

*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  
Sheraton Cavalier Hotel at  
Saskatoon, Saskatchewan

\*\*\*\*\*

On Wednesday, February 16th, 2005

Volume 17

Inquiry Proceedings



**Commission Staff:**

*Mr. Douglas C. Hodson,* Commission Counsel  
*Jordan Hardy, Esq.,* Assistant Commission Counsel  
*Ms. Candace D. Congram,* Executive Director  
*Ms. Sandra Boswell,* Document Manager  
*Ms. Kara Isabelle,* Document Assistant

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*Mr. Donald G. Meyer, RPR, CSR,*  
*Mr. Jerry Wilde,* Security Officer  
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**Appearances :**

*Mr. Hersh Wolch, Q.C.,*            **for** Mr. David Milgaard  
*Mr. James Lockyer,*            **for** Ms. Joyce Milgaard  
*Ms. Lana Krogan,*              **for** Government of Saskatchewan  
*Ms. Catherine Knox,*          **for** Mr. T.D.R. (Bobs) Caldwell  
*Mr. Jay Watson, Esq.,*         **for** Mr. Serge Kujawa  
*Mr. John Beckman, Q.C.,*      **for** the Saskatoon Police Service  
*Mr. Aaron Fox, Q.C.,*          **for** Mr. Eddie Karst  
*Mr. Bruce Gibson,*            **for** the RCMP  
*Mr. Eamon O'Keefe, Esq.,*     **for** Mr. Larry Fisher



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**Transcript of Proceedings**

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

Mr. Hardy?

MR. HARDY: Good morning, Mr. Commissioner.

We're ready to proceed with our first witness today, Craig Melnyk. I would ask Craig to come forward.

**CRAIG ALFRED MELNYK**, sworn:

MR. HARDY: Mr. Commissioner, I should note that Mr. Melnyk is here today with his counsel, Russell Chamberlain, and I would like to introduce you to Mr. Chamberlain.

COMMISSIONER MacCALLUM: Good morning, Mr. Chamberlain.

MR. CHAMBERLAIN: Good morning.

**BY MR. HARDY:**

**Q** Good morning, Mr. Melnyk.

**A** Good morning.

**Q** Thank you for agreeing to testify at this Commission of Inquiry this morning. I understand that you are currently living in British Columbia?

**A** That's correct.

**Q** And can you tell us, sir, what you are doing there?



1 A A contractor.

2 Q And you've been there for some years now?

3 A 15 years.

4 Q And I understand that you previously resided in  
10:01 5 Regina?

6 A That's correct.

7 Q And you were in Regina during your teen years?

8 A Yes.

9 Q And what is your date of birth?

10:01 10 A November 23rd, 1952.

11 Q And as of January, 1969 then, Mr. Melnyk, how old  
12 would you have been?

13 A 16.

14 Q And do you recall whether you were going to school  
10:01 15 at that time?

16 A I was just finished school and -- yeah, just  
17 finished school.

18 Q And what were you generally doing with your time  
19 at that point in your life, Mr. Melnyk?

10:01 20 A I worked in the construction industry as much as I  
21 could.

22 Q And we're talking about when you were 16 years  
23 old?

24 A Yeah, right after I quit school, yeah.

10:02 25 Q And am I correct then, you associated with a



1 number of friends at that time?

2 A Yes.

3 Q And that included George Lapchuk?

4 A Yes.

10:02 5 Q And how had you come to know George Lapchuk?

6 A He lived on the same street, we grew up together,  
7 went to school together.

8 Q And he was a good friend of yours?

9 A Yes.

10:02 10 Q Would you consider him your best friend at the  
11 time?

12 A Yes.

13 Q And you also spent time with Bob Harris?

14 A Yes.

10:02 15 Q Ron Wilson?

16 A Yes.

17 Q Ute Frank?

18 A Yes.

19 Q David Milgaard?

10:02 20 A Yes.

21 Q Deborah Hall?

22 A Yes.

23 Q Sharon Williams?

24 A Yes.

10:02 25 Q Nichol John?



1 A Yes.

2 Q Albert Cadrain?

3 A No.

4 Q And how long prior to 1969, Mr. Melnyk, had you  
10:02 5 known David Milgaard?

6 A A couple of years.

7 Q And do you recall how you had met him?

8 A No, I don't.

9 Q And what sorts of activities do you recall  
10:03 10 yourself and David engaging in at that time?

11 A We would hang out together, party together.  
12 That's pretty much it.

13 Q And were drugs a part of your activities together?

14 A Yes.

10:03 15 Q And what kinds of drugs?

16 A Oh, marijuana, hashish, mescaline, drug store  
17 drugs, like, stuff that you would buy off the  
18 shelf, I think it's called Ephidrose (ph), it's  
19 kind of like a speed, you would have to take,  
10:03 20 like, half a bottle to get high on them.

21 Q And can you give us any sense of how much and how  
22 often the group of you were consuming drugs?

23 A I don't know, I suppose I was, I don't know, a  
24 casual drug user of the '60s. I didn't live each  
10:04 25 day for drugs, no.





1 Q And how would you have described David Milgaard  
2 during this time period?

3 A Well, what I remember of him, he was a salesman  
4 selling door-to-door magazines, so when he came to  
10:04 5 town he would stay in a hotel or we would hang out  
6 downtown Regina, Victoria Park, things like that.

7 Q How would you describe his characteristics or his  
8 personality?

9 A I don't know how. Very forward kind of person,  
10:04 10 like, you knew he was there, he wasn't quiet,  
11 bouncing around, very hyper. I don't know if I  
12 would use the word aggressive, but I guess he  
13 would have partially an aggressive personality  
14 just because he would like people to know that he  
10:05 15 was there.

16 Q And you considered David a friend of yours at the  
17 time?

18 A Well, these are people that we hung out together,  
19 you know. A personal friend? You know, I guess  
10:05 20 he would be like a friend/acquaintance.

21 Q And I understand, Mr. Melnyk, that you attended at  
22 a party at a motel room in the spring of 1969?

23 A Yes.

24 Q And also in attendance was David Milgaard?

10:05 25 A Yes.



1 Q And can you tell us where specifically that party  
2 was?

3 A At the Park Lane Motor Inn or Park Lane Motel on  
4 the north end of Regina.

10:05 5 Q And do you recall how you had come to attend that  
6 party that evening?

7 A I don't remember exactly how we ended up there,  
8 but we did end up there.

9 Q Who were you with?

10:06 10 A George Lapchuk. Like, I don't even remember how  
11 we got there.

12 Q Were you with anyone else other than George  
13 Lapchuk from the best of your recollection?

14 A In the room or to go there?

10:06 15 Q Prior.

16 A Gary Silljer and that's it that I can remember.

17 Q Do you recall who you actually attended at the  
18 motel room with?

19 A Who was in the room?

10:06 20 Q No, who you attended with.

21 A I believe it was George.

22 Q And what do you recall, Mr. Melnyk, was happening  
23 in the room when you arrived?

24 A Well, Ute Frank was there and David Milgaard, Bob  
10:07 25 Harris and Debbie Hall. I don't know, what do you



1 mean by what we were doing?

2 Q What is your recollection of the activities in the  
3 room when you arrived?

4 A A bunch of people hanging around. If somebody had  
10:07 5 a hotel room like that, that would be what we  
6 would consider a party, people getting together.

7 Q Were drugs being consumed by some of the attendees  
8 at the party?

9 A I don't recall if anyone was using drugs there,  
10:07 10 like, during the time that we were there.

11 Q Do you recall whether anybody was apparently under  
12 the influence of drugs at the time that you were  
13 there?

14 A Yeah, David was.

10:08 15 Q And anybody else?

16 A Not that I can recall. It's possible. I can't  
17 recall.

18 Q Do you know what kind of drugs David was on at  
19 that time?

10:08 20 A Well, back then we did a lot of mescaline or THC  
21 which is, like, a synthetic marijuana which is,  
22 like, a chemical.

23 Q Were you under the influence of drugs on that  
24 occasion?

10:08 25 A Not that I recall.



1 Q Do you recall whether you had consumed any drugs  
2 that evening prior to attending at the motel room?

3 A No, not that I recall.

4 Q What about George Lapchuk?

10:08 5 A I don't recall.

6 Q And I understand, Mr. Melnyk, that the television  
7 was on in the room?

8 A Yes.

9 Q And it was turned up loud enough that it could be  
10:09 10 heard?

11 A Yes.

12 Q And I also understand that a news broadcast  
13 respecting the Gail Miller murder came on at some  
14 point during the evening?

10:09 15 A Yes.

16 Q Do you recall specifically who was in the room at  
17 that point?

18 A David and Ute were on the bed and I was sitting on  
19 the floor. I believe Debbie Hall was sitting in  
10:09 20 the -- well, it wasn't a closet, it was just a  
21 little wing wall, in that area, and George would  
22 have been sitting on a chair or on the floor, I  
23 can't recall.

24 Q I'm sorry if you said it, sir, but where were you  
10:09 25 situated at the time?



1 A I would be probably sitting on the floor. I  
2 believe there was only one bed in the room.

3 Q And what time was it do you recall when the news  
4 item aired?

10:09 5 A That would be 11 o'clock p.m.

6 Q And can you tell us, please, Mr. Melnyk, what you  
7 recall happening next?

8 A Well, there was a news story about a killing of a  
9 nurse in Saskatoon and that police were still  
10:10 10 searching for a suspect. Then David was on the  
11 bed and he got up on his knees, he had a pillow  
12 between his knees and he motioned his arm like a  
13 stabbing motion into the pillow and he was, like,  
14 "I stabbed her, I killed her 14 times," and then  
10:10 15 he rolled over on his side and he just started to  
16 laugh.

17 Q And do you recall whether anything had  
18 precipitated these actions by David?

19 A I'm guessing -- well, no, I'm not sure. Somebody  
10:11 20 said, was teasing David about the news cast.

21 Q Do you recall who that was?

22 A I believe it was George.

23 Q Do you know whether you had said anything of a  
24 similar nature?

10:11 25 A I can't recall.



1 Q And again where exactly was David during this  
2 incident?

3 A On the bed.

4 Q And can you recall as best you can what the exact  
10:11 5 words were that he had used at that time?

6 A "I stabbed her, I killed her 14 times, fucking  
7 bitch," and then just rolled on his side and  
8 started to laugh.

9 Q And he was still on the bed at that point?

10:11 10 A Yes.

11 Q And, Mr. Melnyk, how did you interpret David's  
12 actions at that time?

13 A Surprised. I don't know, it was like when  
14 somebody says something and you can't believe they  
10:12 15 said it, but you just sort of leave it there  
16 because -- I guess I tried to believe that he  
17 didn't say that, so you just -- I don't find it, I  
18 didn't -- I guess I didn't focus on what he had  
19 actually said, understood the true impact of what  
10:12 20 he said.

21 Q Did you believe that he was serious at the time?

22 A He looked serious.

23 Q Can you tell us something about his look from what  
24 you can recall?

10:12 25 A Just the seriousness in his facial expression,



1           like, distance looking, if somebody is distant  
2           looking when they are laughing. It's like you are  
3           laughing and you are not realizing you are  
4           laughing kind of thing.

10:13 5           **Q**       I think you had mentioned earlier that in terms of  
6           individuals who were apparently under the  
7           influence of drugs, David was one that you can  
8           recall. Prior to this incident how had he acted  
9           to give you that sense, what was he doing to tell  
10:13 10          you that he was under the influence of drugs?

11          **A**       Well, most times when you seen David he was high.  
12          He's just a very bubbly person, like, always very  
13          speedy, like, hyperactive so to speak. I mean,  
14          you can tell when people were stoned and when they  
10:13 15          weren't stoned and marijuana makes them a little  
16          more laid back and, you know, chemical drugs a  
17          little more aggressive, like, hyper.

18          **Q**       And, I'm sorry, were you saying he was also hyper  
19          though when he wasn't under the influence of  
10:14 20          drugs?

21          **A**       Yeah, he was hyper.

22          **Q**       And so when he was under the influence of drugs,  
23          and I'm talking about this evening in particular,  
24          what about his characteristics had told you that  
10:14 25          that was the case?



1 A Well, he was just more enhanced. You know, he's  
2 just naturally a hyper person and he's just, he  
3 was more hyper.

4 Q Going back to the incident and your interpretation  
10:14 5 of that incident, was it possible that David was  
6 joking?

7 A I didn't put much thought into it that he was  
8 joking.

9 Q Did you believe at the time that you had just  
10:14 10 witnessed a true confession to a murder?

11 A It didn't really sink in.

12 Q Do you recall whether you believed at the time  
13 that David had killed the nurse in Saskatoon?

14 A I don't know.

10:15 15 Q Did you get a sense, Mr. Melnyk, of how the rest  
16 of the room was reacting to David's activities?

17 A Well, when he did that activity, it -- there was  
18 basically a sudden calm in the room, like  
19 everybody just -- it was an attention-getter.

10:15 20 Q Can you recall the response of anybody in  
21 particular?

22 A No.

23 Q And can you tell us, then, what happened next?

24 A Umm, well nobody mentioned anything more about it  
10:16 25 at that point. Debbie Hall and George and Bob





1 left, and I stayed the night and I slept there, in  
2 the motel.

3 Q Ute stayed as well?

4 A Yes.

10:16 5 Q And where was Ute for the remainder of the night.

6 A On the bed with David.

7 Q And had David had any relations with Ute, sexual  
8 relations with Ute, during the course of the  
9 evening?

10:16 10 A I can't recall that.

11 Q And did Deb and George -- I'm sorry, did you  
12 mention Bob as well?

13 A Yes.

14 Q Did they all leave together?

10:16 15 A Yes, I believe so.

16 Q And do you recall when that would have been?

17 A I don't know. Within, probably within an hour  
18 after that incident.

19 Q And you then stayed the night?

10:17 20 A Yes.

21 Q And you left in the morning?

22 A Yes.

23 Q And were Ute and David still in the room when you  
24 left?

10:17 25 A Yes.



1 Q And how did you get home that morning?

2 A I walked.

3 Q And I understand, then, at the time of this event,  
4 Mr. Melnyk, you understood that David was a  
10:17 5 suspect --

6 A Yes.

7 Q -- in the Gail Miller murder?

8 A Yes.

9 Q And had you discussed this matter with David prior  
10:17 10 to this incident?

11 A Well, I didn't discuss it with him, he had  
12 broughten it up.

13 Q And tell us about that; what were the nature of  
14 those comments by David prior to this incident?

10:17 15 A He had said that he had been questioned by the  
16 police, and that they had taken a saliva test, and  
17 if the saliva test had turned out positive that he  
18 was going to be arrested.

19 Q Anything other than that that you can recall?

10:18 20 A No.

21 Q And again, Mr. Melnyk, I'm asking you to remember,  
22 from that time period, how you would have been  
23 thinking at that time period; had you formed any  
24 sort of opinion as to David's potential  
10:18 25 involvement prior to the motel room incident and



1 the, I'm sorry, involvement in the murder in  
2 Saskatoon?

3 A I don't know what I thought back then.

4 Q You have no recollection?

10:18 5 A I mean you, when you are a kid growing up and, you  
6 know, people say things to try to impress you so,  
7 you know, you just listen to it and it's -- I  
8 don't think I really formed an opinion of it.

9 Q You didn't have a belief, one way or the other,  
10:18 10 whether David was involved in the murder of the  
11 nurse in Saskatoon?

12 A Well, I didn't know at that time.

13 Q But I'm asking you to recall, from that time  
14 period, what your mindset was?

10:19 15 A What, when he told me that, about his saliva?

16 Q No, I'm talking -- yes, when he told you about the  
17 saliva, prior to the motel room incident?

18 A Well when he, when he told us about the saliva  
19 test, I didn't put too much thought into it,  
10:19 20 that -- you know, I suppose it went through my  
21 mind that, you know, this is kind of weird, but I  
22 just left it at that.

23 Q Do you recall whether your opinion of the matter  
24 changed after the motel room incident?

10:19 25 A Oh, I would think so.



1 Q And in what way?

2 A Well, it all becomes more believable at that  
3 point.

4 Q And I understand, Mr. Melnyk, that you were  
10:19 5 eventually contacted in Regina by authorities in  
6 relation to the motel room incident?

7 A Yes.

8 Q And was it you that had contacted the police in  
9 this regard?

10:20 10 A No.

11 Q The police contacted you?

12 A Yes.

13 Q And do you know how the police had learned that  
14 you may have relevant information?

10:20 15 A Umm, I was having a discussion with Ron Wilson and  
16 somehow the subject had come up, and the next  
17 thing you know the Saskatoon Police came to  
18 Regina.

19 Q You --

10:20 20 A But, like, I had told him about what had happened  
21 in the motel, in the motel room.

22 Q Do you recall when this discussion with Mr. Wilson  
23 took place?

24 A Umm, no.

10:20 25 Q Was it quite shortly before you were contacted by



1 the police?

2 A I think we had a conversation with -- or I had a  
3 conversation with Ron and it was, like, within two  
4 weeks or a week. It was quite quick, it was like  
5 --

10:20

6 Q And do you remember what you had told Mr. Wilson  
7 when you had that discussion?

8 A Umm, I'm not sure what we were totally discussing,  
9 I knew that he was appearing in Saskatoon at  
10 David's trial and I -- we were just talking, I --  
11 umm, I obviously mentioned what had happened in  
12 the motel room, and he must have told the police  
13 or someone.

10:21

14 Q And were you mentioning this information to Ron  
15 because you felt it was important information?

10:21

16 A No. I didn't, I didn't go find Ron, I just -- it  
17 came up in the conversation, I didn't really think  
18 too much of it at that time.

19 Q And when do you recall being contacted by the  
20 police?

10:21

21 A Umm, it was on a weekend, I believe.

22 Q I understand you eventually provided a written  
23 statement to the police, perhaps you could use  
24 that as a reference point; was it shortly before  
25 that or some time before that?

10:22



1 A Umm, they phoned one evening and they were in  
2 Regina the next day.

3 Q And you provided a statement at that time?

4 A Yes.

10:22 5 Q And officers then came to see you in Regina?

6 A Yeah, two detectives.

7 Q And do you recall where you met with those  
8 detectives?

9 A At the Westward Motor Inn at that time.

10:22 10 Q Do you recall the names of the detectives?

11 A Umm, no.

12 Q Were you with George during your meetings with the  
13 detectives?

14 A No, I met them without -- with just the  
10:22 15 detectives.

16 Q Did you know that George was meeting with the  
17 detectives as well?

18 A Yes.

19 Q How did you know that?

10:22 20 A I think we drove down there together, and he  
21 waited in the lobby, I think.

22 Q I'm sorry, drove down, I understood that the  
23 police had come to Regina --

24 A That's right.

10:23 25 Q -- to meet with you?



1 A Well, we went to the Westward Motor Inn in Regina.

2 Q Okay. You believe that you and George had driven  
3 to the motel room together?

4 A Most likely, yes.

10:23 5 Q And do you have any recollection of what the  
6 officers would have said to you when you met them  
7 in Regina?

8 A Umm, they had asked me about the conversation that  
9 I had had with Ron Wilson and the subsequent, what  
10:23 10 had happened in the motel room.

11 Q And you provided that information to them at that  
12 time?

13 A Yes.

14 Q And do you recall, generally, how you were treated  
10:23 15 by the detectives on that occasion?

16 A Fine.

17 Q You had no complaint?

18 A No.

19 Q And, as we've mentioned, you provided a written  
10:23 20 statement, then, on that occasion?

21 A Yes.

22 Q I'm going to show you a copy of the statement,  
23 Mr. Melnyk, you provided to the police at that  
24 time. If we could bring up document 009136,  
10:24 25 please, and focus in on this top portion



1 initially; you see your name, Craig Alfred  
2 Melnyk; --

3 A Yes.

4 Q -- place, Regina; date, I believe that reads  
10:24 5 January 19th, 1970; time, 2:00 p.m., and if we  
6 could scroll down to the text, please. I'm going  
7 to read this statement to you, Mr. Melnyk, and get  
8 your comments on it:

9 "I have known David Milgaard for a couple of  
10:24 10 years. Last year in early summer I was with  
11 George Lapchuk here in Regina and happened  
12 to meet David Milgaard one evening, at the  
13 Park Lane Motel. I don't remember the exact  
14 month or date. When we got there David  
10:25 15 answered the door, he was naked and invited  
16 us in."

17 That would be an accurate account of the  
18 information you provide to officers at the time?

19 A Yes.

10:25 20 Q Truthful information?

21 A Yes.

22 Q And, I'm sorry, could we -- actually, if you could  
23 just scroll down a little bit more on the  
24 document, I should have had you take a look at  
10:25 25 this signature, Craig; is that your signature?





1 A Yes.

2 Q And it would appear that you were with Eddie  
3 Karst, at the time, who witnessed this statement.  
4 Continuing on from where we were:

10:25 5 "He continued to have intercourse with the  
6 girl on the bed this was Ute Frank 318 Rose  
7 Street North. There was also another girl  
8 there on a chair Debbie Hall, I think she is  
9 in Vancouver now. During the course of the  
10:25 10 evening Hopy had intercourse with Ute  
11 several more times and was taking T.H.C., a  
12 form of marijuana taken by needle. I could  
13 tell he was under the influence of a drug  
14 but he still knew what he was saying."

10:26 15 Again, that would be an accurate account of the  
16 information you provided at that time,  
17 Mr. Melnyk?

18 A Yes.

19 Q And that was truthful information at that time?

10:26 20 A Yes.

21 Q Continuing on:

22 "We watched the late show and news and there  
23 was something about the nurse murder in  
24 Saskatoon on it. George said something to  
10:26 25 David about it and David sort of went crazy,



1 he stabbed the pillow with his hand and was  
2 saying "I killed her, I killed her, I fixed  
3 her." Then he rolled on the bed a while and  
4 laughed hysterically. I said "he must be  
10:26 5 crazy enough to do that" and he said "yeh  
6 man I did it".

7 And does that refresh your memory, that  
8 statement, Craig, in terms of the activities that  
9 you had previously been describing for us?

10:27 10 A Yes.

11 Q And is that information that I have just read to  
12 you an accurate account of the information that  
13 you provided to officers at the time?

14 A Yes.

10:27 15 Q And that was truthful information?

16 A Yes.

17 Q Reading forward:

18 "That passed over and George and Debbie left  
19 and I stayed the night with Hoppy and Ute  
10:27 20 and left in the morning before they did. I  
21 haven't seen Hoppy since.

22 The night I stayed at the motel  
23 I slept on the floor and didn't have  
24 intercourse with any of the girls. Knowing  
10:27 25 David I think he is capable of murder



1                   because of his personality. One minute he  
2                   is real nice and the next he goes off the  
3                   deep end."

4                   Again, generally that portion I just read to you,  
10:27 5                   is that an accurate account of information you  
6                   had provided?

7           A           Yes.

8           Q           And to this point in the statement I do not see  
9                   mention of Bob Harris?

10:27 10          A           Yes.

11          Q           Was your recollection, at the time, that Bob  
12                   Harris was at the motel room?

13          A           Yes.

14          Q           Okay. And you didn't provide that information to  
10:28 15                   the police officers?

16          A           No. I don't know why.

17          Q           Okay. And in terms of that last portion, where  
18                   you are commenting on David and what you think he  
19                   was capable of, do you recall giving that  
10:28 20                   information to the officer at that time?

21          A           Yes.

22          Q           And can you expand -- and, again, I'm asking you  
23                   to indicate what you knew and understood at that  
24                   time or believed -- can you expand on what it was  
10:28 25                   about David that had caused you to make this



1 comment?

2 A Well, like I said, he is a very hyper person, umm,  
3 and under the influence of drugs it just only  
4 amplifies it. I mean that's why they nicknamed  
10:28 5 him Hoppy, because he bounced around all the time,  
6 very, very hyper.

7 Q And that had given you the impression, at that  
8 time, that David was capable of murder?

9 A Well, I would -- I would -- if this is what I had  
10:29 10 said at that time, then I would say that my memory  
11 would be a lot fresher at that time than it is  
12 today.

13 Q Okay. I'm going to read on on the statement:

14 "I have never had a fight or any ill  
10:29 15 feelings towards Hoppy. On this evening I  
16 was not on drugs or ...,"

17 and I haven't been able to read that word,  
18 perhaps it's --

19 UNIDENTIFIED SPEAKER: Pot.

10:29 20 BY MR. HARDY:

21 Q "Pot"? Thank you.

22 "... drugs or pot nor was I suffering from  
23 the effects of any. Some time before this  
24 David had mentioned to me he hoped his  
10:29 25 saliva test didn't turn out positive or he



1                   would be in trouble and be arrested."

2                   Again, is that an accurate account of information  
3                   you would have provided to officers at the time,  
4                   Mr. Melnyk?

10:29 5           A           Yes.

6           Q           That was truthful information?

7           A           Yes.

8           Q           Was there anything that you advised the police  
9                   officers at that time that was not included in the  
10:30 10           statement that we have just read?

11          A           What do you mean "advised?"

12          Q           From the best of your recollection now was there  
13                   any other information that you provided to the  
14                   police officers during your meeting on January  
10:30 15           19th, 1970 that wasn't included in the statement?

16          A           No.

17          Q           Okay. And you were aware, at that time, that  
18                   David was standing trial for murder?

19          A           Yes.

10:30 20          Q           And did you understand, at that point in time,  
21                   that you were going to be required to testify at  
22                   David's trial?

23          A           Yes.

24          Q           And you understood that you were providing  
10:30 25                   information that might assist the Crown in their



1 case against David Milgaard?

2 A Yes.

3 Q And moving forward, now, to this time period,  
4 January 19th, 1970, had you -- tell me about your  
5 belief at that point in time in terms of David's  
6 guilt or innocence in relation to that crime?

7 A I don't know. When do you mean, like?

8 Q I'm sorry, at the time of giving the statement.  
9 We had talked about your belief at the time of the  
10 motel room incident and prior to that incident,  
11 and we've moved forward now in time to January of  
12 1970. Do you recall, at the time that you were  
13 talking to the detectives, whether you had formed  
14 an opinion on David's guilt or innocence?

