cu "*Causing Suicide*" +0 " Wpf gt" Co gtkecp"ncy ."uwkekf g" j cu
pgxgt" dggp" r wpkuj gf "cpf "vj g" cpekgpv" Gpi nkuj "cwkwf g" j cu
dggp"gzr tguun{ "tglgevgf 0 '*Punishment for Suicide,* "uwr tc." 36
Xkm N0 Tgx0 cv' r 0'6870 " Tcvj gt" vj cp" ecuuukh{ kpi "uwkekf g" cu
etko kpcn "uwkekf g "kp" vj g" Wpkvgf " Ucvgu " õj cu "eqpvkpwgf " vq
dg "eqpukf gtgf " cp "gzr tguukp "qh" o gpvcn" knpguu" +0 '*J gpf kp.
Uwkekf g "kp" Co gtkec '*3; ; 4 +" cv' r 0'450 " Cu" qpg" eqo o gpvcvqt
j cu "pqvgf ." õr wpkuj kpi "uwkekf g" ku "eqpvtct{ "vq" o qf gtp" r gpcn
cpf "r u{ ej qoi kecn'vj gqt{ 0 '*Xkevqtqhh." Vj g" Uwkekf cn 'Rcvkgpv<
Tgeqi pkwkqp. "Kpvgtxgpvkqp. 'O cpci go gpv '*3; ; 4 +" r r 0 '3956396
'*j gtgchvgt" tghgttgf "vq" cu" Xkevqtqhh +0

Ewttgpvn{ "pq "uvcvg. "kpenwf kpi "Ecnkhqtpkc. 'j cu "c "uvcvwwo cmkpi
c "uwceguuhwn'uwkekf g "c "etko g. 'pqt" f qgu" vj g" O qf gn 'Rgpcn 'Eqf g
tgeqi pk{ g" uwkekf g" cu "c "etko g 0 '*Causing Suicide,* "uwr tc." 69
Cml0 N0 Tgx0 cv' r 0'870 " Eqpvgo r qtct{ " Gpi nkuj . "d{ "cdqnkuj kpi
ku "etko kpcn'r gpcnkgu" hqt" uwkekf g. "j cu "cnuq "cf qr vgf " vj ku" cu" o qtg
o qf gtp" cr r tqcej 0 '*Gpi nkuj " Uwkekf g" Cev" qh" 3; 83 " Dctt{.
Suicide and the Law '*3; 87 +"5 "O gml0 N0 Tgx0 3. '9 "*j gtgchvgt
ekvgf "cu 'Dctt{ +0

Cwgo r vgf " uwkekf g" w cu "cnuq "c "etko g" cv' eqo o qp" ncy 0 'C
hgy " Co gtkecp "lwtkuf kevkqpu "j cxg" cf qr vgf " vj ku" xkgy ." dww
o qw. 'kpenwf kpi "Ecnkhqtpkc. 'cwcej "pq "etko kpcn'nkcdknkv{ "vq 'qpg
y j q "o cmgu" c "uwkekf g" cwgo r v0 'Vj g" f cpi gtu" qh" vj g" O qf gn
Rgpcn 'Eqf g. 'cf j kpi "vq" vj g" vtgpf " qh" f getko kpcnk{ kpi "uwkekf g.
tcvkqpcnk{ g" cv' õVj g" lwfi o gpv' wpf gtn{ kpi "vj g" O qf gn 'Eqf g
r qukkqp" ku" vj cv' vj gtg" ku" pq" hqto " qh" etko kpcn'r wpkuj o gpv
vj cv' ku "ceegr vcdng 'hqt" c "eqo r ngvg "uwkekf g" cpf "vj cv'etko kpcn
r wpkuj o gpv' ku" ukpi wntn{ "kpghhgecekqwu "vq" f gvgt" cwgo r w "vq
eqo o kv'uwkekf g 0 0 0 'Kv' uggo u "r gtr govwqwu" vq" cr i wg" vj cv' vj g
xkukvcvkqp" qh" etko kpcn'ucpevkqpu "wr qp" qpg" y j q "hcknu "kp" vj g
ghhqtv' ku "nkmgn{ "vq" kpj kdkv'r gtuqpu "htqo " wpf gtvcmkpi " c "ugtkqwu
cwgo r v' vq" vcmg "vj gkt" qy p "nkxgu 0'O qtgqxgt. "kv' ku "engct" vj cv
vj g" kpvtwukqp" qh" vj g" etko kpcn'ncy "kpvq" uwej "vtci gf kgu "ku" cp
cdwug 0'Vj gtg" ku" c "egtvckp{ "o qtcn 'gzvtcxci cpeg" kp" ko r qukpi
etko kpcn'r wpkuj o gpv' qp" c "r gtuqp" y j q "j cu "uqwi j v' ku "qy p
ugnh/f guvtwevkqp0 '*O qf gn 'Rgp0 Eqf g. "È '430 7. '*Qhhkekcn
F tchv' (" Tgxkugf " Eqo o gpvctkgu " , , , 388 " , , , 339; "3; ; 2 +
eqo 0'4 "cv' r 0'; 6 0 0'Hwtvj gt. "cu" qpg" eqo o gpvcvqt" j cu "pqvgf .
õ]v j g" ewttgpv' r u{ ej kcvtke "xkgy " ku "vj cv'cwgo r vgf " uwkekf g" ku
c "u{ o r vqo " qh" o gpvcn 'knpguu" cpf ." cu "uwej ." kv' o gcpu" pq
o qtg"ugpug "vq "chhkz "etko kpcn'nkcdknkv{ "vq "kv' cp "vq" cp" qvj gt
u{ o r vqo " qh" cp{ "qvj gt" knpguu 0 0 0 '*Punishment of Suicide,*
uwr tc." 36 "Xkm N0 Tgx0 cv' r 0'68; 0 "Hkpcnn{ ."kv' j cu "dggp "uckf
vj cv' õcml'o qf gtp "tgugctej " r qkpw "vq" qpg" eqpenwukqp" cdqw' vj g

