

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

Transcript of Proceedings

and

Testimony before the Commission
sitting at the
Sheraton Cavalier Hotel at
Saskatoon, Saskatchewan

On Tuesday, October 25th, 2005

Volume 84

Inquiry Proceedings



Commission Staff:

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

Support Staff:

Ms. Irene Beitel,	Clerk to the Commission
Ms. Karen Hinz, CSR, and	Official Q.B. Court Reporters
Mr. Don Meyer, RPR, CSR,	
Mr. Jerry Wilde,	Security Officer
Mr. Aaron Ladd,	Inland Audio Technician



Appearances:

Mr. Hersh Wolch, Q.C., **for** Mr. David Milgaard
Mr. James Lockyer, Esq., **for** Ms. Joyce Milgaard
Ms. Lana Krogan, **for** Government of Saskatchewan
Ms. Catherine Knox, **for** Mr. T.D.R. (Bobs) Caldwell
Mr. Garrett Wilson, Q.C., **for** Mr. Serge Kujawa
Mr. Rick Elson, Esq., **for** the Saskatoon Police Service
Mr. Chris Boychuk, Esq., **for** Mr. Eddie Karst
Mr. Bruce Gibson, Esq., **for** the RCMP
Mr. Eamon O'Keefe, Esq., **for** Mr. Larry Fisher
Mr. David Frayer, Q.C., for Minister of Justice
 (Canada), The Hon. Irwin Cotler



INDEX OF PROCEEDINGS

DESCRIPTION:

PAGE:

THOMAS DAVID ROBERTS, CONTINUED

- BY MR. HODSON

16830



Transcript of Proceedings

(Reconvened at 9:22 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Morning.

COMMISSIONER MacCALLUM: Just before you start, Mr. Hodson, Mr. Wolch, these remarks are directed to you.

I was watching the news last night. In an act of public defiance to the work of the Commission, David Milgaard appeared before television cameras yesterday and announced that he wanted nothing to do with this Inquiry and would not appear as a witness. Further, he said in effect that, should he be subpoenaed, the Commission would be discredited in the public eye. His counsel Mr. Wolch, in apparent solidarity with his client, then stated that, on his analysis of the case, Mr. Milgaard had no useful evidence to give.

Mr. Wolch has known for many months that his client would be required to testify. Judging from the press conference the repudiation by Mr. Milgaard came as no surprise to him. I expect to hear from you, Mr. Wolch, as to when you were instructed by your client



1 relative to his refusal to testify.

2 With astonishing hubris, Mr.
3 Milgaard arranged to use this very hearing room,
4 paid for at public expense, to publicly undermine
5 the work of the Inquiry, an Inquiry he himself
6 demanded, and to threaten the Commission with the
7 stigma of popular disapproval should it have the
8 temerity to subpoena him as a witness.

9 To borrow a diplomatic
10 expression, such conduct from a party with
11 standing is unacceptable. I have ordered
12 transcripts of the television broadcast in
13 question and, when they are all in, we will post
14 the objectionable material on the Commission web
15 site and on CaseVault.

16 I am determined to continue
17 with the business of this Inquiry thoroughly and
18 impartially. Obviously, my task is complicated
19 by distractions of this kind. Challenges to the
20 authority of the Commission such as this can be
21 ignored only at the risk of loss of public
22 confidence.

23 Mr. Wolch, I am prepared to
24 take immediate and drastic action. In the
25 interests of fairness, however, I would like you



1 to consider your position this morning and let me
2 know at 1:30 if you have anything to add.

3 MR. WOLCH: I can do that right now.

4 COMMISSIONER MacCALLUM: All right.

5 MR. WOLCH: Mr. Commissioner, the comments
6 made by David yesterday were, I don't believe,
7 heard entirely by yourself.

8 David Milgaard is championing
9 the cause of two people --

10 COMMISSIONER MacCALLUM: I heard all that
11 and I don't mind that.

12 MR. WOLCH: -- who are being very badly
13 treated. There is no question they are being
14 very badly treated.

15 David, when he attended here,
16 said he did not want to talk about the Inquiry.
17 He said quite clearly that he does not want to
18 testify, which is something that Mr. Hodson and I
19 have talked about for a long time, he takes the
20 position that he can't add anything to the
21 Inquiry, he has no information about Larry
22 Fisher, he has no information about Wilson and
23 John, he testified at the Supreme Court, he
24 testified under examination for discovery, he has
25 spent 13 years in therapy to forget the horror of



1 what happened to him.

2 What happened to him in custody
3 was atrocious. What happened to him over the
4 years was horrific. He has medical advice not to
5 come, that it will cause him severe mental and
6 personal damage. He wake -- for years he woke
7 with nightmares. When he comes anywhere near
8 anything to do with this case he gets shaky and
9 physically sick.

10 He made it very clear that he
11 wants the Inquiry to succeed, he passed that on
12 to Mr. Hodson in my presence, he asked to convey
13 it to you that he wants you to succeed in your
14 task. He made it very clear that that's what he
15 wants. He just does not want to be victimized
16 again. He does not -- he is desperately trying
17 to forget. He did not even know who Mr. Hodson
18 was, he has not read a single media account, he
19 has not seen a thing on television in all this
20 time. He wants to know who is accountable, he
21 wants to know that there should be changes made
22 in the future, and that is what he wants. He
23 said he has faith in the Commission and he wants
24 me to do that task but he does not want to be
25 victimized. Any mention of what happened to him



1 causes him illness, and that's all he is trying
2 to avoid.

3 Now the problem he faced
4 yesterday was to be here is the only way he can
5 draw attention to the horrific plights of two
6 people who share a common bond, and that is they
7 share the frustration, the hurt, and the
8 devastation of being wrongly convicted. The
9 response has been, in one case, that the man, Mr.
10 -- in one case the man who was time in jail in
11 Quebec, the government says today he was not
12 factually innocent. The victim has said he's
13 factually innocent, and in that particular case
14 the people who beat him in jail have publicly
15 apologized to him, the authorities won't but
16 those who beat him have. That is what David was
17 championing, at great cost to himself, yesterday.

18 Certain questions were raised
19 about the Inquiry and his answers, as I heard
20 them, were to the effect "please do your job".
21 Those have been always my instructions.

22 Mr. Hodson has been aware of
23 the situation from day one, right from the
24 beginning, that David would suffer by testifying.
25 He, Mr. Hodson, has been very, very, very



1 sympathetic, and we've talked about having David
2 not have to go through and relive certain events.

3 But the point, Mr.
4 Commissioner, is this; and I suggest with
5 respect, if you think back to areas that David
6 can enlighten the Commission on, that I will try
7 to get answers for you. But, personally, I can't
8 think of any where he can actually contribute
9 anything.

10 He has always told the truth,
11 he gave statements to the police that were
12 truthful, he testified at the Supreme Court
13 truthfully, and he was attacked by every other
14 party. He went to examinations for discovery
15 under oath and was attacked by every party.
16 Right now his examination would strictly be a
17 memory game, "can you now remember everything
18 you've tried for 13 years to forget".

19 He wanted this Inquiry to find
20 out what caused the -- caused it all. He doesn't
21 know. He knows next to nothing about Fisher, he
22 knows next to nothing about Wilson and John, as
23 to what happened to them. Just doesn't know, he
24 wasn't there. What possible advantage it is to
25 revictimize him I don't know.



1 And he meant no disrespect,
2 just the opposite, and it concerns me, frankly,
3 Mr. Commissioner, that you might take it that
4 way. He meant no disrespect.

5 COMMISSIONER MacCALLUM: It should concern
6 you and I do take it that way.

7 MR. WOLCH: Well then -- but I say he
8 didn't. He didn't. And I can't think of any
9 comment he made that could be taken that way.

10 All he is saying is "don't
11 victimize me again, don't make me relive it". I
12 -- none of us can ever, ever appreciate what he
13 has been through, none of us can appreciate 23
14 years in jail and what happened afterwards, and
15 nobody believing him. Nobody can possibly
16 appreciate being shot in the back. Nobody can
17 appreciate what happened to him over the years.
18 And to say now "we want you to tell us again".

19 But he has been seeing help, he
20 has been seeing a therapist who has told him "it
21 will destroy you by having to relive it", and
22 we've asked for medical reports to give to the --
23 to My Friend and to yourself as to his condition.

24 We've made accommodations for
25 witnesses in the past, we've gone and videotaped



1 or whatever, there may have to be an
2 accommodation for him.

3 But to say that somehow he is
4 being critical of the Inquiry or yourself, sir,
5 is just simply not accurate. He has hope and he
6 prays that this Commission will do the work that
7 will help him and many other people in the
8 future. That is what he wants. And I would
9 simply submit that we have to be exceptionally
10 sensitive to his circumstances. He was severely
11 damaged by the system, and we have to recognize
12 this, that those of us can say "oh yes, we can
13 all testify, we can come before a Commission and
14 talk", but we haven't been in his shoes, we
15 haven't lived through what he has lived through.

16 And, sir, you haven't heard
17 what he has lived through, and hopefully we don't
18 need it, but it is worse than anyone's worst
19 nightmare. And I would -- I saw him yesterday.
20 Just being here caused him to shake, it caused
21 him to be physically ill, and it's all because of
22 what it brings back in memory.

23 It has nothing to do with the
24 working of the Commission, it has to do with the
25 victimization of David Milgaard, and it's not



1 much different than where you have an assault
2 case where you have a woman who has been brutally
3 raped or whatever else. The trauma of going
4 through it is horrific, of having to relive it,
5 and all we ask for is sympathy and caring.

6 COMMISSIONER MacCALLUM: It's a funny way
7 to go about it, Mr. Wolch, holding your press
8 conferences to resolve issues which you believe
9 exist with your client's help.

10 MR. WOLCH: Sir, he didn't come here to
11 discuss that, he came to help two people who
12 desperately need help.

13 COMMISSIONER MacCALLUM: Then why did he
14 indulge himself in this public declaration of his
15 intention not to come, being as a witness?

16 MR. WOLCH: He has talked to Mr. Hodson
17 privately about that. What he has said publicly
18 was how much he does not want to come, if he has
19 to come he will, but he does not want to come,
20 and that is his position.

21 COMMISSIONER MacCALLUM: Here's what he
22 said publicly:

23 "I will not attend nor will I discuss it
24 at all".

25 MR. WOLCH: He didn't want to discuss it.



1 COMMISSIONER MacCALLUM: "To be frank with
2 you, it makes me physically sick. I
3 will not attend nor will I discuss it at
4 all. It is in my past and I want to
5 leave it in my past.

6 REPORTER: While Milgaard supports the
7 Inquiry process and hopes answers can be
8 found he does not intend to participate.
9 Commission Counsel has the authority to
10 issue a subpoena.

11 DAVID MILGAARD: I'm sure, if that happens,
12 that this Court will look so bad, if
13 anybody wants to look that bad, that's
14 up to them."

15 MR. WOLCH: The fact is that, yes, Mr.
16 Hodson has said he does not want to have to issue
17 a subpoena.

18 COMMISSIONER MacCALLUM: And here is you:
19 "He feels, and I totally agree, that he
20 can't add anything. He wasn't there
21 when the witnesses were interviewed, he
22 knows nothing about Larry Fisher, he
23 can't add anything at all to what the
24 Commission is looking at."

25 MR. WOLCH: And that's -- I stand by those



1 comments, sir.

2 COMMISSIONER MacCALLUM: "Even though David
3 Milgaard has no intention of attending
4 the Inquiry today he was the centre of
5 attention.

6 REPORTER: Despite being in the very room
7 where this Inquiry was being held, David
8 Milgaard says he wants nothing to do
9 with the proceedings.

10 DAVID MILGAARD: To be frank with
11 you it just makes me physically sick. I
12 will not attend nor will I discuss it at
13 all. It is in my past and I want to
14 leave it in the past."

15 And then:

16 "MR. WOLCH: Our position is that we have
17 analysed the case, at least the Inquiry,
18 we realize David has almost nothing to
19 add. He wasn't there when the witnesses
20 were interviewed, he doesn't know
21 anything about Larry Fisher, and he has
22 spent 13 years trying to forget."

23 Wilson, the reporter, sorry, it's a misprint:

24 "If Milgaard doesn't willingly appear he
25 can be subpoenaed.



1 DAVID MILGAARD: I'm sure if that happens
2 this Court will look so bad that, well,
3 if they want to look that bad that's up
4 to him."

5 MR. WOLCH: Well, may I make this comment.
6 Those two, not that it matters, but those two
7 conversations did not take place at the same
8 time, that is I was not speaking with David,
9 those are two separate interviews juxtaposed
10 together. I was not part of the press
11 conference.

12 COMMISSIONER MacCALLUM: But nevertheless
13 his position -- tell me this -- is his position
14 today that he will not come as a witness to this
15 Inquiry?

16 MR. WOLCH: No.

17 COMMISSIONER MacCALLUM: And do you support
18 that position?

19 MR. WOLCH: I hope he is never a witness in
20 this Inquiry.

21 COMMISSIONER MacCALLUM: Are you instructed
22 to tell me that he will not be here?

23 MR. WOLCH: I'm instructed to apply to
24 you -- if there is a subpoena I'm instructed to
25 apply to you to look at the medical evidence and



1 consider (a) whether he has to attend, and (b)
2 whether there is some accommodation that can be
3 made to make it less traumatic. Those are my
4 instructions, I've conveyed them to Mr. Hodson,
5 Mr. Hodson met with Mr. Milgaard and discussed
6 these issues with him yesterday.

7 COMMISSIONER MacCALLUM: That's not what
8 the --

9 MR. WOLCH: It was after the -- that was
10 after the press conference. You have to
11 appreciate that I did not --

12 COMMISSIONER MacCALLUM: He says he is not
13 coming; is he coming or not?

14 MR. WOLCH: I don't know.

15 COMMISSIONER MacCALLUM: You don't know?

16 MR. WOLCH: I can't tell you for sure that
17 it -- if he -- David's condition is that he can
18 change his mind fairly quickly. He is
19 traumatized.

20 COMMISSIONER MacCALLUM: Now you keep
21 saying that, and you keep implying, in fact not
22 only implying but stating that his attendance
23 here as a witness will victimize him. Do you
24 think we're out to victimize your client by
25 asking him to appear as a witness at the Inquiry



1 he demanded himself?

2 MR. WOLCH: I think, Mr. Commissioner,
3 that, with all due respect, that you are missing
4 the point.

5 COMMISSIONER MacCALLUM: I --

6 MR. WOLCH: It is not the intention of the
7 Commission to victimize, I have never suggested
8 you ever have that intention. I'm suggesting the
9 process of having to relive will victimize.
10 That's all I have been saying. And that is
11 something that happens, we have it on all sorts
12 of victims, who, when they have to recount what
13 happened to them, have a negative effect. And
14 that is what I am saying. I'm not suggesting at
15 all that you or the Commission counsel have any
16 intention to victimize, I'm simply saying you
17 have not seen medical reports.

18 COMMISSIONER MacCALLUM: Why haven't I seen
19 them?

20 MR. WOLCH: Because we haven't got to that
21 stage yet.

22 COMMISSIONER MacCALLUM: We've been here
23 since January.

24 MR. WOLCH: We haven't got to that stage
25 yet.



1 COMMISSIONER MacCALLUM: And I understand
2 from Commission Counsel that he has been trying
3 for a long time to arrange a date which is
4 suitable to you and your client for his
5 appearance?

6 MR. WOLCH: My client has not been in the
7 country.

8 COMMISSIONER MacCALLUM: If he can't come
9 because of medical reasons, let's see the medical
10 reasons?

11 MR. WOLCH: That's fine. My client has not
12 been in the country for most of the period of
13 time, he has not been in Canada for most of the
14 time.

15 But, with all due respect, I
16 suggest that the comments that there's
17 accusations being made to -- that the Commission
18 or counsel are just not correct. There's been no
19 accusation made. And Mr. Hodson, I'm sure, will
20 support me that he had more than one positive
21 meeting with David yesterday.

22 COMMISSIONER MacCALLUM: But you don't know
23 if he is going to appear as a witness, you are
24 not --

25 MR. WOLCH: I can't guarantee.



1 COMMISSIONER MacCALLUM: Please get
2 instructions. You won't guarantee it?

3 MR. WOLCH: I can't.

4 COMMISSIONER MacCALLUM: You won't give me
5 your undertaking?

6 MR. WOLCH: I can't give you an undertaking
7 I can't enforce. David has said, if there is a
8 subpoena, he will honour a subpoena. He has
9 said --

10 COMMISSIONER MacCALLUM: He didn't say
11 that.

12 MR. WOLCH: Well, that's what he said to
13 Mr. Hodson, as I understand it. Mr. Hodson can
14 tell you -- can repeat the conversation, I'm not
15 sure, but David had no intention of discussing of
16 that part yesterday in particular. He was here
17 for other people. But we are looking at David
18 today as a person who has come a long way in 13
19 years. The David of 13 years could not have
20 spoken coherently, and we're -- we are, with all
21 due respect, using the trauma inflicted upon him
22 against him.

23 He is a victim of trauma, he is
24 at -- totally victimized. And to say that,
25 because you are a victim, we now say to you that



1 we're gonna scrutinize your comments as we would
2 to a person who -- with a normal background and
3 not as a person who has been through what you
4 have been through is just not fair to him.

5 He is trying very hard to live
6 a normal life, that's what he wants to do to make
7 up for the years that he has lost, he is trying
8 desperately to do that and --

9 COMMISSIONER MacCALLUM: Well Mr. Wolch, I
10 didn't ask you for a speech, I asked you for your
11 position in this matter.

12 MR. WOLCH: Well --

13 COMMISSIONER MacCALLUM: And, as I take it,
14 your position is that you have no instructions as
15 to your client's --

16 MR. WOLCH: My instructions are to --

17 COMMISSIONER MacCALLUM: -- appearance as a
18 witness at this Inquiry?

19 MR. WOLCH: I haven't -- my instructions
20 are to ask you to excuse him once we have the
21 medical reports, the updated, because I had hoped
22 maybe things would change over 6 months, or
23 whatever, in terms of his progress. A lot has
24 happened in his personal life, lots, and
25 hopefully the things may change as months go by.



1 But he is seeing, undergoing
2 therapy on a regular basis, on a constant basis,
3 and I want the most updated report at the time
4 when we get close to when he may be a witness,
5 and at that time we will likely be applying to
6 you to excuse him or at least create a situation
7 where he wouldn't have to relive the horrific
8 things he suffered.

9 COMMISSIONER MacCALLUM: And, in the
10 meantime, you have analysed the case and decided
11 that his presence as a witness is not necessary?

12 MR. WOLCH: That's my opinion, yes, and
13 that's an opinion I would advance to you.

14 COMMISSIONER MacCALLUM: I began by saying
15 that you can have until 1:30 to consider your
16 position, Mr. Wolch, so I will take the
17 appropriate action at that time. Thank you.

18 MR. WOLCH: Thank you.

19 MR. HODSON: I see Ms. Knox is up and I
20 understand that she and maybe others wish to
21 comment. Mr. Commissioner, I would like to, if I
22 may, just respond to a couple of the points as
23 they relate to my involvement, if that's
24 permissible?

25 COMMISSIONER MacCALLUM: Yes.



1 MR. HODSON: Maybe I can start off by
2 saying as Commission Counsel I have a heavy
3 responsibility to determine who needs to be
4 called as a witness before this Inquiry, the
5 legislature has mandated this Commission to
6 inquire into certain matters. As you've pointed
7 out, Mr. Commissioner, this public inquiry was
8 called for on many occasions by those on behalf
9 of David Milgaard. In order to -- for this
10 Commission to discharge its mandate, we need to
11 hear from witnesses who have relevant evidence.

12 From day one I had determined
13 and publicly stated that David Milgaard is a
14 necessary witness for this Inquiry and I do not
15 waver from that view at all, although I think it
16 is obvious why he can give evidence that no one
17 else can, and then I'll come to, in a moment, to
18 Mr. Wolch's concerns about Mr. Milgaard's
19 personal circumstances and his health which I am
20 deeply concerned about, as is everybody. No one
21 here is trying to do anything that would cause
22 harm to Mr. Milgaard or to any other witness, so
23 having made that determination, I have had
24 discussions with Mr. Wolch for some time now and
25 I don't want to get into a debate about what we



1 each said or what we each heard, I think that
2 we're probably pretty close as to what has
3 transpired. I will give you my version of where
4 things went.

5 Since Mr. Milgaard has standing
6 and counsel, that puts him in a different
7 perspective than another witnesses, and because
8 he is who he is, and so I have to, my efforts to
9 arrange this attendance must be through his
10 counsel, and as I said, I made it known months
11 ago of my desire to call him, my desire to
12 interview Mr. Milgaard, and as Mr. Wolch stated,
13 Mr. Milgaard was out of the country for some time
14 and that was not feasible and, from time to time
15 throughout this Inquiry, there have been reports
16 in the media quoting Mrs. Milgaard and counsel
17 saying that David even doesn't want to come,
18 shouldn't come, things of that nature, and I
19 appreciate the desire perhaps on their part that
20 he does not want to be here.

21 There are other witnesses who
22 have also told me they do not wish to be here and
23 I respect that; however, I have a job to do. I
24 have got to call evidence that's relevant in a
25 way that is respectful of the witnesses'



1 interests, I said that on day one and I say it
2 again. I would remind everybody that I called
3 four sexual assault victims in a very unique
4 circumstance based upon their situation. Elmer
5 Ullrich provided us some medical evidence that
6 indicated appearing here would cause problems.
7 We accommodated that. My goal is to accommodate
8 witnesses and get the evidence from day one.

9 I did have discussions with Mr.
10 Wolch and Mr. Lockyer a number of months ago when
11 this issue about David testifying or not came out
12 and my view of the discussion, and I appreciate
13 that it was nothing more than a discussion, they
14 may have different views, if they recognized the
15 need to have him called as a witness. Now, they
16 may have different views about the relevancy, but
17 I think, and if they wish to dispute they may, I
18 understood that they recognized my position and
19 that I needed to call David as a witness, and in
20 fact efforts were made through me and with Mr.
21 Wolch to try and make that happen.

22 Mr. Wolch has advised me from
23 time to time, as he advised you, that it's
24 difficult for him to commit that Mr. Milgaard
25 will be here, and I've asked him for that. For



1 example, we have Mr. Caldwell on the stand. I
2 asked Mr. Caldwell to testify through his
3 counsel. He arranged to be here.

4 With Mr. Milgaard, Mr. Wolch
5 has not been able to tell me that, for various
6 reasons, and he has told me that. I have asked
7 him on occasion, in fact in written
8 communication, should I serve him with a
9 subpoena, does that assist you, Mr. Wolch, in
10 ensuring that your client will be here, does that
11 help you out if I serve him with a subpoena so
12 he's here and we can make that happen, and again
13 we've had discussions of that nature.

14 As far as the position, I do
15 not recall being advised point blank that Mr.
16 Milgaard will not testify, that it's a refusal,
17 and in fact yesterday I spoke with Mr. Wolch and
18 Mr. Milgaard about him coming to testify, and I
19 have for some time, so if that had been
20 communicated to me, "I'm not coming," I would
21 have brought that matter before the Commission,
22 and I appreciate what has been reported in the
23 media as being a refusal, subject to what Mr.
24 Wolch said, so first of all, prior to yesterday I
25 was not advised that Mr. Milgaard will not come.



1 I was working on trying to find a way to get him
2 to testify in a way that respected his position
3 and his interests as outlined by Mr. Wolch.

4 Now, the medical reasons, I
5 must say, although I have been made aware that
6 this would be a difficult ordeal for Mr.
7 Milgaard, and I appreciate that, I have not been
8 advised that, point blank, a doctor said he can't
9 come or it will cause him harm, and if there is
10 that medical evidence, much like other witnesses,
11 I would be happy to take a look at it and I would
12 be happy to deal with it. That has not been
13 advanced to me as a basis to say, as I said,
14 first of all, they have not said we're not
15 coming, secondly, they have not said lookit, he
16 can't come because of medical reasons, and in
17 fairness, they have raised repeatedly that this
18 will have a negative impact on him personally and
19 so maybe I'm being, making too fine a point about
20 the medical evidence, but I'm not aware of a
21 doctor saying that it will harm him physically
22 and he ought not to attend. If that would be
23 provided I will deal with it as I have with other
24 witnesses to try and find a way to get the
25 evidence in without causing him the harm.



1 As far as the issue of the
2 subpoena, yesterday the comment was made about
3 the optics of this Commission serving a subpoena
4 on Mr. Milgaard and it would look bad. The
5 counter view of that, that some may have, is the
6 optics of him not appearing to testify. Putting
7 aside the medical issues for a moment, the optics
8 of him not testifying at this Inquiry are
9 also not good for the Commission, and I have a
10 difficult task, many witnesses have told me I do
11 not wish to come, this will cause me harm,
12 etcetera, and I guess there's a line there
13 between not wanting to and causing problems to
14 health, and I appreciate that and I'm certainly
15 prepared to look at that.

16 As far as the subpoena issue, I
17 did not discuss that issue with David Milgaard
18 yesterday and so as far as whether he would
19 honour one if served I don't know, but I maintain
20 my view that I believe his evidence is necessary
21 for many, many reasons and I would be happy to,
22 at a later point, elaborate on that, but I think
23 it's clear as far as his recollection of certain
24 events, his evidence in my view is more than just
25 specific events back then, is to tell this



1 Commission and the public some of the views he
2 expressed at the press conference yesterday; for
3 example, about systemic issues for one.

4 Lastly, I do know, and I've
5 been advised this morning, that whether
6 Mr. Milgaard testifies or not is an issue that
7 other counsel or counsel for other parties
8 believes impacts on them and I believe they may
9 wish to speak to that, but just in closing, I do
10 not want -- let me just repeat my position. I
11 believe he's a necessary witness. If there are
12 issues that ought to be considered by me or the
13 Commission that would cause us to either not call
14 him, other than relevance, I'm not prepared to
15 change my view on relevance, and I could be wrong
16 on that and if people wish to address you on that
17 they may, but secondly, if there's other reasons
18 that would suggest an accommodation or some other
19 circumstance to get his evidence in, I'm
20 certainly prepared to listen to that, but I have
21 not been formally presented with that.

22 So with that, Mr. Commissioner,
23 perhaps other counsel may wish to comment.

24 COMMISSIONER MacCALLUM: They may wish to,
25 but I don't want to hear from anybody else. This



1 issue is between myself and Mr. Wolch and his
2 client. We'll hear from you -- or I invite you
3 to speak to me again at 1:30, Mr. Wolch, and in
4 the meantime, we'll continue with the evidence of
5 this witness.

6 **THOMAS DAVID ROBERTS, continued:**

7 BY MR. HODSON:

8 Q Mr. Caldwell, when we adjourned yesterday I posed
9 you a question that I'll try and pose again and
10 you'll recall, let me just run through where we
11 were at, one, I think you told us that the purpose
12 of employing the section 9(2) application with
13 respect to Nichol John was to try and get the jury
14 to not believe her evidence, that being the
15 critical evidence of the time frame of the murder,
16 in other words, when she said I don't recall
17 seeing David kill or grab her, stab her, etcetera.
18 Do you remember those remarks?

19 A Yes, sir.

20 Q And what you said was that you used 9(2) and
21 called in the previous statement to say jury, to
22 discredit her and say don't believe her when she
23 said I don't remember; that's correct?

24 A That's correct, yes.

25 Q I then read you what Chief Justice Bence said to



1 the jury in his charge and what he said to the
2 jury was, now, when you get to Nichol John's
3 evidence, please only consider that which she
4 adopted in the witness box; in other words, that
5 which she said is true, everything else, he said,
6 should be wholly disregarded. Now, the everything
7 else is I saw David grab a girl, grab her purse,
8 drag her down the alley and stab her, so Chief
9 Justice Bence said to the jury wholly disregard
10 that, and my question to you yesterday, let's say
11 -- I'll put it this way. Let's say I'm a member
12 of the jury and I say, okay, I'm going to buy Mr.
13 Caldwell's position, I accept that I don't believe
14 Nichol John is telling the truth when she says I
15 don't remember, I think he attacked her
16 credibility and I don't believe her. Is it fair
17 to say that -- so if she, if I'm a juror and I say
18 I don't believe you when you say you don't recall,
19 then obviously I must conclude that she did recall
20 something and she lied about it. Is that fair?

21 A Yes, it is.

22 Q And so if I'm a juror and I say, okay, well what
23 -- then she's lying, she did recall something,
24 what do you think she recalled. Would you agree
25 with me, sir, that the only other alternative



1 that's before the jury would be the previous sworn
2 statement and the incriminating evidence?

3 A I would think so, sir.

4 Q So in other words, if I accept your position that
5 her lack of recollection is not credible, then the
6 logical next step then is to say, well, then her
7 previous sworn statement must be truthful, must be
8 what happened; is that fair?

9 A Well, Mr. Hodson, I would think that a juror in
10 that position could quite properly accept the
11 things she said that had not been contentious, if
12 I may put it that way.

13 Q So let's say that they accept your position
14 entirely, which is for those parts that she
15 adopted in the stand, on the stand she's telling
16 the truth, and that is asking for directions, the
17 knife, --

18 A Uh-huh.

19 Q -- going to the motel, sort of the events before
20 and after -- let's call it the murder time.

21 A All right.

22 Q The events before and after the murder time. Your
23 position was believe her when she says that, but
24 the time frame, which are pages 3, 4 and 5 of the
25 statement, that the murder time, the incriminating



1 time, when you get to that part don't believe her
2 when she says I don't remember, okay, so I'm on
3 the jury and I'm going to accept your position
4 entirely, so I'm saying fine, I believe her, I
5 believe all her evidence except where she says I
6 don't recall, okay.

7 A Uh-huh, yes, sir.

8 Q And in that scenario, as a juror, is not the
9 logical or the only alternative available -- let
10 me back up to this question. I'm a juror saying
11 okay, she's lying when she says she can't recall,
12 therefore she recalls something that she's hiding
13 from us; right? She's lied to us --

14 A I would think that would be it.

15 Q And that was your position, and I'm not suggesting
16 anything nefarious, Mr. Caldwell, this is an
17 application of section 9(2) and I think it's
18 important to probe what it was that was your
19 position, we cannot talk to the jurors and get the
20 jurors' impressions, so bear with me and I'll put
21 myself in a position of a juror trying to
22 understand your position, the Crown position at
23 the time.

24 A Very good, sir.

25 Q And so I'm a juror saying okay, she lied, she



1 remembers something, what is it, as a juror what
2 are my options as to what it is that she's hiding
3 from me?

4 A Well, I would see no reason why a juror would not
5 accept the group -- the bulk, if you will, of her
6 evidence which was, if you will, not that
7 contentious and which may well have been supported
8 by other Crown witnesses. Now, at the same time
9 they made the decision you've just spoken of about
10 the 9(2) issue. Jurors I think quite frequently,
11 and judges sitting alone, they even cautioned
12 jurors that they may believe something, part, all
13 or nothing of what any witness said, expert or
14 otherwise, so I would feel it was open to any of
15 those jurors to say we disbelieve that part, but
16 there's nothing about the rest of her evidence
17 that I can't accept.

18 Q And I'm a juror and I like what you had to say in
19 your closing address and I believe the position
20 you put forward, I'm going to believe what you say
21 I ought to believe.

22 A All right, sir.

23 Q Okay. And again I'm just wondering, is it not
24 true that if I'm searching as a juror to say,
25 okay, she's lying when she says she doesn't



1 recall, that as far as the events in the alley,
2 the only other thing I heard as to what Nichol
3 John might have witnessed is in the sworn
4 statement; correct?

5 A That's right, the one that was the subject of the
6 9(2).

7 Q Correct. So let's put aside the judge's charge to
8 the jury for a moment.

9 A Very good.

10 Q But if I'm a juror saying okay, I don't believe
11 her, then is it not logical, or certainly one
12 option, I think we have to agree one option is to
13 say okay, well, maybe what she said in the
14 statement is what really happened?

15 A I would think a juror, despite whatever
16 instructions were given, when they are out
17 discussing it, might discuss that among themselves
18 and one or more of them might adopt it would be
19 my, you know, estimation of that. I don't know if
20 I'm --

21 Q Sure, and in fairness, I think when you examined
22 her you said you wouldn't lie to the police, she
23 said no, she signed the statement, she swore it,
24 she just said I don't remember telling them, I
25 don't remember seeing it. I don't think she said



1 it didn't happen, she says I just don't remember.

2 A No.

3 Q And so let's -- and maybe this isn't a fair
4 question to you, Mr. Caldwell, but are you -- I
5 think it appears that one option for the juror, a
6 juror or the jury is to say, okay, she must have
7 seen it, what she put in her statement must be
8 what she recalls, but she's just lying when she
9 says she can't recall, that's one.

10 A I think that is one definite option, sir.

11 Q Right. And in fairness, I'm not sure if I've
12 concluded that she's lying on the critical time
13 period, there's really no other set of events
14 that's before the jury that I might say, okay,
15 what does she recall, what else have we heard that
16 she might have recalled?

17 A Well, I would expect that, as a non-juror, that
18 those things are quite properly discussed among
19 jurors and they may, one may sway the opinions of
20 others and back and forth. I'm sorry, did --

21 Q Sorry.

22 A Go ahead.

23 Q For example, I mean, it wasn't well, you know
24 what, there's another set of events that she might
25 have seen, she might have seen Ron Wilson do it,



1 and that wasn't before the jury as a set of events
2 she might have recalled? The only other -- as far
3 as what happened in that alley, the two options
4 were I don't recall seeing anything or I saw David
5 kill her?

6 A Yes.

7 Q In summary, those are the two?

8 A That's how she ended up in my opinion.

9 Q Right. And so if we go through, and let's just
10 talk for a moment about the judge's charge to the
11 jury when he says wholly disregard it --

12 A I'm sorry, did he say -- relating to --

13 Q Relating to that which she didn't adopt, but I
14 think you told us yesterday, and in fact two weeks
15 ago, that you wanted to have the contents of that
16 statement before the jury for the lawful purpose
17 you said of 9(2)?

18 A Yes.

19 Q In other words, you wanted it, you needed to
20 discredit -- let me back up. I think what you
21 were saying is you needed to discredit your own
22 witness because what she said about the critical
23 time didn't fit your case?

24 A That's right.

25 Q And you didn't believe -- you didn't believe her



1 to be telling the truth when she said she didn't
2 recall?

3 A That's correct, sir. Now, there was something you
4 just said that I wanted to -- oh, this is it, I
5 hope I'm correct, I believe Chief Justice Bence in
6 fact instructed the jury to wholly disregard the
7 contentious evidence and I would stand to be
8 corrected, Mr. Hodson.

9 Q His words were, I repeat again, that those things
10 which she did not admit must be completely
11 disregarded.

12 A So that's the very clear instruction to them,
13 you've got to disregard that, and I don't know
14 how, you know, how he could have improved on that.

15 Q Right. But I think, though, when we go back,
16 your -- and maybe the question is how could they
17 disregard it.

18 A Well --

19 Q And let me -- sorry, how could they disregard it
20 when the position put forward by the Crown is
21 she's lying when she says she doesn't recall
22 seeing anything.

23 A Well, we were, I'm not going to say faced with,
24 but we had the 9(2) procedure available and we
25 attempted, all of us I think, defence counsel



1 included, to apply it carefully and at the end of
2 that procedure, I think the last step, if you
3 will, is a very careful admonition by the Chief
4 Justice of the sort you've just mentioned to me.
5 In other words, I don't know how much further
6 anyone could have gone on that, Mr. Hodson, unless
7 he repeated it.

8 Q Let's just back up.

9 A Okay.

10 Q When you employ 9(2) you are saying I have a
11 witness who was in the car at the time that Mr.
12 Milgaard allegedly murdered Gail Miller?

13 A Right.

14 Q And the other person in the car has given evidence
15 incriminating that he left the car, he didn't
16 witness anything, but he had an admission from Mr.
17 Milgaard, so the Crown theory is that at the time
18 when Mr. Wilson and Mr. Milgaard left the car, the
19 murder took place and Nichol John was sitting in
20 the car when this happened. There's some evidence
21 she may have left and come back, but she was there
22 in the car when it happened.

23 A I agree with that scenario, sir.

24 Q And so the fact that one of those witnesses would
25 in your case say, well, I was in the car, we got



1 stuck and then we went to the motel --

2 A That being?

3 Q That being Nichol John -- that would not help your
4 position would it?

5 A Oh, not --

6 Q And that might contradict the Crown theory and
7 contradict Ron Wilson wouldn't it?

8 A Well, that's correct. I had a certain series of
9 facts that I thought was truthful, but what you
10 said certainly would contradict Wilson.

11 Q So the jury might say, well, David Milgaard did do
12 this, Ron Wilson said he left and came back and
13 witnessed these things, wouldn't Nichol John have
14 seen something, and so the fact that she saw
15 nothing would be detrimental to the Crown's
16 position?

17 A It would in that sense, sir.

18 Q Yeah. And so under 9(2) you are saying, okay,
19 well, I don't think she's telling the truth on
20 that part of her evidence, I'm going to discredit
21 her because I don't want the jury to believe the
22 evidence that I led in chief, that being that she
23 didn't see anything and I want to discredit that.

24 A Right.

25 Q And the flip side of that is that she must have



1 seen something?

2 A Well, that would be -- that's correct, and my
3 understanding of what she saw would be those four
4 or five contentious matters.

5 Q And if we just take a step ahead, and I won't
6 belabour this much further, but let's assume for
7 the moment that the jury may have said okay, well,
8 given Nichol John's demeanour on the witness
9 stand, and let me just ask you about that, and I
10 think you may have touched on this yesterday, you
11 formed the impression that she was not being
12 credible; is that fair, in her evidence?

13 A That's right.

14 Q And one we saw, and I went through yesterday, and
15 it appeared the judge was, had a number of
16 exchanges with her; is that fair?

17 A That's right.

18 Q I think you described him as being quite impatient
19 with her?

20 A He became impatient as this process went on.

21 Q Hostile or impatient?

22 A Oh, I wouldn't say that at all, sir, but he had
23 obviously heard the whole trial up to that point
24 and had dealt with it, a number of witnesses,
25 professional and otherwise, young, old, and had



1 been very even and level with them in my
2 estimation. Now, when this, when Nichol John got
3 on, a lot of what she said of course I don't think
4 was contentious, Mr. Hodson, but as the difficult
5 part approached, we saw that the Chief Justice
6 felt that, evidently felt that he had to intervene
7 and attempt to keep the thing going, or words to
8 that effect, that's not properly stated, but --

9 Q Right. And I think your impression was that
10 Nichol John was not telling the truth, she was
11 hiding something?

12 A Absolutely.

13 Q And I think you told us that that's what your
14 impression of what Chief Justice Bence also
15 thought based upon his conduct, what he said to
16 her?

17 A I would infer that had to be --

18 Q In saying how can you remember this, how can you
19 not remember that, stop crying, stop crying
20 before, those things that I went through
21 yesterday?

22 A I would take it from that, sir, what you just
23 said.

24 Q And it's difficult for us, reading it on paper, to
25 get a sense of, a true sense of the atmosphere in



1 the courtroom, but is it fair to say, Mr.
2 Caldwell, that at least to your view and perhaps
3 others, the impression was that Chief Justice
4 Bence was not believing Nichol John when she was
5 saying she could not recall?

6 A That -- one could come to that conclusion because
7 of the way it unfolded, my efforts seeming to go
8 less and less well, and then he made some
9 interventions which he felt of course were I think
10 almost called for on his part.

11 Q And in fairness, Mr. Caldwell, that was your
12 intent in utilizing 9(2), that very thing is to
13 have the jury think, boy, Nichol John, I'm sure
14 not believing her when she says she didn't see
15 anything or can't remember telling the police she
16 witnessed the murder?

17 A The 9(2) was open to us and we felt it was
18 appropriate there and that would have been one of
19 the outcomes, Mr. Hodson, among others.

20 Q And so if I were to say in your view, Mr.
21 Caldwell, do you think, and again this is just
22 based on your impressions, but it was your case
23 you put forward, do you think Nichol John's
24 evidence had a significant impact on the jury in
25 them reaching the verdict of guilty, and I'm not



1 asking you to look into their minds, you can't do
2 that, but just generally based on what you saw,
3 did you feel that Nichol John's evidence, how it
4 went in and how you discredit her, try to
5 discredit her, what the judge said to her and at
6 the end of the day did you think that Nichol John,
7 the totality of her evidence and how you interpret
8 it and how you suggested to the jury helped your
9 cause, or helped the Crown's case, let me start
10 there?

11 A Okay, sir, the jury were out 24 hours, including
12 an overnight situation. At one point or another
13 -- perhaps you can look at what questions they
14 came back with, if any, I'm not sure that they
15 did. I know Mr. Tallis asked for an amendment to
16 the charge. Now, what they went on, Mr. Hodson,
17 of course was utterly out of my --

18 Q No, I appreciate that. Let's go back, maybe I
19 didn't phrase it very well, I'm not asking you to
20 substitute your opinion for the jury, but from
21 your impression, and you are done the Crown's
22 case, if I said to you just as the jury retired
23 what do you think is the most compelling piece of
24 evidence in your case, what would you have said?

25 A Well, at that point, being the most recent, would



1 be the Nichol John evidence I would think, but not
2 overlooking the Cadrain and Wilson matters, among
3 others, but it would be the most recent and
4 noteworthy, if you will. I'm sure it would have
5 had an impact.

6 Q Okay. And if we just take a step back, and again
7 we canvassed this, and I'll canvass it again with
8 Mr. Tallis --

9 COMMISSIONER MacCALLUM: Just a minute.
10 Let me understand you. You are sure that the May
11 24th statement would have had an impact?

12 A Well, My Lord, it was the one over which the 9(2)
13 skirmish took place, if you will.

14 COMMISSIONER MacCALLUM: Yes.

15 A And I would, again I have no idea obviously what
16 any jury went on. I wouldn't be surprised if they
17 came to a conclusion similar to what Mr. Hodson is
18 suggesting, that (a), we don't believe her in that
19 part of her evidence, and that could very well
20 have been, you know, important. I don't know if
21 that answers you.

22 COMMISSIONER MacCALLUM: No, not really.

23 A Okay.

24 COMMISSIONER MacCALLUM: By virtue of the
25 use of section 9(2), that is, putting --



1 effectively putting the May 24th statement before
2 the jury in cross-examination --

3 A Yes.

4 COMMISSIONER MacCALLUM: -- by reason of
5 that, did you not accomplish indirectly what you
6 couldn't do directly?

7 A Well, that is arguable, sir, in the sense that you
8 could say, hey, you couldn't do that directly, but
9 by using this process it went in, you could say,
10 anyway.

11 COMMISSIONER MacCALLUM: Yes.

12 A But yeah, I think in a narrow sense that's right,
13 sir. I don't know if that --

14 COMMISSIONER MacCALLUM: Was that your
15 intention?

16 A Pardon me?

17 COMMISSIONER MacCALLUM: Was that your
18 intention?

19 A Well, no, but the only way you could do the 9(2)
20 as we thought at that time was the way we did do
21 it. In other words, you know, we were very
22 careful to stay within the guidelines and the
23 Chief Justice I thought supervised that very
24 carefully.

25 COMMISSIONER MacCALLUM: Uh-huh, okay.



1 A Okay, thank you, sir.

2 BY MR. HODSON:

3 Q Let me just follow up on that point then, Mr.
4 Caldwell, and let's say, okay, the -- you couldn't
5 directly put it in front of the jury unless you
6 adopted it, so indirectly it gets in front of the
7 jury, let's take that as a given --

8 A All right.

9 Q -- that's the premise.

10 A Very good.

11 Q Because they heard it, and I appreciate the
12 admonishment by the trial judge, but that's before
13 the jury in some form. Let me put two
14 propositions to you and get your comment. First
15 of all, would it be suggestive, sir, that the
16 weight of the incriminating statement, okay, and
17 I'm talking about pages 3, 4, 5, that part which
18 she didn't adopt --

19 A Yes.

20 Q -- but the incriminating information about seeing
21 David stab her might have some elevated
22 credibility in the minds of the jury because they
23 might be saying one of two things, either she's
24 trying to help her friend, or (b), she's afraid of
25 him, or both, and that's why she's not saying, in



1 other words, boy, she must really be scared, she
2 must have seen something and that's why she's not
3 saying it or she's scared of him or she's trying
4 to help, and again, that would be a possibility?

5 A Yes.

6 Q Is that fair?

7 A Either of those things, Mr. Hodson, in my view
8 would be a possibility.

9 Q Okay. And the second proposition, the second
10 proposition is this, if the statement went in
11 directly, in other words, if Ms. John had
12 testified and adopted it all, she would have been
13 subjected to cross-examination by Mr. Tallis;
14 correct?

15 A Well, I assume so, --

16 Q I --

17 A -- and of course she was on the 9(2) issue, as you
18 know.

19 Q Let -- and I think it's fair to assume that if
20 Nichol John would have gone on the stand and said
21 "everything in my statement is true, that's
22 exactly what I saw"?

23 A Correct.

24 Q And we'll hear from Mr. Tallis, but -- and I think
25 it's -- you can assume, sir, that he would have



1 cross-examined her on it; right?

2 A Absolutely, sir, and as to the greatest extent
3 allowable and proper in law I expect he would
4 have.

5 Q Right. And he would have asked her -- tried to
6 test her version of events; correct?

7 A Certainly.

8 Q And he would have asked her how she saw David with
9 that knife in his right-hand when he was
10 left-handed, "are you mistaken?"

11 A I'm sure he would have followed up any of those
12 things that looked promising --

13 Q Yeah.

14 A -- or seemed to conflict.

15 Q Yeah, and we'll hear from Mr. Tallis on these
16 points, but just a couple of others. One would be
17 the, I think you said to the jury you couldn't,
18 you couldn't explain the cuts, the knife marks in
19 the coat but not the dress; remember we went
20 through that?

21 A I did, sir.

22 Q And certainly Nichol John's statement where she
23 says "I saw David grab the girl and stab her", one
24 tack to cross-examination might be to say "well
25 how could that be, did you see him stab her in the



1 back when the knife marks didn't go through her
2 uniform, how did he get the uniform off, why did
3 you go to Calgary with him if you just saw him
4 commit a murder", etcetera, etcetera. So those
5 are the things that could have been put to her in
6 cross-examination to test her?

7 A Those certainly could, and those and others, I
8 would think.

9 Q And I'm not -- I'm just -- and let me be clear on
10 this, Mr. Caldwell, I'm just trying to probe what
11 happened at trial and how Section 9(2) was applied
12 by the Court and dealt with by the Court of
13 Appeal, and so I'm not suggesting that you didn't
14 properly use the section or anything of that
15 nature.

16 A No.

17 Q But the second proposition would be that if that
18 statement was indirectly considered by the jury,
19 in other words the incriminating parts, that, the
20 incriminating parts of the statement, would not
21 have been tested by Mr. Milgaard's counsel; is
22 that fair?

23 A Well if the incriminating parts went into
24 evidence, in other words if her evidence had gone
25 the way I might have expected it would in the



1 first place, --

2 Q Yes?

3 A -- they'd be in evidence and, of course, they'd be
4 subject to cross-examination in the large sense by
5 defence counsel. Is that what you are --

6 Q Right, that's correct.

7 A -- getting at? Okay.

8 Q If it's in directly. If it's put in directly it's
9 tested by cross-examination, if --

10 A Are you saying, Mr. Hodson, 'directly' or
11 'indirectly'?

12 Q Directly.

13 A Okay, directly.

14 Q So if, for example, she adopts the statement and
15 repeats it in evidence, Mr. Tallis is free to
16 cross-examine her and challenge it?

17 A Absolutely.

18 Q And then the jury, in considering Nichol John's
19 evidence of witnessing the murder, can take that
20 into account. And they might say, "you know what,
21 based on those questions Mr. Tallis asked I don't
22 think her story is credible, it doesn't fit",
23 that's another possibility?

24 A That certainly is, sir.

25 Q And in fact the -- so that's one option. If it's



1 indirectly, in other words there not for the proof
2 of its contents and lawfully there under Section
3 9(2), --

4 A Right.

5 Q -- it's before the jury but not tested; agreed?

6 A Umm, well in the sense that they are not, at that
7 point, supposed to pay attention to it, are they,
8 right?

9 Q Right.

10 A Right.

11 Q And that's why Mr. Tallis cannot cross-examine on
12 it, because it's not directly evidence; right?

13 A Yes, but is he not -- yes, that's -- I think is
14 right, sir.

15 Q Yeah. And so, and so I think I may, well I will
16 put this question to Mr. Tallis, but certainly the
17 net result of this process is that the
18 incriminating parts of Nichol John's statement
19 were heard by the jury, --

20 A Right.

21 Q -- may have been considered by them,
22 notwithstanding the trial judge's direction?

23 A Correct.

24 Q And the incriminating parts of her statement were
25 not tested in cross-examination, and --



1 A But was that not done, Mr. Hodson, during the 9(2)
2 exercise?

3 Q No.

4 A Okay. I --

5 Q And in fairness, Mr. Tallis may be the better
6 witness to go through this, and I think the reason
7 or one reason why she could not be cross-examined
8 on that, because she said "I don't know if that
9 happened, I don't think I remember that
10 happening".

11 A Okay.

12 Q So you can't cross-examine a witness on "okay, you
13 said you saw him grab the knife in your right
14 hand, are you sure it was the right hand", she
15 says "I don't know, I don't remember that", so --

16 A Well I'm sure you are right, sir, I'm just -- that
17 he, with that opinion on her part, it would in
18 effect thwart cross-examination. Now if, of
19 course, the statement went in he would be able to
20 cross-examine to his heart's content, obviously,
21 if it had gone in in the --

22 Q Yeah.

23 A -- what I thought was the usual fashion.

24 Q But just to close on this point, then, that if the
25 statement, the incriminating part of the statement



1 was considered by the jury indirectly,
2 notwithstanding the judge's direction, you would
3 agree, sir, that, as a result of the 9(2) process,
4 that that statement had not been tested by defence
5 counsel?

6 A The -- as I now recall the facts, Mr. Hodson, you
7 are right, you are correct in that.

8 Q If we could just go back to the judge's charge to
9 the jury, 006175, and go to page 006203, and I had
10 gone through, and I think yesterday I was just
11 going through -- did you want the paper copy?

12 A If this could be --

13 Q I don't have very many pages to go.

14 A No, that's fine, sir, the enlarged version I'm
15 fine with.

16 Q Ms. Knox, do you want to have -- it's up to the
17 witness if he wants to have the paper copy?

18 COMMISSIONER MacCALLUM: He said he's fine
19 with that.

20 MS. KNOX: And I don't have the same page
21 numbers.

22 MR. HODSON: Okay, well let's just go with
23 this, I think we'll be okay.

24 A It's fine, sir.

25 BY MR. HODSON:



1 Q Okay, sir. If we go down to the bottom, and this
2 is again talking about the purse, now the judge is
3 talking 'purse', I think he is meaning the
4 'compact', let's just read through it. He says:

5 "The presence ...",
6 let me just back up and I think we'll see where
7 --

8 A Okay.

9 Q Start here:

10 "You will recall the evidence of both
11 Wilson and John that there was no such
12 article in the glove compartment up to
13 the time they arrived in Saskatoon. You
14 will also recall the evidence of Wilson,
15 John and Cadrain that John found this
16 article, this purse, that it contained
17 lipstick, eye make-up and a powder
18 compact and that nothing was said in
19 answer to John's inquiry as to who owned
20 these or to whom do they belong, but
21 that the accused took it and threw it
22 out the window."

23 Then he goes on:

24 "The presence of that purse ...",
25 I think, Mr. Caldwell, he is referring to the



1 compact or the cosmetic case or whatever?

2 A That's my understanding, sir.

3 Q Yes.

4 A There is and was a purse --

5 Q Right.

6 A -- but it was not part of this transaction.

7 Q And that was the purse, Gail Miller's purse, found
8 in the garbage can?

9 A That's right.

10 Q And so we're on the same page here. He says:

11 "The presence of that purse ...",

12 being the compact:

13 "... may be a piece of evidence that you

14 can take into consideration in

15 determining whether or not it was the

16 accused who took the purse from the

17 deceased; but on the other hand there

18 may be an entirely different explanation

19 for it. That purse may have had nothing

20 whatsoever to do with the deceased.

21 There is nothing to link it up to her.

22 There were duplicates of those things

23 that were contained in the purse which

24 was found in the car in the deceased's

25 purse; there were a number of duplicates



1 with one exception and that is the
2 powder; there was no evidence as I
3 recollect it of any powder or powder
4 compact being found in the deceased's
5 purse and there was a powder compact in
6 this bag that was found in the car. So
7 you might ask yourselves - well, isn't
8 it quite likely that the purse in the
9 car was from an entirely different
10 source; what would be the necessity for
11 so much duplication?"

12 And then it goes on to talk about the knife. So
13 again on the compact, it would appear that the
14 judge is saying to the jury in the charge "there
15 is no evidence that what David Milgaard threw out
16 the window was Gail Miller's compact"?

17 A That's how I read it now, sir.

18 Q And I think you told me earlier, when we were
19 going through the opening address, that that was
20 an important piece of the Crown theory. The Crown
21 theory was that that compact wasn't in Wilson's
22 car that morning, it was there later, and (a) the
23 fact that it's in the car, and (b) that David
24 Milgaard threw it out the car without explanation,
25 I think you said the Crown was saying that must



1 have been Gail Miller's?

2 A That's my recollection, sir.

3 Q And that, in throwing it out the window, he is
4 trying to hide or get rid of evidence; is that
5 fair?

6 A I -- that must have been my reasoning.

7 Q Correct. And scroll down a bit further, please,
8 right to the bottom. And the judge says here,
9 talking about the knives:

10 "In any event there is the evidence of
11 both these persons that the accused did
12 have a paring knife in his possession.
13 Again it is only evidence, the evidence
14 of two people who to a considerable
15 extent could be considered as
16 discredited along the lines I have
17 indicated before. It's entirely a
18 matter for you as to ..."

19 that:

20 "... weight you will place on their
21 evidence."

22 A Yes, I --

23 Q So here they are talking --

24 A Sorry.

25 Q Sorry?



1 A I think it's 'what', Mr. Hodson, which is neither
2 here nor there I guess.

3 Q What did I say?

4 A I think you said 'that' but --

5 Q "... for you as to what weight you will
6 place ..."

7 A Yes.

8 Q I'm sorry, that:

9 "... you will place on their evidence."
10 And so, here, the judge is saying "lookit, Wilson
11 and John both saw a knife but they could be
12 considered as discredited along the lines that I
13 have indicated before"?

14 A Yes.

15 Q And I take it that was relating to the credibility
16 of Wilson and John?

17 A I -- it must have been, and he must have reviewed
18 that before, by the way this sentence is set up.

19 Q If you would go to 006208, please, I just want to
20 touch on the judge's directions relating to Melnyk
21 and Lapchuk. He says:

22 "You may ask yourselves what would be
23 the motive in these persons of dubious
24 character inculcating the accused, which
25 they endeavored to do. You have to



1 consider whether the fact that they are
2 both now charged with crimes might have
3 something to do with it. They might
4 have been trying to ingratiate
5 themselves with the police, they might
6 not. They might be telling the truth in
7 this particular instance, they might not
8 be telling the truth. That's entirely
9 for you to determine."

10 So, again, the fact of the criminal record of
11 Melnyk and Lapchuk, and the fact that they might
12 be trying to get favours with the police, was a
13 matter that the judge directed the jury to; is
14 that fair?

15 A Yes, yes he did, and said "it's up to you", in
16 effect, as you can see.

17 Q And I think, in your closing address to the jury,
18 you said that that, the fact that they admitted
19 their criminal involvement, might actually bolster
20 their credibility?

21 A I'm sure I said that.

22 Q Yeah. And then if you go down to Cadrain's he
23 said:

24 "The man Cadrain gave evidence that when
25 the accused changed his clothes in his



1 Cadrain's home, that the accused had
2 blood on his pants and on his shirt.
3 Now, Cadrain hasn't got the record that
4 some of these others may of breaches of
5 the law. He was convicted of vagrancy
6 in Regina but otherwise he appears to
7 have a clean record. He didn't go very
8 far in school, I think it would have
9 been obvious to you that he is not a
10 very well educated person, he couldn't
11 understand some of the simpler words
12 that were put to him in questions. You
13 will also recollect that he didn't give
14 this information when he was first
15 questioned about it. His explanation is
16 that he just didn't tie it up, the death
17 of this woman with anything that might
18 have been done by anybody in his party.
19 He indicated that he wasn't too
20 concerned about it as far as he was
21 concerned because he knew he had nothing
22 to do with it and you might easily
23 conclude if he was sleeping at home he
24 wasn't likely to get up at seven o'clock
25 in the morning to go prowling around in



1 that kind of weather looking for
2 somebody to rob; in any event the
3 evidence of the part of one of the
4 witnesses at least is that when they
5 arrived at the house somewhere around
6 the neighbourhood of shortly after nine
7 o'clock, that he was there."

8 When I read that I get the sense, Mr. Caldwell,
9 that there -- was there some issue or suggestion
10 that Mr. Cadrain may have been involved?

11 A Well I -- he went along on the trip. As of the
12 time that the party of three got to Cadrain's
13 house and the various things that happened in
14 Saskatoon and the trip through Alberta, back to
15 Regina, back to Saskatoon, he was on all of the
16 above. I can't -- on any construction of the
17 facts Cadrain, I think, came into it after the
18 killing, --

19 Q Yeah.

20 A -- whoever did it.

21 Q And I'm wondering what might prompt the judge to
22 say that he wasn't likely to go up and rob anybody
23 at 7:00 in the morning, and I appreciate this is
24 not -- these aren't your words, but was there any
25 suggestion at the trial that Cadrain may have



1 somehow been involved?

2 A I --

3 Q I don't recall seeing it anywhere.

4 A I don't. But it may have been, you know, "why
5 shouldn't he have been involved with everyone
6 else". I don't recall seeing it either, Mr.
7 Hodson.

8 Q Then, if we can go to the bottom of the page, he
9 then talks about:

10 "There is evidence that the accused had
11 two knives, a hunting knife and a paring
12 knife. We haven't heard much about the
13 hunting knife if he did have two knives.
14 It might occur to you to wonder why he
15 didn't use the heavier knife if he did
16 use a knife at all instead of the paring
17 knife. If the accused did commit the
18 murder I suggest to you that the
19 evidence is such that you might conclude
20 that it was somewhere between ...",
21 or sorry, let me just pause there. So on the
22 knife issue it looks as though there was mention
23 of a hunting knife as well, and I think that came
24 from -- was, I think it was either Wilson or
25 John, maybe I think it was Ms. John seeing it in



1 the car, is that --

2 A That's my recollection.

3 Q And the hunting knife that was found in the back
4 alley, and I think we talked about that last
5 sitting, by Mr. Oliver, --

6 A Yes.

7 Q -- that was never tendered as evidence; is that
8 correct?

9 A No. That's the one, sir, that was over a fence
10 from the body and on the bottom of two stringers,
11 and at the time it was discovered, as I recall, it
12 was still covered with snow, and it was not
13 tendered in evidence, and I think there's been
14 quite a bit of evidence where it went after it was
15 retrieved.

16 Q Right. And I'm just wondering, if you look at
17 this and say "okay, there's evidence that Mr.
18 Milgaard had a maroon-handled paring knife and a
19 hunting knife and a maroon-handled knife was found
20 near the body" --

21 A That's the broken one, sir, I trust?

22 Q Yes, the broken one?

23 A Yes.

24 Q -- "and a hunting knife was also found near the
25 body", --



1 A Yes.

2 Q -- was there some piece of evidence or witness
3 that said "lookit, that's not the same knife" that
4 caused you not to put that knife in?

5 A You know, I can only assume there was. And I
6 think earlier in the Inquiry, Mr. Hodson, there
7 was a very careful examination of everything
8 anyone knew at that point.

9 Q Let me just --

10 A Sorry.

11 Q Sorry, you go ahead, I hate to interrupt.

12 A That's fine.

13 Q Let me put it this way. If there had been any
14 evidence to suggest that the knife, the hunting
15 knife found by Mr. Oliver in the alley could
16 somehow be probative evidence, and in particular
17 to say "this might have been the knife" --

18 A Yeah.

19 Q -- "or is the knife, the hunting knife", would you
20 have tendered it as evidence?

21 A I would. And as it happens, Mr. Tallis knew all
22 about that knife, he happened to know Constable
23 Oliver, as I recall, as a witness on the police
24 force, and he was very, I think, aware of that
25 whole set of facts and there was nothing -- there



1 was no way in which it could be tendered as part
2 of this offence in my estimation.

3 Q Now I suppose, and we'll ask this of Mr. Tallis,
4 but if he is aware of the knife that's something,
5 in fact he did question about it --

6 A Yeah.

7 Q -- at the prelim and he may have at the trial, I'm
8 not sure, certainly at the preliminary hearing; he
9 could have put that knife in as evidence if he
10 wished as well?

11 A Oh, he certainly could, and at that time it was
12 readily retrievable from the police station I'm
13 sure.

14 Q And then if we go back, and then let's talk about
15 the judge's charge on the timing:

16 "If the accused did commit the murder I
17 suggest to you that the evidence is such
18 that you might conclude that it was
19 somewhere between a quarter to seven and
20 ten minutes past seven - if he did -
21 because the girl was ready to leave the
22 house at between twenty-five to seven
23 and a quarter to seven and they arrived
24 at the motel at about seven ten."

25 Now let me just pause there and talk about the



1 time frame. So a 25-minute window is what the
2 judge is telling the jury; correct?

3 A Yes.

4 Q And presumably the 6:45 is based on Adeline
5 Nyczai's evidence about when Gail Miller left?

6 A I assume so.

7 Q And the 7:10 is Mr. Rasmussen's evidence?

8 A Yeah.

9 Q And we've heard much, and when we hear Mr. Tallis
10 and go through his address to the jury and his
11 appeal in fact about the timing, in other words
12 could David Milgaard have committed this crime,
13 did he have enough time to based upon these two
14 goal posts, if I can call it that, --

15 A Yeah, yeah.

16 Q -- or end posts of the time frame. And was that a
17 concern of yours, Mr. Caldwell, that in light of
18 the condition of the body, the fact that the coat,
19 it looked as though the coat must have been
20 removed, the uniform removed, the coat put back
21 on, that all of that could happen -- in fact the
22 25 minutes might even be tight because at 7:10 is
23 when they get to the motel?

