

SUPREME COURT OF CANADA



Case in Brief: *R. v. Magoon*

2018 SCC 14 | Judgment of November 27, 2017 (written reasons released April 13, 2018) | On appeal from the Court of Appeal of Alberta

NOTE: this document contains details that may be distressing to some readers.

The Supreme Court has upheld first-degree murder convictions for parents who abused and unlawfully confined a child.

A unanimous Supreme Court dismissed Spencer Jordan's and Marie-Eve Magoon's appeals against their first-degree murder convictions in an oral judgment on November 27, 2017. The Court's written reasons, penned by Justices Rosalie Silberman Abella and Michael Moldaver, were released on April 13, 2018.

The charges in this case related to the death of six year-old Meika Jordan, who died after spending a weekend with her father, Spencer Jordan, and her stepmother, Marie-Eve Magoon. Meika had endured serious abuse in the days before she died, which Ms. Magoon and Mr. Jordan justified as discipline. Among other things, she had been deliberately burned, hit in the stomach (with enough force to damage her internal organs), and suffered several serious blows to her head. She was ordered to run up and down the stairs as a form of punishment, and beaten when Mr. Jordan and Ms. Magoon thought she was not complying with their orders. As a result of her injuries, Meika lost consciousness and died.

Ms. Magoon and Mr. Jordan were charged with first-degree murder. The trial judge found that they intended to harm Meika in a way that was likely to cause her death, and that they were reckless about whether she actually died. They were convicted of second-degree murder at trial. The trial judge did not find them guilty of first-degree murder because she was not satisfied that they had unlawfully confined Meika while inflicting the injuries.

First- and second-degree murder are related charges. Second-degree murder is the less serious offence, and is said to be "included" in the charge of first-degree murder. First-degree murder contains all the elements of second-degree murder, but in addition requires planning or an aggravating circumstance—in this case, the aggravating circumstance was Meika's unlawful confinement in the home.

Despite this "inclusion," both charges are considered separately when a criminal judgment is appealed. In this case, it meant that after trial the Crown could appeal the acquittal for first-degree murder, while Mr. Jordan and Ms. Magoon could appeal their convictions for second-degree murder. The Alberta Court of Appeal dismissed Ms. Magoon's and Mr. Jordan's appeals, confirming the conviction for second-degree murder. However, it also allowed the Crown's appeal and upgraded the convictions to first-degree murder.

Mr. Jordan and Ms. Magoon appealed to the Supreme Court. The Court looked at the issue of unlawful confinement in the context of a parent-child relationship. They held that "confinement" does not require a child to be physically bound or locked up, and that it can just as easily result from controlling conduct. When parents abuse or harm a child beyond any acceptable form of parenting, they lose legal authority to restrict the child's liberty, and may be found guilty of unlawful confinement. The Supreme Court agreed with the Court of Appeal that the pair's acts of "discipline" went far beyond any acceptable form of parenting, and amounted to abuse. The Court further agreed that Meika was unlawfully confined by Ms. Magoon and Mr. Jordan. Therefore, the two could be found guilty of first-degree murder.

This case dealt with what constitutes unlawful confinement of a child by a parent, in the context of a criminal charge of first-degree murder. The Court confirmed the Alberta Court of Appeal's conviction of both Mr. Jordan and Ms. Magoon for first-degree murder. The penalty for first-degree murder is life in prison with no possibility of parole for 25 years.

For more information (case no. 37416/Magoon and case no. 37479/Jordan):

- [Reasons for judgment](#)
- Case information ([Magoon](#), [Jordan](#))
- Webcast of hearing ([Magoon](#), [Jordan](#))

Breakdown of the decision:

- Unanimous: [Abella](#) and [Moldaver](#) JJ. ([McLachlin](#) C.J. and [Karakatsanis](#), [Wagner](#), [Gascon](#), [Côté](#), [Brown](#) and [Rowe](#) JJ. concurring)

Lower court rulings:

- Court of Appeal of Alberta ([appeal judgment](#))
- Court of Queen's Bench of Alberta ([trial judgment](#))

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