

**Putting away Punky's killer: the inside story:  
LAW AND ORDER, PART II**

Police perseverance and advances in DNA testing had nailed Clifford Sleigh the killer of Corinne Gustavson. But convicting him of first-degree murder would be no slam-dunk  
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Jason Track seemed the perfect choice to prosecute Corinne Gustavson's killer, Clifford Sleigh.

As a young Crown prosecutor in the late 1980s and early 1990s, Track relished the chance to put away society's worst criminals.

He could never see himself switching sides: "I'd rather pump gas than be a defence lawyer," he liked to say.

Track was known for cross-examining defence witnesses with such ferocity that they'd sometimes pass out on the stand. Five times he achieved this feat.

"I actually knew the colours they would change," he recalls. "They would turn yellow and green and then the colour would fade and they would just drop."

One day, under Track's withering barrage, a witness fainted and crashed to the floor, blood gushing from a cut on his head.

"After that, I just never did that again," he says. "I didn't want to be responsible for actually hurting someone.

"I'm not that person anymore," says Track, now 47. "I'm not nearly as intense as I was then."

While Track toned down his aggressive style, he remained as ambitious as ever through the 1990s. One high-profile case that caught his eye was the Sept. 6, 1992, abduction, rape and murder of six-year-old Corinne (Punky) Gustavson. If the murderer was ever caught, he told his friend and fellow Crown prosecutor Bart Rosborough, the two of them should work together.

But by the time Track inherited the Punky file in November 2003, his life had changed, his priorities had changed, and he recoiled from such an intense, stressful assignment.

For Track, nothing was the same after the 1998 deaths of his newborn twin boys.

He had always wanted a large family and already had a daughter and a son when the twins were born. They came prematurely and survived just 77 hours.

Though Track had nothing to do with their deaths, he irrationally blamed himself. The tragedy led to the breakup of his marriage.

Afterwards, Track redefined himself. He focused on his two older children. He was no longer eager to tackle prominent, pressure-packed criminal cases. "I didn't have the hunger to do this sort of work anymore. ... I found it too stressful."

Track was especially leery of working on any case involving the death of a child. "It just hit too close to home."

In March 2003, detectives at the Edmonton Police Service (EPS) at last solved the Gustavson case. Investigators told convicted rapist Clifford Sleigh that DNA evidence linked him to the 1992 crime. Sleigh confessed, bringing an end to the biggest, most publicized and most anguished investigation in EPS history.

The Sleigh prosecution went first to Crown attorney Grant Nickless, head of the homicide unit, but in November 2003, Nickless told his boss, Track's old friend Bart Rosborough, that he was resigning from the Crown's office.

Rosborough needed someone to take over the Punky file at once. "This was an important case for the community," Rosborough says. "It was necessary that we put our absolutely best case forward."

Rosborough decided he needed Track to parachute in, whether Track wanted the job or not.

At first, the assignment floored Track.

"I was almost physically ill," he says. "I absolutely did not want to do this case. What if I did badly? It was too much pressure. Too much pressure ... Everything you do is in the public eye, everything being scrutinized.

"I will use the expression 'no-win situation.' We had DNA and we had statements (from Sleigh) so if the verdict was less than first-degree murder, then I'm the stupidest prosecutor who has ever walked the face of the Earth. And if it's a conviction of first-degree murder, it's a no-brainer, you had it in the bag."

Despite his misgivings, the case soon obsessed Track. He was drawn in partly out of professional pride, but also because of his feelings for Punky's parents, Karen Vallette and Ray Gustavson.

Karen and Ray's marriage had broken up after Punky's murder. Ray had gone into a depression. On the morning Punky had been grabbed from her front yard, Ray had been caring for her and had been distracted only for a moment.

Track felt a kinship with the man.

"He blames himself. That is just so unfair. But I blame myself for the deaths of my two kids. You just would never understand that unless you went through it. But I understand how that man feels."

Track also felt a bond with Punky's mother.

"When I spoke with Karen for the first time, she just couldn't talk to me, and I understood that. And I understood that I had absolutely the highest duty that I possibly could have to that person. If for nobody else, she had to know that somebody was going to do this case and was going to try to the absolute limit of his ability."