24 A Yeah.

25 Q Let's assume it takes a few minutes to get there.



1 A Right, all right.

2 Q The window is even tighter; wouldn't it be?

3 A Yes, it would be.

4 Q And so it appears -- and again we can't speak for
5 the jury -- but it would appear that if the jury
6 accepted this time frame from the judge they must
7 have concluded that that was sufficient time for
8 Mr. Milgaard to commit the crime; is that fair?

9 A Yeah. You notice, as a matter of interest, the
10 judge says in the fifth line that "ten minutes
11 past seven", he adds "- if he did -", as in if he
12 committed it.

13 Q Right.

14 A "Because", etcetera. Now that was the estimated
15 time frame the judge gave the jury. I, I think I
16 have said, and I don't want to -- that time,
17 specific times in these kinds of situations, I
18 always found to be very --

19 Q Yeah.

20 A And I think you are aware, sir, that I said --

21 Q Yeah, yes, and let's -- yeah, I think what you
22 told us is that peoples' watches may be out,
23 things of that nature, but let me just pause here.
24 And I appreciate what you said before, --

25 A Okay, very good.



1 Q -- but after hearing all of the evidence and after
2 hearing from Adeline Nyczai about her estimate of
3 the time, and hearing from Mr. Rasmussen and
4 hearing from the Danchuks, what the judge said to
5 the jury is -- and, again, that the evidence you
6 might conclude -- and I appreciate the jury the
7 ultimate trier of fact --

8 A Yeah.

9 Q -- but he is putting the window, based on
10 everything, between quarter to 7:00 and 10 past
11 7:00?

12 A Yes, he is.

13 Q And says -- and just sort of describes how he gets
14 there. So I take it the jury could still say
15 "well, you know, it had to be 7:20 or 7:30". But
16 would you agree, sir, that the time element was
17 certainly a subject matter that you addressed your
18 mind to at the trial?

19 A Yeah. Any way you slice it, Mr. Hodson, it would
20 have been a, if you will, a tight fit I would
21 think.

22 Q Right. And if, in fact, a jury concluded that,
23 that there was not enough time -- let's narrow it
24 down to something, let's say five minutes. If the
25 window was five minutes, the window, you might say



1 "well lookit," there's some point of time where
2 you would say "that's not possible"?

3 A Yes.

4 Q Would you agree?

5 A Yes, I would.

6 Q And in fact, if you had all the evidence from
7 Wilson, John, Cadrain, Melnyk, Lapchuk, but you
8 had uncontroverted evidence that set the window at
9 five minutes, in other words that that time frame
10 is the only available, --

11 A Yeah.

12 Q -- you might say, "well that's not possible"?

13 A Yeah, I'm sure I would.

14 Q And, again, I appreciate that you might say that
15 the five minutes -- that the five minutes is
16 subject to plus or minus 20 minutes, you might
17 stretch it?

18 A Yeah.

19 Q And here we have 25 minutes, which is obviously
20 more than the five, and I think you are saying
21 it's tight; is that -- are those your words?

22 A Yes, it is.

23 Mr. Hodson, just while we're in
24 this screen, as a matter of interest the judge
25 goes on to say:



1 "There was a suggestion that possibly
2 the girl was killed at some other
3 location ...",

4 Q Yeah, and I'll get to that, Mr. Caldwell.

5 A Yeah.

6 Q I'll go through that.

7 A Okay.

8 Q Do you need to go through that to --

9 A Well, just, if I could just finish that sentence?

10 Q Sure.

11 A It:

12 "... and her body was dropped there. I
13 don't know what you think of it, that
14 suggestion doesn't appeal to me too
15 strongly on the evidence, but again
16 that's a matter for you."

17 So he is leaving, as far as I can see, you know,
18 all the decisions, as he should on fact, to the
19 jury.

20 Q Yeah.

21 A I'm sorry, did I --

22 Q No, I'm sorry, that's fine. I see it's 10:30, it
23 might be an appropriate spot to break, Mr.
24 Commissioner.

25 (Adjourned at 10:33 a.m.)



(Reconvened at 10:56 a.m.)

BY MR. HODSON:

Q If I could have the judge's address to the jury, 006175, brought up please. And again, just where we finished off at the break, if we could call out the top part, was on the time frame, Mr. Caldwell. And I think where we left off you agreed that that was an issue for the Crown that you had to be mindful of, right, the time frame?

A Yeah, that's correct.

Q And we have heard -- and when I say "we" I'm using the royal "we" -- we have heard, in the years that followed the conviction, theories and positions that it was not enough time for all the things that the evidence suggested happened in connection with David Milgaard's group happened in that tight time frame; you've heard that --

A Yes.

Q -- brought forward later?

A Yes.

Q And I'm wondering whether that was also an issue at the trial, in other words that it was something that was on your mind that was an issue that had to be dealt with; is that fair?

A Well it would be in, I guess, in the back of my



1 mind. In that sense the, I guess the, in the
2 forefront, if you will, where the evidence and
3 facts I had to work with as I then knew them,
4 which is what of course we proceeded with, but it
5 would be something in the back of my mind for
6 sure.

7 Q And, again, we'll hear more of this from Mr.
8 Tallis but I think that was his position both
9 before the jury and the Court of Appeal, that the
10 timing didn't fit; in other words Mr. Milgaard
11 could not have committed this crime --

12 A No.

13 Q -- because of this tight time frame. Is that --

14 A I'm sure that that was his position. I think it's
15 a very legitimate position to take in these
16 circumstances.

17 Q And if we could then carry on, and we touched on
18 this a bit earlier, there is a -- maybe we could
19 just scroll down so that's at the top. It says,
20 Chief Justice Bence says:

21 "There was a suggestion that possibly
22 the girl was killed at some other
23 location and her body was dropped there.
24 I don't know what you think of it, that
25 suggestion doesn't appeal to me too



1 strongly on the evidence, but again
2 that's a matter for you. If that had
3 been done it seems to me that there
4 would have been some evidence to
5 indicate the presence of a car.
6 Furthermore if the girl had been killed
7 somewhere else why would she be dragged
8 into that alley so close to her home?
9 Furthermore why would her personal
10 belongings be spread all over the
11 locality? Why would the body be dumped
12 and then the purse put into a trash can,
13 the knife handle thrown into a
14 particular yard, the scissors into
15 another yard, the boot and sweater
16 hidden under the snow? That she was the
17 subject of a very vicious maniacal
18 attack seems very apparent - seems very
19 apparent, I say."

20 So pausing there, this is the car theory, and we
21 saw that in some of the cross-examination by Mr.
22 Tallis about observations of a vehicle in the
23 area, etcetera. And is it fair to say, Mr.
24 Caldwell, that if a car was involved -- if a car
25 was involved in the offence, such that Gail



1 Miller was in the vehicle as part of the offence,
2 if you follow, --

3 A Yes.

4 Q -- then that would run counter or be contradicted
5 by the Crown's theory and the evidence of Wilson
6 and John?

7 A That's right, it -- the -- if there was a second
8 or other car, one -- that, in effect, might set
9 the scene for the clothing situation, Mr. Hodson,
10 having happened, in effect, elsewhere.

11 Q Yeah.

12 A Yeah.

13 Q But let's just focus on the Wilson car, --

14 A Oh, very good.

15 Q -- not somebody else's car, just the Wilson car.

16 A Okay.

17 Q If there was a car involved such that Gail Miller
18 was in the car, the Wilson car --

19 A Yeah.

20 Q -- as part of the offence, whether the rape took
21 place or the stabbing but as part of the offence,
22 then that would be inconsistent with what John and
23 Wilson said first of all; right?

24 A I would think so.

25 Q And, second of all, I think the evidence of Nichol



1 John, other than running from the car and running
2 back -- or pardon me -- the evidence in her
3 statement, she would have been in the vehicle,
4 then, when Gail Miller was in the vehicle; is that
5 fair?

6 A That's my understanding.

7 Q And so again, whether you take her statement of
8 May 24th or her evidence-in-chief, neither of
9 those described a scenario where Gail Miller was
10 in their vehicle?

11 A That's right.

12 And Mr. Hodson, just before
13 this, leave, if you will, at the top of this page
14 the -- if you can just go back to --

15 Q To the top? Yeah.

16 A Not -- the very top line was about a car, the
17 judge was speaking of that, I wonder if we can get
18 that back. I didn't -- it was the very top line
19 in the version I had a moment ago here.

20 Q Okay. If we could just go -- I don't believe
21 there was anything in a car.

22 A But the, if we can go to where you were before the
23 screen moved, it's --

24 Q So if we can go back to page 31 -- yeah, maybe
25 let's just go to the top part, and I think it



1 said:

2 "There was a suggestion that possibly
3 the girl was killed at some other
4 location and her body was dropped
5 there."

6 I don't --

7 A I think it's below that, sir. Can you just hold
8 it there for a second?

9 Q Oh yes, I'm sorry, there it is right here. Yes?

10 A Yes. Now this is the line, approximately 14 or
11 15:

12 "If that had been done it seems to me
13 that there would have been some evidence
14 to indicate the presence of a car."

15 Now, Mr. Hodson, the way I took the judge as
16 meaning, in effect a second or other car, not the
17 Wilson car, the way that reads, because it --
18 clearly there was a car present on any view of
19 the evidence, the Wilson vehicle as I read it, so
20 that it seems to me that that -- there would have
21 been some evidence to indicate the presence of a
22 car, the way I took that was a separate or
23 different or unaccounted-for car.

24 Q Let me just try this.

25 A Okay.



1 Q I'm wondering if you, --

2 A Okay.

3 Q -- and again we're debating what Chief Justice
4 Bence was saying, but he talks about the body
5 being killed at another location or the girl being
6 killed at another location and her body dropped
7 there?

8 A Yes.

9 Q So presumably the vehicle would be where she was
10 dropped, in other words they drove there and
11 dropped her there?

12 A I would read it that way.

13 Q And it appears, and again I appreciate your
14 comments earlier, but it appears that if that were
15 the case there would be some evidence around where
16 the body was to indicate the presence of a car?
17 That's how I read it, although I might have read
18 it wrong.

19 A Oh, okay. I read it, rightly or wrongly now, as
20 indicating a separate or different or non-Wilson
21 vehicle, sir, but I may be quite inaccurate in
22 that.

23 Q But just back on the car, --

24 A Okay.

25 Q -- let's talk about the Wilson car, and again if



1 the evidence was that the rape and murder had
2 taken place in the Wilson car and then the body
3 dropped in the alley --

4 A Yes.

5 Q -- as a theory, let's just pause there, --

6 A Yup.

7 Q -- a couple things the Crown would have difficulty
8 with. Number 1, Wilson and John didn't say that,
9 and obviously if their car was involved in
10 dropping the body there she'd be in the car and
11 they would likely know about it; is that fair?

12 A Yes.

13 Q And 2, they checked Ron Wilson's car I think twice
14 and found no, no physical evidence of -- that
15 would connect to Gail Miller. Now that's not to
16 say that -- I -- that they couldn't have found
17 it --

18 A No.

19 Q -- but they did a search and found nothing that
20 would suggest any blood or any Gail Miller --
21 anything relating to Gail Miller in the car; is
22 that fair?

23 A Yeah, I agree with that, sir. And there was a
24 second search which was also fruitless, I think in
25 Regina, if I remember correctly.



1 Q So again on the car theory, if the jury thought
2 for whatever reason that there must have been --
3 part of the assault must have taken place in the
4 car, you would agree that that didn't really fit
5 well with the Crown theory?

6 A That's right.

7 Q No?

8 A Yeah.

9 Q If we could go down to the bottom, please. And
10 you say:

11 "As has been indicated by counsel one of
12 the strangest features of this case is
13 the fact that there are no stab wounds
14 in the dress, yet there were stab wounds
15 in the coat and there were stab wounds
16 in the front of her. I think the
17 evidence of the doctor was that there
18 were four stab wounds in the back, one
19 on the side, three or four in the middle
20 section and I think one in the
21 collarbone; you will recall that
22 evidence - anyway there were multiple
23 stabblings. The Crown has advanced one
24 theory to you that she may have been
25 stabbed and either rendered unconscious



1 or killed and afterwards raped. One
2 would have thought if that was so that
3 whoever did the raping would be pretty
4 well covered with blood; and if those
5 were the circumstances and the accused
6 had done it surely the Danchuks even
7 though they weren't looking for blood
8 would have seen blood if there had been
9 a profusion of it, because how could a
10 person be in contact with a woman like
11 that, bleeding as she must have been
12 bleeding, and not become himself fairly
13 well covered with blood. And how was it
14 that the coat was on her arms and yet
15 her dress was pulled down? Of course
16 there is always the possibility that she
17 was threatened with a knife, raped and
18 afterwards killed; there is always that
19 possibility; whether you consider it or
20 not is entirely up to you. But the fact
21 remains is that she was killed and the
22 fact remains is that somebody had sexual
23 relations with her and the fact remains
24 that her body was in such a condition
25 that there is evidence from which you



1 might conclude in addition to the fact
2 that she had sperm in her vagina, that
3 she was raped at that particular spot
4 and it wasn't something that may have
5 happened back home with somebody with
6 whom she consented to have intercourse."

7 And just pause there. It seems that, first off
8 on the Crown theory that she was raped after she
9 was unconscious or dead, you will recall I went
10 through that with you yesterday?

11 A Yes.

12 Q The judge seems to be saying, well, if that were
13 the case, then you would expect Mr. Milgaard to
14 have blood all over him?

15 A That's right.

16 Q And the Danchuks would have seen it?

17 A That's how I read that, sir.

18 Q And then he says I think the other way around is
19 that the rape took place first, then perhaps that
20 might explain why there might not be blood, or as
21 much blood on the assailant; is that fair?

22 A Yes. I think he was leaving all those things very
23 much open to the jury.

24 Q Was that a concern of yours, Mr. Caldwell, that
25 the Danchuks, and I appreciate the Crown called



1 them as witnesses, given the condition of Gail
2 Miller's body, the number of stab wounds, the
3 amount of blood and assuming the assailant had
4 intercourse with her at or around the time of the
5 murder, as to how that would be rationalized with
6 Walter and Sandra Danchuk saying they know
7 nothing.

8 A Yeah. Well, the various of these civilian
9 witnesses saw, as I recall, anything from no to
10 some to a bit of blood, the six or eight that
11 testified, and Cadrain would be one of them. Now,
12 you didn't, I did not or one did not, let's say,
13 fail to call one of the Danchuks because I knew
14 ahead of time that their evidence likely was there
15 was no blood. What you had to do was call the
16 witnesses as you found them and you certainly
17 wouldn't skip anyone because let's say no blood
18 would be evidence pointing away from guilt on the
19 part of the accused.

20 Q No, and I appreciate that, but let's take the
21 evidence that was presented.

22 A Okay.

23 Q And did that cause you concern, did you have a
24 concern that the jury might think, well, boy, you
25 would think Mr. Milgaard would have a lot more



1 blood on him given the photographs of the body.

2 A Well, I felt I simply had to get those witnesses
3 into a chronological order as best I could and
4 call them, sir.

5 Q No, but my question is this, having called it all
6 and here's the evidence you have, you've got the
7 murder scene, you've got the photographs of the
8 body and multiple stab wounds --

9 A Yes.

10 Q -- blood and intercourse at some point, either
11 before, during or after the murder; fair enough?

12 A Right.

13 Q And I think one conclusion might be that whoever
14 did that you would think would have a fair amount
15 of blood on his clothing?

16 A That's certainly one conclusion.

17 Q And let's walk through then who saw blood.
18 Mr. Rasmussen didn't see any blood, or didn't
19 notice any, the Danchuks, who spent a considerable
20 amount of time with Mr. Milgaard did not see any,
21 and again if his blood -- or his shirt or coat or
22 pants were covered with blood, one would expect
23 they would have noticed that?

24 A Yes.

25 Q Nichol John never noticed it?



1 A No.

2 Q Nichol John's evidence was that she never noticed
3 any blood on the clothing?

4 A Yes.

5 Q And Albert Cadrain's evidence, and I think his
6 evidence was that it was a spot, I can't recall
7 the exact dimensions, but a spot on the pants near
8 the crotch and as well on the shirt tail I think,
9 but it certainly wasn't covered with blood, it was
10 a spot of blood if I can call it, and a big spot,
11 I'm not trying to --

12 A Yeah.

13 Q But again, with that evidence, did you as the
14 prosecutor look at that and say, well, lookit, I'm
15 not sure this fits quite right, why wouldn't he
16 have more blood on his clothes?

17 A I'm not sure that I did, and Albert Cadrain was
18 one of the post-offence witnesses, so to speak,
19 they went to get him and he did notice something
20 to do with blood, and I think, Mr. Hodson, that
21 may have varied, I can't recall, for better or
22 worse with the passage of time.

23 Q I think that's fair, Mr. Cadrain's evidence, at
24 least up until trial, may not have been completely
25 consistent, certainly post conviction his evidence



1 about the amount of blood varied a little bit?

2 A Yeah.

3 Q I want to go back, though, when you are putting
4 your case in at trial and as a prosecutor trying
5 to assess and look at -- for example, you said to
6 the jury I can't explain the coat with the stab
7 marks in the uniform. What about the blood, did
8 you ever look at that and say, rightly or wrongly,
9 I would have thought he would have had more blood
10 on him?

11 A I may have, Mr. Hodson, but at this point I can't
12 see any, if you will, record of that.

13 Q Sure. And I think in fairness what you did say,
14 is you called the witnesses as you had them and
15 that was the evidence and would it be fair to say
16 that that would be for the juror to ponder whether
17 or not, and I suppose it's open for the jury to
18 say I would have expected him, (a), to have more
19 blood on his clothes, and (b), for the Danchuks to
20 have seen it?

21 A Absolutely, among any other factual conclusions
22 they could come to.

23 Q If you could scroll down, please, the judge
24 carries on about:

25 "Her pants were pulled down, why the



1 dress would be pulled down I wouldn't
2 know if the pants were pulled down, but
3 apparently it was. And she was
4 according to the evidence, which you may
5 accept or not, that she was stabbed in
6 the back through the coat and the coat
7 must have been on her then when she was
8 stabbed. Furthermore the wounds that
9 were inflicted on the back were the
10 fatal wounds.

11 There is a complete lack of
12 footprints which would indicate that she
13 was running away or that she was dragged
14 there. It seems obvious that if either
15 she or whoever attacked her had been
16 walking in other than the travelled
17 portions of the lane that the footprints
18 would have been seen leading up to that
19 particular spot. You will recollect the
20 evidence of the officer that it was so
21 cold that the snow was just like sand
22 and it may have been that both persons
23 got there walking in the centre of the
24 alley on the smooth portion of the
25 alley. There seems to be very cogent



1 evidence that some kind of a struggle
2 took place; otherwise why would all that
3 portion be trapped down? And her hands
4 were clenched. Now, I don't know what
5 that means, there was no question asked
6 of the doctor, but there was snow
7 clenched in her hands, which may have
8 been clenched in dying agony, I don't
9 know, but there is certainly evidence
10 generally to indicate that there was a
11 struggle which took place there."

12 And certainly, and again this just covers the
13 blood point, if there was a struggle between Gail
14 Miller and David Milgaard according to this
15 direction to the jury, again that might also
16 suggest that Mr. Milgaard might have more blood
17 on him than if there had not been a struggle?

18 A It might well, sir.

19 Q If we can then scroll down, and then the judge
20 carries this a bit further:

21 "As I say, if that girl was struck down
22 by a sharp instrument as has been
23 indicated and was bleeding profusely in
24 the manner which is indicated in the
25 photograph which is part of Exhibit P.3,



1 and that it was after that that she was
2 sexually attacked, you would expect I
3 think to find a considerable quantity of
4 blood on her attacker. On the other
5 hand if she were forced to submit to
6 sexual intercourse by threats and knifed
7 afterwards, there might not be the same
8 likelihood because the individual in
9 question wouldn't necessarily be in the
10 same proximity to her as he would be if
11 he were having sexual relations with
12 her. There was no evidence of any
13 damage to the genitals which would
14 indicate there was any forcible entry,
15 although the doctor said that her
16 physical make-up was such that
17 intercourse could be had fairly easily.
18 He did, however, say that she was a
19 young girl and if she had wanted to
20 resist could have put up quite a
21 struggle."

22 So if I can pause there, and I think again that's
23 just what we've been discussing about trying to
24 figure out when the rape took place before,
25 during or after the murder seemed to have some



1 connection with how much blood the assailant
2 might have on him; is that fair?

3 A I would think so.

4 Q And then the judge says:

5 "Some of the evidence which was adduced
6 I suggest is not of very much assistance
7 to us. The fact that the wallet was
8 found near Cadrain's is not evidence
9 really which you could link up with the
10 accused. Whoever robbed her may have
11 thrown it anywhere, and the fact that it
12 was three doors away from Cadrain's
13 doesn't, I suggest, implicate the
14 accused to any degree at all. Anybody,
15 any person might have dropped it in that
16 particular locality. It was her wallet,
17 I don't think you can have any doubt
18 that it was her wallet; the contents
19 contained belongings of hers and the
20 hospitalization cards were found
21 nearby."

22 So let me just pause there. On the wallet, which
23 I think you've told us both in your opening
24 remarks and your closing remarks, was evidence
25 that the Crown tried to link to David Milgaard;



1 correct?

2 A In the sense of items after the offence and
3 leading to Cadrain's house, sir, yes.

4 Q And in fact you indicated, or it was indicated in
5 the trial a peculiar fact, I think it was
6 described, of after they arrived at the Cadrain
7 house, of Mr. Milgaard going for a drive in Ron
8 Wilson's vehicle around the block. Do you
9 remember that?

10 A Yes, I do.

11 Q And I think the Crown theory was that that may
12 have been when he threw away Gail Miller's wallet?

13 A It may well have been, sir.

14 Q So here the judge seems to be saying to the jury
15 put no weight on the wallet?

16 A Which of course is an advantage to whoever the
17 accused is.

18 Q And again the wallet point though was part of -- I
19 mean, it was part of your theory, you wanted the
20 jury to look at the wallet, where it was found and
21 link that to David Milgaard?

22 A Yes, that's correct.

23 Q Did that direction from the judge cause you any
24 concern?

25 A Not at all. Judges and jury in other cases have



1 the right to pass on what they think of the
2 weight, strength, weakness, etcetera, of
3 individual bits of evidence.

4 Q And then the judge says:

5 "The toque I suggest to you is of no
6 consequence whatever. The toque might
7 have been the toque of some small boy
8 who got a nose bleed and dropped his hat
9 and went running home; it wasn't turned
10 over to the police until some
11 considerable time afterwards, it may
12 have been found shortly afterwards but
13 there is nothing in any way to connect
14 it up to anybody in the car, --"

15 If you can scroll down,

16 "-- that is John, the accused or Wilson
17 or nothing to connect it up with
18 Cadrain. There were no evidences of
19 scratches on the face of the accused on
20 that day. I think that if there had
21 been any noticeable scratches it would
22 have come to the attention of people
23 like the Danchuks or the man in the
24 motel or Cadrain, or Wilson or John."

25 So again it looks like the toque, like the



1 wallet, the judge said don't put any -- well, the
2 judge's view was that it was of no consequence;
3 is that fair?

4 A That's right.

5 Q Can we go to the next page, the judge then talks
6 about the right handed, left handed, he says:

7 "There is evidence by one of the
8 officers that the accused is left
9 handed; that of course doesn't
10 necessarily mean that because a person
11 is left handed they would use the left
12 hand for the purpose of stabbing; a
13 person might use the left hand for one
14 purpose and the other hand at the same
15 time for another purpose. But I merely
16 point that out to you as something which
17 you will have to take into consideration
18 in determining whether or not it
19 eliminates the accused as a possible
20 murderer."

21 So pause there. So again that's similar to what
22 you said to the jury; is that fair?

23 A Yes, it is. Just beneath that, Mr. Hodson, the
24 judge checked --

25 Q I'm getting --



1 A I'm sorry, okay. I beg your pardon.

2 Q The judge says:

3 "I checked my notes and I believe that
4 Mr. Caldwell must have been in error
5 when he said that the accused went to
6 the bathroom and that gave him an
7 opportunity to clean up."

8 And again he's talking about the Danchuks.

9 A Oh, okay.

10 Q "The notes I have on it and your
11 recollection will be as good if not
12 better than mine, was that there was
13 some evidence that he was being given a
14 drink of water and that he may have been
15 alone while Mrs. Danchuk was going to
16 get him a drink of water or he may have
17 been alone after he got the drink of
18 water, I don't know, but I don't think
19 there was any suggestion in the evidence
20 that he had an opportunity of going to
21 the bathroom and cleaning up."

22 And I think that's what's reflected in the
23 record. So again, next page, and again the judge
24 is talking about the motel reenactment and
25 Lapchuk and Melnyk, and he goes on to say:



1 "If you come to the conclusion that they
2 were telling the truth, you must go
3 further and determine whether or not in
4 fact the accused was telling the truth,
5 because it could only be accepted as
6 evidence against the accused if you
7 concluded that he did make the statement
8 and that in making the statement he was
9 telling the truth. Sometimes persons
10 make statements which are completely
11 untrue - for various reasons. Persons
12 have been known to admit to things that
13 they didn't do; persons have been known
14 to boast about things that they didn't
15 do. And so in order to consider that
16 evidence you would have to find not only
17 that the statement was made or the
18 statements were made but that the person
19 who made the statement was in fact
20 telling the truth."

21 Scroll down. Let me just pause there. I think
22 what he's saying then, Mr. Caldwell, and please
23 correct me if I'm wrong, that with respect to
24 Melnyk and Lapchuk, that there's two steps, one,
25 you have to believe Melnyk and Lapchuk when they



1 say here's what David Milgaard said in the motel
2 room?

3 A Yeah.

4 Q And secondly, you have to conclude that what he
5 said was truthful?

6 A That's how I read this.

7 Q And so that would have been put before the -- and
8 I take it that was the Crown's position?

9 A Yeah. It -- that's a two-stage thing. I had,
10 frankly, didn't recall this, but it would seem to
11 me that was very fair to the accused, as I would
12 put it, because of that.

13 Q And I think you told us yesterday that if you had
14 concluded that Melnyk and Lapchuk, based on what
15 they said, that David Milgaard was joking when he
16 made the comment and that it was not taken
17 seriously by them, I think you told us something
18 to the effect that you may not have called the
19 evidence?

20 A That's right, sir.

21 Q And is it fair to conclude that the evidence you
22 were calling, or the purpose of Melnyk and
23 Lapchuk, you were saying the accused has admitted
24 killing Gail Miller, that was the purpose of the
25 evidence?



1 A I would say so.

2 Q And you wanted the jury to believe not only Melnyk
3 and Lapchuk, but you wanted the jury to believe
4 that when David Milgaard did what they reported he
5 did and said, that David Milgaard was telling the
6 truth?

7 A Yeah, and essentially reenacting the offence.

8 Q Go to the next page, the judge comments about the
9 drug use:

10 "Now, being under the influence of drugs
11 would he be more likely to create a bit
12 of a sensation by admitting something
13 that wasn't true?"

14 And again he's talking about David Milgaard in
15 the motel room.

16 "Would he be more likely under the
17 influence of drugs to have his
18 inhibitions removed and be more careless
19 about guarding his tongue? Those are
20 all matters that you will have to
21 consider in determining whether or not
22 if you do believe these witnesses that
23 the accused did make those statements,
24 whether the accused in fact was telling
25 the truth when he made the statements."



1 And again, I think we've touched on that; is that
2 correct?

3 A Yes, sir.

4 Q And then if we could go to page 006219, and just
5 for the record -- and it looks as though that
6 after the Court was done the judge, or the judge
7 was done his charge to the jury, he asked both
8 counsel to address with any suggestions which is
9 customary practice; correct?

10 A Yes.

11 Q And you said you have no suggestions to make?

12 A That's right.

13 Q And Mr. Tallis did, and I will go through those
14 with Mr. Tallis. If we could go ahead to page
15 006228 and this is after, and I won't go through
16 it, I'll go through it, Mr. Commissioner, with
17 Mr. Tallis, they are his remarks to the judge, but
18 then after Mr. Tallis made his remarks, the jury
19 was called back in and Chief Justice Bence made
20 the following additional comments, he says:

21 "Some considerable time was taken by
22 counsel and by me too in dealing with
23 this matter of time and the question as
24 to when the deceased left the house may
25 be of very considerable importance to



1 you in determining whether or not the
2 accused could have had the time to rape,
3 murder and steal, or whether the time
4 was such that it was too short for him
5 to have been able to do all these things
6 which as you will recollect one of the
7 police officers said in connection with
8 the coat - well, this would all take
9 some time. So you bear in mind the time
10 factor, I suggest, Members of the Jury,
11 very seriously in determining whether or
12 not the accused could have done the
13 things with which he is charged - could
14 have done the thing with which he is
15 charged."

16 So again it appears that the jury was brought
17 back for a further direction regarding the time
18 factor?

19 A That's right, sir.

20 Q I think we have seen evidence, and you made a
21 comment earlier, that the jury was out for about a
22 day, I think the record shows that I think you
23 were done Thursday afternoon and they came back
24 Friday around noon time; does that sound right?

25 A Roughly speaking, sir. I thought it was 24 hours,



1 but I'm sure that figure is more correct.

2 Q When you were done presenting your case before the
3 jury came back, had you -- if you could tell us,
4 Mr. Caldwell, did the case go in as you expected;
5 in other words, the evidence went in as you had
6 thought it might?

7 A Yeah, I would say very largely it did, sir.

8 Q And were you expecting a guilty verdict at the
9 conclusion of the case before the jury came back,
10 and I appreciate that it's in the hands of the
11 jury, but did you have a feeling after the
12 evidence went in that you felt there was enough
13 there for the jury to convict?

14 A Well, I certainly felt there was enough there for
15 them to convict, but I have learned the folly of
16 trying to conclude ahead of time what any
17 individual jury will do, so I think I -- just put
18 it that way, as best I could, if that's of any
19 help.

20 Q If we could call up 006886, please, and this is a
21 document called a report on completed case, and
22 I'll go through parts of it. Can you tell us just
23 generally -- and this is your document that you
24 prepared; is that correct?

25 A That's right.



1 Q And, Mr. Commissioner, there's a date on the last
2 page when we get to it, it's February 12th, 1970,
3 so about 12 days after the verdict. Can you tell
4 us, what was the purpose of this report and who
5 did you send it to?

6 A Well, it was a standard form. I think, Mr.
7 Hodson, that there's a version that, without all
8 that underlining, that might be very useful to
9 everyone, if that's convenient. The underlining
10 was to get organized sending people witness fees.

11 Q Right, and --

12 A So that may not be, but I can still work from
13 this.

14 Q The next page, I'm not going to go through any of
15 the witnesses.

16 A Okay, that's fine.

17 Q But maybe just generally, so who was this report
18 sent to?

19 A Well, it would go to the department of the
20 Attorney General in Regina, be addressed to the
21 Deputy Attorney General and would go to criminal
22 prosecutions.

23 Q And what were you generally required to put in
24 this report?

25 A Well, I don't know there are any hard and fast



1 rules. In this case I put in every one of the
2 trial dates, where the trial took place, the duty
3 of the judge and the fact that it was a jury
4 trial.

5 Q Let's just -- sorry, I'm more focused on the
6 comments.

7 A Okay.

8 Q Maybe go to the next page.

9 A Okay, that's fine, sir.

10 Q There's three pages of --

11 A I can come back.

12 Q -- comments, and maybe just from this point on,
13 I'm not interested in the witnesses or the witness
14 fees --

15 A Okay.

16 Q -- but it looks as though you gave a summary of
17 your view of how the evidence went in and your
18 comments on the case?

19 A Yes. Can you pull that top down just a couple of
20 lines?

21 Q Scroll up, please? Scroll to the top.

22 A Okay, yeah. So, yeah, what I did indicate, that
23 the witnesses by and large gave evidence similar
24 to that which they gave at the preliminary inquiry
25 and some 41 items were made exhibits at the trial.



1 Q We'll go through parts of this.

2 A Okay, that's fine.

3 Q Sorry, just looking generally, Mr. Caldwell, you
4 were telling your superiors here's what
5 happened --

6 A Yeah.

7 Q -- at the trial?

8 A Yeah, that's right.

9 Q And this is a record that you would make in the
10 ordinary course of every case, a completed case,
11 this is what happened?

12 A Certainly anything of any consequence at all,
13 maybe not on Vehicles Act, impaired drivers,
14 certainly on any Queen's Bench or in those
15 district court speedy trials, this would be
16 produced.

17 Q And would this be something that if there was an
18 appeal, and I'll get to the appeal in a bit, might
19 be used by appellate counsel?

20 A Yeah, I would certainly hope so, for his own
21 information.

22 Q So let's just go through parts of this, this
23 paragraph, if we could call that out, please, and
24 it says:

25 "There were two new witnesses called by



1 the Crown who were not called at the
2 preliminary inquiry --"

3 Being Melnyk and Lapchuk, and then you say:

4 "Ronald Wilson advised members of the
5 Saskatoon Police Department --"

6 Do you want the paper copy?

7 A Oh, thank you.

8 Q And I'll carry on on the screen.

9 "Ronald Wilson advised members of the
10 Saskatoon Police Department, on January
11 18th, when they were driving him to
12 Saskatoon for the trial commencing on
13 the 19th, that the previous evening in
14 Regina, which would be January 17th, he
15 had learned as a result of telling
16 either Melnyk or Lapchuk he was going to
17 Saskatoon to testify in the Milgaard
18 trial, of an incident in which Milgaard
19 had, in effect, re-enacted the killing
20 for the benefit of Melnyk, Lapchuk and
21 two girls who had been with Milgaard in
22 a motel in Regina in May of 1969. The
23 police advised me of this the same day
24 and I had them return to Regina on the
25 19th and locate and interview Lapchuk,



1 Melnyk and a girl named Ute Frank who
2 was also present in the motel room."

3 And I take it, would that be an accurate --

4 A Yes, it is, sir.

5 Q And just on the issue of how Melnyk and Lapchuk
6 were identified, according to this note, which
7 would be February 12th, so that would be about
8 three weeks after, or four weeks after you first
9 became aware of Melnyk and Lapchuk?

10 A No, this was the night before the trial, sir.

11 Q No, sorry, this report of February 12th.

12 A Oh, oh, yeah, it was at the end of the trial.

13 Q Right. So that would be within a few weeks of you
14 first becoming aware of Melnyk and Lapchuk?

15 A That's right, sir.

16 Q And it appears from this that it was Ron Wilson
17 who told members of the police department on
18 January 18th, which is I think the Saturday before
19 the trial, if I'm not mistaken, or the Sunday, and
20 Ron Wilson told them when he was driving to
21 Saskatoon for the trial that the night before in
22 Regina he had talked to Melnyk and Lapchuk, Melnyk
23 or Lapchuk, and Wilson told Melnyk and Lapchuk he
24 was going to Regina (sic) to testify at the
25 Milgaard trial and that's when and how Melnyk and



1 Lapchuk told Wilson about the motel reenactment.

2 Do you see that?

3 A Yeah. It's to Saskatoon, of course, but the rest,
4 yes.

5 Q And again we've asked or I've asked the question
6 of Melnyk, Lapchuk, Wilson, I think of Mr. Karst,
7 and I don't think we've had anybody say with
8 certainty at the inquiry how it was that Melnyk
9 and Lapchuk, their information got to the police,
10 but according to this note it looks like Wilson
11 told them he was testifying, they then said here's
12 what we know, Wilson told the police, the police
13 told you and the police then went and talked to
14 Melnyk and Lapchuk?

15 A That's right, sir.

16 Q And again, do you have any reason to doubt the
17 accuracy of what you put in this report about how
18 that evidence came to be?

19 A No. I think it's in the file in a very similar
20 form, but that's accurate in my estimation.

21 Q And then scroll down to the bottom, you then say,
22 and again you covered some of this in your notes:

23 "I had the three of them come to

24 Saskatoon Friday, January 23rd, and

25 interviewed them, advising Mr. Tallis



1 January 24th that I would plan on
2 calling the two males late in the
3 Crown's case. This was done and both of
4 these two witnesses gave good evidence,
5 particularly George Nick Lapchuk who had
6 the worst criminal record as between
7 himself and Melnyk."

8 And again I think that's accurate?

9 A Yes, sir.

10 Q And then the next page --

11 A Mr. Hodson, I would, were you interested in the
12 paragraph right before that? If not --

13 Q No, I think you've touched on that.

14 A Okay, that's fine.

15 Q About your communications with Mr. Tallis.

16 A That was it.

17 Q And then the next page, if we could just go to the
18 second paragraph, you write:

19 "At the conclusion of the Crown's case I
20 called Marie Indyk as a witness. I had
21 called her at the preliminary inquiry,
22 however, I was satisfied that she was so
23 confused in her evidence that I did not
24 intend to call her at the trial.

25 Mr. Tallis requested that this be done



1 and I did call and examine in chief Mrs.
2 Indyk as the final crown witness."

3 And is that accurate?

4 A Yes, it is.

5 Q Then the next paragraph, you say:

6 "The matter of the two new crown
7 witnesses, Melnyk and Lapchuk, was
8 argued by the defence only to the extent
9 of putting an objection on the record to
10 their evidence. In my argument I sited
11 several cases which will appear in the
12 transcript, which clearly support the
13 proposition that the Crown is entitled
14 to call new evidence at the trial, which
15 it did not call at the preliminary
16 inquiry, in a manner which was done
17 here. This point was not seriously
18 argued by the defence."

19 And again, is that accurate?

20 A Yes, sir.

21 Q So the issue there, are you saying that the timing
22 issue, the fact that you didn't call Melnyk and
23 Lapchuk at the preliminary inquiry was argued by
24 Mr. Tallis, but not strenuously?

25 A Yeah. Of course to begin with, we didn't know



1 they existed at the --

2 Q Yes.

3 A -- time of the preliminary inquiry, and presumably
4 there's quite a bit of law authorizing calling
5 evidence that appears, if you will, late in the
6 game, and evidently that was argued and the ruling
7 was made, if you will, in my favour.

8 Q And at that time would it have been open to
9 Mr. Tallis to ask for an adjournment of the trial
10 given the new evidence of Melnyk and Lapchuk?

11 A I would suppose that would be open to him.

12 Q And are you able to tell us what position you
13 might have taken on that or what -- what was the
14 practice of the day?

15 A Well, I would have been reluctant to be a party to
16 moving the entire trial to, let's say, the next
17 sittings in view of all the logistics involved.
18 Had Mr. Tallis made that application, it could
19 have succeeded. My memory, sir, is that he
20 didn't, and I certainly would have been guided
21 obviously by what the judge ruled, but I would
22 have been very reluctant to see it moved because
23 of the large number of witnesses and all the
24 business of getting them there and making sure
25 they are subpoenaed and all that.



1 Q Okay. If we could just go down to the fourth
2 paragraph you say:

3 "The main point of law arising during
4 the trial came during the evidence of
5 Nichol John. Both she and Wilson had
6 originally given statements that were
7 either false or deliberately omitted
8 things which they knew about the crime,
9 to Inspector Riddell of the RCMP in
10 Regina. (During March of 1969 which was
11 early in the investigation.) As the
12 investigation progressed, Wilson was
13 interviewed at length, in Saskatoon, by
14 Inspector ... Roberts of the Calgary
15 City Police Department with assistance
16 of a polygraph, as a result of which
17 Inspector Roberts was of the opinion
18 that Wilson was now telling the truth
19 about this matter as he knew it, and
20 Wilson gave a truthful statement to Det.
21 Karst on May 23rd, 1969, following which
22 on May 24th, 1969, Nichol John gave a
23 truthful statement of what she really
24 knew about the matter, to Det/Sgt. ...
25 Mackie of the Saskatoon Police



1 Department."

2 If we can just go back, at this time it looks as
3 though your position is that the first statements
4 Wilson and John gave were false or deliberately
5 omitted things?

6 A Yes, sir.

7 Q And then you go on to talk about the polygraph,
8 and you talk about Roberts doing the polygraph,
9 and expressing the opinion that Wilson was now
10 telling the truth about the matter?

11 A That --

12 Q And that would be the incriminating statement?

13 A That's how I put it and that's how my
14 understanding would be.

15 Q And I think, I believe, I think you told us a
16 couple weeks ago that your understanding of the
17 polygraph that Roberts conducted is that Ron
18 Wilson's incriminating statement was tested by him
19 and Roberts thought, based on polygraph, it was
20 truthful; is that --

21 A That's how I recall it, sir, in a very rough form.

22 Q If we can then scroll down, skip the next
23 paragraph and down to paragraph --

24 "Both in the preliminary inquiry and
25 during ordinary examination in chief at



1 the trial, Nichol John had refused to
2 describe this part of the incident,
3 whatever, and while she gave good
4 evidence as to the earlier parts of the
5 episode, including the trip to Saskatoon
6 from Regina and events happening after
7 they left the scene of the murder, she
8 was extremely non-committal about what
9 happened at the time immediately
10 surrounding the murder, repeatedly
11 saying that she could not remember or
12 did not recall about these events."

13 And then scroll down, and this is where it talks
14 about 9(2):

15 "At the conclusion of ordinary
16 examination in chief, I made an
17 application to the Chief Justice, in the
18 absence of the jury, to cross-examine
19 Nichol John as provided for in Section
20 9(2) of the Canada Evidence Act for the
21 purpose of the Court considering that
22 cross-examination in determining
23 whether, in the opinion of the Court,
24 she was an adverse witness. There was
25 some discussion between the judge and



1 counsel as to how this should be done
2 and initially both myself and Mr. Tallis
3 were of the opinion that this
4 cross-examination should take place in
5 the absence of the jury and there was
6 some argument on this point. His
7 Lordship, however, ruled that the
8 cross-examination must take place in the
9 presence of the jury and allowed me
10 permission to conduct such
11 cross-examination, which I did, in the
12 presence of the jury."

13 And, again, that would accurately describe --

14 A Yes sir.

15 Q -- the 9(2) proceeding? And then, the top of the
16 next page, you say:

17 "The method of going about this was
18 discussed between Mr. Kujawa,
19 Mr. Perras, and myself, and I followed
20 the method we had agreed upon which was
21 to have the witness, in the presence of
22 the jury, read the statement over
23 silently to herself, acknowledge that
24 she had signed all the pages of the
25 statement, and then direct her attention



1 specifically to pages 3, 4, and 5 of the
2 statement, asking her whether the
3 contents of those pages were true,
4 without going into what the contents of
5 either those three pages or the
6 statement as a whole were. This course
7 was followed and she agreed, under oath,
8 that the statement was her statement
9 but, when asked whether the contents of
10 those three pages were true, her reply
11 was "I don't remember".

12 And, again, it looks as though, in advance of the
13 trial, you and Mr. Perras and Mr. Kujawa would
14 have discussed how to use Section 9(2); is that
15 fair?

16 A Yes, we definitely did, I -- I am sure that that
17 happened as recited here, because I dictated this
18 shortly after the trial, of course.

19 Q And then if we can, I don't propose to go through
20 the next few paragraphs, you describe the
21 cross-examination, you describe the judge giving
22 the jury -- the warning to the jury as to the
23 limited use they could make of the evidence, and
24 he repeated this warning full in his charge later
25 on. Then you say:



1 "I feel that the end result of this
2 ruling and the cross-examination would
3 be to remove a very grave hiatus between
4 the evidence of Nichol John and that of
5 Wilson as to what went on at about the
6 time of the killing. I feel that the
7 jury must eventually have decided to
8 disbelieve Nichol John as to this part
9 of her testimony, having heard that at
10 one time she had said that she did see
11 the stabbing take place."

12 And, again, we spent some time this morning and
13 yesterday talking about that but I -- and I think
14 this confirms, Mr. Caldwell, your -- and correct
15 me if I'm wrong -- your purpose in discrediting
16 her was to, I think as you say, remove a very
17 grave hiatus between the evidence of John and
18 Wilson?

19 A That's -- that's right, sir.

20 Q And so would it be fair to say to make her
21 evidence more consistent with what Wilson had
22 said?

23 A Umm, yeah, there was a grave hiatus. I believed
24 that the -- that Wilson's evidence was at --
25 truthful and I believed that, you know, her -- she



1 was not forthcoming, obviously, with what I
2 thought was the truth on her part.

3 Q But, again, as far as the jury, as far as the jury
4 not believing Nichol John, let's say --

5 A Yeah.

6 Q -- that the May 24th statement had never been
7 before the jury at all --

8 A Yes.

9 Q -- but the judge simply said "jury, I'm going to
10 direct you not to believe Nichol John when she
11 says 'I don't know what happened, I don't
12 recall'". That's the net effect, right, that's --

13 A Yeah, I -- but I don't know how he could do that
14 in that factual situation, sir. In other words I
15 don't think -- I'd be surprised if the judge could
16 say "don't believe Nichol John, period", I --
17 maybe that's not what you are suggesting?

18 Q On that part of it?

19 A Yeah. I don't -- and perhaps I'm not following on
20 that, sir.

21 Q Yeah. I guess I'm trying to probe whether the
22 only way that Nichol John's evidence of the time
23 of the murder could be discredited -- could it be
24 discredited without putting the incriminating
25 parts of the May 24th statement before the jury?



1 A I don't know how that could be done.

2 Q Okay.

3 A Is that --

4 Q Yeah, no, that's fair.

5 A Yeah, okay.

6 Q Then you say:

7 "I had interviewed her at length and
8 very carefully before the preliminary
9 inquiry and on different occasions,
10 however, for some reason she never was
11 willing to give this account of the
12 matter in open court, as to having seen
13 Milgaard actually doing the stabbing."

14 And when I read that, Mr. Caldwell, it seems to
15 suggest that, when she was not in open Court,
16 that she did repeat her account of the matter?

17 A That's how I'm reading that, Mr. Hodson.

18 Q And I think you told us two weeks ago, or when we
19 touched on this subject before, that you don't
20 recall her ever telling you or repeating the
21 incriminating statements in your interviews with
22 her?

23 A Well, that is correct, and in the same breath, if
24 you will, this paragraph you've just read
25 indicates -- indicates to me that she did, so I



1 think both those things are --

2 Q Okay.

3 A I didn't remember it, and this appears to indicate
4 that she did.

5 Q So I think, and just so that I am clear here, --

6 A Yeah.

7 Q -- your recollection today is that you have no
8 recollection of her, in any of your interviews
9 with her, of Nichol John repeating the
10 incriminating statements to you?

11 A That's right, sir.

12 Q And, looking at this note, are you telling us
13 that, based upon what you wrote on February 12th,
14 1970, that you think she did repeat the
15 incriminating statements in interviews with you,
16 or may have? I'm --

17 A Well I would think 'may have'. The way that
18 paragraph reads, it could be 'did', and I would
19 think at least 'may have'.

20 "... for some reason she never was
21 willing to give this account of the
22 matter in open court ..."

23 Oh, I'm -- yeah, I'm a little -- very:

24 "... interviewed her at length and very
25 carefully before the preliminary inquiry



1 and on different occasions, however, for
2 some reason she never was willing to
3 give this account of the matter in open
4 court ...",

5 that would be the one with the four or five very
6 incriminating points.

7 Q Yes.

8 A Yeah.

9 Q And I'm just wondering, having read that, are you
10 able to assist us, Mr. Caldwell, in trying to
11 determine whether or not Nichol John would have
12 repeated the incriminating statements to you in
13 interviews?

14 A Well I -- I -- it looks that way, Mr. Hodson, from
15 the way that report reads but I can't be utterly
16 positive.

17 Q If we could then scroll down, please, you then
18 say:

19 "I feel that the Chief Justice covered
20 all the various instructions and points
21 which were necessary, carefully, in his
22 charge. He did not raise the question
23 of Wilson or Nichol John being
24 accomplices in the killing, nor did Mr.
25 Tallis and, as a greed between



1 ourselves, and Mr. Kujawa, I also did
2 not raise this topic."

3 And I'm wondering if you are able to tell us who,
4 who that agreement was with, or elaborate what is
5 meant by this?

6 A Umm, umm, the "ourselves and Mr. Kujawa" is me,
7 Mr. Kujawa, I would think in this context perhaps
8 Mr. Perras, my colleague.

9 Q Right.

10 A I did not feel Wilson or John were accomplices be
11 -- on my then knowledge of the facts as I thought
12 they were, but that's the -- that's the -- that's
13 what I think that means, sir.

14 Q Okay. And so it looks as though, prior to the
15 trial, you and Mr. Kujawa and Mr. Perras would
16 have discussed this issue --

17 A Yeah.

18 Q -- of Wilson and John being possible accomplices?

19 A Yes. I think Mr. -- it would have to be
20 Mr. Perras.

21 Q And then, if we can scroll down, the next
22 paragraph:

23 "I understand the defence will appeal
24 against the conviction, however, the
25 only possible point of law I can see is



1 the one concerning the manner in which
2 the adverse witness application was
3 handled and I am satisfied that this was
4 done properly."

5 And then you say:

6 "I would appreciate hearing from whoever
7 is going to argue this case before the
8 Court of Appeal, in advance of the
9 appeal being argued."

10 So at this time would you have known, Mr.
11 Caldwell, that you would not be arguing the
12 appeal?

13 A Yeah, I would have, umm -- did -- I don't know if
14 I touched on that before. Do you want me to very
15 briefly --

16 Q Yes, please, yes?

17 A Okay. The situation was that Serge Kujawa was our
18 Director of Public Prosecutions and located in
19 Regina, as was the prosecutions sort of head
20 office, as it were, of the Department of Justice.
21 Umm, the Saskatchewan Court of Appeal then, and I
22 believe now, would only hear criminal appeals in
23 Regina, so very often Serge or some other counsel
24 resident there would argue those appeals, and I
25 evidently assumed that one of them, "whoever is



1 going to argue this case, in advance", I would
2 have assumed it would be him or one of the other
3 fairly senior counsel in our department in Regina,
4 and I clearly did not appear or argue it, Mr.
5 Hodson, as you may be aware.

6 Q Yes. Okay. If we can go -- call up 006884. This
7 is a letter February 12th, 1970 to Chief Justice
8 -- or to Chief Kettles, and you are just saying:

9 "I am retaining your file for the
10 present until any appeal herein, so the
11 Saskatchewan Court of Appeal, has been
12 disposed of."

13 A Yeah.

14 Q What are you referring about "your file"?

15 A Well what I mean by "your file" in this instance
16 would be, in effect, my file, the Crown
17 prosecutor's file on the David Milgaard murder
18 prosecution is what I meant by that.

19 Q Was it your practice to return that file to the
20 police on conclusion of a case?

21 A By the way this looks I'm -- and that policy
22 changed over time. Clearly, I wanted to hang onto
23 this one, and did. And in effect, Mr. Hodson, I
24 don't think it ever went back because it's still
25 at least partially intact in the Commission's --



1 Q Right.

2 A Yeah.

3 Q And I'm just wondering; was that the normal
4 practice?

5 A Well, clearly this case was going to be appealed,
6 clearly there was some, you know, interesting law
7 involved, and I evidently felt it would be better
8 to stay with me for the time being at least. Does
9 that --

10 Q Yes.

11 A And that, possibly, it may be that we were --
12 returned other things on a more frequent basis.
13 I'm not positive.

14 Q If you can call up 006864, please. This is a
15 letter February 17th, 1970, so shortly after the
16 conviction, and it's a letter to Inspector Roberts
17 from you, and maybe we'll just look at the first
18 paragraph for a moment. It says:

19 "I thought you would be interested to
20 know that on January 31st, 1970,
21 Milgaard was convicted by a jury of this
22 offence of non-capital murder and
23 sentenced to life imprisonment."

24 And I'll go through parts of this letter in a
25 moment, but what -- why were you writing to



1 Inspector Roberts?

2 A Well, because he had come to Saskatoon and done
3 the polygraph examination on Wilson, I -- we had,
4 I had interviewed him, my memory is that Mr.
5 Tallis may have interviewed him as well at the
6 time I did, or was certainly invited to, and I --
7 that, I think, is the first polygraph witness I
8 ever dealt with, Mr. Hodson.

9 Q And I'm just wondering why, after the trial, you
10 would choose to write to him as opposed to others
11 involved in the case?

12 A Well, one reason, it was the first time I had
13 dealt with the polygraph in the field, if you
14 will, and he had -- he was, he had come in and
15 done the tests, I had assumed he would have an
16 interest in the outcome of the case.

17 Q I see. So would this be just because you thought
18 he might be interested to know what happened?

19 A I would think it certainly started that way.

20 Q Sure. If you could just go down to the third
21 paragraph, and I won't go through it in detail, --

22 A Okay.

23 Q -- but you describe about what happened in Nichol
24 John's evidence, about leave to cross-examine
25 under 9(2), and then you say:



1 "... whereupon I cross-examined her in
2 the presence of the jury on the
3 statement she gave to Det/Sgt. Mackie
4 after your interview with Ron Wilson and
5 herself in May of 1969."

6 A Yeah.

7 Q "This brought to the attention of the
8 jury that she had, at one time, given a
9 statement indicating that she had seen
10 the actual attack on the girl by
11 Milgaard."

12 A Yeah.

13 Q And again, we've touched on this a bit before, but
14 it appears here that -- am I right to read this
15 that one of your purposes in getting the statement
16 before Nichol John under 9(2) was to bring to the
17 attention of the jury that she had, at one time,
18 given a statement indicating that she had seen the
19 actual attack on a girl by Milgaard?

20 A Well that would not be my initial purpose, my
21 initial purpose would be to adhere to the new 9(2)
22 procedure very carefully, make sure that the case
23 didn't get into legal difficulties over that. By
24 the time I wrote this letter to Inspector Roberts
25 I did use the terminology "the fact that she had



1 at one time given a statement indicating that she
2 had seen the actual attack", so I used that
3 terminology, that language for sure in this
4 letter, sir.

5 Q And is that -- is this indicative of what you
6 thought at the time though, sir?

7 A Not at the time of the trial I don't believe.

8 Q Well let's just go back --

9 A Okay.

10 Q -- to the time of the letter. I mean it seems to
11 say that in utilizing Section 9(2) in a lawful
12 manner, I think you've said before --

13 A Yeah.

14 Q -- that you only did with the judge authorized,
15 that, as a result of that process, you were able
16 to bring to the attention of the jury the fact
17 that Nichol John had at one time given a statement
18 indicating that she had seen the actual attack on
19 the girl by Milgaard?

20 A That's right.

21 Q And would that have been one of the purposes or
22 one of the outcomes you were seeking when you
23 employed Section 9(2) to cross-examine Nichol
24 John?

25 A I don't think so, Mr. Hodson, because I was, I



1 guess, fully engaged with trying to do that 9(2)
2 application the way that we all thought it should
3 be done. The end result certainly was that the
4 jury did, if you will, hear the cross-examination
5 on that with all the caveats involved, brought to
6 the attention of the jury the fact that she had at
7 one time given the statement indicating that she
8 had seen the actual attack on the girl by
9 Milgaard. That wasn't my intention in doing the
10 9(2) but arguably it was one of the, you know,
11 things that happened as it went on.

12 Q But, again, just back to -- and I thought we had
13 covered this --

14 A Okay.

15 Q -- but when you employed 9(2) and cross-examined
16 Nichol John --

17 A Yes.

18 Q -- you knew that if the judge granted it, granted
19 your application, you would be able to bring to
20 the attention of the jury the fact that Nichol
21 John had at one time given a statement indicating
22 that she had seen the actual attack on a girl by
23 Milgaard?

24 A I think that's fair, sir.

25 Q All right. And, again, I think the purpose of



1 that under 9(2) would be to discredit her
2 evidence-in-chief?

3 A That's -- that's right.

4 Q If we can go to the next page, please. You say:
5 >Please accept my thanks for the
6 assistance you gave the Saskatoon Police
7 Department, myself, and Mr. Tallis
8 during the Preliminary Inquiry, and also
9 during the trial."

10 I take it that was his attendance on two
11 occasions to be interviewed?

12 A That's my reading of it.

13 Q And:

14 >Your work with the polygraph and
15 interviewing Wilson and Nichol John in
16 general was of great importance in the
17 final outcome of this matter."

18 Can you tell us what you meant by that?

19 A Well that after, or during his interview of those
20 two, Nichol John gave -- pardon me -- Wilson was
21 the one who was polygraphed and ended up giving
22 what Inspector Roberts felt was a true account of
23 the matter, and as I recall Nichol John was
24 interviewed by him but not subject to the test,
25 and ended up giving an account which appeared to



1 be the accurate -- the truth as known by her. Now
2 I don't know, that's very awkwardly stated, but --
3 Q Okay. This is probably an appropriate spot to
4 break for lunch, Mr. Commissioner.

5 COMMISSIONER MacCALLUM: Okay.

6 *(Adjourned at 11:56 a.m.)*

7 *(Reconvened at 1:34 p.m.)*

8 COMMISSIONER MacCALLUM: Just before I ask
9 you to speak, Mr. Wolch, I promised that certain
10 reports of news coverage would be entered in our
11 web site and that has now been done, and I made
12 some reference to some this morning and another
13 one was handed to me and this was from CBC Radio
14 and I just want to report what it said for the
15 record.

16 "David Milgaard was in Saskatoon today
17 for the first time in a decade.

18 However, his trip to Saskatchewan has
19 nothing to do with the Inquiry into his
20 wrongful conviction. Milgaard says he
21 has no intention of attending the
22 Inquiry or testifying. As Garth Materie
23 reports, Milgaard and the Inquiry could
24 be headed for a very public fight."

25 I just want to interject to say that I have no



1 intention of carrying on any fight, public or
2 otherwise.

3 "Milgaard made it clear from the onset
4 he didn't want to talk about his case or
5 the Inquiry, currently trying to
6 determine how he was convicted of a
7 murder that he did not commit. Milgaard
8 spent 23 years in prison for the murder
9 of Gail Miller before he was cleared by
10 DNA evidence. Another man, Larry
11 Fisher, was convicted of the crime.
12 Milgaard says the Inquiry holds no
13 interest for him."

14 Again, I pause to interject that Mr. Milgaard was
15 granted standing in the first place on the basis
16 that his interest was directly and substantially
17 affected.

18 David Milgaard, this purports
19 to be a quote:

20 "To be frank with you, it just makes me
21 physically sick. I will not attend nor
22 will I discuss it at all. It is in my
23 past and I want to leave it in the
24 past."

25 And this is from the reporter:



1 "Milgaard says if he is forced by the
2 Commission to testify, it would be a
3 public relations fiasco for Saskatchewan
4 Justice."

5 Mr. Wolch, has your position changed?

6 MR. WOLCH: Mr. Commissioner, first of all,
7 might I suggest that there probably is full
8 transcript of what was actually said yesterday
9 and what you just read I don't think fully
10 reflects what was said. I heard David Milgaard
11 say that this is the room where justice is, where
12 justice should be found, I heard him say that he
13 wants the Commission to do what it has to do.

14 COMMISSIONER MacCALLUM: Oh, yes, I quite
15 acknowledge that, of course he did. I'm just
16 reading the parts that I take objection to.

17 MR. WOLCH: I think, Mr. Commissioner,
18 that --

19 COMMISSIONER MacCALLUM: I want him here,
20 that's all. It's just a very simple thing. I
21 want him here as a witness, I want to hear from
22 you if you are going to produce him. If you are
23 not, then I'm going to take action.

24 MR. WOLCH: Let me say this. David met
25 with Commission Counsel twice. They had positive



1 meetings. David was led to understand by
2 Commission Counsel that it wasn't what he
3 anticipated would be happening here, that his
4 purpose was -- that the purpose was not to make
5 him relive the horrific things that happened to
6 him. I think he came out of it very positively
7 reinforced. It was very good for him to hear
8 that. I can advise you that in other inquiries
9 there have been special arrangements made for the
10 wrongfully convicted in terms of a sensitivity to
11 what they have gone through and not to have them
12 relive the horror, much the same as we were, at
13 your direction, very considerate of the victims
14 of Larry Fisher, that there was consideration
15 made to not make them go through certain things
16 and Commission Counsel explained to David that
17 that can be done. I think it was a very
18 positive, a positive meeting.

19 Commission Counsel and I are on
20 the same wavelength I think as to what has to be
21 done. I don't want to go into it in a public
22 forum as you pointed out. Between us I think we
23 can arrange it. I can also indicate, and my
24 position hasn't changed, that I am prepared to
25 undertake to do everything I can to facilitate



1 David's arranging. I've counseled him to
2 arrange, I will explain to him in greater detail
3 as to the benefits of attending and I will carry
4 on in that fashion. I can only advise, encourage
5 and do everything I can. I believe that between
6 the efforts of Commission Counsel and what he and
7 I have talked about that it can be done. I don't
8 know what else I can do, sir, than give you an
9 undertaking to do the very best that I can do. I
10 look at undertakings extremely seriously, I've
11 never given one that I haven't approached in an
12 honest, full and genuine manner, I have never
13 skirted around one. When I say I will try
14 everything I can, I mean that, and I will do it
15 honestly and above board, and I think Commission
16 Counsel and I have, I wouldn't call it a game
17 plan, but at least a procedure to go ahead.

18 There is information, Mr.
19 Commissioner, that for various reasons the public
20 doesn't know and you don't know, Commission
21 Counsel does know, that shouldn't be in the
22 public forum at this point in time that do affect
23 things. They are -- I think Commission Counsel
24 knows what I'm referring to, and they do affect
25 things, they affect timing, they affect all sorts



1 of things, so all I can say to you, sir, is that
2 we are on our way and we will do our best and I
3 believe it will be enough that we do our best and
4 we will succeed and that our plan will work. I
5 don't know what more I can say. I'm happy to
6 answer any direct questions you have, sir.

7 COMMISSIONER MacCALLUM: Well, were you
8 privy to the, his intention for some time, Mr.
9 Wolch, that he wasn't going to come here to
10 testify?

11 MR. WOLCH: You are putting me in a
12 position where I'm talking about privilege. I
13 can say --

14 COMMISSIONER MacCALLUM: Okay.

15 MR. WOLCH: I can say this, I have always
16 been clear with Commission Counsel as to the
17 situation, I've always been absolutely clear.
18 One of the difficulties has been, as you know,
19 timing; that is, when, and what had been
20 anticipated for timing has changed dramatically
21 and so there has been that problem, but timing is
22 to our benefit. It gives me longer to explain,
23 to talk, to get the reports to do the things we
24 have to do and that is something Commission
25 Counsel and I have talked to.



