

EXAM
DUFFUS

Saskatoon, April 21st of 1992, Mr. Beresh.	1
Q. Of 1992?	2
A. Yes.	3
MR. BERESH: Thank you very much.	4
THE COURT: Thank you, Mr. Beresh. Mr. Caldwell, thank you for your attendance this morning. You're excused, sir.	5 6
MR. CALDWELL: Thank you very much, My Lord.	7
MR. BERESH: Have a safe trip home, Mr. Caldwell. The next witness, My Lord, is Linda Duffus.	8 9
THE COURT: Yes.	10
MR. BERESH: And given the witness has travelled some distance I would like to see if we could finish her this morning, if possible.	11 12 13
THE COURT: How do I spell that, Mr. Beresh?	14
MR. BERESH: Sorry.	15
THE COURT: How do I spell it?	16
MR. BERESH: D-U-F-F-U-S.	17
THE COURT: Thank you.	18 19
<u>LINDA DUFFUS, having been duly SWORN, states:</u>	20 21
<u>MR. BERESH:</u>	<u>EXAMINATION-IN-CHIEF:</u> 22
Q. Your name is Linda Duffus?	23
A. That's correct.	24
Q. It's a hard name to pronounce, but it's spelled D-U-F-F-U-S?	25
A. That's right.	26

- Q. So it's Duffus? 1
- A. Correct. 2
- Q. Thank you very much. Ms. Duffus, would you be kind enough to tell us how old you are, please. 3
4
- A. I'm 40. 5
- Q. And, you live in the beautiful city of Edmonton, Alberta, is that correct? 6
7
- A. Yes, I do. 8
- Q. Let me take you back a while so we can get a picture of your background. I understand from you that you were born and raised in Saskatoon, Saskatchewan? 9
10
11
- A. That's correct. 12
- Q. Your father worked for the Potash Company of America? 13
- A. That's right. 14
- Q. Okay. And in your family, in addition to your mother, was a younger sister and a younger brother? 15
16
- A. That's right. 17
- Q. Okay. Would you be kind enough to tell us, please, where were you raised? That is, in the initial part of your life what was the location of your home, please? 18
19
20
- A. In Pleasant Hill. 21
- Q. Okay. And would you tell the Members of the Jury who may not have been to Saskatoon where is Pleasant Hill generally, in Saskatoon? 22
23
- A. It is on the west side of the city. I guess the west side of the city. 24
- Q. Okay. A river runs through Saskatoon? 25
- A. That's right. 26

- Q. And although it doesn't run straight, are you on the north side of the river or the south side? 1
2
- A. On the north side. 3
- Q. Okay. And what was the actual location of your home in Pleasant Hill, please? 4
5
- A. Avenue O and 20th Street. 6
- Q. Avenue O and 20th? 7
- A. That's correct. 8
- Q. Would you mind coming down from the witness stand for a moment. We have exhibit P-2 before the court, and if I can ask you just to stand over to one side, would you just take a look at this and indicate for the Members of the Jury where your home was located, please. 9
10
11
12
- A. It was right on the corner of O and 20th, and it would be on the south side of 20th, on the southwest side. 13
14
- Q. Now, there is a red X there already, would you just take this green pen and maybe make that a dot or a circle so we can get the idea of where your home was located, please. 15
16
17
- A. Right on the corner, over here. 18
- Q. Okay. And you've made that green now on exhibit P-2. Good, thank you very much. 19
20
- THE COURT: I'm sorry, Mr. Beresh, is that a green X? 21
- MR. BERESH: Green dot. 22
- THE COURT: Green dot. Thank you. 23
- Q. Now, you may have gone off the microphone system, I just want to confirm that on exhibit P-2 you put a green dot where your house was located in Saskatoon? 24
25
26

- A. That's correct. 1
- Q. And for how long did you live at that home, please? 2
- A. For 12 years. 3
- Q. Okay. And then you moved to another area of Saskatoon, I understand? 4
- A. That's correct. We moved to Richmond Heights. 5
- Q. Okay. We'll come back to this in a moment, but I understand from you you obtained your grade 12 in Saskatoon? 6
- A. That's right. 7
- Q. You then went to work for Canadian Pacific? 8
- A. That's right. 9
- Q. I understand from you that you worked in Saskatoon for Canadian Pacific for a period of five years? 10
- A. That's right. 11
- Q. Following that where did you go to work, please? 12
- A. Following CP Rail, I went to work for the University of Saskatchewan in the soil testing laboratory. 13
- Q. And would you be kind enough just to tell us briefly what your position was with that employer? 14
- A. I started out as a clerical, and I ended up being head of receiving. 15
- Q. And how long did you remain employed at the University of Saskatchewan? 16
- A. I was with them for approximately two to three years. 17
- Q. Okay. After that would you be kind enough to tell us what kind of work you preformed? 18
- A. I moved to Candle Lake, Saskatchewan after building a home, and I 19

