

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

Transcript of Proceedings
and
Testimony before the Commission
sitting at the
Sheraton Cavalier Hotel at
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Volume 14

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Morning.

ALL COUNSEL: Morning.

COMMISSIONER MacCALLUM: Mr. Hardy?

MR. HARDY: Good morning, Mr. Commissioner.

We're ready to proceed with our first witness
this morning. I would like to call Celine
Armstrong forward, please.

CELINE MARIE ARMSTRONG, sworn:

BY MR. HARDY:

Q Good morning, Celine.

A Good morning.

Q And thank you for agreeing to testify at this
Commission of Inquiry this morning.

I understand, Ms. Armstrong,
that you were previously Celine Cadrain?

A Yes, I was.

Q And you are the older sister of Albert Cadrain,
now deceased?

A Yes.

Q And that you presently live in Edam, Saskatchewan?

A Yes, I do.

Q You grew up, however, for the most part in
Saskatoon?



1 A Yes.

2 Q And what is your birth date, Celine?

3 A It was born on November 20th, 1948.

4 Q And how old would you have been, then, as of
10:00 5 January 1969?

6 A I was 20 years old.

7 Q And you and your family were residing at 334
8 Avenue O South?

9 A Yes, we were.

10:01 10 Q And I understand that you lived with your mother
11 and father, Estelle and Leonard Cadrain?

12 A Yes, I did.

13 Q And that you had a number of siblings?

14 A Several.

10:01 15 Q And am I correct that you were the oldest sibling?

16 A Yes.

17 Q And you were followed in age by Marcel, Albert,
18 Dennis, Larry, Rita, Ricky, Phillip, and Kenny?

19 A Yes.

10:01 20 Q And, as of 1969, were you going to school, Celine?

21 A Yes, I was.

22 Q And you were living in the home?

23 A Yes.

24 Q And where were you going to school?

10:01 25 A I was attending Saskatoon Business College.



1 Q And --

2 A Taking a steno course.

3 Q Okay. And how would you travel to school?

4 A I would take the bus on the corner of Avenue O and
10:01 5 20th.

6 Q That's where you would catch the bus?

7 A Yes.

8 Q Okay. And as of 1969, Celine, what did your
9 mother and father do?

10:02 10 A Dad worked at Miller Hatchery and mom was a
11 person, a stay-at-home mom, I guess. She was also
12 involved in many activities and one of the -- she
13 had started her own kindergarten class, she was a
14 school teacher and Kenny was, when he was three
10:02 15 years old she started kindergarten, and it was a
16 private kindergarten, and so she did that at that
17 time.

18 Q Okay. And how would you describe your family's
19 day-to-day life at that time, in and around 1969?

10:02 20 A It would be very hectic and full of activity. The
21 children were involved in all sorts of activities,
22 everything from piano lessons to dance to
23 gymnastics to wrestling to hockey. We -- our life
24 centered around church, which was a block away, we
10:03 25 -- my father was fond of attending mass at 7:00 in



1 the morning so he would always call and say "who's
2 coming with me", so there was always somebody who
3 had to go with him. And that was just sort of how
4 our days went, just trying to look after one
10:03 5 another, and bringing people back and forth from
6 these various activities.

7 Q And I understand that Albert and Dennis were quite
8 close in age?

9 A They were. They were 14 months apart.

10:03 10 Q And what --

11 A Approximately.

12 Q Sorry. And what had been their role in the family
13 at about that time?

14 A Umm, in 1969 they were -- I have no recollection
10:03 15 of Dennis being in the house at that time, I think
16 he might have been in B.C. on -- in January of
17 '69, but, if not, he would have been attending
18 school. And Albert was working at that time.
19 They were making their move away from home.

10:03 20 Q And what sort of a relationship, then, did you
21 have with Albert?

22 A I guess I was -- an easy-going one. I think, you
23 know, we cared for one another, and we met in
24 passing as teenagers will do, and -- when you have
10:04 25 busy lives.



1 Q And, again, I guess I'm speaking as a reference
2 point, Celine, to prior to January 31st, 1969.

3 A Okay.

4 Q And, with that in mind, can you give us a
5 description of Albert as best you can recall?

6 A Albert was always very easy-going, very
7 fun-loving, he liked to have a really good time.
8 He was very caring and kind. He, if -- you know,
9 if there was a dull moment going around he was the
10 one who could be counted on to dream up something
11 to do, even if it was something as silly as -- I
12 remember coming home when they were about 10 or 11
13 and the boys were sitting, the boys and some of
14 the neighbourhood boys were sitting on the front
15 step and they all had one of their legs exposed,
16 and I couldn't figure out what they were doing.
17 And I said "what are you guys doing", "oh
18 nothing", and afterwards I found out they were
19 having a hairy leg contest, you know. That was
20 how Albert was. If we had a dull moment, well
21 let's figure out something silly to play, we'll
22 play a game.

23 Q And again, prior to January of 1969, had you
24 observed any signs of unusual behaviour that might
25 have been troubling in Albert, any signs of mental



1 illness perhaps?

2 A I did not at that time.

3 Q And, Celine, I would like to take you to January

4 31st, 1969. I understand that you have a

10:05 5 recollection of events from that day. Perhaps you

6 could first tell us what you recall about your own

7 actions that morning?

8 A I don't have any specific recollections of a

9 specific time but it would be approximate. I

10:06 10 would have gotten up about 7:00 that morning to

11 prepare to go to school. I was having menstrual

12 cramps that morning and I often had problems so I

13 considered not going, but then I didn't like to

14 miss so I got ready and went to the school bus --

10:06 15 to the bus stop. It was very cold that morning.

16 I'm thinking I would have got there about 10 to

17 8:00, the bus, in time for the bus, so it would

18 have been a -- they would come about every 10

19 minutes so I would usually catch about the 10 to

10:06 20 8:00 bus.

21 When the bus didn't come, and I

22 was feeling faint and weak and the bus didn't come

23 the second time for, like, 10 after, I decided to

24 go back home. I went home, I imagine I went and

10:06 25 got a hot water bottle and an Aspirin or a Midol,



1 and went to bed.

2 Q And do you recall which of your family members
3 were home at that time?

4 A Umm, my mother and my brother Kenny would have
10:07 5 been, and the other siblings would have been
6 getting ready to go to school, the ones that were
7 going -- the younger ones that went to school at
8 St. Mary's.

9 Q And what happened, then, as the morning progressed
10:07 10 from there?

11 A As I went -- I went back to bed and I heard my
12 mother calling my brother Albert asking him to
13 come down and babysit Kenny. She called him two
14 or three times, and I heard a thump and steps
10:07 15 running down the stairs and my mother left, or the
16 door left -- I mean the door opened and shut, so I
17 assume she left.

18 And a little while later, I know
19 Mr. Dressup was on, there was a knock at the door
10:07 20 and a male voice, umm, was asking if this was the
21 Cadrain residence, and at that point I heard "hey,
22 man, how the hell are you doing," you know. And
23 there -- it was my brother Albert talking with
24 another person, umm, they seemed to be slapping
10:08 25 each other on the back and seemed quite happy to



1 see one another.

2 While this was going on, right
3 in the midst of it, I heard the other voice say
4 "hey, man, do you have a pair of pants", and my
10:08 5 brother said, Albert said "hey, man, what did you
6 do to yourself" and -- or "what did you do," and
7 he said "ah, you know," and I don't know if
8 anything else was said, that's all I heard.

9 Now the front door opened
10:08 10 directly to the stairs, and my bedroom was
11 directly at the top of the stairs to the left, so
12 sound carried quite well, and I'm not exactly sure
13 the specifics of the conversation, but as the
14 conversation went on I understood that a vehicle
10:09 15 was broke down somewhere, this person asked for a
16 pair of pants again, Albert understood there were
17 people sitting in a car somewhere so he said "well
18 bring them in if your car is broke down", and all
19 of a sudden there were more people in the house.

10:09 20 Umm, I didn't, I didn't remember
21 this initially, but as time went on I remembered
22 that my brother Kenny, who was five at the time,
23 was watching Mr. Dressup and had -- it got really,
24 really noisy and loud, and I think the noise in
10:09 25 the house was -- the people were quite excited and



1 speaking quite loudly, Kenny would turn the TV up,
2 and finally, you know, to the extent that the TV
3 was as loud as it could possibly go. And I heard
4 snatches of conversation and other -- and somebody
10:10 5 still asking for a pair of pants.

6 Albert, it must have been after
7 about the third time that this person asked for
8 pants, Albert, I assumed, got a pair of pants for
9 him. He said "well you can have a pair of mine,"
10:10 10 well Albert was really short, and the people that
11 were there laughed, and they must have tried other
12 pairs on, he finally said "you will have to have a
13 pair of my dad's." This -- somewhere in that, and
14 I am not clear in what order the conversation all
10:10 15 went, but in the midst of that they were asking,
16 also, kind of going over what they had done in the
17 -- since they had seen each other last, and one of
18 the voices said "well, we're thinking about going
19 to B.C. but we haven't any money," and Albert said
10:11 20 "well I just got paid, and I have \$200 in the
21 bank, I'll -- I could go get that and that should
22 get us there," and he was inviting himself along,
23 I felt. And all of a sudden I started thinking
24 "maybe I should be getting up and seeing what was
10:11 25 happening, because I thought Albert perhaps might



1 leave, because he would do things on the spur of
2 the moment, and I really felt he shouldn't go
3 without talking to my parents first. And I am not
4 exactly sure about this, but I think he did come
10:11 5 and ask me to come down and make breakfast for
6 them, and I thought "well, that will work." And
7 at that point I came downstairs, turned the TV
8 down, went to make some breakfast.

9 I looked over at the person that
10:12 10 was -- I was introduced to the people, the person
11 I was introduced to, his name was Hoppy. I was
12 never given his full name, I didn't realize his
13 name was David until it all came out in the paper
14 later, and I was introduced to Nichol and Ron. I
10:12 15 looked over at the person I assumed -- knew to be
16 Hoppy and said to him "I guess, if you need a pair
17 of pants, this is the wrong house to come when you
18 are taller than the rest are" because, you know,
19 his skin was showing about four inches. I don't,
10:12 20 at this time, recall what colour the pants were or
21 anything.

22 Q Do you know whose pants they were?

23 A They were my father's pants.

24 Q And how do you remember that?

10:12 25 A Well I remember thinking my dad didn't have too



1 many good pairs of work pants, and that he had one
2 less, and I thought that would be just Albert, you
3 know, he would just give away not only his clothes
4 but his dad's, too, if somebody needed it.

10:13 5 Q And while you were still in your bedroom had you
6 been visited --

7 A Yes.

8 Q -- by any of the visitors at the home?

9 A When the, all the commotion and conversation had
10:13 10 been going on, I heard somebody ask Albert if his
11 room was the same as it had been, and the next I
12 knew someone was coming up, running up the stairs,
13 and a young man and girl looked in my room and I
14 told them "get out of here, this isn't your room."
10:13 15 And my brother's room was actually across the room
16 from -- I don't know if they looked in there or
17 not, and they said "oh, sorry", and went back
18 downstairs.

19 Q Did you know who that young man and woman were
10:13 20 after you went downstairs?

21 A When I went downstairs and was introduced to them,
22 then it was the young man that was introduced to
23 me as Hoppy, and Nichol.

24 Q And, when they had visited you in your bedroom,
10:14 25 did you get a good look at them?



1 A Not clearly.

2 Q Did you get a sense of their mood or actions?

3 A I -- they were coming, going upstairs, from what I
4 understood, to see Albert's psychedelic room, and
10:14 5 they were just laughing and he was telling, you
6 know, laughing and telling her how he had these
7 psychedelic posters and whatever, and they were
8 just kids going to look at somebody's room.

9 Q Now did this visit to your room take place before
10:14 10 the pants-changing was happening or after?

11 A I would say it was after.

12 Q Did you get a look at what the male was wearing
13 when he came up to your room?

14 A No, basically their heads and top part of their
10:14 15 body.

16 Q Okay. So you are talking about coming downstairs
17 concerned about Albert leaving, umm, and you did
18 get a look, then, at all three of the visitors at
19 that point in time?

10:15 20 A Yes.

21 Q And you indicated that Hoppy or David Milgaard was
22 wearing a pair of your father's pants?

23 A That's what I remember.

24 Q And you are quite certain of that recollection?

10:15 25 A Pretty sure.



1 Q And do you have a description, otherwise, of what
2 David Milgaard was wearing at that time?

3 A I have no recollection.

4 Q Do you know whether he had changed his shirt as
10:15 5 well?

6 A No.

7 Q You didn't hear anything of that nature?

8 A No.

9 Q Did you see the pants that he had apparently
10:15 10 changed out of?

11 A No.

12 Q Did you notice any blood on David Milgaard's
13 clothes when you came downstairs?

14 A No, I didn't.

10:15 15 Q And I take it that you had a good look at him and
16 the other two visitors as well?

17 A I guess so. I saw them. They were there. I
18 didn't pay too much attention to them. You know,
19 I mean I didn't look at every single detail of who
10:16 20 they were, I just knew they were in our home.

21 Q And what part of your home, again, were they in?

22 A When they initially came in they were -- the house
23 is small, so that you could almost see, you know,
24 from the living room -- from the couch and living
10:16 25 room, for instance, you could see into the



1 hallway, you could see into the kitchen, so
2 basically when I was up, what I saw of the people,
3 it all happened basically in the living room and
4 the kitchen.

10:16 5 Q Okay. Perhaps we will bring up a diagram that we
6 had referenced yesterday, it's document ID, I
7 believe, 324958. And, Celine, my understanding is
8 this may have been a diagram actually drawn by
9 yourself, and perhaps you can let us know that,
10:16 10 and it was done in the context of the Larry Fisher
11 trial --

12 A Yes.

13 Q -- and marked as an exhibit at that trial. Do you
14 recognize that drawing?

10:17 15 A Yes.

16 Q And if we can go, please, to the second page, or
17 at least the page that has the main-floor drawing?

18 A Okay.

19 Q Let you get oriented to that picture.

10:17 20 A See how I see it best.

21 Q Do you have a sense of the layout of the home?

22 A Uh-huh.

23 Q And does that look familiar?

24 A It looks familiar.

10:17 25 Q Is that an accurate indication of the general



1 location of the various rooms as they are marked?

2 A Yes.

3 Q Okay. And so I take it, then, that you would have
4 been listening from a room upstairs, which isn't
10:17 5 on this diagram, --

6 A No.

7 Q -- but it's at the top of these stairs indicated
8 --

9 A On the north side of the build --

10:18 10 Q -- here?

11 A On the north side of the house.

12 Q And when you came downstairs then, and you can
13 actually touch the screen and an arrow will
14 appear, where were the travellers, Mr. Milgaard
10:18 15 and his friends?

16 A It's as correct as I can remember. When I came
17 down, I would have gone through the living room,
18 and in the kitchen there would have been a table
19 here, and David was sitting here, and Ron and
10:18 20 Nichol were standing over here, and she was
21 crying, and he -- and Ron had his arms around her.
22 The -- right here, by the door, would have been
23 the stove, and I would have started frying eggs,
24 probably, or something like that, to make
10:18 25 breakfast.



1 Q Okay. So you would have come down the stairs,
2 through the living room, then, --

3 A Uh-huh.

4 Q -- into the kitchen, and all three of the visitors
10:19 5 were in the kitchen at that time?

6 A Yes.

7 Q Okay. You have mentioned some other things and
8 we'll get to that in just a moment. What was your
9 impression of David Milgaard as you observed him
10:19 10 that morning?

11 A He was just sitting quietly at the kitchen table.
12 I think they were trying to get ahold of -- I
13 wasn't ever entirely clear of what -- their
14 vehicle had broke down, so I think they were
10:19 15 trying to contact, I don't know if it was the tow
16 truck or a garage to fix their vehicle, they were
17 on the phone doing something with it, phoning
18 somebody.

19 Q And those are the only observations you made of
10:19 20 Mr. Milgaard that morning in terms of his actions?

21 A As I was -- as I was making breakfast and whatever
22 I remember looking over at Ron and Nichol, and I
23 said -- when I was introduced I said "hi" to
24 Nichol, for -- to them both, like you know,
10:20 25 "hello", and Nichol just kind of clasped her arms



1 or whatever, and started to whimper and I thought
2 that's really strange, and Ron put his arms around
3 her, and David just looked over at them and
4 whatever. And then they left the room and they,
10:20 5 they went through the door, here, into the living
6 room over in this corner, umm --

7 Q You mean Ron and Nichol?

8 A Ron and Nichol did. And that's about -- you know,
9 he was pretty quiet and he didn't say anything, he
10:20 10 was just -- I don't -- I didn't know what was
11 going on, they just -- seemed to me that Nichol
12 was really upset about something, I didn't know if
13 she was -- what was wrong.

14 Q Okay. And who was talking of the three visitors?

10:21 15 Do you remember who was speaking or who was --

16 A The only person who did do the talking, really,
17 was David.

18 Q Okay.

19 A Except that -- no, I can't say that. I don't know
10:21 20 how to describe this. They were all talking but
21 it didn't make any sense, really, what Ron and
22 Nichol were saying. I never could figure out what
23 they were talking about. The only one that did
24 make sense to me that morning was David, and every
10:21 25 now and then he -- if they were, if they started



1 to talk, umm, and it wasn't making any sense, it
2 seemed like he would just look over at them and
3 they would just -- they'd, you know, they would
4 just clam up and whatever, and then it was quiet
10:21 5 again for a while. It was a lot of -- I couldn't
6 figure out what was happening, really.

7 Q Did any of the three of them mention whether they
8 were under the influence of anything?

9 A I don't remember anything today, but when I was
10:22 10 reading my original testimony they said they were
11 high, and I re -- do remember them saying that
12 when they came in.

13 Q That is a memory that you have independent --

14 A Yes.

10:22 15 Q -- of the statement?

16 A Yes, once I read it again in the statement, I
17 recalled them saying that.

18 Q And you have mentioned, a couple of times,
19 observations of Nichol crying; if you can be very
10:22 20 slow with that description and tell us exactly
21 what you recall in that respect?

22 A Well I know, when I was introduced to her, I
23 thought it was so odd because if you were to go
24 into somebody's room, into a room today and say
10:22 25 "hello" to anybody, they will either nod or say



1 "hi" or ignore you or something, but she would
2 just kind of go "eh-eh", and, you know, I don't
3 know how to describe that. She would just kind of
4 hug herself and just whimper and I thought that is
10:23 5 odd. But that happened about three more times
6 that morning, and so I felt it was better not to
7 speak to her at all, I had no idea what was
8 happening with her. She just would seem fine one
9 minute and then all of a sudden she would break
10:23 10 down and cry.

11 Q Okay.

12 A And then Ron would go put his arms around her.

13 Q Okay. And, again, that's a clear recollection
14 that you have, Celine?

10:23 15 A It is a clear recollection.

16 Q If we can step back for just a moment, can you
17 give us a context of time when you came
18 downstairs, perhaps, and how long your
19 observations that you have been speaking of took
10:23 20 place for?

21 A I would think they must have been in the house for
22 about half an hour before I came, before I
23 initially came downstairs, and I'm not certain at
24 all about the specific time but I would guess it
10:24 25 would be -- I think it would have been around



1 10:00 in the morning. And, umm, I would think
2 they had been there for about an hour, probably.
3 I remember, umm, I remember them looking outside
4 to see -- they said their car was out there, and I
10:24 5 could see just a very faint, vague, vague outline
6 of a car. I have no idea except that it was, you
7 know, an older vehicle. Umm, Albert was trying to
8 pack and leave.

9 Q Did you understand that something was wrong with
10:24 10 the vehicle outside?

11 A I knew something was wrong, I didn't really ever
12 really understand what the heck was wrong with it.
13 I think I had heard them say that they were --
14 they had tried to push it, so I didn't know.

10:25 15 Q And tell us, then, about your memory from the rest
16 of that morning; how did things progress?

17 A Umm, I think that is basically, I -- I couldn't
18 remember. Like when you were -- initially
19 interviewed me this January I couldn't really
10:25 20 remember what time I left home, but then as I was
21 reading the different transcripts it said that I
22 went, you know, I left that morning, and that I
23 met my mother coming down the street, so I would
24 think that I had decided that I was feeling better
10:26 25 by then, and that I would go and attend class for



1 the rest of the day, so I must have left about,
2 you know, noon, I would think, because classes
3 would have started at 1:00, so I -- a specific
4 time, I can't say.

10:26 5 Q And you don't, though, have a memory of those
6 events; I take it, then, you were only refreshed
7 by your reading of the transcripts?

8 A That's right.

9 Q Any other recollections from that day, Celine?

10:26 10 A Well I know, when I was upstairs, what really
11 bothered me was that this voice kept asking for a
12 pair of pants, and my brother kept -- seemed to be
13 hesitating, and he kept asking "hey, man, I need a
14 pair of pants." That is something that I have a
10:26 15 very clear recollection of. I remember the noise,
16 the -- just, you know, and I -- umm, and I can
17 remember when I came down Kenny was in and out, as
18 young people are, you know, at five, he was
19 looking everybody over and sitting down and
10:27 20 watching his television show. People were trying
21 to use the phone and find a garage that could help
22 them, and I was never very clear about what,
23 specifically, was wrong with their vehicle.
24 That's about -- it was --

10:27 25 Q Do you have a memory of Albert and his friends



1 leaving the house?

2 A No.

3 Q Do you have a memory of leaving the house,
4 yourself, and Albert and his friends still being
10:27 5 at the house?

6 A Not, not today, I don't.

7 Q Okay. And we know that Albert did leave with his
8 friends on a trip that day. Did you hear from
9 Albert at all while he was away on that trip,
10:28 10 Celine?

11 A No, I didn't.

12 Q And do you have a recollection, Celine, of Albert
13 returning home from that trip?

14 A I can remember, when he did come home, he was, he
10:28 15 was just -- he was -- I remember the day he came
16 home, I -- you know how it is, you haven't seen
17 anybody for a while, you say "hi, hey, how the
18 heck are you and where have you been", right? And
19 the first word out of his mouth was "is it true
10:28 20 that there was a nurse murdered not far from
21 home", and I can remember chastising him and
22 saying -- and he asked that several times, and I
23 said "you could at least say 'hi' before you ask
24 us that. Yes, it's true, but what the heck is it
10:28 25 to you". You know. And I never thought very much



1 more of it.

2 Q Were you the first family member that Albert spoke
3 to upon his return, from your understanding, or
4 had he spoken to others?

10:29 5 A No, I don't think so. I vaguely remember -- and
6 probably Kenny. There was somebody else around, I
7 remember somebody being there, I don't know --

8 Q Sorry, --

9 A -- about that. But --

10:29 10 Q -- I asked you two questions at once, --

11 A That's all right.

12 Q -- but do you believe that Albert had spoken to
13 other family members before he spoke to you?

14 A I haven't -- I don't know.

10:29 15 Q Okay. And is your recollection of Albert
16 returning home that he had just returned home?

17 A That was my impression.

18 Q Okay. And what did you understand Albert had been
19 doing? Or perhaps, first, I'll ask you how long
10:29 20 do you remember Albert being away?

21 A I have no clear recollection of how long he was
22 gone.

23 Q Okay.

24 A I know he was back, when he left it was January,
10:29 25 it was very cold, lots of snow, and the snow was



1 beginning to disappear when he came back, so --

2 Q So you would guess, then, a matter of weeks at
3 least?

4 A Yes.

10:30 5 Q Okay. And what did you understand he had been
6 doing?

7 A When I heard them talking about leaving in the
8 house, it sounded as though they were going to
9 B.C., so I had assumed he had been there. Then he
10:30 10 told me "no," he had been in Regina working on a
11 farm, and that he -- he was a person who always
12 enjoyed really hard physical labour, and he said
13 he really enjoyed it, except that one day he sat
14 down and figured out that he was getting only 50
10:30 15 cents a day to pay -- only 50 cents a day to feed
16 all these cattle, and he could handle it if he was
17 getting steak, but he was only getting macaroni,
18 so he left. Well, you know, that's my
19 recollection of that.

10:30 20 Q And do you know how Albert had learned of the
21 murder; did he ever tell you?

22 A Nope. No idea.

23 Q And I think you have commented on this to some
24 extent, but tell us how Albert was acting when he
10:31 25 did return home?



1 A He just seemed happy to be home and --

2 Q Nothing unusual about his behaviour?

3 A No.

4 Q And I understand, Celine, that a short time later
10:31 5 Albert wanted to speak to you about something?

6 A Yes.

7 Q And can you tell us about that, please?

8 A It seemed as though everything in our house seemed
9 to revolve around potato-peeling time, around
10:31 10 4:30, 5:00 at night, and I was just getting the
11 potatoes ready to peel for the evening meal and
12 Albert came and said "would you come upstairs, I
13 have to talk to you", and I said to him "well can
14 it wait until I put the potatoes on", he said "no,
10:31 15 it's important, I have to talk to you now". So I
16 went upstairs, and Dennis was sitting up there in
17 their bedroom, and he said "sit down, I have to
18 talk to you". And I said "okay, guys, what's up",
19 right? And at the same time Albert looked outside
10:32 20 the door to make sure none of the children were
21 up, up there, I think some of them tried to come
22 upstairs to see what was going on and he chased
23 them down.

24 Anyway, once I was sitting, he
10:32 25 said "you know, you are not going to like what I



1 have to hear, but --", he said, "I think I know
2 who may have killed Gail Miller." And I think, if
3 you had hit me with a two-by-four in the stomach,
4 I probably -- is about how, I could explain is
10:32 5 that's how I felt, like you just don't know what
6 to think. And I said "what makes you say that",
7 and he started giving -- going over the events of
8 January 31st, which, frankly, I hadn't paid much
9 attention to, you know.

10:33 10 And he said that when he had met
11 David Milgaard -- I think it was the summer he was
12 13, they spent the whole summer, a group of young
13 people, in the Vancouver area -- he said the David
14 that he left with that day he felt was -- had
10:33 15 changed a lot and he was very frightened of him.
16 He talked about him having blood on his clothes
17 when he came into the door, and that's why he had
18 changed his pants, umm, he said when they left he
19 -- it was true, too, like David just wanted to get
10:33 20 on their way that morning, I don't think I
21 mentioned that earlier but he just wanted to --
22 "let's get out of here," you know, and Albert
23 wondered about that, but, you know. He talked
24 about, umm, when they were on the trip he kept
10:34 25 trying to listen to the radio station, when they



1 were in a hotel room somewhere that I think the
2 Gail Miller murder had come on the news and the --
3 you know, David apparently had grabbed a pillow
4 and said "yes, I did it, I stabbed her like this,"
10:34 5 and, like, I didn't know what to think. But that
6 was sort of his reasoning for thinking that David
7 had done -- committed this murder.

8 Q And it was Albert who was telling you these things
9 during that conversation?

10:34 10 A Yes.

11 Q Each of the items that you just noted?

12 A Yes. And he started by telling me that, you know,
13 they weren't asking my advice, they had made up
14 their mind, but they wanted to know what I
10:34 15 thought, and it didn't matter what I thought,
16 actually, but what they wanted to know was should
17 they tell mom and dad. And I just said "well, you
18 just can't go to the police with a story like this
19 without talking to mom and dad, that just wouldn't
10:35 20 be fair," so --

21 Q And can you tell us about the respective roles of
22 Dennis and Albert during this conversation?

23 A Dennis and Albert were always very close growing
24 up, and Albert always used Dennis for a sounding
10:35 25 board and Dennis always used Albert for one, so,



1 umm, my impression was that Dennis thought it made
2 sense too and, you know, he indicated that he
3 would be going with Albert to the police for -- to
4 the police station with him more as moral support.

10:35 5 Q And what was your sense of the believability of
6 Albert at this time?

7 A I didn't think he was making anything up, I
8 thought he was -- what he said was, is that up
9 until that time nobody really -- you know, police
10:36 10 were asking if anybody had any information on the
11 radio or TV or whatever, and Albert really felt
12 that somebody who was the same age as myself had
13 died, and their family had a right to know who had
14 murdered her, and that, if he knew anything that
10:36 15 could be helpful, he should at least go and make
16 the police aware of it, that it was important to
17 be truthful, and that was what he had indicated to
18 me.

19 Q Your memory is that Albert was expressing those
10:36 20 things to you?

21 A Yes.

22 Q And I think you told us a little bit about this,
23 but can you tell us specifically what you would
24 have said to Albert and to Dennis?

