

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Carroll v. Canada (Attorney General)*, 2017 NSCA 66

**Date:** 20170713

**Docket:** CA 448585

**Registry:** Halifax

**Between:**

Robert Charles Carroll

Appellant

v.

The Attorney General of Canada

Respondent

---

**Judges:** The Honourable Justice Elizabeth Van den Eynden  
The Honourable Chief Justice Michael MacDonald, dissenting

**Appeal Heard:** January 18, 2017, in Halifax, Nova Scotia

**Subject:** Extradition. s. 7 *Charter*. Principles of fundamental justice. Assurances

**Summary:** The United States requested extradition of Mr. Carroll to stand trial in Minnesota for sexual misconduct offences. The Minister of Justice and Attorney General of Canada (Minister) ordered his surrender. Mr. Carroll applied for judicial review claiming the decision to surrender was unreasonable. Mr. Carroll is concerned that, if convicted, there is a real risk he will face indefinite civil commitment under Minnesota's Sex Offender Program (MSOP) after he serves any penal custodial sentence. He argued indefinite detention would violate his s. 7 *Charter* rights. He requested the surrender order be set aside and the matter returned to the Minister for redetermination.

**Issues:** Was the Minister's decision to surrender reasonable?

**Result:** Application allowed. Minister failed to consider all the relevant evidence and conduct a proper analysis. Decision unreasonable in these circumstances. Surrender decision set aside and matter remitted to Minister for redetermination with directions.

MacDonald, C.J.N.S. (dissenting): Decision to surrender was reasonable. Minister committed no reviewable error.

*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 37 pages.*