

SUPREME COURT OF NOVA SCOTIA

Citation: Wilson v. Canada (Attorney General), 2011 NSSC 143

Date: 20110408

Docket: Amh. No. 342924

Registry: Amherst

Between:

Karl Anthony Wilson

-and-

Attorney General of Canada

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Judge: The Honourable Justice Robert W. Wright

Heard: April 8, 2011 in Amherst, Nova Scotia

Oral

Decision: April 8, 2011

Written

Decision: April 13, 2011

Subject: *Habeas Corpus* Application by inmate denied parole - whether this court should assume or decline jurisdiction.

Summary: The applicant, an inmate in the Springhill Institution serving a sentence for manslaughter, applied to the National Parole Board for day parole. He was unsuccessful and his appeal to the National Parole Board Appeal Division, a federal tribunal, was likewise denied.

Instead of applying for judicial review of that decision to the Federal Court (which has exclusive jurisdiction to hear judicial review applications from federal tribunal decision), the applicant filed a *habeas corpus* application in this court. He thereby sought to have this court set aside the decision of the Appeal Division of the National Parole Board and to either be granted full parole or have his case remitted to a differently constituted panel of the board.

Issue: In light of the federal statutory regime conferring exclusive jurisdiction upon the National Parole Board for the granting of parole to an offender, coupled with the statutory jurisdiction of the Federal Court to exercise judicial oversight of parole board decisions, ought this court assume or decline its concurrent jurisdiction to hear the *habeas corpus* application to set aside the board's decision?

Result: Counsel were unable to find any reported cases where a provincial superior court has assumed jurisdiction on a *habeas corpus* application from a decision of the Appeal Division of the National Parole Board denying parole. Although it was recognized that this court has concurrent jurisdiction on a *habeas corpus* application with that of the Federal Court on a judicial review from a decision of the National Parole Board, the court exercised its discretion to decline that jurisdiction on the facts of this case. The *habeas corpus* application was therefore dismissed.

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT THE COVER
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