10:36 25 A Well after we talked about it for a little while I



1 said to him "you know, I think you have to be
2 very, very careful about this, it's a very serious
3 matter to go to the police and say that you think
4 somebody has murdered somebody, are you very, very
10:37 5 sure", and he said "I'm sure of what -- of the
6 facts that I have told you," and I also told him
7 that -- you know, they were all the same age, and
8 to my knowledge neither David or my brother Albert
9 or Dennis, you know, as well as their group of
10:37 10 friends, had been living a very good lifestyle at
11 that time, off and on, and it seemed to me that if
12 he -- you know, he had better be prepared for the
13 police to consider that maybe they would think he
14 had done it and was just trying to cover up.

10:37 15 At that point he was really
16 upset with me and I said "well, did you," you
17 know, like "you are going to be asked and you
18 better be prepared for that", because I just
19 didn't think it was logical for anything else to
10:38 20 happen. And he said "no, what I have told you is
21 what I believe to be the truth, and that's what
22 we're going to the police with", and I said "go
23 with God, then, and I'll pray for you."

24 Q Were you asking Albert that last question because
10:38 25 you had suspicions about Albert?



1 A No. But, you know, it's -- murder was something
2 that never happened in Saskatoon, I mean it was
3 such a safe place to live, we all thought, and
4 since the -- Gail had been murdered, I was the
10:38 5 same age, and you start thinking -- you don't know
6 what to think, you start thinking who would do
7 this and how could people do this and -- you know,
8 it's a very serious matter, murder.

9 Q And do you have a recollection, then, of Albert
10:38 10 going to the police?

11 A I only remember them talking to my parents, after
12 they finished talked to me they went upstairs and
13 talked to them and then they left, and I assumed
14 they had gone to the police station.

10:39 15 Q Did you speak to Albert afterwards?

16 A I didn't see Albert for about two or three days,
17 and when I did see him he, umm, he seemed
18 different, and he said "you know, you are right,
19 they are trying to pin it on me", and I said "was
10:39 20 it very hard", you know, or dif -- meaning very
21 difficult, whatever, and he said "yes, and they
22 were very mean to me", and he started to cry. And
23 when I asked him what happened, he wouldn't talk
24 about it, just said "I'm not telling you -- I
10:40 25 can't tell you anything."



1 Q Did he ever, subsequently, tell you about his
2 experience?

3 A He would start to talk about it over the years,
4 but then he would always say "no, the less you
10:40 5 know, the better," and that's the way it stayed.

6 Q And, Celine, you mentioned that you had direct
7 dealings with the police during this investigation
8 as well?

9 A Umm, after they had gone to the police with this
10:40 10 story, umm, I remember being interviewed by a
11 police officer at that time at our home.

12 Q And would you have provided a statement at that
13 time?

14 A Yes, I did.

10:40 15 Q And you have a recollection of that?

16 A When I read it I do --

17 Q Do you recall --

18 A -- remember.

19 Q -- the names of the officers you would have been
10:40 20 speaking to?

21 A Umm, no, I don't remember their names today.

22 Q Do you recall how you felt about your dealings
23 with the investigators at that time?

24 A I mean I was treated with respect, you know, and,
10:41 25 umm, it was such a new experience. Like we had



1 nothing in our life to prepare us for making a
2 statement to the police officers, or whatever, so
3 it was all new, and all I know was we just tried
4 our best to be as honest, as truthful and helpful
10:41 5 as we could be.

6 Q Okay. I would like to turn you to a copy of your
7 statement, Celine. If we could bring up document
8 030680, please. Perhaps if we could move to page
9 --

10:41 10 A Yes.

11 Q -- 030681A. This is a copy of the written
12 statement. First of all, Celine, do you recognize
13 the handwriting on that page; is that your
14 handwriting?

10:42 15 A I don't believe it is.

16 Q Okay. We see your name here, --

17 A On the bottom.

18 Q -- Celine Marie Cadrain, March 2nd, 1969; is that
19 is that your signature at the bottom?

10:42 20 A It's my signature on the bottom.

21 Q It looks like it was a Detective Sergeant Andrew
22 Porter who was taking the statement from you at
23 that time. If we could go back, please, to the
24 first page to that document? Celine, I'm going to
10:42 25 read the statement, and then I'll have some



1 questions for you afterwards.

2 "Celine --",

3 sorry, can we zoom in at the top and we'll scroll
4 down as we read:

10:42 5 "Celine Cadrain states: I am 20 years of
6 age and reside at home with my parents. At
7 the present time I am attending Saskatoon
8 Business College.

9 On January 31st, 1969 at around
10:43 10 9 or 9:30 a.m. a David Milgaard came to our
11 house asking for my brother Albert. David
12 is also known by the nickname Hoppie. I was
13 in bed at the time in an upstairs bedroom.
14 I could hear them as they were talking
10:43 15 loudly. I came downstairs about a half an
16 hour later."

17 Pause there for a moment. Celine, that's an
18 accurate account of the information that you
19 provided?

10:43 20 A Yes.

21 Q And that information is true?

22 A Yes.

23 Q Continuing forward from there:

24 "While I was upstairs, I could hear David
10:43 25 talking about going to Regina and talking



1 about staying. They came upstairs and
2 Hoppie and a girl looked in my bedroom and
3 then knocked and asked if they could see my
4 bedroom.

10:43 5 Hoppie, when he stayed with us
6 about a year ago, had used my bedroom and at
7 that time it had psychedelic poster and
8 pictures on the walls. When I took over
9 this room after he left our house, I had
10:43 10 removed these posters and pictures. I think
11 Hoppie had brought this girl up to see the
12 room because of the posters, but because
13 they were gone, they did not stay except to
14 say the room looked different. They then
10:44 15 went downstairs.

16 I went downstairs shortly
17 afterwards and Hoppie introduced a young man
18 and woman to me. The woman was about 16 and
19 the man about 17 or 18. I don't recall
10:44 20 either of their names.

21 The man and woman did not say
22 much, but Hoppie kept talking about leaving
23 and wanting Albert to go with him. Hoppie
24 was neatly dressed in dark trousers and a
10:44 25 sweater or something. I don't recall seeing



1 any blood on his clothing. His hair was
2 short, curly and neat.

3 I would describe Hoppie as
4 being about 5'5" or 6" tall, slight build,
10:44 5 dark hair, good-looking.

6 During the time he first came
7 in that morning he used filthy four letter
8 words constantly, but when I came downstairs
9 he quit using them. He said he was high or
10:45 10 that we are high, and I took that as being
11 high on drugs.

12 Hoppie, or David Milgaard does
13 not work to my knowledge. He makes out like
14 he is a hippie and goes about his ways in a
10:45 15 carefree manner. He lives from hand to
16 mouth and uses drugs whenever he can get
17 hold of them. I don't know anything about
18 his dealings with girls except I am sure he
19 has no respect for them.

10:45 20 During the hour or so that they
21 were here, I did not pay too much attention
22 to their conversation. They were happy to
23 see each other, that is Albert was happy to
24 see Hoppie and vise versa. They talked of
10:45 25 what they had been doing during the past



1 year.

2 Around 11:30 a.m., Hoppie, I
3 believe went out to the car but couldn't get
4 it to go. He returned saying there was
10:45 5 gasoline under the car and it wouldn't
6 start.

7 He phoned the B.A. at 22nd
8 Street and Avenue P and while phoning I left
9 the house to go to school. I met my mother
10:46 10 half way down the 300 block Avenue O South
11 as she was returning from St. Paul's
12 Hospital. I did not return home till
13 Sunday, as I stayed with a girlfriend after
14 school on Friday."

10:46 15 Celine, I'm going to get you to comment on the
16 statement generally in a moment, but I believe I
17 am correct, I see no mention of David asking for
18 a pair of pants in that statement?

19 A No.

10:46 20 Q Do you believe that you told this officer about
21 David asking for a pair of pants?

22 A What I have -- yes, I did.

23 Q And you are quite certain of that?

24 A Yes, I am.

10:46 25 Q And there is no mention, either, of David



1 eventually wearing a pair of your father's pants?

2 A No.

3 Q Okay. And, again, you would have told an officer
4 that at that time?

10:46 5 A I'm certain I did.

6 Q And am I correct, as well, I don't see any mention
7 of observations you made of Nichol crying or of
8 Ron comforting her?

9 A I also told the officer that.

10:47 10 Q And do you have any explanation for why that
11 information is not in your statement?

12 A After we had talked for some time the officer
13 began the written statement, and he would write a
14 paragraph and say "do you agree with this", so I
10:47 15 would say "well, yes, I do", you know. I don't
16 remember specifically now. There were a few times
17 that I said I thought something should be in a
18 statement, and he indicated to me that it wasn't
19 all that necessary, and I remember saying to him
10:47 20 "well, I guess you have had more experience with
21 statements than I have, what are you supposed to
22 do with a statement? I have no idea. So if you
23 don't -- you know, whatever you say". Umm, you
24 know, at that time, and I still do respect a
10:48 25 police officer, so I just thought he knows how it



1 is supposed to be written so -- there is one thing
2 that bothers me with the statement though.

3 Q Do you want us to turn back a page?

4 A Yeah, could you, please?

10:48 5 Q Sure.

6 A I guess from --

7 Q Sorry, Celine, which portion and I'll try to have
8 it highlighted?

9 A Okay.

10:48 10 "Hoppie, or David Milgaard does not work to
11 my knowledge."

12 Q Maybe we could zoom in on that paragraph.

13 A Now that I am 56 and not 20, when I look at the
14 statement I think my brother had indicated to me
10:48 15 that he had met David when they were in Vancouver
16 and existed on nothing except hand to mouth, you
17 know, the summer they were 13 or whatever, and I
18 really feel that for me to make an observation,
19 you know, like Albert -- I assumed that they were
10:49 20 exactly, this is how they lived, and that was a
21 true statement from me at that time, but I mean
22 when I look back on it I had no idea if, you know,
23 if he really did. When I think of it now, how
24 could I know for sure from only meeting him once
10:49 25 that he lived in a carefree manner and lived from



1 hand to mouth, and I remember indicating to the
2 police officer that I know they had met my
3 brothers that summer, they had all run away from
4 home, and I knew that they had lived hand to
10:49 5 mouth, and I can remember him writing "he makes
6 out like he is a hippie and goes about his ways in
7 a carefree manner; would you say that would
8 be --", well, I said "yeah, that's -- that
9 probably would explain how they lived, you know."

10:50 10 Q You adopted that portion as accurate?

11 A And I said "well, I don't know if it's right or
12 not", but -- umm, so I'm not comfortable with that
13 today, you know, just for you to know.

14 Q At that time, you adopted that paragraph as
10:50 15 accurate?

16 A Yes.

17 Q Okay. And you mentioned an officer telling you
18 that certain pieces of information did not need to
19 be included or words to that effect?

10:50 20 A Uh-huh.

21 Q Do you recall, specifically, what pieces of
22 information that direction related to?

23 A Well I know I would have talked to him about, umm,
24 I am certain of -- that I heard the voice saying
10:50 25 "hey, man, I need a pair of pants", and it kept



1 coming up, and I felt that should be mentioned
2 and, you know, the officer really didn't feel --
3 said it wasn't that important. So, umm, I think
4 when a person does that, and you have no
10:51 5 experience, you think, well, probably the rest
6 is -- maybe the rest isn't that important either.
7 I don't know.

8 Q What about any other pieces of information?

9 A I know I had mentioned the business about Nichol
10:51 10 crying.

11 Q And you are --

12 A Umm, and I know that I was concerned about Albert
13 taking all his money out of the bank and going
14 with these people to B.C. so that's -- you know, I
10:51 15 would have liked to have seen him leave \$50 in
16 there, you know.

17 Q And you believe you told that to the officer at
18 the time?

19 A Yes, I believe I did.

10:51 20 Q And the officer responded how?

21 A He listened, and after we talked he began to write
22 this, you know, as we talked he began to write,
23 and he would say "well would you agree", and I
24 would say what I thought, and as far as specifics,
10:52 25 I don't remember now, but I do remember telling



1 the same story to him that I have told today.

2 Q Did you challenge him, at all, in terms of leaving
3 some of those pieces of information out of the
4 statement?

10:52 5 A No, I just remember saying "well, you know, you
6 are a police officer and you are trained in taking
7 statements, you must know what needs to be in it
8 or not, so I'll have to trust you."

9 Q And do you recall whether you were satisfied with
10:52 10 this statement --

11 A I was at the time.

12 Q -- after you were completed with it?

13 A I was at the time.

14 Q Okay. Do you have any memories of Albert leading
10:52 15 up to the court proceedings and attending at
16 court, Celine?

17 A Umm, they are pretty vague. My parents really
18 tried to shelter the family from what was going
19 on, they -- we were not allowed to speak about it
10:53 20 in the house. Umm, I saw the odd newspaper
21 clipping, but not too many, so I'm thinking that
22 mom probably put them away too before we could see
23 them. I can remember Albert going to court and
24 back, and everybody trying to look after the ones
10:53 25 that were at home, arranging their schedules, but



1 as far as -- I just know that it was very tense,
2 while the court was going on, at home.

3 Q What sort of observations were you making that
4 told you that?

10:53 5 A Well, just that everything was quite quiet. Like
6 we were usually quite a noisy household, you know,
7 and mealtimes were quiet, people didn't -- mom and
8 dad really didn't talk very much, neither did the
9 brothers, and I wonder if they just felt it was
10:54 10 better not to talk while the court was on.

11 Q And you were not called to testify, Celine?

12 A No, I wasn't.

13 Q Were you ever told by anyone that you may be
14 required to testify?

10:54 15 A Nope.

16 Q Did you have any further contact with
17 investigators or authorities, in the course of the
18 investigation, after you provided your statement?

19 A Not until what --

10:54 20 Q After the trial?

21 A Long after.

22 Q No, I'm talking before the trial.

23 A No.

24 Q No discussions with the prosecutor?

10:54 25 A No.



1 Q And I understand, Celine, that you have a
2 recollection of a discussion with your mother --
3 and I'm not certain of the time period, I'm hoping
4 you can fill us in -- respecting her finding a
10:55 5 pair of pants?

6 A I can't really help you out there because I'm not
7 sure of the time neither. I just remember my
8 mother saying that she had found a pair of pants
9 that she -- that had blood on them, and they
10:55 10 weren't -- they didn't belong to our family, and
11 she started to cry, and I assumed it was David
12 Milgaard's. I -- that is about all I can
13 remember.

14 Q Were you at home, at this point, while this
10:55 15 discussion was taking place?

16 A I would think it would have been, you know, just
17 as I was finishing up my steno course in the
18 spring, so probably May, but I couldn't swear to
19 that.

10:55 20 Q I'm sorry, you were at home, though, having the
21 discussion with your mother?

22 A Yes.

23 Q And had she just found the pair of pants?

24 A I don't know.

10:56 25 Q And again, I'm sorry, I cut you off Celine. You



1 were trying to give us your best estimate of when
2 this discussion would have taken place; could you
3 do that please?

4 A Well I think it would have been in May, but I'm
10:56 5 not certain, it could have been the following --

6 Q In May of what year?

7 A May of '69. That --

8 Q So prior to the court proceedings?

9 A Yes.

10:56 10 Q And do you recall seeing the pair of pants?

11 A No, no.

12 Q Your mother didn't show them to you?

13 A No.

14 Q And do you know whether the police were contacted
10:56 15 in relation to the pants?

16 A Well I'm -- I'm certain, when my mother told me
17 about it, that she didn't have the pants in the
18 house, and I'm assuming she phoned the police, but
19 I have -- I can't say that for certain.

10:57 20 Q And do you recall learning from your mother where,
21 exactly, she had found the pair of pants?

22 A In the closet underneath the stairway.

23 Q Can we go back to that diagram of the main floor,
24 please, of the home. And can you point out on
10:57 25 that diagram, Celine, where you understand your



1 mother would have found the pair of pants?

2 A They would be in this storage area here.

3 Q Okay. And where is the access to that storage
4 area?

10:57 5 A There was a door right here, and the door from the
6 living room led into the hallway, to the bathroom,
7 and they had built a storage closet with a door
8 right here in the middle.

9 Q And what did your family use that storage --

10:58 10 A It was a --

11 Q -- for?

12 A -- catch-all for everything. With seven brothers
13 I had -- they always had lots of jeans that, that
14 needed mending. It was a place if -- mom was
10:58 15 never, never seemed to be able to get caught up on
16 the linen, it was all -- I mean on the washing, it
17 was always ahead, so any extra dirty clothes would
18 go in there until she could get caught up. Umm,
19 winter clothes would go there in the summertime,
10:58 20 and in the summer, you know, vice versa. It was
21 just sort of a storage place for whatever needed
22 to be stored.

23 Q And did you say your mother was upset and crying
24 when she told you this information?

10:58 25 A She was upset with anything that had to do with



1 this trial, but she did very -- speak to me very
2 quietly one day and say "you know, I found a pair
3 of pants underneath the storage closet, and they
4 had blood on them", and she was -- just was crying
10:59 5 quietly a little bit. Gave her a hug, what else
6 can you do, you know.

7 Q And, I don't know if you can answer this, but do
8 you -- did you understand why she was upset?

9 A She thought it may have had something to do -- she
10:59 10 thought it was -- could have been, maybe, David's
11 pants and, you know, it's -- I don't know, what do
12 you say, you -- you are not used to having
13 anything like that going on in your home, right,
14 so it would be upsetting.

10:59 15 Q But you don't have any specific recollection of
16 what your mother, otherwise, did with that
17 information?

18 A No.

19 Q And do you know whether anything further followed
10:59 20 from that?

21 A No.

22 Q And can you tell us about your memories of Albert,
23 Celine, following the trial?

24 A I think, as the trial went on, I found that Albert
11:00 25 was no longer happy-go-lucky, he was no longer the



1 same person he had been before in terms of --
2 excuse me -- he was getting very tense, umm, he,
3 umm, was worried about what would happen to him if
4 David got out, when David saw him, because he knew
11:00 5 he was very upset with him. He felt that he had
6 still done the right thing but he, umm, he just
7 started getting, umm -- got very quiet, I guess,
8 what I would say.

9 Q What sorts of observations did you make respecting
11:01 10 Albert's mental and emotional well-being?

11 A I still felt, at that time, that he was -- he was
12 still -- I didn't see anything wrong with Albert.
13 I understood, you know, even coming here to
14 testify today I'm tense, right, are you -- you
11:01 15 know, so when -- I just figured that is the way
16 you would be if you were called to court, and I
17 tried to respect that with any of the family
18 members that had to go, and just try to be quiet
19 around them and let them have their space. But,
11:01 20 as time went on, umm, no, I think he was still the
21 Albert I knew.

22 Q And what time period, then, are you referring to
23 now?

24 A Umm, before the trial and after the trial.

11:01 25 Q And did those observations change over time



1 following the trial?

2 A About, umm -- no, I left home that summer, and
3 then I -- and then I, you know, got married in
4 1972. In that, in -- so then I saw him only now
11:02 5 and then, and I know that about three or four
6 years after the trial he didn't seem right, and --
7 but I couldn't really figure out what was going on
8 with him, I just knew that something was wrong
9 with him.

11:02 10 He -- I know my mother called
11 one day and said that he was in the fifth floor of
12 the University here, in the mental, and we came to
13 see him, my husband and my young daughter and I.
14 He -- I didn't -- couldn't see anything wrong with
11:02 15 him, except that I know some of the family members
16 said that he had been hallucinating and seeing
17 things.

18 Q And you had not had any discussions with Albert of
19 that nature or you had made no observations of
11:03 20 that nature?

21 A He had said to me one time that when he was
22 praying on the farm -- like Albert was really a
23 person who liked, who was quite a spiritual person
24 and liked to pray, and when he was on the farm he
11:03 25 said he had seen the Virgin Mary in the sky. I



1 didn't really react to that. As a Catholic, we do
2 believe in the Virgin Mary and angels and saints,
3 and I thought well, you know, maybe he thought he
4 saw her, maybe he wanted to see her, or I just
11:03 5 thought, well, I'll just pray for him and we'll
6 see what happens, we'll deal with it if it comes
7 up again, and he never ever mentioned it to me
8 again so --

9 Q And can you place a time frame on that exchange?

11:03 10 A It would have been about 1972 maybe.

11 Q Okay. And after Albert was released from the
12 hospital, and in the years that followed, how
13 often would you see Albert, Celine?

14 A Sporadically, I would say. I didn't get home to
11:04 15 Saskatoon very often, so if he came to the farm
16 you might see him, or maybe at Christmas the odd
17 time or, you know, I have -- didn't keep track of
18 that.

19 Q And did Albert ever speak to you any further about
11:04 20 his involvement in the trial and in the
21 investigation?

22 A He talked about it now and then, but not -- never
23 for any length of time. He said it was very
24 stressful and very hard on him, but that he felt
11:04 25 that he still did what was right, and if it was



1 hard on him that was -- so be it. But, as life
2 started happening to him, I think he never could
3 get away from what had happened. I don't -- I
4 have no idea, you know, if it was the trial, or
11:05 5 what happened before or after, his health --
6 mental health began to deteriorate, I felt, as I
7 talked to him.

8 Q I wonder if, perhaps, you could summarize for us
9 what Albert did with his life then. We understand
11:05 10 he passed away in 1995?

11 A Yes, he did.

12 Q What did he do with his life up to that point?

13 A Well it would be a sporadic knowledge for me
14 because he lived in B.C., but when he was -- let
11:05 15 me see. After the trial and whatever, he had
16 ended up in the mental hospital, in the mental
17 ward here, and I don't -- I never -- when he came
18 out he seemed better, and about a year later he
19 married a woman called Barbara and they had two
11:06 20 little girls. Albert was a good cook, and I
21 remember the time my sister Rita got married, he
22 was the head chef at the Bessborough, and Rita
23 doesn't remember this, but he did cook her entire
24 meal over at the Bessborough because -- and
11:06 25 brought it over, my husband and I helped bring it



1 over, including the ice carving.

2 He was -- you know, I know it's
3 been said in this trial, you know, that he
4 couldn't get through school, and perhaps so, but
11:06 5 he was a person who could do some -- I don't think
6 he would be too dull if he could be a head chef at
7 the Bessborough, you know. And he cooked many
8 different places at Hy's Steak Spice -- Steak
9 House.

11:07 10 Albert loved doing work on a
11 farm, if he could, anything with physical labour.
12 But I think when he went to B -- when he was here,
13 he seemed to be fairly stable, but then when he
14 left and went back to B.C., it seemed to me that
11:07 15 his marriage was falling apart at that time, and I
16 don't know what happened there, but it seemed to
17 me is that his health began, his mental health,
18 began to deteriorate again.

19 Q And when he was in B.C., that was shortly before
11:07 20 his death?

21 A No, he had been there for some time.

22 Q Do you know how long?

23 A Probably in the mid-'80s. I can't give you an
24 exact year or whatever.

11:08 25 Q Okay.



1 MR. HARDY: Mr. Commissioner, I see it's
2 11:15, this is probably a good spot to break.

3 COMMISSIONER MacCALLUM: All right.
4 Mrs. Armstrong, please don't discuss your
5 evidence.

11:08

6 A Okay.

7 *(Adjourned at 11:08 a.m.)*

8 *(Reconvened at 11:26 a.m.)*

9 BY MR. HARDY:

11:26 10 Q Celine, before we broke you were speaking of a
11 vision that Albert had told you about, and I may
12 not have gotten the time correct but I believe you
13 mentioned 1972, and was that when the discussion
14 with Albert was taking place about the vision or
15 is that your recollection of when Albert was
16 telling you that the vision had taken place?

11:27

17 A Do you want to ask that question again, please?

18 Q Sure. When did the discussion with Albert about
19 the vision take place?

11:27 20 A It would have been after the trial and it was just
21 sort of passing in comment, I think, we didn't
22 really discuss it. He just said "you know, I was
23 praying on the flat at home and I saw", you know,
24 "our Blessed Virgin Mother, eh." And --

11:27 25 Q And do you -- sorry, go ahead?



1 A I'm not certain of the date, but I think it would
2 have been about 1972, I think it would be before I
3 got married -- or before I got married, and that
4 was in June, so --

11:27 5 Q And that was when the discussion with Albert took
6 place?

7 A To my recollection.

8 Q And do you recall him telling you about when he
9 had had the vision?

11:28 10 A Yes, but I really can't remember anything more
11 than what I stated.

12 Q You mentioned that it was on the farm; when would
13 he have been on the farm?

14 A I don't know.

11:28 15 Q During the summertime, I assume?

16 A Umm, it probably, it probably would have been in
17 the summertime when he went, just because he
18 really liked to sit quietly and watch, you know,
19 just be in -- sit and watch what went on with
11:28 20 nature and whatever, and at that point he liked to
21 go there to pray, see the deer come out and the
22 gophers come out and the rabbits come out,
23 whatever.

24 Q So your best information would be, then, that the
11:29 25 vision took place sometime prior to 1972?



1 A Uh-huh.

2 Q Okay.

3 A Yes.

4 Q And I understand, Celine, that your family had
5 tenants in the basement in and around 1969?

6 A We did.

7 Q And who were they?

8 A I know now they were Larry and Linda Fisher and
9 their daughter Tammy.

10 Q And do you recall the circumstances as to how the
11 Fishers had come to rent the basement?

12 A We were -- we did not have a, you know, a lot of
13 money, and I think mom and dad decided to rent a
14 basement suite out to try and make some extra
15 money, and I'm not certain about this but I think
16 that mom had initially rented the basement suite
17 out to Linda and the child, and it seems to me she
18 was told that the woman's husband was away working
19 in Prince Albert, and the only recollection I have
20 is, umm, seeing the man one day of -- one day the
21 husband was there and working in Saskatoon, and my
22 initialing response, you know, I didn't like the
23 person, --

24 Q And why was that?

25 A -- I -- I don't know, he just -- umm, I just felt



1 ill at ease with him, and I remember telling my
2 mother that I didn't think it was right for her to
3 have these tenants in the basement, and I don't
4 know where -- what I had to base that on or
11:30 5 anything, I just felt that they weren't safe.

6 Q Had your family previously known the Fishers?

7 A To my knowledge, no.

8 Q And do you recall any of your siblings spending
9 time with the Fishers?

11:30 10 A I know Rita would like to go down and play with
11 the baby, but that would -- to my knowledge that's
12 all that I know of.

13 Q You don't have a recollection of any of your
14 siblings associating with Larry Fisher?

11:31 15 A No.

16 Q And do you have any recollection of how Linda and
17 Larry used to interact?

18 A They fought a lot, you could hear them screaming,
19 like they really did scream and you could hear it
11:31 20 upstairs to the point that it was really
21 upsetting.

22 Q Okay. I'm going to move forward, Celine. I
23 understand that your next involvement in this
24 matter would have been in approximately 1990 when
11:31 25 you were contacted by an RCMP officer; do you have



1 a recollection of that contact?

2 A Which RCMP officer?

3 Q It would have been Sergeant Pearson, I believe,
4 you dealt with?

11:31 5 A I don't have any recollection of Sergeant Pearson
6 today, but there is a statement, so I obviously
7 have talked to him.

8 Q Okay. I'm going to ask that that statement be
9 brought up, it's document ID 002166, and you will
11:31 10 see at the top, Celine, your name is mentioned.
11 It appears that the statement was taken in Edam,
12 Saskatchewan, June 21st, 1990, and if we could
13 perhaps go to the last page of that document,
14 please, 002169. Yes, that's it. Celine
11:32 15 Armstrong, and witness R.A. Pearson, Sergeant.

16 And I assume that this is a
17 transcribed version of a written statement; do you
18 recall providing a written statement and signing a
19 written statement, Celine, for Mr. -- Sergeant
11:32 20 Pearson?

21 A I'm sorry, I don't remember him --

22 Q Okay.

23 A -- at all, but I'm sure that if I saw -- you know,
24 I'm sure I must have.

11:32 25 Q Well let's review some of the information and see



1 if that refreshes your memory at all. If we could
2 go back, please, to the first page, and if we
3 could zoom in this portion here, please. I'll
4 read that to you, Celine:

11:33 5 "On the morning of the Miller murder, I
6 don't recall the date, I left the house
7 around 7:40 - 7:45 a.m. to catch my bus,
8 which stopped on 20th Street across from St.
9 Mary's Church. I went to the bus stop. The
11:33 10 bus was supposed to pick me up at ten to
11 eight. The bus was late. I waited for
12 approximately 20 minutes and because of the
13 cold weather and severe cramps, I decided to
14 go back home. I returned to the house, got
11:33 15 a hot water bottle and went back to bed
16 upstairs. I would have been back home and
17 in bed by 8:30 a.m.

