

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

On Monday, September 19th, 2005

Volume 72

Inquiry Proceedings



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Mr. Alexander Pringle, Q.C., **for** Justice Calvin Tallis
(Retired)



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LARRY EARL FISHER

- BY MR. HODSON

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Transcript of Proceedings

(Reconvened at 1:00 p.m.)

COMMISSIONER MacCALLUM: Good afternoon.

All counsel: Good afternoon.

MR. HODSON: Good afternoon, Mr.

Commissioner. Our next witness is Larry Fisher.

However, before Mr. Fisher takes the stand, I

would like to make a few comments, if I may,

regarding the scope of Mr. Fisher's evidence. In

particular, on behalf of the Commission, I would

like to outline the reason that I am calling Mr.

Fisher as a witness and the areas and issues that

he will be questioned on and the areas and issues

that he will not be questioned on.

This Commission of Inquiry is

looking into the wrongful conviction of David

Milgaard. It may be viewed as somewhat unusual

to be calling as a witness the person who was

subsequently convicted for the crime that Mr.

Milgaard was wrongly convicted of. It might be

viewed as all the more unusual when this person

has standing before the Commission of Inquiry and

to date has denied any involvement in the rape

and murder for which he has been convicted.

As you know, Mr. Fisher has



1 been granted standing before this Commission of
2 Inquiry. At the time he was granted that
3 standing on April 20th, 2004 he stood convicted
4 of the rape and murder of Gail Miller. However,
01:02 5 he had an application pending before the Supreme
6 Court of Canada where he was seeking leave to
7 appeal that conviction. At the time standing was
8 initially granted to Mr. Fisher, in the materials
9 that he filed on his behalf before the Commission
01:03 10 he denied any involvement in the killing of Gail
11 Miller.

12 In late August of 2004 the
13 Supreme Court of Canada dismissed Mr. Fisher's
14 application for leave and his criminal
01:03 15 proceedings related to the rape and murder of
16 Gail Miller were at an end. In December of 2004
17 Mr. Fisher, through his legal counsel, was
18 invited to attend before the Commission of
19 Inquiry and restate his reasons in support of his
01:03 20 continued standing in view of the change of
21 circumstances. The change of circumstances were
22 the final determination of his criminal
23 proceedings by the Supreme Court of Canada.

24 On January 13, 2005 a hearing
01:03 25 was held and on January 14, 2005 you issued a



1 ruling confirming Mr. Fisher's standing for all
2 phases of the Inquiry except for the systemic
3 phase. In this second hearing, Mr. Fisher, once
4 again, through his legal counsel, denied any
01:03 5 involvement in the rape and murder of Gail
6 Miller. I would like to refer to certain
7 portions of your ruling on standing as they are
8 instructive on Mr. Fisher's participation in this
9 Commission of Inquiry.

01:04 10 If I could call up the ruling
11 at 331764, please, and if we can go to page 766.
12 This is a copy of your ruling issued January 14,
13 2005. Call out paragraphs 18 to 20. Paragraph
14 18, you state:

01:04 15 "Mr. Beresh's argument for continuing
16 interest springs from a concern that
17 Fisher will be made a scapegoat for the
18 wrongful conviction of Milgaard. The
19 argument is not one that turns on legal
01:04 20 obligations, but rather on
21 considerations of moral blameworthiness.

22 Mr. Beresh foresees that Fisher
23 will be blamed by other parties with
24 standing for arranging to plead guilty
01:04 25 to other rapes in venues away from the



1 curious gaze of the Saskatoon media who
2 might otherwise have seized upon
3 similarities in those rapes and the
4 murder of Gail Miller; that he will be
01:04 5 blamed for remaining silent before
6 Milgaard's trial and through his long
7 years of incarceration; in short, that
8 his reputation is at stake.

9 Given the savagery of the Gail
01:05 10 Miller murder and Fisher's notoriety as
11 the violent sexual offender, I feel
12 compelled to observe that reputation is
13 not his most vulnerable asset. But the
14 argument goes further, the Inquiry, it
01:05 15 is urged, might for lack of Fisher's
16 voice being heard become enveloped in an
17 aura of unfairness."

18 And then a case is cited.

19 "That indeed is a matter of concern.

01:05 20 Procedural fairness is for all, not just
21 for the upright."

22 And if you can go to the next page, please, call
23 out the paragraph starting here.

24 "But I agree that no party except Fisher
01:05 25 himself is likely to defend his



1 interest. One cannot predict that the
2 other nine parties will line up to blame
3 him for the way in which the
4 investigation or prosecution was done or
01:05 5 that he alone is at fault for the long
6 delay in reopening. On the other hand,
7 Fisher could challenge any other party
8 (with perhaps one or two exceptions) on
9 the basis that their own actions, or
01:06 10 failure to act contributed more to the
11 wrongful conviction and long
12 imprisonment than anything he had done.
13 Mr. Beresh argues by analogy to the
14 value of third party intervention in
01:06 15 cases involving constitutional
16 interpretation."

17 And then goes on to discuss it, and then in
18 paragraph 22 you indicate that that argument is
19 found to be persuasive.

01:06 20 So that is the reason that Mr.
21 Fisher has standing before the Commission.

22 In determining the scope and
23 relevance of Mr. Fisher's testimony, I suggest
24 that it is important to keep two things in mind.
01:06 25 First, the reasons that Mr. Fisher -- the reasons



1 for which Mr. Fisher was granted standing, which
2 I've just highlighted, and secondly, this
3 Commission's terms of reference. Briefly stated,
4 our terms of reference are to inquire into the
01:06 5 investigation into the death of Gail Miller; to
6 inquire into the criminal proceedings which
7 resulted in David Milgaard's wrongful conviction;
8 and third, to seek to determine whether the
9 investigation should have been reopened based
01:07 10 upon information subsequently received by police
11 and the Department of Justice.

12 The Commission of Inquiry --
13 this Commission of Inquiry is neither a vehicle
14 nor a platform for Mr. Fisher to elicit
01:07 15 information or to seek to advance his position
16 regarding his responsibility for the rape and
17 murder of Gail Miller. In fairness to Mr. Fisher
18 and his legal counsel, that is not the position
19 that they have taken before this Inquiry.

01:07 20 As you know, David Milgaard's
21 conviction for the murder of Gail Miller has been
22 set aside and the Government of Saskatchewan has
23 acknowledged his factual innocence. Larry
24 Fisher's conviction for the rape and murder of
01:07 25 Gail Miller is conclusive. The Commission is not



1 questioning Mr. Fisher with the objective of
2 establishing that he raped and killed Gail
3 Miller. His evidence on this subject is not
4 necessary in order to establish that he did rape
01:07 5 and kill Gail Miller. That is presumed by virtue
6 of his conviction and the fact that all of his
7 legal avenues of appeal have been exhausted.
8 Establishing Mr. Fisher's responsibility for the
9 rape and murder of Gail Miller is not a task for
01:08 10 this Commission, but rather the task of the
11 courts, and that task has been completed.

12 As stated in your guidelines
13 issued last week regarding the scope of
14 questioning for Mr. Fisher, the killing of Gail
01:08 15 Miller is the principal underlying fact of this
16 Inquiry. There are a number of very relevant
17 factual questions that can only be answered by
18 the person that raped and killed Gail Miller.
19 The facts and circumstances of the rape and
01:08 20 murder of Gail Miller are very relevant to this
21 Commission of Inquiry.

22 Accordingly, I intend to ask
23 Mr. Fisher, the person convicted of that rape and
24 murder, about his involvement in the death of
01:08 25 Gail Miller and the circumstances of her death.



1 Depending on Mr. Fisher's answers, his evidence
2 may greatly assist the Commission in determining
3 what happened to Gail Miller on the morning of
4 January 31, 1969.

01:09 5 I recognize, Mr. Commissioner,
6 that Mr. Fisher has, in his representations to
7 this Commission in the hearings relating to
8 standing, denied any involvement in the murder of
9 Gail Miller. I also recognize that Mr. Fisher
01:09 10 may, in his evidence this week, maintain that
11 position. However, I have a responsibility to
12 question him about his activities on the morning
13 of January 31, 1969, and I intend to do so.

14 If Mr. Fisher continues to deny
01:09 15 involvement in the rape and murder of Gail
16 Miller, I do not intend to question or
17 cross-examine him with a view to testing the
18 credibility of his denials. In light of what I
19 have said regarding our terms of reference and
01:09 20 Mr. Fisher's conviction being conclusive, I do
21 not believe it is necessary nor appropriate to
22 probe the reasons for Mr. Fisher's denial and the
23 basis for that position. However, even if Mr.
24 Fisher continues to deny involvement in the rape
01:09 25 and murder, there are a number of factual issues



1 that are relevant to the Commission and that
2 require his evidence.

3 He will be questioned about a
4 number of matters that are relevant to the
01:10 5 initial investigation conducted by the police in
6 1969 and 1970. As we have already heard, and
7 will hear again, an important aspect of the
8 reopening phase of our Inquiry is to inquire into
9 information that suggested that Mr. Fisher was
01:10 10 responsible for the rape and murder of Gail
11 Miller. A number of witnesses have already
12 provided incriminating information relating to
13 Larry Fisher and further evidence will follow.

14 Mr. Fisher will be asked to
01:10 15 respond to some of the incriminating information
16 that was presented to police and authorities
17 prior to their investigation being reopened in
18 July, 1997. In addition, Mr. Fisher participated
19 as a party with standing in the David Milgaard
01:10 20 reference before the Supreme Court of Canada in
21 1992.

22 Before we call Mr. Fisher to
23 the stand, I would like to go through the
24 guidelines, Mr. Commissioner, that you provided
01:10 25 last week regarding the rules that counsel must



1 follow in the examination of Mr. Fisher. If I
2 could call up 331769.

3 Just call out this portion, the
4 bottom, it talks that:

01:11 5 "Fisher has sought, and has been
6 granted, standing in this Inquiry on the
7 basis that his interests are directly
8 and substantially affected.

9 Questions put to him, of
10 course, must be relevant to the Terms of
11 Reference. But the Inquiry has a right
12 to expect, from him, an account of his
13 movements and statements on the morning
14 of January the 31st, 1969.

15 These movements and statements
16 are said to have been overlooked or
17 ignored by police, and thus constitute
18 an aspect of the investigation into the
19 death of Gail Miller, the prosecution
20 and wrongful conviction of Milgaard, and
21 the re-opening. Fisher may be
22 questioned about them as well as about
23 his movements until Milgaard's
24 conviction for Gail Miller's murder on
25 the 31st of January, 1970."



1 Next page:

2 "As for his activities and statements
3 following Milgaard's conviction, he may
4 be questioned about these if they
5 constituted information received by the
6 police and the Department of Justice
7 which was relevant to the re-opening of
8 the investigation.

9 The rapes and attempted rape
10 Fisher committed in Saskatoon are
11 relevant as an aspect of all three
12 phases of the Inquiry, the
13 investigation, the criminal proceedings,
14 and the re-opening, because of the
15 allegations that the Milgaard
16 investigation should not have been
17 concluded nor his prosecution proceeded
18 with until the common perpetrator theory
19 had been eliminated. But unlike the
20 murder, the circumstances of the rapes
21 are known through guilty pleas as
22 described in the letter of Deputy Chief
23 Corey to Deputy Attorney General MacKay,
24 document ID 043001.

25 Accordingly, the resulting



1 convictions and the facts which
2 supported them are conclusive and
3 sufficient for our purposes. Fisher
4 will not be asked about them in either
5 direct or cross-examination. This
6 restriction does not apply to matters of
7 procedure or sentence."

8 If I could then call up 331775, please, and this
9 is a document that I prepared, Mr. Commissioner,
01:13 10 that outlines the areas that I intend to cover
11 with Mr. Fisher, and I will quickly go through
12 those.

13 Background information, there
14 are nine points relating to the Gail Miller
01:13 15 murder and investigation. Some of these relate
16 to facts and information which existed back in
17 1969 and '70 which some allege should have been
18 investigated by the police and, in the case of
19 some, were investigated and they certainly
01:13 20 involve information that came to light subsequent
21 to the conviction.

22 If we can scroll down, some
23 questions on some other Saskatoon incidents, a
24 few brief questions regard Mr. Milgaard's trial
01:13 25 and conviction, and then I will deal with the



1 Fort Garry arrest and convictions. We heard
2 evidence about that last week, and this involves
3 two sexual assaults that Mr. Fisher pled guilty
4 to in Fort Garry, Manitoba, in May of 1971,
01:13 5 confessions to some Saskatoon assaults, and the
6 disposition of those charges in Saskatchewan.

7 Next page. There will be a
8 couple of questions relating to the (V10) (V10)-
9 matter, to the extent that it's relevant to our
01:14 10 Inquiry, and then as well to the Section 690
11 application, Mr. Fisher participated in that,
12 and, again, some questions on standing.

13 Allegations by prison
14 informants. A number of these people testified
01:14 15 at the Supreme Court of Canada that gave
16 information about Mr. Fisher's culpability, which
17 he responded to, and I'll ask him about that.
18 And, finally, a few questions on the reopening.

19 I'm fine with that document.
01:14 20 Finally, I would like to remind the parties and
21 their counsel of your directive,
22 Mr. Commissioner, that neither counsel nor any
23 party with standing are to comment to the media
24 on any witness' evidence until the testimony of
01:14 25 that witness has been completed. I would also



1 like to remind the media that there's a ban on
2 publication of all names of any sexual assault
3 victims.

4 And, with that in mind, I would
01:15 5 ask that Mr. Fisher be called to the stand
6 please.

7 **LARRY EARL FISHER, sworn:**

8 **BY MR. HODSON:**

9 **Q** Thank you very much, Mr. Fisher, for agreeing to
01:16 10 testify before this Commission.

11 I should state for the record,
12 Mr. Commissioner, that of course Mr. Fisher is
13 represented by counsel, Brian Beresh.

14 Mr. Fisher, I understand that
01:16 15 you are 56 years of age; is that correct?

16 **A** Yes.

17 **Q** And you are currently an inmate at the Mountain
18 Institute in Agassie, British Columbia?

19 **A** Yes.

01:16 20 **Q** And you are currently serving a life sentence for
21 the rape and murder of Gail Miller?

22 **A** Yes.

23 **Q** Mr. Fisher, did you kill Gail Miller?

24 **A** No, I did not.

01:16 25 **Q** Did you stab Gail Miller?



1 A No, I did not.

2 Q Did you rape Gail Miller?

3 A No, I did not.

4 Q Did you have any involvement in the rape or murder
01:17 5 of Gail Miller?

6 A No.

7 Q Did you encounter Gail Miller on the morning of
8 January 31, 1969?

9 A No.

01:17 10 Q Had you ever met Gail Miller?

11 A No.

12 Q At the time of Gail Miller's death on January 31,
13 1969, I understand that you resided at 334 Avenue
14 O South in Saskatoon; is that correct?

01:17 15 A True.

16 Q Pardon me?

17 A Yes.

18 Q And you resided in a basement suite in a home
19 occupied by the Cadrain family; is that correct?

01:17 20 A Yes.

21 Q And there was a fellow who resided at that home by
22 the name of Albert Cadrain. Do you recall Albert
23 Cadrain?

24 A Yes.

01:17 25 Q And he would have been 16 or 17 at the time?



1 A Possibly.

2 Q I wonder if we could call up map 091245, please.

3 Mr. Fisher, this is a map that we've used on a

4 number of occasions in these proceedings. If I

01:18 5 could just call to your attention a couple of

6 parts. We'll see here 334 Avenue O South is the

7 Cadrain home across the street from St. Mary's

8 School; is that correct?

9 A Yes.

01:18 10 Q And we see a bus stop here on -- this is Avenue O

11 that the street is on -- at the corner of Avenue O

12 and 20th Street, a bus stop. Is that the bus stop

13 you normally took to attend work?

14 A Yes.

01:18 15 Q If we can go back to the main page, please. And

16 then a block or two down the street at 130 Avenue

17 O South is where Gail Miller resided. Were you

18 aware of that, sir?

19 A No.

01:18 20 Q Go back to the main page, please. And as well in

21 this alley way, this T alley way here, are you

22 aware, sir, that that's where Gail Miller's body

23 was found on the morning of January 31, 1969?

24 A No.

01:18 25 Q Pardon me?



1 A No.

2 Q You are now aware of that though?

3 A Yes.

4 Q Do you have a recollection of the morning of
01:18 5 January 31, 1969?

6 A Not of that date, unless I'm refreshed.

7 Q I'll go through some documents a bit later, but as
8 you sit here today, sir, do you have any memory of
9 that day?

01:19 10 A No.

11 Q I would like to review with you, Mr. Fisher, your
12 residences, places of residence and moves in the
13 1968 to 1970 time frame. I appreciate, sir, that
14 that's 35 years ago. I do have some documents,
01:19 15 previous investigation conducted by the RCMP that
16 hopefully will assist. If we could call up
17 049548, please, and this is a document prepared by
18 the RCMP in 1990. And at that time, sir, they
19 were trying to determine where you and Linda
01:19 20 Fisher resided in Saskatoon. Linda Fisher was
21 your wife at the time in 1969; is that correct?

22 A Yes.

23 Q And what they determine in this document starting
24 off, and I think -- actually, just prior to this,
01:20 25 my understanding is that when you and Linda got



1 married you moved into the home of Cliff and Anita
2 Pambrum; is that right, on 818 Avenue H. Does
3 that sound familiar?

4 A Yes.

01:20 5 Q And then I think followed 512 Avenue F South, it
6 says here moved in near the end of 1967 to 1968.
7 Do you remember living at 512 Avenue F South at
8 some point?

9 A Yes.

01:20 10 Q And then followed 1530 Avenue C North, basement
11 suite, it says moved out on November 11th, 1968
12 after a toaster fire. Do you remember living on
13 Avenue C?

14 A Yes.

01:20 15 Q And, again, do those dates sound correct? Do you
16 have any reason to dispute those?

17 A No.

18 Q And then 334 Avenue O South, it says moved in
19 November 12, 1968, moved out fall of '69. Does
01:21 20 that sound right as far as the time frame?

21 A Possibly, yes.

22 Q Do you have any reason to dispute what's recorded
23 here?

24 A So far, no.

01:21 25 Q And then 1824 Avenue D North, moved in the fall of



1 '69 and moved out in 1970. Do you remember living
2 on Avenue D North?

3 A Yes.

4 Q And I think the landlord there was an Antonio
01:21 5 Kinar. Do you remember that name, do you remember
6 that individual?

7 A No.

8 Q And following that, 120 Adelaide Street East,
9 moved in 1970 and stayed there until Larry went to
01:21 10 jail, which is later in 1970 after you went to
11 Fort Garry; is that correct?

12 A Sure.

13 Q And then it appears that 830 Avenue K is where
14 Linda lived while you were in Manitoba and
01:21 15 incarcerated. Does that sound correct?

16 A I couldn't tell you that.

17 Q Pardon me?

18 A That one I couldn't tell you about.

19 Q Okay. But the rest of those dates sound familiar,
01:21 20 do they?

21 A Possibly, yes.

22 Q If I could call up 067059, please. This is a
23 document, Mr. Fisher, that was prepared by the
24 RCMP in 1997 that sets out your movements, and I
01:22 25 just wish to go through it with you quickly. It



1 talks about you being born August 21, 1949, grew
2 up in North Battleford, your parents were
3 Marceline and Clare Fisher; is that correct?