15 A Umm, I can't recall if I had an opinion at that  
16 time or not.

17 Q And I understood that, prior to January 1970, you  
18 had not previously approached authorities with  
19 respect to this information?

20 A No.

21 Q And can you tell us why you had not?

22 A Well, it wasn't the thing to do. You know, we  
23 were a bunch of young, little criminals back then,  
24 and it -- you just didn't do that, you didn't  
25 approach the police to tell them anything, it was,



1           like, you just didn't do that.

2           **Q**       And, Mr. Melnyk, you were asked to testify at the  
3           trial of David Milgaard?

4           **A**       Yes I was.

10:32 5           **Q**       And do you remember whether you met with the  
6           prosecutor prior to testifying?

7           **A**       Yes, I believe I did.

8           **Q**       Do you recall on how many occasions?

9           **A**       I think just the once when we attended the trial.

10:32 10          **Q**       And do you recall what transpired during that  
11          meeting with the prosecutor?

12          **A**       I just believe that he just reviewed what I had  
13          written in my statement and that was pretty much  
14          it.

10:32 15          **Q**       Nothing else, from the best of your recollection?

16          **A**       Not that I can recall.

17          **Q**       Did you meet with David's lawyer prior to  
18          testifying?

19          **A**       Not that I recall.

10:32 20          **Q**       Do you recall whether attempts were made by  
21          David's lawyer to meet with you prior to providing  
22          your testimony?

23          **A**       No, not that I recall.

24          **Q**       I'm going to refer you now, Mr. Melnyk, to a  
10:33 25          transcript of your testimony, it's document ID



1 002134. You will see, at the top portion,  
2 reference to your name testifying.

3 And I think we can put a date on  
4 this, if we could bring up doc. ID 174714, and  
10:33 5 just before you do that we'll note it's page 1010  
6 at the top. And, again, if we could bring up  
7 document 174714, and page 174736 of that document,  
8 please, we'll see page 1009 at the top. And if we  
9 could focus in on this top portion, please, I note  
10:33 10 the date being January 28th, 1970.

11 And then if we can return,  
12 please, to 002134, and your testimony begins. I'm  
13 going to read you some portions of this testimony,  
14 Mr. Melnyk, and get your comments on those. If we  
10:34 15 could turn, please, to page 002138 and focus in on  
16 this portion at the bottom, please, and I believe  
17 at this point you are speaking of your arrival at  
18 the Park Lane Motel:

19 "Q . . . ,"  
10:34 20 and this is Mr. Caldwell examining you, Mr.  
21 Melnyk:

22 "Q When you got there did you go to a  
23 particular room?

24 A Yes.

10:34 25 Q And do you yourself remember the room





1 number or not?

2 A No."

3 The next page, please:

4 "Q And did you knock on the door?

10:34 5 A Yes.

6 Q And who answered?

7 A David.

8 Q And anytime you say David you are  
9 talking about the accused Milgaard, are  
10:35 10 you?

11 A Yes.

12 Q Did you and George go in?

13 A Yes.

14 Q Now, who was there when you arrived?

10:35 15 A There was David and Ute ..

16 Q .. alright now, is that a girl?

17 A Yes."

18 At this point the judge had a question for you,  
19 Mr. Melnyk:

10:35 20 "Q How do you spell that?

21 A U-T-E; and her last name is Frank.

22 MR. CALDWELL:

23 Q Ute Frank - anyone else?

24 A Debbie Hull.

10:35 25 Q Did you know those two girls before?



1 A Yes.

2 Q What time would you estimate you arrived  
3 there?

4 A About ten thirty.

10:35 5 Q And that would be p.m.?

6 A Yes."

7 And, again, I don't see mention -- I'll pause  
8 there for a moment. First of all, is that a  
9 truthful account of information as you would have  
10:35 10 provided it at that time, Mr. Melnyk?

11 A Yes.

12 Q And I don't see mention to Mr. Harris or  
13 Mr. Silljer; does this refresh your memory in  
14 terms of your recollection, at that time, as to  
10:36 15 whether Mr. Harris was at the motel room on the  
16 evening in question?

17 A Yes. I can't explain why I never mentioned Bob's  
18 name.

19 Q Am I correct, then, that your understanding at  
10:36 20 this time, your recollection at the time of  
21 providing your testimony, was that Bob Harris was  
22 at the room on the evening in question?

23 A Yes.

24 Q Okay. I move forward, please, to the next page to  
10:36 25 002140. If we zoom in on, starting at the bottom



1 of the page, Mr. Caldwell questioning, and, again,  
2 this is speaking of the news coming on the  
3 television:

4 "Q Whatever station this was did there come  
5 a local news segment so to speak?

10:36

6 A Yes."

7 Next page:

8 "Q What time do you recall that as being?

9 A About eleven fifteen.

10:36

10 Q And was that still on and the volume  
11 still on?

12 A Yes.

13 Q Now, when the local news came on and  
14 throughout it, was it still the same  
15 group of people in the room you've  
16 already mentioned - you, George, David  
17 Milgaard and the two girls?

10:37

18 A Yes.

19 Q No one new?

10:37

20 A No.

21 Q And nobody left?

22 A No."

23 And I take it again, Mr. Melnyk, that this  
24 portion, if indeed it is suggesting that you were  
25 indicating that these were the only individuals

10:37



1 present, would be inaccurate to the extent that  
2 your recollection at that time was that Bob  
3 Harris was also present?

4 A That's correct.

10:37 5 Q And, otherwise, that portion is true and accurate?

6 A Yes.

7 Q If we move to page 002142, please, and beginning,  
8 please, at the top of the page, if we could focus  
9 in on that portion:

10:37 10 "Q Now, what happened after that came on  
11 the news?

12 A Somebody asked David - like, before he  
13 was talking about a saliva test that  
14 if it turned positive that they were  
10:38 15 going to arrest him for this."

16 Again, the judge had some questions for you at  
17 this point, Mr. Melnyk:

18 "Q Just a minute please; before this news  
19 went on are you saying that there was  
10:38 20 some discussion about a saliva test?

21 A Yes.

22 Q Just a minute please; and that was by  
23 the accused, was it - Milgaard?

24 A Yes.

10:38 25 Q And what did you say - and if the saliva



1 test what?

2 A Turned positive then he would be  
3 arrested.

4 Q This was before the news started?

10:38 5 A Yes, this was before this motel room.

6 Q Oh before - sometime before you went to  
7 the motel room?

8 A Yes.

9 Q Some other day?

10:38 10 A Yes."

11 Then Mr. Caldwell continues:

12 "Q And I take it that other discussion at  
13 an earlier time you and David were  
14 involved in that, were you?

10:39 15 A Yes; like there was me and David and  
16 George different times and at the  
17 motel room somebody asked him if he  
18 did it, like we used to kid him about  
19 it."

10:39 20 And:

21 "THE COURT: Just a minute please, I want to  
22 get that straight -

23 Q You say you used to kid him about it?

24 A Yes.

10:39 25 Q Before this incident at the motel room?



1 A Yes.

2 THE COURT: Yes - at the motel room - go  
3 ahead.

4 MR. CALDWELL:

10:39 5 Q Now, when this news item was completed  
6 so to speak, what happened at the motel  
7 room?

8 A Somebody asked David if he had did it  
9 referring ..

10:39 10 Q .. do you recall who it was?

11 A No I don't.

12 THE COURT:

13 Q Was it a man or a woman?

14 A I couldn't say for sure.

10:39 15 Q Yes - go ahead?

16 A He got up on his knees on the bed and  
17 he put a pillow between his legs, sort  
18 of half between his legs and half on  
19 the bed.

10:39 20 MR. CALDWELL:

21 Q Alright, you'll have to talk up, Craig;  
22 it's hard to hear you.

23 THE COURT:

24 Q He got up on his knees and he put a  
10:40 25 pillow where - between his knees?



1 A Yes."

2 Just pausing there for a moment, Mr. Melnyk, is  
3 that an accurate account of the information you  
4 would have provided at the time?

10:40 5 A Yes.

6 Q And truthful information at that time?

7 A Yes.

8 Q And I noted that I believe, today, you told us  
9 that your recollection is that George may have  
10:40 10 been the one who had begun to joke with David on  
11 that evening in question?

12 A Yes.

13 Q And you didn't recall that at this point in time?

14 A No.

10:40 15 Q If we turn to the next page please, 002144, and  
16 we'll start in the middle of the page. Zoom in  
17 here, please, this is Mr. Caldwell continuing with  
18 his questions:

19 "Q Yes - go ahead?

10:40 20 A And he started hitting the pillow like  
21 he was stabbing something.

22 Q Just a minute please - go ahead?

23 A He was hitting the pillow like he was  
24 stabbing something and he said - I  
10:41 25 killed her or something fourteen



1 times.

2 Q I killed her ..

3 A I'm not sure if it was - I killed her  
4 - but fourteen times was in there.

10:41 5 It's was either "I killed her .." or  
6 "I stabbed her fourteen times."

7 Q You're sure it was either killed or  
8 stabbed?

9 A Yes.

10:41 10 Q Yes?

11 A And then he said "I fixed her".

12 Q Yes?

13 A And then he sort of rolled on his side  
14 and started laughing."

10:41 15 I'll pause there, Mr. Melnyk; was that an  
16 accurate account of the information you provided  
17 during your testimony at that time?

18 A Yes.

19 Q And that was truthful information from the best of  
10:41 20 your recollection?

21 A Yes.

22 Q And then if we continue on, just down from there,  
23 starting at Mr. Caldwell:

24 "Q Craig, do you recall whether this was  
10:41 25 done with one or both or either hand or





1                   what the situation was?

2                   A     I can't remember.

3                   Q     Pardon?

4                   A     I can't remember.

10:41 5                   Q     Now, what happened when this took place?

6                   A     The room sort of - just everybody just  
7                   sat there and just sort of looked in a  
8                   daze like.

9                   Q     And what happened then?

10:42 10                  THE COURT:

11                  Q     Just a minute please; was there anything  
12                  more said?

13                  A     No.

14                  Q     Yes?

10:42 15                  A     And the subject was dropped."

16                  Mr. Caldwell then continued:

17                  "Q     And after that did some people  
18                  eventually leave - did some of the  
19                  people leave eventually?

10:42 20                  A     Yes; Debbie Hull asked George to drive  
21                  her home.

22                  Q     And did they leave?

23                  A     Yes.

24                  Q     And did you leave then or later?

10:42 25                  A     No, I stayed the night.



1 THE COURT:

2 Q Just a minute please; you stayed the  
3 night?

4 A Yes.

10:42 5 Q Who also stayed the night?

6 A There was Ute Frank and David.

7 Q What happened to George - did he come  
8 back?

9 A No, he went home.

10:43 10 MR. CALDWELL:

11 Q And that other girl I take it when she  
12 left stayed out too?

13 A Yes."

14 When you hear me read that, Mr. Melnyk, does that  
10:43 15 sound like an accurate and truthful account of  
16 the information that you would have provided  
17 during your testimony at that time?

18 A Yes.

19 Q And it was your impression at that time that  
10:43 20 Mr. Lapchuk had driven Deborah Hall home?

21 A Yes.

22 Q And if I continue on from where we were -- sorry,  
23 I've lost my way a bit here. There we go.

24 "Q Now --"

25 This is Mr. Caldwell continuing.



1 "Q Now, during the time you were in the  
2 motel room - and you understand I'm  
3 talking about from when you arrived  
4 through this whole episode until you  
10:43 5 left - were you under the influence of  
6 any liquor or intoxicant or any drug or  
7 LSD or anything of that sort whatever?

8 A No."

9 The court then had some questions for you.

10:43 10 "THE COURT:

11 Q Just a minute please; had you taken any?

12 A No.

13 Q Do you take drugs?

14 A Yes.

10:44 15 Q Were you taking drugs then at that time,  
16 I mean had you been taking drugs before  
17 that at some time or other?

18 A Yes.

19 Q How long was it before you took drugs on  
10:44 20 that particular evening?

21 A Before that evening?

22 Q Yes.

23 A About two or three days I think."

24 And that's an accurate and true account of the  
10:44 25 information that you would have provided at that



1 time, Mr. Melnyk?

2 A Yes.

3 Q Your testimony then moves to the cross-examination  
4 that was being conducted by David's lawyer. I'll  
10:44 5 just read a couple of those portions to you. If  
6 we could turn, please, to page 002151 and focus in  
7 beginning at that portion, and again David's  
8 counsel is posing these questions to you, Mr.  
9 Melnyk, at that time.

10:45 10 "Q And I suggest to you, Mr. Melnyk, that  
11 when you were in the room with David  
12 that particular night he was what you  
13 would call high?

14 A Yes.

10:45 15 Q In other words, by that I mean that he  
16 was obviously under the influence of  
17 something?

18 A Yes.

19 Q Which you took to be perhaps something  
10:45 20 similar to the stuff you had taken on  
21 occasion?

22 A Yes.

23 Q There wasn't any liquor around?

24 A No.

10:45 25 Q Now, I suggest to you that actually when



1                   you told my learned friend that you used  
2                   to kid around with David about this  
3                   business of the Miller murder, you did  
4                   that because you knew that the police  
10:45 5                   had questioned him in Regina on a number  
6                   of occasions?

7                   A    I took it that he was questioned here.

8                   Q    I see; well, in any event you had been  
9                   kidding him about it?

10:45 10                  A    Yes.

11                  Q    Because you knew he had been questioned  
12                  prior to this date?

13                  A    Yes.

14                  Q    Yes; and as a matter of fact I suggest  
10:45 15                  to you that when he was there in the  
16                  room this fellow Lapchuk started what  
17                  you would call bugging David about this?

18                  A    Yah, like he just brought the subject  
19                  up. "

10:46 20                  Again, Mr. Melnyk, true and accurate account of  
21                  the information as you would have known it at  
22                  that time?

23                  A    Yes.

24                  Q    And we can move down the page a little bit,  
10:46 25                  please, starting right here, Mr. Tallis



1 continuing:

2 "Q And who was carrying the brunt of the  
3 kidding on the night in question?

4 A I couldn't say for sure.

10:46 5 Q Well, would you agree with me that  
6 George Lapchuk probably started it at  
7 least?

8 A I couldn't say.

9 Q You couldn't remember?

10:46 10 A No.

11 Q Well, did you participate in the kidding  
12 on that occasion that night?

13 A I don't think so

14 Q You don't think so; well now, did any of  
10:46 15 the girls participate in the kidding?

16 A I don't know.

17 Q So the only one you can remember doing  
18 any kidding as you use the term was  
19 Lapchuk?

10:46 20 A Yes."

21 Truthful and accurate account of the information  
22 that you provided at that time?

23 A Yes.

24 Q And does that fit with your recollection today,  
10:47 25 Mr. Melnyk?



1 A Yes.

2 Q And moving down the page beginning here, please,  
3 Mr. Tallis continuing:

4 "Q And you said he started to laugh. I  
10:47 5 suggest to you that a better  
6 recollection is that he started to laugh  
7 as you describe it hysterically?

8 A Yah, well, he was laughing.

9 Q Yes; well, didn't you tell the police  
10:47 10 that he turned over on his side and was  
11 laughing hysterically?

12 A Yes.

13 Q Yes; and do you still say that today -  
14 do you agree with that today or do you  
10:47 15 wish to change what you said in that  
16 connection?

17 A Well, he was laughing.

18 Q I see; and was he not laughing  
19 hysterically?

10:47 20 A Yes.

21 Q Pardon?

22 A Yes.

23 Q Yes; and that's your recollection today?

24 A Yes."

10:47 25 The court intervened.



1 "THE COURT:

2 Q What do you mean by the word  
3 "hysterically"? You had better explain  
4 it.

10:48 5 A Well, he was laughing really really  
6 hard, like you sort of lose control of  
7 yourself."

8 Mr. Tallis continuing.

9 "MR. TALLIS:

10:48 10 Q Well, do you use it in the sense sort of  
11 crazily or something like that?

12 A Yes.

13 Q Is that the context in which you used  
14 it?

10:48 15 A Yes.

16 Q And did he laugh in this manner for  
17 quite a while?

18 A A minute or so.

19 Q Pardon?

10:48 20 A A minute or so.

21 Q A minute or so; and then as I understand  
22 it sometime after this news item and  
23 after this discussion the two of them  
24 left - Debbie and George left?

10:48 25 A Yes.





1 Q And you stayed there the night?

2 A Yes.

3 Q And did you leave the next day?

4 A Yes, I left in the morning."

10:48 5 And is that a truthful and accurate account of  
6 the information as you would have recalled it at  
7 that time, Mr. Melnyk?

8 A Yes.

9 Q And if you were to describe David's laughing after  
10:48 10 the stabbing incident, would this accurately  
11 capture your recollection?

12 A Yes.

13 Q If we move forward, please, to page 002155, start  
14 in the middle of the page here, please. Again  
10:49 15 they are talking about the incident at the motel  
16 room, Mr. Tallis continuing:

17 "Q Well now, I suggest to you, Witness,  
18 that you never said a word along these  
19 lines to the police until fairly recent  
10:49 20 times; is that correct?

21 A Lines of what?

22 Q Well, you never mentioned anything about  
23 this incident..?

24 THE COURT:

10:49 25 Q You didn't tell the story?



1 A Until?

2 MR. TALLIS:

3 Q Fairly recently?

4 A No.

10:49 5 Q As a matter of fact you didn't tell this  
6 story to any police officers until you  
7 yourself had been charged with armed  
8 robbery, isn't that right? Wasn't it  
9 after you were charged with armed  
10:49 10 robbery?

11 A Yes.

12 Q Yes; and isn't it a fact that you were  
13 hoping to get the police to withdraw  
14 this charge of armed robbery in Regina?

10:50 15 A No.

16 Q Because you had an alibi?

17 A No - because I had an alibi?

18 Q Yes.

19 A Yes.

10:50 20 Q Yes; you were hoping to get them to  
21 withdraw it, weren't you?

22 A Yes.

23 Q Yes; and you still hope that it will be  
24 withdrawn..?

10:50 25 A Yes.



1 Q .. because of your alibi?

2 A Yes.

3 Q And you were supposed to be in court  
4 there today, weren't you?

10:50 5 A Yes.

6 Q I see; on this armed robbery charge in  
7 Regina?

8 A Yes."

9 Accurate account of the information you would  
10:50 10 have provided at that time, Mr. Melnyk?

11 A Yes.

12 Q And truthful?

13 A Yes.

14 Q Do you recall when you had been arrested on this  
10:50 15 armed robbery charge that they are speaking of?

16 A August 3rd, 1969.

17 Q And it was still pending at this point when you  
18 were testifying?

19 A Yes.

10:50 20 Q And does that refresh your memory, had you  
21 originally been scheduled to be in court on that  
22 charge in Regina at the time that you ended up  
23 testifying at the David Milgaard trial?

24 A Yes.

10:51 25 Q So I move ahead, please, to page 002158, focus in



1 on this portion here, starting there, please,  
2 Mr. Tallis continuing:

3 "Q You've been searched quite a few times;  
4 and have you ever been approached about  
10:51 5 being a possible informer in connection  
6 with drugs and so on?

7 A What do you mean?

8 THE COURT:

9 Q Have you ever been asked to be a  
10:51 10 "stooly"?

11 MR. TALLIS:

12 Q Stool pigeon?

13 A Yes, I was asked.

14 Q You were asked; and were you offered so  
10:51 15 much a head for anybody you would turn  
16 in?

17 A Yes.

18 Q How much per head were you offered?

19 A Five hundred dollars.

10:51 20 Q Five hundred dollars a head?

21 A Hmm.

22 Q Are you sure it wasn't just fifty?

23 A Positive.

24 Q It was five hundred dollars?

10:52 25 A Yes.



1 Q Well now, who made this offer to you?

2 A The City Police.

3 Q The City Police; that's in Regina, not  
4 Saskatoon?

10:52 5 A Yes.

6 MR. TALLIS: We don't have that kind of  
7 money here.

8 THE COURT:

9 Q Did you accept it?

10:52 10 A No."

11 And that would be accurate information as you  
12 relayed it at that time, Mr. Melnyk?

13 A Yes.

14 Q Move forward, please, to page 002161. Mr. Tallis  
10:52 15 has concluded his questions at this point,  
16 Mr. Melnyk, but the court had some further  
17 questions for you. If we start at the top, focus  
18 in on that portion, please.

19 "THE COURT: Now, Mr. Tallis, I'm not at all  
10:52 20 satisfied if I may say so with respect  
21 to some of the information which I think  
22 should be obtained from this man and I  
23 thought I'd ask the questions and I  
24 think it would only be fair that I allow  
10:52 25 you to cross-examine on anything arising



1 out of it in view of the seriousness of  
2 this matter -

3 Q You say that this incident took place  
4 sometime in May of 1969?

10:53 5 A Yes.

6 Q When is the first time that you ever  
7 mentioned it to anybody?

8 A This incident?

9 Q That is this incident in the motel which  
10:53 10 you have just related to the effect that  
11 the accused had said that he had stabbed  
12 or killed somebody fourteen times - when  
13 did you first mention that to anybody?

14 A The last time I can remember was two  
10:53 15 weeks ago.

16 Q No but the first time?

17 A Oh, I can't remember.

18 Q Well, did you ever mention it to any of  
19 your friends?

10:53 20 A I don't - I couldn't say.

21 Q The only time you ever remember  
22 mentioning it to anybody would be about  
23 two weeks ago, is that right?

24 A Yes.

10:53 25 Q To whom?



1 A To Ron Wilson.

2 Q To Ron Wilson?

3 A Yes.

4 Q Is he the Ron Wilson who was on this

10:53 5 trip that these three took - you

6 probably heard the story, haven't you?

7 A Yes.

8 Q Was he one of the two?

9 A Yes.

10:54 10 Q Where were you talking to him?

11 A Up town in Regina.

12 Q Was that before he gave evidence in this

13 case, do you know?

14 A Yes, it was before this.

10:54 15 Q Before this trial?

16 A Yes.

17 Q Who raised the subject?

18 A Ron; he was talking about coming up to

19 Saskatoon.

10:54 20 Q Yes? Did he ask you if you knew

21 anything about it or did you volunteer

22 to him?

23 A I asked him, like ..

24 Q .. just leave it at that time; don't

10:54 25 give the conversation. Did he say to



1                   you that he knew you knew something  
2                   about it or anything like that, or did  
3                   you volunteer it to him?

4                   A     I think I volunteered it to him.

10:54 5                   Q     And when is the next time you mentioned  
6                   it to anybody?

7                   A     After that occasion?

8                   Q     Yes.

9                   A     The following Monday.

10:54 10                  Q     Was that to the police?

11                  A     Yes.

12                  Q     Did the police come to you or did you go  
13                  to them?

14                  A     They came to me.

10:55 15                  Q     Where?

16                  A     In Regina, like ..

17                  Q     .. to your home?

18                  A     No; they phoned me on Sunday and they  
19                  came down on Monday.

10:55 20                  Q     Where did they see you?

21                  A     At a motel.

22                  Q     At that time had you been charged with  
23                  armed robbery?

24                  A     Yes.

10:55 25                  Q     At that time?





1 A Yes.

2 Q Were you out on bail?

3 A Yes."

4 Again, Mr. Melnyk, would that be an accurate  
10:55 5 account of information that you provided at that  
6 time?

7 A Yes.

8 Q And that was truthful information as you were  
9 providing it at that time?

10:55 10 A Yes.

11 Q And I just have one final portion to read to you,  
12 it's on the next page, 002161. Mr. Caldwell then  
13 was re-examining you and he states:

14 "Q The armed robbery charge was laid by  
10:55 15 what police department?

16 A Regina city.

17 Q Regina city; the interview you had on  
18 the Monday was with members of what  
19 police department?

10:56 20 A Saskatoon City Police.

21 Q Saskatoon City Police but it was at  
22 Regina?

23 A Yes.

24 Q I see; and as I understand you that  
10:56 25 would be about a week ago this last



1 Monday, would it?

2 A Yes."

3 Accurate account of the information you would  
4 have provided, Mr. Melnyk?

10:56 5 A Yes.

6 Q And truthful information as you would have  
7 provided it?

8 A Yes.

9 Q And with reference to your testimony, Mr. Melnyk,  
10:56 10 I just want to give the Commission a clear  
11 understanding of the dates involved. I brought up  
12 a calendar from January of 1970, if we could bring  
13 that up, please. Now, I know we know that you  
14 gave your statement on January 19th, 1970 and as  
10:56 15 well we know from previous documents filed in this  
16 proceeding that that was also the first day of the  
17 David Milgaard trial, and I believe you indicated  
18 in your testimony as well that you had talked to  
19 the police the day prior on the Sunday; is that  
10:57 20 right?

21 A No, I think it was a Monday. I think they came  
22 Sunday.

23 Q And had they phoned -- they had phoned you on a  
24 Sunday?

10:57 25 A Yeah, that was it, phoned.



1 Q And then they attended in Regina to meet with you  
2 on a Monday?

3 A Yes.

4 Q And am I correct then that you would have talked  
10:57 5 to Ron Wilson approximately the week prior to that  
6 visit?

7 A Yeah. I can't be sure of the date, but yeah.

8 Q Okay. And we noted as well from your testimony  
9 that you testified on January 28th, 1970, and  
10:57 10 there's one further document that will give us one  
11 more date on this calendar, if we can bring up,  
12 please -- it's a page of the prosecutor's notes,  
13 it's document ID 007069, and you'll see at the  
14 top, Mr. Melnyk, just talking about "Re: new  
10:57 15 witnesses, Lapchuk - Melnyk - Frank," and then we  
16 can actually scroll down, please, to the last  
17 paragraph of that page. I see reference to, "Had  
18 2 to Saskatoon, Friday January 23, and interviewed  
19 and advised T." I believe the T is for Tallis.

10:58 20 And there's one other document  
21 that we can use as a reference point, 006882,  
22 please. You'll see the date noted at the top,  
23 it's a department memo, January 23rd, 1970, if we  
24 could focus in on this middle portion, please.

10:58 25 "Witness cheques were this day handed out as



1 follows: Craig Melnyk, George Lapchuk."

