believe I did.

8 Q And was it considered, do you know, did you talk
9 to anybody about doing that?

10:55 10 A No.

11 Q And then it goes on to say:

12 "I do not now nor will I in the future
13 request anything for my involvement. My
14 position is simply that Milgaard should
10:55 15 not be locked away for something he did
16 not do."

17 And then again if we could go to 012262, this is
18 the second letter, I don't propose to go through
19 it, it's detailed, and I take it you would have
10:56 20 had this letter, this information when you went
21 to interview him; is that fair?

22 A I don't believe I did.

23 Q Okay.

24 A I don't believe I had the letter. I may have read
10:56 25 it, but I don't believe I actually had it in my



1 hands.

2 Q Okay. Do you remember what Mr. Morgan was in jail
3 for at the time?

4 A I'm not sure if he was in for manslaughter.

10:56 5 Q If we could then skip ahead to 012276, and is this
6 in your handwriting?

7 A Yes, sir, it is.

8 Q And down at the bottom, that's your signature?

9 A Yes.

10:56 10 Q And I think we'll see at the top, Tuesday, January
11 14th, 1992, Prince Albert Pen; is that right?

12 A That's right.

13 Q And there's Brett Morgan's signature at the
14 bottom?

10:56 15 A Yes, sir.

16 Q And so would this have been your handwritten
17 statement that you took to him?

18 A Yes, it would.

19 Q And do you recall just generally, was this a
10:57 20 question and answer type of interview, a
21 narrative, how did you go about --

22 A It was a narrative. He just started talking and I
23 started writing.

24 Q And then would you have reviewed the statement
10:57 25 with him before he signed it?



1 A Yes.

2 Q If we could just go to 012280, and this is a
3 transcribed version of that statement, Mr. Huff,
4 that's maybe easier to go through, and I just want
10:57 5 to touch on parts of this. I take it you would
6 have recorded what he told you as accurately as
7 you could at the time?

8 A As I could at the time write it down, yes.

9 Q And again it talks about knowing Fisher in 1980,
10:57 10 and then if we could just scroll down to this:

11 "During conversation over my charges,
12 Fisher felt that there might be a way
13 out for me because some of his
14 circumstances were like mine, or the
10:57 15 other way around more like his in that
16 there were other people involved in my
17 murder beef that I could possibly sluff
18 it off on."

19 Murder beef, was that a slang term?

10:58 20 A Yes. Murder charge.

21 Q And beef meant -- I think we've seen that
22 elsewhere.

23 A It's just -- a beef is a charge.

24 Q "His statement, near as I can remember
10:58 25 was that he had sluffed off a serious



1 charge on somebody else that he was
2 guilty for by confessing to crimes in
3 another area. I didn't know any of the
4 particulars."

10:58 5 And then scroll down:

6 "As time goes over a year span, we had
7 conversations in the kitchen, outside
8 exercise and in our living quarters. He
9 made a lot of statements to me, some of
10:58 10 which are, the one by the curling sticks
11 in my mind. It was about 40 below and
12 he stated, "Did you ever fuck somebody
13 in a snow bank? Its really hard getting
14 it up." I said you sick mother and he
10:58 15 laughed and said, "I've done it."

16 It didn't make sense to me
17 until I realized the Milgaard
18 situation."

19 Again, do you recall that information being
10:58 20 provided to you by Mr. Morgan?

21 A Yes, sir.

22 Q Just scroll down:

23 "He also made this statement to me "I
24 killed somebody in Saskatoon but I never
10:59 25 got any heat because I confessed to some



1 crimes in another city and it happened
2 at the same time or near the same time
3 as the murder in Saskatoon. He said I
4 should try to either remember some
10:59 5 crimes I committed that I hadn't been
6 pinched for or solicit some from people
7 around me that I knew who did some and
8 never got pinched for that I could cop
9 out to in order to blow the steam off
10:59 10 this murder."

11 And again, just one more paragraph:

12 "Another time because our beds were so
13 close and because I was so messed up and
14 depressed, he said "shake it off, I've
10:59 15 already told you how to deal with it, I
16 killed before and someone else is
17 wearing it for me and you can do it
18 too."

19 And again, does that accurately reflect what Mr.
10:59 20 Morgan would have told you?

21 A Yes, sir.

22 Q Now, did you have, when you were interviewing him,
23 did you have concerns about the credibility of
24 what Mr. Morgan was telling you?

10:59 25 A I always do when I'm interviewing prisoners, sir,



1 yes.

2 **Q** And again with respect to Mr. Morgan, anything
3 other than your general concern about interviewing
4 prisoners?

10:59 5 **A** No.

6 **Q** If we could then go to 020210, please, and this is
7 your affidavit, Mr. Huff, that was filed in the
8 Supreme Court of Canada in the David Milgaard
9 reference. Do you recall providing that
11:00 10 affidavit?

11 **A** Yes, sir.

12 **Q** And who asked you for that affidavit, how did it
13 come about?

14 **A** I'm not sure if it was the law firm itself that
11:00 15 asked for the affidavit. I can't recall. It may
16 well have been.

17 **Q** If we can just go to the next page, please, and it
18 talks about the statement of October 21, 1970
19 which is the statement that you took from Larry
11:00 20 Fisher. Then it says:

21 "4. During the course of the interview
22 Larry Fisher advised my partner and I
23 that he had committed four --"

24 I think that should be or,

11:01 25 "-- four or five additional indecent



1 assaults in the Fort Rouge area which he
2 had been frequenting during that period
3 of time. He indicated that he had
4 grabbed and felt the women in the breast
11:01 5 area and when they screamed he ran off.

6 5. These admissions were in addition to
7 the Winnipeg offences referred to in the
8 written statement.

9 6. As a result of his disclosure,
11:01 10 Winnipeg police were contacted since the
11 areas of attack were within their
12 jurisdiction.

13 7. My best memory is that Winnipeg
14 Police were not able to identify the
11:01 15 assaults. It may have been that the
16 victims did not report the incidents.
17 Further, given the fact that Fisher was
18 facing very serious offences the
19 attitude at that time may have been to
11:01 20 simply allow us to proceed with our
21 prosecution on the very serious charges
22 for which lengthy periods of
23 incarceration were anticipated."

24 And again, that's accurate, Mr. Huff?

11:01 25 A Yes, sir.



1 Q In the statement that, October 21, 1970, and I can
2 bring it up if you like, but --

3 COMMISSIONER MacCALLUM: Excuse me, could I
4 have the doc ID for this?

11:01 5 MR. HODSON: Oh, sorry. This is 020210.

6 COMMISSIONER MacCALLUM: Thanks.

7 BY MR. HODSON:

8 Q And when I read this, Mr. Huff, it appears that at
9 the time, or at least what this is saying, at the
11:02 10 time you interviewed Fisher on October 21, 1970,
11 which is when you took his statement, and that
12 statement was the two Saskatoon incidents and the
13 one Winnipeg incident, that during that interview
14 he advised you of four or five additional
11:02 15 assaults; is that correct?

16 A It's probably correct, yes.

17 Q And I guess in that statement that we looked at,
18 and it's 002032, and I can bring it up if you
19 like, there's no mention in that statement of
11:02 20 those assaults. Would you agree?

21 A Yes.

22 Q And why would that be? Would there be a reason?

23 A I have no idea why we didn't put it in.

24 Q Okay. But you have a recollection of him telling
11:02 25 you that then?



1 A Yes.

2 Q And a recollection of contacting the police, the
3 Winnipeg police?

4 A Yes.

11:02 5 Q If we could just go to 039352 and I want to go
6 through some media articles with you, Mr. Huff,
7 there's a number of newspaper reports where they
8 report on interviews with you, and I think I've
9 gone through most of those with you previous,
11:03 10 given you a chance to look at those, and I take it
11 you would have been contacted and you talked to
12 the media from time to time in the early 1990s?

13 A Yes.

14 Q And this is a report, March 10th, 1992 by Tim
11:03 15 Naumetz:

16 "Serial rapist Larry Fisher at first
17 denied attacking women in Saskatoon
18 about the time David Milgaard allegedly
19 killed nursing aide Gail Miller, says a
11:03 20 former policeman.

21 Lorne Huff told the Sun
22 yesterday Winnipeg police were alerted
23 by the Saskatoon force to the
24 possibility Fisher, caught raping a
11:03 25 Winnipeg woman in 1970, was also



1 responsible for Saskatoon rapes.

2 "They asked us to speak to him
3 about those rapes," said the former
4 Winnipeg police officer, now a private
11:04 5 investigator.

6 "He denied it. He said there
7 was nothing else and then, I can't
8 remember how much later, but it was some
9 time later, he contacted us and said he
11:04 10 had done it," Huff said.

11 Soon after, in October, 1970,
12 the Saskatoon detective who helped
13 direct the Milgaard probe went to
14 Winnipeg to get Fisher's confessions to
11:04 15 two 1968 Saskatoon knifepoint rapes."

16 And again, does that accurately record what you
17 would have said to the reporter at that time?

18 A Yes. I don't know if I told them about in October
19 of 1970, but I can remember that it was sometime
11:04 20 later he contacted us.

21 Q And the part here where it says they asked to
22 speak to him about the rapes and he denied it,
23 again, is that -- can you help us out, is that
24 something that you are saying you remembered at
11:04 25 the time or that that was based on information --



1 A No. We asked them if they had anything similar
2 and we would interview him on it if there was
3 anything of that nature, of rapes in Saskatoon.

4 Q Right. And I went through earlier this morning
11:05 5 with you the correspondence between Saskatoon and
6 Winnipeg and there was a letter from Inspector
7 Perry that said prior to October 20th members
8 interviewed Fisher and he denied it.

9 A Right.

11:05 10 Q And you told us this morning you don't remember if
11 that was you or not?

12 A I'm not sure.

13 Q And here, when I look at this in 1992, I'm
14 wondering if at this time you are saying that you
11:05 15 were the one who asked him about the rapes and he
16 denied it?

17 A Well when I say 'us' it could be --

18 Q The police?

19 A Yeah.

20 Q Okay.

21 A Yeah.

22 Q So this doesn't assist you in telling us whether
23 or not you were one of the officers who
24 interviewed him when he first denied the Saskatoon
11:05 25 rapes?



1 A No, sir. I probably was but I just don't recall.

2 Q Okay. I wonder if we can go to 216932. This is
3 an article in the *Toronto Star* by Peter Edwards.
4 I don't have a date on the document, but if we can
11:06 5 just look at this caption here, I think it will
6 assist. And it says, 'after languishing in jail
7 for 22 years is now at the centre of a legal
8 whirlwind ...', etcetera, and I think this is
9 around 1991-'92, in that time frame.

11:06 10 If we can just go back and
11 actually scroll down so if we can just get, are
12 you able to get that, start right here. And it
13 talks about the Winnipeg -- this is talking about
14 the (V8)--- rape.

11:06 15 A Uh-huh.

16 Q "As they struggled, Fisher lost his knife
17 and neighbours, hearing screams, phoned
18 police. This time Larry Fisher did not
19 get away.

11:07 20 Fisher was quiet and withdrawn
21 until former Winnipeg police officer
22 Lorne Huff asked him to imagine how he
23 would feel if his own daughter was
24 raped.

11:07 25 Fisher lowered his eyes, and



1 started to talk, Huff recalls. He
2 confessed to the half dozen Saskatoon
3 and Winnipeg attacks, but not the Gail
4 Miller murder. His confession was
5 evidence at his trial."

6 And again, just to clarify that, I think you have
7 told us --

8 A They have taken that out of context. It was he
9 confessed to the two rapes that we had and it was
10 later that he confessed that he had, in fact, done
11 some others. He never confessed, the way this is,
12 that he confessed to everything all at once.

13 Q Okay. And if we can just go through this:

14 "He confessed to the half dozen
15 Saskatoon and Winnipeg attacks ...",
16 and I think when we went through the statements
17 it was the two Winnipeg rapes, the one Saskatoon
18 rape, and the one indecent assault; is that
19 right?

20 A Yes.

21 Q And:

22 "... but not the Gail Miller murder."
23 And --

24 A No.

25 Q -- I think you told us he wasn't asked about the



1 Gail Miller murder; is that right?

2 A That's right.

3 Q And then:

4 "His confession was evidence at his
11:08 5 trial."

6 And I think you told us he didn't actually go to
7 trial, he pled guilty; is that right?

8 A Yes.

9 Q So would you, it be fair to say that you take
11:08 10 issue with that paragraph being accurate?

11 A Yes.

12 Q And if we can just scroll down, it says:

13 "The more he hears about the Gail Miller
14 murder, the more Huff says he worries
11:08 15 that Fisher might be the real killer.

16 'At the time, we (Winnipeg
17 police) were not aware of the Gail
18 Miller killing. They (Saskatoon police)
19 already had Milgaard ... Had I known, I
11:08 20 certainly would have talked to him about
21 it. If he's responsible for Gail
22 Miller, it's possible he has been
23 responsible for others and will be out
24 for others in the future ... If he's
11:08 25 killed once and gotten away with it I



1 worry ...'",

2 and then end of quote. What -- and, again, does
3 this accurately record what you would have said
4 to --

11:09 5 A No, I said at the time of what we were
6 investigating we were not aware of the Gail Miller
7 murder, and I'm saying that they already had
8 somebody in custody, I'm saying this now many
9 years later.

11:09 10 Q Yes.

11 A And it's possible, and I'm saying if he is
12 responsible for the Gail Miller he could have been
13 responsible for others, but they are putting it in
14 a way of 'is it fair to say, if he is responsible
11:09 15 for this, that he could have been responsible for
16 others', I'm saying --

17 Q Right.

18 A -- 'yeah'.

19 Q And I guess the question here, where it says:
11:09 20 "Had I known, I certainly would have

21 talked to him about it.",

22 and again I think that's referring to the Gail
23 Miller murder?

24 A That's right.

11:09 25 Q And I'm wondering if you can elaborate on that?



1 If, back in 1970, October 21, 1970 and prior to
2 that when you dealt with Larry Fisher, if you
3 would have been aware of the Gail Miller murder
4 and the fact that Mr. Milgaard had already been
11:09 5 convicted of that offence, would you have -- are
6 you saying you would have questioned Mr. Fisher
7 about it?

8 A We may have skirted it, but I doubt very much,
9 because if they've already got a conviction on it
11:09 10 there wouldn't have been any point in pursuing it
11 probably.

12 Q Okay. Now next, and I don't need to call this up,
13 there is a videotape, 230173, of an interview I
14 think back in '91, and there is a reference in
11:10 15 there to a paring knife being used in both of the
16 Winnipeg rapes, and I think certainly in the
17 (V8)--- rape there is a mention --

18 A It was just in the one, I understand, yeah.

19 Q And in it -- in fairness, in the documents I
11:10 20 didn't see any reference, but is it -- do you
21 recall a knife being involved in the first rape?

22 A I don't.

23 Q Okay. And if we can go to 057444, and this is an
24 article, I think it's 1991, the date is cut off a
11:10 25 bit, if we could just call up that part. And it



1 talks about Fisher and his daughter and it says:

2 "Former Winnipeg Police Officer Lorne
3 Huff, who first interrogated Mr. Fisher
4 after he was caught in the act of a
11:11 5 knifepoint rape, said he extracted a
6 confession by the 'psychological wedge'
7 of asking how he would feel if his
8 daughter were attacked."

9 And I guess, just the psychological wedge, is
11:11 10 that what you referred to earlier today about
11 bringing up the daughter?

12 A Yes sir.

13 Q And is that, was that a technique, just the --

14 A Yes it is.

11:11 15 Q And just elaborate on that?

16 A You, while you are interrogating you look for the
17 weakest thing, something that troubles them a
18 great deal --

19 Q Yes?

11:11 20 A -- and you can prey on that later if you will, for
21 want of a better word -- I shouldn't use the word
22 'prey' -- but we could use that later.

23 Q Okay. And then if we can go to 012250 and go to
24 page 012253, and again I think this is August of
11:12 25 '91, and some of these quotes we'll see, Mr. Huff,



1 find their way into various reports. And I don't
2 -- I won't cover the areas we've already talked
3 about. It talks here about:

4 "Fisher tried to explain the attacks as,
5 'something that comes over him and he
6 just has to do this,' Huff said. 'He
7 said he would get headaches and have to
8 do it.'"

9 And is that something you recall him telling you
10 or is that something you would have told the
11 reporter?

12 A I think he did mention that but I don't think he
13 said that during his confession.

14 Q Okay. When would he have --

15 A It could have been one of the times we were just
16 taking him back and forth to jail or something,
17 'I've just got to, I get the these headaches and I
18 just have to'.

19 Q Yeah. And, again, this quote here I've put to you
20 in the earlier article, we won't go through that.
21 If we go to 077795, and this is an article from
22 *The StarPhoenix* April 4th, '92, and it talks about
23 discussions with you and Mr. Gilbert but it says:

24 "Fisher admitted in 1970 that on four or
25 five occasions he had grabbed women in



1 the Fort Rouge area of Winnipeg, then
2 fled when they screamed, the former
3 officers - Lorne Huff and Douglas Larry
4 Gilbert - say in affidavits filed with
11:13 5 the Supreme Court of Canada."

