

*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

\*\*\*\*\*

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Volume 16

Inquiry Proceedings



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<i>Mr. James Lockyer,</i>	<b>for</b> Ms. Joyce Milgaard
<i>Ms. Lana Krogan,</i>	<b>for</b> Government of Saskatchewan
<i>Ms. Catherine Knox,</i>	<b>for</b> Mr. T.D.R. (Bobs) Caldwell
<i>Mr. Jay Watson, Esq.,</i>	<b>for</b> Mr. Serge Kujawa
<i>Mr. John Beckman, Q.C.,</i>	<b>for</b> the Saskatoon Police Service
<i>Mr. Aaron Fox, Q.C.,</i>	<b>for</b> Mr. Eddie Karst
<i>Mr. Bruce Gibson,</i>	<b>for</b> the RCMP
<i>Mr. Eamon O'Keefe, Esq.,</i>	<b>for</b> Mr. Larry Fisher



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**Transcript of Proceedings**

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Morning.

MR. FOX: Morning. Thank you, My Lord.

COMMISSIONER MacCALLUM: Go ahead.

**DENNIS RAYMOND CADRAIN, continued:**

**CONTINUED EXAMINATION BY MR. FOX:**

**Q** Morning, Mr. Cadrain. We'll try and wrap things up here.

I think you indicated yesterday that, from I guess March of 1969 on, that would have been when Albert first made his disclosure to you. From that point in time on you would have received information about this case, not just in '69 and '70, but subsequently, and when the case got back before the press, and so on, from a variety of sources?

**A** Yeah, not too much until it started getting back into the press, there was not much.

**Q** Okay. And when do you kind of recall it getting back into the press?

**A** I, I remember reading about Mrs. Milgaard going around and questioning people and then I would hear from Saskatchewan, from my mother or whoever, about that, you know.



1 Q That would be from people that you talked to,  
2 then, as well?

3 A Yeah, well okay, yeah.

4 Q And would we be into '80s by then, or --

10:00 5 A Oh yeah, I would say so, yeah.

6 Q Okay. And you would have continued to follow it,  
7 the case, in the press just as part of -- you said  
8 you liked to read the newspaper, and I think you  
9 said you started reading the newspaper when you  
10:00 10 were five years old, so just that process would  
11 kind of keep you abreast at least of what's being  
12 reported about it?

13 A Yes, as far as what was in the Vancouver Province,  
14 I would say, which would probably be not as much  
10:00 15 as was around here.

16 Q Right. Now, speaking about your brother Kenny,  
17 January 31st, 1969 he would have been a few weeks  
18 short of his sixth birthday at that time?

19 A Yeah.

10:01 20 Q And I'm wondering, Mr. Cadrain, if you would agree  
21 that there is a possibility, you having remembered  
22 that you started reading the newspapers when you  
23 were five, that there is a possibility that Kenny,  
24 having seen a person come to the house with blood  
10:01 25 on him, not knowing where the blood came from or



1 if it's got anything to do with Gail Miller or  
2 anything to do with her death, but seeing blood on  
3 him and hearing the question asked "what happened  
4 to you", and this person saying "I screwed a  
10:01 5 virgin", and Kenny knowing the only virgin he  
6 knows of is The Blessed Virgin Mary and not  
7 thinking this is very good; whether or not you  
8 would agree that it's possible that someone who is  
9 a few weeks short of his sixth birthday, that  
10:02 10 could leave some memory, do you think that's  
11 possible, sir?

12 A I can't comment on what he remembered. I can't.

13 Q So, whether that's possible or not, you are not  
14 able to say?

10:02 15 A I -- I just don't want to talk about what Kenny  
16 saw.

17 Q No, and I understand that, and I, in asking that  
18 question I'm not suggesting to you that Kenny may  
19 have been influenced later on by other discussions  
10:02 20 he had about other details or whatever, but I'm  
21 just putting -- and I'm not suggesting that what  
22 Kenny saw had anything to do with the Gail Miller  
23 murder either -- I'm just putting to you the  
24 proposition that, as someone at that age, they  
10:02 25 might have some recollection of an event like





1                   that; that's a possibility?

2           A           I think certain people could remember it, yes, I  
3                   do.

4           Q           Okay. Those are all the questions I have, Mr.  
10:02 5                   Cadrain, thank you.

6           A           Yeah.

7                               COMMISSIONER MacCALLUM: Mr. Gibson?

8           **BY MR. GIBSON:**

9           Q           Mr. Cadrain, my name is Bruce Gibson, I act for  
10:03 10                   the RCMP.

11                               I just want to touch on one area  
12                   that you discussed a little bit earlier in your  
13                   testimony. I believe you had some recollection of  
14                   the RCMP coming out and interviewing you in June  
10:03 15                   of 1993?

16           A           Umm, Dyck and Templeton, are you talking about?

17           Q           Yes.

18           A           Yes.

19           Q           And I believe that that interview, and the  
10:03 20                   transcript had been filed as an exhibit here, and  
21                   I believe you met for roughly a couple of hours  
22                   with the RCMP?

23           A           Yes, that's probably about it, yes.

24           Q           And one of the questions that was put to you, and  
10:03 25                   I believe it was by Mr. Lockyer, and he asked what



1 your impression was at that time when you spoke  
2 with the RCMP, and correct me if I'm wrong, I  
3 believe you said you were surprised that Mr.  
4 Milgaard was not exonerated at that point in time?

10:03 5 A Or at least given a chance to have a new trial,  
6 yes I was, yeah.

7 Q Okay. And you were aware, then, that in 1992  
8 there was the Supreme Court of Canada reference  
9 just the year before, and Mr. Milgaard was not  
10:04 10 exonerated in that process either, other than that  
11 the Supreme Court recommended that a new trial be  
12 ordered?

13 A Yes, I was aware of what was going on, yes.

14 Q Okay. And at that point in time, with your  
10:04 15 discussion with the RCMP, you were clearly aware  
16 that the RCMP was following up on a number of the  
17 issues that had arisen out of that and, I suppose,  
18 some other questions that had arisen from the  
19 family?

10:04 20 A Yes, I knew that.

21 Q Okay. And you clearly had an opportunity to  
22 discuss all of your concerns with the RCMP, the  
23 various aspects that you have testified here  
24 earlier, with respect to some of the questions or  
10:04 25 concerns you had about Albert's testimony?



1 A Yes.

2 Q Okay. Thank you very much.

3 A Okay.

4 COMMISSIONER MacCALLUM: Mr. Beckman?

10:05 5 MR. BECKMAN: Thank you, My Lord.

6 BY MR. BECKMAN:

7 Q Good morning, Mr. Cadrain.

8 A Good morning.

9 Q Now I'm going to ask you to do a couple of things  
10:05 10 when I ask my questions, Mr. Cadrain. Number 1,  
11 I'm going to ask you to recall what you did and  
12 said in 1969 to the best of your ability. I know  
13 there's been a lot of events, interviews, things  
14 come, happen since then, but I would like you to  
10:05 15 concentrate on thinking about what you knew then  
16 as opposed to what all of us might know now.  
17 Okay?

18 A Yes.

19 Q And if I ask a question, and for some reason you  
10:05 20 don't understand it, please ask me to repeat it?

21 A I would do that anyway, yeah.

22 Q Okay. Now if we go back to 1969, January 31st,  
23 1969, you would agree with me, as I understand  
24 your evidence and the statements you have given,  
10:06 25 that you can offer no assistance with respect to



1                   what happened at your house when David Milgaard  
2                   was there?

3           A           I have no personal --

4           Q           Knowledge?

10:06 5           A           -- knowledge, no.

6           Q           You had went to school by the time that Mr.  
7                   Milgaard arrived; correct?

8           A           Yes, that's true.

9           Q           And you were told, I think by your sister, that  
10:06 10           your brother Albert and David Milgaard and others  
11           had went to Alberta?

12          A           That's true.

13          Q           That's fair?

14          A           That's fair.

10:06 15          Q           Now approximately a month goes by; correct?

16          A           Yeah, just over a month, yeah.

17          Q           Just over a month, and Albert is home; correct?

18          A           That's right.

19          Q           And, as I understood your evidence, he is at your  
10:06 20           house, you come home from school; correct?

21          A           That's what I said.

22          Q           And at that point, eventually, you tell him about  
23           the murder; correct?

24          A           Yeah, fairly shortly after I first saw him, yes.

10:07 25          Q           Yeah. And, as I understood it, his first



1 statement about that was to the effect that "that  
2 Hoppy", or "that fucking Hoppy had blood on his  
3 clothes;" correct?

4 A Yes, correct.

10:07 5 Q That was his first spontaneous statement; correct?

6 A Correct.

7 Q And you asked him, and I assume that this made  
8 some impression on you because, as I think you  
9 have stated in other places, a murder doesn't  
10:07 10 occur in your neighbourhood every sort of day or  
11 every year, perhaps, so that made an impression on  
12 you?

13 A Yes.

14 Q And you asked him whether he was sure; correct?

10:07 15 A I did.

16 Q And, as I recall it, you believed him?

17 A At that point I did believe him, I have said that  
18 many times.

19 Q Yes, and that's all I want, is your recollection  
10:07 20 in 1969.

21 A Yes, that's what I --

22 Q Because we're all a little, I guess, smarter or  
23 wiser now, but at that point you believed Albert;  
24 correct?

10:08 25 A Yes, I did.



1 Q And, at that point, you and Albert were very  
2 close; correct?

3 A We were.

4 Q Would you say that you were the closest to Albert  
5 of the members of the family?

6 A At that point, no doubt.

7 Q At that point in 1969?

8 A Absolutely.

9 Q And on that occasion you believed him and you told  
10 him he had to go to the police; correct?

11 A I did.

12 Q So, just so we're clear, it was you and Albert  
13 that initiated contact with the Saskatoon Police  
14 Service?

15 A Yes.

16 Q And as I recall it, and this is from an interview  
17 you had, you took the bus, you and Albert, down to  
18 the police station?

19 A Yeah, and I don't have that in my mind at this  
20 moment, I -- you know, if I said that before I may  
21 have had it then, but I don't recall the bus trip.

22 Q Okay.

23 A I remember walking into the police station coming  
24 from, coming from the river side of the police  
25 station walking to it, I remember that, when we



1           were walking in, I do remember that part.

2           **Q**       Okay. And I don't know that it's terribly  
3                   material, but I wonder if we could have document  
4                   036953, and I wonder if we could go to page 4, and  
10:09 5                   if you take just that section there. I think it  
6                   says, doesn't it? Do you see that? This is a  
7                   statement you gave to constables -- or Corporal  
8                   Templeton and Constable Dyck on June 1st, 1993?

9           **A**       Yes.

10:09 10          **Q**       And does that refresh your memory?

11          **A**       Yeah, that's what I said, that's what I said.

12          **Q**       And that would have been true as best you can  
13                   recall?

14          **A**       Best I can recall that's, yeah, that's the truth,  
10:09 15                   yeah.

16          **Q**       Now you arrive at the police station and the  
17                   police take, I think we're all agreed, some  
18                   statements; would it be fair to say that you could  
19                   offer no assistance to this Inquiry about whatever  
10:10 20                   happened between the members of the Saskatoon  
21                   Police force, at that time, and Albert?

22          **A**       Absolutely. We were split up within minutes.

23          **Q**       Within minutes?

24          **A**       Within minutes, yes.

10:10 25          **Q**       So you never saw the interaction between the



1 police officers and Albert?

2 A I never did.

3 Q So that whatever you have said in chief with  
4 respect to the consequence of this on Albert is  
10:10 5 your conclusion from the events, correct, it's not  
6 your first-hand knowledge?

7 A I was not a witness to any interview between  
8 Albert and the police.

9 Q Police. And I gather that you believed him in  
10:10 10 March I think, 2nd, 1969, and as I recall your  
11 evidence -- I just want to be sure -- it was only  
12 until Neil Boyd and Kim Rossmo talked to you that  
13 you started to have some concerns?

14 A No, I had concerns long before that, all -- I had  
10:11 15 concerns throughout. But when -- then I knew that  
16 the concerns were founded when I saw Neil Boyd and  
17 Kim Rossmo --

18 Q Okay.

19 A -- and what they showed me.

10:11 20 Q Let me ask you a few questions about that. You, I  
21 think, said you attended the trial to some degree?

22 A Well maybe one, one day maybe, and I don't even  
23 believe it was when Albert was testifying.

24 Q Let me back up a little. You certainly knew that  
10:11 25 there was a preliminary inquiry --





1 A Right.

2 Q -- into the ability for Mr. Milgaard to be  
3 committed for trial?

4 A Yes, I did.

10:11 5 Q And you said nothing to anybody about any  
6 concerns; correct?

7 A I, as I mentioned many times, I told my mother  
8 that I had concerns about Albert and I spoke to  
9 her about it.

10:11 10 Q Is this just generally?

11 A Yeah.

12 Q Was it a general concern or was there a specific  
13 concern?

14 A No, I told her, I think, I thought that he should  
10:12 15 not be testifying at any trial because I thought  
16 there was something wrong with him mentally.

17 Q Did you do anything else about it?

18 A I went to a person I trust, my parent, and I told  
19 her.

10:12 20 Q Yeah?

21 A And I was 16, and that's what I did, --

22 Q I --

23 A -- and that's all I did.

24 Q That's all you did?

10:12 25 A That's all I did.



1 Q And that's all you did through the trial too;  
2 correct?

3 A That's all I did.

4 Q But again, just so we're clear, it's you that  
10:12 5 urged Albert to go to the police in the first  
6 place; correct?

7 A Yes, I did what a responsible person would have  
8 done in that situation, I did.

9 Q No, I understand that.

10:12 10 A Yeah.

11 Q That was the right thing to do, in your view?

12 A That was the right thing to do.

13 Q Because Albert had pertinent information or facts  
14 with respect to the murder?

10:12 15 A Yes.

16 Q Would it be fair to say that you may have changed  
17 your view about David Milgaard over time?

18 A Umm, when he was convicted I thought he probably  
19 did it and -- you know, because I didn't think  
10:13 20 anybody could get convicted if they didn't do it,  
21 and I thought he did it, and as far as how I knew  
22 him and how I -- and I really haven't changed, I  
23 don't think I have changed -- I mean I thought, if  
24 I thought he was a murderer I would have thought  
10:13 25 worse of him than I absolutely do, than I do now,



1 for sure.

2 Q I wonder if we could pull up your statement to the  
3 police, it's 060232, and I want to go to the  
4 second page, and on the second full paragraph --  
10:13 5 could we pull that out, and I gather this is your  
6 statement:

7 "During his stay with us he seemed to be a  
8 real goof."

9 A Yeah, I had said that, I guess I had said that.

10:14 10 Q Yeah, I mean this is your statement to the  
11 Saskatoon Police at the time; right?

12 A Yeah. That's far from being incriminating.

13 Q I understand that.

14 A Yeah.

10:14 15 Q The next statement, though, says:

16 "He stole donuts from a bread truck on  
17 Avenue M South and he walked away from the  
18 truck laughing."

19 So I gather that that was something that you had  
10:14 20 witnessed?

21 A Oh, I can't remember the incident now.

22 Q No, but do you have any doubt that you said that  
23 to the police?

24 A I'm sure, if I signed it, I did say it. I'm sure  
10:14 25 that I did. I don't recall making that statement,



1           that was like many years ago, and --

2       Q       No, I appreciate the memory, but you are confident  
3           you said that to the police?

4       A       Yes. If I signed that statement, I said it.

10:14 5       Q       Do you want me to show you your signature?

6       A       No, I've seen it --

7       Q       Okay.

8       A       -- and I know I signed it.

9       Q       Would that make Mr. Milgaard a thief, in your  
10:15 10       view?

11       A       Well I -- that's petty, petty stuff, eh, and I  
12       wouldn't say he was a thief for that, you know.

13       Q       You --

14       A       He might have been hungry, you know, he would have  
10:15 15       been hungry. I mean it's like, you know, I didn't  
16       think he was -- I don't know what you are trying  
17       to get from me, but I didn't say anything  
18       incriminating about him as far as being a violent  
19       person, ever, to any policeman.

10:15 20       Q       I'll -- yes, I'll tell you exactly what, I'm just  
21       trying to get your view of David Milgaard at the  
22       date that you gave this statement.

23       A       Well, I had nothing to suggest that he was a  
24       murderer.

10:15 25       Q       I understand that, that wasn't my question, and if



1 I misstated it I apologize. This describes a  
2 theft; correct?

3 A Yeah. Well, I did a lot of things like that  
4 myself at that time and it was, like, not a big  
10:15 5 deal to me. Like, it wasn't incriminating  
6 evidence against somebody being charged with  
7 murder, that's all I have to say about it. It  
8 wasn't -- they asked me to tell them what I knew  
9 about him and that's what I knew about him.  
10:15 10 That's all I said.

11 Q And when they asked you, if you can recall, and I  
12 appreciate it's been a very long time, you thought  
13 that was important for them to know?

14 A They asked me what I knew about him. Whether it  
10:16 15 was important or not --

16 Q And this came to mind?

17 A Well, that's what I knew about him.

18 Q Well, if we could go down a little bit further. I  
19 wonder if we could pull out the sentence:

10:16 20 "Another time he made several long distance  
21 phone calls from St. Mary's hall talking for  
22 long periods of time."

23 Do you recall saying that?

24 A I see that it's there and I signed it, so I don't  
10:16 25 have the recollection of the actual -- like, this



1 is insignificant stuff, so I wouldn't remember  
2 this far back that he even did that one, I really  
3 don't remember that, but I did sign it and I'm  
4 sure at that time --

10:16 5 Q But you are prepared to agree you told that to the  
6 police?

7 A I stand behind what I said there.

8 Q There's one other statement that I wonder if you  
9 could help us, just the next full paragraph, it  
10:16 10 says:

11 "David's nickname was Hoppie. He got this  
12 name because of the way he would bother  
13 girls."

14 Do you see that?

10:17 15 A Yeah.

16 Q And that came from you?

17 A From Albert to me.

18 Q From Albert to you?

19 A Yeah, that's what Albert told me.

10:17 20 Q I just note it doesn't say this is Albert's  
21 statement, and explain to me why it's Hoppie, if  
22 you know. If you don't know, just say you don't  
23 know.

24 A Albert told me -- if you want to know what Albert  
10:17 25 told me I'll tell you, otherwise if you want to



1 know if I know, I don't know, I just know what  
2 Albert told me. Do you want to know what Albert  
3 told me?

4 Q I'll ask you this. At the time you gave the  
10:17 5 statement, what was your understanding of why he  
6 was called Hoppie, why Hoppie as opposed to  
7 something else?

8 A My understanding as told to me by my brother  
9 Albert?

10:17 10 Q Yeah, at the time you gave this statement.

11 A He told me he was named that because he was going  
12 hopping from one chick to another. That's what he  
13 told me.

14 Q And this one I think you do attribute to Albert,  
10:17 15 and I'm not going to belabour it:

16 "Albert told me he had to leave Calgary last  
17 year because the Calgary police wanted him  
18 on a rape charge."

19 Do you recall saying that to the police?

10:18 20 A There again, something Albert told me, yes, I do.

21 Q But you conveyed that to the Saskatoon police?

22 A What Albert told me, yes, I did.

23 Q And that would be pretty dramatic; correct?

24 That's not a petty issue?

10:18 25 A Yeah, I remember that one, I remember saying that,



1 but there again, I didn't know that, that's what  
2 Albert had told me.

3 Q No, but you conveyed it to the Saskatoon police?

4 A I did.

10:18 5 Q You thought they should know that?

6 A If -- yeah -- well, I would say that would be  
7 pertinent information, you know, but I did -- I  
8 didn't -- I didn't have any personal information  
9 outside of what Albert told me.

10:18 10 Q I understand that. But you understood that Gail  
11 Miller had been raped as well as murdered?

12 A Oh, yes, I did, yeah.

13 Q So that you thought that was important to tell the  
14 police in their investigations?

10:18 15 A Yes.

16 Q And I'm not saying there's anything wrong with it.

17 A No, no, I'm not saying there is either.

18 Q I just want to know what you told them and why you  
19 thought that it was important. Okay?

10:19 20 A Yes.

21 MR. BECKMAN: I think those are my  
22 questions. Thank you, My Lord.

23 COMMISSIONER MacCALLUM: Thanks, Mr.

24 Beckman. Mr. Halyk? Oh, I'm sorry. I've

10:19 25 changed your name here, Ms. Knox. I won't do it





1 again.

2 BY MS. KNOX:

3 Q Thank you, Mr. Commissioner. I apologize, that's  
4 the fault of my office for sliding different  
10:19 5 people in. Mr. -- I can't see you. Mr. Cadrain,  
6 my name is Katherine Knox and I work in the law  
7 office that's representing T.D.R. Caldwell.

8 A Yes.

9 Q And he was the prosecutor at the trial and the  
10:19 10 preliminary inquiry you may remember.

11 A Yes.

12 Q And just for purposes of clarification, I take it  
13 it's clear in your mind that at no point in time  
14 did you ever have communication with him, you  
10:20 15 never met with him, you never talked to him?

16 A I never did.

17 Q And I take it as well at no point in time did  
18 Albert ever make an assertion that Mr. Caldwell,  
19 my client, was mean to him, tried to get him to  
10:20 20 say things that weren't true or in any manner  
21 attempted to influence his evidence?

22 A Absolutely not, no.

23 Q So at no point in time did your brother ever make  
24 any disparaging remarks or disrespectful remarks  
10:20 25 about my client and his role in this matter?



1 A Never once, no.

2 Q From your own observations at the time of your  
3 brother and the process he was going through, was  
4 there ever anything to cause you to have concern  
10:20 5 that he might be being treated unfairly by Mr.  
6 Caldwell or anyone in his office?

7 A No.

8 Q Okay. Now, I just want to move on then to an area  
9 that you've talked about a fair bit over the last  
10:20 10 number of days, and I promise you my questions are  
11 fairly brief, but you have indicated a number of  
12 times that you first started to question Mr.  
13 Milgaard's guilt after you met with Kim Rossmo and  
14 Neil Boyd?

10:21 15 A No, I haven't said that, I said it many times I  
16 questioned his guilt previous to that, and it's  
17 when I had a solid conviction that he didn't  
18 that --

19 Q And I apologize, that is what you said, that's  
10:21 20 when it crystallized for you I guess, would that  
21 be fair to say, that it really crystallized for  
22 you at that stage in time?

23 A Yes.

24 Q Now, am I correct in reviewing the records that we  
10:21 25 have that prior to that meeting that you had with



1 Mr. Boyd and Mr. Rossmo, you had had meetings with  
2 Paul Henderson from Centurion Ministries?

3 A I did.

4 Q And you had introduced or made arrangements for  
10:21 5 him to be in contact with Albert?

6 A I did.

7 Q And you had had meetings with Eugene Williams?

8 A I did.

9 Q And in fact the meetings with Mr. Boyd and Mr.

10:21 10 Rossmo, or the meeting -- was there more than one  
11 meeting?

12 A I believe I met with Neil Boyd more than once, but  
13 I'm not certain. I know -- I can recall I was  
14 doing a renovation in my kitchen at the time and  
10:22 15 they were both sitting there and I can't say,  
16 there was a lot of interviews, I can't remember if  
17 I did it, spoke to Neil Boyd again another time,  
18 I'm not certain, but I think there was two, I  
19 think there was two, but I'm not -- I couldn't  
10:22 20 swear on it. I know for sure there was one.

21 Q I wonder if I could bring up document 040497.  
22 Now, you've seen this document before, I think  
23 your evidence yesterday was that you had a copy of  
24 it, and this is the paper that was authored by  
10:22 25 Mr. Boyd and Mr. Rossmo as a result of their study



1 of the process of Mr. Milgaard's charge and  
2 conviction; correct?

3 A Yeah. I can't see the whole document. I don't  
4 know which document it really is, so I can't say,  
10:22 5 but --

6 Q I'm going to ask the staff to bring up page 040521  
7 and this is a page of that document, if you'll  
8 trust me on that. You were referred to this  
9 yesterday. Do you want to take a minute, about  
10:23 10 halfway down the page, it starts talking about  
11 you, Dennis Cadrain, recalled this period of time  
12 in his brother's life.

13 A Uh-huh.

14 Q Now, I want to direction your attention to the  
10:23 15 footnote 38 at the bottom of the page.

16 A Yeah.

17 Q Would you agree with me that the author seemed to  
18 suggest a single interview with you in September,  
19 1991 at Port Coquitlam which I understand was  
10:23 20 where your home was?

21 A Yeah, yes.

22 Q Okay. So while you are not sure if there was more  
23 than one, the report seems to suggest there was  
24 one interview?

10:23 25 A At this point there would have been yeah, I guess,



1 one.

2 Q Okay. Now, just one other area I want to touch on  
3 with you. You said yesterday that after you got  
4 involved in this process some members of your  
10:24 5 family got upset at you. Would that be a fair  
6 description?

7 A I would say my mother, primarily my mother.

8 Q And you said you got a long letter from her and  
9 that it was -- she was mad at you I gather you  
10:24 10 said?

11 A Yes, she was, yeah.

12 Q And in being mad at you, did your mother express  
13 any concern to you that while she was the one who  
14 primarily dealt with Albert and this issue back in  
10:24 15 1969 and 1970 and was going to court with him and  
16 so forth, you -- and you were only 16 years old  
17 then I understand?

18 A Yes.

19 Q That in 1990, 1991 you were holding yourself out  
10:24 20 as, and I'm not being disrespectful when I use  
21 this word, I'm trying to shorthand the concept,  
22 but you were basically holding yourself out as the  
23 authority on your brother's mental health back in  
24 1969-'70?

10:24 25 A I would have been more in touch with him than my



1 mother.

2 Q But you were only 16 years old?

3 A Yes, I was only 16.

4 Q And am I correct in understanding from the

10:25 5 information that we have on the record that your

6 mom was an educated woman, she was a teacher?

7 A She was.

8 Q In fact, she was teaching a kindergarten class at

9 St. Mary's church when this very event happened?

10:25 10 A Yes.

11 Q So -- and you indicated that she read the

12 newspaper every day?

13 A We used to fight over it.

14 Q I get the impression that your mom was, you know,

10:25 15 an intelligent woman of her day?

16 A She was intelligent, yes.

17 Q And I also got the impression from listening to

18 the evidence, particularly from your sister

19 Celine, that your mom was a very caring and very

10:25 20 concerned mother?

21 A She was, yeah.

22 Q That during this period of time she took steps, as

23 did your dad, to not make this, what was happening

24 in Albert's life, this tragedy for everybody,

10:25 25 overwhelm your family, that they kept sort of a



1 lid on it within the family, helped Albert through  
2 it, but didn't make it a big issue that disrupted  
3 family life?

4 A Yeah, I would say, yeah. I would say yeah.

10:26 5 Q So very much she was an in-charge kind of mom, a  
6 hands-on kind of mom?

7 A Oh, she was always in charge. She wanted to be  
8 anyways, yeah.

9 Q Okay. Now, I just have one final area I want to  
10:26 10 touch on. Yesterday in some questions Mr. Lockyer  
11 was asking you, he asked you about Albert applying  
12 for the reward and the comment was made to you  
13 that he applied pretty quickly after the trial was  
14 over?

10:26 15 A Yes.

16 Q Now, you didn't seem to sort of know when the  
17 discussion had started about Albert applying for  
18 the reward. Am I correct in understanding your  
19 evidence that way?

10:26 20 A Yeah. I don't recall, you know, how it started  
21 exactly really.

22 Q Now, I also understand that your family was a very  
23 religious family, they were good members of their  
24 church, the St. Mary's Catholic Church there on  
10:26 25 20th Street, and very active in their church?



1 A Yeah, I would say, yes.

2 Q And did you know the priest who was the parish  
3 priest at the church in 1969, 1970, Father Murphy?

4 A I didn't know Father Murphy because I wasn't going  
10:27 5 to church.

6 Q You weren't one of the family members that was  
7 going?

8 A Well, I went enough before I was 13 that I don't  
9 think I have to go the rest of my life.

10:27 10 Q So you had done your time?

11 A I had done my time, yeah. My knees were worn out.

12 Q I can go with that one, I'm okay with that. But  
13 with respect to events that happened to your  
14 family around the time of, you know, this whole  
10:27 15 series of events with Albert and Albert having to  
16 testify at the prelim, Albert having to testify at  
17 the trial and your mom and I presume your dad  
18 helping him deal with that, do you know if they  
19 ever made contact with the church for support or  
10:27 20 anything of that nature?

21 A I believe they did, I believe they did.

22 Q Sir, are you aware that there will be testimony  
23 before this Commission that in fact it was Father  
24 Murphy who contacted your mom to have Albert come  
10:28 25 see him and it was he who encouraged Albert to





1 apply for the reward?

2 A I don't recall that. I mean, I probably might  
3 have heard that at the time, but I don't -- it  
4 wasn't a big thing for me. Like, I don't know  
5 that.

6 Q Okay. Would that, if that is correct, would that  
7 be inconsistent with your memory of how Albert was  
8 addressing or not addressing the issue of a reward  
9 for his work on this case back in 1969 and 1970?

10 A Like I said, if that happened, and I may have  
11 heard about it, I don't recall hearing about it,  
12 and there's so much being made about that reward,  
13 but I just have to say, you know, from the bottom  
14 of my heart, Albert did not want any money, he did  
15 not do it for money, so I don't know what it's all  
16 about, but he didn't do anything for the money.

17 Q I'm going to suggest to you that if Father Murphy  
18 is correct, that in fact Albert didn't go looking  
19 for the money until he invited him and encouraged  
20 him to do it, that that sort of confirms your  
21 belief about your brother, doesn't it, it wasn't  
22 about the money?

23 A I know it wasn't about the money.

24 MS. KNOX: Thank you. I have no further  
25 questions.



1 COMMISSIONER MacCALLUM: Thanks. Ms.

2 Krogan?

3 MS. KROGAN: No thank you.

4 COMMISSIONER MacCALLUM: Mr. Watson?

10:29 5 MR. WATSON: No thank you.

6 COMMISSIONER MacCALLUM: Any redirect?

7 MR. HODSON: No redirect.

8 COMMISSIONER MacCALLUM: Mr. Cadrain, thank  
9 you very much for coming. You are excused.

10:29 10 A You are welcome, and I hope I didn't interrupt  
11 anybody today.

12 COMMISSIONER MacCALLUM: You are a model  
13 witness.

14 A Thank you.

10:29 15 MR. HODSON: The next witness,  
16 Mr. Commissioner, is Bob Harris. We are this  
17 week going to be dealing with the motel  
18 reenactment witnesses as I referred to them  
19 before. We will have Mr. Harris this morning.  
10:30 20 This afternoon we will have Barb Cadrain due to  
21 some scheduling issues, there will be a bit of  
22 back and forth, but we'll start now with  
23 Mr. Harris, if you could come up to the front.

24 **ROBERT WAYNE HARRIS**, sworn:

10:30 25 **BY MR. HODSON:**



1 Q Good morning, Mr. Harris. Thanks for agreeing to  
2 testify before this Commission. I understand you  
3 currently reside in Regina?

4 A That's correct.

10:30 5 Q And how old are you?

6 A I'm 52.

7 Q 52. In May of 1969 how old would you have been?

8 A I would imagine I was 15, 16 years old, something  
9 like that.

10:31 10 Q And I understand, sir, at that time that you were  
11 an acquaintance of David Milgaard?

12 A Correct.

13 Q And I'm going to mention some other names that  
14 we'll be talking about a bit later, a fellow by  
10:31 15 the name of Craig Melnyk?

16 A Yes.

17 Q Was he a friend of yours at the time?

18 A Yes.

19 Q And George Lapchuk?

10:31 20 A Yes, he was a friend of mine as well.

21 Q And Ute Frank?

22 A Not necessarily a friend, just an acquaintance.

23 Q And Deborah Hall?

24 A I think I met Debbie for the first time that day,  
10:31 25 that evening.



1 Q And would it be fair to say that the people I  
2 mentioned, including Mr. Milgaard, that you would  
3 have been relatively the same age?