1 I have always been clear with
2 Commission Counsel as to the circumstances and as
3 to what's transpiring and he's been very, very
4 sympathetic and understanding as to the
5 situation. I simply point out he is not an
6 ordinary witness. Ordinary witnesses come here
7 to talk about specific evidence involving
8 themselves in the course of an event. We are
9 here because of what happened to him and he's in
10 a very different category than an ordinary
11 witness and so all I seek is a sensitivity to his
12 difficulties, difficulties which have not been
13 put before you other than in a general sense that
14 you can obviously as a human being anticipate
15 what type of suffering he has gone through, but
16 they haven't been, and his condition just hasn't
17 been documented in front of you and it's
18 something that it pains me to do in public, but
19 that may transpire, but getting back to the
20 initial point, I believe that from going through
21 the files and the materials and speaking to me,
22 that Commission Counsel is fully aware of all the
23 matters that influence the situation and it's
24 with those in mind that he and I have arrived at
25 what I would call a game plan to proceed which we



1 anticipate will be successful and avoid any
2 confrontation. I don't want confrontation.
3 We've had enough confrontation.

4 Unless you have any other
5 questions, I hope I've answered them.

6 COMMISSIONER MacCALLUM: Well, you've given
7 me assurance, your assurance that you will try
8 your best, and of course I respect that coming
9 from you, Mr. Wolch, a barrister of your
10 standing. It's not good enough. At this
11 point -- I'll tell you what I was inclined to do,
12 and before you faint or anything I'm not going to
13 do it, at least not immediately, I was going to
14 ask you to inform your client that his standing
15 is suspended as of now pending his appearance as
16 a witness at this Inquiry. He may apply to have
17 it restored at an earlier date upon accepting
18 service of a subpoena and providing suitable
19 undertakings to appear. Funding for counsel is
20 similarly suspended as of now. It will not
21 necessarily be restored even if standing is, but
22 application may be made.

23 That's what I intended to do.
24 I have been persuaded by your words that you
25 should be allowed more time to have your client



1 accept a subpoena and provide a convincing
2 undertaking to appear before me. Therefore, the
3 operation of what I have just read will be
4 delayed for one week. If you haven't been able
5 to make your arrangements by that time, of course
6 you may speak to me about it.

7 MR. WOLCH: I will indicate to you that
8 given what's happening here and other matters, I
9 will have a very great difficulty within a week
10 of having a chance to sit down with David. I
11 just say that time wise. If you can make it two
12 weeks, I can try and see him, but one week is
13 really --

14 COMMISSIONER MacCALLUM: Are we still here
15 in two weeks? I guess we are, yes. Whose got a
16 calendar? Yes, the 8th of November. I hope from
17 what you've told me that the matter can be
18 amicably settled before then.

19 MR. WOLCH: I hope so.

20 COMMISSIONER MacCALLUM: But you won't fail
21 I'm sure to impress upon your client that his
22 standing is in jeopardy. Thanks. Go ahead.

23 MR. HODSON:

24 Q Mr. Caldwell, before the break we were talking
25 about the appeal. If we could call up 006851,



1 please, and just as far as the appeal itself, Mr.
2 Caldwell, I think the record shows that Mr. Kujawa
3 argued the appeal. Can you tell us what role if
4 any you would have had in the preparation of the
5 appeal and the arguments?

6 A Pardon me?

7 Q Can you tell me what role if any you would have
8 had in preparing the appeal or arguing the matter?

9 A I think that I in my report invited whoever was
10 going to take it to contact me if they felt that
11 would be useful. To my knowledge, Mr. Hodson, I
12 didn't take any role in preparing the appeal and I
13 certainly did not in arguing it, I was not
14 present.

15 Q And we have made inquiries of the clerk's office
16 and have been informed that in 1970, '71, that at
17 least in criminal appeals a factum was not
18 required to be filed?

19 A That would be my memory.

20 Q And so there would be appeal books filed with the
21 transcript; is that fair?

22 A I assume so, sir. I very seldom appeared at that
23 level in our Court.

24 Q And that argument would be presented orally; is
25 that correct?



1 A Yes.

2 Q And we'll hear from Mr. Kujawa and Mr. Tallis on
3 that point.

4 A Certainly.

5 Q Would you have sent, or let me ask it this way,
6 what would you have sent, if anything, to Mr.
7 Kujawa to, for the purposes of the appeal?

8 A Well, the report that we went over before noon,
9 unless someone has some document, Mr. Hodson --

10 Q Let me just back up. The report on completed
11 cases which is 006886, that would have been sent
12 to Mr. Kujawa?

13 A That's right, on the trial, and of course the one
14 on the prelim previously.

15 Q Right. So those two documents, and I believe the
16 transcripts, would have been sent to Mr. Kujawa?

17 A Not through me, but I'm sure they were.

18 Q And I have not been able to -- I have not seen any
19 document that would suggest you sent anything else
20 to Mr. Kujawa.

21 A Oh, thank you, because that would be my best
22 estimate that I didn't.

23 Q And for example, just so that we're a bit clearer,
24 your notes that you prepared, we went through your
25 notes, the witness statements, the file you got



1 from Mr. Ullrich; would you have sent any of that
2 to Mr. Kujawa?

3 A I don't believe so, sir.

4 Q So, and again we'll hear from Mr. Kujawa, but your
5 understanding would be that he would have the
6 transcripts from the trial and your concluding
7 report of the preliminary hearing and the trial?

8 A That's right, sir.

9 Q And do you recall whether or not you would have
10 met with Mr. Kujawa and, after the trial, and gone
11 through the police reports, documents, or anything
12 of that nature?

13 A I would be quite confident that that did not
14 occur.

15 Q And then if we could just call up the notice of
16 appeal again, 006851, please. And I think you may
17 have answered this, but do you know whether Mr.
18 Kujawa would have consulted with you on the
19 appeal, or --

20 A He would certainly have been free to. I have no
21 memory that he did do that, sir.

22 Q And then if we can go to the next page, please, I
23 just want to touch on a couple of the points of
24 appeal. And again, I don't want to get into legal
25 debate here, but at the time, sir, the rules for



1 appealing a criminal conviction before a jury
2 would be on points of law, would be one potential
3 ground?

4 A I believe that would be so.

5 Q Directions to the jury might be another ground?

6 A That would certainly be open.

7 Q And unreasonable verdict was an argument that was
8 sometimes raised?

9 A I assume so, sir.

10 Q And again, we'll hear more from Mr. Tallis on
11 that, but if we look just quickly, grounds of
12 appeal, I won't go through it, but Section 9(2),
13 and I think you anticipated that in your
14 concluding report that 9(2) might be an issue
15 about how that was applied by Chief Justice Bence;
16 correct?

17 A That's right.

18 Q And the next page at the top, about that he erred
19 in letting you put in evidence on irrelevant or
20 prejudicial matters, in particular Ron Wilson's
21 blood type. And just for the record on that, I
22 think he was either type -- I think type B. And
23 do you know what, what concern Mr. Tallis would
24 have had about that evidence?

25 A Umm, no. I think that that blood type of Ron



1 Wilson's in effect excluded him from anything to
2 do with the victim, or I think he was three
3 different blood types going, and --

4 Q Right. And I'm just wondering, --

5 A Yeah.

6 Q -- and maybe this isn't a fair question for you
7 and if you can't answer it please say so; was
8 there some, the fact that that was admitted as
9 evidence, I'm trying to understand how that might
10 have prejudiced Mr. Milgaard's defence?

11 A Well I can't think of how. What it would have
12 done, I think, is made it scientifically clear
13 that Wilson wasn't the source of certain blood, is
14 how I'd put it.

15 Q And then paragraph 3, I believe this is referring
16 to Melnyk and Lapchuk, the appeal ground is you
17 called:

18 "... witnesses who were not called at
19 the prelim ... and further erred in
20 admitting their evidence when it was of
21 no real probative value and yet was
22 highly prejudicial ...",

23 So that would be an objection I think he raised
24 at the trial; is that fair?

25 A I assume he did, and I assume it is also Melnyk



1 and Lapchuk; did you mention that, sir?

2 Q Yes.

3 A Yeah, that is my assumption.

4 Q And then paragraph 4 is, again, the unreasonable
5 verdict provision. And actually if we can go down
6 to paragraph 5, and again I think 5 ties in with
7 ground 1, about the procedure employed for Section
8 9(2)?

9 A I would feel so.

10 Q And then if we can just call up 009340, please.
11 And this is the judgement of the Court of Appeal,
12 it's dated January 5, 1971, and I believe from
13 another file that it may have been argued in
14 November of 1970, and that's something we can get
15 in through another witness. I presume, sir, that
16 you would have become aware, at some point, that
17 the appeal was argued and that the judgement was
18 rendered?

19 A I would have.

20 Q And I see the counsel on there, Mr. Kujawa is on
21 for the Crown, and I think you have told us you
22 would have had no involvement in that?

23 A That's right.

24 Q If we could just go to page 009366, please. And
25 this test that the Court of Appeal set out in this



1 appeal decision Mr. Caldwell, I think as you are
2 aware, has become known in legal circles as the
3 Milgaard ruling relating to 9(2) and the steps
4 that ought to be taken; is that correct?

5 A Yes.

6 Q And in general summary what the Court of Appeal
7 said is that the procedure put in place by Chief
8 Justice Bence was not correct, in other words he
9 should have excluded the jury for parts of the
10 process, and he didn't?

11 A That's how I read it, sir.

12 Q And that -- but they then went on to say, I think
13 in their words, that if there was an error that
14 the accused, the accused or the appellant, was not
15 prejudiced by the procedure. And I'll touch on
16 that in a moment.

17 A Very good.

18 Q And so I want to just touch on a couple of these
19 provisions to see if -- to get your comment on
20 what impact that might have had at the trial if
21 this procedure had been utilized. And if we can
22 just go through a couple of these, and again we
23 went through -- I went through with you actually
24 what happened at the trial, but first you advised
25 the Court of your application, which you did; the



1 Court should direct the jury to retire, which I
2 think in this case Chief Justice Bence did; upon
3 retirement of the jury counsel should advise of
4 the particulars of the application, produce the
5 alleged statement, which he did; number 4, the
6 judge should read the statement and determine
7 whether there's an inconsistency, which he did;
8 and I think, as you pointed out before, if there
9 is no inconsistency that ends the matter, if he
10 finds there is an inconsistency he should call
11 upon counsel to prove the statement or writing?

12 A That's my --

13 Q And that's in the absence of the jury, right, the
14 jury has been retired?

15 A That's how I read it, sir.

16 Q And so in actual fact what Chief Justice Bence
17 did, if we can go to the next page, the process
18 where you prove the statement in writing was done
19 in the presence of the jury; correct?

20 A That is right.

21 Q And then they talk about 'prove the statement by
22 producing the statement or writing to the
23 witness'.

24 "If the witness admits the statement, or
25 the statement reduced to writing, such



1 proof would be sufficient."

2 If they don't admit it, counsel then could
3 provide the necessary proof by other evidence.
4 And again, if I go down to number 6, I'm going to
5 read this and ask your comment:

6 "If the witness admits making the
7 statement, ...",
8 and again this is all in the absence of the jury
9 according to this ruling?

10 A Yes.

11 Q "... counsel for the opposing party ...",
12 Mr. Tallis:

13 "... should have the right to
14 cross-examine as to the circumstances
15 under which the statement was made. A
16 similar right to cross-examine should be
17 granted if the statement is proved by
18 other witnesses. It may be that he will
19 be able to establish that there were
20 ...",

21 other:

22 "... that there were circumstances which
23 would render it improper for the learned
24 trial Judge to permit the
25 cross-examination, notwithstanding the



1 apparent inconsistencies. The opposing
2 counsel, too, should have the right to
3 call evidence as to factors relevant to
4 obtaining the statement, for the purpose
5 of attempting to show that
6 cross-examination should not be
7 permitted."

8 And, again, that didn't happen before Chief
9 Justice Bence; is that right?

10 A That's correct, sir.

11 Q And if we take this provision, I just want to get
12 your understanding of what should have happened in
13 accordance with this ruling; one, the jury would
14 be out, you would examine or cross-examine Nichol
15 John on the making of the statement?

16 A That's how I read it, sir.

17 Q Secondly, Mr. Tallis would then be entitled, in
18 the absence of the jury, to cross-examine Ms. John
19 about the circumstances under which she gave the
20 statement to Mr. Mackie?

21 A That's correct.

22 Q And I think what the Court says:

23 "It may be that he ...",
24 being defence counsel:

25 "... will be able to establish that



1 there were circumstances which would
2 render it improper for the learned trial
3 Judge to permit the cross-examination,
4 notwithstanding the apparent
5 inconsistencies."

6 Correct?

7 A That's right, sir, and -- but that follows that
8 other one option, a similar right to cross-examine
9 should be granted if the statement is proved by
10 other witnesses.

11 Q Like so if you would have called --

12 A Which --

13 Q I'm sorry, I didn't mean to cut you off.

14 A No, that's fine, I just -- both those are
15 possibilities as I see it.

16 Q Right. And you will recall, I read you the
17 portions of the transcript where you asked leave
18 to call Ray Mackie to give the circumstances of
19 the statement?

20 A That's right.

21 Q And Chief Justice Bence said "no"?

22 A That's correct, sir.

23 Q And so it would appear here that what should have
24 happened, according to this ruling, is that Mr.
25 Tallis should have been entitled to cross-examine



1 at least Nichol John, and possibly Raymond Mackie,
2 on the circumstances under which the statement by
3 her was given; is that correct?

4 A That appears correct.

5 Q And I will be asking Mr. Tallis these questions
6 later but I'll ask you because you were there.
7 Different considerations would apply as counsel,
8 whether it be prosecutor or defence, in the
9 questions you would ask of a witness if the jury
10 is out of the room or in the room; is that fair?

11 A Well, certainly to the extent that if it's my
12 witness I can't lead, for openers.

13 Q Sorry, no, let me rephrase it.

14 A Oh, okay.

15 Q If you were going to cross-examine Nichol John or
16 any witness, --

17 A Yeah.

18 Q -- and the jury was absent, you might do it in a
19 different -- or let me back up. If the jury is
20 present, compared to a situation where the jury is
21 absent, you might change how you cross-examine a
22 witness; is that fair?

23 A Yes it is.

24 Q And in other words when the jury is not there, and
25 it is not evidence that they will hear, you might



1 be prepared to change your tack or your strategy?

2 A I very well might, sir.

3 Q Yeah. And you don't have to be as concerned with
4 what impact your questions and the answers might
5 have on the jury because they are not there to
6 hear it; is that fair?

7 A Yes.

8 Q So in this situation it would appear that what the
9 Court of Appeal said -- and I'm not trying to get
10 you to debate what the Court did or didn't do, I
11 just want to get your perspective on what happened
12 at trial, which I've covered, and what might have
13 happened at trial if things were done a bit
14 differently. And certainly in that scenario, I
15 think when I read through the transcript with you
16 of 9(2), it does not appear that Mr. Tallis -- or
17 that the decision to admit the statement and allow
18 the cross-examination by you under 9(2) was done
19 before he had even cross-examined her?

20 A That is how I recall the sequence, sir.

21 Q Right. And so that he didn't, certainly under
22 this provision there is two things that could have
23 been done or should have been done differently,
24 one is that before there is a determination of the
25 right to cross-examine under 9(2) Mr. Tallis



1 should have had the right to cross-examine in the
2 absence of the jury, and neither of those things
3 happened?

4 A That's, that's how I read it as well.

5 Q And I think what the Court of Appeal says, "well
6 he got to cross-examine her later when it
7 became -- when you were done and it was his turn"?

8 A Yeah, I think that's what they said.

9 Q And I suppose, and again this might be a question
10 for Mr. Tallis and I will certainly ask him, but
11 in those circumstances, if Mr. Tallis would have
12 said under 9(2), let's say Justice Bence says
13 "okay, I'm going to have -- I'm going to allow the
14 parties to call witnesses about the giving of this
15 statement", so Nichol John would be heard in the
16 absence of the jury, Raymond Mackie would be heard
17 in the absence of the jury, and I suppose Mr.
18 Tallis could have said to you "would you please
19 call Inspector Roberts, I would like to hear his
20 evidence in the absence of the jury about the
21 circumstances that led up to her statement"; is
22 that fair?

23 A Yes, certainly would have been a possibility, and
24 I can think of no reason why not to accede to
25 that.



1 Q And you've told us, at least at the prelim and
2 even at trial for a witness proper, you indicated
3 that Inspector Roberts -- that you brought him
4 here at Mr. Tallis' request in the event that Mr.
5 Tallis wanted him called as a witness in the trial
6 proper?

7 A That's my recollection. Now I think, Mr. Hodson,
8 he was only here once, and I may have left a
9 different impression previously, but --

10 Q Okay. I thought, and I could be wrong, I thought
11 the record reflected a subpoena was served on him
12 for the trial. Now it may be that -- and I
13 thought you told us that that was at Mr. Tallis'
14 request?

15 A Yeah, I believe that may be inaccurate, I think he
16 --

17 Q Okay.

18 A There may have been two subpoenas and he simply
19 showed up once, the way things worked.

20 Q But is it fair to say that, if he didn't attend
21 right prior to trial, it would be because Mr.
22 Tallis or you determined that he wasn't necessary?

23 A I would think so.

24 Q And so, just to conclude on this point, if Mr.
25 Tallis would have said "I want Inspector Roberts



1 called by you, Mr. Caldwell, on this", and maybe
2 voir dire isn't the right term "but on this
3 Section 9(2) proceeding because I want to probe
4 him" --

5 A Yes.

6 Q -- "in the absence of the jury about how it is
7 that Nichol John got to make this statement the
8 next day", you are saying you would have called
9 him?

10 A I would have, because it seems to me that's
11 totally fair ball, if you will, if he had asked
12 that to happen.

13 Q And just so that we're clear on this, and I think
14 we touched on this in the examination, if Mr. --
15 or Chief Justice Bence had concluded that, due to
16 the circumstances under which Nichol John had
17 given the statement to Mr. Mackie on May 24th,
18 that it would not be proper to permit the
19 cross-examination on that statement, your
20 examination of her was done; is that correct?

21 A Yes, I think I -- that is the way it reads and
22 that was, in fact, the case.

23 Q Right. So that that point, and I read it to you
24 this morning, was your -- prior to making the 9(2)
25 application you told Chief Justice Bence you were



1 done with Nichol John?

2 A I did.

3 Q If we can just go to the next, the bottom of -- or
4 pardon me -- the next page, please. Actually, if
5 we could just go to the bottom of the previous
6 page, and then at the bottom -- I think this is
7 the Court of Appeal -- says that once the trial
8 judge has decided that the 9(2) cross-examination
9 is allowed, in other words that the statement is
10 an inconsistent statement and that the
11 circumstances are such that the judge is going to
12 allow a cross-examination under 9(2), the jury
13 should then be recalled; is that correct?

14 A That's correct.

15 Q So that the first cross-examination under 9(2) in
16 the absence of the jury is to look at how she gave
17 the statement, those circumstances?

18 A Yeah, that's my view of it.

19 Q And once the judge says "okay, I'm satisfied that
20 it's properly given by her and it's appropriate to
21 allow the cross-examination", you then go into
22 9(2), bring the jury back in, and you
23 cross-examine on the statement?

24 A That's how I read that judgement, sir.

25 Q Yeah. And then once you've done that, once you



1 put the statement to her and cross-examined, you
2 can then make the application under 9(1) to have
3 her declared hostile?

4 A That's my understanding.

5 Q And then cross-examine her on everything?

6 A I would believe that, sir.

7 Q And so if we could just go to the next page
8 please, and I'll just read this part, the Court of
9 Appeal says:

10 "In the present case, the learned trial
11 Judge did not pursue the procedure which
12 I have suggested be followed. After
13 deciding that the statement of Nichol
14 John previously made, was inconsistent
15 with the evidence she had given, he
16 recalled the jury. Proof of the
17 statement was then made in the presence
18 of the jury.

19 Had the learned trial Judge not
20 permitted the cross-examination, then I
21 think strong exception could have been
22 taken to the procedure which he
23 followed."

24 And I think what he is talking about is your
25 cross-examination.



1 A I assume that.

2 Q Yeah. And then:

3 "In the present case he did allow the
4 cross-examination and there was nothing
5 that took place in the cross-examination
6 of the witness, either by Crown or
7 defence counsel, that would not have
8 occurred had he followed the procedure I
9 have outlined."

10 And let me just ask you that question. When you
11 did the cross-examination of Ms. John on the
12 giving of the statement, would it have made any
13 difference to you whether the jury had been out
14 at that time?

15 A Well I think only in the sense you were raising a
16 minute ago, in that you might examine a witness or
17 cross-examine in a slightly different tone, if you
18 will, than -- with a jury there than if the jury
19 was absent.

20 Q Okay. And we'll certainly hear from Mr. Tallis
21 about what he might have done in his
22 cross-examination of Ms. John if the jury had been
23 excluded, but I think you are saying you might
24 have done it differently?

25 A I might have and I may, very well may have done it



1 this way I did, Mr. Hodson.

2 **Q** And then the Court goes on, just to finish this:

3 "Moreover, it would be difficult to find
4 a case where the reason for permitting
5 the cross-examination would be stronger
6 than in this one. I do not think it can
7 possibly be argued that the appellant
8 was in any way prejudiced by the
9 procedure which the learned trial Judge
10 followed, or that there was any
11 substantial wrong or any miscarriage of
12 justice."

13 So, again, that -- and I believe Mr. Milgaard
14 applied for leave to appeal from this decision to
15 the Supreme Court of Canada and that was denied;
16 is that correct?

17 **A** That is my -- that's correct.

18 **Q** We're done with that document.

19 I now want to move after the
20 trial, and I want to talk about the Larry Fisher
21 matters and the sexual assault matters,
22 confessions and charges, etcetera. And we have
23 heard evidence before this Commission of Inquiry,
24 and reports, various reports on these events.
25 There's one letter that I'll get to a bit later,



1 Mr. Caldwell, the March 17th, '71 letter from Mr.
2 Corey to Mr. MacKay that makes reference to a
3 discussion with you, and I'll come to that.

4 A Thank you.

5 Q But I first want to ask you apart, quite apart
6 from what you might have heard during this course
7 of the Inquiry or what you have read, but I want
8 to ask you first about what you actually remember
9 today, okay; and then secondly, after we've probed
10 your memory of events I want to ask you that, in
11 those areas where you do not have a recollection,
12 to tell us what you think you would have done
13 based upon your practices at the time.

14 And can you tell us today, sir,
15 what is your first actual memory of hearing of
16 Larry Fisher, the name Larry Fisher, and that name
17 being brought to your attention?

18 A I think, Mr. Hodson, that that was as late as the
19 time when Mr. Eugene Williams was conducting one
20 of the, I believe, run-ups to attempting to get
21 the case into the Supreme Court on a reference,
22 and when he telephoned me and asked me to search
23 the file for the name Larry Fisher, which I did.
24 I could expand on that, I'm --

25 Q Fair enough.



1 A Yeah.

2 Q And I will go through that.

3 A Okay.

4 Q I think that is late 1989?

5 A That would be that far along in the proceedings in
6 terms of me remembering the name Larry Fisher --

7 Q And --

8 A -- because it was -- I was specifically asked by
9 Mr. Williams and followed it up.

10 Q And we'll go through that document, but I think he
11 asked you to go check your file to see if the name
12 Larry Fisher was there?

13 A Yeah, that's right.

14 Q And, at the time he called you, did the name Larry
15 Fisher mean anything to you or do you recall it?

16 A Not the -- not a thing.

17 Q Now when you -- a couple of weeks ago in the
18 sittings I had asked you about the first three
19 assaults before Gail Miller's death, --

20 A Yes.

21 Q -- the (V1)-, (V2)-----, (V3)-----, and I think
22 you have told us that you were not aware of those
23 incidents?

24 A That would be my best memory of it, sir.

25 Q Yeah. Now let me ask you about the fourth one,



1 which is (V5)-- (V5)---, and that was February 21,
2 1970, three weeks after Mr. Milgaard was
3 convicted, she was raped near Avenue V in
4 Saskatoon; do you have any memory of being made
5 aware of that at the time?

6 A Not at all.

7 Q So -- and I think I asked you questions on, back
8 on these rapes, the (V1)-, (V2)-----, (V3)-----
9 matters, and went through your file when we were
10 sitting at the last session about some references
11 to the names and the lab reports, and I think you
12 told us that they would have been on your file,
13 and I think your evidence was that they -- they
14 did not have any significance to you?

15 A Very broadly speaking, sir, I think that's
16 correct.

17 Q Yeah, and I'm just trying to paraphrase what I
18 thought you said.

19 A Yeah, sorry.

20 Q And I want to look at a couple of ways. And
21 today, sir, do you have any memory of hearing
22 about the (V1)-, (V2)-----, (V3)-----, or (V5)---
23 rapes; when is the first time you recall hearing
24 about those?

25 A Well certainly not at the -- at or about the time



1 of the Miller murder. It would be in some context
2 of one of these investigations later on, Mr.
3 Hodson.

4 Q I'm going to go, --

5 A Okay.

6 Q -- there is a letter of March of 1971, the letter
7 from Corey to MacKay, you know the letter I'm
8 referring to?

9 A I do.

10 Q Do you have any memory, today, of what's mentioned
11 in that letter?

12 A I don't, but I'm quite sure that I understand what
13 happened, based on this hearing and interviews --

14 Q Right.

15 A -- and things like that.

16 Q So what you are saying is you don't dispute what
17 the letter says happened but you have no memory of
18 it; is that fair?

19 A That's right. I would be happy --

20 Q Sure, and we'll go through that.

21 A Yeah, okay, that's fine, sir.

22 Q So, if it's fair, maybe we'll just call it up for
23 a moment.

24 A Okay.

25 Q 261053.



1 A Did -- now I think Mr. Hodson, I hope I'm right,
2 that I at least haven't dealt with this in this
3 Inquiry? The odd time I'm not sure what I have
4 and what I haven't.

5 Q I don't believe you have, sir.

6 A Okay. Thank you very much.

7 Q And you may have, I don't -- if you did you
8 volunteered an answer to something I wasn't
9 covering, but if you go back -- and I'm going to
10 touch on this a bit later -- but from this letter,
11 and this is from Assistant Chief Corey to Mr.
12 MacKay?

13 A That's right.

14 Q "During March 16, 1971, I was contacted
15 by Mr. T.D.R. Caldwell, agent of the
16 Attorney General, who requested that I
17 forward to you a summary of the facts
18 relating to offences of rape allegedly
19 committed by the above-named."

20 And "the above-named" is Larry Fisher, if you
21 want to just scroll up?

22 A I see that.

23 Q Yeah. And then it goes on to talk about the four
24 rapes. Now I take it, sir, you don't, I think as
25 you have said, you don't have a recollection, but



1 at a minimum it looks as though you contacted
2 Chief Justice (sic) Corey and said "send a summary
3 of the facts relating to offences of rape
4 allegedly committed by Larry Fisher"?

5 A Yeah. I, Mr. Hodson, I can expand on that a
6 little if that's not --

7 Q Please, yes?

8 A Yes. This phone call from Ken MacKay, who was of
9 course in our Regina office, to myself basically
10 saying "have the city police forward any facts
11 relating to offences of rape allegedly committed
12 by Larry Fisher", umm, oddly enough the same day
13 that letter came in I phoned Deputy Corey, because
14 I detected some degree of lapse of time had
15 happened perhaps already, and Mr. MacKay somewhere
16 said that it was in the hands of our Saskatoon
17 agent for investigation, which was the same day
18 that this happened. So the day I phoned Corey and
19 gave him that very minimal information, the next
20 day he wrote the letter to Mr. MacKay, and our --
21 again, the name Larry Fisher absolutely meant
22 nothing to me, in our office we had no open Larry
23 or any other Larry Fisher files, I'm sure I would
24 have known about them, etcetera.

25 Q Do you have an actual memory today, Mr. Caldwell,



1 of phoning Mr. Corey or Mr. MacKay?

2 A No, but I'm clear that that must have happened,
3 the way this reads.

4 Q And why do you -- how are you able to say there
5 might have been some urgency based on the call
6 with McKay?

7 A Because either then, it must have been then that I
8 learned that Mr. MacKay, I think, had written the
9 lawyer in Winnipeg saying that our Saskatoon agent
10 is looking in or researching this, but that was
11 the very same day this letter -- that he phoned
12 me, excuse me.

13 Q Yes. And I'm trying to understand, Mr. Caldwell,
14 --

15 A Yeah.

16 Q -- how you are able to tell us what you did and
17 what you were thinking at the time if you don't
18 have a memory of it; is it based on -- on what?

19 A Oh, probably on the number of times I have seen
20 this in the various proceedings --

21 Q I see.

22 A -- in the meantime, sir, I would think.

23 Q So that subsequent, at some point subsequent you
24 have looked at this and other documents and
25 concluded, in your mind, that this is -- must have



1 been what you did; is that --

2 A Yeah. It's inevitable, sir, I think I did that.

3 Q Yeah. So let's -- is it a -- would you agree with
4 me then, as of March 17th of 1971, at that time
5 you would have been aware of the name Larry Fisher
6 and you would have been aware, at least to some
7 degree, of these four rape charges?

8 A Not -- I don't agree with that, sir.

9 Q Okay.

10 A I got the name Larry Fisher, which is here, I
11 couldn't have told you three days later what
12 reference lands on the letter --

13 Q Okay.

14 A -- and I did not know about any or all of Mr.
15 Fisher's Saskatoon --

16 Q Okay. Let's just back up.

17 A Okay.

18 Q And, again, I'm questioning you on the basis of
19 what -- trying to probe what might have happened.

20 A Okay.

21 Q And, again, I think that you have said that you
22 don't recall but Chief Justice (sic) Corey, you
23 think he might have been called by Mr. MacKay?

24 COMMISSIONER MacCALLUM: Mr. Hodson, I
25 don't know if Chief Justice -- or at least Chief



1 Corey would be pleased to have his name
2 associated with the judiciary.

3 MR. HODSON: I'm sorry, Chief Corey.

4 A He's dead, he's no longer here to --

5 COMMISSIONER MacCALLUM: Yes, sir.

6 A Yeah, that is Deputy Chief of the Saskatoon Police
7 Service.

8 BY MR. HODSON:

9 Q Deputy Chief Corey?

10 A That's right.

11 Q So, again, you think what happened is Mr. MacKay
12 would have phoned you and said "get me information
13 from the police on X"?

14 A That -- that is right.

15 Q And you would have phoned Corey and said,
16 Mr. Corey and said "please send information on
17 X" --

18 A The same day.

19 Q -- "to Mr. MacKay"?

20 A That's correct, sir, and the letter he -- is dated
21 the next day that he wrote.

22 Q And I want to try and get an understanding of what
23 might have been the information that Mr. MacKay
24 would have conveyed to you?

25 A Correct.



1 Q At a minimum would he have said Larry Fisher,
2 charges relating to Larry Fisher?

3 A He must have said Larry Earl Fisher or Larry
4 Fisher and then the third sentence, he must have
5 related to me facts relating to offences of rape
6 allegedly committed by him, because I couldn't
7 have got that anywhere else.

8 Q So at a minimum it would be the name Larry Fisher?

9 A Yeah.

10 Q Some rape charges?

11 A That's correct, and nothing more. I didn't have a
12 number of, for instance, counts or files or
13 anything.

14 Q And how are you able to say that?

15 A Well, because MacKay only gave me that very
16 minimal information.

17 Q And how do you know that?

18 A I just do.

19 Q By memory or by something in writing?

20 A Oh, no, I think by the fact that I recited to
21 Deputy Chief Corey the only two things I knew
22 which were the name Fisher and sexual offences.

23 Q So looking at this letter, you believe that the
24 only information you got from Mr. MacKay was what?

25 A Larry Earl Fisher and sexual offences, we'll say,



1 outstanding in Saskatoon I suppose.

2 Q Is it possible that Mr. MacKay may have given you
3 the names of the complainants?

4 A No.

5 Q And why do you say that?

6 A Well, I would first of all be fairly -- I would
7 doubt that Mr. MacKay necessarily knew the names,
8 but I'm not sure of that. If he had given me the
9 names I would have presumably incorporated them in
10 the letter. These may be A, B, C and D we're
11 talking about and I didn't do that.

12 Q But this is Mr. Corey's letter though; right?

13 A I would have incorporated them -- I'm sorry, in my
14 phone call to Mr. Corey.

15 Q I see, okay. So you think that based on your
16 review of this letter, that you think that Mr.
17 MacKay would have said Larry Fisher and some rape
18 charges?

19 A That's correct.

20 Q And can you tell us, why would Mr. MacKay be
21 phoning you about this information?

22 A Well, there is that letter saying this matter has
23 been referred to, I think he said our Saskatoon
24 agent for follow-up or research, but I was the
25 senior Crown prosecutor, if that was the title, at



1 Saskatoon at that time. I'm sure that Mr. MacKay
2 would feel that he should go through channels in
3 that respect and phoned me.

4 Q And would it be fair to say then would that call
5 from Mr. MacKay be to you because you are the
6 senior prosecutor in Saskatoon?

7 A That's my belief. It's like the NCO in charge of
8 such and such a detachment. I happened to be that
9 person.

10 Q And would the call be to you because you were the
11 prosecutor in the Gail Miller case?

12 A Not in any way, shape or form, sir.

13 Q And so then if we can go back, and let's come back
14 to this letter, so clearly in March of '71 the
15 name Larry Fisher would have been brought to your
16 attention?

17 A That's right.

18 Q On that day?

19 A Yes, sir.

20 Q I'm sorry, I didn't mean to --

21 A No, go ahead. That is correct, period.

22 Q And so in 1989 when Mr. Williams asked you about
23 Larry Fisher, did you remember this letter at that
24 time?

25 A No, I don't have any reason to think I did.



1 Q Okay. So let's just go back, we're done with this
2 letter, and I want to just walk through what we
3 know about what happened with Larry Fisher in 1970
4 and '71.

5 A Very good.

6 Q And let's just -- I think we have canvassed -- let
7 me suggest that there might be two different hats
8 where you might have received information about
9 matters generally. The first would be as
10 prosecutor in the Gail Miller case, and I think
11 I've gone through that and I went through your
12 file, identified a few pieces of paper that talked
13 about the assaults, the name Larry Fisher, and I
14 think you've told us to the extent that you
15 prosecuted David Milgaard through to conviction,
16 the name Larry Fisher didn't mean anything to you
17 and that you were not aware of -- you were not
18 specifically aware of these previous sexual
19 assaults and I think you've told us you were not
20 aware of a police theory that connected the sexual
21 assaults to the murder; is that a fair summary of
22 what you've told us?

23 A Yes, Mr. Hodson, but I'm assuming I said words to
24 that effect on our four day --

25 Q Yes.



1 A Okay, fine, in that case that's correct.

2 Q And so then wearing your hat as the Gail Miller
3 prosecutor, I think I have gone through that
4 scenario, when after Mr. Milgaard was convicted
5 and once it went over to Mr. Kujawa for the
6 appeal, did you have any further involvement in
7 the file?

8 A The Miller?

9 Q In the David Milgaard prosecution file.

10 A Not that I know of.

11 Q And I'll touch on it a bit later, some dealings
12 with the exhibits and some letters to the parole
13 board, but as far as once the conviction was
14 secured, did you turn the matter over to Mr.
15 Kujawa as far as the prosecution is concerned?

16 A Yes. He followed up the entire appeal process. I
17 ended up appearing as a spectator in Ottawa,
18 that's all.

19 Q Yeah. And now what I want to look at and ask you
20 some questions about, putting aside the fact that
21 you are the prosecutor in the Gail Miller case,
22 you are a prosecutor, the senior prosecutor in
23 Saskatoon at the time; correct?

24 A You bet, sir.

25 Q And would it be fair to say, and let's not talk



1 specifically about the Fisher charges, but that
2 from time to time as a prosecutor you would become
3 aware of rape charges and other charges finding
4 their way through the justice system; is that
5 fair?

6 A Certainly.

7 Q And that would be in cases where you might be
8 consulted, pre charge would be one?

9 A Would be one way.

10 Q And post charge where you are the prosecutor?

11 A Yes.

12 Q And so those might be situations where you might
13 become aware of a rape charge against Mr. Fisher?

14 A Well --

15 Q Let me rephrase. Let's just talk generally.

16 A All right.

17 Q And then I'll go to specifics.

18 A Okay.

19 Q That in 1970 and '71 as a prosecutor, obviously if
20 there had been a rape charge and you were going to
21 be the prosecutor, you would be aware of the
22 charge and the accused; is that fair?

23 A That's right.

24 Q And cases that you were not the prosecutor on, you
25 might be aware of them by virtue of being



1 consulted pre charge; is that correct?

2 A That's true.

3 Q Or would there be any other way you might become
4 aware of a charge?

5 A Well, conversation in the office I suppose or with
6 some investigator.

7 Q So let's go through, we know that in September of
8 1970 Larry Fisher was arrested in Winnipeg. Do
9 you have any recollection of becoming aware of
10 that?

11 A At that time?

12 Q At that time.

13 A Absolutely none.

14 Q And can you think of any reason, Mr. Caldwell,
15 that you might become aware of -- I appreciate you
16 don't have a recollection, but can you think of
17 any reason that as a prosecutor in Saskatoon you
18 might become aware of his arrest in Winnipeg?

19 A At that time, Mr. Hodson?

20 Q Yes.

21 A I cannot, and if I can possibly expand slightly on
22 that?

23 Q Yes.

24 A I did not know Mr. Fisher was in custody in
25 Winnipeg or what he was charged with, I didn't



1 know of the fact that Inspector Nordstrom and
2 Detective Sergeant Karst went to Winnipeg.

3 Q Okay. I'm going to go through all of those.

4 A Okay, okay.

5 Q No, that's fine. I didn't mean to cut you off,
6 but I will go through all of those.

7 A Okay, that's fine, sir.

8 Q So first of all the arrest in Winnipeg you are
9 saying, (a), you don't recall hearing about that,
10 and (b), is that something you think you would
11 have been made aware of as a prosecutor?

12 A I see no reason on earth why I would have been
13 made aware of it.

14 Q In October 20th and 22nd of 1970, Larry Fisher
15 confessed to the (V3)----- and (V5)--- assaults,
16 two of the four, and on the latter date Inspector
17 Nordstrom and Eddie Karst went to Winnipeg and got
18 a confession from him.

19 A Very good.

20 Q Do you have any recollection of being aware of
21 that at the time?

22 A Absolutely none.

23 Q And can you think of any reason why you might
24 become aware of those facts at that time?

25 A The only thing I can think of, Mr. Hodson, would



1 be if our office had, if you will, opened files on
2 Mr. Fisher where possibly there had been a
3 committal for trial or he left and there was a
4 bench warrant, if we had open files with a name on
5 it, someone might have come and said, hey, did you
6 guys realize that he's now in Winnipeg and what
7 are you going to do. We did no such thing.

8 Q If we could call up 047051, and this is the
9 information that Elmer Goa swore, this one relates
10 to (V3)-- (V3)-----, and there's similar
11 informations for the other three.

12 A All right.

13 Q And we have heard evidence that these were sworn
14 on December the 30th, 1970, so that would be a
15 couple of months after the confessions, and the
16 evidence I think that we have heard from Mr. Goa
17 is the informations were sworn and that I think
18 the evidence is that there was no process served
19 on Mr. Fisher; in other words, he was not brought
20 into Court with respect to this information, and I
21 think that's the evidence.

22 A All right.

23 Q So again, let's just back up for a moment and
24 let's walk through, at that time, Mr. Caldwell,
25 how would a rape charge -- at what point would a



1 rape charge laid by the city police end up in your
2 office?

3 A Well, it -- a rape charge would be laid by the
4 city police, the person would be arrested or
5 summonsed and the first formal step or second
6 would be that he would show up in Court. On any
7 charge like that there would be an effort made to
8 be sure that he had legal counsel and that
9 occasionally of course would involve one or two
10 adjournments. Usually the city prosecutor, Mr.
11 Wolff, or one of his colleagues, would appear on
12 those early appearances. When the case got to the
13 point of wanting to set, let's say, preliminary
14 inquiry dates, would be the normal route, or trial
15 dates, I would think our office at that point
16 would be involved saying hey, can you come over
17 and let's get these dates set, that would be the
18 earliest involvement.

19 Q Let me just pause there. And at that point would
20 you get a file then?

21 A I would think we would get it when we went over
22 or -- because the date was the thing that wasn't
23 fixed yet.

24 Q So --

25 A Shortly.



1 Q I'm sorry, I think we saw that on the information
2 for David Milgaard, how Mr. Wolff appeared for a
3 couple of appearances, then when the prelim was
4 set you appeared, so let's take it forward in a
5 rape charge.

6 A Okay, sir.

7 Q And a couple of appearances and I think an
8 election for a preliminary hearing, or pardon me,
9 that a preliminary hearing date is to be set,
10 that's when you think -- you would usually do, as
11 prosecutor, the preliminary hearing?

12 A Me or one of my colleagues, and the one thing,
13 sir, is at this stage it would very likely go to
14 case prep Sergeant Ullrich who he then was because
15 that was, in effect, at roughly this time.

16 Q So that in this case we know an information was
17 laid with respect to Mr. Fisher. Let's take the
18 example, let's just take a generic situation --

19 A Okay.

20 Q -- where a person is charged with rape, they
21 appear in Court on a couple of occasions and they
22 want to set a date for preliminary hearing and at
23 that point you would appear and set a date.
24 What -- and I think you said the prosecutor's file
25 or the police file, whatever you want to call it,



1 the information that you would need to run the
2 preliminary hearing, when would you get it and who
3 would you get it from?

4 A My memory is that at that point the file would go
5 to Sergeant Ullrich, it would be prepared and
6 after however long that took in his work load, the
7 case, the file would come to us is my memory.

8 Q And what file would Mr. Wolff have, again just
9 generally in these cases, would he have --

10 A Well, when Sergeant Goa was here, I'm sure he was
11 correct in his evidence, and I think that we may
12 have heard of the existence of up to four files,
13 Mr. Hodson, but I -- as I recall his evidence, so
14 Mr. Wolff may very well have had one. We wouldn't
15 have one until we, in effect, were seized with the
16 case in my memory.

17 Q Okay. So if we can get the information back up on
18 the screen, please. So in this case I think the
19 evidence we've heard is that the informations were
20 sworn, but there was never an appearance entered
21 by Mr. Fisher in Provincial Court, or Magistrates'
22 Court in response?

23 A I assume that's right. I assume maybe incorrectly
24 that he was missing at that time.

25 Q He was in custody in Winnipeg at the time.



1 A Okay, very good.

2 Q And what was the practice at the time if you had a
3 charge against an individual who was in custody in
4 another jurisdiction?

5 A He could waive the charge into that other
6 jurisdiction, there was a procedure called 421(3)
7 of the *Criminal Code* which the Saskatchewan
8 authorities would have to agree to that, sign the
9 documents, the charge itself could go, for
10 instance, to the other province and strictly on
11 the understanding of a guilty plea as I recall.

12 Q I think prior to June of '71 the charge of rape
13 was excluded from the transfer provisions?

14 A Okay, I wouldn't --

15 Q And so I'm just -- and so that in cases it could
16 be waived, it would be waived. What about in
17 cases where they could not be waived because of
18 the statute?

19 A Oh, well, then I would assume it would have to be
20 a Saskatchewan venture and come back here.

21 Q So that arrangements would have to be made to get
22 the accused back before the Saskatchewan Court?

23 A Yeah, and that very well might involve counsel,
24 etcetera, but that's how I would understand it,
25 sir.



1 Q So again just back on these charges, do you
2 think -- again, do you have any memory or
3 recollection of being aware that the city police
4 laid four charges against Mr. Fisher on December
5 30th, 1971?

6 A Absolutely not.

7 Q And is that something that you think the police
8 might have consulted with you? Again, I
9 appreciate you have no recollection, but is that
10 the type of thing that they might have consulted
11 with you on?

12 A I don't think they would have, because this
13 instance I gather was four charges against one
14 individual --

15 Q Yes.

16 A -- who had by this time surfaced in Manitoba if
17 I'm not mistaken.

18 Q Yes.

19 A And the question would be getting him back here or
20 if it were possible getting the charges there. In
21 no way, shape or form would we be setting prelim
22 or trial dates in Saskatoon in that scenario as I
23 understand it.

24 Q So if Mr. Fisher had not been in custody, had
25 appeared in Magistrates' Court and then wished to



1 set a preliminary hearing date, at that point you
2 would think you would have got the file?

3 A Well, very likely he would have had defence
4 counsel, in view of the nature of the charges,
5 defence counsel in all probability would have
6 contacted us or Mr. Wolff about the next order
7 which is dates, when can we do this, and only in
8 my memory when a date was set essentially would we
9 get the file.

10 Q And then if we can go ahead to 1971, do you have
11 any recollection of dealing with Lawrence
12 Greenberg, being Larry Fisher's legal counsel in
13 Winnipeg?

14 A No, I do not, sir.

15 Q And it appears at least from his evidence and from
16 his file and some of the documents that he would
17 have communicated with the Regina office of the
18 Attorney General; namely, Mr. Kujawa and Mr.
19 MacKay. Do you have any recollection of any of
20 the dealings that he may have had with anybody in
21 the Attorney General's office?

22 A No, I don't, and one thing, sir, that I think we
23 all have to remember is that Mr. Kujawa and MacKay
24 were in the so-called head office of the
25 prosecutions as opposed to the Regina downtown



1 prosecuting unit, the equivalent of our unit, but
2 I agree with what you say.

3 Q And again would it be unusual for charges in
4 Saskatoon, charges in Saskatoon where the accused
5 is in custody in Winnipeg, for their counsel to be
6 dealing with the Regina office of the Attorney
7 General as opposed to the Saskatoon office?

8 A Well, there are one or two factors I feel I
9 understand about that. One is that in the event
10 of a desired guilty plea, and this is a case in
11 which there was no prelim or anything like that,
12 the standard way of handling that I believe would
13 be by a direct indictment. Now, it may have been
14 the premier, the Attorney General, some highly
15 placed governmental official was authorized to
16 sign those. Those persons were, all things being
17 equal, were in Regina, although they could move
18 around the province, so that would be one
19 connection, if you will, to the City of Regina.
20 Unless I'm misunderstanding, you would need a
21 direct indictment and that was what happened.

22 Q Sir, let me just back up.

23 A Very good.

24 Q We've heard evidence from Mr. Greenberg that he
25 was Mr. Fisher's counsel, he was in Winnipeg in



1 custody and he wanted to clear up some charges,
2 and I think his evidence was that he simply wrote
3 a letter to the Attorney General's office in
4 Regina and ended up dealing with Mr. Kujawa.

5 A I'm sure -- I have no reason at all to doubt that,
6 sir.

7 Q And my question was, would there be anything
8 unusual about, again where you have an accused out
9 of province in custody, dealing with Mr. Kujawa in
10 the head office as opposed to you in Saskatoon?

11 A Well, there was -- let -- one reason it would or
12 should or may come to Saskatoon is, for instance,
13 if we had had preliminary inquiries and if there
14 was counsel in our office who was familiar with
15 the facts and all that, that would be a good
16 reason to bring it here. In this case, as I
17 understand it, that situation didn't prevail. Am
18 I -- I think that's right, sir.

19 Q And if -- so again, the fact that Mr. Kujawa was
20 dealing with -- did Mr. Kujawa deal with other
21 charges arising out of Saskatoon?

22 A Well, he would -- I would think again with the
23 jumping off place of Regina because of direct
24 indictments, I would think he might well have
25 dealt with Saskatchewan cases that people wanted



1 to get guilty pleas done. There's no -- it wasn't
2 limited to him, but that would have been -- it
3 wouldn't surprise me.

4 Q Let's talk about the direct indictment for a
5 moment. Back at that time, 1970, 1971, were
6 direct indictments used on any common basis or
7 frequent basis?

8 A I think they would be relatively infrequent, but
9 they filled that particular role when virtually
10 nothing else would do I think in the manner we've
11 been talking about.

12 Q Tell us, just so that we're clear here, and I
13 think we've heard evidence on this, one effect of
14 the direct indictment is that the accused,
15 depending on whether he wants one or not, either
16 loses the right to a preliminary hearing or avoids
17 the cost of going to a preliminary hearing; is
18 that fair?

19 A I assume that's correct.

20 Q And so you go directly to Queen's Bench judge and
21 can deal with a guilty plea or a trial without the
22 benefit of --

23 A Yeah, ordinarily they would be with the idea of a
24 guilty plea, but certainly there could be a trial
25 if counsel had agreed, lookit, we want a committal



1 on this, we will try it, but --

2 Q On what circumstances would prosecutors get a
3 direct indictment? Let's talk in the '70s. Give
4 me an example or what reasons do you recall would
5 have been used to get direct indictments?

6 A Number -- well, number 1, an accused who wants
7 essentially to plead guilty as a jumping off
8 place; two, who has not had a preliminary inquiry
9 and a committal for trial which would put things
10 in a certain channel; three, his desire to get on
11 with the sentencing, etcetera, are the approximate
12 three things I can think of, Mr. Hodson.

13 Q So let's take the first one where an accused
14 wishes to plead guilty in Superior Court, in
15 Queen's Bench Court, and does not wish to have a
16 preliminary hearing; is that correct?

17 A That would be one.

18 Q I believe the law at that time did not allow an
19 accused to waive their preliminary hearing, but
20 they could consent to a committal; is that
21 correct?

22 A I'll defer to your knowledge of the law on that,
23 sir. That may well be the case. I don't frankly
24 remember that.

25 Q I was in grade 4 at the time, Mr. Caldwell.



1 A I think you were still ahead of me, sir.

2 Q But at that time I think what we've heard evidence
3 of the law being that an accused had to go through
4 a preliminary hearing and that --

5 A Yeah.

6 Q And it has since been changed, but that would
7 require an appearance in Magistrates' Court?

8 A That's correct, an election of one of three, I
9 guess of two modes of trial other than Provincial
10 Court, i.e., District Court or Queen's Bench.

11 Q So one case where it might be where an accused
12 wishes to plead guilty in Queen's Bench Court and
13 does not wish, for whatever reason, to have the
14 expense or inconvenience of attending at a
15 preliminary hearing?

16 A Yeah, and I think that would be the classic
17 example.

18 Q And not to get into a debate about the purposes of
19 preliminary hearing, but would it be fair to say
20 that certainly one of the objectives of the
21 preliminary hearing is to assist the defence, (a),
22 in determining the Crown's case, and (b),
23 requiring the Crown to establish before the
24 Magistrate or Provincial Court of a case that
25 ought to be committed for trial?



1 A Those would be two very good reasons.

2 Q And so that they would be again at least matters
3 that would be important to an accused, the rights
4 of an accused?

5 A Absolutely I think.

6 Q So in some cases an accused might waive those
7 rights, say I don't need those rights in this
8 case, that might be a reason for a direct
9 indictment?

10 A That's right, and he might be very anxious to
11 avoid some set of facts being recited back at the
12 home town, if you will.

13 Q And then if you flip it over to the other side, in
14 some cases the Crown might want to avoid a
15 preliminary hearing for whatever reason, eye
16 witnesses, for example, and in that case the Crown
17 might decide to have a direct indictment or
18 proceed that way?

19 A I would think and hope that that would be a rarity
20 and I'm not sure, Mr. Hodson, I think that that
21 could or would only happen largely with the
22 cooperation of the accused or his counsel I think,
23 but --

24 Q So again back to 1970, and in that time frame, do
25 you recall in your, or even your years as a



1 prosecutor, Mr. Caldwell, as a direct indictment,
2 would you get one a year or two a year or are you
3 able to give us any sense of --

4 A Quite rare, and fitting in those kind of
5 categories we've just spoken of, in our office it
6 might have been once, twice, three times.

7 Q And if there was not -- let's just walk through,
8 and I think we've heard evidence about what
9 happened with Mr. Fisher's direct indictment, but
10 if there had not been a direct indictment, then
11 presumably he would have been summonsed or a
12 warrant issued to have him attend in Saskatoon to
13 appear in response to this charge, these charges?

14 A Well, if he was in custody in Manitoba, which I
15 believe was the case, he would be brought back
16 under escort to Saskatoon I would think, put in
17 Court, the city prosecutor would make sure that
18 any other charges he may have were marshaled and
19 the judge would then say, all right, what are we
20 going to do with this. One of the early
21 considerations I would think would be making sure
22 there was defence counsel because of the
23 seriousness of the case.

24 Q Let me just go ahead a bit.

25 A Okay.



1 Q Because I think he was in Prince Albert, he had
2 already been sentenced. If there had not been a
3 direct indictment and Mr. Fisher simply said in
4 July of 1971 let's proceed, is it fair to say the
5 procedure that would have been followed is that he
6 would have been a warrant, or an order to get him
7 from Prince Albert to appear in Saskatoon Court in
8 response to this information?

9 A If he was in custody in Prince Albert he would
10 have to be brought here by a Court order and got
11 physically into our Provincial Court.

12 Q Right. And then on his first appearance he could
13 say I have counsel, I intend to plead guilty?

14 A Yup.

15 Q I elect trial by judge alone, set a preliminary
16 hearing date?

17 A That would certainly be one possibility.

18 Q And so the Magistrate would then mark that on the
19 information and a preliminary hearing date would
20 be set at some date; is that fair?

21 A That's right.

22 Q And then on the return date of the preliminary
23 hearing, Mr. Fisher would be brought back and at
24 that time he could say to the Court I consent to
25 my committal?



1 A He certainly could. That's something that wasn't
2 done too often, but it had its uses.

3 Q Right. And that's the only way he could get the
4 charge to Queen's Bench to plead guilty; right?
5 He had to be committed in Provincial Court?

6 A Oh, that's correct, and a consent committal was
7 one way of doing it.

8 Q He would consent committal, then go back to Prince
9 Albert, then the matter would come up in Queen's
10 Bench in Saskatoon I presume and --

11 A Yeah, if the offences were Saskatoon ordinarily
12 they would, the trial or whatever would be here.

13 Q And then he would come back on the Queen's Bench
14 trial date and enter a guilty -- be arraigned,
15 enter a guilty plea and be sentenced?

16 A That's the normal, or most frequent procedure I
17 would think, sir.

18 Q So that by going direct indictment an accused, or
19 in this case Mr. Fisher, would say two trips
20 before a Provincial Court, or a Magistrate, one
21 to -- one, the first appearance, and two, the
22 consent committal?

23 A I would think so, but --

24 Q At a minimum two, let me put it that way.

25 A Yeah, I would think so.



1 Q And it's possible that there might be other
2 appearances required if the election could not
3 have been made on the first appearance?

4 A That's right.

5 Q And the direct indictment then would have the
6 effect of avoiding those two appearances in
7 Provincial Court; is that fair?

8 A Yeah, that's correct.

9 MR. HODSON: This is probably a good spot
10 to break, Mr. Commissioner.

11 (Adjourned at 2:44 p.m.)

12 (Reconvened at 3:02 p.m.)

13 BY MR. HODSON:

14 Q Mr. Caldwell, if we could just call up 261053, and
15 this is the March 17th, '71 letter that I showed
16 you before, and I just want to refresh your memory
17 about that.

18 And if we could then call up
19 039593, and this is a letter of the next date,
20 March 18th, '71, from Ken McKay to Lawrence
21 Greenberg, being Mr. Fisher's counsel. And I just
22 want to draw to your attention this section that
23 says:

24 "Inquiries are presently being made by
25 our Agent in Saskatoon with regard to



1 the charges against your client. On
2 receipt of advice from our said Agent,
3 we shall be able to advise you further
4 as to our position with regard to the
5 said charges."

6 So I think that may be one of the documents that
7 you had read --

8 A In a very recent --

9 Q -- before?

10 A -- time, sir, that's the one I was referring to a
11 moment ago.

12 Q Yes.

13 A Yeah.

14 Q So it looks like, from these letters, that Mr.
15 MacKay had written to Mr. Fisher's counsel in
16 Winnipeg saying the Saskatoon agent, being you,
17 are checking into it, and that's what you had done
18 the day before?

19 A That's right, that's right.

20 Q Yeah. Now I want to call up 150576. And I want
21 to caution you, Mr. Caldwell, I'm not exactly sure
22 what this -- who the author is, I believe it came
23 from the Government of Saskatchewan file and may
24 in fact be a draft of a handwritten letter that
25 Mr. MacKay was going to write. And I think, if we



1 could just go through it, it says:

2 "Acknowledge your letter of March
3 29/'71.

4 As was stated in our letter of
5 March 18/71, we are prepared to dispose
6 of the charges in Sask. outstanding
7 against your client ...",
8 and I think that says "at the earliest" or "at
9 the least" --

10 UNIDENTIFIED SPEAKER: "With".

11 BY MR. HODSON:

12 Q I'm sorry:

13 "... with the least possible delay once
14 the charges in Manitoba have been
15 disposed of.

16 Since the offences occurred in
17 Saskatoon, it would seem that our agent,
18 T.D.R. Caldwell, will be attending to
19 the matter."

20 And let me just pause there. The March 29th
21 letter, and if we could just call up for a moment
22 010727 -- and I think that says March 29th --
23 here is a March 29th, '71 letter to Mr. MacKay,
24 and if we can just go back to the document, to
25 the handwritten note which is the one -- yeah,



1 and you will see as well that it is referenced to
2 the letter of March 18th, '71 --

3 A Yeah.

4 Q -- and I've just read you Mr. MacKay's March 18th.
5 So it looks as though this is a handwritten letter
6 that Mr. MacKay -- and I think it's Mr. MacKay,
7 and we will be hearing from him next month. Now I
8 don't, I was not able to find an actual letter
9 with this content, --

10 A Okay.

11 Q -- Mr. Greenberg didn't have it or it wasn't in
12 the files that had his correspondence or the
13 government's and it may well be that a letter was
14 never sent, but are you able to help us understand
15 what this might have referred to whether there was
16 ever a discussion about having you -- and again,
17 first of all by your memory, are you able to tell
18 us, help us out by your memory, as to what this
19 might have referred to?

20 A Well I'm sure you -- it's not my writing,
21 obviously.

22 Q Right.

23 A And then it would almost look like a draft of a
24 letter back to Mr. Greenberg in view of the date
25 in the top line. And the:



1 "Since the offences occurred in
2 Saskatoon it would be -- it would seem
3 that our agent T.D.R. Caldwell will be
4 attending to the matter";

5 that's the first I've either seen of the draft,
6 the letter, or that suggestion, Mr. Hodson, if
7 that helps.

8 Q And it may well be just Mr. MacKay's draft that he
9 decided not to send.

10 A It may well be, yes.

11 Q But my question to you, though, is are you able to
12 tell us by way of your memory, or based upon your
13 practices at the time, do you know whether you
14 would have been consulted about being -- looking
15 after the prosecution of the Fisher charges?

16 A No, and I -- it says it -- what -- it would seem
17 that I would be acting. I had never heard a peep
18 about that --

19 Q Yeah.

20 A -- possibility, sir.

21 Q Okay. In fairness, we'll ask Mr. MacKay that, I
22 just --

23 A But I hope I'm not --

24 Q I just wondered if you were able to tell us what
25 this might have referred to?



1 A 'Fraid not.

2 Q We're done with that document.

3 If we could go again just back
4 to the Fisher chronology, if I can call it that,
5 he was convicted in Manitoba at the end of May
6 1971 and sentenced I think to 13 years for two
7 rape charges in Manitoba; do you have a
8 recollection of becoming aware of that at the
9 time?

10 A No, sir.

11 Q And, again, is that something that you think that
12 you might have become aware of at the time for any
13 other reasons?

14 A No, I have no reason whatever to think I would
15 have become aware of it. Among other things,
16 there were no files in our office, I'm satisfied.

17 Q If we then go again to the direct indictment, and
18 let's talk about we know that in December of 1971
19 Mr. Fisher appeared in a Regina Queen's Bench
20 courtroom and pled guilty to the four Saskatoon
21 rape charges -- three rape, one attempted rape,
22 and was sentenced to concurrent time, and Mr.
23 Kujawa was the prosecutor who appeared in that
24 scenario; you are aware of that being evidence
25 today --



1 A I've heard --

2 Q -- before the Commission, correct?

3 A Yes, yes.

4 Q Back in 1971, and around that time, were you aware
5 of that, Mr. Fisher's conviction?

6 A Absolutely not.

7 Q And would there be any reason that you think you
8 might have been aware of that?

9 A The only reason, Mr. Hodson, would be -- one would
10 be if we had let's say run prelims and had
11 committals for trial in our office we would have
12 had open files, and Mr. Fisher for one reason or
13 another wouldn't have appeared, that would be the
14 only --

15 Q I --

16 A I think someone would say "eh, he, just a minute,
17 don't we know about that guy", we didn't.

18 Q And I think the record is clear that it was a
19 direct indictment and there certainly was no
20 preliminary hearing.

21 A That's my understanding, sir.

22 Q And so let me just ask you about the location, and
23 again Mr. Kujawa will be asked about this as well,
24 but as far as once the Crown made the decision or
25 the decision was made by somebody that Mr. Fisher



1 should be charged by way of direct indictment, he
2 is in the Prince Albert Penitentiary at the time,
3 can you tell us, based on your understanding and
4 experience at the time, as to why that -- why he
5 would be brought to a Regina court rather than a
6 Saskatoon court to deal with those charges?

7 A Well I had it in my mind, and wrongly, that he was
8 still in Manitoba, sir, but he was, as you say, in
9 P.A.

10 Q Let me just clarify.

11 A Okay.

12 Q The record reflects that he was in Manitoba when
13 he was arrested on September 19th, 1970, --

14 A Right.

15 Q -- and then he was in Headingley jail, and then on
16 May 29th, 1971 he was convicted and sent to Stoney
17 Mountain, and in early July, I believe, of 1971 he
18 was transferred to Prince Albert Penitentiary.

19 A Yeah.

20 Q Approximately those dates.

21 A Okay.

22 Q And so certainly, when Mr. Greenberg started
23 dealing with Mr. Kujawa about dealing with the
24 charges, he was in Manitoba, but by the time he
25 appeared in the Regina courtroom he had been in



1 Prince Albert for a number of months.

2 A Okay. Thank you. Umm, all things being equal,
3 the charge in one sense should be dealt with in
4 Saskatoon, but there had been no Court proceedings
5 of the sort of a prelim or a committal or anything
6 like that. It could have been dealt with in
7 Prince Albert.

