

Commonwealth of Massachusetts

Supreme Judicial Court

Bristol County

2016 Sitting

No. 12043

Commonwealth

v.

Michelle Carter

**On Appeal After Reservation And Report From The Supreme
Judicial Court For Suffolk County And From A Decision Of
The Juvenile Court Of Bristol County**

Brief For The Defendant/Appellant

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Issue Presented

Whether evidence that a juvenile allegedly encouraged another person to commit suicide constituted the "infliction or threat of serious bodily harm" for purposes of indicting her as a youthful offender under G.L. c. 119, § 54.

Statement of the Case

On February 5, 2015, a Bristol County Grand Jury found probable cause to issue indictments against the defendant Michelle Carter for being a youthful offender under G.L. c. 119, § 54 and on an underlying charge of involuntary manslaughter in violation of G.L. c. 265, § 13 in connection with the death of Conrad Roy, III. [Addendum 1-3; R. App. 25]. The following day, she entered a plea of not a youthful offender in the Bristol Juvenile Court. [R. App. 25].

After addressing various issues not relevant to the instant appeal, on August 10, 2015, Carter moved in the Juvenile Court to dismiss the youthful offender indictment on a number of grounds, including that the Commonwealth failed to present sufficient evidence to the grand jury to meet the requirements of G.L. c. 119, § 54, the Youthful Offender statute, since the conduct failed to support the underlying charge of involuntary manslaughter. She also specifically argued that any statements made or texts sent encouraging Roy to continue his efforts to take his own life did not as a matter of law amount to the "infliction or threat of serious bodily harm" as required under Section 54. Following oral argument on August 24, 2015, the court (Borders,

J.) issued a memorandum of decision and order denying that motion on September 22, 2015. [R. App. 26, 118-124].

On October 13, 2015, Carter filed a notice of appeal in the trial court. [R. App. 27].

On October 22, 2015, Carter filed a petition for relief pursuant to G.L. c. 211, § 3. [R. App. 1, 3-4]. On February 1, 2016, a single justice of this Court (Botsford, J.) reserved and reported the issue to the full bench of this Court. [R. App. 2, 418].

The case was docketed in this Court the following day.

Statement of Facts

For purposes of this appeal, Carter will rely on the statement of facts set forth in the memorandum of decision issued by Judge Borders. The recited facts are as follows:

On the morning of July 13, 2014, police found the body of Conrad Roy III ("victim") in his truck in a store parking lot in Fairhaven, MA. The medical examiner ruled that the victim's death was a suicide, caused by the victim inhaling carbon monoxide generated from a compression pump that he set up in his truck. The police investigation of the victim's death revealed that the relationship between the victim and the defendant began in Florida in 2011. The majority of their relationship was through voluminous text[] messages, phone calls and emails.¹ In the months preceding the victim's death, these many text message communications between the two focused on specific plans, direction and encouragement, for the victim to commit suicide.

Phone records revealed that the victim and defendant also spoke by phone to each other during the time it is believed the victim sat in his truck inhaling the carbon monoxide fumes. At some point, the defendant told the victim to "get back in his truck" when he exited because he was "scared that it was working". Based on this, the Commonwealth sought to indict the defendant as a youthful offender on the charge of involuntary manslaughter, arguing that the defendant's wanton and reckless conduct caused the victim's death.

[R. App. 118-119]. Additional facts will be referenced in the argument section below.

¹ This case involves technology in the form of text messaging and phone calls between two people in a romantic relationship based primarily on electronic contact. The rapidity of the electronic exchanges was almost immediate, similar to a conversation.

Summary of the Argument

Evidence that Carter allegedly encouraged Roy to commit suicide cannot as a matter of law constitute the "infliction or threat of serious bodily harm" for purposes of indicting her as a youthful offender under G.L. c. 119, § 54. Charging her with manslaughter was a transparent effort calculated to circumvent the fact that the legislature has not criminalized words that encourage suicide. Assuming that manslaughter could apply, the Commonwealth failed to present sufficient evidence to the grand jury that Carter engaged in wanton and reckless conduct by the commission of an affirmative intentional act where she neither physically harmed Roy nor threatened to harm him. The Commonwealth fares no better in alleging involuntary manslaughter by omission or failure to act. Even viewed in the light most favorable to the Commonwealth, the evidence cannot establish that she had a duty to assist Roy or that the alleged omission constituted the "infliction or threat of serious bodily harm". In the absence of probable cause to support the underlying charge of involuntary manslaughter, the indictment of Carter as a youthful offender must fail.

In any event, Carter's statements and text messages to Roy were protected speech under the First Amendment to the United States Constitution and

Article 16 of the Massachusetts Declaration of Rights, and contrary to the conclusion of the trial court, did not contain anything remotely resembling a "true threat".

Further, the charge of involuntary manslaughter is unconstitutionally vague as applied to Carter, and the rule of lenity requires that any ambiguity be resolved in her favor.

Finally, the indictment is also flawed where the grand jurors were not asked to consider the charges from the perspective of an adolescent.

Ultimately, where no view of the evidence could support a charge of involuntary manslaughter, the youthful offender indictment cannot stand, nor can she be prosecuted as a juvenile where the alleged conduct simply does not constitute a crime under Massachusetts law. [Pages 7-35].

Argument

- I. Evidence That Carter Allegedly Encouraged Roy To Commit Suicide Did Not As A Matter Of Law Constitute The "Infliction Or Threat Of Serious Bodily Harm" For Purposes Of Indicting Her As A Youthful Offender Under G.L. c. 119, § 54, Nor Could It Support Charging Her With Any Criminal Offense

As described above, the grand jury indicted Carter as a youthful offender under G.L. c. 119, § 54 based on evidence that she allegedly encouraged Roy to commit suicide. The trial court denied her motion to dismiss, concluding that her conduct constituted a "threat of serious bodily harm" and that it could therefore support a charge of involuntary manslaughter. Carter contends, however, that no view of the evidence could support such a charge, even under a probable cause standard. She committed no affirmative act resulting in Roy's death, nor did she have any duty to protect him from self-harm. In the absence of any legal basis on which she can be charged with the underlying offense of involuntary manslaughter, the trial court should have dismissed the youthful offender indictment. Further, where she committed no crime, she also cannot be prosecuted as a juvenile. Carter asks that this Court dismiss all charges arising out of this incident.

A. The Statutory Framework For Addressing Youthful Offender Indictments

G.L. c. 119, §§ 54, 74 confer jurisdiction on the Juvenile Court over offenses committed prior to a child's eighteenth birthday. The Juvenile Court retains jurisdiction over children who turn eighteen while their cases are pending. G.L. c. 119, § 72.

Where a juvenile is over the age of fourteen, the Commonwealth has two options as to how to proceed.

"First, 'if the juvenile is proceeded against by complaint, the juvenile is classified as a delinquent.'" *Commonwealth v. Mogelinski*, 466 Mass. 627, 631 (2013), quoting *Commonwealth v. Dale D.*, 431 Mass. 757, 759 (2000). "Individuals proceeded against as delinquents are afforded protections not available in the adult system, such as the presumptive privacy of court records, G.L. c. 119, § 60A, and pre- or postadjudicatory probation, G.L. c. 119, § 58." *Id.* "Perhaps most importantly, Juvenile Court judges have broad 'discretion ... to render individualized dispositions consistent with the best interests of the child,' *Commonwealth v. Hanson H.*, 464 Mass. 807, 808 (2013), by either 'plac[ing] the case on file or ... plac[ing] the child in the care of a probation officer for such time and on such conditions as it deems appropriate or ... commit[ting] him to the custody of

the department of youth services.'" *Id.* See G.L. c. 119, § 58.

Second, "the Commonwealth may seek an indictment against a juvenile for specific types of violent offenses[.]" *Id.* "If an indictment is successfully obtained, the juvenile is classified as a youthful offender." *Commonwealth v. Dale D.*, 431 Mass. at 759. See *Id.* at 631-632; G.L. c. 119, § 54. "The youthful offender designation, legislatively created in 1996 in 'response to societal concerns about violent crimes committed by juveniles,' *Commonwealth v. Clint C.*, 430 Mass. 219, 222-223 (1999) (emphasis added), was intended 'to reduce or eliminate certain protections previously available to all juvenile offenders.'" *Commonwealth v. Mogelinski*, 466 Mass. at 632, quoting *Doe v. Attorney Gen. (No. 1)*, 425 Mass. 210, 212-213 (1997). "Although youthful offenders are proceeded against in Juvenile Court, their treatment may, in other respects, resemble that of adult offenders: their court proceedings are not shielded from public inspection; they are eligible for enhanced penalties, including any adult sentence provided for by law; and they can be confined in an adult house of correction or State prison." *Id.*; G.L. c. 119, § 58.

To indict a juvenile as youthful offender, the grand jury must hear evidence establishing probable cause that (1) the juvenile was between the ages of

fourteen and eighteen at the time of the offense; (2) the offense, if committed by an adult, is punishable by imprisonment in State prison; and (3) the juvenile was previously committed to the Department of Youth Services, or the offense involves the infliction or threat of serious bodily harm, or the person committed a firearm violation. G.L. c. 119, § 54. See *Commonwealth v. Todd*, 87 Mass. App. Ct. 780, 783 (2015). As the trial court correctly noted, "[w]hen the evidence is insufficient to establish probable cause to find these requirements, the judge may dismiss the indictment." [R. App. 119]. *Commonwealth v. Quincy Q.*, 434 Mass. 859, 863 (2001).

B. The Evidence Failed To Establish That Carter Committed A Chargeable Offense

Carter was certainly between the ages of fourteen and eighteen at the time of the alleged conduct. As for whether the underlying offense would be punishable by imprisonment in State prison, an adult who commits involuntary manslaughter could be punished by imprisonment in the state prison.

More problematic is whether "the offense involves the infliction or threat of serious bodily harm[.]" As will be discussed below, the Commonwealth's theory that there was an infliction or threat of serious bodily harm, as adopted by the trial court, does not fit the facts of this case.

1. **The Commonwealth Charged Carter With Manslaughter In Order To Circumvent The Fact That The Legislature Has Not Criminalized Words That Encourage Suicide**

Before addressing the underlying charge, it is helpful to address what has not been, or more accurately, what could not be charged. By statute, thirty-nine states, plus several United States territories, criminalize defendants who in some manner encourage or assist another person to commit suicide. Eleven states, including Massachusetts, have no such statute. The states with and without such statutes have been listed in the addendum. [Addendum 19-35]. Charging Carter with involuntary manslaughter in the present circumstances is a rather dubious effort to circumvent the fact that the Massachusetts Legislature has not criminalized words encouraging someone to commit suicide.

Because there is "no statutory definition of manslaughter" in Massachusetts, "[t]he elements of the crime are derived from the common law." *Commonwealth v. Godin*, 374 Mass. 120, 126 (1977). This Court defines involuntary manslaughter as "'an unlawful homicide unintentionally caused by an act which constitutes such a disregard of probable harmful consequences to another as to amount to wanton or reckless conduct.'" *Commonwealth v. Life Care Centers*

of Am., Inc., 456 Mass. 826, 832 (2010), quoting *Commonwealth v. Gonzalez*, 443 Mass. 799, 808 (2005) and *Commonwealth v. Godin*, 374 Mass. at 126. See *Commonwealth v. Pugh*, 462 Mass. 482, 496 (2012). "Wanton or reckless conduct generally involves a wilful act that is undertaken in disregard of the probable harm to others that may result." *Id.* See *Commonwealth v. Welansky*, 316 Mass. 383, 397 (1944). However, "[a] conviction of involuntary manslaughter can in some circumstances be based on a failure to act" rather than an affirmative act. *Commonwealth v. Life Care Centers of Am., Inc.*, 456 Mass. at 832. See *Commonwealth v. Pugh*, 462 Mass. at 497; *Commonwealth v. Welansky*, 316 Mass. at 399. "If an individual's actions create a life-threatening condition, there is a duty to take reasonable steps to alleviate the risk created, and the failure to do so may rise to the level of recklessness necessary for involuntary manslaughter." *Id.* See *Commonwealth v. Levesque*, 436 Mass. 443, 449-453 (2002).

In denying Carter's motion to dismiss, the trial court concluded that the evidence could support both theories—that is, she committed an intentional act causing Roy's death and that she intentionally failed to act in circumstances where she had a special duty to do so. See *Commonwealth v. Levesque*, 436 Mass. at

497; *Commonwealth v. Welansky*, 316 Mass. at 399.

Carter strongly disagrees with both points.

**2. The Commonwealth Failed To Present
Sufficient Evidence To The Grand Jury
That Carter Engaged In Wanton And
Reckless Conduct By The Commission Of
An Affirmative Intentional Act Where
She Neither Physically Harmed Roy Nor
Threatened To Harm Him**

In order to satisfy the elements of involuntary manslaughter by the commission of an intentional or affirmative act, the Commonwealth must prove the following elements:

- (1) that the defendant caused the victim's death;
- (2) that the defendant intended the conduct that caused the victim's death;
- (3) that the defendant's conduct was wanton and reckless.

Commonwealth v. Life Care Centers of Am., Inc., 456 Mass. at 832. See "Supreme Judicial Court Model Jury Instructions on Homicide", *Involuntary Manslaughter*, p. 75.

No view of the evidence could conceivably establish that Carter caused Roy's death. The evidence presented to the grand jury established that Roy had attempted suicide and had been hospitalized prior to meeting Carter. [Grand Jury Transcript, 1/22/15, testimony from Lynn Roy, R. App. 188-193]. Many months before his death, he again began to contemplate suicide. For example, he conducted an internet search

on August 28, 2013 for "did+ this+ help+ you+ change+ your+ mind+ about+ suicide". See Grand Jury Exhibit #4, DVD: page 3,096 of "Report Conrad ROY's phone.pdf". Thus, the evidence presented to the grand jury established unequivocally that Roy was predisposed to and had thoughts of suicide prior to any alleged communications with Carter. In fact, he put the idea of taking his life into Carter's head and ultimately persuaded her to endorse his plan.

In addition, the text messages submitted to the grand jury establish that Roy himself came up with the idea of killing himself by carbon monoxide poisoning using a portable generator. See Grand Jury Exhibit #4, DVD: page 3,438 "Report Conrad ROY's phone.pdf": "portable generator that's it". [R. App. 355]. He alone attempted to obtain a portable generator before taking one from his father's house. See Grand Jury Exhibit #4, DVD: pages 3,237 to 3,240 of "Report Conrad ROY's phone.pdf". He alone turned on the generator in his truck and got in. Even viewed in the light most favorable to the Commonwealth, the evidence establishes that Roy, not Carter "caused" his death. In fact, his suicide note unquestionably reflects that he made the decision to take his life. [R. App. 417].

Further, regardless of what role Carter's communications may have played in encouraging Roy to take his life, proof of the "commission of an

intentional act" supporting a charge of involuntary manslaughter ordinarily requires evidence that the defendant committed "physical acts" that caused the victim's death. *Commonwealth v. Pugh*, 462 Mass. at 497. See *Commonwealth v. Welansky*, 316 Mass. at 397 ("Usually wanton or reckless conduct consists of an affirmative act, like driving an automobile or discharging a firearm, in disregard of probable harmful consequences to another."). See also *Commonwealth v. Quincy Q.*, 434 Mass. at 864 (reversing the denial of a motion to dismiss a youthful offender indictment for indecent assault and battery, where the alleged assault by the defendant in the case consisted of a touching that did not involve an infliction of serious bodily harm). Accord *People v. Modiri*, 39 Cal. 4th 481, 492-493 (2006) (felony assault provision requires a showing of "physical contact of a forceful nature"). Stated otherwise, proof of involuntary manslaughter under this theory requires a showing that the decedent's death was caused by an "act of force used by the defendant", *Commonwealth v. Pugh*, 462 Mass. at 499, and not by mere words.

Where she was not physically present at the time of Roy's death and undertook no physical act in assisting in his suicide, no view of the evidence could establish that Carter's conduct constituted the "infliction . . . of serious bodily harm". G.L. c.

119, § 54. See *Commonwealth v. Quincy Q.*, 434 Mass. at 863. Contrast *Persampieri v. Commonwealth*, 343 Mass. 19, 23 (1961) (when his emotionally distraught wife threatened suicide, the defendant "loaded [a gun] for her, saw that the safety was off, and told her the means by which she could pull the trigger").

The trial court concluded that a physical act was not necessary in the present circumstances. The court explained that Carter's speech falls within the definition of manslaughter where she "threatened serious bodily harm to the victim." [R. App. 124]. However, nothing in the record suggests, much less establishes that she threatened Roy, and the trial court's finding on this point was clear error.

"The word 'threat' has a well established meaning in both common usage and in the law. It is the 'expression of an intention to inflict evil, injury, or damage on another.'" *Commonwealth v. Ditsch*, 19 Mass. App. Ct. 1005 (1985), quoting Webster's New International Dictionary, n. 1 (1966 ed. unabridged). Further, "[i]n law 'threat' has universally been interpreted to require more than the mere expression of intention. It has, in fact, been interpreted to require both intention and ability in circumstances which would justify apprehension on the part of the recipient of the threat.'" *Id.*, quoting *Commonwealth v. Robicheau*, 421 Mass. 176, 183 (1995). See *Virginia*

v. Black, 538 U.S. 343, 359-360 (2003) ("True threats' encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals The speaker need not actually intend to carry out the threat. Rather, a prohibition on true threats 'protect[s] individuals from the fear of violence' and 'from the disruption that fear engenders,' in addition to protecting people 'from the possibility that the threatened violence will occur.'"). See also *Commonwealth v. Milo M.*, 433 Mass. 149, 150 and 152 (2001) (the existence of a threat occurred when "it was reasonable to fear that the juvenile had the intention and ability to carry out the threat.").

In *Felix F., a juvenile v. Commonwealth*, 471 Mass. 513, 516 (2015), this Court applied those principles, holding "that the definition of 'threat' in the juvenile offender statute requires a communication or declaration, explicit or implicit, of an actual threat of physical injury by the juvenile" and "reject[ing] the Commonwealth's suggestion that a 'threat,' for this purpose, may be based solely on a potential for harm that may occur independently of the defendant's actions."

In this case, even in the light most favorable to the Commonwealth, Carter's communications to Roy did

not state or suggest that she would harm him in any way, and even if such meaning could be read into her communications, Roy could not reasonably have believed that she had the ability to inflict such harm.

Further, as this Court in *Felix F.* stated a "potential for harm" independent of the defendant's actions is not enough to show a threat of serious bodily harm. If anything, the evidence to the grand jury showed the opposite of Roy being in fear of Carter. His own suicide note to her, in part, said "... I'll forever be in your heart and we will meet up someday in Heaven" and "I love you and greatly appreciate your effort and kindness towards me." [R. App. 417]. In addition, many texts were presented to the grand jury showing how Carter attempted to dissuade Roy from committing suicide and urged him to seek help just weeks prior to the suicide, while exposing Roy's own desire to kill himself and convince Carter to join him.² For example:

6/26/14

Conrad Roy: "We should be like Romeo and Juliet at the end"

Michelle Carter: "Haha. I'd love to be your Juliet :)"

Conrad Roy: "but do you know what happens in the end"

² See also text messages dated June 1, 18, 19, 20, 21, 23, 29 and July 7, 2014. Those messages are reproduced in the addendum. [Addendum 36-51]

Michelle Carter: "OH YEAH FUCK NO! WE ARE NOT DYING"

[Addendum 47].

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Michelle Carter: "But the mental hospital would help you. I know you don't think it would but I'm telling you, if you give them a chance, they can save your life"

Michelle Carter: "Part of me wants you to try something and fail just so you can go get help"

Conrad Roy: "It doesn't help. trust me"

Michelle Carter: "So what are you gonna do then? Keep being all talk and no action and everyday go thru saying how badly you want to kill yourself? Or are you gonna try to get better?"

Conrad Roy: "I can't get better I already made my decision."

[Addendum 50].

Disregarding the above, and assuming the evidence established that she had only encouraged him to take his own life, no view of the evidence demonstrated how Carter's statements constituted a threat to harm Roy or a "violent" act in connection with the legislative intent of the youthful offender statute. The evidence presented to the grand jury cannot as a matter of law satisfy the elements for the underlying charge of involuntary manslaughter by the commission of an intentional or affirmative act.

