

*Commission of Inquiry*  
*Into the Wrongful*  
*Conviction of David Milgaard*  
*before*  
**THE HONOURABLE MR. JUSTICE**  
**EDWARD P. MacCALLUM**

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Transcript of Proceedings

and

Testimony before the Commission  
sitting at the  
Radisson Hotel at  
Saskatoon, Saskatchewan

\*\*\*\*\*

On Thursday, November 10th, 2005

Volume 94

Inquiry Proceedings



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Ms. Joanne McLean, for Ms. Joyce Milgaard  
Ms. Lana Krogan, for Government of Saskatchewan  
Ms. Catherine Knox, for Mr. T.D.R. (Bobs) Caldwell  
Mr. Rick Elson, Esq., for the Saskatoon Police Service  
Mr. Chris Boychuk, Esq., for Mr. Eddie Karst  
Mr. Jay Watson, Esq., for Mr. Serge Kujawa  
Mr. Bruce Gibson and Ms. Rochelle Wempe, for the RCMP  
Mr. David Frayer, Q.C., for Minister of Justice  
(Canada), The Hon. Irwin Cotler



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RICHARD ALLAN PEARSON, CONTINUED

- BY MR. HODSON

19011



1 Transcript of Proceedings

2 (Reconvened at 9:00 a.m.)

3 COMMISSIONER MacCALLUM: Good morning.

4 ALL COUNSEL: Good morning.

5 RICHARD ALLAN PEARSON, continued:

6 BY MR. HODSON:

7 Q Morning, Mr. Pearson. I was wondering if we can  
8 maybe just have the mike moved up a little closer,  
9 I think we had some yesterday that didn't hear you  
10 very well at the back, so maybe you can just tell  
11 us again everything you told us yesterday.

12 (Laughter)

13 Q Where we left off yesterday, we had gone through  
14 your first meeting with Linda Fisher, and I think  
15 you told us that you were aware that Linda Fisher  
16 had been previously interviewed by Joyce Milgaard,  
17 and were you aware that a fellow by the name of  
18 Paul Henderson, an investigator from Centurion,  
19 was also with Mrs. Milgaard when the interview  
20 took place?

21 A I'm not sure I had identified who was with her. I  
22 knew someone was with her. I --

23 Q And did you know that person was an investigator?

24 A I don't remember if I knew that at the time. I  
25 possibly did, I'm not sure.



1 Q And I think you also told us that you did not have  
2 a copy of the statements that Linda Fisher had  
3 given to Mrs. Milgaard; is that correct?

4 A That's correct, yes.

5 Q And as well, and again I just want to go over a  
6 couple of these areas that we touched on  
7 yesterday, and I think you also told us that at  
8 the time you interviewed Linda Fisher you didn't  
9 have a concern with the fact that she had talked  
10 to Mrs. Milgaard and the investigator a couple of  
11 days earlier, or someone else a couple days  
12 earlier; is that correct?

13 A Not at that time, no.

14 Q And I think, subsequently, you said you became to  
15 have concerns about the fact that Mrs. Milgaard  
16 and others were interviewing some of the same  
17 people you interviewed; is that correct?

18 A Yes.

19 Q And I think you talked a bit about Larry Fisher  
20 and that process; is that right?

21 A Yes.

22 Q And we'll touch on that when we get, a bit later,  
23 to Larry Fisher. You also told us about, I think  
24 just generally, a concern that if you are  
25 interviewing a witness who has been talked to



1 already by a party who may have a particular  
2 interest, is that correct, that there might be  
3 concerns just generally?

4 A Yes.

5 Q And again can you just describe for us, again just  
6 generally, what would be the concerns you would  
7 have as an investigator in interviewing  
8 significant witnesses if that witness has already  
9 been talked to by a party that has an interest or  
10 a stake in the matter?

11 A Well I suppose there is a potential to interject  
12 information that may make their position more  
13 influential, or stronger, or maybe introduce  
14 statements or facts that are good for their  
15 position, so to speak. So there is a potential to  
16 influence the witness in that way rather than  
17 getting it purely from them.

18 Q We had heard some evidence earlier on in the  
19 Inquiry, Mr. Pearson, from some police officers,  
20 and indeed some of them were cross-examined by  
21 counsel on the issue -- and I'm thinking  
22 specifically of Nichol John and Ron Wilson --  
23 where there was a suggestion, which the officers  
24 denied, that these witnesses were driven around  
25 the scene of the crime and shown things that might



1           have influenced their subsequent statements, i.e.  
2           "here's where the garbage can is, there is a purse  
3           in the garbage can", etcetera, that might  
4           influence what the witness later says in a  
5           statement. And I take it just generally, as an  
6           investigator, would that be something you would  
7           keep in your mind, not to contaminate the witness  
8           with information that they might not already know?

9           A           Umm, yes, definitely.

10          Q           And so, again, would -- just going back to when  
11           you are interviewing witnesses in 1990 -- and I'll  
12           deal with specifics in a moment, I'm just talking  
13           generally about a concern that you might have --  
14           is that, is that a similar concern, that the  
15           witness might be influenced by information they  
16           get from somebody?

17          A           Yes, that's true. I think witnesses can gather  
18           information from all sorts of sources, you know,  
19           the news media, friends, relatives, whoever, you  
20           know, before the police get there, there is  
21           usually a lot of information out there, but you  
22           don't want to add any more to it than you have to  
23           and --

24          Q           And so again, now, I want to go into the specifics  
25           because I think -- and I think I can state this





1           fairly, Mr. Pearson -- that one of the issues that  
2           is before the Commission is the interviews of a  
3           number of these witnesses being interviewed back  
4           from 1990 and onwards by -- and I hesitate to use  
5           the word "sides" -- but by, on the one hand,  
6           people investigating on behalf of the Federal  
7           Minister of Justice, namely you and Mr. Williams,  
8           and on the other hand by people on behalf of David  
9           Milgaard. And we have seen statements from  
10          various people, sometimes you interviewed them  
11          first, they interviewed them second, and vice  
12          versa, and there's issues here about what effect  
13          that might have had on the information. So, just  
14          with that background, I just want to go through,  
15          specifically, your dealings and get your evidence  
16          about what impact, if any, previous interviews of  
17          witnesses that you interviewed may have had on the  
18          work you did. Do you understand? And so then  
19          I'll go through that just so you know where I'm  
20          coming from.

21        A        Okay.

22        Q        Now I had gone through yesterday, if we could just  
23                call up 063205, and this was the statement that  
24                you took on March 14th, 1990 that's on the screen,  
25                and we went through this in detail yesterday and



1           you described the process you took for the  
2           interview. I want to put up on the split screen,  
3           if I can, 004925. And so what we have on the  
4           screen, Mr. Pearson, on the left-hand side is the  
5           statement that you took on March 14th, 1990 from  
6           Linda Fisher, and on the right-hand side we have  
7           the statement taken by Joyce Milgaard and Paul  
8           Henderson on March 10th, 1990, so four days  
9           earlier. And I think your evidence has been that  
10          you did not look at the March 10th statement when  
11          you interviewed Linda Fisher; is that correct?

12        A           As I recall, yes.

13        Q           And did you subsequently, other than maybe in the  
14           last couple of days in preparation for your  
15           evidence here, did you, in the course of your work  
16           in 1990, go back and look at the statement Linda  
17           Fisher gave to Mrs. Milgaard and Paul Henderson to  
18           compare it to what she told you?

19        A           I am sure I did. I requested the statement, as I  
20           recall, from Mr. Williams in Ottawa.

21        Q           Now just, and again I'll take you through this,  
22           but given that the statements are four days apart  
23           and on the same subject matter, would you expect  
24           them to be to be consistent?

25        A           You would expect so.



1 Q And as far as the critical facts, would you expect  
2 them to be identical or pretty close to identical,  
3 as to relevant facts?

4 A I would think they should be very, very close,  
5 maybe not identical, but when people describe  
6 things and, you know, if you are describing a  
7 specific knife or a -- if you are describing an  
8 action you'd maybe document it a little  
9 differently.

10 Q And --

11 A But should be fairly close.

12 Q And if they were different, let's just talk  
13 generally, if they were different in any material  
14 respect let me suggest that there might be two  
15 explanations, one might be that Linda Fisher told  
16 two different stories; is that fair?

17 A Yes.

18 Q And the second might be the manner in which the  
19 interview is conducted and recorded; is that fair?

20 A Yes.

21 Q Or some combination of the two?

22 A Uh-huh.

23 Q So let's just go through, and I want to ask you to  
24 comment on what you learned from Linda Fisher and  
25 what Mr. Henderson wrote down four days earlier,



1 and, again, if you could actually just bring that  
2 down to the bottom. I want to focus at first just  
3 on the key areas, and we identified yesterday that  
4 one of the key areas that you were interviewing  
5 Linda Fisher was relating to whether Larry Fisher  
6 was home the evening before the murder, before he  
7 went out, and whether he possibly came home early  
8 in the morning before she woke up; do you recall  
9 us going through that?

10 A Yes.

11 Q And I think you told us that your, your  
12 understanding of Linda's statement was that, as  
13 far as she was concerned, Larry was not home at  
14 the time of Gail Miller's murder and he wasn't at  
15 work; is that correct?

16 A That's my recollection, yes.

17 Q And that she said it's possible maybe he came home  
18 when she was sleeping, and it was possible that he  
19 maybe got up at 6:30 and went to work, but that  
20 she didn't think so; is that a fair summary of  
21 what you told us yesterday?

22 A Yes.

23 Q So here, on March 10th, she tells Mr. Henderson:  
24 "I have a distinct memory of the morning  
25 in 1969 when a young nurse ... was raped



1                   ... Larry had been staying out late at  
2                   night and I suspected he was running  
3                   around with other women. On the night  
4                   before the morning of the Miller murder,  
5                   Larry again had failed to come home. I  
6                   stayed up, waiting for him, until after  
7                   the bars had closed. He still had not  
8                   come home. I was very angry ..."

9                   planned on packing up to leave. And then if we  
10                  can just scroll down on the top statement, and  
11                  then it goes on to talk about awaking at 9 and 10  
12                  a.m., and that Larry was working for Jones  
13                  Construction, etcetera:

14                  "... I was surprised on this morning to  
15                  wake up much later and discover that  
16                  Larry was at home ...".

17                  And so, again, I want you to comment. Now then  
18                  when you go back to your statement at the bottom,  
19                  I went through this with you yesterday, she says:

20                  "As far as I know ...",

21                  and let me, sorry, go down:

22                  "I don't recall if Larry came home for  
23                  supper, but went out after supper."

24                  And down here:

25                  "I do not recall him coming home ...".



1 And then if you can go to, on the Rick Pearson  
2 statement, if we can go to the third page, 063207  
3 on the left, and then just go down to and call  
4 out this part. And here she says:

5 "I don't remember Larry's explanation  
6 for not going to work ... I don't recall  
7 if he went to work ... I don't recall  
8 seeing any scratches ... If Larry would  
9 have come home on the night ... he would  
10 probably have slept ... I cannot recall  
11 if the clothes I saw ...",

12 etcetera. And just generally, when I look at the  
13 two statements, the March 10th statement starts  
14 off saying:

15 "I have a distinct memory of the morning  
16 in 1969 ...",

17 whereas your statement seems to be more 'I don't  
18 recalls', and you are the one who interviewed her  
19 on the 14th of March, sir, did you get the  
20 impression -- let me ask you just generally, how  
21 do you reconcile -- or maybe they don't need  
22 reconciling -- but your statement and the  
23 statement that Mr. Henderson took on this point?

24 A Well he is saying that there is a distinct memory  
25 that she had, I was left with the impression that



1           it wasn't that distinct, she had these memories,  
2           there was some fogginess to it I think over the  
3           years, so there was some lack of clarity or  
4           distinctness, from what I interpreted.

5           **Q**       Next, if we can go back just to the, you can go  
6           back just to the first page of each document, and  
7           on Mr. Pearson's I want you to go to the second  
8           page, please. If we can go, on 063205, go to the  
9           second page, please, and again in your  
10          statement -- and let's start with the statement of  
11          March 10th -- in that statement Linda Fisher  
12          simply says "I discovered that my kitchen paring  
13          knife was missing" and then goes on to talk, and  
14          in your statement you talk about the paring knife  
15          and get a specific description, and again your  
16          comments, Mr. Pearson, about the difference there?

17          **A**       Just talking about the general description as  
18          opposed --

19          **Q**       Well, again, the statement of March 10th she  
20          doesn't describe the paring knife at all, in your  
21          statement she does?

22          **A**       Yes.

23          **Q**       And did you think the description of the knife,  
24          paring knife, was important?

25          **A**       Well, certainly it was a --



1 Q And, what -- and, again, do you recall whether  
2 Linda Fisher had any trouble describing the knife  
3 on March 14th?

4 A She didn't seem to, she seemed to have a fairly  
5 good recollection of the details, which after 20  
6 years was I'm not saying surprising, but she did  
7 have a fairly good recollection of the detail.

8 Q And again, if we can go back then to just the  
9 second, the second page of Mr. Pearson's and the  
10 second page of the March 10th statement, and I  
11 want to compare what you wrote about Mr. Fisher's  
12 reaction when Linda Fisher accused him of the  
13 murder. And, again, in the March 10th statement  
14 she says:

15 "But his reaction was strange. Knowing  
16 him as I did, I would have expected him  
17 to keep up with the yelling and arguing,  
18 as he always did. But my angry  
19 accusation stopped him cold. He looked  
20 at me like a guilty person who's just  
21 been caught. The color drained from his  
22 face and he looked shocked and scared.  
23 I will never forget his expression."

24 And then it goes on to talk about, at the time,  
25 she thought it was:





1                    "... caused by disbelief that I would  
2                    say or even think something so horrible  
3                    ... I am now convinced that Larry  
4                    reacted the way he did because he really  
5                    did kill Gail Miller."

6                    And then in your statement you say:

7                    "During the argument ... something like  
8                    I was very accusing ... used an angry  
9                    tone ... when I mentioned this murder,  
10                    Larry just stopped, his face went pale  
11                    and drained. Larry seemed shocked. At  
12                    first I thought his shocked look was a  
13                    reaction like "do you really think I  
14                    could do this". In past arguments,  
15                    Larry ...",

16                    let's just go to the next page. Just at the top:

17                    "... Larry never seemed shocked about  
18                    anything, but never saw the same  
19                    reaction as I saw when I accused him of  
20                    killing the girl that night."

21                    And, again, there appears to be a different  
22                    description of the reaction; are you able to give  
23                    your views, Mr. Pearson, on that?

24                    A                    I don't recall her specifically telling me that  
25                    she thought Larry was responsible, or she believed



1           that he had killed her. She had this suspicion or  
2           this feeling, these circumstances that bothered  
3           her.

4           Q       If she would have told you in your interview words  
5           to the effect that I think he really did kill Gail  
6           Miller -- do you recall her expressing that  
7           sentiment to you?

8           A       I don't recall it being that specific. She  
9           certainly had these ongoing suspicions that  
10          bothered her, but for her -- I don't recall her  
11          ever saying -- I just don't recall her ever saying  
12          that she believed that Larry killed her. She had  
13          the suspicion.

14          Q       And again the expression here that "he looked at  
15          me like a guilty person who has just been caught,"  
16          do you recall her saying anything of that nature  
17          to you?

18          A       No, not in those terms.

19          Q       If we can go down to the page, page 4 of Mr.  
20          Pearson's statement, the March 14th statement, and  
21          page 2 of the second statement, and I want to  
22          compare those two paragraphs. On March 10th Linda  
23          Fisher said again:

24                        "Despite this --"

25          And this is talking about the reaction she had on



1 the morning of the murder, or the accusation:

2 "Despite this, I really didn't suspect  
3 Larry of being capable of committing  
4 something like this until after he'd  
5 been arrested for rape and sentenced to  
6 prison in 1971. Sometime after entering  
7 prison, he wrote me letter describing  
8 what prompted him to rape women - how in  
9 one case he'd been sitting on a bus  
10 behind a woman and started getting a  
11 headache."

12 And then:

13 "He said he remembered following a woman  
14 off the bus and his mind was blank from  
15 that point on. Then when it was over he  
16 knew what he'd done."

17 And then in your statement I think it talks  
18 about:

19 "... never made any confessions to me of  
20 the crime. Larry was convicted of the  
21 Winnipeg rapes (two) on 28 May 28 71 and  
22 got 13 years."

23 And then again talks about the letters explaining  
24 the Winnipeg crimes.

25 "He also told me of the rapes in 1968 in



1 Regina, I wasn't aware of these crimes  
2 until he told them to me in the  
3 letters."

4 So again, it looks like you are both describing  
5 what she would have said in the letters. Is  
6 there anything, comparing those two, that would  
7 cause you any concern, Mr. Pearson, is there  
8 anything in the March 10th statement that is  
9 inconsistent with what you heard from Linda  
10 Fisher on March 14th?

11 A Maybe some of the actual specifics, the knife,  
12 maybe the one indicates that she had distinct  
13 memory.

14 Q I'm sorry, I'm talking about just these two  
15 paragraphs.

16 A Oh, I see. No, I think as far as describing what  
17 she believed, I can't see anything that stands out  
18 as a great difference. The words are different,  
19 but I think the meaning is there.

20 Q Yeah. And I don't propose to go through, we can  
21 go back to -- there are, in fairness, Mr. Pearson,  
22 a number of similarities and identical things in  
23 the statement as well and I only pointed out some  
24 that I wished to get your answer to.

25 A Sure.



1 Q And again, just generally, having reviewed the  
2 March 10th statement from Linda Fisher, does  
3 that -- did that at the time, or does it now,  
4 cause you concern, the fact that there might be  
5 different information given in the two statements?

6 A There are some differences, and I think any time  
7 there are, that has to start causing concern, but  
8 I have to be very honest, going right back to the  
9 very beginning during this initial interview, I  
10 don't recall being alarmed by the fact that she  
11 had talked earlier, but as time went on, I did get  
12 concerned, yes.

13 Q Yes, and we'll deal with those a bit later.

14 A Okay.

15 Q Just as well if we could call up 062143, which was  
16 the second statement, and this was a statement  
17 given on March 11th, and I think it was the day  
18 after the first statement, and in this statement  
19 Linda Fisher says:

20 "According to the report --"  
21 And it's talking about a police report,  
22 "-- which was read to me by  
23 Mrs. Milgaard, Larry further claimed  
24 that on the morning of January 31, he  
25 had caught the bus at 6:30 a.m. at



1 Avenue 0 and 20th Street.

2 I find this strange because on  
3 this particular morning Larry was in our  
4 basement suite when I awakened sometime  
5 between 9 and 10 a.m. As far as I'm  
6 concerned, he did not go to work that  
7 morning."

8 And then scroll down:

9 "Until talking with Mrs. Milgaard on  
10 this date, I was not aware that Larry  
11 had been questioned by police, nor was I  
12 aware that he had claimed to anyone that  
13 he went to work on the morning of  
14 January 31.

15 If I had been aware that Larry  
16 was claiming to police or anyone to have  
17 gone to work on the morning of January  
18 31, I would have been quite suspicious  
19 of his motive for lying. In view of the  
20 murder that occurred on that date, it is  
21 likely I would have felt compelled to  
22 contact police."

23 Now, again just a bit of background here, Mr.  
24 Pearson, I think this -- I think what evidence we  
25 heard or the documents we saw, that after



1 Mrs. Fisher gave her first statement on March  
2 10th, she was contacted again with information  
3 that Larry Fisher had been talked to by the  
4 police on February 3rd and asked about his  
5 whereabouts on the morning of the murder and he  
6 told the police he went to work, and later on in  
7 your notes you -- or in your efforts you deal  
8 with this, but I'm asking you to go back at the  
9 time of your first statement from Linda Fisher.  
10 There's nothing in her written statement, the  
11 first one, to you about this subject matter. Do  
12 you recall whether that came up at all?

13 A I think this was a new subject that was  
14 introduced. I don't think there was any  
15 discussion that I had with Linda talking about the  
16 contact by the police on the morning of the --

17 Q And in fairness, I'll show you a note in a moment  
18 where she called you about this later, but just  
19 back, if she would have told you this on March  
20 14th, that oh, by the way, the police stopped  
21 Larry and questioned him shortly after the murder,  
22 is that something you would have written in the  
23 statement?

24 A Oh, absolutely.

25 Q And can we conclude from that that this subject



1 matter about Larry being stopped by the police was  
2 not likely brought up in the interview?

3 A In my recollection it wasn't.

4 Q And if you had been aware of this, and I think I  
5 can show you in your notes where you did become  
6 aware of this at a later date, but if you had been  
7 aware of this fact, would you have put that to  
8 Linda Fisher in your interview of her on March  
9 14th?

10 A Oh, yes, certainly.

11 Q If we can now go back to 056743, and again this --  
12 if we can go to page 056750, and this just picks  
13 up -- this is March 14th of 1990, this is the day  
14 that you took Linda Fisher's statement, you've  
15 summarized the key points, and I think I touched  
16 on this yesterday. Then at 4:30, it looks like,  
17 on the 14th of March:

18 "Received a call from Mr. Williams in  
19 Ottawa, advising he had been talking to  
20 David Asper from Winnipeg.  
21 Mrs. Milgaard has apparently obtained a  
22 statement from Linda, which I was aware  
23 of. We also discussed circumstances  
24 surrounding the two offences which Larry  
25 was involved in, in Fort Garry in 1970.





1 I have possession of several police  
2 reports, which detail the two offences  
3 Larry was involved in, in Fort Garry.  
4 The offences actually took place on  
5 Saturday, 70 Sep 19 and Sunday 70 Aug  
6 02. Williams and myself discussed the  
7 M.O.'s, we noted the knife he used in  
8 the one offence, both were violent  
9 crimes. We also discussed the North  
10 Battleford offence, the knife used, the  
11 M.O. and the viciousness of this  
12 attack."

13 And I think just again on the Fort Garry police  
14 reports, I think you told us yesterday that you  
15 obtained those from the penitentiary that had a  
16 file on Larry Fisher; is that correct?

17 A Yes.

18 Q And I think you told us yesterday as well that  
19 efforts to get the police files from Fort Garry,  
20 you were informed that those files were destroyed;  
21 is that correct?

22 A That's correct.

23 Q At the time when you learned that the Fort Garry  
24 police files relating to Larry Fisher's offences  
25 had been destroyed, did that cause you any



1 concern, that they had been destroyed?

2 A Well, they weren't available, so it would have  
3 been nice I suppose to have had them, but the fact  
4 that they were destroyed after 20 years, it didn't  
5 surprise me that they weren't available in the  
6 system.

7 Q Were you suspicious in any way of the Fort Garry  
8 police in connection with the destruction of the  
9 Larry Fisher files?

10 A No.

11 Q If we can then go on to the paragraph 34 -- or let  
12 me just pause here. I take it that it appears  
13 from this note that you and Mr. Williams would  
14 have talked about the nature of the two Fort Garry  
15 offences, and I believe the North Battleford  
16 offence was (V10) (V10)-. Tell us why that would  
17 be important in your investigation?

18 A I think there was a common crime pattern I suppose  
19 when you start talking about the violence against  
20 women, a sexual nature, and we're looking at  
21 similarities between them, and in particular the  
22 weapon that was used.

23 Q And again you touched upon this yesterday, the  
24 fact that Mr. Fisher on the day of the murder  
25 resided a block and a half or two blocks away and



1 had this record was something that caused your  
2 antenna to go up or to be suspicious of him; is  
3 that fair?

4 A When you talk about the whole package of why I  
5 suspected him?

6 Q Yes.

7 A Well, they were basically his crime pattern, or  
8 the fact that he had violence against women and  
9 his -- I said coincidence, I'm not sure that's a  
10 correct term, but the fact that he was in the same  
11 house the morning of the murder and the fact that  
12 we had Linda saying these things, put those  
13 together, was pretty persuasive that this person  
14 could have been involved.

15 Q And you talk about the M.O. and I take it you  
16 would look at, or would have looked at how he  
17 attacked the other victims, the circumstances  
18 under which he attacked them?

19 A Well, it wasn't that refined. The information --  
20 there was not a lot of information, so, you know,  
21 I think it was more, in general terms, talking of  
22 the details. It wasn't a file analysis as such,  
23 it was a discussion.

24 Q And do you recall what Mr. Williams, whether he  
25 expressed any views about these issues to you?



1 A I don't recall.

2 Q You then go on to talk about to check with the  
3 Fort Garry investigators to determine blood type  
4 was used or if photos are available of the knife.  
5 Why would you be trying to get a photo of the  
6 knife used in Fort Garry?

7 A I suppose at the time we were thinking is it  
8 possible that the knife that Linda was using could  
9 have been used in that offence or a knife that was  
10 like it, but I would think it was -- the thinking  
11 at the time, it was to see what kind of knife was  
12 used.

13 Q And I think it goes without saying that if the  
14 paring knife that Linda Fisher was missing on the  
15 morning of January 31, '69 was in fact the knife  
16 that was used to kill Gail Miller and the knife  
17 that the police recovered at the scene, then it  
18 could not have been the same knife used in Fort  
19 Garry; is that --

20 A Yeah.

21 Q That's fair?

22 A That's fair.

23 Q Then we go on to paragraph 35 and it says David  
24 Asper phoned, I was out, Corporal Conlon took the  
25 call.



1 "I then returned the call at 8:30 p.m.  
2 from my residence. Mr. Asper explained  
3 that he had been to Saskatoon within the  
4 past couple of days to see Joyce  
5 Milgaard, to tell her to let the  
6 authorities investigate the new evidence  
7 and to share her information with  
8 everyone. Asper was expressing concern  
9 that Mrs. Milgaard has become very  
10 mistrusting of everyone and has become  
11 somewhat of an independent investigator,  
12 and is reluctant to turn information  
13 over to even her lawyers. She is  
14 particularly mistrusting of the  
15 Saskatoon City Police, and in fact  
16 believes there is a cover-up conspiracy  
17 by them regarding her son's murder  
18 charge. Mr. Asper related to me that he  
19 knows the file cold and could fill me in  
20 on all the details if it became  
21 necessary. I indicated to Mr. Asper  
22 that my involvement was very recent and  
23 not a lot of investigation had been done  
24 on my end, with anything other than the  
25 information being provided by Linda



1 Fisher, and pursuing that angle of the  
2 case. At this time I did not mention to  
3 Mr. Asper that Federal Prosecutor  
4 Williams was planning to come to North  
5 Battleford for the purpose of conducting  
6 an interview with Fisher."

7 And let's just go back -- and I presume that's  
8 Linda Fisher when it says Fisher in Battleford;  
9 correct? Yes?

10 A I'm -- the question again?

11 Q When you say that you did not tell Mr. Asper that  
12 Mr. Williams was planning to come to North  
13 Battleford for the purpose of conducting an  
14 interview with Fisher, the Fisher would be Linda  
15 Fisher?

16 A Yes.

17 Q Yeah. So if we just go back, and I should have  
18 asked you this, you talk here -- when you talked  
19 to Mr. Williams about arranging to have Linda  
20 re-interviewed for a legal deposition by myself  
21 and Williams, why were you re-interviewing her?

22 A Mr. Williams wanted to take a legal deposition  
23 from Linda Fisher, so I arranged for that to  
24 happen.

25 Q And was there any reason that he couldn't simply



1           rely on the statement that you took from Linda  
2           Fisher?

3           A        Maybe he wanted more information, maybe he wanted  
4           more detail, maybe he wanted to satisfy himself  
5           that he had assessed her. He didn't really  
6           explain to me why, but he was interested in taking  
7           the legal deposition, and of course, as I  
8           mentioned before, I had never been involved in a  
9           legal deposition in my career, it was a new  
10          experience for me, so --

11          Q        I'm sorry, carry on.

12          A        So that's the arrangements that were eventually  
13          made.

14          Q        Do you recall any concern being expressed by him  
15          about the fact that there were two statements, one  
16          given to you and one given to Mrs. Milgaard from  
17          Linda Fisher?

18          A        Yes, I do believe that Mr. Williams had some  
19          concerns about the secondary investigation going  
20          on, so to speak, by Mrs. Milgaard.

21          Q        And are you able to tell us from your discussions  
22          with him or your impressions, was that a reason  
23          for the -- one of the reasons for the taking of a  
24          deposition from Linda Fisher?

25          A        I didn't get that, I didn't get that feeling. I



1           just thought that the legal deposition was part of  
2           what his task was.

3           Q       So then if we can go back and talk a bit about Mr.  
4           Asper, this would be your first contact with him?

5           A       I believe so.

6           Q       And I think you told us yesterday you felt that  
7           you had a good relationship with him and a good  
8           dialogue; is that fair?

9           A       I had never met David Asper personally, but all  
10          the contact I had was over this file and I thought  
11          it was a good, open dialogue, yes.

12          Q       And would there be -- can you tell us just  
13          generally, how open would you be with him about  
14          what it was you were doing and what information  
15          you were obtaining?

16          A       Well, I'm -- I don't believe he knew every detail  
17          that I was involved in, but in general terms I  
18          would tell him where the investigation was at, but  
19          I wasn't really reporting to Mr. Asper as such,  
20          but we did communicate on the phone.

21          Q       And what was your understanding of what Mr. Asper  
22          was looking for from you in the ways, in the types  
23          of information?

24          A       Well, I think he was -- his file, so to speak, at  
25          his office, I would assume, between him and Mr.





1           Wolch, and they were anxious to have the file  
2           moving forward and I suppose were interested to  
3           know where everything was at, and, you know, I'm  
4           not sure what they were getting from Mr. Williams,  
5           I have no idea what kind of contact went on  
6           between Mr. Wolch's office and the Federal Justice  
7           Department, Ottawa, so I was having my discussions  
8           with David Asper over some of the issues that he  
9           had and I had in general terms.

10        Q           And we just touched on it, it's on the next page,  
11           we don't need to bring it up, but your note says  
12           that you did not tell David Asper, for example,  
13           that Eugene Williams was going to take a  
14           deposition from Linda Fisher; correct?

15        A           Yes.

16        Q           And why would you not tell him that piece of  
17           information?

18        A           Well, I think we just wanted to keep it as quiet  
19           and as simple as possible without having possibly  
20           again maybe Mrs. Milgaard would come along or  
21           maybe there would be an interjection from some  
22           other force, so to speak, so it was just wanting  
23           to keep this as simple as possible.

24        Q           Now, you've -- I think you've told us you were  
25           aware, and you would have been aware at this time,



1           that at least with the first person you  
2           interviewed Linda Fisher, that she had already  
3           been talked to by Mrs. Milgaard and another  
4           person?

