

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
Radisson Hotel at
Saskatoon, Saskatchewan

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Volume 30

Inquiry Proceedings



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RONALD DALE WILSON, CONTINUED

- BY MR. HODSON

5760



1 **Transcript of Proceedings**

2 (Reconvened at 10:05 a.m.)

3 COMMISSIONER MacCALLUM: Good morning.

4 ALL COUNSEL: Good morning.

10:06 5 MR. HODSON: Morning Mr. Commissioner.

6 COMMISSIONER MacCALLUM: Morning

7 Mr. Hodson.

8 **RONALD DALE WILSON, continued:**

9 BY MR. HODSON:

10:06 10 Q Mr. Wilson, where we left off on Thursday when we
11 adjourned, I was going through the evidence that
12 you gave at David Milgaard's preliminary hearing
13 and at his trial in 1969 and 1970, and do you
14 remember us starting to go through that?

10:06 15 A Yes.

16 Q And, if I could call up the outline again, it's
17 document 325547. And, just to refresh your memory
18 from Thursday, what I -- and I think we got
19 through number 1, the drug use, we got to the
10:06 20 preliminary hearing is where we ended up. What I
21 propose to do today, this morning, is to go
22 through the evidence that you gave at the
23 preliminary hearing and trial, and I have broken
24 it out by these subject matters 1 to 9 and then
10:07 25 some miscellaneous categories. And as I stated on



1 Thursday, in some cases I will be asking you
2 whether the evidence you gave was truthful or not,
3 because you have told us that -- told us last week
4 that some of your evidence at the preliminary
10:07 5 hearing and trial was not correct; you would
6 agree?

7 A Yes.

8 Q So it would be to clarify that; in other cases
9 it's to get your current recollection of what's --
10:07 10 what you testified about; and in other cases I'm
11 simply going to be reading for the purposes of the
12 Commission, the Commissioner, the public, some
13 parts of your evidence so that we know what it was
14 you said at trial and at the preliminary, and I
10:07 15 may have some questions later about that; okay?

16 A Okay.

17 Q So if we could go back to the preliminary
18 hearing -- or pardon me -- the trial transcript,
19 and I think if you could call up page 005305, and
10:08 20 this is from the trial transcript. I think that's
21 page 312 of the transcript, if that helps. So
22 what I read to you on Thursday was the preliminary
23 hearing, this is now the trial, so this is what
24 the jury heard; do you understand?

10:09 25 A Yes.



1 Q And start off with the examination by the Court,
2 if you could just call that out, please. And this
3 is Chief Justice Bence, it says:

4 "... which have been suggested to me
5 some members of the jury would like to
6 have put to this witness ...",

7 and he is referring to questions that the jury
8 had asked the judge to ask you, and he says:

9 "... and I'm going to do so now before
10 asking Mr. Tallis to resume his
11 cross-examination and I do that
12 particularly because he should be given
13 the opportunity of exploring on behalf
14 of his client the accused matters which
15 may arise out of the putting of these
16 questions -",

17 and then carrying on, scroll down, please. And
18 then, here, the judge asks you:

19 "Q During the course of that trip did you
20 consume any alcohol?

21 A No.

22 Q To your knowledge did the accused
23 consume any alcohol?

24 A No.

25 Q Did Nichol John to your knowledge



1 consume any alcohol?"

2 Next page:

3 "A No."

4 If we can pause there; do you recall whether any
10:10 5 of you used any alcohol on the trip on January
6 31, 1969?

7 A No I didn't.

8 Q And so those would be truthful answers?

9 A Yes.

10:10 10 Q And then the judge asks you:

11 "Q During the course of that trip did you
12 take any type of drugs?

13 A Between Regina and Saskatoon?

14 Q Yes.

10:10 15 A No.

16 Q To your knowledge did the accused?

17 A No.

18 Q To your knowledge did Nichol John?

19 A No."

10:10 20 And if I can pause there; are those truthful
21 answers?

22 A At Regina we did; between Regina and Saskatoon,
23 no.

24 Q So you had used drugs prior to leaving, but not --

10:10 25 A Not during the trip.



1 Q Okay. So that is -- I guess at the -- you are
2 saying, if during the course of the trip means
3 after you left, then is that truthful?

4 A Yes.

10:11 5 Q And scroll down, please, it says:

6 "Q During the course of that trip was there
7 anything to indicate to you that the
8 accused was under the influence of
9 either alcohol or drugs?

10:11 10 A No, there wasn't.",
11 and 'the accused' being David Milgaard; is that a
12 truthful answer?

13 A No, it's not.

14 Q And what is the truth?

10:11 15 A That he was stoned on drugs.

16 Q And can you tell us why you would have told the
17 Court otherwise at the trial?

18 A I don't know.

19 Q Carrying on:

10:11 20 "Q Was there anything to indicate to you
21 that the girl Nichol John was under the
22 influence of alcohol or drugs?

23 A No, there wasn't.

24 Q Were you yourself under the influence of
10:11 25 alcohol or drugs?



1 A No, I wasn't."

2 Is that truthful?

3 A No.

4 Q Were you under -- I think you have already told
10:12 5 us, you were under the influence of drugs on the
6 trip?

7 A Yes.

8 Q Again, any explanation as to why you wouldn't tell
9 the truth?

10:12 10 A No.

11 Q Okay. Scroll down, please. And the judge says:

12 "Q Now, I want to make certain you
13 understand that - I'm talking about the
14 time you left Regina until the time you
10:12 15 got to Saskatoon?

16 A Yes.

17 Q You understand that?

18 A Yes I do.

19 Q There was no indication that any one of
10:12 20 you was under the influence of drugs or
21 alcohol?

22 A No, there wasn't."

23 And, again, I think you said that was not true;
24 is that correct?

10:12 25 A That's correct.



1 Q And if we go to page 005332, please. Now, Mr.
2 Wilson, do you remember being cross-examined by
3 David Milgaard's lawyer at trial, Mr. Tallis?

4 A Yes.

10:13 5 Q And so this, where it says at the top
6 cross-examination, this is Mr. Tallis asking you
7 questions at trial in front of the jury. If I
8 could just call out the bottom part:

9 "Q And then they chew it and so on like
10:13 10 that. Now, after you were released from
11 jail ...",
12 and that would be the May 9th, 1969 date that's
13 referred to earlier:

14 "... I put it to you that you started
10:13 15 hitting LSD pretty heavy?

16 A After a couple of weeks I did.

17 Q Well, I suggest to you that you were on
18 it a couple of times a week or so?

19 A Yes I was."

10:13 20 Now I think you may have answered this on
21 Thursday. Is that the answer you gave to Mr.
22 Tallis about your drug use after getting out of
23 jail; is that the truth?

24 A Yes.

10:13 25 Q You want to just read it, this question here,



1 he -- you said it was a couple of weeks after you
2 got out of jail you started hitting LSD pretty
3 heavy?

4 A No, it's not.

10:13 5 Q And what is the truth?

6 A Next day.

7 Q Pardon me?

8 A It was the next day.

9 Q And can you tell us why you would have told Mr.
10:14 10 Tallis that it was a couple of weeks after May 9th
11 as opposed to right away?

12 A I don't know.

13 Q And carrying on:

14 "Q And not too long after you were
10:14 15 released?

16 A Two weeks at the most.

17 Q Two weeks at the most; and I suggest to
18 you that the effect that you received
19 from this substance after you were
10:14 20 released and took it was quite difficult
21 for you to describe?

22 A Yes.

23 Q I see you smiling; is that a fair way to
24 put it?

10:14 25 A Yes.



1 Q And I take it that you in fact started
2 using it about twice a week when you got
3 out of jail?

4 A Yes.

10:14 5 Q That is - when you got out of jail was
6 on May the 9th 1969?

7 A Yes."

8 And the 'twice a week', I think you told us last
9 week that it was more than twice a week, your
10:14 10 drug use; is that correct?

11 A Total drug use, yes.

12 Q If you scroll down to line 20, please. And,
13 again, this is Mr. Tallis questioning you at the
14 trial:

10:15 15 "Q And after you started hitting it heavy
16 in May of 1969 did you have what you
17 people call hallucinations?

18 A Yes.

19 Q And without you giving us a short course
10:15 20 on it here I take it that it
21 hallucinates things and there are more
22 colours . . . ?

23 A Yes.

24 Q . . in your mind's eyes?

10:15 25 A Yes.



1 Q In other words, when you took it on
2 these occasions you would be going on
3 trips?

4 A Yes.

10:15 5 Q And how long did you continue taking it
6 about a couple of times a week or so?

7 A Right up until I got picked up on
8 August the 8th.

9 Q Right up until the time you got picked
10:15 10 up on August the 8th?

11 A Yes.

12 Q And in these hallucinations - what did
13 you see in these hallucinations?

14 A Disfigurements.

10:15 15 Q Disfigurements - well, to what extent?

16 A Well, all I can say is they're far
17 out.

18 Q Well what do you mean by "far out"?
19 I've never been on one of these trips.

10:16 20 You haven't either, have you,
21 Mr. Caldwell?

22 A Well, some of them are pleasant and
23 some of them are not.

24 Q I see; and well, you see things that
10:16 25 aren't real, don't you?



1 A That's right.

2 Q You see things that aren't there?

3 A Yes.

4 Q You see colors that you've never seen
10:16 5 before?

6 A That's right.

7 Q You see pictures that you've never seen
8 before?

9 A Yes.

10:16 10 Q And are the trips you take ever the
11 same?

12 A No.

13 Q There are variations in them?

14 A Yes.

10:16 15 Q And does this depend on the amount that
16 you take or can you help me in that
17 connection?

18 A Well, the more you take at one time
19 the longer you are, like stoned."

10:16 20 If I can just pause there, that part that I read
21 you, is that truthful evidence you gave at the
22 trial?

23 A Yes.

24 Q Carrying on:

10:16 25 "Q I see; the longer you are stoned. Well



1 now, after you got out of jail on May
2 the 9th I take it you were sort of
3 pretty frustrated at having to sit in
4 the cells there?

10:17 5 A Yes.

6 Q And you certainly don't like jail?

7 A No, I don't.

8 Q No; and that's why you were trying to
9 get these other things waived in
10 possibly to get a concurrent sentence.

10:17 10
11 A That wasn't on that time.

12 Q I see, not on that time - that was later
13 on in August?

14 A Yes."

10:17 15 Can you explain that at all, Mr. Wilson, do you
16 know what you were referring to?

17 A I had some charges pending in Regina when I was in
18 Fort Saskatchewan, and I wanted them transferred
19 up, but that didn't happen.

10:17 20 Q So, once you got out of Fort Saskatchewan, you had
21 to deal with them in Saskatchewan; is that right?

22 A Yes.

23 Q If you could scroll down, please.

24 "Q ... And now I take it that after getting
10:17 25 out of jail on May the 9th you have told



1 us you started hitting the LSD pretty
2 heavy?

3 A Yes.

4 Q And did you also start hitting the booze
10:17 5 to some extent?

6 A Yes I did.

7 Q And when you mix LSD with booze does it
8 have a more dramatic effect?

9 A Not actually.

10:17 10 Q Not actually; you don't see any more
11 things than you do just with LSD?

12 A No, because it gets so bad you don't
13 know if you're drunk or stoned.

14 Q I see; and depending I suppose do you
10:18 15 get bad stuff? I'm not talking about
16 bad brew, I'm talking about bad LSD."

17 Is that truthful -- sorry, the answer:

18 A Every once in a while."

19 And is that evidence the truth, Mr. Wilson?

10:18 20 A Yes.

21 Q Scroll down to about line 23:

22 "Q I see; so from May the 9th, ...",
23 and again this is Mr. Tallis asking you these
24 questions:

10:18 25 "... so from May the 9th until you were



1 picked up in August were you taking LSD
2 in any form other than pills?

3 A Yes.

4 Q What other form were you taking it in?

10:18 5 A I was taking it on blotters and I was
6 cranking it up.

7 Q What do you mean by "cranking it up"?

8 A Using a syringe.

9 Q Using a syringe; well then, after you
10:18 10 got out on May the 9th were you using
11 other drugs besides LSD?

12 A Yes I was

13 Q You were; and what other drugs were you
14 using?

10:18 15 A Marihuana - hashish - mescaline -
16 heroin.

17 THE COURT:

18 Q Just a minute please - marijuana -
19 hashish, and what's the other one?

10:19 20 A Heroin.

21 Q You were taken heroin?

22 A Yes.

23 MR. TALLIS:

24 Q And you were using a syringe on some of
10:19 25 this other stuff too?



1 A Yes, I was."

2 Is that evidence that I read to you; is that
3 truthful evidence?

4 A Yes.

10:19 5 Q Next page, please. And, actually, if you could
6 just go back a page, please, just at the bottom
7 you will see this is Mr. Justice Bence -- Chief
8 Justice Bence asking you a question:

9 "THE COURT:

10:19 10 Q Excuse me a minute; I just want to clear
11 something up here. You left jail on May
12 9th?

13 A Yes.

14 Q And I think you said that after a couple
10:19 15 of weeks you started on LSD and then you
16 said in answer to Mr. Tallis not more
17 than two weeks?

18 A Yes.

19 Q Did you start taking the drugs before
10:19 20 you came to Saskatoon on May 22nd?

21 A No, I didn't; I was drinking up till
22 then."

23 Is that answer that you give Chief Justice Bence
24 truthful?

10:20 25 A No.



1 Q And what, and I think you may have told us, but
2 what is the truth?

3 A I started doing drugs the same day I got out.

4 Q Yeah. And why would you have told the judge
5 something differently at the trial?

6 A I don't know.

7 Q Carrying on:

8 "Q No, I didn't. I was drinking up till
9 then.

10 Q Drinking?

11 A Yes."

12 Scroll down, please.

13 "MR. TALLIS:

14 Q You can't say precisely when you started
15 hitting the LSD?

16 A Not precisely but I know it was after
17 I had been back from Saskatoon.

18 Q You know that it was after you had been
19 back from Saskatoon?

20 A Yes."

21 And I think you told us already it would have
22 been before that; is that fair?

23 A Yes.

24 Q Next page -- 005350 -- I'm sorry, 005 -- yes --
25 350. So this is an examination by the Court,



1 you'll see that this is Chief Justice Bence asking
2 you a question, and he says:

3 "COURT:

4 Q Alright; and on May the 23rd --"

10:21 5 Which is the day you had the polygraph and gave
6 your statement; do you remember that?

7 A Yes.

8 Q He says:

9 "Q And on May the 23rd were you under the
10:21 10 influence of drugs?

11 A No, I wasn't."

12 Is that truthful?

13 A Yes.

14 "Q And on May the 22nd were you?

10:21 15 A No, I wasn't."

16 Was that truthful?

17 A That was the day I was brought up to Saskatoon?

18 Q I believe so, yes.

19 A No, that's false.

10:21 20 Q And were you under the influence of drugs that
21 day?

22 A Not totally under the influence, I was coming
23 down.

24 Q What about on the 23rd, were you still coming
10:21 25 down?



1 A Yeah.

2 Q That's the evidence from the trial about drug use.

3 I would now like to move to the knife and if I

4 may, Mr. Wilson, before I get into this, just to

10:21 5 try and go over what you told us last week about

6 the knife, the picking of the knife, and I don't

7 wish to put words in your mouth so you tell me if

8 I'm summarizing incorrectly, I just want to go

9 over what I believe you told us last week. Okay?

10:22 10 A Okay.

11 Q I think you told us that your current

12 recollection, which you say is the truth, is that

13 between Regina and Saskatoon you recall David

14 Milgaard having a bone-handled hunting knife that

10:22 15 he recovered from the elevator; is that correct?

16 A Yes.

17 Q And that there was no paring knife in your vehicle

18 between Regina and Saskatoon; is that correct?

19 A That's correct.

10:22 20 Q And that you have no recollection of a flashlight

21 being taken from the elevator on the trip from

22 Regina to Saskatoon; is that correct?

23 A That's correct.

24 Q And then I think when we talked about your May

10:22 25 23rd, 1969 statement, those -- in that statement



1 it described a brown bone-handled knife. Do you
2 remember us looking at your statement and having
3 those words?

4 A Yes.

10:22 5 Q And then I think you told us that the paring knife
6 that you picked out on May 23rd, 1969 when you
7 were with Mr. Roberts was not the same as the
8 knife that I showed you Thursday, P-1. Do you
9 remember that?

10:23 10 A Yes.

11 Q The maroon handle. And I think you told us the
12 one that you picked out was a different colour and
13 had a different blade; is that right?

14 A Yes.

10:23 15 Q So with that in mind, and again that's simply to
16 make sure we're on the same page as to what you
17 said on the last day when I asked you about the
18 knife. If we could go to the preliminary hearing
19 evidence transcript and call up page 007614, and
10:24 20 this is the preliminary hearing, Mr. Wilson, this
21 was before the jury trial, you remember the
22 difference between the two we talked about?

23 A Yes.

24 Q And this is the prosecutor Mr. Caldwell asking you
10:24 25 questions, and if you could call out line 78 down,



1 Mr. Caldwell says:

2 "Q On the road between Regina and
3 Saskatoon?"

4 And I think this is referring to the elevator:

10:24 5 "A Yes, it was.

6 Q What happened at that town?

7 A Dave went into a grain elevator.

8 Q Where were you and John?

9 A In the car.

10:24 10 Q And did he come back again?

11 A Yes, he did.

12 Q Did he have anything with him?

13 A A flashlight.

14 Q Alright, and if I may skip ahead for a
10:24 15 moment, Wilson, did that flashlight stay
16 in the car for some time?

17 A Yes, it did.

18 Q Did you end up doing something with it?

19 A I took it into the house when I
10:25 20 returned to Regina.

21 Q This is some time in the future from
22 what we're talking about?

23 A Yes.

24 Q What did you eventually do with the
10:25 25 flashlight?



1 A I turned it over to the Saskatoon City
2 Police.

3 Q And which officer?

4 A I can't recall his name at the moment.

10:25 5 Q I see. Fine. Alright, so when Dave
6 returned then where did you go from
7 there?

8 A Continued on our way to Saskatoon."

9 Do you recall giving that evidence about the
10:25 10 flashlight, Mr. Wilson?

11 A No, I don't.

12 Q Are you able to tell us whether that part I read
13 you about the flashlight would have been truthful
14 evidence or not?

10:25 15 A At this time I can't.

16 Q And is that because you don't recall?

17 A I don't recall, no.

18 Q And if we could then go to the next page, 007616.

19 Now, that part that I just read you about the
10:26 20 flashlight, there was nothing mentioned about a
21 knife there; correct?

22 A Correct.

23 Q Do you know why that would be?

24 A No, I don't.

10:26 25 Q And just in fairness, Mr. Caldwell asks you about



1 a knife right after this, he says:

2 "MR. CALDWELL: On the way to Saskatoon, did
3 you observe Dave to have anything in his
4 possession other than the flashlight
10:26 5 that you mentioned?

6 A I observed a knife at one time.

7 Q Do you remember where and when that was?

8 A Just in between Regina and Saskatoon.

9 Q And what sort of knife was this?

10:26 10 A Sort of a paring knife moreless.

11 Q Can you just describe the various parts
12 of it? What it looked like.

13 A It had kind of a brownish red handle
14 and a blade. It's hard to describe
10:26 15 the blade.

16 COURT: I beg your pardon?

17 A I can't describe the blade just the
18 way it is.

19 COURT: Just a brownish handle you say?

10:27 20 A Yes.

21 MR. CALDWELL: And I think you called it a
22 paring knife?

23 A Yes."

24 Now, is that evidence truthful?

10:27 25 A No, it's not.



1 Q What part of it is not true?

2 A The type of knife.

3 Q Okay. And the brownish -- where it says here the
4 brownish red handle and a blade --

10:27 5 A That's not true.

6 Q Is the part about observing a knife at one time on
7 the trip, is that true?

8 A Yes.

9 Q And is that the bone-handled hunting knife?

10:27 10 A Yes.

11 Q Can you tell us why you would have told the court
12 that you saw a brownish red-handled paring knife?

13 A Because that's the one I identified during the
14 polygraph test.

10:27 15 Q Now, the one -- maybe if we could get Exhibit P-1
16 again, the handle. Do we have that?

17 CLERK: Yes, we do.

18 BY MR. HODSON:

19 Q I think you told us last day, Mr. Wilson, that
10:28 20 this handle is not similar to the one you picked
21 out with Mr. Roberts is it?

22 A Not really, no.

23 Q Would you describe Exhibit P-1, that handle, as a
24 brownish-red handle?

10:28 25 A Yes, I would.



1 Q And you are saying that's not the same handle that
2 you picked out or --

3 A Not identical, no.

4 Q Go to page 007658 and you are just questioned here
10:29 5 about the flashlight. This is again Mr. Caldwell.
6 He says:

7 "Q I see. Now, I think earlier we
8 mentioned that flashlight which David
9 had?

10:29 10 A Yes.

11 Q And you have already said that it
12 accompanied you back to Regina?

13 A Yes.

14 Q Did it stay in the car when you were in
10:29 15 Regina?

16 A Yes, it had.

17 Q When did you get it out?

18 A About five days after I was back.

19 Q What did you do with it then?

10:29 20 A I took it in the house and put it in a
21 drawer.

22 Q From there what did you do with it?

23 A I gave it to an officer of the
24 Saskatoon police.

10:29 25 Q Do you know when that was?



1 A It was about the 28th of May, 1969."

2 Does that assist your recollection at all,

3 Mr. Wilson?

4 A No, it doesn't.

10:29 5 Q Go to the next page, please, 007683, and this is
6 again at the preliminary hearing and this is now
7 Mr. Tallis, David Milgaard's lawyer, asking you
8 questions, and he asks at 253:

9 "Q And while you were there with Mr.
10:30 10 Roberts, I gather that he showed you
11 five small knives, did he?

12 A Yes, he did.

13 Q And I gather, from perusing a copy of
14 your statement, that you were able to
10:30 15 pick out, of these five knives, a brown
16 bone handled knife, one which you had
17 seen Milgaard with somewhere between
18 Regina and Saskatoon?

19 A Yes.

10:30 20 Q And you were able to identify that as
21 the knife that Milgaard had?

22 A Yes."

23 Now, is that truthful evidence?

24 A No.

10:30 25 Q And what's not true about that?



1 A That I picked out the wrong knife.

2 Q And again when you -- and it's Mr. Tallis'
3 question, brown bone-handled knife, can you tell
4 us again, and I know I covered this last week,
10:31 5 what do you think of when you think of a
6 bone-handled knife?

7 A One that's made out of a real bone, like, off a
8 deer or something.

9 Q And is it a specific colour or can it be any
10:31 10 colour?

11 A Usually one colour or, like, a two tone.

12 Q And what colours in the two tone?

13 A Light beige, dark beige.

14 Q And could you have a -- when you use the term bone
10:31 15 handled, could you have a bone-handled paring
16 knife?

17 A I think you could.

18 Q Are you able, Mr. Wilson, do you suffer from any
19 colour blindness at all, are you able to see
10:31 20 colours fine that you are aware of?

21 A Sometimes I have trouble with colour.

22 Q What colours?

23 A Depends what frame of mind I'm in, but sometimes
24 with reds, sometimes with blues.

10:32 25 Q And do you know -- have you ever been diagnosed as



1 having colour blindness or been told by someone
2 who would know what they were talking about
3 whether you have colour blindness?

4 A No.

10:32 5 Q And when you say you have trouble with colours,
6 what causes you to say that?

7 A Because even with a red light sometimes, I know
8 it's red but I can't tell it's red sometimes, but
9 just occasionally, not all the time.

10:32 10 Q And what colour do you see it being?

11 A Kind of a burgundy.

12 Q Page 007686, and again this is Mr. Tallis
13 questioning you at the preliminary hearing,
14 question -- and he's talking about your meeting
10:32 15 with Roberts:

16 "Q And this was the second phase of the
17 meeting with Mr. Roberts?

18 A Yes, it was.

19 Q And it was on the first meeting that you
10:33 20 identified the knife that Milgaard had
21 had on the date in question?

22 A Yes, it was."

23 If I can pause there. Is that correct?

24 A No, it's not.

10:33 25 Q And when was it that you identified the knife?



1 A The second time.

2 Q Second session. Can you tell us why you would
3 have told Mr. Tallis --

4 A I probably forgot which session it was.

10:33 5 Q Okay. And then carrying on at question 295:

6 "Q And now, were the clothes produced
7 during the first meeting?

8 A Yes.

9 Q Or the second?

10:33 10 A During the first meeting.

11 Q During the first meeting. And you, of
12 course, had never seen the clothes
13 before?

14 A No, I haven't."

10:33 15 Is that correct, truthful evidence?

16 A No, it's not.

17 Q And when were the clothes shown to you?

18 A The second meeting.

19 Q Any explanation as to why you wouldn't have said
10:33 20 that at the prelim?

21 A I got the meetings mixed up I guess.

22 Q Next page, please, and down -- I'm sorry, go to
23 007716, again this is Mr. Tallis questioning you:

24 "Q Now, during the course of this whole
10:34 25 trip, both from Regina to Saskatoon and



1 into Alberta and back, did you ever see
2 anything of more than one paring knife
3 as you described it?

4 A No, there was another one.

10:34 5 Q There was another one?

6 A Yes.

7 Q Was that yours?

8 A No, it wasn't.

9 Q It wasn't yours?

10:34 10 A No.

11 Q I presume it was David's?

12 A No, it wasn't.

13 Q Oh. Whose was it?

14 A They bought it when they bought the
10:34 15 food.

16 Q Well, when you say they bought it, who
17 bought it?

18 A Well, I don't know, I was sleeping
19 when they went to the store.

10:34 20 Q I see. You don't know anything about
21 the other knife then except that it was
22 there when you woke up?

