IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION

IN RE	:	MISC. NO. 0009901-2008
COUNTY INVESTIGATING	:	
GRAND JURY XXIII	:	C-17

PRESENTMENT

TO THE HONORABLE RENEE CARDWELL HUGHES, SUPERVISING JUDGE OF THE COUNTY INVESTIGATING GRAND JURY:

We, County Investigating Grand Jury XXIII, having been duly charged by the Court to investigate the death of Karnamaya Mongar and allegations of other criminal wrongdoing at Women's Medical Society, a clinic operated by Dr. Kermit Barron Gosnell at 3801-3805 Lancaster Avenue in Philadelphia, to determine whether or not criminal charges should be brought, having obtained knowledge of such matters from witnesses sworn by the Court and testifying before us, and finding thereon reasonable grounds to believe, and so believing, that various violations of the criminal laws have occurred, upon our respective oaths not fewer than twelve concurring, do hereby make this Presentment to the Court.

_____ _____

DATE

FOREPERSON
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We, County Investigating Grand Jury XXIII, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa.C.S. § 4541 *et. seq*., and have been charged by the Court to investigate the facts and circumstances surrounding the death of Karnamaya Mongar and allegations of other criminal wrongdoing at Women's Medical Society, a clinic operated by Dr. Kermit Barron Gosnell at 3801-3805 Lancaster Avenue in Philadelphia.

INTRODUCTION

The Philadelphia District Attorney submitted this case to the Grand Jury on May 4, 2010. The Grand Jurors have received and reviewed evidence pertaining to the death of Karnamaya Mongar and other criminal wrongdoing at Womens Medical Society, a clinic operated by Dr. Kermit Barron Gosnell at 3801-3805 Lancaster Avenue in Philadelphia.

Gosnell and his staff operated the clinic in a reckless and criminal manner. Karnamaya Mongar died as a result. She was overdosed with a narcotic illegally dispensed by Gosnell's unlicensed, untrained, and unsupervised employees, at his direction, in his absence. This dangerous and criminal practice was routine at Gosnell's clinic.

Our investigation revealed that the criminal conduct of Gosnell and his workers extended beyond the drug violations to nearly every aspect of the clinic's operations. Gosnell routinely and deliberately killed babies born alive by severing their spinal cords with surgical scissors, and encouraged his employees to do the same. He performed illegal abortions after the 24th week of pregnancy, often falsifying gestational ages to disguise his criminal conduct. He employed unlicensed and unskilled workers, including bogus doctors, to treat unsuspecting patients.

In this presentment we recommend that Gosnell and members of his staff be prosecuted for criminal offenses arising out of the death of Karnamaya Mongar, for offenses relating to the killing of babies and performance of illegal abortions, and for offenses related to the operation of the criminal enterprise that was the Womens Medical Society.

1. The Death of Karnamaya Mongar.

The evidence presented to the grand jury established that Karnamaya Mongar died of cardiac arrest because she was overdosed with Demerol (meperidine) by Lynda Williams, aided by Sherry West, at Kermit Gosnell's direction. We recommend that, for the death of Karnamaya Mongar, Gosnell, Williams, and West be charged with the crimes of murder, drug delivery resulting in death, violations of the Controlled Substances Act, and criminal conspiracy. Because Gosnell encouraged or requested Williams and West to commit unlawful acts, he should also be charged with criminal solicitation.

Gosnell provided false information to law enforcement authorities to cover up Williams's criminal conduct, and therefore should also be charged with hindering apprehension or prosecution. Sherry West should be charged with Tampering with or Fabricating Evidence, Tampering with Records, and Hindering Apprehension or Prosecution. Finally, Elizabeth Hampton should be prosecuted for Perjury and False Swearing in connection with her testimony before the Grand Jury.

a. Third-Degree Murder: 18 Pa.C.S. § 2502(c) (Kermit Gosnell, Lynda Williams, Sherry West)

Under Pennsylvania law, the voluntary commission of an act that results in the victim's death, where the offender acts with legal malice, express or implied, is murder, even if the resulting death is unintentional or accidental. "Malice" is a legal term meaning, for example, hardness of heart, wanton conduct, recklessness of consequences, or a mind regardless of social duty. If someone consciously disregards an unjustified and extremely high risk that their conduct might cause death or serious bodily injury, that person has acted with malice, and may be convicted of murder.

The evidence presented was sufficient to establish that Mrs. Mongar died as a result of the wanton, reckless conduct of Kermit Gosnell, Lynda Williams, and Sherry West, who all disregarded the extremely high risk that their conduct – the unlawful administration of large doses of a Schedule II narcotic – might cause death or serious bodily injury. The Philadelphia medical examiner concluded that the manner of death was homicide. Another expert, the Delaware County medical examiner, concurred, explaining that to give potent drugs without tailoring the administration of the drugs to the patient, without monitoring the patient, and without the doctor even being on the premises was grossly negligent, reckless, and, in his opinion, homicide.

Karnamaya Mongar's daughter, Yashoda Gurung, testified that her mother was a healthy 41-year-old mother of two and grandmother of one when she came to Gosnell's clinic for an abortion on November 19, 2009. Dr. Stephen Kim of the Hospital of the University of Pennsylvania testified that Mrs. Mongar died on November 20, 2009. The cause of death, according to the medical examiner was "acute anoxic encephalopathy following resuscitation from cardiopulmonary arrest meperidine intoxication." In other words, despite resuscitative efforts, her brain ceased to function after her heart and breathing stopped as a result of the overdose of Demerol.

Gosnell was not present when Mrs. Mongar arrived on November 19 (just as he was not present on November 18, when she arrived for her initial visit). As numerous employees testified, and as Lynda Williams explained in a statement to FBI agent Catherine Carter, it was Gosnell's practice to leave patient care to employees whom he directed to medicate patients in his absence. Gosnell directed Williams, Sherry West, and other unqualified workers to give drugs to patients to induce labor and narcotics to

sedate them. According to Williams's statement and the testimony of other employees before the Grand Jury, none of the workers who Gosnell told to sedate patients was trained or certified to administer anesthesia, even with a doctor's supervision. According to those witnesses, Gosnell was almost never present when abortion patients were sedated. This pattern and practice was the standard operating procedure for Gosnell for more than a decade.

November 19 was no different. Ashley Baldwin, a teenager employed by Gosnell to assist with abortion procedures, testified that she, West, and Williams were the only workers in the recovery room where Mrs. Mongar and other second-trimester patients awaited their procedures. Kareema Cross and other employees testified that West and Williams always worked together.

Clinic records show that Mrs. Mongar was medicated to induce labor and to keep her sedated until Gosnell arrived. Tina Baldwin testified that she was sitting at the front desk and, before she left for the day, gave Mrs. Mongar her initial medication – the clinic files note Cytotec (misoprostol), to produce uterine contractions to expel the fetus, and 45 milligrams of Restoril (temazapan), which causes drowsiness. Sherry West told a Department of Health surveyor that Mrs. Mongar received two Cytotec tablets every hour. Yahsoda Gurung, who remained with her mother in the recovery room for several hours, saw workers give pills to her mother five or six times. Drugs seized from the clinic in February 2010 included bottles of 200-mg. Cytotec tablets.

West told investigators that she and Williams telephoned Gosnell because Mrs. Mongar "was really uncomfortable and they wanted to give her something else to make her comfortable." In her statement to the FBI, Williams said that Gosnell instructed them

to “med her up”; West told the FBI that Gosnell instructed them to give Mrs. Mongar the clinic’s “custom sleep” sedation (75 mg. Demerol, 12.5 mg. Promethazine, and 10 mg. Diazepam). We heard from an anesthesiology expert who told us that Demerol is a powerful narcotic with known cardiac and respiratory side effects. The anesthesiology expert testified that a single 75-mg. dose was “very, very heavy.” He explained that Demerol’s sedating effect is multiplied when administered with other medications such as promethazine. This “synergistic effect” can depress respiration.

Both West and Williams told the FBI that “custom” sedation was required for second-trimester patients who were 15 or more weeks pregnant. Tina Baldwin testified that workers “didn’t know how much you weighed or anything. Everybody got the same, if you paid for it.” She explained first-trimester and early second-trimester patients could choose their own level of anesthesia from a “Anesthesia for Surgery” menu that listed the choices and prices, and that specifically encouraged some patients to “pay the extra money and be comfortable.” The employees who testified told us that second-trimester patients such as Mrs. Mongar were required to pay for “custom sleep” anesthesia. West explained that second-trimester patients are given enough medication to “put them under.”

In February 2010, West, Williams, and Gosnell gave investigators conflicting accounts of how much Demerol they actually gave Mrs. Mongar. Williams told homicide detectives that Gosnell was not at the clinic, and she administered anesthesia to Mrs. Mongar on Gosnell’s orders, over the telephone. She gave Mrs. Mongar a “local” dose (10 mg. of Demerol) first and an hour or two later, a “custom” dose (75 mg. of Demerol). She insisted that this was the first time that she had ever given a patient medication (a

claim refuted by other clinic employees who testified before the Grand Jury that Williams often medicated patients). West also told the FBI that Mrs. Mongar received "local" and then "custom" sedation. According to Williams and West, Gosnell was not present at any point when Mrs. Mongar was medicated.

At the same time that Williams and West were telling an investigator that Mrs. Mongar was sedated at Gosnell's direction while he was off premises, he was telling other investigators a different story. He said that an unnamed staff person had given Mrs. Mongar an initial dose of Demerol and that he had administered additional Demerol intravenously before performing the "uneventful" abortion. He did not state how much medication had been given, and insisted that he was present "the whole time," a contention contradicted not only by West's and Williams's statements, but by employee Ashley Baldwin, who was working at the clinic on November 19 and who testified that Gosnell was not present when Williams twice injected Mrs. Mongar with medication.

Previously, on November 26, 2009, Gosnell had written a letter to the state Department of Health reporting Mrs. Mongar's death. In the letter, he stated that the victim had been given two doses of sedation, each containing 50 mg. of Demerol, although he did not disclose who had administered this medication.

While Gosnell and Williams admitted giving Mrs. Mongar only two doses of medication, other clinic employees testified that the standard practice was to administer repeated doses of Demerol, promethazine, and diazepam throughout the afternoon before the procedure, and then a custom dose right before the doctor performed the procedure. Latosha Lewis and Kareema Cross testified that the staff gave these repeated doses in order to keep the patients asleep. Whenever the patients woke up or

were in pain, the staff would administer another dose of the drugs. There was no evidence that this standard protocol was not followed in Mrs. Mongar's case.

A toxicology expert who testified before the Grand Jury confirmed that Mrs. Mongar must have received more sedation than the two doses that Williams, West, and Gosnell admitted. The expert analyzed Mrs. Mongar's post-mortem blood, drawn about 18 hours after her last injection of Demerol. The concentration of Demerol was over 700 micrograms per liter. The expert explained that the peak concentration would have been much higher. Demerol has a "half-life" of about three hours, meaning that it takes about that long for half of the concentration of the drug in the body to disappear. It then takes another three hours for the remaining concentration to be reduced by 50%, and so on. According to the expert, Demerol is thus "fairly quickly removed from the body." The expert testified that after 18 hours, "the normal therapeutic dose goes to zero." While the toxicologist was unable to determine precisely how much Demerol Mrs. Mongar had been given, he testified that had she been given, for example, 100 mg. of Demerol, the peak concentration would have been about 300 micrograms per liter. When the expert attempted to draw a chart to illustrate the peak concentration level corresponding to the amount of Demerol remaining in Mrs. Mongar's post-mortem blood, he pointed off the chart, saying: "The peak concentration is going to be off the scale way up here."

We heard testimony that Gosnell knew that his employees were not certified or licensed to sedate patients. Lynda Williams told homicide detectives that she had no formal training or certification to administer medication to patients. She stated that Gosnell hired her to clean instruments but then directed her to medicate patients. Similarly, West acknowledged to the FBI that she had no current health care license, and that her

only training was as a nursing assistant in 1987, and as a surgical technician in 1994. Both women stated that they gave anesthesia to patients at Dr. Gosnell's direction.

Williams's lack of qualifications was immediately apparent to Sherilyn Gillespie, the investigator from the Department of State (Bureau of Professional and Occupational Affairs) who participated in a February 2010 search of Gosnell's clinic, at the request of federal law enforcement officers investigating allegations of drug trafficking at the clinic. Investigator Gillespie testified that she quickly concluded:

> … she [Williams] wasn't highly educated. She didn't know what she was actually giving those women. If – I don't think she would know the difference if somebody put something different in the bottles … she didn't know the strength of what she was giving.