6 And those are the affidavits I referred to you
7 earlier. If we could scroll down to the bottom,
8 and here it says:

9 "The former police officers say Fisher
11:14 10 confessed to the indecent assaults in
11 October 1970 - when he also confessed to
12 two rapes in Winnipeg and four in
13 Saskatoon that were committed around the
14 time of the Miller murder."

11:14 15 And I think you've told us already that it wasn't
16 four, that it was only two; is that correct?

17 A Uh-huh, that's right.

18 Q And so you would take issue with the accuracy of
19 that?

11:14 20 A Yes, I do.

21 Q And then at the bottom:

22 "At the time of the 1970 confessions,
23 Gilbert and Huff were on the Fort Garry
24 police force. They said they informed
11:14 25 Winnipeg police of the indecent assaults



1 in their jurisdiction, but the force
2 never followed up."

3 And I think, or then:

4 "Huff said Winnipeg Police may have
11:14 5 forgotten about the cases, since Fisher
6 faced so many other serious charges."

7 Now is that accurate, that report?

8 A Yes.

9 Q If we could go to 279751, please. And this is an
11:15 10 article in the *Winnipeg Free Press* July 24th, '97,
11 I think that's a picture of you, sir, is it not?

12 A Yeah, unfortunately.

13 Q Would you like us to call it out for you or is
14 that --

11:15 15 A No, that's fine.

16 Q Okay. If we could just go down to the article,
17 please, and again it says:

18 "Lorne Huff won't say 'I told you so,'
19 but he probably could.

11:15 20 The retired Winnipeg police
21 officer said yesterday that what he's
22 suspected for nearly 30 years may now be
23 proven: that Larry Fisher, not David
24 Milgaard, killed Saskatoon nursing
11:15 25 assistant Gail Miller in 1969."



1 And this comment about suspecting it for nearly
2 30 years; --

3 A No.

4 Q -- that's wrong?

11:16 5 A That's wrong.

6 Q And what should that have -- this is 1997?

7 A Yeah. I probably said that was 30 years ago and
8 -- that we dealt with Fisher.

9 Q Okay. So would it be fair to say that what -- or
11:16 10 when did you suspect that Larry Fisher, not David
11 Milgaard, killed Gail Miller?

12 A When I was talking to David Asper.

13 Q In 1990?

14 A Yeah.

11:16 15 Q So at that time you would have had that, but prior
16 to that you wouldn't have had that --

17 A I had no knowledge of that.

18 Q Okay. And then it says:

19 "Although Huff didn't connect the
11:16 20 attacks to the Miller murder at the
21 time, he later heard of a young man
22 named David Milgaard protesting his
23 innocence and started thinking about
24 what Fisher had said.

11:16 25 'I don't remember the name of



1 every guy I arrested, but I sure
2 remember Larry Fisher,' said Huff. 'He
3 was one cool sucker.'

4 Huff said the attacks Fisher
11:16 5 told him about occurred around the same
6 time as Miller's death and in the same
7 part of Saskatoon. Fisher did not refer
8 to Miller by name."

9 Let me just pause there, the -- that first part.
11:17 10 So do you have a recollection of Fisher telling
11 you his attacks were around the same time as
12 Miller's death in the --

13 A No.

14 Q Pardon me?

11:17 15 A No.

16 Q So, that, you take issue with?

17 A Yes I do. I had no knowledge of the Gail Miller
18 murder at that time so I wouldn't have said it
19 occurred around the same time.

11:17 20 Q And then it says:

21 "Fisher did not refer to Miller by
22 name."

23 And I'm not sure what that is, what those are --

24 A Well, I don't know either. I never said anything
11:17 25 with respect to Miller, Fisher, Milgaard, or



1 anything in that context.

2 I think what he is getting at
3 there, when we were taking his statement from him
4 with regards to our offences he never mentioned
11:17 5 the name Gail Miller, and I don't know why he
6 would think he would mention the name Gail Miller.

7 Q And you didn't ask him about Gail Miller?

8 A No.

9 Q Okay. And then it says:

11:17 10 "Huff reported the confession to police
11 in Saskatoon, and a team of detectives
12 from that city came to Winnipeg ...",
13 and I think what you told us is that Inspector
14 Perry likely told Saskatoon Police?

11:18 15 A That's correct.

16 Q And two officers from Saskatoon came the next day;
17 is that right?

18 A That's right.

19 Q And then here it says:

11:18 20 "Huff, who eventually went to Milgaard's
21 lawyer David Asper and told him what had
22 happened, said he was told that his
23 files on the Fisher case were
24 inadvertently destroyed by the Winnipeg
11:18 25 police service, and no microfiche copies



1 had been made."

2 And I think earlier you had told us that it
3 wasn't inadvertent, it was part of the --

4 A No.

11:18 5 Q Is that fair?

6 A No, that's fair.

7 Q And then at the bottom it says:

8 "Although he calls what happened to
9 Milgaard 'a bloody tragedy,' Huff said
11:18 10 it wouldn't be fair for him to
11 second-guess the decisions made by
12 Saskatoon Police in 1970.

13 'I think they should have
14 looked into what Fisher said a bit more,
11:18 15 but that's easy for me to say 27 years
16 later,' he said."

17 Can you just explain what you meant by that?

18 A Well what they were doing, I can't second-guess
19 what they did on that investigation, they
11:19 20 obviously had some evidence, they had a
21 conviction, so I'm not going to say what they did
22 was right or wrong in that particular case.

23 When I say they should have
24 looked into Fisher a little bit more, again I can
11:19 25 say, you know, in hindsight maybe they should have



1 looked a little bit more into Fisher, but it
2 doesn't mean that they are wrong or that I'm right
3 in saying that they are wrong or --

4 Q Okay.

11:19 5 A I'm not knocking the Saskatoon Police one bit.

6 Q Okay. If we could go to 218746, please. And this
7 is an article in the *Toronto Star* July 26th, 1997,
8 if we can go to the next page, please. And there
9 is a paragraph down at the bottom, it talks about
11:19 10 Lorne Huff, and it says 'when former Winnipeg
11 Police detective Huff thinks of the Milgaard case
12 he remembers Larry Fisher's eyes. He's got the
13 coldest eyes that I've ever seen and I was 26
14 years as a policeman, says Huff, who now runs Huff
11:20 15 Investigations & Polygraph Services in St.
16 Boniface, Manitoba. He's like a senior Charles
17 Manson, I'll never forget him as long as I live."

18 And do you recall saying that to
19 the --

11:20 20 A I mentioned he had cold eyes, but as far as the
21 Charles Manson thing, I don't recall saying that.
22 What I did say was that he had fish eyes, there
23 was no expression.

24 Q And what do you mean by 'fish eyes'?

11:20 25 A Well, if you've ever done any fishing and you look



1 at a fish and they're looking at you, there is no
2 expression in their eyes, it's just a cold stare.

3 Q And that's something then, in 1997 or in the
4 1990s, was something you recall from your meeting
11:20 5 with Mr. Fisher?

6 A Yes.

7 Q Okay, and if we can go to the top of the next
8 column, please. And it says 'at first Fisher
9 denied he was doing anything wrong even though he
11:21 10 had been caught attacking a woman', and talks
11 about the daughter, 'suddenly the floodgates
12 opened briefly, Fisher confessed to a string of
13 similar knifepoint rapes in Winnipeg, then
14 volunteered information that he had done others in
11:21 15 Saskatoon'. And I think what you told us, that
16 the -- he confessed to the two Winnipeg rapes in
17 September --

18 A Uh-huh.

19 Q -- and then a month later volunteered the
11:21 20 information on Saskatoon after denying it; is that
21 correct?

22 A That's right, yeah. I don't -- this isn't correct
23 at all.

24 Q And then it says, 'Saskatoon detectives were
11:21 25 called in and Huff said he and his partner,



1 Detective Doug Gilbert, found their attitude
2 extremely odd.' Quote, 'They gave us bad vibes
3 when they were here, Huff recalls. They just
4 didn't want anything to do with us, they were
11:21 5 extremely standoffish'.

6 And, again, is that accurate?

7 A Yeah, I don't know if I said 'bad vibes', I think
8 they said 'did they give you bad vibes when they
9 were there', I may have said 'yes'. But they were
11:21 10 standoffish, and again, as I say, maybe they were
11 just focused on their investigation, I don't want
12 to belittle it, but they were probably focused on
13 this investigation, had their own, but I sort of
14 had the attitude that it was -- we were annoying
11:22 15 them by them having to come down to Winnipeg to
16 interview Fisher.

17 Q And did you have the impression or form the
18 impression that they were trying to hide anything
19 from you?

11:22 20 A No, not at all.

21 Q And then it says, 'years later Huff read about the
22 Gail Miller murder and was shocked by the
23 similarity it bore to Fisher's other attacks in
24 the Winnipeg area and in Saskatoon', and again is
11:22 25 that -- those aren't quotes of you but does that



1 accurately --

2 A Yeah, well after I had been reading some of the
3 things and then when I spoke to David Asper, and
4 then it became clear.

11:22 5 Q Okay. And if you could just scroll down, please.
6 And then it says 'it was then, almost 20 years
7 after the murder, that Huff called Milgaard's
8 lawyer, David Asper, and told him about Fisher.
9 Huff still wonders why Saskatoon Police didn't
11:23 10 mention the Miller murder to him at the time
11 Fisher was confessing.' And, again, is that
12 something you would have said to --

13 A No.

14 Q Did you wonder that, did you wonder back in 1970
11:23 15 why the police -- let me rephrase that. When you
16 found out in 1990-1991 about the Gail Miller
17 murder did you wonder, at that time or at any
18 subsequent time, why the Saskatoon Police didn't
19 mention the Miller murder to you at the time that
11:23 20 Fisher was confessing?

21 A No, I could see no reason why they would, because
22 they had already had somebody charged and
23 convicted.

24 Q And it says 'Fisher wouldn't have faced any more
11:23 25 prison time for the murder and he could have



1 cleaned up his record, Huff reasons.'

2 And, again, I think that's --

3 and then it says 'however, for Fisher to be

4 charged with the Miller murder Milgaard's

11:23 5 high-profile case would have to be re-opened,

6 causing public embarrassment for Saskatoon Police

7 and prosecutors.' Scroll down. 'Had we known

8 about the murder, I think we could have got him,

9 Huff says. We had a good rapport with him.'

11:24 10 And, again, is that something

11 you would have said to the reporter?

12 A Umm, something along those lines. If they came in

13 and said 'we have this murder that is not solved',

14 then of course we would have gone after him about

11:24 15 it and seen what we could get from him but, not

16 knowing, it was difficult to do.

17 Q Okay. And is that what you were referring to in

18 this article then?

19 A Yes.

11:24 20 Q And, again, if I could call up, there is a book

21 'When Justice Fails', and I think you talked to

22 the authors, was it Carl Karp or do you recall

23 talking to the authors of that book?

24 A No I don't.

11:24 25 Q If we can call up page 330640, please, and that's



1 of doc. ID 330578, and the -- this is just an
2 excerpt from the book. At the bottom it talks
3 about:

4 "The small Fort Garry police department
11:25 5 was shocked at the brutality of the
6 rape. Lorne Huff, now a private
7 investigator, was a detective with the
8 department at the time. In his
9 twenty-six years as a police officer, he
11:25 10 says he'd seen all kinds of offences,
11 but this was a hard one to forget. 'The
12 utter savage brutality sticks out,' he
13 said. 'Those things just didn't happen
14 in Fort Garry in those days.'"

11:25 15 And is that accurate?

16 A I don't think it's totally accurate. I may have
17 said that, you know, it stuck out in my mind,
18 because we didn't have many rapes in Fort Garry,
19 and for someone to use a knife on a young lady and
11:25 20 to savagely attack one and tie her up, yeah, it
21 would have been a brutal attack.

22 Q But would it be fair to say that it was one of the
23 cases that stood out in your mind because of the
24 nature of the offence?

11:25 25 A Yes.



1 Q And your dealings with Mr. Fisher stood out?

2 A Yes.

3 Q If we can then go to the next page.

4 A I don't recall being interviewed by these
11:25 5 individuals.

6 Q Yeah. In fairness, I mean you are quoted in the
7 book, I'm not sure whether they are from another
8 source or not. It says, and I think this is
9 talking after the (V8)--- rape, it says:

11:26 10 "The next morning, Detective Lorne Huff
11 reported to work and scanned the early
12 morning report written by the uniform
13 branch. He saw there was a
14 twenty-two-year-old labourer in custody,
11:26 15 Grade 7 education, with no previous
16 convictions. The facts of the rape
17 struck him as amazingly similar to the
18 August 2 attack on Barbara Sullivan,
19 ...",

11:26 20 -- and that's a pseudonym for (V7)--- (V7)--- --

21 A Okay.

22 Q "... and before he ventured in to see
23 Fisher he concluded that both crimes
24 were likely committed by the same
25 person. From the information police had



1 already gathered from Fisher, Huff
2 developed a strategy about how he would
3 approach him in the interview room."

4 And, again, that's -- is that accurate, is that
11:26 5 --

6 A No.

7 Q No? And what's not accurate about that?

8 A Well I would have known, I'd read the report, but
9 I'd be told that 'you are going to go and
11:27 10 interview him at this time', and I never -- I
11 assumed they were done by the same person because
12 they are so similar, but you don't develop a
13 strategy how you are going to approach him.

14 Q Okay. And then here's a quote:

11:27 15 "'It was a quiet interrogation. There
16 was no yelling by anybody. He wasn't
17 yelling or screaming for a lawyer.
18 Fisher at the time was a family man, and
19 I think some of that may have entered
11:27 20 into it.'"

21 And, again, is that accurate?

22 A To some extent. There was no yelling. We didn't
23 bother yelling at people in those days.

24 Q Okay. And I think we've -- I won't go through
11:27 25 that, but it talks about the reference to his



1 daughter, and then I think if we can go to the top
2 of the next page, please, same column, next page,
3 it says:

4 "I think all he wanted was just
11:27 5 somebody to be friendly towards him,'
6 Huff said. 'And we treated him very
7 well. It was just a straightforward,
8 nice conversation, and he revealed all
9 the details to us.'"

11:28 10 And, again, is that something you said or is that
11 accurate?

12 A I may have said that, yeah, because I would think
13 sometimes he is thinking he is in a lot of trouble
14 and somebody is going to come in yelling and
11:28 15 screaming and doing all kinds of things, and that
16 may well be accurate.

17 Q It says:

18 "To Huff, Fisher was something of an
19 enigma. He came across as a loner, a
11:28 20 meek and introverted character who was
21 soft-spoken and seemly repentant -
22 someone who was looking for a friend to
23 confide in. At the same time, Huff
24 never let himself forget that this
11:28 25 mild-mannered individual had been savage



1 in his attacks."

2 And, again, is that --

3 A No, that is not accurate.

4 Q And what part of that?

11:28 5 A Well, I don't recall saying any of that.

6 Q Okay. And then it says:

7 "Fisher told Huff that his problem
8 derived from his drinking. He would be
9 out drinking and would start to feel
11:28 10 aroused, so he'd go out looking for
11 women. But Huff never believed the
12 explanation was so simple. When he
13 looked at this seemingly shy character
14 with the powerful forearms, Huff saw a
11:29 15 man with the potential to do terrible
16 things.

17 'He always gave me the
18 impression that he was a very dangerous
19 man, and eventually something would
11:29 20 occur. Who knows if it would happen
21 tomorrow when he got out of jail, or ten
22 years from now? Just from talking to
23 him it was a feeling that I had and that
24 my partner had, that this man could
11:29 25 potentially be very explosive.'"



1 Again, that part that I read you, was that
2 accurate?

3 A The drinking part, yes, when he was drinking he
4 would be looking for women it seems. And I never,
11:29 5 when it says I didn't believe the explanation was
6 so simple, I did believe the explanation was
7 simple, that he went out drinking and would go
8 after women.

9 Q And then the next page, please. It says:

11:29 10 "Lorne Huff was not aware of the Miller
11 murder at the time. But in retrospect,
12 he says it was strange that Saskatoon
13 police would not have immediately
14 reopened the investigation once Fisher
11:29 15 fell into their hands. 'You can't
16 overlook the fact that the man has
17 committed this number of rapes, and he
18 lived nearby where this rape and murder
19 took place. It's obvious you have to
11:30 20 look into it,' he says. At the same
21 time, Huff says he can understand the
22 type of mentality that would resist the
23 desire to reopen an apparently solved
24 case. 'I think what happened in the
11:30 25 Miller rape was the police already had a



1 suspect, and people said that he did it.

2 So I guess they just closed their eyes

3 to that end of it.'" "

4 And is that something you would have said to

11:30 5 someone?

