

Federal Court

July 11, 2023 JL

Between: Clinton Mahoney

T-2009-13

and
His Majesty The King, Parole Board of Canada,
Parole Board of Canada Appeal Division, Correctional
Service Canada

Notice of Application (S.)

D E P O S E	COUR FÉDÉRALE FEDERAL COURT	F I L E D
	SEP 26 2023	
	RAZVAN MOVILA	
	MONTREAL, QC	

Act

1041

TO THE RESPONDENT:

A Proceeding has been Commenced against you by the applicant. The relief claimed by the applicant appears below.

This APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa, ONTARIO

If you wish to oppose this application, to receive notice of any step in the application or to be served with any documents in the application, you or a Solicitor acting for you must file a notice of appearance in form 305 prescribed by the Federal Courts Rules and serve it on the applicants

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Solicitor or, if the applicant is self represented,
on the applicant, within 10 days after being
served with this notice of application.

Copies of the Federal Courts Rules, information
concerning the local offices of the Court and other
necessary information may be obtained on request
to the administrator of this Court at Ottawa
(Telephone 613-992-4238) or at any local office.

If you fail to oppose this application, judgement
may be given in your absence and without further
notice to you.

SEP 26 2023

~~July 11, 2023~~
(17)


RAZVAN MOVILA
AGENT DU GREFFE
REGISTRY OFFICER

30 McGill St.
Montreal, Quebec H2Y 3Z7
Tel.: (514) 283-4820
Telecopier: (514) 283-6004

~~TO: Lee Hayward
11606, 4 Street S.W. Calgary, AB T2P-1P1
Phone 403 299 3548 Fax 403 229 3507~~

TO: Cameron G. Begehr Counsel, Department of
Justice Canada, Prairie Region
300, 10423-101 Street NW, Edmonton AB T6H 0E7
Phone 780-224-4378 Fax 780-495-8491

Application

This is an application for Judicial Review in respect of: The Parole Board of Canada Appeal Division

On June 15th 2023 the Parole Board of Canada Appeal Division affirmed the May 8th 2020 Parole Board of Canada decision denying the applicant day Parole and Cancelling Full Parole.

I was first made aware of this decision on June 27th 2023 when it was hand delivered to me by staff at Prince Albert Saskatchewan Maximum Federal Penitentiary.

The applicant makes application for:

a) Declare invalid or unlawful, or quash, set aside or set aside and refer back for determination in accordance with such directions as it considers appropriate

b) Prohibit and restrain the Board from making use of the invalid and expired, impugned psychological and psychiatric evidence/assessments (in accordance with Policy 1.3 - 3. of the Decision making Policy manual for Board members)

c) Costs (awarded) against respondents

d) Any other order the Court may see fit

e) A Declaration that the Appellants Charter rights were violated.

The Grounds for the application are:

- 1) The Board acted without jurisdiction, acted beyond its jurisdiction and refused to exercise its jurisdiction;
- 2) The Board failed to observe principles of fundamental and natural justice and procedural fairness, that it was by law required to observe;
- 3) The Board made erroneous findings of fact, and erred in law and fact;
- 4) The Board based its decision(s) on several erroneous findings of fact that it made in a perverse or capricious manner or without due regard for the material before it and law;
- 5) The Board's decision(s) are unfair, biased, partial, unreasonable and based upon irrelevant, incomplete, unreliable and non-persuasive evidence;
- 6) In all of the Above, the Board Infringed and Violated, (but not limited to) Section 23-25 of the Corrections and Conditional Release Act ("CCRA" hereafter), Section 100-102 CCRA, Section 107 CCRA, Section 111-112 CCRA, Policies 1.1 2(d) (f), 1.3-1. iv, 1.3-3., 1.3-7., 2.1-6., 2.1-7 of the Decision-Making Policy Manual for Board members;

Sections 7, 9, 11 (a) (g) (h), 12 of The Canadian Charter of Rights and Freedoms.

This application will be supported by the following material:

- a) Affidavits of Clinton Mahoney
- b) Case file information of Clinton Mahoney
- c) May 8th 2020 PBC decision
- d) June 15th 2023 Parole Board Appeal division decision

The Applicant requests the respondents to send a Certified Copy of the following material that is not in the possession of the applicant but is in the possession of the respondents, to the Applicant and to the Registry:

- a) The May 8th 2020 PBC decision of Clinton Mahoney.

July 11, 2023

Clinton Mahoney

Saskatchewan Federal Penitentiary Box 160

15th Street West, Prince Albert SK S6V-6G1

Tel: 306-765-8000 Fax: 306-765-8068

Cover Page

TO: MTL Federal Court fax 514-283-6004

cc: Cameron G. Begehr fax 780-495-8491

Date Sent:

Total Pages:

Attention: Registry officer

May you please contact my Mother Marvarine Sinclair
at 416 558 3297 for the filing fee

Thank you From Applicant Clinton Mahoney

Between: Clinton Mahoney ^{Applicant}

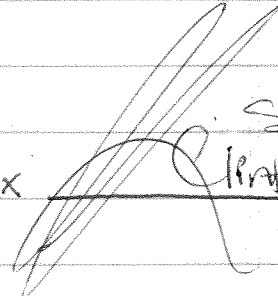
and
His Majesty The King, Parole Board of Canada,
Parole Board of Canada appeal Division,
Correctional Service Canada

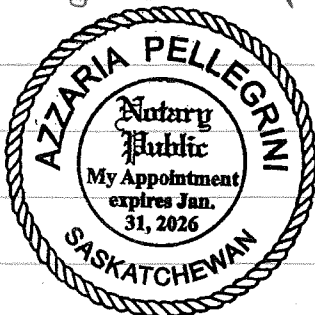
Affidavit of Service

I Clinton Mahoney of Prince Albert,
Saskatchewan, Canada Solemnly affirm that:

I Served the respondents with a copy
of Notice of Application (dated July 11, 2023)
by fax on Date Sept 13, 2023 to Cameron
G. Regehr Solicitor/Counsel for the respondents
at fax number 780495 8491

Sworn before me,
Azzaria Pellegrini in the city
of Prince Albert, SK this 13th
day of September 2023.

x  Sept 13, 2023
Clinton Mahoney



Aly
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