

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

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

\*\*\*\*\*

On Monday, January 24th, 2005

Volume 7

Inquiry Proceedings



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Mr. Bruce Gibson,                   **for** the RCMP  
Mr. Brian A. Beresh, Esq., **for** Mr. Larry Fisher



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**Transcript of Proceedings**

(Reconvened at 10:28 a.m.)

MR. HODSON: Good morning,

Mr. Commissioner. My apologies for the delay.

We had some internet glitches. I thought just before we get into this week's events I would just outline where we're at, what we did last week and where we're going this week. If I could call up OP02 document, please, and this was the grouping of event witnesses that I had planned for the first phase. My original thoughts was the first two weeks we would spend doing one to three, we've actually gone quicker than anticipated. In the first week we dealt with the bus stop evidence, the murder scene and physical evidence and heard from a total of 17 witnesses who testified plus three deceased that were read in.

This week we will be going to observations of David Milgaard on January 31, 1969 and I've also moved up the medical forensic, Dr. Emson, so just to give an outline, and I have prepared a calendar that is on your desk there, as well I provided it to counsel and to the media, so if I could just call up map A and just



1 outline what we're going to get into on the  
2 observations, just zoom in, on January 31 the key  
3 spots that we're going to be hearing evidence  
4 from for the next couple of days, we know the  
10:28 5 David Milgaard vehicle was at the Trav-a-leer  
6 Motel that morning for a map and we also know  
7 that they visited the Belmont Texaco after being  
8 in the back lane of the Danchuks' and later at  
9 the Hillcrest Texaco.

10:29 10 There are six -- pardon me,  
11 seven people who were involved in contact with  
12 the Belmont and the Hillcrest Texaco with the  
13 Milgaard vehicle that day. Two of those  
14 people -- pardon me, one of them is deceased,  
10:29 15 William Campbell. We have interviewed the rest  
16 of them, Mr. Commissioner, and concluded, or I  
17 have concluded, based on those interviews, that  
18 not much would be added by calling them to  
19 testify. I will read in their evidence.  
10:29 20 However, I will be calling Fred Alexander who is  
21 the proprietor of the Hillcrest Texaco who will  
22 be giving evidence. The rest will be read in,  
23 including the evidence of four individuals who  
24 are still alive, but again based on my  
10:29 25 interviews, I don't think they add much.



1 Later today or tomorrow we will  
2 be hearing evidence from Sandra and Walter  
3 Danchuk and they are the people who lived at 129  
4 Avenue T who had their vehicle stuck at the same  
10:30 5 time as the Milgaard vehicle was stuck that  
6 morning and, as I said last week, Mr. Danchuk,  
7 due to medical issues, cannot fly, so Mr. Hardy  
8 was there on Thursday and we have a video  
9 interview under oath of both Walter and Sandra  
10:30 10 Danchuk, they are about an hour each, so we will  
11 play through those. We may have to go through  
12 them more than once just to make sure we get  
13 through that and at the conclusion of that we can  
14 then determine whether any counsel need to have  
10:30 15 either of them attend or be available for  
16 cross-examination at a later date.

17 Also on Tuesday we'll have  
18 Linda Duffus who's the 12 year old at the time  
19 who has some information about the day of the  
10:30 20 murder and after and then read-in evidence of Ray  
21 Murdoch and Mary Marcoux. Ms. Marcoux was the  
22 young girl at the time who found the body.

23 Wednesday, Thursday we'll be  
24 hearing from Dr. Emson who's the pathologist and  
10:31 25 I expect that his evidence will be fairly



1           lengthy. He's made himself available for both  
2           days. I have, based on my canvass of counsel,  
3           non-binding canvass, they indicate that they will  
4           have some significant cross-examination for him,  
10:31 5           so I have him scheduled for all day Wednesday,  
6           Thursday.

7                         If you could go back to OP02,  
8           please. So this will allow us, this week, to get  
9           through number 3 and as well Dr. Emson.

10:31 10                        On February 7th, or pardon me,  
11           the next phase will be the Cadrain phase and the  
12           first two witnesses of the Cadrains are employed  
13           in B.C. and so I will make arrangements to have  
14           them here on Monday, February 7th, and actually,  
10:32 15           the next three weeks in February with the  
16           Cadrains, Wilson and Nichol Demyen will be I  
17           think a significant three weeks.

18                        So that is my plan,  
19           Mr. Commissioner, and we'll see how the evidence  
10:32 20           fits, and I'll start off with the read-ins of  
21           Mr. Rasmussen who is deceased and he was working  
22           at the Trav-a-leer Motel. If you could call up  
23           map A again, please, and just to identify the  
24           Trav-a-leer Motel, this map was put in as an  
10:32 25           exhibit at David Milgaard's trial. Just to put





1 it in perspective here, there's St. Mary's  
2 school, there's the Cadrain house, there's the  
3 T-alley behind the funeral home, there's the  
4 Danchuks' and Mr. Rasmussen was working at the  
10:32 5 Trav-a-leer Motel.

6 The first document I would like  
7 to call up is 025490 and Robert James Rasmussen,  
8 it's dated June 12th, 1969. This would be about  
9 two weeks after Mr. Milgaard was arrested and  
10:33 10 charged already, so if you could just scroll  
11 down, please, Mr. Rasmussen, and again, it's  
12 difficult to say whether it's in his handwriting  
13 or not. I believe it to be in Detective  
14 McCorriston's handwriting, we'll see that on the  
10:33 15 next page. If you could just scroll there,  
16 please. Yeah, there's Detective McCorriston,  
17 there's Mr. Rasmussen's signature and I believe  
18 it to be the officer's writing, so if you go back  
19 to page 1, please, and just call out --

10:33 20 Mr. Rasmussen is reported to state:

21 "On or about January 31st, 1969, at about  
22 7:00 a.m., just shortly after we opened the  
23 doors, a car pulled up at the front door. I  
24 saw two people in the front seat of the car.  
10:34 25 There could have been others in the back.



1 One young man was driving. The other young  
2 man from the front seat came into the motel.  
3 He came to the counter and asked where some  
4 building, a Royalite Service Station on 20th  
10:34 5 Street was. I got a city map and explained  
6 where I thought he wanted to go. I gave him  
7 this map of the City of Saskatoon and he  
8 took it with him. This map was not stamped  
9 or marked in any way by the motel. This map  
10:34 10 did have 3 red arrows indicating the  
11 location of our three Lemar motels in  
12 Saskatoon. This young man thanked me for  
13 this map and left, stating he would be back  
14 later on for a room.

10:34 15 I don't recall any description  
16 of the car.

17 This young man who got the map would be  
18 about in his early 20s, slight build, about  
19 5 feet 6 inches; he was wearing just  
10:35 20 stockings on his feet. I don't recall  
21 anything about his clothing. I don't think  
22 I would recognize this person if I were to  
23 see him again. They did not return."

24 And then just scroll down a bit and you'll see  
10:35 25 there at 2:10 p.m., June 12th, Detective



1           McCorriston. Now, I was not able to locate in  
2           the documents any police investigation report  
3           regarding this date. There may well be one in  
4           there, but I could not find one dated in and  
10:35 5           around June 12th to coincide with the statement.

6                       Mr. Rasmussen testified at the  
7           preliminary hearing of David Milgaard and at the  
8           trial and I will read excerpts from each of  
9           those. I don't propose to read in everything,  
10:35 10          Mr. Commissioner; however, the entire transcript  
11          goes in as an exhibit and if any counsel now or  
12          later wishes to specifically read in a portion  
13          that I have not, they are welcome to do so. I  
14          simply want to highlight what I think are the key  
10:36 15          parts.

16                       So if you could call up  
17          document 007468, please. Go to page 7470 and  
18          just zoom in there. You will see it's  
19          Mr. Rasmussen's evidence, being examined by Mr.  
10:36 20          Caldwell. If you could go down to question  
21          number 8, please, and call out the bottom half of  
22          the page.

23                       COMMISSIONER MacCALLUM: Is this the trial  
24          or the preliminary?

10:36 25                       MR. HODSON: This is the preliminary.



1 Mr. Rasmussen is asked:

2 "Q Now, do you feel that you remember the  
3 day on which there was a body of a  
4 nursing assistant discovered in the City  
10:36 5 of Saskatoon? Do you remember that on  
6 the news and so forth?

7 A Well, the first I heard about it was  
8 when the police come there that morning  
9 asking me if anybody had been there.

10:36 10 Q Alright. So that on one morning the  
11 police did come asking after someone,  
12 did they?

13 A Yes."

14 Next page, please, and we'll be doing the whole  
10:37 15 page, so if you can maybe just scroll the top  
16 half:

17 "Q And I take it in connection with that  
18 matter?

19 A Yes.

10:37 20 Q Now, on the morning on which the police  
21 did come asking, had there been anyone  
22 at the motel earlier?

23 A I beg your pardon?

24 Q Had there been anyone show up at the  
10:37 25 motel earlier on that morning?



1 A Well, there had been someone drove up  
2 that morning and asked for a city map.

3 Q About what time of the morning was that?

4 A Just shortly after seven o'clock.

10:37 5 Q And were you at the desk, so to speak,  
6 or ...

7 A In the morning, yes.

8 Q Did you see how this person arrived?

9 A Yes, they came in a car.

10:37 10 Q And did you see much of the car?

11 A No, I didn't really pay any attention to  
12 it. It was just outside the door and  
13 that's ...

14 Q And did you see the person arrive?

10:38 15 A Yes, they came in the car.

16 Q And did you see much of the car?

17 A No, I didn't really pay any attention to  
18 it. It was just outside the door and  
19 that's ...

10:38 20 Q You did see a car I take it?

21 A Yes.

22 Q But do you know the description of it at  
23 all or anything?

24 A No.

10:38 25 Q Did you see how many people were in the



1 car?

2 A All I saw was two, the one driving and  
3 the one party come into the office.

4 Q Alright. Did you see the person who  
10:38 5 came in the office when he was in the  
6 car?

7 A No, I just saw him when he come through  
8 the door.

9 Q I see. And did you have a thorough look  
10:38 10 at or through the car or anything, or  
11 just a look out the door?

12 A No, just a look out through the door.

13 Q Now, what was the general description of  
14 the person who came in that door?

10:38 15 A Really, I didn't pay too much attention  
16 to the person. Several had come in  
17 there in the morning asking information,  
18 I don't pay too much attention to  
19 anyone.

10:38 20 Q You mean this is a fairly regular  
21 occurrence, is it?

22 A Yah.

23 Q To have people coming in and asking for  
24 directions?

10:39 25 A Oh yes, they ask for directions and maps



1 and what not.

2 Q And when you say several come in, I take  
3 it you mean on different mornings or  
4 time to time?

10:39 5 A Yes, just odd mornings someone comes in  
6 and asks for directions to different  
7 places.

8 Q Alright. Would you have a look around  
9 the courtroom and can you tell the court  
10:39 10 whether the person who came in looking  
11 for a map that morning is in court here  
12 today?

13 A I beg your pardon?

14 Q Look around the court please and tell  
10:39 15 the judge whether the person who came in  
16 looking for the map that morning is in  
17 this room now?

18 A I couldn't swear for sure.

19 Q Alright. Well then in view of that,  
10:39 20 could you tell me, was this a male or  
21 female person?

22 A It was a male.

23 Q Approximately what age?

24 A Oh, I'd say in his early twenties.

10:39 25 Q Do you remember anything about his build



1 or height or what have you?

2 A Well, as near as I noticed, he was  
3 slight build and a little over five feet  
4 tall.

10:40 5 Q I see. And was this a person you knew  
6 at all?

7 A No.

8 Q Alright. Now, what was it the person  
9 wanted again?

10:40 10 A He wanted a city map and was asking  
11 about a Royalite service station on 20th  
12 Street.

13 Q Any particular name of a service station  
14 or just a Royalite?

10:40 15 A No, just a Royalite.

16 Q And did you give him a map?

17 A Yes.

18 Q Was there anything out of the ordinary  
19 about the way this person was dressed?

10:40 20 A No, I can't say as there was.

21 Q What about foot wear?

22 A Well, he just had a pair of socks on his  
23 feet.

24 Q Just socks on?

10:40 25 A Yah.





1 Q No shoes?

2 A No shoes.

3 Q Or overshoes or anything like that?

4 A No.

10:40 5 Q And when he got his map, did he go out  
6 again?

7 A Yes.

8 Q Was that pretty well the end of it as  
9 far as ...

10:40 10 A Yes.

11 Q I think you said this would be shortly  
12 after seven, did you?

13 A Yes, it was just shortly after I opened  
14 up in the morning.

10:41 15 Q I see. Did the other male in the car  
16 come in at all?

17 A No.

18 Q Or any other person who appeared to be  
19 connected with the car?

10:41 20 A No."

21 And if you could just scroll down, please. We'll  
22 now get into -- this is the cross-examination by  
23 Mr. Milgaard's counsel Mr. Tallis, and if you  
24 could scroll from 1 right down to the bottom,  
10:41 25 please, and this is Mr. Tallis questioning



1 Mr. Rasmussen:

2 "Q Mr. Rasmussen, I believe that the  
3 Trav-a-leer Motel basically runs in an  
4 east-west direction?

10:41 5 A Yes.

6 Q As far as the alignment of rooms is  
7 concerned?

8 A That's right.

9 Q And what section of the building is the  
10:41 10 office located in?

11 A It would be on the southwest corner of  
12 the lot pretty well.

13 Q I see. Now, in this particular date of  
14 January 31, 1969, you told my learned  
10:42 15 friend that you were on duty. Now, you  
16 were the man who opened up first in the  
17 morning?

18 A Yes.

19 Q And I gather from what you told my  
10:42 20 learned friend, this was usually around  
21 seven o'clock?

22 A Yes.

23 Q And is that the opening time for the  
24 office?

10:42 25 A Yes, sir.



1 Q And I gather that these two people  
2 pulled up in the car sometime after you  
3 had opened up?

4 A Yes.

10:42 5 Q And would you be able to estimate  
6 approximately how long after you had  
7 opened it up that they came in?

8 A No, I couldn't say for sure, just  
9 shortly after I opened the doors and ...

10:42 10 Q I see. When you say shortly after, are  
11 you thinking in terms of five or ten  
12 minutes, something like that?

13 A No, I'd say maybe thirty minutes.

14 Q Oh, maybe thirty minutes?

10:42 15 A It would be in between seven and  
16 seven-thirty sometime.

17 Q So you would estimate it would be  
18 sometime after seven but not later than  
19 around seven-thirty?

10:42 20 A That's right, yes."

21 And these lines, Mr. Commissioner, I'm not sure  
22 who put those in, whose ever version of the  
23 document we received. Next page, please, and  
24 again this is Mr. Tallis questioning. Question  
10:43 25 17:



1 "Q And is there an eastern entrance off of  
2 Circle Drive to the Trav-a-Leer Motel?

3 A Yes.

4 Q I see. And also an entrance just to the  
10:43 5 north coming off the highway - if you  
6 come in from the west."

7 Maybe we can pause there and go back to map A for  
8 a moment and just maybe zoom in, just that area  
9 is fine, please, and again this is north, there's  
10:43 10 the Trav-a-leer, I think this is Circle Drive  
11 this way and this is 2nd (sic) Avenue and he's  
12 talking about coming in from the west and I think  
13 as well from the east, so if we could go back to  
14 the transcript of the prelim, please. Actually,  
10:44 15 I'll just go back up here, I'm sorry, and it  
16 says:

17 "Q And also an entrance just to the north  
18 coming off the highway - if you come in  
19 from the west?

10:44 20 A They have to turn off number four on to  
21 Circle Drive to get into the motel.

22 Q They do?

23 A Yes.

24 Q Which ever way they come in?

10:44 25 A Well no, they can come from down 20th



1 here on to Circle Drive and turn in that  
2 way too.

3 Q I see. And now about how long was this  
4 vehicle stopped at your place?

10:44 5 A Oh, I won't say over five minutes.

6 Q In that neighbour. And when you told my  
7 learned friend that you didn't pay much  
8 attention to the car, would you be able  
9 to assist us in any way as to whether or  
10:44 10 not it was a large car or a small  
11 model, or ...

12 A No, it wasn't a large car, but not in  
13 the terms like of an Oldsmobile or a  
14 Buick or anything like that, it would be  
10:44 15 a smaller car, but I haven't a clue what  
16 make it was.

17 Q I see. When you say it's a smaller car,  
18 are you thinking in terms of a standard  
19 model or something?

10:45 20 A It could have been an older model Chev  
21 or something like that."

22 Next page please. Just starting 126 down,  
23 please, again this is Mr. Tallis examining:

24 "Q Now, I gather then that there were a  
10:45 25 number of people in there that morning,



1                                were there, for ....

2                                A    No, we usually don't -- they don't  
3                                have too many until maybe nine or ten  
4                                o'clock in the morning.

10:45 5                                Q    I see. In any event, you had a good  
6                                glimpse of the car and are quite  
7                                satisfied that you could only see two  
8                                people in it?

9                                A    Yes, that's all I could see was the  
10:46 10                               two.

11                                Q    Two males persons?

12                                A    Yes.

13                                Q    And did you form any estimate as to how  
14                                far the car actually was from your  
10:46 15                               office when you noticed them?

16                                A    Well, he was under the canopy and  
17                                there was just nice room for a car in  
18                                there.

19                                Q    I see. So he was actually quite close?

10:46 20                                A    Yes.

21                                Q    Yes. What I am getting at, you would  
22                                have a good view of the car?

23                                A    Yah, the car was a wee bit past the  
24                                door, you see, so that you looked out  
10:46 25                                through the door and you could see the



1 party in the front seat.

2 Q And were the two people in the front  
3 seat; the two males in the front seat?

4 A Well, as far as I know. I wouldn't  
10:46 5 swear to that either, for when he come  
6 in the office, I don't know whether he  
7 got out the front or the back of the  
8 car.

9 Q I see. In any event, you saw him go and  
10:46 10 get into the car?

11 A Yes.

12 Q And when he got back into the car, he  
13 got into the front?

14 A Yes.

10:46 15 Q And there were then just two people you  
16 could see in the car?

17 A Yes, that's all I saw.

18 Q And you would have a pretty good view at  
19 that point?

10:47 20 A Well, I could see the car, yes."

21 That concluded Mr. Tallis' cross examination.

22 If you could scroll down,  
23 Mr. Caldwell had a few questions in re-exam,  
24 question 1:

10:47 25 "Q Mr. Rasmussen, I think MY LEARNED FRIEND



1                   asked you how far away you would  
2                   estimate the car was, you said it was  
3                   under the canopy and there's just nicely  
4                   room for one car under there?

10:47 5                   A     Yes.