18 When I returned home, I recall
19 mom asking Albert to get up and baby sit. I
11:33 20 was in bed, but don't know exactly how long
21 I had been there when I heard a knock on the
22 door. Someone came in the front door. I
23 heard a male voice, asking if this was where
24 Albert Cadrain lived. I heard Albert say
11:34 25 something like "Hi, Hoppie, what are you



1 doing here". The two obviously knew each
2 other and exchanged greetings for quite some
3 time. It seemed the two used the word
4 "fuck" continually and seemed to be that the
5 person who came into the house was in a
6 highly excited state."

7 Next page, please.

8 "The male and female friend with Hoppie came
9 into the house as well. Almost immediately
11:34 10 the fellow called "Hoppie" was asking for a
11 pair of pants. Albert was obviously not
12 looking for pants for Hoppie, who
13 continuously raised the concern that he
14 wanted a pair of pants. It took Albert
11:34 15 quite a while to finally get a pair of pants
16 for Hoppie. The group downstairs were
17 talking loud and one of the kids wanted the
18 TV turned up because of the noise."

19 Does that information sound accurate as you would
11:34 20 have provided it in 1990?

21 A I don't know what to say because I don't remember
22 the interview, but it's accurate as I remember it,
23 except that the word "kids" is -- it should be
24 singular, there was only Kenny in the house at the
11:35 25 time.



1 Q Okay. So you don't recall providing this
2 information, at all, to Sergeant Pearson in 1990?

3 A I can't picture him in my mind so I guess, if I
4 had a picture of him, I would remember it more
11:35 5 clearly.

6 Q And other than the clarification you noted,
7 though, the information would be accurate?

8 A It is as I remember it.

9 Q Okay. If we continue on to the next paragraph,
11:35 10 please:

11 "I don't know where Albert got the pants
12 from. I'm uncertain whether Hoppie or his
13 two friends with him brought any clothes or
14 bags or suitcase into our house. There was
11:35 15 one girl and a boy with Hoppie. Hoppie and
16 his friends were in the house from between
17 1/2 hour to one hour before I finally went
18 downstairs."

19 And I note, Celine, in that first sentence you
11:35 20 indicate that you don't know where Albert got the
21 pants from; do you recall providing that
22 information?

23 A Not really.

24 Q Okay.

11:36 25 A What I can remember is -- umm, I can remember



1 saying it, but I don't remember who to I guess.

2 Q The content of this paragraph; --

3 A Yeah.

4 Q -- you can remember saying it?

11:36 5 A Yes.

6 Q And you will agree with me that there is no
7 mention of your father's pants, or of Albert
8 giving David a pair of your father's pants, in
9 that paragraph?

11:36 10 A No, there is no mention.

11 Q If we continue down on the page:

12 "I came downstairs when it seemed like
13 Albert was going to leave with Hoppie. When
14 I got downstairs, Albert introduced everyone
11:36 15 to me, but I don't remember their names or
16 what they looked like. The fellow by the
17 name of Hoppie was wearing dark coloured
18 pants. I asked Hoppie if the pants were
19 suitable and he laughed and said they were.
11:37 20 The pants I saw Hoppie wearing were not
21 ripped and did not have any blood on them.
22 At this time Albert wanted me to make
23 breakfast for his friends. Hoppie did not
24 want to stay for breakfast, but the girl
11:37 25 said she was hungry. Albert and I insisted



1 they stay and saying they were foolish to be
2 travelling in such cold weather. I don't
3 think Hoppie ate, but the other two did.
4 While this was happening, Albert was getting
11:37 5 some clothes packed. I'm not sure now, but
6 I think I went to school in the afternoon.
7 The four, Hoppie, Albert, the girl and boy,
8 were still at the house when I left for
9 school, because mom was not home and I would
11:37 10 not leave my younger brother at home alone."

11 Is the information in that paragraph accurate,
12 Celine, as you recall it?

13 A Yes.

14 Q But you don't recall providing that information to
11:37 15 Sergeant Pearson in 1990?

16 A Not to Sergeant Pearson specifically, no.

17 Q To an RCMP officer, in 1990, visiting at your home
18 in Edam, Saskatchewan?

19 A I remember saying it to somebody, but not to that
11:38 20 particular person.

21 Q Okay. Well let's continue on on the next
22 paragraph:

23 "I did not see Albert until he came home. I
24 don't know when it was, but probably around
11:38 25 the end of February. When I first saw



1 Albert, he asked me if it was true that a
2 nurse had been murdered. I said "yea -
3 where you been" or something like. Albert
4 said he had been working on a farm and had
11:38 5 not heard the news. He kept asking me if I
6 was sure a nurse had been murdered.
7 Approximately a week later Albert and my
8 brother, Dennis, came to me saying they
9 wanted to talk in private. We went upstairs
11:38 10 to their bedroom, and made sure no one was
11 around. He told me to sit down because this
12 was going to take time and I would be
13 shocked. Albert told me he had been
14 thinking about the murder and had discussed
11:38 15 it with Dennis. Albert said that Hoppie was
16 a changed person from the first time he met
17 him. Albert believed that Hoppie was a drug
18 dealer. Albert mentioned that the group had
19 been going down the highway, driving crazy,
11:38 20 and that Hoppie was trying to listen to the
21 Saskatoon radio station which was getting
22 out of range. During the trip, they were on
23 a highway, Albert was pretending to be
24 asleep, when Hoppie stopped the car and
11:39 25 headlights flashed between two vehicles and



1 Hoppie gave another guy a brown package."

2 What about the contents of that paragraph,
3 Celine, would that be accurate information to the
4 best of your recollection?

11:39 5 A Yes.

6 Q If we move down to the bottom of the page, please,
7 beginning at the paragraph:

8 "I had very little contact with the male and
9 female with Hoppie. Hoppie was the dominant
11:39 10 one and there was no doubt he was in charge.

11 The only thing that really
12 stands out in my mind over the years is the
13 excited state Hoppie was in regarding his
14 need for a pair of pants. As mentioned, it
11:39 15 seemed every second sentence was his need
16 for a pair of pants. Once he got his pants,
17 he then became excited about leaving,
18 basically saying they had to leave. He
19 didn't want to eat breakfast and seemed to
11:39 20 be in such a hurry."

21 Continuing on to the next page:

22 "Albert was sincere in his desire to go to
23 the police upon his return to Saskatoon. As
24 kids we were raised to be honest. At this
11:40 25 point in time Albert was mentally stable and



1 did not seem to be having any mental
2 problems. Albert did develop mental
3 problems after the trial. Albert became
4 fearful for his own life, believing that
11:40 5 Hoppie may some day retaliate. At this
6 point, because of fear, Albert began to
7 think he should not have gone to the police.
8 Over the years, this case has always
9 bothered him."

11:40 10 The contents of those paragraphs, Celine, is that
11 accurate information as you would have provided
12 it?

13 A Yes.

14 Q And, although you can't recall the circumstances
11:40 15 in 1990, that would be information you would
16 consider accurate?

17 A Yes.

18 Q And again, I think we've noted, I don't believe
19 there's any mention in this statement of David
11:40 20 taking a pair of your father's pants?

21 A No.

22 Q And I don't believe there's any mention in this
23 statement of Nichol crying or of Ron comforting
24 Nichol?

11:41 25 A That is true.



1 Q And do you have any explanation as to why that
2 information wouldn't have been included in a 1990
3 version of your events?

4 A Well I think that after not thinking about that
11:41 5 day for approximately, close to probably, what,
6 23, 24 years, it's -- I mean it, you know, it's --
7 it would be very difficult to remember every
8 single -- everything that happened that morning,
9 especially for me, it was just a normal day. I
11:41 10 got up and went to school, didn't go to school
11 because wasn't well, you know. Umm, it's the only
12 thing I can think of.

13 Q So it would be your position that you did not
14 provide that information to this officer in 1990?

11:41 15 A Well, it's not there, so --

16 Q Okay.

17 A -- I don't think so.

18 Q And I believe your next formal contact with
19 authorities, Celine, in relation to this matter
11:42 20 would have been when the RCMP contacted you again
21 in 1993 in connection with another investigation
22 that they were conducting into the matter. Do you
23 happen to recall visiting with RCMP officers in
24 1993?

11:42 25 A Yes, I do.



1 Q Do you remember who you spoke with?

2 A One of them was, umm, his last name was Dyck, and
3 I can't remember the other one right now.

4 Q Okay. I'm going to turn --

11:42 5 A Umm --

6 Q I'm sorry.

7 A No, that's fine. There were two of them, I
8 remember, I can see them in my mind but --

9 Q Okay. I'm going to turn your attention to a
11:42 10 document, it's document ID 036901.

11 A Templeton.

12 Q And you will see at the top of this document,
13 Celine, reference to a Transcript of a Taped
14 Interview of Celine Armstrong April 27th, 1993,
11:43 15 taken by Corporal Templeton, Constable Dyck?

16 A Yes.

17 Q Are those the two officers that you recall?

18 A Yes.

19 Q If we move forward in that document, please, to
11:43 20 036902, where was this conversation taking place,
21 Celine?

22 A I believe it was at my home.

23 Q Okay. I'm just going to highlight a couple of
24 portions for you and ask you to comment on those.

11:43 25 If we could please zoom in on this portion here,



1 and I believe this followed some questions
2 respecting the arrival of the travellers that
3 morning, and your recollection.

4 J. DYCK How do you know that Albert was
5 making this remark towards David?

6 C. ARMSTRONG I know Albert's voice. And I
7 didn't know these other people. As the
8 morning progressed though David asked
9 for, for a pair of pants from Albert
10 several times and he was always a person
11 who had to be kept on task and they
12 would be talking about where they were
13 going or whether it was Regina or B.C.
14 or they didn't know where they were
15 going but they were going on some
16 journey together. All they knew was
17 that they were getting the heck out of
18 Saskatoon. They were leaving and every
19 now and then Hoppy would say but Albert,
20 do you have a pair of pants for me? And
21 I'm assuming that Albert really didn't
22 know if he had a pair of pants for him
23 or not because, you know, David was a
24 lot taller than our family was. But he
25 eventually got him a pair of pants. So



1 the dark pair of pants that I saw must
2 have been a dark pair of trousers that
3 belonged to my father because... but
4 like I... that's just my, what I
11:44 5 remember. I'm not sure if that's quite
6 right, but I remember the trousers
7 because they were... um, I am... I can
8 remember him, Albert, the voice,
9 Albert's voice saying he must have took
11:45 10 out a few pairs of pants because he
11 tried on, from what I could hear, at
12 least two or three pairs. Because he'd
13 put one pair on and then they'd laugh
14 and say, well, I guess you can't wear
11:45 15 those, those are too... you know, it's
16 too cold for pedal pushers and whatever.
17 So he finally said oh, these... these
18 will do and I also remember the pants
19 because when I did get up later in the
11:45 20 morning to make breakfast for these
21 people, I looked over to David and I
22 kind of laughed because they were quite
23 short and I said, well, I guess it's the
24 best you can do in a house like this
11:45 25 when everybody is shorter than you."



1 I'll stop there. Is that an accurate account of
2 the information that you would have provided,
3 then, to the officers on that occasion?

4 A Would you mind just going back to the beginning
5 again, please?

6 Q Sure. If we could go back to the previous page,
7 please, at the bottom of that page. Just take
8 your time reading that, Celine.

9 A Yes, I would say that's accurate.

10 Q And would you agree with me, Celine, that, in
11 terms of a recording of information, that this is
12 the first time that we have seen recorded comments
13 from you respecting David taking a pair of your
14 father's pants?

15 A Yes.

16 Q Okay. If we could move forward in this document,
17 please, to page 036907, I'm going to read this
18 portion here. Sorry, a little bit higher, if you
19 could get the question in there as well please.
20 And this is with respect to your conversation with
21 Dennis and Albert:

22 "J. DYCK What did they say, again going
23 back to my original question, what was
24 it that they said or what reason did
25 they have for suspecting that David



1 Milgaard in this murder?

2 C. ARMSTRONG Just turn it off for a second
3 please and I'll... they mentioned...
4 Albert mentioned that what really
11:47 5 bothered him once they left Saskatoon
6 was that they were in a hurry to get out
7 of town and that David kept switching
8 the radio back and forth, back and
9 forth, constantly from station to
11:47 10 station and he did that throughout the
11 trip, the time that he spent with him.
12 And he didn't think anything too much of
13 it, at first, but he said after awhile
14 it got, it got really irritating, like
11:47 15 he just couldn't... like what the heck,
16 why can't you stay with one song, right.
17 And especially during the news broad...
18 during the news broadcast time at the...
19 you know at the hour change, or
11:47 20 whatever, he was... only wanted to
21 listen to the Saskatoon stations. He
22 said he wondered about it at the time,
23 but he didn't make any sense. Didn't
24 make, you know, didn't really know what
11:48 25 was going on and he'd ask and then he'd



1 say oh nothing, nothing at all. Another
2 reason that Albert thought that he had
3 possible done it was that because of the
4 pants that he changed... in our house
5 and he said that, umm... I asked him
6 what that had to do with it and he said
7 because there was blood on them. I also
8 asked him what, you know, like why he
9 didn't, I never thought to ask him where
11:48 10 the blood was or anything like that. I
11 just said well why would blood on pants
12 bother you and I said why didn't it
13 bother you know, why didn't you question
14 it. And he said, because, he said, when
11:48 15 we spent the summer with Hoppy, he was a
16 kid who umm... oh... only liked to have
17 sex with a virgin and that was kind of
18 like his badge of honour, or I don't
19 know what. But he... he umm... and he
11:48 20 just figured he'd just had another
21 virgin, that's all. Because he wouldn't
22 have sex, if he could find a virgin, he
23 preferred a virgin so... I didn't know
24 quite what to think at that time because
11:48 25 umm... you know, but uh, to me but



1 that's an explanation why um... why
2 there might have been blood on his
3 pants."

4 I'll stop there. Is that an accurate account of
11:49 5 the information that you would have provided,
6 Celine, to officers in 1993?

7 A Yes.

8 Q And that's true information as best you can
9 recall?

11:49 10 A Yes.

11 Q If we can move forward, please, to page 036910,
12 and we'll zoom in on this portion here:

13 "J. DYCK How often did Albert talk to you
14 about that?

11:49 15 C. ARMSTRONG He umm... questioned quite...

16 asked questions quite often about...

17 from the time he came to the time he

18 went to the police he kept asking

19 different questions about Gail Miller.

11:49 20 And finally, like I just said will you

21 leave me alone? What the heck is going

22 on. You know...

23 J. DYCK Did he discuss it with you after he

24 spoke to the police, also?

11:50 25 C. ARMSTRONG Yes.



1 J. DYCK How many times?

2 C. ARMSTRONG I would say... I can't tell
3 you how many times but quite often
4 because I was the oldest one and they
11:50 5 did talk to me when they were... but
6 I... it was always very...

7 J. DYCK Did he tell you anymore during
8 those subsequent times?

9 c. ARMSTRONG No.

11:50 10 J. DYCK Was his story consistent?

11 C. ARMSTRONG I... I feel that it was. With
12 what he had said before, you know,
13 before they went to see the police and I
14 also told them, I said, of course you,
11:50 15 you've, you guys do have to, I said you
16 have to tell Mom and Dad. You can't
17 just go to the police with something
18 like this and not give them a warning.
19 You've got to tell them your side of the
11:50 20 story first, because it's just not fair.
21 And I asked them at this same time, I
22 said, are you sure that you didn't do
23 it? And they got really upset. I said
24 now listen here, you're going to the
11:50 25 police, out of the blue, with a whole



1 pile of whatever. It just seems to me
2 that there... it's just natural that the
3 police are going to ask you did you do
4 it.

11:51 5 Next page.

6 "I mean wouldn't.. wouldn't any normal
7 person, if something happened, you know,
8 and like they say it hadn't occurred to
9 them.

11:51 10 J. DYCK Did Albert say why he was compelled
11 to go see the police about this?

12 C. ARMSTRONG Umm... because he felt that
13 the police had no leads. He was... he
14 was almost certain that this person had
11:51 15 done. Like... and he just felt that it
16 was wrong for him not to go, whether or
17 not the police would decide it was
18 David, or not was not important to him,
19 but it was just that this could have
11:51 20 possibly been him and he felt that he
21 had and that... and Dennis always went
22 for moral support."

23 I'll stop there. Is that an accurate account of
24 the information that you would have provided in
11:51 25 1993, Celine?



1 A Yes.

2 Q And that's true information from the best of your
3 recollection?

4 A Yes.

11:51 5 Q Move down to the bottom of that page, starting
6 about here, respecting Albert's dealings with the
7 police:

8 "J. DYCK Did Albert ever talk about uh...
9 the police... going to the police and
11:52 10 talking to them?

11 C. ARMSTRONG Afterwards. Yes.

12 J. DYCK Yes. Did he uh... tell you how he
13 was treated by the police?

14 C. ARMSTRONG He claimed he was treated very
11:52 15 poorly."

16 This actually continues farther down, we can move
17 down the page to this portion, starting there.

18 "J. DYCK I had asked you if...

19 C. ARMSTRONG But you had asked me ... I'm
11:52 20 sorry... I get off track. You asked me
21 if the police... he said he was um... he
22 was made... he never... he didn't get a
23 chance to sleep and he said they
24 questioned them constantly and I would
11:52 25 say I didn't... I don't know, but I



1 would think that he became more of a
2 broken person after that... those two
3 days and he couldn't talk without
4 crying. You know, like he was just...
11:52 5 he was really really, always upset and
6 then he... and the first time he came
7 home he tried... he didn't say it the
8 first time or the second time, I don't
9 think. By about the third time, finally
11:53 10 he said, you know, they are trying to
11 pin it on me. And I said when I... when
12 I... when you came and talked to me, did
13 I not say to be very sure, you know
14 that... that this was all the truth and
11:53 15 whatever because I... I don't know if
16 this would happen in our police force,
17 or not, but I said, I don't know what
18 else they can do."

19 Next page.

11:53 20 "J. DYCK Do you feel that's why Albert felt
21 down? Is because they were suspecting
22 him of the murder, at this time?

23 C. ARMSTRONG Oh I think he was totally
24 shocked by even... even when I had
11:53 25 mentioned it to him, I don't think it



1 ever occurred to him that it was going
2 to... that they were going to ask him,
3 you know try and put it on him."

4 And I'll stop there. Is that an accurate account
11:53 5 of the information you recall providing to the
6 RCMP officers in 1993, Celine?

7 A Yes.

8 Q And that's true information from the best of your
9 recollection?

11:53 10 A Yes, it is.

11 Q I just have one more portion to read to you, page
12 036914, starting here and continuing down:

13 "J. DYCK Umm... has Albert maintained
14 his... his... position in this whole
11:54 15 matter throughout the years?

16 C. ARMSTRONG No. I noticed the last... I
17 haven't seen him very much lately. And
18 um... I find him very hard to take in
19 the last few years. So we haven't
11:54 20 really seen him very much, like he's...
21 lives his own life in B.C. and... and...
22 you know, he'll just say, you know this
23 whole matter has messed my life up. But
24 he doesn't really talk too much about
11:54 25 it. A lot of what he says, if he does



1 talk about it, I don't let him talk
2 about it for a long time.. if he starts
3 talking about it, I find his... his
4 stories aren't, I don't think the same
11:54 5 anymore. I don't know if he... you
6 know, like I think he is all totally
7 confused with what's been on T.V. and
8 written and like, I honestly don't ...
9 J. DYCK Again was he consistent throughout
11:55 10 time after the murder, up until the
11 trial?
12 C. ARMSTRONG Oh, I think so. Except...
13 except, like I say, he was really in a
14 state after he had gone to the police,
11:55 15 you know, like...
16 J. DYCK Celine, you mentioned that after
17 Albert went to the police the first
18 time, that when he came back he was...
19 upset and was concerned about how he had
11:55 20 been treated by the police. Did he
21 indicate that the police had... had
22 attempted to alter his story, in any
23 way? Put any thoughts into his mind?
24 C. ARMSTRONG Yes, but the thoughts, like he
11:55 25 thought they were trying to make him say



1 that he had done it.

2 J. DYCK Did he indicate if the police had
3 tried to get him to go along with a
4 story in order to perhaps build a case
11:55 5 against Mr. Milgaard? Did he ever
6 indicate that?

7 C. ARMSTRONG No. No. He felt that... he
8 felt they were trying to build a case
9 against him. That's how he felt."

11:55 10 I'll stop there. Would that be an accurate
11 account of the information you provided in 1993?

12 A Yes.

13 Q And that information is true to the best of your
14 recollection?

11:56 15 A Yes, it is.

16 Q And I have reviewed the transcript, Celine, and I
17 did not see a mention of your observations
18 respecting Nichol crying at the house; do you
19 recall whether or not you would have provided the
11:56 20 officers that information in 1993?

21 A I don't think so.

22 Q And I didn't see any mention of your mother
23 finding a pair of pants either?

24 A No.

11:56 25 Q You wouldn't have provided that information?



1 A I don't think so either.

2 Q Okay. I'll just read in one document for the
3 record, I'm not going to refer to it, it's the
4 RCMP notes that accompany this transcript,
11:56 5 document ID 041138, and we don't need to bring
6 that document up, I'll just make reference to it
7 for the record.

8 And, Celine, am I correct that
9 your next formal involvement in this matter, then,
11:57 10 would have been leading up to the Larry Fisher
11 trial?

12 A Yes.

13 Q Okay. And I understand that you had some
14 discussions with a Peter Tarrant, or Tarrant, in
11:57 15 1998?

16 A Yes.

17 Q And I believe Mr. Tarrant was assisting Brian
18 Beresh in his preparations for the trial; do you
19 recall speaking with Mr. Tarrant?

11:57 20 A Yes, I do.

21 Q Okay. And do you recall where that discussion
22 took place?

23 A Umm, you know, that happened -- he was at my
24 kitchen table, but I remember, now, the other two
11:57 25 officers I think I met at an office in Sask. -- in



1 North Battleford.

2 Q Okay.

3 A If I think back.

4 Q I'll turn your attention to a transcript of the
11:57 5 discussion with Mr. Tarrant, it's document 301103,
6 you can see a reference to the interview at the
7 top taking place August 23, 1998. If we can move
8 forward, please, to page 301104, just highlight
9 this portion right here, please. Mr. Tarrant asks
11:58 10 you:

11 "Q You don't recall seeing any blood on the
12 shirt?

13 A No.

14 Q Could he have changed the shirt as well
11:58 15 as the pants?

16 A It's quite possible. Cause they were
17 trying on clothes downstairs and
18 nothing was fitting right. Cause
19 everybody had short legs and he had
11:58 20 long legs."

21 Do you recall providing that information,
22 particularly in relation to the shirt, to
23 Mr. Tarrant?

24 A Yes, but I -- hmm, I don't know how I would have
11:59 25 known that.



1 Q Sorry; in what way?

2 A Umm, I know they were trying on clothes because
3 they were talking about it, umm, but I'm not
4 certain about the shirt today.

11:59 5 Q I --

6 A Or what am I --

7 Q Well, let's read it again, the question was:

8 "Q You don't recall seeing any blood on the
9 shirt?"

11:59 10 Your answer was:

11 "A No."

12 A No.

13 Q "Q Could he have changed the shirt as well
14 as the pants?",

11:59 15 and you state:

16 "It's quite possible."

17 A Yes.

18 Q Okay. And you are okay with that, those answers,
19 then?

20 A That's right, yeah.

21 Q Could we turn to the next page, 301105, just
22 highlight this question and answer here, please.

23 "Q Now, when Milgaard changed his pants, do
24 you have any personal knowledge as to
12:00 25 what he did with them afterwards?



1 A I have no ... you know, all I know is
2 that they found a pair of pants
3 underneath the stairs in the spring
4 when Mom did spring cleaning. Whether
12:00 5 those were his pants or not, I don't
6 know."

7 And again, Celine, would you agree with me that
8 this is the first time that that information
9 respecting your mother finding a pair of pants,
12:00 10 was recorded by an authority or an investigator
11 in relation to this matter?

12 A I think so.

13 Q Would that have been the first time that you
14 provided that information to an authority?

12:00 15 A I think so.

16 Q Okay. Turn to page 301109, the last page of the
17 document, if we could zoom in on the full portion,
18 please. Asks you a question:

19 "Q One last question. Did you feel that
12:01 20 the other two, Wilson and John, did they
21 look like they were on drugs as well?

22 A I would say Milgaard didn't look half
23 as bad as the other two. The other
24 two were pretty bad. But I mean, now
12:01 25 I know. I knew that they weren't



1 right. They weren't drunk but they
2 weren't right, but I didn't know a
3 whole lot about drugs. I knew my
4 brothers did it, and I knew people,
12:01 5 kids that I went to school did it, but
6 now it is part of society.

7 Q Did they appear to be comfortable with
8 Milgaard or did they seem to be afraid
9 of Milgaard at that time? Or did you
12:01 10 form any impression?

11 A They weren't comfortable with
12 Milgaard. They kind of stuck together
13 in their own, like they would be in
14 the living room and he'd be in the
12:01 15 kitchen keeping Albert on the move.
16 He was definitely the leader.
17 Whatever he said they did. If he
18 barked, they jumped. Like when I was
19 making the breakfast he said they
12:02 20 didn't have time, and I said you don't
21 have time to eat? Are you going to
22 stop and eat somewhere along the way?"
23 Stop there. And again, Celine, I did not see any
24 mention of a reference to your observations of
25 Nichol crying in the home that morning; would



1 that be accurate?

2 A That's accurate.

3 Q Okay. Did you not think of that information at
4 that time, were you aware of it and you didn't
12:02 5 tell the police officers -- or Mr. Tarrant, I'm
6 sorry?

7 A I think, after he had asked me these questions and
8 after he had left, I did remember that she had
9 been crying, and whatever, but --

12:02 10 Q That's your best recollection?

11 A That's my best recollection.

12 Q Okay. I'm going to, lastly, refer you to the
13 transcript from the trial of Larry Fisher. You
14 testified at that trial, Celine?

12:02 15 A Yes, I did.

16 Q And I believe you were called by Mr. Beresh to
17 testify?

18 A I was.

19 Q If we could bring up document ID 310233, please.
12:03 20 And that would have been in approximately 1999,
21 Celine?

22 A Guess so.

23 Q Okay. I think we know that it was in 1999.

24 A Is it that long ago?

12:03 25 Q And if we could move forward, please, we'll see



1 that Mr. Beresh is examining you. If we could
2 move forward, please, to page 310246, and zoom in
3 on this portion here, please:

4 "Q Did you know whose pants he had on?

12:03 5 A Well, he had a pair of my father's
6 pants, and that made an impression on
7 me because Dad didn't have that many
8 pair of work pants, and I was
9 thinking, poor Dad, he's only got
12:04 10 about three pair of pants and now he's
11 got two. So, this is why I always
12 remember that.

13 Q Did you make any observations or did you
14 not, in relation to whether or not they
12:04 15 seemed to in a hurry or not in a hurry?
16 What was your observation of that?

17 A The person that I knew as Hoppy was
18 really in a hurry to get going. He
19 kept -- my brother was -- really
12:04 20 wanted to go with him, he thought this
21 was just too good to be true, he had a
22 ride to Vancouver, that's where he
23 wanted to go. He said "Hurry up, man,
24 we gotta go". And there was also --
25 Ron and Nichol also bothered me very



1 much because they kept -- I guess
2 you'd call it clustering. You'd see
3 very often they would go into any --
4 like, a corner of the living room or a
5 corner of the kitchen, and Nichol
6 was -- they never made a whole lot of
7 sense, I couldn't really even carry a
8 conversation on with them because it
9 just sounded like gibberish. Nichol
10 kept crying, breaking down and crying
11 all the time, and Ron would go and
12 comfort her, and then Hoppy would look
13 at them and just kind of look at them
14 and then they'd sort of simmer down.
15 I would say that happened about five
16 or six times in the time that I was --
17 that morning when -- in the period of
18 time that I was up, which would have
19 been about an hour.

12:05 20 Q Now, without telling us what they said,
21 did Nichol or Ron say very much?

22 A I couldn't make any sense of what they
23 said."

24 And would you agree with me, Celine, that this
12:05 25 would have been the first time that, in the



1 course of being examined officially on this
2 matter, that you would have spoke of Nichol
3 crying at the home that morning?

4 A Yes.

12:05 5 Q Okay. If we could turn, please, to page 310269,
6 and highlight this portion starting here:

7 "Q Did you tell the police that David
8 Milgaard was wearing your father's
9 trousers?

12:06 10 A No, I didn't.