4 A I would say so.

10:31 5 Q And can you tell me how you knew Mr. Milgaard at  
6 that time?

7 A David and I spent quite some time together because  
8 we were both dating girls from the same family.

9 Q And when would that have been?

10:32 10 A Oh, heavens, that would have been I would say  
11 maybe a year to two years before this whole thing  
12 happened I would think.

13 Q So 1967, '68, that time frame?

14 A I would think so.

10:32 15 Q And was that Sharon and Donna Williams, the two  
16 sisters?

17 A That's correct.

18 Q And David was dating Sharon Williams?

19 A Right.

10:32 20 Q And you were dating Donna Williams?

21 A Correct.

22 Q So you saw a fair bit of Mr. Milgaard did you?

23 A Yeah, quite a bit.

24 Q And what about Mr. Melnyk and Mr. Lapchuk?

10:32 25 A We grew up together.



1 Q And did they -- were they friends with Mr.  
2 Milgaard as well?

3 A I'm not sure that they were as much of a friend of  
4 his as I was.

10:32 5 Q And would Mr. Melnyk and Mr. Lapchuk have known  
6 David through you or met him through you?

7 A That is a possibility. I'm not absolutely sure.

8 Q Okay. And then what about Ute Frank, what did you  
9 know of her?

10:33 10 A It's all pretty vague to me. The only time I  
11 really can recall Ute Frank, I'm sure she was  
12 prior to this motel thing, I think she was at a  
13 few of our parties before, definitely had met her  
14 before sometime.

10:33 15 Q Now, I understand, sir, that in the spring of 1969  
16 you attended a party in a motel room with Mr.  
17 Milgaard; is that correct?

18 A That's correct.

19 Q And do you know what month that would have been  
10:33 20 in?

21 A I do believe it was June.

22 Q June?

23 A Yeah.

24 Q It's been suggested by others that it was May.

10:33 25 A It's a possibility as well.



1 Q It's possible?

2 A Yeah.

3 Q At the time -- and do you recall what motel this  
4 was?

10:33 5 A Park Lane.

6 Q In Regina?

7 A Correct.

8 Q And prior to this party had you had any  
9 discussions with Mr. Milgaard about the Gail  
10:33 10 Miller murder?

11 A No.

12 Q And were you aware, prior to this party, whether  
13 Mr. Milgaard had been in touch with the police or  
14 had been under investigation by the police in  
10:34 15 connection with the murder?

16 A I don't really recall.

17 Q Now, can you tell me your recollection then of  
18 that evening at the motel?

19 A We were just all sitting around and --

10:34 20 Q Pause there, I'm sorry. Who was there?

21 A Oh, I believe it was Deborah Hall, Ute Frank,  
22 George Lapchuk, Craig Melnyk and myself.  
23 That's --

24 Q And Mr. Milgaard?

10:34 25 A And Mr. Milgaard, I'm sorry.



1 Q Yes. Okay, carry on.

2 A We were just sitting around. Now, I don't believe  
3 we were drinking, I think we were just sitting.  
4 There was some strange goings-on in the bedroom  
10:34 5 area, so -- and the TV was on.

6 Q What do you mean by strange goings-on?

7 A Well, when we got there David was with, I believe  
8 he was with both of the girls and I think they  
9 were, I think they were having sex.

10:35 10 Q When you say we got there, who did you arrive  
11 there with?

12 A That is kind of vague to me as well. I thought  
13 that I came with George and Craig. Now, I guess  
14 does it matter what I've read in the statements,  
10:35 15 because it does kind of twig my memory.

16 Q I would like to know what your recollection is.

17 A I don't recall how I got there.

18 Q And when you talk to statements, were those  
19 statements that you've read of what Mr. Melnyk and  
10:35 20 what Mr. Lapchuk said?

21 A Correct.

22 Q And so you don't recall today how you got there  
23 other than you were there?

24 A Well, that's correct.

10:35 25 Q Okay. And when you arrived -- I'm sorry, Mr.



1 Milgaard was there with Deborah Hall and Ute  
2 Frank?

3 A Correct.

4 Q And do you recall when you arrived whether Melnyk  
10:35 5 and Lapchuk were there?

6 A I do believe they were, yes.

7 Q And so carry on.

8 A We were sitting around -- I think we were just  
9 talking and the television was on and there was a  
10:36 10 news report saying that there was -- talking about  
11 the murder in Saskatoon and how they -- I don't  
12 totally recall the broadcast, but I believe it was  
13 George Lapchuk that started to bother David about  
14 killing the nurse and asking him if he killed her  
10:36 15 and he went through a reenactment of the crime.

16 Q I'm sorry, who did?

17 A David, yeah.

18 Q Could you describe for us what you observed?

19 A He just got up on his knees on the bed, stuffed  
10:36 20 the pillow between his legs and went through some  
21 stabbing motions.

22 Q Did he have anything in his hand?

23 A Not that I can recall.

24 Q So he was going through a stabbing motion with the  
10:36 25 pillow?





1 A Well, yes, yes.

2 Q And do you recall whether he said anything?

3 A I think he just said something to the effect that  
4 yes, I killed her.

10:37 5 Q And then what happened?

6 A I just chuckled myself and everybody else just  
7 kind of looked at each other and went on, we went  
8 on our merry way, and the reason I chuckled is  
9 because I just -- I know David and I know the  
10:37 10 kinds of things David would do just to attract  
11 attention to himself.

12 Q And did you reach any conclusion in your mind at  
13 that time about his actions?

14 A Whether he actually did it or not?

10:37 15 Q No, about what he was doing.

16 A I'm sorry, I don't understand.

17 Q Let me rephrase it. Did you believe -- you said  
18 he was doing it for attention. I'm wondering what  
19 in your mind at the time, did you reach any  
10:37 20 conclusion as to whether he was doing this to seek  
21 attention or for some other purpose?

22 A I do believe it was just an act. I don't believe  
23 for a minute that it was an actual reenactment of  
24 the crime.

10:38 25 Q And why do you say that, sir?



1 A I just feel that I know David better than that.

2 Q And I think you then said things -- after this  
3 happened, then what, did the parties discuss this  
4 at all or was there any discussion?

10:38 5 A Not that I can recall.

6 Q Did you observe the reaction of any others in the  
7 room?

8 A I do believe there wasn't -- no one looked shocked  
9 to me or surprised. I don't recall anybody  
10:38 10 leaving at that point.

11 Q Did you look around the room to look at the  
12 reactions of others or --

13 A Yes, I did, yeah.

14 Q And do you recall any of them saying anything?

10:38 15 A No.

16 Q Were you impaired by drugs that night?

17 A I cannot recall.

18 Q Is it possible?

19 A It's a possibility, yes.

10:39 20 Q What about others in the room, do you recall if  
21 drugs were being used either before or during the  
22 time you were in the room?

23 A Yes.

24 Q They were?

10:39 25 A I believe they were, yes.



1 Q And do you recall who was using them?

2 A I do believe that David and the girls were very  
3 much under the influence.

4 Q And that was based on your observations was it?

10:39 5 A Yes.

6 Q And what about Mr. Melnyk and Mr. Lapchuk?

7 A As far as I know, I don't believe they were doing  
8 any drugs.

9 Q And it has been suggested somewhere, Mr. Harris,  
10:39 10 that Mr. Milgaard may have banged his head against  
11 the wall. Do you recall seeing that?

12 A I don't recall that.

13 Q And seeing any blood on his nose, a bleeding nose  
14 of Mr. Milgaard, do you recall seeing that when  
10:39 15 you were there when this incident took place?

16 A I don't remember that, no.

17 Q Now -- and prior to this time, and I think you may  
18 have answered this, prior to this time were you  
19 aware, Mr. Harris, whether Mr. Milgaard was a  
10:40 20 suspect in the Gail Miller murder?

21 A I didn't know that, no.

22 Q After this incident did you then become aware that  
23 Mr. Milgaard was charged with the murder of Gail  
24 Miller?

10:40 25 A Yeah, but it was quite some time after I believe.



1 Q And how did you become aware of that?

2 A Now, I'm not totally sure if it was when I was  
3 working in Saskatoon, that might have been the  
4 first time I heard that David was charged.

10:40 5 Q And do you recall when you were working in  
6 Saskatoon, when that --

7 A I believe it was around the same time as the motel  
8 thing that I was working in Saskatoon. I can't  
9 remember exactly, but --

10:41 10 Q After the incident at the Park Lane Motel, did you  
11 have much further contact with Mr. Milgaard?

12 A No, no.

13 Q Did you have any contact with him?

14 A Not that I can remember.

10:41 15 Q So I think you said at some point you became aware  
16 that Mr. Milgaard was charged?

17 A Yes.

18 Q Would that have been around the time of his trial,  
19 which was January of 1970?

10:41 20 A Actually, now -- the first time I really knew  
21 David had been charged was when I was working in  
22 Saskatoon I got a ride back to Regina with Craig  
23 and George.

24 Q That would be Craig Melnyk and George Lapchuk?

10:41 25 A That's right, and at that time they talked about



1           testifying at the trial, so I knew then for sure  
2           that David had been charged.

3       Q       And so you got a ride back with them from  
4           Saskatoon to Regina?

10:41 5       A       That's correct.

6       Q       And to your knowledge were they returning from  
7           having testified at the David Milgaard trial?

8       A       That's correct.

9       Q       And did they advise you what they were doing in  
10:41 10       Saskatoon?

11       A       That's right.

12       Q       And was that the first time then you became aware?

13       A       I believe so.

14       Q       Were you surprised?

10:42 15       A       Totally.

16       Q       What do you recall of your discussion with  
17           Mr. Lapchuk and Mr. Melnyk at that time?

18       A       Um, I don't really recall the discussion at all,  
19           and they were just talking about some of the  
10:42 20           proceedings during the court case and I can't  
21           remember them in detail.

22       Q       Did they tell you, Mr. Harris, that the reason  
23           they were testifying was related to the motel room  
24           incident?

10:42 25       A       I'm not sure if I got that from them or not. I'm



1 not really sure why they were involved and I  
2 wasn't. I always wondered that.

3 Q Do you recall any discussion with them on the trip  
4 back to Regina about the motel room incident?

10:42 5 A Not specifically that, no.

6 Q Have you ever been contacted by the Saskatoon City  
7 Police with respect to this matter?

8 A Never.

9 Q And were you contacted by the prosecutor Mr.  
10:43 10 Caldwell at or around the time of Mr. Milgaard's  
11 trial?

12 A Not that I recall.

13 Q After you met Mr. Melnyk and Mr. Lapchuk, did you  
14 make any inquiries about what they were doing  
10:43 15 there and perhaps why you weren't there?

16 A I didn't, I don't recall making any -- I just, I  
17 remember -- it actually bothered me because I  
18 always thought David was not capable of doing  
19 those things, so it always bothered me that I  
10:43 20 thought what I thought and they testified more or  
21 less against him in the trial and I do believe  
22 that's when I called David's lawyer myself.

23 Q That would be Mr. Asper or Mr. Wolch?

24 A Yes.

10:44 25 Q And that was sometime later; correct?



1 A That's correct.

2 Q And I'll get to that. At the time, though, did  
3 you consider contacting anybody about -- with your  
4 information, and I'm talking about 1970 when you  
10:44 5 had the first contact with Mr. Melnyk and  
6 Mr. Lapchuk.

7 A I'm sorry, could you just repeat that?

8 Q Yeah, at the time, and going back to when you  
9 first learned of Mr. Milgaard's charge and the  
10:44 10 trial, I think you said, was when you got a ride  
11 back to Regina with Mr. Melnyk and Mr. Lapchuk?

12 A Right.

13 Q And my question was, at that time, did you  
14 consider contacting anybody about the information  
10:45 15 that you --

16 A Not at that time, no.

17 Q Did you have occasion to talk to Mr. Lapchuk or  
18 Mr. Melnyk, either at that time or subsequent,  
19 about their recollection of the motel room  
10:45 20 incident?

21 A Umm, no, it was something that was never really  
22 discussed with them for some reason. I don't know  
23 why, whether it was a closed subject with them, or  
24 whether I was just maybe afraid of something I  
10:45 25 don't know.



1 Q Okay. If I might call up a couple of documents  
2 here, Mr. Harris, just to show you, they are  
3 Mr. Lapchuk's and Mr. Melnyk's statement.

4 The first one, Mr. Lapchuk is  
10:45 5 002129, I think that may be in Deborah Hall's  
6 folder there. There. And I don't propose to go  
7 through all of this, but this is a statement that  
8 Mr. Lapchuk gave on January 19th, 1970, and I have  
9 gone through this statement and it doesn't, it  
10:46 10 doesn't mention you being there, it says:

11 "David and I, girls Ute Frank and Debbie  
12 Hall were there."

13 Can you think of any reason that Mr. Lapchuk  
14 might have told the police that you were not  
10:46 15 there at the time?

16 A I don't know. The one thing that I can say about  
17 our relationship, when I say "our relationship"  
18 that's Craig Melnyk, George Lapchuk and myself, is  
19 we pretty much lived together, we were like  
10:46 20 brothers, and where one would go the other would  
21 follow type of thing, so we were very seldom  
22 without one another.

23 Q Okay. If I could then go call up Mr. Melnyk's  
24 statement, which is 009136, and again this is the  
10:51 25 same date, January 19th, 1970, and Mr. Melnyk's





1 statement, at the bottom, in Regina. And just  
2 call out that part, please, it says:

3 "I was with George Lapchuk here in Regina  
4 and happened to meet Dave Milgaard one  
10:51 5 evening, at the Park Lane Motel. I don't  
6 remember the exact month or date."

7 And then it goes on to describe Ute Frank. And  
8 then if you could just scroll down, please, and  
9 as well Debbie Hall, but there's nothing in this  
10:51 10 statement to suggest that you were there,  
11 Mr. Harris. And, again, the same question; do  
12 you know any reason why Mr. Melnyk would not have  
13 advised the police about your attendance?

14 A Umm, no, I don't know. Possibly they were  
10:51 15 protecting me, I don't know.

16 Q Okay. Next, I would like to go through parts of  
17 Mr. Melnyk's evidence at trial and Mr. Lapchuk's  
18 evidence at trial. First, Mr. Melnyk's  
19 transcript, which is 002134, and I'll go through  
10:51 20 parts of this, Mr. Harris, and then ask you for  
21 your comments on how Mr. Melnyk described the  
22 event and whether that is consistent with what you  
23 recall. If you could go to page 002137, and I'm  
24 just happy to see, Mr. Harris, that you are  
10:51 25 actually mentioned here. I'll get to that in a



1 moment. The question here, and this is by the  
2 prosecutor, at the top:

3 "Alright now; I believe this was in an  
4 evening, so to speak?

10:51 5 A Yes.

6 Q And who were you with first that  
7 evening?

8 A George Lapchuk."

9 And then, carrying on here:

10:51 10 "MR. CALDWELL:

11 Q And did you - and this was in Regina,  
12 was it?

13 A Yes.

14 Q Did you and George run into any other  
10:51 15 youths you knew that evening?

16 THE COURT: Any other persons?

17 A Yes.

18 Q And who were they?

19 A Bob Harris and Gary Silljer."

10:51 20 Do you recall running into Melnyk and Lapchuk  
21 prior to going to the motel that evening?

22 A No, I don't recall that, no I don't.

23 Q And who is Mr. Silljer?

24 A Gary and I were very good friends as well.

10:51 25 Q Do you know if he was in the motel room when you



1 observed Mr. Milgaard and the pillow?

2 A I don't believe he was in the motel room, but it's  
3 quite possible that's how I got there, because  
4 Gary was a few years older than me and, actually,  
10:51 5 we drove together a lot.

6 Q Okay.

7 A Yeah.

8 Q Next if you could go to page 002139, and again  
9 this is Mr. Caldwell questioning, and he asks  
10:51 10 Mr. Melnyk:

11 "Q Now, who was there when you arrived ..

12 A There was David and Ute Frank ..

13 Q .. alright now, is that a girl?

14 A Yes."

10:51 15 And then the spelling, and then:

16 "Q Ute Frank - anyone else?

17 A Debbie Hull.

18 Q Did you know those two girls before?

19 A Yes.

10:51 20 Q What time would you estimate you arrived  
21 there?

22 A About ten thirty.

23 Q And that would be p.m.?

24 A Yes."

10:51 25 If I could just pause there, as far as the time



1 frame and the news that was on, do you recall  
2 what time of the evening this was when the news  
3 item came on?

4 A Not distinctly, no, but I think that's the usual  
10:51 5 time for the later news.

6 Q Yeah, yeah. Mr. Melnyk and Mr. Lapchuk both go on  
7 to say it was the 11:00 news or 11:15 that  
8 evening; does that sound right?

9 A That's a possibility, yes.

10 Q And then carrying on here:

11 "Q Now, was there a television set in the  
12 motel room?

13 A Yes.

14 Q And at any time while you were there was  
10:51 15 it turned on?

16 A Yes.

17 Q And when it was on was the sound turned  
18 on that you could hear the sound?

19 A Yes."

10:51 20 And then The Court asks a question:

21 Q Do I understand that it was as a result  
22 of information you had obtained from  
23 Harris and Silljer that you located the  
24 accused out at Parklane?

10:51 25 A Yes."



1 Does that assist your recollection at all?

2 A For some reason I seem to remember being at the  
3 motel and the sun was shining, I don't recall  
4 actually going to that motel room during the  
10:51 5 evening hours, it seemed to me that it was earlier  
6 that day.

7 Q Okay. Mr. Caldwell asks, and this is Mr. Melnyk:  
8 "Did there come a time that evening when  
9 the news came on the television?

10:52 10 A Yes.

11 Q And at that time in Regina what time did  
12 the news come on?

13 A Eleven o'clock."

14 Carry on down to the bottom.

10:52 15 "Whatever station this was did there  
16 come a local news segment so to speak?

17 A Yes."

18 Next page there.

19 "Now, when the local news came on and  
10:52 20 throughout it, was it still the same  
21 group of people in the room you've  
22 already mentioned - you, George, David  
23 Milgaard and the two girls?

24 A Yes.

10:52 25 Q No one new?



1 A No.

2 Q And nobody left?

3 A No."

4 If I could pause there. I think you have told  
10:52 5 me, Mr. Harris, that you were there as well; is  
6 that correct?

7 A That's correct.

8 Q And:

9 "Q And was there some item on the local  
10:52 10 news which led to some discussion?

11 A Yes.

12 Q Alright now, can you tell us - as I  
13 understand it ..",

14 The Court intervenes:

10:53 15 "Well, what did the news relate to?

16 A It was to the stabbing death of a  
17 nurse here in Saskatoon."

18 Scroll down to the bottom:

19 "Q And I perhaps should ask you - I gather  
10:53 20 this is one of these rooms where the TV  
21 set is in what amounts to the bedroom  
22 part of the motel unit?

23 A Yes.

24 Q Now, you said there was something about  
10:53 25 the stabbing death of a nurse in



1 Saskatoon?

2 A Yes.

3 Q Do you yourself remember anything else  
4 of the item other than that or not?

10:53 5 A Just that they hadn't got the person  
6 yet.

7 Q Now, what happened after that came on  
8 the news?

9 A Somebody asked David - like, before he  
10:53 10 was talking about a saliva test that  
11 if it turned positive that they were  
12 going to arrest him for this."

13 The Court interjects:

14 "Q Just a minute please; before this news  
10:53 15 went on are you saying there was some  
16 discussion about a saliva test?

17 A Yes."

18 And just pause there. Do you recall any  
19 discussion with David or others about David  
10:54 20 having a saliva test?

21 A Not at all.

22 Q If you could just scroll down, please. Actually,  
23 you can go to the next page, 002143, Mr. Caldwell  
24 asks:

10:54 25 "Q Now, when this news item was completed



1 so to speak, what happened at the motel  
2 room?

3 A Somebody asked David if he had did it,  
4 referring ..

10:54 5 Q .. do you recall who it was?

6 A No I don't.

7 THE COURT:

8 Q Was it a man or a woman?

9 A I couldn't say for sure.

10:54 10 Q Yes - go ahead?

11 A He got up on his knees on the bed and  
12 he put a pillow between his legs, sort  
13 of half between his legs and half on  
14 the bed.

10:54 15 MR. CALDWELL:

16 Q Alright, you'll have to talk up, Craig.  
17 It's hard to hear you."

18 "Q He got up on his knees and he put a  
19 pillow where - between his knees?

10:54 20 A Yes.

21 Q And the bed?

22 A Yes.

23 Q Yes - well just a minute, before you go  
24 on - was he in a crouched position or  
10:55 25 was he flat on his stomach on the





1 pillow?

2 A He was on the shins of his knees on  
3 the bed.

4 Q On the shins of his knees; and was his  
10:55 5 body lying on the pillow or was it above  
6 the pillow?

7 A It was above the pillow.

8 Q Well, was it touching the pillow?

9 A The insides of his legs were.

10:55 10 Q Where was his stomach?

11 A Facing the wall. He was sitting  
12 upright only he was on his knees.

13 Q Oh I see; he was sitting upright?

14 A Yes.

15 Q Yes - go ahead?

16 A And he started hitting the pillow like  
17 he was stabbing something."

18 Scroll down to the bottom, please.

19 "Just a minute please - go ahead?

10:55 20 A He was hitting the pillow like he was  
21 stabbing something and he said - I  
22 skilled her or something fourteen  
23 times.

24 Q I killed her ..?

10:55 25 A I am not sure if it was - I killed her



1                   - but fourteen times was in there. It  
2                   was either "I killed her .." or "I  
3                   stabbed her fourteen times."

10:55 4                   Q    You're sure it was either killed or  
5                   stabbed?

6                   A    Yes.

7                   Q    Yes?

8                   A    And then he said: "I fixed her".  
9                   If I can pause there -- or, actually, carry on  
10:56 10                  to -- the next question is:

11                  "Yes?"

12                  And then the next page:

13                  "A    And then he sort of rolled on his side  
14                  and started laughing."

10:56 15                  Now if I can pause there, Mr. Harris, does  
16                  Mr. Melnyk's testimony in court at Mr. Milgaard's  
17                  trial about the event; do you agree with that  
18                  version, or is there anything in there that you  
19                  --

10:56 20                A    I don't remember him saying "fourteen times and  
21                    then I did her", I do remember him saying "yes, I  
22                    killed her".

23                Q    Okay.

24                A    And I do remember him, I do remember him --

10:56 25                Q    Pardon me?



1 A I do remember him laughing.

2 COMMISSIONER MacCALLUM: Who is that?

3 A David Milgaard.

4 BY MR. HODSON:

10:56 5 Q Okay. So that what I have read you there and how  
6 Mr. Melnyk described it, you are saying, is  
7 consistent with what you observed?

8 A Yes.

9 Q And you don't recall him saying "fourteen times"?

10:56 10 A No, I don't.

11 Q And if you can carry on, there, it says:

12 "Q Now, what happened when this took place?

13 A The room sort of - just everybody just  
14 sat there and just sort of looked in a  
10:57 15 daze like.

16 Q And what happened then?

17 THE COURT:

18 Q Just a minute please; was there anything  
19 more said?

10:57 20 A No

21 Q Yes?

22 A And the subject was dropped.

23 MR. CALDWELL:

24 Q And after that did some people  
10:57 25 eventually leave - did some of the



1 people leave eventually?

2 A Yes; Debbie Hull asked George to drive  
3 her home."

4 Now this is how Mr. Melnyk describes the reaction  
10:57 5 after and I'm asking you, Mr. Harris, do you  
6 agree with his observation?

7 A Yeah, pretty much, yeah. But there was nobody, no  
8 one seemed to be surprised or shocked or -- that I  
9 could recall.

10:57 10 Q Okay. Now I'm going to go to Mr. Melnyk's  
11 cross-examination, to page 002153, and this is  
12 Mr. Milgaard's lawyer asking Mr. Melnyk some  
13 questions, and he says:

14 "And now, I take it that when you told  
10:58 15 my learned friend about this incident  
16 and you described his banging - striking  
17 the pillow - I suggest to you that after  
18 this took place he sort of rolled over  
19 on his side on the bed?

10:58 20 A Yes.

21 Q And you said he started to laugh. I  
22 suggest to you that a better  
23 recollection is that he started to laugh  
24 as you describe it hysterically?

10:58 25 A Yah, well, he was laughing."



1 Do you recall, Mr. Harris, I think you said Mr.  
2 Milgaard laughed, did he?

3 A Yes.

4 Q Do you recall for how long or --

10:58 5 A It was kind of like a chuckle, that I recall, I  
6 don't really recall him, umm, really get --  
7 getting into the laughter, no, I don't remember  
8 the hysterical laughter.

9 Q But you do recall a chuckle?

10:59 10 A I do, yes.

11 Q Next, if I could call up George Lapchuk's  
12 testimony at the Milgaard trial, it is document  
13 175604, if we could go to page 175605, just down  
14 at the bottom, please. And this is Mr. Lapchuk  
10:59 15 being examined by Mr. Caldwell, and he says:

16 "And I'd like to ask you about an  
17 occasion in 1969 when I believe you were  
18 together with him and some other  
19 people."

11:00 20 "Him" referring to David Milgaard:

21 "Now, what do you remember about the  
22 time of the year this was - do you  
23 remember the exact date, first of all?

24 A Not the exact date; I believe it was  
11:00 25 in May.



1 Q In May; and that would be of '69, would  
2 it?

3 A Yes, sir.

4 Q Now, and I understand this was in the  
11:00 5 evening so to speak?

6 A Yes, early evening as well.

7 Q Who were you with first of all that  
8 evening?

9 A Craig Melnyk.

11:00 10 Q And is that the person who just went out  
11 of court here?

12 A Yes.

13 Q And did you and Melnyk meet some other  
14 people during that evening?

11:00 15 A Yes, sir.

16 Q Who were they?

17 A Robert Harris and Gary Silljer.

18 Q And did you know both of them before  
19 that?

11:00 20 A Yes sir.

21 Q And I take it that you met them  
22 somewhere in Regina, did you?

23 A Yes."

24 Scroll down:

11:00 25 "Q As a result of talking to them did you



1 go somewhere?

2 A Yes.

3 Q Where did you go?

4 A Parklane Motel.

11:01 5 Q What did you have for transportation?

6 A I had my father's truck.

7 Q You and Craig used, it, is that right?

8 A Yes."

9 And down to the bottom:

11:01 10 "Alright; what time did you get to the  
11 Parklane?

12 A Oh I'd say about ten thirty.

13 Q And did you go to a room?"

14 Next page, and starting down here:

11:01 15 "Q Now when you got in the room who was in  
16 the room?

17 A There was Dave -- David Milgaard, Ute  
18 Frank, and Debbie Hull.

19 Q And when you say Dave you are referring  
11:01 20 to the accused?

21 A Yes."

22 Scroll down:

23 "Q Who answered the door?

24 A Dave did.

11:01 25 Q Did you know the two girls, Ute Frank



1 and Debbie Hull before that?

2 A Yes sir.

3 THE COURT:

4 Q Were they expecting you?

11:01 5 A No, they weren't."

6 On the next page, 175608, Mr. Caldwell asks  
7 Mr. Lapchuk:

8 "Q And would you tell the Court the best  
9 you can remember as to what it was about  
11:02 10 - that is, what you remember of that  
11 part of it?"

12 And he is talking about the newscast:

13 "A I can't remember the exact wording but  
14 it was in some reference to the nurse  
11:02 15 being murdered in Saskatoon.

16 Q And when that item came on did anything  
17 - or following it I should say did  
18 anything happen?

19 A Well, I made a comment to Dave about  
11:02 20 his, like he had been picked up and  
21 questioned about this murder and I  
22 made a comment .."

23 next page:

24 "Q And had you made comments to him  
11:02 25 previous to that evening about that





1 situation?

2 A Yes sir."

3 If I can pause there, Mr. Harris, do you recall  
4 -- and I can't recall if you told me already --  
11:02 5 who made the comment to Mr. Milgaard when the  
6 news came on in the motel room?

7 A I wasn't absolutely sure whether it was Craig or  
8 George.

9 Q It was one of those two?

11:02 10 A It was one of the two.

11 Q Okay.

12 A That's right.

13 Q And then, carrying on, the question:

14 "Q Alright; on this occasion now after  
11:03 15 that news was on the air what did you  
16 do?

17 A Well, I said to him: Why don't you  
18 admit it? You did it; you know you  
19 did it.

11:03 20 THE COURT:

21 Q Just a minute please - Why don't you  
22 admit it? You know you did it.  
23 Yes?

24 A I just made the comment just to sort  
11:03 25 of bother him as a joke.



1 Q Yes?

2 A Well, then things started happening  
3 like.

4 MR. CALDWELL:

11:03 5 Q Alright now; I take it from what you say  
6 you had made similar joking comments in  
7 the past to David?

8 A Yes.

9 Q And that would be well before this?

11:03 10 A Yes.

11 Q Alright; what happened when you said  
12 that?

13 A Well, first of all he got a sort of  
14 funny look and then he jumped off the  
11:03 15 bed and straddled the pillow ..

16 THE COURT:

17 Q Just a minute, I want to get this down.  
18 He jumped off the bed, is that what you  
19 said?

11:03 20 A Yes.

21 Q And straddled the pillow?

22 A Yes.

23 Q Where was the pillow?

24 A On the floor."

11:03 25 Scroll to the bottom:



1 "Q Yes?

2 A And then he said: Where is my paring  
3 knife.

4 Q He said what?

11:04 5 A Where is my paring knife?"

6 If I could pause there; do you recall hearing  
7 that, Mr. Harris?

8 A No I don't.

9 Q Pardon me?

11:04 10 A No I don't.

11 Q "MR. CALDWELL:

12 Q Now, are you using - I'd like you to  
13 tell the Court anywhere where you are  
14 using exact words or words to a certain  
11:04 15 effect?

16 A Well I believe this - to my  
17 remembrance this was the exact words.

18 Q In this instance?

19 A Yes.

11:04 20 THE COURT:

21 Q Yes?

22 A And then he went through the motions  
23 of stabbing the pillow - raising his  
24 arm and stabbing the pillow. And then  
11:04 25 he said ..



1 Q .. just a minute. He went through  
2 motions of stabbing the pillow - with  
3 both hands or one hand?

4 A I can't remember.

11:04 5 Q Yes?

6 A And then he said: Yes I stabbed her,  
7 I killed her, I stabbed her fourteen  
8 times and then she died.

9 Q Just a minute. He said: "Yes, I  
11:04 10 stabbed her, I stabbed her fourteen  
11 times ...?

12 A .. and then she died:

13 Q Yes?

14 A And these aren't the exact words. The  
11:04 15 only part that I can remember for sure  
16 is that: and then she died. I can't  
17 remember whether it was stabbed her or  
18 killed her but - and then she died -  
19 stands out in my mind."

11:05 20 If I can pause there. Mr. Harris, does that,  
21 Mr. Lapchuk's recollection as he has testified at  
22 Mr. Milgaard's trial, is that consistent with  
23 what you remember, other than the paring knife  
24 comment?

11:05 25 A I don't remember him saying "and then she died", I



1 just remember him saying "yes, I killed her", and  
2 then he laughed.

3 Q So that there's -- you don't recall Mr. Milgaard  
4 saying "and then she died", and I think you said  
11:05 5 you don't recall him talking about a paring knife;  
6 is that correct?

7 A Not at all, no.

8 Q Apart from those two items would Mr. Lapchuk's  
9 evidence, which I just read to you, be consistent  
11:05 10 with what you observed that evening?

11 A All except for I do believe he said that he went  
12 through the motions with the stabbing on the floor  
13 rather than on the bed.

14 Q Okay. You recall it on the bed?

11:05 15 A I do, yes.

16 Q Okay. So there is three items, there, that you  
17 have a different recollection; is that correct?

18 A That's correct.

19 Q And, apart from those three, is what else  
11:06 20 Mr. Lapchuk says; do you agree with?

21 A Pretty much, yeah.

22 Q If we could then just carry on, and Mr. Caldwell  
23 says:

24 "Q Now, what happened when the accused did  
11:06 25 these things in the room?