6                   Q     And I think you said it was slightly  
7                   ahead, I believe you said?

8                   A     Just so maybe the back seat was right  
9                   opposite the door, almost right  
10:47 10                  opposite the door.

11                  Q     And I think you said you looked out the  
12                  door and can see the party in the front  
13                  seat?

14                  A     Just the back, yes.

10:47 15                Q     Now I don't know if I really understand  
16                  this yet but you saw these two in the  
17                  front seat at any rate?

18                  A     Yeh.

19                  Q     When the fellow went back out?

10:47 20                A     Yes.

21                  Q     And did you have a look into the back  
22                  seat, or view of the back seat at all?

23                  A     No, not that I noticed. I didn't pay  
24                  any attention. Just after he went out  
10:48 25                  of the door to get into car, I didn't





1 pay anymore attention to the car then.

2 Q So that I take it you didn't look  
3 specifically at the back?

4 A No."

10:48 5 So that is the preliminary evidence. And Mr.  
6 Commissioner, in that, Mr. Rasmussen mentioned in  
7 there the police coming to his place of business  
8 the day of the murder. I could not find any  
9 investigation reports that referred to that, I'm  
10:48 10 not saying that they are not in there, but I did  
11 look and didn't find anything.

12 The next document relating to  
13 Mr. Rasmussen is 039537, and this is a letter  
14 dated January 19th, 1970, and I believe this is  
10:48 15 the opening day of the trial or close to it.  
16 It's from Mr. Caldwell to Mr. Tallis and it  
17 simply points out, in the first paragraph, that  
18 the statement of Robert James Rasmussen appears  
19 to be provided to Mr. Tallis on that day.

10:49 20 The next document is the trial  
21 transcript, 046551, and again this is  
22 Mr. Caldwell examining at trial. There are just  
23 a few portions I want to read in. Go back to the  
24 main document, please, Mr. Rasmussen is asked a  
10:49 25 question:



1 "Q And I believe that since that time ..., "  
2 and they are referring to the day of the murder:

3 " ... you moved to and are now residing at  
4 Calgary, Alberta?

10:49 5 A Yes."

6 Then, if you could go to the bottom of page 0 --  
7 yeah, just at the bottom here, call out that  
8 portion, this is Mr. Caldwell examining:

9 "Q I show you P.2; ..., "

10:50 10 and I believe that's our map A:

11 " ... there has been evidence that this is  
12 an enlargement of a map of part of the  
13 city, sir; and that this is 22nd and  
14 that this is Circle Drive. Now, does  
10:50 15 that tag in that rectangle indicate  
16 where the motel would be?

17 A Yes.

18 Q And what was the first you saw of any  
19 persons out of a vehicle?

10:50 20 A Well, the first I saw was when the car  
21 pulled up in front and then a  
22 gentleman came into the motel.

23 Q And have you a view out your door --  
24 your front door towards where cars park?

10:50 25 A Yes; it wasn't too good though on



1 account of the lighting.

2 Q But you saw a car pull up and a person  
3 come in?

4 A Yes.

10:50 5 Q And what did you notice about the person  
6 who came in?

7 A Nothing too much; didn't pay too much  
8 attention to him.

9 Q Did you notice anything about the way he  
10:50 10 was dressed so to speak?

11 A Nothing that I could recall."

12 Scroll up, please. And then it appears that  
13 Chief Justice Bence then asks:

14 "Q Do you specifically know whether he had  
10:51 15 shoes on or not?

16 A He had no shoes on.

17 Q He had no shoes on?

18 A No."

19 And go to page 045553, again this is  
10:51 20 Mr. Caldwell:

21 "Q Now, did you see any other persons in  
22 the car from the look you got of the  
23 car?

24 A Just his back; I could see a party  
10:51 25 sitting in the front seat.



1 Q And this would be a separate one than  
2 the one that came in?

3 A Yes.

4 Q Did you have a look into the back seat  
10:51 5 of the car at all?

6 A No I did not."

7 Just down to the bottom of that page, please.

8 I'll just go over, Mr. Commissioner, the evidence  
9 here on time, which I think is an important  
10:51 10 matter we'll hear about from time to time:

11 "Q Now, what time do you estimate ...,"  
12 and, again, this is Mr. Caldwell:

13 "Q What time do you estimate it was that  
14 the person -- the car and that person  
10:52 15 came into your motel?

16 A It was just shortly after seven  
17 o'clock that I opened the door and it  
18 hadn't been open too long when this  
19 car drove up."

10:52 20 And then it appears Chief Justice Bence says:

21 "Q What time do you open?

22 A Seven o'clock."

23 Mr. Caldwell carries on:

24 "Q This would be shortly after seven a.m.  
10:52 25 then?



1 A Pardon?

2 Q It was shortly after seven a.m.?

3 A Yes.

4 Q And is the person who came in without  
10:52 5 the shoes and got the map in Court here  
6 today?

7 A I beg your pardon?

8 Q Is the person who came in and got the  
9 map in court here today?

10:52 10 A I couldn't say that."

11 And then just scroll down, and just -- it appears  
12 again, Mr. Commissioner, and I believe that this  
13 is the trial judge questioning the witness, it  
14 says here:

10:53 15 "MR. CALDWELL: Thank you; your witness."

16 So I believe he is finished, at least from the  
17 transcript. And the judge states:

18 "Q Just a minute please. You say this was  
19 shortly after seven?

10:53 20 A I beg your pardon, sir?

21 Q You say this was shortly after seven?

22 A Yes, sir.

23 Q That's when you open your motel up for  
24 business?

10:53 25 A Yes.



1 Q And were you on days?

2 A Yes; I open in the mornings always.

3 Q And you're there for how long?

4 A Well, off and on all day.

10:53 5 Q Do you take the desk in the mornings?

6 A Yes.

7 Q Anybody else there?

8 A My wife is there."

9 Top of the next page, just to this, again this  
10:53 10 still appears to be Chief Justice Bence:

11 "Q Oh I see ..?

12 A .. she was sleeping at the time.

13 Q Well, what I want to know is this -- did  
14 you give a city map to anybody else in  
10:53 15 the first say two hours of that morning  
16 between seven and nine o'clock?

17 A No, not that I recall."

18 If you can just scroll down a bit so I can  
19 identify, this is where Mr. Tallis starts to  
10:54 20 cross-examine, and go down to the bottom of that  
21 page, please. Just the last question and answer:

22 "Q And I think that you explained to him  
23 where you thought he wanted to go?

24 A Yes. I just told him down 20th Street  
10:54 25 some place, I wasn't too sure where it



1 was."

2 Top of the next page, this is Mr. Tallis:

3 "Q I see; but you tried to give him the  
4 general direction?

10:54 5 A Yes I did.

6 Q And actually you gave him this map of  
7 the city so he could take it with him?

8 A Yes sir."

9 Now just down to the bottom of that page, please,  
10:54 10 call out that part. Question -- and this is  
11 Mr. Tallis:

12 "Q Now, after you did this is it fair to  
13 say that the young man thanked you for  
14 the map?

10:54 15 A Yes he did.

16 Q Pardon?

17 A Yes sir.

18 Q And you told My Lord the Chief Justice  
19 that he didn't have any boots or shoes  
10:55 20 on?

21 A No, he had no shoes on.

22 Q But he did have stockings on?

23 A Yes.

24 Q And you were of course asked by the  
10:55 25 police whether you noticed anything



1 unusual about his clothes?"

2 Next page:

3 "A Yes.

4 Q And you told them that you didn't notice  
10:55 5 anything unusual?

6 A That's right.

7 Q And you were asked if you noticed  
8 anything unusual about the chap that  
9 came in?

10:55 10 A Yes.

11 Q And I think it's fair to say you told  
12 them you didn't notice anything unusual?

13 A That's right, yes.

14 Q And other than the fact that he thanked  
10:55 15 you for the map?

16 A Yes.

17 Q And he was quite polite to you?

18 A Yes he was."

19 So that is the transcript of the trial.

10:55 20 The next document is 034886,  
21 and I don't propose to go through it, other than  
22 to identify it for the record. If you could go  
23 to page, fourth page in, 0349 -- 890, this is the  
24 1993 RCMP report, and the RCMP looked for Mr.  
10:56 25 Rasmussen and concluded there that he was





1           deceased. You will see right there, the "general  
2           consensus", and in fact on the file there is  
3           confirmation that the RCMP obtained that Mr.  
4           Rasmussen was deceased. That is all the evidence  
10:56 5           for Mr. Rasmussen

6                       The next read-in is for William  
7           Campbell, and Mr. Campbell worked at the Belmont  
8           Texaco, and again maybe just call up map A. And  
9           the Belmont Texaco is the people who dealt with  
10:56 10          the Danchuks and Mr. Milgaard and friends, their  
11          vehicle that morning, when it was stuck at the  
12          Danchuk's. The first document is 10 -- and  
13          Mr. Campbell is deceased.

14                      The first document is 106175,  
10:57 15          and this is a police report dated February 2nd,  
16          1969, which would be two days after the murder.  
17          And if you could go to page 2, please, Detective  
18          Sergeant Reid is the author of this report. Just  
19          back to page 1, and just call out there. And  
10:57 20          February 2nd was a Sunday, this report says:

21                      "On February 2, 1969 at 12:00 noon I  
22                      received a witness statement from William  
23                      Alexander Campbell, who resides at 1120  
24                      Avenue Y North, and operates the Service  
10:57 25                      Station Belmont . . . ,"



1 should be Belmont:

2 "... Texaco Service at 22nd and Avenue W.

3 In his statement Mr. Campbell advises that  
4 on January 31, 1969, between 9:00 a.m. and  
10:58 5 9:30 a.m. he had a service call to the south  
6 lane in the 100 block Avenue T South. This  
7 lane runs north and south between the 100  
8 blocks Avenue S and Avenue T. When he  
9 attended two cars were in this lane, a 1963  
10:58 10 Ford Galaxy 500, red colour, licence  
11 unknown, and the other car was parked to the  
12 north of this first auto, and the second car  
13 was a 1958 Pontiac, with a gray hood. There  
14 were three young fellows in this car at the  
10:58 15 time. Apparently the operator of this 1963  
16 Ford was the person who had requested a tow  
17 truck to this area and Mr. Campbell advises  
18 that after pulling this 1963 Ford out of the  
19 lane and unhooked, one of the fellows in the  
10:58 20 1958 Pontiac came to him and asked him what  
21 it would cost for a boost. Campbell advised  
22 him and this youth apparently told him that  
23 he did not have any money and that he was  
24 from Regina. Mr. Campbell states that the  
10:59 25 licence for this 1958 Pontiac was 304865.



1 Mr. Campbell advises that he then returned  
2 to his service station and then  
3 approximately 15 minutes later this young  
4 fellow who had spoke to him out on Avenue G  
10:59 5 ....,"

6 which, I think that is a mistake Mr.

7 Commissioner, it says G, I think it should be T:

8 "... out on Avenue G regarding a boost  
9 returned to the garage and told him that he  
10:59 10 had the money to pay. At this time Mr.  
11 Campbell sent his attendant or employee  
12 Garry McQuhey of 1120 Avenue Y North with a  
13 tow truck to this area to give this person a  
14 boost."

10:59 15 If you could then scroll down please, that's fine  
16 there, just reading right there:

17 "Mr. Campbell advises when McQuhey returned  
18 to the service station 15 minutes later,  
19 McQuhey advised that this person with the  
10:59 20 gray hooded auto was given a boost and it  
21 was not paid at the time but apparently this  
22 young fellow only had a \$10 bill with him  
23 and would call at their service station and  
24 pay it which they apparently have not to  
11:00 25 date. Mr. Campbell advised that of the



1 three young fellows in this car, he only saw  
2 one of them and he described him at 19 - 20  
3 years, dark hair, and complexion and he had  
4 not described his clothing and he would not  
11:00 5 know the person to see again. Reason  
6 Mr. Campbell reported this to our department  
7 is that he wondered where the person had got  
8 the money so fast and they were from Regina,  
9 what were they doing in the alley. Licence  
11:00 10 number 304865, we have no listing for at the  
11 present time but should this licence should  
12 be sent to Regina and obtain the listing."

13 We move to document 106124,  
14 please. Now this, the licence number that was in  
11:00 15 the report is 304865, this document -- if you can  
16 just zoom in here -- is the registration for  
17 Ronald Wilson's vehicle. If you could go back to  
18 the main document, please, and down here you will  
19 see the licence number 304865. If you could just  
11:01 20 zoom in there, and if you could just scroll up a  
21 little bit, unfortunately -- actually, just go  
22 back to the main document, please -- looks like  
23 there is a received stamp. I can't tell you,  
24 Mr. Commissioner, and we will I suspect hear  
11:01 25 evidence from police witnesses as to when -- this



1 document was in the police files, this  
2 registration, it is not apparent to me from the  
3 files -- other than it appears to be in the same  
4 vicinity as the February 2nd report -- as to when  
11:01 5 the police would have requested this and received  
6 this, but we'll hear evidence on that. I simply  
7 show it now because it's in this grouping of  
8 documents.

9 So then if I could call up  
11:02 10 006233, please. Now this is a witness statement  
11 of William Campbell, and if you could just  
12 actually -- pardon me, it's dated February 2nd,  
13 1969, 12:00 noon, which coincides with Detective  
14 Reid's report. If you could just call up that,  
11:02 15 please, I believe the word "suspicion" at least  
16 is on that document, and then Mr. Campbell's  
17 phone number and address. If you could just go  
18 back to the main document, please, and I'll just  
19 scroll there, please:

11:02 20 "I operate the Belmont Texaco Service . . . ,"  
21 and I should pause there. This, again, appears  
22 to be Detective Reid's handwriting but I'll show  
23 you the signatures at the end:

24 "I operate the Belmont Texaco Service

11:03 25 Station located at 22nd Street W and Avenue



1 W South. I reside at 1120 - Avenue Y North  
2 - phone 382-3920.

3 On January 31st, 1969, between  
4 approximately 9:00 a.m. and 9:30 a.m. I  
11:03 5 attended a service call to the south lane in  
6 the 100 block Avenue T South. This lane  
7 runs north and south between 100 blocks  
8 Avenue S and T South.

9 When I attended I noticed two  
11:03 10 cars in the lane - a 1963 Ford Galaxy 500  
11 red colour - licence unknown. The other car  
12 was parked to the north of the first auto.  
13 This second auto was 1958 Pontiac with a  
14 gray hood. There were three young fellows  
15 in the car at this time. The operator of  
16 the 1963 Ford - was the person who had  
17 phoned for a tow. I pulled this auto out of  
18 the lane. As soon as I unhooked from this  
19 tow job - one of the fellows from the 1958  
11:04 20 Pontiac - came to me and asked me how much  
21 for a boost."

22 Next page, please:

23 "I told this person \$3 and he told me that  
24 he did not have any money and he told me  
11:04 25 that he was from Regina. I then returned to



1 the service station.

2 Approximately 15 minutes later  
3 - this person who told me he was from Regina  
4 returned to the garage and told me he had  
11:04 5 the money to pay for a boost.

6 I sent my tow truck out on this  
7 call attended by my employee Garry McQuhey,  
8 address 1120 Avenue Y north."

9 Starting there:

11:04 10 "Gary McQuhey returned to the service  
11 station about fifteen minutes later and said  
12 he had given this gray hooded auto a boost.  
13 I asked if they paid him and Garry stated  
14 they only had a \$10 bill and would come to  
11:05 15 the service station to pay for the boost -  
16 to date they have not shown up.

17 When talking to Garry McQuhey  
18 about this matter - he told me this young  
19 person had come to our service station in a  
11:05 20 red '63 Ford - which I assume to be the  
21 red-coloured auto I had towed out of the  
22 lane in the 100 block T south.

23 The three fellows in this auto  
24 with the gray hood, I only saw the one  
11:05 25 person and I would describe him as 19 - 20



1 years, dark hair and complexion - I cannot  
2 give any description of his clothing and I  
3 would not know this person to see again."

4 Scroll down, starting here:

11:05 5 "The reason I reported this was I wondered  
6 where this person got the money so fast and  
7 if they were Regina boys, what were they  
8 doing in this alley. When I spoke to this  
9 person he appeared to be excited or may have  
11:05 10 been cold. I do not know whether these two  
11 cars were together or not. The licence  
12 number of this 1958 Pontiac with the gray  
13 hood was Sask. licence 304865."

14 Now the next document I would  
11:06 15 like to refer to is 250598, and this is an RCMP  
16 report of May 7th, 1969. You will recall, in my  
17 opening remarks last week, I advised that the  
18 RCMP had provided some assistance or some  
19 involvement to the Saskatoon City Police in the  
11:06 20 investigation. This is one of their reports  
21 dated May 7th, and I think it's to headquarters,  
22 and received by the Attorney General's Department  
23 May 16th, 1969. If you could then go to the last  
24 page of that, please, and we'll just get a  
11:06 25 signature. Just zoom in there, please. It was





1 Mr. Rasmussen, a corporal with the RCMP, who we  
2 will be hearing from later on in these  
3 proceedings.

4 And then if you could just go  
11:07 5 back to page 250605 and into paragraph 24, this  
6 paragraph, the earlier -- it's under the date  
7 March 11, '69, it says -- and this is the RCMP  
8 report:

9 "Further investigation revealed that one  
11:07 10 William Alexander Campbell of Belmont  
11 Texaco Service, 22nd Street and Avenue W,  
12 was the person operating the tow truck on  
13 the morning in question. Subject was  
14 interviewed and stated that he attended to  
11:07 15 the service call in the south lane in the  
16 100 block Avenue T South between  
17 approximately 9 and 9:30 a.m. 31 January  
18 '69. Subject confirmed statements given by  
19 other persons involved. Stated that when he  
11:08 20 spoke to Milgaard he appeared to be excited  
21 or felt that he may have been cold. He  
22 could not give a description of any of  
23 Milgaard's clothing. Stated the licence  
24 number of the '58 Pontiac was 304-865. Also  
11:08 25 interviewed in this connection were Dennis



1 Raymond Cadrain and Oline Marie Cadrain,  
2 ....,"

3 I think that should be Celine:

4 "... brother and sister of Albert Cadrain.

11:08 5 Both confirmed statements already obtained.

6 Neither could recall seeing any blood on

7 Milgaard's clothing. Stated that he

8 appeared to be neatly dressed."

9 So this is simply a reference in the RCMP report,

11:08 10 Mr. Commissioner, to Mr. Campbell, and what

11 appears to be information given to the RCMP. I

12 have not been able to locate any other RCMP

13 records relating to this time other than the

14 paragraph that I just read to you.