4 A Yes.

01:22 5 Q Go to the 1967, please, it says you were married
6 to Linda Lillian Pambrum (McDonald) December 16,
7 1967, North Battleford United Church. Is that
8 correct?

9 A Yes.

01:22 10 Q Then it says the couple lived with Linda's uncle,
11 Clifford Pambrum, at 818 Avenue H in Saskatoon for
12 a few months. Does that sound right?

13 A Yes.

14 Q And you remember Cliff Pambrum being Linda's
01:23 15 uncle, you knew Mr. Pambrum?

16 A Yes.

17 Q And then it looks as though 512 Avenue F South,
18 you moved into an apartment, resided from the end
19 of '67 to the beginning of '68. Does that sound
01:23 20 correct?

21 A Yes.

22 Q Go to the top right, please. And then we talk
23 about Avenue C North until they were forced out on
24 November 12th and then you moved to 334 Avenue O
01:23 25 South. Is that correct?



1 A Yes.

2 Q And then your daughter with Linda, Tammy, was born
3 on April 25, 1968; is that correct?

4 A Yes.

01:23 5 Q And so on January 31, 1969 she would have been
6 just about nine months old; is that right?

7 A Yes.

8 Q 10 months old. Go to the next page, please. And
9 then residence at 1824 Avenue D from fall of '69
01:24 10 until 1970 -- go to the right, please -- and 120
11 Adelaide Street until Larry goes to jail. Larry
12 works in Winnipeg from mid-June until his arrest
13 35 years ago today, on September 19th, 1970. Is
14 that correct?

01:24 15 A Yes.

16 Q And so September 19th, 1970 would be the first day
17 you were incarcerated; is that correct?

18 A Yes.

19 Q That's the day you were arrested for the (V8)--
01:24 20 (V8)--- rape?

21 A Right.

22 Q That would be the first time, sir, that you were
23 in jail?

24 A Yes.

01:24 25 Q Go to the next slide, '71, call out that. It says



1 here you were sentenced on May 28th, 1971 in
2 Winnipeg for two counts of rape, one count of
3 robbery, and one count of possession of a weapon.
4 Guilty plea entered by Larry Fisher for the rape
01:25 5 and robbery of (V7) (V7)--- committed on August 2,
6 1970 and a sentence of six years and six months
7 for the rape, one year for the robbery to be
8 served concurrently, and then as well a guilty
9 plea to the (V8)-- (V8)--- offences committed on
01:25 10 September 19th in Fort Garry, again sentenced to
11 six years and six months. That's the date then,
12 sir, you were picked up, September 19th?

13 A Yes.

14 Q So a total of 13 years you were sentenced in
01:25 15 Manitoba on May 28th, 1971?

16 A Yes.

17 Q Go to the next page, please. And then, I'll deal
18 with it in a bit more detail later, but
19 incarcerated to serve a 14-year sentence for
01:26 20 offences committed in 1968 and 1970 at
21 Saskatchewan Federal Penitentiary, Prince Albert,
22 and that's where you were incarcerated after you
23 were convicted in Manitoba; is that right?

24 A Yes.

01:26 25 Q And 1978 you were transferred from the federal



1 penitentiary to Riverbend Institution, minimum
2 security, effective November 14th; is that right?
3 Any reason to dispute that?

4 A No.

01:26 5 Q Again, January 23rd, 1979 is the date that divorce
6 proceedings were completed with you and Linda
7 Fisher. Does that sound correct?

8 A Yes.

9 Q And obviously you would have been separated from
01:26 10 her at some point prior to that?

11 A Yes.

12 Q Physically separated when you were in jail, but
13 were you separated as man and wife at what point
14 in time?

01:27 15 A Hard to say.

16 Q When you went to Fort Garry or Winnipeg in the
17 summer of 1970, did you -- were you separate -- I
18 saw a note somewhere that said you were separated
19 from Linda at the time; is that correct? When I
01:27 20 say 'separated', I'm talking as man and wife, as
21 opposed to be physically separated in different
22 cities.

23 A No, I can't remember.

24 Q Go to the next page. Again then in 1980 you were
01:27 25 transferred back from Riverbend back to Prince



1 Albert, and then on January 26, I think we've got
2 the date January 26 that you were released on
3 mandatory supervision, is that right, and you
4 lived in North Battleford at the time?

01:27 5 A Yes.

6 Q Do you recall being released from prison the first
7 time?

8 A I'm not sure of the date, yeah.

9 Q Of the date?

01:27 10 A I'm not sure of the date, but I was release ed
11 from there.

12 Q In 1980, does that sound right?

13 A Yes.

14 Q And then on March 31st, 1980 you were arrested for
01:28 15 the assault and attempted murder of (V10) (V10)-.
16 Do you recall that?

17 A Yes.

18 Q And so does it sound like a couple of months that
19 you were out of jail before you were picked up for
01:28 20 the (V10) (V10)- incident?

21 A Yes.

22 Q And then on April 16th, 1980 you were sentenced to
23 14 years, 1 month and 12 days for mandatory
24 supervision revocation, attempted murder and the
01:28 25 rape of (V10) (V10)-. Does that sound correct?



1 A Yes.

2 Q And to 1981, please. It says you went to the
3 Kingston Penitentiary and then transferred to
4 Stoney Mountain, to Kingston effective January 21,
01:28 5 1981 -- and scroll over to the right -- it looks
6 as though you spent some time, Millhaven
7 Institution, Collins Bay, Kingston Treatment
8 Centre. Does that sound correct?

9 A I don't think so.

01:28 10 Q What don't you think is correct there?

11 A Go back to the last page.

12 Q Previous to 1981?

13 A Yeah.

14 Q Go back to 1981, please.

01:29 15 A No.

16 Q What's not right about that?

17 A I wasn't there.

18 Q Pardon me?

19 A I wasn't there.

01:29 20 Q Where were you in 1981?

21 A Probably P.A.

22 Q Okay. And your recollection is, again this is for
23 the (V10) (V10)- incident and the revocation of
24 your mandatory supervision, you think you served
01:29 25 your time in Prince Albert?



1 A Yeah.

2 Q And then if we talk about, if we can go to 1982,
3 do you recall being transferred to Kingston,
4 Collins Bay?

01:29 5 A None of those three.

6 Q You don't recall those or you dispute those?

7 A I dispute them. I wasn't there.

8 Q Go to the next page, please, it talks about 1983,
9 and again transferred from Kingston to Collins
01:30 10 Bay. You dispute those, Mr. Fisher?

11 A Yes. I wasn't there.

12 Q Your evidence is that you were never in Collins
13 Bay or Kingston?

14 A No.

01:30 15 Q Go to the right, please, to '84. It talks about
16 going back to Stoney Mountain in August of 1984.
17 Were you there?

18 A No.

19 Q And to the Prairie Regional Psychiatric Centre in
01:30 20 Saskatoon, do you recall being transferred there,
21 attending there at any time during your
22 incarceration?

23 A Yup, that one I remember.

24 Q Okay. If we can go to the next page, please --

01:30 25 A The date was '87 for the Psych Centre.



1 Q Pardon me?

2 A The date was '87.

3 Q For what?

4 A The Psych Centre one.

01:30 5 Q So you recall -- and I think this maybe will
6 assist you, it talks about being transferred to
7 the Regional Psych Centre January 27, 1987. Do
8 you recall that?

9 A Yeah.

01:31 10 Q And you don't dispute that?

11 A No.

12 Q Go to 1988, it says you got married to Lillian
13 Dredger; is that correct?

14 A Yes.

01:31 15 Q I understand that you are now divorced from her;
16 is that correct?

17 A Yes.

18 Q Go to 1990, please, and again it talks about being
19 in the Regional Psych Centre in 1990 and the
01:31 20 Saskatchewan Penitentiary in Prince Albert. Do
21 you agree with that?

22 A Yup.

23 Q And next page, please. 1991 you were transferred
24 to the Mountain Institution; is that correct?

01:31 25 A Yes.



1 Q And over to 1994, Prince Albert, Saskatchewan, and
2 you completed your sentence on May 27th, 1994, is
3 that right, and were released on that day?

4 A Yes.

01:31 5 Q Scroll to the right. And then go to the next
6 page, please. So 1994 to 1997 you were out of
7 jail; is that correct?

8 A Yes.

9 Q And then I believe on July 25, 1997 you were
01:32 10 arrested in Calgary for the rape and murder of
11 Gail Miller, charged; is that correct?

12 A Yes.

13 Q And since that time you've been incarcerated?

14 A Yes.

01:32 15 Q Call up 331771. And this is a document,
16 Mr. Commissioner, that I prepared summarizing the
17 victims, the date of offences, location of
18 offences, date charged, the offence, the date of
19 conviction, sentence and date of incarceration,
01:32 20 and I don't propose to go through it in detail,
21 it's taken from other documents. But if we can
22 maybe just go through, the first four relate to
23 incidents in Saskatoon, 1968. And I think if we
24 go over here, Mr. Fisher, on December 21, 1971 you
01:33 25 were sentenced to I think four and a half years,



1 or pardon me, four years for the rape of (V1)---
2 (V1)-, is that correct, to be served concurrently
3 with your Manitoba time. Does that sound right?

4 A Yes.

01:33 5 Q And then for the (V2) (V2)- (V2)----- offence
6 which was heard on November 13, 1968, again
7 convicted on December 21, 1971, and again four
8 years concurrent with your Manitoba time. Does
9 that sound correct?

01:33 10 A Yes.

11 Q (V3)-- (V3)-----, the offence date is November
12 29th, 1968, again December 21, 1971 conviction
13 date, and that was assault with intent to commit
14 the offence of rape and that was six months
01:34 15 concurrent to the Manitoba time; is that correct?

16 A Yes.

17 Q And then (V5)-- (V5)---, actually that's a
18 mistake, that should be February 21, 1970,
19 convicted December 21, 1971 and four years
01:34 20 concurrent to the Manitoba time; is that correct?

21 A Yes.

22 Q If we can go to the next page, and
23 chronologically, August 2nd is the (V7) (V7)---
24 rape in Fort Garry, September 19th, 1970 is the
01:34 25 (V8)-- (V8)--- rape in Fort Garry and those you



1 were convicted on May 28, 1971 and received six
2 and a half years and six and a half years
3 consecutive, is that right, so 13 years
4 imprisonment?

01:34 5 A Yes.

6 Q And that sentence was handed down on May 28, 1971;
7 is that correct?

8 A Yes.

9 Q So if I could just quickly summarize, the Fort
01:35 10 Garry incidents, there was two rape charges, a
11 robbery charge and a possession of a weapon
12 charge, a total of four charges, you were
13 sentenced to 13 years in total; is that right?

14 A Yes.

01:35 15 Q And then the four Saskatoon offences you were
16 sentenced to I think four years for each of the
17 rapes, six months for the indecent assault, and
18 that time was all concurrent with the Manitoba
19 charges; is that right?

01:35 20 A Yes.

21 Q And then at the bottom it says you were released
22 from prison on mandatory supervision on January
23 26th, 1980, and I think you told us that you
24 weren't sure of the exact date, but it was
01:35 25 sometime in 1980?



1 A Yes.

2 Q Go to the next page, please. The next one is
3 (V10) (V10)- and the date of that offence is March
4 31, 1980, you were charged on April 3rd, convicted
01:36 5 June 11th, 1981, and you were convicted of
6 attempted murder and received 10 years/rape 10
7 years concurrent, and the date of incarceration
8 was March 31, 1980, and as well as revocation of
9 mandatory supervision, you received the time that
01:36 10 was knocked off your earlier sentence; is that
11 correct?

12 A Yes.

13 Q And then I think you were released from prison on
14 May 27th, 1994; does that sound right?

01:36 15 A I think it was May 20th.

16 Q May 20th of 1994?

17 A Yup.

18 Q Okay. If we can go to the next page, the last
19 one, Gail Miller, the date of the offence, January
01:36 20 31, 1969, charged on July 25, 1997, convicted on
21 November 22nd, sentenced on January 4th to life in
22 prison; is that correct?

23 A Yes.

24 Q I'm done with that document. So I take it, if we
01:37 25 go back to 35 years ago today, September 19th,



1 1970, you first entered prison; is that correct?

2 A Yes.

3 Q And then for two, maybe three months in 1980 you
4 were out of jail on mandatory supervision; is that
01:37 5 right?

6 A Yes.

7 Q And that was between the time you were out on
8 mandatory supervision for the Fort Garry and
9 Saskatoon assaults and before you were arrested on
01:37 10 the (V10) (V10)- assault; is that correct?

11 A Yes.

12 Q So a couple of months there, and then again from
13 May of 1994 until July of 1997 you were out of
14 jail, and that was before you were arrested on the
01:37 15 Gail Miller matter; is that correct?

16 A Yes.

17 Q So in the past 35 years, sir, but for three years
18 and a couple of months, you spent all that time
19 incarcerated; is that correct?

01:37 20 A Yes.

21 Q If I could just talk about a couple of other
22 people that I'll be asking you some questions
23 about. Linda Fisher, you were married to Linda
24 Fisher; is that correct, I think you've told us?

01:38 25 A Yes.



1 Q And the records indicate that you got married on
2 December 16th, 1967. Does that sound right?

3 A Yes.

4 Q And at that time I think you were 18 years of age;
01:38 5 is that right?

6 A Yes.

7 Q And Linda was 16 years of age?

8 A Yes.

9 Q And I believe she was four or five months pregnant
01:38 10 at the time; is that correct?

11 A Yes.

12 Q I mentioned Cliff and Anita Pambrum. You recall
13 Cliff and Anita Pambrum being Linda's aunt and
14 uncle?

01:38 15 A Yes.

16 Q And did you socialize with them from time to time,
17 1968 to 1970?

18 A Yes.

19 Q And in fact you worked with Cliff Pambrum at
01:39 20 Masonry Contractors; is that right?

21 A Yes.

22 Q What about Cliff brother's Roy, do you remember
23 Roy Pambrum?

24 A Very seldom ever seen him.

01:39 25 Q Was he someone, though, you knew at the time?



1 A Yes.

2 Q And, again, did he also work at Masonry
3 Construction?

4 A No.

01:39 5 Q If I could call up map 164351, Mr. Fisher. This
6 is a map that we've used in these proceedings of
7 Saskatoon that -- if we can maybe just call up
8 this area here -- it just has some addresses and
9 some names, and you'll see here, this is I think
01:39 10 334 Avenue O, I think that's 20th Street there.

11 And if we can just go back, enlarge it please, and
12 it indicates here, and we will be hearing evidence
13 that Cliff and Anita Pambrum, in January of 1969,
14 lived in the 300 block of Avenue C. I understand
01:40 15 it's over near 24th Street near the bus barns. Do
16 you remember where Cliff and Anita lived that
17 winter?

18 A Avenue H.

19 Q I believe they lived on Avenue H in '67 and I
01:40 20 believe we'll hear evidence that in 1969 they
21 lived on Avenue C. And if I can assist your
22 memory whether, and I think you've stated this on
23 previous occasions, about walking down the rail
24 line to and from the Pambrums' to your house on
01:40 25 Avenue O. Do you remember that?



1 A Yeah.

2 Q You do? You have a recollection of that?

3 A Yeah.

4 Q And so, when you were living at the Cadrain house,
01:40 5 you recall travelling to Cliff and Anita Pambrums'
6 down this rail line; is that correct?

7 A That was to go to Avenue H.

8 Q You think it was Avenue H?

9 A Yeah.

01:41 10 Q Okay. And so what route, would you go down the
11 rail line to Avenue H, and then north on Avenue H?

12 A Yes.

13 Q I want to turn back to 334 Avenue O South. You
14 lived in a basement suite there; is that correct?

01:41 15 A Yes.

16 Q Anybody else live in the basement other than you
17 and your wife and your daughter?

18 A No.

19 Q Did your suite have a separate entrance?

01:41 20 A It had a front side door.

21 Q Yes.

22 A And it had a back door.

23 Q So there was two ways to enter the basement suite;
24 is that right?

01:41 25 A Yes.



1 Q And in either of those did you have to go through
2 the part of the home lived in by the Cadrains?

3 A No, neither one did.

4 Q Pardon me?

01:41 5 A Neither one did.

6 Q And so you had a private entrance, then, or two
7 private entrances?

8 A One private and one semi-private.

9 Q And so one you shared with them as a door that you
01:42 10 would go upstairs or downstairs?

11 A Yup, or out the back.

12 Q Okay. And, again, you mentioned earlier that you
13 recalled Albert Cadrain and I think his nickname
14 at the time was Shorty. Tell us what you remember
01:42 15 about Shorty Cadrain?

16 A He was looking for work, so I got him a job
17 working with us, and he only worked one day.

18 Q And then what happened?

19 A Then he quit.

01:42 20 Q And do you know why he quit?

21 A Too hard a work.

22 Q And I think at that time you would have been maybe
23 a year or two older than Mr. Cadrain; is that
24 right?

01:42 25 A Couldn't tell you.



1 Q Did you socialize with Albert Cadrain at all?

2 A No.

3 Q What about Dennis Cadrain?

4 A No.

01:42 5 Q Do you recall any of the other Cadrain family
6 members?

7 A No.

8 Q Now let's go to the morning of January 31, 1969,
9 and I think you've said that without something to
01:43 10 refresh your memory, you don't recall that
11 morning; is that fair?

12 A That's a long time ago.

13 Q I appreciate that, sir. Do you have a memory,
14 though, of anything of that day?

01:43 15 A No.

16 Q Now, it was a Friday, do you know if you went to
17 work that day?

18 A Probably did.

19 Q You say 'probably did'; why do you say that?

01:43 20 A Because I'm usually working all week long.

21 Q Pardon me?

22 A Usually work all week long.

23 Q Okay. So you worked Monday to Friday; is that
24 right?

01:43 25 A Sometimes on weekends.



1 Q Were there occasions when you didn't work Monday
2 to Friday?

3 A No.

4 Q If you were sick or missed work for a reason?

01:43 5 A I would have to be pretty sick or else I usually
6 go to work even when I am sick.

7 Q Okay. And so on January 31, 1969 you are telling
8 us that you probably went to work because it was a
9 week day, because it was a Friday?

01:44 10 A Yes.

11 Q Apart from that is there anything else that you
12 can recall to satisfy, or to state that you did in
13 fact go to work that day, is there anything you
14 remember about work or going to work?

01:44 15 A Can't remember.

16 Q Can you tell us generally, again 1968, 1969, 1970,
17 about alcohol use; were you a heavy user of
18 alcohol at the time?

19 A Mostly on weekends, occasionally during the week.

01:44 20 Q Were you a social drinker, were you a heavy
21 drinker?

22 A I knew enough to stop when I --

23 Q Pardon me?

24 A I knew enough to stop when I had too many.

01:44 25 Q And what about drug user, were you a user of LSD



1 and acid at that time?

2 A Tried it and then quit.

3 Q How many times did you try it?

4 A Not often.

01:45 5 Q There's some reference in the materials, and I
6 don't propose to go to them, about alcohol use and
7 drug use being related to some of the crimes you
8 committed at the time. I'm wondering, are you
9 able to tell us, were you using drugs, marijuana,
01:45 10 acid, LSD or alcohol during the commission of
11 those offences?