In order to prosecute Sleigh in good conscience, Track first had to be certain that the EPS investigators had arrested the right man and, secondly, that the first-degree murder charge against Sleigh was warranted. Track had never sent an innocent man to jail; he didn't want to start now.

"You see," he says, "if I would do that, that would haunt me for the rest of my days. ... I would feel awful. I would feel I'd just done a horrible thing."

Track's first step proved to be relatively simple; it took him only a few days to review the relevant evidence, although it had taken EPS investigators more than 10 years to gather it. In fact, the evidence had only been accumulated after painful mistakes had been made and overcome in the practise of forensic DNA science in RCMP labs across Canada.

From the start, police had hoped to find the killer's DNA on Punky's clothing and on swabs taken from her body. After the girl's autopsy, the clothing and swabs were sent to the RCMP's crime lab in Vancouver.

In October 1992, serologist John Elsoff conducted a number of tests on them, using forensic protocols of the day. He first did a visual search of Punky's clothing for obvious staining, but found no genetic material. Semen stains are often invisible to the naked eye under normal light, so Elsoff examined the clothing with a wand that emitted ultraviolet light. Again, Elsoff detected no semen stains.

Next, he cut out and tested three small swatches of the girl's panties -- from the crotch, the back and from a dark stain -- the places deemed most likely to be smeared with the

killer's semen, tissue or blood, and the only places that protocol deemed it necessary for Elsoff to test at that time.

He pressed filter paper against the swatches. If semen was present, it would adhere to the filter paper. Next, Elsoff sprayed the filter paper with a chemical compound known as Fast Blue, which identifies an enzyme, acid phosphatase, found in high quantities in semen. If the enzyme was present, the swatch would turn purple in less than two minutes. In this case, none of the three swatches reacted to the Fast Blue chemical, meaning no semen had been detected.

Elsoff also did Fast Blue tests on the vaginal and anal swabs, but these tests, too, came back negative for semen.

With so little found in the Vancouver tests, EPS investigators were left with only one obvious avenue for further DNA testing, a seven-centimetre-long pubic hair -- labelled the MA-7 hair -- found on Punky's ankle during her autopsy.

The shaft of a hair contains no nuclear DNA, but Dr. Peter Bilous of the Edmonton RCMP crime lab hoped that a small amount of DNA might be found on the root of MA-7. In his initial tests, however, Bilous ascertained that if there was any genetic material present in the root, it was a microscopic amount, not enough to test using the standard DNA test procedure of that time. To identify the genetic profile of a person, the procedure required at least 500 nanograms of genetic material (one nanogram is one-billionth of a gram).

But Bilous also knew that a new method of testing was on the horizon, a process called PCR, in which even a few nanograms of DNA could be mixed with primers and chemicals, then heated up and cooled down numerous times in order to create millions of exact replicas of the original genetic material, more than enough nanograms to identify the DNA profile of an individual.

The RCMP might have PCR testing available as soon as the summer of 1993, Bilous told the police. If that was the case -- and the hair root did indeed contain genetic material -- the police would soon have the DNA profile of the killer.

With that in mind, the investigators asked many of the suspects in the Punky investigation to provide DNA standards -- samples of their hair, pubic hair, blood and saliva. The Canadian government didn't enact legislation enabling police to force a suspect to hand over DNA until 1995, so the EPS investigators had to find a way to legally obtain these standards. Each sample had to be given voluntarily and in full knowledge that it was to be used for a police investigation.

In the end, more than 400 suspects in the Punky case gave DNA standards, including Clifford Sleight. Police requested standards from Sleight, then 30 years old, after he was

charged with raping a teenage girl in Edmonton in May 1993. He willingly complied, showing the kind of co-operation that investigators expected only from a man with nothing to hide. Along with a strong alibi for Sept. 6, 1992, provided by Sleigh's common-law wife Gail Smith and her in-laws, Sleigh's handing over of his DNA led the police to set him aside as a suspect at that time.

In 1994, Sleigh raped yet another teenage girl. In 1995, he received a 15-year sentence for both rapes.

By that time, Terry Alm, the primary EPS investigator on the Punky file, saw little hope for his investigation. For three years, Alm had investigated the more than 5,000 tips in the Punky file, most of them about a mysterious blue van that the killer was said to have used for his getaway. Alm had looked at a multitude of suspects, many of them men with past convictions for murder and rape, but he had no easy way of sorting out which bad guy was likely the right bad guy in this case.

