



**SUPREME COURT OF CANADA**

**CITATION:** R. v. Chizanga, 2025  
SCC 9

**APPEALS HEARD:** March 24, 2025  
**JUDGMENT RENDERED:** March  
24, 2025  
**DOCKETS:** 41405, 41370

**BETWEEN:**

**Thulani Chizanga**  
Appellant

and

**His Majesty The King**  
Respondent

**AND BETWEEN:**

**Shamar Meredith**  
Appellant

and

**His Majesty The King**  
Respondent

**CORAM:** Rowe, Martin, Jamal, O’Bonsawin and Moreau JJ.

**JUDGMENT READ** Rowe J.

**BY:**

(paras. 1 to 3)

**MAJORITY:** Martin, Jamal and O'Bonsawin JJ.

**DISSENT:** Rowe and Moreau JJ.

**NOTE:** This document is subject to editorial revision before its reproduction in final form in the *Canada Supreme Court Reports*.

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**Thulani Chizanga**

*Appellant*

v.

**His Majesty The King**

*Respondent*

- and -

**Shamar Meredith**

*Appellant*

v.

**His Majesty The King**

*Respondent*

**Indexed as: R. v. Chizanga**

**2025 SCC 9**

File Nos.: 41405, 41370.

2025: March 24.

Present: Rowe, Martin, Jamal, O’Bonsawin and Moreau JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

*Criminal law — Evidence — Admissibility — Prior discreditable conduct — Charge to jury — Accused both charged with first degree murder in shooting death of victim in restaurant washroom — Trial judge admitting video of events involving accused at motel on night prior to shooting as prior discreditable conduct evidence at trial — Accused convicted by jury of second degree murder — Accused appealing convictions on ground that trial judge erred in admitting video and failed to properly instruct jury on its permissible uses — Majority of Court of Appeal finding that trial judge correctly admitted video and properly instructed jury as to its use — Dissenting judge finding that trial judge erred in concluding that video was probative of whether accused were engaged in joint enterprise to kill victim, in admitting video for any purpose after accused offered to make certain admissions and in instructing jury on permitted and prohibited uses of video — Convictions upheld.*

APPEALS from a judgment of the Ontario Court of Appeal (van Rensburg, Sossin and Monahan JJ.A.), 2024 ONCA 545, 172 O.R. (3d) 241, [2024] O.J. No. 3098 (Lexis), 2024 CarswellOnt 10230 (WL), affirming the convictions of the accused for second degree murder. Appeals dismissed, Rowe and Moreau JJ. dissenting.

*Maija Martin, David Reeve and Stephanie Brown, for the appellant Thulani Chizanga.*

*Breana Vandebek, Nathan Gorham, K.C., and Adrian Forsythe, for the appellant Shamar Meredith.*

*Jamie Klukach and Avene Derwa, for the respondent.*

The judgment of the Court was delivered orally by

[1] ROWE J. — These are appeals as of right from the Court of Appeal for Ontario. The appellants were convicted by a jury of second degree murder. They appealed their convictions. Justices Sossin and Monahan, for the majority, dismissed the appeals and affirmed the convictions. Madam Justice van Rensburg was dissenting. She would have ordered new trials.

[2] Before this Court, as before the Court of Appeal, the appellants submit that the trial judge erred by admitting, as prior discreditable conduct evidence, a surveillance video of the appellants at a motel with a firearm. The appellants further submit that the trial judge erred in his instructions to the jury as to the proper use of this evidence.

[3] A majority of this Court would dismiss the appeals, substantially for the reasons of the majority of the Court of Appeal. Justice Moreau and I would have allowed the appeals, substantially for the reasons of Madam Justice van Rensburg. Accordingly, the appeals are dismissed and the convictions of the appellants are affirmed.

*Judgment accordingly.*

*Solicitors for the appellant Thulani Chizanga: Martin Barristers, Toronto;  
David Malcolm Reeve, Barrister and Solicitor, Toronto.*

*Solicitors for the appellant Shamar Meredith: Gorham Vandebek,  
Toronto.*

*Solicitor for the respondent: Attorney General of Ontario, Toronto.*