

10:00 A. M. JANUARY 27TH, 1970 - COURT RESUMED.

ALL JURORS PRESENT.

THE COURT: Yes, Mr. Caldwell - your
next witness?

MR. CALDWELL: Yes, My Lord; I call Helen
Gerse.

HELEN GERSE, sworn, states:

MR. CALDWELL, examining:

Q I believe your name is Helen Gerse and that you
are a married woman and that your home is 330 10
Avenue "O" South in Saskatoon?

A Yes.

Q And was that last year also?

A Yes.

Q And do you know the house of some people named
Cadrain near your house?

A Yes.

Q Now, where is it from yours, Mrs. Gerse?

A They live right beside us.

Q And is it immediately next door? 20

A Yes.

Q I see; and you are on the east side of Avenue
"O" then, are you?

A Yes.

Q And what is generally across the road from
your house and Cadrain's?

A A school - St. Mary's School.

Q St. Mary's School?

A Yes.

Q And if you are facing out of your front door 30
so to speak which side is Cadrain's?

A The right.

Q Facing out of your front door or towards your front door?

A When you face the door it's to the right.

Q Alright; when you face your front door it's to the right?

A Yes.

Q I see; now, I believe that early in 1969 that you noticed an item out in front of your house that you picked up?

A Yes.

Q Now, do you know the exact date that was or not? 10

A Well, I don't know the exact date but it was end of January or the first day of February sometime.

THE COURT:

Q January the 31st or February the 1st?

A I don't know if it was that day but it would have to be on the week-end; I remember that.

MR. CALDWELL:

Q How do you particularly know it was a weekend? 20

A Because usually we do shopping on the weekend - the grocery shopping and we park in the front of the house because we just come home from town and leaving again; so that's how I . . .

Q . . . I'll ask you just to speak up a little please; had you done grocery shopping that day?

A Yes I did.

Q And was it after grocery shopping that you noticed this object?

A No, that was before, like I said we were just coming home from some place else and we going to leave to go shopping; that's how come we 30

park in the front of the house; we usually park at the back.

Q And that's what made you think it was a Saturday?

A Yes.

Q What was the thing you noticed?

A Well, it was a blue hat - toque or whatever you call it.

Q A what?

A A blue hat or wool hat or toque or whatever you call it. 10

Q Alright, what was it made of, Mrs. Gerse?

A Well, it was nylon or wool, I don't know exactly.

Q And where was the toque?

A It was between the sidewalk and the street.

Q That would be on the boulevard, would it?

A Yes.

Q And where was it from your house?

A It was right in front of our house.

THE COURT:

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Q It was what?

A Right in front of the house.

Q Right in front of your house?

A Yes.

MR. CALDWELL:

Q And that would be between the city sidewalk and the street then?

A That's right.

Q And did you pick it up?

A Yes. 30

Q And what did you notice about it when you picked it up?

A Well, I picked it up because I thought it belonged to the kids, I figured maybe it belonged to the Cadrain's kids. So then when I picked it up I saw the blood on it so I didn't know what to do but I didn't want to leave it in front of the house because it looked dirty, you know; didn't have time to take it to the garbage can so I just threw it at the back of my yard.

THE COURT:

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Q Just a minute, you're going a little too quickly for me and I think for the jury too; would you go back over that a little more slowly please - what did you do with it when you picked it up?

A I picked it up and I was going to pick him up because give it to the neighbor's kids, you know . .

Q . . you thought it belonged to the neighbor's kids?

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A That's right. So then when I picked him up I saw the blood on it so then I didn't know what to do so I just pick him up and threw him into our back yard.

Q You threw it into your back yard?

A Yes, but I didn't want to take it into the house and I didn't have time to throw it in the garbage can because it's no good for my kids.

Q You say you didn't have time to throw it in the garbage can so you had to heave it in your back yard?

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A That's right because I was in a hurry to leave again to go shopping.

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MR. CALDWELL:

Q And I take it it didn't belong to your house in any way?

A No.

Q And when you threw it into the back yard did you move it again in the next few days?

