In The
Supreme Court of Canada

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN

ROBERT A. CANNON

Applicant,

(Appellant)

AND

v.

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, HONOURABLE J.W. ELSON, KATHLEEN CHRISTOPHERSON, GLEN METIVIER, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, THE BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, GARY LUND, CIPRIAN BOLAH, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, SASKATCHEWAN HEALTH AUTHORITY, REBECCA SOY, PUBLIC HEALTH AUTHORITY, KEN STARTUP, BATTLEFORD UNION HOSPITAL, REGINALD CAWOOD, SASKATCHEWAN HOSPITAL, TONYA BROWARNY, MATRIX LAW GROUP, PATRICIA J. MEIKLEJOHN, CLIFF A. HOLM, ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF SASKATCHEWAN, ROBERT H. MCDONALD, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, CONSTABLE CARTIER, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, OWZW LAWYERS LLP, VIRGIL A. THOMSON AND KIMBERLEY RICHARDSON.

Respondents.

(Respondents)

APPLICATION FOR LEAVE TO APPEAL

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FORM 25

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

Section 40(1), 44, and 55 of the *Supreme Court Act*,

Section 3-63 and 3-64 of *The Queen's Bench Rules*,

Sections 7 and 10(c) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, chapter 11,

Section 269.1 of the *Criminal Code of Canada*,

Article 6 and 9 of the *UN Universal Declaration of Human Rights*, and

Article 2, 12, and 13 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

TAKE NOTICE that the *Applicant* ROBERT A. CANNON applies for leave to appeal to the SUPREME COURT OF CANADA, under section 40(1), 44, and 55 of the *Supreme Court Act*, section 3-63 and 3-64 of *The Queen's Bench Rules*, sections 7 and 10(c) of the *Canadian Charter of Rights and Freedoms*, section 269.1 of the *Criminal Code of Canada*, article 6 and 9 of the *UN Universal Declaration of Human Rights*, and article 2, 12, and 13 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* from the judgment of the COURT OF APPEAL FOR SASKATCHEWAN in CACV3708 made on May 18 of 2021 dismissing an application for writ of habeas corpus and any other order that the Court may deem appropriate.

AND FURTHER TAKE NOTICE that this application is made on the following grounds:

The COURT OF APPEAL FOR SASKATCHEWAN acted against good faith by recognizing and citing acts of judicial interference and criminal activity by the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN and ROYAL CANADIAN MOUNTED POLICE—an unlawful arrest in front of court preventing the attendance of DALE J. RICHARDSON which a Deputy Sheriff of the court participated in and subsequent dismissal of the corporate lawsuit he was representing *sine die* and the arbitrary unfiling of the third amendment of the application for writ of habeas corpus by the *Applicant*—in its orders for an application for writ of habeas corpus, but took no action to investigate or correct the same, which is the nature of the writ and a violation of section 10(c) of the *Canadian Charter of Rights and Freedoms*;

The COURT OF APPEAL FOR SASKATCHEWAN acted against good faith by recognizing and citing an act of torture by the SASKATCHEWAN HEALTH AUTHORITY and ROYAL CANADIAN MOUNTED POLICE—after the unlawful arrest, DALE J. RICHARDSON being taken to BATTLEFORDS UNION HOSPITAL where he was immediately strapped to bed and forcibly administered psychoactive drugs against his will which prevented him from appealing the decision of the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN which exceeded its jurisdiction—in its orders for an application for writ of habeas corpus, but took no action to investigate or correct the same, which is the nature of the writ and a violation of article 2, 12, and 13 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*;

The COURT OF APPEAL FOR SASKATCHEWAN acted against good faith by not applying the section 10(c) right from *Canadian Charter of Rights and Freedoms* (the "*Charter*") to the application for writ of habeas corpus for the infant child KARIS K.N. RICHARDSON setting the precedent that children are not persons under the *Charter* citing statutory family law as superseding the *Charter* while ignoring the fact that the writ was issued against JUSTICE R.W. ELSON which was responsible for administering such statutory family law and that JUSTICE N.D. CROOKS dismissed the application for KARIS K.N. RICHARDSON on the **bold** assumption that she was under a "lawful order of the court" without ever testing the same by way of habeas corpus—in violation of section 10(c) of the *Charter* and article 6 of the *UN Universal Declaration of Human Rights*;

The COURT OF APPEAL FOR SASKATCHEWAN acted against good faith by exceeding its jurisdiction purportedly using discretionary power to not hear the constitutional questions with respect to the forced medical treatment—including without limitation strapping DALE J. RICHARDSON to a bed and drugging him against his will—permitted by sections 18, 18.1, 19, 20, 21, and 34 of *The Mental Health Services Act* and sections 38, 45, and 45.1 of *The Public Health Act, 1994* and by purportedly using discretionary power to refuse fresh evidence of fraud and conspiracy by rogue agents of INNOVATION CREDIT UNION to restrict the liberty of DALE J. RICHARDSON given the substantial financial liability the same would incur if the corporate lawsuit he was hindered from representing was realized which is motive;

The COURT OF APPEAL FOR SASKATCHEWAN acted against good faith by proceeding to punish the *Applicant* for exercising the section 10(c) *Canadian Charter of Rights and Freedoms* right to an application for writ of habeas corpus for DALE J. RICHARDSON who was strapped to a bed and drugged against his will for seeking remedy against the Canadian provincial and federal governments and the abduction of his infant daughter KARIS K.N. RICHARDSON by the power court but without due process, by ordering costs in the amount of $12,000 to the *Respondents* instead of investigating and correcting the gross miscarriage of justice in the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN which necessitated a private citizen with no prior experience in law or

litigation to take legal action against those who committed such offences and the ATTORNEY GENERAL OF CANADA which defends the same, which is a violation of the fundamental principles of justice.

The COURT OF APPEAL FOR SASKATCHEWAN has not taken any action in any capacity to correct the injustices herein and never will because the same has decided to endorse the actions of the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN even though it was unrepresented, the SASKATCHEWAN HEALTH AUTHORITY, and the ROYAL CANADIAN MOUNTED POLICE purporting that dismissal of the appeal by the *Applicant* are based on merit alone, and in such dismissal has shown that the *Constitution of Canada* has no validity in the PROVINCE OF SASKATCHEWAN.

SIGNED BY

June 16, 2021

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NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days of the date a file number is assigned in this matter. You will receive a copy of the letter to the applicant confirming the file number as soon as it is assigned. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration.

APPLICANT'S MEMORANDUM OF ARGUMENT

PART I – STATEMENT OF FACTS

1. DALE J. RICHARDSON ("DALE") and his daughter KAYSHA F.N. DERY ("KAYSHA") sought opportunity to minister SEVENTH-DAY ADVENTIST CHURCH doctrine to the Battlefords and surrounding Indigenous communities. On April 1 of 2020, DALE founded DSR Karis Consulting Inc. ("DSR KARIS"), a Canadian federal corporation pursuant to the *Canada Business Corporations Act* which is a distinct natural person under subsection 15(1) of the same, to further this ministry, specifically in the field of mechanical engineering.

2. DSR KARIS, named after his infant daughter KARIS K.N. RICHARDSON ("KARIS"), sought to help local businesses with their Covid response by installing safe Heating, Ventilating, and Air Conditioning systems that mitigate the spread of contagions, an *essential service*, and build a future for his children; DALE would do anything for his children. DSR KARIS was pursuing opportunities to help educate Indigenous persons and women in the field of engineering and offered its *essential services* at cost to all not-for-profits and houses of worship in the Battlefords and surrounding areas in an effort to help faith communities open their doors again, this is engineering reimagined. Unfortunately, due to a series of coordinated efforts by unscrupulous persons, this ministry was hindered.

A. Criminal Negligence

3. DSR KARIS was hindered by the criminally negligent recommendations for Covid response from the SASKATCHEWAN HEALTH AUTHORITY which motivated businesses, already cash-strapped from the global shutdown, to hire unqualified professionals to install Heating, Ventilating, and Air Conditioning systems to mitigate the spread of contagions, such systems were not effective from an engineering perspective and threatened the safety of the general public. After repeated pleas to the SASKATCHEWAN HEALTH AUTHORITY to have a qualified engineer review its recommendations, on July 7 of 2020, DSR KARIS notified INNOVATION CREDIT UNION about the criminal negligence requesting that it fulfill its fiduciary duty to its members by notifying them of the same as it related to the *Non-Disclosure Agreement* that exists between them. INNOVATION CREDIT UNION responded by conspiring to limit DSR KARIS's access to INNOVATION CREDIT UNION and its members by ROYAL CANADIAN MOUNTED POLICE intervention which was a breach of the *Non-Disclosure Agreement*. In response to a complaint of uttering threats made against DALE, he provided evidence to the contrary and on June 16 of 2020, the ROYAL

CANADIAN MOUNTED POLICE attempted to return part of that evidence without conducting a proper investigation. DSR KARIS made a complaint and provided evidence to the ROYAL CANADIAN MOUNTED POLICE about the criminal negligence under sections 219 and 220 of the *Criminal Code of Canada* which to its knowledge was never investigated.

4. While DSR KARIS was pursuing the foregoing, its Chief Executive Officer, DALE, was being persecuted by the SEVENTH-DAY ADVENTIST CHURCH in collusion with his wife KIMBERLY A. RICHARDSON ("KIM") for adhering to its doctrine and his infant daughter KARIS was wrongfully removed and retained by his wife KIM on June 1 of 2020 under threat of ROYAL CANADIAN MOUNTED POLICE intervention and tortured as a person and third person under 269.1 of the *Criminal Code of Canada*. The SEVENTH-DAY ADVENTIST CHURCH members responsible for such persecution including without limitation CLIFFORD A. HOLM advocate MASONIC dogma in the church and one of their close friends JEANNIE JOHNSON has ties to the SASKATCHEWAN HEALTH AUTHORITY, even possessing the influence to hire DALE's daughter KAYSHA as a permanent employee and *peace officer* at SASKATCHEWAN HOSPITAL where she was tortured under 269.1 of the *Criminal Code of Canada*.

5. Prior to being tortured at SASKATCHEWAN HOSPITAL, KAYSHA made complaints on July 10 of 2020 to the CANADIAN UNION OF PUBLIC EMPLOYEES about workplace safety at SASKATCHEWAN HOSPITAL, having prior knowledge of the criminal negligence being the Chief Communication Officer of DSR KARIS, and about discrimination against those of INDIGENOUS and MÉTIS descent in her workplace to which she belongs as she identifies as EUROPEAN, CARIBBEAN, and MÉTIS. Such discrimination based on race by employees of SASKATCHEWAN HOSPITAL inflicts severe mental pain and suffering on such minorities in their care and is *torture* under 269.1 of the *Criminal Code of Canada* as all permanent employees of SASKATCHEWAN HOSPITAL are *peace officers* and *officials* under the same.

6. In the interest of the general public, DSR KARIS with its low socioeconomic status, sought remedy by *pro se* legal representation against the SASKATCHEWAN HEALTH AUTHORITY for its criminal negligence under sections 219 and 220 of the *Criminal Code of Canada* with INNOVATION CREDIT UNION and the ROYAL CANADIAN MOUNTED POLICE as joint respondents for conspiracy and accessory after the fact under sections 465(1) and 463 of the *Criminal Code of Canada* and with the SEVENTH-DAY ADVENTIST CHURCH as a joint respondent for its members affiliation with the SASKATCHEWAN HEALTH AUTHORITY and their relentless persecution of its Chief Executive Officer, DALE, and Chief Communication Officer, KAYSHA, which seemingly happened in response to inquiry into the SASKATCHEWAN HEALTH AUTHORITY, INNOVATION CREDIT UNION, and the ROYAL CANADIAN MOUNTED POLICE.

7. DSR KARIS submitted a *pro se* originating application in the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN THE JUDICIAL CENTRE OF BATTLEFORD on July 16 of 2020 which sought an order for an investigation into INNOVATION CREDIT UNION under *The Credit Union Act, 1998*, a Saskatchewan statute, arising from the infringement of the *Non-Disclosure Agreement*.

8. The in chambers date for such application was scheduled for July 23 of 2020.

B. The July 23rd Terrorist Attacks

9. After many failed attempts by the SASKATCHEWAN HEALTH AUTHORITY and ROYAL CANADIAN MOUNTED POLICE to intimate and coerce KAYSHA and her father DALE from attending the hearing on behalf of DSR KARIS under the guise of the Covid emergency and self-isolation, KAYSHA and her father DALE decided in the interest of the general public and CHRISTIANS and CATHOLICS everywhere to attend the hearing on behalf of DSR KARIS to expose the mismanagement of the Covid emergency in SASKATCHEWAN.

10. On July 23rd of 2020 at approximately 10:00 AM CST, DALE, the power of attorney for DSR KARIS, was detained under *The Mental Health Services Act* and KAYSHA, the Chief Communication Officer for DSR KARIS, was detained under *The Public Health Act, 1994* while acting on behalf of DSR KARIS. DALE and KAYSHA were both detained at the same time and place by six ROYAL CANADIAN MOUNTED POLICE officers and the COURT DEPUTY SHERIFF for different reasons with no declared warrant in front of the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN THE JUDICIAL CENTRE OF BATTLEFORD minutes before they were to attend a hearing for DSR KARIS to expose the mismanagement of the Covid emergency in SASKATCHEWAN. As predicted by CONSTABLE READ during the unlawful arrest, JUSTICE R.W. ELSON adjourned the hearing; it was adjourned *sine die*, meaning it could not be reopened without the consent of the respondents.

11. While DSR KARIS was pursuing the foregoing litigation, DALE's wife filed for divorce under the legal counsel of PATRICIA J. MEIKLEJOHN of MATRIX LAW GROUP LLP, the partner of CLIFFORD A. HOLM who was one of the influential persons advocating MASONIC dogma in the BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH. The in chambers date for such divorce petition was scheduled for July 23 of 2020 on the same docket seemingly as punishment for pursing litigation on behalf of DSR KARIS against the SEVENTH-DAY ADVENTIST CHURCH, the SASKATCHEWAN HEALTH AUTHORITY, INNOVATION CREDIT UNION, and the ROYAL CANADIAN MOUNTED POLICE for the mismanagement of the Covid emergency in SASKATCHEWAN. JUSTICE R.W. ELSON also presided over DALE's divorce case and on July 22 of 2020 requested that his wife KIM draft an interim order for the

hearing the following day; JUSTICE R.W. ELSON granted this interim order on July 23 of 2020 while DALE was absent, as he was detained for mental health, which gave his wife KIM possession of their house and right to sell and DSR KARIS's corporate records and registered office and gave her custody of KARIS. Later that day, KIM with her family and in the presence of the ROYAL CANADIAN MOUNTED POLICE came and took possession of DSR KARIS's property except for its corporate phone from ROBERT A. CANNON ("ROBERT"), a UNITED STATES citizen, through intimation and coercion by armed ROYAL CANADIAN MOUNTED POLICE officers.

12. When the JUSTICE R.W. ELSON discovered DSR KARIS's articles of incorporation, specifically the share transfer restrictions clause, he realized their egregious failure. The shares could only be transferred upon consent through resolution by the sole director of DSR KARIS, DALE, and declaring him mentally insane was of no consequence, the shares could not be transferred to KIM. DSR KARIS offers *essential services* and interfering with or causing a severe disruption to an *essential service* is *terrorist activity* under subsection 83.01(1)(b)(ii)(E) of the *Criminal Code of Canada* and every person who knowingly participates in carrying out *terrorist activity* is guilty under 83.18(1) of the same. Since July 23 of 2020, DSR KARIS has been unable to conduct its *essential services*, and the MASONIC conspirators have sought to cover up this terrorist attack against a UNITED STATES citizen.

