

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
Delta Bessborough Hotel at
Saskatoon, Saskatchewan

On Tuesday, February 21st, 2006

Volume 124

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. Larry Prehodchenko,	Audio Technician



Appearances:

<i>Mr. Hersh Wolch, Q.C.,</i>	for Mr. David Milgaard
<i>Ms. Joanne McLean,</i>	for Ms. Joyce Milgaard
<i>Ms. Lana Krogan,</i>	for Government of Saskatchewan
<i>Ms. Catherine Knox,</i>	for Mr. T.D.R. (Bobs) Caldwell
<i>Mr. Jay Watson, Esq.,</i>	for Mr. Serge Kujawa
<i>Mr. Rick Elson, Esq.,</i>	for the Saskatoon Police Service
<i>Mr. Aaron Fox, Q.C.,</i>	for Mr. Eddie Karst
<i>Mr. Bruce Gibson, Esq.,</i>	for the RCMP
<i>Mr. Brian Beresh, Q.C.,</i>	for Mr. Larry Fisher
<i>Mr. David Frayer, Q.C.,</i>	for Minister of Justice (Canada), The Hon. Vic Toews
<i>Mr. Alexander Pringle, Q.C.,</i>	for Justice Calvin Tallis (Retired)
<i>Mr. Donald J. Sorochan, Q.C.,</i>	for David Asper



INDEX OF PROCEEDINGS

<u>DESCRIPTION:</u>	<u>PAGE:</u>
<u>CALVIN FORRESTER TALLIS, CONTINUED</u>	
- BY MS. KNOX	24929
- BY MR. BERESH	24950
- BY MR. WOLCH	24969
- BY MR. WATSON	25035
- BY MR. WOLCH	25038
- BY MR. PRINGLE	25074
- BY MS. KNOX	25094
<u>APPLICATION FOR STANDING AND FUNDING</u>	
- MR. SOROCHAN	25100
<u>DAVID ALAN ASPER, SWORN</u>	
- BY MR. HODSON	25107



Transcript of Proceedings

(Reconvened at 9:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

CALVIN FORRESTER TALLIS, continued:

BY MS. KNOX:

Q Good morning. Thank you, Mr. Commissioner.
Mr. Tallis, for the record, last night you took
home with you or took away with you copies of
three statements from the prosecution's file, that
of (V4)---- (V4)---, document number 006404, that
of (V9) (V9)----, document number 006402, and that
of (V11) (V11) (V11)--, document number 006400; is
that correct?

A Yes. I'm going by the dates. Yes, you are right.
The numbers are on --

Q On the bottom?

A Yes.

Q And, sir, I have, again for the record I have
exchanged with you this morning the original
statements as they were found in the prosecutor's
file and you now have the originals of the
photocopies I gave you last night before you?

A Yes, I do.

Q Okay. If I could direct you first then to the
(V4)---- (V4)--- statement, 006404. You note on



1 the document that in the top corner there is a
2 notation in red ink, "indecent assault, not
3 connected"?

4 A Yes.

5 Q And you see at the bottom there's some underlining
6 in red ink as well with respect to the description
7 that Ms. (V4)--- gave of the person who assaulted
8 her?

9 A Yes.

10 Q Sir, in the course of review of the file and the
11 testimony that he gave before this Commission, Mr.
12 Caldwell indicated that when he was looking at
13 your request for information that might point to
14 the innocence, that this notation, or this
15 assessment which was done we know from the record
16 not by him but by somebody at Saskatoon Police
17 Service, played some degree of influence in him
18 determining that this wasn't related. Do you
19 understand that that may have had an influencing
20 factor, that the police had made that assessment
21 and noted that assessment prior to turning the
22 information over to him?

23 A Yes, I understand your point.

24 Q And if we could bring up the (V9) (V9)----
25 statement, 006402, you see a similar assessment



1 done by the police prior to turning the statements
2 over to him at his request, that it was an
3 indecent assault only and it had no connection?

4 A Yes, I observed that notation last night when I
5 read it and it's in red on this one.

6 Q And again, in 006400 --

7 A Yes.

8 Q -- we again have a police officer, and for the
9 record and your benefit we haven't identified who
10 the author of the note is, but a determination or
11 an assessment made prior to the material being
12 sent to him, that this matter was unrelated to the
13 Gail Miller murder file?

14 A Yes.

15 Q And as I indicated, it was his, in his assessment
16 he indicated he factored that in to determining
17 whether this should be passed on, recognizing more
18 lately that he made an error in judgment, but that
19 he was influenced by the assessment done by the
20 police in 1969, 1970?

21 A Yes, I understand your point.

22 Q Okay. Now, sir, just a couple of other points,
23 and I will indeed be relatively brief, some
24 questions were asked of you by Mr. Hodson with
25 respect to other information that would have been



1 provided to you and as well yesterday in response
2 to one of the other counsel you indicated that
3 after you wrote your letter to Mr. Caldwell asking
4 him to provide you with any material in his file
5 or in the possession of the police that might tend
6 to show the prisoner innocent, you assumed that he
7 did that work, and I want to bring up document
8 007016, please. Now, I'm not sure if you've seen
9 this particular document before, it's taken from
10 Mr. Caldwell's file, and in its original form it's
11 a list written in his rather distinctive fountain
12 pen ink about some inquiries he conducted that
13 would appear to be in response to your request?

14 A Yes. I may have seen this, Mr. Hodson may have
15 shown it to me, but --

16 Q Okay.

17 A But just looking at it right now, I can't say
18 definitely.

19 Q Okay. But you see that he indicated that he
20 got -- and the first heading he has here being
21 source, that he got some information or some
22 suggestion apparently from Mr. Ullrich about the
23 possibility of Dennis Elliott being a statement
24 that would be of interest to you?

25 A Yes.



1 Q And then he appears to have gotten some
2 information or some suggestion from Mr. Karst
3 about possible statements in the file that would
4 be of interest or assistance to you?

5 A Yes.

6 Q And then he makes another, other notations as we
7 go down the page without attribution about other
8 information in the file that might be of some
9 interest or of some importance in him answering
10 the query that you directed in the letter, you see
11 that he did in fact do some work in that regard
12 with respect to various other statements in his
13 file?

14 A Yes.

15 Q Okay. Then if I could bring up 007073. Now, this
16 again are notations, these are notes found in Mr.
17 Caldwell's file, in his prosecution file in his
18 handwriting in his fountain pen ink and you'll
19 note that he's recording that on January 17th he
20 had a meeting with you on a Saturday that appears
21 to have gone from 12 noon to about 1:30, if those
22 notes make sense?

23 A Yes. I may have been shown these as well.

24 Q Uh-huh.

25 A Although I have to tell you I don't recall that



1 specific meeting.

2 Q Okay.

3 A But I have no doubt that if Mr. Caldwell noted it,
4 it took place, and if I had my notes I probably
5 would have a note of it too with details.

6 Q Okay. And, sir, there's just a couple of points
7 here because they are just notes, but a few of the
8 things that he indicates that he discussed with
9 you would be the statement of the boy who brought
10 Gail Miller home that morning, that would be the
11 Dennis Elliott statement?

12 A Yes, I see that. I don't recall the discussion,
13 but going through some of the police reports it's
14 obvious that that's the type of thing that --

15 Q That you and he talked about?

16 A That he would have and probably mentioned to me.

17 Q Okay. And his next notation indicates he talked
18 to you about the cross street man which would be
19 referring to the man who Dennis Elliott said was
20 in a car across the street when he brought Gail
21 Miller home?

22 A Yes, I remember reading that in one of the
23 reports --

24 Q Okay.

25 A -- that I was shown here for these proceedings.



1 Q Okay. But you don't recall having that
2 information at the time, although his notes would
3 appear to indicate that he discussed it with you
4 and he did send you the Dennis Elliott statement?

5 A Yes. I don't recall that specific discussion, but
6 that's certainly the type of thing that I would be
7 looking for.

8 Q And his correspondence, and I don't have the
9 number to bring it up quickly, but his
10 correspondence would indicate that after this
11 meeting he actually sent you the statement of
12 Dennis Elliott that made reference to that man?

13 A Yes.

14 Q Okay. And that would have been a matter that you
15 would have pursued to the degree that you could if
16 you thought it had any evidentiary value?

17 A Yes.

18 Q Okay. And then he references statements of other
19 Crown witnesses, he didn't record who, and I take
20 it in fairness to you, you would have no memory,
21 without some independent record having been made,
22 of what other statements he discussed with you in
23 that January 17th meeting?

24 A That's correct.

25 Q Okay. And this was the Saturday before the trial



1 commenced?

2 A Yes.

3 Q Okay. And the rest of the notes relate to other
4 discussions, the junk in Wilson's car, possible
5 admissions of facts and things like that, but
6 there's nothing further in it that I specifically
7 wanted to refer you to.

8 Now, sir, yesterday you were
9 asked --

10 A Now, I should also say to you one of the things I
11 do remember talking to him about, and it may have
12 been at an earlier, a little earlier, is that I
13 was interested in knowing areas of potential
14 contention with respect to admissibility of
15 evidence and I'm sure that we had some discussion
16 about that because when I read the trial
17 transcript, it brings back to me the fact that I
18 knew when certain issues were coming up and rather
19 than have to jump up in front of the jury and say
20 I'm objecting to this line of questioning, we
21 discreetly arranged to have the jury go out while
22 we discussed the matter in their absence. Now,
23 whether it was at -- I think it was probably
24 before this meeting.

25 Q Uh-huh.



1 A But without my notes, I couldn't say definitely
2 one way or the other.

3 Q And would that kind of an arrangement that you
4 think you had been consistent with the spirit of
5 co-operation and courtesy that Mr. Caldwell was
6 extending to you throughout the course of this
7 preliminary inquiry/trial process?

8 A I think that was generally the practice that was
9 followed and which most of us tried to follow
10 during the course of litigation of this nature.

11 Q Okay. And, sir, one of the items that was covered
12 by Mr. Hodson yesterday was the script document
13 that he showed you which you indicated -- and
14 that's that five page summary?

15 A Yes.

16 Q Which you indicated would have been of interest to
17 you if it -- because it contained some information
18 that could have caused you to embark further on a
19 chain of inquiry. Do you recall that?

20 A Yes, I recall that with particular reference to
21 the background to, say, bringing Mr. Roberts in.

22 Q Sir, are you aware that it's Mr. Caldwell's
23 testimony that that document was not known to him,
24 that at the time of the preliminary inquiry and
25 trial it wasn't in his prosecution file?



1 A No, I have no knowledge of that.

2 Q Okay.

3 A So I can't assist you in that area.

4 Q Okay. Sir, just a minor point to do with that.
5 You've pointed to some things in it that would
6 have been of assistance to you, and I didn't bring
7 my note with respect to the document number, but
8 on the first page of that document at the bottom
9 it makes reference to a witness Simon Doell who
10 reported to the police that he saw on a number of
11 occasions Gail Miller, who he had conversations
12 with, board the bus at the corner of Avenue N and
13 20th Street -- the staff have kindly brought it up
14 for me -- but he saw her boarding the bus at
15 Avenue N and 20th Street on a number of occasions,
16 that he was quite certain that it was Gail Miller.
17 Now, would you agree with me that that
18 information, if it had been disclosed by Mr.
19 Caldwell and attempted to be introduced in
20 evidence, that was evidence that would have been
21 helpful to the Crown and contrary to the case that
22 you were attempting to make on behalf of Mr.
23 Milgaard?

24 A Well, that's the type of -- that's the type of
25 information that I wouldn't rule out as being of



1 interest to the defence.

2 Q Okay.

3 A And could well lead one on a chain of inquiry.

4 Q But, sir, it's information that was supportive of
5 the position that the Crown was attempting to
6 persuade the jury of more than the position that
7 you were attempting to have the jury accept; is it
8 not?

9 A Yes. I'm sure that that's the way Mr. Caldwell --
10 the prosecution, Mr. Caldwell, would probably have
11 viewed it.

12 Q Okay. But the point, Mr. Tallis, is that, and the
13 only point that I make in regard to this, is that
14 he didn't disclose it and he didn't use it, just
15 as it was a piece of information that Mr. Hodson
16 referred to you about the Merrimans that he missed
17 in his notes and didn't disclose as well, that
18 some of this, in the greater scheme of things, was
19 minor pieces of information that may have been
20 inadvertently overlooked?

21 A Yes. I wouldn't -- the Merriman material I think
22 is quite significant.

23 Q Yes. And in retrospect, as he looks at it, he
24 agrees with you, I might say for the record?

25 A I see. Well, I didn't know that, so --



1 Q Okay. Now there is no question that, having the
2 benefit of hindsight, there's some areas that he
3 realizes that, had he to do it over again, I
4 believe is his evidence, he would have done it
5 different. Okay.

6 Now, sir, there's just one other
7 area that I am gonna touch on, because much has
8 been canvassed by Mr. Hodson in particular, and I
9 spent some time reviewing it last night and cut
10 down substantially what I had intended to ask you,
11 but Mr. Hodson did cover with you the issue of the
12 hunting knife that was found on the stringer of
13 the fence behind where Gail Miller's body was
14 found; do you remember that?

15 A Yes.

16 Q And, although you haven't been following a lot of
17 the publicity that surrounded this file, are you
18 aware or do you have a general knowledge that
19 accusations have been made in the public media and
20 in a book written by Mrs. Milgaard, that -- and in
21 an interview that Mr. Wolch and others gave to the
22 RCMP -- that Mr. Caldwell deliberately got rid of
23 a knife believed to be the murder weapon?

24 A Well, I wasn't aware of that, but --

25 Q Okay.



1 A -- I'm now informed.

2 Q Okay. Sir, was there anything, in the course of
3 your dealings with the exhibits in this case, in
4 the course of your dealings with the police during
5 the preliminary or -- inquiry or trial, or in any
6 manner conveyed to you by anyone, that would cause
7 you to conclude that this knife was the murder
8 weapon?

9 A No.

10 Q Okay. And, sir, I'm gonna direct your attention
11 in particular if I may, I'll ask; do you remember
12 the cross-examination that you did of Lieutenant
13 Penkala at the trial?

14 A Umm, yes, I've read it over, but to say that I
15 recall every detail would be an overstatement, but
16 I certainly recall trying to refresh my memory
17 from reading it over.

18 Q Okay. Mr. Commissioner, for the record, one of
19 the versions of that evidence is -- begins at
20 document number 177176. And, sir, I'll summarize,
21 and if you need me to refer to a particular
22 passage or particular pages, I'll try to assist
23 you.

24 COMMISSIONER MacCALLUM: Is this trial,
25 Ms. Knox?



1 MS. KNOX: That's at trial.

2 COMMISSIONER MacCALLUM: Thanks.

3 BY MS. KNOX:

4 Q January 1970. Now, sir, during the preliminary
5 inquiry, with Officer Kleiv, you spent some time
6 talking with him about the heating operation, do
7 you recall, that the police did at the crime scene
8 to search for exhibits and evidence?

9 A Yes, I recall in general terms about what I would
10 describe as the 'melting operation'.

11 Q Yes. And in fact you referred to it as a 'melting
12 operation' in your cross.

13 A I see. Well, I didn't remember that.

14 Q Okay. More particularly, in the course of your
15 cross-examination of Lieutenant Penkala, was his
16 rank at the time I see from the transcript, do you
17 recall asking him about the physical area that
18 surrounded the fence where this knife was found on
19 February 28th, 1969, approximately a month after
20 the incident, the event had happened?

21 A I think I probably did.

22 Q Okay.

23 A Umm --

24 Q Sir, do you recall Lieutenant Penkala telling you,
25 and ultimately Mr. Caldwell in redirect, that at



1 the time of the murder the stringer, the lower
2 rung of the fence where this knife was found, was
3 in -- was underneath a depth of snow probably as
4 high as two feet?

5 A I don't recall the depth, but I do recall that it
6 was found as -- and this is pure recollection on
7 my part -- a significant depth of snow.

8 Q Yeah.

9 A But --

10 Q And Mr. Commissioner, for the record, the area of
11 the cross-examination in this regard starts at
12 approximately, page approximately 177218. And do
13 you recall him showing you the photograph, or
14 particular photographs where the body is on the
15 ground, the fence is in the background, that shows
16 the snow quite high along the fence line?

17 A Umm, I don't specifically recall that, but if it's
18 there I accept it without reservation.

19 Q Okay. Sir, and if you wanted to do a quick
20 reference, what the transcript indicates is that
21 you established, through him, that there were no
22 tracks into that yard immediately to the east of
23 the body, that there was no indication anybody had
24 been in the area where the knife was found?

25 A Yes.



1 Q There were no tracks or trail leading to the east,
2 through another witness you established there was
3 no trail of blood leading to the area where this
4 knife was found, that was through Officer Kleiv at
5 the preliminary inquiry, but essentially you
6 established that there was no apparent activity in
7 the area. And as you continued on through your
8 examination, and Mr. Caldwell picked up on it at
9 -- in redirect at page 177220 specifically, Mr.
10 Commissioner, there was further discussion about
11 the depth of snow that existed there, and the --
12 Lieutenant Penkala indicated that he didn't recall
13 seeing the knife because it was covered with snow
14 at the time, and -- but he, he is willing to
15 believe there was a stringer there, but it wasn't
16 visible at the time. And Lieutenant Penkala goes
17 on to say, further down the page here, that it was
18 his estimate that there was upwards of two feet of
19 snow, in thickness, covering the area where they
20 subsequently found the knife. Do you recall
21 getting that evidence at the --

22 A I don't recall it now but certainly, you know,
23 it's there, and I remember it was found in the --
24 there was a significant amount of snow, but --

25 Q And do you remember --



1 A -- there is no doubt, from reading this, that that
2 was the testimony.

3 Q And it was established pretty effectively that
4 that knife wouldn't have been thrown into that
5 area the morning of the murder and, therefore, not
6 likely to be the murder weapon or implicated in
7 the murder?

8 A Yeah, that's correct.

9 Q And you recall establishing that there was nothing
10 on the knife, when they found it, to indicate
11 presence of blood or anything of that nature,
12 nothing that, as an experienced identification
13 officer, caused Lieutenant Penkala to think that
14 it should be sent to the lab?

15 A That's correct.

16 Q You indicated, in answering Mr. Hodson's
17 questions, that you didn't want that knife
18 admitted in evidence. Would you agree that,
19 looking at the little pieces of the
20 cross-examination that I've showed you, that after
21 Lieutenant Penkala had finished his evidence
22 before the jury at the trial, there was really no
23 basis for the Crown to put this knife forward as
24 connected to the murder and that a decision was
25 made that Lieutenant Oliver or -- wouldn't be



1 called?

2 A That's correct.

3 Q And are you aware sir, as the records indicate,
4 that what Mr. Caldwell did when he made a
5 determination that, apparently that the evidence
6 would -- couldn't be called in light of this, and
7 maybe other related evidence, that he simply
8 directed the police that the knife be returned
9 back to the officer who had found it, the --
10 Mr. Oliver?

11 A I wasn't aware of those instructions.

12 Q Okay. The, I don't have the document number in
13 front of me, but the Commission has a document
14 where it is notated by one of the officers --

15 A Yeah.

16 Q -- that he was directed by Mr. Caldwell to turn it
17 back to the officer who found it. Sir, in those
18 days, given the concerns about the continuity of
19 exhibits and so forth, would you expect that in
20 fact it would be appropriate that it be returned
21 to the officer that it was found in the event that
22 it might be needed at any future time?

23 A Yes, I think that was probably part of the
24 protocol that was laid down.

25 Q Yeah. Sir, just a final question, and I'll try to



1 summarize, again knowing that you haven't got a
2 lot of direct information as to what's been
3 alleged. You know about the allegations of
4 conspiracy and collusion as between yourself and
5 Mr. Caldwell, it's also been alleged that Mr.
6 Caldwell -- and these have been alleged headlines
7 in papers across the country -- that he
8 deliberately withheld the first statement of Ron
9 Wilson from you, and you've indicated on the
10 record that that was not true, not only did you
11 have it, you cross-examined him on it; is that
12 correct, that --

13 A Yes, I think we went through that earlier.

14 Q Yeah. It's been alleged by counsel, Mr. Wolch in
15 fact, that he paid -- a headline said that the
16 witnesses, referring to Melnyk and Lapchuk, were
17 paid for their testimony. During the
18 cross-examination of both of those witnesses you
19 examined them rather extensively with respect to
20 their motivations for participating in the trial;
21 didn't you?

22 A Yes.

23 Q You established with them, through your
24 cross-examination, that the police had approached
25 them rather than the converse, that they got



1 involved because somebody else reported that they
2 had a knowledge of parts of this event to the
3 police?

4 A Yes. I think somewhere along the way it came out
5 or I learned, or maybe this is just from reading
6 the reports that were given to me but I think it
7 goes back further than that, that Mr. Wilson
8 actually put the police onto them as potential
9 witnesses.

10 Q Okay. It's --

11 A Umm --

12 Q I'm sorry, continue, please?

13 A And that's just my general sense of things.

14 Q Okay. And, sir, the suggestion that those
15 witnesses lied, and in particular that the Crown
16 was complicit in getting them to lie, was pretty
17 effectively rebutted, was it not, by the interview
18 that you had with Ute Frank when you -- Mr.
19 Caldwell made her available at your request? She
20 told you that what those guys were saying
21 happened, there may have been an issue of
22 interpretation, but there was no question that
23 Melnik and Lapchuk were essentially telling the
24 truth as to the factual occurrence in the hotel
25 room that night?



1 A Yes, without going into all the little --

2 Q The nuance.

3 A -- details and so forth, Ute Frank certainly
4 confirmed essential details, and in her case she
5 went farther and, as I said earlier, she took the
6 matter seriously.

7 Q And, sir, Mr. Caldwell has testified that, in
8 making his assessment of the case that he was
9 presenting, he developed the opinion that Nichol
10 John, Ron Wilson, and Albert Cadrain were being
11 truthful in the information that they were giving
12 him, he relied to a degree in accepting that as
13 truthful on the work of Inspector Roberts, and
14 you, having acted both as a prosecutor and as a
15 defence counsel, if, like Mr. Caldwell, you had
16 believed that these witnesses were truthful, do
17 you have any reservations about the fact that he
18 prosecuted the case and believed that he was
19 prosecuting the right man?

20 A Well, I can't speak for him --

21 Q Uh-huh.

22 A -- on that, and of course I guess that in terms of
23 the use of a polygraph, --

24 Q Uh-huh?

25 A -- I was never a great fan of that, because it had



1 not passed the litmus test of being admissible in
2 evidence, and if the science is not developed to a
3 sufficient degree that it can pass muster with the
4 gate-keeper, namely the trial judge, then I always
5 had reservations about the way it was used in, you
6 know, in both a civil and a criminal context. But
7 that was just a, an idiosyncrasy of mine --

8 Q And you would agree --

9 A -- and --

10 Q -- there were others in the profession who
11 accepted it as being a reliable instrument?

12 A I, you know, I didn't, and I guess I have to say
13 to you that anything I've read, and any research
14 that I've done up to now, hasn't changed my mind.

15 Q Sir, did Mr. Caldwell do anything, during the
16 course of the conduct of this prosecution, to
17 cause you to, for a moment, harbour any thought or
18 suspicion that he might be working to knowingly,
19 willfully convict an innocent young man of murder?

20 A No.

21 Q Thank you. I've nothing further.

22 MR. HODSON: Mr. Beresh advised me this
23 morning that he had a couple of questions, so I
24 think he would be going before Mr. Wolch.

25 BY MR. BERESH:



1 Q Good morning, Mr. Tallis. My name is Brian
2 Beresh. I think, by my recollection, we've known
3 each other since about 1973 when you were my civil
4 trial procedure prof, and although the solemnity
5 of the occasion doesn't permit me to ask, I still
6 wonder why you gave me the mark and thereby forced
7 me into criminal law.

8 But I was struck, yesterday,
9 by --

10 A I was going to say it's too late for a reread.

11 Q I was struck yesterday, and I should say, sir,
12 that I was actually moved by your comment
13 yesterday about the educational aspect of this
14 Commission, and I want to touch only briefly this
15 morning on one mandate, which is term number 4 of
16 the Commissioner's mandate, which is to make
17 recommendations to the province about the
18 administration of justice, and given my experience
19 over time I am as concerned, I'm sure, as you are.
20 And I just want to touch on a few things if I can,
21 please, this morning, which might assist the
22 Commission.

23 I don't think that you and I
24 would disagree that, in order for our criminal
25 justice system to work, there has to be objective,



1 thorough, and independent investigation by
2 whatever investigative body there is; would you
3 agree with that, sir, be it a police force or some
4 other investigative force?

5 A Yes, I -- that's a rather sweeping general
6 statement and one, I would be in general agreement
7 with that, but of course you may have to break it
8 down and --

9 Q Absolutely. And --

10 A -- and I'm not -- it's not my function to be doing
11 that.

12 Q No, but your insight in this is very important,
13 and I want to focus on a couple of areas that are
14 of concern, I know of concern to the Commission.
15 And it's this whole Section 9(2), and I'd like
16 your thoughts on it, because my suggestion is that
17 the problem with the process under Section 9(2),
18 even if we accept that a voir dire in a jury trial
19 ought to be held, is that if a statement is taken
20 and a witness claims not to be able to remember,
21 if the trial judge doesn't accept that failure to
22 remember, that opens the door for an open
23 cross-examination; would agree with that?

24 A By who?

25 Q By whichever counsel wishes to cross-examine, and



1 let's say in this case the prosecution?

2 A Yes.

3 Q And that, in essence, the defence is left with no
4 safeguard whatsoever if the witness -- if the
5 product of cross-examination by defence only
6 results in the witness saying "I can't remember
7 making the statement"?

8 A Yes.

9 Q And I -- my suggestion is that even a concluding
10 caution by the trial judge is, is or can be, of
11 little benefit in overcoming the potential of that
12 statement being introduced in that fashion?

13 A Well I guess the problem that you raise is, in my
14 view, a difficult one, because if a witness says
15 "I do not remember", the right to confrontation is
16 virtually meaningless, and that's a very difficult
17 problem --

18 Q Yeah.

19 A -- not only when you're dealing with it directly,
20 but jurisprudentially speaking, how do you
21 exercise a right of confrontation under those
22 circumstances.

23 Q Yes. And let's advance now, because His Lordship,
24 when writing his report, will look at the present
25 state of the law. In 1969 there was no such



1 theory as *KGB* or *Khan*, which was developed only
2 recently; you will agree?

3 A Yes.

4 Q Now let's look at the application, the present
5 state of the law, which I suggest still creates or
6 continues the dilemma. Nichol John provided a
7 statement under oath before a Justice of the
8 Peace, I think it was Justice of the Peace Ross.
9 If we look at the provisions of the Supreme Court
10 of Canada decision in *Khan*, *KGB*, we find one
11 essential foundation is reliability, difference of
12 opinion in the Court about whether it would be
13 under oath or not, but it seems to me probably
14 Nichol John's statement would, under the present
15 state of the law, be considered reliable because
16 it was under oath; would you agree?

17 A No, I wouldn't agree with you, because I think
18 that the full inquiry on the voir dire, with the
19 burden being on the Crown to call all relevant
20 witnesses, like I mentioned with respect to the
21 admissibility --

22 Q Yes?

23 A -- of a confession or a recent complaint, then the
24 result, I think, in these circumstances could be
25 quite different from the one that you've --



1 Q Okay.

2 A -- articulated.

3 Q Okay. But I guess my point is the problem with
4 the present state of the law is that if oath --
5 and the majority said it should be under oath --
6 if oath is the test for trustworthiness or
7 reliability then, of course, the Crown gets closer
8 to using the statement?

9 A Well, of course, I -- I -- my assessment would be
10 that that's only one factor to be taken into
11 account, --

12 Q Okay.

13 A -- and that you have to look at all the
14 circumstances, and that's why I think that the
15 conduct of a voir dire with ground rules such as I
16 have mentioned would be at least a partial
17 safeguard against your concerns.

18 Q Okay.

19 A Now it will not be infallible, but -- and maybe
20 it's unreasonable to expect it to be, but what one
21 must never cease looking at, or it's not
22 unreasonable for a system to strive to achieve
23 perfection.

24 Q Well I hope not.

25 A Yes.



1 Q Let's look at the second ground of *KGB* and *Khan*,
2 which is necessity. If a trial judge accepted
3 that a witness could not remember, and let's say
4 in this case Nichol John, let's say the trial
5 judge, we don't know what Justice, Chief Justice
6 Bence thought, I have my feelings about what he
7 thought but let's assume for a minute he thought
8 that she couldn't honestly remember; would you
9 agree that, if we accepted first of all that
10 trustworthiness or reliability was made out, that
11 in that circumstance the statement could go in, to
12 the great detriment of an accused person, without
13 any ability to challenge it?

14 A Okay. You are speaking of the present state of
15 the law?

16 Q Absolutely.

17 A Yes. Well, you know, that could happen.

18 Q But would you agree with me that there ought to be
19 --

20 A I would hope not, but we're dealing with
21 hypotheticals here now.

22 Q Well would you agree with me that one
23 recommendation that the Commissioner might make is
24 that there ought to be a third test, a sort of a
25 safety net, which is based upon something similar



1 to what an appellate court applies, which is an
2 unsafe situation? So, for example, we don't have
3 Detective Roberts, we don't know what was said,
4 but we -- and, because we don't have that link,
5 then maybe it's unsafe to allow the use of the
6 statement?

7 A Well of course I read, at the time, Section 9(2)
8 as using the word "may", and I think that the word
9 "may" implied that there was a discretion vested
10 in a trial judge to disallow cross-examination on
11 the statement, and so I take you back to the
12 importance of considering all of the circumstances
13 under which the statement was given, not just
14 cherry-picking certain items, and at the end of
15 the day in some cases, and I happen to think that
16 this may have been one of them, the circumstances
17 might well persuade a judge sitting on the voir
18 dire to exercise his or her discretion in favour
19 of the defence.

20 Q Okay. The second area, and I take it we don't
21 disagree, if some -- if a police force wishes to
22 use a polygraph system or method, I take it you
23 don't disagree that one recommendation by this
24 Commission could be that it ought to be recorded
25 in some fashion so we know what was said, similar



1 to recommendations by a number of commissions in
2 relation to major statements from witnesses?

3 A Yes, I -- I -- I would certainly endorse that.

4 And years ago I was always of
5 the view that it was a prudent measure on the part
6 of police officers, and also for the benefit of
7 society, if statements were actually tape
8 recorded. The written, I have no problem with the
9 written script, signed, but the tape recording
10 often gives you the inflection of the voice of the
11 questioner and of the interrogee.

12 Q Sir, I reviewed your transcript from last week and
13 I heard your evidence yesterday, and you were
14 asked about calling Mr. Milgaard as a witness, and
15 I think, through Mr. Hodson, there was some
16 concern expressed about whether or not some of his
17 antecedents might arise in cross-examination. And
18 it struck me that one recommendation that Mr.
19 Commissioner might make is that we ought to
20 consider a stricter rule on the application of
21 character evidence, and that is when character is
22 put into issue, that is a direct relationship
23 between the alleged crime and the character that's
24 trying to be impugned; would you agree with me on
25 that, sir?



1 A Well I would say that whenever you are getting
2 into any of these areas it's difficult to give a
3 hard and fast answer because changes invariably
4 come incrementally and with the best of motives
5 and good will. It's difficult to look into the
6 future, unanticipated facts or unanticipated
7 factual situations arise which inevitably drive
8 people to sort of rethink the positions that they
9 have taken, so I -- I would say to you, on that,
10 that this is an area that would have to be
11 canvassed very carefully with all the
12 ramifications thought out.

13 Frankly, I've been away from
14 this for about a year now, and it's an area that,
15 you know, people on the 'firing line', if I may
16 use that term, may be in a much better position to
17 brief and advise on.

18 Q Well, except that we have seen some recent
19 movements, and let me give you the example of
20 *Corbett*. Before *Corbett* it appeared that the law
21 was any criminal record, any conviction, could be
22 put to an accused if he or she takes the box. The
23 Supreme Court of Canada moved, of its own motion,
24 to try to limit that to morality-related offences,
25 some offences that might be telling of -- in terms



1 of credibility, with some exception. Would you
2 not agree that a movement similar to the Corbett
3 movement in the area of character evidence ought
4 to be considered because --

5 A Well, I'm not quarrelling with considering these
6 things, all I'm saying is that to plunge into a
7 particular area without considering the
8 ramifications, which may or may not be favourable
9 from the standpoint of the defence, must be
10 considered.

11 Q I appreciate that, but --

12 A Because every time something comes up there is
13 usually an opposing force that is putting forth a
14 competing idea and it's not, I guess with respect,
15 as simple as you are putting it to me --

16 Q Well --

17 A -- is all I'm saying.

18 Q -- that's not the first time I've been accused of
19 that. But I guess my point is this: If defence
20 counsel doesn't call the witness, doesn't call the
21 accused who he or she believes is not culpable of
22 the present crime because of concern about past
23 antecedents which are not a, of a criminal record
24 nature, would you not agree that that harbours the
25 ability of the defence to make full-answer



1 defence?

2 A Well, of course, I think that's -- I mean that has
3 been a problem for generations and that's one --
4 and that was one of the -- you know, oddly enough
5 an accused was not given the opportunity to give
6 evidence until about 1898, and one of the leading
7 counsel of the day, Lord Carson, didn't think it
8 was a good idea because, among other things, he
9 thought it would not enure to the advantage of the
10 unsophisticated accused.

11 Now I'm not saying I share that
12 view, but I use it to illustrate to you that in
13 these areas you have to think it out very, very
14 carefully, and you may still be wrong at the end
15 of the day. I happen to, I agree with the basic
16 rule, I mean *Wigmore* articulated some of those
17 rules years and years ago, and I think they're
18 sound rules, you don't convict a person on the
19 basis of his or her past. But, you know, as --
20 there are exceptions to that rule.

21 Q But you do agree with me that it's difficult, if
22 not impossible, to protect an accused from a
23 wrongful conviction where evidence of impropriety
24 from the past is put before a jury?

25 A Oh, that's right, you strive to the best of your



1 ability to keep it out on the footing that it is
2 not a relevant consideration with respect to this
3 particular crime.

4 Q In that same vein, but a bit of a different matter
5 of concern, of course, is the introduction of
6 expert evidence, and there was expert evidence at
7 this trial, and I wonder about your thoughts about
8 whether this Commission can make recommendations
9 for the protection against wrongful convictions
10 where you have expert evidence, some of which is
11 considered incontrovertible. How do you protect
12 the accused from being, some judges in Alberta
13 have said, bedazzled by the expert evidence?

14 A Well, I know you always have to sort of beware of
15 bromides in white clothes, but I really think in
16 terms of recommendations on expert witnesses and
17 so forth, I'm not in a good position to make
18 recommendations on that, and I can assure you that
19 I know Mr. Pringle well enough to know that he
20 will co-operate fully in putting forward ideas
21 from the standpoint of an active criminal law
22 practitioner.

23 I would just say this to you on
24 that, that in the United Kingdom a great deal of
25 thought is now being put into developing an expert



1 witness code with emphasis on the expert's duty to
2 the Court as perhaps being an overriding duty
3 rather than looking at his first, his or her first
4 and primary duty being to the person that calls
5 them. Now, I'm in no position to expand on that,
6 but I think that if you are going to study that
7 area, it is something of significance, and if I
8 have any references on that I will certainly make
9 them available to my counsel.

10 Q Sir, in this trial there was a warning of sorts to
11 the jury about discreditable witnesses and this
12 has, as you know, for a long time been of great
13 concern to the administration of criminal justice,
14 we have the Vetrovec warning, and my question this
15 morning is your reflections on how we can improve
16 upon that system, that the simple Vetrovec warning
17 about unreliable witnesses is not sufficient and,
18 as you expressed yesterday, you had some
19 professional and personal thoughts about
20 credibility in this case. How can we improve upon
21 that warning, particularly in a jury trial?

22 A Well, I think the warning with respect to
23 unsavoury witnesses is essentially a matter of
24 language that must be used in terms of cautioning
25 oneself if you are sitting alone or cautioning a



1 jury, and here again I don't have any particular
2 form of words that I am advancing. I'm sure there
3 are many people here in this room who would be
4 able to formulate a much better direction than I
5 could at this stage of my career.

6 Q But don't you think that we should be working
7 toward a much stronger warning than what we're
8 using?

9 A Well, that's just what I've said, that this is
10 something that can be formulated in a language
11 that is clear and direct, but the moment you start
12 elaborating on some of these concepts, you have to
13 be careful that you don't sow more confusion than
14 you've overcome.

15 Q Yes. Sir, I'm not sure I didn't hear this voiced
16 by you, but as you know there are defence counsel
17 who believe that addressing the jury in a jury
18 trial last is extremely important and by calling
19 evidence we forsake that right. What are your
20 reflections on a recommendation by this Commission
21 that that option ought to be left to defence, pure
22 and simple, regardless of whether you call
23 evidence or not?

24 A Well, there are two ways of approaching it. First
25 of all, I don't think that having the last word is



1 the primary consideration, but some counsel that I
2 recall in the past placed a fair amount of stock
3 on it, but one way of course would be to permit
4 defence under any circumstances to have the last
5 word and I can think of one particular case where
6 that issue was raised as being a denial of a
7 constitutional right. I'm not sure that that was
8 on sound ground, but the prosecutor in that case
9 responded by saying I'm not interested in a
10 constitutional argument over this, I'm prepared to
11 go first. Now --

12 Q Would you agree with the recommendation that it
13 should be left to defence option particularly
14 in --

15 A I think that probably, that you could also look at
16 having a situation like this, that if the present
17 situation remains as it is, then there would be a
18 right of reply, but limited to certain matters
19 that arise from the address.

20 Q And the Supreme Court in *Rose* suggested that. One
21 final area, sir, in terms of --

22 A But just on that particular point, this too is an
23 area where you may be going down a slippery slope,
24 if I may say so, because when you propose some of
25 these things in absolute terms, you invite, in



1 effect, a reaction from opposing forces and that's
2 why I think that something can be learned maybe in
3 these areas from the civil side of litigation and
4 that's why I mention the right of reply, but that
5 would of course be a matter that has to be within
6 proper bounds and the trial judge would deal with
7 it, but those are really just casual thoughts on
8 my part.

9 Q I appreciate that.

10 A I didn't come here with them having, with them
11 being briefed, my role is quite different here.

12 Q I appreciate that, except let's just deal with
13 that for a moment. Of course we changed our jury
14 selection rules, the Supreme Court of Canada
15 changed those rules --

16 A Yes.

17 Q -- without any concern raised, no prejudice to the
18 prosecution. I fail to see any prejudice to the
19 prosecution in being told they have to go first or
20 last according to choice of counsel, or choice of
21 defence counsel. Do you see any prejudice to the
22 prosecution?

23 A I don't have any problem with it, but I'm just
24 saying to you that there is an alternative that
25 has been raised in some of the writings and that



1 will merit consideration.

2 Q The last issue I want to touch on, sir, which is
3 something that this Commission I suspect will want
4 to report on, is the power of the Court of Appeal
5 in dealing with allegations of unreasonable
6 verdicts, has been suggested by many writers that
7 that ought to be expanded to prevent cases where
8 there might be a miscarriage of justice at trial
9 and I wonder about your thoughts on that, whether
10 you believe or agree with those authors who say
11 there ought to be an expanded role in that area.

12 A The standard of review that has been articulated
13 with respect to whether or not a verdict is
14 unreasonable or cannot be supported by the
15 evidence is, in my view, a very strict or limited
16 standard of review. The right to intervene at the
17 appellate level is a very limited right and I
18 think I can probably know, do know better than
19 refer, for example, to the *Biniaris* case in the
20 Supreme Court of Canada which followed on a number
21 of others, and that case I think indicates that
22 even if the Court of Appeal and its -- and when I
23 say that I mean the personnel of the Court -- has
24 a lurking doubt about the conviction, that is not
25 sufficient to warrant intervention. It may spawn



1 a deeper inquiry into the strength of the evidence
2 and, frankly, I have long thought, and I can say
3 so now, that the standard of review is too
4 restrictive under that section of the *Criminal*
5 *Code* that we're talking about. I know a great
6 deal of focus has been placed on the role of the
7 trial judge in trying to prevent or minimize
8 wrongful convictions, and actually very little has
9 been said about the role of the Court of Appeal, I
10 think that that warrants consideration, and I
11 guess I can sum up my feeling this way, but once
12 again I want to make it clear that I'm not the
13 best person to be asking this, there are many,
14 many people here who are actively involved in the
15 practice of criminal law and they are much closer
16 to the rolling fire of the front line, if I may
17 use that term, but I would use language of this
18 type to illustrate my point.

19 If, after careful review of the
20 record, the Court -- by that I mean its members --
21 are left with such a sense of unease and
22 disquietude that they feel that the verdict is
23 unsafe, then there ought to be the power to
24 intervene. I know that some have said the lurking
25 doubt should open the door. I prefer the language



1 that I have used to express my view on it and I
2 rather like the use of the term unsafe because
3 that is the term that is used in the United
4 Kingdom legislation, and reading some of the cases
5 that apply that particular provision gives me the
6 sense that it has been interpreted to give a wider
7 power of review than under our legislation. Now,
8 that's the best I can do to sum it up right now.

9 MR. BERESH: I appreciate that. Thank you,
10 sir.

11 **BY MR. WOLCH:**

12 **Q** Mr. Tallis, I'm Hersh Wolch, I'm David Milgaard's
13 lawyer.

14 **A** Yes.

15 **Q** I might start by saying that unlike Mr. Beresh, I
16 passed law school.

17 Let me at the outset say that I
18 don't intend to be overly long hopefully with you,
19 but I would like to say at the beginning that
20 nothing I'm going to ask you will in any way have
21 anything to do with your credibility, your
22 integrity or question you in any sort, there's
23 nothing in my questions that should be considered
24 as having anything by faith in your answers.

25 The second point I would make at



1 the outset, that there is nothing in my questions
2 which is in any way suggesting anything regarding
3 the handling of the trial, any questions I may
4 have had you've answered totally to my
5 satisfaction. There will be no second guessing of
6 judgment calls, that all of which appear
7 reasonable, so I'm not going down that road at
8 all, so I just say at the beginning so you can
9 appreciate, the questions aren't coming from that
10 area at all.

11 I would like to start with,
12 briefly with your relationship with David, and
13 when Mr. Hodson and I met with David he indicated
14 to both of us that he looked at you as a father
15 figure, he expressed satisfaction that you tried
16 very hard for him and indicated an admiration and
17 that he liked you, that's the way he looked at it
18 many years later, and I take it from your
19 experience you found that many people, even the
20 really guilty ones, still blame their lawyers,
21 you've certainly come across that; have you not?

22 A I suppose, you know, through the years I've run
23 into almost everything, but there's always, I
24 suppose, something new that will come along, but I
25 understand where you are coming from as a



1 practitioner of the criminal law.

2 Q But -- no, but remarkably, even though he was
3 wrongly convicted, David indicated nothing but
4 admiration for you and indicated he got along very
5 well with you. I'd like your perspective of him.

6 A Well, that's a fair statement. I mean, I always
7 thought that I had a good, enjoyed a good working
8 relationship with him and also actually -- and
9 also with his father and mother, although the
10 primary working relationship was with David, and I
11 guess it doesn't surprise me in a way to hear you
12 say that on reflection he certainly still feels
13 that way because that's indicative I think of the
14 relationship we had.

15 Now, whether or not I was a
16 father figure to him, I cannot speak to that, but
17 I can see why he would feel that way in a sense
18 because I know when I did go to see him in Prince
19 Albert, and I now know that that was on three
20 occasions, I was always concerned about whether or
21 not he was being treated fairly there under the
22 circumstances and I guess I was concerned about
23 whether or not he was being abused.

24 Q Yes. He was but 16 years of age?

25 A Yeah, between 16 and 17.



1 Q And 17.

2 A So, you know, without going into details, you will
3 understand what I am getting at --

4 Q Absolutely.

5 A -- when I ask, and the answer was that he was not
6 being abused when I talked to him.

7 Q But he did communicate with you freely and
8 appropriately for the circumstances?

9 A I think so. Now, of course I had to revisit a
10 number of areas with him at various times and
11 without my notes, as I've told Mr. Hodson, I can't
12 give the sequence of all the things that we
13 discussed and all the details, but we had a
14 working relationship that was, I thought, actually
15 quite good.

16 Q And I think with hindsight you can see how
17 difficult it must be from his position really not
18 knowing where the case is coming from, that is,
19 normally you know who your accuser is for good
20 reason, but here he wouldn't know what was being
21 made up or said about him?

22 A Well, very early, very early in my contact with
23 him I knew that his friends, as I put in quotation
24 marks, were the ones that had fingered him, if I
25 may use that term.



1 Q Yeah.

2 A And we, you know, continued to explore, you know,
3 motives in that regard. Now, I don't want to be
4 too long winded or repetitious, but that was
5 something that I'm sure that he couldn't put his
6 finger on anything --

7 Q Yes.

8 A -- at that time.

9 Q And as far as you understood, he had no criminal
10 record at that time?

11 A Yeah. I don't -- without my file I don't recall
12 the details of, as I said to Mr. Hodson, of his
13 conflict with the law. I used the term he had a
14 troubled youth, but I don't recall now any
15 specific *Criminal Code* offences.

16 Q Yes.

17 A Although in -- he may have referred to something.

18 Q Mr. Caldwell testified that David had no criminal
19 record. We've heard comments about sexual
20 immorality, but my understanding was back in those
21 days that was anybody under 18 having consensual
22 sex with somebody else under the age of 18, it's
23 not a crime any more, that that wouldn't affect
24 your judgment of him I wouldn't think?

25 A No, but, you know, there was -- the use of drugs



1 did come up in our discussions.

2 Q Yes.

3 A And what would be characterized as trafficking,
4 albeit not on a major level.

5 Q Correct. But what I'm getting at is, though, that
6 he was appropriate with you, respectful, answered
7 your questions, did what he could to help and
8 appeared to you to be quite credible with you?

9 A Yes, and as I said before, I proceeded on the
10 footing that what he was telling me was correct
11 and I tried not to get emotionally involved in the
12 aspect of it because by that time experience had
13 taught me that one ought to try to retain your
14 objectivity notwithstanding the partisan role that
15 you assumed as an advocate.

16 Q And it's difficult when you have a 16-year-old boy
17 who proclaims his innocence of an horrific crime
18 and you've got caring parents, it's hard on you as
19 a human being to have to deal with that kind of
20 emotion and pressure?

21 A Yes, that's something that counsel have to face up
22 to, whether it's, you know, a youngster or an
23 older person.

24 Q Right. I want to deal with something that perhaps
25 touches on systemic, and that is, and you've



1 alluded to it now here and in the past, is the
2 question of the releasing of privilege involving
3 yourself. That I think places you in somewhat of
4 an uncomfortable position; does it not?

5 A Releasing privilege?

6 Q Sorry, for you to tell whatever David may have
7 said or instructed?

8 A Well, I think I knew the rules with respect to
9 that, and whether you are dealing with a civil or
10 a criminal matter, my understanding was that the
11 privilege was that of the client.

12 Q And --

13 A And that that privilege was sacrosanct unless
14 waived.

15 Q Correct, and I won't go through all the
16 principles, but all the reasons behind it are all
17 very good reasons we all agree. Now, systemically
18 though, the Department of Justice made it
19 mandatory that privilege be released for them to
20 consider David's innocence. Now --

21 A Privilege be waived.

22 Q Waived rather, yes.

23 A Yes.

24 Q And presumably it was to determine if David ever
25 confessed to you or -- because that would nullify



1 the bona fides of the application. At the end of
2 the day it went way beyond that into everything
3 that David may have said to you, but in principle
4 I'm concerned about the release of privilege
5 because it strikes me that lawyers who now say to
6 their clients whatever you say to me is between
7 us, you can be candid, you can be open, perhaps
8 should be saying but, if you are wrongly
9 convicted, I may have to release, or you may have
10 to release me from that to further any 690
11 application. You see what I'm getting at?

12 A Oh, yes, I understand that.

13 Q And so really right now most lawyers will say to
14 their client, look, you can come clean with me,
15 you can tell me everything, I can't tell anybody,
16 but here's the but, if you are wrongly convicted
17 and I'm wondering even if it should be mandatory
18 or whether a person proclaiming their innocence
19 should have to release their lawyer from
20 privilege.

21 A I assume you are inviting my comment on that and I
22 would have to say to you this, Mr. Wolch, that I'm
23 probably not the best one to research and address
24 that at this stage because many of you have been
25 involved in this type of application, in this type



1 of application that you speak to, and I can see
2 the point that you are advancing and that is, in
3 effect, that any waiver ought to be a limited type
4 of waiver with respect to just certain aspects,
5 but ought not to be a general waiver that sort of
6 potentially opens up a person having to justify
7 their whole life. I think I'm following you on
8 that.

9 Q Yes.

10 A And I guess as I said to Mr. Beresh, on some of
11 these things one has to look at sort of all
12 aspects of it and I suppose there would be strong
13 arguments made that, well, you know, a general
14 waiver would be indicative of complete candour
15 regardless of how painful it might be. On the
16 other hand, I can see the position of a defence
17 lawyer who has, in the early stages, said anything
18 that you say to me is completely confidential and
19 can never be repeated by me unless you waive that
20 privilege, it's your privilege, so there is a
21 dilemma there, and I really haven't, I must say,
22 applied my mind in trying to come up with a
23 clear-cut answer. You may have pinpointed
24 something that, you know, would have to be
25 addressed by counsel on a case-by-case basis.



1 Q I guess my difficulty is that the application goes
2 forward on the basis Wilson has recanted, we have
3 the Fisher, the real killer, and the Department of
4 Justice is hypnotizing Nichol John to get her to
5 remember and going to you to see if maybe they can
6 find something that will incriminate David, it's
7 that sort of balancing I'm concerned about, and
8 then privilege is waived with you and there's
9 still some privilege being claimed by Justice that
10 we haven't even got their documents as to what you
11 told them.

12 A Yeah.

13 Q So it's kind of a bizarre thing in the system that
14 we are compelled on behalf of a wrongly convicted
15 person to release privilege as a condition
16 precedent to moving forward, and that's -- I think
17 you've answered the question, unless you have
18 something more to add?

19 A No. I think I've tried to put it fairly, and I'm
20 not suggesting that I've given an answer after
21 having, you know, looked into it with mature and
22 careful consideration because this is an area that
23 will require just that, and of course your
24 question, at least an aspect of it, posed the
25 question -- you know, made the assumption that at



1 least in some instances they will be looking for
2 things that actually incriminate.

3 Q Right.

4 A And that of course, you know, does involve
5 potential consideration of how reviews should be
6 set up or handled.

7 Q The -- I thank you for that. The next sort of
8 topic I have with you deals with memory, and you
9 and I met on a number of occasions, and what I
10 have been doing myself in this and other areas is
11 trying to test my memory to see how well I
12 remember to give me some idea, perhaps, how well
13 you remember. And what I am finding is that I
14 remember meeting with you, and cordially and
15 whatever else, and David maintaining innocence
16 being told to me, but beyond that, without reading
17 letters, it's not there. And I think, as a judge,
18 perhaps you might make some comments about what
19 your findings have been on memory and honest
20 people, that is how people can remember over time
21 and some of the problems we do have with real
22 memory? I'm not talking about Nichol John kind of
23 memories but I'm talking of the long-range
24 memories on truthful witnesses.

25 A Well as I said earlier to Mr. Hodson, speaking



1 personally, I have tried my best to direct myself
2 with respect to the treachery of memory, and of
3 course I've -- that includes directing or
4 cautioning myself with respect to imaginative
5 memory.

6 Q Yes. But what --

7 A But at the end of the day you have to try to give
8 your best recollection of events and, of course,
9 that's not an easy task. It can be, as you've
10 said, refreshed by reading documents and, you
11 know, in this particular case I've tried to give
12 my best recollection, and in some cases a
13 reconstruction, a reasonable reconstruction.

14 But I would say this to you in
15 general terms, that memories or the capacity to
16 remember and convey what you remember differs
17 widely from person to person, and this is one area
18 where individual differences certainly arise, not
19 only in general terms, but with respect to
20 specific items. And you see it within your own
21 family or families, and yet everybody is trying
22 to, you know, honestly recollect it. And it goes
23 back to, you know, three people are at an
24 intersection when an automobile accident occurs,
25 well, three honest people try to give their best



1 recollection and there are going to be
2 differences.

3 Q Well the one thing that I do remember from talking
4 to you way back when, and perhaps you may or may
5 not remember, is your comment that one of your
6 biggest fears in the Supreme Court is that you
7 were going to be believed on everything?

8 A Well --

9 Q Do you recall anything to that effect?

10 A Well, I don't think that I used those words.

11 Q I don't think you did either, but that comment?

12 A I think that's your -- those are your words. Umm,
13 I certainly did not want to convey to you, or
14 anyone else, that I remembered everything --

15 Q I think --

16 A -- and --

17 Q I think what you were saying was that there is a
18 tendency to mix up reliability and credibility,
19 that is coming before The Court you were simply an
20 honest witness doing his best, and your background
21 didn't make your memory any better than anybody
22 else's, other than the fact that you have a decent
23 memory, and that --

24 A Well that goes back to what I said about
25 individual differences.



1 Q Yes. But --

2 A I mean I have been told in past years, and nothing
3 to do with this case, that I have a good memory.

4 Q Sure.

5 A Now I didn't necessarily subscribe to that view,
6 because it's difficult for me to judge my personal
7 capacity as far as memory, others around me may be
8 in a better position. And there are some things
9 you remember. I mean I used to have a, I think, a
10 very good ability in remembering particular cases
11 and details of them, as time goes by that ability
12 fades to some extent, --

13 Q Yes.

14 A -- particularly when you are not working at it on
15 a day-to-day basis.

16 Q Sure. I guess my point is that many counsel here
17 might disagree as to what they remember happened
18 even in this Commission four or five months ago,
19 --

20 A Yeah.

21 Q -- let alone 20 years ago.

22 A Well, I can't speak for them, if they want to be
23 witnesses --

24 Q Right.

25 A -- they can come forward.



1 Q But what I am getting at is it's quite possible
2 that on an issue, if your memory and David's
3 doesn't coincide on a particular point, one should
4 not just assume that you are right and he's wrong
5 simply because you are who you are?

6 A Well I have never taken that position.

7 Q I know that. That's why I am bringing it up.

8 A I have never taken that position. I have, as I
9 said, endeavoured to give my best recollection,
10 and for the purposes of this Inquiry I have been
11 asked to read hundreds of pages of materials, and
12 reading some of that material is of assistance to
13 me.

14 Q Correct. But --

15 A But there are some areas, as I've indicated to Mr.
16 Hodson and as I just indicated to you, that the
17 details that David told me about his troubled
18 youth, without my file notes I can't recall them,
19 other than a general statement.

20 Q Correct. And your involvement in the matter ended
21 in the early '70s and then was rekindled in the
22 late '80s, if -- I think I have it right, umm --

23 A I think you are probably right --

24 Q Okay.

25 A -- as to those details.



1 Q And that was a very, obviously, busy time for you
2 in terms of many cases, judgements, you were
3 involved in a great number of important matters
4 that you had to focus on?

5 A Oh, yes.

6 Q And you weren't remembering or thinking back to
7 put into your memory the *Milgaard* case, so to
8 speak, over time?

9 A No. I, later, when -- and as I say, in
10 preparation for giving evidence here, read a great
11 deal of material and did my -- have done my best
12 to give the, --

13 Q Oh --

14 A -- you know, my best recollection.

15 Q Oh, absolutely, and it's obvious you have done a
16 great deal of work.

17 A And I'm sure that I have fallen far short in
18 areas --

19 Q No, I don't think so.

20 A -- and that, I think, is certainly understandable.

21 Q But the big handicap has been that, while you are
22 meticulous in keeping records and notes for
23 accuracy and recall, you have never had the
24 benefit of that?

25 A No, except for the few items that --



1 Q Right.

2 A -- either the Commission were able to locate, and
3 I think that maybe you located one of them.

4 Q So it would be fair to say that when you first met
5 with the Justice lawyers in the late '80s, and
6 even when you testified at the Supreme Court --
7 and I say this in a non-critical way -- it would
8 have been impossible to be prepared the way you'd
9 like to be prepared to recall important matters
10 from so many years before?

11 A Oh, no, well of course I hadn't prepared the way
12 I've had to prepare for this, no. And indeed,
13 when I asked whether I should read materials for
14 the Supreme Court hearing, I was told that there
15 had been an order for exclusion of witnesses, and
16 I didn't do anything that I thought would offend
17 that, and I was not asked to read any materials
18 over.

19 Q So you --

20 A Except, I think there was one letter that you
21 showed me the night before I gave evidence, I
22 think it was the *Dallison* letter to Mr. Caldwell.

23 Q So your evidence here is perhaps more -- much
24 better prepared and -- than it was for the Supreme
25 Court; is a fair way of putting it?



1 A Oh, I think that's a fair statement.

2 Q Now I'd like to deal with a couple of the items --
3 and I'm going into a new area, Mr. Commissioner, I
4 don't know if you want me to start it or --

5 COMMISSIONER MacCALLUM: We can take a
6 break.

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

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

9 BY MR. WOLCH:

10 Q Mr. Tallis, keeping in mind the passage of time,
11 the frailties of memory, and the lack of access to
12 your detailed notes, might you agree with me that
13 one guide to your instructions at the time would
14 be the nature of the questions you asked of
15 witnesses?

16 A I think that that certainly would be of
17 assistance.

18 Q For example, during the trial you would not have
19 made a decision with David as to whether he would
20 testify until the very last minute?

21 A Well, there comes a time where you have to make
22 the final decision, but it had been discussed
23 before that.

24 Q But it's a decision you could change at the last
25 minute, and quite properly so, depending on your



1 feel at the moment and just your trial experience
2 and ability?

3 A Yes. Although, you know, it wasn't a decision
4 that was taken lightly at the last minute.

5 Q Oh no, --

6 A Yeah.

7 Q -- but it's a decision that all the factors are
8 thought about and thought about and thought about,
9 so that when you have to make the decision the
10 decision is quick, but it's long thought out?

