

L A W

Does Thomas Chan belong in prison?

At 19, he killed his father while high on drugs. His case has reignited a historic battle over victims' rights and criminal law. By Leah McLaren

FOUR DAYS AFTER Christmas in 2015, Thomas Chan, a 19-year-old first-year policing student from Peterborough, Ont., met some of his high school buddies at a local sports bar. Watching hockey over pints of draft, the boys hatched a plan: they would pool their cash, score a bag of magic mushrooms from a local dealer, then head back to Chan's basement to hang out and enjoy the trip.

The boys had been reunited after graduating from Lakefield College School the previous year. They were sporty kids—Chan was a former rugby star—but occasionally they liked to party. They'd done mushrooms before. 'Shrooms (as the kids call them) contain psilocybin, a naturally occurring hallucinogen known for producing a giggly sensation of emotional release often accompanied by mild psychedelic visual hallucinations.

Back at Chan's, the boys chilled out and passed around the bag of dried mushrooms that had been sold to them loose in a Ziploc bag. They each washed down a handful of dried fungus, gagging and laughing (mushrooms have the texture and flavour of mouldy wood shavings mixed with dirt). An hour or so later, all the lads were in stitches apart from Thomas, who complained he felt nothing. Chan is a big kid, well over six feet with wide shoulders and the chiselled good looks of the all-Canadian small-town athlete that he is—or was. He figured he needed to eat more than the other guys because of his size,

so he reached into the bag and choked down another handful.

Since the legalization of cannabis, magic mushrooms are now widely regarded as the softest soft drugs. While technically classified, they are non-addictive, naturally occurring, plant-based and even considered curative in many medical circles. Earlier this year, Health Canada began allowing palliative care doctors to run clinical trials to explore using the hallucinogen to alleviate mortal dread in the dying, paving the way to legalization. The official Canadian government website on magic mushrooms states that while "bad trips" do occur, it's usually at high doses and that the drug "does not usually result in substance use disorder." Perhaps for this reason authorities have long turned a blind eye to online sales as well as private recreation consumption and cultivation. Spore kits and dosed fungi capsules are sold openly from digital dispensaries, though most are still scored from the back of VW vans by long-haired guys named Zappa. The point is, as party drugs go, 'shrooms are widely considered safe. If not healthful, at least good fun.

But that's not the effect they had on Thomas Chan.

By 2 a.m. it was clear to his friends that Thomas was having a bad trip. As his pals giggled, Chan became increasingly agitated. Medical experts would later argue in court this was the result of the psilocybin interacting negatively



Chan was sentenced in March 2019 to five years in prison for criminal manslaughter

with Chan's brain, which had been injured earlier that year in a string of rugby-related concussions for which he'd been treated. The brain injuries had negatively affected his academic performance and ultimately prompted him to quit the sport. Some psilocybin users do experience distressing hallucinations, anxiety or paranoia while on 'shrooms, but it usually passes. Chan's experience was acute.

According to his friends, he began ranting and raving, babbling gibberish. He ran upstairs and woke up his mother and stepfather. They attempted to talk him down to no avail. He then fled the house, running barefoot and shirtless through the snow-covered streets to the nearby home of his father, Dr. Andrew Chan, a respected local gastroenterologist who lived with his new partner, Lynn Witteveen, a woman who had previously been his assistant. Their relationship had coincided with the painful end of Thomas's parents' marriage years before. Lynn had an understandably cool relationship with Thomas's mother, Roz, and his older sister, Christina, who was in university by the time of the split. As the youngest, Thomas moved back and forth between houses, playing family diplomat. Over the years, he and Lynn had grown fond of each other.

When Thomas entered his father's house unannounced, breaking in through a window, extremely aggravated, it was after 3 a.m. Security camera footage later played in court shows Andrew Chan trying to subdue his son in the hallway as Witteveen looks on confused and frightened. Thomas then went to the kitchen and took a butcher's knife from a drawer. He declared he was performing "God's will" and this was "a house of Satan." He then brutally stabbed his father several times as his father pleaded for recognition, saying, "It's Daddy, it's Daddy." Thomas then turned the knife on his stepmother, stabbing her repeatedly before she was able to flee to the master bedroom. "This is the day of reckoning!" he said, as he followed her. As Witteveen sat on the floor attempting to dial 911, Thomas slashed her across the shoulder. "Thomas, it's Lynn, I love you," she said, at which point he stabbed her directly in the right eye. He then left the bedroom and paced the front hallway. "I love you all so much," he can be heard saying on the video. "I don't want to do this." When police arrived on the doorstep, Chan shouted, "This is a holy place!" Then he dropped the knife and unlocked the door. For a moment he was calm but when officers attempted to