

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
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Volume 37

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 1:00 p.m.)

COMMISSIONER MacCALLUM: Good afternoon.

MR. HODSON: I've been advised,

01:01 5 Mr. Commissioner, that Ms. Knox wishes to address
6 a matter with you.

7 COMMISSIONER MacCALLUM: Okay. By all
8 means, sir.

9 MS. KNOX: Mr. Commissioner, I'm just
01:02 10 noting as well, and I'm not sure if it has been
11 brought to your attention, I suspect that it has,
12 that counsel for Mr. Tallis is not present yet.

13 COMMISSIONER MacCALLUM: He's here. He's
14 in the city. I don't know where.

01:02 15 MS. KNOX: He's not in the room.

16 COMMISSIONER MacCALLUM: Do you want to
17 wait?

18 MS. KNOX: Given the stage of the
19 proceedings that we're at and that he's scheduled
01:02 20 to cross-examine this afternoon, I would think
21 that it be prudent that we wait for him and fair
22 to Mr. Tallis. I don't know if other counsel
23 share my view on that. I say it because I'm the
24 first one on my feet.

01:02 25 COMMISSIONER MacCALLUM: Are you here to



1 cross-examine or to make some other application?

2 MS. KNOX: No, there's an issue that I wish
3 to put on the record. I'm cross-examining after
4 Mr. Tallis.

01:02 5 COMMISSIONER MacCALLUM: Well, I don't know
6 what it is, so I'll have to leave it up to you.
7 If you think it requires him to be here to hear
8 you speak --

9 MS. KNOX: My only concern is the issue
01:02 10 that I'm about to raise refers to some dialogue
11 between Mr. Tallis and Mr. Caldwell at trial as
12 between counsel. I'm not sure that it would have
13 a major impact, but it just makes me a little
14 uncomfortable I guess is my best word to use.

01:03 15 COMMISSIONER MacCALLUM: Well, he was
16 staying -- Mr. Wilde, he was staying at the
17 Radisson. I wonder if you can give a phone call
18 over there and find out -- I'll just adjourn then
19 for a few minutes.

01:03 20 (Off record momentarily)

21 MS. KNOX: Thank you, Mr. Commissioner. As
22 counsel, your counsel has indicated, I approached
23 him during the lunch hour and indicated that I
24 would like to make an opening, or put an opening
01:09 25 concern on the record I guess arising from the



1 proceedings last week, and it is to do with
2 suggestions that were put to the witness,
3 Mr. Wilson, with respect to the conduct of my
4 client Mr. Caldwell, and I refer you specifically
01:09 5 to transcript from Wednesday, April 6th, and the
6 page of the transcript is 6886.

7 COMMISSIONER MacCALLUM: Yes.

8 MS. KNOX: And in that transcript -- the
9 colour is not very good. In that transcript it
01:09 10 was Mr. Wolch who was examining the witness at
11 that time and at question 17 he was asking some
12 questions, as I said, about my client, and the
13 question he asked at question 17 is:

14 "Q Do you recall if he also wanted you to
01:10 15 leave out the purse snatching?"

16 The answer from Mr. Wilson was:

17 "A No, I don't."

18 And the response or the follow-up question from
19 Mr. Wolch was:

01:10 20 "Q That may have happened?"

21 And the answer was:

22 "A May have, but I can't recall."

23 That's the context of the evidence that was
24 elicited by counsel for Mr. Milgaard on
01:10 25 Wednesday.



1 On Thursday, April 7 there was
2 a further reference, although in lesser detail by
3 Ms. McLean, and I'm referring to transcript page
4 7093 where she begins to ask the question at
01:10 5 question 15:

6 "Q Were you advised by Mr. Caldwell or any
7 police officers or any other authorities
8 at the trial not to mention anything
9 about purse snatching?"

01:10 10 Mr. Wilson again, as he said earlier the day
11 previous in response to Mr. Wolch, said he didn't
12 recall, and she started to go to ask further
13 questions and, in fairness, Ms. McLean was asking
14 in the context of a document in the file that
01:11 15 were some notes made by Mr. Caldwell presumably
16 as part of trial preparation.

17 The concern I have and the
18 concern that I want to put on record arises from
19 how those questions being put to the witness in
01:11 20 that way were reflected in the public domain. In
21 Friday's paper, the *Star-Phoenix*, there was an
22 article written and reference is made only to
23 Ms. McLean's question at that time, but it refers
24 to notes made by the prosecutor which show he
01:11 25 planned to keep out part of Wilson's statement at



1 Milgaard's 1970 trial.

2 Now, Mr. Commissioner, we're in
3 a process here, and it has been referenced a
4 number of times, where the reputations of
01:11 5 individuals are at stake and I would suggest as
6 counsel we all have a grave responsibility in
7 this proceeding if we're making suggestions that
8 allege misconduct on the part of anyone, to be
9 assured that those suggestions are well founded,
01:12 10 and I would submit to you, and I'm going to show
11 you through the record of the preliminary inquiry
12 and trial, that this suggestion of any
13 malfeasance on the part of Mr. Caldwell to
14 deliberately keep something from the jury is not
01:12 15 well founded.

16 Mr. Commissioner, I went back
17 because I had, I reviewed the trial transcript, I
18 also reviewed the preliminary inquiry transcript
19 as I said, and I'm going to ask first or direct
01:12 20 you first to the trial transcript and it's toward
21 the end of the trial, if I can set the stage a
22 little bit. There were two stages where the jury
23 asked questions during breaks in the trial. This
24 is in the second day of Mr. Wilson's evidence and
01:13 25 the second series of questions that the jury came



1 back with included one about how long Mr. Wilson
2 and his companions, Ms. John and Mr. Milgaard,
3 had been stuck in Craik.

4 That gave rise to a concern
01:13 5 being raised by Mr. Tallis that if any reference
6 or any questions were asked of Mr. Wilson in
7 respect to the stop in Craik, it might elicit
8 evidence of previous bad acts and I refer you to
9 page 005303, it's the statement of Mr. Tallis,
01:13 10 starts on 302, but at the very top of 303
11 Mr. Tallis made the following statement to the
12 judge:

13 "... and I can tell you frankly certain
14 evidence was admitted which I objected
01:13 15 to -- "

16 And he's referring to the preliminary inquiry,

17 "-- and which Your Lordship has now
18 ruled to be inadmissible."

19 And in the context of the trial the only two
01:14 20 objections during the course of Wilson's evidence
21 were with respect to evidence about Nichol John
22 being hysterical in the car between Saskatoon and
23 Calgary and the evidence of the excessive speed,
24 there was some suggestion that Mr. Milgaard had
01:14 25 been driving up to 85 miles an hour, and the



1 judge ruled on a *voir dire* application by
2 Mr. Tallis that neither one of those areas could
3 be canvassed with Mr. Wilson and he specifically
4 directed Mr. Wilson that he was not to make any
01:14 5 comment about them. There were no other issues
6 raised on the record, but Mr. Tallis went on to
7 state, after saying Your Lordship has now ruled
8 these to be inadmissible:

9 "... and certain other evidence went in
01:14 10 which I objected to --"

11 Again referring to the preliminary inquiry,

12 "-- but which my learned friend I think
13 quite soundly did not pursue because I
14 think it is inadmissible and not
01:14 15 relevant to the issue here."

16 Clearly there was an agreement between counsel
17 that certain areas that had been canvassed at the
18 preliminary inquiry would not be attempted to be
19 introduced in evidence by the Crown at the trial.

01:15 20 My Lord, to understand the
21 context which Mr. Tallis was referring to, we
22 then need to look to his objections on the record
23 at the preliminary inquiry and, My Lord, those
24 objections start at page 007601 and it continues
01:15 25 for a number of pages, I would suggest for the



1 totality, it goes up to 007, about 616, and I'm
2 not restricting us to that, it's certainly
3 permissible to go further, 613, 615, but in those
4 pages there's lengthy discussion on the record by
01:16 5 Mr. Tallis about his concerns regarding the
6 introduction of evidence of intending to break
7 and enter, intending to purse snatch or do any
8 other acts that could reflect adversely on Mr.
9 Milgaard and which he questioned at a basic level
01:16 10 in terms of the rules of evidence whether they
11 were relevant and admissible in any event because
12 they were clearly evidence of prior bad conduct.

13 In the ruling that the judge
14 gave at the preliminary inquiry, he accepted from
01:16 15 Mr. Caldwell the proposition that if he permitted
16 him to peruse carefully into the area, he would
17 try to show the relevance of this issue, but the
18 whole discussion about the purse snatching was
19 part of that discussion and ultimately the ruling
01:16 20 and I would submit when we put that in the
21 context of the information that we as counsel all
22 have, the transcript of the evidence at the
23 preliminary inquiry and Mr. Tallis' position at
24 the time and the ruling by the judge and then we
01:16 25 take the statement that Mr. Tallis made to the



1 judge toward the end of Mr. Wilson's evidence at
2 the trial itself, there clearly was an agreement
3 that evidence of prior bad acts would not be
4 attempted to be admitted by the Crown in this
01:17 5 case and that's why I have grave concern about
6 the questions that were put, particularly by Mr.
7 Wolch, and the way it was put, and the
8 implication that it suggested, and the
9 consequence of his suggestion, along with the
01:17 10 suggestion of Ms. McLean the following day that
11 gives rise to a newspaper story that sits out
12 there for many months until my client gives
13 evidence that suggests to the general public that
14 he deliberately engaged in a course of wrongdoing
01:17 15 to keep certain evidence from this jury at that
16 particular time and, as I say, I want to go on
17 record as stating it at this time because I do
18 believe we all have a duty to be reflective of
19 the materials in our possession and not to
01:17 20 cherry-pick to make someone look bad when there's
21 clear evidence otherwise contained on the record
22 that shows it not to be the case.

23 Those are my comments.

24 COMMISSIONER MacCALLUM: Thanks, Ms. Knox.

01:18 25 MR. WOLCH: Mr. Commissioner, if I could



1 just briefly reply to those comments?

2 COMMISSIONER MacCALLUM: Yes, you may.

3 MR. WOLCH: I would have preferred if my
4 friend had perhaps given me some notice of the
01:18 5 remarks she was going to make which would have
6 given me an opportunity to point out to her that
7 I think she missed the point entirely. The point
8 is this: The notes of her client indicate that
9 the witness was going to be leaving out or should
01:18 10 leave out the question of purse snatching. That
11 was not done in our submission and will be our
12 submission, out of some regard for the fairness
13 of the trial, it was just the opposite, because
14 the legal conclusion of those remarks in evidence
01:18 15 would make Mr. Wilson an accomplice and, if
16 Mr. Wilson were an accomplice, the jury would
17 have to be warned to be very weary of his
18 evidence, so it wasn't an altruistic sense of
19 fairness, don't talk about purse snatching, it
01:19 20 was simply to avoid cautioning the jury that this
21 is an unsavoury witness who has to be looked at
22 carefully, that's the point that we made and
23 quite properly canvassed and that's why it's
24 before you. My friend seems to miss that
01:19 25 entirely. It's not a matter of an agreement



1 between counsel. There was a written intention
2 in Mr. Caldwell's notes to leave it out because
3 it makes him an accomplice. That's a fact for
4 the Commission to consider and weigh at the end
01:19 5 of the day and arrive at a conclusion and, I
6 submit, is quite properly an avenue for
7 questioning. Thank you, sir.

8 COMMISSIONER MacCALLUM: Mr. Caldwell's
9 notes you say indicate an intention to leave the
01:20 10 evidence out of the preliminary inquiry?

11 MR. WOLCH: Trial.

12 COMMISSIONER MacCALLUM: Of the trial?

13 MR. WOLCH: Yes, because it would make him
14 an accomplice.

01:20 15 COMMISSIONER MacCALLUM: Because it would
16 make him -- Ms. Knox, if you have anything
17 further to add on that point, has there been a
18 misunderstanding as to the intention of Mr.
19 Caldwell do you think?

01:20 20 MS. KNOX: My Lord, I would submit, based
21 on the content of Friday's newspaper story, that
22 there clearly has been a misconception. There
23 were proper rulings of evidence that precluded
24 the introduction of the evidence, notes made by
01:20 25 counsel in preparation for trial. We all sit and



1 scratch notes all the time when we look at
2 multiple things and we don't necessarily always
3 follow everything that's in our notes. If it was
4 an issue that was canvassed from a legal point of
5 view, it's an issue that was canvassed from a
6 legal point of view. The impression here is
7 that, or the impression that was left by
8 Wednesday's question was, well, he wanted you to
9 stretch the time and he wanted you to leave
01:21 10 certain things out which, by their implication
11 and by the language of them, I suggest, impute a
12 malfeasance on the part of my client that's not
13 borne out by the record in terms of the conduct
14 of the trial itself, but in particular the clear
01:21 15 statement by Mr. Tallis as to the agreement that
16 was made between them with respect to evidence
17 that he had objected to at the preliminary
18 inquiry which evidence included extensive
19 discussion by he and my client on the record in
01:21 20 front of the preliminary inquiry justice about
21 the issue of purse snatching.

22 COMMISSIONER MacCALLUM: Uh-huh. Is your
23 complaint centred more upon the reporting or upon
24 the questioning by counsel during the
01:22 25 examination.



1 MS. KNOX: I don't so much have a problem
2 with the question by counsel if it's done in the
3 context of all of the available evidence.

4 COMMISSIONER MacCALLUM: Yes.

01:22 5 MS. KNOX: My concern is when something is
6 taken out of context and the record doesn't fully
7 and accurately reflect the positions of the
8 parties, and it leaves an impression of
9 wrongdoing where, I would suggest or will argue
01:22 10 at the end of the day, there was no wrongdoing.

11 COMMISSIONER MacCALLUM: Of course, yes.
12 You will appreciate, of course, that there's very
13 little we can do about what is reported. We can
14 only hope that it is reported fairly, and I think
01:22 15 to date there's been a pretty good record of the
16 press coverage of this inquiry, it's been fair so
17 far as I can determine.

18 Now if this raises a problem
19 with you, I know that the reporters involved are
01:22 20 here, and perhaps they will take some steps to
21 clear up the misunderstanding if, indeed, there
22 is one.

23 MS. KNOX: And I think, Mr. Commissioner,
24 in fairness to the reporters, my reason for
01:22 25 rising today and putting this on the record isn't



1 so much to do solely with the reporters, my
2 concern is that the way the questions were
3 phrased to this witness, both by Ms. McLean and
4 Mr. Wolch, left it open that that conclusion
01:23 5 would be drawn.

6 COMMISSIONER MacCALLUM: Yes.

7 MS. KNOX: And my submission to you, as
8 counsel we have an obligation, knowing all of the
9 material that's in the file, to be fair when we
01:23 10 put those kinds of submissions to the witnesses,
11 so my request to you is more as a caution to
12 counsel --

13 COMMISSIONER MacCALLUM: Yes.

14 MS. KNOX: -- to be careful where we go
01:23 15 here, and the impressions that we leave, because
16 there are big issues here, including the
17 reputations of individuals. So not so much my
18 request to you that you caution the press, but
19 that you remind counsel of the grave
01:23 20 responsibility we all bring to these proceedings.

21 COMMISSIONER MacCALLUM: Well, yes, of
22 course it is to be hoped that counsel will not
23 make suggestions to a witness which are simply a
24 fishing exercise and which counsel has no
01:23 25 intention of backing up with evidence. I hope



1 that that will be the case.

2 I realize that in the normal
3 course of cross-examination in trial practice,
4 one is not so limited, one can indeed put
01:24 5 questions without -- or more in the hope of
6 getting something worthwhile by way of answer
7 than in the expectation of that. But this is a
8 public inquiry. I said at the beginning that I
9 would not allow it to be used as a forum for the
01:24 10 propagation of baseless theories, and I won't if
11 -- to the extent that I am able. I hope that
12 when counsel makes suggestions of wrongdoing by a
13 third party, when they are making suggestions to
14 a witness for example, that irrespective of what
01:24 15 the witness answers, that there will be some
16 factual basis for the suggestion in the first
17 place.

18 Beyond that, I can't say any
19 more at this point, I think everybody understands
01:24 20 the position.

21 And now, Mr. Elson, I think
22 it's your turn to examine the witness.

23 MR. ELSON: Thank you.

24 **RONALD DALE WILSON, continued:**

01:25 25 **BY MR. ELSON:**



1 Q Mr. Wilson, can you hear me?

2 A Yes I can.

3 Q My name is Richard Elson, I'm counsel for the
4 Saskatoon Police Service.

01:25 5 Mr. Wilson, I'm not going to be
6 very long, and I -- certain of the questions that
7 I wanted to ask you have already been pursued by
8 My Friend, Mr. Fox, but I did want to touch upon I
9 think perhaps a theme that may very well come out
01:25 10 of your evidence, and if you disagree with me,
11 then please tell me so. I gained the impression
12 that in all the matters relating to the
13 investigation of this case, the trial of David
14 Milgaard and the review of his conviction, that
01:25 15 insofar as you were concerned you perceived that
16 the people involved in those three things, the
17 investigation, the trial, and the review, all
18 appeared to be taking sides of one kind or
19 another. Am I correct in describing your
01:25 20 impression of that, that they were taking -- that
21 they appeared to be taking sides?

22 A I don't know how to answer that.

23 Q Well, let me think about it, put it to you
24 specifically. When Mr. Watson was asking you
01:26 25 questions in the contempt hearing before the



1 Supreme Court of Canada he asked you, and you will
2 recall I believe, he asked you whether or not you
3 believed that any of the lawyers involved in that
4 process were on your side; do you recall --

01:26 5 A Yes.