12 A I can't remember.

13 Q If we could call up 197466, please, which is your
14 evidence at the Supreme Court in 1992, and go to
01:45 15 page 197482, and you remember testifying at the
16 Supreme Court of Canada in 1992 in the David
17 Milgaard reference; do you?

18 A Yes.

19 Q And you were under oath at that time?

01:46 20 A Yes.

21 Q And did you tell the truth at that time?

22 A Yes.

23 Q Here you are asked a question by Mr. Wolch, who
24 was counsel for David Milgaard, and he's talking
01:46 25 about a report, and he says:



1 "Q We will move on to the first report we
2 have here. Just turn the page. You
3 talk here, Mr. Fisher, towards the
4 bottom of the page, that you were on LSD
01:46 5 and marijuana when committing offences.
6 Is that accurate, or were you simply
7 saying that to minimize your
8 responsibility?

9 A Just saying that at the time to
01:46 10 minimize, yes.

11 Q That is what I thought. The fact is
12 that when you were saying that you were
13 on LSD and marijuana and you were going
14 out in a rainbow and being shattered,
01:46 15 that was simply a method of diminishing
16 your responsibility for your action
17 because you couldn't come to grips with
18 it.

19 A Not all diminishing, sir. I did
01:46 20 experiment with it."

21 Again, is that -- do you have any reason to
22 dispute what you said back in 1992? Is that
23 accurate?

24 A Yes.

01:46 25 Q Then if we could go to page 197536, and here you



1 were questioned by Chief Justice Lamer of the
2 Supreme Court, and he asks you a question about
3 whether your drug use might affect your memory
4 with respect to previous incidents. And he says:

01:47 5 "LAMER, C.J.: There is a lady who came here
6 yesterday who had no reason to make
7 things up and who claims that she was
8 one of your victims -- fortunately, it
9 was only a molestation, it didn't get
01:47 10 any further than that -- and that she
11 was carrying books and that she ran away
12 and that you ran away."

13 Just pause there, and I think he's referring to
14 (V4)---- (V4)--- which I'll be asking you about a
01:47 15 bit later, and that is one, Mr. Fisher, that you
16 had earlier denied before the Supreme Court of
17 Canada. Chief Justice Lamer says:

18 "Is it at all possible, because you were
19 a very sick person at the time,
01:47 20 occasionally using alcohol, occasionally
21 using drugs, but not regularly -- is it
22 at all possible that you might have
23 forgotten that incident.

24 THE WITNESS: No, sir.

01:48 25 LAMER, C.J.: So you remember every, every,



1 every incident of that nature that you
2 ever committed."

3 And you say:

4 "THE WITNESS: Yes, I do, sir."

01:48 5 Is that truthful?

6 A Yes.

7 Q And today, Mr. Fisher, are you telling us that you
8 remember every crime that you've committed?

9 A Pretty well. They've had me going over it for
01:48 10 years.

11 Q Pardon me?

12 A It has been brought to my attention for years, so
13 it's pretty hard to forget.

14 Q Now, again back January 31, 1969, you were working
01:48 15 for a company called Masonry Construction?

16 A Yes.

17 Q What type of work were you doing?

18 A Masonry.

19 Q I understand that at that time we've seen
01:48 20 documents or heard evidence that you would have
21 been working at the University of Saskatchewan on
22 constructing the Education Building; does that
23 sound right?

24 A Yes.

01:48 25 Q Do you recall what time you started work at



1 generally?

2 A Usually around seven, a little after.

3 Q And did you have a vehicle in January of 1969?

4 A No.

01:49 5 Q How did you get to work?

6 A Either by bus or transfer downtown or Jake or
7 somebody would pick me up.

8 Q You said 'Jake'?

9 A Yeah.

10 Q Would that be Jake --

11 A Or Don.

12 Q Those were people that you worked with at Masonry;
13 is that right?

14 A Yes.

01:49 15 Q Did you ever get a ride with Cliff Pambrum or Roy
16 Pambrum?

17 A No.

18 Q And where did you catch the bus then?

19 A Just at the corner from the house.

01:49 20 Q On the map I showed you, Avenue O and 20th Street,
21 is that right?

22 A Yeah.

23 Q And do you remember what time of day you would
24 catch the bus to get to work?

01:49 25 A Oh, anywhere between 6:30, seven.



1 Q We've heard evidence that the bus generally went
2 to that corner to your stop at 6:34, 6:49 and
3 7:04. Did you catch the bus at the same time
4 every morning?

01:50 5 A No.

6 Q Why not, what caused you to change?

7 A My daughter.

8 Q And can you explain that?

9 A Feeding her, changing her, putting her back in
01:50 10 bed.

11 Q So there would be some mornings you would be later
12 than other mornings in going to work?

13 A Yup.

14 Q And so again, 6:30 to seven, sometime in that time
01:50 15 frame is when you would normally catch the bus?

16 A Yeah.

17 Q Were there ever occasions where the job site was
18 shut down due to cold weather back in 1969?

19 A No.

01:50 20 Q What happened -- were you working outside?

21 A Outside, inside.

22 Q And a day that's 40 below, sir, would you be able
23 to work outdoors?

24 A Indoors.

01:50 25 Q So there was work, indoor work that had to be done



1 if it was cold outside?

2 A Yeah.

3 Q Do you ever recall a day where you did not have to
4 work due to cold weather at Masonry Construction?

01:51 5 A No.

6 Q And I take it, sir, that you would dress in
7 construction clothing for work?

8 A Yes.

9 Q And did you wear a hard hat?

01:51 10 A Yes.

11 Q And again, what colour a hard hat?

12 A Probably a yellow one or a white one.

13 Q Or a red one, did you ever wear a red hard hat?

14 A No.

01:51 15 Q So yellow or white you said?

16 A Yeah.

17 Q And I take it you would have -- did you have your
18 own hard hat or did you take it home from work?

01:51 19 A After a while I had the yellow one that I took
20 home.

21 Q And so when you went to and from work, when you
22 got on the bus and went to work, did you wear your
23 hard hat then?

24 A Probably not on the bus.

01:51 25 Q But travelling to and from work?



1 A Yeah.

2 Q And on the bus you would have your hard hat and
3 simply -- you would have it with you?

4 A Yeah.

01:51 5 Q And I take it, did you wear construction boots,
6 construction clothes?

7 A Yes.

8 Q I would like to go through some police reports
9 with you. If I could call up 106234, please.
01:52 10 This is a report, Mr. Fisher, dated -- it's dated
11 February the 6th, 1969 by a Detective Bennett and
12 it relates to some interviews. If I could just
13 call out the bottom paragraph, please. And this
14 police report states that:

01:52 15 "Also interviewed was a Mary Gallucci of
16 1410 20th Street We who stated that she
17 takes at bus at Ave. O and 20th Street
18 every day."

19 And that's the bus stop you took every day; is
01:52 20 that right?

21 A Yes.

22 Q "She stated that on Thursday morning,
23 Jan 31st --"

24 And I think from some other documents we've
01:53 25 determined that that's probably January 30th, the



1 31st was a Friday, it says:

2 "She stated that on Thursday morning ...
3 she recalls a girl get on the bus at the
4 above with her. She describes this girl
01:53 5 as follow. Younger girl, dark hair,
6 wearing white dress and stockings, dark
7 coat believed cloth and could be brown,
8 no hat and believes to have had a white
9 scarf. She has seen her on the same bus
01:53 10 before but does not think seen on Wed.
11 There was also a young man get on the
12 bus with who was a construction worker
13 wearing blue jeans and a hard hat,
14 possibly yellow. This man comes from
01:53 15 Ave. O South of 20th Street. He has
16 been getting on the bus at the same time
17 since that day. She does not think that
18 she could identify."

19 Again, if we could go back, Mr. Fisher, I think
01:53 20 you've told us that you caught the bus on Avenue
21 O and 20th Street every morning; is that right?

22 A Yes.

23 Q And you would walk down Avenue O, from south on
24 Avenue O to 20th Street, is that right?

01:54 25 A Yes.



1 Q And that you were a construction worker wearing, I
2 presume blue jeans were clothes that you would
3 wear to work from time to time?

4 A Yes.

01:54 5 Q And a yellow hard hat?

6 A Uh-huh.

7 Q Yes?

8 A Yes.

9 Q And any reason to -- do you recall who was at the
01:54 10 bus stop every morning? Did it vary? Do you
11 remember any regulars?

12 A I can't remember.

13 Q Do you have any reason, Mr. Fisher, to suggest
14 that this person identified by Mary Gallucci in
01:54 15 this police report was not you, being the
16 construction worker?

17 A It suits me.

18 Q Yes. Did you see any other construction worker
19 with a yellow hard hat --

01:54 20 A No.

21 Q -- going down Avenue O to the bus stop in the
22 morning?

23 A No.

24 Q No?

01:54 25 A No.



1 Q Now, it also talks about a young girl being there
2 wearing a white dress and stockings. Do you
3 remember seeing a young lady at the bus stop from
4 time to time in the winter?

01:54 5 A No.

6 Q Were you the only person who caught the bus every
7 morning or were there other people there?

8 A It's a long time ago.

9 Q Pardon me?

01:55 10 A That's a long time ago.

11 Q I appreciate that, and if you don't have a memory,
12 then say so. Do you have a recollection of --

13 A No.

14 Q Then go to 106108. This is a report of January
01:55 15 31st, it should be 1969, Constable Gabruch,
16 talking to the bus driver who normally drove the
17 bus you caught, or one of the busses you caught in
18 the morning, and Husulak is the bus driver, says,
19 talking about the morning of the murder:

01:55 20 "Around Ave. O and 20th St. he would
21 ordinarily have a male passenger at Ave.
22 O and 20th St. who appeared to be a
23 construction worker wearing red hard hat
24 and approx. 20 years old, however this
01:56 25 morning the gentleman was not around."



1 And January 31, 1969 you were a couple of months
2 short of your 20th birthday; is that right?

3 A Yeah.

4 Q And I think you said you didn't have a red hard
01:56 5 hat; is that right?

6 A Don't have one.

7 Q Did you have a red toque or a red hat that you
8 wore?

9 A I can't remember.

01:56 10 Q A fellow by the name of Tony Humen, do you know a
11 Tony Humen at all? This is back from 1968, 1969.
12 Does that name --

13 A No.

14 Q He testified before this Commission and he was a
01:56 15 fellow that rode the bus, the same bus, and he I
16 believe testified that he knew you and recalled
17 you having a red toque or a red hat under your
18 hard hat. Do you remember that?

19 A (Shakes head).

01:56 20 Q No?

21 A No.

22 Q Possible?

23 A Anything is possible.

24 Q Well, let's be a little more specific. It's 40
01:57 25 below --



1 A I can't remember.

2 Q Pardon me?

3 A I can't remember.

4 Q No, I appreciate that. Is it possible that you
01:57 5 would have had some type of head wear, toque, cap,
6 something for warmth in addition to your hard hat?

7 A Possible, yeah.

8 Q Now go to 183170. This is a report of February 5,
9 1969 and it talks about an encounter the police
01:57 10 had with you on February the 3rd, 1969, and I'll
11 go through it in a moment, interviewing you at the
12 bus stop, and so this would be Monday, February
13 3rd, it would be three days after Gail Miller's
14 murder. Do you have a memory today, sir, of
01:57 15 talking to the police at the bus stop in February
16 of 1969?

17 A Yeah.

18 Q Tell us what you remember.

19 A There was two of them, maybe three or four, asked
01:58 20 me how I was, where I was going, what I was doing,
21 where I was the day prior or a couple of days
22 prior. That's about it.

23 Q And you say two, three or four; do you remember
24 how many there were?

01:58 25 A I couldn't really say, but there was some across



1 the street, and I think possibly two at the bus
2 stop.

3 Q Do you remember where this discussion took place?

4 A Yeah, right at the bus stop.

01:58 5 Q So you were standing at the bus stop waiting for
6 the bus when you were approached; is that correct?

7 A No, I approached and they were there.

8 Q Okay. So they were at the bus stop, you walked
9 down Avenue O and they were at the bus stop when
01:58 10 you got there?

11 A Yeah.

12 Q Were they wearing uniforms, police uniforms?

13 A No.

14 Q Could you tell they were police officers when you
01:58 15 approached?

16 A No.

17 Q And who else was at the bus stop?

18 A Couldn't say.

19 Q And did they mention anything to you about why
01:59 20 they were questioning you?

21 A Yes.

22 Q What did they say?

23 A That they just said there was a death there and
24 they were inquiring.

01:59 25 Q They said there was a death?



1 A Or something like that, yeah.

2 Q Did they say 'murder' or 'death' or do you
3 remember?

4 A Oh, I can't really say.

01:59 5 Q And did they tell you where the death had taken
6 place?

7 A I can't remember.

8 Q Did they tell you when the death had taken place?

9 A They said it happened a couple of days ago.

01:59 10 Q And at that time did you form any impressions as
11 to whether it was a death or a murder or just what
12 it was?

13 A No.

14 Q And what did you tell the officers?

01:59 15 A Just that I was going to work. Did the same every
16 morning, go to work.

17 Q And did they ask you for your name?

18 A Yeah, asked --

19 Q And -- sorry, go ahead.

02:00 20 A Then they asked where I work, so I gave them the
21 Education Building.

22 Q If we can just go to the next page of this,
23 please, and this is the report of officer
24 McCorriston. It says at:

02:00 25 "6:49 A.M. --"



1 This is February 3rd,

2 "-- checked in 300 Blk. Ave. O South,

3 Larry Fisher 334 Ave. O South. Works at

4 Masonry Contractors at the Education --"

02:00 5 That should be 'building', it's cut off,

6 "-- U. of Sask. Wearing yellow hard

7 hat. Stated last Friday he caught at

8 6:30 A.M. at Ave. O and 20th. Street.

9 He states there was no one else around

02:00 10 at that time and he had no information

11 to offer."

12 Does that sound like an accurate account of what
13 you would have told them?

14 A Yeah.

02:00 15 Q Now, I note here that you told them that on the
16 Friday you went -- you caught the bus at 6:30 and
17 this day it's at 6:49; is that right?

18 A Yeah.

19 Q And why would there be a different time Monday,
02:01 20 with you going later than you did on Friday?

21 A Usually putting my daughter to bed and feeding
22 her.

23 Q Okay. I wonder if we can go to 041688, and these
24 are notes of Officer McCorrison, the fellow that
02:01 25 made the report. If we can go to 041695, please,



1 and this is a note on February 2nd, so this is two
2 days after the murder and the day before you are
3 questioned at the bus stop, and this is a note of
4 his talking to the bus driver, Mr. Husulak. And
02:02 5 he talks about questioning about the fellow who
6 didn't get on the bus on the morning of the murder
7 and Mr. Husulak states:

8 "The man didn't catch the bus at Avenue
9 O & 20th on way down town either Fri. or
02:02 10 Sat. This man sometimes has to run to
11 catch the bus and may have caught next
12 bus. Will meet him tomorrow a.m."

13 And, again, did you on occasion miss the bus?

14 A Yes.

02:02 15 Q Yes?

16 A Yes.

17 Q And so there were times, if you missed the bus,
18 you would wait for the next bus?

19 A Yes.

02:02 20 Q And when you started work, was it precisely at
21 7:30, or was it whenever you got there around
22 7:30?

23 A Pretty well whenever I got there.

24 Q And did you punch a time clock at work?

02:02 25 A No.



1 Q So 7:30 plus or minus 15 minutes would be fine as
2 far as your employer was concerned; is that fair?

3 A Yeah.

4 Q Then go to 041697, please. And, again, this is a
02:03 5 note of Mr. McCorriston, the fellow who I believe
6 you, or met with you on February 3rd, '69. He
7 says:

8 "Checked on 300 Blk. O So.

9 Larry Fisher - 334 Avenue O So.

02:03 10 Works - Masonry Contractors.

11 Ed. Bldg. U of S."

12 Next page:

13 Wearing yellow hard hat.

14 States last Fri. he caught bus at 6:30

02:03 15 a.m. at O and 20th. Non one else

16 around. Had no info to offer."

17 So again -- then it goes on to say:

18 "Checked again with operator of # 2 bus,

19 John Husulak, & he advises that the man

02:03 20 with red ski cap - Tony Humen was the

21 person he had referred to as wearing the

22 hard hat. Humen stated he never wears a

23 hat hard. Husulak states he must have

24 been mistaken."

02:04 25 It appears that the officer who interviewed you



1 may have actually got on the bus and talked to
2 the bus driver; do you remember that happening?

3 A No.

4 Q If we could call up 009330. This is a report of
02:04 5 February 3rd, '68, again the same day of the
6 encounter you had with the police, and this is a
7 report of Detective Sergeant Reid, and it talks
8 about, again, two other officers. The first two
9 who I read to you were McCorrison and Parker and
02:04 10 I take it -- do you remember the names or
11 descriptions of the officers that you met with
12 that morning?

13 A No.

14 Q And then this talks about the morning interviewing
02:04 15 the transit bus driver at 6:50 a.m. and regarding
16 a construction worker and it says this person,
17 according to the bus driver, was checked out by
18 Detective McCorrison this date. So we have two
19 reports from police officers that suggest at 6:49
02:05 20 and 6:50 a.m. on Monday morning there was four
21 officers that may have talked to the bus driver
22 and two that talked to you. I think you said
23 earlier you remembered two, three or four police
24 being there; is that right?

02:05 25 A Yeah.



1 Q Did that concern you or alarm you at all?

2 A No.

3 Q Now at that time, Mr. Fisher, you had, I believe
4 the record indicates that you had committed two
02:05 5 rapes and one indecent assault in the two months,
6 two or three months prior to Gail Miller's murder,
7 but had not been questioned by the police with
8 respect to those assaults; is that correct?

9 A Yes.

02:05 10 Q And did it concern to you at all that there were
11 police at the bus stop questioning you about
12 matters?

13 A No.

14 Q Why not?

02:06 15 A It just didn't bother me.

16 Q So I think you told us they said something about a
17 death; is that right?

18 A In those terms, yeah.

19 Q And did you understand it to be a murder?

02:06 20 A I can't remember which way they put it, so I
21 couldn't really say.

22 Q How did you take it, sir, did you take it as that
23 they were investigating a murder, did you think
24 that?

02:06 25 A I'm not sure which way they brought it across,



1 so --

2 Q Prior to this discussion with the police officers
3 on the morning of February 3rd, 1969 had you heard
4 of the murder of Gail Miller from any third party?

02:06 5 A No.

6 Q And had you heard anything in the media about it
7 prior to talking to these police officers?

8 A No.

9 Q And would it -- are you saying that it was the
02:07 10 first you heard of the murder, then, on this
11 morning?

12 A Yes.

13 Q And I'll have some questions for you later
14 regarding evidence that Linda Fisher, your
02:07 15 ex-wife, has provided to various tribunals and
16 various statements about a discussion she had with
17 you about the murder. Do you know what I'm
18 talking about? And I'll show you some documents a
19 bit later, but Linda Fisher has told the police
02:07 20 and authorities that on the morning of the murder
21 or perhaps the day after she accused you of, or
22 heard about the murder of a nurse on the radio,
23 and accused you of doing it; do you recall her
24 making that allegation, you are aware of that?