5           A        Yes.

6           Q        Is that fair?

7           A        Yeah.

8           Q        And here it appears that Mr. Asper is telling you  
9           that Mr. Asper had told Joyce Milgaard to let  
10          authorities investigate the new evidence and to  
11          share her information with everyone and he was  
12          expressing concern that Mrs. Milgaard was  
13          mistrusting and is reluctant to turn information  
14          over even to her lawyers, and again let me ask you  
15          this, Mr. Pearson, did this comment cause you  
16          concern in your investigation?

17          A        Well, certainly, certainly it did. It would  
18          certainly indicate that she wasn't even, I  
19          suppose, trusting her own lawyer, for whatever  
20          reason, and again, when she wasn't prepared to  
21          share the information, that's unsettling.

22          Q        Were there occasions that followed where  
23          information they had was not provided to you?

24          A        Well, I don't know what they had that wouldn't  
25          have been provided. Like, I don't know what they



1           possessed, so I wouldn't really know what they  
2           didn't provide, but certain -- the information  
3           certainly was provided, but whether it was  
4           everything I don't know.

5           **Q**       And this suggestion here that there was a  
6           cover-up, conspiracy, I think by the Saskatoon  
7           City Police, what was your reaction to hearing  
8           that information?

9           **A**       Well, I didn't sense a cover-up, I never felt that  
10          there was, and again, with the information and  
11          knowledge I had, I didn't have that suspicion in  
12          my mind, that there was some kind of a cover-up  
13          here.

14          **Q**       The fact that, according to Mr. Asper, his client,  
15          Mrs. Milgaard, had that suspicion, and again in  
16          doing your work, the fact that the person out  
17          there doing this other, or doing this  
18          investigative work, I guess parallel to you, the  
19          fact that --

20          **A**       It would certainly inject a bias, or a potential  
21          to inject a bias into the information that was  
22          being gathered, yes.

23          **Q**       And can you explain that, please?

24          **A**       Well, if she believes strongly in a position, she  
25          may provide the information that will satisfy



1           that, whether it's totally accurate or not, so the  
2           validity of the information, you know, might have  
3           to be double-checked.

4           Q       So there might be a concern from your side about  
5           information coming from a person who may have, I  
6           think your word was bias or this concern of a  
7           cover-up; is that fair?

8           A       Yes, that's fair.

9           Q       And we'll hear from the people who were associated  
10          with Joyce Milgaard and from Mrs. Milgaard later  
11          about sort of their view of the world at the time,  
12          but would it be fair to say, Mr. Pearson, that at  
13          least according to this comment, they might have  
14          the same view of your work; in other words, that  
15          it may have a bias? Is that --

16          A       Yes, it's very possible that she thought that I  
17          was part of the cover-up and everyone else. I  
18          mean, I don't know where her suspicions stopped  
19          and started.

20          Q       So that, just so that we have this, you are saying  
21          that because of this comment and what you've  
22          explained, there might be a concern with  
23          information that came from her or her  
24          investigators; is that fair?

25          A       Yes, or the fact that there was information that



1 was not being shared.

2 Q And again on the flip side, the fact that -- and  
3 again you are now aware that she has this concern  
4 that there's a cover-up or conspiracy, would it be  
5 fair to say that you would have known at the time  
6 or thought that maybe she thinks the same about  
7 me; in other words, that I have the same bias I  
8 think she may have? I didn't word that well, but  
9 do you understand --

10 A Yes, I believe that during this investigation  
11 there was the belief that possibly people like  
12 myself may have covered up or -- I have no direct  
13 knowledge of that, but, you know, when she's  
14 suspicious of the city police and probably  
15 everyone else who was involved in this, that there  
16 may be no one out there that's going to give this  
17 a fair look.

18 Q Go to the next page, please, paragraph 36, and  
19 again this is still March 14th, '90, the day you  
20 took Linda Fisher's statement, and you say:

21 "At this time it will be interesting to  
22 determine if the knife used in the  
23 Winnipeg offence by Fisher was the same  
24 knife which was lost by Linda Fisher.  
25 Inquiries in that regard will be made



1 with Winnipeg."

2 And I think we touched on that already.

3 "It is also noted that Milgaard and  
4 Larry Fisher were both at the same  
5 address on Avenue "O" South, on the date  
6 of the Miller murder. Attempt will be  
7 made to determine if Fisher was ever  
8 interviewed by City Police."

9 Can we conclude from that at least at that time,  
10 Mr. Pearson, you would not have been aware of the  
11 police report that indicated Mr. Fisher was  
12 interviewed by the police on -- a couple of days  
13 after the murder?

14 A That's fair, yes.

15 Q And again, can you just explain briefly, I think  
16 it's probably obvious, but why you would want to  
17 check whether or not Fisher was ever interviewed,  
18 Larry Fisher was ever interviewed by city police?

19 A Well, to determine if he had ever come into the  
20 investigation or whatever information they had on  
21 him.

22 Q And then paragraph 37:

23 "Also, the exhibits are apparently still  
24 in Q.B. Court in Saskatoon, they will be  
25 examined to determine if there is in



1 fact any human tissue suitable for DNA  
2 analysis. I would also like to  
3 determine if there are any forensic  
4 examinations in the past convictions of  
5 Fisher, which would provide a blood type  
6 for the individual which may assist in  
7 determining if Larry was in fact  
8 involved in the Miller murder."

9 And again, just -- what was your knowledge of DNA  
10 at the time?

11 A Well, not very much. It was a new science that  
12 was just over the horizon. It was certainly, I  
13 think, being developed within our Ottawa lab  
14 system. In the field it was the subject of police  
15 literature, but there was not much knowledge at  
16 that time.

17 Q And again the blood type, I think you told us  
18 yesterday, was important because of the frozen  
19 lump of snow that showed the perpetrator was blood  
20 type A; is that fair?

21 A Yes.

22 Q And then again 38 just talks about some  
23 information about the wallet, and I think you told  
24 us yesterday that you didn't think the lost  
25 wallet, of Larry Fisher anyway, had much



1                   significance; is that fair?

2           A           Well, it had some significance, but I didn't think  
3                   it stood out as something that really indicated  
4                   one thing or another.

5           Q           Paragraph 39, the next day, March 15th, you talk  
6                   about an article in the *StarPhoenix*, and I'll be  
7                   dealing with some specific media articles later,  
8                   but I take it, sir, by this time, I think you told  
9                   us on February 28th, 1990 you had never heard of  
10                  Milgaard; correct?

11          A           That's right.

12          Q           And we've seen newspaper articles where it was in  
13                  the paper prior to that date. Is it fair to say  
14                  that once you became involved in the  
15                  investigation, you paid more attention to what was  
16                  in the media about David Milgaard or Gail Miller?

17          A           Yes, and I believe Mr. Williams wanted the news  
18                  media releases that were taking place in Saskatoon  
19                  over this case.

20          Q           And we'll see where you in fact sent some of those  
21                  to him, so were you monitoring or checking the  
22                  papers to see, at least in Saskatoon, what  
23                  information might be in there?

24          A           No, I don't think it was really an investigative  
25                  task, it was information that, as you came across





1           it, you gathered it and -- I also believe that I  
2           had a press file in my own file, but much of it  
3           was sent to Mr. Williams.

4           **Q**       And paragraph 40, this just touches on your call  
5           to Fort Garry where you are advised that the files  
6           were destroyed in 1974 after Fort Garry  
7           amalgamated, and I think you've already told us  
8           your views on that; is that correct?

9           **A**       Yes.

10          **Q**       Go to the next page. It looks as though you had  
11          direct contact from Larry Fisher's sister on March  
12          15th expressing concern that Larry Fisher's mother  
13          had been approached by Mrs. Milgaard and she was  
14          in poor health and asking you to contact her  
15          basically if Mrs. Fisher is going to be visited;  
16          is that correct?

17          **A**       That's correct, yes.

18          **Q**       And then I see we go down to again some efforts  
19          for blood work, 44, you called Prince Albert Pen  
20          requesting that the monitoring of visitors and  
21          communication with Fisher be noted during the next  
22          while. Why did you do that?

23          **A**       I was interested in knowing who Fisher may be  
24          associated to outside of the institution to  
25          determine if possibly there was some follow-up



1 contacts that could be made of people that he may  
2 be associated with, maybe could share some  
3 information about Larry.

4 Q And then paragraph 45, again this is March 15th,  
5 you say:

6 "I phoned Insp. Quinn, Saskatoon City  
7 Police, and advised I had been  
8 approached by the Federal Justice  
9 Department to make certain inquiries  
10 regarding the Milgaard case, and in  
11 particular the activities of Larry  
12 Fisher at the time of the Miller murder.  
13 Insp. Quinn was aware that the RCMP had  
14 become involved in this investigation  
15 and was actually in possession of a  
16 letter from the Federal Justice  
17 Department, requesting answers to  
18 certain questions. I advised Insp.  
19 Quinn that at this time I was not  
20 officially reinvestigating the entire  
21 offence, but assisting the Federal  
22 Justice Department in answering specific  
23 questions arising from the new  
24 information re Larry Fisher."

25 Now, would that be an accurate description of



1           what you were doing at the time?

2           A           Yes, it was.

3           Q           And would this just be a courtesy call to  
4           Inspector Quinn?

5           A           You have to understand, in those -- at that time I  
6           was back and forth with the city police on an  
7           ongoing basis, I mean, there's this document and  
8           contact with Inspector Quinn, but there were many  
9           investigations ongoing that information was  
10          exchanged between the departments and between  
11          phone calls and visits I was over there on a  
12          regular basis, so there was a lot of information  
13          that went on that isn't in this documented form I  
14          should say, but in this particular case it was  
15          specifically over my involvement in this  
16          particular case.

17          Q           And I take it in this call, we'll see some notes  
18          later on where there are some more specific  
19          requests, but there's nothing noted here about  
20          looking at the Gail Miller file, checking into  
21          Larry Fisher, things of that nature, at -- on this  
22          date?

23          A           Checking into Larry Fisher?

24          Q           Or, I'm sorry, just at this time, when I said is  
25          it a courtesy call, it doesn't -- there's nothing



1 in here, in this note, about asking to see the  
2 file and information about Larry Fisher, etcetera,  
3 and which I will get to later, and I guess my  
4 question is, at this time, is there any reason why  
5 you didn't ask Inspector Quinn "can I see the  
6 files, the Gail Miller file, what do you know  
7 about Fisher, what do you know about Linda Fisher  
8 going into the police, etcetera"?

9 A Yeah, I, again, I don't know the conversations  
10 that went on, I just don't recall all the details  
11 of all the other things that we might have  
12 discussed.

13 Q Yeah.

14 A I'm really relying on what is documented.

15 Q And in fairness, Mr. Pearson, I'll take you  
16 through some notes where, in the following days or  
17 weeks, those things do happen --

18 A Uh-huh.

19 Q -- but my question was more at this time, if you  
20 are able to elaborate why you didn't ask for it at  
21 the time, or whether it was more of a courtesy  
22 call just so you know we're involved?

23 A I would assume we would have discussed this, it  
24 wouldn't have been this bare-bones contact, but  
25 how much detail the discussion ensued I just don't



1 know, I don't recall.

2 Q And then, again, if we could call up 155610. And  
3 just on this issue, Mr. Pearson, I touched on  
4 about the sharing of information, this is a letter  
5 of March 16th, 1990 from Mr. Wolch to Mr.  
6 Williams, and I just want to point out a couple of  
7 matters here. It appears that this is the letter  
8 where the statements of Linda Fisher and of her  
9 uncle, who is Cliff Pambrun, are sent to Mr.  
10 Williams, and I think you got those statements  
11 from Mr. Williams, is that correct, the statements  
12 that Linda Fisher gave to Joyce Milgaard and Paul  
13 Henderson?

14 A I would assume I did, but I don't --

15 Q I believe that --

16 A I don't recall, but I'm assuming I did.

17 Q And I believe that's what the file indicates.

18 A Okay.

19 Q But Linda Fisher didn't give them to you, I think  
20 is what I think you said yesterday and this  
21 morning, is that correct?

22 A Yes, uh-huh.

23 Q So here's the statements, Mr. Wolch says:

24 "I would only re-emphasize that it is  
25 not our task to solve the crime 21 years



1 later, even though it appears we may  
2 very well be able to do so."

3 And then he goes on to say:

4 "I have conveyed to Mrs. Milgaard our  
5 need to put our trust in you and allow  
6 you to carry out your duties. I am  
7 confident you can appreciate, however,  
8 that as the mother of a young man who  
9 has been wrongfully incarcerated for 21  
10 years and who has met numerous  
11 obstacles, it is very difficult to  
12 maintain faith in a justice system that  
13 has let her family down so drastically.  
14 I look forward to hearing from you and  
15 we will continue to be of assistance  
16 wherever possible. Should your  
17 investigator ...",

18 which I presume is you:

19 "... require any type of information or  
20 assistance or whatever, we will  
21 cooperate fully."

22 Can you tell us if you would have got this letter  
23 from Mr. Williams or had this information  
24 conveyed to you?

25 A You know, I don't recall the letter, if it was



1 found on my file I would certainly acknowledge  
2 that I received it but I just can't --

3 Q Would this sentiment expressed by Mr. Wolch at the  
4 end of the letter, that they will cooperate fully,  
5 was that your understanding based on your  
6 discussion with Mr. Asper?

7 A I was left with the impression that there was  
8 co-operation, yes.

9 Q If you could go back to 056753. And this is,  
10 again this is March 16th just for the record, so  
11 this is two days after you took the statement from  
12 Linda Fisher. It says you:

13 "Received a collect ... call from Linda  
14 Fisher. We discussed several points and  
15 the following were clarified:"

16 Would you have left the, her statement that she  
17 gave to you, with her, Mr. Pearson, the March  
18 14th statement?

19 A I don't recall. I don't recall just what -- I  
20 don't think I would have left it with her, no.

21 Q Or --

22 A But I don't really know.

23 Q Or given her a copy, I'm sorry?

24 A I don't believe I would have given her a copy,  
25 because it would have been handwritten and I would



1           have had the original, and I have no recollection  
2           of leaving a statement with her.

3           Q       And I think what we have seen on the record, the  
4           typed version, there is a typed version that has a  
5           few amendments to it with her initials, and one of  
6           them, I think, might be the address that was wrong  
7           so --

8           A       Yes.

9           Q       -- again, do you know what prompted this call, are  
10          you able to tell us?

11          A       No, I can't, I just -- I don't know if it is  
12          thoughts she had, or if it was questions that I  
13          had, I really -- I really don't know.

14          Q       And were you aware as to whether she was talking  
15          about her statement or the information with anyone  
16          else between the March 14th statement you took  
17          from her and this phone call?

18          A       I have no knowledge of it.

19          Q       And then she goes on, just to touch on a couple of  
20          these, she says:

21                   "- Larry and Linda Fisher argued for  
22                   approximately one hour, maybe more,  
23                   maybe less, during the time that she  
24                   accused him of being involved in the  
25                   murder of Gail Miller."





1           And the time issue I didn't touch on yesterday  
2           but do you recall, Mr. Pearson, looking into the  
3           issue of when, when there might have been a radio  
4           broadcast on the morning of the murder that Linda  
5           Fisher said she heard?

6           A           I didn't, I didn't pursue that, no.

7           Q           If we can go down, she says:

8                       "- There was no blood seen on the  
9                       clothing ...",

10           and then talks about she recalls:

11                       "... Larry having a pair of undershorts  
12                       with blood on them ...",

13           but doesn't know:

14                       "... whether this was during the Miller  
15                       death time frame."

16           And, again, was this something that you would  
17           have asked her, to think about things further, or  
18           do you know what --

19           A           I would assume so, but there was obviously  
20           something, some of that went on, and I don't  
21           recall specifically.

22           Q           And then just scroll down. She says:

23                       "- She did not hear anyone enter or  
24                       leave the suite on the morning of  
25                       January 31, 1969."



1           And I take it that would go to the issue that you  
2           probed with her in her statement as to whether or  
3           not Larry might have come home and gone out; is  
4           that correct?

5           A           Yes, yes.

6           Q           And then, down at the bottom, it says:

7                       "- Linda indicates that Mrs. Milgaard  
8                       had Larry's statement which was given to  
9                       the police, indicating he left for work  
10                      at 6:30 a.m. and checked at the bus  
11                      stop, but had seen nothing. Linda  
12                      states Larry did not work that morning,  
13                      but may have taken the 6:30 a.m. bus and  
14                      returned by the time Linda got up in the  
15                      morning."

16           Again, is that something Linda would have told  
17           you?

18           A           Yes.

19           Q           And would this be the, at least it looks like in  
20           the notes, but would this be the first occasion  
21           that you became aware that Larry Fisher had talked  
22           to the police, or given -- it says here a  
23           statement was given to the police?

24           A           I -- I believe that is the first time.

25           Q           And then it appears that Linda says that:



1                    "... Larry did not work that morning but  
2                    may have taken the 6:30 a.m. bus and  
3                    returned by the time Linda got up in the  
4                    morning.",

5                    and what is the significance of that piece of  
6                    information?

7            A            The fact that he could have left the -- the  
8                    possibility, I suppose, that he may have been at  
9                    work.

10           Q            If he took the 6:30 a.m. bus on the morning of the  
11                    murder, unless he got off at the next stop, but  
12                    ended up going to work and coming back later that  
13                    morning, that would mean he couldn't have  
14                    committed the murder; is that fair?

15           A            That's fair.

16           Q            I suppose, if he had left at 6:30 for the bus and  
17                    didn't get on the bus -- let me back up, we  
18                    touched on this yesterday -- if he did come home  
19                    in the middle of the night when Linda was  
20                    sleeping, and got up and left at 6:30 and didn't  
21                    catch the bus, he could still have committed the  
22                    murder, he still could have come home and left at  
23                    6:30 and committed the murder; is that fair?

24           A            Yes, yes.

25           Q            So, again, this is just a piece of information



1           that goes into the mix; is that a fair --

2       A       Yes, yes.

3       Q       Next page, please. And this says:

4                       "- Linda does not recall ever giving a  
5                       statement to police, other than the one  
6                       mentioned which took place approximately  
7                       10 years after the murder of Miller."

8       Would, can you tell us, would this be sort of a  
9       question and answer, or a discussion where you  
10      would be asking some questions, or did she -- she  
11      initiated the call by --

12     A       This would have, no doubt, been questions that I  
13     was posing to her and discussing. It's not, I  
14     don't think, something that would be -- freely  
15     come from her, it was no doubt questions during  
16     this call.

17     Q       And then, as well, it talks about arranging to  
18     pick her up on the Saturday for the interview,  
19     which I take it had been arranged at that time,  
20     and then as well it says:

21                       "- Larry seemed shocked one other time,  
22                       that is when Linda and Larry were  
23                       fighting and Linda had grabbed a butcher  
24                       knife and saying something like, come  
25                       closer and I'll use it. Larry looked



1                   scared and shocked. This is the only  
2                   time, other than the time she accused  
3                   him of the Miller murder, that she got  
4                   this type of reaction from him."

5                   Again, is that something you would have asked her  
6                   about, or whether she volunteered?

7           A           I would suggest, during our conversation, that I  
8                   had probably asked her certain questions and  
9                   possibly she volunteered certain information.

10          Q           And then, if we can just scroll down, it talks  
11                   about her uncle and a phone number, and I think  
12                   you subsequently did contact Cliff Pambrun; is  
13                   that right?

14          A           Yes.

15          Q           And would that be related, or tell me, what  
16                   would -- why would you be talking to Cliff  
17                   Pambrun?

18          A           He was a relative, and there was some suggestion  
19                   of the -- a vehicle that Fisher may have had  
20                   access to.

21          Q           If we can just scroll down, it talks about a call  
22                   from Eugene Williams stating they will be in  
23                   Regina Wednesday, Saskatoon Thursday, and he'll be  
24                   going over to Q.B. Court and to city police on a  
25                   Thursday, and it looks like you then tried to get



1           ahold of Cliff Pambrun, and again the blood. I  
2           don't propose to go through all the efforts you  
3           made to get the blood type of Larry Fisher, but --  
4           and the document speaks for itself, but there  
5           would be, fair to say, many, many avenues you  
6           pursued to try and find out Larry Fisher's blood  
7           type; is that fair?

8           A           That's fair, yeah.

9           Q           And it took some time, and we'll get to it  
10           eventually where you do find it out, but was  
11           that -- was that something that caused you  
12           concern, that you couldn't get his blood type?

13          A           Well yes, it's a concern, but, you know, it's just  
14           one of those things, you would want to try and  
15           determine what his blood type is to help answer  
16           the question.

17          Q           And I think, if I can summarize a bit, you ended  
18           up eventually asking him for blood, which I think  
19           he initially refused, and I think sometime -- and  
20           I stand to be corrected -- but sometime during the  
21           second application you -- he finally gave his  
22           blood, it was analysed and found to be type A, so  
23           it was sometime later; is that correct?

24          A           Yeah, quite some time later. He never, as I  
25           recall, never did give the blood to me.



1 Q Okay, maybe others who pursued it. And that your  
2 avenues to learn the blood type from other  
3 agencies or other persons, I don't believe you  
4 were ever able to find a record anywhere that had  
5 his blood type, is that correct?

6 A That's correct.

7 Q If we can go to the next page, there is a comment  
8 here, and this is again March 19th, it says you:

9 "Placed a telephone call to Milgaard's  
10 lawyer, Mr. David Asper, Winnipeg, to  
11 assure him and Mrs. Milgaard that the  
12 new information presented to the Justice  
13 Department was in fact being pursued."

14 Why did you do that?

15 A Just to advise them of what was happening and the  
16 fact that Mrs. Milgaard was out doing her version.

17 Q And then March 20th:

18 "Telephone called placed to Asper,  
19 further discussion to ensure that  
20 Mrs. Milgaard was made aware of  
21 developments to date. I also advised  
22 Asper that I wished him to have  
23 Mrs. Milgaard cooperate with us and  
24 permit the authorities to follow up on  
25 the Fisher information, as opposed to



1 Mrs. Milgaard making inquiries on her  
2 own."

3 And can you tell us why you made that request?

4 A Just based on the things we've discussed, the fact  
5 that, you know, she was conducting a parallel  
6 investigation, had the potential to complicate  
7 things and, you know, publicity was eventually  
8 going to come into play, and we just felt that  
9 there would be nothing gained by her doing the  
10 parallel investigation.

11 Q And did Mrs. Milgaard comply with your request?

12 A Umm, I -- I don't believe she did, as time will  
13 show. But going back to paragraph 52, --

14 Q Yes?

15 A -- I believe that that telephone call was not an  
16 actual call, I placed it and I don't think I got  
17 an answer at that time.

18 Q Oh, I'm sorry, so that 54 was when you actually  
19 did discuss?

20 A Yes.

21 Q And so, from 54, your request to Mr. Asper was to  
22 say -- and please tell me if I'm wrong here --  
23 "let us do the investigation, please don't get  
24 involved"?

25 A In general terms, yes.





1 Q And --

2 A I don't think I ever told Mr. Asper "don't get  
3 involved", I indicated that -- to try and assure  
4 Mrs. Milgaard that, you know, the matter was being  
5 looked at, and we didn't want her to complicate  
6 what we were doing through contacting witnesses.

7 Q But was it your view at the time, sir, that your  
8 investigation of the matters entrusted to you  
9 would proceed better if there was not a parallel  
10 investigation by her or anybody on her behalf,  
11 being Mrs. Milgaard?

12 A Well if all the information was being provided and  
13 we could move forward on our own, I think we could  
14 probably manage it better, yes.

15 Q And then go down to paragraph 55. It says:

16 "Whilst talking to Asper, he stated he  
17 had received a call from Linda Fisher,  
18 he thought this past Saturday, ...",  
19 and that would put it as March 17th according to  
20 my calendar:

21 "... indicating that she was going to  
22 the Prince Albert Penitentiary with  
23 Larry Fisher's mother, and she was going  
24 to talk to Larry and ask him about this  
25 incident. Asper indicated that he



1                   discouraged Linda from doing this, but  
2                   suggested that if she could get any  
3                   cigarette butts, or anything at all  
4                   which would assist in having the blood  
5                   type for possible analysis, she should  
6                   consider doing that. At this time I'm  
7                   not sure if Linda did in fact go on  
8                   Saturday to P.A. as indicated. I will  
9                   check with the P.A. Pen authorities."

10                  Can you tell me, Mr. Pearson, did this  
11                  information concern you?

12                  A           Umm, yes, it did.

13                  Q           And why?

14                  A           Well I think involving Linda as some agent or  
15                  undercover person puts herself at a certain risk  
16                  if Larry should ever find out that she was trying  
17                  to gather evidence that may lead to him being  
18                  suspected or charged of a homicide, so I think  
19                  there was a certain risk to Linda.

20                                The other thing is, I suppose  
21                  there is the integrity of the sample that she  
22                  might come back with, where -- where did it really  
23                  originate, you know, was it a real sample of what  
24                  he provided and, you know, I think the other one,  
25                  you know, is if it's a cigarette butt I don't



1 think you can do any blood typing if the  
2 individual is not a secretor, that's kind of my  
3 understanding.

4 Q Did you have any concern with Linda or anyone else  
5 confronting and asking Larry about the Gail Miller  
6 murder before you did?

7 A Well we would have liked to have been the first  
8 person there to get the initial reaction.

9 Q And why is that?

10 A Well just to help, help assess and determine, you  
11 know, whatever we could get out of that. You  
12 know, it was just -- maybe he wouldn't say  
13 anything to you that might indicate guilt or  
14 innocence, but I think it's always better if we  
15 could have been the first people there.

16 Q Now can you tell us, again this note appears to be  
17 in the same, the same discussion that you asked  
18 Mr. Asper to have Mrs. Milgaard cooperate and  
19 permit the authorities to follow up is the same  
20 conversation that then talks about the visit; do  
21 you recall whether -- what Mr. Asper's position  
22 was about whether, whether he believed or he said  
23 "yes, we'll back off" or "we might back off" or "I  
24 can't back off"? I'm just trying to get an  
25 understanding of what -- how did this call end up,



1           what was your understanding as to whether or not  
2           David Asper and Joyce Milgaard, and others on  
3           behalf of David Milgaard, would be continuing to  
4           investigate matters?

5           A       I don't really know if I can -- can comment on --  
6           like I say, the conversation was really how it was  
7           documented, I don't recall him ever saying "well  
8           it's too bad, we're going to do what we're gonna  
9           do" but, you know, the issue of what control he  
10          had over Mrs. Milgaard was -- it appeared to be an  
11          issue for him, so regardless of maybe what  
12          Mr. Asper wanted to do, I'm -- maybe he couldn't  
13          do anyway.

14          Q       If we can go to the next page, please. Again,  
15          this is the same call:

16                    "I asked Mr. Asper if he or  
17                    Mrs. Milgaard had possession of a  
18                    statement given to the City Police,  
19                    indicating that Larry had been  
20                    interviewed, and had indicated he had  
21                    taken the 6:30 a.m. bus on the morning  
22                    of the Miller murder. Mr. Asper said he  
23                    had no such statement but indicated that  
24                    this information was the result of a  
25                    verbal conversation between the



1                   Saskatoon City Police investigator and  
2                   Larry Fisher, sometime shortly after the  
3                   murder."

4                   And, again, I think what the record reflects so  
5                   far in this Inquiry, Mr. Pearson, is that this  
6                   information was in the possession of either  
7                   Mr. Asper or Mrs. Milgaard based upon an  
8                   interview that Peter Carlyle-Gordge had with Mr.  
9                   Caldwell in 1983, the note of this incident. Do  
10                  you recall being informed of anything of that  
11                  nature, about where, where or how Mr. Asper got  
12                  this information at this time?

13                A           I had no knowledge of that, no.

14                Q           Did it cause you concern, at this time, that they  
15                  might have some police reports that you didn't  
16                  have?

17                A           Well it was certainly something that I thought  
18                  about that, you know, where did they get this  
19                  information.

20                Q           And you were asking Mr. Asper to send you -- to  
21                  give you whatever he had on the Fisher interview  
22                  with the police; is that correct?

23                A           That's my recollection, but I can't be specific on  
24                  the definite request that was made, but we were  
25                  asking for the information that they had, if it



1 was in a statement form or whatever, on that  
2 information.

3 Q And then it looks like, right after this call, you  
4 called the penitentiary to see if Larry Fisher had  
5 any visitors during the last couple of weeks, and  
6 then some further information on his current wife;  
7 is that correct?

8 A Yes.

9 Q And then just scroll down. It looks later that  
10 day you talked to Bryan Wright, who was Linda  
11 Fisher's common-law husband at the time she went  
12 in to the city police in 1980, and we've dealt  
13 with that and he has already testified. Just  
14 generally what was your impression of Bryan  
15 Wright, do you remember him, taking a statement  
16 from him?

17 A Yes, faint -- faintly, yes.

18 Q And I think he --

19 A He --

20 Q Oh, I'm sorry, carry on?

21 A Yeah. He certainly was a straightforward  
22 easy-to-talk-to individual, he -- what I got out  
23 of that was the fact that he did confirm certain  
24 respect and trust, and I have got here honesty and  
25 sincerity, and what Linda said, he kind of



1 confirmed the fact that she was reliable and that,  
2 so there was quite a bit of meaning to that.

3 Q And then March 20th you say:

4 "I phoned Linda Fisher from my home, she  
5 confirmed that she went to the Prince  
6 Albert Pen on Sunday with Mrs. Fisher.  
7 Linda did not visit with Larry, she  
8 indicated she visited Ernie Moosomin who  
9 is a friend of hers. She did indicate  
10 that Mrs. Fisher and Larry had a visit  
11 and that Mrs. Fisher feels much better  
12 now that she had talked directly to her  
13 son about the recent revelations of his  
14 involvement in this Miller case."

15 And you recall earlier I had shown you the report  
16 where Mrs. Fisher, being Larry Fisher's mother,  
17 was visited by Mrs. Milgaard and I think Paul  
18 Henderson, the report simply says a male, about  
19 the matter.

20 A Okay.

21 Q What was your reaction to getting this information  
22 from Linda Fisher?

23 A Well I think it was indicated that, you know,  
24 Larry Fisher was well aware of what was going on,  
25 the fact that he was a suspect.



1 Q Did that concern you?

2 A Well I, you know, like I say, it would always be  
3 nice to be the first one there, but the real world  
4 it doesn't happen that way in most cases.

5 Q Would you have a concern that Larry Fisher might  
6 receive information from his mother or others  
7 about what, what the suspicions are, for example?