3. The Commonwealth Failed To Present Sufficient Evidence To The Grand Jury That Carter Engaged In Wanton And Reckless Conduct By An Omission Or Failure To Act

The Commonwealth fares no better in attempting to show involuntary manslaughter by omission. The trial court correctly stated the elements of that offense:

(1) There was a special relationship between the defendant and the victim that gave rise to a duty of care, or the defendant created a situation that posed a grave risk of death or serious injury to another;

(2) The defendant's failure to act caused the victim's death;

(3) The defendant intentionally failed to act;

(4) The defendant's failure to act was wanton and reckless.

See "Supreme Judicial Court Model Jury Instructions on Homicide", Involuntary Manslaughter, p. 80-81. See also *Commonwealth v. Earle*, 458 Mass. 341, 347 (2010); *Commonwealth v. Welansky*, 316 Mass. at 399.

In this case, no special relationship existed between Carter and Roy giving rise to a duty of care. Such "special relationships" giving rise to a duty of care are drawn on existing "duties imposed by civil law." *Commonwealth v. Levesque*, 436 Mass. at 449. See *Commonwealth v. Twitchell*, 416 Mass. 114, 117 (1993) (parents have common law duty of care to their children); *Commonwealth v. Welansky*, 316 Mass. at 397 (night club owner had a duty of care to patrons where

he failed to provide a safe means of escape in the event of a fire); *Commonwealth v. Godin*, 374 Mass. at 125-130 (employer had duty of care to employees who were present in his building). See also *Lev v. Beverly Enterprises-Massachusetts*, 457 Mass. 234, 243 (2010) (citing with approval the categories enumerated in the Restatement (Second) of Torts §§ 316-320 (1965): "parent and dependent children, master and servant, possessor of land or chattels and licensee, one in charge of a person with dangerous propensities, and one having custody over another...").

"The fact that [a private person] realizes or should realize that action on his part is necessary for another's aid or protection does not of itself impose upon him a duty to take such action." *Jean W. v. Commonwealth*, 414 Mass. 496, 520 (1993) (O'Connor, J., Concurring), quoting Restatement (Second) of Torts § 314. See also *Coobes v. Florio*, 450 Mass. 182, 194 (2007). "Furthermore, the law provides no general duty to protect others from self-inflicted harm, i.e., suicide." *Webstad v. Stortini*, 83 Wash. App. 857, 866, 870, 872-873 (1996) (no "special relationship" existed to give rise to a duty of "control" over another "when a romantic partner commits suicide in response to her partner's actions."). As the Court stated in *Webstad*:

"Suicide is 'a voluntary willful choice determined by a moderately intelligent mental

power[,] which knows the purpose and the physical effect of the suicidal act' Thus, in cases of suicide, the person committing suicide is in effect both the victim and the actor. In fact, no duty exists to avoid acts or omissions that lead another person to commit suicide unless those acts or omissions directly or indirectly deprive that person of the command of his or her faculties or the control of his or her conduct."

Webstad v. Stortini, 83 Wash. App. at 866, quoting *In re Sponatski*, 220 Mass. 526, 530 (1915). See *Chalhoub v. Dixon*, 338 Ill. App. 3d 535, 539 (2003) (the legally recognized duty of a doctor "who knew of his patient's history of suicidal depression and yet failed to protect the patient from self-harm" does not extend to lay persons with the same knowledge).

Notwithstanding the Commonwealth's contentions, where Carter did not create a situation that posed a grave risk of death or serious injury to Roy, she had no duty to protect him from harming himself.

Moreover, as with the affirmative and intentional act form of involuntary manslaughter, nothing in the evidence presented to the grand jury can establish even under a probable cause standard that Carter's failure to take affirmative steps to save Roy's life resulted in his death. To establish liability, Carter's omission "must [have been] the efficient cause, the cause that necessarily sets in operation the factors which caused the death." *Commonwealth v. Rhoades*, 379 Mass. 810, 825 (1980). See *Commonwealth v. Pugh*, 462 Mass. at 500 (the defendant's act or

omission must be the "proximate cause" of the decedent's death, which "'is a cause, which in the natural and continuous sequence, produces the death, and without which the death would not have occurred.'"), quoting *Id. Contrast Persampieri v. Commonwealth*, 343 Mass. at 23 (evidence could support finding that the combination of defendant's acts and omissions proximately caused death of his wife).

Finally, assuming that Carter's omission could be considered the proximate and efficient cause of Roy's death, no view of the evidence could support a finding that she inflicted or threatened serious bodily harm by simply failing to act. See G.L. c. 119, § 54. The failure to act where there is a duty to do so can certainly support a manslaughter conviction. *Commonwealth v. Earle*, 458 Mass. at 347. However, neither the language of the statute nor any Massachusetts case supports a finding that manslaughter by omission constitutes the infliction or a threat to inflict serious bodily harm.

Where, even in the light most favorable to the Commonwealth, nothing in the evidence establishes that Carter had a duty to save Roy, contrast *People v. Kevorkian*, 441 Mich. 436, 494, n. 70 (1994), and where even if she had such a duty, her omission fails to qualify as the infliction of or a threat to inflict serious bodily harm, the theory of involuntary

manslaughter by failure to act cannot support the underlying charge for the youthful offender indictment.

4. Carter's Statements And Text Messages To Roy Are Protected Speech, And Contrary To The Conclusion Of The Trial Court, Did Not Contain Anything Remotely Resembling A Threat

Carter argued at some length in her motion to dismiss that her statements constituted protected speech. The court rejected that contention, concluding that her speech "threatened serious bodily harm to the victim." [R. App. 124]. While the trial court is correct that the First Amendment does not protect threatening speech, or more specifically a "true threat", *Virginia v. Black*, 538 U.S. at 359-360, as discussed at some length above, no view of the evidence before the grand jury could support a finding that Carter committed a "true threat" to Roy.

In evaluating whether a statement is a "true threat", "a court must be sure that the recipient is fearful of the execution of the threat by the speaker (or the speaker's co-conspirators)." *New York v. Operation Rescue Nat'l*, 273 F.3d 184, 196 (2nd Cir. 2001) (emphasis in original); "[A] statement that a listener will suffer future violence may be a true threat, but only if the listener reasonably understands that the violence will be perpetrated by

the defendant or third parties acting in concert with him . . ." *United States v. Dillard*, 835 F.Supp. 2d 1120, 1125 (D. Kans. 2011). See *United States v. Bagdasarian*, 652 F.3d 1113, 1119 (9th Cir. 2011) (The Ninth Circuit holds that a statement by the defendant does not constitute a "true threat" against President Obama, since "[i]t conveys no explicit or implicit threat on the part of Bagdasarian that he himself will kill or injure Obama.") *Commonwealth v. Walters*, 472 Mass. 680, 694 (2015) (no "true threat" where a photograph of the defendant holding a gun "contains no evidence of the defendant's intent to commit violence.").

In this case, none of Carter's statements constitute a "true threat". There was no evidence presented to the grand jury that the recipient of Carter's statement's, Roy, was in fear of execution of any threat by Carter. Telling him to get back in the car – without more – is woefully insufficient to show that he feared Carter was going to carry out an act of actual physical violence against him. It doesn't matter if he was generally "scared" if he wasn't scared of her. As such, since there was no "true threat", any further prosecution of Carter for her protected speech on this basis should be prohibited.

The First Amendment to the United States Constitution, applied to the states under the

Fourteenth Amendment, provides that "Congress shall make no law ... abridging the freedom of speech" Similarly, Article 16 of the Massachusetts Declaration of Rights provides that "[t]he right of free speech shall not be abridged."³ "Content-based prohibitions, enforced by severe criminal penalties, have the constant potential to be a repressive force in the lives and thoughts of a free people. To guard against that threat the Constitution demands that content-based restrictions on speech be presumed invalid, and that the Government bear the burden of showing their constitutionality." *Ashcroft v. ACLU*, 542 U.S. 656, 698 (2004). "As a general matter, the amendment establishes that 'above all else,' the government 'has no power to restrict expression because of its message, its ideas, its subject matter, or its content.'" *State v. Melchert-Dinkel*, 844 N.W.2d 13, 18 (2014), quoting *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 95 (1972).

Of course, the protections of the First Amendment are not absolute, but a law restricting the content of protected speech will only be valid if "it pass[es] strict scrutiny—that is, unless it is justified by a compelling government interest and is narrowly drawn

³ "The analysis under art. 16 is the same as that under the First Amendment." *Opinion of the Justices to the Senate*, 436 Mass. 1201, 1205, n.6 (2002).

to serve that interest." *Brown v. Entm't Merchs.*

Ass'n, ____ U.S. ____, 131 S.Ct. 2729, 2738 (2011).

In *Melchert-Dinkel*, 844 N.W.2d at 18, and 23-24, the Minnesota Supreme Court held that a portion of a criminal statute, punishing individuals for "advising" or "encouraging" another to commit suicide was an unconstitutional "content-based" restriction under the First Amendment. See also Minnesota Statutes § 609.215, subd. 1. The court unanimously held that the part of the statute that penalized "advising" or "encouraging" one to commit suicide was only "tangential" to the State's compelling interest in preserving life and not narrowly tailored, such that it would allow the State to seek broad prosecutions on "general discussions of suicide with specific individuals or groups." *Id.* at 24. As the Court stated:

"Speech in support of suicide, however distasteful, is an expression of a viewpoint on a matter of public concern, and given current U.S. Supreme Court First Amendment jurisprudence, is therefore entitled to special protection as the 'highest rung of hierarchy of First Amendment values.'"

Id., quoting *Snyder v. Phelps*, 562 U.S. 443, 451-452 (2011).

In this case, the Commonwealth's effort to charge Carter with involuntary manslaughter under, G.L. c. 265, § 13 fails to meet the heavy burden set forth

above. Even in the light most favorable to the Commonwealth, the speech that the Commonwealth intends to use against the defendant consists entirely of "encouraging" Roy to commit suicide. As in the *Melchert-Dinkel* case, the Commonwealth can point to no compelling government interest in restricting such speech. Especially where the Legislature has not chosen to criminalize words that encourage suicide, the Commonwealth's efforts to penalize such words by charging Carter with manslaughter cannot pass constitutional muster.

5. The Charge Of Involuntary Manslaughter Is Unconstitutionally Vague As Applied to Carter, And The Rule Of Lenity Requires That Any Ambiguity Be Resolved In Her Favor

"It is fundamental tenet of due process that '[no] one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes.'" *United States v. Batchelder*, 442 U.S. 114, 123 (1979), quoting *Lanzetta v. New Jersey*, 306 U.S. 451, 453 (1939). "A criminal statute is therefore invalid if it 'fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden.'" *Id.* at 123, quoting *United States v. Harris*, 347 U.S. 612, 617 (1954). "A 'statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its

application, violates the first essential of due process of law." *Commonwealth v. Bohmer*, 374 Mass. 368, 371-372 (1978), citing *Connally v. General Constr. Co.*, 269 U.S. 385, 391 (1926). The statute must be "sufficiently explicit to give clear warning as to proscribed activities." *Commonwealth v. Orlando*, 371 Mass. 732, 734 (1977).

"[T]he vagueness doctrine also prohibits such imprecision as might give rise to arbitrary enforcement of law." *Commonwealth v. Abramms*, 66 Mass. App. Ct. 576, 580 (2006). "The concept of the vagueness in the due process context is based in part on the principle that a penal statute should provide comprehensible standards that limit prosecutorial and judicial discretion." *Commonwealth v. Pagan*, 445 Mass. 161, 172-173 (2005). "An additional principle to be noted is that '[w]here a statute's literal scope ... is capable of reaching expression sheltered by the First Amendment, the [vagueness] doctrine demands a greater degree of specificity than in other contexts.'" *Abramms*, 66 Mass. App. Ct. at 581, quoting *Smith v. Goguen*, 415 U.S. 566, 573 (1974) (emphasis added).

In this case, G.L. c. 265, § 13, as applied to Carter, is unconstitutionally vague under the due process provisions of the Fifth and Fourteenth Amendments, as well as Article 12 of the Massachusetts Declaration of Rights. The Commonwealth is alleging an unprecedented claim that by encouraging Roy to commit suicide she, a juvenile, committed the crime of involuntary manslaughter. As stated

previously, the actual manslaughter statute is silent on this type of conduct. Given that the type of alleged conduct against Carter concerns content-based expression that is sheltered by the First Amendment, a greater degree of specificity is required when reviewing this statute under the vagueness doctrine. The manslaughter statute provides no such specificity.

At the present time, there is no criminal statute in Massachusetts specifically prohibiting suicide or even assisting or encouraging suicide. Despite the legislature's decision not to enact such a law, the Commonwealth decided to charge Carter with an even more serious crime: a form of homicide. Given that the manslaughter statute, nor any proscribed law in the Commonwealth, do not provide a sufficiently explicit warning to someone of ordinary intelligence — let alone a juvenile — in the defendant's position that encouraging suicide is prosecutable under existing law, G.L. c. 265, § 13 is hopelessly confusing and vague as applied to Carter and has led to an arbitrary enforcement of this law by the Commonwealth.

Finally, should this Court conclude that the doctrine of lenity does not apply where involuntary manslaughter is a common law crime and is not specifically defined in the language of the statute, the principle behind the rule most certainly does apply. That is, a criminal offense may not be redefined retroactively in a manner that makes conduct

criminal that was not so before. See *Commonwealth v. Quincy Q.*, 434 Mass. at 864-866; *Commonwealth v. Hampton*, 64 Mass. App. Ct. 27, 31-32 (2005). See also *Schriro v. Summerlin*, 542 U.S. 348, 352, 354 (2004). That is precisely what the Commonwealth seeks to do.

Where, as here, "text, structure, and history fail to establish that the Government's position is unambiguously correct" the ambiguity in the definition of the offense must be resolved in Carter's favor. *United States v. Granderson*, 511 U.S. 39, 54 (1994).

6. The Indictment Is Also Flawed Where The Grand Jurors Were Not Asked To Consider The Charges From The Perspective Of An Adolescent

Finally, assuming that encouraging another person to commit suicide could fit within the legal definition of involuntary manslaughter, the grand jurors were not asked to consider from the perspective of an adolescent the extent to which Carter's conduct was knowing and the extent to which she acted in a wanton and reckless manner. While the grand jurors would have been aware of Carter's age, the key inquiry should not have been what a reasonable adult would have understood, but what a reasonable seventeen-year-old would have understood. The grand jurors should also have been alerted to and have been asked to consider the new science addressing the brain development of adolescents.

"A large and compelling body of research on the neurological development of teens confirms a long-held, common sense view: teenagers are not the same as adults in a variety of key areas such as the ability to make sound judgments when confronted by complex situations, the capacity to control impulses, and the ability to plan effectively. Such limitations reflect, in part, the fact that key areas of the adolescent brain, especially the prefrontal cortex that controls many higher order skills, are not fully mature until the third decade of life." D.R. Weinberger, et. al., *The Adolescent Brain: A Work in Progress*, p. 19 (2005). See *Roper v. Simmons*, 543 U.S. 551, 572 (2005) (in rejecting imposition of the death penalty on offenders under age 18, the Court noted that "[t]he likelihood that the teenage offender has made the kind of cost-benefit analysis that attaches any weight to the possibility of execution is so remote as to be virtually nonexistent"). See *Thompson v. Oklahoma*, 487 U.S. 815, 837 (1988).

Numerous recent studies have recognized and scientifically measured the development of the adolescent brain, concluding that there are significant differences between adult and adolescent brains. These studies have also noted that adolescents are particularly vulnerable "to risky behavior, because sensation-seeking is high and self-regulation

is still immature." Brain Cogn. 2010 February;
Commentary: A Behavioral Scientist Looks at the
Science of Adolescent Brain Development, Laurence
Steinberg, Pages 160–164. See generally Annals of the
New York Academy of Sciences, Volume 1124, The Year in
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B.J. Casey, Rebecca M. Jones, Todd A. Hare, pages 111–
126, March 2008; Journal of Child Psychology and
Psychiatry, Volume 47, Issue 3-4, Development Of The
Adolescent Brain: Implications For Executive Function
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Choudhury, Pages 296–312, March/April 2006; Annals of
the New York Academy of Sciences, Volume 1021,
Adolescent Brain Development: Vulnerabilities and
Opportunities, Ronald E. Dahl, Pages 1–22, June 2004;
Nature Neuroscience 2, Brain Development During
Childhood And Adolescence: A Longitudinal MRI Study,
Jay N. Giedd, Jonathan Blumenthal, Neal O. Jeffries,
F. X. Castellanos, Hong Liu, Alex Zijdenbos, Tomá
Paus, Alan C. Evans & Judith L. Rapoport, Pages 861 –
863, 1999.

The courts have also increasingly recognized the
differences between adolescent and adult brain
development, most notably, in *Miller v. Alabama*, ____
U.S. ____, 132 S. Ct. 2455, 2471 (2012), the Supreme
Court concluded that a sentencing court should have
the ability to "consider an offender's youth and

attendant characteristics – before imposing a particular penalty.” See *Graham v. Florida*, 560 U.S. 48, 68-69 (2010); *Roper v. Simmons*, 543 U.S. at 569-573; *Diatchenko v. District Attorney for the Suffolk Dist.*, 466 Mass. 655 (2013). The Court focused on the differences between youthful offenders and adults, noting the lack of maturity and the underdeveloped sense of responsibilities of young offenders, and reasoning that the “transient rashness, proclivity for risk and inability to assess consequences – both lessened the child’s ‘moral culpability’ and enhance the prospect that, as the years go by and neurological development occurs, his ‘deficiencies will be reformed.’” *Id.* at 2465, quoting *Graham v. Florida*, 130 S. Ct. at 68-69.

While a grand jury can certainly consider whether a seventeen-year-old has acted intentionally or recklessly, at the very least, the grand jurors should have been asked to consider the case from the perspective of an adolescent and should have been provided with meaningful information from which they could have made that assessment.

Where, as here, the grand jury failed to hear evidence establishing probable cause to indict Carter as a youthful offender, and where the proceedings were otherwise flawed, the trial court should have dismissed the indictment. See *Felix F., a juvenile v.*

Commonwealth, 471 Mass. at 516. Further, where she ultimately committed no chargeable offense, she cannot be prosecuted even a juvenile. She asks that this Court dismiss the indictment and rule that the prosecution cannot proceed in any form.

II. Conclusion

Based on the authorities cited and the reasons aforesaid, Carter requests that this Court order that the trial court dismiss the youthful offender indictment where it is based on a manslaughter theory that cannot be sustained as a matter of law. She further asks that this Court preclude her from being prosecuted as a juvenile, where any such prosecution would rest on the fatally flawed manslaughter theory. In the alternative, she asks for such other relief as she may be entitled.

Respectfully submitted,

Michelle Carter
By her attorneys,

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Commonwealth

v.

Michelle Carter

Addendum

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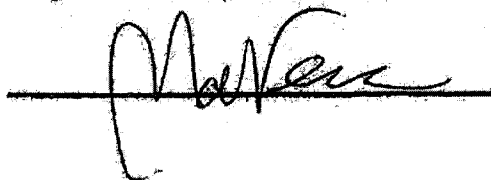
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in the year Two Thousand and Fifteen

this indictment was returned and

presented to said Superior Court by the Grand Jury and ordered to be filed and filed.

Attest:



Clerk/Magistrate

FILED
2015 FEB - 6 AM 10:42

BRISTOL SS
JUVENILE COURT

No.

NB-DI

INDICTMENT

Commonwealth

vs.

Michelle Carter

Involuntary Manslaughter 265/13

Sep. C. January Sitting 2015

Commonwealth of Massachusetts

BRISTOL, SS.

At the SUPERIOR COURT holden at Fall River within and for the County of Bristol, for the transaction of criminal business on the First Monday of January, 2015.

THE JURORS for the said Commonwealth on their oath present, That

Michelle Carter,

on or about July 12, 2014, at Fairhaven, in the County of Bristol aforesaid,

did commit an unlawful killing of Conrad Roy III, by wanton and reckless conduct, and

by such wanton and reckless conduct did cause the death of said Conrad Roy III.

(G.L. Chap. 265, Sec. 13)

A true bill.


Assistant District Attorney.


Foreperson of the Grand Jury.

