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Commission of Inquiry

Into the Wrongful

Conviction of David Milgaard

before

THE HONOURABLE MR. JUSTICE

EDWARD P. MacCALLUM

Transcript of Proceedings

and

Testimony before the Commission

sitting at the

Delta Bessborough Hotel at

Saskatoon, Saskatchewan

On Monday, April 18th, 2005

Volume 41

Inquiry Proceedings



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Appearances Milgaard Inquiry Vol 41 - Monday, April 18th, 2005

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Appearances:

Mr.	Hersh	Wolch,	Q.C.,	for Mr.	David	Milgaard
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- Mr. James Lockyer, Esq., for Ms. Joyce Milgaard
- Ms. Lana Krogan, **for** Government of Saskatchewan
- Mr. Si Halyk, Q.C., for Mr. T.D.R. (Bobs) Caldwell
- Mr. Garrett Wilson, Q.C., for Mr. Serge Kujawa
- Mr. Rick Elson, Esq., for the Saskatoon Police Service
- Mr. Aaron Fox, Q.C., for Mr. Eddie Karst
- Mr. Bruce Gibson, Esq., for the RCMP
- Mr. Eamon O'Keefe, Esq., for Mr. Larry Fisher
- Mr. David Frayer, Q.C., for Minister of Justice



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	1	Transcript of Proceedings
	2	(Reconvened at 1:00 p.m.)
	3	COMMISSIONER MacCALLUM: Good afternoon.
	4	ALL COUNSEL: Good afternoon.
01:00	5	MR. HODSON: Mr. Commissioner, before we
	6	call our first witness, there's a couple of
	7	matters I would like to deal with.
	8	Last Thursday the Commission
	9	granted a publication ban that prohibited the
01:00	10	publication, broadcast or dissemination of the
	11	names of nine assault victims and these sexual
	12	assault or assault victims and their names were
	13	identified in the ban. Five of these witnesses
	14	will be testifying this week. As you are aware,
01:01	15	the daily transcripts of our proceedings and the
	16	exhibits that are admitted are posted on the
	17	Commission's web site every evening. The
	18	publication ban that was granted on Thursday did
	19	not preclude the identification of these witness
01:01	20	names in either the transcript of their evidence
	21	or any exhibits that are admitted in evidence.
	22	Over the weekend I had occasion to reconsider
	23	this issue and as well talk to some of the
	24	witnesses and I've concluded, Mr. Commissioner,
01:01	25	that it would be appropriate for us to extend the

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	1	publication ban further and provide that the
	2	Commission and the Commission staff take steps to
	3	remove the names of these assault victims from
	4	both the transcripts and any exhibits so that
01:01	5	their names will not appear on the Commission web
	6	site and I have got a revised publication ban, if
	7	I could call it up, it's 325552, and you'll see
	8	it has revised a couple of things. I have added
	9	V1 for victim to each of the names so that we
01:02	10	have identifying initials. I've also added
	11	(V10) nee (V10)- as number 10 which I
	12	think should be in the publication ban as well.
	13	Paragraph 2, I have left part
	14	of that so that the official transcript of these
01:02	15	proceedings will have the witnesses' names in it
	16	and the names of the witnesses will not be
	17	redacted from the exhibit documents, so in other
	18	words, during the course of the hearing, if
	19	counsel wish to refer to a transcript or a
01:02	20	document, the witnesses' names will be in those
	21	documents.
	22	Now, we've got a ban that
	23	prevents the publication of their names by the
	24	media. Paragraph 3, I have added that prior to
01:02	25	posting the official transcript and exhibits on
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		5
	1	the Commission web site, the names of these
	2	witnesses shall either be redacted or replaced
	3	with the initials referred to in paragraph 1 and
	4	so that the names will not appear on the web
01:03	5	site. It may take us this week, we may be
	6	delayed a little bit in getting the transcripts
	7	up in the evening and the exhibits, but I think
	8	over the next five week break we can get ahead on
	9	that so it doesn't cause a problem and as well
01:03	10	counsel will receive the full transcript on
	11	CaseVault without any redaction, so I've
	12	circulated this with counsel. I'm not sure if
	13	there are any concerns with this. I suspect
	14	there's general agreement with this and I ask
01:03	15	that this publication ban in the form of this
	16	document be granted.
	17	COMMISSIONER MacCALLUM: I don't see
	18	anybody indicating they want to make a comment.
	19	No, I think that's quite satisfactory. The only
01:03	20	reason we're using names at all instead of
	21	aliases or numbers is as a matter of convenience
	22	to conduct our hearings expeditiously, everybody
	23	should know that, otherwise there would be an
	24	absolute ban, but there's just too many of these
01:04	25	people to start calling them one, two, three,

Page 8053 = 1 four, it would be terribly confusing, so the 2 order will go. Thanks, Mr. Hodson. 3 Thank you. The witnesses this MR. HODSON: week, as I explained last week, are going to be 4 5 five sexual assault victims from the 1968 to '70 01:04 time frame. On Thursday I read in the details of 6 7 the assault incidents for the first three 8 witnesses, that being (V1)----- nee (V1)-, 9 (V2)----- nee (V2)----- and 10 (V3)-----, maiden name is (V2)-----, and I 01:04 11 would submit, Mr. Commissioner, that there's no 12 need for me or any other counsel to question 13 these witnesses any further with respect to the details of the assaults. We have read into the 14 15 record sworn testimony where they have explained 01:05 16 or gone through that and I don't see any need to 17 question these victims again about that. Ιf there is a relevant reason that counsel has to 18 19 question any of these witnesses, I would ask that 20 they raise it with you first, Mr. Commissioner, 01:05 21 before they ask the question. 22 As well, I would ask all 23 counsel to keep in mind and to try and limit our 24 questions of these witnesses to matters of 25 relevance to the Commission and I've identified 01:05

Page 8054 = 1 three areas, it is not exhaustive, but I think 2 first, and I would like to set this out on the 3 record as to where it is that the evidence of these witnesses is pertinent to our inquiry. 4 5 First, in the conduct of the 01:05 investigation into the death of Gail Miller, 6 7 which is part of our mandate, I would suggest 8 that how the police dealt with these sexual 9 assaults and how the investigations overlapped 10 and intersected or didn't overlap and intersect 01:05 with the Gail Miller investigation is an issue 11 12 before the inquiry and so I intend to question 13 these witnesses about their dealings with the 14 police in the investigation. 15 Secondly, we know from the 01:06 16 record that Larry Fisher pled guilty to four of 17 these assaults and was convicted of these assaults in December of 1971 and the 18 19 circumstances surrounding his conviction for 20 these assaults is an issue in these proceedings 01:06 21 and I will question the witnesses about their 22 dealings or knowledge -- their dealings with 23 police in connection with Mr. Fisher's conviction 24 and their knowledge of that. 25 Thirdly, in the reopening 01:06

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	1	phase, information about the sexual assaults, the
	2	police investigation of these assaults and the
	3	circumstances of Mr. Fisher's conviction for
	4	these assaults became an issue in the early 1990s
01:06	5	and this information may be relevant in the
	6	determination of whether the investigation into
	7	Gail Miller's death should have been reopened, so
	8	I intend to question the witnesses about the
	9	public disclosure or disclosure of the assaults
01:07	10	and the convictions in the early 1990s, and as I
	11	said, I do not intend my statement to be
	12	exhaustive, but simply to indicate where I intend
	13	to go with these witnesses.
	14	Lastly, if I could ask counsel
01:07	15	when questioning these witnesses, I would ask
	16	that we try and limit our questions to questions
	17	that are both appropriate for these witnesses and
	18	questions that these witnesses can properly
	19	answer, and by appropriate for these witnesses I
01:07	20	mean this: We will be calling police and
	21	authorities who subsequently reviewed, analysed
	22	and compared the various assaults, modus
	23	operandi, etcetera, we will be calling those
	24	people, and I would submit those are the people
01:08	25	that these analyses and comparisons should be put

1 to as opposed to these witnesses, and so again, I do not want to limit any counsel's questions that 2 3 are of a relevant matter, but I simply point that out, that we will be calling other witnesses who 4 5 have looked at these and we will be asking them 01:08 about their analyses, etcetera. 6 7 So with those remarks, I should 8 also just add for the record, the setup that we 9 have, the first witness will be (V1)-----, she 10 is located in another room in the hotel and we 01:08 11 have a video camera, there's a monitor here for 12 examining counsel to see (V1)----, as well the 13 Commissioner has a monitor. Other than that, there's no other monitor and there is a 14 15 publication ban of any images, so there should be 01:08 16 no photographs or video taken of any of the 17 monitors of the witness, and the witnesses have 18 expressed concern about that and so, 19 Mr. Commissioner, maybe if I could just clarify 20 that and have you order that there be no video or 01:08 21 photographs of the monitors that show the 22 witnesses. 23 COMMISSIONER MacCALLUM: That's so ordered. 24 Do members of the media have any questions about 25 Do you understand? 01:09 that? Thank you.

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1 MR. HODSON: And so in the witness room 2 they have a television set, there's a camera here 3 so the witness will be able to see and hear the 4 They also have a monitor where they questions. 5 can see the documents and we will hear their 01:09 voice in the room. 6 7 So with that, I would call the 8 first witness which is (V1)----- and I believe 9 Ms. Beitel, our clerk, is there to swear her in. 10 01:10 (V1)-----, sworn: 11 BY MR. HODSON: 12 Q Good afternoon, (V1)----. 13 Α Good afternoon. 14 Thank you very much for agreeing to testify before Q 15 the Commission. I understand that your maiden 01:10 16 name is (V1)-, (V1)----; is that correct? 17 Α Correct. 18 And that your date of birth is October the 5th, Q 19 1946? 20 01:10 Α Yes. 21 Q And that you are currently 58 years of age? 22 Yes. Α 23 0 And I will be asking you some questions this 24 afternoon about an assault that took place on 01:10 25 October 21st, 1968 in Saskatoon, okay?

