

*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

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On Wednesday, April 6th, 2005

Volume 35

Inquiry Proceedings



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1 Transcript of Proceedings

2 (Reconvened at 9:10 a.m.)

3 COMMISSIONER MacCALLUM: Good morning.

4 ALL COUNSEL: Good morning.

09:10 5 COMMISSIONER MacCALLUM: Mr. Wolch?

6 RONALD DALE WILSON, continued:

7 BY MR. WOLCH:

8 Q Thank you. Mr. Wilson, before I start, let me  
9 indicate that we're going to try and go in  
09:10 10 segments today, myself and the other counsel, and  
11 if you have a need for a break before the normal  
12 break, just tell me and I'll stop or the counsel  
13 will stop and give you the opportunity to compose  
14 yourself or whatever is required. Do you  
09:10 15 understand that?

16 A Yes, I do.

17 Q And also hopefully I'll be able to question you  
18 and at the end of the day neither you nor I will  
19 be cited for contempt or there won't be anything  
09:11 20 like that happening today.

21 A All right.

22 Q Okay. And you may already realize this, and I  
23 don't think it would hurt to remind you, that the  
24 inquiry here is not a determination of innocence  
09:11 25 or guilt. Do you understand that?



1 A Yes, I do.

2 Q That's not one of the issues we're focusing on?

3 A Exactly.

4 Q You understand that the focus is on what caused  
09:11 5 the wrongful conviction and perhaps how we can  
6 avoid it in the future?

7 A Yes.

8 Q You understand that?

9 A Yes, I do.

09:11 10 Q And it came across at your various, the various  
11 times when you testified, starting off back in  
12 '69, that you perhaps perceived yourself as a bit  
13 of a team player; that is, you were either on one  
14 side or the other side. Would that be a fair  
09:11 15 comment?

16 A To a point, yes.

17 Q And you understand that here you don't have to be  
18 a team player, you don't have to be on anybody's  
19 side.

09:12 20 A Exactly.

21 Q And just tell the truth to the best of your  
22 ability.

23 A Yes.

24 Q Now, when we go back in 1969 when you first  
09:12 25 learned of the murder and you were first



1           questioned by the police, you wanted to and, to  
2           the best of your ability, did tell the truth?

3           A           That's correct.

4           Q           You had absolutely no reason to lie?

09:12 5           A           True.

6           Q           And we understand that you, David and Nichol were  
7           all questioned at different times back then with  
8           no opportunity to get your stories straight  
9           between you?

09:12 10          A           Correct.

11          Q           And the essence of what you told the police back  
12          then was really that there was not even an  
13          opportunity for David to have committed the crime  
14          on the morning when it happened?

09:13 15          A           Correct.

16          Q           Now, at that time you were very young?

17          A           Yes.

18          Q           And you were an individual who was into petty  
19          theft?

09:13 20          A           Yes.

21          Q           And yet you weren't into any kind of violence that  
22          I can see?

23          A           No.

24          Q           And although you indicated here that you were a  
09:13 25          biker, that wasn't until a bit later?



1 A Correct.

2 Q You got a bit older, a bit tougher, a bit more  
3 street smart and then you became a biker?

4 A Correct.

09:14 5 Q You were far from a biker when the police spoke to  
6 you in '69?

7 A True.

8 Q And when Inspector Riddell spoke to you, you did  
9 your best to recall what had happened on that  
09:14 10 morning in '69 when you went to Saskatoon?

11 A Yes.

12 Q And it would be fair to say that you were thinking  
13 back to a relatively routine day in your life?

14 A That's correct.

09:14 15 Q I mean, it was not exactly a momentous moment in  
16 your life to go and pick up Shorty and then head  
17 off west was it?

18 A No, it wasn't.

19 Q And you did your best, and in actual fact in  
09:14 20 coming to Saskatoon there really are potentially  
21 three incidents before you got to the Cadrain  
22 house and I'll help you on that and you can tell  
23 me if I'm right. There was or wasn't the stopping  
24 of the woman and asking for direction, there was  
09:15 25 the going to the Trav-a-leer Lodge, or whatever



1           it's called, to get the map and there was getting  
2           stuck with the Danchuks. Those would be the three  
3           potential episodes on that trip?

4           A           And getting stuck one more time.

09:15 5           Q           Well, with the woman is what you are talking  
6           about; right?

7           A           Yes.

8           Q           So we have really three things, there's being  
9           stuck -- I'm sorry, asking for directions, and  
09:15 10          we'll talk about being stuck, there's the lodge  
11          for the map, there's the Danchuks and then there's  
12          the Cadraains?

13          A           Correct.

14          Q           Now I would like to turn to the first statement  
09:15 15          that you gave to Inspector Riddell if I could, and  
16          that's 026342, you've seen this many times by now,  
17          and this is when you are trying to tell the truth  
18          to the best of your ability and the only failings  
19          I would suggest might be memory; correct? If you  
09:16 20          are going to get something wrong, it's on memory?

21          A           Right.

22          Q           Okay. You talk about arriving in Saskatoon and  
23          the Peace Hill district and you go straight to  
24          describing the Danchuks. You see that?

09:17 25          A           Yes.



1 Q If we can just scroll down a bit here, or if you  
2 can just go to the next page. You see now -- and  
3 because we've been through this a lot of times,  
4 I'm going to try to go through it a bit quicker  
09:17 5 and not go over everything. You describe the  
6 Danchuks, the tow truck and then David recognizes  
7 the gas station and you are on your way to the  
8 Cadraains. Okay?

9 A Yeah.

09:17 10 Q The point I'm trying to get you to agree with is  
11 the obvious one, you haven't mentioned stopping a  
12 woman for directions and getting stuck.

13 A It wasn't prevalent at the time.

14 Q Pardon me?

09:17 15 A It wasn't prevalent at the time.

16 Q Well, it wasn't in your mind.

17 A No.

18 Q I mean, there's no reason to keep it back?

19 A Pardon?

09:17 20 Q There's no reason not to tell it if you remember  
21 it?

22 A Yeah, there's no reason.

23 Q And you also left out the Trav-a-leer Lodge?

24 A Yes.

09:17 25 Q So you had forgotten about David going in in his



1 stocking feet to get a map?

2 A I didn't think it was important at the time.

3 Q Did you not think it was important or did you just  
4 forget?

09:18 5 A Either or.

6 Q So you don't know now obviously?

7 A No.

8 Q Okay. But you weren't holding back?

9 A No, I wasn't.

09:18 10 Q There's no reason to hold either one back?

11 A No.

12 Q That is, asking for directions is a very innocent  
13 thing, getting stuck if you did is innocent and  
14 getting a map of a motel is innocent?

09:18 15 A Correct.

16 Q So you weren't holding back, it was only a matter  
17 of memory?

18 A An omission.

19 Q Right?

09:18 20 A Yeah.

21 Q And you wouldn't expect to remember absolutely  
22 everything of what occurred on a very uneventful  
23 morning?

24 A Exactly.

09:18 25 Q Much the time if we asked you what happened here



1           yesterday, you couldn't tell us everything that  
2           happened?

3           A        No.

4           Q        Now, I expect the evidence will show or has shown  
09:19 5           that Nichol John made a similar statement, she  
6           remembered the asking for the map, and David made  
7           a similar statement in which he remembered the map  
8           and also asking an old lady for directions, just  
9           to put it in context. Okay? So at that time none  
09:19 10          of you -- sorry, only David, rather, mentioned  
11          asking an old lady for directions and none of you  
12          mentioned getting stuck?

13          A        Correct.

14          Q        You would agree with me it's somewhat surprising  
09:19 15          that all three of you would forget getting stuck a  
16          second time?

17          A        Not really.

18          Q        Well, you all remembered Danchuk in vivid detail.

19          A        Because that was to us, we were stuck there a long  
09:20 20          time.

21          Q        Pardon me?

22          A        We were there quite a while, so that would have  
23          stuck out in your memory more.

24          Q        So it's your view it's pure coincidence that all  
09:20 25          three of you forgot about getting stuck the second



1 time?

2 A Yes.

3 Q Now if we can turn to 044984 and this is a report  
4 from the Regina police which basically details  
5 your statement, and if we can go to the next page  
6 which is actually 83. Now, you'll see here that  
7 your vehicle was examined. You see that?

8 A Yes.

9 Q Were you aware your car was examined?

09:21 10 A Eventually, yes.

11 Q But it was examined way back then?

12 A Yes.

13 Q Okay. And you know it was examined again later?

14 A Yes.

09:21 15 Q And has it been brought to your attention or do  
16 you know that there was a lipstick found in the  
17 glove compartment?

18 A I believe I've heard that here, yes.

19 Q Do you have any knowledge of that lipstick?

09:21 20 A No, I don't.

21 Q Now if we could turn to 002124. Now, I referred  
22 earlier to Nichol John's statement back then and I  
23 just want to highlight a few things for you. You  
24 see gas station. That's exactly what you were  
09:22 25 saying as the landmark that David was looking for?



1 A Yes.

2 Q Okay. And you see how she has the map in there,  
3 getting the map from the motel which you didn't  
4 have?

09:22 5 A Can I get that blown up, please?

6 Q Sure. You see that here?

7 A Yes.

8 Q That's something you had forgotten, but she seemed  
9 to remember?

09:22 10 A Yes.

11 Q And then she has what I'll just call the Danchuks.

12 A Yeah.

13 Q Right?

14 A (Nods head).

09:22 15 Q And then if you can turn the page, please. In  
16 actual fact, she has David finding the house using  
17 the gas station as a landmark. You see that?

18 A Correct.

19 Q If we can turn the page, please. And she says  
09:23 20 that all during the morning -- and I'm going to  
21 speed read a lot of things here -- "the three of  
22 us were together and I'm sure that David or Ron  
23 never left me for more than one or two minutes  
24 that morning." You see that?

09:23 25 A Yes.



1 Q Basically the same thing you were saying?

2 A Yes.

3 Q Now, Mr. Wilson, I'm not going to go through it,  
4 but between then and May, you were spoken to by  
09:23 5 the police on a number of occasions?

6 A Correct.

7 Q And basically you stuck to your story?

8 A Correct.

9 Q We've heard about it, so I'm not going to go  
09:24 10 through it, but basically you told the police what  
11 I told you then was true?

12 A Right.

13 Q And what you told the police was that David wasn't  
14 out of my sight, he couldn't have done it,  
09:24 15 etcetera, etcetera?

16 A Correct.

17 Q And in May things certainly changed?

18 A Yes.

19 Q And you've been asked by Commission counsel to go  
09:24 20 over how it changed and tell us the details and I  
21 want to go into that with you a bit as to how it  
22 came about that things did change, and I want to  
23 refer you to a document, 001499. Now, you have  
24 not seen this document, but I am advised that this  
09:25 25 is a document prepared in May, likely on May 16th,



1 and likely by a witness to be called at this  
2 inquiry. In any event, the only portions that  
3 would be of interest to what I'm going to ask you,  
4 it commences with a matter involving a victim of  
09:25 5 Larry Fisher, it then talks about certain people  
6 that we've heard about or from, and if we can turn  
7 the page, it then talks about Nichol John's March  
8 11th statement. You see that?

9 A Yes.

09:25 10 Q And it talks about admits seeing a nurse near  
11 funeral home and asks directions. Now, I can  
12 advise you that no one seems to be able to find  
13 that in the statement or anywhere at that time,  
14 but that is not of your concern. If we can just  
09:26 15 turn the page, and this particular page is not of  
16 any concern to you, but the next page is. Turn  
17 one more page. Now, I want to go over this page  
18 with you and at the end of it I'm going to be  
19 suggesting to you, and you can accept or reject,  
09:26 20 that these were the type of things that were put  
21 to you when the police came to you in Regina and  
22 in particular what Mr. Roberts was putting to you  
23 in the polygraph and the police after. Now, if  
24 you look at this, and not everything obviously,  
09:26 25 but you'll see, it starts off about Mr. Milgaard,



1           that he:

2                   "... could not find the Cadrain house  
3                   even though he lived there a few days.

4                   - On his travels he seems to have no  
09:27 5                   problem finding any particular address  
6                   to obtain drugs ...

7                   - From where some articles were found it  
8                   would appear that possibly no lights on  
9                   at the Cadrain house when the three  
09:27 10                  first arrived from Regina or shortly  
11                  after, therefore they did not call at  
12                  the house.

13                  - All were out of funds and may have  
14                  gone driving with a view to getting  
09:27 15                  money."

16           Do you see that?

17    A           Yes.

18    Q           "- On seeing nurse (Miller) she was  
19                  approached on pretense of getting  
09:27 20                  directions with a view to stealing her  
21                  purse.

22                  - This would be around the funeral home,  
23                  which would coincide with statements of  
24                  Nichol John - Diewold seeing lights in  
09:27 25                  alley - Doell saying Miller took bus at



1 Avenue N" ;

2 do you see that?

3 A Yes.

4 Q Okay. I can point out for the Commissioner that,  
09:27 5 in fact, that we have Mr. Doell's affidavit on  
6 that, and evidence, and of course the evidence of  
7 the people who lived with Gail Miller, and Mary  
8 Gallucci, the eye-witness. Anyway, leaving that:

9 "- Wilson appears to be driver of the  
09:28 10 car, therefore, Milgaard would leave car  
11 to get purse - having seen Miller closer  
12 his sex drive takes over and he forces  
13 her down alley to where she is found.

14 - Nichol John knows or suspects results  
09:28 15 and leaves car. Runs west on 20th in  
16 1400 block and is girl seen by Indyh at  
17 St. Mary Church. At this point she  
18 changes her mind about saying anything  
19 and goes north on Avenue "O" where she  
09:28 20 meets car again.

21 - Milgaard after murder returns to car  
22 with boot and sweater (car possibly  
23 followed down lane) to which Wilson  
24 objects to and as a result are buried in  
09:28 25 the snow.



1 - Purse thrown in garbage on way through  
2 alley from Avenue "N" to "O" - possibly  
3 when Nichol John returns to car and is  
4 picked up.

09:29 5 - Wallet and touque are in car and when  
6 Milgaard gets keys from Wilson at  
7 Cadraains to put suitcase in car, he  
8 disposes of touque and wallet at this  
9 time.

09:29 10 - Nichol John says Milgaard wore a dark  
11 touque which she has not seen since Jan.  
12 31st.

13 - Milgaard has removed wallet from purse  
14 at scene and retains it without Wilson  
09:29 15 or Nichol John knowing he obtained it.

16 - He may have been intent on keeping the  
17 purse and it is put in garbage after  
18 Wilson looks for money in it, and at  
19 time Nichol John returns to car.

09:29 20 - Or did Wilson and Milgaard both become  
21 involved in theft of purse and Milgaard  
22 intent on rape assaults and murders Gail  
23 Miller.

24 Wilson has purse, goes through it and  
09:29 25 puts it in the garbage can while waiting



1 on Milgaard who he is aware is raping  
2 Miller."

3 I know you haven't seen this before, or I don't  
4 think you have?

5 A No.

6 Q But do you see all those scenarios where you are  
7 doing things that would get you involved in a  
8 murder?

9 A Exactly.

09:30 10 Q Okay. Now here are the suggestions:

11 "Nichol John, Wilson and Cadrain be  
12 brought to Saskatoon where with all  
13 present the true story can be obtained  
14 even if hypnosis or polygraph are  
09:30 15 necessary."

16 Do you see that?

17 A Yes.

18 Q So, according to this document, before you were  
19 even taken to Saskatoon there were these theories  
09:30 20 developed whereby you were involved to a degree in  
21 a murder committed by David?

22 A Yes.

23 Q Now --

24 A It would make a good fiction story.

09:30 25 Q Pardon me?



1 A It would make a good fiction story.

2 Q Yeah. But that, I suggest, is what was put to  
3 you, those were the kind of things that were  
4 suggested to you in Regina by Roberts and by the  
5 police?

09:30

6 A No.

7 Q That was the theory they were putting to you?

8 A No.

9 Q No?

10 A No.

11 Q Those suggestions weren't made to you?

12 A No.

13 Q Nothing like that?

14 A Nothing like that.

09:31

15 Q They weren't suggesting you were involved in it?

16 A No.

17 Q Mr. Roberts wasn't suggesting you were involved in  
18 it?

19 A During the polygraph test, yes.

09:31

20 Q Well, involved in what way?

21 A That I was holding back evidence.

22 Q Pardon me?

23 A That I was holding back evidence.

24 Q And that went on for hours?

09:31

25 A Yes.



1 Q What, he would say "you are holding back", you  
2 would say "no", he would say "you are holding  
3 back", you would say "no", back and forth the same  
4 way for several hours?

09:31 5 A No. And the polygraph questions were involved.

6 Q Yeah, but surely he was suggesting "well you saw  
7 the purse, you did this, you did that"; isn't that  
8 true?

9 A No.

09:31 10 Q So it was a nothing conversation, just --

11 A It was questions and answers.

12 Q But questions about what?

13 A If I did it, if David did it.

14 Q Well yeah, if you did it, but surely how you did  
09:31 15 it would be discussed?

16 A No, it wasn't.

17 Q Oh, so "did you do it", "no I didn't", "yes you  
18 did", "no I didn't"?

19 A The questions were yes and no.

09:31 20 Q Sorry?

21 A The questions were just yes and no.

22 Q "Did you do it", "did you do it", "did you do  
23 it" --

24 A Exactly.

09:32 25 Q -- over and over and over?



1 A Yes.

2 Q "Did you take the purse" over and over and over?

3 A Yes.

4 Q "Did David do so and so" over and over and over;  
09:32 5 that kind of thing?

6 A "Did David kill Gail Miller".

7 Q Over and over and over?

8 A Yes.

9 Q So it was just the same questions over and over  
09:32 10 and over?

11 A Yes.

12 Q But, basically, it involved whether David did it  
13 or you did it?

14 A Correct.

09:32 15 Q Now the police went to Regina and picked you up,  
16 and it would appear the purpose was to bring you  
17 back to Saskatoon to get to the truth, --

18 A Yes.

19 Q -- as they perceived it, obviously?

09:33 20 A Yes.

21 Q And if we can go to 106669, this appears to  
22 document what occurred in Regina, and I want to  
23 put in a -- portions of it to you, starting about  
24 there. You will see on May 21st you were  
09:33 25 interviewed at the Regina police station. Mackie,



1 Walter, and Dike along with Karst, I believe, were  
2 present. It says this conversation was taped but  
3 we don't, unfortunately, have a copy of that.  
4 Okay. It says that in this conversation you  
09:33 5 admitted attending in Saskatoon, which of course  
6 you had earlier, and in contradiction to your  
7 original and other interviews you admitted that  
8 Milgaard had left the car when they became stuck  
9 at approximately 6:45 that morning while looking  
09:34 10 for the Cadrain residence. All Wilson would state  
11 at this time was that Milgaard appeared to be  
12 puffing and running, slightly out of breath when  
13 he returned to the vehicle, and he admitted that  
14 he had since thought that this was the time that  
09:34 15 Milgaard was probably involved in a murder. Okay?  
16 You see what it says there?

17 A Yes.

18 Q All right. Now in terms of being stuck at 6:45,  
19 were you even wearing a watch that morning?

09:34 20 A No I wasn't.

21 Q And do you know if this is the Danchuk being stuck  
22 or are you now talking about a second being stuck,  
23 or do you know?

24 A I don't know.

09:34 25 Q Okay. But it says that you said that Milgaard was



1 puffing and running and slightly out of breath;  
2 right?

3 A Right.

4 Q It says that. It was 40 below?

09:35 5 A Yes, it was.

6 Q And if somebody left the car for a few minutes you  
7 might think they would rush back to the car?

8 A Exactly.

9 Q So puffing and running and out of breath on  
09:35 10 40-below weather is not really surprising if  
11 somebody came back to a car; correct?

12 A Correct.

13 Q You would almost expect it?

14 A Exactly.

09:35 15 Q So that's not very significant; is it?

16 A No, it's not.

17 Q Now, admitting that this was the time that he  
18 would be involved in a murder, I mean if every  
19 time somebody left a car and came back puffing and  
09:35 20 running you thought they were involved in a  
21 murder, that would be strange; wouldn't it?

22 A Yes.

23 Q So would it be fairer to say that this might be  
24 the only opportunity for a murder maybe?

09:35 25 A Maybe.



1 Q Okay. But it's far from implicating him in a  
2 murder; isn't it?

3 A Correct.

09:35 4 Q Because the police were obviously conveying to you  
5 that they believed David did it?

6 A Yes.

7 Q And it says you were brought back to Saskatoon  
8 while Detective Sergeant Mackie looked for Nicky.  
9 If we can just turn the page. En route to  
09:36 10 Saskatoon you told the officer that on January  
11 31st there had been discussion with B & Es along  
12 with rolling and purse snatching as a source of  
13 money as you weren't in good financial shape; do  
14 you see that?

09:36 15 A Yes.

16 Q Okay. You admitted that David broke into an  
17 elevator office on the road, you and Nicky weren't  
18 responsible, but Milgaard did the entering. It  
19 was pointed out and a call was made -- I'm going  
09:36 20 fast here -- the agent was interviewed and he  
21 admitted on the night of January 30th he had a  
22 break-in and he had notified the Craik detachment.  
23 He stated the only thing that he could recall  
24 missing was a flashlight but could think of  
09:37 25 nothing else. When the knife was put to his



1 thought he did not recall the knife missing from  
2 the premises; do you see that?

3 A Yes.

4 Q Now, as far as I can tell, there had never been a  
09:37 5 mention of a knife from you at that point?

6 A At that point, no.

7 Q And when returning to the car and continuing on to  
8 Saskatoon Wilson admitted that Milgaard had  
9 returned from the elevator with the flashlight and  
09:37 10 that you had the flashlight; do you see that?

11 A Yes.

12 Q Is there any reason to believe that wouldn't be  
13 true?

14 A No.

09:37 15 Q And if we could just scroll down, please. He also  
16 stated at this time that he could not recall a  
17 knife being in the car nor did he see Milgaard  
18 bring one from the elevator. On further  
19 questioning he thought that possibly Milgaard  
09:38 20 could have picked up a knife from Champs Hotel  
21 where they had eaten earlier that day where Nicky  
22 had been employed however could shed no further  
23 light on that aspect; do you see that?

24 A Yes.

09:38 25 Q So, even then, you have no knowledge of a knife at



1 all?

2 A No.

3 Q And you are kind of guessing. Well, in fact the  
4 people at Champs -- and I can advise you that  
09:38 5 people at Champs were interviewed by police, but  
6 that's neither here nor there. The fact is that  
7 you are trying to help, you are saying "well maybe  
8 Champs", but you have no knowledge of a knife?

9 A At that time, no.

09:38 10 Q No. And you were trying to tell the truth then?

11 A Yes.

12 Q Now your report talks about being taken into  
13 Saskatoon and you are now able to pick out the  
14 Trav-a-leer Motel where the map was obtained. Now  
09:39 15 that was not in your original statement, I don't  
16 know if that was in your taped interview or not,  
17 do you know if you had recalled that before going  
18 to Saskatoon or not or --

19 A No, I don't.

09:39 20 Q Okay. But obviously you had -- it's either been  
21 brought to your attention or you did recall it by  
22 now?

23 A It had been brought to my attention I believe.

24 Q Yeah. And you had no trouble picking that out?

09:39 25 A I don't believe so, no.



1 Q Yeah. So, basically, you had no trouble picking  
2 out the Trav-a-leer, and I think as we go further  
3 you will see we have no trouble picking out the  
4 Danchuks' and everything else, your big trouble is  
09:39 5 picking out where you supposedly got stuck the  
6 other time?

7 A Yes.

8 Q Okay. It says here you pointed out an area of P  
9 and M and N around 22nd Street where you had asked  
09:39 10 for directions, nor could he point out the exact  
11 location -- and I take it you couldn't point out  
12 any location -- where the car had been stalled  
13 where Milgaard had left the vehicle to go for  
14 help; do you see that?

09:40 15 A Yes.

16 Q Now there is no indication, there, that you had  
17 left the vehicle; is there?

18 A No.

19 Q Any reason why, if you actually had left the  
09:40 20 vehicle, you wouldn't say it?

21 A I can't recall.

22 Q I suggest that it's because it never happened?

23 A Yes, it did.

24 Q Well we'll get to that. If we can just turn the  
09:40 25 page, please. So you were brought to the police



1 station where arrangements were made by Lieutenant  
2 Short for night accommodation for you; do you see  
3 that?

4 A Yes.

09:41 5 Q And you were sort of being kept by the police in  
6 the Ritz, I think you said?

7 A Yes, I believe that -- excuse me -- I believe that  
8 was the name of it, yes.

9 Q If I may, just for a moment, if you could turn to  
09:41 10 153301 just for a brief moment and then I'll come  
11 back to this document. That was 153301, if we  
12 could just see the whole document, please. There  
13 is a note here on May 24th to the chief of police  
14 re Gail Miller murder:

09:41 15 "On Thursday May 22nd and Friday May  
16 23rd Ronald Wilson was ...",  
17 and the word crossed out is 'booked', it's  
18 changed to:

19 "... registered into the Ritz Hotel by  
09:41 20 our department in regards to the above  
21 investigation. See Short Lieutenant".

22 Do you see that?

23 A Yes.

24 Q So that it appears you were right about being at  
09:41 25 the Ritz?



1 A Yes.

2 Q Okay. If we can go back to the other document.

3 Okay. Now on the morning of the 22nd two officers  
4 again take you to various parts of the city to

09:42 5 point out various areas, but you could add little

6 to the previous information, other than they had

7 been stuck the original time in the vicinity of

8 Avenue M or N and two men in a vehicle described

9 as a 1967-8 cream or yellow coloured Dodge had

09:42 10 come and assisted them in pushing their vehicle

11 out; do you see that?

12 A Yes.

13 Q Now that's the first being stuck, is it?

14 A Yes.

09:42 15 Q It's not Danchuks'?

16 A No.

17 Q Okay. Now suddenly you remember two men pushing  
18 you out that you hadn't remembered the day before?

19 A Yes.

09:42 20 Q Not only do you remember it, you can describe

21 them, mid-forties, casual dress, one of them

22 wearing glasses?

23 A Yes.

24 Q The day before you couldn't remember being pushed

09:42 25 out, and now not only do you remember being pushed



1 out, you can actually describe the people who  
2 pushed?

3 A Correct.

4 Q Okay. I suggest to you you are only trying to  
09:43 5 appease the police by giving them little bits and  
6 increments?

7 A No.

8 Q Well let's see what you say now. Wilson's account  
9 of what transpired that morning was roughly as  
09:43 10 follows. The three of them drove into the city  
11 and drove around for a short while when they met a  
12 girl in the area described, asked directions for  
13 Peace Hill, when -- asking done by Milgaard who  
14 was on the passenger side of the vehicle where the  
09:43 15 pedestrian was, this girl stated she didn't know  
16 and was unable to assist, however Milgaard has  
17 asked whether she would like a lift or ride to  
18 where she was going to which she declined. Upon  
19 driving away he said "the stupid bitch". They  
09:43 20 drove a short distance further, made a turn, the  
21 vehicle became stuck. They had no reverse gear.  
22 Milgaard left for help returning 15 minutes later  
23 puffing and running. Wilson states he saw no  
24 blood or anything on Milgaard at the time. They  
09:44 25 drove on around, got the map, and went to



1 Danchuks'. So now you have gone a little further,  
2 you have got "the stupid bitch" in the story, do  
3 you see that?