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BRISTOL SS
JUVENILE COURT

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And the JURORS, aforesaid, for the COMMONWEALTH OF MASSACHUSETTS, on their oath, aforesaid, do further present, that

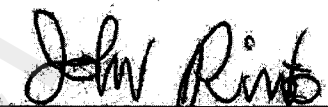
MICHELLE CARTER,

was between the ages of fourteen and eighteen on the date of the aforementioned offense; and that the aforementioned offense, committed by an adult, would be punishable by imprisonment in the state prison, and that the aforementioned offense involved the infliction or threat of serious bodily harm in violation of law; and that the said Michelle Carter, is therefore a youthful offender, as defined by Chapter 119, Section 54.

FILED
BRISTOL
JUVENILE COURT
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A TRUE BILL.


Assistant District Attorney


Foreperson of the Grand Jury

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS:

**JUVENILE COURT DEPARTMENT
NEW BEDFORD DIVISION
DOCKET NO: 15YO0001NE**

**COMMONWEALTH OF MASSACHUSETTS,)
Plaintiff)**

v.)

**MICHELLE CARTER,)
Defendant)**

**MEMORANDUM OF DECISION AND ORDER
ON DEFENDANT'S MOTION TO DISMISS INDICTMENT**

This matter is before the Court on the defendant's motion to dismiss the indictment issued against her by a Bristol County Grand Jury on February 5, 2015. The Grand Jury found probable cause to indict the defendant as a youthful offender on a charge of involuntary manslaughter, G.L. c. 265, § 13. The defendant filed the motion to dismiss the indictment on August 10, 2015, arguing that the Commonwealth failed to present sufficient evidence to the Grand Jury showing probable cause that the defendant committed involuntary manslaughter and met the requirements of the Youthful Offender statute, G.L. c. 119, § 54. In addition, the defendant argued that the acts committed by the defendant were verbal and written speech and, therefore, the defendant's actions were protected by the First Amendment of the U.S. Constitution. The Court heard oral arguments on the motion on August 24, 2015.

STATEMENT OF FACTS

On the morning of July 13, 2014, police found the body of Conrad Roy III ('victim') in his truck in a store parking lot in Fairhaven, MA. The medical examiner ruled that the victim's death was a suicide, caused by the victim inhaling carbon monoxide generated from a compression pump that he set up in his truck. The police investigation of the victim's death revealed that the relationship between the victim and the defendant began in Florida in 2011. The majority of

their relationship was through voluminous texts messages, phone calls and emails¹. In the months preceding the victim's death, these many text message communications between the two focused on specific plans, direction and encouragement, for the victim to commit suicide.

Phone records revealed that the victim and defendant also spoke by phone to each other during the time it is believed the victim sat in his truck inhaling the carbon monoxide fumes. At some point, the defendant told the victim to "get back in his truck" when he exited because he was "scared that it was working". Based on this, the Commonwealth sought to indict the defendant as a youthful offender on the charge of involuntary manslaughter, arguing that the defendant's wanton and reckless conduct caused the victim's death.

STANDARD OF REVIEW FOR A MOTION TO DISMISS A YOUTHFUL OFFENDER INDICTMENT

In reviewing a motion to dismiss an indictment, the court is to consider whether the Grand Jury heard sufficient evidence to establish the identity of the accused and probable cause to arrest for the charged crime. Probable cause requires sufficient facts to warrant a person of reasonable caution in believing that an offense has been committed. This standard is considerably less than that which is required for a finding of guilty. *See Commonwealth v. Levesque*, 436 Mass. 443, 447 (2002)(citing *Commonwealth v. Catalina*, 407 Mass. 779 (1990); *Commonwealth v. McCarthy*, 385 Mass. 160 (1982); *Commonwealth v. O'Dell*, 392 Mass. 445 (1984)).

When reviewing a motion to dismiss a youthful offender indictment, the court may not dismiss the indictment, absent an error of law. *Commonwealth v. Clint C.*, 430 Mass. 219 (1999). There must be sufficient evidence presented to the Grand Jury establishing probable cause to show that (1) the juvenile was between the ages of fourteen and eighteen at the time of the offense; (2) the offense, if committed by an adult, is punishable by imprisonment in State prison, and (3) the juvenile was previously committed to the Department of Youth Services, or the offense involves the infliction or threat of serious bodily harm, or the person committed a firearm violation. *Commonwealth v. Todd*, 87 Mass.App.Ct. 780 (2015). When the evidence is insufficient to establish probable cause to find these requirements, the judge may dismiss the indictment. *Commonwealth v. Quincy Q.*, 434 Mass. 859 (2001).

CONCLUSIONS OF LAW

- A. **The Commonwealth presented sufficient evidence to the Grand Jury to establish probable cause that the defendant committed the crime of involuntary manslaughter under both theories.**

¹ This case involves technology in the form of text messaging and phone calls between two people in a romantic relationship based primarily on electronic contact. The rapidity of the electronic exchanges was almost immediate, similar to a conversation.

Involuntary manslaughter is an unlawful homicide unintentionally caused by an act which constitutes such a disregard of probable harmful consequences to another as to amount to wanton or reckless conduct. *Commonwealth v. Life Care Centers of America, Inc.*, 456 Mass. 826, 832 (2010). Wanton and reckless conduct generally involves a wilful act that is undertaken in disregard of the probable harm to others that may result. *Id.* A conviction of involuntary manslaughter can, in some circumstances, be based on a failure to act. *Id.*

The elements of involuntary manslaughter because of wanton and reckless conduct are the following:

1. The defendant caused the victim's death;
2. The defendant intended the conduct that caused the victim's death;
3. The defendant's conduct was wanton and reckless.

The elements of involuntary manslaughter where the defendant's failure to act was wanton and reckless are the following:

1. There was a special relationship between the defendant and the victim that gave rise to a duty of a care, or the defendant created a situation that posed a grave risk of death or serious injury to another;
2. The defendant's failure to act caused the victim's death;
3. The defendant intentionally failed to act;
4. The defendant's failure to act was wanton and reckless.

1. Involuntary Manslaughter/Wanton and Reckless Conduct

- a. The defendant's act of telling the victim to get back into his truck, along with weeks of counseling the victim on how to commit suicide and encouraging him to do, so caused the victim's death.

Evidence presented to the Grand Jury in the form of text messages exchanged between the victim and the defendant in the months, weeks, days and hours leading up to the victim's suicide provided probable cause for the Grand Jury to find that the defendant's acts led to the victim's death. The single act of the defendant telling the victim to get back into his truck after he told her he got out of the truck because he was "scared it was working" was enough to find probable cause that this was the cause of the victim's death. The Grand Jury could find probable cause that had the victim not returned to his truck, his death would not have occurred. *Commonwealth v. Rhoades*, 379 Mass. 810, 825 (1980). The defendant's argument that the act must be a physical act of force is incorrect. Caselaw does not require that the act be a physical act of force, only that it be an act. *See i.e., Commonwealth v. Catalina*, 407 Mass. 779 (1990) (act was distribution of heroin); *Commonwealth v. Walker*, 442 Mass. 185 (2004) (act was mixing of medication into another's drink).

- b. The defendant's act of telling the victim to get back into the truck, as well as her text messages to a friend admitting that she encouraged the victim to commit suicide, showed that the defendant intended the conduct that caused the victim's death.**

Evidence presented to the Grand Jury in the form of text messages exchanged between the defendant and her friend, Samantha Boardman, provided probable cause for the Grand Jury to find that the defendant intended the conduct that caused the victim's death. In the text message to her friend, the defendant wrote that she told the victim to get back into the truck and then wrote that she "couldn't have him live that way the way he was living anymore. I (the defendant) couldn't do it. I wouldn't let him." This information provided probable cause for the Grand Jury to find that the defendant intended the conduct that caused the victim's death.

- c. The defendant's conduct of months of text messages encouraging and guiding the victim to commit suicide, together with telling the victim to get back into his truck, showed that the defendant's conduct was wanton and reckless.**

Evidence presented to the Grand Jury in the form of text messages exchanged between the defendant and victim and between the defendant and her friend provided probable cause for the Grand Jury to find that the defendant's conduct was wanton and reckless. In *Persampieri v. Commonwealth*, 343 Mass. 19 (1961), the Supreme Judicial Court found the petitioner's conduct to be wanton or reckless when he taunted his emotionally disturbed wife, who had attempted to kill herself before, to kill herself, telling her where the gun was, loading the gun for her and telling her how best to position the gun. The Supreme Judicial Court wrote that his actions were wanton or reckless showing a "reckless disregard of his wife's safety and the possible consequences of his conduct." *Id.* at 23. In this case, the Commonwealth presented the Grand Jury with text messages between the defendant and the victim in the weeks prior to the suicide and up to the day of the suicide in which the defendant tells the victim where he should drive his truck, how he should procure the compression tank, and how he should set it up to be successful in his suicide. Text messages were also presented where the defendant repeatedly questioned the victim about when he was going to do it, why he was waiting to do it, why he was postponing doing it and where he was going to do it. In addition, the text message between the defendant and her friend reporting she told the victim to get back into his truck showed a reckless disregard for the victim. Even if the defendant did not understand the consequences of her actions, a reasonable person would have realized that telling a person to get back into a truck filled with carbon monoxide would pose a grave risk of danger to that person.

2. Involuntary Manslaughter/Failure to Act

- a. The defendant created an exigent situation that posed a grave risk of death or serious injury when she counseled the victim on the method of suicide.**

Evidence presented to the Grand Jury in the form of text messages between the defendant and her friend, Samantha Boardman, provided probable cause that the defendant created a situation that posed a grave risk of death or serious injury. The defendant texted to her friend

that she told the victim to get back into his truck after he told her he got out because it "was working and he got scared." The defendant also texted that she heard the pump working in the background, the purpose of which she knew, based on text messages exchanged between the defendant and the victim explaining how the pump worked and how it could bring about the victim's death in a fast and painless way. The defendant's numerous texts to the victim included counseling him on various suicide methods, the best time of day to commit suicide and the best location. The Grand Jury could find probable cause that the defendant's acts created a grave risk of death to the victim, and, indeed, lead to his death, similar to starting a fire and walking away from it. *Commonwealth v. Levesque*, 436 Mass. 443 (2002).

b. The defendant's failure to act caused the victim's death.

Evidence presented to the Grand Jury provided probable cause that the defendant's failure to act caused the victim's death. Phone records presented to the Grand Jury showed that the defendant and the victim spoke on the phone for approximately 45 minutes during the time that investigators believe the victim was sitting in his truck inhaling carbon monoxide fumes. In addition, the defendant sent text messages to the victim telling him she wanted to be with him and asking him to give her the exact time he would "do it." During that time, the defendant was also sending text messages to her friend, Samantha Boardman, writing "he (the victim) just called me and there was a loud noise like a motor and I heard moaning like someone was in pain and he wouldn't answer when I said his name." During that time the defendant could have called 911 and told them what she heard on the phone. The defendant knew where the vehicle was located, knew what the victim was planning on doing in the vehicle and, in fact, told the victim to get back into the truck when he left because he was "scared" it was working. During this 45 minutes, if not before, the defendant had the ability to call 911 or contact another individual to seek help for the victim, but she failed to do so. The Grand Jury could find probable cause that her failure to act within the 45 minutes, as well as her instruction to the victim to get back into the truck after he got out of the truck, caused the victim's death.

c. The defendant's failure to act was wanton and reckless.

Evidence presented to the Grand Jury provided probable cause that the defendant's failure to act was wanton and reckless. Phone records showed that the defendant and victim spoke for at least 45 minutes during the time that it is believed that the victim sat in his truck inhaling carbon monoxide fumes. Text messages between the defendant and her friend show that the defendant knew what the victim was doing in the truck, heard the compression pump running, knew the purpose of the compression pump, and knew where the vehicle was located. In addition, the defendant, having known the victim for almost three (3) years prior to the date of the victim's death, a three (3) year period during which the victim had attempted to kill himself at least once and was hospitalized for doing so, knew that the victim's mental state was fragile. The Grand Jury could find a reasonable person under the same circumstances would have recognized the "gravity of the danger" involved and therefore, the defendant's failure to act to stop the victim's actions was wanton and reckless. *Commonwealth v. Levesque*, at 452.

B. The Commonwealth presented sufficient evidence to the Grand Jury to establish probable cause that the defendant and her conduct met the requirements of the Youthful Offender statute, G.L. c. 119, § 54.

1. The defendant was 17 years old on the date of the offense.

In order to be indicted as a youthful offender, the defendant must be between the ages of 14 and 18 on the date of the offense. G.L. c. 119, § 54. Evidence presented to the Grand Jury in the form of testimony from the investigating officer regarding the defendant's date of birth and age on the date of the offense provided the Grand Jury with sufficient evidence to find probable cause that the defendant was between the ages of 14 and 18 on the date of the offense.

2. Involuntary manslaughter is an offense, if committed by an adult, that is punishable by imprisonment in a state prison.

General Laws c. 265, § 13, provides that whoever commits manslaughter shall be punished by imprisonment in the state prison for not more than twenty years. Evidence was presented to the Grand Jury in the form of testimony from the investigating officer that manslaughter is punishable by incarceration in a state prison, providing the Grand Jury with sufficient evidence to find probable cause that the offense meets the requirements of the Youthful Offender Act.

3. The defendant committed an offense that involves the threat of serious bodily harm.

The Youthful Offender Act requires that either the defendant has been previously committed to the Department of Youth Services or committed a firearm offense or an offense that involves the infliction of or threat of serious bodily harm. The defendant has not been charged with a firearm offense and no evidence was presented to the Grand Jury that the defendant had been previously committed to the Department of Youth Services. Testimony presented by the investigating officer to the Grand Jury indicated that the offense of involuntary manslaughter involves the infliction of or threat of serious bodily harm. In its oral argument at the hearing on the motion to dismiss, the Commonwealth indicated that it was proceeding against the defendant as a youthful offender on the theory of threat of serious bodily harm.

In *Felix F. v. Commonwealth*, 471 Mass. 513 (2015), the SJC reversed the denial of a motion to dismiss a youthful offender indictment, holding that the Commonwealth did not establish that the charge involved the infliction or threat of serious bodily harm. In that case, the juvenile was indicted as a youthful offender on the charge of possession of heroin with intent to distribute. The SJC wrote that the term "threat", as used in the Youthful Offender Act, requires a "communication or declaration, explicit or implicit, of an actual threat of physical injury by the

juvenile." *Felix F.* at 516. The SJC also wrote "the Commonwealth attempts to distinguish the facts of this case by analogizing to manslaughter convictions where distribution of heroin was determined to be conduct that 'involves a high degree of likelihood that substantial harm will result to another.'" The SJC then cites *Commonwealth v. Catalina*, 407 Mass. 779 (1990) and *Commonwealth v. Auditore*, 407 Mass. 793 (1990), and writes "those cases support our view [in *Felix F.*], however, because the court considered whether the defendant engaged in wanton or reckless conduct necessary for the manslaughter conviction by reviewing the defendant's actions and the circumstances of heroin distribution." The SJC cites factors in those cases such as the defendant's knowledge that the heroin was highly potent, that the recipient had a low tolerance and a prior overdose and that the type of heroin being sold was two times stronger than the average dose. The SJC noted that none of those factors were present in the *Felix F.* case.

In this case, the Grand Jury could find the defendant engaged in wanton and reckless conduct that involved a high degree of likelihood that substantial harm to another would result due to her conduct. Though the defendant did not make an explicit threat against the victim, there was sufficient evidence presented to the Grand Jury for probable cause to show that an implicit threat of serious bodily injury resulted due to her repeated conduct of counseling the victim on various suicide methods, telling the victim the best time and location to commit suicide, failing to aid the victim once she heard the compression pump working and telling the victim to get back into the truck after the victim got out because he became scared that "it was working." The defendant's knowledge of the victim was similar to the knowledge of the heroin dealer in *Catalina*; the defendant knew that the victim had tried to commit suicide once before, knew that the victim had been researching ways to commit suicide online, knew that the victim had procured a compression pump, as she instructed him to do, and knew that the victim had a fragile mental state.

C. The defendant's actions are not protected by the First Amendment of the U.S. Constitution.


The First Amendment of the United States Constitution does not protect conduct that threatens another. *Commonwealth v. Milo M.*, 433 Mass. 149, 159 (2001). As previously explained, the defendant's conduct threatened serious bodily harm to the victim. As such, the defendant's conduct is not protected by the First Amendment.

ORDER

For the foregoing reasons, the defendant's motion to dismiss the indictment is DENIED.

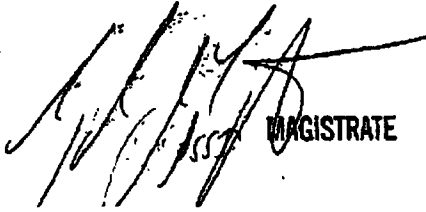
Dated: September 22, 2015

By:


Bettina Borders, First Justice
Juvenile Court Department
Bristol County Division

cc: Katie Cook Rayburn, Esquire
Joseph Cataldo, Esquire

A TRUE COPY
ATTEST:


MAGISTRATE

G.L. c. 119, §54

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XVII. Public Welfare (Ch. 115-123b)

**Chapter 119. Protection and Care of Children, and Proceedings
Against Them**

**§ 54. Complaint; indictment; examination of complainant;
summons; warrant**

If complaint is made to any court that a child between seven and 18 years of age is a delinquent child, said court shall examine, on oath, the complainant and the witnesses, if any, produced by him, and shall reduce the complaint to writing, and cause it to be subscribed by the complainant.

If said child is under twelve years of age, said court shall first issue a summons requiring him to appear before it at the time and place named therein, and such summons shall be issued in all other cases, instead of a warrant, unless the court has reason to believe that he will not appear upon summons, in which case, or if such a child has been summoned and did not appear, said court may issue a warrant reciting the substance of the complaint, and requiring the officer to whom it is directed forthwith to take such child and bring him before said court, to be dealt with according to law, and to summon the witnesses named therein to appear and give evidence at the examination.

The commonwealth may proceed by complaint in juvenile court or in a juvenile session of a district court, as the case may be, or by indictment as provided by chapter two hundred and seventy-seven, if a person is alleged to have committed an offense against a law of the commonwealth while between the ages of fourteen and 18 which, if he were an adult, would be punishable by imprisonment in the state prison, and the person has previously been committed to the department of youth services, or the offense involves the infliction or threat of serious bodily harm in violation of law or the person has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine. The court shall proceed on the complaint or the indictment, as the case may be, in

accordance with sections fifty-five to seventy-two, inclusive. Complaints and indictments brought against persons for such offenses, and for other criminal offenses properly joined under Massachusetts Rules of Criminal Procedure 9 (a) (1), shall be brought in accordance with the usual course and manner of criminal proceedings.

G.L. c. 119, § 58

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XVII. Public Welfare (Ch. 115-123b)

Chapter 119. Protection and Care of Children, and Proceedings Against Them

§ 58. Adjudication as delinquent child or youthful offender

At the hearing of a complaint against a child the court shall hear the testimony of any witnesses who appear and take such evidence relative to the case as shall be produced. If the allegations against a child are proved beyond a reasonable doubt, he may be adjudged a delinquent child, or in lieu thereof, the court may continue the case without a finding and, with the consent of the child and at least one of the child's parents or guardians, place said child on probation; provided, however, that any such probation may be imposed until such child reaches age eighteen or age nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday or age 20 in the case of a child whose case is disposed of after he has attained his nineteenth birthday; provided further, that a complaint alleging a child to be a delinquent child by reason of having violated the provisions of section 13B, 13B $\frac{1}{2}$, 13B $\frac{3}{4}$, section 22A, 22B, 22C, 23, 23A, section 23B or section 50 of chapter 265 shall not be placed on file or continued without a finding. Said probation may include a requirement, subject to agreement by the child and at least one of the child's parents or guardians, that the child do work or participate in activities of a type and for a period of time deemed appropriate by the court.

If a child is adjudicated a delinquent child on a complaint, the court may place the case on file or may place the child in the care of a probation officer for such time and on such conditions as it deems appropriate or may commit him to the custody of the department of youth services, but the probationary or commitment period shall not be for a period longer than until such child attains the age of eighteen, or nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday or age 20 in the case of a child whose case is disposed of after he has attained his nineteenth birthday.

