

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

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

On Monday, February 14th, 2005

Volume 15

Inquiry Proceedings



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Mr. James Lockyer, **for** Ms. Joyce Milgaard
Ms. Lana Krogan, **for** Government of Saskatchewan
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 and Mr. Si Halyk, Q.C.
Mr. Jay Watson, Esq., **for** Mr. Serge Kujawa
Mr. John Beckman, Q.C., **for** the Saskatoon Police Service
 Mr. Aaron Fox, Q.C., **for** Mr. Eddie Karst
Mr. Bruce Gibson, **for** the RCMP
 and Ms. Rochelle Wempe,
Mr. Eamon O'Keefe, Esq., **for** Mr. Larry Fisher



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Transcript of Proceedings

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

MR. HODSON: Good morning,

Mr. Commissioner. This morning's first witness is Dennis Cadrain and I would ask Mr. Cadrain to come up to the witness table, please.

DENNIS RAYMOND CADRAIN, sworn:

COMMISSIONER MacCALLUM: Does your first name have one N or two?

A Two.

COMMISSIONER MacCALLUM: Thank you.

BY MR. HODSON:

Q Thank you very much, Mr. Cadrain, for testifying before this Commission. I understand that you currently reside in Maple Ridge, British Columbia; is that correct?

A Yeah, my residence is there, but I reside in Fernie, but yeah.

Q Between Fernie and Maple Ridge, that's your home?

A Yes.

Q And I understand that you are the younger brother of Albert Cadrain; is that right?

A Yes.

Q And that you are currently 52 years of age?



1 A Yes.

2 Q And that you were one year younger than Albert
3 approximately?

4 A Yeah, just 14 months I believe.

10:02 5 Q And that on January 31, 1969 you resided at 334
6 Avenue O South?

7 A I did.

8 Q And at that time were you attending school?

9 A Yes, I was.

10:02 10 Q And where were you attending and what grade?

11 A Mount Royal Collegiate, I believe grade 10.

12 Q And was your brother Albert residing at 334 Avenue
13 O South at the time?

14 A Yes, he was.

10:02 15 Q And was he attending school?

16 A No.

17 Q Had he quit prior to that?

18 A Yes, yes, he did, yeah.

19 Q Can you generally describe your relationship with
10:02 20 your brother Albert starting in January, 1969
21 until the date of his death in 1995?

22 A Starting in January, '69, well --

23 Q Sorry, prior to that.

24 A Prior to that? Well, we grew up together, we were
10:03 25 quite close in age and we shared quite a few of



1 the same friends and I would say around January
2 '69, that's when we started going more or less our
3 separate ways, but we still got together a few
4 times after that, but we were very close prior to
10:03 5 that, you know. We travelled together, we left
6 home together when we were quite young and we went
7 through quite a lot together actually.

8 Q You mentioned that you left home when you were
9 young. Can you tell me a bit more about that?

10:03 10 A Yeah. We -- I guess I was 14 and he was 15 and we
11 went out to British Columbia for -- I was out
12 there for about four or five months and I guess
13 Albert was out there for about three months or
14 something and we just travelled around and picked
10:04 15 fruit and whatever. We just survived I guess
16 basically.

17 Q And that would have been in 1967?

18 A '67, yeah, and -- yeah, '67.

19 Q And then in January of 1969 your relationship was
10:04 20 still fairly close?

21 A Well, we were fairly close, but he started to go a
22 little bit on his own way and, you know, we
23 weren't as close as we had been previous, but we
24 were still very close, still pretty close, but we
10:04 25 didn't always hang around together at that time,



1 but we were still pretty close.

2 Q And what about the '70s and '80s then, did you
3 continue to have close contact with Albert?

4 A Not so much, not in that time because -- well, he
10:04 5 came out and lived with me at one point for maybe,
6 I can't remember exactly, maybe a year or so, and
7 we were close at that time, but outside of that he
8 was mostly in Saskatchewan and he came out again
9 after he got married, he was living in Duncan, so
10:05 10 I got to see him a bit, but after '69, January, we
11 weren't as close as we had been.

12 Q I would like to take you to January 31, 1969, the
13 day of Gail Miller's murder, and if you can tell
14 me what you recall of that day?

10:05 15 A Oh, I just remember -- I remember that day that it
16 was very cold and I just -- I remember driving to
17 school, I got a ride with a neighbour and his two
18 sons and we were all going to Mount Royal, so we
19 drove up, that's Avenue O and headed up towards
10:05 20 Mount Royal. I remember it being a very cold and
21 ice-crystally morning and then when I, at some
22 point in that day, I'm not sure when, maybe when I
23 came home, I heard there had been a murder down
24 the street.

10:06 25 Q And do you know approximately what time you would



1 have left for school that morning?

2 A Probably around eight o'clock or so. I would
3 think eight o'clock. I think school started at
4 8:30 but, I mean -- it could have been nine.
10:06 5 Eight -- I would think we left around eight
6 o'clock for school I would guess.

7 Q Were you home when Albert had guests arrive that
8 morning?

9 A No, I was not.

10:06 10 Q And when you left for school do you know where
11 Albert was?

12 A In bed sleeping.

13 Q Now, you mentioned that you found out about the
14 murder later that day; is that right?

10:06 15 A Yes. I don't recall exactly when I heard about
16 it. I would think I probably -- well, no, I
17 really don't, I can't remember exactly when I
18 heard about it, but I did hear about it that day,
19 but I can't remember when.

10:06 20 Q And that day did you also learn that your brother
21 Albert had gone, had left that day on a trip?

22 A Yeah, I found that out when I came home, that he
23 had left town with David and friends.

24 Q When you say David, are you referring to David
10:07 25 Milgaard?



1 A Yes, I am.

2 Q And would one of your siblings or your parents
3 have told you that?

4 A Probably my sister Celine I think.

10:07 5 Q And did you know of David Milgaard at that time?

6 A Yeah, I had met him and, yeah, I knew him.

7 Q And what about the other two, Ron Wilson and
8 Nichol John?

9 A Never heard of them before.

10:07 10 Q And do you recall being told where Albert went or
11 what was the purpose of the trip?

12 A Well, I heard that they were going to Alberta,
13 that's what I heard. That's what I was told.

14 Q And did you have any concerns about that, was this
10:07 15 unusual for Albert?

16 A No, I would say not.

17 Q Now, I think you mentioned that it would have been
18 Celine that told you this, about Albert leaving on
19 a trip?

10:07 20 A Yeah, I would say yeah.

21 Q Do you recall any discussion with Celine on that
22 day, being January 31, 1969, about Albert's
23 visitors that morning?

24 A No. Not specifically, no.

10:07 25 Q And your brother Ken would have been five at the



1 time; is that right?

2 A Yeah.

3 Q Did you have any discussion with Ken on that day
4 about the visitors?

10:08 5 A No.

6 Q Now, on the days and weeks that followed the
7 murder, do you recall the police being in and
8 around the neighbourhood?

9 A Not that I can recall, no.

10:08 10 Q Now, do you remember when Albert returned home
11 from his trip?

12 A Yes, I do.

13 Q Can you tell me what you recall?

14 A I came home from school and there was a little
10:08 15 slab at the side of the house and he was there
16 talking to I believe my brother Larry and one of
17 his friends, I believe that's who he was talking
18 to anyway, but anyway, I saw him and I said, "How
19 are you doing?" He said good, and then the first
10:08 20 thing I wanted to tell him is did you hear about
21 the murder that happened the day, because I didn't
22 know if he had heard about it or not, so I just --
23 the day you left there was a murder a block away,
24 I wanted to tell him that, and he said, you
10:09 25 know -- I said, "Did you hear about there was a



1 murder that day?" and he just looked at me and he
2 said, you know, "That fucking Hoppy had blood on
3 his clothes when he came to the house." That's
4 what he told me.

10:09 5 Q And those were his first words in response?

6 A Yes.

7 Q And can you recall the rest of the discussion?

8 A I asked him, I said, "Are you sure about that?"
9 and he said, "Yes, I am," and I said, "Well, if
10:09 10 you are sure, then we better go to the police
11 about it."

12 Q Did he ask any questions about the murder?

13 A No.

14 Q Did you form any impression as to whether or not
10:09 15 this was the first that Albert had heard of the
16 murder since his return?

17 A The way that he reacted to me, I believed that for
18 years, that that was the first he had heard about
19 it. Yeah, I did believe that.

10:09 20 Q And so do you recall if he asked you about who was
21 murdered, where the murder took place, anything of
22 that nature?

23 A Nothing like that, no.

24 Q And I believe you said that you had returned home
10:10 25 from school; is that correct?



1 A Yeah. Yes, it is, yeah.

2 Q So this would be what, between three and four
3 o'clock on a week day?

4 A Probably about, yeah, 3:30, four o'clock on a week
10:10 5 day.

6 Q What happened next then?

7 A Well, we went to the police and I, you know --
8 when I think about it, I think we went that same
9 night, you know. If it was to happen today I
10:10 10 wouldn't go that same night, but I'm not positive
11 that we went that same night, but we did go to the
12 police.

13 Q Did you -- before you went to the police did you
14 and Albert go and talk to any other family
10:10 15 members?

16 A Yeah, I discussed it with my sister Celine.

17 Q And why did you discuss it with Celine?

18 A That's a good question, why. I guess she was
19 older and, you know, I don't know, I just -- I
10:11 20 just thought I should talk -- I guess I thought we
21 should talk to her about it before we went. I
22 just told her what we were going to do I guess. I
23 don't know why we specifically discussed it with
24 her, but, you know, we were raised, like, the
10:11 25 older person was always the one that was supposed



1 to be more responsible for the other ones and so I
2 just thought I should talk to her about it I
3 guess, I don't know.

4 Q And do you recall what Celine would have told you?

10:11 5 A Well, I told her what he had told me and she said,
6 well, you better go to the police, and that's what
7 we did, you know.

8 Q Did you go talk to your parents about this before
9 you went to the police?

10:11 10 A No, I did not.

11 Q And was there a reason for that?

12 A Well, we were, like, you know, we didn't -- we
13 weren't on the same wavelength with our parents at
14 that time and I wouldn't have talked to them about
10:11 15 it, I just wouldn't have, you know. Handle it
16 ourselves.

17 Q Just back to your discussion with Albert about his
18 observations, and I think you said that he noticed
19 blood on Hoppy's clothes; is that correct?

10:12 20 A That's what he said, yeah.

21 Q Did you ask him or did he comment any further
22 about his trip with David Milgaard?

23 A Not at that point.

24 Q Did he mention anything about any of the events on
10:12 25 that trip that he thought might incriminate David



1 Milgaard?

2 A No, not at that point.

3 Q Did you press him at all as to what other
4 information he might have?

10:12 5 A No.

6 Q Did you challenge Albert on what he had observed?

7 A I asked him if he was sure and he said yes, he
8 was.

9 Q At this time had Albert been prone to exaggeration
10:12 10 or embellishment.

11 A I would say he could have been, but he never had a
12 history of accusing anybody of anything that they
13 didn't do, and especially in such a serious
14 matter, never had a history at all of that.

10:13 15 Q When you say accuse, sort of in addition I think
16 you told me that observing blood, did Albert also
17 say to you that he believed Mr. Milgaard may have
18 been involved in the murder?

19 A I recall him telling me about the blood. I don't
10:13 20 recall him saying anything about at that point --
21 at that point I don't believe he was saying, you
22 know -- he said he had blood on his clothes.

23 Q Would it be fair to say or did you understand that
24 the reason of going to the police would be in
10:13 25 connection with the Gail Miller murder?



1 A Oh, absolutely, yeah, yeah.

2 Q Now, when you talked with Celine that day, were
3 you present when Albert recounted the morning of
4 January 31 with Celine, or his observations?

10:13 5 A Well, he was with me when we talked. Yeah, we
6 talked to her together, but yes, I was, yeah.

7 Q And did Celine mention anything about what she
8 observed that morning?

9 A I have no recollection of her saying anything
10:14 10 about it. Oh, she did -- I remember her saying
11 that she didn't see any blood when we talked about
12 the blood, that she didn't see any, I remember her
13 saying that, you know, when we talked, but outside
14 of that, I don't remember anything else as far as
10:14 15 what they were doing or nothing, you know, but she
16 did not see blood at that point.

17 Q Was there any discussion, and again this is the
18 day -- this is just -- to make sure we're talking
19 about the same conversation, the day that Albert
10:14 20 arrived home and you and Albert went and talked to
21 Celine about Albert's observation of blood, at
22 that time was there any discussion about, with
23 Celine about a pillow and David Milgaard stabbing
24 a pillow in a motel room?

10:14 25 A Absolutely none, no, nothing like that ever



1 happened.

2 **Q** Now, prior to this, and I'm going to suggest that
3 the date is in early March, 1969, does that sound
4 right? I'll show you some statements.

10:15 5 **A** Yeah. No, no, I believe that's when it was, yeah,
6 in the spring.

7 **Q** Prior to this time had you observed anything
8 unusual about Albert's personality, or his mental
9 condition, or anything of that nature?

10:15 10 **A** Well, he was always a little bit off the wall, but
11 it wasn't -- I wouldn't consider him having a
12 mental illness before that point, but he did some
13 strange things, but it was almost for shock value.
14 Or he would, I don't know, more or less try be an
10:16 15 entertainer, or I'm not sure what it was, but I
16 wouldn't consider him having mental problems
17 before that point, no.

18 **Q** And the Albert that you observed on this day in
19 early March 1969, did you notice anything
10:16 20 different about him than prior to his trip?

21 **A** Well, like I said, he told me about the blood
22 within 5 minutes of me seeing him, first seeing
23 him, when he came back. And when he left he was,
24 as far as I'm concerned, fine, I didn't see him
10:16 25 for four or five weeks or however long he was



1 gone, and then that's the first thing he said to
2 me. So I wouldn't have noticed any differences
3 from what he said, no, I wouldn't have noticed.

4 **Q** So after you had talked to Celine, then, I believe
10:16 5 you said that you and Albert then went to the
6 police station; is that right?

7 **A** Yes.

8 **Q** And can you tell me; do you think it was the same
9 day that Albert came home?

10:17 10 **A** Well, if I was to, if it was to happen today it
11 would have been the same day for sure and I would
12 have hoped it was the same day, but I'm not -- I
13 can't be certain it was the same day, I really
14 can't. I thought it was but I can't be certain on
10:17 15 that.

16 **Q** And do you recall what time of day it was that you
17 went to the police?

18 **A** My recollection is that it was early evening, but
19 that's just what I recall, and I'm not sure if
10:17 20 it's true but I recall that it was early in the
21 evening.

22 **Q** And when you say "early evening" can you give me a
23 time?

24 **A** I would think 6:00, 7:00 at night.

10:17 25 **Q** And do you recall how and Albert got to the police



1 station?

2 A I believe we took the bus.

3 Q And tell me what you recall about when you arrived
4 at the police station?

10:17 5 A I remember we walked into the police station and
6 there was, I believe there was some marble stairs
7 there and there was a little, like a little desk
8 like this but it was a little raised up and there
9 was a desk sergeant in there. And I said, went
10:17 10 and told him, I said "we may have some information
11 on the murder that happened here and we would like
12 to talk to somebody", and they said "okay, sit
13 over there", and they called down detectives and
14 took us upstairs.

10:18 15 Q Do you recall who the detectives were?

16 A Sorry, I don't.

17 Q And so you -- they took you and Albert upstairs?

18 A Yes. They split us up, though, they didn't -- I
19 think we might have been together for a couple
10:18 20 minutes and they split us up, one in one room, one
21 in the other room.

22 Q Okay. And then what do you recall next?

23 A I believe I gave a statement and I was driven
24 home.

10:18 25 Q And Albert stayed at the police station?



1 A Yes.

2 Q And then an officer would have driven you home?

3 A I believe so. I don't have a specific memory of
4 it but I, you know, I'm sure they did drive me
10:18 5 home, yeah.

6 Q And do you recall what time of day that was?

7 A 8:00, 9:00 at night, maybe. I wasn't there very
8 long.

9 Q And then do you recall Albert getting home, then,
10:18 10 later that day?

11 A Yeah, a couple hours, yeah, a couple hours,
12 probably, after I did that night.

13 Q And do you recall talking to Albert when he
14 arrived home?

10:19 15 A Specifically, no, I can't recall talking to him
16 that evening, no. I'm sure I did, but I don't
17 have a recollection of that evening, no.

18 Q At this time, Mr. Cadrain, were there any police
19 officers that were, either on a social or some
10:19 20 other basis, friends of the Cadrain family or
21 acquaintances?

22 A Not, I had no personal friends on the police
23 department, but, you know, I'm not saying my
24 family didn't but they weren't friends with me or,
10:19 25 you know, I didn't -- I know there was, I remember



1 Gabruch and that's about it. We discussed
2 Chartier, but I didn't even know him, I didn't
3 know him at all.

4 Q Okay, I'll show you that article in a moment, but
10:19 5 the name Rusty Chartier as an officer doesn't --
6 you don't recall that name?

7 A I remember the Chartiers and the name being around
8 the house, but it wasn't friends with me, or I
9 believe Albert either.

10:20 10 Q Do you recall, at this time, when you would have
11 informed your parents or when your parents would
12 have become aware that you and Albert went to the
13 police station?

14 A Well, when we came back from the police station
10:20 15 they would have been there, yeah.

16 Q Do you recall any discussion with them?

17 A Umm, not specifically, no. I, you know, we, I'm
18 sure we talked about it, but what was said, I have
19 no idea.

10:20 20 Q Okay. Do you recall whether or not, the police
21 officer who drove you home, whether he took
22 statements from any other family members?

23 A I think they probably talked to Celine, but there
24 again I wasn't, I -- you know, I didn't, I didn't
10:20 25 -- I don't have a specific memory of it, I



1 shouldn't say anything about it.

2 Q Now, after you were dropped off at home, would
3 that have been the last time that you, personally,
4 had any dealings with the Saskatoon City Police on
10:20 5 the Gail Miller matter?

6 A I believe so, yes.

7 Q I show you a statement, Mr. Cadrain, if I could
8 call up document 060232, please. And I'll just,
9 if you could zoom in the bottom right corner, and
10:21 10 ask you to confirm; is that your signature?

11 A Yes, it is, but I'm not proud of it.

12 Q We have seen worse, so --

13 A Yeah.

14 Q Can I go back to the main document, please. And
10:21 15 this, is this in your handwriting, this statement?

16 A No, that's not my handwriting.

17 Q And the bottom left it appears to be Detective
18 Sergeant Andrew Porter that is the witness and
19 appears to be his writing; does that name ring a
10:21 20 bell with you, sir?

21 A No, I don't remember, I don't remember.

22 Q Do you have any recollection of signing this
23 statement or meeting with an officer to have this
24 statement prepared?

10:22 25 A I remember them, I think when I made this



1 statement they said "is this what you are, you
2 know, the agreement with what this says", and I
3 read it and then I signed it.

4 Q Okay. And do you recall where that would have
5 taken place?

6 A Yes, in an interview room at the Saskatoon Police
7 station.

8 Q Now this statement has on here March 2nd, 1969,
9 which I believe was a Sunday, --

10 A Uh-huh.

11 Q -- and the time 12:35, and I believe the a.m. is
12 crossed out, so just shortly after noon. Does
13 that -- is that consistent with what you remember
14 about the time?

15 A It's not consistent with my memory of the time,
16 no.

17 Q Okay. And I believe you said it was in the
18 evening?

19 A My recollection, yes, evening or --

20 Q I just want to go through parts of this, if we
21 could call that out, please. It says:

22 "On the morning of Friday the 31st of
23 January, 1969, David Milgaard, Langenburg,
24 Sask., came to our house at about 9 or 9:30
25 a.m. to see my brother Albert. I was at



1 school at the time."

2 Just scroll down please.

3 "This information was told to me by my
4 sister Celine aged 20 years."

10:23 5 A Uh-huh.

6 Q And I take it that's correct?

7 A Yeah, I am sure it is, yeah.

8 Q Okay. And then scroll down, that says:

9 "According to Celine, David wanted Albert to
10:23 10 go with him out of town because he, David,
11 said he had to get out of town right away."

12 Do you recall giving that information to the
13 police at that time?

14 A "According to Celine?" Yeah. Umm, that's, like
10:23 15 if it's there I'm sure I said it --

16 Q Yes?

17 A -- and I don't recall saying it.

18 Q I believe, Mr. Cadrain, you said that prior to you
19 giving this statement you would have had a
10:23 20 discussion with Celine, is that correct, you and
21 Albert, before you went into the police?

22 A Yes I did, yeah.

23 Q Is it possible that this information was given to
24 you by Celine during that conversation?

10:24 25 A I really can't comment on it.



1 Q Okay.

2 A I really can't.

3 Q Next page, please. And it says:

4 "I first met David Milgaard last year around
10:24 5 March, when my brother Albert brought him
6 home. He stayed at our house for about four
7 days.

8 During his stay with us he
9 seemed to be a real goof. He stole donuts
10:24 10 from a bread truck on Avenue M South and
11 walked away from the truck laughing. On
12 another occasion he made ..., "

13 I can't read that:

14 "... he made ...",

10:24 15 something:

16 "... in the Woolworths Store on 2nd Avenue
17 just for the fun of making a disturbance.
18 Another time he made several long distance
19 calls from St. Mary's Hall, talking for long
10:25 20 periods of time. I believe this happened
21 around St. Patrick's Day."

22 Is that information that you would have provided
23 about David Milgaard at the time?

24 A Umm, like I said, if it's there I guess I did, and
10:25 25 specifically remembering saying that, no. But, I



1 mean, I'm sure if it's there I said it.

2 Q And then scroll down, please, it's says:

3 "David's nickname was Hoppie. He got this
4 name because of the way he would bother
10:25 5 girls. Albert told me David had to leave
6 Calgary last year because the Calgary Police
7 wanted him on a rape charge."

8 Pause right there. Do you have any recollection
9 of a discussion with Albert regarding that?

10:25 10 A This particular thing, I don't have a, I do not
11 have a recollection of him telling me that but,
12 there again, it says it, I must have said it.

13 Q Okay. And then just scroll down to the bottom
14 here, please. It says:

10:26 15 "I last saw David Milgaard four or five
16 months ago, he was in the Hudsons Bay then
17 and he told us he was leaving town right
18 away."

19 Do you recall seeing Mr. Milgaard four or five
10:26 20 months prior to January 1969?

21 A Not -- not now, I don't recall that now at all.

22 Q Okay. Now I'm going to go through some police
23 documents here, Mr. Cadrain, just to see if I can
24 assist your recollection or get your comments on
10:26 25 some time frames.



1 If I could call up document
2 018501, please, and that's the -- and this is a
3 typed version of Albert's statement that he gave
4 on March, or appears to be on March 2nd; if you
10:27 5 could just go to 018503 and you will see there,
6 Mr. Cadrain, that at least this statement says
7 that Albert's statement was provided on March 2nd,
8 1969 at 12:30?

9 A Uh-huh.

10:27 10 Q Which is, I think, five minutes before the date of
11 your statement?

12 A Uh-huh.

13 Q And I take it that -- let me ask you two questions
14 here. First, would it be your recollection that
10:27 15 you and Albert would have given statements at or
16 about the same time?

17 A I believe so, yeah, yeah.

18 Q And I think you said earlier you think it was in
19 the evening as opposed to --

10:28 20 A I recall, that's what my recollection -- you know,
21 I can't -- I recall going there in the early
22 evening.

23 Q Okay. If I could just go back to the first page,
24 018501, and I'm just going to read certain
10:28 25 portions of Albert's March 2nd statement and then



1 I have a few questions for you. It says here:
2 "About the first thin Hopy said was that
3 they had to leave town right away. He
4 seemed excited but not scared. I decided I
10:28 5 was going to leave with him. I was getting
6 dressed and I noticed that Hopy changed his
7 pants & shirt. Now I recall that he had
8 blood on his shirt on the front & bottom and
9 also saw blood on his pants. These change
10:28 10 of clothes were Ron's and he changed in our
11 living room in front of everyone."

12 Is that consistent with what Albert would have
13 told you before you went into the police station,
14 Dennis?

10:29 15 A I don't recall him getting into any detail with me
16 at all, it was just at -- when we went to the
17 police station, he said he saw blood on his
18 clothes and that was enough to go to the police
19 for me, so details I don't -- I -- like I said, we
10:29 20 just went down there, we just went down there and
21 basically were separated.

22 Q Okay. If you could just scroll down, please, to
23 the fourth paragraph, and this is, again, Albert's
24 statement about the departure for the trip, and he
10:29 25 says :



1 "We left for Calgary & Hopy drove like
2 crazy, over a hundred miles an hour on the
3 icy roads. Sometimes he drove on the side
4 roads."

10:29 5 Do you recall any discussion with Albert before
6 you went into the police station about this?

7 A No.

8 Q Next page, please. And, again, this is from his
9 March 2nd statement and, starting right there, it
10:30 10 says:

11 "After a transport came along after some
12 light blinking & Hopy talked to the driver
13 and gave him some packages out of our trunk.
14 Then he gave us a fake push & we went on. I
10:30 15 was pretending I was sleeping. Later on
16 Hopy got me alone and asked me if I was
17 asleep last night, I said I was pretty sure
18 I knew what was going on. He told me he was
19 in the Mafia."

10:30 20 Do you recall any discussion with Albert about
21 that before you went into the police station?

22 A No.

23 Q If he would have told you that, is that something
24 you would have remembered?

10:30 25 A Yes, absolutely, because he did tell it to me



1 later, and I do remember it, and I don't believe
2 it, I never believed it then.

3 Q Do you recall when he would have told you about
4 this?

10:30 5 A After he had been in the -- interviewed by the
6 police for a few days.

7 Q And what do you recall him telling you?

8 A Well, this is part of it. He was telling me about
9 -- especially this story here I knew could not be
10:31 10 true, it was -- I knew it was not true.

11 Q Okay. Did you tell Albert that?

12 A Yeah, I told him I didn't think it was true, and
13 he just insisted, he was very adamant that it was
14 true, and -- but I wouldn't believe it, I wouldn't
10:31 15 believe it, I didn't believe it then and I never
16 would believe it. It's farfetched and I don't
17 know how anyone could believe it.

18 Q Okay. If you could just scroll down to the next
19 paragraph, and again Albert talks here about:

10:31 20 "In Regina ...",

21 this is after the trip to Calgary:

22 "In Regina Nichol & I were dropped off at
23 Cornwall House, I stayed there a couple of
24 days and then got picked up by the Regina
10:31 25 police on a vag charge & spent a week at the



1 institute. After I got out I went back to
2 Cornwall House and left. I got a job on a
3 ranch 10 miles east of Regina."

4 Prior to Albert and you going to the police in
10:32 5 early March 1969 did Albert tell you about his
6 experiences in Regina after his trip to Alberta
7 with David Milgaard?

8 A Umm, one of the experiences that he was telling me
9 about is he, some guy he called Bear (ph) had got
10:32 10 ahold of him in some room downtown and hung him
11 out the window with one arm, is what he told me.

12 Q And --

13 A That's about as far as that goes. And, you know,
14 he said he had fun in jail, you know, they were
10:32 15 throwing their tin cups back and forth across the
16 cells, or whatever, but I -- outside of that, I
17 didn't, I don't really recall too much more about
18 it.

19 Q And he would have told you this, Dennis, before
10:32 20 you went in to the police with him?

21 A No, before we went to the police we had very
22 little discussion about anything, except for the
23 blood and --

24 Q Yeah.

10:32 25 A So that's all I was taking him down there to tell



1 them, so he could tell them about the blood,
2 because I thought that was important.

3 **Q** Okay. And so the discussion you had about the
4 Regina stay would have been after Albert first
10:33 5 attended at the police station; is that correct?

6 **A** I would say, yeah, I would say.

7 **Q** And then just scroll down a bit, please, it says:

8 "I worked on this farm a couple of weeks and
9 got fed up yesterday and came to Regina and
10:33 10 got the 6 o'clock bus and came back home.

11 That's actually the first run down I got of
12 the murder here and I started to think about
13 all the things that happened and the way

14 Hopy acted that first day and him changing
10:33 15 clothes & blood and I think he is involved.

16 I talked to my brother Dennis all night &
17 discussed this. We decided to tell our
18 parents which we did this morning and they
19 told us to come to the police which we did."

10:33 20 **A** Yeah. Yeah. I don't know why the police didn't
21 come and try to talk to me about it because it
22 wouldn't have been the same, you know.

23 **Q** It -- pardon me?

24 **A** If they would have gotten a statement from me at
10:33 25 that time, --



1 Q Yes?

2 A -- which the probably should have but they didn't,
3 it would have been different than this.

4 Q And what would you have said different than what
5 Albert said?

6 A Well, I know we didn't go talk to our parents
7 about it before we went down, I just -- we just
8 talked to my sister and that's it. I know that
9 for a fact. So, you know, we didn't -- he didn't
10 talk to me about it all night as well, we didn't
11 discuss it very much at all.

12 Q If you could scroll down, please, and right here.
13 And, again, this is the March 2nd, '69 statement,
14 and this is his, at least the first written
15 statement that we have from Albert. It says:

16 "Hopy always talked about cleaning the car
17 but he either didn't have money or did not
18 get around to it. Hopy talked about a gun
19 once but I never seen one. I never noticed
20 any blood or knives in the car. I never did
21 see into the trunk."

22 Do you recall any discussion with Albert, prior
23 to going into the police station, about a gun?

24 A No, no.

10:34 25 Q Next, I want to refer you to the statement



1 provided by your sister Celine, it's document
2 030680. And if you could just go to the third
3 page, please, 030681A, and you will remember,
4 Mr. Cadrain, that your statement was March -- or
10:35 5 at least it was dated on the form March 2nd, '69
6 at 12:35 p.m., --

7 A Yup.

8 Q -- and I believe that Celine's is dated 2:55 p.m.
9 by Detective Sergeant Andrew Porter; does that
10:35 10 assist you in your recollection about the timing
11 and where statements were provided?