Alm realized that without the DNA profile of the killer, the Punky case would likely never be solved. Even if one day Alm got a valid confession from Punky's killer, he might well be faced in court with a defence lawyer armed with the police's own massive tip file. The lawyer could pull out dozens of names of sex offenders capable of raping and killing a little girl. "A defence lawyer could go, 'What about this guy? What about that guy? What about this guy?'" Alm says.

Without DNA evidence, there would be no sure way to counteract these questions.

The EPS had expected PCR testing of DNA to be in place by 1993, but the RCMP made a last-minute decision to do a different, more effective form of PCR tests. This delayed PCR in Canadian forensic labs until 1995.

In 1996, Bilous told Alm he could now try to extract DNA from the root of pubic hair MA-7. But when Bilous tried the test in October 1997, he found that MA-7 had no DNA at all.

"It flat-lined so we had nothing left," Alm says. "Without DNA, we were just spinning our wheels ... I didn't have much hope."

But just as Alm was at his lowest point, his investigation got a boost from the federal government, which in 1998 followed the example of other countries and enacted legislation to create the National DNA Data Bank. It started in June 2000.

The police were allowed to gather DNA from three classes of convicted criminals: dangerous offenders such as Paul Bernardo; multiple murderers such as Clifford Olson; and multiple sex offenders, including Clifford Sleigh. Two thousand such offenders were identified across Canada, the baddest of the bad, 300 of them in Alberta. Crown

prosecutors began seeking court orders to get the DNA of these violent offenders into the data bank.

Throughout the investigation, some EPS investigators had criticized Alm for being a worry wart, for obsessively checking and rechecking information. But in 1999, Alm's conscientious methods paid off. He had kept returning to Dr. Peter Bilous to discuss the forensic evidence and, at last, the two came up with a winning strategy, one that grew out of a major blunder in the infamous Milgaard case.

In 1970, David Milgaard had been sent to jail for the rape and murder of Gail Miller. In 1990, with new evidence making it increasingly clear that Milgaard wasn't the killer, RCMP forensic experts were ordered to re-examine the physical evidence. They tested Miller's panties, but failed to detect semen on them, mainly because they did a Fast Blue test on only a few parts of the panties, rather than the entire garment.

In 1997, British scientists once again examined the panties. This time, they did Fast Blue testing on the entire garment and, this time, they found semen. The DNA matched that of serial rapist Larry Fisher, thus exonerating Milgaard.

The Milgaard fiasco was a terrible shock for RCMP forensic examiners, Bilous says, but it had one positive spinoff: it pushed Bilous to reconsider the Punky evidence. If semen had been missed in the Miller case, could it also have been missed during Elsoff's Fast Blue tests on the Punky evidence? After all, similar testing protocols had been used in both the Milgaard and Punky examinations.

In January 2000, the EPS sent all of Punky's clothing and swabs to LabCorp, a North Carolina forensic lab that employed the most up-to-date DNA testing. LabCorp did several new tests and had some success, but didn't hit true pay dirt until March 2001.

Forensic scientist Shawn Weiss and his team tested and retested Punky's panties and, at last, found a trace of sperm. The scientists then extracted DNA from the sperm and multiplied this genetic material using PCR. In the end, LabCorp technicians were able to develop a complete DNA profile from the semen on Punky's panties. On March 29, 2001, Weiss was confident he had enough to call the EPS.

"Has your victim got any boyfriends?" Weiss asked Alm, wanting to see if there was any other possible source of the sperm.

"Well, she was a six-year-old girl," Alm said.

"Well," Weiss said. "I've got your killer."

It was Alm's moment of triumph.

"I was just ecstatic," he says. "I couldn't believe it. Holy cow, there is a God. Finally, finally, we had some kind of a break. I was doing handstands in my office."

Alm sent the killer's profile to the National DNA Data Bank, but no match was found. Still, Alm remained positive. He could compare the killer's DNA profile to his own store of 400-odd DNA standards of suspects his team had gathered during the investigation.

