

# **Abortion Practitioner can be Prosecuted for Late-Term Abortion**

DETROIT, MI -- The Michigan Court of Appeals says a former southeast Michigan abortion practitioner can be criminally prosecuted for performing a late-term abortion in 1994 and falsifying medical documents.

The decision, released Wednesday, reverses two lower court rulings that struck down charges against Jose Higuera on the grounds that Michigan's 1973 pro-life statute is unconstitutionally vague. The Court of Appeals said Michigan law may be applied in cases where the unborn child is believed to have been viable outside of the womb and the abortion was not needed to protect the life or health of the woman.

Higuera was among the first abortion practitioners to be charged under a 1974 state law banning abortions during the last three months of pregnancy. The case can now go to trial in Wayne County Circuit Court.

Higuera's lawyer, Max Hoffman, told the Detroit Free Press that he is considering an appeal.

Higuera was first charged in 1996 with aborting the unborn child of a woman who was 28 weeks pregnant and with altering those medical records after he came under investigation. The woman later said she was never told how advanced her pregnancy was, and that she had sought the abortion for "personal reasons."

More than a dozen women filed malpractice suits against Higuera, claiming they were harmed during abortions, but most cases were settled out of court and the terms were sealed.

Hoffman said he had not spoken to his client about the decision. Higuera no longer practices medicine and no longer lives in Michigan, Hoffman said. When the abortion was performed, Higuera had abortion facilities in Bloomfield Hills and Highland Park. A native of Colombia, he earned his medical degree in 1958 at the National University of Colombia Medical School. He completed his residency in Canada, practiced in Michigan since the mid-1960s and was board-certified in obstetrics and gynecology.