2 If we go back to the calendar, please. Would  
3 that sound accurate, then, that you had met with  
4 the prosecutor on January 23rd prior to your  
10:58 5 testimony?

6 A Yes.

7 Q When you look at this calendar, then, in terms of  
8 your involvement in the trial and your involvement  
9 just prior, does that accurately capture the dates  
10:59 10 that you would have been involved?

11 A The time frame, yeah.

12 Q Okay. Mr. Commissioner, I have a copy of that  
13 document that I'll provide to your clerk. I  
14 understand this document is available in CaseVault  
10:59 15 or will be very shortly as well. Okay, we can  
16 clear that now, please.

17 After the trial concluded,  
18 Mr. Melnyk, do you recall learning that David  
19 Milgaard had been convicted?

10:59 20 A Yes.

21 Q Do you recall generally what your reaction was to  
22 that news?

23 A Um -- no, I can't.

24 Q Do you recall whether you were surprised?

10:59 25 A No, I can't remember.



1 Q You have no recollection?

2 A No.

3 Q Do you recall believing that David Milgaard had  
4 committed the crime at that point in time?

11:00 5 A No. Whether I believed -- I can't remember what I  
6 believed at that time.

7 Q Okay. And, Mr. Melnyk, I don't believe that you  
8 were contacted again by authorities in relation to  
9 this matter until approximately 20 years later in  
11:00 10 1990 by Mr. Eugene Williams. Does that sound  
11 accurate?

12 A Yes.

13 Q And do you recall meeting with Mr. Williams in  
14 1990?

11:00 15 A Yes.

16 Q What do you recall of that meeting?

17 A I just remember the day because we were just  
18 leaving for holidays and if I wouldn't have went  
19 back home I wouldn't have run into him because he  
11:00 20 was standing at my door and I forgot something.

21 Q And you proceeded to meet with them then at that  
22 point?

23 A Yes.

24 Q At your home?

11:00 25 A Yes.



1 Q And, I'm sorry, where was that at that time?

2 A That was in British Columbia.

3 Q And during this 20 year period that had lapsed,  
4 had you remained friends with some of the  
11:01 5 individuals that you've spoken of?

6 A Yes.

7 Q George Lapchuk?

8 A Yes.

9 Q Were you still good friends with George at this  
11:01 10 point?

11 A Yes.

12 Q Where was George at this point?

13 A George was also in British Columbia at that point.

14 Q Were you still friends with Bob Harris?

11:01 15 A Yes.

16 Q Did you still associate with Bob Harris?

17 A Yes.

18 Q What about Deb Hall?

19 A No.

11:01 20 Q Ute Frank?

21 A No.

22 Q I'm going to refer you to a memo by Mr. Williams  
23 relating to his discussion with you at that time,  
24 Mr. Melnyk. If I could bring up document ID  
11:01 25 155223, please. You'll see it's a memo -- if we



1 could focus in on the top portion, please. Memo  
2 dated August 5th, 1990 to the file from E.F.  
3 Williams, subject David Milgaard - interview with  
4 Craig Melnyk, and if we could scroll down, please,  
11:02 5 and focus on the first paragraph of the text.  
6 I'll read a portion of this memo to you,  
7 Mr. Melnyk, and get your comments.

8 "At 3:30 p.m. on August 1, 1990, I spoke  
9 with Craig Melnyk at the latter's residence  
11:02 10 at 5 - 12220 82nd Avenue, Surrey, British  
11 Columbia.

12 After explaining who I was and  
13 the purpose of my visit, namely, to  
14 ascertain whether he had told the truth when  
11:02 15 he testified at David Milgaard's trial in  
16 January, 1970, Mr. Melnyk without further  
17 prompting said:

18 'He was on the bed, he rolled over, he  
19 put the pillow between his legs; he  
11:02 20 stabbed the pillow in an up and down  
21 motion and he said: 'I stabbed her (a  
22 number of times) and I fucked her.'  
23 Ute, George and I were shocked.

24 I asked Mr. Melnyk to read  
11:02 25 pages 1020-22 of his testimony at trial and



1 to initial the pages if they accurately  
2 recorded the events. Mr. Melnyk read the  
3 pages of his testimony, initialed the first  
4 two pages and signed the last page of the  
11:03 5 transcript."

6 Pause there for a moment. Is that an accurate  
7 account of the information that you would have  
8 provided to Mr. Williams on that occasion?

9 A Yes.

11:03 10 Q And the portion that he has quoted you as saying,  
11 is that an accurate quote?

12 A Yes.

13 Q You would agree with me, Mr. Melnyk, that it is  
14 slightly different than the words you had advised  
11:03 15 us of earlier today in terms of what David had  
16 said at the time?

17 A Yes.

18 Q And do you recall what your recollection was, had  
19 your recollection changed in this regard in terms  
11:03 20 of what David had said?

21 A No.

22 Q Were you generally speaking in terms of what you  
23 recalled David saying?

24 A Yes.

11:03 25 Q If we continue on with the next paragraph from





1 where we were:

2 "In response to my questions concerning  
3 conversations between Mr. Melnyk and  
4 Mr. Wilson about what Wilson saw, Melnyk  
11:04 5 said that Wilson told him that when Milgaard  
6 came back to the car in Saskatoon, he  
7 (Milgaard) had a wallet and blood on his  
8 hands; or blood on the wallet in his hands;  
9 Wilson made some additional remarks about a  
11:04 10 wallet which Mr. Melnyk did not recall."

11 Do you recall this discussion with Mr. Wilson,  
12 Craig?

13 A Yeah, I guess, yeah.

14 Q You recall a discussion about a wallet and about  
11:04 15 blood?

16 A I don't recall the whole conversation that is  
17 here.

18 Q Do you believe generally the conversation that's  
19 reported here as something that you would have  
11:04 20 advised Mr. Williams as happening?

21 A Yes.

22 Q Do you have any memory of that discussion with  
23 Mr. Wilson at all?

24 A Just parts.

11:04 25 Q And what do you recall of that discussion with



1 Mr. Wilson?

2 A Just by what I'm reading here, I mean, I remember  
3 parts of it, but I don't remember in what context  
4 it came about.

11:05 5 Q And what parts do you remember?

6 A Well, I remember Wilson mentioning something about  
7 a wallet and that's all I remember about it, the  
8 wallet and the car kind of thing.

9 Q And you understood that this information was  
11:05 10 related to their trip that we've spoken of?

11 A Yes.

12 Q And do you recall when you would have had this  
13 discussion with Mr. Wilson?

14 A It would have been years after, after David  
11:05 15 Milgaard was convicted.

16 Q More than 10 years after?

17 A I can't recall.

18 Q And this is otherwise, though, an accurate account  
19 of information that you provided to Mr. Williams  
11:05 20 at that time?

21 A Yes.

22 Q In 1990?

23 A Yes.

24 COMMISSIONER MacCALLUM: Do I understand  
11:05 25 you correctly to say that the conversation with



1 Wilson was years after the conviction of  
2 Milgaard?

3 A That's correct.

4 COMMISSIONER MacCALLUM: Thank you.

11:06 5 BY MR. HARDY:

6 Q And generally did you understand what was  
7 happening and why Mr. Williams was coming to visit  
8 with you on this occasion, Mr. Melnyk?

9 A Sorry?

11:06 10 Q Did you understand what was happening, legally  
11 speaking, that had caused Mr. Williams to come and  
12 visit with you on this occasion that we're  
13 speaking of in August of 1990?

14 A Yes.

11:06 15 Q What did you understand was happening at the time?

16 A That they were reinvestigating all the evidence  
17 from the trial.

18 Q And do you recall knowing what purpose that was  
19 for?

11:06 20 A To get another trial.

21 Q You understood that it was in the course of an  
22 application then that had been made by David  
23 Milgaard's counsel to review his conviction?

24 A Yes.

11:06 25 Q If I could turn to the next page, please, and



1 we'll focus in just on this last portion. I'll  
2 read that to you.

3 "In closing Mr. Melnyk noted:

4 'Whether Milgaard did it I don't know,  
11:07 5 but what I saw, I saw. There's no way  
6 that I imagined that.'

7 Later he noted: 'I can't believe that all  
8 the witnesses who testified, got together to  
9 convict Milgaard. I came out here to get  
11:07 10 away from the adverse publicity I received  
11 in Regina'?"

12 Would this be an accurate account of the  
13 information you provided to Mr. Williams on this  
14 occasion, Mr. Melnyk?

11:07 15 A Yes.

16 Q And apart from what we've noted, do you recall  
17 whether you provided Mr. Williams any other  
18 information that hasn't been captured here during  
19 your visit with him?

11:07 20 A Not that I recall.

21 Q And in terms of your next formal involvement,  
22 Mr. Melnyk, am I correct that that would have been  
23 with respect to the Supreme Court reference case  
24 that was ongoing in approximately 1992?

11:07 25 A Yes.



1 Q And do you recall being involved in that?

2 A Yes.

3 Q And do you recall who you were in contact with  
4 leading up to that proceeding?

11:08 5 A I think I had a phone call from someone, I can't  
6 recall who, and then the RCMP showed up at my door  
7 with their warrant to summon me to court.

8 Q And it was on that basis that you attended at the  
9 Supreme Court?

11:08 10 A That's correct.

11 Q Do you recall what your reaction was in terms of  
12 having to testify at that proceeding?

13 A I didn't want to testify.

14 Q And why was that?

11:08 15 A Because I was sick of the whole thing.

16 Q And can you expand on that at all for us?

17 A Well, I mean, whatever I said during the original  
18 trial I said and I've never, at that point never  
19 changed my thought of what had happened and I just  
11:08 20 was tired of the media, I was tired of -- it was  
21 just -- I was just tired of the whole thing. I  
22 was trying to get on with my life, leave it all  
23 behind me, but it was, like, front and center all  
24 the time. It's like, you know, the books, the TV  
11:09 25 shows, pictures of me, pictures of George, like,



1 we were the ones that, you know, that conspired to  
2 do something evil, you know. It just -- we were  
3 just sick of the whole thing. It just made my  
4 whole family sick.

11:09 5 Q I'm going to refer you now to the transcript from  
6 your testimony at the Supreme Court reference  
7 case. If I could bring up document ID 047555,  
8 please, and again at the top of the page, if we  
9 can focus in on that portion, note reference to  
11:09 10 Craig Melnyk and you were being examined on that  
11 occasion by Mr. Neufeld. Do you recall that,  
12 Mr. Melnyk?

13 A Yes.

14 Q I note we're getting close to the break. Perhaps  
11:10 15 I'll read just a couple of portions before the  
16 break. If we could turn, please, to page 047562  
17 and begin focusing in on this portion here,  
18 please. This is actually the continuation of a  
19 question.

11:10 20 "Q Now, Mr. Melnyk, did you tell the truth  
21 at the trial, as you knew it, based on  
22 your recollections of the incident at  
23 the time?

24 A Yes, I did.

11:10 25 Q Did you have any grudge against Mr.



1 Milgaard or any other reason to lie?

2 A No.

3 Q Were you promised anything or did you  
4 receive anything in return for your  
11:10 5 testifying against Mr. Milgaard?

6 A No.

7 Q Do you know how it came that you were --  
8 perhaps I should put it to you this way.  
9 We note from materials in the record  
11:10 10 that Mr. Milgaard was charged --  
11 arrested at the end of May of 1969, but  
12 you don't appear to have given a  
13 statement until January of 1970. Okay?

14 A Yes.

11:11 15 Q And then testified shortly thereafter, I  
16 understand. Had you talked to the  
17 police about the motel room incident  
18 prior to giving your statement and  
19 testifying?

11:11 20 A Well, when they approached me, yes.

21 Q Was that right around the time you gave  
22 your statement?

23 A Yes.

24 Q So, it wasn't back in May or June of  
11:11 25 1969?



1 A No."

2 That's an accurate account of information as you  
3 would have provided it at that time, Mr. Melnyk?

4 A Yes.

11:11 5 Q I'll just read one further portion to you. If we  
6 move, please, to -- I'm sorry, page 047565,  
7 focusing in on this portion here, or beginning  
8 there:

9 "Q Mr. Melnyk, do you have a criminal  
11:12 10 record, sir?

11 A Yes, I do.

12 Q Does that include a conviction for  
13 robbery?

14 A Yes.

11:12 15 Q Was that the conviction -- I think  
16 you've had an opportunity this morning  
17 to read over your transcript of your  
18 testimony in cross-examination at the  
19 Milgaard trial. Is that right?

11:12 20 A Yes.

21 Q Do you recall being questioned there by  
22 Mr. Tallis about that particular robbery  
23 charge?

24 A Yes.

11:12 25 Q What became of that robbery charge?





1 A What do you mean?

2 Q Well, were you tried, were you  
3 convicted, were you --

4 A Yes, I was tried and convicted.

11:12 5 Q Did you plead guilty?

6 A No.

7 Q Why didn't you plead guilty?

8 A Because I was innocent."

9 That was an accurate account of information that  
11:12 10 you provided at that time?

11 A Yes.

12 Q And true information?

13 A Yes.

14 MR. HARDY: Mr. Commissioner, perhaps this  
11:12 15 would be a good time to break for the morning.

16 COMMISSIONER MacCALLUM: 15 minutes,  
17 please.

18 *(Adjourned at 11:13 p.m.)*

19 *(Reconvened at 11:30 a.m.)*

11:30 20 MR. HARDY: Mr. Commissioner, just a point  
21 of clarification before we return to the  
22 questions.

23 BY MR. HARDY:

24 Q If I can bring up the calendar please, again the  
25 January 1970 calendar, and that document has an ID



1 now of 325534. And I believe, Mr. Melnyk, in the  
2 testimony from the trial that I had read to you,  
3 that it was noted you had met with the prosecutor  
4 as well just prior to testifying, the day of or  
11:30 5 the day prior?

6 A Yeah, I think we were here overnight.

7 Q Okay. And that sounds accurate to you then?

8 A Yes.

9 Q Okay. I'm going to return to the transcript of  
11:30 10 your testimony at the Supreme Court reference  
11 case, Mr. Melnyk, and if I could bring up page  
12 047566 of that document and focus in on this  
13 portion starting here:

14 "Q Do you know Launa Edwards?

11:31 15 A Yes, I do."

16 And again this is Mr. Neufeld asking you the  
17 questions, Mr. Melnyk:

18 "Q How is it you know her?

19 A Through George Lapchuk. He was married  
20 to her.

21 Q Have you had any contact with her that  
22 you recall?

23 A Not in the last little while, no.

24 Q What does the last little while  
25 mean?



1 A Probably four years.

2 Q Four years?

3 A Yeah.

4 Q Launa Edwards has testified here that  
5 you and Mr. Lapchuk were present in her  
6 company some years ago, prior to that  
7 four years I take it, and that Mr.  
8 Lapchuk, in her presence, told you that  
9 he had lied at the Milgaard trial and,  
10 in fact, implied that you lied and that  
11 you agreed with him. Is that true?

12 A No?

13 Q Did you lie at the Milgaard trial to the  
14 best of your recollection?

15 A No. No, I did not?"

16 I'll pause there for a moment, Mr. Melnyk.

17 That's an accurate account of the information you  
18 would have provided?

19 A Yes.

11:32 20 Q And truthful?

21 A Yes.

22 Q And you knew Launa Edwards then?

23 A Yes.

24 Q And can you provide us with any comment, from your  
11:32 25 perspective, on her credibility?



1 A She's not credible. She's a certified nut case.  
2 She came to Vancouver one day and set up a picket  
3 line in front of one of our job sites because she  
4 was protesting women being abused by men. Closed  
11:32 5 down a whole construction site. She fabricates  
6 things. She's just not all there.

7 Q And you had spent some time with Launa Edwards  
8 during her association with George Lapchuk?

9 A Yes.

11:33 10 Q Okay. I'm going to continue on further down the  
11 page, please, starting here:

12 "Q Were you ever approached by Joyce  
13 Milgaard?

14 A Quite a few years ago.

11:33 15 Q Will you tell me about that, what you  
16 remember of it?

17 A She phoned and just asking if I'd  
18 change my statement.

19 Q And what did you say?

11:33 20 A No.

21 Q Do you know a person by the name of Paul  
22 Henderson? Have you had any contact  
23 with him?

24 A No.

11:33 25 Q He did not contact you at all?



1 A No."

2 Is that an accurate indication of information as  
3 you provided it at that time, Mr. Melnyk?

4 A Yes.

11:33 5 Q Continuing on down the page, beginning here:

6 "Q I just want to be very clear, sir. Were  
7 you offered anything by the police in  
8 order -- with respect to your robbery  
9 charge in order to give evidence against  
10 David Milgaard?

11 A No, I was not."

12 And that's accurate, Mr. Melnyk?

13 A Yes.

14 Q We'll move now to the examination by Mr. Wolch  
11:34 15 that was conducted following Mr. Neufeld, and if  
16 we turn please to page 047571, we will begin here.  
17 If we could focus in on that portion:

18 "Q And when he was under the influence of  
19 drugs, either you or Lapchuk, or some  
11:34 20 combination, started to bug him about  
21 the Gail Miller thing?

22 A I can't recall.

23 Q You can't recall at all? Even reading  
24 your transcript you can't recall?

11:34 25 A Yes, I read this transcript, but I



1 don't recall the part where if we were  
2 both bugging him. I don't recall that  
3 part of it.

4 Q Do you recall now if you had been  
11:34 5 bugging him before that date?

6 A No.

7 Q Would you agree with me that whatever  
8 his response was it may have been  
9 serious or it may have been sarcastic?

11:35 10 A Repeat the question, please.

11 Q After the bugging, or whatever it was,  
12 whatever David did may have been a  
13 serious remark or may have been a  
14 sarcastic remark; you wouldn't know?

11:35 15 A Well, I don't know for sure if it was  
16 serious or sarcastic.

17 Q But one way of knowing is perhaps to  
18 judge your conduct afterwards. Now,  
19 after the remark did you leave?

11:35 20 A No.

21 Q You spent the whole night there?

22 A Yes.

23 Q Did you suggest to any of the girls who  
24 were there, based on what you had seen,  
11:35 25 that perhaps they should leave?



1 A No.

2 Q As I understand the evidence, you slept  
3 on the floor?

4 A Yes.

11:35 5 Q And David stayed in bed with Miss Frank?

6 A Yes.

7 Q And in the early morning hours you left?

8 A Yes.

9 Q And you apparently had no concern about  
11:36 10 leaving Miss Frank in bed with David  
11 Milgaard?

12 A No.

13 Q And whatever you saw or heard in the  
14 motel room did not cause you to go to  
11:36 15 the authorities?

16 A No."

17 Is that an accurate account of the information  
18 you would have provided to the best of your  
19 recollection at that time, Mr. Melnyk?

11:36 20 A Yes.

21 Q And if we continue on from there:

22 "Q You may correct me if I am wrong, but  
23 given the fact that you were pending on  
24 a robbery charge, you were likely in  
11:36 25 fact in the presence of people in



1 authority in that period of time between  
2 the incident and when you testified?

3 A Yes.

4 Q Did you have a lawyer then?

11:36 5 A Yes.

6 Q And you also had police officers who  
7 either arrested you for robbery or  
8 talked to you about the robbery?

9 A Yes.

11:36 10 Q And you never brought forward to them  
11 this information?

12 A No.

13 Q And the reason you didn't bring forward  
14 the information was that you thought it  
11:36 15 may have been a joke?

16 A Probably, yeah.

17 Q Eventually the police came to you,  
18 Detective Karst, took a statement and  
19 the next thing you know you are your in  
11:37 20 court?

21 A Yes.

22 Q It's really quick. And you repeated,  
23 basically, as you could, what you saw?  
24 Correct?

11:37 25 A Yes.





1 Q And nobody ever asked you if it was a  
2 joke?

3 A No."

4 Would you adopt the answers you provided to  
11:37 5 Mr. Wolch's questions at that time as true and  
6 accurate at this point, Mr. Melnyk?

7 A Yes.

8 Q And they were true and accurate when you provided  
9 them at that time?

11:37 10 A Yes.

11 Q If we can move forward, please, to page 047583  
12 beginning at the bottom -- sorry -- beginning at  
13 the bottom of the page here, if we could focus in  
14 on that portion. This is the re-examination,  
11:37 15 then, that was being conducted by Mr. Neufeld, Mr.  
16 Melnyk, following Mr. Wolch's questions:

17 "Q The only other question I wanted to deal  
18 with was Mr. Wolch suggesting to you  
19 that the events you saw in the motel  
11:38 20 room that you testified to you thought  
21 probably were, or you said probably  
22 thought was a joke. You agreed with his  
23 suggestion. Do you remember him saying  
24 that?

11:38 25 A Yes.



1 Q Do you know what your feeling was of it  
2 at that time?

3 A Well, if you know the person then you  
4 know how -- I don't know, he just -- I  
11:38 5 don't know. He just -- I don't know  
6 how to explain it. He just --

7 Q What I am getting at is do you have a  
8 recollection of how you felt about what  
9 he did or don't you? That's all I want  
11:38 10 to know, because of the word "probably"?

11 A Well, I suppose I took him seriously  
12 to some extent."

13 Was that an accurate account of the information  
14 that you provided to Mr. Neufeld at that time?

11:38 15 A Yes.

16 Q And you stand behind that information that you  
17 provided to those questions at this point, Mr.  
18 Melnyk?

19 A Yes.

11:39 20 Q Am I correct Mr. Melnyk, then, that following your  
21 involvement in the Supreme Court reference case,  
22 that you would have next been contacted by RCMP  
23 officers in the context of an investigation that  
24 they were conducting in approximately 1993?

11:39 25 A Yes.



1 Q Do you recall meeting with RCMP officers at that  
2 time?

3 A Yes.

4 Q Do you recall who, in particular, you met with?

11:39 5 A Umm, I don't recall their names, no.

6 Q Do you recall where the meeting had taken place?

7 A Umm, they came to my office.

8 Q That was in British Columbia?

9 A Correct.

11:39 10 Q I'm going to turn your attention to document ID  
11 049752, please, and if we can go to the last page  
12 of that document.. which is 049759, I'm going to  
13 note for you, Mr. Melnyk, there is a date at the  
14 top, April 29th, 1993. If we could focus in,  
11:40 15 please, on just the top -- first paragraph.  
16 Again, these are notes taken by the RCMP officers  
17 following their meeting with you, Mr. Melnyk,  
18 these are their words, but we'll follow through  
19 the document:

11:40 20 "Travelled to 14734-105a Avenue, Surrey,

21 B.C. in order to interview Craig Melnyk."

22 And if we can actually go to the next page,

23 049758, please, and focus in on the top portion.

24 I'll read this to you, Mr. Melnyk:

11:40 25 "Melnyk told us that he was approached by



1 two SCP, identities unknown, concerning the  
2 events of the motel room. They wished to  
3 take a statement from him and he agreed to  
4 accompany them to the Westward motel. There  
5 he related the actions of Milgaard at the  
6 motel similar to his testimony at the trial  
7 and Supreme Court of Canada hearing.

8 Melnyk remains adamant to what  
9 he saw and heard. He stated that nothing  
10 would change his mind on this."

11 That's an accurate account, then, of the  
12 information you would have provided, Mr. Melnyk,  
13 to the RCMP officers?

14 A Yes.

15 Q If I continue on there, paragraph 6, one of them  
16 writes:

17 "He remembers George Lapchuk and Ute Frank  
18 being present at the reenactment scene in  
19 the motel room. He feels that Debbie Hall  
20 may have been there and would have witnessed  
21 the scene.

22 Melnyk couldn't offer any  
23 reason for Hall's version of the scene  
24 except that she was probably paid to say  
25 that or that she is just getting a 'high'



1 from all the publicity. He can't understand  
2 how she can offer such a different version  
3 of the incident as it left a permanent  
4 impression on him."

11:41 5 Just pause there for a minute. Mr. Melnyk, do  
6 you recall what your understanding was as to  
7 Mr. -- Ms. Hall's version of events at this time?

8 A What do you mean?

9 Q I want to know how -- what you knew about her  
11:42 10 version of events that had you conclude that you  
11 couldn't understand how she had provided such a  
12 different version of events?

13 A Well, from what I remember, she stated that  
14 nothing like that ever occurred in the room.

11:42 15 Q Nothing like what, sorry?

16 A Nothing like the reenactment that was done on the  
17 bed occurred in the room.

18 Q And that was your understanding as to Ms. Hall's  
19 information at this point?

11:42 20 A Yes. I hadn't read her statement, but everything  
21 I had heard, that's what she had stated.

22 Q And who had provided you with that information?

23 A I believe I seen it on the news or read it in the  
24 paper.

11:42 25 Q No specific individual, then, --



1 A No nope.

2 Q -- had talked to you about that?

3 A Nope.

4 Q If we continue on on paragraph 8, please:

11:42 5 "Melnyk also admitted that the police  
6 treated him perfectly and were at no time  
7 abusive or forceful."

8 And that's an accurate account of the information  
9 that you would have provided, Mr. Melnyk?

11:43 10 A Yes.

11 Q Continuing on, on the next page, at the top:

12 "He doesn't remember ever talking to  
13 Mrs. Milgaard or an investigator from  
14 Centurion Ministries. As a matter of fact  
11:43 15 he has done everything possible not to be  
16 found."

17 Would that be an accurate account of information  
18 that you had provided, Mr. Melnyk, to the RCMP  
19 officers?

11:43 20 A That's what I provided, but I do believe that  
21 Mrs. Milgaard contacted me when I still lived in  
22 Regina, on that one occasion.

23 Q Do you believe that you had told the RCMP officers  
24 that information on this occasion?

11:43 25 A I -- what is written here is probably what I had



1           said.

2           **Q**       Okay. Continue reading on on that page:

3                   "Melnyk strongly denied any coercion between  
4                   himself, Lapchuk and Frank into  
11:44 5                   constructing/fabricating a 'story' to get  
6                   Milgaard."

7           And, Mr. Melnyk, that's an accurate account of  
8           the information, then, that you would have  
9           provided to the RCMP officers?

11:44 10          **A**       Yes.