r tqdngo " qh'uwkekf gô " vj g'kttgngxcpeg" qh'vj g'etko kpcn'ncy " "vq 'ku
uqnwkqp0 '*Id. "cv' r 0'6950 +

Vj g"hcvy 'j cu. 'j qy gxgt. 'tgvckpgf 'c' wr r cdknk{ "hqt' cukf kpi ."cdgwkpi
cpf "cf xkukpi "uwkekf g0 'Cv' eqo o qp" ncy ."cp" ckf gt" cpf "cdgwqt
y cu'i wkn{ "qh' o wtf gt' d{ "eqpuwtwevkqp' qh' ncy " dgecwug 'j g" y cu' c
r tkpekr nkr 'vj g'ugeqpf ' f gi tgg 'vq 'vj g'ughh' o wtf gt 'qh' vj g' qvj gt0
*Y kmco s 0 'Vj g" Ucpevkv{ "qh' Nkhg 'cpf "vj g' Etko kpcn 'Ncy ' '*3; 79 +
r 0'4; 8 '*j gtgchvgt" ekvgf "cu" Y kmco u +0 'O quv' uvcvgu' r tqxkf g.
gkj gt" d{ "uvcwwg "qt' ecug 'ncy ." etko kpcn'ucpevkqpu' hqt' cukf kpi
uwkekf g. "dww 'hgy "cf qr v' vj g" gzvtgo g" eqo o qp" ncy " r qukkqp
vj cv'uwej "eqpf wev' ku" o wtf gt0 "3 "Uqo g" lwtkuf kevkqpu" kpuvgcf
encuukh{ "ckf kpi "uwkekf g" cu "c "uwkswg "v{ r g" qh" o cpunwi j vgt0 "4
Dww'vj g" r tgf qo kpcpv'uvcwwqt{ "uej go g. "cpf "vj g" qpg" cf qr vgf
kp" Ecnkhqtpkc. "ku" vq" etgcvg" c "uwk i gpgtku" etko g" qh" ckf kpi
cpf "cdgwkpi "uwkekf g0 "5 "õVj ku" ku" ncvgt" uvtwewtg" 000 "tghngevu" c
hwpf com gpvcn'uj khv' kp" vj g" wpf gtuvcpf kpi "qh" vj g" ncy 0 'Ukpeg
r wdnke "o qtcnu "ctg" pq" nqpi gt" ko r qugf " wr qp" vj g" y qwf /dg
uwkekf g." vj g" tcf kkqpcn 'tcvkqpcng "vj cv' y qwf " uwr r qtv' vj g
r tqucetkr vkqp" qh" cuukuvkpi "uwkekf g" cu" vj g" cuukuvcpeg" qh" c "etko g
ku" ceeqtf kpi n 'tgf gf gf 0 '*Gpi ng j ctv' (" O cml q{. "uwr tc." 58
Uy 0 N0 L0 cv' r r 0'323; 632420 "Vj g" o qf gtp "tvgpf " tghngevgf "d{
vj ku" uvcwwg "u{ ej go g" ku" vj gtghqtg "vq" o kki cvg" vj g" r wpkuj o gpv
hqt" cuukuvkpi " c "uwkekf g" d{ " tgo qxkpi " kv' htqo " " vj g" j ctuj
eqpugswgpegu "qh'j qo kekf g "ncy "cpf " , 657 'i kxkpi "kv'c'ugr ctcvg
etko kpcn'encuukhkecvkqp" o qtg"ectghwml{ "vckqtgf "vq" vj g" cewcn
ewr cdknk{ "qh" vj g" ckf gt" cpf "cdgwqt0

3   *Commonwealth v. Hicks* "*3; 26+ "33. "M{ 0'859. ": 4"UY 0
487]f kevc_ =" *McMahan v. State* "*3; 32+ "38. "Cnc0'92. "75
Uq0 ; : ; *People v. Roberts* "*3; 42+ "433 "O kej 0'3; 9. "39:
P Y 0'8; 2 *Turner v. State* "*3; 2; +33. "Vgpp0'885. "32:
UY 0'335; *Commonwealth v. Bowen* "*3; 38+ "35 "O cuu0
578 *State v. Jones* "*3; 32+ ": 8 "UE039. "89 "UG0382 0

4   Cncuml "Ucv0 " È "33063042 =" Ctk{ 0 Tgx0 Ucv0 Cpp0 " È "356
3325 =" Ctn0 Ucv0 Cpp0 " È "6363726 =" Eqn0 Tgx0 Ucv0 " È
3; 656326 =" Eqpp0 I gp0 Ucv0 "È "75 6 78 =" Hnc0 Ucv0 Cpp0 "È
9; 402: =" J cy ckk0 Tgx0 Ucv0 "È "92 96924 =" P Q 'Rgpcn 'Ncy .
È "347037 =" Qtg0 Tgx0 Ucv0 "È "385 03470 *Ugg" Gpi ng j ctv' (
O cml q{. *Suicide and Assisting Suicide: A Critique of
Legal Sanctions* "*3; ; 4 +"58 "Uy 0 N0 L0 3225. "323; "cv' hp0'93
*j gtgchvgt" ekvgf "cu" Gpi ng j ctv' (" O cml q{ +0