- worked at Prince Albert Toyota as a sales representative. 1
- Q. How long did you work at that dealership, please? 2
- A. For two years. 3
- Q. And after that, please? 4
- A. And after that I went to work for an insurance agency, Boyd Agencies 5
(ph). I was a branch manager for a second location that was opened 6
up, and I worked for Boyd Agencies for a year and a half. 7
- Q. I understand you then went to work for Scott National? 8
- A. That's right. 9
- Q. In Prince Albert? 10
- A. That's correct. 11
- Q. And what position did you initial occupy in Prince Albert, please? 12
- A. I was a sales representative. 13
- Q. And do I understand that Scott National then transferred you to Red 14
Deer? 15
- A. That's right. 16
- Q. Okay. And for how long in total did you work for Scott National 17
during that period of time, please? 18
- A. For a total of five years. 19
- Q. What was your next employment, please? 20
- A. I then went to work for an agency called CARS, which Central Alberta 21
Residents Society (ph), and I worked with behaviour problem youths. 22
- Q. Behaviour problem youths? 23
- A. That's correct. 24
- Q. And how long did you work for CARS agency, please? 25
- A. I worked for them for two years. 26

- Q. Do I understand you were then offered a job in Grande Prairie -- 1
- A. That's correct. 2
- Q. ... where you worked at Crystal Park School, again with behavioural 3
problem youths? 4
- A. That's right. 5
- Q. Okay. I understand you now have returned to work for Scott 6
National? 7
- A. That's right. 8
- Q. And as a result were transferred to Edmonton? 9
- A. That's correct. 10
- Q. And this period of time you worked for Scott National for how long, 11
please? 12
- A. For five and a half years. 13
- Q. So, do I gather that in total in the past you've worked for Scott 14
National for about ten and a half years? 15
- A. That's right. 16
- Q. Okay. I want to take you back, if I can please, to January 31, 1969. 17
Before I come to that specific date I want to ask you where did you go 18
to school, please? 19
- A. I went to school at Pleasant Hill. 20
- Q. Pleasant Hill School? 21
- A. That's correct. 22
- Q. Again, if I can ask you to come down from the witness stand and just 23
indicate to us where Pleasant Hill School is located in relation to your 24
home, please. 25
- A. Pleasant Hill School is located on Avenue S (ph) in between 20th and 26

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- 21st. 1
- Q. Okay. If I could just stop you for a moment. (Inaudible - not near 2
microphone) keep your voice raised so it picks you up. Can you just 3
indicate with a line or an X where Pleasant Hill School is located, 4
please. So it's right along in that area? 5
- A. Yes. 6
- Q. Okay. And how did you go to school each day, please? 7
- A. (Inaudible - not near microphone). 8
- Q. Sure if you would, please. There is Pleasant Hill School? 9
- A. That's correct. 10
- Q. And how would you get to school fro your home, please? 11
- A. Typically what I would do is walk straight up 20th Street and on 12
Avenue Q, St. Paul's Hospital began. Right next to St. Paul's Hospital 13
was a nursing residence and I used to cut through the nursing 14
residence and walk down the alley between Avenue R and S to get to 15
school. 16
- Q. Okay. Thank you very much. 17
- THE COURT: Mr. Beresh, I think I got that. Could you 18
go through that direction again. 19
- Q. Yes. Would you just take a moment and for the record explain to us 20
how you would get to school from your home which was at Avenue O 21
and 20th? 22
- A. That's right. I would walk straight up 20th Street. St. Paul's Hospital 23
was located -- the middle of the hospital was located on Q, and what I 24
would do is I would walk straight up 20th until St. Paul's Hospital, 25
there was a nursing residence right next door to St. Paul's Hospital, to 26

- the west side of the hospital and I would cut through the nursing residence and go down a back alley that was located between Avenue R and S, to the school. 1
2
3
- Q. Okay. So, there was a nursing residence in this area? 4
- A. It was actually part of St. Paul's Hospital. It was a separate building, but it was all part. 5
6
- Q. And were there nurses in residence there? 7
- A. As far as I know. 8
- Q. Did you see people at that time with uniforms walking around that appeared to be nurses or nurses in training? 9
10
- A. Yes, on occasion. 11
- Q. I see. So that residence would only be how many blocks from your house? 12
13
- A. Two and a half blocks. 14
- Q. Okay. We've heard evidence already that St. Mary's School is located south of your home? 15
16
- A. That's right. 17
- Q. But so we're clear you didn't attend St. Mary's School? 18
- A. No, I didn't. 19
- Q. Okay. When you went to school did you ever go with any chums who went to the same school? 20
21
- A. Yes. Most commonly I had a young friend by the name of Matthew Hnatiuk that I walked to school with quite frequently. 22
23
- Q. Okay. And where did Matthew live? 24
- A. Matthew lived on Avenue N, in between 20th and 21st. 25
- Q. Would you mind coming down, I'm giving you a lot of exercise this 26