1 A Well, I was shocked, like I hadn't  
2 expected a display like that, you  
3 know; and I just started like looking  
4 at him and I believe everybody else in  
11:06 5 the room was looking at him also; and  
6 then he looked up and saw that  
7 everybody -- that I was staring at him  
8 with my jaw hanging down.

9 Q I'm sorry; you will have to talk louder.

11:06 10 THE COURT:

11 Q You say I was staring at him?

12 A Yes.

13 Q And you think everybody else was staring  
14 at him?

11:06 15 A Yes, well I didn't look around the  
16 room, but everything was all of a  
17 sudden quiet so --

18 Q All right. And you were staring at him?

19 A Yes.

11:06 20 Q What did he do?

21 A He just looked up and looked at me and  
22 then got up and shrugged his shoulders  
23 and smiled and sort of gave a little  
24 laugh and sat down."

11:06 25 If we could pause there; how does that evidence



1 of Mr. Lapchuk compare with your recollection?

2 A Quite frankly, I don't think George Lapchuk would  
3 be shocked about anything.

4 Q Okay.

11:07 5 A Umm, and other than that, yeah, I would say that  
6 was pretty much the way it was.

7 Q Now if I could go to 175616, and this is  
8 Mr. Tallis cross-examining Mr. Lapchuk, and he  
9 says:

11:07 10 "Now, on the evening in question I  
11 gather from what you say that this  
12 pillow was on the floor?

13 A Yes.

14 Q And David was down on the floor?

11:08 15 A Yes.

16 Q Pounding the pillow, this pillow in the  
17 manner in which you have described?

18 A Yes sir."

19 Now if I can pause there, I think you are saying  
11:08 20 no, you recall him being on the bed; is that  
21 correct?

22 A That's correct.

23 Q And then he's carries on:

24 "Q And now I take it that it is common  
11:08 25 ground that at that time he was high?



1 A Yes sir.

2 Q And by that I mean under the influence  
3 of something which you took to be drugs?

4 A Yes sir."

11:08 5 And you would agree with that; is that correct?

6 A That's correct.

7 Q And then he asks:

8 "Was he naked?

9 A Yes sir."

11:08 10 Do you recall what Mr. Milgaard was wearing?

11 A I don't recall he was wearing anything.

12 Q Was he -- you recall him being naked?

13 A Yes, I do.

14 Q And then:

11:08 15 "Q And this was when he was down on the ..

16 A On the pillow.

17 Q .. floor - is that correct?

18 A Yes sir."

19 Now did you know Ron Wilson at the time, in 1969?

11:09 20 A I did.

21 Q And describe your relationship with Mr. Wilson?

22 A Ron Wilson was pretty much a part of the group.

23 There was a quite a few of us that chummed

24 together regularly and we spent a lot of time

11:09 25 together as well.





1 Q When you say "the group", so would that have  
2 included Mr. Melnyk and Mr. Lapchuk?

3 A That's correct.

4 Q And Mr. Milgaard?

11:09 5 A That -- umm, not necessarily David. David used to  
6 come and go a lot.

7 And the reason why we called him  
8 Hoppy and the reason he got his name, that we knew  
9 of, is because he was -- when he walked he always,  
11:09 10 he hopped, he had a hopping motion when he walked,  
11 and I do believe that's where it came from.

12 Q Do you know who gave him that name?

13 A No I don't.

14 Q Okay. Did you have any discussions with Ron  
11:09 15 Wilson at or around the time of Mr. Milgaard's  
16 trial, conviction, or the subsequent --

17 A Ron Wilson was really shaken, he became a hidden  
18 identity, I would say. He didn't want to talk to  
19 anybody, see anyone, or leave his house as far as  
11:10 20 I knew.

21 Q And what time frame are you talking about?

22 A Umm, now I would imagine it would be later than  
23 the motel thing, but I'm not totally sure.

24 Q Would it have been after Mr. Milgaard was  
11:10 25 convicted?



1 A That's a possibility.

2 Q Now I understand, Mr. Harris, that sometime later  
3 you were contacted by Joyce Milgaard; do you  
4 recall that?

11:10 5 A That's correct, yes.

6 Q I call up a document, 178180, and if I could just  
7 zoom in on the top, and it says:

8 "Bob Harris with Joyce January 24, '81  
9 weekend,"

11:11 10 and then a phone number. Does that -- do you  
11 recall when you would have had a discussion with  
12 Mrs. Milgaard?

13 A I'm not exactly sure. I do believe it was after  
14 David's conviction.

11:11 15 Q Okay. This would suggest that it's about 11 years  
16 after; does that --

17 A That's a possibility, yes.

18 Q And do you have any recollection of what was  
19 discussed in that call?

11:11 20 A Umm, I'm not totally, I don't really remember  
21 exactly what it is we spoke about, no I don't. I  
22 do believe it was a -- some questions regarding  
23 David and what I knew about what happened.

24 Q And would that have been the first occasion that  
11:11 25 you would have been contacted by someone about the



1 David Milgaard matter?

2 A Yes.

3 Q If you could just scroll down, please, and I --  
4 did you answer Mrs. Milgaard's questions and  
11:12 5 cooperate with her?

6 A Yes, I did.

7 Q And then I think J means Joyce and B means Bob,  
8 and it starts here, Mrs. Milgaard says:

9 "So the police never picked you up or  
11:12 10 asked you about the fact that you in the  
11 motel room?

12 A No, no I never heard a thing about  
13 it."

14 Mrs. Milgaard:

11:12 15 "Isn't that strange because they picked  
16 up the other boys and the others must  
17 have told them that you were there."

18 And you recall having that discussion with  
19 Mrs. Milgaard?

11:12 20 A That's possible, yes, yeah.

21 Q That's consistent with what you said earlier this  
22 morning, is it?

23 A Yes.

24 Q And then it has you saying here:

11:12 25 "B: I don't really know what came down on



1                   that. I -- the next thing I heard was  
2                   arrested or whatever and these guys were  
3                   going to trial, I never got subpoenaed  
4                   or anything."

5                   Mrs. Milgaard:

6                   "So just getting back to somebody  
7                   mentioning this news item you don't for  
8                   sure whether the news item had anything  
9                   to do with it, you couldn't what  
11:13 10                  precipitated it at all?

11                  A     No, I don't know."

12                  And Mrs. Milgaard:

13                  "Did he ever discuss the saliva test  
14                  with you?

11:13 15                  A     The what?

16                  Q     The saliva test or any of the tests the  
17                  police made on him?

18                  A     No, no."

19                  And then carrying on:

11:13 20                  "Did he ever discuss the incident in  
21                  Saskatoon at all?

22                  A     Well just that night in the motel  
23                  room."

24                  Mrs. Milgaard:

11:13 25                  "Q     No, I mean other than that when he was



1 straight or sober?

2 A No, no.

3 Q He never ever discussed it?

4 A No.

11:13 5 Q Did you ever talk to Dale about it, Dale  
6 Wilson?

7 A Well, about the only thing Dale ever  
8 told me about it --,"

9 and I apologize, this doesn't read very well:

11:13 10 "... was him telling ...,"  
11 something:

12 "... and his clothes were all covered  
13 with blood and stuff like that."

14 And Mrs. Milgaard says:

11:14 15 "Dale told you this?

16 A Didn't he disappear for a while or  
17 something?"

18 And then the next page, it's not clear here  
19 whether there is something missing, but:

11:14 20 "... blood on his clothes or Kool-Ade on  
21 his clothes because he was stoned right  
22 out of it."

23 Now, if I can pause there, do you recall having a  
24 discussion with Mrs. Milgaard about Dale Wilson  
11:14 25 to the effect that I read you?



1 A I don't recall that, no, I don't.

2 Q Okay. And then, if you could just scroll down to  
3 the bottom, and it looks as though she asked you  
4 about Ute Frank's whereabouts and you advised her  
11:14 5 about a sister of Ute's living in Regina; is that  
6 right?

7 A That's possible.

8 Q Do you recall that?

9 A Umm, I don't necessarily recall her asking me  
11:14 10 about Ute Frank, no, I don't.

11 Q Okay. Would you have provided any information  
12 that you had to assist Mrs. Milgaard at the time  
13 she called?

14 A I believe I would have, yes.

11:15 15 Q Yeah?

16 A Yeah.

17 Q Mr. Commissioner, this is probably an appropriate  
18 spot to break.

19 COMMISSIONER MacCALLUM: Yes. 15 minutes  
11:15 20 break.

21 *(Adjourned at 11:15 a.m.)*

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

23 BY MR. HODSON:

24 Q Now, Mr. Harris, I would like to then move on to  
11:30 25 the early 1990s and do you recall being contacted



1 or getting in touch with Mr. David Milgaard's  
2 lawyers?

3 A Yes, I do.

4 Q And did you call them or did they call you; do you  
5 know?

6 A I do think I called their office.

7 Q Okay. And what was going on at that time with  
8 respect to the David Milgaard matter?

9 A I don't recall.

10 Q Was there an -- do you recall there being an  
11 application by Mr. Milgaard to have his conviction  
12 set aside in proceedings before the Supreme Court  
13 of Canada, do you remember hearing about that?

14 A I do remember hearing about it, but whether it was  
15 at that time or not, I don't know.

16 Q And what prompted you to call Mr. Milgaard's  
17 lawyers?

18 A I just felt that maybe if there was some way that  
19 I could give some evidence into this thing that  
20 would have helped David, that was more or less  
21 what I was hoping for.

22 Q Was it in connection with what you observed in the  
23 motel room?

24 A Yes.

25 Q Is that what you were thinking?



1 A Yes. Well, that was my only involvement in this  
2 situation and I was -- it actually wore on me for  
3 quite a while that -- and I couldn't quite figure  
4 out why I was never a witness or never questioned  
11:31 5 about my, about me being in the room that night.

6 Q Have you ever talked to Craig Melnyk about that?

7 A We've had very little discussion about it.

8 Q And what about Mr. Lapchuk, who I understand is  
9 now deceased?

11:32 10 A The same, yeah.

11 Q And what about Ute Frank?

12 A I don't recall seeing Ute after that night.

13 Q And Deborah Hall?

14 A Debbie and I -- I don't recall seeing Debbie until  
11:32 15 quite a few years later. Debbie and I actually  
16 had a discussion, I do believe she was a  
17 hairdresser in a small mall in Regina, and I can't  
18 recall whether she called me or I ran into her and  
19 we discussed some things together. I can't  
11:32 20 remember the logistics, I mean the details of the  
21 conversation, but --

22 Q So when you telephoned Mr. Milgaard's lawyers, do  
23 you recall who you spoke to?

24 A I'm not positive whether it was David Asper or Mr.  
11:33 25 Wolch himself.





1 Q One of those two individuals?

2 A That's right. Now, I do remember meeting Mr.  
3 Wolch at the airport.

4 Q Okay. And what was that in connection with?

11:33 5 A With the Milgaard incident.

6 Q Was that when you were having an affidavit signed;  
7 is that --

8 A I believe so, yeah.

9 Q So after you contacted him, do you recall whether  
11:33 10 you had further discussions, or what did you tell  
11 them when you phoned them?

12 A Just that I wasn't mentioned in anything prior and  
13 that I was in the motel room that night, the night  
14 of the reenactment, and that if I could be of any  
11:33 15 help, that I would be willing to testify or  
16 whatever.

17 Q And did you then swear an affidavit for them?

18 A I did.

19 Q If I could call up document 019554, and you'll see  
11:33 20 affidavit of Robert Harris, February 29, 1992. Do  
21 you see that?

22 A Yes.

23 Q Now, does that accord with your recollection as to  
24 when you would have talked to them?

11:34 25 A I believe so.



1 Q And it says here -- this is with respect to the  
2 Supreme Court of Canada and Mr. Milgaard's  
3 application. Do you recall that that's what it  
4 was in connection with?

11:34 5 A Not distinctly, no.

6 Q You were just saying I'll provide an affidavit  
7 and --

8 A Yes.

9 Q I'm just going to go to the last page, 019559, and  
11:34 10 is that your signature there?

11 A That is my signature.

12 Q And I believe this is Mr. Wolch's signature that  
13 you swore the affidavit in front of; is that -- do  
14 you recall that?

11:35 15 A I don't necessarily recall signing it, but that's  
16 definitely my signature.

17 Q Did you meet with Mr. Wolch when this was signed  
18 do you recall?

19 A Yes.

11:35 20 Q Just go back to the second page, 019555.  
21 Actually, sorry, the next page, 556. And you say  
22 in your affidavit:

23 "I was one of those people present in a  
24 motel room at the Parklane Motel in Regina  
11:35 25 when David Milgaard responded to some



1 chiding that he had committed the murder of  
2 Gail Miller. Having followed this case in  
3 the media, and reading the book entitled  
4 "When Justice Fails", I am surprised that  
11:35 5 people have concluded that I was not present  
6 in the room when this incident occurred. I  
7 was never questioned by the police at the  
8 time."

9 If I can pause there. Had you read the book  
11:36 10 "When Justice Fails"?

11 A Yes, I had.

12 Q And you were not mentioned as being at the motel  
13 room in that book; is that correct?

14 A Not that I recall.

11:36 15 Q And is that what had, one of the reasons that  
16 prompted you to call Mr. Milgaard's lawyers?

17 A No. It had bothered me before, yeah.

18 Q And then the next paragraph, please:

19 "The fact is that I was indeed present in  
11:36 20 this motel room, and I contacted one of Mr.  
21 Milgaard's lawyers, Mr. Asper, on February  
22 21, 1992 in the hope that I might be of some  
23 assistance in this matter."

24 And does that date refresh your memory, Mr.  
11:36 25 Harris, as to when you called the lawyers?



1 A Well, the date doesn't necessarily refresh it for  
2 me, but I do recall calling them, yes.

3 Q And then the next paragraph, please, it says:

4 "By way of background, I first met David  
11:36 5 Milgaard in either 1966 or 1967 in Wascana  
6 Park, which at the time was a hangout for  
7 young people. I would not describe my  
8 relationship with Milgaard as being close  
9 friends, but we were well acquainted. I can  
11:37 10 recall that David Milgaard spent a couple of  
11 nights with me in my family home in Regina."

12 If I could pause there. Is that an accurate  
13 description?

14 A Yes.

11:37 15 Q It says:

16 "I know George Lapchuk, Craig Melnyk and  
17 Ronald Wilson. These individuals were more  
18 like brothers to me than my own brothers.  
19 We were very close. I also knew Ute Frank,  
11:37 20 and I am sure that I had met Nichol John at  
21 some point. I never knew Albert Cadrain."

22 And that information is correct is it?

23 A Yes.

24 Q Next paragraph, please. It says:

11:37 25 "I recall that David at that time was a real



1                   attention seeker or "showboater". He was  
2                   continuously doing things to seek attention  
3                   and was always a bit of a clown."

4                   And that's an accurate statement is it?

11:37 5           A           Very much so, yeah.

6           Q           Next paragraph:

7                   "The Parklane Motel in Regina at that time  
8                   was a fairly regular place for parties. I  
9                   cannot recall why, but somehow someone could  
11:37 10           always get a room there if we needed a place  
11                   to go."

12                  And you agree with that statement?

13           A           Yes.

14           Q           Next page, please. It says:

11:38 15                  "In May of 1969, I am quite sure that I did  
16                   not have a driver's license. On the night  
17                   in question, I am certain that I arrived at  
18                   the motel room with someone, and I assume  
19                   that it would have had to be George Lapchuk  
11:38 20           as he had a vehicle. I also assume that  
21                   Lapchuk would have to have been with Craig  
22                   Melnik as they were basically inseparable."

23                  And that's an accurate statement is it?

24           A           Yes, it is.

11:38 25           Q           It says here you are assuming that it would have



1           been Lapchuk and Melnyk and I take it at that time  
2           when you swore the affidavit did you have a  
3           recollection of how you got there?

4           A           I don't know.

11:38 5           Q           You don't have one today, you don't recall --

6           A           No, I don't recall it today and this doesn't twig  
7           my memory if that's what you are saying.

8           Q           Well, no, it appears in this affidavit at that  
9           time you didn't recall either and you were  
11:38 10          assuming.

11          A           Yeah, yeah.

12          Q           Next paragraph, it says:

13                   "I do not have any specific recollection as  
14                   to whether I was under the influence of  
11:39 15                   drugs that evening, but I do recall that Ute  
16                   Frank and David Milgaard were quite under  
17                   the influence of drugs by the time I  
18                   arrived. They were very stoned."

19           And I think that's what you told me this morning;  
11:39 20          is that correct?

21          A           That's correct.

22          Q           And I think you said as well Deborah Hall was  
23                   also --

24          A           I believe so.

11:39 25          Q           -- under the influence of drugs?



1 A I think so.

2 Q And next paragraph:

3 "When I arrived at the motel room, there was  
4 Debbie Hall, Ute Frank, David Milgaard,  
11:39 5 myself, Craig Melnyk and George Lapchuk. I  
6 do not recall Gary Silljer being there  
7 night."

8 And again is that an accurate statement?

9 A Yes.

11:39 10 Q Next paragraph:

11 "I cannot recall what time we arrived at the  
12 motel room, but when we did get there, David  
13 was already in bed with Ute Frank and Debbie  
14 Hall was sitting by the bed."

11:39 15 Is that an accurate statement?

16 A Yes, it is.

17 Q Next paragraph:

18 "Not too long after we arrived, a news  
19 report regarding the Gail Miller murder came  
11:40 20 on the television. I am not sure if it was  
21 one person or more who started the  
22 conversation relating to the Gail Miller  
23 murder, but everyone joined in "hassling"  
24 David about it. We all knew at that time  
11:40 25 that David had been questioned about it, but



1 we never really believed that he had  
2 anything to do with it."

3 Now, if I can pause there. I think this morning  
4 you told me at the time of this incident you did  
11:40 5 not have any recollection of David being a  
6 suspect in the Gail Miller murder?

7 A I don't necessarily remember David being  
8 questioned about that. My recollection of the  
9 whole thing was, and I'm not sure whether it was  
11:40 10 after the conviction or during the period the  
11 police were talking to the people, but I do  
12 remember them talking about some of the  
13 interrogation practices that were going on.

14 Q You remember who talking about that?

11:41 15 A Ron Wilson and a few other people that were  
16 involved.

17 Q Back to this question at the time of the motel  
18 room incident, at that time do you recall, sir,  
19 whether you were aware that David had been  
11:41 20 questioned about the Gail Miller murder?

21 A I can't remember, no.

22 Q Okay. Next paragraph:

23 "When this occurred, David was sitting on  
24 the bed. He got up on his knees and  
11:41 25 positioned himself over a pillow. He then





1                   made downward punching or "stabbing" motions  
2                   into the pillow, and was also making  
3                   comments to the effect of "Yeah, I killed  
4                   her", although I do not recall his exact  
11:41 5                   words."

6                   And that's an accurate statement, is it,  
7                   Mr. Harris?

8           A           Yes.

9           Q           You say:

11:41 10                   "I did not take whatever he was saying  
11                   seriously, and I know that if anyone else  
12                   had taken him seriously, there would have  
13                   been discussion at the very least, or some  
14                   other reaction such as leaving the room.  
11:41 15                   There was really nothing to it, and our  
16                   general conversation continued."

17                   And is that an accurate statement?

18           A           Yes.

19           Q           It says:

11:42 20                   "I continued my relationship with the people  
21                   in the motel room, particularly Lapchuk and  
22                   Melnik, after this incident had occurred,  
23                   and I do not recall any further conversation  
24                   whatsoever in the days and weeks following  
11:42 25                   this incident."



1 Is that a true statement?

2 A Yes.

3 Q Next paragraph:

4 "In the period of time between this incident  
11:42 5 and the trial, I was able to get a job in  
6 Saskatoon. My family continued to live in  
7 Regina, and at the time I was in a  
8 relationship with Bobbie Durwell (Stadnyk)  
9 and would often go home to Regina on the  
11:42 10 weekends to visit my girlfriend. I am not  
11 sure how it happened, but somehow I met up  
12 with Melnyk and Lapchuk in Saskatoon during  
13 the trial. I can recall getting a ride back  
14 to Regina with them after they had  
11:42 15 testified. I recall that there was some  
16 discussion about the trial, but not very  
17 much. I cannot recall if I knew then what  
18 they had said at the trial. However, I know  
19 that I kept wondering, and in fact still  
11:42 20 wonder why no one had contacted me."

21 Is that an accurate statement?

22 A Yes.

23 Q And in fact that's what you told us this morning;  
24 correct?

11:43 25 A Yes.



1 Q Next paragraph:

2 "I do not recall Ronald Wilson being around  
3 our group too much prior to the trial. I  
4 seem to recall that he wanted to get as far  
11:43 5 away from the investigation as possible, and  
6 any time the conversation turned to it, he  
7 would "clam up". He seemed very nervous  
8 about it, and as a result there was very  
9 little general conversation about the  
11:43 10 investigation with him."

11 Is that true?

12 A That's true.

13 Q Now, you had mentioned earlier something about  
14 interrogation techniques with --

11:43 15 A It was, I remember -- now, I can't recall exactly  
16 who it was, whether it was actually Ronald Wilson,  
17 I do believe it was Ron, that said it was more or  
18 less like being in a concentration camp.

19 Q And do you recall when he would have told you  
11:43 20 that?

21 A I'm not exactly sure if it was after the actual  
22 trial or before.

23 Q Would it have been in 1969 or 1970, in that time  
24 frame?

11:43 25 A It's possible, yes.



1 Q Would it -- was it that time frame or was it  
2 following years, are you able to pin down -- was  
3 it at or about the time of the investigation and  
4 trial?

11:44 5 A I do believe during that time Ron Wilson just  
6 disappeared, I really didn't see much of Ron at  
7 all, so I do think it must have been after the  
8 trial.

9 Q Are we talking months, years, decades?

11:44 10 A I wish I could say.

11 Q Okay.

12 A Sorry.

13 Q That's fine. Next paragraph, you say:

14 "I have never known David Milgaard to be  
11:44 15 violent in any way. I do not think that he  
16 is capable of having committed this crime."  
17 Is that a true statement?

18 A That's true.

19 Q And is that what you thought back in May of 1969?

11:44 20 A From the very first minute, yes.

21 Q And then the next paragraph:

22 "I hope that the information contained in my  
23 affidavit will assist this court in  
24 understanding what truly happened one  
11:44 25 evening in May of 1969 at the Parklane Motel



1                   in Regina. I am prepared to testify to this  
2                   matter if this Honourable Court should so  
3                   desire."

4                   That's a true statement?

11:45 5           A           Yes, it is.

6           Q           Now, I understand that you did not get called as a  
7                   witness at the Supreme Court; is that right?

8           A           No, I didn't.

9           Q           Did anybody inform you why?

11:45 10          A           No.

11          Q           The last document, do you recall being contacted  
12                   by the RCMP the following year, in 1993, in  
13                   connection with their investigation?

14          A           I don't distinctly recall that. My wife does, but  
11:45 15                   I don't.

16          Q           I'm going to go through some notes here and see if  
17                   that can refresh your memory. If you could call  
18                   up 035486, please, and if you could actually go to  
19                   the last page, 035496, and it says here -- it's  
11:45 20                   got a date, May 25, '93, it says:

21                   "On this date I contacted Robert Harris at  
22                   the Royal Bank. Phone 780-2139."

23                   Is that your phone number or was your phone  
24                   number?

11:46 25          A           That was my phone number, yeah.



1 Q Okay.

2 "And arrangements made to speak with Harris  
3 at his residence on 93 June 01 at 1900  
4 hours."

11:46 5 Go to the next page, please, which is 95. It  
6 says:

7 "Constable Homeniuk and I travelled to 14  
8 Rosewood Place, Regina and interviewed  
9 Robert Harris concerning the motel  
11:46 10 reenactment scene."

11 Was that your address at the time?

12 A Yes, it was.

13 Q You've had a chance to review this report; have  
14 you not?

11:46 15 A I have, yes.

16 Q And is it fair to say that you don't recall  
17 meeting with them?

18 A I don't, honestly I don't.

19 Q Are you disputing that you met with them or are  
11:46 20 you just saying --

21 A No, I'm not disputing it, I'm just saying I don't  
22 remember it.

23 Q I'll go through some of the items here and see if  
24 you can tell us whether or not this would have  
11:46 25 been something you might have said. If you could



1 scroll down to paragraph 3 and it says:

2 "Prior to supplying this affidavit --"

3 Which I think is the one I just read you,

4 "-- Mrs. Milgaard had contacted him several  
11:47 5 times requesting his recollection of the  
6 motel room scene. Nothing ever transpired  
7 until he took the initiative and called  
8 Wolch's office. Then the attached affidavit  
9 was taken."

11:47 10 Is that an accurate -- let me rephrase that. Is  
11 that something that you might have said to the  
12 RCMP officers at the time?

13 A I don't recall Mrs. Milgaard calling me several  
14 times. I do believe that's what you read?

11:47 15 Q Yes.

16 A I don't recall it being several times. Maybe two  
17 or three.

18 Q Okay.

19 A And, yeah, it's possible maybe that's why I did  
11:47 20 call the lawyers.

21 Q And keep in mind, Mr. Harris, these are someone  
22 else's notes --

23 A Right.

24 Q -- about a meeting they said they had, so I want  
11:47 25 to know what you recall, so when I put these to



1           you, what I'm looking for is for you -- if  
2           something here is wrong, I want you to tell me.

3       A       Okay.

4       Q       So you are saying in the first part that  
11:48 5       Mrs. Milgaard did not contact you several times  
6       and you said I think two or three?

7       A       I don't believe she called me that many times, no.

8       Q       And then they write:

9               "Nothing ever transpired until he took the  
11:48 10          initiative and called Wolch's office."

11       Is that --

12       A       Yes.

13       Q       Is that correct?

14       A       Yes.

11:48 15       Q       Next page, please, and the officers write here:

16               "Harris explained that he hadn't bothered  
17       supplying the police with this testimony  
18       because he felt that Milgaard was just  
19       fooling around and didn't take him  
11:48 20       seriously."

21       Is that something that you would have -- is that  
22       what you thought at the time, Mr. Harris?

23       A       Very much so, yes.

24       Q       Now, it says that you hadn't bothered supplying  
11:48 25       the police with this testimony. Can you tell





1 me -- I take it at the time you thought he was  
2 fooling around?

3 A David was that type of person, yes.

4 Q And what this note says is because you thought he  
11:49 5 was fooling around, that's why you hadn't bothered  
6 supplying the police with the information?

7 A That's correct.

8 Q If you could go down to paragraph 5, the officers  
9 write:

11:49 10 "He described Milgaard as a show-off which  
11 liked to be the centre of attraction. No  
12 doubt Milgaard must have missed attention  
13 earlier in life."

14 Is that something that you would have said, that  
11:49 15 last sentence, to the RCMP?

16 A That's a possibility, it's a possibility, yes.

17 Q Did you think that at the time or at any time?

18 A A person that acts the way he does, yeah, I feel  
19 that way.

11:49 20 Q Okay.

21 A Yes.

22 Q So this is something that you could have said to  
23 the RCMP?

24 A Yes, it is.

11:49 25 Q Next it's reported that:



1 "He did stupid things like eating cigarette  
2 butts or walking on Albert Street towards  
3 oncoming traffic."

4 Does that sound like something you would have  
11:50 5 said to them?

6 A Yes.

7 Q And I take it you observed David do that?

8 A I did.

9 Q It says:

11:50 10 "Harris felt he knew Milgaard well as  
11 Milgaard stayed with his parents several  
12 times. Milgaard never gave him cause to  
13 fear him."

14 And is that consistent with what you thought at  
11:50 15 the time and today?

16 A For sure.

17 Q Paragraph 8, it says:

18 "Harris doesn't remember how he got to the  
19 Parklane Motel that evening but remembers  
11:50 20 walking into an orgy. Milgaard and Ute  
21 Frank were in bed making love and kept on  
22 even though other people were around."

23 Is that something you would have told the RCMP?

24 A Yes.

11:50 25 Q Paragraph 9, it says:



1 "He figures that everyone was pretty high on  
2 drugs that night as he thinks everyone was  
3 doing drugs."

4 Is that what you thought at the time?

11:51 5 A That's a possibility. I don't distinctly remember  
6 that now.

7 Q Okay. Next page, paragraph 10, it says:

8 "Harris felt that Frank must have started  
9 earlier on the day as she was very stoned."

11:51 10 Do you recall observing Ute Frank to be more  
11 stoned than the others?

12 A Yeah, to me Ute seemed to be kind of floating  
13 around the room I think. That was my recollection  
14 of it.

11:51 15 Q Okay. And then paragraph 11 and 12, it says:

16 "He remembers Milgaard's stabbing actions on  
17 the pillow and a comment to the effect --

18 "Yeah, I killed her," but didn't take it  
19 seriously as Milgaard was responding to the  
11:51 20 hassling/teasing from everyone.

21 Harris doesn't feel anyone was offended by  
22 this as none left the room and the partying  
23 kept on."

24 I think that's consistent with what you've told  
11:51 25 me this morning?



1 A Yes.

2 Q Is that something that you would have told the  
3 RCMP at the time?

4 A Yes.

11:51 5 Q And next page, paragraph 14, it says:

6 "Harris did have contact with Milgaard after  
7 that party but he never mentioned anything  
8 concerning the murder."

9 Does that refresh your memory, is that something  
11:52 10 you would have told the RCMP at the time?

11 A Yes. I do -- I know David -- like I said before,  
12 David was in and out of Regina a lot and now I'm  
13 not sure if this was after this incident or not,  
14 but at one time he was selling encyclopedias or  
11:52 15 magazines or something and I remember us -- when I  
16 say us, me, George and Craig -- meeting him at  
17 another motel and just talking about some of the  
18 things that he did and he would actually practice  
19 his sales on us.

11:53 20 Q Okay. When you say some of the things he did, in  
21 connection with his job?

22 A Yeah, yeah, and what he has been doing with his  
23 time and things like that.

24 Q Was there any discussion about the Gail Miller  
11:53 25 murder?



1 A Not at all.

2 Q If you go to page 035489 and the RCMP record here  
3 that:

4 "Harris felt that Lapchuk and Melnyk had  
11:53 5 nothing to gain by their testimony. As a  
6 matter of fact, his evidence regarding the  
7 reenactment is similar to Lapchuk and  
8 Melnyk's but expressed differently as he  
9 took it in a different context."

11:53 10 Does this describe something that you felt at the  
11 time?

12 A Obviously I guess that must be the reason why they  
13 testified in the trial and I didn't, or I wasn't  
14 called. I'm feeling maybe their testimonies  
11:54 15 helped in their decision to actually charge David.  
16 I don't know.

17 Q Let me just back up. It says here, it's recorded  
18 that you felt that Lapchuk and Melnyk had nothing  
19 to gain by their testimony.

11:54 20 A I believe that, yes.

21 Q You believe that?

22 A Yes.

23 Q And it goes on to say that, and this is attributed  
24 to you, that your evidence regarding the  
11:54 25 reenactment is similar to Lapchuk and Melnyk's but



1           expressed differently as he took it in a different  
2           context?

3       A       That's correct.

4       Q       And you agree with that?

11:54 5       A       Yes, I do.

6       Q       And then the next paragraph, 19, talks about Launa  
7       Edwards and it says:

8                "When asked about Launa Edwards both Harris  
9                and his wife laughed. He stated that she is  
11:55 10              a liar and anything she would do would be to  
11              get even with Lapchuk. Mrs. Harris told us  
12              that when she met Edwards the story was that  
13              her son had leukaemia and was dying."

14           Do you know what this is about, any discussion  
11:55 15           about Launa Edwards at the time with the RCMP?

16       A       Not that I can recall.

17       Q       Who was Launa Edwards or who is she?

18       A       As far as I know, she was just an acquaintance of  
19       George Lapchuk's. She just came into the picture  
11:55 20       all of a sudden. I don't even know where she came  
21       from.

22       Q       Next page, please, and the RCMP, right here, it  
23       says:

24                "In conclusion Harris said that Milgaard was  
11:55 25              aggressive with women and often thought of



1 sex but as Harris pointed out -- that was  
2 the '60s!! Women liked Milgaard."

