

IN THE TRIAL DIVISION OF THE SUPREME COURT OF ALBERTA
JUDICIAL DISTRICT OF RED DEER

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

and

ROBERT RAYMOND COOK

Applicant

A F F I D A V I T

I, David P. McNaughton of the Town of Stettler in the Province of Alberta, solicitor, make oath and say:

1. THAT I am a member of the firm of Sloan and MacNaughton, solicitors for the defendant herein, and as such have a personal knowledge of the matters hereinafter deposed to except where stated to be on information and belief, and that I reside in the town of Stettler aforesaid.
2. THAT I have acted as the defendant's solicitor since shortly before his arrest on the 28th day of June A. D. 1959 on the present charge of murder.
3. THAT on the 10th day of July A. D. 1959 while the defendant was being held in custody at the Provincial Mental Hospital at Ponoka in the Province of Alberta following his remand on the said charge of murder, he escaped custody.
4. THAT a wide-spread and intensive search was made by the police for the following five days to locate and apprehend the defendant after his escape, in the course of which search armed police officers and armed members of the Canadian Army took part.

5. That wide-spread publicity was given to the fact of the escape and concerning the progress of the search throughout the Judicial District of Red Deer, such publicity being promulgated by newspaper, radio and television news broadcasts on a Canada-wide scale.

6. That the nature of such news dissemination was such as to cause wide-spread alarm and terror among the residents of the districts of Stettler, Erskine, Alix, Botha, and Bashaw, and throughout the Judicial District of Red Deer.

7. That the defendant was frequently referred to in such news publications and broadcasts as "mass murder suspect" and "mass killer suspect" thus adding to the alarm and terror of the residents of the said districts of Stettler, Erskine, Alix, Botha and Bashaw, in which districts the defendant was suspected to be hiding.

8. That it is common knowledge in the Stettler district that many farmers living in isolated areas of the said districts of Stettler, Erskine, Alix and Botha moved away from their farm homes into the town of Stettler and other centres of population because of fear and alarm for the safety of themselves and their families, and that other farmers readied fire-arms for the defence of themselves and their families.

9. That it is common knowledge in the said district of Stettler that a police guard was placed on the residence to the Police Magistrate at Stettler and publicity was given to such fact in various news publications and broadcasts.

10. That I verily believe that the defendant would not receive a fair trial in the Judicial District of Red Deer because of:

(a) Adverse comment in news publications and broadcasts highly

detrimental to a fair trial; and

- (b) Reasonable probability of partiality and prejudice against the accused in the locality from which the jury would be drawn.

11. That I verily believe that it is expedient to the ends of justice that an Order be made that the trial of the defendant be held in a territorial division in the Province of Alberta, other than the Judicial District of Red Deer.

SWORN before me at the Town of
Stettler, in the Province of
Alberta, this ⁶ day of May
A. D. 1960

G. A. Blom

David C. MacKinnon

—
A Commissioner for Oaths in and for
the Province of Alberta.

