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## • Negrón, Guadalupe New York, Age 33

On July 9, 1993, Guadalupe, age 33, underwent a second-trimester abortion at Metro Women's Center in Queens, New York. During the procedure, abortionist Dr. David Benjamin, a/k/a Elias Bonrouhi, lacerated her cervix and punctured her uterus, causing severe bleeding. Guadalupe was moved into recovery, but her condition was not monitored for over an hour. Although these injuries occurred during an abortion that began at 10:00 AM, an ambulance was not called until 1:40 PM. Upon their arrival at the clinic, paramedics found a breathing tube inserted into Guadalupe's stomach instead of her trachea, causing stomach fluids to travel up the tube, into the mask, and down into her lungs. One paramedic said he found Guadalupe naked and bloody, and a nurse was screaming and trying to revive her in a small, unventilated room with an inadequate oxygen tank and no necessary equipment such as a blood pressure cuff. She died later that day from massive blood loss. Guadalupe was a native of Honduras and had immigrated to the United States. She had been selling ice from a cart to raise the funds to bring her children to the U.S. At the time of Guadalupe's abortion, Dr. Benjamin's medical license had been revoked by the state medical board, but he was able to continue seeing patients while he appealed the ruling. Dr. Benjamin was successfully convicted by the state for second-degree murder in this case. His sentence was for 25 years to life.

Eugene Register-Guard - Jul 13, 1995 Browse this newspaper » Browse all newspapers »

Page 8A THE REGISTER-GUARD, Eugene, Oregon, Thursday, July 13, 1995

# Abortion doctor faces murder trial

**Desperate: David Benjamin's botched cases injured five women and led to one woman's death.**

By The Associated Press

NEW YORK — Guadalupe Negrón was in a desperate situation. The mother of four was pregnant again and afraid she would lose her job as a nurse's aide.

She slipped out of her home in the Bronx on a summer day two years ago and went to a storefront clinic in Queens for an \$800 abortion.

Negrón paid with her life.

Hours after undergoing the abortion, she bled to death in a waiting room, allegedly alone and unattended.

In a case unprecedented in state history and a rarity anywhere in the United States, the doctor, David Benjamin, is on trial on murder charges, accused of doing nothing to help the woman after she was wheeled from the operating room in pain and drenched in blood from punctures to her uterus and cervix.

Opening arguments are scheduled to begin today.

The New York Medical Society said it has never heard of a New York case in which a doctor was charged with murder in the death of a patient during a medical procedure.

Usually when doctors are accused of botching a procedure they face malpractice suits or disciplinary action from regulatory boards.

Benjamin's attorney, Brad Leventhal, said the case belongs in civil court.

"This is frightening," he said. "A charge of homicide has no place here."

Queens District Attorney Richard Brown said Benjamin's "depraved indifference to human life" warranted the criminal charges.

Benjamin, 36, could get up to 25 years in prison. He has been jailed on a \$750,000 bail since his arrest.

Weeks before Negrón went to see Benjamin, his medical license had been revoked by the state Health Department for "gross incompetence and negligence" for five cases in which he had perforated the uteruses of other patients.

He was appealing that ruling when Negrón visited in, in 1993.

Negrón was 23 and pregnant for a fifth time. She did not tell her husband, and enlisted a niece to help her.

The Honduran woman did not speak English, and she may immigrate she was afraid of anything "official" and did not want to go to a hospital. Negrón found Benjamin's clinic listed in a Spanish-language newspaper.

By the time she had gotten together the money needed for the abortion, she was five months pregnant. By law, Benjamin should have referred her to a hospital since she was 20 weeks along, but he did not even examine Negrón before performing the abortion, Brown said.

After the procedure, Benjamin immediately began another abortion and Negrón allegedly was shunted off to a waiting room, where she hemorrhaged, went into shock and then cardiac arrest.

When Benjamin saw Negrón an hour after she was wheeled out of the operating room, he called an ambulance. He mistakenly inserted a breathing tube into her stomach instead of her trachea, Brown said. Negrón was dead before she reached the hospital.

In 1988, Dr. Milton Kivana was convicted of murder in Los Angeles in the stillbirth of one infant and the deaths of eight newborns. Prosecutors said he performed the deliveries in his office even though they were high-risk cases, and refused to send the women to hospitals.

In 1993, Dr. Gerald Elmsagier was convicted in New York of reckless endangerment and willful violation of health laws in the death of an elderly woman. Elmsagier erroneously ordered food pumped through her dialysis tube.

He was ordered to spend weeks in jail for a year.



The New York Times reported the story this way: As her life drained from her, Guadalupe Negrón sat bleeding on an operating table, drowning in her own vomit as a doctor fumbled in a

failed attempt to get oxygen into her lungs, a paramedic testified in the doctor's murder trial. The abortion doctor, [David Benjamin](#), is accused of botching an abortion on Mrs. Negron — the fetus was 19 to 20 weeks old — so badly that he caused her death. At his trial yesterday, the witness, Freddie Neboa, a paramedic for 13 years, told of arriving at the Metro Women's Center in Corona, Queens, on July 9, 1993, and finding the bizarre scene after being told that the woman was suffering a heart attack. In riveting testimony in State Supreme Court in Jamaica, Queens, Mr. Neboa said that the doctor had inserted a breathing tube into Mrs. Negron's esophagus instead of her trachea. He also testified that the doctor's wife, Jacqueline Bonrouhi, was pumping Mrs. Negron's stomach instead of her sternum in an effort to perform cardiopulmonary resuscitation. "While the female was performing C.P.R. on her stomach, fluids and food were coming into her face mask and back into her," Mr. Neboa told the jury.

"There was no indication she was alive," he continued. "She was dead. When we arrived on the scene we advised the female to stop pushing her stomach. We checked her pulse and there was none. Her nail beds were blue. Her lips were blue and her pupils were fully dilated." Testifying before Judge Robert J. Hanophy, Mr. Neboa said that the woman had been in cardiac arrest more than 10 minutes. Realizing the severity of the problem, he and his partner, Miguel Acevedo, called for backup 10 minutes after arriving. "When we first entered, there was a lot of blood on everything, on the table, on her genital area, on the floor and instrument," he said. The doctor told the paramedics the woman's profuse bleeding was the result of some cervical bleeding after a successful operation. He added that Dr. Benjamin had not mentioned the life-threatening laceration to Mrs. Negron's uterus and vagina. "If he had told us about the bleeding, we would have done what we call scoop and run," he said, "meaning we would have taken her directly to the hospital. And we would have used mast pants, which pushes and squeezes blood to the heart brain or lungs. "I trusted this man that he would not lie to me," he continued. The prosecution contends that Dr. Benjamin tried to hide the fact that he had botched the abortion because he was already in danger of losing his medical license. After Mrs. Negron was pronounced dead at the New York Hospital Medical Center of Queens, Mr. Neboa said he tried to call Dr. Benjamin. "I got hold of a female," he said, "but she hung up after someone in the background told her to hang up. ([NY Times](#))