02:07 25 A Yeah.



1 Q And I'll ask you some questions about that. Do
2 you know, had that incident with your wife Linda,
3 that discussion, happened before or after your
4 discussion with these police officers? Are you
02:07 5 able to tell us?

6 A I can't tell you.

7 Q So your memory is that the police, when you talked
8 to the police, though, on February 3rd, that that
9 would be the first time you heard from someone
02:08 10 else about Gail Miller's murder?

11 A Yes.

12 Q Or a murder?

13 A Yes.

14 Q Did you ask the police where the murder took
02:08 15 place?

16 A No.

17 Q Why not?

18 A Too busy trying to get to work.

19 Q Were you concerned at all for your safety, your
02:08 20 wife's safety, your child's safety?

21 A No.

22 Q Would a murder in the neighbourhood not be a
23 matter of concern to you?

24 A Probably, at the time, no.

02:08 25 Q Now again just on the issue of travelling to work,



1 sir, you have been questioned I think on two
2 previous occasions under oath about your comings
3 and goings of January 31 and February 3rd, 1969.
4 The first would be on July 12th, 1990 when you
02:09 5 were interviewed by Eugene Williams and Rick
6 Pearson. Do you remember that, a fellow from the
7 federal justice department, Eugene Williams, and
8 an RCMP officer, Rick Pearson, I think they
9 interviewed you in the penitentiary; is that
02:09 10 right. Do you remember that?

11 A Yeah.

12 Q And this was right around the time of your
13 polygraph. Do you remember that? And I'll show
14 you some documents. In fact, I can call it up,
02:09 15 061960, please. And this is an interview --
16 pardon me, it's at the Regional Psych Centre, July
17 12th, 1990. If you can go to the next page, and
18 Sergeant Pearson is saying this is an interview
19 taking place at the Regional Psych Centre July
02:10 20 12th, present is Larry Fisher and his legal
21 counsel Mr. Harold Pick. Do you remember Mr. Pick
22 from Legal Aid?

23 A Yeah.

24 Q And he was your lawyer at the time?

02:10 25 A Yeah.



1 Q And then also present is Mr. Williams who is the
2 investigative prosecutor and Mr. Pearson, and then
3 Mr. Williams asks your lawyer to swear you, and
4 you are sworn in; do you see that?

02:10 5 A Yup.

6 Q And so you have a recollection of being questioned
7 at that time?

8 A Yup.

9 Q And would you have told Eugene Williams and
02:10 10 Sergeant Pearson the truth at that time?

11 A Yes.

12 Q And would it be fair to say, sir, that your memory
13 on July 12th, 1990 regarding events of 1969, '70
14 and '71 would have been better then in 1990 than
02:10 15 it is today as far as details and recollections;
16 is that fair? Do you understand my question?

17 A Yeah. It's hard to say because I forget some
18 things that I can't remember from back then,
19 dates, whereas probably this here one, yeah.

02:11 20 Q Okay. So generally, and I will certainly give you
21 a chance and go through some of these questions
22 and answers with you, but generally you think that
23 in 1990 when you were asked about events of 1969,
24 1970 and 1971, that your memory was likely better
02:11 25 in 1990 than it is today; is that fair?



1 A Yes.

2 Q And then again, you testified before the Supreme
3 Court of Canada in 1992 in Ottawa, do you remember
4 that?

02:11 5 A Yes.

6 Q If we could call up 197598, please, go to the next
7 page. This is March 11th, and I think you were
8 on -- actually, next page, please, keep going,
9 next page, please -- and in fact I think your
02:12 10 counsel at that time was Mr. Beresh, is that
11 right, Brian Beresh; yes?

12 A Yup.

13 Q And he examined you before the Court, the Supreme
14 Court of Canada; is that correct?

02:12 15 A Yes.

16 Q And Mr. Wolch asked you some questions as well,
17 David Milgaard's lawyer, do you remember that?

18 A Yes.

19 Q And at that time you were under oath, sir?

02:12 20 A Yes.

21 Q And did you tell the truth at that time?

22 A Yes.

23 Q And again, same answer as far as your memory,
24 would it be fair to say generally that your memory
02:12 25 in 1992 regarding events in '69, '70, '71 would



1 have been better, generally better in 1992 than it
2 is today?

3 A Possibly, yes.

4 Q If we could go back, again I just want to go
02:13 5 through some questions and answers you gave to
6 Sergeant Pearson, and if we could call up 061960
7 and go to page 991. And here you are asked some
8 questions about travels to the bus stop,
9 construction clothing, and here you say:

02:13 10 "Mr. Fisher: Usually when I do to work I
11 usually catch the bus right away. In
12 the winters don't have to stand there
13 long. That usually was with me whenever
14 I went outside I never wore a toque
02:13 15 anyhow."

16 Do you remember telling Mr. Williams that?

17 A (Shakes head).

18 Q No?

19 A I can't remember.

02:13 20 Q Any reason to dispute what you said to him at that
21 time?

22 A No.

23 Q Go to the next page, please, and then just again
24 you tell him about the bus being within 10
02:14 25 minutes -- and then the next page, please -- and



1 here you gave him evidence about what time you got
2 out to the bus:

3 "... left by between 6:30 and 20 to 7
4 around there."

02:14 5 Does that sound right? Any reason to dispute
6 that?

7 A No.

8 Q And then if we can go to 062087 and then Sergeant
9 Pearson asks you again about the bus stop:

02:15 10 "Sgt. Pearson: Do you remember ever seeing
11 some of the same people at the busstop
12 when you went to go to work in the
13 morning?"

14 And you say:

02:15 15 "Mr. Fisher: I couldn't even tell you
16 that?"

17 So it looks as though at that time you had no
18 recollection of who was at the bus stop; is that
19 fair?

02:15 20 A Uh-huh.

21 Q Yes?

22 A Yes.

23 Q And go to 062089, please. And again you were
24 asked about your, what you wore to and from work,
02:15 25 and talks again, I think you told us consistent



1 there, about the hard hat. And:

2 "Sgt. Pearson: When you wore a hard
3 hat ... were you just wearing that on
4 site?

02:15 5 Mr. Fisher: No, I wore it all the time."
6 Part of your common clothing. And again, you
7 have no reason to dispute that?

8 A No.

9 Q And then if we can go to the Supreme Court
02:15 10 transcript and go to page 197628, and that's from
11 document 197598, and again this is your counsel
12 questioning you about your habits going to and
13 from work and you say:

14 "Q When would you leave the house?

02:16 15 A Anywhere between 6:30 and twenty to."

16 And:

17 "A Catch the bus usually about five to
18 seven, around there.

19 Q Did that vary, depending on days? That
02:16 20 is, did you catch the bus some days
21 earlier, some days later?

22 A Some days earlier, some later."

23 Again, that's what you told us today; is that
24 right?

02:16 25 A Yeah.



1 Q And then 197701, and this is Mr. Wolch questioning
2 you, and about someone at the bus stop, and I
3 think he's referring to Ms. Gallucci:

4 "Q You do concede that if somebody said
02:17 5 they saw a construction worker with a
6 yellow hard hat taking that corner bus,
7 it would be likely you at that time?

8 A It probably would be, yes.

9 Q In your travels, 6:30, quarter to seven,
02:17 10 you didn't see any other construction
11 worker with a yellow hat taking the same
12 bus?

13 A No, I did not.

14 Q And when you took the bus normally, did
02:17 15 you not see a nurse now and then?

16 A No, I did not."

17 And so I take it in 1992, at least when you were
18 asked that question, you said no, I didn't see a
19 nurse at the bus stop; is that fair? Do you have
02:17 20 any reason to dispute that?

21 A No.

22 Q Just go back to again January 31, 1969, I think
23 you told us you didn't have a vehicle; is that
24 right?

02:17 25 A No.



1 Q What did you do if you needed to get somewhere and
2 a bus wasn't available, did you have access to a
3 vehicle?

4 A No.

02:18 5 Q What about Cliff Pambrum, your uncle Cliff, or
6 your wife's uncle Cliff, did you ever borrow his
7 car?

8 A No.

9 Q Did you have a driver's license?

02:18 10 A No.

11 Q Pardon me?

12 A No.

13 Q How are you able to say that, do you remember
14 that?

02:18 15 A Yup.

16 Q Did you ever drive prior to 1969?

17 A Yup.

18 Q And without a license or did you have one at one
19 time?

02:18 20 A Without.

21 Q Okay. Did you have occasion to drive a truck at
22 work?

23 A Yeah.

24 Q From time to time?

02:18 25 A Yeah.



1 Q And was it not a requirement of your job to have a
2 driver's license?

3 A No one checked.

4 Q Pardon me?

02:18 5 A No one checked.

6 Q And why didn't you get a license?

7 A Too busy working.

8 Q So you were -- you were capable and able to drive
9 a vehicle, is that fair, in 1969, you knew how to
02:18 10 drive one?

11 A Yeah.

12 Q And you had driven one on many occasions previous;
13 is that fair?

14 A Yes.

02:18 15 Q I read somewhere that you had a '57 and '58 Ford
16 or Meteor out at the farm that had broken down; do
17 you remember that?

18 A Yes.

19 Q So you had owned two vehicles; is that fair?

02:19 20 A Yeah.

21 Q And they broke down?

22 A Yeah.

23 Q So prior to 1969 you had owned two vehicles, you
24 had driven them, but neither of them worked at
02:19 25 that time; is that fair?



1 A True.

2 Q And what kind of car did Cliff Pambrum have; do
3 you remember?

4 A '58 Pontiac

02:19 5 Q What colour was it?

6 A Ah, kind of a dark brown.

7 Q And I take it you drove in it from time to time?

8 A No.

9 Q How are you able to remember the year and colour?

02:19 10 A Because we took the motor out of that one and put
11 it into his half ton, or quarter ton.

12 Q Sorry, you took the engine out of that?

13 A Yeah, and put it into his quarter ton.

14 Q Okay. And your evidence is that you were never in
02:19 15 that vehicle while it was being driven?

16 A I was in it while it was being driven.

17 Q Okay. When would you drive in that vehicle?

18 A Usually going out to the farm.

19 Q Whose farm?

02:20 20 A Theirs, their parents' farm.

21 Q So Linda's parents or Cliff's parents?

22 A Yeah.

23 Q And so you would get a ride out with Cliff in his
24 car?

02:20 25 A Yeah.



1 Q So you did travel in his car from time to time?

2 A Yeah.

3 Q Did he ever let you drive it?

4 A No.

02:20 5 Q Now Mr. Pambrum, Cliff Pambrum, has told the
6 authorities on a number of occasions in the past
7 that in 1969 he said that you did borrow his car
8 from time to time on occasion. Do you have any
9 reason to dispute what he says about that?

02:20 10 A Yes.

11 Q And why is that?

12 A Because he never did give it to me.

13 Q So you have a recollection today of the fact that
14 you never borrowed his car?

02:20 15 A Never borrowed his car.

16 Q If I could call up 075943, please. This is a
17 statement, Mr. Fisher, from a fellow named Dennis
18 Elliott who had driven Gail Miller home on the
19 night before her murder and he describes here a
02:21 20 '63 or '64 Pontiac Parisienne car was reddish
21 brown on the bottom, light colour top. Left rear
22 was quite badly damaged. Do you recall back at
23 that time knowing anybody who had a '63 or '64
24 reddish brown Pontiac?

02:21 25 A No.



1 Q Now, back in 1969, tell us again in your words,
2 what was the relationship between you and Cliff
3 Pambrum, and I appreciate that he was Linda's
4 uncle, but you worked together. What was the age
02:22 5 difference, did you socialize with him, did you
6 spend time with him?

7 A Just about everything, went hunting together, went
8 fishing, went out to the farm, worked out there,
9 worked on the job, went from job to job, site to
02:22 10 site.

11 Q So you spent a fair bit of time with Cliff Pambrum
12 did you?

13 A Yeah.

14 Q So again at that time, and let's say 1968, 1969,
02:22 15 would he have been your closest friend at the
16 time; is that a fair description of him?

17 A I wouldn't say my closest friend, no.

18 Q Would he be someone that, compared to other people
19 that you socialized with, that you would have
02:22 20 spent as much time with him, Cliff, as others?

21 A Yeah.

22 Q Now, and I touched on this a bit earlier, Mr.
23 Fisher, you are aware that your ex-wife Linda
24 Fisher has provided statements and testified on a
02:23 25 number of occasions regarding an argument that she



1 had with you on or about January 31, 1969 where
2 she states that after hearing a news report
3 regarding the murder of a nurse, that she accused
4 you of murdering the nurse, and are you aware
02:23 5 generally of what Linda Fisher has alleged
6 happened regarding this conversation?

7 A Yeah.

8 Q You know what I'm talking about?

9 A Yeah.

02:23 10 Q You've been asked this question before to respond
11 to her suggestion of what happened; is that right?

12 A Yes.

13 Q Do you have a recollection today of that incident
14 with Linda Fisher?

02:23 15 A I can't remember it, unless it's brought to my
16 attention in writing or something.

17 Q Okay. And no, and I will go through, sir, and I
18 will show you her statements and I will show you
19 where you were asked the question. I'm just
02:24 20 wondering, apart from looking at the documents, do
21 you have any memory today of that discussion with
22 her?

23 A It has been brought to my attention already.

24 Q Pardon me?

02:24 25 A It has been brought to my attention previous, so I



1 do, I have knowledge of it.

2 Q Okay. It was brought to your attention
3 previously, but I'm wondering today whether you
4 can think back to the confrontation with her and
02:24 5 remember any parts of it or whether you are simply
6 relying upon what you said before or perhaps you
7 don't recall it at all?

8 A I'm just relying on what I've seen.

9 Q Okay. If we could call up 063205 and this is a
02:24 10 statement that she gave March 14th, 1990, okay, so
11 that would be about 20, 21 years after the event,
12 and then if we could call out the bottom part, she
13 says:

14 "As far as I know, Larry never knew
02:25 15 David Milgaard and I certainly didn't, I
16 still don't."

17 Did you ever meet David Milgaard?

18 A No.

19 Q Never met him in your life?

02:25 20 A No.

21 Q It says:

22 "During the evening of January 30, 1969,
23 I was at home at 324 --"

24 I think that should be 334,

02:25 25 "-- Avenue O South, Saskatoon. At that



1 time Larry was still working for Masonry
2 Contractors. I don't recall if Larry
3 came home for supper, but went out after
4 supper."

02:25 5 And then added:

6 "What I mean to say is that Larry was
7 not home after the supper hour. I
8 waited up until the bar closed, 1 or
9 2:00 a.m. Larry never came home so I
02:25 10 went to bed. I expected Larry to go to
11 work the next morning. I do not recall
12 him coming home, but when I got up
13 sometime in the morning, I saw Larry in
14 his dress clothes. He was dressed in
02:26 15 flashy, colorful pants, yellow, green,
16 blue, etc. He had a patterned colourful
17 shirt, short sleeve. He was definitely
18 not in his work clothes, which are beige
19 coloured. I don't know what he had for
02:26 20 footwear."

21 And then it says:

22 "I was angry at him and accused him of
23 everything under the sun. I can't
24 remember what Larry gave as an
02:26 25 explanation of his whereabouts and I



1 don't even know who he was with the
2 night before. During the morning of
3 January 31, Larry and I were arguing in
4 the hallway of our suite. The stereo
02:26 5 was on in the living room and while we
6 were arguing I heard a news cast about
7 the girl who had been stabbed to death
8 the night before in Saskatoon. When I
9 heard the news broadcast, I immediately
02:26 10 recalled that a paring knife was missing
11 from our kitchen. The knife blade was
12 silver with a wooden handle held
13 together with rivets. It was an
14 ordinary paring knife, it did not have a
02:27 15 jagged edge. This was a knife I used
16 often, it was my potato knife. I
17 noticed it missing either the night
18 before or that morning, but it wasn't
19 missing long because I used it every
02:27 20 day. No one else was staying with us at
21 the time and the only people who had
22 access to the knife was Larry or myself.
23 I never saw the paring knife again. It
24 was the only knife I had like this.

02:27 25 During the argument, in my



1 anger, I said something like, "My knife
2 is missing, you're probably responsible
3 for killing that girl". I was very
4 accusing and used an angry tone of
02:27 5 voice. Larry usually argued back, but
6 when I mentioned this murder, Larry just
7 stopped, his face went pale and drained.
8 Larry seemed shocked. At first I
9 thought his shocked look was reaction
10 like "Do you really think I could do
11 this?" In past arguments, Larry never
12 seemed shocked about anything, but never
13 saw the same reaction as I saw when I
14 accused him of killing the girl that
02:27 15 night.

16 I don't remember Larry's
17 explanation for not going to work that
18 morning. I don't recall if he went to
19 work in the afternoon or not. I don't
02:28 20 recall seeing any scratches or cuts on
21 Larry and I did not see any blood on his
22 clothes. Larry was washed and cleaned
23 up when I got up. If Larry would have
24 come home on the night of January 30, he
02:28 25 would probably have slept in the bed



1 with me, but I don't recall him being in
2 bed with me. I cannot recall if the
3 clothes I saw on Larry the night before,
4 after supper, were the same clothes I
02:28 5 saw on him the morning of January 31.
6 He had very few dress clothes, only
7 about two that he liked to wear.

8 The afternoon January 31 or
9 February 1st, Larry's wallet was
02:28 10 returned to the house. It had been
11 found down the block by a big tree. I
12 don't recall who actually recovered the
13 wallet or who returned it. Larry did
14 not tell me he had lost his wallet and I
02:28 15 didn't know anything about it until it
16 was returned.

17 After our argument on January
18 31, I never accused Larry of the murder
19 again and he never confessed anything to
02:28 20 me about the crime."

21 Stop there. That is -- and she has repeated it
22 in a number of different forums, Mr. Fisher, but
23 that's I think the first statement in that
24 detail. Now, having read through that, does that
02:29 25 assist your memory at all, do you recall a



1 discussion with Linda Fisher where she accused
2 you of murdering the nurse?

3 A I can't remember it, but it's there, she's written
4 it, so -- we've had a lot of arguments.

02:29 5 Q Okay.

6 A So --

7 Q Sorry, are you disputing what she says?

8 A I can't dispute half of that because we usually
9 did argue quite a bit and we did fight.

02:29 10 Q Do you recall her ever accusing you of murdering
11 somebody?

12 A Yeah.

13 Q Yes?

14 A Yup.

02:29 15 Q Tell us about that.

16 A That was it, right there.

17 Q And do you remember this then?

18 A Yeah, this one, yeah.

19 Q Okay, tell me what you remember.

02:30 20 A First of all, I did go to work. There was access
21 through the back door for anybody and everybody to
22 come in, not only us, but everybody. If I go to
23 work, I'm usually at home, I'm usually taking care
24 of my daughter because she is never out of bed or
02:30 25 anything, so when I get home I take care of my



1 daughter or wash her laundry, take her out, so --

2 Q So let's just go back to -- do you have a
3 recollection of her accusing you of murdering the
4 nurse?

02:30 5 A Yeah.

6 Q Okay. And do you recall when that was?

7 A No.

8 Q Do you recall hearing on the radio that -- a
9 report that a nurse had been murdered?

02:30 10 A No.