11:08 15 Mr. Campbell testified at the

16 preliminary hearing of Mr. Milgaard and the

17 trial, and I'll just refer to a few brief

18 portions of that. The first, the prelim is

19 007524, and this is the preliminary hearing

11:09 20 transcript. If you go to the next page, 007525,

21 and you will see this is Mr. Campbell being

22 examined by Mr. Caldwell, and then just call out

23 the paragraph -- question 7, or 7 to the bottom,

24 please. And this is Mr. Caldwell examining:

11:09 25 "Q I believe you were at work on Friday,



1 January 31st of 1969 in the morning?

2 A That is correct.

3 Q And that you went on a service call that  
4 morning?

11:09 5 A That is correct.

6 Q How did the request reach you to go,  
7 Mr. Campbell?

8 A I got a telephone call to come and  
9 pull a car out because he had tried to  
11:10 10 apparently back out is the way I  
11 understood it and there was another  
12 car stuck in the lane which he  
13 couldn't get around it and he got  
14 stuck.

11:10 15 Q Now, what time did you get the call?

16 A The first call would be approximately  
17 I would say about 8:30, I would think  
18 in that neighbourhood.

19 Q I see. And do you have, by the way, in  
11:10 20 case its necessary, records of that  
21 somewhere?

22 A No, we haven't.

23 Q You don't have a log book?

24 A No, we don't.

11:10 25 COURT: That's you mean a.m. in the



1 morning?

2 A a.m., right, between eight and  
3 eight-thirty, it would be in there for  
4 sure."

11:10 5 And:

6 "MR. CALDWELL: Could you attend immediately  
7 on the call?

8 A Yes, I did.

9 Q Where did you go?

11:10 10 A To the back lane between T and U on  
11 the one block south.

12 Q One hundred block south, eh?

13 A Right. About halfway, roughly halfway  
14 down the back lane.

11:11 15 Q Did you have a name in connection with  
16 the call?

17 A No, I did not.

18 Q I see. And what time would you estimate  
19 you went there?

11:11 20 A I would say about eight-thirty. If my  
21 memory serves me correct, we left  
22 pretty well immediately after the call  
23 came in.

24 Q Did you go alone?

11:11 25 A Yes, I went alone.



1 Q And with a tow truck?

2 A Yes.

3 Q And when you got to that area, what did  
4 you find?

11:11 5 A I found a -- two cars, or one car at  
6 first that I knew was stuck and then  
7 when I pulled that car out the people  
8 in the car behind me asked me to pull  
9 them out, they were stuck too."

11:11 10 If you could then go to the next page, please,  
11 question 28:

12 "Q Then you said another car was behind  
13 it?

14 A This is correct.

11:11 15 Q Now that lane, as I understand it, runs  
16 north and south?

17 A That is correct.

18 Q And which way would the second car ....

19 A They were both pointing south.

11:12 20 Q Pointing south, and it would be ....

21 A The red car was further south than the  
22 gray one.

23 Q Yah, and they would be, I presume,  
24 essentially in the laneway when you saw  
11:12 25 them?



1 A Right in the lane.

2 Q Now, when you got the first car free,  
3 you became aware of this second car?

4 A This is correct.

11:12 5 Q What sort of a car was it?

6 A It was a '58 Pontiac. It had a darker  
7 coloured hood, which was gray, than  
8 the rest of the car.

9 Q I see.

11:12 10 A Other than the colour and the body and  
11 the rest of the car, I wouldn't be  
12 sure. I know the hood was gray and it  
13 was a different-coloured hood than the  
14 balance of the car.

11:12 15 Q Were there people in the second one?

16 A Yes, there was.

17 Q How many?

18 A This I couldn't be sure of. I think  
19 there were three but I wouldn't be  
11:12 20 sure of it.

21 Q Do you remember the -- male, females,  
22 age type of thing?

23 A The person that spoke to me about  
24 pulling the second car out, I  
11:13 25 estimated him at roughly nineteen



1 years old.

2 Q Right. And I presume a male from what  
3 you say?

4 A Yes.

11:13 5 Q And can you tell the court anything  
6 about the others, like the approximate  
7 ages or anything?

8 A No, at that time they were in the car  
9 and it was forty below out and it was  
11:13 10 cold and I was cold and my theory was  
11 to do the job and move out as fast as  
12 possible. I wasn't looking for  
13 anything.

14 Q It sounds like a sound theory. So then  
11:13 15 what did you do about the second car?

16 A Well, the person that came up to me  
17 from the second car asked me how much  
18 it was for the tow amount and if I  
19 remember correctly, I think it was  
11:13 20 three dollars, at that time he told me  
21 that he didn't have the money and in  
22 turn I left.

23 Q Alright. And where did you go then?

24 A Back to the garage.

11:13 25 Q Did you see any more of any of the



1 people involved with that Pontiac car?

2 A Well, this did appear again. Now, in  
3 myself in particular, the only thing  
4 that happened there was that they had  
11:14 5 came back to the garage approximately  
6 ten minutes later and said they had  
7 the money now to pay for a tow job and  
8 which I sent my man out with the truck  
9 to do the tow job. When he got out  
11:14 10 there .....

11 Q Well, don't .....

12 A Okay, fine.

13 Q Now, had you went right back to the  
14 garage?

11:14 15 A I went directly back to the garage.

16 Q And then who appeared there when you saw  
17 them?

18 A Well, just this chap that had been at  
19 the car.

11:14 20 Q I see. The fellow who had spoken to you  
21 at the car?

22 A Right.

23 Q And it was you he dealt with initially  
24 at the station?

11:14 25 A This is right.





1 Q How much later was this?

2 A It would be about ten minutes,  
3 probably, later.

4 Q About what time of morning would you  
11:14 5 estimate it would be getting to be then?

6 A Well, when the tow truck left to go  
7 out to the call the second time, it  
8 would be approximately in the  
9 neighbourhood of five minutes to nine,  
11:15 10 it was within the half hour from the  
11 time that I had left the first time.

12 Q I see. Now, did you see anymore of that  
13 person whom you had talked to at the  
14 scene and talked to at the station, that  
11:15 15 is where the car was stuck?

16 A No.

17 Q Can you look around please and tell the  
18 court whether that person is in the  
19 courtroom here today? Take your time.

11:15 20 A Well, as far as that goes, I -- I  
21 mean, this is too long ago. We see  
22 hundreds of faces every day,  
23 especially on a morning where it's  
24 forty below, thirty-five below. We  
11:15 25 have something in the average of about



1                   thirty-five to forty, tow calls, I  
2                   mean, you just can't remember every  
3                   face you see."

4                   Now, down at question 58, please -- or pardon me,  
11:15 5                  go to the next page, 007532, and this is  
6                  Mr. Tallis now cross-examining at the preliminary  
7                  hearing:

8                  "Q   Mr. Campbell, I just have a few  
9                        questions. You told my learned friend,  
11:15 10                 Mr. Caldwell, that you got this call  
11                       around 8:30 in the morning?

12                 A   Between 8:00 and 8:30.

13                 Q   Between 8:00 and 8:30. Then you  
14                       proceeded as quickly as you could under  
11:16 15                 the circumstances to that particular  
16                       point?

17                 A   This is correct.

18                 Q   Now, when you -- dealing with the  
19                       latter part of your evidence, you  
11:16 20                 mentioned a man coming back and you  
21                       dispatching one of your employees to  
22                       look after it?

23                 A   This is correct.

24                 Q   About what time would you estimate that  
11:16 25                 to be, and here again, I'm not trying to



1 pin you down.

2 A I'd say roughly five to nine,  
3 because it would be within the half  
4 hour.

11:16 5 Q In the vicinity of nine in the morning?

6 A That is correct.

7 Q Now, you spoke to this man in your  
8 garage, I take it?

9 A This is right.

11:16 10 Q And the lighting would be quite good in  
11 there?

12 A This is right.

13 Q And I take it that you noticed nothing  
14 unusual about him at that time?

11:16 15 A No, we weren't looking for anything.

16 Q No. I was going to say this. You  
17 weren't specifically looking for  
18 anything?

19 A No.

11:16 20 Q But there was nothing in particular that  
21 caught your eye?

22 A This is right.

23 Q And I assume that you were interviewed  
24 by the police shortly after?

11:16 25 A This is right."



1 Scroll down, question 12:

2 "Q And naturally your memory at that time  
3 would be better than today?

4 A It is not - not in this case, no.

11:17 5 Q I see. What I'm getting at is if there  
6 had been anything unusual when the  
7 police interviewed you, that you had  
8 noticed, you would have told the police?

9 A This is right, if you were looking for  
11:17 10 something, yes, this is right.

11 Q And you simply indicated to them that  
12 you hadn't observed anything unusual?

13 A Yah, I imagine."

14 So that's it for the preliminary hearing. The  
11:17 15 document number is 039537 and again this is the  
16 same letter we referred to earlier from Mr.  
17 Caldwell to Mr. Tallis, January 19, 1970, and  
18 William Alexander Campbell's statement appears to  
19 have been sent to Mr. Tallis on that day.

11:17 20 Next, the trial transcript from  
21 the David Milgaard proceedings is 005665 and this  
22 is examination of Mr. Campbell by Mr. Caldwell.  
23 If you go to the next page, 005665A, and just  
24 call out this question and answer, and this is  
11:18 25 Mr. Caldwell's exam:



1 "Q And what people were there apparently in  
2 conjunction with the cars?

3 A Well, it was hard to tell. The first  
4 car there was two people in it as far as  
11:18 5 I knew and we pulled them out and in the  
6 second car - I didn't pay much attention  
7 to it really; they asked us to pull them  
8 out and said they didn't have the money  
9 for the tow job so we left."

11:18 10 And then to page 005666. I'm sorry, if you can  
11 just go back to the previous page, just call up  
12 the last question:

13 Q Alright; and during the course of that  
14 did you --"

11:19 15 And then go on to the next page. I think this is  
16 a repeat. The next page, please. So just  
17 reading in from the previous page, it started  
18 off:

19 "Q Alright; and during the course of that  
11:19 20 did you notice how many people were in  
21 it?

22 A No, it was fairly dark yet at the time.

23 Q I see; now, when you got the more  
24 southerly car freed did you leave then?

11:19 25 A Well, it was just after I got the



1 southerly car freed that they came from  
2 the other car and asked if we could pull  
3 them.

4 Q You had that discussion then?

11:19 5 A Right.

6 Q And would you leave then right after  
7 that?

8 A Yes I did.

9 Q And back to the station?

11:19 10 A That is right."

11 Now next to page 005667 and this is at the trial,  
12 again this is Mr. Tallis' cross-examination, if  
13 you could zoom in there:

14 "Q I'm sure you've been asked this question  
11:20 15 far too many times but when this chap  
16 came to the service station it's fair to  
17 say you noticed nothing unusual about  
18 him?

19 A No; we weren't looking for anything, I  
11:20 20 mean this is about the size of it -  
21 right.

22 Q You have been asked if you recollect  
23 anything unusual?

24 A I would think so, yes.

11:20 25 Q And you have no recollection of anything



1 unusual?

2 A No."

3 Then finally with respect to Mr. Campbell,  
4 there's a 1993 interview with the RCMP, it's  
11:20 5 document 037165, and this is dated February 9th,  
6 '93 in Saskatoon, Corporal Bob Gagne, and it's a  
7 questionnaire that we've seen before. If you can  
8 just go to the next page and he appears to have  
9 been shown his statement:

11:21 10 "Q Was this the statement you provided, and  
11 does this depict your observations to  
12 the best of your recollection?

13 A Yes.

14 Q Do you wish to change any portion of  
11:21 15 your original statement that you  
16 provided?

17 A No, because I can't remember one way or  
18 the other.

19 Q Did any person ever attempt to alter  
11:21 20 your statement in any way to exclude or  
21 add any pertinent details?

22 A No. I've never talked to anyone since  
23 the trial."

24 And then the next page -- sorry, just at the  
11:21 25 bottom there it says:



1 "Q Do you have any further comments  
2 regarding this matter?

3 And the next page, please, and scroll down there,  
4 it says:

11:22 5 "A Wondering why license number of vehicle  
6 was never brought out at trial."

7 Actually, if you could just maybe call out that  
8 whole paragraph there, it might be easier to  
9 read, and this is 1993:

11:22 10 "Within a couple days two detectives  
11 attended the service station and asked me to  
12 go to the car. When I got there they wanted  
13 me to identify a guy in the back seat. I  
14 refused to identify him as I had a wife and  
11:22 15 five kids and didn't appreciate them  
16 bringing him there to the service station.  
17 They sent a couple of other detectives to  
18 talk to me after and I agreed to go to court  
19 with the information I knew. Other than  
11:22 20 this incident, I felt the police were doing  
21 the job well. There was no pressure for me  
22 to say anything more."

23 And that appears to be Mr. Campbell's signature,  
24 February, '93.

11:22 25 That is all the read-in for





1 Mr. Campbell. I see it's 11:20,

2 Mr. Commissioner, if this is an appropriate --

3 COMMISSIONER MacCALLUM: We'll take 15  
4 minutes, please.

11:35 5 (Adjourned at 11:20 a.m.)

6 (Reconvened at 11:45 a.m.)

7 MR. HODSON: Thank you, Mr. Commissioner.

8 A couple of things. I was reminded in my opening  
9 comments this morning when I was showing the map  
10 of the Trav-a-leer Motel, I think on the record I  
11 said down 2nd Avenue and it should have been 22nd  
12 Street, so just for the record that error.

13 As well, there's a couple of  
14 additions to the read-ins for Rasmussen and as  
11:44 15 well for Campbell and they come from Detective  
16 McCorriston's notebook. Now, he's deceased. I  
17 referred to this notebook before. If you could  
18 call up document 278794 and you'll see this is  
19 February 1. Now, it's got Pearson's, from the  
11:44 20 RCMP, signature and date of 1991 and I believe  
21 Pearson will tell us that he recovered these  
22 notebooks from McCorriston, or from someone else,  
23 but this is Detective McCorriston's notebook. If  
24 you can go to page 278829 and you'll see  
11:44 25 Thursday, June 12th, '69, which was the date of



1 the statement from Rasmussen I believe, and if  
2 you could just call up that top part and it says:

3 "Instructions received from Detective  
4 Sergeant Mackie to obtain statements re:  
11:45 5 occurrence 641."

6 That's the Gail Miller murder matter. If you  
7 could just start here, please, and call that up.  
8 And this is Gary McQuhae, and I'll be reading his  
9 evidence in next:

11:45 10 "1:40 p.m. re: occurrence 641/69, called at  
11 Belmont Texaco - interviewed Garry Leslie  
12 McQuhae, 22 years, 1120 Y North. 1:45 p.m.,  
13 commenced witness statement from McQuhae who  
14 was unable to leave service station as  
11:46 15 alone."

16 And then if you could just go down to the -- go  
17 back to the main document and just call up this  
18 part, please, and here's Mr. Campbell who I just  
19 finished reading in, this is June 12th, '69:

11:46 20 "Mr. William Campbell came in critical of  
21 police and confronting him with witness for  
22 ident when they had offered him protection.  
23 No atmosphere for completing statement.  
24 McQuhae should be home after 6 p.m., five  
11:46 25 hours sleep in last 3 days.



1 Recalls incident - approximately 8:30 - 9:00  
2 a.m., January 31, '69, was given \$1.00 -  
3 unable to change \$10 bill and arranged for  
4 one of the persons in '58 Pontiac to bring  
11:46 5 remainder to station. No one showed up."

6 And then just down here, it says:

7 "Re: Occurrence 641, called at Trav-a-leer  
8 Motel, 22nd Street."

9 Which is where Mr. Rasmussen resided, and this is  
11:46 10 the same date of the statement. Actually, if you  
11 can go to -- just go up to the main document.  
12 The pages appear to be copied in the wrong order.  
13 This is page 3.

14 If you could now skip ahead to  
11:47 15 page 4 which is 278831 and you'll see here's page  
16 4, so carrying on here and just call out that  
17 portion, please. It says:

18 "2 p.m., 2:10 p.m., witness statement  
19 received from Robert James "Bert" Rasmussen,  
11:47 20 manager, Trav-a-leer Motel, 382-1744. Re:  
21 on or about January 31/69 giving directions  
22 and map of city to youth - 7 a.m."

23 So that is from Detective McCorriston's notebook  
24 that should be added to the Rasmussen read-in.

11:47 25 One more very short read-in



1 before we have Mr. Alexander and that is Mr. Gary  
2 McQuhae who we heard from the Campbell read-in  
3 was the tow truck driver. Now, Mr. McQuhae is  
4 alive, but I concluded there's nothing to be  
11:47 5 added to his transcripts and I'll quickly  
6 highlight those.

7 The first is preliminary  
8 hearing transcript, 007535, and if you could go  
9 to the next page, please, and this is Mr.  
11:48 10 Caldwell examining, and question 2:

11 "Q Gary Leslie. Now, I believe that you  
12 did work or do now work at the Belmont  
13 Texaco Service at 22 and Avenue W in  
14 Saskatoon?

11:48 15 A Right."

16 And the next page starting at question 6:

17 "Q And that you were dispatched on a call  
18 on a tow truck that morning, is that  
19 right?

11:48 20 A That's right.

21 Q What time did you go out?

22 A I don't know, between 9:00 and 9:30,  
23 somewhere around there.

24 Q At whose instructions did you go?

11:48 25 A On Bill's.



1 Q That's Mr. Campbell?

2 A Right.

3 Q Were you present when Mr. Campbell, so  
4 to speak, received the call, or when the  
11:48 5 information came to him that a truck was  
6 needed?

7 A Well, they just come back from a call  
8 and then I went out on the next call  
9 that was ...

11:49 10 Q What I'm getting at is, were you present  
11 when whenever message it was got to  
12 Mr. Campbell that a truck was needed  
13 somewhere?

14 A Yah, there was some people come in a  
11:49 15 car and wanted to boost their battery."

16 And then over to page 007539 and question 27 --

17 I'm sorry, down to question 30:

18 "Q And when you got in there, what did you  
19 find?

11:49 20 A There was a '58, a Chev or Pontiac had  
21 been stalled in the back alley.

22 Q Do you remember the colour of this car?

23 A It was kind of a grayish colour with a  
24 darker hood on it; the hood was a  
11:49 25 different colour.



1 Q I see. What did you do at or about at  
2 the stalled car?

3 A Well, I turned the tow truck around and  
4 I gave him a boost, got him going, then  
11:50 5 I told him how much it would be and he  
6 had a ten dollar bill and I didn't have  
7 change for it, so he went back to the  
8 car and he got a dollars worth of  
9 change.

11:50 10 Q Give it a boost refers to a battery,  
11 does it?