11          **Q**       If we could move to the next page, please, 049755,  
12          focus in at the top portion:

13                   "Melnyk mentioned that other people in the  
14                   motel room may have witnessed the  
11:44 15                   reenactment but doesn't know if they were  
16                   ever interviewed:

- 17                   1) Bob Harris  
18                   2) Gary Silljer."

19          You provided that information, at that time, to  
11:44 20          the RCMP officers?

21          **A**       Yes.

22          **Q**       And do you believe this was the first time that  
23          you had formally indicated to anybody that Bob  
24          Harris may have been present in the motel room?

11:44 25          **A**       Yes.



1 Q And was it your belief, at this time, that Gary  
2 Silljer may have been present at the motel room?

3 A I don't think that Gary Silljer was present at the  
4 motel room. I was possibly referring to earlier  
11:45 5 that evening.

6 Q Okay. I'll just continue reading on, paragraph  
7 13:

8 "Melnyk also said that he was contacted by  
9 the SCP probably on Ron Wilson's information  
11:45 10 as he had told him of the motel scene.

11 Melnyk is sure that Wilson was  
12 paid to recant his testimony as that is the  
13 type of guy he is. He said we should check  
14 his bank account for that period and we may  
11:45 15 find out how much."

16 Particularly that last paragraph, do you recall  
17 providing that information to the RCMP officers,  
18 Mr. Melnyk?

19 A Yes, yes.

11:45 20 Q And can you tell us about your belief relating to  
21 Mr. Wilson at that time?

22 A Well I know that Ron was -- they were trying to  
23 contact Ron on a constant basis, if it wasn't  
24 Mrs. Milgaard it was this Centurion ministry, and  
11:45 25 he had actually left town. I think he went to





1 Dawson Creek, or somewhere like that, and that's  
2 where he eventually was when he changed his story.  
3 You know, I, I don't know, I don't know why he  
4 changed his story. I don't know, maybe he thought  
11:46 5 it was all going to go away, but it obviously  
6 hasn't.

7 Q And your opinion, at the time, was that he may  
8 have been paid to recant his testimony?

9 A Well, it was probably a sarcastic remark that I  
11:46 10 inferred that, but it just becomes thin after a  
11 while when people constantly tell you that what  
12 you have seen or did is not what happened, so some  
13 people become weak and, just to make it all end,  
14 will just say whatever, whatever people want to  
11:46 15 believe.

16 Q And so there was nothing beyond your own  
17 observations, then, --

18 A No.

19 Q -- or speculation about the matter that had led  
11:46 20 you to indicate that?

21 A No, no, it was probably a sarcastic remark.

22 Q Okay. Move to the next page, please, focus in at  
23 the top, reading down:

24 "Melnyk related that Lapchuk had attended  
11:47 25 Wilson's sister's wedding in B.C. last year



1 and she had told him that the investigator  
2 (Centurion Ministries) had gotten Ron drunk  
3 prior to obtaining the statement that  
4 recanted his previous statement."

11:47 5 Pause there again. Do you recall providing that  
6 information to RCMP officers in 1993?

7 A Yes.

8 Q And can you tell us, again, what your  
9 understanding was behind these comments?

11:47 10 A Umm, it was either George Lapchuk had told me or  
11 someone had told me that that was -- I don't know  
12 that for sure.

13 Q Okay.

14 A Yeah.

11:47 15 Q But you had heard this from somebody?

16 A Yeah.

17 Q And you believe it was Mr. Lapchuk?

18 A In all likelihood, it would be, yeah.

19 Q And do you know who Mr. Lapchuk had heard that  
11:48 20 information from, or did he say?

21 A Well I -- George went to the wedding, I didn't, so  
22 he heard it down there, apparently.

23 Q You don't know, though, you didn't speak with Gail  
24 Wilson about this matter?

11:48 25 A No, no.



1 Q Did you know Gail Wilson?

2 A Yes.

3 Q This never came up in conversations?

4 A No.

11:48 5 Q But your understanding was that Gail had given  
6 this information to George?

7 A Yes.

8 Q Okay. Continuing on down the page:

9 "Lapchuk also told him that Wilson had tried  
11:48 10 to explain why he had changed his story but  
11 Lapchuk wouldn't hear of it."

12 Is that an accurate account of the information  
13 that you provided?

14 A Yes.

11:48 15 Q And do you recall that being accurate in terms of  
16 George's comments to you?

17 A Yes. I just can't remember the context of when,  
18 when he said that to me.

19 Q You and George had knowledge, though, that Ron  
11:49 20 Wilson was bringing forward potentially new  
21 information in relation to this case?

22 A Yes.

23 Q I'll just read the last paragraph:

24 "Finally, Melnyk stated that 23 years ago he  
11:49 25 had nothing to gain by revealing his



1                   testimony and he still remains adamant to  
2                   that testimony to this date."

3                   That would be an accurate account of the  
4                   information that you provided to the RCMP  
11:49 5                   officers?

6           A           Yes.

7           Q           I want to go back to 1970, Craig, for just a  
8                   moment, and I know we've heard reference to this  
9                   topic in some of the transcript, but were you  
11:49 10                  offered anything by the authorities in exchange  
11                  for your testimony at the David Milgaard trial?

12          A           No.

13          Q           And at the time of that trial, again, we've  
14                  established you were charged in Regina for armed  
11:49 15                  robbery?

16          A           That's correct.

17          Q           And you were actually tried on that charge?

18          A           Yes.

19          Q           Do you remember who the prosecutor was?

11:49 20          A           Arnold Piragoff.

21          Q           And what was the result of that trial?

22          A           I was found guilty.

23          Q           And do you recall what sentence you received?

24          A           Six months.

11:50 25          Q           And I believe you have had a chance to review a



1 newspaper article that I am going to show to you  
2 written at or around the time, if we could bring  
3 up document ID 219652, please. If we could focus  
4 in on just this initial portion here, please, I'm  
11:50 5 just going to read this, Craig:

6 "Melnyk given six months

7 Craig Melnyk, 17, was sentenced  
8 to six months in Regina Correctional Centre  
9 Monday for the Aug. 3 armed robbery of \$241  
11:50 10 from the Pinder-McNeil drugstore at Robinson  
11 Street and 13th Ave.

12 The sentence is believed to  
13 have been the lightest ever handed out in  
14 Regina for armed robbery, The Leader-Post  
11:51 15 was told later.

16 For the same offence, Raymond  
17 Dennis, 21, was given 2 1/2 years in Prince  
18 Albert penitentiary.

19 Dennis and Melnick were found  
11:51 20 guilty of the offence by District Court  
21 Judge G.M. Forbes.

22 In speaking to sentence,  
23 earlier, Mr. Piragoff had requested a  
24 lengthier term for Dennis, who has 17  
11:51 25 previous convictions, than for Melnyk.



1 Melnyk was serving a suspended  
2 sentence for his only previous conviction  
3 when the robbery occurred. He now is  
4 expected to be brought up for breach of  
11:51 5 recognizance."

6 Do you have any comment, Mr. Melnyk, on the  
7 alleged leniency of your sentence as reported  
8 here?

9 A Well the only reason that I can think of, of the  
11:51 10 light sentence, was that I was innocent, and  
11 Dennis was innocent, of that particular crime.  
12 But during that era in Regina there was multiple  
13 armed robberies, and the public outcry was just  
14 enormous, so, you know, to get -- I mean when I  
11:52 15 went to court that morning I thought I would be  
16 going home, I didn't have no idea that I would be  
17 going to jail.

18 I don't know, I mean everything  
19 is hard to believe, but I mean they were the times  
11:52 20 that we lived in. I mean it's on -- it's -- it  
21 happened. And the only way to take Ray Dennis  
22 down was to take me with him, otherwise they  
23 couldn't take him, and it was just they wanted to  
24 get him off the street.

11:52 25 So I mean. I tried my darndest.



1 I mean I had a reporter come to -- they  
2 interviewed the people that actually did the  
3 crime, and -- but they refused to take the stand.  
4 So I just wrote it off as, I guess, life's  
11:52 5 experience. And, you know, I appealed it, I  
6 believe I appealed it myself because I couldn't  
7 afford a lawyer, so I just filed my own appeal,  
8 and, of course, lost. But I was out in three  
9 months, so I just sort of shrugged it off, it was  
11:53 10 just life's experience. Things happen.

11 Q And I understand that you were convicted. And  
12 going beyond that, in terms of the sentence  
13 itself, do you recall having an understanding that  
14 you had received a lenient sentence?

11:53 15 A Yes.

16 Q For the crime that you were convicted of?

17 A Yes, from what I understood it, yes, it was very  
18 lenient.

19 Q And do you recall having an understanding of why  
11:53 20 that was the case?

21 A I don't know, I don't know why. I mean I had a  
22 presentence report done, I don't know, maybe  
23 because I was 17 years old, 16 years old when I  
24 did the crime, so to speak, for -- you know, when  
11:53 25 they allegedly did the crime. I don't know. Who



1 knows why sentences are the length they are.

2 Q A few further questions, Mr. Melnyk, respecting  
3 the motel room incident. Do you recall, at any  
4 point through that night in the motel room, David  
11:54 5 flinging himself against the walls of the bathroom  
6 or the main room?

7 A Umm, it's possible. Vaguely. I couldn't say for  
8 100 percent sure.

9 Q Do you have a recollection of that today?

11:54 10 A Umm, I'm -- I'm -- I can't say 100 percent.

11 Q Does that mean that you have a vague recollection  
12 of that happening or do you have any recollection  
13 at all?

14 A Umm, just vague, I -- I -- I don't know.

11:54 15 Q What about David having a nose bleed?

16 A No, I can't remember that.

17 Q Do you remember there being upwards of 10 or 20  
18 people in the room throughout the course of the  
19 evening?

11:54 20 A No, there was not.

21 Q And do you recall being effectively held hostage  
22 by David into the early morning hours, yourself,  
23 George, and Ute?

24 A I don't recall that, no.

11:55 25 Q Do you recall any mention by David, during the





1 actual incident, of a paring knife?

2 A No, I don't recall that.

3 Q And, after this incident, do you recall going on a  
4 trip to Edmonton with George, Ute, and Deborah  
11:55 5 Hall?

6 A No, I don't think I went. I went with, I think I  
7 went with George. No. I went to Edmonton with  
8 George once, but I don't know if that was the  
9 trip, but I don't remember -- I don't -- I don't  
11:55 10 remember, I really don't.

11 Q You don't remember a trip?

12 A I don't know if Ute was there and Deborah Hall, I  
13 don't recall that.

14 Q Do you recall a trip where you were going to visit  
11:55 15 with Sharon Williams in Edmonton?

16 A Yeah, I remember going to see Sharon Williams,  
17 yes.

18 Q Was that following the motel room incident?

19 A Umm, I'm not sure of the time frame.

11:56 20 Q And, on that trip, do you recall whether Ute,  
21 Deborah Hall, and George were with you?

22 A Umm, it's possible, but I -- I can't remember that  
23 far back.

24 Q I turn your attention to another document, just  
11:56 25 one last document to refer you to, Mr. Melnyk.



1 It's another newspaper article, 004241, you will  
2 see a date at the top March 7th, 1992, and I  
3 believe this was following your involvement in the  
4 Supreme Court reference case, your name at the  
11:56 5 top. I won't take you through the entire article  
6 but if we could focus in, please, on this portion  
7 right here, I'll read that to you:

8 "The media did report him as saying Milgaard  
9 was "probably" joking when he stabbed or  
11:57 10 chopped a pillow and made incriminating  
11 statements about stabbing and raping Miller  
12 after a TV news report came on about the  
13 unsolved murder.

14 Melnyk said the "seed" for that  
11:57 15 answer was planted by Hersh Wolch, one of  
16 Milgaard's two lawyers.

17 It came out that way because  
18 Wolch wouldn't let him elaborate on his  
19 answers, he said, adding he was a nervous  
11:57 20 wreck on the stand."

21 I'll pause there, Mr. Melnyk. It sounds, at the  
22 time that you were speaking with the reporter,  
23 that you weren't entirely satisfied with how your  
24 testimony had come out at the Supreme Court  
11:57 25 reference, particularly with reference to whether



1 or not David was probably joking. Do you recall  
2 telling, or having this discussion with this  
3 reporter?

4 A Well, it would be nice if I wrote stuff down, but,  
11:57 5 yeah, I do remember having the conversation with  
6 the reporter.

7 Q And it speaks of you having a wish that you would  
8 have been given the opportunity to elaborate upon  
9 your answer; can you share with us how you wanted  
11:58 10 to elaborate upon your position on that matter?

11 A Well I think I did that in my statement where --  
12 when they asked whether I was, I thought it was  
13 hysterical laughing or joking laughing. I mean at  
14 no time did I say that he was joking, and those  
11:58 15 are just little sound bytes that -- newspaper  
16 articles put sound bytes in there and never  
17 complete sentences, you know. Similar to what  
18 lawyers do at trials, they will ask a half a  
19 question and then switch a question and go to  
11:58 20 another question, so you never get to answer a  
21 question.

22 Q So on the direct question of whether or not David  
23 was joking, in terms of providing a complete  
24 response to that, what would that be, Mr. Melnyk,  
11:58 25 in terms of your recollection?



1 A No, he wasn't joking.

2 Q Then one other portion I want to highlight in this  
3 article, it's the -- this paragraph right here,  
4 please, two paragraphs. I'll read it to you,  
11:59 5 Mr. Melnyk:

6 "After 22 years, Melnyk said he couldn't say  
7 what he thought about Milgaard's actions  
8 that night, adding he's not a "professional  
9 psychologist" and that he couldn't see if  
11:59 10 Milgaard was serious or joking.

11 Nor does he know whether  
12 Milgaard is truly guilty or not, saying he  
13 only testified as to what happened in the  
14 motel room and that he wasn't present at the  
11:59 15 actual murder."

16 Would this be an accurate summary of your  
17 position on the matter as you would have provided  
18 it in 1992?

19 A Yeah.

11:59 20 Q And is that your summary on the matter for today's  
21 purposes?

22 A Well, it's 35 years now, what happened in the  
23 motel room. I mean if I haven't said it word for  
24 word, I have still said it, I haven't changed my  
12:00 25 story, I didn't change it then, I haven't changed



1           it now. Nothing has changed. Nothing will ever  
2           change.

3                       Whether he is serious or joking,  
4           it's just a, it's a picture in time, I mean it's a  
12:00 5           situation. You are in a room. It's hard to  
6           explain emotions that someone portrays back to you  
7           when they are laughing. I mean, you can tell  
8           there is a difference between when a child cries  
9           because it is hungry or whether a child laughs  
12:00 10          because it's happy or laughs because you tickle  
11          it, there's different laughs.

12                       I mean what is -- I mean ser --  
13          how far is "serious", you know. Like I wasn't, it  
14          didn't scare the bejeebers out of me, it just --  
12:00 15          it was serious when -- you know, you took, you  
16          stood up and you took notice when he said it.  
17          When he laughed, you took notice to it, it wasn't  
18          like something like, oh well, you carry on your  
19          conversation, it made an impression.

12:01 20          **Q**       You would adopt that last portion then as an  
21          accurate summary of your position?

22          **A**       Yes.

23          **Q**       Returning again to 1969, Mr. Melnyk, was there  
24          ever another occasion, apart from the motel room  
12:01 25          incident, when you were with Mr. Milgaard when he



1           made any sort of reference to having killed the  
2           nurse in Saskatoon?

3           A           Yes.

4           Q           And can you tell us when exactly that was and what  
5           exactly happened?

6           A           I don't know exactly when it was. It was in  
7           Regina and there was four of us in the car, it was  
8           George, Ute Frank, David and myself, and we were  
9           on the south end of Regina, which is now  
10          University Park just off of Arcola Avenue, there  
11          was, like, a grid road there, we used to go --  
12          it's basically in the country, it's -- well, we  
13          were just cruising around out there or whatever.  
14          We were doing drugs that night and we were stopped  
15          and David was in the front seat, I was in the back  
16          seat I believe and Ute was in the back seat,  
17          George was driving, it was George's car, and I  
18          don't know, we were all pretty stoned and David  
19          ripped off his shirt and, you know, just became in  
20          an aggressive way, and anyways, he jumped over the  
21          back seat, into the back seat and he stated  
22          something like "I killed her" or -- like, it's  
23          just a part of it that I can remember, and then me  
24          and George went outside and I believe he had sex  
25          with Ute in the back seat of the car, but that's



1 as much as I remember of it.

2 Q The car was stopped at the time?

3 A Yes, yes.

4 Q You were in the southeast end of Regina?

12:03 5 A Yes.

6 Q It was just the four of you that you've mentioned?

7 A Yes.

8 Q And where were you each situated in the car?

9 A George would be driving, I believe David was in  
12:03 10 the front seat and Ute was in the back seat and I  
11 was in the back seat.

12 Q And you had pulled over at that time?

13 A Yes, yeah.

14 Q And you had been doing drugs you said?

12:03 15 A Yes.

16 Q Do you remember what kind of drugs?

17 A Probably mescaline.

18 Q And were all of you under the influence of drugs  
19 at that time?

12:03 20 A Yes.

21 Q How severely?

22 A Well, we were stoned, yes.

23 Q And the first thing that you recall is David  
24 ripping his shirt off?

12:04 25 A Yeah.



1 Q In the front seat?

2 A Yeah.

3 Q And he proceeded to jump over the back seat?

4 A That's right.

12:04 5 Q And can you recall as best you can his exact words  
6 on that occasion?

7 A It's all so, like, fuzzy. I just remember the  
8 word "killed". I think we were -- I don't know  
9 100 percent for sure what he had said, like -- I  
12:04 10 remember that me and George were kind of, like,  
11 freaked out about it, it was just, like, weird, so  
12 I don't know, we went outside and whatever, looked  
13 at stars or -- they stayed in the car.

14 Q And did you understand what in reference David was  
12:04 15 speaking to? Had you been talking about the Gail  
16 Miller murder?

17 A Yes -- or I think it was -- he might have  
18 mentioned the saliva thing again, you know, that  
19 he had given a saliva test and if it came back  
12:05 20 positive he would be arrested.

21 Q And can you remember the expression on David's  
22 face or his body language at the time that he was  
23 doing this?

24 A Uh, very aggressive. I don't know how to explain  
12:05 25 it. Just very aggressive, forceful in tone of





1 voice kind of thing.

2 Q And I know I've asked you a couple of times,  
3 Mr. Melnyk, but can you try your very best,  
4 please, to remember what exactly it was that David  
12:05 5 said on that occasion?

6 A Not word for word I can't recall. I just remember  
7 part of it. That's all I can remember of it.

8 Q His comments did make reference, though, to  
9 killing someone?

12:06 10 A Yes, something like that.

11 Q You can't be more clear than that?

12 A No. I don't know. I don't know when it was,  
13 whether it was before the motel or after the motel  
14 in time frame, I don't know. I can't remember.

12:06 15 Q Do you remember how you received David's comments  
16 or actions?

17 A Well, at that time I think me and George were kind  
18 of scared about the whole thing because he was  
19 just aggressive, just -- I don't know, in this  
12:07 20 manner.

21 Q Did you have the impression that he was serious?

22 A Yeah, it seemed serious, but like I said, we were  
23 pretty stoned, so, you know, your feelings are  
24 intensified also, right.

12:07 25 Q Could he have been joking during this incident



1 from your perspective?

2 A I have no idea.

3 Q You did not advise the Saskatoon City Police of  
4 this information during their original  
12:07 5 investigation?

6 A No.

7 Q And why not?

8 A Well, I think that once we -- once we were first  
9 questioned by Saskatoon and then ended up in  
12:07 10 court, I think the whole realization of how  
11 serious what we said was and, you know, I think we  
12 had second thoughts about what we had did, that,  
13 you know, that we should have never testified to  
14 start with, that it was the wrong thing to do.

12:08 15 Q And when did you start to have those thoughts?

16 A I think it was after Saskatoon had come down to  
17 interview us. It's like a -- it's a realization.  
18 It was very intimidating to go to Saskatoon, the  
19 courtroom was very intimidating. It's just like  
12:08 20 we kind of opened up a Pandora's Box and couldn't  
21 shut the lid on it.

22 Q But at the time of providing the statement, your  
23 first contact with the police, why didn't you tell  
24 them about this information at that time?

12:08 25 A Because once we were interviewed and then we had



1 told Saskatoon, then we were in court, we kind of  
2 didn't want to go any further than we already had  
3 and we didn't want to make matters worse than what  
4 we had already stated. We didn't get -- want to  
5 be more involved in it than we were.

12:09

6 Q I'm sorry, maybe you are not following me,  
7 Mr. Melnyk. I mean, though, at the stage of your  
8 very initial involvement when you were talking  
9 with the police when they visited you in Regina,  
10 you provided a statement at that time, and I'm  
11 correct, am I, that this statement was not  
12 provided at that time?

12:09

13 A That's right.

14 Q And do you have any explanation for why this  
15 information was not provided at that time?

12:09

16 A For the reasons I just explained.

17 Q Did you already know or feel that you were being  
18 caught up in the matter at the time that you were  
19 providing your statement?

12:09

20 A Yes, you know, I just -- we should have -- you  
21 know, we had the feeling that we should never have  
22 said nothing, we should not have got involved in  
23 it, and I didn't want to just get deeper and  
24 deeper and deeper and deeper into it, so what had  
25 already been said I couldn't take back, you know,

12:10



1 but as I just told you, I mean, we go on with this  
2 for 35 years and, I mean, there's not a day that  
3 goes by that I don't think about this and you try  
4 to think about what happened then and what did you  
12:10 5 miss, what actually happened, what happened and  
6 you didn't say. I mean, those things go by my  
7 mind on a constant basis. I mean, it's like  
8 watching a movie over and over again, you know. I  
9 had reluctance about even stating it now, but, you  
12:10 10 know, I've been told to tell the truth. I mean,  
11 I'm like everybody else, I just want this thing  
12 over with, and, I mean, if you want everything out  
13 on the table, it's all out on the table now, you  
14 know, I can't give no more.

12:11 15 Q So am I correct then, Mr. Melnyk, that at the time  
16 of meeting with the police initially, that you  
17 made the choice not to provide this information?

18 A Yes.

19 Q Am I also correct then that you never advised any  
12:11 20 authority in the years that followed that was  
21 dealing with this matter?

22 A No, I never advised anybody, no.

23 Q Eugene Williams?

24 A No.

12:11 25 Q No lawyer during the Supreme Court reference?



1 A No.

2 Q Not to the RCMP in 1993?

3 A No.

12:11 4 Q This is the first time you are advising of this  
5 information in the context of these proceedings?

6 A Yes.

7 Q Did you ever discuss this second incident with  
8 George Lapchuk in the years that followed 1969?

9 A Not that I can recall.

12:11 10 Q Did you ever share this information with anyone  
11 else in the years that followed?

12 A No.

13 Q No one?

14 A No.

12:12 15 MR. HARDY: Thank you, Mr. Melnyk. Those  
16 are all the questions that I have for you. My  
17 friends may have some questions for you.

18 Mr. Commissioner, I see it's quarter past, but --

12:12 19 COMMISSIONER MacCALLUM: Thanks, Mr. Hardy.  
20 I have a piece of paper here, the order of  
21 cross-examination. Mr. Wolch, you are at the  
22 head of the class again. Do you -- is that all  
23 right with you and do you wish to start now or  
24 after lunch?

12:12 25 MR. WOLCH: I don't mind. I'll barely get



1 started. I'm in your hands, Mr. Commissioner.

2 COMMISSIONER MacCALLUM: We'll adjourn,  
3 sir, for lunch until two o'clock and I would  
4 appreciate it if you do not discuss this matter  
12:12 5 with anyone during the break. Thank you.

6 *(Adjourned at 12:13 p.m.)*

7 *(Reconvened at 2:00 p.m.)*

8 COMMISSIONER MacCALLUM: Mr. Wolch?

9 **BY MR. WOLCH:**

02:01 10 **Q** Thank you, Mr. Commissioner. Mr. Melnyk, this  
11 morning you told us about another incident where  
12 in a car David was asked about the, or not even  
13 asked, he made some comment that you took might be  
14 referring to the Gail Miller murder; is that fair?

02:01 15 **A** Yes.

16 **Q** And I am correct that this is something that you  
17 have never brought up before the last week or so?

18 **A** No.

19 **Q** And this incident, can you pinpoint it as to  
02:02 20 whether it was before or after the motel incident?

21 **A** No, not for sure.

22 **Q** Okay. I won't ask you to do a for sure, but can  
23 you do it to some degree of certainty or do you  
24 have some opinion as to when it was?

02:02 25 **A** I don't know, it may be before the motel.



1 Q Okay. But your memory now is that there were two  
2 incidents really?

3 A That's correct.

4 Q And you would agree with me that as far as one of  
02:02 5 the incidents is concerned, nobody has acted on  
6 that to this day?

7 A No.

8 Q That is, the police didn't form an impression upon  
9 it, the Supreme Court didn't, nobody did because  
02:03 10 it was never told?

11 A That's right.

12 Q And how was it it came to your mind, you just sat  
13 up one day and said "Hey, I remember this"?

14 A No, I've always remembered it.

02:03 15 Q You've always withheld it?

16 A That's correct.

17 Q Now, if in fact you are correct and there were two  
18 incidents, I take it whichever one came first you  
19 didn't take very seriously?

02:03 20 A Well, I guess not, no.

21 Q I mean, obviously if you heard something like that  
22 from somebody, that's not a person you are going  
23 to hang around with again if you can avoid it;  
24 would that not be true?

02:03 25 A Yeah, you would think so, yeah.



1 Q And certainly any girl you knew, you weren't going  
2 to encourage her to be with this fellow if you  
3 actually believed he was responsible for something  
4 so terrible?

02:04 5 A I would suppose, yes.

6 Q Now, is it your evidence that when you met with  
7 Officer Karst very early on, that you deliberately  
8 withheld the fact that there were two incidents?

9 A Yes.

02:04 10 Q And I won't take you through the reason you gave  
11 this morning, but now that you've had a lunch hour  
12 to think about it, can you capsulize that reason a  
13 little better for us, as to why you held it back?