23 A Which other knife are you speaking
24 about?

10:35 25 Q You told me there was another knife?



1 A Yes, there was.

2 Q And I suppose this was the one that was
3 got at Rosetown or something when the
4 food was bought?

10:35 5 A Yes.

6 Q And that was paring knife style?

7 A Yes, it was.

8 Q And it was different in appearance from
9 the other one though?

10:35 10 A Yes, it was.

11 Q And what happened to that particular
12 knife?

13 A It got thrown out at St. Alberts.

14 Q I see. Did David throw it out?

10:35 15 A No, we all cleaned out the car."

16 Now is that truthful evidence, Mr. Wilson?

17 A Yes.

18 Q Now, you are asked the question about -- actually,
19 the question, if we can go back a page, that
10:35 20 Mr. Tallis asked you, was did you ever see
21 anything of more than one -- I'm sorry, it says
22 one paring knife. My question was going to be why
23 you didn't tell Mr. Tallis about the bone-handled
24 hunting knife at this time.

10:35 25 A I don't know.



1 Q Now, in fairness, it says there more than one
2 paring knife. In your mind is a bone-handled
3 hunting knife different than a paring knife?

4 A Yes.

10:36 5 Q Can you tell us why you wouldn't have told the
6 court about the bone-handled hunting knife?

7 A I don't know.

8 Q Go to page 007781 and down at the bottom, 1289.
9 Sorry, 007781 and question 1289, and again this is
10:36 10 Mr. Tallis, it says:

11 "Q And all you can really say then is that
12 there was some food in the car?

13 A Yes.

14 Q And you, I think you have earlier told
10:36 15 us that there was a knife in the car at
16 that time?

17 A Yes.

18 Q And was this sort of like a paring
19 knife?

10:37 20 A Yes, it was.

21 Q And did it have sort of a red coloured -
22 reddish coloured handle on it?

23 A No, it didn't.

24 Q What colour was the handle?

10:37 25 A It had a wooden brown handle on it.



1 Q A wooden brown handle?

2 A Yes.

3 Q And who do you recall using that
4 particular knife?

10:37 5 A All of us did to ...

6 Q All of you used it?

7 A Yes."

8 Is that truthful evidence?

9 A Yes, it is.

10:37 10 Q And you describe the knife that you got in
11 Rosetown as wooden brown handle?

12 A Yes.

13 Q Is that different than bone handled in your mind?

14 A Yes.

10:37 15 Q Now, after the preliminary hearing, Mr. Wilson, do
16 you recall having any discussion with the police
17 about the knives or a knife?

18 A Not that I recall, no.

19 Q What about with the prosecutor Mr. Caldwell, do
10:37 20 you recall any discussion with him prior to the
21 trial about the knife, knife or knives that you
22 may have seen?

23 A No, I don't.

24 Q Go to the trial transcript at page 005179 and,
10:38 25 Mr. Commissioner, for parts of the transcript,



1 trial transcript for Mr. Wilson's evidence,
2 unfortunately the copy is not great and this is
3 the best copy that we have. I have done my best
4 to try and piece together what some of the words
10:38 5 are, but we do not have -- I think it was on onion
6 skin and then photocopied, so we should be able to
7 get through most of it, but just so the record
8 knows this is the best that we have. If you could
9 call out on that page, and again this is at the
10:38 10 trial and this is Mr. Caldwell the prosecutor
11 asking you questions in front of the jury.

12 "Q Now, on the way to Saskatoon did you see
13 anything in the car which might be a
14 potential weapon of any sort?

10:39 15 A I saw a knife.

16 Q And where did you see that?

17 A On David sometime between Regina and
18 Saskatoon."

19 And then the Court right there, the judge says:

20 "THE COURT:

21 Q Just a minute please; you say on . . . ?

22 A On the way between Regina and
23 Saskatoon.

24 Q Yes but you saw a knife in the car and I
10:39 25 thought you said on David?



1 A Yes.

2 Q On David?

3 A Yes."

4 Then Mr. Caldwell:

5 "MR. CALDWELL:

6 Q And how would you describe the knife
7 that you saw . . ."

8 Next page, and the Court interjects:

9 "THE COURT: Excuse me just a minute - would
10:39 10 you follow up by - where was it on him?

11 MR. CALDWELL:

12 Q What do you mean by "on him"?

13 A On him personally, I guess you could
14 put it.

10:39 15 Q Where was that? Just explain what you
16 mean by that.

17 A On his - I don't know how you would
18 put it like but it was on him - in his
19 clothes or something to that effect.

10:39 20 THE COURT:

21 Q But how would you see if it was in his
22 pocket, for example?

23 A Well, I don't know if it was in his
24 pocket or not but at the time I saw
10:40 25 it.



1 Q Where was it - in his hand or . . ?

2 A This I can't remember.

3 THE COURT: Go ahead.

4 MR. CALDWELL:

10:40 5 Q Alright; and how would you describe it,
6 Ronald?

7 A It had a reddish brown handle and was
8 sort of a paring knife type."

9 Pause there. Is that question and answer -- is
10:40 10 the answer there truthful?

11 A No, it's not.

12 Q And is it the same reason you gave for your
13 evidence at the preliminary hearing?

14 A Yes.

10:40 15 Q Now, back -- I just read you parts where the judge
16 asked you about how you saw, or how you were able
17 to see the knife on Mr. Milgaard. Let me ask that
18 same question with respect to the bone-handled
19 hunting knife. On the trip from Regina to
10:40 20 Saskatoon where did you see it?

21 A On the seat of the car.

22 Q Did you see it in Mr. Milgaard's possession, his
23 pocket?

24 A He held it a couple of times.

10:40 25 Q And the reddish brown bone-handled knife you are



1 telling us -- you told us you never saw that?

2 A That's correct.

3 Q So the answers that you gave to the judge about
4 how you were able to see that on David, would
10:41 5 those have been truthful?

6 A No.

7 Q And scroll down, please, the judge says:

8 "THE COURT:

9 Q Just a minute please - reddish brown
10:41 10 handle and sort of paring knife type?

11 A Yes.

12 MR. CALDWELL:

13 Q Now, had there been any knife of that
14 sort in your car to your knowledge when
10:41 15 you started out?

16 A No.

17 Q And what time did you get to Saskatoon?

18 A Around five thirty or six o'clock in
19 the morning of the 31st.

10:41 20 THE COURT: Just a minute please, I'm not
21 satisfied here just yet, Mr. Caldwell,
22 on this business of the knife -

23 Q Where was he sitting in the car when you
24 observed this knife?

10:41 25 A On the passenger's side.



1 Q That was on the outside?

2 A Yes.

3 Q And the girl was in between?

4 A Yes.

10:41 5 Q And you were driving?

6 A Yes I was.

7 Q Well, how did you happen to notice the
8 knife?

9 A I believe it was when I was talking to
10:42 10 Nichol.

11 Q And was anything said about the knife?

12 A No, there wasn't.

13 Q Was anything done with the knife?

14 A Not at that time."

10:42 15 What did you mean by that last answer there, not
16 at that time; do you know?

17 A I don't recall.

18 Q And then scroll down, please, and again this is
19 Mr. Caldwell questioning, he says:

10:42 20 "Q And did you yourself see anything of any
21 second or other knife during that trip?

22 A Yes I did.

23 Q Alright, when was that?

24 A After we left Saskatoon.

10:42 25 Q No I'm sorry, Wilson, I meant between



1 Regina and Saskatoon?

2 A No, I didn't."

3 Now, is that answer that you gave there truthful?

4 A Could you go through that again, please?

10:42 5 Q Yes. Go back to 5181 and Mr. Caldwell is asking
6 you about a second knife between Regina and
7 Saskatoon, he first of all says:

8 "Q Did you have a knife in your possession?

9 A No, I didn't.

10:43 10 Q And did you yourself see anything of any
11 second or other knife during that trip?

12 A Yes I did.

13 Q Alright, when was that?

14 A After we left Saskatoon."

10:43 15 And I believe that would have been the paring
16 knife in Rosetown; right?

17 A That's correct.

18 Q And then he says:

19 "Q No I'm sorry, Wilson, I meant

10:43 20 between Regina and Saskatoon?"

21 And you've answered:

22 "A No, I didn't."

23 And so my question was is that truthful?

24 A Yes, it is.

10:43 25 Q I thought you just told us earlier this morning



1 that there was a bone-handled hunting knife
2 between Regina and Saskatoon?

3 A Okay, that knife -- after the polygraph test came
4 the testimony -- didn't exist any more.

10:43 5 Q Which knife, the --

6 A The bone handled.

7 Q I'm sorry, the bone handled --

8 A -- hunting knife.

9 Q Didn't exist?

10:44 10 A Not really, no.

11 Q Why not?

12 A Because they wanted the other knife.

13 Q So when you were asked the question, let's just
14 try this again, what Mr. Caldwell asked you is he
10:44 15 had already asked you about the reddish-brown
16 paring knife and he asked you did you see any
17 second or other knife between Regina and
18 Saskatoon, and you answered no, you didn't.

19 A Right.

10:44 20 Q And I thought you had told us that you did see a
21 bone-handled hunting knife.

22 A That's correct.

23 Q So that evidence that you gave there, is that
24 truthful then?

10:44 25 A No.



1 Q And can you tell us why you wouldn't have told Mr.
2 Caldwell or told the Court about the bone-handled
3 hunting knife at this time?

4 A No, I don't.

10:44 5 Q If we could go to page 005298, and here is where
6 the judge puts some questions to you, Mr. Wilson,
7 that the jury has asked him to do, and this is
8 Mr. -- Chief Justice Bence:

9 "THE COURT: Well now, gentlemen, I have
10:45 10 been asked by members of the jury to put
11 certain questions to the witness on the
12 stand; that's why I arranged to have him
13 absent and I thought I had better
14 mention them to you at this time because
10:45 15 it seems to me in the interests of your
16 client, Mr. Tallis, it might be better
17 that I put them before you complete your
18 cross-examination.

19 And those questions are:"

10:45 20 And if you can just scroll down to the bottom,
21 please, again the first one is about drug use and
22 we've touched on that.

23 "Another question is - there was
24 evidence that the dashlight was not
10:45 25 operating and the question is:



1 (2) Was the interior light working in the
2 car?

3 The next question - and I am just
4 paraphrasing these, I'm not necessarily
10:46 5 going to put them in this exact language:

6 (3) what were the light conditions which
7 would enable the witness to have seen the
8 knife which he said was in the possession of
9 the accused - or on the accused I think was
10:46 10 the word he used?"

11 And then if you could go ahead to page 005306 and
12 right at the bottom you'll see this is the Court,
13 this is the judge asking you the questions,
14 Mr. Wilson, at the bottom, the last line:

10:46 15 "Q Now, you gave in evidence yesterday the
16 fact that the dashboard light was not
17 working in your car?

18 A That's right.

19 Q Was it working when you left Regina?

10:46 20 A Yes it was.

21 Q When did it cease to work?

22 A When my fuse blew.

23 Q And where was that?

24 A Sometime in Saskatoon I believe before
10:46 25 we got to the motel."



1 If we can pause there. Do you have any
2 recollection of your dashboard light working or
3 not working on the trip?

4 A No, I don't.

10:47 5 Q Any reason to believe that what you would have
6 told the Court about that would not be truthful?

7 A No, there isn't.

8 Q And the question, scroll down, please:

9 "Q So the dashboard light was working until
10:47 10 you - just before you went to the motel,
11 is that right?

12 A Yes.

13 Q Where was it again that the fuse blew -
14 where were you when the fuse blew?

10:47 15 A In Saskatoon.

16 Q Yes but where - do you remember?

17 A I believe it was just after we were
18 stuck the first time.

19 Q Did you have an interior light?

10:47 20 A No, I didn't.

21 Q No interior light?

22 A No.

23 Q Now, yesterday you said that on the way
24 from Regina that you were driving - at
10:47 25 least at one juncture during the trip



1 you were driving, Nichol John was in the
2 centre and the accused was on the
3 passenger side?

10:48 4 A Yes and he was in the back at certain
5 times too.

6 Q I am referring particularly to the
7 evidence you gave as to seeing a knife
8 on him - those were the words you used?

9 A Yes.

10:48 10 Q Where was he sitting when you say that
11 you saw the knife on him?

12 A In the front seat.

13 Q And Nichol John was between you?

14 A Yes.

10:48 15 Q And on what side of him did you see the
16 knife - on his left or his right side?

17 A I believe it was his right side.

18 Q Well, if his right side is against the
19 door of the car how could you see any
10:48 20 object he might have?

21 A Well, he wasn't necessarily sitting up
22 straight, like he was kind of
23 slouched.

24 Q And where on his person did you see the
10:48 25 knife?



1 A That I'm not sure of.

2 Q I think you said yesterday you didn't
3 know whether it was in his hand or where
4 it was?

10:48 5 A That's right.

6 Q Well, in view of the lighting conditions
7 and the fact that it was dark outside,
8 how were you able to see the knife?

9 A Well, once your eyes get adjusted to
10:48 10 the light you can see in the car
11 pretty well.

12 Q From what?

13 A Pardon?

14 Q What gives you the necessary
10:49 15 illumination to see?

16 A Well, your eyes get adjusted to the
17 dark.

18 Q Well, if you go out - if you wake up in
19 the middle of the night and it's just
10:49 20 pitch black, no matter how you adjust
21 your eyes you can't see, can you?

22 A Certain things you can."

23 So those are questions and answers, of questions
24 put to you by the judge that came from the jury.

10:49 25 Do you recall that line of questioning at all?



1 A No, I don't.

2 Q Now you have told us that you didn't see a brown
3 paring knife -- or a paring knife, pardon me, on
4 Mr. Milgaard; is that correct?

10:49 5 A That's correct.

6 Q So, when you were answering these questions, were
7 you telling the truth to the judge?

8 A No I wasn't.

9 Q Were you referring to the bone-handled hunting
10:49 10 knife when you were answering?

11 A Yes I was.

12 Q So are you telling us that, in your mind, you --
13 were you substituting the paring knife for the
14 hunting knife?

10:50 15 A Yes I was.

16 Q And why were you doing that?

17 A I don't recall.

18 Q Go to page 005316, and this is Mr. -- this is the
19 cross-examination, and again this is in front of
10:50 20 the jury, so this is Mr. Tallis asking you
21 questions, and I believe he is referring to the
22 part that I just read to you:

23 "Q And now you told the jury and My Lord
24 that - you indicated that you saw a
10:50 25 knife under the circumstances which you



1 outlined; and I take it that under the
2 circumstances that you have outlined it
3 wouldn't be possible for you to see the
4 color of a knife under those
10:51 5 circumstances?

6 A Pretty closely.

7 Q Well now, just . . . ?

8 A . . . not too vivid.

9 Q So; you're not suggesting that you can
10:51 10 say that you saw the color of a knife
11 under those circumstances, are you?

12 A No, not the exact color.

13 Q So; and your only suggestion at best is
14 that you saw one knife?

10:51 15 A Between Regina and Saskatoon?

16 Q That's right.

17 A Yes

18 Q Yes; and this knife that you referred to
19 in talking to my learned friend you
10:51 20 mentioned as a paring knife?

21 A Yes I did.

22 Q Yes; and reddish handle?

23 A Yes.

24 Q I see; and it would not be possible for
10:51 25 you to see the type of material that



1 this handle was made of, would it, under
2 those circumstances that you have
3 outlined to this Court and My Lord the
4 Chief Justice?

10:51 5 A I believe I could."

6 Would that have been truthful evidence, Mr.
7 Wilson?

8 A No.

9 Q And why not?

10:52 10 A Because it was a different knife, again, and the
11 only time -- excuse me -- I could have noticed the
12 colour would have been if he would have been
13 underneath the streetlight.

14 Q So at this time you knew you -- well, let me ask
10:52 15 you. Did you know you were lying about the knife
16 when you were answering these questions to the
17 Court and to Mr. Tallis about the knife?

18 A Yes.

19 Q And this would have been eight months after you
10:52 20 gave the statement on May 23rd; correct?

21 A Correct.

22 Q Now why did you lie?

23 A I don't know.

24 Q Did you ever consider, at that time, telling the
10:52 25 truth?



1 A No.

2 Q And why was that?

3 A I didn't think it would make any difference at the
4 time.

10:52 5 Q Make any difference in what?

6 A That, if I started changing my testimony, that
7 nobody would believe me anyway.

8 Q And why is that?

9 A Just the way I was thinking at the time.

10:53 10 Q So when Mr. Tallis asked you -- made, I think,
11 suggested to you that you wouldn't be able to see
12 the colour of it, I think you told us not only did
13 you not see the colour of it, you didn't even see
14 the knife; is that correct?

10:53 15 A Not that -- not that knife, no.

16 Q So why didn't you say something like "well, I
17 couldn't tell the colour, I didn't see it"?

18 A I don't know.

19 Q Go to page 005320, and again this is Mr. Tallis
10:53 20 cross-examining you, and he is asking you about
21 the session you had with Inspector Roberts:

22 "Q And I suppose there were a batch of
23 knives there?

24 A Yes there were.

10:54 25 Q And none of them broken?



1 A No.

2 Q But basically maroon handled knives?

3 A No, they were different colors.

10:54 4 Q I see; but there were quite a number of
5 maroon handled knives?

6 A No, there wasn't.

7 Q There weren't, I see; there were some?

8 A There was one.

9 Q There was one; and I take it ...",
10:54 10 and let me just pause there. In your mind, is
11 maroon the same as reddish brown?

12 A Yes.

13 Q So was there a reddish-brown or maroon-handled
14 knife when you met with Inspector Roberts?

10:54 15 A Yes there was.

16 Q And was that knife different that P-1, the knife
17 handle we've showed you here?

18 A Yes, I believe it was.

19 Q And then this is, again, Mr. Tallis:

10:54 20 "Q There was one; and I take it that prior
21 to seeing all these things laid out you
22 had been informed that a broken knife
23 had been found?

24 A Yes."

10:54 25 Is that true?



1 A I don't recall.

2 Q So this is just -- I'll ask it again -- this is
3 when you are meeting with Inspector Roberts on May
4 23rd, and Mr. Tallis' question at the trial was
10:55 5 "had you been informed that a broken knife had
6 been found?"

7 A No.

8 Q And it says:

9 "Q And you ...",

10:55 10 well, let me just pause here. I think you
11 answered the question to Mr. Tallis that you had
12 been informed that a broken knife had been found;
13 do you see that?

14 A Yes.

10:55 15 Q Okay. Would that be truthful, then, or --

16 A I knew about it later. I probably had this
17 question mixed up.

18 Q When do you recall finding out about the broken
19 knife?

10:55 20 A Oh, it could have been --

21 Q Rel --

22 A I can't recall.

23 Q Let's go relative to May 23rd?

24 A After.

10:55 25 Q It was after?



1 A Yes.

2 Q What about May 24th?

3 A After.

4 Q So then are you telling us that this answer to Mr.
10:56 5 Tallis' question wouldn't have been true?

6 A Correct.

7 Q Okay. And then he says:

8 "Q And you knew that the color of it was
9 maroon?

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

11 Q You didn't know that it was maroon?

12 A No, I didn't.

13 Q You say you didn't know?

14 A No.

10:56 15 THE COURT:

16 Q Just a minute please; you were told that
17 a broken knife had been found, is that
18 right?

19 A Yes.

10:56 20 MR. TALLIS:

21 Q Well, were you shown the broken knife?

22 A No, I wasn't.

23 Q You weren't; so it wasn't there?

24 A No.

10:56 25 Q In the batch of knives?



1 A No it wasn't."

2 Is that truthful?

3 A Yes.

4 Q Go to page 005348, and this is question by the
10:57 5 Court:

6 "Q Do you remember you stated that your car
7 was stuck in Craik?

8 A Yes.

9 Q How long were you in Craik?

10:57 10 A Over an hour.

11 Q Did you see any knife during that stop?

12 A No, I didn't."

13 Is that truthful?

14 A Yes, it is.

10:57 15 Q Did you get stuck in Craik before or after the
16 elevator incident?

17 A After.

18 Q So you -- the elevator incident first, then --

19 A Then Craik.

10:57 20 Q If we could now move to tab 3 in my outline, which
21 is the purse snatching and break and enter
22 discussion, if we could go to the preliminary
23 transcript, call up 007613, please. And this is
24 the preliminary hearing, and this is Mr. Caldwell
10:58 25 asking you:



1 "Q Alright. Between whom was this
2 discussion?

3 A Between Dave and myself.

4 Q And to what effect was it? What was it
10:58 5 about?

6 A Break and enters and purse snatching
7 and stuff like this.

8 COURT: You have got to speak loudly enough
9 for Milgaard to hear what you have to
10:58 10 say. He's the most important person.

11 A Break and enters and purse snatchings
12 and stuff like this.

13 MR. CALDWELL: And what was said on that
14 topic, can you recall? To the best you
10:58 15 can recall.

16 A I can recall about breaking and
17 enterings, we agreed on that.

18 Q I'm sorry?

19 A Breaking and enterings, we agreed on
10:59 20 that."

21 And if we can pause there; is that truthful
22 evidence that you would have given at the time,
23 Mr. Wilson?

24 A Yes.

10:59 25 Q And then next page, 007614 -- actually, no, I



1 think that's it. There is no reference,
2 Mr. Commissioner, to this in the trial transcript
3 of Mr. Wilson that I was able to find. I believe
4 it may have been the subject of an objection or a
10:59 5 ruling at the time, but I stand to be corrected on
6 that, the transcript speaks for itself, but I
7 found nothing to put to the witness on that.

8 The next subject matter I wish
9 to deal with is the lady on the street and the
10:59 10 directions. And if we could go to 007618 of the
11 preliminary hearing transcript, and this is
12 Mr. Caldwell examining you, this is at the
13 preliminary hearing, okay.

14 A Okay.

11:00 15 Q And you were asked:

16 "Q And what happened as you went along?

17 A We saw this lady and we asked her for
18 directions.

19 Q Do you know where you were at that time?

11:00 20 A No.

21 Q Were you still in the car?

22 A Yes.

23 Q And moving, or driving along?

24 A Yes.

11:00 25 Q And where was the lady?



1 A On the passenger side of the car
2 walking on the sidewalk.

3 Q On the sidewalk and she was walking you
4 said?

11:00 5 A Yes."

6 Now:

7 "Q Who was driving at the time?

8 A I was at the time."

9 Next page:

11:00 10 "Q Where were the other two?

11 A Nicol was in the middle and Dave was
12 on the passenger side.

13 Q And what happened when you saw this
14 lady?

11:00 15 A Well, I pulled up and Dave asked her
16 directions to Peace Hill.

17 Q Did he get out of the car for this
18 purpose?

19 A No, he didn't.

11:00 20 Q What did he do to talk to the lady?

21 A He rolled down the window.

22 Q Did you hear the answer?

23 A Yes, I did.

24 Q What was that?

11:01 25 A She didn't know.



1 Q Words to this effect, I suppose?

2 A Yes."

3 If I can pause there; is that truthful, that part
4 of the evidence, Mr. Wilson?

11:01 5 A Yes it is.

6 Q And then you are asked:

7 "Q And was there anymore said to her by
8 anyone in the car or by her to anyone?

9 A We said thanks, and that was about it.

11:01 10 Q I see. What did you do then?

11 A We drove off."

12 Is that true?

13 A Yes it is.

14 Q Now last week when we went through your May 23rd,
11:01 15 1969 statement you will recall in there, in your
16 statement, you said that, at this point, David
17 Milgaard used the words "stupid bitch"?

18 A Yes.

19 Q Do you remember that in your statement?

11:01 20 A Yes I do.

21 Q Okay. And do you know why at the preliminary
22 hearing, when you were asked that question, you
23 didn't offer that comment or answer that?

24 A I don't recall.

11:02 25 Q If you could go to page 007726, and this is



1 cross-examination by Mr. Tallis at the preliminary
2 hearing, question 718, and he asks:

3 "Q And you remember being around the
4 Simpson Sears store, do you?

11:02 5 A Yes, I do.

6 Q Did you stop in any of these places?

7 A We stopped and asked, I think a man,
8 uptown for directions. He was walking
9 on the street.

11:02 10 Q You stopped a man who was working on the
11 street?

12 A Walking.

13 Q Walking. And was this in the vicinity
14 of Simpson Sears?

11:02 15 A No, it was further up town than that."

16 Do you recall that, Mr. Wilson?

17 A No, I don't.

18 Q Go to 007727, the next page, question 728 Mr.

19 Tallis asks:

11:03 20 "Q We're coming to that. And where was the
21 lady that you stopped and spoke to?

22 A On a street that I was going down.

23 Q On a street that you were going down?

24 A Yes.

11:03 25 Q And how far would it be from the Simpson



1 Sears area?

2 A I don't know.

3 Q Well, what street was it on, or avenue?

4 A I think it was near 20th Street.

11:03 5 Q Near 20th Street? And was it on 20th
6 Street, or, ...

7 A I don't know.

8 Q Pardon?

9 A I don't know. I just know it was 20th
11:03 10 Street after the police had taken us
11 there.

12 Q I see. Well, was that the street the
13 lady was on?

14 A Not 20th Street itself.

11:03 15 Q I see. Well, was it on a street going
16 the same direction as 20th?

17 A No.

18 Q Was it a side street?

19 A On a side street.

11:03 20 Q And you were the one that stopped for
21 her?

22 A Yes."

23 If I can pause there, is that truthful
24 information about the location, Mr. Wilson?

11:04 25 A From what I recall, yes.



1 Q And was it on a side street off of 20th Street?

2 A It was on a side street off of 20th Street, I'm
3 not sure.

4 Q Pardon me?

11:04 5 A Off of 20th Street, I'm not sure.