12 A Yah.

13 Q Was that what the car needed to get it  
14 going, as far as you could see?

11:50 15 A Yah. I think he put some gas in the  
16 carburetor too.

17 Q Did you have a can of gas on your truck?

18 A No, I didn't have a can, I think they  
19 had one."

11:50 20 Question 37:

21 "Q And when you got the engine running, did  
22 you see the car move at all or ...

23 A No, he said he was going to leave it  
24 warm up for a minute."

11:50 25 And down to question 39, if you could scroll



1 down:

2 "Q How many people -- was there one or more  
3 than one persons in this party?

4 A Well, there was, as far as I could see,  
11:50 5 there wasn't anybody in the Pontiac, in  
6 the gray one, but in the other one I  
7 knew there was a girl in there, because  
8 I could see her and then the driver, but  
9 I don't know if there was any others or  
11:51 10 not.

11 Q That's in the red and white car?

12 A Yah."

13 Next page, question 45:

14 "Q Right, and do I understand -- how  
11:51 15 many -- when he had got out, how many  
16 people could you see, or that you are  
17 aware of, or that you know were still in  
18 the Pontiac, if any?

19 A Well, just the driver and the girl is  
11:51 20 all I really noticed.

21 Q I see. And then now can you -- excuse  
22 me, is the person who dealt with you and  
23 talked about paying for the Pontiac and  
24 appeared to I take it, be in discharge  
11:51 25 of it, or the driver, is he in court



1 here today? Would you have a look  
2 around, please.

3 A It's hard to really say because you  
4 boost so many you don't really pay too  
11:51 5 much attention.

6 Q Alright.

7 A I couldn't really say."

8 And then to page 007542, this is Mr. Caldwell,  
9 question 51:

11:51 10 "Q And did you retain or get or keep the  
11 license number of the Pontiac car?

12 A Yes, I did.

13 Q And what did you do with your record of  
14 it?

11:52 15 A I left it on the, we had a little pad on  
16 the dash of the tow truck, I just left  
17 it on there.

18 Q Are those things preserved or not?

19 A Well, just for the time being, like, you  
11:52 20 know, because, you know, I wouldn't have  
21 taken it down but I never got the full  
22 bill paid so I figured I'd take it  
23 down."

24 And then next to page 007543, just down to  
11:52 25 question 5, this is Mr. Tallis:





1 "Q So you have no recollection of  
2 specifically speaking to the individual  
3 other than later on over the change?

4 A Right.

11:52 5 Q I take it that from what you saw of  
6 him, you noticed nothing unusual about  
7 his clothes or anything like that?

8 A No.

9 Q And I presume that you gave a statement  
11:53 10 to the police shortly after this tragedy  
11 on January 31st, 1969?

12 A Yes, it was awhile after.

13 Q Awhile after?

14 A Yeah."

11:53 15 And just scroll down, here's the re-exam by Mr.  
16 Caldwell:

17 "Q My learned friend asked if you gave a  
18 statement to the police later and you  
19 said you did?

11:53 20 A Yah.

21 Q But did you give one that was written  
22 out and you signed it, or simply being  
23 interviewed by some officers?

24 A No, I never signed anything. He just  
11:53 25 sort of interviewed me and he wrote a



1                   few notes down."

2                   The next document is the trial transcript which  
3                   is 005669, go to the full page, and you'll just  
4                   see that's the examination, and there's nothing  
11:53 5                   in there, Mr. Commissioner, that I propose to  
6                   read out. The transcript is filed as an exhibit.

7                   The last document is 037837 and  
8                   this is the RCMP questionnaire, February 9th,  
9                   1993 for Gary McQuhae, Constable Ken Homenick, if  
11:54 10                  you switch to the next page, and just call out  
11                  that question and answer:

12                 "Q   How did you come to be involved in this  
13                   murder investigation?

14                 A   I was sent out on a service call to get  
11:54 15                  a vehicle unstuck. The vehicle was  
16                  stuck east of the service station. I  
17                  think it was a '58 Chev. As far as I  
18                  recall, I got them out. I think there  
19                  was a couple of people there. I must  
11:54 20                  have got paid for the job. This  
21                  happened in the morning between 8-9 a.m.

22                 Q   Were you approached and interviewed by a  
23                   member of the Saskatoon City Police  
24                   Department to supply a statement  
11:55 25                  concerning your observations pertaining



1 to the murder?

2 A I was asked to go to the court house, I  
3 think for identification purposes. I  
4 can't recall if I supplied a written  
11:55 5 statement."

6 And then scroll down there:

7 "Q Do you wish to change any portion of  
8 your original statement that you  
9 provided?

11:55 10 A N/A.

11 Q Did any person ever attempt to alter  
12 your statement in any way to exclude or  
13 add any pertinent details?

14 A No.

11:55 15 Q Do you have any further comments  
16 regarding this matter?

17 A No."

18 So that's the read-in for  
19 Mr. McQuhae.

11:55 20 Next is the only individual out  
21 of the Belmont and Hillcrest group who will be  
22 testifying here and that's Fred Alexander who I  
23 would ask to come up to the front, please.

24 **FREDERICK JOSEPH ALEXANDER, sworn:**

11:56 25 **BY MR. HODSON:**



1 Q Good morning, Mr. Alexander. Thank you for  
2 testifying before this Commission. I understand  
3 that you currently reside in British Columbia; is  
4 that correct?

11:56 5 A That's right.

6 Q And that you were a resident of Saskatoon from  
7 1957 to about 1992?

8 A Saskatoon and area?

9 Q Yes.

11:56 10 A Yes.

11 Q And that in 1969, specifically January of 1969,  
12 you were the lessee/operator of the Hillcrest  
13 Texaco located on Avenue P and 22nd Street in  
14 Saskatoon?

11:56 15 A Yes.

16 Q Maybe just call up map A, please, zoom in -- and  
17 the Hillcrest Texaco where I've got the red circle  
18 just off 22nd and P; is that correct?

19 A That's correct.

11:57 20 Q So it would be on the northeast corner?

21 A Yes.

22 Q Now, do you recall who was employed at Hillcrest  
23 Texaco back in January of 1969?

24 A It would be Lyle Trost, David Anderson and George  
11:57 25 Davis.



1 Q I understand that Mr. Davis was the mechanic; is  
2 that right?

3 A Yes.

4 Q And that David Anderson was a tow truck driver?

11:57 5 A Tow truck driver and he did the servicing at the  
6 pumps, yes.

7 Q And Mr. Trost, do you recall what he did?

8 A Lyle, Mr. Trost was my right-hand man, he was the  
9 person who was in charge if I wasn't there.

11:58 10 Q Now, do you recall Gail Miller's murder on January  
11 31, 1969?

12 A Yes.

13 Q And do you recall that morning?

14 A Yes.

11:58 15 Q And do you recall a vehicle with some young people  
16 attending at your station?

17 A Yes.

18 Q Can you tell me just your general recollection of  
19 that morning and who was there and what you recall  
11:58 20 observing?

21 A There were three, what I would call youths,  
22 probably late teens, early 20s, two males and a  
23 female. Initially one person had contacted me  
24 about their vehicle being stuck in the snow. As I  
11:58 25 recall, it was very early in the morning, I had



1 opened the service station that morning at about  
2 6:30 to get ready for the day's events. As I  
3 recall, they were the first people that were in  
4 the service station asking for assistance.  
11:59 5 Shortly after I opened Lyle and David, Mr.  
6 Anderson and Mr. Trost turned up for work. As I  
7 recall, the vehicle was stuck on Avenue O off 22nd  
8 facing north. I dispatched David in the tow truck  
9 with the person that initially contacted me.  
11:59 10 Initially there was one person that came into the  
11 service station. David returned with the vehicle  
12 and we put it in the east bay of the service  
13 station. When he came back to the service station  
14 he indicated there was another vehicle stuck in  
12:00 15 the snow further in and he was unable to get that  
16 vehicle out. He had been requested to. I believe  
17 I called Hamilton Towing and it was a John Lalonde  
18 I believe that brought that car to the service  
19 station just after because he had a larger truck,  
12:00 20 he had a winch in his truck and he winched it out  
21 of the snow. That was put in the west bay of the  
22 service station. Both cars, when they got stuck  
23 in the snow, had an abundance of snow under the  
24 hood, got up under the hood. Normal procedures  
12:00 25 for bringing a vehicle in at that time in that



1 condition would be to use the hot water, wash the  
2 snow out from under the hood so you could get at  
3 it, blow everything dry so you could get it to  
4 start, plug in the block heater and put the  
12:00 5 battery chargers on, charge the battery to get  
6 them going.

7 Now, the first car was the first  
8 one out because it was a newer car and the second  
9 one that was in the easterly bay, which I think,  
12:01 10 or thought was a 1959 Pontiac, had some mechanical  
11 problems. Now, when it got stuck I believe the  
12 pressure from the snow and that had broken the  
13 transmission lines to the automatic transmission  
14 and it wasn't just a simple task of bringing it  
12:01 15 in, warming it up and getting it out, so I guess  
16 in the conversation with the owner of the car  
17 there was a request as to how much it was going to  
18 cost for all this because at the time it seemed  
19 that money -- well, it was obvious that money was  
12:01 20 an issue and they couldn't afford to replace the  
21 transmission lines, so what we did is we used what  
22 they call compression fittings and we spliced the  
23 lines and filled the transmission up again,  
24 charged the battery, got the vehicle going. As I  
12:02 25 recall, we had to push the vehicle backwards out



1 of the service bay because by this time there was  
2 no reverse gear in it possibly because when it got  
3 stuck in the snow they tried to rock this vehicle  
4 out of the snow and of course with the line being  
12:02 5 broken there was no transmission fluid in it,  
6 probably damaged the transmission.

7 Q About how long would these people have been in  
8 your garage approximately, an hour, two hours,  
9 half an hour?

12:02 10 A I would say probably by the time we did all that,  
11 probably an hour to an hour and a half.

12 Q And, I'm sorry, how many people do you recall  
13 being with the vehicle?

14 A There were three.

12:02 15 Q And do you remember male or female?

16 A Two males and a female.

17 Q Now, did you at some point come to realize that  
18 the youths that were in your garage that day may  
19 have been David Milgaard, one of the persons may  
12:03 20 have been David Milgaard?

21 A No, not that day.

22 Q Not that -- but at some point did you?

23 A I guess after -- probably maybe the next day or  
24 later in the day maybe after we had coffee across  
12:03 25 the street and the people at the service station





1 across the street had indicated that something had  
2 happened, but it never occurred to me that they  
3 were involved in any way.

4 Q So on that day that the young people were in your  
12:03 5 garage, are you saying you did not associate that  
6 group and their attendance at your garage with the  
7 murder?

8 A No.

9 Q Did you later, at some later date come to realize  
12:03 10 that one of the individuals in your garage may  
11 have been Mr. Milgaard?

12 A Yes, sometime later.

13 Q And how did that come about?

14 A I think it was probably when the police first  
12:03 15 contacted me about it looking for information that  
16 they had been there.

17 Q I see. And do you recall seeing a picture of Mr.  
18 Milgaard or being shown a picture of Mr. Milgaard?

19 A No, not that I recall. Just what was probably in  
12:04 20 the newspapers, news media.

21 Q And, from that, were you able to say that it was  
22 him that was in your garage that morning?

23 A No, because I probably wouldn't have recognized  
24 him the next day, there was so much going on in  
12:04 25 the service station.



1 Q Now can you tell me, did you notice, or tell me  
2 what you recall observing of this group while they  
3 were in your garage that morning?

4 A Well there was a lot of excitement or  
12:04 5 hyperactivity, if you would. They wanted to use  
6 the telephone, and the telephone in the front area  
7 of the garage I had taken the dial off and had a  
8 dial-less phone put on, because there were so many  
9 people would come in and ask to use the telephone,  
12:05 10 and SaskTel had put a telephone booth out on the  
11 northwest corner of the boulevard. The only dial  
12 phone in the garage was in the back storage room,  
13 which was doubled as an office for me, and so I  
14 had requested them to use the pay phone out in  
12:05 15 the -- on the street.

16 As I recall, there was some talk  
17 inside the garage, or some talk outside just on  
18 the pavement in front of the garage and then there  
19 was a running back and forth to the phone. Didn't  
12:05 20 seem to me to be anything unusual just other than  
21 some youths that were trying to phone their  
22 friends, and stuff, that they had got -- had some  
23 trouble with their vehicle.

24 Q Okay. Did you notice any of these youths going  
12:06 25 inside the vehicle at any time while it was in



1 your shop?

2 A Yeah. As I recall I think the young lady went out  
3 in the vehicle and had taken some debris, if you  
4 will, papers or maybe A & W bags or something like  
12:06 5 that out of the back seat of the car, because it  
6 had been brought to my attention by one of the  
7 people who worked for me how untidy the vehicle  
8 was in the back.

9 Q I see. And you said it was the young girl that  
12:06 10 had done that?

11 A Yes.

12 Q And what, do you recall, was it put in your  
13 garbage cans, then, do you remember?

14 A Pardon me. She was putting it in the garbage can  
12:06 15 that would be in front of the car, the mechanics'  
16 garbage can, and I think that after she was out  
17 there for a while myself or one of the employees,  
18 we sent an employee there, had to ask her to get  
19 out of the service bays because it was -- the  
12:06 20 service bays were not big and I didn't really want  
21 people in my shop.

22 Q Did you observe anything unusual about the  
23 clothing of any of the youths?

24 A About the clothing? No.

12:06 25 Q Do you recall any discussions with Mr. Trost, or



1 anyone else, about concerns about the cash  
2 register area that morning?

3 A About which, sorry?

4 Q About the cash till being in the front area or  
12:07 5 anything of that nature?

6 A Umm, no, I don't recall that. I have been asked  
7 that a couple times, I don't recall anything about  
8 worrying about the cash, or anything like that.

9 Q Now I think you said that, at some point after  
12:07 10 this date, the police attended at your premises;  
11 is that correct?

12 A Yes.

13 Q And what do you recall about that?

14 A Umm, they came in, it was in the warmer weather,  
12:07 15 it was quite a bit later than this, than the  
16 incident, and they were looking for information, I  
17 guess it would be the invoice that would have been  
18 prepared to do the work on the car, and they had  
19 asked to go through my invoices that I had for  
12:08 20 that day. When -- when -- I had three ways of  
21 keeping track of money turnover, if you will, for  
22 jobs that were done; I had charge accounts, you  
23 would have the credit cards, and then I had cash  
24 receipts. And the cash receipts were very simple  
12:08 25 Moore Business Forms, they sat at the side of the



1           till in a little dispenser, a lot of times when  
2           you had a small job going on you would just put  
3           "cash", you would write down in this case, "tow,  
4           vehicle, boost and warm vehicle and start," and it  
12:08 5           would be maybe \$12 or something total, 12, \$14.  
6           It was just a tracking device so I knew it was in  
7           there, because when a person would pay the bill it  
8           would be rung into the cash register, and then  
9           those cash receipts were set on the counter, we  
12:08 10          used to have a distributor cap set on top of it  
11          with pens and pencils and stuff like that, and  
12          that's where they were until the end of my day  
13          when I did my cashout.

14          Q        Okay. So did you, when the police came back,  
12:09 15          then, and talked to you, were you able to find any  
16          invoice or piece of paper relating to the visit on  
17          January 31, 1969?

18          A        No.

19          Q        Now do you recall whether you gave the police a  
12:09 20          statement at that time, a written statement, where  
21          you would have signed something?

22          A        I don't recall giving a written statement at that  
23          time, no.

24          Q        Do you recall if the police talked to Mr. Davis or  
12:09 25          Mr. Trost or Mr. Anderson at that time?



1 A No, not at that time, I don't think, no.

2 Q Okay. Now you did not testify at the David  
3 Milgaard proceedings; is that right?

4 A That's right.

12:09 5 Q And would it be fair to say that after that one  
6 visit by the police -- and I think you said it was  
7 in warmer weather?

8 A Yeah, it was in warmer weather, yes.

9 Q Do you recall if that was after Mr. Milgaard had  
12:09 10 been charged with an offence?

11 A I can't recall if it would be after he got  
12 charged, no.

13 Q Okay. But, from that moment, I understand the  
14 next time you would have been contacted about this  
12:10 15 matter was in 1993 by the RCMP; is that right?

16 A That's right.

17 Q And they contacted you in Gold River, B.C.; is  
18 that right?

19 A That's right.

12:10 20 Q And they asked you some questions about January  
21 31, 1969?

22 A Yes.

23 Q And, as well, your dealings with the police; is  
24 that right?

12:10 25 A Pardon?



1 Q And your dealings with the police at that time?

2 A And the, yes, and the dealings with police, yes.

3 Q And do you recall that they recorded an interview  
4 with you?

12:10 5 A Yes, they did.

6 Q Okay. Did they do that more than once?

7 A Yes.

8 Q Okay. What happened with the first tape?

9 A Umm, well, the first time I went to give the  
12:10 10 interview I had a very bad cold and we were in a  
11 room, just a room with a table and stuff, and I  
12 guess the acoustics were quite poor and they  
13 couldn't make out what was on the tape recorder.  
14 It was a taped interview, --

12:10 15 Q Yes?

16 A -- taped and written. So a few days later they  
17 had phoned and asked if I could come back and redo  
18 it again, and we went into a different area at  
19 that time, and I was feeling better, of course, --

12:11 20 Q Okay?

21 A -- and that's why I had to give the two  
22 statements.

23 Q Okay. If I could call up first, just for the  
24 record, document 045948, and if you could actually  
12:11 25 go to the next page, please, 045949. And this is



1 an RCMP Continuation Report, and if you could just  
2 go back to the main document, please, this is  
3 March the 2nd, 1993 and later there is a statement  
4 of June 9th, 1993. So I'll just go through this,  
12:11 5 Mr. Alexander. These are RCMP notes, and do you  
6 recall talking to them on the telephone, is that a  
7 possibility, the RCMP?

8 A I was first contacted from a constable, I think he  
9 phoned from Regina, establishing that it was  
12:12 10 myself that had the service station at that time,  
11 and he had requested if I would attend the  
12 detachment there to give a statement, like a  
13 prepared -- a statement through a prepared  
14 questionnaire.

12:12 15 Q Okay. Now did he, in this phone call, did you  
16 have a bit of a general discussion with the  
17 officer about what you remembered?

18 A At that time no, not on the telephone, it was he  
19 was going to send this prepared questionnaire to  
12:12 20 Gold River.