4 A Yes.

09:44 5 Q Now you have got David leaving but -- and the car  
6 getting stuck, but you have nothing about you  
7 leaving; right?

8 A Right.

9 Q No reason to leave that out, is there, if that was  
09:44 10 true?

11 A I didn't write this report so I don't know why  
12 it's not there.

13 Q But are you saying you didn't say this to the  
14 police? It's possible?

09:44 15 A I don't recall.

16 Q Okay. So you see how, as time goes on, you are  
17 adding and adding?

18 A A person can also start remembering more, too,  
19 when at first you don't think it's relevant and  
09:44 20 then you think it's relevant later on.

21 Q So you are saying, "oh, now I think it's  
22 relevant"?

23 A Yes.

24 Q Right? So you are not saying that earlier on  
09:45 25 David saying "that stupid bitch", you thought, was



1 not relevant?

2 A I don't recall saying that at that time.

3 Q Okay. Just turn the page, please, and the report  
4 continues on the next page lower down. On Friday

09:45 5 I attended at the Cavalier motel and there was

6 Inspector Wood, Lieutenant Short, Mackie, Chartier  
7 and Morrison, so quite a crowd of police officers,

8 and at 3:00 p.m. I called at room 610 of the

9 Cavalier where Wilson picked out a knife which was

09:46 10 out of a group of five which Inspector Roberts had

11 shown him as being similar to the one he states he

12 had seen en route from Regina to Saskatoon on the

13 morning of the 31st, this being a reddish-brown

14 coloured bone-handled-type paring knife. Do you

09:46 15 remember the police, all that group, coming to

16 talk to you?

17 A Not all of them, no.

18 Q But do you remember the incident at all?

19 A I just remember the incident with Roberts, and

09:46 20 some other officer, and that was in a room at that

21 time.

22 Q It would appear that a whole group of police  
23 officers -- and we have no reason to doubt this

24 report, I suppose, you just don't remember -- came

09:46 25 to you and that occurred. But, anyway, you don't



1 remember it?

2 A Okay.

3 Q Wilson was then brought to the police station. At  
4 3:30 p.m. a statement was taken from him with  
09:46 5 regards to the above-described incident, adding to  
6 the original that he had seen this knife in the  
7 car during the trip, which he previously denied.  
8 Also added was that when Milgaard returned to the  
9 car after being stuck the first time he stated  
09:47 10 something to the effect "I fixed her" and then  
11 declined to make any further comment. Also in the  
12 statement Wilson states he had seen blood on  
13 Milgaard's trousers which he had previously  
14 denied; do you see that?

09:47 15 A Yes.

16 Q So it's not a matter of refreshing your memory,  
17 you had denied these things, right?

18 A Correct.

19 Q And now you were giving them what they wanted;  
09:47 20 right?

21 A Yes.

22 Q If we could just turn the page. He also states  
23 that at the Cadrains' he noted Milgaard's trousers  
24 were ripped, he had not previously noticed, he  
09:47 25 added on the road to Calgary Nicky seemed nervous,



1 or very nervous, screamed, offered no explanation,  
2 but now feels that this was because of what she  
3 knew; do you see that?

4 A Yes.

09:48 5 Q He also recalls finding a lady's compact in the  
6 vehicle when leaving Saskatoon and, when inquiring  
7 who it was, Milgaard grabbed it out of her hands  
8 and threw it out the window. Now you have told us  
9 that never happened?

09:48 10 A Correct.

11 Q I'm going to suggest to you, you were questioned  
12 about the lipstick in -- in your glove  
13 compartment?

14 A I don't recall that.

09:47 15 Q You may have been questioned "how did the lipstick  
16 get into your glove compartment" and things like  
17 that?

18 A No.

19 Q You can say you weren't questioned about it?

09:48 20 A Not about a lipstick holder, no.

21 Q If we can just go farther down here, and then we  
22 talked about you relating about Calgary, bus  
23 depot, told about a girl in Saskatoon, jabbed her  
24 with a knife, purse in trash, thought she would be  
09:48 25 all right. Okay. So you are all -- you are



1 adding that to satisfy the police and get you out  
2 of there; right?

3 A Correct.

4 Q Now the statement that we're talking about, if we  
09:49 5 just turn to it briefly, is 002242. Now you have  
6 identified this several times. If we could turn  
7 to 47, now, you will note it appears to be sworn?

8 A Yes, it does.

9 Q Now I'm going to suggest to you that that made it  
09:49 10 more difficult for you to come clean as to what  
11 really had occurred at the preliminary, at the  
12 trial, everywhere else, because you were bound  
13 under oath?

14 A I -- I don't know.

09:49 15 Q You knew you -- you normally would talk to the  
16 police officer and you don't tell the truth,  
17 that's one thing; but if you talk to a police  
18 officer and swear before a member of the Court or  
19 whatever that it is true, that could have much  
09:50 20 more serious repercussions?

21 A Yes.

22 Q So surely, once you had sworn it, you felt you  
23 were somewhat bound to it?

24 A I would imagine so, yes.

09:50 25 Q And I won't go through that statement with you,



1           you have been -- gone through it enough times,  
2           and, also, I did do it through the police report  
3           somewhat as to what you were saying. But, now, we  
4           have May 24th, you are making what might be called  
09:50 5           either additions or changes to that particular  
6           statement; correct?

7           A           Correct.

8           Q           And I'm going to suggest to you that the purpose  
9           of the changes was to -- was an attempt to have  
09:51 10           your story and Nichol John's coincide?

11          A           That I would have no knowledge of.

12          Q           Well if we could look at 033875, and now these are  
13          notes of an interview with Inspector Roberts, and  
14          you see, here, he is talking to the RCMP:

09:52 15                    "During the polygraph test there was an  
16                    indication that Wilson was lying to some  
17                    of the questions. After further  
18                    discussion Wilson admitted that Milgaard  
19                    told him he had killed her. (See ...",  
09:52 20           You can ignore -- we can ignore that. Go  
21           farther.

22                    "The next interview was with Nichol  
23                    John. Roberts stated that he wasn't  
24                    getting much out of her and decided to  
09:52 25           show her the bloodstained nurse's



1 uniform. John became upset and nervous  
2 and told him that she had seen Milgaard  
3 stab the nurse."

4 Do you see that?

09:52 5 A Yup.

6 Q Now if I can just pause there, the story you gave  
7 was one where you hadn't left the car at that  
8 point, right?

9 A Right.

09:52 10 Q Now Nichol has told Roberts that she saw a  
11 killing; right?

12 A Right.

13 Q Now it wouldn't make sense that she could see a  
14 killing and you wouldn't; correct?

09:53 15 A Correct.

16 Q Or, if she did see one, she would draw your  
17 attention to it?

18 A Exactly.

19 Q Or if she left the car, as she does state in her  
09:53 20 statement she left the car and came back to the  
21 car, you would have noticed that?

22 A Correct.

23 Q So right now, at this point, there is a great  
24 variance in the two stories, both of which are  
09:53 25 damaging to David, but both of which can't both be



1 true; you see that, don't you?

2 A I see that, yes.

3 Q So that was the problem.

09:53 4 COMMISSIONER MacCALLUM: Sorry, Mr. Wolch,  
5 whose notes were these?

6 MR. WOLCH: I'm sorry?

7 COMMISSIONER MacCALLUM: Whose notes were  
8 these?

09:53 9 MR. WOLCH: The RCMP officer's, which I'm  
10 not really sure, it would be the '93 review of --

11 COMMISSIONER MacCALLUM: Oh, I see.

12 MR. WOLCH: It's the officer's notes of a  
13 an interview with Inspector Roberts and --

09:53 14 COMMISSIONER MacCALLUM: Well, that's what  
15 I wanted to know, thank you.

16 BY MR. WOLCH:

17 Q Now it's explained on the next page, Mr. Wilson,  
18 if we could turn the page. Here, if you can  
19 highlight that paragraph:

09:54 20 "After this, Roberts called for Ed Karst  
21 and he discussed both John's and  
22 Wilson's statements in their presence  
23 ...";

24 do you see that?

09:54 25 A Yes.



1 Q "... in their presence ...",  
2 and I interpret that to be you and John, but  
3 others may not, but:

4 "... in order to eliminate the  
09:54 5 possibility of any discrepancy when they  
6 supplied written statements to Karst."

7 A Sorry, that -- sorry, that never happened.

8 Q Well, it may not have happened, but obviously you  
9 don't disagree that the police were interested in  
09:54 10 not having discrepancies?

11 A By this I can agree with that, yes.

12 Q If we can just go down a bit, just for continuity:  
13 "Roberts stated that John was not hooked  
14 up to the polygraph as she admitted to  
09:55 15 the information prior to the actual  
16 test.

17 Roberts stated that he did not  
18 read the interviews. He has no personal  
19 notes on the matter ..., "  
09:55 20 and couldn't find any. Okay. So we'll leave it  
21 at that. So you have there, from Roberts  
22 himself, that the desire and the goal was not to  
23 have discrepancies?

24 A From his point of view, yes.

09:56 25 Q Right. Now, in terms of what Roberts is trying to



1 get out of you, it was clear to you he wasn't  
2 interested in David being innocent?

3 A Correct.

4 Q And in terms of the polygraph, it wasn't to check  
09:56 5 out your earlier statement to Riddell to see if it  
6 was true; correct?

7 A Correct.

8 Q No one was saying to you, look, when you say David  
9 was not out of your presence for more than a  
09:56 10 minute the whole morning are you telling the  
11 truth.

12 A Yes.

13 Q It was a polygraph to get more information.

14 A The information they wanted, yes.

09:56 15 Q Yeah. Up until then, while you had made comments  
16 about David, it was nothing that would, in your  
17 mind, be sufficient to point a finger at David for  
18 a crime?

19 A Exactly. There's nothing incriminating.

09:56 20 Q Mr. Commissioner, I think I'm getting to the point  
21 where Mr. Wilson probably wants a break and --

22 A Yes, please.

23 COMMISSIONER MacCALLUM: 15, please.

24 *(Adjourned at 9:57 a.m.)*

10:17 25 *(Reconvened at 10:17 a.m.)*



1 BY MR. WOLCH:

2 Q Mr. Wilson, just carrying on from where we left  
3 off. When you were with Inspector Roberts you  
4 testified that he showed you pictures of the  
10:17 5 deceased and blood-stained clothing. Did he  
6 indicate to you why you were being shown that?

7 A No, he didn't.

8 Q I take it it had a very negative effect on you?

9 A Yes, it did.

10:18 10 Q And when I read to you the portion where his  
11 recall is that he discussed discrepancies between  
12 you and John in your presence, are you saying that  
13 absolutely didn't happen or you may have forgotten  
14 given your frame of mind at the time?

10:18 15 A It absolutely didn't happen.

16 Q You can be positive it didn't happen?

17 A Yes.

18 Q But in any event, somehow the next morning you  
19 cleared up a major discrepancy; correct? Well,  
10:18 20 leaving the car would be a major discrepancy.

21 A Yes.

22 Q I mean, obviously as we went through before the  
23 break, she can't see a murder you don't see if you  
24 are in the car?

10:19 25 A Correct.



1 Q Or at least her reaction or something?

2 A Correct.

3 Q Okay. So how is it the next day you suddenly have  
4 this revelation that you weren't in the car?

10:19 5 A Because I wasn't in the car.

6 Q But you hadn't told them that ever before.

7 A Didn't think it made much difference.

8 Q It only made a difference when Nichol John said  
9 she saw a murder from the car.

10:19 10 A I didn't know that.

11 Q Well, I suggest to you on the 24th the police told  
12 you that.

13 A I don't recall that.

14 Q They may have?

10:19 15 A Don't recall it.

16 Q Well, you've read, I've read to you to clear up  
17 discrepancies. That's a discrepancy?

18 A That's what was written there, yeah, but I don't  
19 recall it.

10:19 20 Q Well, you are not denying that perhaps Roberts and  
21 Karst discussed in your absence about getting your  
22 two stories together?

23 A I'm not denying that, no.

24 Q If we can turn to your 002246 statement. Now, you  
10:20 25 start off by saying:



1 "I would like to add to what I said  
2 yesterday. When Dave and I got out to  
3 push the first time we were stuck, we  
4 couldn't push the car so I said to David  
10:20 5 you go one way for help and I'll go the  
6 other."

7 Just go down the page.

8 "I went to the corner on the driver's  
9 side of the car and walked down the  
10:20 10 block, I couldn't find help so I went  
11 back to the car the same way I had left.  
12 The car was still stuck. Nicky was  
13 waiting in the car almost hysterical. I  
14 asked her what was wrong and she told me  
10:21 15 she saw Dave carry or drag a girl down  
16 the lane and bring out the knife and  
17 stab her a few times."

18 Where would you get that information from?

19 A I don't know.

10:21 20 Q Well, you had never said that; correct?

21 A Prior to that, no.

22 Q And it's not true?

23 A Correct.

24 Q Yet we know Nichol said that. How would you know  
10:21 25 to corroborate what she said?



1 A I don't know.

2 Q Well, the only way possible I would suggest is  
3 that the police told you what she said.

4 A I can't recall.

10:21 5 Q You couldn't invent it could you? You are both  
6 inventing the same thing independently.

7 A It's possible.

8 Q It's possible. So it's possible that she made up  
9 a story of seeing a murder and now you are putting  
10:22 10 yourself out of the car, coming back and she's  
11 telling you about it. Surely there's some cor --  
12 some collaboration on that.

13 A Not between Nicky and myself.

14 Q But maybe between you and the police then?

10:22 15 A It's possible, but I can't recall.

16 Q Well, surely the police must have come to you and  
17 said, look, Nicky said this, how can this go with  
18 your story that you were in the car.

19 A I don't recall.

10:22 20 Q It may have happened obviously?

21 A I don't recall.

22 Q "She shrugged away from him. The rest is  
23 the same as I told you in the other  
24 statement."

10:22 25 You see that?



1 A Yes.

2 Q If we can just turn the page, please, and you talk  
3 about being helped out by a car and the two men  
4 are described. Do you see that?

10:23 5 A Yes.

6 Q I'm suggesting to you that the police came to you  
7 on that morning and said look, there are  
8 discrepancies, you couldn't have been in the car,  
9 tell us about it, so you just did, they told you  
10:23 10 what Nicky said.

11 A No, they didn't.

12 Q Now you are saying they didn't tell you?

13 A They didn't tell me what Nicky said, no.

14 Q Well, how did you make that up?

10:23 15 A I don't know.

16 Q You have no idea?

17 A I have no idea.

18 Q Well, you were putting Nicky on the spot having  
19 seen the crime?

10:23 20 A I don't know.

21 Q Well, you know that.

22 A Well, it says so, but I can't recall what came  
23 about.

24 Q Well, if we can just scroll down, you swore this  
10:23 25 to be true?



1 A Yes.

2 Q You swore that Nicky said she saw a murder.

3 A Yes.

4 Q Right?

10:23 5 A Yes.

6 Q Surely you wouldn't say that unless you had some  
7 reason to believe that Nicky would support that?

8 A I don't know. I can't recall that.

9 Q I'm not asking you to recall. Think about it.

10:24 10 A Oh, it makes total sense, yes, but I don't recall  
11 how it happened.

12 Q You are not going to say Nicky saw a murder unless  
13 you have some reason to believe she's going to say  
14 that.

10:24 15 A I'm sorry, right now I can't recall that  
16 happening.

17 Q But you understand the logic of that?

18 A Yes, I do.

19 Q Are you afraid that by agreeing with me you might  
10:24 20 get in trouble?

21 A No. I just don't recall how that happened.

22 Q I'm going to ask you some questions briefly about  
23 your trial testimony, but before I do that, I  
24 would like to draw your attention to a police  
10:25 25 report, 065399. Now, this is an RCMP report and



1                   you'll see it's dated March 20th of '69?

2           A           Yes.

3           Q           And it's a helpful report on various things, but I  
4                   only want to draw your attention to a few things.  
10:25 5                   If we can just turn the page and you'll see this  
6                   portion here:

7                                 "Male sperm found in the snow beside the  
8                                 body has been checked by a laboratory  
9                                 and this sperm came from a male person  
10:25 10                                having blood group "A"."

11                   You see that?

12          A           Yes.

13          Q           Now if we can scroll down to this part here:

14                                 "The only item missing from the girl's  
10:26 15                                purse is a black leather wallet which  
16                                 she was known to carry. It is estimated  
17                                 that this girl would only be carrying a  
18                                 few dollars with her at the time of her  
19                                 death."

10:26 20                   There's no mention of any compact, cosmetic bag,  
21                   which I might suggest are different items, but no  
22                   suggestion of either one missing --

23          A           Correct.

24          Q           -- from there. Okay. And then it goes on:

10:26 25                                 "On the morning of her death it would



1 appear that Miss Miller left her  
2 residence between 6:50 and 7:00 A.M. to  
3 catch a bus about a block from her  
4 residence. It would take her no more  
5 than three to five minutes to walk from  
6 her residence to the bus stop."

7 You see that?

8 A Yes.

9 Q Three to five minutes, and I think given that she  
10 was a healthy young woman and it was 40 below, we  
11 could probably look at it as more close to three.

12 "It would appear that she was accosted  
13 by her attacker shortly after leaving  
14 her house. It is not known if her  
15 attacker was on foot or in a car but  
16 from all indications it would appear  
17 that she was killed at the spot where  
18 the body was found. The travelled  
19 portion of the alley consists of  
20 hard-packed snow and therefore would not  
21 retain tire impressions if a car was  
22 involved."

23 And if we can just turn the page.

24 "It would appear that she was forced to  
25 undress herself or was forcefully



1 undressed by her attacker at knife  
2 point. It would also appear that her  
3 upper clothing had been removed and her  
4 coat replaced prior to her being stabbed  
10:27 5 as the only stab holes found in her  
6 clothing were the four in the back of  
7 her coat."

8 If we go down to paragraph 10:

9 "Between 21 Oct and 29 No 68, two rapes  
10:28 10 and one attempted rape were committed in  
11 the same area where this girl was  
12 murdered. To date the person  
13 responsible has not been identified. In  
14 each case the attacker forced the girls  
10:28 15 down an alley at knife point where he  
16 forced them to undress before committing  
17 the offence. In the attempted rape, the  
18 attacker was scared off by the approach  
19 of car headlights. One of the victims  
10:28 20 claims that she can still identify her  
21 attacker while the other two are only  
22 able to give a brief description of him.  
23 In view of the similar methods used in  
24 committing these offences, there is a  
10:28 25 good possibility that they were all



1 committed by the same individual and  
2 this fact is not being overlooked during  
3 this investigation."

4 And this is by Inspector Riddell. Do you see  
10:28 5 that?

6 A Yes.

7 Q So we have Gail Miller leaving her house, a barely  
8 more than three minute walk to the bus stop and  
9 being likely attacked by this fellow who seems to  
10:29 10 be doing that in the past and we know it's  
11 correct. Now, are you aware that you are not  
12 group "A"?

13 A I don't know what I am.

14 COMMISSIONER MacCALLUM: Not what?

10:29 15 MR. WOLCH: Group "A", I'm sorry.

16 COMMISSIONER MacCALLUM: Group "A", okay.

17 BY MR. WOLCH:

18 Q I'm sorry. In fact, I can find it for you later,  
19 but in one of the reports it says you are group  
10:29 20 "C" and that was known to the police all along?

21 A Yes.

22 Q No one ever told you you couldn't be the killer;  
23 right?

24 A No.

10:29 25 Q In fact, I may be wrong, Mr. Commissioner, but I



1 believe in that five page report that I went  
2 through with you, I think it also refers to you  
3 being group "C".

4 MR. HODSON: "B".

5 BY MR. WOLCH:

6 Q "B"? Oh, I'm sorry. No "C"? Okay, that shows  
7 you my knowledge. Group "B". Thank you. In any  
8 event, it's not group "A", okay. I'm not sure  
9 what group "C" is. Anyway.

10:30 10 Now, having given your various  
11 stories incrementally and whatever else, you can  
12 see how it grows from time to time as to what you  
13 were saying about David, I take it the police at  
14 no time confronted you with, "Ron, you could be  
10:30 15 lying, tell us the truth," in terms of after  
16 you've given statements implicating David?

17 A Could you clarify that a little bit more?

18 Q Nobody from the police came to you and said, "Ron,  
19 your story doesn't make any sense," or "Ron, are  
10:30 20 you really telling the truth"?

21 A I believe that could have happened with Inspector  
22 Riddell.

23 Q Okay, Riddell.

24 A Roberts, excuse me.

10:31 25 Q Okay. But after you've given your -- after you've



1 given your corrected May 24th statement, nobody  
2 came to you and said, "Ron, I mean, there's some  
3 problems here, I don't want to prosecute an  
4 innocent guy, tell us"?

10:31 5 A I don't recall that.

6 Q You met with the prosecutor?

7 A Yes.

8 Q I think you said three times; is that right?

9 A Once I do believe.

10:31 10 Q Okay. Maybe before the preliminary and the trial  
11 or do you know?

12 A Just prior to the trial.

13 Q Okay, before the trial. And you indicated he  
14 wanted you to expand the time that David was out  
10:31 15 of the car?

16 A Correct.

17 Q Do you recall if he also wanted you to leave out  
18 the purse snatching?

19 A No, I don't.

10:31 20 Q That may have happened?

21 A May have, but I can't recall.

22 Q But definitely he wanted the time expanded?

23 A Yes.

24 Q But he never sat down with you and said to you,  
10:32 25 "Ron, let's go over this, there's some problems



1 here, are you really telling the truth," or grill  
2 you that -- or not grill, but at least push you as  
3 to whether you were being honest?

4 A No. Just made a suggestion, that's all.

10:32 5 Q Now I would like to turn to your trial testimony,  
6 quite briefly I hope, and I have it at 005185.  
7 Now, this is the crucial part, and this is on  
8 direct I believe, and you are asked what happened  
9 when you saw the lady -- but were you going  
10:33 10 opposite to her or the same way? The same way?

11 Yes. And what happened when you saw the lady? We  
12 asked for directions. David rolled down the  
13 window. Scroll down. He asked her which way to  
14 Peace Hill district. Which way to Peace Hill  
10:33 15 district?

16 I might pause there. Is it  
17 Peace Hill or Pleasant -- or do you know what it  
18 is?

19 A I don't know.

10:33 20 Q Whatever you were looking for, you realized if it  
21 did happen where the murder occurred, you would  
22 have been in that district. Do you understand  
23 that?

24 A Yeah, I do now, yes.

10:33 25 Q Presumably Gail Miller would know you were there?



1 A Exactly.

2 Q "And did you hear what she said?" Just turn the  
3 page. She didn't know. And you stopped the car  
4 completely for this purpose? Yes, I did. Did she  
10:34 5 keep walking? She stopped. Did anyone get out of  
6 the car? No. We said thank you and David rolled  
7 up the window and said "stupid bitch".

8 Here's a fairly important part.  
9 I drove towards the end of the block. I drove  
10:34 10 towards the end of the block. Did you change your  
11 direction of travel? No, not at this time. So  
12 you started up and went straight ahead and did you  
13 see - like what did the lady do after the  
14 interview or did you see? I didn't look back.  
10:34 15 When you started the car up and went ahead how far  
16 did you go? Three-quarters of a block.

17 Now if you can just turn the  
18 page. And I didn't ask you, Ron, but do you  
19 remember how far down the block it was that the  
10:34 20 question and answer took place? Not too far,  
21 about a quarter of the block. From the start or  
22 finish of the block? From the start. And you  
23 continued on about three-quarters of a block?  
24 Yes. And when you got to the end of the block  
10:35 25 what happened when you got there? I attempted to



1 make a U-turn. What happened? I got stuck. Now,  
2 what sort of intersection?

3 Go down to there. It was a  
4 four-way intersection and there was snow like made  
10:35 5 up into a boulevard kind of.

6 Do you see that?

7 A Yes.

8 Q Just turn the page. What was it that caused you  
9 to get stuck? I had summers tires on my car and  
10:35 10 they didn't catch. Ron, I asked you to speak up  
11 good and loud. They didn't grab. Did you try to  
12 get the car unstuck by just driving it at this  
13 point? It didn't succeed. David and I got out of  
14 the car and tried to push it. This would be in  
10:35 15 the intersection? Yes. How far had you gotten  
16 through the U-turn? Pretty well all through. And  
17 you and David tried to get out and push it? Yes.  
18 In which direction - like forward or backward? We  
19 tried both ways. I had no reverse. Was Nichol  
10:36 20 driving or anything like that? No, she wasn't.  
21 Did she get out? No. And when you and David  
22 tried to push the car and couldn't as I  
23 understand. Yes. You couldn't get it unstuck or  
24 moving? No, we couldn't. What did you do then?  
10:36 25 We decided to go look for help. "We decided" was



1 something said? Yes. Between who? Me and Dave.  
2 And to what general effect? That we needed some  
3 help to get unstuck and we would go look for some.  
4 What happened then? We departed company,  
10:36 5 different directions. Like do you know north,  
6 south, east, west? No, I didn't. The car was  
7 most of the way through the U-turn? Yes, it was.  
8 What direction were you headed in? The car was  
9 facing east so I must have went east also. You  
10:36 10 think you went east? East or west, I'm not sure.  
11 The car was facing east was it? Yes. Can you say  
12 that louder? The car was facing east.

13 The court intervenes. Just go  
14 down a little bit. Mr. Tallis, just so I  
10:37 15 understand here, My Lord, you say the car was  
16 facing east and he went for help. He can't say  
17 whether he went east or west but I understood it  
18 to be on foot. I wasn't clear on it, the court  
19 wasn't clear. The car became stalled in the  
10:37 20 intersection? Yes. You said you almost made your  
21 U-turn? Yes. And almost made a turn so that you  
22 would be going back in the direction you would  
23 have come from? Yes. And the car was facing --  
24 it was facing east. So on the way back you had,  
10:37 25 you had been going west and when you were turned



1 around and you were going back east? And when you  
2 got out of the car and you don't know whether you  
3 walked east or west? I believe I went east. Same  
4 direction the car was facing pretty well? Yes.  
10:37 5 Okay, so you see --

6 I'll stop there. You see what  
7 your story basically is, the one you gave to the  
8 court?

9 A Yes.

10:38 10 Q Now, do you understand that according to your  
11 story you drove to an intersection after asking  
12 the lady for directions. Now, the total distance  
13 that Gail Miller has to walk is maybe three plus  
14 minutes from her house. You understand that?

10:38 15 A Yes.

16 Q Now, you've driven down to the corner, gotten  
17 stuck, spun the tires, gotten out, tried to push  
18 the car and presumably Gail Miller isn't waiting  
19 for somebody to come back, she's walking, if this  
10:38 20 is really happening.