6 A Not in those words, you know. When I say 'you
7 can't overlook the fact that the man has committed
8 a number of rapes', I didn't know where he lived
9 with relation to Miller at that time.

11:30 10 Q Okay.

11 A When it says here 'and he lived nearby', that's
12 their words, not mine, I had no idea. And 'I can
13 understand' -- when I say 'I can understand the
14 type of mentality', why would you open up a case
11:30 15 where you already had a conviction and a man is
16 doing time.

17 Q So is it -- do you take issue, then, with what's
18 attributed to you here?

19 A Yes, yes I do.

11:31 20 Q And next, if I can go, do you recall being
21 interviewed by the RCMP in 1993, thereabouts, and
22 an investigation they were doing?

23 A Not offhand I don't, no.

24 Q Okay. I'll call up 039715 and go to page 039719,
11:31 25 and I think that there were officers by the name



1 of Williams and Jorgenson?

2 A Oh, yes I do now, yup.

3 Q Yeah. And they were, just to give you some
4 background, the RCMP were investigating some
11:31 5 allegations relating to the investigation of David
6 Milgaard, and so about 1993 they interviewed a
7 great number of people, and it appears from this
8 that they interviewed you and your partner,
9 Mr. Gilbert; is that right?

11:31 10 A That's correct.

11 Q And I just want to go through a couple parts here.
12 It says here at the bottom:

13 "Huff does not believe that he has any
14 note books for the period in question,
11:32 15 however, advised that he could check at
16 home to be sure."

17 And I take it, sir, that you don't have your
18 notebooks from that time frame?

19 A No, I don't.

11:32 20 Q And then if we can go to 039716 -- or -- yeah 716,
21 and again there is a note here that says:

22 "Involvement with the S.C.P. members
23 appears to have been very straight
24 forward. Huff and Gilbert had nothing
11:32 25 to report concerning the S.C.P. members



1 that would be of concern. Basically the
2 S.C.P. members came out and did the
3 interview and left."

4 And, again, is that -- these are the RCMP's
11:32 5 notes, Mr. Huff, but is that accurate as to what
6 you would have said to them?

7 A Yeah.

8 Q Do you remember if you would have discussed with
9 the RCMP your earlier comments, and I think about
11:32 10 them being standoffish or --

11 A I don't know if I did.

12 Q And then the next page, 039715 -- or actually --
13 yeah. And then it says here, and these are the
14 RCMP's words:

11:33 15 "Huff does not believe that there was
16 any wrong doing/cover-up on the part of
17 anyone concerning David Milgaard. From
18 what he has seen though, (information
19 that has come to his attention/he has
11:33 20 learned in recent years it would seem)
21 Huff feels that Fisher is likely the
22 person responsible for killing Miller.
23 Huff likens David Milgaard's conviction
24 to a matter of David Milgaard simply
11:33 25 being in the wrong place at the wrong



1 time."

2 Does that accurately record what you would have
3 said to them?

4 A Yes.

11:33 5 Q And that's what you thought at the time and now?

6 A Yes.

7 MR. HODSON: Thank you, Mr. Huff, those are
8 all of my questions.

9 If we could just maybe pause
11:33 10 for a moment, Mr. Commissioner, I will see who
11 has cross or wishes to examine.

12 (Discussion off the record)

13 MR. HODSON: I want it on the record that
14 everybody says 'just a little bit'. We have
11:34 15 Mr. Wolch, Mr. Elson, Mr. Fox, Mr. Gibson, and
16 Mr. O'Keefe, and I'm sorry, Dan? No?

17 A Well, as long as a little bit doesn't stretch into
18 my plane time.

19 MR. HODSON: No, I -- we're fine. I think
11:34 20 it's 4:45?

21 A 4:20.

22 MR. HODSON: 4:20. And who wishes to go
23 first?

24 MR. FOX: I can.

11:34 25 COMMISSIONER MacCALLUM: Mr. Fox said he



1 would.

2 And if there's going to be an
3 argument about who goes last it appears to be
4 that Mr. O'Keefe's client, this evidence concerns
11:35 5 him more than anybody, so he would have that
6 privilege.

7 **BY MR. FOX:**

8 **Q** Thank you, Mr. Commissioner. Mr. Huff, I'm Aaron
9 Fox, I'm the lawyer for Eddie Karst. He was a
11:35 10 detective with Saskatoon City Police in 1970 and
11 may have been one of the officers who went to
12 Winnipeg at that time.

13 I just, you've answered a lot of
14 the questions and addressed a lot of the issues I
11:35 15 was going the ask you, so I'm just going to touch
16 on a few of them.

17 I take it just going back to
18 1970, and I'm looking at the chronology of events,
19 there is a letter of October 20th, 1970 that's
11:35 20 penned by the Winnipeg or Fort Garry Police to the
21 Saskatoon Police Service saying, you know, 'we've
22 talked to Larry Fisher about the Saskatoon
23 matters, he denies any involvement, sorry, we
24 can't help you', and I take it you don't have any
11:35 25 specific recollection of that letter going out at



1 this time?

2 A No, sir, I'm afraid not.

3 Q Okay. And do you know whether or not you may have
4 spoken to Mr. Fisher about that initially, or
11:36 5 could it have been you, or do you have any
6 recollection of that?

7 A I'm not sure if it was. It could well have been
8 but I don't recall offhand.

9 Q It seems like things move fairly quickly after
11:36 10 that because the letter is penned October 20th and
11 then October 21st there's a statement that he
12 gives to you people in Winnipeg where he now
13 references being involved in a couple sexual
14 assaults in Saskatoon. Do you recall that?

11:36 15 A Yes, sir.

16 COMMISSIONER MacCALLUM: Mr. Fox, could you
17 give me a doc ID on that?

18 MR. FOX: Yeah, I'll try and do that. Mr.
19 Hodson, if you want to help me out, please do so.

11:36 20 MR. HODSON: Yeah.

21 MR. FOX: This is just -- it's the
22 progression, sort of, of the documents. The
23 first is the October 20th letter, I think that
24 was sent by Inspector Perry if I'm correct.

11:36 25 MR. HODSON: 00 --



1 MS. KNOX: 002019.

2 COMMISSIONER MacCALLUM: 002019, Inspector
3 Perry.

4 BY MR. FOX:

11:36 5 Q And then the second would be the October 21st
6 statement I believe that would have been given in
7 Winnipeg to the Fort Garry police?

8 A Yes, sir.

9 MR. HODSON: 002032.

11:37 10 COMMISSIONER MacCALLUM: Thank you.

11 BY MR. FOX:

12 Q And then the two statements that we've referred to
13 repeatedly, those would be the two statements
14 given October 22nd by Mr. Fisher referring to the
11:37 15 two, the rape and the indecent assault in
16 Saskatoon. What I just wanted to ask you, it
17 looks like that letter -- the letter is dated
18 October 20th. I don't even know if it would have
19 reached Saskatoon by October 22nd.

11:37 20 A Probably not.

21 Q Probably not. And if you remember sort of the
22 progression of what happened sort of between the
23 20th and the 21st that would have led to Mr.
24 Fisher now admitting to at least a couple of the
11:37 25 assaults in Saskatoon, do you have any



1 recollection of kind of that progression?

2 A No. As I recall, he just wanted to talk to us
3 again, and it could have been on the 21st when we
4 were taking him to court or whatever and then told
11:37 5 us.

6 Q Okay. And do you recall what transpired then in
7 terms of how Saskatoon was contacted or -- because
8 we know it appears as though Inspector
9 Nordstrom --

11:38 10 A I would think they were contacted by telephone, by
11 Perry in all likelihood.

12 Q And that's an assumption?

13 A That's just an assumption.

14 Q You have no recollection of being involved in
11:38 15 that?

16 A No, sir.

17 Q In any event, you would have been around on the
18 22nd when a couple of officers from Saskatoon
19 arrived to speak with Mr. Fisher?

11:38 20 A I was there.

21 Q Okay. And do you have a recollection of the rank
22 of those officers --

23 A None whatsoever.

24 Q -- or who was in charge? Did it appear one was in
11:38 25 charge or one or the other?



1 A I don't recall, sir.

2 Q And you mentioned the physical, you remember the
3 physical description of one of the individuals?

4 A I remember one was a big man, yes.

11:38 5 Q Okay. And by that, you mean broad shouldered?

6 A Broad shouldered.

7 Q Heavier set, that sort of thing, and tall?

8 A Reasonably tall, yes.

9 Q Okay. But big, of a physical big stature?

11:38 10 A Uh-huh.

11 Q Do you remember if either of them had glasses or
12 anything?

13 A I have no recollection.

14 Q And do you remember if you were dealing more with
11:38 15 one than the other?

16 A No.

17 Q Now, it looks like you would have met with them
18 after the statements were taken, you would have at
19 least had dinner with them in any event; correct?

11:39 20 A I believe we did, yes.

21 Q Okay. So if they were somewhat standoffish, they
22 weren't so standoffish that they weren't prepared
23 to share a meal with you?

24 A No.

11:39 25 Q Okay. And I think you elaborated a little bit on



1 what you meant by the standoffish and I think I
2 got it correct that basically they seemed a little
3 put out that they had to come to Winnipeg to sort
4 of deal with this fellow, it seemed like it was a
11:39 5 bit of a formality?

6 A Yes, sir.

7 Q And I suppose to an extent it already was a bit of
8 a formality in the sense he had confessed to you
9 the day before to the events, now it was a
11:39 10 question of coming and getting specific statements
11 relating to --

12 A Right, because we didn't have the details of those
13 rapes.

14 Q Right. So it wasn't like they were coming in with
11:39 15 a fresh interrogation and getting something out of
16 him, they already knew they at least had
17 admissions from Fisher to two offences and were
18 going to get formal statements on that?

19 A That's correct.

11:40 20 Q And when you talk about sort of standoffish and
21 whatever, that's what you are referring to?

22 A Yes. Usually, as I indicated, usually when police
23 officers come from another town, you know, you
24 kind of get together, you have a few beers, you
11:40 25 try to get to know each other so that if you need



1 a favour later down the road you can call somebody
2 and that just didn't occur in this instance.

3 Q Okay. And --

4 A And as I indicated, it could be they were focused
11:40 5 on that investigation and going home, so --

6 Q Or it could have been I suppose one of them might
7 have been a teetotaler, if I can describe it that
8 way?

9 A God forbid a policeman is a teetotaler, but yes,
11:40 10 it's possible.

11 Q And we might hear something more about that, but
12 that's a possible explanation as well?

13 A Of course.

14 Q Right. You've indicated that in 1990 -- sorry,
11:41 15 1970, you would not have been aware of the Gail
16 Miller murder at that point in time, at least you
17 have no recollection of it?

18 A I had no knowledge of it whatsoever.

19 Q And I was just wondering if, you know, for
11:41 20 example, the murder itself was a very vicious
21 murder obviously, a very high profile, or maybe it
22 wasn't a high profile event, but certainly a very
23 vicious murder, and then there was a trial
24 obviously of a young man in January, 1970, David
11:41 25 Milgaard, in which he was convicted of that. Do



1 you think there's any possibility you would have
2 had any knowledge back in 1969 or '70 just about
3 the fact that somebody had been murdered in
4 Saskatoon and a young man had been convicted, the
11:41 5 sense of --

6 A It's possible, but I do not recall it at all, and
7 I don't recall the name Gail Miller or David
8 Milgaard until much, much later.

9 Q We know, for example, Mr. Milgaard was interviewed
11:41 10 in March of 1969 in Winnipeg, that arrangements
11 were made to locate him and interview him there.
12 Again, any thought that you may have had some
13 knowledge of that back at that time?

14 A No, none whatsoever.

11:42 15 Q Okay. You were asked by Mr. Hodson, and reference
16 was made to this, or reference was made to a
17 number of articles and your interview by the RCMP
18 about second guessing what the Saskatoon police
19 did at that point in time. Would it be fair to
11:42 20 say, Mr. Huff, that as a police officer your sort
21 of approach to is there other suspects or could
22 someone else have committed another offence
23 probably changes or your mindset would change a
24 bit after there's been a conviction of an
11:42 25 individual for that particular offence?



1 A Oh, I think your mindset would be we have the
2 person, the courts have agreed and that would be
3 the end of it.

4 Q And so when we look back, for example, on -- in
11:42 5 October of 1970, we know at that point in time
6 David Milgaard had already been convicted, he was
7 no longer just a suspect, he actually had been
8 convicted in January of 1970 of the murder of Gail
9 Miller -- again, only the officers can speak for
11:43 10 themselves -- but as a police officer, I take it
11 from what you've said, you can understand how at
12 that point in time you would consider that file
13 closed, so to speak?

14 A Yes.

11:43 15 Q And this person has gone through the process, he's
16 gone through the system that has its checks and
17 balances and protections in it and the right to
18 legal counsel and a trial and so on and if at the
19 end of the day he's found guilty, you might at
11:43 20 least to some extent close the book on that a bit?

21 A Yes, of course.

22 Q And that would be fairly common?

23 A Yes.

24 Q And would also -- I take it from that, it wouldn't
11:43 25 surprise you then if these officers came to see



1 you in October, 1970, or to see Larry Fisher, that
2 the issue of Gail Miller's death just might not
3 have been on the radar screen at all any more at
4 that point in time?

11:44 5 A Yes.

6 Q One of the things that caught your attention in
7 1990 was the fact that David Milgaard was, at that
8 point in time, and had been for some time,
9 proclaiming his innocence, stating that he hadn't
11:44 10 committed this offence, and obviously his mother
11 was working very hard to try and establish that.
12 That caught your attention?

13 A That caught my attention, and the fact that it
14 occurred in Saskatoon caught my attention.

11:44 15 Q So you started putting things together, thinking
16 --

17 A Yeah, I started thinking about it.

18 Q -- maybe if they think somebody else might have
19 did it, I remember Larry Fisher, I remember he was
11:44 20 involved in Saskatoon rapes, maybe that would be
21 the case?

22 A Right.

23 Q Okay. Going back again as a police officer in
24 1969 or '70, if David Milgaard was not proclaiming
11:44 25 his innocence, would that be a factor once a



1 conviction is done in terms of closing the book,
2 so to speak?

3 A It may well be. Most people, when they are
4 charged, proclaim their innocence.

11:45 5 Q And what I'm getting at, you are fully aware that
6 there's no obligation on an accused person to ever
7 testify at his trial, you are aware of that?

8 A Yes.

9 Q And an accused person is presumed innocent and
11:45 10 will remain presumed innocent and will remain
11 innocent until he's proven guilty beyond a
12 reasonable doubt, you understand that?

13 A Yes, sir.

14 Q Without getting into the legal niceties of it,
11:45 15 though, as a police officer, if you are dealing
16 with an accused individual who has been charged
17 with something and there are a number of people
18 who make a number of statements against that
19 individual, saying you've done this or you've done
11:45 20 that or whatever, and that person doesn't get up
21 and say, "Hey, I didn't do it," deny it, is that
22 something that plays in your mind, that you look
23 at and say, "Well, that guy never even got up and
24 denied it"?

11:45 25 A No, I don't think that -- a lot of people on the



1 advice of their lawyer won't take the stand, so I
2 don't think you can read too much into that.

3 Q Yet you thought it was significant in 1990 that he
4 was proclaiming his innocence?

11:46 5 A Yes.

6 Q Okay. So the fact that he wasn't proclaiming his
7 innocence, publicly proclaiming his innocence,
8 that wouldn't have a similar effect on you?

9 A I didn't know about it until that time.

11:46 10 Q Okay. Mr. Huff, we know from the records, and
11 this is a document ID and I'll just refer to it,
12 to the record, if we can bring it up. I'm sorry,
13 I didn't give it to the ladies, but it's document
14 010697. Actually, I think it may have been
11:47 15 referred to by Mr. Hodson. That's the psychiatric
16 report that was done up on Larry Fisher. There it
17 is. Do you have any recollection of that report
18 being prepared?

19 A No, I don't.

11:47 20 Q Do you have any recollection as to why it was
21 requested?

22 A It could have been by the court.

23 Q Okay. But you don't know why that was done?

24 A No.

11:47 25 Q Okay. I think if we scroll to the last page of



1 that document, 699 --

2 COMMISSIONER MacCALLUM: What's the date of
3 that, October --

4 BY MR. FOX:

11:47 5 Q That's October 20th, 1970. Again, it's -- that
6 would have been at the same time the letter was
7 penned saying that he had, was denying
8 involvement, but right here there's a reference:

9 "I've arranged for a psychometric
11:47 10 examination..."

11 I'm not sure what a psychometric examination is,
12 "... which will be carried out on
13 Tuesday, October 27 at 1:30 p.m. by
14 Dr. Ivan Bilash."

11:48 15 Do you have any recollection of that?

16 A None whatsoever, Mr. Huff.

17 Q And do you know if that was ever done?

18 A No idea.

19 Q Or why that was even being contemplated?

11:48 20 A No. Where it says I gave the escorting officer a
21 card, that would have been one of the guards from
22 the penitentiary.