13. DALE and KAYSHA were both tortured by *peace officers* and *officials* under section 269.1 of the *Criminal Code of Canada* and the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the "*UN Torture Convention*") binding in CANADA during their arbitrary, unconstitutional, and unlawful detainment. DALE was taken to BATTLEFORDS MENTAL HEALTH CENTRE and was strapped to a bed by ROYAL CANADIAN MOUNTED POLICE while SASKATCHEWAN HEALTH AUTHORITY *officials* drugged him against his will with two needles, one in each arm. DALE was administered drugs against his will whenever he asked for the warrant for his detainment which was finally given to him after a few days of detainment. DALE was *officially* admitted to BATTLEFORDS MENTAL HEALTH CENTRE on July 24 of 2020 for "paranoid religious, persecutory and grandiose delusions" *after* he was drugged on July 23 of 2020 and it was determined by *biased* medical professionals that he must be tied to a bed and drugged to cure him. CONSTABLE BURTON said "cause it's a little different—Saskatchewan health care compared to Manitoba" and that he had been there for about 7 years in response to DALE's mother AGATHA RICHARDSON saying "You should see his feet, I mean we don't restrain people like that". After being interrogated at BATTLEFORDS UNION HOSPITAL for hours, KAYSHA was taken by

ROYAL CANADIAN MOUNTED POLICE to SASKATCHEWAN HOSPITAL, where she was also employed as a *peace officer* and had active complaints against through CANADIAN UNION OF PUBLIC EMPLOYEES regarding discrimination and occupational health and safety issues with its Heating, Ventilating, and Air Conditioning systems. KAYSHA was detained while her union meeting was outstanding and she has never had the opportunity to meet with the union since, but is still a permanent employee and *peace officer* at SASKATCHEWAN HOSPITAL. DALE and KAYSHA were only released from detainment after an *Application for a Writ of Habeas Corpus Ad Subjiciendum* was filed for them.

14. Only after DALE and KAYSHA were secured in SASKATCHEWAN HEALTH AUTHORITY and subjected to torture, and ROBERT removed from the property with the ROYAL CANADIAN MOUNTED POLICE being integral to the process, did JUSTICE R.W. ELSON issue the interim order. It is indisputably clear that unlawful force used to seize possession of the registered office of DSR KARIS.

C. Habeas Corpus Ad Subjiciendum

15. ROBERT made repeated attempts to file an *Application for a Writ of Habeas Corpus Ad Subjiciendum* for DALE and KAYSHA against the SASKATCHEWAN HEALTH AUTHORITY and ROYAL CANADIAN MOUNTED POLICE, first *ex parte* and after with notice with overwhelming evidence of their arbitrary, unconstitutional, and unlawful detainment which included video, audio, and documentary evidence; the application was submitted to a different judicial centre than BATTLEFORD, the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN THE JUDICIAL CENTRE OF SASKATOON in accordance with its court rules as it was closest to ROBERT's residential address. ROBERT's third amendment to the *Application for a Writ of Habeas Corpus Ad Subjiciendum* was served to the SASKATCHEWAN HEALTH AUTHORITY, but the ROYAL CANADIAN MOUNTED POLICE refused service for such application and stated that ROBERT's evidence would not be added to the ongoing criminal negligence investigation unless he was a witness, in which case he would have to attend the BATTLEFORDS ROYAL CANADIAN MOUNTED POLICE detachment, the ROYAL CANADIAN MOUNTED POLICE detachment responsible for DALE's and KAYSHA's detainment. At the time, ROBERT did not feel comfortable leaving the jurisdiction of the SASKATOON POLICE SERVICE where the ROYAL CANADIAN MOUNTED POLICE have no jurisdiction. KAYSHA was released before the third amendment and DALE was released shortly after the third amendment was served to the SASKATCHEWAN HEALTH AUTHORITY which is responsible for SASKATCHEWAN HOSPITAL, BATTLEFORDS UNION HOSPITAL, and BATTLEFORDS MENTAL HEALTH CENTRE.

16. ROBERT with DALE and KAYSHA proceeded to attend the hearing for the foregoing application supposedly scheduled for Aug 18 of 2020 to request that an investigation be conducted into their arbitrary, unconstitutional, and unlawful detainment. They were denied entry to the hearing as the registrar claimed that the such application did not exist, after such was disproven then claimed that it was never served, and after such was disproven then claimed that it was unfiled despite proof of the dependent notice of expedited procedure being filed. After these incoherent discussions with the registrar, ROBERT, DALE, and KAYSHA proceeded to flee the jurisdiction of SASKATCHEWAN without delay.

17. ROBERT later filed by mail the fourth and fifth amendments to the *Application for a Writ of Habeas Corpus Ad Subjiciendum* which added DALE's infant daughter KARIS and his affiliate CHRISTY DAWN PENBRUM ("CHRISTY"), who was punished for associating with him during his detainment, to those applied for, additional respondents, and orders similar to those in the application by DSR KARIS for July 23 of 2020 for an investigation into INNOVATION CREDIT UNION that were judicially interfered with. JUSTICE N.D. CROOKS presided over this application on September 10 of 2020 and dismissed the matter in the first hearing in chambers on *fake* technicalities and without hearing the evidence in court, despite purporting that she reviewed the evidence *in her official capacity*; JUSTICE N.D. CROOKS ordered ROBERT to pay costs which is expected in an *Application for a Writ of Habeas Corpus Ad Subjiciendum* if it is determined by the justice to be frivolous and vexatious. On September 22 of 2020, ROBERT filed an appeal to JUSTICE N.D. CROOKS's decision in the COURT OF APPEAL FOR SASKATCHEWAN. Given the corruption demonstrated in the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, the ROYAL CANADIAN MOUNTED POLICE which is the *national police force*, and the SEVENTH-DAY ADVENTIST CHURCH which is a *centrally governed international church*, KAYSHA did not feel safe in CANADA anymore and decided to seek refuge in her ancestral homeland in the STATE OF MONTANA on October 1 of 2020.

18. On October 5 of 2020, JUSTICE J.A. SCHWANN of the COURT OF APPEAL FOR SASKATCHEWAN ruled that ROBERT's lawful application for dispensing with service which was *intentionally* misinterpreted as *ex parte* would not be permitted despite the overwhelming evidence of corruption and she ordered that ROBERT would need to serve the respondents appeal books to proceed with the hearing which would take multiple months; such order constitutes a suspension of *Writ of Habeas Corpus* which is permissible in CANADA as the *Canadian Charter of Rights and Freedoms* permits human

rights violations if they are to *such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society*.

D. Extreme Prejudice

19. On January 26 of 2021, ROBERT received notice of an upcoming hearing for the appeal to the first habeas corpus in CANADA suspended by JUSTICE J.A. SCHWANN and submitted four months prior on September 23 of 2020; the appeal was to be heard on March 1 of 2021 and ROBERT would be given four hours to present the case. On January 29 of 2021, ROBERT attempted to file an *Ex Parte Motion for Leave to Appeal to the Supreme Court for Writ of Habeas Corpus* which purported the prejudice demonstrated by JUSTICE J.A. SCHWANN and JUSTICE J.A. CALDWELL of the COURT OF APPEAL FOR SASKATCHEWAN and requested the *habeas corpus* to be referred to the SUPREME COURT OF CANADA; otherwise, the COURT OF APPEAL FOR SASKATCHEWAN would have to decide whether to put JUSTICE J.A. SCHWANN and JUSTICE J.A. CALDWELL in prison. Such motion was denied by JUSTICE RALPH K. OTTENBREIT purporting that he did not have the authority to file it. Under the instruction of JUSTICE RALPH K. OTTENBREIT, ROBERT served and filed a *Motion to Adduce Fresh Evidence for a Writ of Habeas Corpus* which included such request to refer the case to a higher authority and included evidence of the involvement the rogue agents of INNOVATION CREDIT UNION in the July 23rd Terrorist Attacks such agents stood the most to gain from the fraudulent orders of JUSTICE R.W. ELSON.

20. On February 24 of 2021, JUSTICE J.D. KALMAKOFF of the COURT OF APPEAL FOR SASKATCHEWAN presided over writ of mandamus and prohibition in chambers; during such hearing, he presumed to shield opposing counsel from questions as to where the sudden windfall came to pay for the previously infeasible legal fees on appeal purporting that such had no relevance. DALE learned on March 14 of 2021 that KIM came into money from mortgage fraud which included rogue elements of INNOVATION CREDIT UNION by the fraudulent sale of his house without his knowledge or consent and the unlawful transfer of the title by way of an application to COURT OF QUEEN'S BENCH FOR SASKATCHEWAN for transfer without notice which varied the orders of Justice R.W. Elson in contravention to applicable law which requires DALE to be present for the varying of orders. JUSTICE J.D. KALMAKOFF then proceeded to participate in the *unauthorized practice of law* when he *assumed* the role of opposing council to strike down the writ which was to force the *officials* of the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN to follow their own laws and rules to accept evidence of *torture* and *judicial interference* to allow *due process of law* in his appeal for the *right of custody*.

21. JUSTICE J.D. KALMAKOFF was unable to declare DALE mentally ill in chambers due to the overwhelming evidence to the contrary and was forced to simply construe him as such in his subsequent brief of law disguised as court orders which purported that DALE being strapped to a bed and drugged against his will and the abduction of his children was not *torture*. JUSTICE J.D. KALMAKOFF refused to make a decision based on the facts and legal arguments presented in the hearing; in the absence of PATRICIA J. MEIKLEJOHN making any legal arguments or presenting any evidence, JUSTICE J.D. KALMAKOFF went and created legal arguments for her and disregarded compelling evidence to the contrary in order to commit purgery in his brief of law to shield INNOVATION CREDIT UNION, the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, the mortgage fraud involving both, as the court would possess the funds pursuant to the final orders of JUSTICE R.W. ELSON disguised an interim orders. JUSTICE J.D. KALMAKOFF was caught exercising *extreme prejudice* and misrepresenting the law in an attempt to avoid the responsibility of his position and his responsibilities under the *UN Torture Convention*.

22. On March 1 of 2021, ROBERT was ambushed by a panel of judges, specifically JUSTICE JACELYN RYAN-FROSLIE, JUSTICE GEORGINA JACKSON, and JUSTICE B.A. BARRINGTON-FOOTE (the "***Panel***") as he was not notified that DALE would be speaking in the hearing. The *Panel* attempted to *exceed* their jurisdiction purporting that they would decide on whether the constitutional questions pertaining to *forced medical treatment* would be permitted in the court room which beyond the scope of their power as defined by law. After witnessing the respondents request the court to punish ROBERT on their word alone in order to *torture* DALE, KARIS, and KAYSHA, the *Panel* decided to suspend their decision which *tortured* them anyway even after MICHAEL B. GRIFFIN was caught implicating all of the respondents in purgery and conspiracy to commit torture, terrorism, and restrict a persons liberty when he claimed that DALE and DSR KARIS were ROBERT's clients and that ROBERT should be held financially responsible for their actions, both of which were lies.

23. One of the main perpetrators of the mortgage fraud, VIRGIL A. THOMSON of OWZW LLP, was not present and the only intervenor for the constitutional questions, LYNN CONNELLY representing the ATTORNEY GENERAL OF SASKATCHEWAN, was not present. The ATTORNEY GENERAL OF CANADA was present, but was not an intervenor in the constitutional questions—leaving the factums requesting the questions to be struck down defenceless.

24. On February 28 of 2021, KAYSHA submitted from federal prison to the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT and the SUPREME COURT OF THE UNITED STATES applications relating to habeas corpus and the whistling-blowing the invariable

pursuit of the Object perpetuated by the Province to the North, also known as Canada, a country known for *torturing* its citizens abroad.

PART II – STATEMENT OF THE QUESTIONS IN ISSUE

25. Is the refusal of the court of last resort for the PROVINCE OF SASKATCHEWAN to recognize children as persons under the *Canadian Charter of Rights and Freedoms*—specifically with respect to the right to life, liberty and security of the person and the right not to be deprived thereof under section 7 and the right to writ of habeas corpus under section 10(c)—*despotism* to a candid world, a *crime against humanity* under article 7 and *war crime* under article 8 of the *Rome Statute*, and a *threat to the peace, breach of the peace, or act of aggression* under article 39 of the *United Nations Charter*?

26. Is the legalization of *torture* by way of forced medical treatment under *The Mental Health Services Act* and *The Public Health Act, 1994* in the PROVINCE OF SASKATCHEWAN in contravention to *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment despotism* to a candid world, a *crime against humanity* under article 7 and *war crime* under article 8 of the *Rome Statute*, and a *threat to the peace, breach of the peace, or act of aggression* under article 39 of the *United Nations Charter*?

27. Is the refusal of the court of last resort for the PROVINCE OF SASKATCHEWAN to honour and exercise the right of *Writ of Habeas Corpus* against a Justice or Court involving torture and judicial interference *despotism* to a candid world, a *crime against humanity* under article 7 and *war crime* under article 8 of the *Rome Statute*, and a *threat to the peace, breach of the peace, or act of aggression* under article 39 of the *United Nations Charter*?

PART III – STATEMENT OF ARGUMENT

28. This *APPLICATION FOR LEAVE TO APPEAL* (this "*Application for Leave*") is made under section 40(1), 44, and 55 of the *Supreme Court Act* in that the foregoing questions and facts demonstrate that the PROVINCE OF SASKATCHEWAN has transgressed federal and international law and policy acting against good faith which is of public importance, as the same is not condoned by the free and democratic society of CANADA, nor the international community; this transgression is without limitation the refusal of the PROVINCE OF SASKATCHEWAN to:

    (1) uphold the right of *Writ of Habeas Corpus* against the judiciary as seen in the *Canadian Charter of Rights and Freedoms* section 7 "right to life, liberty and security of the person and the right not to be deprived thereof" and section 10(c) right "on

arrest or detention...to have the validity of the detention determined by way of habeas corpus";

(2) to declare the constitutional invalidity of legalized *torture* under sections 18, 18.1, 19, 20, 21, and 34 of *The Mental Health Services Act* and sections 38, 45, and 45.1 of *The Public Health Act, 1994* which both violate article 2, 12, and 13 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* which necessitates that CANADA "take effective legislative, administrative, judicial or other measures to prevent acts of torture" and that "competent authorities proceed to a prompt and impartial investigation" of torture in addition to the protection of the "complainant and witnesses";

(3) to recognize children as persons under the *Canadian Charter of Rights and Freedoms*, specifically sections 7 and 10(c), in accordance with article 6 of the *UN Universal Declaration of Human Rights* which recognizes all people as persons under the law; and

(4) to not financially punishment a private citizen seeking to uphold the foregoing rights and treaties while the ATTORNEY GENERAL OF SASKATCHEWAN and CANADA seek to strike them down.

A. The PROVINCE OF SASKATCHEWAN Violated the Fundamental Principles of Justice by Refusing to Uphold the Right to *Writ of Habeas Corpus* Against the Judiciary

29. The Great Writ, known as the *Privilege of Writ of Habeas Corpus*, is guaranteed by the *Canadian Constitution* for the prevention or speedy relief of a person or persons seized or imprisoned without due process of law and the *Privilege of Writ of Habeas Corpus* upholds and is endorsed by the *UN Universal Declaration of Human Rights* which purports that "No one shall be subjected to arbitrary arrest, detention or exile".

30. The *Privilege of Writ of Habeas Corpus* guarantees that "You shall have the body" and when an *Application for a Writ of Habeas Corpus* is submitted to a court, justice, or judge on your behalf, the same shall forthwith direct the Writ to any person who has seized or imprisoned you, such person must bring or cause your body to be brought before the same within three days, unless distance requires additional time, for an investigation into the lawfulness of your seizure or imprisonment.

31. The *Privilege of Writ of Habeas Corpus* is a CHRISTIAN right that guards the Life and Liberty of all people inside and outside of the CANADA. Any person or persons who

attempts to suspend or worse abolish this CHRISTIAN right are ANTI-CHRISTIAN and seek to abolish true CHRISTIANITY.

32. The *Applicant* would like to direct attention to the sections 7 and 10(c) of the *Canadian Charter of Rights and Freedoms* (the "***Charter***"), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, chapter 11 which were denied to the *Child* by JUSTICE N.D. CROOKS of COURT OF QUEEN'S BENCH FOR SASKATCHEWAN in a effort to preserve *judicial immunity*, namely:

> 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
>
> 10. Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor; (b) to retain and instruct counsel without delay and to be informed of that right; and (c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

33. The COURT OF QUEEN'S BENCH FOR SASKATCHEWAN suspended and abolished the CHRISTIAN right of the *Privilege of Writ of Habeas Corpus* by unfiling the third amendment of the application which was filed while the subjects of the application, DALE and KAYSHA, were detained and subsequently JUSTICE N.D. CROOKS of the same dismissing the fifth amendment on the basis that it was filed after DALE and KAYSHA were released, while outright abolishing the privilege for the new and appended subjects, KARIS and CHRISTY; the same constitutes suspension and abolishment and is a transgression of domestic and foreign law and policy, those being sections 7 and 10(c) of the *Charter* and article 2, 12, and 13 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* as the subjects were subject to various forms of physical and psychological torture during their detainments and have the international right to have their case heard.

