

CANADA / JUDGMENT

Pinkney v. William Head Institution

2001 BCCA 588

COURT

British Columbia Court of Appeal

DECIDED

2 October 2001

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2001BCCA0588 Citation: Pinkney v. William Head Institution et al. Date:20011002 2001 BCCA 588
Docket: CA28359 Registry: Victoria COURT OF APPEAL FOR BRITISH COLUMBIA ORAL REASONS
FOR JUDGMENT The Honourable Mr. Justice Donald October 2, 2001 The Honourable Mr. Justice
Mackenzie The Honourable Mr. Justice Low Victoria, B.C. BETWEEN: JOHN R. PINKNEY
APPELLANT AND: WARDEN - WILLIAM HEAD INSTITUTION NATIONAL PAROLE BOARD
(PACIFIC) RESPONDENTS John R. Pinkney Appearing on his own behalf Malcolm Palmer
Appearing for the Respondents

- [1] MACKENZIE J.A.: This is an appeal of the decision of Mr. Justice Lowry of 13 March, 2001, dismissing the appellant's petition for relief in the nature of habeas corpus with certiorari in aid.
- [2] The appellant is currently serving a sentence of 18 years, 2 months and 16 days for various criminal offences, including robbery and armed robbery. He has been before the National Parole Board on a number of occasions in a relatively complicated history involving his day parole. Some of those matters have been pursued before the Board and in the Federal court, alleging errors made by the Board in various aspects of the appellant's day parole disposition. The appellant has achieved at least some success in Federal court on some of his applications.
- [3] The decision of Mr. Justice Lowry under appeal was essentially that the Supreme Court should not exercise its habeas corpus jurisdiction because the appellant had not exhausted his remedies before the National Parole Board under its internal process, and in the Federal court on appeal from the Board.
- [4] I can see no error in Mr. Justice Lowry's conclusion in that respect and, accordingly, I would dismiss the appeal for the reasons given by Mr. Justice Lowry.
- [5] DONALD J.A.: I agree.
- [6] LOW J.A.: I agree.
- [7] DONALD J.A.: I agree. The appeal is dismissed. "The Honourable Mr. Justice Mackenzie"

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