- morning, would you mind coming down and showing us where
Matthew's home was located, please.
- A. Matthew's home would have been located approximately right there
on Avenue N.
- Q. Could you put an X there for us, please. Okay. And was Matthew
your age?
- A. Yes.
- Q. Okay. While we're here; did the home face to the east?
- A. Yes.
- Q. This way?
- A. Yes.
- Q. And did the property run to this alley?
- A. That's right, yes.
- Q. Okay. Thank you. Having Matthew as a chum did you come to meet
any of his siblings, brothers or sisters?
- A. Yes. He had an older brother by the name of Phillip that I knew.
- Q. And did they live with their mother?
- A. Yes, they did.
- Q. And did you get to meet her?
- A. Yes, I did.
- Q. Okay. So what was the general practice when you would go to
school? Would Matthew come to your house, or you go to his house,
or how would you go to school?
- A. We usually met on the corner of O and 20th, on the north side of the
road. I would wait on the corner for him to walk from his place to that
location and we'd walk together.

- Q. Okay. And then walk to school? 1
- A. That's right. 2
- Q. Okay. I understand that an event occurred on the morning of January 31, 1969, is that correct? 3
4
- A. That's right. 5
- Q. Tell us first of all about the day. What do you remember about the day in terms of the weather? 6
7
- A. I remember that day being a very cold one, also very foggy. 8
- Q. Yes. And what did you do after you got up? 9
- A. Upon getting ready for school I was waiting on the corner and, of course, it was very cold that morning and it was very hard to just stand there as it was so cold, so I elected, when he wasn't there, to actually walk towards his place in that it was much better to be walking to stay warm than standing still. So I walked towards his home. 10
11
12
13
14
15
- Q. And what time do you think that was? 16
- A. Approximately between quarter after 8:00 and 8:30. 17
- Q. Okay. So you waited at the corner near your house, he didn't show up, so you decided to walk to his house? 18
19
- A. That's right. 20
- Q. And how did you walk to his house, just take your time by describing to us what route you took, please. 21
22
- A. Right. I walked down Avenue O, so north on O. Came to an alley which is about a quarter of the ways up the block, it was a T-alley. I walked down the alley and then turned left towards the direction of his home. 23
24
25
26

- Q. Okay. Had you been in that alley before? 1
- A. Yes. 2
- Q. So you were familiar with it? 3
- A. That's right. 4
- Q. Okay. And what was the plan in terms of going to his house; to the back of his house, or the front of his house? 5
6
- A. To the back of his house. 7
- Q. Okay. And you had done that before, I take it? 8
- A. That's right. 9
- Q. Okay. What happened as you walked down the alley, please? 10
- A. As I came down the alley I noticed a body. As I came closer it became very apparent that there was a woman lying in the snow. 11
12
- Q. Okay. And tell us what you did. 13
- A. At the point I was standing over her looking at her as Matthew came from the back of his yard, at which point I asked Matthew to please go and get his mother. 14
15
16
- Q. What did you think? Did you think of a reason why the person might be there? 17
18
- A. There had been a rumour that was going around school, prior to this, that there was a woman sighted in the area that was a drinker and would commonly fall asleep in snow banks, and I suspected that I had come across this woman. 19
20
21
22
- Q. Okay. So you walked up to her. And then Matthew was coming along? 23
24
- A. That's correct. 25
- Q. And where did he come from? 26

- A. He came out from the -- out his back yard. 1
- Q. Yes. 2
- A. And as he came visible to me, which my recollection, is that there was 3
a small garage or a shed, so as he came around that corner actually 4
we were standing now just feet from each other at that point. 5
- Q. Okay. And you say you were standing beside this woman? 6
- A. That's right. 7
- Q. Okay. Did you see whether she was conscious? Like, did you try to 8
rouse her, or what did you do? 9
- A. No. She didn't appear to be conscious at all. I didn't move her at all. 10
- Q. And so Matthew came up to the person, beside you? 11
- A. Matthew at that point, when I asked him to go and get his mother, 12
immediately turned around to go and get his mother. 13
- Q. Okay. And now, just so we know, in that particular spot where you 14
were, where was Matthew's house? 15
- A. Matthew's house would have been to the left of the body. 16
- Q. Okay. Would you be kind enough to come down again, please. And 17
with a blue pen indicate where you saw the body, please. And maybe 18
what you should do is -- if I can turn this microphone towards you 19
because I want to be able to pick up, indicate, without making a mark, 20
and in a position His Lordship can see, maybe over here, indicate with 21
the dull side of the pen just the route you took, so the Members of the 22
Jury can see, please. 23
- A. All right. I would have crossed 20th and would have come to the east 24
side of Avenue O and walked down, then turned into the alleyway and 25
then proceeded down the back alley. 26