11 A Yes, you reflect on it, and you've -- what more
12 can I say.

13 Q You might even think about the first day you met
14 David, it's something you always think about, but
15 postpone the ultimate until when you have to?

16 A Yeah, there comes a time when you know the
17 question is going to be asked.

18 Q Yeah. But, as a skilful lawyer, you do question
19 the witnesses with a thought in mind that your
20 client might be up there testifying?

21 A Yes, you have to take that into account.

22 Q So for example if David is gonna take the stand,
23 and I'll pick an issue of the compact, --

24 A Yes.

25 Q -- if he is going to say "yes, I threw something



1 out", then it may be your questions would focus on
2 it not being anything related to Gail Miller; but
3 if your instructions are he's going to say "I
4 never threw anything out", you might take a
5 different approach?

6 A Yes, those are things you would have to weigh and
7 consider.

8 Q Yeah. So if we look at your questions, it could
9 be a hint as to what you were instructed, knowing
10 that you were doing a very effective job, and
11 keeping in mind that your client might be
12 testifying?

13 A Yes, you have to have that in your mind.

14 Q Yeah.

15 A I mean I had not ruled out calling David --

16 Q Right.

17 A -- when I first met him, or even at the
18 preliminary hearing stage, --

19 Q Sure.

20 A -- I mean that simply wasn't something that was on
21 the radar screen in terms of a definite decision,
22 far from it.

23 Q But you don't want to be in the position of saying
24 to a witness, "I suggest to you that David threw
25 out an item that was different than what you are



1 saying it is", and then have David get on the
2 stand and say "no, I did not throw anything out",
3 that would be not what you want to be in a --

4 A No.

5 Q A position you would not want to be in; correct?

6 A No, that's right.

7 Q Now I'm not going to get into this too much with
8 you, it will come later with Justice, but their
9 whole approach with you was to try to implicate
10 David as opposed to taking what you said about him
11 proclaiming innocence, he wasn't there, and just
12 focusing on the negative. But two of the items
13 that do arise is the compact and the knife, and
14 I'd like to deal with the compact fairly quickly,
15 and set some background with you. If I could turn
16 to 065358, that's the actual page, that might not
17 be the actual number. Thank you.

18 COMMISSIONER MacCALLUM: What is the actual
19 number?

20 MR. WOLCH: Perhaps the clerk could --

21 COMMISSIONER MacCALLUM: Thank you.

22 MR. WOLCH: Yes.

23 BY MR. WOLCH:

24 Q This is the statement of Nichol John on May 24th,
25 and this is the first incriminating part, and she



1 says here, 'On our way about half way between
2 Saskatoon and Rosetown I looked in the glove
3 compartment for a map, saw a cosmetic case, there
4 was a compact, 2 lipstick and an eye shadow, I
5 asked whose it was. Nobody knew whose it was,
6 David grabbed it and threw it out the window.'

7 Now I pause there, and I just
8 point out to you that it's not a compact, it's a
9 cosmetic case with two lipstick and an eye shadow;
10 do you see that?

11 A There was a compact, two lipstick, and an eye
12 shadow in it.

13 Q Cosmetic case; is that right?

14 A I guess I'm not looking at the same thing you are.

15 Q I'm sorry:

16 "I saw a cosmetic case which I opened
17 up."

18 A "There was a compact, 2 lipstick and an
19 eye shadow in it."

20 Q Oh, correct.

21 A Yeah.

22 Q I take it to read that there was all those items
23 inside a cosmetic case, that's my reading of it,
24 but --

25 A Well, I guess you could read it two ways.



1 Q Yeah, no, I'm just looking at it --

2 A Yeah.

3 Q -- and saying it's not a compact per se, it's a
4 cosmetic case containing a number of items, and
5 that's her version of it given way back then.

6 A Yes.

7 Q She asked whose it was, and nobody knew, and David
8 threw it out. Now that's what she says happened.

9 Now if we turn to 065361, now
10 this is Ron Wilson's statement of May 23rd, it
11 says:

12 "On the way to Calgary Nicky found a
13 white or cream coloured compact with a
14 flower design, I'm not just sure about
15 the color. She found this someplace in
16 the car."

17 He doesn't have her finding it in the glove
18 compartment necessarily:

19 "She asked Dave ...",
20 she says she asked everybody:

21 "... who's it was and I don't know what
22 he said, he just took it and threw it
23 out the window."

24 So in his case he doesn't see a bag, he doesn't
25 see lipstick, he doesn't see the other items, he



1 somehow was able to see the design on the
2 compact, and there seems to be some inconsistency
3 here that exists as to what, if anything, was
4 thrown out of the car; do you see that? I mean
5 I'm just pointing it out now, I mean for you to
6 remember back that far about a compact is a test
7 of memory I can't imagine, but I'm just pointing
8 out there are differences in the initial
9 descriptions as to what happened between the two
10 of themselves?

11 A Yes.

12 Q Yes. And then the fact of the matter is we know
13 that there was no compact belonging to Gail
14 Miller, and we know she didn't even lose one
15 according to the evidence, but that is the
16 contrast between the two of them.

17 Now it seems to me that if David
18 has instructed you that he threw something out,
19 you would have been seizing on the discrepancies
20 and said "yes, it was something else, and no
21 relation", you would have made more of an issue of
22 it than you did -- and we can study it in
23 cross-examination on that point.

24 But I'd like to take you to your
25 jury address, then, on that point, and I'm on page



1 031268. I think the original number, that's the
2 original number I was going to give you, yes.

3 See, in your address you say:

4 "... and also consider the question of
5 the purse, the contents of the purse,
6 and then ask yourselves, when you
7 examine that, bearing in mind the
8 alleged dimensions of this other
9 so-called compact is it reasonable, is
10 it probable that there was in fact
11 another compact or cosmetic bag as is
12 alleged in this particular case?"

13 And if you could scroll down --

14 COMMISSIONER MacCALLUM: Could I have the
15 doc. ID there, please?

16 MR. WOLCH: Yes, it's 031255.

17 COMMISSIONER MacCALLUM: Thank you.

18 MR. WOLCH: At 268.

19 BY MR. WOLCH:

20 Q See, you say here:

21 "... if you find that you are not
22 satisfied beyond a reasonable doubt that
23 there either was this other compact that
24 was allegedly tossed out of the window,
25 the one that allegedly came from this



1 purse, then that is something that you
2 will have to consider ...",
3 I'm mainly on your word "allegedly tossed out of
4 the window", and I'm wondering if it -- that
5 might not be consistent, at least, with your
6 instructions that it just didn't happen, if you
7 follow what I am saying?

8 A No, there is no doubt in my mind that David told
9 me what I indicated that he told me, and of course
10 I asked "where did it come from" and he told me he
11 didn't know, and I asked him why he threw it out
12 and he said, "you know, well I just don't know, it
13 was there". And we, we revisited this area
14 several times, because it was of significance to
15 me in making the decision as to whether or not he
16 should be called.

17 Now I felt that, in my jury
18 address, that I was free to raise, sort of like an
19 identification issue, I was free to raise the
20 issue of whether or not the evidence satisfied the
21 legal test that this had been established by the
22 prosecution.

23 Q Yes. Were you able to reconcile it with Nichol
24 John saying it was a cosmetic bag with lipstick as
25 opposed -- and a compact, of course, but it seemed



1 like a lot more things?

2 A Well, to me, the essential thing was that
3 something of that nature, whether you call it a
4 compact or a cosmetic bag, was in fact thrown out,
5 and I don't think that -- or I didn't think at the
6 time that the trier of fact would necessarily draw
7 the distinction that you have raised.

8 Q No. I suppose, though, I think it would be
9 important that Gail Miller wasn't missing that
10 item, the purse was stuffed with everything?

11 A Anyway, that's what I would say to you, that there
12 are decisions that you have to make, as you know
13 only too well, during the course of the trial, and
14 you don't want to get into nickels and dimes when
15 the real -- there is a real point there.

16 Q Okay. The other issue is the one about the knife
17 and I take it, on that particular point, David
18 didn't say he had a knife, he said "it's possible
19 but I don't know"?

20 A No, he told me that he did have, and I -- my
21 recollection is that he used the term
22 "soft-bladed", but I, in my mind I know that it
23 conveyed to me a flexible blade, type of blade.

24 Q Well just on that point as to whether he had a
25 knife or not, and keeping in mind that one was



1 bought in Rosetown afterwards by kids that didn't
2 have very much money so there's an inference to be
3 drawn there wouldn't have been one, but if you
4 look at 106670, that starts at 106669 I think --
5 that's good -- you see Wilson, at the very
6 beginning in this police report, says:

7 "... that he could not recall a knife
8 being in the car nor did he see Milgaard
9 bring one from the elevator. On further
10 questioning, he thought that possibly
11 Milgaard could have picked up a knife
12 from the Champs Hotel where they had
13 eaten earlier that day where Nickey had
14 been employed, however, could shed no
15 further light on that aspect."

16 An interesting comment there, that why did he
17 think David could have been -- could have picked
18 up a knife when he never saw one, but that goes
19 from, you know, the police perspective, I
20 suppose, but that's where he starts from.

21 And if I go to your Supreme
22 Court evidence at 300669 --

23 COMMISSIONER MacCALLUM: The doc. ID,
24 please?

25 MR. WOLCH: I'm sorry, sir?



1 COMMISSIONER MacCALLUM: Doc. ID? 56?

2 MR. WOLCH: Looks like that, 300656, yes.

3 BY MR. WOLCH:

4 Q If you just turn it to 69, your evidence in the
5 Supreme Court is:

6 "... our discussions from time to
7 time -- that he may have had a jackknife
8 with him when he was in Saskatoon, but
9 certainly not a paring knife.",
10 seems to indicate some uncertainty on your point
11 that the most David would have said is "I may
12 have had a jackknife, I don't know", he's
13 thinking back six months, or six weeks?

14 A Well all I can tell you is that my best
15 recollection, and I've thought a great deal about
16 it, is that he had a knife, it had a flexible type
17 of blade -- now I'm not saying "flexible" is his
18 word -- and it was that the flexible blade was the
19 type of blade that sometimes could be used for --
20 like a plastic card is sometimes used for slipping
21 a lock in B & Es.

22 Q Would it --

23 A So we'd had a discussion about that.

24 Q Would a jackknife fit that description?

25 A Well, depending on the type of jackknife. Some of



1 the blades on them, particularly the cheap ones,
2 were pretty flexible. The point is that he never
3 had a paring knife --

4 Q Oh, I appreciate that.

5 A -- and that's, that's what, in our discussions, he
6 made very clear, that it wasn't a paring knife.

7 Q Oh no.

8 A And now I tend to think of a paring knife, I
9 guess, as having a serrated blade or edge, and
10 whether we discussed it in that context I can't
11 remember without my notes, but this is something
12 that I would have canvassed very carefully in my
13 notes.

14 Q Right. But at the Supreme Court time you weren't
15 even certain that he actually said he did have a
16 knife, --

17 A Yeah.

18 Q -- there was some unclearness about that?

19 A Well, from my part, I'm giving you my best
20 recollection --

21 Q Oh absolutely?

22 A -- and I have no doubt that he told me that he had
23 a knife with this type of blade.

24 Q Okay, I would like to turn to the trial, and I
25 want to deal with disclosure and the disclosure



1 provided to you, and I'm wondering, and I don't
2 want to belabour it, I'm wondering if, and I don't
3 want to show it, if you have seen the video that
4 was prepared for the Supreme Court on behalf of
5 David Milgaard which talks about the Crown's
6 theory and how it couldn't work.

7 A Yes. Mr. Hodson made that available and I
8 actually viewed it in his office.

9 Q Right. And I would suggest there it would have
10 been clear to you that there was a great deal that
11 wasn't disclosed to you for whatever reason?

12 A Yes. I think we've gone through those areas and
13 identified them. Now, there may be some that I've
14 missed, but I think that they canvassed them all,
15 Mr. Hodson and Ms. Knox I think in particular went
16 into them.

17 Q Well, there were the roommates that said that Gail
18 Miller went down Avenue O?

19 A The usual path --

20 Q -- was Avenue O, which made sense.

21 A The logical.

22 Q Logical, usual path?

23 A And my memo that surfaced makes reference to that
24 as well.

25 Q Yes. And there was --



1 A But on the other -- but just so that I present the
2 thing as objectively as I can, and fairly, I did
3 have information that people used to go down the
4 back, go down the lane, but --

5 Q But the back lane couldn't work with any theory
6 because the car could not have turned around?

7 A No, but we're not talking about the theory right
8 now.

9 Q Okay, right.

10 A I'm just talking about the fact of people walking
11 down there was known to me because I interviewed,
12 as I said, a lady who had gone down there that
13 morning, but obviously earlier, the time wasn't
14 right, and then after the trial my attention was
15 brought to get in touch with another lady who had
16 been down there, but essentially the same thing
17 with that lady was of no assistance to me.

18 Q I won't take the time to go through the roommates,
19 but they are -- Mr. Commissioner, do you wish the
20 doc numbers or should I just move on?

21 COMMISSIONER MacCALLUM: No, that's fine,
22 thank you.

23 BY MR. WOLCH:

24 Q There were the three roommates at least who have
25 her go down where logic dictates she would go



1 down, but wouldn't fit the Crown's theory, but you
2 weren't given that, and then you weren't given the
3 Merrimans who would have been looking right at the
4 alleged crime scene?

5 A Yes, I think the Merrimans was --

6 Q Very important?

7 A Was quite significant. That's just, you know, my
8 retrospective assessment.

9 COMMISSIONER MacCALLUM: Let me be clear
10 about this, he wasn't given the roommates'
11 statements?

12 BY MR. WOLCH:

13 Q Yes, or even any knowledge about them. You didn't
14 know that there was the three roommates who said
15 she went down Avenue O, Friesen, Hundt and -- I
16 can't pronounce her name, but the Merrimans would
17 have been at the actual alleged scene of the
18 crime?

19 A Yes.

20 Q And you also weren't given Mrs. Gallucci who said
21 she saw the pretty nurse taking the bus every
22 morning pretty well at that spot on Avenue O?

23 A Yes.

24 Q So what I'm getting at --

25 A And I'm --



1 Q Sorry?

2 A Just to fill the picture in, I didn't receive the
3 information, I gather a statement wasn't taken
4 from him, but Mr. Sargent --

5 Q That's right.

6 A -- phoned and he actually had said that he saw
7 Gail, who he knew, Gail Miller at the bus stop on
8 Avenue N if I recall.

9 Q Okay. I think Ms. Knox covered with you Simon
10 Doell.

11 A Yes, but I think there was --

12 Q Sargent, yes.

13 A -- Sargent, Mr. Syd Sargent as well.

14 Q Correct.

15 A And then Ms. Knox, as you say, covered Simon
16 Doell.

17 Q I might point out that Simon Doell last took the
18 bus there in August.

19 A Yeah.

20 Q But that wasn't put to you, that --

21 A That's why I'm focusing on Syd Sargent.

22 Q Right.

23 A To fill the picture in.

24 Q What I'm saying is you've seen the tape, I don't
25 want to play it again, but you've seen it, you see



1 all the things you weren't told, many of which
2 would have helped you, some considerably, some
3 less considerably, and there's nothing in there
4 that you take exception to I take it, but --

5 A No. The only thing with the film, I think, like,
6 with any reconstruction you have to make certain
7 assumptions, and whether or not those assumptions
8 or variables are valid can always be a matter of
9 debate and discussion, and of course in light of
10 the section 9(2) disposition, one has to bear in
11 mind that there were portions of Nichol John's
12 statement that were not evidence in a substantive
13 sense.

14 Q Yes.

15 A And I think the film to a large extent was
16 predicated on the footing that the whole statement
17 was evidence, but we've been through that and I
18 don't want to --

19 Q No, I agree.

20 A -- flog a dead horse, so to speak.

21 Q You talked about considerably through questioning
22 the evidence about stealing of the flashlight and
23 possible purse snatching and I'm a little unclear
24 as to that not being of use as part of the Crown's
25 case. Was that an understanding you had with Mr.



1 Caldwell or how did that come about?

2 A Well, there are two, really two aspects to that.
3 One, of course, I knew from what David had told me
4 with respect to the older lady, that he did look
5 her over with a view to either robbing or
6 snatching her purse. Now, with respect to the
7 other discussion that had allegedly taken place
8 along the way, I'm quite sure that I told Mr.
9 Caldwell that I would be challenging the
10 admissibility of that evidence.

11 Q And that would apply also to stealing the
12 flashlight on the way in too?

13 A Well, I think that that's probably so, although my
14 focus was, I know would be on this business of the
15 shortage of money and the discussion about getting
16 some money by purse snatching. The flashlight, I
17 don't recall the discussion now, I don't think
18 that David said anything about getting a
19 flashlight out there, but, you know, without my
20 notes I couldn't assist.

21 Q Did you think that Mr. Caldwell was being fair
22 about it or was motivated out of fairness or --

23 A Well, that's a difficult assessment for me to
24 make, but I was focused on keeping it out, whether
25 it was flowing from a sense of fairness that he



1 may have had or whether it was flowing from
2 agreement with my view that this was evidence that
3 the trial judge could be persuaded to rule as
4 inadmissible.

5 Q I think there was a third option I might draw to
6 your attention. If we look at 006908 I believe,
7 that number is blurry here. 0069 blank 8, I think
8 it's zero. No. Maybe try 38 then. That's the
9 document. This apparently was Mr. Caldwell's
10 notes.

11 COMMISSIONER MacCALLUM: What does that
12 say, Mr. Wolch?

13 MR. WOLCH: It's 38.

14 COMMISSIONER MacCALLUM: 38?

15 BY MR. WOLCH:

16 Q See, he says, it says here 'Wilson', I'm not sure
17 what the next word was, but 'make sure to leave
18 out' something 're: purse snatching, but would
19 this make him an accomplice in it. Better left
20 out. Yes, leave it out. Don't mention B & E -
21 dope,' etcetera. Now, leaving it out regarding
22 the purse snatching with Ron Wilson seems to be
23 based on the idea that it then would make Wilson a
24 potential accomplice and the judge would have to
25 give a warning.



1 A Yeah.

2 Q Did it cross your mind that putting it in might
3 put Wilson in a different light, that he might
4 require a caution from the judge?

5 A Well, first of all, this document of course was
6 not in my hand.

7 Q Absolutely.

8 A And we're really talking about Mr. Caldwell's
9 mental processes at the time. I wasn't aware of
10 the fact that this was a concern of his from a
11 tactical standpoint, but what I did know was that
12 I did not want what I perceived to be this
13 prejudicial evidence going in before the jury.

14 Q So the downside on the prejudicial evidence might
15 outweigh a warning to the jury that these should
16 be looked at with caution, and that's really a
17 valid decision?

18 A And not only that, while the judge, the trial
19 judge did not give a direction with respect to
20 Wilson as an unsavoury witness, you might say, in
21 the same light as the two that were mentioned,
22 Melnyk and Lapchuk, certainly I recall -- I think
23 in his charge to the jury he did indicate that,
24 you know, in some instances, and here I'm
25 paraphrasing, that the evidence of, you know,



1 responsible, hard-working citizens might well be
2 preferred to the evidence of some who live a
3 different lifestyle, so that -- and secondly, and
4 here of course one, you've raised this business of
5 an accomplice, I would have difficulty in seeing
6 how it would help David's case to have him, to
7 have Wilson characterized as an accomplice.

8 Q I tend to agree with you, but it seems there was
9 obvious concern here that he would require the
10 warning.

11 A Well, I'm saying that this obviously, the way you
12 read this, and I think that's probably a fair
13 reading of it, refers to the mental processes that
14 he was going through --

15 Q Right.

16 A -- in formulating these sort of thoughts and then
17 putting them on paper.

18 Q Let me jump totally away from what I'm on right
19 now because it crosses my mind, I don't want to
20 forget it, and that's the question of murder
21 trials being held in front of a judge without a
22 jury. You may not be able to answer this
23 question, but if you were doing the trial tomorrow
24 with what you knew, would you prefer to have a
25 jury or not have a jury?



1 A That's a very difficult question to answer,
2 frankly, because it's trying to deal with it
3 retrospectively, but let me put it to you this
4 way. I think I would like to have the choice in
5 terms of advising a client, and of course you and
6 I, I think, are both aware, and many of the people
7 here, if not all of them, that it was rather a
8 unique feature, but there was a special provision
9 in the *Criminal Code* of Canada permitting trial
10 before a superior court judge alone in Alberta
11 even on murder cases. We did not have that option
12 here and I think that it's, you know, if you did
13 have that option, it's something that you would
14 weigh and consider very carefully and discuss with
15 the client, but to say whether or not I would have
16 made that particular decision in this case was
17 difficult for me to say at this time.

18 Q But you would like to have a choice is what you
19 are saying?

20 A Oh, yes. I mean, I think there's a lot to be said
21 for that because it goes back to looking at the,
22 you know, the evidence that you face, and I
23 referred to the *Biniaris* case earlier this morning
24 under cross-examination by Mr. Beresh and one of
25 the factors that is mentioned in that case, even



1 though lurking doubt isn't run to the top of the
2 flag pole as far as intervention, is that the
3 examination of the evidence, you know, even in the
4 case of a jury verdict, should be done through the
5 lens of judicial experience, and I refer to that
6 because there may well be cases where you would
7 want to exercise that choice having regard to the
8 nature of the evidence. For example, in some
9 cases there might be medical expert evidence and
10 so on that you feel more comfortable having dealt
11 with by a judge alone.

12 Now, I don't think I can really
13 add anything more than that at this stage, Mr.
14 Wolch, but I certainly understand your point and
15 appreciate the significance of it.

16 Q That's quite helpful. I would like to briefly
17 turn to the script document that we've seen so
18 many times, although you perhaps haven't. I have
19 001499, that's one of the numbers, there's another
20 number too in the 300s, or thousands, but I'm not
21 sure which one -- I can give both if you like.
22 Okay, that's a third one.

23 COMMISSIONER MacCALLUM: 006799 then for
24 the record?

25 BY MR. WOLCH:



1 Q 006799 I think. Yes. Just briefly, I think
2 Mr. Fox was asking you about the (V1)- rape and
3 you certainly covered the fact that she was, or
4 that David was not in town and could easily be
5 proven. You might also note that the assailant
6 appears to be five foot two, which certainly is
7 not anywhere close to David's height. You see
8 that?

9 A That's correct.

10 Q And if we go down to the bottom of the page, Ms.
11 Knox took you to Simon Doell, but I won't take you
12 to it, but there's other evidence that, from him
13 that he last took the bus in August of that year.
14 I would like to turn to the, the last page or
15 second last page, I can't remember now. Yes.
16 This is the page that would have been, I suppose,
17 in a defence lawyer's terms, pure golden to you;
18 would it not? What I'm getting at is it basically
19 predicts in general terms what John and Wilson are
20 going to say and then gives you a real peek at the
21 attitude of the investigators, they are to be
22 taken to Saskatoon where the true story can be
23 obtained even if hypnosis or polygraph are
24 necessary. So that would have been very valuable
25 for you to have that obviously?



1 A Yes, and as I said yesterday, particularly with,
2 like, Inspector Roberts was not a person that I
3 would have dared call as a defence witness, but it
4 would, if there had been a *voir dire* on the
5 section 9(2), it would have been very helpful, and
6 as I said earlier, and I don't want to be too
7 repetitious, this is one of those situations where
8 I think the Crown would be obliged to call all the
9 relevant witnesses so as to set out the
10 circumstances under which this statement, or the
11 statements were obtained.

12 Q Well, I think, you know, we've, we're pretty aware
13 now what happened with, between Roberts and the
14 young people. You of course didn't know and
15 couldn't know at the time, but we have also heard
16 evidence that a number of police officers were
17 listening in to what occurred there, in fact,
18 possibly taping it, we're not sure exactly, but a
19 whole bunch knew as to what went on there, and
20 that in no way found its way to you?

21 A No, and that of course in my view, as I expressed
22 the other day, would have been relevant and
23 material evidence as to the circumstances under
24 which the statements were obtained.

25 Q Sure. If you knew there was --



1 A Particularly the 9(2).

2 Q Sure. If you knew there was a script, and I use
3 that term loosely, and an interview where bloody
4 clothes were shown, autopsy pictures and you knew
5 all the circumstances, that would change your
6 whole approach if you knew it?

7 A And possibly if there was other recording of what
8 went on it would be even better, and we've
9 discussed the desirability of recording things.

10 Q So in dealing with the 9(2), we start off with the
11 fact that you were severely hampered by lack of
12 disclosure, you just didn't know; correct?

13 A Yes.

14 Q And then that was compounded by the procedure that
15 was followed in terms of the jury hearing what
16 they shouldn't have heard?

17 A Yes, that was certainly my view on it, and of
18 course that was one of the main points in the
19 Court of Appeal and, as I said before, Mr. -- and
20 the record shows Mr. Caldwell actually agreed with
21 my position on having a *voir dire* and the judge,
22 the learned trial judge had a different view of it
23 and in the Court of Appeal Mr. Kujawa did not
24 resile from the position that Mr. Caldwell had
25 taken, but of course the focus then shifted to the



1 argument that notwithstanding the error, there was
2 no substantial miscarriage of justice or, in
3 short, no reversible error.

4 Q Right. The Court of Appeal of course would not
5 have had the circumstances for taking the
6 statement?

7 A And that of course was one of the arguments, that
8 without having the benefit of all the
9 circumstances under which the statement was taken,
10 this is not a case where the curative provision
11 should be applied.

12 Q No.

13 A And I guess I obviously was unpersuasive in
14 advancing that argument, but I certainly
15 endeavoured to put it as strongly as I could.

16 Q And you were probably right because the
17 prejudicial effect was quite considerable?

18 A Yeah.

19 Q And I just want to draw a document to your
20 attention, 006864. This is a letter from Mr.
21 Caldwell to Inspector Roberts on February the
22 17th, 1970, so it was shortly after the trial, and
23 this is how Mr. Caldwell describes Nichol John.
24 Have you seen this letter before?

25 A Yes, I'm sure that this was in the package that



1 Mr. Hodson asked me to read.

2 Q Okay.

3 "The witness Nichol John once again
4 persisted in giving, during her
5 examination in chief, similar evidence
6 to that which she gave at the
7 preliminary ... and in failing to
8 describe what she actually saw of the
9 attack on the victim by Milgaard."

10 So Mr. Caldwell is still firmly of the belief
11 that she was holding back.

12 "On conclusion of the
13 examination in chief, I applied for, and
14 was granted, leave to cross-examine her
15 pursuant to the ... new sub-section 2 of
16 section 9 of the Canada Evidence Act for
17 the purposes of determining whether she
18 was hostile, and on conclusion of this
19 cross-examination, the Chief Justice
20 ruled her hostile, whereupon I
21 cross-examined her in the presence of
22 the jury on the statement she gave to
23 ... Mackie after your interview with Ron
24 Wilson and herself in May of 1969. This
25 brought to the attention of the jury



1 that she had, at one time, given a
2 statement indicating that she had seen
3 the actual attack on the girl by
4 Milgaard."

5 You see his view there?

6 A Yes.

7 Q That's pretty accurate as to what happened I would
8 think?

9 A Yes, that I think sets out in distilled form as to
10 what happened.

11 Q I don't see any sense of remorse that the jury
12 heard in there, that gee, I'm sorry they heard
13 stuff they shouldn't have heard, it's more a
14 reason for getting a conviction?

15 A Well, you know what my view was on that, I was
16 doing my best to --

17 Q Oh, absolutely.

18 A -- contain that type of thing and I didn't want it
19 to happen that way, but it did.

20 Q If we can just turn the page, there's a bit of
21 irony in here:

22 "Please accept my thanks for the
23 assistance you gave the Saskatoon Police
24 Department --"

25 That's true,



1 "-- myself --"

2 That's true,

3 "-- and Mr. Tallis during the
4 Preliminary Inquiry, and also during the
5 trial. Your work with the polygraph and
6 interviewing Wilson and Nichol John in
7 general was of great importance in the
8 final outcome of this matter."

9 So Mr. Caldwell seems to purely, to simply know
10 that Roberts played a very significant role.

11 Now, in terms of the use of the polygraph, were
12 you even aware that Nichol John wasn't
13 polygraphed?

14 A Yes, I'm quite sure I was aware that she wasn't
15 polygraphed, but I think my suspicion was, and
16 this would be a suspicion on my part, and that's
17 one of the reasons why I wanted to interview
18 Inspector Roberts, was not only with respect to
19 what happened, the procedure with respect to
20 Wilson, but also contact that he may have had with
21 Nichol John.

22 Q Okay. So whatever Roberts did in the room that
23 the eavesdroppers would have known about and all
24 that simply never got to you?

25 A No, and as I -- I've already described the result



1 of my discussions with Inspector Roberts and I
2 can't really add to that.

3 Q No, I appreciate that.

4 A Yeah, but I think I've made myself clear on that.

5 Q I want to deal fairly briefly with (V4)----
6 (V4)--- which is 106110. I don't intend to take
7 you through it, I just want to bring it up. Now,
8 this of course was not disclosed to you and would
9 have been very important, and I don't need to go
10 through having you reiterate the view you
11 expressed that it would have been important and
12 the chances mathematically of two men at 40 below
13 being 700 yards apart attacking women is beyond
14 the lottery winner's odds, I think you've gone
15 through that pretty thoroughly, but this is
16 obviously something that should have been
17 disclosed to you, whatever reason it was held back
18 we'll deal with, but you should have had that for
19 sure?

20 A Well, it's the type of thing I was -- yes, I would
21 expect, and under the current rules I don't think
22 there's any doubt about it, but even then --

23 Q Even then --

24 A -- I think that, and from what Ms. Knox has said
25 this morning, I don't think there's a dispute



1 about that.

2 Q Yes, it should have been disclosed, and not only
3 that, it would have led you certain ways because
4 it's not just the fact that David couldn't have
5 done that, it's more than that, it would have led
6 you to think, well, are other crimes being
7 committed in the area, what is going on, and then
8 obviously between the notes and the newspaper and
9 general knowledge, you would have led yourself to
10 the other sexual assaults?

11 A Yes. The similarities in some of the others that
12 we mentioned I think were very significant on the
13 issue that this crime was probably committed by a
14 third person, albeit unidentified, but once again,
15 I've gone through that in some detail.

16 Q I think, Mr. Tallis, the point I'm trying to make
17 is it's not just the lack of disclosing this, this
18 would have prompted you to look further and even
19 ask have there been other assaults in the
20 neighbourhood, it would have --

21 A Well, I think I tried to sum that aspect up by
22 saying that it would have launched one on a chain
23 of inquiry, or words to that effect, and I think
24 that best describes it, that it would spawn a
25 chain of inquiry.



1 Q Are you aware that after Miss (V4)--- was attacked
2 her attacker, who we say is Fisher obviously, was
3 on railway tracks that led virtually directly to
4 the Cadrain house?

5 A No. If that's in the material, I --

6 Q I don't --

7 A -- I probably read it.

8 Q I think if I brought up a map you'd see it.

9 A Yeah.

10 Q That the railway tracks lead directly to the
11 house, and that would have been helpful for you,
12 because if articles were found around there they
13 easily could have been left by the man coming down
14 the railway tracks?

15 A Yeah. As I recall it, the railway tracks would
16 run -- would be south of the Cadrain place.

17 Q Just about to the door, straight through. I can
18 get a map, if you like, and --

19 A Well, no, but there is a road.

20 Q Right.

21 A There is a street going on the south side of the
22 Cadrain place and then, south of that, there is
23 the rail. As I recall it the rail line runs in a,
24 it would be almost sort of southwest-northeast
25 direction. I think that's the CPR, if I recall,



1 because it used to run to the station and it was
2 in a different location than the CN.

3 Q The, another area of interest you mentioned was
4 Ute Frank, and that she indicated that she had
5 found God and was prepared to say damaging things
6 about David?

7 A Yeah, well, and I didn't use that in a disparaging
8 way --

9 Q Oh, gosh, no.

10 A -- about her new-found faith, but she described
11 the events in the room and indicated that she took
12 it seriously. And I gathered, as I told you or
13 told the Commission, that she certainly indicated
14 to me that she had, you might say, opened up in
15 her discussions with me much more than she had
16 with Mr. Caldwell. I gather that there had been
17 some sort of friction or something that had
18 arisen, but I didn't realize until I read some of
19 the later materials, you know, that it had
20 probably been much more serious than I appreciated
21 at the time. I just don't know what happened, but
22 she certainly was quite friendly, as distinct from
23 antagonistic, toward me.

24 Q Oh, okay.

25 A And she, of course, is the one that David had



1 mentioned that he thought that, you know, he'd
2 always got along all right with her and she would
3 probably be favourable to him.

4 Q Right. I think you might agree with me, though,
5 that from her perspective, leaving aside what she
6 may or may not have seen, it would not be a very
7 nice position to be in, as a young woman, to be in
8 front of a jury, and possibly in the newspapers,
9 testifying that she was taking a whole bunch of
10 drugs and having sex with a whole bunch of people
11 hanging around and watching; that would not be a
12 nice position to be in?

13 A And I hope I didn't suggest that it was.

14 Q Oh, no, what I am saying is that she may have had
15 every motive in the world not to want to testify?

16 A Well, frankly, I think, if I had wanted her to
17 testify, she would have.

18 Q Well, yes, but let me back it up.

19 A And that she would have outlined what she told me.
20 I mean she had found faith and, umm, wanted, I
21 think, to be candid with me, I thought she was,
22 but having talked to her I concluded that her
23 testimony would not assist David.

24 Q Oh, absolutely.

25 A And --



1 Q But I'm suggesting that --

2 A Now your view, you know, it may be a view that you
3 would have formed talking to her in my place.

4 Q What --

5 A But all I'm telling you is that --

6 Q What --

7 A -- my assessment was that she had reached the
8 stage in her faith that, number one, she would
9 have condemned what she did as inappropriate and
10 would have, in effect, described how she planned
11 on turning over a new leaf.

12 Q And I'm going to suggest to you that what actually
13 the situation is, is that she knew by telling Mr.
14 Caldwell that she didn't have much to offer and by
15 telling you that she would hurt David, neither one
16 of you could call her; that was her way of keeping
17 out of being a witness?

18 A That may be, but I didn't assess her as possessed
19 of that type of cunning --

20 Q Well let me --

21 A -- at that time when I interviewed her.

22 Q Well, you're a kind man, but let me take you to
23 054371. And I'll -- if -- take my word for it
24 that the next document number, 054372, is the
25 less-easy-to-read copy of that -- okay, you didn't



1 take my word for it. But, in any event, it's
2 dated -- well, perhaps we should go to it, and
3 I'll get it exact. I'm having a hard time reading
4 it, it looks like, is that January 19th, 1970?

5 A I think probably.

6 Q I think that's what it is. So that's the
7 statement that Detective Karst took from her, and
8 if we go to the other copy it's just easier to
9 read, and she says in this that she, 'Had sex with
10 Hoppy and about four capsules of THC, I was quite
11 stoned, wasn't aware of what was going on around
12 me, hallucinating, I asked:

13 "... hopy if he killed that nurse they
14 were talking about & he just looked at
15 me and smiled oddly."

16 And that's her, what she talks about as being
17 the, what occurred in the motel?

18 A Yes.

19 Q You can see that. And that would probably not
20 really advance the Crown's case very far; might
21 you agree?

22 A Umm, I agree.

23 Q Yes.

24 A Not as much as on the basis of what she told me.

25 Q Well no, I appreciate that, but if -- Mr. Caldwell



1 and she may not have gotten along, if that's what
2 she was persisting in, when it didn't necessarily
3 corroborate Melnyk or Lapchuk?

4 A Yes, I can't speak to that, --

5 Q Okay.

6 A -- but it's possible.

7 Q Now that statement, as you note, was January 19th
8 of 1970; what date do you think you talked to her?

9 A I can't say what day I talked to her.

10 Q Within a number of days of that, I assume, because
11 that's when --

12 A Yes, but to give you the exact date --

13 Q No, but again, it could have been the next day or
14 the day after because --

15 A Oh yes, within a short time, and --

16 Q Yeah. So what --

17 A -- I talked to her separately, and for quite a
18 lengthy -- long time.

19 Q So you can forgive me if I'm a little disparaging
20 about her finding faith in the matter of a few
21 hours or a day?

22 A Yes, I can under -- and, you know, I picked up --

23 Q Yeah.

24 A -- some new gossip, I think around Regina by
25 phone, that, you know, some of the people that had



1 known her were referring to her new-found faith in
2 a rather disparaging way, but that sometimes
3 happened with --

4 Q What I am getting --

5 A -- happens with the, you know, with genuine
6 changes.

7 Q Oh, and I appreciate that, and I think you're a
8 fairly kind man and a very decent person. But
9 what I am saying is -- and you don't like to speak
10 harsh about anybody -- but it would seem to me
11 that if she found faith, she would have found it
12 when she talked to Detective Karst perhaps a day
13 earlier, and talked to Mr. Caldwell perhaps the
14 very same day? I mean, I don't understand how she
15 could find faith within the matter of an hour,
16 when she came to see you?

17 A Yeah, and I don't know what antagonism developed
18 with Mr. Caldwell and, as you say, maybe she was
19 leading me on --

20 Q Sure.

21 A -- in a cunning sort of way that I didn't detect.

22 Q Well she already knew, perhaps, that, from Mr.
23 Caldwell, that he wasn't going to call her, he was
24 giving her to you, "do you want to call her?"

25 A I didn't know whether he told her he wouldn't call



1 her or not, but that was certainly my
2 assessment, --

3 Q But she'd be --

4 A -- but I couldn't call her as my witness.

5 Q And she'd be smart enough to be able to tell you,
6 "look, I'm going to hurt your client if you put me
7 on", and she accomplished her purpose, is what I'm
8 suggesting?

9 A Well she didn't, certainty didn't put it that
10 way --

11 Q No, but she --

12 A -- or come across that way, she --

13 Q No, but she --

14 A -- she made it clear that she hadn't told Mr.
15 Caldwell everything.

16 Q But she didn't tell him what he wanted to hear,
17 she didn't tell you what you wanted to hear, --

18 A Yeah.

19 Q -- and that got her out of it, is what I suggest
20 happened?

21 Sorry, I'm just getting a little
22 more organized here. I do want to turn, now, to
23 later developments, and I'd like to take you to
24 the judgement of the Supreme Court, which I
25 believe is 058828, and if we can go to 832. Now



1 the Supreme Court, in its judgement in this
2 paragraph here, and there's a -- only a portion of
3 it I care about, 'Fresh evidence has been
4 presented to us, Ron Wilson, the key witness, has
5 recanted part, additional evidence presented
6 regarding motel', and here's the key:

7 "More importantly, there was evidence
8 led as to sexual assaults committed by
9 Larry Fisher which came to light in
10 October 1970, when Fisher made a
11 confession."

12 Now October of 1970 would be prior to you arguing
13 in the Court of Appeal I take it?

14 A Yes, I think the appeal was heard in November, if
15 I recall the correspondence that --

16 Q Yes, the decision I think was January 5th, I
17 think.

18 A Yes, I think the appeal was argued on a date in
19 November. You can correct me if I'm wrong but --

20 Q No, I think you are right.

21 A -- that's my recollection of it.

22 Q But, in any event, it was after Fisher came to
23 light --

24 A Yes.

25 Q -- in October of 1970? And if we can go to



1 012639, you see you have here October 22nd, this
2 is one of the statements.

3 A Oh, yes, this is a statement by Fisher.

4 Q Yes, given to Detective Karst. If we can just go
5 to the next page, if there is one, yeah. See,
6 this is the confession to the (V3)----- incident,
7 but that came to light October 22nd, 1970. Now
8 you are aware of the fact, obviously, that
9 Detective Karst was intimately involved in the
10 Milgaard prosecution?

11 A Yes.

12 Q That's not much of a question, but --

13 A Yes.

14 Q Okay. I mean he even knew whether he was
15 left-handed or right-handed, that is David;
16 correct?

17 A Yes.

18 Q And we do know that -- and I'll refer to him as
19 'Fisher' but he wasn't known then -- but Fisher
20 was the prime suspect in the Gail Miller murder,
21 just unknown? You will be -- we've gone through
22 all those documents, the RCMP reports, references
23 to (V1)- and (V2)-----, and I don't need to take
24 you through that, but it was understood or
25 believed that the same guy had struck again? That



1 would be pretty well knowledge among the police
2 force and everywhere else; correct?

3 COMMISSIONER MacCALLUM: I'm sorry, I
4 didn't understand the question?

5 MR. WOLCH: Okay.

6 BY MR. WOLCH:

7 Q That Karst and the people investigating the Miller
8 murder clearly knew that the other rapist was a
9 suspect, that --

10 COMMISSIONER MacCALLUM: That --

11 A Well I --

12 BY MR. WOLCH:

13 Q It goes without saying that he would know who the
14 main suspect was in the case they were
15 investigating?

16 COMMISSIONER MacCALLUM: I just wish you
17 would attach some names to this; suspected of
18 what?

19 MR. WOLCH: Of being the killer of Gail
20 Miller.

21 COMMISSIONER MacCALLUM: So Karst knew
22 what?

23 MR. WOLCH: Well, that they were looking at
24 the same person who had attacked (V2)----- and
25 (V1)- and (V3)-----. Before David Milgaard came



1 along that was the suspect, I mean, we've gone
2 through that I think?

3 Mr. Commissioner, do you wish
4 me to --

5 COMMISSIONER MacCALLUM: I'm not trying to
6 be difficult, --

7 MR. WOLCH: Oh, and neither am I.

8 COMMISSIONER MacCALLUM: -- I just don't
9 understand the question. Perhaps you could
10 rephrase the whole thing.

11 MR. WOLCH: Okay.

12 BY MR. WOLCH:

13 Q What I'm saying is this: In going through the
14 files as you know them now, from the first reports
15 it was believed that the rapist in the area had
16 raped and killed Gail Miller, blood groupings were
17 taken from (V2)----- and (V1)- to match that, he
18 -- Fisher was the suspect, unknown as Fisher, and
19 that's pretty basic?

20 A Well I --

21 Q I'm not trying to be difficult.

22 A Well I guess I expressed it earlier by saying that
23 this, some of this material would enable one to
24 mount a compelling argument that this evidence
25 should be admitted with a view to showing that the



1 crime, that is the murder of Gail Miller, was
2 probably committed by a third person, albeit
3 unidentified by name or otherwise, that is a
4 person other than David, and that one of the
5 aspects of the argument would be the similarities
6 in the attacks with the type of attack that had
7 apparently been made on Gail Miller.

8 Q Okay. Now it could have been very fortunate that,
9 by coincidence, Detective Karst, who was involved
10 in the Miller investigation, is the one who went
11 to Winnipeg in October of 1970 when it came to
12 light, however, my question to you is did
13 Detective Karst bring this to your attention in
14 any way?

15 A No, this was not brought to my attention by anyone
16 on behalf of the prosecution.

17 Q Yeah, but detective -- I'm still dealing with
18 Detective Karst; he did not call you up and say
19 "look, I may still believe in the conviction, but
20 you've got an appeal coming up, --"

21 A No.

22 Q "-- you should know this"?

23 A No, and I -- no, and --

24 Q It just didn't happen?

25 A It didn't happen, and I did not receive the



1 information from the prosecution.

2 Q Now turning from --

3 A I --

4 Q -- Mr. Karst, I would turn to Mr. Caldwell, and if
5 we could look at document 032107. Now this is a
6 letter in March of '71, I take it the matter had
7 not gone to the Supreme Court yet, and the writer
8 indicates he was contacted by Mr. Caldwell; do you
9 see that?

10 A Yes.

11 Q And he lists the charges of (V1)-, who we know is
12 in the --

13 A Yes.

14 Q -- Miller/Milgaard file, and (V2)-----,
15 (V3)-----, all of whom are there. If we can just
16 scroll down, have you seen this letter before, and
17 I don't know if you have or not?

18 A I think it probably was in the package of material
19 that Mr. Hodson gave me.

20 Q And you see with --

21 COMMISSIONER MacCALLUM: This is McKay
22 speaking here; was it?

23 MR. WOLCH: Umm, no, it's Corey.

24 COMMISSIONER MacCALLUM: Oh, it's Corey?
25 Sorry.



1 BY MR. WOLCH:

2 Q And you see here you've got (V1)- grabbed from
3 behind, knifepoint, forced down a lane, removing
4 some of her clothing; then we've got (V2)-----,
5 man carrying a knife, forced down a lane where her
6 coat and dress were removed, knife, I mean it
7 stands out. And if we can just keep scrolling
8 down, now I won't go through the others, but they
9 are helpful. But if you can turn the page,
10 please. And at this point in time, Fisher is
11 denying two of the offences, but it is interesting
12 here:

13 "Police investigation revealed that
14 Fisher lived within a block of the
15 locations where these rapes occurred,
16 the description of the culprit is very
17 similar and the modus operandi is the
18 same in all four cases. Fisher claims
19 that he had never heard of these
20 offences being committed, which is hard
21 to believe as they happened within a
22 three week period in the same area and
23 received wide publicity."

24 Now this is the deputy chief writing for the
25 chief, and it's interesting that Fisher should be



1 presumed to know about them, and yet people in
2 the justice system perhaps don't know about them.
3 It just strikes me as a bit of an interesting
4 observation that even Fisher should have known
5 about the wide publicity which was meted out to
6 these offences, I think you can see is his view
7 at the time. And believe me, I'm not suggesting
8 you knew in a million years, I'm just saying that
9 that was the view of the chief as to what was
10 known in the community about them.

11 Now the letter started out that
12 the writer was contacted by Mr. Caldwell to
13 forward the summary to Mr. MacKay, and my
14 question to you is did Mr. Caldwell call you up
15 and say "Mr. Tallis, I have some information that
16 might help you in the appellate procedure", or
17 anything like that?

18 A No, I never received any notification of that.

19 Q Mr. Commissioner, I haven't got too much left, but
20 I note the hour and it might be appropriate.

21 COMMISSIONER MacCALLUM: Okay, we'll break.

22 *(Adjourned at 11:59 a.m.)*

23 *(Reconvened at 1:30 p.m.)*

24 MR. HODSON: Mr. Commissioner, if I could
25 just, as far as order of questioning, Mr. Watson



1 who represents Mr. Kujawa advised me that he had
2 some questions for Mr. Tallis. I wasn't aware of
3 that when we had the order set here and I think
4 Mr. Wolch had indicated he wished to go, based on
5 his client's interest, next to last and that Mr.
6 Pringle would go last. In any event, Mr. Watson
7 has agreed to go right now, he's just got a few
8 questions, and Mr. Wolch is quite fine to have
9 him break his examination for that, so Mr. Watson
10 will have a few questions.

11 COMMISSIONER MacCALLUM: Okay.

12 **BY MR. WATSON:**

13 **Q** Thank you, Mr. Commissioner. Thank you, Mr.
14 Wolch. Good afternoon, Mr. Tallis.

15 During your career as a trial
16 lawyer you had occasion to work with Mr. Kujawa;
17 is that correct?

18 **A** Yes, that's correct. It was mainly at the
19 appellate level, but sometimes at the trial level.

20 **Q** At -- on those occasions where you defended
21 matters that he prosecuted on the trial level,
22 what was your experience with respect to
23 disclosure issues with Mr. Kujawa?

24 **A** Well, I think that I probably got a bit more than
25 what the law would have required, that's the best



1 way I can put it without, you know, being able to
2 go back and check specific cases.

3 Q There's not an occasion you recall where you ever
4 had a problem; in other words, you felt -- did you
5 ever feel that you didn't get what you were
6 entitled to at the least?

7 A No, under the rules that existed at that time.

8 Q And with respect to matters that you dealt with
9 him at the appellate level, did you have any
10 issues or concerns with respect to his ethics at
11 that level?

12 A No.

13 Q And with respect to difficulties that you
14 encountered, I think you mentioned in your
15 exam-in-chief that there were times where a
16 problem came up and perhaps you got some
17 consideration from him in that regard?

18 A Well, that's correct, there were times when
19 matters came to my attention which would indicate
20 that if they were correct the appeal probably
21 should be conceded in part or in whole and on some
22 occasions I recall actually getting in touch with
23 him asking him to check out the veracity of what I
24 was putting forward with a view to putting an end
25 to the litigation without protracted argument, and



1 when I say litigation, I mean criminal litigation,
2 and on several occasions I recall that actually
3 happening, and of course later on in my career
4 when he was appellate counsel appearing before the
5 Court I recall him being asked by the Court
6 sometimes to check out matters, particularly where
7 there was an appeal by someone who started out as
8 an unrepresented appellant, but clearly would need
9 counsel.

10 Q And on those occasions where it appeared that
11 justice dictated that the Crown take some steps to
12 either discontinue an appeal or take some other
13 steps, you found Mr. Kujawa was receptive to those
14 requests?

15 A Yes.

16 Q Now --

17 A He didn't always agree with me as a counsel, but I
18 didn't expect that, but I always thought that one
19 could rely on him to give it careful
20 consideration.

21 Q Now, I understand you also did some prosecutions
22 in your career as a lawyer?

23 A Yes, from time to time I was instructed on
24 prosecutions.

25 Q And did you take instructions from Mr. Kujawa with



1 respect to some of those prosecutions?

2 A Not specifically that I can recall. I think that
3 once you were instructed, it was your
4 responsibility to handle the matter in an
5 appropriate -- in what you felt as counsel to be
6 an appropriate fashion.

7 MR. WATSON: Thank you very much. Those
8 are my questions.

9 BY MR. WOLCH:

10 Q Mr. Tallis, just on that last point, you've been
11 asked about disclosure, whether you got
12 appropriate disclosure, and might I say that like
13 a number of counsel here, defence counsel, we go
14 to pretrial conferences where the judge says is
15 disclosure complete and our answer is how do I
16 know, and -- or maybe -- it's really not a
17 question that the defence counsel can answer, he
18 doesn't know what the Crown has I'm suggesting.

19 A Well, I think that you raise the question as I see
20 it from the perspective of the trial judge, or the
21 pretrial judge, and this is an area where the
22 professional obligations of counsel come into play
23 and the courts of course in those circumstances
24 must rely upon the professional integrity of the
25 counsel appearing before the Court.



1 Q No, I couldn't agree with you more, but all I'm
2 saying is it's almost impossible for defence
3 counsel to say I got full disclosure without
4 knowing what he didn't get, it's impossible to
5 know?

6 A No. That's axiomatic.

7 Q Right. Just a couple of housekeeping matters, so
8 to speak, from this morning. I believe Ms. Knox
9 asked you about Melnyk receiving any special
10 favour or whatever. Could I get 219652. This is
11 an article dated February 9th, 1970 which puts it
12 very close in time to the end of the trial. Have
13 you seen this article before?

14 A I'm not sure. It may have been in the batch of
15 material that I was given to read.

16 Q This would have been between the trial and the
17 appeal and I'm wondering if you know if you saw it
18 back then?

19 A I don't specifically recall that, no.

20 Q I'm going to show you the, or highlight in
21 particular that paragraph there, "This is
22 regarding the sentence imposed --"

23 A Now when you highlight that, I recall that this
24 was in the package of material that I was asked to
25 read.



1 Q So it indicates that the sentence that Melnyk, the
2 witness in the trial of David Milgaard, that he
3 received, you know, a few days after he testified:

4 "... is believed to have been the
5 lightest ever handed out in Regina for
6 armed robbery."

7 You see that specifically said there?

8 A Yes, I do.

9 Q Yeah. Now, I'm not saying whether there was a
10 deal or not a deal, but you can see why somebody
11 reading that, and knowing this man had just
12 testified for the Crown in a serious case, might
13 put two and two together and come to a conclusion?

14 A Well, certainly at trial I was seeking to raise
15 the possibility or indeed the likelihood that
16 these were the type of people that would be
17 looking to make some sort of a deal, and if my
18 recollection is correct, while the judge didn't
19 address that directly, I think that some of the
20 words that he used in charging the jury lent some
21 support to that notion.

22 Q Yes. I think one of the problems that has arisen
23 in other cases as well, and there will be another
24 inquiry coming, is that unsavoury people will deny
25 arrangements, they think they have an



1 understanding with the prosecution that they can
2 deny it, but wink, wink, something good will
3 happen down the road, and so they can say, no, I
4 have no deal, but in the back of their mind
5 they've got a deal, I think you can see that
6 happening?

7 A Oh, I'm sure that some of them are quite capable
8 of pursuing that course that you've outlined.

9 Q Right. And what I'm saying here is that if one
10 looks at --

11 A And of course that raises a question as to whether
12 or not a person should be sentenced before they
13 give evidence. I know that, you know, reading
14 things, and this goes not just in Canada, but in
15 other countries, the sentencing is put off to see
16 how fully the individual co-operates, and since
17 you are raising it in this context, I've always
18 had, in a very personal way, misgivings about that
19 procedure. Others take a different view, but
20 you've raised it in this context --

21 Q Yes.

22 A -- and I think you are entitled to the benefit of
23 my observations. Whether they are worth anything
24 or not is --

25 Q No, they are quite helpful.



1 A -- is another matter.

2 Q They are helpful. The other unrelated matter that
3 I wanted to go from this morning, 164351, you were
4 doing sort of a memory test this morning about the
5 map arrangement. Have you seen this particular
6 map?

7 A Oh, I'm sure I have. If not this particular one,
8 at least one almost identical to it.

9 Q You see where we have the (V4)---- (V4)---, where
10 that occurred, and there are the railway tracks
11 that head for the Cadrain home, Fisher home?

12 A Yes, that's the tracks that I was referring to
13 this morning.

14 Q Okay. And you can see how (V2)-----, (V1)- and
15 the murder are all in a fairly close proximity of
16 space?

17 A Yes. As I said to you this morning, I thought the
18 -- my recollection is that the railway track runs
19 and did run from southwest to northeast, but
20 south, just south of the Cadrain street, if I may
21 use that term.

22 Q Sure. And you see how close (V4)--- is to
23 where --

24 A Oh, yes.

25 Q Where the murder occurred is quite close?



1 A Yes.

2 Q And it's interesting that there had been
3 suggestions that there wouldn't be time perhaps to
4 go from Miller to (V4)---, yet there's time for,
5 to go from Miller to the Trav-a-leer Motel?

6 A Yes.

7 Q Way over there. Okay, I want to now turn back to
8 where I left off this morning, and that was
9 dealing with Larry Fisher coming to light in
10 October of 1970. If I can have document number
11 056385. Now, this is one of the informations
12 against Larry Fisher and what I want to point out
13 is it's sworn December 30th of 1970, you see that?

14 A Yes.

15 Q And that would have been well before your appeal,
16 the appeal on David Milgaard?

17 A Now, the appeal was November?

18 Q '71.

19 A In '71. I've forgotten, November 6th or
20 something?

21 Q I'm getting my days mixed up.

22 MR. HODSON: '70.

23 BY MR. WOLCH:

24 Q '70. So this would have been in between the
25 arguing and the judgment I take it?



1 A Yes, that's --

2 Q After the argument and before the judgment?

3 A -- why I raise that because something twiggged.
4 That would be between the date of the hearing and
5 the date the judgment was delivered.

6 Q Right.

7 A And I think we discussed that when Mr. Hodson was
8 asking me questions.

9 Q Yeah, but that's the time frame, between the
10 arguing and the judgment --

11 A Yes.

12 Q -- Fisher is being charged, and we do know that on
13 December 21st of '71 he actually entered the
14 guilty pleas, but the charges were laid in the
15 time before the Court of Appeal judgment?

16 A Yes.

17 Q And I would just like to bring a few documents to
18 your attention. 032190, this is a letter from
19 Bill Morton, the Crown attorney in Manitoba, to
20 the Attorney General, and it seems to be passed on
21 to Mr. Kujawa --

22 A Yes.

23 Q -- at the bottom.

24 A The first I saw of that was when it was in, I
25 think, the package Mr. Hodson asked me to read.



1 Q Yes. And you'll see that the advice given is:
2 "... that at no time was Fisher's
3 Saskatchewan involvement made known to
4 the sentencing Judge and therefore this
5 involvement was not taken into account
6 in his 13 year sentence."

7 You see that?

8 A Yes.

9 Q And the obvious significance to that is that he
10 hasn't received a penalty for all the terrible
11 crimes he committed in Saskatoon, it's a clear
12 message?

13 A Yes, that's -- you know, I have no personal
14 knowledge of that.

15 Q Right.

16 A But based on what is written there, that's a fair
17 inference from that letter.

18 Q And if we turn to 057896, this appears to be some
19 sentencing documents, this is dated December 23rd
20 of '71, it refers to the Saskatoon incidents, and
21 it appears that Fisher received four and a half
22 years concurrent, or four years concurrent, and
23 indicates there's absolutely no change to the
24 sentence he received in Manitoba. If we can just
25 scroll down a little bit. And there's no change



1 to his release date. So in other words, he got
2 not a day extra for what occurred in Saskatoon
3 even though there was a clear message that he
4 hadn't been punished for them?

5 A Yeah, that's -- I have no reason to doubt those
6 documents.

7 Q Right. So it would appear then that the charge --
8 sorry, it would appear that Fisher came to light,
9 as the Supreme Court said, in October of '70.
10 Between the arguing of the appeal and the release
11 of the judgment, the charges were laid against him
12 and he was dealt with prior to the Supreme Court
13 turning down leave, so it's all in the same period
14 of time is what I'm getting at, and it would
15 appear that Mr. Kujawa was handling the Fisher
16 charges and was handling the Milgaard appeal?

17 A Yes. I can't speak for him, but I do know that he
18 was certainly counsel on the hearing of the
19 appeal.

20 Q Yes, and you can see from the documents that he
21 handled the prosecution of Larry Fisher, I don't
22 think that's --

23 A Yeah, and whether he appeared in Court on any of
24 those other matters I can't tell you.

25 Q Okay. But it would appear he had both matters



1 going simultaneously?

