

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
Ramada Hotel at
Saskatoon, Saskatchewan

On Tuesday, May 9th, 2006

Volume 146

Inquiry Proceedings



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Ms. Catherine Knox, **for** Mr. T.D.R. (Bobs) Caldwell
Mr. Garrett Wilson, Q.C., **for** Mr. Serge Kujawa
Mr. Rick Elson, Esq., **for** the Saskatoon Police Service
Mr. Chris Boychuk, Esq., **for** Mr. Eddie Karst
Mr. Bruce Gibson, Esq., **for** the RCMP
Mr. Eamon O'Keefe, Esq., **for** Mr. Larry Fisher
Mr. David Frayer, Q.C., **for** Minister of Justice
 (Canada), The Hon. Vic Toews
Mr. Marshall Hopkins **for** Justice Calvin Tallis
 (Retired)



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- BY MR. HODSON

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Transcript of Proceedings

(Reconvened at 9:01 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

JOYCE IOLA MILGAARD, continued:

BY MR. HODSON:

Q Good morning, Mrs. Milgaard.

A Good morning.

Q Yesterday we left off right at the end of 1980 and your engagement of Mr. Young and Chris O'Brien. If we could just call up 219408 and this is a letter from Deputy Chief Corey to the chief of police December 31, 1980 and it relates to a request by Chris O'Brien where he contacted the city police wanting to get copies of the police files and to interview some police officers, and I believe there was also some evidence at some point that we heard along the way that he had been, I think he was a radio announcer at the time; was he not?

A Yes, he was.

Q And that there was some discussions with the police about give me some information, I'm going to publicize some of this information, things of that nature. Were you aware of that going on at



1 the time?

2 A I believe I was.

3 Q And would he be -- again, you talked yesterday
4 about how a number of people sort of joined the
09:02 5 cause. Would he be -- would it be fair to say
6 that Mr. O'Brien, when he contacted the city
7 police and said I would like to look at your files
8 and interview police officers, that he would be
9 doing that on behalf of your group?

09:02 10 A No, I think when he first started out he was quite
11 independent, but the same as with most of the
12 media people that started out with that sense of
13 independence, they pretty soon had a strong
14 allegiance to the cause because they could feel
09:03 15 that an injustice had been done.

16 Q And I guess just with respect to Mr. O'Brien,
17 because I think followed up on this, Mr. Young
18 made a request of the police and I can't recall
19 where it was in the evidence, but I remember
09:03 20 seeing something where the police were concerned
21 that a radio announcer would be asking, number 1,
22 to look at the files, and (b), to interview police
23 witnesses and that that might have heightened
24 their concern about disclosing information. Do
09:03 25 you recall any of that being communicated to you



1 at the time or being an issue?

2 A No, I don't recall that being an issue at the
3 time.

4 Q If we can then go to 331970 --

09:03 5 A One of the things that we talked about yesterday,
6 and I thought of it last night, and I think it's
7 important for the Commission to know the kind of
8 mindset that we had at that time and we talked
9 about the day the verdict came in, I can remember
09:04 10 my husband groaning that day and David afterwards
11 talking about the fact that his dad, he couldn't
12 believe it was his dad because he had always
13 looked so strong and suddenly he looked so weak,
14 and I know myself, I felt just numb, that I was
09:04 15 encased in ice, and I did say yesterday I'm not a
16 cryer, but I did cry that day, and going home
17 knowing that we would have to tell the children,
18 and I think it's important for people to know what
19 happened in the subsequent weeks after that
09:05 20 because I can remember Maureen as a little girl
21 being brought home, she had been encircled by the
22 students at school and she was crying, she had
23 these little grubby fists and her face was all
24 tear stained and they are saying your brother is a
09:05 25 killer, your brother is a killer, and Susan, her



1 best friend was no longer around, and Chris, I
2 mean, Chris had never been in trouble and suddenly
3 he was coming home and he was scuffed up and, you
4 know, I was looking back over why I was in the
09:05 5 state I was in at that time as a mom, but I think
6 that's the reason that maybe I didn't question a
7 lot of the things that I should have been
8 questioning because I was meeting all of these
9 terrible upsets with our family. You would walk
09:06 10 into the grocery store and suddenly they would
11 stop talking and you would be walking along the
12 street with the children and people would walk to
13 the other side and, I mean, I didn't mind so much
14 for me, but it was for the children, and I think
09:06 15 that it really did something terrible to all of
16 them, and so when I, when you asked me about
17 phoning the, in 1980 and wanting to get the kids
18 involved again, I had those memories of those days
19 and they had built their lives up again and
09:06 20 suddenly I was asking them to go right front and
21 centre again and yet I felt I had to do it, but
22 it's still in their lives today all these years
23 later, and that's what happens when you are
24 wrongly convicted and I think that it's important
09:07 25 for people to be aware that the system must change



1 so that they don't have to go through what the
2 Milgaard family went through.

3 Q And we did touch a bit on this yesterday, and
4 perhaps if I can just summarize it and you tell me
09:07 5 if I have this correct, Mrs. Milgaard. I think
6 what you told us this morning and again yesterday
7 is that the effect that David's conviction had on
8 you and your family at the time had an impact
9 beyond just David, it had an impact on you and
09:07 10 your children and as a result of that it took some
11 time for you to get your family to sort of deal
12 with that, and is it fair to say that it wasn't
13 until about 1980 that you and your family were in
14 a position to start to challenge things the way
09:07 15 you did and that, I think you are saying, is prior
16 to that, due to the effect the conviction had on
17 you and your family, you weren't able to do it?

18 A I think we just weren't able to cope and I didn't
19 want it to look like we just hadn't cared or
09:08 20 hadn't started.

21 Q Did I summarize that -- is that fair, is that what
22 you are saying?

23 A I think that's fair.

24 Q And again I think you told us a bit yesterday and
09:08 25 again this morning some of the particular



1 incidents and how it affected your family, but it
2 was 1980 I think you told us yesterday where your
3 family was in a position to start to challenge
4 some of the things?

09:08 5 A And they had all decided to do it and all came out
6 to Saskatoon to recreate the situation together.

7 Q If we can just, to Mr. Young in 1980, and we just,
8 we started to talk about him yesterday. If we
9 could just bring up 331970 and I think this, I
09:08 10 think this gets the date, and you will recall, I
11 think your news release was December 23, 1980, so
12 it would appear around that time, in addition to
13 putting out the news release, you would have also
14 made arrangements to engage a lawyer; is that
09:09 15 fair?

16 A Yes.

17 Q And can you tell us generally, what did you ask
18 Mr. Young to do, what were you getting him to do?
19 What was your understanding of what you were
09:09 20 hiring him for?

21 A To help us get David's case re-opened. I mean, I
22 thought that he would be able to get -- I really
23 didn't know the legal system, I really didn't know
24 what was required, I had no idea of how we could
09:09 25 do it. I felt that he would have the expertise,



1 maybe people who could help trace things. I know
2 he talked about getting the files and looking at
3 the files, but to me, if there had been anything
4 in the files, I couldn't see the necessity for
09:10 5 anyone going out to get the files because the
6 prosecutor, according to my understanding, had
7 turned everything over to Mr. Tallis, so there
8 wouldn't be anything in the files there and, you
9 know, that would be, that we wouldn't have had. I
09:10 10 was not realizing that things had been kept from
11 us and not disclosed.

12 Q I thought yesterday that you told us that one of
13 the things you wanted Mr. Young to do was to help
14 you get information and that included any
09:10 15 information that the police might have, that
16 Mr. Tallis may have and that Mr. Caldwell may
17 have?

18 A Yes, but I also felt that -- I guess I was
19 thinking that there wouldn't be anything in those
09:10 20 other than the fact that I thought that there
21 might be something in the police files that we
22 didn't have.

23 Q Okay. Well -- and I can go through this and we'll
24 see where you did in fact talk to Mr. Young, I
09:11 25 believe based on his evidence, about getting



1 information and looking at Mr. Tallis' file, you
2 recall that Mr. Carlyle-Gordge looked at the
3 prosecutor's file and based on information in
4 there that caused you to pursue some inquiries; is
09:11 5 that correct?

6 A I think that's one of the reasons that we were
7 digging deeper, was because of some of the things
8 Peter found in that file and it made us very
9 suspicious about what had gone on at that time.

09:11 10 Q One of the first things that Mr. Young did
11 according to his evidence -- well, three things,
12 one, where he makes efforts to get Mr. Tallis'
13 file, the police file and Mr. Caldwell's file, and
14 again, do you take any issue with that, that that
09:11 15 was what he did sort of initially after he was
16 retained by you?

17 A I'm probably mixed up a little in my dates, but I
18 think that that would have been the correct order
19 that he would have done it in, even though we
09:11 20 had --

21 COMMISSIONER MacCALLUM: Are you speaking
22 about Young?

23 MR. HODSON: Yes, Gary Young.

24 A Now, had Peter already seen -- I would have to
09:12 25 think of the dates. Had Peter already seen



1 Caldwell's file before I hired Gary Young?

2 BY MR. HODSON:

3 Q If I may assist you, he did not see the file until
4 February of 1983 and so in 1981 --

09:12 5 A We didn't have that.

6 Q I think the evidence is in January of 1981, and I
7 think what you told us yesterday, when you started
8 your endeavour with your family you had nothing
9 other than what you remembered from trial?

09:12 10 A Right, okay.

11 Q And I thought yesterday you said, we went through
12 the list of things to do, and I thought you said
13 one of the paramount considerations was to gather
14 information?

09:12 15 A It was, and what I was thinking of when we were
16 speaking was I was thinking after Peter
17 Carlyle-Gordge. You know, it's kind of
18 interesting because you can go from one era to
19 another without really realizing where you are.

09:12 20 Q Did you, when you engaged Gary Young, did you tell
21 him not to go to the police or Mr. Caldwell
22 because of any fear that they were -- not to go to
23 them for information because they were the ones
24 who, in your view, had been part of the system
09:13 25 that convicted David?



1 A No, it wasn't until after Peter Carlyle-Gordge saw
2 the Caldwell file that I started to have a fear of
3 the police and the department, if you will.

4 Q But again, just so that I'm clear, when you
09:13 5 engaged Mr. Young, I take it you had no concerns
6 with Mr. Young contacting the police, Mr. Caldwell
7 and Mr. Tallis to get their files?

8 A No, because at that time I really believed in the
9 justice system and I had no reason to doubt that
09:13 10 they had done anything wrong.

11 Q And again just, let's just talk about the
12 procedure. We'll see when we go through, and I
13 think from what the documents suggest and the
14 evidence we've heard, that starting in 1980 would
09:13 15 it be fair to say, right through until David was
16 released in 1992, that you at all times had legal
17 counsel engaged on your behalf?

18 A Yes, I did.

19 Q And so I think Gary Young was 1980 for about four
09:14 20 months and then Tony Merchant was there until, he
21 would have been your counsel up until Mr. Wolch
22 and Mr. Asper were engaged; is that fair?

23 A That's correct.

24 Q And so from 1980 onward it would be Mr. Young, Mr.
09:14 25 Merchant or Mr. Wolch or Mr. Asper; correct?



1 A Correct.

2 Q And as far as the question, and we're going to go
3 through in some detail the information that you
4 and people helping you gathered starting in 1980.

09:14 5 As far as the decision about when to go to the
6 authorities, what to give the authorities, who to
7 go to, things of that nature, did you rely upon
8 your legal counsel to be making those decisions?

9 A When I first started out, yes. After that, with
09:14 10 Hersh and David, they had a pretty difficult time
11 because I was starting to really want to do things
12 and get them done, I was tired of waiting.

13 Q Okay. But as far as -- and we'll talk a bit more
14 about section 617 and 690, but is it fair to say
09:15 15 that you would have left up to your lawyers the
16 decision as to when to file the application, what
17 to put in the application?

18 A Absolutely.

19 Q You would rely on your legal counsel as to what
09:15 20 steps if any should be taken with respect to the
21 police, the Crown prosecutor, the Attorney
22 General, Mr. Tallis, as far as getting
23 information?

24 A Yes, I did.

09:15 25 Q And so whatever advice you got or whatever steps



1 they thought appropriate, you would rely on them
2 to pursue that avenue; is that fair?

3 A Yes, that's fair.

4 Q That would be part of the job you hired them to
09:15 5 do?

6 A Yes. Plus I was asking them, whenever I got any
7 kind of a lead or anything like that, with Gary
8 Young, when I found the, who I think killed the
9 other nurse, I immediately went to Gary Young's
09:15 10 office that day and asked him, you know, to be in
11 touch with the administrator of the hospital, and
12 so he was acting for me in any investigation that
13 I was going into and getting information. It will
14 be indicated in his files when -- with the other
09:16 15 rapist in the *Mahar* case, where I was
16 investigating that, it turned out that I found out
17 his partner had represented him and so I also
18 asked him to work on that. So I wasn't just sort
19 of standing by and letting them do it all, I was
09:16 20 out actively, and the family was out actively
21 investigating other possibilities, other possible
22 suspects.

23 Q Right, but you may have been giving information to
24 your counsel, but to the extent -- if I asked you
09:16 25 the question "why didn't you, Joyce Milgaard,



1 contact the chief of police to get the file", or
2 "why didn't you contact the federal Attorney
3 General and file the application", am I correct
4 that the answer would be that's why you hired your
09:16 5 lawyer?

6 A Oh, definitely.

7 Q Okay.

8 A I felt he would be the one that handled --

9 Q Right.

09:17 10 A -- the official things.

11 Q And so I think what you are telling us -- and
12 correct me if I'm wrong -- that even though you
13 were relying upon your lawyers to determine what
14 avenues to pursue to get information, when to do
09:17 15 it, what legal steps to take, you were certainly
16 giving your input, giving information and seeking
17 information from your lawyers; is that fair?

18 A That's fair.

19 Q And so, if you found a piece of information, you
09:17 20 might say to your lawyer -- and then we'll deal
21 with the specifics later -- but "lookit, I'd like
22 to get this information, I'd like to find out if
23 the police had any information on this person or
24 that person", --

09:17 25 A Yes.



1 Q -- things of that nature?

2 A Absolutely.

3 Q Let's just go back again in 1980 about what you
4 understood at that time. Just when you engaged
09:17 5 Mr. Young, did you even know that the police kept
6 files, what was your understanding of what might
7 be in existence by way of paper?

8 A I don't think I had any understanding, at all, of
9 what they had.

09:17 10 Q And as far as what the Crown would have, again,
11 did you have any understanding of how the -- I
12 hate to use the word "system" -- but what would be
13 in place for record-keeping for the investigation,
14 the prosecution, and indeed Mr. Tallis' defence?
09:18 15 Other than the Court transcripts, did you have any
16 idea?

17 A I had no idea, and in those days I don't think we
18 are as TV-smart detectives as we are now,
19 everyone -- you watch these TV shows so you have a
09:18 20 vast knowledge of what the police are doing, and
21 prosecutors and things are doing, because you see
22 it on TV, but in those days we didn't have the TV,
23 and so you really didn't have that much going on.

24 Q And would you then, was it fair to say that you
09:18 25 would rely on your legal counsel, then, to advise



1 you about what papers might be out there, what you
2 might be able to get, --

3 A Yes.

4 Q -- and what might assist you; is that fair?

09:18 5 A That's fair.

6 Q If we can go to 331972. Actually, sorry, if we
7 can just go back to 331970. It looks like the day
8 that you called, is this the day you would have
9 retained Mr. Young, is that likely right? I
09:19 10 appreciate we're going back a bit, but this would
11 be the day after you put --

12 A September 20 --

13 Q -- the ad in the paper, or the press release out?

14 A Probably.

09:19 15 Q Yeah. And so he would have phoned Mr. Caldwell to
16 get the trial transcript. And I take it at this
17 time, Mrs. Milgaard, you would not have had even
18 the trial transcript; is that fair?

19 A No, we had -- we didn't have anything.

09:19 20 Q And so that appears to be step number 1, to get
21 the trial transcript. Is that something you would
22 have asked him to get, or he would have told you
23 you should get, or do you recall how that came up?

24 A I have no idea, but I imagine that I had probably
09:19 25 asked for it, because you are trying to remember



1 what everyone was saying.

2 Q And then if we can go to 331972, looks like from
3 Christmas Eve to New Year's Eve, and here Mr.
4 Young has called the deputy chief of police, and I
09:20 5 think his evidence was that after making the
6 request for the Court transcript he contacted the
7 police to get information. Again, do you recall
8 if that's something that you would have asked him
9 to do, or he would have discussed with you, or --

09:20 10 A No, I think it was a step that he took.

11 Q And then 331965. And this is Mr. Young's call on
12 January 5, '81 with the chief, who basically says
13 that the police won't:

14 "... release information - nor authorize
09:20 15 his officers to discuss the case unless
16 we give him some reason for wanting to
17 do so - suggests we go through the ...",

18 Attorney General. And we've heard Mr. Young's
19 evidence on this matter, and I think what he said
09:20 20 is that he felt, in order to get access to the
21 police information, he could have taken some
22 steps to get there, however he was only engaged
23 for I think four months, and that precluded him
24 from following up as he might have done. Did you
09:21 25 have any discussions, or do you have any



1 recollection about this issue, or is that
2 something you would have left to Mr. Young?

3 A I would have left that to Mr. Young.

4 Q So again, about as far as contacting the
09:21 5 Provincial Attorney General or taking other steps
6 to get into the police files, would that -- was
7 that something you let your legal counsel deal
8 with?

9 A Yes, it was.

09:21 10 Q Now I don't think, Mrs. Milgaard, after this
11 request in January of 1981 I don't believe, at
12 least the evidence we've heard or the record
13 reflects that there would not have been a request
14 to the police directly for access to their file
09:21 15 until sometime in the course of the Section 690
16 proceedings? And we haven't heard all the
17 evidence on that yet, but certainly the police
18 files, I think, were provided, some were provided
19 to your counsel in October of 1990 and I think the
09:22 20 balance in December of 1991, just prior to the
21 reference?

22 A And some of them we didn't get until we got here.

23 Q The RCMP reports? Yes.

24 A The RCMP.

09:22 25 Q Yeah.



1 A So, I mean, when you look back you think it would
2 have probably been an exercise in futility to have
3 gone after them because look at how long it's
4 taken to get them now.

09:22 5 Q And I guess that's my question. Who, was there a
6 decision made, I mean how did it come about that
7 there -- was there a reason that there wasn't a
8 request after Mr. Young made the request in
9 January of '81, and is -- is that a proper
09:22 10 question for you, or for others who were acting
11 for you?

12 A No, I think it would have to be asked for others,
13 maybe, because I was the mum, you know, I was
14 forced into being a detective and forced into
09:22 15 being these other things because people didn't do
16 their jobs right. And I'm not faulting my lawyers
17 because I think that we were all trying to get as
18 much information as we could, and I know that with
19 Hersh and David, that they put in all kinds of
09:23 20 requests for everything, and when we went to the
21 Supreme Court and got all these documents and
22 police things, and I thought "where have they been
23 all these years", I --

24 Q So is it fair to say that you would have liked to
09:23 25 have those police reports as soon as you possibly



1 could have, number 1?

2 A What a difference, it could have been a ten-year
3 difference, --

4 Q And --

09:23 5 A -- it could have made a ten-year difference in
6 getting my son out.

7 Q And, secondly, who did you, Joyce Milgaard, rely
8 upon to get those police files?

9 A Well I relied on the justice system to provide
09:23 10 them to our lawyers.

11 Q Okay. So again, and certainly we've heard from
12 Mr. Asper and we'll hear from others later on, I'm
13 just trying to understand whether -- is it fair to
14 say that you would have relied upon your lawyers
09:24 15 from time to time, whoever it might have been at
16 the given time, that if the police files were
17 accessible it would be your lawyers who would
18 be -- who you would be looking to to make the
19 request and take whatever steps to get them, as
09:24 20 opposed to you the mum; is that what you are
21 saying?

22 A I am.

23 Q But that you would, I think you are now telling me
24 that you would have liked to have had those police
09:24 25 files in 1980, is that --



1 A Well, yes, if we'd had them in 1980 we would have
2 got David out then.

3 Q 331963. This is January the 6th, 1981 with Mr.
4 Young and it looks, here, that he was instructed
09:24 5 by you to copy the transcripts, and I think we'll
6 see from some documents you would have received
7 the Court transcript shortly after you engaged Mr.
8 Young?

9 A Yes.

09:25 10 Q Go to 331953, please. This is Mr. Young's letter
11 to the chief of police, and again, we have been
12 through this before with him and he's just
13 explaining to the chief -- if we can call that
14 out, please -- about why he wants access to the
09:25 15 police file and perhaps to interview some officers
16 about:

17 "... hope that information can be
18 obtained that might ultimately lead to
19 the exoneration of Mr. Milgaard.",
09:25 20 and then asks for the police assistance in
21 locating Ron Wilson:

22 "Nichol John
23 Albert Henry Cadrain

24 It is possible that the family
09:25 25 will want to try to speak to other



1 individuals involved in the
2 investigative and trial process ..."

3 And can we take it from this, Mrs. Milgaard, that
4 early on, certainly right when you retained Mr.
09:26 5 Young, one of the first things you wanted to do
6 was to interview and talk to Ronald Wilson,
7 Nichol John, and Albert Cadrain?

8 A That was top of the list.

9 Q And so it appears that Mr. Young has made the
09:26 10 request of the police, "can you help us find
11 them"; is that fair?

12 A Right.

13 Q Now we've heard some evidence and we have been
14 through some documents about what happened after
09:26 15 this request. The police made contact with
16 Wilson, John, Cadrain about whether they wished to
17 talk to you, and I think correspondence came back
18 to Mr. Young saying "lookit, we've" -- the "we"
19 being the police -- "have talked to these three,
09:26 20 none of them want their addresses disclosed and
21 none of them want to talk to you", and I think you
22 then -- and we'll go through some of these
23 interviews -- then followed up and found them and
24 talked to them. And I'm wondering, what is your
09:26 25 recollection of these witnesses or any other



1 witnesses telling you -- and I'm looking for your
2 direct knowledge about these witnesses -- telling
3 you about what the police told them with respect
4 to whether or not they could or should talk to
09:27 5 you? And if it's easier to go through witness by
6 witness, Ron Wilson, Nichol John, Cadrain, that's
7 fine, I'm just looking for what -- because we have
8 seen this from time to time, the suggestion I
9 think from you that witnesses, or that you felt
09:27 10 the police were telling witnesses not to talk to
11 you; is that fair?

12 A Yes.

13 Q And can you just elaborate and tell us what you
14 recall about what you were told by these people,
09:27 15 or your impressions?

16 A Well I remember when it -- when we were trying to
17 find Linda Fisher, for instance, knocking on
18 neighbour's doors and going throughout the
19 neighbourhood trying to locate her and various
09:27 20 people like that, I can't tell you exactly who I
21 was looking for, but I remember going to doors and
22 being told that, "well, the police have already
23 been here and they said don't talk to
24 Mrs. Milgaard". Now I can't tell you which
09:28 25 witness it was that said that to me, but I



1 remember it was on numerous occasions and it was,
2 what amazed me was we were in Regina and it was
3 the Saskatoon Police that had gone to those
4 witnesses.

09:28 5 Q And I think what we've heard evidence about, and
6 what is on the record by way of documents, is that
7 before you talked to, I think, Wilson, John, and
8 Cadrain, --

9 A Right.

09:28 10 Q -- they had all been contacted, I think Wilson and
11 John had been contacted by both Regina Police and
12 Saskatoon Police, and that Cadrain had been
13 contacted by Saskatoon City Police, and there
14 might be different, different versions of what was
09:28 15 discussed, --

16 A No.

17 Q -- but certainly they were contacted by police
18 before you talked to them --

19 A Yes.

09:29 20 Q -- in response to Mr. Young's request to help find
21 them, and I guess what I am looking for from you,
22 was there anything -- let's talk Ron Wilson, and
23 I'll go to the taped interviews a little bit
24 later.

09:29 25 A Yeah, I think in the taped interview there should



1 be a part there where Ron tells me, "you know, the
2 police told me not to talk to you, Mrs. Milgaard,
3 but I'm going to", or that could have been George
4 Lapchuk. You know, I'd have to really go over
09:29 5 those in order to --

6 Q Sure, we'll go through.

7 A -- know that.

8 Q There's a reference, and we'll go through the
9 Wilson and John transcripts, but apart from what's
09:29 10 in those interviews is there anything else that
11 you remember about this suggestion that the police
12 told witnesses not to talk to you?

13 A I don't know where I got it, I can't tell you, but
14 I just felt, at some point, that we were fighting
09:30 15 the police.

16 Q Did the fact that you, when you went to talk to
17 particularly Wilson, John and Cadrain -- and I
18 think we'll see this as we go through the
19 interviews -- is it fair to say that in 1981, when
09:30 20 you started to talk to these people, that
21 virtually everyone, particularly those who were
22 directly involved, were not real happy about
23 bringing the matter up again?

24 A No.

09:30 25 Q Is that fair?



1 A That's fair. They didn't want to talk to me or
2 see me or anything, it was -- and with Nichol
3 John, we were chasing her all over the city.

4 Q Right. So the fact that when you -- and was that
09:30 5 something you expected when you went out or --

6 A No. I expected that in a way, especially -- I
7 mean I, I wrote all kinds of letters to Nichol, I
8 tried to speak with her, when that didn't work I
9 sent letters to her, explained that if -- that we
09:31 10 had more information, that if she would just come
11 and talk with us I could explain this information
12 and show her that she couldn't have been involved
13 in a murder.

14 Q So, with Nichol John, did you get the sense that
09:31 15 her reluctance to talk to you was somehow related
16 to contact she may have had with the police?

17 A Yes, definitely.

18 Q And why do you -- and what causes you to say that?

19 A Well I think that, with all of them, they had
09:31 20 lied, and the police had got them to lie, so I
21 think that it -- I mean if you look at that kind
22 of situation, naturally they're going to be afraid
23 to talk to me, because they know they have lied.

24 Q And so your perception or what you observed was
09:31 25 that the witnesses were reluctant to talk to you



1 and that the police had been in touch with them?

2 A Yes.

3 Q And did you -- did you realize at the time, or you
4 were aware that the police had been in touch at
09:32 5 least with Wilson, John, and Cadrain, because your
6 lawyer had asked the police to find them?

7 A No.

8 Q Was that --

9 A No.

09:32 10 Q Were you aware of that at the time?

11 A No, I wasn't.

12 Q What about, let's just pause here for a moment and
13 talk about this issue of an investigator, and I
14 know later on, I think in your book or in some
09:32 15 other report, you've indicated that -- I think,
16 and please correct me if I'm wrong -- but that you
17 wished you would have had the funds to hire a
18 investigator; do you remember that, a private
19 investigator to assist you?

09:32 20 A Yes.

21 Q And, again, I don't think -- and, again, I guess
22 some might say Mr. Carlyle-Gordge was an
23 investigator of sorts, but if we're talking about
24 a private investigator it appears that it wasn't
09:32 25 until 1990 when Mr. Henderson came along that an



1 investigator was retained; is that right?

2 A Well, bear in mind this \$10,000 that we had was
3 everything --

4 Q Yes.

09:33 5 A -- that we had, and I'm flying back and forth to
6 Regina and Saskatoon, or driving most of the time,
7 a lot of the time driving, and just the expense of
8 coming up here and staying here and driving back
9 and forth, that was taking the money that we had,
09:33 10 so I was becoming the investigator.

11 Q Right. And I'm going to ask you this question,
12 and I'm not asking it in a critical way, I just
13 want to find out what your thinking was at the
14 time; had you considered at that time, instead of
09:33 15 you going out and talking to these people, hiring
16 somebody, an investigator, and saying "lookit, you
17 go out, find these people, talk to them, and come
18 back and give me a report"; was that -- was there
19 a reason that you wouldn't have done that?

09:33 20 A I think financially, the reason was just having to
21 pay the amount that we were paying out to the
22 lawyers and things like that, that I didn't have a
23 lot of money. And, plus, I felt that as a mum, if
24 I could speak to them and explain to them that
09:34 25 David didn't hold any grudges, that he knew what



1 had happened, and just speak one on one with them,
2 that I could convince them to come forward and
3 tell the truth.

4 Q Yeah. And so do I take it, from that, that at
09:34 5 least in 1980, and it appears for some time in the
6 following few years and even late in the '80s,
7 that you -- you wanted to talk to these people
8 directly as David Milgaard's mother?

9 A Yes.

09:34 10 Q As opposed to a retired investigator or an
11 investigator of some sorts; is that fair?

12 A Yes.

13 Q And did you feel that you could get information
14 out of these people that perhaps an investigator,
09:34 15 not connected to David directly, could not get?

16 A I think that was my feeling.

17 Q And so, again, is it something you considered at
18 the time, though, about getting an investigator?
19 Did you discuss it with any of your legal counsel
09:35 20 or --

21 A No, I don't believe we did, because, as I said,
22 money was an issue at that time, we didn't have a
23 lot of it, and we were putting in everything that
24 we had. Even getting bumper stickers and all
09:35 25 sorts of things like that, and getting petitions



1 signed, my daughters were outside clubs and
2 outside the exhibitions and everything getting
3 petition signs to free David Milgaard and all
4 sorts of things like this, so there was all kinds
09:35 5 of expenses going on.

6 Q Is it fair to put it this way -- and I appreciate
7 what you are saying about limited resources, I
8 think a number of years later you commented about
9 how much money of your own money you had to spend
09:35 10 on this; would it be fair to say that if you were
11 to get an investigator to go interview all these
12 witnesses, that it was either the investigator or
13 you, one or the other, and you chose for you to do
14 it as opposed to getting someone else to do it; is
09:36 15 that a fair way to put it? Because, obviously,
16 you would have incurred expenses in travelling to
17 meet all these people?

18 A Yes.

19 Q And I'm just trying to understand, was that the
09:36 20 choice you made, that "lookit, I'm going to do
21 this myself as opposed to hiring someone else to
22 do this"?

23 A I honestly don't -- I -- I can't say. I think
24 that that's probably the rationale, but I'm not
09:36 25 sure it was, I --



1 Q What about --

2 A I think that what we -- I just felt so helpless,
3 with David not being able to walk, that I just
4 wanted to get in there and do something, and I
09:36 5 think that it helped me to get out and really
6 try, --

7 Q So --

8 A -- because I felt like a failure of a mum. I
9 really did. And so I needed, I think I needed --
09:37 10 I'm being very frank -- I needed that activity, I
11 needed to get in, and I needed to let him see that
12 I was out there fighting for him.

13 Q So one of the reasons, then, that you might not
14 have got a third party to go do it is it was
09:37 15 important for you to be involved yourself?

16 A It was.

17 Q And for David to see that?

18 A And for David to see that. He needed that
19 knowledge, that support.

09:37 20 Q Now, when Peter Carlyle-Gordge became involved,
21 did he fill a bit of that role as --

22 A Oh, definitely, I mean --

23 Q -- an investigator?

24 A Yes, because I mean Peter could get into places
09:37 25 that I couldn't get into.



1 Q Go to 331949. And this is the letter from Gary
2 Young to you January 14, 1981 with a transcript,
3 and I'm -- I believe it's the entire transcript
4 that he's sending you. Would this have been the
09:38 5 first time, then, that you got the complete record
6 of the transcript of the trial?

7 A I believe it would have been.

8 Q Do you know if David had the transcript in jail
9 after his -- in preparation for his appeal; do you
09:38 10 remember if he would have had a copy of it?

11 A I do not remember.

12 Q When you got it from Mr. Young, is that your
13 memory of the first time that you actually would
14 have sat and read --

09:38 15 A Read through it, yes.

16 Q And can you tell us just generally -- we're going
17 to go through some of the following interviews --
18 but was there anything that stood out in your mind
19 when you -- did you sit down and read the
09:38 20 transcript sort of shortly after receiving it and
21 going through it?

22 A I must have, but --

23 Q Is there anything, you talked yesterday about how,
24 when your family went to the scene, it struck you
09:38 25 that I think your words were "intellectually that



1 David couldn't have done it"; was there anything,
2 when you read the transcript, that stood out in
3 your mind at the time as being "here's something
4 that we should pursue, here's something that's
09:39 5 suspicious"?

6 A Oh, and that's what I was looking for in the
7 transcripts, were things we could look at and what
8 the -- because just remembering what the various
9 theories were that Mr. Caldwell presented and Mr.
09:39 10 Tallis presented at trial, it was important to
11 have all of that background and have a knowledge
12 of it before we went out to the scene.

13 Q And is it fair to say this; that when you took the
14 transcript, that you would go through it and say
09:39 15 "okay, let's examine, attack everything that's
16 possibly negative to David's interest in the case,
17 and see if we can't challenge it or check it"?

18 A Yes, we were challenging and checking everything.

19 Q And as well, to the extent that there were
09:39 20 favourable matters in the transcript -- and I'm
21 thinking the Danchuks -- that those would be
22 explored as well?

23 A Yes, I did contact the Danchuks.

24 Q Is there -- now we know that Mr. Young contacted
09:39 25 Mr. Tallis; was there any -- back at this time did



1 you give any thought to going back to Mr. Tallis
2 in 1980 and saying "lookit" -- I mean you would
3 have known he was a judge in the Court at that
4 time; is that fair?

09:40 5 A Yes, I think I did.

6 Q And would that have been the reason you would not
7 have gone back to him, or did you consider, for
8 help?

9 A Like if Tallis would, had still been a lawyer, --

09:40 10 Q Yes?

11 A -- I might have gone to him instead of Gary Young.

12 Q Okay, and that was my question. The fact that he
13 was now a judge, was that perhaps the reason you
14 did not go back to him and say "lookit" --

09:40 15 A Well, I've got to be honest, I wouldn't have gone
16 back to Tallis at that point.

17 And the reason for that was
18 because of the moccasin line in Prince Albert.
19 David told me that the moccasin line, which is all
09:40 20 the inmates talking, had said that he was going
21 down for the count and that Tallis was up for a
22 judgeship.

23 Q And did you read into that something that --

24 A And then when Tallis became a judge and you have
09:41 25 heard this prior to that, that a deal was being



1 made, that's what I thought had happened. I do
2 not believe that now but, at the time, I did
3 believe it.

