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MEMORANDUM/NOTE DE SERVICE

TO/À: File

FROM/DE: E. F. Williams
Criminal Prosecutions Section

SUBJECT/OBJET: David Milgaard - s. 690 Criminal Code
- Interview with Albert Cadrain

Comments/Remarques

On June 15, 1990, I met with Albert Cadrain, a witness who testified at the trial of David Milgaard. Mr. Cadrain currently resides in Surrey, B.C. at 12025 - 102nd Avenue, V3V 3C5. His telephone number is (604) 580-2319.

After explaining the purpose of my visit, I invited Mr. Cadrain to review the statements he gave to the police on March 2nd and 5th of 1969. Mr. Cadrain indicated that he had difficulties reading the statement and invited me to read them aloud to him. I asked him to stop me if there were any passages which did not accord with his recollection, or if there were any errors in the statement.

Mr. Cadrain adopted the statement of March 2, 1969 with the exception of the sentenced identified with an asterisk on page 4 of the attached statement:

"I can't remember actually what he did with his soiled clothes but I think he put them back in the suitcase and took them out to the car."

Mr. Cadrain now states that Mr. Milgaard (Hoppie) threw his soiled clothes in the garbage. Shortly afterwards the garbage truck collected the garbage. Mr. Cadrain also indicated that he may have known Milgaard for approximately two years before the visit on January 31, 1969.

Mr. Cadrain responded emphatically and affirmatively when I asked him whether he had told the truth when he was a witness at the trial. While reading the statement I paused after each of the episodes described in the statement and asked Mr. Cadrain whether the description accurately recorded the events as he recalled them. In particular, I asked Mr. Cadrain whether he saw blood on Mr. Milgaard's clothing and whether he saw Mr.

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Milgaard take the ladies compact case from Nichol John and throw it out the window of the car. Mr. Cadrain replied "yes" to each question.

He also noted that Nichol John was very frightened during the trip. Cadrain was surprised by Nichol John's attraction to him when he joined them. He was under the impression when he met her that Nichol was David's girlfriend. However, on the trip to Calgary she clung to him and remained with him throughout the entire trip. He indicated that she shivered with fright during the trip.

Mr. Cadrain re-emphasised that Mr. Milgaard purchased a pairing knife in Rosetown, Saskatchewan when they stopped to buy food. He noted also that Mr. Milgaard succeeded in preventing the others from hearing any news during the trip and broke the aerial on the car radio as part of that endeavour.

I also questioned Mr. Cadrain concerning information that he had undergone psychiatric treatment. Mr. Cadrain acknowledged that he had spent approximately two months in a psychiatric facility during which he received shock treatment and drug treatment. He noted however, that he had checked himself in after he was persuaded to do so by his brother. He stated that the repeated questioning by the police, and their apparent disbelief of his initial statement, coupled with suggestions that he may be involved in the murder were very distressing. He described himself at that time as a spiritual individual.

In response to my inquiries to determine whether Mr. Henderson, the investigator working on behalf of Mr. Milgaard, had questioned him, Albert Cadrain advised that Mr. Henderson had spoken to both Dennis Cadrain and himself during a dinner or luncheon meeting. Albert Cadrain stated that Mr. Henderson did not appear to be very interested in what Albert had to say after Albert maintained the accuracy of his trial testimony. Thereafter, Mr. Henderson spoke primarily to Dennis and Albert did not follow their conversation.

INTERVIEW WITH DENNIS CADRAIN

Dennis Cadrain, the younger brother of Albert Cadrain, gave a statement to Paul Henderson, a private investigator working on Milgaard's behalf, in which he questioned the credibility of his older brother Albert, a witness at David Milgaard's trial. Mr. Cadrain was interviewed at his home in Port Coquitlam on Monday June 11, 1990 in relation to those comments and to his statement that he had valuable insights into Albert's personality.

Mr. Cadrain questioned whether Albert actually saw blood on David Milgaard's clothing during Milgaard's visit to the Cadrain residence on

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January 31, 1969. Dennis' concern was based in part on the observations of their older sister, Celine Anderson (Cadrain) (1-306-397-2566) who was at the residence when Milgaard and his friends arrived. Celine did not observe blood on David Milgaard's clothing. Dennis was at school when Milgaard visited their house.