8 I would suggest the reason it
9 was dealt with in Regina is that Mr. Greenberg
10 wrote Mr. Kujawa, and that would get the process
11 going if you will, and it -- again, there was the
12 need for a direct indictment, which as I -- which,
13 in effect, involved Regina government officials,
14 Mr. Hodson, as I think I mentioned a moment ago.

15 Q Yes.

16 A In other words Kujawa dealt with Greenberg, they
17 needed a direct indictment, the person -- I don't
18 know who signed it but probably the Premier or the
19 A.G., and they certainly got out of Regina but,
20 all things being equal, they were in Regina, you
21 know, the work week. That's all that I, you know,
22 I can suggest, and I --

23 Q Looking back now, Mr. Caldwell, based upon your
24 dealings and the fact that you were the senior
25 prosecutor in the Saskatoon office of the Attorney



1 General at the time, is there anything in your
2 mind that was unusual about the fact that Larry
3 Fisher, first of all, was dealt with by direct
4 indictment for his guilty pleas?

5 A Well I think he could only be dealt with that way
6 as I understand the facts and law of that
7 situation, sir, so that wouldn't be unusual.

8 Q He could have had a preliminary hearing and gone
9 through that process?

10 A But I -- agreed, but he -- the background, as I
11 understand it he wanted to get the charges looked
12 after, he would not want to have a prelim and
13 thereby impose, you know, six more months waiting
14 on himself I wouldn't think.

15 Q So in a case where an accused wishes to plead
16 guilty and dispose of charges are you telling us
17 that it would not be unusual, then, to have a
18 direct indictment?

19 A That would be, I think, very commendable.

20 Q Right. And so then let's talk about, again, I
21 want to know whether, looking back, whether you
22 see anything unusual about the fact that the
23 guilty pleas would be taken in Regina as opposed
24 to Saskatoon --

25 A Yeah.



1 Q -- with a direct indictment?

2 A There'd be no reason, nothing wrong with it being
3 in Regina versus Saskatoon versus P.A., but in
4 this instance those three or four reasons I've
5 mentioned I would think would mitigate for Regina
6 and be quite innocent reasons.

7 Q Were you involved, sir, in the decision to have
8 Mr. Fisher prosecuted by way of direct indictment?

9 A Absolutely not.

10 Q Were you involved in the decision to have Mr.
11 Fisher appear in Regina Queen's Bench Court?

12 A No, sir, and I didn't know of it either.

13 Q Were you involved, sir -- and I think you have
14 heard and seen in the past number of years, and
15 I'll come back to this a bit later, allegations
16 made that there was a deliberate cover-up or
17 conspiracy to have Mr. Fisher dealt with in Regina
18 rather than Saskatoon to prevent people, being Mr.
19 Milgaard, his representatives, police, the public
20 and others, from finding out about Mr. Fisher?
21 You are aware of the various allegations?

22 A Yeah, roughly speaking, yes.

23 Q Were you involved, sir, in any coverup with
24 respect to Mr. Fisher's charges being dealt with
25 in Regina?



1 A Absolutely not. And the one thing that was --
2 there were some complaints to the effect that no
3 publicity occurred in connection with those guilty
4 pleas. Now I think, then and now, the Law Society
5 of our province would take a very dim view of you,
6 in effect, generating your own publicity by
7 phoning the press and saying "eh, why don't you
8 guys get down here Monday at 5:00 and such and
9 such will happen". So that would, in itself, in
10 my view would have been unethical.

11 Q What -- just let's just go back on this issue of
12 media coverage. When you were prosecuting cases
13 in Saskatoon 1969, 1970, 1971, that time frame, we
14 have certainly seen that the David Milgaard
15 prosecution garnered significant media
16 attention, --

17 A Right.

18 Q -- we have seen newspaper articles about the
19 trial. What about other cases, guilty pleas and
20 other Court appearances, was there any -- how did
21 -- when did the media appear, what did they report
22 on, was there any system in place to notify them;
23 can you tell us what you recall about that?

24 A There was a time in which the representatives of
25 the *StarPhoenix*, CFQC, and CKOM, having had



1 difficulties finding out what was going on in the
2 criminal law industry, actually got a sort of a
3 route. They would appear at the police station
4 and be -- the chief would interview them, or
5 someone, they would come to the Federal Court
6 house where we happened to be, and they had a
7 definite series of calls which avoided them being
8 thwarted about finding out what was going on.
9 That was a little before this but I thought was a
10 very, you know, presentable system.

11 The other thing I found, Mr.
12 Hodson, is that in my case I could get mentioned
13 twice in the paper in one week and have people say
14 "eh, I see you are knocking yourself out", and I'd
15 try to say "no, no, it just -- they just happened
16 to show up that week", the next week work like a
17 dog and nothing happened. So there was no
18 correlation between, if you will, publicity and,
19 for instance, what I did, as an example. I hope
20 that's --

21 Q Yeah. Would there be occasions, and again back in
22 '69, '70, '71, where you, as prosecutor, would
23 advise the media about an important case, a
24 conviction or a sentencing, an important matter?

25 A I would think there would have been on rare



1 occasions where I felt it -- you know, I didn't
2 want to be a part of hiding something that they
3 should have known about, they very well may not
4 have.

5 Q But for example, and we've heard it suggested that
6 the fact that the media publicized these unsolved
7 rapes in late 1968, cautioned women, etcetera,
8 that it might be important for the media to report
9 that the culprit had been caught, convicted, and
10 sentenced to jail?

11 A No, it might well be, but that would have to be
12 done in a, if I may, a proper fashion. The media
13 would have to run it down or --

14 Q Right. But I guess my question is would there be
15 situations where you, as the prosecutor, might, in
16 the case of a rapist being caught and convicted,
17 call the media and say "I think you should know
18 Mr. X was in Court today and we've convicted the
19 rapist who committed these crimes"?

20 A Yeah. I ran two dangerous sexual offenders, I
21 don't know that I did it on either of those, but
22 that wouldn't be beyond my version or view of
23 something that was proper.

24 Q And if you felt that it's important for the public
25 to know that the justice system has caught and



1 convicted somebody of a serious crime you might
2 let them know, the media, that this is going on?

3 A I might. There were -- there were, of course,
4 reporters who were very trustworthy, among other
5 people, in that industry.

6 Q And then, apart from you initiating the contact, I
7 think you are telling us -- please correct me if
8 I'm wrong -- that it was a bit hit and miss,
9 reporters might report something, they might not?

10 A Absolutely. Depending on the budget, among other
11 things, and deadlines.

12 Q If we could go, I'd like to call up 000263,
13 please. And this is a report, I'm jumping a bit
14 ahead, but in 1991 you were interviewed by I think
15 Mr. Graham on behalf of the Saskatchewan Police
16 Commission regarding an investigation into missing
17 police files amongst other things; do you remember
18 that?

19 A Yes sir.

20 Q And I just, I want to touch on it now because
21 we've covered the subject matter, and in this
22 report there is reference to information you gave
23 in 1991 to them about the 1970-'71 matters, so
24 I'll maybe just go through that now. If we could
25 go to 000279.



1 And Mr. Commissioner and Mr.
2 Caldwell, this is the report that Mr. Laing, who
3 was the Chairman -- now Justice Laing -- was the
4 Chairman of the Saskatchewan Police Commission,
5 and this was the report. We have also seen,
6 previously, a lengthier memorandum that Mr. Graham
7 prepared. And just to clarify things, Mr. Graham
8 did the investigation and the legwork, prepared a
9 lengthy memorandum, submitted it to Mr. Laing, Mr.
10 Laing then prepared a report, --

11 A All right.

12 Q -- and this is the formal report. And if we could
13 go to the bottom, and I want to just touch on the
14 report, and then as well there is a statement that
15 you gave.

16 A Very good.

17 Q And Mr. Laing says:

18 "The handling of Mr. Fisher's guilty
19 pleas in the City of Regina was a
20 decision made by the Attorney-General's
21 Department for routine administrative
22 reasons, and was not a decision made by
23 the Saskatoon City Police Department.
24 This practice was commonplace and was
25 not unusual in any respect. It is to be



1 noted that Mr. Fisher was incarcerated
2 in the Saskatchewan Penitentiary at the
3 time of his guilty pleas, and he was
4 never in the custody of the Saskatoon
5 City Police."

6 And, again, is that, the comment of the
7 then-Chairman of the Police Commission; would you
8 agree with that statement?

9 A That's exactly how I saw that, sir, and do now.

10 Q And then if we could call up 331003, which is part
11 of 330902, and this is your handwriting, I've got
12 a typed version of this but if we -- this is your
13 handwriting; is that?

14 A Yes, it is, yeah.

15 Q And it's a November 19th, 1991 statement, and if
16 we can go to page 331 -- actually, we'll use the
17 handwritten statement, I'll show you your
18 signature when we get to the end.

19 A Very good.

20 Q And this is a statement you would have given to
21 the Police Commission?

22 A That's correct, sir.

23 Q And we will just go through it. It says:

24 "I have been shown a letter dated March
25 17, 1971, from Deputy Chief L.J. Corey,



1 of the Saskatoon Police Department, to
2 the Deputy Attorney General for
3 Saskatchewan, to the attention of K.W.
4 MacKay ... Crown Solicitor, concerning
5 Larry Earl Fisher."

6 And that's the letter, Mr. Caldwell, that I just
7 went through with you.

8 A Thank you. :

9 "This letter indicates that I contacted
10 D/C Corey and requested that he forward
11 Mr. MacKay a summary of facts concerning
12 rapes allegedly committed by Fisher.

13 I have no memory of this
14 transaction but have no doubt that I did
15 contact Corey, presumably at the request
16 of Mr. MacKay."

17 So if I can go back to the top, please, I pause
18 there. Is that an accurate statement, Mr.
19 Caldwell?

20 A Yes, it is, exactly.

21 Q So in 1991, when asked by the Police Commission at
22 that time, you did not have a memory of the dis --
23 of the March 17th, '71 Corey letter; is that fair?

24 A Yes.

25 Q And then carry down, or scroll down:



1 "Mr. W.G. Graham has also shown me (in
2 addition to this letter) documentation
3 indicating that Fisher plead guilty to
4 the four counts of rape set out in the
5 letter, as four counts in one
6 indictment, dated December 8, 1971, and
7 signed by A.E. Blakeney as Acting
8 Attorney General."

9 And that's the direct indictments. Next page:

10 "The guilty pleas by Fisher apparently
11 all occurred in Regina on December 21,
12 1971, before Mr. Justice F.W. Johnson in
13 the Court of Queen's Bench, and Fisher
14 was sentenced on the same day.

15 Since this case required a
16 direct indictment to be signed by the
17 attorney general, who was located in
18 Regina, and since Fisher was only linked
19 with these four Saskatoon offences by
20 his own admissions made in Manitoba
21 after being sentenced there on an
22 unrelated offence, there would be no
23 reason to have the guilty plea and
24 sentencing take place in Saskatoon in
25 preference to Regina. To my knowledge,



1 the Saskatoon Prosecutions Unit had
2 never embarked on preliminary inquiries
3 or other proceedings concerning these
4 four offences, but even if there had
5 been committals for trial. There would
6 be no reason that guilty pleas should
7 not be heard in Regina, since Fisher
8 would have to be physically present
9 wherever the matters were disposed of
10 and the need for a direct indictment
11 signed by the attorney general in Regina
12 would mitigate toward handling the pleas
13 in Regina."

14 And, again, is that accurate and truthful?

15 A That -- yes, it is, sir.

16 Q "Since the involvement of our office at
17 that time appears to have been limited
18 to this (presumably) phone call from
19 myself to D/C Corey I would not expect
20 to, nor would I have any reason to
21 pursue, be informed of the outcome of
22 Fisher's case in Regina. There were no
23 hard-and-fast procedures in existence at
24 that time covering the notification of
25 our office even on cases we had dealt



1 with extensively, let alone ones where
2 we were so marginally involved as this
3 one.

4 At that time, I was the person
5 in charge of a two-person, plus one
6 secretary, Prosecution Unit in Saskatoon
7 for the Saskatchewan Department of the
8 Attorney General."

9 And your signature. And is that accurate and
10 truthful?

11 A Yes, it is.

12 Q If I could just go back to 000263, please, and
13 this is the report that I have just read from, if
14 we could go to page 000272. And, again, this is
15 the Commissioner, Mr. Laing as he then was,
16 commenting, and he says -- and this is the report:

17 "Mr. Caldwell, Mr. Kujawa, and Mr. ...
18 MacKay, were all interviewed and
19 indicated it was routine that persons
20 incarcerated in Prince Albert
21 Penitentiary who wished to dispose of
22 charges against them, were dealt with at
23 the City of Regina. The reasons
24 advanced by such persons had largely to
25 do with matters of convenience which



1 included:

2 1. If the matter was to be disposed of by
3 direct indictment, such indictment would
4 have to be signed by the Attorney
5 General in the City of Regina."

6 I think you've told us about that already, Mr.
7 Caldwell?

8 A Yes.

9 Q "2. Regina was the head office of the
10 Attorney-General's Department where the
11 staff existed to process such paperwork.
12 Other Attorney-General offices in the
13 Province of Saskatchewan including
14 Saskatoon were intended to be
15 prosecution offices only. The Saskatoon
16 office was staffed by two lawyers and
17 one secretary."

18 Is that accurate?

19 A That's correct.

20 Q "3. The R.C.M.P. transports prisoners within
21 the province and R.C.M.P. planes
22 travelled more frequently between Prince
23 Albert and Regina than to any other
24 centre in the Province due to the fact
25 that all sentence appeals by inmates are



1 heard by the Court of Appeal in Regina."

2 Is that accurate and truthful?

3 A That is, sir.

4 Q And can you just elaborate on that? I think you
5 told us, at the time, that the Court of Appeal
6 only sat in Regina?

7 A Only on criminal appeals.

8 Q Or criminal.

9 A And they only heard criminal appeals in Regina,
10 and for some reason they insisted on hearing
11 sentence appeals in Regina, I think there -- it
12 was explained to me that possibly the prisoners
13 enjoyed an outing now and then.

14 I actually, when Mr. Justice
15 Hall ran a Commission on the justice system in the
16 province I suggested to him that that could be
17 largely -- if -- one place to handle those could
18 be Saskatoon, which would involve a shorter
19 flight, and that didn't happen and I wasn't
20 necessarily looking for the work, but it seemed a
21 little odd to me that even sentence appeals had to
22 go all the way to Regina. That was the
23 explanation I was given, sir.

24 Q So in 1971, and in December of 1971, an accused or
25 a convicted person who was incarcerated at Prince



1 Albert and was appealing the sentence and/or the
2 conviction -- let's talk about appealing the
3 sentence, --

4 A Yeah.

5 Q -- that would be done in Regina and Regina only?

6 A That's my memory, sir. They didn't, for instance,
7 send a judge, as is done in some provinces, to the
8 penitentiary to sort out the more or less
9 meritorious appeals. That didn't happen here.

10 Q And I take it, sir, that there would also be
11 occasions, though, where prisoners from Prince
12 Albert might be flown to Saskatoon to appear in
13 Court?

14 A Very rarely, because Saskatoon didn't provide us
15 what the Court of Appeal was willing to do in
16 Regina, in other words no use bringing them here
17 if there is no one here who will hear their case.

18 Q So let's just talk if, in Saskatoon, if prisoners
19 were to be appearing in Saskatoon it would be in
20 Queen's Bench Court or Magistrate's Court at the
21 time?

22 A Umm, most -- yes, that's correct.

23 Q And where would they be in custody on remand,
24 where would they be held?

25 A Well the Saskatoon City Police station had cells,



1 that would be the main place, and the courthouse
2 had cells which were virtually never used. I
3 believe, at that time I'm not sure if the RCMP
4 detachment had them or not, sir.

5 Q Okay. But would there be occasions for, I think
6 we saw when Mr. Milgaard was awaiting trial, I
7 believe that there was a reference to him being in
8 Prince Albert, and I think we'll hear from Mr.
9 Tallis that he attended in Prince Albert. Were
10 there occasions where prisoners were -- or maybe
11 'prisoners' -- accused persons were housed in
12 Prince Albert awaiting trial in Saskatoon?

13 A Oh yes, there was, there was a Prince Albert jail,
14 and that would be the -- and of course the
15 penitentiary, but the jail would be used in a --
16 for people on remand, among other reasons.

17 Q So people who were appearing in Saskatoon could be
18 remanded to the Prince Albert jail?

19 A They could, and my memory is that we did not have
20 a provincial jail in Saskatoon at that time, but I
21 stand to be corrected.

22 Q All right. Okay. Number:

23 "4. There had been no court proceedings
24 with respect to the matters involving
25 Larry Fisher in Saskatoon, no



1 prosecution file had been opened in
2 Saskatoon, and therefore the most
3 expedient method to dispose of the
4 charges against Fisher given the
5 resources available was utilized."

6 And, again, would you agree with that?

7 A Yeah, that's right.

8 Q And again, we saw the information that was sworn
9 by Mr. Goa against Mr. Fisher, but I take it from
10 this report -- and I think it's reflected in the
11 record -- there does not appear to be any court
12 proceedings that followed the swearing of that
13 information?

14 A I don't think so, because Mr. Fisher himself would
15 be absent from the city at that time, they may not
16 have even, you know, got started in that sense.

17 Q If we could then go to 006859, please, this is --
18 I just want to cover a couple of points relating
19 to exhibits. And, again, you are writing to Mr.
20 Kujawa about the possibility of Mr. Milgaard's
21 case going to the Supreme Court and whether the
22 matter can be closed.

23 "The parents of the deceased ...",
24 if you can call that out, please:

25 "... are anxious to obtain some of her



1 belongings and if the matter is ended
2 once and for all I will take steps to
3 obtain an order for the release of some
4 of the belongings ..."

5 And then 006850, this is Mr. Kujawa's response of
6 May 12th, '71, and he says:

7 "It is, I suppose, impossible to say
8 that this case will not get to the
9 Supreme Court of Canada. However, the
10 more time goes by the less likely that
11 becomes. In any event, since the Court
12 of Appeal has dealt with the matter and
13 since no application was made for leave
14 within the statutory time, you are free
15 to pick up and dispose of all exhibits
16 according to the order of the trial
17 court. In the remote event that a new
18 trial is ordered, some items, like the
19 knife, perhaps should be retained for
20 some time but there is no need to hold
21 any of the other material."

22 And, again, what was the practice at the time,
23 Mr. Caldwell, about retention of Court exhibits
24 after a murder trial?

25 A I don't know that there was one that related to



1 murder trials as such. Oddly enough, one thing
2 that happened in some murders is that relatives
3 would come back and want weapons and/or knives
4 released to them, that happened once or twice,
5 somewhat to our surprise, but that actually did
6 happen. I don't know, Mr. Hodson, there's
7 anything saying with respect to murders we shall
8 do this.

9 Q Let me just say any case, would it be normal for
10 the trial judge to grant an order releasing
11 exhibits back?

12 A If asked, he certainly would, but personal things,
13 letters, all that, not ordinarily weapons or that
14 kind of thing.

15 Q Right. So the general practice would be once a
16 trial, once a proceeding was done, there would be
17 a Court order releasing exhibits to whomever
18 wanted them or they would be destroyed, apart from
19 weapons?

20 A It was really triggered by a request from
21 relatives and if that happened we would follow it
22 through, usually successfully.

23 Q If we can go to 006847, please, this is your
24 handwritten note?

25 A Yes.



1 Q February 23, '72, and this would be after Mr.
2 Milgaard's application for leave to the Supreme
3 Court was dismissed, and it says:

4 "Millers: In - + would like
5 Purse + contents
6 Red sweater
7 Boots
8 Correspondence."

9 And then a note:

10 "Ozzie
11 Milgaard file - no fiat re exhibits.
12 Take to C.J. --"

13 Which I presume is Chief Justice,

14 "-- + get order re exhibits."

15 And then March 13, '72:

16 "Asked Kleiv to mail any correspondence
17 to Millers."

18 Do I take it from that that at some point --
19 actually, let me just call up another document,
20 069225. This actually looks to be the fiat of
21 Chief Justice Bence, or somebody, I think it's --

22 A It is his signature I believe, but --

23 Q So certain exhibits were released, those that the
24 Miller family wanted, some clothing, eight items;
25 is that right, and it says received by you?



1 A Oh, yes, the fiat says all exhibits. The list of
2 about eight things was made there, totalling
3 eight, and then I signed and dated receiving those
4 on the 13th of March, '72.

5 Q And I think -- so some of the exhibits were
6 returned to the Miller family and I believe that
7 the rest of the exhibits remained at the court
8 house for a time?

9 A That's correct, yeah.

10 Q And I understand, Mr. Caldwell, that at some point
11 contact was made to you by the Court registrar
12 regarding the destruction of the remaining
13 exhibits in the David Milgaard prosecution?

14 A Well, not -- I don't think on them, Mr. Hodson,
15 unless I'm forgetting something, but a large -- an
16 order was made to dispose of a massive number of
17 exhibits.

18 Q Right.

19 A Unless there was something --

20 Q No, that's what I'm asking you.

21 A Okay, I know about that.

22 Q Why don't you tell us about what happened in that
23 regard.

24 A Okay. The court house had a basement, a large
25 basement the size almost of the building, and the



1 exhibits had been going down there for years and
2 they actually had a room within this large space
3 constructed of what appeared to be two-by-twos and
4 chicken wire and inside that room were things that
5 I suppose could be regarded as having some
6 particular value. Now, the Court -- the local
7 registrar got in touch with our office and said
8 that the Queen's Bench Court wished these things
9 to be disposed of for sheer reasons of space and
10 there was some fiat obviously obtained and myself
11 and two or three of my colleagues went down one
12 evening and I believe another, the same people
13 maybe the next evening, I think I was only there
14 once. Now, there was a -- if you want, I can just
15 deal with the Milgaard aspect.

16 Q Yes, please.

17 A Okay, that's fine. There was a shopping cart in
18 that area which had the, presumably all the
19 exhibits from the Milgaard trial and I -- I had an
20 idea first of all that I might some day, you know,
21 give a lecture to a service club about how the
22 trial went. I was not -- I was not sure that the
23 item that's P.2, the sketch of the neighbourhood,
24 was not part of those exhibits and I didn't want
25 it destroyed and I did not -- there's another



1 item, the exhibit chart that we made for our
2 office, which I think could have been in there, I
3 didn't have essentially the time to stop, Mr.
4 Hodson, right there and sort through that
5 material, I eventually -- I said, in effect, hang
6 onto that and there was a note put on the cart to
7 that effect.

8 Q Let me just pause there.

9 A Okay.

10 Q Can you give us a date or a year?

11 A I think it was when Ken MacKay became our boss and
12 Mr. Perras moved to Alberta, but that's pretty
13 vague. I would think the clerks might have that,
14 sir.

15 Q I was going to suggest, and I think -- was Dennis
16 Berezowski the individual that called you?

17 A Yes.

18 Q And I think the late '70s, maybe '76 or '78,
19 somewhere in that time frame, does that sound --

20 A I wouldn't debate for a minute whatever he thought
21 it was, sir.

22 Q So at that time the Court had directed that
23 exhibits should be destroyed?

24 A That's right.

25 Q And let me just pause for a moment. And included



1 in the shopping cart of exhibits would be Gail
2 Miller's coat; correct?

3 A I would assume so.

4 Q Gail Miller's dress?

5 A Yeah.

6 Q And Gail Miller's under garments?

7 A I would assume that, Mr. Hodson.

8 Q And so what prevented those exhibits from being
9 destroyed then at that time in the late '70s or
10 whenever it was?

11 A Well, the very fact that I wanted to be certain
12 that -- I believe it's P.2 in our proceedings
13 here, it was in the trial, that long horizontal
14 map of the neighbourhood --

15 Q Yes.

16 A -- which had been made at my request, I wanted to
17 make sure that it wasn't destroyed because we had
18 never used that particular technique before and I
19 didn't know that it was not part of the shopping
20 cart and that was the main thing, and I simply
21 didn't feel I or we had the time to stop and go
22 through the cart then and, you know, extract that,
23 it may or may not have been there, but I didn't
24 want to take the chance that it was destroyed.
25 It's in these proceedings today, yeah.



1 Q Yes. So what did you do?

2 A I asked Mr. Berezowski, I think manufactured a
3 note saying do not destroy, discard these
4 evidence, and based on my request which was
5 attached to the cart I believe.

6 Q And were you intending when you did that, Mr.
7 Caldwell, to preserve the coat and the dress and
8 the under garments for any future purpose?

9 A No, I wasn't, I was intending to come back and
10 make sure I retrieved that one item I was speaking
11 about.

12 Q The sketch?

13 A Yeah, the sketch, and no intention or thoughts
14 about other things at all that I can recall.

15 Q And did you ever get back to look for the sketch?

16 A Like many of my other ventures, sir, I never did
17 return.

18 Q And had you gone back for the sketch and found it
19 not there, what do you think you would have done
20 with the shopping cart of exhibits?

21 A I would assume that I would have asked someone to
22 destroy it the next time they were going through
23 this destruction exercise. The one thing I would
24 have done is check with the Court clerks to see if
25 that, being a sort of paper exhibit, by chance was



1 filed up in the registrar's office or somewhere.

2 Q At this time, or at the time this was happening,
3 were you aware of the fact that Mr. Milgaard was
4 claiming that he was innocent and ought not to
5 have been convicted?

6 A Sir, I can't place whether that had happened or
7 not by that time. I can't -- I can't place when
8 that started to come to my attention.

9 Q Was your decision to prevent the destruction of
10 the exhibits, if I can put it that way, or to have
11 them secured, was it in any way motivated by the
12 fact that these, you felt these exhibits might be
13 needed at a later date for any matter related to
14 Mr. Milgaard's guilt?

15 A No, it wasn't, sir, and that just didn't come into
16 my, you know, my considerations.

17 Q Okay. If we could then now turn to, I want to
18 deal with Dr. McDonald and the parole board
19 matters. If we could call up 009327, and I think
20 I touched on this the last session. Dr. McDonald,
21 Mr. Caldwell, just maybe tell us again, what role
22 did Dr. McDonald play in your prosecution of Mr.
23 Milgaard?

24 A Well, it was common practice in that era to try to
25 have an accused in murders and similar cases seen



1 by a psychiatrist as soon as possible after the
2 actual event and this would be with a view to
3 possible defences of drunkenness, insanity or
4 whatever, which might come up later. I had -- I
5 enlisted Dr. McDonald under that general heading
6 and I know Mr. Milgaard came back to Saskatoon in
7 custody and I think there are documents to the
8 effect that Dr. McDonald attended at the Saskatoon
9 police station either that night or the next day
10 to interview him, obviously at my request. Now --

11 Q And so -- and again, as far as Dr. McDonald, you
12 had him interview Mr. Milgaard after he was
13 arrested to get some information that might assist
14 you in the event that Mr. Milgaard put forward a
15 defence of drunkenness or insanity or something of
16 that nature?

17 A Yeah. Not exactly to get information, but to
18 assess him with a view to whether that could be
19 coming up, you know, from his physical condition,
20 etcetera.

21 Q Would there be any -- would one of the objectives
22 or purposes in having Dr. McDonald see Mr.
23 Milgaard at that time would be to get information
24 that you might be able to use if Mr. Milgaard were
25 to testify in his own defence?



1 A Only in a very narrow sense of psychiatric
2 concerns, which I doubt whether I could do under
3 that heading. In other words, it was to try to
4 assess him, not essentially to get evidence
5 through him.

6 Q And so that would have been the practice at the
7 time, I think you told us this last day that it
8 was common practice in serious cases to get your
9 psychiatrist or your doctor in quickly to get an
10 assessment so that you could be able to respond to
11 a plea of insanity or drunkenness?

12 A That's it in a nutshell, sir.

13 Q And just for the record, this February 19th,
14 there's a note that Mr., or Lieutenant Penkala had
15 asked Dr. McDonald to review the case, this is
16 before anybody was a suspect, certainly before Mr.
17 Milgaard was, to get an opinion on the type of
18 person who may be capable of this type of crime.
19 We heard from Mr. Penkala, I don't think he said
20 he ever got such a report, so Dr. McDonald appears
21 to have been involved, at least contacted at that
22 point. I want to skip ahead to 006764, and it
23 appears at this time, this is June 2nd, 1969, this
24 is shortly after Mr. Milgaard has been arrested
25 and this is a note of a police officer to the



1 chief and it indicates, just call that out:

2 "On June 2, 1969, Dr. McDonald examined
3 above person from 8:10 to 9:30 p.m. in
4 prisoner interview room.

5 Cst. Little was present outside
6 door until 9 p.m. when he was relieved
7 by Cst. Baumgartner."

8 So it looks as though on June 2nd, for about an
9 hour and 20 minutes, Dr. McDonald talked to Mr.
10 Milgaard; is that --

11 A That would appear to be the same incident. The
12 person signing it is a man named Don Hanson, was a
13 policeman as well, that's how I identify that,
14 sir. As a matter of interest, the Lieutenant
15 Penkala thing we looked at a moment ago, I'm of
16 the view, Mr. Hodson, had nothing to do with me,
17 for whatever that's worth.

18 Q And then if we could go to 006762, and this is a
19 letter June 2nd, '69 from McCorriston to Kettles,
20 and again it talks about a visit by David Milgaard
21 and his mother, and this is June 2nd, it says:

22 "An application for legal aid was
23 completed by Mrs. Milgaard and signed by
24 David. She mentioned the name of Walsh,
25 a prominent Winnipeg lawyer, however



1 indicated preference of Mr. C.F. Tallis
2 in Saskatoon."

3 I'm not sure if that's our Mr. Wolch or not.

4 A It must be someone else I think.

5 MR. WOLCH: I was a prosecutor yet.

6 MR. HODSON: Just for the record, it was
7 Harry Walsh, not our Mr. Wolch.

8 MR. WOLCH: And I was in grade 4.

9 BY MR. HODSON:

10 Q And he was in grade 4, for the sixth year.

11 But in any event, so this
12 indicates that, in the next paragraph:

13 "Mrs. Milgaard stated she did not wish
14 her son to be examined by any doctor or
15 psychiatrist prior to her consultation
16 with a lawyer. She indicated they are
17 of Christian Science faith and these
18 types of medical examinations are
19 against their religious belief."

20 And I think we'll hear evidence from Mr. Tallis
21 that he instructed Mr. Milgaard not to talk to
22 Dr. McDonald any further, and again, would that
23 accord with your recollection that Dr. McDonald
24 saw him once and then after that Mr. Milgaard,
25 through his mother and his legal counsel, put a



1 stop to that?

2 A I just know the first half of it, sir, I wouldn't
3 be surprised if the second had happened, but I
4 don't think it came to my attention.

5 Q And then 105629 is a subpoena to Dr. McDonald, and
6 again this is for the prelim, and I don't think he
7 was ever called, we saw some notes where he was on
8 a list. Do you know what would have prompted you
9 to issue a subpoena for him at the preliminary
10 hearing?

11 A I suppose simply to have him, if you will,
12 notified available if it came to calling him. I
13 offhand don't know why I would be calling him at
14 the prelim.

15 Q And then 006849, this is an account from
16 Dr. McDonald to you, February 13th, '79 for
17 examination and report. Did you ever receive a
18 written report from Dr. McDonald?

19 A If I did, Mr. Hodson, I think it was virtually a
20 one line letter. In other words, nothing -- if I
21 got that, that would be my memory, and I'm not
22 aware of anything else.

23 Q If we can go ahead to 006845, and this is a letter
24 of June 5, 1972 from Dr. McDonald to you and it
25 predates, I will be getting to in a moment your



1 letter of June 14th, 1972 to the National Parole
2 Board, and just so you know, this looks to predate
3 that by nine days.

4 A I see.

5 Q And it says:

6 "In recent telephone conversations, you
7 have asked me for a diagnostic label for
8 the above noted. Having reviewed my
9 file, which is based on one interview
10 with this individual, plus reports from
11 Yorkton Psychiatric Center, the Munroe
12 Wing, Regina and the Child Guidance
13 Clinic of greater Winnipeg, I would
14 conclude that this young man was
15 suffering from a severe behaviour
16 disorder which I would think best be
17 called sociopathic personality. I did
18 not find any evidence of formal
19 psychiatric disorder, e.g.
20 schizophrenia."

21 And then the next paragraph:

22 "I would think that if the parole
23 authorities are interested in following
24 up this case, that they might be advised
25 to contact Yorkton Psychiatric Center



1 which has a fairly voluminous file on
2 him."

3 And again some other information there as to
4 where they might be contacted, and then his
5 closing. So it appears, maybe we'll call up
6 006824, and this is your letter to the parole
7 board of June 14th, 1972, so this is nine days
8 after Dr. McDonald's letter to you. Can we take
9 it from that, sir, that you would have gone to
10 Dr. McDonald to get some information on Mr.
11 Milgaard's psychiatric history, condition or
12 mental condition?

13 A Well, I --

14 Q We'll just get the original document.

15 A Okay, thanks. I believe, Mr. Hodson, this would
16 be the so-called first letter I wrote to the
17 board. Maybe you can --

18 Q Yes, I believe it is.

19 A Okay, good.

20 Q And again my question is, and we'll go through
21 this, my first question is, is it fair for us to
22 conclude that to assist you in writing this letter
23 to the parole board, you would have talked to
24 Dr. McDonald to get some information, number 1, to
25 give me a diagnostic label and to give me some



1 background?

2 A Yeah, the matters that he mentions in the last
3 letter.

4 Q Yes.

5 A Yeah, that I assume is the case.

6 Q Now, before we go through the letter, can you tell
7 me, how did this come about, what prompted you or
8 caused you to write a letter to the National
9 Parole Board with respect to Mr. Milgaard?

10 A Well, I believe in this instance I recite that I
11 had recently had the opportunity to read the
12 booklet printed by the board which is set out
13 there. I notice that you welcome reports from the
14 bench and police departments in cases where it's
15 felt that there are circumstances surrounding a
16 case which should be known to the board.

17 Q So if I can pause there, and again you've recited
18 part of the first paragraph --

19 A Yeah.

20 Q Do we take it from that that you read a booklet?

21 A That's right.

22 Q And I've tried to find the booklet. I'm not done
23 yet, I haven't been able to locate it, but I take
24 it you had a booklet titled what you indicate in
25 the letter?



1 A Yes.

2 Q And that you read and that outlined that reports
3 are welcomed from the bench?

4 A That's right, that's right, and that, Mr. Hodson,
5 may have come out of a Western Canada Crown
6 seminar or even a Federation of Law Societies
7 meeting. I don't know.

8 Q Prior to this letter, had you ever written to the
9 National Parole Board with respect to anybody that
10 you had prosecuted and convicted or not convicted?

11 A I don't think so. In page 5, halfway down the
12 second paragraph:

13 "I have never had occasion to write in
14 this manner before during my 13 years as
15 a full-time Crown prosecutor."

16 So this was the first about anyone.

17 Q And so I think you said you saw a pamphlet that
18 said it encouraged prosecutors to write -- or
19 encouraged, I think you said, the bench and the
20 police to write in?

21 A That's right. That's correct.

22 Q Did you write in a letter at this time to the
23 National Parole Board about any other persons that
24 you had prosecuted?

25 A I can't think that I did. The two dangerous



1 sexual offender matters I ran, if you will, the
2 one was successful, the other the gentleman was
3 sentenced to life imprisonment, they would be the
4 only ones, and I don't think I -- I can't remember
5 having written on them, sir.

6 Q Okay. Now -- and I think you had told me back on
7 the first day of your evidence that you had
8 prosecuted a number of murder cases before Mr.
9 Milgaard?

10 A Yes, three or four, plus or minus.

11 Q And so in June of 1972 did you write to the
12 National Parole Board about any of the other
13 persons that you prosecuted and convicted?

14 A No, I wouldn't think so. I have no reason to
15 think I did.

16 Q And why would you then send a letter regarding Mr.
17 Milgaard's conviction?

18 A Well, because I think of, and of course the
19 understanding we had then was that he was the
20 person properly convicted of the matter, of the
21 facts, the very grave facts of the murder.

22 Q Okay. And so -- but was it something about the
23 circumstances of the case or of Mr. Milgaard -- if
24 you wish we can go through the letter, or parts of
25 it.



1 A Yeah. Well, I start --

2 Q Sorry, yeah, I can go through parts of it.

3 A Okay.

4 Q I wonder, if you wish to go through it before you
5 answer the questions, I can go through the parts
6 of it and highlight it.

7 A Okay.

8 Q Would you like me to do that? My point is I'm
9 trying to understand what it was that prompted you
10 to write a letter with respect to Mr. Milgaard's
11 conviction as distinct from others, was it
12 something to do with Mr. Milgaard, something to do
13 with the type of a case or both?

14 A Not to do with him, but to do with the very, very
15 shocking facts of the case principally.

16 Q And at that time Mr. Milgaard's Court proceedings
17 had been concluded; is that correct?

18 A That's my belief.

19 Q And you believed him -- did you believe him to be
20 then the murderer of Gail Miller at that time?

21 A Yes, sir.

22 Q And the fact that he been convicted, did that
23 influence your decision or --

24 A Well, it would be a prerequisite to, you know, if
25 he hadn't been convicted, we were in a whole



1 different situation I would think.

2 Q And I don't want to get into all the details of
3 the other cases that you prosecuted and the
4 murders, but would you not have prosecuted other
5 murders that were, although not the same, would
6 have the same types of concerns and --

7 A Not parallel to this. There were three or four
8 others -- if necessary, I could try to find names,
9 sir, but --

10 Q No, I'm not --

11 A Okay.

12 Q I'm trying to get a sense of what it was that
13 elevated this case to the point that caused you to
14 write the letter on this case and not the others.

15 A Okay. The very brutal manner in which the offence
16 took place, the 40 degree below weather, the fact
17 that the person was left where she was in the snow
18 essentially to die, I had nothing paralleling
19 that, Mr. Hodson.

20 Q Maybe we'll go through parts of the letter.

21 A Okay, that's fine.

22 Q And we can come back to that, and I appreciate
23 your answer.

24 A Okay.

25 Q And I'll come back to that once we've gone through



1 parts of the letter. If we can go to the next
2 page, please, and you again recite the facts.

3 A That's right.

4 Q And I don't want to go through that, but I do want
5 to ask you about this part, and on page 1 --
6 actually, let me just go back to page 1, that
7 paragraph, you say:

8 "While the facts are set out at length
9 and in detail in the judgment of Chief
10 Justice Culliton mentioned above ..."

11 And that's the reported case,

12 "... I will set them out briefly here
13 for your information."

14 And then you go on to recite the facts; correct?

15 A Yes, that's right.

16 Q And then we go to the next page and you describe
17 here about in the T-shaped alley, stabbing her as
18 this went on, Nichol John observed this part of
19 the episode?

20 A Yes.

21 Q And ran away, eventually getting back into the
22 car. Now, again we've gone through the evidence
23 at trial, and you would agree with me, sir, that
24 the evidence at trial was not that Nichol John
25 observed this part of the incident?



1 A I agree with that.

2 Q That was what was in her earlier statement?

3 A Yes.

4 Q And again, I appreciate that you are describing
5 the facts here, but at this time, Mr. Caldwell,
6 did you believe that Ms. John had observed this
7 part of the episode?

8 A I would think I did believe that at that point,
9 sir, despite how the 9(2) matter proceeded at the
10 trial is all I can say to that.

11 Q And so that -- and maybe there's a distinction
12 here. The facts as you describe them are the
13 facts as you believed them to happen as opposed to
14 the facts that were presented in Court against Mr.
15 Milgaard; is that --

16 A Well, I would hope that they were very close to
17 what the Court of Appeal recited and I would
18 certainly try to be accurate in setting out the
19 facts as I believe they were.

20 Q And I want to focus just on this part.

21 A Okay.

22 Q And I don't, I think the remainder of the
23 circumstances I don't want to go through, but the
24 fact that you are telling the parole board that
25 Nichol John observed the murder and in light of



1 what was presented to the Court, that was not the
2 evidence?

3 A No. I can see that, sir.

4 Q And I'm just wondering what -- whether there's any
5 explanation for this wording, and I appreciate
6 that you are reciting the facts as opposed to
7 evidence presented, but I'm just wondering what --

8 A I --

9 Q I'm sorry, go ahead.

10 A I would suppose that I'm --

11 "Nichol John observed this part of the
12 episode, and ran away, eventually
13 getting back into the car."

14 Now that would be -- that would include the 9(2)
15 matters but those matters were not successfully,
16 you know, extracted from her in her evidence,
17 which is, I think, what you are saying?

18 Q Yeah.

19 A Yeah.

20 Q And I guess, just to be clear, this part here:

21 "... stabbing at her as this went on.
22 Nichol John observed this part of the
23 episode ..."

24 A Yeah.

25 Q And I think you've agreed that that wasn't the



1 evidence at the trial?

2 A That's correct, sir, I would agree with that.

3 Q Okay. And then, again, I think my earlier
4 question was is there any explanation as to why
5 you would have put that in this letter when it was
6 not evidence before the Court?

7 A I can only think that a certain amount of time had
8 gone by, that I made an attempt to be accurate in
9 these facts, and possibly in my mind it had
10 transferred into "she saw it and didn't say
11 it", --

12 Q Okay?

13 A -- which is a very awkward way of explaining it,
14 but --

15 Q And I think you did tell us earlier, Mr. Caldwell,
16 that, notwithstanding the evidence presented at
17 trial, you believed that Nichol John witnessed the
18 murder; is that correct?

19 A Yes, that's right, sir.

20 Q Okay. If we can go down to the bottom of the
21 page:

22 "In May of 1969, Milgaard, who was in a
23 motel at Regina, reenacted the stabbing
24 for the edification of some of his
25 friends, while he was under the



1 influence of drugs. This resulted from
2 the friends jokingly accusing him of the
3 murder, whereupon Milgaard reenacted the
4 stabbing with a pillow in a very
5 convincing fashion."

6 And, again, I take it you are referring to the
7 Melnik/Lapchuk evidence?

8 A I am.

9 Q And any reason you would be giving this to the
10 parole board?

11 A It was evidence that got in at the trial and
12 appeared to stand up to cross-examination,
13 etcetera, the judge reviewed it in his charge I
14 believe, so it's just another piece of evidence,
15 if unusual evidence.

16 Q And then you then enclose:

17 "... a copy of the booklet of
18 photographs taken by the Saskatoon
19 Police Department which graphically
20 indicate this brutal murder of Miss
21 Miller by Mr. Milgaard, who was a
22 complete stranger to her."

23 A That's right.

24 Q And I'm sorry, and I'm assuming those, that's the
25 book of photographs that we have had occasion to



1 look at showing her body in the alley, the knife
2 wounds?

3 A That would be it, I would -- that would be it,
4 sir.

5 Q And again, I don't know that we need to identify
6 them, but you say:

7 "... graphically indicate this brutal
8 murder ...",

9 so those would be the photographs that show the
10 wounds in particular?

11 A Yeah. I'm not sure that there weren't two books,
12 one at the scene, and one at the autopsy.

13 Q Yes.

14 A And it says "a booklet of photographs", I, you
15 know, at the moment, can't say which it was. It
16 obviously was only one of them. I would think it
17 may have been the autopsy one by the way I just, I
18 construct this sentence, but I can't say at this
19 point.

20 Q One or the other?

21 A Yes, that's right, could --

22 Q And both of them would be fairly graphic
23 photographs?

24 A Oh, certainly, that's -- absolutely.

25 Q And then you go on to say:



1 "In preparing this case, I had the
2 privilege of reading Milgaard's entire
3 psychiatric history, which, as it
4 happened, was very well documented since
5 his early youth. He had been in
6 constant trouble since kindergarten
7 days, and the file even contains
8 predictions by social workers who had
9 examined Milgaard, that he would one day
10 kill somebody."

11 Let me just go back to you say "in preparing the
12 case I had the privilege of reading the entire
13 psychiatric history"?

14 A Yes.

15 Q Where would you have gotten that from?

16 A Well Dr. McDonald must have collected those
17 so-called chart from those four sources that he
18 mentioned, --

19 Q Yes.

20 A -- and I would have read it in his custody, if you
21 will, and there was a comment at the end of one of
22 these reports that he would some day kill someone,
23 by a social worker, that's how that evolved.

24 Q And so, again, why would you be giving the
25 National Parole Board the psychiatric history that



1 you read about Mr. Milgaard?

2 A Well I would believe that the more, you know,
3 scientific evidence they had, or proper
4 professional reports on a person, the more likely
5 it would be that they could properly evaluate him
6 in terms of later release, etcetera. And this, of
7 course, was not hearsay or rumours, this was the
8 work of various professional social workers,
9 etcetera, and I felt the board should have that
10 information.

11 Q I had asked you a bit earlier about what prompted
12 you to write a letter with respect to this case as
13 compared to other cases that you prosecuted --

14 A Uh-huh.

15 Q -- and you said one of the reasons was the nature
16 of the crime --

17 A Yeah.

18 Q -- and I think I talked about that with the
19 photographs. Did it also have to do with what you
20 thought about Mr. Milgaard based on his
21 psychiatric history; was that something that you
22 considered in deciding to send a letter on his
23 case and not others?

24 A I would think so, because his case was one in
25 which the so-called chart included material from



1 those four different mentioned sources that were
2 proper psychiatric or child training, whatever,
3 centres. So that was, that was, you know, hard
4 and fast scientific evidence which seemed to me
5 was -- would be useful in this sense.

6 Q And if you can scroll down, and again just that
7 information that you would have had, you said you
8 had it to read it to prepare for the case?

9 A Yeah.

10 Q And I think you've told us that's something you
11 might have used on a drunkenness or insanity
12 defence?

13 A Yeah. You never (a) know whether there was going
14 to be a defence at all, (b) whether it would
15 involve drunkenness or insanity or both, and the
16 more I had by way of general background the better
17 condition I'd be in, Mr. Hodson, to deal with it
18 if it came up. In this case it didn't.

19 Q If Mr. Milgaard had testified and put his
20 character in issue, is this something, this
21 information, is this something you would have used
22 do you think?

23 A Well if it -- I'm not sure that it would fit
24 properly into character in issue, I would have to
25 look at that a little more carefully, but it's



1 information that I should be aware of is the way
2 I'd put it.

3 Q If we can then just scroll down in the letter you
4 say:

5 "Having been intimately involved in this
6 case from the time of the killing until
7 the final disposition of the matter in
8 the Supreme Court of Canada, I, of
9 necessity, came to know a great deal
10 about the personality of the accused
11 Milgaard. While I no longer have his
12 psychiatric history available to me, it
13 was an extremely lengthy record of
14 continual trouble with educational
15 institutions, persons attempting to help
16 him, etcetera."

17 So I pause there. I take it, at the time of this
18 letter, that you didn't have the psychiatric
19 history on your file?

20 A Yes, apparently I -- it had left my custody. I
21 would assume it was with Dr. McDonald.

22 Q And then you go on to say:

23 "Albert Cadrain, whose evidence was very
24 important in the trial, knew Milgaard
25 previous to this episode, and told the



1 police and myself of episodes in Calgary
2 wherein Milgaard had young girls in his
3 living quarters to whom he would supply
4 heroin to the point at which these girls
5 completely lost their senses. One of
6 these episodes involved Milgaard
7 inviting Cadrain to have sexual
8 intercourse with a girl in this state
9 whom Milgaard had in a bathtub filled
10 with water. This was only one example
11 of the almost unbelievable lifestyle of
12 Milgaard before this offence, which I
13 came to know as a result of preparing
14 for the prosecution of this trial."

15 And again, the episodes in Calgary that you talk
16 about, would that be the -- you will recall a
17 couple weeks ago we looked at the August 26th,
18 1969 police report where you interviewed Albert
19 Cadrain I think with Mr. Ullrich and perhaps
20 Mr. Mackie?

21 A I think so.

22 Q And he mentioned Ed Schellenberg?

23 A That's the same episode, sir.

24 Q So that's the incident -- information you got
25 about episodes in Calgary; is that right?



1 A That's right. Now just, if I might, I have since
2 learned that evidently we -- "we", whoever, did
3 get an answer to the inquiries that were made in
4 Calgary, that was -- that was unknown to me, at
5 least it was suggested we never got an answer,
6 evidently we did. I'm sure it could be located in
7 the documents.

8 Q I believe reference was made to that.

9 A Yeah.

10 Q But at the time of you writing this letter, when
11 you are telling the National Parole Board about
12 episodes in Calgary, --

13 A Yeah.

14 Q -- what you are referring to is what Albert
15 Cadrain told you --

16 A That's right, sir.

17 Q -- about the incident, and referred to
18 Mr. Schellenberg as someone who could be talked to
19 about that; is that right?

20 A That's right.

21 Q And, again, that's something that was not put
22 forward in evidence against Mr. Milgaard --

23 A No, no, that's quite so.

24 Q -- at trial? And so what -- again, is there any
25 reason that you would be offering this information



1 to the parole board about matters that did not
2 find its way into the trial of Mr. Milgaard?

3 A No, well none of the -- the -- the information I
4 got from those four psychiatric sources wouldn't
5 have found their way into the trial either, this
6 is just one more piece of information which I
7 thought should be before them for future
8 reference.

9 Q And then at the bottom you indicate that:
10 "Milgaard was examined for the Crown by
11 Dr. ... McDonald, who is now Professor
12 and head of the Department of Psychiatry
13 at University Hospital ...",
14 and then you go on to discuss Dr. McDonald's
15 information and a number of the facilities, and I
16 think you are repeating what he put in his letter
17 to you?

18 A That's right, the sources of information which he
19 had when he got the so-called chart on the --

20 Q So you are telling the parole board, "here are the
21 institutions where Mr. McDonald got information
22 about Mr. Milgaard"?

23 A That's how I read that.

24 Q And then you go on to say about page 6 of the
25 booklet, the nine factors to assist the Board in



1 considering parole, if we could just go on quickly
2 through those.

3 A Okay.

4 Q Number 1, the offence, --

5 A Okay.

6 Q -- I won't go through that, --

7 A Okay.

8 Q -- but certainly you talk about the nature of the
9 offence and then go on to say:

10 "He has a sociopathic personality, and
11 in my view there is not just a
12 possibility, but rather a certainty,
13 that he will return to crime on his
14 release, since he is unqualified for any
15 other occupation."

16 And that would have been your view at the time,
17 sir?

18 A That's right.

19 Q And then you go on to say:

20 "While dealing with this point, it is
21 ironic to note that the only occupation
22 which Milgaard held with any degree of
23 success in past was that of a
24 door-to-door salesman of magazine
25 subscriptions, etcetera, which is a



1 circumstance which should be of great
2 comfort to the housewives of the nation
3 if he is eventually allowed to return to
4 this trade."

5 And, again, can you tell us what prompted you to
6 make that statement?

7 A I think there was a heading, Suitability For One
8 Or More Occupations, it seems to me was one of the
9 factors they listed, and that's what I wrote.

10 Q Then next:

11 "I, of course, cannot comment on any
12 efforts made by Milgaard to improve
13 himself while in prison, although my
14 last information was that he was a
15 resident of the hospital wing in the
16 Saskatchewan Penitentiary for his own
17 protection. I know of no one in the
18 community who would be prepared to
19 assist him if he were released on
20 parole, and I cannot think of any form
21 of steady employment to which Milgaard
22 would be suited out of custody."

23 And, again, would you be responding to items or
24 factors in this booklet, or what prompted you to
25 --



1 A Yeah. There was a list either in the booklet --
2 oh yeah, at the very top, Mr. Hodson, the "your
3 booklet I noted a list", I believe it is, "of
4 factors which would assist the board in
5 considering parole", and then I've went -- I tried
6 to give them my views on those factors as set out
7 by the board.

8 Q And then, at the bottom, you say:
9
10 "From the above you will not be
11 surprised to learn that I would be
12 unalterably opposed to this individual
13 ever gaining his freedom again, since I
14 feel that it could confidently be
15 predicted that he would return
16 immediately to a life of crime, which
17 might well soon lead again to another
18 senseless and brutal killing of the sort
19 described above. For my part, I hope
20 never to be confronted with such a case
21 again."

21 And those were your thoughts at the time?

22 A Oh, that's correct, sir.

23 Q And then you say:

24 "I trust that you will accept these
25 unsolicited comments on my part, and



1 make them a part of your file, along
2 with the judgement and photographs, so
3 that these may come to the attention of
4 any Parole Board members who may
5 eventually sit on the question of
6 releasing Milgaard."

7 And so I take it, from that, that the parole
8 board didn't ask you?

9 A No, they didn't, the "unsolicited" means I came
10 across the booklet and thought I should follow it
11 up.

12 Q And you wanted this to be put on the parole board
13 file sort of in perpetuity; is that fair?

14 A Well, I suppose, but certainly for the immediate
15 future, whatever they -- whatever policies they
16 followed after that.

17 Q Did you give any thought to providing a copy of
18 this letter to Mr. Tallis, as Mr. Milgaard's
19 counsel, or directly to Mr. Milgaard?

20 A I, no, I don't think I did either of those things,
21 Mr. Hodson.

22 Q And was there a reason why you didn't or is it
23 something you didn't consider?

24 A I just -- I'm sure I didn't consider it. I don't
25 think there's any carbon copy, etcetera, below the



1 "yours truly"?

2 Q No, there isn't.

3 A Yeah. So no, I don't -- I'm sure I didn't.

4 Q And then, I think you touched on this before:

5 "I have never had occasion to write in
6 this manner before during my 13 years as
7 a full-time Crown prosecutor, however, I
8 feel very strongly about this case, and
9 I would be horrified to think that
10 Milgaard might some day be released from
11 custody, and therefore I trust that you
12 will understand me setting out my views
13 as above."

14 A Yeah.

15 Q And then just taking the letter as a whole, Mr.
16 Caldwell, would it be fair to say that at this
17 time you were -- you had some strong feelings
18 about Mr. Milgaard's guilt for the offence; is
19 that correct?

20 A Yes, yes I would, that would be fair.

21 Q And some strong feelings about the nature of the
22 crime?

23 A Yes.

24 Q And some strong feelings about Mr. Milgaard
25 himself, who he was, what you had thought he had



1 done, his previous life, his life in prison, and
2 his future prospects?

3 A That's all correct.

4 Q And you felt at that time, did you sir,
5 appropriate to put your views to the National
6 Parole Board?

7 A I did, and in the -- I did that, sir, and we later
8 ascertained from -- in one of the -- "we", the
9 Flicker investigation indicated that this kind
10 of -- not this set of facts but these kind of
11 submissions were a fairly regular happening to the
12 board, there were four or five people interviewed
13 along those lines I believe.

14 Q Did you ever, again getting back to what prompted
15 you to write this letter, did you ever have the
16 same sense of, and your words are you feel very
17 strongly about this case; did you feel strongly
18 about any other case that you had prosecuted?

19 A Oh, yes I did, ones -- the -- I could give you
20 names, but I certainly did feel strongly about
21 some of the other cases. Of course some of them
22 were very grave as well, as you can appreciate.

23 Q But, again, in those cases I think you've told us
24 you don't think you wrote to the parole board?

25 A No, I don't think I did.



1 Q In your career as a prosecutor, other than Mr.
2 Milgaard, did you ever write to the National
3 Parole Board about any other accused, before or
4 after this letter, who you prosecuted?

5 A Umm, unless I did with those two dangerous sexual
6 offender applicants, I don't believe I did. Those
7 would, in my view, be the only ones.

8 Q This is, I appreciate it's only quarter after
9 4:00, Mr. Commissioner, this might be a good spot
10 to break --

11 COMMISSIONER MacCALLUM: All right.

12 MR. HODSON: -- for the day.

13 *(Adjourned at 4:18 p.m.)*



OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES:

We, Karen Hinz, CSR, and Donald G. 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 our knowledge, skill,
and ability.

