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Abortion doctor pleads guilty to reduced charge in pistol incident, ordered to pay \$100 fine

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Metro Police arrested Gary Boyle, 62, a Blountville, Tenn., physician, on charges of pointing a firearm. Boyle drove into the parking lot of the clinic on Ashley River Road near Fuseler Road at around 8:30 a.m. When three protesters, including a 17-year-old boy, approached him, Boyle brandished a black handgun loaded with 15 rounds, according to a police report. (Provided) ↪

Abortion doctor Gary Boyle admitted to pulling out a gun while driving past anti-abortion protesters outside a West Ashley clinic, but the case dissolved into a question of who made the first threat.

Prosecutors on Friday agreed to drop the case from a felony charge of pointing a weapon down to a misdemeanor charge of disorderly conduct. A magistrate judge accepted a guilty

plea on the lesser charge from Boyle's lawyer and ordered that the 64-year-old physician pay a \$100 fine.

Charleston police arrested Boyle on Oct. 2, 2010, after he brandished a handgun loaded with 15 rounds inside his sport utility vehicle. Boyle had pulled into the parking lot of Charleston Women's Medical Center on Ashley River Road around 8:30 a.m. that Saturday when he flashed the gun within sight of three protesters, one of them a 17-year-old.

Boyle then stepped out of his SUV and walked into the clinic without further incident. One of the protesters called 911.

Prosecutor Marian Askins said Boyle contends that he pointed the gun up, but the protesters reported that the doctor pointed it at them. The protesters maintained that they never approached him, while Boyle told authorities that they came toward his car and that he and his wife feared for their safety after seeing threats to other professionals who perform abortions.

Askins noted that the case involves "significant castle doctrine issues," meaning Boyle would argue his right to self-defense, had the case moved forward. The castle doctrine, expanded in South Carolina in 2006, now covers store owners defending their businesses, drivers fending off a carjacking and campers confronting unwelcome intruders in the woods.

Boyle lives in Blountsville, Tenn., where he holds a permit to carry a pistol. That state has a reciprocal carry agreement with South Carolina. He waived his right to appear in court and let local attorney David McCann handle the case for him.

Two of the protesters spoke at the hearing with a group of supporters seated nearby. John Karafa, the man who called 911, said he wanted to see the case "prosecuted to the fullest extent of the law" and not dropped down to a misdemeanor.

"We were not aggressive in any way," Karafa said. "If the doctor was afraid of us, we gave him no reason to be."

When Karafa launched into discussion of abortions, Magistrate Judge James B. Gosnell cut him off.

"Let's stick to the point of you being a victim, and less of our political views," the judge said.

Despite the lesser charge, Karafa called the hearing "a win," because Boyle still pleaded guilty. But Karafa belongs to the international pro-life group 40 Days for Life, which issued a

statement with the Chicago-based, anti-abortion law firm Thomas More Society condemning the outcome.

“The U.S. Justice Department has launched federal prosecutions against pro-life advocates across the country for merely offering literature to cars entering Planned Parenthood, calling this pristine exercise of basic First Amendment rights a criminal ‘obstruction’ of ‘access’ to abortion facilities when cars suffer only slight delays in turning into driveways. These cases have been defeated, albeit at great expense,” said Tom Brejcha, president and chief counsel of the Thomas More Society, in the written statement. “Yet such threats of deadly force against pro-lifers as occurred here in Charleston are now brushed off with a mere slap on the wrist.”

After court fees, Boyle will pay \$337.30 total to close the case.

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