

THE COURT: Thank you, Mr. Johnston. 1

MR. BERESH: Nothing arising. Thank you again for 2
travelling to -- 3

THE COURT: Thank you, sir, you're excused. 4

MR. BERESH: The next witness, My Lord, is Celine 5
Armstrong. 6

THE COURT: Yes. 7

MR. BERESH: The witness will be here in a moment. 8
9

CELINE MARIA ARMSTRONG, 10
having been duly SWORN, states: 11

THE COURT: Ms. Armstrong, you may be seated, if 12
you wish. Mr. Beresh, please. 13

MR. BERESH: Thank you, My Lord. 14

MR. BERESH: **EXAMINATION-IN-CHIEF:** 15

Q. Your name is Celine Armstrong, you live in the District of Edam, in the 16
Province of Saskatchewan? 17

A. Yes. 18

Q. I understand, from you, that you are 50 years of age? 19

A. Yes. 20

Q. And that you are married with five children? 21

A. Yes. 22

Q. I just want a bit of your background, if I can. I understand that you 23
were born in Edam itself? 24

A. Yes. 25

Q. And then moved to Saskatoon when you were 4 years of age? 26

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BERESH

- A. In grade 4. 1
- Q. Grade 4. Pardon me. Thank you very much. Just tell us briefly,
where were you raised before you moved to Saskatoon? 2
3
- A. We lived on a farm in the Jackfish area, and lived in several areas. 4
Mom was a school teacher so we lived in Hillmond for a brief period of 5
time, and in Rango (ph) and then we moved to Saskatoon. And then I 6
grew up there until I was 20 years of age at the time we're talking 7
about now. 8
- Q. Okay. And can I ask you just a bit about where you went to school 9
when you moved to Saskatoon, please? 10
- A. I went to St. Mary's School, which was directly across from where we 11
lived, and then I went to high school at the Academy of Science in 12
grade -- in high school was the Academy of Science, and then I was 13
taking a dental course at Saskatoon Business College. 14
- Q. Okay. And how many other people in your family, please? 15
- A. I'm the oldest of nine. There are seven brothers and one sister. 16
- Q. That could be tough at times. 17
- A. Challenging. 18
- Q. Do I understand that one of your brothers is Ken? 19
- A. Yes. 20
- Q. And he goes by the last name of Cadrain? 21
- A. Yes. 22
- Q. And that was your name prior to marriage, I understand? 23
- A. Yes, it was. 24
- Q. Did you also have a brother by the name of Albert? 25
- A. Yes, I did. 26

- Q. And what was Albert's nickname, please? 1
- A. I always knew him as Albert, but later I knew it was Shorty. But that
only came after people got to know him. 2
3
- Q. Okay. And is Shorty alive now? 4
- A. No, he is not. 5
- Q. When did he die, please? 6
- A. He died on May 10, 1995. 7
- Q. I want to take your attention back if I can, please, to 1969. How old
were you at the time, please? 8
9
- A. I was 20. 10
- Q. And were you working? 11
- A. No, I was attending Saskatoon Business College. 12
- Q. And where was that located at the time, please? 13
- A. Saskatoon Business College? 14
- Q. Yes. Just approximately, please. 15
- A. Just behind the Bay. 16
- Q. Okay. And that's downtown, is it? 17
- A. Downtown, yes. 18
- Q. And how would you get to Saskatoon Business College, please? 19
- A. I took the bus. 20
- Q. And at the time where were you living? What was the address of your
house? 21
22
- A. I was living at 334 Avenue O South, my parents' home. 23
- Q. Okay. So just tell us who was living at the home in 1969? 24
- A. In 1969 I had myself, there would have been -- teenagers come and
go. Albert was there at the time, Larry, Ricky, Phillip, and Kenny, and 25
26

my sister Rita.	1
Q. And they are all surnamed Cadrain?	2
A. Yes.	3
Q. Okay. And at the time in '69 where was your dad working, please?	4
A. Where was he working?	5
Q. Where was he working?	6
A. Miller's Hatchery.	7
Q. Okay. And your mom, where was she working?	8
A. At that time I'm not sure if she had started, but I think she was teaching kindergarten. She had started her own kindergarten class.	9 10
Q. Okay. The house you lived in, can you describe it for us, please?	11
A. It was a wartime house that had been put on a full basement, and it was an older home.	12 13
Q. And how many storeys were there, and by that I mean above the ground how many storeys?	14 15
A. Above the ground, one storey.	16
Q. Okay. And so take us to the house. You walk up the Avenue O, when you get to the house what do you see, please?	17 18
A. What do you see?	19
Q. Yes.	20
A. From the west there was a long walk leading up to the front door, which had about six steps leading up to it. There was a bit of a veranda on it.	21 22 23
Q. Yes.	24
A. The door opened directly into the house. The stairs went upstairs to the two bedrooms, and the living room was off to the side, and so you	25 26

- would walk either into the living room or up the stairs. 1
- Q. Okay. And so up the stairs we would have how many rooms up there, 2
please? 3
- A. Two bedrooms. One on each side of the stairway. 4
- Q. And downstairs you'd have what rooms, please? 5
- A. We have the living room, the kitchen, the bathroom, and two 6
bedrooms. 7
- Q. Okay. And was there a basement in the house? 8
- A. There was a basement. 9
- Q. And describe the basement, please. 10
- A. Directly going east past the kitchen, or to the kitchen, you went down 11
-- there was an upstairs porch, you went downstairs to a door which 12
led directly outside. There was also a landing that went in the other 13
direction, and there was another storage area, where we had our 14
potatoes, our canning, and our freezer, and that led into the basement, 15
directly into a hallway going west once again. And down there we 16
had three bedrooms, a bathroom and the area -- furnace, and the area 17
where we had a washer and dryer and more canning. 18
- Q. I'm sorry, you had a washer and what? 19
- A. There was a washer and a dryer, and an area where we put canning, 20
and a bit of storage. 21
- Q. So, this is in the basement? 22
- A. This was in the basement. 23
- Q. So, would your family use the washer and the dryer in the basement? 24
- A. At the time we're talking about no, we didn't, because it -- mom and 25
dad had made it into a suite and it was being rented out, so we only 26

went down there if we needed something from the freezer or the
canning. 1
2

Q. But your mother, in terms of where would she do the washing and
drying? 3
4

A. She would do it both upstairs and downstairs because we had more
than one set with that many children. 5
6

Q. Okay. Sorry, did you say that there was a freezer? 7

A. There was a freezer in the bottom basement. 8

Q. Okay. I've asked for you to prepare for us a sketch. Just so
Members of the Jury can appreciate your evidence, you prepared this
just before court today, I'll show you it first. Does this accurately
depict the main floor of the house that you speak of, please? 9
10
11
12

A. To the best of my knowledge, yes. 13

Q. Okay. And does it have a north/south orientation for us? 14

A. Yes, it does. 15

MR. BERESH: Okay. If that might become the next
exhibit, My Lord. 16
17

THE COURT: Mr. Johnston. 18

MR. JOHNSTON: No objection, My Lord. 19

THE COURT: Thank you, Mr. Johnston. That becomes
exhibit D? 20
21

CLERK: D-26. 22

THE COURT: D-26. Thank you. 23

EXHIBIT D-26: Sketch of main floor 24

EXAMINATION-IN-CHIEF OF CELINE ARMSTRONG (CONTINUES): 25

Q. I asked as well if you would prepare for us a sketch of the basement 26

area, and would you look at that document and tell us whether or not 1
you prepared that and whether it accurately depicts the general layout 2
of the area. 3

