

06 CR 2961

APP. DOCKET NO. *rw*

IN THE DISTRICT COURT
SEDGWICK COUNTY, KANSAS

2006 DEC 21 P. 37

DISTRICT COURT
SEDGWICK COUNTY, KANSAS
BY: *rw*

STATE OF KANSAS,

Plaintiff,

v.

CASE NO. 06 CR _____

GEORGE R. TILLER

Defendant.

COMPLAINT / INFORMATION

COMES NOW the State of Kansas by Phill Kline, Kansas Attorney General, and for
Complaint / Information against the above-named Defendant, alleges and states:

COUNT ONE

Unlawful Late Term Abortion

K.S.A. 65-6703

Class A Non Person Misdemeanor

That on or about July 22, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 14 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 26 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #30, patient ID #072203LN, the defendant wrongfully relied on a diagnosis of Anxiety Disorder NOS or Adjustment Disorder with mixed anxiety and depressed mood, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnoses do not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

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COUNT TWO

**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after July 22, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #30, patient ID #072203LN, state record #005956, on a viable fetus having a gestational age of 22 or more weeks, to wit: 29 weeks of age, did report that the fetus was not viable and therefore did not report the actual determination of fetus viability, nor the reasons for such determinations, nor the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT THREE

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about July 8, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 10 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 28 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #31, patient ID #070803GG, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT FOUR**Failure to Report Justifications for
Late Term Abortion**K.S.A. 65-6703
Class A Non Person Misdemeanor

That on or about and after July 8, 2003, in Sedgewick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #31, patient ID #070803DG, state record #005970, on a viable fetus having a gestational age of 22 or more weeks, to wit: 28 weeks of age, did report that the fetus was not viable and therefore did not report the actual determination of fetus viability, nor the reasons for such determination, nor the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-443 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT FIVE**Unlawful Late Term Abortion**K.S.A. 65-6703
Class A Non Person Misdemeanor

That on or about July 15, 2003, in Sedgewick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 15 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 28 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman, or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #32, patient ID #071503LJ, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of K.S.A. 65-6703.

COUNT SIX

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**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after July 13, 2003, in Sedgwick County, State of Kansas, GEORGIE B. TULLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #33, patient ID #071503RL, state record #009976, on a viable fetus having a gestational age of 23 or more weeks, to wit: 28 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT SEVEN

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about November 18, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TULLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 16 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 29 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman, or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #59, patient ID #111803LR, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, as determining that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT EIGHT

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**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after November 18, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #59, patient ID #111803LR, state record #010373, on a viable fetus having a gestational age of 22 or more weeks, to wit: 29 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT NINE

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about July 30, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 19 year old pregnant woman when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 27 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #33, patient ID #073003CS, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT TEN

**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after July 30, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas,

unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #33, patient ID #073003CS, state record #005988, on a viable fetus having a gestational age of 22 or more weeks, to wit: 27 weeks of age, did report that the fetus was not viable and therefore did not report the actual determination of fetus viability, nor the reasons for such determinations, nor the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT ELEVEN

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about August 19, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 22 year old pregnant woman when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 31 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #37, patient ID #081903EW, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT TWELVE

**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after August 19, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #37, patient ID #081903EW, state record #006402, on a viable fetus having a gestational age of 22 or more weeks, to wit: 31 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-

COUNT THIRTEEN**Unlawful Late Term Abortion****K.S.A. 65-6703****Class A Non Person Misdemeanor**

That on or about August 5, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 15 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 26 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #38, patient ID #080503KC, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of K.S.A. 65-6703.

COUNT FOURTEEN**Failure to Report Justifications for
Late Term Abortion****K.S.A. 65-6703****Class A Non Person Misdemeanor**

That on or about and after August 5, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #38, patient ID #080503KC, state record #006408, on a viable fetus having a gestational age of 22 or more weeks, to wit: 26 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT FIFTEEN**Unlawful Late Term Abortion****K.S.A. 65-6703****Class A Non Person Misdemeanor**

That on or about August 5, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas,

age of 22 or more weeks, to wit: 28 weeks of age, did fail to report to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT SEVENTEEN

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about August 12, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 15 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 25 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #40, patient ID #081203SP, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of K.S.A. 65-6703.

COUNT EIGHTEEN

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**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after August 12, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #40, patient ID #081203SP, state record #006591, on a viable fetus having a gestational age of 22 or more weeks, to wit: 25 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT NINETEEN

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about August 19, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 15 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 26 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #41, patient ID #081903AG, the defendant wrongfully relied on a diagnosis of Acute Stress Disorder, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT TWENTY

**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after August 19, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #41, patient ID #081903AG, state record #006598, on a viable fetus having a gestational

age of 22 or more weeks, to wit: 26 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT TWENTY ONE

age of 22 or more weeks, to wit: 26 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT TWENTY ONE

Unlawful Late Term Abortion

K.S.A. 65-6703

Class A Non Person Misdemeanor

That on or about November 4, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 15 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 25 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #55, patient ID #110403BB, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT TWENTY TWO

**Failure to Report Justifications for
Late Term Abortion**

K.S.A. 65-6703

Class A Non Person Misdemeanor

That on or about and after November 4, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #55, patient ID #110403BB, state record #010134, on a viable fetus having a gestational age of 22 or more weeks, to wit: 25 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT TWENTY THREE

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Unlawful Late Term Abortion

K.S.A. 65-6703
Class A Non Person Misdemeanor

That on or about August 16, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 14 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 25 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #43, patient ID #082603TK, the defendant wrongfully relied on a diagnosis of Acute Stress Disorder, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of K.S.A. 65-6703.

