

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20121107**

**Docket: A-153-12**

**Citation: 2012 FCA 282**

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

**BETWEEN:**

**RICHARD TIMM**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Hearing held at Montreal, Quebec, on November 5, 2012.

Judgment delivered at Montreal, Quebec, on November 7, 2012.

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

**NADON J.A.  
GAUTHIER J.A.  
TRUDEL J.A.**

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**REASONS FOR JUDGMENT OF THE COURT**

[1] Mr. Timm is appealing a decision of Justice Harrington of the Federal Court (2012 FC 505) dismissing his application for judicial review of a negative decision of the Minister of Justice (Minister), whom he had asked to review his criminal conviction under sections 696.1 et seq. of the *Criminal Code*, R.S.C. 1985, c. C-46.

[2] Mr. Timm's notice of appeal contains no fewer than 22 submissions by which he is essentially asking this Court to reconsider his application for ministerial review and to rule that the principles enshrined in section 7 and paragraph 32(1)(a) 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, c. 11 (Charter), were violated and that section 24 of the Charter thus applies.

[3] More specifically, Mr. Timm submits that relevant documents and information were withheld from the Minister, including his application for review, and this he refers to as being his [TRANSLATION] "defence". According to Mr. Timm, the outcome of his application would have been very different if the Minister had been made aware of all of his arguments, including the alleged fabrication and disappearance of evidence during his criminal trial and alleged false and misleading statements on the part of the investigators tasked with making recommendations to the Minister. It is Mr. Timm's opinion that he submitted new facts that should have elicited a favourable reply from the Minister.

[4] As for the judgment under appeal, Mr. Timm submits that it contains 11 errors of fact and of law. Before this Court, Mr. Timm reiterated the arguments he had made before the Federal Court. Justice Harrington carefully analyzed these arguments, and we are satisfied that his decision contains no error in principle or any other error that would warrant our intervention. We are satisfied, as was Justice Harrington, that Mr. Timm's application was reviewed in accordance with the applicable regulatory procedure.

[5] Accordingly, the appeal will be dismissed with costs.

“M. Nadon”

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J.A.

“Johanne Gauthier”

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J.A.

“Johanne Trudel”

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J.A.

Certified true translation  
Erich Klein

**FEDERAL COURT OF APPEAL**

**SOLICITORS OF RECORD**

**DOCKET:** A-153-12

**STYLE OF CAUSE:** Richard Timm v.  
Attorney General of Canada

**PLACE OF HEARING:** Montreal, Quebec

**DATE OF HEARING:** November 5, 2012

**REASONS FOR JUDGMENT BY:** NADON, GAUTHIER AND  
TRUDEL J.J.A.

**DATED:** November 7, 2012

**APPEARANCES:**

Richard Timm REPRESENTING HIMSELF

Jacques Savary FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

William F. Pentney FOR THE RESPONDENT  
Deputy Minister of Justice and Deputy Attorney General  
of Canada