

IN THE SUPREME COURT OF ALBERTA
TRIAL DIVISION
JUDICIAL DISTRICT OF EDMONTON

No. 19144-C

BETWEEN:

R E G I N A

- vs -

ROBERT RAYMOND COOK

EXTRACTS FROM THE PROCEEDINGS at the opening of the above noted trial at the Court House, in the City of Edmonton, in the Province of Alberta, commencing at ten o'clock in the forenoon on Monday, the 20th day of June, A. D. 1960, and before The Honourable Mr. Justice H. W. Riley and a Jury, and taken in shorthand by S. M. Barnett, Official Court Reporter.

J. W. Anderson, Esq.,
H. F. Macdonald, Esq.,

For the Crown.

F. R. Dunne, Esq.,
D. P. McNaughton, Esq.,

For the Defence.

THE CLERK OF THE COURT: One at a time, sir?

THE COURT: Yes.

THE CLERK OF THE COURT: Thank you.

THE ORDERLY: This man wants to make an application.

THE CLERK OF THE COURT: My Lord --

THE ORDERLY: He says he is sick.

THE CLERK OF THE COURT: Just stand up.

HOWARD O. STRATTON: I haven't been feeling well, my doctor has been out of town, I couldn't get a letter from him, he said he would write me one but I couldn't get it through in time.

THE COURT: What do you say, Mr. Dunne?

MR. DUNNE: Nothing, sir.

THE COURT: Mr. Anderson?

MR. ANDERSON: I didn't hear all of it, sir.

THE COURT: He says he has not been feeling well and his doctor promised him a letter but he couldn't get it here on time.

MR. ANDERSON: Well, I have no strong representation.

THE COURT: Yes, but I am wondering, having been placed in that box, if it is not now too late.

MR. ANDERSON: Well, possibly technically, I think it would present difficulties to release him, sir, but if the Court believes it is in order the prosecution has no objection.

THE COURT: Who is your doctor?

HOWARD O. STRATTON: Dr. Friedman of the Weinlos Clinic.

THE COURT: Is he in town?

HOWARD O. STRATTON: He is this morning, yes, he was out on a call, I talked to him on the 'phone this morning.

THE COURT: No, I am not going to excuse you.

(AND THE JURY ARE SWORN.)

THE COURT: Mr. Stratton, I don't want you to think we are hard and feelingless at all, but criminal law is a highly technical thing and once you were placed in that box without objection by either counsel I am a little bit fearful what might result if I now excused you. Had you brought it to my attention before you were placed in that box I would have no doubt dealt with it somewhat differently, but you have got to appreciate my position too.

THE CLERK OF THE COURT: Will you stand up, please.

You, Robert Raymond Cook, stand charged that you, at the Town of Stettler, in the Province of Alberta, on or about the 25th day of June, 1959, did unlawfully murder Ray Cook, contrary to Section 206 of The Criminal Code.

How say you to this charge, do you plead guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK OF THE COURT: Hearken to your plea as the Court doth record it: "Not guilty".

THE COURT: Gentlemen of the Jury I know that

THE COURT:(Cont.) you are all here at some inconvenience to yourselves.

THE CLERK OF THE COURT: Sit down, Mr. Cook.

THE COURT: I know that you are all connected with businesses of one kind and another, probably all of you have families. I think what we will do before starting to hear evidence is to take half an hour off. You can use the 'phone in my waiting room in there and you can make such business arrangements and family arrangements as you deem necessary. I don't know how long we are likely to be here. Can counsel assist me at all on that?

MR. ANDERSON: I would hazard a suggestion, My Lord, that the case for the prosecution will run throughout the most part of Friday, sometime Friday.

THE COURT: That means we are into next week probably, does it not?

MR. ANDERSON: Yes sir.

THE COURT: I don't want you to commit yourself.

MR. DUNNE: I am reasonably satisfied, sir, that we will be into the second week.

THE COURT: What do you say about sitting from nine-thirty to twelve-thirty and from two to five? These cases have a habit of dragging on a little longer than they are estimated to. Does that satisfy counsel?

MR. ANDERSON: Yes sir, we are willing to give it a try, sir, we will complain if we find ---

THE COURT: I don't want to keep the Jury here any longer than necessary and I know you don't either,

THE COURT:(Cont.) either of you. Well, Gentlemen of the Jury, Court hours will be from nine-thirty to twelve-thirty and from two to five, at least initially, and if it doesn't work out we'll have to cut it down a little. I will arrange for coffee for you every morning at eleven, every afternoon at three-thirty.

Now, before you go to use the telephone there is one thing I want to say to you. You are to banish from your minds anything you may have heard, read or seen or anything else in connection with this case or as to how Ray Cook met his death. The case has received wide publicity in such means of dissemination of news as newspapers, radio, T.V.; it has been a matter of considerable talk, and I have no doubt you have heard gossip and rumours about it. All those things you are to completely banish from your minds and you are to go solely on the evidence you hear in this courtroom and from no other source, and the evidence will consist of the oral testimony given from the box and the exhibits that are placed in front of you.

Now, we will recess for half an hour.

Certified a correct transcript.

S. M. Barnett,
Official Court Reporter.

Edmonton, Alberta,
June 22nd, 1960.
jm.

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