- Q. And can you point to us approximately, I know it's hard on a sketch that's not totally accurate, where you saw the body, please? 1
2
- A. The body would have been to the south side of the entranceway to their yard. 3
4
- Q. Okay. And was anyone else around the body (inaudible - not near microphone)? 5
6
- A. No, not at all. 7
- Q. Okay. So you went up, you were there, Matthew came up. You talked about his mother. What happened, please, in terms of his mother? 8
9
10
- A. When Matthew returned, his mother was with him, at which point the mother then looked at the woman and immediately suggested that we best get on to school, if we didn't we would be late, and so encouraged us (inaudible - not near microphone). 11
12
13
14
- MR. BERESH: Okay. Would you retake the stand, please. 15
Exhibit P-3 at the trial, My Lord. 16
- THE COURT: Thank you. 17
- Q. Would you look at that scene, photograph number 1 for the benefit of the jury. If you'd just wait for a moment. I think we're ready. How does that photo accord with your recollection of the area, please? 18
19
20
- A. Very much to what I recall. 21
- Q. Okay. Now, you were -- by the time Matthew had gone to get his mother and come back you had been around the body for how long, please? 22
23
24
- A. Probably three or four minutes. 25
- Q. Okay. And after you left did you see what his mother did at all? 26

- A. No, I didn't. 1
- Q. Okay. After this event occurred did you mention it to anyone? 2
- A. Yes. That morning, every morning we began our day with current 3
events, and my current event for that day was actually finding, again 4
who I thought was the drunken woman, sleeping in the snow bank. 5
- Q. When you were up and right near the body did you see any blood at 6
all? 7
- A. No, I did not. 8
- Q. Did you report this to your parents? 9
- A. Yes. I did share the details with my mother. 10
- Q. Yes. I understand that you learned as well that a body had been 11
found, the police were investigating this, is that correct? 12
- A. That's correct. 13
- Q. To your knowledge, did your parents speak to the police? 14
- A. I was aware that my dad was interviewed. 15
- Q. Yes. 16
- A. That particular morning he had an early morning, it was very cold and 17
he was out early that morning starting his vehicle. 18
- Q. Okay. And just so we're clear, where did he park his vehicle? 19
- A. He parked his vehicle on Avenue O, on the west side. 20
- Q. On the west side of the street? 21
- A. That's correct. 22
- Q. You don't have to get down for this, but are we talking on the west 23
side of this street, Avenue O? 24
- A. That's right. 25
- Q. So, near your house? 26

- A. That's correct, right alongside. 1
- Q. I apologize, I should have asked you this at the beginning. Was yours
the corner house? 2
3
- A. That's right, it was. 4
- Q. So you could see both directions or (inaudible - not near microphone)? 5
- A. That's right. 6
- Q. You mentioned this in class, you mentioned to us? 7
- A. Yes. 8
- Q. Okay. What, if anything, happened following that in relation to this,
please? 9
10
- A. I recall coming home at lunchtime that day, and upon walking into our
front porch, which the TV set was visible from the porch and I recalled
seeing a bulletin on the TV, at which point I realized that the body I
had found was in fact somebody who had been murdered. 11
12
13
14
- Q. And you subsequently discovered it was Gail Miller? 15
- A. That's correct. 16
- Q. Okay. Let me take you to the days that followed. Did you ever go
back to that area, please? 17
18
- A. Yes, I did. 19
- Q. And do you remember how long after that date? 20
- A. Within a couple of days of that happening. 21
- Q. Okay. So January 31st, within a couple of days, does that mean
February 1st, 2nd, in there? 22
23
- A. It would be in that time. I'm not exactly sure of the exact time frame,
however I believe that it would have been a couple of days later. 24
25
- Q. All right. Are you able to help us with this, was it a school day or not 26

	a school day, if you can?	1
A.	I'm not sure that I can recall that.	2
Q.	That's fair. Tell us what the purpose of going back to the area was, please?	3 4
A.	Again, to meet Matthew.	5
Q.	Okay. And so which route did you take, the same route or a different route?	6 7
A.	The exact same route.	8
Q.	So you came up from your home, down and up and in the back way?	9
A.	That's correct.	10
Q.	What did you observe on that occasion when you went there in the area, please?	11 12
A.	At that time there was a tent set up melting the snow.	13
Q.	A tent?	14
A.	That's correct.	15
Q.	Okay. Had you ever seen that kind of tent before?	16
A.	No, I hadn't.	17
Q.	Okay. Let me show to you two photographs, although they're black and white, they're D-5, My Lord.	18 19
THE COURT:	Thank you.	20
MR. BERESH:	And they're not marked but if your clerk might mark them as 1 and 2 and then we'll use the two.	21 22
THE COURT:	Yes. Simply mark them as 1 and 2.	23
MR. BERESH:	Thank you, My Lord. We'll mark number 1, My Lord, as the photograph that is apparently facing north, and on the second one that is apparently facing south.	24 25 26