5   Ucv' uvcwwgu" y kej " etko kpcnk{ g "cuukuvkpi "uwkekf g" cu "c
ur gekhke "qhhgpug "kpenwf g< Ecnk Rgp0 Eqf g. "È "623 =" F gn0 Eqf g
Cpp0 " kkn0 " 33. " È " 867 =" Kpf 0 Ucv0 Cpp0 " È " 57 646364 =
Mcp0 Ucv0 Cpp0 È "4365628 =" O g0 Tgx0 Ucv0 Cpp0 kkn0'39/C.
È "426 =" O kpp0 Ucv0 "È "82; 0437 =" O kuu0 Eqf g "Cpp0 " È
; 96566; =" O q0 Cpp0 Ucv0 "È "787 0243 < "O qpv0 Eqf g "Cpp0 "È

67676327 ="P gd0Tgx Ucv 0"È"4: 6529 ="P U Ucv Cpp0"È
85206 ="P UUcv Cpp0"È"4E<3368 ="P O Ucv Cpp0"È"526
466 ="P J 0'Rgpcrn'Ncy .'È"342052 ="Qmc Ucv Cpp0"ku 043.
ÈÈ": 356: 3: ="3: "Rc Œqpu Ucv Cpp0"È"4727 ="R0T0'Ncy u
Cpp0'ku 055.'È"35: 7 ="UF 0Cqf khkgf 'Ncy u'Cpp0'È"446386
59 ="Vgz'Rgp Œqf g"Cpp0"È"440: ="Y cuj U'Tgx Œqf g"Cpp0
È; C 58 282 ="Y ku Ucv Cpp0"È:; 62 34"ùgg Gpn gj ctf v'(
O cmq{.'uwr tc."58"Uy 0N0L0cv r 0323; .'hp 094 0

Vj g "Ecrkhqtpkc'ckf kpi "uvcwwg.."kp g'hhgev'ukpeg"3: 95."r tqxkfgu
uko r n{ "vj cv'õGxgt{'r gtuqp"y j q"f gnkdgtcvgn{"ckf u..'qt "cf xkugu
qt "gpeqwtci gu"cpqvj gt "vq "eqo o kv'uwkekfg." ku"i wkn{" qh" c
hgrqp{0"ù*Rgp Œqf g."È"6230 ±"Vj ku"uvcwwg."cnhj qwi j "etgcvkpi "c
hgrqp{.'r ncegu'Ecrkhqtpkc"co qpi "vj g "o quv'hgpkgpv'lwtkuf kevkqpu
kp " ku" r wpkuj o gpv" hqt " vj qug" y j q" cuukuv" uwkekfg 0" Vj g
uqg'Ecrkhqtpkc"f gekukqp"y j kej "gxgp "r gtkr j gtcm{ "eqpukfgtu
etko kpcn'nkcdknkv{"hqt "cuukuvkpi "uwkekfg" wpf gt "vj ku"uvcwwg"ku
People v. Matlock *3; 7; +'73 Ecr04f '8: 4." 558 "R04f " 7270
Cnjq wi j " d{ " pq " o gcpu" gpvktgn{ " f kur qukvkxg" qh" vj g " kuuwg
r tgugpvgf 'j ctg.'vj g'qr kpkqp'ku'tgrgxcpv "vq "o g'fgr vj "dgecuug
qh'vj g'r cwkv{"qh'r cwkug"f gekukqpu0

Vj g "f ghgpf cpv' kp" *Matlock* y cu" eqpxkevgf " qh" o wtf gt" cpf
tqddgt{0 Cnjqwi j "cf o kwkpi " vj cv'j g "uvtcpi ngf " vj g "xkevko
cpf "ûqqm'j ku"o qpg{."vj g "f ghgpf cpv'ercko gf "j g'f kf "uq "uqogn{
cv'vj g "xkevko .'y j q'j cf 'qpn{ 'úkz'o qpvj u'vq 'hkxg'cpf 'j cf 'dggp'tgcgpvn{
eqpxkevgf 'qh'c'hgf gtcn'etko g..'uqwi j 'v'c{ 'c'tq 'f kg'd wv'eqwrf 'pqv
eqo o kv'uwkekfg'y kj qwt hqthgkwpi 'vj g'dgpghku'qh' ku'kpuwtcpeg
r qnke{ ="vj g'xkevko " vj gtghqtg 'kpf wegf "vj g'f ghgpf cpv' , , , **389**
, , 33: 2 "vq"kkm"ko "cpf "vcm'j ku"r tqr gtv{"uq "vj cv'kv'y qwf
cr r gct "vq "dg"c"tqddgt{'o wtf gt0

