

DMD

De: "Exit International" exit@euthanasia.net>
Para: informacion@eutanasia.ws>
Enviado: domingo, 22 de junio de 2008 7:30
Asunto: Exit News & Forum 22Jun08

**Australia & New Zealand**

1. [Bitter pill - Answers are elusive in the ongoing debate over euthanasia - Daily Telegraph](#)
2. [Euthanasia woman may die before sentence - Daily Telegraph](#)
3. [Graeme Wylie's partner Shirley Justins guilty of manslaughter - Daily Telegraph](#)
4. [Sentencing: Do killers deserve any sort of mercy? - Daily Telegraph](#)
5. [Tania Shakespeare's pain of seeing her dad deteriorate - Daily Telegraph](#)
6. [Mercy-killing death: women found guilty - SMH](#)
7. [Jury shows no mercy - SMH](#)
8. [After the verdict, former judge faces contempt charge - SMH](#)
9. [Degeneration of a life and death - SMH](#)
10. [Australia Euthanasia Advocate Says Manslaughter Conviction Won't Stop Him - LifeNews](#)
11. [Euthanasia Provider to Alzheimer's Patients: The Best Remedy is Death - LifeSite News](#)
12. [Euthanasia law expert Margaret Otlowski backs jury - The Australian](#)
13. [Manslaughter ruling over euthanasia - The Australian](#)
14. [Verdict won't stop Exit group: Nitschke - The Age](#)
15. [Euthanasia comments criticised - The Age](#)
16. [Nitschke shocked by mercy killing conviction - ABC News](#)
17. [Mercy killing verdicts reignite euthanasia debate - ABC News](#)
18. [Woman found guilty over assisted suicide - ABC 'PM'](#)
19. [EDITORIAL: The complexities of euthanasia - Daily Telegraph](#)
20. [Quote of the Week - Sun Herald](#)

1. Bitter pill - Answers are elusive in the ongoing debate over euthanasia

Daily Telegraph - Sydney
 SAT 21 JUN 2008,
 By KIM ARLINGTON



CAPTION: Shirley Justins, partner who provided the drug, guilty of manslaughter (left)...Caren Jennings long-time friend who illegally imported Nembutal (right).

Bitter pill - Answers are elusive in the ongoing debate over euthanasia - A battle between morality and law

It is one of the most heartbreaking things to experience. Witnessing the declining health of a loved one -- be they a parent, a partner or a friend. Nursing and supporting them through the ravages of a terminal illness, wanting to be able to ease their pain and suffering.

For someone experiencing a prolonged illness, death can be a release. But should the terminally ill have the right to choose to end their life if the pain is too great? Do their family have the right to assist them?

Euthanasia has always been a controversial topic. The public debate around the issue was revived this week by a Supreme Court trial involving a retired Qantas pilot in the grip of Alzheimer's disease, a trip to Mexico to find a deadly drug and a disputed \$2.4million will.

On trial was a pair of unlikely criminals who -- prosecutors argued -- brought "the law of the jungle" to Sydney's genteel North Shore.

Shirley Justins, 59, is a bush regenerator for the National Trust, given to wearing tartan skirts and sensible knitwear.

Caren Jennings, 75, is a silver-haired ex-schoolteacher dying of cancer.

Together they allegedly hatched a secret plan to help a man they loved to die -- and found themselves convicted over his manslaughter.

It was up to a jury to decide if Graeme Wylie took his own life or was killed. The trial ended this week with Justins, his partner of 19 years, being found guilty of manslaughter, while Wylie's close friend Jennings was convicted of being an accessory to the crime.

Each now faces up to 25 years behind bars. The case opened a window into one man's heartbreaking decline and its impact on his family and friends.

But it also raised broader ethical questions about euthanasia and whether someone whose mind is ravaged by dementia is capable of choosing death.

Wylie, 71, died in his Cammeray home three years after being diagnosed with Alzheimer's disease. Justins told police she returned from a shopping trip on March 22, 2006, to find him dead on the couch.

She claimed she had no idea what had happened to him. But more than two years later -- part-way through her murder trial -- she admitted to assisting his suicide.

On their last night together, they drank beer while Justins reminisced about the good times they had shared. The next morning, she put an open bottle of Nembutal in front of Wylie, saying: "This will relieve your pain. If you drink this, you will die." Wylie called her "a brick", then poured himself a glass of the drug and drank it, she said.

Banned for human use in Australia, Nembutal is a barbiturate used by vets to put down sick animals.

It's also the drug of choice for members of euthanasia advocacy group Exit International. Jennings -- a past NSW representative of Exit, who has terminal cancer -- volunteered to smuggle the drug from Mexico after Wylie twice supposedly tried to take his own life.

Justins told the jury that Wylie was devastated to be "afflicted by a terrible disease that couldn't be cured" and knew things would only go downhill.

In late 2005 she applied on his behalf for a legal assisted suicide with Swiss organisation Dignitas.

But when Dignitas knocked Wylie back because of concerns about his mental capacities, the court heard the women took matters into their own hands. Jennings travelled to Mexico, scouting the back streets of Tijuana for the Nembutal that would kill him. Wylie was "desperate to escape", Jennings told the jury.

"He had walked this track for a long time now and he simply continued walking," she said.

Justins insisted she was only helping her partner fulfil his wish to die with dignity.

"Graeme wanted to be in control of his destiny," she said. "His Alzheimer's was just closing in on him. He knew what he was doing."

Prosecutors, however, pointed to a less altruistic motive. A week before his death, Justins was with Wylie when he changed his will to leave her all but \$200,000 of his \$2.4million estate. There was a second possible motive -- one never put before the jury -- with investigations suggesting Justins was involved in a love affair with a woman in Germany.

The pair allegedly exchanged explicit emails, while a photograph of them holding hands was found on Justins' desk.

Wylie's mental capacity was at the heart of the complicated case, with the Crown arguing he suffered from such severe dementia that he was unable to make an informed, independent choice to die.

Doctors and his daughters, Tania Shakespeare and Nicola Dumbrell, testified about his deteriorating language, memory and concentration skills. Wylie once answered the door in his underwear, brandishing a toilet roll, and served guests pancakes with sprouts and mayonnaise.

He could not hold proper conversations, did not recognise his family and was unable to identify everyday objects such as a watch or a pencil. By the end, Dumbrell said, he was unable to function. Crown Prosecutor Mark Tedeschi QC argued that Justins and Jennings "put to death a very sick, feeble, confused and dependent old man".

"If we all just did what we thought was moral and totally disregarded the law, then that's the law of the jungle and it becomes survival of the strongest," he said. "This case exemplifies the pitfalls of allowing close relatives or friends, who may have a conflict of interest, to decide whether a sick person should or should not be put to death."

The jury was repeatedly reminded that they were operating in a court of law; morality did not come into it. But there are many who believe that, in a compassionate society, what the women did should not be a crime at all.

A private members bill to legalise euthanasia will be debated in the Victorian parliament next week, while Greens Senator Bob Brown is seeking a conscience vote on a voluntary euthanasia bill he introduced to the Senate.

A Newspoll last year found that 80 per cent of Australians supported the terminally ill's right to voluntary euthanasia.

Among those calling for change is Exit International founder Philip Nitschke, whose controversial support for euthanasia has earned him the grim sobriquet Dr Death.

He assessed Wylie for his failed Dignitas application, and broke down in tears after the verdict.

Nitschke said the trial showed that once someone's mental capacity was questioned, they were effectively beyond help. It would push people into "ending their lives before they wish" to avoid exposing others to prosecution by helping them, he said.

Despite the risk of jail, Nitschke said people would not be deterred from helping their loved ones -- and knew of one woman who helped her husband die with Nembutal while Justins and Jennings were on trial.

"You'll see a steady stream of these cases. People so often simply say, 'It's the right thing to do'. But the right thing and the lawful thing don't necessarily coincide," he says.

The NSW Right to Life organisation welcomed the jury's decision.

