**Abortion Practitioner Will Lose License for Illegal Late-Term Abortion**

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Detroit, MI -- -- Charges against an abortion practitioner accused of performing an illegal late-term abortion will be dropped in exchange for his guilty plea to an offense that will cost him his medical license, officials said Monday. The Michigan Attorney General's Office charged Jose Higuera with performing a third-trimester abortion without a valid medical reason. Michigan and 39 other states prohibit such abortions except to preserve the health or life of the mother, a decision usually left to the doctor. In most cases, virtually all abortions are allowed because the "health" exception can be defined to mean almost any reason. Higuera performed an abortion in 1994 on a woman who the state said was nearly seven months pregnant. Higuera has said the abortion was protected by doctor-patient privacy. The 61-year-old abortion practitioner also argued that Michigan's felonious abortion statute is unconstitutional. The state law predated the U.S. Supreme Court's 1973 Roe vs. Wade ruling that legalized unlimited abortion throughout pregnancy. Higuera faced up to four years in prison had he been convicted. But on Monday, state prosecutors agreed to drop the felony abortion charge in exchange for Higuera's plea to one count of altering medical records, said Chris De Witt, a spokesman for Attorney General Jennifer Granholm. "It brings closure," Higuera's lawyer, Max Hoffman, said. Higuera retired several years ago and has lived outside the state for several years, the Lansing attorney said. Higuera is to be sentenced May 30 by Wayne County Circuit Judge Ulysses Boykin, who will formally dismiss the abortion charge. The records-altering charge means Higuera's medical license, which was suspended for unrelated reasons in 1999, will be revoked, De Witt said. The state made the plea deal to avoid the possibility of losing its case at trial, and because it guaranteed Higuera would be stripped of his license, De Witt said. Higuera was the first person in Michigan to be criminally prosecuted for abortion since Roe overturned the state's 130-year-old abortion ban. Abortion practitioners in California, Arizona and New York have been convicted on charges related to botched late-term abortions, but not for the abortion itself. Higuera's crime was that he lacked a clear medical or health reason to perform the late-term abortion, as mandated by Michigan law, assistant Attorney General Mark Blumer said. "Had the mother's health been jeopardized by the pregnancy, there would not be a criminal prosecution. There's no doubt about that," Blumer said in early April. "What we've got is the classic gray area. A woman went in to [his] office and wanted an abortion for no good reason. And we have a doctor who was willing to give it. That's why this case is so different." The woman told authorities that she wanted to have an abortion because she was no longer married to the father and had other children. After she underwent a two-day abortion that cost $3,000. Higuera's nurse brought the case to the state's attention.

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