3 Does that your fresh your memory, is that  
4 something that you said or would have said to the  
11:56 5 RCMP at the time?

6 A Yeah, I believe so, yeah. David had many  
7 girlfriends, yeah.

8 Q And then the next paragraph, 21:

9 "Harris' only reason why he feels Milgaard  
11:56 10 didn't commit the murder is that during  
11 their association he never did anything to  
12 indicate that he was capable of committing  
13 such a crime."

14 And is that accurate?

11:56 15 A Yes.

16 MR. HODSON: Those are all my questions,  
17 Mr. Harris. Some other counsel may have  
18 questions for you.

19 COMMISSIONER MacCALLUM: Same order, Mr.  
11:56 20 Hodson?

21 MR. HODSON: I believe so, unless  
22 counsel --

23 COMMISSIONER MacCALLUM: Mr. Wolch?

24 BY MR. WOLCH:

11:56 25 Q Mr. Harris.



1 A Hello.

2 Q I only have a few questions for you. You  
3 mentioned, in terms of Ron Wilson, you used the  
4 words that you attributed to him of a  
11:57 5 concentration camp or like being in a  
6 concentration camp. Can you elaborate a little  
7 more about that conversation?

8 A Well, there was discussions concerning the  
9 interrogations and how Nichol John was, she was  
11:57 10 really mentally affected by the interrogations,  
11 and Ron Wilson told -- there was discussion that  
12 Ron Wilson, there was times they wouldn't feed  
13 him, they would keep him in a dark room, in a very  
14 hot dark room and would just drill him for hours.

11:57 15 Q The comments regarding Nichol John, did that come  
16 from Wilson or from John?

17 A That must have come from Wilson because Nichol  
18 John just dropped right out of the picture. I  
19 didn't really know Nichol John that well and how  
11:58 20 she ended up with Ron Wilson and David at that  
21 time, I have no idea.

22 Q Okay. Now, regarding the conversations with Ron,  
23 I take it this would have been pretty close to the  
24 time when David was charged would it have been?

11:58 25 A I do believe it must have been after, after the





1 actual trial.

2 Q Do you know how much after?

3 A I'm sorry, I can't remember.

4 Q Okay. Can you estimate whether it would be months  
11:58 5 or years, or if you don't know, you don't.

6 A I would say it would be months.

7 Q And what was his appearance like or his mannerism  
8 when he told you about what he had been through?

9 A Just totally shaken, yeah. He was just  
11:58 10 devastated.

11 Q Mr. Harris, I won't go into great detail, but what  
12 type of work have you done over the years or what  
13 have you been involved in?

14 A I pretty much started out as a contractor, worked  
11:59 15 for the Royal Bank for 18 years, when I was a  
16 contractor I had some health problems, so I had to  
17 find some different employment, and I haven't had  
18 a lot of different opportunities in the job market  
19 and now I'm back into contracting again. Had jobs  
11:59 20 for a long period of time.

21 Q Your 18 years at the bank, what type of work?

22 A It was administration.

23 Q Now, back around the time that's most germane to  
24 us, were Lapchuk and Melnyk -- well, tell us  
11:59 25 something about them, what kind of lives were they



1 leading?

2 A Around the time of this incident?

3 Q Yes, yes?

4 A Umm, well we were all pretty much into the drug  
12:00 5 scene, all of us, I think, at that time. That was  
6 just that era in our lives where we wore the  
7 freight pants and listened to Jimi Hendrix and The  
8 Doors, and it was just that way of life then.

9 Q Were --

12:00 10 A George was into a lot of trouble, Craig got into a  
11 lot of trouble whether he wanted to or not, umm --

12 Q Now it -- I'm sorry?

13 A No.

14 Q But regarding -- were they bikers, or does that  
12:01 15 term fit?

16 A Umm, now I don't believe during that period of  
17 time that they were actually bikers. We spent --  
18 my brother actually started a motorcycle group  
19 back in those years and we did spend a lot of time  
12:01 20 partying with these people, but as far as being  
21 members of the club or being bikers, no, none of  
22 us were.

23 Q Now you say that they both got into trouble; would  
24 that be serious trouble?

12:01 25 A No. Umm, well I guess it all depends what you



1 classify as "serious trouble"?

2 Q Robbery and things like that?

3 A Umm, George was never into robbery, it was more or  
4 less fraud charges and things like that. I do  
12:01 5 recall and testified one time for Craig in a court  
6 where he was, I will say, framed of armed robbery.  
7 That was probably one of the worst charges.

8 Q Uh-huh. So they both had some experience with the  
9 law, with the police, and --

12:02 10 A Oh, certainly, we all did.

11 Q And I take it it's fair to say that, regarding  
12 what your involvement was or what you knew, you  
13 were never ever interviewed by the Saskatoon  
14 Police?

12:02 15 A Never.

16 Q And you were never ever interviewed by  
17 Mr. Caldwell, the prosecutor?

18 A No.

19 Q And, in fact, you were never spoken to by Eugene  
12:02 20 Williams or the people that were acting for the  
21 Department of Justice when they were looking into  
22 the Milgaard matter?

23 A No.

24 Q Now, regarding what actually occurred in the  
12:02 25 motel, I think it would be fair to say, from your



1 various statements, that what prompted David was a  
2 hassling or a bothering or a joking, or something  
3 like that?

4 A That's correct.

12:03 5 Q That is, the people there knew that David had been  
6 questioned or something by the police, it didn't  
7 come out of the blue?

8 A I'm not sure, I'm not -- like I said before, I  
9 don't recall him being questioned, I have no  
12:03 10 recollection of that. But, yeah, I -- it all  
11 started with everybody saying "yeah, yeah, you did  
12 it David," something to that effect.

13 Q There was dope being done, --

14 A Yes.

12:03 15 Q -- people are being a bit silly, --

16 A Well --

17 Q -- and they were making a bit of fun?

18 A -- when you talk about a party in those days, it  
19 wasn't necessarily people sitting on a 12-pack, it  
12:03 20 was generally something else going on as well.

21 Q But it was clear that the questioners weren't  
22 being serious?

23 A I don't believe so.

24 Q Yeah.

12:03 25 A I don't believe so.



1 Q Yeah. And would you agree with me that you might  
2 have been more attentive, or even startled, if  
3 David had responded seriously?

4 A When you say "seriously"?

12:04 5 Q Well if he had looked at you with an earnest look  
6 and said to the people "no, no, I didn't, I  
7 didn't", or that would have struck you as really  
8 bizarre that he would have taken it seriously?

9 A Well, David was a real actor. I don't know, if I  
12:04 10 hadn't known David's personality, possibly, but  
11 knowing David's possibility (sic) you didn't know  
12 whether David was acting or whether he was serious  
13 most of the time.

14 Q Most of the time?

12:04 15 A Yeah.

16 Q But nobody in the room appeared, by their  
17 behaviour, to take him seriously?

18 A And that's why, because David was David, and --

19 Q But, if it was true, you would have all been  
12:04 20 hearing about a horrific admission to a crime?

21 A Well, let's put it this way, I mean if we would  
22 have thought for one minute that we were partying  
23 with someone that had just murdered a nurse and  
24 stabbed her 14 times I don't believe we would have  
12:05 25 stayed in the room.



1 Q But, in fact, the party continued?

2 A Yeah.

3 Q The drugs continued, the sex continued?

4 A Exactly.

5 Q No one took it seriously?

6 A I'm not necessarily sure if the sex continued, but  
7 the party did continue.

8 Q Okay. And no one discussed going to the  
9 authorities, like a good citizen, and bringing it  
10 to the attention of the authorities or "what  
11 should we do about this?"

12 A Not at all.

13 Q Thank you very much.

14 COMMISSIONER MacCALLUM: Mr. Lockyer?

12:05 15 BY MR. LOCKYER:

16 Q As you know, George Lapchuk is dead, right?

17 A Yes, I know.

18 Q And can you tell us anything about him, in  
19 particular, that would -- that you could -- that  
12:06 20 could help us understand how he could have  
21 subsequently come to misinterpret an event  
22 which -- the implications of which were obvious to  
23 you at the time?

24 A I'm not really sure whether he did misinterpret  
12:06 25 it, umm, and I don't really know if he believed



1 for one minute that David actually killed the  
2 nurse.

3 Q Well, certainly, his claims after that were that's  
4 what he took from the event?

12:06 5 A I don't know, I -- like I said before, umm, I  
6 can't see George Lapchuk being shocked about  
7 anything, umm, and when I heard that, heard that  
8 read on his statement, I was actually surprised  
9 that he was shocked by it.

12:06 10 Q Well, shocked or not, let's look at, more, his  
11 interpretation of the event. Can you account for  
12 how he in that room, knowing David as he did,  
13 which presumably was much like you knew him, --

14 A Umm, I --

12:07 15 Q -- how he misinterpreted the event in the way that  
16 he did.

17 A Well I believe he, well he must have  
18 misinterpreted it if you are -- if he testified  
19 that he believed that David did kill her. I'm  
12:07 20 sorry, I'm -- if I'm not answering the question,  
21 but --

22 Q Well, I'm just trying to find out something about  
23 the individual, was he the type of individual who,  
24 in your view, would make up a story about it?

12:07 25 A I don't believe so.



1 Q Was he --

2 A No, I don't believe he would be the type of person  
3 to make up a story, no.

4 Q Well tell us a little bit about him, can you,  
12:07 5 because he is not around any more?

6 A Well, George Lapchuk was the type of person that  
7 had to buy his friends, umm --

8 Q I didn't hear what you said there?

9 A He was the type of person that used to have to buy  
12:07 10 his friends, and it all started out George was  
11 pretty much one of those kids that was always --  
12 people always nagged on him and they always teased  
13 him, and during public school he was always  
14 accused of doing silly things in theaters, and  
12:08 15 things like masturbating and things like that,  
16 umm, so he more or less bought Craig and I to be  
17 his friends by stealing money from his parents.  
18 So he actually had a very poor childhood growing  
19 up, and we did become very good friends,  
12:08 20 understanding his position and how hard he did  
21 come up.

22 Q Until when were you very good friends?

23 A Well, until he died.

24 Q Okay.

12:08 25 A I actually spoke with him before he passed away.





1 Q And did he never talk to you about this event in  
2 the motel in any detail afterwards?

3 A It was never discussed.

4 Q Did you talk to him -- he was still living when  
12:09 5 you gave your statement to Mr. Asper; is that  
6 right?

7 A Yes.

8 Q Did you talk to him about what happened in the  
9 motel room after that?

12:09 10 A No.

11 Q Why not?

12 A I don't know if they were aware of my statement.

13 Q By this time were you aware of what they had been  
14 saying?

12:09 15 A Oh yes.

16 Q Particularly --

17 A Oh yes.

18 Q -- Lapchuk himself?

19 A Well, just from the trial, yes.

12:09 20 Q So why didn't you talk to him about that?

21 A I'm not really sure. I'm not really sure why  
22 there wasn't a lot of discussion about the trial.

23 Q I mean did you ever talk about David Milgaard's  
24 predicament with Lapchuk?

12:09 25 A I'm sure we must have at times, but I don't



1 specifically recall any discussions.

2 Q And I get the impression that, even as of today,  
3 you really didn't know what Lapchuk had said --

4 A Hmm.

12:09 5 Q -- about what had happened in the motel room, or  
6 how he had interpreted what had happened in the  
7 motel room?

8 A I had no idea, no.

9 Q Until today?

12:10 10 A Actually, --

11 Q You must have had an idea, surely?

12 A Actually, I didn't even know they were called to  
13 testify until, like I said, I had met them in  
14 Saskatoon while I was working in Saskatoon, so I  
12:10 15 hadn't even know known that they were called to  
16 the trial.

17 Q That was in the '70s, though, right?

18 A Yeah, that's right.

19 Q Okay. And throughout that time in the, in  
12:10 20 '69-'70, they would have always known where to  
21 reach you?

22 A Oh yes, yeah.

23 Q That's both Melnyk and Lapchuk; is that right?

24 A That's correct.

12:10 25 Q Because you were in regular contact with both of



1           them?

2       A       Yes, I would say so.

3       Q       And you were living where at that time?

12:10 4       A       Umm, actually, I actually lost contact with George  
5       and Craig both when I became ill.

6       Q       Which was when?

7       A       It would have been about 1978, I believe.

12:11 8       Q       Okay, well that, can we focus on those eight  
9       years; in those eight years you were living where,  
10       in Saskatoon?

11       A       In those years I was -- well in, in 1978 -- if  
12       that's, if I'm correct when I say '78, that is  
13       approximately when I became ill, I had developed a  
14       kidney problem -- and I was living in Regina and  
12:11 15       wasn't working at that time -- I was working, I'm  
16       sorry, I was working for my brother I believe,  
17       then, contracting.

18       Q       When did you move to Regina?

19       A       Oh, I have always lived in Regina.

20       Q       You've always?

21       A       Always lived in Regina.

22       Q       Okay. And Lapchuk and Melnyk; they were living  
23       where?

12:11 24       A       At that time I believe they were still in Regina  
25       as well, yes.



1 Q So, in that eight-year period until you got ill,  
2 you were in regular contact with both of them?

3 A I believe so, yes, yes.

4 Q And yet never heard from them about the evidence  
12:11 5 given at David's trial?

6 A Like I said, I -- it's a possibility there was  
7 some discussion, but I don't distinctly remember  
8 the discussion regarding the trial.

9 Q All right. Thanks.

12:12 10 COMMISSIONER MacCALLUM: Mr. O'Keefe?

11 MR. O'KEEFE: No, sir, thank you.

12 COMMISSIONER MacCALLUM: Mr. Fox?

13 BY MR. FOX:

14 Q Thank you. Mr. Harris, I'm Aaron Fox, I'm the  
12:12 15 lawyer for Eddie Karst, he was one of the  
16 detectives involved in the investigation involving  
17 David Milgaard back in 1969-'70.

18 I'm just going to ask you a few  
19 more questions about some of the things you talked  
12:12 20 about today. You indicated that when you -- and  
21 going back to that night in the motel room, and  
22 you thought it might have been June of 1969,  
23 perhaps May?

24 A Yes.

12:12 25 Q Somewhere in May-June of 1969? You indicated



1           that, when you had got there, Ute Frank and Debbie  
2           Hall were already at the motel room?

3           A        Yes.

4           Q        And I thought I understood that you said that  
12:13 5           they, all three, were in bed at that time?

6           A        I'm not sure if Debbie Hall was actually involved  
7           in what was happening. I do recall her sitting by  
8           the bed.

9           Q        Okay. And you recall Ute Frank and David Milgaard  
12:13 10           definitely being in bed?

11          A        Yes, I do.

12          Q        And having sexual relations with each other while  
13           you were there?

14          A        I believe so.

12:13 15          Q        And you mentioned, and I think I got this right,  
16           that the three of them looked to be, the word you  
17           used was, quite stoned?

18          A        I believe so.

19          Q        And heavily under the influence of drugs at that  
12:13 20           point in time?

21          A        I think so.

22          Q        And did you see any drugs taken as the evening  
23           progressed while you were there?

24          A        I don't recall seeing it, but like I said, it was  
12:13 25           a regular occurrence.



1 Q So you are just assuming, because of the sort of  
2 the lifestyle --

3 A Yes.

4 Q -- that was going on at that time, it wouldn't  
12:13 5 surprise you if drugs were being taken?

6 A It was a lot easier to pick up a bag of grass than  
7 it was a box of beer.

8 Q Okay. And you, yourself, don't have a  
9 recollection of yourself taking drugs at that  
10 time?

11 A That's --

12 Q That, I mean that particular night?

13 A It's a possibility.

14 Q Okay. And I thought you indicated that, to your  
12:14 15 recollection, neither Mr. Melnyk nor Mr. Lapchuk  
16 appeared to be under the influence of drugs?

17 A That's totally possible as well.

18 Q But no recollection that they were?

19 A No, no.

12:14 20 Q Like, for example, you recalled the other three  
21 clearly were under the influence of drugs?

22 A Yes, yeah.

23 Q You don't have that same recollection as regards  
24 Mr. Melnyk and Mr. Lapchuk?

12:14 25 A No, I don't.



1 Q Umm, going back to that night at the motel room,  
2 did you know about the murder in Saskatoon, the  
3 Gail Miller murder in Saskatoon, like did you have  
4 any details about that?

12:14 5 A Just the reports that I heard.

6 Q Okay. And what did you know about it at that  
7 time?

8 A Not a thing.

9 Q Okay. So that a girl had been murdered in  
12:14 10 Saskatoon, that would have been pretty much the  
11 extent of it?

12 A Exactly right, yup.

13 Q And I take it you are not aware of what knowledge  
14 or details Mr. Melnyk or Mr. Lapchuk would have  
12:14 15 had about that murder?

16 A As far as I know the only thing that involved them  
17 was the motel scene.

18 Q Okay.

19 A Yeah.

12:15 20 Q What I am getting at, though, is would it be  
21 correct that it was your understanding, from the  
22 conversation you heard, that Mr. Lapchuk and  
23 Mr. Melnyk knew that David had been already  
24 questioned by the police in regard to that murder?

12:15 25 A That's a possibility.



1 Q Okay.

2 A Yeah.

3 Q And we know, for example, the police would have  
4 spoke with David on April 18th, 1969, so certainly  
12:15 5 they had been in contact with the police, if  
6 that's correct, assuming that date is correct?

7 A That's very possible as well, yes.

8 Q Okay. And we know, for example, as well it  
9 appears as though, at least from the chronology  
12:15 10 that was given to us, that blood and saliva  
11 samples were taken from David Milgaard April 18th,  
12 1969. If that was correct, that would have been  
13 prior to the motel reenactment incident that we're  
14 talking about, would that be correct?

12:16 15 A I believe so.

16 Q Okay. And, in terms of what information David may  
17 have conveyed to George Lapchuk or Craig Melnyk in  
18 terms of what is supposed to have happened or what  
19 he is alleged to have done or what the police had  
12:16 20 said, you would have no knowledge of that?

21 A Not that I remember.

22 Q And, as I understand it, you were -- your name was  
23 mentioned, as My Learned Friend Mr. Hodson pointed  
24 out, your name was mentioned at the trial as being  
12:16 25 someone who was around that night?





1 A Uh-huh.

2 Q Both Mr. Lapchuk mentioned that in his evidence,  
3 Mr. Melnyk mentioned it in his evidence, but I  
4 understand from what you've said, notwithstanding  
12:16 5 that your name was -- came up at the trial, no one  
6 contacted you, whether the police or the Crown or  
7 anybody from David Milgaard's camp?

8 A No.

9 Q And, as I understand it, the first contact you  
12:16 10 would have had from anybody from the Milgaard  
11 camp, if I can describe it that way, would have  
12 been about approximately 11 years later when Joyce  
13 Milgaard called you?

14 A I believe so, yeah.

12:17 15 Q And then you subsequently, you initiated contact  
16 with Mr. Wolch, and provided his office with an  
17 affidavit?

18 A That's right.

19 Q And then a Supreme Court reference took place  
12:17 20 where witnesses were called at the Supreme Court?

21 A Uh-huh.

22 Q You were aware of that?

23 A Yes.

24 Q Were you aware Mr. Melnyk was called as a witness  
12:17 25 there?



1 A I do, I remember that, yes.

2 Q Okay. Were you aware that Debbie Hall was called  
3 as a witness there?

4 A I don't recall that, no.

12:17 5 Q Okay. And you weren't called as a witness?

6 A No.

7 Q Did you discuss with Mr. Wolch, like, "why didn't  
8 you call me as a witness" or "why am I not being  
9 called as a witness"?

12:17 10 A No, I didn't, I don't believe I recall mentioning  
11 or talking to him about that at all, no.

12 Q Okay. So you had given him the affidavit, for  
13 whatever reason you weren't called as a witness at  
14 the Supreme Court by Mr. Wolch or anyone else, for  
12:17 15 that matter?

16 A Uh-huh.

17 Q That would be correct?

18 A That would be correct.

19 Q Okay.

12:17 20 A I'm sorry, when did that happen?

21 Q Sorry, the Supreme Court reference?

22 A Yes?

23 Q I believe that was in 1992.

24 A '92? Okay. I'm just trying to, trying to  
12:18 25 remember where I was at that time in my life,



1           because I actually went through a kidney  
2           transplant for quite a period of time, and it's a  
3           possibility maybe I was sick then -- but no, it  
4           was '81, now that I remember.

12:18 5       Q       '81 that you had the kidney transplant?

6       A       Yes, that's correct.

7       Q       Okay. You mentioned that, to your knowledge, Mr.  
8       Milgaard had got his nickname Hoppy because of the  
9       way he walked?

12:18 10      A       Yes.

11      Q       Were you aware that people attributed that  
12      nickname to Mr. Milgaard because of his sexual  
13      activity?

14      A       Not at all.

12:18 15      Q       You never heard of that before?

16      A       Never heard of it.

17      Q       We've heard that reference by a number of  
18      different individuals; that's not something you  
19      ever heard?

12:19 20      A       Never.

21                   COMMISSIONER MacCALLUM: I think we heard  
22      about it from one person, Mr. Wolch -- or  
23      Mr. Fox.

24                   MR. FOX: Actually, I thought that there  
12:19 25      was reference to that through a number of



1 statements, including Albert Cadrain's  
2 information and Dennis Cadrain as well, but the  
3 record will be whatever it is.

4 BY MR. FOX:

12:19 5 Q You had some discussions, you indicated, about Ron  
6 Wil -- or with Ron Wilson about his involvement in  
7 the Milgaard case, or at least questioning by the  
8 police, that sort of thing?

9 A Now I don't recall whether it was with Ron Wilson  
12:19 10 himself or whether it was someone telling me about  
11 some of the things that were going on during the  
12 interrogations.

13 Q Okay. So that information may not have come from  
14 Ron Wilson?

12:20 15 A Umm, I'm not sure, I'm not absolutely sure.

16 Q Okay. So when you said something about, for  
17 example, being put in a dark room --

18 A Yeah.

19 Q -- you don't know that --

12:20 20 A These are some of the things that --

21 COMMISSIONER MacCALLUM: Just a minute.

22 A I'm sorry?

23 COMMISSIONER MacCALLUM: Would you try to  
24 be careful about holding off on your answer until  
12:20 25 the question is finished because the reporters



1 are trying to take it down verbatim.

2 A Very good. Okay.

3 COMMISSIONER MacCALLUM: Okay. Thank you.

4 BY MR. FOX:

12:20 5 Q You said something about Ron Wilson being held in  
6 a dark room or not receiving food; you are not  
7 able to say if that's information you received  
8 from Ron Wilson or that's just something that you  
9 heard on the street, so to speak?

12:20 10 A I can't specifically remember where that  
11 information came from.

12 Q Okay. So do you have any specific recollection of  
13 Ron Wilson telling you about his dealings with,  
14 say, the Saskatoon Police Service?

12:20 15 A No. The only thing I can really recall about Ron  
16 is that he was really, really afraid.

17 Q Okay.

18 A He was really afraid.

19 Q Was he afraid of David Milgaard?

12:21 20 A At one point I do believe he was afraid of David  
21 Milgaard, at least that's the way it came across.  
22 Umm, I remember a report at one time that David  
23 had escaped from prison, and Ron was just really  
24 shaken.

12:21 25 Q Okay. Am I correct that he didn't express fear to



1           you of the Saskatoon Police Service, at least you  
2           have no specific recollection of him saying that  
3           to you?

4           A       He was -- my recollection of Ron Wilson after the  
12:21 5           trial was he was psycho, I mean he was -- he  
6           wasn't the same person that I used to know at all.

7           Q       Okay. Fair to say this would have been a pretty  
8           significant life-altering event to have been --

9           A       It was, very much so, for him.

12:21 10          Q       -- to have been apparently called as a witness and  
11           asked to give evidence about an acquaintance or a  
12           friend who has been charged with what was a pretty  
13           brutal murder?

14          A       Yes.

12:22 15          Q       Simply being involved in that, whether his  
16           evidence is accurate or not, there is no question  
17           he was around and involved would have had a pretty  
18           significant effect on him?

19          A       I believe so.

12:22 20          Q       And I was just looking, as I understand when you  
21           spoke with Joyce Milgaard -- and the tape was  
22           referred to -- that you had thought Mr. Wilson had  
23           given some indication to you that you -- he had  
24           seen blood, or maybe it was Kool-Ade or something,  
12:22 25           on David Milgaard's clothes?



1 A I don't specifically remember that.

2 Q Okay.

3 A I don't.

4 Q So if it's there on the tape whatever you said, as  
12:22 5 far as you know, would be accurate?

6 A If it's on the tape, yes.

7 COMMISSIONER MacCALLUM: Perhaps you can  
8 tell him where, please.

9 MR. FOX: Sure.

10 BY MR. FOX:

11 Q I'm just looking --

12 A Now I saw a written document about the  
13 conversation we had.

14 Q Yes.

12:23 15 A Now was that conversation taped?

16 Q Let's just look at this, it -- I'll -- it's  
17 178180, and I'll maybe just get you to look at  
18 that and see if I can find it, and it's right at  
19 the bottom of the page.

12:23 20 COMMISSIONER MacCALLUM: And what is this  
21 statement, please?

22 MR. FOX: And that statement number is  
23 178180, and I believe that's referenced as a  
24 statement involving Mr. Harris and Ms. Joyce  
12:23 25 Milgaard.



1 BY MR. FOX:

2 Q Now Dale Wilson would be -- you would recognize  
3 that as being Ron Wilson?

4 A That's correct.

12:23 5 Q He changed his name, or at least started using the  
6 name Dale?

7 A That's correct.

8 Q Okay. And there's, appears to be a question  
9 there:

12:23 10 "Did you ever talk to Dale about it,  
11 Dale Wilson?"

12 And the response seems to be:

13 "Well the only thing Dale ever told me  
14 about it was him seeing ..." ,

12:24 15 And I'm not sure what that next word is:

16 "... and his clothes were all covered  
17 with blood and stuff like that."

18 And then the question goes on:

19 "Dale told you this?"

12:24 20 And then the next question:

21 "Didn't he disappear for a while or  
22 something?"

23 And then I think, in fairness, go on to the next  
24 page -- sorry, did I get, did we get all scrolled  
12:24 25 up the full page there from the previous page?





1           Okay, yes we did, okay. Okay, go to the next  
2           page:

3                   "Umm, umm, well just the night in the  
4                   motel room, no I mean other than that  
12:24 5                   when he wasn't ..."

6           Sorry:

7                   "... blood on his clothes or Kool-Ade on  
8                   his clothes, because he was stoned right  
9                   out of it."

12:24 10           Now do you know what that's referring to? And  
11           there is a reference up at the top of 178180 to  
12           that night in the motel room, so do you know  
13           what's being discussed there, in that?

14       A           Umm, I'm -- I'm -- I don't recall talking about  
12:25 15           the blood on the clothing at all, actually.

16       Q           Okay. And, again, do you know whether it was  
17           being discussed in the context of the motel  
18           reenactment, or some other information you got  
19           from Ron Wilson, or what was being discussed  
12:25 20           there?

21       A           I'm not sure.

22       Q           Okay. Do you have any recollection of having this  
23           conversation with Joyce Milgaard?

24       A           I do remember the conversation.

12:25 25       Q           Okay.



1 A Yes.

2 Q This portion of the conversation, I take it you  
3 have no specific recollection of it?

4 A I don't recall talking about blood on the clothing  
12:25 5 at all.

6 Q Did you -- do you have any recollection of  
7 discussing, with Ron Wilson, sort of the  
8 circumstances of his involvement with David  
9 Milgaard on or about January 31st, 1969?

12:25 10 A No, I don't.

11 Q Okay. So, in terms of whatever you have heard  
12 about what Ron Wilson said or did or involvement  
13 or whatever, that would have come from other  
14 people other than Mr. Wilson himself?

12:26 15 A Could you repeat that, please?

16 Q Sure. In terms of what Mr. Wilson said or did or  
17 what his involvement was, either with David  
18 Milgaard or with the police or whatever, that  
19 information, anything that you have got in that  
12:26 20 regard would have come from somebody other than  
21 Ron Wilson himself?

22 A I believe so.

23 Q Do you understand my question? I'm not sure --

24 A I'm not sure that I do.

12:26 25 Q Okay. Okay. I'll break it down a little bit more



1           than that. In terms of Ron Wilson's involvement  
2           with David Milgaard on or about January 31st,  
3           1969, I take it you never got any information from  
4           Mr. Wilson himself in that regard?

12:26 5           A           No, no.

6           Q           In terms of Ron Wilson's interaction with the  
7           Saskatoon Police Service concerning the  
8           investigation of David Milgaard in relation to the  
9           Gail Miller murder, I take it you didn't get any  
12:27 10          information directly from Ron Wilson, himself,  
11          about his dealings with the Saskatoon City Police  
12          Service?

13          A           I, like I said, I'm not sure where I received my  
14          information about the interrogations.

12:27 15          Q           No recollection of specifically getting that from  
16          Mr. Wilson?

17          A           No.

18          Q           Mr. Commissioner, I'm just about done here, if I  
19          could --

12:27 20                    COMMISSIONER MacCALLUM: Okay.

21          BY MR. FOX:

22          Q           Mr. Harris, I was just going to sort of direct  
23          your mind back to May or June 1969 when you were  
24          in that motel room. Did you know, at that time,  
12:28 25          that Gail Miller had been raped, stabbed a number



1 of times, left partially naked lying outside in  
2 the back alley in minus 35 degree weather; did  
3 you -- were you aware of those facts at the time  
4 the motel reenactment took place?

12:28 5 A I do believe that there was television reports and  
6 radio announcements and things like that  
7 concerning the actual murder in Saskatoon.

8 Q Okay.

9 A That's about the only thing that I was aware of.

12:28 10 Q Okay. So maybe some of the factual details, in  
11 terms of the brutal nature of the murder, you  
12 might not have been fully aware of at that time?

13 A They were fairly explicit about the number of  
14 times she was stabbed and I do believe there was  
12:29 15 mention of her being sexually assaulted.

16 Q Right.

17 A I do believe.

18 Q Do you hear any words spoken, "I killed the  
19 bitch"?

12:29 20 A No.

21 Q Is it possible those words were spoken?

22 A That's a possibility.

23 Q Okay. Did you hear any words spoken "I fucked her  
24 brains out"?

12:29 25 A I don't recall that.



1 Q Possible those words were spoken?

2 A No, I don't think so.

3 Q Okay. I --

4 A One thing about David is, sure, he has been with a  
12:29 5 lot of girls, but I have never seen him treat  
6 them -- mistreating the girls or anything to that  
7 effect. I mean he has always, he has always  
8 appeared to be a gentleman around women, as far as  
9 I know.

12:29 10 Q So how did you react, then, knowing that he was a  
11 gentleman around women, when, after a news story  
12 comes on about a young girl being raped and  
13 repeatedly stabbed and left to die, basically, in  
14 a back alley, how did you react when you saw this,  
12:30 15 basically, guy who seemed to be good around women  
16 straddle a pillow, make a number of stabbing  
17 motions, and say "yeah, I killed her", and then  
18 roll off and kind of laugh about it; how did you  
19 react to it?

12:30 20 A That's one of the reasons why I didn't believe  
21 what he did was for real.

22 Q No, but did, you know, did that strike you as "oh  
23 yeah, that's just a bit of a joke, that's just  
24 kind of silly"?

12:30 25 A Yeah.



1 Q Just kind of silly?

2 A Exactly.

3 Q That was your reaction?

4 A Exactly.

12:30 5 Q You would agree that others may react to that  
6 being "maybe it's a joke, that's really bad,  
7 that's poor taste"?

8 A Oh --

9 Q "That is unbelievable that someone would react  
12:30 10 that way to the Gail Miller death"?

11 A I would, yeah, I would think that would --  
12 depending on how well they knew David and their  
13 acquaintance with him, yeah.

14 Q Sure.

12:30 15 A Yeah.

16 Q And, even if you did know David, you might still  
17 look at it and say "you know what, that's really  
18 sick"?

19 A Yeah, but a lot of things he did were sick.

12:30 20 Q Thanks. Those are all the questions I have.