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	1	А	Yes.
	2	Q	And at that time, (V1), you were 22 years of
	3		age; is that correct?
	4	А	Yes.
01:10	5	Q	And I would like to just firstly go through your
	6		involvement in that matter just briefly. I
	7		understand that you would have been interviewed by
	8		members of the Saskatoon City Police Service at
	9		that time; is that correct?
01:10	10	А	Yes.
	11	Q	That you would have provided the police a written
	12		statement?
	13	А	Yes.
	14	Q	And that you would have had some further dealings
01:11	15		with the police in the course of that
	16		investigation?
	17	А	Yes.
	18	Q	And I understand at some point, (V1), you
	19		became aware that Larry Fisher was convicted of
01:11	20		assaulting you; is that correct?
	21	А	Yes.
	22	Q	And when was that? Do you recall when and how you
	23		became aware of that?
	24	А	No, I don't.
01:11	25	Q	Would it have been in 1990 or thereabouts that you
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Page 8059 : 1 became aware that Mr. Fisher was convicted? 2 Α Around there, yes. 3 And who was it that told you that? 0 4 The first person I heard it from was Α 5 Mrs. Milgaard. 01:11 And I'll come back to that in a moment. 6 Q Apart 7 from -- and I think the record suggests that that 8 was in 1990 or 1991. Does that sound right as far 9 as the time frame? 10 Α I don't recall, but it seems right. 01:11 11 Q And then after that do you recall having any 12 discussion with any RCMP officers in the course of 13 any of their investigations? 14 No, I don't. Α 15 And I understand that you testified at the trial 01:12 0 16 of Larry Fisher; is that correct? 17 Yes, I did. Α 18 And that you testified at the voir dire at Larry Q 19 Fisher's trial; is that correct? 20 01:12 Α Yes. 21 So I would like to go back to 1968 and ask you a Q 22 few questions about your dealings with the police. 23 Do you recall the police officer or officers that 24 you dealt with at the time? 01:12 25 Yes, I do. Α

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(V1) by Mr. Hodson Vol 41 - Monday, April 18th, 2005

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	1	Q	And who do you remember?
	2	А	I don't know them by name, but I remember two
	3		police officers coming.
	4	Q	Okay. Does the same Bev Cressman sound familiar?
01:12	5	А	Yes.
	6	Q	And was that an officer that you had dealt with?
	7	А	Yes.
	8	Q	And you are able to recall that today, that name,
	9		are you?
01:12	10	А	Yes, I do.
	11	Q	Any others?
	12	А	No.
	13	Q	And I appreciate that this was 37 years ago, 36
	14		years ago. Are you able to give us any sense,
01:13	15		(V1), about how many times you would have
	16		talked to the police?
	17	А	I don't recall.
	18	Q	Are you able to give us a range, an estimate, a
	19		few times, many times, anything like that?
01:13	20	А	Just a few times.
	21	Q	And the incident, as I said, took place on October
	22		21st, 1968. Are you able to tell us over what
	23		time period it was that you would have had contact
	24		with the police, and by that just let me clarify
01:13	25		that. How many months or years after the date of
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	1		the incident were you talking to the city police
	2		about this matter?
		_	
	3	A	I really don't recall how often.
	4	Q	Okay. And I believe, (V1), that you gave a
01:13	5		statement to the police at or about the time of
	6		the assault?
	7	А	Yes, I did.
	8	Q	I'm going to call up on the screen a copy of this
	9		handwritten statement and I have just a couple of
01:14	10		questions, I do not propose to go through it, it's
	11		document 042504. Can you see that on the computer
	12		screen?
	13	А	Yes, I do.
	14	Q	And is that your signature in the bottom right
01:14	15		corner? Can you see that?
	16	А	Yes. Yes, it is.
	17	Q	And do you recall giving this statement to the
	18		police?
	19	А	Yes.
01:14	20	Q	And prior to coming here today, I understand that
	21		you had an occasion to read through this
	22		statement; is that correct?
	23	А	Yes.
	24	Q	And can you tell us whether this statement is
01:14	25		accurate and truthful?
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(V1) by Mr. Hodson Vol 41 - Monday, April 18th, 2005

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	1	А	Well, of what I can remember of it, yes, it is.
	2	Q	Okay, next I want to show you a newspaper article,
	3		and if I could call up 039527. And this is a
	4		newspaper article, (V1), dated December 14,
01:15	5		1968, so it's a couple of months after your
	6		assault, and I believe I have you have seen
	7		this article in the last I have showed it to
	8		you today and you may have seen it before; is that
	9		correct?
01:15	10	А	No, I didn't see it before, I don't recall if I
	11		did.
	12	Q	Okay. So but you went through it with me
	13		today, you read this, and so you know the document
	14		I'm talking about?
01:15	15	А	Yes I do.
	16	Q	And do you recall, then, seeing this in the
	17		newspaper back in 1968 or
	18	А	No I don't.
	19	Q	Do you recall and, again, back to late
01:15	20		1968-1969 do you recall either knowing about or
	21		hearing about other assaults that may have taken
	22		place in and around the time of your assault?
	23	А	No, I don't recall.
	24	Q	Now approximately three months after your assault
01:16	25		Gail Miller was murdered on January 31, 1969; you
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	1		are aware of that now, are you?
	2	А	Yes, I am now.
	3	Q	Back at the time, (V1), do you recall whether
	4		you became aware of the murder or not?
01:16	5	А	Umm, no I don't.
	6	Q	Do you know at what point you did become aware of
	7		it, would it be sometime later or
	8	А	Well, it was kind of later, yes.
	9	Q	And when you say "later" are we talking months,
01:16	10		years, or are you able to help us out on that?
	11	А	I'm I don't recall.
	12	Q	Okay. If I could call up document 025157, please.
	13		And, (V1), this is a police report dated April
	14		15th, 1969 prepared by Officer Bev Cressman, and
01:17	15		this is a copy of the document that I showed you
	16		earlier today in our office that I went through
	17		with you; okay, do you remember that document?
	18	А	Yes I do.
	19	Q	And I'll just go through parts of this and then
01:17	20		I'll have some questions for you. If you can
	21		maybe just call out the top paragraph, please.
	22		And it says and I'll just read this, (V1),
	23		and then I'll have a couple of questions, so just
	24		follow along, please. It says:
	25		"Regarding this file, on April 7th, I
			Meyer CompuCourt Reporting

(V1) by Mr. Hodson Vol 41 - Monday, April 18th, 2005

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1	1 called at 210 A	Avenue N South, the home
2		- aunt and located
3	3 (V1)	She was advised that I
4	4 wished to show	her some pictures in
5	5 regards to the	(V1)- Rape file, and that
6	6 I wished a Sali	iva Test and a blood test
7	7 from her. She	agreed to this and was
8	8 transported to	the Police station. At
9	9 the Police stat	tion (V1) was shown
10	0 a group of 19 p	photos - snapshots of
11	1 various people	picked at random from the
12	2 Morality Office	e Drawer. Amongst these
13	3 photos was incl	luded one of David
14	4 Milgaard, (this	s last photo was obtained
15	5 from Detective	Sergeant R. Mackie).
16	6 (V1) look	ked at these photos which
17	7 were all placed	d on the desk at one time,
18	8 and immediately	y picked out the photo of
19	9 David Milgaard	and one other male person
20	20 whose identity	at this time is not known
21	21 to me. She sta	ated that she had
22	22 definitely seen	n both these persons
23	23 around before s	somewhere however couldn't
24	24 remember where	or when. She could not
25	25 identify any of	f these persons as the one

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	1		who may have raped her. The position of
	2		these photos was noted in my memo book.
	3		Both the photos which were picked out
	4		were initialed by (V1) and myself
	5		and the time and date placed on back of
	6		them. They are presently stored in an
	7		envelope in my locker in the Morality
	8		Office along with the other 17 photos."
	9		(V1), do you recall first of all, did you
01:19	10		live with your did your aunt live on Avenue N
	11		South at the time; do you recall that?
	12	А	Yes?
	13	Q	And was her name Mrs. Hattie Hnatiuk?
	14	А	No, that's not the name at all.
01:19	15	Q	Okay. What was her name at the time?
	16	А	(Redacted).
	17	Q	And lived at 210 Avenue N South; is that right?
	18	А	Yes. The number of the house I don't remember,
	19		but
01:19	20	Q	Avenue N?
	21	А	Yes.
	22	Q	Okay. Now do you recall going down to the police
	23		station with a police officer to look at photos?
	24	А	I don't recall the photo thing.
01:19	25	Q	Do you recall looking at a police line-up of

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Page 8066 1 individuals? 2 Α Yes. 3 Tell us what you recall about that? 0 4 I recall seeing two people there that looked like Α 01:20 5 might have been. 6 Q Okay. And were these -- were these real people 7 behind a glass, or behind a wall or something like 8 that, is that what you are --9 Yes, behind a glass, to my knowledge. Α 10 And are you telling us these were not photographs 01:20 0 11 but, actually, individuals that you looked at? 12 Α Yes. 13 0 And do you recall identifying any of those people? 14 Well, not really, I -- sort of, because I didn't Α 15 see the face. 01:20 16 Okay. When you say "didn't see the face" --Q 17 That's --Α 18 -- is that of your attacker? Q 19 Yes. Α 20 And let me ask you that; were you, did you see the 01:20 0 21 face of your attacker such as to enable you to 22 identify your attacker in a photograph or in a 23 line-up, did --24 Α I don't recall seeing -- looking at a photograph. 25 Let me try that again. My question is whether or 01:20 Q