The EPS assigned Const. Barry Kaye the job of sending off the 400 DNA standards to the RCMP lab. To get things rolling, Kaye asked Alm for his list of top 10 suspects, the men the RCMP should first examine. Clifford Sleigh's name was on Alm's list, but when Kaye went to gather the standards, Sleigh's DNA was missing. Unbeknownst to Alm, Sleigh's DNA had been used up in 1994, consumed during forensic testing for his May 1993 sexual assault.

When the RCMP crime lab tested the 400 standards, no matches were found for the DNA on Punky's panties. Alm still couldn't identify the killer, but at least he could eliminate those 400 men as suspects, a huge step forward.

Many of the top suspects in the case had never given standards. A few, like Sleigh, had given them, but the DNA had been used in other cases. EPS investigators began devising a system to classify and rank the hundreds of remaining suspects so police could focus on the best bets, then obtain DNA from those men and compare their genetic profiles with that of the killer. This process was underway when Alm retired from the EPS in April 2002, taking a new job as an investigator for Alberta Gaming.

After Alm's retirement, the Punky file went to Det. Albert Lacher.

Lacher, a mechanically minded, southern Alberta farm boy, had joined the EPS in 1980 and had a reputation for being an outstanding organizer and details man. The father of two girls about the same age as Punky had been involved in the case since Day 1, when he had taken statements in Punky's neighbourhood and helped organize the search for the missing girl. Alm respected Lacher; unlike so many other officers, Lacher had always been willing to help check tips on the Punky file.

In his prison cell, Clifford Sleigh initially had no idea the EPS had found the killer's genetic profile on Punky's panties. But he was aware of the new National DNA Data Bank, so in September 2001 he and another inmate, pedophile Barry Michaud, hatched a desperate plot to escape or die trying. They slipped away from the minimum security jail in Hobbema and made it to British Columbia before police dogs and officers tracked them down.

Sleigh was back in jail in September 2002, a decade after Punky's death, when the EPS released information about the discovery of the killer's DNA, hoping the news might ruffle the killer.

In November of that year, Crown prosecutor Troy Couillard took his latest batch of pre-2000 offenders before a judge to get warrants for their DNA to go into the National DNA Data Bank. Sleigh was on Couillard's list that day. A month later, armed with a court order, a retired Mountie visited Sleigh in Bowden Institution and seized a sample of his blood. After that, prison staff said, Sleigh fell into a depression.

On Jan. 22, 2003, Sleigh's DNA profile went into the data bank. At once, it was matched up with the genetic profile from the semen on Punky's panties. The Punky case had been solved.

When Jason Track reviewed this evidence, he could see that the detection of Sleigh's semen on Punky's panties proved he had raped the child. Sleigh clearly had a role in her death. But had he intentionally killed her?

To get a first-degree murder conviction, rather than manslaughter, the Crown had to prove that Sleigh acted with intent, that murder was his goal, or that he meant to cause bodily harm to Punky that he knew was likely to kill her.

The Crown was somewhat hampered here because no evidence showed exactly how Punky had died. The best guess of medical examiner Graeme Dowling was that the girl had been suffocated, or that she had died from internal bleeding from the rape. But Dowling couldn't be certain, and this led to a number of questions: Did Sleigh suffocate the girl to shut her up? Did he realize he would likely kill Punky when he raped the 39-pound girl, and did he then go ahead and take that chance? Or did Punky die some other way?

There was, however, one piece of information that strongly suggested Sleigh had the mindset to kill. It came from Sleigh's confession to EPS interrogators in March 2003.

After Sleigh's DNA was matched with that of Punky's killer, Lacher assigned two interrogation experts, Ralph Godfrey and Paul Link, to confront Sleigh.

Godfrey and Link took six weeks to prepare for the showdown. One of the first orders of business was to travel to Manitoba to destroy Sleigh's alibi for Sept. 6, 1992. Sleigh's former common-law wife, Gail Smith, and her in-laws, Louis and Koren Smith, had been interviewed in May 1993 after Sleigh had been arrested for rape. In those interviews, Gail, Louis and Koren had all said Clifford was with them at an Edmonton apartment the entire Labour Day weekend of 1992.

Godfrey and Link got a cold welcome in Manitoba. Gail's mother, Maggie, took one look at the police and ordered them out of her house, Godfrey says. "We were the last people on Earth that they wanted to see, just to dig further and ask harder questions."