11 Q Did you tell them he was wearing the
12 trousers belonging to any member of your
13 family?

14 A No, I didn't.

12:06 15 Q You told the police, in fact, that was
16 wearing dark trousers?

17 A Yes, I did. And according to --

18 Q How else did you describe his clothing,
19 please?

12:06 20 A That he was wearing a sweater or
21 something like that, and I didn't see
22 any blood on his clothing, had his --
23 his hair was short, curly, and neat.

24 Q And do you acknowledge that you were
12:06 25 trying to tell the truth to the police



1 as you recalled it --

2 A Yes, I was.

3 Q -- at that time?

4 A Yes.

12:06 5 Q And that is the truth?

6 A It was the truth that day.

7 Q So David was not wearing your father's
8 trousers, he was wearing dark trousers
9 and he was wearing a sweater?

12:07 10 A According to that statement."

11 Celine, it seems to me that you are stating that
12 you had not told the police that David was
13 wearing a pair of your father's trousers, and
14 correct me if I'm wrong, I thought perhaps
15 earlier today that you had told us that your
16 belief was that you had told the police that
17 information?

18 A Yes, I said earlier that -- and I really don't
19 know what was happening here at the trial, except
12:07 20 that maybe I was nervous, because I have said
21 quite consistently that he was wearing a pair of
22 my father's trousers.

23 Q So your information provided here would be
24 inaccurate, then, in that respect?

12:07 25 A Apparently so.



1 Q Okay. If we could turn to page 310272, please,
2 and highlight the portion beginning here. This is
3 the cross-examination -- I'm sorry, if we could
4 back up just a moment, please -- cross-examination
12:08 5 conducted by Mr. Sinclair on behalf of the Crown;
6 do you recall that, Mrs. -- Celine?

7 A Yes.

8 Q Okay. And again, I'm sorry, if we could zoom in
9 on that portion:

12:08 10 "Q All right. Now, I looked very carefully
11 through this statement, ma'am, for a
12 description of where you told the
13 Saskatoon City Police that you saw
14 Nichol John crying at various times
12:08 15 during that morning and being comforted
16 by her companion Ron Wilson?

17 A Okay.

18 Q I also looked very closely through this
19 statement for any indication that David
12:08 20 Milgaard would look at them and either
21 of them would quit talking. I didn't
22 find it. Maybe you can find it for me,
23 please.

24 A I'm sure this is not in that, in that
12:09 25 original statement. But --



1 Q Did you want a moment to review it?

2 A If you want."

3 Next page:

4 "Q Did you find the reference to Nichol
5 John crying?

6 A No.

7 Q Did you find a reference to her being
8 comforted by her companion Ron Wilson?

9 A No.

10 Q Did you find any reference in there to
11 Mr. Milgaard intimidating silence out of
12 them?

13 A No.

14 Q No. That's not how you described it to
15 the police at all, is it? Is it?

16 A That's from a 20-year-old point of
17 view. I think when I read the
18 statement I thought, you know, if you
19 were going to give a statement when
20 you were 30 or 40 or 50, it would be
21 always from -- you would notice
22 different -- you would remember
23 different things. But what I have --

24 Q Notice or remember different things?

25 A Remember different things.



1 Q You'd remember different things?

2 A Mhmm.

3 Q You certainly have remembered things
4 that are different than the way you
12:09 5 remembered them in March of 1969?

6 A Yes."

7 And that's an accurate account of that exchange
8 that took place, then, between yourself and
9 Mr. Sinclair at that time?

12:10 10 A Yes.

11 Q I just have two last portions to read to you,
12 Celine. Page 310279, please, if we could zoom in
13 on this portion here. This is the
14 cross-examination, continuing, by Mr. Sinclair:

12:10 15 "Q Would you describe your brother as a
16 person who was easily led?

17 A Not always.

18 Q Sometimes?

19 A Sometimes.

12:10 20 Q And you said that he worked for a
21 construction company at the university?

22 A I believe that's what he was doing at
23 the time.

24 Q And he was doing bricklaying?

12:10 25 A He was -- no, he was a bricklayer's



1 helper.

2 Q I'm sorry, a bricklayer's helper.

3 A Mhmm.

4 Q Did you understand the company that he
12:11 5 worked for was the same company that the
6 accused Larry Fisher worked for, Masonry
7 Contracting (ph)?

8 A I know nothing about that."

9 And that would have been an accurate account of
12:11 10 the information you provided then, Celine?

11 A Yes.

12 Q And then the last portion, if we could turn to the
13 next page, please, 310280, this is the
14 re-examination conducted by Mr. Beresh, if we
12:11 15 could just highlight this portion here, please:

16 "Q On the 31st of January, how was -- 1969,
17 how was your brother's mental health?

18 A It was fine.

19 Q Okay. In the 1969 statement when you
12:11 20 used the words "he said he was high",
21 what do you mean by "high"?

22 A High meaning in those days on drugs.

23 Q On drugs?

24 A Yes.

12:11 25 Q What kind of drugs?



1 A I have no idea. I never did that
2 scene.

3 Q Okay. You were asked about your 1969
4 statement and I want to clarify it.
12:12 5 Were you ever asked by the police
6 whether Nichol John cried or not?

7 A No.

8 Q Were you ever asked by them whether
9 Milgaard was intimidating?

12:12 10 A No."

11 Again, Celine, that would be an accurate account
12 of the exchange that took place between yourself
13 and Mr. Beresh on that occasion?

14 A Yes.

12:12 15 Q The information was true?

16 A Yes.

17 MR. HARDY: Thank you very much, Celine,
18 those are all of the questions that I have. My
19 Friends may have some questions for you. I note
12:12 20 it's 20 past 12, Mr. Commissioner.

21 COMMISSIONER MacCALLUM: Thanks very much,
22 Mr. Hardy.

23 Pardon me, Mr. Wolch, do you
24 want to ask a few questions before lunch?

12:12 25 MR. WOLCH: Whatever your preference is,



1 sir.

2 COMMISSIONER MacCALLUM: Well I -- my watch
3 doesn't say 20 after, maybe that's what --

4 MR. HARDY: Mine is fast, sorry.

5 COMMISSIONER MacCALLUM: It's 12 minutes
6 after?

7 MR. WOLCH: I have got 15 after, but
8 whatever the --

9 COMMISSIONER MacCALLUM: Go ahead.

12:12 10 **BY MR. WOLCH:**

11 Q Ma'am, I'm Hersh Wolch, and I'm David Milgaard's
12 lawyer.

13 A Okay.

14 Q And let me say at the beginning something perhaps
12:13 15 I shouldn't be saying, and that is I really
16 believe you are an honest person.

17 A Thank you.

18 Q And yet I'm troubled by the changes in what you
19 are saying one day and the next and I'm sure, as
12:13 20 an honest person, you are troubled too?

21 A Hmm.

22 Q Are you not?

23 A Are you looking for an explanation?

24 Q No, I -- but you --

12:13 25 A I'm not -- I can't --



1 Q No, just a simple question; are you troubled about
2 you see yourself saying one thing once and
3 something that could be called contradictory or
4 quite different on another day?

12:13 5 A That is --

6 MR. FOX: Mr. Commissioner, if I might?

7 COMMISSIONER MacCALLUM: Yes?

8 MR. FOX: I didn't rise yesterday, and
9 this is not the usual forum in terms of a
10 courtroom setting or a trial or whatever where we
11 have one side or the other in that, so I hesitate
12 to rise.

13 And I recognize we are in an
14 inquiry setting, but the objective here is to
15 arrive at some conclusions, determine some facts,
16 and so on, and while the rules of evidence
17 certainly are relaxed in a procedure like this,
18 nonetheless I think the rules of evidence do
19 exist for certain reasons, and that's because
12:14 20 they help to find the truth and establish those
21 facts.

22 To approach a witness and just,
23 in a very broad sentence, say "you have made
24 changes and I want some explanation for that" is
12:14 25 not appropriate cross-examination.



1 If the witness is supposed to
2 have said something different on a previous
3 occasion, if you want to contradict that witness,
4 if you want to challenge that witness, the
12:14 5 procedure is pretty well established. You put
6 the contradictory statement to the witness, you
7 have them acknowledge it, you give them the
8 opportunity to review it, and then you see if
9 they have some explanation for the contradiction,
12:15 10 or do they adopt it, or whatever. That's the
11 only fair way you can do it to a witness.

12 To say to this witness in a
13 global sense "I just would like your explanation
14 as to why you have changed your testimony",
12:15 15 changed what testimony, changed what aspect of
16 it? There's been numerous, numerous issues
17 covered, and all the more so here when we're
18 covering conversations that took place over a
19 great period of time involving many many people.
12:15 20 You have to be fair to the witness. I mean we
21 have seen witnesses exposed to questions put to
22 them where they have been asked three questions
23 at once and prompted to give a "yes" or "no"
24 answer.

12:15 25 I think at the outset,



1 Mr. Commissioner, your comments -- and I harken
2 back to the comments you made when we commenced
3 this inquiry; that it was important that we
4 obviously hear the evidence, that things be
12:16 5 conducted in a fair and proper fashion, that
6 everyone has a role to play, that the media has a
7 role to play -- and we have no control over what
8 the media wants to say or report -- but within
9 this room, Mr. Commissioner, you do have some
12:16 10 role there, and I raise that, and I raise it now,
11 at the outset.

12 COMMISSIONER MacCALLUM: Thanks, Mr. Fox.
13 I assumed, perhaps incorrectly, that Mr. Wolch
14 was about to get to particulars at the moment you
12:16 15 rose to object. If I'm wrong in that, perhaps
16 Mr. Wolch would care to comment?

17 MR. WOLCH: No, Mr. Commissioner, you are
18 absolutely right.

19 COMMISSIONER MacCALLUM: Go ahead then.

12:16 20 But just before you do that,
21 Mr. Fox, thanks for your concern for the firmness
22 of proceedings and for the feelings of witnesses.

23 Regrettably, the search for
24 truth is often uncomfortable, and you may rest
12:16 25 assured that in my discretion I will bring to a



1 halt any cross-examination which I believe to be
2 abusive, however, if I don't say anything, it
3 means that although I might regard the
4 cross-examination as being close and very pointed
12:17 5 it is not, in my view -- it has not, in my view,
6 been abusive. Until it becomes that way I won't
7 say anything.

8 We simply must have the truth
9 in this inquiry, if it is at all possible to get
12:17 10 it, because much water, as everyone knows, has
11 gone under the bridge, and this is perhaps the
12 last chance that we will have to find the truth.
13 We are listening to hearsay all the time here,
14 and if there was ever a situation which requires
12:17 15 careful scrutiny of such evidence, this is it.

16 So I hope that Mr. Wolch will
17 appreciate what you have said and will do his
18 best to conduct his cross-examination in a fair
19 manner.

12:18 20 MR. WOLCH: Certainly. Mr. Commissioner, I
21 must say this was the first time I have ever been
22 chastised by counsel for saying to a witness I
23 thought she was telling the truth.

24 COMMISSIONER MacCALLUM: It was the second
12:18 25 part of what you said.



1 BY MR. WOLCH:

2 Q I guess what I was getting at, and I thought I
3 detected some degree of your being a little
4 uncomfortable, is that as time goes by, --

12:18 5 A Uh-huh.

6 Q -- in the general sense, it is difficult to
7 pinpoint what occurred back on a certain day and
8 take away what you may have been told along the
9 way over the years?

12:18 10 A Uh-huh.

11 Q Would that be a fair comment?

12 A That would be fair.

13 Q So, now, the very first time you spoke to anybody
14 in authority was back in 1969?

12:18 15 A Yes.

16 Q Correct? The second time was 20 odd years later?

17 A Apparently about 24.

18 Q Okay. Would you agree with the general
19 proposition that the safest statement you may have
12:19 20 made for us to put some faith in would be the very
21 first one you made?

22 A Yes.

23 Q Because the fact that you are honest didn't change
24 overnight, you have always been honest?

12:19 25 A That is correct. I hope so.



1 Q That is, you are not any more honest today than
2 you were when you were 20?

3 A I just do my best to give the truth.

4 Q No, but you didn't have a revelation "today I'm
12:19 5 honest," you have always been honest; right?

6 A Hopefully.

7 Q And what may have occurred over the years is that,
8 as you heard things and picked up things, it was
9 hard for you to differentiate between what you had
12:19 10 seen and what you had heard, as time went by, for
11 24 years?

12 A I don't think that would be a really fair comment
13 to make.

14 Q Okay, please tell me?

12:20 15 A Simply because, when this happened, I think my
16 parents set the pace by trying to keep it away
17 from us. I know that, at the time of the trial, I
18 wanted to -- for instance, I wanted to go to the
19 trial, and my mother said "you know, it would be
12:20 20 better for you to stay away." And as the years
21 progressed I tried, have tried not to read any of
22 what happened in the media. Because I was there
23 that morning and I heard David asking for pants
24 and all that, I always felt that some day I would
12:20 25 be called, and I thought I would have no way of



1 remembering what I read, what I saw, what I heard.

2 Q Now --

3 A So I have really, honestly, tried. I haven't
4 read, you know, Mrs. Milgaard's book, for
12:21 5 instance, or -- I try not to read too much of what
6 goes on, and I hope, when all is said and done,
7 then I will.

8 Q I --

9 A Because I really want to be as truthful as I
12:21 10 can --

11 Q I appreciate that.

12 A -- as clear as I can remember.

13 Q I appreciate that. But the fact of the matter is,
14 and like on several occasions you have mentioned
12:21 15 some sort of difference between a 56-year-old
16 perspective and a 20-year-old perspective; do you
17 recall saying that?

18 A I did say in the last trial, yes.

19 Q I'm going to suggest to you there really is no
12:21 20 difference, what you see is what you see?

21 A I'm not sure, for sure, by I was meaning it that.
22 I think, for one thing, when you are being asked
23 questions in public sometimes you don't speak as
24 well as you might if you could look at the written
12:21 25 word, or whatever, and I can't quite remember what



1 I was talking about in that moment in time. But
2 for instance, if we were talking about young
3 people coming into my parents' home when I was 20
4 and saying "we're high, we're high," it would be
12:22 5 at -- now, at the age of 56 with all the drugs we
6 have out there, I would have a better idea of what
7 that meant than what I did at that time. That's
8 just -- I hope that explains it for you.

9 Q Possibly it does.

12:22 10 A Just as an example.

11 Q Okay. Now, going back that period of time, might
12 you agree with me that if we take away everything
13 that happened later, that that morning, when the
14 kids arrived and left and everything else, was, by
12:22 15 itself, quite an innocuous morning in your life?

16 A What do you call -- what is "innocuous"?

17 Q Kids come, they pick up your brother, they leave,
18 basically?

19 A Yeah, that's basically --

12:23 20 COMMISSIONER MacCALLUM: She wants to know
21 what "innocuous" means.

22 BY MR. WOLCH:

23 Q I'm sorry, I meant something not very exceptional,
24 trivial?

12:23 25 A Just a morning.



1 Q That's what I mean. By itself, it was a very
2 average morning, the kind of morning you would
3 often forget about two days later?

4 A Of course.

12:23 5 Q And, as days go by, it's something that blends
6 into what we might call vague recollection?

7 A Yes, except what was exceptional about that
8 morning was there had been a murder committed not
9 far from home.

12:23 10 Q Oh, absolutely, but what happened --

11 A So --

12 Q But what happened in your house --

13 A Yes.

14 Q -- was not exceptional at all?

12:23 15 A No. Children, you know, young people who were
16 coming and going and --

17 Q Uh-huh?

18 COMMISSIONER MacCALLUM: Yeah. What,
19 exactly, happened in the house that you refer to,
12:23 20 please?

21 BY MR. WOLCH:

22 Q Well in the house some kids arrive, they are
23 friends of your brother's, they decide to go on a
24 trip, that sort of thing?

12:24 25 A What is the question exactly?



1 Q There's nothing particularly unusual about that
2 when you have that many kids in a house?

3 A The way it happened that morning was unusual, and
4 I would say that that's why I would remember it.

12:24 5 Q Okay. And it would have been unusual when you
6 spoke to the police about it about a month later?

7 A Only because they were asking about it.

8 Q Yeah. And that's when it was freshest in your
9 mind?

12:24 10 A That is correct.

11 Q And that's what -- and that recollection then,
12 which was truthful, is more reliable than 24 years
13 later?

14 A I would say so.

12:24 15 Q Because you weren't asked to make a statement for
16 about 24 years, or 22 years, or whatever it might
17 be?

18 A No.

19 Q And you are totally in agreement that that is the
12:25 20 most reliable, truthful recollection of what you
21 recall?

22 A It would be except for the fact that everything
23 that I had told the police officer was not down in
24 that statement --

12:25 25 Q Okay.



1 A -- and I, at that time and still do, respect the
2 authority, and when I spoke to the police officer
3 and we went through what became my statement, I
4 mean, I had no -- I had no experience, I just said
12:25 5 to the police officer "you must know what needs to
6 be in a statement, I have never made one, so if
7 you say this is good enough, this is what it will
8 be."

9 Q Okay. So you are saying that, I take it with
12:25 10 maturity, that this Saskatoon Police officer
11 didn't do his job properly?

12 A I don't fault the police force. I think at that
13 time in Saskatoon, umm, we hardly had anything
14 like that happening in the city.

12:26 15 Q Well you are --

16 A You know, I mean I have no animosity or any
17 thoughts about that, I just think we were all
18 doing our best.

19 Q Well he obviously wasn't doing his best because he
12:26 20 wasn't taking down what you told him?

21 A Maybe he just didn't ask the right questions, I
22 don't know.

23 Q Well, if he didn't ask the right questions is a
24 different thing.

12:26 25 A Yeah.



1 Q I thought your evidence to be he didn't take down
2 what you told him, which I take --

3 A No, not the entire word-by-word conversation or --
4 you know, that went on.

12:26 5 Q So you are saying he wasn't doing his job
6 properly?

7 A I wouldn't say that about another person. He'll
8 have to decide that for himself.

9 Q Well you are saying you told him something very
12:26 10 important and he didn't take it down?

11 A Okay. That I'll agree to.

12 Q So why wouldn't you agree, if that's accurate,
13 that that wouldn't be -- not the best way to do
14 your job as a police officer?

12:27 15 COMMISSIONER MacCALLUM: Surely, Mr. Wolch,
16 I think that's something I have to decide.

17 MR. WOLCH: I agree, sir, but I think it
18 goes to the witness' credibility.

19 COMMISSIONER MacCALLUM: No, I don't see
12:27 20 how.

21 MR. WOLCH: I'll move on then.

22 MS. KNOX: I was about to rise when you
23 spoke, but I think one of the things that we have
24 to be conscious of here, and which has not been
12:27 25 put in context to the witness, is that clearly



1 this was not a verbatim recording of the
2 statement, and she is being asked to comment on
3 police practices in 1969 that she would have no
4 familiarity with, which would be well-known to
5 counsel who is asking the questions. And to ask
6 a civilian the kind of question that he is
7 attempting to ask her, I think, is unfair to her
8 and is unfair to the police officer involved, and
9 I make that comment so that it is contained in
10 the record.

11 COMMISSIONER MacCALLUM: Thank you. I
12 don't think -- as you said, you were about to
13 rise when I spoke, and I don't think there's any
14 need to repeat what I just said in response.
15 Thank you.

16 BY MR. WOLCH:

17 Q Well, let me understand this, now. When your
18 brother returned from Regina did you understand
19 him to already have been questioned about the
20 murder in Saskatoon?

21 A I have no knowledge of any of that.

22 Q Are you saying he didn't share with you at all or
23 you just don't remember?

24 A I don't remember any of that.

25 Q Okay. And you say he called you into his room to



1 discuss, with you, going forward to the police?

2 A At what time of -- what time are you talking
3 about?

4 Q Well, before he went to the police?

12:28 5 A Just before he went to the police --

6 Q All right.

7 A -- but sometime after he came back.

8 Q Okay. But you didn't sense that he was going back
9 to see the police in the sense he had already been
10 talked to by police?

12:28 11 A I never knew that he had been talked by the
12 police -- to by the police.

13 Q And what did he confide in you were the reasons
14 why he was going to the police?

12:28 15 A The day, you are talking about the day he called
16 me up into the bedroom?

17 Q Absolutely.

18 A Okay. He had, as I had stated earlier, he felt
19 that David had changed since he, you know, since
12:29 20 he had known him three or four years previous. He
21 had various reasons that he thought he may have
22 committed this crime and he felt that he needed to
23 go forward to the police with that. And basically
24 what he had said, he said "you can't change my
12:29 25 mind because I know what I have to do, I have to



1 do what is right", and I said "well what do you
2 want from me, then, if you are" -- you know, and
3 he said "I want to know; should we tell mom and
4 dad", and I said "yes, you --"

5 Q Okay.

6 A I mean it would be really wrong not to.

7 Q Okay. And what were the reasons he had to go
8 forward?

9 COMMISSIONER MacCALLUM: Are you asking
10 her, now, to repeat her examination or the
11 answers she gave in direct examination?

12 BY MR. WOLCH:

13 Q Yes.

14 A What is he asking?

12:30 15 COMMISSIONER MacCALLUM: He wants to know
16 what David (sic) told you.

17 MR. WOLCH: Sorry, what Albert told you.

18 COMMISSIONER MacCALLUM: Or what Albert
19 told you about the reasons for him going to the
12:30 20 --

21 A Going to the police force? Okay. He talked about
22 him having blood on his pants when he came to our
23 house, and that he had -- and when they left they
24 -- it didn't make a whole lot of sense to me
12:30 25 because I couldn't join it all together -- but he



1 said that when they left they were in a hurry to
2 leave the city, and when they did they were
3 driving, you know, erratic. Umm, he said he had
4 stopped somewhere along the side of the road, they
12:30 5 were -- the people in the car had all been
6 sleeping, and David pulled over by the side of the
7 road and flashed some lights and waited a while
8 and a transport came, and he opened up the trunk
9 and gave a brown package to this person. And he
12:31 10 had -- he said something about them being in a
11 hotel room somewhere and the, umm, murder of Gail
12 Miller being on it, on the television, on the
13 news, and David grabbing a pillow or something and
14 saying that "yes, I did it," you know, "and I'm"
12:31 15 -- that's all I remember of that.

16 BY MR. WOLCH:

17 Q Are you confident in your memory of that?

18 A Yes, I'm confident of that, of those. He had said
19 other things but I can't remember what else.

12:31 20 Q I'm going to suggest to you that he has never,
21 himself, said he was in a motel room when there
22 was a re-enactment?

23 A Well I cannot be -- I can only tell you what I was
24 told and what I remember.

12:31 25 Q And the evidence of the re-enactment is that that



1 didn't happen until the spring of '69?

2 A That may be.

3 Q And I --

4 A Are you not asking me what I remember?

12:32 5 Q Well I'm just wondering how Albert could have told
6 you something he has never told anybody else, even
7 in all his testimony, of an incident that others
8 will testify to as happening many months later?

9 A Okay.

12:32 10 COMMISSIONER MacCALLUM: Well, I'm not sure
11 that's fair, Mr. Wolch. There could have been
12 two different incidents. She is only describing
13 what she remembers David (sic) having told her.

14 MR. WOLCH: Well, I'm certainly correct
12:32 15 that Albert has never told the police or
16 anybody --

17 COMMISSIONER MacCALLUM: That part of it is
18 right.

19 BY MR. WOLCH:

12:32 20 Q Which makes it sound a bit -- the fact it's
21 identical to somebody else's is somewhat
22 troubling.

23 A Well --

24 Q Are you sure this is not something you have picked
12:32 25 up along the way?



1 A Anything is possible.

2 Q Now did you stop and say to Albert "well look, I
3 never saw any blood, are you sure?"

4 A I was in bed at the time, he had already changed
12:33 5 his clothes by the time I came down, from the
6 conversation I heard from my bedroom.

7 COMMISSIONER MacCALLUM: Just a second,
8 please.

9 MR. WOLCH: I note the time,

12:33 10 Mr. Commissioner. I'm happy to proceed but I
11 think people would like to go for lunch.

12 COMMISSIONER MacCALLUM: Yes, we'll adjourn
13 until 2:00. And, Mrs. Armstrong, again please
14 don't discuss your evidence until we come back.

12:33 15 *(Adjourned at 12:33 p.m.)*

16 *(Reconvened at 2:00 p.m.)*

17 COMMISSIONER MacCALLUM: Mr. Wolch, just
18 before you start going again, I just wanted to
19 say a word. It is inevitable in this inquiry
02:07 20 that we're going to hear evidence which seems to
21 go to the guilt or innocence of Milgaard or
22 Fisher or both of them, but that's not the
23 purpose of the inquiry. It is inevitable I say
24 because it is incidental to the main question of
02:07 25 whether that information ever got to the



1 attention of the authorities or whether it should
2 have gotten to the attention of the authorities,
3 so don't be concerned, counsel, and particularly
4 the public -- I assume counsel is alive to this
02:07 5 matter -- don't be concerned that I am trying to
6 retry either Milgaard or Fisher by letting in
7 evidence like this. Now you know.

8 MR. WOLCH: Just before I commence, may I
9 thank Mr. Commissioner for those words.

02:08 10 COMMISSIONER MacCALLUM: Thank you.

11 BY MR. WOLCH:

12 Q You mentioned this morning that Albert felt he was
13 a suspect or was being treated like a suspect. Do
14 you recall saying that?

02:08 15 A Yes.

16 Q And I assume from that, that that would have been
17 very early on?

18 A Yes, very early on.

19 Q And at that time he indicated to you that he felt
02:08 20 he had been treated somewhat harshly, and I don't
21 want to put words in your mouth, you tell me, what
22 he felt caused him to believe he was a suspect and
23 how he was being treated?

24 A All I remember him saying to me was that when I
02:08 25 had told him, you know, that they might consider



1 him a suspect, he said you were right, they kept
2 me awake for two days and two nights and he said
3 it's been very rough, but that's all I'm going to
4 say and then he wouldn't talk about it, and then I
02:09 5 believe he started to cry. Not, you know, for a

6 long period of time, but just a little bit of a --

7 Q Did the subject of Albert obtaining legal counsel
8 come up at all?

9 A I don't remember any of that.

02:09 10 Q I'm just wondering because if he was a suspect and
11 was being questioned, do you recall if yourself or
12 Albert or the family ever said look, Albert, maybe
13 you want to get a lawyer or there's legal aid or
14 whatever it might be to protect you?

02:09 15 A What I seem to remember from that period of time,
16 it would have happened only shortly after he had
17 gone to the police and then after that he never
18 felt that he was a suspect then.

19 Q Okay.

02:09 20 A That's what my understanding was.

21 Q Okay. Now, did you go to the police with him the
22 first time he went --

23 A No.

24 Q -- in?

25 A Sorry.



1 Q That's not your fault, but let me just finish and
2 I'll try and let you finish and we'll get along
3 fine. Did you go to the police with him the first
4 time in Saskatoon that he went to see the police?

02:10 5 A No.

6 Q I'm going to really test your memory. Do you
7 recall what time of day he went or did you know?

8 A As I said before, it was about 4:30 or five when
9 we were peeling potatoes that he talked to me.
02:10 10 After that he talked to mom and dad and then after
11 that they left. What time he got to the police I
12 don't know.

13 Q Are you able to compare that time with the time
14 that you made your first statement in your mind?
02:10 15 Can you put a time comparison between those two
16 events?

17 A Not today.

18 Q Did it appear to be very close in time or very
19 separate in time?

02:11 20 A Are you saying from the time that he talked to me
21 and went to the police, how much time passed?

22 Q No, sorry. We know that he went to the police and
23 made his first statement.

24 A Yes.

02:11 25 Q And we know that you made your first statement.



1 A Uh-huh.

2 Q And we'll get to the exact dates and I'm just
3 trying to see from your perception how you recall
4 the difference in time; that is, did the police
02:11 5 come to see you that day, a week later, a month
6 later, in your mind.

7 A I think it would have been sometime close to a
8 month, but I couldn't swear to that.

9 Q Okay. Do you recall, this might stick out in your
02:11 10 mind, that very same statement you made way back
11 then, where you made it?

12 A At the kitchen table at home.

13 Q So the officer came to the house?

14 A Yes, he did.

02:12 15 Q And are you able to tell me, and perhaps you might
16 add how certain you are, as to what time of day he
17 would have come to the house?