_____, CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

_____, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



	<p>006886 ^[2] - 16900:20, 16939:11</p> <p>009327 ^[1] - 17025:19</p> <p>009340 ^[1] - 16943:10</p> <p>009366 ^[1] - 16943:24</p> <p>010727 ^[1] - 16993:22</p> <p>039593 ^[1] - 16991:19</p> <p>047051 ^[1] - 16975:8</p> <p>069225 ^[1] - 17019:20</p>	<p>16918:14, 16922:7, 16923:15, 16923:20, 16938:16, 16943:14, 16960:2, 16970:3, 16972:19, 16973:8, 16974:14, 16975:14, 16984:5, 16987:24, 16998:13, 17002:13</p> <p>1970-'71 ^[1] - 17005:23</p> <p>1971 ^[19] - 16943:12, 16961:6, 16962:14, 16965:4, 16980:5, 16981:10, 16984:5, 16989:4, 16996:6, 16996:18, 16997:4, 16998:16, 16998:17, 17002:13, 17007:25, 17009:6, 17009:12, 17013:24</p> <p>1972 ^[4] - 17030:24, 17031:1, 17032:7, 17035:11</p> <p>1989 ^[2] - 16959:4, 16969:22</p> <p>1991 ^[4] - 17005:14, 17005:23, 17007:15, 17008:21</p> <p>19th ^[5] - 16904:13, 16904:25, 16998:13, 17007:15, 17027:13</p> <p>1:30 ^[3] - 16807:2, 16822:15, 16830:3</p> <p>1:34 ^[1] - 16929:7</p>	<p>25th ^[1] - 16801:21</p> <p>261053 ^[2] - 16961:25, 16991:14</p> <p>26th ^[1] - 17048:17</p> <p>29/'71 ^[1] - 16993:3</p> <p>29th ^[4] - 16993:20, 16993:22, 16993:23, 16998:16</p> <p>2:44 ^[1] - 16991:11</p> <p>2nd ^[4] - 17027:23, 17028:8, 17028:19, 17028:21</p>	<p>7</p>							
<p>'69 ^[2] - 17003:22, 17028:19</p> <p>'70 ^[1] - 17003:22</p> <p>'70s ^[3] - 16985:3, 17022:18, 17023:9</p> <p>'71 ^[13] - 16938:16, 16958:1, 16969:14, 16970:4, 16972:19, 16979:12, 16991:15, 16991:20, 16993:23, 16994:2, 17003:22, 17008:23, 17017:6</p> <p>'72 ^[3] - 17019:1, 17019:15, 17020:4</p> <p>'76 ^[1] - 17022:18</p> <p>'78 ^[1] - 17022:18</p> <p>'79 ^[1] - 17030:16</p> <p>'compact' ^[1] - 16855:4</p> <p>'did' ^[1] - 16918:18</p> <p>'directly' ^[1] - 16851:10</p> <p>'fraid' ^[1] - 16996:1</p> <p>'indirectly' ^[1] - 16851:11</p> <p>'may ^[2] - 16918:17, 16918:19</p> <p>'prisoners' ^[1] - 17015:11</p> <p>'prove' ^[1] - 16945:21</p> <p>'purse' ^[1] - 16855:3</p> <p>'that' ^[1] - 16859:4</p> <p>'what' ^[1] - 16859:1</p>	<p>1</p>		<p>3</p>	<p>8 ^[1] - 17009:6</p> <p>84 ^[1] - 16801:22</p> <p>8:10 ^[1] - 17028:3</p> <p>8th ^[1] - 16937:16</p>							
<p>0</p>	<p>1 ^[8] - 16879:8, 16943:7, 16985:6, 17012:2, 17032:24, 17038:5, 17038:6, 17051:4</p> <p>10 ^[1] - 16869:10</p> <p>105629 ^[1] - 17030:5</p> <p>10:30 ^[1] - 16871:22</p> <p>10:33 ^[1] - 16871:25</p> <p>10:56 ^[1] - 16872:1</p> <p>11:56 ^[1] - 16929:6</p> <p>12 ^[1] - 16901:3</p> <p>12th ^[6] - 16901:2, 16905:7, 16905:11, 16918:13, 16922:7, 17017:6</p> <p>13 ^[9] - 16807:25, 16810:18, 16815:22, 16820:18, 16820:19, 16996:6, 17019:15, 17034:14, 17055:6</p> <p>13th ^[2] - 17020:4, 17030:16</p> <p>14 ^[1] - 16877:10</p> <p>14th ^[2] - 17031:1, 17032:7</p> <p>15 ^[1] - 16877:11</p> <p>150576 ^[1] - 16992:20</p> <p>16 ^[1] - 16962:14</p> <p>16830 ^[1] - 16804:4</p> <p>17 ^[1] - 17007:25</p> <p>17th ^[6] - 16904:14, 16923:15, 16958:1, 16965:4, 16991:15, 17008:23</p> <p>18/71 ^[1] - 16993:5</p> <p>18th ^[5] - 16904:11, 16905:18, 16991:20, 16994:2, 16994:4</p> <p>1968 ^[1] - 17004:7</p> <p>1969 ^[10] - 16904:22, 16910:10, 16910:21, 16910:22, 16925:5, 17002:13, 17027:23, 17028:2, 17041:22, 17048:18</p> <p>1970 ^[17] - 16901:2,</p>	<p>2</p>	<p>2 ^[3] - 16879:13, 17012:9, 17028:2</p> <p>20 ^[2] - 16870:16, 17028:9</p> <p>2005 ^[1] - 16801:21</p> <p>20th ^[1] - 16974:14</p> <p>21 ^[2] - 16960:1, 17009:11</p> <p>22nd ^[1] - 16974:14</p> <p>23 ^[3] - 16811:13, 16930:8, 17019:1</p> <p>23rd ^[2] - 16906:24, 16910:21</p> <p>24 ^[2] - 16844:11, 16899:25</p> <p>24th ^[8] - 16845:11, 16846:1, 16876:8, 16907:1, 16910:22, 16916:6, 16916:25, 16953:17</p> <p>25 ^[2] - 16867:22, 16870:19</p> <p>25-minute ^[1] - 16867:1</p>	<p>3 ^[5] - 16832:24, 16847:17, 16914:1, 16942:15, 17012:20</p> <p>30th ^[2] - 16975:14, 16980:5</p> <p>31 ^[1] - 16876:24</p> <p>31st ^[1] - 16923:20</p> <p>330902 ^[1] - 17007:11</p> <p>331 ^[1] - 17007:16</p> <p>331003 ^[1] - 17007:10</p> <p>3:02 ^[1] - 16991:12</p>	<p>4</p>	<p>4 ^[9] - 16832:24, 16847:17, 16914:1, 16943:4, 16945:5, 16985:25, 17015:23, 17029:8, 17029:10</p> <p>40 ^[1] - 17037:16</p> <p>41 ^[1] - 16902:25</p> <p>421(3) ^[1] - 16979:6</p> <p>4:00 ^[1] - 17057:9</p> <p>4:18 ^[1] - 17057:13</p>	<p>5</p>	<p>5 ^[8] - 16832:24, 16847:17, 16914:1, 16943:6, 16943:12, 17030:24, 17034:11</p> <p>5:00 ^[1] - 17002:8</p>	<p>6</p>	<p>6 ^[3] - 16821:22, 16946:4, 17050:24</p> <p>6:45 ^[1] - 16867:4</p>	<p>7:00 ^[3] - 16862:23, 16869:10, 16869:11</p> <p>7:10 ^[2] - 16867:7, 16867:22</p> <p>7:20 ^[1] - 16869:15</p> <p>7:30 ^[1] - 16869:15</p>
	<p>1</p>		<p>3</p>	<p>8</p>							
				<p>8 ^[1] - 17009:6</p> <p>84 ^[1] - 16801:22</p> <p>8:10 ^[1] - 17028:3</p> <p>8th ^[1] - 16937:16</p>							
				<p>9</p>							
				<p>9 ^[1] - 17028:6</p> <p>9(1) ^[1] - 16955:2</p> <p>9(2) ^[48] - 16830:12, 16830:20, 16833:17, 16834:10, 16835:6, 16837:17, 16838:24, 16839:10, 16840:18, 16843:12, 16843:17, 16845:12, 16845:25, 16846:19, 16848:17, 16850:11, 16852:3, 16853:1, 16854:3, 16912:14, 16912:20, 16913:15, 16914:14, 16924:25, 16925:16, 16925:21, 16926:11, 16926:23, 16927:1, 16927:10, 16927:15, 16928:1, 16941:12, 16941:14, 16943:8, 16944:3, 16950:16, 16950:18, 16950:25, 16951:12, 16953:3, 16953:24, 16954:8, 16954:12, 16954:15, 16954:22, 17039:9, 17040:14</p> <p>9:22 ^[1] - 16805:2</p> <p>9:30 ^[1] - 17028:3</p>							
				<p>A</p>							
				<p>Aaron ^[1] - 16802:14</p> <p>ability ^[1] - 17058:7</p> <p>able ^[25] - 16826:5, 16853:19, 16899:5, 16909:12, 16919:10, 16920:3, 16926:15,</p>							

<p>16927:19, 16937:4, 16939:18, 16946:19, 16947:25, 16964:4, 16964:16, 16967:14, 16988:3, 16992:3, 16994:8, 16994:14, 16994:17, 16995:11, 16995:24, 17026:24, 17027:10, 17033:23 above-named [2] - 16962:19, 16962:20 absence [11] - 16912:18, 16913:5, 16945:13, 16946:8, 16947:18, 16951:2, 16951:16, 16951:17, 16951:20, 16953:6, 16954:16 absent [4] - 16949:18, 16949:21, 16956:19, 17016:15 Absolutely [12] - 16842:12, 16849:2, 16851:17, 16886:21, 16973:13, 16974:22, 16980:6, 16987:5, 16997:6, 17001:9, 17002:1, 17005:10 absolutely [3] - 16934:17, 16963:21, 17043:24 accede [1] - 16951:24 accept [11] - 16831:13, 16832:4, 16832:10, 16832:13, 16833:3, 16834:5, 16834:17, 16887:5, 16928:5, 16937:1, 17053:24 accepted [2] - 16868:6, 16895:5 accepting [1] - 16936:17 accommodate [1] - 16825:7 accommodated [1] - 16825:7 accommodation [3] - 16812:2, 16817:2, 16829:18 accommodations [1] - 16811:24 accomplices [3] - 16919:24, 16920:10, 16920:18 accomplish [1] - 16846:5 accord [1] - 17029:23 accordance [1] - 16947:13 according [7] -</p>	<p>16887:4, 16888:14, 16905:6, 16906:10, 16946:9, 16948:24, 17017:16 account [9] - 16808:18, 16851:20, 16917:11, 16917:16, 16918:21, 16919:3, 16928:22, 16928:25, 17030:15 accountable [1] - 16808:20 accuracy [1] - 16906:17 accurate [14] - 16812:5, 16905:3, 16906:20, 16907:8, 16908:3, 16908:19, 16929:1, 17008:18, 17010:14, 17011:9, 17012:18, 17013:2, 17039:18, 17041:8 accurately [1] - 16913:13 accusation [1] - 16819:19 accusations [1] - 16819:17 accused [50] - 16855:21, 16856:16, 16858:11, 16859:24, 16860:25, 16861:1, 16863:10, 16863:17, 16866:16, 16881:5, 16883:19, 16890:10, 16890:14, 16891:17, 16892:16, 16892:19, 16893:8, 16893:19, 16894:5, 16895:4, 16895:6, 16896:11, 16896:23, 16897:23, 16897:24, 16899:2, 16899:12, 16944:14, 16972:22, 16979:22, 16982:4, 16983:8, 16984:14, 16985:6, 16985:13, 16985:19, 16986:3, 16986:11, 16987:3, 16987:4, 16987:6, 16987:22, 16990:18, 17000:15, 17013:24, 17015:11, 17025:25, 17047:10, 17057:3 accusing [1] - 17042:2 Acknowledge [1] - 16993:2 acknowledge [2] - 16913:23, 16931:15 Act [2] - 16903:13, 16912:20 act [1] - 16805:9</p>	<p>Acting [1] - 17009:7 acting [1] - 16995:17 action [3] - 16806:24, 16822:17, 16931:23 actual [11] - 16925:10, 16925:19, 16926:2, 16926:18, 16927:8, 16927:22, 16945:16, 16958:15, 16963:25, 16994:8, 17026:2 add [5] - 16807:2, 16807:20, 16814:20, 16814:23, 16815:19 addition [2] - 16882:1, 17009:2 additional [1] - 16898:20 address [7] - 16829:16, 16834:19, 16857:19, 16860:17, 16867:10, 16872:3, 16898:8 addressed [2] - 16869:17, 16901:20 adds [1] - 16868:11 adduced [1] - 16890:5 Adeline [2] - 16867:4, 16869:2 adhere [1] - 16925:21 Adjourned [4] - 16871:25, 16929:6, 16991:11, 17057:13 adjourned [1] - 16830:8 adjournment [1] - 16909:9 adjournments [1] - 16976:10 administrative [1] - 17006:21 admission [1] - 16839:16 admissions [1] - 17009:20 admit [4] - 16838:10, 16895:12, 16946:2, 16950:17 admits [2] - 16945:24, 16946:6 admitted [3] - 16860:18, 16896:23, 16942:8 admitting [2] - 16897:12, 16942:20 admonishment [1] - 16847:12 admonition [1] - 16839:3 adopt [3] - 16835:18, 16837:13, 16847:18 adopted [4] - 16831:4, 16832:15, 16847:6,</p>	<p>16848:12 adopts [1] - 16851:14 advance [4] - 16822:13, 16914:12, 16921:8, 16922:1 advanced [3] - 16827:13, 16880:23, 17011:24 advantage [2] - 16810:24, 16891:16 adverse [2] - 16912:24, 16921:2 advice [2] - 16808:4, 16992:2 advise [5] - 16932:8, 16933:4, 16945:3, 16992:3, 17003:23 advised [11] - 16825:22, 16825:23, 16826:15, 16826:25, 16827:8, 16829:5, 16904:4, 16904:9, 16904:23, 16944:24, 17031:24 advising [1] - 16906:25 Ae [1] - 17009:7 affect [4] - 16933:22, 16933:24, 16933:25 affected [1] - 16930:17 afraid [1] - 16847:24 afternoon [1] - 16899:23 afterwards [6] - 16811:14, 16881:1, 16881:18, 16889:7, 16892:11, 16892:12 Ag [1] - 16999:19 Agent [2] - 16991:25, 16992:2 agent [7] - 16962:15, 16963:17, 16964:9, 16968:24, 16992:16, 16993:17, 16995:3 ago [12] - 16824:11, 16825:10, 16837:15, 16876:19, 16911:16, 16917:18, 16956:16, 16959:17, 16992:11, 16999:14, 17028:15, 17048:17 agony [1] - 16888:8 agree [18] - 16814:19, 16831:24, 16835:12, 16839:23, 16854:3, 16869:16, 16870:4, 16879:23, 16880:4, 16965:3, 16965:8, 16979:8, 16982:2, 17007:8, 17016:6, 17038:23, 17039:1, 17041:2</p>	<p>agreed [7] - 16852:5, 16872:7, 16913:20, 16914:7, 16984:25, 17000:10, 17040:25 agreement [1] - 16920:4 ahead [16] - 16836:22, 16841:5, 16865:11, 16883:14, 16898:14, 16900:16, 16933:17, 16937:22, 16969:21, 16981:10, 16986:1, 16988:24, 17005:14, 17027:22, 17030:23, 17040:9 aid [1] - 17028:22 Albert [22] - 16885:5, 16885:17, 16989:1, 16989:7, 16989:9, 16990:9, 16998:2, 16998:18, 16999:1, 16999:7, 17011:20, 17012:23, 17014:1, 17014:12, 17015:8, 17015:9, 17015:12, 17015:13, 17015:18, 17047:23, 17048:18, 17049:14 Alberta [2] - 16862:14, 17022:12 allegations [2] - 17001:15, 17001:21 alleged [1] - 16945:5 allegedly [6] - 16839:12, 16962:18, 16963:4, 16963:11, 16967:6, 17008:12 alley [11] - 16831:8, 16835:1, 16837:3, 16864:4, 16865:15, 16874:8, 16879:3, 16887:24, 16887:25, 17038:17, 17043:1 allow [6] - 16950:17, 16951:13, 16954:12, 16954:21, 16956:3, 16985:18 allowable [1] - 16849:3 allowed [4] - 16913:9, 16936:25, 16954:9, 17052:3 almost [5] - 16815:18, 16843:10, 16994:23, 17020:25, 17048:11 alone [5] - 16834:11, 16894:15, 16894:17, 16989:15, 17011:1 alternative [2] - 16831:25, 16833:9 amendment [1] -</p>
--	--	---	--	--



<p>16844:15 amicably [1] - 16937:18 amount [5] - 16883:3, 16884:14, 16884:20, 16886:1, 17041:7 analysed [2] - 16815:17, 16822:10 analysis [1] - 16805:18 announced [1] - 16805:11 answer [8] - 16855:19, 16934:6, 16942:7, 16962:8, 17036:5, 17037:23, 17049:3, 17049:5 answered [2] - 16936:5, 16940:17 answers [5] - 16809:19, 16810:7, 16814:7, 16845:21, 16950:4 anticipate [2] - 16935:14, 16936:1 anticipated [3] - 16932:3, 16934:20, 16941:13 anxious [2] - 16987:10, 17016:25 anyway [2] - 16846:10, 16880:22 apart [4] - 16958:5, 17005:6, 17018:18 apologized [1] - 16809:15 apparent [5] - 16805:16, 16874:18, 16874:19, 16947:1, 16948:4 appeal [27] - 16867:11, 16871:14, 16873:25, 16903:18, 16920:23, 16921:9, 16921:12, 16922:10, 16937:25, 16938:1, 16938:3, 16938:5, 16938:8, 16938:12, 16938:20, 16939:7, 16940:16, 16940:19, 16940:24, 16941:12, 16942:16, 16943:17, 16944:1, 16957:14, 16971:6, 16971:16 Appeal [17] - 16850:13, 16873:9, 16921:8, 16921:21, 16922:11, 16943:11, 16943:25, 16944:6, 16950:9, 16951:5, 16954:7, 16955:9, 17013:1, 17013:5, 17014:15, 17017:12, 17039:17</p>	<p>appealed [1] - 16923:5 appealing [3] - 16941:1, 17014:1, 17014:2 appeals [9] - 16921:22, 16921:24, 16938:17, 17012:25, 17013:7, 17013:9, 17013:11, 17013:21, 17014:9 appear [24] - 16805:13, 16815:24, 16817:25, 16819:23, 16857:13, 16868:5, 16908:11, 16922:4, 16936:19, 16937:2, 16948:23, 16950:8, 16950:16, 16976:11, 16977:21, 16977:23, 16988:13, 16989:7, 17001:11, 17002:21, 17003:3, 17014:12, 17016:11, 17028:11 appearance [8] - 16819:5, 16821:17, 16936:15, 16978:20, 16986:7, 16989:12, 16990:21, 16991:3 appearances [6] - 16976:12, 16977:3, 16977:7, 16991:2, 16991:6, 17002:20 Appearances [1] - 16803:1 appeared [13] - 16805:10, 16841:15, 16928:25, 16938:22, 16977:2, 16977:4, 16980:25, 16996:19, 16996:23, 16997:13, 16998:25, 17021:3, 17042:12 appearing [5] - 16825:6, 16828:6, 16971:17, 17014:19, 17015:17 appellant [2] - 16944:14, 16957:7 appellate [1] - 16903:19 applicants [1] - 17057:6 application [15] - 16830:12, 16833:17, 16909:18, 16912:17, 16921:2, 16927:2, 16927:19, 16936:22, 16944:25, 16945:4, 16953:25, 16955:2, 17017:13, 17019:2, 17028:22 applied [3] - 16850:11, 16941:15, 16957:14</p>	<p>apply [5] - 16816:23, 16816:25, 16839:1, 16936:16, 16949:7 applying [1] - 16822:5 appreciate [28] - 16811:12, 16811:13, 16811:16, 16811:17, 16817:11, 16824:19, 16825:12, 16826:22, 16827:7, 16828:14, 16844:18, 16847:11, 16862:23, 16868:24, 16869:6, 16870:14, 16878:13, 16882:25, 16883:20, 16900:10, 16921:6, 16973:15, 16980:9, 17037:22, 17039:4, 17040:5, 17056:22, 17057:8 approached [2] - 16842:5, 16933:11 appropriate [6] - 16822:17, 16843:18, 16871:23, 16929:3, 16954:20, 17056:5 approximate [1] - 16985:11 area [2] - 16874:23, 17021:18 areas [2] - 16810:5, 16958:11 arguable [1] - 16846:7 arguably [1] - 16927:10 argue [4] - 16921:7, 16921:24, 16922:1, 16922:4 argued [9] - 16908:8, 16908:18, 16908:23, 16909:6, 16921:9, 16938:3, 16943:13, 16943:17, 16957:7 arguing [3] - 16921:11, 16938:8, 16938:13 argument [4] - 16908:10, 16913:6, 16938:24, 16941:7 arguments [1] - 16938:5 arising [2] - 16910:3, 16983:21 arms [1] - 16881:14 arraigned [1] - 16990:14 arrange [4] - 16819:3, 16824:9, 16932:23, 16933:2 arranged [2] - 16806:3, 16826:3 arrangements [3] - 16932:9, 16937:5,</p>	<p>16979:21 arranging [1] - 16933:1 arrest [2] - 16973:18, 16974:8 arrested [5] - 16973:8, 16976:4, 16998:13, 17026:13, 17027:24 arrived [5] - 16855:13, 16862:5, 16866:23, 16891:6, 16935:24 article [2] - 16855:12, 16855:16 articles [1] - 17002:18 ascertained [1] - 17056:8 aside [3] - 16828:7, 16835:7, 16971:20 aspect [1] - 17021:15 assailant [3] - 16882:21, 16883:3, 16890:1 assault [4] - 16813:1, 16825:3, 16880:3, 16957:21 assaults [5] - 16959:19, 16970:13, 16970:19, 16970:21, 16974:15 assess [3] - 16886:5, 17026:18, 17027:4 assessment [1] - 17027:10 assist [8] - 16826:9, 16919:10, 16986:21, 17026:13, 17032:22, 17050:25, 17052:19, 17053:4 assistance [3] - 16890:6, 16910:15, 16928:6 Assistant [3] - 16802:3, 16802:6, 16962:11 associated [1] - 16966:2 assume [21] - 16841:6, 16848:15, 16848:19, 16848:25, 16865:5, 16867:6, 16867:25, 16938:22, 16941:9, 16942:25, 16956:1, 16978:23, 16979:19, 16984:19, 17023:3, 17023:7, 17024:21, 17033:5, 17047:21 assumed [3] - 16921:25, 16922:2, 16924:15 assuming [3] - 16883:3, 16970:23, 17042:24 assumption [1] - 16943:3</p>	<p>assurance [2] - 16936:7 astounding [1] - 16806:2 atmosphere [1] - 16842:25 atrocious [1] - 16808:3 attached [1] - 17024:5 attack [7] - 16874:18, 16925:10, 16925:19, 16926:2, 16926:18, 16927:8, 16927:22 attacked [5] - 16810:13, 16810:15, 16831:15, 16887:15, 16889:2 attacker [1] - 16889:4 attempt [2] - 16842:7, 17041:8 attempted [2] - 16838:25, 16996:21 attempting [3] - 16947:5, 16958:20, 17047:15 attend [8] - 16813:23, 16814:3, 16815:12, 16817:1, 16827:22, 16930:21, 16952:20, 16988:12 attendance [3] - 16817:22, 16824:9, 16928:10 attended [3] - 16807:15, 17015:9, 17026:8 attending [6] - 16815:3, 16929:21, 16933:3, 16986:14, 16993:18, 16995:4 attention [18] - 16809:5, 16815:5, 16852:7, 16892:22, 16913:25, 16925:7, 16925:17, 16926:16, 16927:6, 16927:20, 16958:17, 16969:16, 16991:22, 17002:16, 17008:3, 17025:8, 17030:4, 17054:3 Attorney [16] - 16901:20, 16901:21, 16962:16, 16981:18, 16981:21, 16982:6, 16982:14, 16983:3, 16999:25, 17006:20, 17008:2, 17009:8, 17011:8, 17012:4, 17012:10, 17012:12 attorney [2] - 17009:17, 17010:11 Attorney-general [1] - 17012:12</p>
--	--	---	--	--



<p>Attorney-general's [2] - 17006:20, 17012:10 Audio [1] - 16802:14 August [1] - 17048:17 author [1] - 16992:22 authorities [3] - 16809:15, 16979:8, 17031:23 authority [2] - 16806:20, 16814:9 authorized [2] - 16926:14, 16982:15 authorizing [1] - 16909:4 autopsy [2] - 17043:12, 17043:17 available [6] - 16833:9, 16838:24, 16870:10, 17016:5, 17030:12, 17047:12 Avenue [1] - 16960:3 avoid [4] - 16809:2, 16936:1, 16987:11, 16987:14 avoided [1] - 17003:7 avoiding [1] - 16991:6 avoids [1] - 16984:16 awaiting [2] - 17015:6, 17015:12 aware [42] - 16809:22, 16827:5, 16827:20, 16865:24, 16866:4, 16868:20, 16905:9, 16905:14, 16922:5, 16935:22, 16943:16, 16944:2, 16959:22, 16960:5, 16965:5, 16965:6, 16970:17, 16970:18, 16970:20, 16972:3, 16972:13, 16972:21, 16972:25, 16973:4, 16973:9, 16973:15, 16973:18, 16974:11, 16974:13, 16974:20, 16974:24, 16980:3, 16996:8, 16996:12, 16996:15, 16996:24, 16997:4, 16997:8, 17001:21, 17025:3, 17030:22, 17047:1 awkward [1] - 17041:13 awkwardly [1] - 16929:2</p>	<p>17033:1, 17046:16 bad [5] - 16814:12, 16814:13, 16816:2, 16816:3, 16828:4 badly [2] - 16807:12, 16807:14 bag [1] - 16857:6 ball [1] - 16953:11 barrister [1] - 16936:9 based [22] - 16825:4, 16842:15, 16843:22, 16844:2, 16851:21, 16867:4, 16867:13, 16869:9, 16896:14, 16911:19, 16918:13, 16958:13, 16961:13, 16964:5, 16964:18, 16968:15, 16995:12, 16998:3, 16999:23, 17024:4, 17031:9, 17045:20 basement [2] - 17020:24, 17020:25 basis [8] - 16822:2, 16827:13, 16923:12, 16930:15, 16965:18, 16984:6, 16984:7 bathroom [2] - 16894:6, 16894:21 bathtub [1] - 17048:9 Baumgartner [1] - 17028:7 bear [2] - 16833:20, 16899:9 beat [2] - 16809:14, 16809:16 became [4] - 16841:20, 16905:9, 16951:7, 17022:11 become [11] - 16881:12, 16943:16, 16944:2, 16972:2, 16972:13, 16973:3, 16973:15, 16973:18, 16974:24, 16996:12, 16996:15 becomes [1] - 17017:11 becoming [3] - 16905:14, 16973:9, 16996:8 beg [1] - 16894:1 begin [1] - 16822:14 begin [1] - 16908:25 beginning [1] - 16809:24 behalf [2] - 16823:8, 17005:15 behaviour [1] - 17031:15 Beitel [1] - 16802:10</p>	<p>belabour [1] - 16841:6 belief [3] - 16969:7, 17029:19, 17036:18 believes [1] - 16829:8 belong [1] - 16855:20 belongings [4] - 16874:10, 16890:19, 17017:1, 17017:4 below [3] - 16877:7, 17037:16, 17054:25 Bence [18] - 16830:25, 16831:9, 16838:5, 16842:14, 16843:4, 16873:20, 16878:4, 16898:19, 16941:15, 16944:8, 16945:2, 16945:16, 16947:9, 16948:21, 16951:12, 16953:15, 16953:25, 17019:21 Bench [17] - 16903:14, 16984:20, 16985:15, 16986:10, 16986:12, 16990:4, 16990:10, 16990:13, 16996:19, 17001:11, 17009:13, 17014:20, 17021:8, 17058:1, 17058:3, 17058:14, 17058:20 bench [4] - 16975:4, 17033:14, 17034:3, 17034:19 beneath [1] - 16893:23 benefit [3] - 16904:20, 16934:22, 16984:22 benefits [1] - 16933:3 Berezowski [2] - 17022:16, 17024:2 best [10] - 16884:3, 16900:18, 16933:9, 16934:2, 16934:3, 16936:8, 16939:21, 16959:24, 17031:16, 17058:6 bet [1] - 16971:24 better [5] - 16853:5, 16885:21, 16894:12, 16923:7, 17046:16 Between [1] - 16932:22 between [16] - 16828:13, 16830:1, 16863:20, 16866:19, 16866:22, 16869:10, 16888:13, 16907:6, 16912:25, 16913:18, 16915:3, 16915:17, 16919:25, 16933:5, 17003:18, 17012:22 beyond [1] - 17004:22 big [1] - 16885:10</p>	<p>Birtwistle [5] - 16959:21, 16960:8, 16960:22, 16974:15, 16975:10 bit [20] - 16858:7, 16864:14, 16873:18, 16883:10, 16886:1, 16888:20, 16897:11, 16903:18, 16909:4, 16925:13, 16939:23, 16950:13, 16957:25, 16962:10, 16971:11, 16988:24, 17001:15, 17005:8, 17005:13, 17045:11 bits [1] - 16892:3 Blakeney [1] - 17009:7 blank [2] - 16826:15, 16827:8 bleed [1] - 16892:8 bleeding [3] - 16881:11, 16881:12, 16888:23 block [1] - 16891:8 blood [37] - 16861:2, 16879:20, 16881:4, 16881:7, 16881:8, 16881:13, 16882:14, 16882:20, 16882:21, 16883:3, 16883:10, 16883:15, 16883:17, 16884:1, 16884:10, 16884:15, 16884:17, 16884:18, 16884:21, 16884:22, 16885:3, 16885:9, 16885:10, 16885:16, 16885:20, 16886:1, 16886:7, 16886:9, 16886:19, 16888:13, 16888:16, 16889:4, 16890:1, 16941:21, 16941:25, 16942:3, 16942:13 Board [11] - 17031:2, 17033:9, 17034:9, 17034:23, 17035:12, 17044:25, 17049:11, 17050:25, 17054:4, 17056:6, 17057:3 board [19] - 16933:15, 16971:13, 17025:18, 17032:7, 17032:17, 17032:23, 17033:12, 17033:16, 17039:24, 17042:10, 17045:9, 17050:1, 17050:20, 17053:4, 17053:7, 17054:8, 17054:12, 17056:12, 17056:24 boast [1] - 16895:14</p>	<p>Bobs [1] - 16803:5 body [18] - 16864:10, 16864:20, 16864:25, 16867:18, 16871:12, 16873:23, 16874:11, 16877:4, 16878:4, 16878:6, 16878:16, 16879:2, 16879:10, 16881:24, 16883:2, 16884:1, 16884:8, 17043:1 bolster [1] - 16860:19 bond [1] - 16809:6 book [1] - 17042:25 booklet [11] - 17033:12, 17033:20, 17033:22, 17033:24, 17042:17, 17043:14, 17050:25, 17052:24, 17053:1, 17053:3, 17054:10 books [2] - 16938:20, 17043:11 boot [1] - 16874:15 Boots [1] - 17019:7 borrow [1] - 16806:9 boss [1] - 17022:11 Boswell [1] - 16802:5 bottom [13] - 16855:1, 16858:8, 16863:8, 16864:10, 16880:9, 16906:21, 16954:3, 16954:5, 16954:6, 17006:13, 17041:20, 17050:9, 17053:8 box [1] - 16831:4 boy [4] - 16843:13, 16848:1, 16883:24, 16892:7 Boychuk [1] - 16803:8 Boyer [3] - 16959:21, 16960:8, 16960:22 breaches [1] - 16861:4 break [6] - 16871:23, 16872:5, 16929:4, 16937:24, 16991:10, 17057:10 breath [1] - 16917:23 briefly [2] - 16921:15, 17038:12 bring [5] - 16925:16, 16926:16, 16927:19, 16954:22, 16983:16 bringing [1] - 17014:16 brings [1] - 16812:22 broadcast [1] - 16806:12 broadly [1] - 16960:15 broken [2] - 16864:21, 16864:22 brought [14] -</p>
B				
<p>background [4] - 16821:2, 17000:10,</p>				



<p>16826:21, 16872:4, 16872:19, 16899:16, 16925:7, 16927:5, 16952:3, 16958:17, 16969:15, 16975:19, 16988:15, 16989:10, 16989:23, 16998:5 Bruce^[1] - 16803:9 brutal^[4] - 17037:15, 17042:20, 17043:7, 17053:17 brutally^[1] - 16813:2 budget^[1] - 17005:10 building^[1] - 17020:25 bulk^[1] - 16834:5 business^[2] - 16806:17, 16909:24 buy^[1] - 16831:12</p>	<p>17012:7, 17017:23, 17020:10, 17024:7, 17025:21, 17039:5, 17041:15, 17055:16 Caldwells^[1] - 16831:13 calendar^[1] - 16937:16 Calgary^[7] - 16850:3, 16910:14, 17048:1, 17048:15, 17048:25, 17049:4, 17049:12 cameras^[1] - 16805:11 Canada^[7] - 16803:12, 16819:13, 16912:20, 16957:15, 17017:9, 17034:5, 17047:8 Candace^[1] - 16802:4 cannot^[5] - 16833:19, 16852:11, 16973:21, 17052:11, 17052:20 canvass^[1] - 16845:7 canvassed^[2] - 16845:7, 16970:6 capable^[1] - 17027:18 capital^[1] - 16923:22 car^[47] - 16839:11, 16839:14, 16839:15, 16839:18, 16839:20, 16839:22, 16839:25, 16856:24, 16857:6, 16857:9, 16857:22, 16857:23, 16857:24, 16864:1, 16874:5, 16874:20, 16874:24, 16875:8, 16875:13, 16875:15, 16875:17, 16875:18, 16876:1, 16876:16, 16876:21, 16877:14, 16877:16, 16877:17, 16877:18, 16877:22, 16877:23, 16878:16, 16878:23, 16878:25, 16879:2, 16879:9, 16879:10, 16879:13, 16879:21, 16880:1, 16880:4, 16892:14, 17038:22, 17040:13 carbon^[1] - 17054:25 cards^[1] - 16890:20 career^[1] - 17057:1 careful^[3] - 16839:3, 16846:22, 16865:7 carefully^[7] - 16839:1, 16846:24, 16917:8, 16918:25, 16919:21, 16925:22, 17046:25 careless^[1] - 16897:18 caring^[1] - 16813:5 carries^[2] - 16886:24,</p>	<p>16888:20 carry^[4] - 16873:17, 16904:8, 16933:3, 17008:25 carrying^[1] - 16930:1 cart^[7] - 17021:17, 17022:6, 17023:1, 17023:20, 17023:22, 17024:5, 17024:20 case^[96] - 16805:18, 16808:8, 16809:9, 16809:10, 16809:13, 16813:2, 16815:17, 16822:10, 16837:23, 16839:25, 16843:22, 16844:9, 16844:22, 16844:24, 16856:1, 16878:15, 16880:12, 16882:13, 16886:4, 16900:2, 16900:4, 16900:9, 16900:21, 16902:1, 16902:18, 16903:10, 16907:3, 16907:19, 16921:7, 16922:1, 16922:20, 16923:5, 16924:11, 16924:16, 16925:22, 16930:4, 16945:2, 16953:22, 16955:10, 16956:3, 16957:4, 16958:21, 16969:11, 16970:10, 16971:1, 16971:21, 16976:12, 16977:14, 16977:16, 16978:7, 16978:16, 16978:18, 16982:10, 16983:16, 16985:23, 16986:11, 16986:22, 16986:24, 16987:8, 16987:16, 16988:15, 16988:23, 16990:19, 17000:15, 17003:12, 17003:23, 17004:16, 17009:15, 17010:22, 17014:17, 17016:21, 17017:8, 17018:9, 17027:15, 17031:24, 17033:5, 17033:16, 17035:23, 17036:13, 17036:15, 17037:13, 17037:14, 17038:11, 17044:1, 17044:12, 17045:12, 17045:23, 17045:24, 17046:8, 17046:18, 17047:6, 17053:19, 17055:8, 17056:17, 17056:18 cases^[22] - 16891:25, 16908:11, 16939:11, 16972:7, 16972:24,</p>	<p>16978:9, 16979:15, 16979:17, 16983:25, 16987:6, 16987:14, 17002:12, 17002:19, 17010:25, 17025:25, 17027:8, 17033:14, 17035:8, 17037:3, 17045:13, 17056:21, 17056:23 Casevault^[1] - 16806:15 categories^[1] - 16988:5 category^[1] - 16935:10 Catherine^[1] - 16803:5 caught^[3] - 17004:9, 17004:16, 17004:25 caused^[7] - 16810:20, 16812:20, 16865:4, 17033:8, 17037:13 causes^[1] - 16809:1 causing^[2] - 16827:25, 16828:13 caution^[1] - 16992:21 cautioned^[2] - 16834:11, 17004:7 Cavalier^[1] - 16801:16 caveats^[1] - 16927:5 Cbc^[1] - 16929:13 cells^[2] - 17014:25, 17015:2 Center^[2] - 17031:11, 17031:25 centre^[3] - 16815:4, 16887:23, 17012:24 centres^[1] - 17046:3 certain^[11] - 16810:2, 16823:6, 16828:23, 16840:8, 16929:9, 16932:15, 16942:13, 16985:10, 17019:23, 17023:11, 17041:7 Certain^[1] - 16809:18 certainly^[49] - 16828:14, 16829:20, 16835:11, 16840:10, 16849:22, 16850:7, 16851:24, 16852:16, 16866:8, 16866:11, 16869:17, 16883:16, 16884:16, 16885:9, 16885:25, 16888:9, 16888:12, 16900:14, 16903:14, 16903:20, 16909:20, 16924:6, 16924:19, 16927:3, 16938:13, 16940:20, 16941:6, 16949:11, 16950:14, 16950:21, 16951:10, 16951:23,</p>	<p>16956:20, 16960:25, 16984:24, 16986:20, 16989:17, 16990:1, 16997:19, 16998:22, 16999:19, 17002:14, 17018:12, 17027:16, 17039:18, 17043:24, 17051:8, 17054:14, 17056:20 Certainly^[4] - 16849:7, 16903:12, 16939:4, 16972:6 certainty^[2] - 16906:8, 17051:12 Certificates^[1] - 17058:1 certify^[1] - 17058:4 Cf^[1] - 17029:1 Cfq^[1] - 17002:25 Chairman^[2] - 17006:3, 17006:4 chairman^[1] - 17007:7 challenge^[1] - 16851:16 Challenges^[1] - 16806:19 championing^[2] - 16807:8, 16809:17 chance^[3] - 16937:10, 17023:24, 17024:25 change^[6] - 16817:18, 16821:22, 16821:25, 16829:15, 16949:21, 16950:1 changed^[6] - 16860:25, 16922:22, 16931:5, 16932:24, 16934:20, 16986:6 changes^[1] - 16808:21 channel^[1] - 16985:10 channels^[1] - 16969:2 character^[3] - 16859:24, 17046:20, 17046:24 charge^[32] - 16831:1, 16835:7, 16837:10, 16844:16, 16854:8, 16857:14, 16866:15, 16898:7, 16914:24, 16919:22, 16969:7, 16972:8, 16972:10, 16972:13, 16972:20, 16972:22, 16973:1, 16973:4, 16975:25, 16976:1, 16976:3, 16976:7, 16977:5, 16979:3, 16979:5, 16979:9, 16979:12, 16988:13, 16990:4, 16999:3, 17011:5,</p>
C				
<p>Cadrain^[17] - 16845:2, 16855:15, 16860:24, 16861:3, 16862:10, 16862:17, 16862:25, 16870:7, 16883:11, 16885:17, 16891:6, 16892:18, 16892:24, 17047:23, 17048:7, 17048:19, 17049:15 Cadrain's^[8] - 16860:22, 16861:1, 16862:12, 16885:5, 16885:23, 16890:8, 16890:12, 16891:3 Caldwell^[55] - 16803:5, 16826:1, 16826:2, 16830:8, 16833:16, 16836:4, 16843:2, 16843:11, 16843:21, 16847:4, 16850:10, 16855:25, 16862:8, 16867:17, 16871:4, 16872:6, 16874:24, 16882:24, 16894:4, 16895:22, 16900:4, 16903:3, 16915:14, 16917:14, 16919:10, 16921:11, 16937:24, 16938:2, 16944:1, 16953:1, 16958:1, 16962:15, 16963:25, 16964:13, 16973:14, 16975:24, 16985:25, 16988:1, 16991:14, 16992:21, 16993:18, 16995:3, 16999:23, 17006:2, 17008:6, 17008:19, 17011:17,</p>				



<p>17042:13</p> <p>charged [6] - 16860:2, 16899:13, 16899:15, 16973:25, 16977:20, 16998:1</p> <p>charges [33] - 16957:22, 16965:7, 16967:2, 16967:10, 16968:18, 16972:1, 16972:3, 16980:1, 16980:4, 16980:13, 16980:20, 16981:4, 16982:3, 16982:4, 16983:1, 16983:21, 16988:13, 16988:18, 16992:1, 16992:5, 16993:6, 16993:14, 16995:15, 16996:7, 16996:21, 16998:6, 16998:24, 17000:11, 17000:16, 17001:24, 17011:22, 17016:4</p> <p>chart [4] - 17022:1, 17044:17, 17045:25, 17050:19</p> <p>check [2] - 16959:11, 17024:24</p> <p>checked [3] - 16879:13, 16893:24, 16894:3</p> <p>checking [1] - 16992:17</p> <p>Cheryl [1] - 16975:10</p> <p>chicken [1] - 17021:4</p> <p>chief [8] - 16840:22, 16876:8, 16908:1, 16911:25, 16912:16, 16928:2, 17003:4, 17028:1</p> <p>Chief [36] - 16830:25, 16831:8, 16838:5, 16839:3, 16842:5, 16842:14, 16843:3, 16846:23, 16873:20, 16878:3, 16898:19, 16912:17, 16919:19, 16922:7, 16922:8, 16941:15, 16944:7, 16945:2, 16945:16, 16947:8, 16948:21, 16953:15, 16953:25, 16962:11, 16963:2, 16965:22, 16965:25, 16966:3, 16966:6, 16966:9, 16967:21, 17007:25, 17019:13, 17019:21, 17038:9</p> <p>child [1] - 17046:2</p> <p>Child [1] - 17031:12</p> <p>choose [1] - 16924:10</p> <p>Chris [1] - 16803:8</p> <p>Christian [1] - 17029:17</p>	<p>chronological [1] - 16884:3</p> <p>chronology [1] - 16996:4</p> <p>circles [1] - 16944:2</p> <p>circumstance [3] - 16825:4, 16829:19, 17052:1</p> <p>circumstances [20] - 16812:10, 16823:19, 16873:16, 16881:5, 16935:2, 16946:14, 16946:22, 16947:19, 16948:1, 16948:18, 16949:2, 16951:11, 16951:21, 16953:16, 16954:11, 16954:17, 16985:2, 17033:15, 17035:23, 17039:23</p> <p>City [8] - 16910:15, 16982:19, 17006:19, 17006:23, 17007:5, 17011:23, 17012:5, 17014:25</p> <p>city [7] - 16963:10, 16976:1, 16976:4, 16976:10, 16980:3, 16988:17, 17016:15</p> <p>civilian [1] - 16883:8</p> <p>Cj [1] - 17019:12</p> <p>Ckom [1] - 17002:25</p> <p>claiming [1] - 17025:4</p> <p>clarify [2] - 16998:10, 17006:7</p> <p>classic [1] - 16986:16</p> <p>clean [2] - 16861:7, 16894:7</p> <p>cleaning [1] - 16894:21</p> <p>clear [17] - 16808:10, 16808:14, 16828:23, 16838:12, 16850:9, 16918:5, 16930:3, 16934:16, 16934:17, 16935:1, 16942:12, 16953:13, 16964:2, 16983:1, 16984:12, 16997:18, 17040:20</p> <p>cleared [1] - 16930:9</p> <p>clearer [1] - 16939:23</p> <p>clearly [7] - 16807:17, 16877:18, 16908:12, 16922:4, 16923:5, 16923:6, 16969:14</p> <p>Clearly [1] - 16922:22</p> <p>clenched [3] - 16888:4, 16888:7, 16888:8</p> <p>Clerk [1] - 16802:10</p> <p>clerk's [1] - 16938:15</p> <p>clerks [2] - 17022:13, 17024:24</p>	<p>client [14] - 16805:17, 16805:21, 16805:25, 16817:24, 16819:4, 16819:6, 16819:11, 16826:10, 16830:2, 16936:14, 16936:25, 16937:21, 16992:1, 16993:7</p> <p>client's [2] - 16813:9, 16821:15</p> <p>Clinic [1] - 17031:13</p> <p>close [5] - 16822:4, 16824:2, 16853:24, 16874:8, 17039:16</p> <p>closed [1] - 17016:22</p> <p>closing [5] - 16829:9, 16834:19, 16860:17, 16890:24, 17032:5</p> <p>clothes [3] - 16860:25, 16885:16, 16886:19</p> <p>clothing [4] - 16875:9, 16884:15, 16885:3, 17019:24</p> <p>club [1] - 17021:21</p> <p>coat [13] - 16849:19, 16867:18, 16867:19, 16867:20, 16880:15, 16881:14, 16884:21, 16886:6, 16887:6, 16899:8, 17023:2, 17024:7</p> <p>Code [1] - 16979:7</p> <p>cogent [1] - 16887:25</p> <p>coherently [1] - 16820:20</p> <p>cold [1] - 16887:21</p> <p>collarbone [1] - 16880:21</p> <p>colleague [1] - 16920:8</p> <p>colleagues [3] - 16976:11, 16977:12, 17021:11</p> <p>collected [1] - 17044:16</p> <p>comfort [1] - 17052:2</p> <p>coming [7] - 16817:13, 16826:18, 16826:20, 16827:15, 16936:8, 17026:19</p> <p>commencing [1] - 16904:12</p> <p>commendable [1] - 17000:19</p> <p>comment [13] - 16811:9, 16816:5, 16822:21, 16828:2, 16829:23, 16847:14, 16896:16, 16899:21, 16944:19, 16946:5, 17007:6, 17044:21, 17052:11</p>	<p>commenting [1] - 17011:16</p> <p>comments [11] - 16807:5, 16815:1, 16819:16, 16821:1, 16878:14, 16897:8, 16898:20, 16902:6, 16902:12, 16902:18, 17053:25</p> <p>Commission [52] - 16801:2, 16801:14, 16802:1, 16802:2, 16802:3, 16802:10, 16805:10, 16805:15, 16806:6, 16806:14, 16806:20, 16808:23, 16810:6, 16812:6, 16812:13, 16812:24, 16814:9, 16814:24, 16818:7, 16818:15, 16819:2, 16819:17, 16823:2, 16823:5, 16823:10, 16826:21, 16828:3, 16828:9, 16829:1, 16829:13, 16931:2, 16931:13, 16931:25, 16932:2, 16932:16, 16932:19, 16933:6, 16933:15, 16933:20, 16933:23, 16934:16, 16934:24, 16935:2, 16935:22, 16957:23, 16997:2, 17005:16, 17006:4, 17007:7, 17007:21, 17008:21, 17013:15</p> <p>Commission's [1] - 16922:25</p> <p>Commissioner [74] - 16805:3, 16805:5, 16807:4, 16807:5, 16807:10, 16810:4, 16811:3, 16811:5, 16813:6, 16813:13, 16813:21, 16814:1, 16814:18, 16815:2, 16816:12, 16816:17, 16816:21, 16817:7, 16817:12, 16817:15, 16817:20, 16818:2, 16818:5, 16818:18, 16818:22, 16819:1, 16819:8, 16819:22, 16820:1, 16820:4, 16820:10, 16821:9, 16821:13, 16821:17, 16822:9, 16822:14, 16822:21, 16822:25, 16823:7, 16829:22, 16829:24, 16845:9,</p>	<p>16845:14, 16845:22, 16845:24, 16846:4, 16846:11, 16846:14, 16846:17, 16846:25, 16854:18, 16871:24, 16898:16, 16901:1, 16929:4, 16929:5, 16929:8, 16931:6, 16931:14, 16931:17, 16931:19, 16933:19, 16934:7, 16934:14, 16936:6, 16937:14, 16937:20, 16965:24, 16966:5, 16991:10, 17006:1, 17011:15, 17057:9, 17057:11</p> <p>commit [6] - 16825:24, 16850:4, 16863:17, 16866:16, 16868:8, 16930:7</p> <p>committal [10] - 16912:8, 16975:3, 16984:25, 16985:9, 16985:20, 16989:25, 16990:6, 16990:8, 16990:22, 16999:5</p> <p>committals [2] - 16997:11, 17010:5</p> <p>committed [11] - 16867:12, 16868:12, 16873:11, 16962:19, 16963:4, 16963:11, 16967:6, 16986:25, 16990:5, 17004:19, 17008:12</p> <p>common [4] - 16809:6, 16984:6, 17025:24, 17027:8</p> <p>commonplace [1] - 17006:24</p> <p>communicated [2] - 16826:20, 16981:17</p> <p>communication [1] - 16826:8</p> <p>communications [1] - 16907:15</p> <p>community [1] - 17052:18</p> <p>compact [8] - 16855:18, 16856:1, 16856:12, 16857:4, 16857:5, 16857:13, 16857:16, 16857:21</p> <p>compared [2] - 16949:20, 17045:13</p> <p>compartment [1] - 16855:12</p> <p>compelling [1] - 16844:23</p> <p>complainants [1] -</p>
---	---	---	---	--



<p>16968:3 complaints [1] - 17002:2 complete [2] - 16887:11, 17042:22 completed [4] - 16900:21, 16903:10, 16939:10, 17028:23 completely [4] - 16838:10, 16885:24, 16895:10, 17048:5 complicated [1] - 16806:18 concern [7] - 16811:5, 16867:17, 16882:24, 16883:23, 16883:24, 16891:24, 16941:23 concerned [5] - 16823:20, 16861:20, 16861:21, 16950:3, 16971:15 concerning [4] - 16921:1, 17008:4, 17008:11, 17010:3 concerns [4] - 16811:2, 16823:18, 17027:2, 17037:6 conclude [12] - 16831:19, 16861:23, 16863:19, 16866:18, 16869:6, 16882:1, 16896:4, 16896:21, 16900:16, 16952:24, 17031:14, 17032:22 concluded [8] - 16836:12, 16868:7, 16869:22, 16895:7, 16896:14, 16953:15, 16964:25, 17036:17 concluding [2] - 16940:6, 16941:14 conclusion [9] - 16843:6, 16845:17, 16884:13, 16884:16, 16895:1, 16900:9, 16907:19, 16912:15, 16922:20 conclusions [1] - 16886:21 concurrent [1] - 16996:22 condition [10] - 16811:23, 16817:17, 16867:18, 16881:24, 16883:1, 16935:16, 17026:19, 17032:11, 17032:12, 17046:17 conduct [3] - 16806:10, 16842:15, 16913:10 conducted [1] -</p>	<p>16911:17 conducting [1] - 16958:19 conference [4] - 16805:22, 16816:11, 16817:10, 16829:2 conferences [1] - 16813:8 confessed [1] - 16974:15 confession [1] - 16974:18 confessions [2] - 16957:22, 16975:15 confidence [1] - 16806:22 confident [1] - 16940:13 confidently [1] - 17053:13 confirms [1] - 16915:14 conflict [1] - 16849:14 confrontation [3] - 16936:2, 16936:3 confronted [1] - 17053:19 confused [1] - 16907:23 Congram [1] - 16802:4 connect [3] - 16879:15, 16892:13, 16892:17 connected [1] - 16970:20 connection [5] - 16872:15, 16890:1, 16899:7, 16982:19, 17002:3 Connie [1] - 16960:1 consent [5] - 16985:20, 16989:24, 16990:6, 16990:8, 16990:22 consented [1] - 16882:6 consequence [3] - 16892:6, 16893:2, 16903:12 consider [10] - 16807:1, 16817:1, 16822:15, 16831:3, 16860:1, 16881:19, 16895:15, 16897:21, 17054:23, 17054:24 considerable [6] - 16858:14, 16884:19, 16889:3, 16892:11, 16898:21, 16898:25 considerate [1] - 16932:13 consideration [3] - 16856:14, 16893:17,</p>	<p>16932:14 considerations [3] - 16949:7, 16988:21, 17025:16 considered [7] - 16829:12, 16850:18, 16852:21, 16854:1, 16858:15, 16859:12, 17045:22 considering [4] - 16851:18, 16912:21, 17051:1, 17053:5 consistent [2] - 16885:25, 16915:21 conspiracy [1] - 17001:17 Constable [1] - 16865:22 constant [2] - 16822:2, 17044:6 construct [1] - 17043:18 constructed [1] - 17021:3 construction [1] - 16862:16 consultation [1] - 17029:15 consulted [6] - 16940:18, 16972:8, 16973:1, 16980:8, 16980:10, 16995:14 contact [6] - 16881:10, 16938:10, 17005:6, 17008:15, 17020:11, 17031:25 contacted [6] - 16962:14, 16963:1, 16981:6, 17008:9, 17027:21, 17032:4 contain [1] - 17058:5 contained [3] - 16855:16, 16856:23, 16890:19 contains [1] - 17044:7 content [2] - 16853:20, 16994:9 contentious [5] - 16832:11, 16834:7, 16838:7, 16841:4, 16842:4 contents [7] - 16837:15, 16852:2, 16890:18, 16914:3, 16914:4, 16914:9, 17019:5 context [2] - 16920:7, 16961:1 continual [1] - 17047:14</p>	<p>continue [2] - 16806:16, 16830:4 continued [1] - 16830:6 Continued [1] - 16804:3 contradict [3] - 16840:6, 16840:7, 16840:10 contradicted [1] - 16875:4 contribute [1] - 16810:8 convenience [1] - 17011:25 convenient [1] - 16901:9 conversation [2] - 16820:14, 16973:5 conversations [2] - 16816:7, 17031:6 convey [1] - 16808:12 conveyed [2] - 16817:4, 16966:24 convict [2] - 16900:13, 16900:15 convicted [22] - 16809:8, 16861:5, 16923:21, 16930:6, 16930:11, 16932:10, 16960:3, 16971:4, 16996:5, 16998:16, 17004:9, 17004:16, 17004:18, 17005:1, 17013:25, 17025:5, 17034:10, 17035:13, 17035:20, 17036:22, 17036:25 Conviction [1] - 16801:4 conviction [13] - 16872:13, 16885:25, 16920:24, 16923:16, 16929:20, 16941:1, 16970:15, 16971:13, 16997:5, 17003:24, 17014:2, 17035:17, 17036:11 convincing [2] - 16937:1, 17042:5 cooperation [1] - 16987:22 copy [6] - 16854:11, 16854:17, 16904:6, 17042:17, 17054:17, 17054:25 Corey [20] - 16958:2, 16961:7, 16962:11, 16963:2, 16963:13, 16963:18, 16964:1, 16965:22, 16966:1, 16966:3, 16966:9, 16966:15, 16966:16,</p>	<p>16967:21, 16968:14, 17007:25, 17008:10, 17008:15, 17008:23, 17010:19 Corey's [1] - 16968:12 Correct [6] - 16835:7, 16848:23, 16852:23, 16858:7, 16948:6, 16966:25 correct [70] - 16819:18, 16830:23, 16830:24, 16835:4, 16838:3, 16838:5, 16840:8, 16841:2, 16848:14, 16849:6, 16851:6, 16854:7, 16864:8, 16867:2, 16872:10, 16891:1, 16891:22, 16895:23, 16898:2, 16898:9, 16900:1, 16900:24, 16915:14, 16917:23, 16938:25, 16941:16, 16944:4, 16944:8, 16945:19, 16947:10, 16947:21, 16948:22, 16949:3, 16949:4, 16953:20, 16954:13, 16954:14, 16957:16, 16957:17, 16960:16, 16966:20, 16967:11, 16968:19, 16969:21, 16971:1, 16971:23, 16973:1, 16978:11, 16984:19, 16985:16, 16985:21, 16986:8, 16990:6, 16991:8, 16997:2, 17005:7, 17007:22, 17012:19, 17014:22, 17020:9, 17023:2, 17034:21, 17036:17, 17038:14, 17041:2, 17041:18, 17053:22, 17055:19, 17056:3, 17058:5 corrected [2] - 16838:8, 17015:21 correctly [1] - 16879:25 correlation [1] - 17003:18 correspondence [2] - 16994:12, 17019:16 Correspondence [1] - 17019:8 cosmetic [1] - 16856:1 cost [2] - 16809:17, 16984:17 Cotler [1] - 16803:12 counsel [47] - 16805:16, 16818:15,</p>
--	--	---	--	---



<p>16819:18, 16824:6, 16824:10, 16824:16, 16826:3, 16829:7, 16829:23, 16838:25, 16850:21, 16851:5, 16854:5, 16880:11, 16898:8, 16898:22, 16903:19, 16913:1, 16921:23, 16922:3, 16936:19, 16943:20, 16945:3, 16945:11, 16946:2, 16946:11, 16947:2, 16947:24, 16949:7, 16956:7, 16976:8, 16979:23, 16981:4, 16981:5, 16981:12, 16982:5, 16982:25, 16983:14, 16984:25, 16987:22, 16988:22, 16989:13, 16991:21, 16992:15, 17029:25, 17054:19 Counsel^[18] - 16802:2, 16802:3, 16805:4, 16814:9, 16819:2, 16823:2, 16931:25, 16932:2, 16932:16, 16932:19, 16933:6, 16933:16, 16933:21, 16933:23, 16934:16, 16934:25, 16935:2, 16935:22 counseled ^[1] - 16933:1 counter ^[2] - 16828:5, 16875:4 country ^[3] - 16819:7, 16819:12, 16824:13 counts ^[3] - 16967:12, 17009:4, 17009:5 couple ^[16] - 16822:22, 16849:16, 16879:7, 16902:19, 16911:16, 16940:23, 16944:18, 16944:22, 16959:17, 16960:20, 16975:15, 16977:3, 16977:7, 16977:21, 17016:18, 17048:17 course ^[29] - 16842:3, 16843:9, 16844:17, 16848:17, 16851:3, 16853:19, 16873:4, 16881:15, 16891:16, 16893:9, 16903:10, 16906:3, 16908:25, 16914:6, 16914:18, 16931:15, 16935:8, 16936:8, 16937:5, 16939:13, 16958:6, 16963:9, 16976:9,</p>	<p>17005:3, 17015:14, 17035:18, 17045:7, 17052:11, 17056:21 court ^[11] - 16903:15, 16917:12, 16918:22, 16919:4, 16998:5, 16998:6, 17015:23, 17016:11, 17017:17, 17020:7, 17020:24 Court^[85] - 16802:11, 16807:23, 16810:12, 16814:12, 16816:2, 16850:12, 16873:9, 16898:6, 16912:21, 16912:23, 16917:15, 16921:8, 16921:21, 16922:11, 16938:23, 16943:11, 16943:25, 16944:6, 16944:25, 16945:1, 16947:22, 16950:9, 16950:10, 16951:5, 16954:7, 16955:8, 16957:2, 16957:15, 16958:21, 16975:20, 16976:6, 16977:21, 16978:21, 16978:22, 16979:22, 16980:25, 16985:14, 16985:15, 16986:7, 16986:10, 16986:12, 16986:24, 16988:17, 16989:7, 16989:10, 16989:11, 16989:24, 16990:5, 16990:20, 16991:7, 16999:4, 17001:11, 17002:20, 17003:5, 17004:18, 17009:13, 17013:1, 17013:5, 17014:13, 17014:15, 17014:20, 17016:21, 17017:9, 17017:11, 17017:23, 17018:17, 17019:3, 17020:11, 17021:6, 17021:8, 17022:22, 17024:24, 17036:16, 17039:14, 17039:17, 17040:1, 17041:6, 17047:8, 17058:1, 17058:3, 17058:14, 17058:20 courthouse ^[1] - 17015:1 courtroom ^[3] - 16843:1, 16996:20, 16998:25 cover ^[2] - 17001:16, 17016:18 cover-up ^[1] - 17001:16 coverage ^[2] -</p>	<p>16929:10, 17002:12 covered ^[10] - 16864:12, 16881:4, 16881:13, 16884:22, 16885:9, 16906:22, 16919:19, 16927:13, 16950:12, 17005:21 covering ^[2] - 16962:9, 17010:24 covers ^[1] - 16888:12 coverup ^[1] - 17001:23 create ^[2] - 16822:6, 16897:11 credibility ^[4] - 16831:16, 16847:22, 16859:15, 16860:20 credible ^[3] - 16832:5, 16841:12, 16851:22 crime ^[11] - 16867:12, 16868:8, 16873:11, 16910:8, 16930:11, 17005:1, 17027:18, 17045:16, 17051:13, 17053:15, 17055:22 crimes ^[2] - 16860:2, 17004:19 Criminal^[1] - 16979:7 criminal ^[11] - 16860:10, 16860:19, 16901:21, 16907:6, 16921:22, 16938:17, 16941:1, 17003:2, 17013:7, 17013:8, 17013:9 critical ^[4] - 16812:4, 16830:15, 16836:12, 16837:22 cross ^[60] - 16846:2, 16848:13, 16849:1, 16849:24, 16850:6, 16851:4, 16851:9, 16851:16, 16852:11, 16852:25, 16853:7, 16853:12, 16853:18, 16853:20, 16874:21, 16912:18, 16912:22, 16913:4, 16913:8, 16913:11, 16914:21, 16915:2, 16924:24, 16925:1, 16926:23, 16927:4, 16927:15, 16946:14, 16946:16, 16946:25, 16947:6, 16947:14, 16947:18, 16948:3, 16948:8, 16948:25, 16949:15, 16949:21, 16950:18, 16950:19, 16950:25, 16951:1, 16951:6, 16953:19, 16954:8,</p>	<p>16954:12, 16954:15, 16954:21, 16954:23, 16955:1, 16955:5, 16955:20, 16955:25, 16956:4, 16956:5, 16956:11, 16956:17, 16956:22, 16957:5, 17042:12 cross-examination ^[33] - 16846:2, 16848:13, 16849:24, 16850:6, 16851:4, 16851:9, 16852:25, 16853:18, 16874:21, 16912:22, 16913:4, 16913:8, 16913:11, 16914:21, 16915:2, 16927:4, 16946:25, 16947:6, 16948:3, 16950:18, 16953:19, 16954:8, 16954:12, 16954:15, 16954:21, 16955:20, 16955:25, 16956:4, 16956:5, 16956:11, 16956:22, 16957:5, 17042:12 cross-examine ^[21] - 16851:16, 16852:11, 16853:12, 16853:20, 16912:18, 16924:24, 16926:23, 16946:14, 16946:16, 16947:14, 16947:18, 16948:8, 16948:25, 16949:15, 16949:21, 16950:25, 16951:1, 16951:6, 16954:23, 16955:5, 16956:17 cross-examined ^[6] - 16849:1, 16853:7, 16925:1, 16927:15, 16950:19, 16955:1 crotch ^[1] - 16885:8 crown ^[2] - 16908:2, 16908:6 Crown^[31] - 16833:22, 16834:8, 16838:20, 16839:17, 16840:6, 16857:20, 16857:25, 16872:8, 16879:7, 16880:5, 16880:23, 16882:8, 16882:25, 16890:25, 16891:11, 16904:1, 16908:13, 16922:16, 16943:21, 16956:6, 16968:25, 16986:23, 16987:14, 16987:16, 16997:24, 17008:4, 17034:5, 17034:15, 17050:10,</p>	<p>17055:7 Crown's ^[8] - 16840:15, 16844:9, 16844:21, 16875:5, 16896:8, 16907:3, 16907:19, 16986:22 crying ^[2] - 16842:19 Csr^[8] - 16802:11, 16802:12, 17058:2, 17058:12, 17058:13, 17058:18, 17058:19 Cst^[2] - 17028:5, 17028:7 Culliton^[1] - 17038:10 culprit ^[1] - 17004:9 custody ^[17] - 16808:2, 16973:24, 16978:25, 16979:3, 16980:24, 16982:5, 16983:1, 16983:9, 16988:14, 16989:9, 17007:4, 17014:23, 17026:7, 17044:20, 17047:20, 17052:22, 17055:11 customary ^[1] - 16898:9 cut ^[2] - 16948:13, 16974:5 cuts ^[1] - 16849:18</p>
D				
<p>D/c ^[2] - 17008:10, 17010:19 damage ^[2] - 16808:6, 16889:13 damaged ^[1] - 16812:11 Danchuk ^[2] - 16883:6, 16894:15 Danchuks ^[9] - 16869:4, 16881:6, 16882:16, 16882:25, 16883:13, 16884:19, 16886:19, 16892:23, 16894:8 dangerous ^[3] - 17004:20, 17034:25, 17057:5 date ^[19] - 16819:3, 16901:1, 16936:17, 16974:16, 16976:22, 16977:9, 16977:22, 16977:23, 16981:1, 16981:8, 16989:16, 16989:19, 16989:20, 16989:22, 16990:14, 16991:19, 16994:24, 17022:10, 17025:13 dated ^[5] - 16943:12, 16966:20, 17007:24,</p>				