The clinic workers who testified – Kareema Cross, Latosha Lewis, Tina Baldwin, and Ashley Baldwin, all told us that Gosnell hired them even though they had no license or certification, and directed them to sedate patients. Tina Baldwin testified that certification did not matter to Gosnell. She told us that Gosnell advised his workers that there was a "grandfather clause where if you – since he's a doctor and he taught you, you could be automatically whatever it is he taught you to be. You could be certified because he taught you to do that."

Ashley Baldwin, a teenager who Gosnell hired to care for patients testified about the "training" that Gosnell provided as to how to administer sedation:

> Q. How do you know how much to give a patient?
>
> A. He gave me a book.
>
> Q. The doctor gave you a book?
>
> A. Yes.
>
> ***

Q. And did you read the book? Did you read the book?

A. Yes.

Q. What did it tell you?

A. It was a whole lot of percentages and decimal points and stuff. He was just like: Well, you just need to focus on this part right here. So, I just read and understood the part that he told me.

Q. Do you understand the book?

A. The part he told me to read, the math, yeah but not the words.

Q. Okay. And so how did you know how to mix up or draw up the medications?

A. He – he did them first, and then he told me to do them in front of him.

Q. How much training did you get?

A. Just that twenty minutes.

A former employee, Marcella Stanley Choung, told us that her "training" for anesthesia consisted of a 15-minute description by Gosnell, and reading a chart posted in a cabinet.

West told the FBI that she and Williams mixed medications for the different levels of anesthesia and administered these drug mixtures to patients. According to Ashley Baldwin, Williams would medicate patients "Whenever Sherry told her to." West also medicated patients "a lot."

The other staff found West and Williams to be especially incompetent. Latosha Lewis explained,

> The reason why I say that because a lot of things in the beginning, even though I wasn't licensed or certified to do, a lot of things do take common sense. And a lot of times they would just be goofing off and playing around. Even though, you know, you're administering medications to people, you still need to lookout for certain signs and it's still things that you need to follow that they would not follow. It was a game to them.

> Whether I was certified or not, there was certain things you had to do to protect yourself and the patient as well. They were still people even though this doctor had you in here administering medications, didn't mean that you could play around and do what you want.
>
> ***
>
> … They didn't know what to do in certain situations. They basically came in late and goofed around and ate and would just wait for the doctor to come in, while they just – they would give women medications and not watch them.

Cross told us that patients complained after West or Williams gave them medication because they gave it incorrectly and "the patient's arm would be real swollen for weeks, sometimes months and they'll come back and complain."

The Grand Jury heard testimony that Gosnell knew that Williams in particular improvised medications and over-medicated patients. Kareema Cross testified that she warned Gosnell about this in 2008, but "Gosnell didn't care what she [Williams] did." Cross also would tell Williams that she was giving too much medication; Williams would respond, "well, that is what Dr. Gosnell told me to give."

Randy Hutchins, a physician assistant who worked for Gosnell (without proper state authorization), said in a statement to investigator Gillespie that he also expressed concern to Gosnell about Williams anesthetizing patients in Gosnell's absence. Gosnell assured him that "Williams was a trained professional and that it was not a problem."

Despite his awareness of Williams's lack of training and qualifications and despite patient complaints and warnings from his other employees Gosnell directed Williams to drug Mrs. Mongar, a woman he had never even seen. This conduct was grossly reckless and subjected Mrs. Mongar to an unjustified and extremely high risk of death or serious bodily injury.

The peril was compounded by the fact that Gosnell did not have available even the most basic equipment to monitor or resuscitate patients. Latosha Lewis testified,

> We had no machines or nothing to indicate where you could just walk away and say somebody's blood pressure is dropping or something is going on. You visually have to look at the person and just see if you could tell if something was wrong with them.

Kareema Cross told us that employees were never taught what to do in case a patient stopped breathing or her heart stopped beating. We learned that no one who treated patients at Gosnell's clinic even knew how to properly perform CPR.

The emergency medical technicians and firefighters who responded to the November 19 "code blue" (cardiopulmonary arrest) call testified that the clinic corridors were inadequate to allow a stretcher through, and that the doors to the street-level emergency exit were locked and blocked. Ashley Baldwin told us that because no one could locate the keys to unlock that door (the only access to the clinic that had a ramp), a firefighter had to cut the lock, but "It took him awhile … because the locks is old." She testified that it took "Twenty minutes, probably trying to get the locks unlocked."

Gosnell's deliberate actions, gross negligence, recklessness, and disregard of life-threatening risks cost Karnamaya Mongar her life. Lynda Williams's conduct, aided by Sherry West, in pumping Mrs. Mongar with so much Demerol as to cause cardiac arrest, was likewise grossly negligent, extremely reckless, and constituted a deliberate disregard of an unjustified risk to Mrs. Mongar's life. Their actions demonstrated a hardness of heart, wanton conduct, recklessness of consequences, and a mind regardless of social duty, establishing legal malice. We therefore recommend charges of third-degree murder pursuant to 18 Pa.C.S. § 2502(c) against Kermit Gosnell, Lynda Williams, and Sherry West.

b. Murder, drug delivery resulting in death: 18 Pa.C.S. § 2506 (Kermit Gosnell, Lynda Williams, Sherry West)

The evidence also makes out the crime of drug delivery resulting in death, which is defined, in 18 Pa.C.S. § 2506, as follows:

> A person commits murder of the third degree who administers, dispenses, delivers, gives, [or] prescribes … any controlled substances … in violation of section 13(a)(14) or (30) of the … Controlled Substance, Drug, Device, and Cosmetic Act, and another person dies as a result of using the substance.

The sections of the Controlled Substances Act referred to in this statute prohibit delivery of a controlled substance, including an opiate such as Demerol, by any unlicensed practitioner, 35 P.S. §§ 780-113(a)(30) or by or at the direction of a licensed practioner other than "in accordance with treatment principles accepted by a responsible segment of the medical profession." 35 P.S. §§ 780-113(a)(14).

Lynda Williams admitted to the FBI that she gave Demerol to Mrs. Mongar in Gosnell's absence. She told the FBI that she and West called Gosnell and he told her what medication to give to Mrs. Mongar. Investigator Gillespie testified that Williams was not authorized or licensed to dispense narcotics.

Nonetheless, she and West did so, at Gosnell's direction and in his absence. Elinor Barsony, the Department of Health surveyor, testified that Sherry West told her that she called Gosnell when she and Williams perceived Mrs. Mongar to be in pain. Ms. Barsony testified that West stated that they spoke to Gosnell, who directed that Mrs. Mongar be given a "custom" dose. Williams then injected Mrs. Mongar with this medication. Ashley Baldwin testified that Williams would medicate patients "Whenever Sherry told her to."

This was not “in accordance with treatment principles accepted by a responsible segment of the medical profession.” Neither Williams nor West is physician or nurse – neither is a licensed practitioner of any sort – and according to their statements and the testimony of Ashley Baldwin, they were not supervised by a physician. Yet Gosnell enlisted them as his assistants and directed them to medicate Mrs. Mongar.

We heard testimony that the “treatment principles accepted by a responsible segment of the medical profession” require that patients sedated with Demerol, a drug with known cardiac and respiratory side effects, be monitored. The anesthesiology expert testified that a single 75-mg. dose of Demerol was “very, very heavy,” and that a second dose could be lethal. According to the expert, no “rational” anesthesia provider would give such a dose twice, and any dose should be titrated, that is, administered gradually until the desired affect is achieved. The anesthesiology expert advised that the standard of care for ambulatory surgical facilities and outpatient clinics requires monitoring of no less than blood pressure, heart rate and rhythm, and breathing, by means of electrocardiogram and pulse oximeter.

A medical expert with over four decades of experience in abortion procedures confirmed that monitoring of sedated patients is the standard of care for abortion patients, and that “As long as the patient is under the effects of the drug, the patient should be monitored.” The anesthesiologist told us, “Doing this without monitors is offensive to me as a physician.”

Lynda Williams administered a dangerous drug that she was legally prohibited to administer to Karnamaya Mongar causing her death and warranting a charge of Drug

Delivery Resulting in Death. Because Sherry West and Kermit Gosnell acted as accomplices, they too should be charged with this offense.

c. Violations of the Controlled Substances Act: 35 P.S. §§ 780-113(a)(14), (30) (Kermit Gosnell, Lynda Williams, Sherry West)

The drug act violations not only form the basis for the charges of Drug Delivery Resulting in Death, but constitute separate criminal offenses for which we recommend that Kermit Gosnell, Lynda Williams, and Sherry West be prosecuted.

Under 35 P.S. §§ 780-113(f)(1), any violation of 35 P.S. §§ 780-113(a)(14) or (30), where the substance is a Schedule II narcotic drug, is a felony. Section 780-104(2)(i)(1) classifies opiates, including synthetic opiates such as Demerol, as Schedule II controlled substances. The evidence demonstrating that Gosnell, Williams, and West violated these provisions is summarized above, in our discussion of the charge of drug delivery resulting in death. We recommend that Kermit Gosnell, Lynda Williams, and Sherry West each be charged with violating both 35 P.S. § 780-113(a)(14) and 35 P.S. § 780-113(a)(30).

d. Conspiracy to Violate the Controlled Substances Act: 18 Pa.C.S. § 903 (Kermit Gosnell, Lynda Williams, Sherry West)

We additionally recommend, based on the evidence summarized above, that Kermit Gosnell, Lynda Williams, and Sherry West be charged with conspiracy to violate the Controlled Substances Act. They reached a common understanding to illegally dispense Demerol. On November 19, 2009, according to their statements, West and Williams telephoned Gosnell, who instructed them to medicate Mrs. Mongar with Demerol. Lynda Williams administered the Demerol to Karnamaya Mongar, performing an overt act in furtherance of the conspiratorial agreement.

e. Solicitation to Violate the Controlled Substances Act: 18 Pa.C.S. § 902 (Kermit Gosnell), 2 counts

We recommend that Kermit Gosnell be charged with criminal solicitation. On November 19, 2009, according to the statements given by West and Williams, they telephoned Gosnell to inquire about medicating Karnamaya Mongar. Williams told an FBI agent that Gosnell instructed them to "med her up."

This directive was consistent with Gosnell's practice. For years he had required his workers to dispense Demerol to patients even though they were unlicensed to do so, and even when he was not on site – often, not even in the state – to supervise them. In a written statement, Steven Massof told Sherilyn Gillespie, the investigator with the state Bureau of Professional and Occupational Affairs, that Gosnell's workers "operated under a standing directive" from Gosnell to administer medication "even though Dr. Gosnell was not present [nor was] any other licensed medical practitioner present." Ashley Baldwin, Latosha Lewis, and Kareema Cross all testified that soon after they began working for Gosnell, he provided them with very brief "training" and told them it was part of their job to administer anesthesia to patients. According to Cross, when Ashley balked, Gosnell insisted that this was a job requirement. Latosha Lewis acknowledged that this was not a job for which she or any worker was properly certified or licensed.

Consistent with his standard practice, on November 19, 2009, Gosnell requested Williams and West to engage in specific conduct – give Demerol to Mrs. Mongar – that was unlawful. This constituted the crime of solicitation. Kermit Gosnell should be charged with two counts of criminal solicitation.

f. Hindering Apprehension or Prosecution, Tampering with or Fabricating Evidence, Tampering with Records, and Obstructing Administration of Law: 18 Pa.C.S. §§ 5105, 4104, 4910, 5101 (Kermit Gosnell, Sherry West, Elizabeth Hampton)

A person commits the crime of Hindering Apprehension or Prosecution if

> With the intent to hinder the apprehension, prosecution, conviction or punishment of another for crime … he …tampers with a … document or other source of information … or … provides false information to a law enforcement officer.

18 Pa.C.S. § 5105(a)(3), (5). We recommend that Kermit Gosnell, Sherry West, and Elizabeth Hampton be charged with Hindering Apprehension or Prosecution.

The crime of Obstructing Administration of Law is committed when a person

> Intentionally obstructs, impairs, or perverts the administration of law or other governmental function by … any … unlawful act.

18 Pa.C.S. § 5101. We recommend that Kermit Gosnell, Sherry West, and Elizabeth Hampton be charged with Obstructing Administration of Law. We also recommend that Sherry West be charged with Tampering with Records, 18 Pa.C.S. § 4104, and Tampering with or Fabricating Physical Evidence, 18 Pa.C.S. § 4910.