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	1		not you saw your attacker, whether you saw your
	2		attacker in sufficient detail to allow you to look
	3		at a photograph or at an individual, and enable
	4		you to identify that person as the attacker? Do
01:21	5		you understand my question?
	6	А	Not quite, no.
	7	Q	Okay. Let's try it again. What I would like to
	8		know is whether you would have been able to
	9		identify your attacker based on what you observed
01:21	10		during the incident?
	11	А	Well, I didn't see the face. I know there was
	12		long hair.
	13	Q	Okay. So that, if someone showed you a photograph
	14		of an individual, would you have been able to
01:21	15		identify the individual who attacked you from a
	16		photograph?
	17	А	I'm not sure.
	18	Q	Okay. So now let's just go back to the police
	19		report. Do you does the name David Milgaard,
01:21	20		do you recall that back at the time, (V1),
	21		identifying a photograph of David Milgaard?
	22	А	I'm not quite sure, but I think I had picked out
	23		two.
	24	Q	Okay. Now the report also goes on to talk about
01:22	25		getting a saliva sample from you; do you recall

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	1		being asked for that and providing that?
	2	А	I kind of recall, yes.
	3	Q	Okay. And the remainder of this report and I
	4		don't propose to go through it,
01:22	5		Mr. Commissioner talks about a suspicious
	6		fellow at the bus depot, and it's fairly
	7		extensive, and you have read that, (V1),
	8		earlier today. Do you have any recollection of
	9		giving the police information about a suspicious
01:22	10		person at the bus depot?
	11	А	No I don't.
	12	Q	Okay.
	13	A	Not at all.
	14	Q	Okay. That, fine, we're done with that document.
01:22	15		If we could just go back, just generally, I think
	16		you have told us you remember looking at some
	17		individuals in a line-up; do you remember how many
	18		times you might have looked at people or photos or
	19		anything of that nature?
01:23	20	A	No, I don't remember.
	21	Q	Are you able to recall whether, and again back
	22		1968, '69, 1970 or thereabouts, whether the police
	23		ever informed you that they may have a suspect for
	24		your assault?
01:23	25	А	I don't really recall. It seems they had said
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	1		they might have someone but I don't recall.
	2	Q	Okay. And do you know who would have told you
	3		that, or when, are you able to help us out on that
	4		at all?
01:23	5	А	The one person I talked to a few times was
	6		Cressman.
	7	Q	Okay.
	8	А	I would think it would have been him.
	9	Q	Okay. Do you remember being told by anybody from
01:23	10		the police that your investigation file would be
	11		closed?
	12	А	No, I don't recall that.
	13	Q	Are you able to tell us what would have been the
	14		last or the nature of your discussions with the
01:24	15		police the last time that you talked to them about
	16		this matter, or how it was left off with you, are
	17		you able to?
	18	А	No, I'm sorry, I don't remember.
	19	Q	And is it fair to say that since the
01:24	20		investigation, whether it be in 1968, 1969 or
	21		thereabouts, have you talked to anybody from the
	22		Saskatoon City Police about this assault since
	23		then?
	24	А	No.
01:24	25	Q	If I could call up document 260945. And,

Page 8070 = 1 (V1)----, this is an information that charges 2 Larry Fisher with assaulting you, and this 3 information, this charge is laid on December 30th, 4 1970, and my question is were you aware, at this 5 time, that the police had charged Larry Fisher 01:25 with assaulting you? 6 7 No. Α 8 If I could call up document 03 --0 9 COMMISSIONER MacCALLUM: Is that date '70? 10 MR. HODSON: Yes, it is. 11 COMMISSIONER MacCALLUM: It is December 12 '70? Thanks. 13 BY MR. HODSON: 14 Now, next, if I could call up document 261053. Q 15 And, (V1)----, this is a letter dated March 17th, 01:25 16 1971, and it's a letter from the Saskatoon City 17 Police to the Deputy Attorney General, and I 18 believe I have shown this to you before. I would 19 like to go to the second page please, 261054, and 20 if you could call out that. And in this letter, 01:26 21 (V1)----, this is March of 1971 so this is about 2 22 1/2 years after the assault, it says here: 23 "During the investigation of this 24 offence (V1) ---- viewed police photos, 25 including that of Fisher, and was unable 01:26

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	1		to identify him as her assailant."
	2		And do you recall whether or not you were shown
	3		any photographs of Mr. Fisher?
	4	А	No, I'm sorry, I don't recall.
01:26	5	Q	If we could then go ahead to document 039619. And
	6		(V1), this is a document dated December 21,
	7		1971, and this is a document that shows that Larry
	8		Fisher was convicted of sexually assaulting you on
	9		October 21, 1968 and that he was sentenced to four
01:27	10		years concurrent to another sentence that he was
	11		already serving? Were you did you become aware
	12		of this, at the time, that Mr. Fisher was
	13		convicted and sent to jail for assaulting you?
	14	А	No.
01:27	15	Q	Okay, that document we're done with. Now you told
	16		us a bit earlier that you became aware of Mr.
	17		Fisher's conviction for your assault, I think, in
	18		the 19 early 1990's from Mrs. Joyce Milgaard;
	19		is that right?
01:27	20	А	Yes it is.
	21	Q	Can you tell us what you recall about your
	22		interaction and meeting with Mrs. Milgaard?
	23	А	She just came over to my house and wanted to talk
	24		to me. She just tried to tell me that her son
01:28	25		didn't do that, that it was Larry Fisher, and I
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	1	Q	When you say "her son didn't do that" what are you
	2		referring to?
	3	А	She said "no, he didn't do that", she says, "it's
	4		Larry Fisher and I know he did".
01:28	5	Q	Okay. Was this related to Gail Miller or to your
	6		assault?
	7	А	To my assault.
	8	Q	Okay. And do you recall what else was discussed?
	9	А	I don't really recall everything else she said.
01:28	10	Q	Do you recall whether anybody was with her?
	11	А	Yes there was.
	12	Q	And do you remember who that was?
	13	А	I don't know his name, but it was a private
	14		investigator.
01:28	15	Q	Does the name Paul Henderson sound familiar?
	16	А	Umm, I'm sorry, I don't
	17	Q	That's fine?
	18	А	don't recall.
	19	Q	Were you reluctant to talk to Mrs. Milgaard and
01:29	20		this other fellow?
	21	А	No, I didn't want to.
	22	Q	Okay. And why not?
	23	А	I just didn't think I should talk to them.
	24	Q	And did this, learning this information, upset you
01:29	25		(V1)?