B. The PROVINCE OF SASKATCHEWAN Systemically Violated the UNITED NATIONS *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in Legislation, Administration, and the Judiciary

34. The *Applicant* would like to direct attention to the article 2, 12, and 13 of the UNITED NATIONS *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the "***UN Torture Convention***") which is an *international instrument* binding in CANADA and applies to this application as it purported the *torture* of DALE, KAYSHA, KARIS, and CHRISTY, namely:

> Article 2
>
> 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
>
> 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
>
> 3. An order from a superior officer or a public authority may not be invoked as a justification of torture.
>
> Article 12
>
> Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.
>
> Article 13
>
> Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

35. The *Applicant* would like to direct attention to the date of the judgment for the appeal which is May 18 of 2021 as this date is 225 days past the first motion on October 5 of 2020 for dispensing with service interpreted as *ex parte* which constitutes suspension of the *Privilege of Writ of Habeas Corpus*; making matters worse, one of the subjects of the application is KARIS, an infant child, being purportedly subjected to unlawful custody and *torture* by JUSTICE R.W. ELSON, a COURT OF QUEEN'S BENCH FOR SASKATCHEWAN *official*, in separating her from DALE, her father and primary caregiver, without cause or jurisdiction since July 23 of 2020.

36. If the *Writ of Habeas Corpus* had been issued *ex parte* in accordance with the *UN Torture Convention*, the *Charter*, and the rules of this Court, an investigation would have been conducted within days into the unlawful detainment and *torture* of DALE, KAYSHA, and KARIS as punishment for her father whistleblowing the mismanagement of the Covid emergency in and by the PROVINCE OF SASKATCHEWAN. On July 23 of 2020, DALE was

taken in front of court by two of the respondents, the ROYAL CANADIAN MOUNTED POLICE with the active participation of the DEPUTY SHERIFF of the COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, and forcibly transferred to a facility where he was immediately strapped to a bed and drugged against his will with highly addictive psychoactive drugs which hindered him from appeal the orders made by JUSTICE R.W. ELSON that day in which he exceeded his jurisdiction to bury the case *sine die*.

37. To make matters worse, sections 18, 18.1, 19, 20, 21, and 34 of *The Mental Health Services Act* and sections 38, 45, and 45.1 of *The Public Health Act, 1994* in the PROVINCE OF SASKATCHEWAN sanction torture; although such sections were claimed as justification for the detainment's of DALE and KAYSHA, respectively, neither was applied correctly as DALE never refused medical treatment as required by *The Mental Health Services Act* and Kaysha only went to court a necessary outing in compliance with the Public Health order issued under the *The Public Health Act, 1994*.

38. The foregoing acts were simply used as a cover for *despotism* which warrants an investigation into similar measures being used throughout Canada for public health with respect to the management of the Covid emergency and mental health to insure that the same is not happening elsewhere, this is of public importance, both domestic and international, as it relates to the upholding of the *Charter* and the *UN Torture Convention*.

C. The PROVINCE OF SASKATCHEWAN Violated the Canadian Charter of Rights and Freedoms and UN Universal Declaration of Human Rights by Refusing to Uphold the Right to *Writ of Habeas Corpus* For An Infant Child

39. The *Applicant* would like to direct attention to article 6 and 9 of the *UN Universal Declaration of Human Rights*, with respect to the COURT OF APPEAL FOR SASKATCHEWAN's claim that habeas corpus "to decide questions of custody" has "largely been replaced by provincial and federal legislation which now governs custody"; the same articles apply to this application as it purported the detainment and *torture* of DALE, KAYSHA, KARIS, and CHRISTY, namely:

> Article 6
>
> Everyone has the right to recognition everywhere as a person before the law.
>
> Article 9
>
> No one shall be subjected to arbitrary arrest, detention or exile.

40. The *Applicant* would like to direct attention to paragraph 94 of the orders of the COURT OF APPEAL FOR SASKATCHEWAN with respect to the foregoing and also clarification that this application is not “questions of custody” but a question of crime and despotism, namely:

> [94] While habeas corpus was historically the common law remedy to decide questions of custody, it has largely been replaced by provincial and federal legislation which now governs custody disputes between parents. As already indicated, Mr. Richardson was engaged in such a dispute with his wife, Kimberley. While Elson J. made an order granting Kimberley interim custody of Karis, he did so pursuant to the Divorce Act in the context of a family law dispute, which is a civil proceeding. In short, the proposition that Karis’s custody should be subject to a habeas corpus application is misplaced. Such disputes are properly dealt with under the appropriate provincial or federal legislation. See: S. v Haringey London Borough Council, [2003] EWHC 2734 (Admin). The Chambers judge did not err in concluding Karis was not deprived of liberty within the meaning of s. 10(c) of the Charter.

41. No evidence of any kind or at any point has been provided for the detainment and *torture* of DALE, KAYSHA, KARIS, and CHRISTY, other than “it’s a lawful order of the Court” or “I have no authority” implying that no evidence is necessary and no official can be held responsible for any crime he commits using *his official capacity* in the PROVINCE OF SASKATCHEWAN in contravention to all forms of law, this is *despotism*.

D. The PROVINCE OF SASKATCHEWAN Tortured Dale J. Richardson by Financially Punishing the Applicant with Costs of $12,000 for Exercising his Christian and Legal Duty to Alleviate and Not Acquiesce to Torture for Which he Would Have No Defence

42. The *Applicant* made it clear to the *Panel* of judges for the COURT OF APPEAL FOR SASKATCHEWAN that the *Applicant* would have no defence for torturing DALE had the *Applicant* done nothing when he had the Christian and legal right and duty to do something as seen in sections 3-63 and 3-64 of *The Queen’s Bench Rules* permitting the *Applicant* to file habeas corpus for DALE. The COURT OF APPEAL FOR SASKATCHEWAN ordering another $12,000 of costs in additional to the $500 of costs ordered by JUSTICE N.D. CROOKS in chambers was furtherance of punishment, an endorsement of her actions, and as stated by DALE to the panel, torture to him by punishing a third person, especially considering that the justification given by MICHAEL B. GRIFFIN for ordering costs against the *Applicant* was because of the lawsuits initiated by DALE in the FEDERAL COURT OF CANADA that had nothing to do with the *Applicant*, hence the punishment of a third person.

43. The *Applicant* maintains that he should not be held financially liable for another persons lawsuit, that the Courts in the PROVINCE OF SASKATCHEWAN have consistently lied about the basis of his application, and this application is and always will be an application for *Writ of Habeas Corpus* for an investigation into the detainment and torture of DALE, KAYSHA, KARIS, and CHRISTY, for which KARIS is still subjected to.

44. Professional opinion of the *Applicant*: It would have been much cheaper for everyone to just initiate the *habeas corpus* investigation which had merit instead of spending so much time and resources to cover up the application and its merits by many government officials in PROVINCE OF SASKATCHEWAN.

PART IV – SUBMISSIONS IN SUPPORT OF ORDER SOUGHT CONCERNING COSTS

45. The *Applicant* seeks that the costs ordered against him be struck down on the basis that he should not be punished for exercising his Christian and legal duty to file an application for *Writ of Habeas Corpus* for a person being subjected to forced medical treatment which is torture and others were abducted for being associated and cooperating with him. The *Applicant* does not seek any form of compensation for himself, he was obligated to file this application under article 2.3 of the *UN Torture Convention* as he cannot torture DALE even if ordered by a “superior officer or a public authority”.

PART V – ORDERS SOUGHT

1. Grant the appeal;

2. Order to add Dale J. Richardson as an applicant with the current Applicant for all further actions;

3. Remove Cary Ransome, Constable Cartier, Provincial Court of Saskatchewan, Reginald Cawood, and Tonya Browarny from all further actions and dispense with service of all further documents for them;

4. Order for charging the previously ordered $12,000 and $500 against the Applicant and any further costs ordered by the Respondents to the Attorney Generals of Saskatchewan and Canada;

5. Order for Affidavit of Robert Cannon affirmed on June 16 of 2021 to be adduced as fresh evidence for the appeal;

6. Order of a Writ of Certiorari; and

7. Any other relief deemed necessary or appropriate by this Court.

ALL OF WHICH is submitted,

June 16, 2021

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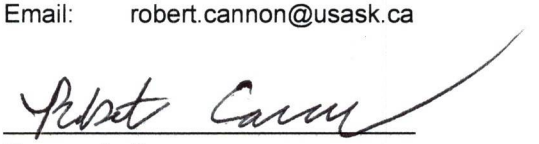


ROBERT A. CANNON

PART VI – TABLE OF AUTHORITIES

46. Section 40(1), 44, and 55 of the *Supreme Court Act*,

47. Section 3-63 and 3-64 of *The Queen's Bench Rules*,

48. Sections 7 and 10(c) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, chapter 11,

49. Section 269.1 of the *Criminal Code of Canada*,

50. Article 6 and 9 of the *UN Universal Declaration of Human Rights*, and

51. Article 2, 12, and 13 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***.**

Exceptions

39 No appeal to the Court lies under section 37, 37.1 or 38 from a judgment in a criminal cause, in proceedings for or on

(a) a writ of *habeas corpus*, *certiorari* or prohibition arising out of a criminal charge; or

(b) a writ of *habeas corpus* arising out of a claim for extradition made under a treaty.

R.S., 1985, c. S-26, s. 39; 1990, c. 8, s. 36.

Appeals with leave of Supreme Court

40 (1) Subject to subsection (3), an appeal lies to the Supreme Court from any final or other judgment of the Federal Court of Appeal or of the highest court of final resort in a province, or a judge thereof, in which judgment can be had in the particular case sought to be appealed to the Supreme Court, whether or not leave to appeal to the Supreme Court has been refused by any other court, where, with respect to the particular case sought to be appealed, the Supreme Court is of the opinion that any question involved therein is, by reason of its public importance or the importance of any issue of law or any issue of mixed law and fact involved in that question, one that ought to be decided by the Supreme Court or is, for any other reason, of such a nature or significance as to warrant decision by it, and leave to appeal from that judgment is accordingly granted by the Supreme Court.

Application for leave

(2) An application for leave to appeal under this section shall be brought in accordance with paragraph 58(1)(a).

Appeals in respect of offences

(3) No appeal to the Court lies under this section from the judgment of any court acquitting or convicting or setting aside or affirming a conviction or acquittal of an indictable offence or, except in respect of a question of law or jurisdiction, of an offence other than an indictable offence.

Extending time for allowing appeal

(4) Whenever the Court has granted leave to appeal, the Court or a judge may, notwithstanding anything in this Act, extend the time within which the appeal may be allowed.

R.S., 1985, c. S-26, s. 40; R.S., 1985, c. 34 (3rd Supp.), s. 3; 1990, c. 8, s. 37.

Appeals under other Acts

41 Notwithstanding anything in this Act, the Court has jurisdiction as provided in any other Act conferring jurisdiction.

R.S., c. S-19, s. 42.

Exceptions

39 Il ne peut être interjeté appel devant la Cour, au titre des articles 37, 37.1 ou 38, d'un jugement rendu dans une affaire pénale relativement à des procédures touchant à :

a) un bref d'*habeas corpus*, de *certiorari* ou de prohibition découlant d'une accusation au pénal;

b) un bref d'*habeas corpus* résultant d'une demande d'extradition fondée sur un traité.

L.R. (1985), ch. S-26, art. 39; 1990, ch. 8, art. 36.

Appel avec l'autorisation de la Cour

40 (1) Sous réserve du paragraphe (3), il peut être interjeté appel devant la Cour de tout jugement, définitif ou autre, rendu par la Cour d'appel fédérale ou par le plus haut tribunal de dernier ressort habilité, dans une province, à juger l'affaire en question, ou par l'un des juges de ces juridictions inférieures, que l'autorisation d'en appeler à la Cour ait ou non été refusée par une autre juridiction, lorsque la Cour estime, compte tenu de l'importance de l'affaire pour le public, ou de l'importance des questions de droit ou des questions mixtes de droit et de fait qu'elle comporte, ou de sa nature ou importance à tout égard, qu'elle devrait en être saisie et lorsqu'elle accorde en conséquence l'autorisation d'en appeler.

Demandes d'autorisation d'appel

(2) Les demandes d'autorisation d'appel présentées au titre du présent article sont régies par l'alinéa 58(1)a).

Appels à l'égard d'infractions

(3) Le présent article ne permet pas d'en appeler devant la Cour d'un jugement prononçant un acquittement ou une déclaration de culpabilité ou annulant ou confirmant l'une ou l'autre de ces décisions dans le cas d'un acte criminel ou, sauf s'il s'agit d'une question de droit ou de compétence, d'une infraction autre qu'un acte criminel.

Prorogation du délai d'appel

(4) Dans tous les cas où elle accorde une autorisation d'appel, la Cour ou l'un de ses juges peut, malgré les autres dispositions de la présente loi, proroger le délai d'appel.

L.R. (1985), ch. S-26, art. 40; L.R. (1985), ch. 34 (3e suppl.), art. 3; 1990, ch. 8, art. 37.

Appels fondés sur d'autres lois

41 Malgré les autres dispositions de la présente loi, la Cour a la compétence prévue par toute autre loi attributive de compétence.

S.R., ch. S-19, art. 42.

Time for oral hearing

(2) Where the court makes an order for an oral hearing, the oral hearing shall be held within thirty days after the date of the order or such further time as the Court determines.

Quorum

(3) Any three judges of the Court constitute a quorum for the consideration and determination of an application for leave to appeal, whether or not an oral hearing is ordered.

Exception

(4) Notwithstanding subsection (3), five judges of the Court constitute a quorum in the case of an application for leave to appeal from a judgment of a court

(a) quashing a conviction of an offence punishable by death; or

(b) dismissing an appeal against an acquittal of an offence punishable by death, including an acquittal in respect of a principal offence where the accused has been convicted of an offence included in the principal offence.

R.S., 1985, c. S-26, s. 43; R.S., 1985, c. 34 (3rd Supp.), s. 4; 1990, c. 8, s. 38; 1994, c. 44, s. 98; 1997, c. 18, s. 138.

Judgments

Quashing proceedings in certain cases

44 The Court may quash proceedings in cases brought before it in which an appeal does not lie, or whenever such proceedings are taken against good faith.

R.S., c. S-19, s. 46.

Appeal may be dismissed or judgment given

45 The Court may dismiss an appeal or give the judgment and award the process or other proceedings that the court whose decision is appealed against should have given or awarded.

R.S., c. S-19, s. 47.

New trial may be ordered

46 On any appeal, the Court may, in its discretion, order a new trial if the ends of justice seem to require it, although a new trial is deemed necessary on the ground that the verdict is against the weight of evidence.

R.S., c. S-19, s. 48.

Appeal may be remanded

46.1 The Court may, in its discretion, remand any appeal or any part of an appeal to the court appealed from

Délai

(2) Dans le cas où la Cour ordonne la tenue d'une audience, celle-ci doit être tenue dans les trente jours suivant la date de l'ordonnance ou dans le délai supplémentaire fixé par la Cour.

Quorum

(3) Trois juges constituent le quorum pour l'application du paragraphe (1) même si la Cour tient audience.

Exception au quorum

(4) Le quorum est porté à cinq juges lorsque la demande d'autorisation d'appel concerne des jugements :

a) annulant la déclaration de culpabilité, dans le cas d'une infraction punissable de mort;

b) rejetant l'appel d'un acquittement rendu dans le cas d'une infraction punissable de mort, y compris d'un acquittement à l'égard d'une infraction principale dans le cadre de laquelle l'accusé a été déclaré coupable d'une infraction incluse dans l'infraction principale.

L.R. (1985), ch. S-26, art. 43; L.R. (1985), ch. 34 (3e suppl.), art. 4; 1990, ch. 8, art. 38; 1994, ch. 44, art. 98; 1997, ch. 18, art. 138.

Jugements

Cassation des procédures en certains cas

44 La Cour peut casser les procédures dans les causes portées devant elle qui ne peuvent faire l'objet d'appel ou quand les procédures sont entachées de mauvaise foi.