4 Q And so again in 19 -- would that have been in
09:41 5 1980, do you think, are you able to place --

6 A Oh no, no, no, that was when David was in Prince
7 Albert when he was first --

8 Q Convicted?

9 A -- in there, and that was before his conviction,
09:41 10 and that they knew, the prisoners in there did not
11 attack him because they knew that he wasn't
12 guilty.

13 Q So that's --

14 A And I think you'll find that in some evidence from
09:42 15 Ken Howland of the parole board.

16 Q Right, and I think we saw a letter from
17 Mr. Howland. So just so that I have this clear,
18 so before the trial, were you aware of --

19 A Yes.

09:42 20 Q -- this information from David then?

21 A Yes. And I remember saying "that's really stupid,
22 we can't think that way".

23 Q And did you ever raise it with Mr. Tallis?

24 A No. But I remember afterwards. So when I say I
09:42 25 would have gone back to Tallis at that time, I



1 wouldn't have, because I was suspicious of Tallis
2 at that time.

3 Q And suspicious of what?

4 A That perhaps he'd made a deal with the prosecutor.

09:42 5 COMMISSIONER MacCALLUM: This was in 1980?

6 A No, this would have been in 1970.

7 BY MR. HODSON:

8 Q Yeah, I --

9 A 1969.

09:42 10 Q So I think let's just, maybe we can clarify this,
11 prior to David's conviction I think you said you
12 told us David advised you about what he was
13 hearing --

14 A Hearing --

09:43 15 Q -- in prison?

16 A -- in prison.

17 Q That Mr. Tallis was up for a judgeship --

18 A Uh-huh.

19 Q -- is what the inmates were telling him?

09:43 20 A Yeah.

21 Q Were they telling him anything else?

22 A No, that's all that I remember at that time.

23 Q And --

24 A But that's why he wasn't being attacked, because
09:43 25 they knew that he was innocent.



1 Q Okay. I'm sorry, where, the fact that the inmates
2 were saying Mr. Tallis is up for a judgeship, how
3 would that have anything to do with his defence of
4 David at the time?

09:43 5 A Well, I guess if he didn't do a good defence. You
6 know, you don't rationalize these things when you
7 hear them, I just thought it was just prison
8 scuttlebutt and it was nothing in it, but then
9 afterwards, when Tallis became a judge, I thought
09:43 10 "my God, what's happened here".

11 Q The suspicion that Mr. Tallis becoming a judge
12 somehow impacted the manner in which he defended
13 David, was that something that you came up with,
14 or something that the inmates told David and
09:44 15 passed on to you?

16 A It was passed on to me through David.

17 Q Okay. But when I --

18 A And so that's why, when you asked me if I'd have
19 gone to Tallis, at first I'm thinking now, with my
09:44 20 hat on right now, would I have gone back to
21 Tallis, yeah, I probably would. But then I
22 remembered what David had told me and, of course,
23 that's the reason I went to Gary Young.

24 Q Okay. Let me just -- I'm still not clear on the
09:44 25 one point. I think you told us in 1970 that David



1 told you the inmates said Mr. Tallis was up for a
2 judgeship?

3 A Right.

4 Q Was there anything further that was said at that
09:44 5 time, I mean was it saying "he's up for a
6 judgeship and he's not going to defend you so
7 you're" --

8 A And "you're going down for the count".

9 Q Because he's up for a judgeship?

09:44 10 A Yeah.

11 Q And so what I am trying to understand is whether
12 the inference, or what you perceived about the
13 judgeship, was it something that you sort of
14 thought about or was it something that was given
09:44 15 by inmates to David?

16 A It was given by inmates to David, and I remember
17 discounting it at the time, but then when it
18 happened that made me very suspicious.

19 Q And suspicious, what were you suspicious of then,
09:45 20 and this would be after Mr. Tallis became a judge?

21 A Yeah.

22 Q So after the conviction?

23 A Yeah, it was after the conviction. I thought to
24 myself, well, maybe there's something in what
09:45 25 those inmates were saying, maybe they knew



1 something that we didn't know.

2 Q And --

3 A So when we went -- when all this happened with the
4 parole and that and him being shot, that's when,
09:45 5 in 1980, I went to Gary Young.

6 Q And is it fair to say, I think you talked about
7 suspicions, and I think we see later on in the
8 late '80s and early '90s where some of these
9 allegations are actually put forward to the effect
09:45 10 that Mr. Tallis was, worked together with Mr.
11 Caldwell to give a token defence, things of that
12 nature?

13 A Right.

14 Q Is it fair to say --

09:46 15 A And even then I thought that, you know, well, we
16 found out that he worked for the Police Commission
17 and I can remember when I found that out I
18 thought, oh, heavens, he was in cahoots with the
19 police all along. I know it sounds -- and I've
09:46 20 been called paranoid before and it probably sounds
21 paranoid, but I started to, to the extent that I
22 was just suspicious of everyone because my son was
23 innocent and he was in prison and somebody was
24 putting him there and keeping him there.

09:46 25 Q Is it fair to say, and I'm not sure I want to use



1 the word paranoid, how about suspicious, or maybe
2 it is paranoid, is it fair to say that your
3 thinking, and let's take your thinking in 1980
4 when you got into it, I think what you are saying
09:46 5 at that time --

6 A I suspected everybody in 1980 that I ran across.

7 Q And is it fair to say that over the course of the
8 next 12 years, or perhaps even longer, at least 12
9 years until David got out of jail, that your
09:47 10 suspicions and the possibilities that you were
11 prepared to consider, think about, talk about and
12 even allege sort of grew?

13 A Of course they did.

14 Q Okay.

09:47 15 A Because it's like I was banging my head against a
16 cement wall and so you just keep trying.

17 Q And is it a fact as well, and I'll deal with this
18 in more detail when we get into the responses that
19 you received in the late '80s, but would the
09:47 20 responses that you started to receive or perceive
21 from the authorities when you filed the 690
22 application -- let's just back up. Even though
23 you started in 1980, no step was taken for David's
24 release until the end of 1988; is that right?

09:47 25 A That's right.



1 Q And I think at that time is it fair to say you
2 were fairly --

3 A Frustrated.

4 Q Frustrated? And is it fair -- and the suspicions
09:48 5 and paranoia at that time would be greater than
6 they were in 1980; is that fair?

7 A Absolutely.

8 Q And did -- what you perceived to be the
9 authority's response or what you saw and heard
09:48 10 about their response and how they were dealing
11 with your application, did that cause you again to
12 become more suspicious?

13 A It just fed my suspicions.

14 Q You said earlier you now, you now think
09:48 15 differently of Mr. Tallis; is that right?

16 A I can understand where he was coming from and I
17 think logically I can look at it, I can go back
18 now and look at it, but at the time I was reacting
19 to the information I was being given and being
09:48 20 fed.

21 Q And so again this suspicion or -- and paranoia is
22 a word you use, so I hope you don't mind me using
23 it.

24 A I'm afraid you are going to keep using it.

09:49 25 Q But this suspicion and paranoia, is it fair to say



1 that what Joyce Milgaard thought and your thought
2 process would have been influenced based on the
3 information you were receiving and the feedback
4 you were getting; is that fair?

09:49 5 A Yes, yes.

6 Q And what others were telling you, what their views
7 were and as more information came in there --

8 A And let's face it, once we started to get -- let's
9 go to the Supreme Court. I mean, we started to
09:49 10 get all these things and I felt I hadn't really
11 been paranoid enough because here we have all
12 these documents being surfaced that have been
13 hidden from us all those years.

14 Q And again, just back on Mr. Tallis, did you come
09:49 15 to realize that your suspicions about him being, I
16 can't recall your word, but making a deal with
17 Caldwell, is that something that you at some point
18 realized was not a valid suspicion?

19 A I don't know where, whether I actually thought of
09:49 20 it, or so much as when we got here to the Inquiry
21 and I saw Mr. Tallis again and I remembered his
22 strengths at the trial and I was sorry I had had
23 suspicions of him.

24 Q Okay. If we can go to 213139, please, and this is
09:50 25 a letter January 15th, 1981, I think this is from



1 you to Jim and Jackie Groat; is that right?

2 A That's right. My friends.

3 Q And they -- I'm going to go through part of this
4 because I think this is where you explain Mr.

09:50 5 Carlyle-Gordge's involvement. Actually, if we can
6 just go up to the paragraph above, please, and I
7 think Jim and Jackie Groat were friends, but were
8 they involved in any way in your efforts directly
9 with dealing with witnesses or were they just
09:51 10 support for you at the time, and I don't mean to
11 say just support, but --

12 A They were -- their son investigated for us, Jackie
13 went with me in the investigation of the inmate
14 in -- the psychiatric one.

09:51 15 Q Lalonde?

16 A Yes, Mr. Lalonde, she went with me while I taped
17 the conversation with him. They were involved in
18 a lot. Besides which they provided room and board
19 for myself and Peter and also Paul Henderson and
09:51 20 they were just there. They used to be our
21 neighbours in Winnipeg and they had moved here and
22 when I first came I was staying in the Y and they
23 came forward and offered.

24 Q And so this, again this letter of January 15th,
09:52 25 1981, this is a couple of weeks after Mr. Young



1 has been retained, you say:

2 "I have spent a great deal of time with
3 Mr. and Mrs. Carlyle-Gordge."

4 And:

09:52 5 "... and as a result of their
6 efforts..."

7 Etcetera, and you say:

8 "They have agreed to work on our case
9 provided it can be done without anyone
09:52 10 knowing about their connection with it
11 at the start. They feel they would be
12 greatly hampered in their work if the
13 police knew what they were up to. I
14 have naturally told Mr. Young about it,
09:52 15 in fact, he has forwarded the
16 transcripts to me and I am having them
17 recopied so we may have a set to work
18 with here and I will send the others
19 back to Mr. Young."

09:52 20 If I can just pause there. Would that be an
21 accurate summary of the engagement of the
22 Carlyle-Gordges?

23 A Yes.

24 Q And what was the concern about the police knowing
09:52 25 that they were connected to you or involved?



1 A Well, because every time I went everywhere the
2 police knew about it and told people not to talk
3 to me, so I felt that if they knew that Peter was
4 involved with me, they would be watching him as
09:53 5 well.

6 Q Okay. I think --

7 A And I was thinking that he would be able to do
8 things as a writer and to have interviews with
9 people and find out information that I never
09:53 10 could, but if his connection to me was known, I
11 think, I mean, they would not have anything to do
12 with him.

13 Q I think on this date, January 15, 1981, I don't
14 believe there has been any contact yet with any
09:53 15 witness by you or by anybody, I don't think, at
16 least based on the record, I think the first
17 contact was January 24th, and so this would appear
18 to be, and I could be wrong on this, but certainly
19 from the documents this would appear to be
09:53 20 before --

21 A What's the date of this?

22 Q January 15th, 1981. Scroll up.

23 A Oh. Well, lots had been done before January 15th,
24 1981.

09:54 25 Q Oh, but as far as contacting witnesses?



1 A Well, I had been out contacting all kinds of
2 people before then, we had been up and done the
3 scene of the crime.

4 Q Okay. So this would be out in the area talking to
09:54 5 people?

6 A Oh, yeah.

7 Q Okay. So -- and had you met some resistance --

8 A At that time?

9 Q Yes.

09:54 10 A We had, oh, yes.

11 Q And what type of -- this would be people in the
12 neighbourhood?

13 A Yes, people in the neighbourhood.

14 Q And what type of resistance were you meeting?

09:54 15 A Well, that the Saskatoon police had actually
16 talked to them and said not to talk to us.

17 Q And, sorry, these would be people who lived in the
18 area?

19 A That we were just questioning and said not to get
09:54 20 involved with Mrs. Milgaard, that they had the
21 right person.

22 Q Okay. And who would have told you this and when,
23 are you able to --

24 A No. It was basically when we were -- I'm trying
09:55 25 to think whether it would be when we were in the



1 actual neighbourhood going around or when it was,
2 I was looking for Linda, but that would have been
3 a little later, that would have been in, much
4 later that Linda came up.

09:55 5 Q Yeah, Linda would be in 1990.

6 A Yeah, that may be the memory that I'm having here,
7 but I know that we had already, in 1981, let's
8 look at where I had been, I had been in the area,
9 I had been questioning people, I was looking for
09:55 10 witnesses to question.

11 Q Yeah. I think what Mr. Carlyle-Gordge said is
12 that he felt, words to the effect that he felt he
13 might be able to get more information or a more
14 open response from people knowing that he was a
09:55 15 writer rather than someone working on your behalf?

16 A Oh, I think that's --

17 Q And that that was one of the reasons he said that
18 he felt he could get, and I think Mr. Caldwell is
19 an example he used, that he felt -- stating that
09:56 20 he was a writer, which he was, but that that was,
21 he was able to talk to people that he otherwise
22 would not have been if he said I'm here on behalf
23 of Joyce Milgaard?

24 A Absolutely.

09:56 25 Q And so again at this time that was something that



1 you and Mr. Carlyle-Gordge had discussed, that
2 lookit, wear your writer hat when you go in?

3 A Uh-huh.

4 Q And the suggestion here to your friends is saying
09:56 5 you don't want people to know the connection
6 between Mr. Carlyle-Gordge and you?

7 A Right.

8 Q And in fact we'll see in some of the transcripts
9 where Mr. Carlyle-Gordge is interviewing people
09:56 10 and he's asked that question on at least two
11 occasions by witnesses, are you working with the
12 Milgaards, so again at this time this would have
13 been part of your thought process that lookit,
14 let's not -- let's try and make people think that
09:56 15 he's not associated with us --

16 A Right.

17 Q -- because he can get more information; is that
18 fair?

19 A Right, and that was the same with Kathy, when she
09:57 20 went out and did interviews she did not have any
21 connection with me.

22 Q And then if we can just scroll down a bit, this is
23 just talking about Gary Young:

24 "He also agrees that we should first be
09:57 25 going through the transcripts before any



1 interviewing is done. Once we have
2 completed that we will start seeing
3 people. In their work on the last case
4 they always worked with tape recorders
09:57 5 and with someone else listening on the
6 phone when they were calling and he
7 would like to accompany me on any
8 interviews."

9 I think this is talking about Peter.

10 A Uh-huh.

11 Q And then tentatively rebooked flights. So again,
12 can we take it from your letter that Mr. Young
13 told you lookit, the starting point is reread the
14 transcripts, two, go out there with Carlyle-Gordge
09:57 15 to interview witnesses and work with tape
16 recorders and someone else listening in on the
17 phone when they were calling; is that right?

18 A Yes, that's right.

19 Q So when -- and we'll go through a number of these
09:57 20 transcripts. So when Mr. Carlyle-Gordge did an
21 interview by phone and it was taped, were you on
22 another line listening in and taping; is that how
23 it worked?

24 A Sometimes. Sometimes he would have the tape
09:58 25 recorder with him.



1 Q And so in some of his interviews -- let me back
2 up. Would it be fair to say that if you were
3 listening in on the call and tape recording, then
4 you would have a tape of the call; is that --

09:58 5 A Yes, I would be taping it.

6 Q And if Peter taped it, would he discuss the
7 contents of the tape with you or give you the
8 tape? Can you explain how --

9 A Oftentimes I would get a transcript of the tape.

09:58 10 Q Now, we know --

11 A Kathy would type it up for me.

12 Q Now, we know that the Commission received a number
13 of tapes from you and I think all of the Peter
14 Carlyle-Gordge interviews that he was involved
09:58 15 with, both the tapes and the transcripts I think
16 we received from you directly, and so would it be
17 a fair -- and I'll go through each of the
18 transcripts.

19 A Uh-huh.

09:59 20 Q Would it be fair to say that you would get the
21 tape and/or transcript of the interviews that Mr.
22 Carlyle-Gordge did?

23 A Yes.

24 Q At or around the time he did them?

09:59 25 A At about the time he did them, yes.



1 Q And what about the pre interviews, is it fair to
2 say that just generally that you would be involved
3 in talking to him about what areas might be
4 covered and some brainstorming as to what might be
09:59 5 talked about?

6 A Oh, we sat up until midnight, one, two, three in
7 the morning with ideas that we had.

8 Q And so when he interviewed, and we'll see them a
9 bit later, when he interviewed, for example,
09:59 10 Father Murphy is one --

11 A Uh-huh.

12 Q -- would it be fair to say that after that he
13 would call you and say lookit, here's what he told
14 me, here's the transcript, and you would pour over
09:59 15 it and what about this, what about that and what's
16 the next step, is that the relationship you had?

17 A That was the relationship we had, and during that
18 time I remember the one stake-out that I had with
19 Peter with Nichol John in the parking lot, three
10:00 20 o'clock in the morning, and I'm shooting the
21 breeze and telling him my life history and then
22 the next thing I knew I find that he's been doing
23 this story for the magazine, or a book, and all of
24 the stuff that I told him in the parking lot is in
10:00 25 this book.



1 Q Was this the Hothouse?

2 A Yeah, *The Ice-Cold Hothouse*.

3 Q If we can go to 331940, please. This is just a
4 note from Mr. Young's file, and again we're just
10:01 5 going through chronologically, January 22, '81,
6 and this is before I think there are any tapes,
7 before there's any interviews with Wilson or John,
8 at least by the records, and this is his note
9 saying you don't think it's advisable that police
10:01 10 contact Nichol John or Wilson. Do you have a
11 recollection of that or why that would be?

12 A No, I have no idea. Why would I think that --
13 what came before this?

14 Q No -- well, what came before this is Mr. Young
10:01 15 wrote to the police to try and get some assistance
16 in finding John, Wilson and Cadrain.

17 A Oh, okay.

18 Q Is it possible, just one possibility, was there a
19 concern that you wanted to talk to Nichol John and
10:01 20 Wilson before the police contacted them?

21 A Oh, absolutely.

22 Q To catch them off guard? I don't mean to say off
23 guard, but out of the blue, was that the plan?

24 A Yeah, because I obviously felt the police had done
10:02 25 something wrong, which we know they did, and so I



1 didn't want them to contact Nichol John or Wilson
2 because that would give them, they would tell them
3 to shut up.

4 Q And I think we saw on January 12th Mr. Young had
10:02 5 written to the police to request their help in
6 finding them and I think you said you weren't
7 aware that he had done that?

8 A No.

9 Q So is it possible that you didn't want Wilson and
10:02 10 John alerted to the fact that you wanted to talk
11 to them?

12 A That's right.

13 Q On the other hand, Mr. Young had contacted the
14 police trying to find them and so maybe there
10:02 15 was --

16 A Miscommunication?

17 Q Perhaps. Is that a possible explanation?

18 A That's a possible explanation.

19 Q And just from your perspective, is it fair to say
10:02 20 that you wanted to contact Wilson and John and
21 Cadrain out of the blue without any forewarning
22 from the police?

23 A That's right.

24 Q And that may be an explanation for this note; is
10:02 25 that correct?



1 A Could be.

2 COMMISSIONER MacCALLUM: What was the doc.

3 ID, I'm sorry?

4 MR. HODSON: That is 331940.

10:03 5 COMMISSIONER MacCALLUM: Thank you.

6 BY MR. HODSON:

7 Q And then 331943, this is the next day, January 22,
8 a couple of items here, one, setting up a
9 conference call with David, and we'll see a bit, I
10:03 10 think about a week later there's a conference call
11 with you and Peter Carlyle-Gordge and David; is
12 that right?

13 A Uh-huh.

14 Q And would it be fair to say that one of the
10:03 15 purposes there would be to get, to allow Peter
16 Carlyle-Gordge and Gary Young to hear David's
17 recollection of events or to get some input from
18 David as to what direction ought to be taken?

19 A Yes.

10:03 20 Q And here's where it appears Mr. Young says that he
21 needs from David a direction to Mr. Tallis' law
22 firm to release the file material and is it fair
23 to say at this point, and Mr. Young has told us
24 this, that he was taking steps to get Mr. Tallis'
10:04 25 file. Is that something that you had raised with



1 him or he had raised with you or do you know how
2 that came about?

3 A I have no idea.

4 Q And I take it at this time you didn't express any
10:04 5 concern to Mr. Young about contacting Mr. Tallis
6 to get his file?

7 A I have really no memory of that. If I had, there
8 should be some documentation. If I had said don't
9 contact him, there should be something in there.

10:04 10 Q There isn't any comments and where I'm going to
11 take you is to show that in fact you did look at
12 the file, at least part of the file in Mr. Young's
13 office.

14 A Uh-huh.

10:04 15 Q And is it fair to say that at that time you had no
16 concerns with Mr. Young getting in touch with
17 Mr. Tallis and getting the file; is that fair?

18 A That's fair.

19 Q Yeah. If we can go to 155260, and this is a
10:05 20 conference call, just go up at the top, David is
21 at Millhaven at the time, you, Peter
22 Carlyle-Gordge, "L" is lawyer, that is Gary Young
23 I think he's confirmed, we see these types of
24 transcripts. Is this what Kathy Carlyle-Gordge,
10:05 25 would this be her work product?



1 A This would be her work product.

2 Q So how would -- this would be a conference call.
3 Would you and Peter be on one line or can you --
4 and Mr. Young in his office or do you remember how
10:05 5 this one came about?

6 A I believe Peter and I were together and it was a
7 conference call I think that we were, I was on an
8 extension phone taping or something and Peter was
9 on the line and the lawyer was in his office and
10:06 10 David was in Millhaven.

11 Q We see in some of these, at least this type of
12 transcript, we see some editorial comment in the
13 transcript where some of them are not quite
14 verbatim. Would that have been the work of Kathy
10:06 15 Carlyle-Gordge in most cases or who would do that,
16 and I'll draw your attention to some of them, but
17 do you remember who would be -- would you go
18 through the tapes and make some comments and --

19 A A lot of these comments were made by David.

10:06 20 Q No, I'm sorry, I didn't ask the question very
21 well. In the course of taking -- let me see if I
22 can find you an example, and go to the next page
23 where there's a comment here, instead of typing
24 out what David says in brackets it says:

10:06 25 "(Doesn't know Nicky's parents' names;



1 suggests Regina as a home base)."

2 So it either paraphrases -- and let me just find
3 you another --

4 A Oh, well, I imagine that would be Kathy that was
10:07 5 doing that.

6 Q Right, and that was my question, and we see this
7 where she would actually sometimes, or someone
8 would put in brackets a question or would make a
9 comment, sounds like he's lying or sounds like
10:07 10 he's upset, not about in this call, but in other
11 ones there would be some editorial comment. Would
12 that be Kathy then who would be --

13 A Probably.

14 Q Probably? Now, in 1981, at this time, can you
10:07 15 describe for us, and we talked about this
16 yesterday what David had been through as far as
17 what was happening to him in prison. In 1981 did
18 you have any concerns about the reliability of his
19 memory going back to -- not with respect to his
10:07 20 denial of the killing of Gail Miller, but with
21 respect to other surrounding facts, did you have
22 any concerns about the reliability of his recall
23 of those events at that time?

24 A Of which events?

10:08 25 Q I'm talking about the trip, January 30, 31 and



1 around that time.

2 A No, I think that because of his involvement from
3 day one, I think that this was a memory that he
4 lived with all the time, this is something that
10:08 5 you don't forget because you are in prison for it.

6 Q And the reason I ask the question, when David gave
7 evidence before the Commission, one of the things
8 he said, that at later points he, and I can't
9 remember if it was in 1981 or whether he said a
10:08 10 specific date, but that after thinking about it so
11 many times, reading things, that after a while he
12 couldn't reliably distinguish between what he
13 remembered happening, and not talking about any
14 interaction with Gail Miller, I'm talking about
10:09 15 everything else that morning --

16 A Uh-huh.

17 Q -- that he couldn't reliably say whether it's what
18 he recalls or what he thinks happened or what he
19 assumed happened or what he was told happened,
10:09 20 words to that effect, and this was at some point
21 later, and so my question to you is whether you
22 had any concerns about David's recollection of,
23 you know, for example, the Danchuks and going to
24 the motel and the trip to Calgary, the facts of
10:09 25 that trip. Did you have any concerns?



1 A When?

2 Q If we can get the transcript back up. At this
3 time, in 1981, when you were starting your efforts
4 to re-open the case, or stepping up the efforts,
10:09 5 if I can put it that way, I think you told us
6 yesterday that you would have looked at the
7 transcript and started sort of challenging
8 anything and everything to try and find out what
9 happened, but that your starting point would have
10:10 10 been, I think you told us, would have been David's
11 version of events about what happened?

12 A Yes. I don't think that at that time I felt that
13 he didn't have a memory of it, but I questioned
14 him on everything.

10:10 15 Q And --

16 A During the investigation when we were starting out
17 later, I'm not exactly sure when it was that we
18 were going through the transcripts at the prison
19 with him and I would fly up from Tenacre, at that
10:10 20 point I was at Tenacre, I would fly up and visit
21 him for a month and every day go to the prison and
22 we went through those transcripts again then.

23 Q Uh-huh, okay. If we can go to -- just a couple of
24 questions. We've been through this transcript
10:10 25 with Mr. Young. Go to 155263, and again here's



1 where there's a discussion between, and I think
2 this is Peter Carlyle-Gordge -- actually, no, I'm
3 sorry, it's you asking the question:

4 "J: David, in that motel, do you recall
10:11 5 doing that or not?"

6 And I think what you are referring to is the
7 incident that Melnyk and Lapchuk described?

8 A Right, right, okay.

9 Q "Becuz it said you were under the
10:11 10 influence of drugs at that time."

11 David says:

12 "D: I remember being high in the motel
13 room, but I don't remember those people
14 showing up in the hotel room.

10:11 15 J: You see, they didn't have either of
16 those girls on the stand.

17 D: Yeah, one girl's name which you
18 probably don't have is --"

19 It says Judy Frank, but I think that's --

10:11 20 A It was probably a typo.

21 Q Yeah. And:

22 "J: We've got that. We're going to
23 follow it up.

24 D: ... that'll be good.

10:11 25 P: Is she from Regina?"



1 Are you able to tell us at this time, Mrs.
2 Milgaard, what your view was about the motel room
3 incident, as to whether or not you were -- I
4 mean, I take it you were asking David for his
10:11 5 recollection; is that fair?

6 A Yeah, I think that's fair, we were asking him, and
7 I think that we were wanting to follow up on that
8 because we thought it was very suspicious.

9 Q And if we can go to the next page, here's where he
10:12 10 brings up, and again you are talking about the
11 trip, and this is the reference, I think the first
12 reference that I've been able to find in the
13 documents anyway, to David talking about the
14 package of soup.

10:12 15 A Soup, uh-huh.

16 Q And I don't believe, and I stand to be corrected,
17 but I don't believe it's in the scribbler and the
18 evidence of Mr. Tallis was that according to his
19 recollection it wasn't raised with him and there
10:12 20 was certainly nothing in the trial transcript
21 about that. Do you remember, would this have been
22 the first time you became aware of it or was there
23 an earlier occasion?

24 A No, I honestly, and it may be with hindsight, but
10:12 25 I honestly think that he told this information to



1 Tallis at the first and he couldn't understand why
2 Tallis didn't go out and find this garage where he
3 got the soup, but my understanding was that this
4 was information that he did give to Tallis.

10:13 5 Q And this was something that I think troubled David
6 through the re-opening phase.

7 A Yes.

8 Q Here, the Supreme Court -- and in fact when I
9 questioned him last month, it was an issue he
10:13 10 raised again, and so is that fair, that that would
11 be something that he raised with you on a number
12 of occasions?

13 A Yes, yes.

14 Q And this transcript, just scroll down to the
10:13 15 bottom --

16 A Because we tried to figure out from this
17 transcript where he was and I can remember when
18 Peter and I came up here, we started going around
19 and seeing, well, okay, what boulevard area, we
10:13 20 were trying to figure out, backtrack from the
21 motel and the boulevard area and to see exactly
22 where he was because he talked about a big
23 building.

24 Q Right. And here there's reference, I think David
10:14 25 is asked about:



1 "... happened to see a woman walking on
2 the street."

3 And these are David's words.

4 "We pulled over and I guess in our
10:14 5 thinking -- at least in my mind now, I
6 remember saying 'This would be a perfect
7 opportunity to grab her purse' cuz we
8 needed some money. But the idea, I
9 guess, was to ask for directions. I
10:14 10 don't know for sure."

11 And again, is this something, was this the first
12 time you would have heard this from David or
13 would you have been aware of that back at the
14 time of trial?

10:14 15 A I think I was aware of that back at the time of
16 the trial.

17 Q And Mr. Tallis' evidence, and I think David
18 confirmed it, is that David told Mr. Tallis --

19 A Yes.

10:14 20 Q -- at the time of trial. In fact, I think
21 Mr. Tallis said that was one of the reasons
22 that --

23 A -- he didn't want him to take the stand.

24 Q Right.

10:14 25 A Yeah.



1 Q So is it something you would have been aware of in
2 1970, that David had told Mr. Tallis that lookit,
3 when they pulled over, this woman for directions,
4 which David described as an older woman, he had a
10:15 5 thought about grabbing her purse?

6 A Yeah, but I do remember when he was talking to
7 Tallis, him qualifying that saying I don't think
8 we would ever have done it, but I thought it.

9 Q Right.

10:15 10 A And he was, like, trying to be really honest with
11 him.

12 Q And if we can go to 155267, I just want to draw
13 your attention to a comment that Peter
14 Carlyle-Gordge makes, he says:

10:15 15 "Well I'm endeavouring to see one of
16 them by the name of Mackie, when I go to
17 Saskatoon."

18 And this is where, if we can just scroll up, he
19 talks about getting ahold of retired police
10:15 20 officers, and I will show you, as we go through
21 chronologically, a few references, it appears
22 that Peter Carlyle-Gordge did in fact talk to, I
23 think, Ray Mackie?

24 A Yes.

10:16 25 Q In 1981. Now, there's a taped interview in 1983,



1 but it appears that very early on, that he may
2 have also talked to Mr. Mackie at that time. Do
3 you have any recollection of that?

4 A I believe he did.

10:16 5 Q And do you remember what information you learned
6 from that? We don't have a tape or a transcript
7 of that, all I have is references, here's one and
8 I'll show you a few more as we go through, that he
9 contacted him. Do you remember what may have come
10:16 10 out of that?

11 A No, I don't.

12 Q And then 155268. There's just a discussion here
13 about Peter saying:

14 "If we reach Nichol, and she's afraid of
10:16 15 Wilson or perhaps the police--If she
16 wanted to change her story or make a
17 statement, I don't think she perjured
18 herself at the trial--what kind of
19 protection could we offer her?",
10:16 20 and then there's some further discussion. Do you
21 remember, at this time, discussing with either
22 Mr. Young or with Peter Carlyle-Gordge what
23 concerns these witnesses, the witnesses may have,
24 i.e. Wilson and John and Cadrain? I think you
10:17 25 said you viewed their evidence as lies, and which



1 would make it perjury, and about --

2 A Uh-huh.

3 Q -- what consequences they would face --

4 A Yes.

10:17 5 Q -- for admitting that they perjured, and tell us
6 what your thoughts were about that and how you
7 approached the witnesses to deal with that
8 concern?

9 A Well I think that, I mean we sort of talked about
10:17 10 all these various scenarios that could happen, and
11 my concern was to be able to speak with them and
12 in some way reassure them that if they'd been
13 pressured by the police, which we believed, into
14 changing their stories, that they would be safe in
10:18 15 coming forward, that they -- and I didn't
16 understand, I guess legally, the ramifications of
17 perjury and all the rest of it, but I was trying
18 to keep them from being afraid and I didn't -- I
19 think that's what I'm discussing here.

10:18 20 Q And would your mindset then have been with these
21 witnesses -- and I was going to call them young
22 witnesses, they're 10, 12 years older at this
23 time -- but that number 1, from -- on David's
24 behalf, I think we see this in the interviews, I
10:18 25 think you are saying "lookit, David doesn't



1 begrudge you for having lied", --

2 A Yeah, yeah.

3 Q -- and, two, --

4 A We understand, I think we wanted to come across as
10:18 5 understanding how they could have said things that
6 they didn't mean at that time, because they were
7 being forced into it.

8 Q And so we heard a bit of this from Mr.
9 Henderson -- and please correct me if I'm wrong --
10:18 10 but would it be an approach to these witnesses to
11 say "lookit, I can understand why you lied, the
12 police, the police made you do it" --

13 A Uh-huh.

14 Q -- "and therefore it's okay with David, it's okay
10:19 15 with us, and it should be okay with you because
16 it's not your fault"; is that --

17 A Yeah.

18 Q -- what you were --

19 A We were trying to let them off the hook.

10:19 20 Q Okay. And would that have been the approach,
21 then, that you would have taken with Wilson and
22 John?

23 A I think you will see, in my letters to Nichol, --

24 Q Right?

10:19 25 A -- that that was certainly the approach that I



1 took with them.

2 **Q** Had you considered, or did it come up in your
3 discussions with Peter Carlyle-Gordge or others
4 that, "lookit, was there some other reason these
10:19 5 kids or friends may have turned on David and lied
6 apart from police influence", or were you of the
7 view that it was police influence throughout?

8 **A** I think I was of the view that what they had said
9 to Wilson was that, if David didn't do it, then
10:19 10 they'd get him for it. I mean that's a pretty
11 strong influence, wouldn't you say?

12 **Q** No, and my question is to know what you were
13 thinking at the time and whether or not you
14 entertained, at the time or at any time when you
10:20 15 were involved in the re-opening, that there might
16 be a reason for Wilson, John, or Cadrain lying
17 other than police influence, in other words a
18 reason that you didn't know about, keeping in mind
19 that in 1980 you did not know, at this time,
10:20 20 anything more than the transcript; correct?

21 **A** Right.

22 **Q** You hadn't talked to them yet?

23 **A** No.