A No, I didn't.

Q Did it stay there for some time?

A Yes - the first week of April.

Q What happened then?

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A Well, that's when one of detectives come around and ask if I find a shirt or slacks or something so I told him not that but I found a hat. So he picked him up and he took it, that's all.

Q You told the detective you found a hat?

A Yes.

Q Did you show him where it was?

A Yes.

Q And did he pick it up?

A Yes he did.

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Q And take it with him?

A Yes.

Q Was it the same one you had thrown out there?

A Well, it looked the same except lost color because, you know, all the blood that time had melted; it was warm days anyway.

THE COURT:

Q When did the detective come around?

A First week of April.

MR. CALDWELL:

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Q And it had melted somewhat . . . ?

A . . . yes, so the clothes lost some color.

Q The clothes lost some color?

A Yes but I recognized it because on one side it was frozen, you know, the blood on it and I guess it was cut too because it looked like
(next few words inaudible).

THE COURT:

Q It looked as if it was cut?

A Yes. You see on one side it was - well, when you wipe knife for instance.

Q When you wipe a knife?

A Yes or dishes or something and you know the way you handle it and I guess it was between the blood it was frozen. That's how I recognized it. 10

Q Anyway, it was the same hat that you had thrown in there?

A Yes it was, yes.

MR. CALDWELL:

Q And was it the same place where you had thrown it where the detective got it from?

A No.

Q No, I'm asking you though, when you put it in the back yard . . . ? 20

A Yes.

Q . . . and then later you took the detective out?

A Yes.

Q When you showed him the hat in the back yard was it still where you had put it?

A That's right, yes.

Q I see; and when you first found it out front, Mrs. Gerse, where was it in relation to the snow on the ground? 30

A It was right on top of the snow and usually in front of the house the sidewalk, you know, walk

between the sidewalk and the street and it was to the left - the Cadrain side actually.

Q But you said it was on top of the snow?

A Yes; right on top.

THE COURT:

Q There had been no snow on top of it - it hadn't been snowed on?

A No; there was nothing.

MR. CALDWELL:

Q I show you P-35 for identification . . . ?

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A Yes, that's the hat.

THE COURT:

Q You say that's the one?

A Yes, that's the one.

MR. CALDWELL:

Q How do you recognize it?

A Well, it was kind of like I said, it looked like red over here.

Q You'll have to speak so everyone there can hear you, not just me please?

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A Yes, that's the hat. I recognize this cut and still red - the color.

Q Now, are you saying that some cut was in it when you found it?

A Yes; yes it was.

Q Can you tell the Court which cut was in it when you found it if any?

A Well, it would have to be on that side because it was frozen like that, you see, and it was still fresh . . .

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THE COURT:

Q . . . you said it was folded together like you have

indicated?

A That's right; that's how it was frozen.

Q You've taken the bottom part and your hand inside and you've brought the bottom part up towards that hole in the top?

A Yes, that's how it was frozen.

Q That's the way it was frozen; but could you see that hole that is there now?

A Yes, it looked like that one over here, but there is more, I don't know.

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Q You don't know where the other one came from?

A I don't know that.

MR. CALDWELL:

Q Can you still see any of what you called the blood on it?

A Well, those red stripes whatever you call it, that's the same thing - but there was lots of blood on it.

THE COURT:

Q You say there was lots of blood on it?

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A Yes, it was lots.

Q Well, it was more apparent then than it is now?

A Like I said it was frozen like that and how much blood was right here was all frozen.

MR. CALDWELL:

Q And were those red pencil or crayon marks on it then or not?

A No, it can't be.

Q They were not then, eh?

A No, because that one side it was all clean.

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Q I see; and did you mark your name on it or anything?

A No, I didn't.

MR. CALDWELL:

My Lord, I tender that item.

THE COURT:

P.35.

(Exhibit P.35 for
identification

made EXHIBIT P.35

MR. CALDWELL:

Thank you; your witness.

MR. TALLIS, cross-examining:

Q I just have a few questions to ask you, Mrs.
Gerse, so we won't keep you very long. 10

First of all, as I understand it from what you
told Mr. Caldwell this toque was right on top of
the snow?

