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Dennis Cann
 Regional Crown Prosecutor
 Battlefords Prosecution District
 305-1146 102nd Street
 North Battleford, SK S9A 1E9

Re: Robert Latimer

Dear Mr. Cann,

I have recently been retained by Mr. Robert Latimer in an effort to uncover certain facts as they relate to his trial and conviction all the way up to the Supreme Court of Canada on two occasions. In their January 18, 2001 decision, the Supreme Court of Canada ruled that the trial judge did not err in his decision that Mr. Latimer could not make use of the defence of necessity and more specifically, that Mr. Latimer was not able to meet the requirements for this defence because “better pain management was available” for his daughter, Tracy Latimer.

Within the Supreme Court’s January 18, 2001 decision, there are repeated references to a “more effective pain medication” or that there was “better pain management” available for Tracy. The Court appeared to accept this evidence from the provincial court trial and ultimately used this evidence in part to reach their decision.

Our Concern is whether or not you are in possession or have ever been in possession of any such evidence that clearly demonstrates “better pain management was available” for Tracy. during her testimony at Mr. Latimer’s first provincial court trial, Dr. Anne Kathleen Dzus gave evidence to the contrary, stating:

“Tracy had severe pain. To control it with drugs would mean using fairly powerful drugs. She already was on anticonvulsant, antiepileptic medications to control her seizures. Combining drugs can have side effects. One can add to the other. She already in the past was having difficulty with swallowing. We know that she had difficulty clearing some secretions from her lungs, nose and that and these children can gag on their own secretions. If you depress, by using strong drugs, some of these very primitive reflexes then you put her at risk for aspirating, getting the contents of stomach food into her lungs and ending up aspirating pneumonia, ending up very sick, depressing the respiratory function...”

After being questioned as to whether or not “sufficient pain killers to try and control pain” might lead to her eventual death, Dr. Dzus responded as follows:

“It may be a suitable short term, under a very controlled environment, solution but not long term.”

Dr. Dzus' testimony at the first trial was read in as evidence at the second trial in 1997. Apart from this evidence, which clearly states that a "more effective pain medication" was not possible without severe side effects, what specific evidence exists to show that there was in fact other medicine that would have substantially reduced Tracy's pain while not worsening her medical situation? If such medical evidence does exist, please have it forwarded to my office at your earliest convenience.

If you have any questions, please contact me at my office.

Thank you.

Yours truly

GREENSPON, BROWN

Lawrence Greenspon

/rgs