- THE COURT: Thank you. 1
- EXAMINATION-IN-CHIEF OF LINDA DUFFUS (CONTINUES): 2
- Q. Would you look at photographs 1 and 2 of D-5, please, and tell us 3
whether or not you can recognize what is depicted in those 4
photographs. 5
- A. That would be the tent that I recall being set up, melting the snow. 6
- Q. Okay. So that's what it looked like? 7
- A. That's correct. 8
- Q. Was anyone apparently guarding the area? 9
- A. The day that I was there there were two officers that I remember 10
being there. 11
- Q. Right. But did it appear as though they were guarding the area or just 12
looking around? 13
- A. Looking around. 14
- Q. Okay. And how could you tell they were officers? 15
- A. They were wearing uniforms. 16
- Q. What kind of uniform, please? 17
- A. Police uniforms. 18
- Q. Okay. Tell us what you observed on that day, and I want you to pick 19
it up from you came -- obviously came down the alley and came 20
towards the north and saw this. What happened then, please? 21
- A. At that point I actually stood and observed, out of curiosity as to what 22
was happening. It was apparent that much of the snow had melted in 23
the area, at which point I continued to look, waiting for Matthew to 24
come out, and I did observe one of the officers actually bend down 25
and pick up an object which was a knife. 26

- Q. A knife? 1
- A. That's correct. 2
- Q. Now, could you hold that -- the best photograph up that shows us this
and tell us where you recall seeing the officer pick up the knife? 3
4
- A. This, for myself, is very unclear in that I do recall it being, in my
memory, in the tent area. However, one of the things that always has
puzzled me is I did recall the tent being very short and I had a hard
time envisioning the officer in that area. In looking at this, I was on
the -- the south end of the tent is where I stood, and it was on the
south end that I saw the officer pick up the knife. 5
6
7
8
9
10
- Q. Where did he pick it up from? 11
- A. He would have picked it up from approximately the middle of the
alleyway. 12
13
- Q. Yes. How far was that from where you had seen the body, please -- 14
- A. In looking -- 15
- Q. ... in feet or metres? 16
- A. Initially in looking at the picture of course the footage is a lot more
than I recalled. I had thought that I had saw it actually about four feet
from the body. 17
18
19
- Q. Okay. What kind of knife? 20
- A. It was actually the blade that I saw, and the blade appeared to be a
paring knife. 21
22
- Q. All right. Did you see whether it was the whole knife or part of the
knife? 23
24
- A. That I did not see, in that it was in his hand. 25
- Q. But you saw him pick it up from the alley? 26

- A. That's correct. 1
- Q. And what did he do with it? 2
- A. He immediately picked it up and then turned away from me. 3
- Q. I see. And this would have been two or so days after? 4
- A. That's what I recall. 5
- Q. Okay. On January 31 when you saw the body, did you ever go back on that day? 6
7
- A. No, I did not. 8
- Q. On the next day did you go back at all? 9
- A. Not that I recall. 10
- Q. And this person had a police uniform on? 11
- A. That's right. 12
- Q. Did the person provide a name to you, or did the matter of name even arise? 13
14
- A. No. There was no conversation with us at all. In fact, soon after that moment Matthew did appear. 15
16
- Q. I'm sorry, this is -- do you recall where he put the knife? 17
- A. No, I do not. 18
- Q. But he picked it up from the alley? 19
- A. And then turned away from me to walk towards the direction of the other officer. 20
21
- Q. So do I gather he had been facing you at this point before he picked it up? 22
23
- A. He would have been a side profile. 24
- Q. Yes. And you saw clearly it was a knife? 25
- A. That's right. 26

- Q. Okay. And did Matthew then appear from his home? 1
- A. That's right, he did. 2
- Q. All right. And was it common for his family to use the back alley, to walk down there, to come out the back yard? 3
4
- A. It was certainly very common for us kids. We often went down the alleyways. 5
6
- Q. Okay. Do I understand that later in that spring you found a knife? 7
- A. I found a knife, that's correct. 8
- Q. Just take your time and tell us where you found it, and what you found, and what you did with it, please. 9
10
- A. On the way to school, it was in the spring of the year, approximately April, as I was walking to school and cutting again through the nursing residence which I often did, I came upon a paring knife that was an older paring knife, it was rusted, and my immediate reaction was to pick up the knife and bring it to somebody of authority to turn it in to, or turn into. 11
12
13
14
15
16
- Q. And did you do that? 17
- A. That's correct. I took it to my school and actually turned it in to the principal. 18
19
- Q. And the principal's name? 20
- A. The principal at the time was Mr. Kyle (ph). 21
- Q. Kyle? 22
- A. That's correct. 23
- Q. Okay. And I take it you haven't seen that knife since then? 24
- A. No, I haven't. 25
- Q. Would you be kind enough to come down again, please, and show us 26