A Yes.

Q And there was no sign of the snow having been
scooped up around it or anything like that?

A No, it was fresh.

Q It was sitting right on top?

A Yes.

Q But the snow wasn't disturbed in any place
around the toque? 20

A No; no, it wasn't.

Q Now, I think you told my learned friend that you
had just come home . . . ?

A Yes.

Q . . . and you were in a hurry . . . ?

A To leave.

Q . . . to leave to go shopping. Now, did you
notice the toque when you came home?

A Well, that's when I noticed it. 30

Q I see; is that when you picked it up?

A Yes.

- Q And then you went into the house, did you?
- A Yes.
- Q And then you went out shopping?
- A Yes.
- Q Now, you had gone out earlier that day?
- A Yes.
- Q And where had you gone earlier that day?
- A Well you see, like from the back yard because the car was in the garage.
- Q Yes; and you took your car out? 10
- A Yes.
- Q And you hadn't been down there that morning - you hadn't walked north on Avenue "O" that morning?
- A No, I wasn't.
- Q Or at any time until you went out to go shopping?
- A No, I didn't.
- Q And you didn't see any sign of any other papers or anything like that around there? 20
- A Well, sometime I do but . .
- Q . . no but at this time when you saw this . . ?
- A . . no; no.
- Q And no sign of any indentations in the snow or anything like that either way from it?
- A No.
- Q Now, I just want to be quite sure. Just looking at this particular toque you said there was one cut mark or something in it when you found it?
- A Yes. 30
- Q Well now, which is the out mark that was in it when you found it?

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A Well, it has to be that one.

Q Just so you can show the jury it's this large one here?

A Yes, that's the one has to be.

Q I see; well, don't guess at it; you say that would have to be; which one to your recollection is the out mark that was there?

A Well, I couldn't say exactly, like I said it was frozen (next few words inaudible).

Q Well, in any event was the out mark that you have told us about one in the upper portion of the toque? You see, suppose we had an imaginary line around here - was the mark that you saw - the out mark in the upper part of the toque? 10

A Have to be lower one if I fold it.

Q Well, you just . . . ?

A . . . well, that's what I did - that's the lowest one and if it was frozen like that it had to be that one. 20

THE COURT:

Q Just a minute, speak a little more slowly please - you're saying it was the lower one?

A Yes, have to be the lower one because it was like that and it was right at the edge of the frozen . . .

MR. TALLIS:

Q . . . I see; now when you say the lower one which one are you referring to?

A Well I guess over here - that one. 30

Q The large one here?

A Yes.

- Q I see; rather than this one up at the top here?
- A Yes. Could be that out too but I didn't notice it anyway.
- Q But you think it's the larger one?
- A Yes.
- Q But you definitely remember the toque that you picked up as having a mark - a out in it?
- A Yes.
- Q And how large was the out that you remember being in it or the hole - maybe I should say hole rather than out? 10
- A Well, it wasn't half an inch - maybe something like that.
- Q I see; about the size of this one that you pointed out here?
- A Yes.
- Q Well, when dealing with the hole or the out mark, was some of the cloth apparently right out of it at that time?
- A No. 20
- Q I see; well, just so I understand it did it look the way this one now looks that you pointed out to me?
- A Well, it was - I just noticed the material was out.
- Q I see; and did the hole look about the size of this one?
- A I suppose a little bit stretched but not much anyway.
- Q A little bit stretched? 30
- A Yes.
- Q By stretched you mean a little bit bigger or . . . ?

A . . yes, that's right.

Q I see; I take it that the detective that picked this up was a gentleman by the name of Mr. Karst, was it?

A I don't know by name.

Q Do you remember how he looked?

A Yes - blond - big tall fellow.

Q Big man?

A Yes.

Q Sort of blondish red hair?

A Yes.

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CROSS-EXAMINATION CONCLUDED.

THE COURT:

You may go now.

MR. CALDWELL:

I call Eddie Alexander Karst.