6 Q -- him asking you that question?

7 A Yes I do.

8 Q And you answered that question by saying that you
9 perceived Mr. Wolch and Mr. Asper were on your
01:26 10 side; is that correct?

11 A Correct.

12 Q If we were to take that theory of being on
13 someone's side back to 1969 would you agree with
14 me that, from what you perceived in the
01:26 15 investigation, people were taking sides, they were
16 either on the police side or they were on David
17 Milgaard's side, and that was the situation at
18 trial as well?

19 A Pssh (ph), I don't believe so.

01:27 20 Q Pardon me?

21 A I don't believe so.

22 Q You don't believe so? But it would be fair to say
23 that, in the review, people were taking sides?

24 A Yes.

01:27 25 Q Would it be fair to say that you didn't like being



1 in the middle, between the polar ends of those two
2 sides?

3 A It didn't really matter to me.

4 Q It didn't matter at all?

01:27 5 A No.

6 Q But you would agree with me that when you
7 perceived, in the Supreme Court of Canada, that
8 you were on the same side as Mr. Wolch and
9 Mr. Asper, that when Mr. Wolch was asking you
01:27 10 questions your being on his side to a significant
11 extent determined the answer you would give to his
12 questions?

13 A It did when I was confused but after I got
14 unconfused, no.

01:27 15 Q All right. But you would agree with me, as your
16 counsel pointed out to you when he was questioning
17 you in the contempt proceedings, that your being
18 on Mr. Wolch's side determined the answer to one
19 of the questions he asked you, which was
01:28 20 diametrically opposed, to use Mr. Watson's words,
21 to an answer you had earlier given in the
22 proceedings; is that correct?

23 A Correct.

24 Q And you had given, in fact, an untruthful answer
01:28 25 because you had perceived yourself to be on



1 Mr. Wolch's side?

2 A That's how it seemed at the time, yes.

3 Q And, in fact, Mr. --

4 COMMISSIONER MacCALLUM: I can't hear you,
01:28 5 sir, would you just raise your mike a little bit
6 so you just speak right into it?

7 A That's how it seemed at the time, yes.

8 BY MR. ELSON:

9 Q So the answer you gave to Mr. Wolch's question
01:28 10 that was not true, it wasn't because that was your
11 recollection of events, it wasn't true because you
12 were trying to please Mr. Wolch and, therefore,
13 answered incorrectly?

14 A No.

01:28 15 Q You would disagree with that?

16 A Yes.

17 Q If we were to go -- now you have talked a great
18 deal about manipulation and coercion in giving
19 answers that you say now were untrue. In the
01:29 20 answer you gave to Mr. Wolch in the Supreme Court
21 of Canada that was untrue would you say that
22 Mr. Wolch manipulated and coerced you on that
23 occasion?

24 A No, I was just confused.

01:29 25 Q But you hadn't communicated to Mr. Wolch that you



1 were confused?

2 A No, I hadn't.

3 Q And in fact in this proceeding, when Mr. Wolch was
4 questioning you with respect to the series of
01:29 5 questions he asked you in the Supreme Court and
6 the answers you gave, he suggested to you that you
7 weren't confused, that your answers were truthful,
8 in fact?

9 A Correct.

01:29 10 Q Now if we were to go back to May of 1969 when you
11 were called to meet with the police in Regina
12 before you came to Saskatoon, it would be fair to
13 say that you knew, because this was not the first
14 time that you were questioned about the Gail
01:30 15 Miller murder and about Mr. Milgaard's possible
16 involvement, that this matter was being pursued
17 fairly seriously; correct?

18 A I would say so.

19 Q And you were aware of that before you actually met
01:30 20 with Detective Karst in Regina on May 21, on your
21 way down to the meeting you realized 'this is
22 pretty serious'?

23 A I realized something was up, yes.

24 Q And in fact I believe, in answering My Friend
01:30 25 Mr. Fox's questions, you indicated that you were



1 apprehensive going into that interview?

2 A Yes I was.

3 Q And you also indicated in fairness, I believe, in
4 answering Mr. Fox's questions that it was at that
5 time, going into that interview, that you had
6 developed the suspicion that Mr. Milgaard may have
7 been involved in the murder of Gail Miller?

8 A I believe so, yes.

9 COMMISSIONER MacCALLUM: Pardon?

01:30 10 A I believe so, yes.

11 BY MR. ELSON:

12 Q Would it be fair -- and I want to be fair to
13 you -- but would it be fair to say that because of
14 that apprehension and because of that suspicion
01:31 15 you at that time, as a 17-year-old young man in
16 the circumstances you were as you have described,
17 that you were fearful and thought perhaps you
18 needed to take sides on that occasion as well?

19 A No.

01:31 20 Q Then what would the reason be for your
21 apprehension, or perhaps even your suspicion, that
22 David Milgaard was involved before you were
23 interviewed by Detective Karst on May 21?

24 A Drugs.

01:31 25 Q I'm sorry?



1 A Drugs.

2 Q And you are quite certain that it was the drugs
3 that were the only things leading you to be
4 suspicious?

01:31 5 A I would say, at that time, yes.

6 Q In what way would the drugs cause you to be
7 suspicious?

8 A It screws up your thinking.

9 Q Had you indicated to any of the police officers,
01:32 10 during the questioning between May 21 and May 24,
11 1969, that you had, within a very short time prior
12 to that encounter, consumed the drugs that you had
13 earlier described?

14 A No.

01:32 15 Q Do you know whether or not -- and this may be a
16 difficult question for you to answer -- whether or
17 not the officers appeared in any way to be
18 suspicious that you were under the influence or
19 impaired by drugs on that occasion?

01:32 20 A I don't believe so.

21 Q I'm sorry, when you say you don't believe so, you
22 don't believe they were suspicious of it?

23 A No, I don't recall that.

24 Q Would you agree with me that at that time, given
01:32 25 your experience taking these particular drugs



1 notwithstanding your age, that you were fairly
2 good at covering up your impairment?

3 A On certain drugs, yes, I can.

4 COMMISSIONER MacCALLUM: I'm sorry, I just
01:33 5 -- I'm having a difficult time understanding you,
6 Mr. Wilson, and I don't know if you are speaking
7 too fast or I'm just getting deafer by the
8 minute. Oh there, it wasn't on, thank you very
9 much.

01:33 10 BY MR. ELSON:

11 Q Sir, perhaps for the benefit of the Commissioner
12 I'll repeat the question, and I think my question
13 related to whether or not you had any belief that
14 the officers you encountered in May of 1969 had
01:33 15 any suspicions of you being impaired at the time?

16 A No, they didn't.

17 Q They didn't? And you indicated -- and correct me
18 if I'm wrong -- that you were reasonably good,
19 notwithstanding your age but having regard to your
01:33 20 experience, at covering up the signs of impairment
21 due to drugs?

22 A Yes, with certain drugs you can.

23 Q Now -- and we may not, if we need to bring it back
24 up we can certainly do so, but there is the
01:34 25 investigation report of Detective Karst which is



1 dated May of 1969, I believe it is 106669, and
2 it's been put to you several times, and I
3 apologize, Mr. Wilson, I'm going to put it to you
4 one more time. And that is the part of
01:34 5 Mr. Karst's statement in the second-last paragraph
6 on the first page, if we could just highlight that
7 portion in the latter sentence, the last sentence,
8 I believe, of the second-last paragraph:

9 "All Wilson would state at this time was
01:34 10 that Milgaard appeared to be puffing and
11 running, slightly out of breath when he
12 returned to the vehicle, and he admitted
13 that he had since thought that this was
14 the time that Milgaard was probably
01:35 15 involved in a murder."

16 Let me put the question to you one more time, I
17 think I know what your answer is, Mr. Wilson; do
18 you recall having said words to that effect to
19 Detective Karst on May 21, 1969 --

01:35 20 A No I don't.

21 Q -- in Regina?

22 A No I don't.

23 Q All right. And when you say you don't recall, you
24 are saying you don't remember, or you did not say
01:35 25 words to that effect?



1 A I don't remember.

2 Q You don't remember?

3 A Yeah.

01:35 4 Q So it is possible that you did say words to that
5 effect?

6 A It's possible.

01:35 7 Q And would you agree with me that the words you
8 would have said to that effect would have been
9 consistent with your suspicion that David Milgaard
10 was involved in the Gail Miller murder?

11 A It's possible.

12 Q And that was a suspicion you had arrived at on
13 your way to the meeting with Detective Karst on
14 May 21, 1969; is that correct?

01:35 15 A On the way to or soon as I got there.

16 Q Now I just want to touch upon, and Mr. Fox did do
17 this last week and I will try not to repeat much
18 of what Mr. Fox did, but there are a few matters
19 that I did want to touch upon. You would agree
01:36 20 with me, Mr. Wilson, that there were some things
21 you testified to at the trial in January of 1970
22 that were not suggested to you by police; is that
23 fair?

24 A That's fair.

01:36 25 Q And so these were things either that did occur or



1 that you thought of from your own imagination; is
2 that a fair comment?

3 A Correct.

4 Q For example, asking a lady for directions, that
01:36 5 was something that was not described in your first
6 statement but it was something in your second
7 statement, and also given at the time you
8 testified at trial; is that correct?

9 A Correct.

01:36 10 Q Also, the reference to David Milgaard referring to
11 that woman as a, quote, "stupid bitch", close
12 quote, that was not in your first statement but
13 that was something that came from you, the police
14 never suggested to you that Mr. Milgaard would
01:37 15 have made such a comment; is that correct?

16 A Correct.

17 Q And also the fact that when you got stuck making
18 the U-turn, as distinct from the occasion when you
19 were stuck near the Danchuk residence, and that
01:37 20 you and Mr. Milgaard went your separate
21 directions; the fact of going separate directions,
22 that was not in your first statement at all, was
23 it?

24 A No.

01:37 25 Q But that was something you did testify to at



1 trial?

2 A Correct.

3 Q And I believe Mr. Wolch, in fairness to his
4 client, put it to you that Mr. Milgaard testified
01:37 5 at the Supreme Court of Canada that you did not go
6 in separate directions?

7 A That's correct.

8 Q Are you aware of the evidence given by Mr. Justice
9 Tallis who was, prior to his appointment to the
01:38 10 Bench, Mr. Milgaard's counsel at the time of the
11 trial in January of 1970?

12 A No.

13 Q Are you aware of the evidence he gave before the
14 Supreme Court of Canada?

01:38 15 A No.

16 Q If I could make reference to I believe it's
17 document 300656, and the specific page of the
18 transcript is page 1809 and 1810 -- those are the
19 pages of the transcript, not of the CaseVault
01:38 20 document -- if I were to highlight this portion
21 here -- I'm not as good at this as Mr. Hodson is,
22 or as Mr. Wolch is, I see, now -- do you see that,
23 Mr. Wilson?

24 A Yes I do.

01:39 25 Q And I appreciate you were not in the Court when



1 Mr. Justice Tallis gave his evidence?

2 A No I wasn't.

3 Q Mr. Justice Tallis states at that time, beginning
4 at line 5:

01:39 5 "But when they got stuck on that

6 particular occasion, ...",

7 and I'm referring to the circumstances of the
8 U-turn:

9 "... they did get out of the car, the
01:39 10 two boys, and one went one way and one
11 went the other way."

12 And then he goes on to indicate:

13 "But David certainly denied any
14 involvement with any victim during the
01:39 15 course of this stop."

16 So it would appear that your evidence in this
17 respect is, at least in part, corroborated by Mr.
18 Justice Tallis in recounting the information he
19 received from his client?

01:39 20 A Yes.

21 Q Mr. Wilson, also when you testified at trial you
22 indicated, when answering Mr. Caldwell's
23 questions, and you stuck to your story in the
24 cross-examination conducted by then Mr. Tallis or
01:40 25 Mr. Tallis as he -- or Mr. Justice Tallis as he



1 then was, that the distance you walked when you
2 were separated from Milgaard was a distance of
3 five blocks, four for sure, and you would agree
4 with me that that was not in your first statement
01:40 5 but was something that you had said yourself and
6 was never suggested to you by the police; is that
7 correct?

8 A The block part, no.

9 Q The distance part was not suggested to you by the
01:40 10 police?

11 A No.

12 Q And the information of going to the motel for
13 directions; that was not suggested to you by the
14 police at all?

01:40 15 A No.

16 Q And nor was it in your first statement, but it was
17 a true statement, you did go to that motel for
18 directions?

19 A Correct.

01:40 20 Q Now you had earlier indicated, in answering
21 Mr. Fox's questions, that you don't have a
22 recollection of the compact being thrown out of
23 the car, was -- am I correctly describing your
24 response to Mr. Fox's questions last week?

01:41 25 A I believe so, yes.



1 Q Are you aware that Mr. Justice Tallis, again in
2 his testimony before the Supreme Court of Canada,
3 does indeed recount that his then-client, David
4 Milgaard, had advised him of a compact being
01:41 5 thrown out of the car?

6 A No.

7 Q Is there any way that you find that to be
8 remarkable, that you give a description of the
9 compact being thrown out of a vehicle, and yet
01:41 10 unbeknownst to you the accused, David Milgaard,
11 has a conversation with his counsel in which he
12 relates to his counsel that a compact had indeed
13 been thrown out, out of the vehicle, by him?

14 A I just didn't recall it.

01:41 15 Q You didn't -- when you say you didn't recall it,
16 you don't recall the compact being thrown out?

17 A No I don't.

18 Q In light of the fact that Mr. Milgaard, if we were
19 to accept Mr. Justice Tallis' evidence that Mr.
01:42 20 Milgaard related such a story to him, does that
21 cause you to rethink and think that perhaps maybe
22 there was a compact that had been thrown out by
23 Mr. Milgaard?

24 A No.

01:42 25 Q No?



1 A No.

2 Q Are you certain that it did not occur?

3 A I can't be positive, no, but that's what David --
4 David's story is his story.

01:42 5 Q I'm sorry?

6 A David's story is his story.

7 Q Right. And you have no explanation as to why the
8 story you say now is not true is consistent with
9 the story that David Milgaard, the then-accused,
01:42 10 gave to his counsel sometime in 1969 or 1970?

11 A No, I have no explanation for it.

12 Q Now, Mr. Wilson, you have said that you had
13 believed you were a suspect in Gail Miller's
14 murder and that was one of the reasons that you
01:43 15 had given information the way you had back in
16 1969; do you recall giving that evidence?

17 A Yes.

18 Q At that time, in 1969, you had understood from the
19 examination that had been done of your vehicle
01:43 20 that the car was clean, that there was no physical
21 evidence tending to link the vehicle with the
22 murder of Gail Miller?

23 A Correct.

24 Q You were also aware that you had been asked to
01:43 25 provide a blood sample?



1 A Correct.

2 Q Obviously you knew, given the fact that you had
3 provided a blood sample, that somehow physical
4 evidence or some conclusion to be derived from
01:43 5 blood was relevant to the resolution or the
6 solving of this particular case, in other words
7 they wouldn't have drawn blood from you if it
8 wasn't going to be significant in some way;
9 correct?

01:44 10 A Correct.

11 Q So you understood it must have been significant,
12 that there must have been something that they were
13 trying to match blood samples with, is that a fair
14 comment?

01:44 15 A Yes.

16 Q Now you were never told the results of the
17 analysis of the blood sample you provided; is that
18 correct?

19 A Correct.

01:44 20 Q Did you ever ask?

21 A No.

22 Q Now you provided the sample of your blood early
23 on, well before the encounter with Detective Karst
24 in May of 1969, is that correct?

01:44 25 A Yes.



1 Q Would you agree with me that, if you thought that
2 the blood sample implicated you in any way, that
3 that information would have been provided to you
4 in May of 1969 in the course of your encounter
01:44 5 with the police?

6 A I wouldn't know.

7 Q You wouldn't know?

8 A No.

9 Q So it didn't dawn on you -- and, again, I
01:44 10 appreciate that you were 17 years old at the time
11 and I remember what I was like when I was 17 --
12 but it didn't dawn on you on that occasion "eh, I
13 gave a blood sample some weeks ago, they are still
14 asking me about this case, the only possible way
01:45 15 they could be suspecting me is if somehow that
16 blood sample ..." -- and I'm trying to put myself
17 in your shoes -- "... is if that blood sample
18 somehow connected me with the offence"; you
19 weren't anxious to know the answer to that
01:45 20 question?

21 A No. I didn't think I had anything to worry about.

22 Q You didn't think you had anything to worry about?

23 A No.

24 Q And that's exactly my point; if you didn't think
01:45 25 you had anything to worry about you would agree



1 with me that, in May of 1969, there was really no
2 facts within your knowledge at that time that
3 would lead you to believe you were a suspect in
4 the murder of Gail Miller?

01:45 5 A Just some of the questioning, that's all.

6 Q Just the questioning?

7 A Yeah.

8 Q But you knew there was also physical evidence, and
9 that physical evidence would be more persuasive
01:45 10 one way or the other than the nature of the
11 questioning, would you agree with that?

12 A Yes, I would agree with that.

13 Q Thank you. I have no further questions.

14 COMMISSIONER MacCALLUM: Thanks, Mr. Elson.
01:46 15 Mr. O'Keefe, are you next?

16 MR. O'KEEFE: I am, sir, yes.

17 **BY MR. O'KEEFE:**

18 Q Good afternoon Mr. Wilson, my name is Eamon
19 O'Keefe, I represent Larry Fisher.

01:46 20 Would you agree with me, Mr.
21 Wilson, that at the time that you took the stand
22 in January of 1970 to testify at David Milgaard's
23 trial there were essentially three ways that you
24 could proceed at that point; the first would be to
01:46 25 tell the truth?



