



March 2, 2006

Open Letter

Re: Disability Community response to CBC Interview with Robert Latimer

Once again, we are made to suffer Robert Latimer's claims of righteousness in murdering his vulnerable 12 year old daughter. He has had his day in court. The Saskatchewan Court of Appeal upheld his life sentence without parole for 10 years. Finally almost 8 years after the crime, he lost his last appeal to the Supreme Court of Canada and began to serve his sentence. Since he was first arrested he has had ample and repeated access to the courts and, through a sympathetic media, to the court of public opinion. How often do Canadians with disabilities have to be subjected to the fact that some part of the public assert and believe our lives are not worth living!

The CBC television and other media outlets have given this unrepentant murderer a prime time platform from which to persuade the public to excuse his crime. I believe those of us that are most put at risk by the broadcast of Robert Latimer's dangerous rationalizations should have similar opportunities to share our perspective with the public.

The 2001 Supreme Court of Canada decision in *R. v. Latimer* has much to commend it. The public would benefit from knowing the balanced approach of the Court in weighing aggravating circumstances against any mitigating circumstances in the case. The following from the decision illustrates this approach:

On the one hand, we must give due consideration to Mr. Latimer's initial attempts to conceal his actions, his lack of remorse, his position of trust, the significant degree of planning and premeditation, and Tracy's extreme vulnerability. On the other hand, we are mindful of Mr. Latimer's good character and standing in the community, his tortured anxiety about Tracy's well-being, and his laudable perseverance as a caring and involved parent. Considered together we cannot find that the personal characteristics and particular circumstances of this case displace the serious gravity of this offence. (*R. v. Latimer* paragraph 85)

Very importantly, the decision recognizes the denunciatory value in sentencing:

Denunciation of unlawful conduct is one of the objectives of sentencing recognized in s. 718 of the *Criminal Code*. As noted by the Court in *R. v. M. (C.A.)*, [1996] 1 S.C.R. 500, at para. 81:

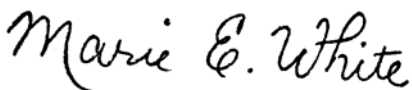
The objective of denunciation mandates that a sentence should communicate society's condemnation of that particular offender's conduct. In short, a sentence with a denunciatory element represents a symbolic, collective statement that the offender's conduct should be punished for encroaching on our society's basic code of values as enshrined within our substantive criminal law. [Emphasis in original.]

Furthermore, denunciation becomes much more important in the consideration of sentencing in cases where there is a "high degree of planning and premeditation, and where the offence and its consequences are highly publicized, [so that] like-minded individuals may well be deterred by severe sentences": *R. v. Mulvahill and Snelgrove* (1993), 21 B.C.A.C. 296, at p. 300. This is particularly so where the victim is a vulnerable person with respect to age, disability, or other similar factors. (*R. v. Latimer* at paragraph 86)

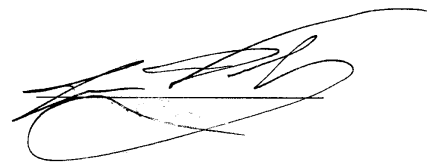
Robert Latimer's only chance to avoid serving the remaining 5 years of his life sentence before being eligible for parole is a rare use of the "royal prerogative" to grant a federal pardon. This can be done by the Governor in Council or the Governor General. There are probably some Members of Parliament in each party that will support such an idea. We are confident that wiser heads and hearts in Prime Minister Harper's new government will prevail.

To overturn the wisdom and proper role of our courts to reflect Robert Latimer's twisted views would be completely bizarre and wrong. After all, through his deeds and words, he asserts that some persons with disabilities are so difficult a burden for the rest of us to endure that they should be deprived of their lives without any legal consequence. Why should we nullify the operation of our laws to sanction the outrageous justifications of Robert Latimer's deluded criminal action?

We do not believe our Canadian justice system will be stood on its head to permit the murder of children by their parents.



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