8 A I -- I can't recall if that was a thought process  
9 at the time or not.

10 Q And for example if Larry Fisher, before you talked  
11 to him, became aware that the suspicions against  
12 him were that a knife was missing, and that Linda  
13 had accused him of the murder the morning of the  
14 murder in an argument when he was in his dress  
15 clothes and not at home, if Mr. Fisher had been  
16 made aware of that before you interviewed him  
17 would that causes you concern about the reaction  
18 or response you might get from him?

19 A Well, it certainly gave him prep time to think  
20 about all the issues, if he knew what the issues  
21 were.

22 Q And again when, and we'll get to this, but just  
23 generally when you finally did get to talk to Mr.  
24 Fisher did you have any concerns that previous  
25 contact before you got there might have impacted





1           either positively or negatively in your dealings  
2           with him?

3           A           Well that's really tough to answer, I really, I  
4           don't know if I can answer that.

5           Q           And is that because you don't know how he would  
6           have reacted had he not known anything; is that  
7           fair?

8           A           Well yeah, you know, it's kind of a ghost, you  
9           know, I'm not too sure how I can answer that.

10          Q           No, fair enough, and when we get to the specifics  
11          I'll have a few more specific questions.

12          A           Okay.

13          Q           Then if we can go to the next page, again this is  
14          March 20th still, this is a conversation with  
15          Linda. She says:

16                    "Linda also confirmed that she had  
17                    talked with Mr. Asper prior to going to  
18                    P.A. and that Asper had requested her  
19                    not to say anything to Larry, Linda also  
20                    indicated it wouldn't matter as Sylvia  
21                    Poitras, Larry's sister, had written a  
22                    letter to Larry, apparently telling him  
23                    about the investigation. It is obvious  
24                    at this point that Larry is aware that  
25                    the police are looking into it. Linda



1                   also confirmed that Mr. Asper was  
2                   interested in getting cigarette butts,  
3                   and anything that would have body fluid  
4                   for analysis. Linda went on to say that  
5                   Larry no longer smokes so this was out  
6                   of the question."

7                   And again, and maybe 62:

8                   "Linda is still not sure who reported  
9                   the Larry Fisher information to  
10                  Mrs. Milgaard's lawyer."

11                 It goes on to talk about the Sidney Wilson issue.  
12                 Again, does this -- anything you wish to add  
13                 about paragraph 61, or have you covered that in  
14                 earlier comments about this issue of visits to  
15                 Larry Fisher?

16                 A           No, I believe that's fairly self-explanatory, I'm  
17                 not sure what I can really add, through memory, to  
18                 it.

19                 Q           And if we can just scroll down, I just want to  
20                 point out this date here, it says May 21, '90, I  
21                 believe that's a typo, it should be March 21; is  
22                 that correct?

23                 A           Yes.

24                 Q           And in fact I think, if you look at the contents  
25                 here, you:



1                    "... talked to Toby Coleman ... he  
2                    indicates that Sylvia Poitras sent a  
3                    letter dated 15 Mar to Larry, expressing  
4                    concern that the police had talked to  
5                    their mother, who was very ill."

6                    etcetera. So are you able to say that would be  
7                    March 21?

8            A            Yes.

9            Q            If we could go to the next page, please. And it  
10            says:

11                    "I placed a telephone call to Leonard  
12                    Jones, 319 Mallin Crescent, the owner of  
13                    Masonry Contractors where Larry Fisher  
14                    worked in 1969/70."

15                    Let me just pause there. What would be your  
16                    purpose in calling Larry Fisher's employer from  
17                    1969-'70?

18            A            Well this was to determine work records, if Larry  
19                    was recorded as having missed or been at work on  
20                    the date of the homicide.

21            Q            And then the company -- or sorry:

22                    "... Mr. Jones remembers Larry as being  
23                    a personable young man, good looking,  
24                    but really knows very little of him.

25                    Jones will be checking his records and



1                   will call. He confirms that  
2                   Mrs. Milgaard was also interested in the  
3                   same information."

4                   So do I take it, from that, that prior to you  
5                   contacting Mr. Jones, that Mrs. Milgaard had  
6                   already contacted him?

7           A        Yeah.

8           Q        Did that cause you a concern, sir?

9           A        Well it was just the ongoing parallel  
10           investigation going on here, of another so-called  
11           investigator, but it was unsettling, yes.

12          Q        And with respect to the Masonry Contractors  
13           people, did that become an issue at a later date?

14          A        Yes.

15          Q        And what happened?

16          A        There was some suggestion that they felt that they  
17           were, I don't want to say pressured, but they  
18           should have been saying things that maybe  
19           Mrs. Milgaard wanted to hear, saying things that  
20           didn't really want to -- I don't know how to  
21           describe it, maybe we can go to the paragraph that  
22           it refers to -- but there was some indication that  
23           they thought Mrs. Milgaard was wanting them to say  
24           things that they had no information on.

25          Q        And when you say "they" this would be Larry



1 Fisher's employer at the time?

2 A Employer.

3 Q And did it relate to the issue of whether Larry  
4 Fisher was at work on the morning of January 31 or  
5 not?

6 A As I recall, it was.

7 Q And so this was information that, was it,  
8 Mr. Ketler or Mr. Jones, conveyed to you? And  
9 I'll touch on --

10 A Yes. I'm not sure which one it was, it was one of  
11 the two, I think it was Jones.

12 Q And we'll deal with this later, but --

13 A No, I think it was Ketler, actually.

14 Q And again, when he said that he was concerned,  
15 what -- who was it that he was concerned about  
16 pressuring him?

17 A I believe it was Mrs. Milgaard or people from that  
18 group.

19 Q If we can carry on, it talks about:

20 "Mr. Jones had a partner in his business  
21 at the time of the Miller murder, Jake  
22 Ketzer ... who is currently on vacation  
23 ... Jake may have ledgers for the time  
24 period in question and may be in a  
25 position to determine if in fact Larry



1 worked on the day in question."

2 So I take it, sir, if you found a record that  
3 said he missed work that day, that would be --

4 A Significant, yes.

5 Q And if there was a record that was credible that  
6 said he was working on that day, that might --

7 A That would be significant as well.

8 Q And it might even eliminate him as a suspect; is  
9 that fair?

10 A Had potential, yeah.

11 Q And so that would be important information to get  
12 from his employer; --

13 A Yes.

14 Q -- is that fair?

15 A Yes.

16 Q And then paragraph 67:

17 "... discussion with Insp. Quinn ... he  
18 does not think that any investigation  
19 was done by their department regarding  
20 the 1980 statement that Fisher gave to  
21 Ken Wagner."

22 And I think we already saw, in your interview of  
23 Linda Fisher, she told you about going to the  
24 police in 1980, and so I take it here you are  
25 following up with Inspector Quinn to find out



1           what happened in 1980; is that fair?

2           A           I had obviously had contact with Inspector Quinn,  
3                       it is not documented here, but it would appear  
4                       that he had checked this out and confirmed that  
5                       possibly nothing was done.

6           Q           And now here, and again this is March 20th or  
7                       March 21st, 1990:

8                       "Called Regina City Police and talked to  
9                       S/Sgt. Kline. He will check the records  
10                      for the 1971 rape offence in Regina and  
11                      determine if it is available and if a  
12                      blood typing was done."

13           And why did you call the Regina City Police for  
14           the 1971 rape files?

15           A           Because I was under the belief that that's where  
16                       the offences had originated.

17           Q           And if at that time, sir, you would have been  
18                       aware that they were Saskatoon offences, would you  
19                       have called the Saskatoon City Police for that  
20                       information?

21           A           Yes.

22           Q           And I take it, although I don't see a note,  
23                       presumably the Regina police never did provide you  
24                       with any information?

25           A           As I, as I recall, they had no files.



1 Q And why were you -- and it says "for the blood",  
2 was there any other reason you were looking to get  
3 the rape files for the '70 -- or for the earlier  
4 rapes of Larry, let's call them the Saskatchewan  
5 rapes for now, we know they are Saskatoon rapes  
6 but at the time you thought they were Regina?

7 A Yeah.

8 Q What was your purpose in seeking those files?

9 A Just to get some determination of the facts of  
10 what happened.

11 Q And again what types of facts would you be looking  
12 for, what would be significant?

13 A Oh, the type of crime, the way it was handled, and  
14 the way it was committed.

15 Q And --

16 A Whether --

17 Q I'm sorry?

18 A Whether weapons were used, things like that.

19 Q So you earlier talked about the Winnipeg offences  
20 and the (V10) (V10)- matter in North Battleford  
21 and said that looking at the M.O. and the violence  
22 and the nature of the crime were all relevant  
23 factors?

24 A Yes, that's right.

25 Q And so again when you are looking for the





1 Regina/Saskatoon offences, it would be the same  
2 type of information you would be looking for?

3 A Yes, absolutely.

4 Q And if we can just go down to paragraph 71, Cliff  
5 Pambrun, you took a statement. Do you remember  
6 meeting with Mr. Pambrun?

7 A Faintly, but I -- faintly is the best I can come  
8 up with.

9 Q And then if we can go to 012076 I think is the  
10 statement you took from him, and I think you said  
11 earlier that one of the reasons you talked to him  
12 was because of a car issue; is that right? Can  
13 you explain the significance of that?

14 A It was, as I recall, a car that was parked in the  
15 neighbourhood in the early morning hours of the  
16 murder and it was a red-coloured car and there was  
17 some indication that Pambrun had a red-coloured  
18 car at that time and the inference being that  
19 possibly the vehicle had some association to this.

20 Q And was there any, apart from that, do you recall  
21 being concerned about whether -- whether -- apart  
22 from the vehicle seen, that was witnessed in front  
23 of Gail Miller's house the night before the  
24 murder, were you looking at whether or not you or  
25 others thought that a car was likely involved in



1 the rape and murder of Gail Miller?

2 A That was a possibility, yes.

3 Q And so it would be fair to say that Cliff, one of  
4 Cliff Pambrun's areas that he needed to be  
5 questioned about was whether or not, (a), he had a  
6 car that was similar to the one parked in front of  
7 Gail Miller's house the night before; correct?

8 A Yes.

9 Q And (b), whether or not Larry Fisher might have  
10 had the car on the morning of the murder; is that  
11 fair?

12 A Yes, and general information that he may have on  
13 Larry Fisher as an associate.

14 Q And so if we can go to page 2 of this statement,  
15 it says, they talk about the car and it says:

16 "After Larry's car was out of working  
17 order, I loaned him my 1958 Chev pretty  
18 well whenever he wanted it."

19 And then in looking through the statement,  
20 there's nothing in here, at least that I saw,  
21 where he commented on whether or not Larry may  
22 have borrowed his car the morning of the murder,  
23 he does say that he loaned him whenever, pretty  
24 well whenever he wanted it. Do you remember  
25 whether that was a subject covered with him?



1 A You know, I don't recall.

2 Q If we can go back to 056758, go to 759, and this  
3 is March 23rd, 1990, and would it be -- it says I  
4 met with Williams until one o'clock, so it looks  
5 like you met from 10 o'clock till one o'clock in  
6 his hotel room. Would that be the first time you  
7 ever met Mr. Williams?

8 A Yes.

9 Q And I think, as we will see elsewhere, or see in  
10 other notes -- actually, we'll see it down here,  
11 that you ended up meeting with the police that  
12 day, but just on this paragraph it says:

13 "We discussed several aspects of this  
14 file and to a limited degree, compared  
15 facts of the case so far as evidence at  
16 the trial was concerned. It was agreed  
17 that every effort will be made in order  
18 to check out the activities of Larry  
19 during the days immediately around the  
20 murder date. I indicated that I would  
21 be pursuing all witnesses associated to  
22 the Fishers who may be associated to him  
23 at the time of this offence. We both  
24 agreed that Larry Fisher should be  
25 approached at the appropriate time for



1 the following purposes:

2 (1) Obtain a blood sample

3 (2) Obtain statements of his

4 recollection of the days surrounding the  
5 Miller murder

6 (3) Obtain permission to have Larry take  
7 the polygraph

8 In the event that Larry wishes to  
9 provide a statement, same will be taken,  
10 however we will also make efforts to  
11 take a legal deposition if in fact it is  
12 appropriate at that time."

13 So again, do you recall -- do you have a  
14 recollection of the meeting?

15 A Yes.

16 Q With Mr. Williams?

17 A Yes.

18 Q Do you recall anything else being discussed at the  
19 meeting that's not reflected in this note?

20 A Well, this was a meeting of getting acquainted  
21 with him I suppose. We had never met before, so  
22 we had talked on a personal level, and I can  
23 recall we also talked about Nichol John because he  
24 had indicated to me about the case law that had  
25 been created out of this file and I wasn't aware



1 of that, and I had also asked him about 690  
2 because I had never been involved with one before  
3 and he had indicated to me that, you know, there  
4 was, Federal Justice has a responsibility to  
5 report to the Minister of Justice under this  
6 provision and I asked him, you know, what are my  
7 requirements here, and he indicated to me that  
8 there has to be, we have to establish an  
9 association between Larry Fisher and the murder of  
10 Gail Miller, so that was in general terms what I  
11 recall from that meeting, in addition to the trial  
12 evidence stuff that I really wasn't familiar with  
13 because I never reviewed the trial matters on  
14 this.

15 Q And so when you say association, so can you tell  
16 me, what did you understand that to be?

17 A I understood that we had to determine that there  
18 was a link between Larry Fisher and the murder, or  
19 the crime.

20 Q And would link be something different than  
21 suspicion?

22 A Yes.

23 Q And can you give me an example of what might be a  
24 link between Larry Fisher and the Gail Miller  
25 murder?



1 A Some hard evidence as opposed to suspicion.

2 Q And when you say hard evidence, an eye witness,  
3 for example, would that be a link?

4 A Sure.

5 Q And let me go back. Would the fact that he had  
6 committed a number of violent rapes in and around  
7 the time of Gail Miller's murder, in your view  
8 would that be a link to the Gail Miller murder?

9 A Not as I understood it at that time, no.

10 Q And why not?

11 A Because none of the -- none of the offences that  
12 Larry Fisher was involved in was associated with  
13 the death of Gail Miller.

14 Q So was it your understanding that the fact that  
15 Larry Fisher might -- let me back up. At this  
16 time in your view was Larry Fisher a suspect in  
17 the death of Gail Miller?

18 A In my mind he was.

19 Q And I'm trying to understand what types of  
20 evidence or information you could get during your  
21 investigation that would elevate Larry Fisher from  
22 being a suspect to being linked to Gail Miller's  
23 murder?

24 A Well, we talked about an eye witness or talked  
25 about some hard, some kind of hard evidence that



1           you could get that would put him at the scene of  
2           the crime. That was my understanding.

3           Q       And would that be physical evidence, for example?

4           A       Possibly, or an eye witness, which was probably  
5           highly unlikely.

6           Q       What about a confession?

7           A       Oh, absolutely.

8           Q       And again, just so that I'm clear, did you  
9           consider at that time, sir, Linda Fisher's  
10          statement, and presume for the moment that it's  
11          all true, did that link Larry Fisher in your mind  
12          to the murder of Gail Miller?

13          A       It was part of the suspicion, but I don't believe  
14          it equated into evidence as such.

15          Q       And we now know that Larry Fisher has been  
16          convicted of the rape and murder of Gail Miller.  
17          Would DNA evidence linking Larry Fisher's DNA to  
18          the sperm and semen found on Gail Miller's coat  
19          she was wearing when she was raped and murdered,  
20          would that be a link between Larry Fisher and Gail  
21          Miller?

22          A       Well, absolutely, and I think at the end of the  
23          day that's what happened.

24          Q       At this time can you tell us what -- what was  
25          your -- based on your conversation with Mr.



1 Williams on this date, did you make any  
2 observations or have any impression as to whether  
3 or not Mr. Williams saw Larry Fisher as a suspect?  
4 A You know, I have no recollection of Mr. Williams  
5 expressing opinions, he kept his opinions to  
6 himself, and, you know, I have to say that there  
7 were -- again, we had -- Mr. Williams was  
8 representing the Department of Justice, a separate  
9 organization, I was with the RCMP, and in our  
10 meeting there were -- as time evolved there seemed  
11 to be some differences and -- I don't know how to  
12 explain this, it's not -- I don't want to put  
13 anything sinister to this because it's not, but  
14 there were some cultural differences; he's a  
15 lawyer, I'm a policeman, he's with the Department  
16 of Justice, I'm with the RCMP, and we're talking  
17 about -- I'm used to having everything opened up  
18 and laid on the table. I felt at times over this  
19 that there was restraint possibly on Mr. Williams'  
20 part for whatever reason, maybe just the  
21 differences of who we are, but there were times  
22 that I felt that I didn't know everything that was  
23 going on, and maybe I didn't need to know  
24 everything that was going on, and maybe it wasn't  
25 appropriate for me to know what was going on under





1 the 690 review, and I, over the long period of  
2 time, I looked at that as differences of people  
3 and organizational culture, but thinking back, I  
4 don't know how restrained one has to be in these  
5 690 applications when you are dealing with the  
6 Minister of Justice, like, there may be more to  
7 this than meets the eye, but at a very working  
8 level I felt that there were times that I was --  
9 we couldn't really lay the cards on the table.

10 Q When you say restraint, do you mean with -- give  
11 me some examples? Was information being provided  
12 to you from Eugene Williams?

13 A Like I say, I don't want to be sinister to Mr.  
14 Williams because we got along, in my opinion, very  
15 well, and he conducted himself very professionally  
16 in my opinion, but I just felt that possibly there  
17 was, you know, the transparency maybe wasn't there  
18 that would have been there if it would have been  
19 two policemen sitting around talking about a case.

20 Q So let me just contrast this with, for example, of  
21 you and either a peer or a senior officer from  
22 Ottawa, for example, were working on a murder  
23 investigation, in that type of situation would  
24 there be, as you say, everything laid out on the  
25 table and all information back and forth?



1 A Yes. And, you know, again we start talking  
2 possibly about systemic issues, and I'm not sure  
3 if this is the appropriate time to talk about  
4 it --

5 Q Any time is appropriate.

6 A -- but here we have great distances between the  
7 two of us, I'm in Saskatoon and he's in Ottawa,  
8 and there is -- communication is taking place  
9 basically over telephone and on reports, but I --  
10 I guess you could almost compare it to running  
11 this Commission, can you run it efficiently over  
12 the telephone and sending messages back and forth  
13 or do you have to be here to really get a sense of  
14 what you have and how you feel about things, and  
15 the distances that we were working by I think was  
16 to our disadvantage as far as -- and the  
17 differences in the organization, and possibly  
18 restrictions that maybe he worked under under the  
19 790 (sic), that's just some general thoughts I  
20 have on that, but the other aspect of that, and  
21 I'm getting way ahead of myself here --

22 Q No, that's fine.

23 A -- when you talk about the organization of all the  
24 activities that were taking place in my opinion --  
25 am I allowed to have an opinion?



1 Q Yes, you are.

2 A In my opinion, much of this issue of the cover-up  
3 and the issue of the city police files being  
4 destroyed and all of the other issues, it created  
5 so much publicity and created so much agony for a  
6 lot of people, could have been adequately dealt  
7 with if everyone sat around the table and not let  
8 this get out of control like it did, and I don't  
9 know what policies and controls are in place at  
10 the federal level for managing this, but that --  
11 it got out of control and there were -- a lot of  
12 this could have been dealt with with some good old  
13 sit down and let's lay the cards on the table, so  
14 there was transparency issues here, and there were  
15 some real systemic issues I believe in how this  
16 should unfold.

17 MR. HODSON: And we'll certainly come back  
18 to that, Mr. Pearson. This might be an  
19 appropriate time to break, Mr. Commissioner.

20 COMMISSIONER MacCALLUM: I missed the doc  
21 ID on that last one.

22 MR. HODSON: We're at 056759 is the page  
23 number.

24 COMMISSIONER MacCALLUM: 759?

25 MR. HODSON: Yes, and the doc ID is 746743.



1 This is the 178 page --

2 COMMISSIONER MacCALLUM: Oh, okay.

3 (Adjourned at 10:32 a.m.)

4 (Reconvened at 10:51 a.m.)

5 BY MR. HODSON:

6 Q Just bring up 056759. Just on where we left off,  
7 Mr. Pearson, you talk about some systemic issues  
8 and that, and I will certainly return to those  
9 with you after we've gone through some of the  
10 evidence, but again -- and as we go through, so I  
11 will certainly revisit that area. If we can go  
12 back to again March 23rd and this is a meeting  
13 with Mr. Williams, and I think you told us at this  
14 time you certainly thought that Larry Fisher was a  
15 suspect; is that correct?

16 A That's fair.

17 Q And I think you told us before your task, or one  
18 of your tasks was to investigate Larry Fisher as a  
19 suspect; is that correct?

20 A Yes.

21 Q And I think you told us after this meeting that  
22 your understanding of what was needed or that your  
23 objective, if I can call it that, in the 690  
24 review was to pursue Mr. Fisher as a suspect to  
25 the point of getting some link or association with



1 the murder of Gail Miller; is that fair?

2 A Yes.

3 Q And so at this point would it be fair to say that  
4 you still had further work to do in your  
5 investigation of Mr. Fisher?

6 A Yes.

7 Q And I think you gave us some examples of what a  
8 link might be, one would be an eye witness, two  
9 would be physical evidence, three might be a  
10 confession. Are those links, for example?

11 A Sure, yeah.

12 Q I think you also told us what Linda Fisher had  
13 told you fell in the suspicion category as opposed  
14 to the link category; is that fair?

15 A I would say that's fair.

16 Q And at this time then, March 23rd, 1990, would it  
17 be fair to say that Mr. Williams at least agreed  
18 that these avenues should be pursued as far as Mr.  
19 Fisher was concerned?

20 A Oh, absolutely.

21 Q And I take it on the one hand -- let me give you  
22 three possible scenarios and you tell me if there  
23 are any more, that as far as your task in pursuing  
24 Larry Fisher, the first would be that you would  
25 pursue, investigate and eliminate him as a



1 suspect, that's one possibility; correct?

2 A Yes.

3 Q And, for example, if you found that he had an  
4 alibi and could not have committed the murder, or  
5 perhaps he was blood type B, for example,  
6 something like that that would eliminate him as a  
7 suspect, and then I take it as far as the 690  
8 process you could go back to Mr. Williams and say  
9 based on my investigation I don't think Larry  
10 Fisher could have committed the murder of Gail  
11 Miller, take him off the table?

12 A I'm not sure that my understanding at that time, I  
13 would be so specific as to say that. I believe  
14 that I was reporting to him and decisions were  
15 going to be made by someone else.

16 Q So that -- let me rephrase it then. You go back  
17 and say based on my investigation as an  
18 investigator, I believe that he's eliminated as a  
19 suspect, do with it what you will; is that fair?

20 A That's better.

21 Q And the second option would be that you  
22 investigate to the point where you, as an  
23 investigator, believe that you have sufficient  
24 evidence, that if you were investigating the  
25 murder of Gail Miller wearing your regular



1           investigator hat, that you would say I believe I  
2           have reasonable and probable grounds to charge  
3           Larry Fisher with the murder of Gail Miller, and I  
4           think in that scenario, you touched on this  
5           yesterday, that given that someone was already  
6           convicted of the offence, I think you said if you  
7           got to that point, that you as an investigator  
8           said I think I have grounds to lay a charge  
9           against Larry Fisher, you would again report that  
10          back to Mr. Williams and say based on my  
11          investigation, if I were investigating this as a  
12          murder, I think I have reasonable, probable  
13          grounds, here's the information, do with it what  
14          you will; is that fair?

15        A           That's fair.

16        Q           And so those would be, let's say, the two  
17           extremes, or the two possible options. The third  
18           one I'm going to suggest is something that's right  
19           in the middle, that he's not eliminated as a  
20           suspect, but you can't get to the point of saying  
21           I have reasonable and probable grounds to lay a  
22           charge. Is that fair?

23        A           That's fair.

24        Q           And I can't eliminate him as a suspect, but I  
25           can't get to the point where I would charge him;



1 is that -- so would those be the three options  
2 then, or the three outcomes that are likely?

3 A I can't think of any more. That's pretty well got  
4 everything covered.

5 Q And as far as --

6 A But I just want to say, under any circumstance,  
7 either of those three that you come up with there,  
8 I just don't feel at that time I would have ever  
9 taken it upon myself to start initiating a charge  
10 or taking this solely into police hands, I really  
11 believe that the reporting was to justice to  
12 decide what they are going to do based on the  
13 bigger picture, because there was a lot of other  
14 evidence, I suppose, or other aspects of this case  
15 that I certainly wasn't familiar with, so I had,  
16 you know, a piece of the pie, but not the whole  
17 pie.

18 Q Certainly, and I think you told us yesterday just  
19 that, and again this morning, Mr. Pearson, that  
20 you were not, and please correct me if I'm wrong,  
21 that you were not approaching this in the same way  
22 as if you had been the chief investigator and said  
23 go solve the murder of Gail Miller; correct?

24 A I was not -- I didn't feel I was leading it. I  
25 was reporting and the decisions as to what, the





1 final decision was going to be made by someone  
2 other than me.

3 Q Right. But if, for example, you had been the lead  
4 investigator, there had been no conviction and you  
5 said -- you were told go out, lead an  
6 investigation into the death of Gail Miller, are  
7 you telling us that you would have done -- I mean,  
8 you would have had the whole pie then?

9 A Yes.

10 Q And you would have done things -- you would have  
11 done some of the same things you did that you did  
12 for Mr. Williams --

13 A Sure.

14 Q -- but you would have done more I presume?

15 A Oh, yes, absolutely.

16 Q So again we've talked about the fact that your  
17 engagement in this matter was different than if  
18 you had been engaged to solve the murder; is that  
19 fair?

20 A Yes.

21 Q Secondly, though, as far as the specific task that  
22 Mr. Williams was getting you to do, there would be  
23 some similarities to the type of work that you  
24 would do in a general investigation?

25 A Oh, absolutely.



1 Q And specifically the three outcomes that I just  
2 talked about, the task that you were being asked  
3 to do, and please correct me if I'm wrong, at  
4 least one of the tasks was to pursue Larry Fisher  
5 as a suspect and report back whether you can  
6 either eliminate him, whether there might be a  
7 basis to lay a charge, he was not asking you to do  
8 that, but is there a basis to do that, or  
9 somewhere in the middle, i.e., not eliminate him,  
10 but not a charge, so some similarities?

11 A That's my understanding. I don't think it was  
12 ever laid out that specifically and clearly, but  
13 my understanding was that that's what I was doing.

14 Q And certainly in undertaking that specific task  
15 that Mr. Williams asked you to do, you would  
16 employ many of the same tools, techniques and  
17 skills that you as a police officer would have as  
18 if you were doing a general investigation of the  
19 murder; is that fair?

20 A That's fair.

21 Q Yeah. So again at this point we've got these  
22 three items, obtain a blood sample -- and I take  
23 it that relates to the frozen lump of snow does  
24 that?

25 A Yes.



1 Q Is he consistent with that type, if he was type B  
2 that might cause you to say to Mr. Williams, based  
3 on that, you know, assuming the lump of snow is  
4 credible and is the perpetrator's, wearing my  
5 investigator's hat I think that would eliminate  
6 him as a suspect, do with it what you will; is  
7 that fair?

8 A That's fair.

9 Q And number 2 -- let me go back on the blood  
10 sample. If he came back type A, which we know he  
11 did, and his blood type was consistent with the  
12 type of blood from the frozen lump of snow, would  
13 that be a link to Gail Miller's murder, would that  
14 be considered a link as you used that term before?

15 A It had -- it would be another circumstance because  
16 there are a lot of people that have the same kind  
17 of blood, but it would be a factor of heightening  
18 suspicion I suppose.

19 Q And then number 2, obtain statements of his  
20 recollection of the days surrounding the Miller  
21 murder, and I take it you would be pursuing with  
22 Mr. Fisher to try and check out his story; is that  
23 fair?

24 A Yes.

25 Q And to see if you could get -- I guess one avenue



1 is that he might end up having an alibi; is that  
2 one outcome?

3 A Sure.

4 Q And on the other side is that he maybe can't  
5 explain his whereabouts on the day of the murder;  
6 is that fair?

7 A That's right, yes.

8 Q And three, the polygraph, tell us what and why you  
9 went the route of the polygraph?

10 A Well, there's not too many tools left after 20  
11 years to pursue someone like Mr. Fisher and  
12 memories fade, the difficulty was knowing his  
13 movements at the time, and you had suspicion, but  
14 trying to nail down a hard fact was very  
15 difficult. Using the polygraph, I have to say  
16 here that we ended up doing a polygraph, it was  
17 done by a private polygraph operator, I initially  
18 wanted to have a police polygraph operator used,  
19 and I have a lot of confidence and faith in Mike  
20 Robinson and the work he does, but he is a private  
21 polygraph operator and in my view there is a  
22 difference, and the only difference is that on the  
23 post-test interview or interrogation, if you will,  
24 I believe a policeman involved in investigation  
25 has a, more of a desire or responsibility to



1 clarify issues if there is deception detected.

2 Now, the polygraph is not just  
3 charts and reactions to charts, but there is also  
4 the interrogation component of it and these people  
5 are trained and they are good at what they do and  
6 I thought if we could get Larry Fisher in that  
7 environment and if we could ever get him to the  
8 point where there was deception, we then could  
9 possibly get the best interview possible by  
10 someone who is able to pursue that further. That  
11 was really the initial thought I had. However,  
12 that didn't work out because the lawyer insisted  
13 that it go through a private polygraph operator.

14 Q And what were the reasons that went into that, why  
15 did it end up going that route instead of what you  
16 had initially planned?

17 A That was a decision by legal counsel.

18 Q And we'll maybe touch on that when we get there.  
19 On the polygraph, and we did hear from Mike  
20 Robinson, and in fairness, Mr. Pearson, I think he  
21 described the difference between the police  
22 polygraph and a private polygraph in a similar  
23 way, that if it's a private polygraph operator, I  
24 think what he said is you conduct the test and  
25 here are the results and there's no interrogation



1 after. He also described for this Commission how  
2 he would do it when he did it as a police officer  
3 and how it is used as, and I think in fairness, a  
4 tool in the interrogation; is that correct?

5 A Yes.

6 Q And, for example, if -- were you a polygraph  
7 operator yourself?

8 A No, I wasn't, no.

9 Q And so would it be a scenario, what you are  
10 talking about here, is where there's a polygraph  
11 conducted and if Mr. Fisher denies involvement in  
12 the killing and it's shown to be deceptive, that  
13 you or someone else might follow up and  
14 interrogate him and say lookit, you've got  
15 problems here, you are deceptive and try and  
16 interrogate him to the point where you may get a  
17 confession or incriminating evidence; is that --

18 A The interrogation would take place by the  
19 polygraph operator himself following up on the  
20 deceptions and, you know, that would happen, you  
21 know, with some assistance of myself I suppose  
22 after the fact, but hopefully part of the  
23 polygraph test would be the post-test interview,  
24 interrogation in the event there is deception.