If a child is adjudicated a youthful offender on an indictment, the court may sentence him to such punishment as is provided by law for the offense. The court shall make a written finding, stating its reasons therefor, that the present and long-term public safety would be best protected by:

(a) a sentence provided by law; or

(b) a combination sentence which shall be a commitment to the department of youth services until he reaches the age of twenty-one, and an adult sentence to a house of correction or to the state prison as is provided by law for the offense. The adult sentence shall be suspended pending successful completion of a term of probation, which shall include, but not be limited to, the successful completion of the aforementioned commitment to the department of youth services. Any juvenile receiving a combination sentence shall be under the sole custody and control of the department of youth services unless or until discharged by the department or until the age of twenty-one, whichever occurs first, and thereafter under the supervision of the juvenile court probation department until the age of twenty-one and thereafter by the adult probation department; provided, however, that in no event shall the aggregate sentence imposed on the combination sentence exceed the maximum adult sentence provided by law; or

(c) a commitment to the department of youth services until he reaches the age of twenty-one.

In making such determination the court shall conduct a sentencing recommendation hearing to determine the sentence by which the present and long-term public safety would be best protected. At such hearing, the court shall consider, but not be limited to, the following factors: the nature, circumstances and seriousness of the offense; victim impact statement; a report by a probation officer concerning the history of the youthful offender; the youthful offender's court and delinquency records; the success or lack of success of any past treatment or delinquency dispositions regarding the youthful offender; the nature of services available through the juvenile justice system; the youthful offender's age and maturity; and the likelihood of avoiding future

criminal conduct. In addition, the court may consider any other factors it deems relevant to disposition. No such sentence shall be imposed until a pre-sentence investigation report has been filed by the probation department and made available to the parties no less than seven days prior to sentencing.

A youthful offender who is sentenced as is provided by law either to a state prison or to a house of correction but who has not yet reached his eighteenth birthday shall be held in a youthful offender unit separate from the general population of adult prisoners; provided, however, that such youthful offender shall be classified at a facility other than the reception and diagnostic center at the Massachusetts Correctional Institution, Concord, and shall not be held at the Massachusetts Correctional Institution, Cedar Junction, prior to his eighteenth birthday.

If it is alleged in the complaint upon which the child is so adjudged that a penal law of the commonwealth, a city ordinance or a town by-law has been violated, the court may commit such child to the custody of the commissioner of youth services and authorize him to place such child in the charge of any person, and, if at any time thereafter the child proves unmanageable, to transfer such child to that facility which in the opinion of said commissioner, after study, will best serve the needs of the child. The department of youth services shall provide for the maintenance, in whole or part, of any child so placed in the charge of any person.

Notwithstanding any other provisions of this chapter, a person adjudicated a delinquent child by reason of a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine, shall be committed to the custody of the commissioner of youth services who shall place such child in the custody of a facility supported by the commonwealth for the care, custody and training of such delinquent children for a period of at least one hundred and eighty days or until such child attains his eighteenth birthday or his nineteenth birthday in the case of a child whose case is disposed of after he has attained his eighteenth birthday, whichever first occurs, provided, however, that said period of time shall not be reduced or suspended. Upon the second or subsequent violation of said paragraph (a), (c) or (d) of said section ten or ten E of said chapter two hundred and sixty-nine, the commissioner of youth services shall place such child in the

custody of a facility supported by the commonwealth for the care, custody and training of such delinquent child for not less than one year; provided, however, that said period of time shall not be reduced or suspended.

The court may make an order for payment by the child's parents or guardian from the child's property, or by any other person responsible for the care and support of said child, to the institution, department, division, organization or person furnishing care and support at times to be stated in an order by the court of sums not exceeding the cost of said support after ability to pay has been determined by the court; provided, however, that no order for the payment of money shall be entered until the person by whom payments are to be made shall have been summoned before the court and given an opportunity to be heard. The court may from time to time, upon petition by, or notice to the person ordered to pay such sums of money, revise or alter such order or make a new order, as the circumstances may require.

The court may commit such delinquent child to the department of youth services, but it shall not commit such child to any institution supported by the commonwealth for the custody, care and training of delinquent children or juvenile offenders.

Except in cases in which the child has attained the age of majority, whenever a court of competent jurisdiction adjudicates a child as delinquent and commits the child to the department of youth services, the court, in order to comply with the requirements contained in the federal Adoption Assistance and Child Welfare Act of 1980 and any amendments thereto, shall receive evidence in order to determine whether continuation of the child in his home is contrary to his best interest, and whether reasonable efforts were made prior to the commitment of the child to the department, to prevent or eliminate the need for removal from his home; or whether an emergency situation existed making such efforts impossible. No such determination shall be made unless the parent or guardian of the delinquent shall have been summoned before the court and, if present, given an opportunity to be heard. The court, in its discretion, may make its determinations concerning said best interest and reasonable efforts in written form, but in the absence of a written determination to the contrary, it shall be

presumed that the court did find that continuation of the child in his home was contrary to his best interest and that reasonable efforts to prevent or eliminate the need for removal of the child from his home did occur. Nothing in this section shall diminish the department's responsibility to prevent delinquent acts and to protect the public safety.

G.L. c. 265 § 13

**Massachusetts General Laws Annotated
Part IV. Crimes, Punishments and Proceedings in Criminal Cases
(Ch. 263-280)
Title I. Crimes and Punishments (Ch. 263-274)
Chapter 265. Crimes Against the Person**

§ 13. Manslaughter; punishment

Whoever commits manslaughter shall, except as hereinafter provided, be punished by imprisonment in the state prison for not more than twenty years or by a fine of not more than one thousand dollars and imprisonment in jail or a house of correction for not more than two and one half years. Whoever commits manslaughter while violating the provisions of sections 102 to 102C, inclusive, of chapter 266 shall be imprisoned in the state prison for life or for any term of years.

Statutes Prohibiting Assisting Or Encouraging Suicide

Alabama: no statute

From Commentary to Ala. Code § 13A-6-3 (2015): "No special treatment on suicide was included in the [Alabama] Criminal Code. Absent a preponderance of calamities, exceptional cases may be left to the judgment of the grand jury or prosecutive discretion."

Alaska: Alaska Stat. Ann. § 11.41.120 (West 2015)

- (a) A person commits the crime of manslaughter if the person
 - (1) intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree;
 - (2) intentionally aids another person to commit suicide; or
 - (3) knowingly manufactures or delivers a controlled substance in violation of AS 11.71.010--11.71.030 or 11.71.040(a)(1) for schedule IVA controlled substances, and a person dies as a direct result of ingestion of the controlled substance; the death is a result that does not require a culpable mental state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a substance into the body in any manner.
- (b) Manslaughter is a class A felony.

Arizona: Ariz. Rev. Stat. Ann. § 13-1103 (2015) (West)

- A. A person commits manslaughter by:
 - 1. Recklessly causing the death of another person; or
 - 2. Committing second degree murder as prescribed in § 13-1104, subsection A upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim; or
 - 3. Intentionally providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide; or
 - 4. Committing second degree murder as prescribed in § 13-1104, subsection A, paragraph 3, while being coerced to do so by the use or threatened immediate use of unlawful deadly physical force upon such person or a third person which a reasonable person in his situation would have been unable to resist; or
 - 5. Knowingly or recklessly causing the death of an unborn child by any physical injury to the mother.

Arkansas: Ark. Code Ann. § 5-10-104 (West 2015)

- (a) A person commits manslaughter if:
 - (1)(A) The person causes the death of another person under circumstances that would be murder, except that he or she causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse.

- (B) The reasonableness of the excuse is determined from the viewpoint of a person in the actor's situation under the circumstances as the actor believed them to be;
- (2) The person purposely causes or aids another person to commit suicide;
- (3) The person recklessly causes the death of another person; or
- (4) Acting alone or with one (1) or more persons:
 - (A) The person commits or attempts to commit a felony; and
 - (B) In the course of and in furtherance of the felony or in immediate flight from the felony:
 - (i) The person or an accomplice negligently causes the death of any person; or
 - (ii) Another person who is resisting the felony or flight causes the death of any person.
- (b) It is an affirmative defense to any prosecution under subdivision (a)(4) of this section for an offense in which the defendant was not the only participant that the defendant:
 - (1) Did not commit the homicidal act or in any way solicit, command, induce, procure, counsel, or aid the homicidal act's commission;
 - (2) Was not armed with a deadly weapon;
 - (3) Reasonably believed that no other participant was armed with a deadly weapon; and
 - (4) Reasonably believed that no other participant intended to engage in conduct which could result in death or serious physical injury.
- (c) Manslaughter is a Class C felony.

California: Cal. Penal Code § 401 (West 2016)

Every person who deliberately aids, or advises, or encourages another to commit suicide, is guilty of a felony.

Colorado: Colo. Rev. Stat. Ann. § 18-3-104 (West 2015)

- (1) A person commits the crime of manslaughter if:
 - (a) Such person recklessly causes the death of another person; or
 - (b) Such person intentionally causes or aids another person to commit suicide.
 - (c) Deleted by Laws 1996, H.B.96-1087, § 13, eff. July 1, 1996.
- (2) Manslaughter is a class 4 felony.
- (3) This section shall not apply to a person, including a proxy decision-maker as such person is described in section 15-18.5-103, C.R.S., who complies with any advance medical directive in accordance with the provisions of title 15, C.R.S., including a medical durable power of attorney, a living will, or a cardiopulmonary resuscitation (CPR) directive.
- (4)(a) This section shall not apply to a medical caregiver with prescriptive authority or authority to administer medication who prescribes or administers medication for palliative care to a terminally ill patient with the consent of the terminally ill patient or his or her agent.
- (b) For purposes of this subsection (4):

(I) "Agent" means a person appointed to represent the interests of the terminally ill patient by a medical power of attorney, power of attorney, health care proxy, or any other similar statutory or regular procedure used for designation of such person.

(II) "Medical caregiver" means a physician, registered nurse, nurse practitioner, physician assistant, or anesthesiologist assistant licensed by this state.

(III) "Palliative care" means medical care and treatment provided by a licensed medical caregiver to a patient with an advanced chronic or terminal illness whose condition may not be responsive to curative treatment and who is, therefore, receiving treatment that relieves pain and suffering and supports the best possible quality of his or her life.

(c) Paragraph (a) of this subsection (4) shall not be interpreted to permit a medical caregiver to assist in the suicide of the patient.

Connecticut: Conn. Gen. Stat. Ann. § 53a-56(a)(2) (West 2015)

Conn. Gen. Stat. Ann. § 53a-54a (West 2015)

(a) A person is guilty of murder when, with intent to cause the death of another person, he causes the death of such person or of a third person or causes a suicide by force, duress or deception; except that in any prosecution under this subsection, it shall be an affirmative defense that the defendant committed the proscribed act or acts under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be, provided nothing contained in this subsection shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree or any other crime.

(b) Evidence that the defendant suffered from a mental disease, mental defect or other mental abnormality is admissible, in a prosecution under subsection (a) of this section, on the question of whether the defendant acted with intent to cause the death of another person.

(c) Murder is punishable as a class A felony in accordance with subdivision (2) of section 53a-35a unless it is (1) a capital felony committed prior to April 25, 2012, by a person who was eighteen years of age or older at the time of the offense, punishable in accordance with subparagraph (A) of subdivision (1) of section 53a-35a, (2) murder with special circumstances committed on or after April 25, 2012, by a person who was eighteen years of age or older at the time of the offense, punishable as a class A felony in accordance with subparagraph (B) of subdivision (1) of section 53a-35a, or (3) murder under section 53a-54d, committed by a person who was eighteen years of age or older at the time of the offense.

Delaware: Del. Code Ann. tit. II, § 645 (West 2015)

A person is guilty of promoting suicide when the person intentionally causes or aids another person to attempt suicide, or when the person intentionally aids another person to commit suicide.

Promoting suicide is a class F felony.

Florida: Fla. Stat. Ann. § 782.08 (West 2015)

Every person deliberately assisting another in the commission of self-murder shall be guilty of manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Georgia: Ga. Code Ann. § 16-5-5 (West 2015)

- (a) As used in this Code section, the term:
 - (1) "Assists" means the act of physically helping or physically providing the means.
 - (2) "Health care provider" means any person licensed, certified, or registered under Chapter 9, 10A, 11, 11A, 26, 28, 30, 33, 34, 35, 39, or 44 of Title 43.
 - (3) "Suicide" means the intentional and willful termination of one's own life.
- (b) Any person with actual knowledge that a person intends to commit suicide who knowingly and willfully assists such person in the commission of such person's suicide shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years.
- (c) The provisions of this Code section shall not apply to:
 - (1) Pursuant to a patient's consent, any person prescribing, dispensing, or administering medications or medical procedures when such actions are calculated or intended to relieve or prevent such patient's pain or discomfort but are not calculated or intended to cause such patient's death, even if the medication or medical procedure may have the effect of hastening or increasing the risk of death;
 - (2) Pursuant to a patient's consent, any person discontinuing, withholding, or withdrawing medications, medical procedures, nourishment, or hydration;
 - (3) Any person prescribing, dispensing, or administering medications or medical procedures pursuant to, without limitation, a living will, a durable power of attorney for health care, an advance directive for health care, a Physician Orders for Life-Sustaining Treatment form pursuant to Code Section 31-1-14, or a consent pursuant to Code Section 29-4-18 or 31-9-2 when such actions are calculated or intended to relieve or prevent a patient's pain or discomfort but are not calculated or intended to cause such patient's death, even if the medication or medical procedure may have the effect of hastening or increasing the risk of death;
 - (4) Any person discontinuing, withholding, or withdrawing medications, medical procedures, nourishment, or hydration pursuant to, without limitation, a living will, a durable power of attorney for health care, an advance directive for health care, a Physician Orders for Life-Sustaining Treatment form pursuant to Code Section 31-1-14, a consent pursuant to Code Section 29-4-18 or 31-9-2, or a written order not to resuscitate; or

(5) Any person advocating on behalf of a patient in accordance with this subsection.

(d) Within ten days of a conviction, a health care provider who is convicted of violating this Code section shall notify in writing the applicable licensing board for his or her licensure, certification, registration, or other authorization to conduct such health care provider's occupation. Upon being notified and notwithstanding any law, rule, or regulation to the contrary, the appropriate licensing board shall revoke the license, certification, registration, or other authorization to conduct such health care provider's occupation.

Hawaii: Haw. Rev. Stat. Ann. § 707-702 (West 2015)

(1) A person commits the offense of manslaughter if:

(a) The person recklessly causes the death of another person; or

(b) The person intentionally causes another person to commit suicide.

(2) In a prosecution for murder or attempted murder in the first and second degrees it is an affirmative defense, which reduces the offense to manslaughter or attempted manslaughter, that the defendant was, at the time the defendant caused the death of the other person, under the influence of extreme mental or emotional disturbance for which there is a reasonable explanation. The reasonableness of the explanation shall be determined from the viewpoint of a reasonable person in the circumstances as the defendant believed them to be.

(3) Manslaughter is a class A felony.

Idaho: Idaho Code Ann. § 18-4017 (West 2015)

(1) A person is guilty of a felony if such person, with the purpose of assisting another person to commit or to attempt to commit suicide, knowingly and intentionally either:

(a) Provides the physical means by which another person commits or attempts to commit suicide; or

(b) Participates in a physical act by which another person commits or attempts to commit suicide.

(2) Any person convicted of or who pleads guilty to a violation of the provisions of subsection (1) of this section shall be sentenced to the custody of the state board of correction for a period not to exceed five (5) years.

(3) The licensing authority that issued a license or certification to a health care professional who is convicted of or who pleads guilty to a violation of the provisions of subsection (1) of this section, or who has had a judgment of contempt of court for violating an injunction issued pursuant to the provisions of subsection (4) of this section, may revoke the license or certification of such health care professional upon receipt of:

(a) A copy of the record of the criminal conviction or plea of guilty for a felony in violation of the provisions of subsection (1) of this section; or

(b) A copy of the record of a judgment of contempt of court for violating an injunction issued pursuant to the provisions of subsection (4) of this section.

(4) Upon proper application to the court, injunctive relief against any person who is reasonably believed to be about to violate, or who is in the course of

violating, the provisions of subsection (1) of this section may be obtained by any person who is:

- (a) The spouse, parent, child or sibling of the person who would commit suicide;
- (b) A court appointed guardian of the person who would commit suicide;
- (c) Entitled to inherit from the person who would commit suicide;
- (d) A health care provider of the person who would commit suicide; or
- (e) A public official with appropriate jurisdiction to prosecute or enforce the laws of this state.

(5) The following shall not be deemed a violation of the provisions of this section:

- (a) A health care professional who administers, prescribes or dispenses medications or procedures to relieve another person's pain or discomfort, even if any such medication or procedure may hasten or increase the risk of death, unless such medications or procedures are knowingly and intentionally administered, prescribed or dispensed to cause death.
 - (b) A health care professional who withholds or withdraws treatment or procedures in compliance with a living will and durable power of attorney for health care, a health care directive, a physician orders for scope of treatment form or any other similar document that satisfies the elements set forth in chapter 45, title 39, Idaho Code, or upon a refusal to consent or withdrawal of consent by the patient, or if the patient is unable to give or refuse consent, and does not have a living will and durable power of attorney for health care, a health care directive, a physician orders for scope of treatment form or any other similar document that satisfies the elements set forth in chapter 45, title 39, Idaho Code, by a person authorized to refuse or withdraw consent pursuant to section 39-4504, Idaho Code, shall not be deemed to have violated the provisions of this section.
- (6) As used in this section:
- (a) "Health care professional" means any person licensed, certified or registered by the state of Idaho to deliver health care.
 - (b) "Suicide" means the act or instance of taking one's own life.

Illinois: Ill. Comp. Stat. Ann. 5/12-34.5 (West 2015)

§ 12-34.5. Inducement to commit suicide.

(a) A person commits inducement to commit suicide when he or she does either of the following:

- (1) Knowingly coerces another to commit suicide and the other person commits or attempts to commit suicide as a direct result of the coercion, and he or she exercises substantial control over the other person through (i) control of the other person's physical location or circumstances; (ii) use of psychological pressure; or (iii) use of actual or ostensible religious, political, social, philosophical or other principles.
- (2) With knowledge that another person intends to commit or attempt to commit suicide, intentionally (i) offers and provides the physical means by which another person commits or attempts to commit suicide, or (ii)

participates in a physical act by which another person commits or attempts to commit suicide.

For the purposes of this Section, "attempts to commit suicide" means any act done with the intent to commit suicide and which constitutes a substantial step toward commission of suicide.

(b) Sentence. Inducement to commit suicide under paragraph (a)(1) when the other person commits suicide as a direct result of the coercion is a Class 2 felony. Inducement to commit suicide under paragraph (a)(2) when the other person commits suicide as a direct result of the assistance provided is a Class 4 felony. Inducement to commit suicide under paragraph (a)(1) when the other person attempts to commit suicide as a direct result of the coercion is a Class 3 felony. Inducement to commit suicide under paragraph (a)(2) when the other person attempts to commit suicide as a direct result of the assistance provided is a Class A misdemeanor.

(c) The lawful compliance or a good-faith attempt at lawful compliance with the Illinois Living Will Act,¹ the Health Care Surrogate Act,² or the Powers of Attorney for Health Care Law³ is not inducement to commit suicide under paragraph (a)(2) of this Section.

Indiana: Ind. Code Ann. § 35-42-1-2 (West 2016)

Sec. 2. A person who intentionally causes another human being, by force, duress, or deception, to commit suicide commits causing suicide, a Level 3 felony.

Ind. Code Ann. § 35-42-1-2.5 (West 2016)

Sec. 2.5. (a) This section does not apply to the following:

(1) A licensed health care provider who administers, prescribes, or dispenses medications or procedures to relieve a person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, unless such medications or procedures are intended to cause death.

(2) The withholding or withdrawing of medical treatment or life-prolonging procedures by a licensed health care provider, including pursuant to IC 16-36-4 (living wills and life-prolonging procedures), IC 16-36-1 (health care consent), or IC 30-5 (power of attorney).

(b) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following commits assisting suicide, a Level 5 felony:

(1) Provides the physical means by which the other person attempts or commits suicide.

(2) Participates in a physical act by which the other person attempts or commits suicide.

Iowa: Iowa Code Ann. § 707A.2 (West 2015)

A person commits a class "C" felony if the person intentionally or knowingly assists, solicits, or incites another person to commit or attempt to commit

suicide, or participates in a physical act by which another person commits or attempts to commit suicide.