<p>17009:6, 17020:3 dates [7] - 16902:2, 16976:14, 16976:15, 16976:17, 16980:22, 16981:7, 16998:20 David [66] - 16801:4, 16803:2, 16803:11, 16804:3, 16805:10, 16807:6, 16807:8, 16807:15, 16809:16, 16809:24, 16810:1, 16810:5, 16812:25, 16814:11, 16815:2, 16815:7, 16815:10, 16815:18, 16816:1, 16816:8, 16819:21, 16820:7, 16820:15, 16820:17, 16820:19, 16823:9, 16823:13, 16824:17, 16825:11, 16825:19, 16828:17, 16830:6, 16830:17, 16831:7, 16837:4, 16840:11, 16847:21, 16849:8, 16849:23, 16857:15, 16857:23, 16867:12, 16872:16, 16888:14, 16890:25, 16891:21, 16896:1, 16896:15, 16897:4, 16897:5, 16897:14, 16922:17, 16929:16, 16930:18, 16931:10, 16931:24, 16932:1, 16932:16, 16937:10, 16970:15, 16971:9, 16977:2, 17002:14, 17020:13, 17028:20, 17028:24 David's [2] - 16817:17, 16933:1 days [5] - 16901:3, 16965:11, 17031:3, 17032:7, 17044:7 dead [2] - 16882:9, 16966:4 deadlines [1] - 17005:11 deal [9] - 16827:12, 16827:23, 16983:20, 16984:21, 16998:6, 17021:15, 17025:18, 17046:17, 17047:9 dealing [9] - 16898:22, 16981:11, 16982:6, 16983:4, 16983:9, 16983:20, 16998:23, 17051:20 dealings [3] - 16971:11, 16981:20, 16999:24</p>	<p>dealt [18] - 16841:24, 16850:12, 16872:24, 16924:8, 16924:13, 16962:2, 16983:25, 16999:3, 16999:6, 16999:9, 16999:16, 17000:3, 17000:5, 17001:17, 17001:24, 17010:25, 17011:22, 17017:12 death [2] - 16861:16, 16959:19 debate [5] - 16823:25, 16940:25, 16950:10, 16986:18, 17022:20 debating [1] - 16878:3 decade [1] - 16929:17 deceased [4] - 16856:17, 16856:20, 16898:24, 17016:23 deceased's [2] - 16856:24, 16857:4 December [6] - 16975:14, 16980:4, 16996:18, 17009:6, 17009:11, 17013:24 decide [1] - 16987:17 decided [4] - 16822:10, 16915:7, 16954:8, 16995:9 deciding [2] - 16955:13, 17045:22 decision [12] - 16834:9, 16944:1, 16950:17, 16957:14, 16997:24, 16997:25, 17001:7, 17001:10, 17006:20, 17006:22, 17025:9, 17036:23 decisions [1] - 16871:18 declaration [1] - 16813:14 declared [1] - 16955:3 deeply [1] - 16823:20 defence [18] - 16838:25, 16851:5, 16854:4, 16908:8, 16908:18, 16920:23, 16942:10, 16947:24, 16949:8, 16956:7, 16981:3, 16981:5, 16986:21, 16988:22, 17026:15, 17026:25, 17046:12, 17046:14 defences [1] - 17026:3 defer [1] - 16985:22 defiance [1] - 16805:9 definite [2] - 16836:10, 17003:7</p>	<p>definitely [1] - 16914:16 degree [5] - 16890:14, 16963:14, 16965:7, 17037:16, 17051:22 delay [1] - 16993:13 delayed [1] - 16937:4 deliberate [1] - 17001:16 deliberately [2] - 16910:7, 16911:4 demand [2] - 16806:6, 16818:1 demeanour [1] - 16841:8 denied [1] - 16957:15 Dennis [1] - 17022:15 department [3] - 16901:19, 16905:17, 16922:3 Department [13] - 16904:5, 16904:10, 16910:15, 16911:1, 16921:20, 16928:7, 17006:21, 17006:23, 17008:1, 17011:7, 17012:10, 17042:19, 17050:12 departments [1] - 17033:14 Deputy [7] - 16901:21, 16963:13, 16966:6, 16966:9, 16967:21, 17007:25, 17008:2 describe [7] - 16912:2, 16913:13, 16914:20, 16914:21, 16924:23, 17038:16, 17039:12 described [4] - 16841:18, 16876:9, 16891:6, 17053:18 describes [1] - 16869:13 describing [1] - 17039:4 Description [1] - 16804:2 desire [4] - 16824:11, 16824:19, 16985:10 desired [1] - 16982:10 desperately [3] - 16808:16, 16813:12, 16821:8 Despite [1] - 16815:6 despite [2] - 16835:15, 17039:9 destroy [3] - 16811:21, 17024:3, 17024:22 destroyed [6] - 17018:18, 17021:25, 17022:23, 17023:9,</p>	<p>17023:17, 17023:24 destruction [3] - 17020:12, 17024:23, 17025:9 Det [1] - 16910:20 Det/sgt [2] - 16910:24, 16925:3 detachment [2] - 16969:8, 17015:4 detail [3] - 16924:21, 16933:2, 17038:9 details [1] - 17037:2 detected [1] - 16963:14 Detective [1] - 16974:2 determination [2] - 16823:23, 16950:24 determine [6] - 16823:3, 16860:9, 16895:3, 16919:11, 16930:6, 16945:6 determined [3] - 16806:16, 16823:12, 16952:22 determining [7] - 16856:15, 16893:18, 16897:21, 16899:1, 16899:11, 16912:22, 16986:22 detrimental [1] - 16840:15 devastation [1] - 16809:8 diagnostic [2] - 17031:7, 17032:25 dictated [1] - 16914:17 die [1] - 17037:18 difference [1] - 16956:13 different [18] - 16813:1, 16824:6, 16825:14, 16825:16, 16856:18, 16857:9, 16877:23, 16878:20, 16917:9, 16919:1, 16935:10, 16942:3, 16949:19, 16952:9, 16956:17, 16970:7, 17037:1, 17046:1 Different [1] - 16949:7 differently [3] - 16950:14, 16950:23, 16956:24 difficult [6] - 16825:24, 16827:6, 16828:10, 16842:4, 16842:24, 16957:3 difficulties [5] - 16925:23, 16934:18, 16935:12, 17003:1 difficulty [2] - 16879:7,</p>	<p>16937:9 dim [1] - 17002:5 dimensions [1] - 16885:7 diplomatic [1] - 16806:9 dire [1] - 16953:2 direct [33] - 16913:25, 16916:10, 16934:6, 16945:1, 16982:13, 16982:21, 16983:23, 16984:4, 16984:6, 16984:14, 16985:3, 16985:5, 16987:8, 16987:17, 16988:1, 16988:9, 16988:10, 16989:3, 16990:18, 16991:5, 16996:17, 16997:19, 16998:1, 16999:12, 16999:17, 17000:3, 17000:18, 17001:1, 17001:8, 17009:9, 17009:16, 17010:10, 17012:3 directed [3] - 16805:7, 16860:13, 17022:22 direction [6] - 16852:22, 16854:2, 16888:15, 16891:23, 16899:17, 16932:13 Directions [1] - 16941:5 directions [2] - 16832:16, 16859:20 Directly [1] - 16851:12 directly [11] - 16846:6, 16846:8, 16847:5, 16848:11, 16851:8, 16851:13, 16852:12, 16930:16, 16984:20, 17054:19 Director [2] - 16802:4, 16921:18 dis [1] - 17008:22 disapproval [1] - 16806:7 disbelieve [2] - 16834:15, 16915:8 discard [1] - 17024:3 discharge [1] - 16823:10 discovered [1] - 16864:11 discovery [2] - 16807:24, 16810:14 discredit [8] - 16830:22, 16837:20, 16837:21, 16840:20, 16840:23, 16844:4, 16844:5, 16928:1 discredited [5] -</p>
--	--	--	--	---



<p>16805:15, 16858:16, 16859:12, 16916:23, 16916:24 discrediting [1] - 16915:15 discuss [9] - 16813:11, 16813:23, 16813:25, 16814:3, 16815:12, 16828:17, 16835:17, 16930:22, 17050:14 discussed [5] - 16817:5, 16836:18, 16913:18, 16914:14, 16920:16 discussing [3] - 16820:15, 16835:17, 16889:23 discussion [5] - 16825:12, 16825:13, 16912:25, 16958:3, 16994:16 discussions [3] - 16823:24, 16825:9, 16826:13 dismissed [1] - 17019:3 disorder [2] - 17031:16, 17031:19 dispose [6] - 16993:5, 17000:16, 17011:21, 17016:3, 17017:15, 17020:16 disposed [5] - 16922:12, 16993:15, 17010:9, 17012:2, 17021:9 disposition [1] - 17047:7 dispute [2] - 16825:17, 16961:16 disregard [6] - 16831:9, 16837:11, 16838:6, 16838:13, 16838:17, 16838:19 disregarded [2] - 16831:6, 16838:11 disrespect [2] - 16811:1, 16811:4 distinct [1] - 17036:11 distinction [1] - 17039:11 distractions [1] - 16806:19 District [1] - 16986:10 district [1] - 16903:15 Dna [1] - 16930:10 doctor [7] - 16827:8, 16827:21, 16880:17, 16888:6, 16889:15, 17027:9, 17029:14 Document [2] -</p>	<p>16802:5, 16802:6 document [10] - 16900:21, 16900:23, 16939:9, 16939:19, 16957:18, 16959:10, 16993:24, 16996:2, 17019:19, 17032:14 documentation [1] - 17009:2 documented [2] - 16935:17, 17044:4 documents [8] - 16939:15, 16940:11, 16964:24, 16979:9, 16981:16, 16992:6, 17026:7, 17049:7 dog [1] - 17003:17 Don [2] - 16802:12, 17028:12 Donald [2] - 17058:2, 17058:19 done [53] - 16844:21, 16853:1, 16861:18, 16874:3, 16877:12, 16881:6, 16898:6, 16898:7, 16899:12, 16899:14, 16899:23, 16900:2, 16907:3, 16907:25, 16908:16, 16913:1, 16917:1, 16921:4, 16924:2, 16924:15, 16927:3, 16929:11, 16932:17, 16932:21, 16933:7, 16942:12, 16945:18, 16950:13, 16950:18, 16950:23, 16951:7, 16953:20, 16954:1, 16954:25, 16956:21, 16956:24, 16956:25, 16957:18, 16958:12, 16970:1, 16984:1, 16990:2, 16992:17, 16996:2, 17004:12, 17014:5, 17014:7, 17018:16, 17024:19, 17024:24, 17033:22, 17056:1 door [3] - 17028:6, 17051:24 door-to-door [1] - 17051:24 doors [1] - 16890:12 doubt [6] - 16890:17, 16906:16, 16968:7, 16983:5, 17008:14, 17027:2 Douglas [1] - 16802:2 down [39] - 16831:8, 16855:1, 16858:7,</p>	<p>16860:22, 16869:24, 16873:19, 16880:9, 16881:15, 16886:23, 16886:25, 16887:1, 16887:2, 16888:3, 16888:19, 16888:21, 16892:15, 16895:21, 16902:19, 16906:21, 16910:1, 16911:22, 16911:23, 16912:13, 16919:17, 16920:21, 16924:20, 16937:10, 16943:5, 16946:4, 17002:8, 17004:13, 17008:25, 17021:1, 17021:11, 17034:11, 17041:20, 17046:6, 17047:3 downtown [1] - 16981:25 Dr [24] - 17025:18, 17025:20, 17025:22, 17026:5, 17026:8, 17026:11, 17026:22, 17027:15, 17027:20, 17028:2, 17028:9, 17029:22, 17029:23, 17030:5, 17030:16, 17030:18, 17030:24, 17032:8, 17032:10, 17032:24, 17044:16, 17047:21, 17050:11, 17050:14 draft [4] - 16992:24, 16994:23, 16995:5, 16995:8 drag [1] - 16831:8 dragged [2] - 16874:7, 16887:13 dramatically [1] - 16934:20 drastic [1] - 16806:24 draw [2] - 16809:5, 16991:22 dress [6] - 16849:19, 16880:14, 16881:15, 16887:1, 17023:4, 17024:7 drink [3] - 16894:14, 16894:16, 16894:17 drive [1] - 16891:7 drivers [1] - 16903:13 driving [2] - 16904:11, 16905:20 dropped [9] - 16871:12, 16873:23, 16877:4, 16878:6, 16878:10, 16878:11, 16879:3, 16890:15, 16892:8 dropping [1] - 16879:10</p>	<p>drove [1] - 16878:10 drug [1] - 16897:9 drugs [3] - 16897:10, 16897:17, 17042:1 drunkenness [5] - 17026:3, 17026:15, 17027:11, 17046:11, 17046:15 dubious [1] - 16859:23 due [5] - 16818:3, 16819:15, 16820:21, 16953:15, 17012:24 dumped [1] - 16874:11 duplicates [2] - 16856:22, 16856:25 duplication [1] - 16857:11 During [2] - 16910:10, 16962:14 during [12] - 16853:1, 16884:11, 16889:25, 16910:3, 16910:4, 16911:25, 16928:8, 16928:9, 16928:19, 16958:6, 17034:14, 17055:6 duty [1] - 16902:2 dying [1] - 16888:8</p>	<p>16970:24, 16977:15, 16978:15, 16984:13, 16991:6, 16999:13, 17002:2, 17002:6, 17022:5, 17022:7, 17026:8 effectively [1] - 16846:1 effort [1] - 16976:7 efforts [5] - 16824:8, 16825:20, 16843:7, 16933:6, 17052:12 Eg [1] - 17031:19 eight [4] - 16883:10, 17019:24, 17020:2, 17020:3 either [21] - 16829:13, 16847:23, 16863:6, 16863:24, 16880:25, 16884:10, 16887:14, 16904:16, 16910:7, 16914:5, 16941:22, 16956:6, 16964:7, 16984:15, 16995:5, 17001:12, 17004:21, 17026:9, 17050:5, 17053:1, 17054:20 Either [1] - 16848:7 elaborate [3] - 16828:22, 16920:4, 17013:4 elect [1] - 16989:15 election [3] - 16977:8, 16986:8, 16991:2 element [1] - 16869:16 elevated [2] - 16847:21, 17037:13 eliminates [1] - 16893:19 Elmer [2] - 16825:4, 16975:9 elsewhere [1] - 16875:10 Elson [1] - 16803:7 embarked [1] - 17010:2 employ [1] - 16839:10 employed [3] - 16926:23, 16927:15, 16943:7 employing [1] - 16830:12 employment [1] - 17052:21 enacted [1] - 16904:19 enclose [1] - 17042:16 encourage [1] - 16933:4 encouraged [2] - 17034:18, 17034:19 end [10] - 16839:1, 16844:6, 16867:16,</p>
E				<p>Eamon [1] - 16803:10 Earl [3] - 16967:3, 16967:25, 17008:5 earliest [2] - 16976:18, 16993:8 early [5] - 16910:11, 16976:12, 16988:20, 16998:17, 17044:5 earth [1] - 16974:12 easily [2] - 16861:22, 16889:17 Ed [1] - 17048:22 Eddie [2] - 16803:8, 16974:17 edification [1] - 17041:24 educated [1] - 16861:10 educational [1] - 17047:14 Edward [1] - 16801:7 effect [26] - 16805:14, 16809:20, 16818:13, 16842:8, 16853:18, 16860:16, 16875:8, 16875:10, 16877:16, 16896:18, 16904:19, 16916:12, 16922:16, 16922:23, 16942:1,</p>



<p>16905:12, 16915:1, 16927:3, 16976:1, 16996:5, 17007:18, 17044:21</p> <p>endeavored [1] - 16859:25</p> <p>ended [6] - 16837:8, 16928:21, 16928:25, 16971:17, 16983:4, 17017:1</p> <p>ends [1] - 16945:9</p> <p>enforce [1] - 16820:7</p> <p>engaged [1] - 16927:1</p> <p>enjoyed [1] - 17013:13</p> <p>enlarged [1] - 16854:14</p> <p>enlighten [1] - 16810:6</p> <p>enlisted [1] - 17026:5</p> <p>ensuring [1] - 16826:10</p> <p>enter [2] - 16990:14, 16990:15</p> <p>entered [2] - 16929:10, 16978:20</p> <p>entire [4] - 16909:16, 16971:16, 17044:2, 17044:12</p> <p>entirely [8] - 16807:7, 16832:14, 16833:4, 16856:18, 16857:9, 16858:17, 16860:8, 16881:20</p> <p>entitled [3] - 16908:13, 16947:17, 16948:25</p> <p>entry [1] - 16889:14</p> <p>episode [7] - 16912:5, 17038:19, 17039:7, 17040:12, 17040:23, 17047:25, 17048:23</p> <p>episodes [5] - 17048:1, 17048:6, 17048:15, 17048:25, 17049:12</p> <p>equal [3] - 16982:17, 16999:2, 16999:20</p> <p>equivalent [1] - 16982:1</p> <p>era [1] - 17025:24</p> <p>erred [2] - 16941:18, 16942:19</p> <p>error [2] - 16894:4, 16944:13</p> <p>escort [1] - 16988:16</p> <p>Esq [6] - 16802:3, 16803:3, 16803:7, 16803:8, 16803:9, 16803:10</p> <p>essentially [6] - 16897:7, 16981:8, 16985:7, 17022:3, 17027:4, 17037:18</p> <p>establish [3] - 16946:19, 16947:25, 16986:23</p>	<p>estimate [2] - 16869:2, 16939:22</p> <p>estimated [1] - 16868:14</p> <p>estimation [4] - 16835:19, 16842:2, 16866:2, 16906:20</p> <p>etcetera [19] - 16828:12, 16830:17, 16850:4, 16868:14, 16874:23, 16892:2, 16957:22, 16963:24, 16979:24, 16985:11, 17004:7, 17026:20, 17042:13, 17045:6, 17045:9, 17047:16, 17051:25, 17054:25</p> <p>Eugene [1] - 16958:19</p> <p>evaluate [1] - 17045:5</p> <p>evening [3] - 16904:13, 17021:12, 17021:13</p> <p>event [10] - 16858:10, 16862:2, 16935:8, 16952:4, 16982:9, 17017:11, 17017:17, 17026:2, 17026:14, 17029:11</p> <p>events [14] - 16810:2, 16828:24, 16828:25, 16832:19, 16832:22, 16835:1, 16836:13, 16836:24, 16837:1, 16849:6, 16912:6, 16912:12, 16957:24, 16958:10</p> <p>eventually [6] - 16915:7, 17022:5, 17038:21, 17040:12, 17052:3, 17054:5</p> <p>evidence [186] - 16805:19, 16816:25, 16823:11, 16823:16, 16824:24, 16825:5, 16825:8, 16827:10, 16827:20, 16827:25, 16828:20, 16828:24, 16829:19, 16830:4, 16830:14, 16830:15, 16831:3, 16832:2, 16833:5, 16834:6, 16834:16, 16838:7, 16839:14, 16839:20, 16840:20, 16840:22, 16841:12, 16843:24, 16844:3, 16844:7, 16844:24, 16845:1, 16845:19, 16850:24, 16851:3, 16851:15, 16851:19, 16852:12, 16855:10, 16855:14,</p>	<p>16856:13, 16857:2, 16857:15, 16858:4, 16858:10, 16858:13, 16858:21, 16859:9, 16860:24, 16862:3, 16863:10, 16863:19, 16864:7, 16864:13, 16864:14, 16864:17, 16865:2, 16865:14, 16865:16, 16865:20, 16866:9, 16866:17, 16867:5, 16867:7, 16869:1, 16869:5, 16870:6, 16870:8, 16871:15, 16872:15, 16873:2, 16874:1, 16874:4, 16875:5, 16875:25, 16876:2, 16876:8, 16877:13, 16877:19, 16877:21, 16878:15, 16879:1, 16879:14, 16880:17, 16880:22, 16881:25, 16883:14, 16883:18, 16883:21, 16884:6, 16885:2, 16885:5, 16885:6, 16885:13, 16885:23, 16885:25, 16886:15, 16887:4, 16887:20, 16888:1, 16888:9, 16889:12, 16890:5, 16890:8, 16890:24, 16892:3, 16893:7, 16894:13, 16894:19, 16895:6, 16895:16, 16896:19, 16896:21, 16896:25, 16899:20, 16900:5, 16900:12, 16902:17, 16902:23, 16906:18, 16907:4, 16907:23, 16908:10, 16908:14, 16909:5, 16909:10, 16910:4, 16912:4, 16914:23, 16915:4, 16915:17, 16915:21, 16915:24, 16916:22, 16924:24, 16928:2, 16930:10, 16935:7, 16941:19, 16941:24, 16942:9, 16942:20, 16946:3, 16947:3, 16949:25, 16951:20, 16955:15, 16957:23, 16960:13, 16975:13, 16975:16, 16975:18, 16975:21, 16978:11, 16978:13, 16978:19, 16981:15, 16982:24, 16983:2, 16984:13, 16986:2, 16988:8,</p>	<p>16996:24, 17024:4, 17027:4, 17029:20, 17031:18, 17035:7, 17038:22, 17038:24, 17040:2, 17040:7, 17040:16, 17041:1, 17041:6, 17041:16, 17042:7, 17042:11, 17042:14, 17042:15, 17045:3, 17046:4, 17047:23, 17049:22</p> <p>Evidence [1] - 16912:20</p> <p>evidence-in-chief [2] - 16876:8, 16928:2</p> <p>evidences [1] - 16892:18</p> <p>evidently [6] - 16842:6, 16909:6, 16921:25, 16923:7, 17049:2, 17049:6</p> <p>evolved [1] - 17044:23</p> <p>exact [1] - 16885:7</p> <p>exactly [5] - 16848:22, 16992:21, 17007:9, 17008:20, 17026:17</p> <p>examination [42] - 16807:24, 16810:16, 16846:2, 16848:13, 16849:24, 16850:6, 16851:4, 16851:9, 16852:25, 16853:18, 16865:7, 16874:21, 16911:25, 16912:16, 16912:22, 16913:4, 16913:8, 16913:11, 16914:21, 16915:2, 16924:3, 16927:4, 16946:25, 16947:6, 16948:3, 16950:18, 16953:14, 16953:19, 16953:20, 16954:8, 16954:12, 16954:15, 16954:21, 16955:20, 16955:25, 16956:4, 16956:5, 16956:11, 16956:22, 16957:5, 17030:17, 17042:12</p> <p>examinations [2] - 16810:14, 17029:18</p> <p>examine [24] - 16851:16, 16852:11, 16853:12, 16853:20, 16908:1, 16912:18, 16924:24, 16926:23, 16946:14, 16946:16, 16947:14, 16947:18, 16948:8, 16948:25, 16949:15, 16949:21, 16950:25, 16951:1, 16951:6, 16954:23,</p>	<p>16955:5, 16956:16, 16956:17</p> <p>examined [11] - 16835:21, 16849:1, 16853:7, 16925:1, 16927:15, 16950:19, 16955:1, 17028:2, 17029:14, 17044:9, 17050:10</p> <p>example [13] - 16826:1, 16829:3, 16836:23, 16851:14, 16886:5, 16939:23, 16977:18, 16985:4, 16986:17, 16987:16, 17003:19, 17004:5, 17048:10</p> <p>except [1] - 16833:5</p> <p>exception [2] - 16857:1, 16955:21</p> <p>exceptionally [1] - 16812:9</p> <p>exchanges [1] - 16841:16</p> <p>excluded [4] - 16942:1, 16944:9, 16956:23, 16979:13</p> <p>excuse [3] - 16821:20, 16822:6, 16964:12</p> <p>Executive [1] - 16802:4</p> <p>exercise [2] - 16853:2, 17024:23</p> <p>Exhibit [1] - 16888:25</p> <p>exhibit [2] - 17022:1, 17024:25</p> <p>exhibits [24] - 16902:25, 16971:12, 17016:19, 17017:15, 17017:23, 17018:11, 17018:17, 17019:11, 17019:14, 17019:23, 17020:1, 17020:5, 17020:7, 17020:13, 17020:17, 17021:1, 17021:19, 17021:24, 17022:23, 17023:1, 17023:8, 17024:20, 17025:10, 17025:12</p> <p>exist [1] - 16813:9</p> <p>existed [2] - 16909:1, 17012:11</p> <p>existence [2] - 16978:12, 17010:23</p> <p>expand [3] - 16958:24, 16963:5, 16973:21</p> <p>expect [7] - 16805:24, 16836:17, 16849:3, 16882:13, 16884:22, 16889:2, 17010:19</p> <p>expected [3] - 16850:25, 16886:18,</p>
---	---	--	---	---



<p>16900:4 expecting [1] - 16900:8 expedient [1] - 17016:3 expense [2] - 16806:4, 16986:14 experience [1] - 16998:4 expert [1] - 16834:13 explain [5] - 16849:18, 16882:20, 16886:6, 16933:2, 16934:22 explained [2] - 16932:16, 17013:12 explaining [1] - 17041:13 explanation [6] - 16856:18, 16857:24, 16861:15, 17013:23, 17040:5, 17041:4 expressed [1] - 16829:2 expressing [1] - 16911:9 expression [1] - 16806:10 extensively [1] - 17011:1 extent [5] - 16849:2, 16858:15, 16908:8, 16949:11, 16970:14 extract [1] - 17023:22 extracted [1] - 17040:16 extremely [3] - 16912:8, 16933:10, 17047:13 eye [3] - 16805:16, 16855:17, 16987:15</p>	<p>16890:11, 16891:4, 16891:5, 16895:4, 16895:19, 16897:24, 16902:3, 16908:22, 16925:25, 16926:16, 16927:6, 16927:20, 16942:8, 16945:16, 16953:22, 16967:20, 16971:20, 16974:1, 16983:19, 16992:24, 16999:24, 17000:2, 17000:22, 17004:6, 17012:24, 17023:11, 17025:3, 17025:12, 17036:22, 17037:16, 17039:24 factor [2] - 16899:10, 16899:18 factors [7] - 16947:3, 16982:8, 17050:25, 17052:9, 17052:24, 17053:4, 17053:6 facts [29] - 16840:9, 16854:6, 16862:17, 16865:25, 16873:3, 16920:11, 16962:17, 16963:3, 16963:10, 16967:5, 16974:24, 16983:15, 16987:11, 17000:6, 17008:11, 17035:21, 17036:15, 17038:2, 17038:8, 17038:14, 17039:5, 17039:12, 17039:13, 17039:14, 17039:19, 17040:6, 17041:9, 17056:10 factual [2] - 16886:21, 16916:14 factually [2] - 16809:12, 16809:13 factum [1] - 16938:17 fail [2] - 16883:13, 16937:20 faint [1] - 16936:12 fair [59] - 16821:4, 16831:16, 16831:20, 16832:8, 16836:3, 16841:12, 16841:16, 16843:1, 16848:6, 16848:19, 16850:22, 16858:5, 16860:14, 16868:8, 16872:24, 16874:23, 16876:5, 16879:11, 16879:22, 16882:21, 16884:11, 16884:14, 16885:23, 16886:15, 16890:2, 16893:3, 16893:22, 16896:11, 16896:21,</p>	<p>16914:15, 16915:20, 16917:4, 16927:24, 16938:21, 16942:6, 16942:24, 16949:10, 16949:22, 16950:6, 16951:22, 16952:20, 16953:11, 16961:18, 16961:22, 16969:4, 16970:21, 16971:25, 16972:5, 16972:22, 16984:18, 16986:19, 16989:4, 16989:20, 16991:7, 17008:23, 17032:21, 17054:13, 17055:16, 17055:20 Fair [1] - 16958:25 fairly [8] - 16817:18, 16881:12, 16889:17, 16922:3, 16968:6, 17032:1, 17043:22, 17056:11 fairness [8] - 16806:25, 16827:17, 16835:21, 16836:11, 16843:11, 16853:5, 16886:13, 16995:21 faith [2] - 16808:23, 17029:17 false [2] - 16910:7, 16911:4 familiar [1] - 16983:14 family [2] - 17019:24, 17020:6 far [18] - 16826:14, 16828:1, 16828:16, 16828:18, 16828:23, 16835:1, 16837:2, 16861:8, 16861:20, 16871:17, 16916:3, 16938:1, 16959:5, 16971:13, 16971:15, 16997:24, 17026:11 fashion [4] - 16853:23, 16933:4, 17004:12, 17042:5 fast [3] - 16901:25, 17010:23, 17046:4 fatal [1] - 16887:10 favour [1] - 16909:7 favours [1] - 16860:12 feasible [1] - 16824:14 features [1] - 16880:12 February [10] - 16901:2, 16905:7, 16905:11, 16918:13, 16922:7, 16923:15, 16960:1, 17019:1, 17027:13, 17030:16 Federal [1] - 17003:5 Federation [1] - 17034:6</p>	<p>feelings [3] - 17055:17, 17055:21, 17055:24 fees [2] - 16901:10, 16902:14 felt [16] - 16842:6, 16843:9, 16843:17, 16884:2, 16900:12, 16900:14, 16923:7, 16928:22, 16938:10, 17004:1, 17004:24, 17025:12, 17033:15, 17045:9, 17056:4 fence [1] - 16864:9 few [4] - 16867:25, 16905:13, 16914:20, 16970:12 fiasco [1] - 16931:3 fiat [4] - 17019:11, 17019:20, 17020:1, 17021:10 field [1] - 16924:13 fifth [1] - 16868:10 fight [2] - 16929:24, 16930:1 figure [2] - 16889:24, 16900:1 file [34] - 16906:19, 16922:9, 16922:14, 16922:15, 16922:16, 16922:17, 16922:19, 16939:25, 16943:13, 16958:23, 16959:11, 16960:9, 16960:12, 16970:12, 16971:7, 16971:9, 16976:20, 16977:24, 16977:25, 16978:4, 16978:7, 16978:8, 16981:2, 16981:9, 16981:16, 16992:23, 17016:1, 17019:11, 17031:9, 17032:1, 17044:7, 17047:19, 17054:1, 17054:13 filed [3] - 16938:18, 16938:20, 17025:1 files [10] - 16935:21, 16963:23, 16967:12, 16975:1, 16975:4, 16978:12, 16994:12, 16996:16, 16997:12, 17005:17 filled [2] - 16984:9, 17048:9 final [3] - 16908:2, 16928:17, 17047:7 fine [20] - 16819:11, 16827:19, 16833:4, 16854:14, 16854:15, 16854:18, 16854:24,</p>	<p>16865:12, 16871:22, 16901:16, 16902:9, 16903:2, 16907:14, 16948:14, 16961:21, 16971:1, 16974:5, 16974:7, 17021:17, 17037:21 finish [2] - 16871:9, 16957:2 finished [1] - 16872:5 first [41] - 16826:24, 16827:14, 16851:1, 16861:14, 16875:23, 16882:7, 16882:19, 16905:8, 16905:14, 16911:3, 16923:17, 16924:7, 16924:12, 16929:17, 16930:15, 16931:6, 16944:24, 16954:15, 16958:5, 16958:8, 16958:15, 16959:18, 16960:23, 16968:6, 16970:9, 16974:8, 16976:5, 16985:13, 16989:12, 16990:21, 16991:3, 16994:17, 16995:5, 17000:3, 17021:20, 17030:2, 17032:16, 17032:21, 17033:18, 17034:16, 17035:7 First [1] - 16847:14 Fisher [70] - 16803:10, 16807:22, 16810:21, 16814:22, 16815:21, 16930:11, 16932:14, 16957:20, 16958:16, 16958:23, 16959:6, 16959:12, 16959:15, 16962:20, 16963:4, 16963:12, 16963:21, 16963:23, 16965:5, 16965:10, 16967:1, 16967:2, 16967:3, 16967:4, 16967:8, 16967:22, 16967:25, 16968:17, 16969:15, 16969:23, 16970:3, 16970:13, 16970:16, 16972:1, 16972:13, 16973:8, 16973:24, 16974:14, 16975:2, 16975:19, 16977:17, 16978:21, 16980:4, 16980:24, 16989:3, 16989:23, 16990:19, 16995:15, 16996:4, 16996:19, 16997:12, 16997:25, 17000:3, 17001:8, 17001:11,</p>
F				
<p>face [1] - 16892:19 faced [2] - 16809:3, 16838:23 facilitate [1] - 16932:25 facilities [1] - 17050:15 fact [60] - 16814:15, 16817:21, 16825:20, 16826:7, 16826:17, 16837:14, 16838:6, 16839:24, 16840:14, 16851:25, 16857:23, 16860:1, 16860:10, 16860:11, 16860:18, 16866:5, 16867:11, 16867:18, 16867:21, 16869:7, 16869:22, 16870:6, 16871:18, 16880:13, 16881:20, 16881:22, 16881:23, 16882:1, 16890:7,</p>				



<p>17001:17, 17001:20, 17007:1, 17008:5, 17008:12, 17009:3, 17009:10, 17009:13, 17009:18, 17010:7, 17015:25, 17016:4, 17016:9, 17016:14 Fishers [10] - 16965:15, 16981:12, 16982:25, 16988:9, 16991:21, 16992:15, 16997:5, 17001:24, 17006:18, 17010:22 fit [6] - 16837:23, 16851:22, 16869:20, 16873:10, 16880:4, 17046:23 fits [1] - 16885:15 fitting [1] - 16988:4 five [10] - 16841:4, 16866:22, 16869:24, 16869:25, 16870:9, 16870:15, 16870:20, 16919:5, 17056:12 fixed [1] - 16976:23 Flicker [1] - 17056:9 flight [1] - 17013:19 flip [2] - 16840:25, 16987:13 flown [1] - 17014:12 focus [2] - 16875:13, 17039:20 focused [1] - 16902:5 follow [5] - 16847:3, 16875:2, 16968:24, 17018:21, 17054:10 follow-up [1] - 16968:24 followed [13] - 16849:11, 16872:13, 16913:19, 16914:7, 16955:12, 16955:23, 16956:8, 16957:10, 16959:9, 16971:16, 16989:5, 17016:12, 17054:16 following [4] - 16898:20, 16910:21, 16916:19, 17031:23 follows [1] - 16948:7 folly [1] - 16900:15 footprints [2] - 16887:12, 16887:17 force [1] - 16865:24 forced [2] - 16889:5, 16931:1 forcible [1] - 16889:14 forefront [1] - 16873:2 foregoing [1] - 17058:4 forget [4] - 16807:25,</p>	<p>16808:17, 16810:18, 16815:22 forgetting [1] - 17020:15 form [7] - 16847:13, 16901:6, 16906:20, 16911:21, 16969:12, 16980:21, 17052:20 formal [3] - 16976:5, 17006:12, 17031:18 formally [1] - 16829:21 formed [1] - 16841:11 forth [1] - 16836:20 forthcoming [1] - 16916:1 forum [2] - 16932:22, 16933:22 forward [10] - 16834:20, 16838:20, 16843:23, 16872:19, 16962:17, 16963:10, 16977:4, 17008:10, 17026:14, 17049:22 four [25] - 16825:3, 16841:3, 16880:18, 16880:19, 16905:8, 16919:5, 16962:23, 16965:7, 16970:24, 16974:16, 16978:12, 16980:4, 16980:13, 16996:20, 17001:4, 17009:4, 17009:5, 17009:19, 17010:4, 17035:10, 17037:7, 17044:17, 17046:1, 17050:4, 17056:12 fourth [2] - 16910:1, 16959:25 frame [14] - 16830:15, 16832:24, 16867:1, 16867:16, 16868:6, 16868:15, 16870:9, 16872:6, 16872:9, 16872:17, 16873:13, 16987:24, 17002:13, 17022:19 Frank [1] - 16905:1 frank [3] - 16814:1, 16815:10, 16930:20 frankly [3] - 16811:2, 16896:10, 16985:23 Framer [1] - 16803:11 free [3] - 16851:15, 16940:20, 17017:14 freedom [1] - 17053:12 frequent [3] - 16923:12, 16984:7, 16990:16 frequently [2] - 16834:10, 17012:22 Friday [2] - 16899:24,</p>	<p>16906:24 Friend [1] - 16811:23 friend [1] - 16847:24 friends [2] - 17041:25, 17042:2 front [4] - 16847:5, 16847:6, 16880:16, 16935:17 fruitless [1] - 16879:24 frustration [1] - 16809:7 full [5] - 16914:24, 16931:7, 16933:12, 17034:15, 17055:7 full-time [2] - 17034:15, 17055:7 fully [3] - 16927:1, 16931:9, 16935:22 Funding [1] - 16936:19 funny [1] - 16813:6 Furthermore [3] - 16874:6, 16874:9, 16887:8 future [6] - 16808:22, 16812:8, 17024:8, 17050:7, 17054:15, 17056:2 Fw [1] - 17009:12</p>	<p>16982:14, 17000:1, 17008:2, 17009:8, 17011:8, 17012:5 general [9] - 16928:16, 16935:13, 16944:6, 17009:17, 17010:11, 17012:12, 17018:15, 17026:5, 17046:16 general's [2] - 17006:20, 17012:10 Generals [2] - 16981:21, 16983:3 generally [9] - 16844:2, 16888:10, 16900:23, 16901:17, 16901:23, 16903:3, 16970:9, 16972:15, 16978:9 generating [1] - 17002:6 generic [1] - 16977:18 genitals [1] - 16889:13 gentleman [1] - 17035:2 genuine [1] - 16933:12 George [1] - 16907:5 Gibson [1] - 16803:9 girl [17] - 16831:7, 16849:23, 16866:21, 16871:2, 16873:22, 16874:6, 16877:3, 16878:5, 16888:21, 16889:19, 16905:1, 16925:10, 16925:19, 16926:19, 16927:8, 16927:22, 17048:8 girls [3] - 16904:21, 17048:2, 17048:4 given [27] - 16835:16, 16839:14, 16841:8, 16847:7, 16883:1, 16884:1, 16894:13, 16909:10, 16910:6, 16925:8, 16925:18, 16926:1, 16926:17, 16927:7, 16927:21, 16933:11, 16936:6, 16937:8, 16949:3, 16953:17, 16954:20, 16955:15, 16968:2, 16968:8, 17007:20, 17013:23, 17016:4 glove [1] - 16855:12 Goa [4] - 16975:9, 16975:16, 16978:10, 17016:9 goal [2] - 16825:7, 16867:14 gonna [1] - 16821:1 Government [2] - 16803:4, 16992:23</p>	<p>government [2] - 16809:11, 16999:13 government's [1] - 16994:13 governmental [1] - 16982:15 grab [5] - 16830:17, 16831:7, 16849:23, 16853:13 grade [3] - 16985:25, 17029:8, 17029:10 Graham [4] - 17005:15, 17006:6, 17006:7, 17009:1 grant [1] - 17018:10 granted [5] - 16927:18, 16930:15, 16946:17, 16948:9 graphic [1] - 17043:22 graphically [2] - 17042:19, 17043:7 grave [5] - 16915:3, 16915:17, 16915:23, 17035:21, 17056:22 great [5] - 16809:17, 16928:16, 16937:9, 17047:9, 17052:1 greater [2] - 16933:2, 17031:13 greatest [1] - 16849:2 greed [1] - 16919:25 Greenberg [8] - 16981:12, 16982:24, 16991:21, 16994:11, 16994:24, 16998:22, 16999:9, 16999:16 ground [4] - 16941:3, 16941:5, 16942:16, 16943:7 grounds [1] - 16941:11 group [2] - 16834:5, 16872:16 guarantee [2] - 16819:25, 16820:2 guarding [1] - 16897:19 guess [10] - 16828:12, 16859:2, 16872:25, 16873:1, 16916:21, 16927:1, 16937:15, 16986:9, 17004:14, 17040:20 Guidance [1] - 17031:12 guided [1] - 16909:20 guidelines [1] - 16846:22 guilt [3] - 16883:18, 17025:14, 17055:18 guilty [26] - 16843:25, 16900:8, 16979:11, 16982:10, 16984:1,</p>
G				
<p>Gail [26] - 16839:12, 16856:7, 16857:16, 16858:1, 16867:5, 16874:25, 16875:17, 16876:4, 16876:9, 16879:15, 16879:20, 16879:21, 16883:1, 16888:13, 16891:12, 16896:24, 16930:9, 16959:19, 16969:11, 16970:10, 16971:2, 16971:21, 17023:1, 17023:4, 17023:6, 17036:20 gaining [1] - 17053:12 game [4] - 16810:17, 16909:6, 16933:16, 16935:25 garbage [1] - 16856:8 garments [2] - 17023:6, 17024:8 garnered [1] - 17002:15 Garrett [1] - 16803:6 Garth [1] - 16929:22 gather [1] - 16980:13 General [11] - 16901:20, 16901:21, 16962:16, 16981:18, 16982:7,</p>				



16984:21, 16984:24, 16985:7, 16985:14, 16986:12, 16989:13, 16990:4, 16990:14, 16990:15, 16996:20, 17000:4, 17000:16, 17000:23, 17002:3, 17002:19, 17006:18, 17007:3, 17009:3, 17009:10, 17009:23, 17010:6 guy [1] - 16997:17 guys [2] - 16975:6, 17002:8	hat [2] - 16892:8, 16971:2 hate [1] - 16865:11 hats [1] - 16970:7 have ' [2] - 16918:17, 16918:19 head [5] - 16921:19, 16981:24, 16983:10, 17012:9, 17050:12 headed [1] - 16929:24 heading [3] - 17026:5, 17027:3, 17052:7 Headingley [1] - 16998:15 health [2] - 16823:19, 16828:14 hear [22] - 16805:24, 16823:11, 16829:25, 16830:2, 16848:24, 16849:15, 16867:9, 16873:7, 16921:22, 16927:4, 16931:21, 16932:7, 16939:2, 16940:4, 16941:10, 16949:25, 16950:6, 16951:19, 16956:20, 17014:17, 17015:8, 17029:20 heard [38] - 16807:7, 16807:10, 16809:19, 16812:16, 16824:1, 16835:2, 16836:15, 16841:23, 16847:11, 16852:19, 16863:12, 16867:9, 16872:11, 16872:12, 16872:17, 16915:9, 16931:10, 16931:12, 16951:15, 16951:16, 16957:23, 16958:6, 16975:13, 16975:16, 16978:12, 16978:19, 16982:24, 16984:13, 16986:2, 16988:8, 16995:17, 16997:1, 17001:14, 17004:5, 17010:7, 17013:1, 17013:9, 17027:19 hearing [36] - 16806:3, 16866:8, 16869:1, 16869:2, 16869:3, 16869:4, 16921:6, 16940:7, 16958:15, 16960:21, 16960:23, 16961:13, 16974:9, 16977:8, 16977:9, 16977:11, 16977:22, 16978:2, 16981:1, 16984:16, 16984:17, 16985:16, 16985:19,	16986:4, 16986:15, 16986:19, 16986:21, 16987:15, 16989:16, 16989:19, 16989:23, 16994:7, 16997:20, 17000:8, 17013:10, 17030:10 hearsay [1] - 17045:7 heart's [1] - 16853:20 heavier [1] - 16863:15 heavy [1] - 16823:2 held [3] - 16815:7, 17014:24, 17051:22 help [13] - 16811:19, 16812:7, 16813:9, 16813:11, 16813:12, 16826:11, 16840:3, 16847:24, 16848:4, 16900:19, 16994:14, 16994:18, 17047:15 helped [2] - 16844:8, 16844:9 helps [1] - 16995:7 hereby [1] - 17058:4 herein [2] - 16922:10, 17058:6 heroin [1] - 17048:4 herself [2] - 16913:23, 16925:5 Hersh [1] - 16803:2 hiatus [3] - 16915:3, 16915:17, 16915:23 hidden [1] - 16874:16 hide [1] - 16858:4 hiding [4] - 16833:12, 16834:2, 16842:11, 17004:2 highlight [1] - 17036:6 highly [2] - 16942:22, 16982:14 himself [10] - 16806:5, 16809:17, 16813:14, 16818:1, 16881:12, 16907:7, 17000:14, 17016:14, 17052:13, 17055:25 Hinz [3] - 16802:11, 17058:2, 17058:13 history [7] - 17032:11, 17044:3, 17044:13, 17044:25, 17045:21, 17047:12, 17047:19 hit [1] - 17005:8 Hodson [92] - 16802:2, 16804:4, 16805:6, 16807:18, 16808:12, 16808:17, 16809:22, 16809:25, 16813:16, 16814:16, 16817:4, 16817:5, 16819:19,	16820:13, 16822:19, 16823:1, 16830:7, 16832:9, 16838:8, 16839:6, 16842:4, 16843:19, 16844:16, 16845:17, 16847:2, 16848:7, 16851:10, 16853:1, 16854:6, 16854:22, 16854:25, 16859:1, 16863:7, 16865:6, 16869:19, 16870:23, 16872:2, 16875:9, 16876:12, 16877:15, 16885:20, 16886:11, 16893:23, 16901:7, 16907:11, 16917:17, 16919:14, 16922:5, 16922:23, 16924:8, 16926:25, 16937:23, 16938:11, 16939:9, 16952:7, 16957:1, 16958:18, 16961:3, 16962:1, 16963:5, 16965:24, 16966:3, 16966:8, 16970:23, 16973:19, 16974:25, 16978:13, 16985:12, 16987:20, 16991:9, 16991:13, 16993:11, 16995:6, 16997:9, 16999:14, 17003:12, 17018:6, 17020:14, 17022:4, 17023:7, 17028:16, 17029:6, 17029:9, 17030:19, 17032:15, 17034:4, 17037:19, 17046:17, 17053:2, 17054:21, 17057:12 hold [2] - 16877:7, 17017:20 holding [1] - 16813:7 holds [1] - 16930:12 home [6] - 16861:1, 16861:23, 16874:8, 16882:5, 16892:9, 16987:12 Hon [1] - 16803:12 honest [1] - 16933:12 honestly [1] - 16933:15 honour [2] - 16820:8, 16828:19 Honourable [1] - 16801:6 hope [13] - 16812:5, 16816:19, 16838:5, 16903:20, 16936:5, 16937:16, 16937:19, 16962:1, 16987:19, 16995:23, 17003:19,	17039:16, 17053:18 hoped [1] - 16821:21 hopefully [2] - 16812:17, 16821:25 hopes [1] - 16814:7 horizontal [1] - 17023:13 horrific [5] - 16808:4, 16809:5, 16813:4, 16822:7, 16932:5 horrified [1] - 17055:9 horror [2] - 16807:25, 16932:12 Hospital [1] - 17050:13 hospital [1] - 17052:15 hospitalization [1] - 16890:20 Hostile [1] - 16841:21 hostile [1] - 16955:3 Hotel [1] - 16801:16 hour [1] - 17028:9 hours [2] - 16844:11, 16899:25 house [9] - 16862:5, 16862:13, 16866:22, 16891:3, 16891:7, 16898:24, 17003:6, 17020:8, 17020:24 housed [1] - 17015:11 housewives [1] - 17052:2 hubris [1] - 16806:2 human [1] - 16935:14 hunting [8] - 16863:11, 16863:13, 16863:23, 16864:3, 16864:19, 16864:24, 16865:14, 16865:19 hurt [1] - 16809:7
H				
I				
half [1] - 17030:2 halfway [1] - 17034:11 Hall [1] - 17013:15 hand [8] - 16849:9, 16853:14, 16856:17, 16889:5, 16893:12, 16893:13, 16893:14 handed [6] - 16849:10, 16893:6, 16893:9, 16893:11, 16929:13 handle [2] - 16874:13, 17013:17 handled [3] - 16864:18, 16864:19, 16921:3 handling [3] - 16982:12, 17006:18, 17010:12 hands [4] - 16888:3, 16888:7, 16900:10, 16963:16 handwriting [2] - 17007:11, 17007:13 handwritten [5] - 16992:24, 16993:25, 16994:5, 17007:17, 17018:24 hang [2] - 16922:22, 17022:5 Hanson [1] - 17028:12 happy [5] - 16827:11, 16827:12, 16828:21, 16934:5, 16961:19 hard [4] - 16821:5, 16901:25, 17010:23, 17046:3 hard-and-fast [1] - 17010:23 Hardy [1] - 16802:3 harm [5] - 16823:22, 16827:9, 16827:21, 16827:25, 16828:11 Harry [1] - 17029:7				idea [3] - 16845:15, 16984:23, 17021:20 identified [2] - 16905:6, 16970:12 identify [2] - 17028:13, 17043:5 ignored [1] - 16806:21 ill [1] - 16812:21 illness [1] - 16809:1 immediate [2] - 16806:24, 17054:14 immediately [3] - 16912:9, 16936:13, 17053:15 impact [6] - 16827:18, 16843:24, 16845:5, 16845:11, 16944:20,



<p>16950:4 impacts [1] - 16829:8 impaired [1] - 16903:13 impartially [1] - 16806:18 impatient [3] - 16841:18, 16841:20, 16841:21 implicate [1] - 16890:13 implying [2] - 16817:21, 16817:22 importance [2] - 16898:25, 16928:16 important [9] - 16833:18, 16845:20, 16857:20, 16987:3, 17003:23, 17003:24, 17004:8, 17004:24, 17047:24 impose [1] - 17000:13 impossible [1] - 17017:7 impress [1] - 16937:21 impression [6] - 16841:11, 16842:9, 16842:14, 16843:3, 16844:21, 16952:9 impressions [2] - 16833:20, 16843:22 imprisonment [2] - 16923:23, 17035:3 improper [2] - 16946:23, 16948:2 improve [1] - 17052:12 improved [1] - 16838:14 inaccurate [2] - 16878:21, 16952:15 incarcerated [3] - 17007:1, 17011:20, 17013:25 incident [6] - 16904:18, 16912:2, 17028:11, 17038:25, 17048:24, 17049:17 incidents [1] - 16959:23 inclined [1] - 16936:11 include [1] - 17040:14 included [4] - 16839:1, 17012:1, 17022:25, 17045:25 including [3] - 16844:11, 16912:5, 17012:13 inconsistencies [2] - 16947:1, 16948:5 inconsistency [3] - 16945:7, 16945:9, 16945:10 inconsistent [3] -</p>	<p>16875:22, 16954:10, 16955:14 inconvenience [1] - 16986:14 incorporated [2] - 16968:9, 16968:13 incorrectly [1] - 16978:23 incriminating [19] - 16832:2, 16832:25, 16839:15, 16847:16, 16847:20, 16850:19, 16850:20, 16850:23, 16852:18, 16852:24, 16853:25, 16911:12, 16911:18, 16916:24, 16917:21, 16918:10, 16918:15, 16919:6, 16919:12 inculcating [1] - 16859:24 Index [1] - 16804:1 indicate [15] - 16874:5, 16877:14, 16877:21, 16878:16, 16887:12, 16888:10, 16889:14, 16902:22, 16918:3, 16932:23, 16937:7, 17033:24, 17042:20, 17043:7, 17050:9 indicated [14] - 16825:6, 16858:17, 16859:13, 16861:19, 16880:11, 16888:23, 16888:24, 16891:4, 16952:2, 17011:19, 17029:1, 17029:16, 17056:9 indicates [5] - 16917:25, 17008:9, 17028:1, 17029:12 indicating [8] - 16878:20, 16925:9, 16925:18, 16926:1, 16926:18, 16927:7, 16927:21, 17009:3 indicative [1] - 16926:5 indictment [27] - 16982:13, 16982:21, 16984:4, 16984:14, 16985:3, 16987:9, 16987:17, 16988:1, 16988:9, 16988:10, 16989:3, 16990:18, 16991:5, 16996:17, 16997:19, 16998:1, 16999:12, 16999:17, 17000:4, 17000:18, 17001:1, 17001:8, 17009:6, 17009:16,</p>	<p>17010:10, 17012:3 indictments [4] - 16983:24, 16984:6, 16985:5, 17009:9 indirectly [5] - 16846:5, 16847:6, 16850:18, 16852:1, 16854:1 individual [8] - 16889:8, 16892:3, 16900:17, 16979:3, 16980:14, 17022:16, 17031:10, 17053:11 indulge [1] - 16813:14 industry [2] - 17003:2, 17005:5 Indyk [2] - 16907:20, 16908:2 inevitable [1] - 16965:2 infer [1] - 16842:17 inflicted [2] - 16820:21, 16887:9 influence [5] - 16897:10, 16897:17, 16935:23, 17036:23, 17042:1 inform [1] - 16936:14 information [45] - 16807:21, 16807:22, 16847:20, 16861:14, 16903:21, 16906:9, 16933:18, 16963:19, 16966:12, 16966:16, 16966:23, 16967:16, 16967:24, 16968:21, 16970:8, 16975:9, 16975:20, 16977:1, 16977:16, 16978:1, 16978:17, 16989:8, 16989:19, 17005:22, 17016:8, 17016:13, 17026:13, 17026:17, 17026:23, 17032:3, 17032:10, 17032:24, 17038:13, 17045:10, 17046:7, 17046:21, 17047:1, 17048:24, 17049:25, 17050:3, 17050:6, 17050:15, 17050:18, 17050:21, 17052:14 informations [3] - 16975:11, 16975:17, 16978:19 informed [2] - 16938:16, 17010:21 infrequent [1] - 16984:8 ingratiates [1] - 16860:4 inhibitions [1] - 16897:18 initial [3] - 16925:20,</p>	<p>16925:21, 16935:20 initiating [1] - 17005:6 Inland [1] - 16802:14 inmates [1] - 17012:25 innocent [4] - 16809:12, 16809:13, 17001:6, 17025:4 inquire [1] - 16823:6 Inquiries [1] - 16991:24 inquiries [5] - 16932:8, 16938:15, 16983:13, 17010:2, 17049:3 Inquiry [35] - 16801:2, 16801:23, 16805:12, 16806:5, 16806:17, 16807:16, 16807:21, 16808:11, 16809:19, 16810:19, 16812:4, 16814:7, 16815:4, 16815:7, 16815:17, 16816:15, 16816:20, 16817:25, 16821:18, 16823:4, 16823:14, 16824:15, 16828:8, 16865:6, 16928:8, 16929:19, 16929:22, 16929:23, 16930:5, 16930:12, 16936:16, 16957:23, 16958:7, 16962:3 inquiry [14] - 16823:7, 16855:19, 16902:24, 16904:2, 16906:8, 16907:21, 16908:16, 16908:23, 16909:3, 16911:24, 16917:9, 16918:25, 16976:14, 16985:8 insanity [5] - 17026:3, 17026:15, 17027:11, 17046:11, 17046:15 inside [1] - 17021:4 insisted [1] - 17013:10 Inspector [12] - 16910:9, 16910:14, 16910:17, 16923:16, 16924:1, 16925:24, 16928:22, 16951:19, 16952:3, 16952:25, 16974:1, 16974:16 instance [10] - 16860:7, 16922:15, 16967:12, 16979:10, 16980:13, 16983:12, 17001:4, 17003:19, 17014:6, 17033:10 instead [1] - 16863:16 institutions [2] - 17047:15, 17050:21 instructed [6] -</p>	<p>16805:25, 16816:21, 16816:23, 16816:24, 16838:6, 17029:21 instruction [1] - 16838:12 instructions [8] - 16809:21, 16817:4, 16820:2, 16821:14, 16821:16, 16821:19, 16835:16, 16919:20 instrument [1] - 16888:22 intact [1] - 16922:25 intend [3] - 16814:8, 16907:24, 16989:13 intended [2] - 16936:23, 17012:14 intending [2] - 17024:6, 17024:9 intent [1] - 16843:12 intention [13] - 16813:15, 16815:3, 16818:6, 16818:8, 16818:16, 16820:15, 16846:15, 16846:18, 16927:9, 16929:21, 16930:1, 16934:8, 17024:13 intercourse [6] - 16882:6, 16883:4, 16884:10, 16889:6, 16889:17, 17048:8 interest [6] - 16868:9, 16870:24, 16924:16, 16930:13, 16930:16, 17028:14 interested [5] - 16902:13, 16907:11, 16923:19, 16924:18, 17031:23 interesting [1] - 16923:6 interests [3] - 16806:25, 16825:1, 16827:3 interject [2] - 16929:25, 16930:14 interpret [1] - 16844:7 interrupt [1] - 16865:11 intervene [1] - 16842:6 interventions [1] - 16843:9 interview [9] - 16824:12, 16904:25, 16925:4, 16928:19, 17003:4, 17026:10, 17026:12, 17028:4, 17031:9 interviewed [14] - 16814:21, 16815:20,</p>
---	---	---	---	--



16906:25, 16910:13, 16917:7, 16918:24, 16924:4, 16924:5, 16928:11, 16928:24, 17005:14, 17011:18, 17048:18, 17056:12 interviewing [1] - 16928:15 interviews [6] - 16816:9, 16917:21, 16918:8, 16918:15, 16919:13, 16961:13 intimately [1] - 17047:5 investigation [6] - 16910:11, 16910:12, 16963:17, 17005:16, 17006:8, 17056:9 investigations [1] - 16961:2 investigator [1] - 16973:6 invite [1] - 16830:2 invited [2] - 16924:6, 16938:9 inviting [1] - 17048:7 involve [4] - 16976:9, 16979:23, 17013:18, 17046:15 involved [21] - 16862:10, 16863:1, 16863:5, 16874:24, 16874:25, 16875:17, 16879:9, 16909:17, 16923:7, 16924:11, 16927:5, 16976:16, 16999:13, 17001:7, 17001:10, 17001:13, 17001:23, 17011:2, 17027:21, 17047:5, 17048:6 involvement [6] - 16822:23, 16860:19, 16943:22, 16971:6, 16976:18, 17010:16 involving [2] - 16935:7, 17015:24 Irene [1] - 16802:10 ironic [1] - 17051:21 irrelevant [1] - 16941:19 Irwin [1] - 16803:12 Isabelle [1] - 16802:6 issue [24] - 16814:10, 16814:16, 16825:11, 16828:1, 16828:16, 16828:17, 16829:6, 16830:1, 16834:10, 16848:17, 16862:9, 16863:22, 16872:8, 16872:21, 16872:23,	16905:5, 16908:21, 16908:22, 16920:16, 16941:14, 17002:11, 17030:9, 17046:20, 17046:24 issued [1] - 16988:12 issues [5] - 16813:8, 16817:6, 16828:7, 16829:3, 16829:12 item [3] - 17021:23, 17022:1, 17024:10 items [5] - 16891:2, 16902:25, 17017:18, 17019:24, 17052:23 itself [3] - 16938:1, 16979:9, 17002:9 J jail [9] - 16809:10, 16809:14, 16811:14, 16998:15, 17004:10, 17015:13, 17015:15, 17015:18, 17015:20 James [1] - 16803:3 January [8] - 16818:23, 16904:10, 16904:14, 16905:18, 16906:24, 16907:1, 16923:20, 16943:12 jeopardy [1] - 16937:22 Jerry [1] - 16802:13 job [2] - 16809:20, 16824:23 John [73] - 16807:23, 16810:22, 16830:13, 16831:14, 16835:3, 16839:19, 16840:3, 16840:13, 16842:2, 16842:10, 16843:4, 16843:13, 16844:6, 16845:1, 16848:11, 16848:20, 16855:11, 16855:15, 16859:11, 16859:16, 16863:25, 16870:7, 16875:6, 16875:22, 16876:1, 16879:8, 16884:25, 16892:16, 16892:24, 16910:5, 16910:22, 16911:4, 16912:1, 16912:19, 16915:4, 16915:8, 16915:17, 16916:4, 16916:10, 16916:16, 16918:9, 16919:11, 16919:23, 16920:10, 16920:18, 16925:16, 16926:17, 16926:24, 16927:16,	16927:21, 16928:15, 16928:20, 16928:23, 16947:15, 16947:18, 16949:1, 16949:15, 16951:15, 16953:7, 16953:16, 16954:1, 16955:14, 16956:11, 16956:22, 17038:18, 17038:24, 17039:6, 17039:25, 17040:11, 17040:22, 17041:17 Johrls [11] - 16831:2, 16841:8, 16843:23, 16844:3, 16849:22, 16851:18, 16852:18, 16855:19, 16885:2, 16916:22, 16924:24 Johnson [1] - 17009:12 joking [1] - 16896:15 jokingly [1] - 17042:2 Jordan [1] - 16802:3 Joyce [1] - 16803:3 Judge [5] - 16946:24, 16948:3, 16955:11, 16955:19, 16957:9 judge [51] - 16841:15, 16844:5, 16847:12, 16855:2, 16857:14, 16858:8, 16859:10, 16860:13, 16862:21, 16867:2, 16868:6, 16868:10, 16868:15, 16869:4, 16870:24, 16876:17, 16877:15, 16882:12, 16886:23, 16888:19, 16890:4, 16891:14, 16891:23, 16892:4, 16893:1, 16893:5, 16893:24, 16894:2, 16894:23, 16897:8, 16898:6, 16898:17, 16902:3, 16909:21, 16912:25, 16914:21, 16916:9, 16916:15, 16926:14, 16927:18, 16945:6, 16954:8, 16954:11, 16954:19, 16984:20, 16988:19, 16989:15, 17014:7, 17018:10, 17042:13 judge's [9] - 16835:7, 16837:10, 16852:22, 16854:2, 16854:8, 16859:20, 16866:15, 16872:3, 16893:2 judgement [4] - 16943:11, 16943:17, 16954:24, 17054:2 Judges [1] - 16891:25	judges [1] - 16834:11 Judging [1] - 16805:22 judgment [1] - 17038:9 judiciary [1] - 16966:2 July [2] - 16989:4, 16998:17 jumping [3] - 16983:23, 16985:7, 17005:13 June [10] - 16979:12, 17027:23, 17028:2, 17028:8, 17028:19, 17028:21, 17030:24, 17031:1, 17032:7, 17035:11 jurisdiction [2] - 16979:4, 16979:6 juror [17] - 16831:17, 16831:22, 16832:9, 16833:8, 16833:10, 16833:21, 16833:25, 16834:1, 16834:4, 16834:18, 16834:24, 16835:10, 16835:15, 16836:5, 16836:6, 16836:17, 16886:16 jurors [4] - 16833:19, 16834:12, 16834:15, 16836:19 Jurors [1] - 16834:10 jurors' [1] - 16833:20 Jury [1] - 16899:10 jury [126] - 16830:13, 16830:21, 16831:1, 16831:2, 16831:9, 16831:12, 16832:1, 16833:3, 16835:8, 16836:6, 16836:14, 16837:1, 16837:11, 16837:16, 16838:6, 16840:11, 16840:21, 16841:7, 16843:13, 16843:24, 16844:8, 16844:11, 16844:20, 16844:22, 16845:16, 16846:2, 16847:5, 16847:7, 16847:13, 16847:22, 16849:17, 16850:18, 16851:18, 16852:5, 16852:19, 16854:1, 16854:9, 16857:14, 16860:13, 16860:17, 16867:2, 16867:10, 16868:5, 16868:15, 16869:5, 16869:6, 16869:14, 16869:22, 16871:19, 16872:3, 16873:9, 16880:1, 16882:23, 16883:24, 16886:6, 16886:17, 16888:15,	16891:14, 16891:20, 16891:25, 16893:22, 16897:2, 16897:3, 16898:7, 16898:18, 16899:16, 16899:21, 16900:3, 16900:9, 16900:11, 16900:13, 16900:17, 16902:3, 16912:18, 16913:5, 16913:9, 16913:12, 16913:22, 16914:22, 16915:7, 16916:3, 16916:7, 16916:9, 16916:25, 16923:21, 16925:2, 16925:8, 16925:17, 16926:16, 16927:4, 16927:6, 16927:20, 16941:1, 16941:5, 16944:9, 16945:1, 16945:3, 16945:13, 16945:14, 16945:19, 16946:8, 16947:13, 16947:18, 16949:9, 16949:18, 16949:19, 16949:20, 16949:24, 16950:5, 16951:2, 16951:16, 16951:17, 16951:20, 16953:6, 16954:12, 16954:16, 16954:22, 16955:16, 16955:18, 16956:13, 16956:18, 16956:22 Justice [36] - 16801:6, 16803:11, 16830:25, 16831:9, 16838:5, 16839:4, 16842:5, 16842:14, 16843:3, 16846:23, 16873:20, 16878:3, 16898:19, 16912:17, 16919:19, 16921:20, 16922:7, 16931:4, 16941:15, 16944:8, 16945:2, 16945:16, 16947:9, 16948:21, 16951:12, 16953:15, 16953:25, 16963:2, 16965:22, 16965:25, 17006:3, 17009:12, 17013:14, 17019:13, 17019:21, 17038:10 justice [6] - 16931:11, 16931:12, 16957:12, 16972:4, 17004:25, 17013:15 juxtaposed [1] - 16816:9
---	--	---	---	---