25 Q And so if the polygraph was conducted and Mr.



1 Fisher -- I'm not sure passed is the right term --  
2 but if the conclusion was that he was being  
3 truthful in his denials of the murder, would that  
4 then be something that you would -- tell me, what  
5 would you do with that piece of information if  
6 that had been the result?

7 A Again, it's not decisive, a polygraph has got its  
8 flaws, and it's again just something that you have  
9 to assess at the end of the day if you were able  
10 to follow up with any kind of interview with him,  
11 but again, nothing -- it's not conclusive.

12 Q And again, just back on the interrogation-type  
13 polygraph, would that be -- you mentioned a few  
14 minutes ago that after 20 years the investigative  
15 tools are somewhat limited; is that correct?

16 A Yes.

17 Q And at this point would the polygraph and the  
18 approach you talked about be maybe your best tool  
19 or your best chance to try and get some evidence  
20 against Mr. Fisher from him?

21 A Well you are looking at a confession, I suppose,  
22 is what you are looking at here; how could you  
23 work your way to get him to confess to something  
24 that you are interested in, umm, and that probably  
25 was the best tool at the time.



1 Q Had you, yourself, personally been involved in  
2 cases where you were able to interrogate accused  
3 using polygraph to get a confession?

4 A Umm, I don't recall.

5 Q Is that something that investigators that you  
6 worked with, is that something that happened from  
7 time to time, that --

8 A Yes, I believe it did, sure.

9 Q I think Mr. Robinson described for us some cases  
10 where, some cases, and I'm not sure he talked  
11 about murders, but the mere fact of taking a  
12 polygraph caused some people to confess; was that  
13 your experience as well?

14 A Well I think there is a lot of psychology  
15 involved. I think there is a lot of people have  
16 things to say before the test begins just because  
17 of the fact that they know they may not pass, just  
18 human nature, wanting to come clean, there are  
19 those kinds. I mean Mike Robinson and the  
20 polygraph operators who are trained in this would  
21 certainly understand all this better than I, but  
22 there is psychological pressure, I think, on  
23 people to, under certain cases, to come clean so  
24 to speak, and then certainly after the test, if  
25 there is deception detected, then you probe that,





1 and through the probing you may come up with  
2 additional evidence.

3 Q And so again, just back on the importance of the  
4 polygraph as a tool, in March of 1990 am I hearing  
5 you say that yes, it was an important tool, and  
6 one of the few we had left to try and get evidence  
7 that would take Larry Fisher from either a suspect  
8 to eliminated or from suspect to reasonable and  
9 probable grounds?

10 A That's fair.

11 Q And again just generally, and I'll touch on this a  
12 bit later, what else was there left, by way of  
13 investigative tools, to try and move Mr. Fisher  
14 one way or the other on the suspect continuum, if  
15 I can call it that?

16 A Well there really, there really wasn't much that  
17 we could effectively use, you know, as I recall  
18 it. You know, under normal circumstances you  
19 could use a part 6, which is an interception of  
20 private communications; if you were in an  
21 environment where you were managing the  
22 investigation from the beginning the -- you could  
23 use an undercover operation and try and develop a  
24 scenario where you could obtain a confession or  
25 knowledge that he may have of this crime, but the



1 difficulty we had was that he was  
2 institutionalised, and we knew where he was but  
3 getting at him was not that easy because he could  
4 hide behind the on -- the prison that he was  
5 actually in, so it was difficult, but he was  
6 institutionalised.

7 Q What effect, if any, did the media publicity that  
8 we'll get to that later came out, and the fact  
9 that Mr. Fisher became aware that he was a suspect  
10 in this murder; did that have any impact, positive  
11 or negative, on the use of the two tools you just  
12 talked about, being the interception of private  
13 communications and an undercover operation?

14 A Well my, my assessment of it was that he became  
15 highly agitated, stressed. Now whether he would  
16 have been a suitable candidate to begin with, you  
17 know, is something that, you know, I don't know,  
18 but at the end of the day he became very, very  
19 agitated, stressed, expressed a concern about his  
20 personal safety. He felt that, once his name was  
21 out there as someone who may have committed this  
22 murder, he thought that his life was in danger in  
23 the institution, and because it's sex offence he  
24 thought that he was even heightened as far as  
25 being a target, and he thought that, you know,



1 he'd have to be kept in isolation all the time  
2 that he was there. And shortly after the  
3 publicity came into play he ended up in the  
4 Regional Psych Centre, and whether that was, in  
5 reality, something that was medically necessary,  
6 or if that was his way of escaping what was going  
7 on in the institution, that's just speculation on  
8 my part, but -- so he went into the institution,  
9 and that's where he stayed for the seven months,  
10 and that's where we finally approached him.

11 But when we did make contact  
12 with him and finally got him to interview, agree  
13 to a polygraph, one of the conditions -- and I  
14 think that may have been a condition that we  
15 weren't told about but it might have been a  
16 condition that he agreed through his lawyer -- is  
17 that he wanted a transfer to a, I believe a  
18 British Columbia institution. So that complicated  
19 a little further by the fact that, you know, he  
20 was now going to be away, but -- and he eventually  
21 was.

22 Q And the agitation, and we'll get to this a bit  
23 later, but the agitation that he felt; what was  
24 that over, what was causing him agitation?

25 A Well he had other issues as well, and I don't know



1 the complete history of this man as far as being  
2 able to assess what caused all his problems, but  
3 there were some medical conditions that he did  
4 have as well, and the stress of his becoming a  
5 suspect, I suppose, was part of it, and also the  
6 fact that the publicity was targeting him. I do  
7 believe he had a personal safety issue, at least  
8 that was what was being articulated, and so it  
9 did -- it did bring into play some potential  
10 problems for doing the polygraph.

11 Q And the, put aside the polygraph, let's talk about  
12 the other two tools you talk about, the  
13 interception of private communication and putting  
14 in an undercover officer to try and get some  
15 information. What effect if any, positive or  
16 negative, did the media publicity suggesting that  
17 Larry Fisher was the killer of Gail Miller; what  
18 effect did that type of publicity have on those  
19 two investigative tools that you had at your  
20 disposal, being the interception of  
21 communications, and an undercover officer?

22 A Well I don't know, I'd have to think about this a  
23 little bit, but it's, again, just difficult to try  
24 and put together something in an institution based  
25 on the fact that there is -- it's a whole



1 different world and it's -- I don't know how to  
2 articulate it because I haven't really thought  
3 that much about it recently, but it has its  
4 problems in carrying it out in an investigation.

5 Q And if he had been outside of an institution you  
6 would have had more tools at your disposal, is  
7 that -- to try and get an interception or --

8 A Well you've got the freedom to monitor his  
9 movements and to access his residence and to be  
10 detecting -- or doing things in a way that you are  
11 not being detected. In an institution, it's very  
12 difficult to have any kind of an undercover  
13 operation in an institution.

14 Q And the objective of those two tools, being the  
15 interception of private communication and an  
16 undercover-type operation, would be to get  
17 credible evidence where Larry Fisher would admit  
18 to involvement in the killing of Gail Miller; is  
19 that what --

20 A Yeah.

21 Q Did the fact that the media was stating that Larry  
22 Fisher either was the killer of Gail Miller or was  
23 the suspect as the killer of Gail Miller, did that  
24 have a positive or a negative effect on your  
25 ability to try and get an utterance from Larry



1 Fisher or a confession either through an  
2 interception of private communication or  
3 undercover, or any other means, did that have an  
4 effect on your ability to get that type of  
5 information from him?

6 A That would be really hard to say. If you went so  
7 far as to put an undercover operation in, and  
8 there was all this publicity out there, it may  
9 give you an opportunity to develop him and use a  
10 scenario that might take advantage of that  
11 publicity. So, you know, there is an  
12 upside/downside I think, but just executing it is  
13 the issue, based on the fact that he is  
14 institutionalised.

15 Q And so are you telling us that, because he is  
16 institutionalised, those two tools were difficult  
17 or not possible?

18 A They were -- they were not seriously considered,  
19 I'd have to admit, as far as going through this  
20 process under 690.

21 Q If we can go down to paragraph 75, okay, and this  
22 is March 23rd:

23 "Mr. Williams and myself met with  
24 Saskatoon City Police members, Chief  
25 Penkala, Deputy Chief Montague, Supt.



1                   McCorriston, and Insp. Quinn. Mr.  
2                   Williams explained his role, and that of  
3                   the RCMP currently making inquiries into  
4                   this new information, explaining to them  
5                   that the public may look upon further  
6                   inquiries by the City Police as being in  
7                   conflict of interest. Our meeting with  
8                   the City Police was very cordial and I  
9                   was impressed with the co-operation and  
10                  openness displayed by all in attendance.  
11                  I was invited to examine the  
12                  Milgaard/Miller file at any time, and  
13                  that full courtesy and cooperation would  
14                  be extended."

15                Again, does that accurately describe the meeting  
16                you had with the police?

17           A           Yes.

18           Q           Can you recall anything else of that meeting with  
19                        the police of significance, other than what's  
20                        noted?

21           A           You know, I can't.

22           Q           Do you recall hearing opinions expressed by any of  
23                        the Saskatoon City Police officers about either  
24                        Mr. Milgaard's responsibility for the crime or Mr.  
25                        Fisher's responsibility for the crime?



1 A No, there were really no opinions expressed at  
2 all, that I recall.

3 Q Nothing to the effect of "you are wasting your  
4 time", --

5 A No.

6 Q -- "don't bother", anything like that?

7 A No. No, the attitude, I'd have to say that the  
8 attitude was very open, and they extended  
9 co-operation, and I never felt that there was any  
10 bias being provided to us, you know. I just don't  
11 recall anything negative about that particular  
12 meeting.

13 Q And did, in fact, the Saskatoon City Police  
14 provide you with full courtesy and co-operation  
15 throughout your dealings with them?

16 A Yes. I was never refused anything that I  
17 requested.

18 Q And did you have access to the files whenever you  
19 deemed necessary and whenever -- whatever you  
20 wanted to look at, and they had, that they  
21 provided it to you?

22 A I believe that I had everything, I don't know if I  
23 had everything, but I believed I did.

24 Q And at this time do you recall any, was there any  
25 specific discussion at this meeting about Larry





1 Fisher and any rape files, anything of that nature  
2 do you remember?

3 A I don't recall.

4 Q Now at this time I think, at least according to  
5 the documents, I think everybody involved was of  
6 the view that the -- when I say "everyone  
7 involved" certainly you and Mr. Williams,  
8 Mr. Asper, Mrs. Milgaard, Mr. Henderson, and even  
9 Linda Fisher, I think from the documents we have  
10 seen, were of the view that Larry Fisher's rapes  
11 in '68 to '70 were in Regina, is that -- and at  
12 this time do you recall any discussion with the  
13 police about those --

14 A I don't --

15 Q -- rape files?

16 A I don't know.

17 Q Do you recall any discussion at this meeting about  
18 her visit to the city police in 1980?

19 A I don't recall having a discussion on that.

20 Q And down to the paragraph 76, you called Linda  
21 Fisher to confirm the interview that was going to  
22 take place the next day, which I think was the  
23 deposition, and:

24 "A second phone call was also placed ...  
25 reminding her to bring letters that she



1                   had received from Larry while doing time  
2                   in the Penitentiary."

3                   And do you remember when, whether those letters  
4                   were ever given to you, Mr. Pearson, or whether  
5                   they went to Mr. Williams, or just how they came  
6                   to be in the possession of other parties?

7           A        You know, I've gone back through the material  
8                   trying to find that answer, and I do know that  
9                   there was discussion about letters that she had,  
10                  and I -- I have no recollection of receiving those  
11                  letters, even though I had made calls to her to  
12                  remind her to bring the letters to the interview.  
13                  But the only other option I have, and maybe Mr.  
14                  Williams might be able to enlighten you on that,  
15                  that maybe, during that interview in North  
16                  Battleford, possibly she gave the letters to Mr.  
17                  Williams, but that's just speculation on my  
18                  part, --

19       Q        Yes, but did you --

20       A        -- but I have no recollection of those letters.

21       Q        Right.

22       A        I shouldn't say I don't have any recollection of  
23                  those letters, I have no recollection of receiving  
24                  those letters that day.

25       Q        Right. If we could then go to -- call up 001918,



1 and this is a letter of March 26th, 1990 to you,  
2 and it's from Superintendent McCorriston and it  
3 talks about:

4 "With respect to the March 23, 1990  
5 meeting with Mr. Eugene Williams and  
6 yourself, please be advised that I have  
7 referred to notes of a very brief  
8 interview of one Larry Fisher on Monday,  
9 February 3, 1969 and find they consist  
10 of nothing more than that contained in  
11 my investigation report dated February  
12 5, 1969. I do not recall this person or  
13 any other details of my conversation  
14 with him."

15 And so do I take it, from that, that this subject  
16 would have come up at the March 23rd meeting with  
17 Mr. McCorriston; he was at the meeting?

18 A Yes, yes.

19 Q And is it fair to say that by this time you would  
20 have had the February 5, '69 police report or at  
21 least have been aware of its contents?

22 A Now which police report?

23 Q The -- he talks about -- there's an investigation  
24 report dated February 5, 1969, this is  
25 McCorriston's report that has the paragraph that



1 talks about his interview with Larry Fisher at the  
2 bus stop, and then I think this letter just says  
3 he has also checked his notes --

4 A Yes.

5 Q -- and provided the notes, and I'm just wondering  
6 if you have a recollection or whether you are able  
7 to tell us, based on this letter, that either you  
8 did or it was likely that you would have then  
9 either had a copy of this police report or been  
10 aware of its contents?

11 A You know, I just don't recall.

12 Q And then they also talk about notes of March 2nd,  
13 1969, about the knife handle, and I think that's  
14 the only other. So do you have a recollection of  
15 dealing with McCorrison, Mr. McCorrison?

16 A Oh yes, yes.

17 Q And, again, can you describe his co-operation, his  
18 demeanour, in your dealings with him?

19 A Yes. During the very early stages of this I had  
20 several contacts with him, not that I can give you  
21 details on because I don't recall, but I certainly  
22 had contact with him, and I think the first time I  
23 saw the police file it was actually in his area of  
24 the building. I don't think it was in his office  
25 but it was in that part of the building.



1 Q Now Mr. McCorriston is deceased, he is the fellow  
2 who interviewed Larry Fisher on the Monday  
3 following the murder, do you recall any discussion  
4 with Mr. McCorriston where he -- and in the letter  
5 he says:

6 "I do not recall this person or any  
7 other details of my conversation with  
8 him.",  
9 but about talking about the significance of the  
10 interview, or the note, or anything of that  
11 nature?

12 A I'm sure it came up, but I don't recall the  
13 details.

14 Q If we can go to the next, or to 056760, please.  
15 Again, March 24th, it talks about picking up Linda  
16 Fisher and then to the court reporter, Sandy  
17 Logan, and then it says:

18 "After introductions and being satisfied  
19 the lines of communication between  
20 Fisher and Williams were on track, I  
21 departed to the United Church in an  
22 attempt to obtain documentation  
23 associated to the marriage of Linda and  
24 Larry in 1967."

25 And I think this again related to the blood work;



1 is that right?

2 A Yes.

3 Q So I think, and when we looked at the transcript  
4 and had Linda Fisher testify, I think it shows  
5 that you were not present for the entire  
6 deposition of Linda Fisher; is that correct?

7 A That's correct, yes.

8 Q And that you came towards the end and sat in; is  
9 that right?

10 A I joined them during one of their breaks.

11 Q If we could -- let's just, at this point, March  
12 24, 1990, call up 004930, please. So that by this  
13 date, March 24th, 1990, we've already seen that  
14 you had one interview with Linda Fisher and at  
15 least one, actually two phone calls with her,  
16 perhaps more; is that correct?

17 A Yes.

18 Q Can you describe for us what your relationship was  
19 with Linda Fisher as far as the lines of  
20 communication between the two of you?

21 A Oh, again I think we had a good relationship, she  
22 didn't seem to hesitate to call me, I felt  
23 comfortable in talking her and I felt that she was  
24 very open, and we had a good, normal relationship  
25 I guess.



1 Q Did you coerce her in any way, at any time, in any  
2 of your dealings?

3 A She wasn't the type of person that ever needed to  
4 be coerced. She was a pretty straightforward,  
5 open individual, and cooperative, and no, I never  
6 had any cross words or pressure to her or from  
7 her.

8 Q Did you ever try to convince her that Larry Fisher  
9 did not commit the Gail Miller murder?

10 A No.

11 Q Did you ever try to convince her that her version  
12 of events back from 1969 were wrong in any way?

13 A No.

14 Q Did you have any, based on your observations, did  
15 you form any impression as to whether or not Linda  
16 Fisher -- I think you told us yesterday you  
17 thought that she -- and let, maybe let me ask you  
18 this again rather than put it to you: What was  
19 your impression at the time, again March 24th of  
20 1990, as to where -- what Linda Fisher's, the  
21 strength of Linda Fisher's belief that Larry  
22 Fisher was the killer of Gail Miller?

23 A Well I just, I just think it didn't -- the belief  
24 that I had wasn't hinging just on what she had, it  
25 was part of a package, so to speak.



1 Q No, I'm sorry, my question is I want to  
2 understand, based on your observation of what  
3 Linda Fisher's belief was, --

4 A Oh.

5 Q -- like did Linda Fisher -- just based on your  
6 observation did you take it that Linda Fisher was  
7 suspicious, convinced, or somewhere in the middle,  
8 that Larry Fisher killed Gail Miller?

9 A I believe she was suspicious.

10 Q When she testified before the Inquiry on occasion  
11 she mentioned that in some cases she was hoping to  
12 find out that maybe he wasn't involved, in other  
13 words "either tell me he was or he wasn't"; was  
14 that -- did you observe anything in that with her?

15 A Well that would seem the natural thing that she'd  
16 be interested in, but I don't know if I can really  
17 comment on that, I just don't recall.

18 Q Now I take it that you would have introduced Linda  
19 Fisher to Eugene Williams at the deposition?

20 A Yes.

21 Q And had you previously told her who he was and  
22 what he was doing?

23 A Yes, I believe there was a conversation that this  
24 was going to be done by a Federal Justice lawyer  
25 from Ottawa.





1 Q And would you have explained to her, generally,  
2 just why he was doing that or what he was doing?

3 A She -- yes, I believe, I believe she'd have been  
4 advised in general terms.

5 Q And did you have an opportunity to observe Eugene  
6 Williams and Linda Fisher interact on this day?

7 A During the deposition or?

8 Q Before, during, and after the deposition?

9 A Like I say, this was a -- this took place at the  
10 detachment, the RCMP detachment in North  
11 Battleford, which is a large public building. And  
12 we entered the building, a uniformed female member  
13 had actually driven out to Cando and picked Linda  
14 up and brought her into the office, and I  
15 introduced Linda to Mr. Williams, and Sandy Logan  
16 was the court reporter and she was on site. This  
17 is a large, open office area, and there were  
18 secretaries and policeman and such around, they  
19 provided an office for us to set up, and after  
20 everything was in place, and everybody seemed to  
21 be fairly jovial and open and everything seemed to  
22 be going well as far as the introductions were  
23 concerned, then that's about the time that I  
24 departed and Mr. Williams was going to conduct the  
25 legal deposition.



1 Q And you are --

2 A And this was my first exposure, I believe at that  
3 point, to a legal deposition.

4 Q And you had occasion to observe Linda this date,  
5 Linda Fisher?

6 A Yes.

7 Q Did you observe anything with Linda Fisher that  
8 was unusual or different than when you observed  
9 her in your dealings with her direct?

10 A No.

11 Q Did you sense that she was in any way intimidated  
12 by you on that day?

13 A By me?

14 Q Yes?

15 A No.

16 Q Did you have any sense or observe that she was  
17 intimidated by the surroundings, the location of  
18 where this was taking place?

19 A No. This was an open, an open-office police  
20 station that elementary school kids go through, so  
21 there's not much intimidating other than the fact  
22 it's a police station, but --

23 Q Did you observe her or get any sense that she  
24 might be intimidated by the prospect of being  
25 interviewed by Mr. Williams about this matter?



1 A I didn't get the sense that she was. Maybe she  
2 was nervous about the process, but I didn't get a  
3 sense that she felt intimidated or frightened, --

4 Q Did you --

5 A -- not that I recall.

6 Q Did you observe or get any sense that she was in  
7 any way intimidated by Eugene Williams?

8 A I never got that sense at all, no.

9 Q Did you have occasion to observe the two of them  
10 interact before, during, and after the deposition?

11 A Well yes, you know, I did, but I just can't really  
12 recall all the interaction going on. It was just  
13 kind of a general, in my mind now, a blur that,  
14 you know, we were all together in that  
15 environment.

16 Q You used the word "jovial" before; what do you  
17 mean by that?

18 A Well yeah, just a positive environment, you know,  
19 as opposed to someone saying "I don't know why I'm  
20 here, I don't want to give you a statement", or  
21 somebody putting pressure on someone, it was very  
22 normal an atmosphere as far as I recall, but I  
23 don't recall anything negative about that as --

24 Q Was Linda Fisher cooperative of the process?

25 A Linda, Linda has always been cooperative.



1 Q What did you observe, and again we will be hearing  
2 from Mr. Williams, but what were your observations  
3 about the manner in which Eugene Williams treated  
4 Linda Fisher on this day?

5 A Well, like I say, Mr. Williams was always very  
6 professional and -- in my dealings with him, and I  
7 think he conducted himself very well, to be quite  
8 honest with you. I never ever felt that he was  
9 intimidating anyone. It's been, it's been,  
10 throughout this investigation from time to time  
11 you've heard information that he might have  
12 intimidated some people, but I have never seen  
13 that, and on this case I would, from what I  
14 observed, I would -- I would dispute that Mr.  
15 Williams ever intimidated Linda.

16 Q Now what -- and I appreciate that this was Mr.  
17 Williams' deposition or examination and we'll hear  
18 from him -- but what did you understand as to what  
19 the purpose was of this interview; what was it  
20 that Mr. Williams was trying to achieve?

21 A I -- I think on, in the area of responsibility he  
22 had, I believe he was there to assess and confirm  
23 the information that had been advanced and, you  
24 know, to help him make a determination that he had  
25 to eventually make through his department.



1 Q Do you remember, at this time, whether there were  
2 still some issues, for lack of a better word,  
3 about what Linda Fisher had told you and what  
4 Linda Fisher had told Joyce Milgaard about the  
5 significant areas?

6 A I don't -- I don't recall there being issues. You  
7 know, Mr. Williams may have had issues, but I  
8 don't recall them being issues. This was, this  
9 was a legal deposition being taken by Mr. Williams  
10 from how he viewed things, and what he wanted to  
11 gather.

12 Q Did you have any discussion with Mr. Williams  
13 before, during, or after -- before or during the  
14 deposition, about any agenda he may have had with  
15 respect to his interview with Linda Fisher?

16 A What do you mean by "agenda?"

17 Q I'm not sure.

18 A Well, no, --

19 Q It's more --

20 A -- I don't -- if you say that there was some, you  
21 know, some sinister plan or some kind of plan to  
22 change what Linda had, I -- I never ever felt that  
23 there was an agenda, so to speak, at least it  
24 wasn't discussed with me if there was. But I  
25 didn't, I didn't get that sense, I honestly



1           didn't.

2           **Q**       And what sense did you have of what it was that  
3           Eugene Williams was trying to get from Linda  
4           Fisher?

5           **A**       Well, from my observation of sitting in, he was --  
6           appeared to be probing to determine what it was  
7           that she really, really had.

8           **Q**       And when you were done taking her statement on  
9           March 14th did you have -- were there still some  
10          areas where you felt that some further probing  
11          could be done to get, let's say, better  
12          information?

13          **A**       Oh, absolutely, you know. She -- I suppose you  
14          could develop and explore what she had to say to  
15          try and help you make a decision, and I think  
16          really that's what Mr. Williams was attempting to  
17          do.

18          **Q**       It was suggested by Mr. Lockyer, when he examined  
19          Linda Fisher before this Inquiry, that -- and I  
20          will paraphrase or try to summarize what he  
21          suggested to her -- was that Mr. Williams showed  
22          up at this deposition or this interview with an  
23          agenda to try and convince Linda Fisher that Larry  
24          Fisher had not committed the crime, and based on  
25          what you observed of this process did you have any



1 sense that that was Mr. Williams' objective or  
2 that he may, in fact, have tried to do that?

3 A This was the first, as I said, legal deposition I  
4 was involved in, and I sat in for the last 23  
5 minutes, I believe, of the interview observing,  
6 and when I left there was nothing that I ever  
7 documented or that I ever recalled saying, you  
8 know, "this is really not the way to deal with  
9 this, this lady shouldn't be treated like this".  
10 I never had any sense that that is what was going  
11 on during the interview. And he was, he was  
12 probing the issue and, you know, he, I guess he  
13 will explain what he was attempting to do, but I,  
14 I didn't get the impression that he was trying to  
15 undermine her, that's not, not the impression I  
16 had.

17 Q When you dealt with her on March 14th, and after  
18 you talked to her when you got sort of her first  
19 statement, did you sense that Linda was having  
20 doubts in her mind as to whether or not Larry  
21 Fisher was involved in the murder of Gail Miller?

22 A Umm --

23 Q And maybe "doubts" is the wrong word, but maybe  
24 searching to find out whether he did it or not,  
25 did you get that sense?



1           A           Oh well sure, I think she wanted some closure to  
2                        this or she wanted some answers to this for her  
3                        own purposes, for a lot of reasons I suppose, but  
4                        whether I could really gauge if she had more or  
5                        less suspicion or doubt or confirmation, gee,  
6                        that's -- I'm not sure it's -- I'm not sure I  
7                        could ever answer that.

8           Q           Just go back to the transcript, go to the next  
9                        page, sorry, the next -- actually, go back one  
10                      page. We'll see here, and I won't go through all  
11                      of this, but it appears that what was put to her  
12                      were the statements, the two statements given to  
13                      Joyce Milgaard, and I don't believe yours, the  
14                      statement she gave to you was put to her at the  
15                      deposition; do you know if there was any reason  
16                      for that, or at least not marked as an exhibit?

17          A           No, I, I really don't know.

18          Q           If we can go to the next page, I think the  
19                      attendance, it doesn't show you being there at the  
20                      start. If you could scroll down a bit, please,  
21                      what Mr. Williams starts off saying:

22                                "Miss Fisher, I'd like to thank you for  
23                                coming here today to answer some  
24                                questions in relation to an inquiry that  
25                                I am part of, and it concerns an





1 application under Section 690 of the  
2 *Criminal Code*. It's an application to  
3 the Minister of Justice brought on  
4 behalf of Mr. David Milgaard. I  
5 understand that you may have some  
6 information, some evidence to give in  
7 relation to that, is that correct?"

8 And would that be your understanding, sir, of  
9 what it was that you would have communicated to  
10 Linda Fisher about what the purpose of this  
11 deposition was?

12 A Yes, I believe that's the understanding she had in  
13 general terms.

14 Q And if you can go to 004938, please, again just  
15 touch on some of the subject matters, and I'll  
16 notify you, Mr. Pearson, when you enter the  
17 transcript, this is before you get there, but just  
18 a question here, and I just want to compare what  
19 it was that Mr. Williams was asking versus what  
20 you had obtained from her in your statement, and  
21 here he's talking about the statement she gave to  
22 the police in 1980 and Mr. Williams says:

23 "Q Now could you tell me under what  
24 circumstances it was that you gave that  
25 statement?"



1           And would that be similar to what you had asked  
2           her when you took her statement?

3           A        Yup. I see nothing wrong with that question.

4           Q        And I see here in her answer that she says she was  
5           drinking at the time she gave the statement, and I  
6           believe yesterday you told us that -- was that  
7           something she had volunteered to you as well when  
8           you talked to her?

9           A        Yes.

10          Q        Please go ahead to page 004945 down at the bottom,  
11          and I think Mr. Williams is going through the  
12          statement she gave in 1980 to the city police  
13          where she had described the missing paring knife  
14          in a manner similar to what she described it to  
15          you in 1990, and he goes through and says:

16                 "Q    You described a knife as approximating  
17                 four inches long?"

18                 "Q    The blade four inches long. The handle  
19                 was wooden and brown-coloured?"

20                 A        Yes.

21                 Q        You're certain of that?

22                 A        Positive."

23                 And then rivets:

24                 "Q    You say you think?

25                 A        I'm not positive."



1           And again, was the description of the knife an  
2           important matter in your interview of Ms. Fisher?

3       A       Yes, I think it's one of the important issues,  
4           sure.

5       Q       And I think we touched on that yesterday. So  
6           again the fact that Mr. Williams would ask her  
7           about the description of the knife, in your view  
8           would that be an appropriate line of  
9           investigation?

10      A       Oh, absolutely.

11      Q       Go to page 004957, and again when I went through  
12           the statement of March 14th that she gave you --  
13           actually, just go right down to the bottom, we  
14           talked about Linda Fisher's recollection of events  
15           the night before the murder and the morning of the  
16           murder, as to whether Larry Fisher was home or  
17           not, and I think you told us that was significant;  
18           is that fair?

19      A       Yeah.

20      Q       In other words, if he was home at the time of the  
21           murder, then he had an alibi; correct?

22      A       If he was home at the time of the murder?

23      Q       Yes, if he was at home with Linda at the time the  
24           murder was committed.

25      A       Yes.



1 Q And if he was at work, had gone to work and was at  
2 work he would have an alibi?

3 A Yes.

4 Q And if he wasn't at work, had lied to the police  
5 and wasn't at home at the time of the murder, that  
6 would give him an opportunity; correct?

7 A Yes.

8 Q So would it be fair to say that that would be an  
9 important area to pin down with Linda Fisher?

10 A Sure.

11 Q And so here Mr. Williams asks, and again you are  
12 not present yet:

13 "Q You saw Larry at home that morning?

14 A Yes.

15 Q You're not certain what time it was?

16 A No.

17 Q You didn't hear him come in?"

18 And then she says:

19 "A Well, I might have, but now I don't -- I  
20 don't remember."

21 And again then it goes on to talk -- scroll down  
22 to the bottom -- and he asks the question:

23 "Q The next time you saw Larry was you say  
24 between nine and ten in the morning?

25 A Yeah, the next time I realized that I



1                   seen him. Like he could have come in,  
2                   crawled into bed, I wouldn't have  
3                   known or.