1 A Correct.

2 Q The second would be to give incorrect information
3 to the Court, but information that you believed to
4 be true?

01:46 5 A Correct.

6 Q And then the third would be to give incorrect
7 information to the Court knowing that that
8 information was false?

9 A Correct.

01:47 10 Q And would it be fair to say, as well, that you
11 went into Court in January of 1970 with the firm
12 decision in mind that you were going to give
13 incorrect information knowing that it was
14 incorrect?

01:47 15 A Correct.

16 Q And that you lied in many or most of the aspects
17 of your testimony in 1970?

18 A Yes.

01:47 19 Q Mr. Hodson asked you last week about the reasons
20 why you lied in Court, and you had indicated to
21 him fear of a perjury conviction, and that you
22 just didn't care at that time about telling the
23 truth; do you recall that?

24 A Yes.

01:47 25 Q And Mr. Hodson asked you last week again -- and



1 maybe we could bring this up, page 6598 of the
2 transcript, will that take a little while?

3 COMMISSIONER MacCALLUM: The transcript
4 numbers don't readily come up in the software so,
01:48 5 counsel -- I think you have been told about this
6 before -- if there's any way you can give
7 reference to our technicians apart from those
8 numbers, it would be very helpful.

9 BY MR. O'KEEFE:

01:48 10 Q My apologies. Question number 5 Mr. Hodson asks:

11 "Let me put it this way, Mr. Wilson;
12 what would it have taken for you to have
13 told the truth at the trial of David
14 Milgaard?"

01:48 15 Your answer was:

16 "A A good kick in the butt.

17 Q Anything else?"

18 was the next question:

19 "A Just a lot more pressure and, you know,
01:48 20 ask me more questions about my drug use
21 and do you think I, you know, I was in a
22 good mental state at the time and stuff
23 like that."

24 You recall giving that answer?

01:49 25 A Yes I do.



1 Q The 'kick in the butt' that you referred to was in
2 the form of more extensive questioning?

3 A Yes.

4 Q And more pressure in the questioning that you
5 faced?

6 A Yes.

7 Q And as I understand it, your fear of a perjury
8 charge was that if you said something different
9 from your May 1969 statements, that you faced the
10 prospect of being charged with perjury?

11 A Yes.

12 Q It wasn't a fear of being charged with perjury if
13 you told a lie in Court?

14 A Umm, no.

15 Q It was more a case of giving inconsistent
16 testimony from your previous statements?

17 A If I changed it to a -- if I had told the truth I
18 thought I was going to be charged with perjury.

19 Q All right. And you understood that a perjury
20 charge could result in a jail sentence for you?

21 A Yes.

22 Q That's the reason that you went along with what
23 you had said in your May 1969 statements?

24 A Yes.

25 Q What I wanted to ask you about, Mr. Wilson, this



1 afternoon, seeing as you have admitted to being a
2 person who knowingly went into Court and told
3 lies, is what can be done with a witness who
4 intends to lie at trial and see if I can get
01:50 5 information out of you that could assist with
6 that. How could more extensive questioning at
7 trial have removed your concern about perjury?

8 A Just -- how can I put that. Can you give me a few
9 minutes to think about this.

01:50 10 Q I'm sorry?

11 A Can I have a few minutes, please?

12 Q Sure. And what I'm trying to get at here,
13 Mr. Wilson, is what sort of more extensive
14 questioning would have caused you to --

01:50 15 A More in depth, like, rephrase the questions in a
16 better way, hopefully get a better response as an
17 answer.

18 Q Okay. Would you agree with me that Mr. Milgaard's
19 lawyer at the time could only have asked you
01:51 20 questions about possible motives that you would
21 have had to lie or negative character evidence
22 about you?

23 A Yes, and he should have found out about my drug
24 use.

01:51 25 Q Right.



1 A And pursued it more.

2 Q Was there anything that Mr. Milgaard's lawyer
3 could have done at the time to make you admit that
4 you were lying or that you had lied in your
01:51 5 testimony that you gave to the prosecutor?

6 A If he would have probably pressured me, I don't
7 know, because I was under a drug induced haze at
8 that time too, so I don't know if I would have or
9 I wouldn't have.

01:51 10 Q Okay. Mr. Milgaard's lawyer did ask you about
11 drug use; is that correct?

12 A Yes.

13 Q You recall him asking about your drug use back in
14 1969?

01:51 15 A Yes.

16 Q You recall him asking about your drug use
17 subsequent to that time as well?

18 A Yes.

19 Q And you lied to him about that drug use?

01:51 20 A Yes.

21 Q What further questioning could he have given to
22 you or could he have made that would have caused
23 you to disclose your prior drug use?

24 A He could have checked on my background a little
01:52 25 bit better.



1 Q Further investigation is what you are saying?

2 A Yes.

3 Q And if he had confronted you with information that
4 he had discovered in the course of further
01:52 5 investigation, would that have caused you to tell
6 the truth about your drug use?

7 A Good possibility.

8 Q Did you receive any warning prior to testifying at
9 Mr. Milgaard's trial about perjury?

01:52 10 A No.

11 Q Was there a member of the police department or a
12 prosecutor or anyone else that had informed you
13 that they were considering laying a charge of
14 perjury?

01:52 15 A No.

16 Q Did you understand what perjury was at that time?

17 A Yes.

18 Q Did anybody talk to you or anyone say anything to
19 you before you testified in 1970 that you wouldn't
01:53 20 have anything to fear in terms of criminal charges
21 if you told the truth?

22 A No.

23 Q Anyone specifically ask you to tell the truth?

24 A No.

01:53 25 Q If you had been told beforehand by the police or



1 by the prosecutor that if you had told the truth
2 you would have nothing to fear in terms of a
3 perjury charge, would that have affected your
4 testimony?

01:53 5 A Yes.

6 Q Do you think you would have been more truthful if
7 you had been told you would not be facing the
8 perjury charge?

9 A Yes.

01:53 10 Q If you had specifically been told that you would
11 not face a perjury charge if you told the truth
12 and if the truth was different from what was in
13 your May statements, would that have made a
14 difference to you?

01:53 15 A Yes.

16 Q Can we bring up document 005172, please, and this
17 is the transcript of your trial testimony at Mr.
18 Milgaard's trial, and just up at the top there
19 you'll see Ronald Dale Wilson, sworn, and then it
01:54 20 goes into your evidence. Do you recall the act of
21 being sworn in to testify?

22 A Yes, I do.

23 Q Did you place your hand on a Bible at that time?

24 A I believe so.

01:54 25 Q And you recall swearing an oath to tell the truth?



1 A Yes.

2 Q At the time that you did that, did that oath mean
3 anything to you?

4 A No.

01:54 5 Q Why didn't it mean anything to you?

6 A Because I didn't believe in God at the time.

7 Q Did the act of swearing the oath at least give you
8 cause to care about telling the truth, whether you
9 told the truth or not?

01:55 10 A At that time, no.

11 Q And when I say care about telling the truth, cause
12 you to think that it might be important to tell
13 the truth?

14 A No.

01:55 15 Q I notice that when you testified at the Supreme
16 Court reference in the 1990s, the threat of being
17 held in contempt of Court seems to have gotten
18 your attention?

19 A Oh, yeah.

01:55 20 Q If a similar threat had been made back in 1970
21 with respect to your trial testimony, would that
22 have had an impact on whether you told the truth
23 at trial?

24 A Possibly.

01:55 25 Q Would that threat of being held in contempt have



1 overcome your attitude that you didn't care?

2 A Yes.

3 Q You mentioned as well that the truth may have been
4 drawn out of you if you had been asked about your
01:55 5 drug use. Do you recall -- can we bring up page
6 005306? It's part of document 005172. Actually,
7 could you scroll back up to the top of the screen,
8 please. You'll see that here you are being
9 questioned by the Court, by Judge Bence at the
01:56 10 trial?

11 A Yes.

12 Q So in addition to Mr. Tallis, there were some
13 questions from the judge about your drug use.
14 You'll see that you are asked:

01:57 15 "Q During the course of that trip did you
16 take any type of drugs?

17 A Between Regina and Saskatoon?

18 Q Yes.

19 A No.

01:57 20 Q To your knowledge did the accused?

21 A No."

22 And it continues on from there, if you could just
23 scroll down:

24 "Q During the course of that trip was there
01:57 25 anything to indicate to you that the



1 accused was under the influence of
2 either alcohol or drugs?

3 A No, there wasn't."

4 And that answer would have been untruthful
01:57 5 wouldn't it?

6 A Correct.

7 Q I have a couple of questions about that: Number
8 1, did you feel any greater obligation to answer
9 the judge's questions truthfully than you did the
01:57 10 questions that were asked by the lawyers?

11 A No.

12 Q And is there anything else that could have been
13 asked by the judge that would have caused you to
14 tell the truth?

01:57 15 A No.

16 Q You were 16 or 17 at the time of David Milgaard's
17 trial; is that right?

18 A 17 I believe.

19 Q 17. And you had been in jail prior to Mr.
01:58 20 Milgaard's January, 1970 trial?

21 A Yes.

22 Q You were in jail subsequent to that as well?

23 A Yes.

24 Q And back at that time would it be fair to say that
01:58 25 you had a better knowledge of the court system and



1 of the justice system than the typical 17 year
2 old?

3 A Not that much. I would just go to court and plead
4 guilty.

01:58 5 Q You had at least that much more experience than,
6 say, a typical 17 year old?

7 A I would say.

8 Q You weren't naive about the system; would you
9 agree with that?

01:58 10 A Not totally.

11 Q And you had testified earlier that prior to Mr.
12 Milgaard's trial in January, 1970, you were
13 serving a sentence at the Fort Saskatchewan
14 Correctional Centre?

01:58 15 A Correct.

16 Q Were you being held in the general population, did
17 I understand that correctly, during the course of
18 your incarceration?

19 A Yes.

01:59 20 Q And you wanted to be transferred to remand; is
21 that correct?

22 A No. They transferred me to remand.

23 Q I see, they transferred you to remand. You wanted
24 to be returned to general population?

01:59 25 A Yes.



1 Q What steps did you take to accomplish that?

2 A I phoned Saskatoon Police Force.

3 Q And you understood that by calling the Saskatoon
4 Police Force, that you had some hope of being
01:59 5 returned to general population?

6 A Yeah. They told me they would look after it.

7 Q So your understanding of the system went at least
8 as far as realizing that the police in charge of
9 the investigation where you would be giving
01:59 10 evidence had some power to affect the conditions
11 under which you were being held in custody?

12 A Yes.

13 Q You believed that it was in your interests to lie
14 during the course of the Milgaard trial?

01:59 15 A Could you repeat that, please?

16 Q Did you believe that it was in your interests to
17 lie during the course of the Milgaard trial?

18 A I don't know if you could call it in my interests
19 or not.

02:00 20 Q In your interests in the sense of avoiding a
21 perjury charge?

22 A That way, yes.

23 Q Could an appeal to your conscience have persuaded
24 you to tell the truth at the time of the trial?

02:00 25 A Probably not.



1 Q Why not?

2 A Because my conscience was stoned at the time.

3 Q Am I correct that you were not contacted either by
4 David Milgaard or by anyone representing David
02:00 5 Milgaard from the time that you gave your May,
6 1969 statements until the time of his trial?

7 A Correct.

8 Q If Mr. Milgaard or someone on behalf of Mr.
9 Milgaard had contacted you and confronted you
02:00 10 about the contents of your May, 1969 statement
11 prior to the trial, would that have had an effect
12 on whether or not you told the truth at the trial?

13 A It's possible.

14 Q If Mr. Milgaard or one of his representatives had
02:01 15 asked you about why you would say the things in
16 the statements, could that have had an impact on
17 your trial testimony?

18 A Yes.

19 Q Is there anything else, other than more extensive
02:01 20 questioning or more pressure or more questioning
21 about your drug use that would have or could have
22 done anything to relieve you of the concern you
23 had about being charged with perjury at Mr.
24 Milgaard's trial?

02:01 25 A Not that I can think of.



1 MR. O'KEEFE: All right, thank you.

2 COMMISSIONER MacCALLUM: Mr. Frayer? Oh, I
3 see it's an hour. Do you think we should take --

02:02

4 MR. HODSON: Mr. Watson, do you need a
5 break?

6 COMMISSIONER MacCALLUM: Mr. Watson? Yes,
7 he says so. Sorry, Mr. Frayer, we'll have to
8 take 15 minutes.

9 MR. FRAYER: That's fine, Mr. Commissioner.

10 *(Adjourned at 2:02 p.m.)*

11 *(Reconvened at 2:21 p.m.)*

12 COMMISSIONER MacCALLUM: Mr. Frayer?

13 **BY MR. FRAYER:**

14 **Q** Yes, thank you, Mr. Commissioner.

02:21

15 Mr. Wilson, I'm going to
16 restrict my questions to a period of time that
17 followed from the recantation discussions with
18 Paul Henderson back on June the 4th of 1990 up to
19 and including the letter to which Mr. Wolch
02:21 20 referred you and that was the letter authored by
21 the then Minister of Justice Kim Campbell dated
22 February 27th of 1991.

23 **A** Okay.

02:21

24 **Q** And I'm appearing on behalf of the Minister of
25 Justice Canada. Now, if we can start out, sir,



1 with the contact with Paul Henderson. Can you
2 describe to us how it came to be that you and Mr.
3 Henderson got together? Would you just give us an
4 indication as to the circumstances, how was it
02:21 5 arranged, who was present and what occurred?

6 A There was a few phone calls, he phoned me once
7 when I said I didn't want to see him. No, I said
8 I would think about it. Then he called back and I
9 agreed to go and have coffee with him.

02:22 10 Q Yes.

11 A And then we started to chitchat and -- umm, then I
12 think we went for dinner and then I started
13 looking over my transcripts and stuff and --

14 Q What transcripts are those that you were looking
02:22 15 at?

16 A I believe it was my trial transcripts.

17 Q And am I correct in understanding that this whole
18 discussion with Mr. Henderson took place over
19 about an eight hour period?

02:22 20 A Yes.

21 Q And where did it take place?

22 A At the Kuskanax Lodge in Nakusp, B.C.

23 Q And was there anybody else present during the
24 course of this eight hour time period?

02:22 25 A A lot of the time -- we were in the restaurant at



1 the start and we were in the dining room later on
2 and then we were in the motel room later on with
3 just him and me.

4 Q But there was nobody else other than Mr. Henderson
02:23 5 and yourself involved in this discussion?

6 A No.

7 Q And with respect to what finally resulted from
8 that, as I understand your recantation statement,
9 that it was a statement of approximately, or a
02:23 10 declaration of approximately two and a half pages.
11 Am I accurate in that?

12 A Yes.

13 Q You had occasion to read that statement since that
14 time and it has been put to you by Commission
02:23 15 Counsel?

16 A Yes.

17 Q And it's my understanding too that at least a
18 portion of those eight hours were recorded. Am I
19 accurate in that?

02:23 20 A I believe so, yes.

21 Q And that was done with your consent?

22 A I can't recall.

23 Q And you had no fear of Mr. Henderson as I
24 understand?

02:23 25 A No.



1 Q And how were you introduced to him, how did you
2 know who he was and the purpose for his wanting to
3 meet with you?

4 A At this time I don't recall that, sir.

02:23 5 Q You don't?

6 A No.

7 Q But in any event, a portion of the discussions you
8 had with him was taped and it's my understanding
9 that that tape, to our information, no longer
02:24 10 exists. Is that correct?

11 A As far as I know, yes.

12 Q Certainly you weren't provided with a copy of the
13 tape after the interview?

14 A No, I wasn't.

02:24 15 Q And after having met with Mr. Henderson, did you
16 have any further contact with him after that
17 interview?

18 A I don't believe so.

19 Q And when did you come into possession of the
02:24 20 declaration that he had taken from you, the
21 recantation declaration?

22 A I don't recall. I don't know if it was after I
23 got my own counsel or not. I can't remember.

24 Q In any event, you weren't represented by counsel
02:24 25 during the course of that interview?



1 A No.

2 Q You didn't have a lawyer at that time?

3 A No, I didn't.

02:24 4 Q And it's my understanding that Ken Watson was
5 retained by you as your counsel at some time
6 subsequent to June 4th of 1990?

7 A Yes.

8 Q And what were the circumstances surrounding
9 Mr. Watson's being retained as counsel?

02:25 10 A Through discussions with Mr. Wolch and Mr. Asper.

11 Q Okay. And it was essentially deemed necessary to
12 have you have counsel because you had been
13 approached by Mr. Williams or someone on his
14 behalf from the Department of Justice to interview
02:25 15 you?

16 A Yes.

17 Q And when did you first become aware of the fact
18 that Mr. Williams wanted to speak to you?

19 A I believe through Mr. Wolch. I'm not sure.

02:25 20 Q And was that during the period of time from June
21 4th of 1990 until you actually were interviewed by
22 him on July 20th of 1990, it was in that time
23 period, some six weeks?

24 A Somewhere in there I think.

02:25 25 Q And were you advised by Mr. Williams or someone on



1 his behalf as to the reason why they wanted to
2 speak to you?

3 A Yeah.

4 Q He wanted to speak to you?

02:25 5 A I believe so, yes.

6 Q Yes. And it's my understanding too that during
7 the course of that time period that you got
8 certain information from sources that suggested
9 that Mr. Williams wasn't a nice man?

02:26 10 A I believe so, yes.

