

# New Mexico appeals court hears assisted suicide case

January 26 2015, by Russell Contreras

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Do terminally ill patients in New Mexico already have the right to end their lives?

That's what the New Mexico Court of Appeals is set to decide after hearing arguments Monday from the state and lawyers for a terminally ill woman.

The Santa Fe woman, who has advanced [uterine cancer](#), is asking the courts to clarify New Mexico's laws putting doctors in legal trouble and preventing her from ending her life.

Last year, Second Judicial District Judge Nan Nash ruled the New Mexico Constitution prohibits the state from depriving a person of life, liberty or property without due process.

In addition, Nash found doctors could not be prosecuted under the state's assisted suicide law, which classifies helping with suicide as a fourth-degree felony.

Two doctors and Aja Riggs, the Santa Fe woman, asked the judge to determine that physicians would not be breaking the law if they wrote prescriptions for competent, terminally ill patients who wanted to end their lives.

Riggs and doctors Katherine Morris and Aroop Mangalik filed their lawsuit in 2012.

The New Mexico Attorney General's Office appealed Nash's ruling.

Scott Fuqua, director of the office's litigation division, told the court the state had no reason to keep [terminally ill patients](#) alive, but the law didn't allow [doctors](#) to prescribe medications to end patients' lives.

Fuqua also said denying patients the right to end their lives was about preventing abuse.

ACLU lawyer Laura Schauer Ives said, however, what state lawyers were suggesting was that patients store up medication and kill themselves behind closed doors. She called that suggestion "cruel and perverse."

The appeals court could take around six months to make a decision, lawyers said.

The legal battle comes as aid-in-dying laws have been introduced in California, Pennsylvania, Wyoming and Washington, D.C., and are being considered in New York and Colorado.

Such proposals, however, have languished in state legislatures for years and have sparked emotionally charged debates and strong opposition.

The practice is legal in five [states](#), including Oregon.

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Citation: New Mexico appeals court hears assisted suicide case (2015, January 26) retrieved 2 May 2024 from <https://medicalxpress.com/news/2015-01-mexico-appeals-court-suicide-case.html>

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