FBI agent Jason Huff, DEA Investigator Stephen Dougherty, and District Attorney's Detective James Wood, all of whom testified before the Grand Jury, participated in the February 18, 2010 search of Gosnell's clinic, during which they interviewed Gosnell. Agent Huff testified that Gosnell claimed to have been at the clinic when Demerol was given to Mrs. Mongar. Agent Huff said that he then consulted Agent Carter, who was interviewing Williams and learned that Williams said that Gosnell was not present. Agent Huff testified that he then spoke to Williams who confirmed that Gosnell was not at the clinic at any time when drugs were given to Mrs. Mongar. Agent Huff returned to Gosnell who told him, again, that any medication that Mrs. Mongar was given was while

he was at the clinic. Agent Huff testified that Gosnell stated that he had given one dose to Mrs. Mongar and that a “nurse” may have medicated her at his direction and while he was present at the clinic. This account provided to the FBI, DEA, and District Attorney’s Office was not only self-serving, in that Gosnell claimed to have been supervising his employees, but it also served to deflect responsibility for Mrs. Mongar’s death from Lynda Williams.

Gosnell’s intent to hinder apprehension of Williams was supported by other evidence. Kareema Cross testified that after Mrs. Mongar died, Williams told her that “Dr. Gosnell told her that she’s not going to be in trouble. He’s going to say that he gave the patient the medication.”

> Q. Why did that matter?
>
> A. Because she’s not certified, none of us are certified to do it.
>
> ***
>
> Q. But if he gave the medicine, was it your understanding that no one would get in any trouble because he’s a doctor?
>
> A. Right.
>
> Q. And it would just be malpractice; is that right?
>
> A. Yes
>
> Q. And not criminal; is that right?
>
> A. Yes.
>
> Q. Is that how it was told to you?
>
> A. Yes
>
> Q. Is that how Linda [Williams] explained it to you.
>
> A. Yes.

When Williams was interviewed by the FBI, she initially stuck to this version, but then admitted that she had given the Demerol to Mrs. Mongar at Gosnell's direction, while he was not present. Based on this evidence, we recommend that Kermit Gosnell be charged with hindering apprehension or prosecution; because the acts that the person he was trying to aid – Lynda Williams – committed were felonies (drug violations and murder), Gosnell should be charged with hindering as a felony.

The Grand Jury heard evidence indicating that Sherry West tampered with Mrs. Mongar's file on the way to the hospital. West told investigators that she took the chart to the hospital. Ashley Baldwin testified that Gosnell "was mad at Sherry [West] because she took the chart … Because he don't record stuff." Mrs. Mongar's file, however, was inexplicably marked after West took it to the hospital. The Grand Jury viewed those notations, which showed that Williams had purportedly given Mrs. Mongar only two "local" doses of sedation – each containing 10 mg. of Demerol along with lower amounts of diazepam and promethazine. We heard testimony from a toxicologist, whose analysis showed that Mrs. Mongar had been given significantly more Demerol.

We also learned that emergency room records reflect that someone from Gosnell's clinic – West was the only person from the clinic to go to the emergency room – provided false information about the circumstances preceding Mrs. Mongar's cardiac arrest, reporting "that the patient had an uneventful vacuum abortion and was in the recovery room watching TV when she suddenly became unresponsive." As one of the EMTs who treated Mrs. Mongar testified, "that is just a complete lie." Ashley Baldwin agreed, "That is a lie." Mrs. Mongar's family members testified that they had not pro-

vided this information – not only did they speak very little English, but they had no idea what happened at the clinic.

Based on this evidence, we recommend that Sherry West be charged with hindering apprehension or prosecution (felony). We also recommend that West be charged with Tampering with or Fabricating Physical Evidence (18 Pa.C.S. § 4910), Tampering with Records (18 Pa.C.S. § 4104), and Obstructing Administration of Law (18 Pa.C.S. § 5101).

Elizabeth Hampton, Gosnell's sister-in-law who worked for him at the clinic, testified that she spoke with two "daughters" of Mrs. Mongar at the clinic when first responders arrived. Hampton testified that the to women spoke English "very well" and that they told her that their mother had taken drugs to abort the baby herself. Mrs. Mongar's daughter, who a year after her mother's death still does not speak much English, testified through an interpreter that she had not told Hampton or anyone that her mother took medication and that her mother in fact had not taken any medication. Based on this evidence we recommend that Hampton be charged with Hindering Apprehension or Prosecution and Obstructing Administration of Law.

g. Perjury and False Swearing: 18 Pa.C.S. §§ 4902, 4904 (Elizabeth Hampton)

We recommend that Elizabeth Hampton also be charged with perjury and false swearing, in light of her testimony to the Grand Jury about events surrounding the death of Karnamaya Mongar.

Hampton was at the clinic on November 19, 2009. She testified before the Grand Jury, under oath. She told us that when first responders arrived she went upstairs to be with the Mongar family:

Q. And what did you tell them?

A. She was having problems.

Q. And what was their response?

A. Their response to me was, we told her not to take the drugs.

Q. Did these people speak English?

A. Very well to me, very well.

***

Q. And you say they all spoke good English?

A. Very well.

Q. Very well?

A. Very well.

Q. So they were able to understand what you were saying?

A. Yes.

Q. And you were able to understand what they were saying?

A. Yes.

Q. And what are you saying that they told you?

A. They told me that they told their mother not to take the drugs. She was trying to abort the baby herself.

Q. Who told you that?

A. The two daughters, both of them.

Q. Both of them?

A. Both of them.

The Grand Jury heard the testimony of Mrs. Mongar's family members through an interpreter; even a year after Mrs. Mongar died, they still did not speak English "very well." They in fact spoke very little. We learned that when Mrs. Mongar went to Gos-

nell's clinic, the family had only been in the United States a few months, had recently arrived from a refugee camp in Nepal, and spoke no English. In order for the family to testify, it was necessary to secure the services of a Nepali interpreter.

We also heard testimony from Mrs. Mongar's daughter, consistent with every other family member who testified, denying that she ever told Hampton that her mother was taking pills. She testified that her mother was not taking any medication, and that her mother "never" took medications. The toxicology expert found no evidence of any medications, other than what was given at Gosnell's' clinic and subsequently at the hospital, in Mrs. Mongar's post-mortem blood.

Hampton's testimony was material because it had the potential to affect the outcome of this proceeding. Hampton sought to convince the Grand Jury that Mrs. Mongar's death was somehow her fault, or at least not the fault of anyone at Gosnell's clinic.

Based on this evidence, we recommend that Elizabeth Hampton be charged with false swearing and perjury.

2. Killing Babies Born Alive and Violations of the Abortion Control Act.

A human being is "born alive" if, when fully expelled from the uterus, the child breathes or shows evidence of "beating of the heart, pulsation of the umbilical cord, definite movement of voluntary muscles or any brain-wave activity," 18 Pa.C.S. § 3203, Homicide is the intentional, knowing, reckless, or negligent killing of living human being. 18 Pa.C.S. § 2501(a).

We received evidence that Dr. Gosnell and his staff regularly killed viable babies born alive by severing their spinal cords. He told his staff that this was standard medical practice. It was not. It was criminal behavior.

Based on seven identifiable victims, we recommend murder charges against Kermit Gosnell, Lynda Williams, Adrienne Moton, and Steven Massof. We also recommend that Gosnell, Williams, Moton, and Massof be charged with conspiracy to commit murder. In addition, Gosnell should be charged with three counts of solicitation to commit murder. We also recommend charges of conspiracy to commit murder generally, with respect to the standard practice, testified to by employees who observed it countless times, of killing of viable babies born alive.

In addition, Kermit Gosnell should be prosecuted for performing abortions after the 24-week limit under Pennsylvania law, for infanticide, and for other violations of the Abortion Control Act. Because Lynda Williams and Sherry West assisted Gosnell in performing abortions beyond the 24-week limit, they should also be charged with performing illegal abortions. Gosnell, West, and Williams should be charged with conspiracy to perform illegal abortions.

a. Murder (7 counts), Conspiracy, and Solicitation: 18 Pa.C.S. §§ 2502(a), 902, 903 (Kermit Gosnell, Lynda Williams, Adrienne Moton, Steven Massof)

Gosnell's staff testified that they often witnessed Gosnell killing large, late-term babies whom they had observed breathing and moving. FBI agent Jason Huff testified that in separate statements attributed to Latosha Lewis, Kareema Cross, Adrienne Moton, and Steven Massof, these workers described this practice as routine; Massof and Moton admitted that they themselves had cut the spinal cords of babies. Lewis and

Cross stated that Williams had also done so. Lewis, Cross, Tina Baldwin, Ashley Baldwin, and Massof all testified that they regularly witnessed such killings.

Although no one could place an exact number on the instances, we received specific evidence of seven such killings for which we recommend that Gosnell be charged with seven counts of murder.

i. "Baby Boy A"

One case was particularly memorable. Kareema Cross and Ashley Baldwin testified about a baby who we will call "Baby Boy A," born in July 2008. According to an ultrasound, the 17-year old mother was 29.4 weeks pregnant. Gosnell induced labor and sedated the mother, who delivered a baby boy. Cross saw Baby Boy A breathe and move. Gosnell dismissed Cross's observations, telling her, "it's the baby's reflexes. It's not really moving." Cross told us that the baby was 18 to 19 inches long and nearly the size of her own newborn daughter, who was six pounds, six ounces at birth. Even Gosnell commented on Baby Boy A's size, joking "this baby is big enough to walk around with me or walk me to the bus stop." Cross testified that she saw "the doctor just slit the neck" and place the remains in a clear plastic shoebox for disposal.

Employees Adrienne Moton and Ashley Baldwin also were present. All three workers were so startled by Baby Boy A's size that they each took a photograph. Cross explained,

> Q. Why did you all take a photograph of this baby?
>
> A. Because it was big and it was wrong and we knew it. We knew something was wrong.
>
> ***
>
> I'm not sure who took the picture first, but when we seen this baby, it was – it was a shock to us because I never seen a baby that big that he

> had done. So it was – I knew something was wrong because everything, like you can see everything, the hair, eyes, everything. And I never seen for any other procedure that he did, I never seen any like that.

FBI Agent Huff testified that Adrienne Moton gave him consent to search her cell phone for the photograph that she took. The FBI lab was able to find the picture on cell phone; we saw this photograph, introduced as Exhibit 57. Moton told Agent Huff that she took this picture because Baby Boy A was born alive.

A neonatologist viewed Exhibit 57, the photograph of Baby Boy A. Based on his size, hairline, muscle mass, subcutaneous tissue, well-developed scrotum, and other characteristics, the neonatologist opined that the gestational age was at least 32 weeks. The Grand Jury was able to identify this baby because Kareema Cross remembered the 17-year-old mother, who came in with her great-aunt, who testified before the Grand Jury. We recommend that Kermit Gosnell be charged with murder for killing Baby Boy A in July, 2008.

ii. "Baby Boy B"

We recommend an additional murder charge against Gosnell based on the discovery of a frozen fetus who we will call "Baby Boy B" during the February 2010 raid. The search team discovered red biohazard bags containing the remains of 47 fetuses, which were turned over to the medical examiner. One was "Baby Boy B," found frozen in a plastic spring-water jug (labeled by the medical examiner as 1B). The medical examiner determined that this baby had a gestational age of at least 28 weeks. According to the medical examiner's report and testimony, this baby was viable and intact, but for a "surgical defect" at the base of his neck.

iii. "Baby C"

We also recommend murder and conspiracy charges against Kermit Gosnell and Lynda Williams for the murder committed by Lynda Williams in 2006 or 2007 of a baby who we will call "Baby C." Kareema Cross testified that she saw Williams cut the neck of Baby C, who had been moving and breathing for approximately 20 minutes. Gosnell had delivered the baby and put it on a counter while he suctioned the placenta from the mother. Williams called Cross over to look at the baby because it was breathing and moving its arms when Williams pulled on them. After touching the baby, Williams slit its neck.

When asked why Williams had killed the baby, Cross answered:

> Because the baby, I guess, because the baby was moving and breathing. And she see Dr. Gosnell do it so many times, I guess she felt, you know, she can do it. It's okay.

The neonatology expert testified that babies born at less than 25 weeks often need help breathing, but older babies can breathe on their own for a period of time. A bigger baby, over 25 weeks, may have developed sufficient muscle tone to pull back if its arm is pulled.

The evidence of an intentional killing and an implicit agreement to kill a newborn supports charges of murder and criminal conspiracy against Lynda Williams and Kermit Gosnell for killing Baby C.

iv. "Baby D"

There is sufficient evidence to support murder and conspiracy charges against Adrienne Moton and Kermit Gosnell. Moton killed a baby by cutting its spinal cord. Kareema Cross testified that a woman had delivered a large baby, whom we will call "Baby D," into a toilet before Gosnell arrived at work for the night. Cross said that the baby

was moving and looked like it was swimming. Moton reached into the toilet, got the baby out, and cut its neck. Cross said the baby was between 10 and 15 inches long and had a head the size of a “big pancake.” Cross could not pinpoint the year that this happened, but testified that this killing occurred while Steven Massof was still working at the clinic. (Massof left in July 2008.)

