Robert Latimer

June 2/2003

To the Registrar of the Supreme Court of Canada

I am again contacting the Supreme Court of Canada to get an answer to my much asked question what is the identity of the "**more effective pain medication**" so frequently used in this Court's January 18/2001 decision?

I don't think my request is unreasonable.

I have been attempting to gain an understanding of the findings in the Court's January 18/2001 decision since I first read of them in early June of 2001. I have attempted to follow the instructions sent to me in the Supreme Court Registrar's September 26/2001 letter featured on page 8 of my material. The letter informs me: "Once the Court renders its decision in a case, it does not comment further, absent a formal motion seeking variation or some obvious omission or slip affecting the application of its order. Accordingly, it would be inappropriate for the Justices of the Court to comment upon or express an opinion with respect to issues which have been decided by the Court". Yet when I read the newspaper reports in early March of this year quoting Justice Ian Binnie saying "There is a kind of pride in scientific illiteracy through the profession" at the University of Toronto I felt a lack of understanding and responsibility was clearly evident.

I can't understand how a group of judges would not want to be clearly understood. If the Court was misled, wouldn't this same Court want to present a clear understanding of their findings even if it eroded the sustainability of the decision to exclude a jury's meaningful participation in deciding the criminality if any of my actions?

Is it not your very purpose to provide the clearest understanding possible?

I believe all the arguments that are supported by this erroneous claim of "a **more effective pain medication** was available" should be eliminated from this judgment.

Page 146 line 71 (page 2 of the January 18/2001 Supreme Court decision) "There was evidence that T could have been fed with a feeding tube into her stomach, an option that would have improved her nutrition and health, and that might also have allowed for **more effective pain medication** to be administered."

Page 148 line 126 (page 4 of the January 18/2001 Supreme Court decision) "It was not reasonable for the accused to form the belief that further surgery amounted to imminent peril, particularly when better pain management was available."

Page 148 line 134 (page 4 of the January 18/2001 Supreme Court decision) "Killing a person – in order to relieve the suffering produced by a medically manageable physical or mental condition – is not a proportional response to the harm represented by the non-life-threatening suffering resulting from that condition."

Page 152 line 323 (part 7 on page 8 of the January 18/2001 Supreme Court decision) "There was evidence that Tracy could have been fed with a feeding tube into her stomach, an option that would have improved her nutrition and health, and that might also have allowed for **more effective pain medication** to be administered."

Page 160 line 651 (part 38 on page 16 of the January 18/2001 Supreme Court decision) "It was not reasonable for the appellant to form this belief, particularly when better pain management was available."

Page 160 line 659 (part 39 on page 16 of the January 18/2001 Supreme Court decision) "The appellant might have done so by using a feeding tube to improve here health and allow her

to take **<u>more effective pain medication</u>**, or he might have relied of the group home that Tracy stayed at just before her death."

Page <u>161</u> line 694 (part 41 on page 17 of the January 18/2001 Supreme Court decision) " The harm inflicted in this case was ending a life; that harm was immeasurably more serious than the pain resulting from Tracy's operation which Mr. Latimer sought to avoid. Killing a person – in order to relieve the suffering produced by a medically manageable physical or mental condition – is not a proportionate response to the harm represented by the non-life-threatening suffering resulting from that condition."

To continue endorsing the entirety of this decision is to promote a fraudulent claim.

It should not come as a surprise to this Court that a Saskatchewan Justice Prosecutor would make such a fraudulent claim, after seeing Saskatchewan Justice Prosecutor Randy Kirkham's role in the "confirming of guilty verdicts" with the questionnaire on page <u>46</u> of my material.

In the agreed statement of facts entered into my first hearing at this Court there was a letter from Saskatchewan Justice Prosecutor Randy Kirkham to Royal Canadian Mounted Police Corporal Nick Hartle instructing him to put the M K question more at the foot of the note. I believe this letter to Royal Canadian Mounted Police Corporal Nick Hartle clearly shows Saskatchewan Justice Prosecutor Randy Kirkham's complicity in "confirming guilty verdicts" Royal Canadian Mounted Police Corporal Bruce MacLeod spoke of at Randy Kirkham's trial.

When this Court writes:

On page <u>151</u> line 295 (part 3 on page 7 of the January 18/2001 Supreme Court decision) "This means the appellant will not be eligible for parole consideration for 10 years, unless the

executive elects to exercise the power to grant him clemency from this sentence, using the royal prerogative of mercy."

On page 172 line 1121 (part 89 on page 28 of the January 18/2001 Supreme Court decision) "It is also worth referring again to the royal prerogative of mercy that is found in s. 749 of the *Criminal Code*, which provides "[n]othing in this Act in any manner limits or affects Her Majesty's royal prerogative of mercy". As was pointed out by Sopinka J. In R. v. Sarson, [1996] 2 S.C.R. 223 (S.C.C.), at para. 51, albeit in a different context:

> Where the courts are unable to provide an appropriate remedy in cased that the executive sees as unjust imprisonment, the executive is permitted to dispense "mercy", and order the release of the offender. The royal prerogative of mercy is the only potential remedy for persons who have exhausted their rights of appeal and are unable to show that their sentence fails to accord with the *Charter*."

