

Jury Weighs Murder Charges Against Philadelphia Abortion Doctor

A Philadelphia jury began its second day of deliberations on Wednesday in the murder trial of a doctor accused of killing babies and a patient during late-term abortions at a clinic serving low-income women.

Dr. Kermit Gosnell, 72, who ran the now-shuttered Women's Medical Society Clinic, could face the death penalty if convicted by the jury in Common Pleas Court in Philadelphia.

The case focuses on whether the infants were born alive and then killed.

The seven-woman, five-man jury that heard five weeks of testimony deliberated about three hours on Tuesday afternoon after receiving instructions from Judge Jeffrey Minehart.

The jury resumed deliberations at about 8:30 a.m. on Wednesday.

Gosnell is charged with four counts of first-degree murder for delivering live babies during late-term abortions and then deliberately severing their spinal cords, prosecutors said.

The charges have fueled the debate in the United States about late-term abortions.

It is legal in Pennsylvania to abort a fetus up to 24 weeks into a pregnancy. Gosnell also faces other charges, including that he performed 24 abortions beyond 24 weeks.

Nine states ban abortions after 20 weeks, according to the abortion rights group NARAL. Other states recently put new restrictions on abortions, with Arkansas banning them at 12

weeks and North Dakota at six weeks.

Most abortions, 92 percent, are performed before 14 weeks, according to the Centers for Disease Control and Prevention, and 1.3 percent are performed beyond 20 weeks.

In his instructions to the jury, the judge said state law defines a live baby as one that is fully expelled from the mother and showing signs of life such as breathing, heart beat or movement.

If a baby shows those signs, he told the jury, "That baby is a human being."

Gosnell's defense contends there is no evidence the babies were alive after they were aborted.

In his closing argument on Monday, defense lawyer Jack McMahon cited the medical examiner's testimony that none of the 47 fetuses tested randomly from the West Philadelphia clinic had been born alive.

Assistant District Attorney Edward Cameron said in his closing argument that witnesses testified that one of the aborted babies was breathing before its neck was cut, another made a whining sound and another moved its arms and legs.

Gosnell's lawyer argued the doctor used the drug digoxin that would have killed the fetuses, and any noise or movement would have been involuntary spasms.

But prosecutors said Gosnell did not always use digoxin and that it did not always work properly.

'House of Horrors'

The clinic that prosecutors call a "house of horrors" has been watched closely by both sides of the abortion debate.

The Rev. Frank Pavone, director of the anti-abortion group Priests for Life, said the often gory trial testimony "will

change the conversation. ... It'll help people engage and make them realize they're not just talking about a theoretical idea."

Abortion rights activists said Gosnell was an outlier among predominantly safe and legal abortion providers.

"Gosnell ran a criminal enterprise, not a healthcare facility, and should be punished to the fullest extent of the law," said Eric Ferrero, a spokesman for the Planned Parenthood Federation of America.

Testimony has depicted a filthy clinic serving mostly low-income women in the largely black community. McMahon said Gosnell wanted to help the under-privileged community.

Gosnell is also charged with murdering Karnamaya Mongar, 41, of Virginia, who died from a drug overdose after going to him for an abortion, prosecutors said.

The defense lawyer said Mongar was given guideline amounts of the drug Demerol as anesthesia during the abortion, as had hundreds of other women at the clinic.

Gosnell, who has been in jail since his January 2011 arrest, is on trial with Eileen O'Neill, a medical graduate student accused of billing patients and insurance companies as if she had been a licensed doctor.

Eight other defendants have pleaded guilty to a variety of charges and are awaiting sentencing. They include Gosnell's wife Pearl, a cosmetologist who helped perform abortions.

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