2 A At least they were there and, as I say, I can't,
3 you know, speak for him on that.

4 Q Right. And my question to you is did he at any
5 time advise you as counsel for David Milgaard that
6 the original suspect in the Miller murder has been
7 apprehended, he committed the crimes in the same
8 area and you should know that for whatever use you
9 want to make of that?

10 A The answer to that is no.

11 Q The final area I would like to take you through
12 briefly is your dealings with the Department of
13 Justice, and we already touched on it a bit about
14 the unusual nature of privilege having to be
15 waived, etcetera. Dealing first with 157044, this
16 is a letter from Bruce MacFarlane to yourself,
17 February 23rd of '90, and I'm interested in this
18 portion here, that:

19 "Mr. Williams has also undertaken that
20 the information received will not be
21 provided to the applicant, his counsel,
22 or made public in any manner."

23 Was it ever explained to you what the rationale
24 was that David Milgaard should not know what you
25 say he told you?



1 A No, I don't recall any discussion of that, and I'm
2 sure I read the decision in *Idziac and the*
3 *Minister of Justice*, but I have to say that having
4 read that decision, I did not see how that could
5 be binding for all time if David chose to weigh --
6 I didn't view it as my privilege really.

7 Q Right. It is a bit strange, the whole notion that
8 you, he's allowing you to release something that's
9 very, very confidential, but he shouldn't be told
10 what you released?

11 A And of course, frankly, that's why I had no
12 hesitation in letting you have a look at it and
13 actually come behind my desk and read it over my
14 shoulder with fleshed out notes that I put on for
15 the purposes of our discussions.

16 Q I was probably peeking elsewhere too.

17 A Well, no, but that was the logical place to peek
18 at my invitation.

19 Q Thank you. Now, there's another document that's
20 of interest, 333486. Now, this is a letter from
21 Murray Brown to Mr. Williams, and I'm not sure if
22 you are familiar with this or not, but it says
23 that Mr. Brown is sending Mr. Williams:

24 "... a copy of the cross-examination
25 from the preliminary hearing dealing



1 with the polygraph examination and the
2 issue of what statements by Wilson were
3 disclosed to Cal Tallis. With respect
4 to the polygraph, Tallis goes over the
5 circumstances but I am not sure it will
6 be helpful."

7 I don't know what that means, but I'm more
8 interested on this:

9 "On the latter matter, it is clear that
10 Tallis knew of the existence of and
11 contents of all of Wilson's statements
12 to the police. Indeed, given he knew
13 how often this guy was visited in jail,
14 Tallis probably had complete access to
15 the Crown file."

16 Now, that strikes me as a bit strange, that here
17 you have Mr. Brown telling Mr. Williams that you
18 would probably have had access to the Crown file.
19 I'm just wondering, Mr. Caldwell would know the
20 answer, why the information wasn't coming from
21 Mr. Caldwell as to what you were given, why it
22 has to be deduced in this manner?

23 A Well, of course I'm not privy to the communication
24 that you have there.

25 Q Right.



1 A And the answer is that I did not have access to
2 the complete Crown file, and I think I've made
3 that clear --

4 Q Absolutely.

5 A -- in earlier testimony, so I don't want to repeat
6 it.

7 Q Correct.

8 A The next document is 335388, this is a memo from
9 Mr. Williams to his file, and I guess this is one
10 of the documents over which some kind of privilege
11 isn't being claimed, and if we can just turn the
12 page on that, it says here:

13 "In answer to question 5, Milgaard
14 acknowledged asking a woman for
15 directions in Saskatoon."

16 Ostensibly you had told Mr. Williams that. The
17 fact is, though, that David had acknowledged that
18 in his first statement to the police; is that not
19 correct.

20 A Yes. I haven't read the statement in the last day
21 or so, but I'm sure you are correct.

22 Q And once again:

23 "David Milgaard did not implicate anyone
24 else in the assault robbery and fatal
25 wounding of Gail Miller."



1 Well, that goes without saying.

2 A Well, that was quite clear and, I mean, I think
3 the focus of that inquiry was, at least I
4 interpreted, did he blame Wilson.

5 Q Right.

6 A And the answer was no, he didn't blame Wilson or
7 any other person that he could identify, he simply
8 said, and quite directly, that he did not do it.

9 Q And then we have:

10 "Milgaard did not wish to testify."

11 That's a very simplistic way of putting it. It
12 was based on advice, and good advice, I'm not --

13 A Yes. Well, I've gone into that in significant
14 detail and as a result of our discussions, and I
15 don't want to repeat it, I received written
16 instructions that he did not wish to testify, but
17 it was -- but I simply repeat what I said earlier
18 and that is that I spent time discussing it with
19 him, the pros and cons, and on balance I gave the
20 advice that I did with nothing more than his
21 interests at heart.

22 Q And the decision I would expect was correct, it's
23 just that this implies that he didn't want to,
24 it's more a matter of a reasoned decision based on
25 advice. It creates an impression that is really



1 not a fair one I would suggest.

2 A Well, I have to leave that for others to judge
3 because I've given my testimony as to how it was
4 handled and the instructions I received in the
5 light of that.

6 Q And if I can go to 335386, this is a memo from
7 Bruce MacFarlane to Eugene Williams dated May the
8 11th, 1990.

9 A I think it's to Mr. MacFarlane from Mr. Williams.

10 Q Sorry, absolutely, absolutely, and I'm not sure
11 how this got under the so-called privilege that
12 was being talked about, but we got it, and I'm
13 going to suggest that it's almost farcical what's
14 contained herein, if I can just zero in on that:

15 "Based on his recollection and assisted
16 by the summary of facts outlined in the
17 Saskatchewan Court of Appeal decision,
18 Mr. Justice Tallis recalled that
19 Milgaard's version of evidence was
20 similar to the version given by Nicole
21 John and Ron Wilson, except --"

22 If we can go down, he denied attacking Gail
23 Miller, changing the blood-stained clothes,
24 making remarks about Gail Miller, telling Wilson
25 he had fixed a girl, denied a paring knife. Now,



1 it's almost farcical, I suggest, to suggest that
2 it's similar. I mean, we know for a fact that
3 the kids came into town together, left together,
4 you would expect similarities, but every key
5 ingredient there's disagreement; is there not?

6 A Well, that certainly outlines significant areas of
7 disagreement.

8 Q But to start with the premise that there's some
9 support is kind of bizarre, but --

10 A Well, but those are not my words.

11 Q I know that, we'll get to Justice eventually, and
12 hopefully with documents. But in any event, and
13 number 3 is really not even close to what you were
14 saying:

15 "Making disparaging remarks about Gail
16 Miller in the car following his
17 unsuccessful attempt to obtain
18 directions from her."

19 At no time was it suggested that he spoke to Gail
20 Miller in your conversations with David or any
21 instructions he gave you?

22 A That's correct.

23 Q That's taking it totally not only out of context,
24 it's simply wrong. I mean it's technically
25 correct, but the impression is that they had



1 spoken to Gail Miller; did you agree with that
2 observation?

3 A Well, I think I've made that clear in my earlier
4 testimony.

5 Q And your instructions, as I understand them, were
6 that if there was a getting stuck it had nothing
7 to do with the lady?

8 A That's correct. And, of course, the lady was an
9 older lady.

10 Q Yeah.

11 A Now I've been through that, our discussions, but
12 --

13 Q No. What I am saying, though, is that -- and I
14 can, I have your testimony from the Supreme Court
15 on the very same subject, and you were very clear
16 there in saying, and I'll just quote:

17 "There was simply no suggestion on his
18 part that the stop was related to this
19 older lady."

20 A That's right.

21 Q So it just didn't go together?

22 A That's right.

23 Q And yet somehow, out of an interview with you,
24 Justice is saying that, in effect, this -- there
25 was a stopping of Gail Miller, and somehow linking



1 that to talking to you; you can see the connection
2 made there which really isn't there?

3 A Yes.

4 Q And then if we can turn the page, see, once again
5 we are back to:

6 "He ... acknowledged that he asked an
7 older woman for directions, but, he
8 denied saying anything about it."

9 Now I take you back to the fact he told the
10 police that too, so it's not a startling
11 revelation that he told you the same thing he
12 told the police.

13 And then when we go further
14 down the page, about the compact and everything
15 else:

16 "These denials were not characterized by
17 the outrage and vehemence that one would
18 expect from someone confronting an
19 unjust accusation."

20 I'm going to suggest to you that's Williams'
21 interpretation, not yours?

22 A Well that, obviously, is his assessment of how I
23 described the responses to the -- my questions,
24 "where did", you know, "where did it come from",
25 he said "I don't know", "why did you do it", the



1 answer was words to the effect "I don't know".

2 Q Yeah. But what I am saying is that you were
3 meeting with David on a regular basis, going over
4 facts with him, he was proclaiming his innocence,
5 the fact that he didn't explode or scream or yell
6 or do that is hardly something to be held against
7 him but yet it seems to be here?

8 A Well, this is interoffice memoranda, --

9 Q Yeah.

10 A -- and I can't really say --

11 Q Right.

12 A -- any more than that.

13 Q No, I appreciate that. But you can see the danger
14 if that's held back from the applicant who can
15 then say "eh, wait a minute, if it's held back",
16 even now we don't know what was told to anybody
17 about what you said, that is I mean we know it
18 went to Mr. McIntyre for opinion, we don't know
19 what was given to him and what was received even
20 today, yet these are the same people that want
21 privilege released holus bolus from accused
22 people. But in any event, here it is, misquotes
23 that we can't even see normally.

24 So what I am getting at is this
25 document could have gone to Mr. McIntyre without



1 any challenge, without anybody having a chance to
2 say to you "Justice Tallis," as you then were,
3 "that's not what you were conveying; is it?" You
4 see the problem in that?

5 A Well, I've done my best here --

6 Q Oh, your best has been terrific, but that's what I
7 am saying is the problem.

8 A -- to convey not only the words that were used but
9 the context in which they were uttered.

10 Q I just have a couple more questions, Mr. Tallis,
11 and they are more systemic than anything else I
12 suppose. Possibly the only thing I might disagree
13 with you on, and it's not a big deal, is whether
14 David's statement to the police would have
15 assisted your case or not, as a matter of ob -- of
16 looking at it, but do you not agree that it is
17 somewhat problematic that you have a statement
18 from a person we know to be innocent, in which he
19 is telling the truth, and there's even a debate if
20 it should go in to help his case?

21 A Well, if you are talking about whether or not you
22 can get in a self-serving statement, --

23 Q Right.

24 A -- then of course we are talking about a rule, a
25 general principle, that precludes the introduction



1 of that statement unless, of course, it can come
2 in under some exception, such as a contemporaneous
3 statement or one nearly contemporaneous to the
4 commission of the act.

5 But coming back to the issue of
6 self-serving statement, I don't think that --
7 number 1, I don't think that it was admissible at
8 that time, when it could be characterized as a
9 self-serving statement, unless the Crown for some
10 particular reason chose to put it in as part of
11 their case, and in order to do that they would
12 have had to have had a voir dire to demonstrate
13 its voluntariness. Now sometimes, of course, the
14 Crown will do that where the statement raises,
15 shall we say, a false alibi or something like
16 that, but here we're talking about a self-serving
17 statement.

18 Q I guess my concern is this; statements, and this
19 one in particular, would have been elicited by
20 questions, that is it may look like a narrative at
21 times but a lot of it is questions,
22 question/answer, question/answer, and the
23 suggestion is made well look, you can't believe it
24 because he left out taking a battery in Regina the
25 day before or left out taking a flashlight from a



1 grain elevator on the way. Now logic dictates
2 that unless you are asked about it nobody,
3 particularly a 16-year-old, is going to say "oh,
4 by the way, I did that", yet the argument is made
5 that this statement isn't credible because it left
6 out significant things?

7 A Well, but I think there is a more fundamental
8 aspect to it than that, and that is whether or not
9 a self-serving statement is admissible under these
10 circumstances.

11 You may have a compelling
12 argument to make for some sort of a modified
13 change in the law, but I'm not in a position to
14 really comment on that because I haven't
15 researched and studied it, I'm sure, to the extent
16 that you and some of your colleagues have.

17 Q Well maybe a judge should have some discretion?

18 A Well that's why I say that, you know, maybe some
19 consideration should be given to admissibility of
20 that type of statement under certain
21 circumstances, and that, of course, then goes to
22 the issue of discretion.

23 But, of course, as a counsel you
24 might still face the situation, then, of having
25 Crown counsel or the Court being allowed to focus



1 on significant omissions from the statement, and
2 the points that you raise might well go to the
3 question of the weight that's to be given to that
4 statement.

5 And of course in a case where
6 the accused, on the advice of counsel or
7 otherwise, decides not to testify, you might run
8 into a situation -- and I think that it could
9 happen -- where the judge could be persuaded to
10 advise the jury, instruct the jury that "in your
11 deliberations you may come -- you should remember
12 that this statement was not under oath".

13 Now that's getting into an area
14 that could spawn some argument, but all I'm saying
15 to you is that I can foresee that type of thing
16 arising, so one has to be very careful about how
17 an amendment, how a change in this principle,
18 should be formulated.

19 Q I think the logical progression, then, is to look
20 at the next major decision, and that was the
21 choice of testifying or not.

22 A Yes.

23 Q And it strikes me as problematic --

24 COMMISSIONER MacCALLUM: Excuse me,
25 Mr. Wolch, I apologize for interrupting you but I



1 just wanted to make sure I had your point.

2 I understood that you were
3 asking why the statement was not receivable for
4 the accused's benefit at trial when it was used
5 by the police as a basis for suspecting Mr.
6 Milgaard; is that what you were getting at?

7 MR. WOLCH: I think what I am saying is
8 that it's a statement that's basically true, with
9 a couple of omissions which I suggest are
10 irrelevant and nobody would put in, but it's
11 basically true and yet there is a suggestion it
12 wouldn't help -- if I understood Justice Tallis
13 earlier -- that it wouldn't help, and even if it
14 did help, it can't get in.

15 COMMISSIONER MacCALLUM: So you are just
16 talking about the trial, not the police?

17 MR. WOLCH: Just, well just generally, not
18 just the police, just generally what I see as
19 problematic.

20 BY MR. WOLCH:

21 Q And I'll raise the problem even better, I hope, in
22 this sense. You have a person who is factually
23 innocent, he tells you he is innocent, and you
24 have made or advised him, correctly I agree, not
25 to testify -- correctly; isn't there something



1 wrong with the system, or some problem that a
2 truly innocent person is better off not
3 testifying?

4 A Well I can, I guess, put it to you as -- respond
5 in this way: Unfortunately, that's the way the
6 system presently works, and counsel cannot
7 abdicate his or her responsibility in terms of
8 giving advice to a person that is required to make
9 a decision whether or not to testify.

10 Q No, but --

11 A And whether there should be a change is, of
12 course, a question that you raise, and a genuine
13 question.

14 But what I am saying to you is
15 that counsel, I think, are faced with this
16 responsibility and under a duty to discharge their
17 responsibility to the best of their ability, and
18 yet of course one knows that cross-examination of
19 an innocent person can result in statements that
20 are viewed in relation to other matters that turn
21 out to be very damaging.

22 Q But you have a 16-year-old boy, or 17 at the time,
23 who really can't be a match for a highly-skilled
24 cross-examiner even if he's innocent?

25 A Well, I agree with you, and the same thing applies



1 to many unsophisticated adults. And many of us
2 that have worked our way through the courts, and
3 I'm sure you are one of them, have observed things
4 that create real difficulties.

5 Q Well --

6 A And, you know, that was -- that's why, I guess,
7 there were two schools of thought that developed
8 whether the decision to testify or not to testify
9 was solely the client's without the benefit of
10 advice or direction from his counsel.

11 The other school of thought, if
12 you want to divide it into two schools of thought
13 -- and it's clear that I belong to that school --
14 was that I had an obligation to not only explain
15 the options that were open to the accused person,
16 whether a boy of David's age, an unsophisticated
17 adult, or a highly-educated adult, and in the
18 light of the evidence and the interviews and
19 knowing the areas that are going to be probed,
20 what, in my best judgement, was the advice that
21 should be given. So those are the two schools of
22 thought that I had in my mind at the time and
23 still, essentially, do.

24 Now, just to sort of cap this
25 off, Sir Edward Marshall Hall, who was one of the



1 leading advocates of the day, and particularly in
2 murder trials, was that -- one of those who
3 refused to give advice and would simply give his
4 client a piece of paper, "you cross out one of
5 these, I wish to give evidence, I do not wish to
6 give evidence, and sign it." Now that brings it
7 into perspective from my standpoint, and I really
8 can't emphasize the difficulties that you have
9 alluded to any better than by referring to those
10 two schools of thought.

11 I want to make it abundantly
12 clear I didn't share the views that had been
13 expressed by Marshall Hall and some of his fellow
14 members of the bar that took that position. But,
15 you know, one of the things I remember in my
16 reading was that he once had a client who said
17 "well, I'm placing myself in your hands",
18 appealing for direction and advice, and as the
19 leading advocate of the day he was offended by
20 that demand.

21 Q I hear what you are saying very clearly. I guess
22 what I am troubled with is that the best advice,
23 and I agree, the best advice in this case, to an
24 innocent person, is not to testify; that's sort of
25 a troubling concept?



1 A Yes.

2 Q And I'm not disagreeing with you, I think you are
3 right, --

4 A I --

5 Q -- but I just say that's a troubling concept?

6 A Well, as I say, I can't do any better than that in
7 articulating my views.

8 Q No, you are --

9 A -- and agreeing with you, essentially, that that's
10 the way the system works.

11 Q And --

12 A Now should there be some modification or change, I
13 think that there are others that are probably much
14 more up to date and in a better position than I am
15 to address it.

16 Q Talking systemically, then, I -- you alluded to
17 the fact that you had talked to G. Arthur Martin
18 about the *Truscott* experience, testifying, and it
19 gave you some guidance?

20 A Yes.

21 Q Systemically for wrongfully convicted people, if
22 you look at *Truscott*, he was in jail for about
23 eight years, had been sentenced to hang when he
24 testified in the Supreme Court, and he had trouble
25 remembering what colour pants he was wearing on a



1 certain night. David, at 23 years in jail I think
2 when he went to the Supreme Court, trying to
3 recall minor details after he'd been through a
4 horrific period in his life, was on medication.

5 How do we handle wrongfully
6 convicted people who are testifying so many years
7 later and it becomes a memory contest, it would
8 appear to become that kind of thing at the end of
9 the day, how do we handle that?

10 A Well, I wish I knew the answer to that, because I
11 would be glad to give it.

12 But it does seem to me that at
13 least in some cases, a vetting of things some
14 years later may lead on a chain of inquiry that
15 can achieve relief without too much reliance being
16 placed on the faulty memory, as you've described
17 it, of the individual, whether it be a young boy,
18 an older person, and so on. And, of course, I say
19 that because there are things that can happen
20 along the way after the usual remedies have been
21 exhausted, and one of course is that new evidence
22 may come to light. And one of the most
23 significant areas I would point to, and I'm sure
24 many here would point to, involves medical or
25 scientific evidence. We never really reach the



1 last frontier in these areas. And, of course,
2 sometimes disclosure issues arise, sometimes there
3 is a recanting of evidence, and so forth.

4 And so I guess that I've tried
5 to at least give some consideration to, sort of,
6 the post-exhaustion of the usual route, and I'm --
7 I -- and, you know, I want to make it very clear I
8 haven't done any in-depth study on this, but I am
9 attracted to a couple of ideas.

10 One -- and you're probably, you
11 and your colleagues here are probably very
12 familiar with it -- and that's the notion of a
13 Protection of Innocents Act similar to the one
14 that has been propounded in the U.S. Congress and
15 sponsored by some very responsible people in the
16 Senate. And under that legislation, of course, it
17 would be open to have statutory provisions for the
18 retention of exhibits and maintaining them in a
19 suitable condition, as far as possible, for future
20 testing when the frontiers of science move even
21 further. That's -- and then, of course, enshrined
22 in that type of legislation is an entitlement in
23 appropriate cases -- I mean you, and you will
24 understand what I mean by that -- for DNA testing
25 as of right where it may exculpate the individual



1 who has been wrongfully convicted, and of course
2 in some cases faces the potential of wrongful
3 execution.

4 Q That's --

5 A Now that's one theme.

6 And I don't want to belabour it,
7 but the other is whether or not consideration
8 should be given to something similar to the
9 Criminal Cases Review Commission concept that has
10 found its way into the jurisprudence of the United
11 Kingdom. And if one views that as an independent
12 commission but adequately funded, not just with
13 investigators and counsel but also the
14 availability of experts who will keep abreast of
15 developments in the various fields of forensic
16 science, that may go a long way toward helping
17 remedy the -- some of the wrongs. I'm not saying
18 that it's in, it will be infallible, but what I am
19 saying is that it's reasonable for us to never
20 cease to try to achieve perfection in this area.

21 Q I appreciate your remarks, and I'm close to
22 concluded.

23 A And I just wanted to add one other thing --

24 Q Please.

25 A -- to that since you've sort of pointed me in that



1 direction, and that is that there has been a great
2 deal of jurisprudence in recent years in England
3 with respect to the so-called cot deaths or sudden
4 infant death syndrome deaths, and I can't do any
5 better than to refer to the case of the *Queen*
6 *versus Sally Clark* where this young mother, who
7 happened to be a solicitor and whose husband is a
8 solicitor, she was convicted of the murder of two
9 children, and later on the case was referred by
10 the Commission to the Court of Appeal, and there
11 were two bases on which the matter was dealt with;
12 number 1, there was an non-disclosure issue; but
13 number 2, and perhaps even more important, the
14 evidence of the leading expert that was called was
15 discredited and resulted in the matter being
16 rectified.

17 And there were, you know, there
18 were a couple of other cases, the *Canning* case and
19 the *Anthony* case, that were not dealt with by the
20 Commission but dealt with by the Court of Appeal
21 and, in light of the fresh evidence that was
22 adduced, the error was corrected.

23 Q I guess --

24 A Now I'm sorry I've been so long-winded on it, I --

25 Q No, don't be sorry.



1 A I --

2 Q Please don't be sorry. Just a couple of
3 questions. I won't go through it again, but you
4 made remarks about -- I think it was through
5 Mr. Beresh -- about the Court of Appeal's role and
6 --

7 A Yes.

8 Q -- the, I think it's the 'lurking doubts theory'
9 and things like that, and I had intended to
10 canvass that with you, but I won't.

11 Except there's one thing I've
12 always wanted to clarify, and I will never get the
13 chance again with a Court of Appeal judge --

14 A Well, I'm no longer that.

15 Q Well, but to me you are. The failure to testify
16 is taken into account in the Court of Appeal, --

17 A Yes.

18 Q -- that "you didn't testify", therefore it's sort
19 of held against you at that level; I think you
20 might agree with that?

21 A Well that's, that's, that has been addressed by
22 the Supreme Court on a number of occasions.

23 Q Yes.

24 A And I think many years ago Mr. Justice Pigeon was
25 most emphatic that, you know, juries can take that



1 into account even though we don't tell them.

2 Q And so --

3 A And, you know, --

4 Q So even though David makes a rational decision it
5 penalizes him at the appellate level?

6 A Yeah. And that, again, is a matter that is
7 ingrained in our law at this stage, but maybe a
8 compelling argument can be made for some
9 modification of it.

10 Q Well, except the other, the other option is -- and
11 I've heard this from Court of Appeals as well --
12 "your client testified and he wasn't believed"?

13 A Yeah. That's what happened in the *Truscott* case.

14 Q Yeah. So what's the third option for the poor
15 accused?

16 A I --

17 Q You go to the Court of Appeal, you are damned if
18 you testify, you are damned if you didn't?

19 A Well, as I said, I wish I had the answer to
20 questions like that, Mr. Wolch.

21 Q It could be -- you see the problem from an
22 accused's point of view?

23 A I haven't --

24 Q That he is a loser in the Court of Appeal either
25 way, whether he testified or he didn't?



1 A Yes, I understand.

2 Q And, finally, I think you can discern from the
3 questions I asked you that we're not very thrilled
4 with how the Department of Justice handled this
5 matter in terms of secrecy, in terms of dealing
6 with you, in terms of using you against David when
7 there was no disagreement to speak of on anything
8 serious. And if you look at the, David's
9 testimony in the Supreme Court, cross-examination
10 by the Federal Department of Justice was not that
11 of an innocent party to the -- or an unbiased
12 party to the event.

13 And I'm very interested, then,
14 in your comments about the independence that's
15 needed and the openness that's needed in the
16 process, and I think you've dealt on that, and --
17 A Well, I've expressed a tentative personal view on
18 it and, as I say, I haven't studied it on an
19 in-depth basis, but I have done some reading and
20 given some consideration to it, and of course I
21 use the term not only -- I use the term wrongful
22 execution because one of my neighbours and
23 friends, Dr. James Pfeifer, a prominent forensic
24 psychologist at the University of Regina, is
25 writing a book on executions that have taken place



1 in Saskatchewan and Alberta since their inception
2 as a province and one always has to ask are there,
3 among those executions, someone who has been
4 lawfully but yet wrongfully convicted.

5 Q And you see the value in an independent body, well
6 funded, able to investigate properly and not one
7 side or the other, but can do its job?

8 A And I think the aspect that I see as particularly
9 important in terms of well funded has to do with
10 experts that are available to it, and I use those
11 cot deaths cases as perhaps a classic
12 illustration, and secondly of course, or as sort
13 of a subsidiary point on that, I think that the
14 role of expert evidence, experts in the Court
15 should probably be addressed in, as I said this
16 morning, I think it was Mr. Beresh was asking me
17 about it, in terms of having a code of conduct, a
18 code for experts testifying in Court and also
19 emphasis on the role of an expert testifying in
20 Court and his obligation to the Court rather than,
21 you know, I think of the Preece case in Scotland
22 some years ago where an expert had testified on
23 the secretor issue, but he omitted to tell the
24 Court that the victim's blood group was of a
25 particular group which could have affected the



1 whole theory that he advanced, and that wasn't
2 uncovered until some years later, so I emphasized
3 that point because I think that's part and parcel
4 of what I'm talking about.

5 Q Mr. Tallis, I believe that completes the questions
6 that I have for you and I simply want to thank you
7 for your assistance before and now. Thank you.

8 A Thank you.

9 MR. HODSON: I believe Mr. Pringle is the
10 only counsel left.

11 A I wonder if we could just break for --

12 COMMISSIONER MacCALLUM: Yes, we can take a
13 break. We might as well take our 15 minutes now
14 then.

15 *(Adjourned at 2:34 p.m.)*

16 *(Reconvened at 2:54 p.m.)*

17 **BY MR. PRINGLE:**

18 Q Mr. Tallis, I'm going to promise you that I'll get
19 you done before your birthday.

20 A Mr. Hodson will be glad to hear that.

21 Q Yeah. Just a couple of loose ends here and I
22 would just like to cap up your testimony.

23 As far as your experience at
24 both prosecuting and defending, which you had the
25 opportunity to do both before this case, do you



1 think that was a detriment in defending David
2 Milgaard or do you think that was something that
3 benefited you as far as the experience you gained
4 on both sides of the bar?

5 A I don't think it was a detriment and I always
6 thought that the experience one gained in those
7 circumstances was helpful as a person practicing
8 before the courts.

9 Q And with respect to your commitment to Legal Aid,
10 both before and after, you've talked about it in
11 answer to Mr. Hodson's questions, but can you give
12 us any idea as to whether you turned down Legal
13 Aid cases when they were forwarded to you?

14 A No, unless there was a major conflict with a case
15 that I was actually engaged in I don't recall ever
16 turning down or abdicating what I perceived to be
17 my responsibility as somebody participating in it.
18 Now, I want to once again say that I was not alone
19 in this and there were many other counsel in this
20 city that were actively involved in it, but some
21 of us actually, and I may have mentioned this to
22 Mr. Hodson in chief, we used to go on the circuits
23 in northern Saskatchewan with a number of the
24 younger lawyers and the idea was to have one of
25 the more senior lawyers go along with a view to



1 assisting and advising and that was sort of an
2 informal process that grew up and everyone I think
3 accepted it as part of your duty as a practicing
4 barrister and solicitor, and I know those trips
5 that we took in, it was the -- the understanding
6 was that the only remuneration was actually for
7 expenses on those occasions, but the importance of
8 it was not in the expense money, but rather in the
9 hope I think that we all had that younger members
10 of the bar would pursue work in the criminal law
11 field and naturally would take our place when the
12 torch was passed.

13 Q And you weren't here, but Mr. Merchant testified
14 back a couple of months ago and one of the things
15 he said, and I would just like to clean up this
16 matter, but at the transcript, if we could pull up
17 page 20603, please -- it looks like I've got the
18 wrong page.

19 A No, I think right at the top, the page I'm looking
20 at, 20603.

21 Q Yes, there it is there, I do have the right page.

22 A Yes.

23 Q This is where he indicated that he met with you
24 and you had described what David had told you, and
25 one of the things he said was:



1 "... that between Saskatoon to Regina he
2 threw out a compact which Nichol John
3 found in the glove compartment and that
4 would have been tough cross."

5 Now, that particular comment that Mr. Merchant
6 made in his testimony, was that -- is that a
7 correct recollection that he had of your
8 conversation?

9 A No. I've already given testimony on the question
10 of where this compact was thrown out, that Mr.
11 Merchant simply has not got it right.

12 Q Okay. And also there was, when Mr. Merchant gave
13 his evidence there was some mention of a delay in
14 him arranging a meeting with you, there's some
15 delay, and were you suffering from any health
16 problems during that period of time?

17 A Yes, I had significant health problems, I had had
18 major surgery for cancer and was still under the
19 weather and taking some treatment and so on, but
20 I've always tended to downplay that because I
21 consider myself so fortunate.

22 Q So that was -- was that in part the reason for
23 some of the delay that occurred?

24 A Yes, and of course Mr. Merchant was never the
25 easiest person to get hold of when you had time.



1 Q Mr. Wolch questioned you about what David had
2 said, what David had said concerning him being in
3 possession of a knife and you might recall that he
4 had questioned you about your testimony at the
5 Supreme Court of Canada which I think is found at
6 document 300669, if we could just pull that up,
7 please, 300669, and this is part of the questions
8 and answers that Mr. Brown in examining you as
9 part of the testimony that took place, and you can
10 see Mr. Wolch had pointed you out to lines 13 to
11 15 --

12 A Yes.

13 Q -- that he may have had a jackknife with him. Do
14 you see that?

15 A Yes.

16 Q I wonder if we could just go to the preceding --
17 if we could just go to page 300667, and you'll see
18 the question at the bottom of the page there, and
19 then if we could go to the following page, 300668,
20 and your answer starting at line 4, those first
21 two paragraphs.

22 A Yes.

23 Q So when you were testifying before the Supreme
24 Court, at that point in time did you have a memory
25 that David had told you about a flexible knife



1 that he had in his possession?

2 A Yes, I noticed that I indicated my best
3 recollection is that the discussion focused on the
4 flexibility of the blade.

5 Q Okay.

6 A And the preceding point about it being, in effect,
7 useful for getting into places, and I mentioned
8 that earlier, today actually that I mentioned it.

9 Q And then when you said on the following page, at
10 page 300669, that he may have had a jackknife with
11 him when he was in Saskatoon, when you said that
12 you weren't derogating from the fact that you had
13 a memory that he had a flexible knife with him?

14 A That's right.

15 Q Mr. Tallis, when you, you know, I'll take you back
16 to the time of the trial and a few days before --
17 no, let's take you back to the night before the
18 trial. Did you view this trial at that point in
19 time as being a difficult trial?

20 A Yes, I certainly knew that it was going to be a
21 difficult trial, and right from the very beginning
22 I appreciated that it was a serious matter that
23 deserved to be treated seriously and I did so.

24 Q And part of the reason for the difficulty of the
25 trial was with respect to Mr. Wilson, you didn't



1 have a clear motive as to why he would implicate
2 what appeared to be, at one point in time, his
3 friend David Milgaard?

4 A Yes, that was something that was of concern and
5 which I had discussed with David, as I mentioned
6 here, on more than one occasion, on a number of
7 occasions.

8 Q And also another difficulty with Wilson was the
9 subtly of his evidence?

10 A Yes. Well, I've described him as a treacherous
11 witness or a treacherous type of person and
12 included in that assessment of course is the
13 apparent ability to be very subtle.

14 Q And Mr. Caldwell, I don't know if you remember, in
15 his final address to the jury made a big point of
16 that. Do you remember that?

17 A No, I don't right offhand, but I certainly accept
18 what you say and I'm not surprised to hear you,
19 you know, allude to that, even though I don't
20 remember it.

21 Q Okay. Well, if we could take a look at 141929,
22 and if we could take a look --

23 COMMISSIONER MacCALLUM: Can I have the doc
24 ID, please, if you've got it handy?

25 MR. PRINGLE: No, I don't. 141929 is the



1 number I have. 905.

2 COMMISSIONER MacCALLUM: 905, thank you.

3 BY MR. PRINGLE:

4 Q And from here down Mr. Caldwell says:

5 "I want to --"

6 He says from here on:

7 "... I want to go on and say that if it
8 should be suggested that Wilson, for
9 some unknown reason, is out to get his
10 friend Milgaard, I would certainly think
11 that he could have done a more
12 workmanlike job of that in his
13 testimony, if that were his intention.
14 Wilson, for instance, says that
15 Milgaard's remarks upon arriving at the
16 car were, "I fixed her", or something to
17 that effect. It seems to me that surely
18 if Wilson was out to get Milgaard or
19 frame him, he could have quoted the
20 accused as saying he stabbed or killed
21 the girl, which certainly would have
22 been more damning language on the part
23 of Wilson as against the accused. Then
24 there is the matter of the accused
25 volunteering the information to Wilson



1 in the bus depot in Calgary ... that he
2 had a girl, or got a girl in Saskatoon,
3 that he had put a purse in a trash can
4 and he thought she would be all right."

5 Is it fair to say that the fact that Wilson was
6 being subtle and not, you know, not being more
7 blatant, that it made it more difficult to
8 cross-examine him?

9 A Yes, and I always thought being the treacherous
10 type of person that I thought him to be, that he
11 was clearly endeavouring to be as convincing as
12 possible and that the subtleties that he employed
13 were part of that.

14 Q Yeah. And going into that trial you had Nichol
15 John, and would it be fair to say it would be
16 difficult to predict what she was going to do on
17 the witness stand going into that trial, that that
18 made the trial difficult also?

19 A Yes, that was certainly a major factor in the
20 concerns that one had to have.

21 Q And in fact what she ultimately did is she adopted
22 part of her second statement, but not all of it,
23 and that made it even more difficult, that she
24 adopts part of it, but then claims that she did
25 not remember for the rest of it?



1 A That's correct.

2 Q And when you went into that trial, I think you've
3 already made this point, you had no idea that
4 Mr. Cadrain was suffering from any mental illness?

5 A No, there was certainly no indication of that. I
6 thought that he was not too bright, comparatively
7 speaking, and I don't say that in a disparaging
8 way, and as I mentioned earlier, even before the
9 trial, just as a matter of routine, I sort of, I
10 checked to see if he been involved in any untoward
11 instance or anything up in the Meota, Jackfish
12 Lake area where I understood he had been working
13 and so on.

14 Q So you didn't have a lot to work with with him
15 either?

16 A That's right, and of course I also checked to see
17 whether he or any of the others had applied for
18 the reward money before the trial actually
19 started, but --

20 Q Yeah.

21 A -- the answer I ultimately got was that no
22 application had been made at that time.

23 Q And then in addition to that, you had Lapchuk and
24 Melnyk coming forward at the last minute?

25 A Yes.



1 Q Which -- and you didn't have the opportunity to
2 cross-examine them at a preliminary inquiry
3 because of the timing when they came forward?

4 A That's right.

5 Q And would -- if you had had the opportunity to
6 cross-examine them at the preliminary inquiry,
7 would that have assisted you in ultimately being
8 able to cross-examine them at trial?

9 A Yes, on balance I think it would have. One can
10 never predict how they would have acted at trial
11 having regard to the way Wilson acted when
12 confronted with some of his preliminary hearing
13 testimony, but on balance one would expect it
14 would be of assistance.

15 Q So with respect to them, you were put in a
16 position as defence counsel where you had to
17 cross-examine them for the first time which
18 normally in a murder case you would have the
19 opportunity to cross-examine all the witnesses
20 once at a preliminary inquiry before the trial?

21 A Yes, that's correct.

22 Q And of course we know now that this was a
23 difficult trial going into it, but it could have
24 been a lot different and a lot easier if you had
25 had all the disclosure that we now know about?



1 A Yes.

2 Q And you would have had a lot more to work with?

3 A Yes.

4 Q Now, part of the difficulty of this trial was that
5 you were left, when working with particularly
6 Wilson and to a certain -- when you were -- you
7 know, cross-examining Wilson was ultimately you
8 are left with the issue that somehow they got
9 manipulated into giving a statement against David,
10 that was -- you didn't have anything, any other
11 motive that you could go at and that was what you
12 were trying to do, that the police had pressured
13 or manipulated him into giving a statement against
14 David?

15 A Yes, and that's why I had tried to probe that
16 issue in an interview with Mr. Roberts and I've
17 alluded to that here.

18 Q And Roberts was not co-operative in giving a lot
19 of information about that, what happened to turn
20 Wilson around?

21 A No.

22 Q And really you didn't have any police reports that
23 would have been very helpful, some of these police
24 reports that you've seen now that would have been
25 very helpful in giving you some insight as to how



1 Wilson got turned around?

2 A Yes, that's right, they would have been of
3 assistance in that area.

4 Q And as you said, if there was a tape recording,
5 that would have been very important because you
6 could have saw the whole process, the questions
7 and answers, the statements that were made to
8 Wilson that caused him to turn around to give
9 evidence against his friend?

10 A Yes, and the tone could often be quite
11 significant.

12 Q You didn't have any of that?

13 A No.

14 Q And then the trial itself, the trial itself became
15 complicated by the situation where Nichol only
16 agreed with part of the statement and not all of
17 her statement, or second statement?

18 A Yes.

19 Q And perhaps you might expect that she would deny
20 the entire statement or she would testify as
21 indicated in that statement, or maybe you
22 anticipated that she would only agree with part of
23 it, but I imagine the thing that really was the
24 thing that you couldn't expect is the way the
25 judge dealt with her during that process where she



1 was being cross-examined on that statement after
2 the prosecutor was given leave to do so?

3 A Yes. I've already described that and I don't
4 think I can really add anything more to my
5 description of how that unfolded. I think that
6 the stern admonition in the presence of the jury
7 would undoubtedly carry a strong suggestion that
8 her words "I don't remember" were not a genuine "I
9 don't remember".

10 Q Yeah. And do you think the fact that the judge
11 wanted to give admonitions and then he did some
12 cross-examination of her himself, do you think
13 that that also points to the fact that there
14 should have been a hearing in the absence of the
15 jury where he could have done that in the absence
16 of the jury if he felt obligated to do so?

17 A Well, I feel quite strongly about that as a matter
18 of principle, that that's the way it should be
19 handled, and of course that was the argument in
20 the Court of Appeal, and while there was agreement
21 in principle with that, when you come to the
22 reversible error provision, or the curative
23 provision that was applied, the decision that a
24 *voir dire* should have been held was, in a sense, a
25 hollow victory.



1 Q And it would be difficult to anticipate a judge
2 making the comments that he did, like, you are in
3 front of a jury, there's -- as defence counsel
4 could you anticipate that happening and once it
5 happened it's happened; right?

6 A Yes, and you then have to deal, you know, try to
7 conduct the trial as skillfully as you can in the
8 light of that, and of course, and I've alluded to
9 this earlier, ever mindful of the importance of
10 the final instructions and you hope to get final
11 instructions to the jury that are as favourable as
12 possible.

13 Q So you are walking a bit of a tightrope trying to
14 stay on relatively good terms with the judge and
15 yet the transcript reveals at times you stood up
16 to the judge, but -- and stood up to the judge
17 and --

18 A Yes, and in fairness to the presiding judge, I
19 never detected any resentment on his part when I,
20 you know, submitted, in rather strong terms when I
21 read them, that I thought he was wrong.

22 Q Yeah.

23 A But this is the stuff that courtrooms are made of,
24 so to speak, and if -- I think there was a feeling
25 of mutual respect even though there were



1 irreconcilable differences of opinion on certain
2 matters that were addressed there and ultimately
3 again raised in the Court of Appeal.

4 Q So one of the difficulties here was just the way
5 the judge intervened, but you had to maintain a
6 relationship with him, and is it fair to say that
7 later in the trial it benefited David by getting a
8 favourable instruction and then when you asked for
9 a re-instruction, he virtually accepted what you
10 had to say and re-instructed as you asked for --

11 A Yes.

12 Q -- on many issues?

13 A Yes. I thought at the end of the day that I was
14 able to persuade him to give what some would view
15 as a relatively favourable charge.

16 Q And from a tactical point of view in doing trials,
17 if you get a recharge that is totally favourable
18 to one side, is that viewed by trial lawyers as
19 being something that is something very favourable
20 to the side in the sense that the last words that
21 the jury hear are comments that favour your
22 position?

23 A I know that I thought so, and my request for a
24 recharge on certain areas was framed with that in
25 mind.



1 Q Do you recall that the judge, during the course of
2 the 9(2) hearing after he found that there was
3 differences in the statement and the testimony
4 with respect to Nichol John, do you recall the
5 fact that the judge declared Nichol John to be
6 hostile?

7 A Yes, I've read it over, and I think that's pretty
8 well imprinted in my mind.

9 Q I won't bring that up again, but he did that --
10 like, the first step would be under section 9(2)
11 is to declare the statement to be inconsistent or
12 contradictory to the testimony that the witness is
13 giving?

14 A Yes.

15 Q And then if that is the case, the judge can allow,
16 in this case Crown counsel, the right to
17 cross-examine the witness on the statement, but
18 limited to the statement itself; is that fair to
19 say?

20 A Yes.

21 Q There's a further step that can be taken under
22 section 9(1) of the Evidence Act --

23 A That's right.

24 Q -- and that is the witness can be declared hostile
25 and then you can cross-examine at large; is that



1 correct?

2 A Yes.

3 Q And what the judge in this case, after the witness
4 was being questioned about the statement, he
5 essentially unilaterally declared the witness to
6 be hostile without hearing argument from you and
7 without receiving any submissions in the absence
8 of the jury?

9 A That's correct.

10 Q And the fact that he declared the witness to be
11 hostile in front of the jury, that normally isn't
12 done, is it, that type of ruling is done in the
13 absence of a jury?

14 A Well, that certainly was my view of things.

15 Q And do you think the fact that he declared, in
16 front of the jury, that the witness was hostile;
17 do you think that also was a bit of a problem?

18 A It was, but I think the -- looking back, and I
19 think I mentioned this probably with Mr. Hodson, I
20 really think the stern admonitions were the most
21 dramatic when she was weeping or crying, and I
22 don't need to go back and read them, but they have
23 been covered here --

24 Q Yeah.

25 A -- quite adequately.



1 Q Yeah. And just one last question, Mr. Tallis. I
2 noticed that both you and Mr. Caldwell, in your
3 final arguments, both argued approximately the
4 same period of time when you made your final
5 arguments, and, you know, if there is a
6 suggestion -- and I don't think there is -- but if
7 there is a suggestion you missed an argument or
8 something like that, is there some conventional
9 wisdom amongst trial lawyers not to argue too long
10 and make the points that you feel are relevant,
11 and that if there is another point the jury will,
12 somebody in the jury room will pick it up, and you
13 don't want to talk too long?

14 A Yes, I think that's a very practical assessment of
15 the situations that you are often confronted with.
16 You can't cover everything, otherwise it would
17 mean you would be reading all through your notes,
18 just as a trial judge when charging a jury, you
19 know, ought not to engage in mindless recitation
20 of every bit of evidence that comes out.

21 Q Thank you. Those are my questions.

22 MS. KNOX: Mr. Commissioner, there were two
23 areas raised by Mr. Wolch in direct, and I'll
24 specify to you which ones they are, that I would
25 like to be able to re-examine on.



1 One is the questions that were
2 put to the witness with respect to the roommates
3 of Gail Miller, Adeline Nyczai and Ann Friesen
4 and the others, the name was actually Betty Hundt
5 although I'm not sure that he mentioned it.

6 The second area that I would
7 like to be able to re-examine on is the letter
8 that Deputy Chief Corey wrote to I think it was
9 Mr. MacKay in 1971 about -- or 1970 about Larry
10 Fisher where the paragraph starts:

11 "I was asked by T.D.R. Caldwell to ...",
12 if I could clarify whether or not the witness has
13 any knowledge of Mr. Caldwell knowing about the
14 contents of that letter.

15 COMMISSIONER MacCALLUM: And what about the
16 roommate, was he --

17 MS. KNOX: I'm not -- I didn't record,
18 exactly, the question exactly as it was phrased,
19 but what I understood Mr. Wolch to be suggesting
20 is that counsel has not been told, or it had not
21 been disclosed to him, the existence of the
22 roommates who would have testified about Gail
23 Miller walking down Avenue O.

24 COMMISSIONER MacCALLUM: That's what I took
25 from the evidence.



1 MS. KNOX: Yes.

2 COMMISSIONER MacCALLUM: Yes, go ahead.

3 MS. KNOX: Yes.

4 BY MS. KNOX:

5 Q Mr. Tallis, just very -- and I will be very
6 brief -- you will recall, and you may better
7 recall the exact language that Mr. Wolch used, but
8 he raised with you the subject of whether the
9 Crown had disclosed to you information about other
10 roommates, or roommates of Miss Miller who would
11 have testified that she ordinarily went to the bus
12 down Avenue O?

13 A Yes, I recall that being raised.

14 Q At various points in time in your file and in your
15 evidence you have indicated that you were shown
16 contents of the Crown file, even contents like
17 statements that you might not ultimately have
18 gotten copies from, whether it was by Mr. Wolff or
19 otherwise, but you did have access to the file or
20 parts of the file, not necessarily that you
21 received written copies of eventually?

22 A Well, I can't be precise on that, but --

23 Q And that's the only point that I wish to make.

24 A I'm not sure that Mr. Wolff had all of that there.
25 I know the crucial information, I must have



1 discussed with him, but I'm not saying that that
2 would fall into that category.

3 Q Without the benefit of your file notes and your
4 memo books are you able to say that you weren't,
5 in fact, made aware of what those young women
6 would have said if they'd been called to give
7 evidence?

8 A No, I -- I just have no recollection of that.

9 Q Okay. And --

10 A And that's the best I can do to assist you.

11 Q You do recall that Adeline Nyczai was called as a
12 witness at the preliminary inquiry and at the
13 trial?

14 A Oh, yes, there is no question about that.

15 Q And if it may be of assistance, if we could bring
16 up the transcript of her testimony, the document
17 number is 007421. And she was one of the early
18 witnesses in -- after the preliminary started, if
19 we could go to the next page and the page after
20 that, these are -- as it appears in the transcript
21 with some notes. She testified on August 21st, as
22 I see here, and basically gave some evidence about
23 her observations of Miss Miller the morning of her
24 death. And if we could go to 007428, please. And
25 this is in the course of your cross-examination of



1 her, and at about question 26, do you see, you
2 began to ask her some questions about whether
3 there were other people on the floor?

4 A Yes.

5 Q She gave you the name Betty Hundt -- and if we
6 could go to the next page, please -- and you asked
7 her about Miss Hundt and whether she was still
8 there, and do you recall being told at the
9 preliminary inquiry, as is indicated here, that
10 Miss Hundt had moved to Whitehorse in the
11 Territories?

12 A I don't recall that.

13 Q But, certainly, that would have been a piece of
14 information that, from the record, became known to
15 you?

16 A Oh, yes, I mean there's no --

17 Q Yeah. And with respect to Anne Friesen, the next
18 roommate that she identified, do you recall
19 telling her that -- or her telling you that she
20 believed Anne Friesen was now living in British
21 Columbia?

22 A Obviously, I was told that.

23 Q And then she went on to name a couple of other
24 people on the floor --

25 A Yes.



1 Q -- Trudy Hoffman, or if we go down a bit, Linda
2 Markwart.

3 A Yeah.

4 Q There were various letters to, or at least one
5 letter to you by Mr. Caldwell, and indications of
6 discussions he had with you where he told you that
7 if there were any other witnesses that you felt
8 you wanted brought in for the trial, simply to let
9 him know, and he would bring them in?

10 A Yes.

11 Q And I take it, if your memory can take you back
12 this far, you have no memory of suggesting to him
13 that either Betty Hundt or Anne Friesen should be
14 brought back from the various areas they were
15 living?

16 A I don't think that I did.

17 Q Okay. But certainly, as of the time of the
18 preliminary inquiry, it was knowledge that you
19 clearly had?

20 A Obviously.

21 Q Okay. Now if I could bring up 032107, please.
22 Mr. Caldwell, this is the letter that Mr. Wolch
23 referred you to that's written by Deputy Chief
24 Corey to Mr. MacKay, and you indicated that you
25 had an opportunity to review it?



1 A Yes.

2 Q And he pointed you to the paragraph where the
3 deputy chief stated that he'd been contacted on
4 March 16th, 1971 by T.D.R. Caldwell who requested
5 that he forward a summary of the facts relating to
6 offences of rape allegedly committed by Larry
7 Fisher, being the above-named.

8 Now are you aware that it is Mr.
9 Caldwell's evidence that this was not a letter
10 that was sent to him and it was not a letter that
11 was seen by him until the early '90s?

12 A No. And of course I didn't see this particular
13 letter until it was in the package --

14 Q Okay.

15 A -- that I was asked to read.

16 Q If you could --

17 A And I think I indicated that --

18 Q Yes.

19 A -- I am in no position to speak on behalf of the
20 letter-writer, or Mr. Caldwell, or anyone else
21 with respect to that.

22 Q You can see that it's directed to the Deputy AG's
23 office in Regina?

24 A Yes, yeah.

25 Q And if we could go to the last page, please, page



1 09, you can see there's nothing on it to indicate
2 that was any -- were any copies sent to anywhere
3 other than the one that went directly to --

4 A That's correct.

5 Q And, sir, would you agree that if Mr. Caldwell's
6 recollection and his evidence is correct -- and I
7 might add, as well, that this wasn't found in the
8 Saskatoon prosecution office, it was found in
9 Regina -- that in fact he had, he could find
10 nothing on Larry Fisher at the prosecutors office
11 and had no knowledge of the facts as outlined by
12 Deputy Chief Corey in this letter, that he
13 obviously couldn't have disclosed it to you
14 because, like you, he didn't know; could he?

15 A Yes, I have no basis to question that.

16 Q Thank you. I have nothing further.

17 MR. HODSON: The good news, Mr. Tallis, is
18 that you are done, the bad news is that you won't
19 get to share your birthday with the rest of us,
20 but thank you very much for attending before the
21 Commission.

22 A Thank you.

23 COMMISSIONER MacCALLUM: Thank you, Mr.
24 Tallis, for testifying.

25 A Thank you.



1 MR. HODSON: And I believe the next matter
2 is Mr. SoroChan is here on behalf of Mr. Asper,
3 who will be making some submissions regarding his
4 application for standing and funding, and
5 following that we'll proceed with Mr. Asper.

6 MR. SOROCHAN: Mr. Commissioner, my name is
7 Don SoroChan, I'm from Vancouver, I'm a member of
8 the Yukon and British Columbia Bars.

9 You have before you an
10 application on behalf of my client, David Asper,
11 for standing and funding of counsel. I've
12 advised Mr. Hodson that I would be content to
13 rely on the written materials, but I wanted to
14 make two additional submissions.

15 Since being here in this room
16 it has become apparent that, as a person that
17 does not have standing, Mr. Asper does not have
18 access to many of the documents that are clearly
19 of importance. I have on my computer over 2,000
20 documents and images that have been very
21 thoughtfully provided by Mr. Hodson and the staff
22 of the Commission and yet, through the hearing
23 yesterday and today, many of the key documents,
24 in fact I'd almost go to say most of the key
25 documents, have not been available to myself or



1 to Mr. Asper for us to consider in preparation
2 for his testimony.

3 So I would add that as an
4 additional ground, that in order to properly
5 represent his interests and, in my submission,
6 the -- his viewpoint as to the important issues
7 that are raised in this Inquiry, he requires
8 standing for that purpose.

9 The other matter that I would
10 raise is that in the summary of Mr. Asper's
11 evidence that has been distributed, as I
12 understand it, to the parties, you will see that
13 there is a great deal of issue being raised about
14 his relationship with the Department of Justice
15 and his duties in moving forward the 690
16 applications, and there's been some criticism
17 leveled at him with respect to his use of the
18 press as part of those processes. I notice
19 that -- and it's already been commented on by
20 other counsel today -- that we do not have the
21 documents of the Federal Department of Justice,
22 at least all of those documents, and I don't know
23 if my additional voice would be needed in that
24 regard, but it would certainly be my intention to
25 press for the production of those documents as



1 being necessary to fully explain Mr. Asper's
2 position.

3 Now I don't expect that we'll
4 be finished this week.

5 Just parenthetically, I -- Mr.
6 Tallis has said that he had doubts about the lie
7 detector procedure, I wondered if we could use it
8 as part of this Commission's processes to deal
9 with time estimates and we could try to come up
10 with some valid data on the machine.

11 But we are going to be here,
12 we're going to be here on another occasion, and
13 before that other occasion, I think I submitted
14 to Mr. Hodson, we should bring this issue to a
15 head about whether the Federal Department of
16 Justice was acting -- or certain people there
17 were acting in a solicitor/client basis or
18 whether they were acting as functionaries of the
19 Department of Justice, and that those documents
20 should be produced.

21 So those are the two additional
22 areas that I wanted to add to my written
23 submissions. Thank you.

24 COMMISSIONER MacCALLUM: The second one,
25 Mr. Sorochan, is distinct from your application



1 for standing, however, is it?

2 MR. SOROCHAN: Well I think it's a matter
3 of standing. As I understood it, I wouldn't have
4 any business coming in and asking, raising the
5 issue with the Department of Justice as a mere
6 counsel to a witness. It seems to me that, on
7 the way that this Inquiry has been carried on,
8 that that's a matter that would require my
9 position to be that of a party.

10 I should say by the way, just
11 in case you think you are going to be burdened by
12 another long-winded lawyer asking questions or
13 repeatedly putting forward my client's testimony
14 through my own mouth, that it would not be my
15 intention to fully participate in all of the
16 proceedings, but there are certain key witnesses
17 that have been identified by Mr. Hodson that I
18 believe I could be of assistance to this
19 Commission.

20 COMMISSIONER MacCALLUM: Uh-huh.

21 MR. SOROCHAN: Thank you, Mr. Commissioner.

22 COMMISSIONER MacCALLUM: On your point of
23 being able to press for production of Federal
24 Justice documents, sir, you would, as counsel for
25 a witness, certainly be entitled to object that



1 he was being taken by surprise or being unfairly
2 questioned about documents which he should have
3 access to I would think.

4 MR. SOROCHAN: I suppose I could, but I
5 would submit -- and I haven't gone into my other
6 application further -- that Mr. Asper's interest
7 goes beyond that of a mere witness here, he is
8 obviously a key element in the --

9 COMMISSIONER MacCALLUM: Oh yes, I
10 recognize what's in your material, sir, and I --

11 MR. SOROCHAN: Yes. And it also turns out
12 that, Mr. Commissioner, that it doesn't appear
13 that my concern -- these are my concerns alone.
14 I've heard, this afternoon, other counsel
15 expressing the desire to get on with getting this
16 issue of the Federal Department of Justice -- and
17 I guess they have used an excuse they didn't know
18 who was running the place for the last period of
19 time, but we now seem to know, at least until the
20 next election is called, and I think it should be
21 something that's dealt with with some urgency so
22 that -- because they may resist things, and we
23 should know, or this Commission should know what
24 the state of affairs are with respect to those
25 documents.



1 COMMISSIONER MacCALLUM: Well anybody is
2 free to make a motion in that respect if they
3 wish.

4 MR. SOROCHAN: Well, if I get status, maybe
5 I will. Anything else, Mr. Commissioner?

6 COMMISSIONER MacCALLUM: I think not,
7 Mr. SoroChan, thank you very much.

8 MR. SOROCHAN: Thank you, Mr. Commissioner.

9 MR. HODSON: Just on the issue of the
10 Federal Justice documents, perhaps I can clarify.

11 Federal Justice has provided
12 their documents to the Commission and they have
13 been provided to the parties. They maintain
14 privilege, solicitor/client privilege, with
15 respect to certain documents. Our rules
16 recognize that a party may assert privilege with
17 respect to documents, solicitor/client privilege,
18 and, like in other proceedings, that can be put
19 to the test.

20 And where we stand now, there
21 are really two issues, there are some documents
22 that Federal Justice claims as privileged that
23 were provided I think to the Government of
24 Saskatchewan that found their way into our
25 database, and there's not very many, there's an



1 issue there that we need to resolve.

2 Secondly, I have asked, some
3 time ago, Federal Justice to provide me with two
4 things; one, a general description of the
5 documents over which they claim privilege, and
6 again, whether that's a listing or a description
7 of the type of document, in other words who's it
8 from and what does it relate to generally; and
9 secondly, to assert the basis of the privilege,
10 in other words who is claiming it and what is it,
11 to allow me as Commission Counsel, and other
12 parties, to address that issue.

13 In fairness to Mr. Frayer, over
14 the last couple of months there have been other
15 matters ongoing that have made him difficult --
16 made it difficult for him to get instructions, I
17 am advised that when we return on April 16th or
18 17th that we will have the situation in hand and
19 either -- well, their position will be known, and
20 if there's an application to be heard for that
21 issue and the privilege can be tested, that will
22 happen shortly upon our return. So I think,
23 again, over the break -- and I'll keep the
24 parties informed about that; is that fair,
25 Mr. Frayer?



1 MR. FRAYER: That is, Mr. Hodson.

2 MR. HODSON: Yes. And, with that, maybe I
3 can call David Asper, our next witness.

4 DAVID ALAN ASPER, sworn:

5 BY MR. HODSON:

6 Q Good afternoon, Mr. Asper. Thank you for agreeing
7 to testify before this Commission.

8 A Afternoon.

9 Q And thank you for your patience in waiting the
10 last couple of days and, as well, thank you to you
11 and your counsel for your assistance in the past
12 number of months in meeting with me and reviewing
13 documents.