21 A Correct.

22 Q By the time you were pushing the car she would be  
23 at the bus stop. Do you understand that?

24 A Yeah.

10:38 25 Q That was never confronted to you, was it, by



1 anybody?

2 A No.

3 Q In fact, if we can go to the map, 000216 I think  
4 it is, let's take a look at that, okay. Now,  
10:39 5 here's where Gail Miller would live; right?

6 A I suppose, yeah.

7 Q Take your time to understand what I'm saying. I  
8 don't want to confuse you.

9 A Okay.

10:39 10 Q Thank you very much. There's the house. Now,  
11 here is her bus stop. Do you see that?

12 A Yes.

13 Q Okay. So she comes out of the door and comes down  
14 the street. Now, if she walks down this side of  
10:39 15 the street there's no possibility for your story;  
16 right?

17 A Right.

18 Q Because the passenger side of your car, you would  
19 be the one closest to her walking?

10:39 20 A Correct.

21 Q On her three minute or so walk. So presumably she  
22 has to cross to this side; right?

23 A Right.

24 Q So she's walking down here to get to her bus stop  
10:40 25 and presumably somewhere around here, give or



1 take, she's asked for directions, according to  
2 your story, not that it's true, but let's analyse  
3 it. Okay?

4 A (Nods head).

10:40 5 Q Did you see anything different from your story?

6 A From my recant story or the story I told at trial?

7 Q The one you lied at court, yeah.

8 A I'm following.

9 Q That's your story, I mean --

10:40 10 A Yeah.

11 Q -- you know. So she's asked for directions, you  
12 guys go down to 20th, the next intersection, you  
13 make a U-turn and you get stuck, you get stuck in  
14 the intersection; right?

10:40 15 A Correct.

16 Q That's your story. There's no boulevard there,  
17 but that's neither here nor there. Right?

18 A Right.

19 Q Now, if this is the story, by the time you are  
10:40 20 down here, if it's three minutes from here to  
21 here, it's perhaps two minutes from here to here.  
22 By the time you are doing this and pushing the  
23 car, Gail Miller walks right to the bus stop. Do  
24 you see that?

10:41 25 A Yes.



1 Q Okay?

2 A Yup.

3 Q Now, more important, this is 20th Street, this is  
4 a busy street, there's a bus stop here and a bus  
10:41 5 stop here, busses are going down this street,  
6 okay.

7 A Yes.

8 Q You see that?

9 A Yes.

10:41 10 Q Not only that, we have Mary Gallucci standing  
11 right there, we have Indyk and Diewold over here,  
12 right, I think Murray Duffus is around here too,  
13 and we have cars going back and forth and you are  
14 blocking a major thoroughfare. How is that  
10:41 15 possible?

16 A Because it never happened.

17 Q I know, but nobody ever confronted you with that?

18 A No.

19 Q It's impossible; right?

10:41 20 A Yes.

21 Q According to this?

22 A According to that, yes.

23 Q Do you know that the police advertised in the  
24 newspaper for anybody who saw the car being stuck?

10:42 25 A Yes, I did.



1 Q And didn't get a response?

2 A Correct.

3 Q So we have all these people around here, nobody  
4 saw it. But now let's get the second theory. The  
10:42 5 second theory is that for some reason Gail Miller  
6 deciding to walk all this way over here and down  
7 to Avenue N. Do you see that?

8 A Yes.

9 Q Now, why she would go down to Avenue N is hard to  
10:42 10 explain, although there apparently is a statement  
11 from a Mr. Simon Doell that back in August maybe  
12 she did, although we know from her roommates that  
13 she went down O, but anyway, let's say for some  
14 reason, 40 below, goes all the way down to Avenue  
10:42 15 N, okay. Now, it happened somewhere around here,  
16 same theory, you go down here, you get stuck in  
17 the intersection; right?

18 A Right.

19 Q You block traffic for 15 minutes. Do you  
10:43 20 understand that?

21 A Yup.

22 Q 15 minutes you block a major intersection or major  
23 street and nobody sees it. Do you understand?

24 A Yeah.

10:43 25 Q Not only that, on the entrance to the alleyway we



1 know that Mr. and Mrs. Merriman are living right  
2 over here waiting for a cab. They see nothing.  
3 People are all over the place walking up the  
4 street, we'll get to them later, but nobody sees a  
10:43 5 thing. You see that?

6 A Yes.

7 Q Now, I appreciate it's not very hard to  
8 cross-examine somebody who admits he was lying,  
9 but do you understand you could not have defended  
10:43 10 this back then?

11 A No, I couldn't have.

12 Q What could you have said about not being seen in a  
13 major intersection, major street?

14 A It would have been totally impossible.

10:44 15 Q I suggest to you that if it had been shown to you,  
16 look, Wilson, it couldn't be here, Gallucci,  
17 Merriman, Duffus, all these people around here,  
18 cars going back and forth, impossible, you would  
19 have broken down?

10:44 20 A Yes.

21 Q And the absurdity of leaving a car on 20th Street  
22 for 15 minutes in a time when people are going to  
23 work and not being seen would have been obvious?

24 A Exactly.

10:44 25 Q And nobody ever took a hard run at you?



1 A No.

2 Q The Crown attorney never said "look, Wilson, this  
3 is 20th Street, no one sees you there, tell me the  
4 truth"; did he?

10:44 5 A No.

6 Q The defence counsel never put this map to you and  
7 aggressively attacked you on this?

8 A No he didn't.

9 Q That it couldn't happen?

10:44 10 A Exactly.

11 Q Williams couldn't care less when he talked to you?

12 A No.

13 Q Kim Campbell didn't listen to you; right?

14 A True.

10:45 15 Q No one even looked at this?

16 A No they didn't.

17 Q Your story couldn't even be true, even if you  
18 tried to say it was true, correct?

19 A Correct.

10:45 20 Q You see that; don't you?

21 A Yup.

22 Q Now there are a number of items where I know you  
23 don't want to agree with me when I put forward  
24 David's version of events but I'm going to suggest  
10:45 25 to you that really, because of your incremental



1 memory that has been remembered over time in bits  
2 and pieces, that you may have some difficulty as  
3 to what the truth is and not, if you follow what I  
4 am saying?

10:45 5 A I follow what you are saying, yeah.

6 Q That you, that you may have had some memory  
7 implanted in you?

8 A It's possible.

9 Q Now I'm -- I want to take you through a statement  
10:46 10 as to what occurred that day and see if you agree  
11 or don't agree or whether you think some of it may  
12 refresh your memory. And if we can turn to  
13 224923, now this appears to be David's version in  
14 1969 not given to the police, and it contains  
10:46 15 details in here which I would like to go over with  
16 you as to whether you recall these, and I'll get  
17 some fairly important things in there, but if we  
18 could just start highlighting from the top.

19 "On the 28th or 9th of January  
10:47 20 in Regina at Smitty's Pancake was the first  
21 discussion between Ron Wilson and I that arranged  
22 this trip", sorry, "originated this trip", sorry.  
23 Does that sound correct to you?

24 A Yes.

10:47 25 Q "My next recollection on the 29 th or 30th of



1 January at the", something, "hot restaurant when I  
2 received \$40.00 from Miss Toni Meyers, we had met  
3 Nicky previous to Toni as I recall asking for a  
4 cheque -- or cashing a cheque", sorry, "where  
10:47 5 Nicky worked with her assistance. I brought that  
6 cheque back on the same day and I cashed it with  
7 Toni's money." Does that sound -- something you  
8 remember or don't?

9 A No I don't.

10:47 10 Q Okay. "The next I remember is when Nicky and Ron  
11 and myself were up at the Kitchener Hotel in my  
12 suite. I gave Ron money to buy the plates to put  
13 on the car. While he was gone I had sexual  
14 intercourse with Nicky. She said she would come  
10:48 15 with us and quit her job and get some money, part  
16 of her pay, that day." Does that sound correct?

17 A Yes.

18 Q So David did get you money to get those plates?

19 A Yes.

10:48 20 Q He was busy with Nicky and Nicky obviously seemed  
21 quite willing to go on the trip?

22 A Yes.

23 Q "Ron came back saying he had to get serial numbers  
24 and that his mother couldn't find them. He took a  
10:48 25 taxi to his place." Do you remember that?



1 A No.

2 Q You are not doubting it happened, though, I take  
3 it?

4 A No.

10:48 5 Q Umm, "my next recollection when Nicky, myself and  
6 Ron were at Ron's place, this is the first time I  
7 saw his car. It was a Pontiac, '57 or '8,  
8 automatic, six cylinder, and all the tires were  
9 flat." Does that sound right?

10:49 10 A Yes.

11 Q "We jacked up the car and took all the tires off  
12 and took out its battery. I took a toboggan from  
13 his garage and the three of us went to a service  
14 station. I think it was on Broadway." Does that  
10:49 15 sound right?

16 A Close.

17 Q Okay. "At the station we left the tires -- let  
18 the tires thaw out and we filled them up with air.  
19 An employee of the garage informed us that our  
10:49 20 battery was unchargeable dead. We left it there.  
21 We took the tires back and placed them on the car.  
22 Ron and myself decided to steal a battery and we  
23 went about a block and a half south in his back  
24 lane and went into a garage where we found a car."  
10:49 25 Does that sound right?



1 A Yes.

2 Q Okay. If you can just turn the page. "In the  
3 process of the theft we broke into the casing of  
4 the battery with our screwdriver and during the  
10:50 5 run back through the snowy back lane acid splashed  
6 on us"; is that right?

7 A Yes.

8 Q "It became apparent, the acid, as soon as we got  
9 back as my mitts were wet, it was on my jacket and  
10:50 10 on my grey pants, I used Ron's bathroom to wash my  
11 hands and legs. I changed into a pair of green  
12 striped pants with an opening in the seam and a  
13 coloured shirt. My grey pants with the acid on it  
14 I placed in my suitcase and also the white shirt I  
10:50 15 was wearing I think. Mrs. Wilson gave me  
16 instructions to put paper around my grey pants so  
17 the acid wouldn't get on my clothes, the others in  
18 the suitcase"; does that sound familiar to you?

19 A No.

10:50 20 Q You are not doubting that happened?

21 A No.

22 Q "In my suitcase I had the grey pants with acid on  
23 them and another pair of identical grey pants and  
24 burgundy pair of pants, three or two white shirts.  
10:51 25 The battery we stole could not start the car so we



1 called a tow truck. He came and pulled us to the  
2 station on Albert Street. We almost cracked up on  
3 the way and he overcharged us. We left the car  
4 thaw out at the garage and put the battery on  
10:51 5 charge." Do you remember that or --

6 A Yes.

7 Q Okay. It's accurate?

8 A Yes.

9 Q Okay. "I got it going and left to go back to  
10:51 10 Ron's place to get my suitcase. We drove around  
11 after that and left about 1:00 or shortly after.  
12 Ron drove when we left Regina. Ron and myself  
13 previously discussed what we were going to do to  
14 get money so we could buy grass up in Edmonton to  
10:51 15 bring back to Regina. We decided on B & E's at  
16 Smitty's and the Kitchener Hotel."

17 I don't think -- I think that  
18 means that is where you decided it but that could  
19 be subject to argument.

10:52 20 "We drove into a town but Ron  
21 said there was nothing worthwhile. I said what  
22 about a grain elevator and he said all right and I  
23 went by myself to open it. I remember it having a  
24 padlock. I got in and looked around, I found  
10:52 25 nothing but I did take", and if you could turn the



1 page, "a flashlight as it would probably assist us  
2 in the future of a trip. I went" -- well that's,  
3 you have told us about that, right?

4 A Yes.

10:52 5 Q "I went in the same -- into some other town later  
6 and ended up stuck. I took the wheel and tried  
7 rocking the car back and forth. One time I put it  
8 in reverse too soon and the reverse didn't work  
9 hardly at all after that. I went to find some car  
10:52 10 or truck to get us out. I found a half-ton truck,  
11 but it wouldn't start so I took the shovel out of  
12 the back of the truck." Does that all sound  
13 familiar to you?

14 A Yes.

10:52 15 Q Could I ask you how you are doing for time, are  
16 you okay?

17 A A little bit longer.

18 Q Okay. Umm, "I finally got out after about one  
19 hour or so as I got the reverse to", I guess, "to  
10:53 20 work and backed out. And stopped for coffee and  
21 milk after we got stuck I think. Nicky went in  
22 and got two coffee and one milk. The milk was for  
23 me." Do you remember that?

24 A No I don't.

10:53 25 Q All right. "Nicky might have dozed off on the way



1 to Saskatoon but I was awake all the time. I have  
2 turned off the highway -- I turned off the highway  
3 and proceeded down a boulevard street. I was lost  
4 and saw a lady walking in the opposite direction  
10:53 5 to us on the other side of the boulevard." Now  
6 the boulevard you remembered too, isn't it, Mr.  
7 Wilson?

8 A I don't remember no boulevard, no.

9 Q Okay, I thought you mentioned a boulevard.

10 A No.

11 Q "And suggested we ask directions. We came to a  
12 break in the boulevard and stopped. Then as we  
13 started to turn our wheels just spun on the ice  
14 but we finally got around the boulevard U-turn and  
10:54 15 we pulled up beside the lady and asked directions  
16 to Pleasant Hill or Peace Hill, I'm not sure  
17 which. She said she didn't know and I asked her  
18 how to get downtown and she gave us some type of  
19 directions." Do you see that?

10:54 20 A Yes.

21 Q And does that refresh your memory at all?

22 A No.

23 Q Do you have any reason to not believe that?

24 A The boulevard part and --

10:54 25 Q Okay.



1 A -- some of that, yeah.

2 Q Now that's -- you remember, in David's first  
3 statement, he mentioned asking an old lady for  
4 directions?

10:54 5 A Yes, I recall that, yes.

6 Q You didn't remember it at all?

7 A No.

8 Q Right? I'm suggesting to you that when you  
9 started getting questioned by the police and by  
10:55 10 Roberts what was coming back in your mind is  
11 exactly what David was talking about here?

12 A I don't know what to say to that.

13 Q You see, then he says, "My next recollection is in  
14 a garage by a bridge we went over. I also  
10:55 15 remember going around the block with the Bay store  
16 on it", I think it says, "downtown someplace. We  
17 asked one elderly man quite poorly dressed  
18 directions and we talked a little while and he  
19 gave us some sort of directions." You see, so the  
10:55 20 man was asked for directions too?

21 A I don't recall that.

22 Q Okay. You are not saying it didn't happen?

23 A No.

24 Q A very minor incident in a morning. Okay. Turn  
10:55 25 the page. "We then headed out a street that I



1 think had parked cars on both sides and we saw  
2 traffic on both sides. I was looking for a  
3 garage/gas station." Well, you agree with that,  
4 don't you?

10:56 5 A Yes.

6 Q "Which I had remembered from my previous visit to  
7 Cadrain about a year or so ago which later we did  
8 locate", and you did locate it, I believe?

9 A Yes.

10:56 10 Q "We drove straight down this street until we came  
11 to a well-used road. We turned on that and saw a  
12 motel. We turned into it. I remember it being a  
13 bumpy turn. I went and asked directions and he  
14 gave me a map. We left" -- sorry, if somebody  
10:56 15 could help me here -- "and went back on the same  
16 road and -- we came on. I didn't have my shoes on  
17 when I went to this motel." So we know all about  
18 that, right?

19 A Yes.

10:57 20 Q "We turned someplace and drove away until we came  
21 to cars going all one way. I figured they were  
22 going the wrong way and told Ron to turn in the  
23 alley as to go around the block. We did so and on  
24 our way through we saw a guy stuck. There was a  
10:57 25 young guy and old guy trying to get it out and a



1 girl in the car", and of course this is the  
2 Danchuks', correct?

3 A Correct.

4 Q "And I said let's stop and help out, and help, and  
10:57 5 Ron said no, we would get stuck ourselves. I  
6 argued and said -- and he said okay. We pulled up  
7 behind him and tried to push. Our car stalled and  
8 wouldn't start. He invited us into the porch of  
9 this house and went to call a tow truck down in  
10:58 10 his suite. He came back and I talked with him. I  
11 remember telling him I worked for Maclean's and  
12 also about our trip, including trying to find  
13 Shorty." And that all, I believe, sounds correct  
14 to you?

10:58 15 A Yes.

16 Q "The first truck he had called never came. After  
17 about half an hour he called another one. During  
18 this periodically me and Ron tried to start our  
19 car. He finally came", that's the tow truck, "and  
10:58 20 hoisted the guy out. I thought if we said we  
21 hadn't any money the guy we had tried to help out  
22 would offer to pay. He didn't or help us out. He  
23 then took us all back to the garage in his car and  
24 I went in and asked for the tow truck again. He  
10:59 25 came and boosted us and we got going." That's



1 pretty accurate as to what happened, isn't it?

2 A Yes.

3 Q "We let the car warm up and we tried to go. I was  
4 driving now. The car kept stalling and the wheels  
10:59 5 were frozen in the snow. Somehow we got away.

6 During this time in the house I went and asked the  
7 guy's wife for a glass of water. I remember her  
8 being pretty and quite polite. The guy had given  
9 me some directions and I remember arriving

10:59 10 Cadrain's. I parked on the opposite side of the  
11 street in relation to the house. I went and  
12 called on him, he answered the door, he didn't  
13 have a shirt on and he looked like a mess. He  
14 told me to call my friends in and I remember  
10:59 15 calling two or three times." So up until here  
16 that's all correct, isn't it, --

17 A Yes.

18 Q -- what I've been reading to you? "We all sat  
19 down and talked for a while, about 15 minutes to a  
11:00 20 half hour, then someone went out and got my  
21 suitcase so Ron and I could change. I changed  
22 from my green striped pants to my other grey ones.  
23 I also changed my coloured striped shirt into a  
24 pressed white one. All I remember is Ron changing  
11:00 25 his pants into a pair of burgundy -- a pair of



1           burgundy pair of mine that were too big for him."  
2           Now does that refresh your memory as to what  
3           happened?

4           A           Yeah, I remember us changing clothes, yes.

11:00 5           Q           Okay. You have got no reason to believe this  
6           isn't accurate?

7           A           No. Could we have that break, now, please?

8           Q           Sure. Maybe I'm being presumptuous.

9           Mr. Commissioner, could we have a break now?

11:00 10           COMMISSIONER MacCALLUM: How long do you  
11           need, Mr. Wilson?

12           A           Ten minutes.

13           COMMISSIONER MacCALLUM: Ten minutes.

14           *(Adjourned at 11:00 a.m.)*

11:13 15           *(Reconvened at 11:13 a.m.)*

16           MR. WOLCH: Sorry, could you please pull up  
17           the document that we left off on? I'm not sure  
18           where I was.

19           BY MR. WOLCH:

11:13 20           Q           Okay. "Ron gave me the keys to put the suitcase  
21           back in the trunk while Cadrain was getting ready.  
22           I decided to move the car over to the other side  
23           of the street in front of the house. I made a  
24           U-turn and instead of stopping I decided to drive  
11:13 25           around the block. I went around twice I think via



1           Cadrain's back alley but before I could go a third  
2           time the car broke down. There was a trail of  
3           fluid going both ways under the car. I went to  
4           the house and told them what happened. Ron  
11:14 5           flipped because he thought his transmission was  
6           gone and I don't recall if there was any swearing.  
7           We all went back to the house. Someone called the  
8           station, I didn't." Does that all sound right?

9           A           Yes.

11:14 10          Q           "The tow truck came and pushed us to a gas station  
11           across from the BA self-service restaurant." Does  
12           that sound correct to you?

13          A           Yes.

14          Q           "Cadrain had previously decided to come and was  
11:14 15           with us. We were", I'm sorry, "we were put in a  
16           lot to wait in opening so they could look at the  
17           car. We sat in the garage until they took the car  
18           in about a half hour, then we all", something,  
19           "over to eat. We were there about half to  
11:15 20           three-quarters of an hour, then we came back, and  
21           Cadrain and Nicky left to get his money from the  
22           Credit Union. The BA we had lunch in was the one  
23           I was looking for to figure myself to the  
24           Cadrain's." Does that all sound correct to you?

11:15 25          A           Yes.



1 Q "While they were gone Ron and I gave the car a  
2 cleaning as everything was very dusty." Do you  
3 remember doing that?

4 A Yes.

11:15 5 Q "We were ready to go just about and were waiting  
6 for Shorty and Nicky. They were gone for a good  
7 two hours. Well they came back and we sat in the  
8 office and Shorty played the ukulele and the car  
9 was done. I remember talking to the mechanic  
11:15 10 about our trip and he said we wouldn't make it and  
11 tried to get us to buy some of his retread tires.  
12 We didn't. Shorty paid the bill and we left.  
13 Shorty said to stop at the pool hall and he ran in  
14 to buy -- to try and find his girlfriend. He  
11:16 15 didn't look long." Does that all sound right?

16 A Yes.

17 Q "We then went to Shorty's friend's place to see if  
18 his friend had any money and wanted to come  
19 along." We've heard about that, are you -- do you  
11:16 20 remember that?

21 A No I don't.

22 Q Pardon me?

23 A No I don't.

24 Q Okay. "Shorty and I went up to see him. He  
11:16 25 didn't have any money and he didn't want to go.



1 Ron was driving as we headed out of town. We came  
2 to a U in the road and took the one", something,  
3 "to the right, then Shorty said it was wrong road  
4 and Ron went back across the V and I asked Ron to  
11:16 5 let me drive and he let me after he had cut back  
6 to the right road." Do you remember that?

7 A No.

8 Q You don't dispute that's accurate, though, do you?

9 A No.

11:17 10 Q "I was mad at Nicky when I took over driving  
11 because she was playing up to Shorty. I knew she  
12 got scared when I drove fast so I poured it on."  
13 Does that sound correct to you?

14 A Yes.

11:17 15 Q "We arrived at Calgary sometimes in the evening  
16 and went to the bus depot. Ron wanted to phone  
17 his girlfriend and Nicky went in also. Shorty and  
18 I made some sandwiches and we were at the bus  
19 depot", I take it -- or, sorry, "bus depot  
11:17 20 personnel came up and told us to move. We had to  
21 wait 'til Nicky and Ron came back. From there we  
22 went to a coffee house and bought two ounces of  
23 grass and we held", I think, "a pair of earphones  
24 from headset of stereo until we got it." I'm not  
11:17 25 sure what that all means but do you know what that



1 means?

2 A Yeah, we had hung onto something until the drugs  
3 had showed up, as collateral.

4 Q I'm sorry, I couldn't hear you, I'm sorry.

11:18 5 A We hung onto the earphones as collateral until the  
6 drugs showed up.

7 Q Oh, I see, okay.

8 A I think that's what it means.

9 Q Now "Ron was driving when we left. We were all  
11:18 10 smoking as we left and everybody was pretty high.  
11 Ron burst into hysterical laughter over the white  
12 lines and couldn't control the wheel." Does that  
13 sound right?

14 A Yeah.

11:18 15 Q "Nicky got scared and we made him pull over and I  
16 took over. Everything was fine for about an hour  
17 or so and then the car was stalled as I would slow  
18 down for the icy patches. I would take it out of  
19 gear and pump the gas and put it back in gear and  
11:18 20 it would go. One time it didn't. I pulled over  
21 and the battery had gone dead. It must have been  
22 2:00 or 3:00 in the morning as there was hardly  
23 any traffic. I didn't wake anyone as they had  
24 dozed off and it was getting colder and colder.  
11:19 25 When we saw -- when we", I think that's, I'm not



1           sure, "I saw lights behind me, I wanted blink my  
2           lights on and off and step on the brakes on and  
3           off. Finally a semi stopped and he pushed me. It  
4           fired about 35 miles per hour." Do you remember  
5           that?

11:19

6           A           I remember getting pushed by the semi, yes.

7           Q           It wasn't some sort of dope deal I take it?

8           A           No.

9           Q           "My next recollection we arrive in Edmonton, I  
10          went straight through to St. Albert. I gave  
11          directions to the Sactum", do you know what that  
12          is, I think it's a place? But anyway, "which is a  
13          clubhouse sort of. The back door was open so we  
14          all went in. We arrived about 7:00 or so." Do  
15          you remember that?

11:20

16          A           No, I don't.

17          Q           Okay. "We sold some grass there and I met Sharon  
18          Williams, my girlfriend. We stayed that night at  
19          the motel outside of St. Albert, Nicky slept with  
20          Shorty, me with Sharon, and Ron beside our bed."  
21          Is that all accurate?

11:20

22          A           Yes.

23          Q           "Next morning we dropped Sharon off and we left  
24          that day. We stopped in Edmonton where Ron said  
25          it was a good place to cash cheques. He wrote one

11:20



1 and tried to cash it but didn't. I wrote one to  
2 Nicky and she cashed it. It was for \$30 I think.  
3 We left and went to Calgary again and bought some  
4 more grass and then we went to Banff and were  
11:20 5 detained and checked out by the RCMP." Do you  
6 remember that?

7 A Yes.

8 Q "We couldn't sell our grass and ran out of money.  
9 We were given a meal ticket each. Nicky wired for  
11:20 10 money also. Ron wired home." Do you recall doing  
11 that?

12 A No I don't.

13 Q "Ron found out that his dad had been hurt"; does  
14 that refresh your memory?

11:21 15 A I had called home.

16 Q Do you recall your dad being, I think it says,  
17 hurt?

18 A Hurt, he was hurt or sick.

19 Q Okay.

11:21 20 COMMISSIONER MacCALLUM: He was what?

21 A Hurt or sick.

22 BY MR. WOLCH:

23 Q "We finally sold our grass and headed right back  
24 to Regina. We stopped on the road and stole some  
11:21 25 beans and drinks from a curling house." Do you



1 remember that?

2 A Yes.

3 Q "We arrived early in the morning and dropped Nicky  
4 and Shorty off at the Cornwall house. I stayed at  
11:21 5 Ron's house for two days and later stayed at Pat  
6 Murray's place on Whitmore Park." Do you remember  
7 this happening or parts of it?

8 A Parts of it, yes.

9 Q Okay. "My licence came through"; do you know what  
11:21 10 that is?

11 A I believe that was his salesman licence for  
12 Maclean's.

13 Q Yeah, he needed a licence in British Columbia to  
14 go sell Maclean's magazines?

11:21 15 A I believe so.

16 Q Yeah, he was waiting for that. "And I went to  
17 Winnipeg under supervision of Roger Renaud and  
18 worked there. This is the first place I heard of  
19 the Gail Miller murder."

11:22 20 Now I have gone through that  
21 statement with you, that's fairly detailed, but  
22 there's nothing of any importance there you don't  
23 agree with; is there?

24 A Certain stuff that he didn't put in. That's all.

11:22 25 Q Okay, well, "certain stuff"?



1 A Yeah.

2 Q Okay. What stuff didn't he put in?

3 A Getting stuck.

4 Q Okay. So he has it that you made a U-turn, spun  
11:22 5 the wheels, but doesn't have you getting actually  
6 stuck?

7 A Correct.

8 Q Right?

9 A Correct.

11:22 10 Q Okay. So you disagree with that?