S.R., ch. S-19, art. 46.

Rejet de l'appel ou prononcé d'un jugement

45 La Cour peut rejeter l'appel ou se substituer à la juridiction inférieure pour le prononcé du jugement et l'engagement des moyens de contrainte ou autres procédures.

S.R., ch. S-19, art. 47.

Nouveau procès

46 La Cour a le pouvoir discrétionnaire d'ordonner un nouveau procès si les fins de la justice paraissent l'exiger; un nouveau procès est toutefois présumé nécessaire en cas de verdict rendu à l'encontre de la preuve.

S.R., ch. S-19, art. 48.

Renvoi à la juridiction inférieure

46.1 La Cour peut renvoyer une affaire en tout ou en partie à la juridiction inférieure ou à celle de première

presented to the Senate or House of Commons and referred to the Court under any rules or orders made by the Senate or House of Commons.

R.S., c. S-19, s. 56.

Certiorari

Writ of *certiorari*

55 A writ of *certiorari* may, by order of the Court or a judge, issue out of the Court to bring up any papers or other proceedings had or taken before any court, judge or justice of the peace, and that are considered necessary with a view to any inquiry, appeal or other proceeding had or to be had before the Court.

R.S., c. S-19, s. 61.

Procedure in Appeals

The Appeal

Proceedings in appeal

56 Proceedings on an appeal shall, when not otherwise provided for by this Act, the Act providing for the appeal or the general rules and orders of the Court, be in conformity with any order made, on application by a party to the appeal, by the Chief Justice or, in the absence of the Chief Justice, by the senior puisne judge present.

R.S., c. S-19, s. 63; R.S., c. 44(1st Supp.), s. 5.

Limited appeal

57 The appellant may appeal from the whole or any part of any judgment or order and, if the appellant intends to limit the appeal, the notice of appeal shall so specify.

R.S., c. S-19, s. 64.

Time periods for appeals

58 (1) Subject to this Act or any other Act of Parliament, the following provisions with respect to time periods apply to proceedings in appeals:

(a) in the case of an appeal for which leave to appeal is required, the notice of application for leave to appeal and all materials necessary for the application shall be served on all other parties to the case and filed with the Registrar of the Court within sixty days after the date of the judgment appealed from; and

(b) in the case of an appeal for which leave to appeal is not required or in the case of an appeal for which leave to appeal is required and has been granted, a notice of appeal shall be served on all other parties to the case and filed with the Registrar of the Court within

Chambre des communes qui lui sont déférés en vertu des règlements de l'une ou l'autre chambre.

S.R., ch. S-19, art. 56.

Certiorari

Bref de *certiorari*

55 La Cour ou l'un de ses juges peut décerner un bref de *certiorari* en vue de la production des actes de procédure et autres documents déposés devant un tribunal, un juge ou un juge de paix et jugés nécessaires pour une enquête, un appel ou une nouvelle instance devant elle.

S.R., ch. S-19, art. 61.

Procédure d'appel

L'appel

Règle générale

56 La procédure d'appel doit, à défaut de disposition à cet effet dans la présente loi, dans la loi prévoyant le droit d'appel ou dans les règles et ordonnances générales de la Cour, se conformer à toute ordonnance rendue, sur demande d'une partie à l'appel, par le juge en chef ou, en son absence, par le doyen des juges puînés présents.

S.R., ch. S-19, art. 63; S.R., ch. 44(1er suppl.), art. 5.

Portée de l'appel

57 L'appelant peut faire porter son recours sur l'ensemble ou tel élément d'un jugement ou d'une ordonnance; le cas échéant, il doit faire état de l'élément dans son avis d'appel.

S.R., ch. S-19, art. 64.

Délais

58 (1) Sous réserve des autres dispositions de la présente loi ou de toute autre loi fédérale, les règles suivantes régissent les délais en matière d'appel :

a) l'avis de la demande d'autorisation d'appel, accompagné de tous les documents utiles, doit être signifié à toutes les parties et déposé auprès du registraire dans les soixante jours suivant la date du jugement porté en appel;

b) l'avis d'appel doit être signifié à toutes les parties et déposé auprès du registraire dans les trente jours suivant la date du jugement porté en appel, s'il s'agit d'un appel de plein droit, et dans les trente jours suivant la date du jugement accordant l'autorisation d'appel, si une demande à cette fin a été présentée.

Information Note

See rule 10-25 regarding enforcement of mandamus or injunction by Court.

See rules 10-26 and 10-29 regarding enforcement by committal.

See Division 3 of Part 6 regarding interlocutory orders as to mandamus, injunctions, etc.

Additional remedies on judicial review

3-61(1) If the Court is satisfied that there are grounds for quashing or declaring void a decision to which the originating application relates, the Court, in addition to granting that remedy, may remit the matter to the court, tribunal or other authority concerned with the direction:

(a) to rehear it or to reconsider it; and

(b) to reach a decision according to law.

(2) If the sole ground for a remedy is a defect in form or a technical irregularity, the Court may, if the Court finds that no substantial wrong or miscarriage of justice has occurred, despite the defect:

(a) refuse a remedy; or

(b) validate the decision made to have effect from a date and subject to any terms and conditions that the Court considers appropriate.

Rules adopted under *Criminal Code*

3-62 The rules in this subdivision are adopted, with any necessary modification, as rules in applications to which the provisions of the *Criminal Code* apply.

Subdivision 3

Additional Rules Specific to Originating Applications for Judicial Review: Habeas Corpus

Originating application for judicial review: *habeas corpus*

3-63(1) An originating application for an order in the nature of *habeas corpus* may be filed at any time and must be served pursuant to subrule 3-56(4) as soon as is practicable after filing.

(2) An originating application for an order in the nature of *habeas corpus* may, with leave of the Court, be made without notice.

(3) An affidavit or other evidence to be used to support the originating application must be:

(a) served on each of the other parties 10 days or more before the date scheduled for hearing the application; and

(b) filed in accordance with rule 13-23.1.

(4) An originating application for an order in the nature of *habeas corpus* may be in Form 3-63.

Information Note

An order of *habeas corpus*, usually, but not always, brings a person before the Court to determine whether the person's detention or imprisonment is legal.

Amended. Gaz. 15 Jly. 2016.

Habeas corpus ad subjiciendum

3-64(1) An order of *habeas corpus ad subjiciendum* to have the validity of the detention of any person determined must be in Form 3-64A.

(2) Any person is entitled to bring proceedings, on his or her own behalf or on behalf of any other person, to obtain an order of *habeas corpus ad subjiciendum*.

(3) If an application is brought by a person on behalf of another person, the Court may determine which of the applicant or the subject of the application is to have the carriage of the proceedings.

(4) An application pursuant to this rule may include *certiorari-in-aid* for the purpose of:

(a) bringing forward evidence to determine the truth of a matter before the Court; or

(b) quashing a warrant of committal or an order of detention where the detention is held to be invalid.

(5) On the return of the originating application, the detained person may apply to be admitted to bail.

(6) On an application to be admitted to bail pursuant to subrule (5), unless the detained person is otherwise required to be detained, the Court may admit him or her to bail until the validity of his or her detention has been determined.

(7) If an originating application is made pursuant to this rule, the Court may, without determining the validity of the detention:

(a) make an order for the further detention of the person; and

(b) authorize or direct that the head of the institution in which the person is detained, or any other person, take any steps or do any other thing that the Court considers just.

(8) On the argument of an application for an order of *habeas corpus ad subjiciendum*, the Court may grant an order for the person's discharge, and that order is a sufficient warrant to any jailer or other person for the person's discharge.

(9) An order of discharge pursuant to subrule (8) must be in Form 3-64B.

Information Note

An order of *habeas corpus ad subjiciendum* is directed to someone detaining another person and commands them to bring the detainee before the Court to give evidence before the Court.

An order of *certiorari* requires a decision-making body to deliver a record of its decision to the Court for review.

The *habeas corpus* procedure differs from the judicial interim release, or bail, procedure outlined in Part XVI of the *Criminal Code*.

Order of *habeas corpus*

3-65(1) All necessary provisions for *habeas corpus* may be given by judgment or order.

(2) An order of *habeas corpus* pursuant to subrule (1) must be in Form 3-64A.

(3) An order of *habeas corpus* shall be signed by:

(a) the local registrar under the seal of the Court; or

(b) a judge of the Court.

Enforcement by committal for contempt

3-66 If an order of *habeas corpus* is disobeyed, an application may be made, on proof of service of the order:

(a) for summary committal for contempt; or

(b) for committal by separate proceedings for that purpose.

Information Note

The rules regarding contempt proceedings are found in Subdivision 2 of Division 3 of Part 11.

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

2. Everyone has the following fundamental freedoms: *(a)* freedom of conscience and religion; *(b)* freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; *(c)* freedom of peaceful assembly; and *(d)* freedom of association.

Democratic Rights

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein. 4.(1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members. (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. 5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

6.(1) Every citizen of Canada has the right to enter, remain in and leave Canada. (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right *(a)* to move to and take up residence in any province; and *(b)* to pursue the gaining of a livelihood in any province. (3) The rights specified in subsection (2) are subject to *(a)* any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and *(b)* any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services. (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. 8. Everyone has the right to be secure against unreasonable search or seizure. 9. Everyone has the right not to be arbitrarily detained or imprisoned. 10. Everyone has the right on arrest or detention *(a)* to be informed promptly of the reasons therefor; *(b)* to retain and instruct counsel without delay and to be informed of that right; and *(c)* to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful. 11. Any person charged with an offence has the right *(a)* to be informed without unreasonable delay of the specific offence; *(b)* to be tried within a reasonable time; *(c)* not to be compelled to be a witness in proceedings against that person in respect of the offence; *(d)* to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; *(e)* not to be denied reasonable bail without just cause; *(f)* except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment; *(g)* not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations; *(h)* if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and *(i)* if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment. 12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. 13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence. 14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Languages of Canada

16.(1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada. (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick. (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French. 16.1(1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities. (2) The role of the legislature and government of New Brunswick to preserve and promote the status, rights and privileges referred to in subsection (1) is affirmed. 17.(1) Everyone has the right to use English or French in any debates and other proceedings of Parliament. (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative. (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.19.(1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament. (2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick. 20.(1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where *(a)* there is a significant demand for communications with and services from that office in such language; or *(b)* due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French. (2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French. 21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

23.(1) Citizens of Canada *(a)* whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or *(b)* who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province. (2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language. (3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province *(a)* applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and *(b)* includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Enforcement

24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances. (2) Where, in proceedings under subsection (1),a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including *(a)* any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and *(b)* any rights or freedoms that now exist by way of land claims agreements or may be so acquired. 26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada. 27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians. 28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons. 29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools. 30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be. 31. Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

32.(1) This Charter applies (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province. (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force. 33.(1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter. (2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration. (3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

34. This Part may be cited as the *Canadian Charter of Rights and Freedoms.*

"We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that beyond our regional loyalties there is a way of life and a system of values which make us proud of the country that has given us such freedom and such immeasurable joy."

P.E. Trudeau 1981

Unlawfully causing bodily harm

269 Every one who unlawfully causes bodily harm to any person is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction.

R.S., 1985, c. C-46, s. 269; 1994, c. 44, s. 18; 2019, c. 25, s. 94.

Aggravating circumstance — assault against a public transit operator

269.01 (1) When a court imposes a sentence for an offence referred to in paragraph 264.1(1)(a) or any of sections 266 to 269, it shall consider as an aggravating circumstance the fact that the victim of the offence was, at the time of the commission of the offence, a public transit operator engaged in the performance of his or her duty.

Definitions

(2) The following definitions apply in this section.

public transit operator means an individual who operates a vehicle used in the provision of passenger transportation services to the public, and includes an individual who operates a school bus. (*conducteur de véhicule de transport en commun*)

vehicle includes a bus, paratransit vehicle, licensed taxi cab, train, subway, tram and ferry. (*véhicule*)

2015, c. 1, s. 1.

Torture

269.1 (1) Every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Definitions

(2) For the purposes of this section,

official means

(a) a peace officer,

(b) a public officer,

Lésions corporelles

269 Quiconque cause illégalement des lésions corporelles à une personne est coupable :

a) soit d'un acte criminel et passible d'un emprisonnement maximal de dix ans;

b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire.

L.R. (1985), ch. C-46, art. 269; 1994, ch. 44, art. 18; 2019, ch. 25, art. 94.

Circonstance aggravante — voies de fait contre un conducteur de véhicule de transport en commun

269.01 (1) Le tribunal qui détermine la peine à infliger à l'égard d'une infraction prévue à l'alinéa 264.1(1)a) ou à l'un des articles 266 à 269 est tenu de considérer comme circonstance aggravante le fait que la victime est le conducteur d'un véhicule de transport en commun qui exerçait cette fonction au moment de la perpétration de l'infraction.

Définitions

(2) Les définitions qui suivent s'appliquent au présent article.

conducteur de véhicule de transport en commun Personne qui conduit un véhicule servant à la prestation au public de services de transport de passagers; y est assimilé le conducteur d'autobus scolaire. (*public transit operator*)

véhicule S'entend notamment d'un autobus, d'un véhicule de transport adapté, d'un taxi agréé, d'un train, d'un métro, d'un tramway et d'un traversier. (*vehicle*)

2015, ch. 1, art. 1.

Torture

269.1 (1) Est coupable d'un acte criminel et passible d'un emprisonnement maximal de quatorze ans le fonctionnaire qui — ou la personne qui, avec le consentement exprès ou tacite d'un fonctionnaire ou à sa demande — torture une autre personne.

Définitions

(2) Les définitions qui suivent s'appliquent au présent article.

fonctionnaire L'une des personnes suivantes, qu'elle exerce ses pouvoirs au Canada ou à l'étranger :

a) un agent de la paix;

(c) a member of the Canadian Forces, or

(d) any person who may exercise powers, pursuant to a law in force in a foreign state, that would, in Canada, be exercised by a person referred to in paragraph (a), (b), or (c),

whether the person exercises powers in Canada or outside Canada; (*fonctionnaire*)

torture means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

(a) for a purpose including

(i) obtaining from the person or from a third person information or a statement,

(ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and

(iii) intimidating or coercing the person or a third person, or

(b) for any reason based on discrimination of any kind,

but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions. (*torture*)

b) un fonctionnaire public;

c) un membre des forces canadiennes;

d) une personne que la loi d'un État étranger investit de pouvoirs qui, au Canada, seraient ceux d'une personne mentionnée à l'un des alinéas a), b) ou c). (*official*)

torture Acte, commis par action ou omission, par lequel une douleur ou des souffrances aiguës, physiques ou mentales, sont intentionnellement infligées à une personne :

a) soit afin notamment :

(i) d'obtenir d'elle ou d'une tierce personne des renseignements ou une déclaration,

(ii) de la punir d'un acte qu'elle ou une tierce personne a commis ou est soupçonnée d'avoir commis,

(iii) de l'intimider ou de faire pression sur elle ou d'intimider une tierce personne ou de faire pression sur celle-ci;

b) soit pour tout autre motif fondé sur quelque forme de discrimination que ce soit.

La torture ne s'entend toutefois pas d'actes qui résultent uniquement de sanctions légitimes, qui sont inhérents à celles-ci ou occasionnés par elles. (*torture*)

No defence

(3) It is no defence to a charge under this section that the accused was ordered by a superior or a public authority to perform the act or omission that forms the subject-matter of the charge or that the act or omission is alleged to have been justified by exceptional circumstances, including a state of war, a threat of war, internal political instability or any other public emergency.

Inadmissibilité de certains moyens de défense

(3) Ne constituent pas un moyen de défense contre une accusation fondée sur le présent article ni le fait que l'accusé a obéi aux ordres d'un supérieur ou d'une autorité publique en commettant les actes qui lui sont reprochés ni le fait que ces actes auraient été justifiés par des circonstances exceptionnelles, notamment un état de guerre, une menace de guerre, l'instabilité politique intérieure ou toute autre situation d'urgence.

Evidence

(4) In any proceedings over which Parliament has jurisdiction, any statement obtained as a result of the commission of an offence under this section is inadmissible in evidence, except as evidence that the statement was so obtained.

R.S., 1985, c. 10 (3rd Supp.), s. 2.