11 Q If we can go back to the second page of the
12 statement. Do you remember -- go back to page 2.

13 I hate to ask you a question about what you were
14 wearing in 1969, but it looks as though Linda has

02:31 15 set out in detail some dress clothes, colourful
16 clothes. Do you have a recollection of that? You
17 mentioned it when you answered my question earlier
18 about the clothes you were wearing. Do you have
19 any memory of that?

02:31 20 A No.

21 Q I think -- if you were wearing, if you were not
22 wearing your work clothes, I think you said
23 something that you had other -- if you were not
24 wearing your work clothes -- she says here at the
02:31 25 time you were not wearing your work clothes, you



1 were wearing your dress clothes and that you had
2 not come home the night before and you hadn't gone
3 to work that morning.

4 A I went to work, there's no doubt about that.

02:32 5 Q Okay. So you are telling us -- what time of day
6 did this discussion take place; do you remember?

7 A I couldn't tell you.

8 Q Was it a week day, a weekend?

9 A Couldn't tell you that either.

02:32 10 Q And do you recall her telling you that the paring
11 knife, a paring knife of hers was missing?

12 A No.

13 Q Do you have a recollection of losing your wallet?

14 A No.

02:32 15 Q Again if we could go back to 062007, this is July
16 12th, 1990 when you were being questioned by
17 Mr. Williams and Mr. Pearson, so this would be
18 about four months after Linda gave her statement,
19 the one that I read through for you, and they
02:33 20 asked you about it. Do you remember me bringing
21 this up?

22 A (Shakes head).

23 Q No? And we'll go through it. It talks about the
24 statement and it has Lillian Fisher, which I think
02:33 25 was her middle name at the time, the statement was



1 dated March 14th. Then go to the next page,
2 please, and then Mr. Williams summarized the
3 statement and he says:

4 "Mr. Fisher: What I don't recall what time
02:33 5 I came home for supper."

6 "Mr. Fisher: I can't remember."

7 And then he asks you:

8 "Mr. Williams: By that am I to understand
9 that you don't remember the facts that
02:33 10 she has recited?"

11 And you answer:

12 "Mr. Fisher: Not as she has recited."

13 And then the next page, and then at the bottom
14 you say:

02:33 15 "Mr. Fisher: It was a long time ago and I
16 can't remember."

17 And then the next page, he says:

18 "Mr. Williams: Okay, and by that am I to
19 understand you don't remember the facts
02:34 20 that she has recited.

21 Mr. FISHER: Not in this.

22 Mr. Williams: Oh. Do you recall having
23 colourful pants, yellow, green and blue
24 and a trendy coloured shirt?"

02:34 25 You say:



1 "Mr. Fisher: I can't remember."

2 Then if we can go ahead to, go to page 062020,
3 and then again Mr. Williams, he had just gone
4 over with you the bus stop and about the police
02:34 5 investigating you and then we go to the next
6 page, please, and then Mr. Williams says:

7 "Mr. Williams: All right. At that point in
8 time did you see a poster that looked
9 like this? I'm showing you a photograph
02:35 10 of a knife and above the photograph is a
11 writing that's a request by the police
12 for information relating to that fact."

13 You answer:

14 "Mr. Fisher: I've never seen that."

02:35 15 And then Mr. Williams says:

16 "Mr. Williams: Okay. Looking at that photo
17 of the knife have you seen a knife
18 similar to that before?"

19 And you answer:

02:35 20 "Mr. Fisher: Well, yes I have."

21 If I can just pause there. If we can call up
22 060585, go to the full page, please, this is a
23 photograph that I believe is the exhibit, the
24 picture that, or the photocopy that Mr. Williams
02:35 25 showed you. Do you remember being shown this



1 picture of a knife in your interview, Mr. Fisher?

2 A No.

3 Q Okay. It talks here about the police -- this is a
4 document from 1969 and it talks about the police
02:36 5 department are interested in learning from any
6 householder that may be missing a paring knife of
7 this description, kitchen paring knife, six inches
8 in length, maroon handle, and a number for

9 information. If we can just go back to 062021 and
02:36 10 you are asked the question, Mr. Williams showed
11 you that photo and whether you saw a knife similar
12 to that before, and you answered yes, you have.

13 He says, "Where?" "In 1970 when I got picked up
14 on the inaudible." And I believe that would be
02:36 15 Fort Garry. Is that likely what you were
16 referring to, the Fort Garry assaults? Are you
17 able to say? No?

18 A No.

19 Q Then he says:

02:36 20 "Mr. Williams: Okay. Was the knife that
21 you saw similar to that collected by the
22 police, did they locate that knife, did
23 they seize it?

24 Mr. Fisher: Which one?

02:36 25 Mr. Williams: The knife that you just



1 told me about back in '70 when you got
2 picked up by the police."

3 And then next page.

4 "Mr. Fisher: Yup, they seized it.

02:36 5 Mr. William: Where?

6 Mr. Fisher: In Winnipeg.

7 Mr. Williams: Okay. Where did you get the
8 knife?

9 Mr. Fisher: Probably the kitchen.

02:37 10 Mr. Williams: When did you get the knife?

11 Mr. Fisher: Probably early that evening.

12 Mr. William: In Winnipeg?

13 Mr. Fisher: Yup.

14 Mr. Williams: That will be brown handled,
02:37 15 wooden handled pairing knife would it
16 not?

17 Mr. Fisher: I don't know the colour of it."

18 Then at the bottom:

19 "Mr. Williams: But it was a pairing knife?"

02:37 20 Next page:

21 "Mr. Fisher: Yes, it was a pairing knife."

22 So it appears from this, Mr. Fisher, that

23 Mr. Williams had shown you a photograph of a

24 knife and you said yes, I have seen one similar.

02:37 25 Is that fair from what I've read you?



1 A Yes.

2 Q And I'm wondering, I would like to show you, just
3 for the record, P-1 before this Commission is the
4 knife handle and P-4 is the broken blade. Take a
02:37 5 look at those, Mr. Fisher, and tell me whether you
6 recognize that knife?

7 A No.

8 Q Do you recognize a knife similar to that?

9 A Yeah.

02:38 10 Q Yes?

11 A Yeah.

12 Q And what knife is that?

13 A It could be any one we used for hunting, fishing
14 or even downtown shopping, looking around for
02:38 15 knives and that.

16 Q What about assaulting?

17 A Probably I used one that looked like it.

18 Q Okay.

19 A Yup.

02:38 20 Q When you say looked like it, how did it look like
21 it?

22 A Just a paring knife.

23 Q Now, I'm wondering though when Mr. Williams asked
24 you in 1990, he showed you a picture, and I don't
02:38 25 know whether it was colour or not, but showed you



1 a photograph, and you said, you were asked the
2 question "looking at the photo of the knife have
3 you seen a knife similar to that before". You
4 say, "yes, I have". So that particular knife, do
02:39 5 you know if back in 1969 you or your wife owned a
6 knife similar to that paring knife?

7 A I can't say if it's similar, but we did own one
8 like that.

9 Q Pardon me?

02:39 10 A We did own one like this, but I'm not sure whether
11 it's similar in colour or not.

12 Q So you owned a paring knife that was what, plastic
13 handled?

14 A I can't remember whether it was plastic or what.

02:39 15 Q Do you remember what colour it was?

16 A It was a dark colour.

17 Q Pardon me?

18 A A dark colour.

19 Q Okay. I think this has been described as maroon.

02:39 20 A Yeah.

21 Q Was it that colour?

22 A I really couldn't say.

23 Q I think Linda Fisher has given evidence before
24 that the two of you acquired a knife similar to
02:39 25 this at the O.K. Economy. Do you have any



1 recollection of that?

2 A No.

3 Q If we can go back to 06206 -- 021. I'll maybe
4 just grab -- just go back, just carrying on on
02:40 5 page 023. This might be an appropriate spot to
6 break, Mr. Commissioner.

7 COMMISSIONER MacCALLUM: 15 minutes.

8 (*Adjourned at 2:41 p.m.*)

9 (*Reconvened at 3:03 p.m.*)

03:03 10 BY MR. HODSON:

11 Q If I could call up 061960, please, and go to page
12 062021, and, Mr. Fisher, I'll just recap where we
13 were before the break. And this is again July
14 12th, 1990 when Mr. Eugene Williams and Sergeant
03:03 15 Pearson are questioning you, and they are asking
16 you about Linda Fisher's statement, and then I
17 asked you about this, about looking at the photo
18 of the knife and have you seen a knife similar to
19 that before, and then you said yes, and I read the
03:04 20 next page, if we could go to that, I read through
21 that. And then if you go to the next page and
22 we'll just carry on. So I think you told
23 Mr. Williams that yes, you say a knife similar to
24 the one in the photo, and then he asks:

03:04 25 "Mr. Williams: Had you ever handled a



1 plastic coloured paring knife? Or a
2 plastic pair knife with a reddish brown
3 handle?

4 Mr. Fisher: No, I can't remember.

03:04 5 Mr. Williams: What you're saying, if I
6 understand you correctly in answer to my
7 last question you don't recall whether
8 you've handled such a knife or not?

9 Mr. Fisher: No, I can't.

03:04 10 Mr. Williams: All right. The paring knife
11 that you got out of the kitchen in
12 Winnipeg was that the first time that
13 you had handled such a knife?"

14 And then you say:

03:04 15 Mr. Fisher: I usually handle them wherever
16 I go.

17 Mr. Williams: Okay. Under when
18 circumstances would you handle a knife
19 wherever you go?"

03:04 20 And then you talked about hunting, etcetera, and
21 then down at the bottom, it says:

22 "Mr. William: Now you made reference a
23 few minutes ago to a knife and being
24 picked up by the police when you were in
03:05 25 Winnipeg."



1 And then the next page:

2 "Mr. Fisher: Yes.

3 Mr. Williams: You've seen Linda's
4 statement, this one is dated March
03:05 5 11th --"

6 And actually if you can go to page -- sorry, so
7 that's the information that you gave -- so that's
8 the information that you gave about the knife and
9 so again that evidence is accurate, what you
03:05 10 would you have said at that time?

11 A Yes.

12 Q And if we can go to 062026, please, and again this
13 is, I had asked you some questions about the
14 allegation that Linda Fisher made about the
03:05 15 argument, remember before the break I went through
16 and I read you her statement from 1990 where she
17 stated she had an argument with you and accused
18 you of stabbing the nurse; do you remember that
19 statement that I went through?

03:06 20 A Yeah.

21 Q And then here Mr. Williams is asking you about
22 that and he refers to two statements, statement 1
23 being the statement Linda gave to Sergeant
24 Pearson, and the second, or the second statement I
03:06 25 think was the one that Linda had provided to



1 Centurion Ministries. And then he asks you:

2 "Mr. William: Do you recall that incident
3 with Linda?"

4 And you say:

03:06 5 "Mr. Fisher: Yeah, I do remember it. But I
6 don't remember the date."

7 Next page:

8 "Mr. William: Okay. At the time of that
9 incident had you taken a pairing knife
03:06 10 from the kitchen within the previous day
11 or two days and taken it outside of the
12 house for any purpose?"

13 If I pause there, I think what Mr. Williams is
14 asking you, he's asking you about Linda Fisher's
03:06 15 statement that on or about January 31, 1969 she
16 noticed a paring knife missing and she accused
17 you of murdering a nurse, okay, so that's what he
18 has put to you, and then he asks you whether or
19 not you remember taking a paring knife from the
03:07 20 kitchen and you say:

21 "Mr. Fisher: Not that I can remember.

22 Mr. William: You recall the argument?"

23 And your answer is:

24 "Mr. Fisher: No, I remember her
03:07 25 accusation."



1 I think that's what you've told us today, is that
2 fair, that you remember the accusation?

3 A Yes.

4 Q And:

03:07 5 "Mr. William: What time of day did she make
6 that accusation?"

7 You say:

8 "Mr. Fisher: I can't remember the time that
9 happened.

03:07 10 Mr. Williams: Under what circumstances did
11 that fight happen?"

12 And you answer:

13 "Mr. Fisher: We fought just about over
14 everything and anything.

03:07 15 Mr. Williams: Do you recall hearing the
16 news broadcast in which she

17 Mr. Fisher: I can't even remember that."

18 And then next page:

19 "Mr. William: You remember the argument,
03:07 20 you remember the accusation?

21 Mr. Fisher: Yup.

22 Mr. William: Why ... do you agree with her
23 assessment at the time that your face
24 went pale and drained?"

03:07 25 And you say:



1 "Mr. Fisher: Sure.

2 Mr. Williams: Why was that?

3 Mr. Fisher: It shocked me.

4 Mr. Williams: What about it, it shocked
03:07 5 you?

6 Mr. Fisher: Anything like that would have
7 shocked me, cause it's a wonder it
8 didn't shock you and turned you white."

9 And then the next page, and then you say:

03:07 10 "Mr. Fisher: It just shocked me.

11 Mr. William: Was it the fact that your wife
12 would accuse you of murder?

13 Mr. Fisher: Yeah. The fact that she would
14 go through and make an accusation like
03:08 15 that.

16 Mr. William: Now this is in early '69
17 right?

18 Mr. Fisher: I don't know when.

19 Mr. William: All right. She says it's in
03:08 20 early '69 correct?

21 Mr. Fisher: From what she says yeah."

22 Again, if I can pause there. Any reason to
23 dispute what you told Mr. Williams at that time?

24 A No.

03:08 25 Q And if we can go to page 062094, and Sergeant



1 Pearson is asking you about the wallet, and you
2 recall that in her statement Linda Fisher said
3 that a day or two after the murder someone brought
4 your wallet to the house. He asks you:

03:08 5 "Sgt. Pearson: Did you ever recall losing
6 your wallet at the time of Gail Miller's
7 murder when this publicity was coming to
8 the forefront, and, your wife had
9 accused you of being involved, do you
03:09 10 ever recall you misplaced your wallet?"

11 And you say:

12 "Mr. Fisher: That's one thing I never
13 misplace.

14 Sgt. Pearson: You don't ever recall a
03:09 15 wallet being returned to your suite
16 by some children?

17 Mr. Fisher: No."

18 Next page.

19 Sgt. Pearson: And as far as you're
03:09 20 concerned your wallet was never lost?

21 Mr. Fisher: That's one thing I never
22 lose."

23 And again, is that accurate evidence, Mr. Fisher?

24 A Yes.

03:09 25 Q And I think you said earlier you have no



1 recollection of losing your wallet; is that --

2 A No.

3 Q I take it from what you said to Mr. Williams at
4 that time, you were saying it a little stronger,
03:09 5 you were saying "I never did lose my wallet"; is
6 that fair?

7 A Yeah.

8 Q As opposed to saying "I don't recall losing it".
9 Are you able to tell us today whether it's
03:09 10 possible you lost your wallet and you don't
11 remember or are you telling us it didn't happen?

12 A It didn't happen.

13 Q And on what basis do you say that?

14 A I don't know. I've just never lost my wallet.

03:10 15 Q Now, again at the time you had your discussion
16 with Linda Fisher, I think you said she accused
17 you of the murder of the nurse; is that right, or
18 words to that effect?

19 A Words to that effect.

03:10 20 Q And are you able to tell us whether at that time,
21 Mr. Fisher, you already knew about the murder of a
22 nurse or whether that was the first time you had
23 heard it?

24 A That would be the first time.

03:10 25 Q And are you able to tell us whether the incident



1 with Linda Fisher where she accused you of the
2 murder was before or after you had your encounter
3 with the city police officers on February 3rd?

4 A I couldn't say.

03:10 5 Q Okay. Let's just maybe take a step back. Do you
6 remember telling me that when you talked to the
7 officers on Monday, February 3rd, they talked to
8 you about a death, and I think you said you
9 thought it maybe was a murder or a death?

03:11 10 A

Uh-huh.

11 Q At that time, do you think you and Linda would
12 have had your argument, that she accused you of
13 murder?

14 A No, I couldn't say.

03:11 15 Q So it's possible that it already happened when you
16 talked to the officers; is that --

17 A No idea.

18 Q Okay. Because when I asked you about February 3rd
19 and the police, I think you told us that that was
03:11 20 the first time you had heard about the murder from
21 a third party; is that right?

22 A Yeah.

23 Q And let me ask you this question. When Linda
24 accused you of murdering the nurse, had you heard
03:11 25 about the murder from a third party prior to that



1 time, or was that the first you heard of it?

2 A It's probably the first I heard of it.

3 Q Okay. I'll try and ask you if you are able to
4 tell us which of those two occasions would have
03:11 5 been the first time you heard from a third party?

6 A Come on, how long ago was that.

7 Q No, I appreciate that, and if you are not able to
8 tell us that's fine, but I'm just trying to
9 identify, if you are able, as to which of those
03:12 10 two incidents occurred first?

11 A I couldn't tell you.

12 Q Okay. And again if we could just go to 197633,
13 please. And this is your evidence before the
14 Supreme Court of Canada, you are being examined by
03:12 15 your counsel Mr. Beresh, who asks you:

16 "Q Do you recall, sir, when you first heard
17 the news of a woman dying in your area
18 in early 1969? Do you have any idea
19 when you first heard any news about
03:13 20 that, and how you heard it?

21 A I had an interview with an officer at
22 the bus stop. He gave me his name and
23 had a little chat with me, and that
24 was it."

03:13 25 And then he goes on to talk about that. Scroll



1 down to the bottom, or go to the next page,
2 please, and then you are asked again by Mr.
3 Beresh:

4 "Q I take it, sir, that this became news in
03:13 5 the neighbourhood, common news, if I can
6 call it that, that someone had died not
7 far away.

8 A If it was, I didn't hear it.

9 Q Did your wife talk about it?

03:13 10 A No, she didn't."

11 And then he says:

12 "Q She told us yesterday --"

13 And I think Linda had testified at the Supreme
14 Court the day before you.

03:13 15 "Q She told us yesterday that during an
16 argument at some point she said to you,
17 or suggested to you, that you might in
18 some way be responsible for the death of
19 this girl. Do you remember that remark?

03:13 20 A Yes, sir."

21 Next page:

22 Q Do you remember what kind of argument it
23 was? I don't mean whether it was heated
24 or not. Do you remember what the topic
03:13 25 of the argument was that led to this



1 comment by her?

2 A No, I can't remember what the argument
3 was about.

4 Q Was it different than other arguments
03:14 5 you had?

6 A No different than the other ones.

7 Q I understand that there had been lots of
8 these arguments.

9 A Yes, sir.

03:14 10 Q Do you remember your response to that
11 comment by her?

12 A Yes, I do.

13 Q What was the response?

14 A I was shocked.

03:14 15 Q Why was that?

16 A I couldn't believe it coming from her.

17 Q Did she pursue it?

18 A No, she did not."

19 So it looks like at the Supreme Court of Canada,
03:14 20 you at that time said you had a recollection of
21 the accusation, of your response; is that fair?

22 A Yeah.

23 Q I would now like to turn to (V4)---- (V4)---. Are
24 you familiar with that name, (V4)---- (V4)---?

03:14 25 She was a lady who reported to the police on



1 January 31, 1969 that she was assaulted on the
2 morning of January 31 at 7:07 a.m. over on Avenue
3 H, and I think she's testified in the Supreme
4 Court proceedings, and I think you may have been
03:15 5 questioned about her before. Now, I'll bring up
6 the documents, but do you have -- are you aware of
7 who I'm talking about and the incident I'm talking
8 about?

