



**The Wilson Moot 2013**  
*Dylan Jacob (by his litigation guardian  
Stephanie Jacob) v. Canada (Attorney General)*

**Clarifications**

1. The facts are as found by Justice Wire. Mooters may conduct any research they see fit in the course of developing their arguments. Mooters are also permitted to refer to foreign law in their written and/or oral arguments. However, no reference shall be made, in written or oral arguments, to any facts (legislative or adjudicative) beyond those found by Justice Wire.
2. Justice Wire found that the term “terminal illness” means “an incurable disease that will, as a matter of reasonable medical judgment, cause the person’s death within two years.” There was no serious dispute between the parties at the hearing of the application as to the appropriate definitions of the terms “competent” and “terminal illness”.
3. Dr. Grimshaw had an opportunity to examine Dylan prior to affirming his affidavit. The parties agree that Dr. Grimshaw’s assessment of Dylan’s case would meet the requirement of a consultation under section 241.1(e) of the *Criminal Code*.
4. Dylan’s case has been reviewed from time to time by the Ontario Review Board, which has consistently determined that due to his condition, he is not eligible for release from the forensic ward at Oak Ridges.
5. The parties are free to refer to the case of *Carter v. Canada (Attorney General)*. For the purposes of the Wilson Moot, the parties should assume that *Carter* was decided prior to the enactment of section 241.1 of the *Criminal Code*, but that there was no direct relationship between any decision in the *Carter* litigation and the amendments.