23 Q Okay. Mr. Commissioner, I'm just quickly looking
24 at my notes. One of the problems of going first.
11:48 25 And I take it, Mr. Huff, from what you've said,



1 obviously there would have been some communication
2 between Fort Garry or Winnipeg and Saskatoon about
3 the Saskatoon offences; in other words, there was
4 an inquiry made by Fort Garry to Saskatoon, do you
11:49 5 know anything about this fellow, does he have any
6 local record?

7 A Right, because he came from Saskatoon.

8 Q Because he came from Saskatoon. And it appears as
9 though they came back and said, well, they don't
11:49 10 have anything on this fellow, but we do have some
11 unsolved offences here?

12 A Yes.

13 Q Okay. Do you have any recollection, personal
14 recollection of sort of the nature of the
11:49 15 communication that was going on?

16 A No, I don't.

17 Q There's a reference, and this is the article, if
18 we can just bring it up perhaps, document 279751,
19 I think it's in this section here, if we could
11:50 20 just highlight that. This reference here, that
21 paragraph there, this is just the article, and I
22 think you've clarified that where they say you had
23 suspicions for almost 30 years, that's not
24 correct, you had known of Larry Fisher for almost
11:51 25 30 years?



1 A That's correct.

2 Q But the connection with the Gail Miller file only
3 came up in 1990?

4 A That's correct.

11:51 5 Q In this paragraph here that I've highlighted:

6 "Huff said the attacks Fisher told him
7 about occurred around the same time as
8 Miller's death and in the same part of
9 Saskatoon."

11:51 10 That's obviously information you gathered much
11 later?

12 A Yeah, just from reading the paper or whatever.

13 Q And then it says:

14 "Fisher did not refer to Miller by
11:51 15 name."

16 A I don't know where that came from.

17 Q Yeah, that sort of leaves the impression that he
18 was telling you about murdering somebody in
19 Saskatoon --

11:51 20 A Yeah.

21 Q -- but didn't give the name?

22 A And that's not -- I don't know where that came
23 from.

24 Q And I take it what you are saying is when you
11:51 25 spoke with Larry Fisher in 1970, he didn't give



1 you any indication in terms of factual reference
2 or otherwise that he had been involved in the
3 death of Gail Miller?

4 A None whatsoever.

11:51 5 COMMISSIONER MacCALLUM: Who was the author
6 of that article again, please?

7 MR. FOX: I think that's the 1997 article.

8 MR. HODSON: Doug Nairne.

9 COMMISSIONER MacCALLUM: Doug Nairne. From
11:52 10 what paper?

11 MR. HODSON: *Winnipeg Free Press*.

12 COMMISSIONER MacCALLUM: *Winnipeg Free*
13 *Press*, thank you.

14 MR. FOX: Those are all the questions I
11:52 15 have, Mr. Huff. Thanks a lot.

16 A Thank you.

17 **BY MR. ELSON:**

18 Q Mr. Commissioner, I'll be very brief.

19 Mr. Huff, my name is Richard
11:52 20 Elson and I represent the chief of police and the
21 Saskatoon Police Service. Strangely enough, we
22 may have met before, in October of 1970, I was 16
23 years of age in high school in Winnipeg and I
24 worked part time at the Ramada Inn restaurant.

11:52 25 A As a bus boy.



1 Q As a bus boy.

2 COMMISSIONER MacCALLUM: Did you get a tip?

3 BY MR. ELSON:

4 Q I got a better job I think since then. Mr. Huff,
11:52 5 the questions I wanted to ask you primarily
6 pertain to your training and your experience. I
7 notice that in answering the Commission Counsel's
8 questions you talk about the fact that you have
9 experience in polygraph and that certainly in
11:52 10 private practice you had been providing polygraph
11 testing to private legal counsel, presumably
12 defence counsel; is that correct?

13 A That's correct.

14 Q When did you take your training?

11:53 15 A I graduated in 1981 from the Canadian Police
16 College.

17 Q So in 1970 when you were involved in Mr. Fisher's
18 case, you would not have received any training
19 specifically in polygraph at that time?

11:53 20 A No, sir.

21 Q In the City of Winnipeg, to your knowledge, were
22 there any officers specifically trained in
23 polygraph testing at that time?

24 A I'm not sure if Chuck Coppang with the RCMP was
11:53 25 involved then or if it came later.



1 Q And Chuck Coppang would have been with the --

2 A RCMP.

3 Q Winnipeg detachment of the RCMP?

4 A Yes.

11:53 5 Q Would you agree with me that in 1969 and in 1970
6 polygraphy was very new just generally, not just
7 to police services, it was new generally?

8 A Yes.

9 Q And there was very little experience and very
11:53 10 little understanding among a number of police
11 officers with respect to how effective or useful
12 polygraphy would be in 1969 and 1970?

13 A Yes.

14 Q And do you recall, as a detective in either 1969
11:54 15 or 1970, making a request of either the RCMP or of
16 any other police service to use the facilities of
17 a polygrapher?

18 A I don't recall. I know we did ask Coppang to do a
19 polygraph on somebody and he refused to take it.

11:54 20 Q But --

21 A But I don't believe it was in this particular
22 case.

23 Q I appreciate that. Might that have been sometime
24 after 1970?

11:54 25 A It could have been.



1 Q Did you, in the early -- pardon me, in the late
2 1960s, early 1970s, were you aware of a
3 polygrapher with the Calgary Police Service by the
4 name of Art Butch Roberts?

11:54 5 A No.

6 Q Have you since become aware?

7 A Just from what I've been told.

8 Q Just from this particular case?

9 A Yes.

11:55 10 Q Now, as a detective in 1969 and in 1970, what
11 specific training would you have received prior to
12 that date with respect to the interrogation of
13 suspects and the interrogation of witnesses who
14 were not suspects?

11:55 15 A We had to take a course with the Winnipeg City
16 Police. It consisted of -- I believe it was six
17 or eight weeks, we would go to school from 8:30 to
18 4:30 and then I would work from eight at night
19 until four in the morning and this went on for
11:55 20 some time until you graduated from the school or
21 you failed the school.

22 Q All right. And so was this a program that was
23 specifically designed for detectives as opposed to
24 patrol officers?

11:55 25 A No, sir, this was designed for mainly rookies.



1 Q So this was part of your training at that time?

2 A Yes, it was.

3 Q Do you know whether or not that was peculiar to
4 Winnipeg or whether or not that was the general
11:56 5 program that would have existed in Western Canada
6 at that time?

7 A I have no idea.

8 Q All right. There was no police college training
9 at that time was there?

11:56 10 A No, just by the Winnipeg Police Service.

11 Q Was there any literature, any publications that
12 you were aware of at that time that dealt
13 specifically with the interrogation of suspects
14 and/or the interrogation of witnesses who were not
11:56 15 suspects?

16 A Not that I'm aware of. I don't know.

17 Q Since that time have you become aware of
18 publications that would have existed at or around
19 that time?

11:56 20 A No.

21 Q And let me be more specific. Are you aware of any
22 publications from the United States that dealt
23 specifically with the interrogation of suspects
24 and witnesses, both pre Miranda and post Miranda?
11:56 25 Do you understand what I'm referring to?



1 A I understand what you are referring to, but no, I
2 don't recall. The only time I ever saw any was
3 when I was on the polygraph course in Ottawa.

4 Q And that would have been in 1981?

11:57 5 A Yes.

6 Q And specifically have you received any training or
7 instruction or any knowledge with respect to what
8 is described as the Reid technique of
9 interrogating witnesses?

11:57 10 A We did take a portion of it, yes.

11 COMMISSIONER MacCALLUM: R-E-A-D?

12 BY MR. ELSON:

13 Q R-E-I-D. And that's named after, I believe, a
14 John E. Reid from the United States, and you are
11:57 15 now familiar with the Reid technique?

16 A I don't recall it too much. We mainly went with
17 the technique from a Ray Renaud from the RCMP.
18 You have to understand we had some people coming
19 in instructing us on various things that were, for
11:57 20 want of a better word, burned-out police officers
21 or burned-out lecturers that were way behind the
22 times, as it were, and so I don't recall too much
23 of the Reid technique because it has been a while
24 as well, but I do recall getting interrogation by
11:58 25 Ray Renaud and there was a couple of others that



1 came in.

2 **Q** Would there have been any publications or any
3 literature that would have been made available to
4 you when you were taking your courses on the
11:58 5 interrogation of suspects and witnesses?

6 **A** Yes.

7 **Q** Do you know whether or not these would have been
8 publications from Canada or from the United
9 States?

11:58 10 **A** They could have been a bit of both, but it may not
11 have been a publication in the true sense, it
12 would have been documentation that somebody
13 themselves wrote for the course and gave it to us.

14 **Q** So a manual specifically for the course?

11:58 15 **A** Yes.

16 **Q** Not necessarily a book that one could get from the
17 library?

18 **A** No.

19 MR. ELSON: Thank you. I have no further
11:58 20 questions.

21 MR. HODSON: Do you want to break?

22 COMMISSIONER MacCALLUM: Yes.

23 MR. HODSON: There's a couple more, so --

24 COMMISSIONER MacCALLUM: We'll have time?

11:58 25 MR. HODSON: Oh, yeah.



1 COMMISSIONER MacCALLUM: 1:30.

2 (*Adjourned at 11:58 a.m.*)

3 (*Reconvened at 1:31 p.m.*)

4 **BY MR. GIBSON:**

01:33 5 **Q** Mr. Huff, we met in the foyer, my name is Bruce
6 Gibson, I represent the RCMP.

7 I'm just going to touch on one
8 point that was raised with Mr. Hodson and deals
9 with your contact with the RCMP and some follow-up
01:33 10 you might have done. Correct me if I don't
11 paraphrase your evidence correctly, I'm going to
12 do my best just to speed the process up a bit.

13 My understanding is you were
14 looking through some newspaper articles, and again
01:33 15 Mr. Hodson showed you some of those articles from
16 about May of 1990, and you saw some articles
17 referencing a possible connection between some
18 rapes that occurred in Saskatoon and the Miller
19 murder; is that fair to say?

01:33 20 **A** Yes.

21 **Q** And you took it upon yourself to contact David
22 Milgaard at that point in time?

23 **A** Yes, I did.

24 **Q** And one of the documents Mr. Hodson put to you was
01:33 25 a comment where Mr. Asper said that you may wish



1 to contact Rick Pearson with the RCMP and offer
2 that information that you may have on the case.
3 And if I recall correctly you indicated that you
4 don't know if you directly contacted the RCMP --
01:33 5 or sorry -- Rick Pearson, but you did contact the
6 RCMP and passed on your thoughts anyways?

7 A Yes. Whatever I did, I wrote a report to
8 Mr. Asper, and I don't recall what the report
9 said, sir.

01:33 10 Q Okay. And, again, were you aware at that time
11 whether the RCMP were already investigating Larry
12 Fisher or not?

13 A No, I was not.

14 Q Okay. Just for the record, if we could just call
01:33 15 up 067331, and it's a letter -- and I don't
16 believe that you have seen this, Mr. Huff, and I
17 just want to put a bit of information to you --
18 there's not a specific date on it but it says
19 March of 1990 in the top-hand corner. And if we
01:33 20 could just call out that part on the side there,
21 please, and it says:

22 "On February 28, 1990, the Department
23 learned that one Sidney Wilson, address
24 unknown, told Milgaard's counsel that
01:33 25 Larry Fisher was Gail Miller's killer."



1 And, again, that's in March of 1990. So do you
2 recall, when you contacted the RCMP about that,
3 whether they were already aware, or did you have
4 a discussion about whether they were already
01:34 5 aware about contact and an investigation of Larry
6 Fisher?

7 A No, sir, I'm afraid not.

8 One thing I recall that I saw in
9 Mr. Hodson's notes was a bill that I had sent to
01:34 10 Mr. Asper for phone calls and whatnot, so whenever
11 that was, so I don't know.

12 Q Okay. And that was paid I hope?

13 A Yes, it was.

14 Q I just wanted to bring that one point to your
01:34 15 attention. Thank you. Those are all my
16 questions.

17 BY MR. WOLCH:

18 Q Mr. Huff, I'm Hersh Wolch, I'm David Milgaard's
19 counsel, and we've obviously known each other a
01:34 20 long time.

21 A Yes sir.

22 Q And we usually pay our bills.

23 A Yes, you do, yes.

24 Q I take it, from your evidence, that a police
01:35 25 officer's experience with a serial rapist is a



1 very rare thing?

2 A Yes.

3 Q Fortunately, there aren't too many of them around,
4 and it's not every day you get a chance to
01:35 5 question one or arrest one or be involved in the
6 conviction of one?

7 A That's correct, sir.

8 Q And it's the kind of thing that would stand out in
9 your memory?

01:35 10 A Yes, it does.

11 Q And, in fact, in this case you not only remember
12 it, you recall Mr. Fisher's demeanour generally,
13 you recall his stare or his look, you even recall
14 having dinner with an outside police force?

01:35 15 A Yes sir.

16 Q And these are all events occurring in your own
17 city?

18 A Yes sir.

19 Q It's not like you went to another city and were
01:35 20 doing something particularly unusual in that, but
21 this is in your own city, you remember all these
22 details?

23 A Yes sir.

24 Q And would it be fair to say that, in all
01:36 25 likelihood, the information that you and your



1 fellow officers had gathered would have been
2 shared with the investigators from Saskatoon?

3 A I'm sure it would have, yes.

4 Q For example the fact that there were instances,
01:36 5 and I may stand corrected but I think there were
6 about five, where Mr. Fisher had sort of grabbed
7 at women and ran away?

8 A Yes.

9 Q Correct?

01:36 10 A Yes, I believe that was shared. I'm not positive.

11 Q Right. And the reason being that there may have
12 been women grabbed in Saskatoon by Fisher where he
13 ran away?

14 A Yes sir.

01:37 15 Q And the attitude of the Saskatoon Police has been
16 canvassed both in newspaper articles and by
17 counsel here, but would it be fair to say that you
18 might have expected them to be a little more
19 excited about what was being accomplished?

01:37 20 A I don't know if 'excitement' would be the right
21 word, it's 'so you've got a couple of rapes' type
22 thing, 'let's do it', you know. I don't know if
23 they would be overly excited.

24 Q Well they, you understood they were solving a
01:37 25 number --



1 A Yes, they were solving a couple at least.

2 Q -- of very serious crimes?

3 A Yes.

4 Q You have indicated how seriously you viewed them,
01:37 5 and you can be assured the ones in Saskatoon were
6 on par, but we're talking about very, very serious
7 crime being resolved?

8 A Yes.

9 Q And you might have expected a little more
01:37 10 enthusiasm, perhaps a little more gratitude for
11 what you folks had done in leading them to the
12 perpetrator?

13 A Perhaps.

14 Q They appeared a little more casual than you would
01:38 15 have expected?

16 A Yes I did.

17 Q Now I'm a little troubled by something you said,
18 and I'm sure you haven't given it all that much
19 deep thought as it was posed to you, and I want to
01:38 20 canvass it with you. You were talking, when you
21 were asked questions about 'well the crime is
22 solved, somebody has been convicted', now would it
23 be fair to say that if you were an investigator on
24 a case and somebody was convicted and you knew all
01:38 25 the facts and then, for example, somebody said



1 'well here, we have somebody else's DNA that
2 matches a perpetrator and not the fellow you --
3 that's convicted', you wouldn't just close your
4 eyes to that; would you?

01:38 5 A No.

6 Q So if something comes along that casts some
7 question about a conviction, as the investigator
8 you wouldn't walk away and say 'no, the Court has
9 settled it', would you?

01:39 10 A It's hard to say, sir. I don't know what the
11 evidence was.

12 Q Well what I am saying is you would look at the
13 evidence and see what it is?

14 A Well we have in the past, on some other cases
01:39 15 where there's -- there's been a conviction and it
16 hadn't -- then it was later overturned, so it's a
17 good idea to look at them.

18 Q Well Winnipeg has had more than its share?

19 A We bet we have, yeah.

01:39 20 Q You've had, well, Sophonow is one?

21 A And Driscoll.

22 Q And Driscoll, and Unger will soon be one, and
23 there's probably a few more. But there are these
24 problems, --

01:39 25 A Uh-huh.



1 Q -- and I take it you would agree with me, as an
2 investigator, you can't say 'it's closed, I won't
3 open my eyes to something'?

4 A No, no, I don't think you can ever do that.

01:39 5 Q It's a matter of degree, I mean as to what you are
6 seeing and whatever it is, but you have to look at
7 it; would you not agree?

8 A I would agree.

9 Q And I think you quite correctly said that whether
01:40 10 somebody testified at their trial would not be a
11 factor to be considered, like, and I'm going to
12 suggest to you that by equal token one can say
13 'well this person testified at his trial and was
14 not believed'?

01:40 15 A That's correct, yes.