11 A Yes.

12 Q But you do agree with me that you have not always  
13 been consistent in your position on that?

14 A In the area of getting stuck, no.

11:22 15 Q Pardon me?

16 A In the area of getting stuck, no.

17 Q No, but you also, at the Supreme Court under my  
18 questioning, said it didn't happen?

19 A That's because I had got confused at that time.

11:22 20 Q Well, but you did say it under oath?

21 A Yes I did.

22 Q Okay. And you never put it into a number of your  
23 statements, you forgot?

24 A Yes.

11:23 25 Q Right? And you also changed the fact that you



1                   stayed in the car and got out of the car?

2           A           Yes.

3           Q           So there are variances in the various versions you  
4                   have given?

11:23 5           A           Yes there is.

6           Q           Okay. Okay, what else do you disagree?

7           A           I don't recall it all, because it was just kind of  
8                   sifting through it with you, so --

9           Q           Okay, no, I think the other part you would say;  
11:23 10           would that be the knife?

11          A           Yes, that was not mentioned here.

12          Q           No. And you certainly have not been consistent in  
13                   that; have you?

14          A           No.

11:23 15          Q           And it may very well be that getting stuck and the  
16                   knife may have been implanted in your memory?

17          A           No.

18          Q           You are positive that it actually happened?

19          A           I can still see both instances to this day.

11:23 20          Q           Well you couldn't even see the knife at the trial?  
21                   The judge asked you where it was, you couldn't  
22                   even say where you saw it?

23          A           Don't know why.

24          Q           Sorry?

11:24 25          A           I said I don't know why.



1 Q You left it out several times?

2 A Yes.

3 Q Now I'm going to consider the next incident of  
4 importance to be when Mr. Henderson spoke to  
11:24 5 you, --

6 A Okay.

7 Q -- okay? The trial is done -- and, by the way,  
8 I'm sorry, if I could just have a second here, I  
9 just wanted to clarify one thing,  
11:24 10 Mr. Commissioner.

11 Could you turn to 001500 again,  
12 or it's actually 001499 -- this is was more for  
13 the record, Mr. Wilson, than for you -- and turn  
14 to 001500. You see that?

11:25 15 Remember that report I read to  
16 you this morning about going to -- taking you to  
17 Saskatoon and polygraph, hypnotise, that sort of  
18 thing?

19 A Yes.

11:25 20 Q Well you will see in the report here, this is what  
21 I was referring to, and Wilson blood group B,  
22 Cadrain O, and Milgaard A; do you see that?

23 A Yes.

24 Q So it was never brought to your attention that you  
11:25 25 weren't the blood type of the person who killed



1 Gail Miller?

2 A No, it wasn't.

3 Q Okay. That's what I was referring to earlier,  
4 just for the record.

11:25 5 COMMISSIONER MacCALLUM: Okay.

6 BY MR. WOLCH:

7 Q Okay. So now you spoke to Mr. Henderson and I  
8 take it, at this time, you were somewhat of a  
9 different person?

11:25 10 A Yes.

11 Q I mean you had been, back in '69, a petty thief, a  
12 drug user, and not a very desirable character?

13 A Correct.

14 Q And, as a thief, you knew you were putting your  
11:26 15 own needs ahead of somebody else's?

16 A Yes.

17 Q I guess it didn't matter if somebody lost  
18 something as long as you got it?

19 A Correct.

11:26 20 Q But now you had turned your life around -- and I'm  
21 not being in any way sarcastic about it, sir --  
22 you turned your life around and became a  
23 responsible citizen?

24 A Yes.

11:26 25 Q Working, married, fine, that kind of person;



1 right?

2 A Yup.

3 Q And in conversation with Mr. Henderson you, I  
4 guess the best word is, came clean?

11:26 5 A Correct.

6 Q I take it it had been bothering you?

7 A Yes.

8 Q I mean you knew darn well that David couldn't have  
9 done the crime --

11:26 10 A Exactly.

11 Q -- because you had been with him that morning?  
12 And you also knew that the behaviour afterwards  
13 was inconsistent with a murder having been  
14 committed, that is the travelling and there is no  
11:27 15 sign of a murder, none of you kids even knew about  
16 it?

17 A Exactly.

18 Q And you also knew that you and Nichol had been  
19 pressured?

11:27 20 A Yes.

21 Q And you knew that, under the pressure, you had  
22 given the police what they wanted?

23 A Correct.

24 Q And I take it you felt some guilt that David had  
11:27 25 been in jail all this time?



1 A A lot of guilt.

2 Q Pardon me?

3 A A lot of guilt.

4 Q And you knew he was denying it constantly?

11:27 5 A Yes.

6 Q And that was keeping him in jail; did you know  
7 that?

8 A I didn't know if that was the reason he was being  
9 kept in jail.

11:27 10 Q Sorry. So, with Mr. Henderson, you just told him  
11 the truth?

12 A Yes.

13 Q And Mr. Henderson let you talk and say your piece?

14 A Correct.

11:28 15 Q Did you feel a sense of relief at that time, or  
16 foreboding, that the worst was yet to come?

17 A Knowing the worst was yet to come.

18 Q Yeah. You knew you were laying yourself open for  
19 very serious perjury charges?

11:28 20 A Yes I did.

21 Q I mean there's hardly anything more serious than  
22 causing a person to be convicted of first degree  
23 murder by lying?

24 A Correct.

11:28 25 Q And that you could face a very, very serious



1 penalty?

2 A Yes.

3 Q But, nevertheless, you did what I would say is  
4 courageous and stepped up?

11:28 5 A Yes.

6 Q Now the next thing that was going to happen after  
7 Henderson was gonna be an interview from Mr.  
8 Williams on behalf of the Department of Justice?

9 A Right.

11:28 10 Q And if I understand what you were telling  
11 Commission Counsel you had been cautioned, I think  
12 by Mr. Asper -- and, please, I don't want to put  
13 words in your mouth so you correct me -- that Mr.  
14 Williams is not unbiased, that he isn't fair, and  
11:29 15 all he wants to do is maintain the conviction?  
16 Now that's what I think he told you but you tell  
17 me what you remember.

18 A I recall being told some things about Mr. Williams  
19 but I can't exactly recall what they were.

11:29 20 Q Okay. But they weren't favourable?

21 A No, they weren't.

22 Q Okay. And you were also told to get your own  
23 lawyer?

24 A Yes, I was.

11:29 25 Q Because you were in serious jeopardy?



1 A Yes.

2 COMMISSIONER MacCALLUM: Were you agreeing,  
3 sir, that it was Mr. Asper that told you to --

4 A I wasn't sure who told me.

11:30 5 COMMISSIONER MacCALLUM: Okay, thank you.

6 BY MR. WOLCH:

7 Q Now, I think you testified that upon reflection  
8 and upon reading, you realized that Mr. Williams  
9 wasn't quite as nice as you might have thought?

11:30 10 A Correct.

11 Q He wasn't like Mr. Henderson and he wasn't like  
12 Mr. Rossmo or Mr. Boyd was he?

13 A No.

14 Q Rossmo and Boyd in particular were interested in  
11:30 15 what you had to say?

16 A Correct.

17 Q They weren't trying to trick you?

18 A No.

19 Q They weren't trying to play memory tricks on you  
11:30 20 as to what you might recall on minor things?

21 A No.

22 Q They gave you a chance to speak?

23 A Yes.

24 Q And if they found something that they were  
11:31 25 concerned about, they asked you about it?



1 A Correct.

2 Q Henderson obviously was anxious to get you to  
3 recant; right?

4 A True.

11:31 5 Q You knew that's why he was there?

6 A Yes.

7 Q But he allowed you to speak?

8 A Yes.

9 Q I'm saying to you that Williams was clearly there,  
11:31 10 from your point of view, to discredit you,  
11 discredit your position?

12 A Yes.

13 Q I wonder if we could look at 003561. Now, this is  
14 a memo from Mr. Williams to his file on June the  
11:32 15 19th, 1990. Now, this would be prior to your  
16 being examined under oath, I'll just bring that to  
17 your attention, okay. Now, I'm not going to take  
18 you through the whole report, but I want to take  
19 you to just one page, 003569, conclusions and  
11:32 20 recommendations. You see that?

21 A Yes.

22 Q "Counsel for Milgaard has submitted an  
23 unsworn statement, signed by Mr. Wilson  
24 in which the latter recants portions of  
11:32 25 his trial testimony."



1                   That's a bit of an understatement isn't it?

2           A           Yeah.

3           Q           You were recanting the important parts?

4           A           Yes.

11:32 5           Q           "It would also appear that counsel,  
6                                    further to his remarks contained in his  
7                                    June 12th, 1990 letter, has discouraged  
8                                    Mr. Wilson from consenting to an  
9                                    interview to explore the allegations  
11:33 10                                 contained in the latter's statement."  
11                                 As you understood it, it was an interview by him?

12          A           Yes.

13          Q           "I have also learned that Mr. Wilson is  
14                                    distraught about this episode in his  
11:33 15                                 life and is only prepared to entertain  
16                                 questions before a judge."

17                    You see that?

18          A           Yeah.

19          Q           Was that the case?

11:33 20          A           No.

21          Q           "This latter information raises several  
22                                    questions concerning the manner in which  
23                                    this statement was taken; it was  
24                                    reported that at least 8 hours of  
11:33 25                                 questioning was involved in the taking



1 of this seven page document. Further,  
2 it raises several questions about the  
3 accuracy of the statement."

4 Now, I'm not particularly concerned about  
11:33 5 Roberts, but we're concerned about Henderson. Do  
6 you see that?

7 A Yes.

8 Q "It is not known whether any  
9 documentation or other "aide memoirs",  
11:34 10 if any, were provided to the witness to  
11 refresh his memory. Nor is there any  
12 information whether there were any  
13 inducements or threats, expressed or  
14 implied which prompted Mr. Wilson to  
11:34 15 break his 20 year silence."

16 I pause there. Can you imagine anything that  
17 would induce you to risk a perjury conviction on  
18 a murder charge?

19 A No.

11:34 20 Q "(Mr. Wilson was afraid of Mr. Milgaard  
21 when they were together in Calgary in  
22 1969)."

23 Do you know what that's about?

24 A No.

11:34 25 Q "It was reported to this writer that



1 Mrs. Milgaard unsuccessfully sought to  
2 obtain a statement from Mr. Wilson a  
3 year ago."

4 That wouldn't be accurate would it?

11:34 5 A No.

6 Q Then we go on:

7 "This unsworn statement contains a  
8 number of comments which are wrong on  
9 the basis of the facts disclosed to us  
11:35 10 by witnesses and documents created  
11 contemporaneously with the events that  
12 they record. These statements also  
13 contradict an earlier statement which  
14 flowed from a successful polygraph  
11:35 15 examination by Mr. Wilson, and from  
16 evidence given under oath at the  
17 preliminary inquiry and at trial."

18 You see that?

19 A Yes.

11:35 20 Q So he hasn't even interviewed you yet and he's  
21 concluded there was a successful polygraph  
22 examination?

23 A Exactly.

24 Q You see that?

11:35 25 "In these circumstances, little if any



1 weight can be given to the unsworn  
2 allegations contained in this recent  
3 statement. It also appears that the  
4 applicant has actively intervened to  
11:35 5 discourage or prevent any attempt to  
6 question this witness to determine the  
7 accuracy of the statement."

8 You see that?

9 A Yes.

11:35 10 Q Now, you see by what he's saying here, that he  
11 seems to, I suggest, have his mind made up.

12 A Exactly.

13 Q And now do you see why it was not wanted that he  
14 question you?

11:36 15 A Repeat that, please?

16 Q Now you see why Milgaard's people didn't want him  
17 to be the questioner?

18 A Yes.

19 Q Now if we could turn to 003570, and I didn't point  
11:36 20 it out to you, but you may have noticed on the  
21 previous document we looked at, that that was  
22 copied to a Mr. Corbett. You can take my word for  
23 it it was.

24 A Okay.

11:36 25 Q Okay. This is I think about a week later or so,



1           June 25th is the memo date from Mr. Corbett, he  
2           says that on June 22 he received a call in the  
3           absence of Mr. MacFarlane from myself informing  
4           that Wilson was prepared to be interviewed on  
11:37 5           Thursday the 28th in British Columbia according to  
6           the following terms, that there would be a court  
7           reporter present to take a verbatim transcript of  
8           the interview, that Mr. Watson, counsel for  
9           Wilson, be present at all times, that I be allowed  
11:37 10          to attend but would not take part in any questions  
11          or cross-examination, that Williams -- and that  
12          Mr. Williams not be counsel assigned to interview  
13          Mr. Wilson. Now, we've gone through that part of  
14          it, but Mr. Watson was your lawyer; right?

11:37 15          A           Yes.

16          Q           Might you agree with me that his knowledge of the  
17          case was extremely limited?

18          A           True.

19          Q           He wouldn't know the ins and outs of this case at  
11:38 20          all?

21          A           Not at that time, no.

22          Q           "I advised Mr. Wolch that I would need to  
23          discuss this with Mr. MacFarlane" and get  
24          back to him. I also informed -- we'll skip that  
11:38 25          part about writing articles -- late in the



1 afternoon I relayed the above message to Mr.  
2 MacFarlane. On June 25th I phoned Mr. MacFarlane  
3 in Vancouver a second time. We discussed how we  
4 should respond to this request. I spoke to Mr.  
11:38 5 Maddigan in the minister's office who has been  
6 concerned for the Milgaard case and received  
7 instructions on the reply to be conveyed.

8 Just turn the page. I then  
9 endeavour to phone Mr. Watson who was absent from  
11:38 10 his office and I spoke to Mr. Wolch and conveyed  
11 to him our position. We were prepared to record  
12 the interview by verbatim transcript, that a copy  
13 would be provided, that Mr. Watson, counsel for  
14 Wilson, could be present, that we objected to the  
11:39 15 presence of Mr. Wolch at the interview, and that  
16 Williams would be assigned to do it. Okay?

17 A Yes.

18 Q So you were going to be there with your lawyer who  
19 didn't really know the facts; right?

11:39 20 A True.

21 Q And Mr. Williams who clearly knew the facts?

22 A Correct.

23 Q And I couldn't be there to counsel Mr. Watson as  
24 to what was going on on the case.

11:39 25 A Right.



1           **Q**           Right? In discussing these conditions with Mr.  
2                           Wolch, I reiterated that we were most anxious to  
3                           be able to interview Mr. Wilson. Mr. Wolch asked  
4                           for the reasons for taking the position that he  
11:39 5                           should not be present. I informed him that given  
6                           the emotional condition of Wilson as described by  
7                           his counsel, we felt that the fewer persons  
8                           present at the interview the better. Do you  
9                           accept that?

11:39 10           **A**           No.

11           **Q**           For the same reason we did not intend to have  
12                           police officers present at the interview. I  
13                           reiterated our sole purpose in interviewing Wilson  
14                           was to clarify his recent statement as part of the  
11:40 15                           inquiry based on the application for mercy under  
16                           Section 690. Mr. Wolch indicated the conditions  
17                           of the interview were essentially those of  
18                           Mr. Watson on behalf of Mr. Wilson and he could  
19                           not agree to them. I advised Mr. Wolch that I  
11:40 20                           would put the conditions in a letter to Watson and  
21                           a copy to himself, and that's basically the end of  
22                           the document.

23   The next document is 003573.

24                           This is a letter from Mr. Corbett to Mr. Watson.  
11:40 25                           He says in his statement of June 4th, '90,



1 Mr. Wilson recanted portions of his testimony.  
2 The same thing Mr. Williams has said; correct?  
3 You recall?

4 A Pardon?

11:41 5 Q You recall it's the same thing Mr. Williams has  
6 said, we read earlier?

7 A Yes.

8 Q "I propose to conduct the interview in  
9 private. Your client is entitled to be  
11:41 10 represented by counsel. However,  
11 neither representatives from the police  
12 nor the applicant, Mr. Milgaard, should  
13 be invited to attend. The department's  
14 representative will be Eugene Williams.  
11:41 15 If you wish, I am prepared also to  
16 attend."

17 Do you see that?

18 A Yes.

19 Q Now, you recalled earlier the presence of somebody  
11:41 20 from Milgaard might be one person too many?

21 A Yes.

22 Q But yet he's prepared to go and attend also?

23 A Yes.

24 Q The entire interview will be on oath recorded by a  
11:41 25 certified reporter, a copy provided to yourself



1 and counsel.

2 "I would like to allow Mr. Wilson to be  
3 interviewed in an informal setting with  
4 as few people present as possible.

11:42 5 Since Mr. Williams has been  
6 working on the case for some time and is  
7 knowledgeable of all the proceedings, it  
8 is necessary for him to conduct the  
9 interview if we are to proceed  
11:42 10 expeditiously."

11 If we can turn the page.

12 "I can make available to you all  
13 previous statements provided by Wilson  
14 and a transcript of his testimony at the  
11:42 15 preliminary and trial. In view of the  
16 distances involved and the arrangements  
17 that must be made an early response  
18 would be appreciated."

19 So that's the background, you are going to be  
11:42 20 there, you are going to be questioned by  
21 Mr. Williams who knows the case and you have a  
22 lawyer there who really doesn't know the case.

23 A True.

24 Q Nobody there for Mr. Milgaard?

11:43 25 A Exactly.



1 Q And you seen that from Mr. Williams' memo what  
2 might be considered a prejudgment of you?

3 A Correct.

4 Q And Mr. Corbett, if I can just turn to 004 -- I  
11:43 5 think it's 601. This is an article from a  
6 newspaper and I'm just going to show you something  
7 here. This is an article after Kim Campbell  
8 turned down the request for a reopening of the  
9 case and here's what the reporter from *The Globe*  
11:44 10 *and Mail* says.

11 "Secrecy shrouds the investigation, in  
12 which the original prosecutor played a  
13 role, and so far the justice department  
14 has refused to release the report's  
11:44 15 contents, even to Mr. Milgaard's  
16 lawyers. "I don't want to talk about  
17 the Milgaard investigation to you or  
18 anyone else, good-bye," William Corbett  
19 told *The Globe and Mail* and banged down  
11:44 20 the telephone."

21 And that's the same person that we've been  
22 reading his stuff. Okay?

23 A Okay.

24 Q "Mr. Corbett is the senior Crown counsel  
11:44 25 who oversaw the review.



1 Several months before

2 Ms. Campbell's decision, Mr. Corbett

3 already appeared to have made up his

4 mind that David Milgaard was guilty.

11:44 5 "Seventeen percent of the people still

6 believe Elvis Presley is alive," he

7 remarked in an interview with the Globe

8 last August."

9 Do you see that?"

11:44 10 A Yes.

11 Q So you are going to be questioned on this by the

12 Department of Justice. The person who is making

13 the overall arrangements compares the belief in

14 David's innocence to a belief in Elvis Presley

11:45 15 being alive and the person who is doing the

16 questioning has already shown that he has

17 prejudged you. Do you see that?

18 A Yes.

19 Q How are you doing?

11:45 20 A Good.

21 Q Okay. Now, in that *Globe and Mail* article you

22 would have seen that Kim Campbell turned down --

23 sorry, I don't need the article -- turned down the

24 request for a review or a new trial or whatever?

11:45 25 A Yes.



1 Q And I want to turn to that because you do  
2 appreciate that if that turning down had been  
3 allowed to be maintained, the guilty party would  
4 still be free and David would still be a convicted  
11:46 5 murderer. You understand that?

6 A Yes.

7 Q So let's review how Ms. Campbell looked at this.  
8 Now, obviously she would have based her decision  
9 on material furnished to her by a Mr. Williams who  
11:46 10 we think has prejudged the case and Mr. Corbett  
11 who compares it to Elvis Presley being alive.  
12 Those are her advisors.

13 A Right.

14 Q Right. And in speaking to you, Mr. Williams  
11:46 15 certainly didn't confront you with how ridiculous  
16 your theory was at the trial did he?

17 A No, he didn't.

18 Q He didn't show you a map and say, "Come on,  
19 Wilson, you are 15 minutes on a busy street  
11:47 20 blocking traffic and nobody sees you"?

21 A Correct.

22 Q "Wilson, why did you change your story all those  
23 times." None of that?

24 A Correct.

11:47 25 Q He was concerned with discrediting your



1 recantation.

2 A Yes, he was.

3 Q So if we can turn to 001536, I don't know if you  
4 have it -- do you have the front page of this  
11:47 5 letter or not? If you can go to that first. Just  
6 to identify this document, this is February 27,  
7 '91, it's a letter to myself from the Minister of  
8 Justice who later became the prime minister of  
9 this country. Do you see that?

11:47 10 A Yes.

11 Q I don't want to deal with the whole letter with  
12 you obviously, but just the parts that affect you,  
13 which is 001536. You see the new evidence of  
14 Ronald Dale Wilson?

11:48 15 A Yes.

16 Q Let's see what the Minister of Justice says about  
17 you.

18 "Inquiries were also made concerning the  
19 submission that Ronald Dale Wilson,  
11:48 20 after being coerced and manipulated by  
21 Saskatoon police, testified falsely at  
22 the preliminary inquiry and at trial.  
23 Wilson's statements were reduced to  
24 writing on March 2, 1969, May 23-24,  
11:48 25 1969, June 4th, 1990 and July 20th,



1                   1990. In the June, 1990 statement, he  
2                   denied portions --"

3                   So we're back on the portions again. Do you see  
4                   that?

11:48 5           A           Yes.

6           Q           And you agree with me that --

7           A           It was more than portions.

8           Q           I mean, that's a major understatement, you  
9                   disagreed with all the serious things.

11:48 10          A           Yes.

11          Q                        "Nonetheless, the May 23, 1969 statement  
12                                   and Mr. Wilson's comments during his  
13                                   July 1990 interview, place Mr. Milgaard  
14                                   in contact with a woman wearing a dark  
11:49 15                                  coat, near the scene of the offence, at  
16                                  or near the time the offence occurred."  
17                   Whatever that means.

18                                   "Although Wilson denied seeing a knife  
19                                   in Milgaard's possession in June 1990,  
11:49 20                                  he admitted in July 1990 that he saw a  
21                                  bone-handled hunting knife on Milgaard  
22                                  during the trip from Regina to  
23                                  Saskatoon."

24                   Well, you and I disagree whether you saw a knife  
11:49 25                   or not, but whatever it was, it wasn't the murder



1                   weapon?

2           A           Correct.

3           Q           Either way?

4           A           Either way.

11:49 5           Q                        "In June 1990, Mr. Wilson also stated  
6                               that he began to implicate Milgaard  
7                               after lengthy interviews by police  
8                               authorities. However, in July 1990, he  
9                               acknowledged that he had forgotten that  
11:49 10                              he implicated Milgaard in Regina before  
11                              he arrived in Saskatoon, where he was  
12                              interviewed by police."

13                              Now, you have contradictions everywhere, don't  
14                              you, in terms of what you saw one day and another  
11:50 15                              day, it's all over the place. This is a  
16                              contradiction that you had forgotten that you  
17                              implicated Milgaard in Regina, that becomes  
18                              crucial.

19           A           Correct.

11:50 20           Q           The fact is you didn't implicate Milgaard in  
21                              Regina did you?

22           A           No.

23                              COMMISSIONER MacCALLUM: Pardon?

24           A           Not that I recall I didn't, no.

11:50 25           BY MR. WOLCH:



1 Q What you said in Regina was, for the first time,  
2 something to the effect that the car got stuck and  
3 David was out of the car for a few minutes. We  
4 went over that earlier?

11:50 5 A Yes.

6 Q Right?

7 A Yes.

8 Q That's not implicating in a murder is it?

9 A No.

11:50 10 Q And in fact when you got to Saskatoon, you were  
11 put on an aggressive polygraph weren't you?

12 A Yes.

13 Q That's hardly the case if you were co-operating;  
14 would you not agree?

11:50 15 A Exactly.

16 Q I mean, if you were implicating, why would you  
17 need a polygraph to carry on, or aggressive  
18 questioning; right?

19 A Right.

11:50 20 Q Okay. But here's the Minister of Justice saying  
21 that it's somehow important that you had forgotten  
22 that you had implicated him in Regina, but she  
23 goes on to say:

24 "I consider this oversight by Mr. Wilson  
11:51 25 to be very important in assessing the



1                   allegations of police coercion and  
2                   manipulation that he advanced to explain  
3                   his incriminating statement of May 1969,  
4                   and his trial."

11:51 5                   Now, any assessment of the impossibility of your  
6                   May, '69 statement that you can see?

7           A           No.

8           Q           Any concern about the showing of blood-stained  
9                   clothing or pictures of a deceased from a  
11:51 10                   photograph to you to question you? There's no  
11                   mention of that at all is there?

12          A           No.

13          Q           "Mr. Wilson testified at trial that he  
14                   saw Milgaard in possession of a knife  
11:52 15                   resembling the murder weapon during the  
16                   Regina-Saskatoon portion of their trip.  
17                   He said he heard Milgaard call the woman  
18                   wearing the dark coat, from whom they  
19                   had unsuccessfully sought directions, a  
11:52 20                   'stupid bitch'. He told the jury that  
21                   he had been separated from Milgaard for  
22                   approximately 15 minutes while he  
23                   unsuccessfully sought aid for his  
24                   stranded car; and he heard Milgaard say  
11:52 25                   'I fixed her' when the latter returned



1 to the car. He testified John was  
2 hysterical when he returned and saw  
3 blood on the pants at the Cadrain  
4 residence; and that David Milgaard threw  
11:52 5 a cosmetic case out of the window of the  
6 speeding car on the way to Calgary and  
7 told him in the Calgary bus depot that  
8 he had 'hit a girl' or 'got a girl' in  
9 Saskatoon and put her purse in a trash  
11:52 10 can."

11 Well, that's all the stuff you were saying wasn't  
12 true?

13 A Exactly.

14 Q Okay.

11:52 15 "Mr. Wilson now states that he has no  
16 recollection of John's hysteria when he  
17 returned to the car, nor the incident  
18 involving a ladies cosmetic case.  
19 Although twenty years have elapsed since  
11:53 20 this event, others who witnessed it  
21 vividly recall the cosmetic case  
22 incident."

23 Well, I'll pause there. You remember -- well,  
24 you testified to a compact I think and others to  
11:53 25 a bag, they are different things, but we'll skip



1                   that for a moment.

2                                   Now, the minister says that you  
3                   now have no recollection of those matters, but  
4                   she doesn't deal with your saying that all the  
11:53 5                   other stuff is untrue at that point. Do you see  
6                   that?

7           A           Yes.

8           Q           Turn the page.

9                                   "Some of Mr. Wilson's recent  
11:53 10                   recollections appear to be based not on  
11                   facts, but on rationalizations many  
12                   years after the event."

13                   Now, let's pause there. Any way you can  
14                   rationalize whether David said a confession to  
11:53 15                   murder or not?

16           A           No.

17           Q           You can't rationalize that can you?

18           A           No.

19           Q                   "For example, he denied that Milgaard  
11:53 20                   entered the motel in his stocking feet  
21                   on the morning of January 31, 1969.  
22                   Mr. Wilson assumed that no one would  
23                   venture out dressed in that fashion in  
24                   those frigid temperatures. However,  
11:54 25                   Wilson's own evidence at trial,



1 confirmed by the motel operator, showed  
2 that David Milgaard did enter in his  
3 stocking feet."