14 A I don't know. Once it came forward what had  
02:04 15 happened in the hotel room to authorities, it was,  
16 like, I've gone far enough and in my opinion I  
17 regret ever saying anything, you know. It's just  
18 I didn't want to add more fuel to a fire we had  
19 already started.

02:05 20 Q Well, let me ask you this. Without talking to  
21 them, how would you know that Lapchuk and Frank  
22 wouldn't recount that version?

23 A Which version?

24 Q Well, that there were two incidents, because they  
02:05 25 would have been there for both.





1 A I don't. Like, I said that once we basically let  
2 the cat out of the bag, I think we were all of the  
3 belief that we should have never done that.

4 Q So you are saying the three of you agreed to hold  
5 it back?

02:05

6 A No, no. Well, okay, I'm speaking for me only, I  
7 can only -- no, I'm just speaking for me, my  
8 opinion.

9 Q I appreciate that, and I think it's fair to say  
10 that the second incident may not even have  
11 happened; would that be correct?

02:06

12 A No, it did happen.

13 Q Well then how would you know that Lapchuk and  
14 Frank wouldn't mention the second incident?

02:06

15 A I don't.

16 Q But surely you would have talked to them and said  
17 "look, we're going to hold back something,"  
18 because you would have expected them to tell it  
19 too.

02:06

20 A No. I mean, it's not like we sat down and said,  
21 "okay, well, this is what we said, this is what  
22 happened, is everybody in agreement and now we're  
23 going forward," that's not what happened.

24 Q I understand that, but my point is this, when you  
25 are talking to the police you really have two

02:06



1 incidents to tell them; correct?

2 A That's right.

3 Q Lapchuk has two incidents to tell them because you  
4 were there, he was there?

02:06 5 A Right.

6 Q Frank has two incidents to tell?

7 A Right.

8 Q And not one of you mentions two incidents?

9 A No.

02:06 10 Q So I'm suggesting that if all three of you held  
11 back one incident, you must have discussed it  
12 before you talked to the police.

13 A No.

14 Q So you are saying it's some form of coincidence  
02:07 15 that all three of you held it back?

16 A I would guess so, yeah.

17 Q Okay. Now, it's fair to say that after the  
18 incident or incidents, you had ample opportunity  
19 to tell people about it; correct?

02:07 20 A Yes.

21 Q That is, you had your own lawyer, you had police  
22 officers, you had all kinds of chances to say "I  
23 know something"?

24 A My lawyer -- pertaining to what?

02:07 25 Q On your armed robbery.



1 A Well, as I stated before, I was innocent, I didn't  
2 think I was playing let's make a deal for  
3 anything. Why would I do that? I was of the  
4 belief that tell the truth and the truth will set  
02:07 5 you free. I was stupid and gullible at that age.  
6 What's to make a deal.

7 Q Well, I didn't say to make a deal, I said to bring  
8 it to somebody in authority's knowledge.

9 A Why?

02:08 10 Q Well, if you have information that somebody may be  
11 responsible for an horrific crime, you might wish  
12 to bring it to somebody's attention.

13 A Well, I mean, we were young and foolish. I mean,  
14 we were little -- little drug using criminals, you  
02:08 15 know. You don't do that sort of thing. I mean,  
16 it's not like you have a book and these are the  
17 rules and this is how you should conduct your life  
18 if this is the style of life that you choose, it's  
19 just something that you know, right, that you  
02:08 20 should not go to the authorities with any  
21 information. It's just the way it was.

22 Q That would brand you as a rat and an informer  
23 wouldn't it?

24 A Yes.

02:09 25 Q And you wouldn't want to be a rat or an informer?



1 A That's right.

2 Q So when Officer Karst spoke to you, why did you  
3 tell him anything?

4 A I don't know.

02:09 5 Q I mean, it was certainly --

6 A I mean --

7 Q Sorry, let's try not to talk at the same time.

8 I'll try and take my time and I'll try not to

9 interrupt you as well if we can. Talking to

02:09 10 Officer Karst would brand you as an informer and a  
11 rat; would it not?

12 A Yes.

13 Q So why would you do it then?

14 A I don't know. I suppose we all got caught up on  
02:09 15 the moment. We made -- I made a statement to  
16 Wilson and the next thing I knew Saskatoon police  
17 were down and wanted to talk to me about the  
18 conversation with Wilson.

19 Q But as a young punk, or whatever you describe  
02:10 20 yourself to have been then, why wouldn't you have  
21 just told the police "get lost, I'm not talking to  
22 you"?

23 A I have no idea.

24 Q You brought Wilson into it and I heard you say  
02:10 25 this morning some unfavourable things about



1 Wilson. Do you recall that?

2 A Yes.

3 Q And is that an opinion you've had for a time?

4 A Well, it's an opinion I've had over this whole  
02:10 5 matter forever. I get cynical after a while. I  
6 mean, every day is a new beginning where there's,  
7 something comes out of the woodwork that doesn't  
8 even make sense and comes forward and it's just --  
9 it's like the never-ending story that never ends.

02:10 10 Q I take it your second recollection of a  
11 conversation with David would fit that  
12 description, it never ends?

13 A Yeah. It's a never-ending story.

14 Q And it has caused you a lot of difficulty?

02:11 15 A Extreme lot of difficulty.

16 Q You've been through a lot?

17 A Yes. I -- yeah, I got sick and ended up in the  
18 hospital four weeks before I was to come here.  
19 This stresses me out.

02:11 20 Q And I appreciate that, sir, but I take it you  
21 appreciate that whatever you've been put through  
22 Dave has been put through a thousand times?

23 A I'm not saying he hasn't been put through  
24 anything, him nor his family, and me being a  
02:11 25 parent, what his mother did was what any mother or



1 father would do for love for a child, but I  
2 believe that this whole thing has been convoluted  
3 over the last 10 years, you know, people that  
4 weren't even born during that era coming forward  
02:11 5 and sensationalizing the whole thing. I mean,  
6 you've got a story here, you've got murder, you've  
7 got bikers, you've got drugs, sex, I mean, this is  
8 like a cheap novel, and it gets bigger and bigger  
9 and bigger, and what the courts have lost is focus  
02:12 10 on actually what happened in 1969, period, we've  
11 gone beyond that point, and to me, it just  
12 distresses me and everybody wants their national  
13 notoriety. All this was was a mother trying to  
14 believe in her son and going forward and it has  
02:12 15 just got convoluted over time with lawyers and  
16 people that want to get in a book and people that  
17 want to do a movie. It's on the Discovery  
18 Channel, you've got one witness that's on the  
19 Jerry Springer show. I mean, where does it end.  
02:12 20 Nobody seems to want to focus on 1969, we all go  
21 beyond that point.

22 Q Sir, you would agree with me, you are aware of the  
23 fact that the real killer has been prosecuted and  
24 convicted?

02:13 25 A So they say, yes.



1 Q You don't accept that?

2 A I'm not privy to what put him in prison.

3 Q But you are aware that somebody right now has been  
4 convicted of the Gail Miller murder?

02:13 5 A Absolutely, but where's the responsibility.

6 Somewhere along the line here -- I mean, David,  
7 for whatever happened to David, David has some  
8 responsibility to come forward at some point and  
9 say, yes, this happened, or yes, this didn't

02:13 10 happen. It's not all the onus on me or all these

11 witnesses that have come over the years at

12 numerous times, he has to take some of this

13 responsibility. All this responsibility is being

14 put on me like a bunch of witnesses got together

02:13 15 in some motel room somewhere, 40, 50 people, and

16 conspired to put this man in jail. All it is is a

17 bunch of pieces of information that somebody just

18 clicked a bunch of dots together and, I mean, by

19 reading it, surface reading it, I'm not a lawyer,

02:13 20 I've read the stuff up to date, the transcripts

21 are here on the internet, and you know what, I can

22 see how you can come to a conclusion, right, but

23 this thing has been blown out of proportion and,

24 you know, it's me -- I speak for me, me as a

02:14 25 witness who originally testified of an event and



1 then have to keep going back and retestifying  
2 about the same event like I manufactured this  
3 thing and then try to discredit me and destroy me,  
4 my life, my family -- I mean, I haven't made some  
02:14 5 good choices in my life, but what the heck does  
6 one thing have to do with another. What does what  
7 I did in later years in life have to do with 1969,  
8 it has absolutely nothing, and that's what  
9 frustrates me, and I think I speak for every  
02:14 10 witness that has come forward. We're tired, we're  
11 sick and tired of being sick and tired. We've  
12 lost focus of 1969.

13 Q Am I correct, then, that you put some blame on  
14 David for you having to go through this?

02:15 15 A I'm not putting any blame on David, what I'm  
16 saying is David has some responsibility, so if  
17 what I say is true, then he should acknowledge it,  
18 right, and then if he jokingly said that, then say  
19 so, but don't put me through all this, you know,  
02:15 20 don't put me through all this, be honest. I'm  
21 honest, right, and I would expect nothing less  
22 from anyone else, to be as honest as you possibly  
23 can.

24 Q Maybe you are focusing on the right point, sir.  
02:15 25 You are looking at this as a question of whether





1           you said it or not, and I'm suggesting to you  
2           that's not the issue, the issue was whether David  
3           was joking or not?

4           A           I don't know that. How would I know that?

02:15 5           Q           Well why do you say Debbie Hall is not credible?

6           A           Well if -- she's in this motel room and, like I  
7           said, I haven't read her statement so I don't know  
8           what she said in the courts, I only go by what the  
9           media said, and of course the media is always  
02:15 10          right. But Debbie Hall, to my recollection and  
11          what I read in the media, said that none of this  
12          took place in the motel room.

13          Q           I'll correct you, sir, Debbie Hall and Bob Harris  
14          both say it took place but it was not taken  
02:15 15          seriously.

16          A           All right.

17          Q           And that's nothing you would disagree with; would  
18          you?

19          A           No. I mean --

02:15 20          Q           I'm, sir, I'm suggesting to you I'm not  
21          disagreeing with you, necessarily, about blowing  
22          it all up away out of proportion, but it's really  
23          an interpretation of remarks; is it not?

24          A           That's correct.

02:16 25          Q           And it's remarks that you agree could have been a



1 joke?

2 A My feelings in 1969 as a kid 16 years old, I can't  
3 comment to whether I thought it was a joke,  
4 whether I thought it was serious, whether I was  
02:16 5 frightened, I mean I can't comment 100 percent.  
6 That's 35 years ago.

7 Q But my point is that we know that David didn't do  
8 the crime; okay. That's established beyond any  
9 doubt; okay. So we know it wasn't real, not that  
02:16 10 he didn't say it, but we know it wasn't real;  
11 correct?

12 A So what part wasn't real?

13 Q That he killed a nurse.

14 A Okay.

02:16 15 Q Okay? My point is that what you saw at that time  
16 might have been true and might have been a joke,  
17 which it turned out to be?

18 A Yeah, but that's a hell of a joke. Don't you  
19 think there's consequences? I mean what do you  
02:17 20 think people are gonna think when you make a  
21 remark like that. Where -- in what context would  
22 someone feel about a -- or what do you think would  
23 happen if you said a remark like that, do you  
24 think it would just stay there and not go beyond  
02:17 25 that point? Obviously, it went beyond that point;



1 right?

2 Q It --

3 A So it was a remark, probably a remark that, if he  
4 ever admitted he said it, he would regret saying  
02:17 5 it. But, having said that, he did say it.

6 Q It was a remark made under the influence of drugs;  
7 correct?

8 A Okay.

9 Q And when you ask somebody "did you commit a  
02:17 10 murder", that is quite an insulting question, is  
11 it not?

12 A Yes.

13 Q And if you got a serious look from somebody you  
14 knew who said "no, I definitely didn't", you might  
02:18 15 think "why is he taking it so seriously"; would  
16 you not?

17 A You lost me. Could you repeat that?

18 Q Well, what I am saying is this, there is two  
19 choices; one, the person can take you seriously  
02:18 20 and give you a straight answer, in which case you  
21 might go "well, why, do they think I'm serious?",  
22 or he may say "yeah, sure I did it, ha ha", those  
23 are possible answers?

24 A Oh, anything is possible.

02:18 25 Q And the question was given in a joking way?



1 A But I don't know that.

2 Q You were there, you heard the question, didn't  
3 you?

4 A Yeah, but I don't know it was in jokingly. How do  
02:18 5 I know that was jokingly? There was not a  
6 continued conversation, I didn't say "heck, are  
7 you serious", and then the conversation would go  
8 on from that point. I never said a remark like  
9 that.

02:19 10 Q Well let's look, though, at what you did  
11 afterwards. You didn't leave?

12 A No.

13 Q You stayed there and partied?

14 A That's right.

02:19 15 Q You didn't go to Ute Frank and say "wait a minute,  
16 you should get out of here, we are here with  
17 somebody who I think may have done a serious  
18 crime?"

19 A No.

02:19 20 Q In fact, George and Deborah left ahead of you?

21 A That's right.

22 Q And they left in somewhat of a normal way?

23 A I believe so, yes.

24 Q They weren't, like, running for the exits, they  
02:19 25 just left?



1 A Yeah.

2 Q Right? And neither one of them said "eh, folks,  
3 we better get out of here," nobody said that?

4 A No, not that I can remember.

02:19 5 Q In fact, the behaviour carried on as if nothing  
6 was ever said?

7 A Yes.

8 Q And, in fact, Ute Frank and David continued to  
9 have sex; is that right?

02:20 10 A I don't recall.

11 Q Do you recall if they had sex on more than one  
12 occasion that night?

13 A Pardon me?

14 Q Did they have sex on more than one occasion, to  
02:20 15 your memory?

16 A I, I can't recall.

17 Q Now, in preparation for your testimony today, did  
18 you read over everything that was put to you this  
19 morning?

02:20 20 A Yes.

21 Q So you are familiar with your statement given to  
22 Officer Karst?

23 A Yes.

24 Q I'm going to suggest to you that what that  
02:20 25 statement is is basically your answers to a number



1 of questions written together?

2 A I -- pretty --

3 Q Perhaps we could pull it up, I have 178215, I  
4 think. Have you got that in front of you now,  
02:21 5 sir?

6 A Yes.

7 Q Okay. Do you see where it starts off, for  
8 example:

9 "I have known David Milgaard for a couple of  
02:21 10 years."

11 I presume you didn't just sit down and say that,  
12 I presume the officer would have said to you  
13 "Craig, how long have you known David Milgaard?",  
14 and you would have said "I have known him for a  
02:21 15 couple of years.", and he would have written that  
16 down?

17 A That's correct.

18 Q And the whole statement would have gone that way,  
19 because you are certainly not going to talk in a  
02:21 20 long monologue?

21 A Right.

22 Q And, and for example when you were asked questions  
23 about, you know, "could David have committed a  
24 murder", or things like that, that wouldn't be you  
02:21 25 just spontaneously saying that, that would be you



1 replying to a, what we might call a leading  
2 question; would that be fair?

3 A Yes.

4 Q So that, if we read this statement, we can assume  
02:22 5 that most of it had questions interspersed as the  
6 statement went on?

7 A Yes.

8 Q Now I'm just curious, if we could just turn the  
9 page, please, perhaps I'm missing it -- and you  
02:22 10 can correct me -- but if we look in this area here  
11 I'm just -- I just note there is -- there is no  
12 mention of 14 times; do you see that?

13 A No. Yeah, I don't see it, no.

14 Q But yet you testified that there was a stab -- he  
02:22 15 said he stabbed her 14 times?

16 A Yes.

17 Q Can you account for why that wouldn't be in your  
18 statement that you made only a few days earlier?

19 A I have no idea.

02:23 20 Q But I would think the 14 times is something that  
21 would really stick out in your mind?

22 A Yeah. I don't know.

23 Q So you don't know why that was not in your  
24 statement?

02:23 25 A No, I don't.



1 Q As to what David had said?

2 A No.

3 Q Now I'm a little unclear; do you remember whether,  
4 after you woke up and left, whether, in fact, you  
02:23 5 went out west with three of the people from the  
6 room?

7 A What do you mean, "woke up and went out west"?

8 Q Well, travelled out west with Ute Frank and  
9 George?

02:23 10 A To Edmonton?

11 Q Yes?

12 A I remember going to Edmonton, but I -- I -- I  
13 can't recall who was in the vehicle.

14 Q Do you ever recall going out west with Debbie Hall  
02:24 15 in the car?

16 A I -- she could have been there, I just, I don't  
17 recall it. I wasn't really big into girls then.

18 Q What I am saying is do you ever remember driving  
19 with Debbie Hall out west, I'm not saying you  
02:24 20 didn't do it, but do you have any memory of ever  
21 doing that?

22 A No, no.

23 Q Okay. And, as far as the being in the motel, did  
24 David ever say something like "eh, don't tell  
02:24 25 anybody what I just said"?





1 A Not that I recall.

2 Q That's something you would have told the police,  
3 I'm sure?

4 A Yeah. I don't recall that.

02:24 5 Q I mean David never said "you know, what I said,  
6 keep between us guys", or "don't tell anybody"  
7 or --

8 A No.

9 Q -- "gosh, know what"?

02:24 10 A No.

11 Q And he certainly didn't threaten anybody, you  
12 know, "I'll get you if you talk"?

13 A No.

14 Q That never happened?

02:25 15 A No.

16 Q In fact, you guys had no fear of David, did you?

17 A Umm, no, not really.

18 Q I mean you are a pretty big boy yourself; aren't  
19 you?

02:25 20 A Well, back then I was a lot smaller than he was.

21 Q You are fairly tough? And George was, what, 50  
22 pounds more than you?

23 A Oh, at least.

24 Q George was a really big guy?

02:25 25 A Yup.



1 Q And Counsel for the Commission asked you whether  
2 there might have been as much as 20 people in the  
3 room, and that just didn't happen, was it?

4 A No.

02:25 5 Q And, had you seen David jumping off walls or  
6 smashing his face into walls and his nose  
7 bleeding, that's something you would have told the  
8 police?

9 A Yeah. I don't recall that.

02:25 10 Q It's the kind of thing you would have remembered  
11 when you talked to the police back then, it's  
12 pretty unusual?

13 A I would guess I would, yeah.

14 Q What was Ute Frank's condition that night?

02:26 15 A Umm, I believe she was stoned too.

16 Q But was she walking around with no clothes on as  
17 well or --

18 A Oh, I can't recall.

02:26 19 Q But she seemed to have no trouble having relations  
20 in front of the group that was there?

21 A I guess not, no.

22 Q You never saw her complain or say "don't look", or  
23 "I don't want to", or anything like that?

24 A Not that I recall, no.

02:26 25 Q And, as far as leaving, you mentioned that Debbie



1 and George left and then Ute stayed in bed with  
2 David; is that correct?

3 A Yes, I believe so.

4 Q And you stayed on the floor?

02:26 5 A Yes.

6 Q And slept the night away?

7 A Yes.

8 Q And, in the morning, did you leave first?

9 A Yes, I believe so.

02:26 10 Q And you had no difficulty in leaving Ute with  
11 David?

12 A No.

13 Q Now I take it that when you were in the, in the  
14 motel, you were serving a suspended sentence at  
02:27 15 that time?

16 A Yes.

17 Q And you were also on bail for the armed robbery?

18 A No.

19 Q That happened later; did it?

02:27 20 A Yes.

21 Q Now is it your evidence that it never crossed your  
22 mind that assisting the police might be of some  
23 benefit to you when you went to court?

24 A Went to court for what?

02:28 25 Q For the armed robbery?



1 A As I stated earlier, I was innocent of a charge,  
2 and had no belief that I was going to be put in  
3 jail for something that I did not do.

4 Q So you --

02:28 5 A So, for me to approach or talk or say "here I am,  
6 eh, I got this evidence, what can we do," no, I  
7 did not.

8 Q Okay. So you say you were also wrongly convicted?

9 A That's correct.

02:28 10 Q And do you have any idea why you were wrongly  
11 convicted?

12 A The fella that I was arrested with had been doing  
13 numerous armed robberies in the city, and the only  
14 way to put him in jail was to put me in jail with  
02:28 15 him because I was giving him a ride somewhere, and  
16 there was no way to put him in jail without me  
17 going with him.

18 Q Okay. Did witnesses lie against you?

19 A Well I was put in a police lineup, I was wearing a  
02:28 20 blue and white T shirt with yellow TK pants, and  
21 put in a police lineup with four -- with six  
22 natives wearing green prison clothes. Yes, I was  
23 -- you know, I could hear the guy from behind  
24 saying "that's him in the striped shirt, I would  
02:29 25 know him anywhere".



1 Q So the police officer said "that's the guy", and  
2 you were in a bad lineup, and you were picked out  
3 as being a perpetrator; is that the idea?

4 A Yeah, in the car or whatever, yes.

02:29 5 Q And that was the essence of your conviction?

6 A Yes. The fellow was watering his lawn on the side  
7 street, on 13 -- or on Retallack Street, and seen  
8 this car speeding by at 60 or 70 miles an hour,  
9 and turned for a second and then positively  
02:29 10 identified me out of a police lineup.

11 Q Okay. And I take it that you take no  
12 responsibility for that?

13 A For what?

14 Q For your conviction?

02:29 15 A For armed robbery?

16 Q Well, yeah?

17 A Well why would I?

18 Q But yet you feel David should take responsibility  
19 for his?

02:30 20 A What do you mean "responsibility?" I didn't do  
21 anything.

22 Q Yeah.

23 A If he didn't do anything -- there is a sequence of  
24 events. If things happened, and it's obvious  
02:30 25 that, well, to some people that things did happen,



1           then he should be honest enough to say that those  
2           things did happen and they were taken out of  
3           context. Right? I mean if you are going to make  
4           a statement you should say "yes, I made that  
02:30 5           statement, but it was taken out of context, I was  
6           only joking, I was only trying to be a big tough  
7           guy." You know what, to me, that's closure.

8           **Q**       But the bottom line is, based on what you saw, you  
9           would accept that as an explanation?

02:30 10          **A**        Absolutely.

11          **Q**        And, when you testified, it was obvious that your  
12          evidence was provided at the very last minute;  
13          true?

14          **A**        Yes.

02:31 15          **Q**        And, up until the Supreme Court of Canada, did  
16          anybody ever ask you if what David was saying  
17          might have been sarcastic or a joke?

18          **A**        No.

02:31 19          **Q**        That is the officer who interviewed you,  
20          Mr. Karst, never said to you "did you take him  
21          seriously?"

22          **A**        I don't think -- I don't remember. I don't  
23          believe so.

02:31 24          **Q**        It would be in your statement if it was, I take  
25          it? You're nodding your head, I think that means



1 "yes?"

2 A Yes.

3 Q And when you were interviewed by the prosecutor he  
4 never asked you if it was serious or not?

02:32 5 A Not that I recall, no.

6 Q And when you testified in the court nobody ever  
7 asked you if it was serious?

8 A No, I don't believe so.

9 Q And, had you been asked, you would have said you  
02:32 10 don't know; right, isn't that right?

11 A Yes, in all likelihood, yeah.

12 Q So the jury in David's case heard from you and  
13 Lapchuk, both of whom were never asked if it was  
14 serious, and didn't hear from Hall and Harris who  
02:32 15 both say it wasn't serious; that is correct, isn't  
16 it?

17 A Yes.

18 Q I just have one last thing to ask you, and I don't  
19 say this to embarrass you, but I can't really  
02:33 20 leave it. You, in your statement to Mr. Williams,  
21 you attributed adverse publicity as to your reason  
22 for leaving Regina?

23 A Yes.

24 Q You recall we saw that this morning?

02:33 25 A Yes.



1 Q Now surely you are not talking about adverse  
2 publicity about this case, are you?

3 A This, and choices that I made in my life, yes.

4 Q I mean when I say I'm not trying to embarrass you,  
02:33 5 but you were charged with first-degree murder,  
6 were you not?

7 A That's correct.

8 Q And you did, at a later point, testify against  
9 some fairly dangerous people?

02:33 10 A I testified for the defence, not for the  
11 prosecution.

12 Q Okay, okay, so you -- that's right, for the  
13 defence in a murder trial?

14 A That's correct.

02:34 15 Q So when you say "adverse publicity" might not it  
16 have referred to your -- to that as much as this?

17 A Both.

18 Q Those are all my questions, thank you very much,  
19 Mr. Melnyk.

02:34 20 **BY MR. LOCKYER:**

21 Q Mr. Melnyk, it would seem that you are pretty  
22 angry today and kind of resent being here today;  
23 is that right?

24 A That's correct.

02:34 25 Q And do you blame David for that as well?





1 A No.

2 Q You don't? So you don't have any resentment,  
3 today, towards David for the fact that you are  
4 here?

02:35 5 A No. I blame the system.

6 Q I can't hear you?

7 A I blame the system.

8 Q You blame the system. All right. And you  
9 expressed your anger or resentment at being here  
02:35 10 by saying you keep having to testify about the  
11 same event; correct?

12 A That's correct.

13 Q And how you have always been honest?

14 A Yes.

02:35 15 Q Of course, it turns out that actually, today, you  
16 have started testifying about a new event?

17 A Yes.

18 Q So, actually, you haven't always been testifying  
19 about the same event, we've heard about a brand  
02:35 20 new one today?

21 A Well, I always have been in my mind.

22 Q Oh, all right. So you have always been -- so what  
23 you should have said is you have always been  
24 testifying with the same thing in your mind as to  
02:35 25 what happened in the past; is that what you mean?



1 A I guess so, yeah.

2 Q Yeah. And you haven't always been honest, it  
3 would seem, is that right?

4 A Well --

02:35 5 Q From what you are saying now it sounds like you  
6 have been quite dishonest?

7 A Well, that's your opinion.

8 COMMISSIONER MacCALLUM: In what  
9 particular, please?

02:36 10 MR. LOCKYER: By not revealing the other  
11 incident, Mr. Commissioner.