A. To my knowledge, yes, it is. 4

THE COURT: Thank you. D-27. 5

THE COURT: Mr. Johnston. 6

MR. JOHNSTON: No objection, My Lord. 7

THE COURT: Thank you, Mr. Johnston. That becomes 8
D-27. 9

EXHIBIT D-27: Sketch of basement 10

EXAMINATION-IN-CHIEF OF CELINE ARMSTRONG (CONTINUES): 11

Q. Can I ask you about the soundproofing of the house. 12

A. It wasn't very good. 13

Q. What does that mean? 14

A. That means you could hear pretty well what went on in any corner of 15
the house, at any time. There was a grate in the living room that in 16
those days, you know, when you first moved into the house there was 17
an oil heater in the living room so there was a grate in the living room 18
that made the sounds very audible upstairs, and also the sound in the 19
kitchen echoed. You could hear what was going on in the basement, 20
you could also hear what was going on upstairs and downstairs. It 21
just had a very good echo. 22

Q. Was it a very big house? 23

A. Not really. 24

Q. Okay. Let me ask you then, if I can, to look at exhibit D-26, and I 25
want you to clarify, the Members of the Jury don't have this, but just 26

- where you indicate the stairs, I'm interested in what -- where the stairs were to the basement of the house, please. 1
2
- A. They were directly east of the kitchen. They went -- from the kitchen door you went right down the stairs and you either went outside the east door leading outside, or then you would turn and go to your left going to the north and you'd go on the landing and down three stairs. And that was the area where the freezer, the fridge, and the potato bin was. 3
4
5
6
7
8
- Q. Okay. And who would use the potato bin? 9
- A. Everybody. Whoever was told to get them. 10
- Q. And the door to the downstairs, was it generally kept open, closed, or in what fashion? 11
12
- A. Because we had people living down there we kept the door closed for their privacy. 13
14
- Q. Okay. If you'd look at the basement layout, please, for us, you have indicated bedroom, living room, kitchen, and then you have canning cupboard. What is that area, please? 15
16
17
- A. It was just an open area where we had a fairly large cupboard because we -- it was always full of canning, with that many children, and the rest of the area was storage. 18
19
20
- Q. You have an area marked as stairs dirt. What is that, please. 21
- A. The stairs dirt was just because I'm not a very good artist, and really I built it on the square and then I realized that there is nothing there except the outside. So that's what the dirt means. 22
23
24
- Q. Okay, fair enough. So it wasn't useable space? 25
- A. Yeah, it wasn't -- yeah, just kind of (inaudible - not clear). 26

- Q. Okay. I appreciate that. Now, I understand that on the morning of 1
January 31, 1969 you left home to go to school? 2
- A. Yes. 3
- Q. Tell us what happened, please? 4
- A. When I went outside it was really, really foggy. I had -- I couldn't 5
believe how foggy it was, because I put my hand like this in front of 6
my eyes and I couldn't see even my hand. So I went to the bus stop 7
and I also wasn't feeling well that morning and the bus never came for 8
about 25 minutes and I thought I was going to faint so I decided to 9
come back home. I came home and, you know, took my Aspirin and 10
whatever and went upstairs to bed, and that led me 'til about quarter 11
to 9:00. 12
- Q. And what was the weather condition? 13
- A. The weather condition was very cold. 14
- Q. Okay. So -- 15
- A. And very foggy. I think that -- you know, I just decided if I wasn't 16
feeling well, the electric buses never worked very well in those days, 17
the lines freeze up and they all clogged, and then I thought well, I'd 18
freeze to death before this thing gets here and if I faint then what. 19
So, that's really why I decided to go back. 20
- Q. Okay. So how long had you waited for the bus? 21
- A. About 20 minutes, maybe 25. 22
- Q. Okay. 23
- A. I got there at ten to, so it was about twenty after when I left. Maybe 24
half an hour. 25
- Q. And was it unusual for the bus to be late on that cold a morning? 26

- A. It was not unusual for them to be late if it was cold like that with a lot of frost. 1
2
- Q. So, you returned home and what is your best estimate of the time you returned home and went to bed? 3
4
- A. Sometime between twenty after 8:00, and I would say I was in bed probably by quarter to 9:00. 5
6
- Q. Okay. And do you remember at that time whether you went to sleep or just laying in bed? 7
8
- A. I wasn't really sleeping, just kind of trying to go to sleep. 9
- Q. Okay. And was your brother Kenneth at home or not? 10
- A. Kenny was -- when I came home Ken and Albert were downstairs in the living room, and Albert was babysitting him. Kenny was watching his TV, morning television programs. 11
12
13
- Q. And when you used the expression "downstairs" do you mean -- 14
- A. I mean the main floor. 15
- Q. Okay. And Albert was at home at the time? 16
- A. Yes, he was. They were both on the couch. 17
- Q. Was anyone else home, other than the three of you at that point? 18
- A. Not in our main living area. 19
- Q. Okay. Anything -- what happened in terms of the next event you recall? 20
21
- A. The next -- what happened then was a little while later, and I -- it's sometime between 9:00 and 9:30 I would think, there was -- the doorbell was ringing and my brother answered the door, and there was -- there were voices saying "Hey, how are you, it's good to see you, man, whatever". I heard a noise like somebody slapping -- you know 22
23
24
25
26

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- how people slap each other on the back, they were all so happy to see each other, and I heard a man's voice say "Hey, man, I need a pair of pants. Do you have a pair of pants for me".
- Q. Now, did you recognize the voice at that time?
- A. No.
- Q. Okay. So, you're upstairs, you can hear these voices downstairs?
- A. Mhmm. And I didn't get up. I mean, I just thought "What's going on now". You know, like, who is out on a cold morning like this asking for a pair of pants.
- Q. Now can I stop you and ask you, were you expecting anyone to come to the home that morning?
- A. No.
- Q. Okay.
- A. Then there were more voices and more people in the house, and a lot of excitement. Everybody -- these people were talking very loudly. The TV kept getting turned up, which I just assumed was my younger brother trying to listen to it, so finally the TV was turned so loud it couldn't go any louder. There was just this huge commotion going on, and people were talking kind of in a high-pitched excited voice. And several times I heard this one voice that had asked for a pair of pants kept saying "Hey, man, I need a pair of pants". And my brother was hesitating and, you know, finally said "I don't think I have anything that will fit you". So there came a time that they were laughing and I knew -- he'd say "Well, try this pair on", and they'd laugh, and then he would say "Well, try this pair on", and they would laugh. And at the same time they were talking about what they had been doing,

- where they were going. My brother had been working, I believe he 1
had been working as a bricklayer's helper at the University and he had 2
been laid off. And he had heard there was work in Vancouver so he 3
was thinking about going out there, and these people said they were 4
going. 5
- Q. Now, when you say your brother, you had several -- 6
- A. My brother Albert. 7
- Q. Okay. Now, just so we're clear, you weren't present of course when 8
this is being said? 9
- A. No. Just -- I could hear this upstairs from my bedroom. 10
- Q. Okay. Let's go to the next event and whether or not someone came 11
up to your bedroom at some point. 12
- A. Yes. In the midst of all this commotion the door opened and some 13
people looked into the bedroom. Apparently these people had been 14
there previously and there has been psychedelic posters or something 15
in this room, because it hadn't been my room at that time, and they 16
were going to look at it. But -- 17
- THE COURT: Mr. Beresh, how does the witness know 18
this? 19
- Q. Just tell us what happened, okay. I know you're trying to help us -- 20
- A. Well, they opened the door -- 21
- Q. Just tell us exactly what you observed. 22
- A. I just told them "What are you doing in here". "Well, we came to see 23
the poster" and I said "Well, it's gone, get out of here". It was my 24
room. So, they -- 25
- Q. Who was at the door? 26