The Smiths told the police they no longer remembered much about that weekend and about whether Clifford was around the entire time, though Gail admitted it was possible he might have been out of her sight for a few hours.

The only family member who remembered things more clearly was Suzanne Didychuk, the common-law wife of Gail's brother Kelly Smith. Neither she nor Kelly had been interviewed by the EPS in 1993. Didychuk now remembered a weekend at that time when she and other family members had been up drinking and playing cards in an Edmonton apartment. Didychuk said she had stayed up to finish a beer and talk to Clifford, who grilled her about his fears that Gail was cheating on him.

When she got up the next morning, Didychuk saw that Kelly's car, a front-wheel-drive Chrysler Daytona, was missing and Clifford was gone. Clifford came back with the car in the early afternoon, saying he'd been out to Hobbema. The car was dirty, with grass stuck in its mud flaps.

Didychuk's story about the car was a key detail to Lacher and his EPS team, mainly because it helped tie up a potentially troublesome loose end. The EPS's investigation of Sleigh had uncovered that convicted pedophile Barry Michaud -- who teamed with his buddy Sleigh in 2001 to escape from prison -- had owned a blue van in 1992. Lacher wondered if Sleigh might try to implicate Michaud in Punky's slaying. For instance, Sleigh might admit he had raped Punky, but try to pin the murder on Michaud.

The police would then be faced with proving Michaud had no connection to the murder, a nightmarish complication. But if what Suzanne Didychuk now told Godfrey and Link was true -- and Sleigh had only used the Daytona during the crime, not any blue van -- this meant Michaud and his blue van wouldn't be an issue at trial.

When they reviewed Sleigh's psychiatric assessments and criminal past, Godfrey and Link noticed a pattern -- whenever an authority figure had proof Sleigh had done something wrong, rather than deny the wrongdoing and look like a lying fool, Sleigh would admit to certain facts. "Past circumstances show that when he's backed into a corner, he folds," Godfrey says.

Godfrey and Link went to forensic psychologist Al Hayduk for advice. The police interrogators had concluded Sleigh was a psychopath, an unemotional, impulsive and manipulative con who felt no remorse for his victims. Hayduk added to this assessment, telling them that an offender like Sleigh has limited coping skills, so when he is under stress he resorts to violence to relieve the pressure.

Something must have happened to Sleigh before his attack on Punky that stressed him and made him want to act, Hayduk said. He compared Sleigh to a snake that feels hunger, spots his prey and swallows it whole.

The best strategy for confronting such a person, Hayduk told Godfrey and Link, was to make him feel as if he was in control of the interview, as if he could call the shots. In this case, two choices could be put to Sleigh: he could confess and look like a straight-up guy or he could clam up and look like a fool in court when the DNA evidence nailed him.

Godfrey and Link decided to confront Sleigh twice, once to present him with these two options. The police would then let Sleigh think about things before hitting him a second time a few weeks later, coming at him with a forceful PowerPoint presentation that outlined the hard facts linking him to the crime. The interrogators did not intend to use any emotional arguments to get Sleigh to confess, knowing that the cold killer would likely scoff at such tactics, Link says.

"If you go in with an emotional approach, like you would with an emotional offender, Sleigh sits back, he laughs at you and goes, 'OK, this is pretty much everyone I dealt with in the justice system to this point. This is just another fool ... I'll snow them.' " On March 12, 2003, Godfrey and Link met with Sleigh in Bowden Institution for the first interview. "Our whole strategy was to let him talk," Godfrey says. "All we did was set expectations. He saw us all dressed up in our Armani suits. The message was: 'We are professional. We are good at what we do. We are fair and we will listen.' "

To start, Godfrey asked Sleigh: "Do you have any idea why we're here?"

"No," Sleigh replied. "No idea."

Godfrey then told Sleigh that DNA technology had improved since Edmonton police had first taken his DNA in 1993. As a result, Godfrey said, new evidence had been found.

"Your profile hit on Jan. 22. It hit on Punky. It matched the DNA we have from the body. So now you're asking, 'Why are we here?'"

"Ultimately, you have a decision to make," Godfrey continued. "Ultimately, Clifford, you have to decide where is this investigation going to go. What is going to happen to you?"

