

## APPENDIX

ORDER IN COUNCIL RESPECTING STEVEN TRUSCOTT

P.C. 1966-760

AT THE GOVERNMENT HOUSE  
AT OTTAWATUESDAY, the 26th day  
of APRIL, 1966

## PRESENT:

His Excellency

The Governor General in Council.

Whereas there has been laid before His Excellency the Governor General in Council a report from the Solicitor General substantiating

That Steven Murray Truscott was convicted at Goderich, Ontario, on September 30, 1959, of the murder of Lynne Harper and sentenced to death;

That Steven Murray Truscott appealed the said conviction to the Court of Appeal of Ontario by which court the said appeal was dismissed;

That Steven Murray Truscott thereupon applied for leave to appeal to the Supreme Court of Canada by which court the said application was refused, the court at that time having jurisdiction to entertain such an appeal on questions of law only;

That on January 21, 1960, His Excellency in Council was pleased to commute the sentence of death so passed upon Steven Murray Truscott to a term of life imprisonment in Kingston penitentiary where Steven Murray Truscott is now confined;

That on September 1, 1961, section 597A of the Criminal Code came into force whereby a person who has been sentenced to death and whose conviction has been affirmed by the

court of appeal may appeal to the Supreme Court of Canada on any ground of law or fact or mixed law and fact;

That there exists widespread concern as to whether there was a miscarriage of justice in the conviction of Steven Murray Truscott and it is in the public interest that the matter be inquired into;

That for the purpose of said inquiry the question hereinafter set out should be referred to the Supreme Court of Canada pursuant to section 55 of the Supreme Court Act;

Therefore, His Excellency the Governor General in Council, with and by virtue of the authority conferred by section 55 of the Supreme Court Act, is pleased to refer and doth hereby refer to the Supreme Court of Canada for hearing and consideration the following question?

"Had an appeal by Steven Murray Truscott been made to the Supreme Court of Canada as is now permitted by section 597A of the Criminal Code of Canada, what disposition would the court have made of such appeal on a consideration of the existing record and such further evidence as the court, in its discretion, may receive and consider?"

Certified to be a true copy,

R. G. Robertson,

Clerk of the Privy Council.