- A. I think it was David and Nichol. 1
- Q. David who? 2
- A. David Milgaard. 3
- Q. And? 4
- A. But I only knew him at that time as Hoppy (ph). 5
- Q. Hoppy. Okay. 6
- A. That was the only -- that was the way -- I'm jumping ahead of my
story. 7
8
- THE COURT: I'm sorry, did you say Hockey. 9
- A. Hoppy. 10
- THE COURT: Hoppy. Okay. 11
- Q. Hoppy. Okay. And did you subsequently identify him as being David
Milgaard? 12
13
- A. Shortly after that I came downstairs. My brother had asked me if I
could make them breakfast because they hadn't eaten, so I thought I'd
better go and check on things because this didn't make any sense, you
know, leaving on a bitterly cold morning in the middle of a day and
going with people that you don't even know, all the way to
Vancouver. I was really concerned about this, as the oldest one. So, I
came downstairs. I was introduced to these three people and there
was Ron, Nichol, and Hoppy. I never knew David's real name, that
was just Hoppy. 14
15
16
17
18
19
20
21
22
- Q. Okay. And did people refer to him as that? 23
- A. That's the only name they mentioned. 24
- Q. Okay. And when you came downstairs what did you observe about
Hoppy's clothes, if anything? 25
26

- A. He was wearing a pair of my father's pants, and as I was making the
breakfast I looked over at him, he was sitting in the kitchen, with his,
you know, legs crossed kinda like this, and he had quite a large area of
pants that were -- skin that was showing and I said "They didn't really
find you a pair of pants, did they" and he said "No". I said "That's
kinda what you get when you come to a house with short people and
you're taller than them, you have to settle with what you have".
- Q. Okay. And how long did the people stay at the house?
- A. To my recollection, I think at eleven o'clock they were still there, but I
-- as I remember it I went back upstairs to bed.
- Q. Did you know whose pants he had on?
- A. Well, he had a pair of my father's pants, and that made an impression
on me because Dad didn't have that many pair of work pants, and I
was thinking, poor Dad, he's only got about three pair of pants and
now he's got two. So, this is why I always remember that.
- Q. Did you make any observations or did you not, in relation to whether
or not they seemed in a hurry or not in a hurry? What was your
observation of that?
- A. The person that I knew as Hoppy was really in a hurry to get going.
He kept -- my brother was -- really wanted to go with him, he thought
this was just too good to be true, he had a ride to Vancouver, that's
where he wanted to go. He said "Hurry up, man, we gotta go". And
there was also -- Ron and Nichol also bothered me very much because
they kept -- I guess you'd call it clustering. You'd see very often they
would go into any -- like, a corner of the living room or a corner of the
kitchen, and Nichol was -- they never made a whole lot of sense, I

- couldn't really even carry a conversation on with them because it just 1
sounded like gibberish. Nichol kept crying, breaking down and crying 2
all the time, and Ron would go and comfort her, and then Hoppy 3
would look at them and just kind of look at them and then they'd sort 4
of simmer down. I would say that happened about five or six times in 5
the time that I was -- that morning when -- in the period of time that I 6
was up, which would have been about an hour. 7
- Q. Now, without telling us what they said, did Nichol or Ron say very 8
much? 9
- A. I couldn't make any sense of what they said. 10
- Q. Okay. What time do you estimate that they left? What is your best 11
recall, please? 12
- A. My recollection of it is that I went back to bed at 11:00, and I don't 13
know what happened after that. 14
- Q. Eleven? 15
- A. O'clock in the morning. 16
- Q. A.m.? 17
- A. A.m. 18
- Q. Okay. Do you recall when you got up next, please, approximately? 19
- A. I thought it was about 2:30 in the afternoon. But I'm not really sure 20
about that. 21
- Q. When you got up next were they around? 22
- A. No. 23
- Q. Was your brother around? 24
- A. No, he had gone with them. 25
- Q. When did you next see Albert? 26

- A. I didn't see him until about the end of February, if that's -- I'm not 1
really sure about that, but it was in the spring, towards -- 2
- Q. Of what year, please? 3
- A. Of that -- of 1970 it would have been. No, it was 1969. 4
- Q. Okay. And throughout the time when you were downstairs was your 5
brother Ken present or not present? 6
- A. He was very present. 7
- Q. Okay. Finally, after the time you came home and while you were 8
home and awake, did you hear any arguing or any noises from the 9
basement area that morning, please? 10
- A. No, absolutely nothing. 11
- MR. BERESH: Thank you very much. 12
- THE COURT: Thank you, Mr. Beresh. Mr. Sinclair. 13
- MR. SINCLAIR: Thank you, My Lord. 14
- 15

MR. SINCLAIR: CROSS-EXAMINATION OF CELINE ARMSTRONG: 16

- Q. Ma'am, I hope you'll be patient with me, I didn't know you were being 17
called until this morning, and I may ask you some questions and I 18
apologize in advance for asking you some questions, but I don't know 19
what's coming in terms of other witnesses so I may have to be 20
broader than what you've been here with us this afternoon. Do you 21
understand? 22
- A. I hope so. 23
- Q. Okay. My apologies in advance, ma'am. You were one of a large 24
family. It doesn't sound like everyone was living in the house on that 25
date? 26

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SINCLAIR

- A. No. 1
- Q. Some of the kids were gone, grown up, moved away? 2
- A. Well, yes. You know, like you get to the teenage time, children come
and go, so I may not be -- it's fairly accurate, but I know -- I think my
brother Marcel was living in (inaudible - not clear) at the time, and
Dennis may have been there, but I'm just -- I think he was already
gone. 3
4
5
6
7
- Q. Okay. But Albert was definitely there. 8
- A. Albert was definitely there, because he was working at the university
and -- 9
10
- Q. I mean no disrespect, but is it alright if I call him Shorty? 11
- A. That's fine, although I don't know him that way. 12
- Q. All right. I may refer to him that way. 13
- A. Okay. 14
- Q. I apologize, I certainly don't mean any disrespect. Albert was there,
Kenny was there -- Ken was 5 years old at that time, wasn't he? 15
16
- A. He was -- he was three weeks away from his sixth birthday. 17
- Q. And his birth date is when? 18
- A. Well, let's see, 31st -- February 22nd. 19
- Q. February 22. So he was almost 6? 20
- A. Almost 6. 21
- Q. In the house when Mr. Milgaard arrived that morning was yourself,
Ken, and Albert, correct? 22
23
- A. Pardon. 24
- Q. That morning when Mr. Milgaard arrived -- 25
- A. Yes. 26

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- Q. ... there was Albert, Ken, and you? 1
- A. Yes. 2
- Q. Your mother was gone? 3
- A. Yes. 4
- Q. Albert was babysitting Ken? 5
- A. Yes. 6
- Q. Do I understand that your mother had gone to the hospital that morning? 7
- A. She had. 8
- Q. And was that to work, or was that to do something -- 10
- A. No. She had some doctoring to do. 11
- Q. She had some -- okay. And do you know what time she left the house? 12
- A. She left, I think -- it's a long time ago to remember this, but it seems to me that she had left about the same time that I did. 13
- Q. And that -- what time was that? 14
- A. Around eight o'clock. It may have been sooner. I don't -- I can remember her calling Albert to get him up. 15
- Q. So that he would babysit Kenny? 16
- A. Yes. 17
- Q. Okay. Just -- well, I think you make a pretty good point, we're talking about something that happened more than 30 years ago, aren't we? 18
- A. That's right. It's really hard to remember clearly what -- 19
- Q. Okay. And your describing -- and your description of events is a description of events that are not particularly out of the ordinary, would you agree with me, other than you got some visitors that 20

