

*Private Members' Business*

The Crown got a conviction all right. It got it on what is now discredited forensic evidence and on testimony from shabby, unreliable witnesses who claimed they were coerced by police. Even the judge may not have instructed the jury well enough.

What about the forensic evidence? Four days after nurse Gail Miller was stabbed more than a dozen times and left to die in snow on a cold Saskatoon morning in 1969 semen was found near the murder scene. Analysis showed it came from what is called a type *a* secretor. There is strong evidence that David Milgaard is a non-secretor. The jury was told that the sample of semen found was contaminated by blood, David Milgaard's blood. That was the Crown's theory.

Forensic experts have since seriously questioned that theory. It is now believed that the jury was not properly instructed on how to interpret the forensic evidence. There is an interpretation of the evidence that in effect says David Milgaard was not the murderer, but the jury was not told that.

What about the Crown witnesses? What a lovely bunch of coconuts. Professor Neil Boyd of Simon Fraser University and his associate D. Kim Rossmo, a Ph.D candidate at Simon Fraser, have written an excellent report on the Milgaard case. They say this about the friends of Milgaard who testified against him: "Ron Wilson, a witness who has since recanted, sketches a picture of disenfranchised street youth in 1969 on the fringes of the fledgling hippie culture and on the edge of a criminal lifestyle. They were all involved in using illegal drugs".

Ron Wilson was questioned by police for two months. He did not have to testify against Milgaard but as Boyd and Rossmo put it: "Implicating Milgaard was the easiest way to remove himself from a persistently stressful situation".

In an interview last year Wilson is quoted as saying: "I just wanted to get the hell out of there and whatever happened happened". The rest of the witnesses were no better.

Nicol John, in a statement to police, said: "Milgaard tried to snatch the purse from a woman and then stabbed her repeatedly". She said: "The knife was in his right hand". Milgaard is left-handed.

At the trial itself Nicol John changed her story and said she could not remember anything about Milgaard stabbing the women. There are other problems with John's statements.

There was another Crown witness, Albert Cadrain, who may have experienced paranoia while under intense police pressure.

Commenting on this experience with police Cadrain said last year: "They asked me the same questions repeatedly. This went on for months. They put me through hell and mental torture".

Two other witnesses made damaging statements against David Milgaard. Craig Melnick and George Lapchuk testified in a Regina motel room about three months after the murder that Milgaard re-enacted the murder and quoted Milgaard as saying he stabbed the woman 14 times. How reliable is that testimony? The court was told that Milgaard and some of the others had taken LSD earlier that evening. LSD is a mind-altering drug.

There is more to this bizarre and very tragic case. Around the time the murder occurred that morning in Saskatoon, perhaps only minutes after the stabbing, Milgaard, Ron Wilson and Nicol John showed up at a Saskatoon motel. Robert Rasmussen was the manager. Did he notice anything unusual about Milgaard, who allegedly committed a brutal murder just minutes earlier? The answer is no. Rasmussen testified that he noticed nothing unusual about Milgaard or his clothes. He said Milgaard was polite.

Minutes after leaving the motel the three teenagers got their car stuck in the snow. They were assisted by a couple by the name of Danchuk who invited the trio into their home to warm up. Was anything unusual noticed about Milgaard, who spent one hour with the Danchuks? The Boyd—Rossmo report says: "No witness observed that David Milgaard's clothing was ripped, a likely outcome of a struggle in a snowbank".

Walter Danchuk said Milgaard was polite and soft spoken and that he had been doing most of the talking for the group. He had been talking about selling magazines and about trying to find their friend, Albert Cadrain.

Not only does the Crown's case lie in tatters but there is evidence that another man, Larry Fisher, was the real killer of Gail Miller. Larry Fisher is a brutal, savage serial rapist. In the fall of 1968, just months before the January 31, 1969 murder of Gail Miller, Larry Fisher carried out three vicious rapes in Saskatoon. In the year