"Euthanasia is illegal in Australia and for very good reasons," CEO Chiang Lim says. "Existing laws are there to protect the vulnerable and the weak. Human value cannot be forsaken regardless of how old or how weak these individuals are ... euthanasia cannot be the Australian solution to difficult human problems."

Associate Professor Jeanette Kennett, from the Centre for Applied Philosophy and Public Ethics, says with advances in medical care extending lives, the euthanasia issue is "a uniquely modern problem".

"As we all know, it's going on without regulation at the moment," she says. "Some people suggest this is the best way. Where it's between doctors and families and there don't appear to be any nefarious circumstances and it's justified [in terms of the patient's medical condition and consent] then the law looks the other way."

Others in the community think that "to institutionalise euthanasia would be a dangerous thing to do, because it may lead to people being pressured to agree to euthanasia when they don't want to be, to benefit their families," she says.

Shakespeare disagrees with what Justins and Jennings did, disputing their claims that her father wanted to die. She says they kept their plan secret because "they knew what they were doing was wrong". She is opposed to euthanasia, asking: "If it begins, where does it end? I don't think it's anyone's right to take anyone's life."

Caption: Sufferer ... former Qantas pilot Graeme Wylie, who died in March 2006
 Final torment ... Graeme Wylie's partner Shirley Justins (above) and her friend Caren Jennings (below); Wylie pictured in a family photograph with his grand-daughters Pippa, 1, and Sachi Shakespeare, 2 (right)
 Euthanasia debate ... Nicola Dumbrell, Tania Shakespeare and Philip Nitschke

2. Euthanasia woman may die before sentence

The Telegraph
 June 21, 2008

SHE'S facing up to 25 years behind bars for assisting in her friend's manslaughter, but Caren Jennings may not live long enough to learn her fate.

Her daughter Kate Jennings yesterday said her mother's terminal bone cancer meant "she may not still be alive" when sentencing over Graeme Wylie's death begins in October.

But Jennings's friend, euthanasia advocate Dr Philip Nitschke, suggested the 75-year-old may be contemplating suicide.

He said Jennings had "made it pretty clear that she's not, given her state of health, going to prison if she can do anything about it".

"She probably is thinking along those lines. Certainly she has talked about that, and who can blame her?" he said.

"It wouldn't be a way of circumventing the law, simply a way of saying, 'I'm so ill, it is a reasonable next step'."

Jennings was a NSW representative of Exit International, the pro-euthanasia group founded by Dr Nitschke. He said the organisation had raised more than \$100,000 towards her defence.

A Supreme Court jury this week convicted Jennings of being an accessory before the fact of Mr Wylie's manslaughter. She illegally imported Nembutal, the veterinary drug that killed him in March 2006, from Mexico.

The drug was given to Mr Wylie, 71, by his partner Shirley Justins, who was convicted of manslaughter.

Both women told the court Mr Wylie wanted to end his own life, but the jury found he lacked the capacity to decide because of Alzheimer's disease.

Kate Jennings yesterday spoke out against the verdict, saying "the drug was not administered to someone who didn't want to die".

She described her mother as gentle and compassionate, saying she was Mr Wylie's closest, dearest friend and "the last thing she could bear was him rotting in an institution".

Mr Wylie changed his will a week before he died to leave Justins most of his \$2.4 million estate, but Ms Jennings said the case was not about money. Justins was simply "a sweet soul" who "cared greatly for Graeme and did what she thought he wanted".

Despite her illness, Ms Jennings said it was unlikely her mother would use Nembutal to end her life. Asked whether her mother intended to suicide, Ms Jennings told The Daily Telegraph she could not speak for her mother, but they had not discussed such plans.

3. Graeme Wylie's partner Shirley Justins guilty of manslaughter

Daily Telegraph
 By Kim Arlington, Court Reporter
 June 20, 2008 12:00am

CAPTION: Family torn apart ... Tania Shakespeare (main) with her father Graeme Wylie (inset top) and life-long friend Caren Jennings (inset left) and Mr Wylie's partner Shirley Justine.

AS heartbreaking as it was to watch her father's slow decline from alzheimer's disease, Tania Shakespeare did not think euthanasia was the answer.

Graeme Wylie, 71, died from an overdose of the veterinary drug Nembutal three years after his diagnosis. The drug was given to him by his partner of 19 years, Shirley Justins.

A Supreme Court jury yesterday found Justins guilty of his manslaughter, while long-time family friend Caren Jennings - who illegally imported the Nembutal from Mexico - was convicted of being an accessory to manslaughter.

Few issues are as divisive, or emotional, as euthanasia. In this case it not only split the community, but Mr Wylie's family as well.

"I don't agree with what they did," Ms Shakespeare told The Daily Telegraph.
"Perhaps they should spend some time in incarceration to . . . think about what they did".

She said her father "died a lonely death surrounded by those who put their own interests and beliefs first".

Justins and Jennings - both members of pro-euthanasia group Exit International - face up to 25 years in jail.

"They broke the law," Ms Shakespeare said.

Justins, who denied murdering Mr Wylie, told the court her partner was devastated to be "afflicted by a terrible disease that couldn't be cured".

She said he was determined to take his own life and "die with dignity".

In March 2006, he drank from a bottle of Nembutal she put in front of him with the words: "This will relieve your pain."

But Ms Shakespeare said her father had not discussed suicide with her and did not want to die.

"He didn't think of killing himself," she said.
"He was always looking for a cure - he was never looking to die."

She and her sister, Nicola Dumbrell, told the court about their father's application in late 2005 for a legal assisted suicide with the Swiss organisation Dignitas.
They supported the application reluctantly, thinking it was what he wanted but were relieved when it was rejected because of concerns over his mental capacity.

Ms Dumbrell, who described Exit International as a "cult", told the court they knew Jennings was the instigator.

The trial hinged on Mr Wylie's mental capabilities, with prosecutors arguing his dementia left him incapable of making an informed, independent choice to die.

If he lacked that capacity, Crown Prosecutor Mark Tedeschi QC said, it was not suicide and the accused "put to death a very sick, feeble confused and dependent old man".

After three days of deliberations, the jury convicted Justins of manslaughter rather than murder, finding she negligently breached her duty of care towards him.
She allegedly had a financial motive to see Mr Wylie dead; he changed his will a week before he died, leaving her most of his \$2.4 million estate.

The jury was never told of another possible motive for the crime - that Justins allegedly had "an ongoing love relationship" with a woman in Germany.

Justins and Jennings showed no emotion as the verdicts were delivered.
They will be sentenced later this year.

4. Sentencing: Do killers deserve any sort of mercy?

By Michelle Cazzulino
The Telegraph
June 20, 2008

Justice Roderick Howe faces arduous task in sentencing

CAPTION: In tears at decision ... euthanasia advocate Dr Philip Nitschke. Picture: Sam Mooy

HE observed that the jury had been forced to adjudicate on an "extraordinarily difficult" case, but Justice Roderick Howie now faces an equally arduous task.

Charged with the responsibility of sentencing Shirley Justins and Caren Jennings over the death of Graeme Wylie, he will once again confront the complexities of a high-profile case that divided the community from the outset.

With seemingly no public consensus on the subject, community attitudes towards euthanasia are unlikely to provide any guide to sentencing.

Further complicating the matter is the respective ages of the two offenders: Shirley Justins, who was found guilty of manslaughter, is 59, while Caren Jennings, who was found guilty of being an accessory to manslaughter, is 75 and suffering terminal cancer.

The severity of the women's respective crimes is such that, under the law, Justice Howie could impose prison terms of up to 25 years each, effectively sentencing them to die in jail.

There are some who would argue that outcome was warranted. During the trial, the jury was also reminded that the trial was not to be a "referendum on euthanasia".

Manslaughter was only put before the jury during the trial's final stage, after Justice Howie allowed an amendment of the indictment to include the charge. He said it was an unusual step, but was appropriate given the evidence.

