

Group 1: Homicide/murder, Manslaughter, Assisted Suicide (pg. 218-222)

Homicide: <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-51.html#h-119746>

Manslaughter: <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-52.html#h-119808>

Assisted suicide: <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-53.html#h-119953>

Case study links:

Homicide: <https://globalnews.ca/news/6261219/first-degree-murder-saskatoon-2/>

Manslaughter: <https://www.nytimes.com/2019/11/22/us/ac-smith-guilty-police-shooting.html>

Assisted suicide:

<https://www.theguardian.com/world/2018/nov/06/canada-debates-assisted-death-laws>

7.2 Violent Crimes

- Include offences against the person and reputation
- Part VIII Criminal Code
- Violent in nature or causes harm to the human body
- Includes willfully promoting hate towards an individual

Notes:

Homicide:

- 222(1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.
- Homicide is culpable or non-culpable
- Homicide that is non-culpable isn't an offence
 - Non-culpable: justifiable; lacking the mens rea of an offence; i.e. done in self defense
- Homicide that is culpable is murder, manslaughter or infanticide
 - Culpable: committed by an unlawful act, criminal negligence, causing that human being (by threats, fear of violence or by deception, to do anything that causes their death, or by wilfully frightening that human beings, in the case of a child or sick person.
- Exception: that he causes the death of a human being by obtaining by false evidence, the conviction and death of that human being by sentence of the law (notwithstanding)

Assisted suicide:

- The act of counselling, aiding or abetting someone to commit suicide
- Euthanasia: mercy killing, usually to relieve suffering
- "medical practitioner or nurse practitioner administers a substance to a person, at their request, that causes their death"
- "prescribing or providing by a medical practitioner or nurse practitioner of a substance to a person, at their request, so that they may self-administer the substance and in doing so cause their own death."
 - Medical practitioner: a person who is entitled to practice and administer medicine under the provincial laws

- Nurse practitioner: registered nurse who, under provincial law, can “autonomously make diagnoses, order and interpret diagnostic tests, prescribe substances and treat patients”
- Pharmacist: someone who is entitled to practice pharmacy under provincial law
- Eligibility for assisted suicide:
 - Eligible for health services funded by a government in Canada
 - At least 18 years old and capable of making decisions to affect their own health
 - Have a grievous and irremediable medical condition
 - Irremediable: impossible to cure
 - Made a voluntary request for medical assistance in dying, was not pressured by external forces
 - Give informed consent to have assisted suicide after being informed of the ability to relieve their suffering
- “Grievous and irremediable medical condition” criteria
 - Serious and incurable illness, disease or disability
 - In an advanced state of irreversible decline in capability
 - Illness, disease, disability or state of decline causes them physical or psychological suffering that is intolerable and cannot be relieved other ways
 - Natural death became foreseeable, taking into account all of their medical circumstances, w/o a prognosis not made on how long is left
 - Prognosis: a forecast of the likely outcome of a situation
- Safeguards:
 - Before the medical or nurse practitioner provides them with assisted suicide, they must:
 - Agree that they meet all criteria stated above
 - Ensure request was written, signed by the person and another, and dated
 - Ensure that they know they can withdraw their request at any time
 - Ensure another nurse/medical practitioner provided a written opinion agreeing criteria has been met
 - Be satisfied that them and the other nurse/medical practitioner are independent
 - Ensure there are at least 10 clear days between the day the request was signed by or on behalf of the person and the day on the assisted suicide is provided
 - Immediately before providing the suicide, give them opportunity to withdraw
 - If they have difficulty communicating, take extra steps to make sure they understand the info and can communicate their decision
 - If they’re unable to sign and date for themselves, another person who is at least 18, who understands what they’re signing and why, may do so in their presence, in their direction
 - Independent witness:
 - Anyone 18 or older that understands the nature of their request, except if they:

- Know or believe they're a good choice to make the request, under the will of the person receiving assisted suicide
- Are an owner or operator at the health care center the procedure will take place
- Directly involved in providing health care services to the person
- Directly provide personal care to the person
- Assisted suicide must be provided with reasonable knowledge, care and skill according to provincial laws, rules or standards
- The medical/nurse practitioner that is getting the medicine for the assisted suicide must inform the pharmacist with what it will be used for

Assisted suicide case study:

- Audrey Parker was approved for assisted suicide
- Must be lucid at the time of death -> federal law
- Cancer crept from her breasts into her bones and brain
- She wanted to end her life before suffering was overwhelming
- Parker has to end her life early due to the fear of not being lucid with effects of cancer and medication combines
- She passed away November 1st 2018 in Halifax In her home at age 57

Murder:

- Intentional homicide
- Deliberate killing of another person

First degree murder- The most serious form of homicide as defined in the criminal code

Second degree murder- Murder that does not meet the conditions of first degree murder

First degree if any of the following exist

- 1) The murder is planned and deliberate. Planned refers to a scheme that has been thought out. The person must have carefully weighed the consequences of their actions. Deliberate means that the actions were not impulsive.
 - 2) The victim is a law enforcement agent, such as a police officer or prison officials.
 - 3) The death occurs while another is being committed. EX.- a bank robber may kill a guard
- Minimum for both first and second degree murder is life in prison'
 - The difference is possibility of parole
 - First degree eligible for parole after 25 years
 - Second degree eligible for parole after 10 years

"A youth (12 to 17 years) who is not sentenced as an adult does not face a life sentence.