12 A Yeah. I can't change what I remember. I mean I
13 think I remember going in in early evening, I mean
14 it's not necessarily what happened, but that's
10:35 15 what -- that's my recollection.

16 Q And I think you said, when you were driven home,
17 did a police officer drive you home?

18 A I don't have a specific recollection, but I
19 believe so, yeah.

10:36 20 Q Is it possible that that police officer would have
21 attended at your home to talk to other family
22 members?

23 A It's possible, yeah.

24 Q Do you have any recollection of that?

10:36 25 A Not specifically, no.



1 Q If you could just go back to the first page of
2 Celine's statement, and this statement Celine
3 says, talking about that morning of January 31,
4 1969:

10:36 5 "The man and woman did not say much, but
6 Hoppie kept talking about leaving and
7 wanting Albert to go with him. Hoppie was
8 neatly dressed in dark trousers and a
9 sweater or something. I don't recall seeing
10:36 10 any blood on his clothing. His hair was
11 short, curly and neat."

12 And is that what Celine would have told you when
13 you and Albert met with her before going to the
14 police?

10:36 15 A Yeah, I really recall her saying that she didn't
16 see any blood when -- at that point she had told
17 me she didn't see any blood, yeah.

18 Q Okay. Next I want to show you document 106640,
19 and this is a police report. Now it's dated March
10:37 20 22nd, '69, which is 20 days later, it's a report
21 prepared by Lieutenant Short, and I just want to
22 read you a portion of that. And I don't wish to
23 belabour this point, Mr. Cadrain, about the
24 timing, I just want to put to you what the police
10:37 25 have in their reports.



1 A Yup.

2 Q And what it says here:

3 "On Sunday March 2/69, Dennis and Albert
4 Cadrain came to this station and discussed
10:37 5 for a few minutes a matter with Staff
6 Sergeant Brady and were in turn brought to
7 the detective office, to Superintendent
8 Wood's office where I was in charge. These
9 both boys, brothers, who live at 334 Avenue
10:37 10 O South related a story to me in regards to
11 the Gail Miller murder and subsequently a
12 statement was taken from both of these boys,
13 the one of most importance from Albert
14 Cadrain by Detective Karst and is self
10:38 15 explanatory."

16 Now, if I could just pause there, you are saying
17 Sunday March 2nd, '69 does not sound right --
18 like the right time of day to your recollection?

19 A Yeah, but I don't know, I really -- like I recall,
10:38 20 my recollection is early evening, but I don't know
21 how bad I would have been focusing on the time.

22 Q That --

23 A I really can't say. That's my recollection, I
24 don't know if it's true or not, but that's what I
10:38 25 recall.



1 Q And then this part here, where it says that you
2 were brought to the detective office --

3 COMMISSIONER MacCALLUM: Excuse me.

4 MR. HODSON: Oh, I'm sorry.

10:38 5 COMMISSIONER MacCALLUM: You are speaking
6 about the time of day, but all it says there is
7 Sunday, March 2nd, '69. What is wrong about
8 that, is that the correct time of day?

9 A No, like I say, as to exactly what day or time we
10:38 10 went down there, I recall going down there, but --

11 COMMISSIONER MacCALLUM: You just don't
12 recall either the day or the time?

13 A I wouldn't know what day of the week it was
14 specifically, and I, if someone was to ask me what
10:39 15 time we went down there I would say early evening.

16 COMMISSIONER MacCALLUM: Uh-huh?

17 A That's what I recall, but it's not necessarily the
18 case, but if someone asks me that's what I am
19 going to say, early evening.

10:39 20 BY MR. HODSON:

21 Q I'm sorry, Mr. Cadrain, I think you also said
22 earlier that you believed your discussion with
23 Albert was on a school day?

24 A Yes, I believe so, yeah.

10:39 25 Q And that you believed you went into the station



1 that night, evening?

2 A I have said that, but there again, I would have
3 hoped I would have went in the same day, but that
4 was an awful long time ago, and I really can't be
10:39 5 sure exactly what day we went in, if it was the
6 same day. I would, I guess, I said if it would
7 have happened today I would have been down there
8 within inside of half an hour, but --

9 Q Right.

10:39 10 A -- I really, you know, we didn't go right away, I
11 guess. I can't remember exactly the day we went
12 down. And I remember it was a school day when I
13 first talked to him and, when we went down, I
14 really can't remember the exact date.

10:40 15 Q This police report, and this is Lieutenant Short,
16 and it says that -- it says:

17 "These ...",

18 right here where it says:

19 "These both boys, brothers ... related a
10:40 20 story to me in regards to the Gail Miller
21 murder ...",

22 and it certainly suggests that Lieutenant Short
23 met with the two of you and heard a story from
24 the two of you; now does that --

10:40 25 A Well, I couldn't, I couldn't. How could I give



1 him a story on something I wasn't even there, how
2 could I give a story, you know.

3 Q Do you have any recollection of meeting with any
4 police officer, with your brother Albert, and
10:40 5 relating a story?

6 A This is about two or three weeks later.

7 Q Well, I'm sorry, --

8 A Yeah.

9 Q -- the report is dated March 22nd but the report
10:40 10 speaks of Sunday, March 2nd, which is the day that
11 your statement and Albert's statement is dated,
12 and --

13 A No, I mean we talked to some policemen down there
14 and, yeah, who they were I, you know --

10:40 15 Q But, I'm sorry, my question was is it possible
16 that you and Albert would have told your story, or
17 that Albert would have told his story to a police
18 officer in your presence?

19 A Umm, they may have talked to us for a few minutes,
10:41 20 I believe, before they split us up, yeah.

21 Q Okay.

22 A Yup.

23 Q And do you remember a Lieutenant Short at all?

24 A I do, I do recall him, yeah.

10:41 25 Q Meeting with him?



1 A Oh, I don't specifically remember meeting with him
2 at that point, but I got to know him. I knew -- I
3 know who he is, I can look, remember what he
4 looked like, but at that point I don't know which.
10:41 5 The night we went in there, I can't tell you which
6 policeman we talked to that night.

7 Q And Lieutenant Short you would have known because
8 of his dealings on the Gail Miller --

9 A Yes.

10:41 10 Q -- murder investigation?

11 A Yes, yeah.

12 Q Subsequent to you going in to the police?

13 A Absolutely, yeah.

14 Q Now, next, if I could call up document 041716 and,
10:42 15 Mr. Cadrain, this is a police notebook from
16 Detective McCorrison, who is deceased, and I --
17 there was just a couple of things I wished to put
18 to you from this. This note is dated March 2nd,
19 1969?

10:42 20 A Uh-huh.

21 Q And if you could call out this portion here, and
22 again that's the same day that your statement is
23 dated, it says:

24 "With Dennis Cadrain, taken to the Hide Out
10:42 25 and returned to detective office with lunch



1 for himself and brother Albert. \$1.60 paid
2 by Lieutenant Short."

3 Do you have any recollection of going to the Hide
4 Out with a police officer?

10:42 5 A No, I don't ever, I don't even know what the Hide
6 Out was, I mean I don't know. I don't have any
7 recollection of going to the Hide Out, no.

8 Q Is it possible you would have gone out for lunch
9 with one of the police officers?

10:43 10 A It's a minor detail and it's very possible. I
11 wouldn't have put any importance on it if it
12 happened, but I'm not saying it didn't happen, I
13 don't recall it happening. I don't even know
14 where that is, --

10:43 15 Q Okay.

16 A -- or where it was, I never heard of it.

17 Q Yeah. Now the next page, 041717, and again this
18 is again March 2nd, '69 and this is Detective
19 McCorriston's note, if you could call out that,
10:43 20 please. And it says:

21 "4:00 p.m. called at 19th and P, picked up
22 Albert Cadrain and brought him to station
23 where taken to detective office by Detective
24 Hein."

10:44 25 A What day was this one again?



1 Q This was March 2nd, 1969.

2 A Strange. That's strange. Yeah.

3 Q And why do you say that?

4 A Well, you know, when we went in -- when we went in
10:44 5 they took me home, like they kept me for a short
6 period, they kept him for longer, and I believe it
7 was the evening. And, like, we, if we were giving
8 statements at 12:00 at -- like this, like it says,
9 they shouldn't be going there at 4:00 to pick him
10:44 10 up.

11 Q But it's on --

12 A They would still have him, they would have still
13 had him, you know.

14 Q What's on 19th and P?

10:44 15 A Well, there is a street sign saying 19th and P, I
16 guess. I really, there's nothing that he would
17 have been there, there is no place he would have
18 been there. They probably got the address wrong,
19 because it's O, 19th and O is where we lived.

10:44 20 Q Next I want to refer you to a newspaper article
21 written by Rusty Chartier, it's 039351, and if you
22 could call out that part, and, Mr. Cadrain, this
23 was in the *Star-Phoenix* on May 8th, 1992 and it's
24 written by Rusty Chartier who is a retired police
10:45 25 officer and he says:



1 "I was the first police officer to be told
2 Milgaard could be considered a suspect."

3 A By who?

4 Q Well, I'll finish it here and then I'll have a few
10:45 5 questions. It says:

6 "I was the first police officer to be told
7 Milgaard could be considered a suspect.

8 Shorty Cadrain, whom I knew
9 personally as well as his mother and
10:45 10 brother, came to the detective office one
11 evening. He told me Milgaard and some of
12 his friends had come to his door the morning
13 of Gail Miller's death. He said Milgaard
14 had blood on his pants and Cadrain's mother
10:45 15 had washed it out for him. Later that same
16 day, he said, they all left for Calgary.

17 Cadrain told me he had talked
18 to his mother about his suspicions and she
19 advised him to speak with the police. I
10:45 20 explained it was not my file but I would
21 pass this information to the investigating
22 officer.

23 The next day, Officer Ray
24 Mackie and I went to Cadrain's home, picked
10:46 25 him up and brought him to the police



1 station. I had nothing further to do with
2 Cadrain."

3 Now, did you know or do you know of Mr. Chartier?

10:46 4 A Well, I know he knew my younger brother Larry I
5 believe because he was heavily into the gymnastic
6 thing and I think he knew him from that, but as
7 far as him knowing Albert, I don't believe he did.
8 I know I didn't know him and if I didn't know
9 him -- I'm sure Albert didn't know him and I don't
10:46 10 know -- this here is just all total news to me. I
11 don't believe it's true.

12 Q Mr. Chartier talks about -- I mean, it's not clear
13 as to whether the mother and brother came to the
14 detective office one evening. Is it possible that
10:46 15 Mr. Chartier was at the police station when you
16 and Albert went in that evening?

17 A It's possible. Like, you know, I just saw a bunch
18 of policemen in there and I didn't know who they
19 were. I mean, I wouldn't have taken note of that
10:46 20 and I really don't know who we were talking to
21 that night or that time we went in.

22 Q This part here where it's reported that Albert
23 said that Milgaard had blood on his pants and
24 Cadrain's mother had washed it out for him --

10:47 25 A That's total fabrication by somebody and --



1 Q Do you recall -- I'm sorry, go on.

2 A I say I think that's total fabrication by
3 somebody, I don't know who. If Albert said it or
4 if this guy says he said it, that didn't happen.

10:47 5 Q Do you recall any discussion with your mother or
6 Albert about washing clothes with blood in them?

7 A Didn't happen.

8 Q And this goes on to say, the bottom there:

9 "Cadrain --"

10:47 10 Meaning Albert,

11 "-- told me he had talked to his mother
12 about his suspicions and she advised him to
13 speak with the police."

14 And I think you told me earlier that Albert went
10:47 15 to the police before he talked to his mother; is
16 that correct?

17 A Yes, it is.

18 Q And this bottom part about Chartier and Mackie
19 going to your home to pick him up and bringing him
10:48 20 to the police station, do you recall that
21 happening?

22 A No, no. I mean, a lot of people -- a lot of them
23 came to pick him up, but when the first time he
24 went down there, that didn't -- I mean, if that's
10:48 25 what he's saying, that didn't happen.



1 Q Now, just back to March 2nd, '69, or whatever day
2 that Albert did first go into the police
3 station --

4 A Yeah.

10:48 5 Q -- do you recall him going back or having further
6 discussions with the police?

7 A Yes, on several occasions.

8 Q And let's talk about the time frame March, April,
9 May, 1969, how frequently would Albert be --

10:48 10 A I would, you know, just -- I have no ways to know
11 exactly because I didn't keep a record of it, but
12 my recollection is I would guess from 10 to 14
13 days they would pick him up in the morning, maybe
14 nine o'clock, and keep him, bring him home about
10:49 15 eight, nine o'clock in the evening.

16 Q And so he would spend an entire day with the
17 police?

18 A Yeah.

19 Q Now, did Albert tell you about what he was talking
10:49 20 to the police about?

21 A He wasn't -- he had to -- he didn't really want to
22 talk about it much, he was always quite exhausted
23 when he came back from there, he just wanted to go
24 to bed, but he did speak to me on, about things
10:49 25 that happened down there, yeah.



1 Q And so this would have been again March, April of
2 1969, in that time?

3 A Yeah, end of March, yeah, probably March, '69. In
4 the period directly after we went down there.

10:49 5 Q What did Albert tell you about his dealings with
6 the police?

7 A Anything, like -- I don't know what you are
8 asking, sir.

9 Q Well, did he describe how he was being treated by
10:49 10 the police officers?

11 A Yeah. At one point he told me that, he said they
12 think I did it, he told me that at one point, and
13 he said they were doing the bad cop, good cop on
14 him and he was telling me things about -- things
10:50 15 that in this original statement, that I never
16 heard about before, he started telling me these
17 things, you know, one or two at a time or
18 whatever, different nights, and that's about it.
19 I don't know what else you need to know.

10:50 20 Q Okay. Did his story about the trip with Milgaard
21 and the events of January 31, 1969 change?

22 A When you say change --

23 Q Let me rephrase that. I think you said the only
24 thing he told you on early March was the blood?

10:51 25 A Yeah, yeah, that's all, before we went to the



1 police that's all he talked about, and as he was
2 getting interviewed or interrogated or whatever
3 you want to call it, then he was coming and
4 telling me these other parts to the story that
10:51 5 were previously on the screen there and I remember
6 thinking, you know, that, you know, that couldn't
7 have happened, you know. I'm thinking it didn't
8 happen, you know. I didn't believe him, let's put
9 it that way.

10:51 10 Q Let me go through some of those. Did he expand at
11 all upon his observations of blood on David
12 Milgaard?

13 A No, I don't think so.

14 Q Did he describe to you or talk to you about David
10:51 15 Milgaard's desire to leave town or anything of
16 that nature?

17 A Oh, he would -- yeah, he would say things,
18 whatever, he wanted to get out of town, you know,
19 and I talked to him about the trip where he didn't
10:51 20 want to -- something came on the radio and he went
21 and ripped the antenna off and things like that
22 and throwing the compact out of the window, he was
23 telling me all these things just as we were going
24 through it and, you know, something different
10:52 25 every day, but it was probably things he was



1 discussing with the police during the daytime and
2 then he would tell me about what was said, you
3 know, that evening.

4 **Q** Do you recall what he told you about the radio and
10:52 5 the antenna?

6 **A** Well, he told me that they were heading out of
7 town and something came on the news about the
8 murder and David stopped -- they stopped the car
9 and David went out and ripped the aerial off,
10:52 10 broke the aerial.

11 **Q** And did you have reason to doubt that?

12 **A** Yeah, I didn't believe it. Like, all the things
13 he was telling me after the blood I didn't
14 believe, I believed very little of it. Like, I
10:52 15 didn't believe it.

16 **Q** Why not?

17 **A** Some of it was so farfetched, I mean, like, we
18 were just a bunch of kids and I don't -- some of
19 it was so farfetched that I couldn't believe it.

10:53 20 **Q** Did he talk to you about an exchange of items with
21 a transport truck driver?

22 **A** Yeah. That one was the biggest one, like, so bad,
23 I couldn't believe it in a million years, you
24 know. It was just so bad I couldn't believe that
10:53 25 one for sure.



1 Q What did he tell you?

2 A He said he was sleeping or pretending to be
3 sleeping in the back seat and they were driving
4 down some road in Alberta and then the car was
10:53 5 pulled over and they were flashing the headlights
6 at some semi trailer and then they pulled over and
7 then David went in the back and opened the trunk
8 and switched over some bags of supposedly dope
9 which is -- they didn't have two cents to rub
10:53 10 together. If they had two bags of dope they would
11 have had some money. It was just an
12 impossible-to-believe story.

13 Q And did you tell Albert when he was -- what did
14 you tell Albert when he was telling you this
10:53 15 story?

16 A I told him, I says I don't believe that happened,
17 and he said yeah, it happened, it happened, but I
18 didn't believe him.

19 Q Did you have any discussion with Albert or did he
10:54 20 tell you about his belief that David Milgaard was
21 in the Mafia?

22 A Yeah, he told me about that as well and who's
23 going to believe that. I didn't believe that
24 either.

10:54 25 Q And did you tell Albert that?



1 A I told him I didn't believe it, yeah.

2 Q And what did he say?

3 A Well, he just insisted that he was telling --
4 like, this is what was happening, you know. It
10:54 5 was hard for me to understand how he would come up
6 with these things, but, you know, he believed it,
7 what he was saying was true, but I didn't believe
8 that any of it was true.

9 Q What about the -- did he talk to you about David
10:54 10 Milgaard having a gun on the trip?

11 A Yeah, he mentioned that, you know, later again,
12 but, you know, I didn't believe that either.

13 Q Did he mention anything about being asked to kill
14 Ron Wilson and Nichol John?

10:54 15 A Yeah, he told me that one as well.

16 Q And this would be the March, April, '69 time
17 frame?

18 A Yes, in that time. In March I believe, yeah.

19 Q Did he tell you any more about his experience in
10:55 20 Regina either before or after the murder?

21 A Well, just what I told you about before, about the
22 guy hanging him out the window.

23 Q Did he connect that in any way to David Milgaard
24 do you recall?

10:55 25 A Not directly, I don't believe so. I think he, you



1 know -- I guess what it was is he was mentally ill
2 at that time and nobody knew, nobody knew it, you
3 know, and I think he was thinking maybe that
4 something big was going on there, but, you know, I
10:55 5 don't believe that he mentioned David to me on
6 that, about being hung out the window.

7 Q Did he tell you about he and David Milgaard
8 attending a library in I believe Calgary to look
9 at a newspaper?

10:55 10 A I remember something about that, but I can't
11 even -- right now I don't remember that, that one
12 right now.

13 Q During this time period, and again March, 1969 and
14 following, did you have any observations about
10:56 15 Albert's personality and mental state?

16 A Which time frame are you talking about?

17 Q I'm talking March of 1969 when he's telling you
18 these stories?

19 A Yes.

10:56 20 Q March of 1969.

21 A Yes.

22 Q And my question is did you have any observations
23 about his mental state?

24 A Yeah. Well, at that time I really didn't even
10:56 25 know what a mental person was to be honest because



1 I never really dealt with one, somebody that was
2 having mental problems. I didn't really know why
3 he was doing it and I wouldn't like to say --
4 like, he's never had a history of being mental, so
10:56 5 I didn't even -- I just knew he wasn't -- I didn't
6 think he was telling the truth and I didn't know
7 why he was saying those things, but I didn't put
8 it together with him having mental problems.

9 Q Did you believe there was something wrong with
10:57 10 Albert at this time?

11 A I would say I didn't really -- like, I knew -- I
12 thought he wasn't telling the truth about those
13 other things, but as far as something wrong with
14 him, I didn't -- I wouldn't have known. I don't
10:57 15 think I would have known that, no.

16 Q Did you have any discussions with Albert about him
17 seeing visions?

18 A Yeah. That was later on when he was coming back
19 for the preliminary hearing and I think that was
10:57 20 in maybe May or something like that, around that
21 time. I can't remember exactly when it was, but
22 he was -- after the police were done with him,
23 then he went to work out in the country and --

24 Q I'm sorry, if I can just pause you there. So when
10:57 25 you say the police were done with him --



1 A Yeah, when -- after they had done getting all his,
2 whatever they got from him I guess --

3 Q Yes.

4 A -- then he left. When they were done interviewing
10:58 5 him, let's put it that way, then he left town
6 and --

7 Q And do you know -- I'm sorry, do you know why he
8 left town?

9 A Well, he told me that -- he told me that the
10:58 10 police wanted him to get out of town, to go away.

11 Q And this would have been what time frame?

12 A Well, actually probably the end of March and when
13 they were -- towards the end of March sometime.
14 Like, I don't know the date exactly.

10:58 15 Q Sometime in the spring?

16 A Yeah, yeah, in March.

17 Q If it can assist you, the record shows that the
18 preliminary hearing was in August of 1969.

19 A Yeah. So, like, he was coming in and he was going
10:58 20 to be talking to I believe Mr. Caldwell, so that's
21 when he was coming in for the preliminary, I
22 remember he was coming in for the preliminary
23 hearing.

24 Q Okay.

10:58 25 A And that's when -- when he was coming in for that,



1 that's when he came to me. I hadn't seen him in
2 the time that he had left. Basically I only saw
3 him for a few days and then he was gone with the
4 police all the time, he was here, then he was
10:59 5 gone, and then the next time I saw him he was
6 coming in for the preliminary hearing and he told
7 me that, he said, "Dennis, I've got to tell you
8 when I was hitchhiking in I was standing on the
9 highway and I looked up at the cloud and I saw a
10:59 10 vision." I said, "What did you see?" and he said,
11 "I saw the Virgin Mary in a cloud and she was
12 standing on a snake's head and David's face was
13 the snake's head," you know.

14 **Q** And did he tell you what that meant to him, if
10:59 15 anything?

16 **A** Well, he told me that that meant he's guilty.

17 **Q** And do you recall what else he described about
18 that vision?

19 **A** No, that's basically what he told me about it, and
10:59 20 I said, well, you know, Albert, you know, you
21 can't talk like that, and he said, well, that's
22 what I saw, and at that point, then I knew he was
23 having problems.

24 **Q** And what did you do?

11:00 25 **A** I went and spoke to my mother about it and, like,



1 I told her, you know, I don't know if Albert
2 should be going to this preliminary hearing
3 because I think he needs some help.

4 Q Did you tell your mother about the vision that
5 Albert told you about?

6 A Yeah, I did.

7 Q And what else did you tell your mother; do you
8 recall?

9 A No, I just -- that's what I told her, just what he
10 said there, yeah. I just told her that I believed
11 he shouldn't be testifying, that he needs some
12 help.

13 Q And what did your mother say?

14 A She listened to me and I don't know what she did.
15 I really don't know what she did.

16 Q Did you go to talk to the police or the prosecutor
17 about your concerns about Albert?

18 A No, I didn't.

19 Q Did you consider it?

20 A I would say no. I don't know why, but I didn't.

21 Q Did you attend any of the preliminary hearing?

22 A I don't believe so. I don't believe so. I may
23 have, but I don't believe so.

24 Q And what about the trial?

25 A Maybe one or two days there.



1 Q And did you have other occasions to observe Albert
2 around this time, the preliminary hearing and
3 later?

4 A Well, there again, he came in, he would come into
11:01 5 town for the preliminary hearing and he would be
6 gone again out in the country again, so I had very
7 little contact with him except when he was in town
8 for the preliminary hearing and the trial. Say
9 from January until when the trial was over, I had
11:01 10 very little contact with him.

11 Q Back at the time that you talked to your mother,
12 which I think you said was around the start of the
13 preliminary hearing or --

14 A Well, when he was coming in to be interviewed
11:02 15 before it, yes.

16 Q Do you know if anybody else in your family had
17 made any observations about Albert's state of
18 mind?

19 A I don't know if anyone -- anyone would have. No,
11:02 20 I really don't know, because I don't know if he
21 would have been discussing anything -- well, he
22 wasn't around there either, you know, wasn't
23 around there much, and when he was there he would
24 have been with me and not -- like, he wouldn't
11:02 25 have been discussing it with any of the others as



1 far as I know, no.

2 Q Did you ever follow up with your mother to find
3 out whether she did anything?

4 A No, I didn't, no.

11:02 5 Q Do you have any idea whether she did or not?

6 A I have a feeling that she may have sent him to the
7 priest at that point, but I'm not certain about
8 that.

9 Q And was Albert's condition then obvious to you at
11:02 10 that time?

11 A Yes, it was.

12 Q Now, after Mr. Milgaard was convicted, which I
13 think was the end of January, 1970, did you have
14 any discussions with Albert about the conviction
11:03 15 or about his involvement in the matter?

16 A I'm sure I did, but there again, we weren't
17 together a whole lot in the immediate time after
18 that I don't believe, because I think I left in
19 early '71.

11:03 20 Q And I take it that you followed the David Milgaard
21 proceedings a bit?

22 A Yeah. Well, when it would come up in the -- you
23 mean during the trial itself?

24 Q Yes.

11:03 25 A Yes, I did a bit, yeah. Like, I've been reading



1 the paper basically daily since I was five years
2 old.

3 Q So would you have followed accounts of the trial
4 in the paper?

11:03 5 A Yes, I did.

6 Q Did you have any concerns at that time about
7 Albert's evidence at the trial?

8 A Well, like I said, I did not believe the
9 stories about the gun and the Mafia and all -- I
11:04 10 never believed one word of that and -- but I
11 always believed that he did see the blood because
12 I couldn't see how anyone could go and say that if
13 it didn't happen, you know, and he wasn't that
14 type of person to go and do that, but obviously he
11:04 15 was ill and I didn't know it at the time.

16 Q And when did you first conclude that he was, or
17 believe that he may be ill?

18 A When he told me about the visions, then I knew
19 that he was, he needed some help.

11:04 20 Q Okay. Did you have any discussion with Albert
21 after David Milgaard's trial about, where Albert
22 expressed fear about Mr. Milgaard?

23 A Yeah, he always was -- he always would say that,
24 you know -- he said when he testified against him
11:04 25 when he was getting off the stand, that David



1 looked at him and in his eyes he was saying he was
2 going to kill him, like, you know, he could see
3 kill in his eyes and things like that. He would
4 say things that were not -- they were just, I
11:05 5 don't know, irrational.

6 Q I'm sorry, he -- did he ever tell you that he
7 heard David Milgaard say words that he was going
8 to kill him?

9 A No, he never told me that, no.

11:05 10 Q He interpreted that from the look in his eyes?

11 A Yes.

12 Q Now, after the David Milgaard trial, I believe you
13 moved out to B.C. did you?

14 A Yeah, I moved out in I believe February of '71.

11:05 15 Q And did Albert move out there sometime after?

16 A Yeah, sometime afterwards, yeah, maybe '72.

17 Q And would he have lived with you at that time?

18 A Yeah, off and on. He was with me and out there
19 around me, whatever. He would be -- after a while
11:05 20 he worked at the race track and he was staying in
21 the barns down there and he worked at various
22 other places, but he did stay with me and
23 sometimes he would be staying other places, but he
24 was around for a while, yeah.

11:06 25 Q And did you have any observations of Albert's



1 mental state at that time?

2 A Yeah. At one point when he was working at the
3 exhibition race track he came to me and he --
4 like, there was fires, the barns were burning
11:06 5 down, horses were dying, you know, they believed
6 it was arson, and I guess there had been one or
7 two fires before he started and maybe one or two
8 after he got there and he told me one day, I went
9 and picked him up and he told me, he said,
11:06 10 "Dennis, I know who's starting the fires," and
11 just the way he told me, I thought oh, no, here we
12 go again, you know, he's going to -- and I said, I
13 tried to get out of him how he knew and he
14 wouldn't tell me, would never tell me how he knew,
11:06 15 but I finally got out of him who he thought it was
16 and it was his boss, he said it was his boss, his
17 name was Bud McDonald, he was one of the top
18 trainers at exhibition park at the time, and he
19 said it was Bud McDonald, it was his boss that was
11:07 20 doing it, but he wouldn't tell me how he knew, and
21 he says he wanted to talk to the police, and
22 I said -- well, I knew that there was something
23 wrong with him and I thought, no, I'm not going to
24 the police, but my uncle was in the special O in
11:07 25 the RCMP and I phoned him up and I explained the



1 situation to him and I said would you just come
2 and talk to him and take his -- listen to what he
3 says and, like, I'm sure he doesn't know anything,
4 but just let him say it and then he'll be happy,
11:07 5 and so he did and that's what happened, he come
6 and picked him up and they went and had a talk and
7 he went and dropped him off and that was the end
8 of it.

9 Q And did Albert describe for you how he knew who it
11:07 10 was?

11 A No. He wouldn't tell me that, that was secret.

12 Q And do you know if there was any truth or
13 credibility to his story?

14 A Well, there couldn't have been any truth. I mean,
11:08 15 there couldn't have been any. If he even had
16 something concrete to go on, my uncle would
17 have -- he would have told my uncle and he would
18 have done something about it. It was just not --
19 he was imagining that he knew. I believe he
11:08 20 thought he had special powers, you know. He was
21 ill.

22 Q I take it that -- did the police follow up then
23 any further on Albert's --

24 A On that story?

11:08 25 Q Yes.



1 A No, no. My uncle just listened to him and he knew
2 that there was something wrong as well.

3 Q Did you then do anything, Dennis, to help Albert
4 deal with this situation?

11:08 5 A With what situation?

6 Q With Albert's illness?

7 A Not until it got worse. Like, he wasn't -- he
8 wasn't hurting anyone, you know. Like, he did
9 actually end up, it was hurting people, but I
11:09 10 didn't really realize how ill he was, I didn't
11 realize how ill he was until a little later on he
12 got into reading the Bible 24 hours a day and he
13 was coming up with all kinds of things, ranting
14 out of the Bible and not eating and he was very, I
11:09 15 would say very manic, and he got to the point
16 where I couldn't deal with it any more, so I got
17 him a plane ticket and I sent him back to
18 Saskatoon.

19 Q And what year would that have been?

11:09 20 A I believe '73.

21 Q And then we've heard evidence that he was then
22 hospitalized for a while?

23 A Yeah, he was, at university psychiatric ward.

24 Q Then the following years, let's say the rest of
11:09 25 the '70s and the '80s, did you have much to do



1 with Albert?