21 A Yeah.

22 COMMISSIONER MacCALLUM: Thanks. We're  
23 going to break for lunch now, sir, and please  
24 don't discuss your evidence until you get back on  
12:31 25 the stand.



1 (Adjourned at 12:31 p.m.)

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

3 COMMISSIONER MacCALLUM: Ms. Krogan, are we  
4 down to you?

02:00 5 MR. HODSON: Mr. Beckman.

6 COMMISSIONER MacCALLUM: Oh, sorry.

7 **BY MR. BECKMAN:**

8 Q Good afternoon, Mr. Harris.

9 A Hello.

02:00 10 Q I wonder if you could try, when you are answering  
11 my questions, to focus on what you recall in 1969.  
12 There has been a lot of information we've had  
13 later and I would like to see whether you can --  
14 and I realize it's difficult, it's been a long  
02:00 15 time -- but recall the events that you did without  
16 thinking about what other people have told you or  
17 what you have read. Fair enough?

18 A Sure.

19 Q Did you say in your evidence-in-chief that you  
02:01 20 thought that the incident in the motel room for  
21 the reenactment took place in the daylight?

22 A It seemed to me that I was -- it seemed to me that  
23 I was at the hotel earlier, it wasn't evening. I  
24 mean, it did extend into the evening, the party,  
02:01 25 but it did seem to me that I was there actually



1 earlier than things started to happen.

2 Q Perhaps we can do it in reverse order. There's  
3 been some suggestion that this news report was at  
4 11 o'clock?

02:01 5 A Yes.

6 Q In the evening?

7 A Yes.

8 Q That would be 11 p.m.; correct?

9 A (Nods head).

02:01 10 Q How long had you been or do you have any specific  
11 recollection?

12 A No, I don't. I don't really have any specific  
13 recollection of that, no.

14 Q You have no specific recollection of the time you  
02:01 15 arrived; correct?

16 A Really, no, I don't.

17 Q You don't have a specific recollection of how you  
18 got there?

19 A No, I don't.

02:02 20 Q Do you have a specific recollection of what day it  
21 was?

22 A As per date or the actual --

23 Q Month, date --

24 A Well, I thought -- I knew it was May because --  
02:02 25 well, I shouldn't say that because you said not to





1 go back to the evidence that I've read, but I  
2 thought it was more -- June was my first reaction,  
3 but it was obviously May.

4 Q Obviously May, but again I'm searching for your  
02:02 5 specific recollection, and you didn't have one or  
6 that you had the recollection it was June?

7 A I wasn't sure.

8 Q So do I gather from that that you really can't say  
9 what month it was from your own memory?

02:02 10 A No, I can't, no.

11 Q And I think Mr. Fox raised this with you, but is  
12 it probable that you had taken some drugs that  
13 day?

14 A Yes.

02:03 15 Q And if I can just take you to your affidavit,  
16 that's document number 019554, page 4, paragraph  
17 16, if we could just pull that out just to refresh  
18 your memory. Now, this affidavit was sworn some  
19 considerable time after the events, but it says  
02:03 20 the 20th of February, 1992, and I gather that you  
21 ran into Craig Melnyk and George Lapchuk in  
22 Saskatoon during the trial; correct?

23 A That's correct.

24 Q And you were, as I understood, friends with George  
02:04 25 Lapchuk and Craig Melnyk?



1 A That's right.

2 Q And you indicated that there was some discussion  
3 about why they were in Saskatoon?

4 A Yes, there was.

02:04 5 Q That would be sort of normal; correct?

6 A Yes.

7 Q So that they told you that they were testifying at  
8 the Milgaard trial?

9 A Yes.

02:04 10 Q Did they tell you in a general way or do you have  
11 a specific recollection of what they were  
12 testifying about?

13 A There was really no specifics and, quite frankly,  
14 I don't remember how I even met up with them, I'm  
02:04 15 not sure if it was something that was planned that  
16 I would get a ride home with them or we had met  
17 somewhere, I can't really remember, but I do  
18 remember some discussion about the trial on the  
19 way home and it was just something they were both  
02:04 20 talking about and it was almost like I wasn't even  
21 with them, if you know what I mean.

22 Q Their discussion about what they were saying was  
23 like you weren't with them at the motel or --

24 A No, that I wasn't even in the car type of thing.  
02:05 25 They seemed to be very involved in the happenings



1 of the day and it was kind of like I was sitting  
2 in the back seat and they were discussing things  
3 between them.

4 Q Would it be fair to say, and correct me if I'm  
02:05 5 wrong, but would it be fair to say that being a  
6 witness at a first degree murder trial would be an  
7 extraordinary event?

8 A As far as I'm concerned, yes, yes.

9 Q And so that you would pay attention to that?

02:05 10 A Well, yeah, but I know what you are going to ask  
11 me next.

12 Q You would have paid attention then; right?

13 A Well, probably would have at the time, yes.

14 Q Yes. I gather it's clear that David Milgaard, on  
02:05 15 your version of the facts, knew you were at the  
16 motel; correct?

17 A David knew I was there?

18 Q Yes.

19 A I'm, I'm -- that's a possibility. I don't  
02:06 20 remember -- I don't know if he would know that or  
21 not because of the circumstances.

22 Q Explain that to me.

23 A Well, like, the drug thing and everybody being  
24 under the influence and to that effect.

02:06 25 Q So you are not confident that David would have



1 remembered you?

2 A It's a possibility. I don't know.

3 Q But in the course of this information that

4 Mr. Lapchuk and Mr. Melnyk were testifying at

02:06 5 David's trial, did you ever contact anybody about  
6 your role?

7 A Just -- the only person I ever contacted was Hersh  
8 Wolch.

9 Q And that was when?

02:06 10 A Oh, considerably a long time after.

11 Q Years after?

12 A Yes.

13 Q Perhaps more than a decade after 1979?

14 A Possible, yeah.

02:07 15 Q Decades later?

16 A Yeah, possible.

17 Q So did you ever consider contacting anybody,

18 either the police or Mr. Milgaard or Mr.

19 Milgaard's lawyer when you learned that other

02:07 20 individuals were testifying about these events you  
21 say you were present at?

22 A No, and -- actually, the only reason I even  
23 decided to call the lawyer was because of the  
24 phone calls I was getting from Mrs. Milgaard.

02:07 25 Quite frankly, I really didn't want to get



1 involved, but I thought it would be my place to  
2 step forward if I could be helpful.

3 Q But you didn't come to that conclusion in 1970?

4 A No, I didn't.

02:07 5 Q Although it's clear on your affidavit that you  
6 knew the trial was going on; correct?

7 A Yes, yes, I did.

8 Q And it's clear on your affidavit, on your sworn  
9 testimony, that Mr. Melnyk and Mr. Lapchuk were  
02:07 10 testifying?

11 A Yes.

12 Q And it's clear that they were testifying about the  
13 events of the so-called motel reenactment?

14 A I wasn't positive what they were testifying about,  
02:08 15 but I did find out later it was the motel scene,  
16 yes.

17 Q But it would be reasonable for you to have  
18 inquired when you caught the ride back to Regina,  
19 you say, during the trial?

02:08 20 A Yes. Yeah, I would have -- at that time I knew,  
21 yes.

22 Q And that was during the trial according to you?

23 A Yes.

24 Q And yet you never contacted anybody?

02:08 25 A No, I didn't.



1 Q Do you have any explanation to offer this inquiry  
2 as to why you didn't contact somebody at that time  
3 as opposed to 20 years later?

4 A I don't know. I just thought -- I just thought  
02:08 5 the process would involve me, but from George and  
6 Craig's statements, there was no mention of me  
7 being there. I don't know, I don't know why I  
8 didn't do that.

9 Q So you don't have an explanation to offer?

02:09 10 A No, I don't. Possibly I was just afraid. I don't  
11 know.

12 Q Now, I'm just a little curious about one other  
13 thing. If I could take you to paragraph 18 in  
14 your affidavit and if we could just pull that out,  
02:09 15 I think you can see it well enough, but I note  
16 that there's a blank between the first line and  
17 the third. Do you recall the circumstances of you  
18 swearing that affidavit?

19 A I mean, that's -- when I see something like that,  
02:09 20 does that mean I hesitated?

21 Q No. I just wondered if you had any knowledge  
22 about whether the affidavit was amended in any way  
23 because my copy seems to indicate that maybe it  
24 had been.

02:10 25 A You mean, like, there's something missing?



1 Q Yeah, that there's a line missing.

2 A I don't think so.

3 Q You have no recollection that it was changed?

02:10 4 A Not that I'm familiar with, but that would be  
5 something that I would have said.

6 Q And I guess it's clear on your evidence, if I can  
7 put it to you, Mr. Milgaard on this occasion said,  
8 and I quote, "Yeah, I killed her"?

9 A Something to that effect. I'm not sure of the  
02:10 10 exact wording he used at that time.

11 Q There's no doubt in your mind he said that?

12 A Yes.

13 Q And there's no doubt in your mind that he engaged  
14 in stabbing motions on the pillow that he had  
02:11 15 straddled?

16 A That's very true, yeah.

17 MR. BECKMAN: I think those are my  
18 questions. Thank you, My Lord.

19 COMMISSIONER MacCALLUM: Thanks, Mr.  
02:11 20 Beckman. Now who are we at, Ms. Knox?

21 MR. GIBSON: I have no questions.

22 MR. COMMISSIONER: No? Okay.

23 MS. KNOX: I guess I'm in.

24 BY MS. KNOX:

02:11 25 Q Mr. Harris, because I can't see over this I'm



1 going to talk to you around the side if that's  
2 okay.

3 A That's fine.

4 Q They didn't build it for my height. I just want  
02:11 5 to follow up for a minute on some of the questions  
6 that Mr. Beckman just asked you, and he asked you  
7 why, or about being in the car with George and  
8 with Craig, George Lapchuk and Craig Melnyk,  
9 during the trial when they were talking about  
02:12 10 participating in the trial and presumably about  
11 the fact that they had given testimony against Mr.  
12 Milgaard. Is that your memory of the discussion  
13 that they were having in the car, was it clear to  
14 you that they had testified for the Crown against  
02:12 15 Mr. Milgaard?

16 A I wasn't really clear of that, it was to testify  
17 against, no, and I really don't specifically  
18 remember the conversation.

19 Q Okay. I just want to, as Mr. Beckman asked you  
02:12 20 to, to take your mind back to 1970. How old were  
21 you in 1970?

22 A Did you want me to do the mathematics or just  
23 approximately?

24 Q Approximately.

02:12 25 A I would say 15, 16, something like that.





1 Q In 1970?

2 A '70?

3 Q Tell us your date of birth.

02:13 4 A Oh, I'm sorry. Yes, 1970, I would have been 20  
5 some years old.

6 Q You were 20 some years old?

7 A That's right.

8 Q And of the group, David Milgaard was a better  
9 friend of yours than of George or Craig's; would  
02:13 10 that be fair?

11 A I felt like I spent more time with him and perhaps  
12 I had known him better.

13 Q Yeah, and you had known him longer and probably  
14 knew him better?

02:13 15 A Yeah, I think so.

16 Q Okay. And of the group, you indicated George sort  
17 of had to buy his friends. I get the impression  
18 that George was sort of a bit of a -- not exactly  
19 a cool cat?

02:13 20 A No, George was a mommy's boy and he always was a  
21 mommy's boy and he was a mommy's boy when he  
22 started school and he just -- he was a victim for  
23 bullies and he was that type of a boy and there's  
24 still those types of kids nowadays in school that  
02:13 25 get a hard time like that.



1 Q And through the fact that you were living in  
2 Saskatoon at the time, you were aware of the very  
3 serious predicament that David Milgaard was in?

4 A Oh, yes.

02:14 5 Q And you were aware, or had to be aware of the fact  
6 that what George and Craig had just done could  
7 have had some impact on the jury's verdict in his  
8 case, that ultimately he was found guilty of  
9 murder?

02:14 10 A Most definitely.

11 Q And I guess I'm going to ask if you could explain  
12 to me how, as a friend of Mr. Milgaard's, having  
13 known him for a long time, or at least a couple of  
14 years, you wouldn't have at least interjected into  
02:14 15 the conversation to say to these guys, like, "What  
16 are you talking about, what are you doing? Don't  
17 you realize he was only joking? You guys are  
18 nuts."

19 A And it's a possibility maybe that did happen, but  
02:14 20 I cannot recollect it, I'm sorry.

21 Q Would you agree with me that that would have been  
22 sort of the expected thing for a friend of David  
23 Milgaard's to do?

24 A Yes, I would agree.

02:14 25 Q But you don't have any memory of it happening?



1 A No, I don't.

2 Q And we know that you didn't, as a result of any  
3 discussion that took place in the car, have  
4 concerns raised to a degree that you contacted the  
02:15 5 police, you contacted the Crown, you contacted Mr.  
6 Milgaard's lawyers to say listen, I just drove  
7 back to Regina with these two guys and what they  
8 told the Court, if I'm hearing them right, is all  
9 wrong?

02:15 10 A Yeah, but I don't know what they told the court.

11 Q But you've already agreed with me it would have  
12 been odd that you wouldn't have listened and tried  
13 to find out and clarify given that you were a good  
14 friend of David's?

02:15 15 A Yeah, I suppose I would have.

16 Q Okay.

17 A Yeah.

18 Q So would you agree with me that one of the  
19 possibilities is that they didn't say anything  
02:15 20 that caused you to be concerned?

21 A I'm sure they did.

22 Q But you didn't act on any concern that they may  
23 have caused?

24 A No, I didn't.

02:15 25 Q We agree on that?



1 A Yes.

2 Q So that was 1970. And then in 1981 you had  
3 contact, a number of contacts from Mrs. Milgaard?

4 A Like I said before --

02:15 5 Q At least one because we've got a transcript.

6 A At least one, yes.

7 Q Were you under any allusion about the reasons why  
8 Mrs. Milgaard was getting in touch with you?

9 A My automatic thought was that she's just trying to  
02:16 10 find her son's innocence.

11 Q Exactly. So it was pretty clear that a mom  
12 calling you up like that, we don't have the whole  
13 conversation nor conversations that you had with  
14 her, but there was no doubt as to Mrs. Milgaard's  
02:16 15 purpose, and a laudable purpose that it was, to  
16 try to exonerate her son who she believed had been  
17 convicted of murder?

18 A Right.

19 Q Now, again, we only have a transcript of a part of  
02:16 20 a conversation you had with her, but I take it you  
21 didn't say to Mrs. Milgaard at that time that  
22 listen, you know, what George and Craig said in  
23 court or what George and Craig said they saw in  
24 the motel room, I was there and I know different?

02:16 25 A But like I said, I don't know what they said in



1 court because I wasn't present.

2 Q Okay. And you don't recall what they said in the  
3 car?

4 A Not exactly. I don't really recall -- I know  
02:16 5 there was discussion of the court case, but as far  
6 as the details I can't be specific on.

7 Q So either you didn't listen, or you listened, you  
8 forgot, or you just didn't bother to find out?

9 A I guess so.

02:17 10 Q Any number of those possibilities?

11 A Yes.

12 Q But the bottom line is, if I can summarize the  
13 bottom line -- if I do this unfairly, then you  
14 correct me on it, I'm not trying to misrepresent  
02:17 15 what you are saying -- is there was an opportunity  
16 or you were a party to or a participant in  
17 discussion about what Craig and George had said in  
18 court about him in 1970 and you didn't raise any  
19 concerns?

02:17 20 A That's correct, I didn't.

21 Q You had a conversation with Mrs. Milgaard, at  
22 least one conversation with Mrs. Milgaard in,  
23 according to the date on the document we have, in  
24 1981 and you didn't raise any concerns with her  
02:17 25 about that particular aspect?



1 A Just that I was there that night in the motel  
2 room.

3 Q Okay. Now, did you tell Mrs. Milgaard that you  
4 were in the motel room?

02:17 5 A I believe I did, yes. I think I did.

6 Q Okay. But would you agree with me that it's not  
7 in the transcript that we have?

8 A That I'm not sure of.

9 Q I wonder if I could get that transcript brought  
02:18 10 up, please, and I didn't bring up the document  
11 number with me, if somebody could assist me on  
12 that.

13 A I know the first time I ever -- I know for sure  
14 that I told the lawyer that.

02:18 15 Q But that was 11 years later, 1992.

16 A Okay.

17 Q I'm talking now about 1981.

18 A Okay.

19 Q I'm just going to get the transcript brought up so  
02:18 20 you can take a look at -- and if you would just  
21 take a minute to go through it and satisfy  
22 yourself whether there's anything in that to  
23 indicate that you told Mrs. Milgaard that you were  
24 present in the motel room that night, referring,  
02:18 25 Mr. Commissioner, to document 178180.



1 A I'm having kind of a hard time seeing this.

2 Q Thank you. Are you able to read it better now?

3 A Yes.

4 Q When you get to the bottom of what's enlarged now,  
02:19 5 we'll put the next section up for you, if you let  
6 us know.

7 A It's not a very plain document.

8 Q Would you like to stand down for a minute and look  
9 at a hard copy of it? I'm sure we can make one  
02:19 10 available for you if that would assist.

11 A I think it -- I've actually -- no, I haven't seen  
12 a copy of this I don't think.

13 Q Would you like an opportunity?

14 A Please, yes.

02:19 15 MS. KNOX: Mr. Commissioner, if we could  
16 perhaps have five minutes so the witness could  
17 look at a hard copy of that document?

18 COMMISSIONER MacCALLUM: Sure.

19 MS. KNOX: Mr. Hodson will have the hard  
02:20 20 copy.

21 *(Adjourned at 2:20 p.m.)*

22 *(Reconvened at 2:25 p.m.)*

23 BY MS. KNOX:

24 Q Thank you, Mr. Harris. Just for the record, I'm  
02:24 25 going to indicate, when I asked you the question



1 before the break, I suggested to you you hadn't  
2 talked to Mrs. Milgaard about the motel incident,  
3 but on you and I having reviewed that transcript,  
4 there is a portion there where she does ask you  
02:25 5 some questions about it. Do you agree?

6 A Yes, I agree.

7 Q And you and she speculated, if I can use that  
8 word, and with no disrespect, about the fact that  
9 the other guys were interviewed and nobody talked  
02:25 10 to you about it?

11 A That's correct.

12 Q But in 1981 she appeared to have knowledge or  
13 belief that you were in the hotel room?

14 A Yes.

02:25 15 Q Okay. Now, would you agree with me that you  
16 didn't go into any details as to differences  
17 between your memories of the stabbing reenactment  
18 and the evidence that George and Craig had given,  
19 at least not as we have it in the transcript?

02:25 20 A Not that I can see here, no.

21 Q Now, I wonder if I can go to the next page of that  
22 document, 178181. Mr. Harris, the very last line  
23 of that indicates that Mrs. Milgaard asked to  
24 speak to George who was waiting in the background.  
02:25 25 Were you and she talking about George Lapchuk





1                   there, or do you know the answer to that?

2       A           I'm afraid I don't know that.

3       Q           Do you have any memory of whether on the occasion,  
4                   or at least on this occasion, that subject of  
02:26 5                   transcript when you talked to Mrs. Milgaard,  
6                   whether George Lapchuk was there, and again  
7                   although there's no date on the document, our  
8                   records seem to indicate it was in 1981.

9       A           When you say George Lapchuk was there, where do  
02:26 10                  you --

11      Q           Yeah. I'm asking you whether you can recall if  
12                  the George she referred to, who she was going to  
13                  talk to next, was George Lapchuk.

14      A           I'm not absolutely positive of that, but I would  
02:26 15                  assume so.

16      Q           Okay. Now, do you have any memory, independent  
17                  memory today of whether George was present at your  
18                  place, whether it was your office, your house or  
19                  wherever it was that you were talking to  
02:27 20                  Mrs. Milgaard on the telephone?

21      A           No.

22      Q           Okay. Now, assuming for the moment, and I know  
23                  that we're not sure about this, but that it's an  
24                  assumption on your part it was George Lapchuk,  
02:27 25                  assuming he was there, would it be fair for us to



1 think that you and he would have talked about the  
2 subject of the conversation with Mrs. Milgaard?

3 A When you say if he was there, like, do you mean at  
4 my house?

02:27 5 Q Yeah.

6 A He definitely wasn't there.

7 Q Okay.

8 A Definitely wasn't there.

9 Q Okay. If I could go back to the first page of  
02:27 10 this document then, please. There's a phone  
11 number up at the top, 522-6884?

12 A Yes.

13 Q Was that your home phone number of the day?

14 A I believe so. It sounds familiar.

02:27 15 Q Okay. But do you know from this document whether  
16 or not the call came to that number or whether  
17 Mrs. Milgaard or someone wrote your home number on  
18 it?

19 A I don't know.

02:27 20 Q Okay. Do you have any memory of whether you and  
21 George Lapchuk ever talked about the contact that  
22 Mrs. Milgaard had made with you and the concern  
23 she had about finding evidence that would  
24 exonerate her son of his wrongful conviction?

02:28 25 A I don't recall speaking to George Lapchuk about



1 her calling me. It's possible we did, but I don't  
2 recall it.

3 Q So you don't know if you and George ever talked  
4 about the quest that she was on and the assistance  
02:28 5 she was seeking from you?

6 A Um, I don't specifically recall that, no, I don't.

7 Q And I take it you wouldn't know whether -- or did  
8 George ever tell you that he had spoken with  
9 Mrs. Milgaard, if he had? I'm not suggesting that  
02:28 10 he had, but did you and George ever talk about  
11 that thing happening?

12 A I can't remember.

13 Q Okay. Now -- and after this conversation with  
14 Mrs. Milgaard in 1981, you think your next contact  
02:28 15 was with the lawyer in about 1992, if I've got  
16 that date correct?

17 A I believe so.

18 Q Okay. Do you recall whether you had any  
19 discussions with Craig Melnyk from the time of  
02:29 20 trial until when you spoke to Mrs. Milgaard in  
21 1981 about his involvement in the trial of David  
22 apart from that conversation in the car going back  
23 to Regina during the trial that you may or may not  
24 have actively taken part in?

02:29 25 A Not that I can recall.



1 Q How much contact did you have over the years with  
2 Craig after the trial?

3 A Like I had mentioned before, we were close friends  
4 for years up until my illness and then I believe  
02:29 5 during my worst days, I believe that Craig and  
6 George both left the province.

7 Q Okay. But you guys did keep in touch and you  
8 remained friends from January of 1970 through to  
9 your illness sometime in the '80s?

02:29 10 A Yeah. At one point I think they almost buried me,  
11 but we still kept in touch to a certain point,  
12 yeah.

13 Q Now, sir, during the course of those years, from  
14 1970, did you have an ongoing knowledge of what  
02:30 15 was happening with Mr. Milgaard in the sense that  
16 he had appealed his conviction, his appeal had  
17 been denied, he had appealed to the Supreme Court  
18 of Canada, that had been denied, that there were  
19 issues at one point of him having escaped from  
02:30 20 custody and things like that, did you sort of have  
21 a continuing running knowledge of what was  
22 happening with him in a broad sense?

23 A Yes, most definitely.

24 Q And did you and George and Craig ever talk about  
02:30 25 that, the new developments as you became aware of



1           them with respect to Mr. Milgaard?

2       A       Not that I recall.

3       Q       And I guess then it goes again that you have no  
4           memory of talking to them about their testimony at  
02:30 5           his trial except what may have happened in the car  
6           going to Regina in January, 1970?

7       A       Exactly.

8       Q       You've said a number of times today in your  
9           testimony that you've looked at documentation and  
02:30 10          you've looked at transcripts in respect of this  
11          case?

12      A       Uh-huh.

13      Q       Have you ever looked at the statement of Craig  
14          Melnik that he gave to the Saskatoon Police  
02:31 15          Service? Just bear with me for a moment until I  
16          find it.

17                   MR. HODSON: 009136.

18                   MS. KNOX: Craig Melnik?

19                   MR. HODSON: Yes.

20      BY MS. KNOX:

21      Q       On January 19th, 1970 a statement taken from him  
22          at 2 p.m. in Regina. The document number I have  
23          is 178 -- okay, we both have the same statement, I  
24          have a different document number. Looking at  
02:31 25          document 009136, you see at the top that that



1 statement appears to be taken in Regina, January  
2 19th at 2 p.m.?

3 A That's what it appears like, yes.

4 Q I know you looked at it here in the room today.

02:32 5 Have you previously reviewed that statement prior  
6 to today?

7 A I haven't seen it before.

8 Q I'm going to suggest to you that when that  
9 statement was taken from him, that was the day  
02:32 10 that Mr. Milgaard's trial was starting or had  
11 started here in Saskatoon. Would you accept that?

12 A I really don't know that.

13 Q Okay. Would you accept my word on it or would you  
14 like me to --

02:32 15 A I believe you, I believe you.

16 Q I could bring up a document, 210858, which is the  
17 first day of trial which shows the commencement of  
18 the trial date to be Monday, the 19th of January,  
19 1970.

02:32 20 A Okay.

21 Q And you'll agree that this statement is taken on  
22 the 19th of January, 1970?

23 A I agree.

24 Q So if I'm right and I'm not misleading you, then  
02:32 25 this statement was taken the day the trial



1 started, and if I could go back for a moment to  
2 that page, please. Now, sir, I'm going to suggest  
3 to you that in the course of that statement Craig  
4 Melnyk does not tell the Saskatoon City Police  
02:33 5 that you were in the hotel room that night. Would  
6 you accept that to be a true statement?

7 A Are you asking me if I can see that on the  
8 statement?

9 Q Would you like a moment to take a look at it?

02:33 10 A Yeah, I really -- I can't read it very well and it  
11 just looks like a bunch of broken writing to me,  
12 thank you, and I just can't seem to --

13 Q If I could scroll down a bit, a bit further down  
14 the statement, please. I'm going to start  
02:33 15 underlining a part here --

16 A Okay.

17 Q -- where Mr. Melnyk appears to be telling the  
18 police that Ute Frank was in the room.

19 A Yes.

02:33 20 Q There was another girl in the room by the name of  
21 Debbie Hall.

22 A Yes.

23 Q And of course David Milgaard was there, Hoppy.

24 A Right.

02:34 25 Q And he indicated through the course of the



1 statement that he and George had arrived there and  
2 when they arrived there, there were three people  
3 there and these were the only three people that he  
4 named.

02:34 5 A Okay.

6 Q Ute Frank, Debbie Hall and David Milgaard.

7 A Okay.

8 Q Okay. Now if I could bring up document number  
9 155218, please. Okay. Now if you look at the top  
02:34 10 of this statement you will see it's the statement  
11 of George Nick Lapchuk who said he was 18 at the  
12 time; do you see that in the top left-hand corner  
13 if you look at the screen?

14 A Yes, yes.

02:34 15 Q Okay. And I want you to again look at the date  
16 that this statement was taken, and it appears to  
17 be about an hour after Mr. Melnyk's, it says  
18 January 19th, 1970 at 3:00 p.m.?

19 A Uh-huh.

02:35 20 Q Have you, prior to today, looked at or have you  
21 ever read the full content of this statement?

22 A No, I haven't.

23 Q Okay. I'm going to suggest to you, if you look  
24 into the body of the statement, what Mr. Lapchuk  
02:35 25 says is that he was with Craig Melnyk, that they





1           went to a room at the Park Lane Motel, that there  
2           were David and two girls, Ute Frank and a Debbie  
3           Hall, in the room?

4           A       Yes.

02:35 5           Q       Okay. Now you can read the rest of the statement  
6           if you want, but I'm going to suggest to you that  
7           those were the only people identified by  
8           Mr. Lapchuk as being in the room, okay?

9           A       Yes.

02:35 10          Q       Now if I could go to the next statement that I  
11          want to refer you to, and that's the statement  
12          document number 277583, this is the statement, if  
13          you look in the top left-hand corner again, of Ute  
14          Frank, also age 18, taken same date about an hour,  
02:35 15          five minutes later, January 19th, 1970. Okay?

16          A       Yes.

17          Q       Have you ever seen this statement or have you read  
18          this statement?

19          A       No, I haven't.

02:36 20          Q       Okay. I'm -- can take you through the parts of  
21          it, but I'm going to suggest to you that, in this  
22          statement, Ute Frank didn't tell the police that  
23          you were in that hotel room that night?

24          A       Okay.

02:36 25          Q       Okay. Now, sir, if you will re --



1 A No, wait a minute. Okay, part-way down I see my  
2 name.

3 Q If we just have a moment, there's some indication  
4 that I might be mistaken about that.

02:36 5 Sorry, Mr. Wolch points out --  
6 and I'm just going to indicate -- that Ute Frank,  
7 if you could look where I'm underlining -- or not  
8 doing a very good job -- but later on she said  
9 that George Silljer, Bob Harris left, but Craig  
02:37 10 Melnyk, George Lapchuk came.

11 So it appears that what Ute  
12 Frank said to the police was that you were at the  
13 hotel room and you left, and after you and your  
14 friend George -- or Gary had left, that Craig and  
02:37 15 George came. So Ute Frank did place you in the  
16 hotel room but at a different time. Okay?

17 A Okay.

18 Q So, again, if I could par -- rephrase what I said  
19 with respect to Ute Frank, Ute Frank did not tell  
02:37 20 the police that you were in the room at the same  
21 time as Craig and George -- or Gary -- Craig and  
22 George, sorry.

23 A I would agree with that, yeah.

24 Q Okay, so the -- dealing with that, now this  
02:37 25 morning Mr. Hodson referred you to the transcript



1 of George Lapchuk's testimony at the preliminary  
2 inquiry; have you read the transcript of his  
3 testimony at the preliminary inquiry?

4 A During the course -- during the actual trial?

02:38 5 Q In preparation for this?

6 A Yes, I was sent a copy of his and Craig Melnyk's,  
7 yes.

8 Q Okay. I'm going to ask if we could bring his up  
9 first, document number starting 175604. Now,  
02:38 10 without going into all of the passages of the  
11 transcript, would you agree with me that what  
12 Craig testified to at the trial in -- when he went  
13 to trial sometime after January 19th when he gave  
14 the statement, was that he had contact with you  
02:38 15 that evening and you told him where David was, but  
16 that he and Craig went -- or sorry -- he and  
17 George went to the motel room, that you didn't go  
18 with them?

19 A I don't remember exactly.

02:38 20 COMMISSIONER MacCALLUM: Excuse me,  
21 Ms. Knox, when you referred him to the  
22 preliminary, what is on the screen is the trial?

23 MS. KNOX: Sorry, the trial, at the trial.

24 COMMISSIONER MacCALLUM: So your question  
02:39 25 to him was had he read the trial transcript?



1 BY MS. KNOX:

2 Q The trial transcript of January 1970?

3 A Yes, I have.

4 Q Okay. I wonder if I could have 002138 brought up,  
02:39 5 then. Sorry, I mean George, I'm sorry. I'm  
6 looking at my notes on Craig, if I could go back  
7 to Craig, please, and get brought up 002137. So  
8 you have read the transcript of Mr. Melnyk, which  
9 I now have on the screen, 002137?

02:39 10 A Yes.

11 Q And if I could go to 002138, please, of that  
12 transcript. I'm just going to ask to have brought  
13 out a passage, if I could go back a bit further,  
14 please, I'm sorry, if you could go back to the  
02:40 15 previous page for me. I haven't marked this very  
16 well, I apologize, 002137. Okay.

17 I'm going to refer you to the  
18 passage that I have scrolled beside here, and  
19 basically what this says is that, in response to a  
02:40 20 question of whether they had contact with, with  
21 anybody, they indicated or he indicated that they  
22 met, he met up with you, Bob Harris, and Gary  
23 Silljer. And then if we could go to the next  
24 page, please, after they discussed the spelling,  
02:40 25 and then he asks -- Mr. Caldwell asked you



1 questions about what you talked about and he --  
2 and without saying what he talked about you will  
3 agree that the passage reads that Mr. Melnyk said,  
4 as a result of that, he and George went somewhere,  
02:40 5 and where they went was the Park Lane Motel?

6 A Okay.

7 Q Okay. Now the next question, The Court  
8 interjected:

9 "Q Did you go with them?"