9 A Yeah.

03:15 10 Q If we could call up 106110, this is a report
11 January 31, and she talks about an incident that
12 took place 7:07 this date, and that's the same
13 date of Gill Miller's murder, Friday, January 31,
14 and it says here:

03:15 15 "Her storey is that she was on the way
16 to catch her bus on 22nd St., to the
17 university she was assaulted by a male
18 person. This person came out of a yard
19 (after taking her back there) of 201
03:15 20 Ave. H So., and walked towards her.
21 This male person then grabbed her and
22 ran his hand up and down her legs. She
23 screamed and this person then moved
24 back. She had laid or thrown her books
03:16 25 down and she picked them up and



1 continued on North to 22 ST., she did
2 look back and he was following her. She
3 quickened per pace and the next time she
4 looked back he was gone."

03:16 5 Mr. Fisher, did you encounter and assault
6 (V4)---- (V4)--- on the morning of January 31,
7 1969 on or near Avenue H?

8 A No, I did not.

9 Q And how -- how are you able to say that, do you
03:16 10 have a recollection of that morning or how are you
11 able to tell us you did not?

12 A I just didn't do it.

13 Q Okay. She goes on to describe the individual that
14 she says assaulted her and about a three-quarter
03:16 15 or half-length suede coat, dark brown in colour.
16 Coat could have had a fur collar. Do you remember
17 if you had a coat of that nature, a coat like that
18 back in 1969?

19 A A suede coat?

03:16 20 Q Yeah.

21 A No.

22 Q Dark brown coat?

23 A No.

24 Q Now, you are aware, sir, that in subsequent
03:17 25 proceedings, that Ms. (V4)--- identified a



1 photograph of you and claimed that you were the
2 person that had assaulted her. You are aware of
3 that?

4 A Yes.

03:17 5 Q And you say she was mistaken then?

6 A Yes.

7 Q There's also some -- if we could actually go back
8 to the map, 164351, please, just call out that
9 area, and X is where 334 Avenue O South, the X for
03:17 10 Miller is where her body was found, the circle for
11 (V4)--- is where she says the assault took place,
12 and I have an X here on Avenue C for Mr. Pambrum,
13 I think you said you thought he lived up on Avenue
14 H, but in either case I think you had told us that
03:18 15 walking down the railroad tracks was a route that
16 you took home from Pambrums' house; is that right?

17 A Yeah.

18 Q And so again whether he lived on Avenue C, you
19 would agree, sir, that when you walked from
03:18 20 Pambrums' house to your house, your route would be
21 down the railroad tracks?

22 A Yes.

23 Q And when he lived on Avenue H, right there, again
24 you would walk down Avenue H to the railroad
03:18 25 tracks and home, that was the route you would



1 take?

2 A Yes.

3 Q And now -- we're done with that document. I think
4 you mentioned earlier you know a fellow by the
03:18 5 name of Roy Pambrum; is that right?

6 A Yup.

7 Q And that was Clifford's brother?

8 A Yeah.

9 Q And Linda's uncle?

03:18 10 A Yup.

11 Q Your wife. I want to read to you part of a
12 statement he gave in 1991. If we could call up
13 049669, please, and this is a statement that
14 Mr. Pambrum gave in 1991. Have you had occasion
03:19 15 since you entered jail 35 years ago, have you had
16 occasion to talk to either Cliff or Roy Pambrum?

17 A No.

18 Q And so your last contact with them would have been
19 1970 or prior; is that right?

03:19 20 A Yeah.

21 Q And this is a statement that Roy Pambrum provided
22 to the RCMP, and just to call out parts of that,
23 he says Gail Miller was murdered on the 31st of
24 January, 1969, do you recall anything about the
03:19 25 time period, and then he says:



1 "A Not really. I heard about it, it may
2 have been a week after or less, it's
3 hard to say now.

4 Q You mentioned to me that Larry came to
03:19 5 your house --"

6 And he's referring to you,
7 "-- came to your house one winter's day,
8 tell me about it."

9 And he says:

03:19 10 "A Larry came to the house, that's what he
11 said. He then said he made a fire in
12 the burning barrel to keep warm.

13 Q When was this, do you know the year?

14 A It was sometime after the girl was
03:20 15 murdered, but I don't know the time, I
16 think it was after.

17 Q Could it have been the same day as the
18 murder?

19 A It's hard to say, it could have been,
03:20 20 how can a guy remember.

21 Q Do you remember Larry knocking on your
22 door at this time?

23 A Yes, I was still laying in bed. I got
24 up and let him in.

03:20 25 Q What time of the day was this?



1 A Around 8:00 a.m., cause the kids had
2 to go to school and they weren't up
3 yet.

4 Q What time of the year was this?

03:20 5 A It was the wintertime.

6 Q Was it before or after New Years?

7 A I'm not sure, but it was cold and
8 windy that day.

9 Q When you answered the door, did you talk
03:20 10 to Larry?

11 A Yes.

12 Q What did you say?

13 A I said something like, "What the hell
14 happened to you." Larry had no jacket
03:20 15 or shoes on when he came into the
16 house.

17 Q What did Larry say?

18 A He said he was at a party and he lost
19 his shoes and jacket, somebody had
03:20 20 stolen them.

21 Q What did Larry have on his feet when you
22 left him in the house?

23 A He had socks on.

24 Q Was he complaining of frozen feet?

03:20 25 A No, he didn't, but he said he was



1 cold.

2 Q Did Larry have a shirt or sweater on?

3 A He had clothes on. Just no jacket and
4 shoes.

03:21 5 Q What else did Larry say?

6 A When I let him in he told me that he
7 had knocked on the door and nobody
8 came so he went to the burning barrel
9 and started a fire to keep warm and he
03:21 10 came back and knocked on the door. I
11 don't know how long he was out there.

12 Q What kind of clothes was Larry wearing?

13 A Probably jeans. I didn't pay that
14 much attention.

03:21 15 Q Was he wearing anything on his head?

16 A That I couldn't tell you.

17 Q What address was this at?

18 A It was on Greystone Avenue, just off
19 33rd, it was Grey something. We lived
03:21 20 there about a year.

21 Q Where was Larry living at the time?

22 A He was living on Avenue O South.

23 Q How did Larry get to your place that
24 morning?

03:21 25 A He never said, he must have walked.



1 Q Did you see a car?

2 A No, there was no car around.

3 Q How long was Larry at your place?

4 A About 10 minutes, he was in a hurry to
03:21 5 leave.

6 Q Did Larry say why he came to your place?

7 A He came to pick up some clothes to
8 wear home, I guess. He asked if he
9 could borrow some shoes and a coat.

03:21 10 Q Did you give him any?

11 A I gave him an old pair of lace-up
12 black leather Oxfords and a black suit
13 jacket.

14 Q Where did Larry go from your place?

03:22 15 A He said he was going home.

16 Q Do you know how he went home?

17 A There was no car around, but I think
18 he said he was going to catch the
19 bus."

03:22 20 And then just scroll down a bit:

21 "Q Did you see a fire in the burning barrel
22 that morning?

23 A After I got up, I went to the back
24 door and I could still see smoke
03:22 25 coming out of the barrel.



1 Q What kind of a barrel was it?

2 A It was a 45 gallon gas barrel.

3 Q Did Larry have any other conversations
4 with you that morning?

03:22 5 A He was in a hurry.

6 Q Did Larry say how he got to your place?

7 A No.

8 Q Did you ever check the burning barrel to
9 see what Larry used for a fire?

03:22 10 A No, I didn't. It was usually full of
11 papers anyway.

12 Q Did Larry have mitts or gloves when he
13 arrived at your place?

14 A I don't remember.

03:22 15 Q Did Larry say how long he had been
16 beside the burning barrel before coming
17 to the door?

18 A No, he didn't say.

19 Q Do you know if Larry was employed at
20 this time?

21 A Yes, he was working.

22 Q Do you know where?

23 A For Masonry Contractors."

24 And then if we can go to the next page, I've read
03:23 25 to you what Mr. Pambrum said. Do you recall



1 attending at Roy Pambrum's house in 1968, '69,
2 '70, anywhere in that time period, and knocking
3 on his door without a coat and shoes?

4 A No.

03:23 5 Q Is it possible that happened and you don't
6 remember?

7 A No.

8 Q And why do you say that?

9 A Because I've never been to his place with no coat
03:23 10 and no shoes or anything on.

11 Q Do you ever remember being at his house and
12 starting a fire in his burning barrel?

13 A No.

14 Q If I could call up 006402. This is a statement
03:24 15 from a lady by the name of (V9) (V9)----, it's
16 dated February 6, 1969, and she states that on
17 January 15th, 1969, if we could just call out the
18 first paragraph, she says that:

19 "... at 8:00 a.m. to 8:15 a.m. on Jan
03:24 20 15/69 or about, I was walking home from
21 St. Paul's Hospital where I was employed
22 as a registered nurse, I was still in
23 uniform, and was wearing a coat and
24 boots."

03:24 25 And then she goes on to describe:



1 "While in the 100-Blk Ave O (sic) So.
2 about the centre of the block, I was
3 walking in the middle of the street a
4 young man walking toward me, when we met
03:25 5 I stepped to the side, he came to me,
6 but pinned my arms from behind as we
7 met, he ran his hands over my body, he
8 did not try to remove any of my
9 clothing. I scuffled with him for a
03:25 10 moment and hit him in the face with my
11 elbow and he let me go.

12 I first saw the person at 22nd
13 St. Ave Q. I did not pay any attention
14 to him."

03:25 15 If we can go to the next page. She describes
16 him:

17 "... this person as 15 to 16 years
18 wearing a dark colored pile jacket and
19 hood which he was wearing and was about
03:25 20 5'6", slim build. He never spoke to
21 me."

22 Do you -- Mr. Fisher, did you commit this assault
23 on (V9) (V9)----?

24 A No.

03:25 25 Q And how are you able to -- do you have any



1 recollection of January, 1969 or on what basis are
2 you saying --

3 A Just don't remember it.

4 Q Okay. Is it possible it was you and you don't
03:26 5 remember?

6 A No.

7 Q And why do you say that?

8 A Just don't remember the date and the time or the
9 place.

03:26 10 Q This would be the 100 block Avenue O which would
11 be just a couple of blocks down; is that right,
12 from your house?

13 A Yeah.

14 Q And for the record, if we could just call up
03:26 15 197492, please, and this is at the Supreme Court,
16 Mr. Wolch asks you about this assault and he's got
17 100 block Avenue Q. I better check. Actually, I
18 stand to be corrected, it was 100 block Avenue Q,
19 Mr. Fisher, not Avenue O. I read Avenue O to you,
03:26 20 but Avenue Q is on the statement I think. Does
21 that change your answer? Do you understand my --
22 let me just go back to the statement, 006402.

23 A Avenue Q?

24 Q Yeah. When I read you this statement just a
03:27 25 moment ago about (V9) (V9)---- on January 15th, I



1 think I mistakenly said while in the 100 block
2 Avenue O South and it's actually Avenue Q South,
3 and you answered me the question 'no' when I asked
4 you about Avenue O. Now it's Avenue Q.

03:27 5 A No.

6 Q So no, you are saying no, you didn't commit that?

7 A No, no.

8 Q Go back to 197492, please. And again just for the
9 record, Mr. Wolch asked and you said no, I did not
03:27 10 commit that one as well. Next if we could call up

11 006486, please, this is a statement of a (V6)---
12 (V6)- dated February 18, 1969 and she talks about,
13 call out that paragraph, on a Wednesday, on either

14 January 25 (sic) or 22nd, about two weeks before
03:28 15 the Miller murder, she was on her way to the Hi
16 Low Mart or confectionery near Lindsay Place,

17 which is in Greystone and just off of 8th Street
18 on the east side of Saskatoon. Do you know where
19 that is, Mr. Fisher? It's about a mile or so from

03:28 20 the university. Are you familiar with that area
21 at all?

22 A Yeah.

23 Q In any event, she goes on to describe, if you can
24 scroll down, she says:

03:29 25 "When I neared the lane near Lindsay



1 place I noticed an auto right behind
2 Greystone Court. There was one man in
3 it and the lights were out. I never
4 thought to much of it at the time.

03:29 5 When I neared the corner of the
6 apartment a man came up from behind me.
7 He was so sudden I never heard him. His
8 first approach was to grab me by the
9 private part. I hear he said I don't
03:29 10 want to hurt you. These were the only
11 words he said. At this point he then
12 tried to undo the zipper on the front of
13 my siwash sweater. He now left me with
14 the impression he was trying to get at
03:29 15 my breasts."

16 Next page, it goes on to describe an attack, and
17 if you can go to the last page, please, it says:

18 "The person that assaulted me is
19 described as follows.
03:29 20 Eyes - large and dark.
21 Complexion a little dark or olive like a
22 Spaniard, Arab or Hindu.
23 Hair - black unruly (very).
24 Height - 5 feet 2 inches to 5 feet 6
03:30 25 inches.



1 Stalky build but not fat.

2 Age - middle thirty's may have had a

3 thin line moustache

4 Clothes - ski type sweater with metal

03:30 5 buttons. This garment was dark blue but

6 not navy. I believe his trousers were

7 light color."

8 Again, are you able to tell us, Mr. Fisher,

9 whether you committed this assault on (V6)---

03:30 10 (V6)-?

11 A No, I did not.

12 Q Okay. And on what basis are you saying that?

13 A Just my opinion, I didn't do it.

14 Q I'm going to call up 058026, please. This is a

03:30 15 document that the Commission obtained from the

16 RCMP that relates to representation for you on

17 some legal matters in April and May of 1970 and it

18 talks about an attendance at Court before His

19 Honour Judge King and attendance with Mrs. Fisher

03:31 20 and Mr. and Mrs. Pambrum, who I believe are Cliff

21 and Anita Pambrum. Do you have any recollection,

22 Mr. Fisher, as to what this relates to? No?

23 A No.

24 Q Let me just call up 063160, please, and this is a

03:31 25 report of Rick Pearson back from 1991 and he



1 writes:

2 "During my conversation with Anita --"

3 Who is Anita Pambrum,

4 "-- she began telling me about herself,

03:31 5 Linda and Cliff being subpoenaed to

6 Court to get Larry off a charge

7 regarding an assault on an elderly lady.

8 Apparently Larry and Linda had rented a

9 house from a lady who lived on Avenue D

03:31 10 North, exact address unknown. Some

11 indication Larry ended up being charged

12 for molesting this lady, she is not sure

13 if the offence was sexual in nature.

14 The matter did not end up in a

03:32 15 conviction, however there were Court

16 proceedings, Anita did not know much

17 more. Anita stated the lawyer wanted to

18 know if an Anita, Cliff and Linda had

19 seen anything different about Larry

03:32 20 after the assault, and there is some

21 indication the victim may have been

22 chocked."

23 Does that assist your recollection, Mr. Fisher,

24 of any incident in 1970 involving a land lady?

03:32 25 A Yeah.



1 Q And what do you remember about that incident?

2 A Just that she charged me and I was supposed to go
3 to Court, but I never went to Court.

4 Q Okay. When you say she charged you, do you know
03:32 5 who that was?

6 A Umm --

7 Q I mentioned the name earlier, Antonio Kinar.

8 A Kinar?

9 Q Mrs. Kinar, K-I-N-A-R. Does that name sound
03:32 10 familiar? She owned a home at 1824 Avenue D
11 North.

12 A I can't remember her name.

13 Q Okay. I'm sorry, she was a lady who was the land
14 lady at a house you and Linda rented; is that
03:33 15 right?

16 A Yeah.

17 Q And do you remember how old she was approximately?

18 A No.

19 Q And what do you remember about the incident or
03:33 20 what she says happened?

21 A I haven't read it all.

22 Q Pardon me?

23 A I hadn't read it all.

24 Q Okay. Did you want to read that over again?

03:33 25 A Half of these statements I haven't read at all.



1 Q Pardon?

2 A Half of these statements I haven't read at all.

3 Q Do you want me to read -- do you want to read it
4 over again?

03:33 5 A Yeah.

6 Q Take your time and read through it and then I'll
7 ask you some questions. Have you read through it?

8 A Just that part, yeah.

9 Q And do you have any recollection of what the --
03:34 10 your land lady charged you with or had you charged
11 with?

12 A No, I can't remember.

13 Q Did you have a dispute or disagreement with her?

14 A Can't remember that either.

03:34 15 Q Okay. Was there something about a peeping tom or
16 something like that, was she bothering you, do you
17 remember anything about that, or were you
18 bothering her?

19 A No, she was doing that.

03:34 20 Q Okay. What was she doing?

21 A Always checking in the windows, coming up the
22 place, checking around, yup.

23 Q And did you then have a disagreement with her?

24 A Yeah, I think we both had one with her.

03:34 25 Q Pardon me, you both had one?



1 A A disagreement with her.

2 Q Okay. When you say -- who else are you referring
3 to when you say 'both'?

4 A The wife, Linda.

03:34 5 Q So you each, you had your own dispute or
6 disagreement with her, or were the three of you
7 there at the same time?

8 A Oh, she -- I think she pretty well had one with
9 her too.

03:35 10 Q Okay. And then do you remember getting charged
11 with something over that?

12 A Yeah.

13 Q And what was the allegation against you?

14 A Oh, some type of an assault charge, so --

03:35 15 Q Do you recall whether there was some allegation of
16 any sexual assault?

17 A No, I can't remember. I didn't go to Court or
18 anything over it.

19 Q Do you recall getting a lawyer to assist you?

03:35 20 A No.

21 Q When you say it didn't go to Court, what do you
22 mean by that?

23 A Apparently I didn't go to Court for it, so --

24 Q Okay. I'm done with that document. Just a couple
03:35 25 of questions about David Milgaard's trial. In



1 January of 1970 Mr. Milgaard went to trial and he
2 was convicted of the murder of Gail Miller. Do
3 you have a recollection of hearing about that,
4 either in the media or from other people at the
03:36 5 time?

6 A No.

7 Q Now, one of the witnesses at that trial was a
8 fellow by the name of Albert (Shorty) Cadrain and
9 he lived upstairs in the house you were living at;
03:36 10 is that right?

11 A Yeah.

12 Q Do you recall, did you ever talk to Albert
13 (Shorty) Cadrain about anything related to David
14 Milgaard?

03:36 15 A Probably in about 1996.

16 Q Okay. And what was that?

17 A I talked to him on the phone in Saskatoon.

18 Q And what did you talk about?

19 A Oh, just the harassment he was going through.

03:36 20 Q Pardon me?

21 A Just the harassment he was going through, the
22 accusations, the media.

23 Q Okay. Now, you say 1996. I believe Mr. Cadrain
24 passed away, it may have been in '95. Is it
03:36 25 possible it was around that time?



1 A No. I was talking to him at his daughter's place.

2 Q This is when you are out of jail?

3 A Yeah.

4 Q Okay. And it was Albert Cadrain, Shorty Cadrain?

03:37 5 A Yeah.

6 Q Okay. And what else do you remember discussing?

7 A That's about it. We didn't talk long.

8 Q Okay. And did anything come up about David

9 Milgaard; do you recall that?

03:37 10 A No, that was just the harassment and all that that
11 he was going through.

12 Q Okay. Again back in 1970 then, do you recall
13 having any discussion with any of the Cadrains or
14 Albert Cadrain about the David Milgaard trial?

