

NOVA SCOTIA COURT OF APPEAL

Citation: *Blais v. Canada (Attorney General)*, 2012 NSCA 109

Date: 20121011

Docket: CA 373199

Registry: Halifax

Between:

Michel Joseph Blais

Appellant

v.

Attorney General of Canada

Respondent

Judges: The Honourable Justices Hamilton, Beveridge and Bryson

Appeal Heard: September 26, 2012

Subject: *Habeas corpus*

Summary: The appellant claimed his parole proceedings were unfair. He pursued a remedy using the processes set out in the *Corrections and Conditional Release Act*, S.C. 1992, c. 20, and eventually by way of an application for judicial review to the Federal Court. In addition, he sought to challenge the legality of the parole proceedings by bringing an application for *habeas corpus* to a judge of the Nova Scotia Supreme Court. That judge declined to exercise the jurisdiction of the Court. The appellant appealed claiming the judge was wrong not to exercise the Court's jurisdiction.

Issue: Did the judge err in her decision to decline to entertain the appellant's application for *habeas corpus*.

Result: The judge correctly identified the principles that guide a decision by a provincial superior court to hear or decline an

application for *habeas corpus*, and she committed no reversible error in the application of those principles. The appeal is therefore dismissed.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.