

Extreme Voluntary Intoxication: Get Out of Jail Free

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In a largely-overlooked recent case (actually 3 cases) at the Supreme Court of Canada, the nine SCC justices ruled unanimously that violent criminals who had voluntarily ingested enough alcohol or other substances to render them incapable of controlling their own behaviour could use that as a defence at trial.¹ The result of this decision is that murderers and rapists who were “extremely intoxicated” at the time of their crimes can now claim innocence due to that intoxication.

The ruling came down on May 13. The central case was that of Matthew Brown, who in 2018, broke into the home of Janet Hamnett and attacked her with a broom handle.² She survived but was left bruised, bloodied and traumatized and with broken bones in her hands. Prior to the Court’s ruling on this case, Section 33.1 of the Criminal Code had prohibited voluntary intoxication as a defence. In other words, individuals could be held accountable for their actions, regardless of whether or not they were in a state of self-induced intoxication at the time of their crimes. The recent decision by the Supreme Court effectively struck down that section.

The two other similar cases before the SCC involved defendants David Sullivan and Thomas Chan; each of these men stabbed a family member while under the influence of drugs and alcohol. Sullivan stabbed his mother and Chan stabbed and killed his father.³ Based on the Brown decision, Chan was acquitted and a new trial was ordered for Sullivan.

In the case of the Brown decision by the nine Justices on May 13, I believe they came to the wrong conclusion. The allowance of voluntary extreme intoxication as a legal defence for crime robs the victims of the justice they deserve and robs future victims of the protection of the law. I believe that human beings are responsible for their actions, including the voluntary ingestion of any substance that they know is likely to impact their sense of reality. While an individual may not intend to cause harm or to engage in outrageous antisocial behaviour prior to the ingestion of a substance, every person capable of making a voluntary decision to ingest a mind-altering substance ought to take into account the possibility that strange ideas may come to them while under the influence.

To remove responsibility for his or her actions from a person undermines our entire system of justice. Of course, if a mind-altering substance is forced upon any person against his or her will or without his or her knowledge or consent, that is a completely different story.

The legalization and implied approval of the use of marijuana by our current federal government is an example of the progressive removal of personal responsibility from Canadians for their actions. It appears likely that more powerful drugs will soon be added to the list of legal substances that may alter a person’s perception of reality. Efforts to introduce a universal basic income or to eliminate student debt (that is, to transfer the burden of student debt from the student to the taxpayer) are further examples of eliminating personal responsibility.

The need for a strong justice system is further evidenced in today’s headline in the Globe and Mail, “Supreme Court of Canada unanimously strikes down life without parole for mass murderers.”⁴

Can you imagine a Paul Bernardo released back into society after a mere 25 years for the torture and killing of his victims? Just last year, we heard again about the trauma he inflicted, “For the second time in less than three years, the families of teenagers Kristen French and Leslie Mahaffy vehemently opposed the release of Bernardo, who’s serving life at Millhaven maximum-security prison in Bath in eastern Ontario.⁵ A survivor of one of his attacks also spoke at the Parole Board of Canada hearing.”

Under this latest SCC ruling, Paul Bernardo’s victims would be tormented by the knowledge that he would be out of prison and on the streets again. Free to kidnap, rape, torture and kill. Why?

According to Chief Justice Richard Wagner, holding a convicted mass murderer for more than 25 years in prison is “. . . cruel and unusual punishment . . . therefore it violates the Canadian Charter of Rights and Freedoms.” He said that it is “. . . intrinsically incompatible with human dignity.”

People who choose to get extremely drunk or stoned can no longer be held responsible for the murders they commit. People who commit multiple murders may outlive their twenty five year maximum sentences; apparently, their human dignity matters more than that of their victims—according to the Supreme Court.

These SCC rulings are wrong on many counts. They absolve people of their responsibility to control their actions and what they put into their bodies. They elevate the human dignity and rights of mass murderers above that of peaceful, law-abiding Canadian citizens.

Ending judicial activism has been a tenet of CHP policies for many years. Judicial activism—legislating from the bench—must be stopped. CHP Canada would end it!

In regard to violent crime committed by any individual, CHP Canada represents the view that every Canadian should be held responsible for his or her actions. If that is lost, our society will descend further into anarchy (where there are no controls) or tyranny (where the government controls everything). The best solution is self-control, beginning with a return to biblical standards. That is how we will be able to rebuild our justice system and protect the rights and safety of self-motivated, hardworking men and women.

For common sense government join CHP Canada.⁶

Footnotes

¹ www.reuters.com/world/americas/canada-supreme-court-rules-extreme-intoxication-can-be-defense-violent-crime-2022-05-13/

² www.cbc.ca/news/canada/calgary/supreme-court-calgary-case-assault-mushrooms-extreme-intoxication-brown-1.6451012

³ globalnews.ca/news/4735129/thomas-chan-guilty-manslaughter-in-death-of-his-father/

⁴ www.theglobeandmail.com/canada/article-life-without-parole-canada-supreme-court-ruling/

⁵ www.cbc.ca/news/canada/hamilton/bernardo-parole-hearing-parents-mahaffy-french-1.6074962

⁶ www.chp.ca/get-involved/