Justice Howie will begin sentencing proceedings in October but the lawyers for Jennings already flagged their intentions of seeking a non-custodial sentence due to the "unusual" circumstances of the case.

Prosecutor Mark Tedeschi QC told the jury Justins was motivated by a desire to secure her financial future, and deliberately killed her dementia-stricken partner or let him take an overdose of the drug Nembutal and was indifferent to the fatal consequences.

Justins pleaded guilty to aiding and abetting suicide early in the trial, and said Mr Wylie was desperate to die before his illness got worse.

Jennings also told the jury she was motivated by mercy in travelling to Mexico to obtain the Nembutal for Mr Wylie, who was one of her oldest friends.

Yesterday neither woman offered any comment on the decision.

Justice Howie adjourned the matter to allow for the gathering of medical and other evidence related to the sentence to October 7, with a likely sentence date in November.

Within minutes of the verdicts being handed down yesterday, euthanasia advocate Dr Philip Nitschke had labelled them "disgusting" and "distressing".

"Many people that know they're getting disease will take the option and end their lives earlier rather than later, because they know that if they let it go too far they're going to find themselves in the situation as these two poor women found," Dr Nitschke, who broke down in tears after the verdict, said.

"People will . . . end their lives before their time, simply because of the message that this court has sent."

As a result of the verdict, Dr Nitschke said his organisation Exit International would change the way it advised Alzheimer's patients. Those comments were slammed by mental health experts.

The pro-life group NSW Right to Life welcomed the decision and posted a statement on its website.

"Human value cannot be forsaken regardless of how old or how weak these individuals are," CEO Chiang Lim said last night.

5. Tania Shakespeare's pain of seeing her dad deteriorate

Daily Telegraph
By Kim Arlington
June 20, 2008

CAPTION: Devoted family man ... Graeme Wylie with two of his six beloved grandchildren Sachi Shakespeare and sister Pippa.

FROM the age of four, Graeme Wylie was destined to be a high flyer.

As a small boy in Tasmania, he watched a plane passing overhead and declared that he was going to fly planes when he grew up. After playing state representative hockey as a teenager, he became a Qantas pilot - a job that he loved - and travelled the world.

When tragedy struck the family and his wife Beryl died, Mr Wylie raised his two teenaged girls alone before remarrying.

His eldest daughter, Tania Shakespeare, said he would shower them with presents when he came back from an overseas trip and was always supportive.

"He always encouraged us to be who we wanted to be," she said.

He was an affectionate grandfather to his six grandkids, whom he "adored". Ms Shakespeare recalled him a "a greenie before his time" - a vegetarian with a love of the outdoors and strong interest in the environment.

In his later years he loved kayaking, going to the theatre and dining out - and was always fond of a beer.

Ms Shakespeare said her father was articulate and intelligent, with a good sense of humour.

But things changed after he was diagnosed with alzheimer's disease in March 2003. Ms Shakespeare and her sister Nicola Dumbrell - as well as medical experts - testified in the Supreme Court about his deteriorating language, memory and concentration skills.

Mr Wylie once answered the door in his underwear, brandishing a toilet roll, and served guests pancakes with sprouts and mayonnaise.

He could not hold proper conversations, forgot his relatives' names and was unable to identify everyday objects such as a watch or a pencil.

"The thing I missed most about Dad before his alzheimer's was . . . I could ask him about anything and he would have knowledge about that, whatever it may be - political, scientific," Ms Shakespeare said.

"Dad certainly knew the big picture".

She said that after the onset of alzheimer's disease, her father seemed to "mellow".

Ironically, Ms Shakespeare said, her father was "extremely law abiding". His opinion was that "if the law said such and such, so be it", she said.

6. Mercy-killing death: women found guilty

Sydney Morning Herald
Geesche Jacobsen
June 19, 2008

CAPTION: Caren Jennings, left, outside court today before the verdict over the death of Graeme Wylie, inset, was delivered.

Picture: Kate Geraghty

The court also heard that Mr Wylie's will - in Justins' favour - was changed a week before his death

In a blow to the euthanasia movement, a jury has found one woman guilty of the manslaughter and another an accessory to the manslaughter of Alzheimer's sufferer and former Qantas pilot Graeme Wylie.

Mr Wylie's partner Shirley Justins, 59, and his long-term friend Caren Jennings, 75, were accused of plotting to kill him.

Justins was found guilty of manslaughter and Jennings of being an accessory to manslaughter.

Mr Wylie, 71, died in March 2006 from an overdose of the veterinary drug Nembutal, which Jennings had bought and illegally imported from Mexico, and which Justins had given to him in their Cammeray home.

He had been diagnosed with Alzheimer's disease in March 2003 and the case centered on his capacity at the time of his death to decide he wanted to commit suicide.

Evidence on this had been conflicting and the jury deliberated for three days after the six-week trial.

The prosecution had argued Mr Wylie, who had been assessed as suffering from moderate to severe dementia, and who, four months before his death, could not remember the number or sex of his children or his own date of birth, was no longer able to decide to kill himself.

Therefore, Crown prosecutor Mark Tedeschi, QC, argued his death was not a suicide, but murder or manslaughter.

But the court also heard evidence from his sisters and a former friend, who said they had lucid conversations with him in the three months before his death.

Nine days into the trial, Justins changed her plea and admitted to aiding Mr Wylie's suicide, but Mr Tedeschi told the court he did not accept the plea and was going to pursue the other charges.

Euthanasia advocate Philip Nitschke gave evidence about a consultation with Mr Wylie, who had applied to have an assisted suicide in Switzerland.

But the Swiss organisation Dignitas rejected the application in December 2005, finding the evidence about his capacity was conflicting and it could not be certain he would qualify for an assisted suicide under Swiss law.

In February 2006, Dr Nitschke again met Justins and Jennings to discuss further options for Mr Wylie.

The court also heard that Mr Wylie's will - in Justins' favour - was changed a week before his death. Under an old will she stood to gain half of his \$2.4 million estate, with the rest to be divided between his daughters.

Under the new will the daughters were left \$100,000 each, with Justins to gain \$2.2 million of the estate. The daughters are contesting the will in the Supreme Court on the basis Mr Wylie did no longer have the capacity to make a new will at the time.

Jennings is also to be sentenced for importing the Nembutal, a charge to which she has pleaded guilty.

The women did not react to the verdicts, but their supporters in the public gallery cried out in surprise.

Outside the court, Dr Nitschke said that his organisation Exit International would now be warning its members to "tread very carefully" and hold workshops for people with Alzheimer's disease to inform them about how to get around the implications of today's decision.

Members of Jennings' family and other supporters wept and muttered angrily.

Justice Roderick Howie thanked the jury for their attention in what he said must have been an extraordinarily difficult case.

Outside court, Jennings said she did not wish to comment, but her lawyer Sam Macedone briefly spoke to reporters about the verdict. "I've been in this too long to be shocked by anything," Mr Macedone said.

"Caren is quite well and everything will be fine."

Justins also offered no comment to waiting media as she was escorted from court by her barrister Peter Bodor, QC, her eyes shielded by sunglasses.

Bail was continued for both women, and Jennings's counsel indicated they would be seeking a non-custodial sentence.

"I would ask that a pre-sentence report be obtained to see what available options there are, other than a custodial sentence," Michael Williams, QC, told the court.

"This is a very unusual case, your honour, and not one, in my respectful submission, that would [require] an ordinary sentence for my client."

Jennings is suffering from terminal cancer.

Justice Howie adjourned the matter to allow for the gathering of medical and other evidence on sentence to October 7, with a likely sentence date in November.

- with AAP

7. Jury shows no mercy

Sydney Morning Herald
GEESCHE JACOBSEN
20/06/2008

TWO women who say they were helping an Alzheimer's sufferer fulfil his wish to die, have been found guilty of killing him.

Shirley Justins and Caren Jennings, who had allegedly refused an earlier prosecution deal to plead guilty to assisting a suicide, may face prison terms when they are sentenced later in the year.