2 A Just when I would come for Christmas or, you know,
3 I would come for a visit I would see him here and
4 there, but not -- well, like, he came out, he
11:10 5 worked out of Duncan for a while on Vancouver
6 Island and I seen him a few times there, but not a
7 whole lot to do with him after that, no, until
8 later on when he came to live in B.C. again after
9 he was divorced or separated or whatever he was
11:10 10 there.

11 Q And that would be in the late 1980s; is that
12 right?

13 A Yeah, I believe so.

14 MR. HODSON: Mr. Commissioner, this is
11:10 15 probably an appropriate spot to break if that --

16 COMMISSIONER MacCALLUM: Okay. 15 minutes,
17 please.

18 *(Adjourned at 11:10 a.m.)*

19 *(Reconvened at 11:30 a.m.)*

11:30 20 BY MR. HODSON:

21 Q Mr. Cadrain, did you, at some point, have concerns
22 about David Milgaard's conviction in 1970?

23 A Umm, I thought about it, and I knew that some of
24 Albert's testimony was not right, I thought that
11:30 25 it wasn't -- it was my opinion, but I always



1 believed that he saw the blood because I had no
2 way to not believe it because he had never had a
3 history of doing anything like that before and I
4 just didn't know that there was something wrong
11:31 5 with him at that point, and I did -- I all -- but
6 I thought that, if he got convicted, it couldn't
7 have been just on -- you know, like I -- the other
8 witnesses were saying similar things and it wasn't
9 just Albert. If it would have been just Albert I
11:31 10 would have said something right at that time, I
11 would have -- I wish I would have, but I didn't,
12 but I should have. And I did, I thought it wasn't
13 just Albert, I thought there was people -- I
14 didn't think that people could get convicted of
11:31 15 murder if they didn't do it, I really believed he
16 did it.

17 Q And at, some point, did you think otherwise?

18 A Umm, years later when it started coming out about
19 the Larry Fisher thing and I started having
11:32 20 doubts, and then at one point -- well, actually,
21 when I talked to Neil Boyd and Kim Rossmo.

22 Q Rossmo?

23 A Rossmo, yeah. They came out to see me and then
24 they had this list, they were unbiased people and
11:32 25 they had this list of the things that Larry Fisher



1 was -- admitted to doing, and at that point I knew
2 that it was -- a terrible mistake was made and,
3 ever since then, I have been trying to say
4 whatever I could or do whatever I could to make it
5 right.

11:32

6 Q At some point, Dennis, did you become aware that
7 your younger brother, Ken, said that he saw blood
8 on David Milgaard the morning of January 31, 1969?

9 A Yeah. I really, I don't hold any -- oh, I don't
10 know how to say it, but -- he's my brother, but I
11 don't believe that he saw anything, and I don't
12 even really -- I really would rather not discuss
13 it if I don't have to. I just don't believe him.

11:33

14 Q Let me just try a few questions if I may. Do you
15 know when you became aware about Ken saying that
16 he saw blood?

11:33

17 A Later, much later on, like in the probably
18 mid-'80s or whatever, when the -- at the time when
19 Templeton and Dyck came out to see me, around that
20 time, I think that's when I heard about it.

11:33

21 Q Did you ever observe your brother Ken and your
22 brother Albert discussing their recollection of
23 seeing blood on David Milgaard the morning of
24 January 31, 1969?

11:33

25 A Yeah. I remember at times when we were discussing



1 it and he would tell, Albert would tell him "you
2 saw the blood, didn't you, Kenny", and he said
3 "yeah, I seen the blood". And did you ever
4 challenge Ken on that?

11:34 5 A Yes, but I -- it's got to the point I can't speak
6 to him about it because, in his mind, he believes
7 that he saw it and, like every time we talked
8 about it, it would be like -- like I can't talk to
9 him about it, I don't even -- we don't discuss it.

11:34 10 Q And did you reach any conclusion as to whether
11 Ken's recollection was influenced by Albert?

12 A Well I would say undoubtedly. Undoubtedly.

13 Q Did you ever hear of your mother finding bloody
14 clothes in her house?

11:34 15 A That didn't happen.

16 Q Now, after Mr. Milgaard's conviction in 1970, do
17 you recall being contacted by the media, or
18 anybody on behalf of the Milgaards, about the
19 conviction and Albert's involvement?

11:35 20 A I had a, yeah, I had a phone call from different
21 people, yeah.

22 Q And do you recall being contacted by a Peter
23 Carlyle-Gordge?

24 A Yeah, I guess I do, yeah, I do.

11:35 25 Q And what do you recall about that?



1 A Umm, what do I recall about it? Not a whole lot
2 really. I recall that I talked to him and I don't
3 exactly remember what was said at the time, but at
4 that point, I still believed David was guilty at
11:35 5 that point, I thought that -- I believed Albert
6 saw the blood and I believed, yeah, I believed
7 that, you know, he probably was guilty at that
8 point. And I talked to him, and I was still, I
9 was going to tell him some more, and he was going
11:35 10 to call me back and he never called me back, but I
11 was going to tell him about Albert's mental state,
12 even though I still thought David was guilty I
13 didn't think Albert should have been testifying,
14 but he never called me back, so I never got to
11:36 15 tell him. And it was a few years later when
16 Henderson, Paul Henderson called me, and it just
17 worked out that Albert was with me and he wasn't
18 being shielded by my family or the police back
19 here, so I was able to get him to speak at that
11:36 20 point.

21 Q What do you mean when you say Albert being
22 shielded by family?

23 A Well it was -- Mrs. Milgaard was phoning and
24 wanting to talk to him, and it was almost like
11:36 25 nobody -- you know, my mother would phone the



1 police and they would tell her "don't get him to
2 talk to anybody, he's guilty, leave him there,"
3 and "you don't have to talk to anyone," nobody --
4 they didn't want anyone to talk to Albert.

11:36 5 Q And --

6 A My family or the police. My family listened to
7 the police.

8 Q And then did you do -- did you take steps to have
9 someone talk to Albert, then?

11:37 10 A Well when, at that point when Paul Henderson
11 phoned me and he wanted to come and talk, like I
12 always thought that we should -- if you have
13 nothing to hide you shouldn't be hiding, and I
14 didn't agree with him -- them hiding him all that
11:37 15 time, and I was waiting for somebody to phone me,
16 and actually when he phoned me Albert was there so
17 I spoke to Albert and I said "I think you should
18 talk to these people".

19 Q Okay. And at that time; would that have been
11:37 20 around 1990?

21 A Roughly.

22 Q And, at that time, can you tell me what -- what
23 was Albert's -- what were your observations of
24 Albert's personality and mental state at that
11:37 25 time?



1 A Umm, he was -- he -- I guess he had just gotten
2 divorced or separated or whatever, I guess, I
3 don't know if the divorce had gone through, but he
4 had just left and he had been out there, basically
11:38 5 he lost his -- you know, he had left his job and
6 left his family and he was a little upset or, you
7 know, he wasn't very happy at that point when he
8 was out there.

9 Q And, to your knowledge, was he using drugs at the
11:38 10 time?

11 A Smoking pot. That's all he did, yeah, he smoked
12 pot.

13 Q And had you and Albert, let's talk about prior to
14 Mr. Henderson contacting you, had you and Albert
11:38 15 talked about the David Milgaard matter around that
16 time?

17 A Umm, very seldom before Paul Henderson got ahold
18 of me, because I had talked to him about it on
19 several occasions before, and it was always the
11:38 20 same thing, it was like I couldn't -- I couldn't
21 -- like he believed what he believed and I
22 believed what I believed.

23 Q Did you have any discussions with Albert, and
24 again prior to Mr. Henderson calling, about
11:38 25 Albert's dealings with the police, the Saskatoon



1 City Police?

2 A When, you say prior to him calling?

3 Q Yes?

4 A Yeah, I don't believe so, not -- maybe, but I
11:39 5 don't have any recollection of it specifically,
6 no, I really don't.

7 Q Now tell me what you recall, then, about
8 Mr. Henderson calling you?

9 A Well, he called me and he told me what he
11:39 10 believed, that Larry Fisher was quite a viable
11 suspect in it, and he told me about some rapes
12 that were occurring in this general vicinity of
13 the murder, and it made sense, it made sense to
14 me. You know, like I didn't know if it was -- you
11:39 15 know, I just knew that there was a possibility
16 that they had the wrong person at that point.

17 Q Okay. What was the purpose of Mr. Henderson's
18 call; did he tell you?

19 A He said he wanted to speak to Albert, he wanted to
11:39 20 see if he could get together and speak to Albert.

21 Q And then did you arrange for that?

22 A I said "I'll see what I can do", and I got ahold
23 of Albert and I told him "I think we should talk
24 to him".

11:40 25 Q And then what happened?



1 A Well, I had to sort of convince him that he should
2 talk to him, and it was -- he didn't really want
3 to but he agreed to do it.

4 Q And so, then, is it fair to say that you would
11:40 5 have arranged for Mr. Henderson to meet directly
6 with Albert?

7 A Yeah, I was the guy that, yeah, I made the -- I
8 arranged it, yeah.

9 Q And were you present when Mr. Henderson met with
11:40 10 Albert?

11 A Yeah, I was, yeah.

12 Q Did he ever meet alone with Albert without you
13 there?

14 A Umm, most of the time we were together, but except
11:40 15 when he took his statement he did it -- he was by
16 himself.

17 Q Did you tell your parents that you had arranged
18 for Albert to meet with --

19 A No, I didn't say anything, no.

11:40 20 Q Did they find out at some point?

21 A Oh yeah, they found out, yeah. They weren't very
22 happy with me, like they were very upset with me,
23 actually, really upset with me. Like, they
24 thought -- I don't know what they thought, but
11:41 25 they thought that I was being disloyal to the



1 family in some way, but I was just -- I believed I
2 was trying to do the right thing the way I was
3 brought up, I was taught to do, you know.

4 Q I'm going to show you a document, 050412, which
11:41 5 is -- it's labelled Edited Transcript of
6 Conversation Between Paul Henderson and Dennis
7 Cadrain, Call Number 6, and this is a document
8 that we've obtained, Mr. Cadrain, I believe from
9 David or Joyce Milgaard about this call, and I
11:41 10 just want to go through some parts of this, and
11 maybe if you just -- the first paragraph
12 Mr. Henderson says:

13 "Hang tough with me here kid cause I've
14 got something very important to tell
11:41 15 you. Okay, first of all let me tell
16 you that we mean you absolutely no harm
17 at all. And if you could follow me on
18 this, you are sitting in the driver's
19 seat so-to-speak. I'm involved with a
11:42 20 foundation in New Jersey known as
21 Centurion Ministries. Centurion works
22 for wrongfully convicted men serving
23 life terms in United States and on Death
24 Row in United States."

11:42 25 Do you recall that conversation with him?



1 A I do.

2 Q And I believe, if we go back to the main document,
3 it appears that he thought you were Albert when he
4 first talked to you; is that right?

11:42 5 A I don't know, I didn't read that, or --

6 Q Now if we could just go down here, and you say:

7 "Well, before you go any further I'll
8 tell you right now when you said it's
9 Albert, I said yeah, like you mean, I
11:42 10 didn't say I'm Albert, I'm his brother,
11 actually..."

12 And scroll down, and I think he mixes you up with
13 your father, Leonard. Is that -- do you recall
14 that?

11:42 15 A I wouldn't recall that. I mean I'm sure that that
16 happened, but I don't recall it specifically, I
17 wouldn't remember that, no.

18 Q Okay. And if you could go to the next page,
19 please, and just call out that part, please. And
11:43 20 this is where he is talking about Albert, and
21 Mr. Henderson says:

22 "Dennis he's in a tough spot."

23 Your answer:

24 "Yeah, he's not only in that way, you
11:43 25 know, he's in a tough spot and you k,now



1 I've been think about this for years and
2 years you know. That a couple of people
3 phoned before but I didn't want to talk
4 to..."

5 Then Mr. Henderson:

6 "It's just as well that you and I are
7 talking to begin with, because I think
8 at this point any intermediary would be
9 a good idea."

11:43 10 "Yeah, well yeah."

11 And then he says:

12 "You know here's a thing. Before you
13 explain to me that the tough spot your
14 brother is in, let me explain to you
11:43 15 what the situation is that exists now.
16 Within the last two months a very
17 interesting name has come to light,
18 Larry Fisher, who lived in your
19 basement."

11:43 20 If I can pause there, do you recall a discussion
21 with Mr. Henderson about Larry Fisher?

22 A Yes, I -- yeah, yes, I do.

23 Q And would this have been the first time you
24 learned about Larry Fisher as a suspect?

11:43 25 A Yeah, as a suspect. I had -- when he had -- was



1 arrested and convicted for the rapes in Manitoba
2 my mother sent me a clipping of it, but at that
3 time I didn't even recall that he was living in
4 our basement at the time of the murder, I didn't
11:44 5 know anything about it. But, yeah, this is the
6 first time that I had got this.

7 Q So let's go back, if I can just go back to 1969,
8 do you recall Larry Fisher living at your home?

9 A I do.

11:44 10 Q And did you know him well?

11 A Umm, not well, I knew him slightly, slightly.

12 Q And --

13 A Although I didn't, you know, not much.

14 Q And did he, did he socialize with any of your
11:44 15 siblings?

16 A No, not at all.

17 Q And then I think you said that your mother sent
18 you a clipping about the conviction?

19 A Yeah, when he got convicted for the rapes in
11:44 20 Manitoba.

21 Q And do you know when that would have been?

22 A I would think, I'm just guessing, maybe '73, '74
23 maybe, something like that. I'm not exactly sure
24 exactly when it was but I remember her sending me
11:45 25 the clipping.



1 Q And do you recall if that clipping related to
2 rapes in Manitoba or -- and/or rapes in
3 Saskatchewan?

4 A I never -- I don't recall the rapes in
11:45 5 Saskatchewan, I recall the rapes in Manitoba on
6 the story, yeah.

7 Q And then the next page, please, and this is where
8 you say:

9 "I know Larry Fisher, well, I knew him."

11:45 10 Mr. Henderson says:

11 "And by anything he may have ... Larry
12 Fisher is the guy who committed the
13 murder. We know what happened to
14 Albert, we know what happened to Nichol,
11:45 15 and Ron Wilson, they were, they had, a
16 lot of pressure put on them by the
17 Police back then."

18 You answer:

19 "Well, yeah."

20 Mr. Henderson says:

21 "They were kids, they were children.
22 And they were manipulated, coerced,
23 threatened, a lot of things happened to
24 them that should not have happened to
11:46 25 people."



1 And you say:

2 "Yeah. Yeah. I know like, like I know.
3 Like Albert, like Albert didn't even
4 know nothing about this ..."

11:46 5 If I could pause there, do you recall any further
6 discussions with Mr. Henderson about this comment
7 here about Nichol John, Ron Wilson, and Albert
8 being manipulated, coerced, threatened?

9 A Umm, I know he said that, yeah, I'm sure he said
11:46 10 that.

11 Q And did you have any further discussion with him
12 at any time about that?

13 A Umm, we talked about a lot of things. We talked
14 for a long time about a lot of things, I really --
11:46 15 exactly what was said --

16 Q Okay.

17 A I'm sure we did talk about it, yeah.

18 Q Go to page 050418. Let me just pause there. At
19 that time, had Albert -- what had Albert told you
11:47 20 about his dealings with the Saskatoon City Police,
21 then?

22 A At what point?

23 Q At this time? Had he told you much about his
24 dealings with the police?

11:47 25 COMMISSIONER MacCALLUM: What date was



1 that, please?

2 BY MR. HODSON:

3 Q I'm sorry, it was 1990?

4 A In 1990? Like I don't know at what point. Before
11:47 5 I talked to Henderson, you are talking about, or
6 after?

7 Q Yes, well, both before and after?

8 A I don't believe we discussed it much before
9 Henderson came around but we discussed it after.

11:47 10 Q And what do you recall of your discussions with
11 Albert after about his treatment by the police?

12 A Umm, well he would say -- he was saying that they
13 really gave him a hard time, at the -- at this
14 point he was saying they really give him a hard
11:48 15 time there, they gave him, they gave him -- that's
16 basically what he told me at that point, and then
17 it got into worse, he was saying worse things a
18 little later.

19 Q Okay. And just on 418 there is a note, here,
11:48 20 where Mr. Henderson says:

21 "They did something to him, I know they
22 did something to him. And a lot more
23 than he admitted to in trial. I'm
24 sure."

11:48 25 And you say:



1 "Well, well, no, I wouldn't ... what,
2 all I was just read about it in the
3 paper, like, you know, you do, it comes
4 up every year and I almost wrote to
11:48 5 David ..."

6 Do you recall saying that to Mr. --

7 A Yeah, I probably said it, I'm sure I said it.

8 Q And had you thought about writing to Mr. Milgaard?

9 A Well I thought, I was waiting for somebody to come
11:48 10 and talk to me, I was wanting somebody to contact
11 me, because I didn't want to just go to somebody,
12 and maybe I should have, but I was waiting for
13 somebody to come and talk to me and I was going to
14 tell them things, you know, like that things that
11:48 15 bothered me about it, you know. Because I just
16 never thought that he should have been testifying
17 in the first place.

18 Q Let me just pause there, you are saying that,
19 things that bothered you; what was bothering you
11:49 20 at the time?

21 A Well, like I knew that he was ill at the time of
22 the trial and at the time of the preliminary
23 hearing, and just that, in itself, is -- he
24 shouldn't have been there. He should not have
11:49 25 been there, and that's all I can say, is he



1 shouldn't have been there.

2 Q If I could go to the next page, please, 050419,
3 and down at the bottom. And, again, I think this
4 is around May 1990 and Mr. Henderson says:

11:49 5 "Now, here, here's the one thing I want
6 to impress upon you, which I haven't
7 mentioned. Larry Fisher is under a lot
8 of pressure to confess. The RCMP is
9 talking to him. But a ... couple weeks
11:49 10 ago said they didn't want him talking
11 seriously until after he had his
12 conjugal trailer visit with his new
13 wife. Now, we've heard today that he
14 has confessed. That may be true or may
11:49 15 not be true, it may be a rumour, it may
16 be a fact, but, if he's, if he has
17 confessed or if he confesses down the
18 line, which I think he probably will,
19 because he is the type B rapist
11:50 20 personality. It's the kind of people
21 who feel badly about what they've done
22 after they've done it and then they talk
23 about it, they have to ventilate."

24 And then you say:

11:50 25 "Yeah, I get the picture ..."



1 Do you recall Mr. Henderson telling you about
2 Larry Fisher and his confession?

3 A Yeah, I do, yeah.

4 Q And did you believe him?

11:50 5 A I don't believe him that he, that -- I mean if he
6 would have, if he would have confessed to it, it
7 would have been all over the papers, so I knew
8 that he didn't confess, like he said he might have
9 or he didn't or rumour. I believed it to be he,
11:50 10 you know, he was trying to tell me something, you
11 know, like -- I didn't believe that he confessed
12 because it would have been --

13 Q Right.

14 A -- it would have been out there.

11:50 15 Q Okay. And if we can scroll down, please, starting
16 here to the bottom. And Mr. Henderson says:

17 "Right. But he's going to, we think,
18 down the line, ah', because the RCMP is
19 convinced that he's the person. Now,
20 when he does, what that means is, that
21 all the witnesses against David Milgaard
22 suddenly become liars. Now here is
23 Albert's chance to beat them to the
24 punch."

11:51 25 And you say:



1 "Yeah."

2 And he carries on:

3 "Come forth and say, the bastards made
4 me do it. And I feel badly about it and
11:51 5 I want to clear my conscience and help
6 this guy that I've been been worried
7 about, heartsick about all these years.
8 He was my pal, the pricks made me do
9 it."

10 Then you say:

11 "Yeah. Well, the thing is, I know you ..."
12 and then unintelligible. Do you recall that
13 discussion with Mr. Henderson?

14 A Yeah, I'm sure that was exactly what happened,
11:51 15 yeah, what --

16 Q And what did you understand that Mr. Henderson was
17 seeking here?

18 A Well he wanted Albert, he wanted Albert to come
19 out and say that he was lying, I guess is what he
11:51 20 wanted.

21 Q And did you then, after this -- this appears to be
22 a phone call, did you then have a subsequent
23 meeting with Mr. Henderson?

24 A Yeah, I think he came out and made -- I think he
11:51 25 was from Seattle, I think he called me from



1 Seattle, I believe, but I -- maybe he was
2 somewhere else, maybe he was in Winnipeg, I don't
3 know. But he lived in Seattle and then he made an
4 appointment to come and see us at my place, at my
11:52 5 house, and then we went to a restaurant and -- not
6 the "Hide Away" but another one.

7 Q It was the Hide Out.

8 A It was the Hide Out, yeah, whatever. But,
9 anyways, we went to a restaurant and we did -- had
11:52 10 some talks there, and then we went back to my
11 place, and then he took a statement from me and
12 Albert there.

13 Q Okay. If I could just go through, there's another
14 document I wish to ask you a few questions about,
11:52 15 it's 054362. And this is May 28th, 1990, and it's
16 a memo from Paul Henderson to David Asper, who was
17 one of David Milgaard's legal counsel. I just
18 wish to ask you a few questions about some of this
19 memorandum. It says:

11:52 20 "Last week we received a telephone number in
21 the Vancouver area supposedly that of Albert
22 Cadrain. On the evening of May 24, I called
23 this number from Saskatoon and it was
24 Albert's brother, Dennis, who answered the
11:53 25 phone. Dennis was surprisingly receptive to



1 the call and spoke at length about Albert
2 and his brother's role in the 1970 Milgaard
3 murder trial. He explained that Albert has
4 a transient lifestyle in the Vancouver area
11:53 5 but stays with him on occasion. Dennis
6 indicated that he had information that might
7 be helpful in the Milgaard investigation and
8 agreed to meet me in Port Coquitlam, B.C.,
9 on Saturday. He said he would try to have
11:53 10 Albert available, but could not promise that
11 his brother would talk to me. We arranged
12 to meet at a restaurant near Dennis' home."

13 A Yes.

14 Q And I think that's consistent with what you have
11:53 15 told me, and that date, does that sound about
16 right?

17 A Yeah, that's, I think it's all right, yeah.

18 Q Okay, and then the next paragraph, please. It
19 says:

11:53 20 "Dennis and Albert both showed up. We got
21 acquainted over coffee at the restaurant and
22 it became immediately apparent to me that
23 Albert is stuck on the same old record. He
24 was literally ranting and raving about how
11:53 25 he remains convinced that David Milgaard was



1 Gail Miller's killer. He talked about
2 seeing the bloody clothing on David and
3 witnessing Nichol John freak out over David
4 on the morning of the murder. He described
11:54 5 how David broke off the aerial from the car
6 (to prevent him from hearing about the
7 murder on the news) and how David made a
8 solo trip to the library in Calgary to read
9 about the murder. Albert presented a
11:54 10 detailed conspiratorial theory about David
11 being connected with the Mafia and how this
12 has continued to haunt him (Albert) through
13 the years. He said he has always feared
14 that David would kill him and possibly harm
11:54 15 his family if he is released from prison."

16 Is that an accurate recording or summary?

17 A Yeah, absolutely, yeah.

18 Q Yeah. So I take it, the first meeting with
19 Mr. Henderson, Albert gave his -- the version of
11:54 20 events that you had heard before?

21 A And he had never wavered from it, he never wavered
22 from it, I don't believe.

23 Q And then the next statement says:

24 "The most surprising comment from Albert
11:54 25 during the initial restaurant rendezvous



1 concerned the bleeding clothing he claimed
2 to have seen on David. Contrary to his
3 statement and trial testimony, Albert
4 claimed that David threw the clothing in a
11:55 5 garbage can at the rear of the Cadrain house
6 and that it was immediately picked up by a
7 garbage truck and hauled off. (I would
8 later correct Albert on this by reading to
9 him from the transcript. His reaction to
11:55 10 this was to shake his head and appear
11 confused.)"

12 Do you remember that discussion?

13 A Yes, I do, I do. And I really believe that after
14 he had -- like he was -- he received shock
11:55 15 treatments when he was in the University Hospital
16 and I really don't know how much he remembered of
17 anything back there ever again, I really don't
18 even believe he was just going on he was supposed
19 to have said and done this and he was just
11:55 20 sticking with it. He was, he was an ill person.

21 Q Do you recall, I mean this discussion talks about
22 the clothes being taken out to the garbage truck,
23 do you recall Albert relating that?

24 A I remember he -- him saying that at the time,
11:55 25 yeah.



1 Q Yeah, and did Mr. Henderson correct him at this
2 meeting?

3 A Yeah, yeah he did, yeah.

4 Q And it says here that Albert's reaction was to
11:56 5 shake his head and appear confused; is that what
6 you recall?

7 A Yeah, yeah.

8 Q And then scroll down, please, it says:

9 "During this initial talk, I detailed the
11:56 10 developments relating to Larry Fisher and
11 made a strong case for his guilt, noting
12 also that the RCMP has been meeting with
13 Fisher in prison and that a confession could
14 be coming. This served to slow down Albert
11:56 15 a bit, but he was soon back on the same old
16 track. Dennis Cadrain will tell you that
17 his brother truly believes what he says and
18 that all of this has somehow become
19 imprinted in his mind. After spending a lot
11:56 20 of time with both brothers, I would have to
21 agree with Dennis that Albert is not likely
22 to see the situation any other way - even in
23 the face of a confession from the real
24 killer. For Albert to recant his testimony
11:56 25 would be for Albert to lie."



1 Would you agree with that statement?

2 A Yes, I do, I do. And I wanted to add into it that
3 when I was trying to get Albert to, I was trying
4 to convince him that he should talk to this guy,
11:57 5 you know, I said "if you have nothing to hide why
6 don't you just talk to him", and I said, I told
7 him -- I read something in the paper recently that
8 I had, like he had said that I -- I coaxed him
9 into doing it saying that David had already spent
11:57 10 enough time in jail. I did say that, but I said
11 to my brother "you should talk to them", and he
12 said "he's guilty", and I said "well, even if he
13 was guilty." Like I just tried to convince him to
14 talk to them, I never told him what to say ever, I
11:57 15 mean I wouldn't. And I said "I don't believe he
16 is guilty", and he said "he's guilty", and this is
17 the point I was going to make is he told me, I
18 said "how do you know he is guilty", and he never
19 told me how he knew he was guilty before, but he
11:57 20 always said he was -- knew he was guilty?

21 Q Yeah.

22 A And the reason he knew he was guilty, I said
23 "why", and he say "because he had a purple aura".
24 That's why he knew he was guilty, he said "he had
11:58 25 a purple aura", so that's the state of mind that



1 he was in.

2 Q Okay. And this would have been in 1990?

3 A That's in 1990.

4 Q Yeah.

11:58 5 A That's the first time he told me about the purple
6 aura.

7 Q And what did he mean by "purple aura"?

8 A Well I guess in his world a purple aura meant
9 guilt, I guess, like there was an aura around him
11:58 10 that was purple, I guess, and that means he's
11 guilty. And that's probably how he saw his boss
12 at the race track at that time, which he didn't
13 tell me why he knew he was guilty but he knew he
14 was guilty then, and this is probably what he saw
11:58 15 in his mind on this -- on his boss.

16 Q Okay. If you could go to the next page, please.
17 And this just talks about the taped interview and
18 statement, and I believe this is at your house
19 with Paul Henderson, and Albert was in another
11:58 20 room; do you recall that?

21 A Well I believe we were talking on a patio outside
22 of my garage, and that's where we -- there was a
23 picnic table out there, and I think he was sitting
24 on a picnic table.

11:59 25 Q And it says:



1 "Dennis agreed to a taped interview and
2 politely asked his brother, Albert, if we
3 could talk alone. (Albert's response was to
4 shrug and comment, "Oh, you want me to get
11:59 5 lost, eh?.) Throughout the interview,
6 Dennis paced back and forth and constantly
7 peeked around the corner to see if his
8 brother might be within hearing distance.
9 The most promising information emerging from
11:59 10 this interview concern the observations of
11 Celine Cadrain and the question of Albert's
12 sanity at the time of trial. As mentioned
13 earlier, Dennis revealed that he became
14 seriously concerned about his brother's
11:59 15 mental health when Albert told him he'd seen
16 a vision in clouds of the Virgin Mary
17 stomping on a serpent with the head of David
18 Milgaard. What Dennis did not tell me was
19 that he personally intervened following this
20 and convinced Albert to commit himself to a
21 mental institution. Albert, himself, later
22 told me this."

23 A Yeah, but that wasn't about -- that wasn't because
24 he said that, it was when things got much worse
12:00 25 later on, because, like I explained to you



1 earlier, it was years later, it was three to four
2 years after he told me about the serpent.

3 Q Okay. And then it goes on:

4 "I made it clear to Dennis that I wanted to
5 be sure the statement he signed accurately
6 expressed his feelings and insights. It was
7 carefully crafted with his assistance, and I
8 would expect Dennis to stand by it when he
9 is contacted by authorities."

12:00 10 Let me just pause there. Tell me what you recall
11 about your dealings with Mr. Henderson and the
12 drafting of your statement?

13 A Ah, I think he was, he was quite a creative writer
14 I think too, but generally everything that he
15 said, he tried to get me to be more explicit
16 sometimes, but I only said what -- I didn't sign
17 anything that I didn't believe that I wanted to
18 get out.

19 Q It then goes on, and I'll get to your statement in
12:00 20 a moment, but we'll finish up with this document.

21 It says:

22 "Interview with Albert - I offered to buy
23 Albert dinner and we returned to the
24 restaurant alone, where he talked
12:00 25 practically non-stop about the Milgaard case



1 and his life in general."

2 If I can pause there. Did Albert then go back to
3 the restaurant with Mr. Henderson without you?

4 A I'm sure he did. I don't recall specifically, but
12:01 5 I'm sure he did.

6 Q It says:

7 "Dennis says that Albert has never been
8 quite right since the police in Saskatoon
9 worked him over mentally 20 years ago."