Vj g 'f ghgpf cpv'eqpvgpf gf "vj cv'vj g"tkkcn'eqwtv'gttgf "kp 'tghwukpi
j ku"tgs wguvgf " kpuvtwevkqpu'qp "ckf kpi " cpf " cdgwkpi " uwkekfg
wpf gt"ugevkqp"623 'qh'vj g'Rgpcn'Eqf g0'Tgn{kpi "qp"vj g"Qtgi qp
f gekukqp'kp'*People v. Bouse* *3; 75+'; ; 'Qt0898.'486'R04f ': 22
*qxgttwgf 'qp 'qvj gt 'kuuugu'kp '*State v. Brewton* *3; 86+'45: 'Qt0
7; 2..'5; 7'R04f ": 96.": 9: "cpf '*State v. Fischer* *3; 84+'454'Qt0
77: .'598'R04f '63: .'643 ±'y j j gnf "vj cv'vj g"f ghgpf cpv'u"cevkxg
r ctvkekr cvkqp'kp "vj g'hkpcn'qxgtv'cev'ecuukpi "vj g'xkevko "u'f gcvj .
kng0"uvtcpi nkpi 'j ko ." r tgenwf gf " vj g"cr r nkecvkqp"qh"vj g"ckf kpi
uwkekfg'uvcwwg0[6]

[6]   Cnjqwi j 'y g'hqwpf 'pq 'gttqt 'qp 'vj ku' kuuug.' y g'f kf 'tgxgtug
       vj g 'f ghgpf cpv'u'eqpxkevkqp'qp 'qvj gt 'i tqwpf u0 *Id." 73
       Ecr04f 'cv'r r 08; .'4 6: 5.'558 R04f ' 7270±

Kp "*Bouse,* "vj g 'f ghgpf cpv'u"y khg"f tqy pgf "kp "c "dcvj wd ="vj gtg
y cu'gxkf gpeg'vj cv'uj g'j cf 'vqf 'vj g'f ghgpf cpv'uj g'y cpvgf 'vq 'f kg
cpf "vj cv'j g "cwgo r vgf "uwkekf g'uj qtvn.'chvgt 'j gt"f gcvj 0'Qp"vj g

gxkf gpeg.'vj g'lwt{'eqwrf 'j cxg'hqwpf 'vj cv'vj g'f ghgpf cpv'j gf
j ku'y khg'u'j gcf "wpf gt cvgt."f ur kg'j gt"wtwi i ngu..'wpvkn'uj g
f kgf ."vj gtgd{'eqo o kwkpi 'o wtf gt0'Qp"vj g'qvj gt 'j cpf ."vj g'lwt{
o ki j v'j cxg'hqwpf 'vj cv'vj g'f ghgpf cpv'o gtgn{'tcp 'vj g'y cvgt 'cpf
cuukuvgf 'j ku'y khg'kpvq 'vj g'wd.'cpf 'y cu'vj gtghqtg'i wkn{ 'qh'qpn{
o cpunwi j vgt'wpf gt 'vj g'Qtgi qp"cuukuvkpi "uwkekf g0Kp'wrj qf kpi
vj g'o wtf gt 'eqpxkevkqp."vj g'eqwtv'tgcuqpgf "vj cv'vj g"hcvgt
uvcwwg"õf qgu'pqv'eqpvgo r ncvg 'cevkxg"r ctvkekr cvkqp" , **658** "d{
qpg'kp"vj g'qxgtv'cev'f ktgevn{"ecuukpi "f gcvj 0'Kv"eqpvgo r ncvgu
uqo g'r ctvkekr cvkqp'kp"vj g'gxgpvu'ngcf kpi "wr "vq "vj g'eqo o kuukqp
qh'vj g'hkpcn'qxgtv'cev.'uwej "cu'hwtpkuj kpi "vj g"o gcpu'hqt
dtkpi kpi "cdqwv'f gcvj ô vj g'i wp.'vj g'nmkhg.'vj g'r qkuqp.'qt
r tqxkf kpi 'vj g'cvgt.'hqt 'vj g'wug'qh'vj g'r gtuqp'y j q'j ko ugrh
eqo o ku'vj g'cev'qh'ugnh/o wtf gt0'Dwv'y j gtg'c'r gtuqp'cewcm{
r gthqto u..'qt 'cevkxgn{ "cuukuvu'kp 'r gthqto kpi ..'vj g'qxgtv'cev
tguwnkpi "kp 'f gcvj .'uwej "cu'uj qqvkpi 'qt 'uvcddkpi 'vj g'xkevko .
cf o kpkuvgtkpi "vj g'r qkuqp.'qt 'j qrf kpi 'qpg'wpf gt 'y cvgt 'wpvkn
f gcvj "cmgu'r nceg'd{'f tqy pkpi .'j ku'cev'eqpuvkwvgu'o wtf gt.'cpf
kv'ku'y j qm{ "ko o cvgtkcm'j gvj gt 'vj ku'cevku'eqo o kwgf 'r wtuwcpv
vq 'cp'ci tggo gpv'y kj "vj g'xkevko ."uwej "cu'c'o wwcm'uwkekf g
r cev0"ù*People v. Bouse,* 'uwr tc."486 'R04f 'cv'r 0: 34 ='s wqvgf "kp
Matlock, supra, '73 'Ecr04f ': 4'cv'r 08; 6."558 'R04f " 7270+

