

  [Newsletters](#) | [Blogs](#)

SWITCH: [Mobile](#) | [ePaper](#) | [Subscribe](#)

[Homes](#) [Rentals](#) [Jobs](#) [Autos](#) [Contests](#)

marketplus
NAME BRAND & LOCAL COUPONS

 [0 comments](#)

Utah abortion doc's attorney lashes out at prosecutors in dismissed case


By [Steve Kilar](#)


[The Baltimore Sun staff](#)

Wed, 03/07/2012 - 9:44am

[Copyright 2012 McClatchy Newspapers. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.](#)

Images

 FILE - In this Jan. 9, 2012 file photo, Dr. Nicola Riley appears at a hearing in Salt Lake City's 3rd District Court. Maryland prosecutors on Tuesday, March 6, 2012 dismissed murder charges against Riley and another out-of-state doctor in the death of a fetus during a 2010 procedure, citing conflicts in expert testimony. (AP Photo/The Salt Lake Tribune, Scott Sommerdorf, Pool, File)

 FILE - In this Jan. 9, 2012 file photo, Dr. Nicola Riley appears at a hearing in Salt Lake City's 3rd District Court. Maryland prosecutors on Tuesday, March 6, 2012 dismissed murder charges against Riley and another out-of-state doctor in the death of a fetus during a 2010 procedure, citing conflicts in expert testimony. (AP Photo/The Salt Lake Tribune, Scott Sommerdorf, Pool, File)

BALTIMORE -- The Cecil County state's attorney's office dismissed 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. "It should never have been brought. It is factually and legally inaccurate."

The case has drawn national attention and sparked a debate about how the law should be applied. Maryland is one of 38 states with a fetal homicide law.

The law, enacted in 2005, allows Maryland prosecutors 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 a medical procedure.

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

Maryland regulators have criticized Riley and Brigham for starting abortions in one state and finishing them in another.

A motion filed in January by Brigham's attorneys alleged that the fetuses subject to the criminal complaint were all dead before the women reached an Elkton, Md., clinic. Police have said they found nearly three dozen fetuses in the Elkton clinic's freezer, some at 20 to 35 weeks of gestation.

The abortion that triggered the police investigation occurred in August 2010 when an 18-year-old began a procedure in New Jersey in which her uterus was dilated. 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.

After the teen's uterus ruptured, police said, the doctors drove her, nearly unconscious, to a nearby hospital emergency room. The physicians board said the girl remained in a wheelchair while the doctors argued with staff, and she had to be airlifted to Johns Hopkins Hospital. She survived.

Brigham was charged with 11 counts, including five counts of first-degree murder stemming from abortions in which the prosecutor considered the fetuses viable. Riley was charged with three counts; one was for first-degree murder.

Brigham was never licensed to practice medicine in Maryland. State authorities had suspended Riley's medical license in 2010, after the botched abortion involving the 18-year-old at the Elkton clinic, 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."

Oral arguments on the defendants' motions to dismiss were scheduled for next week.

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.

"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."

Defense attorneys had argued that Maryland lacks jurisdiction because the deaths occurred in New Jersey. But Cheryl Sullenger, the senior policy adviser for Operation Rescue, said the Kansas-based anti-abortion group has reviewed many details of the case through open records laws and believes the "bi-state operation" ended with a botched abortion in Elkton.

"It was completed in Maryland," said Sullenger. "We're extremely disappointed. We believe the state has a good case."

Calls to Planned Parenthood's Maryland office and NARAL Pro-choice Maryland were not returned Tuesday.

(Staff writer Jessica Anderson contributed to this article.)