12 COMMISSIONER MacCALLUM: Thank you. You  
13 understand the question now?

14 A Yes, but I explained, I believe I explained why I  
02:36 15 never said anything prior to today.

16 BY MR. LOCKYER:

17 Q Well, you have explained about why you were  
18 dishonest, but you had been dishonest; right?

19 A If that's what you would like to call it, yes.

02:36 20 Q Well, can you think of a better word for it?

21 A I wouldn't use that word, but --

22 Q Mr. Wolch pointed out to you the coincidence of  
23 what you are claiming today, that you didn't ever  
24 tell anyone about it before, and, coincidentally,  
02:36 25 neither did Lapchuk or Ute Frank; right?



1 A That's correct.

2 Q And, of course, there's another coincidence, you  
3 might say, that this other event that you have  
4 told us about took place in the presence of two of  
02:37 5 the people who were with you in the motel room in  
6 May of 1969?

7 A That's right.

8 Q So we've got a second coincidence, there is no new  
9 person involved, correct?

02:37 10 A No, that's correct.

11 Q And did you, I mean you saw lots of Lapchuk  
12 between May of '69 up to when you testified at  
13 David's trial, and indeed thereafter; isn't that  
14 right?

02:37 15 A Yes.

16 Q Close friend; right?

17 A Right.

18 Q And you saw, I don't know how much, but you saw  
19 Ute Frank as well in that time; right?

02:37 20 A After the trial?

21 Q Up to and after?

22 A Well yeah, up to, and not too much after.

23 Q But the three of you were in each other's company  
24 both up to and after the trial?

02:37 25 A That's correct.



1 Q And did you share with each other the fact that  
2 you had all suppressed this piece of information  
3 from the police?

4 A No.

02:38 5 Q Well did you know they had suppressed it?

6 A Did I know -- sorry?

7 Q Did you know that they hadn't told the police  
8 about this supposed entire incident?

9 A No.

02:38 10 Q You never inquired of them?

11 A No.

12 Q Why not? It was always on your mind, you said.

13 A Yeah. Well, like I said, I will -- what I said  
14 back then, I mean you know, I was not proud of  
02:38 15 what -- I was not proud about what we said, but  
16 what was said was said, and I just wasn't going to  
17 go beyond that. I mean, I had already done enough  
18 damage, I was not about to do more.

19 Q Well you knew that all three of you had given  
02:38 20 statements to the police?

21 A Yes.

22 Q I think you all saw each other, didn't you, on the  
23 day you gave your statement?

24 A Yes.

02:38 25 Q Yeah. So, at a minimum, you presumably talked to



1 each other about what you told the police, perhaps  
2 not what you didn't tell them, but what you did  
3 tell them?

4 A I think the only thing that we talked about was  
02:39 5 the motel incident.

6 Q Right. That's what I am saying. So, at a  
7 minimum, you talked to each other about what you  
8 had told the police?

9 A Yes.

02:39 10 Q i.e. the motel incident?

11 A Yeah.

12 Q Right?

13 A I don't think we put the two incidents in  
14 relationship.

02:39 15 Q Well it seems that you never talked about the  
16 other thing you are telling us about today at all,  
17 am I right, to them?

18 A No.

19 Q To Lapchuk and Frank?

02:39 20 A That's right.

21 Q All right. And they never mentioned it either?

22 A No.

23 Q All right. But you did all talk about what you  
24 had all said about the motel incident?

02:39 25 A That's right.



1 Q And did Lapchuk essentially, did Lapchuk tell you  
2 that, essentially, he had told the police the same  
3 thing as you?

4 A Umm, actually, we never really talked about what  
02:39 5 we had both said at the trial. It was just, like,  
6 we didn't want to talk about it.

7 Q Okay. I just, I'm sorry, a minute ago you said  
8 you did talk about it, --

9 A Well it --

02:39 10 -- you are now saying you didn't?

11 A Well, no, it's not like we sat down and said "well  
12 did you say this" or "did you say that," you know.  
13 We talked maybe briefly about it, --

14 Q Uh-huh?

02:40 15 A -- but no one wanted to seem to carry on a  
16 conversation regarding that incident.

17 Q Well did you -- it was -- did you believe that  
18 Lapchuk had essentially told the police the same  
19 as you had?

02:40 20 A I believed he did, yes.

21 Q And Frank as well?

22 A Umm, I'm not sure what -- what she had said to  
23 them.

24 Q Well did you have any reason to think she had told  
02:40 25 them anything different from you?



1 A Umm, I think she initially refused to talk to  
2 them.

3 Q And what made you think that?

4 A I think someone had said that to me.

02:40 5 Q Who?

6 A I can't remember.

7 Q Because, in fact, she did talk to them about the  
8 same time you did, but she didn't tell you or give  
9 you any hint of what she had told the police?

02:41 10 A No. After this incident she pretty well wanted  
11 nothing to do with us.

12 Q So, really, we've got the three of you, you are  
13 all, certainly you and Lapchuk, good friends, and  
14 the two of you friends of Frank, and it seems that  
02:41 15 the three of you just don't talk about what I  
16 would have thought was a very important event in  
17 your lives, testifying -- at least in the case of  
18 you and Lapchuk -- against David at his murder  
19 trial? You never talked about it?

02:41 20 A Well, no, it's -- that's because you are on the  
21 outside looking in. When you do things like that,  
22 I mean I can only speak for myself, you are not a  
23 -- you are not proud of what you did, it's not  
24 like you are feeling good and pumped and, you  
02:41 25 know, "geez, it feels better," you try to put it



1 behind you. You probably try to put it behind you  
2 in disbelief that, you know, did this really  
3 happen or did I just do that, you know. It's not  
4 the kind of thing that -- it's not like going out  
02:42 5 and -- it's a different event, it's -- unless  
6 you -- unless it happens to you it's very hard for  
7 me to explain how you feel about it and how you  
8 would be willing to share that information with a  
9 close friend, a loved one.

02:42 10 I mean to this day my wife of 35  
11 years doesn't know what happened, doesn't know  
12 what I said in that motel room, doesn't know any  
13 of it because I don't want to share that with her.  
14 It's, to me, it's not important to her, it's only  
02:42 15 important to me, so I'm -- it's -- you know, it's  
16 just my feelings.

17 Q So you carry on being friends but you don't talk  
18 about --

19 A That's right.

02:42 20 Q -- what you have done?

21 A That's right.

22 Q Uh-huh. And you presumably realized, when you  
23 gave your evidence at David's trial, you  
24 appreciated how your evidence was going to be used  
02:43 25 by the prosecution?





1           A           Yeah, well I think it was a big reality check when  
2                       we walked in the courtroom, yes, it all come to  
3                       light that -- what we had -- that what we had said  
4                       was about to have a dramatic effect.

02:43 5           Q           Uh-huh. And what you were saying could send --

6           A           Yes.

7           Q           -- supposedly a friend of yours to jail for the  
8                       rest of his life?

9           A           That's correct.

02:43 10          Q           Right. Now, when you say that you think that this  
11                      other incident was before the motel incident, I  
12                      have been trying to think about that and think  
13                      about the implications of it. First of all, this  
14                      incident that you have told us about today in the  
02:43 15                      car seems to be a -- to have been a particular, it  
16                      must have been a particularly startling event at  
17                      the time; right?

18          A           Well, to stick in my head that long, yes.

19          Q           Well, no, but just the fact -- whether or not it  
02:44 20                      stuck in year head that long, just thinking of the  
21                      event itself, David taking his shirt off,  
22                      announcing that he had killed her, and then  
23                      leaping into the back seat of the car, you said,  
24                      from the front, and telling Ute Frank that he was  
02:44 25                      going to fuck her must have been an



1           extraordinarily startling event at the time?

2           A           Umm, yes.

3           Q           And moreso than the motel incident, I would have  
4                    thought, just because at least the motel incident  
02:44 5                    had context to it, namely he was being teased  
6                    about whether or not he had killed the nurse;  
7                    right?

8           A           Yes.

9           Q           But this incident in the car had no such context,  
02:44 10                   it was inspired by David, from what you are  
11                   saying?

12          A           Yes.

13          Q           Right. And I'm thinking that, if that had  
14                    happened before -- let's start with that -- before  
02:44 15                   the motel room incident, then the motel room  
16                    incident wouldn't have been very startling at all,  
17                    you were just hearing something you had already  
18                    heard before?

19          A           Yes.

02:45 20          Q           Is that your sense of the motel incident, that you  
21                    were just hearing something you already heard?

22          A           I can't attach the two. I don't know which -- you  
23                    know, I don't know which event happened first.

24          Q           But you would remember, I'm going to suggest to  
02:46 25                    you, if the motel incident had happened second,



1           you would remember thinking to yourself here we go  
2           again, you already did this a few days -- a few  
3           weeks ago and here he is doing it again?

4           A           I could have felt that way, but I can't recall.

02:46 5           Q           You don't remember?

6           A           No.

7           Q           And one might also have thought as well that if  
8           Lapchuk and you and Frank had been present when  
9           this took place, that just to take Lapchuk, for  
02:46 10          example, one might have thought that the idea of  
11          him teasing David subsequently about whether or  
12          not he killed this girl after the TV story might  
13          not have been very appropriate given what you say  
14          already happened in the car?

02:46 15          A           Yeah.

16          Q           Right?

17          A           Yeah.

18          Q           So if you look at it in that light, sort of from  
19          the point of view of trying to reconstruct it, so  
02:47 20          to speak, do you think it's more likely that the  
21          car incident might have happened after the motel  
22          incident and affirmed what happened in the motel  
23          rather than the other way around?

24          A           I would only be guessing. I don't know.

02:47 25          Q           Because the motel incident, if the car incident



1 was first, the motel incident really wouldn't have  
2 been half as important as the car incident would  
3 it?

4 A I don't recall.

02:47 5 Q And yet none of, neither of the other two have  
6 made a mention of it either as it turns out up  
7 till today?

8 A I guess so, yeah.

9 Q But if we carry through the logic, sir, and say to  
02:48 10 ourselves, well, maybe it's more likely it  
11 happened after the motel incident, the car  
12 incident, that presents a bit of a problem of what  
13 you told the police; does it not?

14 A I don't --

02:48 15 Q Well, if we go to your original statement, sir, in  
16 January of 1970, page 009136, and go to the next  
17 page, please, you've described the event in the  
18 motel, sir, and then look what you say there.  
19 What do you say there?

02:48 20 A I can't read it.

21 Q "I haven't seen Hoppy since." Is that right? In  
22 January of 1970 you are saying you hadn't seen him  
23 since the motel incident. Is that true?

24 A Sorry, what's the front of the, like --

02:49 25 Q You describe the motel incident, sir, you say, if



1                   you look at the previous two lines:

2                   "I stayed the night with Hoppy and Ute and  
3                   left in the morning before they did. I  
4                   haven't seen Hoppy since."

02:49 5           A           Okay.

6           Q           And you are saying this in January of 1970.

7           A           All right.

8           Q           Which is when you were saying it.

9           A           So --

02:49 10          Q           Is that true?

11          A           Yes.

12          Q           You hadn't seen him since?

13          A           That's right.

14          Q           If you hadn't seen him since, then I suppose the  
02:49 15          car incident would have to have been before?

16          A           Then it was before.

17          Q           Right. So then at the end of the day you are  
18                   giving evidence against your friend, or former  
19                   friend, on a murder trial about an event which  
02:49 20          really wasn't a significant event, the car event  
21                   was much more significant than the motel room?

22          A           Yeah.

23          Q           One might have thought you would have told Wilson  
24                   about that rather than the motel incident. Why  
02:49 25          would you tell him about the motel incident and



1 not the other one?

2 A I have no idea.

3 Q And why would you think your friends Lapchuk and  
4 Frank would do exactly the same as you, never  
02:50 5 mention this other event which would at least seem  
6 to me to be more important than the motel room?

7 A I don't know. I can't speak for them.

8 Q Unless of course it simply didn't happen?

9 A In my mind it did.

02:50 10 Q In your mind it did?

11 A Uh-huh.

12 Q And of course your mind has been feeling  
13 resentment for years and years and years, 35  
14 years, towards David; right?

02:50 15 A By making a statement, what would I have to gain?  
16 It would be pretty stupid to go 35 years and then  
17 all of a sudden throw a wrench into this whole  
18 thing. You know, I wish I wouldn't have -- I wish  
19 I wouldn't have brought it up this morning, but  
02:50 20 you asked that I be honest. I try to be honest.  
21 Nobody seems interested in the truth. You asked  
22 the truth. I told the truth.

23 Q So did no one say that maybe you should be honest  
24 when you testified before the highest court in the  
02:51 25 land, the Supreme Court of Canada, in 1992?



1 A Well, the Supreme Court of Canada is a very  
2 intimidating place. For me, just a layman, just  
3 to walk in there, it kind of takes your breath  
4 away to start with. It's not like we have a nice  
02:51 5 gentle conversation like we are here, the  
6 questions come at you and everything happens so  
7 quickly and you don't have time to state your  
8 opinion, what you feel like in a situation like  
9 this.

02:51 10 Q Well, we all have the transcripts, sir, and I must  
11 say, as I read the questions and answers that were  
12 posed to you, everything seemed very reasonable  
13 and easy going.

14 A Well, they weren't for me.

02:52 15 Q Uh-huh. And you didn't think that in preparation  
16 for your evidence before the Supreme Court of  
17 Canada that you might mention this to someone?

18 A I didn't really prepare myself for the Supreme  
19 Court of Canada.

02:52 20 Q Did you have a lawyer then?

21 A No.

22 Q Why do you have a lawyer now?

23 A Because --

24 Q Because you have one here today; right?

02:52 25 A Yes, that's correct.



1 Q Uh-huh.

2 A Because I came to a point in my life where I'm  
3 trying to get on with my life, I'm trying to have  
4 some kind of closure, and I tried to see if there  
02:52 5 was a legal way that I would not have to attend  
6 this inquiry. I don't -- I'm tired of having my  
7 picture thrown around, I'm tired of seeing my name  
8 thrown around. I just would like to get on with  
9 my life and that is the reason.

02:52 10 Q So as Commission Counsel brought out of you, you  
11 didn't tell the Saskatchewan police in January of  
12 1970; right?

13 A That's right.

14 Q You didn't tell Eugene Williams in August of 1990?

02:53 15 A Right.

16 Q You didn't tell the Supreme Court of Canada in  
17 February of '92?

18 A No.

19 Q You didn't tell the newspaper reporter that you  
02:53 20 spoke to in March of 1992?

21 A No.

22 Q It struck me as an odd thing to do, someone who is  
23 so upset about being in the limelight, there's a  
24 big newspaper story which you seemed to have been  
02:53 25 quite happy to talk to the reporter?





1 A I'm more than happy to put that into context. At  
2 that time the Milgaard trial and -- it was all  
3 front and center again in the newspapers, on the  
4 news. My sister at that time happened to be  
02:53 5 taking a journalism course at the University of  
6 Saskatchewan and she talked to me constantly and I  
7 said, "Well, maybe they would like to hear my side  
8 of the story instead of this little sound bytes  
9 they just seem to pick out of conversations here  
02:53 10 and there and maybe I'm prepared now to say my  
11 side of the story," and that's where that  
12 interview came from.

13 Q So you volunteered -- you arranged the interview  
14 no less?

02:54 15 A That's correct.

16 Q I see. And then you didn't tell the RCMP in April  
17 of '93 anything about it either?

18 A About what?

19 Q About this supposed second incident that you've  
02:54 20 come up with today?

21 A No, I did not.

22 Q Well, that you came up with -- actually, when did  
23 you come up with it, yesterday?

24 A No. What do you mean, when did I first say --

02:54 25 Q When did you first tell someone at the Commission



1 about it.

2 A Yesterday.

3 Q Yesterday. So February 15th of 2005 is the first  
4 anyone hears about this?

02:54 5 A That's right.

6 Q And I mean anyone; right?

7 A Yeah.

8 Q So having listened to you talking about your  
9 robbery wrongful conviction, sir, do you feel that  
02:54 10 you have sort of some common interest now with  
11 David who went through the same experience as you?

12 A It's not a perfect system, but it's the only one  
13 we have.

14 Q That's not what I asked you.

02:55 15 A Well, how do I feel? Well, it's not a very good  
16 feeling going to jail for something you didn't do,  
17 no.

18 Q Uh-huh. And you did it for three months?

19 A Yeah, three months, two days.

02:55 20 Q And I must say, I don't -- I'm not quite clear in  
21 my mind from the answers you gave Mr. Wolch. Do  
22 you still think David committed this crime or not?

23 A Um -- I don't -- I don't know.

24 Q You don't know?

02:55 25 A No.



1 Q Well, that means you think he might have; is that  
2 what it boils down to?

3 A No, I just said I don't know.

4 Q You don't know?

02:55 5 A I don't know. Whether he's guilty or innocent, I  
6 don't know.

7 Q And as I go through the tenor of your evidence  
8 over the years, it's, at least to me, striking how  
9 your attitude seems to change from time to time,  
02:56 10 and I just want to go through that. First of all,  
11 when the event itself happened in the motel room,  
12 and let's forget about the car thing all together  
13 for a moment, but when the event happened in the  
14 motel room, your reaction, as Mr. Wolch brought  
02:56 15 out, was not to leave, but in fact your reaction  
16 was to stay the night; is that right?

17 A That's right.

18 Q And it would seem Ute Frank's reaction to, first  
19 of all, the car incident was to continue to see  
02:56 20 David; right?

21 A That's right.

22 Q And to stay the night just like you did after you  
23 had seen this chilling event in the motel room;  
24 correct?

02:56 25 A That's right.



1 Q So your reaction might be said to be a reaction  
2 that was not consistent with a feeling on your  
3 part that a particularly chilling event had just  
4 happened where David in effect admitted killing  
02:57 5 someone?

6 A I guess so, yeah.

7 Q I can't hear you.

8 A I guess so.

9 Q Right. And then by the time you testified at  
02:57 10 David's trial, then, just a year later, you are  
11 presenting a very chilling impression of what  
12 happened in the motel room that night; is that  
13 right?

14 A Yes.

02:57 15 Q I mean, you had it read to you today. Any jury  
16 hearing that would have, if they believed it,  
17 would have taken it as pretty solid evidence that  
18 David had committed the crime don't you think?

19 A Yeah, I guess so.

02:57 20 Q If they believed you. And here you are, a friend  
21 of David's, in effect saying that David confessed  
22 the crime to you and you believed him that he  
23 committed it. That's in effect what you were  
24 saying at the trial isn't it?

02:58 25 A I don't think they asked me if I did -- if I



1 believed that.

2 Q In effect, you were saying this event happened and  
3 it had a tremendous impression on you and a  
4 chilling effect on you which amounts to you, in  
02:58 5 effect, saying he was telling me he committed the  
6 crime and I believed him that he did it?

7 A That's not what I said though. Did I say I  
8 believed that he did it?

9 Q That's the effect you would have been creating on  
02:58 10 a jury don't you think?

11 A All I did was tell them what happened in a  
12 situation.

13 Q And as Mr. Wolch pointed out, you didn't qualify  
14 it in any way at all by saying maybe it wasn't  
02:58 15 serious, you didn't qualify it --

16 A I wasn't asked.

17 Q -- in front of the jury?

18 A I wasn't asked.

19 Q You were asked questions about the effect it had  
02:58 20 on you and the others in the room and you gave  
21 your evidence. You certainly had plenty of  
22 opportunity to answer it differently from the way  
23 you did, didn't you?

24 A In hindsight, I should have asked all those  
02:59 25 questions.



1 Q And then you go before the Supreme Court of Canada  
2 some 22 years later and for the first time you are  
3 acknowledging that, for example, that you can't  
4 say for sure whether David's reaction to the  
02:59 5 chiding was serious or sarcastic. Do you remember  
6 having that read to you this morning?

7 A Yeah, I can't say for sure. It's 23 years after  
8 the date when the statement was first made.

9 Q No, I'm sorry, your evidence, in context, was you  
02:59 10 can't -- you weren't able to say for sure at the  
11 time whether David's reactions to the chiding was  
12 serious or sarcastic.

13 A Yeah.

14 Q And that you probably thought it could have been a  
03:00 15 joke. Do you remember saying that? You had that  
16 read to you this morning.

17 A I said that?

18 Q Yes. Well, you acknowledged it.

19 A Okay.

03:00 20 Q It probably was your word actually.

21 A Yeah.

22 Q And then in re-examination you said that you, and  
23 I quote, "I suppose I took it seriously to some  
24 extent." Do you remember that was read to you  
03:00 25 this morning?



1 A Yes.

2 Q Which certainly gives a different impression,  
3 don't you think, about the event from what you've  
4 given to the jury back 22 years earlier?

03:00 5 A I went from 16 years old to 40 some years old.  
6 When I'm answering a question or giving an answer  
7 like that, that's a mature person versus a 16 year  
8 old kid that's intimidated by a whole jury  
9 situation that I had never encountered before.

03:01 10 Q And of course you knew by the time you testified  
11 in 1970 what the expectations of the police and  
12 the prosecutor were from you didn't you?

13 A Yeah.

14 Q And you never suggested to them, or did you, that  
03:01 15 maybe it wasn't a serious event? Did you ever  
16 suggest that to them?

17 A No.

18 Q Why not?

19 A Didn't think of it.

03:01 20 Q Didn't think of it. Why wouldn't you have thought  
21 of it?

22 A You know -- well, I don't know, I don't know why.  
23 Maybe because I was just a young foolish child  
24 that didn't think, and you don't think. I mean,  
03:01 25 you are 16 years old.



1 Q And then in 1992 you told the *Leader-Post*, which  
2 is -- is that a Saskatoon newspaper? I'm not  
3 sure.

4 A Regina.

03:01 5 Q Regina?

6 A Yes.

7 Q -- that you couldn't see, you are quoted as  
8 saying, "I couldn't see if David was serious or  
9 joking." Do you remember that being read to you  
03:02 10 this morning?

11 A Yes.

12 Q And you certainly didn't say that back in 1970 did  
13 you?

14 A Yeah. I don't know if that's exactly word for  
03:02 15 word what I had said, but yeah, that's probably  
16 along the lines of what I said.

17 Q You certainly didn't say that back in 1970 did  
18 you?

19 A No.

03:02 20 Q All right. And then in April of '93 you seem to  
21 have turned back against David when you are  
22 interviewed by the RCMP; is that right? Your  
23 anger is there all over again, your resentment is  
24 there all over again towards David; is that right?

03:02 25 A What do you mean my resentment to David? You keep





1 referring to that. Where have I ever stated my  
2 resentment for David? I have my resentment for  
3 this whole chain of events that has brought us  
4 here to this point 35 years, that's my resentment.  
03:02 5 I have never ever stated resentment to David.

6 Q Well, actually you did about 20 minutes ago when I  
7 started cross-examining you.

8 A What did I say?

9 Q You acknowledged that you had a lot of resentment  
03:03 10 to David.

11 A No, that's what you said. Then obviously I didn't  
12 understand what you were talking about.

13 Q Oh, I see.

14 A I thought you were talking about the -- never  
03:03 15 mind.

16 COMMISSIONER MacCALLUM: I think he was  
17 talking about, as far as I know, his resentment,  
18 if you want to use that word, at David not having  
19 clarified the whole thing. That's what I  
03:03 20 understood him to say.

21 A Yes. Resentment is probably the wrong word. It's  
22 misunderstanding why he would not.

23 BY MR. LOCKYER:

24 Q And then when you speak to the RCMP in 1993, as I  
03:03 25 was saying, you express considerable annoyance to



1           them of being asked about this all over again. Do  
2           you remember that?

3           A           Yes.

4           Q           And you told them you had to leave Regina five  
03:03 5           years ago because of this and, as you put it,  
6           another -- or as they put it, another police  
7           matter?

8           A           Yes.

9           Q           So you are saying you left Regina in 1998 because  
03:04 10          of David's case; is that right? Is that when you  
11          left Regina?

12          A           No, I left Regina in 1989.

13          Q           1989, uh-huh, which, interestingly enough, was  
14          either several months or a year plus before anyone  
03:04 15          ever spoke to you again about the case. It  
16          doesn't sound like leaving Regina had a whole lot  
17          to do with David's case, does it, it was 19 years  
18          after the event and nothing has happened in 19  
19          years.

03:04 20          A           That's your opinion. It was constant in the  
21          paper, constant on the news, constant, constant.

22          Q           All right. Presumably it's constant in the paper,  
23          constant on the news wherever you move to in  
24          Canada.

03:04 25          A           Apparently.



1 Q It doesn't get you away from it.

2 A Apparently, yes.

3 Q But no one had been talking to you for 19 years?

4 A No. I didn't want to talk to anybody.

03:05 5 Q And when was this murder case, sir, that you were  
6 involved in, you were charged with?

7 A '86.

8 Q And what happened to your charge?

9 A It was stayed.

03:05 10 Q It was stayed where, after a preliminary hearing  
11 or --

12 A Yes.

13 Q So you were committed for trial?

14 A Yes.

03:05 15 Q I see. And was it stayed because you agreed to  
16 become a witness or to give evidence?

17 A No. I was a witness for the defence.

18 Q And what happened to the other people who were  
19 charged?

03:05 20 A Life in prison.

21 Q I see. And was this -- what was the nature of  
22 this homicide, sir, was this a gang homicide or --

23 A A fellow was shot in downtown Regina.

03:05 24 Q And the people who were charged were members of a  
25 gang were they?



1 A A club, a motorcycle club, yes.

2 Q A motorcycle club. And you were a member of the  
3 club yourself?

4 A That's correct.

03:06 5 Q I see. And what club was that?

6 A Apollos.

7 Q And you call it a club. Was it a gang in effect?

8 A It's just a word, yes, club.

9 Q And when you spoke to the RCMP in April of '93,  
03:06 10 sir, you were really very adamant when you spoke  
11 to them that this was no joke; is that right, in  
12 the motel room?

13 A Yes.

14 Q Right. So you sort of reverted back to where you  
03:06 15 were when you testified in front of the jury in  
16 1970; right?