21 Q Okay. I'm just going to go through, and this is  
22 what the RCMP wrote, and I'm going to ask if this  
23 reflects what you may have told them either on the  
24 phone or at some other time, and it says:

12:12 25 "He was in a bit of a hurry to get to work





1 but was cooperative and willing to assist.  
2 Alexander stated that he is the previous  
3 owner of Hillcrest Texaco and that he was  
4 present the morning the three individuals  
12:13 5 came in to have the transmission line  
6 repaired. He stated as follows:

7 - he has not been interviewed by police  
8 except on one occasion when he believes ..."  
9 it's underlined:

12:13 10 "... Ed Karst came by to pick up the  
11 invoices for the repairs. Alexander is  
12 unsure of when this occurred."

13 Do you recall providing that information to the  
14 RCMP; is that --

12:13 15 A Yeah, I do, with the initial conversation.

16 Q Go to the next page and we'll just call that out  
17 and scroll down. And, again, these are the  
18 officer's notes, Mr. Alexander, it says:

19 "- the three were 'hyped up' perhaps on  
12:13 20 drugs. Alexander confirmed they were all  
21 over the garage."

22 Would that be an accurate recording of what you  
23 would have told the RCMP at that time?

24 A At that time, yes.

12:13 25 Q And then it says that:



1                   "- that he believes he heard of the  
2                   murder in the afternoon of 69 01 31. The  
3                   police did not come by until a later date  
4                   (he is unsure of date) and the area was not  
12:14 5                   barricaded the day of the murder, to the  
6                   best of his knowledge."

7                   Do you recall telling the RCMP that?

8           A           Yes.

9           Q           Yeah. Now, just in regard to the barricade, do  
12:14 10           you recall your service station being barricaded  
11           anywhere on the day of the murder?

12          A           I don't recall my service station being barricaded  
13           on the day of the murder, no.

14          Q           Or anywhere in the vicinity?

12:14 15          A           I had thought that earlier in the day, perhaps in  
16           the morning, that the Wayfarer Gulf across the  
17           street from me was barricaded.

18          Q           Okay. If you could just scroll down, pause there,  
19           and, again, this is the notes says:

12:14 20                   "- he believes Lyle Trost was working  
21                   for him at the time and that either Trost or  
22                   John Lalonde were dispatched to retrieve the  
23                   car out of the snowbank."

24                   Is that an accurate recording of what you would  
12:14 25                   have told the RCMP at the time?



1 A Yes.

2 Q It says:

3 "- Dave Anderson, he believes (Anderson  
4 is the tow truck driver), may now be  
12:15 5 residing in Edmonton and in fact, may be a  
6 lawyer. His father ..., "  
7 and you are going to have to help me out on that  
8 one, "FNU"?

9 MS. KNOX: 'First name unknown'.

12:15 10 By MR. HODSON:

11 Q "... first name unknown, did live in  
12 Saskatoon."

13 Edmonton. I thought FNU was better, but  
14 apparently not. Do you recall giving that  
12:15 15 information to the police?

16 A Yes.

17 Q And then top of the next page, just call down, it  
18 says:

19 "- he could not have identified any of  
12:15 20 the three persons."

21 Did you tell the officer that, the RCMP officer?

22 A Yes.

23 Q And it says:

24 "Alexander is prepared to provide a written  
12:15 25 statement to our members. I see no point in



1           having our people attend to Vancouver on  
2           this matter, therefore a draft of questions  
3           will be prepared and forwarded to Gold River  
4           detachment. This will be done ASAP."

12:15 5           So I take it, then, that following this call you  
6           would have met with someone from the Gold River  
7           RCMP?

8           A       Yes.

9           Q       If you could call up document 045934, and this  
12:16 10          appears to be a recording, or this is the  
11          statement of Fred Alexander. If I could just have  
12          you go to page 045940, please, it's the last page.  
13          Is that your signature, if you could zoom in  
14          there, is that your signature, Mr. Alexander?

12:16 15       A       Yes, it is.

16       Q       Okay. We'll go back to page 1, 045934, and go to  
17       the second page, 045935. And I don't propose to  
18       go through all of this answer but just the  
19       question there is:

12:16 20               "Q    can you recall the events of January 31,  
21               1969, the day Gail Miller was murdered  
22               in an alley between Avenues N and O  
23               South, near the 20th Street in  
24               Saskatoon?"

12:17 25           If you could then go down to about there, call



1 that part out, and then it talks here about:

2 "It was a 2 stall service station that I  
3 had. It was located in the most easterly  
4 bay of the service station. It had some  
12:17 5 damage to the transmission lines from going  
6 into the snow. They'd broken them and the  
7 mechanic who at the time was George Davies,  
8 ..."

9 I think it's Davis:

12:17 10 "... he had to pull the radiator out and I  
11 gave one of the kids a rough estimate as to  
12 how much it would cost to replace the  
13 transmission line. There was an alternative  
14 method of slicing ..., "

12:17 15 and I think that should be "splicing":

16 "... the lines of compression fittings and  
17 putting it back together like that and  
18 that's how we repaired the vehicle. Now as  
19 I recall there was also something wrong with  
12:17 20 the heater and I think George tinkered  
21 around with it or he'd taken it out and  
22 cleaned it. You would probably have to ask  
23 him. After we finished with the vehicle  
24 repairs and went to take it out of the  
12:18 25 garage, it would not go into reverse. I



1                   presume that probably when they got the car  
2                   stuck in the snow they tried to rock it out  
3                   and the transmission lines were broken. It  
4                   dumped all the oil out and this probably did  
12:18 5                   the damage to the transmission."

6                   If I could pause there, does this sound like an  
7                   accurate recording of what you would have told  
8                   them, Mr. Alexander?

9           A           Yes.

12:18 10          Q           And, what I read, that's your truthful  
11                   recollection at the time?

12          A           Yes.

13          Q           And then it says here:

14                   "During the time that all this was going on,  
12:18 15                   there was, as I recall two guys and a girl  
16                   there. Now the way my office was situated,  
17                   I used the stock room in the back as an  
18                   office, and I had a phone, a proper  
19                   standard-type wall phone in there and in the  
12:18 20                   front I had a wall phone but it had no dial  
21                   on it. Initially one of the guys and the  
22                   girl had been wanting to use the phone so I  
23                   let them use the one in the office. Well as  
24                   the morning got on a little bit and we had  
12:18 25                   another fellow come to work, I went into the



1 back to do the cash out. George continued  
2 on working on the vehicle and in the  
3 meantime we're out pumping gas and serving  
4 customers. I had to refuse letting them use  
12:19 5 the telephone because I had cash out on the  
6 table and had to lock the door."

7 Is that an accurate recording and a truthful  
8 recollection of what you told them at the time?

9 A Yes.

12:19 10 Q It then goes on to say:

11 "There was a telephone booth located on the  
12 west boulevard of Avenue P just on the other  
13 side of my west pumps and they used that.  
14 Another vehicle pulled up sometime during  
12:19 15 the morning and the girl and one of the guys  
16 was out there talking to whoever was in the  
17 vehicle. I didn't pay much attention and  
18 didn't have any conversation with any of  
19 them."

12:19 20 Is that an accurate and truthful recording of  
21 what you would have remembered --

22 A Yes.

23 Q -- and told them at the time?

24 A Yes.

12:19 25 Q Now if you could just scroll down, please, to the



1 -- and we just have to go back to the page, I  
2 think we're missing the question on the left side,  
3 if we could just call out that, please. And it is  
4 reported that you were asked the question:

12:20 5 "Q Do you recall the names of these  
6 individuals?

7 A I recall one of them probably because  
8 all the circumstances and all the  
9 stuff that's been on the news. David  
12:20 10 Milgaard. We knew he'd been in the  
11 garage and because of the police  
12 coming up later.

13 Q Do you recall how many people arrived  
14 there with him?

12:20 15 A At the time when he came to the garage  
16 there was another guy and the girl.

17 Q Do you recall anything about their  
18 clothing?

19 A They were kind of dirty, very untidy  
12:20 20 and the car was quite a mess inside as  
21 I recall.

22 Q When you say dirty, was it blood or  
23 anything unusual that caught your  
24 attention?

12:20 25 A No just grubby, grimy. These people





1 appeared to have poor hygiene.

2 Q Did you notice anyone of them disposing  
3 of anything out of the vehicle?

4 A No. Other than maybe throwing garbage  
12:20 5 in the garbage can that was in the  
6 shop.

7 Q What kind of mood were they in?

8 A The mood, as I recall we kind of  
9 discussed that a little bit amongst  
12:20 10 ourselves, they were pretty hyper at  
11 the time when they were in the garage.  
12 Whether it was a high or, hypertension  
13 or whatever, I couldn't say because  
14 I'm not an expert in that but there  
12:21 15 was an air of uh, what you might call  
16 excitement or I don't know how you  
17 would explain it but it wasn't a  
18 low keyed type of situation."

19 Those portions that I read, is that an accurate  
12:21 20 and truthful recording of what you told the RCMP?

21 A Yes.

22 Q And when it says here:

23 "... as I recall we kind of discussed that a  
24 little bit amongst ourselves ...,"

12:21 25 was that a discussion of January 31, that day, or



1 was it a discussion later on, after, or at about  
2 the time you talked to the police?

3 A It would probably be that day, as I recall, it  
4 would be just talk amongst the people that worked  
12:21 5 for me.

6 Q Okay. And then just down here, question and  
7 answer, it says?

8 "Q By the way they were acting, did they  
9 frighten any of your employees?

12:21 10 A No, nobody was really concerned or  
11 afraid of anything I don't think.  
12 They didn't act aggressive or anything  
13 like that."

14 And that's truthful and accurate recording of  
12:22 15 what you would have said?

16 A Yes.

17 Q Those are all the questions I have, Mr. Alexander.  
18 Some of the counsel may have questions for you. I  
19 think we will be in the same order,  
12:22 20 Mr. Commissioner, as last week, unless someone --

21 COMMISSIONER MacCALLUM: Thanks.

22 Mr. Wolch?

23 MR. WOLCH: No questions, sir.

24 COMMISSIONER MacCALLUM: Ms. McLean or  
12:22 25 Mr. Lockyer, no?



1 MR. LOCKYER: No, sir, thank you.

2 COMMISSIONER MacCALLUM: Mr. Beresh?

3 MR. BERESH: No, thank you.

4 COMMISSIONER MacCALLUM: Mr. Elson?

12:22 5 MR. ELSON: No, thank you.

6 COMMISSIONER MacCALLUM: Mr. Fox?

7 MR. FOX: No.

8 COMMISSIONER MacCALLUM: Mr. Gibson?

9 MR. GIBSON: No questions.

12:23 10 COMMISSIONER MacCALLUM: Ms. Krogan?

11 MS. KROGAN: No thank you.

12 COMMISSIONER MacCALLUM: And Ms. Knox?

13 MS. KNOX: No questions.

14 **BY COMMISSIONER MacCALLUM:**

12:23 15 **Q** Mr. Alexander, what time was it, I'm not quite --  
16 you said you opened at 6:30, but what time did  
17 these people come? They were the first ones that  
18 asked for help; there was two cars involved,  
19 right?

12:23 20 **A** Yes. As I recall I was there at 6:30 in the  
21 morning, before anybody else got there, to get --  
22 get the stuff out of the service bays so we could  
23 use them.

24 **Q** Yeah.

12:23 25 **A** Now, as I recall, they were there, it seemed to



1 me, just after 7:00, between 7:00 and 7:30  
2 sometime.

3 Q Now by "they" you mean exactly who?

4 A Pardon?

12:23 5 Q By "they" you mean who?

6 A The three youths.

7 Q The three youths?

8 A Uhum.

9 Q How about the owner or the driver of the first  
12:23 10 car; did he show up or did they show up?

11 A The other car we had in the service bay?

12 Q Yes?

13 A No, that was -- when Mr. Anderson went to take the  
14 first vehicle out of the snow where it was stuck  
12:24 15 the request came, I think, from the owner of the  
16 second car, probably because he saw our tow truck  
17 there, and it wasn't equipped to pull vehicles out  
18 of the snow the way it was stuck so he was making  
19 a request, even though he may have made a request  
12:24 20 of somebody else to do it, and he came back to the  
21 service station, and I believe I phoned Hamilton  
22 Towing, and John Lalonde was the person who was in  
23 the area, and he was the person that winched the  
24 vehicle out of the snow and brought it to the  
12:24 25 garage.



1 Q So you think this was shortly after 7:00, when the  
2 first contact was made with the people in the  
3 second car, is that right?

4 A That's what I, that's what I believe, yes.

12:25 5 COMMISSIONER MacCALLUM: Is there anything  
6 arising from that, counsel, anybody?

7 ALL COUNSEL: No, sir.

8 MR. HODSON: I think Ms. Knox has a  
9 question.

12:25 10 BY MS. KNOX:

11 Q Mr. Alexander, I apologize, I may have missed  
12 something earlier in your evidence, but arising  
13 from the Commissioner's question. I'm not sure,  
14 now, that I am clear on what you are referring to  
12:25 15 as the first car and the second car; which was the  
16 first car that you had pulled into your garage?

17 A The first vehicle into the service station was the  
18 Milgaard vehicle.

19 Q So that would have been the grey Pontiac, and the  
12:25 20 second car, we don't know who owned that or  
21 anything of that nature?

22 A The second car was the one we put in the westerly  
23 bay.

24 Q Okay. And nobody ever asked you who owned that  
12:25 25 car, or anything of that nature, --



1 A No.

2 Q -- that you recall?

3 A No.

4 Q And I'm sure you don't remember it today?

12:26 5 A No.

6 Q Okay. Thank you.

7 MR. HODSON: I just have one question,  
8 Mr. Commissioner.

9 BY MR. HODSON:

12:26 10 Q Mr. Alexander, would it be fair to say that the  
11 first time that you -- or when would have been the  
12 first time that you were asked to recall what time  
13 this vehicle with the three youths was at your  
14 garage on the morning of January 31?

12:26 15 A It would be 1993 when I did the interview with the  
16 RCMP in Gold River.

17 Q Okay. I think that is all.

18 COMMISSIONER MacCALLUM: Mr. Alexander,  
19 thank you very much, you are excused.

12:26 20 MR. HODSON: Thank you, Mr. Alexander.

21 Mr. Commissioner, if that's an  
22 appropriate spot to break, I have Mr. Remenda at  
23 2:00, and then I have the read-ins of the three,  
24 of McQuhae and Anderson, that I can do after  
12:27 25 Mr. Remenda.



1 COMMISSIONER MacCALLUM: Okay.

2 (Adjourned at 12:27 p.m.)

3 (Reconvened at 2:00 p.m.)

4 MR. HODSON: Good afternoon. The next  
02:00 5 witness will be Mr. Norman Remenda. If I could  
6 ask you to come up to the front.

7 **NORMAN NELSON REMENDA**, sworn:

8 BY MR. HODSON:

9 Q Your name, for the record, is Remenda,  
02:01 10 R-E-M-E-N-D-A; is that right?

11 A Yes.

12 Q Mr. Remenda, I understand that you currently  
13 reside in Martensville, Saskatchewan; is that  
14 correct?

02:01 15 A Yes.

16 Q And that in January of 1969 you were 12 years of  
17 age?

18 A Yes, I was.

19 Q And that you lived at 224 Avenue N South?

02:01 20 A I did.

21 Q And that you attended St. Mary's school; is that  
22 correct?

23 A Yes.

24 Q Can you just call up map B for a moment, please,  
02:01 25 and I think -- actually, go to map C, please. I'm



1 just going to show you a map here, Mr. Remenda,  
2 and you'll see, if you just zoom in there, you'll  
3 see 20th Street and Avenue N and you'll see where  
4 it's got Ramenda, with an A, it's actually E. Is  
02:02 5 that where you resided in 1969?

6 A Yes, that was my house.

7 Q And you lived there with your parents?

8 A Yes, I did.

9 Q And did you attend St. Mary's school?

02:02 10 A Yes.

11 Q Now, I understand, sir, that you have some  
12 information regarding Gail Miller's wallet that  
13 was found in 1969; is that correct?

14 A I do.

02:02 15 Q And I understand that on Friday morning of last  
16 week, which would be January 21st, 2005, you  
17 contacted the city police; is that right?

18 A Yes.

19 Q And do you recall speaking to a Mr. Keith  
02:02 20 Atkinson?

21 A Yes, I do.

22 Q And then later that day I got in touch with you;  
23 is that correct?

24 A Yes.

02:02 25 Q And that on Saturday, the 22nd, you and I met near





1 St. Mary's school; is that correct?

2 A Yes.

3 Q And you told me your story?

4 A Yes, I did.

02:03 5 Q Now, do you remember back to 1969, do you remember  
6 Gail Miller's murder?

7 A Yes, I do, very clearly.

8 Q And what do you remember about that day or that  
9 event or around that time?

02:03 10 A Well, actually, it was one of our classmates, one  
11 of my classmates that had found the body.

12 Q And who was that?

13 A Mary Marcoux.

14 Q And she was in your grade at school?

02:03 15 A In my class, yes.

16 Q And so did you become aware of the murder at  
17 school?

18 A At school. I was interviewed, our whole class  
19 was, and everybody that lived in that area, by  
02:03 20 detectives. I'm not sure if it was that afternoon  
21 or the next day.

22 Q So I believe the murder was on Friday, January 31,  
23 1969. Would you have talked to a police officer  
24 that day or the following week?

02:04 25 A Yes, the following school day.



1 Q Pardon me?

2 A The following school day.

3 Q And did the police come to your school?

4 A Yes, they did.

02:04 5 Q And where did they interview you; do you remember?

6 A I was in the back of the detective's car.

7 Q And do you recall generally what they would have  
8 asked you?

9 A They asked me if I seen anything, what time I went  
02:04 10 to school.

11 Q And if we could just go back to map B, please, and  
12 just maybe zoom in that area, please. Now, you  
13 lived right here -- whoops, redo that. Where I  
14 put the X, that's about where your house was?

02:04 15 A Yes, it is.

16 Q And St. Mary's school is there?

17 A Yes.

18 Q Can you tell me what route you normally took to  
19 school?

02:04 20 A Through the back alley between the funeral home  
21 and Hounjet's house.

22 Q Right there where I put the red arrow?

23 A Yes.

24 Q So that is the back alley behind the funeral home  
02:04 25 running east and west, you would enter that alley



1 on the east side and travel through it to the west  
2 side; is that correct?

3 A Yes.

4 Q And then you travelled south on Avenue O to  
02:05 5 school?

6 A That's right.

7 Q Do you recall travelling that route on the morning  
8 of the murder, January 31, 1969?

9 A I did, yes, I travelled it, like I always do.

02:05 10 Q And do you recall seeing anything that morning?

11 A No.

12 Q So would that have been what you told the officer  
13 on that day?

14 A Yes, it would have been.

02:05 15 Q Now, I understand, sir, that sometime after  
16 this -- or let me pause there. Would the officer  
17 have provided you with the name of the dead woman  
18 as Gail Miller?