Vj g'tghgtgpeg'vq 'c 'uwkekf g'r cevncpp o gu'uq 'tgrcv'vq 'vj g'gxkf gpeg
vj cv'vj g 'f ghgpf cpv'o cf g'c "uwkekf g'cwgo r v'chvgt"j ku'y khg)u
f gcvj 0Vj g'v{r g'qh'uwkekf g'r cev'eqpvgo p r cvgf "y cu'cr r ctgpvn{
qh'vj g 'o wtf gt/uwkekf g'xctkgv{.."kp 'y j kej ."d{ "o wwcn'ci tggo gpv.
qpg'r gtuqp"kkm'vj q'qvj gt 'cpf "vj gp"kkm'j ko ugrh0'Vj g 'eqwtv
pqvgf "vj cv'gxgp'i kxgp"vj g'gzkuvgpeg'qh'uwej "c"r cev.'kh'vj g
f ghgpf cpv'cevkxgn{"f tqy pgf "j ku'y khg'kv'y qwf 'dg'o wtf gt0'Vj ku
ku'vq 'dg'f kuvkpi wuj gf 'htqo "ogkj gt "*3+'vj g'o wwcn'uwkekf g'r cev
kp'y j kej "qpg'r ctv{'r tqxkf gu'vj g'o gcpu"*g0l0'r qkuqp"qt 'ngvj cn
y gcr qpu+'dwv'cej " kpf kxkf wcn'kkm'j ko ugrh'kpf gr gpf gpvn{
r wtuwcpv'vq 'vj g'ci tggo gpv'qt '*4+'vj g'ektewo uvcpeg'qh'vj g
r gtuqp'ecug.'kp 'y j kej "vj g'r cev'gpxkukqp'dq{ 'r ctvkgu'nmkkpi
vj go ugrxgu'uko wncpgqwun{ 'y kj 'c'ukpi ng'kpuvtwo gpvcnkv{ 0Cu
y kknf g'uggp.'kp 'dqvj "qh'vj g'hcwgt 'ukwcvkqpu'vj g'r tqr gt 'etko kpcn
nkcdknkv{ "vq 'dg'cwcej gf 'ku'hqt 'ckf kpi " cpf 'cdgwkpi 'uwkekf g'tcvj gt
vj cp 'hqt 'o wtf gt0

Wpf gt "*Matlock* cpf "*Bouse,* 'vj g'ng{ 'vq 'f kuvkpi wkuj kpi 'dgw ggp
vj g'etko gu'qh'o wtf gt 'cpf 'qh'cuukuvkpi 'uwkekf g'ku'vj g'cevkxg'qt
r cuukxg'tqng'qh'vj g'f ghgpf cpv'kp'vj g'uwkekf g0'Kf 'vj g'f ghgpf cpv
o gtgn{ 'hwtpkuj gu'vj g'o gcpu.'j g'ku'i wkn{ 'qh'ckf kpi "c'uwkekf g=
kh'j g'cevkxgn{ 'r ctvkekr cvgu'kp 'vj g'f gcvj "qh'vj g'uwkekf g'xkevko .
j g'ku'i wkn{ 'qh'o wtf gt0'Kf 'vj ku'tkkgtkcn'oo cm'ucvkqp'y gtg'vq 'dg
cr r nkgf 'o ej cpkecm{ 'vq 'vj g'hcevu'kp 'vj ku'ecug.'cv'dcf ..'kv'y qwf
dg'f khhkewn'pqv'vq 'eqpenwf g'vj cv'vj g'o kpqt .'d{ 'f tkxkpi 'vj g
ect.'õcevkxgn{ "r ctvkekr cvgf ö'kp "vj g'f gcvj "qh'j ku'htkgpf "Lghh0'Kv

o wuv'dg''tgo go dgtgf .''j qy gxgt.''vj cv''*Matlock*''f kf ''pqv''kpxqnxg
c''uwkekf g''r cev''dw''kpuvgcf ''f gcn'/y kej ''vj g''o qtg''nrtcki j'vhqty ctf
ukwcvkqp''kp''y kej ''c''uwkekf g''xkevko ''ku''nknngf ''cu''c''tgsuwn''qh
f ktgevkpluv{''vj cv''vj g''f ghgtf cpv''kphnkewu''qp''j ko .''kQg0''uvtcgn nkpi 0
Vj g''tgcuqpkpi ''y kej ''lwuvkhhef ''vj g''crr nkecvkqp''qh''vj g''cevkxg/
r cuukxg''f kuvkpevkqp''kp''*Matlock*''ku''vj gtghqtg''pqv''y hnk{''crr qukvg
vq''vj g''r cevwkct''' , , , 38: '' , , 33: 3 ''hcevu''uj qy p''j gtg0''Vj g
r tgugppt'ècug''tgs ukgu''wu'kpuvcpf ''vq''eqpukf gt''cp''gpvktgn{'f kuvkpev
ukwcvkqp''vq''f gvgto kpg''y kgj gt''vj g''o kpqt)u''cevkqpu''hcnn''o qu
cr r tqr tkcvgn{''y kkj kp''vj g''eqpf wcv''uqwi j v''vq''dg''r tqucrkdgf ''d{
Rgpcn'Eqf g''ugcvkqp''6230

