



Case in Brief: **R. v. S.B.**

Judgment of July 18, 2025 | On appeal from the Court of Appeal for Ontario
Neutral citation: 2025 SCC 24

The Supreme Court of Canada upholds an adult sentence for a youth found guilty of murder.

This is an appeal about how courts apply the *Youth Criminal Justice Act* (YCJA) when deciding whether a young person should receive an adult sentence, including how accountability is assessed and how evidence about the youth's background and behaviour can be used. Under the YCJA, young people are presumed to have reduced moral blameworthiness because they are still developing and may not fully understand the consequences of their actions or exercise the same level of judgment and self-control as adults. The presumption that a young person has reduced moral blameworthiness must be rebutted (disproven) by the Crown before a judge can impose an adult sentence. The judge must also be satisfied that a youth sentence would not be long enough to hold the young person accountable.

The appellant was 16 years old when he and two other youths planned and carried out the killing of another 16-year-old. The victim was lured into the stairwell of an apartment building, where the appellant shot him in the head. After the murder, the appellant directed his two co-accused to assist with covering up the murder, and he expressed a desire to kill a third co-accused who had witnessed the murder, as well as his mother and sister. The appellant was convicted of first-degree murder by a youth justice court and the Crown applied to have him sentenced as an adult. The youth court judge granted the application and imposed a life sentence on the appellant without possibility of parole for 10 years. The Court of Appeal upheld the adult sentence.

The Supreme Court has dismissed the appeal.

In this case, the Crown proved beyond a reasonable doubt that the appellant in fact had the maturity of an adult at the time of the offence, and an adult sentence was necessary.

Writing for the majority, Justice Kasirer said that the Court of Appeal erred in law by failing to apply the constitutionally-required standard of "beyond a reasonable doubt" to the Crown's burden of rebutting the presumption of a young person's diminished moral responsibility. However, this error had no impact on the sentence. Considering the reasons and the record functionally and as a whole, the Court of Appeal properly concluded that the presumption was rebutted (regardless of the standard of proof), and it did not err in its treatment of social context evidence when it evaluated the Crown's position on rebutting the presumption. The Court of Appeal examined this evidence in respect of the appellant's maturity and independent judgment, as was appropriate under section 72(1)(a) of the YCJA. Further, there was no error in principle or any other error in the Court of Appeal's measure of the appellant's accountability under section 72(1)(b). The Court of Appeal engaged in a balancing of relevant factors, including the appellant's personal circumstances, informed by the social context evidence.

As set out in the companion case of *J.M.*, the two prongs of an application for an adult sentence — whether the presumption of diminished moral blameworthiness has been rebutted and whether a youth sentence would not be of sufficient length to ensure accountability — must be considered separately. Social context evidence may be relevant to both prongs: first, it may be relevant to rebutting the presumption and it may be used to place the analysis of a young person's independent judgment in context; second, social context evidence may inform a youth court's determination of the moral responsibility of the young person in assessing what length of sentence will hold them accountable.

In applying the two-pronged test to the appellant's case, the whole of the evidence demonstrated beyond a reasonable doubt that his developmental age was akin to that of an adult; as such, the Court of Appeal properly concluded that the presumption was disproven. Moreover, an adult sentence was necessary in this case to hold the appellant accountable for his actions.

Breakdown of the decision: *Majority:* Justice [Kasirer](#) dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Martin](#), [Jamal](#), [O'Bonsawin](#) and [Moreau](#) agreed) | *Concurring:* Justices [Côté](#) and [Rowe](#) agreed to dismiss the appeal for different reasons.

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