



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

Judgment of May 22, 2026 | On appeal from the Court of Appeal of Alberta
Neutral citation: 2026 SCC 18

The Supreme Court of Canada applies hearsay principles to a murder trial.

This case is about whether a trial judge improperly relied on hearsay evidence in convicting an accused person of second degree murder. Hearsay is an out-of-court statement used to prove the truth of what was said. Hearsay evidence is generally inadmissible because the person who made the statement cannot be questioned in court to test whether their statement is truthful or reliable. Out of court statements can be used for other purposes than their truth.

In July 2020, Dylon Saddleback and a group of friends were socializing outside a trailer. In the evening, most of the group left to attend a nearby birthday party. Mr. Saddleback and the victim, Joshua Dennehy, stayed behind. Shortly after, Mr. Dennehy was found beaten to death. The victim’s girlfriend testified that she had spoken to Mr. Dennehy on the phone shortly before his death and that he said that he “was being ditched” by those friends.

At trial, Mr. Saddleback was convicted of second-degree murder by a judge sitting alone. In his reasons, the judge relied on the phone call between Mr. Dennehy and his girlfriend to conclude that Mr. Saddleback was the only person left and therefore able to commit the crime.

A majority of the Alberta Court of Appeal allowed the appeal and ordered a new trial. The majority found that the trial judge had improperly relied on the content of the phone call for the truth of what Mr. Dennehy said, specifically that people had left. In its view, this amounted to an error in law because the statement was hearsay and should not have been used to support the finding that Mr. Saddleback was alone with Mr. Dennehy. The majority concluded that Mr. Saddleback’s conviction could not stand and that a new trial was required. The Crown appealed to the Supreme Court of Canada.

The Supreme Court dismissed the appeal.

The trial judge relied on the out-of-court statement for its truth.

Writing for a majority of the judges, Justice O’Bonsawin said that the trial judge’s reasons relied on hearsay by using the victim’s out of court statement for the truth of its contents. Specifically, Mr. Dennehy’s statement was used to establish that the other members of the group had left the trailer while the victim remained there with the accused.

Justice O’Bonsawin stated that Mr. Dennehy’s statement was unambiguously hearsay and there was no basis in the record to rely on the statement for any purpose other than its truth. Justice O’Bonsawin therefore concluded that a new trial is required.

Breakdown of the decision: **Majority:** Justice [O’Bonsawin](#) dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Rowe](#), [Martin](#), [Kasirer](#), [Jamal](#) and [Moreau](#) agreed) | **Dissenting:** Justice [Côté](#) would have allowed the appeal, set aside the Court of Appeal judgment and restored the accused’s conviction

More information: [Decision](#) | [Case information](#)

Lower court rulings: Conviction (Court of King’s Bench of Alberta – not available online) | [Appeal](#) (Court of Appeal of Alberta)

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