4 Okay?

11:54 5 A Yup.

6 Q Now, we're not talking about the impossibility of  
7 your story, we're not talking about what happened  
8 with Roberts, it's somehow important that your  
9 evidence about the motel, something you forgot to  
11:54 10 even mention in your first statement --

11 A True.

12 Q -- right, you didn't even remember the motel at  
13 all and now the fact that you can't remember  
14 stocking feet somehow shrouds your credibility?

11:54 15 A Yes.

16 Q "Careful consideration was given to  
17 Mr. Wilson's allegations of undue police  
18 pressure during his stay in Saskatoon.  
19 An examination of the police files,  
11:54 20 interviews with the officers who were  
21 principally involved in questioning  
22 Mr. Wilson in Saskatoon, and a careful  
23 examination of Wilson's allegations of  
24 coercion and manipulation prompts me to  
11:55 25 conclude that Mr. Wilson's



1                    characterization of those events grossly  
2                    exaggerates what occurred, and may  
3                    reflect a misunderstanding of then  
4                    existing polygraph procedures."

11:55 5                    Do you see that?

6            A            Yes.

7            Q            Does it really matter if you understood polygraph  
8                    procedures, isn't what's important the effect it  
9                    had on you?

11:55 10            A            Yes.

11            Q            "The questions on the polygraph test  
12                    merely elicited a yes or no answer. The  
13                    fact that the polygraph testing  
14                    procedures, then in place, required the  
11:55 15                    operator to repeat the questions during  
16                    the monitored phase of the test, coupled  
17                    with the operator's practice of reading  
18                    the questions to the subject and  
19                    permitting the subject to reread the  
11:55 20                    question to ensure that the latter  
21                    understood them, accounts for the  
22                    repetition which is referred to in  
23                    Mr. Wilson's complaint."

24                    Okay. Now, your complaint on questioning is far  
11:56 25                    less important, I would suggest, than the effect



1 it had on you isn't it?

2 A Exactly.

3 Q "Mr. Wilson's claim concerning the  
4 length of his polygraph session also  
11:56 5 exaggerates the length and the nature of  
6 the questioning at that time. When  
7 interviewed, Mr. Wilson said that the  
8 May 23rd, 1969 session began between  
9 12:00 and 1:00 p.m. at the Cavalier  
11:56 10 Hotel. Mr. Wilson's statement, which  
11 was taken the same day, began at 3:30  
12 and was sworn before a justice of the  
13 peace at the police station. Although  
14 he may have been away from his hotel for  
11:56 15 six hours, Mr. Wilson's suggestion that  
16 a police "sweat session" (to use his  
17 term) led to incriminating statements  
18 reflects a mistaken appreciation of  
19 those events. This is underscored by  
11:56 20 Mr. Wilson's admission that he had  
21 forgotten that he implicated Milgaard in  
22 Gail Miller's death before he went to  
23 Saskatoon, and not as a result of the  
24 questioning in Saskatoon by police and  
11:57 25 the polygraph operator."



1           You see that?

2           A           Yes.

3           Q           So it's really important that you had forgotten  
4                       what you said in Regina and what's totally ignored  
11:57 5                       is if you were co-operating, why would they have  
6                       to polygraph you and accuse you of lying.

7           A           True.

8           Q                       "Mr. Wilson has acknowledged that the  
9                                       questioning was polite and courteous,  
11:57 10                                      and that the tone of the interview was  
11                                      pleasant. Further, he noted that he was  
12                                      neither threatened nor induced by  
13                                      promises to provide the statement. He  
14                                      confirmed this at the preliminary  
11:57 15                                     inquiry, at trial, and during his July,  
16                                     1990 interview."

17                       So what you were saying is basically what you  
18                       were saying here; right?

19           A           Right.

11:57 20           Q           But it still doesn't wipe away the fact that you  
21                       say you did lie?

22           A           Correct.

23           Q           And were laying yourself open to perjury?

24           A           Yes.

11:58 25           Q                       "During that interview he --"



1 This is the interview that Mr. Williams, I take  
2 it, did in the absence of anybody from the  
3 Milgaard defence team,

4 "-- maintained that he was questioned on  
5 the facts contained in his May 1969  
6 statements and lied only when directed  
7 to do so by the polygraph operator, so  
8 that the latter could obtain a reading  
9 on the polygraph machine. It is  
10 noteworthy to mention that Mr. Wilson  
11 also confirmed that the polygraph  
12 session related to the facts recited in  
13 his May 23, '69 statement, which were  
14 repeated at the preliminary inquiry and  
15 at trial."

16 Now, is there any mention of Detective Karst and  
17 Roberts talking about getting the stories not to  
18 have discrepancy?

19 A No.

20 Q That's not there is it?

21 A No.

22 Q "Only Mr. Wilson's assertion, twenty-one  
23 years after the event, supports the  
24 proposition that his evidence was  
25 coerced, planted or fabricated at police



1                   insistence. His own description of his  
2                   contacts with police, both before he was  
3                   taken to Saskatoon, and while he was  
4                   there, offers no support for the  
11:59 5                   suggestion of coercion."

6                   I pause there, Mr. Wilson. It would have been  
7                   very simple for you to say, "Oh, I was  
8                   threatened, I was beaten," wouldn't it?

9           A           Yes.

11:59 10          Q           You didn't?

11          A           No, I didn't.

12          Q           And that has been used against your credibility?

13          A           Yes.

14          Q           "It reveals persistent questioning which  
11:59 15                 one would expect in a case of this  
16                 nature."

17                 Now, is there any mention in that document that I  
18                 showed to you, take him to Saskatoon and  
19                 hypnotize or polygraph if necessary?

11:59 20          A           No.

21          Q           Not even a word about that.

22          A           No.

23          Q           "His suggestion that he implicated  
24                 Milgaard only as a result of a "sweat  
11:59 25                 session" in Saskatoon is negated by his



1 admission --"

2 Here it goes again,

3 "-- that he implicated Milgaard before  
4 his visit to Saskatoon."

12:00 5 Do you see that?

6 A Yes.

7 Q So, somehow, this implicating of Milgaard makes  
8 you un -- in Regina makes you not worthy of even  
9 being heard by a trier of fact.

12:00 10 "Furthermore he voluntarily disclosed to  
11 Saskatoon police the circumstances  
12 surrounding the hotel room reenactment  
13 of the crime by Milgaard which was  
14 observed by Melnyk and Lapchuk."

12:00 15 Now you may not agree whether you did it or not,  
16 but there is no disagreement that that wouldn't  
17 be until about a year later?

18 A Correct.

19 Q "This enabled the police to have  
12:00 20 evidence, which was previously unknown  
21 to them, for trial; and, it militates  
22 strongly against the proposition that  
23 Mr. Wilson was coerced and a fearful  
24 witness."

12:00 25 Well, as we know, that was months and months



1 later.

2 A Yes.

3 Q But, anyway, that's the minister's view.

4 "On the whole of the evidence available  
12:00 5 to me, I can find no basis for  
6 confidence in Mr. Wilson's allegations  
7 that his statement incriminating  
8 Milgaard was obtained by the  
9 manipulation or coercion of police  
12:00 10 investigators. The current retraction  
11 by Mr. Wilson of much of his trial  
12 evidence is unconvincing."

13 Now pause there. Is there any indication that,  
14 if your lies were not because of manipulation or  
12:01 15 coercion, that there was some other reason for  
16 them?

17 A Must have been.

18 Q There is nothing here, --

19 A No.

12:01 20 Q -- is there?

21 A No, nothing there.

22 Q I mean if you are gonna -- you know, the minister  
23 is saying that she's not accepting that you were  
24 manipulated or coerced, then why the heck are you  
12:01 25 doing it?



1 A Exactly. Could we break for lunch, sir?

2 COMMISSIONER MacCALLUM: Pardon?

3 A Could we break for lunch, please?

4 MR. WOLCH: This is an appropriate time as  
12:01 5 well, Mr. Commissioner.

6 COMMISSIONER MacCALLUM: Okay. 1:30.

7 *(Adjourned at 12:01 p.m.)*

8 *(Reconvened at 1:30 p.m.)*

9 BY MR. WOLCH:

01:31 10 Q Mr. Wilson, I don't have that many more questions  
11 for you and I expect, in all likelihood, to be  
12 finished well before the first break.

13 A Okay.

14 Q But don't hold me to it.

01:31 15 A Okay.

16 Q Okay. When we stopped this morning I was  
17 reviewing with you how the Minister of Justice  
18 looked at your recantation; you will recall that  
19 from this morning?

01:31 20 A Yes.

21 Q And I believe that letter was authored in  
22 February, at the end of February of '91.

23 Umm, now the next matter of  
24 importance, of course, would be the Supreme Court  
01:32 25 hearing which, quite amazingly, was heard in



1 January of '92, at least it commenced then. And I  
2 say 'amazingly' because here you have in February  
3 of '91 it is turned down, and by '92 not only is  
4 it granted, but we're already actually in Court.

01:32 5 Now what can you tell us about  
6 your preparation for that Court in terms of  
7 review, or seeing materials, or do you recall?

8 A I don't recall.

9 Q Okay. Now were you allowed counsel at the  
01:32 10 beginning?

11 A No.

12 Q That is, you wanted to have your lawyer?

13 A True.

14 Q But nobody would pay for it?

01:32 15 A Exactly.

16 Q And you couldn't pay for it yourself?

17 A No I couldn't.

18 Q But you certainly could have used your counsel's  
19 assistance in preparing, reviewing, and getting  
01:33 20 prepared for something that very, very few people  
21 go through?

22 A Exactly.

23 Q I mean that is testifying in the Supreme Court of  
24 Canada is something that very few people would do  
01:33 25 in a lifetime?



1 A True.

2 Q And you understood you were going into the Supreme  
3 Court as --

4 A Yes.

01:33 5 Q -- not an ordinary Court?

6 A The scariest Court in the land.

7 Q Yes, it was quite overwhelming. It was quite  
8 overwhelming to you; was it not?

9 A Yes.

01:33 10 Q And, yet, Justice would not help you with a  
11 lawyer?

12 A They said they would look after me.

13 Q They would look after you?

14 A Yeah.

01:33 15 Q And did they?

16 A No.

17 Q Did they do anything to help you at all?

18 A Just paid for my rooms and my travel.

19 Q Pardon me?

01:33 20 A Just paid for my rooms, my meals, and my travel.

21 Q Did they take you over to the Court to show you  
22 what it looked like before you were in?

23 A No.

24 Q Did they give you any idea what kind of  
01:34 25 questioning you would get?



1 A No.

2 Q Did anyone review police statements with you, that  
3 is the kind of thing I did this morning with you,  
4 as to what the police said?

01:34 5 A No. I went in there cold.

6 Q So you -- so when I was questioning you about what  
7 police reports there were, no one had prepared you  
8 for that?

9 A No.

01:34 10 Q And do I understand correctly that at first, when  
11 you were cited for contempt, Justice refused to  
12 pay even for your lawyer then? If I'm wrong, I'm  
13 wrong, but just tell me.

14 A I -- I don't know. That would have to be up to my  
01:34 15 counsel.

16 Q Okay. Now in the Supreme Court you were  
17 questioned by Saskatchewan counsel?

18 A Yes.

19 Q And then by myself?

01:35 20 A Correct.

21 Q And we have been through it pretty thoroughly, but  
22 I do want to refer to one page, and it's -- the  
23 document number is 013632, I believe, and the  
24 actual page is 013795.

01:35 25 Now on this page, I have taken



1           you through basically much of the reports and  
2           things that had gone before, and then I said:

3           "Q    So you now have to invent something  
4           better.  So what you invented, with a  
5           little bit of guidance, was:  I left the  
6           car and I came back and she was  
7           hysterical.  Isn't that correct.

8           A    Yes.

9           Q    Because, sir, the simple truth is:  It  
10          never happened.

11          A    That is right.

12          Q    You lied yesterday.  You lied this  
13          morning.  The fact is, it never  
14          happened.

15          A    I believe you are right."

16                Now, when you said that, did you believe you were  
17                telling the truth?

18          A    The part of her being hysterical, yes.  That's  
19                what I thought you were getting at.

01:36 20          Q    Okay.  All right.  But it goes farther:

21                        "And all of your problems are that when  
22                        you start telling lies you get all  
23                        tangled up."

24                That part's true, isn't it?

01:36 25          A    Yes.



1 Q Okay. Isn't it -- I'm going to suggest to you  
2 that you could have, and didn't, correct me by  
3 saying "no, sir, I didn't lie, I was mistaken";  
4 did you consider giving that answer?

01:37 5 A No I didn't. I wasn't even thinking about it.

6 Q Do you think that might be a more appropriate  
7 answer?

8 A At this time, yes.

9 Q That is, it wasn't that you were out to lie about  
01:37 10 it, but you had not been prepared, you hadn't seen  
11 the reports, and what I said to you made a lot of  
12 sense?

13 A Yes.

14 Q So that, at that time, you were thinking -- and  
01:37 15 maybe 'lying' isn't the right word, maybe you were  
16 thinking 'look, maybe I was wrong about leaving  
17 the car given what I am hearing', at that time?

18 A At that point, even that question had nothing to  
19 do with leaving the car, I thought you meant Nicky  
01:37 20 being hysterical.

21 Q Okay. In any event, that's when the roof caved  
22 in, right?

23 A Yup.

24 Q And now you are being cited by contempt by the  
01:37 25 highest Court in the land?



1 A True.

2 Q Now you were basically, I would suggest, given a  
3 choice at that point of either saying the  
4 government was right or Milgaard was right in  
01:38 5 their position as to what happened? Both couldn't  
6 be true?

7 A I don't understand the question?

8 Q Well, either you left the car or you didn't,  
9 right?

01:38 10 A Right.

11 Q You know, in all those kinds of things there is no  
12 middle ground, right?

13 A True.

14 Q And you have got to pick one or the other to come  
01:38 15 back before the Court, you can't say both of them  
16 are true?

17 A Correct.

18 Q You can't walk into Court and say "look, yes, I'm  
19 right, I'm telling the truth when I say I left the  
01:38 20 car", and "yes, I am telling the truth when I say  
21 I didn't leave the car"; you understand that?

22 A Yes.

23 Q So you had to pick which one to take?

24 A And I picked the truth way to take.

01:39 25 Q Well, but you had to pick one, right?



1 A Right.

2 Q I'm going to suggest to you that you understood  
3 clearly in your mind that going with the  
4 government was going to get you in a lot less  
01:39 5 trouble than going with Milgaard?

6 A To me, that didn't make any difference to me.

7 Q Well you were being cited by contempt, sir?

8 A Yes, but I wasn't being cited by that, because I  
9 had got mixed up and I didn't understand the full  
01:39 10 question.

11 Q Okay. But I'm suggesting to you that you  
12 understood that the highest Court in the country  
13 could severely punish you for telling a lie in  
14 Court?

01:39 15 A Yeah, but I didn't -- hadn't realized I had told a  
16 lie in Court.

17 Q But you had told two different stories and you had  
18 admitted you lied, whether it's about hysterical  
19 or leaving the car?

01:39 20 A True.

21 Q So what I am saying to you is that you knew that  
22 going back to a story the government accepted  
23 would cause you much less difficulty?

24 A I don't believe so.

01:40 25 Q In any event, what happened to the contempt?



1 A I don't know.

2 Q It kind of just vanished?

3 A Yes it did.

4 Q You weren't disciplined, punished, put in jail or  
01:40 5 anything?

6 A I was waiting for it but nothing happened.

7 Q But it was a big deal; right?

8 A Yes.

9 Q Obviously. I mean the idea that you might tell a  
01:40 10 lie in the Supreme Court was just awful; right?

11 A Yes.

12 Q But, nevertheless, you had -- and you admit  
13 this -- lied and put an innocent man in jail for  
14 23 years?

01:40 15 A Correct.

16 Q And that got no attention at all?

17 A No.

18 Q You have never been charged with perjury?

19 A Nope.

01:41 20 Q And let me caution you and say this: I have no  
21 instructions from my client to advocate that at  
22 all, doesn't matter, but the fact is you committed  
23 a serious crime and nobody in authority has ever  
24 proffered a charge against you?

01:41 25 A No.



1 Q And I don't intend to go into it hardly at all,  
2 but the next event of any consequence would have  
3 been the police, RCMP would have done some  
4 follow-up talking with you?

01:42 5 A Yes.

6 Q Do you have any information as to them checking  
7 your financial circumstances?

8 A No I don't.

9 Q And then I suppose -- and you may correct me --  
01:42 10 that the next thing is coming here?

11 A Yes.

12 Q Right?

13 A Yes.

14 Q And, coming here, Commission Counsel interviewed  
01:42 15 you at length?

16 A Yes.

17 Q You were provided with counsel?

18 A Yes I was.

19 Q Which was totally different than the Supreme  
01:42 20 Court?

21 A Yes.

22 Q And I would like to conclude, Mr. Wilson, with a,  
23 just a brief overview of a few points, I won't  
24 take too long. At the very beginning, as you  
01:43 25 said, you tried to tell the truth?



1 A Right.

2 Q Right? And that truth was not accepted?

3 A Correct.

4 Q And then you changed with increment --

01:43 5 incrementally, leading up to the polygraph, at  
6 which point you gave them all sorts of things that  
7 implicated David?

8 A Yes.

9 Q Right? And after the polygraph, obviously, your  
01:43 10 story was -- had to coincide with John's?

11 A That I don't remember.

12 Q But you heard what I went through earlier?

13 A Yes.

14 Q Okay. And at your trial, and I include the  
01:43 15 preliminary hearing, your damning statements were  
16 never really challenged?

17 A Correct.

18 Q In fact they have never been challenged?

19 A No.

01:44 20 Q What I am getting at is this. The police never,  
21 to your knowledge, scrutinized the plausibility of  
22 those statements being true?

23 A No.

24 Q And I'm, what I am talking about is the way I  
01:44 25 showed you how ridiculous it was that you would be



1           stuck in a main thoroughfare for 15 minutes and  
2           not be seen by anybody, that's what I am getting  
3           at?

4           A           Yeah, I agree with that.

01:44 5           Q           Yeah. No -- that was never challenged by the  
6           police?

7           A           No it wasn't.

8           Q           Right?

9           A           No.

01:44 10          Q           And, in terms of the Crown attorney, he never said  
11          to you "look, you know, I'm not here on one side  
12          or the other, I'm here and I want -- for justice,  
13          and I want to know, Wilson, how is this story  
14          possible"; nothing like that?

01:44 15          A           No.

16          Q           All he wanted you to do was expand the time that  
17          David was out of the car?

18          A           Yes.

01:45 19          Q           The defence counsel at your trial did not go  
20          through anything like what I went through with you  
21          briefly this morning?

22          A           No.

01:45 23          Q           He never pointed out to you "how come the  
24          Merriman's didn't see you, how come Diewold didn't  
25          see you, how come Indyk didn't see you, how come



1 Duffus didn't see you, how come nobody saw you";  
2 nothing like that at all?

3 A No.

4 Q He didn't say to you "where were you going for 15  
01:45 5 minutes on 20th Street, what were you looking  
6 for"; right?

7 A Right.

8 Q But what were you -- could you possibly have been  
9 looking for, you were there, right, in that  
01:45 10 example I gave you?

11 A Exactly.

12 Q Meaning you are on the main thoroughfare, what are  
13 you looking for? Anyway, that was never really  
14 explored?

01:45 15 A No.

16 Q Right? And you of course, as we'll find out  
17 later, don't know what disclosure he had to attack  
18 you with, we don't know that yet. Okay?

19 A Yeah.

01:46 20 Q But whatever it was, it wasn't done, those names  
21 weren't put to you, you don't know that. Okay.

22 A Okay.

23 Q And when Justice got involved, Williams and the  
24 minister, Campbell, there was no suggestion that  
01:46 25 you can see, or we can see, of your story being



1           scrutinized with you, the plausibility of it;  
2           right?

3           A           Yeah, from what I have seen today, yes.

4           Q           Now, of course, at the Supreme Court there was no  
01:46 5           need to. I mean you admitted it was a lie so  
6           there wasn't much point in saying it wasn't true?

7           A           Correct.

8           Q           I mean, there was no point in cross-examining you  
9           there and saying "Wilson, it's a lie" when you  
01:46 10          have already said it's a lie, correct?

11          A           Correct.

12          Q           Now, basically, everybody who has questioned you  
13          had a -- obviously, to you, some particular  
14          interest they wanted to protect or develop; would  
01:47 15          that be fair? I'm going to give one exception.

16          A           Clarify that a little bit please?

17          Q           Well you know my interest is for David, you know  
18          the Crown's interest is for the Crown, you will  
19          find other people, other interests, as they come  
01:47 20          on; you know that basically?

21          A           Right.

22          Q           Would I be correct that the, really, the only  
23          people that have questioned you who don't seem to  
24          be advancing a cause were Rossmo and Boyd?

01:47 25          A           True.



1 Q Now Rossmo is a very highly-qualified police  
2 officer, do you know that, or you don't know that?

3 A I didn't know that.

4 Q And Boyd is a well-respected criminologist?

01:47 5 A I knew that.

6 Q Okay. Now they, when they questioned you, they  
7 didn't just take what you said for granted but  
8 they allowed you to tell your story?

9 A Yes.

01:47 10 Q They didn't seem to be -- have a particular axe to  
11 grind for anybody?

12 A True.

13 Q Right? Now when you first, at the beginning,  
14 implicated David Milgaard, you have told us what  
01:48 15 your character was like at that time, and you have  
16 also told us that when you recanted you were  
17 basically a different person?

18 A Yes.

19 Q Would you not agree with me that you had a much  
01:48 20 easier ride when you were falsely accusing David  
21 than when you tried to recant?

22 A Yes.

23 Q So when, when you were a changed person telling  
24 the truth, you got a much more difficult time than  
01:48 25 when you were a disreputable individual telling



1 lies?

2 A Correct.

3 Q And part of that is that at the beginning, from  
4 what you could tell, the police were fixated on  
01:49 5 the fact that David did it; isn't that true?

6 A Yes.

7 Q And then the Crown and defence didn't really  
8 challenge it?

9 A Right.

01:49 10 Q What you said?

11 A Right.

12 Q Right? And when you recanted, no one in authority  
13 wanted to believe you?

14 A True.

01:49 15 Q And by that I mean Williams, Campbell, anybody you  
16 went to who was in authority, the Saskatchewan  
17 Government; nobody wanted to believe you, you were  
18 still a liar?

19 A Right.

01:49 20 MR. WOLCH: I'm much quicker than I  
21 thought, Mr. Commissioner, but that completes my  
22 questions. Thank you.

23 COMMISSIONER MacCALLUM: Thank you,  
24 Mr. Wolch.

01:50 25 A Thank you.



1 MR. WOLCH: Thank you, Mr. Wilson.

2 COMMISSIONER MacCALLUM: Ms. McLean?

3 MS. McLEAN: I'm going to try and watch the  
4 time but please watch yourself.

01:50 5 **BY MS. McLEAN:**

6 **Q** My name is Joanne McLean, and in case you haven't  
7 noticed in the last couple of weeks with you, I  
8 represent Joyce Milgaard.

9 **A** Okay.

01:50 10 **Q** And I'm going to try not to repeat too much of  
11 what we've already heard. Basically what I want  
12 to talk to you about is over the last couple of  
13 days, or certainly this morning with Mr. Wolch, we  
14 have been talking about the questions that were  
01:50 15 asked of you starting in 1990, all right, when you  
16 tried to recant?

17 **A** Yes.

18 **Q** And all the questioning in 1990, the Supreme Court  
19 1992, the RCMP in 1993; is it fair to say that  
01:51 20 that primarily dealt with how you came to recant  
21 your trial evidence?

22 **A** I would think -- say so, yes.

23 **Q** What I want to talk to you about is how you came  
24 to recant your original statement, all right,  
01:51 25 which is the one --



1 A All right.

2 Q -- that you gave on March the 3rd. Okay?

3 A Yes.

01:51 4 Q So what we have is up until March the 2nd -- now  
5 the murder is January the 31st; all right?

6 A That's right.

7 Q So up until March the 2nd of 1969 none of you  
8 people are on the radar at all; all right?

9 A Sure.

01:51 10 Q Okay. Nobody is interested in any of you?

11 A Exactly.

12 Q March the 2nd you -- the investigation has yielded  
13 absolutely nothing in terms of arresting somebody,  
14 deciding who should be arrested, and achieving a  
01:52 15 prime suspect; you understand that?

16 A Yes.

17 Q And when the police are trying to solve an -- a  
18 crime, especially a horrific crime like this, they  
19 need an opportunity for a person to have committed  
01:52 20 the crime; right?

21 A Yup.

22 Q They need a means for committing the crime, and in  
23 this case that would be a knife, since Gail Miller  
24 was absolutely butchered, okay?

01:52 25 A Okay.



1 Q That's what I mean by 'means'. And, ideally, all  
2 right, the person would have a motive --

3 A Uh-huh.

4 Q -- to do something like that; okay?

01:52 5 A Yup.

6 Q And as of March 2nd they don't have any of that,  
7 and in walks Albert Cadrain, okay. Now you didn't  
8 know Albert Cadrain very well; did you?

9 A No.

01:52 10 Q Okay. And on March the 2nd he walks in and he  
11 tells the police that he saw blood on David's  
12 clothes on the morning of January the 31st, from  
13 -- when the three of you arrived at Cadrain's  
14 house?

01:53 15 A Correct.

16 Q You may not have known that at the time but you  
17 certainly know that now?

18 A Yes.

01:53 19 Q Okay. And that is all they have, all right, from  
20 March the 2nd up until May the 21st.

21 A Okay.

22 Q Do you appreciate that?

23 A Yup.

01:53 24 Q There is nothing but Cadrain saying blood on  
25 David's pants, and I think on his shirt too,



1           actually.  And then we have this weekend or this  
2           few-day period -- I'm not sure, actually, if it  
3           was a weekend or not -- between May 21st and May  
4           24th of 1969, and we don't have an awful lot of  
01:53 5           records about that.  We've got some which  
6           Mr. Wolch has referred you to, and there is some  
7           other ones I'll refer you to, but we don't have an  
8           awful lot of documents relating to that.

9           A           Right.

01:54 10          Q           At the end of that weekend -- or I shouldn't call  
11           it a weekend because I'm not sure -- at the end of  
12           that three-day period, May 21st to May 24th, all  
13           right, we've gone from your statement of March the  
14           3rd that says, effectively, 'there is no  
01:54 15           opportunity for David to commit the crime because  
16           we weren't apart'?

17          A           Right.

18          Q           'There is no means of David to commit the offence  
19           because he didn't have a knife'; correct?

01:54 20          A           Correct.

21          Q           We've gone from that to we now have an opportunity  
22           for David to commit the crime because, by the end  
23           of that three-day period, you are telling the  
24           police that there is a 15-minute separation of you  
01:54 25           and David; right?