The verdict, a blow to the euthanasia movement, came after a six-week trial which did not cover the concept of a possible "mercy killing", and concentrated instead on alleged financial and personal motives - including an alleged love affair between Justins and a German woman.

Graeme Wylie, 71, a former Qantas pilot, died in March 2006 from an overdose of the veterinary drug Nembutal, bought in Mexico and illegally imported by Jennings, a long-term friend and a former NSW representative of the euthanasia group Exit International. Justins, his partner of 18 years, provided the drug to him, which she said he poured and drank, knowing it would kill him.

The crucial question in the Supreme Court case had been whether Mr Wylie was so affected by dementia that he could still decide for himself to commit suicide. Evidence from doctors and his daughters was contradicted by evidence from his sisters, Jennings, and, partly, Justins.

In finding Justins, 59, guilty of manslaughter and Jennings, 75, of being an accessory before the fact to manslaughter, the jury rejected the alternative charge of assisted suicide and the suggestion that he had been able to make up his mind to die.

Family and supporters of the women wept and gasped as the verdict was handed down. Outside the court, the euthanasia advocate Philip Nitschke, who had assessed Mr Wylie for an application for an assisted suicide in Switzerland in 2005, said he thought Mr Wylie still "knew what he was doing".

The outcome meant, Dr Nitschke said, that people with dementia would have to "end their lives before their time" to ensure those helping them did not face murder charges. He would change the way his organisation, Exit International, advised people with Alzheimer's. "Don't go to your doctor. Don't have the tests ... and if you do have the tests done that show you're starting to lose mental capacity, make sure it is not recorded."

The complex case was full of twists and dramas, many kept from the eyes and ears of the jury.

While jurors were told of Justins's alleged financial motive - Mr Wylie had changed his will a week before his death in her favour - they had not been told that his partner allegedly had a female lover in Germany.

Justice Roderick Howie ruled the prosecution was not allowed to tell the jury about Justins's contact with Bergi Mueller. The prosecution said the women had met three times and exchanged emails "of an intimate nature"

discussing sex and had talked of dreaming about one another and the desire to be in the sauna together.

Justice Howie said their emails dating from 2002 to 2004 indicated "more than mere friendship" and the way the women referred to one another showed "at least some sexual interest".

Later the Crown produced evidence that Justins, an avid photographer, had accessed a nude photo of Ms Mueller on her laptop computer in October 2005 - at a time when she was applying on Mr Wylie's behalf for an assisted suicide in Switzerland.

Justins never became emotional in her evidence, nor spoke of intimate conversations with Mr Wylie to prove he had discussed his death with her. When police failed to see female clothes or toiletries in Mr Wylie's house at Cammeray, the theory that Justins was no longer committed to the relationship might have been born. A search of her phone and computer records brought evidence about the alleged love affair in Germany.

The jury was also barred from hearing evidence about Dr Nitschke's role in the suicide of Nancy Crick, who claimed to have terminal cancer, but only had a twisted bowel.

Dr Nitschke only agreed to talk to police after being subpoenaed. He had received a certificate against incrimination when he was asked about Exit's role in informing people about suicide.

Outside court, Nicola Dumbrell, Mr Wylie's youngest daughter from a previous marriage, told reporters: "I think the verdict is correct."

The women were released on bail and their case will return to court in October when a date will be set for sentencing. Jennings, who is also to be sentenced for the drug importation, is ill with terminal cancer. Her barrister, Michael Williams, QC, asked the court for a report on options other than imprisonment.

with AAP

8. After the verdict, former judge faces contempt charge

Sydney Morning Herald
GEESCHE JACOBSEN
20/06/2008

A FORMER federal attorney-general, retired Supreme Court judge and voluntary euthanasia advocate is to be investigated for alleged contempt of court.

Kep Enderby, a former federal Labor MP for Canberra, was until four months ago president of the NSW Voluntary Euthanasia Society.

He claimed that Shirley Justins and Caren Jennings had been offered a deal by the prosecution some time before their trial. The deal offered to drop the more serious murder and manslaughter charges if the women pleaded guilty to aiding and abetting Mr Wylie's suicide.

Nine days into the trial, Justins agreed to plead guilty to assisting Mr Wylie's suicide, while Jennings pleaded guilty to importing the drug Nembutal into Australia. But by then the Crown no longer offered to drop the other charges.

Mr Enderby said he had passed the information about the deal on to the society which had "inadvertently" put this up on its website, where it remained during the trial. The jury had been instructed not to search the internet in relation to the case.

Justice Roderick Howie, who presided over the trial, said - in the absence of the jury - he would refer Mr Enderby to the Solicitor-General for contempt of court.

At another time during the trial, Mr Enderby commented loudly about the evidence, and Justice Howie warned him, saying, "You ought to know better".

Mr Enderby said yesterday he had not been aware that his comments had been published. He believed nothing would come of the referral to the Solicitor-General, Michael Sexton, SC.

In other information on the organisation's website, Mr Enderby appealed for donations for Jennings's legal

fighting fund and said: "I am convinced that she has committed no crime."

The website also contained an email from Jennings's solicitor to Mr Enderby, outlining the case. Jennings's solicitor, Sam Macedone, said he did not know his letter had been published on the internet, and Justice Howie did not refer this matter to the Solicitor-General.

Mr Enderby said he had to temper his comments about the verdict because he was so angry and might risk further contempt charges if he spoke his mind.

He said: "A monstrous wrong has been done to these very fine women who have led blameless lives and conscientiously believed that what they were doing was in the interest of this man whom they both admired and loved and wanted to help."

Philip Nitschke's partner, Dr Fiona Stewart, who is writing a book about this case, was also warned by Justice Howie not to take notes in court or discuss what she had heard with Dr Nitschke.

9. Degeneration of a life and death

Sydney Morning Herald
20/06/2008

GRAEME WYLIE allegedly told his partner, Shirley Justins, he thought committing suicide would be a lot easier.

More than two years after his death, Justins and Wylie's long-term friend, Caren Jennings, told a court of his various alleged attempts: slitting his wrists with a blunt knife, placing bags over his head and being unable to bear the suffocation, breathing the carbon monoxide from an old lawnmower but being unable to bear the fumes.

Eventually, Jennings travelled to Mexico, bought the veterinary drug Nembutal, illegally imported it into Australia and handed it to Justins.

Justins said she placed it in front of Wylie, telling him it would relieve his pain and he would die if he drank it. He poured it, drank it, and died. By that stage, Wylie was 71. He had been diagnosed with Alzheimer's disease - a form of progressive dementia - three years earlier.

He had seen the world as a Qantas pilot, loved to discuss current affairs, was passionate about classical music and the perfect sound from hi-fi speakers. He was a vegetarian and loved animals. He was a proud, determined, private, stubborn, dominating man.

And he hated the idea of losing control, of becoming a burden to Justins, of being institutionalised, of becoming dependent, of turning into a dribbling vegetable, of peeing his pants, the court heard.

His death could have been an example par excellence for the pro-euthanasia movement, a showcase of a sick person seeking help to die with dignity. Instead, the trial that eventuated almost became a showcase of how not to do it, and threatened to draw the movement, and its founder, Dr Philip Nitschke, into the maelstrom.

The case highlighted - depending on your viewpoint - poor planning, complex family circumstances and difficult personalities, or - as the prosecution argued - greed and personal interest.

One thing became clear: there were no winners in this case. Not only did the cause of euthanasia law reform suffer in this messy example, so did those close to Wylie.

The case also exposed the split between Justins - Wylie's third partner - and his children by his first wife. A battle over his will - amended in Justins's favour a week before he died - continues.

The daughters were at times barely able to hold back their disdain and tears. In the witness box, Nicola Dumbrell called Exit International a "cult" and Jennings the instigator of her father's death. Her sister, Tania Shakespeare, later muttered abuse while listening to Justins's evidence.

Dumbrell smiled broadly as the jury handed down its guilty verdicts yesterday.

