

**PRESS GUIDE:**  
***"Until You Are Dead":***  
***Steven Truscott's Long Ride***  
***Into History by Julian Sher***

The following notes highlight some of the key revelations, pages and chapters in Julian Sher's new book, published by Knopf Canada, about Canada's most controversial murder case.

**The missing witness:**

Two boys at the local river provided Truscott's strongest defence by insisting they saw him cross the bridge with Harper on his bicycle well past the bush where Lynne's body was later found. The prosecution argued that one of them, Douglas Oates, must have been mistaken about his time and was at the bridge at 6:30 p.m. rather than at 7:30 p.m. when Steve would have crossed. What the jurors did not know was that there was a secret, missing witness named Karen Daum, a nine-year-old, who was on the bridge with Oates and could corroborate his testimony. The Crown kept her statement from the defence and the jurors. She was never called to testify.

In a statement to the police, signed on June 19, 1959, she told police Truscott and Harper passed her on their bike ride down the county road. Daum was close enough to the older bike riders to remember their facial expressions and clothing. "Lynne and Steve looked happy," she told police. "Lynne was wearing a white blouse and blue shorts." Daum told police the "point of meeting was just about railway tracks." The railway tracks were about fifteen hundred feet north of the bush and just five hundred feet from the bridge. Here was another witness who put Truscott well beyond the bush with Harper, thus eliminating him as her murderer.

Today, Karen Daum remembers her sighting of Lynne and Steve differently. She thinks she saw them not at the tracks but closer to the school when she was south of the laneway that led into the bush. Her modern-day version is not completely exculpatory, but it still gives strong support to Truscott's most important defence: Dougie Oates' claim about being on the bridge past 7:00 p.m., in an ideal position to spot Truscott and Harper cross the river. See pages 29, 303-307 --Chapters 3, 29.

**Harper's hitchhiking:**

It was a central tenet of Steven's defence that Lynne hitchhiked from the highway; it was a central principle of the Crown's case that Lynne was not the kind of girl who would hitch a ride. Her mother testified on the stand to that effect. But defence lawyer Frank Donnelly did not have access to three separate OPP and military police reports which proved beyond a doubt that her parents' first fears were indeed that Lynne had hitched a ride to her grandmother's house in Port Stanley, Ontario. "It was possible she was hitchhiking to her grandmother's," her parents told police the night she disappeared. See pages 23, 44-45, 175, 176, 300-- Chapters 4, 18 and 29.

Jurors did not know that Steve was possibly not the only person to see a girl hitchhiking at the intersection. Police notes reveal on the day Harper's body was found they interviewed an elderly couple, the Townsends, who passed the intersection of Highway 8 and the county road when they "saw a girl standing by the stop sign." Mrs. Townsends remarked it was late for a young child to be hitchhiking. Police dropped the lead when her husband thought it might have been the Sunday before Lynne disappeared. "No further investigation was made," the police reported and jurors were never told of the incident. See page 301-302, Chapter 29.

### **Time of death:**

The Crown's single most important piece of testimony was pathologist John Penistan's insistence that his analysis of Harper's stomach contents proved the girl died between 7:15 and 7:45 p.m., shortly after eating supper, on Tuesday, June 9—exactly when Truscott was last seen with her. Today, modern science dismisses such precision as unreliable and irresponsible.

Worse still, there are strong indications that Penistan doctored his evidence to help the police and the prosecution. *"Until You Are Dead"* reveals that there are no references anywhere in the pages from police notebooks to Penistan issuing a time of death during his autopsy of June 11, the day Harper's body was found. A police bulletin issued that same evening, handwritten by OPP Inspector Harold Graham, first estimated the time of death at 9 p.m. Only weeks later, on the eve of court proceedings, did Penistan appear to adjust his time of death. And he did not file his official autopsy report with the chief coroner for Ontario until late in 1963—four years after Lynne was murdered. For Penistan's autopsy, see pages 310-11, 313-316 in Chapter 29. For Graham's June 11 bulletin, see pages 311-312 in Chapter 30.

### **The lab report:**

OPP Inspector Harold Graham testified he had Truscott taken into custody largely because a report he received by phone from experts at the provincial laboratory confirmed Lynne died "not more than two hours" after supper. But the prosecution never entered a written copy of that crucial laboratory report into evidence—for good reason. The report—completed by a lab biologist only in August, more than two months after Truscott's arrest—was only one page long and never said a word about time of death. Truscott's defence lawyer and the jurors also did not know that Dr. Noble Sharpe, the medical director of the laboratory, had grave doubts about Penistan's eagerness to pinpoint a time of death to within 30 minutes. "I criticized him for using definite times in place of saying one or two hours," Sharpe wrote. "Saying 7:15 to 7:45 sounds so absolute!" See pages 76-77 in Chapter 7 and pages 319-322 in Chapter 30.