6 Q Okay, you are not sure it was off of 20th Street?

7 A No.

8 Q Okay. Carrying on at 739:

9 "Q Near where Gail Miller had been found."

11:04 10 And let me back up:

11 "Q And you were the one that stopped for
12 her?"

13 A Yes.

14 Q Now, I gather from what you have told
11:04 15 me, that you're satisfied you weren't
16 stuck at any time in that alley that the
17 police showed you?

18 A Yes."

19 And I believe that alley is near where Gail
11:04 20 Miller's body was found. Is that answer
21 truthful?

22 A Yes.

23 Q So, at the preliminary hearing, you are telling
24 Mr. Tallis that you weren't stuck at any time in
11:04 25 that alley; is that fair?



1 A That's fair, yes.

2 Q "Q Near where Gail Miller had been found.
3 And in particular, you weren't stuck
4 anywhere in the alley running east and
11:05 5 west ...

6 A No, I wasn't.

7 Q By this Funeral Home?

8 A No.

9 Q And the place where you got stuck, there
11:05 10 wasn't any Funeral Home?

11 A I don't know.

12 Q Well, you didn't see any Funeral Home?

13 A No. I wasn't looking for one
14 actually.

11:05 15 Q No, I appreciate that, but having gone
16 back and looking over the place, you
17 have no recollection with associating
18 the place where you got stuck with a
19 Funeral Home?

11:05 20 A No."

21 Is that truthful evidence?

22 A Yes it is.

23 Q Page 007765, down at the bottom, 1126:

24 "Q Now, you mentioned stopping ...",
11:06 25 and this is again Mr. Tallis at the prelim:



1 "Q Now, you mentioned stopping to speak to
2 a lady on the street, I think it was
3 only one lady that you stopped to speak
4 to?

11:06 5 A Yes.

6 Q Now, I gather that from what you have
7 told me, this was on - near 20th Street?

8 A Yes, it was.

9 Q And was it adjacent to a cafe; near a
11:06 10 cafe?

11 A Yes, it was.

12 Q And when -- Could you -- How close was
13 it to a cafe?

14 A About maybe three or four blocks.

11:06 15 Q Pardon?

16 A Three or four blocks.

17 Q Three or four blocks?

18 A Yes.

19 Q From a cafe?

11:06 20 A Well, this is after. I found that
21 afterwards, not at the time."

22 Let me pause there. Is that, what I just read
23 you, the answers to Mr. Tallis; is that truthful?

24 And in particular, Mr. Wilson, whether it was --
11:06 25 if I could just scroll up to the top, please --



1 what I am interested in, he asked you.

2 "Q ... this was on - near 20th Street?",
3 and you said:

4 "A Yes, it was."

11:07 5 Was that truthful?

6 A No.

7 Q Do you know where it was that you stopped this
8 lady for directions?

9 A No, I don't.

11:07 10 Q Do you have any idea?

11 A No.

12 Q Do you know if it's close to 20th Street or not?

13 A I don't have a clue.

14 Q And what about being adjacent to or near a cafe;
11:07 15 do you recall that landmark at all?

16 A No I don't.

17 Q Do you recall any landmarks or any buildings or
18 anything that sticks out in your mind, today, as
19 to where it was that you stopped this lady for
11:07 20 directions?

21 A Just not too far from that T intersection with an
22 empty field.

23 Q So your evidence that it's within three or four
24 blocks of a cafe; are you able to tell us whether
11:07 25 that's truthful or not?



1 A No I can't.

2 Q Let's scroll down, please, and then Mr. Tallis
3 asks you:

4 "Q To speak of your own knowledge, you have
11:08 5 no recollection of seeing a cafe on the
6 morning in question that was open?

7 A No, I don't."

8 Is that truthful?

9 A Yes.

11:08 10 Q "Q And you have no recollection of being
11 able to link the location of the girl up
12 with a location of the cafe?

13 A No."

14 Is that truthful?

11:08 15 A Yes.

16 Q We can now proceed to the trial, again, on this
17 issue. If we could call up page 005181, I'm
18 sorry, I think it's 584 -- or pardon me, 184, and
19 this is at the trial, and this is your examination
11:09 20 by Mr. Caldwell. And talking about the area, your
21 answer, you state:

22 "A We went up a side street off the
23 business area - we went to a residential
24 area.

11:09 25 Q Into a residential area?



1 A Yes.

2 Q And as you went along in that area did
3 anything happen?

4 A Yes, there did.

11:09 5 Q And what was that?

6 A We saw a lady which we stopped and
7 asked directions."

8 Now is that truthful?

9 A Yes.

11:09 10 Q Scroll down to about line 25:

11 "Q And where was the lady in terms of
12 street and sidewalk?

13 A She would be on my right, like the
14 passenger's side would be towards the
11:09 15 sidewalk she was on.

16 Q And from that she was on a sidewalk, I
17 take it?

18 A Yes.

19 Q And was she walking?

11:10 20 A Yes she was.

21 Q Was there anyone with her?

22 A No, there wasn't.

23 Q And what did you notice about the lady
24 when you saw her?

11:10 25 A Nothing other than she had a dark coat



1 on."

2 Is that truthful evidence, Mr. Wilson?

3 A Yes.

4 Q Scroll down to line about 20 or 19:

11:10 5 "Q And what happened when you saw the lady?

6 A We stopped and we asked her
7 directions.

8 Q And how was this done?

9 A By David rolling down the window and
11:10 10 asking her.

11 Q And did anyone else but David talk to
12 her?

13 A No.

14 Q And could you hear what he was asking
11:10 15 her and so on?

16 A Yes, I did.

17 Q And what was that?

18 A He asked her which way to Peace Hill
19 district.

11:10 20 Q Which way to the Peace Hill district?

21 A Yes.

22 Q And did you hear what she said?

23 A I believe she said that she didn't
24 know.

11:10 25 Q I see; now, did you stop the car



1 completely for this purpose?

2 A Yes I did.

3 Q And what happened to the lady - did she
4 stop or keep walking?

11:11 5 A She stopped.

6 Q And did anyone get out of the car as
7 part of that inquiry about where the
8 Peace Hill district was?

9 A No.

11:11 10 Q What happened after the question and the
11 answer?

12 A Well, we said thank you and Dave
13 rolled up the window and then he made
14 a remark.

11:11 15 Q And was this in your hearing?

16 A Yes it was.

17 Q What was it?

18 A He said "stupid bitch".

19 Up until the remark, is that truthful evidence,
11:11 20 Mr. Wilson?

21 A Yes.

22 Q And is the remark that you attribute to Mr.
23 Milgaard truthful?

24 A No.

11:11 25 Q And why was it that you would have told the Court



1 that at the time?

2 A I don't recall.

3 Q Okay. I think you told us -- and that was in your
4 statement, do you remember that?

11:11 5 A Yes.

6 Q And did you fabricate those words, then?

7 A Yes.

8 Q And what was the purpose of doing so?

9 A I don't know.

11:12 10 Q I'm wondering, Mr. Commissioner, this might be --
11 actually, I'll go one more page, and then we can
12 -- if you can go to page 005187 and:

13 "Q And I didn't ask you, Ron, but do you
14 remember how far down the block it was
11:12 15 that the question and answer business
16 took place?

17 A I imagine it wasn't too far - about a
18 quarter of a block.

19 Q And would that be say from the start or
11:12 20 the finish of the block?

21 A From the start.

22 Q From the start; and you continued on
23 about three-quarters of a block?

24 A Yes."

11:12 25 Is that truthful, Mr. Wilson?



1 A No.

2 Q So what is the truth?

3 A I believe we had gone three or four blocks.

11:12 4 Q So, after you saw the woman for directions, you
5 travelled three or four blocks?

6 A Yes.

7 Q And then you --

8 A Tried to make the U-turn.

9 Q Okay. So the part that's not truthful is this
11:13 10 three-quarters of a block; is that right?

11 A That's right.

12 Q And page 005201, and this is the Court asking you
13 some questions, and the judge says:

14 "Q And you said this woman had a black
11:13 15 coat?

16 A Yes.

17 Q Were you able to see her face?

18 A No, I wasn't.

19 Q You're not able to say then - there is
11:13 20 nothing that you saw which would
21 indicate to you in any way how old a
22 woman she was?

23 A No.

24 Q I see; was there anything to indicate
11:13 25 how tall she was?



1 A No."

2 Is that truthful?

3 A Yes.

4 MR. HODSON: Okay. That's probably an
11:13 5 appropriate spot to break, Mr. Commissioner.

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

7 *(Reconvened at 11:34 p.m.)*

8 BY MR. HODSON:

9 Q Call up page 007619 from the preliminary hearing,
11:34 10 transcript, this is Mr. Caldwell examining you at
11 the preliminary hearing, Mr. Wilson, and is this
12 dealing with the subject matter of when your
13 vehicle got stuck and your evidence with respect
14 to you and Mr. Milgaard going to look for help,
11:35 15 the bottom:

16 "Q What did you do then?

17 A I went to make a U turn but I got
18 stuck.

19 Q Now, what sort of a -- where was this U
11:35 20 turn that you were attempting?

21 A I'm not sure if it was at a corner or
22 near an alley. I'm not positive
23 because there was a lot of snow out
24 and I don't know the city.

11:35 25 Q I see. You are not sure if it was at an



1 intersection or not?

2 A No."

3 And then scroll down to 153:

4 "Q Alright. Now, the place where you got
11:35 5 stuck, how far would it be from the
6 place where you talked to the lady?

7 A About three-quarters of a block.

8 Q And would it be in the same block, or
9 had you gone across?

11:35 10 A Yah, it would be in the same block."
11 I think you told us this morning it was about
12 three or four blocks, not three-quarters; is that
13 right?

14 A That's right.

11:35 15 Q Next page, please, 156 you are asked:

16 "Q Who left the car for help?

17 A Dave and myself.

18 Q And which direction, I appreciate you
19 probably don't know the directions of
11:36 20 the compass, but in which direction did
21 you and Dave set out in respect to one
22 another?

23 A Approximately right angle to each
24 other, ninety degrees.

11:36 25 Q Alright. In which direction did you set



1 off in relation to where the lady had
2 been?

3 A In the opposite direction.

4 Q What about Dave?

11:36 5 A He went in that particular direction.

6 COURT: Dave went in the direction of what?

7 A Of the lady."

8 Is that true evidence?

9 A No, it's not.

11:36 10 Q What is the truth?

11 A David went totally in the opposite direction than
12 me.

13 Q I'm sorry, David went in the opposite direction
14 of --

11:36 15 A Of myself.

16 Q And what about in connection with the lady that
17 you had asked for directions?

18 A He was going away from her.

19 Q Away from where she was walking towards?

11:36 20 A Yes.

21 Q Down at the bottom of the page, please:

22 "Q Incidentally, what was the weather like
23 that morning?

24 A It was pretty cold.

11:37 25 Q Now, where did you go looking for help?



1 A Up a couple of blocks."

2 The next page:

3 "Q Did you find anything in the way of
4 people by way of a service station?

11:37 5 A No, I didn't.

6 Q What did you do then?

7 A I decided to go back to the car."

8 And if you could just pause there. Is that
9 truthful evidence, that you went a couple of
10 blocks looking for help?

11:37 10
11 A I don't know how many blocks it would have been
12 because I can't remember how long the blocks were,
13 so --

14 Q What is your recollection today about how far you
15 went when you went to look for help?

16:37 16 A Not very far because it was too cold out and we
17 weren't dressed for it.

18 Q But distance wise, are you able to tell us one
19 block --

11:37 20 A Distance, no.

21 Q Pardon me?

22 A Distance wise, no.

23 Q Are you able to tell us whether the evidence that
24 you gave at the preliminary hearing about up a
11:38 25 couple of blocks, is that truthful or not?



1 A I don't know.

2 Q Scroll down to 173:

3 "Q What was going on, if anything, with
4 Nichol when you got in the car?

11:38 5 A She was pretty well hysterical when I
6 got back.

7 Q What was she doing?

8 A Crying and just pretty well screaming.

9 Q How had she been when you left?

11:38 10 A Calm."

11 If I can pause there. Is that truthful evidence?

12 A No, it's not.

13 Q And why would you have given that evidence at the
14 preliminary hearing?

11:38 15 A That's what I gave in my statement.

16 Q Why did -- did you know it to be true at the time?

17 A No, it was not true at the time.

18 Q And then why would you tell the court that at the
19 preliminary hearing?

11:38 20 A It was made up.

21 COMMISSIONER MacCALLUM: It was what?

22 A Made up.

23 COMMISSIONER MacCALLUM: He asked you why.

24 A Sorry, I missed that.

11:39 25 BY MR. HODSON:



1 Q Yeah, why though, why would you make it up?

2 A Through the circumstances of the questioning and
3 stuff how that came about.

4 Q Okay. At this time was there anything in the
5 questioning at the preliminary hearing or indeed
6 at the trial that led you to not tell the truth?

7 A Could you repeat that, please?

8 Q Yes. I'm talking about -- we've talked about the
9 statement in May of 1969. I'm talking now about
10 when you testified in court, both at the
11 preliminary hearing or the trial. Is there
12 anything in the way you were questioned there that
13 caused you not to tell the truth?

14 A The way the questioning had gone on during the
15 polygraphs and stuff, so just tried to stick to --
16 what's the word I'm looking for -- my statement
17 that I had given at that time.

18 Q So you were trying to stick to your statement were
19 you then?

20 A Yes, I was.

21 Q And did you know your statement to be true?

22 A No, my statement was wrong.

23 Q So are you telling us that when you gave this
24 evidence at the prelim about Nichol being
25 hysterical, that you knew it wasn't true, but you



1 said it anyway because you were trying to stick to
2 your earlier statement?

3 A That's true.

4 Q And you knew your statement not to be true though?

11:40 5 A That's true.

6 Q You are asked the question at 176:

7 "Q And how long would you estimate that you
8 were away in the course of walking up a
9 couple of blocks?

11:40 10 A Five or ten minutes.

11 Q I see. And what happened then?

12 A I asked her what had been wrong."

13 So here you are -- this is at the prelim. You
14 are saying five or 10 minutes that you were away.
11:40 15 Is that truthful?

16 A No, it's not.

17 Q And what is the truth?

18 A I would say no more than two minutes.

19 Q And again do you know why you would have said five
11:41 20 or 10 minutes here?

21 A That's what I said on my previous statement.

22 Q Okay. I think your previous statement said 15
23 minutes. Did you want to see that again?

24 A No, I remember that.

11:41 25 Q Okay. So any explanation why you were at five or



1 10 minutes here?

2 A No.

3 Q Next page, 007623, and again this is Mr. Caldwell
4 asking:

11:41 5 "Q Alright. And what happened then?

6 A Well, I calmed her down.

7 Q And what happened then?

8 A Dave came back to the car.

9 Q Which direction, or did you see him
11:41 10 approaching?

11 A No, I didn't."

12 And then down to 186:

13 "Q What happened when Dave got in?

14 A Nichol kind of shrugged away from him.

11:41 15 Q In what direction?

16 A Towards me.

17 Q What did he do then?

18 A I can't remember if it was when he got
19 back to the car, or after we got
11:41 20 unstuck, I'm not too sure of that."

21 Is that true?

22 A No, it's not.

23 Q Next page, question 192:

24 "Q And when Dave got back in the car, was
11:42 25 there anything said between you and he



1 or any of you?

2 A Yes, there was.

3 Q What was that?

4 A He fixed her or something to that
11:42 5 effect."

6 And down here at 195:

7 "Q Did you inquire into what that was
8 about?

9 A All I said 'you what' and that was the
11:42 10 end of the conversation."

11 Is that truthful?

12 A No, it's not.

13 Q And again your reasons for giving that evidence?

14 A Sticking to my statement.

11:42 15 Q Page 007625, and I won't read this all to you, but
16 at question 201 you are asked about getting
17 unstuck and you see your evidence there about two
18 men helping you out and a '66 or '67 Dodge
19 Chrysler. Is that evidence true?

11:43 20 A Yes, it is.

21 Q Down to 209, please, you are asked:

22 "Q Now the place where you got stuck on
23 this occasion, that is what we're
24 talking about right now, what was your
11:43 25 location in terms of other structure and



1 streets and so forth?

2 A Pretty well in the middle of
3 everything.

4 Q Were there any particular buildings
5 around?

6 A I remember there was an apartment that
7 was going up at the time.

8 MR. TALLIS: An apartment?

9 A Yes."

11:43 10 Is that truthful?

11 A I don't recall.

12 Q Do you have any recollection of an apartment
13 building on your trip in Saskatoon?

14 A No, I don't.

11:43 15 Q Page 007718, and this is Mr. Tallis
16 cross-examining you at the prelim, he asks you
17 about the location of the U turn and at 639:

18 "Q And was there any particular building
19 nearby that you can remember?

11:44 20 A Well, up at the other end of the
21 block, there had been an apartment
22 that was being built."

23 And again does that assist your recollection at
24 all?

11:44 25 A No, it doesn't.



1 Q Are you able to tell us whether that evidence
2 would have been true or not?

3 A I can't say.

4 Q Go to the next page, please, 7719 -- actually,
11:45 5 just go back to the previous page, question 641,
6 Mr. Tallis asks you:

7 "Q And I take it that you have been over
8 this scene on a number of occasions?

9 A Yes.

11:45 10 Q And I presume that you have been
11 accompanied by someone as you drove over
12 this scene?

13 A Yes.

14 Q And I take it at that time, the scene
11:45 15 really looked quite unfamiliar to you?

16 A Well, there was no snow.

17 Q Yes, but you weren't able to pick out
18 any specific building or anything?

19 A Just the apartment block.

11:45 20 Q Just the apartment but it was already
21 built up wasn't it?

22 A It was pretty well completed."

23 And I think Mr. Tallis is now asking you about
24 when you went back, which I think would have been
11:45 25 May of '69. Do you recall any of that?



1 A No, I don't.

2 Q Do you recall seeing an apartment block when you
3 were travelling around with the police in May of
4 '69?

11:45 5 A Right now I don't recall it, no.

6 Q And carrying on at 646:

7 "Q When you were there before it was an
8 uncompleted apartment?

9 A Yes.

11:45 10 Q But you couldn't point out any
11 particular buildings or anything like
12 that?

13 A No.

14 Q Or any specific alleys or anything like
11:46 15 that?

16 A No.

17 Q But in any event, I gather from what you
18 told my learned friend, that when you
19 made this U turn you ended up getting
11:46 20 stuck?

21 A Yes, I did."

22 And there's no mention in there about a funeral
23 home, Mr. Wilson. Do you remember --

24 A The only time I remember the funeral home is when
11:46 25 the police were driving me around showing me



1 places.

2 Q Page 007721, Mr. Tallis asks, this is about
3 getting stuck:

4 "Q This was definitely on a street that you
11:46 5 were stuck?

6 A Yes, I'm positive it was.

7 Q It wasn't in a back alley?

8 A No.

9 Q You know what I mean by a back alley?

11:47 10 A Yes.

11 Q I presume that the police officers drove
12 down the alley?

13 A Yes, they did.

14 Q And an alley that runs north and south?

11:47 15 A Yes.

16 Q And also an alley that runs east and
17 west?

18 A Yes.

19 Q Do you remember being in sort of a T
11:47 20 alley with them?

21 A Yes."

22 Is that truthful?

23 A Yes.

24 Q "Q And from driving over that
11:47 25 area, I take it you are quite satisfied



1 that you were never at any time stuck in
2 the alley?

3 A Not in that particular alley.

11:47 4 Q Well, you know the one I'm talking
5 about?

6 A The one where Gail Miller was found?

7 Q That's right. Because they pointed it
8 out to you?

9 A Yes.

11:47 10 Q And you're satisfied that your car was
11 never stuck in that alley?

12 A No, it wasn't."

13 Is that truthful?

14 A Yes, it is.

11:47 15 Q And if you go down to 680, please, Mr. Tallis
16 asks:

17 "Q And in particular, you didn't drive your
18 car or accompany anyone through either
19 of these alleys on the morning of
11:47 20 January 31, 1969?

21 A I did not."

22 And is that truthful?

23 A Yes.

24 Q Page 007723, at 690, Mr. Tallis asks you:

11:48 25 "Q How many times did you go up that alley



1 with the police?

2 A They just went up till the T
3 intersection and then we got out and
4 they showed me where she had been
11:48 5 found and stuff like this and then we
6 got back and then we left.

7 Q I see. And what date was this?

8 A The first date I was up here."

9 Is that correct?

11:48 10 A Yes, it is.

11 Q And next page, 692:

12 "Q The first date, that would be May 22nd?

13 A Yes."

14 And I believe earlier this morning, Mr. Wilson,
11:49 15 you had mentioned that was the date you came up.
16 I think it was May 21st that the record shows
17 that you travelled up; is that right?

18 A Yes.

19 Q And page 007728, Mr. Tallis asking you:

11:49 20 "Q And the place where you got stuck there
21 wasn't any funeral home?

22 A I don't know.

23 Q Well, you didn't see any funeral home?

24 A No. I wasn't looking for one
11:49 25 actually.



1 Q No, I appreciate that, but having gone
2 back and looking over the place, you
3 have no recollection with associating
4 the place where you got stuck with a
11:49 5 funeral home?

6 A No."

7 Is that truthful?

8 A Yes.

9 Q Page 007734, this is Mr. Tallis questioning you
11:50 10 about how far you went when you and Mr. Milgaard
11 went looking for help, about distance and time,
12 and he says at 805:

13 "Q How far did you walk?

14 A Maybe two and a half blocks.

11:50 15 Q Two and a half blocks. Is that one way
16 or combining it as a total?

17 A One way.

18 Q One way. So you walked not more than
19 five blocks."

11:50 20 And again I take it what you told me earlier
21 about the two blocks, this doesn't shed any light
22 on that? Are you able to tell us whether that's
23 truthful?

24 A No, that's not truthful.

11:50 25 Q That's not truthful?



1 A No.

2 Q And how are you able to say that?

3 A A total of five blocks, no. You would have been
4 frozen.

11:50 5 Q Are you saying that because of your recollection
6 or because of you now saying because of the
7 weather you don't think it happened?

8 A Because of the weather now I'm saying it didn't
9 happen.

11:51 10 Q Do you have any recollection, Mr. Wilson, of how
11 far you walked or how long you were away from the
12 car?

13 A Like I said earlier, it wasn't any more than two
14 minutes.

11:51 15 Q And is that based on your recollection or is it
16 based on you justifying or rationalizing it after
17 the fact?

18 A It's my recollection.

19 Q Pardon me?

11:51 20 A That's recollection.

21 Q So you have a recollection of leaving the car and
22 coming back and in your mind how long that would
23 have been?

24 A No more than two minutes.

11:51 25 Q But you do have that recollection?



1 A Yes.

2 Q Go to page 007735 and here Mr. Tallis asks you
3 about the time and you give him five minutes.

4 "Q I see. So actually you are away for
5 just a few minutes then?

11:51

6 A About five minutes.

7 Q About five minutes. And then you
8 returned to the car?

9 A Yes, I did.

11:52

10 Q And did you run because of the cold?

11 A Kind of trotted because my feet were
12 getting cold."

13 Again, the five minutes then, you are telling us
14 that's not correct?

11:52

15 A That's true.

16 Q That's true or --

17 A No, you are correct. Sorry.

18 Q And then scroll down, you are asked by Mr. Tallis:

19 "Q Now as I understand it, Dave came back,
20 according to you, shortly after you got
21 there?

11:52

22 A Yes.

23 Q And that would be -- when we say shortly
24 after, how many minutes would you say?

11:52

25 A No more than five minutes after I got



1 back."

2 Are you able to tell us whether that's true?

3 A That's false.

4 Q Okay. How long was it before David came back
11:52 5 after you got back?

6 A Probably a matter of seconds.

7 Q In we could now go to the trial transcript, page
8 005187, and this is the examination by Mr.
9 Caldwell, he asks:

11:53 10 "Q And what happened when you tried to make
11 a U-turn?

12 A I got stuck.

13 Q Now, what sort of an intersection - I
14 presume this was an intersection?

11:53 15 A Yes it was.

16 Q What sort of an intersection was it -
17 anything that you remember about it?

18 A Just that it was a four-way
19 intersection and that there was snow
11:53 20 like made up into a boulevard kind
21 of."

22 If I can pause there. What do you mean when you
23 say four-way intersection?

24 A What do I mean?

11:53 25 Q Yes.



1 A Four directions, it goes four directions.

2 Q And four way, does that have stop signs at the
3 intersection then when you use the term?

4 A Yes.

11:54 5 Q So it would be four ways with stop signs for each
6 direction?

7 A No, stop signs for two directions.

8 Q For north/south and east/west then? Every corner
9 would have a stop sign then?

11:54 10 A No, just two corners.

11 Q And I think you told us earlier that the
12 intersection where you got stuck had an empty
13 field; correct?

14 A Correct.

11:54 15 Q It was a T intersection?

16 A Yes.

17 Q In your mind is that different than a four-way
18 intersection?

19 A Yes, it is.

11:54 20 Q Now, why would you be telling the court here that
21 it was at a four-way intersection when you told us
22 earlier that it was a T intersection?

23 A Because the area where I was told where I was had
24 a four-way intersection and not a T intersection,
11:54 25 so I figured that's where we must have been.



1 Q Page 005188, next page, and you describe Dave and
2 I -- I'm sorry:

3 "Q And as I understand it this would be the
4 intersection?"

5 Where you got stuck.

6 A "Yes.

7 Q How far had you gotten through your
8 U-turn when the car stopped?

9 A Pretty well all the way through."

11:55 10 So I take your evidence here at the trial was
11 that your car was still in the intersection, was
12 it, when you got stuck?