18 A It would have been in late afternoon.

19 Q Are you confident of that?

02:12 20 A I don't know. Pretty -- pretty close. It was in
21 the afternoon sometime. Not one o'clock, but --

22 Q Okay.

23 A That's as close as I can get today.

24 Q Okay. No, I appreciate that, and it's a long time
02:12 25 ago, but I want to just sort of bring something to



1 your attention. Can we pull up 001466. Now, you
2 wouldn't be familiar with this, but this is what I
3 understand to be the first statement that your
4 brother made and you'll note, and pardon my not
02:13 5 getting good at this, it appears to be March 2nd,
6 1969 at 12:30 and I think it says AM, but I can't
7 be sure of that, but you see that timing? It's
8 either AM or PM and I'm hoping we'll find out
9 later which it is.

02:13 10 A Okay.

11 Q But you see that?

12 A Yes, I do.

13 Q Okay. Now I would like to turn to 030680 and
14 could you go down two pages, please. There we
02:13 15 are. Now, this appears to be your statement that
16 we've been talking about and if you can highlight
17 that portion up there, that's March 2nd at 2:55, I
18 assume it's PM?

19 A Well, it wouldn't have been an AM.

02:14 20 Q No, I appreciate that, but it would appear that
21 when Albert went to the police for the first time
22 it would have been very close in proximity to when
23 they were talking to you?

24 A It appears so.

02:14 25 Q So it wasn't really a month later you talked, it



1 appears it was actually the same day?

2 A From this it appears to be, yes.

3 COMMISSIONER MacCALLUM: What's the time of
4 Albert's statement, please?

02:14 5 MR. WOLCH: I'm sorry, I just saw it and I
6 forgot it again.

7 MR. FOX: Albert's statement is 12:30.

8 MR. WOLCH: 12:30.

9 COMMISSIONER MacCALLUM: PM?

02:14 10 MR. FOX: We'll hear evidence as to whether
11 the AM should be crossed out.

12 COMMISSIONER MacCALLUM: Thanks.

13 MR. WOLCH: Unfortunately on my computer,
14 the image, I couldn't pick it up. If I can be
02:15 15 helped as to the exact times, I have no
16 difficulty with that.

17 COMMISSIONER MacCALLUM: Yes, I see the AM
18 seems to be stricken.

19 BY MR. WOLCH:

02:15 20 Q Yes. Mr. Commissioner, I tried to look in the
21 police reports, but for some reason my image won't
22 come up today. Perhaps in not delaying matters,
23 my friend can try and get that information for us,
24 but it would have been possibly a couple hours'
02:15 25 separation between the time he actually signed his



1 statement or began it, I don't know, but pretty
2 close in time it appears.

3 A That surprises me.

4 Q And I don't blame you for all those years, but it
02:15 5 seems that you were both talked to very closely?

6 A Uh-huh.

7 Q So that when you were recalling what occurred on
8 the morning of the Miller murder and Albert was
9 recalling for the police, you were both thinking
02:16 10 back approximately the same time?

11 A Yes.

12 Q You see that now?

13 A Uh-huh.

14 Q Now, we talked about how you might have made this
02:16 15 statement and might I suggest to you that the way
16 the statement was taken is that the officer might
17 ask you a brief question, you would answer, he
18 would write down what you said and then he would
19 ask you another question, you would answer, he
02:16 20 would write it down and that's the way it would
21 go, so in the end of the day what appears is your
22 various answers without the questions that were
23 asked. Would that be fair?

24 A I would say so.

02:17 25 Q Now, would that not be more logical than you



1 talking to him, him going away and writing
2 everything up and then coming back and --

3 A Never.

4 Q No, let me finish -- coming back and saying here
02:17 5 Celine, sign this? It was a work in progress is
6 what I'm suggesting to you.

7 A Yes.

8 Q Right?

9 A Yes.

02:17 10 Q And you were doing your best to tell him what you
11 remembered?

12 A That's correct.

13 Q Sure. And, for example, your statement starts off
14 giving your age, your address and you were
02:17 15 attending the business college. I would suggest
16 he probably said to you, Celine, tell me something
17 about yourself, you live here, what do you do for
18 school and you would give him the answer and he
19 would write it down. Is that probably not how it
02:17 20 went?

21 A It seems to me that first of all we talked and
22 then he started again and then he would ask a
23 question like that and we would write -- he would
24 write.

02:18 25 Q Do you know if -- I take it, given your previous



1 answers you couldn't possibly know this, but
2 whether Albert was still at the police station or
3 at home when this statement was being made?

02:18 4 A I know nothing about what was going on with
5 Albert.

6 Q No, but do you know if he was home I guess is what
7 I'm saying.

8 A Not to my recollection.

02:18 9 Q And now that you see that you both made your
10 statements on roughly the same day, do you have
11 any memory of after that day the two of you
12 saying, "What did you say? What did you say?"

13 A No.

02:19 14 Q Okay. Now, you start off the statement -- if I
15 can have that enlarged, please -- that around nine
16 or 9:30 in the morning David Milgaard came to your
17 house asking for Albert, and I'll read a little
18 faster than what it says, that David has the
19 nickname Hoppie. I was in bed upstairs and they
02:19 20 were talking loudly. I came downstairs about half
21 an hour later. And I'll pause there. Now, that
22 would have been your memory then as to what
23 occurred?

24 A Yes.

02:19 25 Q And I also note that on this particular page you



1 signed it?

2 A Yes, I did.

3 Q So I take it the officer, when he got to the
4 bottom of the sheet, would have you read it over
02:19 5 and sign it; is that how it worked?

6 A I can't remember if that's how it was done or if I
7 read it all and then signed all the pages.

8 Q And it appears on the side here that it looks like
9 a Sergeant Porter, I think the name is, I could be
02:20 10 wrong about that, but in any event, it does appear
11 that you had signed the page as you completed the
12 page I expect?

13 A I have no recollection of how this was done.

14 Q Okay. If I can have the next page, please, and
02:20 15 highlight that portion. Now, you say here, you
16 are talking about going to Regina. Now, do you
17 have any recall or any idea why you would have
18 said Regina?

19 A I probably would have heard about it.

02:20 20 Q So that's what you thought at the time?

21 A At the time.

22 Q And talking about staying, that they might be
23 staying in the house for a while?

24 A If I said it at that time, that is probably what I
02:21 25 heard.



1 Q Oh, absolutely, but that is different than being
2 in a hurry to leave you would agree?

3 A When I did get up, that had changed.

4 Q Okay. But at that point in time staying is the
02:21 5 absolute opposite of being in a hurry to leave?

6 A Yes.

7 Q "They came upstairs and Hoppie and a girl
8 looked in my bedroom and then knocked and
9 asked if they could see my bedroom."
02:21 10 Now, that's also contrary to somebody in a hurry
11 to leave, they want to see a bedroom; right?

12 A I just took it to mean that when young people are
13 together, "hey, can we see your room, is it still
14 like it used to be?"

02:21 15 Q Okay. But it's sort of the opposite of somebody
16 being in a hurry?

17 A They were still trying to find a way to fix their
18 vehicle.

19 Q Oh, absolutely, but do you not agree with me that
02:22 20 that very comment, that they want to see your
21 bedroom, is equivalent to not being in a hurry?
22 If you don't agree you don't, but it seems to make
23 sense to me.

24 A I don't know.

02:22 25 Q Okay. Scroll down a little bit if you don't mind.



1 Now, you say here that when he stayed with us
2 about a year ago, he had used my bedroom and at
3 that time it had the posters on the wall. Now, I
4 thought I heard, and I could be wrong, I thought I
02:22 5 heard you today to say that they were going into
6 the wrong bedroom, they were looking for Albert's
7 bedroom?

8 A Albert's bedroom -- I was in the bedroom where
9 Albert had been when Hoppie had stayed there
02:22 10 before, but I only know that because Albert had
11 said he had stayed there before, the bedroom was
12 opposite where the boys were then.

13 Q I got the impression, and believe me, I could be
14 wrong, I got the impression this morning that what
02:23 15 you were saying is they came to the wrong bedroom?

16 A Yes.

17 Q And the statement seems to indicate they came to
18 the right bedroom?

19 A For the person that had been there the year
02:23 20 before, if that had been Albert's bedroom, it
21 would have been the correct bedroom, but he was
22 surprised when he saw me in there.

23 Q Well, it says here, "... when he stayed with us
24 about a year ago, had used my bedroom," not
02:23 25 Albert's.



1 A Well, it was my bedroom now.

2 Q Okay.

3 A That's what I meant by that.

4 Q Can I go further down, please. Now, this page
02:23 5 also appears to bear your signature?

6 A Yes, it is.

7 Q And that of the sergeant?

8 A Yes.

9 Q Now, that would suggest to me that you were
02:24 10 carefully looking at this or at least reading it
11 or something?

12 A Well, I wouldn't have signed it without reading
13 it. I think we agreed that what I had written in
14 there was the truth as I saw it that day.

02:24 15 Q That day?

16 A (Nods head).

17 Q Could I get the next page, please. If I can have
18 this portion highlighted, please.

19 "I went downstairs shortly afterwards and
02:24 20 Hoppie introduced a young man and woman to
21 me. The woman was about 16 and the man
22 about 17 or 18. I don't recall either of
23 their names."

24 And if you can just go further than that.

02:24 25 "The man and woman did not say much, but



1 Hoppie kept talking about leaving and
2 wanting Albert to go with him."

3 Just pausing there for a minute, there's nothing
4 in there to indicate anything unusual about these
02:25 5 people in terms of crying, under stress, under
6 duress or anything like that is there?

7 A I know that I mentioned it to the police officer
8 at the time and he said, "Would you say this would
9 be correct?" That was correct as well, you know.

02:25 10 Q Well, I'm assuming that what happened here is you
11 would say, "They came up to the room," and the
12 officer would say, "What did they do next?" and
13 you would say, "Well, they came downstairs." He
14 might say, "What did they say?" and you would say,
02:25 15 "They didn't say much." I'm suggesting that's how
16 this statement evolved.

17 A I would think so, as near as I can remember.

18 Q Right. Now, are you suggesting that at that point
19 in time you would have said to this officer, back
02:26 20 on March 2nd of '69, that you would have said, oh,
21 she was crying, he was intimidating, or anything
22 like that, and the officer says I'm not going to
23 put it in?

24 A If I had told my story, I wouldn't have said it in
02:26 25 that way, I would have just told him what I had



1 observed and I think that what he would have said
2 would be, well, what would you say, you know, is
3 it -- was it, you know, crying, what is crying,
4 are you whimpering, are you crying profusely, and
02:26 5 I would say, well, maybe it isn't worth
6 mentioning, you know. I'm pretty sure that for
7 myself that seemed -- well, they didn't say very
8 much and, you know -- but it made sense.

9 Q But you understood the officer was there because
02:27 10 your brother, possibly that day or the day before,
11 had gone to the police telling him, telling the
12 officer something about David Milgaard being a
13 suspect, you understood that?

14 A I understood that, yes.

02:27 15 Q And you understood the officer that came to talk
16 to you was seeking any information that would
17 assist in the investigation of the Miller murder?

18 A Uh-huh, yes.

19 Q And anything unusual in terms of David's behaviour
02:27 20 would be important?

21 A I had no idea at that time what was important and
22 what wasn't.

23 Q You were --

24 A No idea.

02:27 25 Q You were 20 years old, you were going to school, a



1 business school. Are you suggesting, when you
2 know your brother has gone to the police pointing
3 a finger possibly at David, the police are there
4 talking to you about the events of that morning,
02:28 5 that you wouldn't appreciate that anything that
6 would help them in investigating David would be
7 useful?

8 A I didn't think that had anything to do with it, I
9 just didn't, no.

02:28 10 Q But surely you appreciated that whether there was
11 blood on the clothes was important?

12 A I didn't know about the blood on the clothes until
13 later.

14 Q Well, but you knew it was important, they asked
02:28 15 you about it.

16 A I knew nothing about the blood on the clothes. I
17 knew that they had changed clothes. I never even
18 thought to ask him until later when it came out
19 why he was changing his clothes.

02:28 20 Q Okay. What --

21 A Am I off topic?

22 Q Well, that's part of our problem. I'm trying to
23 get you back to your mind then and what you knew,
24 not what you may have learned in conversations
02:28 25 over 20 odd years of time, and I'm trying to place



1 you back as to what you knew way back then when
2 this officer is there with a particular purpose,
3 okay, so let's go back to that. Now, you say that
4 Hoppie was neatly dressed in dark trousers and
02:29 5 sweater or something; correct?

6 A Yes.

7 Q And that obviously wouldn't have been your dad's
8 clothes?

9 A The dark trousers may have been.

02:29 10 Q Well, surely you would have told the police
11 officer, who is asking you about David's clothes,
12 he's wearing my dad's clothes?

13 A No, it wouldn't have occurred to me, but I'm
14 pretty -- I told him that he was wearing, he
02:29 15 changed into a pair of my dad's clothes because I
16 knew dad didn't have very many work clothes and
17 they were too short.

18 Q Well, that doesn't appear anywhere here does it?

19 A No.

02:29 20 Q Now, when you say he was neatly dressed in dark
21 trousers and a sweater or something, would you not
22 agree with me that if in your mind at that time
23 you had any knowledge of changing clothes and
24 wearing your father's clothes, that you wouldn't
02:30 25 have said he was dressed in dark trousers without



1 clarifying that?

2 A I have no idea.

3 Q And you did sign right below that --

4 A Yes, I did.

02:30 5 Q -- having read that over and knowing what you
6 said; correct?

7 A Uh-huh.

8 Q Can we move to the next page, please. Highlight
9 that part, please. Just a little bit more than
02:30 10 that.

11 "I don't recall seeing any blood on his
12 clothing."

13 That implies you saw his clothing.

14 A Well, when I got up he was wearing clothes.

02:31 15 Q But his clothing isn't your father's clothing.

16 A Well, by that statement I meant the clothes that
17 he had on, personally on his body.

18 Q The officers are interested as to whether or not
19 this young man had blood on him, that would have
02:31 20 been obvious to you?

21 A I didn't know about any blood at that time, sir.

22 Q Well, hadn't Albert told you that before he went
23 to the police?

24 A No. Oh, yes, he did.

02:31 25 Q Isn't that the reason he went to the police, or



1 one of the reasons?

2 A Yes.

3 Q So blood on the clothes you knew to be important?

4 A I don't know what to say. I just -- I didn't see
02:31 5 any blood on his clothing --

6 Q I appreciate that.

7 A -- when I got up.

8 Q But do you not think, and I'm asking you to
9 reconstruct, do you not think if it was your

02:32 10 father's clothes you were talking about you would
11 have told the officer, "I didn't see any blood,
12 but it wasn't the clothing he came in with, I was
13 looking at my dad's clothes"?

14 A Well, I don't know. I don't think that -- I don't
02:32 15 know what I said at this time, but, I mean, it
16 wouldn't have occurred to me how specific and how
17 clear you would have to be when you gave a
18 statement at that time. I had no idea how to give
19 a statement even.

02:32 20 Q Well, I appreciate that, but this is not complex;
21 correct?

22 A Apparently for me it is.

23 Q No. I suggest to you, and I've seen you on the
24 stand, and that if somebody says to you did you
02:33 25 see blood on clothes, that's not a difficult



1 question to answer?

2 A Well, according to that statement, when I got up
3 that morning and saw David, the clothes that he
4 was wearing at that moment in time had no clothing
02:33 5 (sic) on it and that is what I meant by that
6 statement.

7 Q No blood on it you mean?

8 A No blood on them, no.

9 Q Okay. You agree with me there's no mention of a
02:33 10 change of clothes at all in this statement?

11 A No, there isn't.

12 Q And you know the police are interested in whether
13 there's blood on clothing obviously?

14 A Obviously they should have been.

02:33 15 Q Just scroll down a bit, please. By the way, how
16 tall was your dad?

17 A About five foot six maybe, five foot five. Five
18 foot five about. Skinny little guy.

19 Q Okay.

02:34 20 "I would describe Hoppie as being about 5'5"
21 or 6" tall."

22 Do you see that?

23 A At that time I would have been a poor person to
24 ask how tall anybody was because I could only
02:34 25 relate to how tall I was which was five foot



1 nothing. Now if you ask me how tall people were,
2 I would have a better idea, but --

3 Q But your impression was that --

4 A He was taller than I was.

02:34 5 Q But you specifically said five foot five or five
6 foot six?

7 A Yes.

8 Q So he was five or six inches taller than you?

9 A I think so.

02:34 10 Q And probably the same height as your dad?

11 A Maybe taller.

12 Q Well, five five or five six is the same height as
13 your dad I thought.

14 A Yes.

02:34 15 Q So why wouldn't your dad's pants fit and why would
16 they be leaving a whole bunch of leg showing?

17 A I would think that would be because dad would buy
18 whatever he could buy on sale and he just made
19 them do. I have no idea about that.

02:34 20 Q Well, I suggest to you that if you actually
21 thought that David had put on your dad's pants and
22 he had a bunch of leg showing, you would have told
23 the police David's pretty tall.

24 A I saw about four inches of leg showing, but that
02:35 25 is all that I remember, and I can remember saying



1 to him, you know, if you need a pair of pants that
2 fits you, you need to come to a house where people
3 are taller than this, so perhaps I was wrong with
4 my height then, he was maybe quite taller than
02:35 5 that.

6 Q And I'm not clear, is this something you would
7 have told the officer or something that you didn't
8 tell the officer?

9 A No, I'm pretty certain I told the officer that he
02:35 10 was sitting there with his legs crossed and this
11 much leg showing.

12 Q So you are pretty confident you told the officer
13 that he changed clothes, got your dad's pants and
14 all that sort of stuff, that the officer for some
02:35 15 reason didn't put it down, that you are confident
16 of?

17 A I'm pretty sure about that, but --

18 Q If you can just go down the page, please. You
19 mention there was some four letter words being
02:36 20 used?

21 A Yes.

22 Q That was out of your presence?

23 A Out of my presence.

24 Q And then it became, when you were there, a better
02:36 25 choice of language?



1 A Yes.

2 Q Just go down the page, please. Now, you say here:

3 "Hoppie, or David Milgaard does not work to
4 my knowledge."

02:36 5 Now, I'm going to suggest to you that that was in
6 answer to a question.

7 A Yes.

8 Q You wouldn't just blurt that out?

9 A No, I would have been asked what they did.

02:36 10 Q And so you would be asked that question, the
11 officer would write that down?

12 A Yes.

13 Q Okay. In fact, you had, on March 2nd of '69, very
14 little information, if any, about whether David
02:37 15 worked or not?

16 A That's what I said earlier this morning, I'm not
17 comfortable with that part.

18 Q Well, it's correct, though, to your knowledge you
19 don't know?

02:37 20 A Yes, but I didn't have a right to judge anybody.

21 Q Okay. But the question was asked, you gave an
22 honest answer?

23 A Uh-huh.

24 Q And once again you signed the paper?

02:37 25 A Yes.



1 Q And presumably you read it all over?

2 A Yes.

3 Q Okay. Can I go to the next page, please. I'm not
4 sure what that says there, but:

02:37 5 ." .. he is a hippie and goes about his
6 ways in a carefree manner."

7 Was that, do you think, in response to a
8 question?

9 A I have no idea today.

02:38 10 COMMISSIONER MacCALLUM: I really think you
11 should show her what preceded that. It's right
12 in the middle of a sentence. We don't even know
13 who he refers to.

14 BY MR. WOLCH:

02:38 15 Q I expect it's David, My Lord, but I'll -- okay.
16 "Hoppie, or David Milgaard does not work to
17 my knowledge. He --"

18 MR. HODSON: Makes.

19 MR. WOLCH: Sorry?

02:38 20 MR. HODSON: Makes.

21 BY MR. WOLCH:

22 Q "-- makes out like he is a hippie and goes
23 about his ways in a carefree manner."

24 Just a follow-up of what I put to you before,

02:38 25 ma'am. Now, once again that's likely in response



1 to the officer asking you for information about
2 David?

3 A And looking back on it now, I would agree with
4 that and I would have made that assumption from
02:39 5 being introduced to him and realizing that he had
6 spent the summer with my brothers three or four
7 years earlier and that is how they all lived at
8 that time and that's, you know, looking back at it
9 now, I'm thinking I really didn't know that for
02:39 10 sure, I just assumed it, so --

11 Q You were trying to be helpful in answering
12 questions. Can we go down the page, please. You
13 say:

14 "I don't know anything about his dealings
02:39 15 with girls except I am sure he has no
16 respect for them."

17 I assume the officer asked you a question, what
18 do you know about David and girls, this sounds
19 like an answer; do you agree?

02:39 20 A I would say that would be true and I would say my
21 statement that I am sure he has no respect for
22 them would come from my observation with David
23 with Ron and Nichol, but I have no mention of it,
24 so --

02:40 25 Q But the officer did write this down though?



1 A Yes.

2 Q Can you go down, please. You say:

3 "During the hour or so that they were here,
4 I did not pay too much attention to their
02:40 5 conversation."

6 Would that be accurate?

7 A No. Yes. I mean, yes, that would be accurate.

8 Q I take it once again in all likelihood the officer
9 said, in effect, did you pay attention to what
02:40 10 they said or could you hear what they said and you
11 responded in that way and the narrative continued?

12 A I would say so.

13 Q "They were happy to see each other, that
14 is Albert was happy to see --"
02:41 15 I'm not sure what it says.

16 A Hoppie.

17 Q "-- Hoppie and vice versa."

18 So they were all happy to see each other?

19 A Yes, I would say so.

02:41 20 Q If we can go down, "They talked of what they had,"
21 and once again you signed it?

22 A Yes, I did.

23 Q And likely would have read it over to make sure it
24 reflected what you wanted it to say?

02:41 25 A Yes.



1 Q Can we get the next page, please. Is there a next
2 page?

3 A It's blank.

4 Q That's the last page? Okay. So I take it, as you
02:41 5 indicated, that it comes as a surprise to you now
6 to realize that you made the statement basically
7 the same day as Albert had signed his?

8 A Yes, it does.

9 Q And without going through the statement, would you
02:42 10 agree with me that there is nothing in the
11 statement, and you can direct me to it, to suggest
12 that David had been in any difficulty within the
13 last hour and a half or had done anything that
14 should draw attention to him? We're talking about
02:42 15 in your statement, not --

16 A No, no, there isn't.

17 Q There isn't a single thing in there that suggests
18 any unusual behaviour, having been involved in
19 anything unusual or anything that would create
02:43 20 suspicion in the reader's mind that you can point
21 to?

22 A I don't think so.

23 Q And you made this statement after Albert had
24 raised with you his observations as to what he saw
02:43 25 and what caused him difficulty?



1 A Yes, I did.

2 Q And after you made this statement, did any police
3 officer talk to you about what you had seen on
4 that morning in the next 20 years or so?

02:44 5 A No, not until, what is it, 1990.

6 Q At any time, I want to be clear, if Detective
7 Karst or any of the officers came around the
8 house, did any one of them come to you and say,
9 "Celine, is your statement accurate?" or "Did you
02:44 10 say that?" or anything like that?

11 A I have no recollection of, you know, my speaking
12 to them other than saying hello, how are you
13 today.

14 Q Did the Crown prosecutor call you in and say to
02:44 15 you, "Celine, given your statement, do you want to
16 correct this or is this accurate?"

17 A No.

18 Q Did the prosecutor ever say to you or come to see
19 you and say you should be a witness in the
02:44 20 Milgaard case or you should add to what you saw
21 that morning?

22 A No.

23 Q Did the defence attorney ever come to you and say,
24 "Celine, can you come to court and give us your
02:45 25 account of that morning?"



1 A No.

2 Q So absolutely nobody, defence lawyer, Crown
3 attorney, police officer, investigator, nobody
4 came to you as David Milgaard was going through a
02:45 5 trial, a preliminary and trial, to say to you,
6 "Celine, is this a truthful statement and can you
7 come to court and tell your story?"

8 A To my best recollection, no.

9 Q And had you been asked, you would have gone?

02:45 10 A Yes.

11 MR. WOLCH: Thank you.

12 MR. HODSON: Mr. Commissioner, Mr. Wolch
13 had asked for a couple of documents. I just want
14 to show them to him.

02:46 15 MR. WOLCH: Mr. Commissioner, my friend
16 does have that information. I have no problem
17 with him telling you what it is.

18 COMMISSIONER MacCALLUM: Put it on the
19 record then.

02:46 20 MR. HODSON: Yeah. There's just a couple
21 entries from a notebook here that maybe we could
22 just refer to, and the reason I raised it is if
23 Mr. Wolch doesn't have any questions about it, I
24 can put it in on re-examination. I just wanted
02:46 25 to alert him to it before he's done.



1 MR. WOLCH: My friend knows it better than
2 I. I'm happy to have him do it.

3 COMMISSIONER MacCALLUM: Thank you very
4 much. Mr. O'Keefe?

02:46 5 **BY MR. O'KEEFE:**

6 Q Good afternoon, Mrs. Armstrong. My name is Eamon
7 O'Keefe, I represent Larry Fisher.

8 I just wanted to take you back
9 to the Larry Fisher trial if I could. You recall
02:46 10 being subpoenaed to attend court?

11 A Is a subpoena when you are handed a letter or do
12 you --

13 Q Well, you recall coming to court to testify for
14 the Larry Fisher trial?

02:47 15 A Yes.

16 Q And if we could bring up document 310233, please.
17 This is the transcript of the proceedings at the
18 trial and you were called as a witness, I
19 understand, by Brian Beresh?

02:47 20 A Yes.

21 Q If we could go to page 310239, please, and up in
22 the top corner of this page you'll see that this
23 is the examination-in-chief by Mr. Beresh. He
24 asked you some questions regarding the house that
02:47 25 you lived in on Avenue O in Saskatoon. Do you



1 recall that?

2 A Yes.

3 Q If we could just focus in on that portion there,
4 please. I'll just read you some of the questions
02:48 5 and answers that came out at the trial and then
6 I'll have a couple of other questions for you at
7 the end of that. The first question is:

8 "Q Can I ask you about the soundproofing of
9 the house?

02:48 10 A It wasn't very good.

11 Q What does that mean?

12 A It means you could hear pretty well what
13 went on in any corner of the house, at
14 any time. There was a grate in the
02:48 15 living room in those days, you know,
16 when you first moved into the house
17 there was an oil heater in the living
18 room so there was a grate in the living
19 room that made the sounds very audible
02:48 20 upstairs, and also the sound in the
21 kitchen echoed. You could hear what was
22 going on in the basement, you could also
23 hear what was going on upstairs and
24 downstairs. It just had a very good
02:48 25 echo."



1 Q Was it a very big house?

2 A Not really."

3 And do you recall giving that evidence at the
4 trial?

02:48 5 A Yes.

6 Q And that's today an accurate account of the way
7 the house was?

8 A Yes.

9 Q Can I ask you if you recall on January 31st, 1969
02:49 10 hearing any unusual noises or commotion from the
11 basement of the residence?

12 A No, not at this time.

13 Q Were you aware of Larry Fisher's comings and
14 goings back in January of 1969?

02:49 15 A No. They had an entrance that went -- like, we
16 were never allowed to go downstairs even close to
17 the basement area. They had a private entrance
18 that went to the north and other than maybe
19 crossing paths if we were both coming down on the
02:49 20 front walk, but I never ever really saw this
21 person very much, or Linda for that matter.

22 Q Did you ever see Larry Fisher leaving for work in
23 the morning?

24 A Probably, but it's not a clear memory for me.

02:49 25 Q Do you have any recollection today of whether Mr.



1 Fisher would have left for work before you went to
2 school or after?

3 A No.

4 Q You had mentioned in your testimony earlier today
02:50 5 recalling some loud arguments or fights coming
6 from the basement?

7 A Yes.

8 Q If there were loud noises or any sort of a
9 commotion coming from the basement, is that
02:50 10 something that would likely be heard upstairs on
11 the main floor of the house?

12 A Yes, it ordinarily would.

13 MR. O'KEEFE: All right. Thank you.

14 COMMISSIONER MacCALLUM: Mr. Fox? Just,
02:50 15 ma'am, did you understand him to ask you could
16 they be heard upstairs meaning on the ground
17 floor or upstairs on the second floor?

18 A On the second -- oh, I didn't. What did --

19 COMMISSIONER MacCALLUM: What did you mean,
02:50 20 Mr. O'Keefe?

21 MR. O'KEEFE: I meant upstairs actually
22 anywhere in the house.

23 COMMISSIONER MacCALLUM: Either the main
24 floor or the second floor?

02:51 25 MR. O'KEEFE: Yeah.



1 A It would be very loud, whatever was going on down
2 in the basement, if they were arguing you could
3 hear it very clearly on the main floor. It would
4 probably be less audible upstairs.