14 Again, just for the record, you
15 are represented by Mr. Don Sorochnan who is your
16 counsel; is that correct?

17 A That's correct.

18 Q I understand, sir, that you are 47 years of age
19 and reside in Winnipeg; is that correct?

20 A That's true.

21 Q Winnipeg slash Toronto perhaps?

22 A Better said.

23 Q And your involvement in this matter stems back to
24 early 1986 and extends to June of 1992,
25 approximately, where you were legal counsel



1 representing David Milgaard; is that correct?

2 A That's correct.

3 Q And I understand that, after your departure from
4 private practice in June of 1992, that you did not
5 have any direct dealings on the matter, although
6 from time to time you may have provided commentary
7 or had some minor role; is that fair?

8 A That's correct. I ceased formal legal
9 representation, I remained a -- continued a
10 relationship with the family, and certainly
11 commented on the case and on the systemic issues
12 of wrongful convictions.

13 Q And I understand, sir -- and we'll maybe go to
14 that in a bit more detail later -- that there was
15 a ten-month period in I think 1987, perhaps '88,
16 where you left the law firm, the Wolch Pinx law
17 firm, on a leave and worked for a media company;
18 is that right?

19 A That's correct, CKND Television, our family's
20 media company.

21 Q And so, for that time period, I take it you were
22 not involved in representing Mr. Milgaard; is that
23 correct?

24 A That's correct.

25 Q If I can call up your CV, 335443. And this is a



1 document, Mr. Asper, that you have provided that
2 just provides a summary, and I'll go through just
3 parts of this. Since January of 2000 you have
4 been the Director, Executive Vice-President, and
5 Chairman of the *National Post*; is that correct?

6 A Yes. That refers to as a member of the Board of
7 Directors of CanWest Global Communications.

8 Q And then, if we can just scroll down, I think from
9 1994 to 1999 again involved Executive
10 Vice-President with CanWest Global?

11 A Yes.

12 Q Correct?

13 A Yes.

14 Q And CanWest Global is a company that owns or
15 oversees or directs the operations of a number of
16 -- a national newspaper, provincial newspapers,
17 television stations, radio stations; is that a
18 fair -- I'm sure I'm missing things in there, but
19 is that a fair --

20 A Yes, we have some media properties in Canada,
21 Australia, Ireland, New Zealand, Turkey now.

22 Q And then if we can go to the next page, please.
23 Here you identify your work, and I think it was
24 with the Wolch Pinx Tapper Scurfield law firm, is
25 that the firm you were associated with when you



1 represented Mr. Milgaard?

2 A Yes.

3 Q And here we've got it, you see the leave of
4 absence in '87/'88, and are you able to pinpoint
5 the months or when that would have been?

6 A Umm, I can't. It was over -- it certainly
7 included the winter months, I recall producing
8 some television programming during the winter
9 months and being cold.

10 Q So the latter part of '87-early '88, does that
11 sound --

12 A I think that's correct. I think I came back in
13 the spring of '88.

14 Q And if we can go to the next page, again just some
15 legal background, June '84-December '85 it looks,
16 I understand you got your law degree in the United
17 States, is that right, in San Diego?

18 A Yes.

19 Q And that you spent a time period in -- at the
20 Buchwald Asper Henteleff law firm doing the
21 equivalency program?

22 A Yes. I had to apply through the Canadian, I think
23 it is called the Federation of Canadian Law
24 Societies, had to go to school for a year at the
25 University of Manitoba Faculty of Law, and



1 concurrently worked at Buchwald Asper Henteleff,
2 and then began my articles there and switched
3 articles midway through.

4 Q And that's when you went to the Wolch --

5 A Yes.

6 Q -- Wolch law firm?

7 A Yes.

8 Q And, again, at the Buchwald firm you were doing, I
9 think, corporate/commercial law; is that correct?

10 A Yes.

11 Q And so would it be fair to say that your first
12 taste of criminal law came when you joined the
13 Wolch law firm in January of 1986?

14 A Yes, that's true. I had, other than the advocacy
15 program, studied and concentrated basically in
16 commercial and corporate law at law school, and my
17 clerking in Manhattan in New York City was in the
18 area of securities litigation, and that's where I
19 was headed until roughly March of '86 when I
20 disappointed my parents and went into criminal
21 law.

22 Q And would your representation of David Milgaard;
23 would that have been your first criminal law file
24 or one of your first criminal law files?

25 A Well, I don't want to get too anecdotal, I had an



1 interest in March of 1986. Umm, I think I started
2 at the firm March 3rd, which was the day that a
3 member of the RCMP was shot in a -- and killed in
4 a place called Pine Falls, Manitoba, and everybody
5 had left the office and I was the only one in the
6 office, having never had anything to do with
7 criminal law, and got the phone call, the
8 proverbial phone call, from Edgar Martin Olson
9 that day, who was the accused, and I believe that
10 the hook came out of Mr. Wolch's office later that
11 week on the *Milgaard* case.

12 Q And so, other than perhaps Mr. Olson, would it be
13 fair to say that Mr. --

14 A No other experience.

15 Q If we can maybe go to the next page of your
16 resume, and I don't propose to go through this
17 other than to indicate that -- I don't mean to
18 downplay them -- but there are other memberships,
19 community activities, and community involvement,
20 those are on the record.

21 If we could go to 335476. And
22 what I want to do, Mr. Asper, is try and just
23 outline for you and the Commissioner and others
24 sort of where I see your evidence fitting in and
25 what I intend to cover. Obviously, you spent six



1 years on this matter, and much of what you were
2 involved in has been before the Commission in some
3 form or another, so I want to just outline where I
4 intend to go.

5 And I want to start with the
6 Terms of Reference, which we're familiar with,
7 that talk about inquiring into the conduct of the
8 investigation and trial and the re-opening, seek
9 to determine whether the investigation should have
10 been re-opened based upon information subsequently
11 received by police and Justice. And the four
12 areas, if we can just scroll down, that I intend
13 to cover with you, sir; number 1, to review the
14 efforts made by you and others on David Milgaard's
15 behalf to have the investigation re-opened by the
16 authorities; number 2 -- and this focuses on the
17 third prong of our terms of reference -- to review
18 the information provided to the authorities on
19 David Milgaard's behalf relevant to the re-opening
20 of the investigation, including all information
21 provided to the authorities through the media and
22 general public with a view to influencing the
23 authorities to re-open the investigation, and in
24 particular, review:

25 a) the reliability of the information,



1 b) how it was obtained,
2 c) the manner in which the information was
3 communicated to the authorities, and
4 d) the relevance/purpose of the information
5 provided; next -- and, again, these are somewhat
6 related and overlap -- all information provided to
7 the authorities through the Section 690
8 applications and the Supreme Court reference; and
9 lastly, to the extent that it constitutes
10 information provided to the authorities relevant
11 to the re-opening of the investigation, I intend
12 to review with you some commentary or criticism
13 that you had, and provided to the authorities, of
14 the conduct of the investigation and trial.

15 And so I just want to -- the
16 next document, if we could go to 335470. And what
17 I've tried to do, Mr. Asper, based upon our
18 interviews and the review of the documents, and
19 tried and put together in a document -- and,
20 again, I'm sure it's not complete -- but just sort
21 of the key areas that, when you and I are
22 finished, that I hope to have all of these
23 covered. Again, one of the challenges is if we
24 look at the, some of these issues, is that what
25 you did in '86 was buttressed in '88 and in '90



1 with further information, so I just want to touch
2 on this.

3 Again, we will spend some time
4 on the 690 process and your understanding of it,
5 how it worked, and probably be -- I intend to go
6 through chronologically, and so we're going to
7 deal with probably three different time phases
8 about what you knew about the section and how you
9 thought it operated. The first one is your
10 initial view, and then as you got into the
11 application, and third, looking back at it.

12 Sources of information, we will
13 spend some time on that, and I will be asking you
14 what information you had, what information you
15 didn't have, what information you tried to get,
16 etcetera. And, again, I've tried to outline the
17 various sources based on our materials.

18 If we go to the next page, and
19 I've tried to summarize the information provided
20 to authorities in support of the re-opening, and
21 again I think it is a bit of a list -- if we can
22 maybe go to the next page -- of the various
23 grounds that you and others, on behalf of David
24 Milgaard, put forth to the authorities. And
25 again, as I mentioned earlier, I will be dealing



1 with these in stages. The first will be prior to
2 your first application to the Minister in December
3 of '88; second, before the Larry Fisher
4 information came about; third, the dismissal of
5 your first application by the Minister; fourth,
6 the second application to the Minister; and,
7 finally, the reference to the Supreme Court of
8 Canada, because I think we'll see that the
9 information that -- was gathered not all at once
10 and over that course of time.

11 And, next if we can go to page
12 474, and I will be asking you about the manner in
13 which information was communicated to the
14 authorities, and I think in -- it's fair to say,
15 Mr. Asper, that the media played a role in the
16 communication of information to authorities to
17 assist in the re-opening; is that fair?

18 A Absolutely.

19 Q And, as well, what I have tried to put forward
20 here is the channels of communication, and I've
21 included in the media -- and, again, we'll get
22 into this in greater detail -- but I understand
23 that there may have been two different phases, if
24 I can call it that, where, the second phase, the
25 media maybe played a more prominent role than the



1 first phase; is that correct?

2 A Umm, well I think, as we discuss it, I would make
3 the case that the ability to communicate as we did
4 in the second application was the product of the
5 cumulative effect of what had come before.

6 And I would also say that the
7 communication through the media was not simply
8 limited to the authorities, it was limited to the
9 public at large, and it was directed at the public
10 at large, qua public at large, and to potential
11 witnesses.

12 Q And was the purpose of that communication in part
13 to influence the authorities to re-open the
14 investigation?

15 A To influence the political masters, yes.

16 Q To re-open the investigation?

17 A Yes.

18 Q So that when we get into this, and we'll deal with
19 this in a fair bit of detail, to the extent that
20 information was disseminated through the media to
21 the public, one of the purposes would be to have
22 the public influence or put pressure on the
23 politicians to re-open the investigation; is that
24 a fair general statement?

25 A Yes.



1 Q And secondly, would it be fair to say as well that
2 it would be communicating the information to the
3 authorities as well, directly to the authorities
4 through the media; is that --

5 A Yes, yes, there was certain tactical, I would call
6 it tactical choices that we had to make in certain
7 circumstances, yes.

8 Q And a third thing I think you said, and again I
9 don't mean to limit you on what you viewed as the
10 role of the media in this, but the third thing you
11 said is to bring forward witnesses; is that
12 correct?

13 A Yes.

14 Q And I take that would be for information that
15 would assist you in putting forward a case to
16 re-open the investigation; is that fair?

17 A Yes.

18 Q And we'll also see, and again I've got it under
19 number 4, the public supporters of David Milgaard,
20 and I think maybe that's what you've touched on,
21 and then as well some --

22 A Well, I would distinguish between people who were
23 kind enough to support us, some financially, some
24 emotionally, which was necessary quite a bit of
25 the time, I would distinguish that from the people



1 who were being marshaled either for, as witnesses
2 or to put pressure on the politicians. We
3 actually needed some friends and I would put that
4 group into that category.

5 Q And we'll have a chance to elaborate on that a bit
6 further, I've also got politicians, and I think
7 we'll see in the documents that some of these
8 people were used to get information through and
9 influence decision-makers; is that fair?

10 A Yes.

11 Q And as well we'll talk about --

12 A Used, I'm not comfortable with the word used, it
13 implies that sort of somehow they were
14 manipulated. They helped us.

15 Q So they provided assistance, is that a fair way to
16 put it?

17 A Yes, yes.

18 Q I didn't mean to use the word used in a derogatory
19 sense.

20 A Yes. They helped us and they provided assistance.

21 Q And then we've got the, a couple of events where
22 there was contact directly with the Minister of
23 Justice and the Prime Minister which we will touch
24 on. Then I've summarized again from the
25 materials, and we'll go through this in the course



1 of your questioning, concerns that you raised,
2 maybe go to the next page, about the dealings with
3 Federal Justice.

4 The next document that I want to
5 touch on before we get too far in is the
6 chronology, 335477, and I provided this to you,
7 Mr. Asper. I've also provided a much lengthier
8 and more detailed chronology of events, but I
9 wanted to just quickly walk through the 1986 to
10 1992 time frame where you were involved so that we
11 get a picture of what are some of the key dates
12 and milestones, because when I intend to go
13 through the questioning, I think I will raise with
14 you whether it's before or after the first
15 application, before the Fisher information,
16 etcetera, and I think, and again this is not meant
17 to say that there were not other important things
18 happening, but I think this will give some idea.

19 I think it was early 1986 that
20 Mr. Wolch's firm was retained, I think you said in
21 March of '86 is when you got the file?

22 A Yes.

23 Q November 23rd, 1986 is when Deborah Hall swore an
24 affidavit contending that Craig Melnyk and George
25 Lapchuk lied at trial. November 26, '86 is an



1 affidavit that David Milgaard swore. February of
2 1987 we start into the Dr. Ferris information
3 about DNA testing, and then if we can scroll down,
4 about 10 months later there's an order to get the
5 exhibits, some information on DNA in March of '88,
6 and then September of 1988 Dr. Ferris' report, and
7 then December 28, '88 is the first application, so
8 that will be the first phase, that's when the
9 first application is sent in, and again there's
10 some following correspondence about getting
11 further information.

12 Then if we can go to the next
13 page, here is August of '89, David Milgaard's
14 affidavit is filed. In November of '89, and I've
15 included some of the steps that Justice have
16 taken, not all of them, but as they relate to some
17 of the witnesses, Deborah Hall and Nichol Demyen
18 were examined, and then February 28, 1990 is a
19 significant date where the name Larry Fisher was
20 raised with Federal Justice and so we'll spend
21 some time --

22 A Mr. Hodson, I wouldn't want you to imply that I,
23 or we were aware of what Justice was doing --

24 Q Certainly.

25 A -- on this time table.



1 Q Yeah, and I'll ask you about that I think when we
2 go through. What I want to try and identify are
3 some dates --

4 A Okay.

5 Q -- when things happened, and certainly when we get
6 through I will ask about what you knew what they
7 were doing and I think in fairness I should be
8 specific when we do that as opposed to a general
9 question.

10 A Okay.

11 Q So again the February 28th date, we then, and
12 we've been through this in a fair bit of detail,
13 Mr. Asper, about the events that followed, we've
14 heard from Linda Fisher, Cliff Pambrum, Paul
15 Henderson, Sergeant Pearson, but again there
16 follows some interviews, if we can scroll down,
17 and so for the next three months dealing primarily
18 with Larry Fisher matters. Then in late May Paul
19 Henderson -- who you are familiar with; correct?

20 A Yes.

21 Q -- of Centurion Ministries?

22 A Yes.

23 Q Actually, he became involved in March with Linda
24 Fisher, but here again we get into the statements
25 from Dennis and Albert Cadrain and Ron Wilson. We



1 then see the reports of Dr. Markesteyn and Dr.
2 Merry regarding the frozen semen. If we can go to
3 the next page. We'll spend some time about the
4 publication of Larry Fisher's name as the
5 perpetrator, or potential perpetrator, and then if
6 we can just scroll down, again much of this matter
7 in here involves Mr. Williams, and when we go
8 through that chronologically I will be asking you
9 what you knew at the time.

10 And then here, February 27, 1991
11 the first application is dismissed. We'll then
12 spend some time on what happened following that,
13 and again we then have, in the spring of '91,
14 we've already heard from Mr. Henderson on this,
15 the interviews of the sexual assault victims.
16 Scroll down, please. August 14th being the second
17 application, and then what follows there is some
18 publication and the Saskatoon City Police missing
19 records issue, I'll spend some time with you on
20 that.

21 And then if we can go to the
22 next page, and actually go to the next page,
23 please, and one further -- I'm sorry, right there.
24 November 28, '91 the minister refers the case to
25 the Supreme Court of Canada. The reference



1 occurs, the decision of April 14th, 1992, and I
2 think shortly after that, Mr. Asper, you left the
3 private practice of law; is that correct?

4 A Yes. I think it was in June.

5 Q If we can just, having gone through this
6 chronology of '86 to '92, can you give us some
7 sense, and again just very general, and I'm not
8 talking about specific hours, but how much time of
9 your practice, let's take the 1986 to 1988 period
10 up until the first application, about what
11 percentage of your time as a lawyer did you spend
12 on this matter?

13 A In the first phase I was an articling student and
14 this was sort of an extra-curricular activity I
15 would call it, I had to earn a job first of all
16 and build a practice, so whatever we were doing
17 was bolted on the top of whatever else young
18 lawyers are doing, and in a criminal firm on call
19 basically 24 hours a day, so it was -- I would say
20 that it began as a fairly modest project, although
21 I took it on in earnest. Over the years the
22 involvement escalated, sort of I would say on a
23 gradual level to the point where I would think by
24 about 19 -- mid '89 it became pretty much a
25 full-time pre-occupation while I was also trying



1 to maintain a practice. I sort of had two
2 full-time jobs and I was travelling a bit on
3 circuit in northern Manitoba and trying to juggle
4 both events, both matters, you know, a practice,
5 an active practice and a developing *Milgaard* case.
6 By about 1990 it was full time, I couldn't do
7 anything else.

8 COMMISSIONER MacCALLUM: What date, sir?

9 A 1990.

10 COMMISSIONER MacCALLUM: By 1990.

11 A It was probably full time. I was able to do the
12 odd trial and maintain the odd file, but it pretty
13 much took over my life until, you know, until
14 David got out of prison.

15 BY MR. HODSON:

16 Q If we could call up 335465, please, and again this
17 is the outline that I propose to follow, we'll try
18 to go chronologically, Mr. Asper, and we may come
19 back to this, but again, and I've covered most of
20 this, just the introductory matters, we've touched
21 on some of those. If we can scroll down. We'll
22 spend some time about your initial engagement,
23 your mandate, and then I'm going to deal with the
24 first of the three year period from January or
25 March, '88 through to the end of December of '88



1 when the first application was filed.

2 Go to the next page. We'll then
3 deal with that application, I'll go through that
4 with you. Scroll down. Then break it down from
5 December 28, '88 to February 28, '90 and that's of
6 course when the Larry Fisher information came, and
7 then we'll deal with that date right through until
8 the application was dismissed.

9 I will go through with you again
10 chronologically the Justice Minister's decision,
11 what happened with the second application, some
12 specific matters relating to missing files, and
13 then again the reference, the Supreme Court
14 decision itself and then some of the allegations
15 that came out of that, and finally the next page,
16 and we will probably cover these as we go through
17 your evidence, Mr. Asper, some of the systemic
18 issues that came out of your work on the matter.

19 So with that, why don't we start
20 off and have you tell us, again I think you
21 started to say in March of 1986, your first week
22 on the job, you got handed this file. What were
23 you given and what was your mandate?

24 A My recollection is that Hersh -- I was an
25 articling student, you know, I physically didn't



1 have an office, I was working out of the library
2 right across from Hersh's office learning how to
3 do bail applications and, you know, the hook sort
4 of comes out of the senior partners office as
5 juniors walk by often with things that the senior
6 partner is either too busy to do or doesn't want
7 to do and he, Hersh called me in and asked me if I
8 was familiar with the *Milgaard* case. I lied and
9 said I was having gone to law school in the United
10 States and just learning criminal procedure. He
11 said that he had been retained by Mrs. Milgaard to
12 look into the matter of her son's case and that
13 they were claiming that David was innocent and
14 could we do something about it, so my -- I think
15 we had been provided with a box of material
16 including trial transcripts and some investigative
17 background material that Joyce had gathered and
18 Hersh asked me to look at it, primarily to read
19 the transcripts and to tell him what the case was
20 about and give my impressions as to whether there
21 might be any merit to what Mrs. Milgaard was
22 saying. I don't recall early on discussing what
23 we were going to do about it, my initial task, and
24 I think our initial task was to look at the case
25 and become very familiar with it to know whether



1 there might be any merit. I again read the trial
2 transcripts I believe and formed some initial
3 opinions about it, communicated those to Hersh and
4 then began the discussion of what to do.

5 Q Okay. If we can maybe just back up. I think you
6 said you were provided a box. Was that from Mrs.
7 Milgaard or do you know where that came from?

8 A That was from Mrs. Milgaard.

9 Q And it had, I think you said, the transcripts.
10 Did it have all of the transcripts?

11 A I seem to recall there were some pages missing,
12 but fundamentally all the transcripts were there.

13 Q And --

14 A Or what I thought were all the transcripts. The
15 jury addresses weren't there and other things.

16 Q And what about witness statements, police reports,
17 things of that nature, do you recall any of that?

18 A I can't recall if that was in the box or whether
19 that -- whether what she had collected or notes
20 that Peter Carlyle-Gordge or others had made came
21 later, I can't recall.

22 Q And do you have any recollection of whether sort
23 of what, on what basis either David Milgaard or
24 Joyce Milgaard was putting forward as the basis
25 for his contention that he had been wrongfully



1 convicted?

2 A Well, that emerged -- after I kind of briefed the
3 case and explained my views to Hersh, I met Mrs.
4 Milgaard and then I went to Stoney Mountain
5 Penitentiary to meet with David and, to be honest,
6 they were pretty emphatic that David hadn't
7 committed the crime, I mean, the starting point
8 was, "I didn't do it, I'm innocent," which seemed
9 good enough for me. I think, you know, there's a
10 misconception, not that I had a wealth of
11 experience, but certainly Hersh did and others in
12 the firm, that there's a bunch of people in prison
13 saying I didn't do it and that just isn't the
14 case, and when somebody does come along and says I
15 didn't do it, and we talked about this, there is
16 some duty of a lawyer to consider that
17 possibility, to consider whether that's true, so
18 we did, and we took it at face value.

19 Q Do you have any recollection again, and I
20 appreciate, Mr. Asper, that many things happen and
21 you learn more information over the years, but as
22 far as an initial reaction when you read the case
23 in the transcripts, as to what conclusions you may
24 have reached, or what did you tell Mrs. Milgaard
25 when you met with her for the first time to give



1 your views on the case?

2 A Oh, I had spoken with Hersh and several other
3 partners in the firm, senior partners in the firm,
4 because I read the transcript and I don't want to
5 sound cavalier about it, but having read the
6 transcript, and again with this great wealth of
7 experience that I didn't have, the case looked
8 ridiculous to me, it just looked completely
9 implausible, and it looked implausible that five
10 unsavoury people could send a man to prison for
11 life and be preferred over the evidence of
12 reliable people, leaving aside all the details
13 that later came out as I tried to reenact, you
14 know, who was where and test the Crown's theory,
15 so my interaction with Joyce and with David early
16 on was not so much to tell them why I thought the
17 case was bad, but to hear from them why they
18 thought the case was bad. They had lived it, they
19 had studied it, they knew it way better than I
20 could ever know it and I sat and listened to them.

21 Q And what is your recollection, and I'll talk a bit
22 later about your first meeting with David Milgaard
23 in more detail, but just generally what did Mrs.
24 Milgaard and David Milgaard tell you generally
25 about why the case against him was deficient?



1 A I mean, in simple terms it's that five people
2 lied.

3 Q And when the five -- you talked about unsavoury
4 characters. Am I correct that that would be Ron
5 Wilson, Nichol John, Albert Cadrain, Craig Melnyk
6 and George Lapchuk?

7 A Yes, sir.

8 Q And you talked about that evidence being preferred
9 to other witness?

10 A Danchuk, Rasmussen, Paynter, you name them.

11 Q So that was your initial reaction that --

12 A Yes.

13 Q And would it be fair to characterize it this way,
14 Mr. Asper, and please correct me if I'm wrong,
15 that when you read through it did you reach the
16 conclusion that the jury should have acquitted him
17 based on what you read, were you surprised that
18 the jury had not acquitted him based on what you
19 had read?

20 A Yes. I was troubled by that.

21 Q Now, let's just talk a bit about your role and the
22 role of Mr. Wolch. I think at that time, and
23 let's talk over the three year period from, I
24 think it was January, 1988 that, and I'll show you
25 some documents in a moment, that your law firm was



1 retained, and I think it was March of '88 that you
2 got the file; is that correct?

3 A '86

4 Q I'm sorry, '86, thank you. And when you got the
5 file did it appear that you were the first person
6 getting into it; is that fair?

7 A No. Mrs. Milgaard had indicated that --

8 Q In your firm, I'm sorry.

9 A Oh, in our firm. Yes, I was the first one.

10 Q So in early '88 to December, '88 when the
11 application was filed, can you give us a general
12 idea of what role you played, what role Mr. Wolch
13 played as far as reviewing the matter, giving
14 direction, things of that nature?

15 A Well, I was doing leg work, I was poring over not
16 just the trial transcript, we ultimately I think
17 got the, I seem to recall we had the preliminary
18 inquiry transcript, we were reconciling the
19 differences. Joyce had done a considerable, and
20 through others, through Peter Carlyle-Gordge, had
21 done a considerable amount of investigation up to
22 that point through the '80s and, you know, I was
23 going through that material. A fair bit of time I
24 would say was spent testing the case against other
25 members of our firm, other senior partners,



1 litigation partners in the firm to find out
2 whether I was crazy or not, we did spend a lot of
3 time on that particular subject because we were
4 being asked to get involved in something that we
5 really had to believe in, and I think that's
6 probably -- we -- I think Mr. Wolch had had some
7 informal conversations with some of his colleagues
8 from the Department of Justice as to what we had
9 to do in order to activate section 617 as it then
10 was.

11 We looked at other potential
12 remedies, considered other remedies, ruled them
13 out and then focused on having to find something
14 new in terms of evidence. Mr. Wolch seemed to be,
15 and I'm not, I can't recall if this was on the
16 basis of conversations with his colleagues at
17 Justice or whether we had done some research on
18 it, the view seemed to be we had to find something
19 new, we had to find a hook.

20 Q And for what purposes?

21 A In order to make an application under 617, to call
22 on the minister to intervene we had to find
23 something new, and that's where we started to
24 focus.

25 Q So let me just back up. New as in new evidence or



1 something that wasn't considered by the jury?

2 A Yes.

3 Q And I think you told us your first review of
4 matters, and I presume it took place over a period
5 of time; is that correct?

6 A Yes.

7 Q I think you said you reached the conclusion that
8 the case against him wasn't very strong, or I
9 can't recall the words you used, I think they
10 might have been stronger than that, was based on
11 what was before the jury; is that fair?

12 A Yes.

13 Q And did you come to understand that providing an
14 opinion or stating lookit, this doesn't make
15 sense, wasn't good enough to get the federal
16 minister to intervene?

17 A That's correct.

18 Q And so when you say new, what did you think you
19 needed to get by way of new?

20 A Well, I mean, you get into the systemic issues
21 here. We frankly had no idea, we didn't know
22 whether we were dealing with a fresh evidence
23 test, we didn't know what we had to provide, we
24 just assumed that it had to be something that
25 didn't exist at the time of the trial, or the



1 appeal.

2 **Q** And you used the word hook. Can you explain what
3 you mean by that?

4 **A** Well, I mean, you are getting into sort of a
5 larger philosophical question, but I'll just --
6 I'll lay it out for you and I'm sure you will come
7 back to it, and every time I say this people look
8 at me incredulously for saying what I'm about to
9 say because they can't believe that anybody would
10 be so naive, but I think we all believed that if
11 we provided the Department of Justice with
12 something, anything in concert with a claim of
13 innocence, that there would be a bonding, a
14 collaboration between the claimant and the
15 Department of Justice to find out whether the
16 claim was true and that there would be this
17 fixation to find out, especially where the
18 claimant was in custody, and I really believed,
19 and I was of the view that -- and will take the
20 view as I'm sure we go through my evidence -- that
21 liberty ought to prevail over everything, and so I
22 thought that if we found something new and gave
23 the Department of Justice a hook, we would march
24 off together and go find out what happened.

25 **Q** And where did you get this understanding from, can



1 you tell us, did someone tell you that or did you
2 read it somewhere or was it an intuitive thought?

3 A It just struck me that if there was to be a home
4 for liberty, for last chance liberty, it would be
5 at the Department of Justice philosophically. It
6 just struck me that the philosophy of section 617
7 had to provide a home for liberty.

8 Q And we'll come back to that, Mr. Asper. Let's
9 just -- back on the initial engagement if we
10 could. Am I correct that, although I see that,
11 I'll show you a letter that there may have been an
12 initial retainer of \$2,000, but that your firm and
13 your work on this matter was done initially on a
14 pro bono basis; is that correct?

15 A That's correct.

16 Q And I think later on there's some record of
17 perhaps, of a contingency agreement a number of
18 years later and then at the Supreme Court
19 reference I think there was some funding provided
20 for you and Mr. Wolch; is that correct?

21 A Yes.

22 Q But for, let's take at least the first four years,
23 was it your understanding or were you operating on
24 the basis that this was pro bono; in other words,
25 you weren't getting paid, you might get paid



1 later, is that a fair way to put it?

2 A I don't think we ever thought we might get paid
3 later, that came into play later. We were doing
4 this on a pro bono basis. It cost the firm
5 several hundred thousands of dollars in
6 disbursements, it cost me, I spent some of my own
7 money, we couldn't get Legal Aid, so we were --
8 but we were committed to it and we were going to
9 take the case as far as we could.

10 Q Maybe just talk a bit about Legal Aid. We will
11 see in some of the documents, and I won't take you
12 through all of them, but it appears that early on
13 you or Mr. Wolch applied to both Manitoba and
14 Saskatchewan Legal Aid and were denied on a number
15 of occasions, I believe there may have been a
16 small payment for Dr. Ferris' disbursements, I
17 stand to be corrected on that, but other than
18 that, there was no Legal Aid provided?

19 A I can't recall if there was a payment for Dr.
20 Ferris, but it's correct, Legal Aid consistently
21 refused coverage.

22 Q And can you tell us what was your understanding as
23 to why Legal Aid was not provided?

24 A I seem to recall that their argument was that
25 there wasn't a proceeding to which Legal Aid would



1 be attached and that this was the argument base,
2 that they based it on. As well they kept asking
3 us for what's the merit, what are the merits of
4 what we were doing and what was the likelihood of
5 success and it was -- I have to tell you, you
6 know, we'll get to the systemic issues, it was an
7 extremely troubling response from Legal Aid.

8 Q And did the fact that there was not funding from
9 Legal Aid impact your efforts in trying to assist
10 Mr. Milgaard?

11 A Not a bit, but that's because of the charity of
12 Wolch Pinx Tapper Scurfield, that was the charity
13 of our law firm, and one shudders to think how
14 others in a similar position might have fared.

15 Q If we can go back, there's another name that we'll
16 see on some of the documents early on and I think
17 it's Heather Leonoff or Heather Campell?

18 A Yes.

19 Q Is that the same person?

20 A Heather Leonoff, yes, she was a partner at the
21 firm.

22 Q And was she involved in the early phases of this
23 matter doing some of the work?

24 A Yes. She helped us, she was the smartest one in
25 the firm in terms of knowing the law, so she



1 helped us on some of the legal research issues,
2 and she was a great writer, so she helped us on
3 some of the integration that we had to do of the
4 documents.

5 Q What about again, about private investigators, and
6 let's talk before Centurion Ministries came along
7 which was in March of 1990, were you able to or
8 did you hire any private investigators or utilize
9 private investigators to do work on this matter?

10 A Not that I recall.

11 Q And was there a reason for that?

12 A Yes. It goes back to my earlier answer. I mean,
13 it mortifies me in hindsight, everybody wants to
14 talk about hindsight, it mortifies me in hindsight
15 that we thought that by someone getting the
16 Department of Justice involved, that we would get
17 access and collaboratively work to get all the
18 things that an investigator would have otherwise
19 gotten us.

20 Q And so was it your understanding that at some
21 point Federal Justice would investigate the
22 matter?

23 A Yes. We treated Federal Justice, and
24 philosophically, as an independent Crown vis-a-vis
25 David Milgaard and the Province of Saskatchewan



1 and we thought that they would be independent and
2 help us find justice.

3 Q Again, just back to sort of your initial
4 instructions or mandate, if I can call it that,
5 and maybe it wasn't so precisely put to you, but I
6 understand you've told us that job one would be to
7 get David Milgaard out of jail, to set aside the
8 conviction; is that --

9 A It's interesting, that sometimes was, those were
10 sometimes separate objectives depending on the day
11 we were talking to David. There were times that
12 David didn't want to get out of jail except as a
13 free man, i.e., you know, he debated certainly the
14 question of whether he would take parole, so
15 sometimes getting David out of prison was distinct
16 from exonerating him. One meant the other, but
17 not necessarily the two together.

18 Q Are you --

19 A The mission here clearly was to undo his wrongful
20 conviction and get him out of prison, that was the
21 big picture.

22 Q And we've heard some mention, and we see it in
23 some of the documents, a distinction between
24 setting aside the conviction and proving his
25 innocence. And, again, did you see those as



1 different things?

2 A Yes. Umm, I mean I recognized, notwithstanding
3 the Milgaards' claim of innocence, that that was a
4 pretty tough sell; first of all there wasn't a
5 quick remedy for it; and secondly, in terms of
6 moving a very intransigent system, I had
7 compromised, I think in my own mind, what outcome
8 we could best hope to achieve, and that was to get
9 a new hearing.

10 Q And a new hearing under 617 --

11 A Yes.

12 Q -- or 619?

13 A Yes.

14 Q And the intended result would be to have the
15 conviction -- at the hearing would be to have the
16 conviction set aside?

17 A Yes.

18 Q Which I think would be something other than, and I
19 guess -- and I don't want to debate this point,
20 we've heard some evidence on this -- but to be
21 legal innocence, in other words that you are no
22 longer convicted; is that fair?

23 A Okay. You know, that, that's a great point, and
24 that's the insidious little hook that Saskatchewan
25 and others have hung to, or hung onto immediately



1 following David's release. If you are not guilty
2 you are innocent, period, there is no other
3 distinction.

4 Q So, from your perspective, getting the conviction
5 set aside was sufficient to have David Milgaard
6 innocent?

7 A Yes.

8 Q And then let's talk a bit about parole, and if you
9 could maybe just elaborate, I'm not sure that I
10 understood it. Are you saying that Mr. Milgaard,
11 at times, did not want to get out of parole if he
12 had not been exonerated or had his conviction set
13 aside first?

14 A There were occasions where David felt that, by
15 taking parole, he was atoning to the jurisdiction
16 of a wrongful captor, and he didn't want to
17 acknowledge the legitimacy of his captors.

18 Q And you had some involvement assisting him on
19 parole matters; is that right?

20 A Yes.

21 Q And so part of your engagement by him would be to
22 assist him in attaining parole?

23 A It made for interesting parole hearings on
24 occasion.

25 Q Yeah. And I take it that those efforts were not



1 successful, is that a fair way to put it, on --
2 A Umm, at some point, I can't -- and I can't recall
3 when, it might have been after the case had been
4 re-opened, he started to get ETA's, escorted
5 temporary absences.

6 Q And are you telling us that one of the reasons
7 that he didn't get parole is because he didn't
8 want it?

9 A No, well, no. It's hard to dig deep into that
10 psychology.

11 David was damaged goods
12 psychologically, psychiatrically, as a result of
13 his experience in prison. He was not a model
14 prisoner, he rebelled, he gave the parole board
15 lots of reasons to not let him out. Primarily, he
16 would go to the parole hearings and deny any guilt
17 whatsoever, and that would fly in the face of the
18 attempt by the parole board to reconcile whether
19 he had come to terms with the seriousness of his
20 crime and, therefore, was a candidate for
21 rehabilitation.

22 So I wouldn't say -- well, I
23 wouldn't say he didn't want parole, he certainly
24 didn't like to be in prison, but he was conflicted
25 as to whether he would take parole, as I say, it



1 being, umm, the badge of a guilty man, part of the
2 badge of a guilty man.

3 Q We heard some evidence I think from Mr. Merchant
4 and perhaps others, earlier, that if Mr. Milgaard
5 had been out of jail on parole -- and we maybe
6 heard conflicting evidence on this -- that it
7 would have either (a) helped his cause in
8 challenging his wrongful conviction, and I think
9 we may have also heard or will hear, some might
10 say "no, it would actually be counter-productive",
11 and I wouldn't mind your comment on that?

12 A Umm --

13 Q Let me state it this way. Would it be to your
14 advantage or to his advantage if he could be out
15 of jail on parole so there would be less pressure,
16 if I can call it that, in getting a remedy?

17 A What I am about to say is perverse in the extreme.
18 It helped our case that David was in prison. It
19 worked to our advantage.

20 Q In what way?

21 A It allowed us -- in a couple of ways. It allowed
22 us to portray to the public the image of somebody
23 who was possibly -- and all we asked of the public
24 was to think possibly, not conclusively --
25 possibly wrongfully imprisoned, to appeal to



1 people's sense of fairness, and to the outrage at
2 the wrongful deprivation of liberty. And it
3 worked, and we wouldn't have had that, we wouldn't
4 have had that tool if he was out of prison.

5 Q Okay. That's --

6 A And I can say that on a personal level, it was a
7 highly motivating factor for me, as I came to
8 treat getting David out as a -- and I don't want
9 to be exaggerating here -- but I treated it as a
10 war of liberation.

11 Q This is probably an appropriate spot to break for
12 the day, Mr. Commissioner.

13 (Adjourned at 4:27 p.m.)
14
15
16
17
18
19
20
21
22
23
24
25



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



\$	24929:25 006799 [2] - 25009:23, 25010:1 006864 [1] - 25013:20 0069 [1] - 25005:7 006908 [1] - 25005:6 007016 [1] - 24932:8 007073 [1] - 24933:15 007421 [1] - 25095:17 007428 [1] - 25095:24 012639 [1] - 25028:1 031255 [1] - 24993:16 031268 [1] - 24993:1 032107 [2] - 25032:5, 25097:21 032190 [1] - 25044:18 054371 [1] - 25022:23 054372 [1] - 25022:24 056385 [1] - 25043:11 057896 [1] - 25045:18 058828 [1] - 25026:25 065358 [1] - 24989:16 065361 [1] - 24991:9 09 [1] - 25099:1	177218 [1] - 24943:12 177220 [1] - 24944:9 17th [4] - 24933:19, 24935:23, 25013:22, 25106:18 18 [2] - 24973:21, 24973:22 1898 [1] - 24961:6 19 [1] - 25124:24 1969 [4] - 24931:20, 24942:19, 24953:25, 25014:24 1970 [14] - 24931:20, 24942:4, 25013:22, 25023:4, 25024:8, 25027:10, 25027:12, 25027:25, 25028:7, 25031:11, 25039:11, 25043:10, 25043:13, 25093:9 1971 [2] - 25093:9, 25098:4 1973 [1] - 24951:3 1986 [8] - 25107:24, 25111:13, 25112:1, 25120:9, 25120:19, 25120:23, 25124:9, 25126:21 1987 [2] - 25108:15, 25121:2 1988 [3] - 25121:6, 25124:9, 25131:24 1990 [6] - 25052:8, 25121:18, 25125:6, 25125:9, 25125:10, 25139:7 1991 [1] - 25123:10 1992 [4] - 25107:24, 25108:4, 25120:10, 25124:1 1994 [1] - 25109:9 1999 [1] - 25109:9 19th [2] - 25023:4, 25024:7 1:30 [2] - 24933:21, 25034:23	24938:15 219652 [1] - 25039:10 21st [3] - 24925:21, 25044:13, 25095:21 22nd [2] - 25028:1, 25028:7 23 [1] - 25066:1 23rd [4] - 24991:10, 25045:19, 25047:17, 25120:23 24 [1] - 25124:19 24929 [1] - 24928:4 24950 [1] - 24928:5 24969 [1] - 24928:6 24th [1] - 24989:24 25035 [1] - 24928:7 25038 [1] - 24928:8 25074 [1] - 24928:9 25094 [1] - 24928:10 25100 [1] - 24928:12 25107 [1] - 24928:14 26 [2] - 25096:1, 25120:25 268 [1] - 24993:18 27 [1] - 25123:10 28 [5] - 25121:7, 25121:18, 25123:24, 25126:5 28th [2] - 24942:19, 25122:11 2:34 [1] - 25074:15 2:54 [1] - 25074:16	4 4 [3] - 24951:15, 25078:20, 25118:19 40 [1] - 25017:12 47 [1] - 25107:18 474 [1] - 25116:12 4:27 [1] - 25145:13
\$2,000 [1] - 25136:12			5 5 [1] - 25050:13 56 [1] - 24997:1 5th [1] - 25027:16	
'			6 617 [4] - 25133:9, 25133:21, 25136:6, 25141:10 619 [1] - 25141:12 69 [1] - 24997:4 690 [4] - 24976:10, 25101:15, 25114:7, 25115:4 6th [1] - 25043:19	
'70 [3] - 25043:22, 25043:24, 25046:9 '70s [1] - 24983:21 '71 [5] - 25032:6, 25043:18, 25043:19, 25044:13, 25045:20 '80s [3] - 24983:22, 24985:5, 25132:22 '84-december [1] - 25110:15 '85 [1] - 25110:15 '86 [7] - 25111:19, 25114:25, 25120:21, 25120:25, 25124:6, 25132:3, 25132:4 '87-early [1] - 25110:10 '87/88 [1] - 25110:4 '88 [13] - 25108:15, 25110:10, 25110:13, 25114:25, 25116:3, 25121:5, 25121:7, 25125:25, 25126:5, 25132:1, 25132:10 '89 [3] - 25121:13, 25121:14, 25124:24 '90 [3] - 25047:17, 25114:25, 25126:5 '90s [1] - 25098:11 '91 [2] - 25123:13, 25123:24 '92 [1] - 25124:6 'firing [1] - 24959:15 'fisher' [1] - 25028:19 'fresh [1] - 25027:3 'had [1] - 25023:9 'lurking [1] - 25070:8 'make [1] - 25005:17 'melting [2] - 24942:10, 24942:11 'on [1] - 24990:1 're [1] - 25005:18 'wilson' [1] - 25005:16	1 1 [3] - 25058:7, 25069:12, 25113:13 10 [1] - 25121:4 106110 [1] - 25017:6 106669 [1] - 24996:4 106670 [1] - 24996:4 10:27 [1] - 24986:7 10:48 [1] - 24986:8 11:59 [1] - 25034:22 11th [1] - 25052:8 12 [1] - 24933:21 124 [1] - 24925:22 13 [2] - 25045:6, 25078:10 141929 [2] - 25080:21, 25080:25 14th [2] - 25123:16, 25124:1 15 [2] - 25074:13, 25078:11 157044 [1] - 25047:15 16 [2] - 24971:24, 24971:25 16-year-old [3] - 24974:16, 25059:3, 25062:22 164351 [1] - 25042:3 16th [2] - 25098:4, 25106:17 17 [3] - 24971:25, 24972:1, 25062:22 177176 [1] - 24941:20	2 2 [5] - 24990:4, 24990:18, 25014:15, 25069:13, 25113:16 2,000 [1] - 25100:19 20 [1] - 24982:21 2000 [1] - 25109:3 2006 [1] - 24925:21 20603 [2] - 25076:17, 25076:20 20th [2] - 24938:13,	3 3 [1] - 25053:13 300656 [1] - 24997:2 300667 [1] - 25078:17 300668 [1] - 25078:19 300669 [4] - 24996:22, 25078:6, 25078:7, 25079:10 300s [1] - 25009:20 30th [1] - 25043:13 333486 [1] - 25048:20 335386 [1] - 25052:6 335388 [1] - 25050:8 335443 [1] - 25108:25 335465 [1] - 25125:16 335470 [1] - 25114:16 335476 [1] - 25112:21 335477 [1] - 25120:6 38 [3] - 25005:8, 25005:13, 25005:14 3rd [1] - 25112:2	7 700 [1] - 25017:13
0			8 8 [1] - 25005:7 832 [1] - 25026:25	
001499 [1] - 25009:19 006400 [2] - 24929:12, 24931:6 006402 [2] - 24929:11, 24930:25 006404 [2] - 24929:10,			9 9 [1] - 25014:16 9(1) [1] - 25090:22 9(2) [9] - 24952:15, 24952:17, 24957:7, 25003:10, 25011:5, 25012:1, 25012:10, 25090:2, 25090:10 905 [2] - 25081:1, 25081:2 9:00 [1] - 24929:2 9th [1] - 25039:11	
			A Aaron [1] - 24927:8	



<p>abdicate [1] - 25062:7</p> <p>abdication [1] - 25075:16</p> <p>ability [10] - 24956:13, 24960:25, 24962:1, 24982:10, 24982:11, 24987:2, 25062:17, 25080:13, 25117:3, 25146:7</p> <p>able [18] - 24952:20, 24964:4, 24985:2, 24992:1, 24994:23, 25007:22, 25026:5, 25036:1, 25073:6, 25084:8, 25089:14, 25092:25, 25093:7, 25095:4, 25103:23, 25110:4, 25125:11, 25139:7</p> <p>above-named [1] - 25098:7</p> <p>abreast [1] - 25068:14</p> <p>absence [6] - 24936:22, 25087:14, 25087:15, 25091:7, 25091:13, 25110:4</p> <p>absences [1] - 25143:5</p> <p>absolute [1] - 24965:25</p> <p>absolutely [7] - 24984:15, 24998:21, 25015:17, 25021:24, 25045:23, 25052:10</p> <p>Absolutely [6] - 24952:9, 24956:16, 24972:4, 25006:7, 25050:4, 25116:18</p> <p>abundantly [1] - 25064:11</p> <p>abused [2] - 24971:23, 24972:6</p> <p>accept [6] - 24939:7, 24943:18, 24952:18, 24952:21, 25015:22, 25080:17</p> <p>accepted [5] - 24950:11, 24956:2, 24956:9, 25076:3, 25089:9</p> <p>accepting [1] - 24949:12</p> <p>access [8] - 24986:11, 25049:14, 25049:18, 25050:1, 25094:19, 25100:18, 25104:3, 25139:17</p> <p>accident [1] - 24980:24</p> <p>accomplice [4] - 25005:19, 25005:24, 25007:5, 25007:7</p> <p>accomplished [1] -</p>	<p>25026:7</p> <p>according [2] - 24966:20, 24992:15</p> <p>account [5] - 24955:11, 24987:21, 25045:5, 25070:16, 25071:1</p> <p>accuracy [1] - 24984:23</p> <p>accurate [1] - 25015:7</p> <p>accusation [1] - 25055:19</p> <p>accusations [1] - 24940:19</p> <p>accused [16] - 24956:12, 24959:22, 24960:18, 24960:21, 24961:5, 24961:10, 24961:22, 24962:12, 25056:21, 25060:6, 25063:15, 25071:15, 25081:20, 25081:23, 25081:24, 25112:9</p> <p>accused's [2] - 25061:4, 25071:22</p> <p>accuser [1] - 24972:19</p> <p>achieve [4] - 24955:22, 25066:15, 25068:20, 25141:8</p> <p>acknowledge [1] - 25142:17</p> <p>acknowledged [3] - 25050:14, 25050:17, 25055:6</p> <p>acquitted [2] - 25131:16, 25131:18</p> <p>Act [3] - 25014:16, 25067:13, 25090:22</p> <p>act [1] - 25058:4</p> <p>acted [3] - 24949:14, 25084:10, 25084:11</p> <p>acting [3] - 25102:16, 25102:17, 25102:18</p> <p>activate [1] - 25133:9</p> <p>active [2] - 24962:21, 25125:5</p> <p>actively [2] - 24968:14, 25075:20</p> <p>activities [1] - 25112:19</p> <p>activity [2] - 24944:6, 25124:14</p> <p>actual [5] - 24989:16, 24989:17, 24989:18, 25001:17, 25015:3</p> <p>add [8] - 24978:18, 25009:13, 25017:2, 25068:23, 25087:4, 25099:7, 25101:3, 25102:22</p> <p>addition [1] - 25083:23</p> <p>additional [5] - 25027:5, 25100:14,</p>	<p>25101:4, 25101:23, 25102:21</p> <p>address [9] - 24965:19, 24976:23, 24992:25, 24993:3, 24994:18, 25040:19, 25065:15, 25080:15, 25106:12</p> <p>addressed [4] - 24977:25, 25070:21, 25073:15, 25089:2</p> <p>addresses [1] - 25128:15</p> <p>addressing [1] - 24964:17</p> <p>adduced [1] - 25069:22</p> <p>Adeline [2] - 25093:3, 25095:11</p> <p>adequately [2] - 25068:12, 25091:25</p> <p>Adjourned [4] - 24986:7, 25034:22, 25074:15, 25145:13</p> <p>administration [2] - 24951:18, 24963:13</p> <p>admiration [2] - 24970:16, 24971:4</p> <p>admissibility [4] - 24936:14, 24954:21, 25004:10, 25059:19</p> <p>admissible [3] - 24950:1, 25058:7, 25059:9</p> <p>admissions [1] - 24936:5</p> <p>admitted [2] - 24945:18, 25030:25</p> <p>admonition [1] - 25087:6</p> <p>admonitions [2] - 25087:11, 25091:20</p> <p>adopted [1] - 25082:21</p> <p>adopts [1] - 25082:24</p> <p>adult [2] - 25063:17</p> <p>adults [1] - 25063:1</p> <p>advance [2] - 24953:23, 25023:20</p> <p>advanced [1] - 25074:1</p> <p>advancing [3] - 24964:2, 24977:2, 25013:14</p> <p>advantage [4] - 24961:9, 25144:14, 25144:19</p> <p>advice [13] - 25045:1, 25051:12, 25051:20, 25051:25, 25060:6, 25062:8, 25063:10, 25063:20, 25064:3, 25064:18, 25064:22, 25064:23</p>	<p>advise [3] - 24959:17, 25047:5, 25060:10</p> <p>advised [5] - 24950:22, 25035:1, 25061:24, 25100:12, 25106:17</p> <p>advising [2] - 25008:5, 25076:1</p> <p>advocacy [1] - 25111:14</p> <p>advocate [2] - 24974:15, 25064:19</p> <p>advocates [1] - 25064:1</p> <p>affairs [1] - 25104:24</p> <p>affect [1] - 24973:23</p> <p>affected [1] - 25073:25</p> <p>affidavit [3] - 25120:24, 25121:1, 25121:14</p> <p>Afternoon [1] - 25107:8</p> <p>afternoon [3] - 25035:14, 25104:14, 25107:6</p> <p>afterwards [1] - 24996:1</p> <p>Ag's [1] - 25098:22</p> <p>age [4] - 24971:24, 24973:22, 25063:16, 25107:18</p> <p>ago [8] - 24958:4, 24961:17, 24982:18, 24982:21, 25070:24, 25073:22, 25076:14, 25106:3</p> <p>agree [35] - 24938:17, 24945:18, 24950:8, 24952:3, 24952:23, 24954:2, 24954:16, 24954:17, 24956:9, 24956:18, 24956:22, 24958:24, 24960:2, 24960:24, 24961:15, 24961:21, 24965:12, 24967:10, 24975:17, 24986:12, 25003:19, 25007:8, 25021:4, 25023:21, 25023:22, 25037:17, 25039:1, 25054:1, 25057:16, 25061:24, 25062:25, 25064:23, 25070:20, 25086:22, 25099:5</p> <p>agreed [3] - 25012:20, 25035:7, 25086:16</p> <p>agreeing [2] - 25065:9, 25107:6</p> <p>agreement [4] - 24952:6, 25005:2, 25087:20, 25136:17</p> <p>agrees [1] - 24939:24</p> <p>ahead [1] - 25094:2</p> <p>Aid [11] - 25075:9,</p>	<p>25075:13, 25137:7, 25137:10, 25137:14, 25137:18, 25137:20, 25137:23, 25137:25, 25138:7, 25138:9</p> <p>Alan [2] - 24928:13, 25107:4</p> <p>albeit [3] - 24974:4, 25018:14, 25031:2</p> <p>Albert [4] - 24949:10, 24971:19, 25122:25, 25131:5</p> <p>Alberta [3] - 24962:12, 25008:10, 25073:1</p> <p>Alexander [1] - 24927:13</p> <p>alibi [1] - 25058:15</p> <p>allegations [3] - 24947:3, 24967:5, 25126:14</p> <p>alleged [9] - 24947:3, 24947:5, 24947:6, 24947:14, 24958:23, 24993:8, 24993:12, 25001:4, 25001:17</p> <p>allegedly [5] - 24993:24, 24993:25, 24994:3, 25004:7, 25098:6</p> <p>allow [3] - 24957:5, 25090:15, 25106:11</p> <p>allowed [3] - 25059:25, 25144:21</p> <p>allowing [1] - 25048:8</p> <p>allude [1] - 25080:19</p> <p>alluded [5] - 24975:1, 25064:9, 25065:16, 25085:17, 25088:8</p> <p>almost [7] - 24970:23, 25019:24, 25039:2, 25042:8, 25052:13, 25053:1, 25100:24</p> <p>alone [6] - 24963:25, 24982:21, 25008:10, 25009:11, 25075:18, 25104:13</p> <p>alternative [1] - 24966:24</p> <p>amendment [1] - 25060:17</p> <p>amount [3] - 24944:24, 24965:2, 25132:21</p> <p>anecdotal [1] - 25111:25</p> <p>Ann [1] - 25093:3</p> <p>Anne [3] - 25096:17, 25096:20, 25097:13</p> <p>answer [21] - 24959:3, 24960:25, 24972:5, 24977:23, 24978:20,</p>
---	--	---	--	---



<p>25007:22, 25008:1, 25038:15, 25038:17, 25047:10, 25049:20, 25050:1, 25050:13, 25051:6, 25056:1, 25066:10, 25071:19, 25075:11, 25078:20, 25083:21, 25139:12 answered [3] - 24970:4, 24974:6, 24978:17 answering [2] - 24933:9, 24945:16 answers [3] - 24969:24, 25078:8, 25086:7 antagonism [1] - 25025:17 antagonistic [1] - 25020:23 antecedents [2] - 24958:17, 24960:23 Anthony[1] - 25069:19 anticipate [2] - 25088:1, 25088:4 anticipated [1] - 25086:22 Anyway[1] - 24995:11 apart [1] - 25017:13 apologize [1] - 25060:25 apparent [3] - 24944:6, 25080:13, 25100:16 Appeal[17] - 24967:4, 24967:22, 24968:9, 25012:19, 25012:23, 25013:4, 25027:13, 25044:15, 25052:17, 25069:10, 25069:20, 25070:13, 25070:16, 25071:17, 25071:24, 25087:20, 25089:3 appeal [15] - 25027:14, 25027:18, 25031:20, 25036:20, 25037:7, 25037:12, 25039:17, 25043:15, 25043:16, 25043:17, 25046:10, 25046:16, 25046:19, 25135:1, 25144:25 Appeals [1] - 25070:5 appealing [1] - 25064:18 Appeals[1] - 25071:11 appear [10] - 24932:13, 24935:3, 24970:6, 25046:7, 25046:8, 25046:15, 25046:25, 25066:8, 25104:12, 25132:5 Appearances[1] - 24927:1</p>	<p>appeared [5] - 24959:20, 24974:8, 25037:10, 25046:23, 25080:2 appearing [2] - 25037:4, 25038:25 appellant [1] - 25037:8 appellate [7] - 24957:1, 24967:17, 25034:16, 25035:19, 25036:9, 25037:4, 25071:5 applicant [2] - 25047:21, 25056:14 Application [1] - 24928:11 application [30] - 24954:4, 24958:20, 24976:1, 24976:11, 24976:25, 24977:1, 24978:1, 25083:22, 25100:4, 25100:10, 25102:25, 25104:6, 25106:20, 25115:11, 25116:2, 25116:5, 25116:6, 25117:4, 25120:15, 25121:7, 25121:9, 25123:11, 25123:17, 25124:10, 25126:1, 25126:3, 25126:8, 25126:11, 25132:11, 25133:21 applications [3] - 25101:16, 25114:8, 25127:3 applied [6] - 24977:22, 25013:11, 25014:13, 25083:17, 25087:23, 25137:13 applies [2] - 24957:1, 25062:25 apply [3] - 24969:5, 25004:11, 25110:22 appreciate [13] - 24960:11, 24966:9, 24966:12, 24969:9, 24970:9, 24998:4, 25009:15, 25017:3, 25023:25, 25025:7, 25056:13, 25068:21, 25129:20 appreciated [2] - 25020:20, 25079:22 apprehended [1] - 25047:7 approach [3] - 24988:5, 24989:9, 25012:6 approached [1] - 24947:24 approaching [1] - 24964:24</p>	<p>appropriate [8] - 24946:20, 24974:6, 25034:20, 25038:5, 25038:6, 25038:12, 25067:23, 25145:11 appropriately [1] - 24972:8 April[2] - 25106:17, 25124:1 area [36] - 24938:3, 24940:7, 24942:17, 24943:10, 24943:24, 24944:3, 24944:7, 24944:19, 24945:5, 24957:20, 24959:10, 24959:14, 24960:3, 24960:7, 24963:7, 24965:21, 24965:23, 24967:11, 24970:10, 24978:22, 24980:17, 24986:3, 24994:13, 25018:7, 25020:3, 25030:15, 25033:22, 25038:21, 25047:8, 25047:11, 25060:13, 25068:20, 25083:12, 25086:3, 25093:6, 25111:18 areas [21] - 24936:13, 24940:2, 24952:13, 24959:2, 24961:13, 24966:3, 24972:10, 24979:10, 24983:15, 24984:18, 24999:12, 25053:6, 25063:19, 25066:23, 25067:1, 25089:24, 25092:23, 25097:14, 25102:22, 25113:12, 25114:21 argue [1] - 25092:9 argued [2] - 25027:18, 25092:3 arguing [4] - 25027:12, 25043:25, 25044:10, 25046:10 argument [16] - 24965:10, 25013:1, 25013:14, 25030:24, 25031:5, 25036:25, 25044:2, 25059:4, 25059:12, 25060:14, 25071:8, 25087:19, 25091:6, 25092:7, 25137:24, 25138:1 arguments [4] - 24977:13, 25013:7, 25092:3, 25092:5 arise [6] - 24958:17, 24959:7, 24965:19, 24980:18, 24989:13,</p>	<p>25067:2 arisen [2] - 25020:18, 25040:22 arising [1] - 25060:16 armed [1] - 25040:6 arranged [1] - 24936:21 arrangement [2] - 24937:3, 25042:5 arrangements [1] - 25040:25 arranging [1] - 25077:14 arriving [1] - 25081:15 Arthur[1] - 25065:17 article [2] - 25039:11, 25039:13 articles [3] - 25019:12, 25111:2, 25111:3 articling [2] - 25124:13, 25126:25 articulated [3] - 24955:2, 24961:16, 24967:12 articulating [1] - 25065:7 aside [7] - 25021:5, 25130:12, 25140:7, 25140:24, 25141:16, 25142:5, 25142:13 aspect [7] - 24951:13, 24974:12, 24978:24, 24996:15, 25018:21, 25059:8, 25073:8 aspects [4] - 24977:4, 24977:12, 25004:2, 25031:5 Asper[24] - 24927:15, 24928:13, 25100:2, 25100:5, 25100:10, 25100:17, 25101:1, 25107:3, 25107:4, 25107:6, 25109:1, 25110:20, 25111:1, 25112:22, 25114:17, 25116:15, 25120:7, 25122:13, 25124:2, 25125:18, 25126:17, 25129:20, 25131:14, 25136:8 Asper's [3] - 25101:10, 25102:1, 25104:6 assailant [1] - 25010:5 assault [4] - 24930:2, 24931:3, 25050:24, 25123:15 assaulted [1] - 24930:7 assaults [3] - 25018:10, 25018:19, 25027:8 assert [2] - 25105:16, 25106:9</p>	<p>assess [1] - 25022:18 assessment [16] - 24930:15, 24930:20, 24930:21, 24930:25, 24931:11, 24931:15, 24931:19, 24949:8, 24955:9, 25001:8, 25004:23, 25022:7, 25026:2, 25055:22, 25080:12, 25092:14 assist [10] - 24938:3, 24941:22, 24951:21, 25004:20, 25021:23, 25095:10, 25116:17, 25118:15, 25138:9, 25142:22 assistance [14] - 24933:4, 24938:6, 24983:12, 24986:17, 25000:17, 25015:23, 25074:7, 25084:14, 25086:3, 25095:15, 25103:18, 25107:11, 25119:15, 25119:20 Assistant[2] - 24926:3, 24926:6 assisted [3] - 25052:15, 25057:15, 25084:7 assisting [2] - 25076:1, 25142:18 associated [1] - 25109:25 assume [4] - 24956:7, 24976:21, 24983:4, 25024:10 assumed [3] - 24932:6, 24974:15, 25134:24 assumption [1] - 24978:25 assumptions [2] - 25003:7 assure [1] - 24962:18 atoning [1] - 25142:15 attach [1] - 25029:17 attached [1] - 25138:1 attack [3] - 25014:9, 25015:3, 25031:6 attacked [2] - 25019:1, 25029:24 attacker [1] - 25019:2 attacking [2] - 25017:13, 25052:22 attacks [1] - 25031:6 attaining [1] - 25142:22 attempt [2] - 25053:17, 25143:18 attempted [1] - 24938:19 attempting [3] - 24938:22, 24939:5,</p>
--	--	--	---	---