03:37 15 A No.

16 Q And between the time that you moved from Saskatoon
17 in 1970 until you talked to Albert Cadrain in
18 Saskatoon, did you have any other conversations
19 with Albert Cadrain?

03:37 20 A No.

21 Q And how was it that you came to talk to him then
22 when you saw him?

23 A I didn't see him, I just talked to him on the
24 phone.

03:38 25 Q Okay. Did he phone you or did you phone him?



1 A No, he phoned his daughter.

2 Q And, I'm sorry, and why were you visiting his
3 daughter, was this a coincidence that the two of
4 you talked?

03:38 5 A I just as soon not get into that part.

6 Q Okay. Did Mr. Cadrain know how to get ahold of
7 you? I want to know how it came about, was it
8 your idea to talk to him or was it Mr. Cadrain's
9 idea to talk?

03:38 10 A He phoned and then I talked to him.

11 Q Okay.

12 A It wasn't pre-arranged or anything, he was just
13 phoning his daughter.

14 Q And he was phoning his daughter and you happened
03:38 15 to be there?

16 A Yeah.

17 Q And is it your evidence that -- did he know you
18 were there when he phoned?

19 A No.

03:38 20 Q So it was a chance, a chance call, he happened to
21 be phoning somewhere where you were?

22 A Yeah.

23 Q And back in 1969, 1970 do you have any
24 recollection, apart from your encounter with the
03:39 25 police on February 3rd, do you remember police



1 being at the Cadrain house talking to Albert or
2 the other Cadrain family members?

3 A No.

4 Q Do you ever remember them coming by knocking on
03:39 5 the door asking any questions?

6 A No.

7 Q Do you remember learning back in 1970 that David
8 Milgaard had been convicted of the murder of Gail
9 Miller?

03:39 10 A No.

11 Q When did you first become aware that Mr. Milgaard
12 had been convicted for that crime?

13 A Probably about 1980.

14 Q 1980?

03:39 15 A Yeah.

16 Q And how did you become aware of it?

17 A A statement the wife gave.

18 Q And how did you become aware of that?

19 A Through a lawyer.

03:39 20 Q You became aware in 1980 of that?

21 A Yeah.

22 Q And which lawyer?

23 A Couldn't tell you the name.

24 Q Okay. Was that in the (V10) (V10)- -- was that in
03:39 25 connection with your dealings with (V10) (V10)-?



1 A Possibly, yeah.

2 Q Okay. And I think the (V10) (V10)- -- I'll just
3 go back for a moment, let me just check the date
4 here, Mr. Fisher.

03:40 5 A It could be possibly Harold Pick.

6 Q Give me a moment. Let me just check. So (V10)
7 (V10)-, the offence was dated March 31, 1980, you
8 were charged on April 3rd, 1980 and convicted on
9 June 11th, 1981 and Linda Fisher's statement to
03:40 10 the police was August 28th, 1990, and tell me what
11 you recall when you became aware of her statement?

12 A That's the statement I was referring to. I wasn't
13 sure of the date.

14 Q Okay. And was the statement when she went into
03:40 15 the Saskatoon City Police?

16 A Yeah.

17 Q And said that she thought that you had committed
18 the murder of Gail Miller?

19 A Yeah.

03:41 20 Q And in what circumstance then were you shown that
21 statement, or for what purpose?

22 A I have no idea.

23 Q You have a memory today of seeing that statement
24 at the time?

03:41 25 A No, I have a memory of hearing about it.



1 Q Okay. And, I'm sorry, you think it may have been
2 Mr. Pick?

3 A Yeah. About that time, yeah.

4 Q And what did you do about that, if anything?

03:41 5 A Nothing.

6 Q Do you recall if that came up in your proceedings,
7 in the (V10) (V10)- proceedings?

8 A I couldn't tell you.

9 Q Now, you had occasion to deal with Harold Pick
03:41 10 again in 1990 when you were taking the polygraph.
11 Do you remember that?

12 A Yeah.

13 Q Is it possible that you would have become aware of
14 the Linda Fisher statement at that time or are you
03:41 15 pretty sure it was in 1980 when you were involved
16 in the (V10) (V10)- matter?

17 A Somehow I had heard about it prior to that. I
18 knew she went down, but I wasn't sure who told me.

19 Q Okay. And what did you hear, what did you hear
03:42 20 that she told the police when she went down there?

21 A All I knew is she gave a statement.

22 Q Implicating you in the murder of Gail Miller?

23 A Yeah.

24 Q Did you ever talk to Linda about that?

03:42 25 A No.



1 Q So that's when you would have first learned about
2 the fact that David Milgaard had been convicted
3 for the murder of Gail Miller?

4 A Yeah.

03:42 5 Q Now turn to -- I understand that in the summer of
6 1970 you moved to Winnipeg for work reasons; is
7 that right?

8 A Yes.

9 Q And that was with Masonry Contractors, the same
03:43 10 company?

11 A Yup.

12 Q And who moved there with you, did any of the
13 Pambrums go with you?

14 A There was Clifford, Herbie, May and I think that's
03:43 15 about it.

16 Q Okay. If we can call up 321248, please, and this
17 is the Fort Garry crime report, Mr. Fisher, of the
18 August 2nd assault on (V7)--- (V7)---, and this is
19 one that you ended up pleading guilty to on, I
03:44 20 think May 3rd, 1971, sentenced on May 28th, and do
21 you have a recollection of that, sir, of the
22 incidents in Fort Garry?

23 A Yeah.

24 Q And there's mention in here that after this
03:44 25 assault, that you thought about going to the



1 police and walked by the police station. Do you
2 remember anything about that?

3 A Yeah.

4 Q Tell us about that.

03:44 5 A I just felt like going and turning myself in.

6 Q And why? Why and why not I guess first, why did
7 you think you would turn yourself in, what caused
8 you to go there?

9 A I guess I was starting to feel pretty bad about
03:44 10 what I was doing.

11 Q Okay.

12 A The reason I didn't, scared shitless.

13 Q And if we can go to 261217, please, and this is a
14 report for the second rape, and this is September
03:45 15 19th, 1970, this involves (V8)-- (V8)---, and if
16 you can go to 261218, please, and this report, Mr.
17 Fisher, suggests that you were caught, caught in
18 the commission of the offence; is that right? Do
19 you have a recollection of this incident?

03:45 20 A Yeah.

21 Q And you were picked up by the police at the time
22 you were assaulting Ms. (V8)---; is that right?

23 A Right.

24 Q And you were arrested by the Fort Garry police; is
03:45 25 that right?



1 A Right.

2 Q If we can call up 261231, please, and this is a
3 report of the court officer that day that you went
4 into custody, so this is September 19th, 1970 and
03:46 5 you were charged with rape, cautioned and then the
6 accused declined to give a statement or answer any
7 questions at the time, and then it appears the
8 next day that you did confess. Do you have a
9 recollection of dealing with the police officers
03:46 10 at that time?

11 A At Fort Garry?

12 Q Yes.

13 A Yeah.

14 Q And what do you remember?

03:46 15 A Oh, typical back in those days, they wanted hair
16 samples, your clothes, everything.

17 Q Did they take a photograph of you do you remember?

18 A I can't remember that part.

19 Q And then do you recall confessing to the Fort
03:47 20 Garry assaults, the rapes?

21 A To one rape, one assault.

22 Q Okay, one rape, one assault. Not being a sexual
23 assault then?

24 A No.

03:47 25 Q If we can just go through some documents here, if



1 we can call up 093348, please. Do you remember a
2 Detective Lorne Huff, does that name ring a bell,
3 from the Fort Garry police?

4 A Not until I read it in the paper yesterday.

03:48 5 Q Okay. And when you read it in the paper, did that
6 refresh your memory that he may have been an
7 officer that you dealt with?

8 A Yeah.

9 Q And so you recall now that Lorne Huff was one of
03:48 10 the officers you dealt with?

11 A Yeah.

12 Q And I believe Doug Gilbert was the other fellow.
13 Does that name sound familiar?

14 A No.

03:48 15 Q And Mr. Huff, who actually testified last week,
16 told us and it was indicated in this statement
17 that he attended out -- maybe we'll just go
18 through. So Saturday, September 19th, this would
19 be the day that you were picked up, okay, you are
03:48 20 arrested on the second rape, and they went and
21 brought you from Headingley jail, brought you back
22 to the police station, and upon arrival at the
23 office he was asked to give an account of his
24 actions, to which he replied, I feel very bad
03:48 25 about last night, I will plead guilty right now.



1 He was questioned further and he admitted that he
2 raped the girl. It goes on to talk about that.
3 Then it says the accused showed considerable
4 remorse at this time for his actions and after
03:49 5 some time spent interrogating him he also admitted
6 to the rape of another female in Fort Richmond,
7 which was the (V7)--- one. So according to this,
8 there were two rapes that you confessed to. Do
9 you recall that?

03:49 10 A Yes.

11 Q And what prompted you to confess to those rapes?

12 A Didn't understand the law at the time, so I
13 admitted to rapes, where one was and one wasn't,
14 so I just put down rape and that was it.

03:49 15 Q Okay. So you admitted rapes on two, but you
16 really only raped one; is that what you are
17 saying?

18 A Right.

19 Q And which of the two, the first or the second are
03:49 20 you saying was not a rape?

21 A The second.

22 Q And you assaulted her, but didn't --

23 A -- go all the way, yes.

24 Q Okay. So you are saying you didn't go all the
03:50 25 way; therefore, you didn't think you had raped



1 her?

2 A Yeah.

3 Q Okay. But you admitted what they charged you
4 with; is that fair?

03:50 5 A Right.

6 Q And then apart from that, what prompted you to
7 confess then? I think you said you didn't
8 understand the law, apart from the issue on the
9 assault.

03:50 10 A Just wanted out of Headingley, so I admitted to
11 it.

12 Q Okay. What was wrong with Headingley?

13 A Not a thing.

14 Q Pardon me?

03:50 15 A Not a thing.

16 Q You say you wanted out of Headingley. Are you
17 being sarcastic?

18 A No. Not a thing wrong with Headingley.

19 Q Or the people at Headingley?

03:50 20 A That, yeah.

21 Q And tell us about that, what was wrong with the
22 people at Headingley?

23 A Ah, they had their own way of dealing with
24 matters.

03:50 25 Q And what was that?



1 A Threw them in a strip cell, kick the hell out of
2 them when they are bent over and handcuffed and
3 leg ironed.

4 Q So are you telling us, sir, then before you gave a
03:51 5 confession, were you assaulted in Headingley jail?

6 A Yeah.

7 Q By who?

8 A Staff.

9 Q And any inmates?

03:51 10 A No. Only once.

11 Q And so again you were arrested on the 19th of
12 September and this statement appears to be the
13 next day or the -- I think you were arrested at
14 about 1:30 in the morning on Friday night,
03:51 15 Saturday morning, Saturday at six o'clock you
16 confessed to the two rapes, okay?

17 A Uh-huh.

18 Q Was it that day, was it the first day in
19 Headingley that this happened to you?

03:51 20 A Yeah, one of them.

21 Q Okay. So one of them happened and again that was
22 a guard?

23 A Two guards.

24 Q Two guards. And then was there another incident
03:51 25 where you were assaulted by somebody either --



1 A Just thrown in the remand cage.

2 Q Okay. And was that at Headingley?

3 A Yeah, and then I was thrown into the strip cell
4 and handcuffed, leg ironed to the floor, no
03:52 5 clothes or nothing, and then I was beat on the
6 back of the legs with a club while I was shaving.

7 Q Okay. By who?

8 A Officers.

9 Q By guards?

03:52 10 A Yeah.

11 Q And are you telling us that that had an effect on
12 your decision to confess --

13 A Pretty well.

14 Q -- to the Fort Garry crimes?

03:52 15 A Yeah.

16 Q Now, we'll deal later with the Saskatoon crimes.
17 You ended up confessing, at least while you were
18 in jail, to two of the Saskatoon sexual assaults;
19 is that correct?

03:52 20 A Right.

21 Q And what if any effect did your treatment by the
22 guards at Headingley have on your decision to
23 confess to those charges?

24 A To get out of there quicker, just get it over
03:52 25 with. It didn't matter whether I plead guilty or



1 not guilty. I pled guilty to them all.

2 Q Yeah. So are you telling us, Mr. Fisher, that
3 your treatment by the guards at Headingley did
4 influence your decision to confess and plead
03:53 5 guilty to the Saskatoon charges?

6 A Yes.

7 Q Yes?

8 A Yes.

9 Q If I could call up 093342, please, and this is a
03:53 10 letter, Mr. Fisher, September 25, so this is about
11 a week after you are in jail and it's from the
12 Fort Garry police to the Saskatoon police, and at
13 that time they give your address at 120 Adelaide
14 Street. I think I touched on that earlier. Is
03:53 15 that where you had lived when you left Saskatoon;
16 does that sound right?

17 A Sounds right.

18 Q Sounds right?

19 A Yeah.

03:53 20 Q And then just for context, this letter, just so
21 you know, is the Fort Garry police, after they
22 arrested you they wrote to the Saskatoon police
23 and asked for information about you and as well
24 said here's the offences that you are alleged to
03:54 25 have committed in Fort Garry and asking the



1 Saskatoon police whether they have any, I think
2 unsolved assaults in Saskatoon, and then if I
3 could call up 002019, this is a letter back from
4 Fort Garry to Saskatoon, October 20th, 1970, and
03:54 5 the Fort Garry police inspector says that:

6 "... members of our department attended
7 at the Headingley Gaol and interviewed
8 the above named accused."

9 Which is you.

03:54 10 "He denied any knowledge of the offences
11 committed in your area. This could be
12 due to the fact that the inmates of the
13 Gaol have been giving him a hard time.
14 Also that he has had sufficient time in
03:54 15 Gaol now to know what may be in store
16 for him if he admits to any further
17 offences.

18 Then again it is possible he is
19 not guilty, this will be up to your
03:55 20 discretion."

21 Do you have a recollection, Mr. Fisher, of Fort
22 Garry police officers questioning you about
23 offences in Saskatoon?

24 A I can't remember.

03:55 25 Q Now, in these Fort Garry proceedings we saw



1 some records -- in fact, we heard evidence from a
2 fellow named Lawrence Greenberg. Do you remember
3 Mr. Greenberg?

4 A Yes.

03:55 5 Q And was he your lawyer that represented you in the
6 Fort Garry proceedings?

7 A Yes.

8 Q And was he a Legal Aid lawyer, appointed by Legal
9 Aid?

03:55 10 A I'm not sure.

11 Q Do you remember how you got his name or how you
12 retained him?

13 A No.

14 Q Do you remember when you retained him, would it
03:55 15 have been when you were arrested or was it at some
16 later point?

17 A I couldn't tell you.

18 Q When you gave the confession for the Fort Garry
19 rapes, which was the day after you were picked up
03:56 20 or the day of your arrest, do you know if you
21 would have had a lawyer at that time?

22 A I think the Courts gave him to me.

23 Q You think the Court did?

24 A Yeah, when I went in front of the Court.

03:56 25 Q Okay. And I think we heard evidence that the



1 first Court appearance may have been September
2 28th, which would be -- again, about nine days
3 after the offence, and you think -- was it your
4 first appearance in Court that you got a lawyer;
03:56 5 is that right?

6 A I think they gave me a lawyer then.

7 Q And was that Mr. Greenberg?

8 A I'm not sure which one it was, if it was him or
9 not.

03:56 10 Q So again back to this, do you have a recollection
11 of being questioned while you were in
12 Headingley -- or do you remember going to the
13 Vaughn Street Detention Home in Winnipeg as well
14 when you were going from Headingley to Court and
03:56 15 back?

16 A Yeah.

17 Q And do you remember being questioned at the Fort
18 Garry police cells?

19 A No.

03:56 20 Q No?

21 A No.

22 Q Do you remember being questioned at the Vaughn
23 Street Detention Home by any officers? Not prison
24 officials, but police officers?

03:57 25 A Yeah, but I can't remember who.



1 Q Okay. What about at Headingley, do you have a
2 recollection of being questioned by police
3 officers there?

4 A No.

03:57 5 Q Now, do you have any recollection of being
6 interviewed by any Saskatoon city police officers
7 while you were in Fort Garry, either at
8 Headingley, Vaughn Street Detention Home or the
9 Fort Garry police cells?

03:57 10 A I remember the interview, but I'm not sure where
11 it was.

12 Q You remember an interview?

13 A Yeah.

14 Q And what do you remember about that interview?

03:57 15 A Not too much.

16 Q And do you recall -- maybe I'll bring up the --
17 let me just skip ahead for a moment here. Do you
18 remember how many officers there were?

19 A No.

03:57 20 Q Do you remember what they looked like?

21 A No.

22 Q Do you remember what they asked you about?

23 A No.

24 Q Do you remember if there was any mention made of
03:58 25 the murder of Gail Miller?



1 A No.

2 Q If we could go to -- so again it appears that this
3 document, and maybe you are not able to help us,
4 it looks like this time that some Fort Garry
03:58 5 police officers visited you at Headingley, asked
6 you about some Saskatoon sexual assaults and you
7 denied them, according to this letter. Do you
8 have any recollection of that, initially denying
9 the Saskatoon assaults?

03:58 10 A Yeah, I did.

11 Q Okay. And who was that to; do you remember?

12 A I can't remember.

13 Q And why did you deny them?

14 A Just didn't want to bring it up at the time.

03:58 15 Q Pardon me?

16 A Just didn't want to bring it up at the time.

17 Q Okay. So at that time you had known you had done
18 them but decided not to at that time confess to
19 them?

03:59 20 A Yeah.

21 Q What caused you to change your mind?

22 A Just wanted to get it over and done with.

23 Q Okay. If we can call up 010697 and, Mr. Fisher,
24 this is a letter of October 20th, 1970, it's by a
03:59 25 fellow named Dr. Johnson, who was the director of



1 forensic services at the Psychiatric Institute in
2 Winnipeg and it's a letter he's writing to the
3 Crown attorney. Do you remember when you were in
4 Fort Garry being visited by doctors or
03:59 5 psychiatrists and getting some treatments and
6 being interviewed?

7 A Yeah.

8 Q Do you remember a Dr. Johnson, Dr. Adamson?

9 A (Shakes head).

03:59 10 Q No?

11 A No.

12 Q The record needs yes or no. Sorry, no?

13 A No.

14 Q And I believe the evidence has been that
04:00 15 Dr. Johnson was the fellow retained by the Crown
16 and Dr. Adamson was the fellow retained by Mr.
17 Greenberg. Does that sound right or do you have
18 any recollection of that?

19 A I remember going to see them. I just don't
04:00 20 remember their names.

21 Q Okay. And in this document here, and this is
22 October 20th, and so I think at this time you had
23 confessed to the two Fort Garry rapes, but
24 according to the last letter we looked at, you had
04:00 25 denied the Saskatoon offences, okay, according to



1 that letter.

2 A Uh-huh.

3 Q And then it says here:

4 "Mr. Fisher told me that he never raped
04:00 5 a girl... continued "that is why I asked
6 for a doctor's help"."

7 And it looks from this that you told the one
8 psychiatrist at least at that time that the Fort
9 Garry rapes were the first rapes. Do you
04:00 10 remember telling him that?