02:41 10 And you will see that Mr. Melnyk answered "no".

11 A Uh-huh.

12 Q And by the "them" I take The Court to be referring  
13 to yourself and Mr. Silljer?

14 A Yeah, I would agree.

02:41 15 Q So do you agree that that's what Mr. Melnyk told  
16 The Court.

17 Now if I could go to 002139,  
18 please, and you have read this previously and you  
19 know that there was a discussion or there was  
02:41 20 evidence given about you and -- sorry -- about  
21 Craig and George going into the room where David,  
22 Ute Frank, and Deborah Hall were?

23 A Uh-huh.

24 Q And now if I could go to 002141, please, and you  
02:41 25 will have read this as well?



1 A I believe so.

2 Q And I'm just going to highlight a passage here  
3 when there's discussion about the news, and there  
4 is a question from from Mr. Caldwell as to whether  
02:42 5 the same group of people are in, that he has  
6 already mentioned are in the room, and he  
7 identifies them being Craig, George, David  
8 Milgaard and the two girls, and Craig responded  
9 "yes". Mr. Caldwell asks:

02:42 10 "Q No one new?"

11 And the answer is "No.", so they indicate there  
12 was five people there watching the news including  
13 himself.

14 Now if I could go to page

02:42 15 002150, please, and this is the  
16 cross-examination, and I just point you to a  
17 passage here where there's some evidence or some  
18 questions of Mr. Melnyk about his evidence, and  
19 he repeats or reaffirms what he said in his  
02:42 20 direct examination that there were five people in  
21 the room, Ute Frank, Debbie Hall, himself, George  
22 Lapchuk, and, of course, Mr. Milgaard. Okay?

23 And if I could go to page

24 002151, please. Referring to the top of the

02:43 25 page, again Mr. Tallis questions the number of



1 people in the room, and there's confirmation that  
2 there is five.

3 So would you agree with me  
4 that, based on what you see in the transcript and  
02:43 5 what we now review in the transcript of Craig  
6 Melnyk given at, his evidence given at trial and  
7 on his statement, he doesn't identify for the  
8 police or for the Crown or court at any time that  
9 you were present in the hotel room when this  
02:43 10 reenactment allegedly took place?

11 A That's what I read, yes.

12 Q Okay.

13 A Yup.

14 Q Now if we could go through the George Lapchuk  
02:44 15 transcript, please, 175606 I believe is the  
16 number. And you have indicated that you have  
17 reviewed this transcript as well?

18 A I believe it's the same one, yes.

19 Q No, this is George Lapchuk.

02:44 20 A Yes, yes.

21 Q Okay. So it's the same one that you have already  
22 looked at?

23 A Right.

24 Q Now I'm not going to go through this one in  
02:44 25 length, but I want to go to 175608, and if we



1           could bring up the passage, here, this is the  
2           direct examination of Mr. Lapchuk, and you will  
3           agree with me he mentions the same five people  
4           still in the room, so during his testimony at  
02:44 5           trial he doesn't appear to be adding you to the  
6           group that was present?

7           A        Okay.

8           Q        Okay. And if I could go to 175614, please, and  
9           this is the cross-examination, and again if I  
02:45 10           could bring up the portion where I have  
11           highlighted. And this is Mr. Tallis,  
12           Mr. Milgaard's lawyer, asking Mr. Lapchuk  
13           questions at this point. And, again, he questions  
14           the presence of five people in the room and you  
02:45 15           will agree with me that Mr. Lapchuk confirms that  
16           there were five people in the room?

17          A        Yes.

18          Q        Okay. So, sir, based on what's contained in the  
19           statement of George Lapchuk and the statement of  
02:45 20           Craig Melnyk of January 19th, 1970, and in the  
21           testimony given by both of them in the days  
22           following at the trial of David Milgaard, did you  
23           see in your review anywhere that the police, the  
24           Crown, or the court could have known that you were  
02:46 25           asserting that you, too, were in the motel room





1           when this alleged reenactment took place?

2       A       Not in what I have seen here, no.

3       Q       Okay. Now in your discussion with Mrs. Milgaard  
4           on the phone in 1981, and in your answer to

02:46 5           questions from Mr. Hodson this morning, you

6           indicated you couldn't understand why the police  
7           didn't question you about the motel reenactment?

8       A       Yeah, I didn't -- couldn't understand it, that's  
9           correct.

02:46 10       Q       Okay. If you accept what I have just demonstrated  
11           --

12       A       Yes.

13       Q       -- through the use of statements and the testimony  
14           given at trial that nobody told the police why you  
02:46 15           were there?

16       A       Right.

17       Q       Would that explain why they didn't get in touch  
18           with you?

19       A       That would make sense, yeah.

02:46 20       Q       Okay. And I gather that, up until now, you hadn't  
21           made that connection except with my brilliant run  
22           through this material?

23       A       Well, the first time I saw the statements was  
24           actually Monday morning, so yes.

02:46 25       Q       But basically what they suggest, whether I'm right



1 or wrong -- and I have been known to be wrong as  
2 you have seen already this afternoon -- is that on  
3 January 19th, when the statements were given, and  
4 subsequently -- because the trial started that day  
02:47 5 and it was over by January 30th-31st, nobody ever  
6 told anybody that you were there?

7 A I see that, yeah.

8 Q Okay. I'm sorry, Mr. Wolch is interjecting to say  
9 Ute Frank, and I should say except Ute Frank said  
02:47 10 that you were there earlier in the night according  
11 to her statement?

12 A Well, and there was also mention in one of the  
13 statements that they had met me there, but they  
14 went inside and I didn't.

02:47 15 Q Okay. But with -- okay, let's deal with that,  
16 because I'm trying really hard to be fair here.

17 A Yeah.

18 Q Mr. Lapchuk, Mr. Melnyk, said that you didn't --  
19 you weren't with them at any time, they specified  
02:47 20 very clearly, in fact, in their trial testimony  
21 that there were only five people in the room that  
22 night?

23 A That's correct.

24 Q Ute Frank, in her statement on January 19th,  
02:47 25 mentioned that you and your friend Gary were there



1 earlier in the night but you left?

2 A But there was also a statement, and I'm not  
3 exactly sure which one it was, that I had told  
4 them, or something, there was a party at the Park  
02:48 5 Lane Motel.

6 Q Okay.

7 A And we had actually met them there, and they went  
8 inside, and apparently we left.

9 Q Okay.

02:48 10 A Because they don't recall me going in.

11 Q Okay, and you may be referring to the early part  
12 of Mr., I think Mr. Melnyk's statements, where he  
13 said it was you who told them where David Milgaard  
14 was?

02:48 15 A That could be.

16 Q Okay.

17 A That could be.

18 Q But you will agree that even there, while he said  
19 that he got the information from you, there was no  
02:48 20 evidence, no information to the police that you  
21 were in the hotel room when the alleged  
22 reenactment took place?

23 A I think that's true, yes.

24 Q Okay, and if I'm misstating that, somebody will  
02:48 25 stand up and correct me.



1 A Yeah.

2 Q Now, Mr. Harris, you also said this morning that  
3 you thought that the information that came from  
4 Mr. Melnyk and Mr. Lapchuk may have played a part  
02:48 5 in David being charged?

6 A It's a possibility, yes.

7 Q Okay.

8 A Yeah.

9 Q I'm going to ask to call up document 000783, and  
02:49 10 you probably haven't seen this one before, I'll  
11 explain to you what it is. This is a Report of  
12 Completed Case that was done by the prosecutor at  
13 the end of Mr. Milgaard's trial, and I'm going to  
14 suggest to you -- if we could go to 00784, and I'm  
02:49 15 going to ask if I can bring out this part here,  
16 and this is a terrible copy -- that the prosecutor  
17 who handled the file, my client, in fact,  
18 Mr. Caldwell, indicated in his report post-trial  
19 that there were two new witnesses called by the  
02:49 20 Crown who were not called by the preliminary  
21 inquiry, being Craig Alfred Melnyk and George Nick  
22 Lapchuk, both of Regina. Now I can't even make it  
23 out on the screen, I'm going to try reading from  
24 my copy:

02:50 25 "Ronald Wilson advised members of the



1                   Saskatoon Police Department on January 18th

2                   ...,"

3                   which is, and this is written in 1970, this is  
4                   the day before the trial, the Sunday before

02:50 5                  Monday the 19th when they were driving him to

6                   Saskatoon for the trial, sometime on the 19th,

7                   that --

8                   MR. HODSON: Excuse me, there is a clearer  
9                   copy, Ms. Knox, that they can put up for you.

02:50 10                 MS. KNOX: Oh, thank you, that would be  
11                  helpful. Ah, it's a wonderful copy. If we could  
12                  bring up this part I won't even have to read it  
13                  out:

14                  "Ronald Wilson advised members of the  
02:51 15                 Saskatoon Police Department, on January  
16                  18th, when this were driving him to  
17                  Saskatoon for the trial commencing on the  
18                  19th, that the previous evening in Regina,  
19                  which would be January 17th, he had learned  
02:51 20                 as a result of telling either Melnyk or  
21                  Lapchuk he was going to Saskatoon to testify  
22                  in the Milgaard trial, of an incident in  
23                  which Milgaard had, in effect, re-enacted  
24                  the killing for the benefit of Melnyk,  
02:51 25                 Lapchuk and two girls who had been with



1 Milgaard in a motel in Regina in May of  
2 1969. The police advised me of this the  
3 same day and I had them return to Regina on  
4 the 19th and locate and interview Lapchuk,  
02:51 5 Melnyk and a girl named Ute Frank who was  
6 also present in the motel room."

7 Now, Mr. Harris, we know through looking at their  
8 statements that in fact Mr. Melnyk, Mr. Lapchuk,  
9 and Ms. Frank were interviewed the next day,  
02:52 10 referred to by the prosecutor as being January  
11 19th, and would you agree with me that if this is  
12 correct, although it's a minor point, neither  
13 Mr. Melnyk nor Mr. Lapchuk appear to have had any  
14 contact with the police prior to the starting of  
02:52 15 the trial, or certainly didn't give them this  
16 information prior to January 19th, as the police  
17 didn't learn about it until January 18th?

18 A That's the way it would appear, yes.

19 Q I'm now going to ask to have brought up 000793.

02:52 20 Now this, again, isn't a document that I expect  
21 you have seen, but it's a letter I can indicate to  
22 you that the Crown prosecutor who wrote that  
23 report that we were just looking at a moment ago,  
24 the report on completed case, to the lawyer for  
02:53 25 Mr. Milgaard on the 21st of January, 1970, and I'm



1 going to refer you to the first two paragraphs, if  
2 I can have those brought out. And in it he is  
3 advising, he is confirming with Mr. Tallis that he  
4 had contacted him on Sunday, January 18th, that he  
02:53 5 had -- to tell him he had learned, that day, of  
6 the alleged motel room incident, and confirming as  
7 well, as he did in his completed case report some  
8 weeks later, that he asked Detective Karst to go  
9 to Regina and interview the witnesses that next  
02:53 10 day.

11 So, again, would you agree with  
12 me that if, as with the case report, this letter  
13 is correct, as it was written at the time, it  
14 would appear the police had very little lead time  
02:53 15 in learning of the fact that Mr. Melnyk,  
16 Ms. Frank, and Mr. Lapchuk might have evidence  
17 that was relevant for the trial, and certainly  
18 there's nothing in the record to indicate they had  
19 knowledge of your presence at the reenactment,  
02:54 20 actual presence at the reenactment, or reason that  
21 they would have made contact with you?

22 A Well, they wouldn't have known that by this, no.

23 Q Okay. And you didn't let anybody know about it  
24 when you learned that Mr. Lapchuk and Mr. Melnyk  
02:54 25 had participated or were participating in the



1 trial?

2 A No.

3 Q Okay. And you didn't let anybody know about it in  
4 the years after except when you talked to  
02:54 5 Mrs. Milgaard about it and in 1992 when you talked  
6 to Mr. Asper, I believe, or Mr. Wolch about it?

7 A No.

8 Q Okay. In 1992, when you made the decision to go  
9 or to contact Mr. Asper -- and I'm, you know, I  
02:54 10 applaud you for doing that, I'm not passing  
11 judgement that's negative on that -- can you  
12 remember what, if anything, was happening in the  
13 media around that time with respect to Mr.  
14 Milgaard; whether any attention was being drawn to  
02:54 15 the fact that a review of it was being done of his  
16 case or that his mom was still active around  
17 getting a review done?

18 A I can't distinctly remember what was happening at  
19 that time, if there was anything happening, even.  
02:55 20 I have always been terrible with dates and putting  
21 a date with a certain time in my life, my wife  
22 will attend (sic) to that, because she is my diary  
23 and she remembers dates where I just remember  
24 things that have happened.

02:55 25 Q Okay. Now -- and again, I mean this with no





1           disrespect -- at no point in time did you, of your  
2           own accord, go to any person in authority to tell  
3           them that you were in the motel room that night  
4           and that you believed that the evidence that  
02:55 5           Mr. Lapchuk and Mr. Melnyk had given at Mr.  
6           Milgaard's trial could be wrong, or was wrong,  
7           based on your observation of the same incident?

8           A           I --

9           Q           By a person in authority I mean police or Crown  
02:56 10           agents or anyone?

11          A           No, no, I never did, and neither did I think their  
12           statements could have been wrong, because I didn't  
13           know what their statements were.

14          Q           Okay. At least as far as you remember now?

02:56 15          A           That's right.

16          Q           Thank you. I have nothing further.

17                    COMMISSIONER MacCALLUM: Thank you.

18           Ms. Krogan?

19                    MS. KROGAN: No, thank you.

02:56 20                   COMMISSIONER MacCALLUM: Mr. Watson?

21                   MR. WATSON: No questions.

22                   COMMISSIONER MacCALLUM: Any redirect?

23                   MR. HODSON: No redirect.

24                   MR. LOCKYER: Could we have a minute to  
02:56 25           talk to the Commission Counsel before we --



1 COMMISSIONER MacCALLUM: Yes, you may. Do  
2 you want to adjourn?

3 MR. LOCKYER: Yes.

4 (*Adjourned at 2:56 p.m.*)

03:11 5 (*Reconvened at 3:12 p.m.*)

6 MR. HODSON: Thank you, Mr. Commissioner.

7 Mr. Lockyer, on behalf of Mrs. Milgaard, has  
8 brought a document to my attention which I would  
9 like to ask Mr. Harris on, I thank Mr. Lockyer  
03:13 10 for bringing this document to my attention.

11 **BY MR. HODSON:**

12 **Q** 106676, please, and this is a police investigation  
13 report dated May 29th, 1969, and it's Detective  
14 Sergeant Mackie, we'll see on the last page, and  
03:13 15 if you could just call out that paragraph. This  
16 is May 22nd, 1969, and Mr. Harris, I'm just going  
17 to read a portion here to you, and this is shortly  
18 before Mr. Milgaard is charged:

19 "On May 22nd, Barbara Berard, 817 Victoria  
03:13 20 Avenue, was contacted and interviewed in  
21 regards to her knowledge of this murder from  
22 what she might have heard from Nichole  
23 Johns. Present at this interview was  
24 Constable Ken Walters, Regina City Police  
03:13 25 and myself. Berard in her interview



1 indicated that Nichol John was disturbed or  
2 upset about something that she had started  
3 to make statements in regards to what had  
4 happened in Saskatoon, and these statements  
03:13 5 were never completed. In regards to David  
6 Milgaard, Barbara Berard stated that  
7 Milgaard associated very closely with Bob  
8 Harris and George Lapchuk."

9 Now let me pause there, Mr. Harris. Do you know  
03:14 10 or did you know Barbara Berard?

11 A Very well, yes.

12 Q And was she a friend of yours?

13 A Yes.

14 Q And David Milgaard's, to your knowledge?

03:14 15 A Not to my knowledge.

16 Q Could you then go to the next page of this report  
17 and call out that section, and I believe the  
18 report -- this is talking on I believe it's May  
19 26th, or thereabouts, so this is Mackie's report:

03:14 20 "I called at the Regina City Police station  
21 where Constable Ken Walters advised me that  
22 he had attempted to locate Bob Harris and  
23 George Lapchuk. Constable Walters advised  
24 that both of these youths had left Regina,  
03:14 25 and gone to Calgary for marijuana and



1                   neither had at this time returned to Regina.  
2                   Both these youths will be interviewed by  
3                   Regina City Police on their return in regard  
4                   to David Milgaard."

03:14 5                   Did you know Constable Ken Walters?

6           A           Yes.

7           Q           Do you recall whether he interviewed you in  
8                   connection with David Milgaard in 1969 or 1970?

9           A           I remember being interviewed by him numerous  
03:15 10                   times, but not regarding Milgaard, no.

11          Q           And the other matters would be relating to issues  
12                   that you had with the police as opposed to Mr.  
13                   Milgaard?

14          A           Yes, yes.

03:15 15          Q           And do you recall any interviews with Constable  
16                   Walters with respect to the motel room incident?

17          A           Never.

18          Q           You say "never"?

19          A           Never.

03:15 20          Q           Is it possible you did and you don't recall, or  
21                   are you saying it didn't happen?

22          A           I -- if it did happen, I'm not, it's not in my  
23                   memory.

24          Q           Okay. Thank you, Mr. Harris.

03:15 25   Mr. Commissioner, I'm not sure,



1           this is a matter I did not raise in my direct, and  
2           whether any counsel may wish to have questions  
3           arising out of this document?

4           COMMISSIONER MacCALLUM: In the usual  
03:15 5           order, do you have any questions?

6           MR. WOLCH: No, sir.

7           MR. BECKMAN: No, My Lord.

8           MR. LOCKYER: No, sir.

9           MR. FOX: No, Mr. Commissioner.

03:15 10          MR. HODSON: Those are all my questions,  
11          thank you very much. Thank you, Mr. Harris.

12          COMMISSIONER MacCALLUM: And, Mr. Harris,  
13          thank you for coming, you are excused.

14          A          Thank you.

03:16 15          MR. HODSON: Thank you. The next witness  
16          is Barb Cadrain.

17          BARBARA ANN CADRAIN, sworn:

18          BY MR. HODSON:

19          Q          Good afternoon, Ms. Cadrain, thank you for  
03:16 20          testifying before this Commission.

21                       I understand you currently  
22          reside in Saskatoon?

23          A          Yes.

24          Q          And that you were, at one time, married to Albert  
03:16 25          Cadrain; is that correct?



1 A Yup, yes, it is.

2 Q Pardon me?

3 A Yes it is.

4 Q And when were you married to Albert?

03:16 5 A Umm, August 10th, '74.

6 Q And how old were you at the time; do you recall?

7 A 18.

8 Q 18. And how long were you married to Albert  
9 Cadrain?

03:17 10 A Umm, 14 years.

11 Q So until 1988; is that right?

12 A Yeah.

13 Q And then were you divorced at that time?

14 A Umm, no, not immediately, not until '90s. We were  
03:17 15 never divorced.

16 Q And so in 1988 you would have been separated from  
17 him; is that correct?

18 A Yeah, I started divorce proceedings but they  
19 couldn't find him, so I went -- it dragged on  
03:17 20 until the early '90s, and then once they found him  
21 then we started divorce proceedings, and then he  
22 -- when our divorce was supposed to be final in  
23 May of 1995, he died before it got --

24 Q Okay. When and how did you first meet Albert?

03:17 25 A I was living in a house with nine girls and he had



1 a girlfriend there, or, well, they were  
2 acquaintances I guess, and he just came up to me  
3 and just said "I like you", and just kind of -- he  
4 was very aggressive and said "you know," just sat  
03:18 5 down and we started talking, and that's about how  
6 I met him.

7 Q And do you remember when this was, how long prior  
8 to your marriage it was?

9 A In '73 in late, I don't know, probably fall I  
03:18 10 guess.

11 Q Now were you aware that Albert had been in the  
12 hospital in 1973?

13 A Not right at that moment, no.

14 Q Did you --

03:18 15 A No, we --

16 Q I'm sorry, go ahead?

17 A When we started talking he mentioned it about --  
18 after an incident that had happened, umm, we were  
19 just talking and, umm -- I was at work, I came  
03:18 20 home and one of the girls at the house said that  
21 Albert was on the phone and wanted to talk to me,  
22 and this was probably about two, three weeks after  
23 I had known him. So I talked to him and he was  
24 talking gibberish and saying verses from the Bible  
03:19 25 and just -- I don't know, it was really scary for



1 me, and I just said, I said "what are you doing"  
2 and he is like -- I said "you know, don't do  
3 that", and he is like "no, you have to listen",  
4 you know, and it was, like, scaring me so I told  
03:19 5 him, "you know", I said "I would prefer if I  
6 didn't see you any more, I don't know what's wrong  
7 but I don't, I don't really want anything to do  
8 with you" because it was just, "you are scaring  
9 me". So that was it, I never, I never heard from  
03:19 10 him, and he was -- the first I had met him he was  
11 like unshaven, long hair, really kind of scruffy  
12 looking.

13 Q Yes?

14 A So I didn't really, you know, I didn't want to  
03:19 15 have nothing to do with him. And after that  
16 incident I didn't talk to him for probably about  
17 three weeks to a month, and out of the blue he  
18 showed up at my house, and he was, like, his hair  
19 was cut, he had shaven, and his whole attitude was  
03:20 20 like totally different, and I am like, "oh", well  
21 I asked him about that incident and he said "well,  
22 you know, I had some problems in the past", and  
23 that's when he started talking, telling me about  
24 being in the University Hospital and -- but he did  
03:20 25 not tell me that he had schizophrenia, I never





1           ever knew until today, until this week that he had  
2           that.

3       Q       And did you hear that in these proceedings then?

4       A       I heard it on the news, yeah.

03:20 5       Q       So Albert never told you, he told you he was in  
6           the hospital, but he didn't tell you about the  
7           diagnosis or his --

8       A       No. I had no way of knowing. Like now, looking  
9           back at his behaviour and stuff I know it makes  
03:20 10       sense now, but back then he never said, he just  
11       said he had a nervous breakdown, and they had  
12       given him shock treatments, and I said "why", and  
13       then he mentioned the Milgaard case and what had  
14       went on.

03:21 15       Q       Um, just on your observations of Albert then, I  
16       take it then after he came and saw you this time,  
17       did his demeanour change?

18       A       Very much. He was a totally different person.  
19       Like, day and night from the first time, from that  
03:21 20       conversation we had had on the phone, he was,  
21       like, happy and just different.

22       Q       Did you observe anything unusual then -- I'm going  
23       to ask you a fairly broad question -- from 1974 or  
24       1973 until 1988 when you separated, did you notice  
03:21 25       anything unusual about Albert's mental condition?



1           A           Oh, yeah, oh, yeah. We went through a lot of  
2                       problems, like, from the beginning right to the  
3                       end. Like, we were always fighting, he was always  
4                       lying, telling stories and just stuff that was off  
03:21 5                       the wall and I would tell him, like, "why do you  
6                       talk like that, stop, you know, stop talking like  
7                       that," and he would go, "well, you don't  
8                       understand," you know, and he would get upset with  
9                       me, and so I would drop it and sometimes he would  
03:22 10                      just come up with stuff, like, supposedly that we  
11                      had done together and I would look at him and I  
12                      would go "what are you talking about, we never did  
13                      that," and he's, like, "what, you don't remember?"  
14                      And I go, "Albert, why do you say these things,"  
03:22 15                      we don't -- you're talking -- he was just talking  
16                      silly, like.

17           Q           Did you ever tell him to get some medical help or  
18                       have that discussion with him?

19           A           Actually, no. Like, a few times I called him  
03:22 20                      crazy, like, and I had no way of knowing, I said,  
21                      you know, you sound like a crazy person, and then  
22                      he really got upset with me, "You think I'm  
23                      crazy?"

24           Q           When did Albert first -- did Albert talk to you  
03:22 25                      about his involvement with the David Milgaard



1 matter?

2 A Just various pieces, like, different times he  
3 mentioned some different things that happened and  
4 stuff. Like, after a while, after a few years I  
03:23 5 just stopped listening because they were just,  
6 they sounded, like, so off the wall that -- they  
7 were really unbelievable, you know, to me, so I  
8 just --

9 Q And do you recall then when he first told you  
03:23 10 about his involvement what he told you?

11 A Yeah. He said that Milgaard came to his door that  
12 morning, everybody was sleeping except for him and  
13 he said one of the kids answered the door and he  
14 said David Milgaard was at the door when he went  
03:23 15 to the door and he had blood all over him and he  
16 said to Milgaard "why have you got blood on you,  
17 what happened to you," and he said to Albert,  
18 "well, I was with a virgin and she was on the rag  
19 and she bled like a stuck pig, you know, a fucking  
03:23 20 stuck pig."

21 Q And that's what Albert related to you?

22 A That's what he related to me.

23 Q And did he talk to you at all about Mr. Milgaard  
24 having a gun on the trip?

03:24 25 A No.



1 Q About a compact case?

2 A No.

3 Q About an aerial on the car being snapped off?

4 A No. He mentioned a radio, all he mentioned was  
03:24 5 that they were on the highway and he wanted to  
6 listen to the radio and Milgaard said "no, you  
7 can't turn the radio on," and Albert said "why, I  
8 want to turn the radio on," and he says he  
9 wouldn't let him.

03:24 10 Q You had mentioned that he talked to you about this  
11 matter for a while and then you stopped listening.  
12 Did his story change over time as to what he was  
13 telling you about --

14 A Not really, just --

03:24 15 Q Can you tell me about, and again during the time  
16 that you were with Albert, whether he used drugs  
17 to your knowledge?

18 A Yes, he did.

19 Q Marijuana?

03:24 20 A Oh, yeah.

21 Q And how frequent was he using it?

22 A I would say the first five years of our marriage,  
23 to my knowledge anyway, not that much. After that  
24 it was chronic, it was every day all the time. We  
03:25 25 used to fight over it because I didn't like drugs



1 and I didn't want them around the kids and --  
2 well, it was hopeless.

3 Q Did Albert ever talk to you about the reward, the  
4 \$2,000 reward?

03:25 5 A Yes, he did, yeah, when we first -- well, when we  
6 were getting married he said his dad, he had given  
7 his dad \$2,000 from the reward he had gotten and  
8 he said when we got married, well, his dad would  
9 just, he would ask his dad for the money and his  
03:25 10 dad gave it to him.

11 Q Did Albert ever express a fear to you of David  
12 Milgaard?

13 A Yeah, all the time. He said -- well, it started  
14 when he said, like, in the courthouse, when they  
03:25 15 were in court, that Milgaard was looking at him or  
16 something and saying, you know, I'm going to kill  
17 you, like, with his eyes or something, like, a  
18 vision. Like, he said the look in his eyes -- if  
19 you could see the look in his eyes, he said, it  
03:26 20 was like he was going to kill me, you know, and  
21 various times through our marriage he would say --  
22 he never wanted us to pick up the phone, he was  
23 always scared Milgaard was around or coming to get  
24 us, like, me and then the two girls, and it was  
03:26 25 just endless. Like, he just -- he was always



1           paranoid and somebody would come to the door and  
2           he didn't want us to answer the door. He just --  
3           "he's going to kill us, he's going to kill us."

4           Q       Now, did he ever express to you his concern or  
03:26 5           fear about you being contacted by David Milgaard  
6           or the Milgaards?

7           A       No, he was more to -- well, I guess, yeah, both me  
8           and the kids.

9           Q       Now, I understand, Ms. Cadrain, that in or about  
03:26 10          1981 you were sexually assaulted in your home; is  
11          that correct?

12          A       Yeah. It wasn't in '81, I think it was a little  
13          earlier than that.

14          Q       And at that time you were married to Albert?

03:27 15          A       Yeah.

16          Q       And was he away at the time?

17          A       Yes. He was working up north.

18          Q       And did the police come to your house?

19          A       Yeah.

03:27 20          Q       And do you recall any discussions with the police  
21          about the matter?

22          A       Not really. I was just really scared, like,  
23          because my daughter was there at the time.

24          Q       Did the police ask you at all about David  
03:27 25          Milgaard, do you recall them --



1       A       Yeah, when they knew my name was Cadrain they  
2       asked me and they said something about, "Well, do  
3       you think it was him?" I don't even know him  
4       and -- I didn't know who did it anyway, I don't --  
03:27 5       they just --

6       Q       And so the assailant was never caught?

7       A       No.

8       Q       Now, I think Albert at some point left Saskatoon,  
9       did he, for British Columbia?

03:27 10      A       Yeah, he just -- without our knowledge he just up  
11      and left. He took everything out of the bank  
12      and -- I didn't even know he had gone. I came  
13      home from work and he acted normal that morning,  
14      he said there was a roast in the oven, check it at  
03:28 15      noon and I said okay, and then he didn't come  
16      home, so I phoned him at work. They said, no,  
17      we've been phoning you all morning to see -- he  
18      was scheduled to work and he didn't show up.

19      Q       And did you ever talk to Albert and find out why  
03:28 20      he left?

21      A       Yeah. After about three months he contacted us.  
22      I asked him -- he said, well, he was trying to  
23      protect us. I said "protect us from what" you  
24      know. He says Milgaard, and then he started  
03:28 25      rambling on about that again. I says "so you just



1 up and leave us and leave us penniless and that's  
2 protecting us?" Like, he was just -- and he was  
3 talking about a letter that he had gotten that was  
4 threatening and --

03:28 5 Q A letter from whom?

6 A From Milgaard, he said he received a letter from  
7 David Milgaard, which I never heard before, and he  
8 was just ranting and raving about the threats he  
9 was saying in the letter and I said "what are you  
03:29 10 talking about," and he's, like, "yeah, you know,  
11 he's out there, he's going to kill us," and I'm  
12 like, you know, I just -- Albert, like, you  
13 know --

14 Q Did you ever reach your own conclusion as to why  
03:29 15 Albert left?

16 A Not really. I think he was just really screwed  
17 up. He was always -- his moods were, like,  
18 terrible, he was, like, hard to get along with, he  
19 was always -- one minute he would be really happy,  
03:29 20 the next minute he would be really sad, then mad.  
21 It was just really, really hard to live like that.

22 Q Now, do you recall being contacted by Joyce  
23 Milgaard or others on behalf of David Milgaard?

24 A Yeah, I do.

03:29 25 Q And what do you recall?





1 A Mrs. Milgaard came to my home, wanted to talk to  
2 me, wanted to -- I don't know, I guess find out  
3 where Albert was at the time. I didn't know where  
4 he was. I knew he was in Vancouver at that time,  
03:30 5 but I had no -- that's all I knew.

6 Q Was this after Albert and you had separated?

7 A Yeah.

8 Q And do you recall what -- did you tell that to  
9 Mrs. Milgaard?

03:30 10 A Yeah, I told her if she wanted to talk to him, she  
11 could find him. I didn't want any part of it no  
12 more, I didn't think I could contribute anything,  
13 I just wanted to forget that and move on.

14 Q Did you ever take any steps to hide Albert from  
03:30 15 anybody?

16 A No.

17 Q What about the media, did the media contact you  
18 about the David Milgaard matter do you recall?

19 A No.

03:30 20 Q Pardon me?

21 A No, they didn't.

22 Q Did you recall a discussion with Albert when he  
23 was out in British Columbia after he had separated  
24 with you about David Milgaard being nearby?

03:30 25 A Yeah. He said his girlfriend, Milgaard and his



1 girlfriend, something to that knowledge, were  
2 living next door to him and he was, like, freaked  
3 out and he said, well, if he bothers me, something  
4 about buying a gun and shooting him or -- I don't  
03:31 5 know. I said don't be so stupid, you are talking  
6 stupid, and he's like -- he was just freaked out  
7 and it was just like --

8 Q Did Albert ever express to you any doubt about  
9 David Milgaard's guilt of the murder of Gail  
03:31 10 Miller?

11 A Yeah, sometimes he -- well, on one occasion he  
12 said in his heart he didn't think he did it and  
13 another time he said, well, he had done his time,  
14 so it's about time he got out.

03:31 15 Q The first time when he, and I think you said in  
16 his heart he didn't think he had done it, is that  
17 -- those are your words?