Moton herself admitted to FBI Agent Huff that she had cut the spinal cords of living babies. According to her statement, Gosnell trained and instructed her to do this. The charts that the neonatology expert provided us indicate that the size of Baby D was consistent with viability.

This evidence of an intentional killing by Moton and an implicit agreement with Gosnell to kill babies as he instructed supports charges of murder and criminal conspiracy against Adrienne Moton and Kermit Gosnell for killing Baby D. We also recommend that Kermit Gosnell be charged with Criminal Solicitation of Adrienne Moton.

v. “Baby E”

A fifth murder charge should be filed against Kermit Gosnell for the murder of a baby that Ashley Baldwin heard crying. We will refer to this victim as “Baby E.” Ashley Baldwin testified that she heard a baby crying in the large procedure room (the one used for later-term abortions) and saw it moving. She said Lynda Williams summoned Dr. Gosnell, who then went into the procedure room where the baby was. Ashley testified that Dr. Gosnell was the only person in the room with the baby, that he came out of the room and put the baby in the waste bin, and that she saw an incision. Kareema Cross testified that Ashley had called her over because she had heard the baby crying;

Cross said that she heard this baby "whine" while Dr. Gosnell was alone in the procedure room with the baby.

Based on the testimony of the neonatology expert, we believe this baby must have been at least 23 weeks of age and, because it cried more than once, probably older. This baby was born alive, and consistent with the medical guidelines and standards cited by the neonatology expert should have been resuscitated. Instead, it was killed. We recommend a murder charge against Kermit Gosnell for killing "Baby E."

vi. "Baby F"

We recommend murder charges against Kermit Gosnell and Steven Massof for the killing of "Baby F." Massof was an unlicensed medical school graduate whom Gosnell employed from 2003 to 2008 to perform abortions. He testified that he was assisting Gosnell with an abortion when he saw the baby's leg "jerk and move." The neonatology expert testified about the significance of movement in determining gestational age, and explained that the muscle tone and neurological development for a baby to pull back a limb, is "definitely in the bigger preemies like above, you know, 25, 26, 27 weekers." After he observed this movement, Massof saw Gosnell sever the baby's spine with scissors. We believe that the evidence supports charges of murder and conspiracy against Kermit Gosnell and Steven Massof.

vii. "Baby G"

Steven Massof also testified about the killing of a baby that he observed breathing. We will refer to this baby as "Baby G." Massof testified that he was helping Gosnell in the large procedure room when he saw the fully expelled baby exhibit "a respiratory excursion," or a breath. According to Massof, Gosnell then "snipped the cervical part of

the vertebra." This evidence supports charges of murder and conspiracy against Kermit Gosnell and Steven Massof.

viii. Criminal Solicitation

The evidence also shows that Gosnell commanded, encouraged, or requested Massof to engage in specific conduct – the severing of the spinal cord – with the intent to kill babies. Massof testified that this technique was what Gosnell taught him and showed him to do with respect to babies born alive. In a statement to FBI Agent Huff, Massof stated that he, per instructions from Gosnell, would "ensure fetal demise" of moving babies by inserting scissors into the base of their necks and cutting the spinal cord. Massof told us that Gosnell also instructed him how and where to cut. Accordingly, we recommend that Gosnell be charged with criminal solicitation of Steven Massof.

viii. Criminal Conspiracy

These seven killings of babies were not isolated incidents. Steve Massof testified that "100 percent" of the time, Gosnell "snipped the cervical part of the vertebra." Massof testified, "that was his standard procedure." Massof testified that before babies were killed, he saw heartbeats, "pulsation," and on the specific occasions described above, the leg movements and breathing, but Gosnell dismissed these as "spontaneous movement." Massof said "That was his answer for if we ever saw anything that was out of the ordinary, it was always a spontaneous movement."

A medical expert with 43 years of experience in performing abortions told us, "I'm not aware of any basis within which a physician would cut the neck of a fetus."

> I would think that somebody – it would be the same thing as putting a pillow over the baby's face, that the intention would be to kill the baby.
>
> ***

> I would tell you it's bizarre. I mean it is really bizarre and way beyond which I can think of a reason to do it.
>
> Q. Can you liken it to any acceptable practice of anything, of any accepted practice in medicine?
>
> A. I cannot. I mean it's a totally off the wall, bizarre thing to do.

The "bizarre" practice was the norm at Gosnell's clinic. Ashley Baldwin testified that she saw Gosnell cut the necks of babies about "ten times" when she saw "hands opening," "[l]egs moving and the mouth opening." These babies looked "Big, like you could take care of it… Like somebody just had a baby and you buy clothes and put them on."

> Q. And what happened to those ten babies that came out from their mother, that were big enough that you could put clothes on and take home and take care of, that moved around, what did you see happen to them?
>
> A. He killed them.
>
> Q. Who killed them?
>
> A. Doc.
>
> Q. How did he kill them?
>
> A. He cut the back of the neck.

Ashley said Gosnell told her this was "normal."

Kareema Cross saw Gosnell cut the neck of a baby born alive more than 15 times: "over 10 times" when she had seen a baby breathing, and about "five times" when she had seen a baby move. She could tell these babies were breathing because "I just seen a baby's chest go up and down and it would go real fast, real fast." When Cross saw "babies … come out breathing," Gosnell would say, "It's nothing. It's nothing to worry about."

> – if they came out breathing, he would always tell me like it's nothing. The baby – it's just a reflex, that's what he would say, it's just the baby's reflex. If the baby moved, it's just a reflex.

Cross told us, "after the baby would breathe, the baby would die."

According to Latosha Lewis, "he [Gosnell] would just snip the neck." Lewis saw babies move before Gosnell did this:

> Q. How many times did you see precipitated babies that had been fully expelled from it mother moving before he snipped the neck?
>
> A. A lot.
>
> ***
>
> Q. Can you give us a percentage of the time?
>
> A. Probably 25 percent of the time.

Lewis heard Gosnell comment on the size of some babies: "he would be like, yes, like everything was a joke, dag that baby was big, or stuff like that."

The regularity of killings of babies who were born alive, who moved and breathed, as testified to by Gosnell's employees, demonstrates that these murders were intentional and, because Gosnell enlisted his workers to engage in the practice, constituted a conspiracy to commit murder. We recommend that Kermit Gosnell and those who were complicit in this conspiracy – Lynda Williams, Sherry West, Adrienne Moton, and Steven Massof – be charged with conspiracy to commit murder.

b. Infanticide (2 counts): 18 Pa.C.S. § 3212 (Gosnell)

The failure of a licensed physician or health care professional to provide care to any baby born alive during an abortion or premature delivery constitutes the crime of infanticide under Pennsylvania law. The legal duty to provide care extends to any newborn "born alive" where such care is "commonly and customarily provided … under

similar conditions and circumstances." 18 Pa.C.S. § 3212. Infanticide is a felony of the third degree, subject to a two-year statute of limitations. We recommend two counts of infanticide against Kermit Gosnell.

Kermit Gosnell was, until the state Board of Medicine suspended his license in February 2010, a licensed physician.

According to the neonatology and obstetric experts who testified before us, care is routinely provided whenever a baby is born alive, and resuscitation is usually attempted beginning at about 23 weeks, and routinely attempted at older gestational ages. Gosnell and his staff took no steps to attend to these babies. Latosha Lewis told us, "we never even checked to see if [there] was a heartbeat." And according to Tina Baldwin and other workers, "Oh, he would never resuscitate, no."

Based on the following evidence of infanticide within the past two years, discovered in the February 2010 raid, we recommend that Gosnell be charged with two counts of infanticide:

- The 28-week old male that we have referred to earlier as Baby Boy B, found frozen in container 1B, which was inside a red bag. Baby Boy B had a surgical incision at the base of the neck and was determined by the medical examiner to have been viable.

- A 26-week old female that we will refer to as Baby Girl A, also found in the February 2010 raid, whose frozen remains were in a distilled water container in a red bag labeled by the medical examiner as 1C. According to the medical examiner, Baby Girl A also was born intact and was viable.

James Johnson, who worked for Gosnell since 2001, testified that his duties including collecting the red biohazard bags of fetal remains and putting them in boxes for pickup by an outside firm, Stericycle. Johnson told us that in the last two years, Gosnell did not always pay his Stericycle bills; as a result, in 2009 and 2010, fetal remains were

not regularly collected. These remains, including Baby Boy B and Baby Girl A, were left in freezers, where investigators found them.

c. Illegal Abortions (33 counts) and Conspiracy to Perform Illegal Abortions: 18 Pa.C.S. §§ 3211(a), 903 (Kermit Gosnell, Lynda Williams, Sherry West, Pearl Gosnell)

Pennsylvania law generally prohibits abortions when a woman is 24 or more weeks pregnant. Violation of this law is a felony of the third degree, subject to a two-year statute of limitations.

We only have a fraction of the files from Gosnell's high-volume abortion business. Investigators testified that files disappeared between the time they initially entered the clinic with a search warrant relating to the drug-trafficking operation and when they returned after securing a warrant for abortion files. Gosnell's employees told us that he often removed late-term abortion files from the clinic. We also saw that many patient files appeared to be incomplete.

Based on the limited patient files available to us, we recommend that Gosnell be charged with 33 counts of performing illegal abortions in the last two years.

Gosnell's staff consistently told us that he regularly performed abortions after the 24-week limit. Latosha Lewis saw patients who were as much as 26 weeks pregnant "very often." Kareema Cross testified, "our clinic was the clinic that it doesn't matter how many weeks you are, he'll do it." According to Steve Massof, estimated that "40 percent, that would have to be my assessment," of supposed second-trimester abortions were actually were greater than 24 weeks. Lynda Williams told the FBI that she was aware of "10 to 15 patients" on whom Gosnell performed abortions beyond 24 weeks.

Gosnell's employees told us that when an ultrasound indicated that a woman was more than 24 weeks pregnant, Gosnell would conduct another ultrasound, manipulating the transducer to distort the image and produce a false reading of an earlier pregnancy. Lynda Williams explained to the FBI that Gosnell "dummies" the paperwork. Kareema Cross told us, "If it's a big baby, he [Gosnell] never tell us the truth." She testified that when Gosnell manipulated ultrasounds to disguise late abortions, "He'll always say the baby was 24.5." Latosha Lewis told us the same thing.

This testimony was corroborated by numerous patient files showing woman after woman to be precisely 24.5 weeks pregnant before Gosnell performed an abortion. We saw that, in most of these files, there were multiple ultrasounds, including those showing gestational ages greater than 24.5 weeks.

Although Gosnell routinely designated late-term pregnancies as 24.5-weeks pregnancies, the law prohibits abortions "when the gestational age of the unborn child is 24 or more weeks," 18 Pa.C.S. § 3211(a). The legal limit is thus 23 weeks, and 6 days.

We recommend that Dr. Gosnell be charged with two counts of performing an illegal abortion in violation of 18 Pa.C.S. § 3211 based on 28-week old Baby Boy B and 26-week old Baby Girl A, discussed in the previous section. Both of these babies were aborted after the 24-week limit.

We recommend 31 additional charges of performing an illegal abortion based on the following cases where patient files show that Gosnell performed an abortion on a woman 24 or more weeks pregnant:

- Patient S.C., whose file contains an ultrasound on 1/29/10 showing a gestational age of 26 weeks; Gosnell performed an abortion that same day and, on the patient chart, recorded the gestational age as 26 weeks.

- Patient C.P., whose file contains two ultrasounds on 1/23/10. The first shows a gestational age of 25.5 weeks, and the second shows 24.5 weeks. When Gosnell performed the abortion on 1/28/10, he recorded on the gestational age as 24.5 weeks.

- Patient R.C., whose file contains four undated ultrasounds. The first shows a gestational age of 26 weeks, the next shows 25 weeks, a third shows a gestational age of 24.5 weeks, and the final ultrasound shows a gestational age of 22.5 weeks. Gosnell performed the abortion on 12/3/09.

- Patient M.K., whose file contains two ultrasounds showing gestational ages of 26 weeks 23.5 weeks. When Gosnell performed the abortion on 11/14/09, he recorded the gestational age as 24.5 weeks, and the logbook in the procedure room also indicates 24.5 weeks.

- Patient C.M., whose file contains two ultrasounds. The first shows a gestational age of 25 weeks, and the second shows a gestational age of 24.5 weeks on 11/6/09. When Gosnell performed the abortion on 11/7/09, he recorded the gestational age as 24.5 weeks.