19 A I'm not too sure at that time.

02:05 20 Q Now, I understand at some time later you found a  
21 wallet; is that right?

22 A Yes, I did.

23 Q Can you tell me your recollection of that event,  
24 please?

02:05 25 A Okay. I was playing shinny on the ice at St.



1 Mary's and there was some other kids with us  
2 and --

3 Q Just speak up a bit, please.

4 A I'm sorry.

02:06 5 Q That's fine.

6 A I was playing shinny with other kids on the ice  
7 and I slapped the puck over the fence and it went  
8 across the street, so me and Giles Beauchamp went  
9 to look for my puck and I was digging in the snow  
02:06 10 with my hockey stick and I found a wallet.

11 Q And so you were digging in the snow with your  
12 hockey stick?

13 A Yeah, and so was Giles, he was looking -- he was  
14 maybe eight or 10 feet to my right looking for the  
02:06 15 puck.

16 Q And was Giles Beauchamp a friend of yours or an  
17 acquaintance?

18 A An acquaintance. He was a little bit young to be  
19 my friend. Everybody on the ice was a friend  
02:06 20 because we played hockey together, but it was not  
21 like I went to his house or he went to my house.

22 Q So tell me then, you were looking in the snow with  
23 your hockey stick?

24 A Yes.

02:06 25 Q And located a wallet?



1 A Uh huh.

2 Q Carry on.

3 A Okay. I found the wallet. I picked it up and I  
4 says, "I found a wallet," and Beauchamp says, "Is  
02:06 5 there any money in it?" and I unfolded it and I  
6 looked in it, I opened it up and there was no  
7 money, and then I went to the part of the wallet  
8 where there was plastic and there was  
9 identification in it --

02:07 10 Q Yes.

11 A -- and I opened that up and I seen Gail Miller's  
12 name and I said to Beauchamp that this is Gail  
13 Miller's wallet, we have to phone the police, and  
14 he said "Who is that?" and I said, "It was that  
02:07 15 girl that was killed by my place."

16 Q So just pause there. What do you recall of what  
17 you saw in the wallet?

18 A I seen her hospital identification with picture.

19 Q So there was a card that had her picture?

02:07 20 A Yes.

21 Q And did it have her name?

22 A Yes, it did.

23 Q And you said hospital identification card?

24 A Yes.

02:07 25 Q And what else do you recall seeing in the wallet?



1 A I just flipped to the next, which was her driver's  
2 license, with no picture, and --

3 Q I'm sorry, go ahead.

4 A And that was the extent that I looked at the  
02:07 5 wallet. I put it away after that.

6 Q Were there other items in the wallet?

7 A There may have been in those plastic card holders,  
8 but I didn't look any further. There was nothing  
9 in the money part of the wallet at all.

02:08 10 Q What time of day was this, Mr. Remenda?

11 A It was in the afternoon. I don't have a lot of  
12 recollection of day, date or the time of day,  
13 but --

14 Q So you would have picked up the wallet?

02:08 15 A Yes.

16 Q And did you handle the wallet with your mitts on  
17 or your mitts off?

18 A I put my mitt under my arm like this and I picked  
19 up the wallet and then that's when I flipped  
02:08 20 through it with my bare hand.

21 Q And then what did you do after that?

22 A We went over to Beauchamps' and I asked his mother  
23 to phone the police because I found Gail Miller's  
24 wallet.

02:08 25 Q And so do you know, did you hear her call the



1 police or do you know if she called the police?

2 A Yes, she was right in the kitchen when she called  
3 the police.

4 Q And Mrs. Beauchamp then telephoned the police?

02:09 5 A Yes.

6 Q And then did the police arrive at the house?

7 A Yes, 15, 20 minutes later.

8 Q And do you recall how many officers arrived?

9 A Just one.

02:09 10 Q And do you recall if he was in uniform or not?

11 A He was in uniform.

12 Q He was in uniform?

13 A Yes.

14 Q And what do you recall your discussion with the  
02:09 15 officer?

16 A He asked if -- who found the wallet and I said I  
17 did and Giles was with me.

18 Q Yes.

19 A And he says, "Do you live here?" and I said no.

02:09 20 He asked me where I lived and I told him where I  
21 lived and then he said you can go home now.

22 Q He said you can go home?

23 A Yes.

24 Q And then did you leave?

02:09 25 A I left.



1 Q And do you know if the officer stayed there?

2 A Yes, he did.

3 Q So what did you do then?

4 A I went straight home. I told my mother and I had  
02:09 5 waited and I expected the police to come and talk  
6 to me about it.

7 Q So you told your mother and did you hear anything  
8 further from the police then?

9 A No, I didn't.

02:09 10 Q Is your mother still alive, Mr. Remenda?

11 A No, she is not.

12 Q And when did she pass away?

13 A In 1984.

14 Q So if we could just go back, I'll pull up map C,  
02:10 15 please, and if you could just zoom in on this  
16 area, please. Now, Mr. Remenda, I'm just going to  
17 go through and ask you some questions about this  
18 map. You'll see this is 20th Street there?

19 A Yeah.

02:10 20 Q And this is Avenue P, Avenue O and Avenue N;  
21 correct?

22 A Yes.

23 Q And up in the top right is Avenue N, up that  
24 street is where your home is located; correct?

02:10 25 A Right.





1 Q And I believe on this map it says Beauchamp. Do  
2 you recall where the Beauchamps lived?

3 A Yeah, it was the second house in.

4 Q I'm sorry?

02:10 5 A The second house from the corner of Avenue O.

6 Q Now, this map, I think this is St. Mary's school.  
7 Can you tell me where the rink was located on the  
8 school ground?

9 A On the north side towards the Avenue O side.

02:11 10 Q Was there a shack or a warm-up shack there?

11 A Yeah. It was on the far north corner of the  
12 school yard on the Avenue O side.

13 Q So if I put an X right there, and for the record  
14 it is the northeast corner between the back alley  
02:11 15 that runs east-west behind 20th Street and Avenue  
16 O, is that approximately where the shack was?

17 A Yes, it was.

18 Q And then where would the rink have been in  
19 relation to that?

02:11 20 A Directly south of that.

21 Q And did the rink run in a north-south direction as  
22 I've drawn it there?

23 A I believe it did, yes.

24 Q And was the rink close to this back alley, the  
02:11 25 east-west alley behind 20th Street or was it



1 closer to the school; do you remember?

2 A It was closer to the back alley.

3 Q Now, can you tell me on this map, sir, where you  
4 would have found the wallet, and if you want to  
02:12 5 just put it with an X, you can just touch the  
6 screen there.

7 A Okay. It would be somewhere in that area, over a  
8 little bit more, off the street on the boulevard.

9 Q So about the third -- between the second and third  
02:12 10 house south of the alley?

11 A Yeah, somewhere around there, yeah.

12 Q Now, on this map there's a mark that has an X for  
13 a wallet. Do you see that?

14 A Yes, I do.

02:12 15 Q Is it possible that you found the wallet in that  
16 location?

17 A No. I could never have shot the puck that far, or  
18 at that angle.

19 Q So do you know where the south end of the rink  
02:12 20 would have been, is it -- would the south end of  
21 the rink be north where a wallet is marked on map  
22 C?

23 A It wouldn't be that far south, no.

24 Q Now, can you recall -- let's just go back to map  
02:13 25 B, please, and just in this area here, and again



1 here's -- I don't think this shows the back alley.  
2 I'm sorry, maybe go back to map C, that shows the  
3 back alley. Just go back and zoom in this area  
4 here, please. I'm looking at Avenue O. Was the  
02:13 5 puck on the east side where I've marked X on the  
6 map, on the east side of Avenue O?

7 A Yes, it was.

8 Q And I understand, was there a boulevard between  
9 the sidewalk and the road on the east side of  
02:13 10 Avenue O?

11 A Yes. Not a very wide one, but yes, there was.

12 Q And where in relation to the sidewalk and  
13 boulevard did you find the wallet?

14 A Maybe one or two feet off the sidewalk on the  
02:14 15 sidewalk side.

16 Q And how deep was the snow where you found it; do  
17 you remember?

18 A Roughly eight inches.

19 Q So you said that after you left the Beauchamp  
02:14 20 house you waited for the police to contact you did  
21 you?

22 A I expected it, yes.

23 Q Did you have occasion to hear later about  
24 Mr. Beauchamp's claim that he found the wallet?

02:14 25 A Just at school the kids were talking about it.



1           Everybody was talking about that he found the  
2           wallet.

3           Q       And would this be within days or weeks?

4           A       Days, I would say days, maybe a week.

02:14 5           Q       Did you talk to Mr. Beauchamp?

6           A       I approached him. He had some friends with him  
7           and I says, "Giles, don't you remember, we found  
8           the wallet, I was there," and he denied that.

9           Q       And he what?

02:14 10          A       He denied that to me.

11          Q       Now, when you found the wallet, sir, did you see  
12          any papers or any documents fly out of the wallet  
13          or in the area where you found the wallet?

14          A       I did not notice any papers fly out at all.

02:15 15          Q       And when you opened the wallet, did any papers  
16          fall out?

17          A       No.

18          Q       And when you took the wallet, I think that you  
19          said to the Beauchamps' house, did you ever give  
02:15 20          the wallet to Giles Beauchamp or to  
21          Mrs. Beauchamp?

22          A       No. The wallet never left my possession.

23          Q       And who did you give it to?

24          A       To the police officer.

02:15 25          Q       Now, did you follow the criminal proceedings



1 against David Milgaard at that time?

2 A Not really I didn't.

3 Q And do you recall hearing about Mr. Beauchamp  
4 testifying at those --

02:15 5 A Yeah, I heard he went to court.

6 Q Did you at that time, sir, contemplate contacting  
7 someone about the fact that you had found the  
8 wallet?

9 A No, I didn't.

02:16 10 Q Pardon me?

11 A I did not.

12 Q And, sir, you would have been -- and why was that?

13 A I didn't think I was going to be believed about  
14 it.

02:16 15 Q Now, I take it over the years that have passed  
16 since then you have heard about the David Milgaard  
17 and Larry Fisher matter in the news; is that fair?

18 A Yes, I have.

19 Q And did that cause you to think about the day that  
02:16 20 you found the wallet?

21 A Every time.

22 Q And did you advise or contact anybody about it?

23 A I talked to a co-worker, a friend and my wife and  
24 I almost came to tell the officials during the  
02:16 25 Fisher trial.



1 Q And I take it you did not?

2 A I did not.

3 Q And what prompted you to telephone the city police  
4 then on Friday of last week?

02:17 5 A Well, this inquiry to me seems different, it's not  
6 a trial or anything, this is -- to me it meant you  
7 are investigating the way the investigation went  
8 and my testimony may mean something in this.

9 Q Now, I understand, sir, that you had an  
02:17 10 opportunity to read Giles Beauchamp's evidence  
11 that he gave at this inquiry; is that correct?

12 A Yes, I have.

13 Q And you accessed that through the internet did  
14 you?

02:17 15 A Yes.

16 Q Now, I don't propose to go through that in detail,  
17 but Mr. Beauchamp's evidence, if I can summarize  
18 it, is that he found the wallet alone, put it  
19 under the shack by the rink, went home for supper,  
02:17 20 picked up the wallet from the shack and then went  
21 to your house. Is that what happened on that day,  
22 Mr. Remenda?

23 A It is not.

24 Q Do you know if Giles Beauchamp has ever been to  
02:18 25 your house?



1 A Possibly, but I don't recall. He was so much  
2 younger than I was we didn't hang around together.

3 Q I'm just going to call up document 106653, and  
4 this, Mr. Remenda, is a police report. If I could  
02:18 5 just zoom in, please. And the date, April 4th,  
6 1969 is the date that the police report finding  
7 the wallet. Are you able to say whether that is  
8 the right date -- and you won't find it from this  
9 document, sir, but does that, do you have any  
02:18 10 recollection of the day you would have found the  
11 wallet?

12 A No, I don't.

13 Q And in this report it says, and I'll call that out  
14 and I'll read it to you, it says:

02:19 15 "At 2:30 p.m., I received a brown leather  
16 folding wallet with a snap closure from  
17 Mrs. Remenda 224 Avenue N South.

18 Mrs. Remenda stated her son Norman and Giles  
19 Beauchamp 8 years of age 1305 20th Street

02:19 20 West had brought the wallet to the house."

21 Pause there. Did the police talk to your mother  
22 on that day that you found the wallet?

23 A Not that I know of, not that I was aware of.

24 Q Were they at your house when you were there

02:19 25 talking to your mother on the day that you found



1 the wallet?

2 A No.

3 Q Were they at the Beauchamp house the day that you  
4 found the wallet?

02:19 5 A Yes, they were.

6 Q He goes on to say:

7 "I then took Remenda and Beauchamp to where  
8 they had found the wallet and they took me  
9 to the area in front of 326 Avenue O South  
02:19 10 where they pointed to a pile of snow on the  
11 boulevard and Beauchamp stated that he had  
12 been walking along Avenue O and kicking the  
13 snow and the wallet flew out."

14 Just pause there. Did you go back with an  
02:20 15 officer to anywhere on Avenue O to point out  
16 where you found the wallet?

17 A I did not.

18 Q Did the police officer ever ask you where you  
19 found the wallet?

02:20 20 A No.

21 Q It then goes on to say:

22 "On checking this area, just on the edge of  
23 the sidewalk, I found two hospitalization  
24 cards bearing the name of Gail Miller."

02:20 25 Do you recall being with an officer finding cards





1 in the snow?

2 A No, I don't.

3 MR. HODSON: Those are all my questions,  
4 Mr. Remenda. Other counsel may have some  
02:20 5 questions for you.

6 MR. WOLCH: No questions, sir.

7 COMMISSIONER MacCALLUM: Mr. Lockyer, or  
8 Ms. McLean, I'm not just sure which one I should  
9 be asking.

02:20 10 MR. LOCKYER: No.

11 COMMISSIONER MacCALLUM: Mr. Beresh?

12 MR. LOCKYER: Actually, there is one thing.

13 COMMISSIONER MacCALLUM: All right.

14 **BY MR. LOCKYER:**

02:21 15 Q You may have already answered these questions, but  
16 your voice is very quiet.

17 A I'm sorry.

18 Q About what time would you leave home to go to  
19 school?

02:21 20 A For school?

21 Q Yes.

22 A Anywhere from quarter to nine to five to nine, and  
23 that was on a regular basis every day.

24 Q So you would have been in that alleyway or  
02:21 25 walking -- you know where Gail's body was found do



1                   you?

2           A           Yes, I do.

3           Q           So would you have been walking within a few feet  
4                   of there at some time just five to nine, something  
02:21 5                   like that?

6           A           Yes.

7           Q           And there was nothing happening then?

8           A           I didn't see anything. I didn't look down the  
9                   alley to my right.

02:21 10          Q           I understand.

11          A           It could have been a cold day and I had my hood on  
12                   and I just walked in a straight line.

13          Q           It was cold all right.

14          A           There was no police cars there.

02:21 15          Q           All right. And the other question, again a timing  
16                   one, sir. How long after you found out about  
17                   Gail's murder was it that you found the wallet?

18          A           A few months I guess.

19          Q           A few months?

02:22 20          A           Yeah.

21                   MR. LOCKYER: All right. Thanks.

22                   COMMISSIONER MacCALLUM: Thanks.

23                   Mr. Beresh?

24           **BY MR. BERESH:**

02:22 25          Q           Mr. Remenda, I'm impressed with your recollection



1 and I guess you are telling us that you were older  
2 than Mr. Beauchamp?

3 A Yes, I was --

4 Q By a number of years?

02:22 5 A Yes.

6 Q We don't know this for sure, but I take it your  
7 memory may well, as a result of your advanced age  
8 compared to his, be better than his?

9 A It was very traumatic for me.

02:22 10 Q And I take it you had never had a death like this  
11 in your area before?

12 A Never, no.

13 Q This was well publicized?

14 A The neighbourhood was scared.

02:23 15 Q And I take it that your best recollection is the  
16 day the police came to see you was probably the  
17 day after the event?

18 A Possibly, yes.

19 Q Okay. And even at that age I take it you either  
02:23 20 heard or read about the event in newspaper  
21 articles?

22 A More word of mouth from people at school.

23 Q Okay. Information around the community?

24 A Right.

02:23 25 Q The neighbourhood?



1 A Yes.

2 Q And just so we're clear, when you approached  
3 Mr. Beauchamp and confronted him as to why he had  
4 stated he found it, did he give you any  
02:23 5 explanation at all?

6 A No. He just said that he found it alone and I  
7 wasn't there.

8 Q And we don't know this, but given the Commission's  
9 mandate, was it your impression that he was trying  
02:23 10 to be part of the action?

11 A Well, apparently, yes, I guess. I don't know.

12 Q But there's no doubt in your mind that you found  
13 it?

14 A None at all, none whatsoever.

02:24 15 Q If we might have document 006295, please. Can you  
16 see that document, witness?

17 A Yes, I can.

18 Q Can we enhance it a bit, please?

19 A Ah, that's better.

02:24 20 Q Second paragraph -- you can read the first  
21 paragraph to yourself. Second paragraph:

22 "I was kicking the snow and a wallet --"

23 It looks like,

24 "-- blew out. I picked the wallet up. It  
02:24 25 was open when it flew up."



1 This is a statement by Mr. Beauchamp. I take it  
2 your evidence under oath today is that that's  
3 incorrect?

4 A That's incorrect because I picked it up.

02:24 5 Q Incorrect in a number of instances. When the  
6 wallet was found, you guys weren't walking, you  
7 were looking for a puck?

8 A Yes.

9 Q Then if we can go to document 314008, please. Can  
02:25 10 you see that document, sir?

11 A Yes.

12 Q Can we scroll up a bit, please. Starting at line  
13 10, the question asked of Mr. Beauchamp:

14 "Q I understand that day you made a  
02:25 15 discovery, Mr. Beauchamp, that brings you to  
16 court this morning. I wonder if you'd tell  
17 the members of the jury where you were  
18 living back then."

19 He gives an address. Scroll up, please. Moving  
02:25 20 on to line 20:

21 "Q Okay. I understand on April 4th you  
22 made a discovery. Would you tell the jury  
23 what time of day it was and how you came to  
24 make this discovery, please.

02:25 25 A Time of day? It was probably a little



1 later in the day. I was walking along  
2 Avenue O and I was kicking the snow, and I  
3 kicked a wallet out from the snow bank, and  
4 that's where it all began."

02:25 5 I take it you are saying that evidence under oath  
6 is incorrect?

7 A People have different stories I guess, but my  
8 story is my story and I never repeated it to an  
9 official until now.