11 Q If I can take you to 125106, if I could, please?
12 Can I have that up, please? Thanks very much.
13 Now, I'm going to direct your attention to the
14 bottom part of that transcript starting at
02:26 15 question 1063. Do you see that, sir, right at the
16 bottom? If we can just hone in on that.

17 A Yeah.

18 Q And the question is -- they are talking about a
19 meeting being set up, and your question is:

02:27 20 "Q Is that the only thing?

21 A I believe so. I have to ask Ken. We
22 discussed it.

23 Q Did you have any conversations with
24 anyone else other than Mr. Watson
02:27 25 concerning that interview."



1 And we're talking about the interview that
2 Mr. Williams is presently conducting, and your
3 answer was:

4 "A "I think C.B.C. phoned me and I let it
5 slip."

02:27 6 What does that relate to, Mr. Wilson, what do you
7 mean by CBC phoning and you let it slip? What
8 did you tell them?

9 A I can't recall.

02:27 10 Q And then it goes on at 1065:

11 "Q Did you speak with any other lawyer
12 before the 18th in connection with that
13 interview?"

14 And your answer was:

02:27 15 "A I might have talked to Mr. Asper about
16 it."

17 Is that your recollection?

18 A Yes.

19 Q You did say I might have talked to him. Were you
02:27 20 uncertain at that time whether you had actually
21 spoken to him?

22 A Yeah, I was uncertain.

23 Q Yes.

24 "Q And what was the nature of that
02:27 25 discussion? Was it a solicitor client



1 discussion?

2 A No, I think that was a long time --
3 when I was finding out if I could get
4 my own counsel. I asked him if I
02:28 5 could get my own counsel.

6 Q How did you come into contact with Mr.
7 Asper?

8 A I believe it was through Mr.
9 Henderson.

02:28 10 Q You called Mr. Asper once, contact had
11 been made with you?

12 A Yes.

13 Q As a result of that contact what if
14 anything did you learn?"

02:28 15 And your answer was:

16 "A What was going on with the case kind of.

17 Q Would you elaborate?

18 A It was being re-investigated."

19 And that's what you understood the role of
02:28 20 Mr. Williams to be; am I accurate?

21 A I believe so, yes.

22 Q And if we might just go down to 1073 and the
23 questions that follow that:

24 "Q Was there any discussion about the
02:28 25 questioning of other witnesses who had



1 been called?"

2 And your response was:

3 "A I got that from newspaper clippings."

4 And, sorry, and the question:

02:28 5 "Q What did you get from the newspaper
6 clippings?

7 A Other interviews that had been done."

8 Now, what newspaper clippings are you referring
9 to there, Mr. Wilson?

02:29 10 A I got some clippings, but I can't remember where I
11 got them from.

12 Q Do you recall the nature and content of those
13 clippings; in other words, what were they about in
14 a general sense, not specifically.

02:29 15 A Just who he had interviewed I do believe,
16 Mr. Williams. That's all I can recall right now.

17 Q That's all you can recall, okay. And if we can
18 move over to 108, please, near the top, 1075:

19 "Q Any mention in those newspaper clippings
02:29 20 about the nature of the questioning?

21 A I believe in one there was.

22 Q What was that?

23 A I can't remember. I would have to
24 read them."

02:29 25 So that's essentially what you are telling us



1 here today, you don't have any independent
2 recollection of what they say, but they weren't
3 complimentary of Mr. Williams; is that accurate?

4 A Correct.

02:29 5 Q Now, apart from the conversation with Mr.
6 Henderson and Mr. Asper and the CBC, was there
7 anybody else that spoke to you about Mr. Williams
8 that you can recall about him not being a nice
9 guy?

02:30 10 A Not that I can recall, no.

11 Q So you think your information came from a
12 combination of sources?

13 A Yes.

14 Q Mr. Henderson didn't tell you anything about
02:30 15 Mr. Williams because he didn't know him?

16 A True.

17 Q So Mr. Asper or the newspaper reports would have
18 been your source?

19 A Yes.

02:30 20 Q CBC, the person that phoned you didn't have
21 anything adverse to say about Mr. Williams?

22 A Not that I recall, no.

23 Q Thank you. Now, insofar as the setting up of the
24 interview with Mr. Williams was concerned, you
02:30 25 said that once you knew that Mr. Williams wanted



1 to interview you, you went out and arranged to
2 have Mr. Watson retained as your counsel?

3 A Correct.

4 Q And you were aware of the fact that the Department
5 of Justice wanted to talk to you specifically
6 about the recantation statement to Mr. Henderson?

7 A Yes.

8 Q And with respect to that, were you also advised
9 either by counsel or by anybody else that you were
10 not obliged to speak to Mr. Williams?

11 A I don't recall.

12 Q Is it possible that you were told that you didn't
13 have to speak to him?

14 A Possible, yes.

15 Q If we can go to document 003561, can we have that
16 up on the screen, please, I'm just going to take
17 you to the first page of that document, and
18 Commission Counsel Mr. Hodson has gone through
19 some of this with you before, Mr. Wilson, but I
20 just wanted to go through so I have a clear
21 understanding of what arrangements were in place
22 insofar as your meeting with Mr. Williams was
23 concerned. You've had an opportunity to see this
24 document before and comment on it and it's my
25 understanding that you take some issue with some



1 of the contents of it?

2 A I believe so, yes.

3 Q If we can just go into the first paragraph,
4 please, just bring that up if we could. Thank
5 you. This is a record that Mr. Williams puts on
6 his file dated June 19th of 1980 and in the
7 introduction, if I can just take the first
8 paragraph there, "On June 18 --

9 COMMISSIONER MacCALLUM: Excuse me,
10 Mr. Frayer. 1990 I believe.

11 BY MR. FRAYER:

12 Q 1990, I'm sorry.

13 "On June 18th of 1990, accompanied by
14 Sgt. Gary Tidsbury and official court
15 reporter Jodee L. Smith, I went to
16 Nakusp, British Columbia."

17 Now, just -- can you advise us, please, as to
18 where Nakusp is geographically located?

19 A South of Revelstoke and north of Nelson.

20 Q South of Revelstoke and north of Nelson. And
21 insofar, and we'll get to it shortly, but my
22 understanding is, according to this record, that
23 Sergeant Tidsbury was with the Kelowna detachment
24 of the RCM Police?

25 A I guess so, yes.



1 Q You don't know that as a fact?

2 A No.

3 Q In terms of travel time, how would one get from
4 Kelowna to Nakusp, what are the methods by which
02:33 5 you might be able to get there?

6 A You could take a small plane in, but other than
7 that you would have to drive in.

8 Q Drive in. Do you have any knowledge as to what
9 the driving time would be for that trip?

02:33 10 A From Kelowna, no.

11 Q Can you give us a rough guess? Have you ever
12 driven it yourself?

13 A Not from Kelowna. Probably possibly three hours,
14 a little more.

02:33 15 Q If I suggest to you that somewhere there's
16 information that it may be up to four and a half
17 hours, you wouldn't quarrel with that?

18 A No.

19 Q That's just a guess when you say three hours?

02:33 20 A Yes.

21 Q And appreciating you've never done it --

22 A No.

23 Q -- I can appreciate your response. It goes on:

24 "Arrangements had previously been made
02:33 25 to speak with Mr. Wilson, "after lunch"



1 at the Nakusp detachment of the RCMP on
2 that date. Given the uncertainty of the
3 travel time, no specific time was set.
4 It was Sgt. Tidsbury's understanding
02:34 5 after speaking with Mr. Wilson that the
6 period between 1:00 and 1:30 p.m. would
7 be suitable. Tidsbury had told Wilson
8 that he would call him when we arrived."

9 Now, my recollection is that you don't have a
02:34 10 recollection of being contacted by Sergeant
11 Tidsbury about their coming to see you on June
12 the 18th of 1990?

13 A Correct.

14 Q And it's possible that you were contacted and that
02:34 15 an arrangement was made to speak to you after
16 lunch on that day?

17 A No.

18 Q Where would that information have come from, could
19 that have been communicated to your counsel and
02:34 20 not to you?

21 A I don't know.

22 Q Do you recall any contacts from Sergeant Tidsbury
23 of the Kelowna RCMP?

24 A No.

02:34 25 Q If we can move down to the next paragraph, please:



1 "Before departing Kelowna Sgt. Tidsbury
2 tried on successive days to speak with
3 Mr. Wilson by phone. However, the phone
4 calls were unanswered. A telephone call
02:35 5 to Mr. Wilson's residence at 12:45 p.m.
6 also went unanswered."

7 Am I correct to understand from that that you
8 didn't have any voice monitoring system or
9 recording system on your telephone?

02:35 10 A I believe I didn't at that time, no.

11 Q No. So that you don't know whether Sergeant
12 Tidsbury made a number of attempts to reach you,
13 he said they all went unanswered, so you can't say
14 whether he phoned or didn't phone?

02:35 15 A Correct.

16 Q Then it goes on:

17 "Shortly after lunch Sgt. Tidsbury
18 accompanied by a member of the local
19 detachment saw Mr. Wilson outside his
02:35 20 home, reminded him of the meeting.
21 Mr. Wilson spoke to his lawyer who
22 indicated that they would attend at 2:30
23 p.m. at the detachment."

24 Do you have a recollection of that; that is,
02:35 25 speaking to Mr. Watson and indicating that you



1 would meet him at 2:30 at the detachment?

2 A No.

3 Q Is there a possibility that that could have
4 occurred and you don't remember?

02:35 5 A I just recall the sergeant showing up at the door
6 and saying they were there. That's all I can
7 recall right now.

8 Q You don't recall when they arrived that you phoned
9 Mr. Watson?

02:36 10 A No.

11 Q Then we have the last paragraph of that:

12 "Kenneth Watson, counsel to Mr. Wilson
13 arrived at the Nakusp detachment at 2:45
14 p.m. and advised me that his client did
02:36 15 not wish to be interviewed."

16 Is that an accurate statement through Mr. Watson?

17 A Yes.

18 Q "Apparently, his client was concerned
19 about the nature of my questioning,
02:36 20 after Wilson had spoken to David Asper,
21 counsel to Mr. Milgaard. Mr. Watson
22 alluded to a concern expressed by Mr.
23 Asper that other witnesses had been
24 intimidated, belittled and not believed.
02:36 25 I invited Mr. Watson to remain during



1 the questioning to protect his client's
2 interests. He told us that he would
3 consult his client and advise us
4 accordingly. He returned within a half
02:36 5 hour to repeat that his client would
6 only testify in a courtroom setting."

7 Is that record by Mr. Williams an accurate record
8 of the position that you took through your
9 counsel?

02:37 10 A I believe so, yes.

11 Q And if we might just finish with the next
12 paragraph at the top of 562:

13 "In a later conversation with W.H.
14 Corbett, Mr. Watson said that his client
02:37 15 had been haunted by this matter for over
16 20 years, and was emotionally
17 distraught. Accordingly, he was
18 reluctant to undergo the trauma that
19 would accompany a discussion of this
02:37 20 topic."

21 Is that an accurate statement, that you were
22 emotionally distraught that has come through your
23 lawyer?

24 A Yes.

02:37 25 Q Now, that same emotional distress wasn't present



1 during the course of your eight hours you spent
2 with Mr. Henderson back on June the 4th of 1990?

3 A Yes, it was.

4 Q It was?

02:37 5 A Towards the end, yes.

6 Q But despite that, some time took place and over
7 the course of time you agreed to make a
8 declaration on that date?

9 A Yes.

02:37 10 Q Now if we might move on to the next document,
11 please, that's 3558, and this is a letter from
12 your counsel Mr. Watson, and once again Commission
13 Counsel has gone through this with you, but I just
14 want to revisit it with you, Mr. Wilson. It's
02:38 15 dated June 19th of 1990 and it's directed to
16 Eugene Williams, and if I can just step back to
17 the events of June 18th, Mr. Williams was there
18 with Sergeant Tidsbury was he?

19 A I didn't see him myself personally, no.

02:38 20 Q You didn't see him personally at all?

21 A I don't think so.

22 Q So when would the first time that you would have
23 encountered Mr. -- when would the first time have
24 been when you would have encountered Mr. Williams
02:38 25 personally?



1 A When we finally met at my lawyer's office.

2 Q I see. And that was when the interview took
3 place?

4 A Yes.

02:38 5 Q Now if we can just bring that up, please, to the
6 second and third paragraph, just to the bottom --
7 I'm sorry, bottom of the first paragraph, just in
8 here, Mr. Watson says at the bottom of the first
9 paragraph:

02:39 10 "If the misunderstanding with respect to
11 the arrangements was my client's, I
12 apologize for any inconvenience this
13 caused you."

14 Is this Mr. Watson just being courteous or was
02:39 15 there inconvenience caused by you when the police
16 and Mr. Williams attended to interview you?

17 A I can't recall.

18 Q You can't recall?

19 A No.

02:39 20 Q Okay. The next paragraph, what Mr. Watson does is
21 reiterate your position, and that's the position
22 that was recorded by Mr. Williams in the
23 memorandum we've just seen.

24 "Mr. Wilson's position is that he will
02:39 25 be making no statements to you."



1 And then it goes on:

2 "I understand that you are in possession
3 of a copy of his June 4th, 1990
4 statement to Mr. Henderson. Any further
02:40 5 evidence he gives will be before a
6 Court."

7 And is that an accurate recollection of the
8 position that you and your lawyer were taking?

9 A I believe so, yes.

02:40 10 Q Okay. And just at the end Mr. Watson makes
11 reference to the fact that, and I read from it:

12 "I would confirm my advice to you that
13 my client was aware from Mr. Asper that
14 some other witnesses interviewed by your
02:40 15 Department were dissatisfied with their
16 treatment. I understand from you and
17 Mr. Asper that Mr. Asper has written to
18 your Department expressing his position
19 with respect to that treatment."

02:40 20 And that's the, that seems to particularize where
21 the complaint about the conduct of Mr. Williams
22 comes from, it looks like in the letter from
23 Mr. Watson it emanates from Mr. Asper; is that
24 correct?

02:41 25 A Yes.



1 Q It would appear that way at least?

2 A Yes.

3 Q Now if we might move on to the next document, and
4 that is 3560, you can look at that, sir. And more
02:41 5 specifically, this particular document is an
6 internal memorandum to file that is written by
7 W.H. Corbett, Senior General Counsel of the
8 Department of Justice, it's dated June 19th of
9 1990, and if we might just look at that, if we
02:41 10 could have it brought up, please, in full form.
11 Thank you. If we can just go through that with
12 you again, this is Mr. Corbett reporting that he
13 has been -- received certain information from Mr.
14 Williams:

02:42 15 "I was informed by Gene Williams that
16 Wilson through his counsel ... had
17 refused to be interviewed regarding the
18 statement given to a private
19 investigator assisting David Asper.

02:42 20 I spoke to Mr. Watson and he
21 confirmed the refusal. Mr. Watson was
22 not involved in the talking of the
23 statement and was retained as counsel
24 after that event."

02:42 25 And you have told us that to be true; right?



1 A Yes.

2 Q "I advised Mr. Watson that we would like?
3 to examine Mr. Wilson in the presence of
4 a court reporter so that a verbatim
02:42 5 transcript could be taken and counsel
6 could be present."

7 It goes on:

8 "Mr. Wilson is not interested in having
9 his client ...",

10 and that should read:

11 "Mr. Watson is not interested in having
12 his client provide evidence of perjury
13 on oath. He says his client is in a
14 highly emotional state, ...",

02:42 15 which you have already confirmed was indeed your
16 state, Mr. Wilson?

17 A Yes.

18 Q And:

19 "... has gone through a catharsis, ...",
02:42 20 and do you know what he means by 'a catharsis',
21 what --

22 A No.

23 Q Certainly, a part of that catharsis would be you
24 were no longer taking drugs, you had indicated
02:43 25 that you ceased drug use back in 1980?



1 A Yes.

2 Q So that when, apart from this highly emotional
3 state you were in, this was more stress related
4 than through the use or abuse of drugs?

02:43 5 A Yes.

6 Q And would that also include alcohol?

7 A Yes.

8 Q Okay, and:

9 "... has gone through a catharsis, has
02:43 10 lived with demons over the years and
11 repressed a lot of things. Providing
12 the statement is a turning point in his
13 life, Wilson is confused with where this
14 is all going and where he stands. He
02:43 15 wants to see this all out in the open
16 and is prepared to tell his story to a
17 judge and get things totally off his
18 chest. He doesn't want any more
19 interviews or to be put through the
02:43 20 ringer again."

21 Has Mr. Corbett, on the basis of information that
22 was given to him by Mr. Watson, characterized
23 your thoughts at the time that Mr. Williams was
24 trying to interview you?

02:43 25 A Yes.



1 Q Thank you. If we might move on to 3570, and I'm
2 only going to go through this at least in part, if
3 we could bring up the first paragraph with the
4 bullets beside it if we could. This is on 3570,
02:44 5 just a little higher, yes, thank you. Now I'm
6 going to draw your attention to this and, as I
7 say, Commission Counsel have gone through this
8 with you so, but so I have a clear understanding
9 of what your position was, it appears that:

02:44 10 "On June 22, 1990 I received a call in
11 the absence of Bruce MacFarlane from
12 Hersh Wolch, ...",

13 this, again, is Mr. Corbett:

14 "... counsel acting for Milgaard. He
02:44 15 informed me that Ron Wilson was prepared
16 to be interviewed by us on Thursday,
17 June 28, 1990 in Nakausp, British
18 Columbia, according to the following
19 terms;

02:44 20 - that there would be a court reporter
21 present to take a verbatim transcript of
22 the interview,

23 - that Mr. Watson, counsel for Wilson be
24 present at all times during the
02:45 25 interview,



1 - that Hersh Wolch be allowed to attend
2 the interview but would not take part in
3 any questions or cross-examination, that
4 Mr. Williams not be the counsel assigned
5 to interview Mr. Wilson."