<p>24939:7 attending [1] - 25099:20 attention [9] - 24941:10, 25000:14, 25005:6, 25013:20, 25014:25, 25031:13, 25031:15, 25036:19, 25044:18 attitude [1] - 25010:21 attorney [1] - 25044:19 Attorney [1] - 25044:20 attracted [1] - 25067:9 attribution [1] - 24933:7 Audio [1] - 24926:14 August [5] - 25002:18, 25010:13, 25095:21, 25121:13, 25123:16 Australia [1] - 25109:21 author [1] - 24931:10 authorities [16] - 25113:16, 25113:18, 25113:21, 25113:23, 25114:3, 25114:7, 25114:10, 25114:13, 25115:20, 25115:24, 25116:14, 25116:16, 25117:8, 25117:13, 25118:3 authors [1] - 24967:10 automobile [1] - 24980:24 autopsy [1] - 25012:4 availability [1] - 25068:14 available [5] - 24948:19, 24963:9, 24999:7, 25073:10, 25100:25 Avenue [9] - 24938:12, 24938:15, 24999:18, 24999:20, 25001:15, 25001:22, 25002:8, 25093:23, 25094:12 aware [17] - 24937:22, 24940:18, 24940:24, 24946:3, 24946:11, 25006:9, 25008:6, 25011:12, 25016:12, 25016:14, 25019:1, 25023:11, 25028:8, 25035:2, 25095:5, 25098:8, 25121:23 axiomatic [1] - 25039:6</p>	<p>24981:20, 24989:15, 25110:15, 25127:17 bad [3] - 25099:18, 25130:17, 25130:18 badge [2] - 25144:1, 25144:2 bag [4] - 24991:24, 24993:11, 24994:24, 24995:4 bail [1] - 25127:3 balance [3] - 25051:19, 25084:9, 25084:13 balancing [1] - 24978:7 bar [3] - 25064:14, 25075:4, 25076:10 barrister [1] - 25076:4 Bars [1] - 25100:8 base [1] - 25138:1 based [13] - 24956:25, 25005:23, 25035:4, 25045:16, 25051:12, 25051:24, 25113:10, 25114:17, 25115:17, 25131:17, 25131:18, 25134:10, 25138:2 Based [1] - 25052:15 bases [1] - 25069:11 basic [2] - 24961:15, 25030:19 basis [18] - 24945:23, 24961:19, 24977:25, 24978:2, 24982:15, 25023:24, 25056:3, 25061:5, 25072:19, 25099:15, 25102:17, 25106:9, 25128:23, 25128:24, 25133:16, 25136:14, 25136:24, 25137:4 batch [1] - 25039:14 battery [1] - 25058:24 bear [1] - 25003:10 bearing [1] - 24993:7 became [4] - 25086:14, 25096:14, 25122:23, 25124:24 become [3] - 25066:8, 25100:16, 25127:25 becomes [1] - 25066:7 bedazzled [1] - 24962:13 began [4] - 25096:2, 25111:2, 25124:20, 25128:4 beginning [4] - 24969:19, 24970:8, 24996:6, 25079:21 begins [1] - 24941:19 behalf [10] - 24938:22, 24978:14, 24999:4,</p>	<p>25031:16, 25098:19, 25100:2, 25100:10, 25113:15, 25113:19, 25115:23 behind [4] - 24940:13, 24975:16, 25033:3, 25048:13 Beitel [1] - 24926:10 belabour [2] - 24999:2, 25068:6 belief [1] - 25014:10 believes [1] - 24960:21 belong [1] - 25063:13 belonging [1] - 24992:13 below [1] - 25017:12 Bence [1] - 24956:6 Bench [4] - 25146:1, 25146:3, 25146:14, 25146:20 benefit [10] - 24931:9, 24940:2, 24953:11, 24958:6, 24984:24, 25013:8, 25041:22, 25061:4, 25063:9, 25095:3 benefited [2] - 25075:3, 25089:7 Beresh [11] - 24927:10, 24928:5, 24950:22, 24950:25, 24951:2, 24969:9, 24969:15, 24977:10, 25008:24, 25070:5, 25073:16 Bessborough [1] - 24925:16 best [28] - 24959:4, 24961:25, 24968:13, 24969:8, 24976:23, 24980:1, 24980:8, 24980:12, 24980:25, 24981:20, 24983:9, 24984:11, 24984:14, 24997:14, 24998:19, 25015:16, 25018:24, 25035:25, 25057:5, 25057:6, 25062:17, 25063:20, 25064:22, 25064:23, 25079:2, 25095:10, 25141:8, 25146:6 Better [2] - 25005:19, 25107:22 better [15] - 24959:16, 24964:4, 24967:18, 24981:21, 24982:8, 24985:24, 25012:8, 25061:21, 25062:2, 25064:9, 25065:6, 25065:14, 25069:5,</p>	<p>25094:6, 25130:19 Betty [3] - 25093:4, 25096:5, 25097:13 Between [1] - 25046:10 between [17] - 24947:4, 24958:23, 24971:25, 24976:6, 24990:1, 24992:9, 24992:16, 25011:13, 25018:8, 25039:16, 25043:24, 25044:4, 25044:9, 25077:1, 25118:22, 25135:14, 25140:23 beware [1] - 24962:14 beyond [5] - 24976:2, 24979:16, 24993:22, 25017:13, 25104:7 big [4] - 24984:21, 25057:13, 25080:15, 25140:21 biggest [1] - 24981:6 Bill [1] - 25044:19 binding [1] - 25048:5 Binias [2] - 24967:19, 25008:23 birthday [2] - 25074:19, 25099:19 bit [25] - 24962:4, 25015:20, 25034:3, 25035:24, 25045:25, 25047:13, 25048:7, 25049:16, 25088:13, 25091:17, 25092:20, 25097:1, 25108:14, 25115:21, 25117:19, 25118:24, 25119:5, 25122:12, 25125:2, 25130:21, 25131:21, 25132:23, 25137:10, 25138:11, 25142:8 bizarre [2] - 24978:13, 25053:9 blade [8] - 24995:23, 24997:17, 24997:18, 24997:19, 24998:9, 24998:23, 25079:4 bladed [1] - 24995:22 blades [1] - 24998:1 blame [3] - 24970:20, 25051:4, 25051:6 blank [1] - 25005:7 blatant [1] - 25082:7 block [1] - 25033:14 blood [5] - 24944:3, 24945:11, 25030:16, 25052:23, 25073:24 blood-stained [1] - 25052:23 bloody [1] - 25012:3 blurry [1] - 25005:7</p>	<p>board [3] - 24938:12, 25143:14, 25143:18 Board [1] - 25109:6 boarding [1] - 24938:14 Bobs [1] - 24927:5 body [5] - 24940:13, 24943:14, 24943:23, 24952:2, 25073:5 bolted [1] - 25124:17 bolus [1] - 25056:21 bona [1] - 24976:1 bonding [1] - 25135:13 bono [3] - 25136:14, 25136:24, 25137:4 book [2] - 24940:20, 25072:25 books [1] - 25095:4 Boswell [1] - 24926:5 bottom [6] - 24929:16, 24930:5, 24938:8, 25010:10, 25044:23, 25078:18 bought [1] - 24996:1 bounds [1] - 24966:6 box [4] - 24959:22, 25127:15, 25128:6, 25128:18 boy [5] - 24934:9, 24974:16, 25062:22, 25063:16, 25066:17 break [9] - 24952:7, 24986:6, 25034:21, 25035:9, 25074:11, 25074:13, 25106:23, 25126:4, 25145:11 Brian [2] - 24927:10, 24951:1 brief [3] - 24931:23, 24959:17, 25094:6 briefed [2] - 24966:11, 25129:2 briefly [6] - 24951:14, 24970:12, 25009:16, 25010:1, 25017:5, 25047:12 bright [1] - 25083:6 bring [15] - 24930:24, 24932:7, 24933:15, 24935:9, 24938:6, 24996:9, 25017:7, 25031:13, 25044:17, 25090:9, 25095:15, 25097:9, 25097:21, 25102:14, 25118:11 bringing [2] - 24937:21, 24983:7 brings [2] - 24936:17, 25064:6 British [2] - 25096:20, 25100:8</p>
B				
<p>background [6] - 24937:21, 24943:15,</p>				



<p>bromides [1] - 24962:15</p> <p>brought [9] - 24934:9, 24934:20, 24938:13, 25000:15, 25014:25, 25019:8, 25031:15, 25097:8, 25097:14</p> <p>Brown [4] - 25048:21, 25048:23, 25049:17, 25078:8</p> <p>Bruce [3] - 24927:9, 25047:16, 25052:7</p> <p>Buchwald [3] - 25110:20, 25111:1, 25111:8</p> <p>build [1] - 25124:16</p> <p>bunch [4] - 25011:19, 25021:9, 25021:10, 25129:12</p> <p>burden [1] - 24954:19</p> <p>burdened [1] - 25103:11</p> <p>bus [8] - 24938:12, 24938:14, 25001:21, 25002:7, 25002:18, 25010:13, 25082:1, 25094:11</p> <p>business [3] - 25004:14, 25007:4, 25103:4</p> <p>busy [2] - 24984:1, 25127:6</p> <p>buttressed [1] - 25114:25</p>	<p>25022:14, 25023:25, 25025:13, 25025:18, 25025:23, 25026:15, 25032:4, 25032:8, 25034:12, 25034:14, 25049:19, 25049:21, 25080:14, 25081:4, 25092:2, 25093:11, 25093:13, 25097:5, 25097:22, 25098:4, 25098:20</p> <p>Caldwells [7] - 24932:10, 24933:17, 24937:22, 25005:9, 25006:8, 25098:9, 25099:5</p> <p>Calgary [2] - 24991:12, 25082:1</p> <p>Calvin [3] - 24927:13, 24928:3, 24929:4</p> <p>Campell [1] - 25138:17</p> <p>Canada [12] - 24927:12, 24954:10, 24959:23, 24966:14, 24967:20, 25008:9, 25014:16, 25041:14, 25078:5, 25109:20, 25116:8, 25123:25</p> <p>Canadian [2] - 25110:22, 25110:23</p> <p>cancer [1] - 25077:18</p> <p>Candace [1] - 24926:4</p> <p>candid [2] - 24976:7, 25021:21</p> <p>candidate [1] - 25143:20</p> <p>candour [1] - 24977:14</p> <p>Canning [1] - 25069:18</p> <p>cannot [3] - 24967:14, 24971:16, 25062:6</p> <p>canvass [1] - 25070:10</p> <p>canvassed [4] - 24940:8, 24959:11, 24998:12, 24999:14</p> <p>Canwest [3] - 25109:7, 25109:10, 25109:14</p> <p>cap [2] - 25063:24, 25074:22</p> <p>capable [1] - 25041:7</p> <p>capacity [2] - 24980:15, 24982:7</p> <p>capsules [1] - 25023:10</p> <p>captor [1] - 25142:16</p> <p>captors [1] - 25142:17</p> <p>car [8] - 24934:20, 24936:4, 24991:16, 24992:4, 24996:8, 25000:6, 25053:16, 25081:16</p> <p>card [1] - 24997:20</p>	<p>care [1] - 25027:3</p> <p>career [4] - 24964:5, 25035:15, 25037:3, 25037:22</p> <p>careful [5] - 24964:13, 24968:19, 24978:22, 25037:19, 25060:16</p> <p>carefully [4] - 24959:11, 24961:14, 24998:12, 25008:14</p> <p>caring [1] - 24974:18</p> <p>Carlyle [2] - 25128:20, 25132:20</p> <p>Carlyle-gordge [2] - 25128:20, 25132:20</p> <p>carry [1] - 25103:7</p> <p>carrying [1] - 25033:5</p> <p>Carson [1] - 24961:7</p> <p>case [77] - 24938:21, 24941:3, 24949:4, 24949:8, 24949:18, 24953:1, 24956:4, 24963:20, 24965:5, 24965:8, 24967:19, 24967:21, 24972:18, 24977:25, 24980:11, 24982:3, 24984:7, 24990:3, 24990:9, 24990:13, 24990:16, 24990:23, 24991:4, 24991:24, 24993:12, 25003:25, 25007:6, 25008:16, 25008:23, 25008:25, 25009:4, 25013:10, 25023:20, 25029:14, 25040:12, 25057:15, 25057:20, 25058:11, 25060:5, 25064:23, 25069:5, 25069:9, 25069:18, 25069:19, 25071:13, 25073:21, 25074:25, 25075:14, 25084:18, 25090:15, 25090:16, 25091:3, 25103:11, 25108:11, 25112:11, 25117:3, 25118:15, 25123:24, 25125:5, 25127:8, 25127:12, 25127:19, 25127:24, 25129:3, 25129:14, 25129:22, 25130:1, 25130:7, 25130:17, 25130:18, 25130:25, 25132:24, 25134:8, 25137:9, 25143:3, 25144:18</p> <p>case-by-case [1] - 24977:25</p>	<p>cases [18] - 24957:15, 24967:7, 24969:4, 24980:12, 24982:10, 24984:2, 25008:11, 25009:6, 25009:9, 25033:18, 25036:2, 25040:23, 25066:13, 25067:23, 25068:2, 25069:18, 25073:11, 25075:13</p> <p>Cases [1] - 25068:9</p> <p>casual [1] - 24966:7</p> <p>category [2] - 25095:2, 25119:4</p> <p>Catherine [1] - 24927:5</p> <p>caused [3] - 24937:18, 24945:13, 25086:8</p> <p>caution [3] - 24953:10, 25006:4, 25006:16</p> <p>cautioning [3] - 24963:24, 24963:25, 24980:4</p> <p>cavalier [1] - 25130:5</p> <p>cease [2] - 24955:21, 25068:20</p> <p>ceased [1] - 25108:8</p> <p>Centurion [2] - 25122:21, 25139:6</p> <p>certain [18] - 24936:18, 24938:16, 24957:14, 24965:18, 24977:4, 24998:15, 25003:6, 25018:3, 25059:20, 25066:1, 25085:6, 25089:1, 25089:24, 25102:16, 25103:16, 25105:15, 25118:5, 25118:6</p> <p>Certainly [1] - 25121:24</p> <p>certainly [42] - 24935:6, 24941:16, 24944:22, 24949:3, 24958:3, 24963:8, 24970:21, 24971:12, 24980:18, 24981:13, 24984:20, 24986:16, 24997:9, 25006:22, 25009:14, 25010:3, 25010:6, 25012:17, 25013:14, 25020:13, 25020:22, 25026:1, 25040:14, 25046:18, 25053:6, 25079:20, 25080:17, 25081:10, 25081:21, 25082:19, 25083:5, 25091:14, 25096:13, 25097:17, 25101:24, 25103:25, 25108:10, 25110:6, 25122:5, 25129:11, 25140:13,</p>	<p>25143:23</p> <p>certainty [1] - 25026:9</p> <p>Certificates [1] - 25146:1</p> <p>certify [1] - 25146:4</p> <p>chain [5] - 24937:19, 24939:3, 25018:22, 25018:25, 25066:14</p> <p>Chairman [1] - 25109:5</p> <p>challenge [2] - 24956:13, 25057:1</p> <p>challenges [1] - 25114:23</p> <p>challenging [2] - 25004:9, 25144:8</p> <p>Champs [1] - 24996:12</p> <p>chance [4] - 25057:1, 25070:13, 25119:5, 25136:4</p> <p>chances [1] - 25017:12</p> <p>change [8] - 24986:24, 25012:5, 25045:23, 25045:25, 25059:13, 25060:17, 25062:11, 25065:12</p> <p>changed [3] - 24950:14, 24966:13, 24966:15</p> <p>changes [2] - 24959:3, 25025:6</p> <p>changing [1] - 25052:23</p> <p>channels [1] - 25116:20</p> <p>character [4] - 24958:21, 24958:23, 24960:3</p> <p>characterize [1] - 25131:13</p> <p>characterized [4] - 24974:3, 25007:7, 25055:16, 25058:8</p> <p>characters [1] - 25131:4</p> <p>charge [3] - 25006:23, 25046:7, 25089:15</p> <p>charged [1] - 25044:12</p> <p>charges [4] - 25032:11, 25044:14, 25046:11, 25046:16</p> <p>charging [2] - 25040:20, 25092:18</p> <p>charity [2] - 25138:11, 25138:12</p> <p>cheap [1] - 24998:1</p> <p>check [3] - 25036:2, 25036:23, 25037:6</p> <p>checked [2] - 25083:10, 25083:16</p> <p>cherry [1] - 24957:14</p> <p>cherry-picking [1] - 24957:14</p>
C				
<p>Cadrain [9] - 24949:10, 25019:4, 25019:16, 25019:22, 25042:11, 25042:20, 25083:4, 25122:25, 25131:5</p> <p>Cal [1] - 25049:3</p> <p>Caldwell [52] - 24927:5, 24930:12, 24932:3, 24934:3, 24937:5, 24938:19, 24939:9, 24939:10, 24940:22, 24942:25, 24944:8, 24946:4, 24946:16, 24947:5, 24947:6, 24948:19, 24949:7, 24949:15, 24950:15, 24973:18, 24985:22, 25004:1, 25004:9, 25004:21, 25012:20, 25012:24, 25013:21, 25013:23, 25014:10, 25016:9, 25020:16,</p>				



<p>chief [8] - 25014:5, 25014:13, 25033:24, 25033:25, 25034:9, 25036:15, 25075:22, 25098:3</p> <p>Chief [5] - 24956:5, 25014:19, 25093:8, 25097:23, 25099:12</p> <p>children [1] - 25069:9</p> <p>choice [6] - 24966:20, 25008:4, 25008:18, 25009:7, 25060:21</p> <p>choices [1] - 25118:6</p> <p>chose [2] - 25048:5, 25058:10</p> <p>chronologically [4] - 25115:6, 25123:8, 25125:18, 25126:10</p> <p>chronology [3] - 25120:6, 25120:8, 25124:6</p> <p>circuit [1] - 25125:3</p> <p>circuits [1] - 25075:22</p> <p>circumstance [1] - 24956:11</p> <p>circumstances [19] - 24953:22, 24954:24, 24955:14, 24957:12, 24957:16, 24965:4, 24971:22, 24972:8, 25011:10, 25011:23, 25012:5, 25013:5, 25013:9, 25038:23, 25049:5, 25059:10, 25059:21, 25075:7, 25118:7</p> <p>citizens [1] - 25007:1</p> <p>city [1] - 25075:20</p> <p>City [2] - 25111:17, 25123:18</p> <p>civil [4] - 24950:6, 24951:3, 24966:3, 24975:9</p> <p>Cknd [1] - 25108:19</p> <p>claim [4] - 25106:5, 25135:12, 25135:16, 25141:3</p> <p>claimant [2] - 25135:14, 25135:18</p> <p>claimed [2] - 24978:9, 25050:11</p> <p>claiming [2] - 25106:10, 25127:13</p> <p>claims [4] - 24952:20, 25033:18, 25082:24, 25105:22</p> <p>clarify [3] - 25070:12, 25093:12, 25105:10</p> <p>Clark [1] - 25069:6</p> <p>classic [1] - 25073:11</p>	<p>clean [2] - 24976:14, 25076:15</p> <p>clear [19] - 24964:11, 24968:12, 24977:23, 24998:6, 24999:10, 25001:9, 25017:4, 25026:14, 25045:11, 25046:3, 25049:9, 25050:3, 25051:2, 25054:3, 25054:15, 25063:13, 25064:12, 25067:7, 25080:1</p> <p>clear-cut [1] - 24977:23</p> <p>clearly [7] - 25029:8, 25037:8, 25064:21, 25082:11, 25097:19, 25100:18, 25140:19</p> <p>clerk [1] - 24989:20</p> <p>Clerk [1] - 24926:10</p> <p>clerking [1] - 25111:17</p> <p>client [11] - 24975:11, 24976:14, 24987:20, 24988:11, 25008:5, 25008:15, 25026:6, 25064:4, 25064:16, 25071:12, 25100:10</p> <p>client's [3] - 25035:5, 25063:9, 25103:13</p> <p>clients [1] - 24976:6</p> <p>Cliff [1] - 25122:14</p> <p>close [7] - 25010:7, 25039:12, 25042:15, 25042:22, 25042:25, 25053:13, 25068:21</p> <p>closer [2] - 24955:7, 24968:15</p> <p>clothes [3] - 24962:15, 25012:4, 25052:23</p> <p>clothing [1] - 25033:4</p> <p>Cn [1] - 25020:2</p> <p>co [4] - 24937:5, 24962:20, 25041:16, 25085:18</p> <p>co-operate [1] - 24962:20</p> <p>co-operates [1] - 25041:16</p> <p>co-operation [1] - 24937:5</p> <p>co-operative [1] - 25085:18</p> <p>coat [1] - 25033:6</p> <p>code [3] - 24963:1, 25073:17, 25073:18</p> <p>Code [3] - 24968:5, 24973:15, 25008:9</p> <p>coincide [1] - 24983:3</p> <p>coincidence [1] - 25031:9</p> <p>cold [1] - 25110:9</p>	<p>collaboration [1] - 25135:14</p> <p>collaboratively [1] - 25139:17</p> <p>colleagues [4] - 25059:16, 25067:11, 25133:7, 25133:16</p> <p>collected [1] - 25128:19</p> <p>collusion [1] - 24947:4</p> <p>color [1] - 24991:15</p> <p>colour [1] - 25065:25</p> <p>coloured [1] - 24991:13</p> <p>Columbia [2] - 25096:21, 25100:8</p> <p>comfortable [2] - 25009:10, 25119:12</p> <p>coming [13] - 24936:18, 24970:9, 24970:25, 24972:18, 24981:19, 25019:13, 25031:20, 25040:24, 25043:9, 25049:20, 25058:5, 25083:24, 25103:4</p> <p>commenced [1] - 24936:1</p> <p>comment [8] - 24951:12, 24976:21, 24981:5, 24981:11, 24996:16, 25059:14, 25077:5, 25144:11</p> <p>commentary [2] - 25108:6, 25114:12</p> <p>commented [2] - 25101:19, 25108:11</p> <p>comments [5] - 24973:19, 24979:18, 25072:14, 25088:2, 25089:21</p> <p>commercial [1] - 25111:16</p> <p>Commission [29] - 24925:2, 24925:14, 24926:1, 24926:2, 24926:3, 24926:10, 24930:11, 24946:13, 24951:14, 24951:22, 24952:14, 24957:24, 24962:8, 24964:20, 24967:3, 24982:18, 24985:2, 25020:13, 25068:9, 25069:10, 25069:20, 25099:21, 25100:22, 25103:19, 25104:23, 25105:12, 25106:11, 25107:7, 25113:2</p> <p>commission [2] - 25058:4, 25068:12</p> <p>Commission's [1] - 25102:8</p>	<p>Commissioner [62] - 24929:3, 24929:6, 24941:18, 24941:24, 24942:2, 24943:10, 24944:10, 24956:23, 24958:19, 24986:3, 24986:5, 24989:18, 24989:21, 24993:14, 24993:17, 24996:23, 24997:1, 25000:19, 25000:21, 25001:9, 25005:11, 25005:14, 25009:23, 25029:3, 25029:10, 25029:16, 25029:21, 25030:3, 25030:5, 25030:8, 25032:21, 25032:24, 25034:19, 25034:21, 25034:24, 25035:11, 25035:13, 25060:24, 25061:15, 25074:12, 25080:23, 25081:2, 25092:22, 25093:15, 25093:24, 25094:2, 25099:23, 25100:6, 25102:24, 25103:20, 25103:21, 25103:22, 25104:9, 25104:12, 25105:1, 25105:5, 25105:6, 25105:8, 25112:23, 25125:8, 25125:10, 25145:12</p> <p>Commissioner's [1] - 24951:16</p> <p>commissions [1] - 24958:1</p> <p>commitment [1] - 25075:9</p> <p>committed [10] - 25018:7, 25018:13, 25027:8, 25031:2, 25033:20, 25045:11, 25047:7, 25098:6, 25129:7, 25137:8</p> <p>communicate [2] - 24972:7, 25117:3</p> <p>communicated [3] - 25114:3, 25116:13, 25128:3</p> <p>communicating [1] - 25118:2</p> <p>communication [5] - 25049:23, 25116:16, 25116:20, 25117:7, 25117:12</p> <p>Communications [1] - 25109:7</p> <p>community [3] - 25034:10, 25112:19</p> <p>compact [20] -</p>	<p>24987:23, 24989:13, 24989:14, 24990:4, 24990:8, 24990:11, 24990:18, 24991:3, 24991:13, 24992:2, 24992:6, 24992:13, 24993:9, 24993:11, 24993:23, 24994:25, 24995:4, 25055:14, 25077:2, 25077:10</p> <p>company [3] - 25108:17, 25108:20, 25109:14</p> <p>comparatively [1] - 25083:6</p> <p>compartment [3] - 24990:3, 24991:18, 25077:3</p> <p>compelled [1] - 24978:14</p> <p>compelling [3] - 25030:24, 25059:11, 25071:8</p> <p>competing [1] - 24960:14</p> <p>complaint [1] - 24954:23</p> <p>complete [5] - 24977:14, 25038:15, 25049:14, 25050:2, 25114:20</p> <p>completely [2] - 24977:18, 25130:8</p> <p>completes [1] - 25074:5</p> <p>complicated [1] - 25086:15</p> <p>complicit [1] - 24948:16</p> <p>compounded [1] - 25012:14</p> <p>compromised [1] - 25141:7</p> <p>computer [1] - 25100:19</p> <p>conceded [1] - 25036:21</p> <p>concentrated [1] - 25111:15</p> <p>concept [3] - 25064:25, 25065:5, 25068:9</p> <p>concepts [1] - 24964:12</p> <p>concern [12] - 24952:14, 24958:16, 24960:22, 24962:5, 24963:13, 24966:17, 25006:10, 25007:9, 25058:18, 25080:4, 25104:13</p> <p>concerned [5] - 24951:19, 24971:20, 24971:22, 24976:4,</p>
--	---	--	--	--



<p>24978:7 concerning [1] - 25078:2 concerns [6] - 24946:18, 24955:17, 25036:10, 25082:20, 25104:13, 25120:1 concert [1] - 25135:12 conclude [1] - 24941:7 concluded [2] - 25021:22, 25068:22 concluding [1] - 24953:9 conclusion [5] - 25014:12, 25014:18, 25040:13, 25131:16, 25134:7 conclusions [1] - 25129:23 conclusively [1] - 25144:24 concurrent [2] - 25045:22 concurrently [1] - 25111:1 condemned [1] - 25022:9 condition [2] - 24978:15, 25067:19 conduct [6] - 24950:16, 24955:15, 25073:17, 25088:7, 25113:7, 25114:14 conducted [1] - 24932:12 conferences [1] - 25038:14 confessed [1] - 24975:25 confession [3] - 24954:23, 25027:11, 25028:6 confidential [2] - 24977:18, 25048:9 confirmed [1] - 24949:4 conflict [2] - 24973:13, 25075:14 conflicted [1] - 25143:24 conflicting [1] - 25144:6 confrontation [2] - 24953:15, 24953:21 confronted [2] - 25084:12, 25092:15 confronting [1] - 25055:18 confusion [1] - 24964:13 Congram [1] - 24926:4</p>	<p>Congress [1] - 25067:14 connected [2] - 24930:3, 24945:24 connection [2] - 24931:3, 25055:1 cons [1] - 25051:19 consensual [1] - 24973:21 consider [10] - 24958:20, 24975:20, 24988:7, 24993:4, 24994:2, 25008:14, 25077:21, 25101:1, 25129:16, 25129:17 considerable [3] - 25013:17, 25132:19, 25132:21 considerably [3] - 25003:2, 25003:3, 25003:21 consideration [12] - 24962:2, 24965:1, 24967:1, 24968:10, 24978:22, 24979:5, 25036:17, 25037:20, 25059:19, 25067:5, 25068:7, 25072:20 considered [7] - 24954:15, 24960:4, 24960:10, 24962:11, 24969:23, 25133:12, 25134:1 considering [3] - 24957:12, 24960:5, 24960:7 consistent [2] - 24937:4, 24994:5 consistently [1] - 25137:20 conspiracy [1] - 24947:4 constitutes [1] - 25114:9 constitutional [2] - 24965:7, 24965:10 contact [3] - 24972:22, 25016:20, 25119:22 contacted [3] - 25032:8, 25034:12, 25098:3 contain [2] - 25015:18, 25146:5 contained [2] - 24937:17, 25052:14 containing [1] - 24991:4 contemporaneous [2] - 25058:2, 25058:3 contending [1] -</p>	<p>25120:24 content [1] - 25100:12 contention [2] - 24936:14, 25128:25 contents [5] - 24993:5, 25049:11, 25093:14, 25094:16 contest [1] - 25066:7 context [6] - 24950:6, 24998:10, 25041:17, 25041:20, 25053:23, 25057:9 contingency [1] - 25136:17 continue [1] - 24948:12 Continued [1] - 24928:3 continued [4] - 24929:4, 24944:7, 24973:2, 25108:9 continues [1] - 24954:6 continuity [1] - 24946:18 contradictory [1] - 25090:12 contrary [1] - 24938:21 contrast [1] - 24992:16 conventional [1] - 25092:8 conversation [1] - 25077:8 conversations [4] - 24938:11, 25053:20, 25133:7, 25133:16 converse [1] - 24947:25 convey [3] - 24980:16, 24981:13, 25057:8 conveyed [2] - 24941:6, 24995:23 conveying [1] - 25057:3 convict [2] - 24950:19, 24961:18 convicted [11] - 24971:3, 24976:9, 24976:16, 24978:14, 25065:21, 25066:6, 25068:1, 25069:8, 25073:4, 25129:1, 25141:22 Conviction [1] - 24925:4 conviction [13] - 24959:21, 24961:23, 24967:24, 25015:14, 25031:19, 25140:8, 25140:20, 25140:24, 25141:15, 25141:16, 25142:4, 25142:12, 25144:8 convictions [3] - 24962:9, 24968:8,</p>	<p>25108:12 convincing [1] - 25082:11 copies [4] - 24929:8, 25094:18, 25094:21, 25099:2 copy [3] - 25022:25, 25023:8, 25048:24 Corbett [3] - 24959:20, 24960:2 cordially [1] - 24979:14 Corey [5] - 25032:23, 25032:24, 25093:8, 25097:24, 25099:12 corner [2] - 24930:1, 24938:12 corporate [1] - 25111:16 corporate/commercial [1] - 25111:9 Correct [7] - 24974:5, 24975:15, 24983:14, 24983:20, 25002:14, 25050:7, 25109:12 correct [59] - 24929:13, 24935:24, 24945:8, 24945:15, 24946:2, 24947:12, 24974:10, 24989:5, 24990:20, 25010:9, 25012:12, 25027:19, 25028:16, 25029:2, 25035:17, 25035:18, 25036:18, 25036:20, 25040:18, 25050:19, 25050:21, 25051:22, 25053:22, 25053:25, 25054:8, 25077:7, 25083:1, 25084:21, 25091:1, 25091:9, 25099:4, 25099:6, 25107:16, 25107:17, 25107:19, 25108:1, 25108:2, 25108:8, 25108:19, 25108:23, 25108:24, 25109:5, 25110:12, 25111:9, 25117:1, 25118:12, 25122:19, 25124:3, 25131:4, 25131:14, 25132:2, 25134:5, 25134:17, 25136:10, 25136:14, 25136:15, 25136:20, 25137:20, 25146:5 corrected [2] - 25069:22, 25137:17 correctly [2] - 25061:24, 25061:25 correspondence [4] - 24935:8, 24935:10,</p>	<p>25027:15, 25121:10 corroborate [1] - 25024:3 cosmetic [8] - 24990:3, 24990:9, 24990:16, 24990:23, 24991:4, 24993:11, 24994:24, 24995:4 Cosmetic [1] - 24990:13 cost [2] - 25137:4, 25137:6 cot [2] - 25069:3, 25073:11 counsel [48] - 24932:2, 24947:14, 24949:15, 24952:25, 24960:20, 24961:7, 24963:9, 24964:16, 24965:1, 24966:20, 24966:21, 24974:21, 24977:25, 24982:16, 25037:4, 25037:9, 25037:17, 25038:5, 25038:13, 25038:17, 25038:22, 25038:25, 25039:3, 25046:18, 25047:5, 25047:21, 25059:23, 25059:25, 25060:6, 25062:6, 25062:15, 25063:10, 25068:13, 25074:10, 25075:19, 25084:16, 25088:3, 25090:16, 25093:20, 25100:11, 25101:20, 25103:6, 25103:24, 25104:14, 25107:11, 25107:16, 25107:25 Counsel [3] - 24926:2, 24926:3, 25106:11 counter [1] - 25144:10 counter-productive [1] - 25144:10 countries [1] - 25041:15 country [1] - 24947:7 couple [18] - 24931:22, 24934:6, 24950:23, 24952:13, 24986:2, 25039:7, 25057:10, 25061:9, 25067:9, 25069:18, 25070:2, 25074:21, 25076:14, 25096:23, 25106:14, 25107:10, 25119:21, 25144:21 course [74] - 24930:10, 24937:6, 24937:10, 24941:2, 24941:4, 24942:14, 24949:22, 24950:16, 24952:7,</p>
---	---	--	--	--



24955:7, 24955:9, 24957:7, 24961:2, 24962:5, 24965:3, 24966:5, 24966:13, 24972:9, 24978:23, 24979:4, 24980:3, 24980:8, 24985:11, 24994:9, 24994:25, 24995:13, 25003:9, 25004:3, 25006:5, 25007:4, 25008:5, 25011:14, 25011:21, 25012:18, 25012:25, 25013:4, 25013:7, 25017:8, 25020:25, 25037:3, 25038:23, 25041:8, 25041:11, 25048:11, 25049:23, 25054:8, 25057:24, 25058:1, 25058:13, 25059:21, 25059:23, 25060:5, 25062:12, 25062:18, 25066:18, 25066:21, 25067:1, 25067:16, 25067:21, 25068:1, 25072:20, 25073:12, 25077:24, 25080:12, 25083:16, 25084:22, 25087:19, 25088:8, 25090:1, 25095:25, 25098:12, 25116:10, 25119:25, 25126:6 court [2] - 24957:1, 25008:10 Court [69] - 24926:11, 24954:9, 24954:12, 24959:23, 24963:2, 24965:20, 24966:14, 24967:4, 24967:20, 24967:22, 24967:23, 24968:9, 24968:20, 24981:6, 24981:19, 24985:6, 24985:14, 24985:25, 24996:22, 24997:5, 24998:14, 24999:4, 25012:19, 25012:23, 25013:4, 25026:24, 25027:1, 25027:13, 25032:7, 25037:5, 25038:25, 25044:15, 25046:9, 25046:12, 25046:23, 25052:17, 25054:14, 25059:25, 25065:24, 25066:2, 25069:10, 25069:20, 25070:5, 25070:13, 25070:16, 25070:22, 25071:11, 25071:17, 25071:24, 25072:9, 25073:14,	25073:18, 25073:20, 25073:24, 25078:5, 25078:24, 25087:20, 25089:3, 25114:8, 25116:7, 25123:25, 25126:13, 25136:18, 25146:1, 25146:3, 25146:14, 25146:20 courtesy [1] - 24937:5 courtrooms [1] - 25088:23 courts [3] - 25038:23, 25063:2, 25075:8 cover [5] - 24940:11, 25092:16, 25112:25, 25113:13, 25126:16 coverage [1] - 25137:21 covered [8] - 24937:11, 24944:13, 25002:9, 25002:15, 25010:3, 25091:23, 25114:23, 25125:19 covering [1] - 24944:19 Cpr [1] - 25019:25 Craig [2] - 25120:24, 25131:5 crazy [1] - 25133:2 cream [1] - 24991:13 create [1] - 25063:4 creates [2] - 24954:5, 25051:25 credibility [4] - 24960:1, 24963:20, 24969:21, 24981:18 credible [2] - 24974:8, 25059:5 crime [12] - 24942:7, 24958:23, 24960:22, 24962:3, 24973:23, 24974:17, 25001:4, 25001:18, 25018:13, 25031:1, 25129:7, 25143:20 crimes [3] - 25018:6, 25045:11, 25047:7 Criminal [4] - 24968:4, 24973:15, 25008:9, 25068:9 criminal [21] - 24950:6, 24951:7, 24951:24, 24959:21, 24960:23, 24962:21, 24963:13, 24968:15, 24971:1, 24973:9, 24973:18, 24975:10, 25037:1, 25076:10, 25111:12, 25111:20, 25111:23, 25111:24, 25112:7, 25124:18, 25127:10 critical [1] - 24985:7	criticism [2] - 25101:16, 25114:12 cross [38] - 24934:18, 24941:12, 24942:12, 24942:15, 24943:11, 24945:20, 24947:11, 24947:18, 24947:24, 24952:23, 24952:25, 24953:5, 24957:10, 24958:17, 24992:23, 25006:2, 25008:24, 25014:14, 25014:19, 25014:21, 25048:24, 25062:18, 25062:24, 25064:4, 25072:9, 25077:4, 25082:8, 25084:2, 25084:6, 25084:8, 25084:17, 25084:19, 25085:7, 25087:1, 25087:12, 25090:17, 25090:25, 25095:25 cross-examination [18] - 24941:12, 24942:15, 24943:11, 24945:20, 24947:18, 24947:24, 24952:23, 24953:5, 24957:10, 24958:17, 24992:23, 25008:24, 25014:19, 25048:24, 25062:18, 25072:9, 25087:12, 25095:25 cross-examine [10] - 24952:25, 25014:14, 25082:8, 25084:2, 25084:6, 25084:8, 25084:17, 25084:19, 25090:17, 25090:25 cross-examined [3] - 24947:11, 25014:21, 25087:1 cross-examiner [1] - 25062:24 cross-examining [1] - 25085:7 crosses [1] - 25007:19 Crown [22] - 24935:19, 24938:21, 24939:5, 24945:23, 24948:15, 24954:19, 24955:7, 25011:8, 25037:11, 25038:18, 25040:12, 25044:19, 25049:15, 25049:18, 25050:2, 25058:9, 25058:14, 25059:25, 25090:16, 25094:9, 25094:16, 25139:24 Crown's [5] - 24999:5, 25001:1, 25003:24,	25023:20, 25130:14 crucial [1] - 25094:25 crying [1] - 25091:21 Csr [8] - 24926:11, 24926:12, 25146:2, 25146:12, 25146:13, 25146:18, 25146:19 culpable [1] - 24960:21 culprit [1] - 25033:16 cumulative [1] - 25117:5 cunning [2] - 25022:19, 25025:21 curative [2] - 25013:10, 25087:22 current [1] - 25017:21 curricular [1] - 25124:14 custody [1] - 25135:18 cut [2] - 24940:9, 24977:23 Cv [1] - 25108:25	24987:22, 24988:15, 24988:24, 24989:1, 24989:10, 24990:6, 24991:7, 24992:17, 24994:8, 24995:17, 24996:17, 24997:11, 24999:5, 25004:3, 25004:18, 25010:4, 25018:4, 25020:6, 25020:25, 25021:23, 25022:15, 25028:15, 25029:25, 25031:4, 25040:2, 25043:16, 25047:5, 25047:24, 25048:5, 25050:17, 25050:23, 25053:20, 25056:3, 25066:1, 25071:4, 25072:6, 25075:1, 25076:24, 25078:1, 25078:2, 25078:25, 25080:3, 25080:5, 25085:9, 25085:14, 25089:7, 25100:10, 25107:3, 25107:4, 25108:1, 25111:22, 25113:14, 25113:19, 25115:23, 25118:19, 25121:1, 25121:13, 25125:14, 25127:13, 25128:23, 25129:5, 25129:6, 25130:15, 25130:22, 25130:24, 25139:25, 25140:7, 25140:11, 25140:12, 25140:15, 25142:5, 25142:14, 25143:11, 25144:18, 25145:8 David's [8] - 24975:20, 24983:2, 25007:6, 25010:7, 25057:14, 25063:16, 25072:8, 25142:1 day-to-day [1] - 24982:15 days [7] - 24946:18, 24973:21, 25024:10, 25040:3, 25043:21, 25079:16, 25107:10 dead [1] - 25003:20 deal [31] - 24962:24, 24966:6, 24966:12, 24968:6, 24974:19, 24974:24, 24984:11, 24984:16, 24986:2, 24989:14, 24997:15, 24998:25, 24999:10, 25008:2, 25017:5, 25017:18, 25040:10, 25040:17, 25041:4,
D				
Dallison [1] - 24985:22 damaged [1] - 25143:11 damaging [2] - 25020:5, 25062:21 damned [2] - 25071:17, 25071:18 damning [1] - 25081:22 Danchuk [1] - 25131:10 danger [1] - 25056:13 dared [1] - 25011:3 data [1] - 25102:10 database [1] - 25105:25 date [11] - 25024:8, 25024:12, 25027:18, 25044:4, 25044:5, 25046:1, 25065:14, 25121:19, 25122:11, 25125:8, 25126:7 dated [4] - 25023:2, 25039:11, 25045:19, 25052:7 dates [3] - 24929:14, 25120:11, 25122:3 Dave [1] - 24991:19 David [94] - 24925:4, 24927:2, 24927:11, 24927:15, 24928:13, 24969:12, 24970:12, 24970:13, 24971:3, 24971:10, 24973:18, 24975:6, 24975:24, 24976:3, 24978:6, 24979:15, 24983:17, 24986:19, 24987:14,				



<p>25041:5, 25057:13, 25069:2, 25088:6, 25101:13, 25102:8, 25115:7, 25117:18, 25125:23, 25126:3, 25126:7</p> <p>Dealing [1] - 25047:15</p> <p>dealing [12] - 24953:19, 24956:20, 24967:5, 24975:9, 25012:10, 25031:17, 25043:9, 25048:25, 25072:5, 25115:25, 25122:17, 25134:22</p> <p>dealings [5] - 24941:3, 24941:4, 25047:12, 25108:5, 25120:2</p> <p>deals [1] - 24979:8</p> <p>dealt [9] - 25009:10, 25036:8, 25046:12, 25069:11, 25069:19, 25069:20, 25072:16, 25086:25, 25104:21</p> <p>death [2] - 25069:4, 25095:24</p> <p>deaths [3] - 25069:3, 25069:4, 25073:11</p> <p>debate [3] - 25003:9, 25057:19, 25141:19</p> <p>debated [1] - 25140:13</p> <p>Deborah [2] - 25120:23, 25121:17</p> <p>December [8] - 25043:13, 25044:13, 25045:19, 25116:2, 25121:7, 25125:25, 25126:5, 25132:10</p> <p>decent [2] - 24981:22, 25025:8</p> <p>decides [1] - 25060:7</p> <p>decision [28] - 24945:24, 24954:10, 24986:19, 24986:22, 24986:24, 24987:3, 24987:7, 24987:9, 24987:10, 24988:21, 24994:15, 25006:17, 25008:16, 25027:16, 25048:2, 25048:4, 25051:22, 25051:24, 25052:17, 25060:20, 25062:9, 25063:8, 25071:4, 25087:23, 25119:9, 25124:1, 25126:10, 25126:14</p> <p>decision-makers [1] - 25119:9</p> <p>decisions [1] - 24995:12</p> <p>declare [1] - 25090:11</p>	<p>declared [5] - 25090:5, 25090:24, 25091:5, 25091:10, 25091:15</p> <p>deduced [1] - 25049:22</p> <p>deep [1] - 25143:9</p> <p>deeper [1] - 24968:1</p> <p>defence [22] - 24939:1, 24949:15, 24953:3, 24953:5, 24957:19, 24960:9, 24960:19, 24960:25, 24961:1, 24964:16, 24964:21, 24965:4, 24965:13, 24966:21, 24977:16, 25010:17, 25011:3, 25038:13, 25038:17, 25039:2, 25084:16, 25088:3</p> <p>defended [1] - 25035:20</p> <p>defending [2] - 25074:24, 25075:1</p> <p>deficient [1] - 25130:25</p> <p>definite [1] - 24988:21</p> <p>definitely [2] - 24932:18, 24937:1</p> <p>degree [5] - 24930:17, 24935:15, 24949:12, 24950:3, 25110:16</p> <p>delay [3] - 25077:13, 25077:15, 25077:23</p> <p>deliberately [2] - 24940:22, 24947:8</p> <p>deliberations [1] - 25060:11</p> <p>delivered [1] - 25044:5</p> <p>Delta [1] - 24925:16</p> <p>demand [1] - 25064:20</p> <p>demonstrate [1] - 25058:12</p> <p>Demyen [1] - 25121:17</p> <p>denial [1] - 24965:6</p> <p>denials [1] - 25055:16</p> <p>denied [4] - 25052:22, 25052:25, 25055:8, 25137:14</p> <p>Dennis [6] - 24932:23, 24934:11, 24934:19, 24935:4, 24935:12, 25122:25</p> <p>deny [4] - 25040:24, 25041:2, 25086:19, 25143:16</p> <p>denying [1] - 25033:11</p> <p>Department [18] - 24975:18, 24978:3, 25015:24, 25047:12, 25072:4, 25072:10, 25101:14, 25101:21, 25102:15, 25102:19,</p>	<p>25103:5, 25104:16, 25133:8, 25135:11, 25135:15, 25135:23, 25136:5, 25139:16</p> <p>departure [1] - 25108:3</p> <p>depot [1] - 25082:1</p> <p>deprivation [1] - 25145:2</p> <p>depth [6] - 24943:3, 24943:5, 24943:7, 24944:11, 25067:8, 25072:19</p> <p>Deputy [4] - 25093:8, 25097:23, 25098:22, 25099:12</p> <p>deputy [2] - 25033:24, 25098:3</p> <p>derogating [1] - 25079:12</p> <p>derogatory [1] - 25119:18</p> <p>describe [2] - 24942:10, 25014:8</p> <p>described [8] - 25016:25, 25020:10, 25022:10, 25055:23, 25066:16, 25076:24, 25080:10, 25087:3</p> <p>describes [2] - 25013:23, 25018:24</p> <p>Description [1] - 24928:2</p> <p>description [6] - 24930:6, 24997:24, 25033:16, 25087:5, 25106:4, 25106:6</p> <p>descriptions [1] - 24992:9</p> <p>deserved [1] - 25079:23</p> <p>design [2] - 24991:14, 24992:1</p> <p>desirability [1] - 25012:9</p> <p>desire [1] - 25104:15</p> <p>desk [1] - 25048:13</p> <p>detail [8] - 24941:15, 25018:15, 25051:14, 25108:14, 25116:22, 25117:19, 25122:12, 25130:23</p> <p>detailed [2] - 24986:12, 25120:8</p> <p>details [11] - 24934:5, 24949:3, 24949:4, 24972:2, 24972:13, 24973:12, 24982:11, 24983:17, 24983:25, 25066:3, 25130:12</p> <p>detect [1] - 25025:21</p> <p>detected [1] - 25088:19</p>	<p>detective [1] - 25031:17</p> <p>Detective [8] - 24957:3, 25023:7, 25025:12, 25028:4, 25028:9, 25031:9, 25031:13, 25031:18</p> <p>detector [1] - 25102:7</p> <p>determination [2] - 24931:10, 24946:5</p> <p>determine [2] - 24975:24, 25113:9</p> <p>determining [3] - 24930:18, 24931:16, 25014:17</p> <p>detriment [3] - 24956:12, 25075:1, 25075:5</p> <p>developed [5] - 24949:9, 24950:2, 24954:1, 25025:17, 25063:7</p> <p>developing [2] - 24962:25, 25125:5</p> <p>developments [2] - 25026:23, 25068:15</p> <p>dictated [1] - 25037:11</p> <p>dictates [2] - 25000:25, 25059:1</p> <p>Diego [1] - 25110:17</p> <p>difference [1] - 24954:11</p> <p>differences [7] - 24980:18, 24981:2, 24981:25, 24992:8, 25089:1, 25090:3, 25132:19</p> <p>different [15] - 24940:5, 24954:25, 24962:4, 24966:11, 24988:5, 24988:25, 25006:3, 25007:3, 25012:22, 25020:2, 25041:19, 25084:24, 25115:7, 25116:23, 25141:1</p> <p>differs [1] - 24980:16</p> <p>difficult [23] - 24953:14, 24953:16, 24959:2, 24959:5, 24961:21, 24972:17, 24974:16, 24982:6, 25004:23, 25008:1, 25008:17, 25030:6, 25030:21, 25079:19, 25079:21, 25082:7, 25082:16, 25082:18, 25082:23, 25084:23, 25088:1, 25106:15, 25106:16</p> <p>difficulties [4] - 25036:13, 25063:4, 25064:8, 25089:4</p>	<p>difficulty [5] - 24978:1, 25007:5, 25079:24, 25080:8, 25085:4</p> <p>dig [1] - 25143:9</p> <p>dilemma [2] - 24954:6, 24977:21</p> <p>dimensions [1] - 24993:8</p> <p>dimes [1] - 24995:14</p> <p>dire [8] - 24952:18, 24954:18, 24955:15, 24957:18, 25011:4, 25012:21, 25058:12, 25087:24</p> <p>direct [8] - 24929:24, 24941:10, 24947:2, 24958:22, 24964:11, 24980:1, 25092:23, 25108:5</p> <p>directed [5] - 24933:10, 24946:8, 24946:16, 25098:22, 25117:9</p> <p>directing [1] - 24980:3</p> <p>direction [7] - 24964:4, 25006:19, 25019:25, 25063:10, 25064:18, 25069:1, 25132:14</p> <p>directions [3] - 25050:15, 25053:18, 25055:7</p> <p>directly [8] - 24953:19, 25019:3, 25019:10, 25040:19, 25051:8, 25099:3, 25118:3, 25119:22</p> <p>Director [2] - 24926:4, 25109:4</p> <p>Directors [1] - 25109:7</p> <p>directs [1] - 25109:15</p> <p>disagree [5] - 24951:24, 24957:21, 24957:23, 24982:17, 25057:12</p> <p>disagreeing [1] - 25065:2</p> <p>disagreement [3] - 25053:5, 25053:7, 25072:7</p> <p>disallow [1] - 24957:10</p> <p>disappointed [1] - 25111:20</p> <p>disbursements [2] - 25137:6, 25137:16</p> <p>discern [1] - 25072:2</p> <p>discharge [1] - 25062:16</p> <p>disclose [2] - 24939:14, 24939:17</p> <p>disclosed [9] - 24938:18, 24999:11, 25017:8, 25017:17,</p>
---	---	---	---	---