COUNT TWENTY FOUR

Failure to Report Justifications for
Late Term Abortion

K.S.A. 65-6703
Class A Non Person Misdemeanor

That on or about and after August 16, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #43, patient ID #082603TK, state record #006604, on a viable fetus having a gestational age of 22 or more weeks, to wit: 25 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT TWENTY FIVE

Unlawful Late Term Abortion

K.S.A. 65-6703
Class A Non Person Misdemeanor

That on or about September 9, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 15 year old pregnant child when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 25 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the

pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #44, patient ID #090903JC, the defendant wrongfully relied on a diagnosis of Major Depressive Disorder, Single Episode, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnosis does not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of K.S.A. 65-6703.

COUNT TWENTY SIX

**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after September 9, 2003, in Sedgewick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #44, patient ID #090903JC, state record #008238, on a viable fetus having a gestational age of 22 or more weeks, to wit: 25 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT TWENTY SEVEN

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about November 4, 2003, in Sedgewick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 18-year old pregnant woman when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 25 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #38, patient ID #110403KH, the defendant wrongfully relied on a diagnosis of Anxiety Disorder NOS or Acute Stress Disorder, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnoses do not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of K.S.A. 65-6703.

COUNT TWENTY EIGHT

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**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after November 4, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #58, patient ID #110403KH, state record #000150, on a viable fetus having a gestational age of 22 or more weeks, to wit: 25 weeks of age, did fail to report the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-493 and amendments thereto, in violation of K.S.A. 65-6703.

COUNT TWENTY NINE

Unlawful Late Term Abortion

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about November 4, 2003, in Sedgwick County, State of Kansas, the defendant, GEORGE R. TILLER, did, then and there, contrary to the statutes of the State of Kansas, unlawfully perform or induce or caused to be performed or induced an abortion on a 13 year old pregnant woman when the fetus was viable and had a gestational age of 22 weeks or more, to wit: 25 weeks, by failing to determine that (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, to wit: In file #53, patient ID #110403TDS, the defendant wrongfully relied on an established diagnosis, to determine that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman when such diagnoses do not establish that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman, in violation of KSA 65-6703.

COUNT THIRTY

**Failure to Report Justifications for
Late Term Abortion**

**K.S.A. 65-6703
Class A Non Person Misdemeanor**

That on or about and after November 4, 2003, in Sedgwick County, State of Kansas, GEORGE R. TILLER did, then and there, contrary to the statutes of the State of Kansas, unlawfully, after performing or inducing or causing to be performed or induced an abortion, to wit: file #53, patient ID #110403TDS, state record #000117, on a viable fetus having a gestational age of 22 or more weeks, to wit: 25 weeks of age, did report that the fetus was not

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visible and therefore did not report the actual determination of fetus viability, nor the reasons for such determinations, nor the basis for the determination that the abortion was necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion was performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto, in violation of K.S.A. 65-6703.


PHILL KLINE
KANSAS ATTORNEY GENERAL



STEPHEN D. MAXWELL
SENIOR ASSISTANT ATTORNEY GENERAL

STATE OF KANSAS, COUNTY OF SEDGWICK, ss:

I, Phill Kline, do solemnly swear, to the best of my knowledge and belief, that the matters set forth in the Complaint/ Information are true as help me out.


PHILL KLINE
KANSAS ATTORNEY GENERAL

SUBSCRIBED AND SWORN to before me this 27th day of December, 2006.


Judge of the District Court
Div. 12

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Witness:

Thomas Williams
Jared Reed
Dr. Ann Kristin Neubert
Steve Cunningham
Clerk of the District Court—Jth Judicial District
Dr. Paul McHugh
Dr. Loren Phillips
Loren Jensen
Gina Bowers

Sealed documents attached in support of Complaint/Information:

- 1) Affidavit of Dr. Paul R. McHugh, M.D. Johns Hopkins Medical Center
- 2) Affidavit of Special Agent in Charge Thomas D. Williams
- 3) Transcript of sworn statement by Dr. Ann Kristin Neubert, M.D.
- 4) Transcript of sworn statement by Dr. Loren Phillips, KDHE
- 5) Copies of 15 KDHE report forms
- 6) Copies of 15 medical files, patient identification redacted