Admissibilité en preuve

(4) Dans toute procédure qui relève de la compétence du Parlement, une déclaration obtenue par la perpétration d'une infraction au présent article est inadmissible en preuve, sauf à titre de preuve de cette infraction.

L.R. (1985), ch. 10 (3e suppl.), art. 2.

Assaulting a peace officer

270 (1) Every one commits an offence who

Voies de fait contre un agent de la paix

270 (1) Commet une infraction quiconque exerce des voies de fait :

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,
Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,
Whereas it is essential to promote the development of friendly relations between nations,
Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,
Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,
Now, therefore,
The General Assembly,
Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by

teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984
entry into force 26 June 1987, in accordance with article 27 (1)

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory

under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph I of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

QBG 921 of 2020 – JCS

Robert Cannon v Court of Queen's Bench for Saskatchewan, Honourable J.W. Elson, Kathleen Christopherson, Glen Metivier, Provincial Court of Saskatchewan, Honourable Judge M. Pelletier, The Battlefords Seventh-Day Adventist Church, James Kwon, Gary Lund, Ciprian Bolah, Manitoba-Saskatchewan Conference, Michael Collins, Saskatchewan Health Authority, Rebecca Soy, Public Health Authority, Ken Startup, Battleford Union Hospital, Reginald Cawood, Saskatchewan Hospital, Tonya Browarny, Matrix Law Group, Patricia J. Meiklejohn, Cliff A. Holm, Association of Professional Engineers and Geoscientists of Saskatchewan, Robert H. McDonald, Royal Canadian Mounted Police, Constable Burton Roy, Constable Cartier, Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, Owzw Lawyers LLP, Virgil A. Thomson, and Kimberley Richardson.

Michael B. Griffin	for the respondents: Association of Professional Engineers and Geoscientists of Saskatchewan, and Robert H. McDonald
Clifford A. Holm	for the respondents: Matrix Law Group, Patricia J. Meiklejohn, Cliff A. Holm, The Battlefords Seventh-Day Adventist Church, James Kwon, Gary Lund, Ciprian Bolah, Manitoba-Saskatchewan Conference, Michael Collins, and Kimberley Richardson
Chantelle C. Eisner	for the respondents, Saskatchewan Health Authority, Rebecca Soy, Public Health Authority, Ken Startup, Battleford Union Hospital, and Saskatchewan Hospital
Virgil A. Thomson	for the respondents: Virgil A. Thomson, OWZW Lawyers LLP, Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, and Jason Panchyshyn

FIAT rendered orally in chambers on September 10, 2020 - CROOKS J.

[1] At the outset, the parties were reminded that there was to be no recording made of the chambers' application, by either audio or video. The court ordered that any recording devices were to be immediately turned off.

[2] Mr. Cannon has brought an application to dispense with service of the application for a writ of *habeas corpus ad subjiciendum*. The respondents who appeared, through their respective counsel, did not concede they had been properly served.

[3] Service in compliance with *The Queen's Bench Rules* was ordered

previously by Currie J. on July 28, 2020 and July 29, 2020. The grounds for Mr. Cannon's request to dispense with service are, in my view, unsubstantiated and do not satisfy me that these 41 respondents should not be served as required under *The Queen's Bench Rules*. The application to dispense with service is dismissed.

[4] Mr. Cannon has brought his application for *habeas corpus* purportedly on behalf of four other persons: Dale Richardson, Kaysha Dery, Karis Richardson and Christy Dawn Pembrun.

[5] Mr. Cannon has alleged no deprivation of liberty on his own behalf. Dale Richardson was held under a mental health warrant and has since been released. He is present in court today. Kaysha Dery was detained for her alleged refusal to comply with COVID-19 isolation requirements and has since been released. She is present in court today. Karis Richardson, a child under two years of age, is at the centre of a family law dispute. I am uncertain as to who Christy Dawn Pembrun is, and the materials are inadequate in addressing any concerns in her regard.

[6] On reviewing the materials submitted and addressing the issues of concern with the parties, I am dismissing the application for *habeas corpus* for the following reasons:

(a) the originating application was not properly served on all of the 41 respondents in compliance with *The Queen's Bench Rules*. This is contrary to previous orders of the Court.

(b) Mr. Cannon is the applicant however he has not been deprived of liberty. Instead, he sets out a number of allegations which relate not to himself but, rather, to a variety of grievances held primarily by Mr. Richardson and Ms. Dery.

(c) Mr. Cannon is not a lawyer and relies on his "Christian duty" in bringing this application; however, the application seeks substantial financial remuneration payable to the corporation he represents, starting with "a $2,000,000 cash non-refundable retainer". I would caution Mr. Cannon that he may want to review *The Legal Profession Act, 1990*, SS 1990-91, c L-10.1, and the restrictions on acting on behalf of another party, particularly where remuneration is sought.

(e) The relief that is sought is far beyond the scope of *habeas corpus*. It incorporates a number of third-party grievances against a vast range of respondents for a broad array of allegations. The issues and parties do not establish the criteria for a *habeas corpus*

application have been met.

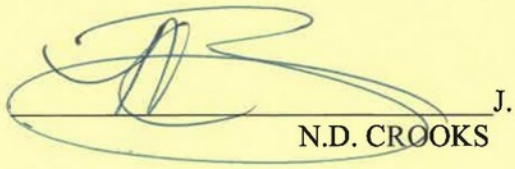
(f) The application for *habeas corpus* is moot. There is no deprivation of the applicant's liberty that would trigger *habeas corpus*.

(g) Although not named applicants in the matter, the evidence does not establish that any of the four individuals Mr. Cannon purports to speak for have had an unlawful deprivation of their liberty or that any past deprivation was without legitimate grounds. None of these individuals remain in custody, nor am I satisfied any are currently detained as alleged by Mr. Cannon.

(h) I am not satisfied there is a live issue and decline to exercise my discretion to determine the application as I view it as theoretical.

[7] *Habeas corpus* does not lie in the circumstances. The application is dismissed.

[8] I am ordering costs payable by the applicant in the amount of $500.00. This amount shall be paid into court within 30 days. There are four counsel who appeared at today's hearing and this amount shall be divided equally among the four counsel on behalf of those respondents. If there are any issues with division of the costs, that sole issue may be returned to me for further direction.



J.
N.D. CROOKS

Court of Appeal for Saskatchewan
Docket: CACV3708

Citation: ***Cannon v Saskatchewan (Court of Queen's Bench)*****, 2021 SKCA 77**
Date: 2021-05-18

Between:

Robert Cannon

Appellant
(Applicant)

And

Court of Queen's Bench for Saskatchewan, Honourable J.W. Elson, Kathleen Christopherson, Glen Metivier, Provincial Court of Saskatchewan, Honourable Judge M. Pelletier, The Battlefords Seventh-Day Adventist Church, James Kwon, Gary Lund, Ciprian Bolah, Manitoba-Saskatchewan Conference, Michael Collins, Saskatchewan Health Authority, Rebecca Soy, Public Health Authority, Ken Startup, Battleford Union Hospital, Reginald Cawood, Saskatchewan Hospital, Tonya Browarny, Matrix Law Group, Patricia J. Meiklejohn, Cliff A. Holm, Association of Professional Engineers and Geoscientists of Saskatchewan, Robert H. McDonald, Royal Canadian Mounted Police, Constable Burton Roy, Constable Cartier, Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP, Virgil A. Thomson and Kimberley Richardson

Respondents
(Respondents)

Before:	Jackson, Ryan-Froslie and Barrington-Foote JJ.A.
Disposition:	Appeal dismissed
Written reasons by:	The Court

On appeal from:	QBG 921 of 2020, Saskatoon
Appeal heard:	March 1, 2021

Counsel:	Robert Cannon appearing on his own behalf David Stack, Q.C., for the Honourable J.W. Elson Justin Stevenson for Kathleen Christopherson, Glen Metivier and the Honourable Judge M. Pelletier Clifford Holm for The Battlefords Seventh-Day Adventist Church, James Kwon, Gary Lund, Ciprian Bolah, Manitoba-Saskatchewan Conference, Michael Collins, Matrix Law Group, Patricia J. Meiklejohn, Cliff A. Holm and Kimberley Richardson Chantelle Eisner and Amanda Kimpinski for Saskatchewan Health Authority, Rebecca Soy, Public Health Authority, Ken Startup, Battleford Union Hospital and Saskatchewan Hospital Michael Griffin for Association of Professional Engineers and Geoscientists of Saskatchewan, and Robert H. McDonald Cheryl Giesbrecht and Marlon Miller for Royal Canadian Mounted Police and Constable Burton Roy Lindsay Oliver for Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson Dale Richardson appearing on his own behalf

The Court

I. INTRODUCTION

[1] The appellant, Robert Cannon, appeals against the September 10, 2020, Chambers decision that dismissed his application for *habeas corpus* with respect to Dale Richardson, Kaysha Dery [Kaysha], Karis Richardson [Karis] and Christy Dawn Pembrun. Contemporaneously with that application, Mr. Cannon had applied for an order dispensing with service of his motion on the respondents. The latter application was dismissed by the Chambers judge, who found notice must be provided. Mr. Cannon does not challenge that decision in this appeal.

[2] The Chambers judge went on to dismiss the *habeas corpus* application itself for a number of reasons, including that Mr. Cannon did not have standing to bring the application; that he did not meet the onus of proof imposed on applicants for a writ of *habeas corpus*; that the application contained requests for relief that were inappropriate; and that the application itself was moot. Mr. Cannon takes issue with all of those findings.

[3] For the reasons set out herein, Mr. Cannon's appeal is dismissed with costs.

II. BACKGROUND

[4] To properly understand Mr. Cannon's position on this appeal, it is necessary to set out in some detail the procedural history of this matter and Mr. Cannon's allegations against the various respondents.

[5] It is useful to begin by identifying the individuals alleged to have been wrongfully detained.

[6] Mr. Cannon's application for *habeas corpus* related to the alleged wrongful detentions of Mr. Richardson, Mr. Richardson's daughters Kaysha and Karis, and Ms. Pembrun. Kaysha is an adult but Karis, at the time of the application, was 18 months old and living with her mother, Kimberley Richardson [Kimberley]. While Mr. Cannon describes Ms. Pembrun as an "affiliate" of Mr. Richardson, the exact nature of their relationship is unknown. No evidence was presented with respect to Ms. Pembrun or her alleged detention at the time the *habeas corpus* application was heard, though Mr. Cannon seeks to file fresh evidence of her circumstances in this Court.

[7] Mr. Cannon is a friend and business associate of both Mr. Richardson and Kaysha.

[8] The factual context giving rise to Mr. Cannon's application is of significance. Mr. Richardson incorporated D.S.R. Karis Consulting Inc. [D.S.R. Karis] to help businesses design and install heating, ventilation and air conditioning systems [HVAC systems] that would comply with the standards and recommendations pertaining to pandemic contagion mitigation and the coronavirus. Kaysha is the Chief Communications Officer for D.S.R. Karis. The Saskatchewan Health Authority [SHA] is allegedly responsible for providing the recommended guidelines with respect to HVAC systems. According to Mr. Cannon's evidence, those recommendations are set out in the SHA's *Aerosol Generation Procedure Guidelines* [*Guidelines*]. Those *Guidelines* contain a table with no mixing factors. D.S.R. Karis requested from the SHA (and others) a copy of the technical report supporting the *Guidelines*. D.S.R. Karis and Mr. Richardson were concerned that the *Guidelines* did not define the mixing factor or explain how to use it or apply it to the table provided by the SHA. In the view of D.S.R. Karis and Mr. Richardson, the SHA was "criminally negligent" as that flaw in the *Guidelines* could potentially cause substantial harm to people and pose a risk to human life. Mr. Richardson filed a complaint with the Royal Canadian Mounted Police [RCMP] to that effect.

[9] On May 20, 2020, D.S.R. Karis wrote to The Battlefords Seventh-Day Adventist Church [Church], of which Mr. Richardson was a member, suggesting the Church hire D.S.R. Karis "to assess its compliance with recommendations by the government and leading engineering regulators for pandemic and legionellosis mitigation". Around the same time, Mr. Richardson found himself in conflict with members of the Church over his purported resignation as a ministry assistant. Mr. Richardson denied the resignation and raised issues of racism against the Church. The Church eventually rejected D.S.R. Karis's proposal. On June 5, 2020, Michael Collins, President of the Manitoba-Saskatchewan Conference of the Church, sent a notice to Mr. Richardson that he was not "under any circumstances" permitted to access any property owned by the Church. In effect, Mr. Richardson was ousted from the Church.

[10] On June 29, 2020, the Association of Professional Engineers and Geoscientists of Saskatchewan [APEGS] sent D.S.R. Karis a letter indicating that, if the corporation was providing "engineering services" in the province, it must retain a licensed engineer and obtain a certificate

of authorization from APEGS. The letter required D.S.R. Karis to advise APEGS in writing within 30 days of the name(s) of their Saskatchewan licensed professional engineer(s). The letter was signed by Robert H. McDonald, Executive Director and Registrar of APEGS.

[11] According to Mr. Cannon's evidence, during the same period, D.S.R. Karis and Mr. Richardson were having issues with the Innovation Credit Union [ICU]. Kimberley, Mr. Richardson's wife, worked at the ICU and both D.S.R. Karis and Mr. Richardson had bank accounts there. The evidence indicates that Mr. Richardson had been sending lengthy emails to ICU employees that were not viewed by the ICU as being relevant to either D.S.R. Karis or Mr. Richardson's financial dealings with them. On July 10, 2020, the lawyers for the ICU (OWZW Lawyers LLP) sent a letter to D.S.R. Karis and Mr. Richardson indicating that the ICU was terminating its relationship with them and closing their accounts. Mr. Richardson, on behalf of D.S.R. Karis and himself, filed an application in the Court of Queen's Bench for an investigation into the affairs of the ICU.

[12] At the same time as D.S.R. Karis and Mr. Richardson filed their application for an investigation into the ICU, Mr. Richardson was dealing with a court application pertaining to the breakdown of his marital relationship with Kimberley. Kimberley had retained a lawyer (Patricia Meiklejohn of the Matrix Law Group) and was allegedly denying Mr. Richardson access to Karis. Accordingly, Mr. Richardson filed a custody application in the Court of Queen's Bench. That application was rejected by the Local Registrar's Office. The Deputy Registrar, Kathleen Christopherson, allegedly told Mr. Richardson that the application was incomplete and contained inappropriate documents. In the meantime, Kimberley commenced legal proceedings under the *Divorce Act*, RSC 1985, c 3 (2d Supp), in which she claimed, among other things, custody of Karis with supervised access to Mr. Richardson. She sought an interim order to that effect.

[13] On July 22, 2020, a warrant to apprehend Mr. Richardson was granted by Pelletier J. of the Provincial Court of Saskatchewan. The warrant was issued pursuant to s. 19(2) of *The Mental Health Services Act*, SS 1984-85-86, c M-13.1. It authorized Mr. Richardson's apprehension so that he could be examined to determine whether he should be admitted to a mental health centre pursuant to s. 24 of that *Act*.

[14] Just prior to that, on July 16, 2020, a representative of the SHA had verbally communicated with Kaysha and informed her that she had been identified as a close contact of a person who had tested positive for COVID-19. She was advised that she must isolate. That conversation was followed by a letter from the SHA which indicated Kaysha was "required to remain under mandatory isolation until July 29, 2020" – 14 days from her last contact with the confirmed case. Kaysha was advised that she was "required by law to stay home and avoid situations where there is a potential to spread infection to other people".

[15] On July 23, 2020, a medical health officer signed a detention order pursuant to s. 45.1 of *The Public Health Act*, RSS 1978, c P-37. The order directed that Kaysha be apprehended and immediately conveyed to a location where she "shall be detained until 8 a.m. 30/07/20". The order was allegedly made because Kaysha had "not been following required protocols of mandatory isolation".

[16] On July 23, 2020, Mr. Richardson and Kaysha were apprehended by the RCMP at the court house in Battleford. They were there to participate in the court proceedings pertaining to D.S.R. Karis's application for an investigation into the ICU and the interim custody application with respect to Karis.

[17] Mr. Richardson was taken to the Battleford Union Hospital [BUH] where he was examined by two psychiatrists. As a result of those examinations, Mr. Richardson was detained in the psychiatric unit of the BUH. Because he refused to take his medication, Mr. Richardson was allegedly strapped to a bed and forcibly injected.