<p>25018:2, 25049:3, 25093:21, 25094:9, 25099:13</p> <p>disclosing [1] - 25018:17</p> <p>disclosure [11] - 24998:25, 25012:12, 25035:23, 25038:11, 25038:12, 25038:15, 25039:3, 25067:2, 25069:12, 25084:25</p> <p>discontinue [1] - 25037:12</p> <p>discreditable [1] - 24963:11</p> <p>discredited [1] - 25069:15</p> <p>discreetly [1] - 24936:21</p> <p>discrepancies [1] - 24992:19</p> <p>discretion [4] - 24957:9, 24957:18, 25059:17, 25059:22</p> <p>discuss [2] - 25008:14, 25117:2</p> <p>discussed [11] - 24934:8, 24935:3, 24935:22, 24936:22, 24972:13, 24986:22, 24998:10, 25012:9, 25044:7, 25080:5, 25095:1</p> <p>discussing [2] - 25051:18, 25127:22</p> <p>discussion [12] - 24934:12, 24935:5, 24936:15, 24944:10, 24997:23, 25003:9, 25004:7, 25004:15, 25004:17, 25048:1, 25079:3, 25128:4</p> <p>discussions [10] - 24936:4, 24974:1, 24997:6, 24998:5, 25017:1, 25020:15, 25048:15, 25051:14, 25054:11, 25097:6</p> <p>dismissal [1] - 25116:4</p> <p>dismissed [2] - 25123:11, 25126:8</p> <p>disparaging [5] - 25020:7, 25024:19, 25025:2, 25053:15, 25083:7</p> <p>disposition [1] - 25003:10</p> <p>dispute [1] - 25017:25</p> <p>disquietude [1] - 24968:22</p>	<p>disseminated [1] - 25117:20</p> <p>distilled [1] - 25015:9</p> <p>distinct [3] - 25020:22, 25102:25, 25140:15</p> <p>distinction [3] - 24995:7, 25140:23, 25142:3</p> <p>distinctive [1] - 24932:11</p> <p>distinguish [2] - 25118:22, 25118:25</p> <p>distributed [1] - 25101:11</p> <p>divide [1] - 25063:12</p> <p>Dna [3] - 25067:24, 25121:3, 25121:5</p> <p>doc [4] - 24993:15, 24996:23, 25000:20, 25080:23</p> <p>Doc [1] - 24997:1</p> <p>Document [2] - 24926:5, 24926:6</p> <p>document [30] - 24929:10, 24929:11, 24929:12, 24930:1, 24932:7, 24932:9, 24937:12, 24937:23, 24938:7, 24938:8, 24941:20, 24946:12, 24946:13, 25005:9, 25006:5, 25009:17, 25013:19, 25022:24, 25032:5, 25043:10, 25048:19, 25050:8, 25056:25, 25078:6, 25095:16, 25106:7, 25109:1, 25114:16, 25114:19, 25120:4</p> <p>documents [34] - 24978:10, 24980:10, 25028:22, 25044:17, 25045:19, 25046:6, 25046:20, 25050:10, 25053:12, 25100:18, 25100:20, 25100:23, 25100:25, 25101:21, 25101:22, 25101:25, 25102:19, 25103:24, 25104:2, 25104:25, 25105:10, 25105:12, 25105:15, 25105:17, 25105:21, 25106:5, 25107:13, 25114:18, 25119:7, 25131:25, 25137:11, 25138:16, 25139:4, 25140:23</p> <p>Doell [5] - 24938:9, 25002:10, 25002:16, 25002:17, 25010:11</p>	<p>dollars [1] - 25137:5</p> <p>Don [3] - 24926:12, 25100:7, 25107:15</p> <p>Donald [3] - 24927:15, 25146:2, 25146:19</p> <p>done [22] - 24930:15, 24931:1, 24931:19, 24940:4, 24950:14, 24984:11, 24984:15, 25009:4, 25018:5, 25057:5, 25067:8, 25072:19, 25074:19, 25081:11, 25087:15, 25091:12, 25099:18, 25132:19, 25132:21, 25133:17, 25136:13</p> <p>door [3] - 24952:22, 24968:25, 25019:17</p> <p>dope [1] - 25005:21</p> <p>doubt [10] - 24934:3, 24945:1, 24967:24, 24968:25, 24993:22, 24994:8, 24998:22, 25009:1, 25017:22, 25046:5</p> <p>doubts [2] - 25070:8, 25102:6</p> <p>Douglas [1] - 24926:2</p> <p>down [43] - 24933:7, 24940:10, 24944:17, 24946:24, 24952:8, 24965:23, 24970:7, 24993:13, 24999:18, 25000:3, 25000:4, 25000:11, 25000:12, 25000:16, 25000:25, 25001:1, 25001:15, 25010:10, 25019:13, 25032:16, 25033:3, 25033:5, 25033:8, 25041:3, 25045:25, 25046:13, 25052:22, 25055:14, 25075:12, 25075:16, 25081:4, 25093:23, 25094:12, 25097:1, 25109:8, 25113:12, 25121:3, 25122:16, 25123:6, 25123:16, 25125:21, 25126:4</p> <p>downplay [2] - 25077:20, 25112:18</p> <p>downside [1] - 25006:14</p> <p>Dr [7] - 25072:23, 25121:2, 25121:6, 25123:1, 25137:16, 25137:19</p> <p>dramatic [1] - 25091:21</p> <p>draw [3] - 24995:6,</p>	<p>25005:5, 25013:19</p> <p>drawn [1] - 24996:3</p> <p>dress [1] - 25033:6</p> <p>drive [1] - 24959:7</p> <p>drugs [2] - 24973:25, 25021:10</p> <p>During [2] - 24947:17, 25035:15</p> <p>during [13] - 24937:10, 24941:4, 24942:4, 24950:15, 24986:18, 24995:13, 25014:4, 25016:3, 25016:4, 25077:16, 25086:25, 25090:1, 25110:8</p> <p>duties [1] - 25101:15</p> <p>duty [6] - 24963:1, 24963:2, 24963:4, 25062:16, 25076:3, 25129:16</p>	<p>effectively [2] - 24945:3, 24948:17</p> <p>efforts [3] - 25113:14, 25138:9, 25142:25</p> <p>eight [1] - 25065:23</p> <p>either [13] - 24981:11, 24985:2, 24993:23, 25004:5, 25037:12, 25071:24, 25083:15, 25097:13, 25106:19, 25119:1, 25127:6, 25128:23, 25144:7</p> <p>elaborate [2] - 25119:5, 25142:9</p> <p>elaborating [1] - 24964:12</p> <p>election [1] - 25104:20</p> <p>element [1] - 25104:8</p> <p>elevator [2] - 24996:9, 25059:1</p> <p>elicited [1] - 25058:19</p> <p>Elliott [5] - 24932:23, 24934:11, 24934:19, 24935:4, 24935:12</p> <p>elsewhere [1] - 25048:16</p> <p>Elson [1] - 24927:7</p> <p>embark [1] - 24937:18</p> <p>emerged [1] - 25129:2</p> <p>emotion [1] - 24974:20</p> <p>emotionally [2] - 24974:11, 25118:24</p> <p>emphasis [2] - 24963:1, 25073:19</p> <p>emphasize [1] - 25064:8</p> <p>emphasized [1] - 25074:2</p> <p>emphatic [2] - 25070:25, 25129:6</p> <p>employed [2] - 24996:14, 25082:12</p> <p>enable [1] - 25030:23</p> <p>encountered [1] - 25036:14</p> <p>end [9] - 24957:14, 24961:14, 24976:1, 24980:7, 25036:24, 25039:12, 25066:8, 25089:13, 25125:25</p> <p>endeavoured [2] - 24983:9, 25013:15</p> <p>endeavouring [1] - 25082:11</p> <p>ended [1] - 24983:20</p> <p>endorse [1] - 24958:3</p> <p>ends [1] - 25074:21</p> <p>engage [1] - 25092:19</p> <p>engaged [1] - 25075:15</p> <p>engagement [3] -</p>
E				
<p>early [14] - 24972:22, 24977:17, 24983:21, 25095:17, 25098:11, 25107:24, 25120:19, 25127:22, 25130:15, 25132:10, 25137:12, 25138:16, 25138:22</p> <p>earn [1] - 25124:15</p> <p>earnest [1] - 25124:21</p> <p>easier [2] - 25023:8, 25084:24</p> <p>easiest [1] - 25077:25</p> <p>easily [2] - 25010:4, 25019:13</p> <p>east [2] - 24943:22, 24944:1</p> <p>easy [2] - 24980:9, 25022:25</p> <p>eaten [1] - 24996:13</p> <p>eavesdroppers [1] - 25016:23</p> <p>Eddie [1] - 24927:8</p> <p>Edgar [1] - 25112:8</p> <p>edge [1] - 24998:9</p> <p>educated [1] - 25063:17</p> <p>educational [1] - 24951:13</p> <p>Edward [2] - 24925:7, 25063:25</p> <p>effect [11] - 24966:1, 24977:3, 24981:9, 25013:17, 25018:23, 25022:10, 25054:24, 25056:1, 25079:6, 25081:17, 25117:5</p> <p>effective [1] - 24988:10</p>				



<p>25125:22, 25136:9, 25142:21</p> <p>England [1] - 25069:2</p> <p>enjoyed [1] - 24971:7</p> <p>enshrined [1] - 25067:21</p> <p>entered [1] - 25044:13</p> <p>entire [1] - 25086:20</p> <p>entitled [3] - 25036:6, 25041:22, 25103:25</p> <p>entitlement [1] - 25067:22</p> <p>enure [1] - 24961:9</p> <p>equivalency [1] - 25110:21</p> <p>error [5] - 24931:18, 25013:1, 25013:3, 25069:22, 25087:22</p> <p>Es [1] - 24997:21</p> <p>escalated [1] - 25124:22</p> <p>escorted [1] - 25143:4</p> <p>especially [1] - 25135:17</p> <p>Esq [4] - 24926:3, 24927:6, 24927:7, 24927:9</p> <p>essence [1] - 24953:3</p> <p>essential [3] - 24949:4, 24954:11, 24995:2</p> <p>essentially [7] - 24944:5, 24948:23, 24963:23, 25000:16, 25063:23, 25065:9, 25091:5</p> <p>established [6] - 24943:21, 24944:2, 24944:6, 24945:3, 24947:23, 24994:21</p> <p>establishing [1] - 24945:9</p> <p>estimate [1] - 24944:18</p> <p>estimates [1] - 25102:9</p> <p>Eta's [1] - 25143:4</p> <p>etcetera [4] - 25005:21, 25047:15, 25115:16, 25120:16</p> <p>ethics [1] - 25036:10</p> <p>Eugene [1] - 25052:7</p> <p>event [9] - 24942:20, 24946:21, 24948:2, 25023:1, 25027:22, 25035:6, 25053:12, 25056:22, 25072:12</p> <p>events [6] - 24980:8, 25020:11, 25119:21, 25120:8, 25122:13, 25125:4</p> <p>eventually [2] - 25053:11, 25094:21</p>	<p>everywhere [1] - 25029:2</p> <p>evidence [86] - 24936:15, 24938:20, 24940:4, 24941:19, 24942:8, 24944:21, 24945:18, 24945:21, 24946:5, 24946:7, 24950:2, 24958:13, 24958:21, 24960:3, 24961:6, 24961:23, 24962:6, 24962:10, 24962:13, 24964:19, 24964:23, 24967:15, 24968:1, 24984:10, 24985:21, 24985:23, 24992:15, 24994:20, 24996:22, 24997:4, 25003:12, 25003:17, 25003:22, 25004:10, 25005:2, 25006:13, 25006:14, 25006:25, 25007:2, 25008:22, 25009:3, 25009:8, 25009:9, 25010:12, 25011:16, 25011:23, 25014:5, 25027:3, 25027:5, 25027:7, 25030:24, 25041:13, 25052:19, 25063:18, 25064:5, 25064:6, 25066:21, 25066:25, 25067:3, 25069:14, 25069:21, 25073:14, 25077:13, 25080:9, 25086:9, 25092:20, 25093:25, 25094:15, 25095:7, 25095:22, 25098:9, 25099:6, 25101:11, 25112:24, 25126:17, 25130:11, 25131:8, 25133:14, 25133:25, 25134:22, 25135:20, 25141:20, 25144:3, 25144:6</p> <p>Evidence [2] - 25014:16, 25090:22</p> <p>evidentiary [1] - 24935:16</p> <p>exact [3] - 25023:3, 25024:12, 25094:7</p> <p>exactly [3] - 25011:18, 25093:18</p> <p>exaggerating [1] - 25145:9</p> <p>exam [1] - 25036:15</p> <p>exam-in-chief [1] - 25036:15</p> <p>examination [24] - 24941:12, 24942:15,</p>	<p>24943:11, 24944:8, 24945:20, 24947:18, 24947:24, 24952:23, 24953:5, 24957:10, 24958:17, 24992:23, 25008:24, 25009:3, 25014:5, 25014:13, 25014:19, 25035:9, 25048:24, 25049:1, 25062:18, 25072:9, 25087:12, 25095:25</p> <p>examine [13] - 24952:25, 24993:7, 25014:14, 25082:8, 25084:2, 25084:6, 25084:8, 25084:17, 25084:19, 25090:17, 25090:25, 25092:25, 25093:7</p> <p>examined [5] - 24947:11, 24947:19, 25014:21, 25087:1, 25121:18</p> <p>examiner [1] - 25062:24</p> <p>examining [2] - 25078:8, 25085:7</p> <p>example [6] - 24957:2, 24959:19, 24967:19, 24986:18, 24987:22, 25009:8</p> <p>except [6] - 24959:18, 24966:12, 24984:25, 25052:21, 25071:10, 25140:12</p> <p>Except [2] - 24985:20, 25070:11</p> <p>exception [3] - 24960:1, 25003:4, 25058:2</p> <p>exceptions [1] - 24961:20</p> <p>exchanged [1] - 24929:19</p> <p>exclusion [1] - 24985:15</p> <p>exculpate [1] - 25067:25</p> <p>excuse [1] - 25104:17</p> <p>Excuse [1] - 25060:24</p> <p>execution [2] - 25068:3, 25072:22</p> <p>executions [2] - 25072:25, 25073:3</p> <p>Executive [3] - 24926:4, 25109:4, 25109:9</p> <p>exercise [3] - 24953:21, 24957:18, 25009:7</p> <p>exhausted [1] - 25066:21</p> <p>exhaustion [1] - 25067:6</p>	<p>exhibits [5] - 24941:3, 24942:8, 24946:19, 25067:18, 25121:5</p> <p>exist [1] - 25134:25</p> <p>existed [2] - 24944:11, 25036:7</p> <p>existence [2] - 25049:10, 25093:21</p> <p>exists [1] - 24992:3</p> <p>exonerated [1] - 25142:12</p> <p>exonerating [1] - 25140:16</p> <p>expand [1] - 24963:5</p> <p>expanded [2] - 24967:7, 24967:11</p> <p>expect [11] - 24946:19, 24955:20, 25017:21, 25037:18, 25051:22, 25053:4, 25055:18, 25084:13, 25086:19, 25086:24, 25102:3</p> <p>expense [1] - 25076:8</p> <p>expenses [1] - 25076:7</p> <p>experience [14] - 24951:18, 24970:19, 24974:12, 24987:1, 25009:5, 25035:22, 25065:18, 25074:23, 25075:3, 25075:6, 25112:14, 25129:11, 25130:7, 25143:13</p> <p>experienced [1] - 24945:12</p> <p>expert [11] - 24962:6, 24962:10, 24962:13, 24962:16, 24962:25, 25009:9, 25069:14, 25073:14, 25073:19, 25073:22</p> <p>expert's [1] - 24963:1</p> <p>experts [4] - 25068:14, 25073:10, 25073:14, 25073:18</p> <p>explain [3] - 25063:14, 25102:1, 25135:2</p> <p>explained [2] - 25047:23, 25129:3</p> <p>explode [1] - 25056:5</p> <p>explore [1] - 24973:2</p> <p>express [1] - 24969:1</p> <p>expressed [8] - 24958:16, 24963:18, 24970:15, 25011:21, 25017:11, 25030:22, 25064:13, 25072:17</p> <p>expressing [1] - 25104:15</p> <p>extending [1] - 24937:6</p> <p>extends [1] - 25107:24</p>	<p>extensively [1] - 24947:19</p> <p>extent [5] - 24982:12, 25003:15, 25059:15, 25114:9, 25117:19</p> <p>extra [2] - 25046:2, 25124:14</p> <p>extra-curricular [1] - 25124:14</p> <p>extreme [1] - 25144:17</p> <p>extremely [2] - 24964:18, 25138:7</p> <p>eye [4] - 24990:4, 24990:9, 24990:11, 24990:19</p>
				<p>F</p>
				<p>face [5] - 24974:21, 25008:22, 25059:24, 25129:18, 25143:17</p> <p>faced [1] - 25062:15</p> <p>faces [1] - 25068:2</p> <p>fact [35] - 24933:11, 24936:17, 24942:11, 24946:20, 24947:15, 24949:17, 24981:22, 24992:12, 24993:10, 24995:4, 24995:6, 25000:10, 25006:10, 25010:3, 25011:17, 25012:11, 25018:4, 25028:8, 25050:17, 25053:2, 25055:9, 25056:5, 25065:17, 25079:12, 25082:5, 25082:21, 25087:10, 25087:13, 25090:5, 25091:10, 25091:15, 25095:5, 25099:9, 25100:24, 25138:8</p> <p>factor [4] - 24930:20, 24955:10, 25082:19, 25145:7</p> <p>factored [1] - 24931:16</p> <p>factors [2] - 24987:7, 25008:25</p> <p>facts [6] - 24936:5, 24959:6, 25052:16, 25056:4, 25098:5, 25099:11</p> <p>factual [2] - 24948:24, 24959:7</p> <p>factually [1] - 25061:22</p> <p>Faculty [1] - 25110:25</p> <p>fades [1] - 24982:12</p> <p>fail [1] - 24966:18</p> <p>failing [1] - 25014:7</p> <p>failure [2] - 24952:21,</p>



<p>25070:15 fair [35] - 24965:2, 24971:6, 24985:4, 24985:25, 24986:1, 25004:21, 25007:12, 25045:16, 25052:1, 25082:5, 25082:15, 25089:6, 25090:18, 25106:24, 25108:7, 25109:18, 25109:19, 25111:11, 25112:13, 25116:14, 25116:17, 25117:19, 25117:24, 25118:1, 25118:16, 25119:9, 25119:15, 25122:12, 25131:13, 25132:6, 25132:23, 25134:11, 25137:1, 25141:22, 25143:1 fairly [8] - 24971:21, 24978:19, 24989:14, 25000:2, 25017:5, 25025:8, 25042:15, 25124:20 fairness [7] - 24935:20, 25004:22, 25004:25, 25088:18, 25106:13, 25122:7, 25145:1 faith [8] - 24969:24, 25020:10, 25021:20, 25022:8, 25024:20, 25025:1, 25025:11, 25025:15 fall [1] - 25095:2 fallen [1] - 24984:17 Falls [1] - 25112:4 false [1] - 25058:15 familiar [6] - 25048:22, 25067:12, 25113:6, 25122:19, 25127:8, 25127:25 families [1] - 24980:21 family [2] - 24980:21, 25108:10 family's [1] - 25108:19 fan [1] - 24949:25 far [16] - 24973:9, 24982:7, 24984:17, 24988:22, 24992:6, 25009:2, 25023:20, 25034:25, 25067:19, 25074:23, 25075:3, 25097:12, 25120:5, 25129:22, 25132:13, 25137:9 farcical [2] - 25052:13, 25053:1 fared [1] - 25138:14 fashion [3] - 24953:12, 24957:25, 25038:6</p>	<p>fast [1] - 24959:3 fatal [1] - 25050:24 father [3] - 24970:14, 24971:9, 24971:16 faulty [1] - 25066:16 favour [3] - 24957:18, 25039:10, 25089:21 favourable [7] - 24960:8, 25021:3, 25088:11, 25089:8, 25089:15, 25089:17, 25089:19 fears [1] - 24981:6 feature [1] - 25008:8 February [10] - 24925:21, 24942:19, 25013:21, 25039:11, 25047:17, 25121:1, 25121:18, 25122:11, 25123:10, 25126:5 Federal [13] - 25072:10, 25101:21, 25102:15, 25103:23, 25104:16, 25105:10, 25105:11, 25105:22, 25106:3, 25120:3, 25121:20, 25139:21, 25139:23 federal [1] - 25134:15 Federation [1] - 25110:23 feelings [1] - 24956:6 feet [2] - 24943:4, 24944:18 follow [1] - 25064:13 felt [6] - 24994:17, 25036:4, 25038:5, 25087:16, 25097:7, 25142:14 fence [5] - 24940:13, 24942:18, 24943:2, 24943:15, 24943:16 Ferris [2] - 25121:2, 25137:20 Ferris [2] - 25121:6, 25137:16 few [9] - 24934:7, 24951:20, 24984:25, 25024:20, 25035:7, 25035:10, 25040:3, 25044:17, 25079:16 fides [1] - 24976:1 field [1] - 25076:11 fields [1] - 25068:15 figure [2] - 24970:15, 24971:16 file [31] - 24929:9, 24929:21, 24930:10, 24931:13, 24932:4, 24932:10, 24933:3, 24933:8, 24933:13,</p>	<p>24933:17, 24937:25, 24940:17, 24973:11, 24983:18, 25032:14, 25049:15, 25049:18, 25050:2, 25050:9, 25094:14, 25094:16, 25094:19, 25094:20, 25095:3, 25111:23, 25120:21, 25125:12, 25126:22, 25132:2, 25132:5 filed [3] - 25121:14, 25126:1, 25132:11 files [3] - 25030:14, 25111:24, 25126:12 fill [2] - 25002:2, 25002:23 film [2] - 25003:5, 25003:15 final [10] - 24946:25, 24965:21, 24986:22, 25016:8, 25047:11, 25080:15, 25088:10, 25092:3, 25092:4 finally [3] - 25072:2, 25116:7, 25126:15 financially [1] - 25118:23 findings [1] - 24979:19 fine [2] - 25000:21, 25035:8 finger [1] - 24973:6 fingered [1] - 24972:24 finished [3] - 24945:21, 25102:4, 25114:22 fire [1] - 24968:16 firm [24] - 25108:16, 25108:17, 25109:24, 25109:25, 25110:20, 25111:6, 25111:8, 25111:13, 25112:2, 25120:20, 25124:18, 25129:12, 25130:3, 25131:25, 25132:8, 25132:9, 25132:25, 25133:1, 25136:12, 25137:4, 25138:13, 25138:21, 25138:25 firmly [1] - 25014:10 first [49] - 24929:24, 24932:20, 24938:8, 24947:8, 24956:9, 24960:18, 24963:3, 24965:11, 24966:19, 24985:4, 24987:13, 24988:17, 24989:25, 25006:5, 25030:14, 25044:24, 25047:15, 25050:18, 25078:20, 25084:17, 25090:10,</p>	<p>25111:11, 25111:23, 25111:24, 25115:9, 25116:1, 25116:2, 25116:5, 25117:1, 25120:14, 25121:7, 25121:8, 25121:9, 25123:11, 25124:10, 25124:13, 25124:15, 25125:24, 25126:1, 25126:21, 25129:25, 25130:22, 25132:5, 25132:9, 25134:3, 25136:22, 25141:4, 25142:13 First [1] - 24964:24 Fisher [33] - 24927:10, 24978:3, 25019:2, 25027:9, 25027:10, 25027:22, 25028:3, 25028:19, 25030:18, 25033:10, 25033:14, 25033:18, 25033:25, 25034:4, 25042:11, 25043:9, 25043:12, 25044:12, 25045:21, 25046:8, 25046:15, 25046:21, 25093:10, 25098:7, 25099:10, 25116:3, 25120:15, 25121:19, 25122:14, 25122:18, 25122:24, 25126:6 Fishers [2] - 25045:2, 25123:4 fit [2] - 24997:24, 25001:1 fitting [1] - 25112:24 five [6] - 24937:14, 24982:18, 25010:6, 25130:9, 25131:1, 25131:3 fixation [1] - 25135:17 fixed [2] - 25052:25, 25081:16 flag [1] - 25009:2 flashlight [5] - 25003:22, 25004:12, 25004:16, 25004:19, 25058:25 fleshed [1] - 25048:14 flexibility [1] - 25079:4 flexible [7] - 24995:23, 24997:16, 24997:17, 24997:18, 24998:2, 25078:25, 25079:13 flog [1] - 25003:20 floor [2] - 25096:3, 25096:24 flower [1] - 24991:14 flowing [2] - 25004:25,</p>	<p>25005:1 fly [1] - 25143:17 focus [9] - 24952:13, 24968:6, 24984:4, 24988:1, 25004:14, 25012:25, 25051:3, 25059:25, 25133:24 focused [3] - 25004:24, 25079:3, 25133:13 focuses [1] - 25113:16 focusing [2] - 24989:12, 25002:21 follow [3] - 24937:9, 24994:7, 25125:17 followed [4] - 24937:9, 24967:20, 25012:15, 25122:13 following [9] - 24940:16, 24977:7, 25053:16, 25078:19, 25079:9, 25100:5, 25121:10, 25123:12, 25142:1 follows [2] - 25122:16, 25123:17 foot [1] - 25010:6 footing [3] - 24962:1, 24974:10, 25003:16 force [5] - 24952:3, 24952:4, 24957:21, 24960:13, 25029:2 forced [3] - 24951:6, 25033:3, 25033:5 forces [1] - 24966:1 foregoing [1] - 25146:4 forensic [2] - 25068:15, 25072:23 foresee [1] - 25060:15 forget [1] - 25007:20 forgive [1] - 25024:19 forgotten [1] - 25043:19 form [4] - 24932:10, 24964:2, 25015:9, 25113:3 formal [1] - 25108:8 formed [2] - 25022:3, 25128:2 formulate [1] - 24964:4 formulated [2] - 24964:10, 25060:18 formulating [1] - 25007:16 Forrester [2] - 24928:3, 24929:4 forsake [1] - 24964:19 forth [6] - 24946:19, 24949:3, 24960:13, 24962:17, 25067:3, 25115:24 fortunate [2] - 25031:8,</p>
---	---	---	--	---



<p>25077:21 forward [16] - 24945:23, 24962:20, 24978:2, 24978:16, 24982:25, 25034:13, 25036:24, 25083:24, 25084:3, 25098:5, 25101:15, 25103:13, 25116:19, 25118:11, 25118:15, 25128:24 forwarded [1] - 25075:13 foundation [1] - 24954:11 fountain [2] - 24932:11, 24933:18 four [7] - 24982:18, 25023:10, 25033:18, 25045:21, 25045:22, 25113:11, 25136:22 fourth [1] - 25116:5 Fox [2] - 24927:8, 25010:2 frailties [1] - 24986:11 frame [3] - 25044:9, 25081:19, 25120:10 framed [1] - 25089:24 Frank [3] - 24948:18, 24949:3, 25020:4 Frankly [1] - 24959:13 frankly [5] - 24968:2, 25008:2, 25021:16, 25048:11, 25134:21 Fraye [4] - 24927:11, 25106:13, 25106:25, 25107:1 free [4] - 24994:18, 24994:19, 25105:2, 25140:13 freely [1] - 24972:7 fresh [2] - 25069:21, 25134:22 friction [1] - 25020:17 friend [3] - 25080:3, 25081:10, 25086:9 friendly [1] - 25020:22 friends [3] - 24972:23, 25072:23, 25119:3 Friesen [5] - 25001:15, 25093:3, 25096:17, 25096:20, 25097:13 front [8] - 24936:19, 24946:13, 24968:16, 25007:21, 25021:8, 25088:3, 25091:11, 25091:16 frontier [1] - 25067:1 frontiers [1] - 25067:20 frozen [1] - 25123:2 full [7] - 24954:18,</p>	<p>24960:25, 25039:3, 25124:25, 25125:2, 25125:6, 25125:11 full-answer [1] - 24960:25 full-time [2] - 25124:25, 25125:2 fully [4] - 24962:20, 25041:16, 25102:1, 25103:15 function [1] - 24952:10 functionaries [1] - 25102:18 fundamental [1] - 25059:7 fundamentally [1] - 25128:12 funded [3] - 25068:12, 25073:6, 25073:9 Funding [1] - 24928:11 funding [4] - 25100:4, 25100:11, 25136:19, 25138:8 future [3] - 24946:22, 24959:6, 25067:19</p>	<p>25016:7, 25018:9, 25057:25, 25106:4, 25113:22, 25117:24, 25122:8, 25124:7, 25132:11 General [1] - 25044:20 generally [6] - 24937:8, 25061:17, 25061:18, 25106:8, 25130:23, 25130:24 generations [1] - 24961:3 genuine [3] - 25025:5, 25062:12, 25087:8 George [2] - 25120:24, 25131:6 Gibson [1] - 24927:9 girl [5] - 25015:3, 25052:25, 25081:21, 25082:2 given [28] - 24946:18, 24948:6, 24951:18, 24957:13, 24961:5, 24978:20, 24991:5, 25001:2, 25001:10, 25001:20, 25015:1, 25028:4, 25039:15, 25045:1, 25049:12, 25049:21, 25052:3, 25052:20, 25056:19, 25059:19, 25060:3, 25063:21, 25068:8, 25072:20, 25077:9, 25087:2, 25126:23 glad [2] - 25066:11, 25074:20 Global [3] - 25109:7, 25109:10, 25109:14 glove [3] - 24990:2, 24991:17, 25077:3 God [1] - 25020:5 golden [1] - 25010:17 gonna [3] - 24940:7, 24941:10, 24987:22 goods [1] - 25143:11 gordge [2] - 25128:20, 25132:20 gosh [1] - 25020:9 gossip [1] - 25024:24 Government [2] - 24927:4, 25105:23 grabbed [2] - 24990:6, 25033:2 gradual [1] - 25124:23 grain [1] - 25059:1 granted [1] - 25014:14 great [16] - 24949:25, 24956:12, 24962:24, 24963:12, 24968:5, 24984:3, 24984:10,</p>	<p>24984:16, 24997:15, 24999:10, 25016:7, 25069:1, 25101:13, 25130:6, 25139:2, 25141:23 greater [2] - 24939:18, 25116:22 grew [1] - 25076:2 ground [5] - 24943:15, 24955:15, 24956:1, 24965:8, 25101:4 grounds [1] - 25115:23 group [3] - 25073:24, 25073:25, 25119:4 groupings [1] - 25030:16 guess [26] - 24949:22, 24950:12, 24953:13, 24955:3, 24960:14, 24960:19, 24968:11, 24971:11, 24971:22, 24977:10, 24978:1, 24982:16, 24990:14, 24990:25, 24998:9, 25013:13, 25030:22, 25050:9, 25058:18, 25062:4, 25063:6, 25064:21, 25067:4, 25069:23, 25104:17, 25141:19 guessing [1] - 24970:5 guidance [1] - 25065:19 guide [1] - 24986:13 guilt [1] - 25143:16 guilty [5] - 24970:20, 25044:14, 25142:1, 25144:1, 25144:2 guy [2] - 25028:25, 25049:13 guys [1] - 24948:20</p>	<p>handed [5] - 24979:6, 25046:21, 25052:4, 25072:4, 25087:19 handling [3] - 24970:3, 25046:15, 25046:16 hands [1] - 25064:17 handwriting [1] - 24933:18 handy [1] - 25080:24 hang [1] - 25065:23 hanging [1] - 25021:11 harbour [1] - 24950:17 harbours [1] - 24960:24 hard [7] - 24959:3, 24970:16, 24974:18, 25007:1, 25023:3, 25033:20, 25143:9 hard-working [1] - 25007:1 hardly [1] - 25056:6 Hardy [1] - 24926:3 harsh [1] - 25025:10 head [2] - 25042:11, 25102:15 headed [1] - 25111:19 heading [1] - 24932:20 headline [1] - 24947:15 headlines [1] - 24947:6 health [2] - 25077:15, 25077:17 hear [10] - 24964:15, 24971:11, 25026:16, 25026:17, 25064:21, 25074:20, 25080:18, 25089:21, 25130:17, 25144:9 heard [19] - 24958:13, 24973:19, 25011:15, 25012:16, 25015:12, 25015:13, 25027:14, 25033:19, 25071:11, 25104:14, 25106:20, 25122:14, 25123:14, 25140:22, 25141:20, 25144:3, 25144:6, 25144:9 hearing [14] - 24985:14, 24988:18, 25012:15, 25044:4, 25046:18, 25048:25, 25084:12, 25087:14, 25090:2, 25091:6, 25100:22, 25141:9, 25141:10, 25141:15 hearings [2] - 25142:23, 25143:16 heart [1] - 25051:21 Heather [3] - 25138:17, 25138:20 heating [1] - 24942:6</p>
---	--	--	--	---



<p>height [1] - 25010:7 held [8] - 24952:19, 25007:21, 25017:17, 25056:6, 25056:14, 25056:15, 25070:19, 25087:24 help [8] - 24974:7, 25007:6, 25034:16, 25057:20, 25061:12, 25061:13, 25061:14, 25140:2 helped [8] - 25003:2, 25119:14, 25119:20, 25138:24, 25139:1, 25139:2, 25144:7, 25144:18 helpful [11] - 24938:21, 25009:16, 25011:5, 25019:11, 25033:9, 25041:25, 25042:2, 25049:6, 25075:7, 25085:23, 25085:25 helping [1] - 25068:16 Henderson [3] - 25122:15, 25122:19, 25123:14 Henteleff [2] - 25110:20, 25111:1 hereby [1] - 25146:4 herein [2] - 25052:14, 25146:6 herself [1] - 25014:24 Hersh [9] - 24927:2, 24969:12, 25126:24, 25127:7, 25127:18, 25128:3, 25129:3, 25129:11, 25130:2 Hersh's [1] - 25127:2 hesitation [1] - 25048:12 high [2] - 24943:4, 24943:16 highlight [2] - 25039:20, 25039:23 highly [3] - 25062:23, 25063:17, 25145:7 highly-educated [1] - 25063:17 highly-skilled [1] - 25062:23 himself [1] - 25087:12 hindsight [5] - 24940:2, 24972:16, 25139:13, 25139:14 hint [1] - 24988:9 Hinz [3] - 24926:11, 25146:2, 25146:13 hire [1] - 25139:8 Hodson [39] - 24926:2, 24928:14, 24931:24,</p>	<p>24932:14, 24937:12, 24939:15, 24940:8, 24940:11, 24950:22, 24958:15, 24970:13, 24972:11, 24973:12, 24979:25, 24983:16, 24999:7, 24999:15, 25014:1, 25032:19, 25034:24, 25043:22, 25044:7, 25044:25, 25074:9, 25074:20, 25075:22, 25091:19, 25099:17, 25100:1, 25100:12, 25100:21, 25102:14, 25103:17, 25105:9, 25107:1, 25107:2, 25107:5, 25121:22, 25125:15 Hodson's [2] - 24945:16, 25075:11 Hoffman [1] - 25097:1 hold [1] - 25077:25 holding [1] - 25014:11 hollow [1] - 25087:25 holus [1] - 25056:21 home [7] - 24929:8, 24934:10, 24934:21, 25042:11, 25136:3, 25136:7 Hon [1] - 24927:12 honest [4] - 24979:19, 24980:25, 24981:20, 25129:5 honestly [2] - 24956:8, 24980:22 Honourable [1] - 24925:6 hook [6] - 25112:10, 25127:3, 25133:19, 25135:2, 25135:23, 25141:24 hope [8] - 24955:24, 24956:20, 25021:13, 25061:21, 25076:9, 25088:10, 25114:22, 25141:8 hopefully [2] - 24969:18, 25053:12 Hoppy [1] - 25023:10 hopy [1] - 25023:13 horrific [2] - 24974:17, 25066:4 horse [1] - 25003:20 hostile [7] - 25014:18, 25014:20, 25090:6, 25090:24, 25091:6, 25091:11, 25091:16 hotel [1] - 24948:24 Hotel [2] - 24925:16, 24996:12</p>	<p>hour [2] - 25025:15, 25034:20 hours [3] - 25024:21, 25124:8, 25124:19 house [2] - 25019:4, 25019:11 housekeeping [1] - 25039:7 human [1] - 24974:19 hundred [1] - 25137:5 hundreds [1] - 24983:11 Hundt [6] - 25001:15, 25093:4, 25096:5, 25096:7, 25096:10, 25097:13 hung [2] - 25141:25 hunting [1] - 24940:12 hurt [2] - 25022:15, 25026:6 husband [1] - 25069:7 hypnosis [1] - 25010:23 hypnotizing [1] - 24978:4 hypotheticals [1] - 24956:21</p>	<p>24980:4 imagine [2] - 24992:7, 25086:23 immediately [2] - 24943:22, 25141:25 immorality [1] - 24973:20 impact [1] - 25138:9 implausible [2] - 25130:9 implicate [3] - 24989:9, 25050:23, 25080:1 implicated [1] - 24945:6 implied [1] - 24957:9 implies [2] - 25051:23, 25119:13 imply [1] - 25121:22 importance [6] - 24933:9, 24957:12, 25016:7, 25076:7, 25088:9, 25100:19 important [13] - 24952:12, 24964:18, 24984:3, 24985:9, 24995:9, 25001:6, 25017:9, 25017:11, 25069:13, 25073:9, 25086:5, 25101:6, 25120:17 importantly [1] - 25027:7 imposed [1] - 25039:22 impossible [4] - 24961:22, 24985:8, 25039:2, 25039:4 impression [2] - 25051:25, 25053:25 impressions [1] - 25127:20 imprinted [1] - 25090:8 imprisoned [1] - 25144:25 impropriety [1] - 24961:23 improve [2] - 24963:15, 24963:20 impugned [1] - 24958:24 in-depth [2] - 25067:8, 25072:19 inadmissible [1] - 25005:4 inadvertently [1] - 24939:20 inappropriate [1] - 25022:9 inception [1] - 25073:1 incident [2] - 24942:20, 25028:6 incidents [1] - 25045:20</p>	<p>included [4] - 25080:12, 25110:7, 25116:21, 25121:15 includes [1] - 24980:3 including [2] - 25113:20, 25127:16 inconsistency [1] - 24992:2 inconsistent [1] - 25090:11 incontrovertible [1] - 24962:11 incredulously [1] - 25135:8 incrementally [1] - 24959:4 incriminate [2] - 24978:6, 24979:2 incriminating [1] - 24989:25 indecent [2] - 24930:2, 24931:3 Indeed [1] - 25049:12 indeed [3] - 24931:23, 24985:12, 25040:15 independence [1] - 25072:14 independent [6] - 24935:21, 24952:1, 25068:11, 25073:5, 25139:24, 25140:1 Index [1] - 24928:1 indicate [9] - 24935:3, 24935:10, 24945:10, 24946:3, 24997:10, 25006:23, 25036:19, 25099:1, 25112:17 indicated [29] - 24930:12, 24931:15, 24931:16, 24932:2, 24932:19, 24937:13, 24937:16, 24944:12, 24945:16, 24947:9, 24970:13, 24970:16, 24971:3, 24971:4, 24983:15, 24983:16, 24994:9, 25020:4, 25020:11, 25020:13, 25035:4, 25076:23, 25079:2, 25086:21, 25094:15, 25096:9, 25097:24, 25098:17, 25132:7 indicates [7] - 24934:8, 24934:17, 24943:20, 24967:21, 25032:8, 25040:1, 25045:23 indicating [1] - 25015:2 indication [2] - 24943:23, 25083:5</p>
I				
<p>Id [4] - 24993:15, 24996:23, 24997:1, 25080:24 idea [10] - 24960:14, 24961:8, 24979:12, 25005:23, 25075:12, 25075:24, 25083:3, 25120:18, 25132:12, 25134:21 ideas [2] - 24962:20, 25067:9 identical [1] - 25042:8 identification [2] - 24945:12, 24994:19 identified [4] - 24931:9, 24999:13, 25096:18, 25103:17 identify [3] - 25051:7, 25109:23, 25122:2 idiosyncrasy [1] - 24950:7 Idziac [1] - 25048:2 illness [1] - 25083:4 illustrate [2] - 24961:12, 24968:18 illustration [1] - 25073:12 image [1] - 25144:22 images [1] - 25100:20 imaginative [1] -</p>				



<p>indications [1] - 25097:5</p> <p>indicative [2] - 24971:13, 24977:14</p> <p>individual [5] - 24980:18, 24981:25, 25041:16, 25066:17, 25067:25</p> <p>inevitably [1] - 24959:7</p> <p>infallible [2] - 24955:19, 25068:18</p> <p>infant [1] - 25069:4</p> <p>inference [2] - 24996:2, 25045:17</p> <p>inflection [1] - 24958:10</p> <p>influence [5] - 24930:17, 25117:13, 25117:15, 25117:22, 25119:9</p> <p>influenced [1] - 24931:19</p> <p>influencing [2] - 24930:19, 25113:22</p> <p>informal [2] - 25076:2, 25133:7</p> <p>information [54] - 24930:13, 24930:22, 24931:25, 24932:21, 24933:2, 24933:8, 24935:2, 24937:17, 24938:18, 24938:25, 24939:4, 24939:15, 24939:19, 24947:2, 24949:11, 25000:3, 25002:3, 25032:1, 25034:15, 25047:20, 25049:20, 25081:25, 25085:19, 25094:9, 25094:25, 25096:14, 25113:10, 25113:18, 25113:20, 25113:25, 25114:2, 25114:4, 25114:6, 25114:10, 25115:1, 25115:12, 25115:14, 25115:15, 25115:19, 25116:4, 25116:9, 25116:13, 25116:16, 25117:20, 25118:2, 25118:14, 25119:8, 25120:15, 25121:2, 25121:5, 25121:11, 25126:6, 25129:21</p> <p>informations [1] - 25043:11</p> <p>informed [2] - 24941:1, 25106:24</p> <p>ingrained [1] - 25071:7</p> <p>ingredient [1] - 25053:5</p>	<p>initial [11] - 24992:8, 25115:10, 25125:22, 25127:23, 25127:24, 25128:2, 25129:22, 25131:11, 25136:9, 25136:12, 25140:3</p> <p>ink [4] - 24930:2, 24930:6, 24932:12, 24933:18</p> <p>innocence [11] - 24930:14, 24974:17, 24975:20, 24976:18, 24979:15, 24989:11, 25056:4, 25135:13, 25140:25, 25141:3, 25141:21</p> <p>innocent [14] - 24932:6, 24950:19, 25057:18, 25061:23, 25062:2, 25062:19, 25062:24, 25064:24, 25072:11, 25127:13, 25129:8, 25142:2, 25142:6</p> <p>Innocents [1] - 25067:13</p> <p>inquiries [1] - 24932:12</p> <p>inquiring [1] - 25113:7</p> <p>inquiry [20] - 24937:19, 24937:24, 24939:3, 24941:5, 24942:5, 24944:5, 24954:18, 24968:1, 25018:23, 25018:25, 25040:24, 25051:3, 25066:14, 25084:2, 25084:6, 25084:20, 25095:12, 25096:9, 25097:18, 25132:18</p> <p>Inquiry [6] - 24925:2, 24925:23, 24983:10, 25016:4, 25101:7, 25103:7</p> <p>inquiry/trial [1] - 24937:7</p> <p>inside [1] - 24990:23</p> <p>insidious [1] - 25141:24</p> <p>insight [2] - 24952:12, 25085:25</p> <p>Inspector [5] - 24949:13, 25011:2, 25013:21, 25016:18, 25017:1</p> <p>instance [2] - 25081:14, 25083:11</p> <p>instances [2] - 24979:1, 25006:24</p> <p>instruct [1] - 25060:10</p> <p>instructed [6] - 24975:7, 24988:9,</p>	<p>24992:18, 25037:23, 25038:3, 25089:10</p> <p>instruction [2] - 25089:8, 25089:9</p> <p>instructions [13] - 24946:11, 24986:13, 24988:3, 24994:6, 25037:25, 25051:16, 25052:4, 25053:21, 25054:5, 25088:10, 25088:11, 25106:16, 25140:4</p> <p>instrument [1] - 24950:11</p> <p>integration [1] - 25139:3</p> <p>integrity [2] - 24969:22, 25038:24</p> <p>intend [8] - 24969:18, 25017:6, 25112:25, 25113:4, 25113:12, 25114:11, 25115:5, 25120:12</p> <p>intended [3] - 24940:10, 25070:9, 25141:14</p> <p>intention [3] - 25081:13, 25101:24, 25103:15</p> <p>interaction [1] - 25130:15</p> <p>interest [10] - 24932:24, 24933:4, 24933:9, 24937:16, 24939:1, 25020:3, 25035:5, 25048:20, 25104:6, 25112:1</p> <p>interested [5] - 24936:13, 24965:9, 25047:17, 25049:8, 25072:13</p> <p>interesting [7] - 24996:16, 25033:11, 25033:25, 25034:3, 25043:2, 25140:9, 25142:23</p> <p>interests [2] - 25051:21, 25101:5</p> <p>interoffice [1] - 25056:8</p> <p>interpretation [2] - 24948:22, 25055:21</p> <p>interpreted [2] - 24969:6, 25051:4</p> <p>interrogee [1] - 24958:11</p> <p>interrupting [1] - 25060:25</p> <p>intersection [1] - 24980:24</p> <p>intervene [4] -</p>	<p>24967:16, 24968:24, 25133:22, 25134:16</p> <p>intervened [1] - 25089:5</p> <p>intervention [2] - 24967:25, 25009:2</p> <p>interview [7] - 24940:21, 24948:17, 25012:3, 25014:23, 25016:17, 25054:23, 25085:16</p> <p>interviewed [2] - 25000:11, 25022:21</p> <p>interviewing [1] - 25016:6</p> <p>interviews [4] - 25063:18, 25114:18, 25122:16, 25123:15</p> <p>intimately [1] - 25028:9</p> <p>intransigent [1] - 25141:6</p> <p>introduced [2] - 24938:19, 24953:12</p> <p>introduction [2] - 24962:5, 25057:25</p> <p>introductory [1] - 25125:20</p> <p>intuitive [1] - 25136:2</p> <p>invariably [1] - 24959:3</p> <p>investigate [2] - 25073:6, 25139:21</p> <p>investigating [2] - 25029:7, 25029:15</p> <p>investigation [15] - 24952:1, 25031:10, 25033:13, 25113:8, 25113:9, 25113:15, 25113:20, 25113:23, 25114:11, 25114:14, 25117:14, 25117:16, 25117:23, 25118:16, 25132:21</p> <p>investigative [3] - 24952:2, 24952:4, 25127:16</p> <p>investigator [1] - 25139:18</p> <p>investigators [5] - 25010:21, 25068:13, 25139:5, 25139:8, 25139:9</p> <p>invitation [1] - 25048:18</p> <p>invite [1] - 24965:25</p> <p>inviting [1] - 24976:21</p> <p>involve [1] - 24979:4</p> <p>involved [17] - 24948:1, 24968:14, 24974:11, 24976:25, 24984:3, 25028:9, 25031:9,</p>	<p>25075:20, 25083:10, 25108:22, 25109:9, 25113:2, 25120:10, 25122:23, 25133:4, 25138:22, 25139:16</p> <p>involvement [7] - 24983:20, 25045:3, 25045:5, 25107:23, 25112:19, 25124:22, 25142:18</p> <p>involves [2] - 25066:24, 25123:7</p> <p>involving [1] - 24975:2</p> <p>Ireland [1] - 25109:21</p> <p>Irene [1] - 24926:10</p> <p>irony [1] - 25015:21</p> <p>irreconcilable [1] - 25089:1</p> <p>irrelevant [1] - 25061:10</p> <p>Isabelle [1] - 24926:6</p> <p>issue [28] - 24940:11, 24948:21, 24958:22, 24965:6, 24967:2, 24983:2, 24987:23, 24992:21, 24994:19, 24994:20, 24995:16, 25018:13, 25049:2, 25058:5, 25059:22, 25069:12, 25073:23, 25085:8, 25085:16, 25101:13, 25102:14, 25103:5, 25104:16, 25105:9, 25106:1, 25106:12, 25106:21, 25123:19</p> <p>issues [13] - 24936:18, 25035:23, 25036:10, 25067:2, 25089:12, 25101:6, 25105:21, 25108:11, 25114:24, 25126:18, 25134:20, 25138:6, 25139:1</p> <p>item [2] - 24988:25, 24995:10</p> <p>items [9] - 24937:11, 24957:14, 24980:20, 24984:25, 24986:2, 24989:12, 24990:22, 24991:4, 24991:25</p> <p>itself [4] - 25086:14, 25090:18, 25126:14</p>
J				
<p>Jackfish [1] - 25083:11</p> <p>jackknife [6] - 24997:7, 24997:12, 24997:24, 24997:25, 25078:13,</p>				



25079:10 jail [7] - 25049:13, 25065:22, 25066:1, 25140:7, 25140:12, 25144:5, 25144:15 James [1] - 25072:23 January [10] - 24933:19, 24935:23, 24942:4, 25023:4, 25024:7, 25027:16, 25109:3, 25111:13, 25125:24, 25131:24 Jay [1] - 24927:6 Jerry [1] - 24926:13 Joanne [1] - 24927:3 job [6] - 24988:10, 25073:7, 25081:12, 25124:15, 25126:22, 25140:6 jobs [1] - 25125:2 John [19] - 24949:10, 24954:6, 24956:4, 24978:4, 24979:22, 24989:24, 24994:24, 25010:19, 25013:23, 25014:3, 25016:6, 25016:12, 25016:21, 25052:21, 25077:2, 25082:15, 25090:4, 25090:5, 25131:5 Johrls [2] - 24954:14, 25003:11 joined [1] - 25111:12 Jordan [1] - 24926:3 Joyce [5] - 24927:3, 25127:17, 25128:24, 25130:15, 25132:19 judge [42] - 24950:4, 24952:21, 24953:10, 24956:2, 24956:5, 24957:10, 24957:17, 24966:6, 24968:7, 24979:17, 24982:6, 25005:3, 25005:24, 25006:4, 25006:18, 25006:19, 25007:21, 25008:10, 25009:11, 25012:21, 25012:22, 25038:14, 25038:20, 25038:21, 25040:18, 25052:2, 25059:17, 25060:9, 25070:13, 25086:25, 25087:10, 25088:1, 25088:14, 25088:16, 25088:18, 25089:5, 25090:1, 25090:5, 25090:15, 25091:3, 25092:18 Judge [1] - 25045:4 judgement [3] -	25026:24, 25027:1, 25063:20 judgements [1] - 24984:2 judges [1] - 24962:12 judgment [9] - 24931:18, 24970:6, 24973:24, 25043:25, 25044:2, 25044:5, 25044:10, 25044:15, 25046:11 judicial [1] - 25009:5 juggle [1] - 25125:3 jump [2] - 24936:19, 25007:18 June [4] - 25107:24, 25108:4, 25110:15, 25124:4 juniors [1] - 25127:5 junk [1] - 24936:4 juries [1] - 25070:25 jurisdiction [1] - 25142:15 jurisprudence [2] - 25068:10, 25069:2 jurisprudentially [1] - 24953:20 jury [49] - 24936:19, 24936:21, 24939:6, 24939:7, 24945:22, 24952:18, 24961:24, 24963:11, 24963:21, 24964:1, 24964:17, 24966:13, 24992:25, 24994:17, 25006:13, 25006:15, 25006:23, 25007:22, 25007:25, 25009:4, 25012:15, 25014:22, 25014:25, 25015:11, 25021:8, 25040:20, 25060:10, 25080:15, 25087:6, 25087:15, 25087:16, 25088:3, 25088:11, 25089:21, 25091:8, 25091:11, 25091:13, 25091:16, 25092:11, 25092:12, 25092:18, 25128:15, 25131:16, 25131:18, 25134:1, 25134:11 Justice [50] - 24925:6, 24927:11, 24927:13, 24954:7, 24954:8, 24956:5, 24975:18, 24978:4, 24978:9, 24985:5, 24989:8, 25014:19, 25047:13, 25048:3, 25052:18, 25053:11, 25054:24,	25057:2, 25061:12, 25070:24, 25072:4, 25072:10, 25101:14, 25101:21, 25102:16, 25102:19, 25103:5, 25103:24, 25104:16, 25105:10, 25105:11, 25105:22, 25106:3, 25113:11, 25119:23, 25120:3, 25121:15, 25121:20, 25121:23, 25126:10, 25133:8, 25133:17, 25135:11, 25135:15, 25135:23, 25136:5, 25139:16, 25139:21, 25139:23 justice [8] - 24951:18, 24951:25, 24963:13, 24967:8, 25013:2, 25034:2, 25037:11, 25140:2 justify [1] - 24977:6	25029:19 kind [11] - 24937:3, 24974:19, 24978:13, 24979:22, 25022:22, 25025:8, 25050:10, 25053:9, 25066:8, 25118:23, 25129:2 kindly [1] - 24938:13 Kingdom [3] - 24962:24, 24969:4, 25068:11 Kleiv [2] - 24942:5, 24944:4 knife [34] - 24940:12, 24940:23, 24941:7, 24942:18, 24943:2, 24943:24, 24944:4, 24944:13, 24944:20, 24945:4, 24945:10, 24945:17, 24945:23, 24946:8, 24989:13, 24995:16, 24995:18, 24995:25, 24996:7, 24996:11, 24996:18, 24997:9, 24997:16, 24998:3, 24998:6, 24998:8, 24998:16, 24998:23, 25033:5, 25033:6, 25052:25, 25078:3, 25078:25, 25079:13 knifepoint [1] - 25033:3 knowing [9] - 24936:13, 24947:1, 24972:18, 24988:9, 25039:4, 25040:11, 25063:19, 25093:13, 25138:25 knowingly [1] - 24950:18 knowledge [11] - 24938:1, 24940:18, 24948:2, 25001:13, 25018:9, 25029:1, 25045:14, 25093:13, 25097:18, 25099:11, 25146:6 known [11] - 24937:23, 24951:2, 25000:11, 25016:23, 25025:1, 25028:19, 25034:4, 25034:10, 25045:3, 25096:14, 25106:19 knows [1] - 25062:18 Knox [18] - 24927:5, 24928:4, 24928:10, 24929:5, 24941:25, 24942:1, 24942:3, 24999:15, 25002:9, 25002:15, 25010:11, 25017:24, 25039:8,	25092:22, 25093:17, 25094:1, 25094:3, 25094:4 Krogan [1] - 24927:4 Kujawa [9] - 24927:6, 25012:23, 25035:1, 25035:16, 25035:23, 25037:13, 25037:25, 25044:21, 25046:15
L				
lab [1] - 24945:14 lack [3] - 24986:11, 25012:11, 25018:17 lady [8] - 25000:12, 25000:15, 25000:17, 25004:4, 25054:7, 25054:8, 25054:9, 25054:19 laid [3] - 24946:24, 25044:14, 25046:11 Lake [1] - 25083:12 Lana [1] - 24927:4 lane [4] - 25000:4, 25000:5, 25033:3, 25033:5 language [6] - 24963:24, 24964:10, 24968:17, 24968:25, 25081:22, 25094:7 Lapchuk [7] - 24947:16, 24948:23, 25006:22, 25024:3, 25083:23, 25120:25, 25131:6 large [5] - 25003:15, 25090:25, 25117:9, 25117:10 larger [1] - 25135:5 Larry [14] - 24926:14, 24927:10, 25027:9, 25043:9, 25043:12, 25046:21, 25093:9, 25098:6, 25099:10, 25116:3, 25121:19, 25122:18, 25123:4, 25126:6 last [30] - 24929:7, 24929:22, 24931:4, 24940:9, 24958:12, 24964:18, 24964:25, 24965:4, 24966:20, 24967:2, 24986:20, 24986:24, 24987:4, 25002:17, 25010:13, 25010:14, 25010:15, 25035:5, 25035:6, 25038:10, 25050:20, 25067:1, 25083:24,				



<p>25089:20, 25092:1, 25098:25, 25104:18, 25106:14, 25107:10, 25136:4</p> <p>lastly [1] - 25114:9</p> <p>late [4] - 24951:10, 24983:22, 24985:5, 25122:18</p> <p>lately [1] - 24931:18</p> <p>latter [2] - 25049:9, 25110:10</p> <p>launched [1] - 25018:22</p> <p>Law [2] - 25110:23, 25110:25</p> <p>law [36] - 24951:7, 24953:25, 24954:5, 24954:15, 24955:4, 24956:15, 24959:20, 24962:21, 24968:15, 24969:16, 24971:1, 24973:13, 25035:25, 25059:13, 25071:7, 25076:10, 25108:16, 25109:24, 25110:16, 25110:20, 25111:6, 25111:9, 25111:12, 25111:13, 25111:16, 25111:21, 25111:23, 25111:24, 25112:7, 25124:3, 25127:9, 25131:25, 25138:13, 25138:25</p> <p>lawfully [1] - 25073:4</p> <p>lawyer [9] - 24969:13, 24976:19, 24977:17, 24987:18, 25035:16, 25037:22, 25103:12, 25124:11, 25129:16</p> <p>lawyer's [1] - 25010:17</p> <p>lawyers [9] - 24970:20, 24976:5, 24976:13, 24985:5, 25075:24, 25075:25, 25089:18, 25092:9, 25124:18</p> <p>lay [1] - 25135:6</p> <p>lead [3] - 24939:3, 25019:10, 25066:14</p> <p>leading [7] - 24944:1, 24944:3, 24961:6, 25025:19, 25064:1, 25064:19, 25069:14</p> <p>leaf [1] - 25022:11</p> <p>learn [1] - 25129:21</p> <p>learned [3] - 24948:5, 24966:2, 25012:22</p> <p>learning [2] - 25127:2, 25127:10</p> <p>least [15] - 24955:16, 24978:24, 24979:1, 24994:5, 25000:24,</p>	<p>25036:6, 25042:8, 25047:2, 25051:3, 25066:13, 25067:5, 25097:4, 25101:22, 25104:19, 25136:22</p> <p>leave [8] - 25005:17, 25005:20, 25014:14, 25046:13, 25052:2, 25087:2, 25108:17, 25110:3</p> <p>leaving [3] - 25005:21, 25021:5, 25130:12</p> <p>led [5] - 25018:3, 25018:5, 25018:9, 25019:3, 25027:8</p> <p>leer [1] - 25043:5</p> <p>left [19] - 24953:3, 24964:21, 24965:13, 24968:21, 25005:19, 25019:13, 25028:15, 25034:19, 25043:8, 25053:3, 25058:24, 25058:25, 25059:5, 25074:10, 25085:5, 25085:8, 25108:16, 25112:5, 25124:2</p> <p>left-handed [1] - 25028:15</p> <p>leg [1] - 25132:15</p> <p>legal [6] - 24994:21, 25107:25, 25108:8, 25110:15, 25139:1, 25141:21</p> <p>Legal [1] - 25075:9, 25075:12, 25137:7, 25137:10, 25137:14, 25137:18, 25137:20, 25137:23, 25137:25, 25138:7, 25138:9</p> <p>legislation [4] - 24969:4, 24969:7, 25067:16, 25067:22</p> <p>legitimacy [1] - 25142:17</p> <p>lengthier [1] - 25120:7</p> <p>lengthy [1] - 25024:18</p> <p>lens [1] - 25009:5</p> <p>lent [1] - 25040:20</p> <p>Leonoff [2] - 25138:17, 25138:20</p> <p>less [3] - 25003:3, 25022:25, 25144:15</p> <p>less-easy-to-read [1] - 25022:25</p> <p>letter [23] - 24932:3, 24933:10, 24985:20, 24985:22, 25013:20, 25013:24, 25032:6, 25032:16, 25034:11, 25044:18, 25045:17,</p>	<p>25047:16, 25048:20, 25093:7, 25093:14, 25097:5, 25097:22, 25098:9, 25098:10, 25098:13, 25098:20, 25099:12, 25136:11</p> <p>letter-writer [1] - 25098:20</p> <p>letters [2] - 24979:17, 25097:4</p> <p>letting [1] - 25048:12</p> <p>level [1] - 24967:17, 24974:4, 25035:19, 25035:21, 25036:9, 25036:11, 25070:19, 25071:5, 25124:23, 25145:6</p> <p>leveled [1] - 25101:17</p> <p>liberation [1] - 25145:10</p> <p>liberty [5] - 25135:21, 25136:4, 25136:7, 25145:2</p> <p>library [1] - 25127:1</p> <p>lie [2] - 24948:16, 25102:6</p> <p>lied [4] - 24948:15, 25120:25, 25127:8, 25131:2</p> <p>Lieutenant [8] - 24941:12, 24942:15, 24942:24, 24944:12, 24944:16, 24945:13, 24945:21, 24945:25</p> <p>life [4] - 24977:7, 25066:4, 25125:13, 25130:11</p> <p>lifestyle [1] - 25007:3</p> <p>light [16] - 24946:6, 24996:15, 25003:9, 25006:3, 25006:21, 25027:9, 25027:23, 25028:7, 25031:12, 25043:9, 25046:8, 25052:5, 25063:18, 25066:22, 25069:21, 25088:8</p> <p>lightest [1] - 25040:5</p> <p>lightly [1] - 24987:4</p> <p>likelihood [2] - 25040:15, 25138:4</p> <p>likely [1] - 24945:6</p> <p>limit [2] - 24959:24, 25118:9</p> <p>limited [7] - 24965:18, 24967:15, 24967:17, 24977:3, 25090:18, 25117:8</p> <p>Linda [3] - 25097:1, 25122:14, 25122:23</p>	<p>line [5] - 24936:20, 24943:16, 24968:16, 25019:23, 25078:20</p> <p>line' [1] - 24959:15</p> <p>lines [1] - 25078:10</p> <p>link [1] - 24957:4</p> <p>linking [1] - 25054:25</p> <p>lipstick [6] - 24990:4, 24990:9, 24990:11, 24990:18, 24991:25, 24994:24</p> <p>list [2] - 24932:11, 25115:21</p> <p>listened [1] - 25130:20</p> <p>listening [1] - 25011:17</p> <p>listing [1] - 25106:6</p> <p>lists [1] - 25032:11</p> <p>litigation [7] - 24937:10, 24966:3, 25036:25, 25037:1, 25111:18, 25133:1</p> <p>litmus [1] - 24950:1</p> <p>live [1] - 25007:2</p> <p>lived [2] - 25033:14, 25130:18</p> <p>living [2] - 25096:20, 25097:15</p> <p>locate [1] - 24985:2</p> <p>located [1] - 24985:3</p> <p>location [1] - 25020:2</p> <p>locations [1] - 25033:15</p> <p>lock [1] - 24997:21</p> <p>logic [2] - 25000:25, 25059:1</p> <p>logical [3] - 24999:21, 25048:17, 25060:19</p> <p>Logical [1] - 24999:22</p> <p>long-range [1] - 24979:23</p> <p>long-winded [2] - 25069:24, 25103:12</p> <p>look [30] - 24953:24, 24954:4, 24954:9, 24955:13, 24956:1, 24959:5, 24965:15, 24976:14, 24977:11, 24988:8, 24996:4, 25004:4, 25005:6, 25018:18, 25026:6, 25031:19, 25032:5, 25048:12, 25058:20, 25058:23, 25060:19, 25065:22, 25072:8, 25080:21, 25080:22, 25114:24, 25127:12, 25127:18, 25127:24, 25135:7</p> <p>looked [10] - 24970:14, 24970:17, 24978:21, 24990:2, 25006:16,</p>	<p>25023:14, 25130:7, 25130:8, 25130:9, 25133:11</p> <p>looking [17] - 24930:12, 24932:17, 24935:7, 24945:19, 24955:21, 24963:3, 24979:1, 24990:14, 24991:1, 25001:3, 25008:21, 25029:23, 25040:17, 25057:16, 25076:19, 25091:18, 25115:11</p> <p>lookit [1] - 25134:14</p> <p>looks [5] - 24939:23, 25023:4, 25041:10, 25076:17, 25110:15</p> <p>Looks [1] - 24997:2</p> <p>loose [1] - 25074:21</p> <p>loosely [1] - 25012:3</p> <p>Lord [1] - 24961:7</p> <p>Lordship [1] - 24953:23</p> <p>lose [1] - 24992:14</p> <p>loser [1] - 25071:24</p> <p>lottery [1] - 25017:14</p> <p>lower [1] - 24943:1</p> <p>lurking [3] - 24967:24, 24968:24, 25009:1</p>
M				
<p>Maccallum [43] - 24925:7, 24929:3, 24941:24, 24942:2, 24986:5, 24989:18, 24989:21, 24993:14, 24993:17, 24996:23, 24997:1, 25000:21, 25001:9, 25005:11, 25005:14, 25009:23, 25029:3, 25029:10, 25029:16, 25029:21, 25030:5, 25030:8, 25032:21, 25032:24, 25034:21, 25035:11, 25060:24, 25061:15, 25074:12, 25080:23, 25081:2, 25093:15, 25093:24, 25094:2, 25099:23, 25102:24, 25103:20, 25103:22, 25104:9, 25105:1, 25105:6, 25125:8, 25125:10</p> <p>Macfarlane [3] - 25047:16, 25052:7, 25052:9</p> <p>machine [1] - 25102:10</p> <p>Mackay [3] - 25034:13, 25093:9, 25097:24</p>				