12:01 10 If I can pause there. Would you have said
11 something like that to Mr. Henderson?

12 A I don't necessarily remember saying since the
13 police worked him over, but since that incident.
14 It wasn't -- I wasn't necessarily saying it was
12:01 15 because of the police, I was saying because of
16 what happened there. It was not, you know, it
17 wasn't -- I don't know. I mean, that's what he
18 says. I don't know. I really don't know that I
19 would have specifically said it's because of the
12:01 20 police or it's because of what happened at that
21 trial.

22 Q Let me ask you then what you would have thought at
23 the time as opposed to what is written down here.
24 What did you think at the time about whether
12:02 25 Albert's mental illness was related to the manner



1 in which he was interrogated or the incident?

2 A Well, I think that he got definitely worse, he
3 definitely got worse after he was, his
4 questioning, I noticed him getting worse, and more
12:02 5 agitated all the time and irrational I would say,
6 but I would say that, yeah, and whether it was
7 because of the police or what, only the police and
8 the people that were interviewed can answer that
9 properly.

12:02 10 Q Were you suggesting at the time, and based on
11 what's recorded here, did you suggest to
12 Mr. Henderson that it may have been the police
13 treatment of Albert that caused his mental
14 problems?

12:02 15 A Well, he suggested that and I agreed that it may
16 have been, yeah.

17 Q It then goes on to say:

18 "After listening to him ramble on, it became
19 apparent that Albert is either out of touch
12:02 20 with reality or has lived a very strange
21 life."

22 And I take it at that time, and I think you've
23 told me this, that Albert's mental state was not
24 good; is that fair?

12:03 25 A Yeah, I would say not good.



1 Q Then go down to the bottom paragraph, it says:
2 "Albert claimed to have 'died' at age 15 or
3 16 after drinking a 'quart of wood alcohol'
4 to impress his friends. 'I actually died
12:03 5 and went through the tunnel; I felt my soul
6 leave my body,' he said."

7 Do you recall Albert telling you that story?

8 A Well, I recall that happening, not so much -- he
9 told me about going through the tunnel, he thought
12:03 10 he was dead, but he almost did die. A friend
11 brought some -- well, a friend -- somebody he knew
12 brought some, a jar, a quart sealer full of wood
13 alcohol to school and told him it was gin and at
14 lunchtime he drank most of it and I remember
12:03 15 seeing him before he went into school and he
16 was -- I knew there was something wrong with him,
17 but I didn't know what it was, but he was very
18 drunk. Well, I guess drunk, he was poisoned and
19 they got him -- I remember looking out the window
12:04 20 and two policemen were taking him across the
21 street and he was fighting and kicking and I went
22 home and he was laying on the floor spitting, he
23 was spitting out. Anyways, they took him to the
24 hospital and they told him another 20 minutes he
12:04 25 would have been dead.



1 Q Did Albert relate to you about going through the
2 tunnel at that time?

3 A Yeah. I don't know if it was exactly that time,
4 but he told me -- I don't know if it was exactly
12:04 5 that time, but he told me -- I don't know if -- he
6 did tell me the story a few times about that, I do
7 recall hearing about it, yeah.

8 Q And then Mr. Henderson's memo goes on:

9 "Albert said that his Yogi training at the
12:04 10 Saskatoon YMCA instilled him with
11 supernatural powers, such as the ability to
12 see --"

13 It says auroras,

14 "-- auroras (halos) around the heads of
12:05 15 others. 'I was seeing them on people all
16 the time; I was like a priest, eh? I saw
17 purple on Milgaard, and that means he
18 murdered someone - that's what purple means,
19 eh?' Albert said he doesn't have such
12:05 20 visions these days because he's been out of
21 touch with his Yogi exercises. But the
22 power could return with practice, he said,
23 'You have to be in the corpse position,' he
24 explained."

12:05 25 And is that consistent with what he would have



1 told you at the time?

2 A Well, I never heard these -- this is the first
3 time I seen this, but yeah, he would say that,
4 yeah.

12:05 5 Q Next to page 054368, and these are Mr. Henderson's
6 words I believe, it says:

7 "I suppose that the point of detailing all
8 of this is to provide a better understanding
9 of where Albert's brother, Dennis, is coming
12:06 10 from. Dennis feels badly about his
11 brother's life and made it clear that he
12 doesn't want Albert subjected to
13 humiliation.

14 Dennis talked about Albert's
12:06 15 generosity and expressed resentment over
16 what he called implications by Joyce
17 Milgaard that his brother testified against
18 David Milgaard for the reward money.

19 'Money means nothing to my
12:06 20 brother,' he said, 'It means absolutely
21 nothing to him at all. I remember when he'd
22 work his ass off on a job then come home and
23 spend every penny of his earnings taking all
24 of us to the movies and buying us things.'

12:06 25 When Albert got the reward



1 money he wanted to donate it all to famine
2 relief. We were able to talk him out of
3 that. Then he insisted on giving the money
4 to my mother and father to help support the
12:06 5 family. My father took the money, then paid
6 it back to Albert when he got married."

7 And is that an accurate recording of what you
8 would have told Mr. Henderson?

9 A Yeah, except I wouldn't have said that we talked
12:06 10 him into it, I didn't talk him into it -- talk him
11 out of it. When I say we, I wasn't involved in
12 that, but somebody, my parents probably or
13 somebody, I'm not sure.

14 Q Next, if you can go down to the bottom of that
12:07 15 page, it says:

16 "Additionally, Dennis Cadrain also told me
17 he is almost sure that police interviewed
18 his sister and that she made it clear to
19 them that she saw no blood on David's
12:07 20 clothing. According to Dennis, the only
21 Cadrain children at home that morning were
22 Albert, his 5-year-old brother, Kenny, and
23 the sister, Celine, who was 19 or 20 at the
24 time. Surely the police would have talked
12:07 25 to Celine, and you can also bet that the



1 Crown would have brought her in as a witness
2 to back up Albert if she had told police she
3 saw the blood."

4 And do you recall providing that information?

12:07 5 A I would say that's accurate, yeah. Yeah, I said
6 it.

7 Q Did you have any concerns at that time about
8 Celine's recollection of seeing no blood?

9 A No, I believed that what she said, she saw no
12:07 10 blood, I believed her.

11 Q Did you have concerns about her not testifying at
12 trial?

13 A Well, I just -- I don't know what the defence
14 lawyer was doing there, but did he not talk to
12:08 15 her? I don't know. I mean, I think he should
16 have talked to her and if she didn't see blood she
17 should have been on the stand, that's what I
18 think, but that's just what I think.

19 Q Okay. If we could go to your statement, 054358,
12:08 20 and we'll maybe just quickly go to page 054361 and
21 have you identify -- that is your signature, is
22 it, Mr. Cadrain?

23 A Yeah, there it is again. It hasn't changed much.

24 Q Would you like me to bring the other one up and
12:08 25 compare?



1 A No. It's pretty close.

2 Q And it's dated May 26th, 1990, Port Coquitlam,
3 B.C.?

4 A Yeah.

12:08 5 Q And that's where you lived at the time?

6 A That's where I lived at the time, yeah.

7 Q Go back to the first page, please. And I take it,
8 is this Mr. Henderson's writing?

9 A Yeah. It's not mine for sure, so it had to be
12:08 10 his, yeah.

11 Q And I think you described this earlier, he would
12 have -- it would have been a co-operative effort,
13 was it, to get your statement down in writing
14 between you and Mr. Henderson?

12:09 15 A Yeah. He was doing most of the -- he would
16 suggest something and then I would agree to it or
17 not agree to it or change something on it and then
18 -- yeah, it was co-operative, yeah.

19 Q And at the end of the day when you signed this
12:09 20 statement, were you satisfied that it accurately
21 reflected --

22 A I'll have to read it to know.

23 Q We'll go through parts of it and I'll ask you that
24 question.

12:09 25 A Okay.



1 Q At the end -- I think the first two paragraphs are
2 just background, it says:

3 "I am the brother of Albert Cadrain who is
4 one year older. I live at 1841 Manning
12:09 5 Avenue in Port Coquitlam, B.C. Albert is
6 also now living in this area but has no
7 permanent address.

8 I was living at home with my
9 mother and father at 334 Avenue O South in
12:09 10 Saskatoon, Sask during the period of time
11 that the police were investigating the
12 stabbing murder of Gail Miller in 1969. I
13 recall Albert leaving town with Ron Wilson,
14 Nichol John and David Milgaard on the
12:10 15 morning of the murder in January, 1969."

16 Stop there. Is that --

17 A Yeah.

18 Q That's accurate?

19 A Yeah.

12:10 20 Q Scroll down, it says:

21 "I also recall the day my brother returned
22 from Regina following his trip out of town
23 with Wilson, John and Milgaard. At this
24 time I told Albert about the murder that had
12:10 25 occurred in our neighbourhood on the day



1 they'd left Saskatoon. Albert then told me
2 he'd seen blood on Dave Milgaard's clothing
3 the morning they left town. I have always
4 been under the impression that Albert first
12:10 5 heard about the murder from me on the day he
6 returned home."

7 Is that accurate?

8 A Yeah, accurate.

9 Q And then until, the next page please:

12:10 10 "Until now I was not aware that he'd been
11 questioned about the murder earlier by
12 Regina police. Albert never told me about
13 this."

14 Pause there.

12:10 15 A Accurate.

16 Q That's accurate?

17 A Accurate.

18 Q And who did you learn -- when and from who did you
19 learn that Albert had been questioned by the
12:10 20 police about the murder?

21 A I'm not exactly certain, but I think it was
22 Templeton and Dyck that told me.

23 Q If I can assist you, Mr. Cadrain, I think
24 Templeton and Dyck interviewed you in 1993 and
12:11 25 this was an interview in 1990.



1 A Oh, then it must have been these guys then. I
2 really can't recall who told me. I know that I
3 know -- somebody told me about it, but --

4 Q Would it be fair to say that you heard about this
5 many years later after the murder?

6 A Many, many, many years later, yeah, many years
7 later. Like, just around this time. It must have
8 been Mr. Henderson.

9 Q Okay.

10 A Because I don't know who else it could have been.
11 It must have been Henderson then. If it wasn't
12 those guys, it was Henderson.

13 Q So just dating back -- getting back to 1969 when
14 he talked to Albert back then, I think you told me
15 this morning he talked about his jail stay in
16 Regina; is that correct?

17 A Yes, he did.

18 Q And -- but did he not tell you about the
19 questioning by police in Regina?

20 A No, he did not.

21 Q Okay. Your statement goes on:

22 "I told Albert he should talk to Saskatoon
23 police about the blood he claimed to have
24 seen on Milgaard's clothing -- even though
25 it seemed hard for me to believe that



1 Milgaard could have been involved. I had
2 met David through my brother in 1968 and did
3 not consider him to be violent."

4 Is that accurate?

12:12 5 A Accurate.

6 Q Next paragraph, just scroll down a bit:

7 "Albert called police that night or the next
8 day. I recall that he went to see the
9 police on his own and that they continued to
10 question him day after day for a long period
11 of time -- maybe for as long as a month."

12 If I can just pause there.

13 A Can you just go back there just a bit there,
14 because did it say that he went down by himself?

12:12 15 Q Yeah, it says --

16 A We went down together and he was down there on his
17 own, but I didn't say he went down on his own.

18 Q Okay. Right. It says here:

19 "I recall that he went to see the police on
12:12 20 his own."

21 What did you mean by that then, I'm sorry?

22 A Well, I know that he didn't -- if that's what --
23 that's what that says, but I didn't -- I wouldn't
24 have said that.

12:13 25 Q Okay.



1 A I wouldn't have said that he went down on his own.
2 When I left he was on his own, but I didn't -- we
3 didn't -- he didn't go down on his own, absolutely
4 not.

12:13 5 Q Physically you accompanied him?

6 A I physically accompanied him to the police
7 station.

8 Q Your statement then goes on:

9 "Albert told me at one point that police
12:13 10 were questioning him as though he were a
11 murder suspect."

12 A Yeah.

13 Q Pause there?

14 A That's fine.

12:13 15 Q "I recall him telling me at a later date
16 that the police finally believed him. He
17 indicated that police had given him a very
18 hard time. It was a very upsetting time for
19 Albert."

12:13 20 A Yeah.

21 Q Is that accurate?

22 A Yes, it is.

23 Q When he told you about the police suspecting him,
24 did he elaborate on that at all?

12:13 25 A No, I don't believe so. He just told me, he said,



1 "Dennis, I think they think I did it." He didn't
2 elaborate.

3 Q And did you observe -- did that cause Albert some
4 concern?

12:13 5 A Well, I noticed he was getting more I guess
6 agitated or -- he was unsettled more and more as
7 things went on there, he was very -- he was having
8 a hard time with it, you could tell he was having
9 a hard time with it.

12:14 10 Q Okay.

11 A It was very stressful I think for him.

12 Q If you could carry on to the next paragraph,
13 please, it says:

14 "At some point it became apparent to me that
12:14 15 Albert had given police information that
16 they planned to use against David Milgaard.
17 At the time I had no reason to believe that
18 what Albert told police was not true. Later
19 I came to have serious concerns about my
12:14 20 brother's credibility."

21 Is that accurate?

22 A Yeah, yeah.

23 Q Next:

24 "Knowing my brother as I do, I am certain
12:14 25 that he would not intentionally lie about



1 anything. But I also know that he is prone
2 to exaggeration and suggestion, and that he
3 could easily be coerced and manipulated by
4 police. If ideas were planted in Albert's
12:15 5 mind it is quite possible that he could come
6 to accept them as the truth."

7 A Yeah. This is just a scenario that could have
8 happened. I'm not saying it happened, I'm saying,
9 yeah, it could have happened. He's the one that
12:15 10 put in the police, but it could -- what he said
11 could have happened, I agreed to that, but I
12 didn't say that it did happen, I'm saying it could
13 have happened.

14 Q Next paragraph, please, it says:

12:15 15 "Frankly, I would not consider my brother to
16 be a reliable witness at that time and for
17 this reason I have had concerns that David
18 Milgaard may have not received a fair
19 trial."

12:15 20 Is that accurate?

21 A That's accurate.

22 Q "Another concern relates to my sister,
23 Celine, who was home on the morning that
24 David Milgaard and his friends came to our
12:15 25 house. Celine told me years ago that she



1 remembered David being in our house that day
2 and that she did not see any blood on his
3 clothing. My sister said her observations
4 never came out in trial because she was not
12:16 5 contacted by the defence. It is possible,
6 however, that she was questioned by police
7 and told them that she had seen no blood.
8 If that was the case, it would appear that
9 police may have suppressed important
12:16 10 evidence."

11 And is that accurate?

12 A Well, the suppressing the evidence was not my
13 words, but I agreed to -- yes, I did. I did say
14 that about my sister and -- like I said, he was a
12:16 15 creative writer, you know, but I don't know if
16 they suppressed evidence or -- I mean, I don't
17 know what the defence lawyer was doing, but he
18 wasn't obviously doing his job either, so I don't
19 know what to say about that. It's accurate.

12:16 20 Q When you say he is a creative writer, are you
21 referring to Mr. Henderson?

22 A Mr. Henderson.

23 Q It then says at the bottom:

24 "I have additional insights into my brother,
12:16 25 Albert, that are pertinent to the Milgaard



1 case. I prefer not to detail them in
2 writing at this time but I am willing to
3 disclose them to the justice department or
4 their representatives.

12:17 5 I offer this statement bona
6 fide in the interest of justice."

7 Is that accurate?

8 A It's accurate.

9 Q And what would be the other insights that you did
12:17 10 not want to put in writing?

11 A I would have to think about every insight in that
12 whole statement, which I didn't get to read, so --

13 Q I'm sorry, perhaps I could assist you. Would it
14 have been related to Albert's mental condition?

12:17 15 A Yes. I don't know if I said anything about the
16 mental condition here, that's why I'm not sure,
17 but basically the mental condition is what I had
18 to say to the justice department, yeah.

19 COMMISSIONER MacCALLUM: Did you say you
12:17 20 didn't get to read this statement, sir?

21 A Well, the whole -- I mean, I did at that point,
22 but we were just going through parts of it and
23 little parts were getting -- did we go through the
24 whole thing there? I don't know.

12:17 25 Q Just now?



1 A Yeah.

2 Q Yes, we did.

3 A The whole thing, we read the whole thing?

4 Q Yes, yeah.

12:17 5 A Okay. I didn't know if we had gone through the
6 whole thing, so I didn't want to agree to saying
7 that I -- something that I didn't read the whole
8 thing, but we did read the whole thing. Yeah, I
9 agree, yes, and it was the mental state that I was
12:18 10 going to be talking to the justice department
11 about. I didn't want to go say, you know, my
12 brother was mentally ill and have a big to-do
13 about that, I just wanted to -- I wanted to just
14 tell the justice department about it.

12:18 15 Q Yeah. And, I'm sorry, you say you didn't want to
16 say that, you didn't want to put that in your
17 written statement; is that --

18 A Yeah, yeah. Well, not because it wasn't true, but
19 I didn't want to -- I just wanted to tell the
12:18 20 proper people.

21 Q I understand. If I could go to the next document,
22 is a document 048357, and this is an edited
23 transcript of telephone conversation between Joyce
24 Milgaard and Paul Henderson and there's a couple
12:19 25 of parts in here, Mr. Cadrain, that I want to put



1 to you where Mr. Henderson is reporting on his
2 interview with you. If you could go to page
3 048363 and just call up that part, please, right
4 down to the bottom there, and Mr. Henderson is
12:19 5 reported to say:

6 "P. HENDERSON: Shorty is just like ah'
7 Jackie said, he's ah' you talk to him and he
8 sounds okay until he starts getting on these
9 wild impossible things and that of course is
12:20 10 what tipped off his brother a long time ago.
11 Dennis has had concerns for years that, that
12 this was bogus testimony. Even though he
13 knows his brother would never intentionally
14 lie. He feels that ah' that it wasn't right
12:20 15 because ah' you know that they, they had a
16 witness that they had very likely coerced,
17 planted, programmed, into believing these
18 things."

19 Stop there. Would you have said those words to
12:20 20 Mr. Henderson or words to that effect?

21 A Which --

22 Q These ones, right.

23 A He feels that it wasn't right because he knows
24 that they had a witness that they had very likely
12:20 25 coerced, planted and programmed into believing



1 these things?

2 **Q** Yes.

3 **A** That's -- you would have to ask him about that. I
4 didn't say that, he said it.

12:20 5 **Q** No, and my question to you, Mr. Cadrain, he's
6 reporting, at least in this transcript, he's
7 reporting --

8 **A** Like I said, he's creative. I didn't say that,
9 you know, specific -- you know, I didn't say that
12:20 10 specifically, but --

11 **Q** Okay.

12 **A** It probably isn't far off of what I believe
13 anyway, but I didn't say that to him. I didn't
14 say coerced, planted, programmed, I didn't say any
12:21 15 of those words.

16 **Q** When you say it's not far off, what do you
17 believe --

18 **A** Well, I think that he was seriously ill and he
19 should have been given help by his parents and/or
12:21 20 the police and/or whoever else was talking to him,
21 should have realized that he had problems. He
22 should have been helped, he wasn't helped, and he
23 was used by everybody and that's what happened to
24 him and that's what I believe, you know, I believe
12:21 25 that he was used by people that just were trying



1 to reach an end and they didn't care how they got
2 there and he should have been helped and he wasn't
3 helped.

4 Q Okay. Now next, Mr. Cadrain, I want to show you a
12:21 5 document, 156718, which is a letter from Mr. Asper
6 to you dated June 4th, 1990, and this is shortly
7 after, it looks like it's a file copy, shortly
8 after your interview, and it refers to a telephone
9 conversation of May 31, 1990 and requests that a
12:22 10 release of information be signed by Albert to
11 allow information to be obtained for the
12 Department of Justice reopening. Do you recall
13 that?

14 A Yes, I do, I do, and I agreed to, that I would try
12:22 15 to help them to get that because I thought that
16 was important, but then I thought I would just
17 tell the justice department about it and let them
18 deal with it, maybe it wouldn't be sensationalized
19 as much, and I was also getting a lot of bad
12:22 20 feelings from my parents I would say about it
21 already for just allowing people to see Albert to
22 begin with.

23 Q Yes.

24 A And I just thought I just better -- if the justice
12:22 25 department wanted to do it, I would do it for



1 them, but I didn't want to do it and make it any
2 worse. It was already getting too much, you know.

3 Q Okay.

4 A I wanted the message to get out, but I didn't want
12:23 5 it to be, you know, like as big as it got.

6 Q So is what you are saying is you were prepared to
7 allow the Department of Justice access?

8 A Well, I would have told Albert, yeah, sign it for
9 them, but I didn't want to do it for -- I didn't
12:23 10 really trust Paul Henderson, what he was going to
11 do with it, you know.

12 Q Okay. And the next document I think is the
13 release, 054370, and is this, Mr. Cadrain, the
14 document that Mr. Asper had asked you to get
12:23 15 Albert to sign?

16 A Yes, I guess it is, yeah. I don't, you know --
17 like, I know I got a document and I'm sure that
18 that was the one I got.

19 Q And then next I want to show you a letter from Mr.
12:24 20 Asper dated June 6, 1990, it's document 165768,
21 and in this letter, again it's a file copy, but
22 it's from Mr. Asper to you, it says:

23 "Further to our recent telephone
24 conversation, I am enclosing herein a letter
12:24 25 that David Milgaard has written to Albert.



1 As you may or may not be aware, it is very
2 difficult for inmates to get ahold of stamps
3 and envelopes and the like, and so David
4 asked that I send the letter directly to you
12:24 5 so that you can in turn forward it to
6 Albert.

7 Thanks for your help."

8 Do you recall getting a letter from --

9 A I do, I do.

12:24 10 Q And I'll show you 155334, please, and I'm not sure
11 if you recall the letter, but I believe this is
12 the letter that was provided. Do you recall
13 reading it?

14 A Yeah, I do recall reading it, yeah.

12:25 15 Q Maybe we'll just go through it, it says:

16 "Dear Albert: I hear that the investigator
17 met with you a while ago to have a talk with
18 you. It sounds like we all became victims
19 of what happening and that we are still
12:25 20 hurting today.

21 I want you to know that the
22 past 21 years have been real hell for me. I
23 didn't kill that nurse and hopefully the
24 truth will come out. Everyone keeps asking
12:25 25 me if I'm mad at the people who testified



1 against me and I can tell you that nothing
2 is further from the truth. I am not mad at
3 you or anyone else. With all the stuff
4 going on with the police I imagine a lot of
12:25 5 people said a lot of things.

6 All I want is to get out of
7 this jail and get on with my life. Maybe we
8 could be friends again, man, but I hear now
9 in B.C. and of course I'm out here. If you
12:25 10 can do anything to help that would be all
11 right and if not that's okay too, man.

12 Peace, David Milgaard."

13 Is that the letter that you would have been
14 given?

12:26 15 A That's the letter, yeah.

16 Q And do you recall Albert's reaction when you gave
17 it to him?

18 A I would just -- no, I know that he read it and,
19 you know, he went on his tangent about, you know,
12:26 20 he's guilty still, you know. Like, we didn't talk
21 about it much because it was, like, he would think
22 one thing and I would think the other and we would
23 just end up -- we couldn't talk about it.

24 MR. HODSON: Okay. Mr. Commissioner, this
12:26 25 is probably an appropriate spot to break.



1 COMMISSIONER MacCALLUM: Thanks. Two
2 o'clock, please, and please don't discuss your
3 evidence during the lunch hour.

4 *(Adjourned at 12:26 p.m.)*

02:01 5 *(Reconvened at 2:00 p.m.)*

6 BY MR. HODSON:

7 **Q** Now, Mr. Cadrain, when we adjourned for lunch we
8 were talking about, I think the time period was
9 May of 1990, and your dealings with Paul
02:01 10 Henderson. And do you recall, at or around that
11 time, having occasion to talk to Mr. Eugene
12 Williams of the Federal Department of Justice?

13 **A** Yes, he came out to see me one day, yup.

14 **Q** And what do you recall of that meeting?

02:02 15 **A** Umm, he just asked me his questions and I gave him
16 my answers, and he just left. It was, he wasn't
17 there maybe a couple of hours and he was cordial
18 and I just basically told him the same thing that
19 I just said.

02:02 20 **Q** Do you know if he talked to Albert or did he ask
21 you where to find Albert?

22 **A** I don't recall him talking to Albert, I don't
23 remember that part of it, no. I remember talking
24 to him. He was a black fellow and I remember him
02:02 25 well, but I remember the conversation, talking to



1 him, but I don't know anything about the -- who
2 else he talked to.

3 Q I will show you one of his file documents, 002969,
4 and this is a document, a memorandum dated June
02:02 5 16th, 1990, it's a memorandum from Mr. Williams to
6 the file and the subject matter is David Milgaard
7 Section 690 *Criminal Code* interview with Albert
8 Cadrain.

9 Now, if I could just pause
02:03 10 there, were you aware at this time, May-June of
11 1990, that Mr. Milgaard had made an application to
12 the Federal Minister of Justice to review his
13 conviction?

14 A Yes, I was aware, yeah.

02:03 15 Q And I just want to read you parts of Mr. Williams'
16 memo that deal both with Albert and with you, and
17 here he is talking about Albert:

18 "Mr. Cadrain adopted the statement of March
19 2, 1969 with the exception of the sentence
02:03 20 identified with an asterisk on page 4 of the
21 attached statement:

22 "I can't remember actually what he did
23 with his soiled clothes but I think he
24 put them back in the suitcase and took
02:03 25 them out to the car."



1 Mr. Cadrain now states that Mr. Milgaard
2 (Hoppie) threw his soiled clothes in the
3 garbage. Shortly afterwards the garbage
4 truck collected the garbage. Mr. Cadrain
02:03 5 also indicated that he may have known
6 Milgaard for approximately two years before
7 the visit on January 31, 1969."

8 And I think you told us this morning that this
9 part of Albert's story about the garbage truck
02:04 10 had changed from when he told it to you in 1969;
11 is that correct?

12 A I never heard anything about this garbage until
13 this point, you know, about the garbage story or
14 whatever, and I actually don't believe in 1990
02:04 15 that he had any recollection at all of that day.
16 I really don't believe he did, you know, I think
17 he just -- I don't know -- I don't think he can --
18 I don't think he had any recollection at all, to
19 be honest. I don't know where this came from but
02:04 20 I, I never heard it before this time.

21 Q Had you heard this version from your brother Ken?

22 A No.

23 Q Go to the next page, please, 002970, and this
24 paragraph where Mr. Williams talks to Albert about
02:05 25 psychiatric treatment, if I could just pause here.



1 I think you said this morning
2 that in early June 1990 you had been asked by
3 David Asper, on behalf of the Milgaards, to ask
4 Albert to provide a release of his psychiatric
02:05 5 hospital records; is that correct?

6 A Yeah, that's correct.

7 Q And I believe you said that you didn't want to
8 give them to Mr. Henderson, but that you would
9 give them to the Department of Justice?

02:05 10 A Well I would ask Albert if he wanted to give them
11 to him, that was his business, and I wouldn't have
12 given -- I had no right to give them to anyone, I
13 would have asked Albert if he wanted to give them
14 to him, but I didn't think it was right that I
02:05 15 should go ask Albert to give it to these other
16 guys because it was getting to be big headlines,
17 and I didn't really -- that's not the point of
18 what I was trying to do, I just wanted to get the
19 story out that there was a problem and somebody
02:05 20 should investigate it.

21 Q Were you prepared, then, to ask Albert to release
22 those records to Mr. Williams?

23 A I think I would have, yeah, I would have, yeah.

24 Q So Mr. Williams writes:

02:05 25 "I also questioned Mr. Cadrain concerning



1 information that he had undergone
2 psychiatric treatment. Mr. Cadrain
3 acknowledged that he had spent approximately
4 two months in a psychiatric facility during
02:06 5 which he received shock treatment and drug
6 treatment. He noted however, that he had
7 checked himself in after he was persuaded to
8 do so by his brother."

9 I pause there. Would that be you, Dennis?

02:06 10 A Yeah, I would say yes.

11 Q Okay.

12 "He stated that the repeated questioning by
13 the police, and their apparent disbelief of
14 his initial statement, coupled with
02:06 15 suggestions that he may be involved in the
16 murder were very distressing. He described
17 himself at that time as a spiritual
18 individual."

19 And is that a statement consistent with what
02:06 20 Albert would have told you?

21 A Yeah, but, you know, his story was always changing
22 so at some point he would have said -- that --
23 this is something that he would have said, but
24 there was a lot of things that he said that, you
02:06 25 know, might be different than that at different



1 times. But he really didn't, I don't think he
2 knew what to say ever, you know. I'm sure he
3 would have said this.

4 Q Yes.

02:07 5 A Yeah.

6 Q Next paragraph, please. It says:

7 "In response to my inquiries to determine
8 whether Mr. Henderson, the investigator
9 working on behalf of Mr. Milgaard, had
02:07 10 questioned him, Albert Cadrain advised that
11 Mr. Henderson had spoken to both Dennis
12 Cadrain and himself during a dinner or
13 luncheon meeting. Albert Cadrain Cadrain
14 stated that Mr. Henderson did not appear to
02:07 15 be very interested in what Albert had to say
16 after Albert maintained the accuracy of his
17 trial testimony. Thereafter, Mr. Henderson
18 spoke primarily to Dennis and Albert did not
19 follow their conversation."