K	17058:6 known ^[10] - 16805:20, 16824:10, 16895:12, 16895:13, 16921:10, 16929:1, 16944:2, 16963:24, 17004:3, 17033:16 knows ^[4] - 16810:21, 16810:22, 16814:22, 16933:24 Knox ^[4] - 16803:5, 16822:19, 16854:16, 16854:20 Krogan ^[1] - 16803:4 Kujawa ^[34] - 16803:6, 16913:18, 16914:13, 16920:1, 16920:6, 16920:7, 16920:15, 16921:17, 16938:2, 16939:2, 16939:7, 16939:12, 16939:16, 16939:20, 16940:2, 16940:4, 16940:10, 16940:18, 16943:20, 16971:5, 16971:15, 16981:18, 16981:23, 16983:4, 16983:9, 16983:19, 16983:20, 16996:23, 16997:23, 16998:23, 16999:10, 16999:16, 17011:17, 17016:20 Kujawa's ^[1] - 17017:5 Kw ^[1] - 17008:3	16897:3, 16904:3, 16904:16, 16904:20, 16904:25, 16905:5, 16905:9, 16905:14, 16905:22, 16905:23, 16906:1, 16906:6, 16906:9, 16906:14, 16907:5, 16908:7, 16908:23, 16909:10, 16942:16, 16943:1 lapse ^[1] - 16963:14 large ^[6] - 16851:4, 16902:23, 16909:23, 17020:15, 17020:24, 17021:2 largely ^[4] - 16900:7, 16987:21, 17011:24, 17013:17 Larry ^[39] - 16803:10, 16807:21, 16814:22, 16815:21, 16930:10, 16932:14, 16957:20, 16958:16, 16958:23, 16959:6, 16959:12, 16959:14, 16962:20, 16963:4, 16963:12, 16963:21, 16963:22, 16963:23, 16965:5, 16965:10, 16967:1, 16967:2, 16967:3, 16967:8, 16967:25, 16968:17, 16969:15, 16969:23, 16970:3, 16970:13, 16970:16, 16973:8, 16974:14, 16981:12, 17000:2, 17008:5, 17015:25 last ^[9] - 16805:8, 16839:2, 16864:4, 16901:1, 16960:10, 17025:20, 17027:7, 17033:2, 17052:14 Lastly ^[1] - 16829:4 late ^[7] - 16907:2, 16909:5, 16958:18, 16959:4, 17004:7, 17022:18, 17023:9 latter ^[1] - 16974:16 Law ^[2] - 17002:4, 17034:6 law ^[12] - 16849:3, 16861:5, 16909:4, 16910:3, 16920:25, 16923:6, 16941:2, 16985:18, 16985:22, 16986:3, 17000:6, 17003:2 lawful ^[2] - 16837:16, 16926:11 lawfully ^[1] - 16852:2	Lawrence ^[2] - 16981:11, 16991:20 lawyer ^[3] - 16964:9, 17028:25, 17029:16 lawyers ^[1] - 17012:16 lead ^[2] - 16949:12, 17053:16 leading ^[2] - 16887:18, 16891:3 learn ^[1] - 17053:10 learned ^[9] - 16900:15, 16904:15, 16946:23, 16948:2, 16955:10, 16955:19, 16957:9, 16964:8, 17049:2 least ^[22] - 16815:17, 16822:6, 16843:2, 16862:4, 16885:24, 16918:19, 16922:25, 16923:8, 16933:17, 16936:13, 16938:17, 16949:1, 16952:1, 16962:2, 16965:6, 16965:25, 16981:15, 16987:2, 16993:9, 16993:13, 17027:21, 17049:5 leave ^[10] - 16814:5, 16815:14, 16866:21, 16876:13, 16924:24, 16930:23, 16948:17, 16957:14, 17017:13, 17019:2 leaving ^[2] - 16871:17, 16882:22 lecture ^[1] - 17021:21 led ^[3] - 16840:22, 16932:1, 16951:21 left ^[18] - 16839:15, 16839:18, 16839:21, 16840:12, 16849:10, 16867:5, 16872:7, 16893:6, 16893:8, 16893:11, 16893:13, 16898:24, 16912:7, 16952:8, 16975:3, 17037:17, 17047:20 left-handed ^[1] - 16849:10 legal ^[7] - 16925:23, 16940:24, 16944:2, 16976:8, 16981:12, 17028:22, 17029:25 legislature ^[1] - 16823:5 legitimate ^[1] - 16873:15 legwork ^[1] - 17006:8 length ^[4] - 16910:13, 16917:7, 16918:24,	17038:8 lengthier ^[1] - 17006:6 lengthy ^[2] - 17006:9, 17047:13 less ^[5] - 16817:3, 16843:8, 17014:8, 17017:10 letter ^[79] - 16922:7, 16923:15, 16923:16, 16923:24, 16925:24, 16926:4, 16926:10, 16957:25, 16958:1, 16961:6, 16961:7, 16961:11, 16961:17, 16962:10, 16963:13, 16963:20, 16964:11, 16965:12, 16966:20, 16967:23, 16968:10, 16968:12, 16968:16, 16968:22, 16969:14, 16969:23, 16970:2, 16983:3, 16991:15, 16991:19, 16992:24, 16993:2, 16993:4, 16993:21, 16993:23, 16994:2, 16994:5, 16994:8, 16994:13, 16994:24, 16995:6, 17007:24, 17008:6, 17008:9, 17008:23, 17009:2, 17009:5, 17028:19, 17030:20, 17030:23, 17031:1, 17032:6, 17032:8, 17032:16, 17032:22, 17033:3, 17033:6, 17033:8, 17033:25, 17034:8, 17034:22, 17035:16, 17035:24, 17036:10, 17037:14, 17037:20, 17038:1, 17041:5, 17045:12, 17045:22, 17047:3, 17047:18, 17049:10, 17050:16, 17054:18, 17055:15, 17056:15, 17057:4 letters ^[3] - 16971:12, 16992:14, 17018:13 letting ^[1] - 16941:19 level ^[2] - 16842:1, 16938:23 lie ^[1] - 16835:22 lied ^[3] - 16831:20, 16833:13, 16833:25 Lieutenant ^[2] - 17027:14, 17028:14 life ^[7] - 16821:6, 16821:24, 16923:23, 17035:3, 17053:15,
	L			



<p>17056:1 lifestyle [1] - 17048:11 light [2] - 16867:17, 17039:25 likelihood [1] - 16889:8 likely [12] - 16822:5, 16857:8, 16861:24, 16862:22, 16879:11, 16883:14, 16897:11, 16897:16, 16977:13, 16981:3, 17017:10, 17045:4 limited [3] - 16914:23, 16984:2, 17010:17 line [7] - 16828:12, 16868:10, 16876:16, 16876:18, 16877:10, 16994:25, 17030:20 lines [4] - 16858:16, 16859:12, 16902:20, 17056:13 link [4] - 16856:21, 16890:9, 16890:25, 16891:21 linked [1] - 17009:18 lipstick [1] - 16855:17 list [4] - 17020:1, 17030:8, 17053:1, 17053:3 listed [1] - 17052:9 listen [1] - 16829:20 live [1] - 16821:5 lived [3] - 16812:15, 16812:17 living [1] - 17048:3 Lj [1] - 17007:25 load [1] - 16978:6 local [1] - 17021:6 locality [2] - 16874:11, 16890:16 locate [2] - 16904:25, 17033:23 located [3] - 16921:18, 17009:17, 17049:6 location [6] - 16871:3, 16873:23, 16877:4, 16878:5, 16878:6, 16997:22 Lockyer [2] - 16803:3, 16825:10 logical [3] - 16832:6, 16833:9, 16835:11 logistics [1] - 16909:17 look [25] - 16814:12, 16814:13, 16816:2, 16816:3, 16816:25, 16827:11, 16828:4, 16828:15, 16844:1, 16844:13, 16864:16, 16885:14, 16886:5,</p>	<p>16886:8, 16891:20, 16923:17, 16933:10, 16941:11, 16954:16, 16960:20, 16971:19, 16994:23, 17024:15, 17043:1, 17046:25 looked [6] - 16849:12, 16867:19, 16964:24, 17000:11, 17028:15, 17048:17 Looking [1] - 16999:23 looking [11] - 16814:24, 16820:17, 16862:1, 16881:7, 16903:3, 16918:12, 16964:10, 16967:23, 16995:14, 17000:21, 17013:20 lookit [6] - 16827:15, 16859:10, 16865:3, 16870:1, 16885:14, 16984:25 looks [16] - 16863:22, 16892:25, 16898:5, 16902:16, 16906:10, 16911:2, 16914:12, 16919:14, 16920:14, 16922:21, 16963:1, 16992:14, 16994:5, 17019:20, 17028:8, 17031:2 Lord [1] - 16845:12 Lordship [1] - 16913:7 loses [1] - 16984:16 loss [1] - 16806:21 lost [2] - 16821:7, 17048:5 lunch [1] - 16929:4 lying [6] - 16831:23, 16833:11, 16834:25, 16836:8, 16836:12, 16838:21</p>	<p>16821:9, 16821:13, 16821:17, 16822:9, 16822:14, 16822:25, 16829:24, 16845:9, 16845:14, 16845:22, 16845:24, 16846:4, 16846:11, 16846:14, 16846:17, 16846:25, 16854:18, 16929:5, 16929:8, 16931:14, 16931:19, 16934:7, 16934:14, 16936:6, 16937:14, 16937:20, 16965:24, 16966:5, 17057:11 Mackay [33] - 16958:2, 16961:7, 16962:12, 16963:8, 16963:15, 16963:20, 16964:1, 16964:8, 16965:23, 16966:11, 16966:19, 16966:23, 16967:15, 16967:24, 16968:2, 16968:7, 16968:17, 16968:20, 16969:1, 16969:5, 16981:19, 16981:23, 16992:15, 16992:25, 16993:23, 16994:6, 16995:21, 17008:4, 17008:11, 17008:16, 17011:18, 17022:11 Mackay's [2] - 16994:4, 16995:8 Mackie [8] - 16910:25, 16925:3, 16947:20, 16948:18, 16949:1, 16951:16, 16953:17, 17048:20 magazine [1] - 17051:24 Magistrate [3] - 16986:24, 16989:18, 16990:20 Magistrate's [1] - 17014:20 Magistrates' [3] - 16978:21, 16980:25, 16986:7 mail [1] - 17019:16 main [3] - 16910:3, 17015:1, 17023:20 maintain [1] - 16828:19 make-up [2] - 16855:17, 16889:16 males [1] - 16907:2 man [7] - 16809:9, 16809:10, 16860:24, 16892:23, 16930:10, 17028:12, 17031:14</p>	<p>Manager [1] - 16802:5 mandate [1] - 16823:10 mandated [1] - 16823:5 maniacal [1] - 16874:17 Manitoba [9] - 16980:16, 16988:14, 16993:14, 16996:5, 16996:7, 16998:8, 16998:12, 16998:24, 17009:20 manner [9] - 16888:24, 16908:16, 16921:1, 16926:12, 16933:12, 16984:10, 17034:14, 17037:15, 17055:6 manufactured [1] - 17024:2 map [1] - 17023:14 March [19] - 16910:10, 16958:1, 16961:6, 16962:14, 16965:4, 16969:14, 16991:15, 16991:20, 16993:2, 16993:5, 16993:20, 16993:22, 16993:23, 16994:2, 16994:4, 17007:24, 17008:23, 17019:15, 17020:4 marginally [1] - 17011:2 Marie [1] - 16907:20 mark [1] - 16989:18 marks [3] - 16849:18, 16850:1, 16886:7 maroon [2] - 16864:18, 16864:19 maroon-handled [2] - 16864:18, 16864:19 marshaled [1] - 16988:18 massive [1] - 17020:16 material [4] - 16806:14, 17017:21, 17022:5, 17045:25 materials [1] - 16935:21 Materie [1] - 16929:22 matter [39] - 16821:11, 16826:21, 16858:18, 16860:13, 16868:9, 16869:17, 16870:24, 16871:16, 16874:2, 16898:23, 16908:6, 16910:19, 16910:24, 16911:10, 16917:12, 16917:16, 16918:22, 16919:3, 16928:17, 16928:23, 16937:17, 16938:8, 16945:9, 16968:22, 16971:14, 16990:9, 16993:19,</p>	<p>16995:4, 17003:24, 17005:21, 17012:2, 17016:22, 17017:1, 17017:12, 17025:13, 17028:14, 17035:20, 17039:9, 17047:7 matters [23] - 16816:6, 16823:6, 16841:4, 16845:2, 16897:20, 16935:23, 16937:8, 16941:20, 16957:21, 16960:9, 16970:9, 16987:2, 17005:23, 17010:9, 17011:25, 17015:24, 17025:19, 17033:2, 17035:1, 17040:15, 17050:1 Mccorriston [1] - 17028:19 Mcdonald [23] - 17025:18, 17025:20, 17025:22, 17026:5, 17026:8, 17026:11, 17026:22, 17027:15, 17027:20, 17028:2, 17028:9, 17029:22, 17029:23, 17030:5, 17030:16, 17030:18, 17030:24, 17032:10, 17032:24, 17044:16, 17047:21, 17050:11, 17050:21 Mcdonald's [2] - 17032:8, 17050:14 Mckay [2] - 16964:6, 16991:20 mean [11] - 16836:23, 16891:19, 16893:10, 16922:15, 16926:10, 16933:14, 16948:13, 16959:15, 16969:20, 16970:16, 16974:5 meaning [2] - 16855:3, 16877:16 means [3] - 16888:5, 16920:13, 17054:9 meant [6] - 16811:1, 16811:4, 16920:5, 16922:18, 16928:18, 16963:21 meantime [3] - 16822:10, 16830:4, 16964:22 media [12] - 16808:18, 16824:16, 16826:23, 17002:12, 17002:15, 17002:21, 17003:23, 17004:6, 17004:8, 17004:12, 17004:17, 17005:2</p>
--	---	--	--	---



<p>medical ^[14] - 16808:4, 16811:22, 16816:25, 16818:17, 16819:9, 16821:21, 16825:5, 16827:4, 16827:10, 16827:16, 16827:20, 16828:7, 17029:18</p> <p>meeting ^[3] - 16819:21, 16932:18, 17034:7</p> <p>meetings ^[1] - 16932:1</p> <p>Melnyk ^[29] - 16859:20, 16860:11, 16870:7, 16894:25, 16895:24, 16895:25, 16896:14, 16896:22, 16897:2, 16904:3, 16904:16, 16904:20, 16905:1, 16905:5, 16905:9, 16905:14, 16905:22, 16905:23, 16905:25, 16906:6, 16906:8, 16906:14, 16907:7, 16908:7, 16908:22, 16909:10, 16942:16, 16942:25</p> <p>Melnyk/lapchuk ^[1] - 17042:7</p> <p>member ^[1] - 16831:11</p> <p>members ^[4] - 16904:4, 16904:9, 16905:17, 17054:4</p> <p>Members ^[1] - 16899:10</p> <p>memorandum ^[2] - 17006:6, 17006:9</p> <p>memory ^[30] - 16810:17, 16812:22, 16909:19, 16924:4, 16938:19, 16940:21, 16958:10, 16958:15, 16959:24, 16960:4, 16960:21, 16961:10, 16961:17, 16963:25, 16964:18, 16967:19, 16978:4, 16978:7, 16978:16, 16980:2, 16981:8, 16991:16, 16994:17, 16994:18, 16995:12, 17008:13, 17008:22, 17014:6, 17015:19, 17030:21</p> <p>mental ^[2] - 16808:5, 17032:12</p> <p>mention ^[3] - 16808:25, 16863:22, 16943:1</p> <p>mentioned ^[10] - 16839:4, 16961:10, 16999:14, 17001:5, 17003:12, 17028:24, 17038:10, 17044:18,</p>	<p>17046:1, 17048:22</p> <p>mentions ^[1] - 17033:2</p> <p>merely ^[1] - 16893:15</p> <p>meritorious ^[1] - 17014:9</p> <p>met ^[3] - 16817:5, 16931:24, 16940:10</p> <p>method ^[3] - 16913:17, 16913:20, 17016:3</p> <p>Meyer ^[3] - 16802:12, 17058:2, 17058:19</p> <p>middle ^[1] - 16880:19</p> <p>might ^[128] - 16811:3, 16835:3, 16835:17, 16835:18, 16836:14, 16836:16, 16836:24, 16836:25, 16837:2, 16840:6, 16840:11, 16847:21, 16847:23, 16849:24, 16850:25, 16851:20, 16857:7, 16860:2, 16860:3, 16860:5, 16860:6, 16860:7, 16860:11, 16860:19, 16861:17, 16861:22, 16862:21, 16863:14, 16863:19, 16865:17, 16866:18, 16867:22, 16869:6, 16869:25, 16870:12, 16870:14, 16870:16, 16871:23, 16875:8, 16878:17, 16882:1, 16882:20, 16883:24, 16884:13, 16888:15, 16888:16, 16888:18, 16889:7, 16890:2, 16890:15, 16892:6, 16893:13, 16900:6, 16901:8, 16903:18, 16909:13, 16924:18, 16931:7, 16941:5, 16941:14, 16942:9, 16944:20, 16949:18, 16949:21, 16949:25, 16950:2, 16950:4, 16950:12, 16951:9, 16956:16, 16956:21, 16956:23, 16956:25, 16958:6, 16964:5, 16965:19, 16965:23, 16966:23, 16970:7, 16970:8, 16972:7, 16972:12, 16972:25, 16973:3, 16973:15, 16973:18, 16974:23, 16975:5, 16979:23, 16980:8, 16980:10, 16983:24, 16986:11, 16987:6, 16987:8,</p>	<p>16987:10, 16987:14, 16987:17, 16988:6, 16991:1, 16994:15, 16994:19, 16995:25, 16996:12, 16997:8, 17004:8, 17004:11, 17004:15, 17005:1, 17005:3, 17005:9, 17014:12, 17021:20, 17022:13, 17025:12, 17026:4, 17026:13, 17026:24, 17031:24, 17032:4, 17046:11, 17049:1, 17053:16, 17055:10, 17057:9</p> <p>Milgaard ^[137] - 16801:4, 16803:2, 16803:3, 16805:10, 16805:18, 16805:23, 16806:3, 16807:8, 16812:25, 16814:6, 16814:11, 16815:3, 16815:8, 16815:10, 16815:24, 16816:1, 16817:5, 16823:9, 16823:13, 16823:22, 16824:5, 16824:12, 16824:13, 16824:16, 16825:24, 16826:4, 16826:16, 16826:18, 16826:25, 16827:7, 16828:4, 16828:17, 16829:6, 16839:12, 16839:17, 16839:18, 16840:11, 16857:15, 16857:24, 16864:18, 16867:12, 16868:8, 16873:10, 16882:13, 16883:25, 16884:20, 16888:14, 16888:16, 16890:25, 16891:7, 16891:21, 16896:1, 16896:15, 16897:4, 16897:5, 16897:14, 16904:17, 16904:18, 16904:21, 16905:25, 16917:13, 16922:17, 16923:21, 16925:11, 16925:19, 16926:19, 16927:9, 16927:23, 16929:16, 16929:20, 16929:23, 16930:3, 16930:7, 16930:12, 16930:14, 16930:18, 16931:1, 16931:10, 16944:3, 16957:13, 16960:2, 16970:15, 16971:4, 16971:9, 16977:2, 17001:19, 17002:14, 17015:6, 17019:11, 17020:13,</p>	<p>17021:15, 17021:19, 17025:3, 17025:23, 17026:6, 17026:12, 17026:14, 17026:23, 17026:24, 17027:17, 17027:24, 17028:10, 17028:20, 17028:23, 17029:13, 17029:21, 17029:24, 17033:9, 17035:9, 17035:23, 17036:12, 17039:15, 17041:22, 17042:3, 17042:21, 17044:9, 17045:1, 17045:20, 17046:19, 17047:11, 17047:24, 17048:2, 17048:6, 17048:9, 17048:12, 17049:22, 17050:2, 17050:10, 17050:22, 17051:22, 17052:12, 17052:21, 17054:6, 17054:19, 17055:10, 17055:24, 17057:2</p> <p>Milgaard's ^[14] - 16823:18, 16850:21, 16872:16, 16942:10, 17016:20, 17019:2, 17025:14, 17032:11, 17035:17, 17036:10, 17036:16, 17044:2, 17054:18, 17055:18</p> <p>Miller ^[22] - 16839:12, 16867:5, 16875:1, 16875:17, 16876:4, 16876:9, 16879:15, 16879:20, 16879:21, 16888:14, 16896:24, 16930:9, 16961:1, 16969:11, 16970:10, 16971:2, 16971:8, 16971:21, 17019:24, 17020:6, 17036:20, 17042:21</p> <p>Miller's ^[9] - 16856:7, 16857:16, 16858:1, 16883:2, 16891:12, 16959:19, 17023:2, 17023:4, 17023:6</p> <p>Millers ^[2] - 17019:4, 17019:17</p> <p>mind ^[12] - 16807:11, 16817:18, 16869:18, 16872:23, 16873:1, 16873:5, 16899:9, 16935:24, 16964:25, 16998:7, 17000:2, 17041:9</p> <p>mindful ^[1] - 16872:9</p> <p>minds ^[2] - 16844:1,</p>	<p>16847:22</p> <p>mine ^[1] - 16894:12</p> <p>minimal ^[2] - 16963:19, 16967:16</p> <p>minimum ^[4] - 16963:1, 16967:1, 16967:8, 16990:24</p> <p>Minister ^[1] - 16803:11</p> <p>minus ^[2] - 16870:16, 17035:10</p> <p>minute ^[4] - 16845:9, 16956:16, 16997:16, 17022:20</p> <p>minutes ^[12] - 16866:20, 16867:22, 16867:25, 16868:10, 16869:24, 16869:25, 16870:9, 16870:15, 16870:16, 16870:19, 17028:9</p> <p>miscarriage ^[1] - 16957:11</p> <p>misprint ^[1] - 16815:23</p> <p>Miss ^[1] - 17042:20</p> <p>miss ^[1] - 17005:8</p> <p>missing ^[3] - 16818:3, 16978:24, 17005:16</p> <p>mistaken ^[3] - 16849:10, 16905:19, 16980:17</p> <p>misunderstanding ^[1] - 16982:20</p> <p>mitigate ^[2] - 17001:5, 17010:12</p> <p>modes ^[1] - 16986:9</p> <p>moment ^[19] - 16823:17, 16828:7, 16835:8, 16837:10, 16841:7, 16876:19, 16923:18, 16923:25, 16944:16, 16961:23, 16975:23, 16984:5, 16992:11, 16993:21, 16999:14, 17022:25, 17028:15, 17030:25, 17043:15</p> <p>Monday ^[1] - 17002:8</p> <p>month ^[1] - 16994:7</p> <p>months ^[8] - 16805:21, 16821:22, 16821:25, 16824:10, 16825:10, 16975:15, 16999:1, 17000:13</p> <p>Moreover ^[1] - 16957:3</p> <p>morning ^[9] - 16805:3, 16807:1, 16829:5, 16857:22, 16861:25, 16862:23, 16915:12, 16929:12, 16953:24</p> <p>Morning ^[1] - 16805:4</p>
---	--	---	--	--



<p>most [9] - 16819:12, 16819:13, 16822:3, 16844:23, 16844:25, 16845:3, 16990:16, 17014:22, 17016:2</p> <p>motel [12] - 16832:19, 16840:1, 16866:24, 16867:23, 16892:24, 16894:24, 16896:1, 16897:15, 16904:22, 16905:2, 16906:1, 17041:23</p> <p>mother [2] - 17028:21, 17029:25</p> <p>motivated [1] - 17025:11</p> <p>motive [1] - 16859:23</p> <p>Mountain [1] - 16998:17</p> <p>move [2] - 16957:19, 16982:17</p> <p>moved [3] - 16876:23, 16909:22, 17022:12</p> <p>moving [1] - 16909:16</p> <p>multiple [2] - 16880:22, 16884:8</p> <p>Munroe [1] - 17031:11</p> <p>murder [34] - 16830:15, 16832:20, 16832:22, 16832:25, 16839:19, 16843:16, 16850:4, 16851:19, 16863:18, 16866:16, 16879:1, 16883:5, 16884:7, 16884:11, 16889:25, 16899:3, 16912:7, 16912:10, 16916:23, 16922:17, 16923:22, 16930:7, 16930:8, 16961:1, 16970:21, 17017:24, 17018:1, 17035:8, 17035:21, 17039:25, 17041:18, 17042:3, 17042:20, 17043:8</p> <p>murdered [1] - 16839:12</p> <p>murderer [2] - 16893:20, 17036:20</p> <p>murders [5] - 17018:2, 17018:7, 17025:25, 17037:4, 17037:5</p> <p>must [32] - 16824:9, 16827:5, 16831:19, 16832:7, 16836:6, 16836:7, 16838:10, 16840:25, 16848:1, 16848:2, 16857:25, 16858:6, 16859:17, 16867:19, 16868:6,</p>	<p>16880:2, 16880:3, 16881:11, 16887:7, 16894:4, 16895:2, 16913:8, 16915:7, 16964:2, 16964:7, 16964:25, 16967:3, 16967:4, 17029:4, 17044:16</p> <p style="text-align: center;">N</p> <p>name [17] - 16958:16, 16958:23, 16959:6, 16959:11, 16959:14, 16963:21, 16965:5, 16965:10, 16966:1, 16967:8, 16967:22, 16969:15, 16970:13, 16970:16, 16975:4, 17028:24</p> <p>named [4] - 16905:1, 16962:19, 16962:20, 17028:12</p> <p>namely [1] - 16981:18</p> <p>names [6] - 16960:11, 16968:3, 16968:7, 16968:9, 17037:8, 17056:20</p> <p>narrow [3] - 16846:12, 16869:23, 17027:1</p> <p>nation [1] - 17052:2</p> <p>National [9] - 17031:1, 17033:8, 17034:9, 17034:23, 17035:12, 17044:25, 17049:11, 17056:5, 17057:2</p> <p>nature [10] - 16824:18, 16826:13, 16850:15, 16868:23, 16940:12, 16981:4, 17026:16, 17045:15, 17051:8, 17055:21</p> <p>Nco [1] - 16969:7</p> <p>near [6] - 16808:7, 16864:20, 16864:24, 16885:7, 16890:8, 16960:3</p> <p>nearby [1] - 16890:21</p> <p>necessarily [5] - 16889:9, 16893:10, 16936:21, 16968:7, 17013:20</p> <p>necessary [8] - 16822:11, 16823:14, 16828:20, 16829:11, 16919:21, 16946:3, 16952:22, 17037:8</p> <p>necessity [2] - 16857:10, 17047:9</p>	<p>need [12] - 16812:18, 16813:12, 16823:10, 16825:15, 16871:8, 16978:1, 16982:20, 16987:7, 16999:12, 17010:10, 17017:20, 17043:5</p> <p>needed [5] - 16825:19, 16837:19, 16837:21, 16999:17, 17025:13</p> <p>needs [1] - 16823:3</p> <p>nefarious [1] - 16833:16</p> <p>negative [2] - 16818:13, 16827:18</p> <p>neighbourhood [3] - 16862:6, 17021:23, 17023:14</p> <p>net [2] - 16852:17, 16916:12</p> <p>never [24] - 16816:19, 16818:7, 16864:7, 16884:25, 16885:2, 16916:6, 16917:10, 16918:20, 16919:2, 16933:11, 16933:12, 16978:20, 16994:14, 16995:17, 17007:4, 17010:2, 17015:2, 17023:18, 17024:16, 17034:13, 17046:13, 17049:5, 17053:19, 17055:5</p> <p>nevertheless [1] - 16816:12</p> <p>new [6] - 16903:25, 16908:6, 16908:14, 16909:10, 16925:21, 17017:17</p> <p>news [2] - 16805:8, 16929:10</p> <p>newspaper [1] - 17002:18</p> <p>next [38] - 16810:21, 16810:22, 16832:6, 16893:5, 16894:23, 16897:8, 16901:14, 16902:8, 16907:10, 16907:17, 16908:5, 16909:16, 16911:22, 16913:16, 16914:20, 16920:21, 16928:4, 16940:22, 16941:18, 16945:17, 16953:8, 16954:3, 16954:4, 16955:7, 16963:19, 16966:21, 16981:6, 16991:19, 16994:7, 17003:16, 17021:13, 17024:22, 17026:9,</p>	<p>17029:12, 17031:21, 17038:1, 17038:16, 17052:10</p> <p>Next [1] - 17009:9</p> <p>Nichol [59] - 16830:13, 16831:2, 16831:14, 16835:2, 16839:19, 16840:3, 16840:13, 16841:8, 16842:2, 16842:10, 16843:4, 16843:13, 16843:23, 16844:3, 16844:6, 16845:1, 16848:20, 16849:22, 16851:18, 16852:18, 16875:25, 16884:25, 16885:2, 16910:5, 16910:22, 16912:1, 16912:19, 16915:4, 16915:8, 16916:4, 16916:10, 16916:16, 16916:22, 16918:9, 16919:11, 16919:23, 16924:23, 16925:16, 16926:17, 16926:23, 16927:16, 16927:20, 16928:15, 16928:20, 16928:23, 16947:14, 16949:1, 16949:15, 16951:15, 16953:7, 16953:16, 16954:1, 16955:13, 17038:18, 17038:24, 17039:25, 17040:11, 17040:22, 17041:17</p> <p>Nichols [3] - 16960:1, 16960:22, 16974:15</p> <p>Nick [1] - 16907:5</p> <p>night [4] - 16805:9, 16905:10, 16905:21, 17026:9</p> <p>nightmare [1] - 16812:19</p> <p>nightmares [1] - 16808:7</p> <p>nine [4] - 16862:6, 17031:3, 17032:7, 17050:25</p> <p>nobody [1] - 16811:15</p> <p>Nobody [2] - 16811:15, 16811:16</p> <p>non [4] - 16836:17, 16878:20, 16912:8, 16923:22</p> <p>non-capital [1] - 16923:22</p> <p>non-committal [1] - 16912:8</p> <p>non-juror [1] - 16836:17</p> <p>non-wilson [1] -</p>	<p>16878:20</p> <p>none [5] - 16811:12, 16811:13, 16973:13, 16974:22, 17050:3</p> <p>noon [2] - 16899:24, 16939:8</p> <p>Nordstrom [2] - 16974:1, 16974:17</p> <p>normal [6] - 16821:2, 16821:6, 16923:3, 16976:14, 16990:16, 17018:9</p> <p>nose [1] - 16892:8</p> <p>note [11] - 16905:6, 16906:10, 16918:12, 16993:25, 17018:24, 17019:9, 17022:6, 17024:3, 17027:14, 17027:25, 17051:21</p> <p>noted [3] - 17007:1, 17031:8, 17053:3</p> <p>notes [7] - 16894:3, 16894:10, 16906:22, 16939:24, 16939:25, 17030:7, 17058:6</p> <p>noteworthy [1] - 16845:4</p> <p>nothing [30] - 16805:12, 16810:21, 16810:22, 16812:23, 16814:22, 16815:8, 16815:18, 16825:13, 16834:13, 16834:16, 16840:15, 16855:18, 16856:19, 16856:21, 16861:21, 16865:25, 16879:19, 16883:7, 16892:13, 16892:17, 16929:19, 16956:4, 16963:22, 16967:11, 16984:10, 17001:2, 17003:17, 17028:16, 17030:20, 17037:18</p> <p>notice [5] - 16868:9, 16884:19, 16885:19, 16940:15, 17033:13</p> <p>noticeable [1] - 16892:21</p> <p>noticed [3] - 16884:23, 16884:25, 16885:2</p> <p>notification [1] - 17010:24</p> <p>notified [1] - 17030:12</p> <p>notify [1] - 17002:22</p> <p>notwithstanding [5] - 16852:22, 16854:2, 16946:25, 16948:4, 17041:16</p> <p>November [3] - 16937:16, 16943:14,</p>
---	--	---	---	---



<p>17007:15 Number [4] - 16879:8, 16985:6, 17015:22, 17051:4 number [17] - 16825:10, 16841:15, 16841:24, 16856:25, 16883:2, 16909:23, 16945:5, 16946:4, 16964:19, 16967:12, 16985:6, 16999:1, 17001:14, 17020:16, 17032:24, 17035:8, 17050:15 numbers [1] - 16854:21 nutshell [1] - 17027:12 Nyczai [1] - 16869:2 Nyczai's [1] - 16867:5</p>	<p>16823:8, 16917:9, 16919:1, 16928:11, 16977:21, 17003:21, 17004:1, 17014:11, 17015:5, 17015:10 occupation [2] - 17051:15, 17051:21 Occupations [1] - 17052:8 occur [2] - 16863:14, 16940:14 occurred [5] - 16956:8, 16993:16, 16995:1, 17002:3, 17009:11 October [2] - 16801:21, 16974:14 odd [2] - 16962:3, 17013:21 Oddly [1] - 17018:1 oddly [1] - 16963:12 offence [15] - 16866:2, 16874:25, 16875:1, 16875:20, 16875:21, 16885:18, 16891:2, 16897:7, 16923:22, 17009:22, 17037:15, 17048:12, 17051:4, 17051:9, 17055:18 offences [11] - 16962:18, 16963:3, 16963:11, 16967:5, 16967:22, 16967:25, 16990:11, 16993:16, 16995:1, 17009:19, 17010:4 offender [2] - 17035:1, 17057:6 offenders [1] - 17004:20 offering [1] - 17049:25 offhand [1] - 17030:13 office [27] - 16921:20, 16938:15, 16963:9, 16963:22, 16973:5, 16975:1, 16976:2, 16976:15, 16981:17, 16981:21, 16981:24, 16982:6, 16982:7, 16983:3, 16983:10, 16983:14, 16988:5, 16996:16, 16997:11, 16999:25, 17010:16, 17010:25, 17012:9, 17012:16, 17021:7, 17022:2, 17025:1 Officer [1] - 16802:13 officer [2] - 16887:20, 17027:25 officers [2] - 16893:8, 16899:7</p>	<p>offices [2] - 17012:12, 17012:15 official [1] - 16982:15 Official [5] - 16802:11, 17058:1, 17058:3, 17058:14, 17058:20 officials [1] - 16999:13 often [2] - 16921:23, 16990:2 old [1] - 16841:25 Oliver [3] - 16864:5, 16865:15, 16865:23 omitted [2] - 16910:7, 16911:5 once [19] - 16821:20, 16952:8, 16952:19, 16954:7, 16954:19, 16954:25, 16971:5, 16971:13, 16988:6, 16993:13, 16997:24, 17017:2, 17018:4, 17018:15, 17018:16, 17021:14, 17029:24, 17037:25 One [8] - 16849:16, 16881:1, 16934:18, 16982:9, 16988:20, 17043:20, 17048:5, 17052:7 one [148] - 16809:9, 16809:10, 16809:23, 16819:20, 16823:12, 16823:16, 16823:20, 16825:1, 16825:8, 16828:19, 16829:3, 16830:11, 16835:5, 16835:11, 16835:12, 16835:18, 16836:5, 16836:9, 16836:10, 16836:19, 16839:24, 16841:14, 16843:6, 16843:18, 16844:12, 16845:12, 16847:23, 16849:23, 16851:25, 16853:7, 16857:1, 16862:3, 16864:9, 16864:21, 16864:22, 16875:8, 16880:11, 16880:18, 16880:20, 16880:23, 16883:11, 16883:12, 16883:13, 16884:13, 16884:16, 16884:22, 16885:18, 16893:7, 16893:13, 16895:24, 16899:6, 16902:1, 16915:10, 16919:5, 16921:1, 16921:25, 16922:2, 16922:23, 16924:12, 16925:8, 16925:15,</p>	<p>16925:17, 16926:1, 16926:17, 16926:21, 16926:22, 16927:7, 16927:10, 16927:21, 16928:21, 16929:13, 16933:11, 16933:13, 16937:4, 16937:12, 16939:13, 16941:2, 16947:13, 16948:8, 16950:24, 16957:6, 16957:25, 16958:19, 16959:25, 16961:2, 16972:8, 16972:9, 16975:9, 16976:9, 16976:11, 16977:12, 16978:14, 16978:15, 16980:13, 16981:22, 16982:8, 16982:18, 16983:11, 16984:13, 16984:15, 16985:13, 16985:17, 16986:8, 16986:11, 16986:20, 16988:2, 16989:17, 16990:7, 16990:20, 16990:21, 16992:6, 16992:10, 16993:25, 16996:21, 16997:9, 16997:12, 16999:3, 17002:1, 17003:13, 17009:5, 17011:3, 17011:5, 17012:17, 17013:17, 17014:17, 17017:25, 17018:1, 17021:11, 17024:10, 17024:23, 17026:21, 17030:20, 17031:9, 17035:2, 17043:12, 17043:16, 17043:17, 17044:9, 17044:21, 17045:15, 17045:24, 17048:10, 17050:6, 17052:8, 17052:17, 17056:8 ones [4] - 17011:1, 17035:4, 17056:19, 17057:7 onset [1] - 16930:3 open [14] - 16834:14, 16843:17, 16882:23, 16886:17, 16909:8, 16909:11, 16917:12, 16917:15, 16918:22, 16919:3, 16941:6, 16963:22, 16975:4, 16997:12 opened [2] - 16975:1, 17016:1 openers [1] - 16949:12 opening [2] - 16857:19, 16890:23</p>	<p>operation [1] - 16937:3 opinion [10] - 16822:12, 16822:13, 16837:8, 16844:20, 16853:17, 16910:17, 16911:9, 16912:23, 16913:3, 17027:17 opinions [1] - 16836:19 opportunity [3] - 16894:7, 16894:20, 17033:11 opposed [8] - 16924:10, 16981:25, 16982:7, 16983:10, 17000:23, 17039:13, 17040:6, 17053:11 opposing [2] - 16946:11, 16947:1 opposite [1] - 16811:2 optics [3] - 16828:3, 16828:6, 16828:7 option [6] - 16835:12, 16836:5, 16836:10, 16851:25, 16948:8 options [2] - 16834:2, 16837:3 orally [1] - 16938:24 ordeal [1] - 16827:6 order [12] - 16823:9, 16884:3, 16895:15, 16981:6, 16989:6, 16989:10, 17017:3, 17017:16, 17018:10, 17018:17, 17019:14, 17020:16 ordered [2] - 16806:11, 17017:18 ordinarily [3] - 16984:23, 16990:11, 17018:13 Ordinary [1] - 16935:6 ordinary [5] - 16903:10, 16911:25, 16912:15, 16935:6, 16935:10 organized [1] - 16901:10 original [1] - 17032:14 originally [1] - 16910:6 otherwise [5] - 16834:14, 16841:25, 16861:6, 16888:2, 16930:2 Ottawa [1] - 16971:17 ought [6] - 16827:22, 16829:12, 16834:21, 16944:4, 16986:25, 17025:4 ourselves [2] - 16920:1, 16920:6 outcome [3] -</p>
O				
<p>o'clock [2] - 16861:24, 16862:7 Okeefe [1] - 16803:10 oath [2] - 16810:15, 16914:7 objection [3] - 16908:9, 16931:16, 16942:23 objectionable [1] - 16806:14 objectives [2] - 16986:20, 17026:21 observations [1] - 16874:22 observed [6] - 17038:18, 17038:25, 17039:6, 17039:25, 17040:11, 17040:22 obtain [2] - 17016:25, 17017:3 obtained [1] - 17021:10 obtaining [1] - 16947:4 obvious [3] - 16823:16, 16861:9, 16887:14 obviously [14] - 16831:19, 16841:23, 16845:15, 16853:20, 16870:19, 16879:9, 16909:21, 16916:1, 16935:14, 16972:19, 16994:21, 17021:10, 17026:10, 17043:16 Obviously [1] - 16806:18 occasion [4] - 16826:7, 17034:13, 17042:25, 17055:5 occasionally [1] - 16976:9 occasions [10] -</p>				



<p>16924:16, 16928:17, 17010:21 outcomes [2] - 16843:19, 16926:22 outing [1] - 17013:13 outlined [3] - 16827:3, 16956:9, 17034:2 outside [1] - 17028:5 outstanding [2] - 16968:1, 16993:6 overlooking [1] - 16845:2 overnight [1] - 16844:12 own [6] - 16837:21, 16903:20, 17002:6, 17009:20, 17026:25, 17052:16 owned [1] - 16855:19 Ozzie [1] - 17019:10</p>	<p>16854:11, 16854:17, 16904:6, 16970:12, 17003:13, 17024:25 paperwork [1] - 17012:11 paragraph [20] - 16903:23, 16907:12, 16907:18, 16908:5, 16910:2, 16911:23, 16917:24, 16918:18, 16920:22, 16923:18, 16924:21, 16942:15, 16943:4, 16943:6, 17029:12, 17031:21, 17033:18, 17034:12, 17038:7 paragraphs [1] - 16914:20 parallel [1] - 17037:7 paralleling [1] - 17037:18 paraphrase [1] - 16960:17 Pardon [2] - 16846:16, 16938:6 pardon [5] - 16876:2, 16894:1, 16928:20, 16954:4, 16977:8 parents [1] - 17016:23 paring [4] - 16858:12, 16863:11, 16863:16, 16864:18 parole [15] - 16971:12, 17025:18, 17031:22, 17032:6, 17032:23, 17039:24, 17042:10, 17050:1, 17050:20, 17051:1, 17052:20, 17053:5, 17054:7, 17054:12, 17056:24 Parole [10] - 17031:1, 17033:9, 17034:9, 17034:23, 17035:12, 17044:25, 17049:11, 17054:4, 17056:6, 17057:3 part [47] - 16816:10, 16820:16, 16824:19, 16833:1, 16834:12, 16834:15, 16840:20, 16842:5, 16843:10, 16845:19, 16847:17, 16853:17, 16853:25, 16856:6, 16862:3, 16866:1, 16872:6, 16875:1, 16875:20, 16875:21, 16876:25, 16880:3, 16883:19, 16888:25, 16891:18, 16891:19, 16912:2,</p>	<p>16915:8, 16916:2, 16916:18, 16955:8, 17004:2, 17007:10, 17021:24, 17023:19, 17033:18, 17038:5, 17038:18, 17038:25, 17039:7, 17039:20, 17040:11, 17040:20, 17040:22, 17053:18, 17053:25, 17054:1 partially [1] - 16922:25 participate [1] - 16814:8 particular [13] - 16809:13, 16820:16, 16860:7, 16865:16, 16874:14, 16882:3, 16887:19, 16890:16, 16941:20, 16984:9, 17021:6, 17023:18, 17043:10 particularly [1] - 16907:5 particulars [1] - 16945:4 parties [2] - 16829:7, 16951:14 parts [19] - 16832:14, 16850:19, 16850:20, 16850:23, 16852:18, 16852:24, 16900:22, 16903:1, 16903:22, 16912:4, 16916:25, 16923:24, 16931:16, 16944:9, 17035:24, 17036:2, 17036:5, 17037:20, 17038:1 party [7] - 16806:10, 16810:14, 16810:15, 16861:18, 16862:12, 16909:15, 16946:11 pass [1] - 16892:1 passage [1] - 16885:22 passed [1] - 16808:11 past [12] - 16811:25, 16814:4, 16814:5, 16815:13, 16815:14, 16866:20, 16868:11, 16869:10, 16930:23, 16930:24, 17001:14, 17051:23 pause [17] - 16863:21, 16866:25, 16868:23, 16879:5, 16882:7, 16889:22, 16890:22, 16893:21, 16895:21, 16930:14, 16976:19, 16993:20, 17008:17, 17022:8, 17022:25, 17033:17, 17047:17</p>	<p>pausing [1] - 16874:20 pay [1] - 16852:7 peculiar [1] - 16891:5 peep [1] - 16995:17 pending [1] - 16936:15 penitentiary [2] - 17014:8, 17015:15 Penitentiary [5] - 16998:2, 16998:18, 17007:2, 17011:21, 17052:16 Penkala [3] - 17027:14, 17027:19, 17028:15 people [18] - 16807:9, 16809:6, 16809:14, 16812:7, 16813:11, 16820:17, 16829:16, 16858:14, 16892:22, 16901:10, 16983:25, 17001:18, 17003:13, 17005:5, 17015:16, 17015:17, 17021:12, 17056:12 peoples' [1] - 16868:22 perhaps [10] - 16824:19, 16829:23, 16843:2, 16844:13, 16882:19, 16916:19, 16920:7, 16963:15, 17017:19, 17048:19 period [4] - 16819:12, 16836:13, 16916:16, 16969:21 permissible [1] - 16822:24 permission [1] - 16913:10 permit [3] - 16946:24, 16948:3, 16953:18 permitted [2] - 16947:7, 16955:20 permitting [1] - 16957:4 perpetuity [1] - 17054:13 Perras [6] - 16913:19, 16914:13, 16920:8, 16920:15, 16920:20, 17022:12 person [23] - 16820:18, 16821:2, 16821:3, 16839:14, 16861:10, 16881:10, 16890:15, 16893:10, 16893:13, 16895:18, 16969:9, 16976:4, 16977:20, 16999:17, 17011:4, 17011:5, 17013:25, 17027:18, 17028:3, 17028:12, 17035:20, 17037:17, 17045:4</p>	<p>personal [5] - 16808:6, 16821:24, 16823:19, 16874:9, 17018:12 personality [3] - 17031:17, 17047:10, 17051:10 personally [2] - 16810:7, 16827:18 Persons [1] - 16895:11 persons [12] - 16858:11, 16859:23, 16887:22, 16895:9, 16895:13, 16982:16, 17011:19, 17011:24, 17015:11, 17034:23, 17035:13, 17047:15 perspective [2] - 16824:7, 16950:11 persuaded [1] - 16936:24 phone [3] - 16963:8, 16968:14, 17010:18 phoned [6] - 16963:13, 16963:18, 16964:11, 16966:12, 16966:15, 16969:3 phoning [3] - 16964:1, 16968:21, 17002:7 photograph [1] - 16888:25 photographs [9] - 16884:1, 16884:7, 17042:18, 17042:25, 17043:9, 17043:14, 17043:23, 17045:19, 17054:2 phrase [1] - 16844:19 physical [3] - 16879:14, 16889:16, 17026:19 physically [8] - 16808:9, 16812:21, 16814:2, 16815:11, 16827:21, 16930:21, 16989:11, 17010:8 pick [1] - 17017:15 piece [6] - 16844:23, 16856:13, 16857:20, 16865:2, 17042:14, 17050:6 pieces [1] - 16970:12 pillow [1] - 17042:4 place [30] - 16816:7, 16839:19, 16845:13, 16851:1, 16858:20, 16859:6, 16859:9, 16875:21, 16879:2, 16880:3, 16882:19, 16888:2, 16888:11, 16889:24, 16902:2, 16913:4, 16913:8,</p>
P				
<p>P.2 [2] - 17021:23, 17023:12 P.3 [1] - 16888:25 Page [1] - 16804:2 page [35] - 16854:9, 16854:20, 16856:10, 16863:8, 16876:13, 16876:24, 16893:5, 16894:23, 16897:8, 16898:4, 16898:14, 16901:2, 16901:14, 16902:8, 16907:10, 16907:17, 16913:16, 16928:4, 16940:22, 16941:18, 16943:24, 16945:17, 16954:4, 16954:6, 16955:7, 17007:16, 17009:9, 17011:14, 17034:11, 17038:2, 17038:5, 17038:6, 17038:16, 17041:21, 17050:24 pages [10] - 16832:24, 16847:17, 16854:13, 16902:10, 16913:24, 16914:1, 16914:3, 16914:5, 16914:10, 17058:4 paid [1] - 16806:4 pains [1] - 16935:18 pamphlet [1] - 17034:17 pants [5] - 16861:2, 16884:22, 16885:7, 16886:25, 16887:2 paper [7] - 16842:24,</p>				



<p>16915:11, 16930:15, 16944:7, 16956:5, 16983:23, 16985:8, 17002:22, 17009:24, 17013:17, 17015:1, 17025:6, 17025:7, 17037:16 placed [1] - 16982:15 plan [4] - 16907:1, 16933:17, 16934:4, 16935:25 planes [1] - 17012:21 play [1] - 17025:22 plea [7] - 16979:11, 16982:10, 16984:21, 16984:24, 16990:15, 17009:23, 17027:11 plead [7] - 16985:7, 16985:14, 16986:12, 16989:13, 16990:4, 17000:15, 17009:3 pleas [10] - 16984:1, 17000:4, 17000:23, 17002:4, 17002:19, 17006:19, 17007:3, 17009:10, 17010:6, 17010:12 pleased [1] - 16966:1 pled [1] - 16996:20 plights [1] - 16809:5 plus [4] - 16870:16, 17011:5, 17031:10, 17035:10 Pm [6] - 16929:7, 16991:11, 16991:12, 17028:3, 17028:6, 17057:13 point [49] - 16810:3, 16818:4, 16826:15, 16827:8, 16827:19, 16828:22, 16841:23, 16844:12, 16844:25, 16847:3, 16852:7, 16853:24, 16865:8, 16870:1, 16884:10, 16886:11, 16888:13, 16891:18, 16893:16, 16902:12, 16908:17, 16910:3, 16913:6, 16920:25, 16933:22, 16935:5, 16935:20, 16936:11, 16939:3, 16943:16, 16952:24, 16953:23, 16964:23, 16975:25, 16976:13, 16976:15, 16976:19, 16977:23, 16978:4, 16981:1, 17019:18, 17020:10, 17027:22, 17036:8, 17037:13,</p>	<p>17039:8, 17043:19, 17048:4, 17051:20 pointed [3] - 16823:6, 16932:22, 16945:8 pointing [1] - 16883:18 points [7] - 16822:22, 16849:16, 16919:6, 16919:20, 16940:23, 16941:2, 17016:18 police [34] - 16810:11, 16835:22, 16843:15, 16860:5, 16860:12, 16865:23, 16866:12, 16892:10, 16899:7, 16904:23, 16905:17, 16906:9, 16906:12, 16906:13, 16922:20, 16940:11, 16963:10, 16966:13, 16970:20, 16976:1, 16976:4, 16977:25, 16980:3, 16980:7, 17001:19, 17003:3, 17005:17, 17026:9, 17027:25, 17033:14, 17034:20, 17048:1, 17048:18 Police [17] - 16803:7, 16904:5, 16904:10, 16910:15, 16910:25, 16928:6, 16966:6, 17005:15, 17006:4, 17006:23, 17007:5, 17007:7, 17007:21, 17008:1, 17008:21, 17014:25, 17042:19 policeman [1] - 17028:13 policies [1] - 17054:15 policy [1] - 16922:21 polygraph [9] - 16910:16, 16911:7, 16911:8, 16911:17, 16911:19, 16924:3, 16924:7, 16924:13, 16928:14 polygraphed [1] - 16928:21 ponder [1] - 16886:16 popular [1] - 16806:7 portion [2] - 16887:24, 16888:3 portions [2] - 16887:17, 16948:17 pose [1] - 16830:9 posed [1] - 16830:8 position [39] - 16807:1, 16807:20, 16813:20, 16815:16, 16816:13, 16816:18, 16821:11, 16821:14, 16822:16,</p>	<p>16825:18, 16826:14, 16827:2, 16829:10, 16831:13, 16832:4, 16832:10, 16832:13, 16832:23, 16833:3, 16833:15, 16833:19, 16833:21, 16833:22, 16834:19, 16838:20, 16840:4, 16840:16, 16873:8, 16873:14, 16873:15, 16896:8, 16909:12, 16911:3, 16931:5, 16932:24, 16934:12, 16992:4 positions [1] - 16872:13 positive [6] - 16819:20, 16919:16, 16923:13, 16931:25, 16932:18 positively [1] - 16932:6 possession [1] - 16858:12 possibilities [1] - 16948:15 possibility [10] - 16848:4, 16848:8, 16851:23, 16881:16, 16881:19, 16951:23, 16989:17, 16995:20, 17016:20, 17051:12 possible [12] - 16810:24, 16870:2, 16870:12, 16893:19, 16920:18, 16920:25, 16968:2, 16980:20, 16991:1, 16993:13, 17026:1, 17026:3 possibly [11] - 16811:15, 16871:1, 16873:21, 16877:2, 16923:11, 16949:1, 16957:7, 16973:21, 16975:2, 17013:12, 17041:9 post [4] - 16806:13, 16885:18, 16885:25, 16972:10 post-offence [1] - 16885:18 posts [2] - 16867:14, 16867:16 potential [1] - 16941:2 powder [5] - 16855:17, 16857:2, 16857:3, 16857:5 practice [11] - 16898:9, 16909:14, 16922:19, 16923:4, 16979:2, 17006:24, 17017:22, 17018:15, 17025:24,</p>	<p>17027:6, 17027:8 practices [2] - 16958:13, 16995:13 prays [1] - 16812:6 pre [2] - 16972:8, 16973:1 predate [1] - 17031:2 predates [1] - 17030:25 predicted [1] - 17053:14 predictions [1] - 17044:8 preference [2] - 17009:25, 17029:1 prejudiced [3] - 16942:10, 16944:15, 16957:8 prejudicial [2] - 16941:20, 16942:22 prelim [11] - 16866:7, 16939:14, 16942:19, 16952:1, 16977:3, 16980:21, 16982:11, 16999:5, 17000:12, 17030:6, 17030:14 Preliminary [1] - 16928:8 preliminary [36] - 16866:8, 16902:24, 16904:2, 16907:21, 16908:15, 16908:23, 16909:3, 16911:24, 16917:8, 16918:25, 16940:7, 16976:13, 16977:8, 16977:9, 16977:11, 16977:22, 16978:2, 16981:1, 16983:13, 16984:16, 16984:17, 16985:8, 16985:16, 16985:19, 16986:4, 16986:15, 16986:19, 16986:21, 16987:15, 16989:15, 16989:19, 16989:22, 16997:20, 17000:8, 17010:2, 17030:9 prelims [1] - 16997:10 premier [1] - 16982:14 Premier [1] - 16999:18 premise [1] - 16847:9 prep [1] - 16977:14 preparation [1] - 16938:4 prepare [1] - 17046:8 prepared [14] - 16806:23, 16828:15, 16829:14, 16829:20, 16900:24, 16932:24, 16939:24, 16950:1, 16978:5, 16993:5,</p>	<p>17006:7, 17006:8, 17006:10, 17052:18 preparing [5] - 16938:8, 16938:12, 17044:1, 17044:11, 17048:13 prerequisite [1] - 17036:24 presence [15] - 16808:12, 16822:11, 16855:5, 16855:24, 16856:11, 16874:5, 16877:14, 16877:21, 16878:16, 16913:9, 16913:12, 16913:21, 16925:2, 16945:19, 16955:17 present [9] - 16877:18, 16905:2, 16922:10, 16938:14, 16949:20, 16955:10, 16956:3, 17010:8, 17028:5 presentable [1] - 17003:10 presented [7] - 16829:21, 16883:21, 16938:24, 17039:14, 17040:1, 17040:7, 17041:16 presenting [1] - 16900:2 presently [1] - 16991:24 preserve [1] - 17024:7 press [6] - 16805:22, 16813:7, 16816:10, 16817:10, 16829:2, 17002:7 presumably [8] - 16867:4, 16878:9, 16909:3, 16968:9, 16988:11, 17008:15, 17010:18, 17021:18 presume [3] - 16943:15, 16990:10, 17019:13 pretty [3] - 16824:2, 16881:3, 17022:12 prevail [1] - 16983:17 prevent [2] - 17001:18, 17025:9 prevented [1] - 17023:8 previous [8] - 16830:21, 16832:1, 16832:7, 16904:13, 16954:5, 16970:18, 17047:25, 17056:1 previously [4] - 16939:14, 16952:9, 16955:14, 17006:6 Prince [17] - 16989:1,</p>
--	--	---	--	---



<p>16989:7, 16989:9, 16990:8, 16998:2, 16998:18, 16999:1, 16999:7, 17011:20, 17012:22, 17013:25, 17014:11, 17015:8, 17015:9, 17015:12, 17015:13, 17015:18 principally [1] - 17036:15 printed [1] - 17033:12 prison [3] - 16930:8, 17052:13, 17056:1 prisoner [1] - 17028:4 prisoners [5] - 17012:20, 17013:12, 17014:11, 17014:18, 17015:10 privately [1] - 16813:17 privilege [3] - 16934:12, 17044:2, 17044:12 privy [1] - 16934:8 probability [1] - 16981:5 probative [2] - 16865:16, 16942:21 probe [5] - 16833:18, 16850:10, 16916:21, 16953:3, 16965:19 probed [1] - 16958:9 problem [2] - 16809:3, 16934:21 problems [2] - 16825:6, 16828:13 procedure [15] - 16838:24, 16839:2, 16925:22, 16933:17, 16943:7, 16944:7, 16944:15, 16944:21, 16955:11, 16955:22, 16956:8, 16957:9, 16979:6, 16989:5, 16990:16 procedures [1] - 17010:23 proceed [3] - 16935:25, 16987:18, 16989:4 proceeded [2] - 16873:4, 17039:9 proceeding [3] - 16913:15, 16953:3, 17018:16 Proceedings [4] - 16801:12, 16801:23, 16804:1, 16805:1 proceedings [10] - 16815:9, 16959:5, 16964:20, 16999:4, 17010:3, 17015:23, 17016:12, 17023:12,</p>	<p>17023:25, 17036:16 process [14] - 16814:7, 16818:9, 16841:20, 16846:9, 16852:17, 16854:3, 16926:15, 16944:10, 16945:17, 16971:16, 16975:18, 16999:10, 17000:9, 17012:11 produce [2] - 16931:22, 16945:4 produced [1] - 16903:16 producing [1] - 16945:22 professional [3] - 16841:25, 17045:4, 17045:8 Professor [1] - 17050:11 profusely [1] - 16888:23 profusion [1] - 16881:9 progress [1] - 16821:23 progressed [1] - 16910:12 prominent [1] - 17028:25 promised [1] - 16929:9 promising [1] - 16849:12 prompt [1] - 16862:21 prompted [7] - 17030:8, 17033:7, 17036:9, 17045:11, 17052:5, 17052:24, 17056:14 Proof [1] - 16955:16 proof [3] - 16852:1, 16946:1, 16946:3 proper [8] - 16849:3, 16952:2, 16952:6, 16953:18, 17004:12, 17004:23, 17045:3, 17046:2 properly [9] - 16832:10, 16836:18, 16842:8, 16850:14, 16921:4, 16954:20, 17035:20, 17045:5, 17046:24 propose [1] - 16914:19 proposition [4] - 16848:9, 16848:10, 16850:17, 16908:13 propositions [1] - 16847:14 prosecuted [11] - 16970:15, 17001:8, 17034:10, 17034:24, 17035:8, 17035:13, 17037:3, 17037:4,</p>	<p>17045:13, 17056:18, 17057:4 prosecuting [2] - 16982:1, 17002:12 prosecution [10] - 16922:18, 16971:9, 16971:15, 16995:15, 17002:15, 17012:15, 17016:1, 17020:13, 17025:22, 17048:14 Prosecution [1] - 17011:6 prosecutions [3] - 16901:22, 16921:19, 16981:25 Prosecutions [2] - 16921:18, 17010:1 prosecutor [30] - 16885:14, 16886:4, 16949:8, 16968:25, 16969:6, 16969:11, 16970:10, 16971:3, 16971:21, 16971:22, 16972:2, 16972:10, 16972:19, 16972:21, 16972:24, 16973:17, 16974:11, 16976:10, 16977:11, 16988:1, 16988:17, 16996:23, 16999:25, 17003:22, 17004:15, 17029:5, 17034:15, 17055:7, 17057:1 prosecutor's [2] - 16922:17, 16977:24 prosecutors [2] - 16985:2, 17034:18 prospects [1] - 17056:2 protection [1] - 17052:17 prove [2] - 16945:11, 16945:18 proved [2] - 16946:17, 16948:9 provide [3] - 16937:1, 16946:3, 17014:14 provided [3] - 16825:5, 16827:23, 16912:19 providing [2] - 16936:18, 17054:17 province [6] - 16979:10, 16982:18, 16983:9, 17002:5, 17012:21, 17013:16 Province [3] - 17012:13, 17012:24, 17058:3 provinces [1] - 17014:7 Provincial [7] - 16978:21, 16986:9,</p>	<p>16986:24, 16989:11, 16990:5, 16990:20, 16991:7 provincial [1] - 17015:20 provision [3] - 16943:5, 16947:11, 16950:22 provisions [2] - 16944:19, 16979:13 prowing [1] - 16861:25 proximity [1] - 16889:10 Psychiatric [2] - 17031:11, 17031:25 psychiatric [11] - 17027:1, 17031:19, 17032:11, 17044:3, 17044:13, 17044:25, 17045:21, 17046:2, 17047:12, 17047:18, 17050:4 psychiatrist [3] - 17026:1, 17027:9, 17029:15 Psychiatry [1] - 17050:12 Public [1] - 16921:18 public [16] - 16805:9, 16805:15, 16806:4, 16806:21, 16813:14, 16823:7, 16829:1, 16929:24, 16930:1, 16931:3, 16932:21, 16933:19, 16933:22, 16935:18, 17001:19, 17004:24 publicity [3] - 17002:3, 17002:6, 17003:18 publicized [1] - 17004:6 publicly [5] - 16806:4, 16809:14, 16813:17, 16813:22, 16823:13 pull [1] - 16902:19 pulled [4] - 16881:15, 16886:25, 16887:1, 16887:2 purports [1] - 16930:18 purpose [17] - 16830:11, 16837:16, 16893:12, 16893:14, 16893:15, 16896:22, 16896:24, 16901:4, 16912:21, 16915:15, 16925:20, 16925:21, 16927:25, 16932:4, 16947:4, 17024:8 purposes [5] - 16925:15, 16926:21, 16939:7, 16986:18, 17026:22</p>	<p>purse [15] - 16831:7, 16855:2, 16855:16, 16855:24, 16856:4, 16856:7, 16856:11, 16856:16, 16856:19, 16856:23, 16856:25, 16857:5, 16857:8, 16874:12 Purse [1] - 17019:5 pursue [2] - 16955:11, 17010:21 put [48] - 16831:11, 16832:12, 16833:20, 16834:20, 16835:7, 16836:7, 16838:20, 16843:23, 16847:5, 16847:13, 16850:5, 16851:8, 16852:16, 16861:12, 16865:4, 16865:13, 16866:9, 16867:20, 16874:12, 16889:20, 16891:15, 16893:1, 16896:7, 16896:12, 16900:17, 16901:23, 16902:1, 16906:17, 16911:13, 16935:13, 16941:19, 16942:14, 16944:7, 16955:1, 16985:9, 16988:16, 16990:24, 17022:6, 17025:10, 17026:14, 17029:25, 17041:5, 17046:19, 17047:2, 17049:21, 17050:16, 17054:12, 17056:5 puts [1] - 16824:6 Putting [1] - 16828:6 putting [8] - 16845:25, 16846:1, 16869:9, 16886:3, 16908:9, 16916:24, 16934:11, 16971:20</p>
Q				
<p>Qb [1] - 16802:11 Qc [3] - 16803:2, 16803:6, 16803:11 quantity [1] - 16889:3 quarter [4] - 16866:19, 16866:23, 16869:10, 17057:8 quarters [1] - 17048:3 Quebec [1] - 16809:11 Queen's [17] - 16903:14, 16984:20, 16985:15, 16986:10, 16986:12, 16990:4,</p>				