Mackie [1] - 25014:23 main [2] - 25012:18, 25029:14 maintain [4] - 25089:5, 25105:13, 25125:1, 25125:12 maintaining [2] - 24979:15, 25067:18 major [6] - 24958:2, 24974:4, 25060:20, 25075:14, 25077:18, 25082:19 majority [1] - 24955:5 makers [1] - 25119:9 man [14] - 24934:18, 24934:19, 24935:12, 24949:19, 24950:19, 25019:13, 25022:22, 25025:8, 25033:5, 25040:11, 25130:10, 25140:13, 25144:1, 25144:2 Manager [1] - 24926:5 mandate [5] - 24951:15, 24951:16, 25125:23, 25126:23, 25140:4 mandatory [2] - 24975:19, 24976:17 Manhattan [1] - 25111:17 manipulated [3] - 25085:9, 25085:13, 25119:14 Manitoba [6] - 25044:19, 25045:24, 25110:25, 25112:4, 25125:3, 25137:13 manner [5] - 24941:6, 25047:22, 25049:22, 25114:2, 25116:12 map [5] - 24990:3, 25019:8, 25019:18, 25042:5, 25042:6 March [12] - 25032:6, 25098:4, 25111:19, 25112:1, 25112:2, 25120:21, 25121:5, 25122:23, 25125:25, 25126:21, 25132:1, 25139:7 march [1] - 25135:23 mark [1] - 24951:6 Markesteyn [1] - 25123:1 marks [1] - 24972:24 Markwart [1] - 25097:2 marshaled [1] - 25119:1 Marshall [2] - 25063:25, 25064:13	Martin [2] - 25065:17, 25112:8 masters [1] - 25117:15 match [2] - 25030:17, 25062:23 material [15] - 24931:11, 24932:4, 24939:21, 24983:12, 24984:11, 25011:23, 25019:5, 25030:23, 25032:18, 25039:15, 25039:24, 25104:10, 25127:15, 25127:17, 25132:23 materials [7] - 24983:11, 24985:13, 24985:17, 25020:19, 25100:13, 25115:17, 25119:25 mathematically [1] - 25017:12 matter [46] - 24931:12, 24935:14, 24936:22, 24949:6, 24962:4, 24963:23, 24966:5, 24975:10, 24983:20, 24992:12, 25003:8, 25016:8, 25024:20, 25025:15, 25032:6, 25038:4, 25042:1, 25042:2, 25049:9, 25051:24, 25057:15, 25069:11, 25069:15, 25071:6, 25072:5, 25076:16, 25079:22, 25081:24, 25083:9, 25087:17, 25100:1, 25101:9, 25103:2, 25103:8, 25107:23, 25108:5, 25113:1, 25123:6, 25124:12, 25126:18, 25127:12, 25132:13, 25136:13, 25138:23, 25139:9, 25139:22 matters [19] - 24965:18, 24984:3, 24985:9, 25035:21, 25036:8, 25036:19, 25037:6, 25039:7, 25046:24, 25046:25, 25062:20, 25089:2, 25106:15, 25122:18, 25125:4, 25125:20, 25126:12, 25134:4, 25142:19 mature [1] - 24978:21 Mcintyre [2] - 25056:18, 25056:25 Mckay [1] - 25032:21 Mclean [1] - 24927:3	mean [36] - 24961:2, 24961:16, 24967:23, 24968:20, 24971:6, 24982:2, 24982:9, 24988:15, 24988:20, 24992:4, 24992:5, 25008:20, 25021:20, 25025:14, 25028:14, 25030:1, 25033:6, 25037:1, 25051:2, 25053:2, 25053:24, 25056:17, 25067:23, 25067:24, 25092:17, 25096:16, 25112:17, 25118:9, 25119:18, 25129:7, 25131:1, 25134:20, 25135:3, 25135:4, 25139:12, 25141:2 meaningless [1] - 24953:16 means [1] - 25049:7 meant [2] - 25120:16, 25140:16 measure [1] - 24958:5 media [12] - 24940:19, 25108:17, 25108:20, 25109:20, 25113:21, 25116:15, 25116:21, 25116:25, 25117:7, 25117:20, 25118:4, 25118:10 medical [2] - 25009:9, 25066:24 medication [1] - 25066:4 meet [1] - 25129:5 meeting [10] - 24933:20, 24934:1, 24935:11, 24935:23, 24936:24, 24979:14, 25056:3, 25077:14, 25107:12, 25130:22 Melnyk [9] - 24947:16, 24948:23, 25006:22, 25024:3, 25039:9, 25040:1, 25083:24, 25120:24, 25131:5 member [3] - 25100:7, 25109:6, 25112:3 members [4] - 24968:20, 25064:14, 25076:9, 25132:25 memberships [1] - 25112:18 memo [4] - 24999:23, 25050:8, 25052:6, 25095:4 memoranda [1] - 25056:8	memories [3] - 24979:23, 24979:24, 24980:15 memory [23] - 24935:20, 24941:16, 24979:8, 24979:11, 24979:19, 24979:22, 24980:2, 24980:5, 24981:21, 24981:23, 24982:3, 24982:7, 24983:2, 24984:7, 24986:11, 24992:7, 25042:4, 25066:7, 25066:16, 25078:24, 25079:13, 25097:11, 25097:12 men [1] - 25017:12 mental [3] - 25006:9, 25007:13, 25083:4 mention [4] - 24966:4, 25005:20, 25077:13, 25140:22 mentioned [17] - 24934:16, 24954:20, 24955:16, 25006:21, 25008:25, 25018:12, 25020:3, 25021:1, 25036:14, 25075:21, 25079:7, 25079:8, 25080:5, 25083:8, 25091:19, 25093:5, 25115:25 Meota [1] - 25083:11 Merchant [6] - 25076:13, 25077:5, 25077:11, 25077:12, 25077:24, 25144:3 mere [2] - 25103:5, 25104:7 merit [4] - 24967:1, 25127:21, 25128:1, 25138:3 merits [1] - 25138:3 Merriman [1] - 24939:21 Merrimans [4] - 24939:16, 25001:3, 25001:5, 25001:16 Merry [1] - 25123:2 message [2] - 25045:12, 25046:3 met [8] - 24970:13, 24979:9, 24985:4, 24987:13, 24988:17, 25076:23, 25129:3, 25129:25 meted [1] - 25034:5 method [1] - 24957:22 meticulous [1] - 24984:22	Meyer [3] - 24926:12, 25146:2, 25146:19 mid [1] - 25124:24 midway [1] - 25111:3 might [58] - 24930:13, 24932:5, 24933:8, 24939:24, 24946:22, 24950:18, 24951:21, 24956:23, 24957:17, 24958:17, 24958:19, 24959:25, 24967:8, 24969:15, 24977:15, 24979:18, 24982:17, 24986:12, 24987:13, 24987:20, 24988:4, 24988:11, 24989:16, 24994:5, 25002:17, 25005:5, 25006:2, 25006:3, 25006:14, 25006:20, 25007:1, 25009:9, 25010:5, 25020:14, 25021:4, 25023:20, 25034:16, 25034:20, 25038:12, 25040:12, 25057:12, 25059:24, 25060:2, 25060:7, 25070:20, 25074:13, 25078:3, 25086:19, 25094:17, 25099:7, 25127:21, 25128:1, 25134:10, 25136:25, 25137:2, 25138:14, 25143:3, 25144:9 milestones [1] - 25120:12 Milgaard [55] - 24925:4, 24927:2, 24927:3, 24938:23, 24940:20, 24958:14, 24984:7, 24996:8, 24996:11, 24999:5, 25014:9, 25015:4, 25028:10, 25029:25, 25040:2, 25043:16, 25046:16, 25047:5, 25047:24, 25050:13, 25050:23, 25051:10, 25061:6, 25075:2, 25080:3, 25081:10, 25081:18, 25108:1, 25108:22, 25110:1, 25111:22, 25112:11, 25115:24, 25118:19, 25121:1, 25125:5, 25127:8, 25127:11, 25127:21, 25128:7, 25128:8, 25128:23, 25128:24, 25129:4, 25129:24, 25130:22, 25130:24,
---	---	---	--	---



<p>25132:7, 25138:10, 25139:25, 25140:7, 25142:5, 25142:10, 25144:4</p> <p>Milgaard's [6] - 24969:12, 25052:19, 25081:15, 25113:14, 25113:19, 25121:13</p> <p>Milgaards' [1] - 25141:3</p> <p>Miller [31] - 24931:13, 24934:10, 24934:21, 24938:11, 24938:16, 24988:2, 24992:14, 24995:9, 24999:18, 25002:7, 25028:20, 25029:7, 25029:20, 25030:16, 25031:1, 25031:7, 25031:10, 25043:4, 25043:5, 25047:6, 25050:25, 25052:23, 25052:24, 25053:16, 25053:20, 25054:1, 25054:25, 25093:3, 25093:23, 25094:10, 25095:23</p> <p>Miller's [1] - 24940:13</p> <p>Miller/milgaard [1] - 25032:14</p> <p>million [1] - 25034:8</p> <p>mind [19] - 24950:14, 24977:22, 24986:10, 24987:19, 24988:11, 24988:13, 24993:7, 24994:8, 24995:22, 24995:25, 25003:11, 25006:2, 25007:19, 25041:4, 25063:22, 25089:25, 25090:8, 25141:7, 25144:11</p> <p>mindful [1] - 25088:9</p> <p>mindless [1] - 25092:19</p> <p>mine [1] - 24950:7</p> <p>minimize [1] - 24968:7</p> <p>Minister [7] - 24927:11, 25048:3, 25116:2, 25116:5, 25116:6, 25119:22, 25119:23</p> <p>minister [3] - 25123:24, 25133:22, 25134:16</p> <p>Minister's [1] - 25126:10</p> <p>Ministries [2] - 25122:21, 25139:6</p> <p>minor [4] - 24938:4, 24939:19, 25066:3, 25108:7</p> <p>minute [6] - 24956:7, 24986:20, 24986:25, 24987:4, 25056:15, 25083:24</p>	<p>minutes [1] - 25074:13</p> <p>miscarriage [2] - 24967:8, 25013:2</p> <p>misconception [1] - 25129:10</p> <p>misgivings [1] - 25041:18</p> <p>misquotes [1] - 25056:22</p> <p>Miss [5] - 25019:1, 25094:10, 25095:23, 25096:7, 25096:10</p> <p>missed [3] - 24939:16, 24999:14, 25092:7</p> <p>missing [5] - 24995:9, 25109:18, 25123:18, 25126:12, 25128:11</p> <p>mission [1] - 25140:19</p> <p>mix [1] - 24981:18</p> <p>mixed [1] - 25043:21</p> <p>model [1] - 25143:13</p> <p>modest [1] - 25124:20</p> <p>modification [2] - 25065:12, 25071:9</p> <p>modified [1] - 25059:12</p> <p>modus [1] - 25033:17</p> <p>moment [5] - 24950:17, 24964:11, 24966:13, 24987:1, 25131:25</p> <p>money [6] - 24996:2, 25004:15, 25004:16, 25076:8, 25083:18, 25137:7</p> <p>month [2] - 24942:19, 25108:15</p> <p>months [10] - 24982:18, 24997:13, 25076:14, 25106:14, 25107:12, 25110:5, 25110:7, 25110:9, 25121:4, 25122:17</p> <p>morality [1] - 24959:24</p> <p>morality-related [1] - 24959:24</p> <p>morning [22] - 24929:3, 24929:6, 24929:19, 24934:10, 24945:5, 24950:23, 24951:1, 24951:15, 24951:21, 24963:15, 25000:13, 25001:22, 25008:23, 25017:25, 25039:8, 25042:3, 25042:4, 25042:13, 25042:17, 25043:8, 25073:16, 25095:23</p> <p>mortifies [2] - 25139:13, 25139:14</p> <p>Morton [1] - 25044:19</p> <p>most [8] - 24937:9,</p>	<p>24976:13, 24997:11, 25066:22, 25070:25, 25091:20, 25100:24, 25125:19</p> <p>Motel [1] - 25043:5</p> <p>motel [1] - 25023:17</p> <p>motel' [1] - 25027:6</p> <p>mother [2] - 24971:9, 25069:6</p> <p>motion [2] - 24959:23, 25105:2</p> <p>motivated [1] - 25004:22</p> <p>motivating [1] - 25145:7</p> <p>motivations [1] - 24947:20</p> <p>motive [3] - 25021:15, 25080:1, 25085:11</p> <p>motives [2] - 24959:4, 24973:3</p> <p>mount [1] - 25030:24</p> <p>Mountain [1] - 25129:4</p> <p>mouth [1] - 25103:14</p> <p>move [2] - 25000:20, 25067:20</p> <p>moved [3] - 24951:12, 24959:23, 25096:10</p> <p>movement [2] - 24960:2, 24960:3</p> <p>movements [1] - 24959:19</p> <p>moving [3] - 24978:16, 25101:15, 25141:6</p> <p>murder [20] - 24931:13, 24940:23, 24941:7, 24943:1, 24945:5, 24945:6, 24945:7, 24945:24, 24950:19, 25007:20, 25008:11, 25028:20, 25029:8, 25031:1, 25042:15, 25042:25, 25047:6, 25064:2, 25069:8, 25084:18</p> <p>Murray [1] - 25048:21</p> <p>must [7] - 24955:21, 24960:9, 24963:24, 24972:17, 24977:21, 25038:24, 25094:25</p> <p>muster [1] - 24950:3</p> <p>mutual [1] - 25088:25</p>	<p>25096:23, 25100:6, 25121:19, 25123:4, 25131:10, 25138:15</p> <p>named [1] - 25098:7</p> <p>namely [1] - 24950:4</p> <p>names [1] - 25029:17</p> <p>narrative [1] - 25058:20</p> <p>National [1] - 25109:5</p> <p>national [1] - 25109:16</p> <p>naturally [1] - 25076:11</p> <p>nature [9] - 24937:10, 24945:11, 24960:24, 24986:14, 24995:3, 25009:8, 25047:14, 25128:17, 25132:14</p> <p>nearly [1] - 25058:3</p> <p>necessarily [6] - 24982:5, 24991:18, 24995:6, 25024:2, 25094:20, 25140:17</p> <p>necessary [3] - 25010:24, 25102:1, 25118:24</p> <p>necessity [1] - 24956:2</p> <p>need [6] - 24941:21, 25017:9, 25028:23, 25037:8, 25091:22, 25106:1</p> <p>needed [6] - 24946:22, 25072:15, 25101:23, 25119:3, 25134:19</p> <p>negative [1] - 24989:12</p> <p>neighbourhood [1] - 25018:20</p> <p>neighbours [1] - 25072:22</p> <p>net [1] - 24956:25</p> <p>never [19] - 24949:25, 24955:21, 24977:19, 24983:6, 24983:8, 24984:23, 24988:4, 24996:18, 24998:2, 25016:24, 25033:19, 25034:18, 25066:25, 25068:19, 25070:12, 25077:24, 25084:10, 25088:19, 25112:6</p> <p>New [3] - 25109:21, 25111:17, 25133:25</p> <p>new [17] - 24970:24, 24986:3, 25014:15, 25020:10, 25022:11, 25024:24, 25025:1, 25066:21, 25133:14, 25133:19, 25133:23, 25133:25, 25134:18, 25134:19, 25135:22, 25141:9, 25141:10</p> <p>new-found [2] - 25020:10, 25025:1</p>	<p>news [2] - 25099:17, 25099:18</p> <p>newspaper [2] - 25018:8, 25109:16</p> <p>newspapers [2] - 25021:8, 25109:16</p> <p>next [32] - 24934:17, 24979:7, 25005:17, 25022:24, 25024:13, 25028:5, 25035:5, 25050:8, 25060:20, 25095:19, 25096:6, 25096:17, 25100:1, 25104:20, 25107:3, 25109:22, 25110:14, 25112:15, 25114:5, 25114:16, 25115:18, 25115:22, 25116:11, 25120:2, 25120:4, 25121:12, 25122:17, 25123:3, 25123:22, 25126:2, 25126:15</p> <p>nice [2] - 25021:7, 25021:12</p> <p>Nichol [21] - 24949:9, 24954:6, 24954:14, 24956:4, 24978:4, 24979:22, 24989:24, 24994:23, 25003:11, 25013:23, 25014:3, 25016:6, 25016:12, 25016:21, 25077:2, 25082:14, 25086:15, 25090:4, 25090:5, 25121:17, 25131:5</p> <p>nickels [1] - 24995:14</p> <p>Nickey [1] - 24996:13</p> <p>Nicky [1] - 24991:12</p> <p>Nicole [1] - 25052:20</p> <p>night [8] - 24929:7, 24929:22, 24931:4, 24940:9, 24948:25, 24985:21, 25066:1, 25079:17</p> <p>Nobody [1] - 24990:5</p> <p>nobody [3] - 24991:7, 25059:2, 25061:10</p> <p>non [2] - 24985:7, 25069:12</p> <p>non-critical [1] - 24985:7</p> <p>non-disclosure [1] - 25069:12</p> <p>noon [1] - 24933:21</p> <p>normally [4] - 24972:19, 25056:23, 25084:18, 25091:11</p> <p>northeast [2] - 25019:24, 25042:19</p> <p>northern [2] - 25075:23,</p>
N				
<p>naive [1] - 25135:10</p> <p>name [11] - 24951:1, 25001:16, 25031:3, 25093:4, 25096:5,</p>				



<p>25125:3 notated [1] - 24946:14 notation [4] - 24930:2, 24930:14, 24931:4, 24934:17 notations [2] - 24933:6, 24933:16 note [8] - 24929:25, 24931:10, 24933:19, 24934:5, 24938:7, 25010:5, 25024:7, 25034:20 noted [2] - 24930:21, 24934:3 notes [23] - 24933:16, 24933:22, 24934:4, 24934:7, 24935:2, 24936:3, 24937:1, 24939:17, 24972:11, 24983:18, 24984:22, 24986:12, 24998:11, 24998:13, 25004:20, 25005:10, 25018:8, 25048:14, 25092:17, 25095:3, 25095:21, 25128:19, 25146:6 nothing [15] - 24936:6, 24945:9, 24945:12, 24950:21, 24969:20, 24969:23, 24970:1, 24971:3, 24982:2, 25003:3, 25051:20, 25054:6, 25099:1, 25099:10, 25099:16 notice [1] - 25101:18 noticed [2] - 25079:2, 25092:2 notification [1] - 25034:18 notion [3] - 25040:21, 25048:7, 25067:12 notwithstanding [3] - 24974:14, 25013:1, 25141:2 November [8] - 25027:14, 25027:19, 25043:17, 25043:19, 25120:23, 25120:25, 25121:14, 25123:24 nuance [1] - 24949:2 nullify [1] - 24975:25 number [44] - 24929:10, 24929:11, 24929:12, 24935:9, 24938:7, 24938:10, 24938:15, 24941:20, 24946:12, 24951:15, 24958:1, 24967:20, 24972:10, 24979:9, 24984:3, 24989:17, 24989:19,</p>	<p>24991:4, 24993:1, 24993:2, 25005:7, 25009:20, 25011:16, 25022:8, 25022:24, 25024:10, 25038:13, 25043:10, 25053:13, 25058:7, 25069:12, 25069:13, 25070:22, 25075:23, 25080:6, 25081:1, 25095:17, 25107:12, 25109:15, 25113:13, 25113:16, 25118:19, 25136:17, 25137:14 numbers [3] - 24929:15, 25000:20, 25009:19 nurse [2] - 25001:21, 25023:13 Nyczai [2] - 25093:3, 25095:11</p>	<p>obviously [12] - 24984:1, 25000:13, 25007:11, 25010:25, 25013:13, 25017:16, 25018:8, 25019:2, 25028:8, 25055:22, 25099:13, 25104:8 Obviously [3] - 25096:22, 25097:20, 25112:25 occasion [7] - 24951:5, 25035:16, 25036:3, 25080:6, 25102:12, 25102:13, 25142:24 occasions [13] - 24938:11, 24938:15, 24971:20, 24979:9, 25035:20, 25036:22, 25037:2, 25037:10, 25070:22, 25076:7, 25080:7, 25137:15, 25142:14 occupation [1] - 25124:25 occurred [7] - 25011:17, 25023:17, 25033:15, 25042:10, 25042:25, 25046:2, 25077:23 occurrence [1] - 24948:24 occurs [2] - 24980:24, 25124:1 October [8] - 25027:10, 25027:12, 25027:25, 25028:1, 25028:7, 25031:11, 25043:10, 25046:9 odd [2] - 25125:12 oddly [2] - 24961:4, 25023:15 odds [1] - 25017:14 offences [7] - 24959:24, 24959:25, 24973:15, 25033:11, 25033:20, 25034:6, 25098:6 offend [1] - 24985:16 offended [1] - 25064:19 offer [1] - 25022:14 offhand [1] - 25080:17 office [10] - 24999:8, 25098:23, 25099:8, 25099:10, 25112:5, 25112:6, 25112:10, 25127:1, 25127:2, 25127:4 officer [5] - 24931:8, 24945:13, 24946:9, 24946:17, 24946:21 Officer [3] - 24926:13,</p>	<p>24942:5, 24944:4 officers [3] - 24946:14, 24958:6, 25011:16 Official [5] - 24926:11, 25146:1, 25146:3, 25146:14, 25146:20 often [5] - 24958:10, 25049:13, 25086:10, 25092:15, 25127:5 older [6] - 24974:23, 25004:4, 25054:9, 25054:19, 25055:7, 25066:18 Oliver [2] - 24945:25, 24946:10 Olson [2] - 25112:8, 25112:12 omissions [2] - 25060:1, 25061:9 omitted [1] - 25073:23 once [11] - 24968:11, 25014:3, 25018:14, 25038:3, 25050:22, 25055:4, 25064:16, 25075:18, 25084:20, 25088:4, 25116:9 One [6] - 24965:20, 25004:3, 25067:10, 25084:9, 25093:1, 25140:16 one [118] - 24931:5, 24932:2, 24934:22, 24936:10, 24937:2, 24937:11, 24939:3, 24940:6, 24941:18, 24946:14, 24951:15, 24952:6, 24953:14, 24954:10, 24954:25, 24955:10, 24955:20, 24956:22, 24957:16, 24957:23, 24958:18, 24961:3, 24961:4, 24961:6, 24965:3, 24965:5, 24974:13, 24976:23, 24977:11, 24980:17, 24981:3, 24981:5, 24983:3, 24985:3, 24985:20, 24986:13, 24992:14, 24993:25, 24995:16, 24995:25, 24996:3, 24996:9, 24996:18, 25003:10, 25007:4, 25008:24, 25009:19, 25009:21, 25009:22, 25011:7, 25012:18, 25013:7, 25015:1, 25016:17, 25018:22, 25020:25, 25022:8, 25022:15, 25028:2,</p>	<p>25028:5, 25030:23, 25031:4, 25031:10, 25037:18, 25040:22, 25041:9, 25042:7, 25042:8, 25043:11, 25050:9, 25052:1, 25055:17, 25058:3, 25058:19, 25060:16, 25062:18, 25063:3, 25063:25, 25064:2, 25064:4, 25064:15, 25066:21, 25066:22, 25067:13, 25068:5, 25068:11, 25068:23, 25070:11, 25072:22, 25073:2, 25073:6, 25075:6, 25075:24, 25076:14, 25076:25, 25080:2, 25080:6, 25082:20, 25084:13, 25089:4, 25089:18, 25092:1, 25095:17, 25097:4, 25099:3, 25102:24, 25106:4, 25111:24, 25112:5, 25114:23, 25115:9, 25117:21, 25123:23, 25132:9, 25138:13, 25138:24, 25140:6, 25143:6 ones [4] - 24970:20, 24972:24, 24998:1, 25092:24 oneself [1] - 24963:25 ongoing [1] - 25106:15 open [10] - 24952:22, 24968:25, 24976:7, 25063:15, 25067:17, 25113:23, 25117:13, 25117:16, 25117:23, 25118:16 opened [5] - 24990:16, 25020:14, 25113:10, 25113:15, 25143:4 opening [5] - 25113:8, 25113:19, 25114:11, 25115:20, 25116:17 openness [1] - 25072:15 opens [2] - 24952:22, 24977:6 operands [1] - 25033:17 operate [1] - 24962:20 operated [1] - 25115:9 operates [1] - 25041:16 operating [1] - 25136:23 operation [2] - 24937:5, 24942:6 operation' [2] -</p>
---	--	--	---	---



24942:10, 24942:12 operations [1] - 25109:15 operative [1] - 25085:18 opinion [5] - 24949:9, 24954:12, 25056:18, 25089:1, 25134:14 opinions [1] - 25128:3 opportunity [6] - 24961:5, 25074:25, 25084:1, 25084:5, 25084:19, 25097:25 opposed [3] - 24989:10, 24994:25, 25122:8 opposing [2] - 24960:13, 24966:1 option [7] - 24964:21, 24965:13, 25005:5, 25008:11, 25008:13, 25071:10, 25071:14 options [1] - 25063:15 order [9] - 24951:24, 24985:15, 25034:25, 25035:3, 25058:11, 25101:4, 25121:4, 25133:9, 25133:21 ordinarily [1] - 25094:11 organized [1] - 25026:22 original [5] - 24929:19, 24932:10, 24993:1, 24993:2, 25047:6 originals [1] - 24929:21 Ostensibly [1] - 25050:16 otherwise [5] - 25031:3, 25060:7, 25092:16, 25094:19, 25139:18 ought [15] - 24952:19, 24956:18, 24956:24, 24957:24, 24958:19, 24960:3, 24964:21, 24967:7, 24967:11, 24968:23, 24974:13, 24977:3, 24977:5, 25092:19, 25135:21 out' [1] - 25005:18 outcome [2] - 25016:8, 25141:7 outline [4] - 25112:23, 25113:3, 25115:16, 25125:17 outlined [4] - 25021:19, 25041:8, 25052:16, 25099:11 outlines [1] - 25053:6 outrage [2] - 25055:17,	25145:1 outset [2] - 24969:17, 24970:1 outweigh [1] - 25006:15 overcome [1] - 24964:14 overcoming [1] - 24953:11 overlap [1] - 25114:6 overlooked [1] - 24939:20 overly [1] - 24969:18 overriding [1] - 24963:2 oversees [1] - 25109:15 overstatement [1] - 24941:15 own [5] - 24959:23, 24980:20, 25103:14, 25137:6, 25141:7 owns [1] - 25109:14 P package [5] - 25013:25, 25032:18, 25039:24, 25044:25, 25098:13 page [45] - 24933:7, 24937:14, 24938:8, 24943:12, 24944:9, 24944:17, 24989:16, 24992:25, 25010:10, 25010:14, 25010:15, 25010:16, 25015:20, 25028:5, 25033:9, 25050:12, 25055:4, 25055:14, 25076:17, 25076:18, 25076:19, 25076:21, 25078:17, 25078:18, 25078:19, 25079:9, 25079:10, 25095:19, 25096:6, 25098:25, 25109:22, 25110:14, 25112:15, 25115:18, 25115:22, 25116:11, 25120:2, 25121:13, 25123:3, 25123:22, 25126:2, 25126:15 Page [1] - 24928:2 pages [4] - 24941:22, 24983:11, 25128:11, 25146:4 paid [5] - 24947:15, 24947:17, 25136:25, 25137:2 painful [1] - 24977:15 Pambrum [1] - 25122:14	pants [1] - 25065:25 paper [2] - 25007:17, 25064:4 papers [1] - 24947:7 paragraph [4] - 25027:2, 25039:21, 25093:10, 25098:2 paragraphs [1] - 25078:21 paraphrasing [1] - 25006:25 parcel [1] - 25074:3 parenthetically [1] - 25102:5 parents [2] - 24974:18, 25111:20 paring [5] - 24997:9, 24998:3, 24998:6, 24998:8, 25052:25 parole [15] - 25140:14, 25142:8, 25142:11, 25142:15, 25142:19, 25142:22, 25142:23, 25143:7, 25143:14, 25143:16, 25143:18, 25143:23, 25143:25, 25144:5, 25144:15 part [32] - 24943:7, 24946:23, 24958:5, 24966:8, 24989:25, 24998:19, 25003:24, 25016:16, 25027:5, 25036:21, 25054:18, 25058:10, 25074:3, 25076:3, 25077:22, 25078:7, 25078:9, 25079:24, 25081:22, 25082:13, 25082:22, 25082:24, 25085:4, 25086:16, 25086:22, 25088:19, 25101:18, 25102:8, 25110:10, 25117:12, 25142:21, 25144:1 partial [1] - 24955:16 participate [1] - 25103:15 participating [2] - 24947:20, 25075:17 particular [31] - 24932:9, 24937:20, 24940:8, 24941:11, 24941:21, 24941:22, 24943:14, 24948:15, 24960:7, 24962:3, 24964:1, 24965:5, 24965:22, 24969:5, 24980:11, 24982:10, 24983:3, 24993:12, 24995:17, 24999:15,	25008:16, 25039:21, 25042:5, 25042:7, 25058:10, 25058:19, 25073:25, 25077:5, 25098:12, 25113:24, 25133:3 particularly [11] - 24942:14, 24963:21, 24965:13, 24982:14, 24998:1, 25011:1, 25037:6, 25059:3, 25064:1, 25073:8, 25085:5 Particularly [1] - 25012:1 parties [4] - 25101:12, 25105:13, 25106:12, 25106:24 partisan [1] - 24974:14 partner [2] - 25127:6, 25138:20 partners [5] - 25127:4, 25130:3, 25132:25, 25133:1 parts [3] - 24948:2, 25094:20, 25109:3 party [4] - 25072:11, 25072:12, 25103:9, 25105:16 pass [1] - 24950:3 passage [2] - 24941:22, 24986:10 passed [5] - 24931:17, 24950:1, 24969:16, 25044:20, 25076:12 past [7] - 24960:22, 24961:19, 24961:24, 24965:2, 24975:1, 24982:2, 25107:11 path [2] - 24999:19, 24999:22 patience [1] - 25107:9 Paul [2] - 25122:14, 25122:18 pause [1] - 24990:7 payment [2] - 25137:16, 25137:19 Paynter [1] - 25131:10 Peace [2] - 24954:8 Pearson [1] - 25122:15 peek [2] - 25010:20, 25048:17 peeking [1] - 25048:16 pen [2] - 24932:12, 24933:18 penalizes [1] - 25071:5 penalty [1] - 25045:10 Penitentiary [1] - 25129:5 Penkala [7] - 24941:13,	24942:15, 24942:24, 24944:12, 24944:16, 24945:13, 24945:21 people [35] - 24959:8, 24959:15, 24964:3, 24968:14, 24970:19, 24979:20, 24980:23, 24980:25, 25000:3, 25000:10, 25008:6, 25011:14, 25021:10, 25024:25, 25029:7, 25034:1, 25040:16, 25040:24, 25056:20, 25056:22, 25065:21, 25066:6, 25067:15, 25096:3, 25096:24, 25102:16, 25118:22, 25118:25, 25119:8, 25129:12, 25130:10, 25130:12, 25131:1, 25135:7 people's [1] - 25145:1 per [1] - 24991:3 perceived [2] - 25006:12, 25075:16 percentage [1] - 25124:11 perfection [2] - 24955:23, 25068:20 perhaps [24] - 24963:2, 24974:24, 24976:7, 24979:12, 24979:18, 24981:4, 24985:23, 25009:18, 25023:2, 25025:12, 25025:13, 25025:22, 25034:2, 25036:16, 25043:3, 25069:13, 25073:11, 25086:19, 25105:10, 25107:21, 25108:15, 25112:12, 25136:17, 25144:4 Perhaps [2] - 24989:20, 25030:9 period [14] - 25033:22, 25046:13, 25066:4, 25077:16, 25092:4, 25104:18, 25108:15, 25108:21, 25110:19, 25124:9, 25125:24, 25131:23, 25134:4, 25142:2 permit [2] - 24951:5, 24965:3 permitting [1] - 25008:9 perpetrator [2] - 25123:5 persisted [1] - 25014:4 persisting [1] - 25024:2 person [34] - 24930:7,
--	--	--	--	--



24956:12, 24961:18, 24963:4, 24968:13, 24974:23, 24976:18, 24977:6, 24978:15, 24980:17, 25011:2, 25018:14, 25025:8, 25029:24, 25031:2, 25031:4, 25041:12, 25051:7, 25057:18, 25061:22, 25062:2, 25062:8, 25062:19, 25063:15, 25064:24, 25066:18, 25075:7, 25077:25, 25080:11, 25082:10, 25100:16, 25132:5, 25138:19 personal [6] - 24963:19, 24982:6, 25041:18, 25045:13, 25072:17, 25145:6 personally [1] - 24980:1 personnel [1] - 24967:23 perspective [6] - 24971:5, 24996:19, 25021:5, 25038:20, 25064:7, 25142:4 persuade [3] - 24939:6, 24957:17, 25089:14 persuaded [2] - 25005:3, 25060:9 perverse [1] - 25144:17 Peter [2] - 25128:20, 25132:20 Pfeifer [1] - 25072:23 phase [4] - 25116:24, 25117:1, 25121:8, 25124:13 phases [3] - 25115:7, 25116:23, 25138:22 philosophical [1] - 25135:5 philosophically [2] - 25136:5, 25139:24 philosophy [1] - 25136:6 phone [3] - 25024:25, 25112:7, 25112:8 phoned [1] - 25002:6 photocopies [1] - 24929:22 photograph [1] - 24943:13 photographs [1] - 24943:14 phrased [1] - 25093:18 physical [1] - 24942:17 physically [1] - 25126:25	pick [2] - 24987:23, 25092:12 picked [4] - 24944:8, 24996:11, 24996:17, 25024:22 picking [1] - 24957:14 picture [4] - 25002:2, 25002:23, 25120:11, 25140:21 pictures [1] - 25012:4 piece [3] - 24939:15, 25064:4, 25096:13 pieces [2] - 24939:19, 24945:19 Pigeon [1] - 25070:24 Pine [1] - 25112:4 pinpoint [1] - 25110:4 pinpointed [1] - 24977:23 Pinx [3] - 25108:16, 25109:24, 25138:12 place [12] - 24934:4, 25004:7, 25019:16, 25019:22, 25022:3, 25048:17, 25072:25, 25076:11, 25078:9, 25104:18, 25112:4, 25134:4 placed [3] - 24965:2, 24968:6, 25066:16 places [2] - 24975:3, 25079:7 placing [1] - 25064:17 planned [1] - 25022:10 plastic [1] - 24997:20 play [3] - 25002:25, 25038:22, 25137:3 played [6] - 24930:17, 25016:10, 25116:15, 25116:25, 25132:12, 25132:13 pleas [1] - 25044:14 plunge [1] - 24960:6 Pm [4] - 25034:23, 25074:15, 25074:16, 25145:13 point [51] - 24930:13, 24930:23, 24931:21, 24938:4, 24939:12, 24939:13, 24955:3, 24960:19, 24965:22, 24968:18, 24969:25, 24977:2, 24982:16, 24983:3, 24990:8, 24992:23, 24992:25, 24995:15, 24995:17, 24995:24, 24997:10, 24998:2, 25002:17, 25009:14, 25018:16, 25033:10, 25038:10,	25043:12, 25061:1, 25066:23, 25066:24, 25071:22, 25073:13, 25074:3, 25078:24, 25079:6, 25079:18, 25080:2, 25080:15, 25083:3, 25089:16, 25092:11, 25094:23, 25103:22, 25124:23, 25129:7, 25132:22, 25139:21, 25141:19, 25141:23, 25143:2 pointed [4] - 24938:5, 25068:25, 25078:10, 25098:2 pointing [2] - 24992:5, 24992:7 points [7] - 24931:22, 24934:6, 25012:18, 25060:2, 25087:13, 25092:10, 25094:14 pole [1] - 25009:2 Police [5] - 24927:7, 24930:16, 25015:23, 25033:13, 25123:18 police [33] - 24930:20, 24931:1, 24931:8, 24931:20, 24932:5, 24934:13, 24938:10, 24941:4, 24942:7, 24946:8, 24947:24, 24948:3, 24948:8, 24952:3, 24957:21, 24958:6, 24996:6, 24996:19, 25011:16, 25029:1, 25049:12, 25050:18, 25055:10, 25055:12, 25057:14, 25061:5, 25061:16, 25061:18, 25085:12, 25085:22, 25085:23, 25113:11, 25128:16 political [1] - 25117:15 politicians [3] - 25117:23, 25119:2, 25119:6 polygraph [7] - 24949:23, 24957:22, 25010:23, 25016:5, 25016:11, 25049:1, 25049:4 polygraphed [2] - 25016:13, 25016:15 poor [1] - 25071:14 poring [1] - 25132:15 portion [2] - 25027:2, 25047:18 portions [1] - 25003:11 portray [1] - 25144:22 posed [1] - 24978:24	position [27] - 24939:5, 24939:6, 24959:16, 24962:17, 24963:5, 24972:17, 24975:4, 24977:16, 24982:8, 24983:6, 24983:8, 24988:23, 24989:5, 25012:21, 25012:24, 25021:7, 25021:12, 25059:13, 25064:14, 25065:14, 25084:16, 25089:22, 25098:19, 25102:2, 25103:9, 25106:19, 25138:14 positions [1] - 24959:8 possessed [1] - 25022:18 possession [3] - 24932:5, 25078:3, 25079:1 possibility [3] - 24932:23, 25040:15, 25129:17 possible [9] - 24933:3, 24936:4, 24983:1, 24995:18, 25003:23, 25024:6, 25067:19, 25082:12, 25088:12 possibly [7] - 24996:10, 25011:18, 25012:7, 25021:8, 25144:23, 25144:24, 25144:25 Possibly [1] - 25057:12 Post [1] - 25109:5 post [1] - 25067:6 post-exhaustion [1] - 25067:6 postpone [1] - 24987:15 potential [9] - 24936:13, 24948:8, 24953:11, 24979:5, 25005:24, 25068:2, 25117:10, 25123:5, 25133:11 potentially [1] - 24977:6 power [3] - 24967:4, 24968:23, 24969:7 practical [1] - 25092:14 practice [9] - 24937:8, 24968:15, 25108:4, 25124:3, 25124:9, 25124:16, 25125:1, 25125:4, 25125:5 practicing [2] - 25075:7, 25076:3 practitioner [2] - 24962:22, 24971:1 pre [1] - 25124:25	pre-occupation [1] - 25124:25 precedent [1] - 24978:16 preceding [2] - 25078:16, 25079:6 precise [1] - 25094:22 precisely [1] - 25140:5 precludes [1] - 25057:25 predicated [1] - 25003:16 predict [2] - 25082:16, 25084:10 predicts [1] - 25010:19 Preece [1] - 25073:21 prefer [2] - 24968:25, 25007:24 preferred [3] - 25007:2, 25130:11, 25131:8 Prehodchenko [1] - 24926:14 prejudice [3] - 24966:17, 24966:18, 24966:21 prejudicial [3] - 25006:13, 25006:14, 25013:17 Preliminary [1] - 25016:4 preliminary [17] - 24937:7, 24937:24, 24941:5, 24942:4, 24944:5, 24988:18, 25014:7, 25048:25, 25084:2, 25084:6, 25084:12, 25084:20, 25095:12, 25095:18, 25096:9, 25097:18, 25132:17 premise [1] - 25053:8 preparation [2] - 24984:10, 25101:1 prepare [1] - 24985:12 prepared [7] - 24965:10, 24985:8, 24985:9, 24985:11, 24985:24, 24999:4, 25020:5 presence [3] - 24945:11, 25014:21, 25087:6 present [8] - 24953:24, 24954:4, 24954:14, 24955:4, 24956:14, 24960:22, 24965:16, 25000:1 presented [2] - 25027:4, 25027:5 presenting [1] -
--	--	---	---	---



<p>24949:9 presently [1] - 25062:6 president [2] - 25109:4, 25109:10 presiding [1] - 25088:18 press [3] - 25101:18, 25101:25, 25103:23 pressure [4] - 24974:20, 25117:22, 25119:2, 25144:15 pressured [1] - 25085:12 presumably [1] - 24975:24 presume [1] - 25134:4 presumed [1] - 25034:1 pretrial [2] - 25038:14, 25038:21 pretty [15] - 24945:3, 24948:16, 24998:2, 25001:21, 25001:22, 25011:12, 25015:7, 25017:15, 25029:1, 25030:19, 25090:7, 25124:24, 25125:12, 25129:6, 25141:4 prevail [1] - 25135:21 prevent [2] - 24967:7, 24968:7 Primarily [1] - 25143:15 primarily [2] - 25122:17, 25127:18 primary [3] - 24963:4, 24965:1, 24971:10 Prime [1] - 25119:23 prime [1] - 25028:20 Prince [1] - 24971:18 principle [5] - 24976:3, 25057:25, 25060:17, 25087:18, 25087:21 principles [1] - 24975:16 Pringle [8] - 24927:13, 24928:9, 24962:19, 25035:6, 25074:9, 25074:17, 25080:25, 25081:3 prison [9] - 25125:14, 25129:12, 25130:10, 25140:15, 25140:20, 25143:13, 25143:24, 25144:18, 25145:4 prisoner [2] - 24932:6, 25143:14 private [5] - 25108:4, 25124:3, 25139:5, 25139:8, 25139:9 privilege [24] - 24975:2, 24975:5, 24975:11,</p>	<p>24975:13, 24975:19, 24976:4, 24976:20, 24977:20, 24978:8, 24978:9, 24978:15, 25047:14, 25048:6, 25050:10, 25052:11, 25056:21, 25105:14, 25105:16, 25105:17, 25106:5, 25106:9, 25106:21 Privilege [1] - 24975:21 privileged [1] - 25105:22 privy [1] - 25049:23 pro [3] - 25136:14, 25136:24, 25137:4 probable [1] - 24993:10 probe [1] - 25085:15 probed [1] - 25063:19 problem [15] - 24952:17, 24953:13, 24953:17, 24955:3, 24958:8, 24961:3, 24966:23, 25036:4, 25036:16, 25057:4, 25057:7, 25061:21, 25062:1, 25071:21, 25091:17 problematic [3] - 25057:17, 25060:23, 25061:19 problems [4] - 24979:21, 25040:22, 25077:16, 25077:17 procedure [7] - 24951:4, 25012:14, 25016:19, 25034:16, 25041:19, 25102:7, 25127:10 proceed [1] - 25100:5 proceeded [1] - 24974:9 proceeding [1] - 25137:25 Proceedings [4] - 24925:12, 24925:23, 24928:1, 24929:1 proceedings [3] - 24934:25, 25103:16, 25105:18 process [7] - 24937:7, 24952:17, 25072:16, 25076:2, 25086:6, 25086:25, 25115:4 processes [4] - 25006:9, 25007:13, 25101:18, 25102:8 proclaiming [3] - 24976:18, 24989:11, 25056:4</p>	<p>proclaims [1] - 24974:17 produced [1] - 25102:20 producing [1] - 25110:7 product [2] - 24953:5, 25117:4 production [2] - 25101:25, 25103:23 productive [1] - 25144:10 prof [1] - 24951:4 profession [1] - 24950:10 professional [3] - 24963:19, 25038:22, 25038:24 program [2] - 25110:21, 25111:15 programming [1] - 25110:8 progression [1] - 25060:19 project [1] - 25124:20 prominent [2] - 25072:23, 25116:25 promise [1] - 25074:18 prompted [1] - 25018:18 prong [1] - 25113:17 pronounce [1] - 25001:16 proper [1] - 24966:6 properly [3] - 24986:25, 25073:6, 25101:4 properties [1] - 25109:20 propose [3] - 24965:24, 25112:16, 25125:17 propounded [1] - 25067:14 pros [1] - 25051:19 prosecuted [2] - 24949:18, 25035:21 prosecuting [2] - 24949:19, 25074:24 prosecution [15] - 24933:17, 24937:25, 24939:10, 24950:16, 24953:1, 24966:18, 24966:19, 24966:22, 24994:22, 25028:10, 25031:16, 25032:1, 25041:1, 25046:21, 25099:8 prosecution's [1] - 24929:9 prosecutions [3] - 25037:21, 25037:24, 25038:1</p>	<p>prosecutor [3] - 24949:14, 24965:8, 25087:2 prosecutor's [1] - 24929:20 prosecutors [1] - 25099:10 protect [2] - 24961:22, 24962:11 Protection [1] - 25067:13 protection [1] - 24962:9 protocol [1] - 24946:24 protracted [1] - 25036:25 proven [1] - 25010:5 proverbial [1] - 25112:8 provide [4] - 24932:4, 25106:3, 25134:23, 25136:7 provided [27] - 24932:1, 24954:6, 24999:1, 25047:21, 25100:21, 25105:11, 25105:13, 25105:23, 25108:6, 25109:1, 25113:18, 25113:21, 25114:5, 25114:6, 25114:10, 25114:13, 25115:19, 25119:15, 25119:20, 25120:6, 25120:7, 25127:15, 25128:6, 25135:11, 25136:19, 25137:18, 25137:23 provides [1] - 25109:2 providing [1] - 25134:13 Province [2] - 25139:25, 25146:3 province [2] - 24951:17, 25073:2 provincial [1] - 25109:16 proving [1] - 25140:24 provision [5] - 24969:5, 25008:8, 25013:10, 25087:22, 25087:23 provisions [2] - 24954:9, 25067:17 proximity [1] - 25042:15 prudent [1] - 24958:5 psychiatrically [1] - 25143:12 psychologically [1] - 25143:12 psychologist [1] - 25072:24 psychology [1] - 25143:10</p>	<p>public [11] - 24940:19, 25047:22, 25113:22, 25117:9, 25117:10, 25117:21, 25117:22, 25118:19, 25144:22, 25144:23 publication [2] - 25123:4, 25123:18 publicity [3] - 24940:17, 25033:23, 25034:5 pull [2] - 25076:16, 25078:6 punished [1] - 25046:4 pure [3] - 24943:6, 24964:21, 25010:17 purely [1] - 25016:9 purpose [3] - 25026:7, 25101:8, 25117:12 purposes [5] - 24983:10, 25014:17, 25048:15, 25117:21, 25133:20 purse [10] - 24993:5, 24994:1, 24995:10, 25003:23, 25004:6, 25004:16, 25005:18, 25005:22, 25082:3 pursuant [1] - 25014:15 pursue [1] - 25076:10 pursued [1] - 24935:15 pursuing [1] - 25041:8 put [37] - 24945:23, 24948:8, 24958:22, 24959:22, 24961:24, 24962:25, 24972:23, 24973:5, 24978:19, 24984:7, 25002:20, 25006:3, 25008:3, 25013:15, 25026:6, 25026:9, 25036:1, 25040:13, 25041:15, 25048:14, 25058:10, 25061:10, 25062:4, 25082:3, 25084:15, 25093:2, 25105:18, 25114:19, 25115:24, 25116:19, 25117:22, 25119:2, 25119:3, 25119:16, 25137:1, 25140:5, 25143:1 puts [1] - 25039:11 putting [12] - 24960:13, 24960:15, 24962:20, 24985:25, 25006:2, 25007:17, 25036:24, 25051:11, 25103:13, 25118:15, 25128:24</p>
--	---	---	---	---



<p>Q</p> <p>Qb^[1] - 24926:11 Qc^[6] - 24927:2, 24927:8, 24927:10, 24927:11, 24927:13, 24927:15 qua^[1] - 25117:10 quarrelling^[1] - 24960:5 Queen^[1] - 25069:5 Queen's^[4] - 25146:1, 25146:3, 25146:14, 25146:20 query^[1] - 24933:10 question/answer^[2] - 25058:22 questioned^[4] - 25078:1, 25078:4, 25091:4, 25104:2 questioner^[1] - 24958:11 questioning^[6] - 24936:20, 24996:10, 25003:21, 25034:25, 25120:1, 25120:13 questions^[31] - 24931:24, 24945:17, 24950:23, 24969:23, 24970:1, 24970:3, 24970:9, 24974:7, 24986:14, 24988:1, 24988:8, 25035:2, 25035:8, 25035:10, 25038:8, 25044:8, 25055:23, 25057:10, 25058:20, 25058:21, 25070:3, 25071:20, 25072:3, 25074:5, 25075:11, 25078:7, 25086:6, 25092:21, 25093:1, 25096:2, 25103:12 quick^[3] - 24943:19, 24987:10, 25141:5 quickly^[3] - 24935:9, 24989:14, 25120:9 quite^[27] - 24938:16, 24939:22, 24943:16, 24954:25, 24966:11, 24972:15, 24974:8, 24983:1, 24986:25, 25001:7, 25004:8, 25009:16, 25013:17, 25016:14, 25020:22, 25023:10, 25024:17, 25035:8, 25041:7, 25041:25, 25042:25, 25051:2, 25051:8,</p>	<p>25086:10, 25087:17, 25091:25, 25118:24 quotation^[1] - 24972:23 quote^[1] - 25054:16 quoted^[1] - 25081:19</p> <p>R</p> <p>radar^[1] - 24988:21 radio^[1] - 25109:17 rail^[2] - 25019:23 railway^[6] - 25019:3, 25019:10, 25019:14, 25019:15, 25042:10, 25042:18 raise^[11] - 24953:13, 24994:18, 24994:19, 25038:19, 25040:14, 25044:3, 25060:2, 25061:21, 25062:12, 25101:10, 25120:13 raised^[14] - 24965:6, 24966:17, 24966:25, 24995:7, 25007:4, 25041:20, 25089:3, 25092:23, 25094:8, 25094:13, 25101:7, 25101:13, 25120:1, 25121:20 raises^[2] - 25041:11, 25058:14 raising^[2] - 25041:17, 25103:4 ramifications^[2] - 24959:12, 24960:8 range^[1] - 24979:23 rank^[1] - 24942:16 rape^[2] - 25010:2, 25098:6 raped^[1] - 25030:16 rapes^[1] - 25033:15 rapist^[2] - 25029:8, 25030:15 Rasmussen^[1] - 25131:10 rather^[13] - 24932:11, 24936:18, 24947:19, 24947:25, 24952:5, 24963:3, 24969:2, 24975:22, 25008:7, 25025:2, 25073:20, 25076:8, 25088:20 rational^[1] - 25071:4 rationale^[1] - 25047:23 Rcmp^[4] - 24927:9, 24940:22, 25028:22, 25112:3 re^[17] - 25089:9,</p>	<p>25089:10, 25092:25, 25093:7, 25113:8, 25113:10, 25113:15, 25113:19, 25113:23, 25114:11, 25115:20, 25116:17, 25117:13, 25117:16, 25117:23, 25118:16, 25143:4 re-examine^[2] - 25092:25, 25093:7 re-instructed^[1] - 25089:10 re-instruction^[1] - 25089:9 re-open^[5] - 25113:23, 25117:13, 25117:16, 25117:23, 25118:16 re-opened^[3] - 25113:10, 25113:15, 25143:4 re-opening^[5] - 25113:8, 25113:19, 25114:11, 25115:20, 25116:17 reach^[2] - 25066:25, 25131:15 reached^[3] - 25022:7, 25129:24, 25134:7 reaction^[3] - 24966:1, 25129:22, 25131:11 read^[37] - 24931:5, 24936:16, 24941:14, 24950:13, 24957:7, 24983:11, 24984:10, 24985:13, 24985:17, 24990:22, 24990:25, 25007:12, 25014:1, 25019:7, 25020:18, 25022:25, 25023:9, 25039:15, 25039:25, 25044:25, 25048:2, 25048:4, 25048:13, 25050:20, 25088:21, 25090:7, 25091:22, 25098:15, 25127:18, 25128:1, 25129:22, 25130:4, 25130:5, 25131:15, 25131:17, 25131:19, 25136:2 reading^[16] - 24934:22, 24941:17, 24945:1, 24948:5, 24969:4, 24979:16, 24980:10, 24983:12, 24990:23, 25007:13, 25023:3, 25040:11, 25041:13, 25064:16, 25072:19, 25092:17 real^[6] - 24978:3, 24979:21, 24995:15,</p>	<p>25010:20, 25063:4 realize^[1] - 25020:18 realizes^[1] - 24940:3 really^[30] - 24945:22, 24962:15, 24966:7, 24970:20, 24972:17, 24976:13, 24977:21, 25004:2, 25006:8, 25006:16, 25009:12, 25017:2, 25023:20, 25038:16, 25048:6, 25051:25, 25053:13, 25055:2, 25056:10, 25059:14, 25062:23, 25064:7, 25066:25, 25085:22, 25086:23, 25087:4, 25091:20, 25105:21, 25133:5, 25135:18 reason^[10] - 24972:20, 24999:11, 25015:14, 25017:17, 25046:5, 25058:10, 25077:22, 25079:24, 25081:9, 25139:11 reasonable^[5] - 24970:7, 24980:13, 24993:9, 24993:22, 25068:19 reasoned^[1] - 25051:24 reasons^[5] - 24975:16, 24975:17, 25016:17, 25143:6, 25143:15 rebelled^[1] - 25143:14 rebutted^[1] - 24948:17 recalled^[1] - 25052:18 recanted^[2] - 24978:2, 25027:5 recanting^[1] - 25067:3 receivable^[1] - 25061:3 receive^[2] - 25002:2, 25031:25 received^[12] - 25033:23, 25034:18, 25040:3, 25045:10, 25045:21, 25045:24, 25047:20, 25051:15, 25052:4, 25056:19, 25094:21, 25113:11 receiving^[2] - 25039:9, 25091:7 recent^[3] - 24954:23, 24959:18, 25069:2 recently^[1] - 24954:2 receptive^[1] - 25037:13 recharge^[2] - 25089:17, 25089:24 recitation^[1] - 25092:19</p>	<p>recognize^[2] - 25104:10, 25105:16 recognized^[1] - 25141:2 recognizing^[1] - 24931:17 recollect^[1] - 24980:22 recollection^[22] - 24943:6, 24951:2, 24980:8, 24980:12, 24981:1, 24983:9, 24984:14, 24995:21, 24997:15, 24998:20, 25027:21, 25040:18, 25042:18, 25052:15, 25077:7, 25079:3, 25095:8, 25099:6, 25126:24, 25128:22, 25129:19, 25130:21 recommendation^[5] - 24956:23, 24957:23, 24958:18, 24964:20, 24965:12 recommendations^[5] - 24951:17, 24958:1, 24962:8, 24962:16, 24962:18 reconcile^[2] - 24994:23, 25143:18 reconciling^[1] - 25132:18 reconstruction^[3] - 24980:13, 25003:6 Reconvened^[4] - 24929:2, 24986:8, 25034:23, 25074:16 record^[22] - 24929:7, 24929:18, 24930:15, 24931:9, 24935:19, 24935:21, 24939:24, 24941:18, 24943:10, 24947:10, 24959:21, 24960:23, 24968:20, 24973:10, 24973:19, 25009:24, 25012:20, 25093:17, 25096:14, 25107:14, 25112:20, 25136:16 recorded^[2] - 24957:24, 24958:8 recording^[5] - 24933:19, 24958:9, 25012:7, 25012:9, 25086:4 records^[3] - 24946:3, 24984:22, 25123:19 rectified^[1] - 25069:16 red^[3] - 24930:2, 24930:6, 24931:5 redirect^[2] - 24942:25,</p>
--	---	--	---	--