02:07 20 And I'm wondering if that; does take accurately
21 describe the events with --

22 A It's hard to say, I mean it's hard to say about
23 that, I mean I really -- that's something that he
24 said, and I haven't said it and, you know, this
02:07 25 amount of time has gone by, I wouldn't --



1 Q Fair enough.

2 A I don't know, I can't comment on that, I really
3 can't.

4 Q Okay. If you could scroll down, this deals with
02:07 5 Mr. Williams' interview with you, it says:

6 "Dennis Cadrain, the younger brother of
7 Albert Cadrain, gave a statement to Paul
8 Henderson, a private investigator working on
9 Milgaard's behalf, in which he questioned
02:08 10 the credibility of his older brother Albert,
11 a witness at David Milgaard's trial. Mr.
12 Cadrain was interviewed at his home in Port
13 Coquitlam on Monday, June 11, 1990 in
14 relation to those comments and to his
02:08 15 statement that he had valuable insights into
16 Albert's personality."

17 Next paragraph:

18 "Mr. Cadrain questioned whether Albert
19 actually saw blood on David Milgaard's
02:08 20 clothing during Milgaard's visit to the
21 Cadrain residence on January 31, 1969.
22 Dennis' concern was based in part on the
23 observations of their older sister, Celine
24 Anderson (Cadrain) ... who was at the
02:08 25 residence when Milgaard and his friends



1 arrived. Celine did not observe blood on
2 David Milgaard's clothing. Dennis was at
3 school when Milgaard visited their house."
4 Pause there. Does that accurately record what
5 you would have told Eugene Williams?

02:08

6 A Yes, except that her name is Armstrong, I guess
7 they got that wrong. Outside of that, everything
8 is right, yeah.

9 Q Okay. Next:

02:09

10 "Noting that Albert tended to exaggerate and
11 was prone to believing his exaggerations,
12 Dennis alluded to Albert's former and
13 current drug use, and the emotional
14 instability that occurred after the trial.
15 He attributed this instability to the
16 stresses created by repeated police
17 questioning and Albert's near brush with
18 death. Albert was dangled head first from
19 an upper floor window of a Regina building
20 after his sojourn to Calgary and Edmonton
21 with David Milgaard."

02:09

22 Pause there. Does that accurately record what
23 you would have told Mr. Williams in your
24 interview with him?

02:09

25 A I would just like to read it again.



1 Q Sure, just read it to yourself again.

2 A I don't know if I would have said it exactly like
3 that, but I -- you know, it's not far off from
4 what -- you know, I really don't recall these
02:09 5 exact words or anything like that, but I --

6 Q It's possible?

7 A It's possible that that's what I said, yeah, it's
8 possible.

9 Q Is there parts of that paragraph, Mr. Cadrain,
02:09 10 that you do not agree with?

11 A Well it's, it's roughly, it's roughly what I think
12 what -- I don't recall this little thing here, I
13 really don't, you know.

14 Q Let me ask you this, and appreciate this is
02:10 15 Mr. Williams recording what he got from his
16 conversation with you, but my question is, putting
17 aside the words, has he improperly recorded what
18 you would have -- the essence of what you had told
19 him at the time?

02:10 20 A The essence, I guess the essence is there. I
21 wouldn't, and I wouldn't know if I would have said
22 anything about getting dangled, you know, the
23 stress from getting dangled from the window, I
24 don't know if that would have -- I don't know if I
02:10 25 would have said that. Doesn't sound like I would



1 have said it, but maybe I did, I guess I did. I
2 believe that he is an honest person, you know, I
3 mean I'm not going to say that I didn't say this,
4 but it's roughly what I believe anyways, so I
02:11 5 would agree to it, I guess, that's what I'll have
6 to say.

7 Q Okay. Let me ask you this. At the time, in 1990,
8 did you attribute Albert's instability to the
9 stresses created by repeated police questioning
02:11 10 and Albert's near brush with death?

11 A Well at the time, I didn't know how to, let's say
12 I didn't know what was the cause of it, but I knew
13 there was -- I knew that there was something wrong
14 with him, and at the time I am not sure if I still
02:11 15 believed that he saw the blood. Like I had no
16 reason to believe that there was anything wrong
17 with him when he came to me and saw the blood, but
18 afterwards there was plenty --

19 Q Yes.

02:11 20 A -- to say that there was something wrong. And I
21 didn't know, I really wouldn't have known what
22 caused it or what the, what reasons were behind
23 it. I really wouldn't have known to be honest.

24 Q And the next paragraph states :

02:11 25 "In support of his contention that Albert



1 was unstable, Dennis related an incident
2 which occurred several years ago in Regina.
3 Albert accused a former employer, a
4 respected horse trainer, ..."

02:12 5 A That's wrong right there, it's not Regina, it
6 should be Vancouver.

7 Q Vancouver?

8 A It should be Vancouver.

9 Q Okay.

02:12 10 A So that's wrong.

11 Q Okay.

12 "... a respected horse trainer, of setting
13 fires to a barn containing race horses,
14 which resulted in the death of a number of
02:12 15 animals. Dennis Cadrain wondered whether
16 the jury would have accepted Albert's
17 testimony had they known about Albert's
18 state of mind."

19 Apart from the city where that occurred, does the
02:12 20 balance of that paragraph record what you would
21 have told him?

22 A Yes, it is.

23 Q Okay. Go to the next page please, 002972, and
24 there is a couple of paragraphs here. Now, Mr.
02:12 25 Cadrain, these are Mr. Williams' notes to the



1 file, and I just want to read them and ask you a
2 few questions. He states:

3 "Neither the timing nor the nature of Albert
4 Cadrain's emotional instability is clear;
02:12 5 nor is the motivation behind Dennis
6 Cadrain's current statement. Dennis Cadrain
7 had accompanied Albert to the police station
8 on March 2, 1969, and had given a statement
9 to the police in which he quoted Celine as
02:13 10 saying that David Milgaard wanted to get out
11 of town right away. From Dennis' personal
12 assessment of Milgaard, which was obtained
13 during Milgaard's first stay, he described
14 Milgaard in 1969 as a "real goof".

02:13 15 The timing of the statements of
16 Dennis Cadrain and Ron Wilson, a few days
17 before David Milgaard's parole hearing,
18 coupled with the parting statements of
19 Albert Cadrain suggests to the writer that
02:13 20 fear of retribution may have motivated Dennis
21 to attempt to shield or excuse Albert.
22 Although Dennis Cadrain did not testify, and
23 is younger than Albert, Dennis regards
24 himself as Albert's guardian. The prospect
02:13 25 of Milgaard's release and possible angry



1 retribution may explain Dennis' attempt to
2 distance Albert as a reason for Milgaard's
3 imprisonment. Each of David Milgaard's
4 travelling companions that this writer has
02:13 5 interviewed still fear him, even though over
6 twenty years has elapsed."

7 I would like your comments on that?

8 A Well I think that he didn't get, he didn't get
9 where I was coming from, and calling someone a
02:14 10 goof is not calling him a murderer by any stretch
11 of the imagination, and I don't think they wanted
12 to change anything. I don't even know why he
13 bothered to come and talk to me, because there
14 was -- my motivation for doing what I did is
02:14 15 because I think it's the right thing to do,
16 because I -- it was a bad mistake that was made.
17 And this guy, if this is what he has to say, well
18 I feel sorry for him, I think he is a little bit
19 stupid.

02:14 20 Q As far as your motivation behind giving your
21 statement in May of 1999, and the information you
22 provided to Eugene Williams, were you in any way
23 motivated by a fear of Albert Cadrain's safety?

24 A No, never. No, never. I knew there was a bad
02:14 25 mistake was made, and I was just trying to do what



1 I could to help out to make it right, and that was
2 my motivation. And that's all I have to say on
3 that.

02:14 4 Q Now the next document is Albert's statement that
5 he gave to Paul Henderson, it's 000229. Now I'm
6 sorry if I already asked you this this morning,
7 but were you present when this statement was
8 drafted, I believe it was drafted by Mr. Henderson
9 and signed by Albert; were you present when that
02:15 10 took place?

11 A I have to read it because I'll try and remember.

12 Q Okay. Maybe we'll go through it.

13 A Okay.

14 Q I have a few questions and then maybe we'll come
02:15 15 back to that.

16 A Okay.

17 Q And the first paragraph says:

18 "I live with my brother Dennis at 1841
19 Manning Avenue in Port Coquitlam, B.C. I
20 was a key witness for the Crown in the 1970
21 murder trial of David Milgaard, who was
22 charged in the stabbing death of Gail Miller
23 in Saskatoon in January 1969."

24 Scroll down:

25 "My involvement as a witness began after I



1 returned to my home on Avenue O South in
2 Saskatoon following a trip to Alberta with
3 Ron Wilson, Nichol John, and Milgaard. I
4 learned about the murder on the same day and
5 recall telling members of my family that I
6 believed I had seen blood on Milgaard's
7 clothing on the morning we left town. After
8 conferring with my family I called Saskatoon
9 Police. They arrived at my house a short
10 time later and took me to the police
11 station. I recall that I was questioned
12 that first day for 10 to 12 hours. I felt
13 that they were accusing me of the murder.
14 When they finally brought me home later home
15 late that night I was mentally drained and
16 shaking."

17 If I can pause there; do you recall Albert giving
18 that statement to --

19 A Well I -- I don't recall sitting beside him while
02:16 20 it was being made, it was very possible, but I do
21 recall everything that's on there, and I would
22 have -- if I read it or was sitting there, I can't
23 recall, but I -- he did say, this is what he said,
24 and I was there, yeah.

02:16 25 Q Okay.



1 A I can't recall being sitting there when he did it,
2 but I was, like Paul Henderson would have showed
3 it to me anyways so --

4 Q Do you believe you were involved in Mr. Henderson
02:16 5 obtaining this statement from Albert?

6 A No, I -- the only thing, the only involvement I
7 had was to deliver him to him so he could get a
8 statement from him.

9 Q I'm sorry, but were you there and assisting Albert
02:17 10 in drafting this statement by Mr. Henderson, do
11 you know?

12 A I wish I could remember that specifically. There
13 was a lot of, some with me, some with him, some
14 together, I really -- specifically this one, I
02:17 15 really can't remember, honestly.

16 Q Okay. Next page, please.

17 A I wouldn't have put any words in his mouth, if
18 that's what you are asking me, I wouldn't have --
19 I had nothing to do with -- whatever he said, he
02:17 20 said.

21 Q What do you recall of your discussions with Albert
22 surrounding his giving this statement to Paul
23 Henderson?

24 A Umm, I had a -- I had -- I talked, I had to talk
02:17 25 him into talking to him, because he didn't want to



1 talk to him, because that was what was -- all the
2 time that people were trying to talk to him,
3 nobody ever -- they said "don't talk to him, don't
4 talk to him", and I didn't feel that that was the
5 right thing to do, that if you have nothing to
6 hide you shouldn't be hiding, so I tried to
7 convince him to talk to him. I said, you know,
8 "you can tell your story whatever way you like but
9 you talk to him."

02:18 10 Q Okay.

11 A You know.

12 Q And just carrying on with Albert's statement,
13 here, it states:

14 "They asked me the same questions
15 repeatedly, time after time after time,
16 until I was exhausted and couldn't take it
17 anymore. This went on for months,
18 continuing through the preliminary hearing.
19 They put me through hell and mental torture.
20 It finally reached the point where I
21 couldn't stand the constant pressure,
22 threats and bullying anymore."

23 Do you recall Albert using those words with
24 Mr. Henderson?

02:18 25 A Yes, I do, and those were his words, those are



1 Albert's words, you know, they are not -- they are
2 not Paul Henderson's words and they are not my
3 words, they are Albert's words.

4 Q Okay. You recall him using those words with you
02:18 5 and/or Mr. Henderson?

6 A At that time, yeah, all around that time when Paul
7 Henderson was there, yeah, we did -- yeah, he did
8 say that.

9 Q And had Albert used language like that previously
02:19 10 in his discussions with you?

11 A Not to this extent that he was talking at this
12 point. He was very, like I said, he was -- his
13 mental state wasn't that good at that time to
14 begin with, and then when his -- I guess he
02:19 15 started feeling some pressure to answer, like,
16 questions about it again, and he just started to
17 get really nervous and rambling.

18 Q Okay, if we could just scroll down, please. It
19 says:

02:19 20 "As a result of the abusive treatment, I
21 developed serious stomach ulcers and was
22 actually spitting up blood for a long period
23 of time. I also became very paranoid. At
24 one point I had told the detectives about
25 David Milgaard bragging about being in the



1 Mafia. After they finally finished with all
2 the questioning and interrogation; police
3 advised me that I was the star witness and
4 said I'd better find someplace to hide
5 because they didn't want the Mafia to kill
6 me."

7 Do you recall Albert using those words with you
8 and Paul Henderson?

9 A Yes, I do.

02:20 10 Q Next page, please. Just call out the middle
11 paragraph, and he states:

12 "Before I walked into that police station I
13 was a happy normal kid. But everything
14 changed after that my life has been ruined
15 because of all of this shit. From the
16 evidence it now appears that David Milgaard
17 is innocent. To know that my testimony
18 helped cause him to spend all these years in
19 prison only adds to the stress and to the
20 burden I have been carrying through my
21 entire adult life."

22 Do you recall Albert using those words?

23 A I do, but this one here, this statement here was
24 very heavily, I guess you could say, choreographed
02:20 25 by Paul Henderson, and I didn't say anything, I



1 just sat there and listened to it, and he said he
2 agreed to that statement, Albert did.

3 Q Okay.

4 A And, but, although it was more or less composed by
02:21 5 Paul Henderson and he would say -- if Albert
6 didn't agree with something, he would say
7 "Now --", and then he would come up with a
8 different --

9 Q When you say "choreographed"; what do you mean by
02:21 10 that?

11 A Well I mean composed, it was composed by Paul
12 Henderson, and he kept saying things until Albert
13 would agree to this, and then he would write that
14 down, and then that's how -- like it wasn't
02:21 15 Albert's words, Albert didn't come out and say
16 this, Paul Henderson, well, basically said it and
17 he agreed to it.

18 Q Okay.

19 A Yeah.

02:21 20 Q And had you heard Albert use words like this
21 before?

22 A Umm, Albert, this is the first time that Albert
23 ever said that he may be innocent. He never said
24 that. I think that may be the only time he ever
02:21 25 said it. And, having said that, I don't even



1 think he said it, I think it was Paul Henderson
2 that said it and he agreed to it, you know. Like
3 he was, I think he was a little tired from the
4 questions and he was, his mental state wasn't that
02:22 5 great at that time either, and I think he just
6 said "well," just give up and just agreed to it, I
7 guess.

8 Q Okay. Next paragraph, please. It says:

9 "I feel that the Saskatoon Police did a
10 terrible thing to me 20 years ago. My life
11 has never been the same and it never will
12 be. Those detectives pushed me over the
13 edge and I cracked."

14 A Uh-huh, yeah.

02:22 15 Q Do you recall --

16 A Yeah, he said that, yeah.

17 Q And any comments about that?

18 A Well that's, like I said, that's -- at that time,
19 this is, I think he was agitated and he was, you
02:22 20 know, highly nervous and he just started to -- I
21 think he felt kind of like almost trapped, or I
22 don't know what, I can't really say what happened
23 to him, but I know he was very nervous and he just
24 started to ramble. I don't, I really don't know,
02:23 25 I have never heard that before and -- that it was



1 that bad. He told me they were -- things
2 happened, but he -- it was never as bad as what he
3 was saying at this point.

4 **Q** And when you say he told you things happened are
02:23 5 you talking about the police?

6 **A** Yes, yeah, yeah, like they were rough on him he
7 told me, yeah.

8 **Q** And did you make any observations about the
9 credibility of what Albert was saying on this day?

02:23 10 **A** Well that's what -- the reason why I wanted,
11 wanted Albert to say -- to talk to people so they
12 could judge for themselves how credible he was.

13 I had known that he wasn't
14 credible for a long time, I knew that, you know,
02:23 15 and I -- he would say something here, and then the
16 next couple days he would say something different,
17 and I really don't even think he knew, I really
18 don't even think he really knew what was real any
19 more, I really don't think so.

02:24 20 **Q** Okay. Now are you aware that, I think sometime
21 around this statement or subsequent, that Albert
22 was on television talking about --

23 **A** Yes.

24 **Q** -- these matters? I'm wondering, I'll just show
02:24 25 you that video, and then I'll have a few questions



1 for you.

2 **(News videotape played)**

3 ANCHOR: A key witness in the David
4 Milgaard case now says that Saskatoon Police
5 pressured him when he gave evidence at the
6 original trial. The witness says police pushed
7 him over the edge and he cracked. Allan Habbock
8 (ph) reports.

9 REPORTER: Albert Cadrain says his life has
10 been ruined by the David Milgaard case.

11 20 years ago he was a key
12 witness in the trial. He collected a \$2,000
13 reward for testimony that helped convict Milgaard
14 of the 1969 murder of a Saskatoon nursing
15 assistant. Now, for the first time, Cadrain says
16 Saskatoon Police subjected him to abusive
17 treatment.

18 In a written statement Cadrain
19 says he was questioned 15 or 20 times by police.
20 "This went on for months", he says, "they put me
21 through hell and mental torture. It finally
22 reached the point where I couldn't stand the
23 constant pressure, threats, and bullying any
24 more." He concludes "those detectives pushed me
25 over the edge and I cracked."



1 ALBERT CADRAIN: The police told me "you
2 better hide away for a while and we don't want
3 nothing to happen to our star witness", and that
4 just put more wood on the fire, it make me real
5 worried and I started getting ulcers and spitting
6 blood, every five minutes, I'd just cough and
7 spit.

8 REPORTER: Despite his claims of abusive
9 treatments, Cadrain still maintains he saw blood
10 on Milgaard's clothes the morning of the murder.

11 Cadrain is the second witness
12 to make allegations of pressure by the Saskatoon
13 Police. Two weeks ago ...

14 **(News videotape stopped)**

02:25 15 BY MR. HODSON:

16 Q Was that the video that you had seen earlier?

17 A Yes.

18 Q And would this have been about the same time frame
19 as these statements?

02:26 20 A Yeah, in that, just shortly after, I believe,
21 yeah.

22 Q Now when your brother Ken testified, and saw that
23 video last week, he said that those words of
24 Albert's sounded like his brother Dennis' words.

02:26 25 A Well that, you know, I don't want to comment on



1 anything Kenny says. I'm sorry, I just don't want
2 to comment on it, he -- to me, he's not -- what --
3 anything he has to say, to me, is not credible
4 either so --

02:26 5 Q Did you have any discussions with Albert before he
6 went on television to do that clip?

7 A Not as to what he was going to say, absolutely
8 not, no. I actually brought the people to where
9 he was so they could do the interview, like I
02:26 10 showed 'em where he was, but that's all. I didn't
11 say -- I had nothing to -- I had nothing to do
12 with what he said, that was just his own words.

13 Q And your objective was to put him in front of the
14 people who --

02:27 15 A Well --

16 Q -- wanted to talk to him?

17 A -- I didn't mean it to be as big as this, I just
18 wanted somebody to know that there was something
19 wrong, and something had to be -- it should have
02:27 20 been checked into, because I didn't feel that it
21 was right for him to be testifying against
22 somebody in the condition that he was in, and he
23 was in that condition a long time, and that's --
24 that was my reason for it, you know.

02:27 25 Q Okay. In 1993 you are aware that the RCMP were



1 conducting an investigation into this matter?

2 A Yes.

3 Q And I believe you met with Templeton and Dyck; is
4 that right?

02:27 5 A I did, yeah.

6 Q Before I get to that I just wanted to play a short
7 clip from Albert's interview. Albert was
8 interviewed, as well, and we have a short clip
9 where he describes his meeting with the
02:27 10 Hendersons.

11 Q Yeah.

12 A If you could listen to it, the transcript will be
13 there, and then I have a few questions:

14 **(Audio tape interview with RCMP June 2, 1993)**

15 CORPORAL JIM TEMPLETON: Okay, Albert. Do
16 you remember a fellow by the name of Paul
17 Henderson.

18 ALBERT CADRAIN: That's the guy, that's the
19 guy.

20 CORPORAL JIM TEMPLETON: What guy.

21 ALBERT CADRAIN: The guy that was writing
22 the book from the United States.

23 CORPORAL JIM TEMPLETON: Is this the fellow
24 that you mentioned that came with a convertible.

25 ALBERT CADRAIN: Yeah.



1 CORPORAL JIM TEMPLETON: Okay. Do you
2 remember an interview with Mr. Paul Henderson.

3 ALBERT CADRAIN: Yeah.

4 CORPORAL JIM TEMPLETON: Do you remember
5 how long ago that was.

6 ALBERT CADRAIN: Oh about a year eh. A
7 year or two ago.

8 CORPORAL JIM TEMPLETON: Okay. Did you
9 give Mr. Henderson a statement of any sort.

10 ALBERT CADRAIN: He made me write something
11 down, yeah.

12 CORPORAL JIM TEMPLETON: Okay. Did you
13 write out a statement for him.

14 ALBERT CADRAIN: I think I did yeah.

15 CORPORAL JIM TEMPLETON: Okay. Do you know
16 if that interview with Mr. Henderson was tape
17 recorded.

18 ALBERT CADRAIN: Yup.

19 CORPORAL JIM TEMPLETON: Okay. Was there a
20 tape recorder sitting out on the table in front
21 of you such as we've done here today.

22 ALBERT CADRAIN: I don't remember, probably
23 yeah.

24 CORPORAL JIM TEMPLETON: Okay. How long
25 would have that interview been.



1 ALBERT CADRAIN: Well, he's trying to buy
2 me out with a meal. He's buying me a meal eh.
3 And, you know, trying to make a big name for
4 himself. He broke the Ted Bundy case in the
5 States and he's a great big lawyer Dennis says
6 and he's gonna...

7 CORPORAL JIM TEMPLETON: First of all, who
8 else was present at this meeting.

9 ALBERT CADRAIN: Dennis was there, Debbie
10 was in the other room.

11 CORPORAL JIM TEMPLETON: Okay. Okay, you
12 mentioned that this fellow had broken a case...

13 ALBERT CADRAIN: ... If anybody was trying
14 to change my story it was Henderson, not the
15 cops. It was Henderson.

16 CORPORAL JIM TEMPLETON: And why do you say
17 that, tell me about the interview.

18 ALBERT CADRAIN: Well he was so pushy and
19 well you don't remember and this and that.
20 Trying to get me to change, so I changed the
21 blood thing just to get Milgaard out but.

22 CORPORAL JIM TEMPLETON: What did you
23 change about the blood.

24 ALBERT CADRAIN: I said I couldn't
25 remember. Just to, just to let Milgaard off



1 Albert we're talking about Mr.
2 Paul Henderson and I believe you stated that you
3 felt Mr. Henderson wanted you to change your
4 story?

5 ALBERT CADRAIN: Hmmm.

6 CORPORAL JIM TEMPLETON: Okay. And what do
7 you base that on.

8 ALBERT CADRAIN: I gave him what he wanted
9 to hear just to get him off my ass, for one
10 thing. And so he could write a bullshit book and
11 I could have a laugh at him. That's the truth.

12 CORPORAL JIM TEMPLETON: Did Mr. Henderson
13 indicate to you that he would ...

14 ALBERT CADRAIN: ... He's a user.

15 CORPORAL JIM TEMPLETON: Did Mr. Henderson
16 indicate to you that he was writing a book.

17 ALBERT CADRAIN: Yup.

18 CORPORAL JIM TEMPLETON: Okay.

19 ALBERT CADRAIN: (Unintelligible) fuck'em
20 up.

21 CORPORAL JIM TEMPLETON: Okay. How long
22 was your interview with

23 ALBERT CADRAIN: ... Couple of days.

24 CORPORAL JIM TEMPLETON: Was that over a
25 period of two days.



1 ALBERT CADRAIN: Two, yeah. Two or three
2 days. He bugged Dennis first. They always go to
3 Dennis first I don't know why.

4 CORPORAL JIM TEMPLETON: Okay. What else
5 was discussed with Mr. Henderson.

6 ALBERT CADRAIN: Oh he wanted me to write
7 David a letter and make friends with him. I was
8 baking with this guy one time, at there, he's
9 says no you tell, when you talk to Eugene
10 Williams, you tell him, you say you kill that
11 fucker if he comes around, you tell those guys
12 that he ain't gonna put up with that shit. And I
13 did.

14 CORPORAL JIM TEMPLETON: Mr. Henderson told
15 you this.

16 ALBERT CADRAIN: No. My friends.

17 CORPORAL JIM TEMPLETON: Getting back to
18 Mr. Henderson now. You had a meeting over a
19 couple of days with Mr. Henderson, is that right.

20 ALBERT CADRAIN: Yeah, yeah.

21 CORPORAL JIM TEMPLETON: Okay. And at this
22 time, Mr. Henderson indicated that he was writing
23 a book, it that true.

24 ALBERT CADRAIN: Yeah. He's gonna write a
25 book.



1 CORPORAL JIM TEMPLETON: Can you tell me a
2 bit more about your interview and your
3 discussions with him. What was discussed.

4 ALBERT CADRAIN: Oh he was trying to get me
5 to say that I can't remember and this and that
6 and he asked me about the blood. For sure, for
7 sure, no you, do you remember and I says well
8 gees I don't know, I can't remember that much
9 anymore. This and that. But I know I do
10 remember, I wasn't in court there so I didn't
11 give a shit. I wasn't under oath.

12 CORPORAL JIM TEMPLETON: Okay. When you
13 were having this discussion with Mr. Henderson,
14 how was he towards you, how was he, how did he
15 treat you.

16 ALBERT CADRAIN: Oh one part of him was
17 like a pure little angel so nice and buddy buddy
18 like and this and that. The other part of him
19 was he'd tried to get me to change my stories all
20 the time.

21 CORPORAL JIM TEMPLETON: You said that a
22 couple of times, that you felt that he was trying
23 to get you to change your story. What
24 specifically occurred that gave you that
25 impression.



1 ALBERT CADRAIN: Oh it's so long ago and
2 this and that eh, he says things like that. And
3 then Dennis would come in and saying well gees
4 you can you remember that exactly, you gotta know
5 for sure. And I says, well gees I don't know.
6 And they kept on going on at me like this all the
7 time. Finally to get them off my back, just sign
8 here okay, good, leave me alone.

9 CORPORAL JIM TEMPLETON: Okay, Albert, I'm
10 going to show you another statement and this
11 statement is dated the 24th of June, 1990, Port
12 Coquitlam, BC and it's stated at the top
13 Statement of Albert Cadrain. It's only a couple
14 pages long, Albert, so I'm going to have you read
15 it and we're going to leave the tape on while you
16 read this.

17 ALBERT CADRAIN: Can you read it to me.

18 CORPORAL JIM TEMPLETON: I'd rather you
19 read it.

20 ALBERT CADRAIN: Okay. Is it better
21 writing.

22 CORPORAL JIM TEMPLETON: It's pretty good.
23 So you read that and when you're done we'll
24 discuss it.

25 ALBERT CADRAIN: Oh yeah when Milgaard was



1 in town here a little while ago, McDonald's and
2 they put on advertisement on the radio, and Gail
3 Miller's in the restaurant eating eh. They'd
4 always say, Gail Miller eh, was eating and when
5 Milgaard was in Vancouver here they'd, McDonald's
6 would put on advertising saying Gail Miller just
7 got into McDonald's eh.

8 CORPORAL JIM TEMPLETON: This was on a
9 radio station.

10 ALBERT CADRAIN: Yeah, advertising for
11 McDonald's when Milgaard was in town here,
12 they're putting that on there...

13 CORPORAL JIM TEMPLETON: How long ago was
14 that.

15 ALBERT CADRAIN: Oh just a little while
16 ago.

17 CORPORAL JIM TEMPLETON: And they used the
18 name Gail Miller.

19 ALBERT CADRAIN: Yup. When Milgaard was in
20 town here.

21 CORPORAL JIM TEMPLETON: Okay.

22 ALBERT CADRAIN: Snooping around. That
23 must have freaked him out.

24 CORPORAL JIM TEMPLETON: Just, just
25 continue to read that statement will you Albert.



1 ALBERT CADRAIN: (Unintelligible) he told
2 me, he says oh you could sue, he says you could
3 sue the government for mental cruelty. And I
4 says I don't want to I says, I just glad it's all
5 over with.

6 CORPORAL JIM TEMPLETON: Who said that to
7 you Albert.

8 ALBERT CADRAIN: That guy you were just
9 talking about, that Henderson, Paul Henderson.

10 CORPORAL JIM TEMPLETON: Did he say that
11 during this interview that you (unintelligible)
12 ...

13 ALBERT CADRAIN: ... yeah, he's trying to
14 pressure me into changing everything.

15 CORPORAL JIM TEMPLETON: You just finish
16 reading that statement and we'll discuss it some
17 more.

18 ALBERT CADRAIN: And I used to spit blood,
19 yeah. On the tractor all the time eh, because I
20 was scared someone was gonna come and kill me eh.
21 I had ulcers so bad I'd be spitting all the time.
22 Blood was coming out of my stomach all the time.

23 CORPORAL JIM TEMPLETON: Okay.

24 ALBERT CADRAIN: Maybe I was a paranoia,
25 but I wasn't a schizophrenic. Yeah. Shock



1 treatments, I think I had 13, I'm not sure.
2 Quite a few anyways. That's when I decided fuck
3 it I don't want to live no more. Never thought
4 of killing myself in my life until then. I had a
5 sore chest boy when they were pounding on me.

6 CORPORAL JIM TEMPLETON: Okay, Albert,
7 having read that statement now. First of all do
8 you remember giving this statement to anyone.

9 ALBERT CADRAIN: Yup.

10 CORPORAL JIM TEMPLETON: I see it's signed
11 at the bottom of the last page is that your
12 signature.

13 ALBERT CADRAIN: Uh-huh.

14 CORPORAL JIM TEMPLETON: Okay. This is
15 statement that you gave, do you remember who you
16 gave it to.

17 ALBERT CADRAIN: Hm.

18 CORPORAL JIM TEMPLETON: Okay, this is a
19 statement that you gave to Mr. Paul Henderson.

20 ALBERT CADRAIN: Hm.

21 CORPORAL JIM TEMPLETON: Okay. Is that
22 your handwriting or is that someone else's.

23 ALBERT CADRAIN: His. Henderson's.

24 CORPORAL JIM TEMPLETON: Okay. So do you
25 remember giving this to Mr. Henderson then? Yes



1 or No.

