



Written by [Raven Clabough](#) on March 16, 2011

## Judge Rules Freedom of Speech Does Not Include Suicide Encouragement

According to a Minnesota judge, freedom of speech does not include encouraging suicide, and therefore cannot be used as a defense by a former nurse who engaged in “lethal advocacy” when he successfully encouraged two people over the Internet to commit suicide.



William Melchert-Dinkel, 48, allegedly sought out depressed people over the Internet, and discovered Mark Drybrough, 32, of Coventry, England, who hanged himself in 2005, and Nadia Kajouji, 18, of Brampton, Ohio, who jumped into a frozen river in 2008. Melchert-Dinkel is being charged for aiding in the suicides of both individuals.

Investigators began to research the case back in 2008 when an anti-suicide activist in Britain claimed that someone was manipulating people to commit suicide via the Internet.

In 2009, the Minnesota Board of Nursing revoked Melchert-Dinkel’s nursing license.

Melchert-Dinkel declined a jury trial, opting instead to rest his fate with Rice County District Judge Thomas Neville, who wrote in his 42-page ruling:

Melchert-Dinkel was not merely expressing ideas about suicide. The court finds that defendant’s speech imminently incited the victims to commit suicide, and can be described as “lethal advocacy,” which is analogous to the category of unprotected speech known as “fighting words” and “imminent incitement of lawlessness.”

According to *The Blaze*:

[Neville’s ruling] stuck mostly to a dispassionate recitation of the facts in the case. The judge again rejected the defendant’s argument that his actions amounted to free speech, affirming a pretrial ruling he issued in November. He also affirmed his rejection of the defense claim that Melchert-Dinkel’s online statements didn’t sway the victims.

Melchert-Dinkel’s attorney, Terry Watkins, has already indicated that the defense will be seeking an appeal of the verdict, asserting that appellate courts will be forced to determine whether his client’s actions qualify as a crime or are protected speech in the context of the situations. Watkins contends that the victims were already predisposed to suicide, and that online statements made by Melchert-Dinkel did not sway them.

Watkins admitted during oral arguments in February that his client’s behavior was both “sick” and “abhorrent,” but added that the actions did not constitute a crime. He related that Drybrough had been ill for years, and had constantly sought drugs for the purposes of overdosing, and that Kajouji was



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coping with difficulties in her life ranging from a miscarriage to heavy drinking and depression. Overall, both victims were intelligent and made the final decision to take their lives on their own accord, he claimed.

The prosecution contends that Melchert-Dinkel took advantage of the vulnerability of the two victims and that it is the court's job to protect such people. "That's the point. That's who he looked for," asserted prosecutor Paul Beaumaster. "He targeted individuals he knew he could have an influence on. Were they predisposed? Absolutely!"

The prosecution also made the case that Melchert-Dinkel was obsessed with suicide and hanging and purposefully sought out potential victims online. Once he found the two victims, Melchert-Dinkel then posed as a female nurse, adopted a compassionate demeanor, and provided the victims with step-by-step instructions on how to properly kill themselves.

Melchert-Dinkel admitted to the police that he had participated in online chats about suicide with nearly 20 people, and had entered into fake suicide pacts with half of them, five of whom Melchert-Dinkel believes actually killed themselves. He admitted that he participated in these encounters for "the thrill of the chase."

Defense attorney Watkins declared that the defense will take their case to the Minnesota Court of Appeals, and will continue to appeal the decision to higher courts if necessary. "We will carry this as far as judicially allowed," he contended.

The law against aiding suicides in Minnesota, though rarely used, carries a maximum penalty of 15 years imprisonment and a \$30,000 fine. Since 1994, only six people have been sentenced under the charge, with only one having been sent to prison for four years and the rest receiving local jail time, probation, or a combination of the two.

The prosecution in the case against Melchert-Dinkel indicates that they will be seeking a similar sentence to those found in earlier cases. Sentencing for the defendant is scheduled for May 4.

The parents of the victims were naturally pleased with the judge's ruling. Mark Drybrough's mother, Elaine, observed that the decision sends a clear message to others who may have believed that encouraging suicides is permissible.

Kajouji's mother, Deborah, has already voiced concern that the sentence will not be appropriate enough for the crime committed, and also that delays will result from the appeals process. In an email, she declared, "I've said all along that a crime is just as vile and offensive whether it be committed in our homes or over the Internet."

*Photo: William Melchert-Dinkel leaves the Rice County Courthouse in Faribault, Minn., with his attorney Terry Watkins after waiving his right to a jury trial.: AP Images*



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