[18] Kaysha was taken to the Saskatchewan Hospital, a residential mental health facility located near Battleford, where she was housed in the isolation unit. She was allegedly "locked up" for 23 hours a day with no access to a telephone.

[19] When Mr. Richardson was unable to attend court with respect to Karis's custody application, Elson J. of the Court of Queen's Bench granted interim custody to Kimberley with a provision that the order be reviewed in a month's time. The application with respect to the ICU was adjourned *sine die*.

[20] On July 27, 2020, Mr. Cannon signed an application for a writ of *habeas corpus ad subjiciendum* on behalf of Mr. Richardson and Kaysha. The RCMP and the SHA were the only named respondents. On that same date, Currie J. of the Court of Queen's Bench dismissed Mr. Cannon's application, indicating that it must be made with notice to the respondents.

[21] On July 29, 2020, Mr. Cannon amended his application to expand the remedies sought and the grounds supporting those remedies. The application, however, was still described as being "without notice". He refiled it with the Court. On that date, Currie J. again dismissed the application on the same basis he had indicated earlier, namely that the respondents must be served with notice.

[22] On July 30, 2020, Mr. Cannon amended his application to show a return date of August 28, 2020. The grounds and reasons for the application were also amended.

[23] On August 26, 2020, Mr. Cannon amended his application for a fourth time, to include a request for a writ of *habeas corpus* with respect to Karis. He also added 39 respondents to the style of cause and expanded his grounds to include:

> 38. Respondents are taking part in terrorist activity and have taken control of the Saskatchewan jurisdiction by holding positions of power in the management of the Covid emergency in all levels of government including law enforcement, health authorities, courts, the law society, and other professional associations.
>
> 39. Respondents are taking part in genocide of those who have demonstrated themselves to hold true to the fundamental beliefs of the Seventh-Day Adventist Church.

[24] As a result of the amendments, in addition to the writ of *habeas corpus*, Mr. Cannon's application requested an order for an investigation into the ICU and its affiliates; an order that his company, Wise Work Consulting Inc., be appointed as an "impartial investigator"; that the investigator be paid a $2 million cash non-refundable retainer; that legal costs be paid by the respondents; that the investigator be given certain specified powers; that the RCMP cooperate with the investigator; that necessary contact information be provided to the investigator; that Mr. Richardson's home not be sold until the investigation was concluded; and that the respondents pay for new premises for D.S.R. Karis to operate from.

[25] On August 27, 2020, Mr. Cannon amended his application for the last time to include the wrongful detention of Ms. Pembrun. That application was not served on any of the respondents.

Mr. Cannon filed his application as an "expedited procedure" and requested an order dispensing with service of the application and supporting documents on the respondents. The *habeas corpus* application and the application to dispense with service were heard together in Queen's Bench Chambers on September 10, 2020. At the hearing, four lawyers appeared on behalf of 29 of the named respondents. Those lawyers indicated to the Chambers judge that their clients had not been served with notice of the application. No material was filed by any of the respondents.

[26] The Chambers judge rendered her decision orally on the day of the hearing. She dismissed both Mr. Cannon's application to dispense with service on the respondents, and his application for the writ of *habeas corpus*. Mr. Cannon appeals only that portion of the judgment relating to the writ of *habeas corpus*.

III. THE CHAMBERS JUDGE'S DECISION

[27] The Chambers judge dismissed Mr. Cannon's application to dispense with service on the respondents. She found that Mr. Cannon had been ordered twice before to serve his application in accordance with *The Queen's Bench Rules*. Despite those orders, he had not done so. Further, she found that the grounds for his request to dispense with service were unsubstantiated. In the circumstances, she was not satisfied that notice of the application should be dispensed with.

[28] The Chambers judge then went on to find that Mr. Cannon's application for *habeas corpus* should also be dismissed for the following reasons:

> (a) the originating application was not properly served on all of the 41 respondents in compliance with *The Queen's Bench Rules*. This is contrary to previous orders of the Court.
>
> (b) Mr. Cannon is the applicant however he has not been deprived of liberty. Instead, he sets out a number of allegations which relate not to himself but, rather, to a variety of grievances held primarily by Mr. Richardson and Ms. Dery.
>
> (c) Mr. Cannon is not a lawyer and relies on his "Christian duty" in bringing this application; however, the application seeks substantial financial remuneration payable to the corporation he represents, starting with "a $2,000,000 cash non-refundable retainer". I would caution Mr. Cannon that he may want to review *The Legal Profession Act, 1990,* SS 1990-91, c L-10.1, and the restrictions on acting on behalf of another party, particularly where remuneration is sought.
>
> [d] The relief that is sought is far beyond the scope of *habeas corpus*. It incorporates a number of third-party grievances against a vast range of respondents for a broad array of allegations. The issues and parties do not establish the criteria for a *habeas corpus* application have been met.

> [e] The application for *habeas corpus* is moot. There is no deprivation of the applicant's liberty that would trigger *habeas corpus*.
>
> [f] Although not named applicants in the matter, the evidence does not establish that any of the four individuals Mr. Cannon purports to speak for have had an unlawful deprivation of their liberty or that any past deprivation was without legitimate grounds. None of these individuals remain in custody, nor am I satisfied any are currently detained as alleged by Mr. Cannon.
>
> [g] I am not satisfied there is a live issue and decline to exercise my discretion to determine the application as I view it as theoretical.

[29] The Chambers judge awarded costs against Mr. Cannon which she fixed at $500. The costs were to be paid within 30 days.

IV. ISSUES

[30] In his notice of appeal, Mr. Cannon sets out the following grounds:

> 1) The learned trial Judge, having reviewed *all* the materials submitted, erred by dismissing the application for *habeas corpus* for the reasons hereafter.
>
> 2) The learned trial Judge erred by declaring that evidence does not establish that the four individuals the application was made on behalf of were deprived of liberty thereby putting the *onus* on the applicant as the applicant was the only party that supplied evidence.
>
> 3) The learned trial Judge erred by declaring the application for *habeas corpus* moot on the assumption that there was no deprivation of liberty of the applicant while ignoring subsection 3-64(2) of *The Queen's Bench Rules* as presented by the applicant in chambers with respect to the application on behalf of another person for an order of *habeas corpus*.
>
> 4) The learned trial Judge erred by refusing to allow Dale Richardson to speak on his own behalf in accordance with subsection 3-64(3) of *The Queen's Bench Rules* as presented by the applicant in chambers with respect to the application on behalf of another person for an order of *habeas corpus*.
>
> 5) The learned trial Judge erred by ignoring evidence that suggested, with no evidence to the contrary, that *The Mental Health Services Act* and its misapplication was used to breach Dale Richardson's charter rights as he was stripped and consistently tied to a table and drugged against his will until an application for *habeas corpus* was filed on his behalf and served.
>
> 6) The learned trial Judge erred by ignoring evidence that suggested, with no evidence to the contrary, that *The Public Health Act, 1994* was used to breach Kaysha Dery's charter rights as she was taken to Saskatchewan Hospital secure side, a maximum security prison, for eight days without trial and subjected to various forms physical and psychological torture.
>
> 7) The learned trial Judge erred by ignoring evidence that suggested, with no evidence to the contrary, judicial interference by the Royal Canadian Mounted Police, the Saskatchewan Health Authority, and a provincial mental health warrant interfering with legal proceedings to be held in the Court of Queen's Bench for Saskatchewan.

> 8) The learned trial Judge erred by declaring Karis Richardson is no longer in custody despite evidence that suggested, with no evidence to the contrary, that Karis was detained by Kimberley Ann Richardson using the Royal Canadian Mounted Police while investigations of torture against Kimberley with respect to Karis were ongoing by Royal Canadian Mounted Police.
>
> 9) The learned trial Judge, knowing that Dale Richardson and Kaysha Dery were taken by the Royal Canadian Mounted Police in front court minutes before a hearing in which Dale on behalf of a federal corporation was to appear against the Royal Canadian Mounted Police and Saskatchewan Health Authority and others, erred by declaring that evidence did not establish that his deprivation of liberty was without legitimate grounds.

[31] Those grounds give rise to these issues:

(a) Did the Chambers judge err by concluding Mr. Cannon lacked standing to bring the application?

(b) Did the Chambers judge err by refusing to allow Mr. Richardson to speak on his own behalf?

(c) Did the Chambers judge err by ignoring evidence that suggested breaches of Mr. Richardson's and Kaysha's *Charter* rights?

(d) Did the Chambers judge err by ignoring evidence of judicial interference by the RCMP and the SHA?

(e) Did the Chambers judge err by determining the *habeas corpus* application was moot?

(f) Did the Chambers judge err by shifting the burden of proof to Mr. Cannon to establish that the named individuals were wrongfully deprived of their liberty?

(g) If so, did the Chambers judge err by determining the four named individuals were not unlawfully detained?

[32] Prior to the hearing of the appeal, Mr. Richardson advised the Registrar's office that he would like to make submissions on the appeal on his own behalf and that of his daughters. After Mr. Cannon had completed his oral representations, the panel asked Mr. Richardson if he had anything to add. He proceeded to stress those aspects of the appeal relating to the effects upon him and his children. In the course of his submissions, he made extensive reference to the United

Nation's Convention against Torture. The panel determined that insofar as his remarks were relevant, they had already been presented by Mr. Cannon.

V. ALLEGATIONS OF BIAS AND REASONABLE APPREHENSION OF BIAS

A. Mr. Cannon's position

[33] Mr. Cannon suggested that the panel hearing his appeal, and indeed the Court of Appeal for Saskatchewan as a whole, is biased and is part of what he refers to as the "ICU conspiracy". As such, Mr. Cannon contends this Court cannot render an impartial decision with respect to his appeal. He did not, however, ask the panel to recuse itself. Nonetheless, we will address his concerns.

[34] In support of his position, Mr. Cannon points to three judges of this Court who have interacted with either him or Mr. Richardson. He alleges those judges were biased, either because they denied the application before them, or failed to grant all of the relief requested. One of the judges was Mr. Cannon's appeal management judge. While Mr. Cannon acknowledged that judge was of assistance to him, he nonetheless alleges, without any evidence, that the judge was part of the conspiracy.

[35] Mr. Cannon identified no specific concerns with any member of the panel who heard his appeal. He merely states that this Court is part of the "conspiracy". In other words, there is no evidence or suggestion of actual bias by any panel member. None of the panel members know Mr. Cannon, Mr. Richardson or Kaysha, and none of them have ever dealt with those individuals.

B. The law

[36] All courts owe a duty of procedural fairness to the people who appear before them. One aspect of procedural fairness is that decisions be made by impartial decision-makers.

[37] There is a presumption in law that judges will act impartially. The majority in *Wewaykum Indian Band v Canada*, 2003 SCC 45, [2003] 2 SCR 259 [*Wewaykum*], explained the presumption in these terms:

> [59] Viewed in this light, "[i]mpartiality is the fundamental qualification of a judge and the core attribute of the judiciary" (Canadian Judicial Council, *Ethical Principles for Judges* (1998), at p. 30). It is the key to our judicial process, and must be presumed. As was noted by L'Heureux-Dubé J. and McLachlin J. (as she then was) in *S. (R.D.)*, *supra*, at para. 32, the presumption of impartiality carries considerable weight, and the law should not carelessly evoke the possibility of bias in a judge, whose authority depends upon that presumption. Thus, while the requirement of judicial impartiality is a stringent one, the burden is on the party arguing for disqualification to establish that the circumstances justify a finding that the judge must be disqualified.

[38] As Mr. Cannon has presented no evidence of actual bias, the issue is whether there is a reasonable apprehension of bias with respect to the panel or any member thereof. The test for reasonable apprehension of bias was set out by de Grandpré J. in his dissent in *The Committee for Justice and Liberty v Canada (National Energy Board)*, [1978] 1 SCR 369 at 394 [*Committee for Justice and Liberty*]:

> …[T]he apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. …[T]hat test is "what would an informed person, viewing the matter realistically and practically—and having thought the matter through—conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly."
>
> (Emphasis added)

As de Grandpré J. stated in *Committee for Justice and Liberty* at page 395, the grounds underpinning such applications must be "substantial". He refused the suggestion that the test is related to the "very sensitive or scrupulous" conscience.

[39] In *Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 39, [2005] 2 SCR 91, the Supreme Court of Canada stated:

> [15] …none of the judges who were scheduled to hear and have now heard the appeal were in any way involved in this case. No reasonable person would think, after Abella J. voluntarily recused herself, that her mere presence on the Court would impair the ability of the balance of its members to remain impartial. If there is a duty on the part of one member of our Court to recuse him or herself, it is an astounding proposition to suggest that the same duty automatically attaches to the rest of the Court or compromises the integrity of the whole Court. To reach that conclusion would be to ascribe a singular fragility to the impartiality that a judge must necessarily show, and to the ability of judges to discharge the duties associated with impartiality in accordance with the traditions of our jurisprudence. …
>
> (Emphasis added)

[40] Mr. Cannon has provided no evidence to substantiate his allegation of a reasonable apprehension of bias by the panel hearing his appeal. In the circumstances, it cannot be said that

an informed person, viewing the matter realistically and practically and having thought the matter through, would conclude that a reasonable apprehension of bias exists.

VI. APPLICATION TO ADDUCE EVIDENCE

A. Supplementary appeal book

[41] Legal counsel for the SHA, the Public Health Authority [PHA], the Saskatchewan Hospital, the BUH, Rebecca Soy, and Ken Startup filed a supplementary appeal book. That appeal book contained six documents:

(a) a Warrant to Apprehend Mr. Richardson dated July 22, 2020;

(b) a Certificate of Medical Practitioner Compulsory Admission of a Person to a Mental Health Centre dated July 23, 2020;

(c) a Detention Order for Kaysha dated July 23, 2020;

(d) a Decision of Review Panel (re Mr. Richardson's detention) dated July 28, 2020;

(e) a Discharge Information for Mr. Richardson dated August 7, 2020; and

(f) a Certificate of Medical Practitioner for Compulsory Admission of a Person to a Mental Health Centre dated July 24, 2020.

[42] At the hearing of the appeal, the panel raised the question of whether these documents were before the Chambers judge when she rendered her decision and, if not, whether an application to adduce fresh evidence was required. Mr. Cannon, however, indicated that he wanted this Court to receive the documents as evidence. Accordingly, the contents of the supplementary appeal book were accepted by the Court.

B. Mr. Cannon's application to adduce evidence

1. Mr. Cannon's position

[43] Mr. Cannon brought an application to adduce evidence, which he suggested would "impact an impartial decision [of his appeal] by this Court". He contended the evidence demonstrates "a

pattern of behaviour to cover up crime and suspend the justice thereof that transcends national boundaries".

[44] The evidence Mr. Cannon seeks to adduce is as follows:

(a) a transcript of a taped conversation between Chad Gartner, an employee of the ICU, and Mr. Richardson on behalf of D.S.R. Karis, as well as a copy of a non-disclosure agreement between the ICU and D.S.R. Karis;

(b) a photograph of Ms. Pembrun and a transcript of a taped conversation between her and Mr. Cannon;

(c) an *ex parte* motion submitted by Mr. Cannon on January 29, 2021, for leave to appeal to the Supreme Court of Canada for a writ of *habeas corpus*, including its appendices; and

(d) the arbitrary suspension of the privilege of writ of *habeas corpus* filed in the United States District Court for the District of Nevada.

[45] The evidence Mr. Cannon seeks to adduce includes material that was in existence at the time of the hearing ((a) and (b)) as well as new evidence in the form of court applications to the Supreme Court of Canada and the District Court of Nevada which arose after the hearing ((c) and (d)).

[46] The decision to admit further evidence in this Court is a discretionary one. The principles applicable to the exercise of that discretion depend on whether the evidence existed before the hearing or arose thereafter: *Maitland v Drozda* (1983), 22 Sask R 1 (CA) at para 24 [*Maitland*]; *Turbo Resources Ltd. v Gibson* (1988), 60 Sask R 221 (CA) at paras 10–11 [*Turbo Resources*]; and *Mental Health and Addictions Services v S.B.*, 2021 SKCA 18 at para 8 [*S.B.*].