- morning? 1
- A. No, it was a normal day otherwise. 2
- Q. And so in an effort to help you remember something that is 30 years 3
ago, have you had the opportunity to review a statement or 4
statements that you gave in the past? 5
- A. I reviewed the statement, the original one that I gave. 6
- Q. And that was back in 1969? 7
- A. Yes. 8
- Q. And you gave that to the Saskatoon City Police? 9
- A. Yes, I did. 10
- Q. And when did you review that, please? 11
- A. Just the other day. 12
- Q. Okay. Did that help you remember some things? 13
- A. Well, it -- I thought that I had gone back to bed and gone to sleep, and 14
it says in that statement -- 15
- Q. Well, I'm not interested in what it says just yet -- 16
- A. Oh, okay. 17
- Q. ... but did it help you remember? 18
- A. No, not really, because I didn't remember the direct times. But it was 19
fairly accurate except for what I did at -- from eleven o'clock on. 20
- Q. We may talk about the statement a little more later. But you had that 21
to help you remember what happened then? 22
- A. Mhmm. 23
- Q. Pardon. 24
- A. Yes. Sorry. 25
- Q. No, that's fine. You said that you left the house about eight o'clock, 26

- did you? 1
- A. To my recollection, I think so. 2
- Q. And you went to take the bus? 3
- A. Yes. 4
- Q. And your plan was to go to the business school, you were a student
at the business school? 5
6
- A. Yes. 7
- Q. And school started at? 8
- A. I can't remember, I think it was 8:30. 9
- Q. You think it was 8:30. 10
- A. At 8:30 or 9:00, somewhere in there. It varied some days I think,
depending on which classes you had. 11
12
- Q. And you don't know what time classes started that morning? 13
- A. I think at that time it was nine o'clock. I would -- what I seem to
remember is that I thought I should leave early because I knew buses,
you know, didn't run on time, plus at business school you were told
you should, you know, be on time for your classes because when you
go to a job you have to be on time too, so I was really trying to do
that. 14
15
16
17
18
19
- Q. Okay. You left the house sometime around 8:00, we're not exactly
sure of the time? 20
21
- A. I would think it would be about ten to, because the buses ran every
ten minutes. 22
23
- Q. So you think it was about ten to 8:00 that you arrived? 24
- A. To try and catch the eight o'clock bus. 25
- Q. Okay. To be at school for 9:00? 26

- A. Mhmm. 1
- Q. And where was school? Where was the business school located? 2
- A. Well, I forget the avenues. I would say -- 3
- Q. Was it downtown Saskatoon? 4
- A. It was downtown Saskatoon, right by the City Hall. 5
- Q. We've heard that that takes about -- would you catch the bus from Avenue O and 20th Street? 6
7
- A. Yes, right on the corner, directly across from St. Mary's Church. 8
- Q. And we've heard, I don't know if you would agree with this, would you agree that it takes about eight minutes for the bus to get from that location to downtown? 9
10
11
- A. Hmm. I suppose on a good day. But -- 12
- Q. On a good day. Okay. 13
- A. But not on a bad day. 14
- Q. Sounds like there were more bad days than good days -- 15
- A. Well, we always had -- yeah. 16
- Q. ... with the Saskatoon Transit system. 17
- A. More like 15 minutes, I would say would be more accurate. 18
- THE COURT: Excuse me. Ms. Armstrong, if I could just 19
ask you to -- I know you're trying to be helpful, it's important that I 20
hear Mr. Sinclair's question, and you hear it before you answer, and if 21
we could just have one of you at a time it would help me. 22
- A. Okay. Okay. 23
- Q. It sounds like in your experience there was more bad days than good days for the Saskatoon Transit system? 24
25
- A. In the wintertime. 26

- Q. In the wintertime. 1
- A. Yes. 2
- Q. Now, you said that you took an Aspirin, you went to bed when you
got back, and was it between 9:00 and 9:30 that you -- there were
visitors to your house? 3
4
5
- A. That's what my recollection is. 6
- Q. And what you heard was -- did you recognize the voice that was at
the door? 7
8
- A. I didn't know him. 9
- Q. Had you ever met him before? 10
- A. No, not to my recollection. 11
- Q. Okay. Did it appear that your brother Albert knew Mr. Milgaard? 12
- A. He knew him very well from the -- 13
- Q. How they carried on? 14
- A. Yes. 15
- Q. All right. And they were clearly friendly, one to the other? 16
- A. Yes. Yes. 17
- Q. And you could hear them greet each other in a jovial manner when Mr.
Milgaard came to the door? 18
19
- A. Yes. 20
- Q. There was back slapping and "Hi, how you doin', man", that sort of
thing? 21
22
- A. Yes. 23
- Q. Okay. And then you heard other voices, you said? 24
- A. No. In the midst of this I heard a man's voice or a male voice say
"Hey, man, I need a pair of pants" in the middle of this. 25
26

- Q. Do you -- you know that to be David Milgaard though? 1
- A. When I came downstairs, yes, it was the same voice as Hoppy's. 2
- Q. Sure. So you recognized the voice to be Milgaard's? 3
- A. When I came downstairs, yes, I knew it was the same one. 4
- Q. And did you hear what your brother said? 5
- A. What Albert said to him, he said "Hey, man, what did you do your pants". And I heard the other voice say "Well, you know" and they 6
just kinda -- you know, he said "Well, come on in, I'll see what I can 7
do". This is my brother Albert or Shorty saying that. 8
9
- Q. So you heard Mr. Milgaard say "Hey, man, I need a pair of pants" and 10
you heard your brother Shorty say "Hey, man, what did you do to your 11
pants"? 12
- A. Yes. 13
- Q. And then you heard Mr. Milgaard actually make repeated requests? 14
- A. Yes, several. 15
- Q. Okay. And do you know if his companions were in the house at this 16
time or not? 17
- A. They came in shortly afterwards. 18
- Q. After the conversation? 19
- A. I heard -- I don't know exactly what time they were in but, like, I heard 20
many voices when -- you know, a loud voice when they came to the 21
door. 22
- Q. Yes. 23
- A. And I don't know if Ron and Nichol were there, or if they were there 24
right afterwards. But shortly after the doorbell rang, and all this 25
happened, there were many voices speaking. 26

- Q. Okay. What I'm trying to get a sense of, ma'am, is whether or not this conversation about the pants was occurring when Mr. Milgaard's friends were in the house or not. Can you assist us? 1
2
3
- A. Yes, I'm positive that went on. 4
- Q. You're positive they were in the house when this conversation was going on? 5
6
- A. Yes. Because when he was asking for the pants and Albert was trying to find pants, when I -- I don't know, like, I'm sure they were trying a pair because they tried a pair on and then the voices would laugh because some were, you know, too tight around the waist, too short. And then he said "Well, here, you'll have to try one of my father's on" and he said "Those will do". 7
8
9
10
11
12
- Q. So you recall Albert saying "Try a pair of my father's pants"? 13
- A. Yes. 14
- Q. All right. And then -- now, I think we all appreciate you're upstairs in your bedroom so you're not seeing this, but you can hear it quite well? 15
16
- A. Yes, because of the grate in -- 17
- Q. Between the main floor and -- 18
- A. ... above in the living room. 19
- Q. Okay. So when you came down then you saw three people that you didn't know in your house? 20
21
- A. Right. 22
- Q. David Milgaard, Ron, you said? 23
- A. Yes. 24
- Q. Did you know Ron from before? 25
- A. No. 26