16 Q So, either way, we don't look at it, we don't look
17 at it if he didn't testify, we don't look at it if he
18 did testify and wasn't believed, and I don't know
19 what the third alternative is; right?

01:40 20 A Exactly, sir.

21 Q And what you say is 'don't look at that, look at
22 what the evidence is, look at the case'; right?

23 A Right.

24 Q Sure.

01:40 25 A As I also said, most accused, on the advice of



1 their counsel, will not take the stand, which is
2 fine.

3 Q Sure. The last area I want to briefly canvass
4 with you, and not in very much detail, is
01:41 5 polygraph. And I know of your services, I've
6 relied on you many times myself for your
7 assistance, but I don't think I've ever asked you
8 these kind of questions.

9 When you are doing a polygraph,
01:41 10 and let me be more specific in terms of the case
11 we're involved with here, would you want to put
12 the person who is being tested into some sort of
13 emotional state?

14 A No.

01:41 15 Q And why not?

16 A Well, because then they will react on the
17 polygraph, if you get them too upset.

18 Q Well would I be right that, when you are giving a
19 polygraph, you have a position from the person you
01:42 20 are testing that is probably given to you on paper
21 and repeated by the person that you are examining?

22 A Yes.

23 Q You know what I mean, it's not like you are coming
24 there as an interrogator to get a story, you are
01:42 25 there to test a particular position advanced by



1 the person?

2 A Yes.

3 Q And the emotional state, I take it, is very
4 important in terms of understanding the reaction
01:42 5 to certain questions.

6 A Yes.

7 Q And I take it that in your view, and you are a
8 professional in the area, that -- perhaps I will
9 maybe phrase that, I don't want to put words in
01:42 10 your mouth.

11 What would be the effect in your
12 view, when you answered it earlier, of putting
13 some shocking material that would obviously stress
14 the person?

15 A Okay.

16 Q I'm talking autopsy pictures or something not
17 within the scope of their normal knowledge, that
18 would affect them, what would be the effect for a
19 polygraph?

01:43 20 A You would probably either get a false positive, a
21 false negative, or you may get an inconclusive,
22 but under no circumstances would I ever show
23 autopsy pictures to someone taking a polygraph.

24 Q There is no purpose, it's counterproductive, is
01:43 25 what you are saying?



1 A Yes, it is, yes.

2 Q Not only doesn't it help, it hurts?

3 A Yes.

4 Q Thank you, sir. Those are my questions.

01:43 5 A Thank you.

6 Q And may I, before I finish, simply, on behalf of
7 the Milgaards, thank you very much for all the
8 help you've been.

9 A Thank you.

01:43 10 **BY MR. O'KEEFE:**

11 Q Good afternoon, Mr. Huff. My name is Eamon
12 O'Keefe and I represent Larry Fisher.

13 A Uh-huh.

14 Q I have questions on just a couple of areas for you
01:44 15 this afternoon and I'll try to be brief.

16 The first area I want to ask you
17 about is your recollections or the impression that
18 you had of Larry Fisher at the time you dealt with
19 him back in 1970. If we could bring up number
01:44 20 279751, please, and this is the *Winnipeg Free*
21 *Press* article from July 24th, 1997 that discusses,
22 or it quotes you in relation to your dealings with
23 Larry Fisher. If I could just call out this area
24 down here, please, thank you. You are quoted in
01:44 25 the article as saying:



1 "'I don't remember the name of every guy
2 I arrested, but I sure remember Larry
3 Fisher.'"

4 "'He was one cool sucker.'"

5 A Uh-huh.

6 Q Do you remember using those words?

7 A I don't know if I used those words or if I would
8 have said he was one cold individual.

9 Q Okay. And the reason I am asking about that is
01:45 10 when you testified earlier today it sounded like
11 -- and correct me if I'm wrong -- it sounded like
12 your impression of Mr. Fisher, back at the time
13 you dealt with him, specifically in September of
14 1970, September 19th, 1970, was a little bit
01:45 15 softer than what you expressed --

16 A Yes it was.

17 Q -- to the *Winnipeg Free Press*?

18 A Yes it was.

19 Q And you talked about how Mr. Fisher, at one point,
01:45 20 cried during the interview?

21 A Yes.

22 Q And that was after you brought up the issue of his
23 daughter. And if we could bring up number 093348,
24 thank you, and just call out that portion down
01:45 25 there. This is your report, sir, if we could go



1 up to the top just to get the date, please. It
2 refers to the date of September 19th, Saturday,
3 September 19th you will see there?

4 A Yes sir.

01:46 5 Q Okay. At 6:00 p.m. If we go back down to the
6 bottom, please, and that's your signature down at
7 the bottom?

8 A Yes it is.

9 Q Okay. You mention in the report the accused
01:46 10 showed considerable remorse at this time for his
11 actions. I take it that was your impression at
12 that time?

13 A Yes, it was.

14 Q That that was genuine remorse that was being
01:46 15 shown?

16 A Yes. As I indicated, he said, "I'll plead guilty
17 right now, I'm sorry for what happened last
18 night," and then as we went on towards the second
19 one, he did have a tear or so in his eye when we
01:46 20 mentioned his daughter and carried on, so yeah, I
21 thought at the time he was remorse, but I don't
22 know if he was remorse because of what happened or
23 because he got caught.

24 Q Right, and that's what I was going to ask you
01:46 25 about. I don't want to put words in your mouth,



1 but at the time that you dealt with Mr. Fisher
2 back in 1970, you didn't at that time consider him
3 to be a cold blooded, or a cold individual; would
4 that be fair?

01:46 5 A I did to some extent, yeah, it was his eyes again
6 that was throwing me off, he was very -- he just
7 stared, he didn't show much emotion except for
8 this one incident, and then after we talked to him
9 about the second one, it was just an opinion that
01:47 10 I formed, that wow, I mean, four rapes.

11 Q Right.

12 A Fair amount.

13 Q Was that opinion based more or less on the
14 offences for which you were questioning him?

01:47 15 A Probably, yes.

16 Q Was it more the type of offence that you were
17 questioning him about rather than his appearance
18 or his demeanour that led to that conclusion would
19 you say?

01:47 20 A It was probably the savagery of the offence.

21 Q And you've had occasion, I take it, throughout the
22 course of your career as a police officer, to deal
23 with people charged with serious offences?

24 A Yes, sir.

01:47 25 Q And you've questioned those people about the



1 offences?

2 A Yes, sir.

3 Q And you've obtained, I take it, confessions from
4 people about offences that they've committed?

01:47 5 A Yes.

6 Q Sir, it wouldn't be unusual, from the people you
7 questioned, for the suspect to initially deny
8 involvement with an offence?

9 A Not at all.

01:47 10 Q And subsequently to come around to admitting his
11 involvement?

12 A Yes.

13 Q Would you agree with me that in your dealings with
14 Mr. Fisher, that it was easier to move from that
01:48 15 initial denial to an admission of involvement than
16 it is, or than it was with other people who had
17 committed similar offences?

18 A Probably in as much as Mr. Fisher was caught
19 running from the scene, so yes, it was probably
01:48 20 easier in that sense, where he knew that, you
21 know, you've got me on this one, so --

22 Q Right. He was caught running from the scene of
23 the (V8)--- offence?

24 A I believe that was the one, yes.

01:48 25 Q You raised in your interview with Mr. Fisher on



1 September 19th of 1970 the (V7) (V7)--- offence?

2 A Yes.

3 Q And he initially denied involvement in that
4 offence?

01:48 5 A Yes, he did.

6 Q That interview that you had with Mr. Fisher you
7 say lasted about an hour?

8 A Yes, about an hour I think.

9 Q Do you have any sense any more today of how long
01:48 10 it was from his initial denial of involvement with
11 (V7) (V7)--- until he broke down and said, "Yes, I
12 did that"?

13 A It wasn't very long at all.

14 Q It wasn't difficult either, would you agree, after
01:49 15 Mr. Fisher initially denied that he had been
16 responsible for the (V7) (V7)--- rape --

17 A No.

18 Q -- to get him to admit that he was involved?

19 A No, it wasn't really.

01:49 20 Q As regards his involvement with the Saskatoon
21 offences that he eventually admitted to you,
22 again, it wasn't difficult to get him to admit
23 those offences?

24 A No, he called us as I recall and said he wanted to
01:49 25 tell us about it.



1 Q The impression that you had of Mr. Fisher as being
2 either cold blooded or having no emotion in his
3 eyes at least, would you agree with me that the
4 first indication that you ever gave anyone of
01:49 5 having that impression of him would have been many
6 years later, many years after your dealings with
7 him?

8 A Probably, although we probably talked about it
9 amongst ourselves, you know. Gilbert and I, for
01:49 10 example, were the best of friends, so we probably
11 talked about it.

12 Q Could your impression of Mr. Fisher's demeanour
13 have been influenced by what you subsequently
14 found out, that Mr. Fisher was likely responsible
01:50 15 for a murder in Saskatoon?

16 A Yes.

17 Q I want to ask you as well about your dealings with
18 Brett Morgan. If we could call up, please,
19 document number 012258. Thank you. And if we
01:50 20 could go to page 280, and you were asked earlier
21 about this, your interview of Mr. Morgan, and this
22 would be the typed transcript I take it of the
23 interview that you had?

24 A Yes, it is.

01:50 25 Q You were asked as well this morning about your



1 impression of Mr. Morgan's credibility?

2 A Uh-huh.

3 Q And as I recall, one of the things that you said
4 was he never asked for any advantage or favour?

01:50 5 A No promise or favour or anything held out to him.
6 He didn't ask for anything.

7 Q Which was unusual for somebody in Mr. Morgan's
8 position?

9 A Usually it is, sir, because they want something in
01:51 10 return for what they are going to tell you, but he
11 didn't.

12 Q At the time that you spoke with Mr. Morgan, I take
13 it that you would have been aware of some of the
14 details of Gail Miller's murder?

01:51 15 A Just what I read.

16 Q You would have been aware that it took place in
17 January of 1969 I take it?

18 A Probably, yes.

19 Q Okay. When Mr. Morgan said to you that he had
01:51 20 received what was more or less a confession from
21 Mr. Fisher that he had killed someone in Saskatoon
22 but had in essence tried to cover that up by
23 admitting to other offences in a different
24 location, was it your impression that he was
01:51 25 saying Fisher was creating an alibi for himself by



1 doing that?

2 A Yes.

3 Q You would have been aware at the time that Mr.
4 Morgan advised you of this, though, that the
01:51 5 offences that Mr. Fisher admitted to in Winnipeg
6 were a year and a half after the murder of Gail
7 Miller?

8 A I wasn't sure how long it was after because I'm
9 not sure even at that time I was aware of the time
01:52 10 frame between the murder and the other rapes.

11 Q Were you aware at the time that you dealt with Mr.
12 Morgan that the admission to the offences in
13 Winnipeg would not have provided him an alibi for
14 the murder?

01:52 15 A No, I didn't know that. Again, as I say, I don't
16 know what the dates were and we're talking 35
17 years ago here, so I'm not really sure just what
18 the dates were, so I couldn't honestly say that.

19 Q Okay. What Mr. Morgan was conveying to you, as
01:52 20 you understood it, was a confession from Mr.
21 Fisher that he had tried to throw police off his
22 trail in investigating the murder by admitting to
23 other offences; is that correct?

24 A Yes.

01:52 25 Q Were you aware at the time that Mr. Morgan told



1 you this that when Mr. Fisher admitted to the
2 offences in Winnipeg, there was somebody already
3 convicted and in jail for the murder of Gail
4 Miller?

01:53 5 A I don't know if he told me that. We're talking
6 now about -- what's his name -- Morgan?

7 Q Morgan, yes.

8 A I don't recall that.

9 Q Would that have impacted your assessment of Mr.
01:53 10 Morgan's credibility, if you had been aware of
11 those details at the time?

12 A I'm not sure.

13 Q And I would just like to come back to your
14 dealings with Mr. Fisher again if I could. Did
01:53 15 you make any observation or was any impression
16 left with you in your dealings with Mr. Fisher
17 back in 1970 regarding his level of intelligence?

18 A I thought he was reasonably intelligent.

19 Q Were you aware at the time that you dealt with him
01:53 20 in 1970 of his educational background?

21 A We may have been. I'm not sure. That's usually
22 something that we would get.

23 Q Did he strike you as a sophisticated or --

24 A No.

01:54 25 Q -- unsophisticated person?



1 A No.

2 Q Not a sophisticated person?

3 A He struck me as a hard working labourer type
4 thing.

01:54 5 Q What about his mental state at the time you dealt
6 with him?

7 A I couldn't say what his mental state was like.

8 Q Did he appear to be distressed to you?

9 A To some extent, but that was during his statement.
01:54 10 After that his demeanour was straight, there was
11 nothing.

12 Q Was there any change in his mental state
13 throughout the time that you dealt with him in
14 1970?

01:54 15 A I can't tell what his mental state was.

16 Q Nothing that you remarked in any event?

17 A No.

18 MR. O'KEEFE: All right, thank you.

19 MR. HODSON: I think that is all. Thank
01:54 20 you very much, Mr. Huff.

21 A Thank you.

22 COMMISSIONER MacCALLUM: Thank you,
23 Mr. Huff, for coming.

24 MR. HODSON: The next witness is Floyd
01:54 25 Burron.



FLOYD BURRON, sworn:

BY MR. HODSON:

Q Good afternoon Mr. Burron. Thank you for agreeing
to testify before the Commission. I understand
you are a resident of Saskatoon; is that correct?

A That's correct.

Q And your current age?

A 76.

Q And I understand that you were formerly the clerk
of the court for the City of Saskatoon and a
justice of the peace from 1953 to 1981; is that
correct?

A That's correct.

Q And that -- would that have been a clerk of the
Magistrates' Court or the Provincial Court?

A It would be the Magistrates' Court. I think it
was called the Provincial Court at that time
though.

Q Magistrates'?

A Yes.

Q Where preliminary hearings were dealt with --

A Right.

Q -- and other offences. And you would have been an
employee of the city; is that correct?

A Yes, I was.



1 Q And I want to question you this afternoon about
2 some of the practices regarding laying of
3 informations and how files were created in the
4 1969 and 1970 time period and I think we'll see in
01:56 5 a moment that you may have been the justice of the
6 peace who swore the -- or received the information
7 with respect to Mr. Milgaard; is that correct?

8 A Yes, that could be.

9 Q And I'll show you those documents in a moment then
01:56 10 as well. I think the charges that were laid
11 against Larry Fisher on December 30th, 1970 I
12 believe were sworn by a fellow by the name of
13 Mr. Taylor who was your assistant at the time; is
14 that right?

01:57 15 A That's correct.

16 Q So if we could just, if you could help us
17 understand, what was the physical layout, and
18 let's talk 1969, 1970, tell us sort of where you
19 were situated and what, where people were in
01:57 20 Magistrates' Court at that time?

21 A Well, the court clerk's office was located in the
22 police station right next to the chief's office
23 and the deputy chief's office and some of the
24 police stenographers and the courthouse, or the
01:57 25 courtroom was on the second floor of the same



1 building.

2 Q When you say the courthouse, that was the
3 Magistrates' Court?

4 A Yes, the police station.

01:57 5 Q And was there more than one courthouse (sic) in
6 the building at that time?

7 A No, just the one.

8 Q And we've heard some evidence, was there also on
9 occasion where the Magistrates' Court would sit at
01:58 10 the Queen's Bench building as well do you recall?

11 A Not at that time.

12 Q At a later time?

13 A Could be at a later time.

14 Q Okay. And so in the police station then was
01:58 15 Magistrates' Court, and would that be where first
16 appearances and appearances would occur?

17 A Yes, it would be. The cells were also in that
18 building.

19 Q And so first appearances and initial appearances
01:58 20 would take place there?

21 A Yes, they would.

22 Q And would there be trials at that courtroom as
23 well?

24 A Yes.

01:58 25 Q Preliminary hearings?



1 A Yes.

2 Q And then trials that took place before a Queen's
3 Bench judge or Queen's Bench judge and jury, would
4 those take place elsewhere?

01:58 5 A Yes, they would be -- they would take place
6 elsewhere.

7 Q And can you tell us, what was your, what were your
8 responsibilities as court clerk?

9 A Well, I had custody of all the court files. We
01:59 10 had kind of an unusual way of doing things, but at
11 any rate, in our office I would make up the
12 charges in the morning, usually in the morning
13 from the occurrences that happened that evening,
14 or the previous evening, and the court officer
01:59 15 would then swear to those charges, he would get
16 the -- he would get the occurrences, the police
17 occurrences and somebody would take the court
18 papers up to the courtroom.

19 Q Okay. Let's just pause there for a moment, if I
01:59 20 can just back up. As court clerk, would you be
21 responsible for all of the information, like, the
22 court files, the informations for all the
23 outstanding charges; is that fair?