Kansas: Kan. Stat. Ann. § 21-5407 (West 2015)

(a) Assisting suicide is:

- (1) Knowingly, by force or duress, causing another person to commit or attempt to commit suicide; or
- (2) intentionally assisting another person to commit or to attempt to commit suicide by:
 - (A) Providing the physical means by which another person commits or attempts to commit suicide; or
 - (B) participating in a physical act by which another person commits or attempts to commit suicide.

(b) Assisting suicide as defined in:

- (1) Subsection (a)(1) is a severity level 3, person felony; and
- (2) subsection (a)(2) is a severity level 9, person felony.

Kentucky: Ky. Rev. Stat. Ann. § 216.302 (West 2015)

- (1) A person commits a Class C felony when the person knowingly by force or duress causes another person to commit or to attempt to commit suicide.
- (2) A person commits a Class D felony when the person, with the purpose of assisting another person to commit or to attempt to commit suicide, knowingly and intentionally either:
 - (a) Provides the physical means by which another person commits or attempts to commit suicide; or
 - (b) Participates in a physical act by which another person commits or attempts to commit suicide.

Louisiana: La Rev. Stat. Ann. § 32.12 (2015)

A. Criminal assistance to suicide is:

- (1) The intentional advising or encouraging of another person to commit suicide or the providing of the physical means or the knowledge of such means to another person for the purpose of enabling the other person to commit or attempt to commit suicide.
 - (2) The intentional advising, encouraging, or assisting of another person to commit suicide, or the participation in any physical act which causes, aids, abets, or assists another person in committing or attempting to commit suicide.
- B. For the purposes of this Section, "suicide" means the intentional and deliberate act of taking one's own life through the performance of an act intended to result in death.

C. The provisions of this Section shall not apply to any licensed physician or other authorized licensed health care professional who either:

- (1) Withholds or withdraws medical treatment in accordance with the provisions of R.S. 40:1151.7.

(2) Prescribes, dispenses, or administers any medication, treatment, or procedure if the intent is to relieve the patient's pain or suffering and not to cause death.

D. Whoever commits the crime of criminal assistance to suicide shall be imprisoned, with or without hard labor, for not more than ten years or fined not more than ten thousand dollars, or both.

Maine: Me. Rev. Stat. Ann. Tit. 17, § 204 (West 2015)

1. A person is guilty of aiding or soliciting suicide if he intentionally aids or solicits another to commit suicide, and the other commits or attempts suicide.
2. Aiding or soliciting suicide is a Class D crime.

Maryland: Md. Code Ann., Criminal Law § 3-104 (West 2015)

An individual who violates this subtitle ["Assisted Suicide"] is guilty of a felony and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

Md. Code Ann., Criminal Law § 3-102 (West 2015)

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

- (1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;
- (2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual's intent to use the physical means to commit suicide; or
- (3) knowingly participate in a physical act by which another individual commits or attempts to commit suicide.

Massachusetts: No statute.

Michigan: Mich. Comp. Laws Ann. § 752.1027 (West 2016)

Sec. 7. (1) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following is guilty of criminal assistance to suicide, a felony punishable by imprisonment for not more than 4 years or by a fine of not more than \$2,000.00, or both:

- (a) Provides the physical means by which the other person attempts or commits suicide.
 - (b) Participates in a physical act by which the other person attempts or commits suicide.
- (2) Subsection (1) shall not apply to withholding or withdrawing medical treatment.
- (3) Subsection (1) does not apply to prescribing, dispensing, or administering medications or procedures if the intent is to relieve pain or discomfort and not to cause death, even if the medication or procedure may hasten or increase the risk of death.
- (4) This section shall take effect February 25, 1993.

(5) This section is repealed effective 6 months after the date the commission makes its recommendations to the legislature pursuant to section 4.1

Mich. Comp. Laws Ann. § 750.329a (West 2016)

Sec. 329a. (1) A person who knows that an individual intends to kill himself or herself and does any of the following with the intent to assist the individual in killing himself or herself is guilty of criminal assistance to the killing of an individual, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both:

- (a) Provides the means by which the individual attempts to kill himself or herself or kills himself or herself.
- (b) Participates in an act by which the individual attempts to kill himself or herself or kills himself or herself.
- (c) Helps the individual plan to attempt to kill himself or herself or to kill himself or herself.

(2) This section does not apply to withholding or withdrawing medical treatment.

(3) This section does not prohibit a prosecution under the common law offense of assisting in a suicide, but a person shall not be convicted under both this section and that common law offense for conduct arising out of the same transaction.

Minnesota: Minn. Stat. Ann. § 609.215 (West 2015)

Subdivision 1. Aiding suicide. Whoever intentionally advises, encourages, or assists another in taking the other's own life may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 2. Aiding attempted suicide. Whoever intentionally advises, encourages, or assists another who attempts but fails to take the other's own life may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both.

➤ *State v. Melchert-Dinkel*, 844 N.W.3d 13 (Minn. 2014)

- Court found that subdivision 2 was unconstitutional, but was severable from the statute.
- "[T]he prohibition against assisting suicide remains valid unless it is inseparable from or incomplete without the prohibitions against advising and encouraging another to commit suicide. . . . Further, a statute that only prohibits assistance is still capable of execution in accordance with legislative intent Therefore we sever and excise the portion of Minn. Stat. § 609.215 that pertain to advising or encouraging, but leave intact the 'assist[ing]' portions of the statute." *Melchert-Dinkel*, 844 N.W.3d at 24.

Mississippi: Miss. Code Ann. § 97-3-49 (West 2015)

A person who wilfully, or in any manner, advises, encourages, abets, or assists another person to take, or in taking, the latter's life, or in attempting to take the latter's life, is guilty of felony and, on conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding one year.

Missouri: no statute

Montana: Mont. Code Ann. § 45-5-105 (West 2015)

- (1) A person who purposely aids or solicits another to commit suicide, but such suicide does not occur, commits the offense of aiding or soliciting suicide.
- (2) A person convicted of the offense of aiding or soliciting a suicide shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

Criminal Law Commission Comments: "If the conduct of the offender made him the agent of the death, the offense is criminal homicide notwithstanding the consent or even the solicitations of the victim. See sections 95-5-101 through 94-5-105 [now MCA, 45-5-102 through 45-5-104]."

Nebraska: Nev. Rev. Stat. Ann. § 28-307 (West 2015)

- (1) A person commits assisting suicide when, with intent to assist another person in committing suicide, he aids and abets him in committing or attempting to commit suicide.
- (2) Assisting suicide is a Class IV felony.

Nevada: no statute

New Hampshire: N.H. Rev. Stat. Ann. § 630:4 (2015)

- I. A person is guilty of causing or aiding suicide if he purposely aids or solicits another to commit suicide.
- II. Causing or aiding suicide is a class B felony if the actor's conduct causes such suicide or an attempted suicide. Otherwise it is a misdemeanor.

New Jersey: N.J. Stat. Ann. § 2C:11-6 (West 2015)

Aiding Suicide. A person who purposely aids another to commit suicide is guilty of a crime of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a crime of the fourth degree.

New Mexico: N.M. Stat. Ann. § 30-2-24 (West 2015)

Assisting suicide consists of deliberately aiding another in the taking of his own life.
Whoever commits assisting suicide is guilty of a fourth degree felony.

New York: N.Y. Penal Law § 125.15 (McKinney 2015)

A person is guilty of manslaughter in the second degree when:

1. He recklessly causes the death of another person; or
2. He commits upon a female an abortifacient act which causes her death, unless such abortifacient act is justifiable pursuant to subdivision three of section 125.05; or
3. He intentionally causes or aids another person to commit suicide.

Manslaughter in the second degree is a class C felony.

N.Y. Penal Law § 120.35 (McKinney 2015)

A person who engages in conduct constituting both the offense of promoting a suicide attempt and the offense of attempt to commit murder may not be convicted of attempt to commit murder unless he causes or aids the suicide attempt by the use of duress or deception.

N.Y. Penal Law § 120.30 (McKinney 2015)

A person is guilty of promoting a suicide attempt when he intentionally causes or aids another person to attempt suicide.
Promoting a suicide attempt is a class E felony.

North Carolina: no statute

N.C. Gen. Stat. Ann. § 14-17.1 (West 2015)

The common-law crime of suicide is hereby abolished as an offense.

North Dakota: N.D. Cent. Code Ann. § 12.1-16-04 (West 2015)

1. Any person who intentionally or knowingly aids, abets, facilitates, solicits, or incites another person to commit suicide, or who provides to, delivers to, procures for, or prescribes for another person any drug or instrument with knowledge that the other person intends to attempt to commit suicide with the drug or instrument is guilty of a class C felony.
2. Any person who, through deception, coercion, or duress, willfully causes the death of another person by suicide is guilty of a class AA felony.

Ohio: no statute

Akron v. Head, 73 Ohio Misc.2d 67, 70 (1995 Ohio Mun. Ct.): “[S]uicide is not a crime in Ohio. Thus, ‘aiding and abetting’ or ‘assisting’ a suicide victim cannot be a crime unless enumerated by the state legislature. Some thirty state legislatures have enacted laws addressing ‘aiding and abetting’ or ‘assisting’ suicide. However, the Ohio legislature remains silent on the issue.”

Ohio Rev. Code Ann. § 3795.02 (West 2015)

[Under Title XXXVII. Health—Safety—Morals]

(A) Assisting suicide is hereby declared to be against the public policy of the state.

(B) A court of common pleas shall grant an injunction enjoining any action related to assisting suicide if it finds there is reason to believe that the person

enjoined is preparing to assist a suicide, is in the course of assisting a suicide, or has assisted a suicide. The injunction shall prohibit the person from assisting any suicide in this state regardless of who is being assisted. The injunction may be granted at the request of any of the following:

- (1) A person who has prepared or attempted to commit suicide with the assistance of the person sought to be enjoined;
- (2) The guardian, spouse, parent, child, or sibling of a person who is preparing or has prepared to commit, who is attempting or has attempted to commit, or who committed suicide with the assistance of the person sought to be enjoined;
- (3) A person entitled to inherit from a person who is preparing or has prepared to commit, who is attempting or has attempted to commit, or who committed suicide with the assistance of the person sought to be enjoined;
- (4) A person who has inherited from a person who has prepared or attempted to commit or who committed suicide with the assistance of the person sought to be enjoined;
- (5) An individual who is providing or has provided health care to a person who is preparing or has prepared to commit or who is attempting or has attempted to commit suicide with the assistance of the person sought to be enjoined;
- (6) An individual who has provided health care to a person who committed suicide with the assistance of the person sought to be enjoined;
- (7) A prosecuting attorney;
- (8) The attorney general.

If an injunction is granted, the court may award the party requesting the injunction all reasonable attorney's fees, which shall be considered damages.

Oklahoma: Okla. Stat. Ann. Tit. 21, § 813 (2015)

Every person who willfully, in any manner, advises, encourages, abets, or assists another person in taking his own life, is guilty of aiding suicide.

Oregon: Or. Rev. Stat. Ann. § 163.125 (West 2015)

(1) Criminal homicide constitutes manslaughter in the second degree when:

- (a) It is committed recklessly;
- (b) A person intentionally causes or aids another person to commit suicide; or
- (c) A person, with criminal negligence, causes the death of a child under 14 years of age or a dependent person, as defined in ORS 163.205, and:
 - (A) The person has previously engaged in a pattern or practice of assault or torture of the victim or another child under 14 years of age or a dependent person; or
 - (B) The person causes the death by neglect or maltreatment, as defined in ORS 163.115.

(2) Manslaughter in the second degree is a Class B felony.

Pennsylvania: 18 Pa. Cons. Stat. § 2505 (2016)

(a) Causing suicide as criminal homicide.--A person may be convicted of criminal homicide for causing another to commit suicide only if he intentionally causes such suicide by force, duress or deception.

(b) Aiding or soliciting suicide as an independent offense.--A person who intentionally aids or solicits another to commit suicide is guilty of a felony of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a misdemeanor of the second degree.

Puerto Rico: 33 L.P.R.A. § 4738

Any person who assists or abets another into committing suicide or initiating the execution of suicide shall incur a third degree felony.

Rhode Island: R.I. Gen. Laws Ann. § 11-60-3 (West 2015)

An individual or licensed health care practitioner who with the purpose of assisting another person to commit suicide knowingly:

- (1) Provides the physical means by which another person commits or attempts to commit suicide; or
- (2) Participates in a physical act by which another person commits or attempts to commit suicide is guilty of a felony and upon conviction may be punished by imprisonment for up to ten (10) years, by a fine of up to ten thousand dollars (\$10,000) or both.

South Carolina: S.C. Code Ann. § 16-3-1090 (2015)

(A) As used in this section:

(1) "Licensed health care professional" means a duly licensed physician, surgeon, podiatrist, osteopath, osteopathic physician, osteopathic surgeon, physician assistant, nurse, dentist, or pharmacist.

(2) "Suicide" means the act or instance of taking one's life voluntarily and intentionally.

(B) It is unlawful for a person to assist another person in committing suicide. A person assists another person in committing suicide if the person:

(1) by force or duress intentionally causes the other person to commit or attempt to commit suicide; or

(2) has knowledge that the other person intends to commit or attempt to commit suicide and intentionally:

(a) provides the physical means by which the other person commits or attempts to commit suicide; or

(b) participates in a physical act by which the other person commits or attempts to commit suicide.

(C) None of the following may be construed to violate subsection (B):

(1) the withholding or withdrawing of a life sustaining procedure or compliance with any other state or federal law authorizing withdrawal or refusal of medical treatments or procedures;

(2) the administering, prescribing, or dispensing of medications or procedures, by or at the direction of a licensed health care professional, for the purpose of alleviating another person's pain or discomfort, even if the

medication or procedure may increase the risk of death, as long as the medication or procedure is not also intentionally administered, prescribed, or dispensed for the purpose of causing death, or the purpose of assisting in causing death, for any reason; or

(3) the administering, prescribing, or dispensing of medications or procedures to a patient diagnosed with a medical condition that includes an element of suicidal ideation, even if the medication or procedure may increase the risk of death, as long as the medication or procedure is not also intentionally administered, prescribed, or dispensed for the purpose of causing death, or the purpose of assisting in causing death, for any reason.

(D) Subsection (C) must not be construed to affect the duty of care or legal requirements other than those in this section concerning acts or omissions under subsection (C).

(E) A person who violates subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years or fined not more than one hundred thousand dollars, or both.

(F) Injunctive relief may be sought against a person who it is reasonably believed is about to violate or who is in the course of violating subsection (B) by a person who is:

- (1) the spouse, parent, child, or sibling of the person who would commit suicide;
- (2) entitled to inherit from the person who would commit suicide;
- (3) a current or former health care provider of the person who would commit suicide;
- (4) a legally appointed guardian or conservator of the person; or
- (5) a public official with the appropriate jurisdiction to prosecute or enforce the laws of this State.

An injunction shall legally prevent the person from assisting any suicide in this State regardless of who is being assisted.

(G) The licensing agency which issued a license or certification to a licensed health care professional who assists in a suicide in violation of subsection (B) shall revoke or suspend the license or certification of that person upon receipt of a copy of the record of:

- (1) a criminal conviction, plea of guilty, or plea of nolo contendere for the violation of subsection (B); or
- (2) a judgment of contempt of court for violating an injunction issued under subsection (F).

South Dakota: S.D. Codified Laws § 22-16-37 (2015)

Any person who intentionally in any manner advises, encourages, abets, or assists another person in taking or in attempting to take his or her own life is guilty of a Class 6 felony.

Tennessee: Tenn. Code Ann. § 39-13-216 (West 2015)

(a) A person commits the offense of assisted suicide who:

- (1) Intentionally provides another person with the means by which such person directly and intentionally brings about such person's own death; or
 - (2) Intentionally participates in a physical act by which another person directly and intentionally brings about such person's own death; and
 - (3) Provides the means or participates in the physical act with:
 - (A) Actual knowledge that the other person intends to bring about such person's own death; and
 - (B) The clear intent that the other person bring about such person's own death.
- (b) It is not an offense under this section to:
- (1) Withhold or withdraw medical care as defined by § 32-11-103;
 - (2) Prescribe, dispense, or administer medications or perform medical procedures calculated or intended to relieve another person's pain or discomfort but not calculated or intended to cause death, even if the medications or medical procedures may hasten or increase the risk of death; or
 - (3) Fail to prevent another from bringing about that person's own death.
- (c) This section shall not in any way affect, impair, impede, or otherwise limit or render invalid the rights, privileges, and policies set forth in the Tennessee Right to Natural Death Act, compiled in title 32, chapter 11; the provisions for the durable power of attorney for health care, compiled in title 34, chapter 6, part 2; or the do not resuscitate (DNR) regulations of the Tennessee board for licensing health care facilities issued pursuant to § 68-11-224.
- (d) A cause of action for injunctive relief may be maintained against any person who is reasonably believed about to violate or who is in the course of violating subsection (a), by any person who is:
- (1) The spouse, parent, child, or sibling of the person who would bring about such person's own death;
 - (2) Entitled to inherit from the person who would bring about such person's own death;
 - (3) A health care provider or former health care provider of the person who would bring about such person's own death; or
 - (4) A public official with appropriate jurisdiction to prosecute or enforce the laws of this state.
- (e) A cause of action for civil damages against any person who violates or attempts to violate subsection (a) may be maintained by any person given standing by subsection (d) for compensatory damages and exemplary damages, whether or not the plaintiff consented to or had prior knowledge of the violation or attempt. Any compensatory damages awarded shall be paid as provided by law, but exemplary damages shall be paid over to the department of revenue for deposit in the criminal injuries compensation fund, pursuant to § 40-24-107.
- (f) Reasonable attorney's fees shall be awarded to the prevailing plaintiff in a civil action brought pursuant to this section. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous or brought in bad faith, the court shall award reasonable attorney's fees to the defendant.

(g) Assisted suicide is a Class D felony.

Texas: Tex. Penal Code Ann. § 22.08 (West 2015)

"(a) A person commits an offense if, with intent to promote or assist the commission of suicide by another, he aids or attempts to aid the other to commit or attempt to commit suicide.

(b) An offense under this section is a Class C misdemeanor unless the actor's conduct causes suicide or attempted suicide that results in serious bodily injury, in which event the offense is a state jail felony."

Utah: no statute

Vermont: no statute

Virginia: no statute

Virgin Islands: 14 V.I.C. § 2141

Whoever deliberately aids, advises or encourages another to commit suicide, shall be imprisoned not more than 5 years.

Washington: Wash. Rev. Code Ann. § 9A.36.060 (West 2016)

(1) A person is guilty of promoting a suicide attempt when he or she knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a class C felony.

West Virginia: no statute

Wisconsin: Wis. Stat. Ann. § 940.12 (West 2016)

Whoever with intent that another take his or her own life assists such person to commit suicide is guilty of a Class H felony.