The case also showed a strained relationship between Justins, an unemotional, outdoorsy woman who was often confused and contradictory in her evidence, and Jennings, the articulate, socially aware, former English teacher and pro-euthanasia advocate with terminal cancer, who was already planning her death.

Not even Wylie could rest in peace - every detail of this very private man's life, and illness, was aired.

At the centre of the case was the dispute about Wylie's capacity to decide to kill himself. If he had the mental capacity, Justins was guilty of assisting his suicide - a law the euthanasia supporters (many of whom followed the trial every day) seek to have changed.

The court heard a lot of conflicting evidence about the state of Wylie's health. Cognitive tests and the post-mortem of his brain suggest his dementia was moderate to severe. This is supported by evidence from his daughters. But Justins said he hated doctors and was not interested in passing the tests.

Jennings insisted she still talked to him right to the end, and suicide became his "singular preoccupation".

Nitschke, who assessed Wylie for an application for an assisted suicide in Switzerland but did not review his medical reports, found that even though Wylie was "unable to recall his date of birth or the number and sex of his children", he "retained significant insight ... and was adamant" he wanted to die.

By its verdict, the jury must have decided he no longer had the capacity.

While there was doubt about his capacity to reason about suicide, there seemed to be less doubt about Wylie's desire to die before his illness got too bad. Even Shakespeare said he had told her he had "to go, it's so bad".

But Dignitas knocked him back in December 2005, because it said it could not be sure he was able to decide he wanted to die. The prosecution said this put Justins and Jennings on notice.

Around the same time he allegedly told his sister his life had become boring and he was unable to do the things he enjoyed: go to the opera, visit restaurants, walk around unaided.

So, perhaps, the problem for Wylie was that, because he found suicide so difficult, he left it too late.

Justins told the court she believed Wylie could not have organised the suicide without their help at the time of his death in March 2006.

The law does not allow someone to help another person to die even if they have been asked, but when the person who wants to die can no longer decide for themselves, the stakes rise from assisted suicide to murder or manslaughter.

Whether Wylie's alleged suicide attempts were real or not, evidence of his suicidal intention was laid six months before his death, when he was taken to a doctor with cuts to his wrists.

Dr Omprakash Gupta stitched the wrists. Later, he issued a certificate about Wylie's Alzheimer's, which was used without Gupta's knowledge to support the Dignitas application, even though he was not his treating doctor.

Days before Wylie's death, Gupta prescribed the anti-nausea drug recommended to prevent a patient from vomiting the deadly Nembutal, without knowing its real purpose. He also issued another certificate, not knowing it was to reassure the solicitor who organised Wylie's new will, stating he was "still capable of making his own decisions".

But Gupta let down Justins on the day of Wylie's death by refusing to sign a death certificate after Wylie's regular GP, who had not seen him recently, had refused to do so.

When no other doctor could be found, the plan to conceal that Wylie had died from an illegal drug came unstuck. An autopsy was necessary. It detected he had died from Nembutal, and a police inquiry started.

If the real purpose of helping Wylie to die was for Justins to inherit his \$2.4 million estate, leaving the will change until a week before his death was a risky move. Under the previous will, she stood to gain 50 per cent. Under the new one, she gained all but \$200,000.

No wonder the daughters questioned their father's ability to make a valid will. The court case about this is still

pending.

But in this case, Justins admitted in court that Jennings had fabricated evidence to "beef up" the evidence of Wylie's capacities. In admitting this, she unwittingly exposed both of them to further charges of perverting the course of justice. It is unclear whether such charges will be pursued. Jennings has denied the allegations.

On the day Wylie died, police claim, Justins did not cry. At no time in her evidence did she become emotional, or speak of intimate conversations between her and Wylie in an effort to prove he discussed his death with her.

The prosecution had alleged that she had two motives for wanting Wylie dead: one financial and one personal. Moral or ethical considerations seem to have barely entered the equation.

10. Australia Euthanasia Advocate Says Manslaughter Conviction Won't Stop Him

LifeNews
by Steven Ertelt
LifeNews.com Editor
June 20, 2008

Canberra, Australia (LifeNews.com) -- The leading euthanasia advocate in Australia says a manslaughter conviction for two women he helped killed a former airline pilot won't prompt him to review or stop his efforts. Philip Nitschke says he will continue to promote euthanasia and assisted suicide despite the decision.

As LifeNews.com reported, two women charged in a controversial euthanasia-murder case have been found guilty of manslaughter.

The common law wife of a former pilot and her friend had pleaded not guilty in a New South Wales Supreme Court to murdering Graeme Wylie.

The women had refused offers from prosecutors to plead guilty to assisted suicide and, as a result, the jury found them guilty of manslaughter. Now, they face up to 25 years in prison.

Nitschke was instrumental in the case as he evaluated Wylie and decided to teach the women how to obtain a lethal dose of Nembutal, a veterinary drug the women obtained from Mexico.

Now he tells the Australian Associated Press that the guilty verdict won't slow down his efforts with Exit International, the pro-euthanasia group he heads.

"It's very hard to go to a person when they come to you and say: 'Look, I'm sorry we're actually stopping, and we're reviewing all our processes'," he said at a press conference.

"We'll still be giving information out ... but we'll be telling people to move quickly," he added.

During the trial, the jury debated whether or not Wylie had the capacity to decide for himself whether he wanted to live or die.

Nitschke said his goal is to help people engage in mercy killings before that can be determined, according to the AAP report.

"And that, in the case of a person with Alzheimer's disease, means that they may have to move more quickly, and end their lives more quickly before this whole issue of capacity to make a decision comes to the fore," he said.

Wesley Smith, an American-based author and attorney who is an expert on bioethics issues, said Nitschke's comments prove he's more interested in promoting euthanasia than patient care.

"To Nitschke, nothing comes before the euthanasia agenda--not even obtaining proper medical care," he said. "Yet, he remains a hero of the international movement and a darling of the Australian media."

11. Euthanasia Provider to Alzheimer's Patients: The Best Remedy is Death

LifeSite News
By Tim Waggoner

SYDNEY, June 20, 2008 (LifeSiteNews.com) - Euthanasia provider and activist Dr. Philip Nitschke has released controversial statements that essentially instruct anyone who believes they are suffering from Alzheimer's disease to avoid obtaining a diagnosis in favour of seeking a doctor who can help them commit suicide as quickly as possible. These comments come on the heels of yesterday's New South Wales jury ruling that convicted two women for the "euthanasia" death of a 71-year old Sydney man, Graeme Wylie, in 2006.

As reported by the news service, The Age, Shirley Justins, the wife of Wylie, was convicted of manslaughter for giving him a suicide drug, and Caren Jennings, who journeyed to Mexico to purchase the lethal drug, Nembutal, was convicted as an accessory to manslaughter. Both women, who claimed Wylie wanted to die this way, face up to 25 years in prison and will likely receive their sentences in November.

According to the Sydney Morning Herald, the trial centred on whether or not Wylie had the mental capacity to choose to be euthanized. Considering that just four months before his death, the husband and father could not recall his birthday or how many children he had and what sex they were, the jury decided Wylie was not able to choose suicide, and therefore convicted Justins and Jennings with manslaughter.

The court also brought to light the fact that Wylie's will was changed just one week before his death. The new terms stipulated that Jenkins was to receive all but \$200,000 of the \$2.4 million dollar estate; over double the amount she was to originally receive.

Dr. Nitschke, however, opposed the jury's decision, saying, "Many people said this person [Wylie] knew what he was doing. I thought he knew what he was doing. Yet they base it on the medical evidence that he had lost his ability to make a decision, that he had lost his ability to say whether he could die or not."

Dr. Nitschke, who heads the assisted suicide organization, Exit International, also said the ruling sends a "dreadful message" to Alzheimer's patients, and urged those suffering from the disease to avoid a doctor's diagnosis and seek assisted suicide as quick as possible in order to protect one's family from similar legal battles.