2 ALBERT CADRAIN: Yeah I guess so. Yeah.
3 Told him what I said, he wrote down what I talked
4 about.

5 CORPORAL JIM TEMPLETON: Okay. Is this
6 statement true.

7 ALBERT CADRAIN: I'll have to read it over
8 again and memorize it all.

9 CONSTABLE JOHN DYCK: Maybe it would be
10 easier if you, as you're going through it, if you
11 find any discrepancies, just to point them out to
12 Jim and then...

13 ALBERT CADRAIN: Yeah.

14 CORPORAL JIM TEMPLETON: Okay. I would
15 like you to go through it again and as you read
16 down, which page. Okay, now you read the first
17 page of that statement, Albert, is everything
18 there correct?

19 ALBERT CADRAIN: Yeah.

20 CORPORAL JIM TEMPLETON: Okay, now page 2,
21 please. Okay, you are down at the bottom of the
22 second page, is everything on that page okay.

23 ALBERT CADRAIN: Yeah. Yeah.

24 (Tape stopped)

25 CORPORAL JIM TEMPLETON: Okay, the tape has



1 just been switched over, Albert, and the time now
2 is 1533 hours. Okay, now, you were just starting
3 at page 3, just read down that page for me
4 please.

5 ALBERT CADRAIN: Yeah. I was, I wasn't put
6 on heavy drugs and this and that until my mom
7 told the cops in Saskatoon and that's when they
8 probably got a hold of the, speculating eh.

9 CORPORAL JIM TEMPLETON: Yeah. Yeah. Just
10 what you actually remember okay. Just continue
11 to read that please.

12 ALBERT CADRAIN: Here all this shit comes
13 out of his mouth.

14 CORPORAL JIM TEMPLETON: Okay. Now you're
15 indicating...

16 ALBERT CADRAIN: ... Henderson's.

17 CORPORAL JIM TEMPLETON: You're indicating
18 the last two paragraphs.

19 ALBERT CADRAIN: Look here, I feel that the
20 Saskatoon City Police did a terrible thing to me
21 20 years ago. Yes I do. My life has never been
22 the same, it will never be, pushed me over the
23 edge and I cracked. That is bullshit. It's,
24 that, that is part, they put me through hell but
25 they did their job and they did it the only way



1 they knew how and I ain't pulling no punches.
2 And the reason why I signed myself into the
3 looney bin was not related at this at all. It
4 was, maybe this could have helped pushed me over
5 eh, but it was me reading auras that fucked me
6 up. I couldn't understand why I could read
7 people's auras, and that's the reason I signed
8 myself in. That's the only reason why I signed
9 myself in. Not because of being pushed around by
10 the cops, it was because of this. So that's
11 bullshit. That's his words, his writing,
12 Henderson's. He just says oh yeah does it look
13 good, sign here. I have provided a statement to
14 Paul Henderson (unintelligible) free
15 (unintelligible) of my own accord, yeah, yeah,
16 yeah, push someone else.

17 CORPORAL JIM TEMPLETON: Did you, did you
18 read that statement before you signed it in front
19 of Mr. Henderson.

20 ALBERT CADRAIN: Yeah.

21 CORPORAL JIM TEMPLETON: Yeah. At that
22 time did you agree with everything he had
23 written.

24 ALBERT CADRAIN: Yup.

25 CORPORAL JIM TEMPLETON: Do you agree with



1 it today.

2 ALBERT CADRAIN: Yeah it's pretty damn
3 close eh.

4 CORPORAL JIM TEMPLETON: Okay. Okay.

5 ALBERT CADRAIN: Yeah, yeah I'd say so.

6 CORPORAL JIM TEMPLETON: You indicated ...

7 ALBERT CADRAIN: ... yeah I would say so.

8 CORPORAL JIM TEMPLETON: You indicated that
9 you had a couple day interview with Mr.
10 Henderson. When you interview with Mr. Henderson
11 did you talk about anything else or anyone else.

12 ALBERT CADRAIN: Oh, hmmm. No.

13 CORPORAL JIM TEMPLETON: Did you talk about
14 Mr. Larry Fisher.

15 ALBERT CADRAIN: Could have, yeah, could
16 have talked about him.

17 CORPORAL JIM TEMPLETON: Okay. First of
18 all do you know Larry Fisher.

19 ALBERT CADRAIN: Yes I do.

20 CORPORAL JIM TEMPLETON: Okay, and how do
21 you know Larry Fisher.

22 ALBERT CADRAIN: Lived in our basement.

23 CORPORAL JIM TEMPLETON: And when was that.

24 ALBERT CADRAIN: Well at that same time.

25 Milgaard bullshit.



1 CORPORAL JIM TEMPLETON: So that would be
2 January of 1969.

3 ALBERT CADRAIN: Yup.

4 CORPORAL JIM TEMPLETON: Okay. Did you
5 know Mr. Fisher on a personal level.

6 ALBERT CADRAIN: Mr. Fisher on a personal
7 level? Yeah, little bit. And he wanted to get
8 close to me, to be my friend but I didn't like
9 him. The reason why I didn't like him is, he
10 says, out looking for work eh. And I say yeah
11 I'm looking for a job. He says I got a job for
12 you. Just, these, these people are looking for
13 labourers, brick masonry contractors. I say
14 yeah, well go ahead, get me a job. And he says
15 okay. So went down, I went down masonry
16 contractors, I got a job, and the first time I
17 got a cheque, he came up the stairs and he says
18 hey come with me downtown and we'll pick up some
19 girls and get some beer and party eh. And I says
20 no, I'm saving my money. I don't wanna waste it
21 on girls or anything foolish or this or that.
22 And he was married and he was too old for me to
23 hang around with. I didn't wanna hang around
24 with him. So, he says, gees I like your sister,
25 my sister Celine, eh. And I looked at him square



1 in the eyes and I says you don't even look at my
2 sister I says for one thing you're married and
3 for another thing she's got a boyfriend. I says
4 you don't even look at her. And he never, said
5 that, never tried to be my friend after that.

6 CORPORAL JIM TEMPLETON: Did you and Mr.
7 Henderson discuss Larry Fisher.

8 ALBERT CADRAIN: It's possible.

9 CORPORAL JIM TEMPLETON: Do you remember.

10 ALBERT CADRAIN: No.

11 CORPORAL JIM TEMPLETON: Okay. Overall how
12 would you describe your two-day interview with
13 Mr. Henderson? Give me your thoughts on it.

14 ALBERT CADRAIN: Well, he was a, some boy
15 from the big city trying to make a name for
16 himself. This is my impression. He wanted to
17 write a book and make himself a big bundle of
18 money and at everyone else's expense and buying
19 me a meal and laugh at me. Say big joke, forget
20 it. That's my impressions."

21 **(Tape stopped)**

22 BY MR. HODSON:

23 Q Stop the tape there, please. Now, I appreciate
24 there was a lot there, Mr. Cadrain. I'm wondering
25 if, just general comments, and then I have a few

02:42



1 specific questions.

2 A Well, I said --

3 Q Would you like a moment?

4 A No, it's all right. Go ahead.

02:42 5 Q Did you have any general comments about Albert's
6 description of the meeting with Mr. Henderson?

7 A Well, just everything I said about him, it's all
8 there. I don't have to say anything there. He
9 was very mixed up and he's a poor soul.

02:43 10 Q Did you have any impression at that time that
11 Albert was intentionally giving wrong information
12 to Mr. Henderson?

13 A No. It's like he couldn't handle pressure,
14 couldn't handle any pressure. As soon as somebody
02:43 15 would give him pressure, he'd go that way, go that
16 way. He just couldn't handle it.

17 Q Next if I could draw your attention to a document.
18 I understand that you were contacted by Neil Boyd
19 and Kim Rossmo in the early '90s. Do those names
02:43 20 sound familiar?

21 A Yes, yeah, I know.

22 Q If I could call up document 040497. And I think
23 you said this morning you remembered talking to
24 either Neil Boyd or Kim Rossmo; is that right?

02:44 25 A Both of them.



1 Q And do you know what they were doing?

2 A I think they were -- I think Kim Rossmo was
3 doing -- I don't know if it's called a
4 dissertation or whatever, for his masters on
02:44 5 profiling, you know, trying to find out where
6 murderers are coming from, from profiling of the,
7 you know, like, the areas where they are coming
8 from and things like that and they were interested
9 in this case, and so they -- Neil Boyd was a
02:44 10 criminologist at Simon Fraser and Kim Rossmo was
11 then one of his students and I think he was just
12 interested, so he came along.

13 Q And they asked you questions about the David
14 Milgaard case?

02:44 15 A Yeah.

16 Q I'm going to go to page 040521 and do you recall
17 if they -- did they come to your house or did you
18 meet them somewhere?

19 A Yeah, they came to my house.

02:45 20 Q And I just want to go through this question and
21 answer on their paper and it appears to be from
22 their questions and answers, it says:

23 "Dennis Cadrain recalled this period of time
24 in his brother's life:

02:45 25 Q Once Albert saw the blood, everything



1 sort of fell into place?

2 A That's right, yeah...Detective Short
3 and Karst...they had the fedoras, the
4 whole works, sitting in the car there.
02:45 5 Oh yeah, they look like you see on TV.
6 They looked like hoods. Oh yeah.
7 Boy, they were...anyways, they come
8 and pick him up early in the morning,
9 eight o'clock, and bring him back
02:45 10 nine-thirty, 10 o'clock at night every
11 day.

12 Q You know how long?

13 A For weeks, for weeks.

14 Q Did Albert --"

02:45 15 I'm sorry?

16 A Yeah, yeah, for weeks. I really can't remember
17 exactly how long. It was for a period of time. I
18 couldn't say for how many weeks there. Maybe as
19 many as two. I'm not exactly sure how long.

20 Q Okay.

21 "Q Did Albert enjoy that, or did he not
22 like it, or was he indifferent to it?

23 A Oh, it was hard on him. I know it was
24 hard on him. But he wouldn't talk
02:46 25 much about what they were talking



1 about, but I know that the stories,
2 when he first told me, it was just
3 blood. And then, every day he would
4 come home and it was getting bigger
02:46 5 and bigger and bigger. And I seen it.
6 I seen it."

7 And then it says:

8 "Dennis Cadrain confirms that Albert
9 experienced visions prior to the preliminary
02:46 10 hearing.

11 A It was about two months after he first
12 went into the police...and then he
13 started talking stupid, y'know, like
14 visions and all this bullshit."

02:46 15 Would that be an accurate recording of what you
16 would have told Rossmo and Boyd?

17 A Yes.

18 Q Next page, please. It says there:

19 "Dennis Cadrain does not believe that his
02:46 20 brother would intentionally lie. I'll tell
21 you something, he would never say it if he
22 didn't believe it. But whether it happened
23 or not, who knows? Nobody'll ever know.
24 And I'm sure he has no way of even knowing
02:46 25 now, evening remembering now. I'm sure he



1 could never picture it now, 'cause he's been
2 through so much, eh? Shock treatments and
3 the whole works. He's had it all, and now,
4 I don't think there's a hope he could even
02:47 5 ever know. It's gone. But them other two,
6 that's the part that for me...why didn't
7 those other two save him?"

8 And does that accurately record what you would
9 have told them?

02:47 10 A Yeah, that's exactly what I would say, yeah.

11 Q And who are the other two when you are referring
12 to the other two save him?

13 A Ron Wilson and Nichol John.

14 Q Next if I could call up document 036953, and you
02:47 15 recall meeting with Officers Dyck and Templeton I
16 think?

17 A I do.

18 Q And they came to your home in Maple Ridge, it says
19 here June 1st, 1993. Does that sound right?

02:47 20 A Yeah, it does, yeah.

21 Q And they would have reported the interview with
22 you?

23 A Yes.

24 Q If I can refer to page 036969, please, and just
02:49 25 this part here, it asks the question?



1 "Q Who are you referring to as they? You
2 say they were hiding him?

3 A My parents. My mother, she was, the
4 police have told her don't talk to,
02:49 5 she wants to ask any questions, you
6 don't have to talk to her, you can
7 hang up on her. They told her that
8 and..."

9 And I think you alluded to that earlier today.
02:49 10 Did you have discussions -- or do you know what
11 discussions your mother had with the police, did
12 she every relate those to you?

13 A Oh, I know what she told me, that she talked to
14 them and they told her that you don't have to talk
02:49 15 to anyone, Albert shouldn't be talking to anyone,
16 he doesn't have to, he's guilty, he's been
17 convicted, he's sentenced and don't talk to them.

18 Q Is it fair to say, Mr. Cadrain, that when you met
19 with the RCMP in 1993, that you would have
02:50 20 provided them with your best recollection of
21 events at that time?

22 A Yeah. Yes, I would have.

23 Q Now, there's a note, if I could call up document
24 049390 -- sorry, that might be -- yeah, 049 -- and
02:51 25 this is an RCMP report dated after your interview



1 and there's just a reference, if you could go to
2 page 049392, call that out, and this is the police
3 officer's notes, Dennis, not your note, and it
4 says:

02:51 5 "- Dennis claims Albert retracted his
6 allegation of David and a gun. It should be
7 noted Dennis Cadrain called Corporal
8 Templeton early the next day after the
9 interview and informed him the
02:51 10 aforementioned wasn't entirely correct.
11 - sometime after the trial Albert was
12 admitted into a hospital for psychiatric
13 assessment as per Dennis Cadrain's
14 suggestion."

02:51 15 Do you recall phoning the RCMP back after your
16 interview?

17 A I could have. I believe I talked to Albert about
18 it and then he told me what I said wasn't what he
19 had told me and that's why I would have phoned
02:52 20 them, yeah.

21 Q So had you originally told the RCMP that Albert
22 had acknowledged that the gun David --

23 A It was something to do with the wording or
24 something and I mentioned it to Albert that I had
02:52 25 told them that and he said that that isn't what he



1 told me, he told me something else and maybe I
2 misunderstood it, so I just thought it was -- I
3 should tell them that it wasn't, you know, right,
4 that it wasn't right.

02:52 5 Q Next I want to call up a newspaper article, it's
6 039118, and this is a newspaper article by Dan
7 Lett, it's dated June 26, 1990, which is two days
8 after Albert gave his statement to Mr. Henderson,
9 and there's some -- do you remember talking to Mr.
02:52 10 Lett at or about this --

11 A I do, I do.

12 Q If I could just call up this portion here. It
13 says:

14 "Dennis Cadrain, Albert's younger brother,
02:53 15 said in an interview from his British
16 Columbia home that it was very apparent to
17 family members that the police questioning
18 resulted in profound psychological scars."

19 Do you recall telling the reporter that?

02:53 20 A Not specifically, but I'm sure I did it's -- I'm
21 sure he's not lying about it. I'm sure I did,
22 yeah.

23 Q Is that what you thought at the time or today?

24 A To family members, like, I don't know about the
02:53 25 members, but to me, it was to me.



1 Q Let me ask you about this. Is it your view and
2 was it your view then that police questioning
3 resulted in profound psychological scars on
4 Albert?

02:53 5 A Well, it's -- it all seems to be focused on the
6 police, but I think it's the whole situation, the
7 whole situation, you know, the police and the
8 court and the -- I think it's the whole situation
9 more so than just focusing on the police, I think
02:54 10 it's the whole situation. He definitely did have
11 some psychological scars from it.

12 Q And go back to the main page, please, just call
13 out the bottom part, and it says:

14 "Federal justice department investigator
02:54 15 Eugene Williams interviewed Cadrain last
16 week in Port Coquitlam, B.C., but Dennis
17 Cadrain said Williams was unimpressed with
18 Cadrain's statements."

19 And do you recall giving that information to the
02:54 20 reporter?

21 A I said that?

22 Q Yes.

23 A I would say that, yeah, I'm sure I said it, and he
24 didn't make any comment, he just did his thing and
02:54 25 left. He wasn't there long and he wasn't there



1 for, looking for much detail I didn't think. He
2 came a long way to have a cup of coffee if you ask
3 me, that's what I think. I don't think he was
4 very thorough and I don't think he was impressed
02:55 5 with me and I don't -- as far as an interviewer or
6 whatever, I don't think I was impressed with him
7 either.

8 Q You are talking about Eugene Williams?

9 A Yes.

02:55 10 Q Did you have any discussion with him about access
11 to Albert's medical records?

12 A Can't recall specifically. I talked to so many
13 people, you know, I just can't recall that
14 honestly.

02:55 15 MR. HODSON: Mr. Cadrain, those are my
16 questions. Mr. Commissioner, I'm wondering
17 whether you want to break now before
18 cross-examination or start in?

19 COMMISSIONER MacCALLUM: I think I would
02:55 20 like a break, please. 15 minutes.

21 *(Adjourned at 2:55 p.m.)*

22 *(Reconvened at 3:14 p.m.)*

23 COMMISSIONER MacCALLUM: Mr. Wolch?

24 MR. WOLCH: Mr. Commissioner, I have no
03:14 25 questions at this time.



1 COMMISSIONER MacCALLUM: Do you have any,
2 Mr. Lockyer?

3 MR. LOCKYER: Yes, I do. Yes, please.

4 **BY MR. LOCKYER:**

03:14 5 Q Mr. Cadrain, is it fair to say you were a bit of
6 the black sheep in your family where this case was
7 concerned?

8 A Well, just depends who, you know, who is picking
9 the black sheep. I --

03:15 10 Q Well, the rest of your family is what I mean?

11 A Well, who do you want to compare me with?

12 Q Well, no, the rest of your, what I am trying to
13 say is the rest of your family weren't very happy
14 with the way --

03:15 15 A You will have to ask them. I was happy with
16 myself.

17 Q -- you were dealing with this case?

18 A Oh, as far as this case, yes, I would say, yes.

19 Q No, no, that's --

03:15 20 A No, I --

21 Q That's the point of the question?

22 A I thought you were just calling me a black sheep.

23 Q No, no.

24 A And I would have to say "ewe must be kidding".

03:15 25 Q And your parents, well especially your mother I



1 think you said, made it pretty clear that she
2 didn't like the way you were getting involved; is
3 that right?

4 A No, she did not, no.

03:15 5 Q And was that -- why did you think that was, was
6 that because she was protective of your brother,
7 or was it because of the relationship that she had
8 built up with Karst, or what?

9 A I think it was a combination of the two of them,
03:16 10 yeah.

11 Q It was?

12 A Yeah.

13 Q Could you just tell us a little bit about the
14 relationship between your mother and Detective
03:16 15 Karst, how that came about --

16 A Well they --

17 Q -- came about and built up?

18 A Well they just, I guess when they would, she would
19 ask about how things were going with Albert, and I
03:16 20 guess they developed a friendship, and any time
21 somebody would come and try to contact Albert she
22 would phone them and they would give her advice on
23 what to do and say, I guess, or what to do, or to
24 let him speak to, people speak to Albert or not,
03:16 25 she would ask them and they would say "no".



1 Q Now how do you know this was happening, because
2 you weren't at your mother's at the time?

3 A She, no, she would -- I would talk to her, I did
4 talk to her.

03:16 5 Q Okay.

6 A Yeah.

7 Q And did she tell you that Karst was coming to the
8 house or she was just talking to him on the phone?

9 A Well, she would talk to him, like I was not living
03:16 10 in Vancouver -- yeah, I was living in Vancouver,
11 so --

12 Q Right.

13 A -- I mean I did come back for occasions, and we
14 did speak about it, yeah.

03:16 15 Q Did Karst ever speak to you?

16 A No. You mean did he ever speak to me when?

17 Q Well, I'm really talking in the '80s and '90s?

18 A No, never.

19 Q He never made --

03:17 20 A No.

21 Q Never tried to speak to you?

22 A I would -- well, I think if he may have been there
23 when I was on one of my trips back, but I don't
24 recall speaking to him in the '80s or '90s ever,
03:17 25 no.



1 Q Apart from members of your own family, was there
2 anyone else who was ever trying to stop you from
3 talking about the case to Mr. Henderson or anyone
4 on David Milgaard's team, so to speak?

03:17 5 A No, just -- well, my father would stick with
6 whatever my mother said, but outside of that
7 nobody ever said anything to me.

8 Q So they just --

9 A They just, they may not have agreed with what I
03:17 10 was saying, but nobody ever said "don't".

11 Q So it was just your family members who were trying
12 to stop it happening?

13 A Umm --

14 Q It was just your family members who didn't want,
03:18 15 who made it clear they didn't want you talking to
16 anyone about this case?

17 A Well, no, it was my -- I didn't ask anybody if I
18 was going to talk to somebody, I just did it.

19 Q Okay.

03:18 20 A I did it, I didn't ask any permission because I
21 didn't need to ask permission from anyone, but my
22 mother, especially, was very upset with me for
23 doing it.

24 Q And she made that very clear to you?

03:18 25 A She made it clear to me, sent me a letter, and I



1 don't know if I still got it but it was a good
2 one. It was a good one.

3 Q Oh, she sent you a letter saying "stop"?

4 A Well, didn't say stop, just she was very
03:18 5 disappointed that I did it.

6 Q And when was this, was this after you had spoken
7 to Mr. Henderson and --

8 A Yes.

9 Q -- and your brother had spoken to Mr. Henderson?

03:18 10 A Yes, in '89-'90.

11 Q '90.

12 A '90 or whatever it was, yeah.

13 Q Uh-huh.

14 A Yeah.

03:18 15 Q And, as you say, you attributed that to a
16 combination of her protecting her own -- your
17 brother?

18 A Yes.

19 Q And her relationship with Karst?

03:18 20 A Yes. Well, yeah, yeah, she -- she, I'm sure she
21 went to her grave believing that David killed that
22 nurse, you know, Gail Miller. I'm sure she
23 believes still to this day that -- I mean to her
24 grave she went believing that he had something to
03:19 25 do with it, that's -- I can't answer why, but



1 that's -- I'm sure she went there thinking that.

2 Q Well that's something I wanted to ask you about
3 was your own views, how they developed over the
4 years, as to whether or not David had killed Gail
03:19 5 Miller?

6 A Well --

7 Q Let me, maybe I can just take you through some
8 years?

9 A Sure, you go ahead, yeah.

03:19 10 Q Why don't we start with 1969; did you think that
11 David had killed Gail Miller before --

12 A I would have --

13 Q -- before he had his trial?

14 A I would have thought, I would have been surprised
03:19 15 about it, but I did believe my brother when he
16 told me that he saw blood, and --

17 Q Yes?

18 A -- and Ron and Nichol were changing their stories
19 and saying that he did certain things, and I
03:20 20 didn't know. I really -- you know, he got
21 convicted of it, and I formed an opinion that he
22 probably did do it. But people would ask me all
23 the time and I said "I really don't know", but I,
24 you know, I think he got convicted, I thought he
03:20 25 must have done it at that point.



1 Q Okay. And when was it that you started
2 second-guessing that belief?

3 A As soon as I had heard that Larry Fisher was
4 living in our basement at the time of the murder,
03:20 5 and that's when I started to think -- have doubts,
6 and when I saw, when I talked to Neil Boyd and Kim
7 Rossmo, then I realized, yeah, I -- there was a
8 big mistake. That's when I, personally, that's
9 when I thought that there is no way he did it.

03:20 10 Q Well you first found out about Larry Fisher from
11 Paul Henderson; is that right?

12 A Yeah, yes I did, but I didn't -- I just thought it
13 it was him trying to manipulate -- yeah, I --

14 Q You thought Paul Henderson --

15 A Yeah.

16 Q -- was trying to --

17 A Yeah.

18 Q -- manipulate --

19 A Yeah.

03:21 20 Q -- you?

21 A Yeah, I thought that was what was going on there.

22 COMMISSIONER MacCALLUM: Just a minute,
23 please. Would both of you be careful not to
24 speak over the other one, wait until the question
03:21 25 is finished, wait to the answer is finished.



1 Thank you.

2 A Okay.

3 BY MR. LOCKYER:

4 Q When Paul Henderson first talked to you about
5 Larry Fisher you thought he might be trying to
6 manipulate you --

7 A Well I --

8 Q -- into thinking that David was innocent?

9 A Well I didn't know, like I didn't, to me it was
03:21 10 just he brought up the name Larry Fisher, and I
11 knew nothing of -- I knew nothing about what Larry
12 Fisher -- I knew that he had been charged with
13 rape years before, but I didn't know anything
14 about the rapes in the area in the -- in our
03:21 15 neighbourhood, I knew nothing about that, so I was
16 skeptical of what Paul Henderson was telling me, I
17 wasn't taking it as gossip -- as gospel. But when
18 I heard it from Neil Boyd and Kim Rossmo, they had
19 no axe to grind with anyone, they were just --
03:22 20 they came and gave me that information and I
21 believed it, you know, I believed what I was
22 hearing from them 100 percent.

23 Q And, when you spoke to Paul Henderson, actually I
24 think he -- you were of the opinion that Larry
03:22 25 Fisher hadn't been living in your house at the



1 time of the murder; is that right?

2 A Well I didn't, I didn't, I didn't correlate it
3 with that time I was there. He was there for a
4 short period of time and I -- you know, like when
03:22 5 that, when that happened, like I knew he was
6 staying at our house for a few months, or whatever
7 he was there, but I -- I didn't -- it was years
8 later, and I didn't say -- think "well, back to
9 that time, that's the time he was living there", I
03:22 10 didn't -- I didn't even know that he was there at
11 that time. I didn't know that he was there at the
12 time of the murder, later on. I knew, of course,
13 when it happened that he was there, but years
14 later I wouldn't have remembered if that was the
03:23 15 time he was there, if it was before or after I
16 wouldn't have known. His name never came up with
17 it.

18 Q When you spoke to Eugene Williams, you remember
19 him, do you?

03:23 20 A I do.

21 Q Okay. When you spoke to him, and that was in 1990
22 as well, what was your views, then, of whether
23 David was likely innocent, or not, of Gail's
24 murder?

03:23 25 A Like I said, I think when I spoke -- the time --



1 now if that -- the time that I spoke to Neil Boyd
2 and Kim Rossmo, I believe that's the time that I
3 realized that there was a big mistake made, and he
4 didn't do it. Now whether Eugene Williams came
03:23 5 before or after them, I'm not certain, but I think
6 Eugene Williams came before.

7 Q He did.

8 A Yeah.

9 Q He came, I think I'm right in saying, he came
03:23 10 between Paul Henderson and --

11 A And that --

12 Q -- and Neil Boyd?

13 A Yes.

14 Q So, at that time, you were in a bit of a --

03:24 15 A Yeah.

16 Q -- quandary?

17 A Yeah, I was thinking about it and I was thinking,
18 yeah, there is something going on, but I didn't
19 know. Personally I would have, if somebody would
03:24 20 have asked me, I still wouldn't have known, I
21 could have said either way. But after I spoke to
22 Neil Boyd and Kim Rossmo I would say, then, I knew
23 that there was a mistake.

24 Q And you had already been thinking, from what I
03:24 25 understand, for a number of years, now, that you



1 weren't very comfortable with the way the system
2 seemed to have relied on your brother's word; is
3 that right?

4 A Yes.

03:24 5 Q Did you communicate that to Eugene Williams, that
6 -- did you question him, so to speak, as to "how
7 come so much faith is being placed in my brother
8 who I know to be such an unreliable witness?"

9 A I can't recall the exact conversation I had with
03:24 10 Eugene Williams, I really can't.

11 Q I'm not really asking you to recall the exact
12 conversation, did you just -- did you get that
13 across to him in some way, that thought that you
14 had had for so many years as to "why is the system
03:25 15 placing so much reliance on this brother of mine?"

16 A I'm sorry, I can't answer that question, because I
17 don't -- I can't recall, specifically, our
18 conversation. I know what I would have told him,
19 just what I finished telling Paul Henderson, but
03:25 20 if that was included -- I assumed it would have
21 been, but I can't say that I did for sure, because
22 I don't recall saying it that way.

23 Q When you then spoke, you remember you -- you
24 remember David was set free, you remember, by the
03:25 25 courts --



1 A Yes.

2 Q -- in 1992, --

3 A Yes.

4 Q -- it was, I can tell you?

03:25 5 A Yes.

6 Q And it was a year after that that you speak to the
7 RCMP; do you remember that?

8 A Which RCMP, the Dyck's -- Dyck and Templeton?

9 Q Yes.

03:25 10 A Yes, yes.

11 Q Okay. And I think Mr. Hodson took you to that
12 statement as well, it's -- if we could go to it,
13 it's 036953, and at 036980 of that document. Tell
14 me, I'm going to come directly to this page in a
03:26 15 moment, but when you spoke to these officers a
16 year after David is now set free, what was your
17 feeling at that time, because David certainly
18 hadn't been exonerated, he had just been set
19 free --

03:26 20 A Yeah.

21 Q -- but no one had said --

22 A What was my feeling at that time? I couldn't
23 understand why he wasn't exonerated, that was my
24 feeling, --

03:26 25 Q Yes.



1 A -- I just couldn't understand it.

2 Q And when, when these officers interviewed you on
3 June 1st of 1993, did you get any impression from
4 them as to why they were there and what they were
5 doing?

03:26

6 A Well they told me they were there to get, just get
7 everybody's views, and they weren't on anyone's
8 side, they were just trying to get the
9 information. Very nice guys, and I didn't have
10 any -- you know, I thought they were nice guys and
11 I just told them what I thought, and that was --
12 everything was -- I don't know, it was, it was a
13 comfortable interview, like, let's say that.

03:27

14 Q All right. Now in that interview, and I'm looking
15 at 28, you were asked:

03:27

16 "At what point did you feel you were
17 doubting Albert's credibility.

18 Initially he gave you a story and you
19 had an opinion at that time..."

03:27

20 A Uh-huh.

21 Q To which you said:

22 "At the time I would have doubted it,
23 except for at the trial and everything
24 it wasn't just Albert, it was the other
25 two, and they could have saved him if it

03:27



1 wasn't true. That's what I thought. So
2 I thought the other people ain't saving
3 him so, you know, he must have done it.
4 That's what I thought. That's the way I
5 looked at it. If it would have been
6 just Albert's word, just Albert alone, I
7 would have had serious doubts.

