
Right-to-die group argues Georgia suicide law unconstitutional

By Joel Anderson

The Atlanta Journal-Constitution

CUMMING – Attorneys for four members of the right-to-die group Final Exit Network who are charged with assisting in the suicide of a Cumming man in 2008 argued Friday that Georgia’s statute covering assisted suicide is unconstitutional and “totally incoherent.”

In a three-hour hearing in a Forsyth County courtroom, attorneys pressed Superior Court Judge David L. Dickinson to dismiss the criminal charges because the state law improperly restricts free speech.

“It infringes on everybody’s right to free speech as it’s written,” said defense attorney Rob Rubin. “It restricts the abilities of citizens to engage in discussion and have debate about end-of-life decisions.”

Four members of the network are charged with violating Georgia’s RICO act, assisting a suicide and tampering with evidence. They are Thomas “Ted” Goodwin, 64, of Kennesaw and Punta Gorda, Fla.; Claire Blehr, 77, of Atlanta; and Dr. Lawrence Egbert, 82, and Nicholas Alec Sheridan, 61, both of Baltimore.

In a court document, the Georgia Bureau of Investigation said the group crossed the line from advising to assisting in the June 2008 death of John Celmer, 58, in Cumming. He died of asphyxiation after inhaling helium while Blehr and Goodwin were present.

Authorities also claim the four were involved in helping plan the suicide of an undercover GBI agent who told them he was suffering from pancreatic cancer.

The indictment is believed to be the first of its kind in Georgia.

Attorneys for the Final Exit Network said their clients do not assist with suicide. Instead, they claim the group offers only support to those seeking their services and observes their deaths.

Because the network doesn’t physically intervene, defense attorneys said the group members are being punished for merely discussing end-of-life options with people.

“We, as a nation, need to be able to engage in a free discussion of ideas,” Rubin said. “Georgia went off on its own and drafted its own statute. No other state has a law close to how Georgia did theirs.”

The law (O.C.G.A. 16-5-5) says that anyone who “publicly advertises, offers, or holds himself or herself out as offering” to assist with a suicide is guilty of a felony.

Forsyth County District Attorney Penny Penn countered that the state law punishes actions and not speech. Authorities allege that Final Exit members assisted Celmer’s death by holding down his hands.

“We’re not criminalizing speech,” Penn said. “None of the acts (listed in the indictment) are reflective of the defendant’s speech.”

Robert Rivas, Final Exit Network’s Tallahassee, Fla.,-based legal counsel, said Georgia has the most confusing statute among the 34 states that have laws outlawing assisted suicide. Rivas said Georgia’s law requires two elements – advising and physically assisting in the suicide – to be illegal.

“The law makes no sense,” Rivas said after the hearing. “It’s just gibberish. And it can’t be enforced.”

Dickinson did not immediately rule on the defense motions. He plans to issue a ruling in the case but did not indicate when that might happen.

If convicted of racketeering, each could face up to 20 years in prison. The charge of tampering with evidence carries a maximum penalty of 10 years. Assisting a suicide could bring up to five years in prison.

Attorneys for the state and the defendants expect the motions to be decided ultimately by the Georgia Supreme Court. Once that has run its course, criminal proceedings will likely get started in 2012,