02:45

6 Do you understand those to be sort of the terms
7 and conditions under which an interview by Mr.
8 Williams would take place?

9 A I believe so, yes.

02:45

10 Q Were those communicated to you, or were those more
11 discussions as between counsel?

12 A I don't know.

02:45

13 Q Okay. Now it seems, though, that in this
14 memorandum dated June 25th of 1990, that you have
15 now changed your mind with respect to the
16 interview by Mr. Williams to the extent that it
17 looks like an arrangement has been made to meet on
18 Thursday, June 28th of 1990, in Nakusp?

19 A I believe so, yes.

02:45

20 Q All right. Well is that not an accurate
21 reflection, in other words --

22 A Umm, well not with Mr. Williams, per se.

23 Q Okay, I appreciate that, but that an interview
24 would take place?

02:46

25 A Yes.



1 Q And, as long as it was conducted in accordance
2 with these terms and conditions, you would give
3 it?

4 A Yes.

02:46 5 Q Okay. Now once again, you didn't know Mr.
6 Williams personally, had no knowledge of him?

7 A No.

8 Q His background, or anything of that nature, at
9 all?

02:46 10 A No.

11 Q Okay. Thank you. If we can go over to the next
12 page, 3571 please, and if we can just hone in on
13 the top portion of that first. Mr. Corbett then
14 says:

02:46 15 "I then endeavour to phone Mr. Watson
16 who was absent from the office and then
17 I spoke to Mr. Wolch, conveyed to him
18 our position with regard to the
19 interview of Wilson:

02:46 20 - that we were prepared to record the
21 interview by verbatim transcript,"
22 which appears to have been for everybody, an
23 agreement, is that correct?

24 A Yes.

02:46 25 Q "- that a copy of the transcript would be



1 provided to Mr. Wolch, counsel for
2 Milgaard,
3 - that Mr. Watson, counsel for Mr.
4 Wilson, could be present at all time,
02:47 5 - that we objected to the presence of
6 Mr. Wolch at the interview,"

7 and:

8 "- that Mr. Williams would be assigned
9 to conduct the interview."

02:47 10 So it looks, at least in part, that you are
11 reaching some agreement, --

12 A Yes.

13 Q -- that is, as between Mr. Watson or Mr. Wolch and
14 Mr. Williams --

02:47 15 A Yes.

16 Q -- there appears to be some agreement? And then
17 it goes on, if I can, to the next paragraph,
18 please, about the centre of it. I think that's
19 good, thank you. If we can just take you to that
02:47 20 portion that I have highlighted:

21 "I informed him that given the emotional
22 condition of Wilson as described by his
23 counsel, we felt that the fewer persons
24 present at the interview the better.

02:47 25 For the same reasons we did not intend



1 to have police officers present at the
2 interview. I reiterated that our soul
3 purpose in interviewing Mr. Wilson was
4 to clarify his recent statement as part
02:47 5 of the inquiry based on the application
6 for mercy made by Mr. Milgaard under
7 Section 690 of the Code."

8 It's my understanding that you, when this was
9 presented to you by Commission Counsel, that you
02:48 10 disagreed with the assertion that Mr. Corbett is
11 making about your emotional condition; am I
12 accurate in that or is my recall wrong?

13 A Hmm. I don't know if he would have known my
14 emotional condition at that time.

02:48 15 Q I'm sorry?

16 A I say I don't know if he would have known my
17 emotional condition at that time.

18 Q Well it seemed to have been communicated in some
19 of the earlier correspondence --

02:48 20 A Yes.

21 Q -- that talked about your being emotionally
22 distraught and things of that nature, so that's,
23 at least according to Mr. Corbett, one of the
24 reasons why, in the view of the Department of
02:48 25 Justice, that the fewer persons present at the



1 interview the better, because when -- we'll get to
2 the subsequent interview, but the only people that
3 were present at that interview were Mr. Williams,
4 Mr. Watson your counsel, and yourself on that July
02:49 5 the 20th of 1990?

6 A And the court reporter, I do believe.

7 Q I'm sorry, and the court reporter, okay. Okay.

8 If we might move on to the next document and
9 that's 3573 -- sorry, if we can just -- now this
02:49 10 particular document is dated June the 25th of 1990
11 and there is a facsimile cover sheet showing that
12 this was sent to your counsel, Mr. Watson, on that
13 date, and if we can just blow that up a bit,
14 please. And just go to, I believe, the first
02:49 15 paragraph Mr. Wilson:

16 "I am writing with reference to our
17 earlier conversations concerning our
18 request to interview your client,
19 Mr. Ronald Dale Wilson. In his
02:50 20 statement of June 4, 1990, Mr. Wilson
21 recanted portions of the testimony he
22 gave at the January 1970 trial of David
23 Milgaard.

24 I am informed that Mr. Wilson
02:50 25 will be available to discuss his recent



1 statement and related matters on June
2 28, 1990, at Nakusp ... Assuming that
3 the necessary travel and other
4 arrangements can be made, that date is
5 suitable."

02:50

6 So it looks like, at least by June 25th, there is
7 a confirmation that a time for an interview has
8 been agreed upon?

9 A Yes, it appears that way, yes.

02:50

10 Q Okay. It goes on:

11 "I propose to conduct the interview in
12 private. Your client is entitled to be
13 represented by counsel."

14 Which occurred:

02:50

15 "However, neither representatives from
16 the police nor the applicant, Mr.
17 Milgaard, should be invited to attend.
18 The Department's representative will be
19 Eugene Williams. If you wish, I am also
20 prepared to attend."

02:50

21 That's an offer by Mr. Corbett to attend along
22 with Mr. Williams. And it goes on:

23 "Further, the entire interview will be
24 on oath, and recorded by a certified
25 short hand reporter. A copy of the

02:51



1 transcript will be made available to
2 yourself and counsel for the applicant."

3 And then I would go on to the next page, please,
4 and it starts out on 573:

02:51 5 "I can make available to you all
6 previous statements provided by Mr.
7 Wilson and a transcript of his testimony
8 at the preliminary inquiry and trial.

9 In view of the distances
02:51 10 involved and the arrangements that must
11 be completed in the timeframe set out
12 above, an early response would be
13 appreciated."

14 So it appears here that what Mr. Corbett is doing
02:51 15 is, in addition to confirming that the interview
16 will take place on June the 28th in Nakusp, that
17 he is also going to forward copies of previous
18 statements and the transcript from the
19 preliminary inquiry and trial to your counsel,
02:51 20 Mr. Watson?

21 A Yes.

22 Q Okay. Because at some later stage, as I
23 understand, you have a chance to review those in
24 preparation for the interview that ultimately
02:52 25 takes place?



1 A Correct.

2 Q Okay. So it's fair to say that, insofar as
3 Mr. Watson is concerned, that while, at that stage
4 while the arrangements for the interviews are
02:52 5 being made, that he doesn't have a lot of
6 background with respect to this matter; in other
7 words, he hadn't represented you until Mr.
8 Williams wanted to interview you, that the
9 Department of Justice is sending out information
02:52 10 that may assist him and assist you in preparing
11 for that interview, is that correct?

12 A I believe so, yes.

13 Q Okay. And if we can move on to the next one,
14 3559, please, and just paragraph 1, if you could,
02:52 15 please. Now this is a letter from your counsel
16 directed to Mr. Corbett, and this is dated June
17 26th 1990, and he says in the top part of this:

18 "With respect to your letter of June
19 25th, 1990, I would confirm that my
02:53 20 client is prepared to be interviewed
21 with respect to his recent statement.
22 As I mentioned to Mr. Wolsh, however,
23 Mr. Wilson wishes to see the transcripts
24 of the original trial before speaking
02:53 25 with your representatives. I understand



1 that one is being delivered to me by
2 courier but at this point it has not yet
3 arrived. I anticipate that it will take
4 Mr. Wilson and I a few days to review it
02:53 5 so the tentative date of June 28th,
6 1990, is not practicable. I shall
7 contact you further when the transcripts
8 have arrived to reach a mutually
9 agreeable date."

02:54 10 And I think that's a fair comment by Mr. Watson
11 because this is dated June 26th and the
12 anticipated interview of you by Mr. Williams is
13 June 28th. So am I correct, then, in saying that
14 what occurred after that was that, so that you
02:54 15 and Mr. Watson could receive the statements and
16 the transcripts and review them in advance of the
17 interview by Mr. Williams, that the interview was
18 delayed?

19 A Yes.

02:54 20 Q It doesn't appear that there's any correspondence
21 reflecting that, but is that your recollection,
22 that you wanted some time to review those
23 transcripts and the -- and whatever statements
24 were provided with your counsel?

02:54 25 A Yes.



1 Q Okay. Thank you. Now it's my understanding that,
2 during the course of the interview by Mr.
3 Williams, that there is some comment with respect
4 to the use of those transcripts? And I'm going to
02:55 5 draw your attention to page 125081, and if we can
6 just bring that up, please. Thank you. And it
7 starts out, if I can just go to 872, if we can
8 just bring that up, please. Starting at question
9 872, this is Mr. Williams during the course of
02:55 10 your interview of July 20th of 1990:

11 "Q From what you tell me is it fair to say
12 that your recollection today was
13 assisted by reading the transcripts and
14 reading your earlier statements?"

15 And your response was:

16 "A It has helped a bit, yes."

17 And then it goes on, please, if you could just
18 scroll:

19 "Q And from your last answer, 'By what I
02:56 20 read', it seems to suggest that before
21 you read it you had forgotten it or you
22 did not recall it?

23 A Yes, I probably had forgotten."

24 So you recall taking that position with Mr.

02:56 25 Williams, that they assisted you in preparing for



1 this interview?

2 A Yes.

3 Q Okay. And:

4 "Q How long did you spend reviewing the
02:56 5 transcripts that were provided to you by
6 your counsel?"

7 And your response was:

8 "A I believe I went through them in two
9 days and I've gone back to them every
02:56 10 once in awhile.

11 Q How many hours did you spend on them?

12 A On all of the transcripts?

13 Q Yes, that were provided to you by
14 Mr. Watson?

02:56 15 A I believe twenty-four, twenty-five.

16 Q Twenty-four, twenty-five hours?"

17 And you nodded your head, I presume answering
18 "yes"?

19 A Yes.

20 Q And:

21 "Q How long did you spend reviewing
22 transcripts before you gave the
23 statement to Mr. Henderson?

24 A A couple of hours.

02:56 25 Q Were they identical transcripts?"



1 And just at the top your response was:

2 "A Yes, they were."

3 Do you recall, from your recollection, what it
4 was, specifically, that you reviewed in
02:57 5 preparation for this meeting with Mr. Williams
6 over the course of 24 or 25 hours, Mr. Williams?

7 A I probably read them over four, five, six times.

8 Q You don't -- but do you recall what they were?

9 A No.

02:57 10 Q All right. So you, in preparation for this
11 interview by Mr. Williams, did a considerable
12 amount of preparation with your counsel,
13 Mr. Watson, before the interview took place --

14 A I --

02:57 15 Q -- on the 20th?

16 A I don't know how much I did with Mr. Watson, I
17 know I read most of it at home, so --

18 Q But you are aware it appears that Mr. Watson --

19 A Yes.

02:57 20 Q -- would have had an opportunity, at least, to
21 review these in preparation?

22 A Yes.

23 Q Okay. Now during the course of your evidence, and
24 while being cross-examined by other counsel, you
02:57 25 have had some comments to make about Mr. Williams



1 and your views of Mr. Williams, and it appears
2 that from time to time they have varied; is that
3 correct?

4 A Yes.

02:58 5 Q And that if I can just, if I can just take you to
6 a couple of parts of the transcript of the
7 interview by Mr. Williams, if I could take you to
8 125037, if I can just take you to -- sorry, that's
9 037, please, thank you -- if I can just take you
02:58 10 to, if you can just hone in on 539, please, and
11 the questions that follow that. Thank you. Okay:

12 "Q What was his tone of voice like?"
13 and we're talking about Mr. Roberts, the
14 polygraph operator. Your response:

02:59 15 "A I imagine something like yours, quite
16 pleasant.

17 Q No grimaces or no sematics?"

18 I'm not sure what that means:

19 "A Not that I recall, no.

02:59 20 Q He didn't yell?

21 A No.

22 Q Didn't raise his voice?

23 A No, he didn't."

24 So one of the observations you make during this
02:59 25 interview is that the tone of voice used by Mr.



1 Williams was quite pleasant?

2 A Yes.

3 Q Okay. All right. And then further on, and we've
4 gone through this before, but if I can take you to
02:59 5 125108 please.

6 COMMISSIONER MacCALLUM: This is the RCMP
7 interview, is it, Mr. Frayer?

8 MR. FRAYER: No, this is the interview by
9 Mr. Williams.

10 COMMISSIONER MacCALLUM: Oh, okay.

11 BY MR. FRAYER:

12 Q It's -- if we can just hone in on 1077, and if you
13 can bring that up, and down to the centre if you
14 could, please. If you could please, okay, and
03:00 15 okay, perhaps we can go to the top if you could,
16 please, and just go over. Yes, thank you.

17 Question 1075 -- and this is Mr. Williams is
18 asking you this question and Mr. Watson is present
19 during the entire course of this interview, is
03:00 20 that correct?

21 A Yes.

22 Q He doesn't leave at any time and leave you with
23 Mr. Williams, alone, while the interview
24 continues?

03:00 25 A No he doesn't.



1 Q Good, thank you.

2 "Q Any mention in those newspaper clippings
3 about the nature of the questioning?

4 A I believe in one there was.

03:00 5 Q What was that?

6 A I can't remember. I would have to
7 read them."

8 And that's -- we have gone through that before:

9 "Q What if any impression did that make on
03:01 10 you?

11 A Made me scared of you.

12 Q You had never met me?

13 A No.

14 Q What about it frightened you?

03:01 15 A That someone like you not being a very
16 nice guy, which I must admit they were
17 wrong.

18 Q I haven't changed in the last little
19 while.

03:01 20 A Just hearsay, you know."

21 And then Mr. Watson observed:

22 MR. WATSON: There is a compliment for
23 you."

24 "And what was that?

03:01 25 A Yes. So I was worried when you showed



1 up. That's why I phoned Ken right
2 away."

3 So during the course of the interview at which
4 Mr. Watson was present, and at least on two
03:01 5 occasions, you were complementary. Now there was
6 another occasion when you used the words that you
7 were pissed off at him, or something of that
8 nature?

9 A Yes.

03:01 10 Q And do you recall what that was about?

11 A Towards the end of the interview.

12 Q Towards the end of the interview?

13 A Yes.

14 Q And then, while I won't go into the interview that
03:01 15 you had with Mr. Rossmo and Mr. Boyd, there was a
16 conversation about Eugene Williams, and I'm sure
17 you will remember having told us this before, that
18 you referred to Mr. Williams as a jerk?

19 A Yes.

03:02 20 Q And the reason why you referred to Mr. Williams as
21 a jerk was because you had reviewed your
22 transcript of that interview and, from the
23 compliment you had paid him, you had changed your
24 opinion of him?

03:02 25 A Not totally. Like I said, most of it happened



1 after, towards the end of the interview --

2 Q Correct?

3 A -- where he seemed to change.

4 Q But what was it, can you amplify on what it was
03:02 5 that made him a jerk in your view?

6 A Towards the end his mannerisms and stuff seemed to
7 have changed.

8 Q Okay. He got a little more aggressive?

9 A Yes.

03:02 10 Q Sort of challenging you on things and --

11 A Yeah.

12 Q Okay. But, basically, the conduct of this
13 interview was done in a pretty even-handed way if
14 you --

03:02 15 A Yes.

16 Q And you paid him the compliments that I have
17 referred you to?

18 A Yup.

19 Q Okay. Thank you. Now if we can just move on, Mr.
03:03 20 Wilson, how are you doing?

21 A I'm good for a little bit yet.

22 Q I'm sorry?

23 A I'm good for a little bit yet.

24 Q Okay, and I'm almost at the end of it, so --

03:03 25 A Okay.



1 Q If we can now deal with the issue with the -- the
2 issues with respect to the polygraph. Now after
3 the interview took place on July 20th of 1990
4 there were some discussions that took place with
03:03 5 respect to whether you would undergo a polygraph
6 test?

7 A Yes.

8 Q And would I be accurate in saying that the only
9 time that you had ever been subject to a polygraph
03:03 10 test was back in 1969, I think it was in the
11 latter part of May, when Inspector Roberts
12 conducted that test?

13 A Yes.

14 Q And from May of 1969 until the summer of 1990,
03:03 15 that's the only time that you had ever been
16 subjected to such a test?

17 A Yes.

18 Q Okay. And do you recall who, whose idea it was
19 that you might subject yourself to what would be a
03:04 20 second polygraph, do you know where that comes
21 from?

22 A No I don't. No I don't.

23 Q Okay. And that wasn't something initiated by you,
24 it --

03:04 25 A It's possible.



1 Q I'm sorry?

2 A I said it's possible.

3 Q It is possible that you volunteered to do that --

4 A Yes.

03:04 5 Q -- initially, or alternatively perhaps Mr.

6 Williams may have suggested to your counsel, that

7 --

8 A I can't remember.

9 Q -- you have a polygraph?

03:04 10 A I can't remember how it happened.