- Patient N.C., whose file contains an undated 24.5-week ultrasound, and two ultrasounds dated 10/13/09, showing gestational ages of 24 and 23 weeks. When Gosnell performed the abortion on 10/17/09, he recorded the gestational age as 24.5 weeks.

- Patient P.A., whose file contains two ultrasounds. The first shows a gestational age of 26.5 weeks on 10/15/09, and the second shows a gestational age of 24.5 weeks. When Gosnell performed the abortion on 10/17/09 he recorded the gestational age as 24.5 weeks, and the logbook in the procedure room indicates 24.5 weeks.

- Patient K.W., whose file contains an ultrasound showing an gestational age of 24 weeks. Gosnell performed the abortion on 10/10/09 and recorded that the gestational age as 24.5 weeks.

- Patient A.T., whose file contains three ultrasounds on 9/10/09. Two show a gestational age of 25 weeks, the third shows 23 weeks. The next day, Gosnell performed the abortion and recorded the gestational age as 24.5 weeks.

- Patient S.B., whose file contains two ultrasounds. One shows a gestational age of 25 weeks but the second shows 22 weeks. On 8/22/09, Gosnell performed the abortion, recording the gestational age as 24.5 weeks.

- Patient Z.H., whose ultrasound showed a gestational age of 24.5 weeks. When Gosnell performed the abortion on 8/22/09, he recorded the gestational age as 24.5 weeks, but in the loose-leaf logbook kept in the procedure room, the gestational age was recorded as 25 weeks.

- Patient L.R, whose file does not contain an ultrasound. On 8/8/09, Gosnell performed an abortion and recorded the gestational age as 24.5 weeks.

- Patient S.A., whose file contains an undated ultrasound showing a gestational age of 25 weeks; Gosnell performed an abortion on 8/4/09, and recorded the gestational age as 24.5 weeks.

- Patient E.H., whose file contains four ultrasounds, all taken on 8/3/09. These show the gestational ages as 27 weeks, 25.5 weeks, 24 weeks, and 23.5 weeks. Gosnell performed an abortion the following day, and recorded the gestational age as 24.5 weeks. Lewis told the Grand Jury: 'The ultrasound was manipulated.'

- Patient E.R., whose file contains ultrasounds on 7/6 and 7/7/09 showing gestational ages of 28 and 23.5 weeks. When Gosnell performed the abortion he recorded the gestational age as 24.5 weeks.

- Patient M.F., whose file contains an undated 24.5-week ultrasound, and a second ultrasound dated 5/26/09, showing a gestational age of 22 weeks. When Gosnell performed the abortion on 6/6/09, he recorded the gestational age as 24.5 weeks.

- Patient Y.B., whose file contains an ultrasound showing a gestational age of 24.5 weeks on 6/8/09. When Gosnell performed the abortion on 6/16/09, he recorded the gestational age as 24.5 weeks.

- Patient D.D., whose file contains an ultrasound showing a gestational age of 24.5 weeks. When Gosnell performed the abortion on 6/6/09, he recorded the gestational age as 24.5 weeks, and in the loose-leaf logbook kept in the procedure room, the gestational age was recorded as 24.5 weeks.

- Patient N.P., whose file contains an ultrasound showing a gestational age of 24.5 weeks on 4/7/09. When Gosnell performed the abortion on 4/10/09, he recorded the gestational age as 24.5 weeks.

- Patient C.R., whose file contains an ultrasound dated 4/2/09 showing a gestational age of 24 weeks. Gosnell performed the abortion on 4/4/09 and recorded the gestational age as 24.5 weeks.

- Patient D.D., whose file contains an ultrasound showing a gestational age of 24.5 weeks. When Gosnell performed the abortion on 3/30/09, he recorded the gestational age as 24.5 weeks.

- Patient R.M., whose file contains an undated ultrasound showing a gestational age of 24.5 weeks. Gosnell performed the abortion on 3/21/09 and recorded the gestational age as 24.5 weeks.

- Patient K.J., whose file contains two ultrasounds on 3/5/09, performed at the Atlantic Womens Clinic in Delaware. The first shows a gestational age of 24.5 weeks; the second, a gestational age of 24 weeks and 2 days. When Gosnell performed the abortion on 3/7/09, he recorded the gestational age as 24.5 weeks. In a loose-leaf log kept in the procedure room, the gestational age is also recorded as 24.5 weeks.

- Patient J.T., whose file contains two ultrasounds performed at the Atlantic Womens Clinic in Delaware on 2/5/09. These show gestational ages of 24.5 and 24 weeks. Gosnell performed the abortion on 2/7/09, and recorded the gestational age as 24.5 weeks.

- Patient P.W., whose file contains an ultrasound showing a gestational age of 24.5 weeks. When Gosnell performed the abortion on 2/7/09, he recorded the gestational age as 24.5 weeks.

- Patient A.W., whose file contains two ultrasounds. The first shows a gestational age of 28.5 weeks; the second, 24.5. Gosnell performed the abortion on 2/5/09, and recorded that gestational age as 24.5 weeks. In a loose-leaf log kept in the procedure room, the gestational age is also recorded as 24.5 weeks.

- Patient A.P., whose file contains two ultrasounds. The first shows a gestational age of 24.5 weeks on 2/4/09, and the second shows a gestational age of 23 weeks. When Gosnell performed the abortion on 2/5/09, he recorded the gestational age as 24.5 weeks. In a loose-leaf log kept in the procedure room, the gestational age is also recorded as 24.5 weeks.

- Patient D.R., whose file contains no ultrasound. When Gosnell performed the abortion on 2/5/09, he recorded the gestational age as 24.5 weeks, and in the loose-leaf logbook kept in the procedure room, the gestational age was recorded as 24.5 weeks.

- Patient R.W., whose file contains an undated 24.5-week ultrasound, and a second ultrasound dated 1/29/09, showing a gestational age of 22 weeks. When Gosnell performed the abortion on 2/3/09, he noted the gestational age as 24 weeks.

- Patient C.B., whose file contains an ultrasound showing a gestational age of 25 weeks on 1/22/09; Gosnell performed an abortion on 1/24/09 recorded the gestational age as 24.5 weeks.

- Patient P.P., whose file contains no ultrasound. When Gosnell performed the abortion on 1/17/09, he recorded the gestational age as 24.5 weeks, and in the loose-leaf logbook kept in the procedure room, the gestational age was recorded as 24.5 weeks.

We also recommend that Lynda Williams and Sherry West be charged with performing illegal late-term abortions and that Gosnell, Williams, and West be charged with conspiracy to perform abortions beyond 24 weeks.

In her statement on the night of the raid, Williams told Investigator Gillespie that she assisted Gosnell with abortions in the evenings, in the “large procedure room.” We heard testimony from Ashley Baldwin, Kareema Cross, Latosha Lewis, and Steven Massof that late-term abortions were performed in the evenings and in the large procedure room. Williams told the FBI that she knew of “10 to 15” occasions where Gosnell performed an abortion past 24 weeks.

We have specific evidence that Lynda Williams assisted Gosnell in 13 of the illegal abortions listed above. Her initials appear in the “operative summary” as the staff person who assisted Gosnell with patients C.P. (1/28/10), R.C. (12/3/09), M.K. (11/14/09), C.M. (11/7/09), K.W. (10/10/09), A.T. (9/11/09), E.H. (8/4/09), M.F. (6/6/09), N.P. (4/10/09), D.D. (3/30/09), R.M. (3/21/09), A.W. (2/5/09), and R.W. (2/3/09). Based on this evidence, we recommend that Lynda Williams be charged with performing abortions beyond 24 weeks, and with conspiracy to perform abortions beyond 24 weeks..

West, in her statements to investigators minimized her role, claiming she had nothing to do with late abortions. The records do not support her statement. As to the patients listed above, West assisted Gosnell in performing an illegal late-term abortion on D.D. (3/30/09). She should be charged with conspiracy to perform abortions beyond 24 weeks and one count of performing an abortion beyond 24 weeks.

Pearl Gosnell testified that she assisted her husband with abortion procedures on Sundays. Other staff testified that the clinic was closed on Sundays. Pearl testified that she alone assisted on Sundays, and that her role was to “help do the instruments.” Latosha Lewis and Stephen Massof testified that they believed that Dr. Gosnell dealt with patients who were very late-term pregnancies on Sundays when his staff was not at the clinic. When Massof came in on Monday mornings he would find bloody instruments in the sink even though they had all been cleaned before the facility closed on Saturday night. When Massof asked Gosnell if he had seen patients on Sunday, the doctor answered, according to Massof, “Oh, yes, I took care of it. I had my wife or somebody help me or whatever.” Lewis testified that Pearl assisted with second-trimester abortions “on Sundays or days we were closed [to] do special cases,”

We heard testimony about one Sunday patient, a 14-year-old girl who was almost 30 weeks pregnant. According to statements that this girl and her great-aunt gave to detectives, the girl came to the clinic for an abortion in September 2007. She said that the procedure began with the insertion of laminaria to begin dilation. She returned to have the laminaria replaced for further dilation. She said that she was scheduled to return on Sunday, July 13, 2008, for the abortion procedure. At home at 3:00 a.m. Sunday, however, her membranes ruptured after several hours of labor and she went

instead to Crozer-Chester Hospital. There, she delivered a stillborn baby girl weighing 2 pounds, 1 ounce. The medical examiner of Delaware County determined that the baby girl was at least 29 weeks old, and possibly as old as 34 weeks, and probably had died during delivery. The neonatology expert testified that the average weight of a baby born at 29 weeks is a little over two pounds.

Based on the evidence that Pearl Gosnell aided in the performance of illegal late-term abortions, we recommend that she be charged with performing abortions beyond 24 weeks and with conspiracy to perform abortions beyond 24 weeks.

d. Violations of Informed Consent and 24-hour Waiting-Period Requirements, 310 counts: 18 Pa.C.S. § 3205 (Kermit Gosnell)

Under the Abortion Control Act, a doctor must counsel a patient and obtain her written consent at least 24 hours before performing an abortion. We found over 300 violations of these requirements in the last two years, and recommend filing charges against Gosnell for each of these violations.

Under 18 Pa.C.S. § 3205(a)(1), a physician performing the abortion must inform the patient at least 24 hours before an abortion of:

> (i) The nature of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable patient would consider material to the decision of whether or not to undergo the abortion.
>
> (ii) The probable gestational age of the unborn child at the time the abortion is to be performed.
>
> (iii) The medical risks associated with carrying her child to term.

In addition, under 18 Pa.C.S. § 3205(a)(2), at least 24 hours before an abortion, the physician or an assistant must provide the patient with certain state-mandated information. The patient must certify, in writing, that she has received the required information.

Gosnell ignored these requirements. We learned that Gosnell did not counsel patients as required by law. He usually did not meet or even speak to them before completing their abortions. For example, as we learned from her daughter's testimony, Mrs. Mongar's sole contact with Gosnell was while she lay unconscious on the procedure table.

According to Kareema Cross, in the four years she worked at the clinic, "we never did it," referring to the state-required counseling. Instead patients were merely handed a piece of paper to sign. No counseling was provided to patients.

Gosnell ignored the 24-hour waiting period, and instead performed same-day procedures on some patients. Lewis told us:

> They would be able to come in 10 [a.m.] to 4 [p.m], do an ultrasound and blood work, if we saw something, we would ask them, did you want to stay today, have your procedure done, even though by state law, we were supposed to give them 24 hours.

Two of the patients present at the time of the February 2010 FBI raid told a Department of Health surveyor, "that it was the only clinic in town that you call the day of and get an appointment and have the procedure done that day."

Lewis explained Gosnell's motivation:

> When we went from doing 20 first trimesters to five and because of the difference with the income that was coming in, it was like we need them. They come in, ask them do they want to stay, we're going to do them because we need the money.

FBI agent Catherine Carter testified that Lynda Williams explained that at an abortion patient's initial visit, a staff member has her sign the consent form. We found 243 instances where the patient then had an abortion on the same day that she signed the consent form. We also found files where there was no consent form, the consent

form was not signed, or the consent form was not dated. All of these constituted violations of 18 Pa.C.S. § 3205. We recommend that Kermit Gosnell be charged with 310 counts of violating this statute.

Eight violations arise from the February 18, 2010 raid. That evening, surveyors from the state Department of Health who accompanied the FBI reviewed the files of the eight abortion patients present. The surveyors testified that in none of the files had the required 24-hour consent form been completed; all eight patients had come into the clinic that morning for same-day procedures.