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	1	А	Well, of course it did, but I just try and put
	2		everything behind.
	3	Q	Okay. Were you contacted by any media around this
	4		time or in the following years?
01:29	5	А	No.
	6	Q	Were you contacted by the RCMP in 1993; do you
	7		remember that?
	8	А	Not that I recall.
	9	Q	And then if I can go ahead, Mr. Commissioner,
01:29	10		we've already identified for the record her
	11		evidence at the voir dire and at the trial.
	12		(V1), you testified twice in the Larry Fisher
	13		proceedings, once at a voir dire and once at the
	14		trial; is that correct?
01:29	15	А	Yes.
	16	Q	And did you tell the truth, to the best of your
	17		recollection, at that time?
	18	А	I did.
	19	Q	Yeah. Those are all of my questions, (V1) I
01:30	20		will just check, if you want to just wait for a
	21		moment, and I'll see if other counsel have any
	22		questions. I believe Mr. Lockyer has a question
	23		for you, and he is counsel for Joyce Milgaard.
	24	BY	MR. LOCKYER:
01:30	25	Q	Yes, (V1), on reflection would it have helped
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	1		you, do you think, if you had known about Larry
	2		Fisher's arrest and confession and guilty plea to
	3		assaulting you in 1968?
	4	А	Help me in which way?
01:30	5	Q	If you had been told back in 1970 or 1971, would
	6		that have been a help, of help to you?
	7	А	I don't understand what you mean by "help to me?"
	8	Q	Well you went through the next 19 or 20 years
	9		without knowing that someone had been apprehended
01:31	10		and, indeed, had confessed to having assaulted
	11		you; do you wish that you had been told that back
	12		in 1970?
	13	А	Yes, just so that I would know who had done it,
	14		yes.
01:31	15	Q	And how do you think that would have helped you,
	16		just briefly?
	17	А	(Witness Shrugs).
	18	Q	You shrug. Do your best?
	19	А	I'm sorry but I can't answer.
01:31	20	Q	Okay.
	21		COMMISSIONER MacCALLUM: How is this
	22		helping us, Mr. Lockyer, how is it relevant?
	23		MR. LOCKYER: I'm not pursuing it, she
	24		doesn't want to answer, Mr. Commissioner.
01:32	25		COMMISSIONER MacCALLUM: No.
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	1	BY	MR. LOCKYER:
	2	Q	You have had contact with the authorities since
	3		Mrs. Milgaard came and spoke to you; is that
	4		right?
01:32	5	А	I have had?
	6	Q	Contact with the authorities, police and
	7		prosecutors, since Mrs. Milgaard spoke to you in
	8		1990-1991; is that right?
	9	А	Yes, just when I had to come to Court.
01:32	10	Q	Okay. That would have did you did anyone
	11		speak to you from the police or from the
	12		Department of Justice in the two years after Joyce
	13		Milgaard came to your home?
	14	А	No.
01:32	15	Q	Did you have anything to do with the proceedings
	16		over David's case in the Supreme Court of Canada
	17		in 1992?
	18	А	No.
	19	Q	Umm, no one from the police or the Department of
01:32	20		Justice, or indeed Saskatchewan Justice,
	21		approached you to interview you; is that right?
	22	А	No they didn't.
	23	Q	And you didn't speak to the RCMP, either, when
	24		they did an investigation in 1993; is that right?
01:33	25	А	No I didn't.
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	1	Q	So would I be right in saying, then, that the
	2		first time you spoke to any police or prosecutor
	3		was probably in 1999, around the time of Larry
	4		Fisher's trial?
01:33	5	A	That's correct.
	6	Q	And who approached you then; was it police first?
	7	А	No.
	8	Q	Who was first?
	9	А	I don't recall his name at the moment.
01:33	10	Q	I don't sorry, it's not so much name, but do
	11		you know what he did for a living; was he a police
	12		officer or a prosecutor or something else?
	13	А	Some kind of prosecutor or Crown attorney.
	14	Q	All right. Okay. And he he spoke to you and
01:33	15		interviewed you; did he?
	16	А	He just talked to me over the phone.
	17	Q	All right. And, between then and when you
	18		testified at Larry Fisher's trial, did anyone else
	19		speak to you or interview you from the police or
01:34	20		prosecutor's office?
	21	А	No, just to say that I had to go to trial.
	22	Q	All right.
	23	А	And I don't recall who they were.
	24	Q	Has has anyone from the prosecution, from the
01:34	25		Attorney General's office, Department of Justice,
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	1		or any police force, ever tried to explain to you
	2		why it was almost 20 years before you found out
	3		about Larry Fisher?
	4	А	No.
01:34	5	Q	Not even to this day?
	6	А	No.
	7	Q	Have they ever sat down and have they even have
	8		they ever met with you face to face to talk about
	9		it? Have they ever asked to meet with you face to
01:35	10		face to talk about it?
	11	А	Who is it that you are talking about?
	12	Q	Police, prosecutors, Attorney General of
	13		Saskatchewan?
	14	А	No.
01:35	15	Q	Department of Justice in Ottawa?
	16	А	No.
	17	Q	No one? So it sort of goes without saying I would
	18		think and maybe I'm wrong but am I right,
	19		then, that there's never been an apology to you
01:35	20		for those years?
	21	А	That's right.
	22	Q	Do you think they owe you one?
	23		COMMISSIONER MacCALLUM: Mr. Lockyer,
	24		please, what's where is the relevance?
01:35	25		MR. LOCKYER: Oh, Mr. Commissioner, the
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	1	issue of apologies in these kinds of cases, both
	2	to victims and to people wrongly convicted, is a
	3	crucial issue that was that's been examined at
	4	previous inquiries, and in my submission
01:35	5	COMMISSIONER MacCALLUM: I'm sure I'm
	6	sorry, go ahead, I don't want to interrupt you.
	7	MR. LOCKYER: I'm sorry, can I proceed?
	8	COMMISSIONER MacCALLUM: No, I was just
	9	waiting for you to finish your sentence, that's
01:36	10	all. I'm sure it's an extremely important matter
	11	
	12	MR. LOCKYER: Yes?
	13	COMMISSIONER MacCALLUM: in terms of the
	14	relation between victims and authorities, but in
01:36	15	terms of our terms of rel dealing with our
	16	the relevance in this particular case is what
	17	I'm
	18	MR. LOCKYER: Well I'm hoping,
	19	Mr. Commissioner and, you know, I hate to go
01:36	20	on my previous experience of inquiries but it has
	21	happened at previous inquiries that I have been
	22	involved in, and there have been important
	23	moments where authorities have decided to make
	24	public apologies to people who were affected by
01:36	25	mistakes, wrong decisions, whatever they may have
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	1	been, in the past during these types of cases,
	2	and I'm hoping that if (V1), having said she
	3	has never received an apology and I think I
	4	detected in the way she responded to the question
01:37	5	that she is not pleased that she hasn't that
	6	it may inspire parties to this Inquiry to do just
	7	that at some point during the course of this
	8	Inquiry. That's the purpose of the questioning
	9	and that's, in my submission, an important
01:37	10	purpose or important aspect of this Inquiry
	11	COMMISSIONER MacCALLUM: Well
	12	MR. LOCKYER: if, indeed, such apologies
	13	are forthcoming.
	14	COMMISSIONER MacCALLUM: Insofar as
01:37	15	(V1) is concerned, of course her matter is
	16	clearly collateral to the Milgaard matter and to
	17	the Inquiry and to his wrongful conviction, and
	18	so far as any apologies to Mr. Milgaard or his
	19	family are concerned arising out of this Inquiry,
01:37	20	I understand that those apologies have already
	21	been made.
	22	MR. LOCKYER: Well they have been made by
	23	some parties, but right now we're dealing with
	24	(V1), that it might be of considerable
01:38	25	assistance to her she may say otherwise, I
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Page 8080 = 1 don't know, --2 COMMISSIONER MacCALLUM: Well let's --3 MR. LOCKYER: -- but it might be of 4 considerable assistance to her if there was a 5 public apology by, say, the Saskatoon Police 01:38 6 Service for what they put her through for all 7 those years. 8 Well, they can COMMISSIONER MacCALLUM: 9 make such an apology on their own account, but I 10 don't consider it to be relevant here. 01:38 11 MR. LOCKYER: Because it was my last, so 12 you know, my last question of this witness was 13 whether she would appreciate such an apology. That is equally 14 COMMISSIONER MacCALLUM: 15 irrelevant, sir. 01:38 16 All right. MR. LOCKYER: Well that was to 17 be my last question. 18 COMMISSIONER MacCALLUM: Thank you very 19 much. 20 MR. LOCKYER: Thank you very much, ma'am. 01:38 21 MR. GIBSON: Mr. Commissioner, I have a 22 follow-up question arising from a question from 23 Mr. Lockyer, and it has to do with contact with 24 the RCMP, and I just want to clarify the record, 25 because it appears the answer given to Mr. Hodson 01:39

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	1		was different than the answer given to
	2		Mr. Lockyer.
	3		COMMISSIONER MacCALLUM: Okay.
	4	ВҮ	MR. GIBSON:
01:39	5	Q	(V1), my name is Bruce Gibson, I'm acting as
	6		the lawyer for the RCMP in this Inquiry.
	7		And I don't know if you heard
	8		the portion that I just referenced to the
	9		Commissioner, but it just I'm just trying to
01:39	10		clarify the record with respect to what contact
	11		you may have had with the police. And would I be
	12		correct in assuming and, again, please give the
	13		most accurate information that you can I
	14		believe you said to Mr. Hodson that you didn't
01:39	15		recall being contacted by the RCMP in 1993; is
	16		that correct?
	17	А	That's right.
	18	Q	And I believe you told Mr. Lockyer, just now, that
	19		you had not been contacted by the RCMP in 1993;
01:39	20		now is it that you were not contacted or that you
	21		cannot recall?
	22	А	I don't recall.
	23	Q	Okay. I'm wondering, if we put up a document, can
	24		the witness see that document then?
01:40	25		MR. HODSON: Yes.
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BY	MR.	GIBSON:
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1

	2	Q	That's the document, 254882, please. Now,
	3		(V1), the document that's in front of you, I'm
	4		sure that you have not seen this document unless
01:40	5		you went through it with Mr. Hodson, but this is
	6		an RCMP continuation report. And what it
	7		basically is, is when RCMP officers are doing an
	8		investigation they do ongoing notes with respect
	9		to contact with people that they have had. So I'm
01:40	10		going to read some portions of this document to
	11		you and I'm hopeful that that will assist you in
	12		trying to recall what appears to be a date of
	13		April 22nd, 1993. Okay? So I'll go through that
	14		with you, and if at any time you are not clear,
01:40	15		please just stop me and I will go over other
	16		points with you again:
	17		"The following is an update to file
	18		93-402. It is requested that a copy of
	19		this update be applied to the following
01:41	20		files, which also relate to (V1)-:"
	21		Next paragraph:
	22		"(V1) (nee (V1)-) was determined
	23		to be living in Calgary, Alberta, where
	24		she is apparently residing with a
01:41	25		(Redacted). Phone number,
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Page 8083 = 1 (Redacted)." 2 (V1)----, do you recall residing in Calgary in 3 1993 with a (Redacted)? 4 Α Yes I do. 5 And is that your telephone number there, or can Q you remember your telephone number at the time? 6 7 Yes, it is. Α 8 Q And it goes on to say it: 9 "On 93-04-25 I contacted (V1)- by phone 10 ...", 11 and the officer that is making this note is a 12 Constable Jorgenson; does that name ring a bell 13 you at all? 14 No it doesn't. Α 15 Okay. 01:41 0 It says: 16 "... I contacted (V1) - by phone, via the 17 noted telephone number, as I was in the 18 process of trying to set up our 19 interviews to be done in Calgary. 20 Members were planning to be in Calgary 01:42 21 the week of the 19th of April. In 22 speaking with (V1)-, she stated that she 23 was not really sure that she wanted to 24 see us. It was a long time ago. A part 01:42 25 of her past. At one point she was