02:51 5 COMMISSIONER MacCALLUM: Thanks.

6 **BY MR. FOX:**

7 Q Thank you, My Lord. Mrs. Armstrong, I'm Aaron
8 Fox, I'm the lawyer for Eddie Karst, he was one of
9 the police officers involved in the original
02:51 10 investigation. I'm going to try not to go over
11 too much that you've already covered a couple of
12 times, but I'll just try and -- there's a few
13 things I did want to ask you about and maybe
14 clarify a bit if I can.

02:51 15 You mentioned that morning that
16 you went out to catch the bus and the normal time
17 you would catch the bus you said was about 10 to
18 eight?

19 A Yes.

02:51 20 Q And you indicated that morning the busses would be
21 running at that time every 10 minutes?

22 A Yes.

23 Q And -- but you said that the second bus didn't
24 come. Did I understand you correct?

02:52 25 A Yes.



1 Q Can you explain to me what you meant by that?

2 A What I meant by that is that the busses at that
3 time on 20th Street, they were electric busses and
4 they had lines that hooked up to the electricity.

02:52 5 Q Right.

6 A And the bus was supposed to be there -- I would go
7 out there at 10 to eight and if I missed the first
8 bus, then I would catch the next one that would,
9 you know, in theory, 10, 12 minutes, something
02:52 10 like that --

11 Q Right.

12 A -- and I would still get to school on time. The
13 bus -- when the time came for the second -- the
14 first bus didn't come, the second one didn't come
02:52 15 and I knew that when the -- it was very foggy that
16 day, you could hardly see your hand in front of
17 your face, and as I was feeling worse and worse I
18 thought if I faint here maybe nobody will find me,
19 so I just went -- I thought maybe they are
02:52 20 cleaning the lines or -- because they would have
21 to pull them down, clean them off, so I thought,
22 you know, maybe there's a better time to go to
23 school.

24 Q Okay. From your experience that kind of weather
02:53 25 conditions --



1 A Yes.

2 Q -- would sometimes cause --

3 A That's what I assumed had happened.

4 COMMISSIONER MacCALLUM: Just wait until
02:53 5 he's done the question.

6 BY MR. FOX:

7 Q And I know I've got a bad habit of cutting people
8 off too. So normally there's a rotation of busses
9 and the second rotation of busses, or the one that
02:53 10 should have come, you don't why that was, because
11 the line was causing a problem or broke down or
12 whatever, but that bus wasn't there that should
13 have been there?

14 A Yes.

02:53 15 Q And as a result, now you are standing out there
16 for, I take it from what you said, going on 20
17 minutes and decided best just to go home?

18 A That's right. That's correct.

19 Q And was that your normal time for catching the
02:53 20 bus, at about 10 to eight?

21 A Yes.

22 Q Okay. And you would have left to go catch the
23 bus -- to catch the bus about what time would you
24 have left your house?

02:54 25 A Just probably five minutes before that. It was



1 just at the end of the block.

2 Q Maybe a quarter to eight, something like that?

3 A Yes.

4 Q And in your travels to the bus stop, back from the
02:54 5 bus stop or while you were there, do you recall
6 seeing any other people at all?

7 A On that given day?

8 Q Yes.

9 A No.

02:54 10 Q Any recollection -- like, would you have
11 recognized Larry Fisher that day?

12 A I probably would have recognized him, but I didn't
13 see anybody.

14 Q Didn't see anybody, okay. And I take it, and I'm
02:54 15 sure you've thought about this, but you don't
16 recall seeing anything on the ground or just
17 thrown around like a wallet or anything like that
18 that might somehow now be associated with the Gail
19 Miller death?

02:54 20 A No. It was just too foggy to see even the fence
21 posts.

22 Q So visibility was very limited?

23 A Yes, it was very poor.

24 Q Now, going then to -- you are upstairs in your
02:55 25 bedroom, you hear somebody come in and this



1 greeting that takes place downstairs between the
2 person you knew at that time as Hoppie and your
3 brother, I take it from what you've said any
4 changing of clothing that apparently was taking
02:55 5 place involving David Milgaard took place before
6 you got downstairs?

7 A Yes, and the only reason I knew it was, assumed it
8 was taking place was because they would be
9 trying -- they would say, "Well, try this pair on,
02:55 10 you know, this one is too short, try this one,"
11 and then --

12 Q And I understood that when you heard David
13 Milgaard come in downstairs, that there was
14 something said by your brother about the condition
02:55 15 of his pants?

16 A I didn't know what he was talking about. When
17 they walked in I heard them say, you know, how are
18 you, whatever. I'm not sure clearly what the
19 right words were, but I could hear back slapping
02:56 20 going on, that's what it appeared to be, and I
21 distinctly remember my brother saying, "Hey, man,
22 what happened to you?" and I could hear the other
23 voice saying, "Ah, you know," and my brother said,
24 "Ha ha ha, I'll see what I can do for you,"
02:56 25 something like that.



1 Q And there followed discussions then about getting
2 him a pair of pants or him wanting a pair of
3 pants?

4 A He asked right away -- the other voice asked right
02:56 5 away, he said, "Hey, man, do you have a pair of
6 pants?" and it was -- and then it was all mixed up
7 with how are you, where have you been, you know,
8 my car is broke down, you know, and then it would
9 come back to, the conversation would come back to
02:56 10 say, "Hey, man, do you have a pair of pants?"

11 Q Okay. You talked and you've been asked a number
12 of questions about your observations of Nichol
13 John that morning, whether she was crying or if
14 you mentioned that she was crying or not. Looking
02:57 15 at it -- I'm going to walk through your statements
16 a little bit -- looking at your 1969 statement,
17 and that statement is 030680, maybe if we could
18 just put that up, would it be fair to say that the
19 information in that particular document, and
02:57 20 please read it in its entirety if you want, that's
21 the first page and there's a little bit more of a
22 second page, if you want to take a second to take
23 a look at it.

24 A What is the question you are going to ask?

02:57 25 Q I'm just going to ask you, I was going to ask you



1 if the information in that particular statement is
2 basically correct, but obviously -- but that you
3 had additional information or additional knowledge
4 of what took place the morning of January 31st,
02:58 5 1969 which doesn't appear in that document?

6 A That is correct.

7 Q And, for example, I note in that statement on the
8 page that you are looking at about halfway
9 through, that paragraph begins by:

02:58 10 "The man and the woman did not say much, but
11 Hoppie kept talking about leaving and
12 wanting Albert to go with him."

13 I take it if somebody had asked you for more
14 details about, well, how actually did the man and
02:58 15 woman behave or how did they conduct themselves,
16 would you have been able to give them that
17 information if somebody wanted it?

18 A Yes.

19 Q And you have been able to provide that to us
02:59 20 today?

21 A I would say the reason of my concern, if they had
22 asked, would have been just the fact that Albert
23 was, you know, wanting to go and get his \$200 out
24 and I just -- that's why I remember it.

02:59 25 Q Right, you mentioned that, and I think this was



1 asked of you by Mr. Wolch, that -- I'll just see
2 if I can find the reference. Right at the very
3 bottom, the last paragraph:

4 "During the hour or so that they were here,
03:00 5 I did not pay too much attention to their
6 conversation."

7 The next sentence which was highlighted for you:

8 "They were happy to see each other, that is
9 Albert was happy to see Hoppie and vice
03:00 10 versa."

11 My learned friend Mr. Wolch suggested, put that
12 to you, that they were all happy to see each
13 other. Did you get any impression that Ron
14 Wilson or Nichol John were happy to see each
03:00 15 other, happy to be there or happy to see
16 Hoppie -- or Shorty, or your brother Albert?

17 A They all seemed happy to be together and -- would
18 you ask me the question again, please?

19 Q Sure. When you said in that statement, if you can
03:00 20 look at the sentence:

21 "They were happy to see each other, that is
22 Albert was happy to see Hoppie and vice
23 versa."

24 Who were you referring to as being happy to see
03:00 25 each other?



1 A Well, I think my brother was very happy to see
2 Hoppie and the others were talking and laughing
3 and, you know -- so I don't know who was the
4 happiest.

03:01 5 Q Was there a difference in demeanour or character
6 between Nichol John and Ron Wilson versus David
7 Milgaard?

8 A There was, yes.

9 Q And did you see that throughout?

03:01 10 A From the time that I was up.

11 Q Okay. And I'm sure you've answered this probably
12 three or four times already, but in general terms,
13 what was the difference in demeanour or character
14 that you saw?

03:01 15 A It just seemed to me that they were always
16 together, that Ron and Nichol were always
17 together. If you talked to them, Nichol just
18 seemed to whimper or something and I thought how
19 odd, I wonder what's wrong with her. She would
03:01 20 start to cry a little bit and Ron would take her
21 off into a corner, so I can remember, you know, a
22 corner in the kitchen here, she started crying and
23 other times he took her into the living room into
24 this one corner and I didn't really know what to
03:02 25 think. I just thought it was odd.



1 Q Can I refer you to your 1990 statement, and that's
2 I think 002166, and I'm going to have you go just,
3 if you can, to the second page of that statement,
4 if you could just highlight about that area there,
03:02 5 please. Now, my learned friend Mr. Hardy pointed
6 out to you that you didn't specifically make
7 reference to your father's pants in this
8 statement, but I note there that you have in this
9 statement the words:

03:03 10 "I asked Hoppie if the pants were suitable
11 and he laughed and said they were."

12 Do you --

13 A That would be what I remember. That would be the
14 most, you know -- that would be accurate.

03:03 15 Q Okay. And do you know what you were referring to
16 when you would have made that statement, like, why
17 you would have said that to him?

18 A I just remember making breakfast and looking over
19 at him and I saw this, you know, this skin, and I
03:03 20 just said I guess those are going to have to do,
21 you know, and he said I guess so, you know.

22 Q And when you told him -- sorry?

23 A Sorry.

24 Q When you told the police in 1990, "I asked Hoppie
03:03 25 if the pants were suitable and he laughed and said



1 they were," do you recall if there was any
2 follow-up conversation with him at that time as to
3 what you meant by that?

4 A No, I don't recall.

03:03 5 Q And you were asked about -- hang on one second.
6 You were asked if you had referenced Nichol John
7 crying in your statements in 1990 and indicated
8 you had, but if we can turn to page 3 of that same
9 statement, the paragraph there:

03:04 10 "I had very little contact with the male and
11 female with Hoppie. Hoppie was the dominant
12 one and there was no doubt he was in
13 charge."

14 Do you recall -- first of all, you recall saying
03:04 15 that to the police or --

16 A Yes.

17 Q That would be accurate?

18 A Yes.

19 Q And can you tell me what caused you to conclude he
03:05 20 was the dominant one and he was in charge?

21 A I would say whenever Nichol would start to cry and
22 Ron would try to comfort her, Hoppie would look
23 over at her and she would just clam up, and he was
24 also the dominant one because he was the one that
03:05 25 was looking in the phone book, you know, they were



1 trying to find a garage to fix their vehicle or
2 whatever, he was pretty well in control of the
3 situation.

4 **Q** Okay. In your statement that was given in 1998,
03:05 5 and that's statement 301103, you recognize that
6 statement there and we've asked you some questions
7 about that today already?

8 **A** Yeah.

9 **Q** If we could turn to page 7 of that, which I think
03:06 10 is 301109, and although you didn't, as has been
11 pointed out, specifically mention Nichol John
12 crying, you did say at that time in the statement
13 right in the last full paragraph, I've highlighted
14 there:

03:06 15 "They --"

16 And I'm assuming you are meaning Ron Wilson and
17 Nichol John?

18 **A** Yes.

19 **Q** "They weren't comfortable with Milgaard.
03:06 20 They kind of stuck together in their own,
21 like they would be in the living room and
22 he'd been in the kitchen keeping Albert on
23 the move. He was definitely the leader.
24 Whatever he said they did. If he barked,
03:06 25 they jumped."



1 A That's right.

2 Q And again that would be consistent with the
3 observations that you've described already in
4 reference to the last statements?

03:06 5 A Yes.

6 COMMISSIONER MacCALLUM: What's the date of
7 that, Mr. Fox?

8 MR. FOX: My Lord, that's the 1998
9 statement and that's document 301103.

03:07 10 COMMISSIONER MacCALLUM: Thanks.

11 BY MR. FOX:

12 Q Now, I take it when Albert first came to you after
13 he had returned from his trip with Ron and David
14 and Nichol and said I've got something important
03:07 15 to tell you and I think I know who was involved in
16 the death of Gail Miller and then told you about
17 his suspicions of David Milgaard, I'm assuming
18 that came as quite a shock to you?

19 A Yes, it did.

03:07 20 Q And as you listened to Albert recite some of the
21 reasons why he thought that was the case, blood on
22 the pants, wanting to get the pants changed, was a
23 changed person, was in a hurry to go, that sort of
24 thing, how did that fit in with what you had
03:08 25 observed or heard on January 31st, 1969?



1 A I knew he wanted to change his pants, so I believe
2 that. I really didn't know what to think, you
3 know. I didn't know.

4 Q Would it be fair to say that, and obviously you
03:08 5 would have no knowledge of what took place in the
6 car or outside the house, that sort of thing, but
7 would it be fair to say that what Albert told you
8 on January -- sorry, in March of 1969 about what
9 happened at the house that morning was consistent
03:08 10 at least with what you saw and had heard?

11 A Yes.

12 Q And were you satisfied that -- and this is a
13 terrible question to ask a witness about speaking
14 the truth, and I ask the question,
03:09 15 Mr. Commissioner, not to sort of verify, but the
16 witness' impression of what was being told -- were
17 you satisfied that what Albert was telling you was
18 true at least in the sense that he firmly believed
19 that this is what had happened?

03:09 20 A Yes.

21 Q And I take it Albert wasn't saying David Milgaard
22 had murdered Gail Miller, all he was saying is I
23 know these facts and they might be relevant and
24 important?

03:09 25 A Well, I'm pretty sure how he said it to me was



1 that I think I know who may have murdered Gail,
2 you know, Gail Miller, and these are the reasons
3 why and proceeded to tell me why he thought.

4 Q So he had some factual information, it appeared to
03:09 5 be relevant, somebody else is going to have to
6 decide what to do?

7 A I mean, I had no idea to know whether it was right
8 or not, you know.

9 Q But was there any question in your mind that this
03:09 10 was information that should be conveyed to the
11 police?

12 A Yes.

13 Q Mrs. Armstrong, you had indicated that in terms of
14 your dealings with the police, they were
03:10 15 respectful and that sort of thing, you obviously
16 had pretty limited experience with them at that
17 time I'm sure, but you didn't have any personal
18 problems in terms of your dealings with them?

19 A No.

03:10 20 Q Did you feel that there was any pressure being put
21 on you at the time you gave your statement or at
22 any other point in time to try to suggest you had
23 seen blood, for example, on David Milgaard?

24 A No.

03:10 25 Q In your statement at the outset on March 2nd, 1969



1 you said, "I didn't see any blood on his clothes."

2 I take it there was no pressure put on you by the
3 police or the Crown or anyone else to suggest
4 something otherwise?

03:10 5 A That is correct.

6 Q You mentioned your mom and that would be Estelle?

7 A Yes.

8 Q She worked pretty hard to try and keep the family
9 isolated from what was going on in terms of the
03:11 10 investigation and the criminal proceedings?

11 A Both she and dad.

12 Q Okay. I think we've heard some evidence or some
13 indication that, for example, in the case of
14 Kenny, and we know Kenny was home that morning, I
03:11 15 believe he indicated something to the effect that
16 his mom didn't want him getting involved in this.
17 Would that be consistent sort of with what you
18 would have seen of your mom?

19 A Yes.

03:11 20 Q Speaking just briefly about Larry Fisher, do you
21 have any idea or any feel for how long Mr. Fisher
22 himself resided at that Avenue O residence?

23 A No, I don't.

24 Q Would we be talking about a fairly short period of
03:12 25 time, and by that I would suggest months, or less



1 than six months?

2 A I would think so.

3 Q And I take it from what you said that he sort of
4 only showed up on the scene sometime after
03:12 5 Mrs. Fisher and the baby had been there for a bit?

6 A If I'm remembering correctly, that's what I -- my
7 understanding.

8 Q You discussed the questioning that took place of
9 Albert by the police and I take it from what you
03:12 10 said he was upset and stressed over the fact that
11 there was a suggestion made initially at least
12 that he may have been involved in the death of
13 Gail Miller?

14 A Yes.

03:12 15 Q And for you, that didn't surprise you
16 particularly, that they might at least suggest
17 that to you, you would expect that would be part
18 of the process?

19 A Yes.

03:13 20 Q Albert seemed kind of taken aback that he might
21 somehow be accused of being involved in her death?

22 A That's how I remember it.

23 Q Did Albert ever suggest to you that the police
24 were trying to make him say something about David
03:13 25 Milgaard which was not true?



1 A No.

2 Q We know from looking at the preliminary hearing
3 transcript that reference was made to you and your
4 brother Kenny both being home at the time, I think
03:13 5 it was referenced again at the trial, I think
6 those have gone in already in your brother
7 Albert's testimony, that you were both home. I
8 take it after the preliminary hearing basically
9 nobody contacted you about was there anything
03:14 10 further you could add or testify or whatever?

11 A No, nobody did.

12 Q And that would include anybody from either David
13 Milgaard or somebody from his family or his
14 defence counsel, anybody like that?

03:14 15 A No. I haven't spoken to anybody.

16 Q But in terms of the fact that -- sorry. Well, you
17 wouldn't know whether your name was mentioned at
18 the prelim or not, you didn't attend at the
19 preliminary hearing?

03:14 20 A I didn't have anything to do with it.

21 Q Thanks. Mr. Commissioner, I think I'm done, if I
22 can just have one second here. Just one second,
23 please. Mrs. Armstrong, did you hear the tapes of
24 the interviews of your brother Albert that were
03:15 25 played at this proceeding earlier this week?



1 A What day are you talking about?

2 Q The taped interviews of your brother Albert that
3 were played here at the inquiry, did you hear
4 those?

03:15 5 A I don't think so.

6 Q Okay. Did you see the taped interview that was
7 done of him on television in 1990?

8 A Just a little brief part you showed.

9 Q That was here?

03:15 10 A Yesterday.

11 Q How did that picture of your brother that appears
12 on that tape compare to what you knew, or the
13 Albert that you knew in 1969?

14 A It was nothing like him.

03:16 15 MR. FOX: Those are all the questions that
16 I have. Thank you.

17 COMMISSIONER MacCALLUM: It's time for our
18 break, but before leaving, I want to see which of
19 the remaining, who amongst the remaining counsel
03:16 20 will have questions. Ms. Wempe?

21 MS. WEMPE: No thank you.

22 COMMISSIONER MacCALLUM: Mr. Elson?

23 MR. ELSON: I just have a couple, two short
24 ones.

03:16 25 COMMISSIONER MacCALLUM: Ms. Krogan, will



1 you have any questions?

2 MS. KROGAN: No.

3 COMMISSIONER MacCALLUM: Ms. Knox, will you
4 have some?

03:16 5 MS. KNOX: I do have some, and it might
6 speed things up if Mr. Elson and I talked during
7 the break.

8 COMMISSIONER MacCALLUM: And finally
9 Mr. Watson?

03:16 10 MR. WATSON: No.

11 COMMISSIONER MacCALLUM: They'll be three
12 more.

13 MR. ELSON: Ms. Knox's suggestion is a good
14 one.

03:16 15 COMMISSIONER MacCALLUM: 15 minutes,
16 please.

17 *(Adjourned at 3:15 p.m.)*

18 *(Reconvened at 3:35 p.m.)*

19 **BY MR. ELSON:**

03:34 20 **Q** Mrs. Armstrong, my name is Richard Elson and I
21 represent the Saskatoon Police Service in these
22 proceedings and I just have a few questions for
23 you.

24 First of all, we've heard
03:34 25 evidence before this proceeding that your brother



1 Albert returned to Saskatoon on March the 1st,
2 which would have been the Saturday, of 1969, the
3 day before this statement was given, that
4 specifically it might have been Saturday night.
03:35 5 Do you have any recollection of the specific day
6 that he returned to Saskatoon relative to the time
7 that he attended at the police service and gave
8 the statement he did?

9 A No.

03:35 10 Q All right. So when you indicated that you were at
11 home getting ready for the evening meal, is it
12 possible that you were getting ready for the
13 evening meal the day before Albert went to the
14 police and reported what he saw or what he
03:35 15 perceived?

16 A No.

17 Q It's conceivable that it was -- I'm sorry, that it
18 was --

19 A It was that same day.

03:35 20 Q It was that same day?

21 A Yes.

22 Q Now, when you had the discussion with Albert, it's
23 my understanding from your evidence that your
24 brother Dennis was there as well; is that correct?

03:35 25 A Yes.



1 Q And in fact both Albert and Dennis came to you and
2 spoke to you upstairs?

3 A What happened was that Albert came to get me and
4 asked me to come upstairs and Dennis was already
03:36 5 sitting on one of the beds upstairs waiting.

6 Q So it was evident to you, was it not, that Albert
7 and Dennis had already been discussing this
8 subject before you were brought in?

9 A Yes.

03:36 10 Q At any time that day before Alberta attended at
11 the police service was your mother involved in the
12 conversation as to whether or not Albert should
13 provide a statement to the police?

14 A Not to my knowledge. It would have been only
03:36 15 after they had asked should we tell mom and dad
16 and then they went upstairs after I talked to
17 them.

18 Q Were you present at all in the discussion with
19 your parents and Albert about giving a statement
03:36 20 to the police?

21 A No.

22 Q So you were not privy to that conversation?

23 A No.

24 Q And you cannot advise us as to what was said?

03:36 25 A I have no idea.



1 Q Was there any discussion between you and Albert
2 and Dennis as to whether both Albert and Dennis
3 should attend at the police department or just
4 Albert?

03:37 5 A I don't remember that, but I wouldn't have been
6 surprised by it because they always did everything
7 together.

8 Q And in fact were you not aware of the fact that
9 both Albert and Dennis did indeed attend at the
03:37 10 police service together on March 2nd of 1969?

11 A I know they both left the house. That's all I
12 know.

13 Q So they both left the house together?

14 A Yes.

03:37 15 Q All right. And they both -- did they both return
16 together or did either or one of them return
17 before the other?

18 A Dennis came home.

19 Q And do you recall roughly what time it would have
03:37 20 been that Dennis came home? Perhaps I can --

21 A I'm not really sure.

22 Q That's fair. Perhaps I can assist. Is it
23 possible that Dennis came home with Officer
24 Porter, the same person who took the statement
03:38 25 from you?



1 A It's possible, but I don't have any recollection
2 of it.

3 Q Certainly Dennis was not driving a motor vehicle
4 at that time was he, or did he have a motor
03:38 5 vehicle?

6 A To my knowledge, no.

7 Q No. How would Dennis and Albert have travelled to
8 the police department that day? Would they have
9 taken a bus?

03:38 10 A They could have taken a bus or they could have
11 walked.

12 Q Were you subsequently aware that Dennis had given
13 a statement to a police officer on that day, March
14 2nd of 1969?

03:38 15 A No.

16 Q I wonder if I could have document number 106640
17 brought up, please. It is an investigation report
18 of Lieutenant Short and I'm not very good at this,
19 but I'm going to try. If we were to look at the
03:39 20 first part -- I've roughly highlighted it, if we
21 could blow that up a bit, please. In the first
22 paragraph it makes reference to Sunday, March 2nd,
23 1969 and this is an investigation report which is
24 dated March 22nd, 1969, but it makes reference to:

03:39 25 "Dennis and Albert Cadrain came to this



1 station and discussed for a few minutes a
2 matter with Sergeant Brady and were in turn
3 brought to the detective office, to
4 Superintendent Wood's office where I was in
03:39 5 charge. These both boys, brothers, who live
6 at 334 Avenue O South related a story to me
7 in regards to the Gail Miller murder and
8 subsequently a statement was taken from both
9 of these boys, the one of most importance
03:39 10 from Albert Cadrain by Detective Karst and
11 is self explanatory."

12 So subsequently you were not aware of the fact
13 that Dennis had given a statement; is that
14 correct?

03:40 15 A Not to my recollection.

16 Q So Dennis did not come home and tell you of the
17 fact that the police had taken a statement from
18 him?

19 A If he did, I have no recollection of it.

03:40 20 Q All right. I wonder if I could have Dennis
21 Cadrain's statement, 060232. Now, I take it,
22 Mrs. Armstrong, you would never have seen this
23 document before now, this being a statement of
24 your brother Dennis Cadrain?

03:40 25 A Yeah. Well, it's his name.



1 Q It's his name, but you've not seen that document
2 until today?

3 A No.

4 Q And you've not had occasion to read it?

03:41 5 A No, this is the first time.

6 Q If I could direct your attention just for a moment
7 to the time that this statement was given, 12:35
8 PM, does that roughly correspond with the time,
9 assuming that it would have taken some time to get
03:41 10 from your home to the police service, does that
11 roughly correspond to the time you would expect
12 Dennis to give his statement having regard to the
13 fact that they left your home earlier that day?

14 A I just -- well, no, I don't understand why it
03:41 15 would have been at 12:35 if they had -- if they
16 had talked to us at about five o'clock in the
17 evening and then mom and then left, it would have
18 had to be the next day before they gave a
19 statement.

03:41 20 Q Which is why, in fairness to you, I asked the
21 question as to whether it was possible that the
22 discussion that was had with you about giving a
23 statement to the police may have occurred on the
24 Saturday around the time of the evening meal and
03:42 25 that the discussion with the police occurred then



1 the next day.

2 A I really -- I don't remember for sure.

3 Q If it's recorded that the statement took place or
4 was given at 12:35 on March the 2nd of 1969, you
03:42 5 would have no reason, other than your concern
6 about the discussion at the evening meal, to
7 disagree with that time entered on your brother's
8 statement; is that correct?

9 A Okay, I'll get you to just ask me again, please.

03:43 10 Q You would have no reason to disagree that this is
11 likely the time that Dennis -- this roughly
12 corresponds with the time that Dennis and Albert
13 would have gone to the police service in order to
14 give their statement?

03:43 15 A I had always understood they had gone in the
16 evening.

17 Q Is it conceivable you may have been mistaken in
18 that respect and that --

19 A Absolutely.

03:43 20 Q And that it was more, it was closer to midday that
21 Dennis and Albert had attended at the police
22 service to give their statement?

23 A You know, I can't really comment about when they
24 actually went to the police station, but I do know
03:43 25 that when they talked to me it was about 4:30 in



1 the afternoon. That's all that I know for sure.

2 Q Fair enough. You recognize your brother Dennis'
3 handwriting; is that correct? Mind you, having
4 said that --

03:44 5 A I recognize his signature on the bottom.

6 Q And that is Dennis' signature?

7 A Yes.

8 Q I wonder if we can have Mrs. Armstrong's statement
9 of March 2nd, 1969, the number of which escapes me
03:44 10 at the moment, and if we could have the
11 handwritten portion of that statement. I believe
12 that begins on the third page of this document.
13 If we were to look at your statement of March 2nd,
14 1969 and if we were to look at the time, and I
03:44 15 believe that it looks to me as if it is 2:55 or
16 2:35 or 2:25, do you recall that statement being
17 given in the middle of the day, in the afternoon?

18 A Yes, it would be later in the afternoon.

19 Q And if we could scroll down to the bottom again
03:44 20 and look at the signature, and actually the name
21 of the officer is what I'm more focused with or
22 concerned about. The officer shown there, I
23 believe, is Andrew Porter. The officer with whom
24 you spoke, was he in uniform or in plain clothes;
03:45 25 do you recall?



1 A No.

2 Q And you have no reason to dispute the fact that it
3 was Officer Porter with whom you had had the
4 conversation and to whom you had given your
03:45 5 statement; is that correct?

6 A That is correct.

7 Q I wonder if we could go back to Dennis Cadrain's
8 statement for a moment. If we were to then go to
9 the name of the officer on Dennis Cadrain's
03:45 10 statement, again it appears to be the same officer
11 who had taken your statement, is that correct,
12 Andrew Porter?

13 A Yes.

14 Q Now, that statement is taken at 12:35, your
03:45 15 statement is taken at 2:55. Is it possible that
16 Dennis Cadrain was driven home by Officer Porter?

17 A It's possible.

18 Q And the statement that was taken from you was not
19 taken at the office of the Saskatoon Police
03:46 20 Service, but was rather taken in the kitchen of
21 your home?

22 A It was.

23 Q Do you recall whether Dennis was at home at the
24 time you gave that statement?

03:46 25 A I just have no recollection of where Dennis was.



