

**ESSAY PROMPT**

**Format.** Write an essay in response to the prompt below. The maximum word count is **1500 words**, which is about five (5) DOUBLE-SPACED pages. Include the word count within brackets at the end of your essay: e.g. [1427]. (MS Word shows the word count at the very bottom of the doc window.)

Read the hypothetical scenario below, then answer the question(s) that follow. You must take the facts, no matter how odd or unlikely they may seem, as they are given in the scenario. You may not change or make up additional facts. You may, however, make reasonable inferences from the facts based on common sense and experience, and include them in your analysis.

Daniel Deadbeat, who is NOT terminally-ill or experiencing any physical pain, attempted suicide recently, but failed in his attempt. He was then charged and convicted of violating the state's criminal law banning attempted suicide. (Assume this: while most states still legally ban suicide, prosecutions for attempted suicide are rare. But most states have opted to keep on the books their anti-suicide laws, rather than de-criminalize suicide.)

Deadbeat has since filed a lawsuit in the State of Mortality, seeking a declaratory judgment from the court, claiming, as a fundamental liberty interest under the 14<sup>th</sup> A. DPC, a general legal right to commit suicide that would allow mentally-competent adults, regardless of age or medical condition, to end their life. Hence, those who attempt suicide and fail would not be prosecuted.

Recognition of this right would invalidate the State of Mortality and all other states' laws banning attempted suicide, but would not invalidate the physician-assisted suicide laws, which apply to only terminally-ill patients suffering from extreme pain. (Mortality's assisted suicide law matches those laws in other states.<sup>1</sup>) The attorney general for Mortality opposes Deadbeat's claim.

Prior to filing his lawsuit, Deadbeat divorced his prude of a wife of fifteen years and left her and their two children, ages 8 and 12, to run off with his secretary, Chris. However, instead of making the child-support payments to his ex-wife as agreed upon in their divorce settlement, Deadbeat bought a new Ferrari and picked up Chris to drive to Las Vegas to engage in debauchery, something his ex-wife never would have consented to while they were married.

But on their way to Las Vegas, because of Deadbeat's reckless driving and intoxication, they got into an accident that left Chris dead and Deadbeat sexually impotent, but otherwise not seriously physically injured. Deadbeat was plunged into a state of deep despair, certain he would never find true happiness, now that Chris was dead, and never experience sexual fulfillment, now that he was physically incapable of having "normal sex." His new reality led him to attempt suicide, for which he was convicted, which prompted his lawsuit to challenge the state's legal ban on suicide.

**You are the judge(s) deciding this case. Write BOTH a majority and a dissenting opinion on how you would resolve the legal issue.**

In your opinions, follow the framework/approach for analyzing fundamental rights under substantive due process given in *Williams v. King*, *Reliable Consultants v. Earle*, and *WA v. Glucksberg*.

To support your position, you must cite and quote from the cases we have read or discussed. You may cite or quote from ANY of the justices' opinions—majority, concurring, or dissenting—in ANY of the cases. When citing or quoting from a concurring or dissenting opinion, please indicate that in your citation (e.g. "**Baker, 6, dissent**").

The legal precedents available to you are all of the cases assigned in the reading schedule. (Consult only the edited cases we have read; DO NOT consult outside sources or the original cases, as that may divert your attention to irrelevant issues.)

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<sup>1</sup> See Simmons (2018, 438-439): "II. Restrictions on PAS."