24 **Q** And I'm just trying to figure out whether or not
10:20 25 you had considered the possibility that, for some



1 unrelated matter, Wilson and John may have been
2 upset at David, or Cadrain may have been, or there
3 may have been some other reason that caused them
4 to lie other than police influence, and I think, I
10:20 5 think what you are saying is "no, I thought it was
6 police influence from day one"; is that fair?
7 A I could have had other thoughts at the time that I
8 don't remember now, but I think all along I'd been
9 very suspicious of that.
10:21 10 Q And is it fair to say that front and centre would
11 be police influence?
12 A Yeah.
13 Q That was your thinking?
14 A Yeah.
10:21 15 Q That caused the three of them to lie?
16 A Uh-huh.
17 Q Okay.
18 A And don't forget, at the -- hearing Nichol John's
19 testimony and the fact that her testimony didn't
10:21 20 fit the facts.
21 Q Yeah, or the statement, the un-adopted statements?
22 A The un-adopted statements --
23 Q Right?
24 A -- didn't fit the facts made me very suspicious of
10:21 25 her.



1 Q Of her?

2 A Yes.

3 Q Okay.

4 A And what had happened to her.

10:21 5 Q If we can go to 155270. And this is a discussion
6 and this is David's comment, actually, where he
7 says:

8 "The statement ...",
9 talking about Nichol John's statement:

10:22 10 "... was probably one of the most
11 damaging things against me becuz---- the
12 jury. Her reaction to the statement as
13 it was read to the jury, in itself, was
14 more detrimental than the statement.",
10:22 15 and you know:

16 "'Is it true?'",
17 etcetera. And then this is Gary Young talking:
18 "I think I can confirm what David is
19 saying, becuz I spoke to Cal Tallis and
10:22 20 he indicated to me that that was his
21 feeling about what Nichol had to say:
22 it was more the manner in which it came
23 out."

24 And then:

10:22 25 "About Cal Tallis ...",



1 and then it goes on to talk about the fact --
2 scroll down -- and they go on a discussion about
3 David wanting to take the stand, and David says:

4 "... I guess I am saying I think he was
10:22 5 inadequate in what he was doing. Is
6 there anything beyond that, you know
7 --",

8 etcetera. So it appears, at this time, that
9 David has or is raising a concern about why he
10:23 10 didn't get to testify at trial?

11 A Yeah. Like, I guess he's starting to question
12 too, I guess I'm thinking:

13 "... he was inadequate ... is there
14 anything beyond that ... --anything
10:23 15 unethical?"

16 I mean we were questioning everything.

17 Q Go to the next page, and there is a discussion
18 here at the bottom -- scroll up -- and you ask
19 Gary Young:

10:23 20 "Have you had any luck with the Police
21 Dept. yet, Gary? regarding Nichol or
22 the others?"

23 And so I take it, at this time, you would have
24 been aware that Gary Young was in touch with the
10:24 25 police?



1 A Must have been.

2 Q And:

3 "I haven't heard any yet ... certainly
4 push ...",

10:24 5 and then you say:

6 "Tell him --- ... and make it sound like
7 you're not sure if you're going to go
8 ahead with it."

9 And do you know what that would have been about,
10:24 10 were you trying to back off from the police?

11 A Let me just read the rest of what it is.

12 Q Sure.

13 A I don't have any --

14 Q Just --

15 A "Tell him --- ... and make it sound like
16 you're not sure if you're going to go
17 ahead with it."

18 Q Would this be back to your earlier comment where
19 you didn't want the police contacting John and
10:24 20 Wilson; is that perhaps an explanation for this?

21 A That's possible.

22 Q And David --

23 A "... make it sound like you're not sure
24 if you're going to go ahead with it."

10:24 25 Q And then David asks:



1 "What was the initial reception by any
2 of the police there in Saskatoon upon
3 your enquiries?"

4 Next page.

10:25 5 "... upon your enquiries?"

6 And Gary Young answers:

7 "Well at the lower levels it seemed to
8 be fairly positive. But the police
9 chief himself ultimately put his foot
10:25 10 down and said that unless we came up
11 with some valid reason for expecting to
12 find evidence that hasn't already been
13 dealt with, he didn't want his police
14 officers spending time on helping us
10:25 15 out."

16 So, again, would that be your recollection, then,
17 about that Gary Young said, "lookit, I got a
18 fairly positive response, but" --

19 A Yes.

10:25 20 Q -- "unless we show them something they don't want
21 their officers spending time"?

22 A That's right.

23 Q At this time did you have -- did you want the
24 Saskatoon City Police out investigating this
10:25 25 matter further?



1 A I don't know. I think probably we wanted to do it
2 ourselves because I felt that certainly, in
3 contacting these witnesses, I wanted to be the one
4 to talk to them.

10:26 5 Q Right. So if the police chief would have said
6 "lookit, we'll get officer X to go out and
7 interview all these people" --

8 A Again.

9 Q -- "again" you would have said "no"?

10:26 10 A No.

11 Q You wanted to do it yourself, you did not want --
12 is it fair to say you did not want the Saskatoon
13 City Police --

14 A I didn't trust them.

10:26 15 Q Okay. This is probably a good spot to break.

16 (Adjourned at 10:26 a.m.)

17 (Reconvened at 10:46 a.m.)

18 BY MR. HODSON:

19 Q If we could call up 331932, please. And this is a
10:46 20 letter January 23, 1981 from the police chief to
21 Mr. Young, and we've already gone through,
22 Mrs. Milgaard, the request that Gary Young made
23 January 12th saying "we'd like to talk to Wilson,
24 John, Cadrain, can you help us locate them". And
10:47 25 Chief Gibbon says:



1 "With reference to your letter ...",
2 and the conversations, and that it was Mr.
3 Young's request that these three be contacted to
4 ascertain whether they wish to have their
10:47 5 whereabouts made known, and he says:

6 "... I might say this is standard
7 procedure whenever we receive a request
8 to locate persons and I am treating this
9 in that vein."

10:47 10 And says:

11 "We have now been in contact
12 with Mr. Cadrain and Mr. Wilson and
13 Ms. Nichol John and all three of them
14 are most emphatic that they do not want
10:47 15 their whereabouts made known to yourself
16 or to the Milgaard family and we will
17 respect those wishes."

18 And would that communication have been
19 communicated to you by Mr. Young at that time?

10:47 20 And I think, just to assist you, I think it's
21 shortly after this letter where you -- at least
22 on the dates of the transcripts -- where you try
23 to reach Mr. Wilson, in fact I think it's the
24 next day you phone George Lapchuk and others and
10:48 25 get in touch with Mr. Wilson and then Ms. John



1 within a week or so after this letter. Do you
2 have a recollection of Mr. Young saying "lookit,
3 the police have told us they don't want to talk
4 to you"?

10:48 5 A I have no recollection of that.

6 Q And again just on this question, and I think if I
7 can put it this way, I think we've heard evidence
8 on this issue of whether or not these witnesses
9 were told by the police not to talk to you or
10:48 10 whether they said to the police "we don't want to
11 talk to you"; what is your recollection of -- or
12 what was your perception, at the time, about what
13 role, if any, the police had in the decision of
14 Wilson, John and Cadrain to talk to you or not to
10:48 15 talk to you?

16 A Well I think there -- I recall a conversation with
17 Ron Wilson or Lapchuk, I'm not sure which one, but
18 I recall being told by one of them that, in words
19 to the effect, "look, the police have told me I
10:49 20 don't have to talk to you or I shouldn't talk to
21 you", --

22 Q Which one of them, --

23 A -- "but I'm going to."

24 Q -- was it of those two?

10:49 25 A I have no idea, it could have been either one, but



1 I remember one of them, one of them, one of those
2 two.

3 Q And was that -- and I think we see that maybe in
4 Wilson's transcript. Do you remember any others,
10:49 5 at this time, of witnesses who said that? Did
6 Nichol John say anything about that?

7 A I can't recall, specifically, her saying that.

8 Q And did the comment that you heard back either
9 from Lapchuk or Wilson, did that -- I think you
10:49 10 said you were already suspicious about the police
11 --

12 A Yes.

13 Q -- and that --

14 A And that heightened my suspicions.

10:50 15 Q And then, here, what the chief of police says to
16 Mr. Young:

17 "As indicated to you
18 previously, I recognize that cases can
19 be re-opened, however, I also recognize
10:50 20 that certain procedures should be
21 followed. If the Milgaard family have
22 reasons sufficient to cause a review of
23 this case, we are certainly prepared to
24 co-operate by making our file available
10:50 25 to a representative of the Attorney



1 General's Department. We would, of
2 course, point out that the three
3 witnesses you are trying to locate have
4 indicated they do not wish their
10:50 5 whereabouts made known, but it would
6 then be up to the representative of the
7 Attorney General to decide whether those
8 people should be interviewed and by
9 whom."

10:50 10 And again, would this information, would you have
11 been aware of this at the time, this position
12 that the police were taking, or was this
13 something you left up to your lawyers?

14 A I believe I left it up to the lawyer, but he may
10:50 15 have told me that information on the phone or
16 something, it's not something that I recall
17 knowing.

18 Q And, again, this -- and let me have the follow-up
19 question as to whether you, Joyce Milgaard, why
10:51 20 didn't you go back and do what Chief Gibbon said
21 here and ask the Attorney General to get a copy of
22 the police file and take a look at it and decide
23 whether these people should be interviewed and by
24 whom?

10:51 25 A Well --



1 Q And is that a question that your lawyers would
2 deal with or did you? Are you able to answer
3 that?

4 A I think that that is something that I would be
10:51 5 assuming that my lawyers would be looking after.

6 Q And so, as far as the how to get the police file
7 or to get the Attorney General or to get the
8 authorities involved, you would rely on your
9 lawyers to do that?

10:51 10 A I was at that time.

11 Q And did you later as well?

12 A Rely on them to get that information?

13 Q I'm sorry, I thought we said from 1980 to 1992, to
14 the extent that approaches to the authorities --

10:51 15 A I was leaving that in the hands of the lawyers.

16 Q Right. Now I want to start going through some of
17 Mr. Carlyle-Gordge's interviews with you, and the
18 first is 178180, and I'm going to try and do this
19 chronologically.

10:52 20 And when we're all done going
21 through these, Mrs. Milgaard, I have prepared a
22 document that I'll provide to the Commission once
23 we're done that sets out all of the interviews,
24 the dates, and the doc. ID of the transcript.

10:52 25 But I think, before we get into



1 Mr. Harris, is it fair to say that, in addition to
2 the tapes and the transcripts that we have
3 relating to Mr. Carlyle-Gordge's interviews or
4 your interviews, that there were other interviews
10:52 5 conducted that maybe weren't taped or maybe
6 weren't saved; is that fair?

7 A It's possible, yes.

8 Q And that, apart from what we see in the records,
9 the documents, that you would have talked to other
10:52 10 people, Mr. Carlyle-Gordge would have talked to
11 other people, would have got other information
12 that we don't have a record for today; is that --

13 A It's quite possible.

14 Q Now the first one, Bob Harris -- and you are
10:53 15 familiar with who Bob Harris is?

16 A Yes, I am.

17 Q And it appears that he, it's a call that you had
18 with him January 24, the weekend; is that right?
19 Do you have a recollection of this?

10:53 20 A Not at all. I may have as I go through it, but I
21 have no recollection.

22 Q And do you recall where and why you would have
23 called Bob Harris?

24 A I'd have to see what I was asking him and why I
10:53 25 was talking to him.



1 Q Sure. Let me maybe try and assist you a bit and
2 I'll go through parts of this. Bob Harris was a
3 person who, I think in one version of the motel
4 room incident, was in the motel room with these
10:53 5 people that night, he was not called at trial, and
6 is it possible that that's where you got his name
7 from?

8 A I probably got it from that and was following up
9 on the motel room incident.

10:54 10 Q And it looks as though it starts that this might
11 be only a partial transcript; is that fair?

12 A It does look like that.

13 Q "I didn't realize that Sharon was a
14 Regina girl."

10:54 15 And so there might be other discussions; is that
16 --

17 A So I might have been discussing Sharon Williams
18 prior to that.

19 Q And then if we can scroll down, and I think you
10:54 20 ask him about whether David ever discussed:

21 "... the saliva test with you?"

22 Is it possible David would have given you the
23 name Bob Harris as someone who might have
24 information; do you remember that?

10:54 25 A I think it was probably because he was in the



1 room.

2 Q Okay. And then you ask him:

3 "Did he ever discuss the incident in
4 Saskatoon at all?",

10:54 5 and Harris:

6 "... well just that night in the motel
7 room."

8 And, sorry, let me back up. I think what you are
9 asking him about, what David may have discussed
10:55 10 with him?

11 A Uh-huh, uh-huh.

12 Q And so:

13 "Did he ever discuss the incident in
14 Saskatoon at all?"

10:55 15 "... well just that night in the motel
16 room."

17 "No I mean other than that, when he was
18 straight or sober?"

19 "No. No."

10:55 20 "He never ever discussed it?"

21 "No."

22 And then:

23 "Did you ever talk to Dale about it,
24 Dale Wilson?"

10:55 25 "Well, about the only thing Dale ever



1 told me about it was him ...",
2 and that doesn't read so well, I'm not sure what
3 it says:

4 "... and his clothes were all covered
10:55 5 with blood and stuff like that."

6 "Dale told you this?"

7 And then:

8 "Didn't he disappear for awhile or
9 something?"

10:55 10 And then the next page:

11 "... blood on his clothes or Kool-aide
12 on his clothes, because ..."

13 that was a story:

14 "... right out of it."

10:55 15 Those were your words. And then at the bottom:

16 "Could I have your phone number ... Do
17 you know where Ute or Debbie are now?"

18 "Don't have a clue. I think I saw Ute's
19 sister ...",

10:55 20 and then Joyce:

21 "(... Asks to talk to George, who was
22 waiting in background.)"

23 And then I'll go next to a transcript with George
24 Lapchuk which appears to be the same day, and so
10:56 25 it appears that on January 24, '81 you would have



1 talked to Bob Harris about his knowledge about
2 the motel room incident?

3 A Uh-huh.

4 Q Is that fair? Yes?

10:56 5 A Yes.

6 Q And he, he came forward, what -- he testified at
7 the Inquiry, he came forward during the course of
8 the reference and contacted Mr. Asper and said
9 "you know, I was there", and I think his evidence
10:56 10 to the Inquiry was to the effect that David did,
11 in fact, utter words and do things to the pillow
12 that were consistent with what Melnyk and Lapchuk
13 said he did, but that Harris viewed it as a joke?

14 A Right.

10:56 15 Q You recall hearing Bob Harris' evidence?

16 A I recall that, yes.

17 Q And so I guess I'm trying to find out at this
18 time, would you have -- would you have possibly
19 asked Bob Harris about his recollection of what he
10:56 20 observed in the motel room on a part of this
21 conversation that's not here, that's not recorded?

22 A It's possible, but I -- I really have no
23 recollection of that particular interview. I
24 think that I had been talking to George Lapchuk,
10:57 25 and I think that he had -- I have a vague



1 recollection of saying "well, Bob was there, talk
2 to him, he can tell you".

3 Q Oh, that George Lapchuk said that?

4 A Yeah, and put Bob on the line.

10:57 5 Q Okay. Would it be reasonable to conclude --

6 A And that's why I asked for his phone number, you
7 see, because I hadn't phoned him.

8 Q Okay, gotcha. And I think, at the end, it does
9 look like he's putting it back to George. Well
10:57 10 we'll go back to the George Lapchuk call. Would
11 it be fair to say that you would have asked Bob
12 Harris whether he saw David do anything to the
13 pillow and utter the words that he was in the
14 motel room; would that be something you would want
15 to know?

16 A I did on a subsequent call.

17 Q To?

18 A Bob Harris.

19 Q Okay. When -- when was that?

10:58 20 A I have no idea, but I do remember at -- getting
21 the phone number and thinking I would follow it up
22 when he was away from Lapchuk --

23 Q And you --

24 A -- and his influence, because I felt --

10:58 25 Q That -- okay.



1 A -- Lapchuk might influence him.

2 Q And do you have a recollection of talking to
3 Harris again then?

4 A I believe I did, because -- or it could be that
10:58 5 David Asper spoke to him.

6 Q Okay. Just to give you some assistance, this is
7 1980, in 1991 Mr. Harris phoned David Asper, I
8 think in the middle of the Supreme Court
9 reference, saying "here's my version of events"?

10:58 10 A Okay.

11 Q Mr. Asper then went and talked to Mr. Wolch, then
12 got an affidavit and said "here is some evidence,
13 Court", and it appears from that that Mr. Asper
14 may not have been aware, or it looked like it, and
10:58 15 I think this was his evidence that this was new
16 information to him, so --

17 A Look, I'm finding a great deal of difficulty
18 between 1980 and 1990.

19 Q Sure.

10:59 20 A You are asking me questions in both periods --

21 Q Okay.

22 A -- and I'm getting them mixed up, I'm afraid, so
23 I'll have to say what year are we talking about
24 right here?

10:59 25 Q This is 1981.



1 A Okay. This is 1981?

2 Q Just --

3 A Because I find that they flow together in my
4 mind, --

10:59 5 Q Right?

6 A -- and to try to separate them is difficult at
7 times.

8 Q Well, let's go to George Lapchuk's transcript, and
9 then we'll maybe --

10:59 10 A Maybe that will help.

11 Q Sure. 054420. And, again, this is George Lapchuk
12 at the top, January 24, '81 weekend, and it says:

13 "George, if I sound hyper, it's becuz I
14 am. I've been over and saw Nichol --

10:59 15 ... what happened (he says ...",
16 or something:

17 "... the phone fell off--but we wonder
18 if he was taping conversation and
19 setting things up) ...",

11:00 20 There is an editorial comment that I referred to
21 earlier.

22 A Okay, uh-huh, uh-huh.

23 Q And so, again, would that be yours or would that
24 be --

11:00 25 A It could have been Kathy's or --



1 Q And then, here, George says:

2 "Yeah, I know. She turned up, eh?"

3 And then:

4 "(How did he know??)"

11:00 5 And, again, that would be not what Mr. Lapchuk
6 said, --

7 A Right.

8 Q -- but your comments on the transcript, --

9 A Yeah.

11:00 10 Q -- or someone's comments?

11 A Right.

12 Q And then there is a reference here, you talk about
13 Nichol:

14 "... she was just terrified."

11:00 15 So is it fair to say that your first contact with
16 Nichol would have been around January 24, 1981?

17 A Yes.

18 Q And then George says:

19 "Well, Okay, Craig phoned me, and like I
11:00 20 told Chris, he said that Nicky phoned
21 and ... she's flipping out."

22 Would this 'Chris' be Chris Milgaard or Chris
23 O'Brien?

24 A Yes, it was Chris Milgaard, my son Chris was
11:00 25 involved in going down and setting up this



1 interview with Lapchuk. He was also working on
2 the case.

3 Q And so he made contact with Lapchuk and Melnyk; is
4 that right?

11:01 5 A Yes.

6 Q And was this a phone call that he had set up for
7 you to call these people, or how did this come
8 about, or was this a meeting in person? Actually,
9 I shouldn't say that, the phone fell off, so
11:01 10 assuming it was a phone call?

11 A Yes, it was a phone call. But Chris had been down
12 to see George about talking to his mum, and I
13 think that that's how this came up.

14 Q And as far as Lapchuk and Melnyk and Bob Harris,
11:01 15 were they -- did you have any concerns -- or did
16 they have any concerns about talking to you?

17 A I think that they all -- none of them wanted to
18 talk to me.

19 Q But did they?

11:01 20 A Yes.

21 Q And why did they not, what was your perception of
22 why they didn't want to talk to you?

23 A Well it was just like in this conversation, he
24 said that Nicky phoned me and she's flipping out,
11:02 25 and so I think that none of them wanted to be



1 found because I think they all knew that David was
2 innocent and that they were partly responsible for
3 him being in prison by not coming forward.

4 Q Okay. Then if we can just scroll down, and this
11:02 5 is George Lapchuk, and he says:

6 "Dale phoned me --"

7 And I think that's Dale Wilson, Ron Wilson:

8 "Dale phoned me this morning and he said
9 'Yeah, give me her number. I'm going
11:02 10 phone and get this over with.' Then I
11 talked with Craig later this evening,
12 and he told me that Dale phoned him to
13 say that if you phoned over again, he
14 was going to tell the police."

11:02 15 So it would appear here that Mr. Lapchuk -- had
16 you asked Mr. Lapchuk to see if Dale Wilson would
17 give you a call?

18 A Yes.

19 Q And that he said he would, and then later he told
11:02 20 Craig that if you phoned him he was going to call
21 the police; is that fair?

22 A That's right.

23 Q And did this information, did this cause you any
24 concern, what Mr. Lapchuk was telling you?

11:03 25 A Well, that if you phoned ever again he was going



1 to tell the police, obviously he's had contact
2 with the police, that's what that's telling me,
3 the police have had contact with him already.

4 Q Okay. That's what you believed at the time?

11:03 5 A Yeah.

6 Q Okay. And then if we can just scroll down, you
7 say -- it looks like you've called Ron Wilson's
8 mother:

9 "Mrs. Wilson, when I talked to her on
11:03 10 the phone, she was hostile. She was
11 very, very hostile."

12 Do you recall that call?

13 A Yes.

14 Q And what happened there, you tried to reach Ron
11:03 15 Wilson and --

16 A Through his mom and she was protective of him.

17 Q And --

18 A I just vaguely remember that. I can't tell you
19 what she said or what she did, but I can remember
11:03 20 I got nowhere with her.

21 Q And the next page, you say:

22 "I can't understand it, cuz it isn't
23 like I -- I explained to Craig and I
24 explained to you and I tried to explain
11:04 25 to Mrs. Wilson, and I did to Nichol --



1 like, I took a very easy attitude with
2 them; I wasn't threatening; I tried to
3 explain that I'm not going to drag
4 anybody's name thru dirt and only --

11:04 5 Like, I need some answers for myself as
6 well, you know."

7 And would that be the position you were taking
8 with these people?

9 A Yes.

11:04 10 Q And is it fair to say that, and you've elaborated
11 on what you thought may have been motivating them,
12 but these people did not want to get drawn back
13 into this matter; is that a fair --

14 A No, absolutely, they wanted to have nothing to do
11:04 15 with it.

16 Q And it talks here about Craig, as I explained to
17 Craig, which I presume is Craig Melnyk?

18 A Yes.

19 Q We do not have any transcript with any discussion
11:04 20 between you and Mr. Melnyk. Do you have any
21 recollection of whether you talked to him or not?

22 A Oh, yes, I did. I talked to all of them.

23 Q And what do you remember Craig Melnyk telling you?

24 A Just that we were trying to get truthful answers
11:05 25 out of everyone.



1 Q I'm sorry, maybe let me assist you. I think what
2 Craig Melnyk told the Inquiry is that his version
3 of events has been the same from day one, that he
4 saw David stab a pillow and heard him utter the
11:05 5 words "I stabbed her, I killed her," words to that
6 effect, and I think what he told the Inquiry is
7 lookit, I saw what I saw, whether he was joking or
8 not, ask David, or words to that effect?

9 A Uh-huh.

11:05 10 Q Would that have been the type of answer Mr. Melnyk
11 would have given you back in '81?

12 A It may have been. I know that I was very
13 suspicious of Craig and George Lapchuk because at
14 some point, I can't give you a year, at some point
11:05 15 I read a police report where it said that Wilson
16 gave the information about Lapchuk and Melnyk, so
17 he had obviously talked to them and he had then
18 given the information to the police about Lapchuk
19 and Melnyk and it was that, Wilson giving that
11:06 20 information about them to the police that brought
21 that motel incident into being --

22 Q Okay.

23 A -- at the court.

24 Q And is it likely that that would have been the
11:06 25 trial transcript, because in the trial transcript



1 I think the evidence came out that both Melnyk and
2 Lapchuk became known to the police the day before
3 the trial, a day or two before the trial started
4 when Ron Wilson was being driven by Saskatoon
11:06 5 police from Regina to Saskatoon is when he told
6 the police about what he had heard from Melnyk and
7 Lapchuk the night before at a party or something
8 like that.

9 A Yeah, but it wasn't in the transcript, it was in a
11:06 10 police report stating that that I remember reading
11 it.

12 Q Okay. So the police report, that would have been
13 sometime later or where did you get the police
14 report from?

11:07 15 A That's probably sometime later that I got -- but I
16 remember reading that, but I know that we were
17 very suspicious of that type of information having
18 come forward because of the deal that they got as
19 a result of it for one thing and their conviction,
11:07 20 the lightest armed robbery sentence, and we felt
21 that they had come forward for their own
22 interests, not for David's, and not to tell the
23 truth, but to make something out of this.

24 Q And was it your view at this time that they had
11:07 25 not told the truth at trial?



1 A At this time are we in 1980 or are we in --

2 Q 1981, yes.

3 A At this time I probably felt they had not told the
4 truth.

11:07 5 Q And did your view come to change about that, about
6 whether they did tell the truth?

7 A Well, you know, it's hard, you are a mom and you
8 are trying not to be emotional about it, I'm
9 trying to look at these things in a factual type
11:08 10 of manner, so I really felt that maybe this was,
11 from the mom's point of view, that they were just
12 out to get my boy, okay.

13 Q Uh-huh.

14 A But then when I put my sensible hat on, I would
11:08 15 think, well, you know your son, they are talking,
16 he was in there, he was on drugs, he could have
17 done that, you could have just fluffed up the
18 pillow, he could have done those things just to
19 get them off his back.

11:08 20 Q And wearing your sensible hat then, in that
21 thought did you then say, okay, maybe Melnyk and
22 Lapchuk didn't lie at trial?

23 A But I still felt that they had come forward in
24 their own self interests.

11:09 25 Q Okay. And again, just -- did that, in your view,



1 cause you to doubt the truth of their evidence
2 though?

3 A I was still up in the air on that.

4 Q And so, for example, if you are saying, okay, I
11:09 5 could see David having done that as a joke and
6 therefore their evidence describing the incident
7 may well be true?

8 A And I think after talking to Deborah Hall -- which
9 of course was when now -- in her evidence it was a
11:09 10 joke.

11 Q And so again, if Melnyk and Lapchuk described the
12 incident and you are saying, okay, what they
13 described was true, that wasn't a lie, David did
14 it as a joke, what concerns did you have if any
11:09 15 then with respect to how they got to court? In
16 other words, if what they said was true at
17 trial --

18 A Uh-huh.

19 Q -- in that they described the conduct and the
11:10 20 words spoken by David, and I think we've been
21 through this many times before, they were not
22 asked the question did you think he was joking or
23 not, but let's take that as a basis, did you see
24 anything sinister or wrong with how they came to
11:10 25 the authority's attention if they had told the



1 truth at trial?

2 A Well, I guess the only sinister part of it was
3 they were supposed to be his friends and if they
4 were his friends, then why are they going to the
11:10 5 police about something like this. Normally
6 friends support one another.

7 Q And so are you saying you would have expected them
8 to -- if the truth, if what they told at trial was
9 the truth, were you saying you thought as friends
11:10 10 they would have lied?

11 A No, I would have thought as friends they would not
12 have come forward and talked to Wilson about it.

13 Q And I think -- I think at least before the Inquiry
14 Mr. Melnyk's evidence is that he was subpoenaed
11:11 15 and brought forward, that he didn't have much
16 choice was his view of the matter, and I think --
17 again, I'm just trying to understand what, when
18 you approached these people back then, sort of
19 what options you were considering or explanations
11:11 20 you were considering.

21 A I was out there just trying to get as much
22 information as I could about what happened at the
23 time to put my son, who was innocent, in prison
24 and just trying to understand the parameters of
11:11 25 all of it.



1 Q What about one other factor that you may have
2 brought up but I think later on it became known to
3 you or to maybe it was Mr. Asper, that Mr. Melnyk
4 got a very light sentence for an armed robbery
11:11 5 shortly after testifying, and I can't recall if it
6 was -- I don't think that was known at the time of
7 trial, I think at the time of trial he was pending
8 on charges.

9 A Yes.

11:12 10 Q It would have been later on. Can you tell me --

11 A And that certainly influenced us a great deal
12 because when you hear about that light sentence,
13 you think, "Aha, now we know why he did that."

14 Q So when you heard about the light sentence, did
11:12 15 you in your mind say okay, well, one possibility
16 is that he made a deal with the authorities?

17 A Uh-huh.

18 Q Was that something that went through your mind?

19 A Oh, definitely.

11:12 20 Q And would that be sort of I think front and
21 centre, saying okay, if he made a deal with the
22 authorities, would that deal mean he would have
23 lied at trial though?

24 A I don't know whether I analysed it that -- you
11:12 25 know, that well. I probably thought that he had.



1 Q That he had lied?

2 A Yeah, and it wasn't until we got Debbie and heard
3 her version of it that I really got to see what
4 really went on in that motel room.

11:12 5 Q And which -- now, there are --

6 A And that was her first testimony that she gave to
7 us.

8 Q There's three, actually, versions, for lack of a
9 better word, of Deborah Hall's evidence, the first
11:13 10 is in 1980 when she was interviewed by Chris
11 O'Brien, the second -- at which time she said
12 Melnyk and Lapchuk lied.

13 A And if that had been her final version, I would
14 have been very happy.

11:13 15 Q And then in '86 her affidavit saying --

16 A Yes, went out of sight.

17 Q And then in 1989 I think with Mr. Williams is when
18 she -- and I think throughout she attributed
19 David's conduct and words as being in a joking
11:13 20 manner?

21 A Right.

22 Q But you recall her evidence, or the evidence that
23 what was in her affidavit in '86 was not what she
24 told Mr. Williams in '89; is that --

11:13 25 A That's correct.



1 Q So once you found out in '89 her version of
2 events, that yes, David had fluffed, stabbed or
3 done something with the pillow and uttered words
4 to the effect that I killed her, I stabbed her and
11:14 5 that it was a joke, was it at that point you
6 accepted and said okay, well, that conduct
7 attributed to David at the trial and the words
8 spoken is likely correct but done as a joke; is
9 that --

11:14 10 A That's correct.

11 Q And so it was when you learned about Deborah
12 Hall's final version?

13 A Yes, I would say so.

14 Q And up until that point, I think we've canvassed
11:14 15 this a fair bit, you were considering a number of
16 options, anywhere from Melnyk and Lapchuk outright
17 lying --

18 A Uh-huh.

19 Q -- in exchange for a deal from the police for a
11:14 20 light sentence --

21 A Right.

22 Q -- to an embellishment, to suspicious coming
23 forward and sort of the whole range of
24 possibilities; is that fair?

11:14 25 A Absolutely.



1 Q Here's another one, again if we can just scroll
2 down, you talked about Mr. Lapchuk and I think
3 your distrust and George says:

4 "Something stinks."

11:15 5 And the bracket says:

6 "I think, noticing his frequent use of
7 'Mrs. Milgaard', as if he's respectful
8 of Joyce, that he's trying to cover up
9 fact he's NOT sincere, or that he's been
11:15 10 lying all along, and is now nervous)."

11 Would that be Carlyle-Gordge, Mr. or
12 Ms. Carlyle-Gordge or you or is this someone who
13 has listened to the tape and made that
14 conclusion?

11:15 15 A It's obviously someone else's conclusion. I
16 remember at the time of him saying that. I was
17 very suspicious of this man.

18 Q Of Mr. Lapchuk?

19 A Yeah, yeah.

11:16 20 Q Before you even talked to him were you suspicious?

21 A Probably, but the way he was acting here, and
22 that's the word, it was he was "acting".

23 Q Okay.

24 A He was putting on a show, that was my perception
11:16 25 of what was going on here, and obviously it was



1 noticeable to whoever was transcribing the tape.

2 Q If we can go to the next page, there's a comment
3 here where he says:

4 "Mrs. Milgaard, remember what we
11:17 5 discussed in Dionysus' -- that I was not
6 going to debate Dave's guilt or
7 innocence with you?"

8 Now, I'm speculating here, but I'm wondering if
9 that -- did you meet with Mr. Lapchuk perhaps in
11:17 10 a restaurant or somewhere?

11 A Yes, I did, uh-huh.

12 Q Okay. And that would have been before this call?

13 A Yes.

14 Q And what do you remember -- who met with him and
11:17 15 who was there?

16 A Chris was there, my son, and George Lapchuk and I
17 think that's all.

18 Q Was Craig Melnyk there?

19 A I don't remember.

11:17 20 Q Was Peter Carlyle-Gordge there?

21 A No.

22 Q And do you remember what was discussed at that
23 meeting in any detail?

24 A Just the questions that we were asking here.

11:17 25 Q Right. And would it be fair to say that what Mr.



1 Lapchuk said at the meeting and even in the calls
2 was lookit, what I said at trial was the truth, I
3 saw what I saw?

4 A Yes, uh-huh.

11:18 5 Q And that was his position to you?

6 A That was his position.

7 Q And here that he -- is it fair to say as well that
8 he's saying lookit, I'm not going to debate Dave's
9 guilt or innocence, but what I saw is what I saw;
11:18 10 is that fair?

11 A Uh-huh, that's fair.

12 Q And then if we can go to the next page, again this
13 is January 24th, '81, you say:

14 "We found out that Caldwell, the day
11:18 15 after I got on to this, he's been in and
16 going through all the transcripts, thru
17 all the transcripts --"

18 Do you recall where that information came from?

19 A Who am I talking to and when?

11:18 20 Q George Lapchuk.

21 A George Lapchuk?

22 Q Yeah. This is the same call.

23 A The same call, okay.

24 Q Yeah. And maybe I'll just read the next part,
11:19 25 just scroll down, please, stop there, and you say:



1 "Like, if he had tried someone, and he
2 was sure in his mind that this guy is
3 guilty and put away, what's he going to
4 start and going in and digging --"

11:19 5 George:

6 "I'll tell you exactly why, cuz as soon
7 as you start asking questions about
8 something that happened 10 years ago,
9 you're up on your research and he isn't.
11:19 10 It seems very reasonable to me that he'd
11 be up and reading the transcripts, cuz
12 obviously you'd been using the media,
13 and Mr. Caldwell is not going to get
14 caught with his pants around his ankles.
11:19 15 He's going to know exactly what he is
16 talking about."

17 Does that assist you at all?

18 A I was just trying to think about how much I had
19 been using the media at that point.

11:19 20 Q I think there was the one newspaper article that
21 came out December 26th, the one that I showed you
22 yesterday.

23 A Yeah, and that's really --

24 Q Now, whether -- now, Chris O'Brien had been,
11:20 25 there's some evidence that Chris O'Brien had been



1 on the radio and there may have been some
2 publicity there.