1 A Right.

2 Q That David had gone off in the direction of the  
3 lady; right?

4 A On that I don't recall.

01:55 5 Q We'll get to the detail of it. You recall that  
6 you had told them that he had been sort of out of  
7 breath when he returned?

8 A Yes.

9 Q By the end of that three days the police had the  
01:55 10 means for David to have committed the offence?

11 A Yeah.

12 Q They had a knife that matches the murder weapon,  
13 that's the paring knife?

14 A Yes.

01:55 15 Q And they had two potential sources for David to  
16 have got the paring knife?

17 A Yes.

18 Q One of them being the Champs motel -- or hotel?

19 A Yes.

01:55 20 Q And one of them being the grain elevator?

21 A Yes.

22 Q And to go with that, all right, they had the  
23 suggestion that that knife had been lost, because  
24 they have also got the account of buying another  
01:56 25 knife in Rosetown; right? Remember the knife to



1 get the --

2 A Yeah.

3 Q -- sandwiches cut?

4 A Right.

01:56 5 Q Okay.

6 A Yeah.

7 Q So that creates a suggestion that David had the  
8 means and somewhere between Saskatoon and Rosetown  
9 he lost the means; do you understand?

01:56 10 A Yeah.

11 Q Okay. They have got two motives, now, one of them  
12 a purse snatch because you have told them that;  
13 right?

14 A Right.

01:56 15 Q And that would be what we would call a financial  
16 motive; right?

17 A Yes.

18 Q And a second motive would just be, I guess, sort  
19 of an animosity towards the lady in particular,  
01:56 20 and that's what I mean by this "stupid bitch"  
21 comment; all right?

22 A Okay.

23 Q All right. They have got, now, physical evidence  
24 because of that three-day period, physical  
01:57 25 evidence that ties David Milgaard to the victim,



1 Gail Miller; that's the compact in the car, right?

2 A Right.

3 Q And your evidence that that had not been there  
4 prior to leaving Regina; right?

01:57 5 A Yup.

6 Q And in that regard they have also got something  
7 you won't necessarily appreciate, but it's  
8 referred to that time, which would be  
9 consciousness of guilt evidence. And that would  
01:57 10 be David, when the attention is focused on this  
11 compact which is supposedly belonging to Gail  
12 Miller, when the attention is focused on that he  
13 grabs it and throws it out the window; that's  
14 destruction of evidence, isn't it?

01:57 15 A Yes.

16 Q But they have also got, as a result of this  
17 three-day period, physical evidence which ties  
18 David to the murder, that's the blood on the pants  
19 that comes from you; right?

01:58 20 A Right.

21 Q Right. They have got confirmation of Cadrain's  
22 story because of the blood on the pants, and  
23 Cadrain, you may not realize, had already had some  
24 major credibility problems insofar as his dealings  
01:58 25 with the police, so that's an important boost,



1           there, for Cadrain; they have got two confessions  
2           to the crime from David as a result of this  
3           three-day period with you. One is immediately  
4           after the murder getting into the car, "I fixed  
01:58 5           her", "I got her", that's a confession; isn't it?

6           A           Yes.

7           Q           The bus depot in Calgary, "I poked her a few  
8           times, thought she was okay, took her purse, put  
9           it in a garbage can"?

01:59 10          A           Yes.

11          Q           That's a confession; isn't it?

12          A           Yes.

13          Q           And then they have got two confirmations of a  
14          statement that Nichol hadn't made yet, and that  
01:59 15          statement being that she had seen David stab Gail  
16          Miller; and these two confirmations are when you  
17          tell the police that when you get into the car,  
18          right, Nichol tells you that David had done that,  
19          remember that?

01:59 20          A           Right now, no, I don't.

21          Q           Okay. And the other one is in Calgary -- I'm not  
22          positive it's Calgary but out west, right,  
23          remember the story about having a conversation  
24          with Nichol where you tell her what David has said  
01:59 25          to you at the bus depot?



1 A Yes.

2 Q And you effectively tell her, according to this  
3 story that's coming out in May of '69, you tell  
4 her David confessed to me, he told me he killed  
5 the girl, something like that; right?

02:00

6 A Yes.

7 Q And Nichol's response is "I already know"?

8 A Yes.

9 Q So just in that, your statements of May 23rd and  
10 May 24th, you've now given them two separate  
11 confirmations of what Nichol is going to tell them  
12 on May 24th, she's spoken to about half an hour  
13 after you were. Do you understand?

02:01

14 A Yes.

15 Q Now, does this sound to you like something that  
16 ought to have been explored at some point prior to  
17 2005?

02:01

18 A Yes.

19 Q I'm going to suggest to you later that it sounds  
20 very much like it was made clear to you over the  
21 course of this three day period that you had best  
22 do a good job, that it would be in your interests.

02:01

23 A No.

24 Q Either implicitly or explicitly, and by that I  
25 mean make David a better suspect, and a better

02:01



1 suspect than you.

2 A I could agree with that.

3 Q I'm sorry, you could or couldn't.

4 A I could.

02:01 5 Q Could? Yes?

6 A Yes.

7 Q In speaking to Mr. Henderson in June of 1990, you  
8 told him that you had been influenced heavily by  
9 the police; right?

02:02 10 A Yes.

11 Q And by that you would be referring to this three  
12 day period in particular?

13 A Yes.

14 Q Because prior to that you had not deviated from  
02:02 15 your original statements?

16 A Correct.

17 Q And then when you were testifying here last week  
18 and now -- in the last week, put it that way -- I  
19 get the impression from listening to you that you  
02:02 20 are really focusing on Detective Roberts, the  
21 polygraph man?

22 A Yes.

23 Q And that he was the only one that was making  
24 suggestions to you or saying things to you. Is  
02:02 25 that really your position?



1 A Well, that and the driving around Saskatoon  
2 showing me where everything had happened, where  
3 everything was found.

4 Q And the conversations that surround that?

02:03 5 A Yes.

6 Q And that is not Detective Roberts that you are  
7 riding around with is it?

8 A No, it's not.

9 Q Now, you had spoken to the police, as I understand  
02:03 10 it, on only two occasions prior to the May  
11 incident; March the 3rd, that's when Riddell and  
12 Walters come and speak to you and that's when you  
13 give a March 3rd statement?

14 A Correct.

02:03 15 Q And that's the one that tells the truth?

16 A Yes.

17 Q On March the 18th -- sorry, Walters is somebody  
18 you already knew?

19 A Yes.

02:03 20 Q And he was somebody that the police had come in  
21 because you had a relationship of some sort with  
22 him. Did you understand that to be so?

23 A Yeah.

24 Q What kind of relationship did you have with him?

02:04 25 A When I started getting in trouble he was the first



1 one to bust me and tried to straighten me out.

2 Q So he had taken kind of a fatherly interest in you  
3 maybe?

4 A Yeah, maybe a little bit.

02:04 5 Q And then March the 18th, so two weeks later, Short  
6 and Karst from Saskatoon come and see you again in  
7 Regina jail?

8 A Yup.

9 Q There's no statement taken that day?

02:04 10 A No.

11 Q And on their report they say that you have nothing  
12 new to add?

13 A Correct.

14 Q Do you remember anything about that meeting?

02:04 15 A No.

16 Q Do you remember how long they were with you?

17 A No.

18 Q Did they put anything to you, make any suggestions  
19 to you?

02:04 20 A Not that I recall, no.

21 Q They attempted to see you in April, according to  
22 the documents that we've got, when they were back  
23 in town, and you were at that point out on the  
24 work crew outside of the jail and they weren't  
02:05 25 able to see you?



1 A Right.

2 Q According to the reports. So as far as I know,  
3 the next time any police officer speaks to you  
4 about this case is May the 21st. Does that sound  
02:05 5 correct to you?

6 A I think so. That's when I gave my blood and  
7 saliva I think, or was that prior?

8 Q Actually, I think you might be right because they  
9 had -- you are right, you had given the blood and  
02:05 10 saliva. I'm not sure what day you did it, it may  
11 have been on the March 18th day.

12 A I can't recall when it was.

13 Q Okay. But apart from maybe a separate meeting  
14 that was just giving blood and saliva, you don't  
02:05 15 remember any other meetings with the police or  
16 conversations with the police prior to May the  
17 21st?

18 A No.

19 Q Now, May the 21st, what we do know, and if we can  
02:06 20 have the Karst report, please, of 009264, this  
21 section here, please, two p.m., so this is  
22 Detective Karst writing on the 21st -- writing  
23 about the 21st, and they come there at two o'clock  
24 in the afternoon and it doesn't say when it ended.  
02:06 25 Do you have any recall of how long that meeting



1                   took?

2           A           No, I don't.  None at all.

3           Q           Hours, minutes?

4           A           Probably hours.

02:06 5           Q           Probably hours?

6           A           Yes.

7           Q           Okay.  And Detective Karst seems to indicate that

8                   himself, Detective Sergeant Mackie, Constable

9                   Walters and Constable Dike were there.  Do you

02:07 10           remember that many people?

11          A           That's Constable Dyck, not Dike.

12          Q           I'm sorry.

13          A           I don't remember that many officers being there.

14          Q           How many people do you remember asking you

02:07 15           questions or speaking to you?

16          A           No more than three at a time.

17          Q           Okay.  Were they all taking part in the

18                   conversation?

19          A           I don't recall.

02:07 20          Q           Were you having a conversation with just one

21                   person and the others were just spectators?

22          A           I think one would ask questions and then another

23                   one would ask questions, so on and so forth, you

24                   know.

02:07 25          Q           And would Constable Walters have been



1 participating in that as well?

2 A I don't know if he did or not. I think he was  
3 just sitting back and watching the proceedings.

4 Q Now, we've got an indication there that this  
02:08 5 conversation was taped and that tape was kept by  
6 Detective Karst and has not surfaced, nor has any  
7 transcript of it, nor have any notes of what took  
8 place. Do you have any recollection of the  
9 subject matter of that interview?

02:08 10 A No, I don't.

11 Q Did you know that they were coming?

12 A I don't know if I was told they were coming or not  
13 or they just showed up.

14 Q Did you have any understanding about why they  
02:08 15 would be coming to see you yet again?

16 A No.

17 Q Do you remember them giving you any information?

18 A At that time, no.

19 Q And can you help us as to how you would come,  
02:08 20 during the course of that possibly couple hours  
21 you would say, that David had left the car when  
22 you became stuck at 6:45?

23 A I can't recall right now, no.

24 Q That's a huge deviation from what you told them  
02:09 25 previously; right?



1 A Yeah.

2 Q You see that's the beginning of opportunity?

3 A Right.

4 Q I'm going to review some things now that could  
02:09 5 have been discussed at that meeting, all right,  
6 and see if anything twigs your recollection. Now,  
7 the first one is on March the 2nd Cadrain had said  
8 that he saw blood on David's pants?

9 A Correct.

02:09 10 Q And we know that when David was questioned he was  
11 told that Cadrain had claimed to see blood on his  
12 pants and David denied it emphatically. Did they  
13 tell you the same thing?

14 A Eventually they did. I don't know when.

02:10 15 Q Eventually?

16 A Yes.

17 Q And can you help with at what point they would  
18 have told you that, whether it's before or after  
19 you started giving written statements on the 23rd  
02:10 20 and the 24th?

21 A Before.

22 Q Before. And can you help as to whether or not you  
23 would have been told that in Regina or in the car  
24 when you go along with Detective Karst?

02:10 25 A Either or. It was prior to arriving in Saskatoon.



1 Q Prior to your arrival in Saskatoon?

2 A Yes.

3 Q And your response I presume to that was that you  
4 did not see blood, you maintained that position?

02:10 5 A I believe so at that time.

6 Q Now, back on March the 3rd, if we could look at  
7 the report of Walters, that's, I hope, 042086.  
8 No. 009238 perhaps. Actually, maybe that's it.  
9 This is one of the ones I want to look at anyway  
02:11 10 here. This is a document, it's called additional  
11 facts obtained concerning this statement, and it's  
12 affixed to your May 3rd statement, sir.

13 A Okay.

14 Q I'm sorry, March 3rd statement, I'm sorry. What  
02:11 15 appears to have happened is that you've given them  
16 the March 3rd statement that says we rolled into  
17 town and nothing much happened and we rolled on  
18 out, so you see that after that they've checked as  
19 to when you got the plates for your car; right?

02:12 20 A Yup.

21 Q And that your vehicle, this is number 2 here, was  
22 searched and nothing of interest was located and  
23 one pair of grey trousers were located under the  
24 front seat, no blood stains noted. So I don't  
02:12 25 know when this document was prepared, but it's in



1 relation to the things that you told them in  
2 March, so the question is when they are speaking  
3 to you in May, do they tell you that there had  
4 been nothing of interest located in your car?

02:12 5 A I didn't even know they had searched it at that  
6 time.

7 Q But you had given consent to it in March hadn't  
8 you?

9 A I believe so.

02:12 10 Q Document 0 -- I'm getting it as document 009239.  
11 Yes, the next page of that, please, so 240. Or  
12 238 is the number on it. This is the report  
13 that's prepared by Walters and Zalinko in relation  
14 to the interview with you. It says, number 6,  
02:13 15 with the permission of Wilson, his vehicle was  
16 examined with negative results, okay. Does that  
17 help you to recall that you gave them permission  
18 to look at your car?

19 A Yes.

02:13 20 Q Because certainly March 3rd you would have had  
21 absolutely no reason for them not to look at your  
22 car?

23 A Exactly.

24 Q Could not possibly have been used in a murder?

02:13 25 A Exactly.



1 Q Do you remember ever discussing with the police  
2 ever that nothing had been found in your car?

3 A No.

4 Q Were you told ever, March the 3rd, March 18th, May  
02:14 5 21st, were you told at all that David had denied  
6 that you had separated at all?

7 A No.

8 Q Were you told that David had denied any blood on  
9 his clothing?

02:14 10 A No.

11 Q And essentially the same questions with respect to  
12 Nichol, were you told that she had given a  
13 statement that was essentially the same as your  
14 original one?

02:14 15 A No.

16 Q Ever?

17 A No.

18 Q You were speaking to Mrs. Milgaard in April of  
19 1981. Could I have 177468 at 72 and 73. Sorry,  
02:15 20 can I have the next one, 73? This is such a  
21 bad -- okay, sorry, it's the very bottom of 72 and  
22 the very top of 73. Can we get those together?  
23 And we have Mrs. Milgaard speaking to you and she  
24 says, starting here at the bottom, there was  
02:16 25 just -- and this is, I believe, to be April 15th



1 of 1981. It's one of your telephone calls with  
2 Joyce that was recorded. Okay. She says:

3 "There was just absolutely no police  
4 reports or anything to indicate that  
02:16 5 anything was found in your car. That  
6 car was absolutely clear, according to  
7 the police reports."

8 And you say:

9 "That's not what they told me after they  
02:16 10 reconfiscated it."

11 And Joyce goes on to express some surprise that  
12 they told you that they found blood that matches  
13 to the nurse's and you tell her, "It was either  
14 blood or hair." Do you have a recollection now  
02:17 15 of ever being told by the police that they had  
16 found the blood of Gail Miller in your car?

17 A That was when it was taken the second time I  
18 believe.

19 Q Your car was sold at public auction apparently?

02:17 20 A Yes.

21 Q About May the 3rd, and it was bought by a guy  
22 named George Fedor and the police go and see him  
23 on May the 29th and at that point they seize from  
24 him, I mean, with his permission, they take the  
02:17 25 whole front seat of your old car.



1 A Uh-huh.

2 Q And they seem to think that there's going to be  
3 blood on the front seat because there's some  
4 stains there that look like they are blood. They  
02:17 5 are not, but that's what they thought when they  
6 looked at it. So if you are talking about the  
7 reconfiscation of your car, it seems that there's  
8 only those two incidents, one in March and then  
9 one at the end of May.

02:18 10 A Okay.

11 Q And you think that sometime prior to the end of  
12 May you were told that they had found her blood or  
13 her hair in your car?

14 A I don't recall what date I was told that, but I  
02:18 15 was told that.

16 Q Okay. It was after the --

17 A After the statements were taken.

18 Q Okay. After the statements that were taken in  
19 Saskatoon?

02:18 20 A Yes.

21 Q Okay. And who was it that told you that?

22 A I can't recall.

23 Q Was it told to you on the way back from taking  
24 your statements or was it told to you maybe months  
02:18 25 later?



1 A I'm just guessing. I would say months later.

2 Q Okay. So you don't have any kind of recollection  
3 that it was taking place right after you had given  
4 the statements?

02:18 5 A No, I have no recollection about that, no.

6 Q Okay. If we could go back, I'm sorry, to 042090,  
7 this is the additional facts. This is something  
8 else they might have been discussing with you.

9 Number 3:

02:19 10 "A check with Mrs. Wilson, his mother,  
11 revealed that she had thrown the brown  
12 jacket --"

13 Now, that's the brown jacket belonging to David.

14 A Okay.

02:19 15 Q "-- mentioned in his statement, into the  
16 garbage sometime ago. She states the  
17 jacket had several acid burns in it and  
18 she did not notice any blood stains."

19 Did the police tell you when they spoke to you in  
02:19 20 May in Regina that that is what they found out  
21 from your mother?

22 A No, they didn't.

23 Q Number 5, and again I don't know the author of  
24 this:

02:20 25 "During the interview with Wilson --"



1 And we're speaking of the March 3rd interview  
2 with you --

3 A Yeah.

4 Q "-- he appeared straightforward with  
5 nothing to hide. He was not sure of the  
6 exact times mentioned in his statement  
7 but felt that between the hours of 6:30  
8 a.m. and 8:00 a.m. they were driving  
9 around Saskatoon trying to locate Albert  
10 Cadrain's house, and stalled in the  
11 alley behind the house owned by the  
12 fellow driving the red car."

13 That's the Danchuks?

14 A Right.

15 Q Were you told that somebody seemed to think that  
16 you appeared to be straightforward with nothing to  
17 hide?

18 A No.

19 Q If we look at 106617 -- next page, please -- this  
20 is Detective Karst writing about his interview  
21 with David on March the 3rd, and you remember that  
22 David gave essentially the same statement you did?

23 A Okay.

24 Q And what we have here is Detective Karst's  
25 explanation that after a lengthy interrogation and



1 statements taken from David, it was decided that  
2 there were many points for which his answers were  
3 too vague to be actually authentic. Did they ever  
4 tell you that, that there was a problem of some  
02:22 5 sort with David's statement?

6 A No.

7 Q So I guess beauty is in the eye of the beholder,  
8 eh.

9 A Yeah.

02:22 10 Q Now, David had actually told Detective Karst about  
11 being at the motel as well, so that's something  
12 that you had forgotten to tell them about in  
13 March?

14 A I didn't think it was important.

02:22 15 Q Right. You remembered it and you just didn't tell  
16 them about it?

17 A Yeah.

18 Q Is that something that came out on March 21st?

19 A Yes.

02:22 20 Q Or May 21st?

21 A Yes.

22 Q Because you appreciated by that time that you  
23 better be accounting for every minute of that  
24 morning?

02:23 25 A Pretty close.



1 Q Uh-huh.

2 A Just that, okay, in the March 3rd statement, it  
3 was just basically the truth of what happened,  
4 some other little stuff in there, just, you know,  
02:23 5 to me it wouldn't have made any difference to them  
6 anyway.

7 Q Uh-huh. Now, both Riddell -- Riddell and Walters  
8 who interviewed you, Detective Karst who  
9 interviewed David, they were both kind of  
02:23 10 handicapped by the omission of the evidence of the  
11 motel manager, right, because nobody went to talk  
12 to him until June as far as I can gather. In  
13 June, his name is Rasmussen, he tells the police  
14 who come to talk to him, it's Detective  
02:24 15 McCorriston, he tells him that David came in  
16 shortly after they opened the motel and it was  
17 about seven o'clock in the morning, so that's not  
18 something the police could have discussed with  
19 you, but it is something you can think about now.  
02:24 20 That motel is a considerable distance, all right,  
21 from the scene of the murder of Gail Miller;  
22 right?

23 A Yes.

24 Q And does it fall -- you've got the place where  
02:24 25 Gail Miller was murdered?



1 A Yes.

2 Q And then to the west of that is the Avenue T  
3 location where the Danchuks live; right?

4 A Right.

02:24 5 Q And where's the motel in relation to that, is it  
6 further to the west or is it out to the east or is  
7 it in between the two points?

8 A I can't recall because we weren't stuck there, so  
9 we weren't in that area.

02:25 10 Q And when you say you weren't stuck there, you  
11 weren't in that area, what do you mean? You  
12 weren't stuck where?

13 A Around where Gail Miller got killed.

14 Q But you know -- you understand where it was --

02:25 15 A Yes.

16 Q -- that she was killed, and you can't remember  
17 today where the motel was?

18 A No, I can't.

02:25 19 Q I'll try and get a map up later for you because I  
20 don't have one handy.

21 A I know it seemed quite a ways away.

22 Q It seemed quite a ways away from what?

23 A From where we had left to go looking for it.

24 Q Sorry, you've lost me.

02:25 25 A From when we got unstuck until we found it to get



1 directions, it seemed quite a distance.

2 Q And it was nowhere near where Gail Miller was  
3 killed?

4 A Exactly.

02:26 5 Q Does it seem to you now that it's a little  
6 ridiculous theory to think that you three are  
7 driving around looking for Cadrain's house and  
8 David is going to recognize it when he gets close  
9 to St. Mary's cathedral? Do you remember that?

02:26 10 A Yes.

11 Q And when he finds the all-night cafe; right?

12 A Right.

13 Q And according to the theory that's put forward for  
14 23 years or so, he goes to that very area, somehow  
02:26 15 misses seeing the church, the cathedral, misses  
16 seeing the cafe, kills a girl within a block of  
17 that and then walks into a motel some distance  
18 away and asks for a map to get directions to go  
19 back to where the girl had been killed so he could  
02:27 20 find Cadrain's house. Does that seem a little  
21 ridiculous?

22 A Yes.

23 Q Did it ever occur to you as ridiculous when you  
24 were talking to the police and when you were  
02:27 25 testifying at trial?



1 A No, I didn't know -- how can I put that. Like, I  
2 hadn't had the areas of Saskatoon figured out or  
3 anything even by that time, so I didn't know how  
4 far anything was away from anything.

02:27 5 Q Yes.

6 A And if that was even the area that we were in.

7 Q But you had been driven around though a little  
8 bit?

9 A Yes, but I still didn't know what area of town it  
02:27 10 was. To this day I still don't know where it is.

11 Q Don't know where what is?

12 A That area of town.

13 Q We've been an hour in total. How are you doing?

14 A I could use a short one.

02:28 15 COMMISSIONER MacCALLUM: We'll take 15.

16 *(Adjourned at 2:28 p.m.)*

17 *(Reconvened at 2:47 p.m.)*

18 BY MS. McLEAN:

19 Q Over the break everybody else was kind enough to  
02:47 20 find me the map I was actually looking for --

21 A Okay.

22 Q -- when we were talking about the Trav-a-leer  
23 Motel. This map is document 031006, and if you  
24 look on the extreme left you see the Trav-a-leer  
02:47 25 Motel?



1 A Yes.

2 Q And that is the motel where you went, and where  
3 David got a map, and that according to the officer  
4 that -- or the gentleman that worked there,  
02:48 5 Mr. Rasmussen, that was about 7:00 a.m.?

6 A Okay.

7 Q That was about 15 minutes after Gail Miller was  
8 murdered, and that is somewhere in the vicinity  
9 between 20th and 22nd Street, all right, and to  
02:48 10 the west of the St. Mary's Church; do you see that  
11 on the right?

12 A Yes.

13 Q And then the Cadrain residence; right?

14 A Yeah.

02:48 15 Q And then this place here, if I can get it right,  
16 right about there is where Gail Miller's body was  
17 found?

18 A Okay.

19 Q So the theory, then, is that the three of you are  
02:48 20 coming down either Avenue O or Avenue N, right,  
21 encounter Gail Miller -- whoa, thank you -- you  
22 are coming down here and you turn around and  
23 encounter her, up here she gets killed; or you are  
24 coming down O, encounter her, turn around and come  
02:49 25 back up here, somehow grab her and she gets



1 killed. Okay? That's the two sort of competing  
2 theories. And then, see how close that is to  
3 Cadrain's residence --

4 A Yup.

02:49 5 Q -- and the church, the cathedral?

6 A Yes.

7 Q And then you would have to go, I guess maybe on  
8 20th Street or maybe up, who knows, but you have  
9 got to come clear across to the other side, get a  
02:49 10 map to tell you how to go back to where you have  
11 just come from; do you see that?

12 A Yes.

13 Q And coming back from the Trav-a-leer you come down  
14 to Avenue T, which is here, and there is the  
02:50 15 Danchuk location there, and then Belmont Texaco is  
16 where the service people are coming from to  
17 assist -- or not assist -- with the stuck cars in  
18 the lanes behind the Danchuks'. Yes?

19 A Yes.

02:50 20 Q Okay. And then, after that, you make your way  
21 back over to the Cadrain residence. Seems kind of  
22 silly, doesn't it?

23 A Right now it does, yes.

24 Q Now, going back to the things that you might have  
02:50 25 talked about in the meeting on May the 21st or in



1 the early times of the 22nd and 23rd uptake of  
2 your statements, they could have told you that  
3 Nichol had been put with Albert Cadrain at the  
4 Regina jail on March the 18th and that, after  
02:51 5 that, she was still saying that there was no blood  
6 on David; they didn't discuss that with you, did  
7 they?

8 A No.

9 Q 009254, please. If I could just have a moment.

02:51 10 This is the report of Detective Karst, it's  
11 prepared on April the 18th, and it's about the  
12 interview that they had with Nichol on April the  
13 14th. If we go to the next page of it -- I'm  
14 sorry, it's 255, blow up this section here,  
02:52 15 please, "although there are many ...". This is a  
16 summary of -- just this part here, this paragraph,  
17 if we could blow it up -- or not -- are you able  
18 to read that, sir?

19 A Yeah, it's okay.

02:52 20 Q Okay. This is what Detective Karst writes:

21 "... if one is to believe the girl,  
22 NicholJohn, and it appears that she is  
23 very convincing with her story, then  
24 there is no way in which Milgaard can be  
02:53 25 connected with this crime."



1 And, again, that would be speaking of a lack of  
2 opportunity; yes?

3 A Yes.

4 Q And a lack of evidence in the way of blood. And  
02:53 5 that's as of April the 18th, about a month before  
6 he comes to see you, and that is not discussed  
7 with you; is it?

8 A No.

9 Q Is it maybe discussed with you in the sense that,  
02:53 10 if you guys all stick together, you are all going  
11 to be in trouble for the same murder?

12 A No.

13 Q There wasn't any of that kind of --

14 A No.

02:53 15 Q Okay. Somehow you got the impression that you  
16 were a suspect, sir; right?

17 A Yes.

18 Q When did you get that impression?

19 A Don't know if it was just prior to leaving to go  
02:53 20 to Saskatoon, or on the way, the trip on the way  
21 to Saskatoon.