- where you found that knife. 1
- A. St. Paul's Hospital actually started out from the corner of P right 2
through to R, but Q is right in the middle, and again if you were to just 3
-- there was a driveway that used to be -- a circular driveway, there 4
used to be circular driveway that pulled up to the hospital, and at this 5
point of the driveway you can actually walk through (inaudible - not 6
near microphone) nurses residence and a sidewalk that would come 7
out on Avenue Q, so you were actually right inside, walking along the 8
sidewalk of the building. And it was on that sidewalk that I actually 9
found the knife. 10
- Q. Can you put with an X, red X, the location of the knife, please. 11
- A. That would be the approximate location. Again, it was off of 20th 12
Street because you actually had to walk into the nursing residence, 13
and as I say there was a sidewalk that walked -- that went along the 14
building and it was on the sidewalk. 15
- Q. Would you just write in small letters "knife" beside it so we don't 16
confuse it with the rest. Thank you very much. Could you describe 17
the knife to us, please. 18
- A. I was a typical paring knife with a wooden handle and a short blade. 19
- Q. I see. After you turned it in to your principal you didn't see it again, 20
haven't seen it since? 21
- A. No. 22
- Q. One last question, please, just so we're clear. When you went into 23
the area where you saw the tent, was there anything that cordoned 24
off the area, prevented people from walking down that alley? 25
- A. No. In fact interesting, up until seeing the picture today, in thinking 26

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back over the 30 years here, it puzzled me as to why I would have
walked that way to actually meet Matthew in that my thoughts would
have been that the entire area would have been closed off. However,
I do recall that Matthew was able to actually walk to one side of the
tent and therefore, no, it was not completely closed off.

Q. The police discovered your involvement in 1993, is that correct?

A. That's correct.

Q. And did you meet with a Corporal Templeton and Constable Dyck (ph)
from the RCMP?

A. Yes, I did.

Q. And did you provide to them a statement as to your observations?

A. Yes, I did.

MR. BERESH: Okay. Thank you very much for attending.
I appreciate it.

THE COURT: Thank you, Mr. Beresh.

MR. SINCLAIR: Very briefly, My Lord. I'll try to -- should I
try to finish before lunch?

THE COURT: I was going to indicate I was going to give
you the option, Mr. Sinclair. If you wish to break now --

MR. SINCLAIR: I think we'll be brief, My Lord.

THE COURT: All right, we'll deal with it now then. Thank
you.

MR. SINCLAIR: **CROSS-EXAMINATION OF LINDA DUFFUS:**

Q. Ma'am, have you had an opportunity to review the statement that you
gave six years ago to the police?

X-EXAM
DUFFUS

SINCLAIR

- A. Yes. Just this morning. 1
- Q. This morning. And as I understand it, that was a statement that 2
described events that occurred when you were 10 years old, 24 years 3
earlier than that? 4
- A. That's correct. 5
- Q. And you never gave a statement concerning this matter to the police 6
in 1969? 7
- A. No, I did not. 8
- Q. Or, through the '70s? 9
- A. No. 10
- Q. Or, the '80s? 11
- A. No. 12
- Q. And how was it, do you think, that the police got a hold of you in 13
1993? Did you tell your father that you had information about this 14
and did he let the police know about that? 15
- A. Yes, he did. 16
- Q. And that was in 1993 that you mentioned to your father that you had 17
information that might be of some use to them? 18
- A. Well, it was certainly in '93, however I was a little surprised that my 19
father didn't recall previous information. 20
- Q. And he did not, did he? 21
- A. No, he did not. 22
- Q. Okay. So I take it that you're doing your best trying to remember 23
events that took over -- that took place a long time ago? 24
- A. That's right. 25
- Q. When you were 10 years old? 26

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- A. That's right. 1
- Q. And you have not had the benefit of any previous statements besides 2
the one in 1993? 3
- A. That's correct. 4
- Q. And I got the impression from your testimony, ma'am, that you had 5
not even in fact been shown copies of the photographs until this 6
morning? 7
- A. That's right. 8
- Q. Were you shown all of the photographs this morning? 9
- A. No, I was not. 10
- Q. Just one? 11
- A. That's right. 12
- Q. Okay. Your impression or your recollection was that the body that you 13
discovered in the lane that morning was immediately behind the 14
Hnatiuk -- am I pronouncing that right, the Hnatiuk residence? 15
- A. I always said Hnatiuk, so I'm not sure that I have the pronunciation 16
right. 17
- Q. All right. But it was immediately behind the Hnatiuk residence? 18
- A. That's correct. 19
- Q. And where did they live? What was their address? 20
- A. I don't know that I remember the street number, but it was on Avenue 21
N. 22
- Q. Okay. And did you know a Mary Marcoux? 23
- A. No, I did not. 24
- Q. Okay. I guess that you went to the school farther down 20th, that 25
was -- what was the name of the school, Pleasant Hill School? 26