We recommend that Gosnell be charged with 241 additional counts of violating the 24-hour waiting-period requirement of 18 Pa.C.S. § 3205. In each of the following cases, Gosnell performed an abortion on the same day that the patient signed the consent form, even though Pennsylvania law clearly prohibits same-day abortions:

Patient	Date of Procedure
S.B.	1/21/2009
S.B	2/2/2009
J.C.	2/2/2009
J.E.	2/2/2009
T.S.	2/2/2009
I.B	2/5/2009
A.J.	2/5/2009
C.R.	2/5/2009
A.C.	2/7/2009
E.K.	2/7/2009
I.M.	2/7/2009
J.F.	2/9/2009
J.H.	2/9/2009
Y.J.	2/9/2009
S.S.	2/9/2009
N.W.	2/9/2009
L.G.	2/12/2009
T.J.	2/12/2009
C.P.	2/12/2009
J.J.	2/14/2009
S.D.	2/16/2009
T.J.	2/19/2009

Z.K.	2/19/2009
M.M.	2/19/2009
M.R.	2/19/2009
A.B.	2/21/2009
M.B.	2/21/2009
M.L.	2/21/2009
M.L. *	2/21/2009
D.M.	2/21/2009
T.W.	2/21/2009
C.B.	2/23/2009
J.M.	2/23/2009
N.B.	2/24/2009
S.B.	2/26/2009
N.C.	2/26/2009
C.M.	2/26/2009
B.N.	2/26/2009
N.S.	2/26/2009
E.C.	3/2/2009
C.C.	3/2/2009
S.W.	3/2/2009
B.F.	3/3/2009
D.C.	3/5/2009
K.C.	3/5/2009

T.H.	3/5/2009
J.W.	3/5/2009
A.B.	3/7/2009
N.E.	3/7/2009
T.B.	3/9/2009
S.F.	3/9/2009
C.M.	3/9/2009
S.M.	3/9/2009
S.W.	3/9/2009
S.M.	3/10/2009
V.B.	3/12/2009
J.M.	3/12/2009
D.C.	3/14/2009
L.D.	3/14/2009
A.H.	3/19/2009
F.T.	3/19/2009
J.V.	3/19/2009
R.M.	3/21/2009
Q.W.	3/21/2009
A.A.	3/23/2009
T.L.	3/23/2009
H.M.	3/23/2009
P.S.	3/23/2009

Y.D.	3/26/2009
B.K.	3/26/2009
A.T.	3/26/2009
A.B.	3/30/2009
S.B.	3/30/2009
J.R.	4/4/2009
C.R.	4/4/2009
S.S.	4/4/2009
B.D.	4/9/2009
D.H.	4/9/2009
K.R.	4/9/2009
R.B.	4/11/2009
C.W.	4/11/2009
B.P.	4/16/2009
T.B.	4/18/2009
S.K.	4/18/2009
K.L.	4/20/2009
N.S.	4/20/2009
E.G.	4/27/2009
J.C.	4/30/2009
V.M.	5/4/2009
A.S.	5/8/2009
K.B.	5/9/2009
A.C.	5/9/2009
S.M.	5/9/2009
M.T.	5/11/2009
M.J.	5/11/2009
A.B.	5/16/2009
T.N.	5/18/2009
C.A.	5/21/2009
C.J.	5/21/2009
M.D.	5/23/2009
L.F.	5/23/2009
S.C.	5/28/2009
S.J.	6/6/2009
N.S.	6/15/2009
A.F.	6/16/2009
J.K.	6/16/2009
E.S.	6/18/2009
J.S.	6/20/2009
A.L.	6/29/2009
J.S.	6/29/2009
S.B.	6/30/2009
D.M.	7/2/2009
T.T.	7/2/2009
M.C.	7/6/2009
M.F.	7/7/2009
C.M.	7/9/2009
T.T.	7/9/2009

A.C.	7/11/2009
T.R.	7/11/2009
C.C.	7/20/2009
C.Q.	7/20/2009
N.W.	7/20/2009
K.G.	7/23/2009
C.P.	7/23/2009
L.F.	7/30/2009
T.C.	8/3/2009
A.M.	8/3/2009
M.R.	8/3/2009
C.S.	8/3/2009
B.C.	8/6/2009
A.S	8/6/2009
I.C.	8/8/2009
N.T.	8/8/2009
F.T.	8/8/2009
R.M.	8/10/2009
J.S.	8/10/2009
I.W.	8/10/2009
B.G.	8/18/2009
A.B.	8/20/2009
C.M	8/20/2009
J.J.	8/27/2009
K.W.	8/27/2009
S.S	8/31/2009
K.A.	9/3/2009
S.H.	9/3/2009
C.C.	9/12/2009
K.K.	9/12/2009
J.C.	9/17/2009
M.D.	9/17/2009
S.H.	9/17/2009
M.T.	9/17/2009
P.C.	9/28/2009
E.I.	10/1/2009
L.J.	10/1/2009
K.H.	10/3/2009
S.L.	10/3/2009
T.R.	10/3/2009
C.T.	10/3/2009
C.W.	10/3/2009
K.F.	10/8/2009
S.D.	10/15/2009
J.H.	10/15/2009
B.K.	10/15/2009
L.F.	10/17/2009
S.S.	10/19/2009
J.W.	10/20/2009

B.H.	10/21/2009
S.E.	10/24/2009
R.R.	10/29/2009
R.D.	11/2/2009
C.P.	11/6/2009
R.C.	11/7/2009
L.B.	11/16/2009
S.G.	11/16/2009
M.D.	11/19/2009
T.H.	11/19/2009
J.J.	11/19/2009
D.C.	11/20/2009
J.D.	11/21/2009
C.H.	11/21/2009
S.H.	11/23/2009
S.L.	12/3/2009
K.S.	12/3/2009
K.M.	12/5/2009
K.M. *	12/5/2009
R.R.	12/5/2009
C.F.	12/7/2009
M.R.	12/7/2009
L.A.	12/10/2009
O.B.	12/10/2009
K.K.	12/10/2009
M.M.	12/10/2009
T.S.	12/10/2009
J.F.	12/12/2009
D.M.	12/12/2009
J.T.	12/12/2009
L.C.	12/14/2009
M.P.	12/14/2009
L.S.	12/14/2009
P.G.	12/15/2009
S.A.	12/19/2009
M.V.	12/21/2009
M.W.	12/21/2009
S.A.	12/28/2009
S.M.	12/28/2009
L.M.	12/28/2009
L.C.	12/29/2009
Z.B.	1/9/2010
J.V.	1/9/2010
T.W.	1/9/2010
J.W.	1/9/2010
D.C.	1/11/2010
E.I.	1/11/2010
J.B.	1/14/2010
S.J.	1/14/2010

R.P.	1/14/2010
N.R.	1/14/2010
J.T.	1/14/2010
K.P.	1/16/2010
M.A.	1/21/2010
J.B.	1/21/2010
A.E.	1/21/2010
M.G.	1/21/2010
L.H.	1/21/2010

N.M.	1/21/2010
T.W.	1/25/2010
D.G.	1/28/2010
N.A.	2/1/2010
D.T.	2/1/2010
D.B.	2/4/2010
S.T.	2/4/2010
L.S.	2/9/2010
A.C.	2/13/2010

A.G.	2/13/2010
D.J.	2/13/2010
M.L.	2/13/2010
C.R.	2/13/2010
S.H.	2/13/2010
L.S.	2/13/2010
T.B.	2/18/2010
L.C.	2/18/2010
K.H.	2/18/2010

We recommend that Kermit Gosnell be charged with an additional 17 violations based on the following cases where the consent form in the patient file was not signed:

Patient	Date of Procedure
S.F.	1/24/2009
A.T.	2/14/2009
A.P.	2/23/2009
C.A.	3/9/2009
S.S.	3/12/2009
S.H.	3/23/2009
C.R.	3/30/2009
Y.M.	4/16/2009

C.M.	5/14/2009
E.H.	6/18/2009
R.W.	6/22/2009
T.P.	7/28/2009
A.T.	9/10/2009
S.K.	9/24/2009
S.Z.	10/9/2009
C.M.	10/13/2009
S.B.	11/7/2009

We recommend an additional count of violating 18 Pa.C.S. § 3205 based the absence of a consent form the file of Patient B.M., who had an abortion on 4/11/09.

Finally, we recommend 43 additional counts against Kermit Gosnell based on the following violations of 18 Pa.C.S. § 3205, where the informed consent form is undated.

Patient	Date of Procedure
C.J.	2/2/2009
K.P.	2/5/2009
S.W.	2/12/2009
M.P.	2/14/2009
E.T.	2/14/2009
C.M.	2/16/2009
S.P.	2/16/2009
S.P.	3/2/2009
M.A.	3/14/2009
E.M.	3/14/2009
C.M.	3/19/2009
C.R.	4/4/2009
F.K.	4/9/2009
L.J.	4/11/2009
T.J.	4/18/2009

A.W.	4/18/2009
C.R.	5/1/2009
S.R.	5/7/2009
K.F.	5/18/2009
D.H.	6/11/2009
P.R.	6/22/2009
Y.T.	6/25/2009
S.B.	7/2/2009
P.S.	8/4/2009
P.W.	8/8/2009
B.M.	8/10/2009
T.F.	8/31/2009
J.R.	8/31/2009
Y.Z.	9/8/2009
T.M.	9/10/2009
F.T.	9/10/2009

K.S.	9/21/2009
O.B.	8/24/2009
A.G.	10/10/2009
J.L.	10/29/2009
A.P.	11/2/2009
J.J.	11/5/2009

O.B.	11/7/2009
J.S.	11/7/2009
R.D.	11/12/2009
T.F.	11/21/2009
D.M.	12/3/2009

e. Abuse of Corpse (5 counts): 18 Pa.C.S. § 5510 (Gosnell)

Under 18 Pa.C.S. § 5510, it is a crime for a person to "treat[] a corpse in a way that he knows would outrage ordinary family sensibilities." We saw evidence that Gosnell severed the feet of fetuses and kept these in jars in his office. Kareema Cross showed us photographs that she took in 2008 of the jars of feet. Ashley Baldwin testified that she saw about 30 jars of feet in a cabinet. Investigators testified that they saw these jars in the February 2010 raid.

None of the medical or abortion experts who testified before the Grand Jury had ever heard of such a disturbing practice, nor could they come up with an explanation for it. The medical expert on abortions testified that cutting off the feet "is bizarre and off the wall." The experts uniformly rejected out of hand Gosnell's explanation that he was preserving the feet for DNA purposes should paternity ever become an issue. A small tissue sample would suffice to collect DNA. No one on Gosnell's staff knew of any instance in which the severed feet were ever used for paternity or DNA purposes.

The following evidence of mutilations within the past two years is contained in the Philadelphia medical examiner's reports on the remains discovered in the 2010 raid:

- The feet of a 22-week fetus in specimen containers that the medical examiner referred to as 4C-1 and 4C-2. These containers were labeled with the same name and the date 12/5/09. Each foot was in a separate container. The medical examiner found with respect to each foot that "the distal portion of the leg has been sharply transected 2.5 cm above the sole of the foot."

- A 21-week fetus, gender indeterminate, found in plastic bleach bottle, wrapped in red biohazard bag 3F. The medical examiner discovered that "Both feet have been severed at the level of the distal leg and are not present in the container."

- The left foot of a 19-week fetus in specimen container 4B. According to the medical examiner, "The distal portion of the leg has been sharply transected 2.7 cm. above the sole of the foot."

- The feet of a 19-week fetus in specimen containers 5B-1 and 5B-2. As to the left foot, the medical examiner found, "The distal portion of the leg has been sharply transected 2.5 cm. above the sole of the foot in an oblique fashion." As to the right foot, "the distal portion of the leg has been sharply transected 1.9 cm. above the sole of the foot in an oblique fashion."

We also heard evidence that after cutting the spinal cords of live babies, Gosnell would put the babies in cut-off milk jugs, water containers, and juice cartons. The intact body of one 28-week old male, which we previously referred to as Baby Boy B, was discovered in a bag in the clinic's freezer during the February 2010 raid. It was in a plastic water container with the top cut off, along with the placenta and gauze pads. The baby had a surgical incision at the base of the neck and was determined by the medical examiner to have been viable.

The Medical Examiner testified:

> But certainly things like drink containers, milk containers, water containers, this is not something we do in medical practice . . . What I do does not deal with living patients, and I would not put something in a plastic drink container. It just – it feels wrong I guess is what I'm saying. It feels wrong.

Based the evidence, we recommend that Gosnell be charged with five counts of Abuse of Corpse.