Instead, if convicted of first degree murder, they must serve a maximum sentence of 10 years, with a maximum of 6 of those years spent in custody. If convicted of second degree murder, they must serve a maximum of 7 years, with a maximum of 4 of those years spent in custody."

Manslaughter:

- Culpable homicide that is not murder or infanticide

- Causing death of a person indirectly or directly by means of unlawful act
- Requires general intent

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7.2 Violent Crimes
Homicide/Murder, Manslaughter, Assisted Suicide
(P. 218-222)

Homicide:

- Non-culpable murder is: justifiable; lacking the mens rea of an offence. I.E.: done in self defense.
- Homicide that is culpable is a blamable or criminal homicide.
- Exception: that he causes the death of a human being by obtaining by false evidence, the conviction and death of that human being by sentence of the law (notwithstanding)

Assisted Suicide:

- Euthanasia is considered mercy killing, usually to relieve suffering.
- A nurse practitioner is not able to administer the substance to a person seeking medical assistance in dying. T/F
- You must give informed consent to received have assisted suicide. T/F
- To be eligible for assisted suicide, you must be:
 - Eligible for health services in Canada
 - 18 years old and capable of making decisions for your own health
 - Have a grievous and irremediable medical condition
 - Made a voluntary request for medical assistance in dying
 - Able to give informed consent to have assisted suicide after being informed of the ability to relieve their suffering
- A “grievous and irremediable medical condition” is defined as a serious and incurable illness, disease or disability that has the patient in an irreversible decline in capability
- Before the medical assistance in dying is given, the practitioner must ensure there are at least 10 clear days between the day the request was signed by or on behalf of the person and the day on the assisted suicide is provided T/F
- If the patient is unable to sign and date for themselves, another person cannot sign for them T/F
- Assisted suicide must be provided with reasonable knowledge, care and skill according to provincial laws, standards or rules
- The practitioner administering the medicine must tell the pharmacist what the substance will be used for

Murder:

- Murder is defined as: deliberate killing of another person.

- For murder to be first degree, it must:
 - Planned and deliberate
 - Be against a victim which was in law enforcement, i.e a police officer
 - Have occurred while another crime was being committed, such as a bank robbery
- Second degree murder is anything that doesn't fit the conditions for first degree murder. T/F
- The minimum sentence for first and second degree murder is life in prison.
- When you commit first degree murder you are eligible for parole right after your sentence. T/F
- A youth (12-17 years old) does not face a life sentence when convicted of murder
 - The maximum sentence for first degree murder is 10 years, with a maximum of 6 years being served in custody
 - Maximum sentence for second degree murder is 7 years, with a maximum of 4 years being served in custody

Manslaughter:

- Manslaughter is defined as murder that is not murder or infanticide
- Causing death of a person indirectly or directly by means of unlawful act

7.2 Violent Crimes
Homicide/Muder, Manslaughter, Assisted Suicide
(P. 218-222)

Homicide:

- Non-culpable murder is: _____
I.E.: done in self defense.
- Homicide that is culpable is a _____
- Exception: that he causes the death of a human being by _____, the conviction and death of that human being by _____ (notwithstanding)

Assisted Suicide:

- _____ is considered mercy killing, usually to relieve suffering.
- A nurse practitioner is not able to administer the substance to a person seeking medical assistance in dying. T/F
- You must give informed consent to received have assisted suicide. T/F
- To be eligible for assisted suicide, you must be:
 - Eligible for health services in Canada
 - _____ years old and _____
 - Have a grievous and irremediable medical condition
 - Made a _____ for medical assistance in dying
 - Able to give _____ to have assisted suicide after being informed of the ability to _____
- A “grievous and irremediable medical condition” is defined as a _____ that has the patient in an _____
- Before the medical assistance in dying is given, the practitioner must ensure there are at least 10 clear days between the day the request was signed by or on behalf of the person and the day on the assisted suicide is provided T/F
- If the patient is unable to sign and date for themselves, another person cannot sign for them T/F
- Assisted suicide must be provided with _____, care and skill according to _____, standards or _____

- The practitioner administering the medicine must tell the pharmacist
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Murder:

- Murder is defined as: _____
- For murder to be first degree, it must:
 - _____
 - Be against a victim which was in _____, i.e

 - Have occurred while another crime was being committed, such as

- Second degree murder is anything that doesn't fit the conditions for first degree murder. T/F
- The _____ sentence for first and second degree murder is life in prison.
- When you commit first degree murder you are eligible for parole right after your sentence. T/F
- A youth (_____) does not face a life sentence when convicted of murder
 - The maximum sentence for first degree murder is _____, with a maximum of _____ being served in custody
 - Maximum sentence for second degree murder is _____, with a maximum of _____ being served in custody

Manslaughter:

- Manslaughter is defined as murder that is not murder or infanticide
- Causing death of a person _____ by means of
