

Widow cleared of killing her terminally ill husband

Neil Johnston Midlands Correspondent

An 80-year-old widow has been cleared of murdering her terminally ill husband after they made a suicide pact.

Mavis Eccleston was also acquitted of the manslaughter of Dennis, 81, her husband of 60 years after the jury was told that the couple had agreed to take a lethal cocktail of drugs and end their lives together at their home in Huntington, near Cannock in Staffordshire.

They were taken to hospital after being found unconscious by relatives in February last year and a 14-page suicide note written by Mrs Eccleston explained that they were ending their lives because of "ill health, harassment and neighbourhood tensions".

Mrs Eccleston was given an antidote in hospital but her husband did not recover. The prosecution alleged that Mr Eccleston, a former miner who was in the end stages of bowel cancer, had not known he was taking a potentially lethal overdose. The defence argued that it would not have been possible for him to be given a lethal dose of the drug without his knowledge because of its bitter taste.

Mrs Eccleston was cleared unanimously of both charges at Stafford crown court yesterday.

During a two-week trial the court was told that Mr Eccleston had been granted a "do not resuscitate" order after his diagnosis in 2015. Mrs Eccleston said her husband, who had talked of going to Switzerland to end his life, had kissed her hand in thanks after she had

agreed to "go with his wishes" to die.

He "knew full well" what they were taking, she said, and administered his own overdose. She said he had "more or less begged" for her help to end his life and that he had said "good night darling" as she went to lie down on a sofa.

The prosecution said that she had confessed to killing him but her defence said this was based on a "throwaway comment" in conversation with two mental health nurses. Mark Heywood, QC, for the defence, said that she had immediately disputed what the nurses alleged she had said. He argued that it was a "fantasy" to suggest that Mr Eccleston would not have asked his wife what he was taking.

Tony Badnoch, QC, for the prosecution, had said that "mercy killing was against the law and not a defence, arguing that the court was not the place to resolve the issue of assisted dying".

In a statement read outside court yesterday Joy Munns, 54, one of the couple's three children, called for a change in the law. "Our mum did not wish to live without him, her husband, the love of her life, and so she took an overdose with him," she said. "Our family is grateful and relieved that the jury in this case could recognise our mum's love for our dad. But since Dad's death our family has been through a terrible ordeal ... worrying that having already lost our dad to cancer we might now see our mum imprisoned. There

must be a change in the law so that dying people aren't forced to suffer, make plans in secret or ask loved ones to risk prosecution."

Sarah Wootton, chief executive of the campaign group Dignity in Dying, which supported the family, said Mrs Eccleston had "faced the prospect of life imprisonment for acting out of love". Mr Eccleston had "simply wanted to die on his own terms rather than endure a protracted, painful death", she said.

"Compassion should not be a crime, but under the UK's broken laws it is. What we need is a robustly safeguarded law that provides choice and control to dying people who want it"

The Crown Prosecution Service said its function was not to decide upon a person's guilt but to "make fair, independent and objective assessments about whether it is appropriate to present charges for a jury to consider," adding: "We respect their decision."



The couple could not bear to be apart, their daughter said

Behind the story

Yesterday's not-guilty verdict was given less than a fortnight after Richard Selley became the latest terminally ill Briton to be helped to die at a Swiss clinic (Jonathan Ames writes). Mr Selley, 65, a former teacher from Perth, died at Dignitas in the presence of his wife, Elaine, and his brother, Peter. He had been diagnosed four years ago with motor neurone disease (MND) and could not walk, talk or swallow.

He had started a campaign to change the law in Scotland to allow assisted dying. Campaigners are active south of the border as well, pointing out that the threat of murder or manslaughter charges

is a cruel deterrent to relatives and friends who want to assist terminally ill people to end their lives in the UK at the time of their choosing.

Those who assist a terminally ill person to die can also be prosecuted under the Suicide Act 1961 and jailed for 14 years.

There are no cases so far of an assister being prosecuted for helping someone go to Dignitas, but the possibility is there.

Campaigners also point out that the cost of travelling and using the Dignitas service is about £10,000.

In 2010 Keir Starmer, then director of public prosecutions, gave guidance listing public interest factors to influence whether a prosecution is brought for assisting suicide. Prosecutions are less likely if the ill

person made a voluntary and informed decision, and prosecutors must be satisfied that the assister was motivated wholly by compassion. Prosecution is also less likely if the assister tried to discourage the person from suicide.

Still, Dignity in Dying says that the law "denies dying people a meaningful choice over how they die". The campaign for reform is winning converts. In July Sir Vince Cable, then leader of the Liberal Democrats, said he had dropped his opposition to making assisted dying legal. Referring to Mr Selley's case and that of another person with MND, he told MPs that "we should consider their very particular position and conditions like it".