- Q. Were you introduced to him? 1
- A. I was introduced to Ron and Nichol. 2
- Q. By David Milgaard? 3
- A. No, by my brother. And he introduced me -- David as Hoppy. 4
- Q. Okay. So your brother introduced Hoppy to you, and also Ron? 5
- A. Yes. 6
- Q. Were you told Ron's last name? 7
- A. He may have, but I really -- you know -- 8
- Q. You have no recollection of it now? 9
- A. No. 10
- Q. That's fine. And were you told Nichol's last name? 11
- A. No. 12
- Q. Okay. But you do recall being introduced to them as Ron and Nichol? 13
- A. Yes. 14
- Q. Or, they were introduced to you as Ron and Nichol? 15
- A. Yes. 16
- Q. Okay. And when you came down, you recollect that Mr. Milgaard was
dressed in a pair of your father's pants? 17
18
- A. Yes, he was. 19
- Q. What kind of pants were they, ma'am? 20
- A. I really wouldn't want to say what they were at this time, but they
were a pair -- I think they were perma-pressed pants but they were
definitely a pair of my father's work pants. 21
22
23
- Q. Work pants? 24
- A. They were his work pants. 25
- Q. And do you know what colour they would have been? 26

- A. I don't have any recollection of what colour they were, at this time. 1
- Q. From listening to you answer my friend's questions I got the 2
impression that your father was sort of a short man too and the pants 3
didn't really fit Mr. Milgaard that well? 4
- A. No, they didn't. 5
- Q. And, in fact, you saw some skin. I take it that his ankles were 6
showing a little bit, were they? 7
- A. Yes. 8
- Q. All right. 9
- A. There was about that much above his socks and below the pants. 10
- Q. And you have a specific recollection of that? 11
- A. I do because, you know, as you can understand, we weren't that well 12
off and my father didn't have that many pairs of work pants, and I 13
was thinking, oh dear, you know, it's hard enough to buy enough 14
clothes for everybody, now he's giving my dad's pants away. But 15
then, if he needed a pair of pants I guess you'd give him a pair of 16
pants, right. 17
- Q. When Mr. Milgaard left the house that morning did he leave dressed in 18
your father's pants, as far as you knew? 19
- A. I never -- I never saw him leave. But that's how he was dressed when 20
I made them breakfast. 21
- Q. And how he was dressed when you went back to bed? 22
- A. Yes. 23
- Q. Did you see Mr. Milgaard bring a suitcase in from the car? 24
- A. No, I did not. 25
- Q. Did you see where Mr. Milgaard changed? 26

- A. No, I was upstairs. 1
- Q. You said that these people arrived between 9:00 and 9:30. And how long did they stay? 2
3
- A. I left the kitchen area at eleven o'clock, so I'm not really sure what time they left. 4
5
- Q. Okay. And what was happening? You indicated some of the things that were going on, but what else was going on during this two hour period, or was it two and a half hours, before Mr. Milgaard and his companions left, or was it three hours? 6
7
8
9
- A. Depending on when he came, between 9:00 and 9:30 and 11:00, it would be about an hour and a half to two hours. 10
11
- Q. Well, that's when you went upstairs. But they were still in the house then, weren't they? 12
13
- A. Well, I -- yes, they were when I left. 14
- Q. And you don't know when they left after you went upstairs? 15
- A. No, I don't. 16
- Q. They might have left at 11:30, or 12:00, or 12:30? 17
- A. Yes. 18
- Q. All right. Do you recall anything happening in relation to the car that they had come in while you were there? 19
20
- A. I didn't -- at this -- 30 years later I didn't remember anything about the car except that I didn't -- I had looked out, it was very foggy and it didn't look very roadworthy, and I just couldn't imagine anybody, you know, at 40 below zero weather, even planning on leaving the city. I didn't even think it would make the city limits, you know. 21
22
23
24
25
- Q. You saw the -- you saw the car they came in? 26

- A. Just -- it was just very foggy because, like I say, it was -- 1
- Q. Thirty years ago. 2
- A. ... 30 years ago and it was very foggy. 3
- Q. Oh, I'm sorry. I'm sorry. 4
- A. You can see -- 5
- Q. They did arrive during the daytime, though? It was light out, wasn't it? 6
7
- A. I guess it would have been at nine o'clock in the morning, but you know what it's like when it's foggy. 8
9
- Q. What colour of car were they in? 10
- A. I have no idea. 11
- Q. All right. And it didn't look very roadworthy? 12
- A. No. 13
- Q. A rust bucket, it might be fair to say? 14
- A. Whatever we would say, yes. 15
- Q. All right. So you don't -- you didn't phone a tow truck for the car then? 16
17
- A. No. I'm not mechanically inclined, I let somebody else do that. 18
- Q. And you don't recall there being any talk about anything being wrong with the car, that it needed to be towed, while you were awake? 19
20
- A. I don't -- like, 30 years down the road I don't remember that. But when I read the statement that I had originally given, in that I have said that they had phoned the BA to -- and I remembered then afterwards that yes, they had trouble with -- you know, there was gas leaking from the car and they phoned the BA for some help. But 30 years later just out of the blue, without reading that statement, I didn't 21
22
23
24
25
26

- remember that. 1
- Q. I appreciate that and that's why we have statements, so that we can 2
try to assist our memory. Do you have a recollection of them phoning 3
the BA, that's the service station nearby, is it? 4
- A. That -- yes, that was the one -- you know, the service station that 5
everybody in the area used if they had a problem. 6
- Q. Do you have a recollection of them phoning, one of them phoning for a 7
tow? 8
- A. It's a vague recollection. 9
- Q. Okay. But they were still in the house, and you have no recollection 10
of the tow truck having come when you went to bed at eleven 11
o'clock? 12
- A. No recollection. 13
- Q. And you have no idea what time they left after you went to bed? 14
- A. No. 15
- Q. And, during the course of this hour and a half, two hours, three hours 16
that they were in your house that morning, in fact you didn't wake up 17
until 2:30 and then they were gone, right? 18
- A. This is what I said in my statement in '93, but reading the original 19
statement, I stated that I left at eleven o'clock and went to my course 20
at the Saskatoon Business College. And I was gone for the weekend 21
over to a friend's, so I wasn't actually home until Monday, Monday 22
night, like. 23
- Q. We're going to get to your statement. 24
- A. Oh, you're going to. Okay. 25
- Q. We're certainly going to get to that statement. While we're on it, why 26

don't we deal with that. You recall making a statement to the 1
Saskatoon City Police saying that you left for the Saskatoon Business 2
College -- 3
A. Yes. 4
Q. ... at eleven o'clock -- 5
A. Yes. 6
Q. ... that morning? 7
A. That was in 1969 that I made that statement. 8
Q. March 2, 1969, correct? 9
A. That's what it says on the statement, but that I don't remember as 10
clearly. 11
Q. And you signed it? 12
A. Yes. 13
Q. Was it the truth at the time? 14
A. It sure was. 15
Q. Okay. So you didn't go to bed at eleven o'clock? 16
A. No. 17
Q. You went to the Saskatoon Business College? 18
A. Yes. 19
Q. So you don't know what time those people left the house? 20
A. No. 21
Q. Okay. And during this time they were talking amongst each other? 22
A. Basically Hoppy and Albert were talking, and Ron and Nichol were 23
talking to each other, always in corners. They would get into a corner 24
somewhere and Nichol would start crying and get almost hysterical 25
and she'd be saying something that I just couldn't make any sense of 26