13 A Yes, it was.

14 Q And is that -- apart from the four way versus the
11:55 15 T intersection, is that in fact what happened?

16 A Yes.

17 Q So would your car have been blocking traffic?

18 A Yes.

19 Q Go to page 005192, and here Mr. Caldwell is
11:56 20 examining you and he says:

21 "Q Now, how far did you go when you went
22 away on foot?"

23 And this is when you and Mr. Milgaard went for
24 help.

11:56 25 "A I didn't go any more than five blocks."



1 You'll recall I just went through your
2 preliminary hearing transcript where you told Mr.
3 Caldwell in chief two blocks, Mr. Tallis in
4 cross-examination two and a half blocks, and here
11:56 5 at trial you are now saying five blocks

6 A Yes.

7 Q Correct?

8 A Yes.

9 Q That's what the transcript says?

11:56 10 A Yes.

11 Q Can you give us any explanation as to why your
12 evidence keeps changing on this point?

13 A At this point, prior to just starting, Mr.
14 Caldwell came and saw me and asked me several
11:56 15 times to make sure, you know, I was sure on the
16 time on how long I was away. To me it sounded
17 like he wanted it extended, so I extended it.

18 Q Did he say those words to you?

19 A No. Just are you sure about how long you were
11:57 20 gone.

21 Q Okay. And when you said two blocks, were you
22 sure?

23 A No.

24 Q When you said two and a half blocks, were you
11:57 25 sure?



1 A No.

2 Q And when you said five blocks, were you sure?

3 A No.

4 Q So your explanation then for the increment is what
11:57 5 again?

6 A It was suggested to me that they needed more time.

7 Q Okay. Who suggested they needed more time?

8 A Mr. Caldwell.

9 Q It's important that I have you tell me what words
11:57 10 he used, Mr. Wilson, that you can recall.

11 A Just about previous, like I said, are you sure,
12 you know, you weren't gone further or gone longer.

13 Q Okay. So when you gave evidence at the prelim
14 that it was two blocks, was that truthful?

11:57 15 A No, it wasn't.

16 Q When you gave evidence that -- at the prelim that
17 it was two and a half, was that truthful?

18 A No, it wasn't.

19 Q And at the trial when you said five blocks, was
11:58 20 that truthful?

21 A No, it wasn't.

22 Q Page 005193, and you are asked here about, again
23 this is Mr. Caldwell examining you about your
24 trip, and you said:

11:58 25 "Q And when you had gone - what sort of a



1 street did this appear to be to you or
2 did you notice, that is in terms of
3 residence or business or what have you?

4 A It was mainly a residence street."

11:58 5 Is that truthful?

6 A Yes.

7 Q Page 005195, you are asked about your observations
8 of Nichol when you got back in the car:

9 "Q And when you got into the car - and I
11:59 10 don't wish you to say anything that was
11 said - but what did you observe about
12 Nichol John when you got into the car?

13 A She was pretty well in a hysterical
14 state.

11:59 15 Q And doing what?

16 A Screaming."

17 Is that true?

18 A No, it's not.

19 Q And why did you give that evidence if you knew it
11:59 20 not to be true?

21 A Sticking to my statement.

22 Q And why were you sticking to your statement?

23 A Because I wanted to stay close to that statement.

24 Q But why was that?

11:59 25 A Because to me it kind of was true at the time.



1 Q Okay. Can you explain that for me, when you say
2 it was kind of true?

3 A Through all the questioning and stuff prior to
4 making my second statement and then I made that
12:00 5 second and subsequent condition to it, I just
6 wanted to stick to that.

7 Q Okay. The second statement is the May 23rd
8 statement; correct?

9 A Yes.

12:00 10 Q And when you say it was kind of true, did you
11 believe that some of your -- let me back up.
12 We've gone through some evidence where you have
13 said look, that's not true, I didn't tell the
14 truth at trial; right?

12:00 15 A Right.

16 Q Are you telling us that when you gave that
17 evidence you thought it was true?

18 A Some of it, yes.

19 Q Give me an example of evidence that you thought
12:00 20 was true at the time that you now know is not
21 true?

22 A Right now I can't recall any.

23 Q Well this, about Nichol being hysterical and
24 screaming, did you ever believe that to be true?

12:01 25 A No.



1 Q That you saw that?

2 A No.

3 Q What about seeing the maroon-handled paring knife
4 or a brown-handled paring knife in the car, did
12:01 5 you ever believe that to be true?

6 A No.

7 Q What about David calling the lady that you stopped
8 for directions a stupid bitch, do you ever think
9 that that was true?

12:01 10 A No.

11 Q What about seeing blood on David's clothing, did
12 you ever think that was true?

13 A No. It all came about through the story that
14 ended up being made up?

12:01 15 Q Let me ask this, and I'm sorry if I've asked it
16 before, at the time you were testifying at trial,
17 did you believe that David Milgaard had killed
18 Gail Miller?

19 A No, I didn't.

12:01 20 Q You didn't?

21 A No, I didn't.

22 Q Then why were you giving evidence that would
23 incriminate him if you didn't believe that he had
24 done it?

12:02 25 A Because I figured at that time if I start changing



1 my testimony, nobody would believe me anyway.

2 Q Okay.

3 A And I would probably also get in trouble with the
4 city police and everybody else.

12:02 5 Q And would that be any more trouble than you had
6 already been in with the police at that time?

7 A Yes.

8 Q In what way?

9 A I wasn't sure. I was scared about it.

12:02 10 Q And did you appreciate the consequences for David
11 Milgaard in you sticking to your statement?

12 A At that time, no.

13 Q And what did you understand might happen to him?

14 A I was hoping he would be found not guilty.

12:02 15 Q But you knew you were giving evidence that was
16 fairly -- did you know that your evidence was not
17 favourable to him?

18 A Yes, I did.

19 Q In fact, you've already -- we've gone over parts
12:02 20 where you told the police and I think told the
21 court that David told you he had got a girl or
22 killed a girl or stabbed a girl; right?

23 A Correct.

24 Q And you knew that wasn't helpful to him?

12:03 25 A Exactly.



1 Q Okay, we'll come back to that a bit later. If we
2 can just scroll down, line 20, and again this is
3 Mr. Caldwell:

4 "Q Now how much time would you estimate had
12:03 5 elapsed between you parting company with
6 David when the both of you went for help
7 and the time when he got back in the
8 car?

9 A Around fifteen minutes.

12:03 10 THE COURT: Just a minute please. You said
11 you didn't go any more than five blocks
12 on your walk?

13 A Yes.

14 Q Did you go five blocks?

12:03 15 A I'm not sure if I went five blocks.

16 Q What's your best estimate then of how
17 far you went?

18 A Possibly four.

19 Q Would it be four for sure?

12:03 20 A For sure would be four.

21 Q And were they ordinary city blocks?

22 A Yes, they were.

23 Q And you turned around and you came back
24 and walked the four blocks back?

12:04 25 A Yes.



1 Q And how long were you in the car before
2 the accused Milgaard turned up?

3 A Five to six minutes."

4 And then:

12:04 5 "MR. CALDWELL, continuing:

6 Q Ronald, was that period of time - that
7 five or six minutes - included in that
8 estimate of time you just gave me as to
9 how long you and David were apart, so to
10 speak?

11 A Yes."

12 Now, is any of that true, Mr. Wilson?

13 A No, it's not.

14 Q So you have gone from five blocks to, when the
12:04 15 judge questioned you, down to four; is that fair?

16 A That's fair.

17 Q And your total time apart, you are now saying 15
18 minutes, is that right?

19 A Yes.

12:04 20 Q And I think that's ten minutes while you are away
21 and then five, five to six minutes while you are
22 in the car, before David gets back; is that right?

23 A That's right.

24 Q Page 005197. Here is the evidence that I just
12:05 25 alluded to a moment ago:



1 "Q And was anything said when David got
2 back in the car?

3 A Yes, there was.

4 Q By whom?

12:05 5 A By David.

6 Q And what was that?

7 A "I fixed her" - something to that
8 effect.

9 Q "I fixed her" or something to that
12:05 10 effect?

11 A Yes."

12 Now is that truthful?

13 A No, it's not.

14 Q And did you know, sir, that that evidence that you
12:05 15 gave would not be helpful to Mr. Milgaard in his
16 trial; you understood that, did you?

17 A Yes I did.

18 Q If we can go to page 005249, and this page
19 unfortunately is not very legible, and this is Mr.
12:06 20 Tallis' cross-examination at trial. And I have a
21 paper copy that I think maybe reads a bit better,
22 and I will read it, and this is Mr. Tallis
23 starting here. It says:

24 "Q I want to take you to that particular
12:06 25 point of time. And then you told my



1 learned friend that you walked you
2 believed to be in an easterly direction
3 for approximately five blocks?

4 A Yes.

12:06 5 Q And then I think you told My Lord the
6 Chief Justice that you were satisfied
7 that it was at least four?

8 A Yes.

9 Q Now, witness, I suggest to you that in
12:07 10 fact you didn't walk any more than two
11 to two and a half blocks and then came
12 back to the car, is that correct?

13 A No, it's not.

14 Q ... today your position is that you
12:07 15 walked at least four blocks and probably
16 five?

17 A Yes.

18 Q And then turned around?

19 A Yes I did.

12:07 20 Q And came back to the car?

21 A Yes.

22 Q And you estimated that that took
23 approximately ten minutes as I
24 understand your evidence?

12:07 25 A Yes, more or less.



1 Q And then the overall time that you were
2 separated from David you estimated to
3 this Court to be approximately fifteen
4 minutes?

12:07 5 A Yes.

6 Q Now, I suggest to you, Witness, that you
7 have earlier testified in this
8 connection - and I want to direct your
9 attention to the preliminary hearing.
10 You remember being here in this court
11 room before His Honour Judge Cumming as
12 a witness?

13 A Yes."

14 And do you recall, Mr. Wilson, at the trial being
15 challenged by Mr. Tallis about what you had said
16 at the preliminary hearing being different than
17 what you said at trial?

18 A Yes I do.

19 Q And I -- did you stick to your story at trial as
12:08 20 opposed to what you said at the prelim?

21 A I believe I did.

22 Q And why is that?

23 A Because they wanted an extended time period so
24 they got it.

12:08 25 Q And who are you referring to?



1 A Mr. Caldwell.

2 Q Mr. Commissioner, I don't propose to go through
3 the next four pages. Mr. Tallis goes through the
4 preliminary hearing evidence with Mr. Wilson and
12:09 5 puts the questions and answers that he gave to Mr.
6 Wilson, the transcript is on the record, it
7 doesn't read very well but the transcript speaks
8 for itself and I can advise you that he, Mr.
9 Wilson, does not change his evidence.

12:09 10 If I could go to page 005253,
11 just three pages down, and if we can just call out
12 the bottom part, and Mr. Tallis says.

13 "Q ... as you now say it was five blocks
14 instead of two and a half?

12:09 15 A Yes.

16 Q Why do you choose to double it under
17 oath on this occasion?

18 A Because since the preliminary I have
19 been thinking about it a lot.

12:10 20 Q I see; you've been thinking about it a
21 lot?

22 A Yes.

23 Q And of course you thought about it
24 before?

12:10 25 A Not that much.



1 Q I see; you had been interviewed on many
2 occasions?

3 A Yes.

4 Q So it wasn't just like coming into Court
12:10 5 cold, was it?

6 A No.

7 Q No; you had seen any number of people
8 and talked to them prior to the
9 preliminary hearing?

12:10 10 A Yes.

11 Q Many police officers?

12 A Yes.

13 Q So it wasn't a question of coming in
14 without thinking about it?

12:10 15 A Yes.

16 Q Was it? You had thought about these
17 things before you were in the room at
18 the preliminary hearing?

19 A Yes, but not in depth."

12:10 20 Is that truthful evidence, Mr. Wilson?

21 A No, it's not.

22 Q Go to page 005256 -- actually, let's find page
23 005266. Do you recall Mr. Tallis questioning you
24 about how cold it was, Mr. Wilson? Maybe I'll
12:11 25 just go through this. He says:



1 "Q Your face was cold?

2 A Yes, my face was cold.

3 Q Didn't your nose start to freeze?

4 A Yes.

12:12 5 Q And it started to freeze before you got
6 back to the car, didn't it?

7 A Yes it did.

8 Q Where did it start to freeze - how far
9 along the way - when you got to the end
12:12 10 of the spot you went to or --

11 A I don't know but it started to freeze
12 pretty fast.

13 Q Pretty fast; and you could feel it being
14 frostbitten, could you?

12:12 15 A Yes I did."

16 Is that evidence the truth?

17 A Yes it is.

18 Q And did that in fact happen, then, when you went
19 out?

12:12 20 A Yes.

21 Q Okay. At 005268, and this is Mr. Tallis asking
22 you about the remark you say you heard:

23 "Q Now, you told my learned friend that
24 there was a comment made about fixing
12:12 25 her or something to that effect?



1 A Yes.

2 Q When David got back in the car?

3 A Yes.

12:13 4 Q And you told my learned friend that this
5 comment was made as I understand it
6 immediately that he got into the car?

7 A Yes.

8 Q And that you made some remark and then
9 said nothing more?

12:13 10 A Yes.

11 Q Now, I suggest to you, Witness, that you
12 can't positively say that such a remark
13 was made at that time; I suggest to you
14 that there may have been a remark passed
12:13 15 after these two chaps had helped you get
16 unstuck?

17 A No.

18 Q You say that that's not the case?

19 A No, it's not."

12:13 20 Is that truthful?

21 A No, that comment was never made.

22 Q Okay. And so, when Mr. Tallis challenged you on
23 that, you stuck to your story?

24 A That's true.

12:13 25 Q And why is that?



1 A To make it look truthful.

2 Q Page 005293, and this is your trial evidence, Mr.
3 Tallis asks you about being in the alley:

4 "A Yes.

12:14 5 Q And you are also satisfied - and I
6 believe have so stated - that you never
7 at any time drove your car down this
8 east-west lane back of the funeral home
9 at 1402 on 20th Street?

12:14 10 A No, I never did.

11 Q And in particular you never drove your
12 car up the other portion of the alley -
13 the other portion of the T where Gail
14 Miller's body was apparently found, as
12:14 15 the police officers pointed out to you?

16 A No, I didn't."

17 And is that truthful?

18 A Yes it is.

19 Q Was it ever suggested to you by anybody that you
12:14 20 were in that alley?

21 A Yes, it was, by the police officers.

22 Q And what did you say to that?

23 A Well it got to the point that I said that's where
24 we were, since I didn't know the city, I guess.

12:15 25 Q Pardon me? I'm sorry?



1 A It got to the point where they said that's where
2 we were, so -- and I didn't know the city so I
3 said, okay, that's where we were.

4 Q But you have testified in Court that you weren't
12:15 5 in the back alley?

6 A Right.

7 Q Right. And I don't think you, in your statement,
8 you didn't say you were in the alley; correct?

9 A Correct.

12:15 10 Q And I -- and so I think you just told me that the
11 police suggested to you that you were in that
12 alley?

13 A Yes.

14 Q And I take it that you said no, you weren't?

12:15 15 A Yes.

16 Q Okay. Is there any reason you wouldn't have
17 fabricated that part of the story, Mr. Wilson?

18 A No.

19 Q If we can go to page 005354, and this is
12:16 20 re-examination, if you could just go back to the
21 page, please. Sorry. This is Mr. Caldwell
22 re-examining you after Mr. Tallis has
23 cross-examined you, okay, this is at the trial.

24 A Okay.

12:16 25 Q "Q Now, my learned friend asked you and you



1 have told the Court about as I
2 understand it being taken by policemen
3 in Saskatoon up to the T-shaped alley
4 behind the funeral home and driving part
12:16 5 of it and walking another part of it?
6 A Yes.
7 Q And I would ask you, Wilson, whether as
8 a result of that trip up there with the
9 police did you recognize the
12:17 10 intersection where you had been stuck on
11 January the 31st or not?
12 A Yes I did.
13 Q And did you come to know - like at the
14 time you went there with the police did
12:17 15 you come to know a street or a number of
16 streets or avenues or description of
17 them, in other words, where it is in
18 terms of names?
19 A Yes I did but I can't remember them
12:17 20 right now.
21 Q I see; and how far was the intersection
22 from the T-shaped alley?
23 A Not too far, like - have you got that
24 picture handy? I could show you on
12:17 25 that."



1 And then there's some objections there. If I
2 could go to the next page, please, Mr. Caldwell
3 carries on:

4 "MR. CALDWELL: Very well -

12:17 5 Q Now, I think where we were is that you
6 said of course you had been up to the
7 T-shaped alley with the police and that
8 on that occasion as opposed to January
9 the 31st that you recognized the
12:18 10 intersection where you had been stuck?

11 A Yes.

12 Q But you now do not know it by name so to
13 speak?

14 A No I don't.

12:18 15 Q I see. Can I show you then P.1 and
16 there has been evidence that P.1 is a
17 sketch of the T-shaped alley and that
18 the thing shown here as "1402" is a or
19 the funeral home.

12:18 20 Now, does P.1 assist you - or
21 is the intersection that you remember
22 included in this sketch?

23 A Yes it is.

24 Q Could you point it out please?

12:18 25 A It's right here (indicating).



1 Q Would you just point it out again
2 please?"

3 And it says:

4 "THE WITNESS AGAIN POINTS OUT.

12:18 5 THE COURT:

6 Q Let me see? Where is that again?

7 A Right there (indicating).

8 Q What is it again - it's the place what?

9 A The intersection where I was stuck.

12:18 10 MR. CALDWELL: I think the record shows, My
11 Lord, that it's Avenue "N" at 20th
12 Street and if Your Lordship pleases I
13 would have the witness just mark
14 something there.

12:19 15 THE COURT: Are there any S's on that plan
16 now?

17 MR. CALDWELL: I don't believe so, My Lord.

18 THE COURT: You could put an S to indicate
19 it."

12:19 20 Now do you recall giving that evidence, Mr.
21 Wilson, and identifying it on the map?

22 A Yes I do.

23 Q And maybe if we could call up -- is it P.3, what
24 is the -- what is the trial map, is it map 1, map
12:19 25 C maybe? Just blow that up. Do you recall seeing



1 a map of this nature at the trial? Does this look
2 familiar at all?

3 A Yes, I do.

4 Q Now, Mr. Commissioner, I was not able -- we've
12:19 5 tried to get the exhibit from the David Milgaard
6 trial, the map that had an actual S on it, but it
7 has not been retained and we weren't able to find
8 any map that had an S on it.

9 But based on the description,
12:19 10 Mr. Wilson, did you point out to the Court at the
11 trial that the intersection where you got stuck
12 was near the funeral home? It must have been a
13 different map because they referred to the street
14 number; do you remember where you would have
12:20 15 pointed out the intersection?

16 A I don't remember now.

17 Q Do you remember it being near the funeral home?

18 A I remember being driven around it.

19 Q Okay. Well if we could just go back to the
12:20 20 transcript, 005356, and just go to the next page,
21 please. And we don't have the actual exhibit but
22 it looks as though from the record, Mr. Wilson,
23 that it says:

24 "MR. CALDWELL: I think the record shows,
25 My Lord, that it's Avenue "N" at 20th



1 Street and if Your Lordship pleases I
2 would have the witness just mark
3 something there."

4 So it would appear from the transcript that you
12:21 5 identified the intersection where you got stuck
6 as being at the corner of Avenue N and 20th
7 Street; is that correct?

8 A That's correct.

9 Q And that's where the funeral home was, was on the
12:21 10 that corner, is that correct?

11 A That's correct.

12 Q And you knew, at the time, that that was where
13 Gail Miller's body was found?

14 A Yes.

12:21 15 Q And was that the intersection where you got stuck
16 on January 31, 1969?

17 A No it wasn't.

18 Q Okay. And did you know that at the time of trial
19 when you were testifying?

12:21 20 A Yes I did.

21 Q Okay. And why did you tell the Court that you got
22 stuck at that intersection when you knew you
23 didn't?

24 A Because the police said that's where they were.

12:22 25 Q Did you know otherwise?



1 A Yes I did.

2 Q Did you tell the police that?

3 A One time, yes.

4 Q And would you know, Mr. Wilson, that testifying
12:22 5 that you were stuck near the funeral home, and
6 near where Gail Miller's body was found, that that
7 evidence would not be favourable to Mr. Milgaard?

8 A Yes.

9 Q And you knew it not to be true?

12:22 10 A Yes.

11 Q If I could just, now, turn to the blood evidence,
12 quickly. If we could go to page 007600 of the
13 prelim transcript, and actually go to page 007634,
14 and this is being examined by Mr. Caldwell:

12:23 15 "Q Now, did you pay attention at that point
16 to the way Dave was dressed?

17 A Yes, I did.

18 Q What did you observe about his dress?

19 A I observed that there was blood on the
12:23 20 front of his pants."

21 Now was that truthful evidence?

22 A No.

23 Q At the time you gave that evidence at the
24 preliminary hearing did you know it to be false?

12:23 25 A Yes.



1 Q And any explanation as to why you would say that
2 at the preliminary hearing?

3 A Sticking to my story.

4 Q And what story was that?

12:23 5 A The one in the statement I gave in May.

6 Q And on page -- okay. Actually, no, if we could
7 just go back to the map, if we could -- do you
8 have 031005, and if we could just flip it over,
9 please, zoom in. I believe this is a map, I

12:24 10 believe, that has -- if we could zoom in on that
11 area, please -- that has 1402 on it. Does this
12 map look familiar at all?

13 A No, it doesn't.

14 Q Just go back to the transcript then, please,
12:24 15 007708. This is Mr. Tallis cross-examining you
16 about the blood and he asks at 531 -- 533:

17 "Q And when you say that you had seen blood
18 on the trousers, was this in the front
19 area?

12:25 20 A Yes, it was.

21 Q Or on the legs?

22 A On the front area."

23 Do you remember, I think you told us you didn't
24 see any blood; is that right?

12:25 25 A Me?



1 Q You didn't see any blood on David Milgaard's
2 pants?

3 A That's true.

4 Q What do you remember telling the police in the
12:25 5 Court about how much blood you saw and where you
6 saw it?

7 A I don't recall. Go to the trial transcript,
8 please. If we go to page 005213, and this is
9 Mr. Caldwell examining you:

12:26 10 "Q Alright; and what did you notice on his
11 pants?

12 A I noticed blood.

13 Q And in what area?

14 A The front section of his pants.

12:27 15 Q And as best you can say how large or
16 small an area or how would you describe
17 the area?

18 A Not too large.

19 THE COURT:

12:27 20 Q Well can you say in inches, can't you,
21 or half inches or quarter inches?

22 A I couldn't say how many inches.

23 Q Well, would it be more than one?

24 A Oh yes.

12:27 25 Q More than one inch in diameter, is that



1 right? Diameter is across from side to
2 side if it was a circle.

3 A Yes.

4 Q How far would you say then?

12:27 5 A I imagine it wouldn't be any more than
6 an inch and a half or two."

7 And I'm wondering, Mr. Wilson, how would you come
8 up with that description of the amount or the
9 size of the bloodstain that you saw?

12:27 10 A Right now I can't recall.

11 Q And at page 005259, this is Mr. Tallis
12 cross-examining you at trial:

13 "Q And when you were there that morning you
14 told my learned friend that you saw
12:28 15 David take off his trousers and also you
16 mentioned I believe a sweater and shirt?

17 A Yes.

18 Q And as I understand it you did not see
19 any blood on the sweater?

12:28 20 A No, I didn't.

21 Q And you did not see any blood on the
22 shirt?

23 A No."

24 And then to page 005267. At the trial, Mr.

12:28 25 Wilson, did you know what statement or evidence



1 Albert Cadrain had given about seeing blood?

2 A Yes I did.

3 Q And what did you know?

4 A That he had seen it.

12:28 5 Q And do you know how much he had seen or where he
6 had seen it?

7 A That I don't know, I don't know how much, but I
8 know that he had seen it on the front of David's
9 pants.

12:29 10 Q And how did you know that?

11 A I was told about it.

12 Q By whom?

13 A I believe it was police officers.

14 Q Do you know which police officer?

12:29 15 A No I don't.

16 Q Page 5267 Mr. Tallis asks you:

17 "Q I see; you don't know whether you were
18 wearing them; well now, in any event you
19 were in the car when David returned?

12:29 20 A Yes I was.

21 Q And he got in the front seat and at that
22 particular time I take it that you did
23 not see any sign of blood or anything
24 like that on his hands?

12:29 25 A No I didn't."



1 "Q Or nothing like blood on his face?

2 A No."

3 And that's truthful?

4 A Yes.

12:29 5 Q Were you aware of what Nichol John had said,
6 either in her statement or in court, about whether
7 or not she saw blood on David Milgaard's clothing?

8 A No I didn't.

9 MR. HODSON: That's probably an appropriate
12:29 10 spot to break, Mr. Commissioner.

11 COMMISSIONER MacCALLUM: 2:00.

12 *(Adjourned at 12:30 p.m.)*

13 *(Reconvened at 2:00 p.m.)*

14 BY MR. HODSON:

02:02 15 Q Good afternoon, Mr. Wilson. Just a few items here
16 to finish up on your trial evidence. I would like
17 to move to the compact, and I think you told us
18 Thursday, correct me if I'm wrong, that you are
19 saying that didn't happen, or you don't recall it
02:02 20 happening, which one was it?

21 A Never happened.

22 Q Never happened. If you could call up page
23 007649 --

24 COMMISSIONER MacCALLUM: Excuse me, I must
02:03 25 have missed something just before lunch. The



1 last I have, the note, was subject to blood on
2 his hands.