4                   Q    Okay. So he could have come in, crawled  
5                   into bed; he could have gone out?

6                   A    Yeah.

7                   Q    And come back?

8                   A    Yes.

9                   Q    And you wouldn't have been the wiser?

10                  A    No."

11                  And again, is that similar or different than what  
12                  she had told you about the subject matter when  
13                  you interviewed her?

14                  A    No, I think that's along the same line, and he's  
15                  probing it.

16                  Q    And then the next page, the question:

17                         "Q    Is it possible that he came in, went to  
18                         work early that morning, came back early  
19                         from work because of the weather, and  
20                         that's when you encountered him? Is  
21                         that possible?

22                         A    It's possible."

23                  And again, was that similar to a question or an  
24                  area that you may have asked Linda Fisher on  
25                  March 14th?



1 A Yeah, I believe that's a reasonable question.

2 He's preparing her -- probing the various

3 possibilities.

4 Q And why is that an appropriate or an important  
5 question?

6 A Well, to determine whether she recalled, to  
7 determine whether she knows if he was there or to  
8 find out what the possibilities were that existed  
9 that morning.

10 Q And then if we can go to 004961, and that's when  
11 you arrive, and I see here that, and I recall  
12 reading this or seeing this somewhere where --  
13 about a cigarette break. Were both Mr. Williams  
14 and Miss Fisher smokers at the time do you recall?

15 A I know Mr. Williams was. I'm not too sure if  
16 Linda was or not.

17 Q And then it goes on, and he continues examining,  
18 and just scroll down a bit. So when you arrived,  
19 the first area that is covered, Mr. Williams says:

20 "Q I'd like to draw your attention again to  
21 what is marked as Exhibit 2A."

22 Which I think is one of her statements.

23 "Earlier you had told me that it was  
24 possible that Larry could have come  
25 home, slept, left for work, and returned



1 before you realized it?

2 A Yes.

3 Q Because you were asleep?

4 A Yes.

5 Q You did not hear anything?

6 A Not to my knowledge."

7 And again, was that the type of information that  
8 was similar to what she had provided you?

9 A I believe so, yes.

10 Q Then go to page 004966, again this is Mr. Williams  
11 questioning while you are there, and he says --  
12 and in fairness, he had covered, and I skipped  
13 over, there's some further questions about whether  
14 Larry could have come home, gone out, etcetera, I  
15 won't go through those, but he says:

16 "Q Okay. Aside from the fact that Larry  
17 was at home when you didn't expect him  
18 to be --"

19 Actually, let me just back up, I will show you  
20 that. If we can go back to page 004963, and you  
21 are present at this time, and Mr. Williams says,  
22 probing about whether he went to work:

23 "Q In fact, he didn't tell you that he  
24 hadn't gone to work?

25 A No.



1 Q You just assumed that?

2 A Yes.

3 Q Did he tell you at any time that he did  
4 not go to work?

5 A I'm not sure.

6 Q You are not sure. Okay. So is it fair  
7 to say that when you saw him there when  
8 you didn't expect to see him, you  
9 assumed it?

10 A Yes.

11 Q You had no way of knowing whether he had  
12 gone and come back?

13 A No."

14 And then:

15 "Q All right. So that's not quite correct  
16 to say as far as I'm concerned he did  
17 not go to work that morning, because you  
18 don't know?

19 A Yeah, I don't know."

20 And then scroll down a bit, and again:

21 "Q But am I correct in thinking that you do  
22 not know whether he did or did not?

23 A Yes."

24 And again, would that be consistent with the  
25 information that she provided you in your





1 interview of her? Do you want me to go back?

2 A No, I'm just reading it. Yeah, I think that's --

3 I know he's probing her on that issue, yeah.

4 Q And I think you told us yesterday that although  
5 she couldn't say that she knew he didn't go to  
6 work, she believed that based on the fact that she  
7 saw him in the morning that he hadn't?

8 A Yes.

9 Q And that he hadn't come home, that was her belief?

10 A Yes.

11 Q Then if we can go to 004966, and you are present  
12 at this time, and Mr. Williams says:

13 "Q Aside from the fact that Larry was at  
14 home when you didn't expect him to be,  
15 and aside from the fact that your paring  
16 knife was missing, and aside from the  
17 fact that when you accused Larry in  
18 anger of murdering the girl, he had --  
19 he was silent and turned pale, is there  
20 any other fact upon which you base the  
21 conclusion that he was responsible for  
22 killing that girl?

23 A No other fact."

24 And again:

25 "Q No other fact. All right. So it's a



1                   missing knife; it is the reaction to  
2                   your angry accusation?"

3           And she agrees:

4                   "Q   And the fact that he was home?

5                   A    Yes.

6                   Q    Nothing else?

7                   A    Nothing else."

8           Again, did you see anything inappropriate with  
9           that line of questioning, Mr. Pearson?

10          A    No, I didn't.

11          Q    And --

12          A    He's trying to -- a lot of it comes out I suppose  
13           in the tone of voice in how aggressive you sound,  
14           and I don't know if there's tapes available for  
15           this to find out the --

16          Q    Yes, we do have the tapes and we'll be --

17          A    All right, and I think really that is probably the  
18           best way of getting a sense of what was going on  
19           at that time, but my recollection is that this,  
20           this was pretty normal conversation and he's  
21           probing to find out if, how definite she is on  
22           what she knows, and I really don't see anything  
23           bad about what he was doing here.

24          Q    Go to 004968, and Mr. Williams asks, and again you  
25           are present at this time, line 11:



1 "Q All right. You didn't know that in 1968  
2 he had committed a rape in Regina, did  
3 you?"

4 And in fairness, he's talking at the time in  
5 1969, and I should have mentioned that. He was  
6 asking her questions about the morning of the  
7 murder and what she knew about Larry's past at  
8 the time, so she says no. And you'll see here he  
9 used the word Regina, and I take it, sir, that  
10 both you and he were of the view at that time  
11 that they were Regina rapes?

12 A Absolutely.

13 Q She says no.

14 "Q You later found out that that was the  
15 case?"

16 A Yes.

17 Q And, in fact, there were two counts of  
18 rape in Regina; isn't that a fact?"

19 And Linda Fisher agreed; correct?

20 A Yes.

21 Q And then again -- and I think he actually probed  
22 and said okay:

23 "Q Thinking back, is it possible that his  
24 shocked reaction to the accusation  
25 reflected his realization that you may



1                   have suspected him of rape in Regina?"

2                   And she says:

3                   "A    It's possible.

4                   Q    And that might have been an explanation?

5                   A    Yes."

6                   And again, do you see anything wrong with that  
7                   line of questioning?

8           A    No, I don't.  He's trying to clarify from her  
9                   exactly what it is that she knows and I don't see  
10                   anything, in my opinion, bad about what he's  
11                   doing.  I think if it comes across on the tape  
12                   that he has been loud and intimidating and  
13                   aggressive, this doesn't show that.

14           Q    You were there, sir, was he loud and intimidating?

15           A    No, he wasn't.

16           Q    And so again as far as the shocked explanation of  
17                   Mr. Fisher, if there was another explanation  
18                   unconnected to the murder of Gail Miller that  
19                   would explain his reaction, would that be  
20                   important to you as an investigator?

21           A    Sure.

22           Q    If we can go to 004971, and then you are present  
23                   at this time and Mr. Williams says:

24                   "Q    All right.  Those are the questions I  
25                   have.  Is there anything you wish to



1 add?"

2 And Linda says:

3 "A No, I just wish it could be proved one  
4 way or the other."

5 Mr. Williams:

6 "Q I'm not certain I follow you.

7 A I wish Larry could either be proved  
8 innocent or guilty or -- or I would  
9 know for sure."

10 And again, was that a sentiment that she had  
11 expressed to you in your meetings with her?

12 A Yes. She was looking for an answer.

13 Q And then Mr. Williams says:

14 "Q Okay. You say that you wish he could be  
15 proved, because of the missing knife?"

16 And she says:

17 "A Because of -- because I think maybe it's  
18 not so much the evidence I'm thinking as  
19 the -- the -- all his other charges and  
20 circumstances and everything."

21 And again, is that similar sentiment to what she  
22 had expressed to you?

23 A And I guess we can go a little bit further, that's  
24 almost the sense I felt as well, when you talk  
25 about all of the other circumstances and



1 everything else, the circumstances of his previous  
2 sexual activity, the fact that he was there, the  
3 fact that there was a murder that morning, the  
4 fact she had all this stuff, she had these  
5 concerns that caused her suspicion.

6 Q And I take it, sir, you shared similar suspicions?

7 A Well, I never deviated from that feeling as well.  
8 Even though she wasn't air tight on everything,  
9 she just -- there was a package of circumstance  
10 there that seemed to hold on with a lot of  
11 credibility.

12 Q And I think what Linda Fisher told us at this  
13 Inquiry, or something to the effect that when she  
14 had learned that the missing paring knife may not  
15 have matched the murder weapon, that for -- I'm  
16 not sure if the moment, but for some short time  
17 period she had some comfort that maybe Larry had  
18 not done it, but then sort of she immediately went  
19 back to where she was before, thinking no, I still  
20 have these suspicions, and do you recall her ever  
21 expressing that to you?

22 A Yes, and I think that's in my notes, where she  
23 felt better knowing the knife was the one  
24 different; however, she still wasn't feeling good  
25 about this.



1 Q And was it not -- was it a fact, sir, that the  
2 knife was, at least in your view, different -- the  
3 missing knife was different than the murder  
4 weapon?

5 A Sure, sure, that's an issue.

6 Q And are you telling us then that Linda might have  
7 thought that if it wasn't the same knife, then  
8 maybe it wasn't Larry Fisher who killed Gail  
9 Miller?

10 A Yeah.

11 Q And then I think your suspicions at the time, sir,  
12 did that enter your mind as well, that if it's not  
13 the same knife --

14 A Oh, I'm sure it did, you know, I'm sure there was  
15 a lot of thought processes going on here like what  
16 do we have here, do we believe everything she says  
17 or, you know, is she credible, you know, this is  
18 20 years later, and if someone can't remember an  
19 exact detail, that you write them off as them not  
20 really having that concern, so, yeah -- I don't  
21 know what else I can say about that.

22 Q If we can go back to 056760, and this is where we  
23 left off. Just scroll up. So this is where you  
24 go out there, 79:

25 "The significant note of our



1 conversation today is that the  
2 description of the lost knife is  
3 different than the one entered as an  
4 exhibit at the Milgaard trial. Linda  
5 states she feels better now, knowing  
6 that the knives are different in  
7 description, but she still has questions  
8 about the activities of Larry on the  
9 morning that Gail Miller's body was  
10 discovered."

11 And that's the note I think you were referring  
12 to?

13 A Yes.

14 Q And you told us this yesterday, but again, after  
15 the March 24th, 1990 interview where I think Linda  
16 acknowledges that the knives are different, did  
17 you continue to believe that Larry Fisher was a  
18 suspect in the murder of Gail Miller?

19 A Yes.

20 Q And then paragraph 80:

21 "I also took possession of the North  
22 Battleford file regarding Larry's  
23 attempted murder of Mrs. (V10)-, and I  
24 am still looking for the blood type.  
25 There is nothing on file to indicate





1                   that blood work had been done ..."

2                   And check with the lab. Apart from reviewing the  
3                   (V10) (V10)- file for blood, was there any other  
4                   purpose in looking at that file?

5           A           I actually took that file to my office and I  
6                   retained it for a number of months before it was  
7                   returned and just to look at again the details of  
8                   the crime.

9           Q           And would you be looking at the details of the  
10                   (V10) (V10)- crime to see whether or not that gave  
11                   you any -- any cause to think that it might be  
12                   similar to the Gail Miller murder, is that --  
13                   trying to compare the crimes to see whether or not  
14                   Larry Fisher was the type of person who could have  
15                   committed the rape and murder of Gail Miller?

16          A           Well, it wasn't defined as similar fact analysis,  
17                   it was certainly a review of the file to take a  
18                   look at all the facts that caused this suspicion.

19          Q           And then down to paragraph 81:

20                   "Williams and myself had a debriefing at  
21                   his room in the Bessborough. I will be  
22                   forwarding him any copies of psychiatric  
23                   assessment reports that I locate, or any  
24                   other file material which may be of  
25                   value in his investigation."



1 Do you have any recollection of your discussions  
2 with Eugene Williams after the Linda Fisher  
3 deposition regarding his views?

4 A No, I don't. I have to say, I never got any --  
5 Mr. Williams didn't express opinions as such, it  
6 wasn't -- as I mentioned before, it wasn't like  
7 two policemen sitting around talking about a case,  
8 it was different than that, we didn't communicate  
9 in that way, so a lot of times I -- I don't think  
10 I really knew how he felt on issues, but he was  
11 not expressive in that way, but --

12 Q For example, would there be a discussion where you  
13 would exchange your views of her credibility or  
14 how this might have related to Larry Fisher?

15 A Oh, sure, we had lots of discussions, lots of  
16 telephone calls over lots of different issues as  
17 we worked our way through this.

18 Q Let's just talk about this meeting after the  
19 deposition, and you were there for the last part,  
20 and your debriefing with Mr. Williams, were you  
21 given any direction or instruction to either not  
22 pursue Mr. Fisher or to pursue him further or  
23 anything of that nature?

24 A I have no recollection of ever being told not to  
25 or -- not to pursue him or to pursue him. I just



1 don't recall any kind of a conversation like that.

2 MR. HODSON: This might be an appropriate  
3 spot to break, Mr. Commissioner.

4 (Adjourned at 11:55 a.m.)

5 (Reconvened at 1:32 p.m.)

6 BY MR. HODSON:

7 Q Good afternoon, Mr. Pearson. If we could call up  
8 056761, which is part of 056743, I think when we  
9 left off we were just finished with Linda Fisher  
10 and the date, if I can find it here -- just maybe  
11 go back to the previous page here for the  
12 moment -- so March 24th, and we had covered the  
13 debriefing you had with Mr. Williams after the  
14 interview. If we can go to the next page. And so  
15 this is following up on March 24th, being the day  
16 that Mr. Williams had a deposition of Linda  
17 Fisher, and you say:

18 "I'm currently focusing on the (1)  
19 marriage documents for the blood type,  
20 (2) work records for Jan 30/31 69, (3)  
21 obtaining two Regina City Police files  
22 concerning their 1968 rape offences, (4)  
23 viewing the murder weapon as an exhibit  
24 in Queen's Bench Court, (5) reviewing  
25 the city police file, i.e. the weapon,



1 and (6) will double check the  
2 Penitentiary medical file as Fisher may  
3 have had surgery for appendix and was  
4 apparently hospitalized."

5 Would that be sort of what came out of your  
6 debriefing with Mr. Williams as some follow-up  
7 things that you would be doing?

8 A Possibly. I'm not sure if those were the items  
9 that were discussed or not because I really don't  
10 have a recall of what we discussed at the  
11 briefing, but it seems logical that that --

12 Q These would be your notes of what follow-up items  
13 you were going to focus on; is that fair?

14 A Yes, yes.

15 Q And, again, blood type we've talked about; work  
16 records would obviously be to establish Mr.  
17 Fisher's whereabouts; correct?

18 A Yes, yes.

19 Q And (3) you looked -- at this point you are  
20 focused on getting the two Regina City Police  
21 files concerning the '68 rape offences, we've  
22 talked about that before, and I take it at this  
23 time you still thought they were Regina?

24 A Yes.

25 Q And then viewing the murder weapon as exhibit in



1 Queen's Bench Court; did you ever do that?

2 A I never did.

3 Q Did you see a picture of it or have a description  
4 of it?

5 A I -- photos, yes.

6 Q (5) reviewing the city police file i.e. the  
7 weapon, and (6) double-check medical files for  
8 blood type.

9 And then if we can go down to  
10 85, this is now March 28th, and I think earlier  
11 you had talked to a Mr. Jones. Here is:

12 "Placed a telephone call to Jake Ketler,  
13 who was Larry's foreman at Masonry  
14 Contractors during 1969/70. Jake  
15 recalls Larry working for them in  
16 Saskatoon and Winnipeg. He advises that  
17 the time sheets were destroyed  
18 approximately two years ago, he will  
19 check his records again and think about  
20 this, but is not optimistic he can  
21 recall anything of significance on the  
22 date we are interested in. He does  
23 confirm that Larry missed very little  
24 work and that actually, there was no  
25 shutdowns during the winter of 69/70 due



1 to bad weather. He is unable however to  
2 confirm if Larry was in attendance on  
3 each work day."

4 And at this point, sir, you'd be 20 years after  
5 the event, I think you said earlier, trying to  
6 find out what happened on that day in 1969; is  
7 that fair?

8 A It's difficult, yes.

9 Q And so at this point you would have learned that  
10 the records were not available to either verify  
11 that he was or wasn't there?

12 A Yes.

13 Q And did anything change subsequently about this  
14 aspect of the investigation, as to trying to  
15 confirm whether he was there or not?

16 A As far as at work?

17 Q Yes?

18 A Umm, no. I think the records -- and there may be  
19 reference to it later on kind of maybe repeating  
20 the same thing -- but we never did determine,  
21 through records, if he was at work that day or  
22 not.

23 Q And again, according to this note, it looks like  
24 Mr. Ketler wasn't able to say specifically about  
25 that day?



1 A No, he couldn't.

2 Q But generally he said that there was no shutdowns  
3 due to weather and that Larry was a -- or missed  
4 very little work; is that --

5 A That's right.

6 Q And so after this call I suppose both  
7 possibilities are there; either he was at work or  
8 wasn't at work that day?

9 A Just, there was just no confirmation.

10 Q And I see down at the bottom:

11 "David Asper called from Winnipeg,  
12 wanting to know what we had come up with  
13 so far. All I could really tell him was  
14 that the new information was being  
15 pursued. I did indicate that contact  
16 had been made with the Saskatoon City  
17 Police, Larry's former boss, and that  
18 Mr. Williams had been in Saskatoon."

19 And, again, can you shed some light as to what --  
20 you gave Mr. Asper some information, I take it,  
21 from that note?

22 A Yes, yes.

23 Q And what was the purpose of giving him that  
24 information?

25 A Well he had called, maybe he was seeking an



1 update, wanting to know, and I provided it to him  
2 because he was part of the interested party.

3 Q Did you ever sense, in your discussions at this  
4 time or previously with Mr. Asper, any criticism  
5 from him to you about how fast you were proceeding  
6 with your work?

7 A Not that I recall.

8 Q Okay. At any time?

9 A I mean he may have, but I don't recall.

10 Q And, again, let's just talk about your work as an  
11 investigator; do you recall any discussions with  
12 Mr. Asper where he expressed to you either his  
13 view or the view of his client or clients that you  
14 were not proceeding quickly enough on the work  
15 that you were doing?

16 A No, I don't recall that.

17 Q Then if I can call up 001809, and this is the  
18 wrong document, sorry. 001809. This is a letter  
19 April 2nd, 1990 from you to Mr. Williams, and just  
20 go through parts of this:

21 "As promised, please find attached  
22 copies of various psychological and  
23 psychiatric reports which were on Larry  
24 Fisher's police file from the 1980  
25 offences in North Battleford ...",





1 so I take it the information that you picked up  
2 on the (V10) (V10)- file you sent off to Mr.  
3 Williams?

4 A Yes.

5 Q And then you update him here:

6 "I have also talked with Larry's boss,  
7 as well as his foreman when Larry was  
8 working in Winnipeg. A statement will  
9 be obtained, however it has been  
10 confirmed that no work records or time  
11 sheets exist for Larry's activities on  
12 Jan 30/31, 1969."

13 And I think we've touched on that. Just scroll  
14 down. You say to him:

15 "May I please receive a copy of Linda  
16 Fisher's statement taken by  
17 Mrs. Milgaard?"

18 So I take it on April 2nd, 1990, you didn't have  
19 that; would that be fair?

20 A Yes.

21 Q And then:

22 "I will also be waiting to receive a  
23 copy of Linda Fisher's transcript when  
24 completed by the court reporter."

25 Then you say:



1 "In the near future I will be accessing  
2 the Saskatoon City Police file to seek  
3 answers to several peripheral questions.  
4 Following that, I will make personal  
5 contact with Larry Fisher for the  
6 purpose of covering the following  
7 points: (i) securing blood sample (ii)  
8 explore his reaction to taking a  
9 polygraph examination (iii) obtain a  
10 Chartered/Warned Statement.

11 You will be advised of results  
12 in due course."

13 So I take it those would be the steps you were  
14 taking in the investigation?

15 A That was, that was part of the overall evolution  
16 of the file, yes.

17 Q And then as well if we could call up 01004 --  
18 actually, 010045. And so if you will recall, I  
19 just went over -- the note that you had with David  
20 Asper was on March 28th, 1990, the phone call with  
21 him, and this is a letter of April 2nd, 1990 from  
22 Mr. Asper to Eugene Williams, and just go to this  
23 paragraph here. He says:

24 "Since the filing of our original  
25 application in December of 1988, we have



1                   also acquired information which we  
2                   believe establishes the identity of the  
3                   true killer of Gail Miller. We are not  
4                   privy to the results of your  
5                   investigation into Larry Fisher, but  
6                   based upon what we do know, we are  
7                   satisfied that he is the culprit."

8                   Let me just stop there, Mr. Pearson. As of April  
9                   2, 1990, were you able to say, based on the work  
10                  that you had done, that you were satisfied that  
11                  Larry Fisher was the culprit?

12           A           No.

13           Q           Why not?

14           A           Because there was nothing linking him to the death  
15                  of Gail Miller, there was --

16           Q           And do you know, did you ever ask Mr. Asper, or  
17                  did you know whether he had something you didn't  
18                  have that might link Larry Fisher to Gail Miller's  
19                  murder?

20           A           I don't recall talking to Mr. Wolch about that.

21           Q           No, Mr. Asper?

22           A           Or Mr. Asper, I'm sorry. No, I didn't.

23           Q           And then he goes on to say:

24                                "If it is discovered that Mr. Fisher is  
25                                a Type A secretor, then we are all the



1 more convinced. If he is not a Type A  
2 secretor, then he might very well be as  
3 innocent as David Milgaard."

4 So, in fairness, I think he does qualify it.

5 Well, maybe we'll let Mr. Asper explain that. At  
6 that time it appears that you wouldn't have had  
7 the blood type; is that fair?

8 A Yes, it's fair.

9 Q And that, if Mr. Fisher was not type A blood, that  
10 that might eliminate him; is that -- I think you  
11 told us that?

12 A Yes.

13 Q If we can go back to 056761, and again this is  
14 from the chronology document, we now go to April  
15 3rd, bottom:

16 "Called Insp. Quinn, Saskatoon City  
17 Police, and arranged to attend the City  
18 Police station for the purpose of  
19 reviewing the Milgaard file. However, I  
20 did not get there as scheduled because  
21 of urgent developments regarding the  
22 Malm murder."

23 I take it that was another file you were working  
24 on?

25 A Yes. Yes.



1           Q           Yes. So on April 3rd it looks like the plans were  
2                           to go there. If we can go to the next page. And,  
3                           again, it looks like there was another call from  
4                           Mr. Asper that you attempted to return and, as  
5                           well, rescheduled the file review; is that  
6                           correct?

7           A           Yes.

8           Q           And then April the 6th, and I think we've touched  
9                           on this letter:

10                           "Telephoned Mr. Williams in Ottawa, he  
11                           will be sending me legal deposition. I  
12                           advised that Supt. McCorrison had sent  
13                           him a letter, confirming that Larry  
14                           Fisher had been contacted during the  
15                           initial stages of the police  
16                           investigation, but notes of this contact  
17                           are very limited."

18                           And, again, you talk about the Jake Ketler  
19                           information, I think both of those were touched  
20                           on in the letter.

21                           If we can then go down to  
22                           paragraph 93. Again, this is now April the 6th,  
23                           it says:

24                           "I attended the City Police, met with  
25                           Insp. Simpson and Deputy Montague, then



1 I reviewed the file material and took  
2 notes. At this time Myrna, one of the  
3 stenos, also present and going through  
4 the file and indexing same."

5 So it looks like about three hours that you spent  
6 reviewing the file?

7 A Yes.

8 Q Can you tell us just generally what's your  
9 recollection; what condition as the file in and  
10 where was the file?

11 A The file was in an office in the part of the  
12 building where McCorriston was located, as I  
13 recall, I think it's all been restructured since  
14 then of course, and there was Myrna, one of the  
15 employees of the police station, was organizing  
16 the file. I asked her what she was doing and she  
17 said she is just putting the file together and  
18 organizing it, and it was in neat booklets with  
19 plastic sheet pages, and when I was there I'm not  
20 sure if she had completed that task, but there  
21 were a number of binders available on the desk  
22 that they indicated was the file, and so I began  
23 reading through it.

24 Q And what was your purpose in reviewing the file,  
25 what were you looking for?



1           A           Well I was looking to see if there was any  
2                       reference to Larry Fisher, and just again getting  
3                       information on the crime and generally going over  
4                       the file to see what information was -- was there,  
5                       but, primarily, it was a reference to see if there  
6                       was any, any Fisher names throughout the file.

7           Q           And do you have a recollection of what you learned  
8                       when you looked at the file or --

9           A           I don't recall offhand if there -- I don't believe  
10                      there was anything, any reference to Fisher. I  
11                      stand to be corrected, but I don't believe at that  
12                      point there was anything in the file on Fisher,  
13                      but again I was just --

14          Q           And there was, that we touched on earlier, the  
15                      McCorriston investigation report that had the  
16                      interview at the bus stop; do you remember hearing  
17                      about that or seeing that?

18          A           No, I, I -- well, I don't recall that here. I --  
19                      it may have been, if it's documented there, I just  
20                      don't recall, but I do remember seeing the bus  
21                      stop notations that were in his notebook.

22          Q           Yes. Do you have any recollection from your  
23                      review of the police files about whether the  
24                      police were investigating in the course of the  
25                      Gail Miller murder anything relating to previous



1 sexual assaults, any of that ring a bell?

2 A It doesn't ring a bell.

3 Q And if we can just go to the top of the page here,  
4 and just one reference, it looks like on April the  
5 5th you contacted the penitentiary to arrange to  
6 meet with Larry Fisher; is that right?

7 A Yes.

8 Q I wonder if we can go to the next page. It looks  
9 as though on April 10th, 1990 that you met with  
10 Larry Fisher at the penitentiary; is that correct?

11 A Yes.

12 Q And this would be your first occasion to talk to  
13 and meet Larry Fisher; is that right?

14 A Yes.

15 Q And let's just try and focus with what -- if you  
16 want, maybe just read paragraph 98 to yourself if  
17 you wish and then I'll have some questions and  
18 I'll go over parts of it.

19 A Uh-huh.

20 Q So at this time I think we've already covered that  
21 you would have known that Larry's mother had been  
22 to see him and told him, at least from your notes  
23 it appears, that said she had been contacted by  
24 Mrs. Milgaard and that people were suspecting  
25 Larry Fisher for the death of Gail Miller; is that





1 correct?

2 A Yes.

3 Q And I think we talked earlier that Larry Fisher's  
4 sister, Sylvia Poitras, had also written a letter  
5 to Larry about the subject matter; is that fair?

6 A Yes.

7 Q Tell us what -- what was your approach to him,  
8 what were you trying to achieve when you went to  
9 see him on this occasion?

10 A Well, it was a fairly direct approach because he  
11 basically knew why I was there. I wanted to use  
12 the approach of trying to eliminate him as a  
13 suspect, and I'm not sure if it's on this visit or  
14 a second one, I'll have to kind of review my  
15 notes, but it was maintaining -- or maintaining --  
16 or initiating a contact with him, trying to  
17 develop a little rapport, trying to get him on  
18 side, trying -- if he wanted to cooperate, I was  
19 trying to give him the position that he could  
20 eliminate himself because of the suspicion that  
21 has been cast upon him, so I was there to try and  
22 accomplish that for him, if he would consider  
23 that, and there was no doubt that he was aware  
24 that he had become a suspect in this.

25 Q And why do you say that, did he raise that with



1           you?

2           A        I think it was discussed. I mean, the issue of  
3                    why I was there and, you know -- and I don't have  
4                    it recorded, but I'm assuming -- I can only make  
5                    an assumption here that he would have denied any  
6                    involvement or anything, but the purpose was to  
7                    try and get him to provide us with something that  
8                    could satisfy ourselves that he was or was not  
9                    involved, but the approach really was to try and  
10                   look at him as an innocent person and work with us  
11                   here so we can clear you.

12          Q        And would that be so that he might be more  
13                    cooperative with you?

14          A        Well, that would -- you know, if he was an  
15                    innocent person, you would like to give him the  
16                    opportunity to work with you.

17          Q        And based on your first interview with Mr. Fisher,  
18                    what was your impression of him in your interview  
19                    with him?

20          A        He was open, he did communicate, he wasn't  
21                    arrogant, he wasn't cocky, he wasn't holding back  
22                    on communicating with me. He didn't tell me  
23                    anything, but at the end of the discussion he said  
24                    he wasn't going to do anything until he talked to  
25                    his lawyer and sought legal advice and I left the



1 requests with him to consider.

2 Q And would you describe him as being cooperative at  
3 this meeting?

4 A I would describe him as being cooperative.

5 Q What about credible, were you able to make any  
6 assessment at this time, I'm just talking the  
7 first meeting, as to whether what he had to say  
8 sounded credible?

9 A Well, innocent people as a rule, in my experience,  
10 when you are talking homicide onto somebody who  
11 was innocent will usually have a reaction that  
12 they want to do whatever they can to get  
13 themselves away from that suspicion. Then when  
14 you consider the fact that he's an inmate in an  
15 institution, which is a different world, there is  
16 sometimes a different reaction and they think  
17 differently, so I was, I suppose, giving him the  
18 benefit of the doubt and it was hard to say just  
19 exactly, you know, whether he was considered more  
20 or less of a suspect at that time from our  
21 conversation.

22 Q Would you have expected him to be more defiant --  
23 not defiant, that's probably the wrong word -- to  
24 be professing his innocence more so than he did?

25 A Under normal circumstances, yes, but these were



1 not normal circumstances. Like, he's in a federal  
2 institution, he had been there a long time, it is  
3 a different world, and so the reaction you get  
4 there may not be the same reaction you get on the  
5 street in a neighbourhood in the same situation,  
6 so that was a consideration.

7 Q And just a couple of parts here -- and I don't  
8 think there was a formal statement taken at this  
9 time; is that right?

10 A No.

11 Q And I think you said you were trying to establish  
12 a rapport with him; would that be --

13 A Yes.

14 Q And it says:

15 "Fisher seemed to have a poor memory and  
16 the only factual thing he could relate  
17 was that he had been questioned by  
18 police shortly after the murder."