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	1		willing to meet with us, if she had to.
	2		I made it clear to her what it is that
	3		we are doing. That it is not our
	4		intention to make her life difficult.
01:42	5		That it was basically a matter of seeing
	6		her to see if she can assist us in what
	7		we are doing. If she can't. That's
	8		fine. At one point it appeared that
	9		there would be problem in our seeing
01:42	10		her."
	11		Do you recall, at all, any discussion along that
	12		line, then, with the RCMP about them doing an
	13		investigation and whether you would be willing to
	14		take some time and chat with them?
01:42	15	А	No, I'm sorry, I don't.
	16	Q	Okay. But is it possible, then, that you did go
	17		on to tell the police that you just didn't feel
	18		like you wanted to see them and, at the end of the
	19		day, decided to not speak with the RCMP?
01:42	20	А	I don't recall talking to them.
	21	Q	Okay. Is it possible that you did and you simply
	22		don't recall all of the contacts that you may have
	23		had with the RCMP or other police agencies?
	24	А	Possible.
01:43	25	Q	Okay. Thank you for your time.
			1

Page 8085 = 1 MR. HODSON: I believe those are all the 2 questions, and if I may, (V1) ----, on behalf of 3 the Commission, thank you for your co-operation with me and with our staff, and for coming here 4 5 today. 01:43 6 А Thank you. You are welcome. 7 COMMISSIONER MacCALLUM: Thank you, 8 (V1)----, you are excused. 9 MR. HODSON: Mr. Commissioner, I would 10 suggest that we adjourn for about 15 minutes, I 01:43 11 have got our next witness come at 2:00, I 12 believe, it may be a bit later but I'll try and 13 get it for 2:00, set up. 14 COMMISSIONER MacCALLUM: That will be fine, 15 01:44 sure. 16 (Adjourned at 1:43 p.m.) 17 (Reconvened at 2:10 p.m.) MR. HODSON: Mr. Commissioner, before we 18 19 start with our next witness, I'm advised that 20 both Mr. Elson and Mr. Lockyer wish to just 02:10 21 address you on a point that came out of the last 22 witness' evidence and I believe Mr. Elson is 23 going to go first. 24 MR. ELSON: Yes, Mr. Commissioner. Ι 02:10 25 didn't want to prolong the matter at the time

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Page 8086 1 that the last witness was testifying and I didn't 2 want to state an objection while she was on the I was hoping to have an opportunity to 3 stand. 4 perhaps speak with you during the break, speak 5 obviously publicly with you during the break and 02:10 to make a submission. 6 7 I was very thankful for the 8 Commissioner's comments with respect to 9 Mr. Lockyer's questions in regard to an apology 10 and I just simply wanted to drive the point home 02:10 11 insofar as the Saskatoon Police Service is 12 concerned. 13 One of the issues that came up 14 in the cross-examination, or two of the issues 15 that came up were the issue about an explanation 02:10 16 and the issue of an apology. I won't speak to 17 the issue of the apology because I believe that 18 Your Lordship's ruling in this respect covers 19 that off. 20 With respect to the 02:11 21 explanation, there is an explanation as to why 22 the individuals in question were not notified of 23 Mr. Fisher's conviction and that explanation is 24 relevant to this Commission of Inquiry insofar as 25 it may or may not intersect or deal with the 02:11

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	1	circumstances under which the Fisher
	2	investigation intersected with the investigation
	3	of the murder of Gail Miller and also perhaps
	4	intersected with the possible review of Mr.
02:11	5	Milgaard's conviction.
	6	Having said that, the
	7	explanation for that is to come from witnesses
	8	other than the witnesses we will be hearing from
	9	this week and the question as to whether there is
02:11	10	an explanation, whether there ought to be an
	11	explanation or whether the explanation was given
	12	to these people, with all due respect, is not
	13	something, we submit, that would come from the
	14	witnesses who are being presented this week.
02:12	15	I wanted to speak to the
	16	Commissioner and to the Commission on this
	17	particular point in case it should come up again
	18	in the cross-examination of the other witnesses
	19	that are scheduled to testify. I believe
02:12	20	Mr. Lockyer wishes to revisit this, but I just
	21	simply wanted to advance to the Commission our
	22	views on this particular point.
	23	COMMISSIONER MacCALLUM: Thanks, Mr. Elson.
	24	Mr. Lockyer?
02:12	25	MR. LOCKYER: Mr. Commissioner, I was not
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	1	expecting you to have difficulty with the
	2	questions that I was asking and consequently
	3	hadn't really prepared my mind for what I might
	4	call a satisfactory argument about the questions
02:12	5	and I will, with your permission, attempt to do
	6	that now. I've been thinking about it throughout
	7	the break and I would like to address you further
	8	on the issue if I may, and I'll still be
	9	comparatively brief and this is the way I would
02:13	10	like to put it: That the concealment of the
	11	crimes perpetrated on these ladies was, first of
	12	all, a crucial factor in Mr. Milgaard's wrongful
	13	conviction; that the concealment of the crimes
	14	that was perpetrated on these ladies was, as
02:13	15	well, a crucial factor in Larry Fisher getting
	16	away with murder for 28 years; the concealment of
	17	the crimes perpetrated on these ladies was a
	18	crucial factor in the continuation of David
	19	Milgaard's wrongful conviction for 23 years; and
02:13	20	it was the exposure of the crimes that were
	21	perpetrated on these ladies which resulted in
	22	David Milgaard's eventual release, his ultimate
	23	exoneration and the successful prosecution and
	24	conviction of Larry Fisher.
02:14	25	It is, therefore, firstly, I
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	1	hope I can satisfy you, a highly significant
	2	issue to this inquiry, that it wasn't until 1990,
	3	and I think you'll hear actually as a result of
	4	an anonymous phone call, that Larry Fisher's
02:14	5	existence became known to David Milgaard's
	6	counsel Hersh Wolch.
	7	Now, as I understand it, the
	8	authorities will say, when the time comes, that
	9	there is an explanation, it's a mixture of
02:14	10	policy, changed policies, crossed wires, errors,
	11	non-communication, that's the kind of explanation
	12	that I anticipate you will hear from the
	13	authorities which we I say we which I, on
	14	behalf of Mrs. Milgaard, and Mr. Wolch on before
02:15	15	of Mr. Milgaard, and there may be other counsel,
	16	may question and challenge, but what they will
	17	not claim is that the ladies should not have been
	18	notified of the apprehension, confession and
	19	conviction of Larry Fisher for their crimes.
02:15	20	That will not be a claim, as I understand it,
	21	made by any of the parties here, that they acted
	22	correctly in not notifying.
	23	So in those circumstances, if
	24	we can safely assume that, and we can, I'm sure,
02:15	25	safely assume that, then this Commission also in
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	1	my submission should consider the relevance of
	2	the ensuing 15 years since it became known what
	3	Larry Fisher had done in 1990 to all parties and
	4	the failure on the part of any authority to
02:16	5	explain or apologize to any of these ladies for
	6	what happened to them for those 19 years that
	7	they went through without knowing that their
	8	assailant had been apprehended. It's in the
	9	materials before you, Mr. Commissioner, how they
02:16	10	have said how they felt as a consequence of what
	11	happened to them for those 19 years, the kinds of
	12	fears that they felt because they didn't know
	13	that the person had been identified and
	14	apprehended and the fact that they didn't know
02:16	15	that, the consequences of that on their psyches,
	16	if I can put it that way.
	17	Now, we haven't asked them
	18	those questions, we haven't brought that out of
	19	them, but it's in the materials, the written
02:17	20	terms before you and I'm sure takes no great,
	21	there's no great mystery to how they would have
	22	reacted not thinking that the perpetrators, or
	23	the perpetrator of their crimes had ever been
	24	apprehended, and in my submission, then, that
02:17	25	failure to apologize and that failure to explain,
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Page 8091 = 1 both, for those 15 years, is indicative of an attitude on the part of those parties whom one 2 3 might have expected would have apologized and would have explained to these ladies how those 19 4 5 years went by in the way they did. 02:17 Indeed now it's 34 years that 6 7 have gone by up to 2005, they still received no 8 explanation and they still received no apologies, 9 because there are a number of authorities that 10 one might have expected or thought could have 02:17 11 done this ranging from the federal Department of 12 Justice, particularly when they were involved in 13 the applications being brought by Mr. Milgaard 14 under Section 690 of the Criminal Code, obviously 15 the Saskatoon police, as well the RCMP in 1993. 02:18 16 Now, we've heard that (V1) ----17 chose not to speak to them and that's fine, but 18 the next witness, that's not the case, she did 19 speak to them, and as well in 1999 at the time 20 they would have encountered them at Larry 02:18 21 Fisher's trial and again now in anticipation of 22 this inquiry. That failure, in my submission, to 23 apologize or explain to them how these events 24 transpired or to apologize for these events is indicative, I suggest, of an attitude, of an 25 02:18