Godfrey told Sleigh the police needed new DNA samples to confirm the initial match and he would be back in two weeks with the results. "Do you want to end up looking like a liar? Do you want to end up looking like a fool?"

The interview lasted roughly two hours. Sleigh talked most of the time, mainly about how he himself had been a victim of sexual abuse while growing up on the Siksika Indian reserve, 100 kilometres southeast of Calgary. Godfrey had to ask only a few questions to keep things going.

"Clifford controlled it, or so he thought," Godfrey says.

Neither Godfrey nor Link expected Sleigh to confess that day. But as soon as Sleigh got back with prison staff, he began to unravel. He told counsellors and medical staff that he was involved in Punky's death, but tried to minimize his crime. He hadn't meant to kill her, he claimed, but what he had done to her had killed her.

The next day, Godfrey and Link learned Sleigh was confessing. They decided to forge ahead and re-interview him at once. They arrived at Bowden that evening, with Godfrey interviewing Sleigh for four hours.

Godfrey wanted to start out slowly by making small talk, but Sleigh was keen to start his confession. The killer played down his involvement in Punky's slaying by skipping over gory details of the assault, claiming that he had no premeditated plan and that he had left her alive in the trucking yard on Edmonton's outskirts. This final claim was completely at odds with the evidence found by crime scene investigators, who concluded the culprit had killed Punky in one spot, then dumped her body in the trucking yard.

Godfrey's goal was to keep Sleigh talking, hoping he might slip and admit something that would explain his cold, predatory mindset that day.

"Something will come out, no matter how smart you are," Link says.

The slip came as Sleigh detailed what had gone on the night before his attack on Punky. He said he had had a fistfight with Gail's brother Louis, who was mad at Sleigh for beating up Gail. When Sleigh went to bed, he hardly slept, he told Godfrey. He woke up and started to argue with Gail, blaming her for the fight with Louis, saying she should never have told others about him hitting her.

After that, Sleigh said, he got up to buy cigarettes, still angry from all that had gone on. He was out to punish someone that day, he told Godfrey: "I guess I was believing at the time I was actually gonna punish the person who was responsible for what happened that night. You know, I don't know if that justifies anything."

Sleigh made this comment in an attempt to rationalize his crime, but it badly backfired, instead shedding light on his mindset when he grabbed Punky. The statement was a key in convincing Track he could prove that Sleigh had intended to kill.

In his closing statement to the jury, Track would repeat Sleigh's "punish" comment three times, making sure the jurors would remember it. "That was an extremely damning statement. 'Somebody is going to pay.' And that's all she was to him," Track says.

Track's motivation to prosecute Sleigh came not just from his deep sense of responsibility to Punky's parents, but also from what he felt he owed Punky. In his years as a prosecutor, he had seen many gory and horrific images, but the photographs of the little girl face-down in the mud had hit him as hard as any of them.

"When I saw those pictures, I had to close my door to compose myself, because I would have broken down."

One of Track's biggest concerns in prosecuting the case was Sleigh's lawyer, Peter Royal, arguably the best defence lawyer in Edmonton. Track and Royal had been fierce courtroom foes over the years, but Track respected Royal's abilities, as did the two other prosecutors assigned to the Punky file, Troy Couillard and John Benkendorf.

"The case seemed pretty compelling to us, pretty overwhelming, but our respect for Peter's abilities were such that we were always concerned that we were missing something," Benkendorf says. "What are we missing?"

The Crown's first job was, as Track put it, to slay the disclosure dragon, to go through the hundreds of thousands of pages of information gathered by EPS investigators and to disclose all relevant material to the defence. If this wasn't done right, and boxes of important information were found in the middle of Sleigh's trial, the Crown's case could be thrown out of court.

This had happened in a prominent gang trial in Edmonton. Track needed to make sure it could not happen here. "We had to succeed every step of the way to get a favourable judgment, or we would be absolutely condemned, and we knew that," he says.

Alm was seconded from his new job to help Lacher and five members of the Crown office with this job. "It was just a daunting task," Track says. "Peter Royal actually at one time was angry at me for sending over boxes and boxes and boxes of material."

In the end, Royal told the Crown he wanted no more paper related to Sleigh. Prosecutors had succeeded at step one.