3 A Some publicity with Chris. M'hm.

4 Q So anyway, do you have any recollection where this
11:20 5 came from?

6 A No, but I obviously had found out about it.

7 Q And then if you can scroll down you say:

8 "To me, well every place that we've been
9 today and yesterday looking for Nicky,
11:20 10 the police had already been there."

11 A Right.

12 Q And does that assist you in your recollection or
13 what is that referring to?

14 A Well, wherever we had been going.

11:20 15 Q To look for Nickey?

16 A To look for her.

17 Q And how did you --

18 A We found out, well, the police had already been
19 there.

11:20 20 Q Looking for Nickey?

21 A Yeah.

22 Q So --

23 A Some of them had been looking for her too.

24 Q And did you realize at the time that they had been
11:20 25 looking for Nickey because your lawyer had asked



1 the police to look for Nickey?

2 A No, no.

3 Q Go to the next page, go to page 054426, and again
4 this is your conversation with Mr. Lapchuk, and he
11:21 5 says:

6 "No. No, no. You've been no threat
7 with me. I'm glad you didn't try that
8 little hidden microphone thing that the
9 guy from Macleans wanted. I appreciate
11:21 10 that. That was very good of you."

11 And do I take it from that that Mr.
12 Carlyle-Gordge had tried to, or had interviewed
13 Mr. Lapchuk with a hidden microphone, is that a
14 fair --

11:21 15 A Yeah.

16 Q What do you remember about that?

17 A I don't.

18 Q And then down at the bottom there's an editorial
19 comment here about:

11:21 20 "WHY is George the great orchestrator of
21 all the other witnesses?? Does he tell
22 them what to say??) I'm sure he
23 arranged Dale's "escape" & poss. helped
24 with Nicky's."

11:22 25 Is that your writing or do you know whose that



1 is? Right here.

2 A I don't think it -- it does look a little bit like
3 my writing, the "escape", the word "escape"
4 certainly looks like my writing.

11:22 5 Q Now, this may have been done later because I
6 think --

7 A Oh, I'm sure it was. I mean, we went through
8 these transcripts and calls later and looked at
9 them in hindsight when we were going through to go
11:22 10 to the Supreme Court.

11 Q So this may have been done --

12 A -- years later.

13 Q In Mr. Asper's office?

14 A Yeah, uh-huh.

11:22 15 Q If we can go to 054415 --

16 A But you can see by that question, "Is George the
17 great orchestrator of all the other witnesses,"
18 this is what we were getting from these tapes,
19 these interviews, we were getting a feeling that
11:23 20 somebody was sort of getting them all to do this.

21 Q And you thought it was George Lapchuk?

22 A Yeah, it was one of the ones.

23 Q If we can go to 054415 and this is, I think, a day
24 or two later, January 26, '81, your calls to
11:23 25 Lapchuk and Dale Wilson. Now, just for the



1 record, I think we've heard Ron Wilson, he went by
2 Ron at the time of David's trial and then he --
3 his name I think is Ronald Dale Wilson, he started
4 going by Dale in 1981?

11:23 5 A That's right.

6 Q So when we see Dale Wilson, that is Ron Wilson;
7 right?

8 A That is Ron Wilson.

9 Q And so it looks as though you phone Mr. Lapchuk
11:23 10 again. Did you -- did Mr. Lapchuk co-operate with
11 you in the sense that he would talk to you?

12 A Oh, yes.

13 Q He was approachable to talk to, you may not have
14 liked what he was telling you, but he would talk
11:24 15 to you; is that fair?

16 A He was talking.

17 Q And then down at the bottom you say:

18 "You remember Debbie (Debbie Hull)..

19 well she's a Wilson now. Any relation?"

11:24 20 And I think, and I'll show you a document in a
21 bit, around this time, and I don't know the exact
22 date, but I think sometime in late January, 1981,
23 and arguably before January 26, Chris O'Brien had
24 met Debbie Hall and interviewed her about her
11:24 25 recollection. Do you remember finding out about



1 that?

2 A Yes, I do.

3 Q And did Chris O'Brien contact you and say I talked
4 to Debbie Hall?

11:24 5 A I think he told Susan and Susan told me.

6 Q And what is your recollection, what do you
7 remember first hearing about Debbie Hall's version
8 of events in the hotel room?

9 A Well, the fact that she was saying these guys
11:25 10 lied, it wasn't like that at all and it was just a
11 joke, and I was very excited to hear about that, I
12 remember thinking wow, we've got a breakthrough
13 here.

14 Q And I'll take you to the transcript and show you
11:25 15 what she said at the time.

16 A Okay.

17 Q I think what she said in 1981 to Chris O'Brien was
18 Melnyk and Lapchuk lied about the incident?

19 A Yes.

11:25 20 Q That it was a lie?

21 A It was a lie.

22 Q And although they were in the room, what they said
23 happened was a lie?

24 A Uh-huh.

11:25 25 Q As opposed to David did something with the



1 pillow --

2 A Right.

3 Q -- and admitted the murder and said it as a joke,
4 I think at that point was she not saying lookit,
11:25 5 they are lying?

6 A Yes, she was.

7 Q Is that your recollection?

8 A My recollection was, because I was so excited
9 finally we've got somebody that was going to say
11:25 10 they lied.

11 Q And so that if Debbie Hall was to be believed at
12 that time, then Melnyk and Lapchuk had lied, had
13 made up the story, according to Deborah Hall,
14 about David doing something with the pillow and
11:26 15 uttering the words attributed to him?

16 A Right.

17 Q And again, you said you were excited. Was that
18 something you felt might be a breakthrough?

19 A Yeah, I did.

11:26 20 Q And your information that you got via Susan or
21 from Chris O'Brien, whatever, when you learned
22 that Debbie Hall said Melnyk and Lapchuk lied at
23 trial about what David said and did, did that
24 influence your thinking in how you dealt with
11:26 25 Melnyk and Lapchuk?



1 A It probably did.

2 Q And did you deal with them as now, okay, you are
3 liars, you lied about it as opposed to --

4 A I was very suspect of everything they said.

11:26 5 Q Go to the next page, I don't -- there's a
6 reference here where you say:

7 "Nikky had disappeared when I went back.
8 I don't want to embarrass her or go to
9 work...I know where she works..."

11:27 10 And then scroll down, you say:

11 "I tell you she was oh..just 'out of it'
12 when I went to the door. It was like
13 she's been waiting for me to knock on
14 the door all her life...Yet she seemed
11:27 15 to indicate Ron had done an awful lot
16 for her...so I think he must have known
17 where she's been all this time.

18 G: Well according to him he didn't...he
19 told me he was shocked as hell when she
11:27 20 phoned..and they're supposed to go for a
21 drink."

22 Now, I don't have, I'm trying to put to you the
23 documents relating to Nichol John and sort of to
24 get the sequence of events and I'm not sure much
11:27 25 turns on what particular day, but can you just



1 tell us generally the sequence of your approaches
2 with Nichol John? We know ultimately on May 9th,
3 1981 you interviewed her with Tony Merchant in
4 her lawyer's office; remember that?

11:27 5 A Uh-huh.

6 Q For the court reporters, they need yes for the
7 record.

8 A Yes, sorry.

9 Q That's fine. And prior to that interview did you
11:28 10 have any other meaningful exchange with her where
11 she provided any information or were they simply
12 attempts to talk to her where she wouldn't talk to
13 you?

14 A Well, the first time when I appeared at her door,
11:28 15 I mean, she looked absolutely terrified.

16 Q Was this -- I'm sorry, was this when you had your
17 daughter Susan go in and phone you with the
18 movers?

19 A Right.

11:28 20 Q That was the first time?

21 A Right. And so when I went to her door and --

22 Q Sorry, how did you find out where she lived?

23 A We followed her when she moved.

24 Q No, okay, let's go right back to the beginning
11:28 25 when you first approached Nichol John. Did you



1 look in the phone book or how did you find out
2 where she lived?

3 A I don't remember the exact, how we found her, the
4 first information that we got about her, but I
11:29 5 remember it was -- of course it was with Peter
6 Carlyle-Gordge, whether he had found the
7 information or something.

8 Q And so you found her, where she was living and
9 went and knocked on her door; is that right?

11:29 10 A That's right.

11 Q And describe for us the exchange you had with her
12 at that time?

13 A Well, she looked just terrified and like she had
14 seen a ghost and what are you doing here. I mean,
11:29 15 she obviously knew who I was.

16 Q Did you tell her who you were and what you were
17 there for?

18 A Yeah, but she wouldn't even undo the chain on the
19 door and she was obviously just terrified of
11:29 20 talking to me. I tried to explain to her that I
21 just needed to talk to her, I had some new
22 information for her and we would really appreciate
23 it, and I know Peter said a few things at that
24 time, and if you want absolute conversation, it's
11:30 25 probably in my book.



1 Q Okay.

2 A I think I describe it in there about actually
3 talking to her, but my memory of it at the time
4 was she was just terrified.

11:30 5 Q And is it fair to say that she told you she didn't
6 want to talk to you?

7 A That's right, and we left and went out to the car
8 and we stayed there because we had the feeling
9 that she was going to run and that's the night I
11:30 10 told you about that we stayed until three o'clock
11 in the morning. We ended up following her when
12 she did run and going to the next place where she
13 moved her things into and following up from there.

14 Q And so then that's where your daughter then went
11:30 15 in --

16 A -- to get the phone number at the new place.

17 Q And then you phoned her; is that --

18 A Yes, I phoned her.

19 Q And what was her response?

11:30 20 A How did we get the phone number, and I explained
21 to her that it was really imperative that I talk
22 to her, that I had information that she needed to
23 know about.

24 Q And what was that, when you talked about
11:31 25 information, what was the information?



1 A I believe, at that time, it was the Mahar
2 information.

3 Q And we'll see that in some of the documents. I
4 think Mahar, and just for the record, Mahar was
11:31 5 the fellow who, I think, was -- was -- had his
6 trial in 1969?

7 A Right.

8 Q I think it was his wife, he had killed his
9 wife, --

11:31 10 A Right.

11 Q -- and I think pled insanity, if I'm not mistaken?

12 A Uh-huh.

13 Q And he was the fellow who had been at St. Mary's
14 Church; is that right?

11:31 15 A That's right.

16 Q So at that time, in early 1981, were you of the
17 view that Mahar was the killer of Gail Miller?

18 A Yes.

19 Q And did you have a pretty strong conviction about
11:32 20 that at the time?

21 A Oh yes, and we thought we could show her that she
22 might actually have seen him murder her.

23 Q And so, at that time, your thinking was that
24 Nichol John had actually witnessed --

11:32 25 A That maybe she really had witnessed the murder and



1 that's what psyched her out.

2 Q And it was Mahar, though, that she saw?

3 A Yes.

4 Q And then you also talked about someone named

11:32 5 Lalonde, was that -- that was the next fellow who

6 I think you said had escaped?

7 A Oh, yeah, but that was at a different time.

8 Q That was later?

9 A Yeah, that was --

10 Q That was after?

11 A Whoops, sorry, that wasn't to do with Nichol.

12 Q Right. But I think -- and I think we'll see with

13 Mr. Young a couple months later, Lalonde, I think

14 you told us yesterday that you were convinced that

11:32 15 Lalonde was the killer until you found out

16 information that he had been in custody at the

17 time; is that right?

18 A Right. And then when we went back to the woman,

19 the aunt that had informed us about it, she

11:32 20 explained that "oh, no, it was ...", and the date

21 that she gave us connected with the nurse that was

22 found under the underpass.

23 Q Okay. And so with Nichol John then, and with

24 others, did you say "lookit, we think we know who

11:33 25 the real killer is, it's Mahar, and you are



1 mistaken, this is information that you should be
2 aware of"?

3 A Right.

4 Q Okay.

11:33 5 A I never used Lalonde in that manner because we
6 found out quickly that it wasn't him.

7 Q Okay. And Mahar, at what point did you conclude
8 that Mahar was not a suspect, or did you ever?

9 A When we got Larry Fisher.

11:33 10 Q Okay. Prior to that did you still think that
11 Mahar might have been the perpetrator?

12 A I think, for a long time, we did.

13 Q And then if we can go to -- just on Nichol John
14 then. After you talked to her on the phone,
11:33 15 again, what happened after that as far as your
16 dealings with her?

17 A I think it was then that our lawyer got a letter
18 from her lawyers telling us to cease and desist.

19 Q And then further communications with Mr. Merchant
11:33 20 --

21 A All went through the lawyers then.

22 Q And then that --

23 A And that's when I offered to pay, umm --

24 Q Okay, and we'll get to that. Is it fair to say
11:34 25 that, prior to the interview, that -- the taped



1 interview with you and Mr. Merchant, that in your
2 previous exchanges with Nichol that -- did she
3 share anything with you, or was it just
4 discussions about setting up a meeting, or did she
11:34 5 give you any --

6 A She gave me nothing.

7 Q Okay. And did you tell her about this new
8 information, about Mahar, either in --

9 A I didn't tell her what it was because I wanted to
11:34 10 use it to pique her interest. I purposely
11 remember not telling her about it for that reason,
12 that I had some information for her and that I --
13 it would be difficult to sort of explain on the
14 phone, but if I could just talk to her and show
11:34 15 her clippings and things like that, that I could
16 show her what really happened and what, what she
17 could have seen.

18 Q And do you recall her reaction to that?

19 A Well, it was obviously negative, because -- but
11:35 20 then it ended up, like as we went through the
21 various lawyers and everything, that we were able
22 to get an interview with her.

23 Q Right. And did -- do you recall whether Nichol
24 John, in your initial meeting at the apartment
11:35 25 door with Mr. Carlyle-Gordge or the second phone



1 call with her, did she say anything to you about
2 the police being in touch with her?

3 A I can't remember. I can remember her saying about
4 David, why did he, why did he keep escaping, I --
11:35 5 or, you know, "why did he escape?" It was almost
6 like we'd done -- we were doing -- David was doing
7 the wrong thing, but I can't remember that part of
8 it, but it would probably be documented in some of
9 the papers that I had written at that time.

11:36 10 Q Okay. Now, again, in this discussion with
11 Mr. Lapchuk -- I don't think we need to go through
12 it, I can just quickly summarize -- it looks
13 like -- and you tell me if this accords with your
14 recollection -- that initially Ron Wilson or Dale
11:36 15 Wilson told George that yes, he would talk to you,
16 you then phoned Mrs. Wilson to -- or you maybe
17 phoned Mrs. Wilson first to reach --

18 A To reach him.

19 Q -- to reach -- what do you want to call him, Ron
11:36 20 or Dale Wilson, let's get the same name when we go
21 through this?

22 A Well, at that time I was calling him Dale, --

23 Q Okay.

24 A -- but I know Dale is wrong.

11:36 25 Q Let's say Dale. So you would have phoned Dale



1 through his mother, and his mother was hostile?

2 A Very.

3 Q And then you talked to George and George, I think,
4 then talked to Dale --

5 A Yes, he did.

6 Q -- to try and convince Dale to talk to you; is
7 that right?

8 A That's right.

9 Q And George got back to you and said, "lookit, Dale
10 will now talk to you"?

11 A Yes.

12 Q And then I think you tried again, or Dale changed
13 his mind the next day and told George, "lookit,
14 I'm not going to talk to her", and George and you
15 had a discussion and George, either you or George
16 said, "lookit, I think it's his mother", George
17 said, "phone tonight when his mother is not home";
18 does that sound right?

19 A That sounds right.

11:37 20 Q I think that's what the transcript says.

21 A Good.

22 Q And then if we can go to 331993. So George
23 Lapchuk helped you get in touch with Dale Wilson;
24 is that fair?

11:37 25 A Yes.



1 Q So 331993. And this has got Ron Wilson January
2 26, '81, and I plan to go through parts, but this
3 would have been your first discussion with Dale
4 Wilson; is that correct?

11:37 5 A Yes.

6 Q And would you have taped this on the telephone
7 with him; is that --

8 A Yes.

9 Q -- correct? And then Kathy Carlyle-Gordge would
11:37 10 have transcribed it?

11 A Probably.

12 Q So what was your, what was your thought going in
13 with Dale Wilson, what were you trying to get from
14 him or what was your strategy with him? And we'll
11:38 15 go through the transcript, I don't mean to --

16 A I don't know that I had a strategy --

17 Q Okay.

18 A -- at the time, I just wanted to talk to him.
19 And, I mean it was obvious that he'd lied at the
11:38 20 trial, --

21 Q Okay. And were --

22 A -- so what I was trying to do was to find out who
23 made him lie, what made him lie.

24 Q Were you trying to get him to acknowledge that he
11:38 25 lied?



1 A Yes. Absolutely.

2 Q And so that you could use it to assist David in
3 the re-opening; is that fair?

4 A Absolutely.

11:38 5 Q And, again, generally -- and if you want me to go
6 through the transcripts with you first please tell
7 me -- but generally was he cooperative with you on
8 the phone? There is two conversations that I
9 propose to go through with you.

11:38 10 A Well, let me see some of the conversation, --

11 Q Sure.

12 A -- because it's -- in one particular conversation
13 he was drunk out of his mind.

14 Q Okay.

11:38 15 A And I can't tell you which one without seeing a
16 little bit of the conversation.

17 Q Sure. So this is the first one, and you say:

18 "I have been talking ...",

19 you identify yourself:

11:39 20 "I have been talking to George ... just
21 wanting to speak to you for a few
22 minutes ... He had indicated that you
23 didn't want to talk to me, and I
24 thought, even if I could speak to you on
11:39 25 the phone for a few minutes --",



1 Dale says:

2 "The phone is fine."

3 And then you go on. If we can go to the next

4 page, and again, we have been through this

11:39 5 transcript at the Inquiry with Mr. Wilson, I

6 think we went through it in its entirety, so I'll

7 just touch on parts.

8 A Okay.

9 Q And this is you talking to him:

11:39 10 "... There have been so many

11 inconsistencies, and as I'd tried to

12 explain to Nicki, I don't believe that

13 you or Dave or Nichol were there at all.

14 I really don't believe that you were

11:39 15 anywhere in that neighbourhood, because

16 I think that if you had been, when you

17 asked this woman for directions for

18 Peace or Pleasant Hill, she would have

19 said 'Well, you are in Pleasant Hill.'"

11:40 20 A Yeah.

21 Q "But I think that you were probably on

22 the other side of the city, and what

23 we're trying to do now is maybe,

24 possibly trace you to the fact where you

11:40 25 really were. Because I think they took



1 you up there and really put the pressure
2 on you."

3 Let me just pause there. You are saying:

4 "... you were probably on the other side
11:40 5 of the city ...";

6 how did you arrive at that?

7 A Because of what David said about the downtown
8 area, and the store, and what he had told us about
9 coming in.

11:40 10 Q And would it be fair to say that, if where David's
11 vehicle stopped the woman for directions and got
12 stuck was on the other side of the city from where
13 Gail Miller's body was found, that that would be
14 helpful in David's --

11:40 15 A Yes, and it would also sort of explain why the
16 person didn't know where Pleasant Hill was.

17 Q Okay. So when you -- is that something you would
18 have picked out of the transcript?

19 A Yes.

11:40 20 Q That the person who was asked didn't know where,
21 it was either Peace Hill or Pleasant Hill, wasn't
22 it?

23 A Uh-huh, right.

24 Q And so you concluded, from that, that if they were
11:41 25 in Pleasant Hill the person would have said "you



1 are right here", --

2 A Yes.

3 Q -- therefore they must have been somewhere else?

4 A That's right.

11:41 5 Q So was that your thinking at the time?

6 A That was my thinking.

7 Q And then you say there:

8 "Because I think they took you up there
9 and really put the pressure on you."

11:41 10 And I take it "they" is the police; is that
11 right?

12 A That's correct.

13 Q And there is no answer there, it says:

14 "Well, didn't you feel you were under a
11:41 15 great deal of pressure at that time?"

16 And then it says:

17 "We were scared shitless (?not positive
18 he said that)."

19 "Yeah, and let's face it, you weren't
11:41 20 very old either."

21 And then he says:

22 "All of us were really stoned. That's
23 one thing --we were blasted out of our
24 trees."

11:41 25 And then you go on:



1 "Well, this is the thing. If you were
2 under the influence of drugs at the time
3 you were in Saskatoon, how could you
4 pinpoint where you were or really know
11:41 5 where you were. I mean they must have
6 realized--I mean, they knew you were
7 taking drugs at the time ..."

8 And let me just pause there. What do you recall
9 about this issue as to whether or not Wilson,
11:42 10 John, and David were on drugs on the trip to
11 Saskatoon or on drugs the morning that Gail
12 Miller was killed?

13 A Well my understanding from David was that they had
14 no money for drugs and that they were going to
11:42 15 Saskatoon to hit up Shorty for money to go on the
16 trip and to get drugs, that was my understanding,
17 so I -- my understanding was that they -- there
18 were no drugs involved on the trip to Saskatoon
19 but lots afterwards.

11:42 20 Q And so, and I think Mr. Tallis told us and the
21 record reflects that at trial the evidence was
22 that neither -- that neither John, David, or Ron
23 Wilson were on drugs by the time they arrived in
24 Saskatoon?

11:42 25 A Right.



1 Q Do you recall that?

2 A Yes.

3 Q Now, here, Mr. Wilson seems to be saying something
4 differently?

11:42 5 A Yes.

6 Q And what, if any, significance did that have to
7 you if what he was saying, which was different
8 than what was said at trial, was true?

9 A Well it led me to this question that I could say
11:43 10 to him, "well, if you were really under drugs at
11 that time, how would you know where you were?"
12 You wouldn't. And so it was just a tactic that I
13 could use back to him.

14 Q Now if we can just scroll down here, you then
11:43 15 talk, and you say:

16 "But don't you think that maybe they
17 were trying to put words in your mouth?"

18 And, again, that was your view before you talked
19 to him; that the police had put words in his
11:43 20 mouth?

21 A Right, uh-huh.

22 Q He says:

23 "It's possible, but. OK, they put me on
24 that lie detector test."

11:43 25 You say:



1 "They did put you on a lie detector
2 test?"

3 "Yeah, they put me on a lie detector
4 test."

11:43 5 Was that the first time you would have been aware
6 of that, that he was on a lie detector test?

7 A I think it was.

8 Q And the reason I ask that, at the trial there was
9 no evidence put in about the polygraph, --

10 A Right.

11 Q -- it was not admissible, so --

12 A I don't think I was aware of it.

13 Q And so would this be the first occasion when you
14 would have been made aware of that?

11:44 15 A Yes, I think so.

16 Q And can you tell us, what was your understanding
17 of what a lie detector test was at the time, did
18 you have much knowledge about that?

19 A I didn't, really, wasn't familiar with.

11:44 20 Q And then he goes on to describe it and says:

21 "And they were asking questions like Yes
22 and No. Like I don't know how to read
23 this machine. And ... whatever they
24 said that I hadn't said Yes to, came out
11:44 25 'okay, I'm telling the truth.' And to



1 me, up until they came and got me in
2 May, and I got that lie detector test
3 ... my mind was blank. I had a mental
4 block or whatever--I don't know. They
11:44 5 asked me some questions and showed me
6 the pictures and stuff. You know,
7 things started coming back. You know."
8 And you say:
9 "You mean, sort of showed you pictures
11:44 10 of the area and the place and stuff like
11 this?"
12 "No, not the area. Well, pictures,
13 knives and ... the girl."
14 And the next top:
11:45 15 "... before there was much trouble on
16 you, this was the first inquiry they'd
17 asked you about whether you'd seen blood
18 on David's clothes, and you said you
19 hadn't, at that point, eh?"
11:45 20 He says:
21 "As far as I can recall----You've got
22 the transcripts, I would imagine."
23 And you say:
24 "Oh yeah. No, no, I'm not talking about
11:45 25 that. I'm talking about before when you



1 went ... to the Prelim. I don't have the
2 transcripts for the Prelim. They aren't
3 in Regina, here, they're in Saskatoon.
4 I'm going to Saskatoon and we'll get
11:45 5 hold of them. But it was my
6 understanding from them that at that
7 point in time you said 'Well no,' you
8 hadn't seen--"

9 And then Dale says:

10 "I don't even know at the trial I don't
11 think I said he had blood on his
12 clothes."

13 And then you say:

14 "Well this is the thing. I just
11:45 15 wondered in your recollection of it--You
16 had said to George you were so stoned,
17 that, you know, you didn't know if it
18 was blood or if it was Kook-Aid, or
19 whatever."

11:45 20 And he answers:

21 "Whatever."

22 And it would appear from this that Dale Wilson is
23 saying "I don't think I saw blood"; is that fair,
24 is that how you read it?

11:46 25 A That's how I read it.



1 Q And you would have known, at this time, that at
2 trial his evidence was that he did see blood?

3 A Yes.

4 Q And I'm wondering, did you view -- what was your
11:46 5 view of what he was telling you, was -- did you
6 view this as him recanting on that evidence?

7 A In a sense, yes, because his -- but he said he
8 didn't know whether it was Kool-Aid or whatever.
9 Umm --

11:46 10 Q And the fact, here, he says:

11 "... I don't think I said he had blood
12 on his clothes."

13 A Yeah.

14 Q And I'm just wondering; did you view that as being
11:46 15 okay, well at trial he said he saw blood, he is
16 now saying "I don't think I did see blood" or "I
17 don't think I said that", I'm just trying to
18 understand how you took what Mr. Wilson was
19 saying? I'll tell you what, why don't we go
11:46 20 through the transcript, and at the end I can come
21 back.

22 A Okay.

23 Q Sure.

24 A Come back to that, because I'm at a loss here.

11:46 25 Q No, that's fine. And then you say:



1 "But the thing is, I was wondering if
2 you could remember anything about this
3 part: if you did see blood, how much
4 blood and where it was."

11:47 5 He says:

6 "I'm sorry, I couldn't answer anything
7 like that--not going in the first
8 place--"

9 And then you say:

11:47 10 "You're not what?"

11 "The one that turned him in...what's his
12 name in Saskatoon, that turned Dave in."

13 Goes on to talk about Shorty. Scroll down. You
14 say:

11:47 15 "So Shorty must have told them something
16 at that point and then they came down
17 and started to lean on you."

18 And, again, would that have been your view of
19 what happened?

11:47 20 A Yes.

21 Q And if we can go to the next page, actually go to
22 page 331997, and here's where you talk about
23 David. And I think, if I can summarize, I think
24 what Dale Wilson says is that he thought that
11:47 25 David would go to North Battleford or someplace:



1 "Never in jail."

2 You say:

3 "Do you feel there was something wrong
4 with him mentally?"

11:48 5 "Yes I do. I knew him for 4 or 5
6 years----used to flip out quite
7 frequently, usually when he was stoned."

8 And:

9 "Well, was he stoned, that day when you
11:48 10 arrived in Saskatoon?"

11 "Yep! ..."

12 "He was?"

13 "All of us."

14 "And yet that didn't come out at the
11:48 15 trial."

16 And Dale says:

17 "It sure did."

18 And about --

19 A This is the tape where it was obvious to me that
11:48 20 he was drinking there, that he had been drinking,
21 he didn't sound sober on this tape.

22 Q Okay.

23 A And I think that I was reacting with a lot of --

24 Q Okay.

11:48 25 A And that:



1 "(sounds too glib).",
2 you know, I think there was that undercurrent
3 there because he was seesawing back and forth.

4 Q And I think what he appeared to be saying, at
11:48 5 least in part of this, was "lookit I didn't think
6 David would have to spend all that time in jail, I
7 thought he'd get out in a couple years"?

8 A Yeah.

9 Q Do you recall him saying that?

11:49 10 A I do recall that.

11 Q And then down at the bottom, actually go to the
12 next page, you ask him:

13 "Did he definitely have a knife before
14 he got to Saskatoon, or would that have
11:49 15 been as he was leaving? Like I know
16 that he and Shorty went in bought a
17 knife."

18 And he says:

19 "... Actually I'm not sure if he had a
11:49 20 knife----."

21 "You're not eh?"

22 "I'm not sure if it was before--I know
23 we bought one afterwards-----"

24 "What exactly did he say to you ...",

11:49 25 and let me just pause there. So, again, the



1 incriminating evidence that Ron Wilson had at
2 trial was, number one, that he saw blood on
3 David's pants?

4 A Right.

11:49 5 Q I mean this is in no particular order.

6 A Right.

7 Q So you've asked him about that, he says "no, I
8 don't know, I don't think I said I saw blood";
9 two, that he saw a knife in the car, and here he's
11:49 10 saying, "I'm not actually sure if he had a
11 knife" --

12 A Right.

13 Q -- "before", so that was the second piece of
14 incriminating evidence; and then the third piece
11:50 15 was that in Calgary David had told Ron or Dale
16 Wilson, Dale Wilson's evidence was "David told me
17 that he jabbed a girl, stole her purse, put it in
18 a garbage can"; do you remember that being some of
19 the evidence against David?

20 A Uh-huh.

21 Q And:

22 "What exactly did he say to you in the
23 Calgary bus depot? You made some
24 testimony about him telling you about
11:50 25 this girl when he was in Calgary. Do



1 you remember what he said?"

2 He says:

3 "No I can't recall. If I did I'd tell
4 you."

11:50 5 So again, although he is saying "I can't recall",
6 did that strike you as -- I mean, again, that
7 would be -- what was your reaction to that
8 response?

9 A I thought he was so drunk that he wasn't recalling
11:50 10 anything.

11 Q Okay. But here, if what he's saying, it appears
12 that the first three pieces of incriminating
13 evidence that you put to him he seemed to either
14 back off or say "well I don't think that
11:50 15 happened", is that --

16 A Yeah, I think he was backing off, but I think it
17 was because of the shape that he was in that I
18 wasn't taking much stock in this.

19 Q Did you ask him if he was drinking, or do you
11:51 20 remember?

21 A I think it was just very obvious on the tape.

22 Q Okay. If we can then go --

23 A Have you listened to it?

24 Q Yeah, we played the tape.

11:51 25 A Yup.



1 Q We played the tape, and I must say I can't recall
2 what Mr. Wilson said about it, but I'll check over
3 the lunch hour. It says here:

4 "At any of these occasions do you feel
11:51 5 that the police tried to give you any of
6 this information?"

7 He says:

8 "Like, did they try to push it--- ---or
9 something?"

11:51 10 You say:

11 "Yeah, like, this is what happened and
12 we found this in there and did you see
13 him put it there, did he tell you he put
14 it there--Anything like that?"

11:51 15 And then I can't get the first line about driving
16 around:

17 "They drove me around that area."

18 And:

19 "Did you and Nicki discuss the blood
11:51 20 that Dave supposedly had on him? Like,
21 if he was covered with blood like some
22 of the people had said, certainly you
23 and Nicki would have discussed it,
24 wouldn't you?"

11:52 25 And he says:



1 "I don't recall discussing it. As far
2 as I can remember even from the
3 transcript there wasn't any blood."

4 So, again, he appears to be saying here, again,
11:52 5 that "lookit" --

6 A There wasn't any blood.

7 Q -- that his -- what he is saying here is he
8 doesn't think he saw blood or said he saw blood,
9 is that a fair --

11:52 10 A Yes.

11 Q And if we could go down to the bottom, and here
12 you ask him, and you've already --

13 A You just went by the reward part and, of course,
14 Ronald Wilson did apply for it.

11:52 15 Q Oh, sure. I'm sorry, if we can just scroll up?

16 A I just saw that flash by.

17 Q Yup. And you say:

18 "Well that's fine. This is what Cadrain
19 had said, that there was only blood on
11:52 20 his, you know, on his pants--a bit of
21 it. Well that answers quite a few of
22 the questions.....Uh, oh, the reward.
23 You know there was a \$2,000 reward
24 offered?"

11:53 25 And Dale says:



1 "It must have gone to Shorty?"

2 "Did you ever hear for sure?"

3 "No I never heard for sure, but from
4 what I gathered that's where it went."

5 And let me just pause there. At that time would
6 you have been aware about who got the reward? I
7 think the documents suggest that it might have
8 been a bit later that you learned?

9 A No, I don't think we knew at that time that he got
11:53 10 the reward.

11 Q And then you talk:

12 "Did the police ever offer to make a
13 deal with you if you cooperated?"

14 And he said:

11:53 15 "Nope!"

16 And then you get in talking about getting a
17 shortened sentence, and I think at that time, I
18 think when the police first went and saw Wilson
19 in early March of '69 he was in jail; wasn't he?

11:53 20 A Right.

21 Q And at the prelim he had charges pending?

22 A Yes.

23 Q And was one of your thoughts that, lookit, maybe
24 the police made a deal with him --

11:53 25 A Made a deal with him.



1 Q -- to get favourable evidence?

2 A Right.

3 Q That was one of your theories at the time, or
4 thoughts. Next page. And you ask:

11:54 5 "Ok, now they never threatened you or
6 told you what to say, or anything ..."

7 He says:

8 "Nope."

9 "One thing: Bob Harris--Oh, I guess you
11:54 10 really wouldn't know this because you
11 weren't at the motel. I meant to ask
12 George ...",

13 and then:

14 "Did David ever tell you that he did it,
11:54 15 or any particulars, or anything?"

16 And he says:

17 "... Just that he'd fixed her ... you
18 know, but other than that I didn't even
19 know what was going on.----So when the
11:54 20 police came to talk to me one of them
21 asked me 'Don't you ever read the
22 papers?' I said Hell no. What the hell
23 for?'"

24 And so, again, do you recall what -- what
11:54 25 significance, if any, you put on that answer?



1 A I can't recall.

2 Q The next page. And then you ask him some
3 questions here about the lie detector, and it
4 says:

11:55 5 "And in other words ...",
6 and then he talks about the experience there:
7 "And then in other words they could
8 almost lead you down the garden path if
9 they wanted to, by them."

11:55 10 And he says:

11 "Basically they could, because you don't
12 know what that machine is telling them.
13 They're telling you what that machine
14 says. So you're taking the technician's
11:55 15 words for --",

16 And you say:

17 "That this is a lie or that is a lie, so
18 you must have--"
19 "--so you must have seen blood, or you
11:55 20 must have seen this because you're
21 saying that and it's not true."

