



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

Judgment of May 21, 2026 | On appeal from the Court of Appeal for Saskatchewan
Neutral citation: 2026 SCC 17

The Supreme Court of Canada upholds a conviction for second degree murder.

Dillon Whitehawk was charged with first degree murder in the death of Keesha Bitternose. The Crown alleged that Ms. Bitternose was attacked and killed by several people connected to a criminal gang. At trial, the Crown's case relied mainly on the evidence of three witnesses associated with the gang.

The judge identified significant credibility and reliability concerns with all three witnesses. She noted inconsistencies between their trial testimony, police statements, and preliminary hearing evidence. She also found that some of the witnesses had lied under oath, changed their accounts over time, or had reasons to protect one another. Despite these concerns, the judge concluded that Mr. Whitehawk participated in the attack on Ms. Bitternose and contributed significantly to her death. However, the judge was not satisfied that the Crown had proven all the elements required for first degree murder, including that the killing was committed in association with a criminal organization. Mr. Whitehawk was therefore acquitted of first degree murder but convicted of second degree murder. Mr. Whitehawk appealed his conviction of second degree murder and the Crown appealed the acquittal of first degree murder.

The Saskatchewan Court of Appeal dismissed both the conviction and the acquittal appeals. A majority of judges found that the judge's reasons were sufficient and that she committed no error of law.

One judge disagreed. She would have allowed the conviction appeal, set aside the acquittal and ordered a new trial. In her view, the reasons did not clearly explain what evidence the judge accepted, how she resolved major inconsistencies in the witnesses' evidence, or why she was satisfied beyond a reasonable doubt despite the witnesses' credibility and reliability concerns.

The Supreme Court dismissed the appeal.

As such, the conviction for second degree murder remains in place.

Chief Justice Wagner read the judgment of the unanimous Court. View the [video recording of the judgment](#).

A print version of the judgment that was read out will be available on the [Judgments on appeals](#) page once finalized.

Breakdown of the decision: A unanimous Court dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Côté](#), [Rowe](#), [Martin](#), [Kasirer](#), [Jamal](#), [O'Bonsawin](#) and [Moreau](#) agreed)

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