

# When does assisted suicide become manslaughter? - AvvoStories

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## When does assisted suicide become manslaughter?

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Last month the Bristol County (Massachusetts) juvenile court found Michelle Carter guilty of involuntary [manslaughter](#) for “wanton and reckless conduct.” In a case that drew huge attention nationally, the teen had sent [text messages](#) ordering her boyfriend, Conrad Roy, to complete his suicide, despite his second thoughts.

But while the conviction satisfied many who were outraged by Carter’s actions, others are wondering how to navigate the thorny legal implications of the verdict.

## Criminal or just cruel?

One of the more immediate impacts is on those states who have laws on the books allowing assisted suicide. Only six states and the District of Columbia have such laws, and even in those jurisdictions, legal assistance is limited to physicians treating patients with terminal illness.

Several states—including California, which has legalized assisted suicide—have laws specifically banning anyone who is not a physician from encouraging or assisting a suicide. Massachusetts has no such law. However, incitement to suicide is recognized as a crime in that state through legal precedent (a “murder by counseling” conviction in 1816, when George Bowen convinced a cellmate to commit suicide rather than await his scheduled execution).

For other states, the Carter verdict might mean updated language and new restrictions along the same lines.

## What about free speech?

Another issue that has civil rights advocates concerned is a possible interpretation of state law that now extends “manslaughter” into new territory—the notion that words can kill. The American Civil Liberties Union (ACLU) claims the ruling means that Carter’s words “literally killed” Conrad Roy, transforming free speech into a murder weapon.

That may be an exaggeration. While the defense did indeed argue that Carter’s text messages constituted free speech, the judge’s verdict was not based on the chain of text messages in which Carter encouraged Roy to commit suicide. Instead, the judge determined that Carter’s failure to act (such as calling 911) when she knew that Roy’s life was in danger constituted “wanton and reckless conduct leading to a predictable loss of life”—the definition of manslaughter.

Meanwhile, Carter’s defense team is expected to appeal the verdict. The Massachusetts Supreme Judicial Court’s opinion allowing the Carter case to go to trial noted that Carter’s case, in reference to existing assisted suicide law, is substantively different from the situation of “a person offering support, comfort, and even assistance to a mature adult who, confronted with such circumstances, has decided to end his or her life.”

However, as Boston University law professor and defense attorney David Rossman has pointed out, limiting language of this sort in a court opinion is nonbinding. In the absence of specific laws distinguishing between end-of-life decisions and treatable mental health crises, this case sets a potentially far-reaching precedent, and could give rise to unintended—and possibly unwanted—consequences.

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