02:26 10 Q Fair enough. You are saying that this information  
11 or evidence given is incorrect?

12 A Yes.

13 Q Okay. Question, line 26:

14 "Q What did you do with the wallet?

02:26 15 A From there I picked it up, looked  
16 through it, was heading home so I put it  
17 underneath the shack at St. Mary's school."

18 That is incorrect?

19 A That is incorrect.

02:26 20 Q You said, line 7:

21 "Q So you said you took it and put it  
22 where?

23 A Underneath the rink shack at St. Mary's  
24 school.

02:26 25 Q That's an outdoor skating rink?



1 A Yes."

2 I take it that according to your recollection  
3 that information is incorrect?

4 A That is right.

02:27 5 Q If you go to the next page, please, 803. If you  
6 look with me, witness, please, line 7 to 9:

7 "Q And then you had gone over to your  
8 friend's place and you got talking about it,  
9 or did you take the wallet over to your  
02:27 10 friend's place?

11 A I took the wallet over there."

12 I take it, sir, your evidence is that that  
13 information or evidence is incorrect?

14 A Yes.

02:27 15 Q Okay. Page 808, please. Scroll up for me,  
16 please. Try page 811 of that document, lines 2 to  
17 4:

18 "Q Correct. So you -- are you saying it  
19 was somewhere around 328 that you found  
02:28 20 it?

21 A Very possible, yes."

22 Again that would be incorrect?

23 A Yes.

24 Q If we could have map B, please. Can we have map  
02:28 25 C. If we look at that, you were shown to the --



1 or it was demonstrated for you before where the  
2 rink was and I gather you said to us, as we look  
3 at this, north top sketch, that it was in the  
4 northeast corner of that quadrant?

02:29 5 A Yes.

6 Q Is that correct, in here?

7 A Yes, it was.

8 Q So in about there?

9 A Roughly, yes.

02:29 10 Q I take it that this is a school yard?

11 A Yes, it is.

12 Q A size of a rink wouldn't be the size of a school  
13 yard?

14 A No, it wouldn't.

02:29 15 Q So it would be probably even smaller than I have?

16 A Or possibly bigger.

17 Q Okay.

18 A Because you have to add in the shack area.

19 Q So the shack is up in the corner?

02:29 20 A Yeah.

21 Q So I take it that when the puck went shooting  
22 out --

23 A Yes.

24 Q -- it may well have even gone further north than  
02:30 25 what you pointed out before, so, for example, in





1 the area I have just put a dot, it's possible that  
2 that's where the puck was?

3 A It might be possible. It was a long time since  
4 I've been to that area.

02:30 5 Q Fair enough. But I take it it wasn't far from  
6 that alleyway?

7 A No. A few houses down.

8 Q A few houses down. By a few, you mean one or two?

9 A Or two or three.

02:30 10 Q Okay. And do you know who lived in those houses?

11 A No.

12 Q But I take it this was obviously an area that was  
13 well used by individuals, people lived along  
14 there, kids went to school there?

02:30 15 A Yeah.

16 Q Whether somebody, some school child was walking  
17 down the street further north, picked up the  
18 wallet, came and dropped it off there, I take it  
19 that may well have happened?

02:30 20 A I have no way of telling.

21 Q Okay. Certainly not inconsistent with somebody  
22 finding it, throwing it down in the snow and sort  
23 of leaving it?

24 A Could you repeat that, please?

02:31 25 Q Sure. It's not -- where you found it would not be



1 inconsistent with someone having found it further  
2 north like a school child, walk toward the school  
3 and then thrown it away, discarded it in the snow?

4 A Anything is possible.

02:31 5 Q But what's clear is that there was identification  
6 left in it?

7 A Yes.

8 Q Yes?

9 A Yes.

02:31 10 Q It wasn't as though someone had taken the  
11 identification out so that the owner couldn't be  
12 detected; isn't that correct?

13 A That's correct.

14 Q Okay. Just a few things about that area. I take  
02:31 15 it you had lived in that area most of your life up  
16 to that point?

17 A Yes, all my life.

18 Q And lived there afterwards as well?

19 A Yes, I do.

02:31 20 Q It was a heavily populated area; would you agree  
21 with that?

22 A Somewhat.

23 Q That is there is no real, other than a school,  
24 there is no other commercial buildings around  
02:32 25 there, for the most part it's a residential area?



1 A Yes it is.

2 Q Okay. 20th Street would probably, in 1969, have  
3 been one of the one or two main arteries to go  
4 downtown?

02:32 5 A Yeah. 22nd may not even have been built or under  
6 construction.

7 Q Yeah, 22nd wasn't that big, but 20th was?

8 A Yes, it was.

9 Q And there was a big bus lane, big traffic lane,  
02:32 10 lots of people in the area?

11 A Yes.

12 Q I understand, as well, that there was construction  
13 going on in the area? Do you remember an  
14 apartment building being built just north of  
02:32 15 there?

16 A Vaguely, yeah.

17 Q Okay. It wouldn't be unusual to see construction  
18 workers in the area; would it?

19 A No.

02:32 20 Q It wouldn't be unusual to see construction workers  
21 taking the bus?

22 A I never really noticed.

23 Q No. Finally, do you remember how many students  
24 went to that school in 1969?

02:32 25 A No.



1 Q Are we talking 100, over 100?

2 A Maybe roughly around 100.

3 Q Okay. Those are my questions. Thank you very  
4 much, sir.

02:33 5 COMMISSIONER MacCALLUM: Mr. Elson?

6 BY MR. ELSON:

7 Q Mr. Remenda, my apologies, you do have a bit of a  
8 soft-spoken voice and I may have misheard some of  
9 the evidence you described earlier when you were  
02:33 10 answering Mr. Hodson's questions.

11 Did I understand you correctly  
12 to say that the police officer you spoke with on  
13 the day the wallet was found was a police officer  
14 who was in uniform?

02:33 15 A Yes, I believe so.

16 Q As opposed to in plain clothes?

17 A Yes.

18 Q Are you able to describe any other physical  
19 features with respect to that police officer,  
02:33 20 colour of his hair, for example, whether he wore  
21 glasses?

22 A No.

23 Q So you have no particular memory of that?

24 A Not really. It was just a moment's meeting.

02:33 25 Q But you do have a memory of him being in uniform



1 on that occasion?

2 A Yes, I do.

3 Q Do you, and this would be really testing your  
4 memory, but do you recall whether he identified  
02:34 5 his rank or whether he was a detective, a  
6 constable, or whatever?

7 A No.

8 Q No? Now you indicated that, in the particular  
9 community around St. Mary's school, that the  
02:34 10 murder of Gail Miller was a fairly traumatic event  
11 for the people who lived there; is that correct?

12 A Yes it was.

13 Q And you indicated that many of the students who  
14 attended St. Mary's school were, to use your  
02:34 15 words, scared; is that correct?

16 A I would think so, yes.

17 Q As a result, would you agree with me that there  
18 was a fair amount of attention paid to the media  
19 that was covering not only the investigation of  
02:34 20 Gail Miller's murder, but also covering the trial  
21 of Mr. Milgaard?

22 A I wasn't really aware of any of that.

23 Q All right. You were not aware of the trial at  
24 all?

02:34 25 A Sure, yes, the trial, but not the media being



1 around the school or anything like that.

2 Q No, and I'm actually talking about the media being  
3 in attendance at the trial?

4 A I was not at the trial.

02:35 5 Q I appreciate that. Perhaps let me back up for a  
6 moment. Did your family receive the *Saskatoon*  
7 *Star-Phoenix* delivered to the door during that  
8 period of time?

9 A It's possible. I did not read it though.

02:35 10 Q You would not have read the newspaper?

11 A No.

12 Q Do you know whether or not either of your parents  
13 read the newspaper?

14 A I think my dad did.

02:35 15 Q All right. And he would read the newspaper that  
16 would be delivered to your home; is that correct?

17 A Yeah.

18 Q I wonder if I might have document 226811, I  
19 believe it's a newspaper clipping from September  
02:35 20 10th, 1969. Now I am not very good at this but  
21 I'm going to try. I would just like to isolate a  
22 certain paragraph in this article, and I didn't do  
23 a very good job, the arrows show. Mr. Remenda,  
24 I'm putting to you a paragraph that is contained  
02:36 25 in an article covering the preliminary inquiry



1 that was conducted with respect to the charge laid  
2 against Mr. Milgaard, and I put to you a specific  
3 paragraph. It says, and I'm quoting:

4 "Giles Beauchamp, 8, of 1505 20th Street,  
02:36 5 west told the court on April 4 he had  
6 accidentally kicked a wallet out of the snow  
7 at a point on Avenue O, south, close to St.  
8 Mary's school, which he attends. Police  
9 said it was identified as one which belonged  
02:36 10 to the slain girl."

11 Now I believe, in fairness, you have indicated  
12 that you typically did not read the newspaper; is  
13 that your evidence?

14 A That's correct.

02:36 15 Q Now you had also testified that you had, I believe  
16 you had testified that you had spoken to your  
17 mother about the fact that you had found the  
18 wallet, and had given the wallet to the police  
19 officer; is that correct?

02:37 20 A Yes.

21 Q And would you have informed your mother of that  
22 fact as soon as you came home from the Beauchamp  
23 residence?

24 A Immediately.

02:37 25 Q Immediately. And did you advise your mother as to



1 everything as to the circumstances under which you  
2 found the wallet as you have given or as you have  
3 described in evidence today?

4 A Yes, I had confided into her.

02:37 5 Q So you told her all the details about the puck  
6 going across the boards and across the street?

7 A Probably, yeah.

8 Q And you also informed her of the fact that you had  
9 spoken with a police officer and physically handed  
02:37 10 the wallet to the police officer yourself; is that  
11 correct?

12 A Yes, that's right.

13 Q Would you have told your father that as well?

14 A I probably would have.

02:37 15 Q Do you recall whether or not there would have been  
16 any discussion in your home, between you and your  
17 parents or either of your parents, about  
18 Mr. Beauchamp testifying as he appeared to have  
19 done from the newspaper report in September of  
02:38 20 1969?

21 A No, I don't recall.

22 Q So you don't recall either of your parents coming  
23 forward or saying to you that Mr. Beauchamp had a  
24 different version from what you had described?

02:38 25 A No.





1 Q I wonder if I could have the document 042109, if  
2 we could turn it, I'm going to try this again. If  
3 we could scroll, I believe, a bit to the right.  
4 Sorry, I believe there's another part of this  
02:39 5 article that refers to Mr. Beauchamp?

6 MS. KNOX: Bottom of column 2, top of  
7 column 3.

8 MR. ELSON: Sorry, I'm missing it.

9 MS. KNOX: The police officer.

02:39 10 MR. ELSON: Yes.

11 MS. KNOX: The last sentence.

12 MR. ELSON: Yes, I see it.

13 BY MR. ELSON:

14 Q In that particular article it says, and I quote:

02:39 15 "Detective Sergeant Raymond Mackie of the  
16 city police testified to receiving a wallet  
17 last April 4 from Giles Beauchamp, 8, of  
18 1505 20th Street, west."

19 And then the, if you could refer to the next full  
02:39 20 paragraph, actually if we could back up for a  
21 second, if we could get both those columns in, is  
22 that possible? I'll read the -- it's at the  
23 bottom:

24 "The police officer said he went with the  
02:40 25 boy to the front of 330 ..., "



1 that appears to be:

2 "... Avenue O, south, where the boy reported  
3 finding the wallet. He said he also found  
4 two hospitalization cards at the edge of the  
02:40 5 sidewalk. These, he said, had the name of  
6 the Miller family on one and the name of  
7 Gail Miller on the other."

8 Do you recall whether or not either of your  
9 parents were following the newspaper accounts of  
02:40 10 the evidence that was being received at the trial  
11 in January of 1970?

12 A I don't recall that.

13 Q You don't know?

14 A No. I would think so, because it would be fairly  
02:40 15 important, it was in our neighbourhood.

16 Q All right. And so you would think that your  
17 father would have read the newspaper articles?

18 A He knew Gail.

19 Q I'm sorry?

02:40 20 A My father knew Gail.

21 Q Your father knew Gail Miller?

22 A Yes.

23 Q So it's a strong likelihood -- by the way, is your  
24 father still alive?

02:40 25 A No, he isn't.



1 Q It would be a strong likelihood that he would have  
2 been particularly interested in this story; is  
3 that correct?

4 A Yes.

02:41 5 Q And there was no discussion in your home about the  
6 fact that Mr. Beauchamp was giving evidence that  
7 was different from what you had described to both  
8 of your parents; is that correct?

9 A There was no discussion about it, no.

02:41 10 Q There was no discussion. And certainly, obviously  
11 then, there was no suggestion from either of your  
12 parents that the police or Mr. Caldwell, the  
13 prosecutor, should be contacted about the  
14 possibility that Mr. Beauchamp was giving  
02:41 15 incorrect evidence, albeit he was only 8 years  
16 old?

17 A I didn't understand the question?

18 Q There was no discussion between you and your  
19 parents about your family contacting either  
02:41 20 Mr. Caldwell or the police --

21 A That's right.

22 Q -- to set the record straight?

23 A That's right, there was no discussion.

24 Q There was no discussion to that effect?

02:41 25 A No.



1 Q Okay. And in fact years later, in the 1990's when  
2 there was considerable media attention paid to the  
3 possibility of Mr. Milgaard being wrongfully  
4 convicted, it's correct that you did not come  
02:42 5 forward at that time to report that  
6 Mr. Beauchamp's evidence might be incorrect; is  
7 that fair?

8 A I did not think me finding the wallet instead of  
9 him had anything to do with the trial.

02:42 10 Q Right. You don't know exactly -- and in fairness  
11 to you the newspaper accounts aren't very  
12 specific -- you don't know, or you didn't know  
13 until very recently, where on the 300 block of  
14 Avenue O South Mr. Beauchamp or Detective Mackie  
02:42 15 said the wallet or the hospitalization cards were  
16 found?

17 A No, I had no idea.

18 Q Right. And even though you were aware that  
19 Mr. Beauchamp had at least conveyed in the school  
02:42 20 yard that he was the person who found the wallet,  
21 you thought that maybe in all other respects he  
22 was giving correct evidence as to exactly where  
23 the wallet was found?

24 A I didn't know at the time. I didn't know what he  
02:42 25 had said. I thought it was plain and simple, we



1 found a wallet, brought it to his house.

2 Q Now you did think about coming forward, I believe  
3 your evidence was that you thought about coming  
4 forward at the time that Mr. Fisher was being  
02:43 5 prosecuted --

6 A Yes.

7 Q -- for this offence? Why then as opposed to any  
8 other time earlier?

9 A This has been haunting me for --

02:43 10 Q I'm sorry?

11 A This situation has been haunting me for a long  
12 time, it's been at the back of my mind, there's  
13 been a lot of publicity about it and every time it  
14 came up it bothered me.

02:43 15 Q But you did not come forward until last Friday?

16 A That's correct.

17 Q I have no further questions. Thank you.

18 COMMISSIONER MacCALLUM: Mr. Fox?

19 MR. FOX: No questions Mr. Commissioner.

02:43 20 COMMISSIONER MacCALLUM: Mr. Gibson?

21 MR. GIBSON: No questions.

22 COMMISSIONER MacCALLUM: Ms. Krogan?

23 MS. KROGAN: No questions.

24 COMMISSIONER MacCALLUM: Ms. Knox.

02:44 25 MS. KNOX: No questions.



1 COMMISSIONER MacCALLUM: Mr. Hodson?

2 BY MR. HODSON:

3 Q I should have done this earlier, Mr. Commissioner.  
4 I'm going to ask Mr. Hardy to grab, we have an  
02:44 5 aerial photo of the area and I'm going to ask  
6 Mr. Remenda, with the marker, to place an X in the  
7 vicinity, or maybe just a circle and his initials.  
8 Can I get on that mike or no? Do you want to just  
9 slide that mike over here? Okay.

02:44 10 Mr. Remenda, I'm not sure  
11 everybody can see it, but on this map which is the  
12 aerial photo from '74 you will see St. Mary's  
13 school and Avenue O and 20th Street where my  
14 finger is pointing; do you see that?

02:44 15 A I see that.

16 Q Okay, just for the record, and St. Mary's school.  
17 Now I'm going to put a green circle; is that the  
18 shack at the top where I put a green circle at the  
19 alley?

02:44 20 A Yes, yes it is.

21 Q Yes? And you will see the houses down the  
22 right-hand side with the numbers 312, 314, 318;  
23 can you just put an X in the vicinity where you  
24 think you found the wallet, and then maybe just  
02:45 25 put your initials. Okay.



1                   Those are all my redirect  
2                   questions, Mr. Commissioner. I'm not sure if, and  
3                   I should have asked that earlier, if anybody has  
4                   any questions?

02:45 5                   COMMISSIONER MacCALLUM: Excuse me, please.  
6                   Perhaps I should issue a blanket apology for my  
7                   continuous coughing.

8                   MR. HODSON: I think that's all,  
9                   Mr. Remenda.

02:46 10                  COMMISSIONER MacCALLUM: Thank you for  
11                  coming, Mr. Remenda. We better take a break.

12                  *(Adjourned at 2:46 p.m.)*

13                  *(Reconvened at 3:07 p.m.)*

14                  MR. HODSON: Mr. Commissioner, I have three  
03:07 15                  more read-ins that were actually part of the  
16                  service station part of the evidence, and then  
17                  following that is the Danchuk's, Walter and  
18                  Sandra Danchuk. Now that's about a two-hour  
19                  video. I think I would prefer to maybe do the  
03:07 20                  read-ins today, start the video tomorrow morning,  
21                  and then we have a witness in the afternoon and  
22                  then a few more read-ins. It may mean that we  
23                  finish a bit earlier this afternoon but we're  
24                  still okay for Dr. Emson on Wednesday.

03:08 25                  COMMISSIONER MacCALLUM: That's fine, yes.



1 MR. HODSON: So next will be Mr. George  
2 Davis, and George Davis is -- resides in  
3 Saskatoon, he testified at the preliminary and --  
4 preliminary hearing and trial, and he is a  
03:08 5 witness that I decided not to call based on the  
6 fact that I don't think anything can be added  
7 from him.

8 So I will go through some of  
9 his relevant evidence, first calling up document  
03:08 10 043929, and just to keep the service stations in  
11 context he is at the second service station which  
12 is -- he is the fella who worked on the vehicle  
13 that had the transmission trouble after they were  
14 at the Cadrain house. And, again, this is June  
03:08 15 12th, 1969, and I think I read you from Detective  
16 McCorrison's notes, and this statement is taken  
17 by Detective Sergeant Ray Mackie, and I will show  
18 you that when we get to the last page. And just  
19 call out the first part, it says -- actually just  
03:09 20 scroll down here, I'm sorry:

21 "On January 31 I was employed as a mechanic  
22 by Hillcrest Texaco Avenue P and 22nd  
23 Street.