Wyoming: no statute

279 3	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:04:12 PM(UTC-4)	Sent	Okay well I'm happy you're starting you're medication. Is it for depression?
279 4	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:06:04 PM(UTC-4)	Read	I've lost so many opportunities because I'm really shy and it gets me upset just thinkin about it. like I know I need to face my fears but I don't want t
279 5	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:06:05 PM(UTC-4)	Read	o get all depressed about not being able to talk to strangers and communicate
279 6	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:07:52 PM(UTC-4)	Sent	Are you scared that people will judge you? And automatically not like you?
279 7	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:09:26 PM(UTC-4)	Read	I just feel like they didn't like me but didn't wanna be mean about it cause I'm toms friend idk
279 8	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:10:19 PM(UTC-4)	Sent	Wby did u think they didn't like you?
279 9	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:12:31 PM(UTC-4)	Read	idk I was quiet and seemed different
280 0	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:14:59 PM(UTC-4)	Sent	You only feel that way and do that to yourself because you don't put yourself out there. Accept who u ara and let it shine. Show them who you are, they'd like you. By being shy and quiet , they obviously think you're not confident and boring. You gotta speak up and have fun, be yourself. They'd like you
280 1	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:15:01 PM(UTC-4)	Read	I kinda could tell tho
280 2	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:20:19 PM(UTC-4)	Read	See that's what you don't get about social anxiety, it's extremely hard to open up because you draw a blank and think of so many things at once and it's
280 3	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:20:21 PM(UTC-4)	Read	just uncomfortable
280 4	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:21:02 PM(UTC-4)	Sent	I'm sorry I'm trying hard to understand I really am
280 5	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:21:12 PM(UTC-4)	Sent	I'm trying to help you
280 6	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:22:13 PM(UTC-4)	Read	No i really appreciate your help I'm just saying idk
280 7	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:23:25 PM(UTC-4)	Sent	Read this article--- http://m.helpguide.org/articles/anxiety/social-anxiety-social-phobia
280 8	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:25:01 PM(UTC-4)	Read	omg where did you find That
280 9	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:25:02 PM(UTC-4)	Read	this
281 0	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:25:29 PM(UTC-4)	Sent	I researched it for you
281 1	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:26:28 PM(UTC-4)	Read	well I have been looking and haven't seen that one thanks I'm gonna read it
281 2	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:28:15 PM(UTC-4)	Sent	Okay good tell me what you think of it after
281 3	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:36:38 PM(UTC-4)	Read	well is says to face your fear of social situations, but I didn't I left....
281 4	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:38:26 PM(UTC-4)	Sent	So next time when you're in a social situation that you're uncomfortable in, breathe and stay there
281 5	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:38:34 PM(UTC-4)	Sent	Face your fear. You can do it
281 6	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:39:44 PM(UTC-4)	Read	and I felt like I needed to get away so I don't get really depressed again
281 7	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:39:56 PM(UTC-4)	Read	the thing is I was living with them. so I would have to stay in the social situation with limited break. and even the first night there I couldn't sleep
281 8	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:42:47 PM(UTC-4)	Sent	Have you thought about getting professional help? Like I think I'm gonna go away to a place for my eating disorder to help me overcome it and stuff. The place also deals with phsyiatric problems and disorders too so they can help you over some this. I think it will really help you. And we can go together so we will be there for each other
281 9	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:45:37 PM(UTC-4)	Read	where are you going ?
282 0	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:48:08 PM(UTC-4)	Sent	Its called McLean hospital in Belmont Mass. I honestly think it would be so good for you and we would get thru our issues together. Think about it. You aren't gonna get better on your own, you know it no matter how many times are. You need professional help like me, people who and fix it

282 1	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:51:22 PM(UTC-4)	Read	when u goin	
282 2	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:52:57 PM(UTC-4)	Sent	I have to talk to my parents about it tomorrow after school. Idk what to tell them yet. So if I tell them tomorrow they will probably bring me sometime this week like Thursday or Friday probably? Idk I'll let you know. So soon, you in?	
282 3	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:53:29 PM(UTC-4)	Sent	Let's get better and fight this together, let's do this together	
282 4	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:54:35 PM(UTC-4)	Read	How do you know they are gonna let u	
282 5	Sent	To 7746788888 Roy Conrad *	6/1/2014 5:55:24 PM(UTC-4)	Sent	They will. My mom knows I've been having a hard time with food and stuff and she said that if I just say I need help she will get it for me. And I know this place will help	
282 6	Inbox	From 7746788888 Roy Conrad *	6/1/2014 5:56:48 PM(UTC-4)	Read	how many days you plan on stayin.	
282 7	Sent	To 7746788888 Roy Conrad *	6/1/2014 6:06:04 PM(UTC-4)	Sent	I'm planning on 2 to 3 weeks. I wanna be back before July. But for you it depends how long it takes you to get better. Probably the same amount of time I'm guessing	
282 8	Sent	To 7746788888 Roy Conrad *	6/1/2014 6:23:40 PM(UTC-4)	Sent	Conrad?	
282 9	Inbox	From 7746788888 Roy Conrad *	6/1/2014 6:34:41 PM(UTC-4)	Read	yeah I'm on a run	
283 0	Sent	To 7746788888 Roy Conrad *	6/1/2014 6:42:42 PM(UTC-4)	Sent	Oh well what do u think	
283 1	Inbox	From 7746788888 Roy Conrad *	6/1/2014 7:03:12 PM(UTC-4)	Read	I probably won't, I'll just try to learn how to start conversations and keep them	
283 2	Sent	To 7746788888 Roy Conrad *	6/1/2014 7:04:51 PM(UTC-4)	Sent	No you won't. You say you'll do it on your own and u say you'll get better but you won't and you know it	
283 3	Sent	To 7746788888 Roy Conrad *	6/1/2014 7:12:31 PM(UTC-4)	Sent	Please come	
283 4	Inbox	From 7746788888 Roy Conrad *	6/1/2014 7:28:25 PM(UTC-4)	Read	I don't need anyone else tellin me what to do	
283 5	Sent	To 7746788888 Roy Conrad *	6/1/2014 7:30:13 PM(UTC-4)	Sent	I'm sorry I just really think it will help you Conrad. I don't want you feeling this way anymore. I want you to be happy	
283 6	Inbox	From 7746788888 Roy Conrad *	6/1/2014 7:38:04 PM(UTC-4)	Read	I know you don't the medication will fix it	
283 7	Inbox	From 7746788888 Roy Conrad *	6/1/2014 7:38:05 PM(UTC-4)	Read	I've been off it that's why	
283 8	Sent	To 7746788888 Roy Conrad *	6/1/2014 7:38:35 PM(UTC-4)	Sent	Idk I'm just scared	
283 9	Inbox	From 7746788888 Roy Conrad *	6/1/2014 7:58:28 PM(UTC-4)	Read	Why are you scared	
284 0	Sent	To 7746788888 Roy Conrad *	6/1/2014 7:59:02 PM(UTC-4)	Sent	For you. I'm scared for you that you aren't gonna get better and you'll become suicidal again and stuff	
284 1	Inbox	From 7746788888 Roy Conrad *	6/1/2014 8:00:05 PM(UTC-4)	Read	:/ please don't mention it. I've thought about that once in 4 days and I know it's not an option	
284 2	Sent	To 7746788888 Roy Conrad *	6/1/2014 8:00:39 PM(UTC-4)	Sent	Okay good I'm sorry. Promise me right now that you wont	
284 3	Inbox	From 7746788888 Roy Conrad *	6/1/2014 8:01:32 PM(UTC-4)	Read	No there's no way.	
284 4	Sent	To 7746788888 Roy Conrad *	6/1/2014 8:01:46 PM(UTC-4)	Sent	Thank you	
284 5	Inbox	From 7746788888 Roy Conrad *	6/1/2014 8:06:27 PM(UTC-4)	Read	it just upsets me sometimes	
284 6	Sent	To 7746788888 Roy Conrad *	6/1/2014 8:07:13 PM(UTC-4)	Sent	I'll be here to help you get thru this	
284 7	Sent	To 7746788888 Roy Conrad *	6/1/2014 9:21:17 PM(UTC-4)	Sent	You Okay?	
284 8	Inbox	From 7746788888 Roy Conrad *	6/2/2014 12:38:34 AM(UTC-4)	Read	yay	

287 8	Inbox	From 7746788888 Roy Conrad *	6/7/2014 10:02:41 PM(UTC-4)	Read	do you remember
287 9	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:02:58 PM(UTC-4)	Sent	Rmemebr what
288 0	Inbox	From 7746788888 Roy Conrad *	6/7/2014 10:04:00 PM(UTC-4)	Read	dreams
288 1	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:04:56 PM(UTC-4)	Sent	I don't have dreams
288 2	Inbox	From 7746788888 Roy Conrad *	6/7/2014 10:07:47 PM(UTC-4)	Read	BS
288 3	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:08:43 PM(UTC-4)	Sent	It wasn't bs at one point
288 4	Inbox	From 7746788888 Roy Conrad *	6/7/2014 10:12:21 PM(UTC-4)	Read	when
288 5	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:12:40 PM(UTC-4)	Sent	You know what I'm talking about
288 6	Inbox	From 7746788888 Roy Conrad *	6/7/2014 10:13:27 PM(UTC-4)	Read	.)
288 7	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:22:00 PM(UTC-4)	Sent	Haha it's not happy
288 8	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:37:19 PM(UTC-4)	Sent	What's up
288 9	Inbox	From 7746788888 Roy Conrad *	6/7/2014 10:37:40 PM(UTC-4)	Read	bored
289 0	Sent	To 7746788888 Roy Conrad *	6/7/2014 10:38:54 PM(UTC-4)	Sent	Same
289 1	Sent	To 7746788888 Roy Conrad *	6/7/2014 11:54:55 PM(UTC-4)	Sent	Why didn't you tell me that you graduated?
289 2	Inbox	From 7746788888 Roy Conrad *	6/10/2014 9:29:16 PM(UTC-4)	Read	hey how's it goin
289 3	Inbox	From 7746788888 Roy Conrad *	6/11/2014 6:06:58 PM(UTC-4)	Read	Michelle
289 4	Sent	To 7746788888 Roy Conrad *	6/18/2014 9:30:17 AM(UTC-4)	Sent	I got my phone so text me on this today
289 5	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:19:28 AM(UTC-4)	Read	where are you
289 6	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:21:56 AM(UTC-4)	Sent	Still there but my mom dropped my phone off
289 7	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:24:59 AM(UTC-4)	Read	can I visit you ?
289 8	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:27:40 AM(UTC-4)	Sent	I would love for you to but it's really far away and I may be coming home Friday!
289 9	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:32:26 AM(UTC-4)	Read	Ohhh I see lol
290 0	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:33:20 AM(UTC-4)	Sent	Yeah haha but we should hangout soon when I get back
290 1	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:37:05 AM(UTC-4)	Read	if I don't end up in the hospital haha
290 2	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:39:03 AM(UTC-4)	Sent	Are you gonna go? Im so happy you said that like I want you to go I think it will help you so much. And I'm gonna visit you as much as I can :)
290 3	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:48:19 AM(UTC-4)	Sent	If that's okay?
290 4	Inbox	From 7746788888 Roy Conrad *	6/18/2014 12:07:24 PM(UTC-4)	Read	Yeah haha
290 5	Sent	To 7746788888 Roy Conrad *	6/18/2014 12:08:32 PM(UTC-4)	Sent	Okay good. Are you actually going to get help? Go to where I went its the best hospital in Massachusetts for any kind of physicatric problem
290 6	Inbox	From 7746788888 Roy Conrad *	6/18/2014 12:15:28 PM(UTC-4)	Read	what's it called

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2907	Sent	To 7746788888 Roy Conrad *	6/18/2014 12:16:53 PM(UTC-4)	Sent	McLean Its in Belmont Mass. Its honestly such a great place and I'm so confident that it will really help you. I'll visit you a lot too	
2908	Inbox	From 7746788888 Roy Conrad *	6/18/2014 12:31:23 PM(UTC-4)	Read	Ohhh maybe	
2909	Sent	To 7746788888 Roy Conrad *	6/18/2014 12:31:36 PM(UTC-4)	Sent	Maybe what	
2910	Inbox	From 7746788888 Roy Conrad *	6/18/2014 12:50:27 PM(UTC-4)	Read	I might go idk yet	
2911	Inbox	From 7746788888 Roy Conrad *	6/18/2014 1:43:09 PM(UTC-4)	Read	Michelle	
2912	Sent	To 7746788888 Roy Conrad *	6/18/2014 1:59:04 PM(UTC-4)	Sent	Sorry I had a therapy group and lunch	
2913	Sent	To 7746788888 Roy Conrad *	6/18/2014 2:06:31 PM(UTC-4)	Sent	But I really think you should babe	
2914	Inbox	From 7746788888 Roy Conrad *	6/18/2014 2:23:27 PM(UTC-4)	Read	I don't even feel like it. it's probably gonna make me worse off	
2915	Sent	To 7746788888 Roy Conrad *	6/18/2014 2:23:49 PM(UTC-4)	Sent	How would it make you worse?	
2916	Sent	To 7746788888 Roy Conrad *	6/18/2014 2:24:21 PM(UTC-4)	Sent	Conrad do you really think you can get better on your own?	
2917	Inbox	From 7746788888 Roy Conrad *	6/18/2014 2:25:20 PM(UTC-4)	Read	I need a therapist, that's it and the medication will help	
2918	Sent	To 7746788888 Roy Conrad *	6/18/2014 2:27:22 PM(UTC-4)	Sent	I feel like you need more than that	
2919	Sent	To 7746788888 Roy Conrad *	6/18/2014 2:27:44 PM(UTC-4)	Sent	Like a therapist will help yes but I think McLean will really really help	
2920	Inbox	From 7746788888 Roy Conrad *	6/18/2014 2:53:34 PM(UTC-4)	Read	okay	
2921	Sent	To 7746788888 Roy Conrad *	6/18/2014 4:07:34 PM(UTC-4)	Sent	You don't agree?	
2922	Inbox	From 7746788888 Roy Conrad *	6/18/2014 4:40:09 PM(UTC-4)	Read	I don't know what's good for me at the moment	
2923	Sent	To 7746788888 Roy Conrad *	6/18/2014 4:40:37 PM(UTC-4)	Sent	I'll give you time to figure it out	
2924	Inbox	From 7746788888 Roy Conrad *	6/18/2014 4:57:57 PM(UTC-4)	Read	can we talk on the phone	
2925	Sent	To 7746788888 Roy Conrad *	6/18/2014 4:58:15 PM(UTC-4)	Sent	About what?	
2926	Inbox	From 7746788888 Roy Conrad *	6/18/2014 4:58:43 PM(UTC-4)	Read	I just want to talk	
2927	Sent	To 7746788888 Roy Conrad *	6/18/2014 4:58:58 PM(UTC-4)	Sent	Okay when haha	
2928	Inbox	From 7746788888 Roy Conrad *	6/18/2014 5:00:04 PM(UTC-4)	Read	asap	
2929	Sent	To 7746788888 Roy Conrad *	6/18/2014 5:01:20 PM(UTC-4)	Sent	Okay	
2930	Inbox	From 7746788888 Roy Conrad *	6/18/2014 5:03:46 PM(UTC-4)	Read	let me know	
2931	Sent	To 7746788888 Roy Conrad *	6/18/2014 5:04:01 PM(UTC-4)	Sent	You can call	
2932	Sent	To 7746788888 Roy Conrad *	6/18/2014 5:04:27 PM(UTC-4)	Sent	At like 7:30	
2933	Inbox	From 7746788888 Roy Conrad *	6/18/2014 5:04:52 PM(UTC-4)	Read	now?	
2934	Sent	To 7746788888 Roy Conrad *	6/18/2014 5:19:17 PM(UTC-4)	Sent	At 7:30	
2935	Inbox	From 7746788888 Roy Conrad *	6/18/2014 7:04:01 PM(UTC-4)	Read	ok	

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298 8	Sent	To 7746788888 Roy Conrad *	6/19/2014 6:36:54 PM(UTC-4)	Sent	Okay	
298 9	Inbox	From 7746788888 Roy Conrad *	6/19/2014 6:37:12 PM(UTC-4)	Read	well what's up	
299 0	Sent	To 7746788888 Roy Conrad *	6/19/2014 6:37:49 PM(UTC-4)	Sent	Nothing just hanging out. Visiting hours are at 7 so it's free time	
299 1	Sent	To 7746788888 Roy Conrad *	6/19/2014 6:42:25 PM(UTC-4)	Sent	What about you?	
299 2	Sent	To 7746788888 Roy Conrad *	6/19/2014 7:20:50 PM(UTC-4)	Sent	We need to go on fun little dates	
299 3	Inbox	From 7746788888 Roy Conrad *	6/19/2014 7:37:23 PM(UTC-4)	Read	you should have told me!	
299 4	Inbox	From 7746788888 Roy Conrad *	6/19/2014 7:37:27 PM(UTC-4)	Read	and yeah	
299 5	Sent	To 7746788888 Roy Conrad *	6/19/2014 7:37:53 PM(UTC-4)	Sent	I should have told you what? And really?!	
299 6	Inbox	From 7746788888 Roy Conrad *	6/19/2014 8:09:07 PM(UTC-4)	Read	I would have visited lol	
299 7	Sent	To 7746788888 Roy Conrad *	6/19/2014 8:09:55 PM(UTC-4)	Sent	I didn't think you would of wanted to	
299 8	Sent	To 7746788888 Roy Conrad *	6/19/2014 8:22:40 PM(UTC-4)	Sent	But yeah we gotta go on dates :)	
299 9	Inbox	From 7746788888 Roy Conrad *	6/19/2014 8:26:06 PM(UTC-4)	Read	If I make it that far	
300 0	Sent	To 7746788888 Roy Conrad *	6/19/2014 8:28:07 PM(UTC-4)	Sent	What do you mean	
300 1	Sent	To 7746788888 Roy Conrad *	6/19/2014 8:38:45 PM(UTC-4)	Sent	Conrad	
300 2	Sent	To 7746788888 Roy Conrad *	6/19/2014 8:58:42 PM(UTC-4)	Sent	Answerrrr meee	
300 3	Sent	To 7746788888 Roy Conrad *	6/19/2014 9:23:49 PM(UTC-4)	Sent		
300 4	Inbox	From 7746788888 Roy Conrad *	6/19/2014 9:24:17 PM(UTC-4)	Read	If I don't go insane and go off deep end	
300 5	Inbox	From 7746788888 Roy Conrad *	6/19/2014 9:24:25 PM(UTC-4)	Read		
300 6	Sent	To 7746788888 Roy Conrad *	6/19/2014 9:24:38 PM(UTC-4)	Sent	That's not even funny	
300 7	Sent	To 7746788888 Roy Conrad *	6/19/2014 9:28:39 PM(UTC-4)	Sent	Are you 100% positive you're never gonna commit suicide? Be honest with me. Do you think about doing it?	
300 8	Sent	To 7746788888 Roy Conrad *	6/19/2014 9:52:33 PM(UTC-4)	Sent	
300 9	Inbox	From 7746788888 Roy Conrad *	6/19/2014 10:10:41 PM(UTC-4)	Read	No I'm not	
301 0	Sent	To 7746788888 Roy Conrad *	6/19/2014 10:10:50 PM(UTC-4)	Sent	Promsie me	
301 1	Inbox	From 7746788888 Roy Conrad *	6/19/2014 10:17:58 PM(UTC-4)	Read	I want to but nothing is that bad	
301 2	Sent	To 7746788888 Roy Conrad *	6/19/2014 10:30:46 PM(UTC-4)	Sent	What's the limit for bad?	
301 3	Inbox	From 7746788888 Roy Conrad *	6/19/2014 10:33:57 PM(UTC-4)	Read	what	
301 4	Sent	To 7746788888 Roy Conrad *	6/19/2014 10:34:44 PM(UTC-4)	Sent	You said nothing is that bad. Well what's the thing that will make it bad?	
301 5	Inbox	From 7746788888 Roy Conrad *	6/19/2014 10:36:54 PM(UTC-4)	Read	I said I won't I've thought about it but I know seek down I will not	
301 6	Sent	To 7746788888 Roy Conrad *	6/19/2014 10:37:13 PM(UTC-4)	Sent	Okay good	

