

Web and site search

Search

1¢ A DAY FOR 6 MONTHS
Sale ends 4/1

LOG IN

Coronavirus in Illinois updates: Here's what's happening Monday with...



Indiana governor orders residents to stay home due to coronavirus



Gov. J.B. Pritzker issues order requiring residents to 'stay at home' starting...



Coronavirus in Illinois updates: Here's what's happening Sunday

ADVERTISEMENT

HEALTH LIFESTYLES

Cecil Co. murder charges against abortion doctors withdrawn

By BY STEVE KILAR and THE BALTIMORE SUN
MAR 06, 2012 | 10:43 PM



Dr. Steven Chase Brigham, 55, of Voorhees, N.J., being led out of the Circuit Court House in Elkton. (Adelma Gregory-Bunnell / Cecil Whig)

The Cecil County state's attorney's office withdrew all charges Tuesday in the murder prosecutions of Nicola I. Riley and Steven C. Brigham, the first doctors charged under Maryland's fetal homicide law in a case involving a medical procedure.

"This indictment was wrong from the beginning," said Sharon Krevor-Weisbaum, an attorney for Riley, who was charged with murder in relation to an August 2010 abortion at an Elkton clinic where she was working with Brigham. He had faced additional murder counts for other abortions he performed. "It should never have been brought. It is factually and legally

inaccurate," the attorney said.

The case has drawn national attention and sparked a debate about whether a fetal homicide law — Maryland is one of 38 states with such a rule — could be applied to abortion procedures.

Maryland's statute, enacted in 2005, allows the state to pursue murder charges in the death of a viable fetus. Prosecutors in Maryland have used the law several times, mainly in cases involving shootings or beatings of pregnant women. But the law had never been used to prosecute physicians performing an abortion.

Doing so would mean a de facto ban on abortion, Krevor-Weisbaum and her co-counsel Stuart O. Simms argued in filings to dismiss the case against Riley. Their motion to dismiss was scheduled for oral argument next week.

Cecil County State's Attorney Edward D.E. Rollins III, who did not return a phone call seeking comment Tuesday, had said the case put him in "uncharted territory." While his office announced that charges had been dropped against Riley and Brigham, he said the investigation would remain open.

"The initial investigation conducted by the Elkton Police Department substantiated that the demise of five viable fetuses ... occurred in Elkton, Maryland in 2010," Rollins said in a statement Tuesday. "However recent consultations regarding necessary expert witness testimony conflicted with anticipated expert testimony which put the State in a position in which it cannot successfully prosecute these matters at this time."

Krevor-Weisbaum said in a statement that she thought Rollins' stated reasons for dismissing the charges were disingenuous. Blaming the police investigation and changes in testimony were a cover for a realization that a judge was likely to dismiss the charges next week, she said.

The abortion that triggered the police investigation — the one for which Riley was charged — involved an 18-year-old whose procedure began in New Jersey. A Maryland physicians board said the doctors had the woman drive herself to the Elkton clinic, where police said her uterus ruptured and she was rushed to a hospital.

Riley and Brigham drove the teen, nearly unconscious, to a nearby emergency room, police said. The physicians board said the girl remained in a wheelchair while the doctors argued with staff. She had to be airlifted to Johns Hopkins Hospital, where she recuperated.

In addition to the August 2010 abortion that injured the teen, police have said they found nearly three dozen fetuses in the Elkton clinic's freezer, some at 20 to 35 weeks of gestation. Riley worked with Brigham only a handful of times and was not involved in the four additional abortions that led to more charges for Brigham, Krevor-Weisbaum said.

Brigham was charged with 11 counts, including five counts of first-degree murder and five of second-degree murder stemming from abortions in which the prosecutor considered the fetuses viable. He and Riley were also charged with conspiracy to commit murder for the teen's botched abortion in August 2010.

In addition to the first-degree murder charge, Riley was charged with second-degree murder for that abortion.

Brigham was never licensed to practice medicine in Maryland. State authorities had suspended Riley's medical license in 2010, after the botched abortion, but before criminal charges were filed. The Maryland Board of Physicians said both violated acceptable medical practices in their treatment of the teen.

Riley continues to be licensed in Utah, where she lives. Her Maryland license could be reinstated after an administrative hearing, her attorney said.

"We have always contended that Dr. Brigham has not violated any Maryland laws as stated in our filings with the court,"

Brigham's attorneys, C. Thomas Brown and former Maryland public defender Nancy S. Forster, said in a statement Tuesday evening. "The stress and disruption of his life that these charges have caused Dr. Brigham was unnecessary and unwarranted but he is relieved to move forward with his life."

Brown declined to speak on the case beyond the statement.

A state licensing board would have been a more appropriate place to deal with the allegations against Brigham and Riley, said Vicki Saporta, president of the Washington-based National Abortion Federation, a professional association of abortion doctors.

"Steve Brigham is a substandard provider and should not be practicing medicine or running an abortion clinic anywhere in the United States," she said. "That said, Maryland's fetal homicide law should not be applied in this ... manner.

"Murder was not the appropriate charge in this situation," Saporta said. "He should definitely be put out of business. No question about that."

Cheryl Sullenger, the senior policy adviser for Operation Rescue, said the Kansas-based anti-abortion group took a different view of the state's attorney's decision to drop the charges.

"We knew this was a case that they were being charged with a law that had never been used before; we knew it would be an uphill climb for the prosecution," she said. "We're hoping they can find another way they can recharge them."

Baltimore Sun reporter [Jessica Anderson](#) contributed to this article.

steve.kilar@baltsun.com

twitter.com/stevekilar

Topics: [Crime, Law and Justice](#), [Laws and Legislation](#), [Justice System](#), [Abortion Issue](#), [Homicide](#), [Health](#), [Planned Parenthood](#), [Johns Hopkins Hospital](#)

ADVERTISEMENT

ADVERTISEMENT

Newsletters
Subscribe here

[About us](#)
[Terms of Service](#)
[Archives](#)
[Coupons](#)

[Privacy Policy](#)
[Do Not Sell My Info](#)
[Contact us](#)
[Best Reviews](#)

[Local print ads](#)

[Tribune Web Notifications](#)

[TAG disclosure](#)

[FAQ](#)

[Media kit](#)

Copyright © 2020, Chicago Tribune