22 And it goes on, and some discussion. And this is
23 similar to what Mr. Wilson said at the Inquiry,
24 that when he took the lie detector test, that it
11:55 25 may have influenced his thinking about what



1 happened?

2 A Right.

3 Q Was that your take, that somehow this lie detector
4 test may be an explanation --

11:55 5 A For influencing him?

6 Q Yes?

7 A Yes.

8 Q And so is that what you took out of this
9 conversation at the time, that the lie detector
11:56 10 test seemed to have some influence on what Ron
11 Wilson had either said or --

12 A I believe I did think, at that time, part of this.

13 Q Go to the next page, and down at the bottom, and
14 you say:

11:56 15 "... do you really think that David did
16 it, yourslef?"

17 And he says:

18 "Honestly speaking?",

19 Yes:

11:56 20 "No. I don't know."

21 You say:

22 "You don't know, or you don't think he
23 did?",

24 and I can't quite see the answer at the bottom.

11:56 25 And, again, did that -- did that surprise you,



1 Mrs. Milgaard, that -- that you would have known
2 that Dale Wilson gave evidence at trial that
3 David admitted the killing --

4 A Yes.

11:56 5 Q -- to him, that he saw blood, that he saw the
6 knife, and when you asked him "do you think he did
7 it" and then he says:

8 "No.",

9 and then:

11:57 10 "I don't know."; --

11 A Yeah.

12 Q -- what significance did you put on that?

13 A Well I wasn't placing a lot of significance on a
14 lot of this because I thought of his condition,
11:57 15 that, you know, whether it was true or it wasn't
16 true.

17 Q Did you view it as being favourable to David's
18 position, what he was telling you?

19 A Well, yes, that part would definitely be
11:57 20 favourable.

21 Q And then the next page. His evidence at trial --
22 332003, the previous page. Some of his other
23 incriminating evidence at trial was that when he
24 returned to the car that he said Nichol was
11:57 25 hysterical; do you remember that being part of his



1 evidence?

2 A Yes, I remember that.

3 Q And you ask him:

4 "... I mean he came back to the car.

11:58 5 You mentioned that Nichol was

6 hysterical."

7 "When you got back to the car, but you

8 didn't say why she was hysterical or

9 anything."

11:58 10 And he says:

11 "She wasn't hysterical. She was

12 stoned."

13 A Yeah, and with his attitude with saying this, "she

14 was stoned", you know, it wasn't -- any of this

11:58 15 wasn't ringing true to me.

16 Q Okay.

17 A For one thing, we knew that that wasn't true.

18 Q I'm sorry?

19 A We knew that she wasn't stoned.

11:58 20 Q From? From the trial?

21 A Yes, that they didn't have any drugs up to there.

22 Q So did you doubt this?

23 A Of course I did.

24 Q Now what about the flip side, that if the

11:58 25 reason -- or if the reason she was hysterical -- I



1 think at trial, at least, the inference or
2 argument was that the reason she was hysterical
3 was because she'd just witnessed a murder?

4 A Right.

5 Q Is that right?

6 A And he's saying "oh, she wasn't hysterical, she
7 was stoned".

8 Q And would that not be a favourable explanation to
9 David?

11:59 10 A It would be if it was true, but I didn't believe
11 what he was saying.

12 Q Okay. I see it's 12:00, it's probably an
13 appropriate spot to break.

14 (Adjourned at 11:59 a.m.)

01:31 15 (Reconvened at 1:31 p.m.)

16 BY MR. HODSON:

17 Q Good afternoon. If we could call up 331993,
18 please, and just to pick up where we left off,
19 Mrs. Milgaard, before lunch, this was the January
01:31 20 26, 1981 interview with Ron Wilson and we went
21 through part of it. If we could go to 003 to 004,
22 and you recall that we had gone through, and I
23 think you told us at this interview, or was it one
24 of the interviews you thought Mr. Wilson was drunk
01:32 25 or stoned?



1 A Yes.

2 Q Now, there's an April 15th -- or an April 15th,
3 1981 transcript that I'll take you to a bit later.

4 A Uh-huh.

01:32 5 Q Where in that transcript he says to you I'm half
6 loaded.

7 A Okay.

8 Q Was that the one that you were --

9 A Probably.

01:32 10 Q Do you have a recollection of one conversation he
11 was drunk and not the other or both or what do you
12 remember about your dealings with him?

13 A All I remember was that in one conversation he was
14 so obviously drunk.

01:32 15 Q Okay. Maybe when we get through the second one
16 I'll ask you to go back and maybe you can help us
17 out whether you can remember which one you thought
18 that was with. Now, in this conversation, before
19 lunch we went through -- if we can just call out
01:32 20 that part, please, and we went through where you
21 questioned him I think about the incriminating
22 evidence he gave at trial against David and we
23 talked about the knife, about him seeing blood,
24 about David making admissions to him?

25 A Uh-huh.



1 Q And you recall I think in all of those cases he
2 said, well, either I don't think so or I don't
3 remember?

4 A Right.

01:33 5 Q And if we can just carry on, you ask him here --
6 and one of the other pieces of incriminating
7 evidence that Ron Wilson or Dale Wilson gave at
8 trial was that he provided the opportunity, did he
9 not, for David to have committed the offence, he
01:33 10 testified that David left the car for 10, up to 15
11 minutes?

12 A Right. He changed his testimony.

13 Q And so that provided the opportunity?

14 A Uh-huh.

01:33 15 Q And then when David got back, he said that David
16 said the words "I fixed her".

17 A Right.

18 Q Do you remember that? So here you are asking --
19 and is it fair to say that in this interview with
01:33 20 Mr. Wilson as we go through it, it appears that
21 you are questioning him about every piece of
22 incriminating evidence he provided against David
23 at trial?

24 A I probably had the statements.

01:33 25 Q And the transcript -- you would have had the



1 transcript?

2 A Yeah, I would have, but I probably had a list of
3 questions to ask him.

4 Q And so here you ask him:

01:34 5 "Do you really think that you and Dave
6 were separated that long?"

7 "For what was done--Actually, no."

8 And so is it fair to say that the timing, that he
9 was now -- appeared to be backing off of that as
01:34 10 well?

11 A Uh-huh.

12 Q That David could not have been gone long enough to
13 do what --

14 A -- what they said was done.

01:34 15 Q To Gail Miller; correct?

16 A Yeah.

17 Q And then down at the bottom -- actually, go to the
18 next page, please.

19 A Where was that where it says tired or strained?

01:34 20 Q I'm sorry?

21 A I just saw sounds tired or strained.

22 Q Yeah, we can go back to the previous page. No,
23 sorry, right here. Maybe just scroll up and we'll
24 see the question, this would be sure, the
01:35 25 battery had -- or:



1 "... but they had checked all kinds of
2 other cars and everything, in the
3 neighbourhood..."

4 Etcetera, and the answer:

01:35 5 "No...I don't know..."

6 And

7 "(Sounds tired or strained.)"

8 Would that be Kathy Carlyle-Gordge editorialising
9 from the tape?

01:35 10 A Yeah.

11 "But all of a sudden because they
12 discovered you kids were in the
13 neighbourhood, they were trying to nail
14 you kids with it."

01:35 15 "No...I don't know...(sounds tired or
16 strained.)"

17 Okay.

18 Q Okay. If we can go to the next page, and you ask
19 here:

01:35 20 "Have you ever driven around the area?"
21 And I think this is the area where Gail Miller's
22 body was found.

23 "No. I did when I went there (?)...but
24 I haven't thought of it for about 4
01:36 25 years until they found him when he



1 escaped."

2 And you say:

3 "Did the police contact you just
4 recently again?"

01:36 5 And I presume that's a yes.

6 "What did they say?"

7 "They asked me if I wanted my name given
8 to you and-----I said no and they
9 told me I shouldn't talk to you....If
01:36 10 you bothered me too much I could do
11 something about it...You know, the way
12 you talk you do make sense, but I just
13 don't know..."

14 And again, would that be -- I had asked you
01:36 15 earlier about --

16 A That would be one of my recollections of him
17 telling me that I shouldn't talk to you, that the
18 police told him.

19 Q Okay. So earlier this morning I think, and even
01:36 20 yesterday you indicated that some of the witnesses
21 that you talked to said lookit, the police told me
22 not to talk to you?

23 A Yeah. This would be one of the cases that I was
24 remembering.

01:36 25 Q And then he went on to say:



1 "If you find something I'm not going
2 thru another trial."

3 A Uh-huh.

4 Q Then down to the bottom of the page, and again
01:36 5 this is talking about Nickey, you ask:

6 "But anyhow I'm hoping that she will,
7 she still will call me and if she
8 does --"

9 Next page,

01:37 10 "-- I will have a chance to just chat
11 with her as I have with you. And as I
12 said, I'm not going to be having a big
13 to-do or any more publicity. I do have
14 \$10,000 and I am willing to pay the
01:37 15 \$10,000 out to anybody that can prove
16 David, you know..."

17 And he says:

18 "Well I can't do that."

19 "No. But if you think of anything that
01:37 20 will help--This is what I'm interested
21 in right now, Dale. I'm not interested
22 in--"

23 And then he asks:

24 "Can you ... get me a transcript of the
01:37 25 trial?"



1 You say:

2 "Get you a transcript of the trial?"

3 He says:

4 "My testament."

01:37 5 "I'm sure I could. Why?"

6 "Just like to look it over."

7 If I can just pause there. Did you ever give him
8 a copy of his trial evidence?

9 A I vaguely remember something about that, but I
01:37 10 don't know for sure if we did or not.

11 Q I think we know in 1990 when Mr. Henderson met
12 with him he provided some of the transcript.

13 A Yeah, and that --

14 Q But I believe Mr. Wilson's evidence is that that
01:38 15 would be the first time --

16 A -- that he'd seen it?

17 Q Yes.

18 A So I probably didn't give it to him then.

19 Q And do you recall if there was any reason that you
01:38 20 did not or that someone on your behalf did not
21 provide him with the transcript as he asked?

22 A No, other than my feeling as I go through this
23 tape and my feeling when I listened to him telling
24 me this stuff, it was a fear of being set up again
01:38 25 almost. I really felt he had set David up and I



1 was very suspicious of this conversation. Now --

2 Q And why was that?

3 A I don't know.

4 Q Now --

01:39 5 A I was suspicious of everyone at that time, but,
6 you know, like, he's starting to say things as
7 we've been going through that almost indicated
8 that --

9 Q But what more harm could he do to your cause or
01:39 10 David's cause than had already been done at this
11 time?

12 A Well, if he comes forward and says things that
13 aren't true --

14 Q But David has been convicted in part based on his
01:39 15 evidence. What more could he say that would hurt
16 your cause that he had not already said?

17 A I guess -- I've got to go back, and I don't like
18 to throw my religion out there all the time, but
19 it's a deep part of this, it's everything I was
01:39 20 doing was based on truth and I didn't believe this
21 man at this point and I didn't want it to be part
22 of my platform of truth, if you will.

23 Q And, I'm sorry, let me just follow up on that. I
24 think, and again there may be different
01:40 25 interpretations of what he's saying, but is he not



1 essentially backing off or saying I don't recall
2 with respect to each of the incriminating pieces
3 of evidence?

4 A But the way he's doing it made me feel it was
01:40 5 unbelievable.

6 Q And if we can contrast that with June 4th, 1990
7 when Paul Henderson got the statement from him?

8 A I felt at that time he would truly recant, that he
9 was truly sorry. Here I felt that he was not.

01:40 10 Q Okay. And what was different between what, in
11 1990 when he recanted, versus what he said here,
12 however you characterize it?

13 A Well, maybe Paul Henderson was a better
14 investigator than I was, you know, but to me, I
01:41 15 can only tell you what my feelings were at the
16 time.

17 Q Sure.

18 A And my feelings were that it was not something
19 that I wanted to base my fight on.

01:41 20 Q And what was he saying, and correct me if I'm
21 wrong, but if we take the most favourable
22 interpretation of what Ron Wilson is saying, most
23 favourable to David's position --

24 A Uh-huh.

01:41 25 Q -- would be that he's either recanting or backing



1 off or certainly not confirming the incriminating
2 part of his evidence; correct?

3 A Right.

4 Q And I think you went in saying he lied at trial,
01:41 5 that everything he said at trial that was
6 incriminating was a lie?

7 A Was a lie.

8 Q If he then goes and says okay, I'm going to back
9 off everything that's incriminating and either say
01:41 10 I don't remember or back off, would that not be
11 viewed as the truth based on what you understood?

12 A Yes, but I didn't think that he would hold to what
13 he was telling me there.

14 Q I see, okay. So you thought --

01:41 15 A I felt I was almost being set up.

16 Q And so --

17 A I was very -- I just had a real feeling about it.

18 Q And so that when push came to shove, he would go
19 back to his earlier position; is that what you
01:42 20 were worried about?

21 A Yes, I think that's exactly what I was worried
22 about.

23 Q And what was that based on, just your thinking --

24 A Feeling.

01:42 25 Q -- at the time?



1 A The way it unfolded, the way he was talking and
2 the connection with Lapchuk, the whole thing, I
3 felt that something almost sinister was going on
4 here.

01:42 5 Q And sinister amongst Lapchuk and Wilson and --

6 A Yes.

7 Q And sinister in what way, and I guess --

8 A That they were trying to shoot me down in whatever
9 way they could to get me out of it, to get me to
01:42 10 leave the whole situation alone.

11 Q And from Wilson's perspective, would one way to
12 get you out of it was to say lookit, everything I
13 said at trial was true and, you know, leave me
14 alone or I'll repeat it all; would that not be one
01:42 15 way he might --

16 A It might have been, but I felt that he was just
17 trying to give me little pieces.

18 Q And he said here, I should have read you this
19 part, he said maybe, about the transcript:

01:43 20 "Maybe there's something in there
21 that...I can't tell...Maybe
22 -----the trial, and I can look over
23 and even look at some discrepancies that
24 I said from one to the other. And study
01:43 25 them for awhile. If I can I'll give



1 them to you."

2 And just down at the bottom you say:

3 "Well, even if I can sit down with you
4 and the transcripts and what I have and
01:43 5 show you what I've--what I think are
6 discrepancies, and see where you--where
7 something you might say might be able to
8 help. That would be super. Now I'm
9 planning on going to Saskatoon this
01:43 10 weekend, but I'll try to get up the
11 following weekend and maybe we can sit
12 down and I'll give you the copy and you
13 can look over it, and then by then maybe
14 I'll have some of the thoughts and maybe
01:43 15 I'll find out something when I get up
16 there. OK?"

17 "So I'll get in touch with you when I
18 get back."

19 "Okay."

01:43 20 A And when I got in touch with him he wouldn't see
21 me.

22 Q And when was that?

23 A Sometime after this. I believe that I did arrange
24 to get those transcripts for him, but I remember
01:44 25 that it was after this that -- was that when he



1 suddenly disappeared?

2 Q I think -- if I may assist, I think what the
3 documents suggest and what I will take you to
4 later today is he may have gone to Calgary for
01:44 5 work for an eight week time period.

6 A Oh, that could have been.

7 Q And that he got back in mid April and I think
8 that's when you talked to him again. Does that
9 sound right?

01:44 10 A That could be, but I think that I arranged to come
11 back shortly after this tape was and found that he
12 was gone.

13 Q Yes.

14 A And that may have been why I didn't get the
01:44 15 transcripts to him.

16 Q And when he was gone, I did see some reference, I
17 can't recall, I think it was one of your documents
18 somewhere where you thought that Ron had, I think
19 in your words, had taken off?

01:44 20 A Yeah.

21 Q Had left?

22 A That's my memory of it.

23 Q And did you think that much like Nichol, that he
24 was leaving to get away from you?

01:44 25 A Yes, I did.



1 Q And I think there's some suggestion that he
2 actually left for work temporarily and came back.
3 Was that -- did you ever find that out?

4 A No, I didn't. Not to my recollection I didn't
01:45 5 find that out.

6 Q And you talked this morning about suspicion and
7 something sinister going on. Did you read
8 something into the fact that Ron Wilson had left
9 right after you talked to him?

01:45 10 A Yes, I probably did.

11 Q And thought that maybe he was trying to avoid you?

12 A Yes.

13 Q Just for the record, 046588, and,
14 Mr. Commissioner, this is the typed version of the
01:45 15 same transcript, I think the RCMP typed this
16 document from the tape of Dale Wilson and Mrs.
17 Milgaard, it's just a different version, it's not
18 exactly the same, it doesn't have the
19 editorialised comments and there's a few
01:45 20 differences, but I just point it out for the
21 record, and I think we may have referred to that
22 when we had Mr. Wilson on the stand, but I wanted
23 to use Mrs. Milgaard's version for her.

24 If we can next go to 178010, and
01:46 25 this is the transcript of Chris O'Brien's



1 interview with Debbie Hall and, in looking at this
2 format, would this be a transcript that Kathy
3 Carlyle-Gordge would have prepared from a tape
4 from Chris O'Brien?

01:46 5 A It looks like it.

6 Q And so would Mr. O'Brien have, after he
7 interviewed Ms. Hall, contacted you or through --
8 I think was it Susan your daughter?

9 A Yeah.

01:46 10 Q And said here's the tape and here's what she told
11 me?

12 A Probably.

13 Q And I think this morning you said you have a
14 recollection of learning that Debbie Hall had been
01:46 15 found and that Debbie Hall said Melnyk and Lapchuk
16 lied at trial?

17 A Right, I remember that.

18 Q And would it be fair to say that you would have
19 had an opportunity to review this transcript at
01:47 20 the time?

21 A Yes, I would have.

22 Q And Peter Carlyle-Gordge would have as well?

23 A Yes.

24 Q And we've been through this, I think with
01:47 25 Mr. O'Brien and Ms. Hall, so I just want to touch



1 on a couple parts of it, 178012, and here is the
2 part where Chris O'Brien:

3 "(Describes man's testimony of how David
4 got up on the bed on his knees and put a
01:47 5 pillow between him legs, sort of half on
6 his legs and half on the bed--on his
7 shins, and he started hitting the pillow
8 and was 'stabbing' something and he said
9 he stabbed her 14 times, then rolled on
01:47 10 his side laughing. Melnyk says everyone
11 sat there, sort of in a daze; then says
12 Debbie asked George to drive her home;
13 Melnyk says he stayed the night)."

14 I think this is paraphrasing when Chris O'Brien
01:47 15 read from the transcript.

16 A Right.

17 Q And Debbie Hall says:

18 "Lies. That whole right there. That is
19 definitely a lie. And I can tell you I
01:48 20 remember Dave getting up and doing this
21 with the pillow."

22 And:

23 "He did?"

24 And I think what she said, that was the fluffing
01:48 25 as opposed to the stabbing, and if we can scroll



1 down and asked:

2 "Did he say anything?"

3 And she answers -- scroll down, please:

4 "OK, now there was a lot of people

01:48 5 talking at once ... now I might have

6 been in a conversation with Bob at that

7 time ... but I don't remember him saying

8 anything like 'killed' or 'stabbed' or

9 anything. He was just pounding this

01:48 10 pillow..."

11 So is it fair to say at this point, based on this

12 information from Deborah Hall, that based on her

13 version of events, what Melnyk and Lapchuk said

14 at trial about David stabbing a pillow, she said

01:48 15 that was a lie because he fluffed it or pounded

16 it, didn't stab it?

17 A Yeah, and I think that the one statement that

18 really resounded by me is probably a little later

19 on where she said if that had really happened, I

01:48 20 would have been out of there or something. Did

21 she say something to that effect?

22 Q Yeah, she did, and then she says "I don't remember

23 him saying anything like 'killed' or 'stabbed'..."

24 and I think that's where she said Melnyk and

01:49 25 Lapchuk lied when they said that.



1 A Uh-huh, uh-huh.

2 Q Is that correct?

3 A Right.

4 Q So at this time when you learned what Chris

01:49 5 O'Brien had obtained from Deborah Hall, is it fair
6 to say that your view of Melnyk and Lapchuk's
7 evidence at trial maybe shifted more towards you
8 thought they were lying?

9 A Yes.

01:49 10 Q And you recall earlier you said you had a number
11 of options, whether the incident happened and they
12 embellished it happened, didn't embellish it or it
13 was an outright lie and it's fair to say that with
14 this information your view then was it's an
01:49 15 outright lie?

16 A Yes.

17 Q And again, did that cause you to increase your
18 suspicion of Melnyk and Lapchuk?

19 A Absolutely.

01:49 20 Q And by connection Dale Wilson who was a friend of
21 Lapchuk's?

22 A Yes.

23 Q And then page 178017, and just to make sure I've
24 got the key parts here, Chris O'Brien does ask:

01:50 25 "But Dave didn't say 'I stabbed her, I



1 killed.'?

2 She says:

3 "... not that I heard. 'Course, as I
4 said, my intention might have been
01:50 5 directed somewhere else if that was
6 said--But I can't really see--If he said
7 it in a loud enough voice, how I
8 wouldn't have heard it. Like I said my
9 awareness and everything was really peak
01:50 10 that night..."

11 And then down at the bottom she says that:

12 "If he did, in fact, say this, I would
13 suspect he was farting around. But I
14 wouldn't say he looked violent when he
01:50 15 did the motions with the pillow."

16 So again, that would have been something you read
17 at the time?

18 A Yes.

19 Q Go to 009490, and I think this is a handwritten
01:51 20 letter from you to Nichol; is that right?

21 A Yes, it is.

22 Q And would this have been after your -- let's just
23 go back. I think you knocked on her door with Mr.
24 Carlyle-Gordge, she told you she didn't want to
01:51 25 talk to you, you then followed her when she moved



1 and phoned her there and she said she didn't want
2 to talk to you. Where did this letter come in in
3 that sequence?

4 A I would have to read the letter.

01:51 5 Q Oh, sure, just read it to yourself there.

6 A Does that say, "Sorry I have missed you"?

7 Q It says:

8 "Sorry I have missed you. I know you
9 are upset. I am too, and I'm sorry if I
01:52 10 have caused you any concern. I
11 certainly don't want to embarrass you or
12 harass you but I would ask you to call
13 collect in Winnipeg..."

14 And I take it it would have been after you made
01:52 15 contact?

16 A Yes.

17 Q And this would have been sent to her to try to get
18 her to call you; is that fair?

19 A Yes.

01:52 20 Q And then 106 --

21 A And at the bottom I say:

22 "This is so important. Dave has already
23 lost 12 years of his life."

24 Q Yes.

01:52 25 A "He needs your help."



1 Okay, I remember this now, and I appealed to her
2 as a mother too.

3 Q And I think, I'm not sure of the date, but I think
4 if we can go to 106843, this is a letter January
01:52 5 26th, 1981, this is from her lawyer to Detective
6 Karst at the Saskatoon City Police. Now, I'm not
7 sure if this is in response to your letter, it is
8 certainly, I believe, in response to your attempts
9 to meet Nichol John, and the letter says that the
01:53 10 police recently contacted Nichol John:

11 "... requesting permission from her that
12 the files be released. She responded in
13 the negative."

14 And then it goes on to say:

01:53 15 "... on Sunday, January 25 Mrs. Milgaard
16 attended at the home of our client. We
17 refer to David Milgaard's mother. We
18 don't know now she got the address. She
19 did not get the address from any member
01:53 20 of the family. The address is not
21 listed locally and we can think of no
22 way she obtained the address locally.
23 With all due respect, the suggestion is
24 very strong that the address was
01:53 25 received through the Saskatoon City



1 Police Department. We must object to
2 this procedure.

3 Our client will be moving and
4 probably changing her name. If anyone
01:53 5 wishes to contact her in the future, the
6 only way that they will be able to
7 contact her will be through the writer."

8 And I think this information may have been passed
9 on to Mr. Young. Do you remember hearing about
01:53 10 this?

11 A Yes, I do.

12 Q And in fact that Nichol John, after -- would you
13 agree that January 25 was likely the date of your
14 first attempt to talk to her?

01:54 15 A It probably was.

16 Q And that in response to that she hired a lawyer,
17 wrote to the police and said lookit, police, we
18 think you gave Mrs. Milgaard my address when we
19 said you shouldn't?

01:54 20 A Uh-huh.

21 Q And please stay away. Would that be a fair
22 response you got from her?

23 A Yeah, right.

24 Q If we can go to 331936, and just go to the next
01:54 25 page, this is one of Mr. Young's notes, January



1 24, you called him:

2 "Maybe destroying exhibits in S'toon.

3 She has heard from a source she can't
4 disclose. Take whatever legal steps
01:54 5 necessary to prevent this."

6 And then Mr. Young contacted the court to make
7 sure the exhibits had not been, or that the
8 exhibits were still there and they were. Do you
9 recall what this source was or what this related
01:55 10 to?

11 A I can't tell you.

12 Q Were you suspicious that someone was going to go
13 and destroy the exhibits?

14 A I remember that we got a call from one of the
01:55 15 people that worked in the police department that
16 had supplied us with information that was
17 uncomfortable with David's conviction, had always
18 believed that the wrong man was convicted, and he
19 fed us information at different times and I
01:55 20 believe that's where I got that information and so
21 I reacted on that. You know, there were a lot of
22 police officers in Saskatoon and I can't tell you
23 their names because I don't remember them or don't
24 really know them that contacted me at various
01:56 25 times.



1 Q Anonymously or did they gave names?

2 A They didn't -- same gave names, some didn't.

3 Q And did you make a record or a note of those who
4 gave you names?

01:56 5 A No, because they were more saying -- like, one of
6 them I can remember saying, you know, keep up your
7 good work, I was with the department at that time
8 and I know there's something wrong there, and a
9 hang-up, I can remember that one particularly, but
01:56 10 I can't tell you --

11 Q And what -- sorry.

12 A I can't tell you when it was. Like, I had so many
13 calls and everything because of what I was doing
14 and when the reward was offered and that, but --
01:56 15 and it may have been one of these that called me
16 with the warning.

17 Q Did you make a record or a note of when police
18 called you or who it was from the police?

19 A I don't remember making a note of it, and most of
01:57 20 the time I did, but I think that I would have
21 told -- like, once I was involved with Hersh and
22 David I was making a lot more notes and things
23 like that, but prior to that I wasn't really doing
24 as much of the taping and recording and things
01:57 25 like that.



1 Q You had talked about someone on the inside phoning
2 you. Would you be referring to Tom Vanin?

3 A It could have been.

4 Q Now, Mr. Vanin's evidence I think is that it was
01:57 5 in the late '80s, early '90s, not this early I
6 think was his evidence.

7 A Okay. Well then --

8 Q Is that --

9 A Then it probably couldn't have been him.

01:57 10 Q That was his evidence.

11 A Uh-huh, it's possible, but I know that when I -- I
12 can remember why I phoned Gary Young and it was
13 because someone told me that they were going to
14 destroy those exhibits and that I better do
01:58 15 something about it.

16 Q Do you remember this morning when I went through
17 the tape with George Lapchuk and showed you the
18 part where you told Mr. Lapchuk or expressed
19 concern that Mr. Caldwell was going through the
01:58 20 file and Mr. Lapchuk said, well, why wouldn't he,
21 you are in the media making statements and he just
22 wants to refresh his memory or something like
23 that. Do you remember that this morning?

24 A Yeah, I remember that.

01:58 25 Q And did you have some concerns that Mr. Caldwell



1 had been looking at the file or was it your
2 discussion with Mr. Lapchuk that may have prompted
3 this call?

4 A I really believe that I got a call separate from
01:58 5 what Lapchuk said to me, I really believe I got
6 someone saying to me, you know, if you are really
7 going to try to open this case, the exhibits are
8 there, you need them --

9 Q Yes.

01:58 10 A -- type of thing, and they are thinking of
11 destroying them. I don't think it was just a
12 suspicion because of what Lapchuk -- my memory is
13 that someone told me to do something about those
14 exhibits and I believe it was a police officer.

01:59 15 Q And was it a case of lookit, make sure you keep
16 them because they are important?

17 A Yes.

18 Q Or further, make sure you keep them because they
19 are important and I have information that suggests
01:59 20 they are going to destroy them?

21 A That was more or less what it was, you know,
22 there's talk of this being done, and it wasn't
23 that he was saying it was definitely going to be
24 done, but there's talk of this being done.

01:59 25 Q And did you perceive that as being something, I



1 think sinister was your word before?

2 A Yes.

3 Q Or suspicious, that lookit, because of the --

4 A Because of what I'm doing.

01:59 5 Q Because of what you are doing you perceived or you
6 thought that someone might go out or someone was
7 going to go out and destroy the exhibits?

8 A Yes.

9 Q And that was what prompted your call?

01:59 10 A Yes.

11 Q Go to 331930, and this is a January 29th, '81 note
12 of Mr. Young's of a phone call with you and just:

13 "Interviewed in Regina - & obtained
14 tapes. Lapchuk, Melnyk, John, Debbie
15 Hall."

16 And his notes, I think:

17 "- conflictions in testimony."

18 And John:

19 "- went hysterical & left."

02:00 20 And Debbie Hall:

21 "- says boys in hotel were lying."

22 And this seems to be consistent with what you've
23 told us that you got out of the interviews; would
24 you agree with that?

02:01 25 A Yes, I would.



1 Q Now can you tell us why, or it appears that Mr.
2 Young's role in this was to deal with the legal
3 matters, and that you and Mr. Carlyle-Gordge were
4 going to deal with the witness interviews; is that
02:01 5 a fair --

6 A I think that's fair.

7 Q And you did not ask Mr. Young to go and interview
8 any of the witnesses?

9 A No.

02:01 10 Q And was there a reason for that?

11 A Financial.

12 Q Okay.

13 A I could do it for nothing.

14 Q Okay.

02:01 15 A I wasn't charging.

16 Q And you told us this morning your reasons of doing
17 it yourself as opposed to an investigator, and
18 would the same rationale apply for Mr. Young, you
19 thought that you were the appropriate person to do
02:02 20 it?

21 A I did.

22 Q And if we can go to 331928. And this is January
23 30, '81, so this would be a few days after your
24 call to Mr. Young about the exhibits, and:

02:02 25 "1 hr 40 min - spent with Mrs. M. Peter



1 Carlyle-Gordge at ct. h. + and in my
2 office."

3 Do you recall going to the courthouse with Peter
4 Carlyle-Gordge and Gary Young?

02:02 5 A I remember it. It's funny, there is two memories
6 of that courthouse, and one of them is with David
7 Asper, so there were two sessions in that
8 courthouse. But I can remember going there with
9 Peter, but I think it was when I went with David
02:02 10 Asper that the illumination about the -- her purse
11 came, so I don't have a really clear recollection
12 of doing this but I know I did.

13 Q And, again, do you know what you would have looked
14 at there at the courthouse; was it the exhibits?

02:03 15 A Oh, it was the exhibits we were looking at.

16 Q And transcript, or any documents, do you remember
17 that?

18 A No, I don't remember any documents.

19 Q Now we --

02:03 20 A I can remember they were in a grocery cart.

21 Q Right. Now we've heard evidence that Mr.
22 Caldwell, the prosecutor, his office was at the
23 courthouse --

24 A Uh-huh.

02:03 25 Q -- at this time, and I believe -- and I stand to



1 be corrected -- but I believe that the prosecution
2 file was located at his office at the courthouse
3 as well, and I'm wondering; do you have any
4 recollection of looking at his file with Mr. Young
02:03 5 or --

6 A Absolutely none whatsoever.

7 Q And so, at the courthouse, what you remember is
8 looking at --

9 A Exhibits, a grocery cart.

02:04 10 Q And then 331929. Again, just the same date, Mr.
11 Young, and I presume he sent the letter to the
12 Court saying "lookit, make sure you don't destroy
13 these exhibits"?

14 A Right.

02:04 15 Q 331924, this is February 2nd, 1981, and this is
16 Mr. Young's note with you and it says:

17 "- she has located Shorty Cadrain up
18 north -+ and will try to interview him.
19 She has spoken to Mrs. Cadrain (Shorty's
02:04 20 mother) + will transcribe interview.

21 - She would like to see statements given
22 by ...",

23 let me just pause there and I'll take you to that
24 interview. So it looks like, at this time,
02:04 25 you've talked to Ron Wilson or Dale Wilson, --



1 A Uh-huh.

2 Q -- you've tried to talk to Nichol John, and on
3 February 2nd or before you talked to Albert's
4 mother and you've located him up north; is that
02:05 5 fair?

6 A Yes, that's fair.

7 Q And then you say:

8 "- she would like to see statements
9 given by those who administered lie
02:05 10 detector tests".

11 And we saw in the interview with Ron Wilson, and
12 I think you told us, that's when you first became
13 aware that he had a lie detector?

14 A That's right.

02:05 15 Q And so what was it you were asking Mr. Young to
16 get?

17 A See if he could get copies of what went on with
18 the lie detector test.

19 Q And did -- from the police then, I take it, or the
02:05 20 Crown?

21 A Well, from wherever they were.

22 Q Okay. And what --

23 A I wouldn't have had an understanding of how these
24 things operated.

02:05 25 Q And is it fair to say that Mr. Young, as your



1 lawyer, could figure out who and where and --

2 A What.

3 Q -- how he should ask?

4 A Yes.

02:05 5 Q And it was just "lookit, you're my lawyer, I'd
6 like information, try and get it"?

7 A Yeah.

8 Q And then, here:

9 "- other suspects ie Threinen - can I
02:05 10 find out"

11 And I think the timing of this, February of '81,
12 if I'm not mistaken David Threinen had been
13 convicted of a crime in Saskatoon, I think the
14 murder of four children in the mid-'70s; does
02:06 15 that --

16 A Yes.

17 Q Was he someone that you had suspected, as well, of
18 --

19 A I looked at anybody that was involved in anything
02:06 20 at that time. I was trying to go through the
21 reports and if, if there was anything that would
22 possibly fit in with this murder, well I put them
23 in and checked them out.

24 Q Okay. And so this would be a case where you would
02:06 25 ask Mr. Young to check out --



1 A Yeah, that part of it.

2 Q Right. If we could go to 048688.

3 A And sometimes what happened in these cases was I
4 would find out that the people were in jail at the
02:06 5 time of the Miller murder or something else, you
6 know, but I sort of didn't stop until I eliminated
7 them from my list.

