



NEWS

FIRST U.S. JURY TO DECIDE IF FIRST TRIMESTER ABORTION TERMINATES LIFE

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By *LifeSiteNews.com*

RANDOLPH, N.J., October 29, 2002 (LifeSiteNews.com) - A New Jersey Appellate Court issued an opinion today which clears the way for a trial which requires a jury to determine if a first trimester abortion terminates the life of a living human being. In reversing the decision of the trial court, the case is historical because it marks the first time that a jury, at the direction of a court anywhere in the nation, will answer the question left open by the United States Supreme Court in *Roe v. Wade*: when does the life of a human being begin? The trial in "*Rosa Acuna v. Dr. Sheldon Turkish*," Appellate Docket Number A-2209-015T, is tentatively scheduled to begin sometime after the first of the year. Mrs. Acuna's attorney, Harold Cassidy, known as an advocate of the rights of pregnant mothers, first gained national attention when he successfully litigated the "Baby M" case, which protected mothers' rights by declaring surrogate parenting contracts unenforceable. Mr. Cassidy called today's decision "a great victory for the rights of pregnant women." He added: "This case exposes the conflict between a mother's fundamental rights and a conflicting philosophy of an abortion doctor who devalues the mother's interest in her relationship with her child." In its twenty-two page opinion, the Appellate Division reversed the trial court's dismissal of Rosa Acuna's claim for her emotional distress due to the death of her unborn child, whose life was terminated by an abortion performed by Dr. Turkish, which Mrs. Acuna states was performed without her informed consent. According to the public documents filed with the Appellate Court, Mrs. Acuna asserts that the doctor did not explain that the essential nature of the abortion procedure was that it terminated the life of a living human being. This failure, she maintains, was exacerbated by the fact that Mrs. Acuna specifically asked the doctor if her "baby was already there". Mrs. Acuna wanted to know if a human being was already in existence, and says that Dr. Turkish misled her by telling her that it is "nothing but some blood". (Dr. Turkish admitted in depositions that he tells pregnant mothers that "it is nothing but some tissue"). The trial court had ruled that "*Roe v. Wade*" prohibited the State from recognizing the fact that the child was a human being. The Appellate Court rejected that contention. The case is especially significant because if the jury finds that the abortion procedure terminates the life of a human being, and that fact is one a reasonable patient would consider material to her decision, it means that a doctor will be required to inform a pregnant mother, prior to her giving consent to an abortion, that the doctor would be terminating the life of a living human being.