, 659 ''Kf''j cu''dggp''uwi i guvgf ''vj cv''ōuvcvgu''o ckpvckpkpi ''uvcwgu
r tqj kdkvkpi ''ckf kpi ''…00..uwkekf g.''cwo r v''vq''f q''uq''vq''f kueqvtcgi e
vj g''cevkqpu''qh''vj que''y j q''o ki j v''gpeqwtcgi e''c''uwkekf g''kp
qtf gr''vq''cf xcpeg''r gtuqpcn'o qvkxgu0''Pqvg.''*Criminal Aspects
of Suicide in the United States*''*3;97+''9''PŒEgpv'N0L0
378.''3840+''Chwvj gr''tcvkqpcng''wpf gtn{kpi ''uuwwgu''ko r qukpi
etko kpcn'nkcdknkv{''ku''vj cv''ōvj g''kpvgtguv''kp''vj g''ucpekv{''qh
nkhg''vj cv''ctg''tgr tgugpvgf ''d{''vj g''etko kpcn'j qo kekf g''ncy u''ctg
vj tgcvgpgf ''d{''qpg''y j q''gzr tguugu''c''y knkpi ''pguu''vq''r ctvkekr cvg
kp''vckpkpi ''vj g''nkhg''qh''cpqvj gr.''gxgp''vj qwi j ''vj cv''o c{''dg
ceeqo r nkuj gf ''y kej ''vj g''eqpugpv.''qt''cv''vj g''tgs wguv.''qh''vj g
uwkekf g''xkevko 0''*O qf gn'Rgp.'Eqf g.''È''43207.''uwr tc.''eqo 0''7
cv''r 0'322+''Hkpcnn{.''ōj cnj qwi j ''vj g''gxkf gpeg''kpf kecvgu''vj cv
qpg''y j q''cwo r u''uwkekf g''ku''uwhhgtkpi ''htqo ''o gpvcn'f kugcug.
vj tg''ku''pqv''c''j kpv''qh''uwej ''gxkf gpeg''y kej ''tgur gev''vq''vj g''ckf gr
cpf ''cdgwqt0'''Vj g''lwuvkhkecvkqpu''hqt''r wpkuj gpv'crr n{''vq''vj g
ckf gr''cpf ''cdgwqt.''y j kng''vj g{''f q''pqv''crr n{''vq''vj g''cwo r vgf
uwkekf g0''*Punishment of Suicide,*''uwr tc.''36''Xkn.N0L.Tgx0'cv''r 0
698.''hpu0'o kugf 0+

[7] Vj g''O qf gn'Rgpcn'Eqf g''r tqxkukqpu''qp''ecwukpi ''qt''ckf kpi
uwkekf g''ctg''cu'hqnny u:''ō*3+''*Causing Suicide as Criminal
Homicide.*'' C''r gtuqp''o c{''dg''eqpxkevgf ''qh''etko kpcn
j qo kekf g''hqt''ecwukpi ''cpqvj gr''vq''eqo o kv''uwkekf g''qpn{
kh''j g''r wr qugn{''ecwugu''uwej ''uwkekf g''d{''hqteg.''f wtguu
qt''f gegr vkqp0'Ê''*4+''*Aiding or Soliciting Suicide as
an Independent Offense.*'' C''r gtuqp''y j q''r wr qugn{''ckf u
qt''uqnkekvu''cpqvj gr''vq''eqo o kv''uwkekf g''ku''i wknv{''qh''c
hgnqp{''qh''vj g''ugeqpf ''f gi tgg''kh'j ku''eqpf wev''ecwugu''uwej
uwkekf g''qt''cp''cwo r vgf ''uwkekf g.''cpf ''qvj gty kug''qh''c
o kuf go gcpqt0'''*O qf gn'Rgp0'Eqf g.'È''43207.+

Vj g''o wwcn'uwkekf g''r cev''ukwcvkqp.''j qy gxgt.''r gtgtgugpvu
uqo gvj kpi ''qh''c'j {dtkf ''dgwy ggp''vj g''cwo r vgf ''uwkekf g''cpf
vj g''ckf kpi ''uwkekf g''uegpctkqu0'[8] ''Kp''guugpeg.''kv''ku''cewcn{''c
f qwdng''cwo r vgf ''uwkekf g.''cpf ''vj gtghqtg''j g''tcvkqpcng''hqt
pqv''r wpkuj kpi ''vj que''y j q''cwo r v''uwkekf g''y qwf ''uggo ''vq
cr r n{0'ōCnj qwi j ''vj gtg''o c{''j cxg''dggp''ckf kpi ''cpf ''cdgwkpi

kpxqnxgf ''kp''vj g''uwkekf g''r cev.''vj g''uwtxkxqt''ku''f kukpi uiuj cdng
htqo ''c''pqpuwkekf cn'r cev''ckf gr''cpf ''cdgwqt''kp''vj g''ugpug''vj cv
j g''y cu''cnuq''c''r qvgpvkcn'xkevko 0''*Id.''cv''r 0'6: 20+''ōUwkekf gu''kp
r wtuwcpeg''qh''c''r cev''ctg''o gtgn{''ecugu''qh''f wdng''qt''o wnkr ng
uwkekf gu0'Vj gtg''ecp''dg''pq''o qtg''lwuvkhkecvkqp''hqt''r wpkuj kpi
cp''cwo r vgf ''f wdng''uwkekf g''vj cp''hqt''r wpkuj kpi ''cp''cwo r vgf
kpf kxkf cn'uwkekf g0'Cu''kp''vj g''ecug''qh''cp''cwo r v'kpf kxkf wcn
uwkekf g.''r wpkuj kpi ''vj g''uwtxkxqt''qh''c''i gpwkpg''r cev''ecp''ugtxg
pq''f gvgttgpv'r wtr qug.''o c{''j kpf gr''o gf kecn'vtgcvo gpv.''cpf ''ku
o gtgn{''wugnguu''etwgn{0'Kk''ecp''f q''pq''o qtg''vj cp''uvgrng''vj gp
vj g''y kn'vq''uweeggf ''kp''vj g''cev''qh''ugnh/f guvtwewkqp0''*Y knkco u.
uwr tc.'' cv'' r 0'5270+'' F quvqgxunk'' y tqvg.''õvj g''r cy '' qh''ugnh/
f guvtwewkqp''cpf ''vj g''r cy ''qh'ugnh/r tgugtxcvkqp''ctg''gs wcnn{''uvtqpi
kp''j wo cpkv{0'''*F quvqgxunk.''The Idiot.''O qf 0Nkd0'gf 03; 57+''r 0
5780+''Cu''y g''j cxg''pqvgf .''cwo r vgf ''uwkekf g''ku''pqv''c''etko g''kp
Ecnkhqtpkc0