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- A. Pleasant Hill School. 1
- Q. And you did not go to St. Mary's. I guess that would have been a
separate school of some sort? 2
3
- A. That's right. St. Mary's was separate, and Pleasant Hill was public. 4
- Q. You -- from what you can recall all those many years ago you
remember one morning when it was very cold and it was foggy, that
you were going to Matthew's place, correct? 5
6
7
- A. That's -- I was actually going to school but ended up going to
Matthew's place. 8
9
- Q. And you came across the body of a woman lying in a back alley? 10
- A. That's right. 11
- Q. And you thought she was a drunk? 12
- A. That's correct. 13
- Q. And you told Matthew, who appeared at the back alley, that he should
go get his mother? 14
15
- A. That's right. 16
- Q. And he did that? 17
- A. Yeah. 18
- Q. And his mother came out and looked at the body and checked the lady
lying on the lane? 19
20
- A. That's right. 21
- Q. And gave you absolutely no indication other than this was a drunk.
She certainly never said "we've got to phone the ambulance, we've
got to phone the police", anything like that? 22
23
24
- A. No, she did not. 25
- Q. And she looked at the body? 26

- A. That's right. 1
- Q. All right. And remembering it all those many -- and you were 2
convinced that it was a drunken woman you found in the alley, even 3
at school that day? 4
- A. That's right. 5
- Q. And then about 24 years later you -- you say that you have 6
information that might be of some assistance to the police? 7
- A. In conversation with my father he had mentioned that the RCMP may 8
in fact be in touch with myself regarding information that I might have, 9
yes. 10
- Q. Okay. You have a definite recollection of the murder of Gail Miller in 11
the neighbourhood though, that was news? 12
- A. That's correct, yes. 13
- Q. That impressed it upon yourself, as a little girl living in that 14
neighbourhood, that was important, correct? 15
- A. That's right. 16
- Q. Some of your friends, I think one of your friends was a Beauchamp 17
boy? 18
- A. That's right. 19
- Q. Do you know the -- and I'm not sure if I'm pronouncing it right though 20
the Hounjet family? 21
- A. No, I don't. 22
- Q. Okay. But one of your friends had actually found something that was 23
connected with this case? 24
- A. I do recall that my neighbours who were the Beauchamps at the time, 25
that one of the boys did in fact find a wallet. 26

- Q. Right. And you kids talked about it back then quite a bit, didn't you? 1
- A. That's right, we did. 2
- Q. Okay. And it was sort of -- for kids, sort of an interesting topic of conversation? 3
4
- A. Yes. 5
- Q. You say that a couple of days later you recall seeing a tent there? 6
- A. Yes. 7
- Q. And they apparently were melting the snow? 8
- A. That's right. 9
- Q. Okay. And you saw an officer pick up, did I understand you to say, a blade from a paring knife? 10
11
- A. What I saw was the blade, so when he picked it up I don't know whether the handle was concealed -- 12
13
- Q. I'm sorry, I misunderstood. So you weren't saying it was just the blade, you saw him pick up a knife? 14
15
- A. That's correct. 16
- Q. Do you know if it was his knife? 17
- A. No, I do not. 18
- Q. Do you know whose knife it was? 19
- A. No, I do not. 20
- Q. All right. He wasn't digging for it, he picked it up off the ground? 21
- A. That's right. 22
- Q. Outside the tent? 23
- A. That I am unclear of. My recollection was it was in the tent, however if you look at the picture, it's impossible for him to be inside the tent. 24
25
- Q. Okay. So you don't know if he was inside or outside the tent, he 26

- picked up some knife? 1
- A. That's right. 2
- Q. And you don't know if it has anything to do with this case
whatsoever? 3
- A. No. 4
- Q. But you do know, or your best recollection after all this time, is that it
definitely was not January 31 that you saw the officer digging in the
snow picking out a knife? 5
- A. That's correct. 6
- Q. Okay. And did I understand you to say that you found a brown
handled knife near the nurses residence? 7
- A. That's right. 8
- Q. A paring knife? 9
- A. A paring knife. 10
- Q. Do you recall if it had rivets? 11
- A. No, I don't believe so. 12
- Q. You thought that this might be connected with the Gail Miller murder? 13
- A. No, not at all. I thought because of what I had saw that the officer
picked up that this was a similar knife and it might be significant -- 14
- Q. To the police? 15
- A. ... to the police on some other issue. 16
- Q. It might. As a little girl, it might be connected so you turned it in to
your principal? 17
- A. That's correct. 18
- Q. Okay. How many blocks away was that knife found by you? 19
- A. That would be about two and a half blocks. 20
- 21
22
23
24
25
26