11 Q You don't remember? Okay. And if we can go to
12 document 016128, and that's a letter dated August
13 9th, 1990, one page, from Mr. Williams to your
14 counsel, if we could just blow that up a bit,
03:05 15 please.

16 COMMISSIONER MacCALLUM: 0 -- what was the
17 number of that?

18 MR. FRAYER: That's 016128.

19 COMMISSIONER MacCALLUM: 16128? Thank you.

03:05 20 BY MR. FRAYER:

21 Q Thank you. If we could just deal with the first
22 few paragraphs, this is a letter dated August 9th,
23 1990 from Eugene Williams to Mr. Watson:

24 "I am writing with reference to our
03:05 25 telephone conversations of July 23, and



1 July 30, 1990 wherein I indicated my
2 desire to pose additional questions to
3 your client, Mr. Ronald Dale Wilson. I
4 also asked you to ascertain from your
03:05 5 client whether he would be prepared to
6 undergo a polygraph test."

7 So it would appear from this, Mr. Wilson, that
8 the suggestion was made by Mr. Williams?

9 A Yes.

03:05 10 Q Yeah.

11 "You indicated that you would relay my
12 request to your client and advise me of
13 his decisions concerning the requests
14 noted above. I am anxious to obtain
03:06 15 your client's responses to our requests
16 so that suitable arrangements, if
17 necessary can be made."

18 And then he goes on to sort of express a concern:

19 "As you may be aware, there has been
03:06 20 considerable criticism of my department
21 concerning the pace at which our
22 investigations have proceeded. In an
23 effort to complete this aspect of the
24 investigation, I would appreciate your
03:06 25 assistance in obtaining a response from



1 Mr. Wilson in this matter."

2 And did you, without going into any of the
3 details, Mr. Wilson, have some discussions with
4 Mr. Watson about the requests for a polygraph?

03:06 5 A Yes I did.

6 Q Okay. And with respect to that, it's my
7 understanding that there -- the discussions had
8 certain riders attached to them, if I could put it
9 in that form?

03:06 10 A I believe so, yes.

11 Q Okay. If we could go to 003413, please. 003413,
12 here's a letter dated August 9th, 1990 from
13 Mr. Watson to Eugene Williams, if we can just go
14 to the -- if you can just bring up the letter if
03:07 15 we could, please, and we'll just go through it.
16 Scroll down. Thank you:

17 "With reference to your letter of August
18 9th, 1990, my client and I have been
19 considering your requests. No final
03:07 20 decision has yet been made and your
21 response to the following will have a
22 bearing on my client's decision."

23 These are the riders that I -- you have -- you
24 and I have referred to:

03:07 25 "If my client is to undergo a polygraph



1 examination, the questions and charts of
2 his original polygraph examination done
3 by Mr. Roberts must be made available to
4 the person who conducts the polygraph
5 examination."

03:07 6 So the first condition that your lawyer imposes
7 is that the charts and the questions of that
8 original one back in May of 1969 be provided,
9 correct, before the polygraph?

03:08 10 A Yes.

11 Q And then it goes on:

12 "If there is to be a polygraph
13 examination, we must agree to the choice
14 of persons who will conduct the test.
03:08 15 At this point, I am leaning towards
16 Mr. John Weller of Vancouver."

17 Then he goes through Mr. Weller's credentials,
18 and it goes on at the bottom:

19 "Your comments with respect to these
03:08 20 matters would be appreciated at your
21 convenience."

22 So Mr. Watson is writing back and saying the
23 terms and conditions that have to be met, one of
24 which is that the choice of who would do the
03:08 25 polygraph would be yours?



1 A Yes, I believe so.

2 Q Now the last of the -- I'm sorry -- the next of
3 the items, please, is 003412. Look at this letter
4 in its entirety, August 14th of 1990, Mr. Williams
5 from Mr. Watson:

6 "Further to my letter of August 9th,
7 1990 and our subsequent telephone
8 conversation, I understood you to say
9 that the charts and lists of questions
10 of Mr. Wilson's original polygraph
11 examination by Inspector Roberts are no
12 longer available. Knowing of
13 bureaucracy's tendency to preserve
14 records in general, I find it
15 incongruous that such important records
16 as polygraph results would be destroyed
17 in a murder case while the prisoner was
18 still serving time. To that end, would
19 you kindly provide me with written
20 details of all efforts made to locate
21 the charts and questions and details of
22 the results of those efforts."

23 Was anything ever communicated to you that,
24 despite the efforts by Mr. Williams to locate
25 information relating to that original polygraph



1 examination, that he came up at a dead end?

2 A I can't recall.

3 Q Okay. And if we can move on to the last of the
4 documents, and that's 326528, and if we can just
03:10 5 look at this, Mr. Wilson, dated September 6th,
6 1990 to Mr. Watson, your counsel, from Mr.
7 Williams. And it appears in paragraph 2:

8 "After further consideration of all of
9 the circumstances and following a review
03:10 10 of the materials obtained to date, it
11 appears that there may be limited value
12 in performing a polygraph test on your
13 client at this time. Consequently this
14 avenue of investigation will not be
03:10 15 pursued further."

16 So was that communicated to you by Mr. Watson,
17 were you advised of the fact that the Department
18 of Justice was no longer interested in conducting
19 a polygraph?

03:10 20 A I believe so.

21 Q And was there any discussion with respect to maybe
22 changing some of the terms and conditions that
23 were earlier imposed on the Department of Justice
24 in order for you to take this polygraph?

03:11 25 A I don't recall.



1 Q Okay. Mr. Wilson, we're almost finished, I have
2 one last area to take you to and I will be brief.
3 The last of the area -- the last area I would like
4 to take you to is the letter Mr. Wolch produced to
03:11 5 you, and that's 01529, and that is a letter dated
6 February the 27th, 1991 to Mr. Wolch signed by the
7 then-Minister of Justice, Kim Campbell. You will
8 recall, Mr. Wilson, that Mr. Wolch took you
9 through that letter, it -- in -- parts of that
03:11 10 letter at least insofar as the evidence, your
11 evidence, is concerned?

12 A Yes.

13 Q And when this was produced to you the other day
14 under cross-examination, was this a letter that
03:11 15 you were familiar with?

16 A No.

17 Q Had you ever seen it before it was produced to you
18 and you were examined on it?

19 A No.

03:11 20 Q And so with respect to that portion of the letter
21 that relates to your role, and if I can just take
22 you to that, that's at 01536, if I could have
23 that, please, would I be correct in saying,
24 Mr. Wilson, that if we can just look at this, that
03:12 25 the heading, the new evidence from Ronald Dale



1 Wilson starts on page 8, and if we can just scroll
2 through to nine and 10 if we could, please, just
3 briefly, we have it all in nine, and then up to
4 the middle portion of page 10, this is a letter
03:12 5 that was produced to you the other day and you
6 were cross-examined on, you said you had never
7 seen it before and very obviously didn't have a
8 chance to digest its contents?

9 A True.

03:12 10 Q And you don't know anything about the author who
11 was involved in it other than it appears to have
12 been signed by the Minister of Justice?

13 A Correct.

14 Q And it's not something like, that you had an
03:12 15 opportunity to study in the way that you had a
16 chance to study transcripts and that before you
17 met with Mr. Williams?

18 A Correct.

19 Q Your evidence is that you had never seen it
03:12 20 before?

21 A Exactly.

22 Q And you were put -- a series of questions were put
23 to you by Mr. Wolch relating to this new evidence
24 and pretty well every aspect of it. You agreed
03:13 25 with suggestions made by Mr. Wolch, you would say



1 correct, yes, that's the truth, most cases you
2 might not remember portions of it, but you gave
3 some evidence that was contradictory to what was
4 asserted in this letter; is that correct?

03:13 5 A Correct.

6 Q You disagreed with its contents?

7 A Yes.

8 Q You had to do that pretty quickly, Mr. Wolch is a
9 skilled examiner, he put that to you and you had
03:13 10 to think very, very quickly and respond; is that
11 correct?

12 A Yes.

13 MR. FRAYER: Okay. That's fine,
14 Mr. Wilson, thank you. Those are my questions.
03:13 15 Thank you, Mr. Commissioner.

16 COMMISSIONER MacCALLUM: Thank you,
17 Mr. Frayer. Just for the sake of the record,
18 Mr. Frayer referred to a few of the last
19 documents as 01529, for example. For those of
03:13 20 you trying to access them from the record, the
21 number is 001529 and following. Thanks,
22 Mr. Frayer.

23 MR. FRAYER: Thank you, sir.

24 COMMISSIONER MacCALLUM: Mr. Pringle, I
03:14 25 suppose we could take our break before you start.



1 Thanks .

2 (*Adjourned at 3:15 p.m.*)

3 (*Reconvened at 3:35 p.m.*)

4 **BY MR. PRINGLE:**

03:35 5 **Q** Mr. Wilson, I'm Alex Pringle, I'm counsel for
6 Calvin Tallis.

7 **A** Hi .

8 **Q** And am I correct that you were 18 when you
9 testified at the trial?

03:36 10 **A** 17 or 18 .

11 **Q** Your birth date was August 10th, 1951?

12 **A** Yes .

13 **Q** So you would have been 18 at the time?

14 **A** Yes .

03:36 15 **Q** And I also understand that you were a member of a
16 motorcycle gang?

17 **A** Yes .

18 **Q** And you joined that gang a couple of months before
19 the trial started?

03:36 20 **A** I believe so. The exact date I don't know .

21 **Q** And had you been associated with the gang before
22 that, before you joined the gang?

23 **A** I had known them from day one when they started
24 up .

03:36 25 **Q** Okay. So how old were you when you started to



1 associate with them?

2 A Oh, 15 before they totally organized.

3 Q Do you recall when you were examined by
4 Mr. Williams that you had indicated that you had
03:37 5 belonged to the motorcycle gang a few months prior
6 to the trial?

7 A No, I don't recall that.

8 Q You don't recall it?

9 A No, I don't.

03:37 10 Q This name of this gang was the Apollos; is that
11 correct?

12 A Yes.

13 Q And it could very well be true, though, that you
14 had been a member of the gang before the trial
03:37 15 started; is that fair to say?

16 A Yes.

17 Q And this particular motorcycle gang, were they a
18 Saskatchewan gang or where were they from?

19 A Regina.

03:37 20 Q Regina. And did you -- and you continued to be a
21 member of that gang for how many years?

22 A Off and on for 10.

23 Q And I understand you are now an owner and an
24 operator of a tire store?

03:38 25 A Mobile truck, tire truck.



1 Q And what type of employment have you had through
2 the years since 1980 when you started to turn
3 things around?

4 A Basically a tire man.

03:38 5 Q Worked in the tire business?

6 A Tire business, construction business.

7 Q And were you ever in the, other than your own
8 business right now, were you ever in the
9 management end of these businesses?

03:38 10 A No.

11 Q No? And this business you operate now, is it just
12 a single-person business or do you have employees?

13 A During the -- when I'm really busy I have a couple
14 of employees.

03:38 15 Q And you manage the business?

16 A Yes.

17 Q Now, we've taken a look at your criminal record
18 and I'm just going to ask that it be brought up,
19 and it's document 001296, and as has been pointed
03:39 20 out before, you have two different entries before
21 this incident occurred; is that correct?

22 A Yes.

23 Q And you did two different -- the first entries are
24 possession of stolen property and taking the auto
03:39 25 without the owner's consent, you got a one year



1 suspended sentence in February of 1968 and then in
2 July of '68 you had some, a B & E, theft of auto,
3 breach of recognizance and you did six months
4 concurrent on each of those terms, so we know, is
03:40 5 it fair to say, that you dealt with the police on
6 those two occasions with respect to those charges
7 before they went to court?

8 A Yes.

9 Q The police would have arrested you, taken you down
03:40 10 to the station, asked you, you know, tried to
11 obtain a statement from you, things like that;
12 right?

13 A Correct.

14 Q And you would have been -- back in those days, do
03:40 15 you remember the police would have cautioned you
16 before they gave you a statement?

17 A I believe so.

18 Q And on either of those cases do you remember
19 whether you used a lawyer?

03:41 20 A I believe I did on both of them.

21 Q You had a lawyer on both of them?

22 A Yes.

23 Q And so you were no, you know, you had some
24 familiarity with the legal system prior to this
03:41 25 incident happening; is that fair to say?



1 A Yes.

2 Q And if we could just go to the next page of the

3 record, we see some charges being withdrawn.

4 Could you blow up the top part of that, please?

03:41 5 And the first -- there's a charge of theft of auto

6 withdrawn on February 19th of 1963 -- '68, pardon

7 me -- and that, I notice that that does not

8 coincide with the court dates for which you had

9 convictions. Do you recall that charge being

03:41 10 withdrawn on a separate court date?

11 A No, I don't.

12 Q So it wasn't a situation where you appeared in

13 court and pled guilty to some and had others

14 withdrawn, this charge was withdrawn on a separate

03:42 15 date than the dates which you either pled guilty

16 or were found guilty of those two charges in '68.

17 A The one in Kenora, Ontario, that was from the auto

18 theft and break and entering because that's where

19 I got picked up and then I got sent back to

03:42 20 Regina. The other one, I don't have a clue what

21 it was.

22 Q Anyways, February 19th, 1968 you are through the

23 legal system again and in this case the charge is

24 withdrawn; is that right?

03:42 25 A It looks like it.



1 Q Yeah. And in fact we see, you know, from 1968 on
2 through to 1970, we see some charges being
3 withdrawn. In fact, up to 1971 these are all
4 charges being withdrawn on different dates from
03:43 5 which you would have been in court on matters that
6 you were convicted or pled guilty?

7 A Yes.

8 Q So do you have any idea why all those charges are
9 being withdrawn?

03:43 10 A Because if you made a deal to plead guilty on
11 certain charges, they withdrew the other ones.

12 Q And they didn't withdraw them all on the same
13 date?

14 A I don't know. I'm looking at this and I can't
03:43 15 remember what all of them are for.

16 Q If that had happened, wouldn't they be withdrawing
17 them on the same date that you pled guilty to the
18 other charges?

19 A In 1970, the 4th, 22nd, it looks like they were.

03:43 20 Q So you can't remember?

21 A No.

22 Q In any event, you had a fair amount of activity
23 before the courts in the late 1960s; right?

24 A A fair amount, yeah.

03:44 25 Q And you, when you dealt with the police, you would



1 have from time to time refused to give them
2 statements?

3 A Correct.

4 Q This is before this investigation resulted from
03:44 5 this incident in which David Milgaard was
6 convicted?

7 A Yes.

8 Q You knew that you didn't have to give a statement
9 to the police?

03:44 10 A Correct.

11 Q Had you been through the juvenile courts before
12 too?

13 A No.

14 Q No?

03:44 15 A No.

16 Q But certainly by the time you are 18 years old,
17 you knew your rights didn't you?

18 A Yeah.

19 Q Now, the statement that you gave to the police on
03:45 20 May 23rd, 1969, if we could pull that up, 065361,
21 now, Mr. Wilson, you've admitted that you've lied
22 in this statement on some very material matters
23 and what interests me is the way that you lied.
24 Let's take a look at it, let's start with the
03:45 25 first paragraph, the second sentence you've looked



1 at lots of times, but it says:

2 "On the way from Regina to Saskatoon we
3 stopped at Alesbury where Milgaard broke
4 into an elevator office. I think he
03:46 5 stole a flashlight which I have at
6 home."

7 And I understand that you had told the police
8 about this when you drove up to Saskatoon from
9 Regina; is that right?

03:46 10 A Yes.

11 Q Now, first of all, I would like to ask you, was it
12 just Milgaard that broke into the elevator office
13 or did both of you?

14 A It was just David.

03:46 15 Q You are sure about that?

16 A Yes.

17 Q What was your role in this?

18 A Sitting in the car with the car running.

19 Q You didn't have more of a role in it than that?

03:46 20 A No.

21 Q You are not downplaying your role in this whole
22 thing?

23 A No.

24 Q And why are you telling the police about this?

03:47 25 A I don't know.



1 Q That's -- to me, if you are sort of reluctant here
2 and the police are manipulating you because you
3 are on drugs to give a statement against David
4 Milgaard, why would you be giving this information
03:47 5 about the elevator?

6 A Don't recall.

7 Q You are sure you didn't -- was there any animosity
8 between you and Milgaard at the time?

9 A No.

03:47 10 Q No?

11 A No.

12 Q And then the next paragraph you talk about the
13 knife and, you know, you said here that there was
14 suggestion made to you that you should indicate,
03:47 15 you know, a certain knife, you saw a certain knife
16 on his possession that could have been used during
17 the alleged murder; is that right?

18 A Correct.

19 Q And you don't -- you are fairly subtle here,
03:48 20 aren't you, you don't say that the knife, you saw
21 the knife come from a particular place, you say it
22 may have come from somewhere. Do you know why
23 you --

24 A No.

03:48 25 Q -- did that?



1 A No.

2 Q It's probably because you didn't know where the
3 knife came from?

4 A Exactly.

03:48 5 Q Now, the next paragraph you talk about seeing the
6 woman and you talk about David asking her where
7 Peace Hill was and when you started to go away
8 Milgaard said she was a stupid bitch. Now, why
9 did you throw that in?

03:49 10 A I don't know.

11 Q The police didn't tell you to say that, you've
12 already indicated that?

13 A Correct.

14 Q So this is a very sort of, you know, this is
03:49 15 fairly subtle, it looks like you are trying to
16 establish that he's angry at her, but you are
17 doing it in a very subtle way.