On page 172 line 1132 (of the January 18/2001 Supreme Court decision) "But the prerogative is a matter for the executive, not the courts. The executive will undoubtedly, if it chooses to consider the matter, examine all of the underlying circumstances surrounding the tragedy of Tracy Latimer that took place on October 24, 1993, some seven years ago."

I am left with the impression this Court is shuffling my problems off to the executive of the Federal Government, or the Federal Cabinet. I don't feel I can continue along this gauntlet of abuse without seeking clarification of the findings of this Supreme Courts January 18/2001 decision I believe to be unsubstaciated by the record before this Court, and very offensive to me.

This Court frequently relies on "a **more effective pain medication**". I don't understand what medication this Court is referring to. I do not believe such a "**more effective pain medication**" exists. This "**more effective pain medication**" was not and is still not understood

by us. Yet this Court's decision allows our critics such as President Richard M. Haughian and his group of Catholics in a letter on page 185 of my material to regurgitate the "medically manageable physical or mental condition". A description this Court found Tracy's condition to be with the aid of the "**more effective pain medication**". Remember how these groups flocked to Ottawa to show support for the charge against me. I believe they would show up even more emboldened, still touting your January 18/2001 decision's findings bolstering their indignation if my situation were to get the attention of the Federal Cabinet. As much as this Court's findings bolstered the beliefs, and the intensity in which the groups that had the resources, and the self-righteous indignation to participate in the hearing against me to promote themselves and their beliefs, this Court's decision is based on erroneous claims.

With the only discussion of our situation in Parliament that I am aware of being instigated by a Member of Parliament from Nova Scotia named Wendy Lill an opponent of ours, it is clear that this Court's January 18/2001 decision has portrayed Tracy's problems as primarily being disabled. This Court's decision bolsters the claim of the Saskatchewan Justice Prosecutor's on page 83 line 24 of my material which reads. "The Respondent argued that there was, therefore, no air of reality to the Applicant's defence of necessity: there was no imminent peril; reasonable, legal alternatives existed; and the response, causing Tracy's death, was grossly disproportionate to the evil the Applicant sought to avoid-Tracy alive with her disability and its afflictions."

This Court chose to endorse such virulent arguments and tactics against me, and chose to assess the medical problems Tracy faced with in accordance with these unfounded arguments. If the Court were to review their finding on page 152 line 330 of my material, of part 8 on page 8 of this Court's January 18/2001 decision that "her life was not in its final stages" they would find

another egregious neglect of the record before this Court. To portray just what the life expectancy of someone afflicted with the most severe form of Cerebral Palsy as Tracy was Dr. Dzus tries to explain a study done by the Mayo Clinic in Rochester on page 138 line 14 of my material. “The best way I can answer that is by referring to a study that came out of the Mayo Clinic in Rochester where they looked at the survivalship of children with cerebral palsy and when they specifically looked at the totally involved child, total body involvement, about 50 per cent of them had died or 50 per cent of them had survived to their tenth birthday.” If this Court were to calculate the equivalent life expectancy Tracy could expect if this Court excepted that Tracy faced problems consistent with the group Dr. Dzus considered her problems consistent with. And on page 152 line 338 of my material or (part 11 on page 8 of the January 18/2001 Supreme Court decision) this Court seems to accept Dr. Dzus’ assessment when they write. “Like the majority of totally involved, quadriparetic children with cerebral palsy, Tracy had developed scoliosis, an abnormal curvature and rotation in the back, necessitating surgery to implant metal rods to support her spine.” I believe their finding would have been much different.

If this Court were to accept the survey that Dr. Dzus spoke of in her testimony at my first trial in 1994, and was read into my second trial in 1996 this Court would find that Tracy had lived longer than most of the people that suffered similar medical problems. Tracy was less than 1 month away from her 13th birthday. If 50% of people with similar medical problems survived their 10th birthdays, and 50% of the same group did not survive their 10th birthday, then I would expect most people would agree that the average life expectancy of people in this group would be exactly 10 years of age. Tracy lived 35 months longer than the 120-month average life-span or over 29% longer than the average person in the group of people that were similarly afflicted with Cerebral Palsy surveyed by the Mayo Clinic. I know that Tracy was well cared for, and this

Court's assertions that she could have been more well cared for in a group home is not supported by Dr. Dzus' testimony before this Court.

When people look back and remember the way people hired to work on us went about their business it will be hard to forget some of the things like:

"Open Season on the Disabled"

"Confirming Guilty Verdicts"

"There is a kind of Pride in Scientific Illiteracy"

I just think some of you could do better.

I am sending copies of this letter to Federal Justice Minister Martin Cauchon, and Saskatchewan Premier Lorne Calvert. Both of these people have worked against me or directed people to work against me, but I am hoping they will have an ability to question some of the tactics used against me, just as I am hoping this Court will.

I am having a booklet of my material on my attempts to understand the Supreme Court's January 18/2001 decision, sent with this letter. When referring to the pages in my material I have underlined the page numbers.