3. Other Criminal Violations.

The Womens Medical Society was a criminal enterprise. Gosnell and his staff operated the clinic in a criminal manner that extended beyond conduct that killed Kar-

namaya Mongar and the violations of the Abortion Control Act. Based on that criminal behavior, we recommend additional charges.

a. Theft by Deception, Conspiracy (10 counts): 18 Pa.C.S. §§ 3922, 903 (Kermit Gosnell, Eileen O'Neill, Steven Massof)

Gosnell hired unqualified staff because, as they testified, he could pay them low wages, often in cash. These staff members included two medical school graduates, Stephen Massof and Eileen O'Neill who testified that neither ever had a valid Pennsylvania medical license while working for Gosnell. According to the testimony of other workers, "Dr. O'Neill" and "Dr. Steve" held themselves out to be doctors. Kareema Cross told us that both acted and practiced like doctors, and that she and other workers believed them to be doctors. Gosnell hired them and, as they testified, paid them a pittance to treat patients in his absence.

"Dr. Steve" Massof testified that he was working as a bartender and cook in Pittsburgh when Gosnell hired him in 2003 to work as a doctor at the clinic, even though Gosnell knew that Massof had no license to treat patients. Massof said he had no training to perform abortions; everything he knew about the practice he learned from Gosnell. Massof said that he worked up to six days a week from about noon until 9:00 p.m. Gosnell usually did not arrive at the clinic until after 8:00 p.m. During the day, Massof was the only "doctor" on the premises. Gosnell paid him in cash: $300 a week, plus $30 for each second-trimester abortion.

The staff all addressed him as "Dr. Steve." Kareema Cross testified that she "was told he was a doctor."

> Dr. Steve seen patients. He seen the patients that came in after their procedures. In the procedure room he did the IV's, he did patient

> medications. He also, if Dr. Gosnell wasn't there and the patient would [deliver], he would take care of it.

Massof testified that he wrote prescriptions for patients on pads pre-signed by Gosnell. Massof left Gosnell's employ in 2008. He is currently employed as a telemarketer.

"Dr. O'Neill" testified that she worked for Gosnell from 2002 to 2010. She acknowledged that she is not licensed to practice medicine in Pennsylvania or any other jurisdiction. In 2000, she relinquished her medical license in Louisiana where she had performed abortions at the Delta Women's Clinic in Baton Rouge, and she has not been licensed to practice medicine since. According to the testimony of Leroy Brinkley, the owner of the Louisiana clinic, O'Neill was "not up to medical standards" and simply stopped showing up for work after an adverse incident. O'Neill said that she met Gosnell through Brinkley, who also was the managing director and president of the Atlantic Womens Clinic in Delaware, the abortion clinic where Gosnell worked one or two days a week. For reasons that she refused to explain, O'Neill would hide whenever Brinkley visited Gosnell's clinic.

In her testimony, O'Neill tried to minimize her hours, her pay, and her responsibilities at Gosnell's clinic. She said she worked four hours a night (8:00 p.m. to midnight), three nights a week (Mondays, Thursdays, and Fridays) as "a volunteer." She said that Gosnell just provided her with gas money:

> A: He gave me travel money every now and then, just whenever he had cash. He always said he never had any money.
>
> Q: So how much money did you make?
>
> A: For 15 hours a week, sometimes he give me 200 every couple of weeks and sometimes 200 a month. Sometimes 400 every two months.

Gosnell paid her in cash.

Gosnell's staff believed that O'Neill really was a doctor. They told us that they addressed her, always, as "Dr. O'Neill." Randy Hutchins, a physician assistant, testified that "she was introduced to me as a licensed physician" by Gosnell.

Patients were duped as well. Della Mann, a registered nurse and former clinic employee, was a long-time patient of O'Neill's. She told us that she was shocked to discover, just recently, that O'Neill was not a licensed physician: "I was just floored because she treated so many." Had Ms. Mann known "that she was not licensed, I wouldn't have let her touch me."

We reviewed Della Mann's file. It contains 14 faxes sent by Ms. Mann addressed to "Dr. Gosnell, Dr. O'Neill" and 3 addressed solely to "Dr. O'Neill." A fax dated June 18, 2007 reads: "Dear Dr. Please call Rite-Aid Coreg problem Metforman needed Rite-Aid 215-438-5167." There is a handwritten note, "Done" on this fax, signed "E" and dated 6/18/07. A fax addressed only to Dr. O'Neill and sent on 2/17/08 with the subject line "Carvedilol 6.25mg bid," reads: "out of medication please call in Rite aid 215-438-5167." This fax also contains a handwritten notation, "done – need BP ✓," followed by a signature "E" and the date, 2/18/08.

We found forms in Ms. Mann's file showing that on 1/30/07, 3/8/07, 6/4/07, and 6/7/07, Dr. O'Neill signed as the clinician for office visits. On each date she observed and treated symptoms and made diagnoses. We also found prescriptions that were written for Ms. Mann on 3/8/07, 6/7/07,8/10/07, and 12/1/07; these appear to be in the same handwriting as on the patient visit information and the handwritten notes on the faxes signed "E." Two of these prescriptions are for "Coreg" and one is for "metformin."

Our examination of Ms. Mann's file shows that two $80 claims were submitted to Independence Blue Cross for Ms. Mann's March and June 2007 visits.

Della Mann was not the only patient who was deceived. We found other examples of patients who paid Gosnell's clinic for examination and treatment by a doctor, but were instead treated by "Dr. O'Neill" or "Dr. Steve." These include, but are not limited to:

- Patient T.B. – Her file contains a record of payment of $65 on 2/11/08; "Dr. O'Neill" is written on this form. The file shows that T.B. was examined and treated by O'Neill on 10/20/08, 6/22/05, and 9/24/03. Each time she also received a prescription written by O'Neill and signed by Gosnell.

- Patient M.S. – Her file shows that she was billed $205, due on 2/21/08. On this document there is a handwritten note from O'Neill to Tina Baldwin, explaining that the patient was not to be charged for ultrasound, per Gosnell, because she had paid for ultrasound on 2/15/08, but never had the procedure. This patient's file shows that she was also examined and treated by O'Neill on 2/5/08 and 10/2/08.

- Patient A.N. – Her file shows that she was billed $140 on 8/23/07; "Dr. O'Neill" is written on this form. This patient's file shows that she was also examined and treated by O'Neill on 6/9/08 when O'Neill diagnosed sinusitis and wrote a prescription. The signature on the prescription is illegible. This patient was also billed $65 on 3/25/08; this form indicates that she was seen by "Dr. Steve."

- Patient M.K. – Her file shows that she was treated and examined by O'Neill on 5/20/09 and billed $40.

- Patient C.W. – Her file shows a record of payment of $40; "Dr. O'Neill" is written on this form.

- Patient L.D. – Her file shows a record of payment of $325 on 4/3/09 and Dr. O'Neill's name. Her files also shows that she was examined and by O'Neill and received a non-surgical abortion on 4/3/09.

We recommend that Kermit Gosnell, Eileen O'Neill, and Steven Massof be charged with Theft by Deception and Conspiracy to Commit Theft by Deception. Based on patient dates within the past five years in the cases listed above, and the testimony

and evidence provided by Della Mann, summarized above, we recommend nine counts of Theft against O'Neill, one count against Massof, and 10 against Gosnell.

b. Perjury and False Swearing: 18 Pa.C.S. §§ 4902, 4904 (Eileen O'Neill)

Eileen O'Neill testified before the Grand Jury under oath that she did not treat patients at Gosnell's clinic. She testified that she would "see" patients if Gosnell asked and when he was present, but claimed "I never decide what treatment is." She claimed she did not see patients alone, that Gosnell would at least "st[i]ck his head in," and that everyone knew she was not a licensed doctor.

Della Mann testified to the contrary. She had no idea that her long-time "doctor," Eileen O'Neill, was not a doctor. Gosnell's employees testified that they believed O'Neill was a doctor. The patient files we reviewed showed that, in conflict with her sworn testimony, O'Neill examined and treated patients. She did medical abortions. She wrote out prescriptions.

Eileen O'Neill also testified that she did not work on Wednesdays. But our review of patient files shows that she did see patients on Wednesdays. For example, in the files cited in the preceding section, O'Neill twice saw Patient T.B. on Wednesdays (6/22/05, and 9/24/05) and once saw M.K. on a Wednesday (5/20/09). Other files show that O'Neill saw patients on Wednesdays, including O.F. (9/24/08), H.N. (1/21/09), J.J. (3/18/09), J.L. (4/15/09), and C.P. (11/4/09).

The Wednesday patient visits are significant because, as Kareema Cross and Randy Hutchins testified, Gosnell did not work at the clinic on Wednesdays; O'Neill thus would have treated these patients without supervision, notwithstanding her testimony that Gosnell was always present when she saw patients. Hutchins testified that on

Wednesdays, O'Neill was at the clinic by herself. He also told us that other days she came in "an hour or two before [Gosnell] did" and upon her arrival there were "patients waiting to see her."

Based on this evidence we recommend that Eileen O'Neill be charged with False Swearing and Perjury.

c. Violations of the Controlled Substances Act: 35 P.S. §§ 780-113(a)(14) and (30) (Steven Massof)

As discussed earlier, the Controlled Substances Act prohibits delivery of a controlled substance, including an opiate such as Demerol, by any unlicensed practitioner, or the dispensing of any controlled substance by or at the direction of a licensed practioner other than "in accordance with treatment principles accepted by a responsible segment of the medical profession." 35 P.S. §§ 780-113(a)(14) and (30).

Steven Massof testified that when Dr. Gosnell was not present, he would administer drugs to patients. Kareema Cross confirmed that "in the procedure room he [Massof] did the IV's, he did patient medications.

We recommend that Steven Massof be charged with violating 35 P.S. §§ 780-113(a)(14) and (30).

d. Conspiracy, Violation of the Controlled Substances Act: 35 P.S. §§ 780-113(a)(14) and (30), 18 Pa.C.S. § 903 (Kermit Gosnell, Steven Massof)

Steven Massof testified that he consulted with Dr. Gosnell about what medications to administer. He also testified that Gosnell left him pre-signed prescription pads, allowing Massof to prescribe medicine for patients, even though he was not authorized to write prescriptions.

Based on this evidence we recommend that Kermit Gosnell and Steven Massof be charged with Conspiracy to violate the Controlled Substances Act.

e. Corrupt Organizations, Racketeering: 18 Pa.C.S. § 911(b) (Kermit Gosnell, Lynda Williams, Sherry West, Adrienne Moton, Eileen O'Neill, Steven Massof, Tina Baldwin)

We recommend that Kermit Gosnell, Lynda Williams, Sherry West, Adrienne Moton, Eileen O'Neill, Steven Massof, and Tina Baldwin be charged with violating the corrupt organization statute, 18 Pa.C.S. § 911, based on a pattern of racketeering activity.

It is "unlawful for any person employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity." 18 Pa.C.S. § 911(b)(3). A "pattern of racketeering activity" means "two or more acts of racketeering activity," 18 Pa.C.S. § 911(b)(4). "Racketeering activity" includes violations of chapter 25 of the Crimes Code (homicide), chapter 39 (theft), violations of section 13 of the Controlled Substances Act. Pa.C.S. § 911(b)(1), and conspiracy to commit any of these violations.

The evidence showed that Gosnell's clinic was an "enterprise." Gosnell's workers testified that patients paid for services, and we saw a chart listing the charges for those services, including abortions at various gestational ages, and various levels of anesthesia. Gosnell employed and paid people to provide those services; his employees all testified about what they were paid.

The evidence also showed patterns of racketeering activity related to the enterprise.

We received evidence of multiple violations of Chapter 25 (Homicide). These included not only the specific murders discussed above, but the ongoing pattern of killing babies born alive by Gosnell and his employees. Kermit Gosnell and Steven Massof committed most of these killings, as described earlier in this presentment. Adrienne Moton told Agent Huff that she had twice killed babies. And according to Kareema Cross, Lynda Williams killed at least one.

We also heard testimony about multiple violations of the Controlled Substances Act beyond the violations specifically relating to the death of Karnamaya Mongar. Gosnell's employees testified, and patient charts confirm, that unlicensed personnel dispensed Demerol to patients without supervision. Lynda Williams, Sherry West, and Kermit Gosnell, each committed at least two acts of racketeering by conspiring to drug Karnamaya Mongar and by killing her. From their statements and the testimony of other workers, we learned that Lynda Williams and Sherry West, as well as Adrienne Moton, Tina Baldwin, and Steven Massof medicated other patients multiple times in violation of the Controlled Substances Act.