22 Q Okay. So May 21st is when you got the message you  
23 were a suspect?

24 A Basically, yes.

02:54 25 Q And do you remember what it was that conveyed that



1 to you?

2 A Too much was happening.

3 Q What do you mean?

4 A Too many questions and --

02:54 5 Q What kind of questions?

6 A I can't recall at this time.

7 Q The same report Detective Karst indicates that he

8 spoke to your mother and you -- I'm sorry -- he

9 spoke to your mother who said that she was not

02:54 10 missing any knives. So, obviously, there was this

11 -- a thought there that maybe the knife that

12 killed Gail Miller might have come from your home

13 in Regina and your mother had said nothing was

14 missing; did they tell you that?

02:54 15 A No.

16 Q Did they tell you anything about thinking that the

17 knife came from your house?

18 A No.

19 Q April 14th your mother also told the police that

02:55 20 you had changed your clothes in Regina because of

21 the battery acid. Now that's something that's

22 been talked about with you here, and your

23 impression is that your mother is incorrect in her

24 recollection and your recollection is correct, as

02:55 25 to when you changed your battery acid clothes?



1 A Right.

2 Q Okay. So I appreciate you don't agree with, with  
3 her account of when you changed, but was that  
4 something that was put to you in an interview with  
02:55 5 the police; that your mother was suggesting that  
6 you were not telling the truth about your own  
7 clothing changes?

8 A Not that I can remember, no.

9 Q Okay. Because that could, that could actually put  
02:55 10 you in the running as a suspect, if you had  
11 already changed your clothes because of battery  
12 acid in Regina and then you changed them again at  
13 the Cadrain house and gave the explanation that it  
14 was because of battery acid you can see how  
02:56 15 somebody might say that makes you a suspect?

16 A I can see that now, yes.

17 Q Yeah. You don't remember any discussions with  
18 them about that?

19 A No.

02:56 20 Q The same report of Detective Karst, we're speaking  
21 of April the 18th when he had an interview with  
22 David, and what he says about David is -- 255, yes  
23 -- this section here -- I was still drawing --  
24 this part here:

02:56 25 "Milgaard was interviewed at length by



1 various members of this dept. however  
2 seems to be no way to shake that youth's  
3 story."

02:57 4 All right? Very similar to what had been written  
5 about Nichol John; right?

6 A Yes.

7 Q Now April the 18th, that same section there that  
8 we were looking at, David's blood type has been --  
9 has been checked already. He gave them a sample  
02:57 10 in March, it's already been checked and it's come  
11 back as type A and non-secretor status -- I don't  
12 want you to worry about that part of it -- but  
13 your blood has not yet been taken, all right, as  
14 of April the 18th, and they want to have your  
02:57 15 blood, I think. That may be the day that you give  
16 the blood test to them; do you know?

17 A It was either the second or the third time they  
18 came to see me I gave blood.

19 Q Okay. Because what we do know is April 30th,  
02:58 20 about three weeks before they come to see you,  
21 they get the information -- and this is 106666,  
22 it's April 30th -- the lab reports that you are  
23 blood group B. Now that, sir, excludes you from  
24 being the person that raped Gail Miller. On May  
02:59 25 the 5th there is a formal confirmation of that,



1           that result, the blood type, that's 025576,  
2           please. So May the 5th is when they come to see  
3           you, so we've got two different documents here  
4           that show that you are a type B, were you ever  
02:59 5           told that you could not possibly have been the  
6           person that raped her?

7           A           No.

8           Q           And that's true right up to the present, isn't it,  
9           they have never told you you were the wrong type?

02:59 10          A           I found out earlier -- later on in the years,  
11          here, but way after the fact.

12          Q           After the trial?

13          A           Yes.

14          Q           Long after the trial?

02:59 15          A           Yes.

16          Q           Could I have 250609, please. Mr. Wolch went  
17          through with you, this morning, a document that  
18          contains a police theory of what might have  
19          happened?

03:00 20          A           Yes.

21          Q           Do you remember that? I guess we had better move  
22          onward. That seems to be the cover page. This  
23          section number -- where is it -- number 3, and  
24          then we'll deal not -- with number 4 as well.

03:00 25                                So we've got -- and this is a



1 report by detective Riddell, the one that first  
2 speaks to you in May -- in March, and he attends a  
3 meeting on May the 16th with Superintendent Wood,  
4 Lieutenant Penkala, Lieutenant Short and Staff  
03:01 5 Sergeant Edmondson, and the purpose of that  
6 meeting is to decide what course of action should  
7 bring the matter to a successful conclusion. And  
8 if you move down to number 4:

9 "After a great deal of discussion it was  
03:01 10 agreed that David Milgaard could be  
11 considered as the prime suspect in this  
12 case and that further efforts should be  
13 made to eliminate or implicate him in  
14 this offence."

03:01 15 All right? Next page, please. Ending, ending  
16 that number 4 on the top of the next page,  
17 starting right here, sir:

18 "Both Ron Wilson and Nichol John to this  
19 date maintain that Milgaard was never  
03:02 20 out of their company during that morning  
21 and therefore could not be responsible  
22 for this offence. These few facts are  
23 mentioned here to indicate why Milgaard  
24 is considered a prime suspect."

03:02 25 Okay. And then we go on, which is very



1 interesting, number 5:

2 "If Milgaard is, in fact, responsible,  
3 it is felt that both Wilson and John  
4 should have some knowledge of this  
03:02 5 offence as they were with him ... It is  
6 quite possible that Wilson and John are  
7 not telling the truth about their  
8 activities that morning because they are  
9 implicated or they fear Milgaard."

03:03 10 Moving down to number 6:

11 "The Saskatoon City Police will be  
12 questioning Ronald Wilson and Nichol  
13 John to establish what knowledge they  
14 have of this offence. They plan on  
03:03 15 asking both subjects to submit  
16 voluntarily to a 'lie detector test' to  
17 ascertain if they are being completely  
18 truthful as to their knowledge of this  
19 matter. The Calgary City Police have a  
03:03 20 polygraph machine and an operator and  
21 the Saskatoon City Police have been in  
22 contact with that Force and arrangements  
23 have been made to have the operator come  
24 to Saskatoon and conduct such tests  
03:03 25 should Wilson and John consent."



1 Now the operator they are talking about there is  
2 detective Roberts; you know that?

3 A Yes.

4 Q And on May the 21st there is no doubt in your mind  
03:03 5 that you are leaving Regina to undergo a polygraph  
6 test, amongst other things?

7 A Yes.

8 Q That document would suggest that they may be  
9 coming in to speak to you on the 21st of May,  
03:04 10 saying that they think perhaps you know something  
11 about the offence, and that you are lying to them;  
12 doesn't it?

13 A That's what the document suggests, yes.

14 Q Is that the tenor of the conversation that was  
03:04 15 going on on May 21st?

16 A Eventually, yes.

17 Q 'Eventually'?

18 A Well, once we got to the polygraph room, yes.

19 Q Well you didn't get to polygraphing itself until  
03:04 20 the 23rd?

21 A 22nd.

22 Q So we're talking about in Regina here?

23 A 22nd, I believe.

24 Q According to Roberts it's the 23rd, but --

03:04 25 A It might be. I might have my dates mixed up too.



1 Q Yeah. So you leave on the 21st, Nichol leaves on  
2 the 22nd, --

3 A Okay.

4 Q -- on the 23rd you are both with detective Roberts  
03:05 5 at various times; you give a statement afterwards,  
6 Nichol does not; the next morning you give an  
7 amended statement, and then Nichol gives her  
8 statement. Okay? Are we clear?

9 A Yup.

03:05 10 Q Okay. Now you agreed, on May 21st, to give a --  
11 to undergo a polygraph exam that would have been  
12 based on the story you were telling them, that "I  
13 know nothing"?

14 A Exactly.

03:05 15 Q So why would you have agreed to undergo a  
16 polygraph at that point?

17 A To show them I was telling the truth.

18 Q And you had been telling them the truth right up  
19 until May the 23rd?

03:05 20 A Yes.

21 Q When you just kept sticking with your March the  
22 4th -- March the 3rd account?

23 A Yes.

24 Q Okay. Do you have any recollection of this theory  
03:06 25 that 'maybe you were somehow involved in it' was



1 put to you on May 21st?

2 A No I don't.

3 Q I'm going to suggest that that's kind of the  
4 beginning of this 'it's either you or David' in  
03:06 5 your head; would you agree with me?

6 A Oh... I could agree with you, but I don't know, I  
7 can't --

8 Q So you are agreeing to undertake a polygraph about  
9 seeing no blood, about David having no  
03:06 10 opportunity, about David having no knife; right?

11 A Right.

12 Q And it certainly seems reasonable that you were  
13 doing that, perhaps, to counter this theory that  
14 had been given to you that you were somehow  
03:07 15 implicated and that David had somehow done this?

16 A I would imagine so, yes.

17 Q Okay. May 21st, when you leave Regina for  
18 Saskatchewan (sic), you were alone with Detective  
19 Karst in the car; is that right? I'm not aware of  
03:07 20 anybody else being with you.

21 A I can't recall. I thought --

22 Q Do you remember stopping at the grain elevator?

23 A Yes. I thought there was two officers.

24 Q Well, I don't have any indication that there were  
03:07 25 two, but perhaps we will later find out there



1                   were. Do you remember stopping at the grain  
2                   elevator?

3           A           Yes.

03:07 4           Q           And somehow between Regina and Aylesbury, where  
5                   the grain elevator is, --

6           A           Yes.

7           Q           -- Detective Karst learns, apparently from you,  
8                   about a break-in to an elevator?

9           A           Right.

03:08 10          Q           And that's a financial motive, the break-in;  
11                   right?

12          A           Right.

13          Q           And that would feed into a theory that David had  
14                   planned to attack Gail Miller to steal her purse  
03:08 15                   for financial motive?

16          A           That I don't know.

17          Q           Well if he needs money and he is breaking into an  
18                   elevator, right, for money --

19          A           Their theory.

03:08 20          Q           -- maybe he would try to rob somebody for money.  
21                   It is showing financial need; okay?

22          A           Yup.

23          Q           Now you could have told them for months about the  
24                   break-in at the grain elevator and you hadn't; why  
03:08 25                   are you telling them May 21st?



1 A I honestly can't tell you.

2 Q Okay. Can you tell me why you hadn't told them  
3 before?

4 A Because it was against the law.

03:09 5 Q But it's still against the law May 21st?

6 A Correct.

7 Q No? Okay. You also gave them a discussion that  
8 you and David had had about various ways you could  
9 make money, including purse snatching?

03:09 10 A The purse snatching part I still don't recall.

11 Q I presume you would give the same answer there,  
12 you don't know why it's being raised now, but --  
13 or why it had been withheld earlier?

14 A Correct.

03:09 15 Q And according to Detective Karst when he is  
16 writing about this, it says that you could not  
17 recall there being a knife in the car, now that  
18 suggests there must have been some discussion  
19 about a knife when you were in at the car with  
03:10 20 him; agreed?

21 A I believe so, yes.

22 Q Do you have any recollection about any kind of  
23 discussion?

24 A Not total recall, no.

03:10 25 Q Do you have any recall discussion -- discussing a



1 knife with Detective Karst on the way?

2 A Not right now, no.

3 Q Were you aware, at that time, that Detective Karst  
4 had gone into the grain elevator and spoken to the  
03:10 5 man in there?

6 A I don't remember that.

7 Q The, the elevator -- I shouldn't call him the  
8 elevator man -- the man that worked at the grain  
9 elevator --

03:10 10 A Agent.

11 Q -- told Detective Karst, in response to being  
12 given a description of the murder weapon, told him  
13 that he had never seen such a knife there and that  
14 no such knife was missing from the grain elevator.

03:11 15 Do you have any recollection of Detective Karst  
16 coming back at any point and telling you that the  
17 knife did not originate from there?

18 A No.

19 Q That would certainly be an explanation for why you  
03:11 20 would then say to him that maybe the knife came  
21 from the Champs Hotel?

22 A Quite possibly.

23 Q And just so you know, they did then go to the  
24 Champs Hotel, all right, describing the murder  
03:11 25 weapon again, there, trying to -- or trying to



1 link that murder weapon to David, and it doesn't  
2 come from the Champs Hotel either. All right. So  
3 it seems you are giving them little bits; right?

4 A Yes.

03:11 5 Q And when Mr. Wolch was questioning you this  
6 morning, you are talking about where you spent  
7 your evenings or your time once you got to  
8 Saskatoon, and your recollection is that you were  
9 at the Ritz Hotel?

03:12 10 A Yes.

11 Q Could I have 105592. This is a Receipt For  
12 Prisoner's Property dated May the 21st in your  
13 name; two keys, 15 cents in cash, two chocolate  
14 bars, a penny match, Regina bus tickets, and a  
03:12 15 wristwatch. And that was 8:45 p.m. on May the  
16 21st, sir, and you were given the property back on  
17 May the 22nd, the following day. That certainly  
18 looks like you spent the night in the jail in  
19 Saskatoon; doesn't it?

03:13 20 A Yeah, the first night, yes.

21 Q So you remember being there that night?

22 A I don't remember being there, but must have been.

23 Q And if we could have 106639. This is a note  
24 written to a staff sergeant by detective --  
03:14 25 apparently by Detective Short, it looks like



1 his -- maybe not, hold on. No, it looks like  
2 Short to me on the bottom of it. It's addressed  
3 to the Staff Sergeant on Wednesday, May 21st and  
4 says:

03:14 5 "You have in your custody one Ronald  
6 Wilson being held only as a sleeper for  
7 the detective department, this is in  
8 connection with a very serious matter  
9 and I would appreciate it if no one  
03:14 10 questions this young man for any reason  
11 as to why he is here or anything else.  
12 This man will be looked after by  
13 Detective Karst on the a.m. of Thursday  
14 the 22nd, 1969."

03:15 15 That's an interesting document. Do you remember  
16 being put in the cells on May the 21st to await  
17 Detective Karst on the 22nd?

18 A I remember being in cells, but I don't know what  
19 day or what it was for.

03:15 20 Q On the 22nd Detective Karst has told us in a  
21 report of May the 25th that you were taken on a  
22 second tour, if you like, of the area where Gail  
23 Miller had been murdered. I presume you had done  
24 one on the evening of May the 21st when you first  
03:15 25 arrive in town with Detective Karst?



1 A Yes.

2 Q And then you are taken on another one in the  
3 morning of the 22nd?

4 A Yes.

03:16 5 Q And you can recognize apparently places that  
6 aren't in dispute, you can recognize the motel?

7 A Right.

8 Q You recognize the Danchuk place?

9 A Yes.

03:16 10 Q The gas stations?

11 A Yes.

12 Q And you don't recognize any of the places in  
13 dispute that would put you anywhere near the scene  
14 of the murder?

03:16 15 A True.

16 Q What happens after that little tour to you?

17 A I don't recall.

18 Q I can't find anything.

19 A I can't recall.

03:16 20 Q The next thing we know about is you appearing the  
21 following morning -- that would be the 23rd --  
22 when Detective Karst takes you to see Detective  
23 Roberts at the Cavalier hotel and that's the  
24 beginning of the polygraph session.

03:17 25 A Uh-huh.



1 Q Do you have any recall at all of who you spent the  
2 day with?

3 A It must have been when I was taken to the Ritz.

4 Q All right. And would you have spent the day with  
03:17 5 police or by yourself or with friends or what?

6 A I didn't know anybody here, so I was probably by  
7 myself.

8 Q What did you do?

9 A Not a heck of a lot. Not a heck of a lot to do in  
03:17 10 the Ritz.

11 Q I haven't had the pleasure.

12 A You wouldn't have wanted to.

13 Q And your 15 cents wouldn't have bought you much  
14 even at the Ritz I don't think.

03:17 15 A No.

16 Q What we do know on May 22nd is at 10 o'clock that  
17 night Detective Roberts, who is in town to  
18 interrogate you and Nichol, is briefed on the case  
19 at 10 o'clock that night apparently by Mackie,  
03:18 20 Wood and Penkala. I mean, Karst's name doesn't  
21 seem to be mentioned there. Is he with you?

22 A I don't believe so.

23 Q And are you aware that Nichol had been held in the  
24 cells on the night of May 22nd so that she  
03:18 25 wouldn't disappear?



1 A No.

2 Q At least in part so she wouldn't disappear?

3 A No.

03:18 4 Q And there seems to be no concern here about you  
5 disappearing, you are just in the Ritz?

6 A I don't know.

7 Q Is it possible you had a police officer with you?

8 A I don't recall having one.

9 Q Is it possible you did?

03:18 10 A It's possible. Maybe I didn't know that he was  
11 there, but he was there.

12 Q That's entirely possible. Okay, we have very  
13 little on the polygraph sessions, I suppose we'll  
14 call it that, and by that I mean everything to do  
03:19 15 with Detective Roberts on the 23rd, it seems  
16 there's very little independent evidence about it.  
17 Could I have 183120, please. This is a report --  
18 it's not a report, it's a note, it appears to be  
19 in the handwriting of Mr. Caldwell who was the  
03:19 20 trial prosecutor. I'm not positive, but it  
21 appears to be. The date on it is September the  
22 3rd of '69 and it is a note of either a telephone  
23 call or some kind of meeting with Detective -- or  
24 Inspector Roberts, and it's about the polygraph  
03:20 25 session, and what he appears to tell Mr. Caldwell,



1 all right, is that you told him that David  
2 confessed to putting the purse in the garbage can  
3 and poking her and that that admission was made  
4 in -- can you go back on the document, please,  
03:20 5 back up? Is there another page on this? I think  
6 there is. 121. Yeah, here we are.

7 "Wilson told Roberts that in Calgary  
8 Dave told him I took her purse, I poked  
9 her with knife a few times."

03:21 10 There doesn't seem to be any indication there  
11 that you had actually said anything else to  
12 Inspector Roberts in the way of real information.  
13 Does that accord with your recollection or not?

14 A No.

03:21 15 Q And you are aware, and I think this was reviewed  
16 with you earlier, that there had been some efforts  
17 made in 1990 to get the polygraph records?

18 A Yes.

19 Q And that's efforts made by you and your lawyer?

03:21 20 A Yes.

21 Q You were ultimately advised by the Department of  
22 Justice that those records had been lost?

23 A Yes.

24 Q And are you aware of a letter written by your  
03:22 25 counsel back to the Department of Justice



1           indicating he doesn't believe the records have  
2           been destroyed?

3           A       Recently, I believe so, yes.

4           Q       I'm sorry, I can't hear you.

03:22 5           A       Recently, I believe so, yes.

6           Q       And that's a letter, it's document 003412 -- I  
7           don't need it back up unless anybody wants it --  
8           it's a letter dated August the 14th, 1990 from  
9           your lawyer to Williams, and what he wants is  
03:22 10          written confirmation of any efforts to retrieve  
11          the polygraph records and you've said you are  
12          aware now of that letter; yes?

13          A       Yes.

14          Q       Are you aware of there ever being a response to  
03:22 15          that letter?

16          A       No.

17          Q       And there's absolutely no question in your mind or  
18          in anybody else's that at the end of the day with  
19          Roberts on May the 23rd you do point out a knife  
03:22 20          to them?

21          A       Correct.

22          Q       And that happens to be a knife that matches the  
23          description of the murder weapon?

24          A       Yes.

03:23 25          Q       Now they've got a means for David to commit the



1 offence, because you are going to give them that  
2 knife in the car with David; yes?

3 A Yes.

4 Q Then you go back and you give this statement to  
5 Detective Karst starting at 3:30, so about a half  
6 an hour after you picked out the knife in the  
7 Cavalier motel, so it seems like the very last  
8 thing that happens with Roberts is you pick out  
9 the knife. Correct?

03:23 10 A It sounds close, yes.

11 Q And then at 3:30 you give a statement to Karst,  
12 this is document 065361, and there's a whole bunch  
13 of new stuff in here, we've got more things going  
14 to identity of the victim, animosity towards her,  
03:24 15 you know, stupid bitch, the compact story appears,  
16 that's evidence against David, the blood appears.  
17 Now, incidentally, in April of 1981 when you were  
18 speaking to Joyce on the telephone, one of the  
19 things that you said to her was that they tried to  
03:24 20 say I had blood, but it was battery acid. Do you  
21 remember any conversations with the police where  
22 they tried to suggest there was blood on your  
23 clothes?

24 A No, I don't.

03:24 25 Q Your May 23rd statement, you give them the two



1 confessions including the one that takes place in  
2 the car immediately after the murder and appears  
3 to be something that you hadn't even told Roberts  
4 yet, right, according to the information that  
03:25 5 Inspector Roberts had given to Caldwell in  
6 September. Are you with me?

7 A Yes.

8 Q So this appears to be something new even since  
9 your meeting with Roberts. Do you agree?

03:25 10 A I can't recall if it's new, prior Roberts or pre  
11 Roberts.

12 Q It's interesting, this confession for putting the  
13 purse in the garbage that's supposedly made in  
14 Calgary, now, we know that that confession never  
03:25 15 happened don't we?

16 A Yes.

17 Q We know that that is a flat-out lie?

18 A Yes.

19 Q The trouble here is that Gail Miller's purse was  
03:26 20 found in the garbage can?

21 A Right.

22 Q And David didn't put it there because we know that  
23 David did not do it; right?

24 A Right.

03:26 25 Q He could not have told you, it's impossible for



1 him to have told you he did it?

2 A Correct.

3 Q Who gave you that story?

4 A One of the police officers.

03:26 5 Q Who?

6 A The ones that were driving me around the area  
7 showing me where everything was.

8 Q Are you able to identify any of them?

9 A No.

03:26 10 Q But you were not riding around with Inspector  
11 Roberts?

12 A No.

13 Q And this particular story, the purse in the  
14 garbage, do you see how that fits with that  
03:26 15 document that Mr. Wolch put to you this morning  
16 about the theory that the police had before they  
17 ever went to see you again?

18 A Yes.

19 Q Does that help you remember that the police may  
03:27 20 have had a discussion with you about whether or  
21 not you had grabbed her purse?

22 A No.

23 Q Are you saying it's impossible they ever discussed  
24 that with you or you just don't remember it?

03:27 25 A I don't think it ever happened, that they asked me



1 if I put it there or not.

2 Q Did you make suggestions to you that you had  
3 rifled through her purse?

4 A No.

03:27 5 Q Never?

6 A No.

7 Q What are they saying to you to make you think that  
8 you are a suspect?

9 A Okay, I was a mess back then and I was getting  
03:27 10 some pretty good suggestions and let's start  
11 giving some stuff that they've already shown me  
12 and make stories with it and see if it fits.

13 Q That's true in respect to what you are saying to  
14 them, but what is going on, what is being said to  
03:27 15 you that's making you think that you are a suspect  
16 in this murder?

17 A Right now I can't recall.

18 Q Okay. Do you need another short break?

19 A Please.

03:28 20 Q 10 minutes, Mr. Commissioner, or 15. What do you  
21 need?

22 A 10.

23 COMMISSIONER MacCALLUM: 10 minutes.

24 (*Adjourned at 3:28 p.m.*)

25 (*Reconvened at 3:43 p.m.*)



1 MS. McLEAN:

2 Q The May 23rd statement that you gave to Detective  
3 Karst, sir, starting at 3:30 on May the 23rd, it  
4 seems to be the first indication that you and  
03:44 5 David had separated -- first indication in  
6 writing, shall I say, that you had separated in  
7 order for David to go and get help to push you out  
8 of the trapped situation. Do you agree with that?

9 A Correct.

03:44 10 Q And without bringing the document up, if I could  
11 just read to you, that you said to them, this is  
12 right after saying that you saw the girl, all  
13 right, the young lady in a dark coat, and then you  
14 say:

03:44 15 "Dave and I got out to push when we got  
16 stuck, but we couldn't get out."

17 Okay?

18 A Yup.

19 Q And Mr. Wolch has taken you through how ridiculous  
03:45 20 it is that you are going to sit there for 15  
21 minutes at that major intersection.

22 "Dave said he'd go for help and he left  
23 and disappeared behind the car and then  
24 about 15 minutes later he came back."

03:45 25 So you understand the purpose in David leaving



1 the car, according to this story, is to get help  
2 because the two of you are unsuccessful in  
3 pushing it; right?

4 A Correct.

03:45 5 Q So unless there's help somehow, that car is going  
6 to sit there until the spring thaw isn't it?

7 A Yes.

8 Q So as soon as you create a situation that gives  
9 David an opportunity to kill Gail Miller, okay,  
03:45 10 and that's the separation -- are you with me?

11 A Yup.

12 Q As soon as you create that opportunity, we now  
13 have to have additional people into the story,  
14 don't we, we need to have somebody to push the car  
03:46 15 out.

16 A Eventually, yes.

17 Q Yeah. And along come these two fellows, and you  
18 told the police:

19 "I don't remember just when we got out,  
03:46 20 if it was before or after Dave came back  
21 to the car that two men in a  
22 cream-colored Dodge or Chrysler pushed  
23 us out by hand."

24 That's a pretty vague account isn't it?

03:46 25 A Yes.



1 Q Almost like it's just coming to your mind for the  
2 first time on May the 23rd?

3 A No, I just remembered it.

4 Q You just remembered it?

03:46 5 A Yes.

6 Q Did you have some discussions with Detective Karst  
7 or others about how your car would eventually get  
8 moved if David didn't come back with some help?

9 A No.

03:46 10 Q It just comes into your memory sometime on May the  
11 23rd?

12 A Yes.

13 Q And the only thing you can remember there, it's  
14 two men in a cream-coloured car?

03:47 15 A Yeah.

16 Q Sorry, Dodge or Chrysler, you specify the car.

17 A Yes.

18 Q And then the next day you give a description of  
19 the two men and it's a vague little description of  
03:47 20 them being about in their middle 40s and casually  
21 dressed, one wearing glasses. Not a lot of help  
22 in finding those two men.

23 A No. They asked for a description of them, if I  
24 could remember what they looked like, and I gave  
03:47 25 them the best description I could.



1 Q And they ran it in the newspaper and those guys  
2 never turned up?

3 A True.

03:48

4 Q Is it possible, sir, that those two guys never  
5 turned up at all?

6 A Yes, they did.

03:48

7 Q This May 23rd statement has solved a lot of  
8 problems with the Crown case or the police case,  
9 it's given the motive, the opportunity, the  
10 evidence, all this great new stuff in confessions;  
11 you appreciate that?

12 A Yes.

03:48

13 Q It has created a problem and the problem now is  
14 with the opportunity because on your May 23rd  
15 statement you've only got David leaving the car,  
16 okay, so if David leaves the car and you stay in  
17 the car, you would be a witness to the murder;  
18 right?

19 A True.

03:49

20 Q And if you are a witness to the murder, that means  
21 that we're going to lose now those two great  
22 confession stories, because if you watched the  
23 murder, we don't need David to come and confess to  
24 it because you saw it. You see that?

03:49

25 A Yes.



1 Q And we don't need any more of David to confess to  
2 you in Calgary that he had stabbed her because you  
3 had seen it and we don't need your conversations  
4 with Nichol where she gets to tell you that she  
03:49 5 saw it or she knows that. See how much is lost  
6 when you don't leave the car on May the 23rd?