24 A Yes.

01:59 25 Q And so, for example, let's take in 1969 there



1 might be a thousand outstanding informations or
2 charges, you would be the person responsible for
3 organizing the court files; is that correct?

4 A Yes.

02:00 5 Q And each charge or each information would be its
6 own separate file, if I can call it that; is that
7 fair?

8 A Yes.

9 Q And so you would have the original information or
02:00 10 your office would; is that fair?

11 A Yes. I would have custody of all the
12 informations.

13 Q And then when a person appeared in court on that
14 charge, would you usually be present in court or
02:00 15 one of your staff then?

16 A Just the court reporters would be present.

17 Q And would your office then arrange to have the
18 court, the information present in the courtroom?
19 Let's take a charge against Mr. X who is before
02:00 20 the court on a given day, would you be responsible
21 to get the information to the courtroom so it
22 could be there before the magistrate when the
23 charge is being dealt with?

24 A One way or another I would do that.

02:00 25 Q And then as far as endorsements, and I think we've



1 seen that before on the information, if there was
2 an adjournment or if the accused was remanded,
3 etcetera, that would be written on the information
4 would it?

02:01 5 A Yes, it would.

6 Q And that would be by who, who would do that?

7 A The court reporter.

8 Q And then once the information was done, would it
9 go back into your department's control; is that
02:01 10 fair?

11 A Yes, it would.

12 Q So then let's go ahead, you talked about in the
13 morning picking up charges. Would you be the --
14 would the Saskatoon City Police then get in touch
02:01 15 with you when they want a charge laid; is that
16 what you are saying?

17 A Well, in the morning, when I got there in the
18 morning at seven o'clock, or 7:30, whatever the
19 time was, I would go directly into the deputy
02:01 20 chief's office or the superintendent's office or
21 whoever was on duty that morning and they would
22 already have a stack of files and they would give
23 these files to me and I would take them to my
24 office and draw up the charges.

02:02 25 Q So there would be a set of files, that the



1 practice was that you would then draw up charges?

2 A Yes.

3 Q That was the understanding?

4 A Yes.

02:02 5 Q And what was it that the police would give you,
6 just again generally, when you said police files,
7 what would that be?

8 A That would be the police occurrence.

9 Q And what else would generally be in those files?

02:02 10 A Well, there may be -- there may be three or four
11 pages attached to the files, but it would
12 basically just be the occurrence. There would be
13 no evidence or anything like that attached to that
14 file at that time.

02:02 15 Q What about investigation reports?

16 A Not -- it wouldn't be much of an investigation
17 report because this, these -- the things that I
18 got usually happened the evening before, so I
19 don't think they had much time to do any
02:03 20 investigating.

21 Q So we're talking about overnight occurrences?

22 A Yes.

23 Q What about a case where the police had been
24 investigating for some time and they decided they
02:03 25 had enough information to lay a charge, would that



1 also be put in the basket for you to draft a
2 charge?

3 A No. Then usually whoever, whatever officer wanted
4 to lay the charge, if it was a detective or
02:03 5 morality officer or court officer, they would come
6 down to me and say I want to charge this person
7 with whatever.

8 Q Yes.

9 A And I would make up the charge and they would
02:03 10 swear the information and in a case like that
11 quite often you would issue the warrant of arrest
12 at the same time because the accused wasn't in
13 custody.

14 Q So we've got two types of files then, one is the
02:03 15 overnight occurrence, and I think what you are
16 saying is you would have maybe three or four
17 pages, the occurrence, but whatever information
18 the police had; is that what you said?

19 A Yes.

02:04 20 Q And then would they give you instructions saying
21 here's what we want you to charge this person with
22 or how would you know what charge to draft?

23 A Well, they were usually headed up causing a
24 disturbance right off the bat, or vagrancy or
02:04 25 break and enter or rape or whatever, and then the



1 rest of the report would be below that.

2 Q When you would be reviewing these -- let's just
3 talk about the overnight occurrences. Would you
4 be exercising any discretion as to what these
02:04 5 people should be charged with?

6 A Well, I guess it got to the point where they would
7 hand me these files and I would pretty well make
8 up the charges according to the heading on the
9 files. I think if there was something unusual
02:04 10 about it, they would tell me, but usually I did
11 it.

12 Q And at the time I understood that there were forms
13 prepared for how to, the words to put in the
14 informations for various charges; is that right?

02:05 15 A Yes.

16 Q And they would have been in the *Criminal Code*?

17 A Yes, in Snow's *Criminal Code*.

18 Q So you would find out what charge the police
19 wanted and find the appropriate form in the code
02:05 20 and prepare an information?

21 A That's correct.

22 Q And then what would you do with the file, once you
23 had the information drafted, then what would you
24 do with it?

02:05 25 A When I typed out the information, I put an 8 1/2



1 by 11 sheet of plain paper between the original
2 information and the carbon and that carbon copy,
3 which would be a plain piece of paper with the
4 charge and the informant on it, and that would be
02:05 5 attached to the police file and that would be the
6 last time I would see the file.

7 Q And then who would you -- would you go and have
8 someone swear the information?

9 A Yes. Usually the court officer would -- I would
02:06 10 find out who the court officer was and the court
11 officer would swear to all the charges, all the
12 charges that I had made up that morning.

13 Q And the court officer would be a police officer
14 usually; is that right?

02:06 15 A Yes.

16 Q And we're going to be hearing from Elmer Goa. Did
17 you know Elmer Goa as being a court officer back
18 in 1969, 1970?

19 A Yes.

02:06 20 Q And what was your understanding of the role of
21 court officer?

22 A Well, I think his main role was to have custody of
23 the police files and then he went, he was in court
24 I guess to maintain law and order in court.

02:06 25 Q When you say to have the police files, are you



1 talking about the files that you would have
2 received and given to him?

3 A Yes, the occurrences.

4 Q And would those files be given for a prosecutor?

02:07 5 A Yes.

6 Q So let's talk again about the occurrences, the
7 overnight occurrences. You would get the police
8 file, you type up the information with the carbon,
9 you would have the court officer swear the
02:07 10 information; correct?

11 A Correct.

12 Q And I presume you would then take the original
13 information and that would be the court file
14 information; is that right?

02:07 15 A The original information after they were sworn to,
16 they got up to court, but I can't tell you exactly
17 how they got to court. Maybe the court officer
18 took the police files and the informations up
19 there, but it seems to me that quite often the
02:07 20 court reporters would come down and get the --

21 Q But the original information would end up being
22 the court's copy; is that fair?

23 A Right.

24 Q And that would be the information that
02:07 25 endorsements would be written on and would be the



1 official copy?

2 A Correct.

3 Q So once that information was signed, that original
4 page would end up going into your area, is that
02:08 5 fair, to be administered by you and your
6 delegates; is that fair?

7 A You mean after it was sworn?

8 Q Yes.

9 A After it was sworn to it would go up into the
02:08 10 courtroom.

11 Q Yes. And then from time to time thereafter it
12 would go into your filing system and back out into
13 court; is that right?

14 A It would come back to me. Everything came back to
02:08 15 me and I would file it.

16 Q And then I think you said the second, the carbon
17 copy, which would have just the details of the
18 charge on a plain piece of white paper, would be
19 attached to the police file; is that fair?

02:08 20 A That's correct.

21 Q And that would be given to the court officer?

22 A Yes.

23 Q And what did you understand the purpose of that
24 file was?

02:08 25 A That file would be given to the prosecutor.



1 Q Okay. And so that -- in the case of the overnight
2 occurrences then, I think you told us what would
3 be in there would be the occurrence report and
4 maybe a few other pages; is that right?

02:09 5 A Yes.

6 Q Let's talk about a situation where there is, it's
7 not an overnight -- and I think when you say
8 overnight occurrence, is that when there has been
9 an arrest made overnight?

02:09 10 A Yes.

11 Q Let's -- a situation where an officer comes to you
12 with a file that has -- it's not an overnight
13 occurrence, but it has maybe an occurrence report
14 and maybe five or six investigation reports and a
02:09 15 few witness statements, etcetera, and they want a
16 charge laid, would that be the type of thing you
17 would have normally done to create the
18 information, draft up the information?

19 A Yes, I would do that also.

02:09 20 Q And then would you follow the same process with
21 the police file in giving that to the court
22 officer?

23 A Yes.

24 Q And so in that case, you would draft the
02:09 25 information, again attached to the police file,



1 the details and the carbon copy of the charge, and
2 give that to the court officer, whoever would be
3 in court; is that fair?

4 A It wouldn't -- no, it wouldn't necessarily be the
02:10 5 court officer. It could be a detective, it could
6 be anybody that come down with these occurrence,
7 with this occurrence and say I would like a charge
8 laid against whoever and I would do it, and after
9 I did that I would give the file, the police file
02:10 10 back to him and I would have custody of the
11 information.

12 Q Okay.

13 A And quite often I would, at the same time I would
14 issue a warrant, if the person wasn't in custody I
02:10 15 would either issue a warrant or a summons,
16 depending on the --

17 Q And the warrant or summons you would return back
18 to the officer; is that fair?

19 A The warrant or summons, I would have custody of
02:10 20 that until I turned them over to the police for
21 execution.

22 Q Okay. So in that situation, then, as far as
23 executing on the warrant, would that be anything
24 you would be involved in?

02:10 25 A No.



1 Q So in that case you would give the warrant back to
2 the officer and await until they execute the
3 warrant; is that fair?

4 A Well, they would know there is a warrant. I may
02:11 5 have custody of the warrant, but they would know
6 there was a warrant out and when the person was
7 arrested.

8 Q Were there situations where officers or an officer
9 would want a charge or charges to be drafted by
02:11 10 you with a police file where you would give it to
11 the court officer to swear the information rather
12 than the detective or officer that gave it to you?

13 A No, I would usually -- usually a person that
14 brought the file down would swear to the
02:11 15 information also.

16 Q Okay. Now, as far as the records then that you
17 kept, would that have been kept, I presume, in the
18 court clerk's office, copies of these
19 informations?

02:11 20 A Yes.

21 Q And then what would happen to the informations
22 once a charge was completed?

23 A The information then would be filed away into
24 transfer cases and put in the vault.

02:12 25 Q And that would be a Magistrate Court record as



1 opposed to some other record; is that correct?

2 A Yes.

3 Q Now if we could call up 267787, please, and this
4 is the information charging Mr. Milgaard with the
02:12 5 murder of Gail Miller. It's sworn on May 26th,
6 1969, the informant is Leslie Bocking, and is that
7 your signature as the justice of the peace?

8 A Yes, it is.

9 Q Do you have any recollection today of dealing with
02:13 10 this information at that time?

11 A Not very much.

12 Q Okay. Any reason to think that you would have
13 dealt with this information different than all the
14 other informations you would have dealt with at
02:13 15 the time?

16 A No, not really.

17 Q And Leslie Bocking, who was Leslie Bocking?

18 A Leslie Bocking was -- I think he was a staff
19 sergeant or -- what does it say there? Just peace
02:13 20 officer. He may -- I think at one time he might
21 have been court officer, but I think in this
22 instance, I think he must have been a detective or
23 something, or morality officer.

24 Q I believe, and I stand to be corrected on this, I
02:13 25 believe that Mr. Bocking was a court officer at



1 the time.

2 A Okay, he could have been.

3 Q Yeah. And so again, would that be unusual, that a
4 court officer would swear this information as
02:13 5 opposed to a detective who had worked on the case?

6 A No, it wouldn't be unusual, no. Anybody could
7 swear to the information.

8 Q When you say anybody, I take it that anybody who
9 had, could say they had reasonable and probable
02:14 10 grounds?

11 A Oh, yes.

12 Q And would that in your experience be based upon a
13 review of certain file materials, is that how
14 informants generally satisfied themselves that
02:14 15 they could swear an information?

16 A Well, I would think that they would have to have
17 some knowledge of what they were doing.

18 Q If you could just go to the next page, please, and
19 just at the top, I think that's the first
02:14 20 endorsement, it looks to be June 2nd, 1969 for the
21 Crown, Wolff. Did you know a Ben Wolff?

22 A Yes.

23 Q And what was Mr. Wolff's job at the time back in
24 '69, '70?

02:15 25 A He was the city prosecutor.



1 Q And was he the individual who generally appeared
2 on first appearances and on informations sworn?

3 A Yes. He was there every morning.

4 Q And so this is a murder charge, at some point
02:15 5 we'll see in this information a Mr. Caldwell
6 becoming involved, what is your recollection of
7 when Mr. Wolff was the prosecutor and at what
8 point Mr. Caldwell or someone from the Attorney
9 General's Department might be involved?

02:15 10 A I don't know.

11 Q Okay.

12 A I don't know when Mr. Caldwell entered into the
13 picture.

14 Q Would normally then, as far as in Magistrate's
02:16 15 Court, would it usually be Mr. Wolff, then, that
16 would be appearing as the prosecutor, or someone
17 on his staff?

18 A Initially.

19 Q Initially?

02:16 20 A Yes.

21 Q And then, at a later point, it may go to the
22 Attorney General; is that --

23 A Yes, yes.

24 Q And, again, these endorsements that would be put
02:16 25 on the original information that would be kept in



1 your custody, is that correct, or in your
2 department?

3 A Yes, that's correct.

4 Q And if we can go to the next page, please, we'll
02:16 5 see on July 3rd, 1969, I think that's where it
6 appears Mr. Caldwell first appears for the Crown,
7 Mr. Tallis for the accused, and I think this is
8 when the preliminary hearing is set; is that
9 right? I think that's the date, August 18th.

02:17 10 A Yes.

11 Q And then I take it in this case the record shows
12 that Mr. Milgaard was then committed for trial
13 before a Queen's Bench Judge and Jury; would --
14 what would happen to this information then, once
02:17 15 that happened, if it went to Queen's Bench for
16 trial?

17 A Umm, it would get there somehow.

18 Q Okay.

19 A I'm not -- I couldn't tell you exactly --

02:17 20 Q That's fine.

21 A -- how it got there.

22 Q Okay. If we could call up 009291, please. And
23 again you've talked about a warrant, issuing a
24 warrant, and I think this is the warrant to arrest
02:17 25 Mr. Milgaard, and I think that's your signature



1 down there at the bottom; is that right?

2 A Yes it is.

3 Q And I think you told us that, in a case where the

4 -- I mean obviously someone came to you and said

02:18 5 'prepare an information', do you think you drafted

6 the information, not for the warrant, but sorry,

7 for the charge against Mr. Milgaard?

8 A Umm, I probably did, yes.

9 Q Okay. And then, as well, so someone would have

02:18 10 asked you to draft that; --

11 A Yes.

12 Q -- is that fair?

13 A Yes.

14 Q And then someone would have asked you -- when I

02:18 15 say 'someone', it would have been a police

16 officer?

17 A Yes.

18 Q And they would have asked you to issue a warrant

19 as well to arrest him; is that correct?

02:18 20 A Yes. If he wasn't in custody it would either be a

21 warrant or a summons.

22 Q Okay. If we could call up 267794, please. And

23 here, September 11th, this is your letter I think

24 to the Sheriff indicating that Mr. Milgaard was

02:18 25 committed for trial, and would this be the



1 communication from Magistrate's Court to Queen's
2 Bench Court or the District Court at the time?

3 A Yes.

4 Q I would now like to turn to some charges against
02:19 5 Larry Fisher December 30th, 1970, and I just want
6 to call up and show you a couple of these. The
7 first is 047051, and this is an information --
8 maybe we'll just call up this part -- the
9 information of Elmer Goa. And I take it this form
02:19 10 would be familiar to you, if we just scroll up to
11 the top this *Criminal Code* form, this would be the
12 information form that you would use?

13 A Yes.

14 Q And then, if we could scroll down to the bottom,
02:19 15 it's sworn December 30th, 1970 by Elmer Goa and
16 then I believe this signature here; are you able
17 to tell us whose signature that is?

18 A I think that's my assistant's signature,
19 Mr. Taylor.

02:20 20 Q And he was a Justice of the Peace as well?

21 A Yes, he was, yes.

22 Q And he did essentially the same function you did
23 at the time?

24 A Yes, if I wasn't there he'd do it, or --

02:20 25 Q Okay. Now can we take it, if we just go back to



1 this document, based on what you told us would
2 this, the fact that it's got this information
3 form, would this suggest that this is a copy taken
4 from the Court file as opposed to the
02:20 5 prosecutor/police file?

6 A This would be taken from the police file.

7 Q Okay.

8 A That's --

9 Q I'm sorry, I think when you said earlier that when
02:20 10 you drafted -- when you prepared an information,
11 that you would have this form, you would have a
12 carbon and then you would have a plain white paper
13 that would have a carbon copy of what was typed on
14 it?

02:21 15 A Right.

16 Q And I thought from that -- and please correct me
17 if I'm wrong -- that if it was the copy of the
18 police, police file information or the
19 police/prosecutor file, that we would only see the
02:21 20 typed part through the carbon and not the
21 information?

