

Fetus age disputed in abortion trial

NORFOLK (AP)—Pathologists at Portsmouth Naval Hospital used inaccurate methods and made "technical errors" in determining the age of a fetal head left in a teenage girl after an abortion performed by Dr. Parviz Modaber, a pathology professor says.

Modaber, 54, of Culpeper, is charged with performing an abortion past the first trimester, or first 13 and a half weeks of pregnancy, outside a licensed facility. The felony carries a maximum 10-year term.

Dr. Fergus O. Shiel of the Medical College of Virginia in Richmond testified Friday for the defense, rebutting prosecution testimony that the fetus was 17 to 18 weeks old when the abortion was performed.

Pathologists at Portsmouth Naval Hospital judged the age of the fetus by measuring its head, which was left inside the 15-year-old girl's womb after the June 30 abortion.

Taking painstaking care to explain his findings, Shiel told how he examined the 1.4-inch-wide fetal head that was removed from the girl last July 2 when she went to the Portsmouth Naval Hospital with bleeding and severe pain.

The two naval hospital pathologists testified earlier in the week that they made their measurements of the partially crushed fetal head with a ruler. By comparing those measurements to charts showing

how the measurements made by ultrasound relate to development, they said they were able to determine the age of the fetus.

But Shiel said, "The methods that they employed were not of the degree of accuracy that are absolutely necessary when making a determination of fetal age," he added.

Numerous times during his testimony, Shiel noted that the head was partially crushed and badly distorted.

"Above all things, there is an indication that they simply have failed to recognize the extraordinary impact of the enormous degree of distortion that is apparent in this fetal head," Shiel explained.

The Circuit Court trial, which began Monday, is expected to go to the jury next week.

Modaber performed the abortion at the American Women's Clinic, which was unlicensed. The now-closed clinic was owned by Dr. Chris Simopoulos, who is a fugitive on charges of performing an illegal abortion and charging women who weren't pregnant for fake abortions.

Modaber has been free on \$50,000 bond since he was indicted by a grand jury last September. He continues to practice medicine, although the state Board of Medicine plans to hold a hearing on his license. A hearing set for April 2 has been postponed indefinitely.

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