<p>24944:9 reenact [1] - 25130:13 refer [6] - 24936:7, 24941:21, 24967:19, 25009:5, 25028:18, 25069:5 Reference[1] - 25113:6 reference [11] - 24935:12, 24937:20, 24938:9, 24943:20, 24999:23, 25113:17, 25114:8, 25116:7, 25123:25, 25126:13, 25136:19 references [3] - 24935:18, 24963:8, 25028:22 referred [6] - 24939:16, 24942:11, 24973:17, 25008:23, 25069:9, 25097:23 referring [5] - 24934:19, 24947:16, 25025:1, 25042:12, 25064:9 refers [4] - 25007:13, 25045:20, 25109:6, 25123:24 reflect [1] - 24987:11 reflection [1] - 24971:12 reflections [2] - 24963:15, 24964:20 refresh [1] - 24941:16 refreshed [1] - 24980:10 refused [2] - 25064:3, 25137:21 regard [8] - 24933:11, 24939:13, 24943:11, 24973:3, 25009:7, 25036:17, 25084:11, 25101:24 regarding [6] - 24970:2, 25005:21, 25027:6, 25039:22, 25100:3, 25123:2 regardless [2] - 24964:22, 24977:15 Regina[7] - 25024:24, 25040:5, 25058:24, 25072:24, 25077:1, 25098:23, 25099:9 regular [1] - 25056:3 rehabilitation [1] - 25143:21 reiterate [1] - 25017:10 rekindled [1] - 24983:21 relate [3] - 24936:3, 25106:8, 25121:16</p>	<p>related [6] - 24930:18, 24946:7, 24959:24, 24988:2, 25054:18, 25114:6 relating [2] - 25098:5, 25126:12 relation [3] - 24958:2, 24992:21, 25062:20 relationship [9] - 24958:22, 24970:12, 24971:8, 24971:10, 24971:14, 24972:14, 25089:6, 25101:14, 25108:10 relatively [3] - 24931:23, 25088:14, 25089:15 release [9] - 24976:4, 24976:9, 24976:10, 24976:19, 24978:15, 25046:1, 25046:10, 25048:8, 25142:1 released [3] - 24975:19, 25048:10, 25056:21 releasing [1] - 24975:2 Releasing[1] - 24975:5 relevance/purpose [1] - 25114:4 relevant [7] - 24954:19, 24962:2, 25011:9, 25011:22, 25092:10, 25113:19, 25114:10 reliability [5] - 24954:11, 24955:7, 24956:10, 24981:18, 25113:25 reliable [3] - 24950:11, 24954:15, 25130:12 reliance [1] - 25066:15 relied [1] - 24949:12 relief [1] - 25066:15 rely [3] - 25037:19, 25038:24, 25100:13 remained [1] - 25108:9 remains [1] - 24965:17 remarkably [1] - 24971:2 remarks [5] - 25052:24, 25053:15, 25068:21, 25070:4, 25081:15 remedies [3] - 25066:20, 25133:12 remedy [3] - 25068:17, 25141:5, 25144:16 remember [35] - 24934:22, 24936:11, 24940:14, 24941:11, 24942:13, 24944:23, 24944:25, 24952:20, 24952:22, 24953:6,</p>	<p>24953:15, 24956:3, 24956:8, 24978:5, 24979:12, 24979:13, 24979:14, 24979:20, 24980:16, 24981:3, 24981:5, 24982:9, 24982:17, 24992:6, 24998:11, 25010:15, 25060:11, 25064:15, 25080:14, 25080:16, 25080:20, 25082:25, 25087:8, 25087:9 remembered [1] - 24981:14 remembering [3] - 24982:10, 24984:6, 25065:25 remorse [1] - 25015:11 removed [1] - 25033:6 removing [1] - 25033:3 remuneration [1] - 25076:6 repeat [3] - 25050:5, 25051:15, 25051:17 repeated [1] - 24977:19 repeatedly [1] - 25103:13 repetitious [2] - 24973:4, 25011:7 rephrase [1] - 25030:10 reply [2] - 24965:18, 24966:4 report [4] - 24953:24, 24967:4, 24996:6, 25121:6 reported [2] - 24938:10, 24948:1 Reporter[2] - 25146:14, 25146:20 Reporters[2] - 24926:11, 25146:3 Reporters [1] - 25146:1 reports [9] - 24934:13, 24934:23, 24948:6, 25028:22, 25030:14, 25085:22, 25085:24, 25123:1, 25128:16 represent [1] - 25101:5 representation [2] - 25108:9, 25111:22 represented [2] - 25107:15, 25110:1 representing [2] - 25108:1, 25108:22 represents [1] - 25035:1 request [5] - 24930:13, 24931:2, 24932:13, 24948:19, 25089:23 requested [1] - 25098:4</p>	<p>requests [1] - 25037:14 require [4] - 24978:23, 25006:4, 25007:9, 25103:8 required [2] - 25035:25, 25062:8 requires [1] - 25101:7 reread [1] - 24951:10 research [4] - 24950:13, 24976:23, 25133:17, 25139:1 researched [1] - 25059:15 resentment [1] - 25088:19 reservation [1] - 24943:18 reservations [2] - 24949:17, 24950:5 reside [1] - 25107:19 resile [1] - 25012:24 resist [1] - 25104:22 resolve [1] - 25106:1 respect [41] - 24930:6, 24931:25, 24933:12, 24936:14, 24938:7, 24947:19, 24954:20, 24960:14, 24962:2, 24963:22, 24967:13, 24975:8, 24977:4, 24980:2, 24980:4, 24980:19, 25004:4, 25004:6, 25006:19, 25016:18, 25016:19, 25035:22, 25036:8, 25036:10, 25036:13, 25038:1, 25049:3, 25069:3, 25075:9, 25079:25, 25084:15, 25088:25, 25090:4, 25093:2, 25096:17, 25098:21, 25101:17, 25104:24, 25105:2, 25105:15, 25105:17 respectful [1] - 24974:6 respond [1] - 25062:4 responded [1] - 24965:9 response [3] - 24932:1, 24932:13, 25138:7 responses [1] - 25055:23 responsibility [5] - 25038:4, 25062:7, 25062:16, 25062:17, 25075:17 responsible [2] - 25007:1, 25067:15 rest [3] - 24936:3, 25082:25, 25099:19</p>	<p>restrictive [1] - 24968:4 result [6] - 24954:24, 25016:25, 25051:14, 25062:19, 25141:14, 25143:12 resulted [1] - 25069:15 results [1] - 24953:6 resume [1] - 25112:16 retain [1] - 24974:13 retained [3] - 25120:20, 25127:11, 25132:1 retainer [1] - 25136:12 retention [1] - 25067:18 rethink [1] - 24959:8 Retired[1] - 24927:14 retrospect [1] - 24939:23 retrospective [1] - 25001:8 retrospectively [1] - 25008:3 return [2] - 25106:17, 25106:22 returned [2] - 24946:8, 24946:20 revealed [1] - 25033:13 reveals [1] - 25088:15 revelation [1] - 25055:11 reversible [2] - 25013:3, 25087:22 Review[1] - 25068:9 review [13] - 24930:10, 24967:12, 24967:16, 24968:3, 24968:19, 24969:7, 25097:25, 25113:13, 25113:17, 25113:24, 25114:12, 25114:18, 25134:3 reviewed [1] - 24958:12 reviewing [3] - 24940:9, 25107:12, 25132:13 reviews [1] - 24979:5 revisit [1] - 24972:9 revisited [1] - 24994:13 reward [1] - 25083:18 Rick[1] - 24927:7 rid [1] - 24940:22 ridiculous [1] - 25130:8 right-handed [1] - 25028:15 road [3] - 24970:7, 25019:19, 25041:3 robbery [2] - 25040:6, 25050:24 robbing [1] - 25004:5 Roberts[12] - 24937:21, 24949:13, 24957:3, 25011:2, 25011:13, 25013:21, 25016:10,</p>
--	---	---	---	---



25016:18, 25016:22, 25017:1, 25085:16, 25085:18 role [17] - 24966:11, 24967:11, 24968:6, 24968:9, 24974:14, 25016:10, 25070:5, 25073:14, 25073:19, 25108:7, 25116:15, 25116:25, 25118:10, 25131:21, 25131:22, 25132:12 rolling [1] - 24968:16 Ron [9] - 24947:8, 24949:10, 24991:10, 25005:22, 25014:23, 25027:4, 25052:21, 25122:25, 25131:4 room [6] - 24948:25, 24964:3, 25016:22, 25020:11, 25092:12, 25100:15 roommate [2] - 25093:16, 25096:18 roommates [8] - 24999:17, 25000:18, 25000:24, 25001:14, 25093:2, 25093:22, 25094:10 roommates' [1] - 25001:10 Rosetta [1] - 24965:20 Rosetown [2] - 24990:2, 24996:1 Ross [1] - 24954:8 roughly [1] - 25111:19 route [1] - 25067:6 routine [1] - 25083:9 Rpr [4] - 24926:12, 25146:2, 25146:18, 25146:19 rule [6] - 24938:25, 24958:20, 24961:16, 24961:20, 25005:3, 25057:24 ruled [3] - 24988:15, 25014:20, 25133:12 rules [9] - 24955:15, 24961:17, 24961:18, 24966:14, 24966:15, 24975:8, 25017:21, 25036:7, 25105:15 ruling [1] - 25091:12 run [6] - 24970:22, 25009:1, 25019:16, 25020:1, 25042:19, 25060:7 rung [1] - 24943:2 running [1] - 25104:18 runs [2] - 25019:23,	25042:18 S sacrosanct [1] - 24975:13 safeguard [2] - 24953:4, 24955:17 safety [1] - 24956:25 Sally [1] - 25069:6 San [1] - 25110:17 Sandra [1] - 24926:5 Sargent [5] - 25002:4, 25002:12, 25002:13, 25002:21 Saskatchewan [11] - 24925:17, 24927:4, 25045:3, 25052:17, 25073:1, 25075:23, 25105:24, 25137:14, 25139:25, 25141:24, 25146:4 Saskatoon [16] - 24925:17, 24927:7, 24930:16, 24990:2, 24997:8, 25010:22, 25015:23, 25045:11, 25045:20, 25046:2, 25050:15, 25077:1, 25079:11, 25082:2, 25099:8, 25123:18 sat [1] - 25130:20 satisfaction [2] - 24970:5, 24970:15 satisfied [2] - 24993:22, 24994:20 Saturday [2] - 24933:20, 24935:25 saw [11] - 24938:10, 24938:14, 24990:3, 24990:16, 24996:18, 25001:21, 25002:6, 25014:8, 25039:17, 25044:24, 25086:6 scene [3] - 24942:7, 25001:4, 25001:17 scheme [1] - 24939:18 school [6] - 24969:16, 25063:11, 25063:13, 25110:24, 25111:16, 25127:9 schools [4] - 25063:7, 25063:12, 25063:21, 25064:10 science [3] - 24950:2, 25067:20, 25068:16 scientific [1] - 25066:25 Scotland [1] - 25073:21 scream [1] - 25056:5	screen [1] - 24988:21 script [4] - 24937:12, 24958:9, 25009:17, 25012:2 Scroll [2] - 25123:16, 25126:4 scroll [9] - 24993:13, 25032:16, 25045:25, 25109:8, 25113:12, 25121:3, 25122:16, 25123:6, 25125:21 scrolling [1] - 25033:7 Scurfield [2] - 25109:24, 25138:12 se [1] - 24991:3 search [1] - 24942:8 second [15] - 24956:1, 24957:20, 24969:25, 24970:5, 25010:15, 25082:22, 25086:17, 25093:6, 25102:24, 25116:3, 25116:6, 25116:24, 25117:4, 25123:16, 25126:11 secondly [5] - 25007:3, 25073:12, 25106:9, 25118:1, 25141:5 Secondly [1] - 25106:2 secrecy [1] - 25072:5 secretor [1] - 25073:23 Section [4] - 24952:15, 24952:17, 24957:7, 25114:7 section [10] - 24968:4, 25003:10, 25011:5, 25014:15, 25014:16, 25090:10, 25090:22, 25115:8, 25133:9, 25136:6 securities [1] - 25111:18 Security [1] - 24926:13 see [83] - 24930:5, 24930:25, 24932:19, 24933:10, 24934:12, 24939:25, 24942:13, 24942:16, 24966:18, 24966:21, 24971:17, 24971:18, 24972:16, 24976:11, 24977:1, 24977:16, 24978:5, 24979:11, 24980:20, 24990:10, 24991:24, 24991:25, 24992:1, 24992:4, 24996:5, 24996:8, 25002:25, 25010:7, 25015:5, 25015:11, 25019:8, 25023:19, 25025:16, 25028:1, 25032:9,	25032:20, 25033:2, 25034:6, 25038:19, 25040:7, 25040:10, 25041:5, 25041:15, 25042:9, 25042:14, 25042:22, 25043:13, 25045:1, 25045:7, 25046:20, 25048:4, 25055:1, 25055:4, 25056:13, 25056:23, 25057:4, 25061:18, 25071:21, 25073:5, 25073:8, 25078:10, 25078:14, 25078:17, 25083:10, 25083:16, 25095:22, 25096:1, 25098:12, 25098:22, 25099:1, 25101:12, 25110:3, 25112:24, 25116:8, 25118:18, 25119:7, 25123:1, 25136:10, 25137:11, 25138:16, 25140:22, 25140:25 See [4] - 24993:3, 24993:20, 25005:16, 25028:5 seeing [2] - 24944:13, 25007:5 seek [1] - 25113:8 seeking [1] - 25040:14 seem [6] - 25025:10, 25066:12, 25104:19, 25128:11, 25132:17, 25137:24 seizing [1] - 24992:19 selection [1] - 24966:14 self [5] - 25057:22, 25058:6, 25058:9, 25058:16, 25059:9 self-serving [5] - 25057:22, 25058:6, 25058:9, 25058:16, 25059:9 sell [1] - 25141:4 semen [1] - 25123:2 Senate [1] - 25067:16 send [2] - 24935:4, 25130:10 sending [1] - 25048:23 senior [5] - 25075:25, 25127:4, 25127:5, 25130:3, 25132:25 sense [16] - 24933:22, 24948:13, 24968:21, 24969:6, 24971:17, 24999:20, 25003:13, 25004:25, 25015:11, 25061:22, 25087:24, 25089:20, 25119:19,	25124:7, 25134:15, 25145:1 sent [6] - 24931:12, 24935:11, 24945:14, 25098:10, 25099:2, 25121:9 sentence [4] - 25039:22, 25040:1, 25045:6, 25045:24 sentenced [2] - 25041:12, 25065:23 sentencing [3] - 25041:15, 25045:4, 25045:19 separate [1] - 25140:10 separately [1] - 25024:17 September [1] - 25121:6 sequence [1] - 24972:12 Serge [1] - 24927:6 Sergeant [1] - 25122:15 serious [4] - 25020:20, 25040:12, 25072:8, 25079:22 seriously [3] - 24949:6, 25020:12, 25079:23 seriousness [1] - 25143:19 serrated [1] - 24998:9 Service [2] - 24927:7, 24930:17 serving [5] - 25057:22, 25058:6, 25058:9, 25058:16, 25059:9 set [8] - 24979:6, 24989:15, 25011:9, 25035:3, 25140:7, 25141:16, 25142:5, 25142:12 sets [1] - 25015:9 setting [1] - 25140:24 several [4] - 24994:14, 25037:2, 25130:2, 25137:5 severely [1] - 25012:11 sex [3] - 24973:22, 25021:10, 25023:9 sexual [4] - 24973:19, 25018:10, 25027:8, 25123:15 shadow [4] - 24990:4, 24990:9, 24990:12, 24990:19 shall [1] - 25058:15 share [3] - 24961:11, 25064:12, 25099:19 shed [1] - 24996:14 shifted [1] - 25012:25
---	--	--	---	--



short [3] - 24984:17, 25013:3, 25024:15 shortage [1] - 25004:15 shorthand [1] - 25146:5 shortly [3] - 25013:22, 25106:22, 25124:2 shot [1] - 25112:3 shoulder [1] - 25048:14 show [5] - 24932:6, 24999:3, 25039:20, 25131:24, 25136:11 showed [3] - 24937:13, 24945:20, 24985:21 showing [2] - 24943:13, 25030:25 shown [5] - 24932:15, 24933:23, 24934:25, 25012:4, 25094:15 shows [2] - 24943:15, 25012:20 shudders [1] - 25138:13 side [5] - 24966:3, 25019:21, 25073:7, 25089:18, 25089:20 sides [1] - 25075:4 sign [1] - 25064:6 signed [1] - 24958:9 significance [4] - 24963:7, 24994:14, 25009:15, 25045:9 significant [14] - 24939:22, 24943:7, 24944:24, 25001:7, 25016:10, 25018:12, 25051:13, 25053:6, 25059:6, 25060:1, 25066:23, 25077:17, 25086:11, 25121:19 similar [11] - 24930:25, 24956:25, 24957:25, 24960:2, 25014:5, 25033:17, 25052:20, 25053:2, 25067:13, 25068:8, 25138:14 similarities [3] - 25018:11, 25031:5, 25053:4 Simon [5] - 24938:9, 25002:9, 25002:15, 25002:17, 25010:11 simple [4] - 24960:15, 24963:16, 24964:22, 25131:1 simplistic [1] - 25051:11 simply [15] - 24946:7, 24981:19, 24983:5, 24988:20, 25016:9, 25016:24, 25051:7,	25051:17, 25053:24, 25054:17, 25064:3, 25074:6, 25077:11, 25097:8, 25117:7 simultaneously [1] - 25047:1 sitting [3] - 24925:15, 24957:17, 24963:25 situation [8] - 24957:2, 24965:16, 24965:17, 25022:13, 25059:24, 25060:8, 25086:15, 25106:18 situations [3] - 24959:7, 25011:7, 25092:15 six [3] - 24997:13, 25112:25 skilful [1] - 24987:18 skill [1] - 25146:6 skilled [1] - 25062:23 skillfully [1] - 25088:7 slash [1] - 25107:21 slippery [1] - 24965:23 slipping [1] - 24997:20 slope [1] - 24965:23 small [1] - 25137:16 smart [1] - 25026:5 smartest [1] - 25138:24 smiled [1] - 25023:15 snatching [5] - 25003:23, 25004:6, 25004:16, 25005:18, 25005:22 snow [7] - 24943:3, 24943:7, 24943:16, 24944:11, 24944:13, 24944:19, 24944:24 so-called [3] - 24993:9, 25052:11, 25069:3 Societies [1] - 25110:24 society [1] - 24958:7 soft [1] - 24995:22 soft-bladed [1] - 24995:22 solely [1] - 25063:9 solemnity [1] - 24951:4 solicitor [3] - 25069:7, 25069:8, 25076:4 solicitor/client [3] - 25102:17, 25105:14, 25105:17 someone [5] - 25037:7, 25055:18, 25073:3, 25136:1, 25139:15 someplace [1] - 24991:15 sometimes [11] - 24997:19, 24997:20, 25025:2, 25035:19,	25037:6, 25058:13, 25067:2, 25140:9, 25140:10, 25140:15 somewhat [3] - 24975:3, 25057:17, 25114:5 somewhere [2] - 24948:4, 25136:2 son's [1] - 25127:12 Sorochan [14] - 24927:15, 24928:12, 25100:2, 25100:6, 25100:7, 25102:25, 25103:2, 25103:21, 25104:4, 25104:11, 25105:4, 25105:7, 25105:8, 25107:15 Sorry [5] - 24975:6, 25002:1, 25026:21, 25032:25, 25052:10 sorry [12] - 24948:12, 24990:15, 24996:25, 25015:12, 25029:3, 25046:8, 25069:24, 25069:25, 25070:2, 25123:23, 25132:4, 25132:8 sort [34] - 24956:24, 24959:8, 24962:14, 24969:22, 24977:5, 24977:11, 24978:7, 24979:7, 24994:18, 25007:16, 25019:24, 25020:17, 25025:21, 25040:17, 25042:4, 25059:12, 25063:24, 25064:24, 25067:5, 25068:25, 25070:18, 25073:12, 25076:1, 25083:9, 25112:24, 25114:20, 25119:13, 25124:14, 25124:22, 25125:1, 25127:3, 25128:22, 25135:4, 25140:3 sorts [1] - 24963:10 sound [4] - 24961:18, 24965:8, 25110:11, 25130:5 source [1] - 24932:21 Sources [1] - 25115:12 sources [1] - 25115:17 south [5] - 25019:16, 25019:21, 25019:22, 25042:20 southwest [2] - 25019:24, 25042:19 southwest-northeast [1] - 25019:24 sow [1] - 24964:13	space [1] - 25042:16 spawn [3] - 24967:25, 25018:24, 25060:14 speaking [5] - 24953:20, 24956:14, 24979:25, 25032:22, 25083:7 special [2] - 25008:8, 25039:9 specific [8] - 24934:1, 24935:5, 24973:15, 24980:20, 25036:2, 25122:8, 25124:8, 25126:12 specifically [6] - 24936:6, 24943:17, 24944:9, 25038:2, 25039:19, 25040:7 specify [1] - 25092:24 spend [9] - 25115:3, 25115:13, 25121:20, 25123:3, 25123:12, 25123:19, 25124:11, 25125:22, 25133:2 spent [7] - 24940:9, 24942:5, 25051:18, 25110:19, 25112:25, 25132:24, 25137:6 spirit [1] - 24937:4 spoken [2] - 25054:1, 25130:2 sponsored [1] - 25067:15 spot [2] - 25001:22, 25145:11 spring [2] - 25110:13, 25123:13 stabbed [1] - 25081:20 staff [2] - 24938:13, 25100:21 Staff [2] - 24926:1, 24926:9 stage [6] - 24964:5, 24976:24, 24988:18, 25009:13, 25022:8, 25071:7 stages [2] - 24977:17, 25116:1 stained [1] - 25052:23 stand [5] - 24987:22, 24989:2, 25082:17, 25105:20, 25137:17 standard [3] - 24967:12, 24967:16, 24968:3 standing [6] - 25100:4, 25100:11, 25100:17, 25101:8, 25103:1, 25103:3 Standing [1] - 24928:11	standpoint [4] - 24960:9, 24962:21, 25006:11, 25064:7 stands [1] - 25033:7 start [9] - 24964:11, 24969:15, 24970:11, 24986:4, 25012:10, 25053:8, 25113:5, 25121:2, 25126:19 started [8] - 25034:11, 25037:7, 25083:19, 25095:18, 25112:1, 25126:21, 25133:23, 25143:4 starting [2] - 25078:20, 25129:7 startling [1] - 25055:10 starts [4] - 24943:11, 24996:4, 24996:20, 25093:10 state [7] - 24953:25, 24954:5, 24954:15, 24955:4, 24956:14, 25104:24, 25144:13 statement [69] - 24929:25, 24930:25, 24932:23, 24934:9, 24934:11, 24935:4, 24935:11, 24947:8, 24952:6, 24952:19, 24953:7, 24953:12, 24954:7, 24954:14, 24955:8, 24956:11, 24957:6, 24957:11, 24957:13, 24971:6, 24983:19, 24986:1, 24989:24, 24991:10, 25002:3, 25003:12, 25003:16, 25011:10, 25013:6, 25013:9, 25014:22, 25015:2, 25024:7, 25024:7, 25028:3, 25050:18, 25050:20, 25057:14, 25057:17, 25057:22, 25058:1, 25058:3, 25058:6, 25058:9, 25058:14, 25058:17, 25059:5, 25059:9, 25059:20, 25060:1, 25060:4, 25060:12, 25061:3, 25061:8, 25082:22, 25085:9, 25085:13, 25086:16, 25086:17, 25086:20, 25086:21, 25087:1, 25090:3, 25090:11, 25090:17, 25090:18, 25091:4, 25117:24 statements [21] -
--	---	--	--	---



<p>24929:9, 24929:20, 24931:1, 24933:3, 24933:12, 24935:18, 24935:22, 24958:2, 24958:7, 25001:11, 25011:11, 25011:24, 25028:2, 25049:2, 25049:11, 25058:18, 25062:19, 25086:7, 25094:17, 25122:24, 25128:16</p> <p>States [2] - 25110:17, 25127:10</p> <p>stating [1] - 25134:14</p> <p>station [1] - 25020:1</p> <p>stations [2] - 25109:17</p> <p>status [1] - 25105:4</p> <p>statutory [1] - 25067:17</p> <p>stay [1] - 25088:14</p> <p>stealing [2] - 25003:22, 25004:11</p> <p>stems [1] - 25107:23</p> <p>step [2] - 25090:10, 25090:21</p> <p>steps [3] - 25037:11, 25037:13, 25121:15</p> <p>stern [2] - 25087:6, 25091:20</p> <p>still [13] - 24951:5, 24954:5, 24961:14, 24970:20, 24971:12, 24978:9, 25014:10, 25031:17, 25031:19, 25059:24, 25063:23, 25077:18, 25096:7</p> <p>stock [1] - 24965:2</p> <p>stoned [1] - 25023:11</p> <p>Stoney [1] - 25129:4</p> <p>stood [2] - 25088:15, 25088:16</p> <p>stop [2] - 25002:7, 25054:18</p> <p>stopping [1] - 25054:25</p> <p>story [1] - 25010:22</p> <p>straight [1] - 25019:17</p> <p>strange [2] - 25048:7, 25049:16</p> <p>Street [2] - 24938:13, 24938:15</p> <p>street [4] - 24934:18, 24934:20, 25019:21, 25042:20</p> <p>strength [1] - 24968:1</p> <p>strict [1] - 24967:15</p> <p>stricter [1] - 24958:20</p> <p>strikes [4] - 24976:5, 25034:3, 25049:16, 25060:23</p> <p>stringer [3] - 24940:12, 24943:1, 24944:15</p>	<p>strive [2] - 24955:22, 24961:25</p> <p>strong [4] - 24977:12, 25087:7, 25088:20, 25134:8</p> <p>stronger [2] - 24964:7, 25134:10</p> <p>strongly [2] - 25013:15, 25087:17</p> <p>struck [6] - 24951:8, 24951:11, 24958:18, 25028:25, 25136:3, 25136:6</p> <p>stuck [1] - 25054:6</p> <p>student [2] - 25124:13, 25126:25</p> <p>studied [4] - 25059:15, 25072:18, 25111:15, 25130:19</p> <p>study [3] - 24963:6, 24992:22, 25067:8</p> <p>stuff [2] - 25015:13, 25088:23</p> <p>stuffed [1] - 24995:10</p> <p>sub [1] - 25014:15</p> <p>sub-section [1] - 25014:15</p> <p>subject [3] - 25054:15, 25094:8, 25133:3</p> <p>submission [1] - 25101:5</p> <p>submissions [4] - 25091:7, 25100:3, 25100:14, 25102:23</p> <p>submit [1] - 25104:5</p> <p>submitted [2] - 25088:20, 25102:13</p> <p>subscribe [1] - 24982:5</p> <p>subsequently [2] - 24944:20, 25113:10</p> <p>subsidiary [1] - 25073:13</p> <p>substantial [1] - 25013:2</p> <p>substantially [1] - 24940:10</p> <p>substantive [1] - 25003:12</p> <p>subtle [2] - 25080:13, 25082:6</p> <p>subtleties [1] - 25082:12</p> <p>subtly [1] - 25080:9</p> <p>success [1] - 25138:5</p> <p>successful [1] - 25143:1</p> <p>sudden [1] - 25069:3</p> <p>suffering [2] - 25077:15, 25083:4</p> <p>sufficient [4] - 24950:3,</p>	<p>24963:17, 24967:25, 25142:5</p> <p>suggest [12] - 24954:5, 24988:24, 24999:9, 25021:13, 25022:12, 25026:19, 25052:1, 25052:13, 25053:1, 25055:20, 25061:9</p> <p>suggested [4] - 24965:20, 24967:6, 25053:19, 25081:8</p> <p>suggesting [8] - 24970:2, 24978:20, 25022:1, 25026:8, 25034:7, 25038:18, 25093:19, 25097:12</p> <p>suggestion [11] - 24932:22, 24933:2, 24948:14, 24952:16, 24953:9, 25054:17, 25058:23, 25061:11, 25087:7, 25092:6, 25092:7</p> <p>suggestions [1] - 25043:3</p> <p>suitable [1] - 25067:19</p> <p>sum [3] - 24968:11, 24969:8, 25018:21</p> <p>summarize [3] - 24941:20, 24947:1, 25115:19</p> <p>summarized [1] - 25119:24</p> <p>summary [6] - 24937:14, 25034:13, 25052:16, 25098:5, 25101:10, 25109:2</p> <p>superior [1] - 25008:10</p> <p>Support [1] - 24926:9</p> <p>support [4] - 25040:21, 25053:9, 25115:20, 25118:23</p> <p>supported [1] - 24967:14</p> <p>supporters [1] - 25118:19</p> <p>supportive [1] - 24939:4</p> <p>suppose [8] - 24970:22, 24970:24, 24977:12, 24995:8, 24996:20, 25010:16, 25057:12, 25104:4</p> <p>Supreme [30] - 24954:9, 24959:23, 24965:20, 24966:14, 24967:20, 24981:6, 24985:6, 24985:14, 24985:24, 24996:21, 24997:5, 24998:14, 24999:4,</p>	<p>25026:24, 25027:1, 25032:7, 25046:9, 25046:12, 25054:14, 25065:24, 25066:2, 25070:22, 25072:9, 25078:5, 25078:23, 25114:8, 25116:7, 25123:25, 25126:13, 25136:18</p> <p>surely [1] - 25081:17</p> <p>surfaced [1] - 24999:23</p> <p>surgery [1] - 25077:18</p> <p>surprise [2] - 24971:11, 25104:1</p> <p>surprised [2] - 25080:18, 25131:17</p> <p>surrounded [2] - 24940:17, 24942:18</p> <p>suspect [7] - 24967:3, 25028:20, 25029:9, 25029:14, 25030:1, 25030:18, 25047:6</p> <p>suspected [1] - 25029:17</p> <p>suspecting [1] - 25061:5</p> <p>suspicion [3] - 24950:18, 25016:15, 25016:16</p> <p>sweeping [1] - 24952:5</p> <p>switched [1] - 25111:2</p> <p>swore [2] - 25120:23, 25121:1</p> <p>Sworn [1] - 24928:13</p> <p>sworn [2] - 25043:13, 25107:4</p> <p>Syd [2] - 25002:13, 25002:21</p> <p>syndrome [1] - 25069:4</p> <p>system [10] - 24951:25, 24955:22, 24957:22, 24963:16, 24978:13, 25034:2, 25062:1, 25062:6, 25065:10, 25141:6</p> <p>systemic [6] - 24974:25, 25057:11, 25108:11, 25126:17, 25134:20, 25138:6</p> <p>Systemically [1] - 25065:21</p> <p>systemically [2] - 24975:17, 25065:16</p>	<p>25118:6</p> <p>talks [2] - 24999:5, 25023:16</p> <p>Tallis [30] - 24927:13, 24928:3, 24929:4, 24929:7, 24939:12, 24951:1, 24969:12, 24986:10, 25016:3, 25018:16, 25034:15, 25035:2, 25035:14, 25038:10, 25049:3, 25049:4, 25049:10, 25049:14, 25052:18, 25057:2, 25057:10, 25061:12, 25074:5, 25074:18, 25079:15, 25092:1, 25094:5, 25099:17, 25099:24, 25102:6</p> <p>tape [4] - 24958:7, 24958:9, 25002:24, 25086:4</p> <p>taping [1] - 25011:18</p> <p>Tapper [2] - 25109:24, 25138:12</p> <p>task [3] - 24980:9, 25127:23, 25127:24</p> <p>taste [1] - 25111:12</p> <p>taught [1] - 24974:13</p> <p>Tdr [3] - 24927:5, 25093:11, 25098:4</p> <p>technically [1] - 25053:24</p> <p>Technician [1] - 24926:14</p> <p>Television [1] - 25108:19</p> <p>television [2] - 25109:17, 25110:8</p> <p>temporary [1] - 25143:5</p> <p>ten [1] - 25108:15</p> <p>ten-month [1] - 25108:15</p> <p>tend [3] - 24932:5, 24998:8, 25007:8</p> <p>tended [1] - 25077:20</p> <p>tendency [1] - 24981:18</p> <p>tentative [1] - 25072:17</p> <p>term [12] - 24951:15, 24959:16, 24968:17, 24969:2, 24969:3, 24972:25, 24973:13, 24995:21, 25012:3, 25042:21, 25072:21</p> <p>terms [30] - 24942:9, 24949:22, 24959:25, 24962:16, 24963:24, 24965:21, 24965:25, 24980:15, 24980:19, 24984:2, 24988:21,</p>
T				
<p>table [1] - 25121:25</p> <p>tactical [4] - 25006:11, 25089:16, 25118:5,</p>				



<p>25008:5, 25010:17, 25010:19, 25012:15, 25016:11, 25062:7, 25072:5, 25072:6, 25073:9, 25073:17, 25088:14, 25088:20, 25113:17, 25131:1, 25133:14, 25138:25, 25141:5, 25143:19</p> <p>Terms^[1] - 25113:6</p> <p>terrible^[1] - 25045:10</p> <p>terrific^[1] - 25057:6</p> <p>Territories^[1] - 25096:11</p> <p>test^[10] - 24950:1, 24955:6, 24956:24, 24979:11, 24992:6, 24994:21, 25042:4, 25105:19, 25130:14, 25134:23</p> <p>tested^[1] - 25106:21</p> <p>testified^[13] - 24949:7, 24973:18, 24985:6, 25040:3, 25040:12, 25065:24, 25071:12, 25071:25, 25073:22, 25076:13, 25093:22, 25094:11, 25095:21</p> <p>testify^[16] - 24986:20, 25021:15, 25021:17, 25051:10, 25051:16, 25060:7, 25061:25, 25062:9, 25063:8, 25064:24, 25070:15, 25070:18, 25071:18, 25086:20, 25107:7</p> <p>testifying^[11] - 24987:20, 24988:12, 25021:9, 25060:21, 25062:3, 25065:18, 25066:6, 25073:18, 25073:19, 25078:23, 25099:24</p> <p>Testimony^[1] - 24925:14</p> <p>testimony^[22] - 24930:11, 24937:23, 24945:2, 24947:17, 25021:23, 25050:5, 25052:3, 25054:4, 25054:14, 25072:9, 25074:22, 25077:6, 25077:9, 25078:4, 25078:9, 25081:13, 25084:13, 25090:3, 25090:12, 25095:16, 25101:2, 25103:13</p> <p>testing^[4] - 25067:20, 25067:24, 25121:3, 25132:24</p>	<p>Thc^[1] - 25023:10</p> <p>theme^[1] - 25068:5</p> <p>themselves^[1] - 24992:10</p> <p>theory^[7] - 24954:1, 24999:6, 25000:5, 25000:7, 25001:1, 25074:1, 25130:14</p> <p>theory'^[1] - 25070:8</p> <p>thereby^[1] - 24951:6</p> <p>therefore^[4] - 24945:5, 25045:4, 25070:18, 25143:20</p> <p>they've^[1] - 25041:5</p> <p>thickness^[1] - 24944:19</p> <p>thinking^[2] - 24984:6, 24997:13</p> <p>third^[11] - 24956:24, 25005:5, 25009:22, 25018:14, 25031:2, 25071:14, 25113:17, 25115:11, 25116:4, 25118:8, 25118:10</p> <p>thorough^[1] - 24952:1</p> <p>thoroughly^[1] - 25017:15</p> <p>thoughtfully^[1] - 25100:21</p> <p>thoughts^[6] - 24952:16, 24962:7, 24963:19, 24966:7, 24967:9, 25007:16</p> <p>thousands^[2] - 25009:20, 25137:5</p> <p>three^[11] - 24929:9, 24971:19, 24980:23, 24980:25, 25000:24, 25001:14, 25033:22, 25115:7, 25122:17, 25125:24, 25131:23</p> <p>threw^[9] - 24987:25, 24988:4, 24988:24, 24990:6, 24991:8, 24991:22, 24992:18, 24994:11, 25077:2</p> <p>thrilled^[1] - 25072:3</p> <p>throughout^[1] - 24937:6</p> <p>throw^[1] - 24989:2</p> <p>thrown^[4] - 24945:4, 24992:4, 24995:4, 25077:10</p> <p>tightrope^[1] - 25088:13</p> <p>timing^[1] - 25084:3</p> <p>today^[4] - 25056:20, 25079:8, 25100:23, 25101:20</p> <p>Toews^[1] - 24927:12</p> <p>together^[7] - 25040:13,</p>	<p>25053:3, 25054:21, 25114:19, 25135:24, 25140:17</p> <p>tomorrow^[1] - 25007:23</p> <p>tone^[1] - 25086:10</p> <p>took^[18] - 24929:7, 24929:8, 24934:4, 24949:5, 24991:22, 25002:17, 25010:11, 25010:13, 25020:11, 25023:7, 25064:14, 25076:5, 25078:9, 25093:24, 25124:21, 25125:13, 25129:18, 25134:4</p> <p>tool^[1] - 25145:4</p> <p>top^[4] - 24930:1, 25009:1, 25076:19, 25124:17</p> <p>topic^[1] - 24979:8</p> <p>torch^[1] - 25076:12</p> <p>Toronto^[1] - 25107:21</p> <p>tossed^[2] - 24993:24, 24994:3</p> <p>totally^[4] - 24970:4, 25007:18, 25053:23, 25089:17</p> <p>touch^[9] - 24940:7, 24951:14, 24951:20, 24967:2, 25000:15, 25036:22, 25115:1, 25119:23, 25120:5</p> <p>touched^[3] - 25047:13, 25118:20, 25125:20</p> <p>touches^[1] - 24974:25</p> <p>tough^[2] - 25077:4, 25141:4</p> <p>toward^[3] - 24964:7, 25020:23, 25068:16</p> <p>town^[2] - 25010:4, 25053:3</p> <p>track^[1] - 25042:18</p> <p>tracks^[8] - 24943:22, 24944:1, 25019:3, 25019:10, 25019:14, 25019:15, 25042:10, 25042:12</p> <p>trafficking^[1] - 24974:3</p> <p>trail^[2] - 24944:1, 24944:3</p> <p>Transcript^[2] - 24925:12, 24929:1</p> <p>transcript^[12] - 24936:17, 24942:16, 24943:20, 24958:12, 25076:16, 25088:15, 25095:16, 25095:20, 25130:4, 25130:6, 25132:16, 25132:18</p>	<p>transcription^[1] - 25146:5</p> <p>transcripts^[8] - 25127:16, 25127:19, 25128:2, 25128:9, 25128:10, 25128:12, 25128:14, 25129:23</p> <p>trash^[1] - 25082:3</p> <p>Trav^[1] - 25043:5</p> <p>Trava-leer^[1] - 25043:5</p> <p>travelling^[1] - 25125:2</p> <p>treacherous^[3] - 25080:10, 25080:11, 25082:9</p> <p>treachery^[1] - 24980:2</p> <p>treat^[1] - 25145:8</p> <p>treated^[4] - 24971:21, 25079:23, 25139:23, 25145:9</p> <p>treatment^[1] - 25077:19</p> <p>trial^[81] - 24935:25, 24936:16, 24937:25, 24941:5, 24941:13, 24941:24, 24942:1, 24945:22, 24947:20, 24950:4, 24951:4, 24952:18, 24952:21, 24953:10, 24956:2, 24956:4, 24957:10, 24962:7, 24963:10, 24963:21, 24964:18, 24966:6, 24967:8, 24968:7, 24970:3, 24986:18, 24987:1, 24995:13, 24998:24, 25000:14, 25005:3, 25006:18, 25007:23, 25008:9, 25012:22, 25013:22, 25016:5, 25035:15, 25035:19, 25035:21, 25038:20, 25039:12, 25039:16, 25040:2, 25040:14, 25061:4, 25061:16, 25079:16, 25079:18, 25079:19, 25079:21, 25079:25, 25082:14, 25082:17, 25082:18, 25083:2, 25083:9, 25083:18, 25084:8, 25084:10, 25084:20, 25084:23, 25085:4, 25086:14, 25088:7, 25089:7, 25089:18, 25092:9, 25092:18, 25095:13, 25097:8, 25113:8, 25114:14, 25120:25, 25125:12, 25127:16, 25128:1,</p>	<p>25132:16, 25134:25</p> <p>trials^[3] - 25007:21, 25064:2, 25089:16</p> <p>tried^[16] - 24937:9, 24970:15, 24974:11, 24978:19, 24980:1, 24980:11, 25018:21, 25067:4, 25085:15, 25114:17, 25114:19, 25115:15, 25115:16, 25115:19, 25116:19, 25130:13</p> <p>trier^[1] - 24995:6</p> <p>trips^[1] - 25076:4</p> <p>trouble^[1] - 25065:24</p> <p>troubled^[4] - 24973:14, 24983:17, 25064:22, 25131:20</p> <p>troubling^[3] - 25064:25, 25065:5, 25138:7</p> <p>Trudy^[1] - 25097:1</p> <p>true^[11] - 24947:10, 25010:22, 25015:25, 25016:2, 25061:8, 25061:11, 25107:20, 25111:14, 25129:17, 25135:16, 25146:5</p> <p>truly^[1] - 25062:2</p> <p>Truscott^[3] - 25065:18, 25065:22, 25071:13</p> <p>trustworthiness^[2] - 24955:6, 24956:10</p> <p>truth^[2] - 24948:24, 25057:19</p> <p>truthful^[4] - 24949:11, 24949:13, 24949:16, 24979:24</p> <p>try^[14] - 24941:22, 24946:25, 24959:24, 24974:13, 24980:7, 24980:25, 24989:9, 25005:8, 25068:20, 25088:6, 25102:9, 25112:22, 25122:2, 25125:17</p> <p>trying^[16] - 24941:16, 24958:24, 24968:7, 24977:22, 24979:11, 24980:21, 25008:2, 25018:16, 25030:5, 25030:21, 25066:2, 25085:12, 25088:13, 25124:25, 25125:3, 25138:9</p> <p>Tuesday^[1] - 24925:21</p> <p>Turkey^[1] - 25109:21</p> <p>turn^[18] - 24946:16, 24989:15, 24991:9, 24997:4, 24998:24,</p>
--	---	---	--	--



25009:17, 25010:14, 25015:20, 25026:22, 25032:4, 25033:9, 25043:7, 25045:18, 25050:11, 25055:4, 25062:20, 25085:19, 25086:8 turned [3] - 25000:6, 25075:12, 25086:1 turning [6] - 24930:21, 24931:1, 25022:11, 25032:2, 25046:13, 25075:16 turns [1] - 25104:11 twiggled [1] - 25044:3 two [32] - 24943:4, 24944:18, 24964:24, 24989:12, 24990:9, 24990:11, 24990:25, 24992:9, 24992:16, 25004:2, 25006:21, 25010:6, 25017:12, 25033:11, 25040:13, 25063:7, 25063:12, 25063:21, 25064:10, 25069:8, 25069:11, 25078:21, 25092:22, 25100:14, 25102:21, 25105:21, 25106:3, 25116:23, 25125:1, 25140:17 type [25] - 24934:14, 24935:6, 24938:24, 24968:18, 24976:25, 24977:3, 24995:23, 24997:16, 24997:19, 24997:25, 24998:23, 25015:18, 25017:20, 25022:19, 25031:6, 25040:16, 25059:20, 25060:15, 25067:22, 25080:11, 25082:12, 25091:12, 25106:7	25110:6, 25112:1, 25117:2, 25141:2, 25143:2, 25144:12 unanticipated [2] - 24959:6 unbiased [1] - 25072:11 uncertainty [1] - 24997:10 unclear [1] - 25003:23 unclearness [1] - 24998:18 uncomfortable [1] - 24975:4 uncovered [1] - 25074:2 under [34] - 24952:17, 24953:21, 24954:7, 24954:13, 24954:14, 24954:16, 24955:5, 24957:13, 24965:4, 24968:4, 24969:7, 24971:21, 24973:21, 24973:22, 25008:24, 25011:10, 25011:23, 25013:9, 25017:21, 25024:22, 25036:7, 25052:11, 25058:2, 25059:9, 25059:20, 25060:12, 25062:16, 25067:16, 25077:18, 25090:10, 25090:21, 25118:18, 25133:21, 25141:10 underlining [1] - 24930:5 underneath [1] - 24943:3 understandable [1] - 24984:20 understood [8] - 24973:9, 25028:24, 25061:2, 25061:12, 25083:12, 25093:19, 25103:3, 25142:10 undertaken [1] - 25047:19 undo [1] - 25140:19 undoubtedly [1] - 25087:7 unease [1] - 24968:21 unfairly [1] - 25104:1 unfolded [1] - 25087:5 Unfortunately [1] - 25062:5 unidentified [2] - 25018:14, 25031:3 unilaterally [1] - 25091:5 unique [1] - 25008:8 United [5] - 24962:24,	24969:3, 25068:10, 25110:16, 25127:9 University [2] - 25072:24, 25110:25 unjust [1] - 25055:19 unknown [3] - 25028:21, 25030:18, 25081:9 unless [7] - 24975:13, 24977:19, 24978:17, 25058:1, 25058:9, 25059:2, 25075:14 unlike [1] - 24969:15 unpersuasive [1] - 25013:13 unreasonable [4] - 24955:20, 24955:22, 24967:5, 24967:14 unrelated [2] - 24931:12, 25042:2 unreliable [1] - 24963:17 unrepresented [1] - 25037:8 unsafe [4] - 24957:2, 24957:5, 24968:23, 24969:2 unsavoury [5] - 24963:23, 25006:20, 25040:24, 25130:10, 25131:3 unsophisticated [3] - 24961:10, 25063:1, 25063:16 unsuccessful [1] - 25053:17 untoward [1] - 25083:10 unusual [1] - 25047:14 up [55] - 24930:24, 24932:7, 24933:15, 24935:9, 24936:18, 24936:19, 24938:13, 24944:8, 24950:14, 24960:12, 24968:11, 24969:8, 24972:21, 24974:1, 24974:21, 24977:6, 24977:22, 24979:6, 24981:18, 24983:7, 24987:20, 24990:17, 24996:11, 24996:18, 25017:7, 25018:21, 25019:8, 25020:14, 25021:18, 25024:22, 25031:18, 25031:20, 25034:14, 25036:16, 25043:21, 25065:14, 25074:22, 25076:2, 25076:15, 25076:16, 25078:6,	25083:11, 25088:15, 25088:16, 25090:9, 25092:12, 25095:16, 25097:21, 25102:9, 25108:25, 25124:10, 25125:16, 25128:5, 25132:21, 25133:25 upwards [1] - 24944:18 urgency [1] - 25104:21 useful [1] - 25079:7 usual [4] - 24999:19, 24999:22, 25066:20, 25067:6 Ute [3] - 24948:18, 24949:3, 25020:4 utilize [1] - 25139:8 uttered [1] - 25057:9	25052:19, 25052:20 versions [1] - 24941:19 versus [1] - 25069:6 vested [1] - 24957:9 Vetrovec [2] - 24963:14, 24963:16 vetting [1] - 25066:13 Vic [1] - 24927:12 Vice [2] - 25109:4, 25109:10 Vice-president [2] - 25109:4, 25109:10 victim [1] - 25014:9 victim's [1] - 25073:24 victims [1] - 25123:15 victory [1] - 25087:25 video [1] - 24999:3 view [34] - 24953:14, 24958:5, 24961:12, 24967:15, 24969:1, 24982:5, 25004:5, 25005:2, 25011:21, 25012:17, 25012:22, 25015:5, 25015:15, 25017:10, 25022:2, 25030:25, 25034:6, 25034:9, 25036:24, 25041:19, 25048:6, 25071:22, 25072:17, 25075:25, 25079:18, 25089:14, 25089:16, 25091:14, 25113:22, 25115:10, 25133:18, 25135:19, 25135:20 viewed [5] - 24939:11, 24999:8, 25062:20, 25089:18, 25118:9 viewpoint [1] - 25101:6 views [5] - 25064:12, 25065:7, 25068:11, 25129:3, 25130:1 virtually [3] - 24953:16, 25019:3, 25089:9 vis [2] - 25139:24 vis-a-vis [1] - 25139:24 visible [1] - 24944:16 visited [1] - 25049:13 voice [2] - 24958:10, 25101:23 voiced [1] - 24964:15 voir [8] - 24952:18, 24954:18, 24955:15, 24957:17, 25011:4, 25012:21, 25058:12, 25087:24 Volume [1] - 24925:22 voluntariness [1] - 25058:13 volunteering [1] - 25081:25
U			V	
Ullrich [1] - 24932:22 ultimate [1] - 24987:15 ultimately [8] - 24942:25, 25082:21, 25083:21, 25084:7, 25085:7, 25089:2, 25094:17, 25132:16 umm [3] - 24983:22, 25021:20, 25144:1 Umm [13] - 24941:14, 24942:23, 24943:17, 24948:11, 24981:12, 25023:22, 25032:23,			V1 [7] - 25010:2, 25028:23, 25029:25, 25030:17, 25032:11, 25033:2, 25042:14 V11 [3] - 24929:12 V2 [6] - 25028:23, 25029:24, 25030:17, 25032:14, 25033:4, 25042:14 V3 [3] - 25028:6, 25029:25, 25032:15 V4 [12] - 24929:10, 24929:25, 24930:7, 25017:5, 25017:6, 25019:1, 25042:9, 25042:22, 25043:4 V9 [4] - 24929:11, 24930:24 valid [3] - 25003:8, 25006:17, 25102:10 valuable [1] - 25010:24 value [3] - 24935:16, 25073:5, 25129:18 Vancouver [1] - 25100:7 variables [1] - 25003:8 various [8] - 24933:12, 24972:10, 25068:15, 25094:14, 25097:4, 25097:14, 25115:17, 25115:22 vehemence [1] - 25055:17 vein [1] - 24962:4 veracity [1] - 25036:23 verdict [3] - 24967:13, 24968:22, 25009:4 verdicts [1] - 24967:6 version [3] - 24991:5,	



<p>W</p> <p>wait [1] - 25056:15 waiting [1] - 25107:9 waive [1] - 24977:19 waived [4] - 24975:14, 24975:21, 24978:8, 25047:15 Waived [1] - 24975:22 waiver [4] - 24977:3, 24977:4, 24977:5, 24977:14 walk [2] - 25120:9, 25127:5 walking [3] - 25000:10, 25088:13, 25093:23 wants [1] - 25139:13 war [1] - 25145:10 warning [9] - 24963:10, 24963:14, 24963:16, 24963:21, 24963:22, 24964:7, 25005:25, 25006:15, 25007:10 warrant [1] - 24967:25 warrants [1] - 24968:10 watching [1] - 25021:11 Watson [7] - 24927:6, 24928:7, 25034:25, 25035:6, 25035:9, 25035:12, 25038:7 ways [4] - 24964:24, 24990:25, 25018:3, 25144:21 wealth [2] - 25129:10, 25130:6 weapon [3] - 24940:23, 24941:8, 24945:6 wearing [1] - 25065:25 weather [1] - 25077:19 week [5] - 24958:12, 25033:22, 25102:4, 25112:11, 25126:21 weeks [1] - 24997:13 weeping [1] - 25091:21 weigh [3] - 24988:6, 25008:14, 25048:5 weight [1] - 25060:3 whatsoever [2] - 24953:4, 25143:17 whichever [1] - 24952:25 white [2] - 24962:15, 24991:13 Whitehorse [1] - 25096:10 whole [13] - 24952:15, 24977:7, 24989:9, 25003:16, 25011:19, 25012:6, 25021:9,</p>	<p>25021:10, 25030:10, 25036:21, 25048:7, 25074:1, 25086:6 wide [2] - 25033:23, 25034:5 widely [1] - 24980:17 wider [1] - 24969:6 Wigmore [1] - 24961:16 Wilde [1] - 24926:13 willfully [1] - 24950:19 Williams [9] - 25047:19, 25048:21, 25048:23, 25049:17, 25050:9, 25050:16, 25052:7, 25052:9, 25123:7 Williams' [1] - 25055:20 willing [1] - 24944:14 Wilson [36] - 24947:9, 24948:7, 24949:10, 24978:2, 24996:5, 25005:22, 25005:23, 25006:3, 25006:20, 25007:7, 25010:19, 25014:24, 25016:6, 25016:20, 25027:4, 25049:2, 25051:4, 25051:6, 25052:21, 25052:24, 25079:25, 25080:8, 25081:8, 25081:14, 25081:18, 25081:23, 25081:25, 25082:5, 25084:11, 25085:6, 25085:7, 25085:20, 25086:1, 25086:8, 25122:25, 25131:5 Wilson's [3] - 24936:4, 24991:10, 25049:11 winded [3] - 24973:4, 25069:24, 25103:12 window [4] - 24990:6, 24991:23, 24993:24, 24994:4 wink [2] - 25041:2 winner's [1] - 25017:14 Winnipeg [3] - 25031:11, 25107:19, 25107:21 winter [2] - 25110:7, 25110:8 wisdom [1] - 25092:9 wish [11] - 25000:19, 25029:16, 25030:3, 25051:10, 25051:16, 25064:5, 25066:10, 25071:19, 25094:23, 25105:3 wished [1] - 25035:4 wishes [2] - 24952:25, 24957:21</p>	<p>withheld [1] - 24947:8 witness [37] - 24938:9, 24944:2, 24952:20, 24953:4, 24953:6, 24953:14, 24956:3, 24958:14, 24960:20, 24963:1, 24981:20, 24988:24, 25006:20, 25011:3, 25014:3, 25022:17, 25026:4, 25027:4, 25040:2, 25080:11, 25082:17, 25090:12, 25090:17, 25090:24, 25091:3, 25091:5, 25091:10, 25091:16, 25093:2, 25093:12, 25095:12, 25103:6, 25103:25, 25104:7, 25107:3, 25128:16, 25131:9 witnesses [26] - 24935:19, 24947:16, 24947:18, 24948:9, 24948:15, 24949:16, 24954:20, 24958:2, 24962:16, 24963:11, 24963:17, 24963:23, 24979:24, 24982:23, 24985:15, 24986:15, 24987:19, 25011:9, 25084:19, 25095:18, 25097:7, 25103:16, 25117:11, 25118:11, 25119:1, 25121:17 Wolch [64] - 24927:2, 24928:6, 24928:8, 24940:21, 24947:14, 24950:24, 24969:11, 24969:12, 24976:22, 24986:9, 24989:20, 24989:22, 24989:23, 24993:16, 24993:18, 24993:19, 24996:25, 24997:2, 24997:3, 25000:23, 25001:12, 25005:12, 25005:13, 25005:15, 25009:14, 25009:25, 25029:5, 25029:6, 25029:12, 25029:19, 25029:23, 25030:7, 25030:11, 25030:12, 25032:23, 25033:1, 25035:4, 25035:8, 25035:14, 25038:9, 25043:23, 25060:25, 25061:7, 25061:17, 25061:20, 25071:20, 25078:1, 25078:10, 25092:23, 25093:19, 25094:7, 25097:22, 25108:16,</p>	<p>25109:24, 25111:4, 25111:6, 25111:13, 25131:22, 25132:12, 25133:6, 25133:14, 25136:20, 25137:13, 25138:12 Wolch's [2] - 25112:10, 25120:20 Wolff [2] - 25094:18, 25094:24 woman [3] - 25021:7, 25050:14, 25055:7 women [2] - 25017:13, 25095:5 wonder [5] - 24951:6, 24962:7, 24967:9, 25074:11, 25078:16 wondered [1] - 25102:7 wondering [6] - 24976:17, 24994:4, 24999:1, 24999:2, 25039:17, 25049:19 word [12] - 24957:8, 24964:25, 24965:5, 24994:3, 24997:18, 25005:17, 25022:23, 25023:1, 25119:12, 25119:18, 25135:2 words [17] - 24964:2, 24981:10, 24981:12, 25018:23, 25036:4, 25040:20, 25046:1, 25053:10, 25056:1, 25057:8, 25087:8, 25089:20, 25106:7, 25106:10, 25134:9, 25136:24, 25141:21 workmanlike [1] - 25081:12 works [2] - 25062:6, 25065:10 world [1] - 25021:15 worth [1] - 25041:23 wounding [1] - 25050:25 writer [4] - 25032:7, 25034:12, 25098:20, 25139:2 writers [1] - 24967:6 writing [3] - 24953:24, 25033:24, 25072:25 writings [1] - 24966:25 written [10] - 24932:11, 24940:20, 24958:8, 24958:9, 25045:16, 25051:15, 25094:21, 25097:23, 25100:13, 25102:22 Wrongful [1] - 24925:3 wrongful [10] -</p>	<p>24961:23, 24962:9, 24968:8, 25068:2, 25072:21, 25108:12, 25140:19, 25142:16, 25144:8, 25145:2 wrongfully [6] - 25065:21, 25066:5, 25068:1, 25073:4, 25128:25, 25144:25 wrongly [4] - 24971:3, 24976:8, 24976:16, 24978:14 wrongs [1] - 25068:17 wrote [2] - 24932:3, 25093:8</p> <p>Y</p> <p>yard [1] - 24943:22 yards [1] - 25017:13 year [6] - 24959:14, 25010:13, 25045:6, 25110:24, 25125:24, 25131:23 years [26] - 24958:4, 24961:17, 24970:18, 24970:22, 24971:24, 24982:2, 24982:21, 24985:10, 25034:8, 25045:22, 25065:23, 25066:1, 25066:6, 25066:14, 25069:2, 25070:24, 25073:22, 25074:2, 25107:18, 25113:1, 25124:21, 25129:21, 25136:18, 25136:22 yell [1] - 25056:5 yesterday [10] - 24932:1, 24936:8, 24937:12, 24951:8, 24951:11, 24951:13, 24958:13, 24963:18, 25011:1, 25100:23 York [1] - 25111:17 young [7] - 24950:19, 25011:14, 25021:7, 25066:17, 25069:6, 25095:5, 25124:17 younger [2] - 25075:24, 25076:9 youngster [1] - 24974:22 yourself [4] - 24947:4, 24975:3, 25018:9, 25047:16 yourselves [1] - 24993:6 youth [2] - 24973:14,</p>
--	---	--	--	---