18 A Don't know.

19 Q I mean, how would that thought ever occur to you,
03:49 20 to make that part of it up, the stupid bitch,
21 throw that in to sort of add another piece of
22 circumstantial evidence against him?

23 A I can't recall how I came up with it.

24 Q And then you talk about, in that paragraph:

03:50 25 "I should also mention that on the way



1 to Saskatoon we discussed pulling B &
2 E's, rolling someone or purse snatching
3 for money."

03:50 4 And once again, the police didn't tell you to say
5 that did they?

6 A No.

7 Q So where did you get that from?

8 A The B & E's and rolling people, yes, that's what
9 we had planned.

03:50 10 Q Where did you get the purse snatching from?

11 A That, I don't know where that came from.

12 Q And then you say, and this --

13 "I don't really remember if this girl
14 was carrying a purse."

03:50 15 So you throw in the idea of purse snatching as a
16 possible motive for this and then you are very
17 subtle and you say I don't remember whether she's
18 carrying a purse. It's sort of a half and half
19 type of thing. Do you know why you did that?

03:51 20 A No.

21 Q Do you know why you said I don't remember if this
22 girl was carrying a purse?

23 A Because I probably didn't see one.

03:51 24 Q Then we go down to the next paragraph, the next
25 sentence:



1 "Dave and I got out to push when we got
2 stuck but we couldn't get out. Dave said
3 he'd go for help and he left and disappeared
4 behind the car."

03:51 5 And then you talk later in the sentence, later in
6 the paragraph about two men in a cream-coloured
7 Dodge or Chrysler coming up and you say that
8 about 15 minutes later David came back. Now, at
9 no point do you say here where this happened.

03:52 10 A Correct.

11 Q Right? You don't give an exact location where
12 this happened. I'm just wondering why that wasn't
13 in the statement. Do you remember being asked
14 where you got stuck at this point in time?

03:52 15 A I don't believe so.

16 Q You don't think you would have been asked where
17 you got stuck?

18 A Where they took us on our tour, that's where they
19 figured we got stuck.

03:52 20 Q But this statement here is the statement that's
21 given to the defence lawyer and this statement
22 doesn't have any indication that I can see exactly
23 where you thought you got stuck.

24 A Because I didn't know where I was stuck.

03:53 25 Q Right. But do you remember whether the police



1 tried to pin you down on that and you said to
2 them, I don't know where you got stuck, or do you
3 remember what happened in the interviewing?

03:53 4 A In the interviewing it basically came out this is
5 where you were stuck and since I didn't know the
6 city, sure, why not.

7 Q If you had been asked -- like, you are making
8 things up here at this point to implicate David
9 Milgaard. Why didn't you make up a location where
03:53 10 you got stuck?

11 A How can you when you don't know the name of the
12 streets or anything.

13 Q So that's why?

14 A I would guess so.

03:53 15 Q I see. Now if we could go down to the last
16 paragraph, it talks about the compact, and you
17 talk about:

18 "On the way to Calgary Nicky found a
19 white or cream colored compact with
03:54 20 flower design, I'm not sure about the
21 color."

22 Now, that's a very -- you know, for somebody
23 that's making this up, if you were making it up,
24 which I suggest you weren't, it's pretty subtle
03:54 25 here, you are getting into the fact that it's got



1 a flower design, you are giving colours and
2 things like that. Did you make all that up or --

3 A That I don't recall.

03:54 4 Q You are not sure whether there was a compact or
5 not are you?

6 A No, no.

7 Q There could very well have been a compact in the
8 car when you are giving that kind of detailed
9 description?

03:54 10 A That's possible, but I don't recall it.

11 Q And just go back up to the fourth paragraph there,
12 the bigger paragraph, you said that when David got
13 back in the car after being away for 15 minutes he
14 said "I got her" or "I fixed her". Now, if you
03:55 15 are sort of an unsophisticated 18 year old,
16 wouldn't you be saying, if you are making up -- if
17 you were unsophisticated -- let's try it this way.
18 Why didn't you just simply say he got into the car
19 and he said "I stabbed her to death" or "I stabbed
03:55 20 her" or something like that? Why are you using
21 these words, "I got her, I fixed her"?

22 A Just the words that are used.

23 Q I'm putting it to you you used words like that to
24 make your story more believable.

03:56 25 A I don't know.



1 Q You are very subtly developing a story here that
2 is more believable than just sort of a blatant,
3 simplistic assertion that David gets back in the
4 car and he says he stabbed her, you are being very
03:56 5 subtle here. Why did you use those words if they
6 are false?

7 A Just the words I used.

8 Q Pardon me?

9 A Just the words that I used.

03:56 10 Q "I got her" or "I fixed her," those are the words
11 you used?

12 A Yup.

13 Q You invented those words?

14 A Yes.

03:56 15 Q And then you get to the bus depot in Calgary and
16 you come up with this other story, "Dave told me
17 he hit a girl in Saskatoon --" if we can go to
18 page 2, sorry, if you could blow up that first
19 paragraph:

03:57 20 "Dave told me he hit a girl in
21 Saskatoon, or maybe he said he did a
22 girl in in Saskatoon."

23 Is that what he said?

24 A No.

03:57 25 Q So you made this up again?



1 A Yes.

2 Q And it's very carefully made up, Mr. Wilson, isn't
3 it?

4 A I don't think so.

03:57 5 Q Well, you are using words like, you know, he hit a
6 girl, you are not going for the obvious, you are
7 crafting this in a way that it's, that it's more
8 believable because you are saying he hit a girl.
9 It's like, oh, I can't quite remember exactly what
03:57 10 he said, but he said something like he hit a girl
11 or he did a girl. It makes you look more
12 believable because you are not having a perfect
13 memory and because time goes by.

14 A Well, that's your theory, not mine. Sorry.

03:58 15 Q Why did you use those words?

16 A I don't know. Those are just, like I said, the
17 words I used.

18 Q And then you say, you finally get down to it
19 after, you know, after talking about he hit or did
03:58 20 a girl, you then say he told you that he grabbed
21 her purse and she fought and he said he jabbed her
22 with a knife a few times and said he put her purse
23 in a trash can. Now, those words, where did you
24 get them from?

03:59 25 A Don't know.



1 Q And then at the end of the statement -- well, the
2 next paragraph you talk about a discussion you had
3 with Nicky and you said:

4 "I told her what David told me and she
03:59 5 said she already knew."

6 You made up that part of it too; is that fair to
7 say?

8 A Yes.

9 Q And why would you throw that in, to sort of add to
03:59 10 the story here, to make it look more believable?

11 A Probably.

12 Q To corroborate the fact that, you know, that after
13 you heard this startling admission from your
14 friend, that you would naturally go and talk about
03:59 15 it with somebody else and to add further weight to
16 your story she said that she also knew that
17 happened. Is that what you were doing?

18 A Yes.

19 Q And then you end the statement by saying:

04:00 20 "... I am sure Milgaard killed that
21 nurse ...".

22 Did the police ask you to make that statement at
23 the end, is it -- it's totally inadmissible, or
24 is that something you threw in at the end?

04:00 25 A I don't believe I said that, myself, no.



1 Q You don't believe you said that?

2 A Well, I said it, but --

3 Q Well isn't it -- the police wouldn't want that
4 because they can't use that --

04:00 5 A Uh-huh.

6 Q -- in Court, it's probably something you said,
7 right?

8 A I don't know.

9 Q You don't know?

04:00 10 A It's just that it's there, that's all.

11 Q But why would you throw that in at the end:

12 "... I am sure Milgaard killed that
13 nurse ..."?

14 A No idea.

04:01 15 Q Now I would just like to ask you again, we're
16 getting near the end here, there's just one more
17 lawyer after me, so this is one of your last
18 chances, here, to unravel the mystery as to why
19 you gave this false testimony. Why did you do it?

04:01 20 A To protect my own ass.

21 Q That's right. And why did you feel you had to
22 protect your own ass?

23 A Because I was scared, paranoid.

24 Q Scared of what?

04:01 25 A That they might charge me with it.



1 Q Did they ever caution you for this, for murder,
2 did they ever say "look, Mr. Wilson, anything you
3 say may be used against you concerning this charge
4 of murder"; they never said that to you, did they?

04:02 5 A No.

6 Q Did they ever place you under arrest for the
7 murder?

8 A No.

9 Q And you knew when you were dealing with them,
04:02 10 first of all you were dealing with them when you
11 were in custody, but when you went to -- when you
12 dealt with them initially in Regina on May 21st
13 and then went to Saskatoon on May 22nd and May
14 23rd, you knew you didn't have to go with them;
04:02 15 didn't you?

16 A Correct.

17 Q You could walk out at any time?

18 A Yes.

19 Q And you chose to go with them?

04:02 20 A Yes.

21 Q So why did you feel that -- that you -- why did
22 you feel that you were in jeopardy?

23 A I just felt like I was a suspect.

24 Q Well the only, the only piece of evidence they
04:03 25 have against you is that you were driving in a car



1 in the area where she was killed, and there was
2 probably other people that were driving around in
3 that car -- in a car in that area, and walking and
4 being in that area also; why would that concern
04:03 5 you, the fact that you were just in that area?

6 A Because I didn't know what they were up to at all.

7 Q So you are saying that you took this what I would
8 describe as being a fairly unusual step for
9 somebody with your background, you took the -- you
04:03 10 did this because you were scared that you were
11 going to be charged with murder?

12 A Well that's the reason I came up to take the
13 polygraph, was to get everything straight, and
14 from there it went all wrong.

04:04 15 Q But you were talking to them about what happened
16 before you came up to do the polygraph; right?

17 A Certain parts, yes.

18 Q Yeah. And you knew that they had nothing in the
19 way of evidence against you?

04:04 20 A I didn't know that for sure, no.

21 Q Well how could they have any evidence against you
22 from what you have told us about this incident?

23 A I don't know.

24 Q The only thing you could possibly have, the only
04:04 25 possible piece of evidence that they could get,



1 when we hear your account of what happened, is
2 that you were driving a car around in the area
3 with two other people in the car; how -- why would
4 you be worried that you could get charged?

04:04 5 A Because I was.

6 Q Why?

7 A I don't know.

8 Q And you weren't, you know, with your background
9 weren't you the type of guy that would just tell
04:04 10 the policeman to "get stuffed, you don't have any
11 evidence against me, I'm not talking to you"?

12 A Not at that time.

13 Q And the focus of all their questions was David
14 Milgaard; wasn't it?

04:05 15 A Pretty much.

16 Q And you say that you, you know, what was critical
17 here to you was this, you know, I don't know
18 how -- we'll say four to six hours of questioning
19 by Inspector Roberts?

04:05 20 A Yes.

21 Q And he is now dead, he is not here to defend
22 himself, you know that?

23 A Yes, I know that.

24 Q And you knew, when you were going through that
04:05 25 questioning and when you were talking to the



1 police on the way up and in Saskatoon, you knew
2 that you had the right to remain silent; right?

3 A Yes, I believe so.

4 Q And yet you swear out these false statements
04:06 5 against a friend of yours even though there was no
6 evidence against you; right?

7 A Yes.

8 Q And then you go and give evidence against him at a
9 preliminary inquiry, you -- first of all you swear
04:06 10 these statements on I believe it was May 23rd and
11 24th before a Justice of the Peace, then you give
12 these statements against him at a preliminary
13 inquiry, and then you testify again at a trial;
14 right?

04:06 15 A Yes.

16 Q And when you were giving your evidence at the
17 preliminary inquiry, you were in custody at that
18 time, weren't you?

19 A Yes.

04:06 20 Q And that would have been a very difficult thing to
21 do, give evidence when you are in custody against
22 another accused; right?

23 A No.

24 Q Why was that? Why not?

04:07 25 A You had no choice.



1 Q You -- you said you were in the Fort Saskatchewan
2 jail when that happened?

3 A Yup.

4 Q I put it to you it was well-known in the Fort
04:07 5 Saskatchewan jail, at that time, that inmates who
6 testify at a preliminary inquiry could refuse to
7 take the oath and be remanded eight days at a
8 time; remember that?

9 A No.

04:07 10 Q But you are saying there was no pressure, that you
11 weren't concerned about testifying against another
12 person, when you were an inmate in a jail?

13 A No.

14 Q Did you convince the prison population where you
04:07 15 were that you should be able to give this
16 testimony for certain reasons?

17 A I don't believe I was asked about it.

18 Q Pardon me?

19 A I said I don't believe I was asked about it.

04:08 20 Q I put it to you that it would be -- you would have
21 to be pretty determined to give evidence against
22 David Milgaard to give testimony against him when
23 you are in a jail?

24 A I don't believe so.

04:08 25 Q You don't believe so?



1 A No.

2 Q You know what I am talking about; don't you?

3 A Not really.

4 Q Well it's very difficult, when you are in a prison
04:08 5 setting, to give evidence against somebody, it's
6 not something that is very -- looked upon very
7 well, like --

8 A Back then it wasn't that bad. I would say now,
9 yes.

04:08 10 Q I put it to you it was just as bad back then too?

11 A I didn't have any problems with anybody.

12 Q I put it to you you were very determined, for one
13 reason or another, to, you know, to testify
14 against David Milgaard and provide these false
04:09 15 statements against him?

16 A No I wasn't.

17 Q You know, you even, the day or two before the
18 trial you give them the names of Lapchuk and
19 Melnyk; right?

04:09 20 A That I don't recall.

21 Q You don't have any recall of that?

22 A No.

23 Q Well where -- how do you think those guys got
24 involved?

04:09 25 A I don't recall.



1 Q So are you just saying that, when you get up on
2 the stand at the trial, you are just testifying
3 because you have to and you don't have any
4 personal interest in the whole thing?

04:09 5 A Correct.

6 Q So let's just go back. You have developed this
7 fairly sophisticated story, you have -- you bring,
8 you know, I'm suggesting you brought in two other
9 witnesses to implicate him, you are in a prison
04:10 10 setting when you have to provide your testimony at
11 the preliminary inquiry; you are sure that you
12 were not quite determined to give evidence against
13 him?

14 A Positive.

04:10 15 Q Pardon me?

16 A Positive.

17 Q When you give your testimony at the trial, you
18 have already talked about this, you were well
19 aware that you couldn't go back on what you said
04:10 20 at that point; right?

21 A Right.

22 Q You talked about, you talked about a concern that
23 you could be charged with perjury and receive a
24 jail sentence in the area of ten years?

04:11 25 A Yes.



1 Q And that is a -- and did you, when you get that,
2 when you get that figure ten years, where did you
3 get that from?

4 A I don't know. Just, probably, out of the air.

04:11 5 Q You knew it's a major perjury when you testify
6 against somebody on a murder charge; right?

7 A Yes, I would imagine, yes.

8 Q If you testify falsely?

9 A Yes.

04:11 10 Q And so when you are up, you are testifying at that
11 trial, you don't -- you -- what's going on in your
12 mind is you do not want to open the door to a
13 perjury charge; right?

14 A Correct.

04:11 15 Q It's a question of survival for you?

16 A Yes.

17 Q And you, in preparation for that trial, read the
18 preliminary inquiry transcripts over; didn't you?

19 A Yes.

04:11 20 Q And you read your statement over; didn't you?

21 A Yes.

22 Q Just to make sure you could get the statement that
23 you -- statements you had given, and the
24 preliminary inquiry transcripts, down and memorize
04:12 25 them; right?



1 A Yes.

2 Q And you were determined to get through that trial
3 by testifying that the May 23rd and May 24th
4 statements were correct?

04:12 5 A Correct.

6 Q Had you ever -- I gather you had not received any
7 legal advice about your predicament before you
8 testified at the trial?

9 A No.

04:12 10 Q You just figured that out yourself?

11 A Yes.

12 Q Now you said, you said at one point that you
13 thought you would be found to be a non-credible
14 witness because of your lifestyle, the drugs that
04:13 15 you were doing; do you remember saying that?

16 A Yes.

17 Q Now if -- if you were -- so you -- are you saying
18 that you were hoping that that would happen?

19 A Probably at the time I was, yes.

04:13 20 Q If you were hoping that that would happen, that
21 you would be found non-credible because of the
22 drugs and the lifestyle, why wouldn't you tell the
23 truth about the drugs that you were doing;

24 A 'Cause I didn't want them to know how much drugs I
04:13 25 was really doing.



1 Q Well what difference does it make, you are giving
2 them some but you are not giving them all?

3 A Correct.

4 Q So you weren't worried you were going to get
04:14 5 charged with anything; right?

6 A Well, no, I was also dealing drugs at the time and
7 I didn't want that out either so --

8 Q Right. But we're just talking about using drugs,
9 that's what the questioning was, whether you,
04:14 10 David, and Nichol used drugs on the trip up to
11 Saskatoon and whether you were under the influence
12 of drugs on the trip up to Saskatoon. And then
13 you lied about that, right, at the trial?

14 A I can't remember what I said at the trial.

04:14 15 Q Well if we could have document 2 -- I believe this
16 is it -- the trial transcript of Mr. Wilson,
17 200762, page 200975. And this is part of your
18 trial transcript, you are being, actually being
19 examined by the judge at this point, --

04:15 20 A Oh yeah.

21 Q -- and you are asked a question:

22 "Q During the course of that trip was there
23 anything to indicate to you that the
24 accused was under the influence of
04:16 25 either alcohol or drugs?



1 A No, there wasn't.

2 Q Was there anything to indicate to you
3 that the girl Nichol John was under the
4 influence of alcohol or drugs?

04:16 5 A No, there wasn't.