17 A I suppose, yes.

18 Q Why? Why are you going backwards and forwards?

19 A I don't know. I don't know why you try to say you  
03:07 20 go backwards and forwards. It's like you are, you  
21 know, if I don't say what I said in 1970 per  
22 verbatim, if I change an "a" or a "the" or the way  
23 I feel or the way I made a movement, then  
24 obviously it couldn't have been true. Look at the  
03:07 25 time span here, you know. You keep going over and



1 over, we all keep going over and over these  
2 statements as a witness. Do you know what the  
3 odds are of having word for word the same  
4 statement 35 years in a row? Impossible. Unless  
03:07 5 I'm studying it, and I don't study it.

6 Q Are you finished?

7 A Yes.

8 Q Uh-huh. I think my point, sir, is not about  
9 words, it's about your attitude in 1970 this  
03:08 10 wasn't a joke; in 1992 it might well have been a  
11 joke; in 1993 it's no joke; in 2005 I got the  
12 impression when you testified this morning that it  
13 was no joke if only because you brought in this  
14 second incident suddenly out of the blue, and then  
03:08 15 half an hour ago, answering Mr. Wolch's questions,  
16 you are back to, well, it could have been a joke.  
17 That's not changing words here and there, sir,  
18 that's fundamentally, fundamental changes in your  
19 evidence depending on when it is you are giving  
03:08 20 it, and that's what I'm asking you about and  
21 that's what I'm asking you to explain.

22 A I have no idea. In 1969 or '70, whenever it was  
23 when I testified, if I came across that I took it  
24 as a very serious matter. Then obviously that's  
03:09 25 1969, '70, then that's how I felt at that time.



1 If 10, 20 years later I say, well, you know, it  
2 could have been a joke, well, maybe it was  
3 serious, well no, I was scared, you know, I'm only  
4 guessing at that point.

03:09 5 MR. LOCKYER: That's all. Thanks.

6 COMMISSIONER MacCALLUM: Mr. O'Keefe, do  
7 you have any questions?

8 MR. O'KEEFE: No, I don't.

9 COMMISSIONER MacCALLUM: Mr. Fox?

03:09 10 MR. FOX: Yes.

11 COMMISSIONER MacCALLUM: I see it's time  
12 for our break. 15 minutes. Again, sir, please  
13 don't discuss your evidence. Thanks.

14 *(Adjourned at 3:10 p.m.)*

03:27 15 *(Reconvened at 3:32 p.m.)*

16 **BY MR. FOX:**

17 **Q** Thank you, Mr. Commissioner.

18 Mr. Melnyk, my name is Aaron  
19 Fox, and I'm the lawyer for Eddie Karst. And I'm  
03:32 20 not sure if you know Mr. Karst or not, but he is  
21 one of the officers that spoke to you in Regina  
22 when you gave your first statement in 1969.

23 I have got -- 35 years has been  
24 a long time, and it's been a long day already, and  
03:33 25 I'm going to ask you just to bear with me because



1 I'm going to go over a couple things. Some of  
2 them you have already talked about but I'll try  
3 and be brief. Okay?

4 Just, first of all, am I correct  
03:33 5 that your only dealings with the Saskatoon Police  
6 Service in regard to the David Milgaard  
7 investigation would have been that date, in  
8 January of 1969, when they came down to Regina and  
9 met with you at the motel and got the statement  
03:33 10 from you?

11 A That's correct.

12 Q And I take it, in terms of your dealings with them  
13 at that time, that would have been fairly  
14 uneventful?

03:33 15 A Yes.

16 Q And no -- treated fairly, or how you would have  
17 expected to have been treated, in respect of  
18 somebody getting information from you?

19 A Yes.

03:34 20 Q And it would have been after then that, that you  
21 got the statement, that you would have  
22 subsequently met with the Crown prosecutor prior  
23 to actually giving your evidence at the trial  
24 itself?

03:34 25 A Yes.



1 Q Now I'm not sure how many times you were asked  
2 whether or not you believed David Milgaard was  
3 guilty or not, and we've heard that question asked  
4 of other witnesses as well. When you were called  
03:34 5 to testify in 1970, did you have any thought that  
6 it was your job to determine if David Milgaard was  
7 guilty or innocent?

8 A No.

9 Q Umm, beyond sort of telling them what you saw and  
03:34 10 heard, did you think you had any role beyond that?

11 A No.

12 Q And, by that, I mean you weren't getting any --  
13 nobody was giving anything to you for testifying?

14 A No.

03:35 15 Q You weren't doing it because you didn't like David  
16 Milgaard?

17 A No.

18 Q You basically said "this is what I saw, you make  
19 of it what you will"?

03:35 20 A Yes.

21 Q Umm, the, the car incident which may, or may now  
22 have, based on your statement, might have occurred  
23 before the motel incident; was there any reference  
24 to stabbing at that time, do you recall?

03:35 25 A No.





1 Q Was there any stabbing motions done by Mr.  
2 Milgaard at that time?

3 A Not that I recall.

4 Q Would it be fair to say the incident in the motel  
03:35 5 was quite a bit more graphic and quite a bit more  
6 prolonged than what you would have seen, say, at  
7 the car?

8 A Yes.

9 Q You were asked a number of times about whether  
03:35 10 this was a joke or not. I have, I have reviewed  
11 the trial transcript, and that's document 002134,  
12 and I don't know, at this point in time, if you  
13 recall if anybody ever asked you, one way or the  
14 other, whether it was serious or a joke; do you  
03:36 15 have any recollection of that?

16 A Not that I recall, no.

17 Q Okay. And, Mr. Commissioner, I would invite you  
18 to review the transcript, because nobody seems to  
19 have ever directly asked that question, and  
03:36 20 certainly nobody ever asked if it was a joke or if  
21 you took it serious.

22 You did -- you were questioned  
23 about the fact that David Milgaard was laughing  
24 about it afterwards?

03:36 25 A Yes.



1 Q And I think Mr. Tallis asked you a number of  
2 questions about whether that was hysterical  
3 laughing or whatever, but beyond that, it doesn't  
4 look like there was any questions about whether it  
03:36 5 was a joke or not?

6 A No.

7 Q I looked at your statement, and that's 009136, and  
8 again I don't see in there anywhere where you said  
9 he was serious or you said it was a joke; would  
03:37 10 that be fair to say as well?

11 A Yes.

12 Q Basically, you recited what you saw, and somebody  
13 will have to decide what to do with it?

14 A Yes.

03:37 15 Q And you talked about David accepting some  
16 responsibility -- and I know you mentioned how  
17 lawyers put words in people's mouths, and I have  
18 tried to do it to you and I know I'm doing that  
19 again here now, so if I don't put out the right  
03:37 20 words you make sure you tell me -- but as I  
21 understand, when you were talking about  
22 responsibility, you were referring to the fact  
23 that this incident occurred at the motel, if it's  
24 a joke, David, speak up to the plate and tell  
03:37 25 people it was a joke?



1 A Precisely.

2 Q You are not talking about whether he killed Gail  
3 Miller or not, you are just talking -- because all  
4 you know about is what happened in the motel?

03:38 5 A Yes.

6 Q And you knew David didn't do that at the trial, he  
7 didn't step up to the plate then and tell anybody?

8 A No, he did not.

9 Q And were you aware of what David said about the  
03:38 10 incident at the Supreme Court?

11 A No, I'm not.

12 Q I think if we look at the Supreme Court  
13 transcript, and it's the transcript of David  
14 Milgaard's evidence, it's 013092, and if we could  
03:38 15 turn I think it's to pages 316 and 317 of that,  
16 this is the -- I'm going to quote, read to you,  
17 this is pages 220 and 221 of the transcript,  
18 documents 013316 and 17, this is Mr. Neufeld  
19 questioning David Milgaard at the Supreme Court of  
03:38 20 Canada, and he says:

21 "Q You are familiar ...",  
22 I'm starting here, and you don't have to enhance  
23 it, just leave it at that, thank you:

24 "Q You are familiar, I take it, with what  
25 Mr. Melnyk and Mr. Lapchuk said happened



1 at that motel that night?"

2 And Mr. Milgaard said:

3 "A Yes, I am.

4 Q Basically, they describe you doing  
5 something with a pillow and saying some  
6 things which, to them, appeared to  
7 relate to the death of Gail Miller.  
8 Isn't that so?

9 A They painted a picture that something  
10 came on the TV about the murder and  
11 that I was supposed to act in an  
12 irrational manner, grab a pillow and  
13 make like I am stabbing it. There is  
14 different versions of that stuff  
15 ---

16 Q Almost like you were doing right there.

17 A Almost like I was doing right here.

18 Q Do you recall doing that, sir?

19 A I never did that, no.

20 Q How is it that you can tell us that you  
21 didn't do that ---

22 A Yes.

23 Q You must have a positive recollection?  
24 Is that right? You are thinking back  
25 and you are examining everything that



1                   happened in that room, and none of that  
2                   happened?

3                   A     Unless you were joking or something  
4                   like that, wouldn't you have a  
5                   positive recollection of doing  
6                   something like that?

7                   Q     Again, I am asking you the question,  
8                   sir, and I am trying to understand ---

9                   A     I have a positive recollection of not  
10                  doing anything like that."

11                 I take it you wouldn't agree with that testimony?

12                 A     No, I would not.

13                 Q     Now you were asked some questions about Debbie  
14                   Hall and you indicated that, although you have  
03:40 15                   heard lots of things about what Debbie Hall is  
16                   supposed to have said she saw in that motel room,  
17                   nobody has ever actually showed you what she did  
18                   say?

19                 A     No.

03:40 20                 Q     I'm going to ask if the -- if we could put up  
21                   document 026356. This document is an affidavit  
22                   that I think was prepared by Mr. Wolch's office  
23                   and filed with the Supreme Court of Canada, and if  
24                   you could turn to pages 026361, it's an affidavit  
03:41 25                   of Deborah Hall. Now if I could just highlight



1           that portion there, please, in her affidavit she  
2           states:

3           "I remember seeing news pictures of the Gail  
4           Miller murder on the television set but  
03:41 5           could not hear what was being said. As I  
6           previously indicated, everyone in the room  
7           was chatting back and forth. At one point  
8           Craig Melnyk said to David Milgaard "you did  
9           it, didn't you?". As Craig Melnyk was  
03:41 10          saying this, David Milgaard was punching the  
11          pillow trying to fluff it up. I remember  
12          him saying, in response to Craig Melnyk, "oh  
13          yeah right." in a sarcastic or joking  
14          manner. David Milgaard then put the pillow  
03:42 15          back against the head-board and leaned back  
16          and crossed his arms against his chest. I  
17          believe his response to the comment made by  
18          Craig Melnyk was in a joking manner. At no  
19          time did David Milgaard use the pillow to  
03:42 20          reenact the murder. My interpretation of  
21          David Milgaard's response was that it was a  
22          completely innocent and perhaps crudely  
23          comical comment. I know that if I had  
24          thought he was serious I would have left  
03:42 25          immediately. No one in the room thought



1 anything of that particular conversation.

2 Craig Melnyk and George Lapchuk  
3 both lied when they stated in their evidence  
4 at trial that David Milgaard reenacted the  
03:42 5 murder by going through a series of stabbing  
6 motions against the pillow."

7 Would you agree with that?

8 A Would I agree with what?

9 Q With what Debbie Hall has said in her affidavit  
03:42 10 there?

11 A No.

12 Q Okay. I'm going to then refer you to what Ms.  
13 Hall actually said before the Supreme Court, and  
14 this is document 047622, this is her testimony  
03:43 15 before the Supreme Court of Canada, she was called  
16 by Mr. Wolch. And if I could turn to pages 681 to  
17 82, now this is Mr. Neufeld questioning her, and  
18 he is putting to her some questions about a  
19 statement that had been taken from her by Eugene  
03:43 20 Williams, I think, and at the top he quotes it by  
21 saying:

22 "I thought he was a bit sick for his  
23 remark, you know, because he said  
24 something about, 'Excuse my  
03:43 25 language', but I remember it as such



1 "Fucking her brains. Oh yeah  
2 right.'"

3 Is that right?

4 A Yes.

03:43 5 Q And these were the words that he used,  
6 as you recalled it?

7 You went on, in fact, to say:

8 "'I stabbed her, I don't know how  
9 many times, and then I fucked her  
03:43 10 brains out.'" Right. You know,  
11 something like that. In that  
12 respect it was crude. It was crude  
13 and it was, you know, sarcastic."

14 A Yes.

03:44 15 Q Is that how you recall what he said?

16 A Yes.

17 Q You still recall it that way today?

18 A Yes."

19 Would that be a more consistent version of what  
03:44 20 you understand took place?

21 A Yes.

22 Q Mr. Melnyk, when you said you wished you had just  
23 never said nothing back in 1970, would that be  
24 because, if you hadn't said anything in 1970, you  
03:44 25 probably wouldn't have -- wouldn't be here today,





1 and wouldn't have been hounded by the press  
2 repeatedly and everybody else over what you saw in  
3 that motel room?

4 A That's right.

03:44 5 Q Having said that, today, after all you have gone  
6 through, were you speaking the truth in 1970 when  
7 you described what you saw in that motel room?

8 A Yes.

9 Q And are you still speaking the truth today?

03:45 10 A Yes.

11 Q And were you speaking the truth when you told the  
12 Saskatoon Police Service and gave your statement  
13 about what you saw in that motel room?

14 A Yes.

03:45 15 Q Thank you. Those are all the questions I have.

16 COMMISSIONER MacCALLUM: Mr. Gibson?

17 MR. GIBSON: No questions, thank you.

18 COMMISSIONER MacCALLUM: Mr. Beckman?

19 MR. BECKMAN: Thank you, My Lord.

03:45 20 **BY MR. BECKMAN:**

21 Q I won't be very long, Mr. Melnyk. My name is John  
22 Beckman.

23 I wonder if we could pull up the  
24 transcript at the -- of your testimony at the  
03:45 25 trial at 002144. Can we go to the 2144 page, and



03:46

1 I just want you to pull out about what's half-way  
2 down there. Now this is a transcript of your  
3 trial, your trial testimony, Mr. Melnyk, your  
4 evidence in chief, and that was in January of  
5 1970; do you recall that?

6 A Yes.

7 Q And this is what you said:

8 "Q just a minute please - go ahead?

9 A He was hitting the pillow like he was  
10 stabbing something and he said - I  
11 killed her or something fourteen  
12 times.

13 Q I killed her ..

14 A I'm not sure if it was - I killed her  
15 - but fourteen times was in there.  
16 It's was either "I killed her .." or  
17 "I stabbed her fourteen times."

18 Q You're sure it was either killed or  
19 stabbed?

20 A Yes.

21 Q Yes?

22 A And then he said "I fixed her".

23 Q Yes?

24 A And then he sort of rolled on his side  
25 and started laughing.



1 THE COURT: Yes."

2 Now, just with respect to that, I wonder if we  
3 could pull up document number 0007, I think it's  
4 33, it's a letter of January 1st, 19 -- January  
03:47 5 21st, 1970 to Mr. Tallis. Now it's already been  
6 in evidence that your evidence was given on  
7 January 28th, 1970, and that was put to you by  
8 Commission Counsel in chief. And I just note for  
9 the sake of the record the second paragraph in  
03:47 10 this document, if you could pull that out, and  
11 this is a letter from Mr. Caldwell to Mr. Tallis,  
12 Q.C.:

13 "I had Detective Karst go to Regina on  
14 January 19th to interview the people  
03:48 15 supposedly involved in this incident, and on  
16 January 20th I received three statements  
17 taken by Detective Karst, from these people,  
18 Craig Alfred Melnyk, George Nick Lapchuk and  
19 Ute Maria Frank, and I now enclose a copy of  
03:48 20 each of these statements for your file."

21 Now, you won't know anything about that, but I  
22 want to ask you a question, now, in light of  
23 that. Mr. Tallis was Mr. Milgaard's counsel for  
24 his defence in the trial; do you recall that?  
03:48 25 You recall he had a lawyer?



1 A Yes.

2 Q But do you recall ever being asked about any  
3 inconsistency in your statement, at the trial, by  
4 Mr. Milgaard's defence counsel?

03:48 5 A With respect to what?

6 Q Well, you will recall that Mr. Wolch had took your  
7 statement and put it to you and implied that there  
8 was an inconsistency between your statement you  
9 gave the police and the evidence you gave at  
03:49 10 trial; do you recall that when he questioned you?

11 A Yes.

12 Q Did that same thing occur at the trial?

13 A No.

14 Q Now, here's another document that is not yours, I  
03:49 15 wonder if we could pull up 026356. Now this is an  
16 affidavit -- and, again, I want to be clear  
17 here -- this is an affidavit by Deborah Hall, and  
18 I wonder if we could go to page 4, and this is --  
19 and the fourth paragraph, if you could just pull  
03:49 20 that out, and this is what Deborah Hall swore to:

21 "George Lapchuk and Craig Melnyk did not  
22 parttake of the drugs that we had purchased  
23 and I do not know whether they were under  
24 the influence of drugs or not."

03:50 25 And I just take you back to 1969 because this is



1 describing that motel incident; does that accord  
2 with your recollection?

3 A Yes.

4 Q You didn't take -- they didn't supply you with any  
5 drugs?

03:50

6 A No.

7 Q And, as far as you know, you hadn't taken any  
8 drugs?

9 A No.

10 Q And then it says:

03:50

11 "Bob Harris took some kind of drug in the  
12 hotel room and it made him very impaired."

13 Do you see that statement?

14 A Yes.

15 Q And would that -- and I want you to take a moment,  
16 just reflect on that incident in the hotel room in  
17 May of 1969; was Bob Harris very impaired?

03:50

18 A Umm, I can't recall.

19 Q You just have no recollection of his --

20 A No.

03:50

21 Q -- demeanour --

22 A No.

23 Q -- or what kind of condition he was in?

24 A No I don't.

25 Q And I gather, from that comment, you don't have

03:51



1 any recollection that he was in, you know, a very  
2 good condition; you just don't recall what  
3 condition he was in?

4 A No I don't.

03:51 5 Q Now it goes on to say:

6 "I remember this very clearly because it was  
7 the first time that I had seen someone use a  
8 needle to inject drugs. I can very clearly  
9 recall seeing his head go back and hit the  
03:51 10 wall and his eyes roll in his head after he  
11 put the needle in his arm."

12 Were you present when this incident happened?

13 A I can't recall that.

14 Q You don't recall Bob Harris shooting up?

03:51 15 A No, no.

16 Q I wonder if we could pull up document 019554, and  
17 if we could go to paragraph 16 and just pull that  
18 out, thank you. Now again, Mr. Melnyk, I want to  
19 be absolutely fair to you, this is not your  
03:52 20 document, you didn't file this affidavit or swear  
21 to it, this is an affidavit that was sworn to by  
22 Mr. Harris. And I'm not going to read it, but how  
23 did you get to the trial in Saskatoon in January  
24 of 1970, do you recall?

03:52 25 A Umm, we drove up. I believe, umm, I think just me



1 and -- me and George drove up, I believe.

2 Q You and George Lapchuk?

3 A Yes.

4 Q And this seems to say that Bob Harris caught a

03:52 5 ride with you going back to Regina; do you recall  
6 that at all?

7 A Umm, I don't recall it but I have been told that,  
8 yes.

9 Q The -- and, again, I'm not all that interested in

03:53 10 what you know from being told, I would like your  
11 independent recollection -- but who told you that  
12 that happened, since you raise it, if you can  
13 recall?

14 A Umm, I believe Mr. Hardy.

03:53 15 Q Okay. But you don't recall the incident?

16 A No.

17 Q You don't recall whether it happened or didn't  
18 happen?

19 A No.

03:53 20 Q You couldn't say it didn't happen but you couldn't  
21 say it happened; is that fair?

22 A Yeah, that's fair.

23 Q Especially at this juncture, 35 years later?

24 A Yeah.

03:53 25 Q And I gather it's your position, here, that you



1 told the truth, as you recalled it, about what  
2 happened in the motel room?

3 A Yes.

4 Q And you have told the truth, in essence, on that  
5 throughout?

03:53

6 A Yes.

7 Q I have no more questions. Thank you.

8 COMMISSIONER MacCALLUM: Thank you.

9 Ms. Knox?

03:53

10 **BY MS. KNOX:**

11 Q Mr. Melnyk, my name is Catherine Knox, and I'm the  
12 lawyer, in this large group of lawyers, who's here  
13 acting on behalf of Mr. T.D.R. Caldwell, who was  
14 the prosecutor at the trial in January 1970.

03:54

15 Now you indicated this morning,  
16 when Mr. Hardy was questioning you, that you can  
17 remember having a meeting with him, and I  
18 understand from the documentation in the file  
19 somehow arrangements were made during the first  
20 week of the trial for you and Mr. Lapchuk to come  
21 to Saskatoon, that there was a meeting with you  
22 and him, and ultimately, toward the end of the  
23 next week, you came back to Saskatoon to go on the  
24 stand and testify; does that accord with your  
03:54 25 memory?





1 A Yes, vaguely, yeah.

2 Q Okay.

3 A Yeah.

03:55 4 Q So he met with you a few days before you went on  
5 the stand?

6 A Yes.

03:55 7 Q And then, according to the testimony you gave at  
8 the trial, you told Mr. Tallis, when he asked you,  
9 that you had been in Mr. Caldwell's office the  
10 night before or the day before because you had  
11 seen Ute Frank there?

12 A Yes.

03:55 13 Q Okay. Do you have a specific memory, or any  
14 memories, of what Mr. Caldwell said to you in  
15 either one of the two times that you were in his  
16 office?

17 A No.

03:55 18 Q Okay. Did he, in any manner whatsoever, attempt  
19 to be rude to you, unkind to you, to suggest to  
20 you how you should answer questions, or to try to  
21 get you to give testimony that did not accord with  
22 your absolute best memory of the events in the  
23 motel room that previous spring?

24 A Not that I recall.

03:55 25 Q Do you recall whether he, in fact, questioned you



1 about whether you had any -- there was any  
2 acrimony between you and David Milgaard, whether  
3 you might have an ulterior motive to want to cause  
4 him hurt or harm, to satisfy himself that you were  
03:55 5 acting in good faith, as it were, before he put  
6 you on the stand?

7 A I don't recall it, the actual -- the conversation.

8 Q Okay. I know you are very tired and I promise you  
9 I'm not going to be very long. I guess the  
03:56 10 essence of what I want to capture here is whether  
11 he did anything to cause you to believe that he  
12 expected more or anything less than the absolute  
13 truth from you when you went into that courtroom?

14 A No, I don't believe so, no.

03:56 15 Q Okay. Now I just want to deal with, I think, one  
16 other area because, again, I appreciate that you  
17 are really tired. You testified this morning in  
18 response to a question from Mr. Hardy that it was  
19 in 1993, for the first time, that you remembered  
03:56 20 that Bob Harris had actually been in the motel  
21 room that night when this happened?

22 A Yes.

23 Q When did you, and how did you, come to remember  
24 Bob Harris being in the courtroom -- or in the  
03:56 25 motel room that night when this event took place?



1 A I don't recall.

2 Q Okay. I wonder if we could bring up 003136? And  
3 I'm just going to take a minute with you to look  
4 at your original statement. I'm sorry, it might  
03:57 5 be 008136, my numbers aren't very good here.

6 Now I know that you have looked  
7 at this a number of times and I'm just going to  
8 ask to highlight a small portion of it. Now, sir,  
9 as I read this, what you indicated on January  
03:57 10 19th, 1970 when you first took -- spoke to the  
11 police, is that when you got to the hotel room  
12 David Milgaard was there, and there were two young  
13 women, one who you knew to be Ute Frank and the  
14 other who you knew to be Debbie Hall?

03:57 15 A That's right.

16 Q And you told him that you and Mr. Lapchuk came  
17 together?

18 A Yes.

19 Q Okay. Would you agree with me that nowhere in  
03:57 20 that statement -- and we can go through the whole  
21 thing if you want, but I suspect you have done  
22 that already -- that nowhere in that statement  
23 that you gave on January 19th, 1970, did you  
24 recall or indicate that Bob Harris had been in the  
03:58 25 courtroom (sic)?



1 A That's right.

2 Q Okay. Now I wonder if we could bring up the  
3 transcript of your trial testimony which starts at  
4 002134. Okay. And I understand you have reviewed  
03:58 5 your testimony at trial?

6 A Yes.

7 Q Okay. Now, before I take you to the specific  
8 parts of it, would you agree with me that,  
9 although there were a number of opportunities for  
03:58 10 you to identify the people who were with you in  
11 the courtroom (sic), you never ever suggested that  
12 Bob Harris had been there?

13 A That's right.

14 Q Okay. So -- and would I be correct in assuming  
03:58 15 that when you testified on January 28th, 1970, you  
16 did not remember Bob Harris having been in that  
17 courtroom (sic)?

18 A That's right.

19 Q Or, sorry, motel room. And, in fact, I direct  
03:58 20 your attention to 002150 and around line 10 of  
21 that. Would you basically agree that, there, you  
22 confirmed what you had said in your statement;  
23 that there were the five of you there?

24 A That's correct.

03:59 25 Q Okay. Now if I could go to the next page, 002151,



1 the question was asked of you at the top of the  
2 page for clarification as -- the ending part of  
3 the question:

03:59 4 "I understand that when the news was on at  
5 the point in time when this reenactment took  
6 place there was just five of you in the  
7 room, and you agreed?

8 A Yes.

04:00 9 Q Okay. Now if I could take you to 002154 and if I  
10 could -- sorry, if I could bring up what's around  
11 line 20 when you talk about people leaving, you  
12 talk about Debbie and George leaving. You don't  
13 make any mention of a Mr. Harris being there or  
14 leaving?

04:00 15 A Yes.

16 Q And you subsequently go on to indicate that you  
17 stayed the night and when you left in the morning  
18 Ms. Frank and Mr. Milgaard were still in the room?

19 A Yes.

04:00 20 Q So you hadn't suggested Mr. Harris to have been  
21 there, to have left or to still be there in the  
22 morning?

23 A That's right.

04:01 24 Q Now I want to go to page 002160, and again around  
25 line 10, and in particular the part right here.



