

CANADA / JUDGMENT

R. v. Burke-Whittaker

COURT

SUPREME COURT OF CANADA

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SUPREME COURT OF CANADA

Citation: R. v. Burke-Whittaker*

Appeal Heard and Judgment Rendered: May 19, 2026

Reasons for Judgment: to follow

Docket: 41786

Between:

His Majesty The King
Appellant
and
Terrell Burke-Whittaker
Respondent
and
Director of Criminal and Penal Prosecutions,
Attorney General of British Columbia,
Attorney General of Alberta,
Criminal Lawyers' Association (Ontario),
Women in Canadian Criminal Defence,
Queen's Prison Law Clinic,
Black Legal Action Centre,
Community & Legal Aid Services Program and
Trial Lawyers Association of British Columbia
Interveners
Coram : Wagner C.J. and Karakatsanis, Côté, Rowe, Martin, Kasirer, Jamal,
O'Bonsawin and Moreau JJ.

Unanimous Judgment

(para. 1)

Read By:

Wagner C.J.

Counsel:

Samuel Greene and Adrianna Mills , for the appellant.
 Ricardo Golec and Kim Schofield , for the respondent.
 Antoine Désaulniers and Gabriel Bervin , for the intervener Director of Criminal and Penal Prosecutions.
 Megan A. Street and Michelle Booker , for the intervener Attorney General of British Columbia.
 Christine Rideout , K.C. , for the intervener Attorney General of Alberta.
 Chris Sewrattan and Sweta Tejpal , for the intervener Criminal Lawyers' Association (Ontario).
 Keara Lundrigan , Neha Chugh , Megan Stephens and Hamna Anwar , for the intervener Women in Canadian Criminal Defence.
 Chris Rudnicki and Theresa Donkor , for the intervener Queen's Prison Law Clinic.
 Jean-Simon Schoenholz , Nadine Tawdy , Shanika Gordon and Demar Kemar Hewitt , for the intervener Black Legal Action Centre.
 Scarlet Smith , Steven Yu and Subodh Bharati , for the intervener Community & Legal Aid Services Program.
 Sarah Pringle and Merran Hergert , for the intervener Trial Lawyers Association of British Columbia.
 Note: This document is subject to editorial revision before its reproduction in final form in the Canada Supreme Court Reports .
 * Neutral citation to follow.
 No. 41786
 May 20, 2026
 Le 20 mai 2026
 Coram: Wagner C.J. and Karakatsanis, Côté, Rowe, Martin, Kasirer, Jamal, O'Bonsawin and Moreau JJ.
 Coram : Le juge en chef Wagner et les juges Karakatsanis, Côté, Rowe, Martin, Kasirer, Jamal, O'Bonsawin et Moreau

BETWEEN:

His Majesty The King
 Appellant
 - and -
 Terrell Burke-Whittaker
 Respondent
 - and -
 Director of Criminal and Penal Prosecutions, Attorney General of British Columbia, Attorney General of Alberta, Criminal Lawyers' Association (Ontario), Women in Canadian Criminal Defence, Queen's Prison Law Clinic, Black Legal Action Centre, Community & Legal Aid Services Program and Trial Lawyers Association of British Columbia
 Interveners

ENTRE :

Sa Majesté le Roi

Appelant

- et -

Terrell Burke-Whittaker

Intimé

- et -

Directeur des poursuites criminelles et pénales, procureur général de la Colombie-Britannique, procureur général de l'Alberta, Criminal Lawyers' Association (Ontario), Women in Canadian Criminal Defence, Queen's Prison Law Clinic, Black Legal Action Centre, Community & Legal Aid Services Program et Trial Lawyers Association of British Columbia

Intervenants

JUDGMENT

The respondent's motion to adduce new evidence is allowed. The appeal from the judgment of the Court of Appeal for Ontario, Number COA-24-CR-0590, 2025 ONCA 142 , dated February 26, 2025, was heard on May 19, 2026, and the Court on that day delivered the following judgment orally:

The Chief Justice — We are all of the view to dismiss the appeal. Reasons to follow.

JUGEMENT

La requête en production de nouveaux éléments de preuve présentée par l'intimé est accueillie. L'appel interjeté contre l'arrêt de la Cour d'appel de l'Ontario, numéro COA-24-CR-0590, 2025 ONCA 142 , daté du 26 février 2025, a été entendu le 19 mai 2026 et la Cour a prononcé oralement le même jour le jugement suivant :

[traduction]

Le juge en chef — Nous sommes tous et toutes d'avis de rejeter le pourvoi. Motifs à suivre.

C.J.C.

J.C.C.

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