

Federal Court of Appeal



Cour d'appel fédérale

Date: 20140410

Docket: A-241-13

Citation: 2014 FCA 96

Present: NOËL J.A.

BETWEEN:

DEREK ANTHONY WOOD

Appellant

and

**H.M.Q. - CORRECTIONAL SERVICE OF
CANADA (CSC)**

Respondent

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on April 10, 2014.

REASONS FOR ORDER BY:

NOËL J.A.

Federal Court of Appeal



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REASONS FOR ORDER

NOËL J.A.

[1] The appellant is presently incarcerated at Atlantic Institution, a maximum security facility in Renous, New Brunswick. He brings a motion pursuant to Rule 45 of the *Federal Courts Rules* for an order that he be brought before this Court for the hearing of his upcoming appeal.

[2] When dealing with judicial proceedings involving a party who is incarcerated, it is common practise for this Court to hear both parties by way of video conference. The appellant

objects to this practise in this case because he expects that he will be handcuffed during the video conference and therefore prevented from making an appropriate presentation. He adds that the presence of correctional services officers in the video conferencing facilities will prevent him from speaking freely.

[3] In response, Counsel for the respondent has indicated that video conferencing facilities at Atlantic Institution include a room where the appellant can be privately secured. She has also undertaken on behalf of Correctional Service of Canada to insure that the appellant is not handcuffed or otherwise impeded during the course of his presentation.

[4] In light of the above, I am satisfied that the appellant can adequately present his appeal by video conference.

[5] The appellant's motion pursuant to Rule 45 is accordingly dismissed.

“Marc Noël”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-241-13

STYLE OF CAUSE:

DEREK ANTHONY WOOD v.
H.M.Q. - CORRECTIONAL
SERVICE OF CANADA (CSC)

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY:

NOËL J.A.

DATED:

APRIL 10, 2014

WRITTEN REPRESENTATIONS BY:

Derek Anthony Wood

FOR THE APPELLANT
(SELF-REPRESENTED)

Helene Robertson

FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney
Deputy Attorney General of Canada

FOR THE RESPONDENT