[8] Cnj qwi j '' r kgtcvwtg'' qp'' vj g'' qr ke'' ku'' ur ctug.'' i gpgtcn
kphqto cvkqp''qp''vj g''tctg''r j gpo gpqp''qh''uwkekf g''r cevu
ecp'' dg'' hqwpf '' kp:'' Eqj gp.'' A Study of Suicide Pacts
*3;83+''4;''O gf keq''Ngi cn'L0'3666373= ''J go r j kn'' (
Vj qtpj kn'Suicide Pacts''*3;8;+''65''UCHt0'O gf 0'3557õ
355:= ''Tqugp.''Suicide Pacts: A Review''*3;;3+'' 33
Ru{ej 0'O gf 0'7476755=''Nqduj gv'cn0''Single Case Study:
Conjugal Suicide Pact''*3;99+'387''L0'Pgtxqwu''(O gpvcn
F kugcug''946970

, 65: '' Qp'' vj g'' qvj gr '' j cpf .'' kv'' ecppqv'' dg'' f gpkgf '' vj cv
vj g''kpf kxkf wcn'kpxqnxgf ''kp''vj g''r cev''ckf ''cpf ''cdgv'gcej
qvj gr''kp''eqo o kvkpi ''uwkekf g:''Cnj qwi j ''uwej ''kpf kxkf wcnu''ctg
vj wu''pqv''vq'cek''cncnkpi ''kp''dnco gy qtj ky kpguu.''vj gkt''etko kpcn
tgur qpukdknkv{''y qwf ''cr r gct''vq''hcnn'hct''uj qtv'qh''vj g''ewnr cdknkv{
qh''qpg''y j q''cevkxgn{''nknku''cpqvj gr''cv''vj g''tgs wguv'qh''vj g''xkevko .
uwej ''cu''vj g''f ghgpf cpv''kp''*Matlock.''W g''ctg''vj wu''hcegf ''y kej
c''f kn2o o c:''uj qwf ''qpg''y j q''cwo r vu''uwkekf g''d{''o gcpu''qh
c''o wwcn'uwkekf g''r cev'dg''nkcdng''hqt''hktuv'f gi tgg''o wtf gr''cv
qpg''gzvgo g.''qt''cv''vj g''qvj gr.''qpn{''hqt''ckf kpi ''cpf ''cdgwkpi ''c
uwkekf gA''Vj g''ewttgpv'r cy ''kp''Ecnkhqtpkc''r tqxkf gu''pq''qr vkqpu
ucxg''vj gug0

[9] Gpi nkuj '' r cy '' f gcnu'' gzr nkekvn{'' y kej '' vj g'' uwkekf g'' r cev
ukwcvkqp''d{''r tqxkf kpi ''vj cv''vj g''uwtxkxqt''qh''uwej ''c''r cev
y j q''ōckf u..cdgwu..eqwpugnu''qt''r tqewtguõ''vj g''uwkekf g''qh
cpqvj gr''ku''i wknv{''qh''ckf kpi ''cpf ''cdgwkpi ''uwkekf g''cpf ''ku
r wpkuj cdng''d{''ko r tkuqpo gpv'hqt''c''vgto ''pqv''vq''gzeggf
36''{gctu0'Vj g''uwtxkxqt''qh''c''i gpwkpg''uwkekf g''r cev''y j q
cewcn{''nknu''vj g''qvj gr'r gtuqp''ku''i wknv{''qh''o cpunl wi j gr
tcvj gr''vj cp''o wtf gr0'Vj g''dwtf gp''ku''qp''vj g''f ghgpf cpv'vq
uj qy ''c''i gpwkpg''uwkekf g''r cev'y j kej ''ku''f ghkpgf ''d{''uvcwg
cu''c''ōeqo o qp''ci tggo gpv'dgwy ggp''y q''qt''o qtg''r gtuqpu
j cxkpi ''hqt''ku''qdlgev''vj g''f gcvj ''qh''cnn''qh''vj go .''y j gvj gr''qt

not each is to take his own life, but nothing done by a person who enters into a suicide pact should be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact." (Parry-Jones, *Criminal Law and Complicity in Suicide and Attempted Suicide* (1973) 13 Med.Sci. & L. 110, 111; see also West, Murder Followed by Suicide (1965) pp. 20–21.) It is interesting to note that since these revisions in 1961 no survivors of suicide pacts have been convicted of manslaughter under English law. (Parry-Jones, supra, at p. 119.)