[47] The Court in *Turbo Resources* was dealing with what was then Rule 41 of *The Court of Appeal Rules*. That Rule has since been changed. Rule 59 now governs applications to adduce evidence in this Court. It provides:

> **59(1)** A party desiring to adduce fresh evidence on appeal shall, in accordance with existing law, apply to the court for leave to do so by notice of motion returnable on the date fixed for hearing the appeal.

> **(2)** The notice of motion shall be served on all parties and filed not later than 10 days before the date fixed for hearing the appeal.

The decision to admit evidence remains a discretionary one to be determined in accordance with the principles set out in *Maitland* and *Turbo Resources*.

[48] In summary, evidence in existence at the time of a hearing must meet the test set out by the Supreme Court of Canada in *R v Palmer*, [1980] 1 SCR 759 at 775 [*Palmer*]:

> (1) The evidence should generally not be admitted if, by due diligence, it could have been adduced at trial …
>
> (2) The evidence must be relevant in the sense that it bears upon a decisive or potentially decisive issue in the trial.
>
> (3) The evidence must be credible in the sense that it is reasonably capable of belief, and
>
> (4) It must be such that if believed it could reasonably, when taken with the other evidence adduced at trial, be expected to have affected the result.

[49] Evidence that arises after the hearing need not meet the *Palmer* test, but the *Palmer* factors are still relevant to the question of whether such evidence should be admitted (*C.H. v S.F.*, 2021 SKCA 24 at para 18 [*C.H.*]). The evidence must be admissible and relevant to an issue under appeal "in the sense that it bears upon a decisive, or potentially decisive, issue in the proceeding"; it must be credible; and if believed, it must reasonably have the potential, when taken with the other evidence adduced, to have affected the result (*C.H.* at para 18). Further, as stated in *S.B.* at paragraph 8, "it must not violate the principle of public policy that favours finality to litigation".

[50] With the above principles in mind, we turn to consider the evidence Mr. Cannon wishes to adduce.

a. Transcript of the taped conversation with Chad Gartner and the non-disclosure agreement

[51] Mr. Cannon contends that the non-disclosure agreement he seeks to file, and the taped conversation with Mr. Gartner, which Mr. Cannon asserts confirms that the ICU breached that agreement, are at the heart of the "ICU conspiracy". It is his position that the RCMP had no reason to apprehend Mr. Richardson or Kaysha, and thus he speculates that the motivating factor for their apprehensions was the ICU acting to prevent any investigation into its conduct.

[52] We begin by noting that this evidence was in existence when the *habeas corpus* application was heard. Mr. Cannon asserts it was not presented to the Court at that time because he did not have permission from D.S.R. Karis to do so.

[53] The evidence does not meet the *Palmer* test. No explanation was provided as to why D.S.R. Karis would not allow what Mr. Cannon believes to be significant evidence supporting the allegation of a conspiracy of which Mr. Richardson and Kaysha were the alleged victims to be filed with the court. Further, there is no affidavit evidence as to the circumstances surrounding the taping of the conversation with Mr. Gartner which affects the weight and credibility this Court could ascribe to it. The transcript itself does not necessarily lead to the conclusion drawn by Mr. Cannon and, as such, even if believed, could not when taken with the other evidence adduced be expected to reasonably have affected the result. As the evidence does not meet the *Palmer* test, it cannot be admitted.

b. The photograph of Ms. Pembrun and a transcript of her taped conversation with Mr. Cannon

[54] The photograph of Ms. Pembrun and the transcript of Mr. Cannon's conversation with her were in existence at the time the *habeas corpus* application was heard and, accordingly, for that evidence to be admissible, it must meet the *Palmer* test.

[55] Mr. Cannon submits the evidence was relevant to the *habeas corpus* application. It is his position that Ms. Pembrun was "the first independent party to be punished" for Mr. Richardson's actions.

[56] Mr. Cannon candidly acknowledged that this evidence was not produced through his own inadvertence. As such, it fails to meet the first requirement of the *Palmer* test as, with due diligence, it could have been adduced at the *habeas corpus* hearing. The evidence lacks reliability as the circumstances surrounding the taping were not provided. Further, there is no evidence of how or why Ms. Pembrun was hospitalized or whether she continued to be hospitalized at the time of the hearing. Thus, the evidence, even if believed, could not, when taken with the other evidence adduced, reasonably have affected the result of the application. Accordingly, the evidence cannot be admitted in this Court.

c. The *ex parte* motion to the Supreme Court of Canada

[57] Mr. Cannon wishes to adduce his *ex parte* motion to the Supreme Court of Canada and its supporting documentation to advance his assertion of a "masonic conspiracy" to cover up criminal and terrorist activities in both Canada and the United States.

[58] The motion could not have been filed at the time of the hearing of the *habeas corpus* application as it was not yet in existence. It is new evidence. At least a portion of the documents Mr. Cannon seeks to submit consists of arguments and opinions which are not evidence. The Supreme Court's rejection of Mr. Cannon's motion is not proof of a "masonic conspiracy". It is a judicial determination of an application that was not properly before that Court. Further, there are no factual underpinnings linking that motion to the issues before this Court. As such, Mr. Cannon has failed to establish its relevance to this appeal. Finally, the evidence, even if admitted, would not be decisive to the determination of any of the issues raised by his appeal. In the circumstances, the Court is not prepared to accept this documentation as evidence.

d. United States District Court proceedings in Nevada

[59] Mr. Cannon submits his application before the United States District Court in Nevada is further evidence of a "conspiracy" to "threaten, coerce and punish him as a member of the Christian Right".

[60] The documents in issue were created following the hearing of the *habeas corpus* application and as such constitute new evidence. The documents, however, do not support Mr. Cannon's conclusions. Much of the documentation is not evidence at all but, rather, Mr. Cannon's allegations, opinions and arguments in support of his conspiracy theory. Further, Mr. Cannon has failed to show that the documents are relevant to any matter under appeal. Accordingly, the Court declines to accept the documentation as evidence.

[61] In summary, Mr. Cannon's application to adduce evidence is dismissed.

VII. NOTICE OF CONSTITUTIONAL QUESTIONS

[62] Mr. Cannon filed a notice of constitutional questions in this Court challenging the validity of s. 15(1) of the *Canada Business Corporations Act*, RSC 1985, c C-44; s. 15(1) of *The Business*

Corporations Act, RSS 1978, c B-10; s. 3-6(1) of *The Provincial Health Authority Act*, SS 2017, c P-30.3; s. 16(1) of the *Canada Not-for-profit Corporations Act*, SC 2009, c 23; s. 15(1) of *The Non-profit Corporations Act, 1995*, SS 1995, c N-4.2; s. 30 of *The Legal Profession Act, 1990*, SS 1990-91, c L-10.1; ss. 18, 18.1, 19, 20, 21 and 34 of *The Mental Health Services Act*; and ss. 38, 45 and 45.1 of *The Public Health Act, 1994*, SS 1994, c P-37.1.

[63] Mr. Cannon seeks to have the above identified statutory provisions declared invalid pursuant to s. 52(1) of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, "to mitigate the further infringement" of Mr. Richardson's, Kaysha's and Karis's section 1, 2, 7, 8, 9, 10, 12, 15, 28 and 36 *Charter* rights and as well, Kaysha's section 35 *Charter* rights. He asserts the infringement of those rights is "ongoing" and "perpetuated without limitation" by the "mason conspirators". In effect, Mr. Cannon contends that the respondents are using the Acts identified to persecute Mr. Richardson, Kaysha and Karis. In the alternative, Mr. Cannon requests remedies under s. 24(1) of the *Charter* and the prosecution of "appropriate parties to prevent the infringement of D.S.R. Karis's, Mr. Richardson's, Kaysha's and Karis's *Charter* rights".

[64] In his notice, Mr. Cannon identified 41 "mason conspirators", including at least 6 U.S. entities, the Provincial Court of Saskatchewan, the Court of Queen's Bench for Saskatchewan, the Chambers judge, who heard his *habeas corpus* application, this Court as well as a judge thereof, the Federal Court, the Federal Court of Appeal, the Department of Justice Canada, the Attorney Generals of Canada and Saskatchewan, the Law Society of Saskatchewan, the Legislative Assembly of Saskatchewan, and at least 23 other individuals or organizations which are not named as respondents in this appeal.

[65] While the Attorney Generals of Canada and Saskatchewan were served with Mr. Cannon's notice of constitutional questions, that notice was not filed with the Chambers judge who heard the *habeas corpus* application. Further, no evidence was filed before the Chambers judge and no application to adduce evidence with respect to the constitutional questions raised was made to this Court. Those questions amount to a general assertion that the legislative provisions identified infringe Mr. Richardson, D.S.R. Karis, Kaysha and Karis's *Charter* rights. However, the notice

provides no particulars with respect to why this is so or why the remedies Mr. Cannon seeks are appropriate.

[66] In *Guindon v Canada*, 2015 SCC 41, [2015] 3 SCR 3 [*Guindon*], the Supreme Court considered when it is appropriate for a court to deal with a constitutional question when notice has not been provided in the court of first instance. Justices Rothstein and Cromwell, writing for the majority, stated:

> [19] Before turning to the other points, we should be clear what the issue is and what it is not. The issue is *not* whether this Court (or for that matter the courts below) can proceed to adjudicate a constitutional question without notice ever having been given to the attorneys general. Notice requirements serve a vital purpose in ensuring that courts have a full evidentiary record before invalidating legislation and that governments are given the fullest opportunity to support the validity of legislation: see *Eaton*, at para. 48. Notice has now been given in this case. The question is one of whether this Court should address the matter now that notice has been given, not whether this Court or any other can proceed in the absence of notice: see, e.g., *Morine v. Parker (L & J) Equipment Inc.*, 2001 NSCA 53, 193 N.S.R. (2d) 51; *Mohr v. North American Life Assurance Co.*, [1941] 1 D.L.R. 427 (Sask. C.A.); *Citation Industries Ltd. v. C.J.A., Loc. 1928* (1988), 53 D.L.R. (4th) 360 (B.C.C.A.).
>
> [20] The principles that must be applied here are essentially those that govern whether this is a suitable case to hear a constitutional issue that is properly before the court for the first time on appeal. The issue is "new" in the sense that the constitutional issue, by virtue of the absence of notice, was not properly raised before either of the courts below. Whether to hear and decide a constitutional issue when it has not been properly raised in the courts below is a matter for the Court's discretion, taking into account all of the circumstances, including the state of the record, fairness to all parties, the importance of having the issue resolved by this Court, its suitability for decision and the broader interests of the administration of justice.
>
> [21] The Court has many times affirmed that it may, in appropriate circumstances, allow parties to raise on appeal an argument, even a new constitutional argument, that was not raised, or was not properly raised in the courts below: see, e.g., *R. v. Brown*, [1993] 2 S.C.R. 918; *Corporation professionnelle des médecins du Québec v. Thibault*, [1988] 1 S.C.R. 1033; *Performance Industries Ltd. v. Sylvan Lake Golf & Tennis Club Ltd.*, 2002 SCC 19, [2002] 1 S.C.R. 678. The Court has even done so of its own motion, as we shall see.
>
> [22] The test for whether new issues should be considered is a stringent one. As Binnie J. put it in *Sylvan Lake*, "The Court is free to consider a new issue of law on the appeal where it is able to do so without procedural prejudice to the opposing party and where the refusal to do so would risk an injustice": para. 33. While this Court can hear and decide new issues, this discretion is not exercised routinely or lightly.

See also: *Merck Frosst Canada Ltd. v Wuttunee*, 2008 SKCA 125 at para 11, 314 Sask R 90.

[67] To consider the notice of constitutional questions in this Court would cause significant prejudice to the Attorney Generals of Canada and Saskatchewan. This is so because they have had no opportunity to present evidence with respect to the impugned legislative provisions. Mr. Cannon has not indicated how those provisions have breached Mr. Richardson's, Kaysha's or Karis's *Charter* rights or how the alleged breaches are relevant to the *habeas corpus* application which is the subject of this appeal. In short, he seeks to challenge a number of federal and provincial statutes without providing a proper legal foundation or setting out the factual circumstances underpinning the relief he seeks. As stated in *Kimoto v Canada (Attorney General)*, 2011 FCA 291 at paras 19–20, 426 NR 69, constitutional questions cannot be determined in a vacuum. Further, we are not satisfied that to refuse to consider the constitutional issues raised by Mr. Cannon would risk an injustice.

[68] This Court declines to exercise its discretion to hear the notice of constitutional questions.

VIII. ANALYSIS

[69] It is significant that Mr. Cannon's grounds for appeal make no mention of the fact the respondents were not properly served with notice of the *habeas corpus* application in accordance with *The Queen's Bench Rules*. The Chambers judge's dismissal of Mr. Cannon's application to dispense with service on them is dispositive of this appeal. Mr. Cannon's application before the Chambers judge could not succeed without proper notice being given.

[70] Despite the issue of service, the Chambers judge went on to determine the *habeas corpus* application on its merits.

A. Did the Chambers judge err by concluding Mr. Cannon lacked standing to bring the application?

[71] It is Mr. Cannon's position that Rule 3-64(2) gave him authority to bring the *habeas corpus* application on behalf of Mr. Richardson, Mr. Richardson's daughters, and Ms. Pembrun, and that the Chambers judge erred in concluding otherwise.

[72] The Court agrees with Mr. Cannon's position. Rule 3-64(2) provides as follows:

> Any person is entitled to bring proceedings, on his or her own behalf or on behalf of any other person, to obtain an order of *habeas corpus ad subjiciendum*.
>
> (Emphasis added)

Thus, Mr. Cannon had standing to bring the application on behalf of the four individuals identified and the Chambers judge erred by concluding otherwise. That error, however, does not mean the Chambers judge's order should be set aside. Mr. Cannon's standing to bring the application was only one of several reasons why the Chambers judge concluded the application must be dismissed.

B. Did the Chambers judge err by refusing to allow Mr. Richardson to speak on his own behalf?

[73] Mr. Cannon contends that the Chambers judge erred by refusing to allow Mr. Richardson to speak on his own behalf at the hearing.

[74] The application in issue was heard in Chambers and, as such, there is no transcript of the proceeding. Mr. Cannon did not apply before this Court to adduce evidence as to the circumstances surrounding this particular allegation. However, Rule 3-64(3) indicates a judge may determine which of the applicant or the subject of the application is to have carriage of the proceedings. Subsection (3) reads as follows:

> (3) If an application is brought by a person on behalf of another person, the Court may determine which of the applicant or the subject of the application is to have the carriage of the proceedings.

[75] "[C]arriage of the proceedings" includes making oral submissions to the Court. As such, given the limited factual context provided, it cannot be said that the Chambers judge erred by refusing to let Mr. Richardson speak on his own behalf. She allowed Mr. Cannon to speak for him. She was entitled, pursuant to Rule 3-64(3), to make that choice. The fact that she did so is not an error which would result in Mr. Cannon's appeal being allowed.

C. Did the Chambers judge err by ignoring evidence that suggested breaches of Mr. Richardson's and Kaysha's *Charter* rights?

D. Did the Chambers judge err by ignoring evidence of judicial interference by the RCMP and the SHA?

[76] Issues C and D both allege that the Chambers judge erred by ignoring evidence and, as such, may be addressed together.

[77] It is Mr. Cannon's position that the Chambers judge was part of a "conspiracy" to wrongfully detain Mr. Richardson and Kaysha, and that all of the respondents, in different ways, had violated their *Charter* rights. He asserts that the fact those two individuals were apprehended when they attended the court house in Battleford to participate in legal proceedings involving the ICU and Karis is evidence of a conspiracy, and a blatant interference with the judicial process. In his view, the apprehensions occurred to prevent Mr. Richardson and Kaysha from appearing with respect to those court proceedings.

[78] Aside from the bald assertion that was the reason behind the apprehensions, the evidence does not support Mr. Cannon's position. There is evidence that Mr. Richardson was engaged in disruptive behaviour before the warrant for his apprehension was issued. Mr. Cannon also presented evidence that Kaysha was advised by the SHA that she was subject to a mandatory isolation order because she was in close contact with an individual who had tested positive for COVID-19. The fact that the Chambers judge did not agree with Mr. Cannon's interpretation of the evidence does not mean she ignored or overlooked it.

[79] Mr. Cannon's appeal on the above grounds also fails.