11 A No.

12 Q Is it possible you did and you don't remember?

13 A I can't remember.

14 Q Call up 002032, please, and this is the next day,
04:01 15 Wednesday, October 21st, 1970, Vaughn Street
16 Detention Home, 11:19 a.m., statement of Larry
17 Fisher, and a caution, it says:

18 "Q Do you understand this caution?

19 A Yes.

04:01 20 Q Do you wish to give a statement?

21 A Yes. I want to clear up three more
22 things. The first one was in
23 Saskatoon sometime around this spring.
24 I was downtown, I seen this girl get
04:01 25 on a bus so I got on to. She got off



1 and I got off to. I followed her. I
2 grabbed her from the front, dragged
3 her into the back of a yard. I took
4 off her clothes and raped her. This
04:01 5 was in Pleasant Hill District around
6 Avenue "U". It was around, west of
7 St. Paul's Hospital, I think. I think
8 the girl was wearing a dark coat and
9 slacks."

04:02 10 The second one you describe which was in the
11 university area and then the third one was in
12 Winnipeg about two months ago and she screamed
13 and I took off, and then it says signed Larry
14 Fisher, scroll down a bit, taken by Gilbert and
04:02 15 Huff. And I believe this is a typed version of
16 something that may have been handwritten. Do you
17 have a recollection of, apart from this document,
18 of talking to Gilbert and Huff and confessing to
19 two Saskatoon incidents and a Winnipeg incident?

04:02 20 A (Shakes head).

21 Q No?

22 A Don't remember it.

23 Q Now, I think Mr. Huff's evidence was that this may
24 have been when he was taking you to and from Court
04:03 25 from Headingley and he suggested that you may have



1 had some trouble with the guards at Headingley and
2 that he may have talked to them. Does that -- do
3 you recall any of that?

4 A No.

04:03 5 Q Do you recall confiding in or talking to a police
6 officer or police officers about the treatment you
7 were getting at Headingley?

8 A No. I think the judge picked that up.

9 Q Okay, the judge when you appeared in Court?

04:03 10 A Yeah.

11 Q And tell us what you remember about that?

12 A Oh, the face was all cut up and I was trying to
13 hide it.

14 Q And what did the judge say or do?

04:03 15 A Made we stand up straight and take my hands away
16 from my face. He seen it was all cut up and that
17 and it's the only one place I could have got it
18 and that was in Headingley.

19 Q And did the judge ask you about that?

04:03 20 A Yeah.

21 Q And what did you tell him?

22 A Told him I did it when I was shaving. He says
23 taking a billy club across the back and rib cage
24 and back of the legs. That's what happened.

25 Q And do you know what came of that, do you know if



1 the judge took any steps or any police officers
2 took any steps to deal with that?

3 A Don't know.

4 Q I take it, Mr. Fisher, do you have a recollection
5 at some point confessing to two Saskatoon assaults
6 while you were in jail in Headingley or Fort Garry
7 or Vaughn Street?

8 A Possibly in Fort Garry.

9 Q Okay.

10 A Yeah.

11 Q You say it could have been at the police station
12 in Fort Garry?

13 A It could have been anywhere.

14 Q Okay. Do you have -- I'm sorry, but do you have
15 any recollection of that though?

16 A I don't recollect, but it could have happened if I
17 did say it in one of those three places.

18 Q Okay. Maybe we'll call up 010721, please, and
19 this is a statement the next day, October 22nd,
20 1970, and this is a typed version. Down at the
21 bottom it's signed Larry Fisher, witness E. Karst.
22 Does the name Ed Karst sound familiar to you, sir?

23 A I read about him in the paper the other day too.

24 Q Okay. Apart from that, or did that refresh your
25 memory at all about --



1 A Yeah.

2 Q Pardon me?

3 A Yeah.

4 Q And so what do you remember about Mr. Karst?

04:06 5 A I just remember the name. That was all.

6 Q Do you remember the name from back in 1970?

7 A Yeah, and with all the times I've seen him on the
8 news and that lately, so --

9 Q So is that assisting your memory or help explain
04:06 10 for me, are you now saying that assists your
11 recollection and you now remember Mr. Karst as
12 being the fellow who interviewed you in Fort
13 Garry?

14 A Yeah.

04:06 15 Q What about Inspector Nordstrom, does that name
16 ring a bell?

17 A It doesn't ring a bell.

18 Q Do you remember if there was one or two officers
19 that you would have met with from Saskatoon, or
04:06 20 more?

21 A Don't know.

22 Q And this is a statement that relates to the
23 intended assault or intended rape of (V3)--
24 (V3)----- . There's another one for (V5)--
04:06 25 (V5)--- and it's the same two incidents I believe



1 that you had earlier talked to Lorne Huff and Doug
2 Gilbert about, confessed the day before, and do
3 you have a recollection, Mr. Fisher, of confessing
4 to two Saskatoon offences as opposed to four
04:06 5 offences?

6 A I don't know. No.

7 Q Now, when you talked to Mr. Karst -- and you think
8 there was another officer or you don't know?

9 A I'm not sure.

04:06 10 Q When you talked to anybody from the Saskatoon City
11 Police, do you recall any mention being made of
12 the Gail Miller murder?

13 A None that I know of.

14 Q Okay. And we'll see, we'll go through the
04:07 15 documents, about a year later you ended up
16 pleading guilty to four charges in Saskatoon and
17 we only have, I believe that there was a
18 confession of two in October of 1970. In December
19 of 1970 you were charged with four offences and
04:07 20 then a year later you pled guilty to four. Are
21 you able to tell us how it came to be that you
22 initially confessed to two and ended up pleading
23 guilty to four?

24 A No.

04:07 25 Q No?



1 A No.

2 Q And there's a letter, and I'll show it to you in a
3 moment, that suggests that when the Saskatoon
4 officers, Mr. Karst and Mr. Nordstrom, interviewed
04:07 5 you on October 22nd, 1970 when you confessed to
6 two, that you actually denied the other two. Do
7 you have a memory of that? Do you recall that?

8 A No.

9 Q And do you have any explanation as to why you
04:08 10 would originally admit two, deny two and then
11 later plead guilty to all four? Are you able to
12 help us out at all on that?

13 A No.

14 Q Again, 047051, please. This is an information,
04:08 15 Mr. Fisher, that charges you, and this relates to
16 the assault of (V3)-- (V3)----- . It's dated
17 December 30th, 1970 and there's a similar charge
18 or information for each of the other three
19 Saskatoon incidents, (V1)-, (V2)----- and (V5)--- .
04:09 20 Do you recall whether you became aware, while you
21 were in jail in Manitoba, in Headingley or Vaughn
22 Street, but likely Headingley, becoming aware that
23 you had been charged in Saskatoon with some rapes
24 and an attempted rape?

04:09 25 A No.



1 Q Now, you've waived the privilege that attaches to
2 your communications with Mr. Greenberg, your
3 lawyer at the time; is that correct? We received
4 a letter to that effect; is that right?

5 A Yes.

6 Q What instructions did you give Mr. Greenberg when
7 you were in Fort Garry to deal with your
8 outstanding charges?

9 A I can't remember.

04:10 10 Q He has told us that he was instructed that you
11 wanted to plead guilty and dispose of them all as
12 soon as possible. Does that sound right?

13 A Yeah.

14 Q And he also said that you would not have pleaded
04:10 15 guilty to any offence that you had not committed;
16 is that correct?

17 A Yes.

18 Q You would agree with that?

19 A Yes.

04:10 20 Q And that's true?

21 A Yes.

22 Q Again if we could call up 261053, please, and this
23 is a letter, Mr. Fisher, between the Saskatoon
24 City Police and the Deputy Attorney General and
04:10 25 just deals with your four charges. If we can go



1 to the third page and in this paragraph -- so this
2 is March of '71, just to put things in context.
3 Again in September of 1970, the year before, you
4 confessed to the two Fort Garry rapes, okay, and
04:11 5 as well I think there was a robbery and a weapon
6 charge there. In October, on October 21 and 22,
7 1970 you confessed to a rape in Saskatoon and an
8 attempted rape, okay, and on December 30th, 1971
9 you had been charged with four Saskatoon offences,
04:11 10 but I don't believe there had been any Court
11 proceedings in Saskatchewan, so that's as of the
12 date of this letter, and it says:

13 "During October 22, 1970, Members of our
14 Force interviewed Fisher while he was
04:11 15 confined to cells at the Fort Garry,
16 Manitoba, Police Station."

17 And I think you are saying that that's -- that's
18 your memory of where, best memory as to where it
19 might have taken place, and I may have misheard
04:11 20 you on that.

21 A Yeah.

22 Q And it says:

23 "Fisher admitted being responsible for
24 the rape of (V5)-- (V5)----- (V5)--- on
04:12 25 February 21, 1970, and also the



1 attempted rape of (V3)-- (V3) (V3)-----
2 on November 29, 1968."

3 And then it says:

4 "Fisher was questioned about the
04:12 5 offences committed on October 21 and
6 November 13, 1968, and denied any
7 knowledge of same."

8 And those two rapes would be the (V1)- rape,
9 which took place on Avenue E and F, and the
04:12 10 (V2)----- rape which took place in the same area.
11 Now, in December you ultimately pled guilty to
12 those rapes and my question is, it appears from
13 this letter that for at least, at least five
14 months, from October 22nd until March 17th, you
04:12 15 may have been denying those rapes; is that
16 possible, or do you know?

17 A Possible.

18 Q Do you have any recollection of that or are you
19 just going by what you read here?

04:12 20 A Just by what I read.

21 Q Okay. Now, we've heard evidence from Mr.
22 Greenberg and some documents, Court documents
23 regarding how your charges were dealt with in
24 Manitoba and then in Saskatchewan and I'm
04:13 25 wondering, Mr. Fisher, did you get into detailed



1 discussions with Mr. Greenberg about where you
2 wished to have the charges disposed of or they
3 wanted Manitoba done first, Saskatchewan done
4 first or did you leave that to him?

04:13 5 A I left that to him.

6 Q Did you care where you appeared and were
7 convicted?

8 A No, I guess not.

9 Q The record shows that on May 3rd, 1971, that you
04:13 10 plead guilty to the Manitoba charges in Winnipeg
11 and that on May 28th you were sentenced to I think
12 13 years on the two charges. Does that sound
13 right? Do you recall that?

14 A Yeah.

04:14 15 Q And at that time did you know, sir, that you had
16 outstanding Saskatchewan charges, Saskatoon
17 charges that you had to deal with?

18 A Yeah.

19 Q And do you remember whether or not, did you have
04:14 20 an arrangement at that time with the Saskatchewan
21 Attorney General or with authorities in
22 Saskatchewan about how your charges in
23 Saskatchewan would be dealt with?

24 A No, I didn't know nothing at all.

04:14 25 Q Okay. So once you were convicted in Fort Garry,



1 did you then believe that you might get some
2 additional time for the Saskatchewan offences?

3 A No.

4 Q I'm sorry, no?

04:14 5 A No.

6 Q Okay.

7 A I wasn't thinking about it.

8 Q You weren't thinking about it?

9 A No.

04:14 10 Q Why not?

11 A I very seldom talked to the lawyer, so I didn't
12 know which way he was going.

13 Q Pardon me?

14 A I very seldom talked to my lawyer, so I didn't
04:14 15 know what deals he made with Saskatchewan.

16 Q Okay. So were you relying upon him to make those
17 dealings?

18 A Yeah.

19 Q And I think his evidence was to the effect that to
04:15 20 try to get the best -- to plead guilty to the four
21 Saskatchewan charges, to the Fort Garry charges
22 and get the best sentence possible; does that --
23 that's what he told us, or words to that effect.
24 Would those have been your instructions to him?

04:15 25 A No.



1 Q No?

2 A No.

3 Q What would your instructions have been?

4 A I don't know what type of deal he was going to
04:15 5 make with Saskatchewan.

6 Q Okay.

7 A So --

8 Q But was it your desire to get the minimum sentence
9 that he could negotiate or seek from the Court?

04:15 10 A No.

11 Q No?

12 A No.

13 Q What was it then?

14 A Mine was to accept what I got.

04:15 15 Q So you didn't care whether you got shorter or
16 longer time; is that what you are telling us?

17 A At the time, yeah.

18 Q So whatever it was, it was, just go plead guilty
19 and whatever the Court says, that's what I'll do?

04:15 20 A Yeah.

21 Q Now, do you have a recollection that after you
22 were convicted in Fort Garry, I believe you went
23 to Stoney Mountain; is that right, for a short
24 time?

04:16 25 A Yeah.



1 Q And then to Prince Albert Penitentiary?

2 A Yeah.

3 Q And in your dealings with Mr. Greenberg, was it
4 your desire to serve your time in Saskatchewan, a
04:16 5 Saskatchewan penitentiary, was that important to
6 you?

7 A No, I just did my time there.

8 Q Pardon me?

9 A No, that's just where I did my time.

04:16 10 Q Okay. He had told us that you wanted to be in
11 Saskatchewan close to your family?

12 A Preferably, yeah.

13 Q And at that time your daughter would have been
14 about three years old; is that right, born --

04:16 15 A About that.

16 Q Yeah. So are you telling us you didn't care where
17 you served it or are you telling us you wanted to
18 serve it in Saskatchewan?

19 A I wanted to spend it in Saskatchewan.

04:16 20 Q Mr. Greenberg told us that that was your desire --

21 A Yeah.

22 Q -- and I'm wondering, are you disagreeing with him
23 or are you saying yes, that's --

24 A But if they sent me somewhere else, I could get
04:17 25 visits or something for my daughter, then I would



1 say yeah, I would go.

2 Q Okay. Now, when you were in Prince Albert do you
3 have a recollection of attending court in Regina
4 in December of 1971 to deal with the Saskatoon
04:17 5 charges?

6 A No, I don't.

7 Q And I believe Mr. Greenberg would have been there
8 and you possibly would have been flown in from the
9 Prince Albert Pen?

04:17 10 A Yeah.

11 Q Penitentiary. Do you remember that at all?

12 A No.

13 Q Did you tell Mr. Greenberg that you wanted the
14 charges heard in Regina rather than Saskatoon?

04:17 15 A No.

16 Q Did you care where the charges were heard?

17 A No.

18 Q Are you familiar, sir, with what a preliminary
19 hearing is?

04:17 20 A Yeah.

21 Q And do you know what a direct indictment is?

22 A Yeah.

23 Q And in -- with respect to the four Saskatoon
24 charges, the evidence is that a direct indictment
04:18 25 was filed, in part, at least one explanation has



1 been so that there would be no need to have you
2 attend a preliminary hearing, and were you aware
3 at the time that you were being charged by direct
4 indictment as opposed to having a right for a
04:18 5 preliminary hearing?

6 A Gees, I can't remember.

7 Q Okay. Would your instructions -- once you got to
8 Prince Albert and you were serving your time for
9 the Manitoba charges, I think Mr. Greenberg told
04:18 10 us that his instructions were to have you plead
11 guilty to the Saskatchewan charges; is that right?

12 A Yeah, I think so.

13 Q And did you care whether or not you had a
14 preliminary hearing prior to the Superior Court
04:18 15 dealing with those charges?

16 A No.

17 Q If we could call up 301073 and this is a memo from
18 Serge Kujawa. Do you remember, did you ever
19 encounter Serge Kujawa in Court; do you remember
04:19 20 that? He would have been the prosecutor appearing
21 in December of 1971. Do you remember him at all?

22 A No.

23 Q In any event, in this memorandum that he's writing
24 to the acting Attorney General it says:

04:19 25 "The above was convicted of rape in



1 Manitoba and sentenced to 13 years
2 imprisonment. Now, through his counsel
3 in Manitoba, he has requested that we
4 dispose of the four outstanding charges
04:19 5 against him in Saskatchewan, so as to
6 clean up his record and some day be in a
7 position to start anew."

8 Would that be an accurate statement as to what
9 you were wishing to do with the Saskatchewan
04:19 10 charges?

11 A Yeah.

12 Q And then it says:

13 "Without his confession in Manitoba, we
14 have no evidence at all on which to
04:20 15 charge Fisher but the offences he refers
16 to were committed and reported to the
17 police at the time."

18 Do you recall any discussion with your legal
19 counsel, Mr. Greenberg, or anybody at the time,
04:20 20 Mr. Fisher, about whether or not you could be
21 convicted for the Saskatchewan offences without
22 your confessions?

23 A No.

24 Q It goes on to say:

04:20 25 "Since the above suggested procedure is



1 at the request of the accused and his
2 counsel, I do not think a clearer case
3 for a direct indictment can be made
4 out."

04:20 5 And it goes on to talk about it. So I take it,
6 sir, were you aware that your charges were being
7 dealt with by direct indictment?

8 A I can't remember how they were dealt with.

9 Q And again I think you told us you don't recall
04:20 10 appearing in Court in Regina then to deal with
11 those charges?

12 A No.

13 Q Do you remember getting, your sentence for those
14 four charges being concurrent time?

04:21 15 A I can't remember.

16 Q I take it that that would be something that you
17 might view as important, how much more time you
18 might have to spend in jail?

19 A At the time it didn't matter.

04:21 20 Q Why not?

21 A I don't know. I was just sitting there waiting
22 for them to give me what they wanted to give me.

23 Q Okay. If we can call up 042960, please, and again
24 this is a memorandum from Mr. Kujawa that talks
04:21 25 about the Court appearance, about you being in



1 Court, and in this memorandum he says:

2 "Without his confession in Winnipeg we
3 had no case at all against him and the
4 confession would not likely be held to
04:21 5 be voluntary."

6 Now, I appreciate that this is Mr. Kujawa's
7 memorandum, not your document, but again, Mr.
8 Fisher, can you tell us anything that you were
9 aware of that might, anything that you are aware
04:22 10 of that might have caused Mr. Kujawa to write or
11 think that your confessions might not be held to
12 be voluntary?

13 A Can't think of anything.

14 Q You had mentioned earlier about your treatment by
04:22 15 the guards. At that time in your mind, sir, did
16 the treatments, the treatment that you received by
17 the guards at Headingley jail, did that cause you
18 to confess to any of the Saskatoon offences, or
19 maybe the better question, what role if any did it
04:22 20 play in your decision to confess to the Saskatoon
21 charges?

22 A To get out of their quicker, get it over and done
23 with, get out of there.

24 Q Okay. So, I'm sorry, did the -- if there had been
04:23 25 no assaults by the guards at Headingley jail,



1 would you have still confessed to the Saskatoon
2 offences do you think?

3 A Yes, I would have, yeah.

04:23 4 MR. HODSON: Okay. Mr. Commissioner, this
5 might be a good spot to break. I'm moving to a
6 different area.

7 COMMISSIONER MacCALLUM: All right.
8 Tomorrow at nine, please.

9 (Adjourned at 4:23 p.m.)

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1 **OFFICIAL QUEEN'S BENCH COURT REPORTER'S CERTIFICATE:**

2 I, Karen Hinz, CSR, Official Queen's Bench Court Reporter
3 for the Province of Saskatchewan, hereby certify that the
4 foregoing pages contain a true and correct transcription
5 of my shorthand notes taken herein to the best of my
6 knowledge, skill, and ability.

7
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11 _____, CSR

12 Karen Hinz, CSR

13 Official Queen's Bench Court Reporter
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