<p>16990:9, 16990:13, 16996:19, 17001:11, 17009:13, 17014:20, 17021:8, 17058:1, 17058:3, 17058:14, 17058:20 questioned [1] - 16861:15 questioning [1] - 16965:18 questions [12] - 16809:18, 16844:13, 16851:21, 16861:12, 16934:6, 16936:5, 16949:5, 16949:9, 16950:4, 16960:7, 16971:20, 17036:5 quickly [4] - 16817:18, 16941:11, 17027:9, 17051:1 Quite[1] - 16988:4 quite [17] - 16807:17, 16832:10, 16834:10, 16836:18, 16841:18, 16857:8, 16864:14, 16878:21, 16885:15, 16889:20, 16909:4, 16931:14, 16940:13, 16958:5, 16961:12, 17001:6, 17049:23 quote [1] - 16930:19 quoting [1] - 16824:16</p>	<p>16881:1, 16881:17, 16882:3, 16882:8, 16960:3 rapes [5] - 16960:8, 16960:23, 16962:24, 17004:7, 17008:12 raping [1] - 16881:3 rapist [2] - 17004:16, 17004:19 rare [2] - 16988:4, 17003:25 rarely [1] - 17014:14 rarity [1] - 16987:19 Rasmussen[2] - 16869:3, 16884:18 Rasmussers [1] - 16867:7 rather [3] - 16998:5, 17001:18, 17051:12 rationalized [1] - 16883:5 Ray[1] - 16948:18 Raymond[2] - 16949:1, 16951:16 Rcmp[5] - 16803:9, 16910:9, 17012:20, 17012:21, 17015:3 re [3] - 16904:19, 17019:11, 17019:14 re-enacted [1] - 16904:19 reaching [1] - 16843:25 read [41] - 16808:18, 16830:25, 16855:4, 16857:17, 16862:8, 16877:19, 16878:12, 16878:17, 16878:19, 16882:17, 16896:6, 16913:22, 16917:14, 16917:24, 16919:9, 16925:14, 16931:9, 16937:3, 16944:11, 16945:6, 16945:15, 16946:5, 16947:16, 16948:16, 16950:15, 16951:4, 16953:23, 16954:24, 16955:8, 16958:7, 16992:7, 16994:4, 17011:13, 17033:11, 17033:20, 17034:2, 17044:20, 17045:1, 17046:8, 17050:23 readily [1] - 16866:12 reading [6] - 16842:24, 16917:17, 16928:12, 16931:16, 17044:2, 17044:12 reads [5] - 16877:17, 16918:18, 16919:15,</p>	<p>16953:21, 16964:3 ready [1] - 16866:21 real [1] - 16942:21 realize [2] - 16815:18, 16975:6 really [9] - 16835:14, 16836:13, 16845:22, 16848:1, 16880:4, 16890:9, 16910:23, 16937:13, 17018:20 reason [37] - 16834:4, 16846:4, 16853:6, 16853:7, 16880:2, 16906:16, 16917:10, 16918:20, 16919:2, 16924:12, 16951:24, 16957:4, 16969:25, 16973:14, 16973:17, 16974:12, 16974:23, 16983:5, 16983:11, 16983:16, 16986:13, 16987:8, 16987:15, 16996:14, 16997:7, 16997:9, 16997:12, 16999:8, 17001:2, 17009:23, 17010:6, 17010:20, 17013:10, 17035:14, 17042:9, 17049:25, 17054:22 reasoning [1] - 16858:6 reasons [19] - 16819:9, 16819:10, 16826:6, 16827:4, 16827:16, 16828:21, 16829:17, 16895:11, 16933:19, 16985:4, 16987:1, 16996:13, 17001:4, 17001:6, 17006:22, 17011:23, 17015:16, 17021:9, 17045:15 recall [1] - 16916:12 recalled [5] - 16831:24, 16836:16, 16837:2, 16954:13, 16955:16 receipt [1] - 16992:2 receive [1] - 17030:17 received [2] - 16970:8, 17019:25 receiving [1] - 17020:3 recent [4] - 16844:25, 16845:3, 16992:8, 17031:6 recently [1] - 17033:11 recite [3] - 17033:10, 17038:2, 17038:14 recited [5] - 16914:17, 16967:20, 16987:11, 17033:17, 17039:17 reciting [1] - 17040:6 recognize [1] -</p>	<p>16812:11 recognized [2] - 16825:14, 16825:18 recollect [4] - 16857:3, 16861:13, 16887:19, 16899:6 recollection [19] - 16828:23, 16832:5, 16858:2, 16864:2, 16894:11, 16918:7, 16918:8, 16952:7, 16958:11, 16962:25, 16973:9, 16973:16, 16974:20, 16980:3, 16980:9, 16981:11, 16981:19, 16996:8, 17029:23 Reconvened[4] - 16805:2, 16872:1, 16929:7, 16991:12 record [20] - 16860:10, 16861:3, 16861:7, 16886:12, 16894:23, 16898:5, 16899:22, 16903:9, 16907:6, 16908:9, 16929:15, 16938:2, 16941:21, 16952:11, 16997:18, 16998:12, 17016:11, 17027:13, 17029:6, 17047:13 recount [1] - 16818:12 Red[1] - 17019:6 reduced [1] - 16945:25 reenacted [2] - 17041:23, 17042:3 reenacting [1] - 16897:7 reenactment [2] - 16894:24, 16906:1 reference [8] - 16929:12, 16958:2, 16958:21, 16965:12, 17005:22, 17015:7, 17049:8, 17050:8 referenced [1] - 16994:1 references [1] - 16960:10 referred [5] - 16968:23, 16994:15, 16994:19, 16995:25, 17049:17 referring [8] - 16855:25, 16922:14, 16933:24, 16942:15, 16961:8, 16992:10, 17042:6, 17049:14 reflected [3] - 16894:22, 16952:11, 17016:10</p>	<p>reflects [2] - 16931:10, 16998:12 refresh [1] - 16991:16 refusal [3] - 16806:1, 16826:16, 16826:23 refused [1] - 16912:1 regard [3] - 16991:25, 16992:4, 17020:23 regarded [1] - 17021:5 regarding [4] - 16899:17, 17005:16, 17020:12, 17035:16 Regina[57] - 16861:6, 16862:15, 16879:25, 16901:20, 16904:14, 16904:22, 16904:24, 16905:22, 16905:24, 16910:10, 16912:6, 16921:19, 16921:23, 16922:3, 16963:9, 16981:17, 16981:25, 16982:6, 16982:17, 16982:19, 16983:4, 16983:23, 16996:19, 16998:5, 16998:25, 16999:9, 16999:13, 16999:19, 16999:20, 17000:23, 17001:3, 17001:5, 17001:11, 17001:17, 17001:25, 17006:19, 17009:11, 17009:18, 17009:25, 17010:7, 17010:11, 17010:13, 17010:22, 17011:23, 17012:5, 17012:9, 17012:23, 17013:1, 17013:6, 17013:9, 17013:11, 17013:22, 17014:5, 17014:16, 17031:12, 17041:23 registrar [2] - 17020:11, 17021:7 registrar's [1] - 17025:1 regular [2] - 16822:2, 17056:11 reinforced [1] - 16932:7 relate [1] - 16822:23 related [3] - 16967:5, 17017:25, 17025:13 relates [1] - 16975:9 relating [11] - 16837:12, 16859:15, 16859:20, 16879:21, 16944:3, 16962:18, 16963:3, 16963:11, 16967:2, 16967:5, 17016:18 Relating[1] - 16837:13 relations [3] - 16881:23, 16889:11,</p>
R				
<p>Radio[1] - 16929:13 raise [2] - 16919:22, 16920:2 raised [4] - 16809:18, 16827:17, 16941:8, 16942:23 raising [1] - 16956:15 ran [5] - 17004:20, 17013:15, 17035:1, 17038:21, 17040:12 rape [26] - 16875:20, 16879:1, 16882:19, 16889:24, 16899:2, 16962:18, 16963:3, 16963:11, 16965:7, 16967:5, 16967:10, 16968:17, 16972:3, 16972:13, 16972:20, 16975:25, 16976:1, 16976:3, 16977:5, 16977:20, 16979:12, 16996:7, 16996:21, 17009:4 raped [6] - 16813:3,</p>				



<p>16931:3 relative [1] - 16806:1 relatively [1] - 16984:8 relatives [2] - 17018:2, 17018:21 release [3] - 17017:3, 17045:6, 17051:14 released [4] - 17018:4, 17019:23, 17052:19, 17055:10 releasing [3] - 17018:10, 17018:17, 17054:6 relevance [2] - 16829:14, 16829:15 relevancy [1] - 16825:16 relevant [3] - 16823:11, 16824:24, 16947:3 relieved [1] - 17028:6 religious [1] - 17029:19 relive [8] - 16810:2, 16811:11, 16811:21, 16813:4, 16818:9, 16822:7, 16932:5, 16932:12 reluctant [2] - 16909:15, 16909:22 remainder [1] - 17039:22 remained [1] - 17020:7 remaining [1] - 17020:12 remains [3] - 16881:21, 16881:22, 16881:23 remand [2] - 17014:23, 17015:16 remanded [1] - 17015:18 remarks [6] - 16805:6, 16830:18, 16890:24, 16898:17, 16898:18 remember [25] - 16810:17, 16830:18, 16830:23, 16831:15, 16833:2, 16835:24, 16835:25, 16836:1, 16842:18, 16842:19, 16843:15, 16849:19, 16853:9, 16853:15, 16879:25, 16891:9, 16912:11, 16914:11, 16918:3, 16958:8, 16969:23, 16981:23, 16985:24, 17005:17, 17035:4 remembering [1] - 16959:6 remembers [1] - 16834:1</p>	<p>remind [1] - 16825:2 remote [1] - 17017:17 remove [2] - 16915:3, 16915:16 removed [3] - 16867:20, 16897:18 render [2] - 16946:23, 16948:2 rendered [2] - 16880:25, 16943:18 repeat [5] - 16820:14, 16829:10, 16838:9, 16917:16, 16918:14 repeated [3] - 16839:7, 16914:24, 16919:12 repeatedly [2] - 16827:17, 16912:10 repeating [3] - 16917:20, 16918:9, 17050:16 repeats [1] - 16851:15 rephrase [2] - 16949:13, 16972:15 reply [1] - 16914:10 report [31] - 16822:3, 16900:21, 16901:4, 16901:17, 16901:24, 16905:11, 16906:17, 16919:15, 16929:14, 16938:9, 16939:8, 16939:10, 16940:7, 16941:14, 17002:21, 17004:8, 17005:9, 17005:13, 17005:22, 17006:2, 17006:5, 17006:10, 17006:12, 17006:14, 17011:13, 17011:16, 17016:10, 17027:20, 17030:17, 17030:18, 17048:18 reported [3] - 16826:22, 16897:4, 17038:11 Reporter [4] - 16814:6, 16815:6, 17058:14, 17058:20 reporter [2] - 16815:23, 16930:25 Reporters [2] - 16802:11, 17058:3 reporters [2] - 17005:4, 17005:9 Reporters [1] - 17058:1 reports [16] - 16811:22, 16818:17, 16821:21, 16824:15, 16929:10, 16929:23, 16934:23, 16940:11, 16957:24, 16960:11, 17031:10, 17033:13, 17034:2, 17044:22, 17045:4</p>	<p>representatives [2] - 17001:19, 17002:24 repudiation [1] - 16805:23 request [7] - 16952:4, 16952:14, 17008:15, 17018:20, 17023:16, 17024:4, 17026:10 requested [3] - 16907:25, 16962:16, 17008:10 require [1] - 16986:7 required [5] - 16805:21, 16901:23, 16938:18, 16991:2, 17009:15 requiring [1] - 16986:23 research [1] - 16968:24 researching [1] - 16964:10 resident [2] - 16921:24, 17052:15 resist [1] - 16889:20 resolve [1] - 16813:8 resources [1] - 17016:5 respect [19] - 16810:5, 16818:3, 16819:15, 16820:21, 16824:23, 16830:13, 16895:23, 16936:8, 16969:3, 16975:20, 16977:17, 17001:24, 17006:25, 17015:24, 17018:7, 17033:9, 17034:9, 17036:10, 17045:12 respected [1] - 16827:2 respectful [1] - 16824:25 respond [2] - 16822:22, 17027:10 responding [1] - 17052:23 response [5] - 16809:9, 16978:22, 16988:13, 16989:8, 17017:5 responsibility [1] - 16823:3 rest [3] - 16834:16, 16906:3, 17020:7 restored [2] - 16936:17, 16936:21 result [8] - 16852:17, 16854:3, 16904:15, 16910:16, 16915:1, 16926:15, 16927:3, 17048:13 resulted [1] - 17042:1 retained [1] - 17017:19 retaining [1] - 16922:9 retention [1] - 17017:23 retire [1] - 16945:1</p>	<p>retired [2] - 16844:22, 16945:14 retirement [1] - 16945:3 retrievable [1] - 16866:12 retrieved [2] - 16864:15, 17024:10 return [7] - 16904:24, 16922:19, 16989:22, 17024:17, 17051:13, 17052:3, 17053:14 returned [2] - 16923:12, 17020:6 revictimize [1] - 16810:25 review [2] - 16968:16, 17027:15 reviewed [3] - 16859:17, 17031:8, 17042:13 Rick [1] - 16803:7 rid [1] - 16858:4 Riddell [1] - 16910:9 right-hand [1] - 16849:9 rightly [2] - 16878:19, 16886:8 rights [3] - 16987:3, 16987:7 risk [1] - 16806:21 rob [2] - 16862:2, 16862:22 robbed [1] - 16890:10 Roberts [14] - 16804:3, 16830:6, 16910:14, 16910:17, 16911:8, 16911:17, 16911:19, 16923:16, 16924:1, 16925:24, 16928:22, 16951:19, 16952:3, 16952:25 role [5] - 16938:3, 16938:7, 16938:12, 16984:9, 17025:21 Ron [11] - 16836:25, 16840:7, 16840:12, 16879:13, 16891:7, 16905:16, 16905:20, 16911:17, 16925:4, 16941:20, 16941:25 Ronald [2] - 16904:4, 16904:9 room [11] - 16806:3, 16815:6, 16896:2, 16897:15, 16905:2, 16931:11, 16949:10, 17021:2, 17021:4, 17028:4 rough [1] - 16911:21 roughly [2] - 16977:15, 17001:22</p>	<p>Roughly [1] - 16899:25 route [2] - 16976:14, 17003:3 routine [2] - 17006:21, 17011:19 royal [1] - 16872:12 Rp [4] - 16802:12, 17058:2, 17058:18, 17058:19 ruled [2] - 16909:21, 16913:7 rules [2] - 16902:1, 16940:25 ruling [6] - 16909:6, 16915:2, 16944:3, 16946:9, 16947:13, 16948:24 rumours [1] - 17045:7 run [6] - 16830:10, 16875:4, 16958:20, 16978:1, 16997:10, 17004:13 run-ups [1] - 16958:20 running [4] - 16876:1, 16887:13, 16892:9</p>
S				
<p>salesman [1] - 17051:24 sand [1] - 16887:21 Sandra [2] - 16802:5, 16883:6 Sask [1] - 16993:6 Saskatchewan [19] - 16801:17, 16803:4, 16921:21, 16922:11, 16929:18, 16931:3, 16979:7, 16979:20, 16979:22, 16983:25, 16992:23, 17005:15, 17006:4, 17007:2, 17008:3, 17011:7, 17012:13, 17052:16, 17058:4 Saskatoon [77] - 16801:17, 16803:7, 16855:13, 16862:14, 16862:15, 16904:5, 16904:10, 16904:12, 16904:17, 16905:21, 16906:3, 16906:24, 16910:13, 16910:25, 16912:5, 16924:2, 16928:6, 16929:16, 16960:4, 16963:16, 16964:9, 16965:15, 16966:6, 16968:1, 16968:23, 16969:1,</p>				



<p>16969:6, 16971:23, 16973:17, 16980:22, 16982:4, 16982:7, 16983:10, 16983:12, 16983:21, 16988:12, 16988:16, 16989:7, 16990:10, 16990:11, 16991:25, 16992:16, 16993:17, 16995:2, 16996:20, 16998:6, 16999:4, 16999:25, 17000:24, 17001:3, 17001:18, 17002:13, 17006:23, 17007:4, 17008:1, 17009:19, 17009:24, 17010:1, 17011:6, 17012:14, 17012:15, 17013:18, 17014:12, 17014:14, 17014:18, 17014:19, 17014:25, 17015:12, 17015:17, 17015:20, 17015:25, 17016:2, 17026:6, 17026:8, 17029:2, 17042:18 sat [1] - 17013:6 satisfied [4] - 16907:22, 16921:3, 16954:19, 16996:16 Saturday [1] - 16905:18 saw [25] - 16812:19, 16831:7, 16837:4, 16840:14, 16841:3, 16841:14, 16842:5, 16844:2, 16848:22, 16849:8, 16849:23, 16850:3, 16853:13, 16859:11, 16874:21, 16883:9, 16884:17, 16977:1, 17007:9, 17015:6, 17016:8, 17029:24, 17030:7, 17034:17, 17041:10 scared [2] - 16848:1, 16848:3 scenario [7] - 16833:8, 16839:23, 16876:9, 16950:14, 16971:4, 16980:22, 16996:24 scene [4] - 16875:9, 16884:7, 16912:7, 17043:12 Schellenberg [2] - 17048:22, 17049:18 schizophrenia [1] - 17031:20 school [1] - 16861:8 Schykaway [3] - 16959:21, 16960:8, 16960:22</p>	<p>Science [1] - 17029:17 scientific [2] - 17045:3, 17046:4 scientifically [1] - 16942:12 scissors [1] - 16874:14 scratches [2] - 16892:19, 16892:21 screen [4] - 16870:24, 16876:23, 16904:8, 16978:18 scroll [14] - 16858:7, 16873:19, 16886:23, 16888:19, 16892:15, 16906:21, 16911:22, 16912:13, 16919:17, 16920:21, 16962:21, 17008:25, 17046:6, 17047:3 Scroll [3] - 16895:21, 16902:21 scrutinize [1] - 16821:1 search [3] - 16879:19, 16879:24, 16958:22 searching [1] - 16834:24 second [12] - 16848:9, 16850:17, 16875:7, 16875:25, 16877:8, 16877:16, 16879:24, 16907:18, 16976:5, 17030:3, 17034:12 Secondly [1] - 16947:17 secondly [4] - 16827:15, 16829:17, 16896:4, 16958:9 secretary [2] - 17011:6, 17012:17 section [6] - 16830:12, 16833:17, 16845:25, 16850:14, 16880:20, 16991:22 Section [9] - 16850:11, 16852:2, 16912:19, 16914:14, 16926:11, 16926:23, 16941:12, 16943:7, 16953:3 secured [2] - 16971:14, 17025:11 Security [1] - 16802:13 see [34] - 16819:9, 16822:19, 16834:4, 16840:23, 16843:14, 16849:25, 16855:6, 16860:16, 16871:17, 16871:22, 16884:18, 16884:20, 16886:12, 16906:2, 16909:22, 16915:10, 16920:25, 16924:17, 16937:12,</p>	<p>16943:20, 16944:19, 16948:15, 16959:11, 16962:22, 16964:21, 16968:15, 16974:12, 16994:1, 17000:22, 17003:14, 17024:24, 17026:22, 17031:4, 17040:3 seeing [11] - 16811:19, 16811:20, 16822:1, 16830:17, 16835:25, 16837:4, 16838:22, 16847:20, 16863:3, 16863:6, 16863:25 seek [1] - 16935:11 seeking [1] - 16926:22 seem [4] - 16896:10, 16993:17, 16995:2, 16995:16 seeming [1] - 16843:7 seized [1] - 16978:15 seldom [1] - 16938:22 seminar [1] - 17034:6 send [7] - 16901:5, 16963:2, 16966:16, 16995:9, 17014:7, 17035:16, 17045:22 sending [1] - 16901:10 senior [5] - 16922:3, 16968:25, 16969:6, 16971:22, 16999:24 sensation [1] - 16897:12 sense [19] - 16840:17, 16842:25, 16846:7, 16846:12, 16851:4, 16852:6, 16862:8, 16873:1, 16891:2, 16935:13, 16956:15, 16988:3, 16999:3, 17016:16, 17027:1, 17037:12, 17046:5, 17056:16 senseless [1] - 17053:17 senses [1] - 17048:5 sensitive [1] - 16812:10 sensitivity [2] - 16932:10, 16935:11 sent [9] - 16901:18, 16939:5, 16939:6, 16939:11, 16939:16, 16939:19, 16940:1, 16994:14, 16998:16 sentence [9] - 16859:18, 16871:9, 16967:4, 17012:25, 17013:11, 17013:21, 17014:1, 17014:3, 17043:18</p>	<p>sentenced [9] - 16923:23, 16989:2, 16990:15, 16996:6, 16996:22, 17004:10, 17009:14, 17009:21, 17035:3 sentencing [3] - 16985:11, 17003:24, 17009:24 separate [3] - 16816:9, 16877:22, 16878:20 September [2] - 16973:7, 16998:13 sequence [1] - 16950:20 Serge [3] - 16803:6, 16921:17, 16921:23 Sergeant [4] - 16974:2, 16977:14, 16978:5, 16978:10 series [2] - 16840:8, 17003:7 serious [2] - 17005:1, 17027:8 seriously [4] - 16896:17, 16899:11, 16908:17, 16933:10 seriousness [1] - 16988:23 serve [2] - 16826:8, 16826:11 served [3] - 16828:19, 16952:11, 16975:18 Service [2] - 16803:7, 16966:7 service [2] - 16936:18, 17021:21 serving [1] - 16828:3 session [2] - 16960:10, 17025:20 set [25] - 16836:13, 16836:24, 16837:1, 16859:18, 16865:25, 16870:8, 16875:8, 16943:25, 16976:13, 16976:17, 16977:4, 16977:9, 16977:22, 16977:23, 16981:1, 16981:8, 16987:11, 16989:15, 16989:20, 17009:4, 17033:12, 17038:8, 17038:12, 17053:6, 17056:10 setting [3] - 16980:21, 17039:18, 17055:12 settled [1] - 16937:18 seven [7] - 16861:24, 16866:19, 16866:20, 16866:22, 16866:23, 16866:24, 16868:11</p>	<p>several [1] - 16908:11 severe [2] - 16808:5, 17031:15 severely [1] - 16812:10 sexual [13] - 16825:3, 16881:22, 16889:6, 16889:11, 16957:21, 16967:22, 16967:25, 16970:18, 16970:20, 17004:20, 17035:1, 17048:7, 17057:5 sexually [1] - 16889:2 shake [1] - 16812:20 shaky [1] - 16808:8 shall [2] - 16992:3, 17018:7 shape [2] - 16969:12, 16980:21 shaped [1] - 17038:17 share [2] - 16809:6, 16809:7 sharp [1] - 16888:22 sheer [1] - 17021:9 Sheraton [1] - 16801:16 shirt [3] - 16861:2, 16884:21, 16885:8 shocking [1] - 17036:15 shoes [1] - 16812:14 shopping [4] - 17021:17, 17023:1, 17023:19, 17024:20 short [1] - 16899:4 shorter [1] - 17013:18 shorthand [1] - 17058:5 shortly [5] - 16862:6, 16892:12, 16914:18, 16923:15, 17027:24 Shortly [1] - 16976:25 shot [1] - 16811:16 show [5] - 16947:5, 16976:6, 17003:16, 17007:17, 17043:9 showed [2] - 16952:19, 16991:15 showing [1] - 17043:1 shown [2] - 17007:24, 17009:1 shows [2] - 16899:22, 16938:2 sic [3] - 16905:24, 16963:2, 16965:22 sick [4] - 16808:9, 16814:2, 16815:11, 16930:21 side [3] - 16840:25, 16880:19, 16987:13 sign [2] - 16979:8, 16982:16 signature [3] - 17007:18, 17011:9,</p>
--	--	---	---	--



<p>17019:22 signed [9] - 16835:23, 16913:24, 16999:18, 17009:7, 17009:16, 17010:11, 17012:4, 17020:3, 17028:23 significance [1] - 16960:14 significant [2] - 16843:24, 17002:15 signing [1] - 17028:12 silently [1] - 16913:23 similar [8] - 16845:17, 16893:21, 16902:23, 16906:19, 16946:16, 16948:8, 16975:10, 17025:25 similarly [1] - 16936:20 simple [1] - 16931:20 simpler [1] - 16861:11 simply [11] - 16812:5, 16812:9, 16818:16, 16884:2, 16916:9, 16935:5, 16952:18, 16983:2, 16989:3, 17023:20, 17030:11 single [1] - 16808:18 sit [2] - 16937:10, 17054:5 site [2] - 16806:15, 16929:11 sited [1] - 16908:10 sitting [5] - 16801:15, 16834:11, 16839:19, 16864:5, 16960:10 sittings [2] - 16909:17, 16959:18 situation [16] - 16809:23, 16822:6, 16825:4, 16844:12, 16875:9, 16916:14, 16921:17, 16934:17, 16935:5, 16935:23, 16949:20, 16950:8, 16977:18, 16983:17, 17000:7, 17037:1 situations [3] - 16868:17, 16972:12, 17004:15 six [2] - 16883:10, 17000:13 sixth [1] - 17029:10 size [1] - 17020:25 sketch [5] - 17021:23, 17024:12, 17024:13, 17024:15, 17024:18 skill [1] - 17058:6 skip [3] - 16883:17, 16911:22, 17027:22 skirmish [1] - 16845:13</p>	<p>skirted [1] - 16933:13 sleeping [1] - 16861:23 slice [1] - 16869:19 slightly [2] - 16956:17, 16973:21 small [1] - 16892:7 smooth [1] - 16887:24 snow [5] - 16864:12, 16874:16, 16887:21, 16888:6, 17037:17 so-called [5] - 16981:24, 17032:16, 17044:17, 17045:25, 17050:19 social [3] - 17044:8, 17044:23, 17045:8 Societies [1] - 17034:6 Society [1] - 17002:4 sociopathic [2] - 17031:17, 17051:10 Solicitor [1] - 17008:4 solidarity [1] - 16805:17 someone [8] - 16939:9, 16975:5, 16997:16, 17003:5, 17024:21, 17029:4, 17044:22, 17049:18 Sometimes [1] - 16895:9 sometimes [1] - 16941:8 somewhat [1] - 17018:5 somewhere [7] - 16862:5, 16863:20, 16866:19, 16874:7, 16963:15, 17022:19, 17025:1 son [1] - 17029:14 soon [2] - 17026:1, 17053:16 Sorry [8] - 16836:21, 16858:24, 16858:25, 16865:10, 16865:11, 16903:3, 16949:13, 17036:2 sorry [21] - 16815:23, 16836:20, 16837:12, 16838:19, 16859:8, 16863:21, 16871:21, 16871:22, 16877:9, 16894:1, 16902:5, 16905:11, 16948:13, 16960:19, 16966:3, 16968:13, 16969:20, 16977:1, 16993:12, 17040:9, 17042:24 sort [11] - 16832:19, 16839:4, 16869:13, 16921:19, 16999:5,</p>	<p>17003:2, 17014:8, 17022:4, 17024:25, 17053:17, 17054:13 sorts [2] - 16818:11, 16933:25 sound [2] - 16899:24, 17022:19 source [2] - 16857:10, 16942:13 sources [4] - 17044:17, 17046:1, 17050:4, 17050:18 space [2] - 17021:2, 17021:9 Speaker [1] - 16993:10 speaking [7] - 16816:8, 16876:17, 16899:25, 16935:21, 16960:15, 17001:22, 17024:10 special [1] - 16932:9 specific [3] - 16828:25, 16868:17, 16935:7 specifically [4] - 16914:1, 16959:8, 16970:18, 16972:1 specifics [1] - 16972:17 spectator [1] - 16971:17 speech [1] - 16821:10 speedy [1] - 16903:15 spent [5] - 16807:25, 16815:22, 16884:19, 16915:12, 16930:8 sperm [1] - 16882:2 spoken [3] - 16820:20, 16834:9, 16988:5 spot [10] - 16871:23, 16882:3, 16885:6, 16885:7, 16885:10, 16887:19, 16929:3, 16991:9, 17057:9 spread [1] - 16874:10 stab [12] - 16830:17, 16831:8, 16847:21, 16849:23, 16849:25, 16880:13, 16880:14, 16880:15, 16880:18, 16883:2, 16884:8, 16886:6 stabbed [3] - 16880:25, 16887:5, 16887:8 stabbing [8] - 16875:21, 16893:12, 16915:11, 16917:13, 17038:17, 17040:21, 17041:23, 17042:4 stabblings [1] - 16880:23 staff [1] - 17012:11 Staff [2] - 16802:1,</p>	<p>16802:9 staffed [1] - 17012:16 stage [4] - 16818:21, 16818:24, 16896:9, 16977:13 stand [9] - 16814:25, 16826:1, 16832:15, 16838:7, 16841:9, 16848:20, 17015:21, 17042:12 standard [2] - 16901:6, 16982:12 standing [7] - 16806:11, 16824:5, 16930:15, 16936:10, 16936:14, 16936:21, 16937:22 Starphoenix [1] - 17002:25 start [4] - 16805:6, 16823:1, 16844:9, 17036:1 Start [1] - 16855:9 started [4] - 16924:19, 16998:22, 17016:16, 17025:8 state [1] - 17048:8 statement [89] - 16830:21, 16832:2, 16832:7, 16832:25, 16835:4, 16835:14, 16835:23, 16836:7, 16837:16, 16845:11, 16846:1, 16847:16, 16848:10, 16848:21, 16849:22, 16850:18, 16850:20, 16851:14, 16852:18, 16852:24, 16853:19, 16853:25, 16854:4, 16876:3, 16876:7, 16895:7, 16895:8, 16895:17, 16895:19, 16910:20, 16910:23, 16911:12, 16911:18, 16913:22, 16913:25, 16914:2, 16914:6, 16914:8, 16916:6, 16916:25, 16925:3, 16925:9, 16925:15, 16925:18, 16926:1, 16926:17, 16927:7, 16927:21, 16945:5, 16945:6, 16945:11, 16945:18, 16945:21, 16945:22, 16945:24, 16945:25, 16946:7, 16946:15, 16946:17, 16947:4, 16947:15, 16947:20, 16948:9, 16948:19,</p>	<p>16949:2, 16950:17, 16951:15, 16951:21, 16953:7, 16953:17, 16953:19, 16954:9, 16954:10, 16954:17, 16954:23, 16955:1, 16955:13, 16955:17, 16956:12, 17006:14, 17007:8, 17007:15, 17007:17, 17007:20, 17008:18, 17039:2, 17052:6 statements [12] - 16810:11, 16895:10, 16895:18, 16897:23, 16897:25, 16910:6, 16911:3, 16917:21, 16918:10, 16918:15, 16919:12, 16939:25 stating [1] - 16817:22 station [4] - 16866:12, 17003:3, 17014:25, 17026:9 statute [1] - 16979:18 statutory [1] - 17017:14 stay [2] - 16846:22, 16923:8 steady [1] - 17052:21 steal [1] - 16899:3 step [5] - 16832:6, 16839:2, 16841:5, 16845:6, 16976:5 steps [3] - 16895:24, 16944:3, 17017:2 stigma [1] - 16806:7 still [7] - 16864:12, 16869:14, 16901:12, 16922:24, 16937:14, 16986:1, 16998:8 Stoney [1] - 16998:16 stop [5] - 16842:19, 17022:3, 17023:21, 17030:1 story [1] - 16851:22 stranger [1] - 17042:22 strangest [1] - 16880:12 strategy [1] - 16950:1 strength [1] - 16892:2 strenuously [1] - 16908:24 stretch [1] - 16870:17 strictly [2] - 16810:16, 16979:10 stringers [1] - 16864:10 strong [4] - 16955:21, 17055:17, 17055:21, 17055:24 stronger [1] - 16957:5 strongly [6] - 16871:15,</p>
--	--	--	---	--



<p>16874:1, 17055:8, 17056:17, 17056:20 struck [1] - 16888:21 struggle [5] - 16888:1, 16888:11, 16888:13, 16888:17, 16889:21 stuck [1] - 16840:1 subject [9] - 16826:23, 16835:5, 16851:4, 16869:17, 16870:16, 16874:17, 16917:19, 16928:24, 17005:21 subjected [1] - 16848:13 submissions [1] - 17056:11 submit [2] - 16812:9, 16889:5 submitted [1] - 17006:9 subpoena [16] - 16806:8, 16814:10, 16814:17, 16816:24, 16820:8, 16826:9, 16826:11, 16828:2, 16828:3, 16828:16, 16936:18, 16937:1, 16952:11, 17030:5, 17030:9 subpoenaed [3] - 16805:14, 16815:25, 16909:25 subpoenas [1] - 16952:18 subscriptions [1] - 17051:25 subsequent [2] - 16964:23 substantial [1] - 16957:11 substantially [1] - 16930:16 substitute [1] - 16844:20 succeed [3] - 16808:11, 16808:13, 16934:4 succeeded [1] - 16909:19 success [1] - 17051:23 successful [2] - 16936:1, 17035:2 successfully [2] - 17018:22, 17040:15 suffer [1] - 16809:24 suffered [1] - 16822:8 suffering [2] - 16935:15, 17031:15 sufficient [2] - 16868:7, 16946:1 suggest [19] - 16810:4, 16819:16, 16829:18,</p>	<p>16863:18, 16865:14, 16866:17, 16879:20, 16888:16, 16890:6, 16890:13, 16892:5, 16899:10, 16917:15, 16931:7, 16939:19, 16970:7, 16999:8, 16999:22, 17022:15 suggested [7] - 16818:7, 16844:8, 16872:15, 16955:12, 17004:5, 17013:16, 17049:5 suggesting [6] - 16818:8, 16818:14, 16833:15, 16845:18, 16850:13, 16916:17 suggestion [9] - 16862:9, 16862:25, 16871:1, 16871:14, 16873:21, 16873:25, 16877:2, 16894:19, 16995:6 suggestions [2] - 16898:8, 16898:11 suggestive [1] - 16847:15 Suitability [1] - 17052:7 suitable [2] - 16819:4, 16936:18 suited [1] - 17052:22 summary [7] - 16837:7, 16902:16, 16944:6, 16962:17, 16963:2, 16970:21, 17008:11 summonsed [2] - 16976:5, 16988:11 Sunday [1] - 16905:19 Superior [1] - 16985:14 superiors [1] - 16903:4 supervised [1] - 16846:23 supply [1] - 17048:3 Support [1] - 16802:9 support [3] - 16816:17, 16819:20, 16908:12 supported [1] - 16834:7 supports [1] - 16814:6 suppose [12] - 16866:3, 16886:17, 16909:11, 16951:9, 16951:17, 16968:1, 16973:5, 17017:7, 17021:5, 17030:11, 17040:10, 17054:14 supposed [1] - 16852:7 Supreme [8] - 16807:23, 16810:12, 16957:15, 16958:21, 17016:21, 17017:9,</p>	<p>17019:2, 17047:8 surely [1] - 16881:6 surfaced [1] - 16980:16 surprise [3] - 16805:23, 16984:3, 17018:5 surprised [4] - 16845:16, 16916:15, 17030:3, 17053:10 surrounding [2] - 16912:10, 17033:15 suspect [1] - 17027:16 suspended [2] - 16936:15, 16936:20 sway [1] - 16836:19 swearing [1] - 17016:12 sweater [2] - 16874:15, 17019:6 swore [2] - 16835:23, 16975:9 sworn [7] - 16832:1, 16832:7, 16835:3, 16975:13, 16975:17, 16978:20, 17016:8 sympathetic [2] - 16810:1, 16935:4 sympathy [1] - 16813:5 system [6] - 16812:11, 16972:4, 17002:22, 17003:10, 17004:25, 17013:15 systemic [1] - 16829:3</p>	<p>16949:5, 16950:16, 16950:25, 16951:10, 16951:11, 16951:18, 16952:5, 16952:22, 16952:25, 16956:20, 17015:9, 17029:1, 17029:20, 17054:18 Tallis [2] - 16952:4, 16952:13 task [4] - 16806:18, 16808:14, 16808:24, 16828:10 Tdr [4] - 16803:5, 16962:15, 16993:18, 16995:3 Technician [1] - 16802:14 technique [1] - 17023:18 telephone [1] - 17031:6 telephoned [1] - 16958:22 television [3] - 16805:11, 16806:12, 16808:19 temerity [1] - 16806:8 ten [3] - 16866:20, 16866:24, 16868:10 tendered [4] - 16864:7, 16864:13, 16865:20, 16866:1 term [1] - 16953:2 terminology [2] - 16925:25, 16926:3 terms [4] - 16821:23, 16932:10, 16959:6, 17045:6 test [4] - 16849:6, 16850:6, 16928:24, 16943:25 tested [6] - 16850:21, 16851:9, 16852:5, 16852:25, 16854:4, 16911:18 testified [6] - 16807:23, 16807:24, 16810:12, 16848:12, 16883:11, 17046:19 testifies [1] - 16829:6 testify [14] - 16805:22, 16806:1, 16807:18, 16812:13, 16826:2, 16826:16, 16826:18, 16827:2, 16828:6, 16904:17, 16905:24, 16931:2, 16934:10, 17026:25 testifying [5] - 16809:24, 16825:11, 16828:8, 16906:11,</p>	<p>16929:22 Testimony [1] - 16801:14 testimony [1] - 16915:9 tests [1] - 16924:15 themselves [3] - 16835:17, 16860:5, 16935:8 then-chairman [1] - 17007:7 theories [1] - 16872:13 theory [14] - 16839:17, 16840:6, 16857:20, 16857:21, 16874:20, 16875:5, 16879:5, 16880:1, 16880:5, 16880:24, 16882:8, 16891:11, 16891:19, 16970:20 therapist [1] - 16811:20 therapy [2] - 16807:25, 16822:2 Therdd [1] - 17001:2 thereby [1] - 17000:13 therefore [3] - 16833:12, 17016:2, 17055:11 Therefore [1] - 16937:2 thinking [1] - 16964:17 third [2] - 16924:20, 16967:4 Thomas [2] - 16804:3, 16830:6 thoroughly [1] - 16806:17 thoughts [2] - 17024:13, 17053:21 threaten [1] - 16806:6 threatened [1] - 16881:17 threats [1] - 16889:6 three [22] - 16862:12, 16880:19, 16890:12, 16902:10, 16905:8, 16906:23, 16914:5, 16914:10, 16942:2, 16959:18, 16960:2, 16965:11, 16975:11, 16985:10, 16985:12, 16986:8, 16988:6, 16996:21, 17001:4, 17021:11, 17035:10, 17037:7 threw [4] - 16855:21, 16857:15, 16857:24, 16891:12 throughout [1] - 16824:15 throwing [1] - 16858:3 thrown [2] - 16874:13,</p>
T				
<p>Tshaped [1] - 17038:17 tack [2] - 16849:24, 16950:1 tail [1] - 16885:8 talks [5] - 16863:9, 16878:4, 16893:5, 16912:13, 17028:20 Tallis [49] - 16844:15, 16845:8, 16848:13, 16848:24, 16849:15, 16851:15, 16851:21, 16852:11, 16852:16, 16853:5, 16865:21, 16866:3, 16867:9, 16873:8, 16874:22, 16898:13, 16898:14, 16898:17, 16898:18, 16906:25, 16907:15, 16907:25, 16908:24, 16909:9, 16909:18, 16913:2, 16919:25, 16924:5, 16928:7, 16939:2, 16941:10, 16941:23, 16946:12, 16947:17, 16948:25,</p>				



<p>16890:11 Thursday^[1] - 16899:23 thwart ^[1] - 16853:18 thwarted ^[1] - 17003:8 tie ^[1] - 16861:16 ties ^[1] - 16943:6 tight ^[5] - 16867:22, 16869:20, 16870:21, 16872:16, 16873:13 tighter ^[1] - 16868:2 timing ^[8] - 16866:15, 16867:11, 16873:10, 16908:21, 16933:25, 16934:19, 16934:20, 16934:21 title ^[1] - 16968:25 titled ^[1] - 17033:24 today ^[14] - 16809:11, 16815:4, 16816:14, 16820:18, 16918:7, 16929:16, 16958:9, 16958:14, 16960:21, 16961:10, 16963:25, 16996:25, 17004:18, 17023:25 together ^[1] - 16816:10 tone ^[1] - 16956:17 tongue ^[1] - 16897:19 took ^[15] - 16839:19, 16845:13, 16855:21, 16856:16, 16875:20, 16877:15, 16877:22, 16882:19, 16888:2, 16888:11, 16889:24, 16902:2, 16956:5, 16978:6, 17037:16 top ^[14] - 16872:6, 16873:19, 16876:13, 16876:15, 16876:16, 16876:18, 16876:25, 16902:19, 16902:21, 16913:15, 16941:18, 16994:25, 17008:17, 17053:2 topic ^[1] - 16920:2 toque ^[4] - 16892:5, 16892:6, 16892:7, 16892:25 totality ^[1] - 16844:7 totalling ^[1] - 17020:2 totally ^[3] - 16814:19, 16820:24, 16953:11 touch ^[9] - 16859:20, 16940:23, 16944:15, 16944:18, 16962:10, 16971:11, 17005:20, 17006:13, 17021:7 touched ^[10] - 16841:10, 16873:17, 16898:1, 16907:13,</p>	<p>16917:19, 16921:14, 16925:13, 16953:14, 17025:20, 17055:4 toward ^[1] - 17010:12 town ^[1] - 16987:12 trade ^[1] - 17052:4 training ^[1] - 17046:2 transaction ^[2] - 16856:6, 17008:14 Transcript^[2] - 16801:12, 16805:1 transcript ^[5] - 16908:12, 16931:8, 16938:21, 16948:17, 16950:15 transcription ^[1] - 17058:5 transcripts ^[3] - 16806:12, 16939:16, 16940:6 transfer ^[1] - 16979:13 transferred ^[2] - 16998:18, 17041:10 transpire ^[1] - 16935:19 transpired ^[1] - 16824:3 transpiring ^[1] - 16935:3 transports ^[1] - 17012:20 trapped ^[1] - 16888:3 trash ^[1] - 16874:12 trauma ^[3] - 16813:3, 16820:21, 16820:23 traumatic ^[1] - 16817:3 traumatized ^[1] - 16817:19 travelled ^[2] - 16887:16, 17012:22 treated ^[2] - 16807:13, 16807:14 trial ^[90] - 16841:23, 16847:12, 16850:11, 16852:22, 16862:25, 16866:7, 16869:18, 16872:22, 16885:24, 16886:4, 16891:5, 16902:2, 16902:4, 16902:25, 16903:7, 16904:12, 16904:18, 16905:10, 16905:12, 16905:19, 16905:21, 16905:25, 16907:24, 16908:14, 16909:9, 16909:16, 16910:4, 16912:1, 16914:13, 16914:18, 16920:15, 16924:9, 16926:7, 16928:9, 16939:13, 16940:6, 16940:7, 16940:10, 16942:24,</p>	<p>16944:20, 16944:24, 16946:24, 16948:2, 16950:12, 16950:13, 16952:2, 16952:5, 16952:12, 16952:21, 16954:7, 16955:10, 16955:19, 16957:9, 16957:20, 16975:3, 16976:14, 16980:22, 16984:21, 16984:24, 16985:9, 16986:9, 16986:25, 16989:15, 16990:12, 16990:14, 16997:11, 17002:19, 17010:5, 17015:6, 17015:12, 17017:16, 17017:18, 17017:24, 17018:10, 17018:16, 17021:19, 17021:22, 17023:13, 17038:23, 17038:24, 17039:10, 17041:1, 17041:17, 17042:11, 17047:24, 17048:14, 17049:24, 17050:2, 17050:5 trials ^[2] - 16903:15, 17018:1 tried ^[5] - 16810:18, 16849:5, 16890:25, 17033:22, 17053:5 trier ^[1] - 16869:7 triggered ^[1] - 17018:20 trip ^[4] - 16862:11, 16862:14, 16912:5, 16929:18 trips ^[1] - 16990:19 trouble ^[2] - 17044:6, 17047:14 true ^[10] - 16831:5, 16834:24, 16842:25, 16848:21, 16897:13, 16914:3, 16914:10, 16928:22, 16973:2, 17058:5 truly ^[1] - 17055:1 trust ^[3] - 16864:21, 17053:24, 17055:11 trustworthy ^[1] - 17005:4 truth ^[18] - 16810:10, 16831:14, 16832:16, 16838:1, 16840:19, 16842:10, 16860:6, 16860:8, 16895:2, 16895:4, 16895:9, 16895:20, 16897:6, 16897:25, 16910:18, 16911:10, 16916:2, 16929:1 truthful ^[11] - 16810:12,</p>	<p>16832:7, 16840:9, 16896:5, 16910:20, 16910:23, 16911:20, 16915:25, 17010:14, 17011:10, 17013:2 truthfully ^[1] - 16810:13 try ^[17] - 16810:6, 16825:21, 16827:24, 16830:9, 16830:13, 16844:4, 16877:24, 16933:13, 16936:7, 16937:12, 16966:22, 16985:1, 17003:15, 17025:24, 17027:3, 17037:8, 17039:18 trying ^[30] - 16808:16, 16809:1, 16815:22, 16819:2, 16821:5, 16821:7, 16823:21, 16827:1, 16833:21, 16847:24, 16848:3, 16850:10, 16858:4, 16860:4, 16860:12, 16885:11, 16886:4, 16889:23, 16900:16, 16916:21, 16919:10, 16927:1, 16930:5, 16942:9, 16950:9, 16960:17, 16964:13, 16965:19, 17036:9, 17037:12 Tuesday^[1] - 16801:21 turn ^[3] - 16951:7, 16971:14, 17025:17 turned ^[1] - 16892:9 twenty ^[1] - 16866:22 twenty-five ^[1] - 16866:22 twice ^[5] - 16879:13, 16931:25, 16988:6, 17003:13, 17018:4 two ^[53] - 16807:9, 16809:5, 16813:11, 16816:6, 16816:9, 16837:3, 16837:7, 16837:14, 16847:13, 16847:23, 16858:14, 16863:11, 16863:13, 16864:10, 16867:13, 16895:24, 16896:9, 16903:25, 16904:21, 16907:2, 16907:4, 16908:6, 16917:18, 16928:10, 16928:20, 16937:11, 16937:15, 16939:15, 16950:22, 16952:18, 16967:21, 16970:7, 16974:16, 16976:9, 16982:8, 16985:8, 16986:9,</p>	<p>16987:1, 16988:2, 16990:19, 16990:21, 16990:24, 16991:6, 16996:6, 17004:20, 17011:5, 17012:16, 17021:3, 17021:11, 17034:25, 17043:11, 17057:5 two-by-twos ^[1] - 17021:3 two-person ^[1] - 17011:5 two-stage ^[1] - 16896:9 twos ^[1] - 17021:3 type ^[9] - 16935:15, 16941:21, 16941:22, 16941:25, 16980:10, 17027:17, 17027:18, 17036:13 typed ^[1] - 17007:12 types ^[3] - 16942:3, 17029:18, 17037:6</p>
U				
<p>Ullrich ^[5] - 16825:5, 16940:1, 16977:14, 16978:5, 17048:19 ultimate ^[1] - 16869:7 umm ^[3] - 16920:6, 16921:13, 16963:12 Umm ^[8] - 16852:6, 16915:23, 16920:6, 16921:21, 16941:25, 16999:2, 17014:22, 17057:5 unacceptable ^[1] - 16806:11 unaccounted ^[1] - 16877:23 unaccounted-for ^[1] - 16877:23 unalterably ^[1] - 17053:11 unbelievable ^[1] - 17048:11 unconscious ^[2] - 16880:25, 16882:9 uncontroverted ^[1] - 16870:8 under ^[28] - 16807:24, 16810:15, 16840:18, 16852:2, 16874:16, 16897:10, 16897:16, 16914:7, 16924:25, 16925:16, 16928:1, 16946:15, 16947:19, 16949:2, 16950:18, 16950:21, 16950:25,</p>				



<p>16951:12, 16953:16, 16954:12, 16954:15, 16955:2, 16988:16, 17023:6, 17024:8, 17026:5, 17027:2, 17041:25 undergoing [1] - 16822:1 underlining [2] - 16901:8, 16901:9 undermine [1] - 16806:4 understood [1] - 16825:18 undertake [1] - 16932:25 undertaking [4] - 16820:5, 16820:6, 16933:9, 16937:2 undertakings [2] - 16933:10, 16936:19 unethical [1] - 17002:10 unfolded [1] - 16843:7 Unidentified [1] - 16993:10 uniform [4] - 16850:2, 16867:20, 16886:7 unique [1] - 16825:3 Unit [2] - 17010:1, 17011:6 unit [2] - 16982:1 University [1] - 17050:13 unknown [1] - 17049:4 unless [5] - 16839:6, 16847:5, 16939:9, 17020:15, 17057:5 Unless [3] - 16936:4, 16982:20, 17020:19 unqualified [1] - 17051:14 unreasonable [2] - 16941:7, 16943:4 unrelated [1] - 17009:22 unsolicited [2] - 17053:25, 17054:9 unsolved [1] - 17004:6 untrue [1] - 16895:11 unusual [8] - 16982:3, 16983:8, 17000:2, 17000:7, 17000:17, 17000:22, 17006:25, 17042:15 up [81] - 16814:14, 16816:3, 16821:7, 16822:19, 16833:10, 16837:8, 16837:20, 16839:8, 16841:23, 16847:3, 16849:11,</p>	<p>16854:16, 16855:6, 16855:12, 16855:17, 16856:21, 16859:18, 16860:15, 16861:16, 16861:24, 16862:22, 16872:4, 16881:20, 16885:24, 16887:18, 16889:16, 16889:20, 16890:9, 16892:14, 16892:17, 16894:7, 16894:21, 16900:20, 16902:21, 16922:6, 16923:14, 16928:21, 16928:25, 16937:25, 16939:10, 16940:15, 16943:10, 16949:19, 16951:21, 16952:19, 16959:9, 16961:22, 16962:21, 16965:16, 16968:24, 16971:16, 16971:17, 16975:8, 16975:23, 16976:1, 16976:6, 16978:12, 16978:17, 16982:22, 16983:1, 16983:4, 16990:9, 16991:14, 16991:18, 16992:20, 16993:21, 17001:16, 17003:16, 17005:12, 17007:10, 17017:15, 17019:19, 17025:1, 17025:19, 17026:4, 17026:19, 17031:24, 17032:5, 17042:12, 17046:18, 17054:11 updated [2] - 16821:21, 16822:3 ups [1] - 16958:20 urgency [1] - 16964:5 useful [4] - 16805:19, 16901:8, 16938:11, 17046:5 uses [1] - 16990:2 usual [1] - 16853:23 Ute [1] - 16905:1 utilized [2] - 16944:21, 17016:5 utilizing [2] - 16843:12, 16926:11 utterly [2] - 16844:17, 16919:15</p>	<p>varied [2] - 16885:21, 16886:1 various [10] - 16826:5, 16862:13, 16883:8, 16895:11, 16919:20, 16933:19, 16957:24, 16964:20, 17001:21, 17045:8 vehicle [9] - 16874:22, 16875:1, 16876:3, 16876:4, 16876:10, 16877:19, 16878:9, 16878:21, 16891:8 Vehicles [1] - 16903:13 venture [1] - 16979:20 ventures [1] - 17024:16 verdict [5] - 16843:25, 16900:8, 16901:3, 16941:7, 16943:5 version [7] - 16824:3, 16849:6, 16854:14, 16876:19, 16901:7, 17004:22, 17007:12 versus [2] - 17001:3 vicious [1] - 16874:17 victim [4] - 16809:12, 16820:23, 16820:25, 16942:2 victimization [1] - 16812:25 victimize [6] - 16811:11, 16817:23, 16817:24, 16818:7, 16818:9, 16818:16 victimimized [3] - 16808:15, 16808:25, 16820:24 victims [3] - 16818:12, 16825:3, 16932:13 videotaped [1] - 16811:25 view [25] - 16823:15, 16825:12, 16828:5, 16828:20, 16828:24, 16829:15, 16843:2, 16843:20, 16848:7, 16877:18, 16893:2, 16902:17, 16909:17, 16954:18, 16981:4, 16994:24, 17002:5, 17002:10, 17004:22, 17026:2, 17026:18, 17028:16, 17051:11, 17051:16, 17057:7 views [6] - 16825:14, 16825:16, 16829:1, 17053:6, 17055:12, 17056:5 virtually [3] - 16984:9, 17015:2, 17030:19</p>	<p>virtue [2] - 16845:24, 16972:25 visit [1] - 17028:20 voir [1] - 16953:2 Volume [1] - 16801:22 voluminous [1] - 17032:1 volunteered [1] - 16962:8</p>	<p>16929:11 week [7] - 16937:4, 16937:9, 16937:12, 16999:21, 17003:13, 17003:16 weeks [11] - 16837:14, 16905:8, 16905:13, 16911:16, 16917:18, 16937:12, 16937:15, 16959:17, 16960:2, 17048:17 weight [5] - 16847:16, 16858:20, 16859:5, 16891:15, 16892:2 welcome [1] - 17033:13 welcomed [1] - 17034:3 Western [1] - 17034:5 Wg [1] - 17009:1 whatsoever [1] - 16856:20 wherein [1] - 17048:2 whole [5] - 16841:23, 16865:25, 16914:6, 17036:25, 17055:15 wholly [4] - 16831:6, 16831:9, 16837:11, 16838:6 Wilde [1] - 16802:13 Williams [3] - 16958:19, 16959:9, 16969:22 willing [4] - 16917:11, 16918:21, 16919:2, 17014:15 willingly [1] - 16815:24 wilson [1] - 16878:20 Wilson [54] - 16803:6, 16807:22, 16810:22, 16815:23, 16836:25, 16839:18, 16840:7, 16840:10, 16840:12, 16845:2, 16855:11, 16855:14, 16859:10, 16859:16, 16863:24, 16870:7, 16875:5, 16875:13, 16875:15, 16875:18, 16875:23, 16877:17, 16877:19, 16878:25, 16879:2, 16879:8, 16892:16, 16892:24, 16904:4, 16904:9, 16905:16, 16905:20, 16905:23, 16906:1, 16906:6, 16906:10, 16906:12, 16910:5, 16910:12, 16910:18, 16910:20, 16911:4, 16911:9, 16915:5, 16915:18, 16915:21, 16919:23, 16920:10, 16920:18,</p>
			W	
			<p>waiting [1] - 17000:13 waive [3] - 16979:5, 16985:19, 16987:6 waived [3] - 16979:16, 16979:17 wake [1] - 16808:6 walk [4] - 16884:17, 16970:2, 16975:24, 16988:7 walking [2] - 16887:16, 16887:23 wallet [9] - 16890:7, 16890:16, 16890:18, 16890:22, 16891:12, 16891:15, 16891:18, 16891:20, 16893:1 Walsh [2] - 17028:24, 17029:7 Walter [1] - 16883:6 wants [15] - 16808:11, 16808:13, 16808:15, 16808:20, 16808:21, 16808:22, 16808:23, 16812:8, 16814:13, 16815:8, 16821:6, 16854:17, 16931:13, 16984:15, 16985:6 warning [2] - 16914:22, 16914:24 warrant [3] - 16975:4, 16988:12, 16989:6 watches [1] - 16868:22 watching [1] - 16805:8 water [4] - 16894:14, 16894:16, 16894:18, 17048:10 wavelength [1] - 16932:20 waver [1] - 16823:15 ways [1] - 16960:20 weakness [1] - 16892:2 weapons [3] - 17018:3, 17018:13, 17018:19 wearing [1] - 16971:2 weather [2] - 16862:1, 17037:16 web [2] - 16806:14,</p>	



<p>16924:3, 16925:4, 16928:15, 16928:20, 16942:13 Wilson's [7] - 16857:21, 16879:13, 16891:8, 16911:18, 16915:24, 16941:20, 16942:1 window [9] - 16855:22, 16857:16, 16858:3, 16867:1, 16868:2, 16869:9, 16869:25, 16870:8 wing [1] - 17052:15 Wing [1] - 17031:12 Winnipeg [15] - 16964:9, 16973:8, 16973:18, 16973:25, 16974:2, 16974:8, 16974:17, 16975:6, 16978:25, 16981:13, 16982:5, 16982:25, 16992:16, 17028:25, 17031:13 wire [1] - 17021:4 wise [1] - 16937:11 wish [13] - 16822:20, 16824:22, 16825:17, 16828:11, 16829:9, 16829:16, 16829:23, 16829:24, 16985:15, 16986:13, 17029:13, 17035:24, 17036:4 wished [4] - 16866:10, 16980:25, 17011:21, 17021:8 wishes [3] - 16985:14, 16986:12, 17000:15 witness [53] - 16805:13, 16806:8, 16813:15, 16816:14, 16816:19, 16817:23, 16817:25, 16819:23, 16821:18, 16822:4, 16822:11, 16823:4, 16823:14, 16823:22, 16825:15, 16825:19, 16829:11, 16830:5, 16831:4, 16834:13, 16837:22, 16839:11, 16839:16, 16841:8, 16853:6, 16853:12, 16854:17, 16865:2, 16865:23, 16901:10, 16902:13, 16907:20, 16908:2, 16912:24, 16913:21, 16921:2, 16924:7, 16931:21, 16935:6, 16935:11, 16936:16, 16939:25, 16943:15, 16945:24, 16946:6,</p>	<p>16949:9, 16949:12, 16949:16, 16949:22, 16952:2, 16952:5, 16956:6, 16956:16 witness [1] - 16945:23 witnessed [4] - 16835:3, 16840:13, 16843:16, 17041:17 witnesses [34] - 16811:25, 16814:21, 16815:19, 16823:11, 16824:7, 16824:21, 16825:8, 16827:10, 16827:24, 16828:10, 16834:8, 16839:24, 16841:24, 16862:4, 16883:1, 16883:9, 16883:16, 16884:2, 16885:18, 16886:14, 16897:22, 16901:15, 16902:13, 16902:23, 16903:25, 16907:4, 16908:7, 16909:23, 16935:6, 16942:18, 16946:18, 16948:10, 16951:14, 16987:16 witnesses [1] - 16824:25 witnessing [1] - 16851:19 woke [1] - 16808:6 Wolch [68] - 16803:2, 16805:6, 16805:16, 16805:20, 16805:24, 16806:23, 16807:3, 16807:5, 16807:12, 16811:7, 16813:7, 16813:10, 16813:16, 16813:25, 16814:15, 16814:25, 16815:16, 16816:5, 16816:16, 16816:19, 16816:23, 16817:9, 16817:14, 16817:16, 16818:2, 16818:6, 16818:20, 16818:24, 16819:6, 16819:11, 16819:25, 16820:3, 16820:6, 16820:12, 16821:9, 16821:12, 16821:16, 16821:19, 16822:12, 16822:16, 16822:18, 16823:24, 16824:12, 16825:10, 16825:21, 16825:22, 16826:4, 16826:9, 16826:17, 16826:24, 16827:3, 16830:1, 16830:3, 16929:9, 16931:5, 16931:6, 16931:17,</p>	<p>16931:24, 16934:9, 16934:11, 16934:15, 16936:9, 16937:7, 16937:19, 17029:3, 17029:5, 17029:7, 17029:8 Wolch's [1] - 16823:18 Wolff [5] - 16976:11, 16977:2, 16978:8, 16978:14, 16981:6 woman [3] - 16813:2, 16861:17, 16881:10 women [1] - 17004:7 wonder [3] - 16863:14, 16876:17, 17036:4 wondered [1] - 16995:24 wondering [12] - 16834:23, 16862:21, 16864:16, 16872:21, 16878:1, 16919:9, 16920:3, 16923:3, 16924:9, 16942:4, 17040:4, 17040:7 wording [1] - 17040:5 words [35] - 16830:16, 16831:4, 16832:4, 16837:19, 16838:9, 16839:5, 16842:7, 16846:21, 16848:1, 16848:11, 16850:19, 16850:24, 16852:1, 16861:11, 16862:24, 16867:11, 16870:9, 16870:21, 16872:22, 16873:10, 16878:10, 16900:5, 16916:14, 16936:24, 16944:8, 16944:13, 16949:24, 16954:9, 16970:23, 16975:19, 16999:16, 17014:16, 17027:3, 17030:20, 17056:16 worker [1] - 17044:23 workers [2] - 17044:8, 17045:8 worse [2] - 16812:18, 16885:22 worst [2] - 16812:18, 16907:6 worth [1] - 17028:17 wounds [10] - 16880:13, 16880:14, 16880:15, 16880:18, 16883:2, 16884:8, 16887:8, 16887:10, 17043:2, 17043:10 write [15] - 16907:18, 16924:10, 16992:25, 17033:8, 17034:13,</p>	<p>17034:18, 17034:20, 17034:22, 17035:11, 17036:10, 17037:14, 17045:12, 17055:5, 17056:15, 17057:2 writing [10] - 16923:25, 16945:11, 16945:18, 16945:22, 16945:25, 16967:19, 16994:20, 17016:19, 17032:22, 17049:10 written [6] - 16826:7, 16964:8, 16992:15, 17030:18, 17034:8, 17035:5 wrongful [1] - 16929:20 Wrongful [1] - 16801:3 wrongfully [1] - 16932:10 wrongly [4] - 16809:8, 16878:19, 16886:8, 16998:7 wrote [9] - 16918:13, 16925:24, 16963:20, 16966:21, 16983:2, 16999:10, 17032:16, 17052:9, 17056:24</p>	<p>16889:19, 17031:14, 17048:2 yourself [4] - 16807:7, 16811:23, 16812:4, 17003:14 yourselves [2] - 16857:7, 16859:22 youth [1] - 17044:5 Yup [2] - 16879:6, 16989:14</p>
Y				
<p>yard [2] - 16874:14, 16874:15 year [4] - 16988:2, 17022:10, 17029:10 years [18] - 16807:25, 16808:4, 16808:6, 16810:18, 16811:14, 16811:17, 16815:22, 16820:19, 16821:7, 16872:12, 16930:8, 16987:25, 16996:6, 17001:14, 17021:1, 17034:14, 17055:6 yesterday [24] - 16805:11, 16807:6, 16809:4, 16809:17, 16812:19, 16817:6, 16819:21, 16820:16, 16826:17, 16826:24, 16828:2, 16828:18, 16829:2, 16830:8, 16831:10, 16837:14, 16841:10, 16841:14, 16842:21, 16854:10, 16882:10, 16896:13, 16915:13, 16931:8 Yorkton [2] - 17031:11, 17031:25 young [4] - 16841:25,</p>				

