



SUPREME COURT OF BRITISH COLUMBIA

HABEAS CORPUS INFORMATION SHEET

This document provides information about the procedures for habeas corpus applications filed in a Supreme Court criminal registry by individuals who are incarcerated in a federal or provincial correctional institution or facility.

Form of Application

To bring an application for a writ of habeas corpus, an applicant must file an application pursuant to Criminal Rule 4, in Form 1 and a supporting affidavit.

Filing an Application

The application and supporting affidavit must be filed in a Supreme Court Criminal registry.

Serving the Application

Where an applicant who is incarcerated in a federal institution is represented by counsel, the applicant (or his or her counsel) must serve a copy of the application on the Department of Justice.

Where an applicant who is incarcerated in a provincial facility is represented by counsel, the applicant (or his or her counsel) must serve a copy of the application and supporting materials on the regional Crown Counsel office nearest to the institution where the applicant is incarcerated.

Where an applicant is self-represented, the Criminal Registry will send a copy of the application to the Department of Justice if the applicant is incarcerated in a federal institution or to the relevant regional Crown Counsel office if the applicant is incarcerated in a provincial facility.

Application Hearing

Where an applicant is represented by counsel, counsel must schedule a date for the hearing of the application in consultation with Crown Counsel and Supreme Court Scheduling. Once a hearing date has been scheduled, counsel will prepare, file and serve the Notice of Hearing. Where an applicant is self-represented, the registry will prepare a Notice of Hearing. The registry will send the Notice of Hearing and a copy of this information sheet to the applicant and the applicable Crown Counsel office.

Attendance of Applicant

An applicant who files an application for habeas corpus has a right to be present when his or her application is heard. Unless both the applicant and Crown consent or the court otherwise orders, the applicant must attend the hearing of the habeas corpus application in person in the courtroom or by videoconference.

Where an applicant is represented by counsel, counsel for the applicant must advise Supreme Court Scheduling as to the manner by which the applicant intends to appear (i.e., videoconference or in person). Once the manner of the applicant's appearance has been communicated to Supreme Court Scheduling, the registry will prepare the necessary documents to facilitate the applicant's appearance on the hearing date.

Where an applicant is self-represented, the registry will prepare the necessary documents to facilitate the applicant's physical appearance in the courtroom for the hearing unless the accused advises Supreme Court Scheduling that he or she wishes to attend the hearing by video conference.

Application Materials

The applicant (or his or her counsel) must ensure that copies of the application, supporting affidavit(s) and all other material which will be relied on during the hearing of the application (e.g., written submissions, case law) are provided to both the Court and to the relevant Crown Counsel office. The file number should be referenced in all correspondence with the Court.

Contact Information

For applications involving a federal institution:

Federal Correctional Institutions	
Department of Justice (Habeas Corpus Department) 840-900 Howe Street Vancouver, B.C. V6Z 2S9	

For applications involving a provincial facility:

Provincial Correctional Facilities	
Regional Crown Counsel Office - Vancouver	P.O. Box 500 865 Hornby St. Vancouver, B.C. V6Z 2G3
Regional Crown Counsel Office - Fraser (New Westminster)	P.O. Box 300 651 Carnarvon Street New Westminster, BC V3M 1C9
Regional Crown Counsel Office - Vancouver Island (Victoria)	P.O. Box 9245 STN PROV GOVT Victoria, BC V8W 3E6
Regional Crown Counsel Office - Interior (Kamloops)	P.O. Box 401 455 Columbia Street Kamloops, BC V2C 6K4
Regional Crown Counsel Office - Northern (Prince George)	P.O. Box 2038 250 George Street Prince George, BC V2L 5S2