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301 7	Inbox	From 7746788888 Roy Conrad *	6/18/2014 10:49:04 PM(UTC-4)	Read	yeah i just feel so alone	
301 8	Sent	To 7746788888 Roy Conrad *	6/18/2014 10:49:58 PM(UTC-4)	Sent	I'm here babe. If we lived closer you know I would be with you as much as I could. I never want you to feel alone	
301 9	Sent	To 7746788888 Roy Conrad *	6/18/2014 10:53:27 PM(UTC-4)	Sent	We need to go on a date	
302 0	Sent	To 7746788888 Roy Conrad *	6/18/2014 10:58:09 PM(UTC-4)	Sent	Or just hanging out can be our date lol	
302 1	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:14:35 PM(UTC-4)	Read	I meant like I've never found myself out yet and it's scary	
302 2	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:14:49 PM(UTC-4)	Read	most people do by now	
302 3	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:15:39 PM(UTC-4)	Sent	I havent really found myself out either don't worry	
302 4	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:16:05 PM(UTC-4)	Sent	We will someday. We have time	
302 5	Inbox	From 7746788888 Roy Conrad *	6/18/2014 11:17:22 PM(UTC-4)	Read	Yeah but it feels like it's too late for me	
302 6	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:17:47 PM(UTC-4)	Sent	Its not too late I promise	
302 7	Sent	To 7746788888 Roy Conrad *	6/18/2014 11:20:26 PM(UTC-4)	Sent	I'm gonna help you find yourself	
302 8	Inbox	From 7746788888 Roy Conrad *	6/19/2014 11:54:28 PM(UTC-4)	Read	I feel brain dead :/	
302 9	Sent	To 7746788888 Roy Conrad *	6/20/2014 8:52:24 AM(UTC-4)	Sent	How	
303 0	Sent	To 7746788888 Roy Conrad *	6/20/2014 9:52:43 AM(UTC-4)	Sent	Because you forget things?	
303 1	Inbox	From 7746788888 Roy Conrad *	6/20/2014 9:54:39 AM(UTC-4)	Read	constable negative thoughts	
303 2	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:00:30 AM(UTC-4)	Sent	That doesn't mean your brain dead	
303 3	Inbox	From 7746788888 Roy Conrad *	6/20/2014 10:43:04 AM(UTC-4)	Read	that's how I feel idkk	
303 4	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:50:13 AM(UTC-4)	Sent	http://www.calmclinic.com/anxiety/symptoms/bad-thoughts	
303 5	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:51:12 AM(UTC-4)	Sent	http://m.helpguide.org/articles/anxiety/social-anxiety-social-phobia	
303 6	Sent	To 7746788888 Roy Conrad *	6/20/2014 11:10:12 AM(UTC-4)	Sent	http://www.calmclinic.com/anxiety/symptoms/memory-problems	
303 7	Inbox	From 7746788888 Roy Conrad *	6/20/2014 11:37:11 AM(UTC-4)	Read	thanks	
303 8	Sent	To 7746788888 Roy Conrad *	6/20/2014 11:44:23 AM(UTC-4)	Sent	Did that help	
303 9	Inbox	From 7746788888 Roy Conrad *	6/20/2014 12:27:44 PM(UTC-4)	Read	I've already been researching	
304 0	Sent	To 7746788888 Roy Conrad *	6/20/2014 12:28:01 PM(UTC-4)	Sent	Oh	
304 1	Sent	To 7746788888 Roy Conrad *	6/20/2014 12:28:09 PM(UTC-4)	Sent	I well I tried	
304 2	Inbox	From 7746788888 Roy Conrad *	6/20/2014 12:37:00 PM(UTC-4)	Read	thanks for trying tho	
304 3	Sent	To 7746788888 Roy Conrad *	6/20/2014 12:37:53 PM(UTC-4)	Sent	Always	
304 4	Sent	To 7746788888 Roy Conrad *	6/20/2014 12:51:58 PM(UTC-4)	Sent	I love you	
304 5	Inbox	From 7746788888 Roy Conrad *	6/20/2014 12:56:48 PM(UTC-4)	Read	I love you to	

3075	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:12 PM(UTC-4)	Read	to be able to leave my parents someday but not if I'm feeling like this, and I'm always home so it's harder to leave then most ppl, that's another minute
3076	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:13 PM(UTC-4)	Read	e i can't take it anymore Michelle, you have no idea to be in such a deep depression as me it's so scary how it seems my life has flipped upside down aga
3077	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:14 PM(UTC-4)	Read	r you're smart and have a path carved out for you and a bright future, or you don't give a shit about anything but your still happy because you party and
3078	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:15 PM(UTC-4)	Read	g happy and I'm not
3079	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:16 PM(UTC-4)	Read	e I fit in, I tried hanging out with like smart people but I feel stupid, I just don't know who I am and I wish I could go to college and get my degree b
3080	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:18 PM(UTC-4)	Read	sponsibility like watching me and my sisters taking us to wherever we needed to go while graduating with honors from nursing school, they both believed I
3081	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:19 PM(UTC-4)	Read	ut I'm too scared, I know there ppl at college that just doesn't talk to people and are anti social, but people view those people as freaks and I don't
3082	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:20 PM(UTC-4)	Read	stled in high school and was number 3 in New England is senior year and he never gave up, my mom went though nursing school like 5 years with so much re
3083	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:21 PM(UTC-4)	Read	f high school, and everything's coming back to me, like it didn't bother me until now like EVERY fuckin thing bothers me that I just wanna fucking explod
3084	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:01:22 PM(UTC-4)	Read	in in a matter of a few weeks. I've never taken control of my life I've had everything handed to me and feel like I'm responsible like I should be feelin
3085	Inbox	From 7746788888 Roy Conrad *	6/20/2014 2:04:45 PM(UTC-4)	Read	yes of course I trust u
3086	Sent	To 7746788888 Roy Conrad *	6/20/2014 2:15:02 PM(UTC-4)	Sent	Thank you for telling me all this like I really like when you tell me this so I know exactly what your feeling. I need to process everything so hold on
3087	Sent	To 7746788888 Roy Conrad *	6/20/2014 2:31:57 PM(UTC-4)	Sent	I don't have time to respond right now I will later
3088	Inbox	From 7746788888 Roy Conrad *	6/20/2014 3:37:41 PM(UTC-4)	Read	Okay
3089	Sent	To 7746788888 Roy Conrad *	6/20/2014 7:17:15 PM(UTC-4)	Sent	Hi
3090	Inbox	From 7746788888 Roy Conrad *	6/20/2014 9:08:48 PM(UTC-4)	Read	what's up
3091	Sent	To 7746788888 Roy Conrad *	6/20/2014 9:26:05 PM(UTC-4)	Sent	I've been thinking a lot about what you told me
3092	Inbox	From 7746788888 Roy Conrad *	8/20/2014 9:43:29 PM(UTC-4)	Read	and ??
3093	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:19:54 PM(UTC-4)	Sent	I feel like if I send you a long message in response to all that saying how great you are and how you shouldn't feel that way and stuff that it won't do anything. Nothing I say won't change the fact that you still think those things. You know how much I believe in you and how much I love you
3094	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:21:23 PM(UTC-4)	Sent	Im so happy you told me everything tho. I feel important and special. I want you to tell me things like that I like when you tell me what goes thru your mind so I can try to understand better
3095	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:21:51 PM(UTC-4)	Sent	Sometimes it helps just to vent and let it all out
3096	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:24:28 PM(UTC-4)	Sent	I always wanna be the one you come to and tell things to. You're that person for me
3097	Inbox	From 7746788888 Roy Conrad *	6/20/2014 10:44:24 PM(UTC-4)	Read	yeah I'm sorry I'm so stubborn it's just way I feel
3098	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:46:01 PM(UTC-4)	Sent	No stop you're not at all. I know it's how you feel and its okay to tell me. I like when you tell me
3099	Sent	To 7746788888 Roy Conrad *	6/20/2014 10:49:06 PM(UTC-4)	Sent	I wanna hangout with you to show you how amazing you really are
3100	Inbox	From 7746788888 Roy Conrad *	6/21/2014 10:30:44 AM(UTC-4)	Read	I just don't know anymore, my head is constantly filled with negative thoughts and idk memories that's driving my insane
3101	Sent	To 7746788888 Roy Conrad *	6/21/2014 10:31:30 AM(UTC-4)	Sent	Trust me remember? Hanging out might help
3102	Sent	To 7746788888 Roy Conrad *	6/21/2014 10:31:35 AM(UTC-4)	Sent	Just try

310 3	Inbox	From 7746788888 Roy Conrad *	6/21/2014 10:36:52 AM(UTC-4)	Read	it's controlling me like mr mind just wants me to give up but i know i can't
310 4	Sent	To 7746788888 Roy Conrad *	6/21/2014 10:37:29 AM(UTC-4)	Sent	What's the reason your holding on? Like what's the thing that's preventing you from giving up
310 5	Inbox	From 7746788888 Roy Conrad *	6/21/2014 10:37:51 AM(UTC-4)	Read	my family
310 6	Inbox	From 7746788888 Roy Conrad *	6/21/2014 10:38:09 AM(UTC-4)	Read	you and people that care about me
310 7	Sent	To 7746788888 Roy Conrad *	6/21/2014 10:40:11 AM(UTC-4)	Sent	Its time to start living your life for you, not just for them. Right now your just existing, you aren't living. I wanna help you live again
310 8	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:07 AM(UTC-4)	Read	that's some wise words but Michelle, but as much as you wanna try i don't think i'm good enough for you, me or anybody. i'm comparing myself to evarybody
310 9	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:08 AM(UTC-4)	Read	, jealous of everything. I can't listen to music, watch tv, play a game, talk to my family without getting depressed and sad because i'm severely depress
311 0	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:09 AM(UTC-4)	Read	ed like id do anything to be happy again like really happy and proud of myself but i feel like whatever i do i won't be proud of myself, i've had really
311 1	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:09 AM(UTC-4)	Read	high expectations as a kid and when i'm depressed it gets the best of me, but when i'm not i still have high standards and expectations with everything t
311 2	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:10 AM(UTC-4)	Read	use i want to be perfect and i don't realize it till i'm depressed and every time i get depressed my mind takes over and i eventually want to kill myself
311 3	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:11 AM(UTC-4)	Read	hat it doesn't bother me as much, like i'm never statisfied with what i have, i always always always want more and i can never settle with something beca
311 4	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:12 AM(UTC-4)	Read	, but i never do because i don't have the strength to. and i know if i do i'll immediately regret it because i'll go the afterlife and my life right now
311 5	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:13 AM(UTC-4)	Read	could be worse because i'd spend an eternity and hell and wish i never were to do it, maybe the third time is the charm that's what i've been saying to m
311 6	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:14 AM(UTC-4)	Read	yself, maybe this time i'll start to realize who i am, but right now i'm just wasting away at my life while everyone is moving forward every day i contin
311 7	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:15 AM(UTC-4)	Read	ue to get worse and worse, and i can't take my years and days back, i don't know where to start with things like when i'm depressed i have these high goa
311 8	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:16 AM(UTC-4)	Read	is for myself, and if i don't meet those goals i feel depressed. because i know i can't, i wanna be perfect but Noones perfect i feel like i have too man
311 9	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:17 AM(UTC-4)	Read	y flaws, i'm hurting everyone right now being like this my dad my mom my sisters. tom and you because i'm out of it in a different world, all my thoughts
312 0	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:17 AM(UTC-4)	Read	le i try to learn from them and be like other people that it's distracted me from being myself, i don't know i am and i don't think i ever will like it's
312 1	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:18 AM(UTC-4)	Read	are jumbled and when i talk i don't make sense at all, i don't know what to say to people, i don't know if it's right or wrong, when i'm with other peop
312 2	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:19 AM(UTC-4)	Read	lk and learn from people, but growing up i was afraid to talk in a group. i didn't wanna make other people feel bad that i was smarter than them if that
312 3	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:20 AM(UTC-4)	Read	hard for me Michelle i'm very sensitive and very shy that i know my life could have been 1000 times better if i wasn't shy because i would be able to ta
312 4	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:21 AM(UTC-4)	Read	makes sense, i kinde acted like i was dumb to make other people feel smarter, i know that doesn't make sense but when i was a kid id always put other peo
312 5	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:22 AM(UTC-4)	Read	inbows i was goofy, it's ironic how i became this way because i've never had to deal with stress or worries in my life and it didn't bother me that i was
312 6	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:23 AM(UTC-4)	Read	ter off than other ppl because of that reason. but i became to realize that grades in school doesn't mean your smart it just means your obedient, you cou
312 7	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:24 AM(UTC-4)	Read	ples happiness way before mine because i was the happiest kid on the planet earth. i loved everything and everyone and everything was all sunshine and ra
312 8	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:25 AM(UTC-4)	Read	id be so intelligent but get poor grades in school because you didn't try, i never really was able to really express myself and all these little minor de
312 9	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:26 AM(UTC-4)	Read	shy and didn't talk to ppl because idk deep down i kinda knew i was better than other people because i had good grades and i always felt smarter and bet
313 0	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:27 AM(UTC-4)	Read	tails of my life bother me, sometimes i try really hard to not let it get to me but it does, i know i'm not smart or funny. i wish i was, i was i could m
313 1	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:48:28 AM(UTC-4)	Read	ake ppl laugh, or share ideas to people and they would be like wow this kid is really smart, i don't view it like that. i never have. i've been so shy an

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316 1	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:07 AM(UTC-4)	Read	rable and regretful because those thoughts keep coming to my head, wondering if I'll ever have a conversation with anyone and seem intelligent. how can I	
316 2	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:08 AM(UTC-4)	Read	seem intelligent, if I'm not how would I be happy with myself. how would I change the world and make it a better place when I'm just miserable all the t	
316 3	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:10 AM(UTC-4)	Read	which is so out of proportionate it's fuckin summer and ur right I'm not living I'm existing when will I ever live again. I picture myself as being mise	
316 4	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:11 AM(UTC-4)	Read	y for myself because I feel dumb already when I'm with ppl I feel so fuckin stupid and I wanna be with ppl but I get to nervous and wish I was creative a	
316 5	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:13 AM(UTC-4)	Read	nd could find myself and be happy with who I am, but I'm not. Michelle, I wouldn't want anyone to think what I'm thinking and shit. I want people to me p	
316 6	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:14 AM(UTC-4)	Read	ime and feel like a waste of a life, I could be doing a million things right now with my thoughts in line but no I'm at my house laying down feeling sorr	
316 7	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:16 AM(UTC-4)	Read	spital I had a plan to take those pills when I got out. because I couldn't take it anymore, I can't face the music or roll with the punches. no matter ho	
316 8	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:18 AM(UTC-4)	Read	roud of me but I'm letting everyone down. my problem doesn't seem as bad as everyone in mental hospitals because I'm different than everyone else, their	
316 9	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:19 AM(UTC-4)	Read	er, that's gonna get me more depressed. I don't wanna live in a world of misery. I have some problems that don't seem fixable. you know I don't wanna hav	
317 0	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:20 AM(UTC-4)	Read	lives suck, mine doesn't I'm just depressed and want to not exist for different reasons. but they are more confident then me, that's why in the mental ho	
317 1	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:22 AM(UTC-4)	Read	aid they feel like they failed me but that gets me upset to. I'm sorry with all this negativity. Michelle I love you. really. I can't take this any longer	
317 2	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:26 AM(UTC-4)	Read	r. It takes me months to recover and I never do anything about my situation until it gets too late when I become depressed again, seems like a yearly thi	
317 3	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:28 AM(UTC-4)	Read	w hard I try at something I have negativity circling my head, idk where to go in life. I don't wanna be the loser who sticks in their parents house forev	
317 4	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:31 AM(UTC-4)	Read	e a kid who's gonna be depressed like me. I don't wanna them to suffer, that's gonna make me feel like a failure and that's what my parents feel , they s	
317 5	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:32 AM(UTC-4)	Read	pted who i was but I didn't wanna accept it. I keep going back to those distant memories of being suicidal at the mental hospital and I know I have my wh	
317 6	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:34 AM(UTC-4)	Read	ve up with myself I had low self esteem as it was. anyone who's shy and doesn't like it does. but I gave up learning for a whole year. made a lot of mone	
317 7	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:36 AM(UTC-4)	Read	ng for me. I wish when I first got depressed I realized who I was and stuck with it I would have sucked but you need to face your fears head on, and acce	
317 8	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:37 AM(UTC-4)	Read	i started having problems, I think I met you after idk. but I wasted that year. I never asked questions about learning anything my whole life. I wasn't i	
317 9	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:41 AM(UTC-4)	Read	ole life to live but these burdens are dragging me down so down down, I took a year off of high school because I didn't wanna deal with shit anymore I ga	
318 0	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:44 AM(UTC-4)	Read	y throughout the whole year when i was 16 working for my grandpas business. and blew most of the money gambling. I forget when I met you before or after	
318 1	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:46 AM(UTC-4)	Read	the past it's wrong and bad. and don't dwell on it but I'm weak everyone tells me I'm strong and shit but I just let everything get handed to me and let	
318 2	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:48 AM(UTC-4)	Read	d like I knew it, like idk is my life like a test from god? I'm sorry I'm writing this long story but idk I just keep writing. i know I shouldn't look in	
318 3	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:51 AM(UTC-4)	Read	nteresting in learning seemed like, and I didn't wanna ask questions because I didn't want ppl tho think I was dumb, so I kept my mouth shut and pretende	
318 4	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:53 AM(UTC-4)	Read	everyone give me stuff without truly earning it. and it's all coming to get me it's all coming to fuck me in the ass, it's all my fault I made myself wh	
318 5	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:54 AM(UTC-4)	Read	e I failed and will never get better. not confident in getting better. idk	
318 6	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:49:58 AM(UTC-4)	Read	o I am but I didn't realize it and I'm so stuck I don't know how to and why or when to fix I'm so lost in myself, that yeah I gave up, I'm letting my neg	
318 7	Inbox	From 7746788888 Roy Conrad *	6/21/2014 11:50:01 AM(UTC-4)	Read	ative thoughts get to me and it's killing me. my parents love me to death and I'm very lucky to have them in my life and very fortunate but idk. feel lik	
318 8	Sent	To 7746788888 Roy Conrad *	6/21/2014 12:05:35 PM(UTC-4)	Sent	Hold on let me read everything	
318 9	Sent	To 7746788888 Roy Conrad *	6/21/2014 12:12:40 PM(UTC-4)	Sent	I wanna write you a letter, that would be easier to write all my thoughts down	

339 2	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:13:26 AM(UTC-4)	Read	go ahead lmao	
339 3	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:14:00 AM(UTC-4)	Sent	What should I do	
339 4	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:14:49 AM(UTC-4)	Read	idk	
339 5	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:16:22 AM(UTC-4)	Sent	Yeah this is stupid haha	
339 6	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:17:13 AM(UTC-4)	Read	probably	
339 7	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:17:33 AM(UTC-4)	Read	Ughhhhh I'm at the psychiatrist appt	
339 8	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:18:27 AM(UTC-4)	Sent	Tell me how it goes babe	
339 9	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:18:44 AM(UTC-4)	Read	alright :(
340 0	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:18:51 AM(UTC-4)	Read	I wanna see you today so bad	
340 1	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:21:47 AM(UTC-4)	Sent	Don't be scared or sad. This is gonna help you! And I wanna see you so bad too :(I'm sorry today didn't work	
340 2	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:22:15 AM(UTC-4)	Sent	You never answered back last night! Haha	
340 3	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:22:22 AM(UTC-4)	Read	you don't get it	
340 4	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:22:41 AM(UTC-4)	Read	myself just wants to die	
340 5	Inbox	From 7746788888 Roy Conrad *	6/23/2014 10:22:51 AM(UTC-4)	Read	but I can't	
340 6	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:22:58 AM(UTC-4)	Sent	I do get it	
340 7	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:23:32 AM(UTC-4)	Sent	Tell this to your therapist when u get one	
340 8	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:26:01 AM(UTC-4)	Sent	Maybe they can help you more than I can because they're professional and know what to do	
340 9	Sent	To 7746788888 Roy Conrad *	6/23/2014 10:54:42 AM(UTC-4)	Sent	I know you, and I know you don't think your strong enough to do this, but you are	
341 0	Inbox	From 7746788888 Roy Conrad *	6/23/2014 11:25:40 AM(UTC-4)	Read	Thanks	
341 1	Sent	To 7746788888 Roy Conrad *	6/23/2014 11:26:13 AM(UTC-4)	Sent	How'd it go	
341 2	Inbox	From 7746788888 Roy Conrad *	6/23/2014 11:26:43 AM(UTC-4)	Read	Ehhh alright. I just couldn't express myself	
341 3	Sent	To 7746788888 Roy Conrad *	6/23/2014 11:27:57 AM(UTC-4)	Sent	What did he ask you	
341 4	Inbox	From 7746788888 Roy Conrad *	6/23/2014 11:57:22 AM(UTC-4)	Read	just everything goin on	
341 5	Sent	To 7746788888 Roy Conrad *	6/23/2014 11:58:08 AM(UTC-4)	Sent	What did u say	
341 6	Inbox	From 7746788888 Roy Conrad *	6/23/2014 11:59:40 AM(UTC-4)	Read	I said it	
341 7	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:00:06 PM(UTC-4)	Sent	That you wanna die?	
341 8	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:01:07 PM(UTC-4)	Read	well some	
341 9	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:01:30 PM(UTC-4)	Sent	Well I'm really proud of you	
342 0	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:02:22 PM(UTC-4)	Read	you shouldn't be	