- it, and then Ron would quieten her down, kind of put his arms around 1
her and whatever, and then David would look at them and both of 2
them would be quiet. And that's really the extent of -- I don't call that 3
a conversation. I don't know what you'd call it. I was just -- didn't 4
know what was wrong with them. 5
- Q. So, was your brother having a conversation with David? 6
- A. Well, he was doing that, he was running around and getting his 7
clothes ready, and finding his bank card and -- because he had planned 8
on leaving with them. 9
- Q. Okay. But there must have been something more going on in those 10
two or three hours? Like, did it appear that -- 11
- A. Well, actually -- 12
- THE COURT: Ms. Armstrong, let him ask the question, 13
please. 14
- A. Sorry. 15
- Q. It didn't take your brother two or three hours to pack, did it? 16
- A. What they would have done -- sure, it would. 17
- Q. Okay. You think he was packing the whole time that Mr. Milgaard 18
was there, right up until the time that you left? 19
- A. We were eating breakfast, they were phoning, you know. They were 20
talking about what they had done in the -- you know, the time since 21
they had seen each other last. 22
- Q. They were socializing. 23
- A. Not really. I can remember being in the kitchen and Albert said "You 24
make them breakfast and talk to them while I go and pack my 25
clothes". And then we had Kenny there who -- it was very, very loud 26

- in that house that morning, you just couldn't hear yourself think and 1
Kenny kept turning the TV up and I kept going and shutting that down 2
and -- and trying to make the breakfast and trying to make 3
conversation. 4
- Q. It was very loud in that house that morning. If there had have been a 5
fight going on in the basement you never would have heard it, would 6
you? 7
- A. Oh, I think we would have. 8
- Q. Oh, you think you would have heard that. Okay. 9
- A. I think so. 10
- Q. Kenny kept turning the TV up to watch Mr. Dressup, I understand? 11
- A. He'd turn it up, it would -- you know, we would turn it down. 12
- Q. And he was watching Mr. Dressup? 13
- A. To my recollection. 14
- Q. Yes. 15
- A. Or, some childrens show. 16
- Q. Right. And it was very loud that morning and there was a large 17
commotion going on and you said, as I understand it, that the two of 18
them, that is Albert and Mr. Milgaard, were talking to each other about 19
what they had done since they had last seen each other a year before. 20
They were visiting, were they not? 21
- A. Yes. 22
- Q. All right. And while Mr. Milgaard -- or, while your brother, excuse me, 23
was packing, what was Mr. Milgaard doing? 24
- A. He was sitting at the kitchen table, in the kitchen. I was at the stove, 25
and Ron and Nichol were by the kitchen door. 26

- Q. Okay. 1
- A. And the door was open. 2
- Q. And I take it that when you saw Mr. Milgaard you never saw that he
had any blood on him? 3
4
- A. No. 5
- Q. And you never saw any blood on Ron Wilson or Nichol John? 6
- A. No. 7
- Q. Or, on their clothing? 8
- A. No. 9
- Q. Okay. Okay. The statement that you gave on March 2, 1969, just to
give the jury some idea, I understand that your brother gave a
statement. That is, Albert Cadrain gave a statement about that time
as well, is that correct? 10
11
12
13
- A. Yes. 14
- Q. Okay. And I understand that your brother was a witness in a trial
involving -- 15
16
- A. Yes, he was. 17
- Q. ... David Milgaard, was he not? 18
- A. Yes. 19
- Q. And did you -- were you aware that your brother applied for and
received a \$2,000 reward? 20
21
- A. I was afterwards. 22
- Q. And did -- was that shared with -- was that his money or was that --
did he use that for the benefit of the family? 23
24
- A. No, I have no idea what he did with it. I think he gave it away,
actually. 25
26

- Q. You think he gave it away. All right. But this -- his involvement with the police started about the same time as you gave your statement to the police, is that correct? 1
2
3
- A. My statement came after he had spoken to the police. 4
- Q. On the same day? 5
- A. Well, I have no idea of the date. You know, when he went to see the police or that, I don't have any recollection of specific dates. 6
7
- Q. The police came to see you presumably because your brother had gone to see them, would that be fair to say? 8
9
- A. I would say that was accurate. 10
- Q. All right. And the police were interested, I take it, in knowing what Mr. Milgaard was wearing on that date and whether or not you observed any blood on his clothes, correct? 11
12
13
- A. I don't think they asked me any of those questions. They just asked me to describe what the morning had been like. 14
15
- Q. And so you don't think the police were interested in what clothes Mr. Milgaard was wearing and what his appearance was like when you gave your statement on March 2, 1969? 16
17
18
- A. They may have asked me what the appearance was, but they didn't ask me, to my recollection, anything more than what happened that morning and how did -- you know, how was he dressed, how did he appear. 19
20
21
22
- Q. Do you think the police were -- would have been interested, and did they ask you any questions about the attitude or the -- what Mr. Milgaard and his companions were doing in your house that morning? 23
24
25
- THE COURT: Mr. Sinclair, I think that I want to allow you 26

wide latitude in cross-examining the witness, but I don't know that it's 1
fair to ask her what the police would have been thinking. 2

MR. SINCLAIR: I'll reword it, My Lord. 3

THE COURT: Thank you. I appreciate that. 4

CROSS-EXAMINATION OF CELINE ARMSTRONG (CONTINUES): 5

Q. The police came to you because your brother went to the police. Do 6
you agree with that, as far as you know? 7

A. Yes. I would assume so. 8

Q. All right. The police asked you a number of questions, you tried to 9
answer them, and they noted down your answers? 10

A. No. 11

Q. How was this statement taken? Maybe I can show it to you. 12

A. Okay. 13

Q. This is your original statement given on March 2, at 2:55 p.m., 1969, 14
and it looks like a Detective Sergeant Porter took it. Do you recall that 15
to be the statement that you gave? 16

A. He was sitting at the very same table, actually, exactly where David 17
had sat, and I sat and gave this statement. But, my recollection of it 18
is that he just simply said "Will you please tell me what happened this 19
morning". And if he asked me any questions, it was -- I had the 20
feeling it was to clarify what I said. 21

Q. Okay. But he was there and he was there interested in Mr. Milgaard 22
and the morning of January 31, 1969, was he not? That's what this 23
was about? 24

A. I'm assuming so. 25

Q. Well, may I -- this is your statement? 26

- A. Yes, it is. 1
- Q. And is this your signature at the bottom of page 1? 2
- A. Yes. 3
- Q. Were you given the opportunity to read this over? 4
- A. I just saw it the other day. 5
- Q. Were you given an opportunity to read it over before you signed it? 6
- A. Yes. 7
- Q. Is this your signature at the bottom of page 2? 8
- A. Yes, it is. 9
- Q. Three? 10
- A. Yes. 11
- Q. Four? 12
- A. Yes. 13
- Q. Five? 14
- A. Yes. 15
- Q. And, 6? 16
- A. Yes. 17
- Q. All right. So it's a 6 page statement. And, would you have been 18
trying to do your best to tell the truth to the police that day as you 19
recalled it? 20
- A. I most certainly was. 21
- Q. All right. And I suggest to you that the interview was about the 22
events of January 31, 1969. 23
- A. Okay. 24
- Q. You'll agree that that's what it was about? 25
- A. Oh, yes. Yes. 26

- Q. It was about the crime involving Gail Miller? 1
- A. Yes. 2
- Q. All right. Now, in that statement you describe the clothing worn by
Mr. Milgaard when you saw him. 3
4
- A. Mhmm. 5
- Q. Do you acknowledge that? 6
- A. I don't know, may I see it? 7
- Q. Sure. If you want to turn to -- 8
- A. Which page? 9
- Q. ... page 3, please. 10
- A. Okay. 11
- Q. You described the clothing to the police on March 2, 1969, the
clothing that you saw David Milgaard wearing when you came
downstairs that morning, did you not? 12
13
14
- A. Yes, I did. 15
- Q. Did you tell the police that David Milgaard was wearing your father's
trousers? 16
17
- A. No, I didn't. 18
- Q. Did you tell them he was wearing the trousers belonging to any
member of your family? 19
20
- A. No, I didn't. 21
- Q. You told the police, in fact, that was wearing dark trousers? 22
- A. Yes, I did. And according to -- 23
- Q. How else did you describe his clothing, please? 24
- A. That he was wearing a sweater or something like that, and I didn't see
any blood on his clothing, had his -- his hair was short, curly, and 25
26