We also received evidence of ongoing acts of thefts by deception based on Gosnell's employment of O'Neill and Massof who saw and billed unsuspecting patients for medical treatment. Kermit Gosnell, Eileen O'Neill, and Steven Massof each committed at least two acts of racketeering by engaging in thefts by deception.

f. Corrupt Organizations, Conspiracy: 18 Pa.C.S. § 911(b)(4) (Kermit Gosnell, Pearl Gosnell, Lynda Williams, Sherry West, Adrienne Moton, Eileen O'Neill, Steven Massof, Tina Baldwin, Maddline Joe)

It is also a violation of the Corrupt Organizations statute for any person to conspire to commit racketeering activity. 18 Pa.C.S. § 911(b)(4). The evidence showed that

Pearl Gosnell, Lynda Williams, Sherry West, Adrienne Moton, Eileen O'Neill, Steven Massof, Tina Baldwin, and Maddline Joe conspired with Kermit Gosnell to commit racketeering activity. We therefore recommend that these individuals be charged with violating 18 Pa.C.S. § 911(b)(4) of the Corrupt Organizations statute.

As discussed earlier in this presentment, Lynda Williams, Sherry West, Adrienne Moton, and Steven Massof conspired with Kermit Gosnell to kill babies, a criminal objective of the criminal enterprise. Latosha Lewis, Kareema Cross, Ashley Baldwin, Tina Baldwin, and Steven Massof all testified that such killings were a routine part of Gosnell's performance of post-24-week abortions. Patient files show that Tina Baldwin assisted with these late abortions; likewise, Pearl Gosnell, by aiding the very late-term abortions conspired with Kermit Gosnell to kill babies.

Eileen O'Neill and Steven Massof each conspired with Kermit Gosnell to commit thefts by deception, as we explained above. These thefts were integral to Gosnell's corrupt enterprise. As numerous witnesses testified, he largely ran his practice in absentia and hired unqualified people to treat patients in his absence.

We heard ample evidence, summarized earlier in this presentment, to establish that Steven Massof, Lynda Williams, Sherry West, Tina Baldwin, and Adrienne Moton as part of the duties for which Gosnell hired them, conspired with him to violate the drug laws, by agreeing to administer (and by actually administering) narcotics to patients.

Maddline Joe worked for Kermit Gosnell for more than 20 years, most recently as the office administrator. She testified that in that role she ordered and paid for Demerol. As many employees testified, it was a long-standing, established practice at Gosnell's clinic that this drug was to be given to patients by unlicensed workers and without medi-

cal supervision. Joe also testified that she paid Gosnell's workers and that she handled the money paid to the clinic by patients. She said she also examined patient files. It is clear from those files that Gosnell and his employees were deceiving unsuspecting patients.

We have concluded there is probable cause to believe that each of these persons knowingly agreed with Kermit Gosnell to participate in his corrupt organization. We, therefore, have recommended charges of conspiracy to violate the corrupt organizations statute be brought against Kermit Gosnell, Pearl Gosnell, Lynda Williams, Sherry West, Adrienne Moton, Steven Massof, Eileen O'Neill, Tina Baldwin, and Maddline Joe.

g. Obstructing Administration of Law and Tampering with or Fabricating Evidence: 18 Pa.C.S. §§ 5101, 4910 (Kermit Gosnell)

FBI Agent Jason Huff testified that before the FBI arrived at Gosnell's clinic in February 2010, Latosha Lewis had advised agents where drug and abortion files were kept. She said that the abortion files were in postal bins lining a hallway near the procedure room. Lewis testified that, on February 18, 2010, there were more than 100 files for late second-trimester patients on the second floor of the clinic. Agent Huff testified that on the night of the raid, investigators took photographs of these files. Lewis looked at those photographs and pointed out the files. She the looked at a June 23 photograph of the same area, which showed that the files were gone.

The February search warrant related only to allegations that Gosnell was trafficking drugs. Investigators therefore did not seize the abortion files. They did seize about 40 boxes of files, which they later discovered contained a few abortion files. After further investigation, agents returned to Gosnell's clinic with another warrant for the abortion

files. The files shown in the FBI photographs were gone. According to Lewis, these were the files for 2009 and 2010. Agents seized 40 more boxes of files.

Tina Baldwin (and others) testified that ”second trimester charts, usually those real big ones, they didn’t stay in the office.” Gosnell took those files home, “if there were difficult cases or some cases where he thought they shouldn’t be in there.” Massof told us that Gosnell always took files home, so “I think he has them. If he hasn’t destroyed them, he has them.” Lewis testified that second-trimester charts were kept separate from others, and that Gosnell would take these home.

Philadelphia police officer John Taggart, of the Crime Scene Unit, went to Gosnell’s home with a warrant. Officer Taggart testified that he saw files in Gosnell’s truck, parked outside his house. Gosnell consented to a search of the vehicle. Officer Taggart discovered patient files that had jagged edges as if “they had started to be shredded.”

Elinor Barsony, the state Department of Health surveyor, testified that on March 15 2010, Gosnell submitted numerous overdue state-required abortion forms. Because these forms require a great deal of detail, Gosnell would have had to have the patient files to complete the forms. But when we examined the files recovered and turned over to us, we cannot locate the patient files for most of these abortion reports. In his letter accompanying his March 2010 submissions to the Department of Health, Gosnell said that the information in the reports came “from patient charts [that] have been removed from the facility.”

Based on evidence that files relevant to this investigation disappeared from the clinic after law-enforcement officers entered the clinic, we recommend that Kermit Gos-

nell be charged with Tampering with or Fabricating Evidence and Obstructing the Administration of Law.

h. Corruption of the Morals of a Minor: 18 Pa.C.S. § 6301 (Kermit Gosnell, Tina Baldwin).

Ashley Baldwin testified that Kermit Gosnell hired her to work at his clinic, where her mother Tina had worked for years, beginning when she was 15. He subsequently trained her, as he had trained her mother, to assist with abortions and give medications to patients. Tina Baldwin and Ashley Baldwin both testified that Gosnell would keep Ashley at the clinic, assisting with abortions, sometimes until well after midnight, even though Ashley was still in high school. Tina Baldwin knew her daughter was being directed to perform tasks that she was not authorized to do.

We recommend that Kermit Gosnell and Tina Baldwin be charged with Corruption of a Minor.

We also reviewed evidence that Gosnell did not obtain parental consent, as required under the Abortion Control Act, before performing an abortion on a minor. Based on two files from the last two years where we found that there was no parental signature – Patient A.G., who had and abortion on 2/13/10, and patient Z.K., who had an abortion on 2/19/09 – we recommend two additional charges against Kermit Gosnell for Corruption of a Minor.

CONCLUSIONS

We the Grand Jury believe that the following criminal acts arise out of our investigation of criminal wrongdoing at Womens Medical Society, the clinic operated by Kermit Gosnell at 3801-3805 Lancaster Avenue in Philadelphia:

Kermit Barron Gosnell
646 N. 32nd Street
Philadelphia, PA

- Murder (Karnamaya Mongar), 3rd degree, 18 Pa.C.S. § 2502(c)
- Murder, drug delivery resulting in death (K. Mongar), 18 Pa.C.S. § 2506
- Controlled Substances Act, 35 P.S. 780-§113(f)(30), F-1
- Controlled Substances Act, 35 P.S. 780-§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Solicitation (Controlled Substances Act), 18 Pa.C.S. § 902, 2 counts, F-1
- Hindering Apprehension or Prosecution, 18 Pa.C.S. § 5105(a), F-3
- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Murder (Baby Boy A), 18 Pa.C.S. § 2502
- Murder (Baby Boy B), 18 Pa.C.S. § 2502
- Murder (Baby C), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby C), 18 Pa.C.S. § 903, F-1
- Solicitation (Murder, Baby C), 18 Pa.C.S. § 902, F-1
- Murder (Baby D), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby D), 18 Pa.C.S. § 903, F-1
- Solicitation (Murder, Baby D), 18 Pa.C.S. § 902, F-1
- Murder (Baby E) 18 Pa.C.S. § 2502
- Murder (Baby F), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby F), 18 Pa.C.S. § 903, F-1
- Murder (Baby G), 18 Pa.C.S. § 2501
- Conspiracy (Murder of Baby G), 18 Pa.C.S. § 903, F-1
- Solicitation (Murder of Baby G), 18 Pa.C.S. § 902, F-1
- Conspiracy (murder, generally), 18 Pa.C.S. § 903, F-1
- Infanticide (Baby Boy B), 18 Pa.C.S. § 3212, F-3
- Infanticide (Baby Girl A), 18 Pa.C.S. § 3212, F-3
- Abortion at 24 or more weeks (33 counts), 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Informed consent violations (310 counts), 18 Pa.C.S. § 3205, M-3
- Abuse of Corpse (5 counts), 18 Pa.C.S. § 5510, M-2
- Theft by deception (10 counts), 18 Pa.C.S. § 3922, M-1
- Conspiracy (Theft by deception), 18 Pa.C.S. § 903, M-1

- Controlled Substances Act (Massof), 35 P.S. 780-(§113(f)(30), F-1
- Controlled Substances Act (Massof), 35 P.S. 780-(§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1
- Corruption of Minors (3 counts), 18 Pa.C.S. § 6301, M-1
- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Tampering with or Fabricating Evidence, 18 Pa.C.S. § 4910, M-2

Lynda Williams
1004 N. Madison Avenue, Apt #5
Wilmington, DE

- Murder (Karnamaya Mongar), 3rd degree, 18 Pa.C.S. § 2502(c)
- Murder, drug delivery resulting in death (K. Mongar), 18 Pa.C.S. § 2506
- Controlled Substances Act, 35 P.S. 780-§113(f)(30), F-1
- Controlled Substances Act, 35 P.S. 780-§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Murder (Baby C), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby C), 18 Pa.C.S. § 903, F-1
- Conspiracy (murder, generally), 18 Pa.C.S. § 903, F-1
- Abortion at 24 or more weeks (13 counts), 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

Sherry West
1805 Blatty Place
Newark, DE

- Murder (Karnamaya Mongar), 3rd degree, 18 Pa.C.S. § 2502(c)
- Murder, drug delivery resulting in death (K. Mongar), 18 Pa.C.S. § 2506
- Controlled Substances Act, 35 P.S. 780-§113(f)(30), F-1
- Controlled Substances Act, 35 P.S. 780-§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Tampering with or Fabricating Evidence, 18 Pa.C.S. § 4910, M-2
- Tampering with records, 18 Pa.C.S. § 4104, M-1
- Hindering Apprehension or Prosecution,18 Pa.C.S. § 5105(a), F-3
- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Conspiracy (murder generally), 18 Pa.C.S. § 903, F-1
- Abortion at 24 or more weeks (1 counts), 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3

- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

Adrienne Moton
205 Hampton Road
Upper Darby, PA

- Murder (Baby D), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby D), 18 Pa.C.S. § 903, F-1
- Conspiracy (Murder generally), 18 Pa.C.S. § 903, F-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

Steven Massof
125 Marlin Drive W.
Pittsburgh, PA

- Murder (Baby F), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby F), 18 Pa.C.S. § 903, F-1
- Murder (Baby G), 18 Pa.C.S. § 2502
- Conspiracy (Murder, of Baby G), 18 Pa.C.S. § 903, F-1
- Conspiracy (Murder generally), 18 Pa.C.S. § 903, F-1
- Controlled Substances Act, 35 P.S. § 780-113(f)(30), F-1
- Controlled Substances Act, 35 P.S. § 780-113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Theft by deception, 18 Pa.C.S. § 3922 , M-1
- Conspiracy (Theft by deception), 18 Pa.C.S. § 903, M-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

Elizabeth Hampton
5132 Arch Street
Philadelphia, PA

- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Hindering Apprehension or Prosecution, 18 Pa.C.S. § 5105(a), F-3
- Perjury, 18 Pa.C.S. § 4902, F-3
- False Swearing, 18 Pa.C.S. § 4903, M-2

Eileen O'Neill
140 Nutt Road
Phoenixville, PA

- Theft by Deception (9 counts), 18 Pa.C.S. § 3922, M-1
- Conspiracy (Theft by Deception), 18 Pa.C.S. § 903, M-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1
- Perjury, 18 Pa.C.S. §, 4902, F-3
- False Swearing, 18 Pa.C.S. § 4903, M-2

Tina Baldwin
127 S. 63rd Street
Philadelphia, PA

- Corrupt Organization, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1
- Corruption of Minor, 18 Pa.C.S. § 6301, M-1

Pearl Gosnell
646 N. 32nd Street
Philadelphia, PA

- Abortion, 24 or more weeks, 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

Maddline Joe
811 Atwood Road
Philadelphia, PA

- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1