



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

Judgment of April 17, 2025 | On appeal from the Court of Appeal of Alberta
Neutral citation: 2025 SCC 14

The Supreme Court confirms the first degree murder conviction of a man accused of kidnapping and murdering a woman

On April 7, 2019, Buddy Ray Underwood and his friends kidnapped a woman. They injected her with fentanyl and left her to die on the side of the road. After a trial before a judge without a jury, Mr. Underwood was convicted of robbery, kidnapping, unlawful confinement and murder. The trial judge acquitted Mr. Underwood of constructive first degree murder because he was not persuaded that Mr. Underwood had caused the death of the woman. A constructive first degree murder refers to a murder where the death is caused by the accused while committing or attempting to commit another offence enumerated in section 279 of the *Criminal Code*. The judge also acquitted Mr. Underwood of first degree murder because the Crown had not proven that the murder had been planned. The judge entered a conviction for the included offence of second degree murder. The Crown appealed the acquittal of first degree murder and Mr. Underwood appealed the conviction for second degree murder.

The Alberta Court of Appeal unanimously allowed the Crown's appeal and found Mr. Underwood guilty of first degree murder under sections 231(2) and (5) of the *Criminal Code*. First, the Court of Appeal agreed with the Crown that the trial judge made a mistake by narrowing the causation analysis to focus exclusively on the direct medical cause of death (the injected fentanyl) and failing to consider Mr. Underwood's contributions to the death of the woman. Second, the Court of Appeal concluded that the trial judge made a mistake in interpreting the legal requirements to find that a murder was "planned", as well as the meaning of "planned" more generally. Mr. Underwood's appeal of his conviction for second degree murder was dismissed.

The Supreme Court dismissed the appeal.

As such, the conviction for first degree murder is confirmed.

Justice Karakatsanis read the unanimous judgment of the Court. You can watch a recording of it [here](#).

A print version of the judgment that was read out will be available here once finalized.

Breakdown of the decision: The Court unanimously dismissed the appeal (Justices [Karakatsanis](#), [Côté](#), [Rowe](#), [Martin](#), [Kasirer](#), [O'Bonsawin](#) and [Moreau](#))

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