- neat. 1
- Q. And do you acknowledge that you were trying to tell the truth to the police as you recalled it -- 2
3
- A. Yes, I was. 4
- Q. ... at that time? 5
- A. Yes. 6
- Q. And that is the truth? 7
- A. It was the truth that day. 8
- Q. So David was not wearing your father's trousers, he was wearing dark trousers and he was wearing a sweater? 9
10
- A. According to that statement. 11
- Q. Yes. You'll agree with me that you indicated in this statement that Mr. Milgaard in fact stayed at your place the year before? 12
13
- A. That was according to my brother, not according to my knowledge. 14
- Q. Okay. All right. And that he and Nichol John came up to your bedroom -- 15
16
- A. Yes. 17
- Q. ... while you were in the bedroom? 18
- A. While I was sleeping or laying in bed. 19
- Q. And I think you indicated this afternoon that he had knocked on the door did he, or not? Maybe if I could just go to the -- your testimony there. No, I'm sorry, I didn't note it down. What do you recall about him and Nichol coming up to your bedroom, please? 20
21
22
23
- A. I just recall the door being opened. They were, you know, laughing and talking on the way up there and opened the door and I just said "Please leave". 24
25
26

- Q. That's what I thought. You said "Please leave". Okay. 1
- A. Maybe not in those words, but close to it. 2
- Q. You remember being annoyed with them? 3
- A. Yes. 4
- Q. All right. And how was Nichol's emotional condition at that time? 5
- A. She didn't seem right. 6
- Q. She didn't seem right even at that time? 7
- A. No. 8
- Q. And you had a good look at her as you were in bed and the door was opened? 9
10
- A. They walked right into my bedroom and then, you know, said "We're sorry" and went back downstairs. 11
12
- THE COURT: Excuse me, Mr. Sinclair, I want to make sure 13
I got a piece of evidence right, if you don't mind if I ask the witness a 14
question. 15
- MR. SINCLAIR: Yes. 16
- THE COURT: Ms. Armstrong, did I understand you 17
correctly to say earlier and now that you recall Nichol and David 18
coming up and they were laughing? 19
- A. Well, they were kind of laughing and talking all the way upstairs. 20
- THE COURT: Kind of laughing and talking all the way 21
upstairs. 22
- A. Well, you know, just how people -- how teenagers talk and -- 23
- THE COURT: I just wanted to make sure I got that. Thank 24
you. 25
- A. Yes. 26

- THE COURT: I'm sorry, Mr. Sinclair. 1
- A. I think really what was happening was David was telling Nichol about 2
this poster. 3
- CROSS-EXAMINATION OF CELINE ARMSTRONG (CONTINUES): 4
- Q. And she was laughing? 5
- A. I don't know who was. Just voices. 6
- Q. Certainly nothing unusual at that time? 7
- A. No. 8
- Q. David told you that he was high, they were all high, didn't he? 9
- A. According to that original statement, I made that -- I said that. I don't 10
remember it 30 years down the road. 11
- Q. Okay. But if you told -- and you do acknowledge telling that to the 12
police on March 2, 1969? 13
- A. According to that statement, yes. 14
- Q. All right. Now, I looked very carefully through this statement, ma'am, 15
for a description of where you told the Saskatoon City Police that you 16
saw Nichol John crying at various times during that morning and being 17
comforted by her companion Ron Wilson. 18
- A. Okay. 19
- Q. I also looked very closely through this statement for any indication that 20
David Milgaard would look at them and either of them would quit 21
talking. I didn't find it. Maybe you can find it for me, please. 22
- A. I'm sure this is not in that, in that original statement. But -- 23
- Q. Did you want a moment to review it? 24
- A. If you want. 25
- PAUSE IN PROCEEDINGS 26

CROSS-EXAMINATION OF CELINE ARMSTRONG (CONTINUES):

	1
Q. Did you find the reference to Nichol John crying?	2
A. No.	3
Q. Did you find a reference to her being comforted by her companion Ron Wilson?	4
	5
A. No.	6
Q. Did you find any reference in there to Mr. Milgaard intimidating silence out of them?	7
	8
A. No.	9
Q. No. That's not how you described it to the police at all, is it? Is it?	10
A. That's from a 20-year-old point of view. I think when I read the statement I thought, you know, if you were going to give a statement when you were 30 or 40 or 50, it would be always from -- you would notice different -- you would remember different things. But what I have --	11
	12
	13
	14
	15
Q. Notice or remember different things?	16
A. Remember different things.	17
Q. You'd remember different things?	18
A. Mhmm.	19
Q. You certainly have remembered things that are different than the way you remembered them in March of 1969?	20
	21
A. Yes.	22
Q. In fact, the way you remembered them in March 1969, as I read it from page 3 of the statement, and tell me if I'm reading correctly:	23
	24
The man and woman did not say much, but Hoppy kept talking about leaving and wanting Albert to go with them.	25
	26
	27

- And that's the only reference -- 1
- A. Yes. 2
- Q. ... to the man and the woman at all? 3
- A. Yes. 4
- Q. That they didn't say much? 5
- A. Yes. 6
- Q. They didn't -- no references to them going into corners -- by the way, 7
which corners of which rooms do you recall them going into? 8
- A. They were in the corner in the living room. There was a -- behind the 9
door that led into the kitchen there was kind of a buffet in there and 10
they would go and stand in the corner in between the window and the 11
buffet. They stood in the corner in the kitchen before you -- leading 12
downstairs. They were also in the hallway by the living -- going to the 13
bedroom, standing around the corner. 14
- Q. Would they be there for minutes at a time? 15
- A. I didn't pay any attention to that, no. There was a lot going on. 16
- Q. All right. Okay. There was a lot going on. Your brother was packing, 17
and David Milgaard and your brother were talking about what they 18
had done in the year since they had seen each other? 19
- A. Yes. 20
- Q. That's what was going on? 21
- A. Yes. 22
- Q. And your little brother kept turning the TV up so he could listen to Mr. 23
Dressup? 24
- A. Yes. And going in between everybody. 25
- Q. Right. I understand that you indicated to the police in March of 1969, 26

- and tell me if I'm incorrect, that Hoppy was happy to see, that's Mr. 1
Milgaard, was happy to see your brother? 2
- A. Yes. 3
- Q. And your brother was happy to see him? 4
- A. Yes. 5
- Q. It was like two friends greeting each other that morning? 6
- A. That's what it appeared to me to be. 7
- Q. And they talked, and I believe as well you recalled Mr. Milgaard going 8
out to -- you recalled to the police that Mr. Milgaard went out to the 9
car at some point, is that correct? 10
- A. If it says this on that original statement then that is what happened, 11
but today I have no recollection of that. 12
- Q. Well, let me refer you to that so that there is no confusion. We want 13
to know what your recollection was in March of 1969 because that's 14
certainly closer than what it was here. I think you indicated in that 15
statement, and tell me if I'm wrong, I've got you on the correct page 16
there: 17
- It was about 11:30 that morning Mr. Milgaard went 18
out to the car but he couldn't get it to go. 19
- Is that correct? 20
21
- A. Yes. 22
- Q. So Mr. Milgaard had been there for two and a half, or two hours 23
before he left the house to try to get the car started. Is that what I 24
understand you told the police that morning? 25
- A. Yes. 26
- Q. Right. And you didn't see Mr. Milgaard leaving, or coming back and 27