22 A That's correct.

23 Q Is that correct?

24 A That's right.

02:21 25 Q So have I understood your evidence correct?



1 A Yes.

2 Q So that if we look at this document, and again I
3 -- this would be a copy of the information that
4 the court clerk would keep; is that fair?

02:21 5 A That's correct.

6 Q And if this was dealt with in the usual way that
7 you described for us, okay, where the -- there is
8 a police file and an information prepared, would
9 you have expected, then, there to be a carbon copy
02:21 10 of this information, at least of the typed
11 information, attached to a police file?

12 A Yes.

13 Q And so -- and then what would have happened, where
14 would that police file have gone to, or the
02:22 15 prosecutor's file?

16 A Well, chances are it would go back to the
17 informant, --

18 Q Okay.

19 A -- because they were always, they were always
02:22 20 police officers and they would have custody of the
21 police files.

22 Q Okay. Now I don't propose -- Mr. Commissioner, I
23 think we've gone through these, there's three
24 other informations that are --

02:22 25 COMMISSIONER MacCALLUM: I'm sorry, did the



1 witness finally agree that this copy that you
2 showed him there was the -- came from the Court
3 file?

4 BY MR. HODSON:

02:22 5 Q I believe so. Mr. Burron, just so we're clear on
6 this, the fact that this has got the information
7 form on top, is it your evidence that this would
8 be a copy obtained from the Court file information
9 as opposed to the police or prosecutor file carbon
02:22 10 copy?

11 A This, what we're looking at here?

12 Q Yes?

13 A This is the original.

14 Q A copy, or a copy of the original?

02:22 15 A No -- well yes, it's a photocopy of the
16 original, --

17 Q Yes?

18 A -- but we're looking at the original information
19 right here.

02:22 20 Q Yeah. And the only, let me -- if I understand
21 this correctly the only copy of this original
22 information at that time would have been on -- in
23 the possession of the court clerk's office, the
24 Court file; is that correct?

02:23 25 A Yes.



1 Q Does that answer, Mr. Commissioner?

2 COMMISSIONER MacCALLUM: Yes.

3 BY MR. HODSON:

4 Q And again, we can leave this document up, there
02:23 5 are three similar informations for three other
6 complainants, Mr. Burron, and I don't propose to
7 go through them, they are identical except for
8 dates and complainant. The -- these copies of the
9 information, let's just go back again to the
02:23 10 standard practice -- so once the information is
11 sworn here by Mr. Goa then someone from your
12 office, Mr. Taylor or whoever, I think you said
13 the standard practice would be that the original
14 information would find its way to the court clerk
02:23 15 or the courtroom; is that fair?

16 A No, it would find its way into the court clerk's
17 office.

18 Q Okay.

19 A And that's where he worked.

02:24 20 Q Mr. Taylor?

21 A Mr. Taylor worked there too.

22 Q Yeah. So there would be a record, and I think you
23 told us any time an information is sworn your
24 clerk's office would keep a copy of the
02:24 25 information, is that right?



1 A The original.

2 Q The original, yeah. And I think you told us that,
3 when an accused appeared in Court, that's where
4 the endorsement would be put?

02:24 5 A Yes.

6 Q Now what would happen to a document if no warrant
7 was issued, or if a warrant was issued but the
8 accused never made an appearance in Court on this
9 information, what would happen; would -- would you
02:24 10 just hold --

11 A With respect to the information?

12 Q Yes?

13 A It would remain in my office until some action was
14 taken.

02:24 15 Q Okay. So let's take the case where there's an
16 information that's disposed of in Court, let's say
17 there is a guilty plea or a finding of not guilty,
18 the charge is completed; what would you do with
19 the information, with this document?

02:25 20 A I would file it in a transfer case according to
21 date and then file it in the vault. I had a vault
22 in my office, a walk-in vault.

23 Q And so completed files would be stored there?

24 A Yes.

02:25 25 Q And I take it -- and maybe you've answered this --



1 once the informant, I think you said the informant
2 swears the information, the police file I think
3 you said would end up going with the informant or
4 something -- or someone else; is that what you
02:25 5 said?

6 A Yeah. It would end up, well, back in police
7 custody I suppose.

8 Q I'm not talking, that's just before the charge is
9 disposed of, but once the charge is laid I think
02:25 10 you said you would take the information and the
11 police file would end up going to either the
12 informant officer or the Court officer --

13 A Right.

14 Q -- for use in the prosecution?

02:26 15 A Right.

16 Q Is that correct?

17 A Right.

18 Q Would you ever see that file again as court clerk,
19 would there be any reason that that would come
02:26 20 back into your possession?

21 A It wouldn't likely come back into my office, I may
22 see it again, but I would never have custody of
23 it.

24 Q Yeah. And when the case was done, concluded,
02:26 25 would the prosecutor file then be sent to you for



1 storage, or do you know what would happen to it,
2 or did someone else deal with that?

3 A I would just have the information and all the
4 endorsements, that's all I would get back.

02:26 5 Q Yeah. Did you ever have any involvements in any
6 direct indictments? Do you know what a direct
7 indictment is?

8 A No.

9 Q No. Those are all my questions, Mr. Burron.
02:26 10 There may be questions of other counsel. I think
11 Mr. Wilson has questions for you.

12 BY MR. WILSON:

13 Q Mr. Burron, my name is Garrett Wilson and I
14 represent Serge Kujawa in these proceedings, and
02:27 15 I've been following your description with some
16 interest. Was a docket maintained in Magistrate's
17 Court in the days we're talking about, '69-'70?

18 A The docket, where was it made? It was made in my
19 office.

02:27 20 Q Yes, so you prepared a docket, which would be a
21 listing of all the cases which would appear in
22 Court on a given day?

23 A That's correct.

24 Q And there would be an information, such as we saw,
02:27 25 before the Court for each of the items on the



1 docket?

2 A That's correct.

3 Q And the docket sheet would identify, summarily,
4 the disposition of each case as it came up, would
02:28 5 it not, like 'adjourned to' or 'guilty - \$50 and
6 costs'?

7 A Not -- I don't think it was ever put on the
8 docket, you know, we -- it was put on the
9 informations and -- but although there, something
02:28 10 might have been scribbled on the docket, but it
11 wasn't a normal thing to fill out the docket.

12 Q Well, when the reporter from *The StarPhoenix* came
13 in and wanted to look at the docket sheet and see
14 what happened to the mayor's impaired driving case
02:28 15 that day, could he not identify from the docket
16 sheet what had happened?

17 A No. He'd have a docket, and if he wanted to find
18 that out, he should have been in Court. He
19 wouldn't get it from me.

02:28 20 Q And if he missed the Court he missed the story, is
21 that --

22 A He missed it, right.

23 Q And there was no tracking possible afterwards?

24 A Not, not from our office. He would have to get it
02:29 25 from the police, maybe, but he wouldn't get it



1 from us.

2 Q Uh-huh. When Mr. Wolff, as the city prosecutor,
3 stood in Court, what file would he have before
4 him?

02:29 5 A He would have that occurrence that I was talking
6 about, with the copy of the information on, that
7 copy would be on a plain 8 1/2 by 11 sheet of
8 paper.

9 Q And if a B & E occurred overnight and the accused
02:29 10 appeared in the morning and wanted to enter a plea
11 of guilty, would Mr. Wolff have had enough
12 information on his file to deal with that plea of
13 guilty?

14 A Yes.

02:29 15 Q Would he also have the criminal record of the
16 accused?

17 A Well I think if they, I think if they pleaded
18 guilty he may be caught off guard, and have to
19 round up the record too.

02:30 20 Q Yeah.

21 A But I don't think -- I'm not -- I don't think he'd
22 go up there with the record.

23 Q So most of the cases would be dealt with in a
24 summary way in the morning, would they not, --

02:30 25 A Yes.



1 Q -- and the trials would take place in the
2 afternoon?

3 A Umm, the trials would take place in the afternoon.

4 Q All right. When the trial took place, what file
02:30 5 would Mr. Wolff have before him?

6 A He would have that occurrence and the police
7 report, he would have the witness statements,
8 everything -- everything concerning that case he
9 would -- he should have that by that time.

02:30 10 Q How would it come to him?

11 A Umm, I guess through the police, because it was
12 never -- it would never be -- it wouldn't be in my
13 custody.

14 Q All right. If Mr. Wolff had the full police file
02:31 15 including statements, and the case was not fully
16 disposed of but adjourned for another week, where
17 would the file be during that week?

18 A I don't know.

19 Q Did the city prosecutor maintain a file drawer
02:31 20 himself?

21 A No, I don't think so, no.

22 Q Do you know where he kept his files?

23 A No. I don't know, when a case was adjourned I
24 don't recall how the police report got back up to
02:31 25 Court for the adjournment, because I didn't have



1 custody of those. So, obviously, it got back up
2 there but I don't know where it was in the
3 meantime.

4 Q And I take it your office had nothing to do with
02:32 5 summonsing witnesses or calling evidence?

6 A No, apart from issuing the witness -- subpoena to
7 a witness, nothing.

8 Q Who would decide what subpoenas to a witness were
9 required?

02:32 10 A Police.

11 Q They would come back to you with the file and say
12 --

13 A Yes.

14 Q -- 'we were' -- the city prosecutor wouldn't do
02:32 15 that?

16 A He may, but he wasn't around there all the time.

17 Q It was a part-time job with him?

18 A Well, more or less, yeah. He was there part of
19 the time, he was there in the morning and he'd
02:32 20 come and go, I guess.

21 Q Did he have any staff in those days, a secretary
22 or anyone answering directly to him?

23 A No.

24 Q No clerical help whatsoever?

02:32 25 A No. No.



1 Q Did he rely on you for clerical help?

2 A Umm, our office, yes.

3 Q And that would be you, Mr. Taylor, and who else?

4 A And our staff.

02:33 5 Q Consisting of?

6 A At that time, maybe a half a dozen stenos.

7 Q Half a dozen required to prepare the informations
8 and subpoenas, the workload you've just described
9 to us?

02:33 10 A No, no, that was a very -- doing the informations
11 was a very small part of the job. My job, I was
12 integrated with the police department, like a --
13 for example parking tickets, we looked after
14 parking tickets, we looked after highway traffic
02:33 15 offences, all the vehicle act offences, that all
16 came through my office. So all the summonses had
17 to be made, it's not like today where they are all
18 stamped, each one had to be sworn to individually
19 and signed, and summonses issued, every summons
02:34 20 signed by hand.

21 Q Uh-huh?

22 A And some days there'd be 50 or 60 of 'em to sign,
23 so there was other work to do.

24 Q Just to recap, sir, you really don't know what
02:34 25 tracking the police files followed when they came



1 through this system?

2 A No, I don't know what -- I don't know who kept 'em
3 or who had custody of them.

4 Q Or who was responsible for their coming and going?

02:34 5 A Well, they always managed to show up, but I don't
6 know where they came from. I didn't have them, I
7 know that.

8 Q Thank you very much.

9 A Okay.

02:35 10 MR. HODSON: No further questions. I think
11 that's all.

12 COMMISSIONER MacCALLUM: Thank you for
13 coming, Mr. Burron, you are excused.

14 A Thank you.

02:35 15 MR. HODSON: Our next witness is Elmer Goa,
16 who may shed some light on issues discussed.

17 **ELMER GOA, sworn:**

18 **BY MR. HODSON:**

19 Q Good afternoon, Mr. Goa, thank you for agreeing to
02:36 20 testify before this Inquiry. What is your current
21 residence?

22 A Prince Albert.

23 Q And your current age?

24 A 75.

02:36 25 Q And I understand that as of 1970, Mr. Goa, you



1 held the rank of staff sergeant and worked as a
2 court officer in Saskatoon?

3 A Yes, I did.

4 Q And can you tell us, what were your duties and
02:36 5 responsibilities as a court officer back at the
6 time?

7 COMMISSIONER MacCALLUM: What was the year,
8 I'm sorry?

9 MR. HODSON: 1970.

02:36 10 COMMISSIONER MacCALLUM: '70?

11 MR. HODSON: '70.

12 BY MR. HODSON:

13 Q And I take it 1969-'70, that time, you were a
14 court officer?

02:36 15 A Yes.

16 Q Yeah. Can you tell us what your duties and
17 responsibilities were?

18 A Basically to assist the prosecutor in the mornings
19 with the charges that were laid overnight. I
02:36 20 would -- the Justice of the Peace would swear --
21 or bring an information and the file to me, I
22 would scan the file and the information to see
23 that this was basically the same person and the
24 same charge, and maybe have a little brief look at
02:37 25 the file, and then I would swear to that



1 information before the Justice of the Peace.

2 Q Okay. Were there other court officers in addition
3 to yourself at the time?

4 A Just traffic court.

02:37 5 Q Okay. We've heard the names Mr. Les Bocking, do
6 you remember where he was at the time, was he --

7 A I think at that time he was up in identification.

8 Q Okay. And what about Jack Hobman; is that a name
9 that you remember?

02:37 10 A He was the traffic court officer.

11 Q Okay. And so --

12 COMMISSIONER MacCALLUM: What was his last
13 name?

14 MR. HODSON: Hobman, H-O-B-M-A-N.

02:37 15 BY MR. HODSON:

16 Q So we -- you indicated on a regular basis in the
17 morning the justice of the peace would bring you
18 an information to review a file; is that right?

19 A Yes.

02:37 20 Q And I think you were present when Mr. Burron
21 testified this afternoon; were you?

22 A Yes I was.

23 Q And Mr. Burron was one of the justices of the
24 peace that you dealt with?

02:38 25 A Yes.



1 Q And a fellow by the name of Robert Taylor or Bob
2 Taylor; was he another the justice of the peace
3 that you dealt with?

4 A Yes, he was.

02:38 5 Q And I understand from Mr. Burron's evidence that
6 there would be two types of files, one would be
7 the overnight occurrences, is that right, where
8 someone would be in custody or something would
9 happen overnight; is that correct?

02:38 10 A That's correct.

11 Q And what would he bring you, what would you get,
12 tell me the documents that you'd get?

13 A I'd get an information and a police file with the
14 copy of the part of the information on the front
02:38 15 of the file.

16 Q Yeah. And inside the police file what, generally,
17 would you find in there?

18 A An occurrence report, umm, sometimes an
19 investigation report.

02:38 20 Q Did you ever have -- see witness statements in
21 that file?

22 A Yes, if -- there may be, in our, or there may be
23 statements as well.

24 Q Do you recall whether they were originals?

02:39 25 A I thought they were originals, yes, from my



1 memory.

2 Q And Mr. Burron also talked about other files that
3 maybe weren't overnight occurrences, but where an
4 officer would come and ask that a charge be laid,
02:39 5 do you recall being involved in swearing
6 informations for charges where it was not sort of
7 an overnight occurrence?

8 A Yes.

9 Q Okay. And tell us, what was the, what was the
02:39 10 practice then?

11 A I'm trying to remember where the file went after
12 --

13 Q Let -- maybe, sorry, just let me just back up.
14 Would someone -- in that case would someone bring
02:39 15 you a file, then, to swear an information?

16 A Umm, Mr. Burron would bring the information out
17 with the file, I would do the same thing, scan the
18 thing and then swear to it, and whether it went
19 back to the office that -- were this say a
02:40 20 morality file, it would go back to the morality
21 office, I'm not sure. There was no -- the ones I
22 handled were the ones that were -- where there was
23 a Court date set.

24 Q Okay. Let's talk about that and just walk
02:40 25 through. So let's say -- and I take it as an



1 informant in an information you would swear that
2 you had reasonable and probable grounds for a
3 charge to be laid; is that right?

4 A That's correct.

02:40 5 Q And did you gain that knowledge to allow you to
6 swear that information from reviewing the file?

7 A Yes.

8 Q And so where you would lay an information let's
9 assume, let's take an example where someone is in
02:40 10 custody and Mr. Burron brings you a file with the
11 information prepared, you would review the file, I
12 think you said, and then swear it; is that right?

13 A That's correct.

14 Q And let's assume that a Court date is set the next
02:40 15 day, what would happen, I think Mr. Burron
16 testified that he would take the original of the
17 information; is that your recollection?

18 A Yes, well not if that, if that case was coming up
19 that day.

02:41 20 Q Well let's --

21 A Okay.

22 Q We'll --

23 A If it's coming up that day I got -- I kept that
24 information and the file, I sorted the file and
02:41 25 the informations so they coincided, had the



1 criminal records for anybody that has a -- had a
2 criminal charge against them, I had those all
3 filed. I took them all upstairs, the informations
4 went to the judge or to the court reporter --
02:41 5 court reporter, and she handed them to the judge
6 as the cases were called. The file went to
7 Mr. Wolff.

8 Q And Mr. Wolff was who?

9 A Pardon?

02:41 10 Q And what was Mr. Wolff's role at this time?