"Don't go to your doctor. Don't have the tests done. And if you do have the tests done that show that you're starting to lose mental capacity, make sure it is not recorded," said the doctor, indicating that those who contact Exit International would be receiving the same message.

"We'll be advising people not to (declare they have Alzheimer's)," he said.

"A person with Alzheimer's disease, means that they may have to move more quickly, and end their lives more quickly before this whole issue of capacity to make a decision comes to the fore," he finished.

The jury's decision and Dr. Nitschke's comments have sparked commentary from several professionals in related fields.

In a LifeSiteNews.com interview, Alex Schadenberg, Executive Director of the Euthanasia Prevention Coalition, applauded the jury's decision, given the fact that a Swiss euthanasia centre refused to assist in Wylie's suicide because of his increasing dementia. The Swiss centre made this decision despite advice from Dr. Nitschke, who advised them to go ahead with the assisted-suicide after he had made an "assessment" of Wylie's condition.

"The fact is the man was incapable to make these decisions, and they were made on his behalf and it was done against the wishes of his children. One of his daughters in particular was very upset," explained Schadenberg.

He then addressed the shocking statement issued to Alzheimer patients by Dr. Nitschke.

"Dr. Nitschke is hell bent on death," said Schadenberg.

"You have to put this into context. He was the one who told the National Review that the peaceful pill [a suicide pill] should be available to troubled teens."

Schadenberg then commented on the "bigger picture", explaining how Dr. Nitschke is not just fighting for a terminally ill patient's right to assisted suicide, but for "anyone's right to die."

"He sees suicide as a human right. It is not about the right to die of terminally ill people. It is about what they would call the human right to die. The right for anyone to die at the time of their choosing," he concluded.

Glenn Rees from Alzheimer's Australia said Dr. Nitschke's counsel was "worrying on many levels".

"Diagnosis is vital for people with dementia, so they can get all the support they need to avoid depression and the things that might lead to this (euthanasia), so it's ridiculous to say they shouldn't get it," explained Mr. Rees.

Rees finished by asserting that, "The last thing they should be doing is running away from a diagnosis."

University of New South Wales psychiatry professor Brian Draper, alluded to the fact that many Alzheimer's patients can enjoy their lives, saying Dr. Nitschke demonstrated "incredible ignorance" of Alzheimer disease.

12. Euthanasia law expert Margaret Otlowski backs jury

The Australian
Matthew Clayfield
June 21, 2008

AN expert in the laws of voluntary euthanasia says a jury reached a predictable and appropriate decision when it convicted two elderly women of manslaughter for what they claimed was the mercy killing of an Alzheimer's sufferer.

University of Tasmania academic Margaret Otlowski, author of the text *Voluntary Euthanasia and the Common Law*, said the Sydney trial of Shirley Justins and Caren Jennings, did not fit the description of a typical "euthanasia case".

"This doesn't have the hallmarks of a euthanasia case as we would typically understand it," Professor Otlowski said.

"What do people expect in the absence of voluntary consent? It's difficult to differentiate it from other illegitimate taking of life.

"The evidence from the case strongly suggested lack of mental capacity on the part of the victim. We can't have it suffice that people can end the life of someone because they think the time has come."

Justins and Jennings were convicted of manslaughter on Thursday over the death of Justins' de facto partner Graeme Wylie, a 71-year-old former Qantas pilot who had developed Alzheimer's.

The NSW Supreme Court jury rejected a murder verdict and the verdict of assisted suicide, finding Justins had not taken due care to assess whether Wylie had the mental capacity to choose to die. Wylie had previously sought access to the Swiss euthanasia group Dignitas but was rejected because of his failing mental capabilities.

The case was further clouded by a late change of will by Wylie, which benefited Justins at the expense of Wylie's children from his first marriage. Jennings has terminal bone cancer.

Euthanasia advocate Philip Nitschke continued to attack the verdict yesterday.

"I think the accepted position should be in this instance, in Graeme Wylie's instance, that of course he still wanted to die," Dr Nitschke said. "He couldn't say it clearly any more, but that's what he'd been saying for a long time: 'Don't let me get like this'."

Dr Nitschke responded to criticism from Alzheimer's support groups, saying they had "totally missed the point" of comments he made on Thursday, suggesting that Alzheimer's sufferers who wanted to die should avoid telling their doctors about their plans.

"It's often the case with organisations who set out to represent a particular disease entity that they are very nervous when they find that some people with that disease might seek to end their lives," he said.

Alzheimer's Australia national executive director Glenn Rees said Dr Nitschke's comments were "desperately unhelpful".

13. Manslaughter ruling over euthanasia

The Australian
Angus Hohenboken
June 20, 2008

THE euthanasia movement has suffered a severe blow in a landmark case, with a jury finding two women had not assisted in the suicide of an elderly Alzheimer's sufferer, but rather had committed manslaughter.

In a case in which the motives for the killing of Graeme Wylie, 71, were in doubt - with prosecutors arguing his death was motivated by greed - the jury found Shirley Justins guilty of manslaughter, for killing her de facto husband without establishing whether he was capable of choosing to die. Her friend Caren Jennings, who provided her with the drug Nembutal, with which Wylie was killed, was convicted of being an accessory before the fact of manslaughter.

Euthanasia advocate Phillip Nitschke said the verdict would force people with degenerative mental illnesses to take their lives earlier, before their ability to make the decision would be questioned.

"We'll be advising people not to (declare they have Alzheimer's)," he said outside court.

"Don't go to your doctor. Don't have the tests done. And if you do have the tests done that show that you're starting to lose mental capacity, make sure it is not recorded."

Dr Nitschke - who had visited Wylie before his death - testified that he thought the former Qantas pilot was well enough to make a decision about ending his life.

Both women face a maximum 25-year jail term. Wylie was killed at his Cammeray home on Sydney's North Shore in March 2006. He was rejected for a legally assisted suicide in Switzerland four months earlier on the basis of his questionable cognitive ability.

Justins claimed Wylie had twice tried to take his own life before the incident - by slashing his wrists and then inhaling carbon monoxide fumes from a lawn mower.

On the latter occasion, Justins described how she helped seal the vents before going to the gym, but when she returned he was alive. She said he was calling out in pain, having slipped while trying to open the door to escape the fumes. For five hours she left him lying on the floor with a broken hip.

One week before his death he changed his will, leaving all but \$200,000 of his \$2.4 million estate to Justins, his partner of 18 years.

Wylie's Alzheimer's had left him unable to name what day it was, the season, or whether he had any daughters.

The jury heard Justins had not told family solicitor Pam Favretto that Wylie was suffering dementia when she asked her to draw up the new will. The women denied involvement in the death for more than two years, instead trying to convince doctors he had died of a heart attack.

Eight days into the trial, Justins admitted aiding Wylie's suicide by giving him Nembutal, which Jennings confessed to bringing to Australia.

Crown prosecutor Mark Tedeschi QC said Justins was primarily concerned with safeguarding her financial future.

Jennings's counsel Michael Williams QC told judge Roderick Howie he would seek a non-custodial sentence.

Jennings has terminal cancer and the court sat only half days on Fridays to allow her to undergo medical treatment.

John James, vice-president of Right to Life Australia, said Dr Nitschke's comments highlighted the extremes to which the euthanasia movement had gone.

"What he is saying is people with dementia and Alzheimer's should be concealing their illness from people

who can help them," he said. "With proper care, this poor fellow would never have felt the need to take his own life."

Dr Nitschke said it was believed to be the first time in Australia a finding of manslaughter had been given in a case hingeing on the deceased person's capacity to make a decision to take their own life. Sentencing proceedings will begin on October 7.

Additional reporting: AAP

14. Verdict won't stop Exit group: Nitschke

The Age
June 20, 2008

The conviction of two women over the euthanasia death of a former Qantas pilot will not force a review of his assisted suicide group Exit International, says Dr Philip Nitschke.

Shirley Justins, 59, and Caren Jennings, 75, both face up to 25 years in jail after on Thursday being found guilty over the manslaughter of Alzheimer's sufferer Graeme Wylie.

