

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20150916**

**Docket: A-343-14**

**Citation: 2015 FCA 199**

**CORAM: NADON J.A.  
PELLETIER J.A.  
GAUTHIER J.A.**

**BETWEEN:**

**RICHARD TIMM**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Montréal, Quebec, on September 16, 2015.

Judgment delivered from the Bench at Montréal, Quebec, on September 16, 2015.

**REASONS FOR JUDGMENT OF THE  
COURT BY:**

**GAUTHIER J.A.**

**Federal Court of Appeal**



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**BETWEEN:**

**RICHARD TIMM**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

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**REASONS FOR JUDGMENT**

**(Delivered from the Bench at Montréal, Quebec, on September 16, 2015)**

**GAUTHIER J.A.**

[1] Richard Timm (the appellant) is appealing from a decision of Justice Luc Martineau of the Federal Court (2014 FC 587) dismissing his application for judicial review of a ministerial decision dated May 27, 2013.

[2] In that decision, the Minister of Justice refused to conduct a new preliminary assessment of this [TRANSLATION] “second” application for review of his criminal conviction (subsection 4(5) of the *Regulations Respecting Applications for Ministerial Review – Miscarriages of Justice* [the Regulations]).

[3] The appellant has not persuaded us that the judge made any errors that would call for our intervention.

[4] The only new fact or evidence presented in support of his second review application is the inexistence of a written incriminating statement that was allegedly not considered by the Minister in connection with the appellant’s first review application (Appeal Record, page 127, paragraph 6).

[5] That statement was allegedly used to obtain a search warrant in 1993 and cannot be found. The information laid to obtain the search warrant states only that the appellant mentioned certain incriminating facts to two police officers during a meeting.

[6] Accordingly, there is nothing that would allow us to conclude that the Minister based his decision on a written statement that does not exist. Moreover, the appellant has not established how all this constitutes significant information for the purposes of section 696.1 of the *Criminal Code*, (R.S.C., 1985, c. C-46), and the Regulations, that is, information that is relevant to the issue of his guilt and that could have affected the verdict (Tab 11 of the Book of Authorities).

[7] In the circumstances, we are of the opinion that the Minister's decision is reasonable.

[8] The appeal will be dismissed.

“Johanne Gauthier”

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J.A.

Certified true translation  
François Brunet, Revisor

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**(APPEAL FROM THE JUDGMENT AND REASONS OF THE HONOURABLE JUSTICE MARTINEAU OF THE FEDERAL COURT DATED JUNE 20, 2014, DISMISSING THE APPLICATION FOR JUDICIAL REVIEW WITH COSTS IN DOCKET NO. T-1063-13.)**

**DOCKET:** A-343-14

**STYLE OF CAUSE:** RICHARD TIMM v. ATTORNEY GENERAL OF CANADA

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** SEPTEMBER 16, 2015

**REASONS FOR JUDGMENT OF THE COURT BY:** NADON J.A.  
PELLETIER J.A.  
GAUTHIER J.A.

**DELIVERED FROM THE BENCH BY:** GAUTHIER J.A.

**DATED:** SEPTEMBER 16, 2015

**APPEARANCES:**

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Toni Abi-Nasr FOR THE RESPONDENT

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