

10:00 A. M. JANUARY 26TH, 1970 - COURT RESUMED.
ALL JURORS PRESENT.

THE COURT: One of our members of the jury had a slight mishap; that's why he has to sit outside the jury box.
Sorry to hear about that.
I don't think we need to poll the jury.
Next witness, Mr. Caldwell?

MR. CALDWELL: Call David Anderson, My Lord.

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DAVID WAYNE ANDERSON, sworn, states:

MR. CALDWELL, examining:

Q Now, Mr. Anderson, I believe that in January of 1969 you were an employee at Hillcrest Texaco Service, which was at Avenue "P" and 22nd Street in Saskatoon?

A Yes I was.

Q Are you still working there?

A No, I'm not.

Q And I believe you're a University student, are you? 20

A No, I'm a high school student.

Q Alright; and I believe that the boss so to speak was a Mr. Campbell there?

A No, Mr. Fred Alexander.

Q I believe that morning that you went out on a service call in a tow truck from Mr. Alexander's station to see some people about car trouble?

A Yes I did.

Q And what time of the morning would you say that you arrived at your destination? 30

A It was sometime between ten and eleven a. m.

- Q And were you by yourself in the tow truck?
- A Yes I was.
- Q Now, where was it you went?
- A It was about Avenue "O" and 19th Street.
- Q And are you certain of that location when you say "about", or not?
- A Yes I am; I went back there to check.
- Q Avenue "O" and 19th?
- A Well, it was on 19th Street east of Avenue "O".
- Q I see; and what did you find there? 10
- A It was a '58 Chev. four door sedan.
- Q And you said east of Avenue "O" on 19th - which way would this vehicle be facing?
- A It was facing west.
- Q Facing west?
- A Yes it was.
- Q And where was it in relation to the width of the street?
- A It was on the north side of the street in the westbound lane. 20
- Q And when you arrived at the vehicle were there any people in connection with it there?
- A There were four people inside the car.
- Q And were these males?
- A There was three males and one female.
- Q And did you check the car there to see what was the matter with it?
- A Yes I did.
- Q And just from your check what did you notice about it? 30
- A The transmission had sprung a leak.
- Q And did you try to see whether it would go by

its own power yourself or not?

A Yes I did - actually the driver of the car tried.

Q While you were there?

A Yes.

Q And would it move?

A No, it would not.

Q What did you do then?

A I towed it back to the garage.

Q What about the four people?

A They remained at the garage.

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Q Did they come along, though, with you?

A Yes, they rode in the car while I towed it.

Q And when you got the car back to the garage
what time would it be approximately?

A Well, shortly after eleven I imagine.

Q And now, who did you turn the car over to at
the garage?

A George Davis.

Q George Davis; and he was one of your mechanics
then, was he?

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A Yes he was.

Q And at the place where you found the car did
you notice anything in the way of fluid or so
forth in connection with the car?

A Yes, there was a trail of fluid behind the car.

Q Behind the car?

A Yes, leading up to the car.

Q I see; and did you pay attention how far it
went or not?

A It went back - oh, about half way to the alley. 30

Q And was there an alley opening on to 19th from
the nearest block there?

- A Yes there was.
- Q And how far down the block was the alley?
- A Half way down the block.
- Q I see; half way down. Now, is there anyone in court here today who was part of the group of four people who were with the car?
- A Yes.
- Q And which person is that?
- A Mr. Milgaard.
- Q And who do you say is Mr. Milgaard? 10
- A That person right there sitting in the box.
- Q The prisoner sitting in the box to my left here?
- A Yes.
- Q And I take it he would be a stranger to you as of that time, would he?
- A Yes he was.
- Q And once you got the car back to your station did you stay around or pay any more attention to the four people or not?
- A I did go for parts for the car. 20
- Q I see; once you were back to the station did you observe any of that group of four leave the station or not?
- A There was one person.
- Q And do you know which one that was?
- A Well, it wasn't Mr. Milgaard; it was the short one in the group.
- Q And I take it this being one of the other males?
- A Yes it was.
- Q And did you know his name at that time? 30
- A No, I didn't.

MR. CALDWELL:

Thank you; your witness.

MR. TALLIS, cross-examining:

Q As I understand it, this car was facing in a westerly direction when you came upon it?

A Yes it was.

Q And it wasn't right over to the curb?

A There was no curb there.

Q Well, if there were, the imaginary edge?

A No, it wasn't parked right on the side of the road; it was just as if he had been driving along and stopped it. 10

Q In a travelling lane?

A Yes.

Q Now, also I gather that you would recall this as being an extremely cold morning, would you?

A Yes, it was fairly cold that morning I believe.

Q And you mentioned that you saw the one fellow leave the garage. Would he be the shortest boy of the three?

A Yes, I believe he was.

Q And at that time did he have fairly long hair, do you recollect? 20

A Well, depends what you mean by fairly long.

Q I see; well, much longer than yours?

A Well, it was longer than mine, yes.

Q Much longer?

A I believe it was.

Q And in any event he was the shortest?

A Yes.

Q And you definitely recall the girl remaining there at that time? 30

A I believe she remained at the garage.

MR. TALLIS:

No further questions.

THE COURT:

Thank you.