19 Do you recall, is that something you would have  
20 asked him specifically or did he volunteer that  
21 to you?

22 A I would have asked him if he remembered anything  
23 about it, yes.

24 Q Do you remember if it was a case of tell me what  
25 you know about the Gail Miller murder and he said



1 I remember the police talked to me, or did you say  
2 were you stopped by the police shortly after the  
3 murder?

4 A I don't recall.

5 Q And does this note assist you in any way in that?

6 A No, it doesn't really.

7 Q Did it -- or what was your reaction to the fact  
8 that he could remember the interaction with the  
9 police but not much else, did that have any  
10 significance in your mind?

11 A I really can't comment if I thought of that as  
12 being significant at the time. He seemed to, you  
13 know, remember a factual activity of being checked  
14 by the police, but he didn't, I don't think,  
15 increase or diminish my suspicion. It was just  
16 another part of the conversation. I -- it's hard  
17 to know just exactly, you know, what I felt at  
18 that time --

19 Q Sure.

20 A -- 15 years ago.

21 Q And then carry on, I think it looks here that you  
22 asked him about the argument with Linda on the  
23 morning of the murder, he says he did not recall  
24 it, but stated they fought so much he could not  
25 recall one argument from another.



1 A Yes.

2 Q And so I take it you would have probed with him --

3 A Yes, sure.

4 Q -- Linda's story, and then you asked him for a  
5 blood sample, a polygraph and a statement. You  
6 write:

7 "Mr. Fisher remained cooperative but  
8 wished to discuss this request with his  
9 lawyer. He will talk to his lawyer and  
10 have the lawyer call me."

11 Again, the fact that he wanted to consult a  
12 lawyer, did that send off any alarm bells with  
13 you as far as your suspicion about him?

14 A Well, it's a serious accusation and most people  
15 who are innocent of something as serious as that  
16 usually don't want to go and see their lawyer, but  
17 at the same time as I mentioned, qualifying that  
18 he's in an environment that's totally different,  
19 would he rationalize things different, you know,  
20 maybe he's of the view that everything that he  
21 would have given me would have been twisted and  
22 turned to be used against him, that might be his  
23 thought process at the time. There's a lot of  
24 jailhouse lawyers that are giving advice to  
25 everybody all the time, so it is different, so



1           that is a factor, but the fact that he wanted to  
2           see his lawyer, yeah, it did have me thinking, but  
3           he was in a different world than most people too.

4           **Q**       Do you recall whether he mentioned or you  
5           discussed any concerns he might have about the  
6           accusation being made or suspicions being  
7           circulated about him as the killer?

8           **A**       I'm not sure at that time there was -- and there  
9           may be in my notes, but -- can we bring my notes  
10          up on that, please?

11          **Q**       Sure. On that date?

12          **A**       Yes.

13          **Q**       If we could bring up page 058211. Pardon me,  
14          058257. There's your April 10th note, if we can  
15          just enlarge that. Maybe you can just read it for  
16          us there, or starting -- actually, maybe just read  
17          it to yourself, sir, and I think it's pretty close  
18          to what's in your chronology.

19          **A**       Okay.

20          **Q**       And then the next page there's a short -- it goes  
21          to right there.

22          **A**       Okay.

23          **Q**       And again just, I think the question is whether or  
24          not he mentioned anything to you about the fact  
25          that accusations were being made about him, is



1           that a factor that --

2           A       There's nothing in there that suggests that and I  
3           just can't recall.

4           Q       If we can go back to 056763. Your approach to Mr.  
5           Fisher overall -- and maybe it's a better question  
6           that I'll ask you once we've gone through all of  
7           your meetings with Mr. Fisher and I will ask you  
8           then, but at this stage was your approach -- would  
9           your approach to Mr. Fisher have been different if  
10          he had not been made aware, prior to your visit,  
11          through his mother and his sister and perhaps  
12          others, that there was a suggestion by David  
13          Milgaard's family and representatives that he was  
14          the killer of Gail Miller?

15          A       Possibly you could have drafted some questions  
16          that could have had him talking with you not  
17          thinking that he was a suspect, you may gain  
18          something from that. That's just speculation mind  
19          you.

20          Q       Right. And again, and I'm trying to understand  
21          it, if you would have done things differently, if  
22          he would have known absolutely nothing about, that  
23          he was a suspect in the Gail Miller murder, might  
24          you have approached him differently and, if so,  
25          how?





1           A           I would have to think about that really.  If he  
2                       was not involved before, you would certainly have  
3                       the facts of the case with you and you would  
4                       formulate questions based on that as opposed to  
5                       going with the little bit of information we did  
6                       have at this point, and I don't know if that  
7                       answers your question, but --

8           Q           Did you expect him to tell you, when you first  
9                       went to see him on April 10th, that he had killed  
10                      Gail Miller?

11          A           I really didn't know what to expect from him to be  
12                      quite honest with you.  I really -- I can't say I  
13                      expected him to tell me everything, no, I really  
14                      didn't, but then you don't know what to expect.

15          Q           Right.  And then if we can just scroll down,  
16                      paragraph 99 you say:

17                                "Nothing came from this interview which  
18                                would suggest Fisher was involved in the  
19                                murder; he said he confessed to all his  
20                                crimes when he was sentenced in  
21                                Winnipeg.  I left my calling card and  
22                                list of the three requests that I made.  
23                                At this point I await a request from his  
24                                lawyer."

25                      And so again the fact that -- I take it he told



1           you that he confessed to all his crimes?

2           A           That's what he says.

3           Q           And again, do you recall at this time whether you  
4                    would have asked him about his other crimes, the  
5                    rapes and the attempted murder? There's nothing  
6                    in your notes that appear to talk about that.

7           A           You know, I don't recall having a lot of detailed  
8                    conversation with him. He wanted to -- he wanted  
9                    to talk to his lawyer and we never really got into  
10                   a free-ranging discussion, and I don't remember  
11                   having the opportunity of carrying on with the  
12                   conversation. He, after knowing that, what I  
13                   wanted, he wanted to go talk to his lawyer.

14          Q           So after you went to see Mr. Fisher on the first  
15                    occasion, did your views of him as a suspect  
16                    change for better or for worse?

17          A           I don't really know if it changed, you know. He's  
18                    still out there as kind of an unknown, you have a  
19                    lot of questions for him, it's not clear in your  
20                    mind, he's still a suspect, but just the fact that  
21                    you meet him and he says I didn't do anything and  
22                    I confessed to everything was really not enough to  
23                    make me go away.

24          Q           So you didn't eliminate him as a suspect --

25          A           No.



1 Q -- is that fair?

2 A No, no.

3 Q Did you consider him to be more of a suspect after  
4 you talked to him on the first occasion?

5 A I suppose the only position being that, again, he  
6 wanted to talk to his lawyer rather than clearing  
7 his name as being involved in this.

8 Q So that -- correct me if I'm wrong, would that be  
9 something that, in your mind, based on your  
10 experience you thought --

11 A It's human nature. I mean, we grow up with, you  
12 know, a standard way of viewing the world and when  
13 someone accuses you of a serious crime, there  
14 usually is a reaction that that's not right and I  
15 want to clear it and I'm being framed and let's  
16 get on with how do I get my name cleared. The  
17 only difference here is that he was an inmate in  
18 an institution and that would be a little bit of  
19 the reaction.

20 Q And what about the fact that he had, being an  
21 inmate and obviously been through the system  
22 before as far as being charged, convicted,  
23 etcetera, would that be a factor as well in  
24 assessing his reaction?

25 A Yes, I think so. Like I say, there was probably a



1           mistrust of the system and me and everyone else in  
2           it.

3           **Q**       Then if we can just go down to April 17th, it  
4           says:

5                        "I phoned Williams and requested  
6                        additional info on recent news story re  
7                        Farris's report. Explanation provided  
8                        which was unrelated to my inquiries re  
9                        Fisher."

10           If we can maybe just call up 015896, which I  
11           think is the article, and this is the April 15th  
12           article -- sorry, did you want me to zoom up on  
13           the picture, Mrs. Milgaard? This is a March,  
14           1990. This appears -- this is an appendix to the  
15           report that you send in to Mr. Williams and I'm  
16           assuming this is the article referred to.

17           **A**       Okay.

18           **Q**       And it talks about the semen and some other issues  
19           and some comparisons, and I don't think we need to  
20           go through that in detail, but I just wanted to  
21           identify that. If I can go back to 056763, and  
22           again just back to this point, we know from other  
23           documents that Dr. Ferris was looking at the  
24           frozen lump of snow, the A secretor issue, amongst  
25           other things, and it looks from this note that Mr.



1 Williams, you phoned him and said give me some  
2 more information about what I read, and do we take  
3 it from this that Mr. Williams says lookit, this  
4 doesn't relate to your work with Fisher, so carry  
5 on; is that a fair --

6 A Yeah, that's a fair -- I would think that's a fair  
7 assessment. I don't recall the conversation, but  
8 I'm sure it wouldn't have been quite that brief.  
9 I'm sure we had a discussion about it and he  
10 probably did provide me an explanation of what  
11 that was all about.

12 Q Again, just at the bottom, it looks like April  
13 20th Mr. Asper called and you returned his call.  
14 If we could then go to, just so we have the dates  
15 here of April 17th, I want to now call up 004906,  
16 and this is the first time we've taken a look at  
17 this report. This is your investigation report of  
18 April 17th, 1990 and I think you said this was a  
19 report you prepared for your superiors; correct?

20 A Yeah, it's a summary report of the crime --

21 Q This would be the very first report, PCR is  
22 previous -- I'm sorry, PCR means?

23 A Previous crime report. It's the first one.

24 Q And then again, we'll maybe spend a bit more time  
25 on this report so we know what generally was put



1 in here, you would list the persons subject of the  
2 report with their date of birth and other  
3 information, or address information?

4 A Yes. That's just a standard format at that time  
5 on reporting on this form.

6 Q And then the next page, again this is somewhat  
7 repetitive of what we have seen in your earlier  
8 reports, but you would put forward the complaint  
9 that would set out your mandate; is that right?

10 A Yeah.

11 Q And then here, and again we've touched on this  
12 before about the Sidney Wilson call, but based on  
13 the information received, Mr. Williams is  
14 requesting our assistance in establishing the  
15 facts surrounding the information provided. Would  
16 that be a fair summary?

17 A Yes.

18 Q And then investigation, and I don't propose to go  
19 through all of this, but it would outline -- go to  
20 the next page -- it looks as though there's a  
21 summary again in maybe less detail than your  
22 office chronology, but you would be reporting the  
23 highlights; is that correct?

24 A Yes, uh-huh.

25 Q If we can go to the next page, again here you



1 summarize what's in Linda Fisher's statement. Go  
2 to the next page, just go down to the bottom --  
3 actually, sorry, go to the next page, please.  
4 Again this just talks about your meeting with the  
5 Saskatoon City Police of March 23rd and you say:

6 "All in attendance at the meeting agreed  
7 that it would be more appropriate for  
8 certain questions to be answered by a  
9 member of an outside agency, in view of  
10 the potential publicity this may have at  
11 a later date."

12 And again, can you just elaborate on what that  
13 referred to? Maybe --

14 A This was the meeting we had --

15 Q Maybe just go back, sorry, the previous page, and  
16 I'll show you at the bottom. It just talks about  
17 the meeting on March 23rd.

18 A Yes, uh-huh, yes, and I think this was a meeting  
19 with the city police to explain to them why I  
20 suppose they weren't doing it and an outside  
21 agency might be more appropriate in view of the  
22 circumstances.

23 Q Then if we can go down to the next page, please,  
24 and again here, (m), where you summarize:

25 "To date exhaustive inquiries have been



1                   conducted in an effort to locate records  
2                   which would identify Fisher's blood  
3                   type, however blood typing is not a  
4                   record which is kept for the long term  
5                   because blood work requires retyping on  
6                   each occasion that an individual  
7                   undergoes surgery, transfusion etc.  
8                   Efforts in this regard are continuing."

9                   Is that an accurate statement?

10           A           I believe so.

11           Q           Then the next page, and here you talk about --  
12                   again you are reviewing:

13                   "Evidence at the trial is that David  
14                   Milgaard was in possession of a maroon  
15                   handled knife just prior to Miller's  
16                   murder. In Linda Fisher's statements  
17                   and legal deposition, she describes her  
18                   missing knife as being one with a smooth  
19                   blade, a wooden handle held on with  
20                   rivets. From her description and from  
21                   the description of the murder weapon  
22                   produced at Milgaard's trial, it would  
23                   appear we are talking about two separate  
24                   knives. The difference is more clearly  
25                   explained in the contents of Linda's





1 deposition shown as Appendix F. Also  
2 see Appendix G attached, which is a  
3 photocopy of a photograph of the murder  
4 weapon tendered as an exhibit at the  
5 Milgaard trial."

6 So here, this is a case where you are expressing  
7 your views on what you've uncovered in your  
8 investigation; is that fair?

9 A It's just a reporting of some of the factual  
10 things, yes.

11 Q Right. But here I think in your report to your  
12 superiors you are saying it appears that they are  
13 different knives?

14 A Yes.

15 Q And then again if we can go down to (o), there's a  
16 note here that I don't think we saw in your  
17 chronology, at least not to this detail:

18 "From reviewing the Saskatoon City  
19 Police file, there is nothing to  
20 indicate current suspect Larry Fisher  
21 was ever believed to be responsible in  
22 the past for the murder of Gail Miller.  
23 The only notation on file indicating  
24 that Fisher had been approached by the  
25 police is on 1969 Feb 03, as follows:"



1           And then this is the bus stop interview, you say:

2           "The significance of this notation is  
3           the fact Larry Fisher states he went to  
4           work and caught the bus at 6:30 a.m. on  
5           the date of the offence, while Linda  
6           Fisher claims Larry did not go to work  
7           that morning, as he was home when she  
8           got out of bed mid morning. Mr. Jacob  
9           Ketler, Larry Fisher's boss with Masonry  
10          Contractors in 1969, was located and  
11          provided a statement, see Appendix H.  
12          Mr. Ketler has no time sheets or work  
13          records remaining which would be helpful  
14          in determining if in fact Larry Fisher  
15          attended the work site on the morning  
16          Gail Miller's body was discovered."

17          And then it goes on to say:

18          "It should be noted that on the morning  
19          of the murder, the temperatures were  
20          approximately minus 40 degrees  
21          centigrade and working conditions were  
22          extremely poor. The possibility exists  
23          that Larry Fisher did in fact catch the  
24          bus and attend the work site, or  
25          possibly returned to his residence



1 without actually arriving at the work  
2 site, and being present in the suite by  
3 the time his wife got out of bed,  
4 therefore forming the impression that  
5 Larry did in fact not attend or leave  
6 for work on the morning of Gail Miller's  
7 death."

8 And would that have been your thought at the  
9 time, sir?

10 A I would think so, yes.

11 Q And then scroll down to (q), you talk about your  
12 visit to Mr. Fisher and you say:

13 "Fisher, while being very open and  
14 cooperative, requested that he discuss  
15 this with a lawyer, who in turn would  
16 contact myself."

17 And again, would that be accurate?

18 A Yes.

19 Q And then down in (r) you report:

20 "It should be noted that Fisher first  
21 became involved in violent sexual acts  
22 in 1968 in Regina, and subsequently was  
23 charged with two vicious sexual assaults  
24 which took place in Winnipeg in Aug/Sep  
25 1970."



1           And so again at this time, sir, you still would  
2           be of the view that the earlier offences were  
3           Regina?

4           A           Yes.

5           Q           Next page --

6           A           But if you just want to go back.

7           Q           Sure, yes.

8           A           Just go back there.

9           Q           I'm sorry, what did I say? I'm sorry, I did  
10          misread that.

11          A           When you -- and this was brought to my -- this was  
12          brought to my attention recently when just  
13          reviewing details.

14          Q           I was the one who brought it to your attention, so  
15          unfortunately I missed that.

16          A           Yes, and we're talking here of, which seems to  
17          have some significance, and it's after his arrest  
18          in Winnipeg he admitted to the Regina offences and  
19          as well to several offences which took place in  
20          Saskatoon which he was not a suspect for, and I've  
21          been beating my brain trying to figure where that  
22          came from and I'm not sure, if anybody in this  
23          room has a document or any reference material that  
24          might enlighten me, because --

25          Q           I had asked you --



1 A I'm talking Saskatoon here now and I --

2 Q I had asked you earlier, prior to you starting  
3 your testimony about this point, and I think you  
4 did have an opportunity to review your records to  
5 see if you could find where this came from?

6 A Yeah, and I -- I'm stuck on that one.

7 Q And again -- so on April 17th it looks like  
8 there's still the Regina offences and several  
9 offences which took place in Saskatoon and which  
10 he was not a suspect for. Now, let's just go back  
11 and maybe you can identify some possible sources  
12 where that information could have come from.  
13 Number 1, Larry Fisher, is it possible he would  
14 have told you about that when you interviewed him  
15 on April 10th?

16 A I would have to just be speculating.

17 Q I'm asking you to speculate.

18 A Oh, yeah, I suppose that is a possibility. It  
19 seems unlikely, but --

20 Q And why do you say that?

21 A Because I don't remember him telling me offences  
22 about Saskatoon.

23 Q And what about Linda Fisher, is it possible Linda  
24 Fisher --

25 A No, because the key in this is "and which he was



1 not a suspect for."

2 Q Yes.

3 A I don't know. I'm really baffled by this one.

4 Q Well -- and you had a chance to go through, prior  
5 to testifying, to look through your notes to see  
6 if you could find where this may have come from  
7 and I don't think you were able to find anything;  
8 is that right?

9 A No, no, I haven't.

10 Q Perhaps I'll make a note of this and we can come  
11 back once we've gone through some of the other  
12 information and see if there's anything that comes  
13 out that assists you on that.

14 Go to the next page, please,  
15 here you list out your further investigation?

16 A I'm just -- sorry, can I just go back?

17 Q Sure.

18 A What date was that we were talking on that  
19 Saskatoon reference?

20 Q If we can go back, this is in your April 17th  
21 report, April 17th, 1990 report, and it's  
22 paragraph (r). Actually, if we want to just go  
23 back, let's just walk through this again, Mr.  
24 Pearson, it says:

25 "It should be noted that Fisher first



1 became involved in violent sexual acts  
2 in 1968 in Regina, and subsequently was  
3 charged with two vicious sexual assaults  
4 which took place in Winnipeg in Aug/Sep  
5 1970. After his arrest in Winnipeg, he  
6 admitted to the Regina offences and as  
7 well, to several offences which took  
8 place in Saskatoon and which he was not  
9 a suspect for."

10 A Oh yeah, now that makes sense that -- makes sense  
11 that he was talking about the offences, the other  
12 two offences in Winnipeg -- or in Saskatoon that  
13 he had pled guilty for, it's --

14 Q I'm wondering, and perhaps maybe we can come back  
15 to this when we come back on the 21st of  
16 November, --

17 A Yeah.

18 Q -- at this time you would have had the Fort Garry  
19 police files or the Fort Garry police files that  
20 were on Mr. Fisher's penitentiary file; is that  
21 correct?

22 A Yes, yes, uh-huh.

23 Q And I think you touched on that before, that that  
24 was your source of the Winnipeg offences?

25 A That's right.



1 Q I will get those documents, and when we reconvene  
2 on the 21st I will go through those with you, Mr.  
3 Pearson, to see whether something in those  
4 documents might talk about this subject matter.

5 A Okay, thank you.

6 Q Okay. If we can just go to the next page, and I  
7 just want to go through, so the Further  
8 Investigation, this is where you would outline  
9 what information you would need to pursue, and  
10 then under:

11 "5 Summary

12 (a) In light of the suspect Larry Fisher  
13 becoming known to investigators,  
14 attempts have been made to confirm or  
15 refute the suspicions by isolating each  
16 activity brought to our attention by  
17 Linda Fisher and analysing it on its  
18 own. The following points are  
19 summarized:

20 (1) From the examination to date, it  
21 would appear that the weapon in question  
22 is different than the knife described by  
23 Linda Fisher, which she claims went  
24 missing at the time of Gail Miller's  
25 death."





1           And we've touched on that, and that's accurate,  
2           is it?

3           A           Yes.

4           Q           "(2) Our efforts continue in an attempt  
5           to obtain a blood sample or to locate  
6           Larry Fisher's blood type, in order to  
7           determine if this suspicion should  
8           continue. If we are successful in  
9           securing his blood type and determine  
10          that it is not type A or AB, then his  
11          involvement would seem very doubtful."

12          So here you are saying "lookit, once we can get  
13          the blood, we may be able to eliminate him"; is  
14          that correct?

15          A           Yes.

16          Q           And:

17          "(3) We have been unable to establish if  
18          in fact Larry attended his work site on  
19          the morning of Gail Miller's murder, as  
20          he indicated to the Saskatoon City  
21          Police investigator on '69 Feb 03. It  
22          remains unknown if he lied to the police  
23          or if Linda Fisher is mistaken, or if  
24          Larry did catch a bus that morning but  
25          returned prior to Linda getting out of



1 bed."

2 So I take it, at this time, you say it remains  
3 unknown which one of those scenarios existed; is  
4 that correct?

5 A Yes.

6 Q If we can go to the next page. And, again, you  
7 said you were going to isolate each activity  
8 brought to your attention by Linda Fisher and  
9 analyse it on it's own:

10 "(4) The information received from  
11 Milgaard's lawyer suggests Linda Fisher  
12 saw Larry return to their suite with  
13 blood on his clothes on the morning of  
14 Gail Miller's murder. It has been  
15 determined that this in fact is not true  
16 and Linda Fisher has no recollection of  
17 Larry having blood on his clothes, or of  
18 him ever misplacing or losing clothes."

19 And is that accurate?

20 A Yes, I believe so.

21 Q "(5) In summary, on my examination of the  
22 facts so far, there is nothing to  
23 indicate that Larry Fisher was involved  
24 in the murder of Gail Miller. The fact  
25 that David Milgaard and Larry Fisher



1                   were at the same residence on the date  
2                   of the murder and that Larry Fisher is  
3                   now known to have been a sex offender at  
4                   the time, appears to be mere  
5                   coincidence. While the circumstances  
6                   create suspicion, the facts support very  
7                   little at this point."

8                   And is that an accurate statement?

9           A           I believe so.

10          Q           Can you just elaborate on that a bit, Mr. Pearson,  
11                   as to why you would write this on April 17th,  
12                   1990?

13          A           Write what?

14          Q           This, just to understand what -- maybe I can just  
15                   break it down for you. What you are saying is  
16                   that -- I think you told us that at this time you  
17                   thought Mr. Fisher was a suspect?

18          A           Yes, and I think he still is a suspect at this  
19                   point.

20          Q           Right. But there's nothing to indicate that Larry  
21                   Fisher was involved in the murder of Gail Miller?

22          A           No, there's nothing to indicate that there is  
23                   anything to involve him in the Gail Miller murder  
24                   is accurate.

25          Q           Yeah. And so let's just again talk about what



1 about the fact that Linda Fisher -- the Linda  
2 Fisher version of events; would that be something  
3 that might indicate that he was involved in the  
4 murder?

5 A Yes.

6 Q And so I'm trying to understand, when you say here  
7 from your examination of the facts so far there is  
8 nothing to indicate that Larry Fisher was involved  
9 in the murder, and I'm just trying to understand  
10 how that fits with your thinking that Larry Fisher  
11 is a suspect?

12 A Well I guess there was no evidence to say that he  
13 was involved in the murder. There's all sorts of  
14 suspicion that he is involved in the murder, but  
15 to say there's any evidence to link him to the  
16 murder, it doesn't exist.

17 Q And we had talked about this earlier this morning,  
18 about the distinction between being a suspect, or  
19 suspicion versus evidence linking a suspect to the  
20 murder, and is that what you are getting at here?

21 A I think, in general terms, yes.

22 Q And, again, the fact that he was in the same house  
23 as David Milgaard on the morning of the murder you  
24 say to be a mere coincidence?

25 A It appears, in my thinking at the time, that that



1           may have been, based on everything else that was  
2           going on.

3           Q       And the fact that Larry Fisher was a known, now  
4           known to have been a sex offender, I think you  
5           say:

6                       "... creates suspicion, but the facts  
7                       support very little at this point."

8           Is that correct?

9           A       Yeah, that's right, and we're talking about that  
10          the facts support very little.

11          Q       And again, we'll go through your subsequent  
12          investigations, etcetera, but did this view ever  
13          change of yours, Mr. Pearson, up until let's say  
14          1992, this view about Larry Fisher being a suspect  
15          but nothing to indicate that he was involved in  
16          the murder of Gail Miller?

17          A       I think, as we go on, it will indicate that there  
18          was a stronger position, maybe, if you want to use  
19          that, but --

20          Q       Sure, and I'll go through those reports.

21          A       Yeah. But when you start talking about was he a  
22          suspect or was he not a suspect, he was a suspect,  
23          he was not cleared at this point.

24          Q       And then, if we can scroll down, these are the  
25          attachments, the appendices which I touched on



1 earlier, and then you asked that Mr. Williams get  
2 a copy of this report; is that correct?

3 A Yes.

4 Q And to your knowledge were reports forwarded to  
5 him?

6 A To my knowledge, yes.

7 Q And if we can go back to 056763, we've done that  
8 report, and then that report was April 17th, we  
9 already touched on April 20th, and then the next  
10 page, please. So this is April 20th, then, about  
11 ten days after your interview with Mr. Fisher:

12 "... received a telephone call from  
13 Williams, he wanted to know if contact  
14 had been made with Fisher. I advised  
15 him there was no response from Fisher to  
16 date."

17 And I'll go through some of the details of your  
18 contact with Mr. Fisher's lawyer and trying to  
19 set up further interviews and the polygraph, but  
20 can you tell us just generally, sort of after  
21 your first interview with Mr. Fisher did he  
22 remain cooperative as far as setting up the  
23 interviews and the polygraph, etcetera?

24 A Mr. Fisher?

25 Q Mr. Fisher and/or his lawyer, yes?



1 A Umm, well, there was what can best be termed as  
2 stalling or being -- me being put off. The --  
3 there was a chronology that goes with the dates  
4 here --

5 Q Yes, but --

6 A -- but they wanted, Larry Fisher really wanted  
7 more time, and he had a conjugal trailer visit  
8 with his then-wife and he didn't want anything on  
9 his mind prior to that, and so he was, I'm sorry,  
10 putting me off until after that time. And I made  
11 some approaches to him, and his lawyer sent me  
12 correspondence indicating that we weren't to  
13 interview him until a later date, but I don't  
14 recall all the chronology.

15 Q Yeah, and I'll go through some of those.

16 A Yeah.

17 Q Just a general sense Mr. Fisher, I think you said,  
18 was stalling or putting you off then?

19 A Yes. There was -- it took, it took probably a  
20 couple of months to actually get to the point  
21 where we had an interview with him --

22 Q And --

23 A -- and --

24 Q Sorry?

25 A Based on his lawyer's correspondence to us and the



1 fact that at one point he wanted all of the  
2 questions we had for him submitted in writing, and  
3 he would respond in that way, and he didn't want a  
4 face-to-face interview.

5 Q So on April 10th, when you met with him, you asked  
6 him for blood, polygraph, and a statement;  
7 correct?

8 A Yes.

9 Q And was it your intention or desire to do that as  
10 soon as possible?

11 A Yes.

12 Q And I think we will see that it was early July  
13 that the polygraph came, and then I think July the  
14 6th, and then July the 12th, or thereabouts, the  
15 statement, so about three months later?

16 A Yes.

17 Q And I take it; would that be 2 1/2 months later  
18 than you wanted it to be?

19 A Well, yes, I -- we would have taken it the first  
20 day if we could have got it.

21 Q And, again, what was your -- what was your view of  
22 the reasons for that delay in getting to the  
23 polygraph end of the statement?

24 A Well it was, it was suspicious, obviously, in him  
25 going through his lawyer and having other





1 priorities in his life other than clearing the  
2 suspicion that he had killed someone, and the  
3 delay was suspicious.

4 Q And was the delay on his part or on your part?

5 A The delay was on his part through the ongoing  
6 contact with his lawyer and trying to set  
7 something up.

8 Q And in fairness I'll take you through some of  
9 that, and again you touched on this, but you  
10 viewed that as suspicious?

11 A Yes.

12 Q His conduct in delaying the interview and the  
13 polygraph?

14 A Yes.

15 Q And suspicious in a way that you thought maybe  
16 this person has something to hide?

17 A That would be the obvious conclusion you would  
18 make, yes.

19 Q So again, I think we are talking April 20th if I'm  
20 not mistaken, where Mr. Williams calls you to know  
21 if contact had been made, you said no, and then:

22 "I returned a call to Mr. Williams, who  
23 stated he had received a call from  
24 Mr. Asper over the lunch hour and some  
25 suggestion that local press are sitting



1 on this story and will be doing a  
2 publicity release soon. Mrs. Milgaard  
3 is coming back from England and will be  
4 promoting publicity."

5 So tell me what you are thinking at this time? I  
6 take it you are waiting to hear from Mr. Fisher,  
7 what did this do, this information about  
8 potential publicity and the fact that local press  
9 are sitting on the Fisher story; how did that  
10 affect what you were doing?

11 A Well that turned up the heat for, I think  
12 certainly for me in trying to get the co-operation  
13 of Mr. Fisher, trying to bring him on side, trying  
14 to get him to a point where he would cooperate  
15 with us and provide us something that would  
16 confirm or eliminate this suspicion, and the  
17 publicity wasn't going to, in my opinion, be  
18 beneficial to doing that because it would create  
19 reaction of some sort.

20 Q So it looks like, shortly after your call from Mr.  
21 Williams, you:

22 "... called the Prince Albert Pen  
23 Security Office requesting they contact  
24 Mr. Fisher to determine if he had  
25 contacted his lawyer. I want to get the



1 investigation moving and wish to speak  
2 to Mr. Fisher ASAP."

3 So did that happen? According to your note -- my  
4 question is did you call the Prince Albert Pen?

5 A Oh yes, yes, absolutely, sure, yes.

6 Q And then 20 minutes later, scroll down:

7 "Asper called me, wanting to know what  
8 was happening. All I could tell him was  
9 that I had contacted Fisher and that  
10 ongoing inquiries were being made.