3 MR. HODSON: Yes, we finished up the blood
4 and we're now moving on to the compact.

02:03 5 COMMISSIONER MacCALLUM: Did you tell
6 anything about the compact before lunch?

7 MR. HODSON: No, we didn't deal with the
8 compact before lunch.

9 COMMISSIONER MacCALLUM: What's he saying
02:03 10 now then, what never happened?

11 MR. HODSON: I'm sorry --

12 A The compact story never happened.

13 COMMISSIONER MacCALLUM: Hmm?

14 A The compact story never happened.

15 BY MR. HODSON:

16 Q And maybe I can assist. We talked last Thursday
17 and I asked you about something in a statement
18 where I believe you said Nicky or Nichol found a
19 compact in the glove box of the car between
02:04 20 Saskatoon and Calgary and David Milgaard grabbed
21 it and threw it out the window. That's the
22 compact incident; correct?

23 A Correct.

24 Q And that was in your statement of May 23rd?

02:04 25 A Yes, it was.



1 Q And I think you told me that didn't happen?

2 A Correct.

3 Q And so here at the preliminary hearing Mr.
4 Caldwell is questioning you about that:

02:04 5 "Q And what happened just before you hit
6 this town?

7 A Nickey found a compact case."

8 And carrying on and you say here in 475:

9 "A And then Dave grabbed it and threw it
02:04 10 out."

11 Is that truthful evidence?

12 A No, it isn't.

13 Q Were you aware what Nichol John and Albert have
14 said about the compact case?

02:04 15 A No, I hadn't.

16 Q I believe their trial evidence, they
17 indicated that -- or maybe not Albert Cadrain's,
18 but Nichol John testified about a compact case as
19 well I believe. Do you have any explanation as to
02:05 20 how the two or perhaps even three of you would
21 come up with the same event?

22 A No, not at all.

23 Q Did you tell them about the compact case?

24 A No, I didn't.

02:05 25 Q Page -- the trial transcript, 005236, and this is



1 Mr. Caldwell examining you at the trial in front
2 of the jury:

3 "Q .. as you went along was there any -
4 well, can you put it this way - once you
02:06 5 left Saskatoon and proceeded on what
6 happened if anything in the car?

7 A Nichol found a compact.

8 Q Alright, did you see that?

9 A I just had a glimpse of it."

02:06 10 And then The Court:

11 "Q Where did she find it, do you know?

12 A I believe it was in the glove
13 compartment.

14 Q You were in the front seat?

02:06 15 A I was in the back at the time.

16 MR. CALDWELL:

17 Q And the glance that you had at it --"
18 Actually, the next page, please, to the bottom,
19 about line 25, it says:

02:06 20 "Q And what was done with it?

21 A Dave took it and he threw it out the
22 window.

23 Q Now, appreciating that that was your
24 car, Ron, when you did see a glimpse of
02:06 25 this thing is it anything that you had



1 any knowledge of yourself at all?

2 A No."

3 And is that truthful evidence then that you gave
4 at trial about the compact case?

02:06 5 A No.

6 Q And again your reasons for giving that evidence at
7 trial any different from what you told us this
8 morning about the other --

9 A No, just sticking with my May statement.

02:07 10 Q Now, Mr. Commissioner, I was not able to find any
11 mention of cross-examination on the compact in the
12 trial transcripts, and the record speaks for
13 itself, it may be in there, but I didn't come
14 across it. If we could move to item number 8, and
02:07 15 that is David Milgaard's statements in Calgary,
16 and if you could call up page 007650 from the
17 prelim, this is Mr. Caldwell at the preliminary
18 about Calgary:

19 "Q Where did you go there initially?

02:07 20 A Well, first we went to the bus depot,
21 I think.

22 Q Mhmm.

23 A And then, well, I went in there to phone
24 a girl I knew that was living in Calgary
02:08 25 at the time but I couldn't find her



1 phone number.

2 Q I see. Did anyone else go in there with
3 you?

4 A Dave Milgaard.

02:08 5 Q And did the other two go in with you?

6 A No, they didn't, they stayed in the
7 car."

8 Is that true up to that point?

9 A Yes.

02:08 10 Q And I believe it was Heather Beaton you were
11 calling. Does that name sound familiar?

12 A Yes.

13 Q And so that did happen?

14 A Yes.

02:08 15 Q And was that at the bus depot?

16 A Yes. Carrying on at question 484:

17 "Q Did anything happen while you were in
18 there, other than you trying to find
19 this number and call her?

02:08 20 A Yes, there was.

21 Q What happened?

22 A Dave told me about an incident that
23 happened in Saskatoon.

24 Q And would you tell the court as
02:08 25 carefully as you can what he said to you



1 then?

2 A Well, he said that he had 'hit a
3 girl', which I figured like taking her
4 purse or something like this, or he
02:08 5 'got a girl', something to that
6 effect.

7 Q Words to that effect?

8 A Yes.

9 Q Where was this?

02:08 10 A In Saskatoon here.

11 Q Alright. Anything more?

12 A And that he thought she would be okay
13 and that he had her purse and put it
14 in a trash can."

02:09 15 Is that evidence true?

16 A No.

17 Q And why would you tell that evidence at the
18 preliminary hearing?

19 A Because it fit into the story because I was shown
02:09 20 where the purse was put in the trash can and it
21 kind of fit, so --

22 Q I'm sorry?

23 A The Saskatoon Police Force had shown me where the
24 trash can was and where the purse was and it kind
02:09 25 of fit into the story.



1 Q And where did these words come from, that he had
2 hit a girl or got a girl and he thought she would
3 be okay?

4 A I believe from me.

02:09 5 Q And did you understand, Mr. Wilson, that those
6 statements would be harmful to Mr. Milgaard in
7 this matter?

8 A Yes.

9 Q And was there any particular reason why you came
02:09 10 up with that story?

11 A To collaborate the rest of my statement.

12 Q And why were you doing that?

13 A To keep myself out of trouble.

14 Q What trouble did you think you might get into?

02:10 15 A As being a suspect.

16 Q Then go to the trial, 005240, and this is your
17 examination-in-chief by Mr. Caldwell, and you'll
18 see here:

19 "Q I see, alright; now would you tell the
02:11 20 court just as carefully as you can what
21 was said in that conversation please?

22 A Well, he said he 'hit a girl' or 'got
23 a girl' in Saskatoon."

24 And then down here:

02:11 25 "A And that he put her purse in a trash



1 can and that he thought she would be
2 okay."

3 Why did you add the words, "And he thought she
4 would be okay"?

02:11 5 A I'm not sure. I think just to comfort myself.

6 Q And how would that comfort you?

7 A Well, and also it helped him out to a point too I
8 think because if he thought she was okay, well, he
9 couldn't have hurt her.

02:11 10 Q And when you are talking about her, who are you
11 referring to?

12 A Gail Miller.

13 Q And you knew she was dead?

14 A At that time, yes.

02:11 15 Q So how would that give you comfort?

16 A I don't know.

17 Q And I take it then the evidence you gave -- well,
18 the evidence you gave at trial is similar to what
19 you gave at the preliminary hearing and would it
02:11 20 be fair to say that your reasons for doing so were
21 the same as what you told me for the preliminary
22 hearing evidence?

23 A Yes.

24 Q I'll now move on to tab number 9 in my outline and
02:12 25 this is your dealings with the police, Mr. Wilson,



1 and you were examined quite extensively by
2 Mr. Tallis at the prelim and again at the trial
3 about your dealings with the police and I may
4 spend a bit more time going through some of that
02:12 5 to see if it assists in your recollection. If we
6 could go to the prelim transcript, page 007658 --
7 pardon me, 007660 -- and this is Mr. Tallis
8 examining you at the prelim:

9 "Q Your dad's sweater. And when did you
02:13 10 turn that sweater over to the police?

11 A The same time I turned over the
12 flashlight.

13 Q I see. And was there any particular
14 reason that you turned over your dad's
02:13 15 sweater?

16 A Well, they wanted to know if Dave had
17 been wearing it at one time and he
18 had, so they wanted to take it for lab
19 tests.

02:13 20 Q I see. So you say David had been
21 wearing your father's sweater?

22 A Yes.

23 Q Is this after you come back from this
24 trip to Alberta?

02:13 25 A No, this is during the trip."



1 Do you recall that, Mr. Wilson?

2 A I recall the sweater part, yes.

3 Q And it was your dad's sweater that you had taken
4 on the trip with you was it?

02:13 5 A Yes, I believe so.

6 Q And had David Milgaard worn that sweater on the
7 trip?

8 A Yes.

9 Q Do you know if he was wearing that sweater on the
02:13 10 morning of January 31, 1969?

11 A No, I don't.

12 Q And when you got back from the trip you still had
13 the sweater did you?

14 A Yes.

02:13 15 Q And you turned it over to the police I take it
16 from this evidence?

17 A I guess so.

18 Q Do you have any recollection of that?

19 A Not really, no.

02:14 20 Q Page 007663, and this is Mr. Tallis again at the
21 prelim cross-examining you:

22 "Q Now I take it the gentleman who asked
23 you for a sample of your blood and the
24 saliva was a member of the Regina City
02:14 25 Police?



1 A Yes, he was.

2 Q And do you remember whether or not he
3 was an inspector or officer, would you
4 remember his rank?

02:14 5 A He was an inspector, I think.

6 Q He was an inspector. And did he come to
7 the jail to visit you?

8 A Before that?

9 Q Well, at this time when he asked for
02:14 10 these samples?

11 A No, he just come to get the samples,
12 that was all.

13 Q I see. Had he been to visit you before
14 that?

02:15 15 A He came before that with Lieutenant
16 Karst.

17 Q Oh, before you gave the samples, you had
18 been visited by Mr. Karst from the
19 Saskatoon City Police Force?

02:15 20 A Yes.

21 Q And was there anyone else that had
22 visited you there in connection with
23 this matter?

24 A Ken Walters from the Regina police
02:15 25 force.



1 Q Ken Walters from the Regina police
2 force. Yes?

3 A Yes, and Lieutenant Short.

4 Q And Lieutenant Short from the Saskatoon
02:15 5 City Police Force came to see you?

6 A Yes, and there was one other fellow, I
7 can't recall his name.

8 Q Was he a Regina city policeman or
9 Saskatoon?

02:15 10 A I don't know.

11 Q But you knew him to be a policeman?

12 A Yah.

13 Q Was this when you were in jail?

14 A Yes, it was.

02:15 15 Q So would you recall the first policeman
16 that came to see you in connection with
17 this matter?

18 A Ken Walters.

19 Q Ken Walters from Regina?

02:15 20 A Yes.

21 Q And this was when you were in jail?

22 A Yes, it was.

23 Q Did any policeman come to see you about
24 this matter before you went to jail?

02:16 25 A No. "



1 Is that evidence truthful?

2 A Yes, it is.

3 Q And so -- well, I'm sorry, let me carry on with
4 one more excerpt here:

02:16 5 "Q I see. And I take it then that
6 Mr. Walters interviewed you relative to
7 this matter involving Gail Miller?

8 A Yes, he did.

9 Q And he didn't take any samples or
02:16 10 anything from you?

11 A No, he didn't.

12 Q No clothing or anything like that?

13 A No.

14 Q No blood samples or anything like that?

02:16 15 A No.

16 Q And I take it that on that occasion he
17 would tell you that you were being
18 interviewed, or that he wanted to talk
19 to you about the tragedy in Saskatoon?

02:16 20 A Yes, he did.

21 Q Did he take a statement in writing from
22 you on that occasion?

23 A No, he didn't."

24 If we can just pause there, and I think when we
02:16 25 went through the statements -- first of all, is



1 that evidence true?

2 A Yes. About the statement part I'm not sure.

3 Q When we went through the statements on Thursday, I
4 think Inspector Riddell took your statement of
02:16 5 March the 3rd, 1969 and there was a police report
6 from Ken Walters suggesting that he was with
7 Inspector Riddell that morning. Do you
8 remember --

9 A Yes.

02:17 10 Q And it sounds from this evidence, Mr. Wilson, that
11 Mr. Walters -- did Mr. Walters come and see you
12 before you gave a statement to Riddell?

13 A No.

14 Q So it was at the same time?

02:17 15 A Yes.

16 Q So do you recall Ken Walters coming to see you on
17 his own in jail?

18 A No, I don't.

19 Q And then scroll down, please, to 66:

02:17 20 "Q I see. Was there anyone else present in
21 the room or was there just the two of
22 you in the interview room?

23 A There was that other officer with him,
24 I can't remember his name.

02:17 25 Q I see. There was two officers there?



1 A Yah.

2 Q And you don't remember the name of the
3 officers with Mr. Walters?

4 A No, I don't.

02:17 5 Q But in any event, on this occasion there
6 was no statement taken in writing?

7 A No, there wasn't.

8 Q And I take it this interview was
9 conducted on a friendly basis?

02:17 10 A Yes, it was.

11 Q Now, later on you were interviewed by a
12 number of police officers at various
13 times?

14 A Yes."

02:18 15 If I can just pause there. Is this, a statement
16 taken in writing, number 69, is that correct?

17 A The one in March, '69?

18 Q On question 69 it says:

19 "Q But in any event, on this occasion --"

02:18 20 And this is when Walters and the other officer
21 was there,

22 " -- there was no statement taken in
23 writing?"

24 And you say, "No, there wasn't."

02:18 25 A Right. I don't recall when I gave it.



1 Q Do you remember when you gave your first statement
2 of March 3rd, 1969?

3 A Yes.

4 Q And that was to who?

02:18 5 A To Walters and the other officer.

6 Q Inspector Riddell's name is on the statement.
7 Does that sound right?

8 A Yes.

9 Q And when you gave that statement, was that the
02:18 10 first time you had met with any police officers
11 regarding the Gail Miller murder?

12 A Yes, it was.

13 Q Down to question 73:

14 "Q Now who was it that first told you that
02:19 15 you were a suspect in connection with
16 this case?

17 A I don't recall that.

18 Q You wouldn't recall which police officer
19 told you that you were a suspect?

02:19 20 A No, I'm not sure if it was Ed Karst or
21 Ray Mackie, if that was his name.

22 Q I see. In any event, they were city
23 policemen from Saskatoon?

24 A Yes."

02:19 25 Is that truthful evidence that I read to you?



1 A Yes.

2 Q And scroll down, please:

3 "Q That one of them said you are a suspect
4 in this case, or words to that
5 effect?

02:19

6 A Words to that effect."

7 Next page, and this is again Mr. Tallis
8 questioning you at the preliminary hearing,
9 question 80:

10 "Q Do you recall in your own words how they
11 expressed to you, or got the message
12 across to you that you were a suspect?

02:19

13 A Well, they told us all of us were
14 suspects."

15 Is that truthful evidence?

02:20

16 A Yes, it is.

17 Q Who is the "they" and who is the "us" in that?

18 A Saskatoon police officers, which ones I can't
19 remember, and it would be myself, Nichol and
20 David.

02:20

21 Q What about Albert Cadrain?

22 A Not that I recall.

23 Q Next page, 007668, Mr. Tallis asks you:

24 "Q I see. And I suppose that when you were
25 told that you were a suspect in this

02:20



1 matter, you realized it was a really
2 serious allegation?

3 A Yes, I did.

4 Q And you realized the possible
02:20 5 consequences of it?

6 A Moreless."

7 Is that true?

8 A Yes.

9 Q And what did you realize the consequences or the
02:20 10 possible consequences to be?

11 A That you could be in big trouble.

12 Q Meaning what?

13 A Meaning you could get charged with something.
14 What at that time I wasn't sure.

02:21 15 Q Okay. And would those be the same consequences
16 that Mr. Milgaard would be facing?

17 A Yes.

18 Q Next page, please, now Mr. Tallis questions you
19 here about what might be happening while you were
02:21 20 in jail and I think on Thursday you told us that
21 you were in jail from February 25 to May 9th,
22 1969; correct?

23 A Yes.

24 Q And that on a number of occasions while you were
02:21 25 in jail the police came to visit you; correct?



1 A Correct.

2 Q And so Mr. Tallis asks you:

3 "Q Yes, and lots of the other inmates
4 seemed to know by the moccasin line that
02:21 5 you were a suspect?

6 A Yes.

7 Q And I suppose that this would bother you
8 to some extent?

9 A No, it didn't.

02:21 10 Q Didn't bother you at all?

11 A No, it didn't."

12 Is that truthful evidence?

13 A Yes.

14 Q Do you recall anything happening while you were in
02:21 15 jail with any of the other inmates or the guards
16 or anything relating to your meetings with the
17 police on the Gail Miller murder?

18 A No.

19 Q Gail Miller matter, rather?

02:22 20 A No.

21 Q And if you can scroll down, please, 107, Mr.
22 Tallis asks:

23 "Q And coming back for a moment when
24 Mr. Walters visited you, this you told
02:22 25 us was before you were told that you



1 were a suspect, do you recall what you
2 told Mr. Walter when he interviewed you
3 with another officer at that time?

4 A No, I don't."

02:22 5 And I can pause there and I think, based on Mr.
6 Tallis' question, you had said that -- or let me
7 ask you this: When you met with Mr. Walters and
8 the other officer, who I think was Inspector
9 Riddell, on March 3rd, 1969; do you recall that?

02:22 10 A Yes.

11 Q Did either of those officers advise you that you
12 were a suspect in the Gail Miller matter?

13 A No. They just wanted to know where I had been
14 that day.

02:22 15 Q Okay. And then Mr. Tallis carries on:

16 "Q You have no recollection of what you
17 told him?

18 A I mainly told him nothing.

19 Q I see. Well, did you refuse to answer
02:23 20 any questions at that time?

21 A Not that I can recall.

22 Q I see. But you have no recollection of
23 what you told him at that time?

24 A No, I don't."

02:23 25 Next page, and this is Mr. Tallis:



1 "Q But in any event, I think we can agree,
2 you certainly didn't suggest to him at
3 that time that David has anything to do
4 with this tragedy in Saskatoon?

02:23 5 A No, I didn't.

6 Q As a matter of fact, anything you said
7 at that time would tend to negative any
8 participation on his part in this thing?

9 A Yes."

02:23 10 And is that truthful evidence?

11 A Yes.

12 Q Prior to the trial, Mr. Wilson, had you given any
13 thought as to how you were going to deal with the
14 March 3rd, 1969 statement, the first one that you
02:23 15 gave?

16 A Just disregard it.

17 Q In what way?

18 A I wasn't asked about it.

19 Q Okay. Well I -- did you not -- if you could just
02:24 20 go back a page. This is again at the prelim,
21 there's other references at the trial, I'll read
22 this again. You were asked:

23 "Q And coming back for a moment when
24 Mr. Walters visited you, this you told
02:24 25 us was before you were told that you



1 were a suspect, do you recall what you
2 told Mr. Walter when he interviewed you
3 with another officer ...",
4 and then carrying on:

02:24 5 "A I mainly told him nothing."

6 And is that not what's in your March 3rd, 1969
7 statement?

8 A Yes.

9 Q Okay. So did you not -- well, let me ask you, did
02:24 10 you believe this to be questioning on your March
11 3rd statement?

12 A No.

13 Q Did you understand that it was questioning about
14 what you told Walters and Riddell on March 3rd,
02:24 15 1969 that ended up in your statement?

16 A No I didn't.

17 Q What did you understand it to be referring to?

18 A I'm not sure.

19 Q Okay. Go to page 007671, question 121:

02:25 20 "Q Now then, later on, I believe that an
21 inspector from the Regina city police
22 came to see you there at the jail on
23 March 3rd? An inspector of the mounted
24 police perhaps?

02:25 25 A Mounted police?



1 Q Pardon? Well, let's get it this way.
2 About on March the 3rd, a policeman came
3 to see you at the jail, is that correct?

02:25

4 A It must have been the one that came
5 with Ken Walters at the time.

6 Q I see. Well no, on the occasion with
7 Ken Walters, you didn't give any
8 statement?

9 A No.

02:25

10 Q I'm referring to a specific occasion
11 when a Mr. Riddell came to see you?

12 A Riddell, that's the name.

13 Q On an occasion when Mr. Riddell came to
14 see you, you did give a statement in
15 writing?

02:26

16 A Yes, I did."

17 Do you recall that, Mr. Wilson?

18 A Yes I do.

02:26

19 Q Okay. So would you agree, there, that Mr. Tallis
20 is asking you about the statement of March the
21 3rd?

22 A Yes.

23 Q And then carrying on:

24 "Q And this was after the Walters' visit?

02:26

25 A Yes, it was.



1 Q And when Mr. Riddell came to see you,
2 you still hadn't been told that you were
3 a suspect?

4 A No.

02:26 5 Q This was before you were a suspect. And
6 did any other policemen come to see you,
7 apart from these two gentlemen, before
8 you were told that you were a suspect?

9 A Well, they told me I was a suspect
02:26 10 after they had gotten the statement."

11 Is this -- is that true?

12 A I don't recall.

13 Q Now I'm not sure if you -- who you are referring
14 to. Let's go to the next page, and we'll carry
02:26 15 on, and then I'll ask you a question. Question
16 129:

17 "Q I see. You were told this after?

18 A Yes.

19 Q That is, Riddell told you that?

02:27 20 A Yes.

21 Q But before the statement was obtained,
22 there was no suggestion that you were a
23 suspect?

24 A No."

02:27 25 Is that correct, Mr. Wilson, that evidence?



1 A Yes.

2 Q So, after you gave the statement on March 3rd,
3 1969, Inspector Riddell told you that you were a
4 suspect; is that what you are telling us?

02:27 5 A I believe so, yes.

6 Q And was it at that interview on that date? Was it
7 on March 3rd that he told you that?

8 A Geez, I can't say for sure if it was that date or
9 not.

02:27 10 Q And do you recall Inspector Riddell telling you
11 that, though?

12 A Yes.

13 Q Carrying on:

14 "Q And you were quite co-operative with
02:27 15 Mr. Riddell?

16 A Yes, I was.

17 Q And was he a member of the R.C.M.P., or
18 of the Regina city police? Do you
19 remember how he introduced himself?

02:28 20 A I can't remember.

21 Q And was Mr. Walters with him on this
22 occasion when you gave the statement or
23 was there any other officer with him?
24 Just take your time to think.

02:28 25 A I don't know.



1 Q You don't recall?

2 A I'm pretty sure there was two of them
3 that ...

4 Q On any of the visits that were made to
02:28 5 you in the jail, were there always two
6 officers?

7 A Yes.

8 Q On each of the visits?

9 A Yes, there was."
02:28 10 Is that truthful?

11 A Yes.

12 Q "Q But in each of the cases, you wouldn't
13 remember the specific names of both of
14 them?

02:28 15 A No."

16 If you could go to the next page, please. Now
17 before I read through this, Mr. Wilson, I had
18 asked you before about whether -- and I'm not
19 sure what you have told us -- about whether -- we
02:28 20 talked -- you told us about the written statement
21 you gave to Inspector Riddell on March the 3rd,
22 1969; correct?

23 A Correct.

24 Q And I think you said that Walters was there with
02:28 25 him at the time you gave him the statement?



1 A Correct.

2 Q And the question, and I'll just read through this
3 and I want you to think about this, is whether or
4 not you had met with Ken Walters before that
02:29 5 meeting with Inspector Riddell?

6 A No, I hadn't.

7 Q Okay. It says here:

8 "Q Because as I understand it, it was
9 Mr. Walters on the first occasion when
02:29 10 you didn't give a statement, but you
11 were interviewed?

12 A Yes.

13 Q And the next visit was Mr. Riddell?

14 A Yes.

02:29 15 Q That's the second visit, is that
16 correct?

17 A Yes.

18 Q And on that occasion you did give a
19 statement?

02:29 20 A Yes.

21 Q To Mr. Riddell and whoever else was with
22 him?

23 A Yes.

24 Q And then after the visit by Mr. Riddell,
02:29 25 you were visited by some other police



1 officers?

2 A Ed Karst

3 Q That was Ed Karst, was it?

4 A Yes."

02:29 5 Now is that truthful evidence that I just read to
6 you?

7 A Except for Mr. Walters coming to see me at a time
8 prior to that which, at this time, I don't recall
9 him coming to see me.

02:30 10 Q Okay.

11 A But, other than that, yes.

12 Q So are you telling us that you recall only one
13 visit with Riddell and Walters on or about March
14 3rd, 1969?

02:30 15 A Yes.

16 Q And that's when you gave a statement?

17 A Yes.

18 Q Next page, please. And you are asked about the
19 Saskatoon Police officers, and you had mentioned
02:30 20 Mackie:

21 "Q I see. Well, was his name Mackie?

22 A I'm not sure.

23 Q I see. In any event, you remember Ed
24 Karst?

02:30 25 A Yes, I do.



1 Q And he's a fairly big, husky gentleman?

2 A Yes. Mr. Short was with Ed.

3 Q And Mr. Short was with Ed?

4 A Yes.

02:30 5 Q Lieutenant Short was there on that
6 occasion?

7 A Yes.

8 Q And this was the third visit while you
9 were in custody at Regina?

10 A Yah."

11 Is that truthful?

12 A Yes.

13 Q And then scroll down to 159:

14 "Q And was it Lieutenant Short and Karst,
02:31 15 did they tell you that you were a
16 suspect?

17 A Yes, they also told me I was a
18 suspect.

19 Q They also told you you were a suspect.
02:31 20 And how did they frame the statement to
21 you in that connection?

22 A They just moreless told me that I was
23 a suspect in the murder case that was
24 on because we were up there at the
02:31 25 time and around the specific time that



1 it happened."

2 Was that truthful?

3 A Yes.

4 Q And then you were asked:

02:31 5 "Q I see. Now, you told us that there was
6 no statement taken at that particular
7 time ...",

8 and I think this is with Short and Karst:

9 "... but I presume there was an
02:31 10 interview?