### **The "agonizing reappraisal":**

In May of 1966, Dr. John Penistan wrote to Harold Graham—by now assistant commissioner of the OPP on his way to becoming the head of the force—to advise him of an "agonizing reappraisal" of his own medical evidence. In a draft article for a scientific journal, the pathologist who had pinpointed Harper's death to within a half an hour now admitted that the state of decomposition of the body was "not incompatible with death a day previously or a day later."

Penistan's startling reversal of his trial testimony came as the Supreme Court of Canada began an unprecedented hearing into Truscott's case in late 1966. By 1967, the court upheld Truscott's guilty verdict based largely on the medical evidence. But prosecutors kept Penistan's views from the nine Supreme Court justices and never called him to testify. See pages 403-409 in Chapter 36, page 486 in Chapter 41 and page 558 in Chapter 46.

### **Bike tracks:**

The prosecution insisted bicycle tracks in the dry, cracked earth along the laneway that led into the bush where Harper's body was found proved Truscott was there on the evening of June 9. But notes from OPP officer Hank Sayeau—the man in charge of gathering evidence—reveal that from the start he determined the bike marks "appeared to have been made quite sometime previous when the earth was wet." There had been no significant rainfall for a week prior to Harper's disappearance. If, as police first

reported, the bike tracks were made when the ground was wet or moist, then clearly the tracks were not made on the night the girl disappeared. See pages 13, 217--Chapters 1, 21

### **Tire skid marks:**

The jury was not told that three airmen and two police officers saw fresh car skid marks in the laneway leading to the bush on the afternoon they discovered Lynne's body, suggesting an adult in a vehicle could have been near the crime scene. Lieut. Joseph Leger told police he saw a foot-long mark, eight feet from the pavement "which appeared to have been made by a car spinning." Another airman, Cpl. Harold Pudden, told the OPP in a statement jurors never saw: "They were quite deep and wide and looked to me as if someone got their front wheels up on the pavement and gunned it and the rear tires had spun and dug in." See pages 13, 301 --Chapters 1, 29

### **Other suspects:**

Police never seriously looked at other potential suspects in the case. *The fifth estate* documentary revealed the ominous presence of Alexander Kalichuk in the area. The book reveals more information about Sgt. Kalichuk, a "sexual deviant" according to secret air force reports, who lived near Clinton and was arrested for attempting to lure a young girl into his car less than three weeks before Harper's murder. The book also identifies other suspects police overlooked: among them a lifeguard at the air base who sexually abused his young daughters and a convicted rapist who knew Lynne Harper's father. Today, the OPP insists there were no errors in the case. But in a curious twist, Jim Wilson, the detective inspector in charge of the Truscott file says in an interview in the book that there are "ten to fifteen persons of interest" the police have looked at recently besides Truscott since the renewed controversy over his case. Some of whom, he says, the police cannot rule out as "capable of committing the murder."

On Kalichuk, see pages 102-106, 414-5, 562 in Chapters 9, 36 and 46. For other suspects, see pages 107-108 in Chapter 9. For the OPP today, see page 561-2, Chapter 46

### **Car sightings:**

It was central to his claim of innocence that Truscott said he saw a 1959 Chevrolet, possibly with yellow plates, stop for Lynne at the highway. What the jurors did not know was that there were at least three other sightings of mysterious or suspicious cars. An airman named Vaughn Marshall told police in a signed statement that he saw a '59 Chev with yellow plates on the outskirts of Clinton around the same time. Corporal Arlene Strauman told the military police three men in a 1959 Chevrolet with "big tail fins and triangular-shaped tail lights" tried to pick her and friend up on Tuesday, June 9, near the Clinton base --about 30 minutes before Steve spotted a similar car. A third airman, Donald Hall, told police that that same night he saw a large late-model vehicle "with heavy chrome" near the bushes where Harper's body was found. The jurors heard nothing of any of this. See pages 98- 101, Chapter 9.

For further information on author **Julian Sher** and "*Until You Are Dead*": *Steven Truscott's Long Ride into History*, please contact: **Diane Hargrave, Jennifer Asling and Donna Nopper at 416-467-9954**