- forth into the house other than that one time? 1
- A. No, because I was only up for about an hour and a half, an hour, with 2
them, or so. 3
- Q. You obviously would have been up when you saw Mr. Milgaard -- 4
- A. Yes. 5
- Q. ... go out to start the car? 6
- A. Yes. 7
- Q. And you did indicate that you went -- after that you went to school? 8
- A. Yes. 9
- Q. You indicated in your statement, and tell me if I'm wrong, that you 10
recalled Mr. Milgaard phoning the BA at 22nd and Avenue P, that's 11
the service station. 12
- A. Yes, according to that statement. 13
- Q. You indicated in the statement that on your way to school you met 14
your mother halfway down the block -- 15
- A. Mhmm. 16
- Q. ... as she was coming back to the house -- 17
- A. Yes. 18
- Q. ... from St. Paul's Hospital? 19
- A. Yes. 20
- Q. And you accept that to be true? 21
- A. I accept it to be true if it's written there. 22
- Q. And you did not come home until Sunday. And I think you indicated 23
that as well, that that's your recollection today as well? 24
- A. It is now, yes. 25
- Q. Okay. I understand that Mr. Fisher and his wife were living downstairs 26

- at 334 Avenue O South, at your house -- 1
- A. Yes. 2
- Q. ... on that day, is that correct? 3
- A. To my recollection, yes. 4
- Q. And do you know, to your recollection, how long the Fishers were
living at your house? 5
6
- A. I don't remember. I really had not much to do with them. 7
- Q. Did you ever have any conversations with Mr. Fisher or his wife? 8
- A. I only recollect one conversation with his wife which was only brief, I
was introduced to her, and I only saw Larry Fisher once. 9
10
- Q. Okay. And do you know when they moved out, about? 11
- A. I think shortly after that. 12
- Q. Shortly after the time period we're talking about? 13
- A. After January 31 I think they couldn't pay the rent. I'm not sure
about -- 14
15
- Q. Now, ma'am, I do not mean any disrespect to your brother Albert
Cadrain -- 16
17
- A. Okay. 18
- Q. ... and please forgive me for asking these questions. But I understand
that Albert had some medical problems in and around this time? 19
20
- A. At that time? 21
- Q. Yes. 22
- A. Not at the time that he went to the police. 23
- Q. Did he subsequently have -- well, let me put it this way, did he
subsequently develop mental health problems? 24
25
- A. This is years later. 26

- Q. Years later. Do you know whether your brother was institutionalized
as a mental health patient? 1
2
- MR. BERESH: My Lord, how is that relevant if it's not at 3
the time? With respect, if it's not at the time it's not relevant to any 4
of the issues before us. We're really getting sidetracked. 5
- THE COURT: It seems to me, Mr. Beresh, there are -- 6
whether or not a jury chose to draw them or not, there are inferences 7
they could draw. Whether or not it's reasonable is another matter, but 8
at this stage I'll allow the question. 9
- MR. BERESH: I appreciate that. As long as they keep 10
within track here. I mean, we're talking 10, 15 years later. I must 11
say, I fail to see how it's relevant. 12
- THE COURT: Well, at this stage I see some relevance to 13
it. It may become irrelevant, but if it does I'll deal with it. 14
- MR. BERESH: Thank you, My Lord. 15
- CROSS-EXAMINATION OF CELINE ARMSTRONG (CONTINUES): 16
- Q. Like I say, I apologize. I don't know what's coming. So you'll 17
apologize -- I apologize for having to ask these questions. 18
- A. I think I know the feeling. 19
- Q. Yes, I expect you do, better than I. I understand that your brother did 20
develop some mental health problems at some point? 21
- A. Yes, he did. 22
- Q. And did you know that shortly after the trial of David Milgaard that he 23
was institutionalized as a mental health patient? 24
- A. Yes, I did. 25
- Q. And were you aware that your brother had been seeing auras around 26

- people since he was 16 years old? 1
- A. No, I wasn't. 2
- Q. Did he ever tell you that? 3
- A. He did -- 4
- THE COURT: Wait. I mean, it's fair enough to inquire if 5
she knows her brother was institutionalized in relation to it and you've 6
established a time line, but I don't think there is any basis on which 7
you can ask her what he told her. 8
- MR. SINCLAIR: That's fair enough. That's fair enough, My 9
Lord. I'm sorry. 10
- CROSS-EXAMINATION OF CELINE ARMSTRONG (CONTINUES): 11
- Q. Would you describe your brother as a person who was easily led? 12
- A. Not always. 13
- Q. Sometimes? 14
- A. Sometimes. 15
- Q. And you said that he worked for a construction company at the 16
university? 17
- A. I believe that's what he was doing at the time. 18
- Q. And he was doing bricklaying? 19
- A. He was -- no, he was a bricklayer's helper. 20
- Q. I'm sorry, a bricklayer's helper. 21
- A. Mhmm. 22
- Q. Did you understand the company that he worked for was the same 23
company that the accused Larry Fisher worked for, Masonry 24
Contracting (ph)? 25
- A. I know nothing about that. 26

MR. SINCLAIR:	Thank you, I have nothing further.	1
THE COURT:	Mr. Sinclair, thank you for your questions.	2
Mr. Beresh.		3
MR. BERESH:	Thank you. By way of clarification.	4
		5
<u>MR. BERESH:</u>	<u>RE-EXAMINATION OF CELINE ARMSTRONG:</u>	6
Q.	On the 31st of January, how was -- 1969, how was your brother's mental health?	7
		8
A.	It was fine.	9
Q.	Okay. In the 1969 statement when you used the words "he said he was high", what do you mean by "high"?	10
		11
A.	High meaning, in those days, on drugs.	12
Q.	On drugs?	13
A.	Yes.	14
Q.	What kind of drugs?	15
A.	I have no idea. I never did that scene.	16
Q.	Okay. You were asked about your 1969 statement and I want to clarify it. Were you ever asked by the police whether Nichol John cried or not?	17
		18
		19
A.	No.	20
Q.	Were you ever asked by them whether Milgaard was intimidating?	21
A.	No.	22
Q.	I want you to clarify, you said in cross-examination that when the two of them would go off and she'd cry they'd go into what room, please?	23
		24
A.	They would go into corners.	25
Q.	Yes.	26

RE-EXAM
ARMS -
TRONG
—
BERESH

A. I mean, in the corner of the kitchen. They'd -- they seemed to be 1
always going to a corner opposite from wherever anybody was. 2
They'd be talking. 3

Q. Okay. 4

A. And Nichol would cry -- 5

THE COURT: You dealt with that in examination in-chief 6
as well, Mr. Beresh. 7

MR. BERESH: Yes. I just want to clarify this. 8

Q. How often -- you were asked by the prosecutor how often did that 9
happen, that you saw her cry? 10

A. About five or six times. 11

Q. I see. And finally, you were asked about the 1969 statement. Did 12
you provide other statements to the police, and have you, through the 13
years? 14

A. Two more that I know of. 15

Q. Did you ever refuse to speak to the police and tell them your best 16
recollection? 17

A. Never. 18

MR. BERESH: Okay. Thank you very much for attending. I 19
appreciate it. 20

THE COURT: Thank you, Mr. Beresh. Ms. Armstrong, 21
thank you for your attendance, and you're excused. 22
We'll take our afternoon break now. Mr. 23
Beresh, is the next witness Mr. Cadrain? 24

MR. BERESH: Yes. Kenneth. Thank you. 25

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