8 J. DYCK: Do you maintain that opinion to
9 this day?"

10 And you answered:

11 "Yeah I do. Yeah. I do. I wouldn't do
12 anything to anyone on his word. Now or
13 then. Not that serious. Not that
14 serious of a thing. You just could
15 never know because ... you just could
16 never know."

17 Now my impression, from what you are saying
18 there, is that, by the time you are giving this
19 interview in 1993, you now no longer even accept
20 your brother's claim that he saw blood on David's
21 clothing; is that right?

22 A I, that's not what that says, I -- when I'm
23 talking about his word I was talking about the
24 other things. But the blood, I always, I always
25 thought there was -- that he did see blood until



1 the point when I talked to Boyd and Rossmo. I
2 didn't say that about the blood, this is not --
3 I'm not talking about the blood there and it
4 doesn't say anything about the blood there, so I
03:28 5 wasn't talking about the blood.

6 Q Okay. Well this interview is two years after you
7 had spoken to Boyd?

8 A Yeah, no, at this point I believed that there was
9 no -- that he never did see blood, I did believe
03:29 10 that, but at the -- all along up to that point I
11 always, I believed before that there was blood but
12 I didn't believe the rest of his statements.

13 Q All right.

14 A Okay.

03:29 15 Q You actually misunderstood my question.

16 A All right.

17 Q My question was, when you gave this interview, by
18 this time it seems that you no longer believed
19 that your brother had even seen blood; is that
20 right?

21 A Oh, absolutely.

22 Q Okay.

23 A Absolutely.

24 Q And yet you had believed that story for so many
03:29 25 years, so I was wondering if you could -- have you



1 tried to account to yourself as to how it is or
2 why it is that your brother would have told that
3 initial, or perhaps how -- I won't call, I won't
4 give it a pejorative term -- how it is that your
03:29 5 brother could have given that incorrect
6 information --

7 A Are you talking about --

8 Q -- back in 1969 about the blood?

9 A Are you talking about what I think about it now
03:30 10 or --

11 Q Yes.

12 A Yeah, now, well I think that there's not a doubt
13 in my mind that he was, he was mentally ill at
14 that point, when he went in there he was mentally
03:30 15 ill. And I had never knew that but I would say
16 there is no doubt in my mind he was mentally ill
17 at that --

18 Q You mean in March 1969?

19 A No, in -- yeah, in March when we went down to the
03:30 20 --

21 Q March 2nd, 1969?

22 A Yeah, I would say that there was no doubt that he
23 was mentally ill at that point.

24 Q One of the things you said this morning that
03:30 25 struck me when you said it that might account for



1 it is, you said "Albert liked to do things for
2 shock value;" do you remember saying that this
3 morning?

4 A Yeah, I did.

03:30 5 Q Is that a --

6 A I --

7 Q Do you think that might be why he did it?

8 A No, no, I don't think this was for shock value. I
9 think that this, when he went down there I think
03:30 10 he was suffering, he was delusional, I think he
11 was delusional, and he really believed that he had
12 special powers, and he hid it, he hid it, but I
13 mean that's what -- he was definitely not right
14 when he said that.

03:31 15 Q Well you said that you thought, that same day when
16 you told him about Gail's murder, --

17 A Yup.

18 Q -- that you thought that was the first time he had
19 heard of it; is that right?

03:31 20 A That's what I said.

21 Q Right. You now know that's not true?

22 A Well, I have been told different since, yeah.

23 Q Apparently your mother had told him about it
24 already?

03:31 25 A Somebody told me that they had, yes.



1 Q And you have heard that, also -- well hasn't your
2 mother told you that?

3 A No, I didn't -- I don't believe I heard it from my
4 mother, I heard it from another member of the
03:31 5 family.

6 Q I'm sorry, I didn't hear what you said?

7 A I believe I heard it from another member of the
8 family.

9 Q Which member?

03:31 10 A Can't remember, I have got lots of brothers, I
11 can't remember.

12 Q All right, sorry.

13 A I know that somebody told me, in the
14 not-too-distant past somebody told me, somebody, a
03:31 15 member of my family told me, one of my brothers, I
16 suppose, said that mom and Albert were watching
17 the news that day and they were discussing it
18 earlier.

19 Q Well let me ask you this. When you told your
03:32 20 brother on March 2nd of '69 about the murder --

21 A It wasn't March 2nd, was it March 2nd that I -- I
22 don't believe it was March 2nd.

23 Q Well it was the same day you --

24 A Well we went to the police station, apparently, on
03:32 25 March 2nd.



1 Q Right.

2 A But it was whatever day, it was a school day so it
3 wasn't a Sunday, so when I told him about the
4 murder it wasn't March the 2nd.

03:32 5 Q All right.

6 A It was one or two or three days previous, I'm not
7 exactly sure, exactly, the time frame, but it
8 wasn't March 2nd.

9 Q Okay. Whatever day it was in early 1969, --

03:32 10 A Yes.

11 Q -- did you -- did he, rather, ask you any
12 questions like "when was the murder, who was
13 murdered, where was the murder", or anything like
14 that?

03:32 15 A No, I told him that there was a murder that
16 happened the day he left, and it was down the
17 street in the back lane, they found her in the
18 back lane by the funeral home, and he didn't ask
19 me, I told him.

03:33 20 Q But did he ask you any questions to get more
21 information about it, like "who was killed?"

22 A No, no, I don't believe so. I don't think -- we
23 didn't, we didn't talk much about it, really, --

24 Q Uh-huh?

03:33 25 A -- I don't recall talking much about it there at



1 that point, no.

2 **Q** So he didn't ask you the kinds of questions about
3 it you might have expected if it was the first
4 time he was hearing of it?

03:33 5 **A** Yeah, I guess different people would be, you know,
6 you would expect different things from different
7 people, and I didn't think it was unusual for him
8 not to ask me, you know. I didn't think it was
9 unusual.

03:33 10 **Q** Did you tell him -- did you know what time of day
11 she had been murdered?

12 **A** Umm, yeah I knew what time, roughly what time she
13 was murdered and what -- you know, that's an awful
14 long time, you know. Whether we discussed it, I
03:33 15 wish I could tell you, I really can't. I can't --

16 **Q** Do you know if you told him she had been murdered
17 before David had come to your house that morning?

18 **A** I just told him that morning as far as I can
19 recall.

03:34 20 **Q** Uh-huh?

21 **A** Honest.

22 **Q** You were asked by Mr. Hodson about this issue of
23 whether or not your brother might have done this
24 for the reward; remember that?

03:34 25 **A** Yes, I do.



1 Q Did you know, first of all, that a reward had been
2 offered?

3 A I knew.

4 Q In February of '69?

03:34 5 A I knew, yup.

6 Q This is before you spoke to your brother --

7 A Yes, I did.

8 Q -- about the murder?

9 A I did.

03:34 10 Q How did you know?

11 A Well, it was in the newspaper, I believe.

12 Q All right. Well, you were kind of young, were you
13 reading newspapers?

14 A I was reading the newspaper when I was five years
03:34 15 old, every day.

16 Q Okay.

17 A I --

18 Q So it was a matter of knowledge within your house
19 that there was a reward out for this?

03:34 20 A Well, I would say within the whole town, within
21 the whole town.

22 Q Uh-huh?

23 A The whole town probably knew about that.

24 Q Okay, but certainly your whole household did?

03:35 25 A Well I know I did.



1 Q Okay.

2 A I can't speak for the rest of them. I know I did,
3 you know, I know I did.

4 Q Well did the rest of your household read the local
5 paper, at least, in fact --

6 A Well my mother did, and I did, and I don't know
7 about anyone else.

8 Q All right.

9 A I don't --

03:35 10 Q And did you ever, or did your brother ever talk to
11 you about the reward?

12 A When are you saying that, about the reward, at
13 what point are you asking me about that?

14 A Did he -- all right, fair enough. Did your
03:35 15 brother talk to you about the reward before
16 David's trial?

17 A I would say not. I would say not.

18 Q Well when do you remember him first talking about
19 it?

03:35 20 A Well I remember, when they applied for it, he was
21 talking about it at that point.

22 Q And do you know how soon that was after David's
23 conviction?

24 A I can't put my finger on exactly when, but it
03:35 25 wasn't too long after, I'm sure.



1 Q It was actually --

2 A I don't know.

3 Q It was actually within ten days.

4 A Yeah, could be, yeah.

03:36 5 Q Doesn't that suggest to you that it was something
6 that was --

7 A Well the police had --

8 Q -- on your brother's mind?

9 A No. The police had told him that he was, if he
03:36 10 was convicted that he was going to get that,
11 because that day he was told "you should apply for
12 that reward", they told him that.

13 Q Okay. How do you know they told him that?

14 A Well, that's what he had told me.

03:36 15 Q Sorry, "he" being your brother?

16 A My brother Albert told me, yeah, he said that they
17 had told him he should apply for the reward.

18 Q All right. I thought you said you hadn't talked
19 about it with your brother before the trial, but
03:36 20 now it seems you had, the issue of the reward?

21 A Before the trial?

22 Q Yes.

23 A Either I'm not following you, you are going to
24 have to try it, just ask --

03:36 25 Q Okay. When did your brother tell you this; before



1 the trial?

2 A When did my brother tell me that he was going to
3 apply for the reward?

4 Q Yes?

03:36 5 A Umm, during the trial, I don't know. I mean it
6 was sometime before, before the -- before he
7 applied, but I don't know when it was, it
8 wasn't -- it wasn't before he went to the police,
9 that's for sure, you know what I mean.

03:37 10 Q All right.

11 A That's for sure.

12 Q What about before or during the trial; was that
13 when it was?

14 A I can't put a date on it, my friend, I'm sorry. I
03:37 15 really, I know it was -- I know he had talked to
16 me about it before he went to do it, and I can't
17 -- anything else I say, I can't tell you any
18 better than that.

19 Q And do you remember what he did when he went to do
03:37 20 it; how did he go to do it?

21 A Oh, whoosh, he went -- I don't -- I really can't
22 say, I really can't say, I really can't say.

23 Q You didn't go down with him?

24 A No, knew, did not.

03:37 25 Q Do you know if one of your parents went with him?



1 A I don't recall. I do not recall.

2 Q Do you remember how much it was?

3 A \$2,000.

4 Q Uh-huh. Which was a lot of money back then;
5 right?

6 A Yeah, could be, could be.

7 Q Umm, I mean what was your brother doing back in
8 '96, you know, and was he employed or was he going
9 to school or --

03:38 10 A Well he had just been laid off by his working as a
11 labourer for a stone mason.

12 Q Yes?

13 A And then he got laid off and he had left town with
14 David, and then he came back, and then he was
03:38 15 working out on the -- on farms.

16 Q And he had been working as a stone mason with
17 Larry Fisher; is that right?

18 A Umm, I don't know if it was with him or if he got
19 a job through him.

03:38 20 Q Yes.

21 A I think he found the job for him, I don't know if
22 it was the same company, or it could have been the
23 same company or at the same -- it was at the
24 University of Saskatchewan, that's all I knew. I
03:38 25 didn't know if it was with him or same company or



1 company beside him, I'm not sure, I'm not really
2 sure.

3 **Q** So your brother was certainly struggling to
4 survive?

03:38 5 **A** No, he wasn't struggling to survive.

6 **Q** Financially?

7 **A** No, my brother didn't -- I'm sorry -- my brother
8 didn't even care about money, he could be happy
9 with 10 cents, you know. Not like me, but he
03:39 10 could be.

11 **Q** Uh-huh?

12 **A** I was always saving and he was spending. It
13 didn't matter to him, money didn't mean anything
14 to him, nothing.

03:39 15 **Q** So did it surprise you when, within a week of
16 trial, he's -- or ten days of the trial he is off
17 to get the money, or applying?

18 **A** I don't think it was, I don't even think that it
19 was -- like he didn't want the money, I know for a
03:39 20 fact he didn't want the money.

21 **Q** Uh-huh. All right. Thank you.

22 COMMISSIONER MacCALLUM: Mr. O'Keefe?

23 **BY MR. O'KEEFE:**

24 **Q** Mr. Cadrain, my name is Eamon O'Keefe, and I
03:39 25 represent Larry Fisher.



1 I just had a couple of questions
2 for you about your discussions with the various
3 people over the years that came to talk to you
4 about the David Milgaard situation, and you
03:40 5 mentioned that the first discussion of Larry
6 Fisher came up with Mr. Henderson, is that right?

7 A Umm, I -- yeah, I believe so.

8 Q That conversation that you had with Mr. Henderson;
9 would you agree that that was more a case of
03:40 10 Mr. Henderson providing you information about
11 Larry Fisher than the other way around?

12 A Oh yeah, yeah.

13 Q Did Mr. Henderson express any interest in your
14 recollections of Larry Fisher?

03:40 15 A Umm, he probably did. I don't recall
16 specifically, I'm sorry.

17 Q What about the other people that came to see you,
18 Neil Boyd and Kim Rossmo, did they ask you at all
19 about Larry Fisher?

03:40 20 A I'm sure they must have, I don't recall
21 specifically again, you know.

22 Q You couldn't recall exactly what they were asking
23 about?

24 A No, I'm sorry.

03:40 25 Q Do you recall Mr. Fisher's comings and goings on a



1 day-to-day basis while he was living in the
2 basement of your house?

3 A Umm, pretty much he went to work and came home at
4 night, you know, that's about all I could recall.

03:41 5 Q The times that he would go to work and come home;
6 would you be aware of his departures and arrivals?

7 A Sometimes he would, if I would be home I would
8 hear the door slam at the side of the house
9 sometimes, sometimes it would.

03:41 10 Q Was there a separate entrance --

11 A Yes.

12 Q -- sorry -- a separate entrance to the basement
13 suite?

14 A Yeah, it was on the side of the house, on the
03:41 15 north side of the house.

16 Q Okay. And were you still around in the morning,
17 around the house, at the time that Mr. Fisher
18 would leave for work?

19 A At times. I think that would vary depending on,
03:41 20 you know, who was -- if we were walking to school
21 or getting a ride or -- I really -- that's a --
22 you know, at times I would, at times I'm sure I
23 would have heard him going out the side door in
24 the morning, maybe, but for exactly to say I
03:41 25 remember exactly that happening, I would have to



1 say no, I don't remember exactly.

2 Q Do you have any recollection of approximately what
3 time he would generally leave in the morning?

4 A That's a pretty tough question. No, I can't.

03:42 5 Q When you met with the Detectives Dyck and
6 Templeton in 1993 did you provide them with any
7 information about Larry Fisher?

8 A Possibly. I don't recall.

9 Q And do you recall how Mr. Fisher -- well, let me
03:42 10 ask you first of all, when Mr. Fisher would leave
11 for work in the mornings did you ever see him go
12 or could you just hear the door close?

13 A That's a hard question. I really -- I may have, I
14 really, I really -- I may have. I have seen him
03:42 15 come, I know I have seen him, I would meet him
16 coming in the yard sometimes after work, or
17 whatever. But to say exactly "I remember that at
18 this point", I would say I don't recall exactly.
19 You know, I'm sure I might have or must have,
03:43 20 I'm -- but I can't say for sure.

21 Q All right. And you would have no recollection
22 then, I take it, of seeing Larry Fisher at any
23 point on January 31st, 1969?

24 A No, I don't.

25 Q All right.



1 A I do not.

2 Q Thank you.

3 COMMISSIONER MacCALLUM: Mr. Fox?

4 BY MR. FOX:

03:43 5 Q I'm jumping up there, My Lord, hoping that I'm
6 next on the list. I'm not always sure.
7 Mr. Cadrain, I'm Aaron Fox, I'm the lawyer
8 representing Eddie Karst and I know you've covered
9 an awful lot of ground and an awful number of
03:43 10 years as well today, and I'm going to go over some
11 of that again --

12 A Yeah.

13 Q -- and try and Bare with me as we work our way
14 through this. Okay?

03:44 15 A Okay.

16 Q Just going back to 1967, and I think I understood
17 correctly, that would have been when you would
18 have first met David Milgaard?

19 A No.

03:44 20 Q Sorry, tell me when that was then?

21 A I met him in 1968.

22 Q 1968?

23 A Yeah.

24 Q And at that time you would have been still living
03:44 25 at home on Avenue O and 19th?



1 A Yes.

2 Q And Albert would have been living there at that
3 time as well?

4 A Yes.

03:44 5 Q And during that time in 1968 when you would have
6 known David or been around with him, can you sort
7 of describe what period of time we're talking
8 about, where he was living, where you were living,
9 that sort of thing? This is 1968 I'm talking
03:44 10 about.

11 A I believe that he was living in Langenburg with
12 his mother at that point and he came up for a
13 visit and he stayed with us for a few days down in
14 the basement and we hung around a bit for a few
03:44 15 days and then he left.

16 Q Okay. Prior to him coming up from Langenburg to
17 visit, had you or Albert or anyone else in the
18 family known him? Like, what I was getting --

19 A Albert had met him previously in Calgary.

03:45 20 Q Okay. And do you know when it was that Albert had
21 met him?

22 A Gees, you know, I believe that Albert met him in,
23 I believe in the fall of '68, but I'm not certain
24 about that, it could have been late '67 or -- when
03:45 25 I say the fall of '68 -- yeah.



1 Q Okay. And do you know what Albert was doing in
2 Calgary at that time?

3 A He just went for a trip, just --

4 Q So he wasn't in school at that time?

03:45 5 A No, he was not.

6 Q How old would have Albert been at that time?

7 A In '68?

8 Q Yeah.

9 A 17, 16 I guess.

03:45 10 Q 16. And you are a year younger than Albert?

11 A Yeah.

12 Q And at that time when Albert was sort of gone for
13 a trip with David Milgaard, you would have still
14 been in high school?

03:45 15 A He wasn't with David Milgaard.

16 Q Met him?

17 A He met him there, yes.

18 Q Sorry, okay.

19 A Yes, I would have been going to school.

03:46 20 Q So Albert is in Calgary visiting or hanging out or
21 whatever and meets different people and David
22 Milgaard just happened to be one of them?

23 A Yes.

24 Q And subsequently then David Milgaard comes to your
03:46 25 house, stays there for a few days, and that would



1 have been sometime in 1968?

2 A I believe so. I mean, I could be wrong, but I
3 believe that's -- I believe that's how it
4 happened, yeah.

03:46 5 Q And you talked about, in one of the statements,
6 about a few incidents with David, one where he had
7 stolen some doughnuts out of a bakery truck and
8 another one where he had caused some sort of
9 disturbance or something like that and then a
03:46 10 third one where he had used the phone to phone
11 long distance calls at St. Mary's church. Are we
12 talking about 1968 then?

13 A Yeah, I guess when he was with -- I guess when he
14 came to stay with us, that would be '68, yeah.

03:46 15 Q Okay. So -- and so I take it you would have been
16 hanging out a bit with him at that time as well?

17 A Yes.

18 Q And you described him in that statement as a goof
19 and --

03:47 20 A Well, that's -- I'm sorry that I said that and --
21 he was a goofy guy, I didn't mean he was a goof,
22 you know what I mean. Like, he was doing goofy
23 things like my brother Albert was doing goofy
24 things and I didn't -- it sounds like worse than
03:47 25 what I meant it to be. Like, he was -- he would



1 walk, you know, he would do things like, you know,
2 go downtown, walk downtown and without, he would
3 go without shoes on, there would be snow on the
4 ground or something like that. Like, him and
03:47 5 Albert were not that far apart as far as the way
6 they acted and I didn't mean it to be that he was
7 a goof, but they did goofy things, you know,
8 sometimes, you know.

9 Q Okay. Would I be correct that you described, you
03:47 10 used the word goof, and we've probably all got our
11 own definition of what goof means --

12 A Yeah.

13 Q -- but you then cited the three examples that I've
14 referred to.

03:47 15 A Well, yeah.

16 Q Would it be fair to say that you didn't view kind
17 of, although what he was doing might not have been
18 lawful or whatever, you didn't view it as overly
19 serious?

03:48 20 A No, no. I mean --

21 Q Would that be a fair comment?

22 A That would be a fair comment.

23 Q Then the murder of Gail Miller took place early in
24 -- or late in January of 1969, you were still
03:48 25 living at home at that time going to school. Can



1 you just kind of give us an idea of where you
2 lived sort of from 1969, you know, through to,
3 say, the mid 1990s?

4 A Well, from '69 I lived at home, I left home in
03:48 5 '71, lived for a brief period in, away from home
6 when I was -- before I left Saskatoon, but it was
7 only for a couple of weeks or so. I went to
8 Vancouver and I got a job the next day and I
9 worked in Richmond for a month and then I started
03:49 10 working for the company that I'm still working
11 with today a month after that and I've been living
12 in -- I've been living in Vancouver, or I lived in
13 Vancouver for a couple of years, then I moved to
14 New Westminister and then in '75 I got married and
03:49 15 I've been living -- I lived in Port Coquitlam for
16 16 years and I've been 13 years in Maple Ridge
17 which the last three years I've been living in
18 Ferne.

19 Q So basically since 1971 you've been in British
03:49 20 Columbia then?

21 A Yes.

22 Q And Albert, the discussions with the police took
23 place in March of '69 which sort of got his
24 involvement in the David Milgaard investigation
03:49 25 going. He would have continued more or less



1 either living at home or else out at the farm
2 throughout '69, '70, '71?

3 A I think, yeah. Most of the time he would have
4 been out working after -- after the -- he went in
03:50 5 on March the 2nd or, you know, he was -- he was
6 mostly working out for quite a while after that.

7 Q Okay.

8 A Yeah.

9 Q And by working out, you mean working out of town?

03:50 10 A Out of town.

11 Q Either at farms or at --

12 A Either at farms or wherever. He would just pick
13 up and leave, you know. Like, it was hard to keep
14 track of him sometimes.

03:50 15 Q He kind of wasn't tied down to the residence one
16 way or the other?

17 A No, no.

18 Q Okay. You mentioned -- we've heard that your
19 sister Celine was living at the Avenue O and 19th
03:50 20 Street residence in 1969, January of '69, and did
21 she continue, do you have any recollection of how
22 long she continued to live there after that?

23 A I would say it wouldn't be -- I could be mistaken,
24 but I don't think she was there much longer after
03:51 25 that. I believe that she left soon after that.



1 Q Okay. Prior to March 2nd, 1969 had either you or
2 Albert had any kind of run-ins with the law; by
3 that I mean charged with anything, picked up by
4 the police, that sort of --

03:51 5 A Yeah.

6 Q I'm not asking for particulars necessarily but --

7 A Just minor things, yes.

8 Q Okay.

9 A I've never been charged with anything, never been
03:51 10 arrested for anything, if that's what you are
11 asking, but, you know, like, the odd time we got
12 picked up for this or that, yeah.

13 Q Maybe -- here's what I was getting at. When
14 Albert told you sometime shortly before March 2nd,
03:51 15 1969 that he had seen David Milgaard at your
16 residence with blood on his clothes and thought --
17 the morning of the Gail Miller murder and thought
18 that he may have been involved in the Gail Miller
19 murder and you discussed going to the police, I
03:52 20 take it the prospect of having to go to the police
21 and discuss something like that, especially when
22 you are talking about a friend or an acquaintance
23 being a possible suspect in the murder, that
24 wasn't an easy thing to do?

03:52 25 A I didn't take it lightly, I didn't take it



1 lightly, and I just wanted him to be sure before
2 we went down there that he, you know -- I asked
3 him, "Are you sure?" and he said yeah, he was, and
4 I had no reason to doubt him at that time.

03:52 5 **Q** Okay. And certainly at that time your impression
6 wasn't that Albert was taking this lightly either
7 I take it?

8 **A** No.

9 **Q** When Albert told you what he had said he saw, he
03:52 10 said he understood that it was that morning at the
11 house he's supposed to have seen David Milgaard
12 with blood on his clothes --

13 **A** Yeah.

14 **Q** -- did you ask Celine what she saw that morning?

03:52 15 **A** I think we've been through this before.

16 **Q** And we might have and I apologize if we have.

17 **A** And I'm sure that it was discussed, but I don't
18 have -- like, when Albert told me that, you know,
19 that stuck in my mind to this day because it
03:53 20 was -- that was a shocker to me and as far as what
21 I said to this one and that one, it's hard to --
22 there's nothing that sticks out about me talking
23 to her and I think we probably did, but I cannot
24 say.

03:53 25 **Q** Sure, and I appreciate that. And so that



1 logically if Albert said --

2 A Yeah, I'm sure it was discussed.

3 COMMISSIONER MacCALLUM: I'm sorry,
4 Mr. Cadrain. We have to be very careful because
5 the reporters need to get everything down word
6 for word and when one person talks over another
7 person, of course they can't do that without a
8 great deal of difficulty, so please try and wait
9 for the end of the answer and the question.

03:53 10 A I apologize. That's a bad habit I've got and it's
11 like I'm impatient and I just do that. I'm sorry.

12 BY MR. FOX:

13 Q I'm afraid I do as well, so we'll try and work our
14 way through this. But logically when Albert would
03:54 15 have come to you and told you what he said he saw,
16 knowing that Celine was at the house that morning,
17 likely you would have talked to her; that's fair
18 to say?

19 A I agree, I agree, we probably did, yeah.

03:54 20 Q In terms of what you talked about or what she may
21 have said, no recollection at this time?

22 A No.

23 Q And it's possible as well that you may have got
24 further details from Albert that morning as well
03:54 25 or before you went to the police in terms of what



1 exactly had happened on the Calgary trip or
2 whatever, he may have given you some other
3 information, just no particular recollection at
4 this time?

03:54 5 A Yes, I agree.

6 Q There was reference to Kenny, your younger brother
7 Kenny being at home at the house that morning as
8 well. Do you know if you would have had any
9 discussion with Kenny or gone to him and said,
03:54 10 "Gee, Kenny, do you remember seeing anything that
11 day?"

12 A No.

13 Q Just no recollection whether you did or not?

14 A No, I wouldn't --

03:54 15 Q You don't think you would have?

16 A No, I wouldn't have.

17 Q When you and Albert spoke with your sister Celine
18 about what Albert said he had saw and what he knew
19 about David Milgaard possibly being involved in
03:55 20 this, the murder of Gail Miller and the prospect
21 of going to talk to the police, was there any
22 discussion with Celine at that time about whether
23 or not Albert and you or Albert should talk to
24 your parents first? Do you recall if that was --

03:55 25 A There again, if I say anything, it's just going to



1 be a guess because I -- you know, I would think --
2 I would doubt that, but possibly. Maybe she said
3 maybe we should go talk to them and maybe she did,
4 but I really don't recall. I have no recollection
03:55 5 of that.

6 Q So it may have been said, just not sure?

7 A May have been, yeah.

8 Q Okay. And do you know if Celine or Albert did
9 speak to your parents at all before you went down
03:55 10 to see the police?

11 A I would say I don't believe so, but having said
12 that, you know --

13 Q Can't --

14 A That's been such a long time ago, but my
03:56 15 recollection is that we didn't, that I didn't talk
16 to my parents --

17 Q Okay.

18 A -- I know that, and we went down, Albert and I
19 together, so --

03:56 20 Q In terms of whether Celine had said something to
21 him or whatever, you are just not sure of that?

22 A You know, I have no recollection of that at all.

23 Q And is it fair to say that certainly when -- well,
24 as I understand this, and I know you've said this
03:56 25 a number of times already, when Albert went to the



1 police to say he had seen David Milgaard with
2 blood on his pants that morning, you believed him
3 at that time, you believed him in 1969?

4 A I did.

03:56 5 Q And you've indicated that there was some other
6 details came out subsequently or that came to your
7 attention that you eventually began to question as
8 to whether or not that was accurate or correct,
9 but the basic statement of having seen blood on
03:56 10 his clothes, you continued to believe that, as I
11 understand it, through to 1991. Have I got that
12 correct?

13 A Yeah. Right around that time, '90, '91, whatever
14 that was, yeah.

03:57 15 Q Okay. And that's because, although Mr. Henderson
16 came to you and told you something about Larry
17 Fisher, based on what you had seen from Mr.
18 Henderson you weren't necessarily prepared to
19 accept what he had to say?

03:57 20 A Well -- sorry, I interrupted.

21 Q You go ahead.

22 A I was going to say that I had, did have doubts
23 about it, you know, I really had doubts about it.
24 I missed -- I'm a little lost there. Just ask
03:57 25 that question again, please.



1 Q Yeah, sure. There's -- and I'm breaking it down
2 into two parts, the information that you got from
3 Albert, one was the basic part which was that he
4 saw David Milgaard with blood on his clothes that
03:57 5 morning?

6 A Yes.

7 Q The second part is some of the other details that
8 were added in terms of things Milgaard may have
9 said or that took place on the trip, and as I
03:58 10 understand it, some of those details you had
11 questions about and certainly had questions about
12 before 1990?

13 A Yes.

14 Q As I understand it from what you testified to
03:58 15 today, you continued to believe that Albert saw
16 blood and was truthful when he said that and
17 wasn't mistaken and you continue with that until
18 1990 or '91 when you have got the information from
19 Mr. Boyd and Mr. Rossmo about Larry Fisher?

03:58 20 A Yeah, I had doubts about the blood before that,
21 but then when I got the information from Kim
22 Rossmo and Neil Boyd, then I felt in my heart 100
23 percent sure that he was wrong, he was all wrong
24 at that time. That's my feeling. It's not --
03:58 25 doesn't mean anything, but that's what I felt.



1 Q And I appreciate that. And the conclusion that
2 you came to is he must have been delusional or
3 something, that somehow or other he got it in his
4 head that there was blood there when in fact there
03:59 5 wasn't?

6 A Yes, and another important factor for me was the
7 race track incident and the way that he was
8 telling me the story was the same way he was
9 telling me the things about David.

03:59 10 Q Okay.

11 A And I thought this can't be happening, like, you
12 know, he's got -- he thinks that he has a special
13 power or whatever, so then I -- that's how I
14 thought it.