1 Q Now, I appreciate that you have not read Dennis'
2 statement, 060232, and as an officer of the court,
3 Mr. Commissioner, I'm stating something for the
4 record, if somebody comes along and challenges it
03:46 5 they are free to do so, but Dennis never described
6 to you having seen blood on David Milgaard's
7 clothing on January 31, 1969?

8 A No.

9 Q And so therefore it would not surprise you that
03:46 10 there is no reference to blood on David Milgaard's
11 clothing in Dennis Cadrain's statement of March
12 2nd, 1969, that shouldn't come as a surprise to
13 you?

14 A No.

03:47 15 Q So the same officer who took a statement from your
16 brother Dennis, which made no reference to blood
17 on David Milgaard's clothing, doesn't appear to
18 ask you any questions in the conversation he had
19 with you about blood on David Milgaard's clothing;
03:47 20 is that correct?

21 A That is correct.

22 Q Now, in the conversation you had, and Mr. Fox
23 raised this and I wanted to pursue it a little
24 further, he asked most of the questions I wanted
03:47 25 to ask you, but I did want to ask, just pursue



1 something a little further with you, and I
2 appreciate that you are a civilian, you are not a
3 police officer and you might not know, and
4 certainly might not have known very much at that
03:48 5 time as to the standards of police practice, but
6 you had testified that you told Albert that he
7 might draw some attention to himself in giving any
8 information to the police, and sure enough, based
9 on what Albert told you subsequent to that, you
03:48 10 were right. Why did you believe that? Why did
11 you believe that that might direct some attention
12 and why did it not surprise you when Albert told
13 you that you were correct?

14 A Well, it just seemed to me that at that time in
03:48 15 Saskatoon the police officer -- the police were
16 asking if anybody had any information to come
17 forward. The city was really afraid and, I mean,
18 people were afraid to go out in the streets and
19 whatever, so this had been going on for some time
03:48 20 and I just felt in my heart that if somebody came
21 to me and said, you know, I know who did this, who
22 committed this murder, the logical question would
23 be, well, why do you know so much about it, you
24 know, like, what is your reason, and I really felt
03:49 25 that the boys were being truthful, but -- and we



1 had been raised to be truthful, but murder is a
2 really serious matter, so I wanted them to think
3 about it very carefully because I knew that once
4 they went a certain direction, they could never go
03:49 5 back and they had better be really sure of what
6 they were doing, and it just seemed to me just
7 logical that, you know, a couple of young pucks
8 that show up at a police station and say I think I
9 know who committed this murder, the police would
03:49 10 logically I think look at them too.

11 Q Right. And when you say logically, would it be
12 inappropriate in your opinion, again appreciating
13 that it is a lay opinion, would it be
14 inappropriate in your opinion for police to look
03:50 15 at them under those circumstances?

16 A I think it would have been.

17 Q I'm sorry, you think it would have been
18 inappropriate or appropriate?

19 A I think they should have looked at that.

03:50 20 Q Now, I wanted to ask, I asked your sister this
21 question and in fairness I should ask you as well,
22 I want to turn a little bit of attention to Larry
23 Fisher for a moment. Did you ever have occasion
24 to see, and I appreciate that Larry Fisher was
03:50 25 only there for about six months and you didn't see



1 him as often as you might have seen Linda, but did
2 you ever have occasion to see Larry Fisher
3 operating a motor vehicle or did he ever park a
4 motor vehicle near your home during the time he
03:50 5 was living there?

6 A I have no recollection of anything like that.

7 Q All right. And, to your knowledge, he took the
8 bus to work?

9 A I do have a vague recollection of seeing him leave
03:51 10 with his lunch kit and a hard hat, going up the
11 street occasionally or occasionally coming back,
12 but I hardly ever saw him.

13 Q Did your family have a vehicle at that time?

14 A I'm sure we did, but I can't remember what we
03:51 15 drove.

16 Q That's fair. Would it have been one vehicle or
17 two vehicles?

18 A Oh, hmm, I think it would have been one but I
19 don't know if the boys had any.

03:51 20 Q All right. So if Larry Fisher had a vehicle to
21 which he had access, and parked that vehicle at or
22 near your home, it is likely, at that time, you
23 would have observed it; is that correct?

24 A Yes.

03:51 25 Q After you gave your statement -- and I'm sorry, I



1 just wanted to follow this up -- after you gave
2 your statement on March 2nd of 1969, I get the
3 impression from your evidence -- and you can agree
4 or disagree as you wish -- that, from that point
03:52 5 in time, you were effectively out of the loop
6 insofar as the investigation of this case was
7 concerned; that from that point in time it
8 involved your brother Albert and perhaps your
9 parents, but other than that, there was basically
03:52 10 a cone of silence if you will?

11 A There was.

12 Q Thank you. I have no further questions.

13 COMMISSIONER MacCALLUM: Ms. Knox?

14 MS. KNOX: I have no questions.

03:52 15 COMMISSIONER MacCALLUM: Thank you. Did I
16 miss anybody?

17 MR. WOLCH: No, Mr. Commissioner, might I,
18 with your permission, ask one more question?

19 COMMISSIONER MacCALLUM: You won't have any
03:52 20 redirect?

21 MR. HARDY: No.

22 COMMISSIONER MacCALLUM: Well, you may,
23 yes.

24 MR. WOLCH: Thank you.

03:53 25 **BY MR. WOLCH:**



1 Q We have had a lot of questions about the timing of
2 statements and that's all I want to deal with.

3 A Okay.

4 Q And at this point it appears that at 12:30 was
03:53 5 Albert, 12:35 Dennis, and 2:55 you, and you have
6 different memory, and I wonder if we could pull up
7 a document that might help you. I want you to
8 comment on it. It's 039351. Now this will be
9 someone's recollection of the sequence of which
03:53 10 you came in, and I wanted to see if this will
11 refresh your memory, or not. You will note that
12 it appears to be an interview with a police
13 officer, and if we can highlight just this portion
14 here, that part there -- oh, sorry, I'm sorry,
03:54 15 next, it's to the right. Now I'm going to read
16 this with you, and I just want to know if it will
17 help you remember, not for you to say it's true or
18 not but if it helps your memory. It says:

19 "I was the first police officer to be told
03:54 20 Milgaard could be considered a suspect.
21 Shorty Cadrain, whom I knew personally as
22 well as his mother and brother, came to the
23 detective office one evening. He told me
24 Milgaard and some of his friends had come to
03:54 25 his door the morning of Gail Miller's death.



1 He said Milgaard had blood on his pants and
2 Cadrain's mother had washed it out for him.
3 Later the same day, he said, they all left
4 for Calgary.

03:54 5 Cadrain told me he had talked
6 to his mother about his suspicions and she
7 advised him to speak with the police. I
8 explained it was not my file but I would
9 pass this information to the investigating
03:55 10 officer.

11 The next day, officer Ray
12 Mackie and I went to Cadrain's home, picked
13 him up and brought him to the police
14 station. I had nothing further to do with
03:55 15 Cadrain."

16 Now if we can open that up again?

17 Now, in fairness, this is an
18 article in the *StarPhoenix* of May the 8th, 1992;
19 I don't know if you would have seen that paper or
03:55 20 read that paper?

21 A No, I didn't.

22 Q Now the name of the police officer is not given in
23 this article, but can you identify him by the fact
24 that he says he knew the family? Oh, I'm sorry,
03:55 25 my -- counsel advises me it was Rusty Chartier; do



1 you know him?

2 A No.

3 Q Okay. I'm sorry, I didn't -- I thought that was
4 his interview, but no, it is Rusty Chartier who
03:56 5 says he was a police officer who was in the
6 station that night, and so is it possible there
7 were two trips to the police station, or does this
8 help you at all?

9 A It helps -- I know nothing about this.

03:56 10 Q Okay.

11 A It doesn't help at all, sir.

12 Q Because you see it says that Shorty along with
13 your mom, I guess, and Dennis went in and were
14 told that it wasn't his file; is it possible
03:56 15 that's the evening trip you are thinking about?

16 A I don't know, sir.

17 Q Could -- do you remember Sergeant Mackie and I
18 presume Chartier coming and picking up your
19 brother from the house?

03:56 20 A No.

21 Q And there is a reference to your mom having washed
22 David's clothes; did that ever come up before?

23 A My mother talked about it later and I don't know
24 at what time it was, and I never really knew for
03:57 25 sure what the story was, just that she had washed



1 a pair of pants and it had blood on them and they
2 thought it was David's pair of pants.

3 Q But right --

4 A That's all I remember.

03:57 5 Q But right back then? We're talking -- he is
6 talking about the very first appearance at the
7 police station.

8 A Yeah.

9 Q I thought your mom thought about that much later
03:57 10 when she found some pants under the stairwell?

11 A Well, perhaps my recollection is wrong.

12 Q No, I'm not trying to be unfair to you, but --

13 A No, I know.

14 Q -- you see what it says here, and if this officer
03:57 15 is right there was a trip to the -- I'm sorry --
16 they came in the police station, they were sent
17 home, and the police picked them out, and I'm
18 saying that maybe that accounts for your memory of
19 it being in the evening you went to the police
03:57 20 station?

21 A I really can't comment on this, and I know for
22 myself the media has -- the -- has, you know,
23 commented many times on many situations, and they
24 have been wrong, I --

03:58 25 Q No, I'm sorry, I don't want --



1 A I would like to take this as truth.

2 Q Well I don't want to mislead you, this is not the
3 media, this is a police officer saying this is his
4 recollection.

03:58 5 A Okay.

6 Q Okay.

7 A In the paper though.

8 Q Yeah, he is publishing in the paper his
9 recollection of the sequence of events when your
03:58 10 brother first came into the police station, and
11 all I'm trying to do is see if that helps explain
12 your difficulty with the timing of him going in,
13 you thought at night, and then I'm suggesting to
14 you maybe there was two trips?

03:58 15 MR. FOX: Mr. Commissioner, if I might?

16 That last question, that's
17 about the fourth time it's been asked of this
18 witness, and been answered repeatedly.

19 This is a media document, 1992,
03:58 20 we don't know who Mr. Chartier is, he hasn't
21 testified, it's -- she has been asked if she
22 knows anything about it, and for about five times
23 she said she doesn't. The suggestion has been
24 put to her, "does this explains two trips", she
03:59 25 says she doesn't know anything about it.



1 Now I guess we can continue to
2 go down that route, and if every witness is going
3 to be asked in that fashion it will be a long
4 time, but I don't know how much further you can
03:59 5 go with something like this which isn't her
6 statement, she hasn't adopted it, has indicated
7 she has no knowledge of it, no information about
8 it, she doesn't know Rusty Chartier from -- at
9 all; how much further can you go with that?

03:59 10 MR. WOLCH: Sir, I wasn't planning on going
11 much further.

12 COMMISSIONER MacCALLUM: Well, you promised
13 me one question, this is the second.

14 MR. WOLCH: Yes, well, I meant one topic,
03:59 15 sir. But from what I -- I mean the fact that she
16 hasn't seen the document is irrelevant, the fact
17 is --

18 COMMISSIONER MacCALLUM: No, you showed her
19 the document to refresh her memory --

03:59 20 MR. WOLCH: Yes.

21 COMMISSIONER MacCALLUM: -- and it
22 obviously hasn't refreshed her memory, so how
23 does it become relevant?

24 MR. WOLCH: Well, I'm just giving her a
25 chance to think, I mean I want to be fair to the



1 witness. There's nothing startling in it but it
2 may explain her difficulty with the timing.

3 COMMISSIONER MacCALLUM: Well it just
4 hasn't so far, that's all, Mr. Wolch.

04:00 5 MR. WOLCH: I appreciate that. I would
6 have been finished if My Friend hadn't got up
7 here and made a speech.

8 MR. FOX: Well, actually, I -- he was
9 finished because if you recall I interjected at
04:00 10 the end of his question.

11 COMMISSIONER MacCALLUM: All right. If
12 there's any more interjections of this type the
13 interjectors are going to pay for my airplane
14 ticket because I'm going to miss my airplane at
04:00 15 6:00.

16 BY MR. WOLCH:

17 Q Keeping that in mind, one last question, and it
18 may be repetitious. Are you satisfied that you
19 don't know Rusty Chartier as a police officer,
04:00 20 friend of the family's?

21 A I'm satisfied that I don't know him.

22 Q Thinking back? Okay. And an addendum to that;
23 this doesn't help your memory at all as to the
24 sequence of events now that you have had time to
04:00 25 think about it?



1 A Not once, nothing.

2 Q Okay. Thank you.

3 COMMISSIONER MacCALLUM: Mr. Hardy?

4 MR. HARDY: No questions.

04:01 5 COMMISSIONER MacCALLUM: Without any
6 redirect, what about the next witness?

7 MR. HARDY: Yes, we do have the next
8 witness here, Mr. Commissioner. I'm pretty
9 certain we won't finish him before 4:30, I'm
04:01 10 ready to begin if you would like me to, or else
11 we can adjourn at this time.

12 COMMISSIONER MacCALLUM: Yes, please.

13 MR. HARDY: I call Leonard Gorgchuck.

14 **LEONARD JAMES GORGCHUCK, sworn:**

04:01 15 BY MR. HARDY:

16 Q Good afternoon, Mr. Gorgchuck, and thank you for
17 agreeing to testify at this Commission of Inquiry
18 this afternoon.

19 I understand that you previously
04:02 20 went by the last name Woytowich?

21 A That's correct.

22 Q And that in approximately 1969 you were friends
23 with Albert Cadrain, now deceased?

24 A I was.

04:02 25 Q That you presently live in Calgary, Alberta?



1 A For the last 2 1/2 years.

2 Q Okay, and that you grew up in Saskatoon?

3 A Yes.

4 Q And can you tell us, Leonard, how old you would
04:02 5 have been as of January 1969?

6 A Probably about 16 1/2, 16 3/4.

7 Q And where were you residing at that time?

8 A Umm, I was living at 218 Avenue D South.

9 Q Avenue D South?

04:02 10 A Correct.

11 Q And were you aware of where the Cadrain residence
12 was?

13 A Yes.

14 Q Do you recall what avenue that was on?

04:02 15 A It was Avenue O, right across from St. Mary's
16 School.

17 Q Can you give us a general sense of how many blocks
18 away from the Cadrain home your home was?

19 A I would have to count D to O, but 12, 13, 14,
04:03 20 around there.

21 Q Okay. And, as of 1969, were you going to school?

22 A I don't believe I was at that time.

23 Q What were you generally doing at that time?

24 A I'm not really sure, umm, there were periods of
04:03 25 unemployment and so on. Umm, I honestly don't



1 know for sure.

2 Q By 1969, though, you had become friends with
3 Albert Cadrain?

4 A Yes sir.

04:03 5 Q And what sort of a friendship was that?

6 A Umm, it was, umm, to my recollection, almost a
7 daily hanging out type of thing, quite close.

8 Q You considered Albert a good friend?

9 A Oh, much better than I probably was. He was, he
04:03 10 was a great guy. I remember him as being very
11 kind, very honest, very generous. Definitely, to
12 me, he was great.

13 Q How did you come to be friends with Albert?

14 A I can't remember exactly, to be honest. I might
04:04 15 have originally met him at St. Mary's, I was
16 attending St. Mary's School until about half-way
17 through grade 7, at which time I transferred over
18 to Princess Alexandra. I don't really remember
19 how we got together, but I remembered definitely
04:04 20 we were both working at Miller's Hatcheries with
21 his father. He helped, talked to his dad to get
22 me a job there and so on for a while, I can't
23 remember dates at all but --

24 Q Okay. And, generally, how would you spend your
04:04 25 time together?



1 A Anything from walked around to sitting around,
2 just, I'm not even sure to be honest. I think,
3 based on some of the stuff that I have been
4 reminded of, we did play chess, we would just
04:05 5 talk, we would just hang out. I'm not even sure.

6 Umm, I was -- also based on the
7 information that I have seen recently, it just
8 reminded me, I was also in a band, and the odd
9 time we may have hung out related to the band, but
04:05 10 I don't think that much. But, yeah, it was
11 just -- from my perspective, my memory would be
12 that I was doing nothing and he was a friend and
13 we would just hang out, anything from walking down
14 to the mall, perhaps, to just sitting around.

04:05 15 Q And were drugs a part of your friendship with
16 Albert?

17 A Not predominantly. We, we were experimenting,
18 perhaps, if you will, if I can use that phrase,
19 but it's not like it was a predominant thing in
04:05 20 our friendship at all. I'm not even sure if we
21 did that much at all generally.

22 Q And what kind of drugs were you experimenting
23 with?

24 A Well I remember, once again based on the
04:05 25 information that I have seen, was the purchase of



1 the marijuana in Regina, but that was -- that was
2 actually all I can actually -- that's all I
3 remember. And, to be quite honest, I didn't even
4 really remember that until I saw the documents.

04:06 5 Q So you don't have a recollection on how often the
6 two of you would smoke marijuana or otherwise?

7 A I didn't have a recollection of the Regina
8 purchase, and I certainly didn't have any other
9 recollections of it, no. No. It's -- I know we
04:06 10 weren't doing it on a regular basis because, for
11 one thing, we couldn't afford it.

12 Q So, again, prior to January 1969 -- and I'll use
13 as a reference point January 31st, 1969, the date
14 that Gail Miller was murdered -- had you observed,
04:06 15 in the course of your friendship with Albert, any
16 signs of unusual behaviour or mental illness?

17 A No, not at all.

18 Q Did either of you or Albert have a vehicle at that
19 time?

04:07 20 A I don't think so.

21 Q Do you recall how the two of you would travel from
22 location to location?

23 A Oh, walk or bus.

24 Q And I understand from the documents, Leonard, that
04:07 25 you would have accompanied Albert on a trip to



1 Regina sometime shortly before January 31st, 1969?

2 A I remember taking -- well, I vaguely remember
3 taking the trip, yeah. He -- his major interest
4 was he had a girlfriend down there and he wanted
04:07 5 to go see her. I had some money saved up, and I
6 hadn't really travelled at all out of Saskatoon
7 generally, and at that age, so it was, it was kind
8 of an interesting trip to take and it was with
9 someone, it was with my friend, and then he seemed
04:07 10 to know -- he seemed confident about making the
11 trip, so yes, we took it.

12 Q And can you recall what occurred on that trip?

13 A Well, once again my memory has been really bad,
14 and the supporting documents that I have seen have
04:08 15 refreshed it somewhat. Umm, I think, I think it's
16 all in the statements, but basically we got to
17 Regina, I believe we did go to the school where
18 his girlfriend Betty was and we met her out there,
19 and I remember getting a hotel room, I remember
04:08 20 the Apollo members dropping in to crash, and --
21 but one thing about that is I think our original
22 trip was primarily for one evening, and I think we
23 were supposed to go back the next day, possibly
24 with an extension, but, as mentioned, I didn't
04:08 25 really want to stay for another day. I think my



1 original plan was to go back the next day, and
2 that's why I left him in Regina, he had made
3 contact with his girlfriend, he was planning to
4 see her again and so on, that kind of stuff, and I
04:09 5 just felt like I was a third wheel, I wasn't doing
6 anything, so I decided to come back.

7 Q So, in terms of locations that you recall being at
8 during that trip, you mentioned a motel; did you?

9 A Yup. And, of course, I don't remember the motel.
04:09 10 And there was the house on Cornwall, I don't even
11 know the address of the house. Umm, basically
12 Regina was just a total strange new place to me, I
13 really didn't know where I was going, I was just
14 kind of tagging along.

04:09 15 Q Do you have any memories of being at that house on
16 Cornwall?

17 A I have a vague memory, but it's not clear at all.

18 Q Do you remember whether you met David Milgaard on
19 that trip?

04:09 20 A I was told I did but I -- it never really made a
21 major impression on me. I met, I think I met a
22 lot of people on that trip, and it's just blurry
23 and --

24 Q Who told you you had met David Milgaard?

04:09 25 A Albert did mention it.



1 Q And when did he mention that to you?

2 A Probably after Gail Miller's -- well, just a
3 second. Oh, yeah, that -- he definitely mentioned
4 it. As I mentioned, before they left for Edmonton
04:10 5 they stopped at my house and somebody came in, I
6 didn't really recognize him, came in to use the
7 bathroom, and at least at that time Albert
8 mentioned that that was David Milgaard from
9 Regina. But that really, even then, didn't mean
04:10 10 anything to me, I didn't even take a close look at
11 him because it didn't mean anything, it was just a
12 guy from Regina, it wasn't an issue to me.

13 Q Okay. I am going to ask you about that visit in a
14 moment.

04:10 15 A Uh huh.

16 Q But in terms of the trip to Regina still, do you
17 recall how you travelled to Regina?

18 A I hadn't, but according to the documents when it
19 was mentioned by train, I'm pretty sure that's how
04:10 20 we went, yeah. To be honest, I can't remember how
21 I came back. I think it was bus, but I just --
22 the whole thing just wasn't a remarkable journey
23 that I remember.

24 Q And did you tell me, though, that you do recall
04:11 25 that you came home alone?



1 A Yeah, yeah. I remember Albert wanted to stay to
2 see his girlfriend again, and like I said, I was
3 kind of like a third wheel, I just felt out of
4 place. It just -- I just didn't have any reason
04:11 5 to hang around and blow money or whatever on
6 trying to get a hotel again or whatever.

7 Q And I think you mentioned some interaction with
8 Apollo bike gang members. What was that incident
9 about?

04:11 10 A I'm not 100 percent sure, but based on the
11 statements that I've read before I came here, they
12 definitely sound like that's what happened. We
13 probably did buy that marijuana and it was
14 probably from an Apollo member. I'm not sure how
04:11 15 they came to know where we were, but they did come
16 at night and asked to crash. Obviously we were
17 concerned, Albert probably more realistically so
18 than I, but, you know, the general perception to
19 me was, well, you know, we've got this big room,
04:12 20 if they want to sleep on the floor, fine. I was
21 concerned, but I didn't feel strongly threatened
22 to be honest, I guess maybe because Albert was
23 there, he was kind of my protector on this whole
24 thing, he was the experienced guy, traveller and
04:12 25 all that, and it was basically him that didn't



1 argue with them to let them in, so I didn't have a
2 problem with it. I was concerned, but as I
3 mentioned, what are you going to do.

4 Q Am I correct, Leonard, though, that you don't have
04:12 5 a recollection of that apart from reading the
6 statement or was it a matter that the statement
7 refreshed your memory?

8 A It refreshed what memory I had of it, yeah.

9 Q And you've told us about that then?

04:12 10 A I'm sorry?

11 Q You've told us how your memory was refreshed and
12 you've given us your recollection of --

13 A Yes, I believe so.

14 Q -- that trip?

04:12 15 A I believe so.

16 Q And I understand from previous information that
17 you've provided, Leonard, that you were with
18 Albert Cadrain on January 30th, 1969?

19 A Once again based on the documents I've seen, yeah,
04:13 20 it's quite possible. I'm sure we were.

21 Q Do you have a memory of being with Albert on that
22 day?

23 A Not outstanding, but once again, I think we were
24 hanging around almost every day, so yeah, it's
04:13 25 totally possible.



1 Q What do you remember of that visit, if anything?

2 A Nothing outstanding to any other visit we might
3 have had to be honest. You know, if there was any
4 document that said he wasn't over there, it could
04:13 5 be just as plausible.

6 Q Well, maybe we'll turn to your statement right
7 away, it seems that you are referring to that for
8 the most part. Before I do that, do you recall,
9 apart from the documents, a visit from Albert on
04:14 10 January 31st, 1969?

11 A I believe that's the date they went to Edmonton.
12 The date doesn't mean anything to me, but I
13 remember him visiting me on his way to Edmonton.

14 Q Okay. And again, apart from the documents, what
04:14 15 do you recall of that visit?

16 A Well, I think he -- I think -- I'm not even sure
17 if he phoned first, but anyway, he did come over.
18 I was at my grandmother's house, which is a two
19 and a half story, she had rooms for rent, and the
04:14 20 bathroom on the second level, on the second story,
21 on the second floor was actually two components,
22 there was a private little room for the toilet and
23 then the bathtub and the sink were right next to
24 it and for some reason we wound up talking in the
04:14 25 bathroom and then this person who was identified



1 as David Milgaard came in to use the bathroom, but
2 while he was there basically Albert was asking me
3 if I would, if I wanted to go along with him on
4 this Edmonton trip. I didn't feel comfortable
04:15 5 with it for many reasons, one is that we had just
6 made a trip, and like I said, I didn't travel
7 lots, so I wasn't one to just up and go anyways.
8 I didn't have a reason to go, I didn't really know
9 anyone else except Albert, and even though he was
04:15 10 kind of insistent that I go along, I just
11 ultimately decided no, and he had some concerns
12 about going alone and I suggested he not go, but
13 it was obviously too late, he was already in the
14 vehicle and that type of thing on the way, and
04:15 15 that's actually all I recall of the whole thing.
16 Once again, Milgaard came in, left and then Albert
17 eventually left too.

18 Q Did Albert give you an explanation of why he had
19 some concerns about going on the trip?

04:15 20 A I'm not 100 percent sure. He definitely was
21 anxious about it more than I would have seen him
22 normally. I'm not 100 percent sure, but I think
23 he said that he just didn't want to go on it
24 either really, but perhaps that's the difference
04:16 25 between he and I, is he was more into possibly



1 going off like that, and my lifestyle was, like I
2 said, even the trip to Regina took some planning
3 and preparing.

4 Q Do you recall whether he said anything about his
04:16 5 travelling companions during that discussion?

6 A Well, he mentioned the -- he mentioned there were
7 three of them besides himself. I don't recall him
8 actually specifying anything about any of them.

9 Q Do you have a recollection of David Milgaard --
04:16 10 and how was it that you knew it was David Milgaard
11 that came into the house?

12 A Albert mentioned it.

13 Q And do you have a recollection of what he looked
14 like on that occasion, can you picture him at all?

04:16 15 A Not really. I would vaguely say he seemed to be
16 kind of tall. I never looked at him. It was just
17 someone who wanted to use the bathroom, a friend
18 of Albert's, so I didn't care. It wasn't relevant
19 to me because I wasn't going to go on the trip,
04:17 20 you know, I didn't recognize him from the past.

21 Q So you didn't remember meeting him prior, although
22 Albert indicated that you had?

23 A Yeah, that's correct.

24 Q And no other observations of Albert or his
04:17 25 travelling companions then that morning other than



1 what you told us?

2 A Not that I can recall, no. It was a very short
3 visit. I was surprised that he was going. Like I
4 said, he didn't seem to want to go, it was kind of
04:17 5 confusing, so why bother going, but he had decided
6 to go and wanted me to go along and I said no and
7 that's the only thing that I recall about it.

8 Q Do you recall whether you had learned of the
9 murder of a woman nearby by the time they were
04:18 10 visiting at your home?

11 A I don't recall.

12 Q And when then would have been the next time that
13 you would have seen Albert?

14 A I'm not sure, but it was quite a while. It was --
04:18 15 well, I'm not sure to be honest.

16 Q Can you put an estimate on it?

17 A I can't say, but it seemed like a long time, it
18 seemed like a long time, but once again, I'm not
19 sure. No, I can't really state.

04:18 20 Q Okay. Do you recall what Albert said to you when
21 you did see him again?

22 A He had made a comment about seeing some blood,
23 about going to the police, I'm not sure if he had
24 yet or not, he must have, I'm not even sure. He
04:18 25 was very scared, he was -- it was generally a very



1 bad experience for him, but he felt that he had
2 to. I personally remember Albert as being a
3 person of very high standards, high morals, he
4 would have, you know, he would have had to do that
04:19 5 I think if he had information, I think he
6 definitely would have had to go tell.

7 Q I just want to back you up for a moment. You
8 started to talk about blood. Was he speaking to
9 you about the trip that he had been on?

