

CANADA / JUDGMENT

R. v. Wakefield

2019 SCC 26

COURT

Supreme Court of Canada

DECIDED

25 April 2019

Source: decisions.scc-csc.ca · Research copy typeset by Esheria. Not court-issued or certified.

R. v. Wakefield Collection Supreme Court Judgments Date 2019-04-25 Neutral citation 2019 SCC 26 Report

[2019] 2 SCR 400 Case number 38425 Judges Abella, Rosalie Silberman; Moldaver, Michael J.; Karakatsanis, Andromache; Rowe, Malcolm; Martin, Sheilah On appeal from Alberta Notes SCC Case Information Decision Content SUPREME COURT OF CANADA Citation: R. v. Wakefield, 2019 SCC 26, [2019] 2 S.C.R. 400 Appeal Heard: April 25, 2019 Judgment Rendered: April 25, 2019 Docket: 38425 Between: Addison Nickoles Wakefield Appellant and Her Majesty The Queen Respondent Coram: Abella, Moldaver, Karakatsanis, Rowe and Martin JJ. Reasons for Judgment: (paras. 1 to 3) The Court R. v. Wakefield, 2019 SCC 26, [2019] 2 S.C.R. 400 Addison Nickoles Wakefield Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Wakefield 2019 SCC 26 File No.: 38425. 2019: April 25. Present: Abella, Moldaver, Karakatsanis, Rowe and Martin JJ. on appeal from the court of appeal for alberta Criminal law — Second degree murder — Elements of offence — Accused and co-accused found guilty of second degree murder in stabbing death of victim who owed drug debt — Trial judge not explicitly finding that accused stabbed victim or that he had requisite subjective intent for murder — Court of Appeal upholding conviction — Court of Appeal erred in making finding of fact not articulated by trial judge and in accepting trial judge's statement of intent as sufficient to support murder conviction — Conviction for manslaughter substituted to conviction for second degree murder — Criminal Code, R.S.C. 1985, c. C-46, s. 229 (a)(ii). Cases Cited Referred to: R. v. Cooper, [1993] 1 S.C.R. 146. Statutes and Regulations Cited Criminal Code, R.S.C. 1985, c. C-46, ss. 229 (a)(ii), 686(1) (b)(i). APPEAL from a judgment of the Alberta Court of Appeal (Berger, Martin and Strekaf JJ.A.), 2018 ABCA 360, 367 C.C.C. (3d) 1, [2018] A.J. No. 1280 (QL), 2018 CarswellAlta 2557 (WL Can.), affirming the conviction of the accused for second degree murder. Appeal dismissed. Karen B. Molle and Jennifer Ruttan, for the appellant. Brian R. Graff, for the respondent. The following is the judgment delivered orally by

- [1] The Court — In order to uphold the conviction for second degree murder, the majority in the Court of Appeal had to be satisfied that the trial judge found that the appellant himself had stabbed the victim. The trial judge expressly refrained from making that finding. The majority considered the evidence and found that “the conclusion that it was the appellant who inflicted the stab wounds is well founded in the evidence” (para. 29). In doing so, the majority erred by making a finding of fact that the trial judge declined to make.
- [2] In addition, if the trial judge had concluded that it was the appellant who stabbed the victim, it is unclear whether he correctly analyzed the subjective mens rea requirement for second degree murder under s. 229 (a)(ii) of the Criminal Code, R.S.C. 1985, c. C-46 . The trial judge failed to consider the crucial question of what the appellant subjectively knew and intended at the time of the stabbing (in accordance with *R. v. Cooper*, [1993] 1 S.C.R. 146, at p. 159). By accepting the trial judge’s statement of intent as sufficient to support the conviction for murder (para. 34), the majority further erred.
- [3] Both the appellant and the respondent advised the Court that they were content with our substituting a verdict of manslaughter instead of ordering a new trial. Accordingly, pursuant to s. 686(1) (b)(i) of the Criminal Code , the appeal is dismissed and a verdict of manslaughter is substituted, and the matter is remitted to the trial judge for sentencing. Judgment accordingly. Solicitors for the appellant: Karen Molle Law Office, Calgary; Ruttan Bates, Calgary. Solicitor for the respondent: Attorney General of Alberta, Calgary.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF’s page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/17751/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-wakefield-2019>

Prepared on 29 October 2026 · Esheria