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Finkel faces 34 years

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In a few moments Dr. Brian Finkel would be led away to a prison cell for the next 34 3 /4 years for sexually abusing his patients.

Admittedly embarrassed by his jail stripes and handcuffs, the once prominent Phoenix abortion doctor who attended his trial in tailored suits explained his belief for his predicament Friday.

His stressful practice, coupled with harassment from "domestic terrorists" of the anti-abortion crowd, caused him to put a shield between himself and the patients he hoped to help.

"Perhaps I over compensated and came across as rude, cold and uncompassionate. I'm sorry if I hurt their feelings, I'm sorry if I caused them emotional stress, but I never sexually abused them," Finkel said.

The 54-year-old Finkel, who was convicted by a jury last month on 22 counts of sexual abuse, said he was nothing like Marcus Welby, the wise veteran doctor of the 1970s television drama series.

"(I) never have held myself out to be a touchy-feely, compassionate doctor. I wasn't raised that way. I wasn't trained that way," Finkel said. "Perhaps I was too blunt when I counseled them about their lifestyle choices and perhaps I was too perfunctory that I didn't seem compassionate."

Finkel once provided 20 percent of the abortions in Arizona and court documents indicate he earned \$600,000 a year. He was an articulate and fiery advocate of abortion rights, a position that his supporters and wife of 31 years said in letters to the court was really behind the prosecution.

"My family and I are the true victims in this case — victims of (Maricopa County Attorney Richard) Romley's abuse of his position of authority," Finkel's wife, Diana, wrote in a statement Friday to the Tribune.

Finkel said he felt guilty that his patients were traumatized by his three-month trial, and he was "remorseful about the things that have happened to the patients."

County Superior Court Judge Jeffrey Cates, who presided over the trial, said he didn't believe Finkel showed any remorse.

"You were found guilty of 22 counts involving 13 women, not because of your demeanor, but because you committed the crimes," Cates said.

Grand juries indicted Finkel on 67 counts of sexual abuse and sexual assault involving 35 women going back almost 20 years.

By the end of trial, seven counts were dismissed and 30 accusers remained.

The jury found that he either fondled the breasts or genitals of the women during pre-abortion examinations or regular gynecological exams.

His defense at trial was that his touching was medically necessary and the accusers had false memories planted by overzealous investigators.

Cates could have given Finkel as few as one year in prison or as many as 73 3/4 years.

He sentenced the physician on the upper end of allowable years on each count that carried a mandatory prison sentence, gave him lifetime probation on one count and ordered that he never practice medicine again.

"We're very pleased with the sentence," prosecutor Blaine Gadow said. "Each victim got a sentence to reflect their own crime committed against them."

Finkel's attorney, Richard Gierloff, declined comment after the sentencing. But he has written in court documents that he lacks confidence in the jury verdicts because of the high number of acquittals for conduct that was "indistinguishable from the guilty counts" and because some of the guilty counts were the "factually weakest."

Gierloff has argued from the earliest stages of the case (Finkel was first arrested in October 2001) that there should have been a separate trial for each accusation. He also told Cates in court that the convictions were based only on Finkel's manner and demeanor.

Although about a dozen of the accusers and victims attended the sentencing, only one spoke.

Rise Mayolette said her three-hour procedure has turned into a seven-year emotional nightmare.

"I think the world's a safer place without him," Mayolette said.