04:19 10 A No. Well, after -- well, he did discuss the trip
11 as well, but he did mention about seeing what he
12 thought was blood on David Milgaard's clothes. He
13 also described the trip as being very horrible for
14 him, threats, just a very, very negative
04:19 15 experience. I don't remember the details. That's
16 all I remember, was that it was a bad trip for
17 him, literally, and I'm not 100 percent sure, but
18 I believe he said things like David had been
19 goofing around making comments about violent
04:20 20 activities and whatever, but I honestly don't
21 remember the details. All I remember is that he
22 had these concerns and he basically decided to
23 keep them primarily most of it to himself other
24 than kind of mentioning these things, but once
04:20 25 again, I really didn't have any involvement with



1 any of that, so --

2 Q How did you judge Albert's mood and behaviour when
3 he was discussing these things with you?

4 A Very serious and anxious, definitely not as
04:20 5 carefree as we had been in the past definitely.

6 Q Did you believe what he was telling you?

7 A I believed that he was telling what he believed,
8 yeah, absolutely.

9 Q And at this point were you aware of whether Albert
04:21 10 had already spoken to the police or not?

11 A I'm not clear. I've got a couple of memories that
12 are getting mixed. I'm not sure what the timing
13 even was on these, but --

14 Q And this Albert seemed to be, though, the same
04:21 15 Albert that you had known when he was talking with
16 you?

17 A I'm sorry?

18 Q You weren't concerned about Albert himself, that
19 he seemed to be the same Albert, just in a
04:21 20 stressed and anxious --

21 A Yeah.

22 Q -- condition?

23 A He was obviously very stressed out about what he
24 was going through. I don't think he was that much
04:21 25 of a changed person at that point in time, no. He



1 seemed quite normal, just very, very anxious.

2 **Q** And did you then eventually become aware, Leonard,
3 that Albert did have dealings with the police in
4 relation to their investigation into the murder?

04:21 5 **A** Oh, eventually I understand that he went and told
6 what he knew.

7 **Q** And did Albert tell you about any of his dealings
8 with the police?

9 **A** No. To be honest, I think he made the comment
04:22 10 once that he made an effort to just not get me
11 involved I think with any of the details or
12 whatever.

13 **Q** So you don't recall that he shared any information
14 with you with respect to those dealings?

04:22 15 **A** No, not overly. I actually didn't see him that
16 much at all after that last visit on the trip to
17 Edmonton and we didn't really have that much
18 chance to talk even. That kind of destroyed the
19 friendship I guess, or at least our availability
04:22 20 to get together and hang out.

21 **Q** And I understand, Leonard, that you were contacted
22 by the police in the course of this investigation
23 as well?

24 **A** I was. I have no idea when or where or why, but I
04:22 25 remember having to go and make a statement, yeah.



1 Q Would mid April, 1969 sound accurate in terms of
2 when the police would have first contacted you?

3 A Could be.

4 Q And do you recall knowing why the police were
04:23 5 contacting you?

6 A They knew I was with Albert on the trip to Regina
7 and that kind of stuff and they wanted my story I
8 guess, my perception.

9 Q And do you remember what officers you were dealing
04:23 10 with, the names of those officers?

11 A Not 100 percent. The name Karst comes out, if in
12 fact that was back from that time. I didn't
13 really have any problems with the police officers.
14 They came, I made a statement, I didn't have any
04:23 15 problems with them.

16 Q Okay. Perhaps we'll turn to that statement now.
17 If I could bring up document 019403, please, and
18 if we could turn to the written portion which, I'm
19 sorry, which I believe starts on page 019408.

04:24 20 You'll see your name at the top here, Leonard, the
21 date is April 17th, 1969, 11:40 a.m. Is that your
22 signature at the bottom of the page?

23 A Yeah, it looks like it.

24 Q I think perhaps that a Detective Ward perhaps was
04:24 25 the officer taking the statement?



1 A Yeah, that's possible.

2 Q If we could go back to the typewritten version,
3 please. I'll just read this to you, Leonard.

4 "I am unemployed but I am the organist for
04:24 5 Mary Jane Soul Band (rock & roll) I live
6 with my mother. I have my grade 9.

7 On Jan 24, 1969 Albert Cadrain
8 and I got the train to Regina for the
9 weekend. We did not go for and reason other
04:25 10 then the weekend but Albert Cadrain had a
11 girlfriend there by the name of Betty Weeks.

12 On Jan 24 when we arrived in
13 Regina we could not find Betty Weeks so we
14 spent the night in the Central Motel on
04:25 15 Albert Street. On Friday January 24 we ...
16 the Apollo's (Regina M.C. gang) There were 4
17 or 5 of them stayed in our room for about 5
18 hours. We checked out of this motel at noon
19 on Jan 25/69."

04:25 20 So in terms of the dates referenced, does that
21 sound accurate to the best of your recollection?

22 A Yeah, sure.

23 Q You would adopt that as truthful then?

24 A I would.

04:25 25 Q And the rest of the information you would adopt as



1 truthful as well as provided at that time?

2 A Yes, yes.

3 Q Turning to the next page, please. I guess we can
4 zoom in on this and make it a little bit easier to
04:25 5 read:

6 "On Jan 25 1969 Saturday afternoon we went
7 to a high school in Regina (Belfour Tech)
8 and we met Betty Weeks in the school. The
9 three of us went down town and then to the
04:26 10 Cornwall house. This is a hippy house.
11 Albert Cadrain and I were smoking marijuana
12 at this house. We (Cadrain and I) bought
13 this marijuana at Smitty Pancake house. We
14 bought twenty dollars worth. Albert Cadrain
04:26 15 took \$10.00 worth and I took \$10.00 worth.
16 It was Alberts that we smoked at Cornwall
17 house. While I was high on marijuana Albert
18 and Betty left for another part of the house
19 alone. (cubby hole). Later that evening we
04:26 20 went to another hippy house for a party. We
21 left this party and went back to the
22 Cornwall house."

23 Pause there for a moment. Is that information
24 truthful as you would have provided it, Leonard,
04:26 25 at that time?



1 A Probably, yeah.

2 Q Do you have any reason to dispute this as accurate
3 information that you would have provided to the
4 police at that time?

04:26 5 A No. My only concern generally would be I believe
6 I was verbally saying this and the exact wording
7 might have been selected by the police officer,
8 but it's close enough. I guess it just depends
9 how you take it. For example, I don't know if I
04:27 10 would have referred to that as a hippy house, but
11 perhaps I did. I don't know.

12 Q Any other clarifications that you would want to
13 make with that paragraph?

14 A I don't think so.

04:27 15 Q Okay. If we continue on, it follows from the
16 bottom of the page:

17 "Albert and Betty --"

18 On to the next page,

19 "-- go and shortly after a friend of Alberts
04:27 20 I believe this friend is David Millguard.
21 They tried to make a loan from me to go to
22 Calgary but I had no money. After they
23 could not get any money from me they left
24 shortly afterwards."

04:27 25 Now, that is a page 3 that follows from the



1 previous page which is marked page 2. It doesn't
2 seem to make a lot of sense. Do you think that
3 paragraph I just read to you, does that relate at
4 all to your trip to Regina

04:28 5 A Possibly, yeah. For example, once again, the
6 wording I don't -- this suggests that I knew this
7 person was David Milgaard. Probably someone told
8 me later who it was. I don't know if I would have
9 recognized him as David Milgaard at the time
04:28 10 somebody came up and asked for a loan.

11 Q Do you recall whether there were discussions about
12 a loan while you were in Regina and discussions
13 about a trip to Calgary?

14 A I don't remember anything about a trip to Calgary.
04:28 15 I think they probably tried to loan some money,
16 but I wasn't in a position to loan him any, so no.

17 Q And this doesn't sound to you like perhaps the
18 information related to the visit from Albert and
19 his friends on January 31st?

04:28 20 A I would never have made the connection.

21 Q Okay.

22 A Like, I mean, it was at least several days later.
23 I would have thought at that time they wanted to
24 good to Calgary that day or the next day. I have
04:28 25 no idea.



1 Q Okay. Let's read the next paragraph.

2 "On Jan 30 1969 Albert Cadrain came to my
3 house in the later afternoon and we did up
4 some marijuana and as we were smoking we
04:29 5 talked about our trip to Regina. Sometime
6 before two A.M. Cadrain left my house to go
7 home. Cadrain and I were stoned from
8 marijuana at about 10:00 PM when Cadrain
9 later he would not be as high as at 10:00 I
04:29 10 believe. It would be around 2:00 AM Jan 31
11 1969 when he left."

12 I'll pause there. Would that be accurate
13 information, truthful information as you would
14 have provided to the officers at that time,
04:29 15 Leonard?

16 A Probably, and I'm guessing I'm saying, like, we
17 had maybe smoked up earlier in the evening and by
18 the time he left, it would have been four hours,
19 that it would have pretty much worn out.

04:29 20 Q So if there's any clarification, it's in terms of
21 the drugs consumed?

22 A Yeah. The drugs really were -- we obviously tried
23 it, but once again, the fact that it was
24 mentioned, it was more of an exceptional thing and
04:30 25 it's not like we would have been doing it all



1 night long. We probably did it at 10 and then
2 that was it and sat around for four hours and got
3 wasted and tired and called it a night.

4 Q Would you agree with the time noted of Albert's
04:30 5 departure?

6 A I would have to take this as the time. I have no
7 recollection. It wouldn't be uncommon though.

8 Q Okay. That wasn't an uncommon time for you to
9 visit until?

04:30 10 A No, no.

11 Q If we could move forward to the next page.

12 "Cadrain and his friend left --"

13 Sorry.

14 "Cadrain and his friend left for Calgary so
04:30 15 I was told I did not see Cadrain from the
16 time he left my house on Jan 31 in the
17 afternoon for about a month.

18 When I saw him he told me that
19 he had a terrible experience on his trip to
04:30 20 Calgary. He did not tell me what, but he
21 said he..... of L.S.D. and marijuana and
22 even got a hair cut. He did not tell me any
23 more.

24 I have known Cadrain for since
04:31 25 grade school and I have chummed with him for



1 a year real close. I know he is strong and
2 is quiet his mind is clear and when he is
3 high on marijuana. I am sure in my own mind
4 that Cadrain did not commit this murder."

04:31 5 That last portion I read to you, is that an
6 accurate account of information as you would have
7 provided it to officers at that time, Leonard?

8 A Generally I guess, yeah.

9 Q Is there anything you want to clarify or any
04:31 10 concerns you have with that information?

11 A Well, my only comment on this was once again in
12 the description of the marijuana use, it was, I
13 think, quite generally stated. I've known people
14 who would do it regularly and constantly. We
04:31 15 really -- like I said, we couldn't even afford it.
16 It was a very special thing and it was
17 experimental, but I only say that because in
18 reading the statement, I kind of get the
19 suggestion that this was a common occurrence and
04:32 20 that's the only statement I would want to make
21 now. I'm not saying we didn't, I'm just saying it
22 sounds like it was a regular thing and it really
23 wasn't.

24 Q Other than that clarification, though, you would
04:32 25 adopt the information as true?



1 A Generally, yeah. It obviously wasn't my precise
2 words, it was the words the officer put down based
3 on what I said, but I don't believe there's really
4 anything wrong with it, no.

04:32 5 Q Do you recall whether you understood from the
6 police that Albert was being considered as a
7 suspect?

8 A I don't recall that it came up at all except right
9 at the end.

04:32 10 Q So you don't have a memory of that independent
11 from what is stated in the statement?

12 A Correct. I was actually kind of surprised to see
13 that it even came up, but obviously the police
14 officer asked me that question and it's in the
04:33 15 statement, so --

16 MR. HARDY: Mr. Commissioner, I note the
17 time. We can break at this point if that suits
18 you?

19 COMMISSIONER MacCALLUM: Are you booked on
04:33 20 a flight back to Calgary, sir?

21 A I am.

22 COMMISSIONER MacCALLUM: What time?

23 A I believe I have one at 6:55.

24 COMMISSIONER MacCALLUM: Have you any idea
04:33 25 how much longer it will be?



1 MR. HARDY: I don't expect I'll be much
2 longer. I'm just going to refer to the RCMP
3 contact and play some very short portions of the
4 audio for Leonard.

04:33 5 COMMISSIONER MacCALLUM: How about other
6 counsel, will you have questions of this witness?
7 How many? Just raise your hands. Only one
8 person? Oh, two. I was only joking when I said
9 I would make you pay for my airplane ticket, but
10 I wasn't joking when I said I might miss my
11 plane. I don't like to see Mr. Gorgchuck come
12 back unnecessarily, so maybe we'll just forge
13 ahead for a little while I guess.

14 BY MR. HARDY:

04:34 15 Q Okay. Just in connection with your statement,
16 Leonard, I'm going to make reference to a document
17 106661. It's not a document that you will be able
18 to comment on necessarily, Leonard, but I want to
19 read it in for the record. And if we could turn
04:34 20 to page, the third page of that document, please.
21 Just zoom in on this portion here, I'll read that
22 out:

23 "It is also known that through inquiries
24 made to 218 Avenue D South where I
04:34 25 interviewed Leonard Wytowich, that contrary



1 to Cadrain's story he was in fact smoking
2 pot or weed on the night prior to the murder
3 which Cadrain denied when I originally
4 interviewed him. A statement was taken from
04:34 5 Woytowich to this effect and he himself
6 states that at approximately 10:00 p.m. on
7 the evening prior to the murder when he was
8 associated with Cadrain they were both very
9 high in fact he himself was stoned.

04:35 10 Investigations continue with regards to this
11 particular aspect of this file."

12 Again, Leonard, I don't think you can comment on
13 that other than that's the words that the police
14 officer was reporting in his report?

04:35 15 A Umm, you know, if it's in my statement then I
16 obviously said it. I don't have a recollection of
17 it. It's quite possible, for example, that Albert
18 didn't have as much as I did, or very little. I
19 honestly don't remember.

04:35 20 Q Okay. Do you recall the trial of David Milgaard
21 in 1970?

22 A I probably kept away from it as much as possible.

23 Q You were not called as a witness at that trial?

24 A No, no.

04:35 25 Q And you were not called to testify at the



1 preliminary hearing?

2 A Not that I recall, no.

3 Q Did you understand, at the time, that you might be
4 called to testify?

04:35 5 A I don't remember thinking that I would be.

6 Q Do you recall whether anybody had said anything to
7 you to that effect?

8 A I don't recall, no.

9 Q Do you recall any discussions with the prosecutor?

04:36 10 A I don't recall anything, no.

11 Q Discussions with David Milgaard's lawyer?

12 A I don't recall anything, no.

13 Q And do you have any memories of Albert attending
14 at court or talking to Albert about his attendance
04:36 15 at court?

16 A No, not really. I, like I said, I did talk to
17 Albert once about his concern but, to be honest, I
18 don't even know when that was. Like I said, that
19 might have been about a month after the trip.
04:36 20 But, no, I actually feel that I had virtually
21 nothing to do with that trial at all.

22 Q And I think you have told us that your friendship
23 drifted following that trial?

24 A That's correct.

04:36 25 Q You didn't see Albert as often then?



1 A No, in fact I seldom saw him.

2 Q Did he ever share any further information with you
3 respecting his involvement in that matter?

4 A Umm, not really, that I can recall. I didn't see
04:37 5 him that often, we really -- like I mean,
6 literally, only a couple of times.

7 Q Okay. I believe you were contacted in 1993 by the
8 RCMP in the course of an investigation that they
9 were conducting; do you recall that, Leonard?

04:37 10 A I recall him coming to my home, yes.

11 Q I'm going to turn your attention to document ID
12 045262; you will see your last name at the top --

13 A Uh-huh.

14 Q -- with a 1993 date, and these are what we
04:37 15 understand to be notes of the RCMP officer who was
16 interviewing you at or around this time. If we
17 could turn to page 045263, please, and zoom in on
18 this portion here. It states:

19 "Subject was initially spoken to by Karst.

04:38 20 He did not recall who took his statement
21 back on April 17th, 1969. He didn't go to
22 the police. They came to see him, which he
23 feels was the result of their contact with
24 Albert Cadrain. Does not recall giving any
04:38 25 other statements after the April 17th, 1969



1 one. Does not recall the Police contacting
2 him at anytime after his April 17th, 1969
3 statement."

4 Next page, sorry:

04:38 5 " Subject was given his statement of April
6 17th, 1969 to read. He indicated that the
7 statement was not in his writing. He was
8 satisfied with the contents of the
9 statement, with one exception. This being
04:38 10 the reference to the amounts of drugs being
11 used. He felt that the detail in this area
12 was somewhat heavier than actual fact. He
13 did not feel that his statement had been
14 tampered with in any way. He was not
04:38 15 mistreated, pressured or influenced in any
16 way/at any time by anyone from the Saskatoon
17 Police department with regards to the
18 Milgaard/Miller investigation."

19 Continuing on:

04:39 20 "Subject spoke very highly of Albert Cadrain
21 and obviously (to us) considered Cadrain a
22 close friend. He recalls his last contact
23 with Cadrain to be 5 to 6 years ago when
24 Cadrain was working as either a baker or a
04:39 25 baker's assistant at the Super Store in



1 Saskatoon. He also indicated that Cadrain
2 has been working as a short order cook at
3 the Bessborough Hotel in Saskatoon. Subject
4 recalls going to the Super Store one day to
04:39 5 see Cadrain, only to learn that Cadrain had
6 quit without giving notice. Subject
7 attributes Cadrain's sudden departure from
8 that job because of Joyce Milgaard, who
9 apparently was continually trying to get
04:40 10 ahold of him."

11 Pause there for a moment. Would the information
12 that I have just read be an accurate account of
13 the information that you provided to RCMP
14 officers in 1993, Leonard?

04:40 15 A I believe so.

16 Q And you adopt that information as true?

17 A Yes.

18 Q If we could move ahead, please, to page 045267,
19 zoom in here:

04:40 20 "Subject recalls Cadrain coming over to his
21 place on January 31st, 1969. Subject was
22 not specific as to the time of day, however
23 it would appear to have been in the
24 afternoon. That Albert had been to his
04:40 25 place the day before and they did some



1 marijuana. Subject did not seem to feel
2 that Albert left his place high that day.
3 (Subject believes that in the past he only
4 did LSD twice and one of the occasions might
04:40 5 have been with Cadrain, however, the LSD use
6 does not relate to January 30th/31st, 1969.)
7 When Albert came to his place on January
8 31st, 1969 he wanted the subject to come to
9 Calgary. Subject described Cadrain as
04:41 10 anxious and continually asking him to come
11 along to Calgary. Subject did not want to
12 go on the trip as it was too short a notice
13 and he had just gotten back from his trip to
14 Regina with Cadrain. While Albert was at
04:41 15 his place a fellow came in and wanted to use
16 the bathroom. Subject doesn't recall being
17 introduced to this fellow, however, stated
18 that sometime after Albert told him that it
19 was Milgaard. A fellow that he and Cadrain
04:41 20 saw in Regina on their trip a week before.
21 Subject showed the fellow (Milgaard) to the
22 bathroom and outside the bathroom, while
23 Milgaard was using the washroom, Albert,
24 whispering, asked subject over and over
04:41 25 again to come along to Calgary. That



1 Cadrain did not appear comfortable about the
2 trip. Subject described Albert as
3 apprehensive about the trip and got the
4 impression that Albert did not want to go on
04:41 5 the trip. Cadrain and Milgaard left. They
6 were only at his house for about ten
7 minutes. Thinks that before leaving his
8 place Albert might have wanted to borrow
9 some money. That Albert was not high on
04:42 10 dope on January 31st, 1969. When subject
11 saw Cadrain after the trip (Sometime before
12 court) He described Cadrain as spooked,
13 concerned & troubled. That Albert was not
14 the carefree person that he was before the
04:42 15 trip."

16 Continuing at the bottom:

17 "Subject feels that Cadrain was not the same
18 person after the trip. Subject does not
19 recall Albert ever telling him anything.
04:42 20 After the court case Albert did mention that
21 he saw blood on Milgaard's pants and
22 maintains what he felt he saw. That Albert
23 was worried that Milgaard would get out of
24 jail some day and that he would come and get
04:42 25 him.



1 Subject doesn't believe that
2 Cadrain has lied in any way. He said that
3 doesn't remember if Albert told him about
4 receiving the reward money, however, he did
04:42 5 hear about it. Subject has/had never known
6 Cadrain to be a money chaser (as he put it).
7 Subject does not believe that Albert would
8 lie to get money.

9 Questioned subject as to
04:43 10 whether Cadrain could have killed Miller and
11 subject did not feel he could have.

12 Subject stated that he was
13 never called by the Prosecutor in the
14 Milgaard case. That he did not testify."
04:43 15 That information I have read to you, Leonard, I
16 apologize, it was a quite a bit. If you followed
17 along, was that accurate information as you would
18 have provided to the prosecutor in 1993?

19 A I --

04:43 20 Q I'm sorry, to the RCMP in 1993?

21 A I suppose so, yeah.

22 Q Do you have any --

23 A I --

24 Q -- clarifications that you wanted to make with
04:43 25 respect to that?



1 A No. Other than what's written, I don't really
2 recall that much. I remember him coming to the
3 house, I remember discussing it, I don't remember
4 the details, but if that's what's there, that
04:43 5 sounds reasonable.

6 Q You adopt this information as true as provided?

7 A I, I guess so, yeah.

8 Q Please state, if you are concerned about any
9 pieces of information, please let us know now?

04:43 10 A Well my only concern is the reference to the LSD.
11 I don't remember, it's possible so I'm not going
12 to argue with it, it -- I may have mentioned it,
13 I'm not sure.

14 Q And is that your only concern?

04:44 15 A Generally, that I can think, that's all that jumps
16 out at me right now.

17 Q Okay.

18 A Yes, that's it. I would accept it I guess.

19 Q Mr. Commissioner, the last portion was the few
04:44 20 audio clips from the interviews that Mr. Cadrain
21 had with Peter Carlyle-Gordge sometime in the
22 '80s, a writer, Leonard, and later with the RCMP
23 in 1993. Perhaps we can play those together.

24 If we could have, firstly,
04:44 25 starting with Albert's interview with Peter



1 Carlyle-Gordge, and those are clips LG5 and LG6,
2 please.

3 (Portion of audio recording played)

4 CARLYLE-GORDGE: That's not that bad.

5 RICK SHARADE: Yeah.

6 CARLYLE-GORDGE: When you got kids
7 (unintelligible).

8 ALBERT CADRAIN: Ah, anyway I went to
9 Regina. I met this Betty. She says Oh what's
10 happening? You know her friend a big fat pig,
11 you know. That was ah, with her. She says oh
12 shes living at a, what ya, head house they call
13 it now (unintelligible).

14 CARLYLE-GORDGE: Ya, right.

15 ALBERT CADRAIN: I had a friend, Leonard
16 (Worchuck...Phonetic). And I used to play chess
17 with him all night you know, when I was a kid eh.
18 (Audio stopped)

19 MR. HARDY: Sorry, were those both clips?
20 Okay.

21 (Portion of audio recording played)

22 ALBERT CADRAIN: ... Right next door.
23 There's little, there's a little (unintelligible
24 ... chapel?), hotel next door there. And ah --
25 Because we didn't feel comfortable about ah,



1 didn't feel comfortable at all about staying in
2 that hippie house because we got real bad vibes.
3 Now these people, Leonard was, this is how the,
4 probably how the murder (unintelligible
5 ...whole?) Happened.

6 CARLYLE-GORDGE: Uhhmm.

7 ALBERT CADRAIN: You know.

8 CARLYLE-GORDGE: Uhhmm.

9 ALBERT CADRAIN: My friend had a real
10 expensive thirty-five millimeter camera and he
11 was into taking pictures and this and that. When
12 we went into that hippie house he was going
13 click, click, oh wow man, you know. Here's a
14 little straight boy going oh wow wow. Look at
15 these, I never seen this before. Click, click
16 click. And you should have seen those weirdos
17 look at us. They were sitting there and they all
18 took knives out, sat around the sofa and couch,
19 all around, they sat there with knives and they'd
20 go like this. Weird, boy I was scared. And they
21 were taking little packages of matches in the
22 middle of the room, dropping them on the floor,
23 you know shit like that. And they were ah...
24 (PHONE RINGS IN THE BACKGROUND) Ah it's my wife.
25 They were just trying to see through our minds



1 to see what we, they thought we were informers
2 eh. (Conversation on the phone).

3 "Hello. Hi, how are you. Did you find your
4 ring? I'll go through the garbage and see
5 if I can find it. How's work.

6 (Unintelligible). I'll have the house clean
7 before you get back. (Unintelligible) lots
8 of work eh? (Unintelligible). Vaccum bags
9 in the vaccum cleaner and I'll vaccum the
10 whole place. Okay. I'll vacuum the house
11 up. Yeah. (Unintelligible). A little while
12 ago, (unintelligible). Did you take your
13 pills? (Unintelligible). Yeah. Yeah. Oh
14 Yeah. Well there's no phone
15 (unintelligible)."

16 (Conversation continues CARLYLE-GORDGE, CADRAIN and
17 RICK SHARADE)

18 ALBERT CADRAIN: ... (unintelligible) The
19 wife, she, she lost thirteen pounds and she lost
20 her wedding ring, slipped off her finger.

21 CARLYLE-GORDGE: Uhmmm.

22 ALBERT CADRAIN: Second time.

23 CARLYLE-GORDGE: Oh no.

24 ALBERT CADRAIN: Geez, I don't know if she
25 had insurance for it this time.



1 CARLYLE-GORDGE: Hmmm.

2 ALBERT CADRAIN: Ah.

3 CARLYLE-GORDGE: Okay. So you were taking
4 pictures.

5 ALBERT CADRAIN: I wasn't, Leonard was,
6 yeah.

7 CARLYLE-GORDGE: Leonard, yeah.

8 ALBERT CADRAIN: He didn't know better and
9 I didn't know, just a bunch of kids eh.

10 CARLYLE-GORDGE: Uhmmm.

11 ALBERT CADRAIN: Passed the dope around and
12 started doing that to us eh. Then all of a
13 sudden they said you guys can't stay here.

14 CARLYLE-GORDGE: Uhmmm.

15 ALBERT CADRAIN: They said you could stay
16 in the city hall. We got a room for you in an
17 upstairs story of the city hall. Where did they
18 get connections like that? It's kind of a
19 story. I says geez, you know, I, Milgaard was
20 around, I said does anyone know David Milgaard
21 from ahm, ah, Langenburg? Everyone looked at me,
22 that was another mistake. I got Milgaard in big
23 trouble because he, he thought he was connected
24 with some informers. They thought we were
25 informers because Leonard was click, click,



1 click, click, click, click...

2 CARLYLE-GORDGE: ... Ah, okay. Yeah.

3 ALBERT CADRAIN: You see.

4 CARLYLE-GORDGE: Yeah.

5 ALBERT CADRAIN: It's real scary and I
6 asked Leonard you got them pictures, there might
7 be a story to it. Can't find them. Those
8 fuckers probably did get a hold of the film.

9 CARLYLE-GORDGE: Hmmm.

10 ALBERT CADRAIN: And here's how, that, oh
11 ya, now we ended up going, we stayed at the, they
12 wanted us to stay at the, at the city hall. We
13 says, naa well, we got money, we'll go and get a
14 hotel room and we did next to Smittys Pancake
15 House eh.

16 CARLYLE-GORDGE: Uhmmm.

17 ALBERT CADRAIN: We bought a bag there.
18 And a motorcycle gang was connected with those
19 fuckers. That night they, they said, where do
20 you guys live, we didn't know them, we told them.
21 I said we'll be staying at the hotel here. That
22 gotem more suspicious too, because you know. We
23 stayed in a hotel next door.

24 CARLYLE-GORDGE: Uhmmm.

25 ALBERT CADRAIN: Asked us our room number.



1 Anyway, I hear a knock about three o'clock in the
2 morning. I had a good feel then and Leonard did
3 too cause we were working pretty hard eh.

4 CARLYLE-GORDGE: Uhmmm.

5 ALBERT CADRAIN: And ah, all of a sudden I
6 hear a, you know, (sound of knocking) real light
7 on the door.

8 (Audio stopped)

9 COMMISSIONER MacCALLUM: I'm sorry,
04:51 10 Mr. Hardy.

11 MR. HARDY: No, that's fine.

12 COMMISSIONER MacCALLUM: I have just
13 learned that one of the systems operators is also
14 booked at -- on the 6:00 flight, and I can hardly
04:51 15 take it upon myself to make her miss her
16 airplane, so --

17 MR. HARDY: Yeah, no, I understand.

18 COMMISSIONER MacCALLUM: Mr. Gorgchuck,
19 would you care to spend another day in Saskatoon
04:51 20 on Monday?

21 A I, since I have been subpoenaed here, do I have a
22 choice?

23 COMMISSIONER MacCALLUM: Well I would, we
24 would certainly make arrangements to suit your
04:52 25 convenience if it is?



1 A Yeah, I can make arrangements. It's all right,
2 sir.

3 COMMISSIONER MacCALLUM: Is it all right?

4 A I can make arrangements.

5 COMMISSIONER MacCALLUM: Thank you very
6 much. Very well. We're adjourned until 10:00 on
7 Monday.

8 *(Adjourned at 4:52)*

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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



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