11 A He was the prosecutor.

12 Q And so were you -- was your role in part, then, to
13 assist Mr. Wolff?

14 A Yes, getting things ready for the Court, so it was
02:42 15 a lot quicker for him.

16 Q Okay. So when --

17 A Some of the files were, some of the officers were
18 a little long-winded on their reports, I would
19 summarize them into a briefer format so -- and
02:42 20 attach that so he could go through them a little
21 quicker.

22 Q Okay. So in the case where, and let's go back
23 where a charge is being laid, someone is in
24 custody and let's say there is a Court date a week
02:42 25 down the road, you, I think you said you -- let's



1 take that scenario. You would get the police file
2 from Mr. Burron or whoever brought it to you; is
3 that right?

4 A Yes.

02:42 5 Q Swear the information?

6 A Yes.

7 Q And then let's assume it's a week down the road,
8 would he take the information, or something else
9 would happen to the information to get it into the
02:42 10 Court?

11 A Well the information was signed, all the
12 endorsements were made by the court reporter and
13 then the judge signed them, they went back down to
14 Mr. Burron's office, I kept the file.

02:43 15 Q Okay.

16 A I made an endorsement on the front of the file
17 setting the date for when the adjournment was. I
18 also had a copy, my copy of the docket, which I
19 filled that in as well.

02:43 20 Q And what was the purpose; who were you keeping
21 track of that for?

22 A Umm, so we could look it up later to, you know,
23 what happened to it.

24 Q Okay.

02:43 25 A Say a prisoner was in custody, we could take the



1 docket down to the staff sergeant who was in
2 charge of the prisoners and tell them which
3 prisoners could be released.

4 Q When you say 'docket' what do you mean by
02:43 5 'docket'?

6 A Well there was a copy of all the charges that were
7 laid for that day.

8 Q I see. So the docket would be the daily listing
9 of charges that were in Court?

02:43 10 A Yes.

11 Q Okay. So let's go back. And I think you said if,
12 in the example where there was a charge, you swear
13 the information, it's a week down the road, so
14 would you physically then have the police file and
02:44 15 a carbon of the charge; is that right?

16 A Yes I would.

17 Q Where would you physically, what would you
18 physically do with that, where would you take it,
19 where would you keep it, and what would you do
02:44 20 with it?

21 A We had a filing cabinet there, and we filed it for
22 the days, and this was filed in there unless there
23 was more work to be done on it. If there had been
24 a guilty -- or a not guilty plea, it went to
02:44 25 Mr. Wolff and he -- if it was a fairly brief time



1 he would make a list out on the witnesses that he
2 wanted called, it was my job to notify the police
3 officers, they received a form that they signed
4 advising what day to be in Court and that was
02:45 5 attached, --

6 Q Right.

7 A -- so they would know that these officers were
8 called.

9 Q Where was --

02:45 10 A And Mr. Burron would get the, make out the
11 subpoenas for the witnesses.

12 Q Okay. Let's just back up. Physically at this
13 time, 1969-1970, did you have an office in the
14 police building?

02:45 15 A Yes, right adjoined to the prosecutor's office.

16 Q And that would be Mr. Wolff's office?

17 A Yes.

18 Q And when you say -- you had doors between your two
19 offices; is that right?

02:45 20 A Yes.

21 Q And where were the files, the prosecutor's files,
22 kept?

23 A Right inside the, when they came in our front door
24 into the little office, they were right in the
02:45 25 corner there.



1 Q Okay. So you -- and would it be your job, sir, to
2 keep tabs on the prosecutor's files then? Were
3 you the fellow in charge of organizing and keeping
4 track of the files for Mr. Wolff?

02:45 5 A Yes.

6 Q And then would there be occasions then, and maybe
7 you've already touched on this, where you would
8 have to do a bit of further work for Mr. Wolff,
9 get a bit more information for a file?

02:46 10 A If there was he may leave a note on there, 'have
11 the officers take a statement from somebody' or
12 some more investigation, and that would be sent to
13 that department. I never did it --

14 Q Okay.

02:46 15 A -- myself.

16 Q And then when Mr. Wolff appeared in Court on a
17 file, let's say the matter is up for trial in
18 Magistrate's Court, then would -- what would you
19 do to get Mr. Wolff ready to appear in Court on
02:46 20 that charge with respect to the file?

21 A Well I'd have -- he has reviewed the file, told me
22 who he wanted called, the subpoenas or copies of
23 subpoenas that are served and the officers that
24 are called are listed on there.

02:46 25 Q And what about if there was a written statement



1 that needed to go in as evidence, where and how
2 would that get to Mr. Wolff?

3 A It would be attached to the file.

4 Q And what about other exhibits, would that be based
02:46 5 on -- the witnesses would bring it or --

6 A Yeah, the witnesses would bring it, yes, and that
7 was another one, I had to list the exhibits and
8 have them, the tag on them signed by the judge and
9 then they were filed in an exhibit room to be kept
02:46 10 until the trial was over.

11 Q And then what would happen, let's assume the
12 charge is dealt with, the trial is over, finding
13 of guilty, appeal period has expired and you are
14 done with the charge, what if anything would you
02:47 15 do then with the prosecution file?

16 A I would put the final disposition of it. It would
17 be sent back to the department from where it
18 originated and then I think it made its way to
19 Central Records.

02:47 20 Q So if it was a rape charge, you would then send it
21 back to morality department; is that right?

22 A Well, I wouldn't have the file after it was, it
23 went to the Queen's Court.

24 Q Okay. Sorry, let me back -- if it went to Queen's
02:47 25 Bench Court, tell me what would happen to your



1 file once the matter moved from Magistrates' Court
2 to Queen's Bench Court?

3 A I had a basket there for Elmer Ullrich who was the
4 coordinator for district court files.

02:48 5 Q So once the matter was going to move to District
6 Court at the time or Queen's Bench or -- there was
7 Queen's Bench at the time, wasn't there, or was it
8 just District?

9 A Yes.

02:48 10 Q Someone else would deal with it; is that fair?

11 A That's correct, yes.

12 Q And if a charge was dealt with in Magistrates'
13 Court and concluded then, once the file was done
14 you would physically have the prosecution file
02:48 15 sent back to the police?

16 A Yes.

17 Q And the records you talked about being I think,
18 and maybe these weren't your words, but you were
19 the keeper of the prosecution files or the
02:48 20 custodian; is that fair?

21 A Yes.

22 Q And were those files kept separate from the court
23 clerk's files, being the informations?

24 A Yes.

02:48 25 Q Were they kept separate from the city police



1 department's Central Records files?

2 A Yes.

3 Q I'm going to call up 047051 and if we can just,
4 this is an information and there are three similar
02:49 5 ones charging Larry Fisher with three rapes and an
6 indecent assault. If we can just go to the bottom
7 of that, it's sworn December 30th, 1970, and is
8 that your signature of informant?

9 A Yes, it is.

02:49 10 Q And do you know who the justice of the peace is?

11 A Well, listening to Mr. Burron, I would assume it's
12 Bob Taylor. I can't read it, but --

13 Q That's fine. Do you have any recollection of
14 swearing these informations?

02:49 15 A No, I can't remember them at all.

16 Q If we go by what your practice was at the time,
17 can you tell us, Mr. Goa, what you think you would
18 have had and what you would have done in order to
19 generate this information?

02:49 20 A I would have had a copy of the information and a
21 copy of the file and then I would do the same as I
22 did all the others, I would scan them briefly and
23 then sign them and swear to them.

24 Q So in this case it details a charge of, in this
02:50 25 case, indecent assault on (V3)-- (V3)-----.



1 Would you then expect to have the police file that
2 had the information with respect to this charge?

3 A Yes. I think so, yes.

4 Q And if there was a handwritten statement, or a
02:50 5 statement of (V3)-- (V3)-----, the complainant,
6 would that be the type of thing you would see on
7 your file?

8 A It would probably be on there, yes.

9 Q And if there had been a confession signed by Larry
02:50 10 Fisher, being the person that you are charging,
11 would that be something that you would expect to
12 see on the file?

13 A It might have been on there. I would expect it
14 would find its way there at least before it,
02:50 15 before the file was closed, yes.

16 Q If that was the basis upon -- assume for the
17 moment if that -- if the confession was the basis
18 upon which the police were laying the charge,
19 would that be something you would expect to see on
02:51 20 the file?

21 A Yes.

22 Q Now, in this case what would be your normal
23 practice in what you would do with -- I think, and
24 I don't propose to -- well, maybe I will just for
02:51 25 the record, let's call up 260945, and this is the



1 charge relating to (V1)--- (V1)- and that is your
2 signature as informant; is that correct?

3 A That's correct.

4 Q If we could call up 010733 and that is your
02:51 5 signature there, the charge for (V2) (V2)-
6 (V2)-----; is that correct?

7 A Yes.

8 Q And then lastly, 056385, and this is for (V5)--
9 (V5)---, and that's your signature as informant;
02:52 10 is that correct?

11 A That's correct.

12 Q So again, and I appreciate you've told us you
13 don't recall, but again, according to your normal
14 practice, would you have expected then to have, at
02:52 15 the time you swore these informations, four police
16 files, one for each of these charges?

17 A Yes.

18 Q And then what would your practice have been, what
19 would you have done with these police files and
02:52 20 where would you take them or what would you do
21 with them?

22 A I would think they would go back to the department
23 that originated them, say. This would probably be
24 in morality.

02:52 25 Q Why would it not go to Mr. Wolff?



1 A There was no date set for a trial, or for a court
2 appearance.

3 Q Okay. Can you tell that from the information?

4 A Well, no, not from the front of it.

02:53 5 Q Okay. Would there -- let me go back saying --
6 your practice then, when an information was sworn,
7 I think you told us that the police file that you
8 got was for the prosecutor; is that right?

9 A That's right.

02:53 10 Q And were there occasions then when you swore an
11 information and didn't take the police file to the
12 prosecutor; in other words, sent it back?

13 A Yes.

14 Q And what were those occasions?

02:53 15 A That's when there was, the person was not in
16 custody or there was more work to be done on the
17 file.

18 Q Okay. So let's just -- the first one, if there
19 was a warrant issued to arrest someone, okay, they
02:53 20 weren't in custody, what was your practice then as
21 far as what you did with the file?

22 A I didn't get the file as far as -- I never kept
23 the file.

24 Q Okay. But let's assume an information is sworn.

02:53 25 A Yes.



1 Q And you are saying the file would go back to the
2 police and you would only get it again when the
3 person was in custody?

4 A That's the best of my memory, yes.

02:53 5 Q Okay. And I think in the second case you said
6 where there was more work to be done, and I'm not
7 sure, if you laid a charge, when would you send
8 the file back to the police for more work to be
9 done?

02:54 10 A Well, it could be after the prosecutor reviewed it
11 to see if he needed more work done on it.
12 Sometimes they wanted the file back because they
13 knew there was more work to be done.

14 Q If it were a case, Mr. Goa, where, in this case
02:54 15 that the person charged with these offences was in
16 custody in another province and for whatever
17 reason the charges were going to be held pending
18 determination of those charges, what -- can you
19 help us understand what you might have done with
02:54 20 the file?

21 A I never would have kept the file at all or the
22 information, it would have all left my office
23 right after -- or left right after I swore it.

24 Q And why do you say that?

02:54 25 A Because I had no filing system for keeping those



1 files.

2 Q Okay. I'm not sure I understand, I thought you
3 had told us you kept all the prosecution files
4 when a charge was laid.

02:55 5 A Once they have appeared in court.

6 Q Okay. So in this case, if in addition to this
7 charge there had been a summons issued or a
8 warrant for Mr. Fisher issued or he had been in
9 custody, you are saying you would have had the
02:55 10 police file in your possession?

11 A I wouldn't -- not until it was, a court date was
12 set.

13 Q Okay. Well then let's go back because I thought
14 you told me a bit earlier that the procedure was
02:55 15 that Mr. Burron or the justice of the peace would
16 bring you the police file, that you would swear
17 the information and that if the court date was
18 down the road the information would go to Mr.
19 Burron and that you would take the police file and
02:56 20 the carbon copy and take it to the prosecutor's
21 office and get it ready for Mr. Wolff, or if it
22 was the next day, you take the information and the
23 court file and have it in court. Isn't that what
24 you told us?

02:56 25 A If there was no court -- if the person wasn't in



1 custody, I think it went back to the morality
2 office or the detective.

3 Q Okay. But I think in the case -- and maybe the
4 example was if there was somebody in custody.

02:56 5 A If somebody was in custody, then there would be a
6 time set for him to appear in court and I would
7 file it for that day.

8 Q Okay. Let's maybe just go to your filing system.
9 How did you keep track of the prosecutor's files?

02:56 10 A They were by the day of court appearance.

11 Q Okay. And so physically in your office you had a
12 system that would have a date and in that date
13 would be all the prosecutor's files for that date;
14 is that right?

02:57 15 A Yes.

16 Q And is that why you are saying, Mr. Goa, you don't
17 think you would have had a prosecutor's file if
18 there wasn't a date set, is that what's causing
19 you to say that?

02:57 20 A Yes.

21 Q Is it possible that you would have had it in
22 another filing system or Mr. Wolff would have had
23 it? Do you know?

24 A Possibly a prosecutor might have had it in a
02:57 25 filing system, but I did not.



1 Q And again, if you could just clarify, when would
2 you give it back, once a charge is laid when would
3 you give back the police file or the prosecutor's
4 file, in which cases would you take it and put it
02:57 5 in your filing system in your office and which
6 cases -- and let me back up. The charge -- you've
7 sworn the information, okay, you've been given the
8 police file, you have it, I think you told us that
9 in order for you to swear the information you
02:57 10 would have the police file?

11 A Yes.

12 Q And I think you told us in some instances, once
13 that was done, you would take the police file and
14 you would file it in your prosecutor file filing
02:58 15 system; is that right?

16 A That's right.

17 Q In what cases where you swore an information would
18 you not take the police file into your area?

19 A If there was no date set for the court appearance.

02:58 20 Q Okay. And is that something you would be made
21 aware of when you signed the, swore the
22 information?

23 A Yes, that's correct.

24 Q Do you recall, and again I appreciate you don't
02:58 25 recall this instance, but were there occasions



1 where you would draft, or swear charges where an
2 accused might be in another city or another
3 jurisdiction in custody?

4 A Yes, I'm sure I did, yes.

02:58 5 Q And what would be the procedure you would follow
6 there?

7 A Whoever was going to forward the file to the other
8 city, I don't remember who did that though, but I
9 certainly didn't have it done in our office.

02:59 10 Q Okay. Were there occasions where you would lay a
11 charge and someone would be in custody out of
12 province and you might have to wait for that
13 person to be brought in? Do you recall anything
14 of that nature?

02:59 15 A Yes.

16 Q And what was the procedure you would follow then?

17 A I think the file stayed with the prosecutor until
18 this person was brought in.

19 Q And that prosecutor would be Mr. Wolff; is that
02:59 20 right?

21 A Yes.

22 Q And when it stayed with him, did he have his own
23 filing system in addition to yours or would you be
24 filing his files for him?

02:59 25 A He had a lot of files on his desk, so I don't



1 know.

2 Q Okay. Do you recall direct indictments being
3 dealt with back in '69, '70, '71, did you ever
4 hear of that?

02:59 5 A I remember being in court when I heard them, the
6 prosecution say that they were going to proceed by
7 direct indictment.

8 Q And that was not -- pardon me, was that on the
9 Larry Fisher matter?

03:00 10 A No.

11 Q So you were familiar with a direct indictment
12 happening on occasion?

13 A Yes, but not often, but I remember hearing of it,
14 yes.

03:00 15 Q If I could call up 043001, please, and this is a
16 letter, March 17th, 1971, from Deputy Chief Corey
17 to the Deputy Attorney General, it sets out some
18 charges here, and I'm just wondering, Mr. Goa, I
19 think you've looked at this letter in connection
03:00 20 with these proceedings. Do you have any knowledge
21 or any recollection of being involved in the
22 drafting or dealing with this letter?

23 A None at all, no.

24 MR. HODSON: Just give me a moment. Those
03:01 25 are all my questions, Mr. Goa. I see it's three



1 o'clock. This might be an appropriate time to
2 break.

3 COMMISSIONER MacCALLUM: Thank you.

4 (*Adjourned at 3:00 p.m.*)

03:16 5 (*Reconvened at 3:16 p.m.*)

6 MR. HODSON: I apologize, Mr. Goa, I should
7 have checked with counsel before we adjourned. I
8 understand there are no questions on
9 cross-examination and so I think we are concluded
03:17 10 with you unless, Mr. Commissioner, there's
11 anything further for him?

12 COMMISSIONER MacCALLUM: Thanks, Mr. Goa,
13 for coming. You are excused.

14 MR. HODSON: And our next witness is
03:17 15 Lawrence Greenberg who is flying in from Toronto
16 this afternoon, he's not ready until tomorrow
17 morning, so I think we're adjourned for the day.

18 COMMISSIONER MacCALLUM: Thank you.

19 (*Adjourned at 3:17 p.m.*)
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Official Queen's Bench Court Reporter



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