8 Q And I think you told us earlier, with respect to
9 Mahar and perhaps even Lalonde, --

02:06 10 A Uh-huh.

11 Q -- were there a number of cases where you were
12 pretty sure you found the real killer?

13 A Oh, I'll never forget that day driving down with
14 Jackie to Gary Young's office, "we did it, we've
02:07 15 -- he's free, he's going to be free", I was so
16 excited.

17 Q And this was the Mahar?

18 A Yeah -- no, that was the Lalonde.

19 Q Lalonde?

02:07 20 A Yeah.

21 Q And that, I think, was in May, April and May, and
22 I'll show you a document.

23 A Yeah.

24 Q And again, even after that, we talked a bit about
02:07 25 this yesterday as far as the investigation; did



1 you follow up some leads about other evidence that
2 turned out not to be as fruitful as you had hoped?

3 A Many.

4 Q And did that, did that contribute to the
02:07 5 frustration, over time, that you were starting to
6 feel?

7 A Well, yes, because it just seemed as if the leads
8 were vanishing and we were getting nowhere, and
9 it, it was very difficult.

02:07 10 Q And this is a transcript of a conversation between
11 you and Mr. and Mrs. Cadrain, I think this is from
12 one of your tapes, and it would have been
13 transcribed I think by the RCMP in 1993. The date
14 I have, for the record, is February 1, 1981, I
02:08 15 think there's -- that mark is on the tape. And
16 just to the next page --

17 A The one good thing about being a witness is I
18 don't have to try to get all these things up on my
19 screen, on my computer, they come up. It's
02:08 20 lovely.

21 Q I will see if I can keep up with you. It says:

22 "I guess ...",

23 this is a call to Mrs. Cadrain:

24 "I guess you've probably heard that I

02:08 25 have been up sort of trying to



1 investigate what happened at the time
2 that ... of this tragedy in Saskatoon.",
3 and Mrs. Cadrain says:

4 "Yeah."

02:08 5 By the time you talked to these witnesses in late
6 January or February had they all heard about your
7 efforts in the media?

8 A Yes, oh yes, they had. And Mrs. Cadrain, I don't
9 know if it was in this interview, but in some of
02:09 10 the interviews she was very, very definite about,
11 oh, the terrible tales that Albert could tell
12 if -- if we put him through it again, you know,
13 there was much more that he didn't -- never told
14 about, --

15 Q Right. And I'll --

16 A -- and intimations about I really didn't know the
17 truth about what happened but her son did.

18 Q Is it fair to summarize Mrs. Cadrain's position to
19 you that Albert told the truth at trial?

02:09 20 A Absolutely.

21 Q And that there was more information he had that
22 incriminated David that didn't come out, that
23 would come out --

24 A Right.

02:09 25 Q -- if you pressed, is that a fair --



1 A That's -- she was warning me off.

2 Q And this transcription, if you go to page 691, --

3 A She was a mother protecting her son.

4 Q -- and here she says that Albert is up, well, he's

02:10 5 up north, a number of ways up north, and I think,

6 when we go through the tape, she didn't -- I think

7 she ended up telling you that "lookit, I can't

8 reach him by phone", --

9 A Right.

02:10 10 Q -- "he might answer a letter", but is it fair to

11 say that you were not making much headway with

12 Mrs. Cadrain?

13 A None at all.

14 Q And then if we can go to 048577. And this is a

02:10 15 conversation between you and Sandra and Wally

16 Danchuk, and I think again the date is February 1,

17 1981, and I take it that they were people of

18 interest to you that you followed up with?

19 A Yes, I did.

02:10 20 Q And if we can just go to 048592 --

21 A (Cell phone rings) Sorry about that. My lawyer

22 didn't tell me to turn my phone off.

23 Q You were phoning in an objection or --

24 028594, please. And just a

02:11 25 comment here, and again this would be February 1,



1 '81, and --

2 COMMISSIONER MacCALLUM: This would be
3 February the what?

4 MR. HODSON: February 1, 1981.

02:11 5 COMMISSIONER MacCALLUM: What was 048777?

6 MR. HODSON: Yes, that's the doc. ID.

7 COMMISSIONER MacCALLUM: Oh, okay, sorry.

8 MR. HODSON: Of --

9 COMMISSIONER MacCALLUM: Yeah.

02:11 10 MR. HODSON: Yeah, that's this document,
11 and I'm going to page 594.

12 BY MR. HODSON:

13 Q And you say to Wally Danchuk:

14 "Like ... I think, I don't think that
02:11 15 the kids were even in the neighbourhood
16 and I think the others ... just did it
17 out of self preservation, said what the
18 police directed them to say."

19 And:

02:12 20 "Have you talked to the police about
21 it?"

22 "Well, they've sort of closed all the
23 records as far as I'm concerned.

24 They've even gone around, I wondered if
02:12 25 they'd been in touch with you at all



1 because every place we've been they've
2 been there before us saying don't talk
3 to Mrs. Milgaard."

02:12 4 And a couple questions there. And, actually, the
5 next page -- we don't have to go there -- and you
6 ask:

7 "But you've not been contacted by
8 them.",
9 and they say:

02:12 10 "No.",
11 they had not been. And was this your thinking at
12 the time, that the kids -- and "the kids" would
13 be Wilson, John, and Cadrain:

14 "... did it out of self-preservation
15 ...",
16 and:

17 "... said what the police directed them
18 to say."

02:12 19 A Yeah, I think that was probably my thinking at
20 that time.

21 Q And then here, that they have gone around:
22 "... every place we've been they've been
23 there before us saying don't talk to
24 Mrs. Milgaard."

02:12 25 A Yeah.



1 Q And other -- I think we saw Ron Wilson, was there
2 any others that -- and again, I appreciate I've
3 asked you this question before, but there is a
4 reference here in the transcript; who, who else
02:12 5 would you have been referring to?

6 A I can't give you names, just whoever we were out
7 questioning.

8 Q If we can go to 331926.

9 A If I was doing this again I'd be much more
02:13 10 explicit about my note-taking, believe me.

11 Q In what way?

12 A I would have records of everything.

13 Q If -- so this is February 2nd, and again this is
14 Mr. Young with a note about his discussion with
02:13 15 you, and:

16 "Mrs. Milgaard phoned - wanted me to
17 look into the following ...",
18 and then makes a list, one:

19 "- phoned Ian Buckwold re getting access
02:13 20 to their files. He will check with
21 Tallis + advise."

22 And is it fair to read into that that you would
23 have asked him to, or followed up on the getting
24 Tallis' file, or --

02:13 25 A Yes.



1 Q And again, is that something you wanted to see,
2 what was on there?

3 A I must have.

4 Q And then the:

02:14 5 "reward money",
6 we've seen that before, you were trying to find
7 out who got the reward money?

8 A That's right.

9 Q And then:

02:14 10 "Caldwell - phoned ... he says he gave
11 copies of material statements to Tallis
12 - however he is prepared to go over his
13 file with me - but will not release
14 copies to Mrs. M."

02:14 15 And, again, do you recall; is that something that
16 you wanted access to, or that Mr. Young told you
17 might be available, to look at the prosecutor's
18 file?

19 A I don't recall this, but it's obvious what the
02:14 20 situation is.

21 Q And, again, I think that --

22 A So obviously he didn't, he:

23 "... will not release copies to
24 Mrs. M.",
02:14 25 so he must have told him.



1 Q I think Mr. Young's evidence and Mr. Caldwell's
2 evidence is that Mr. Young made the request, Mr.
3 Caldwell told him "yes, you may look at my file",
4 Mr. Caldwell's evidence before the Commission is
02:14 5 he thinks Mr. Young did come and look at the file,
6 Mr. Young says he doesn't recall doing that, but,
7 in any event, they do both agree that he was
8 allowed to go look at the file, --

9 A Okay.

02:15 10 Q -- Mr. Young was. And my question to you, do you
11 have any recollection, was this something that you
12 participated in, this request to get access, or
13 was it Mr. Young?

14 A I don't know whether I requested it or Mr. Young
02:15 15 did.

16 Q Would it be fair to say that, at the time, you
17 were looking for any information you could get
18 your hands on that might help you --

19 A Absolutely.

02:15 20 Q -- figure out what went wrong? Yes? Sorry, just
21 for the record?

22 A Yes.

23 Q Now we know that Mr. Young, I think about three
24 months into his engagement, I think you terminated
02:15 25 his services and then went to Mr. Merchant;



1 correct?

2 A That's correct.

3 Q And do you know if any, after Mr. Young made the
4 request of Mr. Caldwell in January of 1981,
02:16 5 whether -- I don't believe any of your other
6 lawyers made a direct request of Mr. Caldwell to
7 get access to his file; is that correct?

8 A I think that's correct. But, you know, my
9 understanding was that the prosecutor is supposed
02:16 10 to turn everything in their file over to your
11 lawyer, so I wouldn't have been looking for
12 anything in that file in particular, like I
13 have -- until I heard here about the other things
14 that were in that file that we never heard about
02:16 15 that were never turned over to the lawyer, I would
16 -- I mean I didn't know those things in, in 1981
17 or '82.

18 Q Well do you know what reason Mr. Young, then,
19 would have here in this call with you -- I think
02:16 20 it's a call with you -- what purpose he would have
21 in trying to get Mr. Caldwell's file?

22 A Well maybe, as a lawyer, he knew that sometimes
23 things didn't get turned over. I don't know.

24 Q What about when Mr. Carlyle-Gordge went in 1983
02:17 25 and looked at Mr. Caldwell's file; do you



1 remember, again, whether at that time -- had your
2 thinking changed by that time?

3 A Oh yes, it was, when we found out what was in
4 there.

02:17 5 Q In 1983?

6 A Yes.

7 Q And so again, at that time, are you able to tell
8 us why you or someone on your behalf did not make
9 a request to get access to Mr. Caldwell's file?

02:17 10 A Well I think that we'd sort of, by that point in
11 time were realizing we were being stonewalled in
12 every direction, and so you didn't expect to just
13 go and get something from a file.

14 Q But, and I guess let me just go back a step -- and
02:17 15 maybe, in fairness, this is a question for your
16 legal counsel at various stages -- but as far as
17 asking or making the request to Mr. Caldwell for
18 an opportunity to access his file, Mr.
19 Carlyle-Gordge got access in 1983?

02:18 20 A Yes, because he, he fed him a story about doing a
21 story about him and sort of applied the idea of,
22 you know, "I'm gonna do a story about you", and he
23 fell for that, and he gave him access to the file.
24 But I think it would have been an entirely
02:18 25 different story if Joyce Milgaard had gone in, or



1 Joyce Milgaard's lawyer had gone in, and wanted
2 that file.

3 Q And I guess that's the point. On the latter point
4 I'm trying to understand, again, and I don't think
02:18 5 there's any evidence that a direct request was
6 made of Mr. Caldwell to access his file other than
7 by Mr. Young, and so I'm wondering if you have any
8 explanation as to why either Mr. Merchant didn't
9 and/or either Mr. Wolch or Mr. Asper didn't, or is
02:18 10 that something that is better asked of them than
11 of you?

12 A I think that's better asked of them than me,
13 because I didn't know the procedures that were, in
14 fact, in effect.

02:19 15 Q Let me put it this way; would you -- did you,
16 Joyce Milgaard, would you have liked to have an
17 opportunity to see what was in Mr. Caldwell's file
18 from and after at least 1983, after Mr.
19 Carlyle-Gordge got a chance to look at it?

02:19 20 A Yes.

21 Q All right.

22 A I probably would have at that time, --

23 Q And --

24 A -- but I didn't think there was a hope --

02:19 25 Q Okay.



1 A -- that I'd be given access to it.

2 Q And as far as the procedure, as to who and how and
3 if such a request could be made, is that something
4 you would rely upon your legal counsel to deal
02:19 5 with?

6 A Yes. And I think I was relying on the fact that,
7 once we got some of this information that we had,
8 that somewhere some authority would be able to
9 look at it and dig it out and, you know, do
02:19 10 something about it.

11 Q Okay. If we can go to 331925. And this is Mr.
12 Young's request to Mr. Tallis' former firm, and it
13 looks like Mr. Tallis' firm had already provided
14 you with the preliminary hearing transcripts; is
02:20 15 that correct?

16 A It must be.

17 Q Then 331923. It's a letter February 6, 1981 from
18 Ian Buckwold who was with the Goldenberg firm, Mr.
19 Tallis' successor firm, saying that:

02:20 20 "... have no objection to access to the
21 file ...",

22 but they will be reviewing internal memorandum.

23 And do you have a recollection, I mean at some
24 point after this I think you looked at Mr.

02:21 25 Tallis' file in Mr. Young's office; is that



1 correct?

2 A I believe I did.

3 Q Do you have a recollection of what, just
4 generally, what was there, whether there was
02:21 5 memorandum there or statements?

6 A I can't recall.

7 Q Okay. And who was present when you went through
8 the file, do you remember, was Mr. Young there or
9 Mr. Carlyle-Gordge?

02:21 10 A I know I had access to it, but I don't remember
11 who was there.

12 Q And so the office would -- or pardon me -- the
13 file would be in Mr. Young's office and you had an
14 opportunity to go through it?

02:21 15 A I think they showed me various things from it, --

16 Q And you don't --

17 A -- but I don't have a firm recollection of it at
18 all.

19 Q And I believe, as well, you were allowed to make
02:21 20 some copies of that, as well, of some of the
21 documents?

22 A I don't know if I was allowed to or not.

23 Q Okay, I'll show you some documents that might
24 assist, assist that. If we could go to 000751.

02:22 25 And this is a February 26, 1981 letter from you to



1 Nichol and so I think, I'm not sure if this is
2 before or after your handwritten letter, and here
3 is where you talk about:

4 "I have come across some very important
02:22 5 new information that could change things
6 dramatically. I feel I must discuss
7 this with you. You probably know I have
8 already spoken to everyone else
9 connected with the case and all have
02:22 10 been most cooperative, once they
11 realized they had nothing to fear from
12 me."

13 And that latter statement, was that your feeling
14 at the time, that they had been most cooperative
02:22 15 once they found they had nothing to fear?

16 A I said it, so I must have believed it at the time.

17 Q Okay. Or was it to try and get Nichol to be
18 comfortable to talk to you, or is that what you
19 felt at the time? And I think, by then, you'd
02:23 20 talked to Lapchuk, Melnyk, the Danchuks?

21 A Yeah, and they had all talked to me, and if I was
22 thinking of the Danchuks, well, they were really,
23 really cooperative, Rasmussen, all of the people I
24 went to see. And, yeah, I think that I -- I was
02:23 25 being truthful in what I was saying to her here.



1 Q And this "very important new information", was
2 this the Lalonde, the theory that Lalonde was the
3 killer; was that --

4 A No, Mahar.

02:23 5 Q Mahar?

6 A Uh-huh.

7 Q And so this was at the time, is it fair to say
8 February 26, 1981 you were --

9 A That he was my prime suspect at that time.

02:23 10 Q And strongly of the view that he was the killer?

11 A Yes.

12 Q Is that a fair way to put it?

13 A Yes.

14 Q And at that time you thought maybe that's who
02:23 15 Nichol John --

16 A Had actually seen.

17 Q -- had actually seen?

18 A Uh-huh.

19 Q Now the \$10,000, my understanding that that was
02:24 20 never claimed by anyone or paid to anyone; is that
21 right?

22 A No. By the time that I got to Linda Fisher and,
23 you know, to following up with Linda Fisher I
24 remembered being sure that I would tell her right
02:24 25 up front, before I even talked to her, that there



1 was no reward money left, that it was all gone.

2 Q And did -- did anybody ever apply for the reward?

3 A No, because nobody ever gave me any information --

4 Q Okay.

02:24 5 A -- worth \$10,000, and of course we had spent it by
6 the time we got to Linda and I made a point of
7 telling her that. But she said that she wasn't
8 interested in the reward, and in fact when she'd
9 come forward to the police I thought it was
02:24 10 remarkable that she later thought she'd come
11 forward for the reward in August, and of course we
12 hadn't even offered it at that time. She'd come
13 forward because she knew that David had escaped
14 and thought, "oh boy, here's this kid saying he's
02:25 15 innocent, maybe it was Larry".

16 Q Uh-huh. If we could just go down to the bottom
17 paragraph, and again what you say to Nichol:

18 "I've discovered ..."

19 "I can tell you what I have discovered
02:25 20 and how it could explain what really
21 happened in 1969."

22 And is that the fact --

23 A Yes.

24 Q -- that you thought Mahar was the killer --

25 A Yes.



1 Q -- and Nichol John actually witnessed Mahar doing
2 the crime?

3 A That's right.

4 Q And then you say:

02:25 5 "It really is important and I can't
6 understand why you'd be afraid, since
7 everyone else has been so helpful."

8 And, again, that would be -- would have been your
9 views at the time?

02:25 10 A Yes, and it would be to encourage her to be
11 helpful too.

12 Q If we can go to 048529. Now I think up until this
13 point I have dealt with your transcripts and your
14 interviews, and this is one done by Peter
02:26 15 Carlyle-Gordge. Is it fair to say that the
16 interviews you conducted of Melnyk, Lapchuk,
17 Wilson, John, the Danchuks, and whoever else you
18 talked to, that you would have communicated that
19 to Peter Carlyle-Gordge?

02:26 20 A Yes, I think I would have.

21 Q And Father Murphy; do you have a recollection of
22 getting information from Father Murphy?

23 A Yes, I do.

24 Q And what do you remember about that? And I can
02:26 25 certainly take you through the transcripts, but



1 what do you remember about Father Murphy's
2 information?

3 A Well I -- it's rather mixed up in my head. I
4 remember being told at one point that Shorty
02:26 5 Cadrain had been told by the police -- by the -- a
6 police officer had called Father Murphy and asked
7 him to get Shorty Cadrain in and talk to him and
8 explain that there was a reward, and I remember
9 thinking at the time -- but I think when we
02:27 10 discovered Father Murphy was earlier when Peter
11 was doing something, checking out something, and
12 he started telling him about -- but I can't
13 remember all the details on it.

14 Q Okay. And maybe I can just quickly outline what's
02:27 15 in the transcripts, --

16 A Yes, that would be helpful.

17 Q -- or at least parts of it. I think -- and you
18 tell me if this is correct -- I think initially
19 Peter Carlyle-Gordge contacted Father Murphy in
02:27 20 connection with Mahar as a suspect, because Mahar
21 had actually --

22 A Oh, that's right.

23 Q -- been to the St. Mary's Church?

24 A Right.

02:27 25 Q And in talking to Father Murphy he learned that



1 Father Murphy had also had contact with Albert
2 Cadrain?

3 A Right.

4 Q And what Father Murphy said to Peter

02:27 5 Carlyle-Gordge is that the police had contacted
6 him, and that he contacted Albert Cadrain about
7 the reward money, and to go in and see the police.
8 And I'm -- I -- it appears that you and Mr.
9 Carlyle-Gordge, and perhaps some others at the
02:28 10 time, thought that that's what prompted Albert
11 Cadrain to go --

12 A To go in.

13 Q -- into the police initially to incriminate David
14 Milgaard; --

02:28 15 A Right.

16 Q -- correct? And so, for a while there, I think
17 the, one of the theories was that the police had
18 talked to Albert, he said nothing incriminating,
19 then he went to his priest, the priest got Albert
02:28 20 to go in and give incriminating evidence and get
21 the reward; that was one of the theories for a
22 while, is that correct?

23 A That's one of the theories.

24 Q And I think later on it was discovered, and I'll
02:28 25 show you the conversation, that Father Murphy said



1 no, it was after David was convicted that he was
2 contacted by the police and contacted Albert
3 Cadrain to go in and get the reward; is that
4 right?

02:28 5 A That's right.

6 Q And so does that sound -- so that I think it was
7 1983 that the information from Father Murphy was
8 clarified; is that --

9 A I -- that's correct.

02:28 10 Q And, again, I'll just -- this is the
11 Carlyle-Gordge/Father Murphy interview, you will
12 see they're talking about Long Mayhar, and I think
13 that's Mr. Carlyle-Gordge's accent that has
14 produced -- I think it's Lorne Mahar, if I'm not
02:29 15 mistaken?

16 A Right.

17 Q And then if we could go ahead to page 048533. And
18 they get onto the topic of Albert Cadrain, and
19 Father Murphy says:

02:29 20 "... they came to his house and they got
21 cleaned up there ...",
22 this is the Cadrain house:

23 "... they persuaded him to go to ...
24 Calgary with them and ... I think he got
02:29 25 suspicious or something when he heard



1 ... some news later on and ... I talked
2 him into going to the police."

3 And then if we can go ahead to 048535, and he
4 says:

02:30 5 "And ... well I, through some contacts I
6 had I ... found out Wil Cadrain was ...
7 drawn into it and ... but he was free
8 ... and I know that possibly I could
9 help the kid so I ... called him and had
02:30 10 a talk with him and advised him to go to
11 the police with the information that he
12 had."

13 "... because he had a chance to ... come
14 in on the reward."

02:30 15 And would that be the information or the -- from
16 Father Murphy that caused you to think that he
17 may have been responsible for getting Albert to
18 go into the police initially?

19 A Yes.

02:30 20 Q Can you tell us what, when you looked at the
21 transcript, back at this time what was your
22 understanding about how Albert Cadrain got in to
23 see the police on March 2nd to give his initial
24 incriminating statement to the Saskatoon Police?

02:30 25 A Well we went through so many different scenarios



1 with Albert, but I think that primarily he heard
2 about it in Regina and then pretended to his
3 brother that he knew nothing about it, and so
4 that, to me, was suspicious when he didn't tell
02:31 5 his brother that they didn't -- questioned him in
6 Regina about it and sort of let it look like it
7 was news to him. And I guess the way his stories
8 changed all the way along and everything, I mean,
9 he just became off the wall as a witness.

02:31 10 Q At some point, we talked earlier about the fact
11 that in 1981 you didn't know anything about what
12 police or prosecutors might have on their files by
13 way of documents, is that right?

14 A That's correct.

02:31 15 Q And did you at some point come to discover that
16 the police kept investigation reports that
17 outlined their dealings with witnesses and
18 information obtained from witnesses, things of
19 that nature?

02:31 20 A Well, at some point. When it was, I don't know.

21 Q Right. And again, just back in 1981, in that time
22 frame, '82, '83, trying to figure out what
23 happened to Albert Cadrain, the information you
24 would have had would have been the trial
02:31 25 transcript; correct?



1 A That's correct.

2 Q And I think I will show in a moment that you would
3 have had Albert Cadrain's statements to the police
4 that had been given to Mr. Tallis. Does that
02:31 5 sound right?

6 A That sounds right.

7 Q And what you didn't have would be the police
8 reports that detailed when they talked to
9 Mr. Cadrain and things of that nature?

02:31 10 A And how long and how many times he was picked up?

11 Q Right.

12 A That kind of information?

13 Q Right.

14 A No, I wouldn't have known that.

02:31 15 Q And so would you be brainstorming, for lack of a
16 better word, to say okay, well how could -- how
17 could Albert Cadrain go into the police and say
18 that he saw blood on David, which we think is a
19 lie, and come up with a number of theories that
02:32 20 might substantiate or support why he would do
21 that?

22 A Uh-huh.

23 Q Yes?

24 A Well, we were going through all sorts of
02:32 25 speculation at that point in time.



1 Q And is it fair to say, I think you told us earlier
2 that your predominant thinking was that the police
3 influenced these witnesses to lie; correct?

4 A Yes.

02:32 5 Q And so is it fair to say that in looking at Albert
6 Cadrain's evidence, and in particular his
7 statement to the police on March 2nd, 1969, that
8 in your mind you are thinking, okay, well, the
9 police must have influenced him to lie, how could
02:32 10 that have happened, or might --

11 A Well, I think part of my reasoning with Albert was
12 I knew he was susceptible because of him not being
13 that bright, that he could be influenced, and I
14 believed that he had been influenced.

02:33 15 Q Right. But as far as trying to figure it out in
16 the early '80s about how could Albert Cadrain walk
17 into the Saskatoon City Police and say I saw blood
18 on David, and I think you said yesterday that you
19 believed that to be a lie; right?

02:33 20 A Yes.

21 Q And so is it fair to say that the theories or what
22 you looked at is okay, well, what would have
23 caused him to lie would be the police influencing
24 him?

02:33 25 A Yes.



1 Q And so how and when did the police influence him
2 before he went into the police station, is that
3 something that you would be pursuing?

4 A I think so, and the fact that he had been, spent
02:33 5 some time with the police in Regina.

6 Q Okay. If we can go to 048542, and I think this is
7 a follow-up interview, and I'm not sure of the
8 exact date, I think this was a follow-up
9 interview, there was one later in '83, but another
02:34 10 conversation between Peter Carlyle-Gordge and
11 Father Murphy, and go to 048544, and this is where
12 Father Murphy says:

13 "Oh, very much so, yes. Ah, well the
14 reason I sent for him --"

02:34 15 And this is Cadrain,

16 "-- because I, I knew that they, he was
17 eligible for the ah, reward and he
18 doesn't know about it himself."

19 And then down at the bottom, Peter says,
02:34 20 Carlyle-Gordge:

21 "I just wanted to get the contexts
22 before I try and see him."

23 And I think this is right around February, 1983
24 when he's going to see Albert Cadrain:

02:34 25 "But I, I just wondered you know, how



1 you connected him to the, to the case."

2 And Father Murphy says:

3 "Well, I knew that ah, he was involved
4 because he was picked up by the police."

02:35 5 And then the next page and:

6 "... final thing, when, when you
7 actually asked to see him ... did you
8 know for sure that there was some
9 connection or were you just suspicious?"

02:35 10 And:

11 "No, I knew for sure."

12 And I think this is the conversation where Father
13 Murphy confirms that he did not have contact with
14 Albert Cadrain until after David was convicted
02:35 15 and that his asking Albert to go and get the
16 reward was after David was convicted; is that
17 right.

18 A Yes.

19 Q If you can call up 155237, and with respect to the
02:35 20 Peter Carlyle-Gordge interviews with Father
21 Murphy, would you have participated in the
22 planning of those or discussing with him what you
23 were going to ask him and --

24 A We usually discussed strategy, yes.

02:35 25 Q And so would he, after he was done the interview,



1 tell you about the results and give you the tape
2 and the transcript for your records?

3 A Yes.

4 Q And would that be the case for all of his
02:36 5 interviews that he did in --

6 A Most of them I would think.

7 Q The significant ones anyways?

8 A Yes.

9 Q And so that after he did the interview, number 1,
02:36 10 he would talk to you and say lookit, here's what I
11 found?

12 A Uh-huh.

13 Q Yes?

14 A And then I would get the back-up after that.
02:36 15 First he would call me --

16 Q Yes.

17 A -- and say that this is what happened, give me the
18 highlights, if you will, of it.

19 Q Yes.

02:36 20 A And then it would be followed by the transcript
21 and the tape.

22 Q And as well in some cases you talked before he did
23 the interview so you would have some input on --

24 A Into what he was going to ask, because there would
02:36 25 be certain questions I would want to have



1 answered.

2 Q This is a February 3, 1981 interview, and I don't
3 propose to go through it, this is with Howard
4 Shannon, and I'm just trying to get an
02:36 5 understanding, I'll show you this, this is
6 February 3, '81, and then 173877 is an interview
7 with Morris Serrato, February 5, 1981. Do you
8 recall how these names came up, in particular
9 Morris Serrato, how it was that Mr. Carlyle-Gordge
02:37 10 contacted him?

11 A Well, because Morris worked with David.

12 Q Oh, I see. So would that have come from David
13 then as --

14 A Yes, Maclean's.

02:37 15 COMMISSIONER MacCALLUM: What was Shannon's
16 doc. ID, please?

17 MR. HODSON: Shannon doc. ID is 155237.

18 COMMISSIONER MacCALLUM: Thanks.

19 BY MR. HODSON:

02:37 20 Q Go to 337718. For the benefit of counsel, this is
21 a tape, a transcript of a tape between Peter
22 Carlyle-Gordge and Adeline Hall, February 5, 1981.
23 This was not transcribed until last night when we
24 found this part on a tape, it was a tape that had
02:38 25 been provided some time ago but didn't have a



1 transcript, so it will be on CaseVault shortly.
2 And so this would have been -- and Adeline Hall
3 was one of Gail Miller's roommates?

4 A That's correct.

02:38 5 Q So I take it part of your -- I think we saw
6 January 24th you started and so for the next two
7 weeks it would appear that you and Mr.
8 Carlyle-Gordge talked to many, many people; is
9 that --

02:38 10 A In the area.

11 Q In the area?

12 A That's right, uh-huh.

13 Q And if we can just go to page 721 --

14 A And we were so amazed when we found out so many of
02:38 15 these witnesses, about where she actually, Gail
16 Miller would have gone, rather than -- like, I
17 think it was Simon Doell, wasn't it, that gave the
18 information of Avenue N and then he was never
19 called at trial and I often wondered about that,
02:39 20 because that was -- he was -- he gave the
21 information that started out the end theory and
22 then he was never called to testify and that made
23 me wonder, and then later on we found out that he
24 hadn't seen Gail Miller since August.

02:39 25 Q Okay. Now, the Simon Doell information, I believe



1 that came from police reports, or the prosecutor
2 file came later in the '80s?

3 A Yeah, and that's what we got when we got to the
4 Supreme Court.

02:39 5 Q Okay. So at this time in 1981, is it fair to say
6 that one of the concerns you had about, is how
7 Gail Miller got to Avenue N?

8 A Right.

9 Q Is that fair?

02:39 10 A And how the police theory got her to Avenue N
11 because we were starting to talk to these
12 roommates and they are saying Avenue O.

13 Q Okay. Now, I believe Adeline Hall testified at
14 trial; did she not?

02:40 15 A Yes.

16 Q Do you remember that? And here Peter is asking
17 the question, 'I was looking through the
18 StarPhoenix files and it mentioned earlier on soon
19 after the event it mentioned of a neighbour
02:40 20 talking about ah, she had come home the night
21 before with a boyfriend. Do you know if she was
22 out the night before? Would you know?'

23 And it looks like this, that Mr.
24 Carlyle-Gordge had been looking through the
02:40 25 StarPhoenix files earlier on soon after the event



1 and had checked -- checked into newspaper reports
2 around the time of Gail Miller's murder. Do you
3 have a recollection of that?

4 A No, I don't have a recollection of it, but I think
02:40 5 we would have been.

6 Q Okay. And then her answer is, 'Not really, you
7 know like I said I really didn't.'

8 And then if we can go ahead to
9 337723, and again this is where Peter
02:40 10 Carlyle-Gordge says 'It wouldn't make much sense
11 for her to go down N avenue cause that would, she
12 had have to walk over.' Answer, 'No.'

13 So this would be one of the
14 avenues you were pursuing?

02:41 15 A That's right, because this theory just didn't make
16 sense when we went out there and tried to view it.

17 Q And then 337728 --

18 A And I still to this day wonder why a prosecutor
19 wouldn't have tested that theory.

02:41 20 Q The theory of?

21 A Avenue N and Avenue O.

22 Q Do you have any recollection at the time of
23 David's trial having those discussions with
24 Mr. Tallis or raising that?

02:41 25 A No, because I didn't know what I knew later.



1 Q Okay. Here's a question, Mr. Carlyle-Gordge says,
2 'Any unknown person that just you know, something
3 that didn't come out cause it's so hard to check
4 now, if there's no record of it. You know like
02:41 5 things like if there had been any other incidents,
6 but obviously not,' and she says, 'No I lived
7 there a long time before Gail moved in like my
8 last two years of university and then after that
9 even when I graduated I lived there for quite a
02:42 10 while and there were different people moving in
11 and out I never really, you know there were never
12 really any problems.' And, 'I was never afraid to
13 walk out at night type of thing.'

14 And would that be something --
02:42 15 you talked yesterday about checking, I think you
16 said checking the newspaper articles, looking for
17 other incidents. Would that be again something
18 that Mr. Carlyle-Gordge was doing here as well to
19 see if people knew --

02:42 20 A Remembered anything --

21 Q -- about at the time? And is it fair to say any
22 other incidents, that you were looking for
23 something that might lead to the real perpetrator?

24 A Yes.

02:42 25 MR. HODSON: This would be an appropriate



1 spot to break.

2 (Adjourned at 2:42 p.m.)

3 (Reconvened at 3:03 p.m.)

4 BY MR. HODSON:

03:03 5 Q Mrs. Milgaard, Ms. McLean has asked me to confirm
6 with you that she's told you to have your phone
7 off and that it's off.

8 A Mr. Commissioner, I would like to apologize
9 because I have been corrected by every --
03:03 10 practically ever lawyer in the room that
11 Ms. McLean actually did give me instructions to
12 turn off my cell phone, so I was incorrect in my
13 statement and I apologize abjectly.

14 Q 048569, so we'll go ahead, and we're almost done
03:04 15 Mr. Young's, the Mr. Young time frame. This is
16 March 10, 1981 and this transcript talks about the
17 Danchuks, but I think we've established that the
18 unknown male is Gary Young and this is a
19 conversation between you and Mr. Young of March
03:04 20 10th, and if we can just scroll down, and I think
21 this is where you talk about the Father Murphy
22 information and you tell Mr. Young:

23 "... we have talked to a Father Murphy
24 who'd apparently said that he persuaded
03:04 25 ah Cadrain to go to the police. Now



1 Father Murphy, in talking to us on the
2 phone, said that in talking with Shorty,
3 that Shorty had said they came to the
4 house and they were covered with blood.
03:04 5 And they. And we've tried to get, we're
6 trying to confirm this in writing from
7 Father Murphy as we indicated to him ah
8 that well you know this just happened
9 quite inadvertently. We were calling
03:04 10 him in reference to another case that
11 his name was mentioned in. And he
12 mentioned that he had actually been
13 connected with the Gail Miller case. In
14 fact he'd been instrumental in Shorty
03:05 15 going to the police. And we said to him
16 well I guess that would be classified as
17 you know as confidential. And he said
18 well no, not really. He said it wasn't
19 in the confessional, we just had a chat
03:05 20 together. And ah so I would be
21 interested to know what, did Cadrain
22 mention blood in his first statement to
23 the police and what else did he say.
24 And the details and the date, you know.
03:05 25 And if this was of his own accord or



1 what he charged at that time."

