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Queens Doctor Is Charged in Woman's Death After Abortion Procedure

By ELI ROSENBERG   OCT. 11, 2016

A doctor in Queens has been charged with manslaughter after one of his patients bled to death as a result of complications during an abortion he performed, prosecutors said.

The doctor, Robert Rho, was arraigned on Tuesday before Judge Gregory L. Lasak of State Supreme Court in Queens after being indicted on one count of second-degree manslaughter in the death of the patient, Jamie Lee Morales, 30.

Dr. Rho, who lives on Long Island and whose Queens practice is in Flushing, pleaded not guilty to the charge.

Ms. Morales was injured during the July 9 procedure when "Dr. Rho caused a laceration of the victim's cervix, a perforation of the uterine wall, and a disruption and transection of the uterine artery," the office of the Queen district attorney, Richard A. Brown, said in a news release.

Ms. Morales required an additional procedure before leaving Dr. Rho's office, but was allowed to go "despite having collapsed and appearing disoriented," Mr. Brown's office said in the news release. She was taken to a Bronx hospital after becoming unresponsive during a car ride to her sister's house. She was treated there for vaginal bleeding, but died that night, prosecutors said.

The New York City Office of Chief Medical Examiner ruled that Ms. Morales died after hemorrhaging from injuries of the cervix, uterus and uterine artery during an "elective" abortion during her second-trimester of pregnancy, said Julie Bolcer, a spokeswoman for the office. Ms. Bolcer added that Ms. Morales's death had been ruled an accident.

Mr. Brown said in the news release that Dr. Rho "recklessly" caused Ms. Morales's death, by injuring her and then failing "to provide appropriate and timely medical attention."

A lawyer for Dr. Rho, Jeffrey H. Lichtman, said he did not believe his client deserved to be criminally charged in Ms. Morales's death.

"The fact that this turned out to be a tragedy doesn't mean that he's criminally responsible or civilly responsible," Mr. Lichtman said. "This is a situation that at worst could be civil negligence and at best could be unforeseen circumstances that occurred."

Dr. Rho was released on Tuesday on a $400,000 bail bond. He has agreed not to practice medicine until the case is resolved, Mr. Lichtman said.

Mr. Lichtman added that his client had closed his office after Ms. Morales's death on his own. "He shut it down immediately," he said. "He was devastated."

Lawyers said abortion-related deaths typically result in medical malpractice complaints and civil litigation. A few such deaths have prompted criminal charges.

Dr. David Benjamin, who also practiced in Queens, was convicted in 1995 of second-degree murder in the death of a 33-year-old mother of four who was in her second trimester of pregnancy. At the time, Dr. Benjamin was the first doctor in New York State to be convicted of a murder related to the mistreatment of a patient.

Jorge Santos, a criminal defense lawyer in New York, said similar cases were rare. "Doctors get sued for medical malpractice all the time, but they usually don't have criminal liability," he said.

Dr. Rho has been licensed to practice medicine in the state since 1991, a few years after he graduated from SUNY Downstate Medical Center. According to state medical records dating to 1990, he does not have any other malpractice, legal or disciplinary actions against him.

Mr. Lichtman said his client had successfully performed thousands of abortions over the course of his career without any significant issues. "This isn't someone who's had a history of botched procedures or maintaining an unsafe office," Mr. Lichtman said.

Susan C. Beachy contributed research.

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