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	1	overall attitude to this inquiry on the part of
	2	parties who have been granted standing, both
	3	institutional and individual parties who have
	4	been granted standing, but particularly focusing
02:19	5	on the institutions at this point.
	6	As well, in my submission, it
	7	may be, and it's not for me to say because I
	8	haven't been a victim of any of these assaults,
	9	but it may be cathartic for these ladies if that
02:19	10	were to happen, and surely if it would be of
	11	assistance to them and they were to say that
	12	here if my last question, for example, of
	13	Mrs. (V1)- had been answered, if she said yes,
	14	she would appreciate an apology, then one would
02:19	15	expect that likely the appropriate institutions,
	16	individuals and parties would respond
	17	accordingly. Maybe, maybe not, but hopefully
	18	they would.
	19	And a public inquiry, in my
02:20	20	submission, is the right place for that kind of
	21	inquiry and for that kind of event to take place.
	22	A public inquiry is, above all, designed to serve
	23	the interests of the public and the public would
	24	view this Commission in my submission as having
02:20	25	served a tremendous public interest if it were to
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	1	do something that may assist the ladies who were
	2	the victims of Larry Fisher so many years ago,
	3	the public would welcome it, would encourage it
	4	and indeed would urge it in my submission, and
02:20	5	that's what this is, a public inquiry designed
	6	above all for the public interest.
	7	And I do apologize for
	8	reverting back to involvement in previous
	9	inquiries, but I have some experience, and
02:21	10	certainly at the inquiry into Guy Paul Morin's
	11	wrongful conviction, I can tell you,
	12	Mr. Commissioner, that Commission Counsel and the
	13	Commissioner publicly throughout the inquiry
	14	counseled this kind of apology if they thought it
02:21	15	would be helpful to the parties and to the public
	16	interest and it bred some extraordinary results,
	17	Mr. Commissioner.
	18	The one that most comes to my
	19	mind was when the chief of the Durham police
02:21	20	service called a press conference with the
	21	Jessops on one side, indeed they weren't even on
	22	one side, and Guy Paul Morin on the other, and
	23	his family on the other, they were all together
	24	as a group and they held a press conference
02:21	25	together where the Durham police chief
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	1	essentially responded to what the Commission had
	2	been urging, and particularly through Commission
	3	Counsel, but as well through the Commissioner,
	4	and that public apology was forthcoming and was
02:22	5	highly cathartic, and not just for the Jessops
	6	and the Morins, but for all of us, there were a
	7	lot of tears shed that day, I remember it well,
	8	and in my submission it would serve this inquiry
	9	well if that kind of event was encouraged at this
02:22	10	inquiry because I don't think anyone in this
	11	room, maybe I shouldn't say that, I've been
	12	criticized for that before, but I think the
	13	majority of people watching this would say to
	14	themselves that such an event would be good for
02:22	15	the people involved, be good for all of us in
	16	this room.
	17	It's not designed to humiliate
	18	anyone, what I'm seeking here at all, not at
	19	all, that's not my nature in these kinds of
02:22	20	inquiries it's cathartic, it's to help, and it
	21	would be a tremendous event as well for the
	22	public to see the kind of good that this inquiry
	23	can do in such a seemingly simple way, and in my
	24	submission, therefore, I urge you,
02:23	25	Mr. Commissioner, I don't see a need to ask these
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	1	questions myself, I would be as happy if
	2	Commission Counsel ask them rather than me, but
	3	in my submission they are questions that are
	4	relevant, that the legalistic sense, in the
02:23	5	legalistic sense are relevant to the attitude, to
	6	the credibility, to the conduct to so many of the
	7	parties involved, but as well relevant to the
	8	public issues that this inquiry addresses in a
	9	public forum and for all those, for both those
02:23	10	reasons, but really for all those reasons in my
	11	submission I would ask you, Mr. Commissioner, to
	12	reconsider your decision. Thank you.
	13	COMMISSIONER MacCALLUM: Thank you. Yes,
	14	Mr. Fox? I would ask you all to bear in mind the
02:24	15	fact that we're keeping a witness waiting.
	16	MR. FOX: I appreciate that,
	17	Mr. Commission, I apologize for this, but having
	18	said that, this is an issue which has come up
	19	repeatedly throughout these proceedings and it's
02:24	20	obviously going to come up again.
	21	I have a great deal of
	22	difficulty following exactly what the submission
	23	was there other than final argument. I don't
	24	think it has anything to do, frankly, with what
02:24	25	we're here before. My experience is in a
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	1	courtroom, I have limited experience in
	2	commissions of inquiry, but in any hearing that
	3	I've been involved in, whether a commission of
	4	inquiry or a courtroom, whether it's civil or
02:24	5	criminal or a disciplinary hearing or whatever,
	6	the basic procedure is pretty much the same, you
	7	listen to the evidence, you hear the argument,
	8	you make a determination.
	9	Witness after witness we've
02:25	10	heard argument presented in a form of questioning
	11	and now in the form of an objection. I have
	12	difficulty, for example, with it being a stated
	13	fact that the knowledge of this, or the fact of
	14	these Larry Fisher pleading guilty to these
02:25	15	offences was concealed. It's put forward before
	16	you, Mr. Commissioner, as a stated fact without
	17	having heard from one single police witness,
	18	without having heard from one single Department
	19	of Justice witness, none of those people have had
02:25	20	a chance to testify and it's put forward as a
	21	stated fact. It's particularly difficult to
	22	accept that fact when it's being put forward by
	23	the particular party who's doing it.
	24	All I'm saying, Mr.
02:25	25	Commissioner, is that if every time we have a
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Page 8097 = 1 witness on the stand and every time there's an 2 objection it's being used as an opportunity to 3 put forward final argument, we'll be here for a couple more years. 4 That's my submission. 5 02:25 Thank 6 you. 7 COMMISSIONER MacCALLUM: Thanks. It has 8 been suggested in the examination of the last 9 witness that she would probably like an apology 10 for not having been informed by the police until 02:26 11 perhaps 20 years after the event that someone had 12 indeed been responsible for her attack and had 13 been convicted for it. I have disallowed the 14 question on the basis of relevance and I have now 15 heard submissions from both Mr. Lockyer to whom 02:26 16 the, who made the initial request to the question 17 in that way and from other counsel acting for the 18 city police and for the RCMP. 19 To begin with, Mr. Elson, for 20 the Saskatoon City Police, agreed with the 02:26 21 determination I had made and had nothing to add 22 in respect to the desired apology. He pointed 23 out that there is an explanation in his view why 24 the individuals were not notified and that it

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02:27

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will come in due course through other witnesses

Page 8098 : 1 if indeed it is judged to be relevant at the 2 time. 3 Mr. Lockyer readdressed the 4 question saying, to begin with, that the 5 concealment of the crimes against these ladies 02:27 was a crucial factor in the Milgaard affair 6 7 generally, the exposure of the crimes led to Mr. 8 Milgaard's release and to Fisher's conviction. 9 He says as far as he is concerned the authorities 10 will not claim that the victims should not have 02:27 11 been notified, but that the explanation that he 12 anticipates will be less than satisfactory, that 13 the failure to apologize or explain to the 14 victims aside from the consequences for them and 15 in addition to that personal matter indicates an 02:28 16 attitude on the part of the police which is 17 reflected in this inquiry.

He said that it could be 18 19 cathartic to the ladies to hear an apology made 20 by the people responsible for not having informed 02:28 21 them earlier in a timely way of who it was that 22 had attacked them and what were the consequences 23 of his court proceedings. Mr. Lockyer urges me 24 to adopt, I suppose, a very wide and generous 25 approach to the interpretation of the terms of 02:28

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	1	reference in this inquiry and to serve a laudable
	2	public objective of offering to the women
	3	involved in Larry Fisher's crimes an acknowledge
	4	of the suffering they've gone through as well as
02:29	5	an apology. He points out to me that other
	6	inquiries have taken a similar view with regard
	7	to making apologies, although the case he points
	8	out to me, as I understand it, it was an apology
	9	which took place between the immediate parties to
02:29	10	the inquiry and not third parties as we have
	11	here.
	12	I am not inclined, Mr. Lockyer,
	13	to vary the spirit of my previous ruling. The
	14	concealment of the crimes, if it be that against
02:29	15	the Fisher victims, is something as yet unproved
	16	in my view. It will take more than a recitation
	17	of the words "concealment" to convince me that
	18	that took place. Of course their prosecution was
	19	a public, is a matter of public record. Whether
02:30	20	or not it was timely and whether or not it should
	21	have related right away to the Milgaard matter is
	22	one of the chief inquiries we have before us of
	23	course, but I lack any evidence to adopt any such
	24	description of what the police did at this stage
02:30	25	as concealment.

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	1	As much as we all sympathize
	2	with the victims of the Fisher crimes, I must
	3	repeat myself to this extent, that they are, on
	4	the face of it, a collateral matter to the
02:30	5	Milgaard inquiry and Mr. Milgaard's wrongful
	6	conviction. They might touch of course upon the
	7	quality of the investigation and upon whether it
	8	should have been reopened earlier, but all I need
	9	to know for the moment in that connection and in
02:31	10	the connection which most concerns Mr. Lockyer is
	11	whether the victims of Larry Fisher were
	12	notified. If they were not notified, then I
	13	trust that we will hear from the appropriate
	14	authorities why they were not notified. We will
02:31	15	not, I'm not interested in hearing that from
	16	these women and while I might be interested in
	17	their personal distress, and obviously we are or
	18	we wouldn't be taking all these precautions to
	19	receive their evidence, now is neither the
02:31	20	time this is neither the time nor the place to
	21	seek redress for them for any perceived
	22	wrongdoing on the part of the authorities in
	23	communication matters surrounding the Fisher
	24	crimes.
02:31	25	While other inquiries might
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	1	have gone further afield, I'm not sure that they
	2	have, there is a need to be focused here as I'm
	3	sure everyone will agree. We are going to
	4	extraordinary lengths to be thorough in the
02:32	5	matter of the wrongful conviction of David
	6	Milgaard. This matter has been gone over and
	7	over and over in all kinds of different forums
	8	and perhaps the worst mistake we could make would
	9	be to be less than thorough because there's
02:32	10	little point to this inquiry if it does not
	11	consider every available bit of evidence and, as
	12	we all know, we're in the throes of doing that,
	13	but that is no reason to expand our inquiries
	14	beyond the reference points set out in the terms
02:32	15	of reference.
	16	And as I have said to
	17	Mr. Lockyer initially, I believe that the focus
	18	of his inquiry regarding an apology for the
	19	victims of the Fisher attacks is irrelevant. I
02:33	20	say no more than that. There will be an
	21	explanation offered I suppose, perhaps not, but
	22	if it is, we can address relevance of that if and
	23	when it arises.
	24	Finally, Mr. Fox has expressed
02:33	25	his frustration at what he perceives to be, I
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1 take it, the presentation of argument under the guise of cross-examination and there certainly 2 3 has been some of that to date. I don't expect that there will be as much from now on having 4 5 regard to the nature of the evidence that we will 02:33 Counsel should of course avoid 6 hear. 7 gratuitously entering into their 8 cross-examination argument which would be better 9 put at a different time and I hope that I won't 10 find it necessary to tell them that in the 02:34 future. We will see. 11 12 The witnesses we have heard so 13 far are event witnesses and their testimony of 14 course was at the very basis of this whole 15 business, so I found it very difficult to be too 02:34 16 strict about limiting the scope of 17 cross-examination, but I might be stricter in the 18 future. 19 Will you proceed, then, with 20 your next witness, Mr. Hodson. 02:34 21 MR. HODSON: Thank you, Mr. Commissioner, 22 and good afternoon, (V2)-----. My apologies 23 for keeping you waiting. Have you been sworn? 24 Is Irene there to swear the witness? 25 02:35 (V2)-----, sworn:

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1 BY MR. HODSON: 2 Thank you, (V2)-----, for testifying before Q 3 this Commission. 4 I understand that your maiden 5 name is (V2)----; is that correct? 02:35 6 Α Yes, it is. 7 And that your date of birth is November Q 8 (Redacted), 1951? 9 Yes. Α 10 And that you are 53 years of age? 02:35 0 11 Α Yes. 12 Q I'm going to ask you a few questions about, or 13 related to a sexual assault that took place on 14 November 14, 1968 where you were sexually 15 assaulted. You remember that incident? 02:35 16 Yes. Α 17 And at the time you were 16, almost 17 years of Q 18 age; is that right? 19 Α Yes. 20 COMMISSIONER MacCALLUM: What was the date? 02:35 21 Sorry, Mr. Hodson. 22 MR. HODSON: The date is November 14th, 23 1968. 24 COMMISSIONER MacCALLUM: Thanks. 25 BY MR. HODSON: 02:35

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		P	Vol 41 - Monday, April 18th, 2005
			Tage 0104
	1	Q	And, (V2), I want to just go through a quick
	2		chronology of your involvement in this matter and
	3		then I'll have some questions for you. I
	4		understand that you would have been interviewed by
02:36	5		Saskatoon City Police officers at and around the
	6		time of the incident; is that right?
	7	А	Yes.
	8	Q	And that you would have given a statement to the
	9		police?
02:36	10	А	Yes.
	11	Q	And that you would have some subsequent dealings
	12		with the police; is that right?
	13	А	Yes.
	14	Q	And at what point, (V2), did you become aware
02:36	15		that Larry Fisher had been convicted of sexually
	16		assaulting you?
	17	А	Not until I met Mrs. Milgaard.
	18	Q	And would that have been in or about 1990; does
	19		that sound right?
02:36	20	А	Around there. '90, '91.
	21	Q	And I think actually you are right, I think it is
	22		1991. And were you interviewed by Mrs. Milgaard
	23		and an investigator with her?
	24	А	Yes, I was.
02:36	25	Q	And was that Mr. Paul Henderson, does that name

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	1		sound familiar?
	2	А	Yes.
	3	Q	And then I understand in 1991 you had occasion to
	4		talk to Sergeant Pearson of the RCMP; is that
02:37	5		right?
	6	А	Yes.
	7	Q	And that would have been in connection with Mr.
	8		Milgaard's application to review his conviction.
	9		Does that sound right?
02:37	10	А	I believe so.
	11	Q	And then I believe in 1993 the RCMP interviewed
	12		you again in connection with an investigation. Do
	13		you remember that?
	14	А	Yes, I do.
02:37	15	Q	And then as well you testified at the Larry Fisher
	16		trial at both the voir dire and at the trial; is
	17		that correct?
	18	А	Yes, I did.
	19	Q	If we can just go back to 1968. You had indicated
02:37	20		that you gave the police a written statement and I
	21		would like to call that document up, it's 039935,
	22		and if we could go to the fourth page of that,
	23		039938, please, and is that your signature on the
	24		statement?
02:37	25	А	Yes, it is.
			1

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	1	Q	And you've had an opportunity to review this
	2		statement prior to these proceedings; is that
	3		correct?
	4	А	Yes, I have.
02:38	5	Q	And is the statement accurate based on your review
	6		of it?
	7	А	No.
	8	Q	I'm going to show you on page 4, if we could just
	9		call out the first two lines, please, and it says:
02:38	10		"I would recognize this person if I saw
	11		him again."
	12		And that's referring to the attacker. Is that
	13		the part of the statement that you take issue
	14		with?
02:38	15	А	Yes, it is.
	16	Q	And why do you take issue with that?
	17	А	Because I would have never recognized him.
	18	Q	Now if we could just go back, I have some
	19		questions about your dealings with the police in
02:38	20		1968 and 1969. Do you remember the names of the
	21		officers that you would have talked to at the
	22		time?
	23	А	The only one name I remember is Mackie.
	24	Q	Would that be Ray Mackie?
02:39	25	А	I believe so.
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(V2) by Mr. Hodson Vol 41 - Monday, April 18th, 2005

Page 8107 = 1 Q And are you able to help us out with how 2 frequently, on how many occasions would you have 3 talked to the police at the time? 4 It wasn't that much. Α 5 Are you able to estimate or do you recall? 02:39 Q 6 No, I don't. Α 7 And do you recall being shown photographs of Q 8 potential suspects by the police? 9 Yes. Α 10 And did that happen on more than one occasion? 02:39 0 11 Α Maybe two or three times. 12 Q And were you able to identify anybody from those 13 photographs? 14 No, I couldn't. Α 15 Now if I could call up document 039527. 02:39 0 And, 16 (V2)-----, this is a newspaper article from The 17 StarPhoenix December 14th, 1968, and I believe I 18 showed this to you yesterday, talking about police 19 warning about other assaults; do you recall 20 whether you would have seen this article back at 02:40 21 that time? 22 No I don't. Α 23 0 Now back at the time of your assault were you 24 aware, through any means, of any other assaults or 25 sexual assaults that would have taken place in 02:40

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	1		your neighbourhood?
	2	А	No.
	3	Q	Or in the city?
	4	А	Not that I knew of.
02:40	5	Q	Now do you recall hearing about the Gail Miller
	6		murder which was on January 31, 1969?
	7	А	That I can't remember.
	8	Q	I take it, at some point, you became aware of it;
	9		is that right?
02:40	10	А	Oh, later on, yes.
	11	Q	And when you say "later on" are we talking months,
	12		years, are you able to help us out on that?
	13	А	No, I can't.
	14	Q	Do you recall any discussion with any police
02:40	15		officer, around the time of Gail Miller's murder,
	16		about her murder or their investigation?
	17	А	No.
	18	Q	I'm going to call up document 106204, and this is
	19		a police report dated February 4th, 1969 by
02:41	20		Sergeant Mackie, and if we could call up the last
	21		paragraph. And this report says:
	22		"At 8:30 p.m., (V2)
	23		· · · " ,
	24		your address:
02:41	25		" who had been a rape victim was
			Cortified Professional Court Reporting

(V2) by Mr. Hodson Vol 41 - Monday, April 18th, 2005

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	1		brought to the Morality Office where
	2		Morality Sergeant Oleksyn and myself
	3		showed her a group of photos which
	4		included two colour photographs which
02:41	5		included the Canton brothers. Due to no
	6		identification being made of either of
	7		these men, Morality Officer Lindgren and
	8		Phillips were instructed to take this
	9		girl to the Identification Department
02:42	10		where a composite photo was made up by
	11		her."
	12		Do you recall meeting with the police and having
	13		a composite photo drawn up?
	14	А	No, I don't.
02:42	15	Q	Or a sketch or anything of that nature?
	16	А	No I don't.
	17	Q	Okay. Would you tell us and, again, the date
	18		of your assault was on November 13th, 1968 are
	19		you able to tell us how long it was that you had
02:42	20		contact with the city police in connection with
	21		that matter?
	22	А	I don't understand what you mean?
	23	Q	Okay. I'm wondering how many months after the
	24		incident do you recall talking to the police, are
02:42	25		you able to tell us when, sort of; was it months,
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	1		years, weeks?
	2	А	Well, it wasn't years.
	3	Q	Do you know how long after the event, the assault,
	4		you would have had contact with the police?
02:42	5	A	Not really.
	6	Q	Do you recall ever being told by the police that
	7		they may have a suspect?
	8	А	Nope.
	9	Q	Do you recall the names of any people that the
02:42	10		police may have showed you photographs of?
	11	А	No I don't.
	12	Q	Okay. Now I'm going to call up or, actually,
	13		let me call up document 010733 please. And this
	14		is an information, (V2), dated December 1970
02:43	15		down in the bottom. If we could maybe just call
	16		that out, please. And this is a charge charging
	17		Larry Fisher with the sexual assault of you on
	18		November 13th, 1968, and the date of this is
	19		December '70, 1970. Were you aware back at that
02:43	20		time, (V2), that Mr. Fisher had been charged
	21		with the sexual assault of you?
	22	А	No.
	23	Q	Next I'm going to call up document 261053, and
	24		this is a letter dated March 17th, 1971, and if
02:44	25		you could go to the next page. And in this
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	1		letter, $(V2)$, this is a letter from the
	2		police to the Deputy Attorney General and it
	3		relates to Mr. Fisher, and if you could just
	4		scroll up or I'm sorry, no, that's fine there.
02:44	5		It says here:
	6		"(V2) was unable to identify Fisher
	7		from Police photos as her assailant."
	8		Are you able to tell us whether or not the police
	9		showed you a picture of Larry Fisher?
02:44	10	А	No, they never did.
	11	Q	And then if I could call up document 047041, and
	12		this is a conviction dated December 21, 1971, and
	13		in this document, (V2), it indicates that on
	14		December 21, 1971 Larry Fisher was convicted to
02:45	15		four years in jail concurrent to a sentence he was
	16		already serving for your assault; were you aware
	17		that Mr. Fisher was convicted at this time and
	18		received this sentence?
	19	А	No.
02:45	20	Q	If you could tell us that's fine with that
	21		document when and how did you become aware that
	22		Larry Fisher had been the your assailant and
	23		had been convicted of sexually assaulting you?
	24	А	I already said, when I met Mrs. Milgaard.
02:45	25	Q	And that would have been in the early '90s?
			1