03:59 15 Q Did you -- were you present when your brother
16 testified at the preliminary hearing in 1969 or at
17 the trial in 1970?

18 A I believe I was there for part of his testimony at
19 the trial. I don't believe I went to the
03:59 20 preliminary hearing. I could be mistaken, I might
21 have been at the preliminary hearing and not the
22 trial, but I was there for part of his testimony.

23 Q Okay. And when you saw and heard him testify at
24 that time as to seeing the blood on David
04:00 25 Milgaard's clothes, you were satisfied that at



1 least at that time, and I'm talking about 1969,
2 '70, that he was correct when he was saying that,
3 that was your belief at that time?

4 A Yes. I had no reason to doubt -- like, I couldn't
04:00 5 even imagine somebody going to say that they saw
6 blood and they didn't see blood and he had never
7 had a history of doing anything like that, and
8 especially in something that serious, and I just
9 couldn't imagine that he would have done it, and
04:00 10 like I said, I know I could have never done it and
11 he didn't have the -- he wasn't a mean person to
12 go and do something like that or, you know, why
13 would he do that, you know, and it's not for the
14 lousy little \$2,000, because it could have been
04:00 15 100,000 and it wouldn't have mattered to Albert.
16 He was ill and he needed some help.

17 Q Okay. So -- and again, and I appreciate that
18 you've given me explanations as to why you
19 wouldn't have doubted what he was saying, but the
04:00 20 fact of the matter remains in '69-'70 you weren't
21 doubting what he was saying at that time?

22 A Not to the part about the blood.

23 Q Yes. Now, you've indicated that you've -- you
24 indicated pretty clearly you firmly believed David
04:01 25 Milgaard was innocent of this offence and have



1 indicated I think a few times that you've tried to
2 do what you can to right what you saw as a wrong.
3 Have I got that correct?

4 A Yes, that's true.

04:01 5 Q Have you reviewed all of the -- like, for example,
6 in the case of Nichol John, have you reviewed her
7 evidence at all?

8 A No, I have not.

9 Q Or Ron Wilson?

04:01 10 A No, I have not.

11 Q Or the people, for example, we've heard about the
12 incident where David Milgaard was stabbing a
13 pillow in a motel, have you reviewed that at all?

14 A Yeah, I've read about that. To me that's a very
04:01 15 weak statement.

16 Q No, you said you've read about it. I'm asking you
17 if you reviewed the evidence.

18 A When you say reviewed it --

19 Q Yeah, did you --

04:01 20 A I've had it -- I'm sorry.

21 Q I'm probably cutting you off now, so go ahead,
22 sorry.

23 A I've had the incidents read to me probably by the
24 RCMP or, you know, people that were talking to me,
04:02 25 and it doesn't mean anything to me.



1 Q Yeah. And by --

2 A I mean --

3 Q Go ahead, sorry.

4 A Okay, you go ahead.

04:02 5 Q By review it, what I meant is that we have
6 transcripts, for example, of these people's
7 testimony at the trial and the prelim and before
8 the Supreme Court and so on, have you reviewed
9 those transcripts at all?

04:02 10 A No, I have not.

11 Q What about, say, the evidence at the Supreme Court
12 reference, the testimony of either David Milgaard
13 or his defence counsel Mr. Tallis, did you review
14 any of that?

04:02 15 A No, I have not.

16 Q So what would the source of your information be to
17 come to the conclusion that you have?

18 A The obvious answer is David didn't do it, Larry
19 Fisher has been -- you know, like, he had the
04:03 20 record of the rapes in the general vicinity and,
21 you know, coupled with the fact of the stories,
22 like, I didn't believe Albert's -- most -- or a
23 lot of what Albert was saying, I never believed it
24 to begin with, and there was only one thing that I
04:03 25 was really hanging onto and Larry Fisher admitting



1 to those rapes right around the area, it just made
2 sense to me, and in knowing David not to be a
3 violent person, I just knew that it was -- that
4 was, you know, it was the only thing that was,
04:03 5 that I knew Albert was -- in fact, I didn't even
6 know, you know, I just didn't think Albert should
7 have been testifying in the first place and that's
8 what I wanted to first start out talking about, it
9 wasn't that I said he was guilty or innocent or
04:04 10 whatever, I just didn't think he should be
11 testifying at the trial. That's how it began.

12 Q Right. But in terms of any of this information
13 you've got about Larry Fisher's involvement or
14 what somebody else may have said or not said, I
04:04 15 take it that's come to you either from the media
16 or what somebody has told you; is that fair to
17 say?

18 A Yeah, well, from the police themselves or Paul
19 Henderson or, you know, just --

04:04 20 Q That's the source of your information?

21 A Yeah, yeah, Neil Boyd, you know.

22 Q Yeah. Now, you've said when you gave your
23 testimony -- My Lord, I don't have a watch up
24 here, so if we reach a point where we should be
04:04 25 breaking, please let me know, but I'm going to



1 carry on until somebody tells me I should stop.

2 When you gave your testimony,
3 you indicated that some things definitely did not
4 happen and you mentioned, for example, that your
04:05 5 mother definitely did not find any pants that were
6 bloody and wash them?

7 A I would say that that's, that is -- I would say
8 that that didn't happen, yeah.

9 Q No, the words you used was that it definitely did
04:05 10 not happen and --

11 A Well --

12 Q -- I'm just wondering how you would know that it
13 definitely did not happen, that your mother didn't
14 find any pants.

04:05 15 A If my mother would have found bloody pants, she
16 would have brought them down to the bloody police
17 station, that's why I was saying, because I know
18 she wouldn't have washed bloody pants, she would
19 have taken them down to the police station. She
04:05 20 would have been more than happy to do that if she
21 would have found them, you know. I never heard
22 about it -- I just heard about it just recently
23 and there's just a lot of rumours and things
24 flying around and, frankly, sometimes I get a
04:05 25 little ill listening to them, and that is one of



1 them.

2 **Q** Yeah. So what you are really saying is that in
3 your opinion, your conclusion is that your mom
4 didn't find any pants that had blood on them and
04:06 5 that she washed, that's your --

6 **A** I'm sure, I'm certain I would have heard about it
7 if that was the case.

8 **Q** So your sister Celine has said that she was told
9 that.

04:06 10 **A** By who?

11 **Q** By your mom.

12 **A** Yeah, well, that's her recollection, that's her
13 recollection, and she's entitled to her
14 recollection, but I know my mother and if she
04:06 15 would have found bloody pants, she would have been
16 taking them down to the police station and that's
17 my opinion.

18 **Q** Did Albert discuss the events of his -- the
19 morning of January 31st, '69 or the trip to
04:06 20 Calgary with David Milgaard with your sister
21 Celine?

22 **A** I can't -- I imagine he did, but I can't recall
23 being witness to it.

24 **Q** Okay. So if you gave evidence that he definitely
04:06 25 would not have given her any details of what



1 happened on that trip that caused him to believe
2 that David Milgaard was involved in the murder of
3 Gail Miller, that wouldn't be a correct statement?

4 A You would have to repeat that again, I'm sorry.

04:07 5 Q Sure. That is a mouthful, I know.

6 A Yeah.

7 Q Maybe I'll put it in a more -- I'll put the
8 positive to it. It's possible that Albert may
9 have given your sister Celine some details about
04:07 10 his trip to Calgary with David Milgaard?

11 A Oh, yeah, I would say that's -- yeah, it's
12 possible, and probably probable.

13 Q Okay. And, for example, one of the things Albert
14 referred to is David Milgaard throwing a compact,
04:07 15 finding a compact in the glove compartment and
16 throwing it out. Did you form any opinion as to
17 whether that happened or not?

18 A Well, it was just another thing that could have
19 very well happened, but when you put it all
04:07 20 together with the Mafia thing and the dope and the
21 transport truck and the Mafia and the gun, it was
22 just -- I didn't believe a thing of that, I never
23 believed anything of that, and this compact could
24 have happened, but the other things I truly
04:08 25 believed, knowing Albert and knowing these stories



1 which were, to me they were wild concoctions, I
2 didn't believe them, so why would I believe the
3 other part, you know.

4 Q Okay. So you believed the blood, you might have
04:08 5 believed him when he said that he saw David
6 Milgaard throw a compact out of the car when they
7 were driving to Calgary?

8 A Maybe.

9 Q Did you believe him -- did you believe it was
04:08 10 possible that David Milgaard bought some drugs
11 when they were in Alberta?

12 A When you say bought some drugs, what do you mean,
13 like --

14 Q Of any kind.

04:08 15 A One joint?

16 Q Yeah, one joint --

17 A Yeah.

18 Q -- one ounce --

19 A Yeah.

04:08 20 Q -- one gram, a kilogram, whatever.

21 A That could be possible.

22 COMMISSIONER MacCALLUM: For goodness
23 sakes.

24 A I'm sorry.

04:08 25 COMMISSIONER MacCALLUM: I know.



1 A It's hard to do.

2 COMMISSIONER MacCALLUM: I know, sir, it
3 is.

4 BY MR. FOX:

04:09 5 Q In terms of what David Milgaard's involvement
6 would have been in purchasing drugs or selling
7 drugs or buying drugs for resale, whatever, in
8 1969, I take it you would have no knowledge of
9 that?

04:09 10 A No, no.

11 Q Did you ever know David Milgaard to be involved,
12 for example, in stealing property from a person?

13 A No.

04:09 14 Q Seeing a lady walking down the street, steal her
15 purse from her for money, did you ever know him to
16 do that?

17 A No.

18 Q Would that be consistent with the David Milgaard
19 that you knew in 1968?

04:09 20 A No. I had no knowledge of that.

21 Q Okay. So if David Milgaard's thoughts and plans
22 in 1969 were there's an old lady walking down the
23 street, why don't I go grab her purse and steal it
24 from her, that wouldn't be consistent with what
04:10 25 you knew of David Milgaard in 1968?



1 A No.

2 Q Did your brother Albert tell you that he thought
3 David had changed from when he had seen him in
4 1968 to when they met up with him in January of
04:10 5 1969?

6 A I don't recall that.

7 Q Mr. Cadrain, you indicated that you expressed some
8 concerns to your parents about Albert's
9 well-being, mental well-being sometime around the
04:10 10 prelim/trial stage, David Milgaard prelim/trial
11 stage?

12 A I didn't tell my parents, just my mother.

13 Q Just your mother?

14 A Yes.

04:11 15 Q Any idea how many times you spoke to her about
16 that?

17 A I have a vague recollection of telling her just
18 once.

19 Q And did you ask her then what she did as a result
04:11 20 of that?

21 A No, I don't think I did.

22 Q When it got to the trial and your brother was
23 testifying and you were there, did you go to your
24 mother and say, you know, what did you do with my
04:11 25 concerns, who did you talk to?



1 A Well, you know, I went to a person of trust and
2 told her what I heard and I left it in her hands
3 and that's all I'm going to say to you, okay. I
4 didn't follow up on it. You know, if I had to do
04:11 5 it again, knowing what I know now and being as old
6 and wise as I am now, I would definitely have
7 followed it through at that point, and I'm sorry I
8 didn't, I'm really sorry I didn't, but I did tell
9 her.

04:11 10 Q Okay. But notwithstanding, you are there at the
11 trial, I'm assuming your parents were at the trial
12 as well?

13 A I was there with my mother one day.

14 Q And you didn't sort of even turn to her in passing
04:12 15 and say, gee, what did you do or Albert shouldn't
16 be testifying or anything like that, nothing like
17 that was expressed by you?

18 A I didn't say anything at that time.

19 Q And as I understand it, you didn't express those
04:12 20 concerns to anyone else, that Albert shouldn't be
21 testifying?

22 A Oh, I said that plenty over the years to people
23 I'm sure.

24 Q I'm talking about, say, prior to the end of
04:12 25 January of 1970, which was when the trial took



1 place.

2 A I possibly did. I just don't recall. I don't
3 recall specifically saying it to anyone.

4 Q You don't recall specifically -- did you say it to
5 Celine?

6 A I don't recall.

7 Q Like, you and your brother Albert had gone to
8 Celine to talk to her before you even went to the
9 police. Did you then go to her subsequently and
10 say Celine, you know, "I took Albert down to the
11 police and he gave them this information, I think
12 he's got some mental problems," did you have that
13 conversation with her prior to the end of January,
14 1970?

15 A I told my mother, that's all I've ever testified
16 to, that's all I've ever said. I know I told my
17 mother.

18 Q So your answer would be that you didn't tell
19 Celine?

20 A I know for a fact that I told my mother and I
21 don't recall ever saying anything to Celine.
22 That's my recollection. I do not recollect saying
23 anything to Celine.

24 Q When you were at the trial did you go and attempt
25 to talk to, say, a prosecutor who was there at the



1 trial? There's a break, there's a prosecutor
2 there --

3 COMMISSIONER MacCALLUM: I think he's
4 already said he didn't tell anybody.

04:13 5 BY MR. FOX:

6 Q Did you make any attempt to talk to anybody --

7 A I told --

8 Q -- beyond your mother?

9 A I told my mother.

04:13 10 Q Beyond that, you made no attempt to speak to
11 anyone else?

12 A Not that I recall. I know I told my mother.
13 That's all I've ever said.

14 Q I think this question was asked of you, but you
04:14 15 described Albert in 1969 as being a little bit off
16 the wall sometimes, entertaining, that sort of
17 thing. I'm not sure if you said happy-go-lucky,
18 but I'm using those words. Is that sort of a bit
19 of a way of describing him?

04:14 20 A I would say.

21 Q The business about the blood though on the pants,
22 did that fall into that kinda sorta category; in
23 other words, Albert is doing this in sort of a
24 happy-go-lucky entertaining way?

04:14 25 A No, no, and when he told me he had a very serious



1 look on his face and he -- when he told me, I
2 truly believed that he saw it.

3 Q I'm not sure, you've indicated and you've been
4 asked this quite a few times already about what
04:15 5 time of day you went to the police station, I
6 think you indicated if somebody asked you to say
7 what your recollection was you would suggest the
8 evening, but the statement refers to an afternoon
9 time and you are not 100 percent sure. Do you
04:15 10 recall at all if you would have gone to the
11 station, come back and then went, returned -- come
12 back home and then returned to the station again
13 to give a statement, do you know if that happened
14 at all?

04:15 15 A It -- the only solid memory I have of it is
16 walking into the police station and talking to the
17 guy in that little, little oak chair, whatever it
18 was, raised up, and we talked to him and he said
19 "sit over there", and then they called somebody
04:15 20 down and they come and got us and took us
21 upstairs, and that's the -- and then we were in
22 the interview room, I remember that. But as far
23 as the mechanics of getting down that and the
24 timing, I would say my recollection is it was the
04:15 25 evening, but I wouldn't bet money on it, you know.



1 Q Yeah.

2 A That's what I recall.

3 Q Yeah.

04:15 4 A If you were going to ask me what time, that's what

5 I would say.

6 Q As I understand from what you said, you weren't
7 there very long, you gave your statement and were
8 home, and not very long after you had initially
9 gone down there?

04:16 10 A Yeah, I don't think I was there very long at all.

11 Q Can you put, like -- and I appreciate you are not
12 going to be able to say with any exact estimate of
13 the time, but are we talking -- I don't want to
14 put words in your mouth but by "very long", what
04:16 15 sort of time frame are we talking about?

16 A I would think I would have been, my estimate would
17 have been that I would have been out of there in
18 less than an hour.

04:16 19 Q Okay. And then you indicated, when you left,
20 Albert was still there and it was a couple hours
21 later when he got home?

22 A That, there again, it's an estimation.

23 Q I appreciate that.

24 A Okay.

04:16 25 Q No, I understand that. And do you know, then, if



1 Albert -- when it was that Albert would have been
2 returned to speak to the police further, whether
3 it would have been later that day or the next day,
4 or are you able to say or comment on that?

04:16 5 A Well I wouldn't -- I know he would have been going
6 down the next morning for sure but, you know, like
7 my recollection that it was the evening --

8 Q Okay?

9 A -- and I'm going to say he was down there the next
04:17 10 morning.

11 Q Okay. And I gather, from what you said, that over
12 the next couple of weeks or so there was a fair
13 bit of contact between Albert and the police?

14 A Yes.

04:17 15 Q And that, would that necessarily have been every
16 day or every second day, or varied a little bit?

17 A There, there again, you know, I wasn't taking
18 notes and it was -- if it wasn't every day it was
19 almost every day.

04:17 20 Q So -- and you --

21 A It was quite, it was quite -- very frequent. They
22 might have given him a break, I'm not sure, I
23 really can't be sure.

24 Q Okay.

04:17 25 A I do recall them picking him up and then bringing



1 him home.

2 Q Albert expressed to you that the police thought he
3 was a suspect or at least accused him of perhaps
4 being involved in the murder?

04:17 5 A He says --

6 Q Initially, they accused him of that?

7 A He told me "they think I did it".

8 Q And then, at some point in time, he said "they
9 believed me," I think those were the words you
04:18 10 said. Do you have any recollection -- you are
11 nodding your head "yes" and the reporter is trying
12 to get that.

13 A Well I'm trying not to talk out of turn out so I
14 don't want to make -- you know, I'm trying to
04:18 15 behave myself as far as --

16 Q Doing a good job.

17 A Thank you.

18 Q Any idea how long it was after, say, that -- if we
19 assume March 2nd, 1969 was the first trip that you
04:18 20 and Albert made down to the police station, any
21 idea how long it was afterwards before he
22 indicated to you that "the police now believe me"?

23 A That would just be a guess, likely, you know.
24 Umm, you know, towards the end of their
04:18 25 investigation with him, I believe, you know.



1 Q Okay. I had asked you if in 1969, when Albert
2 told you about the blood on the pants, if you
3 thought you had had any conversation with your
4 brother Kenny, and you were fairly certain that
04:19 5 you wouldn't have had any conversation with him at
6 that time; do you know when you would have had
7 your first conversation with Kenny as to what he
8 may or may not have recalled of January 31st,
9 1969, any recollection about when that would have
04:19 10 been?

11 A Yeah, that would have been after, umm, '87, or
12 after when all the -- you know, somewhere around
13 the late '80s or early '90s. I was together with
14 my, with the both of them and they were, I don't
04:19 15 know if they were living together in the house on
16 Avenue O again, there was just the two of them
17 there and we had a conversation there.

18 Q Okay.

19 A And that's the first that I can recall him ever
04:19 20 saying anything about it.

21 Q Okay. Up to that point do you have any
22 recollection of having any discussion with Celine
23 about what she saw that morning, before this
24 conversation with Kenny?

04:20 25 A Yeah, we did. We had discussed it, I believe,



1 when -- now you are talking about -- yeah, I don't
2 know, it's -- anyway, it's when it started
3 happening again in '87, or whatever, after that we
4 did discuss it.

04:20 5 **Q** Okay. So you -- and by "happening again" you
6 meant sort of the whole review business about
7 whether or not the conviction should be set aside
8 or whether somebody else was responsible; that's
9 what you mean by "happening again"?

04:20 10 **A** Yes.

11 **Q** Prior to that, do you have any recollection of
12 discussing it with Celine?

13 **A** Now are you talking about right at the time when
14 it happened, or --

04:20 15 **Q** Or up to that point in time when it kind of became
16 a live public issue again.

17 **A** I would say I would be sure we must have discussed
18 it, you know, during the trial, that time I would
19 think we probably would have, and I have no
04:20 20 recollection of -- I'm not saying we didn't, but I
21 have no recollection of talking to her in between,
22 it could have happened easily but I don't recall
23 every conversation I have with all my brothers and
24 sisters because there is a lot of them.

04:21 25 **Q** Okay. There were -- there had began a period of



1 time when there were a number of inquiries being
2 made by the press or people from David Milgaard on
3 behalf of him, or others who wanted to speak with
4 your brother Albert?

04:21 5 A Yes.

6 Q Umm, did you ever speak to the police, at that
7 time, about anybody speaking to Albert, or were
8 you sort of getting information about the police,
9 what the police were saying from your mom or
04:21 10 someone else?

11 A Yeah, mostly from my mother, yup.

12 Q Okay. Fair to say that your mom -- and maybe
13 that's pretty natural for a mother, but she was
14 trying to protect Albert, maybe everybody in the
04:21 15 family, from being hurt or caught up in this thing
16 too much?

17 A Yeah, that's possible, yeah. Yeah, I'm sure she
18 thought she was doing the right thing, I'm sure
19 she did.

04:21 20 Q Okay. When you talked about -- and, again, this
21 has been covered in great detail already with you
22 about the statements that were given, and this
23 reference to the type of interrogation that Albert
24 was subjected to by the police, and so on. I
04:22 25 thought I understood you to say that, prior to



1 about 1990, you had not heard Albert voice any
2 particular concerns in the sense of being mentally
3 tortured by the police, that sort of thing; have I
4 got that correct?

04:22 5 A You do.

6 Q And then the sort of first public disclosure of
7 that would have been on the TV interview that took
8 place, the clip that we saw earlier today?

9 A Yes.

04:22 10 Q Okay. Did Albert, himself, ever give any
11 indication to you that the police had tried to get
12 him to say something that was not true; did he
13 ever indicate that to you?

14 A No.

04:23 15 COMMISSIONER MacCALLUM: Did you say "no",
16 sir?

17 A I said "no", I'm sorry.

18 COMMISSIONER MacCALLUM: Thank you.

19 BY MR. FOX:

04:23 20 Q And we looked at some statements there, and one of
21 the documents we looked at, maybe we can put it
22 up, it's document 050412. And that would be a
23 Paul Henderson interview statement, I think, hope
24 I have got that right. There we are. And if we
04:23 25 could turn to 050, page 420 please, and I have



1 just highlighted a portion there. This would have
2 been -- this is an interview that occurred between
3 yourself and Paul Henderson, and Mr. Henderson
4 says -- and maybe, maybe can we just scroll back a
04:24 5 little further than that, maybe start it about
6 there, I think it makes more context.

7 Mr. Henderson is talking:

8 "Right. But he's going to, we think,
9 down the line, ah', because the RCMP is
04:24 10 convinced that he's the person. Now,
11 when he does, what that means is, that
12 all the witnesses against David Milgaard
13 suddenly become liars. Now here is
14 Albert's chance to beat them to the
04:24 15 punch."

16 I'm assuming that's where Mr. Henderson is
17 telling you that Larry Fisher is likely going to
18 confess to the police that he killed Gail Miller
19 and that, therefore, everybody that testified
04:25 20 against David Milgaard are going to be liars?

21 A Yeah, yes.

22 Q And then you are:

23 "Yeah.",

24 indicating you are listening to what he has got
04:25 25 to say, and then Mr. Henderson says:



1 "Come forth and say, the bastards made
2 me do it."

3 Did you know who he was referring to by "the
4 bastards"?

04:25 5 A I would assume that he was talking about the
6 Saskatoon Police at that point, yeah.

7 Q Okay. Had you ever heard Albert refer to them as
8 "bastards?"

9 A No. Like I said, Paul Henderson was -- he must
04:25 10 have got a good mark in literature, that's all I
11 can say about him, but -- you know, he was
12 descriptive, let's put it that way.

13 Q Thank you. Umm, there is reference -- and there's
14 just reference to Albert talking about the police
04:25 15 working him over or something like that; would I
16 be correct, Mr. Cadrain, that this whole episode
17 in, starting on March sometime in 1969 when Albert
18 believed he saw blood and David Milgaard's
19 clothes, and having to make the decision "do I go
04:26 20 to the police with it or not" and making the
21 decision to go to the police, being accused of
22 being involved in the murder, being interrogated
23 about that and having to testify at the
24 preliminary against someone who really had been at
04:26 25 least an acquaintance if not a friend, and then



1 having to testify at the trial, knowing that
2 person was convicted, and then subsequently the
3 suggestions being that he must be mistaken and so
4 on; that whole episode would have had a pretty
04:26 5 significant effect on your brother Albert?

6 A Yes, because he wasn't a strong person to begin
7 with, and the whole thing affected him in a big
8 way and for his whole life.

9 Q When we are talking, when you talked about the
04:27 10 psychological scars he was left with, that wasn't
11 just because the police questioned him about this,
12 that was because of this whole package of things
13 that he found himself caught up in?

14 A The whole thing, yeah.

04:27 15 Q I take it it didn't surprise you that the police
16 would question him pretty vigorously when he had
17 come in with the story that he did?

18 A Well they should have, they should have, yeah.

19 Q And not surprise you that they might also
04:27 20 consider, at the outset, that perhaps he is a
21 suspect in this thing; that's something they would
22 have to look at?

23 A Well, all they had to do was ask where he was at
24 the time of the murder, and I was sleeping right
04:27 25 beside him.



1 Q Yeah, and maybe they did do that, and maybe that's
2 why they eliminated him as a suspect, I don't
3 know, but not surprising they would want to check
4 that out?

04:27 5 A Where is the statement saying that? There is
6 nothing. They didn't ask me that question.

7 Q Yeah, did you --

8 A And if they did, they should have wrote it down,
9 you know.

04:28 10 Q And do you know if they asked you that question?

11 A I can't say. Well, you know, if it isn't written
12 down and it's 36 years ago --

13 Q No, I --

14 A I'm sure they must have asked it, but I don't
04:28 15 re -- have a specific memory of it, I don't.

16 Q Okay. And so what you are saying is they might
17 have asked you about that, whether -- and I
18 appreciate that you are not going to be able to,
19 verbatim, tell us everything that you discussed
04:28 20 with the police when you went down to see them?

21 A Yeah.

22 Q Am I also correct that, after listening to your
23 testimony this morning, obviously meetings were
24 held between Albert and Paul Henderson, and you
04:28 25 would have been involved in some of them, and



1 there would have been a review with Albert about
2 "here's the evidence that suggests that David
3 Milgaard couldn't have caused the death of Gail
4 Miller", or "others must be mistaken "or "others
04:29 5 must be mistaken", those kinds of discussions
6 would have gone on with Albert?

7 A I believe so, yeah.

8 Q And, notwithstanding that, Albert's position
9 remained that he believed he saw blood on the
04:29 10 clothes of David Milgaard and -- on the morning of
11 January 31st, 1969?

12 A Yes, and you also witnessed his state of mind at
13 that time.

14 Q Yeah, I appreciate that.

04:29 15 A Yeah.

16 Q But his position, in terms of what he said to
17 Mr. Henderson or what he said to you, he never
18 backed off from that position?

19 A Not -- except for the fact that he signed that
04:29 20 statement, that --

21 Q Yeah.

22 A To the contrary. But, yeah, I don't know how that
23 happened.

24 Q And, at that time, were you satisfied that --
04:29 25 notwithstanding what the statement that Mr.



1 Henderson took from your brother says, he still
2 believed that he saw blood on David Milgaard's
3 clothes the morning of January 31st, 1969?

04:29 4 A Yeah, yeah, he -- I think he agreed to sign that
5 statement, and I think he was just, he was just
6 weak and he just signed it, and then later he
7 changed his mind because whatever.

8 Q Signing -- sorry, I'm cutting you off.

9 A It's all right. I understand.

04:30 10 Q Thank you.

11 A Okay.

12 Q Now, so he was kind of getting to the end of the
13 interview and he just basically wants to sign
14 something and get this thing over with, get out of
04:30 15 there?

16 A That must be what happened because, you know,
17 that's the only time I have ever heard him say
18 that -- the only time he has ever agreed to say
19 that he could have been mistaken, that's the only
04:30 20 time he has ever said it.

21 Q Okay. You indicated that your mother had said
22 that -- your mother came to know Detective Karst
23 throughout the investigation and afterwards and,
24 from time to time, would phone up Detective Karst?

04:30 25 A Yes.



1 Q And you indicated that your mother had been told
2 that Albert didn't have to talk -- sorry -- "you
3 don't have to talk to anyone if you don't want
4 to;" is that what you understand was being said?

04:31 5 A That's the gist of it, yes.

6 COMMISSIONER MacCALLUM: Being said by
7 whom?

8 A By the police to my mother.

9 COMMISSIONER MacCALLUM: And they told her
04:31 10 that she didn't have to speak to anybody else?

11 A That she didn't have to speak to anyone, you know,
12 they didn't have to speak to anyone, "they got the
13 guy, they got David in jail and he has been
14 convicted and you don't have to speak to anyone,
04:31 15 it's over."

16 BY MR. FOX:

17 Q And, actually, the quote I put to you, and I had
18 this written down in my notes, is that "you don't
19 have to talk to anyone if you don't want to"?

04:31 20 A Yeah.

21 Q Yeah. And you understood that that's what --
22 sorry, My Lord -- and you understood that's what
23 the police were telling your mom based on what
24 your mom was telling you?

04:31 25 A Yeah, that's it.



1 Q You never spoke to the police yourself?

2 A I never spoke to the police.

3 Q Okay.

4 A But I heard it from other members of the family
04:32 5 saying, you know, that was going on.

6 COMMISSIONER MacCALLUM: It's 4:30,
7 Mr. Fox.

8 MR. FOX: Yeah, and I think maybe, there
9 may be others are going to have questions, so
04:32 10 this is probably a good time to adjourn, then, My
11 Lord.

12 COMMISSIONER MacCALLUM: Okay. We'll
13 adjourn until 10:00 tomorrow, Mr. Cadrain, and I
14 know it's going to be a little tough on you not
04:32 15 to speak about your evidence overnight.

16 A No, that won't be that tough.

17 COMMISSIONER MacCALLUM: Okay. Thank you.

18 (Adjourned at 4:32 p.m.)
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1 **OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES :**

2 We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,
3 Official Queen's Bench Court Reporters for the Province of
4 Saskatchewan, hereby certify that the foregoing pages
5 contain a true and correct transcription of our shorthand
6 notes taken herein to the best of our knowledge, skill,
7 and ability.

8
9
10
11
12 _____, CSR

13 Karen Hinz, CSR

14 Official Queen's Bench Court Reporter

15
16
17
18 _____, RPR, CSR

19 Donald G. Meyer, RPR, CSR

20 Official Queen's Bench Court Reporter



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