11 A Yes.

12 Q In which they asked you questions?

13 A Yes.

14 Q And I presume that you observed one or
02:31 15 other of them noting down the answers?

16 A Yes.

17 Q And did you have a chance to read over
18 their notes after?

19 A No, I didn't.

02:31 20 Q Were you asked to give a written
21 statement at that time?

22 A I don't know, I don't think so.

23 Q You have no recollection as to whether
24 or not you were?

02:31 25 A No.



1 Q Well now, I take it then that on that
2 particular occasion, you don't recall
3 specifically what you said?

4 A No, I don't.

02:32 5 Q But can you recall the gist of what you
6 said?

7 A The what?

8 Q The substance of what you said?

9 A Yah.

02:32 10 Q What did you say on that occasion?"

11 And I believe this is the meeting with Karst and
12 Short:

13 "A All I said then, that Dave had nothing
14 to do with it.

02:32 15 Q I see. In other words, you told them
16 that David had nothing to do with it and
17 I suppose by the same token, you said
18 that nobody else in the car had anything
19 to do with it?

02:32 20 A Yes."

21 Was that truthful evidence?

22 A Yes.

23 Q "Q And about how long did that visit last
24 when you were in jail?

02:32 25 A Oh, no more than an hour.



1 Q No more than an hour. And was there any
2 discussion as to what sentence you were
3 serving?

4 A Yes, there was.

02:32 5 Q I see. What was the discussion about
6 the sentence?

7 A They just asked me what I was doing my
8 time for and how much I was doing.

9 Q And how much you had left and so on?

02:32 10 A Yes.

11 Q And any inquiries as to when you would
12 be applying for time off or anything
13 like that?

14 A No, I wasn't doing that much time.

02:33 15 Q You weren't doing that much time. And
16 were you also facing another charge at
17 that particular time?

18 A No, I wasn't.

02:33 19 Q I see. You were serving time on one
20 charge and facing no other charges?

21 A Right.

22 Q And the charges on which you're now
23 serving time are something that arose
24 before of after your sentence?

02:33 25 A After.



1 Q After you sentence in Regina. And you
2 were sentenced, were you, in Alberta or
3 Saskatchewan?"

4 Is that truthful evidence, Mr. Wilson?

02:33 5 A Yes.

6 Q Next page, please, question 185:

7 "Q Well now, after Lieutenant Short and
8 Mr. Karst came to see you, do you recall
9 the date of the next visit from the
02:33 10 police officers?"

11 A I believe it was just a week before I
12 got out.

13 Q Now, what day did you say you got out?

14 A May 9th.

02:33 15 Q May 9th. And so about a week before you
16 got out, someone else came to see you?

17 A Yah, I think that was when I got the
18 blood samples and stuff.

19 Q I see.

02:34 20 A Because I was called back from bush
21 camp.

22 Q You were called back from bush camp.
23 And you don't recall the name of the
24 policeman who was there on that
02:34 25 occasion?



1 A No, I don't.

2 Q But you don't recall any Saskatoon city
3 policeman?

4 A Not at that time.

02:34 5 Q Being there at that time?

6 A No."

7 And you will recall, on Thursday, we were -- you
8 were telling us about coming back from bush camp
9 at some time in your sentence from February 25 to
02:34 10 May 9th; do you recall?

11 A Yes.

12 Q Does this assist you in your recollection as to
13 what part of the sentence or when, during your
14 sentence, you came back from bush camp?

02:34 15 A It was towards the end.

16 Q Towards the end? And then question 193:

17 "Q Then did you have any other visits from
18 a police officer up until the time you
19 were released?

02:34 20 A I think Mr. Karst came one more time.

21 Q One more time. And would you recall the
22 approximate date of that?

23 A No, I can't.

24 Q I see. But in any event, it would be
02:35 25 shortly before you were released?



1 A Yes.

2 Q Then could you tell us whether or not
3 you were asked for a statement on that
4 occasion?

02:35 5 A I don't know. I know I gave a
6 statement on one occasion, but I can't
7 remember which one.

8 Q But on this occasion when Mr. Karst was
9 there, before you were released?"

02:35 10 "A I never gave a statement in front of
11 Mr. Karst at that time."

12 Is that truthful?

13 A Yes it is.

14 Q Okay. On the next page, 007679 -- and, again,
02:35 15 this is dealing with your statement that Mr. Karst
16 interviewed you shortly before you were released
17 on the 9th, I think is your evidence, and then:

18 "Q How long was Mr. Karst there on that
19 occasion?

02:36 20 A I don't think it lasted for more than
21 an hour.

22 Q Not more than an hour. And I take it
23 that you were asked about the matter
24 again?

02:36 25 A Yes.



1 Q And I take it that you were asked if
2 there was any involvement on your part
3 in it?

4 A Yes.

02:36 5 Q And I take it you told them there was
6 none?

7 A Right.

8 Q And you were asked if there was any
9 involvement on the part of David
02:36 10 Milgaard?

11 A Yes.

12 Q And you indicated there was none?

13 A That's right."

14 Is that truthful evidence?

02:36 15 A Yes it is.

16 Q Page 007 -- sorry, go to the bottom there, 216.
17 Mr. Tallis, again this is at the prelim, asked you
18 about the polygraph:

19 "Q Now, I take it somewhere along the way
02:36 20 you were asked to submit to some form of
21 tests, were you, polygraph tests?

22 A Yes, I was

23 Q Where were you taken for polygraph
24 tests?

02:37 25 A Up here in Saskatoon.



1 Q Up here in Saskatoon. And on how many
2 occasions did you go through the
3 polygraph test?

02:37 4 A You mean through the same questions,
5 or ...

6 Q No, separate sessions?

7 A I just went through it once, I guess.

8 Q Just once?

9 A Yes."

02:37 10 Is that truthful?

11 A No, it's not.

12 Q Okay. I think you maybe, later, clarify this.
13 When you were -- I think you told us before there
14 was two separate sessions, but on the same day, is
02:37 15 that correct?

16 A Yes.

17 Q Go down to the bottom, 226:

18 "Q About the 23rd of May. And I take it
19 that before you saw Mr. Roberts on that
02:37 20 day, you also saw some police officers?

21 A Yes, I did.

22 Q Do you remember the police officers that
23 you saw on that particular date?

24 A Ed Karst, Lieutenant Short and a
02:38 25 couple of others, but I can't recall



1 their names."

2 Is that truthful?

3 A Yes.

02:38

4 Q "Q And a couple of others, and I take it
5 that you were told you were still a
6 suspect?

7 A Moreless.

02:38

8 Q Well moreless. The whole setting was
9 such that you knew you were still a
10 suspect?

11 A Yes.

12 Q And I take it that as an ordinary person
13 this would give you some concern?

14 A A little bit."

02:38

15 Is that true?

16 A Yes.

17 Q And it carries on:

18 "Q Well, can you really minimize it and say
19 just a little bit?

02:38

20 A Oh yes, I can.

21 Q You mean it wouldn't be a big bit?

22 A No.

23 Q Just a little bit that it bothered you.
24 And in any event, you were told this by
25 several of the officers, I take it?

02:38



1 A Yes."

2 Is that truthful?

3 A Yes.

02:38 4 Q So you are saying that it didn't bother you that

5 you were a suspect?

6 A At that time, no.

7 Q And when you say "at that time", are you referring
8 to what?

9 A Prior to May 22nd statement.

02:38 10 Q 23rd statement?

11 A 23rd statement.

12 Q So before you went in to see Roberts I think you
13 are telling the prelim, here, that you were -- you
14 thought you were still a suspect, but it didn't
02:39 15 bother you very much; is that correct?

16 A Correct.

17 Q Did that change after?

18 A Yes.

19 Q When and how did it change?

02:39 20 A After all the questioning and tests had been done.

21 Q And 234:

22 "Q And do you remember specifically which
23 ones told you you were still?

24 A I think Mr. Roberts did.

02:39 25 Q Mr. Roberts told you this?



1 A Yes."

2 Is that truthful?

3 A Yes.

4 Q Next page, please. And at the bottom Mr. Tallis
02:39 5 asks you how long you are there:

6 "Q Patrol car. And how long were you
7 there?

8 A A good six hours.

9 Q About six hours?

02:40 10 A Mhmm.

11 Q Can you tell me approximately when you
12 went there in point of time?

13 A I'm not sure if I went before dinner
14 of after dinner."

02:40 15 So six hours, is that about what you told us last
16 week, for the session?

17 A Approximately, all together, yes.

18 Q And then 252:

19 "Q But all of this six hours was spent with
02:40 20 a Mr. Roberts?

21 A Yes, it was

22 Q And while you were there with Mr.
23 Roberts, I gather that he showed you
24 five small knives, did he?

02:40 25 A Yes, he did."



1 Is this part correct, that all six hours was
2 spent with Mr. Roberts?

3 A No, there was a break in there.

4 Q Next page, 262, and again Mr. Tallis asks you:

02:40 5 "Q Oh, Gail Miller's clothes were shown to
6 you. And was there anyone else present
7 ...",

8 I'm sorry, the answer right before you say:

9 "A Gail Miller's clothes were shown to me."

02:41 10 And you are asked:

11 "Q ... And was there anyone else present
12 when these clothes were shown to you?"

13 A No, there wasn't."

14 And so that was truthful evidence, was it?

02:41 15 A Yes.

16 Q Next page, please. And, again, Mr. Tallis
17 questioning you, 283:

18 "Q I see. So you were sort of - You hadn't
19 been arrested or anything?"

02:41 20 And he was talking about the May 23rd time frame:

21 "A No.

22 Q But you were with the officers?

23 A Yes.

24 Q And they had food brought in to you?

02:41 25 A Yes.



1 Q And I take it you - they told you that
2 they required you to stay, did they?

3 A No.

02:42 4 Q I see. Or did they say they wanted you
5 to stay?

6 A They asked me to.

7 Q They asked you to stay and I take it you
8 realized you were still a suspect?

9 A Yes."

02:42 10 Is that truthful?

11 A I can't recall right now if they asked me or told
12 me to stay.

13 Q Do you remember if you could have just gotten up
14 and left at any time?

02:42 15 A I don't know if I could have or not.

16 Q Page 007687 Mr. Tallis asks you about who else was
17 at the polygraph:

18 "Q Well now, on the second run with the
19 polygraph, you spent about how much
02:42 20 time?

21 A About two hours, an hour and a half.

22 Q I see. And once again Mr. Roberts was
23 there alone with you?

24 A No, he wasn't.

02:43 25 Q Pardon?



1 A No, he wasn't.

2 Q Oh, you mean that on the second session
3 some other individuals were invited in?

4 A Nichol John was there."

02:43 5 Is that truthful?

6 A Yes. She was out in the hallway.

7 Q And it goes on to say:

8 "Q Nichol John was there?

9 A Yes.

02:43 10 Q Oh, and you mean that you were in the
11 same room with her?

12 A Yes, I was."

13 Is that truthful?

14 A I class the hallway as a room, yes.

02:43 15 Q So your recollection is that she was in the
16 hallway, but was she in the hotel room with you,
17 do you remember?

18 A No, she wasn't.

19 Q And then, next page, Mr. Tallis asks:

02:43 20 "Q Well, was she the one who was being
21 tested on this occasion?

22 A She had already been completed.

23 Q Oh, I see. Well were both of you run
24 through in this second session, or what
02:43 25 was the sequence?



1 A He just wanted to talk to me some
2 more, that was all. Like we never ran
3 through it again.

02:44 4 Q I see. He wanted to talk to you some
5 more?

6 A Yes.

7 Q And Nichol John was there at the same
8 time?

9 A Yes, she was."
02:44 10 Is that truthful?

11 A No.

12 Q Okay. What is not truthful about that?

13 A She was out in the hallway and I didn't know she
14 had completed her test.

02:44 15 Q Okay. Do you have any explanation as to why you
16 wouldn't have told Mr. Tallis that at the
17 preliminary hearing?

18 A No I don't.

02:44 19 Q Bottom of that page please, 319, this is about
20 Roberts:

21 "Q But you just answered questions that he
22 had put to you?

23 A Yes.

24 Q And did he make a record of the answers
02:44 25 you gave?



1 A Well, like on the polygraph machine,
2 it tells the answer I gave.

3 Q Yeah, but he had a record of the answers
4 that you gave?

02:44 5 A Yes, all they were, were the answers
6 were yes or no and stuff like that.

7 Q Yes. Well, did you see the questions
8 that were put to you and the record of
9 your answer?

02:45 10 A Yes, I read them.

11 Q You read them?

12 A Yes.

13 Q So that there is a record of these?

14 A Yes, there is."

02:45 15 Was that evidence truthful?

16 A No.

17 Q And why was it not?

18 A Because I never read anything and I never seen
19 anything.

02:45 20 Q And why would you tell the Court that at the
21 preliminary hearing, why would you tell them
22 otherwise?

23 A I don't know.

24 Q Next page, 007690, and Mr. Tallis asks you:

02:46 25 "Q And well, during the first session with



1 Mr. Roberts, you went through some form
2 of test?"

3 And then scroll down, please, to 334 -- or 333,
4 and then he asks at 333:

02:46 5 "Q Now did he have ...",
6 and he is talking about Roberts:

7 "... have any copies of previous
8 statements there, a previous statement
9 there that you had given?"

02:46 10 A I think he had my previous copy.

11 Q He had your previous statement that you
12 had given to Inspector Riddell?

13 A Yes.

14 Q And did you read that over before he
02:46 15 started to question you, or did he read
16 it over and questioned you from it?

17 A I don't think he questioned me on it
18 and I didn't read it over."

19 Now is that evidence truthful?

02:46 20 A Yes.

21 Q So are you -- at the time you testified that
22 Roberts had your March 3rd, 1969 statement; is
23 that correct?

24 A Yes.

02:47 25 Q In fact at the bottom, 336, Mr. Tallis asks you:



1 "Q You didn't read it over. But you knew
2 that he had it there because you saw a
3 copy of it there?

4 A Yes, I did."

02:47 5 And is that true?

6 A Yes.

7 Q And then Mr. Tallis questions you about the actual
8 answers you gave:

9 "Q And how did he reemphasize this fact
02:47 10 that you were still a suspect?

11 A Well, he said that this test that we
12 were taking, he wanted to find out if
13 I was lying about anything.

14 Q I see. And one or two points along the
02:47 15 way did he say that you appeared to be
16 lying, or words to that effect?

17 A One question he said I had lied on."

18 And then down to the 343:

19 "Q And did you find it a bit upsetting,
02:48 20 after having tried to tell the truth,
21 that he should make this allegation
22 against you that you weren't telling the
23 truth?

24 A This certain question, I knew I had
02:48 25 lied about to start with."



1 Is that true?

2 A Yes.

3 Q And what question was that?

4 A I believe it was he told me to lie about my name.

02:48 5 Q Okay. Next page, 347, Mr. Tallis asks you:

6 "Q Well, just think carefully, was there
7 only one question that you had lied
8 about to him?

9 A No, there was two.

02:48 10 Q There was two. Now, think carefully,
11 was there only two questions that you
12 lied to him about?

13 A Yes.

14 Q Just two. And he didn't take any
02:48 15 statement in writing from you?

16 A No, he didn't.

17 Q And when you parted company at the
18 Cavalier Hotel, did he indicate to you
19 that -- what did he say to you?

02:48 20 A Well, I was going to go and make
21 another statement and he told me to go
22 and tell the truth."

23 Is that truthful evidence, Mr. --

24 A Yes.

02:49 25 Q Is that what Roberts told you?



1 A Yes.

2 Q And you say -- or sorry -- you say there:

3 "Well, I was going to go and make
4 another statement ...",

02:49 5 and when you say "another", was that in addition
6 to your March 3rd statement, or in addition to
7 your May 23rd, or do you know?

8 A In addition to my March 3rd.

9 Q Okay. 007694, actually go to page 693, please,
02:50 10 and Mr. Tallis asks you a number of questions
11 about your May 23rd and then your May 24th
12 statement, you recall your second statement the
13 next morning?

14 A Yes.

02:50 15 Q He asks:

16 "Q So when you went to the police station
17 on May 23rd and gave a statement, you
18 were going to tell them everything that
19 you knew?

02:50 20 A Yes.

21 Q I gather you went back the next day to
22 the police station?

23 A Yes.

24 Q Now, did somebody pick you up and take
02:50 25 you back or did you go back on your own?



1 A I was picked up

2 Q Who picked you up the following day?

3 A I believe it was Ed Karst, but I'm not
4 sure.

02:50 5 Q You believe it was Ed Karst but you are
6 not sure. So on the following day you
7 gave another statement?

8 A Just to finish off my other one.

9 Q Yes, but when you gave them the other
02:50 10 one, you told them you had said
11 everything you remember?

12 A Yes.

13 Q There was no pre-arranged plan for you
14 to come back, was there, to finish off
02:50 15 that statement?

16 A Yes, there was.

17 Q You say that there was an arrangement
18 made between you and Mr. Karst that you
19 wouldn't finish the statement on May
02:51 20 23rd, 1969?

21 A It was arranged that I would go back
22 and complete my statement.

23 Q Oh, I see. So you say this wasn't a
24 full statement that you gave?

02:51 25 A No, it wasn't.



1 Q And if you were under oath when you gave
2 that statement, words to this effect:
3 'Other than these four pages, I can't
4 think of anything different than before'
02:51 5 you would say that there was some
6 arrangement after that that you would go
7 in the following day?

8 A Yes."
9 Is that truthful evidence?

02:51 10 A Yes.

11 Q What do you recall about any arrangement to go
12 back for a statement the next day?

13 A I don't recall anything about it at this time.

14 Q Next page, and the question was:

02:52 15 "Q And you say that arrangement was made
16 with Mr. Karst that you would go in the
17 following day to finish your statement?

18 A Mr. Karst and Mr. Roberts."

19 Is that truthful evidence?

02:52 20 A Yes.

21 Q In fact, down to 379:

22 "Q When was that arrangement made, on the
23 afternoon --"

24 This was the arrangement to go back on the 24th,

02:52 25 "Q When was that arrangement made, on the



1 afternoon of the 23rd?

2 A That was the evening of the 23rd.

3 Q The evening. And as I understand it,
4 dealing with the 23rd, you saw them, did
02:52 5 you, at the police station, is this when
6 you saw Mr. Karst?

7 A Yes.

8 Q Well now, as I understand it, Mr. Karst
9 took this statement from you at about
02:53 10 three-thirty in the afternoon?

11 A Yes.

12 Q And then you say there was an
13 arrangement that you would come back and
14 complete it the following day?

02:53 15 A This was after I had seen Mr. Roberts
16 again."

17 Next page.

18 "Q I see. And you went back to the
19 station, did you, with Mr. Karst after
02:53 20 you had seen Mr. Roberts?

21 A Yes, I did.

22 Q And then you made an arrangement with
23 Mr. Karst that you would come in the
24 next day?

02:53 25 A No, we had made that arrangement at



1 the hotel.

2 Q At the hotel. So that on May 23rd,
3 1969, that's the first day that you had
4 met Mr. Roberts?

02:53 5 A Yes.

6 Q And it was on that occasion that he
7 reemphasized it?

8 A No.

9 Q He didn't. Well fine. And then you
02:53 10 also saw Mr. Karst that day?

11 A Yes.

12 Q And he indicated to you that you were
13 still a suspect?

14 A No, not at that time.

02:53 15 Q He didn't indicate at any time that day
16 that you were a suspect?

17 A No."

18 Is that truthful?

19 A Yes.

02:53 20 Q At what point in time, Mr. Wilson, did you reach
21 the conclusion that you were no longer a suspect?

22 A After I gave them my statement.

23 Q And was that based on anything anybody said to you
24 or just what you believed?

02:54 25 A It's what I believed.



1 Q Down at the bottom, again this is Mr. Tallis:

2 "Q In any event, witness, I take it that
3 the first time that you ever implicated,
4 or suggested that David was implicated
02:54 5 in the Gail Miller murder was on May
6 23rd, 1969 ...

7 A No.

8 Q To the police?

9 A No, it was the day before.

02:54 10 Q The day before?

11 A In Regina.

12 Q In Regina. Well now, who did you see in
13 Regina?

14 A Ken Walters.

02:54 15 Q I see.

16 A And Ed Karst was down there at that
17 time.

18 Q I see. And did you give them a
19 statement at that time?

02:54 20 A No, I didn't.

21 Q I see. But you were interviewed on that
22 particular date?

23 A Yes, I was. That was when they asked
24 me to come up here and take the
02:55 25 polygraph.



1 Q I see. And this would be on May 22nd?

2 A Yes."

3 Is that truthful evidence, Mr. Wilson, that I
4 read to you?

02:55 5 A Most of it.

6 Q Is there anything that's not?

7 A If you can scroll back --

8 Q Sure, go back to the top.

9 A -- down. Yeah. About implicating David that day,
02:55 10 no.

11 Q You are saying that's not true?

12 A No.

13 Q And why do you say that?

14 A Because I don't recall it that way.

02:55 15 Q Okay. What do you recall then?

16 A Just them coming down and asking me if I would
17 take the polygraph test in Saskatoon and I agreed
18 to it.

19 Q Okay. Do you have any reason as to why you would
02:55 20 be telling the court at the preliminary hearing
21 that you had implicated him?

22 A No, I don't.

23 Q On May 22nd?

24 A No.

02:55 25 Q Next page, 007698, Mr. Tallis asks you again:



1 "Q So that May 22nd would be the first
2 occasion on which you implicated David?

3 A Yes."

4 And is that truthful evidence?

02:56 5 A No.

6 Q Page 007763 -- sorry, 007763 -- and again this is
7 Mr. Tallis at the preliminary hearing:

8 "Q So that when you told Mr. Riddell that
9 all during this trip there was never any
02:57 10 mention about the murder of a girl in
11 Saskatoon, in fact, I didn't even know
12 about this murder until the police told
13 me today, you were telling him the
14 truth, were you?

02:57 15 A Yes."

16 And is that truthful?

17 A Yes.

18 Q "Q And I take it that Mr. Riddell was the
19 type of person who was friendly and
02:57 20 courteous with you?

21 A Yes, he was.

22 Q He literally let you tell your own
23 story?

24 A Yes."

02:57 25 Is that truthful?



1 A Yes.

2 Q "Q And you weren't cross-examined on answers
3 and so on by him?

4 A I was every once in awhile."

02:57 5 Is that truthful?

6 A Yes.

7 Q Down at the bottom, 1106, "You didn't tell him the
8 truth --" I'm sorry, 1105:

9 "Q Every once in awhile. But to the best
02:58 10 of your ability at that time, you told
11 him the truth, didn't you?"

12 This is the March 23rd statement.

13 "A No, I didn't.

14 Q You didn't tell him the truth?

02:58 15 A No.

16 Q Just part of the truth?

17 A Yes."

18 Next page, and you are asked here at 1109:

19 "Q But you didn't tell him the complete
02:58 20 truth, you say?

21 A No, I didn't.

22 Q And it was only later on, after, as you
23 have told us, when you - I think on May
24 22nd, that you made some reference
02:58 25 implicating David?



1 A Yes, I did.

2 Q And that was to Mr. Karst?

3 A Yes."

4 That part there, is that truthful?

02:58 5 A The 22nd I still say no.

6 Q Okay. Down to 1114 Mr. Tallis asks:

7 "Q Now, when you had this meeting or
8 discussion with Mr. Riddell on March 3,
9 1969, I take it that before you gave him
02:58 10 any statement you told him that there
11 was nothing to hide about what happened
12 on this trip?

13 A Yes, I did.

14 Q And you indicated to him you would be
02:59 15 quite straight forward about it?

16 A Yes, I did.

17 Q And to the best of your ability, you
18 were straight forward with him on that
19 occasion?

02:59 20 A At that time."

21 And is that truthful?

22 A No.

23 Q What's not truthful about it?

24 A I didn't tell him about the breaking and entering
02:59 25 and being on drugs part.



1 Q Okay. If I could now go to the trial, 005284,
2 please, and so this is the evidence at trial of
3 Mr. Wilson and it's cross-examination by
4 Mr. Tallis, and again this is the best copy we
03:00 5 have of the transcript, and reading from there,
6 Mr. Tallis asks:

7 "Q And I take it - was it somebody from the
8 Regina Police Force that came to see you
9 first?

03:01 10 A First it was Ken Walters and Mr.
11 Ruddell."

12 And then the next page, please, and so the
13 question at the top:

14 "Q And at the time Mr. Ruddell was
03:01 15 there - Inspector Ruddell was there,
16 there was no suggestion to you that you
17 were a suspect in connection with this
18 Gail Miller murder?

19 A I don't believe so. There might have
03:01 20 been - I'm not sure if it was that
21 time I gave the statement to him or ..

22 Q .. pardon?

23 A I'm not sure if it was that time I
24 gave the statement to him or he came
03:01 25 again, I'm not sure."



1 If I can pause there. Do you agree, Mr. Wilson,
2 your March 3rd statement did come up at the
3 trial, your statement to Inspector Riddell?

4 A I guess so, it did, yes.

03:01 5 Q In fact, I think you told the court about that?

6 A Yes.

7 Q Is that fair?

8 A Yes.

9 Q And carrying on:

03:02 10 "Q Well in any event, before you said
11 anything to Inspector Ruddell about it
12 there was no suggestion that you were a
13 suspect?

14 A No.

03:02 15 Q And Inspector Ruddell did not suggest to
16 you that you were a suspect at the time
17 he first talked to you about it?