Page 8112 : Yes, '90-'91. 1 А 2 And what do you recall about this meeting? 0 3 Umm, she was just asking questions, and then first Α 4 thing she said that she told me -- asked me if I 5 knew who the person was, and I told her I didn't, 02:46 and then she told me who he was. 6 7 And were you upset at learning this Q Okay. 8 information? 9 Oh, yeah. Α 10 And why was that? 02:46 0 11 Α Because I didn't think it was up to a total 12 stranger. I figure that's what the police are 13 for. 14 And did you answer questions for Mrs. Milgaard Q 15 and/or her investigator? 02:46 16 I believe so. Α 17 Now I would like to move ahead to 1991, and I'll 0 18 just put up on the screen document 071267, and I 19 don't propose to go through this but this is a 20 statement of yours to Sergeant Pearson. 02:47 And do 21 you recall, I think you have told us you met with 22 Sergeant Pearson, is that right? 23 Α Yes I did. 24 0 And would you have told him the truth, at the 25 time, to the best of your recollection? 02:47

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	1	А	Yes.
	2	Q	And then again in 1993 you were interviewed by
	3		Corporal Templeton of the RCMP; is that right?
	4	А	Yes.
02:47	5	Q	And would you have told him the truth, to the best
	6		of your recollection, at the time?
	7	А	Yes I did.
	8	Q	And I understand that you testified at Larry
	9		Fisher's trial, both at the voir dire and the
02:47	10		trial; is that correct?
	11	А	Yes.
	12	Q	And did you tell your truth to the best of your
	13		ability and best of your recollection at that
	14		time?
02:47	15	А	Yes I did.
	16	Q	Those are all the questions that I have for you,
	17		(V2) Other counsel may have questions for
	18		you, if you want to just hold for a moment, yes.
	19		Aaron? Mr. Lockyer? Anybody else? I think
02:48	20		Mr. Lockyer and Mr. Fox. Any desire as to who
	21		goes first?
	22		I think they are both up, so
	23		there will be two, whoever I just ask counsel
	24		to identify themselves for the witness when
02:48	25	BY I	MR. FOX:
			Meyer CompuCourt Reporting



	r	P	Vol 41 - Monday, April 18th, 2005
	1	Q	Good afternoon, my name is Aaron Fox, I'm the
	2		lawyer for Eddie Karst who was a detective with
	3		the Saskatoon Police Service, and I don't think
	4		you have ever met him in your dealings with the
02:48	5		police service. I just wanted to ask you a couple
	6		questions.
	7		In terms of the photos that you
	8		were shown any idea how many photos, in total, you
	9		would have been shown
02:48	10	А	No.
	11	Q	by the police?
	12	А	No, sir.
	13	Q	And was there any indication of who those people
	14		were, in other words, any identification of, by
02:48	15		way of name or background, of who those
	16		individuals were?
	17	А	No, I don't think so.
	18	Q	Okay. And in terms of, I take it from what you
	19		have said, you wouldn't have been able to identify
02:49	20		your assailant in any event?
	21	А	No.
	22	Q	Okay. So the photos were a bit of a stretch to
	23		see if something might come up but, really, you
	24		didn't think you would be able to identify who the
02:49	25		attacker was?
			1

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Page 8115 = 1 That's right. Α And do you know whether or not a photo of 2 0 Okav. 3 Larry Fisher was included in the collection that 4 you saw? 5 А No. 02:49 So nobody told you Larry Fisher's photo was 6 Q 7 included, but it may have been, you just don't 8 know one way or the other? 9 That's true, it could have been. Α 10 Okay, thanks. Those are all the questions I have, 02:49 0 11 thank you very much. 12 А You are welcome. 13 COMMISSIONER MacCALLUM: Mr. Lockyer? 14 BY MR. LOCKYER: 15 Yes, (V2)-----, I represent Mrs. Milgaard. 02:49 0 16 Umm, I just want to go through 17 the authorities that you have spoken to since you 18 met Mrs. Milgaard in 1991. Commission Counsel 19 asked you about a meeting you had with an officer 20 Pearson from the RCMP on December the 9th, 1991; 02:50 21 do you remember that? 22 Α Yes I do. 23 0 And did Officer Pearson provide you with any 24 explanation for why you hadn't been told, back in 25 1970-'71, that the culprit in your assault had 02:50 Meyer CompuCourt Reporting

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	1		been apprehended?
	2	А	No, nobody ever did.
	3	Q	Did you have any involvement with anyone, any of
	4		the authorities, around the time of hearing of Mr.
02:50	5		Milgaard's case in 1992 in the Supreme Court of
	6		Canada?
	7	А	Not that I can remember.
	8	Q	Okay. I think Commission Counsel also asked you
	9		about a meeting you had with an Officer Templeton
02:51	10		of the RCMP which was on May the 28th of 1993 I
	11		believe; do you remember that?
	12	А	Yes.
	13	Q	And, once again, no explanation offered to you?
	14	А	No.
02:51	15	Q	Did you ask them for one?
	16	А	Of, like, of what?
	17	Q	As to why it was 19, 20 years before you heard
	18		from Mrs. Milgaard about the fact that Larry
	19		Fisher had been the one who assaulted you?
02:51	20	А	Everybody I ask, they say the same thing, they
	21		don't have the answer.
	22	Q	They don't have the answer. In 1999 you spoke to
	23		the police before you testified at Larry Fisher's
	24		trial; is that right?
02:51	25	А	Yes I did.



(V2) by Mr. Fox Vol 41 - Monday, April 18th, 2005

	1		Vol 41 - Monday, April 18th, 2005
			raye off/
	1	Q	And we have a record; do you remember how often it
	2		was, was it once or more than once?
	3	А	Oh, it was more than once.
	4	Q	Yes? One we have a record of was on January the
02:51	5		26th of 1999 you spoke to a P.C. Thompson; does
	6		that ring any bells?
	7	А	P.C. Thompson? I can't remember all the names of
	8		the people I spoke to.
	9	Q	That's at 080739. Umm, did you speak to the
02:52	10		prosecutor of Larry Fisher as well?
	11	А	Yes.
	12	Q	Before, maybe even after, you testified at his
	13		trial?
	14	А	Before? Before, we did,
02:52	15	Q	Yes?
	16	А	and after.
	17	Q	And how long before, do you know, roughly five
	18		minutes, half an hour, an hour?
	19	А	Oh, I would say it was at least a half an hour, an
02:52	20		hour.
	21	Q	At least half an hour or an hour?
	22	А	Yeah.
	23	Q	Was the police, then, or the prosecutor able to
	24		provide you with an explanation?
02:52	25	А	Nope.
			Mover CompuCourt Perperting

			Page 8118
	1	0	Did you ack them?
		Q	Did you ask them?
	2	А	Yes I did.
	3	Q	And they gave you the same answer; they don't know
	4		why?
02:52	5	А	Over and over again it's the same answer, "we
	6		don't know", and I would like to know who does
	7		know.
	8	Q	And a last question, and I think this is a
	9		permissible question, Mr. Commissioner. Has of
02:53	10		those people that you have spoken to in authority,
	11		police, be it Saskatoon Police I'm not sure if
	12		you have spoken to them but you have certainly
	13		spoken to the RCMP on more than one occasion
	14		and the prosecutor of Larry Fisher; did any of
02:53	15		them apologize to you?
	16	А	Not really.
	17	Q	All right. Thank you. That's all.
	18	А	You're welcome.
	19		MR. HODSON: Those are all the questions.
02:53	20		And if I may, (V2), on behalf of the
	21		Commission, and on my behalf, thank you and your
	22		family for your co-operation and courtesy in
	23		dealing with me and our staff, and for agreeing
	24		to come here today to testify.
02:53	25	А	You are welcome.

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1	COMMISSIONER MacCALLUM: Thank you. That's
2	all, (V2)
3	MR. HODSON: We are done for the afternoon,
4	Mr. Commissioner, the next witness is here
02:54 5	tomorrow morning at 9:00 a.m.
6	COMMISSIONER MacCALLUM: Thank you.
7	MR. HODSON: and we'll have two witnesses
8	tomorrow.
9	COMMISSIONER MacCALLUM: Okay.
02:54 10	(Adjourned at 2:54 p.m.)
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