Noting that Albert tended to exaggerate and was prone to believing his exaggerations, Dennis alluded to Albert's former and current drug use, and the emotional instability that occurred after the trial. He attributed this instability to the stresses created by repeated police questioning and Albert's near brush with death. Albert was dangled head first from an upper floor window of a Regina building after his sojourn to Calgary and Edmonton with David Milgaard.

In support of his contention that Albert was unstable, Dennis related an incident which occurred several years ago in Regina. Albert accused a former employer, a respected horse trainer, of setting fires to a barn containing race horses, which resulted in the death of a number of animals. Dennis Cadrain wondered whether the jury would have accepted Albert's testimony had they known about Albert's state of mind.

FINDINGS AND CONCLUSIONS

Albert Cadrain's testimony at trial was corroborated by the Crown's other witnesses. "Ron Wilson also saw blood on Milgaard's clothing; and corroborated Cadrain's testimony that Milgaard changed within the view of the others at the preliminary at page 484. Wilson also corroborated Cadrain's testimony that Milgaard had purchased a pairing knife in Rosetown. Earlier, the police had ascertained that his account was largely correct. An examination of the occurrence reports prepared at the time, describe the investigate steps taken and the results of the investigation.

Police investigation revealed that Albert Cadrain's account was incorrect in two respects. He had denied that he had taken drugs on the night before Gail Miller died; and he understated the degree of questioning he had encountered by the Regina police concerning the death of Gail Miller. When the police contacted Ron Wilson and Nichol John and obtained a different account, they re-interviewed Albert Cadrain. He remained steadfast in his account which prompted the investigators to continue probing the accuracy of his statement.

However, the police lost their scepticism when they checked Albert's story by interviewing Sharon Williams, David Milgaard's girlfriend who saw Milgaard in Edmonton on February 1, 1969, and when they interviewed Milgaard for the first time in Winnipeg, Manitoba. Milgaard's demeanour during the interview (a seeming lack of concern for being a suspect in a

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major crime, given his age and his circumstances) and his inability to satisfactorily account for a two hour period following his arrival in Saskatoon piqued their interest. Their investigation revealed that Albert Cadrain was telling the truth.

The fact that Celine Cadrain did not see blood on Milgaard's clothing can be explained by the mere fact that she and Albert did not see Milgaard at the same time. Albert Cadrain saw Milgaard when he first arrived but Celine did not see him until after he had changed his clothes. Nichol John noted in her statement that Milgaard changed his clothes "right after we got to Albert Cadrain's house".

An examination of the Saskatoon police files disclosed the statement of Celine Anderson (nee Cadrain). Ms. Anderson, a business college student at the time, was upstairs in her bedroom when David Milgaard and his friends visited the Cadrain residence. She remained in her bedroom for approximately a half hour while Milgaard was downstairs. During that period of time, Milgaard, accompanied by Nichol John, "looked in my bedroom and then knocked and asked if they could see my bedroom". "They did not stay except to say the room looked different." Milgaard had occupied that room during his earlier visit, and had liked some posters which decorated the walls. The posters had since been removed.

Celine described "Hoppie" as being "neatly dressed in dark trousers and a sweater or something". Such a description would not be made of an individual wearing a pair of pants in which the crotch had been ripped out.

Neither the timing nor the nature of Albert Cadrain's emotional instability is clear; nor is the motivation behind Dennis Cadrain's current statement. Dennis Cadrain had accompanied Albert to the police station on March 2, 1969, and had given a statement to the police in which he quoted Celine as saying that David Milgaard wanted to get out of town right away. From Dennis personal assessment of Milgaard, which was obtained during Milgaard's first stay, he described Milgaard in 1969 as a "real goof".

The timing of the statements of Dennis Cadrain and Ron Wilson, a few days before David Milgaard's parole hearing, coupled with the parting statements of Albert Cadrain suggests to the writer that fear of retribution may have motivated Dennis to attempt to shield or excuse Albert. Although Dennis Cadrain did not testify, and is younger than Albert, Dennis regards himself as Albert's guardian. The prospect of Milgaard's release and possible angry retribution may explain Dennis' attempt to distance Albert as a reason for Milgaard's imprisonment. Each of David Milgaard's travelling companions that this writer has interviewed still fear him, even though over twenty years has elapsed.

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E.F. Williams

c.c.: W.H. Corbett

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