



## Why Del. didn't charge 'house of horrors' abortion doctor

Sean O'Sullivan, The (Wilmington, Del.) News Journal 9 a.m. EDT June 4, 2013

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**Delaware officials found no evidence of criminal activity by Kermit Gosnell at clinic.**



(Photo: Yong Kim, AP)

**Story Highlights**

- Kermit Gosnell was convicted May 15 for killing newborns delivered alive during abortions at his Philadelphia clinic
- According to investigators, Gosnell used the same type of procedures at the Atlantic clinic in Wilmington
- Delaware officials say they found anecdotal evidence, but nothing sufficient to justify Gosnell's arrest

WILMINGTON, Del. -- In addition to working at his now-notorious "house of horrors" Women's Medical Society Clinic in Philadelphia, [former abortion doctor Kermit Gosnell](#) worked for years performing abortions at a clinic in Wilmington.

After a judge sentenced Gosnell to three life terms in prison May 15 for killing newborns delivered alive during abortions at his Philadelphia clinic, Philadelphia District Attorney R. Seth Williams was unequivocal when asked if he believed Gosnell committed the same crimes at the Atlantic Women's Medical Services clinic in Delaware:

**STORY:** [Philadelphia abortion doctor gets life in prison](#)

"Yes," he said. "We believe he was conducting the same type of act in Delaware as he was conducting here in the Commonwealth of Pennsylvania."

Gosnell was convicted last month of three counts of first-degree murder, one count of involuntary manslaughter in the 2009 death of an abortion patient and on hundreds of lesser counts involving violations of Pennsylvania's abortion laws, including performing abortions after 24 weeks at his Women's Medical Society Clinic.

Williams said that his office had coordinated with Delaware Attorney General Beau Biden and his office about Gosnell's activities in Delaware.

According to investigators and court papers, Gosnell used the same type of risky, labor-inducing approach to abortions at the Atlantic clinic in Wilmington that sometimes resulted in children being delivered alive by abortion patients.

### **Anecdotal evidence**

Some witnesses told investigators they saw Gosnell snipping spinal columns of babies that were delivered at the Atlantic clinic.

But the problem for Delaware investigators was that they did not have witnesses who could testify to seeing Gosnell severing the spinal cords of any of the babies who showed apparent signs of life after they were delivered at Atlantic.



The Atlantic Women's Medical Services Inc. on Baynard Blve. where Dr. Kermit Gosnell once worked. (Photo: Jennifer Corbett, The Wilmington, Del., News Journal)

"The Wilmington police and the Attorney General's Office were understandably concerned and suspicious that similar conduct was occurring here in Delaware," said Deputy Attorney General Steven Wood.

"We uncovered anecdotal evidence that concerned us, but police were never able to uncover sufficient evidence to justify an arrest or prosecution (in Delaware)," Wood said.

While Gosnell owned and operated the Women's Medical Society Clinic, he was just an employee at Atlantic Women's Medical Services, where he worked at least one day a week for a number of years.

The since-closed Atlantic clinics, which had locations in Wilmington and Dover, were owned by Panzy Myrie and Leroy T. Brinkley was the managing director. Clinic attorney James E. Liguori said last week that the assertions by the Philadelphia DA about Gosnell's activities at Atlantic were "not borne out by the evidence that was reviewed here in Delaware."

State records indicate that Gosnell worked at Atlantic's Wilmington location at least back to 2004.

Recently retired Wilmington Police Captain Nancy Dietz said in one particular incident "we did have some evidence" that suggested criminal behavior by Gosnell at Atlantic, but it was not enough to file charges. Delaware investigators "didn't have the physical evidence that Philadelphia had," she said.



Dr. Kermit Gosnell. (Photo: Yong Kim, AP)

One of the three first-degree murder convictions against Gosnell -- and the only one that tied Gosnell directly to ending the life of a baby who was delivered alive by an abortion patient -- was the case of "Baby A," whose 17-year-old mother first consulted Gosnell in July 2008 at the Atlantic clinic.

According to testimony, the girl was well past the 24th week of pregnancy and Gosnell started an illegal late-term abortion in Wilmington, giving her labor-inducing drugs at the Atlantic clinic, with instructions to report to the Philadelphia clinic the next day.

After the girl delivered a child -- which clinic staffers testified was moving and looked like a full-term baby -- Gosnell ended its life by severing its spinal cord with a pair of scissors. One clinic staffer was so upset she took a cellphone picture of the baby boy after he died, an image that was shown to the jury.

In the other two counts on which Gosnell was convicted of first-degree murder, Gosnell had instructed clinic staffers to end the lives of babies that were delivered alive.

In addition to the cellphone photo, Philadelphia investigators also recovered dozens of frozen bodies of aborted fetuses and a number of preserved, severed feet of aborted fetuses that Gosnell had kept.

### **Many patients came from Delaware clinic**

Philadelphia Assistant District Attorney Joanne Pescatore said that many of Gosnell's patients came from Delaware, based on her review of the medical records.

According to trial testimony, Gosnell was well known for performing late-term abortions, drawing patients to Philadelphia from across the Eastern Seaboard.

Another key component in the prosecution involved the unsanitary conditions at Gosnell's Philadelphia clinic that included broken, aging and bloodstained medical equipment and furniture.

This aspect was also lacking in the Delaware investigation.

"Investigators did not uncover any of the truly horrific, medieval-like sanitary and medical code violations that were seen in Philadelphia," Wood said, adding that prior to Gosnell's arrest no complaints had been filed against either Gosnell or the Atlantic clinic.

**Drs. Albert Dworkin and Arturo Apolinario** were suspended on an emergency basis by state regulators in March 2011, shortly after the charges against Gosnell were filed, and several administrative charges were filed against the clinic itself for the failure to report unprofessional behavior by a doctor, among other issues.

Dworkin was cleared of the charges in April 2011 following a lengthy emergency hearing and was given a full exoneration by the board in July 2011. Apolinario's emergency suspension has remained in place for allegedly allowing his license to write prescriptions lapse while still writing prescriptions.

Atlantic Women's Medical Services closed both its Wilmington and Dover offices in 2011 rather than fight the administrative charges. Only this past March did Atlantic's owners finally resolve the pending administrative charges, signing a consent decree with the state and agreeing to pay a \$5,000 fine.

Attorney Liguori said with the resolution of the administrative charges, the Atlantic clinics and its owner "will not be back" in Delaware.

Wood said the decision on whether to prosecute Gosnell in Delaware was not affected by the prosecution in Philadelphia. State officials were not waiting to see how the Philadelphia case came out before deciding to act.

"The decision about whether or not to prosecute Gosnell ... was based purely on our assessment of the evidence," he said.

"We applaud the hard work that led to a just verdict and sentence in Philadelphia, and everyone involved in the case here is happy Gosnell is where he belongs," Wood said.