7 A I see that.

8 Q With absolutely no explanation as to how this  
9 happens, we have Detective Karst's report of May  
03:49 10 the 25th that says that on the morning of May the  
11 24th at 9:30, which incidentally is half an hour  
12 before Nichol John gave her written statement, you  
13 were reinterviewed and here comes the May 24th  
14 statement. The opportunity problem is solved now  
03:50 15 because you remember when Dave and I got out to  
16 push the first time, we were stuck, we couldn't  
17 push the car, so I said to Dave, you go one way  
18 for help and I'll go the other, and then this  
19 story about you not finding help, David not  
03:50 20 finding help, Nicky being hysterical when you come  
21 back, her telling you that she's witnessed the  
22 murder, her hysteria, David coming back, Nichol  
23 shrinking away from him, which is also  
24 confirmation that she saw the murder, you know,  
03:51 25 and the rest is all the same, the problems are all



1 solved, except for the problem that Nichol has not  
2 said this yet, right, but apart from that it  
3 solves all the problems. We've got the  
4 opportunity problem solved, we've got the  
03:51 5 confessions back now and they are viable. The  
6 question, sir, is where on earth did that come  
7 from?

8 A To me that was the truth, we got stuck, we went  
9 our separate ways, we weren't gone long and we  
03:51 10 came back.

11 Q How could you have forgotten to say that on May  
12 the 23rd?

13 A Because everything was being pushed at me and I  
14 was saying things that I didn't want to say as it  
03:52 15 was, so I thought possibly that would even help  
16 us.

17 Q You thought what?

18 A At that time I thought that would help us.

19 Q You thought it would help you to say what?

03:52 20 A Telling the truth that we both left the car  
21 instead of just the one because to me -- well,  
22 even to this day, if just David left the car, that  
23 gave him more opportunity to do it.

24 Q How?

03:52 25 A That's just the way I thought in my mind.



1 Q Are you aware of any theories that Gail Miller was  
2 probably abducted and put into a car where she was  
3 sexually assaulted before she was murdered?

4 A Not for quite a few years afterwards.

03:52 5 Q You are aware that that's a theory?

6 A Yes.

7 Q It's a pretty reasonable one too isn't it?

8 A Yes.

9 Q I understand you know a little about the evidence  
03:53 10 and the actual facts of how she was found, what  
11 had been done to her and what kind of shape she  
12 was in as far as her clothing was concerned?

13 A Yes.

14 Q And you know that it could not possibly have  
03:53 15 happened the way Nichol John describes  
16 irrespective of who it was that stabbed her, you  
17 appreciate that?

18 A Yes.

19 Q Could I have 002268, please. I'm going to move to  
03:53 20 some discussions and so on that you may have had  
21 leading up to the preliminary inquiry and the  
22 trial as to your various stories -- I'm sorry, we  
23 need to move on about, I think it's about two  
24 pages further on and up at the top it has Wilson.  
03:54 25 There we are. No, roll up, please, or go down. I



1 want to go further down the page. Okay. Further  
2 down. Sorry, could you turn the page, please,  
3 this section here.

4 This is a document, sir, that's  
03:54 5 prepared prior to the preliminary hearing, and the  
6 preliminary hearing took place in August, 1969 and  
7 the document itself is entitled witnesses required  
8 for preliminary hearing, so that would have been  
9 prepared sometime prior to August.

03:55 10 A Okay.

11 Q Okay? Your name appears on it and there is a  
12 little summary, which is what we had on the  
13 earlier page, about what you were going to say and  
14 what you would be expected to say at the  
03:55 15 preliminary hearing. Okay? And what we have  
16 here, and I don't know who has prepared this, I  
17 think we'll hear some evidence later as to whose  
18 opinion this is, but it says, after summarizing  
19 your evidence:

03:55 20 "Note - Wilson at first told police he  
21 knew nothing of this offence however has  
22 since told the story as set out in the  
23 brief. There still remains areas,  
24 especially at time of actual offence,  
03:55 25 which seem in doubt as far as Wilson is



1 concerned."

2 Doesn't that suggest that there's some problems  
3 with this account that you are telling the police  
4 on May the 24th and thereafter, that you and  
03:56 5 David separated and went off looking for help?

6 A It seems that it would suggest that, yes.

7 Q Somebody is having difficulty believing it?

8 A Yes.

9 Q There's a similar -- is it too much trouble to go  
03:56 10 back to the page that had Nichol John on it?  
11 There's a similar comment with respect to her, the  
12 next page, almost the same thing with Nichol John.

13 "Wilson and Milgaard attempted to push  
14 the car free but were unable to."

03:57 15 Now, that's an account given by Nichol which she  
16 gives on May the 24th. Yes?

17 A Where are you?

18 Q Right here. I've just got the document blown up.

19 I'm just telling you that what this is is a  
03:57 20 recounting of points that Nichol is expected to  
21 say at the preliminary hearing.

22 A Okay.

23 Q And the last point there that she's going to say  
24 is that you and David attempted to push the car  
03:57 25 free, but were unable to. Yes?



1 A Yes.

2 Q And now here, very, very similar to what's written  
3 about you:

4 "Note - this area still seems uncertain.  
03:57 5 Both Wilson and John who originally  
6 claimed to know nothing of the murder  
7 now maintain they were stuck and two men  
8 came to assist in pushing them free.  
9 The police have been unable to locate  
03:58 10 these two men. Police believe the first  
11 lack of knowledge and now the  
12 uncertainty surrounding the facts at the  
13 alley entrance may mean Wilson and John  
14 either are not telling the entire truth  
03:58 15 or are more involved in the offence than  
16 they wish to say."

17 Somebody is having some real trouble with this  
18 new version; would you agree?

19 A It looks like it, yes.

03:58 20 Q And then that August as well is when you were  
21 sentenced to your three months and you were in  
22 Fort Saskatchewan; yes?

23 A Yes.

24 Q And you told us over the last couple of weeks that  
03:58 25 there was some difficulty with where you were



1 placed after the call or the information came that  
2 you were needed at the prelim?

3 A Yes.

4 Q And I think you were held in a --

03:59 5 A The remand part instead of population.

6 Q And there was an indication that you were wanted  
7 for murder?

8 A Yes.

9 Q And you made some calls to have that fixed?

03:59 10 A Yes.

11 Q Nothing happened?

12 A Exactly.

13 Q And you now think that that had been arranged by  
14 the Saskatchewan police -- or Saskatoon police?

03:59 15 A Eventually I did, yes.

16 Q What's your position now?

17 A I still believe that.

18 Q Did that have the effect, sir, back in August of  
19 1969, of impressing upon you that David's fate  
03:59 20 really could be your fate, you could be wanted for  
21 murder?

22 A I don't think I really thought of it that way, no.

23 Q All right. Did it --

24 A I was worried about it, but I thought it was going  
03:59 25 to get straightened out.



1 Q And it didn't?

2 A No.

3 Q And you were concerned right through to the end of  
4 the trial that it's either David or you isn't it?

04:00 5 A A good possibility, yes.

6 Q Document, please, 065441. Because you were in  
7 custody, sir, they had to obtain a judge's order  
8 to have you brought to the preliminary hearing and  
9 that was done, the judge orders you to be brought,  
04:00 10 and then you were escorted by Detective Karst on  
11 your way to the preliminary hearing while you were  
12 in custody and then you were taken back to custody  
13 by Detective Short after you had finished  
14 testifying at the preliminary hearing. Do you  
04:00 15 remember that?

16 A I remember being brought and taken back, but which  
17 officers --

18 Q You don't remember who was with you?

19 A No.

04:00 20 Q Now, that's an expense that is borne to some  
21 extent by the police department because these two  
22 officers from the Saskatoon police went with you.  
23 This document here that I'm showing you is a  
24 letter dated September the 16th of 1969, it's to  
04:01 25 the Attorney General, and it describes how one of



1 the chief -- and I'm reading from the second  
2 paragraph, but I'm actually skimming along -- one  
3 of the chief prosecution witnesses, preliminary  
4 hearing, is one Ronald Dale Wilson.

04:01 5 "The police escort for Wilson was  
6 provided by this department --"

7 And I'm reading from this section that is right  
8 here:

9 "The police escort for Wilson was  
04:01 10 provided by this department at the  
11 request of Mr. T.D.R. Caldwell, who  
12 wished to have him escorted --"

13 And this is the part that's interesting here,  
14 "-- by detectives who had dealt with him  
04:02 15 while this murder case was being  
16 investigated. It was, therefore,  
17 necessary to provide air transportation  
18 for Detective Karst ... as well as a  
19 ticket --"

04:02 20 Da, da, da, and then similar transportation had  
21 to be provided for Short and Wilson to go back.  
22 So what's interesting there is that you need to  
23 be escorted by, not by prison guards, regular  
24 police officers, constables, but by the  
04:02 25 detectives who dealt with you during the



1 investigation of the murder case. What was  
2 discussed to and from the preliminary hearing?

3 A I don't recall.

4 Q I want to move on to the bone-handled hunting  
04:03 5 knife. This is a knife that you've got a memory  
6 of now, or some memory of now, if I can put it  
7 that way?

8 A Yes.

9 Q And it's something that's come to you over the  
04:04 10 years; is that correct?

11 A Yes.

12 Q As of 1981 when you were speaking to Joyce you  
13 didn't know anything about actually seeing a knife  
14 did you?

04:04 15 A I don't recall.

16 Q Have you learned at some point that there was  
17 actually a bone-handled hunting knife found at the  
18 scene, very close to the scene of the murder?

19 A I heard that the other day here.

04:04 20 Q Just in recent years?

21 A Yes.

22 Q It was found on February the 28th of 1969 on a  
23 fence, the bottom part of a fence really close to  
24 the scene of the body. It wasn't found until the  
04:04 25 snow had been melted, and that's by special



1 snow-melting equipment, on the 28th of February,  
2 about a month after the murder, and one of the  
3 very senior officers instructed McCorriston, who  
4 was a regular duty officer, to try and find the  
04:05 5 owner of that knife, so he canvassed virtually  
6 every property in the environment (sic) looking  
7 for who might have owned that knife and it is a  
8 small, bone-handled hunting knife and he never  
9 finds the owner.

04:05 10 In 1969, 1970 Nichol, who has  
11 said that there is no knife, saw no knife, heard  
12 of no knife, is suddenly saying there is a paring  
13 knife in the car, the murder weapon by the way,  
14 and a bone-handled hunting knife in the car, and  
04:06 15 she persisted in that story, and that kind of  
16 theory, that there was a paring knife and a  
17 bone-handled hunting knife in the car, both the  
18 types of weapons that are found at the scene of  
19 the murder, and the fact that you guys have to get  
04:06 20 another knife in Rosetown really makes a case that  
21 the two knives that David had, a bone-handled  
22 hunting knife and a paring knife, were both left  
23 at the scene of the murder. Would you agree?

24 A Coincidence.

04:00 25 Q Now we know that David did not kill Gail Miller?



1 A Correct.

2 Q We know that David did not leave a bone-handled  
3 hunting knife at the scene of the murder?

4 A Correct.

04:06 5 Q Or a paring knife for that matter?

6 A Right.

7 Q And if he had a knife in the car on the night of  
8 the 30th, all right, and if he had a -- no  
9 involvement in the murder, he doesn't have a need  
04:06 10 to buy a knife on the afternoon hours of the 31st,  
11 does he?

12 A Probably lost it in between.

13 Q Where would he lose it?

14 A Going in and out of the car.

04:07 15 Q Really?

16 A Yeah.

17 Q So you have some theory that accounts for why  
18 David would have a bone-handled hunting knife,  
19 which you had no memory of until some 11 or 12  
04:07 20 years after the events, and that he somehow lost  
21 it going in and out of the car on the morning of  
22 January 31st?

23 A Quite likely, yes.

24 Q That's kind of ridiculous; isn't it?

04:07 25 A Not to me, no.



1 Q Do you think maybe, now, it's possible that over  
2 the years, in talking to various people and the  
3 gossip and the questioning and the suggestions and  
4 the reviews and the testifying and the interviews,  
04:07 5 you think maybe, now, you got a memory of  
6 something that you -- you really didn't see, --

7 A I --

8 Q -- the bone-handled hunting knife?

9 A As far as I'm concerned I saw it.

04:07 10 Q Possible that you have a memory of something that  
11 you didn't actually see?

12 A No.

13 Q That's not something that might have been  
14 implanted into your memory bank just from constant  
04:08 15 repetition or hearing it?

16 A No, I don't believe so.

17 Q The next theory I want to talk to you about is  
18 the -- the blue toque. Do you know what I am  
19 talking about?

04:08 20 A No.

21 Q Okay. There is a toque, it's your basic winter  
22 toque -- I don't think it's here any more, but --  
23 is it?

24 CLERK: Yes.

04:08 25 BY MS. McLEAN:



1 Q It's -- it's going to be coming up. It was found  
2 on April the -- it was turned over to the police  
3 on April the 4th of 1969, it had been found  
4 sometime a little bit earlier than that by the  
04:08 5 next-door neighbours to the Cadrains, they -- the  
6 toque had what appeared to be blood on it, it was  
7 turned over to the lab for examination, and as far  
8 as I can recall they identified human blood but  
9 were unable to do anything further, they can't  
04:09 10 identify type, and therefore cannot put it as part  
11 of the Miller murder --

12 A Okay.

13 Q -- or as part of anything else. Do you  
14 understand?

04:09 15 A Yes.

16 Q And we actually have this here. I don't really  
17 need to -- unless you want to have it opened, sir,  
18 this is the actual toque. I really just want you  
19 to see the colour of it and you can make out, I  
04:09 20 think through the clear plastic, that that's just  
21 your regular --

22 A Blue toque.

23 Q -- ear-length blue toque?

24 A Yeah.

04:09 25 Q Okay. That's what was -- that was what was found,



1 and that was put in at the trial of David, and the  
2 position of the Crown at that trial was that when  
3 David went out for his little joyride around the  
4 block from the Cadrain house where he damaged your  
04:10 5 car, --

6 A Yes.

7 Q -- all right, that what he was doing then was  
8 disposing of the bloody toque and Gail Miller's  
9 wallet, that's what he was doing. So, you see,  
04:10 10 there is a real attempt to link that toque to  
11 David.

12 On April the 14th Detective  
13 Karst speaks to Nichol John -- this is the report  
14 dated April the 18th, 009254 -- about, where is  
04:11 15 it, if you could blow up that section there,  
16 please. She gives a description of David's  
17 clothes, she describes the brown suede jacket:

18 "She also stated he was wearing a dark  
19 colored toque when in Regina however she  
04:11 20 did not recall seeing this toque again.  
21 This being of interest as a toque had  
22 been found by myself in the yard  
23 directly north on Cadrain residence  
24 which had red substance on it which  
04:11 25 Lieutenant Penkala at present has sent



1 to the lab, for further analysis."

2 Now that's what I just told you, it went to the  
3 lab for the analysis, but it comes back they  
4 can't really tell anything apart from that it's  
04:11 5 blood, and I note here that apparently -- and  
6 there is no written report from Nichol --

7 A Excuse me. (Coughing) Okay, sorry.

8 Q It's all right. You okay?

9 A Yes.

04:12 10 Q -- there is no written report from Nichol at that  
11 time, but you note what it says here, is that he  
12 was wearing a dark-coloured toque when in Regina.  
13 All right? It doesn't say anything about wearing  
14 a toque in Saskatoon?

04:12 15 A Right.

16 Q It says she hasn't seen it since Regina. All  
17 right?

18 Now if we go to Nichol John's  
19 statement of May the 24th -- your indulgence,  
04:13 20 please, of course it's the first page -- 065356  
21 and go to 359 within it, this is the statement  
22 that Nichol gives and swears to May 24th right  
23 after you have changed yours, and she says:

24 "At the time of this attack Dave was  
04:14 25 wearing Green with yellow striped pants,



1                   Brown suede Jacket ...",  
2                   "... long green tooke with other colours  
3                   possible Red and Blue. I think I would  
4                   know this tooke if I saw it again.  
04:14 5                   Ron's Brother has mitts like it. The  
6                   mitts matched the tooke."

7                   Now that would suggest perhaps David was wearing  
8                   a toque that belonged to somebody in your family;  
9                   wouldn't it?

04:14 10            A            Yes.

11            Q            Now that statement was given to Detective Mackie  
12                   on May 24th, and on May the 26th, I believe the  
13                   Mackie report of May the 29th, 106676 -- next  
14                   page, please -- May 24th, this is Detective  
04:16 15            Mackie, he took you and Nichol home, and that's  
16                   when he gets the flashlight from you; do you see  
17                   that?

18            A            Yes.

19            Q            He also gets a blue sweater with white trim around  
04:16 20                   the neck which you told him that David had been  
21                   wearing when leaving Regina on the early morning  
22                   of January 31st. And that would make it,  
23                   incidentally, the sweater that David was wearing  
24                   at the time that he supposedly kills Gail Miller;  
04:16 25                   right?



1 A I thought that was the one he borrowed from my  
2 father.

3 Q I'm sorry?

4 A I thought that was the one he borrowed from my  
04:16 5 father after we got back.

6 Q That's right. And that gets turned over to the  
7 police and examined for blood and it doesn't have  
8 any. And then if you go down the page, please,  
9 you don't have an actual date, but here we go;  
04:16 10 prior to leaving Regina he comes back to your  
11 house and he interviews you and your sister about  
12 toques that might be missing, all right, and  
13 unable to gain any information.

14 Now I would suggest to you,  
04:17 15 right there, that the toque that might be missing  
16 would be a green, a long green one that matches  
17 your brother's mitts, right? That's what it looks  
18 like from Nichol's statement?

19 A If there was one missing, yeah.

04:17 20 Q Yeah. So here we have Detective Mackie describing  
21 the toque to you -- to them -- to you and your  
22 sister:

23 "... but they did not recall ever having  
24 a toque in the home with the description  
04:17 25 of the one we have possession of in



1                    regards to this matter."

2                    Well the one that they have possession of is the  
3                    one that's right in front of you.

4                    A                    Correct.

04:18 5                    Q                    It's a blue one; right?

6                    A                    Right.

7                    Q                    And that's not the one that they were told that  
8                    David was wearing, and it turns out that we have  
9                    lost the opportunity to find out whether or not  
04:18 10                    David had a green striped toque with other colours  
11                    that matched your sister's mitts, and that's all  
12                    gone from your memory; isn't it?

13                    A                    Yes.

14                    Q                    Five days later on the 29th, five days after  
04:18 15                    talking to Nichol is what I mean, he is even back  
16                    to the elevator guy in Aylesbury trying to see if  
17                    that toque in front of you came from the grain  
18                    elevator. It's a pretty extraordinary effort to  
19                    try and tie David to something despite the  
04:19 20                    evidence that they actually have; wouldn't you  
21                    agree?

22                    A                    Correct.

23                    Q                    And that doesn't work, and every other time after  
24                    that that there's any mention of David's clothing  
04:19 25                    in front of a jury, David had a toque, we don't



1 know if it's a blue toque, a dark toque, a light  
2 toque, a striped toque, a green one, or your  
3 brother's or your sister's, it all creates this  
4 atmosphere that that's the one he was wearing;  
04:19 5 doesn't it?

6 A Looks like it.

7 Q And, also, the jury didn't hear from your mother  
8 about the clothes, about there being no blood on  
9 the clothes, about her washing the clothes. She  
04:19 10 testified at the prelim but she didn't testify at  
11 the trial.

12 A Okay.

13 Q And they also didn't hear this original toque  
14 description. All right.

04:20 15 Something very similar happens  
16 with the compact story. And this is -- this is  
17 just a flat-out lie, isn't it, sir?

18 A Yes.

19 Q You just completely made it up?

04:20 20 A Yes.

21 Q Maybe with some help as to what might work or tie  
22 David more to the case; yes?

23 A A suggestion, I would imagine, yes.

24 Q Yes. And what you tell them, it's a compact, you  
04:20 25 tell them this on May the 23rd, and that it's got



1           some flowers on it. 065361, bottom of the page,  
2           starting with "on the way to Calgary... ", what  
3           you tell them Nicky found a white or  
4           cream-coloured compact with flower design, I'm not  
04:21 5           just sure about the colour, she found this in the  
6           car, and then the story about David throws it out.  
7           Note the description white or cream-coloured  
8           compact with flower design. What do you  
9           understand a 'compact' to be?  
04:21 10          A           Something that you powder your nose with.  
11          Q           A pretty normal kind of female thing in the 1960s?  
12          A           Yup.  
13          Q           At the age of 17 you would have had the same  
14           understanding of a compact?  
04:21 15          A           Not that much, no.  
16          Q           I'm sorry?  
17          A           Not that much.  
18          Q           About that much?  
19          A           Not that much.  
04:21 20          Q           What would you have meant when you said this in  
21           1969?  
22          A           About compacts, what I knew about them, or what?  
23           I'm sorry?  
24          Q           What would you have meant when you said 'compact'  
04:21 25           in 1969?



1 A Something that you powder your nose with.

2 Q Yeah, that's what I mean, your understanding in  
3 1969 as a 17-year-old would be the same thing;  
4 right?

04:22 5

A Yeah.

6 Q All right? I'm not suggesting you acquired any --  
7 never mind. Point is, you understand the  
8 difference between a compact, something that you  
9 would powder your nose with that contains face  
04:22 10 powder, that's in a white or a cream-coloured  
11 compact with flower designs on it, there is a  
12 difference between that and a three by five or six  
13 or four by six-inch plastic container with a  
14 zipper that contains a whole pile of makeup  
04:22 15 things?

16 A Right.

17 Q Okay.

18 A I call that a makeup bag.

19 Q Or a cosmetic bag?

04:22 20

A Yeah.

21 Q Yeah. And it's not a tough issue; is it?

22 A To distinguish between one and the other?

23 Q Pardon?

24 A To distinguish between one and the other?

25 Q Yeah?



1 A No.

2 Q That's not hard. Okay. Well, here's the problem.  
3 Nichol, right, talks to the police on -- sorry --  
4 May 24th -- and gives the compact story. The  
04:23 5 document number is 065356 and, within that,  
6 065358. She says, this is about half the way down  
7 the page here, it says she looked in the glove  
8 compartment for a map, I saw a cosmetic case which  
9 I opened up, there was a compact, two lipstick,  
04:24 10 and an eye shadow in it, I asked whose it was,  
11 nobody knew whose it was, Dave grabs it, throws it  
12 out.

13 Moving to the last page of that  
14 statement, 065359, she is asked, apparently, to  
04:24 15 give further description because she says:

16 "The cosmetic case Dave threw away was  
17 about 4 inches high and 6 inches long.  
18 It had a zipper on top. I do not recall  
19 the colour. It was dirty inside with  
04:24 20 face makeup."

21 You are not talking about the same thing at all;  
22 are you?

23 A No.

24 Q Detective Mackie, having taken that statement from  
04:24 25 Nichol on March the 24th, then sets out to check



1 out this cosmetic story, and he goes to Gail  
2 Miller's sister, her parents, and her brother, and  
3 if I can save some time, he interviews them on May  
4 the 27th -- the source report for that is  
04:25 5 106676 -- and according to her parents and her  
6 brother Gail Miller owned a brown and pink  
7 compact, also a compact with a black bottom and a  
8 gold top, neither one of them sounds like what you  
9 described?

04:25 10 A No.

11 Q Which, in turn, was made up anyway; right?

12 A Right.

13 Q Some other makeup, and those were kept in a seven  
14 by three-inch zippered cosmetic bag, blue with a  
04:26 15 design, and there's actually a fairly elaborate  
16 description of what the design is on this cosmetic  
17 bag. Not the same as what Nichol is talking about  
18 either; is it?

19 A No.

04:26 20 Q And that comes from her family and that evidence  
21 is not heard by the jury either.

22 COMMISSIONER MacCALLUM: What was the  
23 document ID, please?

24 MS. McLEAN: 106676, and I believe the date  
04:26 25 on it is May 29th, it's Detective Mackie where he



1 interviews the family.

2 COMMISSIONER MacCALLUM: Thank you.

3 BY MS. McLEAN:

4 Q Now what happens there, all right, is your  
04:26 5 description suddenly goes from the specific to the  
6 general. All right. You testify at the trial --  
7 and the reference document, if anybody wants to go  
8 through it, is 001220, it's a three-page excerpt  
9 where you are questioned about the compact, all  
04:27 10 right, and you say "it's just a compact", all  
11 right. All right. The page number is 031220,  
12 "Nichol found a compact", "I just had a glimpse of  
13 it". All right. "It was in the glove  
14 compartment". "I was in the back". Next page.  
04:27 15 "It was passed between Nichol and Dave." "They  
16 were in the front... ", down further please, and  
17 then the story about it getting tossed out. So  
18 we're maintaining the consciousness of guilt  
19 aspect, --

04:28 20 A Yeah.

21 Q -- that David is throwing out evidence, and the  
22 description of the compact is just gone, isn't it?

23 A Yes it is.

24 Q And so has your ability to -- to see it?

04:28 25 A Yes.



1 Q How did that happen?

2 A I don't know. I wasn't asked.

3 Q Doesn't it look like maybe somebody has conveyed  
4 to you it would be a good idea for you not to  
04:28 5 describe something which is in complete  
6 contradiction to what Nichol describes and to what  
7 her parents describe?

8 A I --

9 Q I mean Gail Miller's parents, excuse me?

04:28 10 A Yeah. I don't know.

11 Q You haven't been asked about that?

12 A Umm, by this, it looks like I wasn't asked what it  
13 looked like, no.

14 Q Have you been asked about it since?

04:28 15 A I can't recall.

16 Q The RCMP -- I appreciate we're just at the end of  
17 the day, I just want to finish up one little thing  
18 about this -- the RCMP was doing an investigation  
19 in 1993-1994, after the release of David, and one  
04:29 20 of their issues, all right, is a -- the compact  
21 versus cosmetic bag.

22 A Right.

23 Q That's an actual issue that they are going to look  
24 at, and that's because they have had it brought to  
04:29 25 their attention at the hearing, right, that we're



1 talking about different things, all right, and  
2 that's part of the support for the argument that  
3 you are just making up a story at trial.

4 A Right.

04:29 5 Q Are you with me? And the investigation into that  
6 seems to consist of speaking to you about the  
7 compact, all right, using the term 'compact' with  
8 you repeatedly, having you use the term 'compact',  
9 and never once asking you about a cosmetic bag.  
04:30 10 They then write a report that says that they were  
11 unable to resolve the compact versus cosmetic bag.  
12 Now it would seem to me that they would just have  
13 to ask you, all right, like I just did, but they  
14 didn't do that, you didn't have any kind of  
04:30 15 discussion with them about that; did you?

16 A No.

17 Q Okay. That may be an appropriate place,  
18 Mr. Commissioner. I have very little left,  
19 probably 20 minutes to half an hour.

04:31 20 COMMISSIONER MacCALLUM: 9:00 tomorrow.

21 *(Adjourned at 4:31 p.m.)*

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