18 A Yeah.

19 Q Do you recall when that was or where that was that  
03:31 20 he said that?

21 A That was the last time we had seen him when he  
22 came down for our eldest daughter's grad.

23 Q And do you know what year that would have been?

24 A '94. The year before he died.

03:31 25 Q And would that have been the last discussion you



1           had with Albert before he died about David  
2           Milgaard?

3       A       Yeah.

4       Q       Do you recall, Ms. Cadrain, being interviewed by  
03:32 5           the RCMP in 1993?

6       A       Yeah.

7       Q       A Corporal Templeton and a Constable Dyck. Do  
8           those names ring a bell?

9       A       Yeah.

03:32 10      Q       I wonder if we could call up document 022048. If  
11           I could go to page 022050 and, Ms. Cadrain, this  
12           is just a tape recording I believe of the  
13           interview with the RCMP and I just want to ask you  
14           a few questions. I'll just read a portion of this  
03:32 15           to you. Constable Dyck says:

16                    "J. DYCK Did he say why he wanted him to  
17                    kill Nichol John and Ron Wilson?"

18           And the he is David Milgaard and the him is  
19           Albert Cadrain?

03:33 20      A       Uh-huh.

21      Q       And you say:

22                    "B. CADRAIN No, he didn't. He just said,  
23                    uh... he didn't really go into that... he  
24                    just said... that Milgaard had wanted  
03:33 25           them... those two killed. And he couldn't



1 figure why and he didn't know and he said he  
2 was just freaking out. He didn't know what  
3 he was talking and he thought maybe he was  
4 just saying that, whatever, right. And then  
03:33 5 when he found out all about what was going  
6 on, what had happened that morning, you know  
7 that's, you know... well he heard it on the  
8 radio uh... apparently in the city and then  
9 he phoned Saskatoon, here, whatever and they  
03:33 10 picked up Milgaard and him and went back to  
11 Saskatoon."

12 And I'm just wondering if that can refresh your  
13 memory about discussions with Albert does it?

14 A Yeah. Yeah, he was talking, like, really choppy  
03:33 15 and freaked out. Like, Nichol John -- or Milgaard  
16 wanted these two killed and he didn't know why.

17 Q So, I'm sorry, Albert was telling you this in  
18 connection with his trip in February of 1969?

19 A Yeah, yeah, and he didn't -- I asked, "well, why  
03:34 20 would they want to do that," and he didn't know.

21 Q And then it goes on to say here that he heard it  
22 on the radio in the city and then he phoned  
23 Saskatoon and they picked up Milgaard. Do you  
24 know what that refers to?

03:34 25 A Well, see, now that part of the story he's told me



1 a couple of times and it's different, that part.  
2 He made -- the first time he told me way back in  
3 the '70s was that, I think it was Edmonton or  
4 Calgary that they were at, and he made it sound  
03:34 5 like that's where he heard it.

6 Q Heard about the murder?

7 A Yeah.

8 Q Yes?

9 A And then another time he made it sound like he was  
03:34 10 in town here when he heard about it on the road,  
11 like, on the highway. I'm not sure.

12 Q So the first time in the '70s Albert told you that  
13 he heard about the murder in either Edmonton or  
14 Calgary?

03:34 15 A Yeah, when they were on their trip.

16 Q And what did he tell you he did with that  
17 information?

18 A He said he called the police and he made it sound  
19 like they picked him up in Edmonton.

03:34 20 Q Picked up David Milgaard?

21 A No, picked -- yeah, came and got them there by the  
22 sounds of it or they drove back here. I wasn't  
23 really clear on that.

24 Q Did Albert ever talk to you about how he was  
03:35 25 treated by the Saskatoon City Police when he was



1 involved in the David Milgaard matter?

2 A Yeah, he said he was treated badly, he said he was  
3 interrogated, he was scared, there was hot lights  
4 or something, he felt intimidated that they were  
03:35 5 going to blame him because it sounded -- he said  
6 it sounded to him like he was the one they were  
7 going to pick at and he said he was very scared.

8 Q And he mentioned hot lights?

9 A Yeah.

03:35 10 Q Did he explain that at all?

11 A No. He just said he was in a room with hot lights  
12 and they were interrogating him and he was scared,  
13 he felt intimidated and he felt that they were  
14 going to blame him.

03:35 15 Q Okay. To page 022055, and, Ms. Cadrain, here's  
16 where you are asked, there's a long answer, but  
17 you are talking about the police investigation of  
18 the rape and it says here, and I'll read it for  
19 you:

03:36 20 "...and then the time, like I was raped at  
21 one point and that was the time that  
22 Milgaard had escaped from prison uh...  
23 because when the police came to my apartment  
24 they took pictures of me and stuff like this  
03:36 25 and they... they thought it was Milgaard ."



1 And if I can pause there. Does that assist your  
2 recollection about what you would have discussed  
3 with the police at the time of your assault?

4 A Yeah.

03:36 5 Q And is that -- what you say there, is that  
6 accurate?

7 A Yeah, it must have been.

8 Q Can you just go to the next page, please, and just  
9 call out, it says here:

03:37 10 "The police came with search lights and  
11 stuff and they didn't find anything and, you  
12 know, the police came and they took pictures  
13 and stuff and then they told me, after, the  
14 next day that Milgaard had escaped, right  
03:37 15 and thought maybe it was him. But then he  
16 was found in Toronto."

17 So is that something the police would have told  
18 you at the time?

19 A I don't know if they told me that or -- see, I  
03:37 20 talked to Albert in between there, but I think I  
21 heard that on the news too, is that he had been  
22 caught or -- I didn't even know he had escaped to  
23 tell you the truth. I don't remember, like,  
24 exactly how I got that information.

03:37 25 Q Okay. Do you recall what the city police -- and I



1           presume the rape was in Saskatoon was it?

2       A       Yeah, it was.

3       Q       And was it the Saskatoon City Police that you were  
4           dealing with?

03:37 5       A       Yeah.

6       Q       And do you recall your discussions with any police  
7           officer at the time of your assault about David  
8           Milgaard?

9       A       Not really.

03:37 10      Q       If you can go to page 022057 and I'll just read  
11           this and see if this refreshes your memory.

12           Officer Templeton says:

13                "J. TEMPLETON Did they police indicate why  
14               they thought Mr. Milgaard would have been  
03:38 15               responsible for that assault on you?

16               B. CADRAIN No. They didn't. Like I knew  
17               Albert was involved with uh... with all this  
18               stuff, you know going and that, you know,  
19               but uh... no they didn't. Like they just  
03:38 20               said that, well, they knew that Albert was  
21               associated, you know, with um... with  
22               putting Milgaard away so they thought maybe,  
23               you know, he was going to harm his family."

24           Does that assist in your recollection about --

03:38 25      A       Yeah, yeah.





1 Q Is that what the police would have told you then?

2 A I don't remember that part.

3 Q Okay.

4 A If that's what -- because in between there, like,  
03:38 5 I was so distraught of what happened and I talked  
6 to Albert and stuff and he was all freaked out and  
7 telling me different -- about Milgaard being  
8 escaped and I think that's somehow where I got  
9 some of that.

03:38 10 Q So at the time of your assault when you talked to  
11 Albert, what was his reaction?

12 A Well, that's what I told him, he said Milgaard  
13 probably did it, so I think that's why -- and I  
14 just, I was freaked out as it was and then hearing  
03:39 15 that, I just, you know --

16 Q Can we go to page 022059, and this is again  
17 talking about contact by the Milgaards, and see if  
18 this refreshes your memory. Officer Dyck says:

19 "J. DYCK Were you ever interviewed by any  
03:39 20 people regarding this issue, besides  
21 ourselves?

22 B. CADRAIN Uh... just Mrs. Milgaard and  
23 uh... I can't remember, it was her lawyer or  
24 who it was... but yeah, they came... well,  
03:39 25 they came to the house and I wouldn't talk



1 to her at the time. She asked me all  
2 about... because she wanted to know about  
3 Albert and I go well, if you want to know  
4 about him, get ahold of him yourself, is  
03:39 5 what I told her. I says I don't want  
6 anything to do with this, right and she  
7 basically said you know I can make your, she  
8 says I can phone the press and have the  
9 press here and with your kids, you know and  
03:39 10 whatever, right and I'm going no, like I  
11 don't want to talk and I said, I have  
12 nothing to say. I go, like if you want to  
13 talk to Albert, you find him, cause they  
14 didn't know where he was and they wanted to  
03:40 15 know if I knew where he was, but, at that  
16 time, yeah, I did, right. I knew he was in  
17 Vancouver, I didn't know exactly where, but  
18 I mean if I wanted to track him down, I knew  
19 I could because through... through the kids  
03:40 20 right. But, to me, at the time, I just  
21 figured, you know it had nothing to with me  
22 coming and saying like for her to come into  
23 my house, get a private detective following  
24 me, scare the shit out of me like that and  
25 then come in and ask for an interview. And



1 I... they wanted to tape me, I said no, and  
2 I just said if you... if you want to find  
3 Albert, find him yourself and that was  
4 basically the end of the interview."

03:40 5 Does that assist your memory, Ms. Cadrain?

6 A Yeah.

7 Q And is what's recorded there, what you told the  
8 RCMP accurate and truthful?

9 A Yeah.

03:40 10 Q And then just down at the bottom, and it's Officer  
11 Dyck:

12 "J. DYCK You mentioned something about a  
13 private detective following you.

14 B. CADRAIN Yeah, he had followed... I  
03:41 15 noticed this car for a couple of days  
16 following me and that morning I went to the  
17 door and there's uh... a private detective  
18 asking me if I was Barbara Cadrain and I go  
19 yeah and I go why. Uh... he says, well,  
03:41 20 they were miss... two people were looking  
21 for me. You know, and I'm going who?  
22 Right, and he said... then he said  
23 Mrs. Milgaard wanted to talk to me and  
24 stuff, right. And... I go oh, whatever and  
03:41 25 that was it."



1 Do you recall that?

2 A Yeah.

3 Q And that's how it happened, how it's recorded?

4 A Yeah.

03:41 5 Q Now, I think the RCMP also asked you about when  
6 Albert appeared on television in the early '90s.  
7 Do you recall seeing that?

8 A Yeah, slightly.

9 Q When he was on I believe it was the *Fifth Estate*  
03:42 10 or *24 Hours* talking about his treatment by the  
11 police. Do you recall that?

12 A Not really, no.

13 MR. HODSON: Those are all of my questions,  
14 Ms. Cadrain. Other counsel may have questions  
03:42 15 for you.

16 MR. WOLCH: No questions.

17 COMMISSIONER MacCALLUM: No. Mr. O'Keefe?

18 MR. O'KEEFE: No questions.

19 COMMISSIONER MacCALLUM: Mr. Fox?

03:42 20 MR. FOX: I just have a couple.

21 **BY MR. FOX:**

22 Q Ms. Cadrain -- sorry, I'm Aaron Fox, I'm the  
23 lawyer for Eddie Karst who was one of the police  
24 investigators who was originally involved in this  
03:43 25 case.



1 In terms of your dealings with  
2 Albert, and it's covered a fair period of time,  
3 would I be correct in saying that he was  
4 consistent in saying that when David Milgaard came  
03:43 5 to his house the morning of the Gail Miller  
6 murder, he saw blood on the pants of David  
7 Milgaard?

8 A Yeah.

9 Q And would I be correct, that basic part of his  
03:43 10 story never changed?

11 A No.

12 Q And did you believe him when he told you that?

13 A I had no reason not to at the time. I had just  
14 met him, I was young, so I thought, oh, my God.

03:43 15 Q And while there were some pretty wild things that  
16 he told you, and I'm assuming those wild things he  
17 told you covered a wide variety of subjects from  
18 beyond just David Milgaard?

19 A Oh, yeah. He was a good story teller.

03:44 20 Q Right, okay. The basic part about having seen  
21 David Milgaard with blood on his pants, did you  
22 continue to believe that when he said it?

23 A As years went by, no, definitely not.

24 Q Okay. So when you met him in 1973 he told you  
03:44 25 that?



1 A Yeah.

2 Q And you continued to believe him for a period of  
3 time after that; correct?

4 A Uh-huh, yeah.

03:44 5 Q And eventually you got to the point his behaviour  
6 was so erratic and somewhat bizarre, you weren't  
7 sure really whether you could believe anything  
8 from him any more?

9 A Exactly.

03:44 10 Q That was the Albert Cadrain that we saw later on  
11 in life, later on in his life, would that be  
12 correct, the Albert Cadrain who was acting in a  
13 pretty bizarre fashion and you couldn't really  
14 know what to believe from him, that developed over  
03:44 15 the course of the years?

16 A Yeah. The last few years especially were really  
17 bad.

18 Q And I wasn't sure when you answered Mr. Hodson's  
19 question if you saw the taped interview of him or  
03:45 20 not?

21 A I don't recall the interview. Like --

22 Q I just, and I was going to ask, and I thought that  
23 you had indicated in your interview with the  
24 police that you had, and I'll just see if I can  
03:45 25 find that page, and it was on the taped statement



1 and I think it's at page 002063, if I could get  
2 that put up, please. We're starting at 062 and  
3 the question was asked -- and I'll just highlight  
4 this portion, from there down, that probably  
03:46 5 should read:

6 "J. DYCK Do you feel the information that  
7 Albert gave you regarding this issue was the  
8 truth at the time he gave it to you?"

9 And you said:

03:46 10 "B. CADRAIN I really believe at the time,  
11 yeah. I do, yeah, like I stood behind 100  
12 percent."

13 I think you've gone on to explain that you  
14 believed him and you believed him for a period of  
03:46 15 time and you began to have your doubts. If I  
16 could go -- and that would be a correct answer  
17 that appears there?

18 A Yeah.

19 Q If I go to the next page then, and then you talk,  
03:46 20 you carry on there, and I've highlighted a portion  
21 there, and maybe you can just read it if you  
22 could, and I'm mostly interested just in the last  
23 part of it, but read the whole answer if you  
24 could.

25 A I always wanted to --



1 Q You don't have to read it out loud if you don't  
2 want to, unless, Mr. Commissioner, you want the  
3 witness to, but no, if you could just go ahead and  
4 read it over. Does that -- first of all, does  
03:47 5 that ring a bell at all in terms of the reference  
6 to the TV interview that appears in that answer?

7 A Yeah, a little bit.

8 Q And do you remember seeing a TV interview of, or  
9 seeing Albert on TV?

03:47 10 A I think there was a tape or something that  
11 somebody had taped for me.

12 Q Okay. So somebody maybe showed you a tape of an  
13 interview?

14 A Yeah, yeah.

03:47 15 Q And do you remember having any impression in terms  
16 of what you saw of Albert on that tape in terms of  
17 how he appeared or --

18 A Yeah, he looked like he was drunk.

19 Q Okay.

03:48 20 A He looked -- if that's the one I'm talking about,  
21 which I'm not sure if that's the one, but he was,  
22 like, slurring and he just didn't seem --

23 Q Okay. And you make reference to, "...when I saw  
24 this interview on TV and then it just kind of blew  
03:48 25 me away." Do you recall what you meant by that,





1           what aspect of it sort of blew you away, if I can  
2           use those words?

3       A       No, no.

4       Q       That's your recollection of the tape?

03:48 5       A       Yeah.

6       Q       I'm wondering, are we able to get that tape up  
7           just for the witness to see if it's the same one  
8           we're talking about.

9       **(News videotape played)**

10           ANCHOR: A key witness in the David  
11           Milgaard case now says that Saskatoon Police  
12           pressured him when he gave evidence at the  
13           original trial. The witness says police pushed  
14           him over the edge and he cracked. Allan Habbock  
15           (ph) reports.

16           REPORTER: Albert Cadrain says his life has  
17           been ruined by the David Milgaard case.

18                   20 years ago he was a key  
19           witness in the trial. He collected a \$2,000  
20           reward for testimony that helped convict Milgaard  
21           of the 1969 murder of a Saskatoon nursing  
22           assistant. Now, for the first time, Cadrain says  
23           Saskatoon Police subjected him to abusive  
24           treatment.

25                   In a written statement Cadrain



1           says he was questioned 15 or 20 times by police.  
2           This went on for months, he says, "they put me  
3           through hell and mental torture. It finally  
4           reached the point where I couldn't stand the  
5           constant pressure, threats, and bullying any  
6           more." He concludes "those detectives pushed me  
7           over the edge and I cracked."

8                   ALBERT CADRAIN: The police told me you  
9           better hide away for a while and we don't want  
10          nothing to happen to our star witness, and that  
11          just put more wood on the fire, it make me real  
12          worried and I started getting ulcers and spitting  
13          blood every five minutes, I'd just cough and  
14          spit.

15                   REPORTER: Despite his claims of abusive  
16          treatments, Cadrain still maintains he saw blood  
17          on Milgaard's clothes the morning of the murder.

18                           Cadrain is the second witness  
19          to make allegations ...

03:49 20           **(Video tape ends)**

21          BY MR. FOX:

22          Q           Do you know if that's the tape that you were  
23                       referring to, Ms. Cadrain?

24          A           No, I don't think so, but I do remember seeing  
03:50 25                       that tape.



1 Q Okay.

2 A Yeah.

3 Q Any thoughts at the time you -- were you still  
4 together at that point in time?

03:50 5 A No, 1988 was when we separated, so --

6 Q Okay, so it would, I think we understood that was  
7 1990 or something like that?

8 A Yeah.

9 Q So any thoughts --

03:50 10 A He never mentioned the torture and ruining my  
11 life, he never went that far to say that, well not  
12 to me anyway.

13 Q So, in the time that you were married, you didn't  
14 hear words like that coming from Albert in terms  
03:50 15 of his dealings with police?

16 A No, just what I told Mr. Hodson.

17 Q Okay.

18 A He mentioned, like, because he -- there was one,  
19 Karst, he said he got along good with him.

03:50 20 Q Okay. Okay. And now Karst is the name of a  
21 police officer?

22 A Yup.

23 Q And, from what Albert said, he got along good with  
24 Mr. Karst?

03:50 25 A He liked him, yup.



1 Q Okay. Did you ever have any dealings with  
2 Mr. Karst yourself?

3 A I think I met him once, I think Albert introduced  
4 me once, I'm not sure like.

03:50 5 Q And any recollection of that meeting in terms of  
6 how he conducted himself?

7 A It was just a normal meeting, just, you know.

8 Q And he was --

9 A Albert liked him, looked like, I don't know.

03:51 10 Q Any concerns that you had with what you saw in  
11 terms of how Mr. Karst conducted himself on that  
12 occasion?

13 A No.

14 Q Okay. When Albert talked about the difficulty of  
03:51 15 when he was interviewed by the police and that, am  
16 I correct that a big part of the difficulty he had  
17 was the fact that they were suggesting he was  
18 involved in the murder, or may have murdered Gail  
19 Miller?

03:51 20 A Yes, he said that when they interviewed him he  
21 felt intimidated and he thought he felt that they  
22 were going to blame him.

23 Q Right, and that caused him a lot of concern,  
24 obviously?

03:51 25 A Yeah, I guess.



1 Q Okay. Words like "torture" and things like that,  
2 which we heard on the tape, those weren't things  
3 you ever heard from Albert?

4 A No, never.

03:51 5 COMMISSIONER MacCALLUM: What's the  
6 document number of that tape, Mr. Fox?

7 MR. FOX: I'm looking for assistance.

8 MR. HODSON: 230134.

9 COMMISSIONER MacCALLUM: Thank you.

03:52 10 MR. FOX: Thank you, Ms. Cadrain, those are  
11 all the questions I have.

12 MR. GIBSON: No.

13 COMMISSIONER MacCALLUM: Mr. Beckman?

14 MR. BECKMAN: Just a couple.

03:52 15 **BY MR. BECKMAN:**

16 Q Albert never expressed any remorse or regret about  
17 his conduct or his participation in the Milgaard  
18 matter, did he?

19 A Not really.

03:52 20 Q Just to confirm that, I wonder if we could bring  
21 up the page number 022064, and I think if you just  
22 take a look at -- this is an interview you did  
23 with the RCM Police?

24 A Uh-huh.

03:53 25 Q And do you see that, just down there, the police



1 officer asks you:

2 "Did Albert express any remorse about  
3 turning his friend in to the police?"

4 Do you recall that?

03:53 5 A Uh-huh.

6 Q And you answered:

7 "No, never, no."

8 And then you go on to explain. Is that your  
9 recollection of Albert's position all the time  
03:53 10 you knew him?

11 A Yeah. He never really even -- not to my  
12 recollection.

13 Q Never expressed any remorse about that?

14 A No.

03:53 15 Q I wonder if you would just scroll down on that  
16 page again some more, and the RCM Police asked you  
17 another question, this is again on document  
18 022064:

19 "Did Albert ever waiver in his  
03:53 20 recollection of the events?"

21 And your answer is:

22 "No, not really."

23 Is that a fair statement?

24 A Yeah.

03:54 25 Q That's the truth?



1 A Yeah.

2 Q Okay. I wonder if we could go to 022058, that's  
3 page, I think, 12 of this. I'm sorry, and I just  
4 take you down to the bottom of that, it starts  
03:54 5 with the officer Dyck about -- whoops -- what's  
6 the relationship:

7 "What was Albert's relationship with Karst?"  
8 and you answer:

9 "Umm, they got along really good. Eddie  
03:54 10 Karst, like I think I met him once and that  
11 was years ago when, oh, I was like 19 or 20  
12 and I wanted to go into the police  
13 department, right, and that's when I met him  
14 and this, whatever, right, but they were  
03:54 15 really good friends. They seemed like they  
16 got along really well."

17 And that was the truth?

18 A Yup, yeah.

19 Q So that Albert didn't bear any ill will towards  
03:54 20 police officer Karst?

21 A No, he always spoke highly of him.

22 Q Those are my questions. Thank you, My Lord.

23 COMMISSIONER MacCALLUM: Thank you,  
24 Mr. Beckman. Ms. Knox?

03:55 25 MS. KNOX: I wonder if you could bring up



1           that document again.

2           **BY MS. KNOX:**

3           **Q**       Maybe you could go back to 022057, if I could just  
4                   have a moment. Do you remember telling the police  
03:55 5                   during the course of this interview -- and I can't  
6                   find the exact passage as I'm looking at the  
7                   screen -- but do you remember telling the  
8                   Constable Templeton, during the course of that  
9                   interview, that during the course of your -- or  
03:55 10                  throughout your marriage, that Albert's mind was  
11                  good?

12          **A**       Yeah, he had periods where he was fine, and then  
13                   it was like a roller coaster, just happy, sad,  
14                   mad, just -- he had different moods.

03:56 15          **Q**       Okay. But in the interview you did tell the  
16                   police officer that throughout the marriage, and  
17                   I'm referring you to, actually, the page 8 --  
18                   somebody has helped me out here, they are smarter  
19                   with this technology than I am -- you were asked a  
03:56 20                  question by the Constable:

21                                "During the 15 years that you were  
22                                married to Albert and Albert would talk  
23                                about this investigation, what was his  
24                                state of mind at that time?"

03:56 25                  And your response was:





1 "Throughout our marriage his mind was  
2 ... good ..."

3 and you talked about his job and things, and  
4 basically -- certainly, there were problems in  
03:56 5 the marriage, but you did seem to indicate here  
6 that basically it was good?

7 A Yeah, when it came to just our lives ourselves,  
8 like we had, like I said, problems, but his mind,  
9 like, towards our marriage --

03:56 10 Q Uh-huh?

11 A -- was -- I don't know, I always sort of based it  
12 onto our marriage, as soon as it came into talking  
13 about Milgaard and stuff he would get -- it was  
14 really, because when he would smoke pot it seemed  
03:57 15 like it was worse. It just -- it was hard to --  
16 umm, like his mind, like I said, like just -- it  
17 was good, but yet it was very hard to describe,  
18 like, his moods.

19 Q Okay. But they were -- if you had to do sort of a  
03:57 20 rating of percentages throughout the 15 years or  
21 so of your marriage about what percentage of time  
22 was he good, because we've heard evidence he was  
23 holding down good jobs, doing good work,  
24 respected, like when he worked at the Bessborough  
03:57 25 and stuff like that; so what percentage were the



1           good times and what were the bad times,  
2           percentage-wise?

3       A       Oh, --

4       Q       Or maybe you can't even do that, if you can't,  
03:57 5           that's okay.

6       A       Like, as far as his jobs, you know, he wasn't  
7           happy with a lot of them, but like for us, I would  
8           say -- umm, I can't, it was like a roller coaster.

9       Q       But he held down jobs during that period,  
03:57 10           supported you as a family?

11      A       Oh yeah.

12      Q       You had money in the bank and --

13      A       Yeah. Well, like any family trying to make it we  
14           both had jobs, yeah.

03:58 15      Q       Okay. I don't have anything further.

16                   COMMISSIONER MacCALLUM: Mr. Krogan?

17                   MS. KROGAN: No.

18                   COMMISSIONER MacCALLUM: Mr. Watson?

19                   MR. WATSON: No.

03:58 20                   COMMISSIONER MacCALLUM: Thank you.

21           Redirect?

22                   MR. HODSON: No.

23                   COMMISSIONER MacCALLUM: Ms. Cadrain, you  
24           are excused.

03:58 25                   MR. HODSON: Next, Mr. Commissioner, we



1 have the evidence of Father Murphy that I propose  
2 to have in, there's three audio tapes.

3 Father Murphy is 87 years of  
4 age, he lives in Edmonton, and he was the priest  
03:58 5 at St. Mary's Church in 1969. He was interviewed  
6 twice by Peter Carlyle-Gordge in I think the  
7 early '80s, and then once by the RCMP in 1993.  
8 And I did not have -- see a need for him to  
9 attend, we'll play the tapes, and, obviously, if  
03:58 10 counsel have, think that we need to have Father  
11 Murphy here, they can raise it with me.

12 So I think, first, there is two  
13 times of Peter Carlyle-Gordge, is that right,  
14 we'll play those, and there should be a  
03:59 15 transcript as well.

16 **(Audio tape of interview of Father Murphy by**  
17 **Peter Carlyle-Gordge)**

18 PETER CARLYLE-GORDGE: My name is Peter,  
19 last name is Carlyle-Gordge, I'm a writer in  
03:59 20 Winnipeg.

21 FATHER MURPHY: Uh-huh?

22 PETER CARLYLE-GORDGE: I'm doing some  
23 research for a book at the moment to do with  
24 several crimes, and I have been going through  
03:59 25 some newspaper clippings. I did try and get you



1 a couple of weeks ago but you were down east, I  
2 gather.

3 FATHER MURPHY: Uh-huh.

4 PETER CARLYLE-GORDGE: I'm wondering if you  
03:59 5 recall, at all, the case of Long Mayhar in  
6 Saskatoon? He was charged in 1970 with a  
7 stabbing death.

8 FATHER MURPHY: Uh-huh.

9 PETER CARLYLE-GORDGE: Do you recall, at  
03:59 10 all, if he had been to see you before August?  
11 According to the newspaper report, it mentions he  
12 saw you August the 9th, the date before --

13 FATHER MURPHY: Uh-huh.

14 PETER CARLYLE-GORDGE: -- the fatality.

15 FATHER MURPHY: Uh-huh.

16 PETER CARLYLE-GORDGE: Had you seen him  
17 before then?

18 FATHER MURPHY: Not before it, no.

19 PETER CARLYLE-GORDGE: No? That was the  
04:00 20 very first time?

21 FATHER MURPHY: As far as I know, yes.

22 PETER CARLYLE-GORDGE: Yeah.

23 FATHER MURPHY: I can't recall any other  
24 incident.

04:00 25 PETER CARLYLE-GORDGE: Yeah. You don't



1 know who his, his priest was at the time, do you?  
2 I think it was with St. Paul's.

3 FATHER MURPHY: He was living in St. Paul's  
4 area, yes.

04:00 5 PETER CARLYLE-GORDGE: Yeah. Do you know  
6 who his regular priest would have been?

7 FATHER MURPHY: Umm, no. '71?

8 PETER CARLYLE-GORDGE: It was in '69,  
9 actually.

04:00 10 FATHER MURPHY: '69, eh.

11 PETER CARLYLE-GORDGE: Yeah. It would be  
12 helpful because I'm going out that way soon to --

13 FATHER MURPHY: It may have been Monsignor  
14 Robinson, but he's dead now.

04:00 15 PETER CARLYLE-GORDGE: He's dead, is he?

16 FATHER MURPHY: Yes.

17 PETER CARLYLE-GORDGE: Oh.

18 FATHER MURPHY: I can't recall exactly who,  
19 as there were three or four different pastors  
04:00 20 there at the time.

21 PETER CARLYLE-GORDGE: Yeah.

22 FATHER MURPHY: You know, in the period I  
23 was there.

24 PETER CARLYLE-GORDGE: Yeah. Do you know  
04:00 25 how -- it gives about two paragraphs in the thing



1 I have been looking at, but how, basically, did  
2 Mayhar look when he appeared at the church, St.  
3 Mary's?

04:00 4 FATHER MURPHY: Oh, he was a man coming out  
5 of the DTs.

6 PETER CARLYLE-GORDGE: Yeah. How was he  
7 dressed?

8 FATHER MURPHY: Well his clothes were very  
9 disheveled, and he was a couple days beard,  
04:01 10 and --

11 PETER CARLYLE-GORDGE: Yeah.

12 FATHER MURPHY: -- very possibly even more  
13 than that. And he was, umm, as I testified in  
14 court, he was obviously, obviously under, acting  
04:01 15 under delusions.

16 PETER CARLYLE-GORDGE: Right. You don't  
17 recall if he wore a hat?

18 FATHER MURPHY: If he wore a hat?

19 PETER CARLYLE-GORDGE: Yeah.

04:01 20 FATHER MURPHY: No, I don't think he did,  
21 but I couldn't swear by it.

22 PETER CARLYLE-GORDGE: Of course that was  
23 August, wasn't it?

24 FATHER MURPHY: Yeah.

04:01 25 PETER CARLYLE-GORDGE: All right. Do you



1 recall much of his babbling, or whatever he said  
2 to you, he seemed to be under great pressure?

3 FATHER MURPHY: Well I can recall some of  
4 it, yes.

04:01 5 PETER CARLYLE-GORDGE: Uh-huh.

6 FATHER MURPHY: But, I would, you know, I  
7 wouldn't care to discuss it without his  
8 permission now.

9 PETER CARLYLE-GORDGE: No. Well I'm  
04:01 10 certainly not quoting you anyway, I'm just trying  
11 to fill out the written record, that's all.

12 FATHER MURPHY: Uh-huh. What are you  
13 doing?

14 PETER CARLYLE-GORDGE: Umm, well I'm doing  
04:01 15 a book on several murders, well in fact two of  
16 them are in Saskatoon.

17 FATHER MURPHY: Uh-huh?

18 PETER CARLYLE-GORDGE: One of the odd  
19 things about 1969 was that they had two bad  
04:02 20 murders, and you probably recall, there was one  
21 near St. Mary's as well.

22 FATHER MURPHY: There was what?

23 PETER CARLYLE-GORDGE: Do you recall the  
24 other one, the Gail Miller one?

04:02 25 FATHER MURPHY: Gail Miller?



1 PETER CARLYLE-GORDGE: Yes, she was a nurse  
2 who was stabbed --

3 FATHER MURPHY: Oh yes.

04:02 4 PETER CARLYLE-GORDGE: -- in the back lane  
5 there.

6 FATHER MURPHY: Yes, that was right  
7 opposite our church.

8 PETER CARLYLE-GORDGE: That's right, yeah.  
9 I have been looking at that one, too, as a  
04:02 10 possibility.

11 FATHER MURPHY: Uh-huh.

12 PETER CARLYLE-GORDGE: Sort of a strange  
13 one.

14 FATHER MURPHY: Uh-huh. Yes, I knew some  
04:02 15 of the people involved in that.

16 PETER CARLYLE-GORDGE: You did?

17 FATHER MURPHY: Yes.

18 PETER CARLYLE-GORDGE: I see.

19 FATHER MURPHY: Well, they weren't directly  
04:02 20 involved, but they were -- one of the boys who  
21 became an accessory, --

22 PETER CARLYLE-GORDGE: Yes.

23 FATHER MURPHY: -- and he travelled with  
24 these people to Calgary, I think, as we went  
04:02 25 after they had performed this murder.