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- Q. From the scene of the murder or where the body was found? 1
- A. A little bit further than that. Three blocks. 2
- Q. Okay. So we don't know if that has any connection with the parties 3
involved, the crime, anything? 4
- A. No. 5
- Q. No. Ms. Hnatiuk shooed you off to school? 6
- A. That's right. 7
- Q. After she looked at the body she said it was time for you guys to go 8
to school? 9
- A. That's correct. 10
- Q. And do you know where Matthew's brothers were at that time? 11
- A. Gee, no, I don't. 12
- Q. Okay. All right. And he did have brothers, didn't he? 13
- A. Yes. 14
- Q. Three or four? 15
- A. Phillip is the brother that I recall, and I do not recall another brother. 16
- Q. Okay. 17
- A. Matthew -- 18
- Q. So, you don't know if he had any more than one brother? 19
- A. No, that's right. 20
- Q. Okay. I don't know if you were shown exhibit P-1 in these 21
proceedings which is a map of that block. Were you shown this at 22
all? 23
- A. Yes, I was. 24
- Q. Did you know that the Hnatiuks lived at 219 Avenue N? 25
- A. I wouldn't have recalled the number of the house, however I do recall 26

- it being the third house in from the alleyway. 1
- Q. One, two, three. 2
- A. That's right. 3
- Q. And your recollection was that the body was right behind the Hnatiuk house? 4
- A. That was my recollection, that's correct. 5
- Q. Okay. And you would have entered the alley from Avenue O? 6
- A. That's right. 7
- Q. And then walked up and found the body? 8
- A. That's correct. 9
- Q. Were you walking in the middle of the alley when you found it? 10
- A. Most likely. 11
- Q. And you said that you stood there for three or four minutes, did you? 12
- A. I didn't move from that position, yes. 13
- Q. Okay. And you just stood there. How close to the body were you, please? 14
- A. I would have been at the feet end of the body. 15
- Q. The feet end. Okay. And you stood there and watched, and she didn't move and you thought you found a drunk woman? 16
- A. That's right. At the time though there was a concern that this person was dead but I thought it was perhaps from freezing to death. 17
- Q. Who expressed this concern? 18
- A. That was my own opinion. 19
- Q. You thought she might be dead because it was so cold out? 20
- A. That's right. 21
- Q. Okay. And when Ms. Hnatiuk came out and looked at the body was 22
- 23
- 24
- 25
- 26

- she -- did she actually turn the body, or move the body in any fashion? 1
- A. Not to my knowledge, no. 2
- Q. You were standing right there? 3
- A. Yes. 4
- Q. But you stood still and watched the body until Ms. Hnatiuk appeared? 5
- A. That's right. 6
- MR. SINCLAIR: Thank you. I have nothing further. 7
- THE COURT: Thank you, Mr. Sinclair. Mr. Beresh. 8
- MR. BERESH: Thank you. 9
- 10
- MR. BERESH:** **RE-EXAMINATION OF LINDA DUFFUS:** 11
- Q. Just to clarify, you were asked this question in cross-examination; the 12
knife you found did not have rivets, did I understand you to say that? 13
- A. I don't -- I recall a smooth blade. 14
- Q. Okay. And you were talking about -- the prosecutor asked you about 15
being shooed off by Ms. Hnatiuk. I'm taking the photograph that you 16
identified in exhibit P-3, number 1, can you show us where Mrs. 17
Hnatiuk came out, where she came to, please. Just so that we're 18
clear. 19
- A. My recollection is that it would have been from the north side of the 20
body. 21
- Q. Okay. Came out. Okay. And does that -- just so we're clear, does 22
that accurately depict what you saw when you went down there that 23
morning, that photograph, in terms of the area? 24
- A. Exactly. I do recall a shed, however I cannot see if that shed or a 25
small garage, but -- 26

RE-EXAM
DUFFUS
—
BERESH

- Q. Well, that was my question. You were asked by the prosecutor about Mrs. Hnatiuk coming out, did she come out beside the shed, or where did you see her coming from? 1
2
3
- A. Beside the shed. 4
- Q. Okay. One final question. You were asked about whether you provided a statement in 1969. Did the police ask you for a statement? 5
6
- A. In 1993? 7
- Q. In 1969? 8
- A. No. 9
- Q. But you said you mentioned it to a teacher in class? 10
- A. That's correct. 11
- MR. BERESH: Okay. Thank you very much. 12
- THE COURT: Thank you, Mr. Beresh. Thank you, Ms. 13
Duffus, you're excused. You may go. 14
Yes, Ladies and Gentlemen, we'll adjourn 15
until 2:15. I'll see you then. 16

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