***169 **1182 Traditionally under the common law the survivor of a suicide pact was held to be guilty of murder.[8] "Whether the common law rules have been modified by the various state [aiding and abetting suicide] statutes is not entirely clear." (*Punishment of Suicide,* supra, 14 Vill.L.Rev. at p. 479.) It has been suggested that "the reason for imposing criminal liability upon a surviving party to a suicide pact is the 'support' such a pact presents ... [¶] Besides the notion of 'support,' ... [s]urviving a suicide pact gives rise to a presumption ... that the participant may have entered into the pact in less than good faith. Survival, either because one party backed out at the last minute or because the poison, or other agent, did not have the desired effect, suggests that the pact may have been employed to induce the other person to take his own life." (*Causing Suicide,* supra, 47 Alb.L.Rev. at pp. 85–86.) The Model Penal Code, while recognizing that "when the pact is genuine all of the arguments against treating attempted suicide as criminal apply with equal force" to the case of a suicide pact survivor, is similarly concerned with the "danger of abuse in differentiating genuine from spurious ***439** agreements" to commit suicide.[9] (Model Pen.Code, § 210.5, supra, com. 6, at p. 105; see also Williams, supra, at p. 305.)

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[8]   See 13 A.L.R. 1259, 1262; 40, Homicide, American Jurisprudence Second, section 586, page 847; 83 Corpus Juris Secundum, Suicide, section 5, page 784; *Punishment of Suicide,* supra, 14 Vill.L.Rev. at page 479; Barry, supra, 5 Melb.U.L.Rev. at page 4; *McMahan v. State,* supra, 53 So. at p. 91; *State v. Webb* (1909) 216 Mo. 378, 115 S.W. 998, 1000; *Burnett v. People* (1903) 204 Ill. 208, 68 N.E. 505, 509; *Turner v. State,* supra, 108 S.W. at p. 1141.

[9]   The punishment provisions of the Model Penal Code provide for reducing murder to manslaughter and other means of mitigation; in light of this latitude, the drafters of the code apparently felt it unnecessary to deal specifically with the situation of the survivor of the suicide pact. (Model Pen.Code, § 210.5, supra, com. 6 at p. 106.)

[1]   Under the facts presented here, these concerns are not particularly appropriate. First, the trial judge was satisfied there was a genuine suicide pact between Jeff and the minor. By "genuine," we mean simply that the pact was freely entered into and was not induced by force, duress or deception. (See Model Pen.Code, § 210.5, subd. 1.) There is no evidence in the present case that Jeff's participation in the pact was anything but fully voluntary and uncoerced. Second, because of the instrumentality used there was no danger of fraud: the potential consequences for the minor of driving the car off the cliff were identical to the potential consequences for Jeff, his passenger. Finally, the suicide and the attempted suicide were committed simultaneously by the same act.

These factors clearly distinguish the present case from the murder-suicide pact situation in which one party to the agreement actively kills the other (e.g., by shooting, poison, etc.) and then is to kill himself. The active participant in that scenario has the opportunity to renege on the agreement after killing the other or to feign agreement only for the purpose of disposing of his companion and without any true intention to commit suicide himself. By contrast, in the case at hand the minor and Jeff, because of the instrumentality chosen, necessarily were to commit their suicidal acts simultaneously and were subject to identical risks of death. The potential for fraud is thus absent in a genuine suicide pact executed simultaneously by both parties *****170 **1183** by means of the same instrumentality.[10] The traditional rationale for holding the survivor of the pact guilty of murder is thus not appropriate in this limited factual situation.

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[10]   As stated in the psychological literature: "If a suicide-pact survivor has unintentionally failed to die and it's accepted that the attempt had genuine lethal intent, punishment for murder is improper since it's assumed that the attempter was a potential victim, is mentally ill, and lacks the evil intent necessary to justify punishment." (Victoroff, supra, at p. 176.)

[2]   The anomaly of classifying the minor's actions herein as murder is further illustrated by consideration of Jeff's potential criminal liability had he survived. If Jeff, the passenger, had survived and the minor had been killed, Jeff would be guilty, at most, of a violation of Penal Code section 401. In order to commit suicide by this means, i.e., a car, only one of the parties to the pact, the driver, can be said to "control" the instrumentality. To make the distinction between criminal liability for first degree murder and ***440**

merely aiding and abetting suicide turn on the fortuitous circumstance of which of the pair was actually driving serves no rational purpose. The illogic of such a distinction has been similarly recognized in the classic example of the parties to the pact agreeing to commit suicide by gassing themselves in a closed room. If the party who turns on the gas survives, he is guilty of murder; if on the other hand, the other person survives, that person's criminal liability is only that of an aider and abettor. "It would be discreditable if any actual legal consequences were made to hinge upon such distinctions." (Williams, supra, at p. 299; see also Barry, supra, 5 Melb.U.L.Rev. at p. 5.)

[3] In light of the foregoing analysis we decline to ritualistically apply the active/passive distinction of *Matlock* to the genuine suicide pact situation in which the suicides are undertaken simultaneously by a single instrumentality. Given the inapplicability of *Matlock,* the actions of the minor constitute no more than a violation of Penal Code section 401.

The order declaring the minor a ward of the court is reversed and the cause is remanded to the trial court for further proceedings not inconsistent with this opinion.

BIRD, C.J., and RICHARDSON, KAUS, BROUSSARD, REYNOSO and GRODIN, JJ., concur.

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