1 You were being cross-examined by Mr. Milgaard's  
2 lawyer and he put it to you essentially that there  
3 was only one time when all five of you, being  
4 yourself, Mr. Lapchuk, Mr. Milgaard, Ms. Frank and  
04:01 5 Mr. Harris, were together and you agreed with him  
6 that that was the case, again confirm that there  
7 were five of you in the courtroom (sic)?

8 A That's right.

9 Q All right. Now, Mr. Melnyk, would it be fair to  
04:01 10 suggest to you that your memory of these events  
11 would have been clearer and fresher on January  
12 19th, 1970 and January 28th, 1970 than they were  
13 in 1993 when you spoke to the police and suggested  
14 for the first time that Mr. Harris was in the room  
04:01 15 as well?

16 A Yes.

17 Q Okay. But the bottom -- I guess the bottom line  
18 of this point, in terms of the information you  
19 gave to the police, that you gave to Mr. Caldwell  
04:02 20 and that you gave to the court up to the time of  
21 Mr. Milgaard's conviction, was that there was only  
22 five people in that room that night?

23 A That's right.

24 Q Okay. Now, between the trial in 1970, or the end  
04:02 25 of the trial, and 1993 when you spoke to the



1 police, and by then you said, you remembered that  
2 Bob Harris was in the room, how many times had you  
3 heard this case talked about approximately? Can  
4 you even begin to guess?

04:02 5 A Prior to '93?

6 Q Yeah.

7 A Oh, a trillion. I don't know.

8 Q And by that time you knew that there were people  
9 like Debbie Harris who were -- Debbie Hall, sorry,  
04:02 10 who was saying that Bob Harris had been in the  
11 room as well?

12 A Yes.

13 Q Okay. Is it possible that you got, somehow  
14 adopted the memories that other people were  
04:02 15 suggesting to you and placed him in the room as  
16 opposed -- and I'm not criticizing you for this  
17 because people do that -- as opposed to having a  
18 real memory yourself of him being in the room that  
19 night?

04:03 20 A I mean, I've asked myself the same question. I  
21 mean, you know, as I read it I say, well, where  
22 did he enter the room and where did he leave the  
23 room, I'm just totally amazed, it's, like, how  
24 could that be missing, and then I think about it  
04:03 25 and if Deborah Hall is there, then she would have



1           been there with Bob, so then it makes sense, then  
2           it makes sense to me, right, but I'm only trying  
3           to associate things when I'm trying to figure out  
4           why there's no mention of Bob. I truly -- I've  
04:03 5           asked myself the same question. I don't know.

6           **Q**       But what you are doing when you say now, and I  
7           know that you honestly believe this to be the  
8           truth now, but when you say now that he was there,  
9           you are trying to piece it together because other  
04:03 10          people told you he was there and therefore you  
11          assume he must have been there?

12          **A**       Yeah, and I use Deborah Hall as the association --

13          **Q**       Uh-huh.

14          **A**       -- to that.

04:03 15          **Q**       Okay. Now, sir, I'm going to just go back, and,  
16          Mr. Commissioner, I don't have a verbatim account,  
17          but this morning you were asked to describe where  
18          people were in the room during the news. Do you  
19          remember the answer that you gave to Mr. Hardy?

04:04 20          **A**       I believe I said Ute and David were on the bed, I  
21          think I said Deborah was in, like, a little  
22          closet, a little alcove, but not a closet, an open  
23          closet, on the floor, and I was on the floor.

24          **Q**       And you said George was on the chair?

04:04 25          **A**       Yeah.





1 Q But you never put Bob Harris anywhere in that  
2 picture did you?

3 A No.

4 Q You could place five people in the room even  
04:04 5 though you said a few minutes earlier he was there  
6 and you said later when he was there?

7 A I know.

8 Q When he asked you to visualize and place the  
9 people in the room, Bob Harris wasn't in your mind  
04:04 10 was he?

11 A No.

12 Q When you look back, or can you look back now, is  
13 it possible for you to look back now and picture  
14 that room?

04:04 15 A I can see the room exactly like it was yesterday.

16 Q Okay. Look in the room and tell me, forgetting  
17 what Deborah Hall said, forgetting what everybody  
18 else said, to your best memory looking back to  
19 that night was Bob Harris in that room when this  
04:05 20 reenactment took place?

21 A I just can't see it.

22 COMMISSIONER MacCALLUM: Just can't see it,  
23 was that your answer, sir?

24 A Yes.

25 BY MS. KNOX:



1 Q So when you see the picture back in May of 1969,  
2 there's five people in the room and Bob Harris is  
3 not there?

4 A In my memory, yes.

04:05 5 Q And you didn't put him in the room until after you  
6 heard other people, particularly Debbie Hall, say  
7 that he was there?

8 A Yeah, I was trying to --

9 Q Sometime in the '90s?

04:05 10 A Yeah. I was trying to justify he wasn't there and  
11 I was trying to make sense of it all.

12 Q I suggest to you it's possible that he wasn't  
13 there and that your memory and the information you  
14 gave in 1970 was correct and that Debbie Hall,  
04:05 15 when she gave the information in 1986, is the one  
16 who was wrong.

17 A I don't know.

18 Q You can't answer?

19 A No.

04:06 20 Q Now, just a final area I want to touch on with  
21 you, and, Mr. Commissioner, before I lead into  
22 this area, it's not an area that particularly  
23 affects my client, but it was suggested to you by  
24 Mr. Lockyer when he was cross-examining you that  
04:06 25 if you left Regina in 1989 it wasn't because of



1 anything to do with the Milgaard case?

2 A It was part of it. I mean, Regina is a small  
3 city.

4 Q Okay. Do you remember hearing in the late '80s,  
04:06 5 1989 -- 1988, 1989 that an application had been  
6 filed with the federal minister of justice for a  
7 review of Mr. Milgaard's continued imprisonment  
8 and his conviction?

9 A I would guess so.

04:06 10 Q Okay. Do you remember whether that generated any  
11 newspaper publicity in Regina?

12 A It was always in the news. I mean --

13 Q Do you remember it generating a lot of TV and  
14 radio media as well?

04:07 15 A I don't recall at that time period.

16 Q I'm going to ask to bring up a document, 004822.  
17 If you could take a minute, and I don't know that  
18 you've been shown this today, if you could take a  
19 minute and just do a quick review of that. Is  
04:07 20 that a story that you saw?

21 A Well, I definitely would have saw that.

22 Q In 1989? Now, it says that this is a version of  
23 the *Star-Phoenix*, and, Mr. Commissioner, I checked  
24 with Commission Counsel and I gather that no media  
04:07 25 watch search has been done and what's in the



1 Commission Counsel files are some news stories  
2 that were in documents that were delivered to them  
3 and they don't purport to have a full inventory of  
4 all the documents, but would you agree with me  
04:07 5 that this is a story that was in the paper in the  
6 fall of 1989, at least in Saskatoon?

7 A Yeah. Well, if it was in Saskatoon I wouldn't  
8 have seen it.

9 Q Saskatoon and the *Leader-Post* often run the same  
04:07 10 stories though, don't they, they are operated by  
11 the same --

12 A Yes.

13 Q Is this the kind of issue that you were talking  
14 about or the kind of discussion that was going on  
04:08 15 in the public in '89 that was part of your reasons  
16 for wanting to get out of Dodge as it were?

17 A Yes.

18 Q It was going to be opening up all over again, it's  
19 under review?

04:08 20 A Yes.

21 Q And in fact there was a great deal of publicity  
22 between that time and when you actually went to  
23 the Supreme Court of Canada in 1992 wasn't there?

24 A Yes.

04:08 25 MS. KNOX: I don't have any further



1 questions.

2 COMMISSIONER MacCALLUM: Thank you. Ms.  
3 Krogan?

4 MS. KROGAN: No thank you.

04:08 5 COMMISSIONER MacCALLUM: Mr. Watson?

6 MR. WATSON: No thank you.

7 COMMISSIONER MacCALLUM: Any redirect, Mr.  
8 Hodson?

9 MR. HODSON: No questions.

04:08 10 COMMISSIONER MacCALLUM: Thank you very  
11 much. Mr. Melnyk, thank you, you are excused.

12 MR. HODSON: Mr. Commissioner, the next  
13 witness is Deborah Hall. I'm not sure if you  
14 want to start her now or --

04:08 15 COMMISSIONER MacCALLUM: Yes, please.

16 MR. HODSON: Ms. Hall?

17 DEBORAH ANNE HALL, sworn:

18 COMMISSIONER MacCALLUM: Ms. Hall, I wonder  
19 if you would spell your Christian names for me,  
04:09 20 please?

21 A My full name?

22 COMMISSIONER MacCALLUM: Your Christian  
23 names. Is it D-E-B-R-A?

24 A D-E-B-O-R-A-H.

04:09 25 COMMISSIONER MacCALLUM: And Anne with an



1 E?

2 A Yes.

3 **BY MR. HODSON:**

4 Q Good afternoon, Ms. Hall. Thank you for agreeing  
04:09 5 to testify before this Commission. I understand  
6 you currently reside in Regina?

7 A Yes, I do.

8 Q And what is your age?

9 A 52.

04:09 10 Q And in May of 1969 you were how old? I should  
11 have warned you about this. 16?

12 A 17 -- 16, 17. I was born on April 22nd.

13 Q Of which year?

14 A '52.

04:10 15 Q So that would put you about 17 years old in May of  
16 1969?

17 A Yes.

18 Q And at that time, and again I'm going to be asking  
19 you about the motel room incident in May of 1969,  
04:10 20 at that time were you friends of David Milgaard or  
21 did you know him?

22 A He was just an acquaintance. I didn't know David  
23 well.

24 Q What about Craig Melnyk?

04:10 25 A No, I didn't know Craig really at all either.



1 Q And I'll be getting to this in a moment, but you  
2 were present in a motel room with David Milgaard  
3 sometime in May, 1969; is that correct?

4 A Yes.

04:10 5 Q When something took place after a story was on the  
6 news?

7 A Yes.

8 Q I'll come back to that in a moment, but would it  
9 be fair to say that -- is that the first time you  
04:10 10 would have met Mr. Melnyk, was that evening?

11 A No, I probably saw him with George or the group of  
12 people we were always meeting up with in the park  
13 and such forth. I might have seen him a couple of  
14 times before that or --

04:11 15 Q But he would not -- I'm sorry?

16 A It's not like he was a friend or anything.

17 Q That was my question. What about George Lapchuk,  
18 did you know him at the time?

19 A Yes.

04:11 20 Q And was he a friend?

21 A No.

22 Q He was someone that you bumped into now and again?

23 A Yes. He -- yeah.

24 Q And what about Ute Frank?

04:11 25 A Ute was a very good friend.



1 Q And Bob Harris?

2 A Bob was an acquaintance also.

3 Q Now, prior to this motel room party, and it was a  
4 party; is that correct?

04:11 5 A I guess you could call it that.

6 Q And do you recall where it was and when it was?

7 A Park Lane Motel, May, '69.

8 Q Prior to this party in the motel room, were you  
9 aware that David Milgaard was being investigated  
04:11 10 as a suspect for the murder of Gail Miller or a  
11 nurse in Saskatoon?

12 A No, I had no idea.

13 Q Tell me what you recall about that evening.

14 A Right from the beginning?

04:12 15 Q Right from the beginning, please.

16 A Well, Ute and I took the bus downtown like we  
17 tended to do on -- I know it was a weekend because  
18 I stayed out so late, I was still in school at the  
19 time -- we took the bus down to Victoria Park and  
04:12 20 met the usual group of people that just sort of  
21 hung out down at the park, David being one of  
22 them.

23 Q That's David Milgaard?

24 A Yes. And, oh, we weren't there very long and  
04:12 25 David suggested that he had a motel room and did





1 we want to go and party, so okay. We went across  
2 the street, Ute, David and myself, to the Hotel  
3 Saskatchewan to take a cab. He said he had a few  
4 errands to run on the way to the motel and we went  
04:13 5 to -- actually, it was someplace on Scarth Street  
6 or something, he met some fellow that gave him  
7 money. Then we went to another address, it wasn't  
8 all that far away, and I believe he purchased  
9 drugs there because when he got into the cab he  
04:13 10 was giving us capsules.

11 Q And do you know what kind of drugs they were?

12 A I was told it was THC.

13 Q And did you discover later that it was something  
14 else?

04:13 15 A I was told it was horse tranquillizers that we  
16 were actually ingesting.

17 Q And when and who told you that?

18 A Gee, it was sometime later I think. It might have  
19 been Mr. Asper told us that David had told him  
04:13 20 that that's actually what we had. Something from  
21 a vet.

22 Q And just to put a time frame on this, and we'll be  
23 getting to this, in your discussions with Mr.  
24 Asper, would they be in about 1986?

04:14 25 A Yes.



1 Q And so would it be 17 years later then that you  
2 found out that what you thought was THC was horse  
3 tranquillizers?

4 A Yes.

04:14 5 Q And that was the first that you had heard of that?

6 A Yes.

7 Q And you believe that Mr. Asper got that  
8 information from David Milgaard?

9 A Yes.

04:14 10 Q Carry on.

11 A Okay. So then we took the cab to the motel and I  
12 don't think we were there all that long and George  
13 and Craig, George Lapchuk and Craig Melnyk came.

14 Q If I could stop right there. Just back on the cap  
04:14 15 -- did you say caplet or capsules, the drugs?

16 A They were capsules actually, yeah.

17 Q And did you take a capsule?

18 A Yes. Actually, we took it in the cab, David gave  
19 it to me and Ute in the cab and ingested some  
04:15 20 himself. I'm not sure how much they took because  
21 I couldn't see, but I took one.

22 Q And is this the first time you had taken what you  
23 thought was THC?

24 A Yes.

04:15 25 Q And did you observe how much David or Ute took?



1 A I couldn't really see how much. I know they took  
2 something, but I couldn't see how much.

3 Q So then you are back at the motel and I think you  
4 then said George Lapchuk and Craig Melnyk arrived?

04:15 5 A Yes.

6 Q Okay.

7 A And sometime in that time frame Bob Harris showed  
8 up. I'm not sure whether it was Bob first or  
9 Craig or George.

04:15 10 Q Okay.

11 A Because it seemed like they showed up pretty close  
12 together.

13 Q Okay. And can you describe what happened then in  
14 the motel room?

04:15 15 A Well, we were just partying and being silly and  
16 David and Ute and I were well on our way to being  
17 pretty high by then and just talking, smoking  
18 cigarettes.

04:16 19 Q And did you observe whether or not Mr. Melnyk or  
20 Mr. Lapchuk had any drugs?

21 A No, not -- I didn't see them have -- take  
22 anything, no.

23 Q Did they appear to be high or stoned to you?

24 A No.

04:16 25 Q And what about Mr. Harris?



1 A Well, Mr. Harris, yes, he was -- David injected  
2 him with something while I was sitting beside him.

3 Q With a needle?

4 A Yes.

04:16 5 Q And some type of drug I presume?

6 A Yes. I assume it was probably the same thing we  
7 had. I shouldn't say that either because  
8 something tells me in the conversation that I had  
9 with Bob, because I was fascinated with this, I  
04:16 10 hadn't seen anybody do that before and I was kind  
11 of appalled at the same time, I remember thinking  
12 why would he take it by needle when you can get  
13 this high just by ingesting it, and then he said  
14 that it was kind of a rush to do it through a  
04:17 15 needle, so I'm thinking that David gave him some  
16 of what we had too.

17 Q And did you take any more drugs that night in the  
18 motel room?

19 A No.

04:17 20 Q Did you observe Ute Frank taking any more drugs  
21 that night in the motel room?

22 A I -- I can't directly recall now.

23 Q What about David Milgaard, did you observe him  
24 taking any more drugs?

04:17 25 A I can't recall either now. I don't remember



1           whether I actually saw them or just assumed he  
2           took more. He seemed pretty high all evening.

3           **Q**       That was David Milgaard?

4           **A**       Yes, and so did Ute.

04:17 5           **Q**       Pardon me?

6           **A**       Ute was pretty high all evening too.

7           **Q**       Now, relative to you, were they the same or more?

8           **A**       No. Yeah, relative to me they would have been  
9           more and this is why I thought at some point they  
04:17 10          must have had more because I was basically coming  
11          down I guess you could say.

12          **Q**       Now, did a story come on the television news that  
13          evening?

14          **A**       The TV was on, yes, and yeah, there was something  
04:18 15          on there about Gail Miller's murder.

16          **Q**       And what do you recall about what was on  
17          television and what happened after?

18          **A**       I don't recall hearing what was actually said  
19          about the news cast because I believe I was in  
04:18 20          conversation with Bob or watching the shenanigans  
21          on the bed or whatever, but Craig and George were  
22          closer to the TV, they were on that side of the  
23          room where the TV was -- like, the TV was at the  
24          foot of the bed. Craig was on the floor by the TV  
04:18 25          and George was kind of at the foot of the bed but



1 on the other side of the bed from where we were,  
2 and --

3 Q And where were you?

4 A I was against -- I was sitting in a chair beside  
04:18 5 Bob against a window on the opposite side of the  
6 bed from where George was.

7 Q And David and Ute were in bed?

8 A Yes, they were on the bed.

9 Q And you mentioned shenanigans?

04:19 10 A Well, yeah, Dave had been clowning around and  
11 goofing off all night. He was practically  
12 bouncing off the ceiling.

13 Q Now tell me what happened then when this -- a news  
14 story came on you think about the Gail Miller  
04:19 15 murder?

16 A Yes, because I thought Craig said something to the  
17 effect like, "oh, you did that, didn't you," and  
18 then George just picked it right up.

19 Q And who was that said to?

04:19 20 A To David.

21 Q And then what did you observe Mr. Milgaard say and  
22 do?

23 A Well, he was in the process at the time of -- he  
24 had a pillow and he was on his knees bouncing up  
04:19 25 and down on the bed on his knees and, you know, he



1 was punching this pillow up when they started  
2 bugging him about this and he kind of was punching  
3 into it and going, "oh, yeah, right," and I don't  
4 know, to my recollection I thought he was kind of  
04:20 5 crude with something he said about fucking her or  
6 something or whatever. It all kind of happened so  
7 fast and it was sort of Bob talking here, the guys  
8 giving him the gears and him jumping around. My  
9 recollection of exactly what he said, "I stabbed  
04:20 10 her," whatever, but --

11 Q I would like you to -- I'm sorry, I would like you  
12 to give me your best recollection of either the  
13 exact words or the general nature of the words  
14 that you heard from Mr. Milgaard.

04:20 15 A Something to the effect of "yeah, right," you  
16 know, "I stabbed her and I fucked her brains out,  
17 that's a good time" or something, and he just  
18 threw this pillow back behind him and laid back or  
19 bounced back on the bed --

04:20 20 Q Did you observe him --

21 A -- crossing his arms.

22 Q Oh, I'm sorry.

23 A Sorry. He sort of crossed his arms and he was  
24 laughing, you know. He was very sarcastic.

04:21 25 Q And did you observe him, I think you said punching



1 the pillow; is that right?

2 A Yeah, he was doing that prior to actually being  
3 asked and during, you know, I guess this so-called  
4 reenactment, he was beating on this pillow.

04:21 5 Q And I think you described it as punching the  
6 pillow; is that right?

7 A Yeah. He had closed fists, uh-huh.

8 Q I'm not sure if there's a distinction between  
9 punching and stabbing a pillow, but reference has  
04:21 10 been made elsewhere that people observed him  
11 stabbing a pillow. Did you observe that?

12 A I suppose you could construe it as stabbing when  
13 he was saying, "yeah, I stabbed her." I construed  
14 it as him still punching up the pillow, being  
04:21 15 sarcastic to being bugged by these guys.

16 Q And then I think you said he then put the pillow  
17 under his head and leaned back and laughed?

18 A Yes.

19 Q And do you recall the reaction of the others in  
04:22 20 the room to Mr. Milgaard's statements and actions?

21 A Well, it was kind of like a collective -- a pause,  
22 it was like a pause, and then everything picked up  
23 again just --

24 Q Do you recall anybody saying anything?

04:22 25 A No.





1 Q Let me talk first about your, what sense you made  
2 of this, and I think you said the word sarcastic.  
3 Tell me, what did you take from Mr. Milgaard's  
4 actions and words?

04:22 5 A Well, his tone for one thing, it wasn't -- he  
6 sounded sarcastic about it, he was -- I  
7 immediately thought he was just joking around. I  
8 thought he was kind of a jerk for it, but -- just  
9 showboating, you know. He had been doing that all  
04:23 10 night.

11 Q And did you observe Ute Frank's reaction to any of  
12 this?

13 A She just lay there on the bed, like, just lay  
14 there.

04:23 15 Q Did you observe Bob Harris' reaction?

16 A Bob was beside me, so it's not -- I don't think I  
17 looked at him and did this sort of thing. We were  
18 all -- I assumed we were all just looking at him.

19 Q Did you observe Mr. Melnyk's reaction?

04:23 20 A Like I say, I think we were all just kind of  
21 looking at him and then I continued talking to  
22 Bob; George and Craig were talking, I don't know  
23 whether George was talking to Ute, but, you know,  
24 it just picked up again, the conversation all just  
04:23 25 picked up again in the room.



1 Q Do you have a specific recollection of observing  
2 either Craig Melnyk or George Lapchuk at or after  
3 this incident that you observed with Mr. Milgaard  
4 and the pillow?

04:24 5 A No, I don't recall directly looking at them or --  
6 for any kind of reaction or anything anyway.

7 Q And did you in your mind at the time associate Mr.  
8 Milgaard's actions and words to the news cast  
9 about the Gail Miller murder?

04:24 10 A I'm sorry?

11 Q Did you associate at the time Mr. Milgaard's  
12 actions and words with the pillow with the news  
13 cast, the story on the news about the Gail Miller  
14 murder?

04:24 15 A You know, at the time I knew something about a  
16 murder in Saskatoon, but I wasn't too sure on the  
17 details of it. I wasn't at the kind of age where  
18 I, you know, watched the news casts regularly or  
19 anything like that or even took an interest in  
04:24 20 that kind of thing really, so I didn't -- I didn't  
21 think anything of it. I don't even know if I  
22 really understood what he was talking about.

23 Q Let me state it a different way; whether what he  
24 was doing was in reaction to what was on the news  
04:25 25 and what either Mr. Melnyk or Mr. Lapchuk said to



1 him.

2 A It was more to a reaction to what they said.

3 Q Okay.

4 A Yes.

04:25 5 Q Now, what happened after this? I think you said  
6 you continued on partying. At some point did you  
7 leave the motel room, which I'm assuming you did?

8 A I don't really -- until I went home you mean or --

9 Q Yeah, before you went home did you leave the motel  
04:25 10 room?

11 A You know, I do vaguely remember at some point I  
12 think we went for pop or something. George had a  
13 truck I believe that he was driving and I think we  
14 jumped in his truck and went somewheres for pop  
04:25 15 and came back.

16 Q And so that was you and George and who else?

17 A I'm not sure whether it was just -- I think it  
18 would have been maybe Craig might have been with  
19 us.

04:26 20 Q And then do you recall what time you would have  
21 left the motel room to go home?

22 A Oh, about 1:30 maybe, something like that, one,  
23 1:30.

24 Q And do you recall when you left who was still  
04:26 25 there or who had left before you?



1 A George and Craig had left, Bob had left. Now,  
2 whether Bob had left before them or not -- I think  
3 he did because I kind of lost interest in what was  
4 going on for the evening then, I kind of had a  
04:26 5 thing for Bob, and then I think George and Craig  
6 left, same type of thing. It seemed to be winding  
7 down, so the guys left and then I was there with  
8 David and Ute.

9 Q And do you recall how you got home?

04:27 10 A I walked home. I lived literally two and a half  
11 blocks away. My parents still live there.

12 Q After this incident did you discuss what happened  
13 in that motel room with anybody in the days and  
14 weeks that followed?

04:27 15 A Well, I recall a couple of weeks later Ute and I  
16 were walking down the street going somewhere and  
17 she said something about "did you hear that Hoppy  
18 was arrested," and I said "no, why would he be  
19 arrested?" "Well, apparently he murdered some  
04:27 20 nurse in Saskatoon," and I remember thinking at  
21 the time, because we were talking about a lot of  
22 things, gossiping at the moment, and I said,  
23 "really, and where did you hear that," and she  
24 said -- I'm sure she couldn't remember, but she  
04:27 25 had heard that he had been arrested, and I said,



1 "well, there you go with the gossip thing again,  
2 I'm sure it's true."

3 Q And were you joking when you said --

4 A Yes. I was being sarcastic.

04:28 5 Q When you heard this from Ms. Frank, and I  
6 appreciate that you thought she was joking, but  
7 did you in any way associate what she told you  
8 about Mr. Milgaard's arrest, and I think you said  
9 the nurse in Saskatoon, with what you had observed  
04:28 10 in the motel room and in particular the news  
11 story?

12 A You know, absolutely not, it didn't even come to  
13 mind, that party that night or anything that had  
14 happened that night.

04:28 15 Q Now, I understand, Ms. Hall, that you -- or let me  
16 ask you this. Did you then move away from Regina?

17 A Yes.

18 Q And do you recall when that would have been?

19 A It was in June I know because I hadn't written my  
04:28 20 final exams at school, I took off right before  
21 then.

22 Q That was June of 1969?

23 A Right.

24 Q And it would be fair to say you ran away from  
04:28 25 home?



1 A Yes.

2 Q And where did you go?

3 A Well, we made our little stops along the way, in  
4 Winnipeg and such forth, but first stop was  
04:29 5 Toronto and then Montreal.

6 Q From June of 1969 when you left until January,  
7 let's say February 1st, 1970, were you back in  
8 Regina at all?

9 A No.

04:29 10 Q Were you in Saskatchewan at all?

11 A No.

12 MR. HODSON: I think this is an appropriate  
13 spot to break, Mr. Commissioner. It's 4:30.

14 COMMISSIONER MacCALLUM: Yes. Tomorrow at  
04:29 15 10 o'clock, and please refrain from speaking  
16 about your evidence.

17 (Adjourned at 4:30 p.m.)

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**OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:**

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Karen Hinz, CSR

Official Queen's Bench Court Reporter

\_\_\_\_\_, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter

03:59



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