11 Asper wanted to know what Fisher had to  
12 say, however I told him I had no more to  
13 tell him at this time. Asper said he  
14 was relieved that contact had been made  
15 with Fisher because Mrs. Milgaard was  
16 coming home early from England and it is  
17 suspected that she is going to press  
18 ahead about the inaction of the Federal  
19 Justice Department on their Section 690  
20 CC application and Asper stated he felt  
21 better knowing that Fisher may cooperate  
22 with us. I advised Mr. Asper that  
23 unnecessary publicity would possibly  
24 hamper the police investigation and that  
25 there is a certain danger in having



1 Fisher's name become subject of a press  
2 release, and this will have no positive  
3 effect on our inquiries. I explained to  
4 Mr. Asper that my role at this point is  
5 to find the truth and to gather  
6 evidence, not become embroiled in a  
7 press release, which in my opinion would  
8 serve no one's interest at this time."

9 And is that an accurate note of what discussion  
10 you would have had with Mr. Asper at the time?

11 A I believe it is.

12 Q And I'm wonder if maybe you could just elaborate  
13 on that, what was discussed with him at the time,  
14 and in particular your views expressed to  
15 Mr. Asper about the effect publicity would have,  
16 and the release of Mr. Fisher's name at this time  
17 and at this stage of your dealings with Mr.  
18 Fisher?

19 A Well, again, asking me to make a recollection of  
20 that call, I'm really relying on what is  
21 documented here, I -- to go by memory of what I  
22 had with Mr. Asper is very difficult.

23 Q But --

24 A But I do know there was a concern expressed with  
25 the fact that the publicity was going to, you



1 know, cause a reaction from Fisher that wouldn't  
2 help anyone's interests.

3 Q Let me just rephrase it and maybe not be as  
4 specific. Generally at this time, when you were  
5 dealing with Fisher, I take it that this was a  
6 subject matter that was on your mind and that you  
7 had discussed with Mr. Asper on at least this  
8 occasion, and I think we saw a few previous and  
9 we'll see a few later; is that fair?

10 A Yes.

11 Q And if you could just elaborate generally on your  
12 concerns about what impact, positive or negative,  
13 publicity and the release of Larry Fisher's name  
14 as either the suspect or more than a suspect, the  
15 identity of the true killer, what impact would  
16 that have on your investigation into Larry Fisher  
17 as a suspect, positive and negative?

18 A Well I think, I think basically it would be a  
19 negative, a negative influence if I was to try and  
20 develop some kind of rapport with Larry Fisher. I  
21 mean we were at his mercy, really, as far as what  
22 he was going to give us, or how much co-operation  
23 we were going to get from him, and as soon as he  
24 became embroiled in his name being tossed around  
25 in the press he could react in a number of ways, I



1           suppose. The upside to that, he may feel that he  
2           should come clean if he was innocent, but I just  
3           didn't feel that, at this point, it was necessary  
4           to have publicity, from my perspective, and we  
5           were moving on this as fast as we could. I really  
6           didn't understand at that time what the urgency  
7           was with regard to the inaction of the  
8           investigation, because it was going as fast as we  
9           could make it go, and it did certainly put the  
10          pressure to get on with having something happen  
11          with Fisher.

12        **Q**       And in your discussion with Mr. Asper here and at  
13           other times did you -- and I take it, as noted  
14           here, you expressed to him your views that  
15           unnecessary publicity would possibly hamper the  
16           police investigation?

17        **A**       Yes.

18        **Q**       And do you recall what his reaction to that was?

19        **A**       No, no I don't. I may have some notations in my  
20           notebooks that might be different or add to this,  
21           but off the top of my head I don't.

22        **Q**       If Mr. Asper would have said "I don't agree with  
23           you, we're gonna do what we want to do", is that  
24           something you might have made a note of or put in  
25           the --



1 A Yes, I believe so, yes.

2 Q Do you recall him saying anything of that nature  
3 to you?

4 A No, I don't remember any defiance there. I do  
5 remember he had some concern about Mrs. Milgaard's  
6 publicity campaign, but maybe not on this  
7 occasion, but on this particular date I can't  
8 recall much more than what is documented.

9 Q And then it looks as though on the 23rd of April  
10 you:

11 "... called Stephen Carter ... Legal Aid  
12 lawyer from Prince Albert, he has been  
13 in contact with Mr. Fisher."

14 So I take it from somewhere at the penitentiary  
15 you found out that Mr. Carter was his Legal Aid  
16 lawyer?

17 A Yes, I believe that was through contact with the  
18 P.A. security office, and that they had indicated  
19 that Carter had become involved.

20 Q And so here it is, 13 days after your visit, am I  
21 right that Mr. Fisher didn't get back to you and  
22 his lawyer didn't get back to you, you called  
23 Mr. Carter; is that correct?

24 A Yes.

25 Q And then he says that:



1                    "... he has been in contact with Mr.  
2                    Fisher ... has not had the opportunity  
3                    to discuss this personally with Mr.  
4                    Fisher, but now that I have provided him  
5                    background as to why we want to talk  
6                    with Larry, Mr. Carter will be  
7                    attempting to interview Fisher this  
8                    Friday and will let me know what is  
9                    happening."

10                  Then if we can call up 057214, and this is a  
11                  letter April 24, the day after, from Mr. Carter  
12                  to you, and it confirms the telephone  
13                  conversation, it says it is my intention to speak  
14                  to Mr. Fisher on the 26th or the 27th, and then  
15                  he says:

16                         "In the meantime, I trust that you will  
17                         not make any further attempts to get my  
18                         client's co-operation until such time as  
19                         I have had an opportunity to discuss the  
20                         situation with my client, given the  
21                         information obtained in our telephone  
22                         conversation."

23                  And I take it, tell me what, what did that do to  
24                  your efforts, Mr. Pearson, as far as talking  
25                  directly to Mr. Fisher?





1           A           Well he had got his legal counsel, and the legal  
2                        counsel was indicating to me that they -- "these  
3                        are the conditions by which we will move forward".

4           Q           If we could then go to 056765, we then go to April  
5                        26th, 1990, so this is three days after you called  
6                        Mr. Carter:

7                                "Message waiting for me to call the  
8                                Warden at the P.A. Pen, Jim O'Sullivan  
9                                ... I called him and he stated he  
10                              received a call from a woman, he stated  
11                              he didn't know who she was, wanting to  
12                              know about Larry Fisher and that if  
13                              something didn't develop on this  
14                              investigation, there would be press  
15                              stories, publicity, etcetera. I  
16                              suggested to O'Sullivan after asking him  
17                              several times if he knew the identity of  
18                              the caller, that it was probably  
19                              Mrs. Milgaard. Mr. O'Sullivan stated he  
20                              knew the case was being investigated by  
21                              the RCMP and that Fisher had been  
22                              interviewed by an investigator. The  
23                              female caller was said to have mentioned  
24                              RCMP had interviewed Fisher three times.  
25                              I thanked O'Sullivan for his call and



1                   asked he keep me advised should he be in  
2                   contact with this lady again."

3                   Then:

4                   "I returned a phone call to Mr.  
5                   Williams. He had received  
6                   correspondence from Asper, indicating  
7                   that Mrs. Milgaard had discussion with  
8                   Warden O'Sullivan, that mention was made  
9                   that Mrs. Milgaard was the ace in the  
10                  hole for the investigator. Also some  
11                  suggestion that Mrs. Milgaard could be  
12                  of assistance in interview of Larry  
13                  Fisher to obtain a confession."

14                 If we can pause there, I take it that describes  
15                 what happened?

16                 A           Yes. Bring up my notes on that, will you, please?

17                 Q           Sure. On April 26th? If we could bring up  
18                 058217, just on the right-hand side.

19                 A           Okay.

20                 Q           If we could go back to the other document --

21                 A           No, just finish this entry on O'Sullivan. Just go  
22                 to the next page if you will.

23                 Q           Yes.

24                 A           See, at 2:35 p.m. there was some additional  
25                 information regarding this contact that's not in



1 the typed report.

2 Q I'm sorry, here? Yeah, and actually I will get to  
3 that --

4 A Okay.

5 Q -- in your notes.

6 A Okay.

7 Q Maybe just go back, Mr. Pearson, and I'll complete  
8 and show you, there's actually a memorandum and a  
9 fax, and then I'll maybe go through that.

10 A Oh, sure, okay.

11 Q If we could maybe go back to 056765, and I've gone  
12 through those two paragraphs, the last paragraph  
13 at the bottom you indicate:

14 "I advised Mr. Williams of the Alex  
15 Barker call, and also of the Warden  
16 O'Sullivan telephone call. I advised  
17 Mr. Williams that I was not totally  
18 satisfied with the conversation I had  
19 with Mr. O'Sullivan, and that I would  
20 get in touch with him to determine more  
21 exactly what the female caller wanted  
22 and if in fact he knew who this person  
23 was. It seemed rather unusual he would  
24 take a call from an anonymous caller."

25 And then if you could go to, if you could



1           actually call up 001817, and this is April 26th  
2           that I'm reading from the notes, and this is an  
3           April 26th letter from David Asper to you, it  
4           doesn't say here whether it's by fax or what,  
5           it's a memorandum that David Asper has forwarded  
6           to Mr. Wolch. If we can go to the next page,  
7           please, and this is a memorandum that you would  
8           have received, Mr. Pearson, and go through parts  
9           of it. It says:

10                    "As you know, the Milgaards are becoming  
11                    more and more anxious about David's  
12                    fate. To that end, Mrs. Milgaard has  
13                    now returned from England, and is once  
14                    again focusing her energy on David's  
15                    case. The original reason for her  
16                    return was that they were prepared to  
17                    "go public" with the entirety of the  
18                    case in an effort to publicize their  
19                    plight.

20                               Based on my most recent  
21                               conversation with Sgt. Pearson, however,  
22                               I have been able to dissuade them from  
23                               doing anything at this point.

24                               Joyce Milgaard contacted me on  
25                               Thursday, April 26th, to advise that she



1 had called Mr. O'Sullivan, who is the  
2 Warden at Prince Albert Penitentiary.  
3 According to Joyce, O'Sullivan concurs  
4 that she could very well be an "Ace in  
5 the hole" for the investigator in terms  
6 of obtaining a confession from Larry  
7 Fisher. The Warden also indicated that  
8 he would be prepared to make any  
9 arrangements required to have Joyce  
10 attend at the prison.

11 I have strongly cautioned Joyce  
12 that it would be contrary to our advice  
13 for her to get involved while the police  
14 investigation is under way. She has  
15 nevertheless asked that I communicate  
16 with Sgt. Pearson and advise him that  
17 she is available if he feels that her  
18 presence could be of some value. Both  
19 David and Joyce are prepared to respect  
20 the judgement of Sgt. Pearson in this  
21 matter, but they simply want him to know  
22 that they are prepared to do anything  
23 that might be of help. They also insist  
24 that I forward a copy of this memorandum  
25 to both Eugene Williams and Sgt.



1 Pearson, and I will have done so by the  
2 time you read this.

3 Finally, both Joyce and David  
4 have imposed a deadline of May 7, 1990.  
5 They are prepared at that time to go  
6 public, regardless of the stage of the  
7 investigation, as they feel they can no  
8 longer wait for what to them seems to be  
9 an interminable process. They are very  
10 adamant about this, and are prepared to  
11 go forward over our advice to the  
12 contrary."

13 Then if you can go back to 056766 at the top, and  
14 this is your call at 2:35, Mr. Pearson, in your  
15 notebook:

16 "I placed a telephone call to Warden  
17 O'Sullivan, after requesting if he knew  
18 the identity of the female, he did say  
19 it was Joyce Milgaard who phoned him.  
20 He had met Joyce Milgaard 17 years ago,  
21 I believe at the Stony Mountain  
22 Penitentiary. O'Sullivan stated that  
23 Mrs. Milgaard indicated that David  
24 thought that he (O'Sullivan) was a very  
25 fair person, etc. O'Sullivan also



1 stated Mrs. Milgaard was requesting  
2 anonymity, exact reason no one is sure.  
3 Mrs. Milgaard stated to Ward O'Sullivan  
4 that Larry had been interviewed three  
5 times by the RCMP, and did not deny the  
6 offence. Mrs. Milgaard believes that  
7 her presence during a police interview  
8 with Larry would play on his mind and  
9 would assist in him confessing to the  
10 Miller murder. She was in an indirect  
11 way looking for permission to attend the  
12 Penitentiary and make contact with  
13 Fisher."

14 "Warden O'Sullivan stated he would not  
15 permit Mrs. Milgaard access to Larry  
16 Fisher unless the request came from the  
17 investigating officer, at which time Mr.  
18 O'Sullivan would permit this situation  
19 to exist. Mr. O'Sullivan also stated  
20 that he had provided a response to  
21 several questions some time ago through  
22 the Corrections Justice lawyer, Clare  
23 McKinnon. Warden O'Sullivan also  
24 mentioned that Mrs. Milgaard had stated  
25 that she was called back from her



1 England trip by her family lawyer."

2 So let me just pause there, and actually there's  
3 one more, maybe one more paragraph. 115:

4 "I contacted Williams again and advised  
5 him that the caller to O'Sullivan was in  
6 fact Mrs. Milgaard. Mr. Williams  
7 strongly suggested that Mr. O'Sullivan  
8 should make complete notes of his  
9 contact, as he may be drawn into a  
10 publicity release upon Mrs. Milgaard's  
11 return from England."

12 Just a couple things. Here it says that Larry  
13 had been interviewed three times by the RCMP, I  
14 think by this time you had interviewed him once,  
15 is that correct?

16 A That's correct, yes.

17 Q Were you aware of any other RCMP officers who had  
18 interviewed Larry Fisher with respect to the Gail  
19 Miller matter?

20 A No.

21 Q And, in the course of your interview with Larry  
22 Fisher, did he deny committing the murder of Gail  
23 Miller on April 10th?

24 A Did he deny killing?

25 Q Yes?





1           A           I think, in the conversation, that may have come  
2                       up that he had no -- no involvement. I don't know  
3                       the details. I see -- no, no, I'm sorry, "did not  
4                       deny the offence", "did not admit the offence".

5           Q           I see.

6           A           Yes, I -- there was nothing, at that time, to  
7                       suggest that he was involved in the offence.

8           Q           Right. But was it a case, I'm just wondering, --

9           A           Because here we're saying it's in the negative,  
10                      "he did not deny the offence", he did deny the  
11                      offence.

12          Q           He did?

13          A           Yes, during our conversation.

14          Q           Just back on this exchange with Warden O'Sullivan,  
15                      what was your reaction, Mr. Pearson, about this  
16                      step taken by Mrs. Milgaard to contact the Warden  
17                      and to ask to go in and see Larry Fisher and to be  
18                      part of your investigation of him?

19          A           Well, that had never happened to me before, so  
20                      that was a first. And O'Sullivan, I think, was in  
21                      a bit of a position of maybe wanting to cooperate  
22                      on both sides, but I never seriously ever  
23                      considered doing this.

24          Q           And would you ever have considered Joyce Milgaard  
25                      to be an ace in the hole in your investigation of



1 Larry Fisher?

2 A I didn't.

3 Q And did you ever think of a way that you could use  
4 Joyce Milgaard in your investigation of Larry  
5 Fisher to try and extract a confession?

6 A That didn't enter my mind.

7 Q What effect if any did the fact that Mrs. Milgaard  
8 was contacting the Warden of the penitentiary, as  
9 I read through it, did that have any impact on  
10 your investigation of Larry Fisher as a suspect?

11 A Well, it was just another intervention on her, in  
12 her efforts to get to the details of the  
13 suspicions she had.

14 Q And now the memorandum that Mr. Asper wrote to Mr.  
15 Wolch said by May 7th, 1990 they are going public  
16 regardless of the stage of the investigation.  
17 What effect if any did that have on -- that  
18 suggestion have on your work?

19 A Well, it certainly put a lot of pressure on trying  
20 to get something before it all broke loose. We  
21 were being held back through the lawyer that Larry  
22 Fisher had, we were only proceeding as fast as we  
23 were allowed to proceed, and we were getting  
24 pressure on the other side from Mrs. Milgaard  
25 wanting to get this moving faster, and the concern



1 was that when the publicity hit there would be  
2 some fallout from it.

3 MR. HODSON: This would be an appropriate  
4 spot to break, Mr. Commissioner.

5 *(Adjourned at 2:47 p.m.)*

6 *(Reconvened at 3:05 p.m.)*

7 BY MR. HODSON:

8 Q If you could call up 056766, and we finished off  
9 with Warden O'Sullivan, I just want to now go  
10 ahead to April 20th, 1990. So at this time, sir,  
11 you would have been aware of the May 7th deadline,  
12 is that right, that was in -- or whenever you got  
13 Mr. Asper's letter, that May 7th, 1990 was the  
14 day?

15 A Yes.

16 Q Now, did you know -- maybe just call up 001817 and  
17 go to the second page. This is the -- I read this  
18 to you before, April 26th -- and to the next page,  
19 please. And again, I think there Asper sent you  
20 the memo, the internal memo he sent to Mr. Wolch.  
21 If we can just call out the last paragraph,  
22 please, and:

23 "Finally, both Joyce and David have  
24 imposed a deadline of May 7, 1990."

25 They are going to go public regardless of the



1 stage of the investigation. Did you know, sir,  
2 what you were supposed to do by May 7th, 1990,  
3 what it was that was supposed to be accomplished  
4 by that deadline?

5 A By me?

6 Q Yes.

7 A No, I didn't know what the expectations were, that  
8 was their deadline, but it really didn't have much  
9 to do with what I could control.

10 Q But again, just trying to understand, were you  
11 supposed to get a confession from him by that date  
12 or eliminate him or what was it that -- what did  
13 you understand at the time? You said there was  
14 pressure on you to do something. What did you  
15 understand you had to get done by May 7th before  
16 they would go public?

17 A Well, get on with dealing and wrapping up Larry  
18 Fisher as a suspect I'm assuming. Like I say,  
19 it's difficult to know what the expectations were  
20 other than the fact the deadline was one where  
21 press was going to be involved.

22 Q And again I think you told us, but publicity and  
23 releasing either the investigation of Mr. Fisher  
24 or his name, I think you said you had concerns  
25 about that, that that would hamper --



1 A Yeah, that was unsettling, yes.

2 Q If we can go back to 056766, please, and then down  
3 at the bottom it looks like -- just scroll down to  
4 paragraph 117, a discussion, you phoned Quinn as a  
5 courtesy, Inspector Quinn, about what was going  
6 on. April 27th, I think we saw from Mr. Carter's  
7 letter that was the day he was supposed to have  
8 met with Mr. Fisher; is that right?

9 A Yes.

10 Q And it looks like you tried to reach him as well  
11 as tried to reach Roy Pambrun. If we can go to  
12 the next page, please, and it looks like at the  
13 top you then arranged to look at Superintendent  
14 McCorriston's file. Then the next day, May 1,  
15 1990:

16 "A call was received from Mr. Williams,  
17 inquiring about the results of the  
18 interview of Carter and Fisher. I  
19 advised I have not heard from Mr. Carter  
20 on what his client will be telling us."

21 So again, I think when I showed you the letter  
22 earlier, Mr. Carter said he would be there on  
23 April 26th or 27th. I take it at this time you  
24 hadn't heard from him; is that fair?

25 A That's fair, yes.



1 Q You called him twice on May 1st, he was  
2 unavailable for the call on both occasions and the  
3 next day three attempts were made to contact  
4 Carter, he's out in Court with clients, etcetera,  
5 and again talked to Mr. Williams and advised him  
6 Carter has not yet contacted me and you discussed  
7 some other matters. And then it looks like you  
8 called the Pen, the P.A. Pen security and  
9 confirmed that Carter had been to the Pen for his  
10 visit on April 27th; is that correct?

11 A That's correct, yes.

12 Q And so five days later Mr. Carter, though, hadn't  
13 called you back; is that fair?

14 A Yes.

15 Q So then it looks like May 3rd you contacted -- it  
16 says:

17 "I contacted Carter by phone, he advised  
18 me that Larry Fisher wishes to have  
19 until the end of May 90 to think about  
20 our request. Carter will not say  
21 whether Fisher will or will not  
22 cooperate with us. Carter is sending a  
23 letter outlining further details."

24 Then:

25 "Note: I have arranged already to



1 attend P.A. on Monday May 07 for the  
2 purpose of contacting Fisher. I will be  
3 travelling with Insp. Quinn and Insp.  
4 Doell on the Caron murder trial, which  
5 is a separate inquiry."

6 Can you just explain that, please?

7 A What was that, explain the --

8 Q Just this note here. I take it the Caron matter  
9 was another matter was it?

10 A That was a city police case that we were involved  
11 in and we went up there for some other interviews  
12 and I used this opportunity to make a cold  
13 approach to Larry based on the fact that there was  
14 pressure building on the potential for media, so I  
15 thought I would go regardless and --

16 Q When you say regardless, regardless of  
17 Mr. Carter's request; is that fair?

18 A Yes.

19 Q So Mr. Carter had written you and said don't go  
20 see my client without telling me more or less; is  
21 that fair?

22 A Yes.

23 Q And you were waiting -- what caused you to go, and  
24 I'll take you to a note here that shows that you  
25 actually visit him, I think as you say, a cold



1 call. Why did you do that?

2 A Well, there was -- it was moving awful slow  
3 according to some people, there was pressure to  
4 have this dealt with by a certain date, pressure  
5 was mounting for potential publicity, and I just  
6 thought what is there to lose.

7 Q Were you concerned at all that Mr. Carter, the  
8 lawyer, might be upset that you were talking to  
9 his client without informing him?

10 A That was a potential, yes.

11 Q Did the fact that -- well, did Mrs. Milgaard's  
12 deadline of May 7th play into your decision to go  
13 see Mr. Fisher without telling his lawyer?

14 A I certainly believe it did.

15 Q And did Mrs. Milgaard's contact with Warden  
16 O'Sullivan and her efforts to go and try and see  
17 Mr. Fisher on her own factor into your decision to  
18 go and see Mr. Fisher unannounced?

19 A To a lesser degree because I'm not confident that  
20 she would have access to Larry Fisher.

21 Q And just on that point, sir, would that be --  
22 would that be something that would cause you  
23 concern, if you found out that Joyce Milgaard was  
24 going to the P.A. Pen to interview Larry Fisher  
25 herself?





1 A Yes.

2 Q And why?

3 A Well, just to be satisfied that you were getting  
4 something from Larry as to -- something that was  
5 maybe given to Larry. I just think it's dangerous  
6 to have someone intervening in a situation like  
7 that with a hardened criminal and somebody in an  
8 institution, you've got some lady going up there  
9 cold to try and do some kind of an interview, I  
10 mean, it's just unheard of, and to be honest with  
11 you, I didn't take it seriously, I never thought  
12 ever that it would be allowed to happen.

13 Q If we could call up 057213, this is a letter May  
14 1, 1990 from Stephen Carter to you basically  
15 saying that:

16 "Mr. Fisher is going to consider the  
17 situation and your request. He will let  
18 you know of his decision toward the end  
19 of May, 1990."

20 I think you alluded to that earlier; is that  
21 correct?

22 A Yes.

23 Q So you had waited from April 10th until the end of  
24 April, it looks like it took you about a week to  
25 get through to Mr. Carter, he then told you that



1 Mr. Fisher will decide whether he's going to talk  
2 to you in a month, the end of May; is that right?

3 A Yes.

4 Q Did that cause you some concern?

5 A Well, you know, we were at the mercy of someone  
6 else calling the shots and he was just stalling on  
7 the interview that we were trying to set up and on  
8 the other side there was publicity that was going  
9 to be released in the case, so we were kind of  
10 squeezed there, yes.

11 Q And if there had not been this external time  
12 pressure on you that you talk about, the deadline  
13 or the threat of publicity, would you have waited  
14 Mr. Fisher out, so to speak, and proceeded on his  
15 pace?

16 A Well, I think it would have unfolded in a maybe  
17 more organized way, it would have given everyone a  
18 chance to work their way through this. Like, a  
19 lot of times it takes a long time to establish a  
20 rapport and try and get the cooperation and work  
21 with people, it just doesn't happen on a first  
22 approach and it is a slow process, it's not  
23 something that you can just say this is what I  
24 want and you are going to get it, and working with  
25 the lawyer and/or Mr. Fisher, it does take time.



1 Q Did the fact that there were deadlines and the  
2 threat of publicity, and I think you told us it  
3 caused you to move faster than the circumstances  
4 allowed; is that fair?

5 A Yes.

6 Q Did that compromise in any way your ability to  
7 establish a rapport with Larry Fisher?

8 A Sure it did, because we were in a situation where  
9 we probably compromised the position that their  
10 lawyer was taking. Mr. Carter said, you know,  
11 please don't contact him and I made the decision  
12 that I would make a cold approach and at the same  
13 time pressure for potential publicity was  
14 building.

15 Q And had you had no external deadline or  
16 pressure -- let's just go back to you said  
17 sometimes these things take time to develop. Can  
18 you explain that a bit? What would you have done  
19 differently if there was not a deadline or this  
20 threat of publicity?

21 A Well, possibly if you wait Fisher out, if he  
22 knows -- if you are not going away, but you are  
23 not pressuring him, he may feel at some point that  
24 he's going to have to cooperate based on the fact  
25 that you've given him all the time in the world to



1           make up the reasons he wants to stall or make  
2           excuses, so when he runs out of all of that, you  
3           are still there and you say, you know, I've been  
4           cooperating with you and I've done everything I  
5           can to attend to your requests for trailer visits  
6           and all the times I've been put off, so let's  
7           start working with me now, so it takes time to  
8           have some kind of extra tools there to make your  
9           move with and it doesn't happen overnight.

10          Sometimes it does, but lots of time it does not,  
11          and being in the institution, it just complicated  
12          it a little more, access wasn't easy, the  
13          institution is a whole different world as I  
14          mentioned, so there were a lot of factors as far  
15          as developing a rapport, you couldn't just phone  
16          him up and have a chat with him on the phone or  
17          you couldn't drop in and see him, or you couldn't  
18          approach him on the street, you couldn't make  
19          contact with him like you could in a normal  
20          environment.

21          Q       And as far as the investigative tools that you had  
22                  at your disposal to try and either eliminate Mr.  
23                  Fisher as a suspect or gather enough information  
24                  to justify a charge, would the developing a  
25                  relationship with him and pursuing him to get



1 information in the polygraph, things of that  
2 nature, would that be an important tool to --

3 A Sure it would, yes, it definitely would.

4 Q Did you have any others?

5 A None that I can think of right off the top of my  
6 head.

7 Q If we could just go down to, back to 056767, and  
8 so now we go to May the 4th 1990, it says:

9 "Call received from David Asper --"

10 Call out the bottom part.

11 "Call received from David Asper, he is  
12 concerned about David's problems with  
13 the Penitentiary staff. David appeared  
14 before the Parole Board and was given  
15 six E.T.A.'s."

16 Do you know what those are?

17 A I think they are temporary absences.

18 MS. KNOX: Escorted temporary absences.

19 BY MR. HODSON:

20 Q "He had five of them, the first was last  
21 October, and it seems he is having  
22 difficulties of late in that they were  
23 being cancelled, apparently without  
24 reason. David was to have a pass  
25 yesterday and it was cancelled at the



1 last minute at the Board's discretion,  
2 and Asper said the Pen authorities are  
3 verging on harassment of David. David  
4 apparently reacted very badly after his  
5 last cancellation and created a number  
6 of problems for the Pen staff. Mrs.  
7 Milgaard visited Milgaard on Wednesday  
8 night, at which time David threw a  
9 temper tantrum and was almost impossible  
10 to control. Mr. Asper is going to see  
11 David on Monday. Asper really wanted me  
12 to talk with David to assure David that  
13 the system has not abandoned him and  
14 that his case is being examined. Asper  
15 will call me Monday and update me on  
16 David's attitude, and if he is  
17 stabilized, there will no purpose in my  
18 making contact with David, which at this  
19 point I am reluctant to do."

20 So am I correct here that David Asper was asking  
21 you to get in touch with David Milgaard to deal  
22 with him or to talk to him?

23 A Yes, he did make that phone call asking if I could  
24 be of some assistance in the problems that they  
25 were having with David and I did indicate I would



1 do whatever I could, even though I was reluctant,  
2 and that he was going to check further, and if I  
3 was required he would call me back and I would  
4 have done whatever was necessary under those  
5 circumstances, but at the end of the day it didn't  
6 happen.

7 Q And why were you reluctant to make contact with  
8 David Milgaard?

9 A Well, at this point I just didn't feel it was  
10 appropriate at this point. As far as going down  
11 there and taking care of the internal problems in  
12 the institution, me coming in there to try and  
13 calm him down, it was something I was reluctant to  
14 do, but I probably would have if I got to that  
15 point.

16 Q And then in the discussion it says:

17 "Asper and I also talked about the  
18 Miller murder. Following are some of  
19 the points he raised."

20 And then number 1:

21 "Audrey Bouton, a nurse, was assaulted  
22 approximately one month before the  
23 Miller assault, and the assailant at  
24 that time had a knife, possibly could  
25 have been Fisher."



1           And then it goes on to talk about some other  
2 matters. I want to just pause there and there's  
3 only one other reference to this, this was  
4 actually a matter referred to in Peter  
5 Carlyle-Gordge's notes of 1983 and elsewhere, but  
6 I just want to follow up. Do you have much  
7 recollection of this matter being raised with  
8 you? Maybe I can call up the documents first.  
9 If we could call up 009232, and I take it that  
10 what Mr. Asper provided you, that it was a nurse  
11 one month before the Miller assault, with a  
12 knife, possibly could have been Fisher, would  
13 that be something of relevance to you, sir, in  
14 your investigation of Larry Fisher?

15       A       Yes, possibly.

16       Q       And if we go back, this is a February 3rd, 1969  
17 police report, if you can just scroll down to the  
18 bottom, I'll just go over what -- and this is the  
19 information, Audrey Bouton is the married name of  
20 Audrey Odnokon and talks about:

21                   "A call was made to 1422 22nd Street and  
22                   a Audrey Odnokon was interviewed  
23                   regarding this file. She states that  
24                   around December 22nd, and after she used  
25                   to take a bus home from work at around





1                   10:30 P.M. and 11:00 P.M. and got off  
2                   this bus at 1400 Blk. 20th St."

3                   Which, by the way, is in the same block as the  
4                   funeral home.

5                   "She would walk north on Ave. O towards  
6                   22nd St. On a number of occasions she  
7                   had seen a man in the alley just behind  
8                   20th St., standing in about mid alley.  
9                   He would start to come towards her and  
10                  she always ran. On one occasion her  
11                  boyfriend was with her and this man came  
12                  out of the alley and then walked past  
13                  her going towards 20th Street. He had  
14                  his collar or a scarf over part of his  
15                  face. He kept looking back at them and  
16                  finally went West on 20th Street. This  
17                  man would be in his 40's and heavy set.  
18                  He had broad shoulders, about 6 feet  
19                  tall, grey hair and piercing eyes,  
20                  almost beady."