Mr Wylie, 71, was killed with a lethal dose of the barbiturate Nembutal at his Cammeray home in Sydney in March 2006.

Justins, Mr Wylie's de facto wife of 18 years, was found guilty of manslaughter in the NSW Supreme Court for giving Mr Wylie the Nembutal.

Jennings was convicted of being an accessory before the fact of manslaughter because she travelled to Mexico to buy the euthanasia drug.

The jury found Justins had failed to ascertain if Mr Wylie had the mental ability to decide to die.

Dr Nitschke on Friday said the guilty verdict would not put a halt to Exit International, but would act as a test case for the euthanasia advocates.

"It's very hard to go to a person when they come to you and say: 'Look, I'm sorry we're actually stopping, and we're reviewing all our processes'," he said at a press conference with Jennings's daughter Kate.

"We'll still be giving information out ... but we'll be telling people to move quickly.

"And that, in the case of a person with Alzheimer's disease, means that they may have to move more quickly, and end their lives more quickly before this whole issue of capacity to make a decision comes to the fore."

Kate Jennings on Friday criticised the jury verdict, saying her mother was just helping a close friend end his life.

"Certainly, the drug was not administered to someone who didn't want to die," Ms Jennings said.

"He had a history of trying to commit suicide.

"He was a proud man that my mother knew for 30 years. She was probably his closest, dearest friend."

Ms Jennings denied money motivated Mr Wylie's death.

Suspicion fell upon Justins after police discovered his will had been changed one week before he died, leaving all but \$200,000 of his \$2.4 million estate to her.

"She (Caren Jennings) had absolutely nothing to gain monetarily," Kate Jennings said.

"I don't believe this had anything to do with money.

"Shirley (Justins) is a sweet soul ... she cared greatly for Graeme and did what she thought he wanted."

Ms Jennings said her mother, who has terminal bone cancer, was not expected to live to the sentencing in October.

She said it was unlikely her mother would also use Nembutal to take her own life.

"She wouldn't have the strength to make a trip like that again," Ms Jennings said.

"If she could have she would have (bought the drug on her trip to Mexico)."

Asked where the two women went wrong, Dr Nitschke said: "At the time you're talking about desperate people in desperate circumstances making mistakes".

"Looking back, why didn't he change his will earlier?" he asked.

"Why didn't he even leave a note that he was going down this path ... Why didn't he just go to Mexico?"

"He could have died in Mexico and not broken any laws. He could have gone over there, bought his Nembutal, gone to Acapulco and had a very easy death."

© 2008 AAP

15. Euthanasia comments criticised

The Age

June 20, 2008

Controversial advice for Alzheimer's sufferers to conceal their disease if they plan to end their life early has been challenged by disease experts.

Euthanasia campaigner Dr Philip Nitschke has said he will urge Alzheimer's patients who contact his organisation, Exit International, not to go to a doctor, to avoid legal complications around their premature death.

He made the comments after a NSW jury convicted two Sydney women of manslaughter over the euthanasia drug death of former Qantas pilot Graeme Wylie, an Alzheimer's patient.

Mr Wylie, 71, died from an overdose of Nembutal, a widely-advocated euthanasia drug, at his northern Sydney home in March 2006.

Dr Nitschke said Thursday's verdict sent a "dreadful message" to elderly people with the degenerative brain condition and would force those choosing euthanasia to end their lives even sooner to protect their loved ones from criminal charges.

"Many people said this person knew what he was doing. I thought he knew what he was doing. Yet they base it on the medical evidence that he had lost his ability to make a decision, that he had lost his ability to say whether he could die or not," he said outside court.

"We'll be advising people not to (declare they have Alzheimer's).

"Don't go to your doctor. Don't have the tests done. And if you do have the tests done that show that you're starting to lose mental capacity, make sure it is not recorded."

But Glenn Rees from Alzheimer's Australia said the advice was "worrying on many levels".

"Diagnosis is vital for people with dementia, so they can get all the support they need to avoid depression and the things that might lead to this (euthanasia), so it's ridiculous to say they shouldn't get it," Mr Rees said.

"The last thing they should be doing is running away from a diagnosis."

Brian Draper, a professor at the University of NSW school of psychiatry, agreed, saying Dr Nitschke had illustrated "incredible ignorance" of Alzheimer's disease.

"The vast majority of people are able to still enjoy their lives for years and those opting to end it early are a tiny minority that don't have the support, care and comfort they need," Prof Draper said.

"We need to make sure they're getting this so they don't end up choosing this path."

But Professor Colin Masters, director of the Mental Health Research Institute of Victoria, said the issue was not so clear cut.

"He (Dr Nitschke) has a point. A diagnosis of any illness which could be claimed to affect the ability to make an informed judgment does have major adverse implications," Prof Masters said.

"I think people should be free to choose how they want to end their lives."

© 2008 AAP

16. Nitschke shocked by mercy killing conviction

ABC News
Thu Jun 19, 2008

CAPTION: Philip Nitschke: 'We will teach people how to get around the implications of today's decision'.
(AAP: Dean Lewins, file photo)

Euthanasia campaigner Doctor Philip Nitschke has condemned the conviction of two women over the death of a man who had Alzheimer's disease.

Shirley Justins, 59, has been found guilty of the manslaughter of her 71-year-old partner, Graeme Wiley, who died from an overdose of the drug Nembutal.

A family friend, 75-year-old Caren Jennings, has been found guilty of being an accessory to manslaughter.

During the trial, Dr Nitschke - who had visited Mr Wiley before his death - testified that he thought the former pilot was well enough to make a decision about ending his life.

Outside the court he said his organisation Exit International will teach people with Alzheimer's how to get around the implications of today's decision.

"We'll be giving all of our members the test and telling them to do it privately behind closed doors and never mention it," he said.

He says he is shocked by the jury's decision to convict.

"I thought he knew what he was doing and yet they based it on the medical evidence that he lost his ability to make a decision, that he lost his ability to be able to say if he could die or not," he said.

"The suggestion made in the court that he should seek some medical clearance so he could make up his mind about suicide is ludicrous."

But an anti-euthanasia campaigner says the conviction reinforces laws that protect the vulnerable and weak.

NSW Right to Life chief executive Chang Lim says the verdict shows euthanasia is unacceptable to Australian society.

"Existing New South Wales laws are there to protect the vulnerable and the weak," he said.

"We - NSW Right to Life - are very thankful that justice has been served and that human value cannot be forsaken, regardless of how old or how weak those individuals are."

17. Mercy killing verdicts reignite euthanasia debate

ABC News
Fri Jun 20, 2008

CAPTION: Shirley Justins: Guilty of manslaughter. (AAP: Sergio Dionisio)

A pro-euthanasia campaigner is appealing for changes to the law after two women were yesterday found guilty of the manslaughter of an Alzheimer's disease sufferer.

Shirley Justins, 59, was found guilty of the manslaughter of her partner Graeme Wiley, who died from an overdose of the drug Nembutal in his northern Sydney home in 2006.

A family friend, 75-year-old Caren Jennings, was convicted of being an accessory to manslaughter.

Justins had earlier pleaded guilty to the lesser charge of aiding and abetting suicide while Jennings had pleaded guilty to importing the drug.

Despite the guilty pleas, Crown prosecutor Mark Tedeschi pushed ahead with murder charges on the grounds Justins had a financial and personal motive.

Dr Robert Marr from the Coalition of Organisations for Voluntary Euthanasia says the verdict shows it is time to re-examine the legal rights of patients.

"We believe the decision to convict the two women is a terrible tragedy," he said.

"[The decision] really just increases the pressure on politicians to change the law to enable dying patients to request receive assistance to end their suffering when their suffering becomes too great."

Mr Marr says ill people may now end their lives earlier to avoid questions about their mental capacity.

"Tragically, that may be the result," he said.

"We believe that hopefully politicians will realise what an ass the law really is that has led to the conviction of these two old ladies that helped their partner end his suffering."

