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TERRY MICHAyliuk

Please return to the Agent of the Attorney General
at the trial.

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- A. I didn't really look around. I noticed the area particularly where the body was, the snow was quite trampled.
- 3 Q. Did you notice any foot marks or anything in your observations there?
- A. Not No.
- 4 Q. I gather that this alley that runs north and south is one that was used by motor vehicle traffic?
- A. Yes, it was impact.
- 5 Q. It was impact?
- A. Yes,
- 6 Q. With the tire lines of travel?
- A. Yes,
- 7 Q. And I suppose the same thing would apply to the east - west lane which runs really not far from your place?
- A. I suppose.
- 8 Q. I mean, was it used by traffic quite frequently, or what was the situation?
- A. It is used quite frequently, although it's not used as much at that time of year as it is -- but it's quite heavily travelled, yes.

MR. TALLIS: No further questions.

MR. CALDWELL: No re-examination.

COURT: Thank you.

TERRY MICHAYLIUK (SWORN) TESTIFIETH:

EXAMINED BY MR. CALDWELL:

- 1 Q. Mr. Michayliuk, I believe you work as an assistant manager at Westwood Funeral Chapel on 20th Street and Avenue N in Saskatoon?

- A. Yes, that's right.
- 2 Q. And that you on occasion, or all the time, for that matter, stay there over night?
- A. Right.
- 3 Q. And I believe you were there the morning of Friday, January 31st, 1969?
- A. Yes, correct.
- 4 Q. And that early that morning you were asked by Mr. Murdock to go and do certain things or check into something?
- A. Mhmn.
- 5 Q. What time would that be?
- A. It was approximately 8:30.
- 6 Q. As a result of what he told you, what did you do?
- A. Well, I had gotten my coat and gone outside, he had buzzed me on the intercom saying he thought there was a lady out in the alley and he wasn't quite ready, if I would just go and check it and he would be out in a minute, so I had just gotten my coat and went out the back way when I saw a little girl out in the alley.
- 7 Q. You saw a girl out in the alley?
- A. A little school girl and she was the one that showed me where the ...
- 8 Q. And where did she take you?
- A. She took me to an adjoining alley that was going north and south to the one we were on and it was a few feet off that I saw the body there.
- 9 Q. Yah. Now I'd ask you to speak up a little louder please. So you would go in the east - west alley and

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- go west and then turn north?
- A. Yes, that's right.
- 10 Q. And some distance north was where she took you?
- A. A little ways off, it wasn't terribly far.
- 11 Q. What did you see when you got there?
- A. I saw a lady lying face down in the snow.
- 12 Q. Mhmn.
- A. And I came up to her and spoke to here and kind of tugged her on the shoulder. I thought she was alive at the time. It was my understanding that she was.
- 13 Q. Yes.
- A. And I realized that she was dead.
- 14 Q. What was the situation -- What was she wearing and so on that you could see?
- A. She had ordinary clothing and a coat that I recall seeing.
- 15 Q. Yah. And did you do anything more than tug her shoulder and then just leave the situation as it had been?
- A. Just left it as it had been and then I went back to the Funeral Home, or started on the way back when I met Mr. Murdock.
- 16 Q. Alright. Now on P. 1., a sketch of your block, there's been evidence that this is the location of the Funeral Home and that this is the T shaped alley, approximately where would the body be, would you point out?
- A. This is west I presume?
- 17 Q. Right.
- A. It would be just right off in here.
- 18 Q. Just up toward that letter E somewhere?
- A. That's right.

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- 19 Q. Alright. And P. 2., photo number one, there's been evidence this is taken facing north in the alley. How does that compare with what you saw as you went on north there?
- A. Yes, this is what I saw.
- 20 Q. And I take it the cars would not be there?
- A. No, no, there were no cars.
- 21 Q. And number two, upon getting closer, how does that ^{what} compare with/you found?
- A. Yes, that compares.
- 22 Q. And I guess number three is a closer shot. Now, how does that compare with the situation you found, except for that yardstick?
- A. Yes.
- 23 Q. How does it compare otherwise?
- A. That is pretty well what I saw.
- 24 Q. Now, was the clothing in the manner in which you see there when you arrived?
- A. Right.
- 25 Q. Stockings and so forth?
- A. Right.
- 26 Q. And you notice this appears to indicate a sort of a trampled down snow area, now was that in that manner or otherwise when you were there?
- A. No, it was in that manner when I was there.
- 27 Q. Did any of that - I appreciate you had to make steps to get to the body ...
- A. Mhmn.
- 28 Q. But did any of that happen while you were there?
- A. No, other than two or three steps of my own.