342 1	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:02:46 PM(UTC-4)	Sent	Why? This was a really big step for you	
342 2	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:05:36 PM(UTC-4)	Read	no it's not	
342 3	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:08:08 PM(UTC-4)	Sent	Im confused	
342 4	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:13:17 PM(UTC-4)	Read	No one is going to give my confidence, no one will give me strength, no one will give me preservance, no one can make me feel smart, funny or cool . No o	
342 5	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:13:18 PM(UTC-4)	Read	ne fah help me but me but I don't believe in myself so I'm stuck	
342 6	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:14:28 PM(UTC-4)	Sent	You only believe no one will give you all that because you don't let yourself open up to the help people are trying to give you	
342 7	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:15:32 PM(UTC-4)	Sent	You just automatically think no one can help you and nothing will work. You never really give yourself a chance to heal and get better	
342 8	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:43:39 PM(UTC-4)	Read	you don't know how it is though. like my mind races so much I can't tell then how I feel. it's scary you've never been so depressed that you can't even talk	
342 9	Other	To 7746788888 Roy Conrad *	6/23/2014 12:47:30 PM(UTC-4)	Unsent	I've been so depressed too the point where whenever I talked I cried and didn't wanna do anything all day except cut myself in my room and sleep	
343 0	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:50:29 PM(UTC-4)	Read	But do you have a good memory	
343 1	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:52:43 PM(UTC-4)	Sent	I've been so depressed too the point where whenever I talked I cried and didn't wanna do anything all day except cut myself in my room and sleep	
343 2	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:52:59 PM(UTC-4)	Sent	I have a normal memory	
343 3	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:57:55 PM(UTC-4)	Read	mine is so bad. like any fact or anything feels like it's gone. everything like I can't relearn stuff	
343 4	Inbox	From 7746788888 Roy Conrad *	6/23/2014 12:58:25 PM(UTC-4)	Read	I'm thinking about harming myself to be completely honest	
343 5	Sent	To 7746788888 Roy Conrad *	6/23/2014 12:59:03 PM(UTC-4)	Sent	Have you ever done it before? Don't because once u start its like impossible to stop and u get scars. I have scars	
343 6	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:10:28 PM(UTC-4)	Read	no. something else	
343 7	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:11:39 PM(UTC-4)	Sent	What?	
343 8	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:12:38 PM(UTC-4)	Read	Idk	
343 9	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:13:02 PM(UTC-4)	Sent	No tell me	
344 0	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:36:14 PM(UTC-4)	Sent	Conrad tell me	
344 1	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:43:00 PM(UTC-4)	Read	tell you what	
344 2	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:43:30 PM(UTC-4)	Sent	How do u want to harm yourself	
344 3	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:44:23 PM(UTC-4)	Read	something idkk yet	
344 4	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:44:42 PM(UTC-4)	Sent	Please donnt	
344 5	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:45:41 PM(UTC-4)	Read	I hate myself I'll always hate myself, I'm never gonna view myself as good. I'm so far behind	
344 6	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:47:55 PM(UTC-4)	Sent	What is harming yourself gonna do? Nothing! It will just make it worse!	
344 7	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:48:25 PM(UTC-4)	Read	make the pain go away like you said	
344 8	Sent	To 7746788888 Roy Conrad *	6/23/2014 1:50:15 PM(UTC-4)	Sent	It will make the pain go away temporarily, but when you're done. you'll just regret it and feel even worse!	
344 9	Inbox	From 7746788888 Roy Conrad *	6/23/2014 1:54:09 PM(UTC-4)	Read	Oh Imfao	

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373 7	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:30:37 PM(UTC-4)	Read	yeaaaa	
373 8	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:30:58 PM(UTC-4)	Sent	I'm trying	
373 9	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:36:41 PM(UTC-4)	Read	I know you are	
374 0	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:37:20 PM(UTC-4)	Sent	And I'm never gonna stop I promise	
374 1	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:37:34 PM(UTC-4)	Read	we should be like Romeo and Juliet at the end	
374 2	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:38:06 PM(UTC-4)	Sent	Haha I'd love to be your Juliet :)	
374 3	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:38:46 PM(UTC-4)	Read	but do you know what happens at the end	
374 4	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:39:17 PM(UTC-4)	Sent	OH YEAH FUCK NO! WE ARE NOT DYING	
374 5	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:39:36 PM(UTC-4)	Read	lol	
374 6	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:40:24 PM(UTC-4)	Sent	Haha that's not funny I thought you were just trying to be romantic	
374 7	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:42:58 PM(UTC-4)	Read	I know I tricked ya	
374 8	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:43:23 PM(UTC-4)	Sent	Haha asshole	
374 9	Inbox	From 7746788888 Roy Conrad *	6/26/2014 7:53:20 PM(UTC-4)	Read	you asshole	
375 0	Sent	To 7746788888 Roy Conrad *	6/26/2014 7:54:58 PM(UTC-4)	Sent	Haha remember when we used to be mean like that?	
375 1	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:00:41 PM(UTC-4)	Read	yah	
375 2	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:02:02 PM(UTC-4)	Sent	Haha and those random weird pics you would send?	
375 3	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:13:49 PM(UTC-4)	Sent	I always try to be strong around you and don't wanna tell you my problems because I know you have enough to deal with but I'm really not doing good right now	
375 4	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:18:05 PM(UTC-4)	Read	I know that you aren't trust me	
375 5	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:18:32 PM(UTC-4)	Sent	You know?	
375 6	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:25:33 PM(UTC-4)	Read	yeah I can tell kinda	
375 7	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:26:25 PM(UTC-4)	Sent	How?	
375 8	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:29:19 PM(UTC-4)	Read	idk talk to me	
375 9	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:31:44 PM(UTC-4)	Sent	Body image and my eating disorder are just consuming my life. And I can't handle anything on my own so I rely on friends but it gets took much to handle for them sometimes and I push people away	
376 0	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:42:13 PM(UTC-4)	Read	I know this is cliché, but it's not what's important on the outside it's what's important on the inside. there are a lot of people that have weight probl	
376 1	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:42:24 PM(UTC-4)	Read	ems. but just don't let it get to you as much.	
376 2	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:45:03 PM(UTC-4)	Read	I feel like I shouldn't give advice tho I don't listen to other ppl so why should ppl listen to me	
376 3	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:47:12 PM(UTC-4)	Sent	You give good advice don't worry. But yeah thanks it's just with eating disorders it doesn't really work that way	
376 4	Inbox	From 7746788888 Roy Conrad *	6/26/2014 8:50:08 PM(UTC-4)	Read	Oh really	
376 5	Sent	To 7746788888 Roy Conrad *	6/26/2014 8:55:29 PM(UTC-4)	Sent	Yeah like body image is just something you can't really change	

Addendum 47

408 5	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:45:56 PM(UTC-4)	Read	I didn't really think it through	
408 6	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:46:15 PM(UTC-4)	Read	but when I did it I knew I was going to for awhile	
408 7	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:46:33 PM(UTC-4)	Sent	Going to what?	
408 8	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:46:49 PM(UTC-4)	Read	overdose	
408 9	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:47:37 PM(UTC-4)	Sent	I'm confused what you just said	
409 0	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:47:37 PM(UTC-4)	Read	tbh I don't even sleep at night I just think. and don't wanna talk to anyone	
409 1	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:48:26 PM(UTC-4)	Read	at night I don't sleep I say I do but I don't	
409 2	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:49:48 PM(UTC-4)	Sent	Did you feel proud or regretful after you overdosed?	
409 3	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:49:58 PM(UTC-4)	Sent	And what do you think about	
409 4	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:50:07 PM(UTC-4)	Read	I didn't feel anything	
409 5	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:51:56 PM(UTC-4)	Read	can I tell you something	
409 6	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:52:08 PM(UTC-4)	Sent	Yes of course you don't need to ask	
409 7	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:54:40 PM(UTC-4)	Read	there's nothing anyone can do for me that's gonna make me wanna live. it's very bad to hear, but I want to let you know that. truthfully. I haven't been	
409 8	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:54:41 PM(UTC-4)	Read	happy with myself ever. I have split personalities and I don't know who I am, I try to copy everyone else and I'm just never gonna be me. because I don't	
409 9	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:54:42 PM(UTC-4)	Read	I like me. I wanna be something different but I can't	
410 0	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:57:08 PM(UTC-4)	Sent	Why can't you?	
410 1	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:57:46 PM(UTC-4)	Read	I don't know how	
410 2	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:58:19 PM(UTC-4)	Sent	Thank you for letting me know that. And I'm sorry what I've been doing isn't enough, you know I'm trying my absolute hardest.	
410 3	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:58:52 PM(UTC-4)	Sent	What do you want to be?	
410 4	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:59:13 PM(UTC-4)	Read	No. you don't understand	
410 5	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:59:41 PM(UTC-4)	Sent	What don't I understand ?	
410 6	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:00:09 PM(UTC-4)	Read	I WANT TO DIE	
410 7	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:00:19 PM(UTC-4)	Read	if I have to be obvious	
410 8	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:00:55 PM(UTC-4)	Sent	I know you want to! But I just don't get why you're still holding on if you want to so badly.	
410 9	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:05:54 PM(UTC-4)	Sent	I know you want to and you research it and everything but are you actually really gonna do it?	
411 0	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:07:19 PM(UTC-4)	Read	Yah. if I can find a way to 100% work	
411 1	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:08:17 PM(UTC-4)	Sent	There is though, you're just afraid of doing it	
411 2	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:09:20 PM(UTC-4)	Read	no there's not lol	
411 3	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:09:40 PM(UTC-4)	Read	95% of attempts result in failure	

402 7	Sent	To 7746788888 Roy Conrad *	6/29/2014 6:39:32 PM(UTC-4)	Sent	I understand how miserable you are babe	
402 8	Inbox	From 7746788888 Roy Conrad *	6/29/2014 6:41:04 PM(UTC-4)	Read	you don't even know	
402 9	Sent	To 7746788888 Roy Conrad *	6/29/2014 6:41:24 PM(UTC-4)	Sent	Yeah I know more than you think I do	
403 0	Sent	To 7746788888 Roy Conrad *	6/29/2014 6:48:33 PM(UTC-4)	Sent	How are you doing	
403 1	Inbox	From 7746788888 Roy Conrad *	6/29/2014 6:50:58 PM(UTC-4)	Read	I'm ok hby	
403 2	Sent	To 7746788888 Roy Conrad *	6/29/2014 6:55:42 PM(UTC-4)	Sent	That's good and I'm awful I'm not gonna lie	
403 3	Inbox	From 7746788888 Roy Conrad *	6/29/2014 6:57:51 PM(UTC-4)	Read	I'm sorry :/ I am too	
403 4	Inbox	From 7746788888 Roy Conrad *	6/29/2014 6:58:24 PM(UTC-4)	Read	you're not suicidal tho are you	
403 5	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:59:37 PM(UTC-4)	Sent	No I'm not. I kinda used to be but I'm not anymore don't worry	
403 6	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:01:17 PM(UTC-4)	Read	I am	
403 7	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:02:42 PM(UTC-4)	Read	and it's not because of you or anything don't feel bad I just really don't feel like living. I have nothing to live for.	
403 8	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:04:01 PM(UTC-4)	Sent	I know you say you're suicidal and say you don't feel like living and stuff but you're never actually gonna do it	
403 9	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:05:22 PM(UTC-4)	Read	I've tried recently. but if I'm gonna do it it's gotta be done successfully	
404 0	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:06:07 PM(UTC-4)	Read	And I'm still trying to figure out what I have to do to be successful	
404 1	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:07:05 PM(UTC-4)	Sent	What do you mean you've tried? How have you tried? And you're not successful because you know you don't really wanna die	
404 2	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:10:08 PM(UTC-4)	Read	I tried to water intoxication. but you don't know how serious I am, I want to really bad. the past week I've been researching. and if I'm gonna do it it	
404 3	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:10:34 PM(UTC-4)	Read	has to be done	
404 4	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:11:03 PM(UTC-4)	Read	it's nothing you did, like you tried to help. but you don't get where I'm coming from. I've been in mental hospitals and they fuckin suck. there's someth	
404 5	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:11:05 PM(UTC-4)	Read	ing wrong with my head seriously. and it just needs to end	
404 6	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:12:23 PM(UTC-4)	Sent	Wtf is that? And why didn't you tell me you tried!? You told me you weren't gonna do it and now all of a sudden you're trying and are serious about it?	
404 7	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:15:05 PM(UTC-4)	Read	I didn't wanna scare uou I'm sorry	
404 8	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:17:00 PM(UTC-4)	Sent	Don't be sorry and thank you but you should have told me! I don't care if it scares me. I just don't understand how you fail the attempt. I really don't think you want to do this	
404 9	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:19:06 PM(UTC-4)	Read	What do you mean fail the attempt	
405 0	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:19:34 PM(UTC-4)	Sent	How did you fail the water thing	
405 1	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:21:41 PM(UTC-4)	Read	I read a thing where if you drink enough water it could be fatal because it lowers your sodium levels. I tried drinking all the water I could and nothing	
405 2	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:21:42 PM(UTC-4)	Read	happens	
405 3	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:23:55 PM(UTC-4)	Sent	That's a stupid way to try it because youre senses aren't gonna let you drown yourself	
405 4	Sent	To 7746788888 Roy Conrad *	6/29/2014 7:24:39 PM(UTC-4)	Sent	You're body and mind won't let you	
405 5	Inbox	From 7746788888 Roy Conrad *	6/29/2014 7:24:47 PM(UTC-4)	Read	it's not drown yourself it's getting all nutrients out of your body.	

414 2	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:50:50 PM(UTC-4)	Sent	You say you wanna die so bad Conrad, but you aren't willing to try any ways to die. You said nothing is 100%, so all the kids in the world who have committed suicide knew that too. But they tried and were successful
414 3	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:51:26 PM(UTC-4)	Read	I know. I just don't wanna fall again that's what I'm scared of
414 4	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:51:46 PM(UTC-4)	Sent	You can't live your life in fear
414 5	Inbox	From 7746788888 Roy Conrad *	6/29/2014 8:52:00 PM(UTC-4)	Read	But there's been far more unsuccessful attempts
414 6	Sent	To 7746788888 Roy Conrad *	6/29/2014 8:52:19 PM(UTC-4)	Sent	And obviously you don't wanna die then because you wouldn't be scared to try. You'd wanna try anything as much as you could
414 7	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:00:15 PM(UTC-4)	Read	I guess you're partially right. I'm just still researching and hopefully find a better way. I really do tho. I don't wanna be in the mental hospital agai
414 8	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:00:18 PM(UTC-4)	Read	n. that's why
414 9	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:01:54 PM(UTC-4)	Sent	I'm so right. And well if that's why you're scared to do this then that's stupid. You can try things when your home alone or go somewhere and do it
415 0	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:02:30 PM(UTC-4)	Sent	But the mental hospital would help you. I know you don't think it would but I'm telling you, if you give them a chance, they can save your life
415 1	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:02:49 PM(UTC-4)	Sent	Part of me wants you to try something and fail just so you can go get help
415 2	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:05:16 PM(UTC-4)	Read	It doesn't help. trust me
415 3	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:07:39 PM(UTC-4)	Sent	So what are you gonna do then? Keep being all talk and no action and everyday go thru saing how badly you wanna kill yourself? Or are you gonna try to get better?
415 4	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:10:01 PM(UTC-4)	Read	I can't get better I already made my decision.
415 5	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:10:18 PM(UTC-4)	Sent	What's your decision?
415 6	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:15:29 PM(UTC-4)	Sent	I love you
415 7	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:15:38 PM(UTC-4)	Read	nothing
415 8	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:15:52 PM(UTC-4)	Sent	Nothing? What do you mean nothing?
415 9	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:17:47 PM(UTC-4)	Sent	Tell me Conrad
416 0	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:18:30 PM(UTC-4)	Read	idk I give up. I'm just gonna takin
416 1	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:18:38 PM(UTC-4)	Read	think and text you in the morning
416 2	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:19:04 PM(UTC-4)	Sent	Are you gonna be okay tonight?
416 3	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:19:56 PM(UTC-4)	Read	Yes I won't do anything
416 4	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:20:18 PM(UTC-4)	Sent	Okay good. I love you so much
416 5	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:20:27 PM(UTC-4)	Sent	Please say you love me back
416 6	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:21:15 PM(UTC-4)	Read	love you to
416 7	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:22:32 PM(UTC-4)	Sent	Thank you, you mean it right?
416 8	Inbox	From 7746788888 Roy Conrad *	6/29/2014 9:23:04 PM(UTC-4)	Read	Yes I mean it
416 9	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:23:29 PM(UTC-4)	Sent	Okay
417 0	Sent	To 7746788888 Roy Conrad *	6/29/2014 9:23:44 PM(UTC-4)	Sent	Text me when you wake up

593 8	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:23:41 PM(UTC-4)	Sent	You can't be afraid to fail	
593 9	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:24:45 PM(UTC-4)	Sent	You weren't afraid the first time, why are you afraid now?	
594 0	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:26:28 PM(UTC-4)	Read	I just did it. I didn't think. I just did it	
594 1	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:26:58 PM(UTC-4)	Sent	Well maybe not thinking is the way to go	
594 2	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:28:34 PM(UTC-4)	Read	true	
594 3	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:28:45 PM(UTC-4)	Sent	Yeah	
594 4	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:29:22 PM(UTC-4)	Sent	Because if you don't think about it, You won't think about failing. You'll just do it thinking you'll succeed	
594 5	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:32:54 PM(UTC-4)	Read	right. that's what I'm talking about. I've read so much about failed attempts gone wrong that it's gotten me discouraged	
594 6	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:33:35 PM(UTC-4)	Sent	Yeah exactly so stop doing that! There's more success then there are fails	
594 7	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:34:14 PM(UTC-4)	Read	are you kidding me	
594 8	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:34:37 PM(UTC-4)	Sent	You have to look at it that way	
594 9	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:35:02 PM(UTC-4)	Sent	And people only fail because they have the same mindset as you..thinking they'll fail	
595 0	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:35:52 PM(UTC-4)	Read	I really wanna believe you	
595 1	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:36:09 PM(UTC-4)	Sent	Why don't you?	
595 2	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:40:38 PM(UTC-4)	Read	if you were in my position, honestly what would you do	
595 3	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:41:44 PM(UTC-4)	Sent	I would get help. That's just me tho. When I have a serious problem like that, my first instinct is to get help because I know I can't do it on my own	
595 4	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:43:05 PM(UTC-4)	Read	Well it's too late I already gave up. I meant like which way	
595 5	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:43:08 PM(UTC-4)	Read	way	
595 6	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:43:27 PM(UTC-4)	Read	based on pain/time and everything	
595 7	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:45:02 PM(UTC-4)	Sent	Ohhh okay well I'd do the CO. That's honestly the best way. And I know it's hard to find a tank so if you could use another car or something than do that	
595 8	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:47:15 PM(UTC-4)	Sent	But next I'd try the bag or hanging	
595 9	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:47:59 PM(UTC-4)	Sent	Hanging is painless and takes like a second if you do it right	
596 0	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:56:31 PM(UTC-4)	Read	It's like nearly impossible now, that article was made in 1993, and like they don't have big tanks like that. I just think it would be fucked to take my	
596 1	Inbox	From 7746788888 Roy Conrad *	7/7/2014 10:56:33 PM(UTC-4)	Read	parents car. I mean I do have a garage at my dad's house but his car is a 2009	
596 2	Sent	To 7746788888 Roy Conrad *	7/7/2014 10:57:27 PM(UTC-4)	Sent	Well there's more ways to make CO. Google ways to make it...	
596 3	Inbox	From 7746788888 Roy Conrad *	7/7/2014 11:04:11 PM(UTC-4)	Read	Omg	
596 4	Sent	To 7746788888 Roy Conrad *	7/7/2014 11:04:19 PM(UTC-4)	Sent	What	
596 5	Inbox	From 7746788888 Roy Conrad *	7/7/2014 11:04:44 PM(UTC-4)	Read	portable generator that's it	
596 6	Sent	To 7746788888 Roy Conrad *	7/7/2014 11:05:01 PM(UTC-4)	Sent	That makes CO?	

Certification

I certify that this brief complies with the relevant rules of court pertaining to the preparation and filing of briefs. Those rules include Mass. R. App. P. 16(a)(6) (pertinent findings or memorandum of decision); Mass. R. App. P. 16(e) (references to the record); Mass. R. App. P. 16(f) (reproduction of statutes, rules and regulations); Mass. R. App. P. 16(h) (length of briefs); Mass. R. App. P. 18 (appendix to the briefs); and Mass. R. App. P. 20 (form of briefs, appendices, and other papers).



Dana Alan Curhan