1 PETER CARLYLE-GORDGE: Would that be  
2 Cadrain, Shorty?

3 FATHER MURPHY: Yeah.

4 PETER CARLYLE-GORDGE: Shorty Cadrain?

04:02 5 FATHER MURPHY: Yeah.

6 PETER CARLYLE-GORDGE: I don't suppose you  
7 know where he is now, do you?

8 FATHER MURPHY: Well, his parents are still  
9 in Saskatoon.

04:02 10 PETER CARLYLE-GORDGE: They are?

11 FATHER MURPHY: Yeah.

12 PETER CARLYLE-GORDGE: Yeah. You don't  
13 know where he's -- if he is still there or not?

14 FATHER MURPHY: No, I don't. I have been  
04:02 15 out of Saskatoon, now, for seven years.

16 PETER CARLYLE-GORDGE: Not to betray any  
17 confidence, but did he actually discuss the thing  
18 with -- he wasn't with them, was he, at the time?

19 FATHER MURPHY: No, no.

04:03 20 PETER CARLYLE-GORDGE: Yeah.

21 FATHER MURPHY: They came to his house and  
22 they got cleaned up there, and they persuaded him  
23 to go to Calgary with them, and I think he got  
24 suspicious, or something, when he heard some news  
04:03 25 later on. And I talked him into going to the



1 police.

2 PETER CARLYLE-GORDGE: You did?

3 FATHER MURPHY: Yeah.

4 PETER CARLYLE-GORDGE: Uh-huh. That's, I  
04:03 5 have got some newspaper clippings on that one  
6 too.

7 FATHER MURPHY: Uh-huh.

8 PETER CARLYLE-GORDGE: To do with the  
9 blood, wasn't it, he had seen blood or something?

04:03 10 FATHER MURPHY: Uh-huh, right.

11 PETER CARLYLE-GORDGE: Yeah. Do you know  
12 what -- it seems to me that case, too, took quite  
13 a while to solve; do you know what time he  
14 discussed that with you?

04:03 15 FATHER MURPHY: Umm --

16 PETER CARLYLE-GORDGE: Because this was, I  
17 think it's was in January, it was in the dead of  
18 winter?

19 FATHER MURPHY: Yes, it was, yeah.

04:03 20 PETER CARLYLE-GORDGE: Umm.

21 FATHER MURPHY: It was very cold.

22 PETER CARLYLE-GORDGE: Uh-huh.

23 FATHER MURPHY: Umm, it happened around  
24 6:30 in the morning, if I remember right.

04:03 25 PETER CARLYLE-GORDGE: Right.



1 FATHER MURPHY: And they caught the man,  
2 the lad, eventually up in Prince George, eh.

3 PETER CARLYLE-GORDGE: Uh-huh.

4 FATHER MURPHY: He had been a bit of  
04:04 5 psychiatric patient.

6 PETER CARLYLE-GORDGE: He had?

7 FATHER MURPHY: If I remember right, he  
8 had.

9 PETER CARLYLE-GORDGE: Right, right.

04:04 10 FATHER MURPHY: And I, well I, through some  
11 contacts I had I found out well Cadrain was drawn  
12 into it and -- but he was freed, and I knew that  
13 possibly I could help the kid, so I called him  
14 and had a talk with him and advised him to go to  
04:04 15 the police with the information that he had.

16 PETER CARLYLE-GORDGE: Right.

17 FATHER MURPHY: And, because he had a  
18 chance to come in on the reward.

19 PETER CARLYLE-GORDGE: Right, right, yeah.  
04:04 20 Well I certainly should try and look up his  
21 family and way and see if he is still about --

22 FATHER MURPHY: Uh-huh.

23 PETER CARLYLE-GORDGE: -- and reconstruct  
24 that period. Had he, had he actually been  
04:04 25 accused by police, do you know; was he



1 frightened?

2 FATHER MURPHY: Well he was picked up as an  
3 accessory, or at least they -- some complicity  
4 with it because of his being with these people.

04:04 5 PETER CARLYLE-GORDGE: Yeah, right.

6 FATHER MURPHY: But according to his story,  
7 he had nothing to do with it, and they came to  
8 his house, which was just a block, a block and a  
9 half away --

04:05 10 PETER CARLYLE-GORDGE: Uh-huh.

11 FATHER MURPHY: -- and they cleaned up a  
12 bit there, and then they invited him to go to  
13 Calgary with them.

14 PETER CARLYLE-GORDGE: Right, right.

04:05 15 FATHER MURPHY: And it's while they were  
16 down there that he heard of the news, I guess,  
17 and he decided to get out of there. If I  
18 remember right he was picked up in Regina.

19 PETER CARLYLE-GORDGE: Right. I think I  
04:05 20 read that too.

21 FATHER MURPHY: Uh-huh.

22 PETER CARLYLE-GORDGE: Uh-huh. But you  
23 don't know when he went to the police?

24 FATHER MURPHY: Umm, no, no, I couldn't, I  
04:05 25 couldn't tell you that.



1 PETER CARLYLE-GORDGE: No.

2 FATHER MURPHY: But it was somehow -- it  
3 was quite a while afterwards that they got this  
4 guy up in, in Prince George.

04:05 5 PETER CARLYLE-GORDGE: Yeah. Do you  
6 recall, just one moment, do you recall what made  
7 him suspicious at the time?

8 FATHER MURPHY: What what?

9 PETER CARLYLE-GORDGE: What made him  
04:05 10 suspicious about the ones in the car?

11 FATHER MURPHY: Well I believe it was the  
12 fact that they had blood on them.

13 PETER CARLYLE-GORDGE: They had blood,  
14 yeah.

04:05 15 FATHER MURPHY: Yeah.

16 PETER CARLYLE-GORDGE: That was the main  
17 thing, right.

18 FATHER MURPHY: And, of course, they didn't  
19 get anything off the girl, if I remember rightly,  
04:05 20 but --

21 PETER CARLYLE-GORDGE: No.

22 FATHER MURPHY: She didn't have anything on  
23 her, she just had a few cents in her, you know, a  
24 couple dollars possibly.

04:06 25 PETER CARLYLE-GORDGE: Yeah, it was a



1                   gruesome one too.

2                   FATHER MURPHY: Oh, it was, very much so.

3                   She was stabbed about 40 times, I think,

4                   something.

04:06 5                   PETER CARLYLE-GORDGE: Awful, yeah.

6                   FATHER MURPHY: Yeah, it was just across

7                   the lane from the church, and so we had the

8                   detectives there and the police there combing the

9                   property and everything else.

04:06 10                  PETER CARLYLE-GORDGE: Yeah, well I had  
11                  talked to one policeman about the case, and he  
12                  said they were concentrating it on the north area  
13                  of the -- you know, they were checking all the  
14                  houses to the north of there.

04:06 15                  FATHER MURPHY: Yes.

16                  PETER CARLYLE-GORDGE: Not thinking that it  
17                  could be somebody from out of town, you know.

18                  FATHER MURPHY: Uh-huh, uh-huh.

19                  PETER CARLYLE-GORDGE: So --

04:06 20                  FATHER MURPHY: Well, there was some people  
21                  that had -- you know, there were some suspicions  
22                  about them because they, there was a question of  
23                  dope and things like that in the house.

24                  PETER CARLYLE-GORDGE: Umm.

04:06 25                  FATHER MURPHY: And, you know, some



1 teenagers and so on.

2 PETER CARLYLE-GORDGE: Right. And what  
3 kind of a lad was Shorty at the time?

4 FATHER MURPHY: I beg your pardon?

04:06 5 PETER CARLYLE-GORDGE: Me must have been  
6 quite young then, Shorty Cadrain?

7 FATHER MURPHY: He was about, I'd say, 17,  
8 18 something like that.

9 PETER CARLYLE-GORDGE: Right.

04:07 10 FATHER MURPHY: 18 probably.

11 PETER CARLYLE-GORDGE: Right. And how did  
12 he strike you?

13 FATHER MURPHY: Well, as I say, I thought I  
14 was able to give him some help and --

04:07 15 PETER CARLYLE-GORDGE: I would imagine he  
16 would be terrified if he --

17 FATHER MURPHY: Oh, he was a pretty upset  
18 boy, yes.

19 PETER CARLYLE-GORDGE: By the police and so  
04:07 20 forth?

21 FATHER MURPHY: And he wouldn't come to see  
22 me at first.

23 PETER CARLYLE-GORDGE: Yeah?

24 FATHER MURPHY: But anyway I finally got  
04:07 25 him to come to the house, and I talked to him,



1 and, like I said, I think I was able to help him.

2 PETER CARLYLE-GORDGE: Uh-huh.

3 FATHER MURPHY: But I -- I didn't -- I was  
4 moved, oh I forget how long after that, but I  
04:07 5 didn't see him any more, and I haven't -- I have  
6 seen his mother and father on the odd occasion  
7 when I've been back there.

8 PETER CARLYLE-GORDGE: Right. Right.  
9 Well, that's probably one I'll look into a bit  
04:07 10 further, because it seemed to me there was  
11 confusion about precisely where they had been?

12 FATHER MURPHY: Uh-huh.

13 PETER CARLYLE-GORDGE: And, if I recall  
14 right, because there was talk of her being on O,  
04:07 15 O street south, is it?

16 FATHER MURPHY: It was Avenue O.

17 PETER CARLYLE-GORDGE: All right.

18 FATHER MURPHY: Avenue O.

19 PETER CARLYLE-GORDGE: Yeah, that's where  
04:07 20 the church is, isn't it?

21 FATHER MURPHY: Yes.

22 PETER CARLYLE-GORDGE: Yup.

23 FATHER MURPHY: And --

24 PETER CARLYLE-GORDGE: There was some  
04:08 25 testimony about them being on N?





1 FATHER MURPHY: Well, you see, the -- it  
2 actually took place in the alley between Avenue O  
3 and Avenue N.

4 PETER CARLYLE-GORDGE: Right, in the back  
04:08 5 lane.

6 FATHER MURPHY: Yeah.

7 PETER CARLYLE-GORDGE: Yeah. And she may,  
8 indeed, have been coming down the back lane then?

9 FATHER MURPHY: Well, they figured that she  
04:08 10 was drawn in there.

11 PETER CARLYLE-GORDGE: Oh?

12 FATHER MURPHY: Dragged in there.

13 PETER CARLYLE-GORDGE: Yeah?

14 FATHER MURPHY: Because she was living up  
04:08 15 the street on Avenue O.

16 PETER CARLYLE-GORDGE: Right?

17 FATHER MURPHY: She was coming down to get  
18 the bus --

19 PETER CARLYLE-GORDGE: Uh-huh.

04:08 20 FATHER MURPHY: -- and evidently they,  
21 these fellows, must have stopped and dragged her  
22 into the alleyway.

23 PETER CARLYLE-GORDGE: Right. Right.

24 Okay. Well, I think you have probably helped me  
04:08 25 all you can on that. Can I get your address in



1 case I think of anything else?

2 FATHER MURPHY: 125-3rd Avenue North.

3 PETER CARLYLE-GORDGE: 3rd North?

4 FATHER MURPHY: Yeah, Yorkton.

04:08 5 PETER CARLYLE-GORDGE: Okay.

6 FATHER MURPHY: Yeah.

7 PETER CARLYLE-GORDGE: And you can't be  
8 positive about Mr. Mayhar's regular priest at the  
9 time?

04:08 10 FATHER MURPHY: Umm, again?

11 PETER CARLYLE-GORDGE: Umm, the Mayhar  
12 case, you are not certain who the priest was?

13 FATHER MURPHY: No, I'm not just sure. I  
14 saw him at the trial, of course, and talked to  
04:09 15 him there.

16 PETER CARLYLE-GORDGE: Yeah.

17 FATHER MURPHY: And I knew the woman that  
18 was killed.

19 PETER CARLYLE-GORDGE: Yes, Win -- Mrs.  
04:09 20 Wingood (ph), right.

21 FATHER MURPHY: Yeah.

22 PETER CARLYLE-GORDGE: Yeah.

23 FATHER MURPHY: So --

24 PETER CARLYLE-GORDGE: You hadn't seen him  
04:09 25 before August?



1 FATHER MURPHY: Not that I can recall, no.

2 PETER CARLYLE-GORDGE: Okay. Well you have  
3 helped me a little bit anyway.

4 FATHER MURPHY: Uh-huh.

04:09 5 PETER CARLYLE-GORDGE: Thank you very much,  
6 Father Murphy.

7 FATHER MURPHY: You are welcome:

8 **(Interview ends)**

9 **(Audio tape of further interview of Father Murphy**  
10 **by Peter Carlyle-Gordge)**

11 "UNIDENTIFIED FEMALE: Good morning, St.  
12 John's.

13 PETER CARLYLE-GORDGE: Oh, good morning.  
14 Is Father Murphy there, please?

04:09 15 UNIDENTIFIED FEMALE: Yes. One moment  
16 please.

17 FATHER MURPHY: Father Murphy here.

18 PETER CARLYLE-GORDGE: Oh, good morning,  
19 Father Murphy. It's Peter Carlyle-Gordge calling  
04:10 20 from Winnipeg. I called you a month or two ago  
21 in connection with the Mayhar and Gail Miller  
22 murders.

23 FATHER MURPHY: Yes.

24 PETER CARLYLE-GORDGE: That was to do with  
04:10 25 a crime book I'm working on. I'm going out to



1           Saskatoon this weekend to do some research, maybe  
2           see some witnesses. Do you happen to know  
3           where -- if Albert is still in Saskatoon.

4           FATHER MURPHY: Who?

04:10 5           PETER CARLYLE-GORDGE: Albert Cadrain.

6           FATHER MURPHY: As far as I know he is,  
7           yeah, he lives on Avenue O.

8           PETER CARLYLE-GORDGE: He's on O still?

9           FATHER MURPHY: As far as I know, yeah.

04:10 10          PETER CARLYLE-GORDGE: As far as you know.

11          Now it's not clear from my notes just what you  
12          told me; did you say Albert was the one who got  
13          the reward?

14          FATHER MURPHY: No, no, no.

04:10 15          PETER CARLYLE-GORDGE: He didn't?

16          FATHER MURPHY: His son was supposed to get  
17          it, now whether he -- I think he did eventually  
18          get it but I'm not sure.

19          PETER CARLYLE-GORDGE: Right, okay. And --

04:10 20          FATHER MURPHY: Oh wait, Albert, that's  
21          yeah, pardon me, that would be the boy, yeah.

22          PETER CARLYLE-GORDGE: That is the boy,  
23          Leonard's the father.

24          FATHER MURPHY: Yes, the father is Len,  
04:11 25          yeah.



1 PETER CARLYLE-GORDGE: Right, so as far as  
2 you know he got it?

3 FATHER MURPHY: Yes.

4 PETER CARLYLE-GORDGE: Right. Now the  
04:11 5 other thing I wanted to ask was he came to you  
6 originally because he was upset?

7 FATHER MURPHY: Who was this?

8 PETER CARLYLE-GORDGE: Al -- the boy came  
9 to you?

04:11 10 FATHER MURPHY: No, no, I sent for him.

11 PETER CARLYLE-GORDGE: Oh, you sent for him  
12 because you'd heard he was disturbed or  
13 something?

14 FATHER MURPHY: Yeah, well I had a  
04:11 15 particular reason for sending for him, I wanted  
16 to talk to him, yes.

17 PETER CARLYLE-GORDGE: Yeah, but did you  
18 know he had any involvement or knew anything?

19 FATHER MURPHY: Yes.

04:11 20 PETER CARLYLE-GORDGE: Oh, you did?

21 FATHER MURPHY: Yeah.

22 PETER CARLYLE-GORDGE: Okay. Just one  
23 final thing; can I ask how you knew about that?

24 FATHER MURPHY: Well --

04:11 25 PETER CARLYLE-GORDGE: Well you were, I



1 know you were in the area of the crime?

2 FATHER MURPHY: Oh, very much so, yes.

3 Umm, well the reason I sent for him, because I  
4 knew that he was eligible for the reward and he  
04:11 5 didn't know about it himself.

6 PETER CARLYLE-GORDGE: You, you knew he was  
7 eligible?

8 FATHER MURPHY: Yes.

9 PETER CARLYLE-GORDGE: Because he had some  
04:11 10 knowledge?

11 FATHER MURPHY: Oh yes, definitely so.

12 PETER CARLYLE-GORDGE: Yeah. Well, I don't  
13 want to be too probing.

14 FATHER MURPHY: Uh-huh.

04:11 15 PETER CARLYLE-GORDGE: I just wanted to get  
16 the context before I try and see him.

17 FATHER MURPHY: Yeah.

18 PETER CARLYLE-GORDGE: But I just wondered,  
19 you know, how you connected him to the --

04:12 20 FATHER MURPHY: Well I knew that he was  
21 involved because he was picked up by the police,  
22 eh.

23 PETER CARLYLE-GORDGE: Oh, right.

24 FATHER MURPHY: And so I knew that he  
04:12 25 wasn't immediately involved, and then when I



1 heard about the story on him, that these people  
2 had came to his house after they'd committed the  
3 crime --

4 PETER CARLYLE-GORDGE: Yeah.

04:12 5 FATHER MURPHY: -- and they cleaned up  
6 there, and so on, and then he went for the -- a  
7 drive with them to Calgary.

8 PETER CARLYLE-GORDGE: Right.

9 FATHER MURPHY: And so I, knowing about  
04:12 10 that and knowing that there was a reward  
11 available, I thought I would try to help the kid  
12 out because he had had a lot of problems.

13 PETER CARLYLE-GORDGE: Right, right.

14 FATHER MURPHY: And I think I was able to  
04:12 15 give him some help, anyways, through it.

16 PETER CARLYLE-GORDGE: Umm, okay. Final  
17 thing. When you actually asked to see him, did  
18 you know for sure that there was some connection,  
19 or were you just suspicious?

04:12 20 FATHER MURPHY: No, I knew for sure.

21 PETER CARLYLE-GORDGE: You knew for sure?

22 FATHER MURPHY: Uh-huh.

23 PETER CARLYLE-GORDGE: All right, fine.

24 I'll see what I can do in Saskatoon this weekend.

04:12 25 FATHER MURPHY: Yeah. Well I would



1 appreciate it if you didn't quote me.

2 PETER CARLYLE-GORDGE: No, I won't.

3 FATHER MURPHY: Yeah.

4 PETER CARLYLE-GORDGE: I just wanted to  
04:13 5 know what I am talking about, you know, how he  
6 came into it.

7 FATHER MURPHY: Uh-huh.

8 PETER CARLYLE-GORDGE: All right, that's  
9 fine.

04:13 10 FATHER MURPHY: Okay, fine.

11 PETER CARLYLE-GORDGE: Thanks again,  
12 Father.

13 FATHER MURPHY: Okay. Bye-bye.

14 **(Interview ends)**

04:13 15 **(Audio tape of an interview of Father M.J. Murphy**  
16 **by RCMP)**

17 J. TEMPLETON: This is the taped statement  
18 of Father M.J. Murphy, St. Alphonse's parish,  
19 11828-85th Street, Edmonton, Alberta, telephone  
04:13 20 number 474-5434. Present at the interview,  
21 Father Murphy, Constable John Dyck, Corporal Jim  
22 Templeton, RCMP, Regina. The date is April 15th,  
23 1993 and the time is 11:33 a.m.

24 Father Murphy, I have a few  
04:14 25 questions to ask you concerning the matter of the





1 Gail Miller murder and whatever involvement you  
2 may have had with Mr. Albert Cadrain. Um, to get  
3 a little background, first of all, in 1969 you  
4 lived in Saskatoon; is that right?

04:14 5 FATHER MURPHY: That's right, yes. I was  
6 pastor at St. Mary's church at 211 Avenue O  
7 South.

8 J. TEMPLETON: How long were you the pastor  
9 at St. Mary's church?

04:14 10 FATHER MURPHY: Five years.

11 J. TEMPLETON: What years, sir?

12 FATHER MURPHY: '68 to '73. I was away for  
13 one year, but I was, there was an interim pastor  
14 there during that time.

04:14 15 J. TEMPLETON: Okay. And following that,  
16 where did you go?

17 FATHER MURPHY: From there I went to  
18 Winnipeg in '73 and I was in Winnipeg for  
19 approximately two years and I took sick at that  
04:15 20 time and I was off work for some years.

21 J. TEMPLETON: Okay. Were you later in  
22 Yorkton, Saskatchewan?

23 FATHER MURPHY: Yes. I went to Yorkton in  
24 1980 and I was in Yorkton for two years.

04:15 25 J. TEMPLETON: Okay. Do you recall the



1 morning of the 31st of January, 1969, which was  
2 the morning that Gail Miller was murdered in  
3 Saskatoon, do you recall that morning?

4 FATHER MURPHY: I recall it as being a very  
04:15 5 cold morning and there was lots of snow on the  
6 ground and I think it was around 30 below zero or  
7 something like that that morning.

8 J. TEMPLETON: Okay. Would you have been  
9 at the church that morning?

04:15 10 FATHER MURPHY: Yes, I had the service at  
11 the church that morning and, if I recall our  
12 schedule, there was an eight o'clock mass.

13 J. TEMPLETON: Okay. Do you recall the  
14 police being in the area?

04:15 15 FATHER MURPHY: I can't recall that  
16 explicitly, no.

17 J. TEMPLETON: Okay. Did you know the  
18 Cadrain family?

19 FATHER MURPHY: Yes, uh-huh.

04:16 20 J. TEMPLETON: The father was Leonard  
21 Cadrain. Did you know him?

22 FATHER MURPHY: Leonard Cadrain did work  
23 for us around the church as -- he kept our  
24 boilers going and things like that. The mother  
04:16 25 taught a kindergarten class in our hall.



1 J. TEMPLETON: Did the children attend your  
2 church?

3 FATHER MURPHY: Well, the younger ones  
4 attended with their parents, yes.

04:16 5 J. TEMPLETON: Okay. Was Albert a member  
6 of the family that attended the church?

7 FATHER MURPHY: He was a member of that  
8 family, but I'm not aware of him attending the  
9 church. He was in his teens at that time and he  
04:16 10 was in and out of the home as far as I recall.

11 J. TEMPLETON: At some point you became  
12 aware of Albert Cadrain's involvement with  
13 Mr. David Milgaard during the murder  
14 investigation. Can you explain that to me?

04:16 15 FATHER MURPHY: Well, I became involved in  
16 the sense that a policeman friend of mine who  
17 knew I was working with youth came to see me and  
18 told me that Albert had the -- had given  
19 testimony or witness to the, that led up to the  
04:17 20 arrest of Milgaard and that Albert, the  
21 consequence of that, Albert was the most eligible  
22 witness for the reward that had been posted.

23 J. TEMPLETON: Do you recall what time of  
24 the year that conversation with this policeman  
04:17 25 might have taken place?



1 FATHER MURPHY: Oh, it was just -- probably  
2 within a month or so anyway.

3 J. TEMPLETON: Okay. So the police already  
4 were aware of Mr. Milgaard?

04:17 5 FATHER MURPHY: Oh, very much so, yes.

6 J. TEMPLETON: Okay. Do you know if he had  
7 already been arrested?

8 FATHER MURPHY: Well, as far as I know he  
9 had been because what I was told is that the --  
04:17 10 Albert's testimony had led them to arrest  
11 Milgaard, and in, I believe, Prince George, and  
12 so it was because of that testimony and the  
13 success of it that he was eligible for the \$2,000  
14 reward.

04:18 15 J. TEMPLETON: Did you have any  
16 conversation with Albert Cadrain prior to that  
17 concerning --

18 FATHER MURPHY: No.

19 J. TEMPLETON: Mr. Cadrain did not come to  
04:18 20 you or did he come to you to discuss the events  
21 of that day and what he should do about it?

22 FATHER MURPHY: No.

23 J. TEMPLETON: And did you in fact contact  
24 Mr. Cadrain, Mr. Albert Cadrain concerning the  
04:18 25 reward?



1 FATHER MURPHY: Yes, I did. I -- well,  
2 first of all, I couldn't contact him, I left word  
3 with his mother that he was to contact me, and he  
4 was afraid to approach me because I was a  
04:18 5 clergyman and he didn't know what it was all  
6 about, and so finally I was able to convince him  
7 that I had -- I was not in the position to  
8 reprove him or anything like that, I had some  
9 information that would be helpful to him, so he  
04:18 10 came to see me and I told him about the reward  
11 and that he had a very good chance of obtaining  
12 it, and so I suggested that he contact the police  
13 at that time.

14 J. TEMPLETON: Was he receptive to that  
04:19 15 idea of the reward or was he somewhat cautious?

16 FATHER MURPHY: Well, he was cautious about  
17 it I would say, you know, not knowing how deeply  
18 he would get involved with the thing I guess, but  
19 he was quite receptive and he was quite pleased  
04:19 20 because he was -- he had no means of support at  
21 that time if I recall rightly.

22 J. TEMPLETON: When you mentioned the fact  
23 that the reward was available and that he should  
24 apply, did you feel that he was already aware of  
04:19 25 the reward or was that new information to him?



1 FATHER MURPHY: I think that -- I don't  
2 think he was aware that he was eligible for the  
3 reward. That was the impression I got anyway.

4 J. TEMPLETON: Father Murphy, the day that  
04:19 5 you spoke with Albert Cadrain concerning his  
6 right of reward, did you and Albert discuss any  
7 of the events that had happened on the day of the  
8 murder?

9 FATHER MURPHY: We didn't go into it  
04:19 10 thoroughly, no. He did tell me that Milgaard had  
11 come to his house and I can't -- it was early in  
12 the morning, I can't put a specific time on it,  
13 but he wanted to get cleaned up there and  
14 that's -- I didn't go into details on that --  
04:20 15 that they left shortly after that to go -- for  
16 Calgary as far as I can recall. It's a long time  
17 ago and I can't -- but this is the substance of  
18 that, that I could discuss with you.

19 J. TEMPLETON: Okay. When you discussed  
04:20 20 Albert going to the police to apply for the  
21 reward, what were Albert's feelings towards the  
22 police at that time?

23 FATHER MURPHY: Well, a typical teenager's,  
24 he was uneasy about it.

04:20 25 J. TEMPLETON: Did he express a concern



1 about his dealings with the police?

2 FATHER MURPHY: Not that I can recall. No,  
3 I can't -- I can't recall anything about any of  
4 his dealings with the police. It was my  
04:20 5 information to him that motivated him to go to  
6 the police as far as I understand.

7 J. TEMPLETON: Did he need a little  
8 convincing to go?

9 FATHER MURPHY: A little bit, yeah.

04:21 10 J. TEMPLETON: As you mentioned, perhaps  
11 the uncertainty of the police being a teenager,  
12 did he express to you that he had had any bad  
13 experiences with the police as a result of the  
14 David Milgaard investigation?

04:21 15 FATHER MURPHY: Not to my knowledge, no.

16 J. TEMPLETON: Okay. Do you know for a  
17 fact that, if he did go to the police and apply  
18 for the reward?

19 FATHER MURPHY: Yes, I'm quite sure he did  
04:21 20 and he got the \$2,000 reward as far as I know.

21 J. TEMPLETON: Did you ever speak with  
22 Albert after that?

23 FATHER MURPHY: Just casually, that's all,  
24 I'd meet him at church or something like that and  
04:21 25 we would just talk and I would say, you know, how



1 are things going and he would say it's going  
2 good, Father, or something like that.

3 J. TEMPLETON: Okay. Just so it's  
4 perfectly clear, Mr. Cadrain did not come to you  
04:21 5 to seek advice prior to taking information to the  
6 police in the first instance?

7 FATHER MURPHY: Would you repeat that  
8 again, please?

9 J. TEMPLETON: I didn't word it very well.  
04:22 10 Did Mr. Cadrain, Albert Cadrain come to you to  
11 seek your advice about going to the police with  
12 the information about the murder?

13 FATHER MURPHY: No. I called him to see  
14 me.

04:22 15 J. TEMPLETON: Okay. Following the murder  
16 and before the police finished their  
17 investigation with the arrest of Mr. Milgaard,  
18 there was some general conversation in the  
19 neighbourhood about the incident?

04:22 20 FATHER MURPHY: Oh, well, it was a news  
21 item for our neighbourhood, yes.

22 J. TEMPLETON: And what was the topic of --  
23 what was the gist of the conversation in the  
24 neighbourhood? What were people saying?

04:22 25 FATHER MURPHY: Well, there was an awful





1 lot of concern that a murder should take place  
2 right within half -- well, just across the street  
3 practically from the church, and it was like  
4 people, normal people, they were very upset about  
04:22 5 it and just wondering how safe the district was  
6 and things like that.

7 J. TEMPLETON: Was it common knowledge  
8 immediately after the murder that perhaps the  
9 Cadrain family might have had information or had  
04:23 10 some involvement?

11 FATHER MURPHY: Not to my knowledge.

12 J. TEMPLETON: Okay. Have you spoken with  
13 anyone else, lawyers, prior investigators or  
14 other policemen about this matter?

04:23 15 FATHER MURPHY: No. The only people  
16 I really -- well, the policeman who came and gave  
17 me the information and so on, we discussed it  
18 afterwards and things like that, and I think he  
19 was the one that told me that Albert was given  
04:23 20 the reward and -- but I've had phone calls from  
21 the writer in Winnipeg.

22 J. TEMPLETON: Would that be Mr. Peter  
23 Carlyle-Gordge?

24 FATHER MURPHY: Yes. He's an English type,  
04:23 25 isn't he?



1 J. TEMPLETON: He could be.

2 FATHER MURPHY: I think so, yeah, but she  
3 phoned me and talked to me on the phone I believe  
4 while I was still in Saskatoon. I've talked to  
04:23 5 him a couple of times and then later on I talked  
6 to Mrs. Milgaard and a writer, I don't know if it  
7 was Carlyle himself, but she, she came to see me  
8 in Yorkton with another person.

9 J. TEMPLETON: So you mentioned you were in  
04:24 10 Yorkton from 1980 to 1982?

11 FATHER MURPHY: Right.

12 J. TEMPLETON: Is that when you would have  
13 spoke with Mr. Peter Carlyle-Gordge, when you  
14 were in Yorkton?

04:24 15 FATHER MURPHY: Well, as far as -- he  
16 called me when I was in Saskatoon and then later  
17 on he contacted me in Yorkton if I remember  
18 rightly.

19 J. TEMPLETON: And when would you have  
04:24 20 spoken with Mrs. Milgaard?

21 FATHER MURPHY: That would be about 1981 I  
22 would think. I just remember her stopping me  
23 outside the church and talking to me and I was, I  
24 told her that I had given all the information  
04:24 25 that I had. That was it.



1 J. TEMPLETON: That would have been in  
2 Yorkton then?

3 FATHER MURPHY: Yes. I think she was --  
4 they were trying to get me to help them find  
04:24 5 Albert Cadrain who had disappeared from the scene  
6 at that time. I had no information where he was.

7 J. TEMPLETON: Is there anything else  
8 concerning your involvement with Albert Cadrain  
9 or dealing with the murder investigation of 1969  
04:25 10 that you'd like to add or offer?

11 FATHER MURPHY: No, there's nothing else  
12 that -- as I say, I wasn't directly involved with  
13 any of that except for the revealing the  
14 knowledge or the fact about the reward to Albert  
04:25 15 and having some casual relationship with him  
16 later, but we never discussed the case after as  
17 far as I can recall.

18 J. TEMPLETON: Very good. Thank you. The  
19 statement concludes. The time is 11:50 a.m.,  
04:25 20 April 15th, 1993.

21 **(Audio tape concludes)**

22 MR. HODSON: That is the evidence for  
23 today, Mr. Commissioner.

24 COMMISSIONER MacCALLUM: Thank you very  
04:25 25 much. 10 o'clock tomorrow, please.



(Adjourned at 4:25 p.m.)

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**OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:**

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notes taken herein to the best of my knowledge, skill, and  
ability.

\_\_\_\_\_, CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

\_\_\_\_\_, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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