E. Did the Chambers judge err by determining the *habeas corpus* application was moot?

1. Mr. Cannon's position

[80] It is Mr. Cannon's position that the Chambers judge erred by determining the *habeas corpus* application was moot on the basis there was no deprivation of liberty. He points to what he calls the ongoing torture of Mr. Richardson and Kaysha by the respondents and others. He alleges a conspiracy perpetrated by the masons and a religious conflict between the "children of the light"

and the "children of the dark". Mr. Cannon maintains an impartial investigation into everything that has occurred is necessary.

2. The law

[81] In order to assess the Chambers judge's decision that Mr. Cannon's *habeas corpus* application was moot, it is necessary to set out the law pertaining to such applications.

[82] Section 10 of the *Charter* states "[e]veryone has the right on arrest or detention…[t]o have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful".

[83] There are two elements to a *habeas corpus* application: (a) a deprivation of liberty; and (b) that the deprivation be unlawful. As stated by the Supreme Court of Canada in *May v Ferndale Institution*, 2005 SCC 82 at para 74, [2005] 3 SCR 809 [*May*], "the onus of making out a deprivation of liberty rests on the applicant. The onus of establishing the lawfulness of that deprivation rests on the detaining authority".

[84] In *Mission Institute v Khela*, 2014 SCC 24, [2014] 1 SCR 502 [*Khela*], the Supreme Court of Canada dealt with an appeal pertaining to an application for *habeas corpus* by a prison inmate who had been transferred from a medium security institution to a maximum security institution on an emergent and involuntary basis. Justice LeBel, writing for the Court, reaffirmed its position in *May* stating:

> [30] To be successful, an application for *habeas corpus* must satisfy the following criteria. First, the applicant must establish that he or she has been deprived of liberty. Once a deprivation of liberty is proven, the applicant must raise a legitimate ground upon which to question its legality. If the applicant has raised such a ground, the onus shifts to the respondent authorities to show that the deprivation of liberty was lawful (Farbey, Sharpe and Atrill, at pp. 84-85; *May*, at paras. 71 and 74).

[85] In accordance with the authorities cited, the onus rested with Mr. Cannon to establish that Mr. Richardson, Kaysha, Karis and Ms. Pembrun were all deprived of liberty and that there was a legitimate ground upon which to question the lawfulness of that deprivation. Only at that point would the burden shift to the detaining authority to prove the detentions were lawful.

[86] A legal proceeding is "moot" once the issue or issues raised by the proceeding are resolved. In *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342, the Supreme Court considered the doctrine of mootness. Justice Sopinka, writing for the Court, stated at page 353:

> The doctrine of mootness is an aspect of a general policy or practice that a court may decline to decide a case which raises merely a hypothetical or abstract question. The general principle applies when the decision of the court will not have the effect of resolving some controversy which affects or may affect the rights of the parties. If the decision of the court will have no practical effect on such rights, the court will decline to decide the case. This essential ingredient must be present not only when the action or proceeding is commenced but at the time when the court is called upon to reach a decision. Accordingly, if, subsequent to the initiation of the action or proceeding, events occur which affect the relationship of the parties so that no present live controversy exists which affects the rights of the parties, the case is said to be moot. The general policy or practice is enforced in moot cases unless the court exercises its discretion to depart from its policy or practice. The relevant factors relating to the exercise of the court's discretion are discussed hereinafter.
>
> The approach in recent cases involves a two-step analysis. First, it is necessary to determine whether the required tangible and concrete dispute has disappeared and the issues have become academic. Second, if the response to the first question is affirmative, it is necessary to decide if the court should exercise its discretion to hear the case. The cases do not always make it clear whether the term "moot" applies to cases that do not present a concrete controversy or whether the term applies only to such of those cases as the court declines to hear. In the interest of clarity, I consider that a case is moot if it fails to meet the "live controversy" test. A court may nonetheless elect to address a moot issue if the circumstances warrant.

[87] In situations where the liberty of a person for whom a writ of *habeas corpus* has been requested is no longer being infringed, courts generally hold the application is moot.

[88] In *R v Charley*, 2018 ONSC 1163, 405 CRR (2d) 57, Morgan J. explained that *habeas corpus* is not applicable to a historical detention. As he put it:

> [32] Although it is an ancient and powerful remedy, *habeas corpus* is not applicable to all situations. Specifically, it is not applicable to challenge a historic detention: *R v Latham*, [2000] OJ No 3720, at paras 21-23. It is the lawfulness of the detention at the date of the Application that is the focus of the inquiry. As Canada's leading scholars in the field have explained:
>
> > It has been held consistently that the relevant time at which the detention of the prisoner must be justified is the time at which the court considers the return of the writ. This rule means that nothing which has happened before the present cause of detention took effect will be relevant to the issue before the court…
> >
> > J. Farbey and R.J. Sharpe, *The Law of Habeas Corpus*, 3d ed. (Oxford University Press, 2011), at pp. 198-99.
>
> [33] Since *habeas corpus* is concerned only with the lawfulness of a person's current detention, the matter before me lacks a live controversy. "This essential ingredient must be

> present not only when the action or proceeding is commenced but at the time when the court is called upon to reach a decision. Accordingly, if…no present live controversy exists which affects the rights of the parties, the case is said to be moot": *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342, at para 15.
>
> [34] A change in circumstance which renders the petitioner's allegedly unlawful situation lawful has the effect of making a *habeas corpus* application moot. Thus, for example, granting bail to a remand prisoner, *R v Nielsen*, 2016 ONCA 635, or removing an inmate from separate confinement, *Hamer v Vancouver Island Regional Correction Centre (Warden)*, 2016 BCSC 2380, or reclassifying an inmate as a maximum-security inmate, *Skulsh v Katz*, 2012 BSC 350, or releasing an inmate from custody, *R v Hall*, [1997] OJ No 4047 (Ont CA), all make a *habeas corpus* proceeding moot.
>
> (Emphasis added)

[89] Justice Morgan's view that where a detention no longer exists at the time a *habeas corpus* application is heard, the application is moot, reflects the predominant approach by Canadian courts. In *Finck v Canada (National Parole Board)*, 2005 NSCA 107, 235 NSR (2d) 1, the appellant was released shortly after his application for *habeas corpus* was dismissed by the Nova Scotia Supreme Court. On appeal, Hamilton J.A. held that the matter of the appeal was moot since the appellant had not been incarcerated pursuant to the impugned warrant for almost three years. She stated that, "[a] remedy in the nature of *habeas corpus* [had] long since been impossible to grant in this matter" (at para 9).

[90] Likewise, in *R v Hall*, 1997 CarswellOnt 4108 (CA), the prisoner appealed a decision refusing *habeas corpus*. The Crown argued that the appeal was moot because the prisoner had since been released from custody. The Court of Appeal for Ontario agreed that the appeal was moot and declined to hear it.

[91] Further, in *Ross v Warden of Riverbend Institution*, 2007 SKQB 232, aff'd 2009 SKCA 23, the prisoner sought release from segregation and return to the general population of the institution. Justice Rothery held that the *habeas corpus* application was moot because the prisoner had already been released from segregation. On appeal to this Court, Lane J.A. confirmed that the *habeas corpus* issue was moot:

> [5] It is my view the essential issue was moot as decided by the Chambers judge and no error has been demonstrated. At the time of the hearing before the Chambers judge the circumstances leading to the application, the appellant's placement on segregation status, no longer existed. The transfer from the minimum-security institution to administrative segregation in the penitentiary was the action which precipitated the appellant's application for *habeas corpus*. The Chambers judge properly relied on the principles set out in *Borowski*….

3. Application of the law

[92] Mr. Cannon's application was for a writ of *habeas corpus ad subjiciendum* with respect to Mr. Richardson, Kaysha, Karis and Ms. Pembrun. He requested that those individuals be brought before the Court to "determine the validity" of their detentions. By the time the application was heard, Mr. Richardson and Kaysha were no longer detained and there was no evidence that their right to liberty continued to be infringed once they were released from detention. In fact, both Mr. Richardson and Kaysha were present at the Chambers hearing.

[93] The *Charter* is meant to protect individual rights from state interference. It does not apply to disputes between private individuals. Karis was never apprehended or detained by any government authority. At all times material to the *habeas corpus* application, she was in the legal custody of her mother.

[94] While *habeas corpus* was historically the common law remedy to decide questions of custody, it has largely been replaced by provincial and federal legislation which now governs custody disputes between parents. As already indicated, Mr. Richardson was engaged in such a dispute with his wife, Kimberley. While Elson J. made an order granting Kimberley interim custody of Karis, he did so pursuant to the *Divorce Act* in the context of a family law dispute, which is a civil proceeding. In short, the proposition that Karis's custody should be subject to a *habeas corpus* application is misplaced. Such disputes are properly dealt with under the appropriate provincial or federal legislation. See: *S. v Haringey London Borough Council*, [2003] EWHC 2734 (Admin). The Chambers judge did not err in concluding Karis was not deprived of liberty within the meaning of s. 10(c) of the *Charter*.

[95] Finally, as already indicated herein, there was no evidence filed before the Chambers judge with respect to Ms. Pembrun's alleged detention. Accordingly, no order for *habeas corpus* could be made with respect to her.

[96] Given the case authority, the Chambers judge did not err in holding that Mr. Cannon's application was moot on the basis that Mr. Richardson and Kaysha were no longer being detained.

[97] Having said that, courts have the discretion to hear moot matters where it is in the public interest to do so: *Khela* at para 14; *Mercredi v Saskatoon Provincial Correctional Centre*, 2019 SKCA 86 at para 23, [2020] 4 WWR 212.

[98] The Chambers judge addressed this discretion at paragraph 6(h) of her decision where she indicated "I am not satisfied there is a live issue and decline to exercise my discretion to determine the application as I view it as theoretical". While the Chambers judge did not elaborate on her reasons for refusing to exercise her discretion, it is evident that Mr. Cannon's application was destined to fail as he had not served the respondents and they had not been given an opportunity to respond. Further, Mr. Cannon had included in his application a number of complaints that he wanted investigated, including allegations of conspiracy, terrorism and torture. Those matters were not properly included in the *habeas corpus* application, nor were they substantiated by the evidence he had adduced. In the circumstances, it cannot be said that the Chambers judge erred by refusing to hear the moot application as Mr. Cannon had not established that it was in the public interest to do so.

F. Did the Chambers judge err by shifting the burden of proof to Mr. Cannon to establish that the named individuals were wrongfully deprived of their liberty?

G. Did the Chambers judge err in determining the four named individuals were not unlawfully detained?

[99] Issues F and G both relate to what Mr. Cannon needed to establish to be successful in his *habeas corpus* application and, accordingly, it is appropriate to deal with those two issues together.

[100] As this Court has determined the Chambers judge did not err by concluding Mr. Cannon's *habeas corpus* application was moot, it is unnecessary to address these two grounds of appeal.

IX. COSTS

[101] In addressing the issue of costs, it is important to consider the appropriateness of Mr. Cannon naming 41 respondents in his notice of appeal.

[102] A *habeas corpus* application should be directed to the person(s) or the state authority who actually apprehended, detained or deprived an individual of their liberty. It commands them to bring the detainee before the court to provide evidence. As already pointed out, the *Charter*, and in this case, s. 10(c) thereof, is not meant to be a sword against private individuals, organizations or corporations. Rather, the *Charter* is concerned with state interference of individual rights. As such, the only proper respondents to Mr. Cannon's application were the RCMP, the SHA, the PHA, the Saskatchewan hospital and the BUH. The evidence does not support that any of the other respondents had anything to do with the alleged deprivation of Mr. Richardson's or Kaysha's liberty. While Mr. Cannon asserts those respondents are guilty of conspiracy, torture and terrorism, he failed to connect their alleged actions to the detentions in issue.

[103] The remaining 36 respondents, other than the Court of Queen's Bench which neither appeared nor filed material on the appeal, have been put to considerable expense to retain counsel, file material and argue the appeal. Mr. Cannon's allegations are extremely serious and include corruption, criminal negligence, conspiracy, terrorism and torture. The appeal hearing itself lasted more than four hours. All the respondents who appeared are seeking costs against Mr. Cannon with the exception of the Attorney General of Saskatchewan. Several of the respondents have requested solicitor-client costs, contending Mr. Cannon's appeal, which involved them, was vexatious, frivolous and an abuse of process.

[104] Mr. Cannon, on the other hand, opposes any award of costs against him. He views such awards as "punishment" when all he was trying to do was his "Christian duty".

[105] Whether costs should be awarded rests with the discretion of the Court. Rule 52 of *The Court of Appeal Rules* states: "The court may make any order as to the costs of an appeal…that it considers appropriate".

[106] In *British Columbia (Minister of Forests) v Okanagan Indian Band*, 2003 SCC 71, [2003] 3 SCR 371, LeBel J. identified the purposes of a costs award, namely (a) to indemnify the successful party; (b) to encourage settlement; (c) to prevent frivolous or vexatious litigation; (d) to sanction behaviour that increases the duration and expense of litigation; (e) to ensure the justice system works fairly and efficiently; and (f) to promote access to justice. Costs awards that are excessive or too punitive may result in litigants of modest means being denied access to justice.

[107] The factors to be considered in determining whether an award of costs should be made include things such as the result of the proceedings; the amount claimed and recovered or the importance of the issues involved; the complexity of the proceedings; the conduct of the parties that tends to either shorten or extend the proceedings; any unreasonable conduct by a party in advancing their claim; the existence of offers of settlement; and whether the proceedings or any steps associated therewith were frivolous, vexatious or constituted an abuse of process.

[108] Mr. Cannon was unsuccessful in his appeal which would generally warrant an order for costs being made against him. In addition, a number of the respondents seek solicitor-client costs on the basis that they were improperly added to the litigation as they had nothing to do with the alleged detentions. This Court has some sympathy for their position. In our view, however, given the number of respondents, orders for solicitor-client costs would result in an excessive and crippling costs award.

[109] Mr. Cannon is self-represented. We accept that his motives for bringing the application were well intended. Where he went wrong was in adding almost every person or organization that came into contact with him, Mr. Richardson, or Kaysha as respondents, and alleging, without any concrete proof, that those individuals or organizations were part of conspiracies aimed at terrorising and torturing Mr. Richardson and his daughters. Mr. Cannon's application for *habeas corpus* became lost in a myriad of allegations against anyone who was involved with Mr. Richardson, his daughters or D.S.R. Karis during the time relevant to the application. This included a judge of the Provincial Court, judges of the Court of Queen's Bench, APEGS, and other named individuals who were merely doing their jobs. As stated by Slatter J.A. in *R v Latham*, 2018 ABCA 308 at para 7, *habeas corpus* "is a limited remedy designed to address wrongful detentions and loss of liberty only. It is not available as of right for any type of dispute that a person chooses to raise, just because that person is detained".

[110] Mr. Cannon's approach to the Chambers application and this appeal was not legally sound and the respondents have paid a significant price for his actions. In the circumstances, an award of costs is in order.

[111] Mr. Cannon shall pay costs of this appeal to the respondents other than the Attorney General of Saskatchewan who seeks no costs and the Court of Queen's Bench which did not appear

or file materials. The costs are fixed at $12,000 and are to be paid forthwith. They are to be distributed amongst the respondents as follows:

(a) The Attorney General of Canada – $2,000;

(b) Respondents represented by McDougall Gauley LLP – $2,000;

(c) Respondents represented by McKercher LLP – $2,000;

(d) Respondents represented by Olive Waller Zinkhan & Waller LLP – $2,000;

(e) Respondents represented by Matrix Law Group – $2,000; and

(f) Respondents represented by Griffin Toews Maddigan – $2,000.

X. CONCLUSION

[112] Mr. Cannon's application to adduce fresh evidence is dismissed.

[113] The Court declines to hear Mr. Cannon's notice of constitutional questions.

[114] Mr. Cannon's appeal is dismissed.

[115] Mr. Cannon shall forthwith pay to the respondents (other than the Attorney General of Saskatchewan and the Court of Queen's Bench), costs fixed at $12,000. Those costs shall be distributed amongst the respondents in accordance with paragraph 111 of this judgment.

"Jackson J.A."
Jackson J.A.

"Ryan-Froslie J.A."
Ryan-Froslie J.A.

"Barrington-Foote J.A."
Barrington-Foote J.A.