24 About 11:45 a.m. a vehicle was  
03:09 25 brought in by our service truck. This





1 vehicle was a 1958 Chev or Pontiac white  
2 with blue green bottom.

3 I had to wait till 1:00 p.m. to  
4 get parts from Bowmans to fix this vehicle.  
03:09 5 A brass fitting to repair the oil cooling  
6 line which had been broken. I also adjusted  
7 the points and set the timing."

8 And then if you want to just go down there to the  
9 bottom, please, it says:

03:09 10 "There were four or five young people with  
11 this vehicle. Two of them were in the  
12 vehicle cleaning it out while, ..."

13 just call out that, please, and just go back, it  
14 says:

03:09 15 "Two of them were in the vehicle cleaning it  
16 out while it was up on the hoist. There  
17 were two or three others out in the office  
18 playing a banjo or some instrument.

19 None of these persons acted  
03:10 20 normal except for one girl that was along.  
21 It seemed to me that they were high possibly  
22 on dope.

23 The two that were in the car I put out  
24 of the shop. After this one of them kept  
03:10 25 coming back bothering me wanting me to hurry



1 up. He kept saying they had to go. He also  
2 indicated they were going to the coast.

3 I never heard any conversations  
4 which would indicate they had had any  
03:10 5 problems with anyone earlier in the morning.

6 This vehicle left the service  
7 station between 1:30 p.m. and 2:00 p.m.  
8 They didn't have enough money to pay the  
9 bill and one of them had to go out and get  
03:10 10 some money to pay the bill.

11 One of these boys - the one  
12 that kept bothering me, wore a brown sort of  
13 car coat. It was badly ripped from under  
14 one arm down through the pocket. The other  
03:10 15 kids were fairly well dressed.

16 The girl wore purple bell  
17 bottom trousers with a black coat, long dark  
18 hair. She looked real tired, she was not  
19 wearing anything on her hair.

03:11 20 I saw a picture on TV of the  
21 person arrested by police. I recognized  
22 this as one of the persons who had been in  
23 the shop and may have been one who was in  
24 the front office. He was also one of the  
03:11 25 two who were in the car cleaning it out.



1                   They said they were going to  
2                   Vancouver. One of these persons indicated  
3                   he had an aunt in Vancouver."

4                   Just scroll to the bottom, please, and there's  
03:11 5                   Detective Sergeant Raymond Mackie.

6                   Next, Mr. Davis did testify at  
7                   the preliminary hearing, if you could call up  
8                   007561, and this is the transcript from the  
9                   preliminary hearing. If you could go to the next  
03:11 10                  page, please, and I'll just read a few excerpts  
11                  from Mr. Caldwell's exam, question 5:

12                  "Q And I believe that you were working  
13                  there Friday, January 31st of 1969 at  
14                  Hillcrest?

03:12 15                  A That's right.

16                  Q Now, I presume you were one of a number  
17                  of employees that day, were you?

18                  A Correct.

19                  Q Were you working as a mechanic on that  
03:12 20                  day?

21                  A Correct."

22                  And then carry on down to number 10:

23                  "Q I believe you had occasion to service a  
24                  car that morning that was brought to the  
03:12 25                  station?



1 A That's right

2 Q What sort of vehicle was it that you  
3 serviced that morning? I'm asking in  
4 connection with a car with a broken oil  
03:12 5 line?

6 A It would be a '58 Chev or Pontiac.

7 Q And do you remember who brought that car  
8 in?

9 A David Anderson did, our tow truck  
03:12 10 driver."

11 And just down to question 15:

12 "Q Now, what time did you start dealing  
13 with that car?

14 A About a quarter to twelve.

03:13 15 Q And this was in the morning I presume?

16 A Uhum."

17 And just down to question 19, please. And it  
18 says, 19:

19 "Q And in your experience, is a broken line  
03:13 20 such as that, given time to drain the  
21 fluid, sufficient to stop a car from  
22 being operative?

23 A Yes, definitely

24 Q What is the fluid that's in that line?

03:13 25 A It's automatic transmission fluid.



1 Q I see.

2 A Or a type of oil that doesn't  
3 overheat, therefore, it drives the  
4 automatic."

03:13 5 Question at the top, 22:

6 "Q I see. And did it appear to you that  
7 the line had drained by the time you got  
8 the car?

9 A Yes, it had."

03:13 10 And then down to question 26:

11 "Q What did you do when you discovered you  
12 didn't have such a thing in stock?

13 A Well, we had to wait to one o'clock  
14 and then sent a truck after the part."

03:13 15 If you could then go to the next page, please,  
16 question 35:

17 "Q Oh. Well, when the car arrived, did  
18 there seem to be someone that belonged  
19 with it, or go with it, or anything in  
03:14 20 the car?

21 A Yes, there were. There was four or  
22 five people.

23 Q And were these males, females or what?

24 A There was one girl and either three or  
03:14 25 four boys.



1 Q I see. And of what general age were  
2 they, Mr. Davis?

3 A Well, I would say between sixteen and  
4 twenty-four somewhere.

03:14 5 Q I see. And I gather the car had to stay  
6 at the station for some period of time?

7 A Yes, it did.

8 Q Did the people, this group of people  
9 stay there?

03:14 10 A Yes, they did.

11 Q Were you aware of any of them leaving  
12 yourself?

13 A I think one of them came and went,  
14 something like that, but there were  
03:14 15 always three or four of them around."

16 Next page, please, question 44:

17 "Q Where did the occupants of the car stay  
18 while they waited for the car?

19 A All over.

03:15 20 Q You include what in that statement?

21 A Well, I mean just all over. They were  
22 in the back room, where they didn't  
23 belong, they were in the main room,  
24 they were in the service bay bugging  
03:15 25 me, they were all over.



1 Q And were any of them into the car while  
2 it was there?

3 A Yes there was. There was two of them  
4 in it.

03:15 5 Q Now, I take it you don't, or didn't at  
6 least know any of these people when they  
7 showed up there?

8 A No, I didn't.

9 Q And are any of the persons who came with  
03:15 10 that car and were around in association  
11 with it in court here today?

12 A Yes, there is, that fellow right  
13 there.

14 Q Which person are you referring to?

03:15 15 A The gentleman in the box there."

16 Next page, please, question 52:

17 "Q Now, I think a minute ago you said  
18 something about them going to the Coast,  
19 did you, or words to that effect?

03:15 20 A Well, when I was fixing the car, the  
21 boys were in a terrible panic, they  
22 wanted to get the car running as soon  
23 as possible and they couldn't leave me  
24 alone long enough to let me alone on  
03:16 25 my own, they were in the car, they



1 were out of the car, they were in the  
2 front office, they were in the back  
3 office. There was one of them played  
4 a banjo up by the cash register all  
03:16 5 the time while this was going on. I  
6 had to ask them twice to get out of  
7 the car because they were making such  
8 a commotion in the car that they were  
9 going to shake it off the hoist if  
03:16 10 they weren't careful, because I had it  
11 raised about two feet off the ground,  
12 or three feet, so I could work under  
13 it and over it at the same time.  
14 During the course while this was going  
03:16 15 on, I got talking with one of them and  
16 he seemed to be a fairly decent  
17 fellow, he said they were going for a  
18 trip up to the Coast and I got in  
19 quite an argument with them about it  
03:16 20 because it had tires that were  
21 absolutely bald on the back of the  
22 car, they had no reverse because this  
23 was burned out due to them trying to  
24 run it with no oil in it, I think."

03:16 25 Next page, just down here, question 58:





1 "Q Now, referring to the accused, whom you  
2 have pointed out as being one of the  
3 males who was there, can you recall  
4 anything specifically that was said  
03:17 5 between he and you as opposed to the  
6 group in general and you?

7 A Not particularly."

8 Next page, question 66:

9 "Q And was there anything happened with  
03:17 10 respect to items being say taken into or  
11 out of the car that you saw while they  
12 were there?

13 A Well, they were cleaning the car up  
14 inside, like, I don't know, a bunch of  
03:17 15 papers, and A and W cups and stuff  
16 like this in there. I didn't pay that  
17 much attention because I don't  
18 normally, this isn't my concern what's  
19 inside of your car."

03:17 20 Next page. Question 68:

21 "Q Did you check the garbage to see what,  
22 if anything, they had put in it?

23 A No, I didn't. This is quite normal in  
24 the wintertime, people bring a car in,  
03:17 25 this is the first time they had it in



1 the warmth."

2 Question 71, down, please:

03:17 3 "Q Do you recall whether, whatever the  
4 account was, whether it was paid right  
5 off the bat when it was present?

6 A I believe it was paid because the car  
7 was unknown to any of us and they  
8 wouldn't have got the car if they hadn't  
9 paid us, so ...

03:17 10 Q I see. Now, did you notice any of the  
11 clothing of any of this group that you  
12 recall?

13 A Well, most of them seemed to be well  
14 dressed except for one of them, one of  
03:18 15 the shorter ones and he had a ripped  
16 brown laminated coat on, car coat.

17 Q Where was the rip?

18 A Under the armpit down to the pocket."

19 And then to page 007572 and this is Mr. Tallis  
03:18 20 cross-examining:

21 "Q Yah. But in any event, of the group,  
22 there was one that you could see was  
23 shorter than the others?

24 A That's right.

03:18 25 Q And in any event, it's the shortest one



1                   who had this brown lamenated coat with  
2                   the rip in the armpit area?

3                   A     That's right."

4                   And next page, 007573, question 19 and 20:

03:18 5                "Q   And I presume that along the way you  
6                were interviewed by police officers? I  
7                see you are nodding, I take it you mean  
8                yes?

9                A     Yes.

03:19 10             Q   And it was how long after January 31st,  
11             do you know, that you were interviewed  
12             by them?

13             A     A month."

14             And again this is Mr. Tallis' cross-examination.  
03:19 15             Next, just for the record, the trial transcript  
16             is 043932, and this is the trial transcript,  
17             Mr. Commissioner, and I'm just checking to see if  
18             there's anything specific. Go to page 707 -- or,  
19             I'm sorry, 043936, and this is Mr. Caldwell's  
03:20 20             examination of Mr. Davis:

21             "Q   Alright; now, referring to the accused  
22             particularly, who you have identified  
23             here today, did he have anything  
24             directly to do with the car while it was  
03:20 25             in the service bay?



1 A Not really. He was cleaning it up and  
2 more like a buddy of the other fellow.  
3 He was in a hurry - he wanted to go to  
4 the coast - they were taking him out to  
03:20 5 the coast or something like that.

6 Q Now, who was in a hurry?

7 A I believe the shorter fellow was; I  
8 don't really remember for sure. They  
9 were in a hurry, I know that; they  
03:20 10 weren't too happy about having to wait  
11 through the dinner hour."

12 And then scroll down:

13 Q Alright; now, you said something about  
14 cleaning up the car?

03:20 15 A Mmhm.

16 Q Who was taking part in cleaning up the  
17 car?

18 A I believe both of them were in it; I  
19 don't know. I know it was on the hoist  
03:21 20 and I had it raised off the floor a foot  
21 and a half or two feet so I could work  
22 under it and over it at the same time,  
23 because the cooler line runs up along  
24 your frame at the bottom and you have to  
03:21 25 reach from the top or the bottom,



1                   whichever way you can get at it ...

2                   Q    .. alright, and when you say both of  
3                   them ..?

4                   A    .. and they were just about shaking it  
03:21 5                   off the hoist; I had to get them out of  
6                   it a couple of times.

7                   Q    And when you say both of them now, just  
8                   to be clear, you're referring to which  
9                   ones again?

03:21 10                  A    The two that were in the shop most of  
11                   the time with me; there was a taller one  
12                   and a shorter one.

13                  Q    And as I understand you that's a taller  
14                   one and the accused?

03:21 15                  A    Right.

16                  Q    Now, was the accused one of the ones who  
17                   was cleaning up the car?

18                  A    Yes he was.

19                  Q    And what did you see of that process?  
03:21 20                   What do you mean by ..?

21                  A    .. well, I don't know, there was some A  
22                   & W cups and papers and I don't know, a  
23                   bunch of stuff and they just threw it in  
24                   the garbage."

03:22 25                   And that's all from that transcript.   The next



1 for Mr. Davis is an RCMP continuation report from  
2 1993 and it's document 046077, and this just  
3 indicates I think February 9th or -- I'm not  
4 sure, sometime in 1993. Anyway, just go back.

03:22 5 "I contacted Mr. Davis and spoke to him.

6 He will be available for an interview  
7 tomorrow, 93/02/10, 10:00."

8 And then the next document is a copy of a  
9 statement, 037217, and this is a statement taken  
03:22 10 at the Davis residence, just call out that  
11 paragraph. This is in 1993.

12 "On the 31st of January, 1969, I was working  
13 at Hillcrest Texaco in Saskatoon, Sask. I  
14 recall being interviewed by the police  
03:23 15 concerning the murder of Gail Miller and the  
16 group that came into the Texaco that  
17 particular day. The police didn't tell us  
18 anything that day at all. But when the  
19 Saskatoon City Police officer came to see me  
03:23 20 he asked me all kinds of questions. I told  
21 them all that I knew and what I recalled to  
22 the best of my knowledge. I gave them a  
23 statement and signed each page. I told the  
24 truth to the police and to the court. I was  
03:23 25 treated properly by the police and gave the



1 statement voluntarily and just told them  
2 what I knew and what I saw."

3 And then just scroll down:

03:23 4 "I have read over the statement I gave City  
5 Police back in 1969 and it's accurate as  
6 best I can remember. I don't have anything  
7 to add, nor do I have anything to change in  
8 the statement. I haven't been contacted by  
9 anyone else about this since the trial."

03:23 10 And the next RCMP document, 045928, and this is  
11 again a Flicker document in 1993, and this is a  
12 note by the RCMP:

13 "Further to the previous comments, Davis  
14 added that the young men's behaviour was  
03:24 15 such that they terrified Lyle Trost, a new  
16 employee at the service station. Trost  
17 removed the till from the register and tried  
18 to stay out of their way. Trost may operate  
19 a service station in North Battleford  
03:24 20 district."

21 Next is document 046074, and if you could just  
22 go -- this is page 3 of 3 at the bottom. The  
23 first page is 046076 and talks about an interview  
24 of George Davis. If you could just go back to  
03:25 25 the second page which is 046075 and this is the



1 RCMP note, it says:

2 "Although not specifically mentioned in the  
3 statement, Davis added that he became aware  
4 of the murder during the afternoon of '69  
03:25 5 January 31. Earlier in the day, he recalls,  
6 police barricaded a number of streets in the  
7 area (including his service station) for  
8 reasons unknown to him at the time. He also  
9 recalls that police searched his service  
03:25 10 station the same day but he doesn't know  
11 whether they found anything. The members  
12 did not speak to him regarding the purpose  
13 of their search."

14 That is all for Mr. Davis.

03:25 15 The next read-ins are for the  
16 tow truck driver, David Anderson, and if I could  
17 call up 006293. Again a statement January --  
18 pardon me, June 12th, 1969. If you could just go  
19 down to that part, it says:

03:26 20 "I don't recall the license number. I towed  
21 this vehicle to the service station. Four  
22 persons rode in the car. There were three  
23 guys and one girl.

24 They asked about what might be  
03:26 25 wrong. I saw there was a large quantity of





1 transmission fluid around.

2 This oil indicated that the car  
3 had lost oil from Avenue N along 19th  
4 Street. The car was heading west and was  
03:26 5 stalled just west of the alley between  
6 Avenue N and Avenue O.

7 At the office the little guy  
8 left and after a short time the others  
9 started worrying as to whether he would come  
03:26 10 back."

11 Next page:

12 "There was something said about them going  
13 to try and find him. This was the person  
14 who seemed to have the money.

03:26 15 Someone of this group said they  
16 were going to Calgary, Edmonton or  
17 Vancouver. I don't recall which. At first  
18 I thought they might have been running away  
19 from home.

03:27 20 I think I would know all these  
21 persons if I saw them again."

22 And just down to the bottom of that statement,  
23 please, and this is Detective Raymond Mackie who  
24 took that statement.

03:27 25 Next is Mr. Anderson's



1 preliminary hearing transcript, 007545, and  
2 there's nothing specific in that transcript, I  
3 just submit it as an exhibit. Trial transcript  
4 is 019691. There's nothing specific in that  
03:28 5 transcript. The next dealings with Mr. Anderson,  
6 document 041517. I'm sorry -- yeah, 034460 I  
7 should have called up. This document just shows  
8 that the RCMP in 1993 could not locate him, so  
9 there's no, at least in our documents, there's no  
03:28 10 further reports from the RCMP regarding Mr.  
11 Anderson.

12 The last read-in is from Lyle  
13 Trost who was mentioned in George Davis'  
14 statement, if you could call up 045925, and  
03:29 15 actually go to the first page of this which is  
16 045927. This is an RCMP note from '93, it says:

17 "I spoke to Lyle Trost who confirmed that he  
18 moved to North Battleford in the fall of  
19 1968, (at least he's relatively certain) but  
03:29 20 he did work at Hillcrest Texaco. He cannot  
21 recall Milgaard or anyone else coming to the  
22 garage and acting strangely nor can he  
23 recall George Davis. He did say that Lyle  
24 Bentley worked at Hillcrest Texaco at one  
03:29 25 time."



1 And that's all for Mr. Trost.

2 COMMISSIONER MacCALLUM: What was the date  
3 of that, please?

4 MR. HODSON: Just go back, that is February  
03:29 5 11th, 1993. Those are the read-ins relating to  
6 the service stations, Mr. Commissioner.

7 The next is the video of the  
8 Danchuks which I propose we start tomorrow  
9 morning. We'll get through that in the morning  
03:29 10 and then have Linda Duffus for the afternoon and  
11 a couple more read-ins if that's all right.

12 COMMISSIONER MacCALLUM: Yes, it is.  
13 Tomorrow at 10, please.

14 (Adjourned at 3:30 p.m.)

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**OFFICIAL QUEEN'S BENCH COURT REPORTER'S CERTIFICATE:**

I, Karen Hinz, CSR, and Donald Meyer, RPR, CSR, Official  
Queen's Bench Court Reporters for the Province of  
Saskatchewan, hereby certify that the foregoing pages  
contain a true and correct transcription of our shorthand  
notes taken herein to the best of my knowledge, skill, and  
ability.

\_\_\_\_\_, CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

\_\_\_\_\_, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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