2 So this appears you are asking Mr. Young to get
3 some information about Albert Cadrain's
4 statement, and I think at this time, Mrs.
03:05 5 Milgaard, you didn't have Albert Cadrain's
6 statement did you?

7 A That's correct.

8 Q And is it fair to say, at least based on, in March
9 of 1981, it was your view at that time that Father
03:05 10 Murphy had somehow convinced Albert Cadrain to go
11 to the police?

12 A Yes.

13 Q To give the incriminating evidence?

14 A That's correct, and we found out after this that
03:05 15 that wasn't the case.

16 Q And then if we can just scroll down a bit here --
17 no, go back up, and you say here:

18 "It was Peter that was supposedly doing
19 an interview on a book. That he was
03:06 20 calling for his information. And I
21 believe we'll get the information back
22 from him. But if he --"

23 And you're talking about Cadrain,

24 "-- subsequently then changed his story
03:06 25 at the police station as a result, we



1 would like to know. And we would like
2 to get Wilson's two part statement. Ah,
3 on May the twenty-third, and then he
4 made a further statement on May the
03:06 5 twenty-fourth. We would like to see
6 that if possible."

7 And I take it from that that you didn't have Ron
8 Wilson's statements at this time either?

9 A No, we didn't.

03:06 10 Q And when you were saying to Mr. Young get them, we
11 talked about this earlier, getting information
12 from the police file, the Crown file or
13 Mr. Tallis' file, wherever it was, you were
14 interested in getting that information to figure
03:06 15 out what --

16 A What the truth was.

17 Q And to figure out how Ron Wilson was dealt with
18 and who he talked to and what may have led to his
19 incriminating statements; is that fair?

03:07 20 A That's correct.

21 Q And as far as where he got this from, you weren't
22 concerned, he was your lawyer, find it and get it;
23 is that fair?

24 A That's fair.

03:07 25 Q Then the next page, and then here you talk about



1 the first reference:

2 "... come to the powder --"

3 It says contact, I think that should be:

03:07 4 "-- compact thing thrown from the car
5 show up. Where did that, like in the
6 statements the police got. And ah, if
7 you have access to the police part, did
8 the police interview Mrs. Cadrain?
9 Like, (unintelligible) would have had
03:07 10 access to the police files right?

11 And then I think the unintelligible might be Mr.
12 Tallis. Mr. Young says:

13 "Substantial or some access, in any
14 event."

03:07 15 "Probably substantial."

16 And then any relevant information, etcetera. So
17 it appears in this exchange, March of 1981, you
18 are inquiring of Mr. Young as to what police
19 information might exist about Mrs. Cadrain being
03:08 20 called in, whether -- and if this unintelligible
21 is Mr. Tallis, whether Tallis would have had
22 access to it and --

23 A Uh-huh.

24 Q -- some or substantial, and again, go get whatever
03:08 25 you can that might shed some light on this; is



1 that fair?

2 A Yes, I think so, and I think this part that you
3 say is unintelligible, I believe that was, that
4 Mr. Tallis would have had access.

03:08 5 Q Yeah. Like -- so:

6 "Like, Mr. Tallis would have had access
7 to the police files right?"

8 And Gary Young says:

9 "Substantial or some access, in any
03:08 10 event."

11 A Yes.

12 Q Right. And then you talk about:

13 "... any relevant information between
14 the preliminary trial and how did the
03:08 15 story change, like, you know, from
16 Mrs. Cadrain and and any of them
17 really."

18 And then scroll down, here's where we get into
19 the Mr. Lalonde, or Riel Lalonde information, is
03:09 20 that right, that you got a letter in response to
21 your reward --

22 A Right.

23 Q -- poster, and:

24 "On the night of the incident, a
03:09 25 Mr. Riel Lalonde was missing from the



1 North Battleford Provincial Hospital.

2 On that morning, he appeared at the

3 Lalonde farm at Leask with blood on his

4 t-shirt. When questioned he talked

03:09 5 about killing a rabbit."

6 So is this where the Riel Lalonde first came up,
7 in early March?

8 A That's right.

9 Q And someone responded to your reward, either your
03:09 10 reward sheet or the publicity?

11 A Yes.

12 Q And said lookit, here's someone -- did they tell
13 you we think he was involved or he might have been
14 involved?

03:09 15 A He might have been involved, because it was the
16 day that the nurse was murdered, they didn't say
17 that Gail Miller was murdered.

18 Q And I'm sorry if I asked you this before, did you,
19 based on this information, and I think you spent
03:09 20 some time following up with Mr. Young, and did
21 there come a point where you had, much like Lorne
22 Mahar, did you have strong suspicions that Riel
23 Lalonde was the killer?

24 A Yes, I did. I went out and interviewed this woman
03:10 25 and others in the area, followed up on the -- but



1 never in the entire time did I check to make sure
2 of the date. I wasn't a very good investigator.

3 Q So the date that he was out or that he had --

4 A That's right, and went through the whole thing and
03:10 5 spent all that time going up to North Battleford
6 and everything and it was a real downer.

7 Q If we can go to 048574, please, and here's the
8 part I had asked you earlier about, your concerns
9 about Ron Wilson, and so this is May -- or pardon
03:10 10 me, March the 10th of '81, this conversation, and
11 so this would be about six weeks after you talked
12 to Ron Wilson?

13 A Uh-huh.

14 Q And you say:

03:11 15 "She quit her job --"

16 You are talking about Nichol.

17 A Right.

18 Q "-- and moved completely, bag and
19 baggage, out of her apartment. Ron
03:11 20 Wilson has gone. He's gone, moved to
21 Calgary."

22 And on Nichol, the moving out, is that when you
23 and Peter Carlyle-Gordge followed her?

24 A No, this was the next one she moved out of.

03:11 25 Q Okay. So after you followed her to her second



1 place, she then moved out of that place?

2 A And she moved out of that again, yeah.

3 Q And was that to get away from you do you think?

4 A It was.

03:11 5 Q Okay.

6 A I think at that point is when she went home.

7 Q And then as far as Ron --

8 A To her parents'.

9 Q What information do you have that Ron Wilson had
03:11 10 moved to Calgary?

11 A Well, I obviously had come back and tried to
12 locate him again and found out that he had moved
13 to Calgary, but at that point I didn't have an
14 address, and as I point out, every time we turned
03:11 15 around, it's baffling, you try to locate them and
16 they disappear.

17 Q And with Ron Wilson, we know that in April, the
18 next month, you do talk to him on the telephone I
19 think in Regina and I seem to recall reading
03:12 20 somewhere that he had only gone to Calgary for an
21 eight week --

22 A Period.

23 Q -- work period. Does that sound right?

24 A I think that's right.

03:12 25 Q So he hadn't moved, he was just away for a



1 temporary --

2 A But we had been told that he had moved.

3 Q Yeah. And so at this time are you thinking that
4 Ron Wilson moved to get away from you?

03:12 5 A I did at that time.

6 Q Next page, and here you tell Mr. Young that, you
7 are talking about Peter Carlyle-Gordge, you say:

8 "Well ... he's talked to Sgt. Mackey.

9 Like what I am going to package up today
03:12 10 to you is all the transcripts of all the
11 telephone conversations he's had with
12 Roger Renaud, Howard Shannon, Sgt.

13 Mackey and all of the other people that
14 we have talked to."

03:13 15 And so I take it at this point all of the
16 transcripts of everyone that Peter Carlyle-Gordge
17 had talked to, you had the tapes and transcripts?

18 A Yes, I did, and I was giving them to Gary.

19 Q And Sergeant Mackie, are you -- I had raised this
03:13 20 before with you. Do you have any recollection --
21 it appears that he was talked to at this time?

22 A Yes.

23 Q We don't have a transcript from that. We have a
24 transcript from 1983 when he was talked to by
03:13 25 Peter Carlyle-Gordge after he talked with Mr.



1 Caldwell. Do you have any recollection of what
2 might have happened to that tape or transcript?

3 A No, I have no recollection.

4 Q 331911, and it looks as though March 11th, this is
03:14 5 where Mr. Tallis' file is made available to Mr.
6 Young, and I think you told us you have a
7 recollection of looking at it at his office; is
8 that right?

9 A Yes.

03:14 10 Q If we can go to 331895, and these are from Mr.
11 Young's notes and I'm going to see if you can help
12 us identify what information you may have got off
13 of Mr. Tallis' file. This -- it says:

14 "5 minutes with Mrs. Milgaard."

03:15 15 At the top, and then it says:

16 "First pages of statement of Dennis
17 Cadrain."

18 And Dennis Cadrain gave a statement to the police
19 on March 2nd, 1969, it's 060232, and that
03:15 20 statement, at least according to the record
21 before the Commission and the evidence, was not
22 provided to Mr. Tallis as part of the disclosure,
23 at least according to the correspondence, but
24 that it would have been on Mr. Caldwell's file,
03:15 25 and I'm trying to find out, do you have any



1 recollection of trying to get Dennis Cadrain's
2 statements?

3 A I think I was after the statements of everyone.

4 Q And the reason I raise Dennis Cadrain, because I'm
03:16 5 wondering if it's possible that Mr. Young got this
6 statement from Mr. Caldwell's file as opposed to
7 Mr. Tallis'. Are you able to shed any light on
8 that?

9 A I can't help you in that direction.

03:16 10 Q If we go to the next page --

11 A The pages that I had that look like, that I turned
12 over to the Commission, and they looked like they
13 were original files that belonged to Mr. Tallis'
14 office.

03:16 15 Q Yes.

16 A Is it possible -- I've obviously been copying here
17 at this office --

18 Q Yes.

19 A -- that if I had access to the file, that
03:16 20 inadvertently instead of putting it back in
21 original, I put back a copy into Mr. Tallis' file.

22 Q Okay.

23 A Because I think that I was copying anything that I
24 felt was relevant of the file and that would
03:17 25 probably be including that statement of Dennis



1 Cadrain.

2 Q Okay. And I guess the question is I don't think
3 Dennis Cadrain's statement was on Mr. Tallis'
4 file, we don't have his file now, but certainly it
03:17 5 was not one of the statements that Mr. Caldwell
6 appeared to have disclosed to him.

7 A Okay. Because if he had had it, he would probably
8 have used it.

9 Q Yeah. And so I guess my question is in looking at
03:17 10 Mr. Young's note about the statement of Dennis
11 Cadrain --

12 A Maybe I was asking for it. Was I?

13 Q I don't know. I'm just trying to find out
14 whether, whether he may have had access to Mr.
03:17 15 Caldwell's file to get that statement. Do you
16 remember getting --

17 A I don't remember that.

18 Q And is it --

19 A But at some point in time I did get that
03:18 20 statement.

21 Q Dennis Cadrain's?

22 A Yes.

23 Q And do you know --

24 A Because that's when I found out that he had told
03:18 25 his brother, or that his brother had told him



1 nothing about the police having interviewed him in
2 Regina and nothing about the fact that he knew
3 what had happened.

4 Q Okay. Maybe 060232, we can just call that up, and
03:18 5 this is the Dennis Cadrain statement that talks
6 about Albert coming back and going into the police
7 and we've been through this before. Are you able
8 to pinpoint when -- would you have had this
9 statement before you made the 690 application in
03:18 10 1988 do you think?

11 A Before we made the --

12 Q Before you applied in December of 1988 to the
13 minister, before you -- let's say before you went
14 to see Mr. Wolch and Mr. Asper, do you think you
03:19 15 had the Dennis Cadrain statement?

16 A I think we did.

17 Q Okay.

18 A But I can't tell you where I got it from.

19 Q And the reason you say you think you did is
03:19 20 because it addressed the point that Albert Cadrain
21 had not told Dennis about --

22 A The truth.

23 Q About going, being visited by the Regina police?

24 A Right.

03:19 25 Q Okay. If we can just go back to 331895, next



1 page, we know based on this that there were 89
2 copies obtained, and is it possible there may have
3 been more copies obtained by you from Mr. Tallis'
4 file?

03:21 5 A I don't imagine so. If he put down 89 copies that
6 must have been what I copied --

7 Q Okay.

8 A -- and what he charged me for.

9 Q And, in going through the file, would it be fair
03:21 10 to say that you would have made copies of witness
11 statements?

12 A I think I copied practically everything in it.

13 Q And so certainly the statements of Albert Cadrain,
14 Nichol John, Ron Wilson, you would have obtained
03:21 15 copies of their statements; is that likely?

16 A I'm presuming that was likely what I was copying.

17 Q Based on who you had talked to so far in your
18 approach it would seem quite likely that those
19 statements would be of interest to you?

03:21 20 A They'd be the ones I'd be most interested in.

21 Q And so, and as well Melnyk and Lapchuk --

22 A Yes.

23 Q -- and Ute Frank, the motel room statements?

24 A That's right.

03:22 25 Q Those three?



1 A Yes. And I think that's where we discovered Ute
2 Frank, at that point, and that may have been where
3 we discovered Deborah Hall's name.

4 Q Okay. I think Deborah Hall had already been
03:22 5 talked to by Chris O'Brien.

6 A Okay. Maybe not then. Okay.

7 Q Now if we could call up 335586. This is a
8 crime -- a lab report, and I went through this
9 with Mr. Tallis, and these are the RCMP lab
03:22 10 reports that had his original handwriting on them;
11 do you remember when we went through that?

12 A Yes, I do.

13 Q And, again, would the lab reports be something you
14 would have copied, would have been of interest to
03:22 15 you at the time, back in 1981?

16 A I don't know that I would have copied them.

17 Q Do you know how you would have obtained copies of
18 the lab reports, then, with Mr. Tallis'
19 handwriting on them other than in 1981 from Mr.
03:23 20 Young?

21 A Well, if they had Mr. Tallis' handwriting on them,
22 I would say that I must have got them at that
23 time.

24 Q And maybe --

03:23 25 A That's the logical explanation.



1 Q And was --

2 A But I don't know.

3 Q Was there any other occasion, other than when Mr.
4 Young had Mr. Tallis' file in his office in 1981,
03:23 5 was there any other occasion when you had access,
6 directly or indirectly, to Mr. Tallis' file?

7 A No.

8 Q And so that if you, if you got a document that
9 came from his file, is it your evidence that
03:23 10 through Mr. --

11 A I would assume that it came through Gary --
12 Gary -- the visit to Gary Young's office.

13 Q Okay. And 335588. And these were -- I'll just
14 show you the front page -- these are Mr. Tallis'
03:24 15 summaries of evidence from the preliminary hearing
16 for a number of witnesses. I think, is that your
17 handwriting at the top, that?

18 A Yes.

19 Q And, again, do you know where -- whether these
03:24 20 would have been obtained from Mr. Tallis' file or
21 when you would have obtained them?

22 A No. I have no idea.

23 Q If we could call up 153491, please. And there are
24 three memos, you are familiar with -- there's
03:24 25 three memos that Mr. Tallis made to his file back



1 in 1969, actually two and a partial, and these are
2 in your documents?

3 A Yeah, that's my initial at the top.

4 Q Right, "JM".

03:25 5 A In my handwriting.

6 Q And, again, do you have any -- would it be fair to
7 say that you would have obtained these, or copies
8 of these, then, when you looked at the file at Mr.
9 Young's office?

03:25 10 A Probably.

11 Q And, again, I -- we tried to figure out what 89
12 copies, whether it was the statements or the
13 reports, we weren't able to find anything that
14 might assist you. But just -- just --

03:25 15 A To --

16 Q -- go back, and I take it you don't have a memory
17 of exactly what you obtained; is that right?

18 A No. I think that I probably would have taken
19 anything that looked of interest to me --

03:25 20 Q And --

21 A -- and copied it.

22 Q And just on that point, what we know was on Mr.
23 Tallis' file, as far as witness statements, were
24 Ron Wilson's three statements, being his March
03:26 25 3rd, 1969, May 23, and May 24, 1969, and I take it



1 that those three statements would have been of
2 interest to you?

3 A I would think so, yes.

4 Q And if they were on his file you would have copied
03:26 5 them?

6 A I would think so, yes.

7 Q And Albert Cadrain's March 2nd, 1969 statement, or
8 it was a March 5, 1969 statement?

9 A How much did they all add up to?

03:26 10 Q They're close. There is a few others there, and
11 Nichol John's statement, you would have obtained a
12 copy of her --

13 A Yes.

14 Q -- March 3 statement and her May 24th statement?

03:26 15 A Yes.

16 Q Now Nichol John's May 24th statement was also on
17 the Court file as well, because it had been an
18 exhibit at the trial, do you remember getting it
19 from the Court, perhaps, as well?

03:26 20 A I could have, but I don't --

21 Q And the --

22 A -- remember.

23 Q -- Melnyk, Lapchuk, and Ute Frank statements would
24 also be of interest to you; is that correct?

03:26 25 A Yes.



1 Q And if we could go to 048439. This is an
2 interview, I think in 1981, between you and Dennis
3 Elliott, and you will see:

4 "Would you be Dennis Elliott that used
03:27 5 to live on Temperan Street?"

6 And Dennis Elliott was the fellow who dropped
7 Gail Miller off on the night of January 30, 1969;
8 --

9 A That's right.

03:27 10 Q -- do you remember that?

11 A I do.

12 Q And there were two statements on Mr. Tallis' file
13 that he got from Mr. Caldwell back in 1969, and if
14 you scroll down you will see:

03:27 15 "... you've probably heard that I'm
16 reinvestigating the murder and I was
17 just reading over your statement that
18 you gave to the police, the two
19 statements that you gave.",

03:27 20 and interested in the car. And so it would
21 appear that this interview would have been after
22 you had a chance to look at Mr. Tallis' file; is
23 that correct?

24 A Correct.

03:27 25 Q And that the two statements from Dennis Elliott



1 appear to be two of the statements that you
2 received?

3 A Yes.

4 Q And the car parked in front of Gail Miller's house
03:28 5 the night when Dennis Elliott dropped her off, was
6 that something that you pursued with -- on a
7 number of occasion with a number of witnesses,
8 trying to see if that was of assistance?

9 A Yes, because I guess we were thinking that it
03:28 10 might have been Larry Fisher, eventually we were
11 thinking it was Larry Fisher had that car that
12 night, parked there, and was going to give her a
13 ride --

14 Q And that would have been --

03:28 15 A -- in the morning.

16 Q -- in 1990 then?

17 A Yup.

18 Q But, as far back as 1981, was that something you
19 were pursuing as a --

03:28 20 A Well, it was a fact that it was a questionable car
21 that was in the vicinity that nobody knew about,
22 and we were trying to get information as to
23 anybody else that could have done it.

24 Q Okay. If we can go to 048600.

03:29 25 A I -- at that time I would -- I went to bars



1 practically every night, talking to people in
2 bars, trying to get information. I wore a wig so
3 they didn't know who I was, I did all sorts of
4 things, like investigating just people in the
03:29 5 neighbourhood to find out if they knew something.
6 You know how people talk in bars and things like
7 that.

8 Q And would that be to find out if they had heard
9 anything or knew anything back in --

03:29 10 A Yeah, knew anything back then that -- you know,
11 I'd bring up the subject of it and, you know, and
12 try and get information. I mean I was all over
13 the map at that time.

14 Q Did you ever hear from anybody at that time about
03:29 15 rapes that had been committed in late '68, '69, --

16 A No, I didn't.

17 Q -- '70?

18 A And often when I look at the thing that we, the
19 warning, --

03:30 20 Q Yes?

21 A -- the police warning, I can't understand -- mind
22 you I wasn't as methodical as I should have been,
23 probably, in going through the papers, but when I
24 went through the newspapers and things like that I
03:30 25 would find an item and I'd think "oh, now this is



1 something", and instead of going on methodically
2 through page after page after page I'd get
3 distracted by that and go, and then the next time
4 I'd go back, maybe I must have missed the page
03:30 5 with that. Because I know that, if I had seen
6 that page, it would have alerted me and I would
7 have started to follow up on it.

8 Q And again, just so that we're talking about the
9 same page here, if we could call up 226814.

03:31 10 226814? No, I need 226814, please. This is a
11 version of that document, correct Mrs. Milgaard,
12 this is --

13 A Yes, it is.

14 Q All right.

03:31 15 A Yes, it is. And this writing at the top, that
16 belongs to one of the volunteers that worked on --

17 Q Bob Bruce?

18 A Bob Bruce, that worked on the case.

19 Q All right. And, based on that writing, I think
03:32 20 you associate this article with the time period in
21 1990; is that right?

22 A Yes, I would have associated that, although we
23 probably had other copies.

24 Q And here's the version here, *StarPhoenix* December
03:32 25 14, '68; is that your writing at the top? If we



1 can call that out, please.

2 A If it can be brought through? No, that's not my
3 writing.

4 Q And here is the same -- and, again, this is an
03:32 5 article that was together with a bunch of other
6 newspaper clippings back in the late '60s/early
7 '70s that had the article in there, *Women given*
8 *warning?*

9 A Well, I remember having seen this, but I think
03:33 10 that that was probably after Bob Bruce, the
11 original Bob Bruce document was found, that we
12 went and researched other papers.

13 Q Is it possible, let me just go through, I think --
14 I think we've seen -- I think what you told us
03:33 15 earlier is that you would have checked the
16 newspapers for any information that might assist
17 you in finding --

18 A Uh-huh.

19 Q -- the perpetrator, and you would have looked for
03:33 20 other incidents, I think you've told us, and --
21 but then you then said the December 14th, 1968
22 article, you remember the significance of it, at
23 least in your mind, was when Bob Bruce brought it
24 to your attention in I think 1990 or 1991?

03:33 25 A That's right, uh-huh.



1 Q And is it possible that this article, this page
2 here -- and we've got probably 14 different
3 documents, copies in your documents that you gave
4 us of various versions of this article -- and is
03:34 5 it possible that this article had been in your
6 documents and either you hadn't looked at it or
7 hadn't appreciated its significance before
8 Mr. Bruce brought it to your attention?

9 A Oh no, I'm sure that this was probably one of the
03:34 10 documents that Bob got, because of the number of
11 copies we had of it. He was terrible and I used
12 to get after him, because he would get all kinds
13 of photocopies, he wouldn't just get one or two,
14 you know, --

03:34 15 Q Yeah.

16 A -- he would make a lot of them, and so often I'd
17 find that I had many in my files, so I'm assuming
18 that this was some that Bob got afterwards.

19 Q Okay. Actually, there are a number that are not
03:34 20 copies of the same article but different versions
21 that appear to have been obtained at different
22 times, and so I saw -- we saw the reference of
23 Peter Carlyle-Gordge, in his interview with
24 Adeline Hall, saying "you know, I've been checking
03:34 25 the *StarPhoenix* files about, I think, other



1 incidents", and again, I'm just wondering if it's
2 possible whether this article, whether it was
3 something --

4 A Whether it could have been from Peter, you mean?

03:35 5 Q Yes, or somewhere?

6 A I don't think so, because I think that if Peter
7 had found that, he would have seen the
8 significance of it, and I think that this probably
9 came at the same time as the other.

03:35 10 Q Okay. And, again, if you would have seen this are
11 you telling us that when you now look at it, or
12 when you looked at it in 1991 after you knew about
13 Larry Fisher, the significance of it at that time,
14 you thought, "if I had seen this before I think I
03:35 15 would have done something"?

16 A Even if I hadn't known about Larry Fisher at that
17 time, if I'd seen this, whatever time I would see
18 this I would certainly say it was significant
19 because, lookit, he talks to women and he takes
03:35 20 them into alleys --

21 Q And I guess --

22 A -- and rape and assault, ooh, and in the area.

23 Q And I guess my question is yesterday I think you
24 told me that in the '70s you started by reviewing
03:36 25 the newspapers, I think you said, for other



1 incidents?

2 A Yes.

3 Q And I'm wondering, this is about a month before
4 the murder, whether this would have been a time
03:36 5 frame you didn't look at or whether this would
6 have been -- and I'm not being critical, I'm just
7 trying to find out what process you went through;
8 is it something you would have --

9 A I -- I didn't start back in the immediate past, I
03:36 10 think I started about -- well, how long, how long
11 before was Mahar?

12 Q Mahar, I think, was in early '68. Mahar's trial
13 was -- or actually I shouldn't say -- Mahar's
14 trial was in January of 1970. I can check that
03:36 15 for you if that would assist you in trying to --

16 A No, but I'm thinking, I think I went -- I started
17 very far back and came forward and maybe hadn't
18 reached to where this was.

19 Q Okay. So your, your best recollection is that you
03:36 20 don't think you had this article before 1991
21 because, --

22 A No.

23 Q -- if you had, you would have done something?

24 A I would have done something with it, absolutely.

03:37 25 Q And, sorry, we'll go back to 048603. And the date



1 here is March, I think we've established March 21,
2 1981 you're calling Mrs. Cadrain again, and so
3 March 21, '81 you've talked to Ron Wilson once,
4 you've talked to Nichol John twice, but very
03:37 5 briefly?

6 A Uh-huh.

7 Q Right?

8 A Right.

9 Q And so if we can go to 048606.

03:37 10 A Are you putting together a timeline on me?

11 Q You, actually you are, by the time you're done.

12 A Okay.

13 Q I'm just trying to help you put these in the order
14 of sequences so that you know what --

03:37 15 A I appreciate that.

16 Q -- what you have done at this time. And so here
17 you -- actually, just go back up. There is a
18 discussion here about a change of venue, and I
19 don't think we've talked about that, and I have
03:38 20 seen this on occasion where you talk about the
21 fact that you wished -- or thought that maybe
22 David, or Mr. Tallis on his behalf, should have
23 sought for a change of venue?

24 A Yes, I -- I felt very strongly about that, because
03:38 25 feelings were running very, very high in



1 Saskatoon, and I didn't know much about the law or
2 things like that but I remember thinking that I
3 had heard about a change, that you could ask for a
4 change of venue, and because of the reaction that
03:38 5 we got, that I sort of got from outside people,
6 people that talked to me in the Chinese restaurant
7 and things like that, I think that I had the
8 feeling that everyone was really upset with all of
9 these things that had been going on, and they
03:39 10 wanted answers and they were after answers, and
11 that feeling was running so high, and I'd heard
12 that you could get a change of venue. But of
13 course I don't -- I didn't bring that up with Mr.
14 Tallis, but afterwards I wondered why he didn't
03:39 15 ask for it.

16 **Q** And do you recall any discussions with him, Mr.
17 Tallis, at the time of trial about change of
18 venue?

19 **A** No.

03:39 20 **Q** What Mr. Tallis told the Commission of Inquiry is
21 that he contemplated a change of venue, I don't
22 recall whether he said he discussed it with you
23 but he may have discussed it with David, and what
24 he told the Commission is that the change of
03:39 25 venue, that it was not legally possible to move it



1 outside of Saskatchewan, and that within
2 Saskatchewan his options were Regina, which he
3 said had the same concern as Saskatoon because
4 David, Wilson, John, Melnyk, Lapchuk -- well he
03:39 5 wouldn't know about Melnyk and Lapchuk at that
6 point -- but they were from Regina and known in
7 Regina; and that secondly, his concern about going
8 into a rural area, that he felt their views
9 against hippies, drugs, and young people might be
03:40 10 worse than city people's view; do you recall --

11 A And that makes sense.

12 Q Okay. And, again, is that something that
13 certainly, at the time of trial, I take it you
14 would not have discussed that with Mr. Tallis?

03:40 15 A No, I don't remember discussing that at any
16 time, --

17 Q And so --

18 A -- so this is why I probably brought it up with
19 Mrs. Cadrain.

03:40 20 Q And so is it fair to say that in the early '80s,
21 as part of your thinking what could have been done
22 differently perhaps, that maybe the change of
23 venue -- and at the time are you telling us
24 "lookit, I wish it had been done, because it
03:40 25 didn't work out well in Saskatoon, maybe it would



1 have been done well elsewhere", --

2 A Absolutely.

3 Q -- not knowing that Mr. Tallis had considered it
4 and, for whatever reason, had decided not to do
03:40 5 it; is that --

6 A I would have felt better if I had known that.

7 Q And did you find out about that at the Inquiry,
8 then, about his reasons?

9 A Yes, I did.

03:41 10 Q Okay. Here we talk about Mrs. Cadrain:

11 "... I'll tell you something else and I
12 mean you can pass this along to Shorty.
13 We have a lead on something else ..."
14 "... that looks very, very promising now
03:41 15 ... and of course I've talked to Wilson
16 and I've talked to Nicole and ...
17 they're changing their story quite alot
18 and this was one of the reasons I wanted
19 to talk to Shorty, now, or to Albert.
03:41 20 If he would talk to me just so I know
21 what he's, like ... I would rather know
22 everything he has to tell me and then
23 fine."

24 And I'm just wondering, as far as the very
03:41 25 promising, a lead on something else, would this



1 have been the Lalonde? I think the time frame
2 might fit with the -- your pursuit of Mr. Lalonde
3 as a suspect?

4 A I have no idea, but, you know, I would have had a
03:41 5 suspect. I had suspects all the time, so I would
6 have had a suspect when I was talking to her,
7 likely.

8 Q And the fact, here, that I think you are saying
9 Ron and Nichol are changing their story quite a
03:41 10 lot. Let's just talk about Ron Wilson; would that
11 have been based upon your interview with him?

12 A I think, yes.

13 Q And when you say changed "... their story quite
14 alot ..." are you referring to what he told you
15 about --

16 A Yes.

17 Q -- the incriminating evidence and how he had
18 either --

19 A Changed.

03:42 20 Q -- backed off or changed?

21 A Backed off and changed it.

22 Q And what about Nichol; had you -- do you know if
23 you would have talked to Nichol?

24 A Well I said "I've talked to Nichol", so I must
03:42 25 have talked to her, or I wouldn't have said that.



1 Q Yeah. And I think, I think you told us you had
2 talked to her twice, this is before the interview,
3 the taped interview in May, --

4 A Uh-huh.

03:42 5 Q -- so do you think you would have talked to Nichol
6 or got any sense from her that she was changing
7 her story?

8 A I can't remember word for word what Nichol told me
9 when I first talked to her. I, it seemed to me
03:42 10 that she didn't tell me much about her story, she
11 was more concerned and wanting to know why David
12 just didn't do his time.

13 Q Yeah. Is it possible that the Nichol, and the
14 change of story, would be from her statement to
03:43 15 the police and her evidence at the trial?

16 A That could have been.

17 Q Okay. And, for Ron Wilson, it would have been the
18 information that he had given you --

19 A Yes.

03:43 20 Q -- recently?

21 A Yes.

22 Q And then to 048608. And I think you talked about
23 this earlier, this is where Mrs. Cadrain says, I
24 think she tells you that Albert has got more bad
03:43 25 things to say than came out at trial?



1 A Uh-huh.

2 Q And talks about:

3 "... the news came on, somebody turned
4 on the radio and he says David broke the
03:43 5 aerial right away and he says he didn't
6 know why he did that but you know Albert
7 didn't worry about it ..."

8 A And I remember, when she told me about that, I was
9 so excited, because I knew that that was a lie,
03:44 10 because I knew that the radio hadn't been working,
11 and they talked about it in the testimony, and I
12 had talked to them about the aerial had not been
13 working so why would he break -- the radio hadn't
14 been working since Ron got the car, they had no
03:44 15 radio, so I mean this was a lie, and if Albert was
16 putting forth a lie like that it was just
17 compounding whatever -- what he had already lied
18 about.

19 Q Okay. And the evidence about the aerial snapping
03:44 20 off did not -- was not evidence at trial, I think
21 that's clear; correct?

22 A Yeah. But it was evidence at trial, I believe,
23 that the radio --

24 Q That the radio didn't work?

03:44 25 A -- was not working.



1 Q Correct, that's right.

2 A And so I knew that, and so then that made me know
3 this was a lie.

4 Q And 048615, again, part of this document. And
03:44 5 this is where you tell Mrs. Cadrain:

6 "... we have found that there was
7 someone with ... this type of a record
8 in the area at the time that, now it's
9 possible that Nicky may have seen the
03:45 10 person that killed this girl, and ...
11 his build is very similar to David's,
12 height, ..."

13 "... weight everything ... and if this
14 is the case then we're following leads
03:45 15 down on this. She may possibly have
16 seen the whole thing."

17 And, again, that would have been I think either
18 Mahar or Lalonde, is that right, at this point in
19 time?

03:45 20 A Probably Mahar.

21 Q Now I think, this is the second conversation, and
22 I think it ends up where Mrs. Cadrain, I think in
23 your words or maybe my words, was running a bit of
24 interference and did not want you to talk to
03:45 25 Albert Cadrain; is that correct?



1 A Absolutely.

2 Q And I think it -- that he was up north, didn't
3 have a phone, and really didn't want to talk to
4 you; is that right?

03:45 5 A That's right.

6 Q Was there any suggestion, in your discussions with
7 Mrs. Cadrain, that the police were in some way
8 influencing her or Albert not to talk to you, or
9 was it Mrs. Cadrain that was trying to prevent you
03:46 10 from talking to Albert; do you recall?

11 A I don't recall. I'd have to go through all the
12 transcripts and see what she said.

13 Q I don't -- and I don't think --

14 A And I'm sure you would have found something like
03:46 15 that if it was in there.

16 Q Yeah, and I looked for it, I don't think there was
17 any reference to, --

18 A No.

19 Q -- at least in the transcripts that we have, about
03:46 20 her saying "the police didn't want us to talk to
21 you", but I think, was it your impression that
22 Mrs. Cadrain was quite --

23 A I think she was just protective of her son, which
24 is natural.

03:46 25 Q And 219491. I think this is the cease and desist



1 letter, this is March 26th, 1981, and from
2 Mr. Leslie. He says:

3 "My client is not anxious to
4 meet with you. In fact, I have been
03:47 5 instructed to see that you do not
6 interfere with my client. However, if
7 you wish to put certain questions to my
8 client you may do so in writing and
9 direct them to me. I will take them up
03:47 10 with my client."

11 And so it appears, at this stage, is "don't talk
12 to her any more, but if you have questions, put
13 them through me".

14 A Right.

03:47 15 Q Is that fair?

