



Case in Brief: **R. v. Beaver**

Judgment of December 9, 2022 | On appeal from the Court of Appeal for Alberta
Neutral citation: 2022 SCC 54

The Supreme Court rules the confessions made by two men who killed their landlord were admissible as evidence at their trial.

James Andrew Beaver and Brian John Lambert rented rooms in a Calgary townhouse from their landlord Sutton Bowers. Mr. Bowers also lived in the home. On October 9, 2016, Mr. Lambert called 9-1-1 to say that he and Mr. Beaver had arrived home to find Mr. Bowers dead in a puddle of blood. Mr. Lambert told the operator they did not know how Mr. Bowers died. Yet, he admitted the three of them had argued all week, including the night before, when Mr. Bowers had told him and Mr. Beaver to get out of the house.

Shortly after arriving at the scene, police officers detained Mr. Lambert and Mr. Beaver under legislation that does not exist. This breached their rights under the *Canadian Charter of Rights and Freedoms*. The police then transported the two accused to the police station for questioning.

At the station, homicide detectives realized the first officers had unlawfully detained the two men. The detectives tried to make a “fresh start” by advising them of their *Charter* rights. They then arrested the men for murder. When questioned separately, Mr. Lambert and Mr. Beaver initially denied knowing how Mr. Bowers died. Eventually, they both confessed to killing him during a fight, mopping up his blood and dragging his body to the bottom of the stairs to make his death look like an accident.

The trial judge held a *voir dire*, which is a trial within a trial without the jury present, to determine if the confessions were admissible into evidence. The accused argued their confessions were involuntary and thus inadmissible. They also claimed the police lacked reasonable and probable grounds to arrest them for murder. Finally, they said their confessions must be excluded because the detectives had failed to make a “fresh start” after their unlawful detentions.

The trial judge admitted their confessions into evidence. As a result, the accused submitted an agreed statement of facts where they admitted their roles in the killing and asked the trial judge to convict them of manslaughter. The trial judge agreed and sentenced each to four years in prison. Mr. Lambert and Mr. Beaver appealed unsuccessfully to Alberta’s Court of Appeal before turning to the Supreme Court of Canada. Only Mr. Beaver appealed the voluntariness of his confession. Both Mr. Lambert and Mr. Beaver claimed their confessions should be excluded.

The Supreme Court has dismissed the appeals.

The confessions are admissible.

Writing for the majority, Justice Mahmud Jamal agreed with the lower courts that Mr. Beaver’s confession was voluntary and thus admissible. He also agreed the police had reasonable and probable grounds to arrest the two men for murder. However, Justice Jamal found the homicide detectives had made a “fresh start” from the *Charter* breaches for Mr. Lambert, but not for Mr. Beaver. Mr. Lambert confessed only after he consulted counsel, after he understood his rights, and after he appreciated that he had been arrested for murder. Mr. Beaver had not. Thus, only Mr. Beaver’s confession was obtained in a manner that breached the *Charter*.

Section 24(2) of the *Charter* says that when a court concludes evidence was obtained in a manner that breached anyone’s rights or freedoms guaranteed by the *Charter*, the evidence must be excluded if, having regard to all the circumstances, admitting it would bring the administration of justice into disrepute.

Justice Jamal concluded that in this case admitting Mr. Beaver’s confession into evidence would not bring the administration of justice into disrepute. He therefore confirmed the men’s convictions for manslaughter.

Breakdown of the decision: *Majority:* Justice [Jamal](#) dismissed the appeals (Chief Justice [Wagner](#) and Justices [Moldaver](#), [Rowe](#) and [Kasirer](#) agreed) | *Dissenting:* Justice [Martin](#) would have allowed the appeals, excluded the evidence because it was obtained in a manner that breached the *Charter*, set aside the convictions and ordered new trials (Justices [Karakatsanis](#), [Côté](#) and [Brown](#) agreed)

More information: [Decision](#) | Case information: [39480](#), [39481](#) | [Webcast of hearing](#)

Lower court rulings: [Voir Dire](#) (Court of Queen’s Bench of Alberta) | [Sentence](#) (Court of Queen’s Bench of Alberta) | [Appeal](#) (Court of Appeal of Alberta) | [Sentencing appeal](#) (Court of Appeal of Alberta)