- 29 Q. That's when you went to check and see if the lady was alive?
- A. Yes.
- 30 Q. Were there any other persons, adults or children walking right in the area of the body when you were there? That is, right up in that surrounding ...
- A. (Not right up to the area at the time other than that little girl was standing beside me that showed me where ...
- 31 Q. Right.
- A. That took me to the place.
- 32 Q. Alright. And while you were there, was the body turned over at all, that is, completely turned over?
- A. No. No.
- 33 Q. And so you headed back to the Funeral Home and met Mr. Murdock and did you continue on to the Funeral Home then?
- A. Yes. He was just coming up and then I said, ofcourse he didn't know the fact that there was anybody dead in the alley.
- 34 Q. But as a result of you explaining the situation to him, did you go back on to the Funeral Home?
- A. Yes, I did.
- 35 Q. What did you do there?
- A. I phoned the police.
- 36 Q. Yes.
- A. Other than just before I had got there, I should say Mrs. Murdock was just outside the door, so I asked her to phone the ambulance and I went in to phone the police.

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- 37 Q. What did you do then?
A. I went in and picked up the blanket.
- 38 Q. Mhmh.
A. And went back out and covered her.
- 39 Q. When you went back, was the body in the same condition when you got back?
A. Yes, it was.
- 40 Q. And did you simply cover the body, is that right?
A. That's right.
- 41 Q. What colour of a blanket was it?
A. Blue.
- 42 Q. And this is one that belonged to the Funeral Home?
A. Yes.
- 43 Q. Did you get it back?
A. Yes.
- 44 Q. And in the process of covering the body, I take it you simply approached it as far as you had to and put it on and leave again?
A. That's right, yes.
- 45 Q. Once you had covered the body, did you stay at the scene for awhile?
A. Yes, we waited for the police. When I phoned them prior to that, they told us to wait at the scene and someone had turned in the call just before that and they were on their way up.
- 46 Q. You and Mr. Murdock waited right there?
A. Right.
- 47 Q. While you waited, was there anyone else around but the two of you?
A. There might have been -- Nobody really waiting with us.

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There was just kids going down, further down the alley, ofcourse, to school, because it was ...

- 48 Q. No other adults around?
- A. No.
- 49 Q. And did the police arrive while you waited there?
- A. Yes, they did.
- 50 Q. Did you happen to know the name of any of the ones who arrived initially?
- A. Yes, I believe one of them was a Detective Reid, I believe.
- 51 Q. (Reid?
- A. Right.
- 52 Q. Now, once they arrived, what did you do?
- A. Well, we showed them where the case was and went back to the Funeral Home and told them that if they wanted anything else ...
- 53 Q. Yah.
- A. They would find us there.
- 54 Q. I see. And were you out again to the scene later on?
- A. About ten minutes later I was out, I just talked to the, it was a detective in the car, I talked to him for a little while ...
- 55 Q. I see.
- a. And that was about all that I was out.
- 56 Q. Was that at the scene though?
- A. Yes.

MR. CALDWELL: Thank you. Your witness.

TERRY MICHAYLIUK:

CROSS-EXAMINED BY MR. TALLIS:

- 1 Q. I gather that from what has been heard hear, that it

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was a bitterly cold morning?

A. Yes, it was.

2 Q. You would agree with that. And was it cold enough that one would become frost bitten pretty quickly if you didn't have adequate mitts and head gear on?

A. Well, not really. I had a coat and I was well dressed, so that as far as I was concerned

3 Q. It didn't bother you?

A. No.

4 Q. But I take it you were well dressed because it was cold?

A. That's right.

MR. TALLIS: I have no further questions.

COURT: Thank you.

MR. CALDWELL: Your Honor, in view of your comments earlier, I am now at the last witness.

COURT: Alright. We will adjourn to two o'clock. Mr. Tallis?

MR. TALLIS: That's fine.

Court is adjourned.

Court is resumed.

MR. CALDWELL: Your Honor, I want to apologize for being late, I had an officer come to see me about some more of the witnesses required to be dealt with right now.

COURT: Alright, you will be excused.

MR. CALDWELL: Thank you.

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