18 A No, he didn't.

19 Q So; and accordingly you spent some time
03:02 20 talking to him about Saskatoon?

21 A About an hour.

22 Q Yes; on the morning in question?

23 A Yes I did.

24 Q And when Mr. Ruddell was there the
03:02 25 discussion was on a friendly basis?



1 A Yes it was.

2 Q But he's quite a firm type of officer,
3 if I may use that term?

4 A Yes, I guess so.

03:02 5 Q Yes, and before Inspector Ruddell had
6 spoken to you, you had also spoken to
7 Mr. Walters?

8 A I believe so.

9 Q Yes; and you told me that you spent I
03:02 10 believe approximately an hour with
11 Inspector Ruddell?

12 A Yes.

13 Q And as I understand it this discussion
14 took place approximately March the 3rd,
03:03 15 1969?

16 A Yes.

17 Q And you were in jail at that time?

18 A Yes I was.

19 Q And so he visited you at the provincial
03:03 20 jail?

21 A Yes."

22 Was that, Mr. Wilson, the time that you are
23 referring to there when you gave him the
24 statement on March 3rd?

03:03 25 A Yes.



1 Q And again I'll try and -- it's very difficult to
2 read, but it says here:

3 "Q And I take it that it's fair to say that
4 you were asked whether you knew anything
03:03 5 about this murder?

6 A Yes.

7 Q And you told Mr. Ruddell that you
8 certainly had nothing to hide?

9 A That's right.

03:03 10 Q And that you were quite prepared to be
11 straight forward with him?

12 A Yes.

13 Q And I think it's fair to say that you
14 mentioned that David had left the coat
03:03 15 that he had been wearing at your
16 mother's place?

17 A Yes.

18 Q Yes. Told him where he could get the
19 coat?

03:04 20 A Yes.

21 Q And did you mention to him about the
22 sweater of your dad's that he may have
23 been wearing?

24 A No, I didn't.

03:04 25 Q You didn't; you mentioned that later on?



1 A Yes I did.

2 Q But you also mentioned to him about an
3 old pair of David's trousers being
4 located in your car?

03:04 5 A Yes, I did.

6 Q And you told him where your car was
7 located?

8 A Yes I did.

9 Q As far as you knew?

03:04 10 A Yes."

11 And then scroll down a bit, right here:

12 "Q And I believe that you also told him
13 that your mother had some of David's
14 clothes to wash?

03:04 15 A Yes.

16 Q So that you had a fairly lengthy
17 discussion at that time?

18 A Yes."

19 Is that truthful?

03:04 20 A Yes.

21 Q And then the next page -- or I'm sorry, that --
22 again this is at the trial, Mr. Tallis
23 cross-examining you:

24 "Q And I suppose that it's fair to say that
03:05 25 when you were talking to Inspector



1 Ruddell on this occasion you told him
2 that nobody in your car had anything to
3 do with this terrible thing that
4 happened in Saskatoon?

03:05 5 A That's right."

6 And that's truthful, is it, Mr. Wilson?

7 A Yes.

8 Q "Q And in particular you said that you
9 hadn't had anything to do with it?

03:05 10 A Yes.

11 Q And that David hadn't had anything to do
12 with it?

13 A Yes.

14 Q And as I understand it, you gave him as
03:05 15 best as you could recollect particulars
16 of the various spots that you had been
17 in Saskatoon even though you couldn't
18 designate the name of the motel and so
19 forth?

03:05 20 A I didn't give him everything."

21 Is that truthful?

22 A Yes.

23 Q And at the time when you were making this
24 statement at trial, what did you mean by that?

03:05 25 A I'm not giving him everything.



1 Q Were you talking --

2 A About the breaking and entering like I've stated
3 before.

4 Q Is it possible you were referring to the
03:06 5 incriminating evidence that you had given in your
6 examination-in-chief about David Milgaard?

7 A Can you explain yourself on that?

8 Q Sure. This is your cross-examination, and I
9 haven't gone through in detail, but at the trial
03:06 10 of David Milgaard I think you already told us that
11 you gave evidence that you now say was not true
12 about a number of things, including a knife, David
13 Milgaard's comments upon returning to the car, an
14 admission in Calgary and a number of other
03:06 15 matters?

16 A Yes.

17 Q And my question is when you are being
18 cross-examined by Mr. Tallis about the meeting
19 with Inspector Riddell when you say I didn't give
03:06 20 him everything, were you referring to the
21 incriminating evidence that was in your May 23rd
22 statement?

23 A No, I wasn't.

24 Q So were you being truthful when you said, "I
03:06 25 didn't give him everything"?



1 A Yes, I was.

2 Q Page 005291, again this is the trial evidence,
3 cross-examination by Mr. Karst -- or pardon me, by
4 Mr. Tallis, he says:

03:07 5 "Q You can't recall the other one's name;
6 and as a matter of fact I believe that
7 shortly before you were released from
8 jail - shortly before May the 9th you
9 were asked I believe it was by Mr. Karst
03:07 10 during a discussion for centring around
11 about an hour, about this matter and
12 once again you said that there was no
13 involvement on your part?

14 A That's right.

03:08 15 Q No involvement on Shorty's part?

16 A That's right.

17 Q No involvement on David's part?

18 A No.

19 Q And on Nicky's part?

03:08 20 A No.

21 Q And you told him you were quite
22 satisfied of that?

23 A Yes I was.

24 Q And so though you had been in Saskatoon
03:08 25 as you have said on the morning in



1 question?

2 A Yes.

3 Q Ron, there came a time -- "

03:08 4 Let me pause there. Is that evidence truthful,
5 Mr. Wilson, that I read to you?

6 A Yes.

7 Q Page 005292, and I don't propose to read all this
8 other than to point out, Mr. Wilson, you will see
9 here Mr. Tallis cross-examines you about:

03:08 10 "Q Now, when you were in Saskatoon I take
11 it that some police officers took you up
12 and pointed out the lane or alley in
13 which Gail Miller's body apparently was
14 found?

03:09 15 A Yes.

16 Q And as a matter of fact you drove
17 through this east-west alley and the
18 north-south alley ..

19 A Yes.

03:09 20 Q .. of this T-intersection."

21 And was that truthful evidence?

22 A Yes.

23 Q Page 005318, and this is Mr. Tallis continuing his
24 cross-examination at the trial:

03:09 25 "Q And right up until about May the 22nd or



1 May the 23rd you had always insisted
2 that nobody in your car including David
3 had anything to do with this incident?

4 A That's right.

03:09 5 Q And you had insisted that you had
6 nothing to hide?

7 A That's right.

8 Q And then not too long before you were
9 released from jail though, some blood
03:10 10 samples were taken from you?

11 A Yes."

12 If I can pause there. Is that truthful, that
13 part that I read to you?

14 A Yes.

03:10 15 Q Page 005319, and again this is Mr. Tallis talking
16 about the meeting with Inspector Roberts, and the
17 question:

18 "Q And you and Nicky were together on
19 certain occasions with the police?

03:10 20 A Yes we were, yes.

21 Q And I believe you were together up in a
22 room at the Cavalier Hotel, was it, with
23 certain police officers?

24 A Yes."

03:10 25 If I can pause there. I think you told us



1 already she was in the hallway but not in your
2 room?

3 A Correct.

4 Q "Q Yes; and how many - these were fairly
03:11 5 lengthy sessions, weren't they, some of
6 them?

7 A Yes they were.

8 Q Maybe six hours?

9 A Yes.

03:11 10 Q At a stretch?

11 A Not with Nichol - just myself.

12 Q I see; but then the two of you were
13 together on at least one occasion when
14 there was a fairly long session?

03:11 15 A Not too long; couple of hours."

16 Is that truthful evidence, Mr. Wilson?

17 A No. We were only together for maybe 10 minutes.

18 Q And do you have any explanation as to why you
19 would have told the court at the trial that it was
03:11 20 a couple of hours?

21 A No, I don't.

22 Q Page 005324, and this is where you are being
23 examined by the court, by the judge, Mr. Wilson,
24 it's not very -- maybe zoom in on that. The court
03:12 25 questions you:



1 "THE COURT:

2 Q Well, you have told counsel that you've
3 denied to the police officers that any
4 one of the party had any implication
03:12 5 insofar as this crime was concerned?

6 A What do you mean by that?

7 Q You denied that there was any blame on
8 your part or on the part of the excused
9 or on the part of Nichol John with
03:12 10 relation to this woman who was found
11 dead in the alley?

12 A That's right.

13 Q And you continued to deny that?

14 A Not always - well, up until I came up
03:12 15 to Saskatoon.

16 Q And that's what I'm getting at?

17 A Yes.

18 Q And the time that you were in jail you
19 continued to deny it, is that right?

03:13 20 A Yes.

21 Q And then when did you first tell the
22 police the story that you have told in
23 this court room ..

24 A I told ..

03:13 25 Q .. just a minute please - which tended



1 to implicate - now, implicate means to
2 bring the accused into the thing as a
3 possible culprit - when did you first
4 tell that to the police?

03:13 5 A In Regina on approximately May 22nd
6 just before I came up here I told part
7 of it and then I told the rest of it
8 up here."

9 Is that truthful?

03:13 10 A I don't believe so, no. I don't remember the 22nd
11 at all.

12 Q Page 005349, and this is again an examination by
13 the court:

14 "Q Between May 22nd and giving evidence at
03:14 15 the preliminary inquiry on August the
16 18th - I think the preliminary inquiry
17 commenced on August the 18th - in any
18 event, when you gave evidence at the
19 preliminary inquiry - between May 22nd
03:14 20 and that time did you have any further
21 discussions with the police?

22 A No, I didn't.

23 Q You didn't?

24 A No."

03:14 25 Was that truthful?



1 A No.

2 Q Okay. When did you have discussions and with
3 whom?

4 A May 23rd, May 24th.

03:14 5 Q Oh, I'm sorry, I think actually it goes on to
6 correct it on the 23rd. Let's go down to the
7 bottom, please.

8 "Q But you had no further discussions with
9 the police from that time --"

03:15 10 I think that was the statement,

11 " -- until you gave your evidence at the
12 preliminary inquiry?

13 A No, I didn't."

14 Is that truthful?

03:15 15 A No, it isn't.

16 Q When and with whom did you have discussions?

17 A With the officers that picked me up from Saskatoon
18 prior to the preliminary hearing while I was in
19 custody prior to going to court.

03:15 20 Q What do you recall of those discussions?

21 A I don't recall very much at all.

22 Q Go to page 005351, and I think this is where you
23 are being asked by Mr. Tallis about discussions
24 with the police before the preliminary hearing,
03:16 25 you are asked about, you said, you said you saw



1 Mr. Short:

2 "Q He was involved extensively in this
3 investigation, wasn't he?

4 A Yes he was.

03:16 5 Q And where did you talk to Mr. Short in
6 the police station before you came down
7 here to the preliminary?

8 A Well, we had conversations up in my
9 cells.

03:16 10 Q He came to visit you in the cells?

11 A Yes and I went up to his office a few
12 times.

13 Q You went up to his office; how long did
14 you spend in his office?

03:16 15 A Every once in a while I'd make a phone
16 call home and then we would talk for a
17 while, so it wouldn't be too long.

18 Q Well, you say every once in a while you
19 would make a phone call home?

03:16 20 A Yes.

21 Q And how long did he spend with you in
22 the cells?

23 A No too long."

24 And then the next page, and I think the judge
03:17 25 beats Mr. Tallis to the punch:



1 "THE COURT: Well, were the facts of the
2 case discussed ..

3 MR. TALLIS: .. I'll just come to that, My
4 Lord, if I may.

03:17 5 THE COURT: I thought you were through.

6 MR. TALLIS: No, no -

7 Q Now, I put it to you that when you were
8 in Short's office these discussions that
9 took place involved this case?

03:17 10 A No, they didn't.

11 Q And the phone calls involved the case?

12 A No, they didn't.

13 Q In no way at all?

14 A Well, I just told my mum I was
03:17 15 appearing, that's all.

16 Q I see, but you didn't have any
17 discussion about the case whatsoever?

18 A No."

19 Is that truthful evidence?

03:17 20 A Yes, it is.

21 MR. HODSON: Mr. Commissioner, this is
22 probably an appropriate time to break.

23 COMMISSIONER MacCALLUM: You were referring
24 to the discussions with your mother there?

03:17 25 A Yes.



1 BY MR. HODSON:

2 Q Sorry, my question was whether that was all
3 truthful. You said that your discussions with
4 Short -- actually, let me clarify that. Maybe I
03:17 5 misread it. When I read the question:

6 "Q I see; but you didn't have any
7 discussion about the case whatsoever."

8 I didn't think that was referring to your phone
9 call with your mother, I thought it was referring
03:18 10 to the discussion with Short. Is that how you
11 read that?

12 A Yes.

13 Q Okay. And is that truthful then?

14 A Yes.

03:18 15 COMMISSIONER MacCALLUM: So you didn't talk
16 to either one of them?

17 A About the case, no.

18 COMMISSIONER MacCALLUM: 15 minutes.

19 *(Adjourned at 3:18 p.m.)*

03:40 20 *(Reconvened at 3:40 p.m.)*

21 MR. HODSON: Mr. Wilson, I would like to
22 move on now to some post-trial matters.

23 BY MR. HODSON:

24 Q What was your reaction when you found out that
03:40 25 David Milgaard was convicted of the murder of Gail



1 Miller?

2 A Went out and got wired.

3 Q Why?

4 COMMISSIONER MacCALLUM: I didn't hear it?

03:40 5 BY MR. HODSON:

6 Q I think he said "I went home and got wired". I
7 presume that's on drugs?

8 A Yes.

9 Q Okay. And why?

03:40 10 A Because he got convicted.

11 Q Did that bother you at the time?

12 A Yes.

13 Q Why?

14 A Because I knew I had lied.

03:40 15 Q So you knew at that time, we're talking January of
16 1970, is that right?

17 A Yes.

18 Q And did you do anything about that?

19 A No.

03:41 20 Q At that time, and again that's January 1970 or
21 thereabouts after he was convicted, what did you
22 believe, Mr. Wilson, about whether or not David
23 Milgaard had killed Gail Miller?

24 A That he hadn't.

03:41 25 Q You knew that he hadn't?



1 A Yes.

2 Q And at that time, sir, did you understand and
3 appreciate the role that you had played in that
4 conviction?

03:41 5 A No.

6 Q What, at the time -- and, again, back in 1970 what
7 did you understand the role that Ron Wilson had
8 played in that?

9 A I didn't think it was my testimony that made the
03:41 10 big difference.

11 Q And why did you think that?

12 A I always thought it was Nichol's testimony that
13 did.

14 Q Okay. And what did you understand Nichol's
03:42 15 evidence to be?

16 A That she had saw him do it.

17 Q And where did you get that understanding from?

18 A Prior to the preliminary.

19 Q So, prior to the preliminary, you knew what about
03:42 20 Nichol's evidence?

21 A That she had supposedly seen David do it.

22 Q Okay. And where did you hear that from; do you
23 know who or how?

24 A No I don't.

03:42 25 Q And did you understand her to give that evidence



1 at the trial then?

2 A No, I didn't keep track of the trial.

3 Q Did you, at some point, learn that Nichol John did
4 not repeat at least parts of her statement at
5 trial?

03:42

6 A Yes I did.

7 Q And when did you learn that?

8 A I believe in the '80s.

9 Q Okay. And how did you become aware of that?

03:42

10 A That I can't recall.

11 Q And did that change your thinking at all about the
12 matter?

13 A Yes it did.

14 Q And how?

03:43

15 A Like I didn't know why she didn't say it at the
16 other appearances and when she had said it in her
17 statement.

18 Q Now I think on Thursday of last week I asked you
19 some questions, and I don't, Mr. Wilson, want to
20 put words in your mouth or anything, but I believe
21 you said words to the effect that you were -- and
22 maybe not become, maybe 'convinced' is the wrong
23 word, but you were starting to believe that maybe
24 David Milgaard had committed the crime; do you
25 remember telling us that last week?

03:43



1 A Yes.

2 Q That -- and this afternoon you are telling us
3 that, no, after he was convicted you knew that he
4 hadn't done it and that you had lied; is that
03:43 5 right?

6 A Yes.

7 Q Did you have, at any time prior -- I'm sorry -- at
8 any time ever, have a belief that David Milgaard
9 either had committed the murder or may have
03:44 10 committed the murder of Gail Miller?

11 A Not 100 percent, no.

12 Q Well, I'm not asking 100 percent, some --

13 A Yes.

14 Q And when was that?

03:44 15 A Between May 23rd and until after the trial, well
16 'til just before the trial was over, I guess.

17 Q So from May 23rd, when you gave your statement, up
18 until just before the trial you had thoughts that
19 maybe David Milgaard had killed Gail Miller?

03:44 20 A Yes.

21 Q Is that fair?

22 A Yes.

23 Q And was that a strong belief? Give me some idea
24 of what you were thinking and why.

03:44 25 A I would say it was a strong belief just because of



1 what I had been told and the evidence that I had
2 changed.

3 **Q** So if I stopped you on the street the day before
4 David Milgaard's trial and said "do you think he
03:44 5 murdered Gail Miller" what would you have answered
6 me, truthfully?

7 **A** Yes.

8 **Q** And then when and why did that change, that
9 belief?

03:45 10 **A** Because I really started thinking about it and I
11 knew I had lied.

12 **Q** Okay. And when did that happen, Mr. Wilson?

13 **A** I believe just after he got sentenced.

14 **Q** So this would be in January 31, 1970 or early
03:45 15 February 1970; is that right?

16 **A** Yes.

17 **Q** And, at that time, tell me what went through your
18 mind?

19 **A** That I knew he was innocent, and there was nothing
03:45 20 I could do about it, so I just wrote it off and
21 put it away.

22 **Q** Now prior to the trial, and I think you said the
23 day before the trial, you would have told me that
24 you believed he had killed her; is that right?

03:45 25 **A** Yes.



1 Q And on what did you base that belief?

2 A On what I had said at the preliminary hearing and
3 the evidence I had given.

4 Q So what happened between that day -- and let's say
03:46 5 that's January 18th, 1970 -- between that date and
6 February 1st, 1970 that caused you to change your
7 belief?

8 A I think I straightened out for a few days.

9 Q What do you mean by straightened up?

03:46 10 A I wasn't doing as many drugs at the time so I
11 could think more clearly.

12 Q If I could call up document 003336; do you recall,
13 Mr. Wilson, shortly after Mr. Milgaard's
14 conviction, that you applied for the reward, the
03:46 15 \$2,000 reward?

16 A Yes I did.

17 Q And, tell us, what motivated you to do that?

18 A I believe my friends did, they said "what the
19 hell, why not apply for it and see if you get it
03:46 20 or not".

21 Q Which friends?

22 A Lapchuk and Melnyk.

23 Q I should point out, Mr. Commissioner, this copy --
24 I should have used a different copy, these words
03:47 25 weren't on the original document, that's a note



1 that someone has put on there, I'm not sure who,
2 so maybe I'll replace that with a cleaner copy.

3 COMMISSIONER MacCALLUM: Okay.

4 BY MR. HODSON:

03:47 5 **Q** So Melnyk and Lapchuk told you to apply for the
6 reward?

7 **A** Yeah.

8 **Q** How did you find out about the reward?

9 **A** I don't recall, like they might have told me about
03:47 10 it, I'm not sure.

11 **Q** And is this letter in your handwriting and is that
12 your signature?

13 **A** Yes it is.

14 **Q** And here you say:

03:47 15 "I feel I am entitled to part of it
16 since I was one of the main witnesses."

17 Is that what you believed at the time?

18 **A** Yes.

19 **Q** Did the potential of a reward influence, in any
03:47 20 way, the evidence that you gave at David
21 Milgaard's trial?

22 **A** No.

23 **Q** Did you have any discussions with any police
24 officer about the reward?

03:47 25 **A** I don't believe so.



1 Q Did you have any discussion with the prosecutor,
2 Mr. Caldwell, about the reward?

3 A No.

4 Q Did you ever find out -- did you get a reply to
03:48 5 this letter, did you know?

6 A No, I never got a reply to it, no.

7 Q Did you find out who got the reward?

8 A Yes, I did.

9 Q And when did you find that out?

03:48 10 A I think it was after the trial.

11 Q Okay. And it was Albert Cadrain; is that correct?

12 A Yes.

13 Q And who told you that; do you know?

14 A I don't know.

03:48 15 Q So I asked you -- I see we've got a corrected
16 version, is that a different number? So we'll
17 have, for the record, 059583 for that reward
18 letter. My apologies for the other copy.

19 I had asked you a few minutes
03:48 20 ago about your thinking at the time of Mr.
21 Milgaard's conviction, and I said, I think -- or
22 pardon me, I think you said following the
23 sentencing you realized he was innocent and that
24 you had lied, I think those were your words or
03:48 25 close to it; is that right?



1 A Yes.

2 Q And then you said "I think I filed it away"?

3 A Yes.

4 Q What do you mean by that?

03:49 5 A Put it in the back of my mind.

6 Q Notwithstanding that, did that continue to bother
7 you in the following years?

8 A Not 'til the '80s.

9 Q So for the decade of the '70s did it bother you at
03:49 10 all?

11 A No.

12 Q Did you ever think about it?

13 A Didn't have time to.

14 Q Why is that?

03:49 15 A Mind wasn't thinking too good back then.

16 Q Okay. And why was that?

17 A Too much -- too many drugs.

18 Q So when did you, or when did it start to bother
19 you?

03:49 20 A After I had talked to Mrs. Milgaard.

21 Q Okay. And I believe that was in 1981; is that
22 right?

23 A Yes.

24 Q And I will be going through these with you in a
03:49 25 bit more detail, but I think from 1981, the next



1 significant date was June 4th, 1990 when you gave
2 the statement to Mr. Henderson; is that right?

3 A Yes.

4 Q So from 1981, when you talked to Mrs. Milgaard, I
5 think you said it started to bother you then?

6 A Yes.

7 Q In what way?

8 A Well, I wanted to tell the truth, but I -- to
9 somebody, but I figured who is going to believe
10 me, so I just didn't do anything about it.

11 Q And then, from 1981 until 1990, can you tell us
12 what your thoughts were about the matter?

13 A It would just pop up in my mind every once in a
14 while, and I would think about it, and sometimes I
15 would cry about it and --

16 Q Did it bother you more than it did in the '70s?

17 A Yes.

18 Q And, in your mind, did you decide to do something
19 about it?

20 A Eventually, yes.

21 Q And what was that?

22 A I saw Mr. Henderson.

23 Q Now let's go to your dealings with Mrs. Milgaard
24 in 1981; what do you remember about the contact
25 with her?



1 A Just a phone call.

2 Q Do you recall any discussions with any police
3 officers about being contacted by her or giving
4 out your --

03:51 5 A Yes.

6 Q -- contact? What do you recall about that?

7 A Oh, I remember talking to the police and asking
8 them if I had to talk to her, and they said only
9 if I wanted to.

03:51 10 Q Okay. Who do you recall talking to?

11 A Umm, I just -- I don't even know who I phoned, if
12 it was Saskatoon or Regina.

13 Q So what prompted you to phone?

14 A I think my wife did.

03:51 15 Q To phone the police and see if what?

16 A If I should talk to Joyce or not.

17 Q And are you aware; did you talk to the police or
18 did your wife?

19 A I believe I did.

03:51 20 Q And do you recall what they told you?

21 A It was up to me.

22 Q And do you know which officers you talked to?

23 A No I don't.

24 Q If you can call up 106841, please, and this is a
03:52 25 letter January 21, 1981, Mr. Wilson, it's from



1 Detective Ed Karst to the Saskatoon Chief of
2 Police. If you can just call out the first
3 paragraph, and Mr. Karst says:

4 "Please be advised that I have contacted
03:52 5 Ronald Wilson ...",

6 and contact information:

7 "... in regard to the above-noted murder
8 case. He states that he does not want
9 his name, or any information as to his
03:52 10 whereabouts, released to the lawyer or
11 anyone else representing the Milgaard
12 family."

13 Do you recall having that discussion with
14 Mr. Karst or anyone else?

03:52 15 A No I don't.

16 Q Is that consistent with what you thought at the
17 time?

18 A Yes.

19 Q Do you recall being contacted to see whether or
03:52 20 not your whereabouts could be released to the
21 lawyer from the Milgaard family?

22 A No I don't.

23 Q But at that time, again in 1981, your position
24 would have been what?

03:53 25 A No.



1 Q And why was that?

2 A Because I didn't want to be bothered.

3 Q Why not?

4 A Because, to me, it was over.

03:53 5 Q Now I'm going to go to the transcript of a tape
6 interview here, if we could call up 054415, and
7 this is a tape of a call between Mrs. Milgaard and
8 George Lapchuk, and the date is January 26th,
9 1981. Do you remember if you were working with
03:54 10 Mr. Lapchuk at the time?

11 A I believe I was.

12 Q And was he your boss?

13 A Yes.

14 Q If you could just go back to the main document,
03:54 15 please. And, actually, I think we may have heard
16 part of this tape previously. The G is referring
17 to George, and he says, "So anyway I talked to
18 Dale ...", and at that time you were known by Dale
19 to George Lapchuk, is that right?

03:54 20 A Yes.

21 Q "... to Dale this morning and it turns out he is
22 not going to talk to you and I don't know why, the
23 way it was told to me, I was told I should mind my
24 own business and not bother him with that any
03:54 25 more, so there, so that was it, no more



1 discussions about it." Something "cried" and --

2 MRS. MILGAARD: "Period".

3 BY MR. HODSON:

4 Q Oh, sorry, "... period. Like not even a well why,
5 he just doesn't want to talk about it, and that's
6 it." Mrs. Milgaard, "And would he not say why he
7 had lied to you?" George Lapchuk, "No, I mean
8 short of grabbing him by the throat and throttling
9 him, he said no, it's none of your business, and
10 that's it, so I don't know. I tried to tell him,
11 and even like Billy, the guy that works with me,
12 eh, he's sort of following this and says, why the
13 hell don't you talk to her, what the hell's the
14 matter with you, he said no, that's it." And
15 Joyce Milgaard, "And he wouldn't discuss it any
16 way, shape or form?" George Lapchuk, "No, not a
17 word. I asked him why, he told me he would if he
18 wasn't, he said things change, eh, now what that's
19 supposed to mean I wouldn't know."