(c)2012 The Baltimore Sun

Visit The Baltimore Sun at www.baltimoresun.com

Distributed by MCT Information Services

Tags

Topics

- [Murder](#)
- [Abortion](#)
- [Abortion doctors](#)
- [Courts](#)
- [Utah](#)
- [National](#)

Authors

- [Steve Kilar](#)

Location

- [Elkton](#)
- [Maryland](#)


Author Type

- [staff](#)

Author Organization


- [The Baltimore Sun](#)

More Stories from Murder


 Policemen gear up as they prepare to go the Western Psychiatric Institute and Clinic on the University of Pittsburgh campus, Thursday, March 8, 2012 in Pittsburgh. A gunman who opened fire after entering the lobby of the psychiatric hospital was armed with two semi-automatic handguns during a shooting that left two people, including the gunman, dead and several others wounded, the Pittsburgh Mayor Luke Ravenstahl said. (AP Photo/Keith Srakocic) [Two killed, 7 injured in shooting at psych clinic](#)

 FILE - In this Jan. 9, 2012 file photo, Dr. Nicola Riley appears at a hearing in Salt Lake City's 3rd District Court. Maryland prosecutors on Tuesday, March 6, 2012 dismissed murder charges against Riley and another out-of-state doctor in the death of a fetus during a 2010 procedure, citing conflicts in expert testimony. (AP Photo/The Salt Lake Tribune, Scott Sommerdorf, Pool, File) [Testimony change led to dismissal in abortion case](#)

[Utah abortion doc's attorney lashes out at prosecutors in dismissed case](#)

 FILE - This undated photo provided by the Arizona Department of Corrections shows death-row inmate Robert Henry Moormann. Arizona executed Moormann Wednesday, Feb. 29, 2012 for killing and dismembering his adoptive mother while he was out of prison on furlough for another crime, despite a spate of last-minute appeals over his mental disabilities and how the state has changed and violated its own execution protocol. (AP Photo/Arizona Department of Corrections, File) [Arizona executes man for killing, dismembering mom](#)

Comments

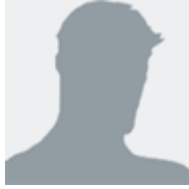

Follow @standardex
Newsletters 15,740 Subscribers

Recent Comments

-  [Ammon](#)

Sadly Ponch, you're probably right.

[Lawyer says booking mug shot of LDS bishop would be cruel](#) · [2 minutes ago](#)



[Mbennett](#)

How can they possible raise water rates. They are already waaaaay outrageous if you don't have secondary water!

[Ogden residents may have to pay higher rates for water and sewer](#) · [4 minutes ago](#)



[Kickin'It](#)

Here comes spring.

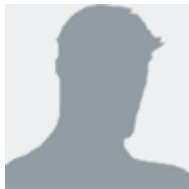
[Warmer winter drives anglers to higher ground](#) · [9 minutes ago](#)



[LukeGJDrivesAVW](#)

I actually never thought of the Hyde / hide thing. Looking at Noel's gin blossom I was always lumping him with Jekyll as a cautionary tale about alcohol intoxication. Pretty good catch.

[Judge reins in third attorney representing Matthew Stewart](#) · [18 minutes ago](#)



[Skimomma1](#)

EVERYONE is welcome, and there is no charge to attend! This is a non-partisan meeting. You do not have to be a registered voter, you do not have to be affiliated with a party, and you do not have...

[Caucus awareness event set tonight in South Ogden](#) · [25 minutes ago](#)



[LukeGJDrivesAVW](#)

I can't stand Bill Maher. I was talking about Rush, who should freaking know better.

[Republicans should disavow Limbaugh](#) · [26 minutes ago](#)

Latest Blogs

[*Blogging the Rambler*](#)

[The traitor is always first to take the loyalty oath](#)

By: Charles Trentelman

Tuesday, February 28, 2012 - 11:12am

[*The Political Surf*](#)

[The left has long cheered and laughed at the misogyny...](#)

By: Doug Gibson

Thursday, March 8, 2012 - 11:53pm

[*Me, myself... as mommy*](#)

[The husband earns his scarlet letter](#)

By: MeganSanders

Friday, February 17, 2012 - 12:27am

[*Why Are You Crying?*](#)

[No economic crisis in college football](#)

By: Mark Shenefelt

Monday, December 12, 2011 - 11:36am

[Rahe: Richardson was gamechanger in Big Sky semifinal](#)

By: Roy Burton

Wednesday, March 7, 2012 - 6:42pm

Latest Tweets

[follow us on Twitter](#)