The Crown laid out its DNA evidence during the preliminary hearing in July 2004. It was so strong that later Royal wrote Track to say the defence would admit the DNA evidence into court without any further challenge, a move that would cut the trial down from months to days.

There was still one major hazard -- Royal's attempt to have Sleigh tried by judge alone, rather than by a jury.

Royal felt that because of the massive publicity in the case, the brutality of the crime and the unprecedented public involvement in catching the killer, it was highly unlikely his client could get a fair trial with a jury.

"You're not going to find 12 people who are sympathetic to the accused's plight in a situation like this," says defence lawyer Andrew Fong, a former prosecutor. "Judges would tend to be better able to control their emotions."

The Crown could have allowed Sleigh to stand trial by judge alone, but Track refused Royal's request, as was his right. Canadian law says the public has a serious stake in murder cases, so the Crown has a veto over a trial being heard by judge alone.

In a trial like Sleigh's, in which the public has such an intense interest, it is only right that members of the public decide on the guilt or innocence of the accused, says former prosecutor Grant Nickless, now a defence lawyer. Accordingly, from the Crown's perspective, a jury trial is the only way to go .

From the start, Track believed Sleigh could get a fair hearing from a jury. "The suggestion that you can't get a fair trial by jury is nonsense," he says.

Track refuses to give his exact reasons for refusing Royal's request, but he does say he was influenced by one of his previous cases, which hinged on whether the killer had formed the intent to murder. In 2000, Justice Myra Bielby had convicted the killer, Samuel Ng, of manslaughter, only to have the case overturned by an appeal court. In 2004, a jury looked at the same basic evidence and convicted Ng of first-degree murder.

Track's reasons for preferring a jury trial in the Sleigh case can also be ascertained from his court submission on the issue, in which he cited Alberta Chief Justice Catherine Fraser. In her decision on the Ng appeal, Fraser wrote that the Crown need not give up all strategic advantage to the defence: "The Crown is entitled to conclude, based on the serious nature of a crime or the public attention it has attracted, that the case should be tried before a judge and jury. In addition, the Crown may determine that a jury would be a more appropriate judge of contemporary community values."

To press Sleigh's case for a judge-alone trial, Royal enlisted psychologist Neil Vidmar, a law professor at Duke University and an expert on juries. Vidmar had helped Ontario defence lawyers win similar motions in the early 1990s.

Vidmar's first job was to establish how much Edmontonians knew about the Gustavson case. In February 2005, his group surveyed 390 people in the Edmonton area and found that 76 per cent of them had heard of the Punky homicide. One-third of the people who said they knew about the homicide also said they could not be impartial in deciding Sleigh's fate.

In such an intensely emotional case as a sex assault, it was doubtful that a judge could admonish a jury strenuously enough to be fair-minded, Vidmar said in his report. The jurors' prejudices would win out, colouring the way they viewed all evidence and testimony.

In the end, it would make the jurors dubious about accepting a manslaughter verdict. Even if an attempt was made to pre-screen jurors -- rooting out any obviously biased ones through questioning at a pre-trial hearing known as "challenge for cause" -- some biased people would make it on to the jury, Vidmar predicted.

For weeks, Track studied Vidmar's report and dug into the Duke psychologist's ideas and history. Track came upon a number of strong critiques of Vidmar's work, not just from Crown prosecutors, but from judges in the Ontario Court of Queen's Bench, the Ontario Court of Appeal and the Supreme Court of Canada.

By the end of his research, Track didn't buy anything Vidmar had to say. "I told my bosses there is no way this application can succeed unless we get a perverse verdict."

At the March 2005 hearing before Justice Bielby, Track attacked Vidmar relentlessly during cross-examination. The prosecutor quoted from one case where an Ontario judge had criticized Vidmar's theory about jurors being unable to set aside their prejudices in sex-assault cases. This theory was only in its embryonic stage, the judge wrote, and had not gained wide acceptance among Vidmar's peers.

Track then quoted another Ontario case, where a judge said Vidmar's theory had been "discredited as unscientific, unsupported and purely anecdotal. Professor Vidmar has virtually conceded his authorities are either irrelevant or contradict his own conclusions."

Track confronted Vidmar: "I put forward the proposition, sir, that in the context of Canadian cases, you have repeatedly been taken to task for advancing unsupported assertions. Do you agree or disagree?"