21                  Now, again, is that -- did you ever follow up on  
22                  Mr. Asper's information?

23                  A            I recall having a conversation with the, and I  
24                  believe it was Inspector Quinn at some point, and  
25                  I'm not sure where.



1 Q I'll maybe follow, but again, as far as this piece  
2 of information, having read that, does that --

3 A Well, the description is all together different as  
4 far as comparing it to someone like Larry Fisher.

5 Q And if we could also call up 056804, this is --  
6 actually, there's a reference here to her being  
7 with two of her girl friends, Barbara Best and  
8 Linda Barron, and there's actually a police  
9 statement, 056804 -- no, I'm sorry, I've got  
10 the -- I'm sorry, 152870 -- and this is a  
11 statement the police took February 16th, 1969 from  
12 Barbara Best, and again she talks about on the  
13 evening of January 31st, which was the date of the  
14 murder, she was with her girlfriend, drove in the  
15 alley where the murder took place. The time was  
16 between 10:30 and 11. If you can scroll down.  
17 And talks about into the alley from 21st Street,  
18 there was a man walking towards us from the other  
19 end of the alley. He was just about near the  
20 middle of it. He was -- I think eyeing us. Can  
21 anyone do better than that?

22 UNIDENTIFIED SPEAKER: Facing us.

23 BY MR. HODSON:

24 Q Oh, thank you, he was facing us.

25 "He was carrying something. He walked



1 or moved into a yard and tucked object  
2 under the arm. We looked at him and he  
3 stared at us looked rather suspicious.

4 He was about 6 ft. tall, big or  
5 broad shoulders. He was good looking.  
6 He was starting to grey at the sides.  
7 Appeared to be in his late thirties or  
8 early forties."

9 And then it goes on to describe him. So that's  
10 the information we have.

11 If we can just go back -- so  
12 let me just pause there. Again, Mr. Pearson, do  
13 you recall whether you would have followed up Mr.  
14 Asper's information?

15 A I have no recollection of this statement.

16 Q If we can then maybe call up 056804, and this  
17 is -- I'm jumping ahead a bit, but I wanted to  
18 just touch on where this name came up again.  
19 You'll see here, and this is in the second  
20 application, this is a year later, September of  
21 '91, and you called Inspector Quinn asking him to  
22 check the name Audrey Bouton as it is mentioned in  
23 previous material that she may have been sexually  
24 assaulted one month prior to the Miller murder and  
25 if there is any indication this may have been



1 related, and so again I couldn't find any other  
2 note. Do you know whether that was ever followed  
3 up on?

4 A I really have no recollection. Again, this is as  
5 close as I can get.

6 Q Based upon the police report and the statement I  
7 showed you, would that be information that would  
8 be of any value in your investigation of Larry  
9 Fisher as a suspect in the death of Gail Miller?

10 A Just reviewing it quickly, it doesn't appear the  
11 description really matches very closely with Larry  
12 Fisher.

13 Q So if we go back to 056768, did you ever learn  
14 from Mr. Asper or anywhere else that Audrey Bouton  
15 was in fact a nurse?

16 A Repeat that? I'm sorry.

17 Q I'm wondering, it says here that Audrey Bouton was  
18 a nurse and when I looked at the reports I  
19 couldn't find anywhere that mentioned that. Do  
20 you recall whether you followed up with Mr. Asper  
21 any information that she was a nurse?

22 A I have no recollection of following up on that.

23 Q And also about being assaulted, the report and the  
24 statement indicates they were chased. Do you  
25 recall any information about her being assaulted?



1 A I don't.

2 Q And similarly about there being a knife, I think  
3 there was a mention in Barbara Best's statement  
4 about a glint. Do you recall anything from Mr.  
5 Asper about there being a knife?

6 A No, I don't.

7 Q If we can go back -- actually, go to the next  
8 page. Actually, I'm sorry, just pause here. Mr.  
9 Asper tells you:

10 "When Milgaard was arrested, he got  
11 legal counsel. While in Remand, Dave  
12 wrote down what he could remember, and  
13 did not deviate from his original story  
14 during his last 21 years."

15 Do you recall ever asking Mr. Asper about this  
16 written document of David Milgaard or asking that  
17 or getting that from him?

18 A No, I don't.

19 Q If we can go to --

20 A This was a fairly lengthy phone call we had and we  
21 were talking about this and he was -- he said he  
22 knew the file very well and we were going point by  
23 point through it, and I would make the assumption  
24 I guess that he had that document in front of him  
25 when we were having our discussion.



1 Q And again would he -- what was the purpose of him  
2 telling you this information then?

3 A I think he was just talking about the information  
4 that was documented from the original, the  
5 original time period.

6 Q If we can then go to page 056771, we're now into  
7 May 8th, 1990, and you say:

8 "Travelled to Prince Albert Penitentiary  
9 and interviewed Larry Fisher. He was  
10 complaining of stomach pains and wanted  
11 to seek immediate medical attention  
12 while I was with him. It should be  
13 mentioned that he was not aware that I  
14 was attending this morning to see him.  
15 I talked with him in the conference room  
16 for approximately 3 to 4 minutes. He  
17 does not wish to do anything about my  
18 original request until after the May 19  
19 weekend, when he is having a trailer  
20 visit with his wife. Fisher indicates  
21 that his daughter will not be attending  
22 this visit. I asked Larry to provide a  
23 blood sample at this time, in view of  
24 the fact he is going to be going for  
25 medical attention anyway, however he



1           said he didn't want anything on his mind  
2           that would disrupt his upcoming trailer  
3           visit. I indicated there was a need to  
4           get a sample of blood and a statement of  
5           his activities as quickly as possible,  
6           as there may soon be a public release by  
7           Milgaard and this would possibly point a  
8           finger at Larry. Larry's response was,  
9           they waited 20 years to see me, they can  
10          wait a little while longer. I indicated  
11          to Larry that I would be seeing him as  
12          soon as possible after his upcoming long  
13          weekend trailer visit. I then returned  
14          to Saskatoon."

15                Was there a reason that you would tell Mr. Fisher  
16                that lookit, the Milgaards are going to publicly  
17                release your name soon?

18           A        I was hoping that we could get something that  
19                    would move this forward that would maybe volt him  
20                    to take a position and force the issue indicating  
21                    that there was publicity, work with me here and  
22                    deal with it, and of course he didn't.

23                                I would like you to bring my  
24                                handwritten notes up on this particular interview  
25                                as well, please.



1 Q Call up 058235. And you will see just at the  
2 bottom May 8th, and if we can actually go to the  
3 next page, I believe that's where that starts.

4 A The only comment I made there is that just  
5 personal comment, but:

6 "He seems to be suffering from stomach  
7 pains and mentioned he is in need of  
8 medical attention. I'm not too sure if  
9 he is serious or if his problem  
10 developed when he saw me. He was not  
11 aware I was coming. I want to get  
12 moving re Fisher as suspect."

13 Q Are you saying, then, that he -- this may have  
14 been a bit of a show to get rid of you, that he  
15 was pretending to be sick?

16 A I had the suspicion at the time that when he saw  
17 me he had a medical condition that had to be dealt  
18 with, and that was the opportunity I took to say  
19 "well, if you are going to go to the medical ward  
20 let's maybe get some blood, this will be a great  
21 opportunity", but he didn't want to have anything  
22 to do with it until after he had his planned  
23 visit.

24 Q Okay.

25 A And of course this was without the consent of his





1 lawyer.

2 Q Did this reaction to your visit cause you to  
3 become more suspicious of him?

4 A Well, it just continued the suspicion, the  
5 stalling.

6 Q As far as the comment that you made -- are you  
7 fine with them, do you need the notes any more?

8 A Can you just flip to the next page?

9 Q Sure.

10 A There may be some more.

11 Q Sure.

12 A All right.

13 Q Next page, or you are fine?

14 A No, that's good.

15 Q Okay. If we can go back to 056771, please. Just,  
16 again, back on this point about warning Mr. Fisher  
17 about the public release by Milgaard, I think you  
18 said one reason may be to try and speed up his  
19 response; is that correct?

20 A Sure.

21 Q Were you concerned that, if he found out that this  
22 was made public without being forewarned, that you  
23 might lose a bit of the rapport you might have  
24 created with him?

25 A Well I think he was mistrusting of probably



1 everything. I'm not sure, he -- my view at that  
2 time was that he may think that I was  
3 orchestrating something, but the concern was  
4 attempting to develop a rapport with him, and the  
5 fact that publicity was going to be coming soon  
6 was going to, in my opinion, set this back, and I  
7 thought possibly a cold approach would provide  
8 something, but it was just maybe being hopeful.

9 Q Did you have a concern, at this or any other time,  
10 that -- when you talked about the publicity of  
11 identifying Larry Fisher as either a suspect or  
12 the culprit, did you have concerns -- now we now  
13 know that he has been convicted for the crime and  
14 that he was the culprit, but I take it at the  
15 time, sir, you, in your mind, didn't know that to  
16 be the case; is that fair?

17 A That's fair.

18 Q Did you have any concerns about the fact that  
19 there would be a public -- public statements  
20 identifying him as either a suspect or the culprit  
21 when he had not yet been charged or convicted of  
22 the crime?

23 A Well there is always a possibility that you are  
24 wrong in going public and saying certain things,  
25 making certain accusations, and at the end of the



1 day you could be wrong. In this case, of course,  
2 they were right.

3 Q Was that a concern -- just going back, you had  
4 expressed to Mr. Asper, and you told us, that you  
5 had concerns at the time that publicity would not  
6 help matters as far as your investigation; is that  
7 correct?

8 A Yes.

9 Q And I'm just wondering, at the time when you  
10 advised Mr. Asper or expressed your concern about  
11 publicly identifying Mr. Fisher as the killer, did  
12 you have any concerns, apart from your  
13 investigation, but the simple fact that at that  
14 stage you, as the investigating officer, hadn't  
15 yet reached the conclusion that there was a basis  
16 to even charge Mr. Fisher?

17 A No, there was no evidence to charge Mr. Fisher at  
18 this point, no.

19 Q And, again, the fact that someone might publicly  
20 state that he is the killer or a suspect; did that  
21 concern you as the officer, probably the officer  
22 most -- probably the only officer investigating  
23 his involvement in the death?

24 A Well, yes, we were asking for a polygraph and this  
25 was, you know, escalating all the emotions in the



1 system and it just -- there wasn't much upside  
2 that I could see by going public at this time,  
3 they could do that at some later date, but it did  
4 nothing at that point to assist in our efforts to  
5 develop this rapport.

6 Q Let me phrase it a bit differently. Let's -- and  
7 I appreciate that you have told us, sir, that in  
8 this case you were doing a discreet inquiry for  
9 Mr. Williams. If you were doing a general  
10 investigation into the murder, as a police  
11 officer, if you ever were at the point where you  
12 had someone who was a suspect but you didn't have  
13 a basis to charge him would you, as a police  
14 agency, ever go public and say "we think this is  
15 the person that committed the crime" or "this  
16 person is the person who committed the crime"?

17 A No.

18 Q And why not?

19 A Well, I think it's just an improper thing to do, I  
20 mean you can't go make accusations and publicly  
21 put a name out there unless you have some basis to  
22 do so, and just to put the name of somebody out  
23 there because you suspect that they have done a  
24 crime is something that wouldn't be done.

25 Q And at this time, in May of 1990 and the following



1 months, would it be fair to say that as far as --  
2 and, again, I appreciate your answer about the  
3 mandate you had from Mr. Williams -- but would it  
4 be fair to say that you were the police officer  
5 that had the task of investigating whether or not  
6 there might be a basis to lay a charge against Mr.  
7 Fisher; is that fair?

8 A That's fair.

9 Q Yeah. That was your job at the time, to  
10 investigate, interview, and determine whether you  
11 could eliminate him or whether you could get to  
12 the stage where there would be reasonable and  
13 probable grounds to lay a charge against him, and  
14 I think you told us yesterday and today that you  
15 would have to report back to Mr. Williams because  
16 there was was an existing conviction, but putting  
17 that aside, that was your responsibility at the  
18 time; is that fair?

19 A That's fair.

20 Q Down at the bottom:

21 "I telephoned David Asper, who indicated  
22 that David Milgaard had calmed down and  
23 there was no need for me to make any  
24 contact with David. I also explained to  
25 Asper that I had been to the P.A. Pen



1                   yesterday and made contact with Fisher,  
2                   and that I would be seeing him again  
3                   after the weekend of 19 May. Mrs. Asper  
4                   ...",

5                   I'm presuming that is Mr. Asper, is that right?

6           A           Yes, that's right.

7           Q           "... requested that I provide the name  
8                   of Larry's lawyer, which I did, with the  
9                   request that no contact be made with him  
10                  at this time as I wanted my dealings  
11                  with Fisher to be as clean as possible."

12                  Can you explain what you meant by that?

13           A           Well I just didn't want to have any more influence  
14                   on the situation than we already had, so I'm just  
15                   saying "we're trying to get something done here,  
16                   it's being worked through his lawyer, and just let  
17                   it, let it evolve".

18           Q           What, were you trying to buy some time with  
19                   Mr. Asper?

20           A           I'm sorry?

21           Q           Were you trying to buy some more time from  
22                   Mr. Asper?

23           A           I'm not sure I was really trying to buy time at  
24                   that point, I'm just asking him to please not  
25                   contact him because we've got some things going, I



1           just wanted to leave it at that. Just, at this  
2           point, I didn't really know of any reason why he  
3           would need to contact other than being curious or  
4           maybe wanting to brief him with information that I  
5           maybe wouldn't know about.

6           Q       And what would be the reason for giving Mr. Asper  
7           the name of Larry Fisher's lawyer?

8           A       Because he asked for it.

9           Q       And 1:33, a:

10                   "... phone call ... received from Mr.  
11                   Williams and we discussed the  
12                   investigation in general. I had nothing  
13                   more for him at this time. We talked of  
14                   the psychiatric report done on Milgaard  
15                   by Dr. Ian McDonald, the Dean of  
16                   Medicine ...",

17                   etcetera:

18                   "... and also Pathologist Harry Emson  
19                   ...",

20                   phone numbers:

21                   "... can be contacted in this regard if  
22                   the report has any significance to my  
23                   investigation. At the current time I  
24                   see no value in it so far as my  
25                   inquiries with Larry Fisher are



1                   concerned."

2                   So I take it that you became aware that there was  
3                   some psychological information on Mr. Milgaard  
4                   and you said "I don't need it for my inquiries of  
5                   Mr. Fisher"; is that fair?

6           A           That's fair.

7           Q           If we then go down to May 10th, and 134:

8                   "I returned a phone call to Mr. Asper,  
9                   he expressed concern that Joyce Milgaard  
10                  has released information to the press  
11                  that the RCMP are investigating a  
12                  suspect who is currently doing time in a  
13                  Saskatchewan Penitentiary. Apparently  
14                  Mrs. Milgaard has been talking with John  
15                  Harvard, a member of Parliament, who  
16                  raised certain questions with the  
17                  Standing Justice Committee, who brought  
18                  the Milgaard case up in the House of  
19                  Commons. There are two parts to the  
20                  concerns raised by M.P. Harvard, (1) Why  
21                  the Farris report has not been acted  
22                  upon, and (2) What current inquiries are  
23                  being made with Larry Fisher. According  
24                  to Mr. Asper, Harvard was not to raise  
25                  the issue of Fisher because he is under





1 police investigation, however, it did  
2 seem that Harvard was to pursue the  
3 hold-up with the Justice Department so  
4 far as their action with on the Farris  
5 report."

6 "Mr. Asper also indicated that Joyce  
7 Milgaard had been in contact with  
8 *StarPhoenix* reporter Cam Fuller and that  
9 Fuller will soon be releasing a story on  
10 the details provided him by  
11 Mrs. Milgaard."

12 Then if I can pause there -- actually, let me  
13 just finish this:

14 "My position is neutral ...",  
15 you say:

16 "I explained to Asper that the potential  
17 exists that Fisher will eventually  
18 refuse to cooperate if he is unfairly  
19 suspected, accused, or made subject of  
20 press releases and stories. My  
21 inquiries will continue as planned.  
22 Regardless of the publicity or subtle  
23 influence Joyce Milgaard may try to  
24 exercise, although I certainly have  
25 compassion for this lady who obviously



1 believes her son is wrongly convicted.  
2 My efforts, so far as they relate to  
3 Larry Fisher, are concerned with  
4 concentrating on determining the facts  
5 and the truth, whatever they may be."

6 Let's maybe just go back up. Would that be an  
7 accurate note of what you -- what would have  
8 happened at that time?

9 A I believe so, yes.

10 Q And, again, I think you had earlier asked  
11 Mr. Asper to refrain from his route, if I can call  
12 it that, of creating publicity about your  
13 investigation; is that fair?

14 A That's fair, yes.

15 Q And would it appear, here, that they did not  
16 follow your request?

17 A Well it seems to have been out there, yes.

18 Q If you could just scroll down, if you could  
19 elaborate here:

20 "... the potential exists that Fisher  
21 will eventually refuse to cooperate if  
22 he is unfairly suspected, accused, or  
23 made subject of press releases and  
24 stories."

25 What did you mean by that?



1           A           Well, again, it just complicates, you know, not  
2                       knowing how he is going to react, and it just  
3                       turns up the heat for everyone, it just  
4                       complicates what you are trying to do. The best  
5                       thing, really, is to try to develop a rapport, and  
6                       work your way through it, and bring him on side as  
7                       much as you can. I mean you may never get there,  
8                       but you can certainly go through the attempts to  
9                       do it, and by having wild accusations being made  
10                      in the press, it just does nothing to really calm  
11                      things down and work your way towards some kind of  
12                      a cooperative resolution, if that's possible.

13          Q           And when you say:

14                      "... unfairly suspected, accused, or  
15                      made subject of press releases and  
16                      stories ...";

17                      what do you mean "unfairly"? What, in your view,  
18                      would be --

19          A           Well making accusations that he did it without  
20                       having facts that he did it. I mean being a  
21                       suspect is one thing, and again I don't recall all  
22                       the press releases that were out there at that  
23                       time, but --

24          Q           I will show you some in a moment, sir, but just,  
25                       again, I want to understand, when you say:



1                    "... unfairly suspected, accused, or  
2                    made subject of press releases and  
3                    stories ...",  
4                    in your view as the officer who is investigating  
5                    Larry Fisher, at what point in your view, sir,  
6                    would it be fair or appropriate for anybody to  
7                    make a public statement about Larry Fisher,  
8                    either as a suspect or as the culprit, at what  
9                    point?

10            A            Well, from a police perspective I'm not certain  
11                    that I would have gone public with this kind of  
12                    information at this stage, you know. Once a  
13                    person is charged, you could put their name out  
14                    there, but prior to that it's improper.

15            Q            And then you talk here about:  
16                    "... regardless of the publicity or  
17                    subtle influence Joyce Milgaard may try  
18                    to exercise ...";  
19                    what were you referring to there?

20            A            Well, to the press releases and the inquiries she  
21                    was making through the system, of contacting other  
22                    people to get certain things done.

23            Q            If we could then go to -- call up 159869. And  
24                    this is a Regina *Leader-Post* May 12th, 1990 story,  
25                    I believe it also ran in the Saskatoon



1           *StarPhoenix*, it's a wire story. I was not able to  
2           -- I put my hands on this version, I will  
3           double-check whether it ran elsewhere. So this is  
4           May 12th, this would be May 10th was your  
5           discussion with Mr. Asper when he told you about  
6           John Harvard, and it says *RCMP reopen case*. Had  
7           you re-opened the case?

8           A       No, not, not -- you mean the original homicide  
9           case?

10          Q       Yes?

11          A       No, this was proceeding under the instructions of  
12          690.

13          Q       And the quote here at the top attributed to John  
14          Harvard, who was an Opposition Liberal MP from  
15          Winnipeg I believe at the time, he says:

16                   "The real killer is serving time in jail  
17                   in Saskatchewan and (I've been told)  
18                   that the RCMP have interviewed this man  
19                   twice."

20          Now in the latter part, that's true, you had  
21          interviewed Mr. Fisher twice by this time?

22          A       I believe that's correct, yes.

23          Q       He is saying here -- and I think it's, Mr.  
24          Fisher's name is not mentioned in the article,  
25          however I think from later stories it's clear that



1 Mr. Harvard is talking about Larry Fisher -- and  
2 he says:

3 "The real killer is serving time in jail  
4 in Saskatchewan ..."

5 The date of this article, Mr. Pearson, as the  
6 officer investigating Larry Fisher were you able  
7 to say that he was the real killer of Gail  
8 Miller?

9 A Absolutely not, no.

10 Q What concerns if any, positive or negative, did  
11 you have with the fact that a Member of Parliament  
12 was stating publicly in the press on May 12th,  
13 1990, that the person you were investigating was  
14 the real killer?

15 A Well it's got a certain amount of -- it caused a  
16 concern about putting public information that --  
17 putting the man's name out there that really  
18 didn't deserve to be at that point. Now I have to  
19 say, --

20 Q Sorry?

21 A -- in this case the name isn't out there, but to  
22 say that:

23 "The real killer is serving time in jail  
24 in Saskatchewan ...",

25 I -- there was a lot of suspicion, and some



1 people maybe in their minds firmly believed it,  
2 but from the police perspective and the evidence  
3 that was there there was a suspicion, but there  
4 certainly was nothing, at that point, to lay a  
5 charge against this man.

6 Q If you can just go down to the article, it says:

7 "For the last two years, the federal  
8 Justice Department has been reviewing  
9 new evidence in his case to determine if  
10 he was wrongly convicted."

11 And just on that point, prior to February 28th,  
12 1990, were you aware of what had happened as far  
13 as Mr. Milgaard's application?

14 A No, I was not aware of -- I am not aware of the  
15 previous application that had been in place. I  
16 found out about it at some point, I'm not too sure  
17 just when, but when I first got the call about  
18 Larry Fisher I didn't realize that there was --  
19 this was part of a longer application process.

20 Q And it says:

21 "However, the department has been  
22 repeatedly criticized for dragging its  
23 feed feet on the review."

24 And I don't want to ask you about before February  
25 28th, but from February 28th, 1990 when you



1 became involved and became aware of Larry Fisher  
2 as a suspect, from that point -- and I think in  
3 fairness you said March 6th was when you started  
4 your work -- from March 6th, 1990 to May 12th,  
5 1990 did you believe, sir, that you were dragging  
6 your feet in looking at this matter?

7 A No, I gave it the attention I thought it deserved,  
8 I gave it what I could, and I don't believe that I  
9 was purposely dragging my feet or trying to hold  
10 things up.

11 Q And, again, I think the other comment here, and I  
12 believe this is from Mr. Harvard, after the  
13 comment about the real killer he says:

14 "What we have here is an investigation  
15 on two fronts but no concrete action has  
16 been taken and meanwhile Milgaard  
17 remains in jail."

18 And again, just as far as this comment, from your  
19 own perspective, sir, did you believe you were  
20 taking action on this front?

21 A Well I was taking as much action as we could  
22 possibly get at that time. And again, like I say,  
23 there was nothing to charge Larry Fisher with at  
24 that point, and we were working our way through  
25 it.





1 Q If we could go back to 056773, please. We're now  
2 May 11th, 1990, so this is the day after your  
3 telephone call with David Asper and the day before  
4 the newspaper article about Mr. Harvard's comments  
5 was published, and you say:

6 "I received a telephone call from Sylvia  
7 Poitras, Larry Fisher's sister. She  
8 stated that she had just heard on the  
9 radio that charges were being laid today  
10 against the person responsible for the  
11 Miller murder. I assured her that no  
12 information was released by me or the  
13 Force in this case. She seemed relieved  
14 but still seemed to question where this  
15 information came from. I did advise  
16 Sylvia that I was continuing with my  
17 inquiries involving her brother, however  
18 had nothing more to tell her."

19 And then:

20 "I called Supt. McCorriston of City  
21 Police and advised him of the news  
22 release, and of the fact that it was not  
23 from our Force or myself. He will  
24 advise Chief Penkala and media relations  
25 officer Dave Scott."



1           And then:

2                   "A call was received from Eldon  
3                   Derkshire, news reported, asking about  
4                   the *Milgaard* case. I advised I had  
5                   nothing to tell him and the recent  
6                   publicity regarding this investigation  
7                   did not originate with the police, and  
8                   may have come from Mrs. Milgaard."

9           And, again, are you able to tell us what this was  
10           talking about on that day?

11       A           Well there was obviously a press release, or a  
12           news release of some sort, publicly making --  
13           making public statements. I don't have the  
14           details of it.

15       Q           Yeah. And I may be able to find some details, but  
16           it appears that on this date the media were  
17           reporting that someone was going to be arrested or  
18           that charges were going to be laid against the  
19           person responsible for the Miller murder, I think  
20           is what Sylvia Poitras said she had heard?

21       A           Well that was what Sylvia Poitras had stated to  
22           me. Now whether that was actual -- actually what  
23           happened, I don't know.

24       Q           That's --

25       A           But that's what her information was.



1 Q Yeah. She said she heard on the radio that  
2 charges were being laid today?

3 A Yes, yes.

4 Q And, again, if anybody was laying charges against  
5 Larry Fisher do you think you would have been  
6 aware of that?

7 A Yes.

8 Q And at that time were you considering laying  
9 charges against Larry Fisher?

10 A No.

11 Q And why not?

12 A There was no evidence.

13 Q And then scroll down to the bottom, 141, we're now  
14 into May 14th:

15 "Had a telephone conversation with  
16 Williams and advised of the publicity in  
17 the paper, TV, etc., plus my inquiries  
18 are proceeding in a normal manner and  
19 contact will be made with Larry Fisher  
20 after the long weekend."

21 Next page, there is a comment here, looks like  
22 you are contacted by:

23 "Dave Yanko, *Star Phoenix* ... called and  
24 inquired about the *Milgaard* case and  
25 asked if the RCMP were investigating.



1 He then handed me over to another  
2 reporter by the name of Kim, who said  
3 she had just finished talking with  
4 Mrs. Milgaard. Kim asked about the  
5 case, I indicated that our file had been  
6 opened, however I was unsure what had  
7 been released by Mrs. Milgaard and I  
8 explained to the reporter I was hesitant  
9 to reveal details of anything at this  
10 time. I also explained I did not intend  
11 this reluctance to provide information  
12 as a refusal to cooperate, however this  
13 will come about at the appropriate  
14 time."

15 Can you just elaborate on that, Mr. Pearson?

16 A Well this was just dealing with the, dealing with  
17 the media, you know. The information was now out  
18 there and everyone wanted to get details and, you  
19 know, without slamming the phone in their ear you  
20 are trying to be diplomatic and tell them, you  
21 know, that you can't release anything or discuss  
22 it at this point and at the appropriate time the  
23 information will be available.

24 Q Were you concerned about the media reporting your  
25 position as being a refusal to cooperate or --



1           A           No, that really wasn't my -- I don't know if they  
2                        ever did, but that really wasn't my concern at the  
3                        time, it was just trying to have a rapport with  
4                        the media as well to indicate that they had a  
5                        right to have information but the appropriate  
6                        information at the appropriate time.

7           Q           And what would be the reason for not telling them  
8                        "lookit, I've interviewed Larry Fisher twice, he's  
9                        a good suspect, I'm trying to get him to do a  
10                      polygraph, I'm trying to get a statement, I don't  
11                      have enough to charge him but I'm working on it"?

12          A           Well that's improper to put the person's name out  
13                      there at this stage. I mean there is a right to  
14                      privacy, I suppose, and as a peace officer that  
15                      would be inappropriate.

16          Q           What about not using his name but saying "there is  
17                      a suspect I'm looking at, he's a suspect, I've  
18                      interviewed him twice, I'm trying to get him to  
19                      give us polygraph and a statement, and we're still  
20                      pursuing him"; would that --

21          A           Well I think, in terms of my attempts to develop a  
22                      rapport with Fisher, again, you know, when Fisher  
23                      sees this it could impact on the relationship I  
24                      was trying to develop with him. There was already  
25                      a lot of information on the story that was out



1           there, I am not sure my name coming into it is --  
2           was going to really change the story, but it  
3           could -- could have changed how it unfolded for me  
4           and Larry.

5           **Q**       Then, if we can just go down to 145, looks as  
6           though -- actually, just go up to 143. Looks as  
7           though Mr. Williams called you and that:

8                       "... Commissioner Inkster of the RCMP  
9                       was questioned by the House Justice  
10                      Committee whether he had received a  
11                      request from the Minister of Justice for  
12                      RCMP assistance on the *Milgaard* case."

13           And:

14                      "Mr. Williams is preparing a response  
15                      ...",  
16           showing that you are involved, so at this point  
17           it looks as though at the -- at the -- at least  
18           at the Parliament level issues as between the  
19           RCMP and justice committee are being probed -- or  
20           the Justice Department are being probed by the  
21           House Justice Committee; is that right?

22           **A**       Yes.

23           **Q**       And was this something unusual?

24           **A**       I don't know, like I'm not sure how things work at  
25           the executive level of government and the RCMP, at



1 the Commissioner level, I -- I couldn't comment.

2 Q And May 17th, 1990:

3 "I received a letter from Steven Carter,  
4 Fisher's lawyer, advising Fisher will  
5 talk to me, however, not until the end  
6 of May."

7 And if we could call up 284335, please and this  
8 is a letter of May 16th, 1990 from Mr. Carter to  
9 you and he says:

10 "I understand from my client that you  
11 did indeed attend the Penitentiary to  
12 speak to Mr. Fisher, some time after our  
13 last telephone conversation.",  
14 and then goes on to say he will meet at the end  
15 of May. Did you ever hear from Mr. Carter  
16 expressing displeasure about you meeting with his  
17 client without telling him?

18 A No. I mean, other than this correspondence.

19 Q This is probably an appropriate spot to break, Mr.  
20 Commissioner.

21 COMMISSIONER MacCALLUM: Just a second.  
22 Irene, Monday, November 21st, 1:30 p.m. at the  
23 Sheraton Cavalier, Top of the Inn? Thanks.

24 (Adjourned at 3:58 p.m.)  
25



1        **OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES:**

2        We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,  
3        Official Queen's Bench Court Reporters for the Province of  
4        Saskatchewan, hereby certify that the foregoing pages  
5        contain a true and correct transcription of our shorthand  
6        notes taken herein to the best of our knowledge, skill,  
7        and ability.

8  
9  
10  
11  
12        \_\_\_\_\_, CSR

13        Karen Hinz, CSR

14        Official Queen's Bench Court Reporter

15  
16  
17  
18        \_\_\_\_\_, RPR, CSR

19        Donald G. Meyer, RPR, CSR

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