20 Now that's a transcript of a
21 conversation between George Lapchuk and Joyce
22 Milgaard. Do you recall any discussions with Mr.
23 Lapchuk, at or around this time, where he was
24 trying to get you to talk to Mrs. Milgaard?

25 A Yes I do.



1 Q And does that -- does Mr. Lapchuk accurately
2 describe -- is that accurate; what I read to you?

3 A Yes.

4 Q So tell me what you recall about your discussions
03:55 5 with Mr. Lapchuk?

6 A Well that he just wanted to know why I didn't want
7 to talk to Joyce, I'm like, like he said, it's
8 none of his business and I don't feel like talking
9 to her.

03:56 10 Q If you can go to the next page, please. Were you
11 aware, at the time, that Mr. Lapchuk was talking
12 to Mrs. Milgaard?

13 A No.

14 Q And then carrying on, this is -- and, again, this
03:56 15 is Mr. Lapchuk, "The only thing I could find out
16 was that Dale and Nikky are supposed to go for a
17 drink sometime this week, he wouldn't tell me
18 where or what, like it's a complete, like all of a
19 sudden I'm starting to feel like a mushroom, and I
03:56 20 wanna get this thing over and done with and, er, I
21 don't know what the hell's going on".

22 Is that accurate; did you have
23 discussions with Nichol John at this time?

24 A Nicky had phoned me that Joyce was trying to get
03:56 25 ahold of her.



1 Q Okay, and what do you recall of that discussion?

2 A I basically told her, if she didn't want to talk
3 to Joyce, she didn't have to.

4 Q And did you get together with Nichol John at that
5 time?

6 A No I didn't.

7 Q Did you have any discussion with her about the
8 David Milgaard matter?

9 A No.

03:57 10 Q How long did you talk to her for; do you remember?

11 A Well it would be ten, 15 minutes.

12 Q And would that have been the first time that you
13 talked to her since 1970?

14 A Yes.

03:57 15 Q Did you talk to her after David Milgaard was
16 convicted?

17 A No.

18 Q That year? No? Go to page 054419, if we could
19 just call out that part, and this is Lapchuk, "So
03:57 20 what do you think, you know, like when I talked to
21 him yesterday morning he was more than willing to
22 talk, and like I say, I just want to get this
23 thing over with you know". And Mrs. Milgaard,
24 "I'll sure give him a call and see what happens".

03:58 25 Do you remember telling Mr.



1 Lapchuk, at one point, that you would talk to
2 Mrs. Milgaard?

3 A No I don't.

4 Q Umm, next, Mr. Commissioner, there is a transcript
5 from a tape recording of a phone call between
6 Mrs. Milgaard and Mr. Wilson, it's in 1981. Umm,
7 we have two cassette tapes of that transcript,
8 we've tried them both, and in neither of the tapes
9 are we able to hear Mr. Wilson's voice.

03:58 10 And in fact, if I could call up
11 046744 -- and this is just to complete the record
12 on this -- this is an RCMP document of October
13 29th, '93. They got the same tape that we did,
14 and they made some efforts to see if the quality
03:59 15 of the tape could be improved to become more
16 audible, they were not -- I think they enhanced
17 it, but they weren't successful in getting a
18 better audible tape, and if I could call up 046751
19 -- and I do this simply just for the record -- and
03:59 20 this is a case report from the RCMP of October
21 26th, '93, and I think they just say that there is
22 poor quality of the male voice. And then, just
23 scroll down to the second-last paragraph, and it
24 says:

04:00 25 "When I listened to your tape without



1 any processing, I was almost completely
2 unable to understand anything that the
3 male person said. In the processed
4 version, although it still cannot be
04:00 5 considered a good recording, I was able
6 to make out much of what the male said."

7 And with that, if I could -- then the RCMP
8 prepared a transcript, I believe from that, which
9 I will use to question the witness on, and it is
04:00 10 document 022904. And if you go to the next page,
11 please, Mr. Wilson, do you remember having a
12 conversation with Mrs. Milgaard in 1981?

13 A Yes.

14 Q By telephone? And there's actually another
04:00 15 transcript, there may be a second call, do you
16 recall whether there's more than one?

17 A No.

18 Q Do you remember knowing whether the conversation
19 was being taped or not?

04:01 20 A No I didn't.

21 Q You didn't recall or you didn't know?

22 A I didn't know.

23 Q At the time, did you care?

24 A Probably not, no.

04:01 25 Q Now there are parts here that are not -- I think



1 they have listed them as unintelligible, but I
2 will go through parts of this and ask you whether
3 this is accurate and whether you recall this. And
4 you will see Mrs. Milgaard says there, "I have
04:01 5 been talking to George as you know and I was just
6 wanting to speak to you for a few minutes before I
7 went back, and you had indicated that you really
8 didn't want to talk to me, I thought well even if
9 I could speak to you on the phone for a few
04:01 10 minutes", your answer, "No, the phone is fine."

11 So I take it that you had agreed
12 to talk to her on the telephone?

13 A Yes.

14 Q What caused you to change your mind?

04:01 15 A I don't know, I probably figured what the hell,
16 why not.

17 Q And scroll down.

18 COMMISSIONER MacCALLUM: What was the date
19 on that, I'm sorry?

04:02 20 MR. HODSON: The -- it's difficult to say.
21 There is a second version of the tape, a
22 transcript that came from the -- either Joyce or
23 David Milgaard that puts it at April '81. I
24 think January to April of '81 would be a safe --

04:02 25 COMMISSIONER MacCALLUM: Thanks.



1 MR. HODSON: -- description.

2 BY MR. HODSON:

3 Q Does that sound right, Mr. Wilson, those dates, or
4 are you able to help us with that?

04:02 5 A I don't think there was any snow on the ground,
6 no.

7 Q You think no snow on the ground?

8 A Yeah.

9 Q And then Mrs. Milgaard says, "I realize, you see,
04:02 10 like I had tried to get Nicky and I understand she
11 had called you and I'm afraid I have frightened
12 her", and you say, "Yeah, you scared the living
13 hell out of her." Do you recall saying that?

14 A Yes.

04:02 15 Q And is that what Nichol John had told you?

16 A Yes.

17 Q Go to the next page, and this is Mrs. Milgaard,
18 "Well the thing is that it's not my intention, and
19 this is what I tried to make very clear to George
04:03 20 and Craig too, to cause anyone embarrassment or
21 trouble because I realize, you know, everybody's
22 life has changed since the last 10 years and/or 12
23 years and I mean you are all starting fresh and
24 everything and you don't want to get this all
04:03 25 raked up, but Dave is still in there and I can't



1 see a hope of him getting out after this latest
2 try at escape, I really can't." And the Wilson,
3 "If he hadn't have tried it, you know, the first
4 and second time, he'd be out already." And what
5 did you mean by that?

6 A I --

7 Q Is this relating to his escape attempts?

8 A Yes, I believe so.

9 Q So had you followed David Milgaard's prison --

04:03 10 A No, every time he escaped, the police phoned me
11 and told me he had escaped.

12 Q And do you know why they did that?

13 A Umm, no.

14 Q Were you scared of Mr. Milgaard at that time?

04:04 15 A I believe I was, yes.

16 Q Why is that?

17 A I don't know, he had been in jail for 20 some
18 years, got to be a little ticked.

19 Q At you?

04:04 20 A Yes.

21 Q And why?

22 A Because he knew I lied.

23 Q If we could go to the next page, please, this is
24 Mrs. Milgaard starting here, "So one of the things
04:04 25 that we have been doing, there have been so many



1 like of drugs at the time that you were in
2 Saskatoon, and then how could you sort of pinpoint
3 where you were or really know where you are, and
4 they must have realized, I mean they knew you were
04:06 5 taking drugs at the time". Wilson, "Well like
6 what I can remember, like I didn't, I don't know,
7 I don't know Saskatoon and I told him what I could
8 remember from being up there that day". Mrs.
9 Milgaard, "But don't you think that maybe they
04:06 10 were trying to put words in your mouth?" Mr.
11 Wilson, "It's possible but, okay, they put me on
12 that lie detector test". Mrs. Milgaard, "They did
13 put you on a lie detector test?" "Yeah, they put
14 me on a lie detector test". "And okay, these
04:06 15 questions you answer yes or no to, whatever, but
16 carrying on like, you know, like it led all the
17 way up to what happened there afterwards or
18 whatever". "And, but you know, like okay, I don't
19 know how to read them." Next page, and then I'll
04:06 20 just sort of skip around here, "Everything they
21 said that had been ... and on that lie detector
22 test ... mental block or whatever, I don't know."
23 Now I appreciate, Mr. Wilson, we
24 don't have all of the words that fill in what,
04:07 25 exactly, you said, but do you remember talking to



1 her about the lie detector test and the mental
2 block?

3 A Yes.

4 Q What do you remember?

04:07 5 A Well what I had thought after the polygraph test,
6 when they told me that I was lying, that I must
7 have had a mental block and that I blocked
8 everything out.

9 Q And so did you tell Mrs. Milgaard that at the
04:07 10 time?

11 A I believe so, yes.

12 Q Did you believe it at the time?

13 A Yes.

14 Q Okay. I thought you said that, after the trial,
04:07 15 you had realized that you had lied?

16 A Yes, but I had put everything away, which, you
17 know, I didn't think about it any more until she
18 called.

19 Q Okay. At the time that Mrs. Milgaard called in
04:07 20 1981 what did you believe, at that time, as to
21 whether or not David Milgaard had killed Gail
22 Miller?

23 A He was innocent.

24 Q And did you think that -- or did you realize that
04:08 25 you had lied at the trial?



1 A Yes.

2 Q And, at that time, did you think that you had a
3 mental block about that time?

4 A Not any more, no.

04:08 5 Q So why would you tell Mrs. Milgaard about the
6 mental block?

7 A Because that's what I was -- had told probably
8 Roberts, or whoever, at the time, so I was telling
9 her here what happened at that time.

04:08 10 Q So you told Roberts at the time, that would have
11 been in 1969, --

12 A Yes.

13 Q -- about a mental block?

14 A Something to that effect, yes.

04:08 15 Q Okay. Scroll down. "And they sort of showed you
16 pictures of the area and stuff like this".
17 Wilson, "No, not the area, well pictures of the
18 knives and the girl". Mrs. Milgaard, "Well do you
19 remember like, you see originally when they first
04:08 20 talked to you like this was before you knew there
21 was -- were much trouble about it ... this is the
22 first inquiry, they had asked you about it, you
23 had seen blood on Dave's clothes and things like
24 that, and you said you hadn't at that point".

04:09 25 Wilson, "As far as I can recall, you have got the



1 transcripts of it". Milgaard, "Oh yeah, no, no,
2 I'm not talking about that, I'm talking before,
3 like when you went to the prelims and everything,
4 I haven't got the transcripts of the prelims, they
04:09 5 aren't in Regina here". Carrying on, and then you
6 say, "I know even in the trial I don't think I
7 said I saw blood".

8 Do you remember saying that to
9 Mrs. Milgaard?

04:09 10 A No, I don't recall.

11 Q And you acknowledge at the trial you did say you
12 saw blood?

13 A Yes, I did.

14 Q Carrying on, "Well this was the thing, I just
04:09 15 wondered in your recollection of it, I know you
16 said to George you didn't know, you were so stoned
17 that, you know, you didn't know whether it was
18 blood or whether it was Kool-Ade or whatever."

19 Do you recall having any
04:09 20 discussion with George Lapchuk about blood or
21 Kool-Ade or anything of that nature?

22 A No I don't.

23 Q Don't remember that?

24 A Not right now, no.

04:10 25 Q Next page, go to page 022913, and it is reported



1 you say, "I wasn't there. Did he take the stand
2 himself?" "Pardon?" "Did he go on the stand
3 himself or not?" And this is David Milgaard.
4 "No, his lawyer said no." And you asked why. "He
04:11 5 suggested, well, he, he, and I mean, you know, you
6 go along with the lawyer, we didn't know why. He
7 said that he thought that it was better for David
8 not to be put on the stand. It was better to just
9 let the evidence speak for itself. Now you have a
04:11 10 lawyer, you go along with what the lawyer says,
11 and we were sure that he was going to be proved
12 innocent, you know, and actually now that I look
13 back on it, there was so many people that could
14 have been called for his, even for character
04:11 15 witnesses, or any number of things, you know, that
16 I just feel he was really railroaded on it, now I
17 realize that the Dave I know and the Dave you
18 know --" and you say, "-- are two different
19 people."

04:12 20 When did you learn, Mr. Wilson, that David
21 Milgaard did not testify at his trial?

22 A I don't know if I read it or I was told about it.

23 Q And would that have been around 1970?

24 A I believe so.

04:12 25 Q And so here when you ask Mrs. Milgaard did he take



1 the stand himself, why would you be asking that
2 question?

3 A Just to clarify it.

4 Q Scroll down to the bottom, please, and you are
04:12 5 saying here, "He should have never been put in
6 jail, they should have put him in a home for a
7 while." "That what?" "They should have put him
8 in North Battleford or someplace for a while,
9 never in jail." Next page. "Why? Do you feel
04:13 10 that there was some, that there was something
11 wrong with him mentally?" You say, "Yes, I do.
12 Four or five years there, he used to slip up quite
13 consistently." "When he was stoned was he --"
14 "Usually when he was stoned."

04:13 15 Do you recall that discussion
16 with Mrs. Milgaard?

17 A No, I don't, because I don't think I knew Dave for
18 four or five years, so -- I probably said it, but
19 I don't recall it.

04:13 20 Q Do you have any explanation as to why you might
21 have said that to her at the time?

22 A Because then he wouldn't have been in jail, he
23 would have been someplace else.

24 Q Down at the bottom of that page, and you are
04:14 25 asked, "You smoked up all the way to Saskatoon."



1 Do you know anything about Nicky's written
2 statement to Inspector Mackie at all?" "No, I
3 don't." "Like, you don't know if she was forced
4 to give the statement or what happened?" You say,
04:14 5 "I don't know anything that, what happened to
6 Nicky except at the trial that she clammed up and
7 that's all I know. I haven't seen her since the
8 trial." And then, "You haven't seen her since the
9 trial?" "Phoned me yesterday."

04:14 10 So you've been aware,
11 Mr. Wilson, that Nicky did not -- or that she did
12 clam up at trial, to use your words?

13 A Yes.

14 Q And when did you become aware of that?

04:14 15 A After the trial sometime.

16 Q Do you know how you became aware of that?

17 A No, I don't.

18 Q Go to page 022918, and you were asked, "What
19 exactly did he say to you?" And this is referring
04:15 20 to being with David at the bus depot in Calgary,
21 "You gave some testimony about it, about him
22 telling you about this girl when he was in
23 Calgary, do you remember what he said?" "No, I
24 don't." "You don't, eh." And then Mrs. Milgaard,
04:15 25 "At any of these occasions did you feel that the



1 police tried to give you any of this information?"
2 Wilson, "Like try to pressure me?" Milgaard,
3 "Yeah. Well, you know, this is what happened and
4 we found this in there and did you see him put it
04:16 5 in there or did he tell you who put it there or
6 anything like that?" Unintelligible. "Like, did
7 they drive you around by the funeral home and
8 stuff like that I mean?" "They drove me around
9 by --" Milgaard, "They did?" "Yeah, in the
04:16 10 summertime." "Now, did you recognize the area or
11 were you trying to --" "I just remember going from
12 2nd Avenue," and then you say, "22nd Avenue." And
13 then down at the bottom, "But you didn't recognize
14 the area? They were sort of trying to persuade
04:16 15 you that this was the area where you'd stopped
16 at?"

17 Unfortunately it doesn't show
18 your answer. Do you remember any discussion with
19 Mrs. Milgaard about that?

04:16 20 A Yes.

21 Q And what do you remember?

22 A I just -- I do believe I told her that I didn't
23 remember any of that area.

24 COMMISSIONER MacCALLUM: Remember any of
04:17 25 that what?



1 A That area.

2 BY MR. HODSON:

3 Q If you can scroll down, right there, Wilson, "I
4 don't remember ever --" just scroll a bit. A bit
04:17 5 higher, please. Wilson, "I don't remember ever
6 discussing it. As far as I'm concerned, don't
7 think there was any blood." "No, well, that,
8 that's fine, because this is what Cadrain had
9 said, that there was only blood on his -- you
04:17 10 know, on his pants, a bit of it, you know, so that
11 answers quite a few of the questions that I've
12 just written down, you know, a few of the ones
13 that I really wanted to ask about because they've
14 been sort of bugging me. The reward, do you know
04:17 15 there was a \$2,000 reward offered?" Your answer
16 is not stated. "Do you think -- did you ever hear
17 for sure?" Wilson, "No, I never heard for sure,
18 but from what I gather that's a --" Milgaard, "I
19 see, did the police ever offer --"

04:18 20 Let me pause there, and again it
21 may be that you were talking about Cadrain getting
22 it. At that time you would have known about the
23 reward; is that fair?

24 A Yes.

04:18 25 Q Carrying on, Mrs. Milgaard asks, "I see. Did the



1 police ever offer to make a deal with you if you
2 co-operated?" Answer, "No." And next page, "They
3 didn't? Cause, you know, shorten your sentence or
4 anything like that? Cause I believe you were
04:18 5 charged with something at that time."

6 And is that a truthful statement
7 that you said?

8 A Yes.

9 Q And down at the bottom, you were asked by
04:18 10 Mrs. Milgaard, "Sort of a deal with you, like,
11 that they were trying to talk to you and say,
12 well, you know, we'll give you less of a sentence
13 or something like this or, you know, influence you
14 in any way if you co-operated, Dave figured that
04:19 15 they would really nail you, you know."

16 Your answer is not complete
17 there, but what do you have to say about that
18 question? How would you answer that question?

19 A I don't know. Could you go through --

04:19 20 Q Yeah, I think the question here is -- no, go to
21 the next page -- and the question is whether the
22 police back in 1969 and '70 say, well, we'll give
23 you less of a sentence or something like this.

24 A That never happened.

04:19 25 Q Or influence you in any way if you co-operated.



1 That never happened?

2 A No.

3 Q Carrying on, Mrs. Milgaard says, "Okay. Now, they
4 never threatened you or told you what to say or
04:19 5 anything like that," and your answer is, "Nope."

6 Is that the truth?

7 A No, they never threatened me, that's true.

8 Q And did they ever tell you what to say or anything
9 like that?

04:20 10 A No.

11 Q Down at the bottom, you say, "And I'm going to
12 tell you something, I'm very scared of him. To
13 hell with him." Next page -- and I presume you
14 are talking about David Milgaard; is that fair?

04:20 15 A Could you go back to that?

16 Q Sure, yeah.

17 A Or could you go up a little bit further?

18 Q Yeah, and they are talking -- back to the full
19 page, please, and unfortunately, Mr. Wilson, not
04:20 20 everything is recorded here, but I think you were
21 asked the question about Bob Harris and the motel
22 room incident and you are asked if David ever told
23 you that he did it and you say, "But I didn't
24 really know what was going on," and then right at
04:21 25 the bottom you say, "And I'm going to tell you



1 something, I'm very scared of him. To hell with
2 him."

3 Now, do you know who you were
4 talking about at that time?

04:21 5 A No, I don't.

6 Q At that time were you scared of David Milgaard?

7 A Yes.

8 Q Next page, please, down at the bottom, full page,
9 and Mrs. Milgaard says, "Because I don't believe
04:21 10 that he would be capable of doing anything like
11 that," and you say, "I was pissed off when he was
12 sentenced to jail and not committed." "What's
13 that?" "I said I'm mad when he was sentenced to
14 jail and not committed."

04:21 15 What did you mean by that?

16 A I thought they would have put him into North
17 Battleford or something that would have still been
18 in jail.

19 Q And you say here, "Because I had figured, okay,
04:22 20 they are going to commit him and give him time to
21 straighten out his head." Question, "Yeah, but
22 you never really thought that he did this, did
23 you? I mean, I can't see how, it just doesn't
24 make sense time wise even." "Well, like, I never
04:22 25 even thought of it, lie detector test."



1 Do you recall what you would
2 have discussed at that time?

3 A No.

4 Q Next page, please, you are asked, "And in other
04:22 5 words, they could almost lead you right down the
6 garden path if they wanted to by then." I think
7 this is referring to the lie detector. "Like, you
8 know, there is --" and you say, "Basically, yeah,
9 they could, because you don't know what that
04:23 10 machine is telling them." And then you say, "They
11 are telling you what that machine says."

12 What were you referring to
13 there?

14 A The lie detector test.

04:23 15 Q Pardon me?

16 A The lie detector test.

17 Q Page -- next page, 925, you were asked here about
18 the motel room incident and Melnyk and Lapchuk and
19 you are asked here, "And then you told the police
04:23 20 and then they contacted Melnyk and George?"
21 Wilson, "No, I never told the police about that
22 because I don't think I heard about that motel
23 room until way after that."

24 And you may have answered this
04:24 25 already. Do you remember, Mr. Wilson, talking to



1 the police about either Craig Melnyk or George
2 Lapchuk and the motel room incident before the
3 trial?

4 A No, I don't recall that.

04:24 5 Q Go to page 022927, I want to be careful here,
6 Mr. Wilson, because this transcript is not
7 complete, you understand that, that the RCMP
8 prepared this and they don't have all the words
9 here. It says, "Do you really think that David
04:25 10 did it yourself? Unintelligible. "Mhm. No."
11 Question, "You don't?" Answer, "I don't know."

12 Do you recall any discussion
13 with Mrs. Milgaard about that, about whether you
14 not knowing whether David did it? I'm sorry, why
04:25 15 don't we go to the next page and I'll read you
16 more before you answer. It says, "You don't know
17 or you don't think he did?" And you say, "I don't
18 know." "Well, you would know." And you say, "I
19 believe he's to -- he's capable of doing it."
04:25 20 "Yeah, but do you really think in your own heart
21 that you guys at that particular morning and that
22 particular time?" Wilson, "On any morning I, I,
23 don't know."

24 Pause there. Do you recall that
04:25 25 discussion with her?



1 A No, I don't.

2 Q And at that time -- at that time I think you've
3 told us you thought he was innocent; is that what
4 you told us?

04:25 5 A Yes.

6 Q And why wouldn't you have told Mrs. Milgaard that
7 that's what you thought at the time?

8 A I don't know.

9 Q And then you are asked here, "You know, he, I
04:26 10 mean, he came back to the car. Now, you mentioned
11 that Nichol was hysterical?" "Uh-huh." "When you
12 got back to the car but you didn't say why she was
13 hysterical or anything." Wilson, "She was just
14 hysterical."

04:26 15 You see that? Do you recall
16 that discussion with Mrs. Milgaard?

17 A No, I don't.

18 Q It would appear, at least from this, Mr. Wilson,
19 that at this time, in 1981, you are telling
04:26 20 Mrs. Milgaard that Nichol John was hysterical?

21 A Yes.

22 Q And is that the truth?

23 A No.

24 Q And do you know why you would be telling
04:26 25 Mrs. Milgaard this at this time?



1 A Just sticking to what was said earlier.

2 Q Next page, at the top, you say, "From what I
3 understood all -- she was supposed to be more of a
4 witness than I was."

04:27 5 Is that what you thought at the
6 time?

7 A Yes.

8 Q So at that time you knew that she had not -- I
9 think in your words, she had clammed up at trial?

04:27 10 A Yes.

11 Q Page 022930, and again you are asked about Nichol
12 and the car, "Yeah, what was she doing when she
13 was in the car? Could she have just been
14 frightened that nobody was coming back for her?"

04:28 15 And Wilson, "No, that wasn't, she doesn't --"
16 Milgaard, "Because it was, it must have been off,
17 do you realize all the things that were done to
18 this woman, you know, like, she was stabbed all
19 those many times. Obviously somebody had raped

04:28 20 her." Wilson, "I was just sick when I saw the
21 pictures." "Yeah, and plus they had taken her
22 coat off and put it back on and that would take a
23 lot of time. Do you really think that you and
24 Dave were separated for that long?" Wilson, "For
04:28 25 what was done, actually no."



1 Do you recall that discussion?

2 A Yes, I do.

3 Q And what did you mean by that?

4 A We were -- there wasn't enough time between us
04:28 5 being gone for that to happen.

6 Q And then scroll down, please, and then you are
7 asked, "Yeah, well, if you had had to take your
8 clothes off and, you know, and undergo a rape or
9 something, do a rape at that time or something
04:29 10 like that," Wilson, "Put it this way, somebody
11 did."

12 And would you have said those
13 words?

14 A Yes.

04:29 15 MR. HODSON: Next page -- Mr. Commissioner,
16 it's 4:30. I'm not going to get through this
17 transcript. We can go a bit late or I can pick
18 up tomorrow morning on it.

19 COMMISSIONER MacCALLUM: No, we'll adjourn
04:29 20 now, please.

21 *(Adjourned at 4:30 p.m.)*

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OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES :

We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,
Official Queen's Bench Court Reporters for the Province of
Saskatchewan, hereby certify that the foregoing pages
contain a true and correct transcription of our shorthand
notes taken herein to the best of my knowledge, skill, and
ability.

_____, CSR

Karen Hinz, CSR
Official Queen's Bench Court Reporter

_____, RPR, CSR

Donald G. Meyer, RPR, CSR
Official Queen's Bench Court Reporter



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