"You have raised those issues," Vidmar said. "I have to agree."

As Track blasted away, he could see Royal's discomfort. "He's right next to me and he's sinking lower and lower and lower as this is going on," Track says.

Track had yet to finish his cross-examination of Vidmar when court ended that day. He was set to attack again the next morning, but that night Royal called Track at home to tell him he was dropping his motion. Vidmar was flying home to Duke. A jury would now decide Sleight's fate at trial. Track had scored a major victory.

"Peter Royal is an effective, intelligent lawyer, and for him to concede this application as a direct result of Jason's cross-examination is a very telling commentary on the effectiveness of that cross-examination," says Rosborough, the chief Crown attorney.

Just before the May 2005 trial, one EPS officer told Lacher the case against Sleight was so strong that a blind organ grinder and his monkey could win it. When Lacher passed this

comment on to Track, the prosecutor bristled. "If he says it again, it will be the last time," Track told Lacher.

"It's offensive," Track now says of the comment. "I worked on that case for a year and a half, night and day, day and night. ... It had to be done on the highest level."

To ensure a fair and impartial jury, Royal and Track agreed to hold a challenge for cause hearing, where potential jurors were questioned at length about what they had heard about the case, what they thought of aboriginal men and of sex offences against children.

Royal used his veto to reject 20 men and women from sitting on the jury, making sure no teacher and no one who worked with children was a juror. Track rejected five people, eliminating anyone who looked rough around the edges. "I will do that always, always," he says. "Cowboys, bar fighters, people who look like they have a criminal record, they never sit on any of my juries."

In May 2005, Sleigh's trial proceeded smoothly. The tens of thousands of pages of evidence and years of investigation were compressed into eight days of testimony. The defence put forward no witnesses, which was a letdown for Track, who had hoped Sleigh would testify.

"That was a huge disappointment for me. That would have been pure fun."

How so?

"Because he's a liar. And I would show him to be a liar with certainty. And he would suffer on the stand and that would be, in my mind, part of his punishment. He would find it an extremely unpleasant experience."

In the end, the jury rejected manslaughter and convicted Sleigh of first-degree murder. He got a life sentence with no parole for 25 years.

Both Lacher and Alm were relieved, not only because they believed this was the correct verdict, but because it meant they could get on with their lives. Both men had stayed on as homicide investigators longer than they had intended.

"We stayed and dedicated ourselves to Corinne and to this file," Lacher says. "If we'd have walked from it, there's a good chance it would have just sat, like so many other cold cases. A new guy would come in and he'd soon get a number of other homicides files, and he would have no personal connection to Corinne. Unless you have a personal connect to a file, you won't continue to work on it."

While Alm is satisfied with the verdict, he still has many questions about his own performance. More than 11 years passed from the time of Punky's murder to Sleigh's arrest. Alm wonders if he could have done something to crack the case sooner.

"I wish I was as good a detective at the beginning as I ended up being at the end of my career, because I learned so much," he says. "You're always self-critical. You're always saying, 'What could I have done better?'"

"I beat myself up doing woulda, shoulda, coulda. Should we have done more on Clifford? I can second-guess everything until the cows come home. But I wish the investigation hadn't taken that long ... Thank God it wasn't one of those files where we had four or five dead people before we caught the guy. We could have, very easily."

Track has no such questions about the work of the police. They did an excellent job, he says. Nothing would have led them to focus on Sleigh as the prime suspect any earlier, unless they had been told when he first came to their attention in May 1993 that he had taken Kelly Smith's car on the morning Corinne was abducted, Sept. 6, 1992.

In the weeks since the May 25 verdict, Track has mainly felt relief, most of all that Sleigh will be in jail for a long time, possibly the rest of his life.

"I want to tell you why it's so important Clifford Sleigh got a life sentence. One of my favourite movies is *It's a Wonderful Life* by Frank Capra. George Bailey (the main character) was such a small person, but his acts affected so many other people. They sort of radiated out. You saw one little person, but how he could do so much good.

"Evil works exactly the same way, if you look at Clifford Sleigh and you look at how many people he has affected over the course of his life.

"That is our group's achievement in this particular case, that we have removed someone from society, and all he would continue to do would be to hurt children."