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St. Joseph County Prosecutor Ignores Admissions of Guilt by Abortionist and Dismisses Previously Brought Charges

(South Bend – December 1, 2015) - The St. Joseph County Prosecutor upheld a pretrial diversion agreement with abortionist Dr. Ulrich Klopfer, and moved to dismiss a criminal charge against him finding that he had committed no criminal offenses. Dr. Ulrich Klopfer was charged on June 27, 2014, with “Failure to Timely File a Public Report,” a Class B Misdemeanor under Indiana’s laws governing abortion (§ 16-34-2-5). One group in particular, The Life Center, which is located next door to Dr. Klopfer’s abortion clinic, is adamantly opposed to such a finding because Dr. Klopfer admitted this past summer, during the pendency of the pretrial diversion agreement with the prosecutor that he had committed numerous violations of the informed consent law that are part of the same group of abortion laws (§ 16-34-2- 1.1) The prosecutor, in a press release today, stated that the charge against Dr. Klopfer was being dismissed because, “[u]nder the terms of the agreement, Dr. Klopfer was required to ... ‘not commit any criminal offense.’”

The prosecutor acknowledged that The Life Center has claimed that Dr. Klopfer has continuously violated the informed consent law (§ 16-34-2- 1.1) and that the attorneys for The Life Center adamantly maintain that Dr. Klopfer’s violation of the informed consent law is a criminal violation in violation of the pretrial diversion agreement. A primary piece of evidence for The Life Center – but not the only evidence they point-to– has been an inspection report by the Indiana State Department of Health (ISDH), dated June 3, 2015, where the ISDH found, in response to the complaints of The Life Center, that Dr. Klopfer violated the informed consent law in 10 specific instances, and that he admitted running his practice in violation of the law when administering medical abortions. It was that set of admissions that triggered the ISDH’s revocation of Dr. Klopfer’s abortion clinic license.

Despite these admissions by the abortionist, the prosecutor defends his decision to dismiss the previous charge against him because the “ISDH has never forwarded any allegations of the informed consent laws to this office” and because “these alleged violations are not criminal acts.” The prosecutor points to the language of the abortion law that defines informed consent as a Class A infraction.” (§ 16-34-2-7(c)). “That is double-speak by the prosecutor to provide cover for the abortionist,” says Shawn Sullivan, attorney for The Life Center. “The prosecutor knows that 16-34-2-7(c) falls

under “CHAPTER 2: REQUIREMENTS FOR PERFORMANCE OF ABORTION; **CRIMINAL PENALTIES.**” Pointing to the title which governs the section at issue, section 2-7(c), Sullivan adamantly maintains that “every penalty under Chapter 2 of the abortion laws is a criminal penalty, that is why it is under the heading “criminal headings.” Sullivan went on to say that “the fact that a violation of the informed consent law allows for a penalty of up to \$10,000 does not make it non-criminal, as argued by the prosecutor. That is illogical to lawyer and layperson alike. Everyone knows that the prosecutor imposes and seeks fines all the time.”

Moreover, according to Sullivan, the Indiana Code requires the prosecutor to bring these type of criminal cases for “infractions.” Quoting from § 34-28-5-1(b): “An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place.” Accordingly, Sullivan argued that section 34-28-5-1(b) puts to rest the ridiculous notion that the infractions are not criminal violations. Prosecutors prosecute crimes so if they are supposed to prosecute infractions, infractions are crimes.” According to the attorneys for The Life Center, the prosecutor is ignoring the law and the evidence. “At the end of the day, in St. Joseph County, the abortionist is motivated to break the law because he simply will not be held accountable for his crimes.”

Ellen Master, part of The Life Center advocates that reach out to women with alternatives to abortion lamented that “she is embarrassed by the prosecutor’s actions today. How could the figure of law enforcement in our community go so far out of his way to avoid enforcing the law?” As an advocate who reaches out to the mothers, she has first hand experience of the damage done by Dr. Klopfer’s violation of the informed consent law. “I stay in touch with the mothers I talk to and already in one case, a mother has signed a statement as to how she has been victimized by Dr. Klopfer failing to provide informed consent.” Another advocate of the Life of the Life Center, Dr. Jennifer Borek, asserted that “in St. Joseph County, politics trump the rule of law.”