6 Q Were you yourself under the influence of
7 alcohol or drugs?

8 A No, I wasn't."

9 A Uh-huh.

04:16 10 Q And then the next question:

11 "Q Now, I want to make certain you
12 understand that - I am talking about
13 from the time you left Regina until the
14 time you got to Saskatoon?

04:16 15 A Yes."

16 And then it goes down a little bit further:

17 "Q There was no indication that any one of
18 you was under the influence of drugs or
19 alcohol?

04:16 20 A No, there wasn't."

21 So it looks like you weren't very candid about
22 that; were you?

23 A No.

04:16 24 Q And if you are trying to, you know, if you are
25 stuck with giving these lies about David Milgaard



1 but you are hoping that he is going to get off, or
2 that you are hoping that you will be non-credible
3 because of the drugs that you do, why are you
4 minimizing your drug involvement, particularly at
04:17 5 this very important juncture, on the trip to
6 Saskatoon?

7 A Well, right there, I don't know why I did that.

8 Q Like, you know, if you are, like you say that you
9 are hoping that, that, you know, that your heavy
04:17 10 involvement with drugs will make you look like you
11 are not believable and yet you are, you are trying
12 to make it look like you are -- you weren't using
13 drugs on that trip?

14 A That I don't recall, but it's there, so --

04:17 15 Q Okay. And do you remember being asked by the
16 defence lawyer, Mr. Tallis, about your general use
17 of drugs and you minimized your use of drugs at
18 the trial?

19 A Yes.

04:18 20 Q And did -- you minimized it quite a bit; didn't
21 you?

22 A Yes, I did.

23 Q And why would you do that if you were hoping that
24 your credibility would take a hit because you were
04:18 25 a drug -- you know, using a lot of drugs?



1 A Well I can say that, okay, that's my afterthought
2 years later. Like, what I was thinking then, I
3 don't know for sure.

4 Q Okay. So you are not sure whether that was what
04:18 5 you were really thinking at the time of the trial?

6 A At that time, no, I can't be sure of that.

7 Q You made -- you made another comment that you
8 didn't feel you had been pushed hard, if pushed
9 harder you felt you would break; remember saying
04:18 10 that?

11 A Yes.

12 Q Now --

13 A And that's basically the same answer with my, you
14 know, thinking later on, than at the trial itself.

04:18 15 Q So it was later on, after you talked to
16 Mr. Henderson, right?

17 A Yes.

18 Q And did Mr. Henderson sort of give you that idea?

19 A No.

04:19 20 Q Did somebody else give you that idea?

21 A No. It just came to me.

22 Q It came to you?

23 A Yeah.

24 Q But it wasn't your thought, necessarily, at the
04:19 25 time; is that what you are saying?



1 A Correct.

2 Q And what are you saying, that if you had been
3 pushed harder -- or did you ever watch Perry
4 Mason; is that what you are saying, that --

04:19 5 A No.

6 Q Did you ever see that television program?

7 A Oh, yeah, many years ago.

8 Q Yeah. And Perry Mason always used to be able to
9 crack the witness; right?

04:19 10 A Yeah.

11 Q Do you know how often that really happens, Mr.
12 Wilson?

13 A Not very often.

14 Q It doesn't happen very often, you are right, and
04:19 15 it wasn't going to happen to you that day either;
16 was it?

17 A I don't know.

18 Q Pardon?

19 A I don't know. It might have.

04:19 20 Q Well you were pretty determined to get through
21 this without a perjury charge; right?

22 A Yes.

23 Q I am wondering if we can pull up a document, this
24 is an article from the Winnipeg Free Press dated
04:20 25 July 19 -- July 17th, 1990, the document number



1 004752, and if we could bring up that part of it,
2 please. Thank you. You will see that this
3 article refers to, and it refers to developments
4 after, after you were, you gave this statement to
04:20 5 Mr. Henderson, and it quotes Mr. Asper and then it
6 quotes you. You must have talked to this
7 reporter, do you remember talking to him, a fellow
8 by the name of Dan Lett --

9 A I don't --

04:21 10 Q -- of the Winnipeg Free Press?

11 A I don't recall it, but I know I did.

12 Q And a good part of this article deals with the
13 fact that it's alleged in the article that the
14 defence lawyer did not cross-examine you on your
04:21 15 earlier statement at the trial, you know, the
16 March 3rd statement?

17 A Yes.

18 Q And you are quoted here as saying, and I'm
19 referring to that part of it:

04:21 20 "Wilson, in an interview from his B.C.
21 home, said he did not remember giving
22 the first statement, but firmly believes
23 Tallis could have broken him on the
24 stand if he had used it at the trial.

04:21 25 'It's all a bunch of crap,'



1 Wilson said of his testimony. 'The
2 first one was the one that was supposed
3 to be used in court. If they had used
4 it then, it would all have been over.'

04:22 5 Do you remember saying that to the reporter?

6 A No I don't.

7 Q You are aware that he did question you about what
8 you -- he did question you at the trial about what
9 you said on March the 3rd?

04:22 10 A I don't recall.

11 Q You don't recall?

12 A No.

13 Q Well, we'll go through that in a minute. But
14 where did you get this from after -- and we're
04:22 15 talking, here, in 1990, we're talking 20, 20 years
16 after the trial; where do you all of a sudden get
17 this from?

18 A Just an assumption.

19 Q Just an assumption?

04:22 20 A Yeah.

21 Q Anybody tell you that, you know, that -- anybody
22 tell you that that was the problem with this trial
23 or anything like that?

24 A No.

04:22 25 Q No?



1 A No.

2 Q Just an assumption on your part?

3 A Yes.

04:23 4 Q Do you know, do you know how long you were on the
5 witness stand at the trial?

6 A No.

7 Q It looks to me like you were cross-examined for
8 about half a day by Mr. Tallis at the trial.

9 A Okay.

04:23 10 Q Does that sound about right?

11 A I don't recall any of the trial.

12 Q You might have been on the, it looks to me like
13 you were on the stand for a full day?

14 A No, I don't --

04:23 15 Q You don't?

16 A I don't recall any of it.

17 Q You know, there is a -- you have read the
18 cross-examination of you at the trial?

19 A Not for a long time.

04:23 20 Q Not for a long time?

21 A No.

22 Q It goes on for a lot of pages; doesn't it?

23 A Yes, I believe so.

04:24 24 Q It certainly wasn't a 30-minute cross-examination,
25 it was a very thorough cross-examination?



1 A I believe so, yes.

2 Q And, in fact, you admitted that when you were
3 before the Supreme Court; didn't you?

4 A I believe so.

04:24 5 Q I would like document number 120749, please, and
6 it's 0 -- hang on here, there is something wrong
7 here, I have the wrong reference number,
8 Mr. Commissioner. This is the testimony of Mr.
9 Wilson before the Supreme Court of Canada, page
04:24 10 572, if that would be of any help, and it's, the
11 page I have is 013679.

12 If I'm taking a -- if I'm
13 causing a problem here, sir, this -- I would,
14 certainly I could stop at this point and go on
04:25 15 tomorrow?

16 COMMISSIONER MacCALLUM: It's okay,
17 Mr. Pringle, we just have to do a little bit of
18 --

19 MR. PRINGLE: Okay.

04:25 20 COMMISSIONER MacCALLUM: To arrive at the
21 --

22 BY MR. PRINGLE:

23 Q 013679. And this is Mr. Neufeld asking you
24 questions in the Supreme Court of Canada, and you
04:26 25 have told us that you were trying to do your best



1 to tell the truth in the Supreme Court of Canada,
2 it's not a place where you wanted to lie; right?

3 A Correct.

4 Q And Mr. Neufeld is questioning you and here's,
04:26 5 here's the questions and answers, question at the
6 top:

7 "Q That's the way it felt to you. And you
8 were cross-examined very closely by Mr.
9 Tallis, weren't you, both at the
04:26 10 preliminary hearing and at the trial.

11 A Yes, sir.

12 Q And in an expert fashion, I would
13 suggest to you.

14 A I would gather so.

04:26 15 Q He pointed out numerous inconsistencies
16 between your preliminary hearing
17 transcript and your trial transcript,
18 didn't he?

19 A I believe so.

04:26 20 Q Sure. He got you to change things, and
21 back and forth, and had you acknowledge
22 that you said a different thing at a
23 different time. Isn't that so?

24 A Yes, sir.

04:27 25 Q Would you agree with me that the jury



1 may well not have believed a word you
2 said?

3 A It's possible."

04:27 4 When you were -- you gave that testimony at the
5 Supreme Court?

6 A Yes.

7 Q And that testimony was true?

8 A Yes.

04:27 9 Q So why are -- why were you saying that you didn't
10 feel he pushed you hard enough?

11 A I don't know.

12 Q You are not, you are not an expert in advocacy;
13 are you?

14 A No.

04:27 15 Q And you are not aware of the disclosure that the
16 defence lawyer received in this trial either; are
17 you?

18 A No.

04:27 19 Q He doesn't have -- he didn't have the 300,000
20 pages we have here today, do we -- does he?

21 A Correct.

04:28 22 Q Now do you remember him, right at the start of the
23 cross-examination, questioning you about the time
24 that you were outside the vehicle and how far you
25 walked?



1 A No I don't.

2 Q This is right at the start of your
3 cross-examination, document number 200762 at page
4 200950 -- oh, pardon me, this is, I'm giving you
04:28 5 the wrong -- well let's go to that one anyways,
6 we'll deal with that. And here, this is a little
7 different subject, this is about -- you were being
8 questioned on your earliest -- what you said early
9 to Corporal Riddell of the RCMP. And at page 295:

04:29 10 "Q And I suppose that it's fair to say that
11 when you were talking to Inspector
12 Ruddell on this occasion you told him
13 that nobody in your car had anything to
14 do with this terrible thing that
04:29 15 happened in Saskatoon?

16 A That's right.

17 Q And in particular you said that you
18 hadn't had anything to do with it?

19 A Yes.

04:29 20 Q And that David hadn't had anything to do
21 with it?

22 A Yes.

23 Q And as I understand it, you gave him as
24 best as you could recollect particulars
04:30 25 of the various spots that you had been



1 in Saskatoon even though you couldn't
2 designate the name of the motel and so
3 forth?

4 A I didn't give him everything.

04:30 5 Q No, but you gave him spots such as the
6 Danchuk place - you didn't know their
7 name?

8 A That's right.

9 Q But you knew the description of
04:30 10 Danchuk's car?

11 A Yes.

12 Q And you gave him particulars of that
13 nature?

14 A Yes I did."

04:30 15 Now in that passage, there, it talks about the
16 fact that you, when you were talking to Corporal
17 Riddell -- and that would be at the time of the
18 statement on March the 3rd -- you told him that
19 you and the other people in your car didn't have
04:30 20 anything to do with this particular matter?

21 A Correct.

22 Q And you were questioned by the defence lawyer
23 about that; he asked you whether you said that to
24 Corporal Riddell?

04:31 25 A Okay.



1 Q Pardon?

2 A I said 'okay'.

3 Q And you were questioned further, at 200955, and if
4 you could take a look at that up here. That
04:31 5 portion once again, once again this doesn't deal
6 with the March 3rd statement, but it deals with
7 the subsequent discussions you had with Mr. Karst
8 before you start implicating David, and here, once
9 again, you are -- there's an admission extracted
04:32 10 from you in cross-examination that you told a
11 police officer that David Milgaard had no
12 involvement in Gail Miller's death; right?

13 A Right.

14 COMMISSIONER MacCALLUM: Mr. Pringle, any
04:32 15 time you find it convenient, we can stop.

16 MR. PRINGLE: Okay. Well, this will be
17 fine, Mr. Commissioner. I've only got about 20
18 minutes tomorrow.

19 COMMISSIONER MacCALLUM: Thanks. Nine
04:32 20 o'clock, please. Yes?

21 MS. KNOX: I had some discussion with Mr.
22 Hodson during the coffee break and I understand
23 that our witness list tomorrow might be a little
24 bit on the light side. I'm wondering if there's
04:32 25 any possibility that we could convene at 10



1 tomorrow morning. I know your preference is to
2 start at nine, but I'm engaged in a matter that
3 has legal counsel involved in Ottawa, Winnipeg
4 and Edmonton and something came to my attention
04:32 5 this afternoon that requires me to try to have a
6 conference call in the morning because there's a
7 submission that's due, its deadline is tomorrow
8 afternoon. My office was trying to arrange it
9 for early in the morning. I don't know if they
04:33 10 were able to contact counsel in Edmonton and have
11 him available to do the call at eight o'clock
12 which would allow me time to get here, but I'm
13 just thinking it's going to be a little tight and
14 if we have time in the day then, and no other
04:33 15 counsel has objection, I realize I'm asking for
16 an indulgence here, we could start even at 9:30
17 or 10.

18 COMMISSIONER MacCALLUM: Mr. Hodson, will
19 we miss the hour?

04:33 20 MR. HODSON: No. What we have lined up for
21 tomorrow is Mrs. Wilson who will be here and as
22 well the read-ins for Luana Edwards. I was
23 trying to move up a Wednesday witness to tomorrow
24 because we are a bit ahead of where I thought we
04:33 25 would be with Mr. Wilson, so starting later will



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not impact our schedule.

COMMISSIONER MacCALLUM: I don't hear anybody objecting do I? 10 o'clock tomorrow, please.

(Adjourned at 4:35 p.m.)



<p>'68 - 7392:2, 7393:6, 7393:16 'by - 7371:19 'kick - 7327:1 'okay' - 7429:2 'the - 7422:1 'this - 7310:21</p>	<p>1951 - 7389:11 1960s - 7394:23 1963 - 7393:6 1968 - 7392:1, 7393:22, 7394:1 1969 - 7307:13, 7310:10, 7312:11, 7313:14, 7314:1, 7314:19, 7315:14, 7321:10, 7321:16, 7321:18, 7322:24, 7323:4, 7324:1, 7327:9, 7327:23, 7329:14, 7337:6, 7337:10, 7379:10, 7379:14, 7383:8, 7395:20 1970 - 7295:1, 7315:21, 7317:11, 7321:10, 7324:22, 7325:11, 7325:17, 7330:19, 7332:20, 7334:20, 7335:12, 7366:22, 7394:2, 7394:19 1971 - 7394:3 1980 - 7349:6, 7359:25, 7391:2 1990 - 7338:18, 7342:6, 7342:21, 7342:22, 7349:10, 7349:12, 7349:13, 7351:12, 7355:2, 7355:15, 7357:3, 7358:9, 7361:10, 7361:17, 7362:14, 7362:18, 7366:5, 7366:10, 7366:20, 7367:2, 7369:17, 7369:19, 7370:6, 7371:10, 7379:3, 7379:14, 7380:13, 7380:23, 7381:1, 7382:12, 7382:18, 7384:4, 7384:7, 7385:6, 7420:25, 7422:15 1990s - 7332:16 1991 - 7338:22, 7386:6 19th - 7349:6, 7355:15, 7358:8, 7393:6, 7393:22 1:00 - 7291:2, 7351:6 1:30 - 7351:6</p>	<p>24th - 7410:11, 7415:3 25 - 7373:6 25th - 7362:14, 7366:10, 7367:6, 7369:19 26th - 7369:17, 7370:11 27th - 7338:22, 7386:6 28 - 7361:17, 7367:2 28th - 7362:18, 7368:16, 7370:5, 7370:13 295 - 7427:9 2:02 - 7338:10 2:21 - 7338:11 2:30 - 7352:22, 7353:1 2:45 - 7353:13</p>	<p>9 9:30 - 7430:16 9th - 7380:13, 7380:22, 7382:12, 7382:18, 7384:6</p>	<p>7342:25, 7348:8, 7353:14, 7359:2, 7385:17 advocacy - 7426:12 affect - 7336:10 affected - 7331:3 afternoon - 7291:3, 7291:20, 7324:18, 7328:1, 7430:5, 7430:8 afterthought - 7419:1 age - 7313:1, 7313:19 aggressive - 7378:8 ago - 7323:13, 7420:7 agree - 7307:13, 7308:6, 7308:15, 7312:24, 7315:7, 7315:19, 7319:3, 7323:1, 7323:25, 7324:11, 7324:12, 7324:20, 7328:18, 7335:9, 7383:13, 7425:25 agreeable - 7370:9 agreed - 7339:9, 7355:7, 7367:8, 7387:24 agreement - 7297:16, 7299:2, 7300:25, 7302:15, 7363:23, 7364:11, 7364:16 ahead - 7430:24 air - 7414:4 alcohol - 7334:2, 7360:6, 7416:25, 7417:4, 7417:7, 7417:19 Alesbury - 7396:3 Alex - 7389:5 Alexander - 7289:13 allege - 7295:8 alleged - 7397:17, 7421:13 allow - 7305:9, 7430:12 allowed - 7362:1 alluded - 7353:22 almost - 7378:24, 7386:1 alone - 7375:23 alternatively - 7380:5 altruistic - 7300:18 amount - 7373:12, 7394:22, 7394:24 amplify - 7378:4 analysis - 7322:17 angry - 7398:16 animosity - 7397:7 answer - 7293:16, 7293:21, 7305:6, 7306:22, 7308:11, 7308:18, 7308:21, 7308:24, 7309:9, 7309:20, 7312:16, 7314:17, 7323:19, 7326:15, 7326:24, 7328:17, 7334:4, 7334:8, 7344:3, 7344:14, 7345:15, 7371:19, 7419:13 answered - 7307:8, 7309:13 answering - 7310:24, 7311:4, 7318:22, 7319:20, 7372:17 answers - 7305:15, 7309:19, 7310:6, 7310:7, 7425:5 anticipate - 7370:3 anticipated - 7370:12 anxious - 7323:19,</p>
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