But anti-euthanasia campaigner Chang Lim says the conviction reinforces laws that protect the vulnerable and weak.

He says the verdict shows euthanasia is unacceptable to Australian society.

"Existing NSW laws are there to protect the vulnerable and the weak," he said.

"We - NSW Right to Life - are very thankful that justice has been served and that human value cannot be forsaken, regardless of how old or how weak those individuals are."

18. Woman found guilty over assisted suicide

ABC 'PM'

PM - Thursday, 19 June , 2008

Reporter: Barbara Miller

MARK COLVIN: After three days of deliberation, a Sydney jury has found a woman guilty of manslaughter for helping her 71-year-old partner to commit suicide. The dead man had been suffering from Alzheimer's Disease.

The jury at the New South Wales Supreme Court also found a family friend guilty of being an accessory to manslaughter. She'd admitted importing the barbiturate used in the man's death.

The euthanasia campaigner, Philip Nitschke, who sat through the seven-week trial, broke down in tears outside the court.

Legal experts say the verdict, which Dr Nitschke described as disgusting and distressing, is a serious blow to the campaign to legalise euthanasia.

Our reporter Barbara Miller was in court.

BARBARA MILLER: 59-year-old Shirley Justins showed no reaction in court as she was found guilty of manslaughter over the death of her partner of 18 years, Graeme Wiley in 2006.

And Ms Justins made no comment as she walked out of the court in dark sunglasses beside her lawyer.

Graeme Wiley, a 71-year-old former QANTAS pilot, had been diagnosed with advanced Alzheimer's Disease and Shirley Justins told the court that he had wanted to die with dignity before he became a vegetable.

The prosecution argued that Ms Justins was motivated by money. And the court heard that Mr Wiley's will had been changed a week before his death to leave most of his \$2.4-million estate to his partner.

A family friend, 75-year-old Caren Jennings, who admitted to importing the barbiturate Nembutal used in Mr Wiley's death was found guilty of being an accessory to murder.

Ms Jennings, who is terminally ill with breast cancer, also remained composed in and outside court, but her daughter sat sobbing during the verdict.

The euthanasia campaigner, Philip Nitschke, who was present throughout the seven-week trial, said he was stunned by jury's decision:

PHILIP NITSCHKE: I think it's a disgusting decision. I'm very, very distressed by it. As I said, it sends a dreadful message to the elderly people of Australia and especially with those either with Alzheimer's Disease worrying about getting it or caring for people with this condition.

BARBARA MILLER: The jury found that Graeme Wiley no longer had the mental capacity to decide to end his life. Dr Nitschke said that would have serious consequences:

PHILIP NITSCHKE: One thing that will happen though is that many people that know they're getting Alzheimer's Disease with take the option and end their lives earlier rather than later because they'll know if they let it go too far, they're going to find themselves in the situation as these two poor women have found.

So people will move quicker, they'll end their lives before their time, simply because of the message that this court has sent.

BARBARA MILLER: And the euthanasia campaigner, who wept outside the court and was comforted by supporters, said he'd be holding workshops advising his supporters to keep any signs of dementia secret.

PHILIP NITSCHKE: Don't go to your doctor, don't have the tests done and if you do have the tests done that show you're showing your starting to lose mental capacity make sure it's not recorded. So we'll be giving all of our members a test and telling them to do it privately behind closed doors and never mention it.

BARBARA MILLER: Ian Dobinson, a senior lecturer in law at the University of Technology in Sydney, says the verdict sends a clear message.

IAN DOBINSON: The long-term effect will be that, you know, that in these circumstances the very serious charges of murder and manslaughter are possible outcomes in circumstances of euthanasia.

BARBARA MILLER: Would you consider then that is a serious blow to those people who would try and get euthanasia legalised?

IAN DOBINSON: Yes, I would.

BARBARA MILLER: Manslaughter and being an accessory to manslaughter both carry a maximum prison sentence of 25 years, but Cameron Stewart, an Associate Professor of Law at Macquarie University says he thinks the women won't get nearly as much as that.

CAMERON STEWART: Well, I wouldn't necessarily be so bold as to predict exactly what the sentence will be but we do know from the study of previous sentences in this area that the sentences tend to be on the lighter side.

Primarily the judge looking at the circumstances of the case, and obviously they tend to pulling towards the heartstrings and I believe in this case as well, one of the accused is also very ill. So I'm sure those issues will be playing on the judge's mind.

BARBARA MILLER: What do you think the ramifications of this verdict might be?

CAMERON STEWART: I think one of the things that may come out of it, is that currently the Federal Government, sorry the federal senators considering a possible repeal of the Euthanasia Laws Act which exists in the Northern Territory, so perhaps one of the things that comes out of this case is a consideration of the Commonwealth's current position with regards to euthanasia legislation in the Territory.

BARBARA MILLER: Sentencing proceedings for Shirley Justins and Caren Jennings will begin on October the 7th.

MARK COLVIN: Barbara Miller.

19. EDITORIAL: The complexities of euthanasia

Daily Telegraph
 EDITORIAL
 June 20, 2008

EUTHANASIA is a subject on which both supporters and opponents believe they are completely correct.

Adding to the strong feelings of both sides is the issue's moral dimension.

Opponents of euthanasia frequently cite their religious faith. Supporters of euthanasia believe they are acting to reduce human suffering.

The subject becomes yet more complicated with medical advances that permit people to live - assisted by technology - where previously they might have died. It becomes difficult to judge the point at which life is no longer sustainable.

All of those matters will be argued for years to come. The Daily Telegraph recognises that most participants in the long-running euthanasia debate act with goodwill.

Also, in common with many Australians, this newspaper is not entirely resistant to the argument that those in a painful terminal state should be allowed to hasten their death with outside assistance.

Yet the case of Graeme Wylie reminds us all that the practical aspects of euthanasia remain, for now at least, unworkably complex.

It is easy for supporters to recite principles - people have the right to take their own life, the state has no right to prolong suffering - but the application of those principles is fraught with legal and moral difficulties.

And, as in all euthanasia cases, the person most able to settle debate is no longer alive.

The more excitable elements of the right-to-die movement will be distraught at yesterday's manslaughter verdicts for Mr Wylie's partner Shirley Justins and friend Caren Jennings.

But late alterations to Mr Wylie's will and the 71-year-old's feeble mental state make it a challenging assignment to paint his death as straightforward.

Here's a point people might keep in mind during euthanasia disputes.

The right to die movement is slightly misnamed; every one of us, after all, will sooner or later honour our right to die.

Advocates are more accurately calling for the right to die right now. The wishes of euthanasia supporters will always be granted, given time.

It's the rush to death - achieved, in Mr Wylie's case, by ingestion of the veterinary drug Nembutal - that alienates many who otherwise agree in principle with the idea of assisting suicide.

The jury who heard the trial of Justins and Jennings deserves congratulations for finding a straight line through such a testing and emotional case.

20. Quote of the Week

Sun Herald
 SUN 22 JUN 2008,
 QUOTES OF THE WEEK

"People will move quicker. They'll end their lives before their time, simply because of the message that this court has sent."

Euthanasia advocate Philip Nitschke after the conviction of Shirley Justins for manslaughter for giving a lethal drug dose to her partner with Alzheimer's disease.

© Copyright.

END

[Go to TOP](#)

Exit News and Forum

Provided free and sent out to over 2000 supporters of voluntary euthanasia in many countries.

To Subscribe: [please click here](#)

For Comments & News items to be listed - exit@euthanasia.net

To Unsubscribe: [please click here](#)

To visit the Exit International website - click [HERE](#)

To view the 'Single Shot' Peaceful Pill video - click [HERE](#)

To view 'Doing it with Betty' video - click [HERE](#)

The Peaceful Pill Handbook by Dr Philip Nitschke & Dr Fiona Stewart

Banned in Australia & New Zealand

Copies available from [ExitUS](#) or from amazon.com

Launched in Toronto Sept 2006, now in third printing