16 A That's fair.

17 Q Now go to 177468. So that is March 26th. And
18 this is, if we can just call out the top part,
19 this is your second interview with Albert -- or
03:47 20 pardon me -- with Dale Ron Wilson April 15th,
21 1981, and I think you told us earlier there were
22 two discussions with him?

23 A Yes.

24 Q Now maybe we'll just jump ahead to page 177473,
03:47 25 down at the bottom, and here is where he says:



1 "... I'm kind of half loaded now ..."?

2 A Yeah.

3 Q And would this be the conversation where you
4 thought he was drunk, or stoned, or under the
03:47 5 influence?

6 A Yes. And if you look more up at the top where he
7 said:

8 "... like--I'll tell you what: Go for a
9 new trial, dear."

03:47 10 Q And --

11 A That's the way he said it:

12 "Go for a new trial, dear."

13 Q And so it was his manner of speaking that caused
14 you --

15 A Yeah.

16 Q -- to think that he was ...

17 And now was he, compared to your
18 conversation of January 26, '81, was he different
19 in the second conversation than the first
03:47 20 conversation?

21 A Definitely.

22 Q And in the second one you thought he was -- well,
23 he says he was half loaded?

24 A Yeah.

03:48 25 Q Do you think he was maybe fully loaded or --



1 A I think he was beyond that, yes, --

2 Q Okay.

3 A -- from the sound of it.

4 Q And, but the first, are you able to tell us, now,
5 the first conversation, then, did you have any
6 concerns on the January '81 conversation as to
7 whether he had been drunk or stoned at that time?

8 A I don't know that I thought, although I remember
9 the conversation with him as feeling very suspect
10 of it, that's all I can say. I wasn't comfortable
11 with it.

12 Q Okay. If we can just go back to the first page
13 here, and if we can just enlarge the top part,
14 please, and the phone number here is a Regina
15 phone number so it looks like he's back, or he's
16 certainly in Regina when you call him?

17 A Right.

18 Q And you say:

19 "... just came back from Saskatoon and I
20 found some very interesting things.",
21 and do you know what that would have been related
22 to?

23 A No.

24 Q If we can just read this, I'm not sure if we can,
25 it says:



1 "One of the ...",

2 I think "interesting", it says that:

3 "... you and Nicky and Shorty made to
4 the police--and ...",

03:49 5 something:

6 "... right after the murder happened,
7 ...",

8 and I think it's talking about the statements
9 that they first -- is there another version of
03:49 10 this; do we know?

11 MS. McLEAN: What is the number?

12 MR. HODSON: Pardon me?

13 MS. McLEAN: What is the number again?

14 MR. HODSON: 177468.

03:49 15 A I think there was another version of this.

16 BY MR. HODSON:

17 Q I think what this is referring to, the interesting
18 thing that you found was the statements that
19 Nichol and Ron gave, or maybe David gave?

03:49 20 A Originally?

21 Q Yes.

22 A The original statements.

23 Q Actually, you know what, I can read from my copy
24 here. I think what it says is:

03:50 25 "One of the things--I've been going over



1 the police statements that you and Nicky
2 and Shorty made to the police--and
3 David--right after the murder happened,
4 ..."

03:50 5 A Okay, because this is April the 15th, --

6 Q Yeah?

7 A -- so we've got the copies from Tallis' file;
8 right?

9 Q Yeah. We can go back to the -- we're okay with
03:50 10 the previous version. And so, again, I think:

11 "One of the things--I've been going over
12 the police statements that you and Nicky
13 and Shorty made to the police--and
14 David--right after the murder happened,
15 ...".

16 So, from that, I take it that you would have had
17 the March 1969 statements, the --

18 A Right.

19 Q -- original statements of all four of them?

03:50 20 A Yes.

21 Q And including David's statements to the police?

22 A Yes.

23 Q And then you say:

24 "Well, no this was very close after, in
03:51 25 comparison...The first statement that I



1 had.. they were all identical and they
2 all sort of agreed. And then the next
3 thing that we had was a statement when
4 Shorty went to the police and this was
03:51 5 sort of thru--"

6 And then scroll down, and then Wilson says:
7 "Well I never knew anything about it,
8 Mrs. Milgaard, till AFTER Shorty went to
9 the police, cuz I was doing time in jail
03:51 10 and I never heard anything about it
11 until May. I didn't know nothing about
12 it--"

13 So again, just back up, when you found the, or
14 got the statements from Mr. Tallis' file, what
03:51 15 significance did you place on the fact that in
16 Wilson and John's first statements to the
17 police --

18 A And David's, they were all the same.

19 Q And what significance did you place on that?

03:51 20 A Well, the fact that they saw nothing and they were
21 all in agreement that they saw nothing and did
22 nothing and they weren't separated and all of them
23 were the same, and then suddenly after that,
24 that's when they all started to change.

03:52 25 Q Okay. And then here Wilson says:



1 "Well I never knew anything about it,
2 Mrs. Milgaard, until AFTER Shorty went
3 to the police, cuz I was doing time in
4 jail and I never heard, I didn't know
03:52 5 anything about it."

6 And Mr. Wilson's evidence at trial was that the
7 day after Gail Miller was killed, that David
8 Milgaard told him in Calgary that he had stolen a
9 purse and jabbed a girl?

03:52 10 A Yes.

11 Q And that Wilson had gone to Nichol John and
12 saying, you know, David stabbed a girl yesterday
13 or killed a girl and Nichol John said yes, I know.
14 Do you remember that being Wilson's --

03:52 15 A Yes, I do.

16 Q And so here he's telling you lookit, I didn't know
17 anything about it until May. Did that strike you
18 as odd, that Mr. Wilson would tell you that he
19 didn't know anything about the murder until May of
03:52 20 '69 when his evidence at trial was that he knew
21 about it the day and the day after?

22 A Well, the date on the statement was in March.

23 Q Right, no, and my question is this, when you
24 talked to him here, he's saying, I think, I didn't
03:53 25 know anything about it until May, about the



1 murder, and the fact is that at trial his evidence
2 was he must have known about it on January 31 and
3 February 1 based on his evidence.

4 A Uh-huh.

03:53 5 Q You see?

6 A I see what you are saying.

7 Q And I'm just wondering if that, whether that
8 raised your antenna with what he's saying here.

9 A It would have, definitely.

03:53 10 Q And then here, and you say there's no statement --
11 he says:

12 "--about what was going on until May.

13 There's no statement from me at least
14 until May or June. Because they came
03:53 15 and talked to me in May--"

16 You say:

17 "Well I wonder--The date of this
18 statement was in March."

19 He says "no" and he appears to be, he appears not
03:54 20 to be remembering the first statement he gave to
21 the police; is that fair?

22 A That's fair.

23 Q And if we can just scroll down, you say well --
24 and I think you debate a bit with him, he thinks
03:54 25 when he was in jail, when he got out:



1 "Well, maybe what I'd like to do is,
2 when I'm up in Regina, is come and see
3 you and show you--There are from
4 Mr. Tallis's files that he got from the
03:54 5 police dept."

6 So that would confirm, I think, that you had
7 them?

8 A Right.

9 Q And in fact you had the March, 1969 statement;
03:54 10 right?

11 A Right.

12 Q And then down at the bottom:

13 "Anyhow, what I was getting at was that
14 your statement, Nicky's and David's--and
03:54 15 neither of you had seen each other at
16 that point--were all identical."

17 A And I think that was the important thing to me,
18 that they had all been interviewed individually,
19 they had all come up with the same statement and
03:55 20 it wasn't until the police got ahold of them that
21 those statements started to change.

22 Q And then:

23 "You know, everything was exactly right,
24 and then along came Cadrain on Mar. 2,
03:55 25 the police talked to him, and at that



1 point they contacted his Priest, Father
2 Murphy, and--"

3 And then you say:

4 "Well, believe it or not, Fr. Murphy
03:55 5 called Shorty in and told him that he
6 knew he was involved and that he was in
7 a great deal of trouble and that he was
8 going to maybe end up in prison, and he
9 convinced Shorty that the only 'out' for
03:55 10 him was to really co-operate, plus the
11 fact that he would be eligible for a
12 \$2,000 reward if he did co-operate."

13 And again, where did you get this information
14 from about Father Murphy and Shorty Cadrain?

03:55 15 A What date is this?

16 Q This is April 15th, 1981, and what we've gone
17 through or what I've read to you is Peter
18 Carlyle-Gordge's interview with Father Murphy.

19 A In?

03:55 20 Q In February.

21 A So that's where we would have got it from.

22 Q Okay. And in that transcript there isn't as much
23 detail I think as you put forward here, and I
24 think what Father Murphy said is yes, I contacted
03:56 25 Cadrain and told him to go see the police, but I



1 don't -- at least in the transcript that we have
2 Father Murphy doesn't say he told him he knew he
3 was involved and that he was in a great deal of
4 trouble and that he was going to end up in prison
03:56 5 and that he convinced Shorty the only out for him
6 was to co-operate, that doesn't appear in the
7 transcript between Peter Carlyle-Gordge and Father
8 Murphy.

9 A Well, unless it's something I got from Peter. I
03:56 10 don't know.

11 Q Is it possible that it would have been a theory
12 based in part on what Father Murphy had told you,
13 that --

14 A It could have been.

03:56 15 Q And so here's what you thought might have happened
16 with Father Murphy and Albert Cadrain?

17 A Yeah, we knew that Father Murphy called him and
18 this is probably what we believed at the time.

19 Q And so is it -- and it may have been that Father
03:57 20 Murphy told you that, I just don't have
21 anything -- the transcript that we have does
22 not --

23 A But I did talk to Father Murphy as well.

24 Q Okay. And when was that?

03:57 25 A I have no idea, but I do remember talking to him,



1 so I may have, because I remember thanking him.

2 Q Well, Father Murphy, though, the other transcript
3 I read you is later when Peter Carlyle-Gordge goes
4 back and Father Murphy says no, no, you've got it
03:57 5 wrong, I talked to Albert after David was
6 convicted and told him to go into the police to
7 get the reward because he had already been in to
8 see the police, which I think is inconsistent with
9 what's attributed to him here.

03:57 10 A What's attributed to him here. Well, I wouldn't
11 have said it unless I got it from somewhere. I
12 mean, I couldn't have made it up out of the whole
13 cloth.

14 Q Is it something that you -- and again, that it
03:58 15 might have been a theory that you and Mr.
16 Carlyle-Gordge thought might have happened?

17 A Before we talked to Father Murphy you mean?

18 Q No, after you talked to Father Murphy.

19 A Well, if we talked to Father Murphy and Father
03:58 20 Murphy said that he didn't call him in --

21 Q Okay, let me just help you out here. At this time
22 you, I think, based on the record, Peter
23 Carlyle-Gordge has talked to Father Murphy once.

24 A Uh-huh.

03:58 25 Q And I think the impression he got from that



1 transcript, and I showed you the transcript --

2 A Right.

3 Q -- is that Father Murphy called Cadrain and said
4 go in and see the police, and so at this time you
03:58 5 are talking to Ron Wilson --

6 A And that's what we thought.

7 Q Yeah, it hadn't been corrected.

8 A Okay.

9 Q But what that transcript doesn't say, the part I'm
03:58 10 concerned about is that it goes a bit further and
11 says, well, not only did Father Murphy call him
12 in, but that Father Murphy told Albert Cadrain --

13 A Oh, this very likely could be Peter and I --

14 Q -- brainstorming?

03:59 15 A Brainstorming.

16 Q Okay.

17 A And saying look, you know, he was involved, that
18 he was in a great deal of trouble and maybe he's
19 going to end up in prison, we would have filled in
03:59 20 the blanks that we didn't have.

21 Q Okay. And then if we can scroll down, and here's
22 where:

23 "I would still like to know how the
24 priest knew about it."

03:59 25 You see, and here's where Wilson is asking you



1 about how he got into -- the priest knew about
2 it.

3 A Yes.

4 Q It wasn't in a confessional, and you say:

03:59 5 "Because he was told by the police to
6 call him in."

7 And then Wilson says:

8 "The police told Shorty's priest--?"

9 You say:

03:59 10 "Asked Shorty's priest to co-operate and
11 to come him in and to talk to him."

12 And he says:

13 "How did that come about in the first
14 place? Do you know that?"

03:59 15 And then you say:

16 "That came about becuz Shorty had been
17 picked up on a vagrancy charge in
18 Regina. OK? And they found out that he
19 had left Saskatoon about the time of the
04:00 20 murder, and this is when it all tied in.

21 So they were very highly suspicious of
22 Shorty. And I guess they really put him
23 thru the traces. So, what happened as a
24 result of this was that Shorty,
04:00 25 realizing that he had a chance of



1 getting this reward and getting himself
2 off the hook and, incidentally, he did
3 get the reward...."

4 It goes on, just scroll down,

04:00 5 "We have found out --"

6 "Now, in talking to Shorty, one of the
7 things that he had mentioned --"

8 Actually, let me just pause there. So it looks
9 as though, based on what Father Murphy has told
04:00 10 you, and then you may have filled in the blanks
11 and then connected it to the Regina --

12 A Incident.

13 Q -- vagrancy charge?

14 A Yeah, and figured that that's how they got to the
04:00 15 priest.

16 Q And so at this time your theory was that in
17 Regina, if we can just scroll up, that let's just
18 start up, that he had been picked up on a vagrancy
19 charge, which we know was in February right after
04:00 20 he got back?

21 A Uh-huh.

22 Q The Regina police found out that Shorty had left
23 Saskatoon about the time of the murder:

24 "... and this is when it all tied in."

04:01 25 Presumably to the police?



1 A Right.

2 Q "And so they were very highly suspicious
3 of Shorty."

4 That would be the Regina police?

04:01 5 A Right.

6 Q And they:

7 "And I guess they really put him thru
8 the traces."

9 And where would that come from, the Regina police
04:01 10 putting him through the traces? Would that be --

11 A Would I have talked to --

12 Q I'm sorry, at trial Mr. Tallis cross-examined
13 Albert Cadrain about in Regina and --

14 A And I think that was there.

04:01 15 Q And so that might have been the source of that
16 information; is that fair?

17 A That's fair.

18 Q And then so what happened as a result of this was
19 that Shorty, realizing that he had a chance of
04:01 20 getting this reward and getting himself off the
21 hook, and so the theory at this time was that when
22 he got back from Regina, somehow the Regina police
23 talked to the Saskatoon police who talked to
24 Father Murphy who said lookit, Shorty Cadrain is a
04:02 25 suspect, get him in here and give us some



1 incriminating evidence and get the reward because
2 he's in trouble.

3 A Okay.

4 Q So is that --

04:02 5 A That's where our theory was.

6 Q Okay.

7 A Absolutely.

8 Q And that would fit with your earlier thought when
9 you stated that somehow the police were involved
04:02 10 in influencing Albert Cadrain to lie?

11 A Yes.

12 Q And so this would be a fairly accurate, as we've
13 just gone over, as to what you and Mr.
14 Carlyle-Gordge --

04:02 15 A -- were thinking at the time.

16 Q Right. And then you go on, you say:

17 "... it was just amazing to me that this
18 had happened. Now, in talking to
19 Shorty, one of the things that he had
04:02 20 mentioned - Do you remember anything
21 about the radio not being operating or
22 anything?"

23 And I'm presuming that's your reference to what
24 Mrs. Cadrain told you?

04:02 25 A Right, uh-huh.



1 Q About what Shorty had said?

2 A Uh-huh.

3 Q And then the next page, and you tell Mr. Wilson
4 that:

04:02 5 "... when I talked to Shorty's Mother,
6 she literally threatened me, saying if
7 you open up this case --"

8 That we would be in a lot of trouble, and so I
9 think again that's what you told us earlier.

04:03 10 A Uh-huh.

11 Q And this is where you run the theory about
12 Albert's version about David snapping off the
13 aerial and Mr. Wilson says it's not true.

14 A (Laughs).

04:03 15 Q And then it also appears that Mrs. Cadrain had
16 also told you that Albert said that in Edmonton
17 and Calgary David kept looking at the newspapers
18 in the library, he put that to Wilson and he said,
19 well, that's also a lie.

04:03 20 A Okay.

21 Q And so here would you be testing with Wilson what
22 you believed Cadrain's new evidence to be?

23 A Yes.

24 Q Next page. And then here he says:

04:04 25 "It could have been...Like I told you



1 before --"

2 This is Wilson,

3 "-- I'll come and talk to you. I'll

4 help you as much as I can. I

04:04 5 guess--like that was a long time ago

6 and, you know, like I was pressured a

7 bit, but I wasn't pressured to the point

8 where I'd convict your son."

9 And so here, is it fair to say, that Mr. Wilson

04:04 10 was prepared to assist you?

11 A It seemed to be at that time, yes.

12 Q And did you take his offer as being genuine or

13 tell us what your thinking was at the time?

14 A I honestly can't remember my thoughts at the time.

04:04 15 Q Okay. If we can maybe just scroll down, there's a

16 few other parts here, and here's what Wilson says:

17 "Because, uh, there was no eye witness

18 or nothing. There was just all of us

19 stoned people and we maybe, possibly got

04:04 20 in our heads at that the time..I don't

21 know. To this day I don't know. I've

22 been thinking about it ever since I've

23 been talking to you last time, and I'm

24 totally confused now. And I talked to

04:05 25 Nicky..."



1 "You talked to Nicky?"

2 "Well, she phoned me once, just after
3 she phoned you -- I just got back from
4 Calgary."

04:05 5 You'll see the reference to Calgary.

6 "I was working there for 8 weeks..."

7 So that would have been his explanation for where
8 he had been; correct?

9 A Right.

04:05 10 Q "... and I guess she phoned the house
11 twice and I haven't got back to her. I
12 guess some radio station -- like,
13 somebody--Not you, but a radio station
14 were pestering her quite bad, wanted to
04:05 15 interview her and blah-blah-blah."

16 I think that was Chris O'Brien.

17 A Yes, I think it probably would have been.

18 Q So at the same time you and Mr. Carlyle-Gordge and
19 your daughter were trying to talk to Nichol John,
04:05 20 Chris O'Brien was as well through the radio
21 station?

22 A Yes.

23 Q And she was not happy with that; is that fair?

24 A That's correct.

04:05 25 Q The part up here where he says lookit:



1 "... just all of us stoned people and we
2 maybe, possibly got in our heads at that
3 the time..I don't know."

4 Was he telling you lookit, maybe we were stoned
04:05 5 and we somehow got in our heads that David had
6 done it and now we don't know if he did it? Was
7 that how you took it?

8 A That sounds -- well, in looking at it right now
9 today, that's what it sounds like.

04:06 10 Q And do you recall thinking at the time that this
11 might have been a breakthrough from him, that -- I
12 mean, was he not viewed by you as one of the key
13 witnesses at trial?

14 A Oh, yes, he would have been viewed as a key
04:06 15 witness, and bear in mind that the fact that I am
16 taping all these conversations, that if we did get
17 a shot at going to trial again or giving evidence
18 again, that I would be able to use these
19 documents.

04:06 20 Q Did you ever, and again, with this information,
21 did you ever give this tape, this conversation and
22 the previous one of Ron Wilson to anybody with the
23 authorities prior to the Supreme Court reference
24 or during the Supreme Court reference?

04:06 25 A No, but my lawyers had access to it, so they would



1 give it to whoever they felt was necessary.

2 Q Okay. Do you know who got it?

3 A What do you mean who got it?

4 Q Do you know whether this was given to anybody?

04:07 5 A Well, we turned over everything, the complete --
6 when I went to Hersh Wolch's office --

7 Q Okay.

8 A -- I turned over every scrap of material that I
9 had.

04:07 10 Q Okay. So in 1986 you would have given these two
11 tapes and transcripts --

12 A Everything, transcripts, all of it.

13 Q And do you have any knowledge as to whether this,
14 these two interviews of Ron Wilson were given to
04:07 15 Federal Justice?

16 A I have no idea.

17 Q Okay. And again, would that be something you
18 would rely on your counsel to deal with?

19 A Yes, they would.

04:07 20 Q Yeah. If we can just go down to here, you go back
21 to, you say:

22 "... I'm writing a letter to her --"

23 Nicole,

24 "-- thru her lawyer ... do you remember
04:07 25 when we talked you said that you were



1 very--I believe that you said you were
2 stoned and you didn't know whether David
3 had blood on his clothes or whether it
4 was Kool-ade."

04:08 5 You say:

6 "I don't remember that at all. I--I
7 even believe in the trial I don't
8 remember anything like that. It was
9 Skinny's mother that brought that up."

04:08 10 Sorry, that's you talking. Then the next page,
11 Dale Wilson says:

12 "It was Shorty or his mother that
13 brought that up."

14 The blood on the clothes, and then Dale says:

04:08 15 "Yeah, cuz I remember, they tried to say
16 I had blood on my clothes, and I had
17 battery acid stains. I still had those
18 pants, which surprised them all to
19 hell."

04:08 20 And then if we can just scroll down, he says
21 here:

22 "But one thing I found also kind of
23 weird--Okay, after all whatever happened
24 happened, quite a few months later, okay
04:08 25 my car got--I left it out on the street



1 and it got picked up ..."

2 "And then they went and found my car
3 afterwards and brought it out and found
4 hair samples and supposedly from what I
04:08 5 can understand, blood samples in the
6 back seat of my car that supposedly
7 matched that nurse's. From what I can
8 recollect."

9 And again, what significance did that information
04:09 10 have for you, if any?

11 A Well, I would have had no idea because there were
12 no hair samples found or --

13 Q There was no evidence at trial that --

14 A Nothing, no evidence in trial on any this, so I
04:09 15 don't know what I would have thought when I heard
16 this.

17 Q In fact, if you scroll down --

18 A It sounds to me like they are trying to set him
19 up, the police were trying to give him that
04:09 20 information that they had this, trying to force
21 him into a confession, or force him into
22 testifying against David.

23 Q And so would this be then a piece of information
24 that would support your thinking that maybe the
04:09 25 police somehow influenced Wilson to lie?



1 A Absolutely.

2 Q Okay.

3 A I mean, that's what it looks like, because there
4 were no hair samples or blood found in that car.

04:10 5 Q Right. And if we can just scroll down to the
6 bottom, please, you say:

7 "There was just absolutely no police
8 reports or anything to indicate that
9 anything was found in your car. That
04:10 10 car was absolutely clear, according to
11 the police reports."

12 A Yes.

13 Q So again, at this point was this something that --
14 again, as far as finding out what might have
04:10 15 caused Wilson to lie --

16 A Yes, this was reinforcing what the police had done
17 to this witness.

18 Q And again, my -- and I maybe asked this earlier,
19 did you -- what did you do with this, would this
04:10 20 not be information that might be helpful to
21 David's re-opening? What did you do with this
22 information to bring it to the attention of police
23 or the authorities?

24 A Well, this was all brought to the attention of
04:10 25 David Asper and Hersh.



1 Q Okay.

2 A I mean, all of this information was brought to
3 them.

4 Q If we can go to the next page, and here Dale
04:11 5 Wilson says okay -- go back to the full page,
6 please, call out that part. And Wilson asks you:

7 "Okay, you've got the transcripts?"

8 "Mm-hmm."

9 "Okay, other than my lie detector test,
04:11 10 did I, on the stand, say that Dave did
11 it?"

12 And again, did that question strike you odd
13 coming from Mr. Wilson, asking you whether or not
14 he had implicated David?

04:12 15 A Yes.

16 Q And what did you think about that?

17 A Well, I thought he was very confused.

18 Q Pardon me?

19 A I thought he was very confused.

04:12 20 Q Okay. And then you say:

21 "No. No, I don't--You didn't actually
22 say that David did it, no."

23 And then he asks:

24 "But that I believed that I thought he
04:12 25 did?"



1 And you say:

2 "Yeah."

3 And he says:

4 "Okay, that's what I wanted to know."

04:12 5 And what did you read into that as far as where
6 Mr. Wilson was coming from?

7 A I think that he was confused and didn't know
8 exactly what he had said at the time and that he
9 really wanted to know.

04:12 10 Q And did that cause you to doubt the credibility of
11 what he said at trial or --

12 A It made me doubt his credibility, period.

13 Q Okay. And I guess let me put it this way, what
14 did you think of the fact that one of the key
04:12 15 witnesses who at trial testified that your son
16 admitted to him that he had killed Gail Miller
17 essentially --

18 A Yes.

19 Q -- and that he saw blood on David and saw him with
04:13 20 a knife, asks you here, 11 years later, you know,
21 did I say on the stand David did it or that I just
22 thought he did it, did that not strike you odd
23 that he wouldn't remember that?

24 A It showed me the kind of shape that he was in at
04:13 25 the trial.



1 Q Okay. And then it says, he then goes on to say:
2 "Well, like the main point I got--that
3 stupid lie detector test: they ask you
4 blah-blah questions; you're saying yes
04:13 5 and no to these. You don't know what
6 that machine is saying. They show you a
7 picture. I'm not a lie detector
8 technician. They show you a picture:
9 'Does this look familiar?' 'Yes.'
04:13 10 Okay, it could end up a 'no' on the
11 machine, but you don't know. I can't
12 read it. You know, plus, okay, all this
13 was about 4 or 5 months afterwards. You
14 know, like--I'll tell you what: Go for
04:13 15 a new trial, dear."

16 And you referred to this earlier, and again, how
17 did you interpret that comment from him?

18 A Well --

19 Q Actually, sorry, before you answer that, if you
04:14 20 could just sort of scroll down, there's another --
21 he says:

22 "Go for a new trial, dear."

23 And you say:

24 "Go for a new trial? (Laughs) I would
04:14 25 love to go for a new trial--"



1 And he says:

2 "I don't--I could maybe get myself into
3 trouble and I could get myself, maybe,
4 into trouble with a lot of my friends.
04:14 5 But they way we've been talking the last
6 couple of times, I would say go for a
7 new trial."

8 And you say:

9 "I--I agree with you, solely--like,
04:14 10 there's shit for evidence, actually."

11 And you say:

12 "There really isn't. One thing--"

13 And just pause there. Again, what was your take
14 on that?

04:14 15 A Well, this is where I really felt that he was out
16 of it with the drinking and the way he spoke to me
17 about "Go for a new trial, dear," and the part
18 about "I could get myself into trouble with a lot
19 of my friends," and I know that as I looked at
04:15 20 this afterwards, I thought it could be that he's
21 talking about Lapchuk and Melnyk and that none of
22 them wanted it re-opened type of thing and I just
23 felt he wasn't believable.

24 Q And what caused you to think he was believable in
04:15 25 1990 then when he provided similar information to



1 Mr. Henderson?

2 A Well, the difference in 1990 was that he was sober
3 and had straightened himself out. At this time he
4 was still doing a lot of drugs and a lot of
04:15 5 drinking and all the rest of it and I think that
6 he, in 1990, was a changed man and I think that he
7 had had a life and he was doing the right thing
8 and I think that coming forward at that time he
9 was believable, but he certainly wasn't believable
04:16 10 to me when I was talking to him on the phone that
11 night.

12 Q Okay. If we can just scroll down, and this is, I
13 brought this up earlier, but this is the comment
14 where he says he was half loaded.

04:16 15 A Yeah.

16 Q Or, "I'm kind of half loaded now," sorry. Then if
17 we can go to the next page, and here's where you
18 talk to Wilson about the motel room incident, and
19 you say:

04:16 20 "Well look at it this way, Ron--You knew
21 David."

22 He says:

23 "I KNOW David. I know--"

24 And:

04:16 25 "If someone was bugging him and really



1 coming down and saying 'Hey, you did it,
2 you did it, you did it,' it's exactly
3 what he'd do."

4 And he says:

04:17 5 "At that point in time, nobody knew
6 that, though."

7 And you say:

8 "Oh yeah! They have admitted in this
9 motel room--"

04:17 10 "But at that point in time nobody knew
11 anything about Saskatoon."

12 You say:

13 "Oh yes they did."

14 "In their testimony, it had come on the
04:17 15 news, is what they testified, and they
16 knew that David had been picked up and
17 questioned on it. So they were bugging
18 him and George Labchuk admitted that he
19 had been bugging him."

04:17 20 And Dale says:

21 "I didn't even know that!"

22 So at this time it appears in your discussion
23 with Mr. Wilson your thinking is that okay, maybe
24 this incident in the room did happen because --

04:17 25 A Uh-huh.



1 Q -- David was reacting as a joke. Is that fair?

2 A Right, that's fair.

3 Q And then you say, if you can scroll down, and you
4 said:

04:17 5 "Oh yeah. That he had been bugging him
6 and David said--That's when he leaped
7 off the bed and grabbed the pillow and
8 started stabbing the pillow and said 'I
9 did it, I did it, I stabbed her this
04:18 10 many times.' And then he rolled over
11 and started laughing at them. Now,
12 David doesn't even remember even doing
13 it--"

14 Dale says:

04:18 15 "He was probably stoned."

16 And you say:

17 "But he said he could have done it. I
18 could certainly see him doing it, just
19 for the shock, to get them off his back.
04:18 20 But, told in court it was terrible."

21 And again, would that accurately reflect what you
22 thought at the time?

23 A It would.

24 Q And then the next page -- actually, sorry, to the
04:18 25 next page, there's a discussion here about



1 following up with Mr. Wilson and you say okay -- I
2 think he talks about a dispute he had with his
3 wife or his in-laws or anything:

4 "I think next time you phone there will
04:18 5 be a different phone number for me. I
6 don't think I'll be here."

7 And you say:

8 "Where are you going to be?"

9 "Uh probably at my parents' place."

04:19 10 He then he says:

11 "You have got their number, I believe."

12 You say:

13 "I'll certainly try and get back to you
14 a little later and--"

15 And then:

16 "Where are you now?"

17 "In Winnipeg."

18 So is it fair to say that Mr. Wilson was prepared
19 to continue to talk to you?

04:19 20 A Yes.

21 Q And then just at the bottom of that page, you say:

22 "One of the things when the police
23 talked to you in May and they asked you
24 to think about your statement overnight
04:19 25 and then you had to add to it the next



1 day, did they threaten you at all?

2 Like, I wondered, it's unusual for a
3 person to give a statement and then to
4 give another statement."

04:19 5 And he says:

6 "Okay, when they came to see me in May,
7 I didn't know I was going down. They
8 asked me a bunch of questions, you know:
9 If we were in Saskatoon,

04:19 10 blah-blah-blah...I said 'yeah'. I think
11 they had--I'm not sure if they had Dave
12 in custody at that time, or not. But
13 they said I was a suspect, Shorty was a
14 suspect, and Dave was suspect and all
04:20 15 this other kind of crap. And at that
16 time I, like--screw you; I don't know
17 nothing about this."

18 "And, uh, I think the only thing that
19 did screw me up really bad was they
04:20 20 started showing me pictures and putting
21 me on a lie detector test and--"

22 And then you say:

23 "And you realized that maybe they might
24 tag you with it, too."

25 He says:



1 "That they might have something to go
2 on, you know."

3 And again, that seems to be a bit similar to what
4 he said to Mr. Henderson; is that correct?

04:20 5 A Yes.

6 Q In 1990?

7 A Yes.

8 Q And again, at this time did you have concerns
9 about what he was telling -- he seems to be saying
04:20 10 lookit, I didn't know anything, they said I was a
11 suspect and then they started to screw me up when
12 they put me on the lie detector test; correct?

13 A Yes.

14 Q And, again, what was the difference between what
04:20 15 he was telling you here and when he -- and what he
16 told Mr. Henderson later?

17 A Well I think, as I said, in 1990 I think he was a
18 --

19 Q Okay.

04:21 20 A -- reformed person, and at this time he was really
21 out of it when he was talking to me, and I don't
22 think he was.

23 Q And then if we can go to the next page, and this
24 is the last page of the interview, and you say:

04:21 25 "And you didn't see any blood on his



1 clothes?",

2 and he says:

3 "Not that I recollect, and I believe
4 that's in my testimony."

04:21 5 And, again, that --

6 A Oh, that's right.

7 Q And, again, was that -- I mean his evidence at
8 trial was that he did see blood; correct?

9 A Right.

04:21 10 Q And then down at the bottom, down at the bottom
11 you finish off, you say:

12 "But anyhow, I'll certainly get in touch
13 with you the next time I'm in Regina."

14 He says:

04:21 15 "If I'm not here, I'm at my parents'
16 place."

17 You say:

18 "Alright. Thanks very much, Bye-bye."

19 Now I don't think, from the documents, you ever
04:21 20 talked to Ron Wilson again, is that fair,
21 certainly until after, maybe, Paul Henderson
22 talked to him in 1990?

23 A Probably at that time. I think, after this, we
24 were off on other tangents at that time.

04:22 25 Q Okay. When you say "other tangents" would that be



1 other witnesses or other areas?

2 A Yes, other areas.

3 Q And I believe what the record reflects, that after
4 this telephone call of April 15th, 1981, that
04:22 5 until June the 4th, 1990 no one on behalf of David
6 Milgaard or you contacted Ron Wilson; is that
7 correct?

8 A That's correct.

9 Q Is that your understanding? And do you know if
04:22 10 there was a reason for that?

11 A No, I don't, other than my thought of credibility
12 with him.

13 Q No, and I think you told us that in -- let's go
14 back in 1981. I think, right after this, you
04:22 15 would have disengaged Mr. Young and hired Mr.
16 Merchant?

17 A Right.

18 Q Correct? And do you know if you would have
19 discussed this at all with Mr. Merchant?

04:23 20 A Oh, yes, I definitely remember discussing this
21 with Mr. Merchant.

22 Q And I think it --

23 A And it seemed like everything that we turned up
24 when we were with Mr. Merchant, and for the next
04:23 25 few months, everything became a dead end.



1 Q Okay.

2 A And we were working trying to see Nichol, and
3 getting --

4 Q Right.

04:23 5 A -- hypnosis done, and all sorts of things that we
6 were working on and focusing on, --

7 Q Sure.

8 A -- rather than this particular aspect of it.

9 Q And I think we'll go through, chronologically, the
04:23 10 other efforts that you started to make. I think
11 you also told us that in 1986 you would have
12 turned this over to Mr. Wolch and Mr. Asper?

13 A Yes, absolutely.

14 Q Okay.

04:23 15 This is probably an appropriate
16 spot to break for the day, Mr. Commissioner.

17 (Adjourned at 4:23 p.m.)

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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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