



Written by [Warren Mass](#) on March 27, 2015

Colo. Law Impedes Murder Charges Against Woman Causing Baby's Death

Officials in Colorado will not likely bring murder charges against a woman who cut open another woman's abdomen, removed her baby, and left the baby girl in a bathtub. The attacker's husband found the baby and rushed her to the hospital, where she was pronounced dead. Until a thorough investigation is completed, it will not be known if the baby died during the removal from her mother, or afterward.



The Longmont, Colorado woman, Dynel Lane, lured the pregnant mother, Michelle Wilkins to her home on March 18 with an ad on Craigslist offering baby clothes. Once inside, Lane attacked Wilkins and cut the unborn baby girl from her abdomen.

Wilkins called 911 after the couple had left with the baby. Police investigators found her on a bed in a pool of blood. She was taken to a hospital where she received immediate surgery. Wilkins' family told the media on March 25 that she had been released from the hospital. "(She) is taking the first tentative steps along a long journey towards recovery and spiritual reconciliation," the Wilkins family said in a statement reported by the *Denver Post* on March 25.

The statement said Wilkins has deep gratitude for all "the expressions of love, kindness and spiritual solidarity she has received from both the Longmont community and from around the world."

The key to what charges can be brought under current Colorado law is whether the baby was alive outside the mother and whether the act that led to the death occurred outside the mother's body. Lane's attorney, Kathryn Herold, asked that a defense expert be present during the autopsy on March 27.

"In this particular case, the cause of death is going to be essential," Herold said.

A March 27 report in LifeNews.com said that the autopsy conducted on the baby girl was inconclusive and could not determine if the baby died before or after she was cut from Wilkins' abdomen. The report cited the Boulder County coroner's statement that further investigation is needed before a ruling is made on the cause and manner of the baby's death.

Deputy Coroner Derek Rinaldi said an autopsy was completed on March 27 but a ruling on how the baby girl died is pending further investigation. This can include microscopic analysis of tissue along with blood and toxicology testing.

Rinaldi had no estimate of when the investigation would be complete, according to the LifeNews report.

AP cited a statement from Catherine Olguin, a spokeswoman for the Boulder County District Attorney's Office, who said on March 26 that prosecutors won't charge Lane with murder. Prosecutors have neither explained the decision nor disclosed what charges they plan to bring against Lane.

"The issue of whether or not murder charges are appropriate involving a case involving a death of a



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fetus or late-term pregnancy is always a difficult issue,” the *Washington Post* quoted Boulder County District Attorney Stan Garnett as saying. “Under Colorado law, essentially there is no way murder charges can be brought if it’s not established that the fetus lived as a child outside the body of the mother for some period of time.”

In another March 27 report, LifeNews.com reported that when Garnett ran for attorney general in 2010 against then incumbent John Suthers, he was endorsed by both NARAL Pro-Choice Colorado PAC (the National Abortion and Reproductive Rights Action League) and Planned Parenthood (the nation’s largest abortion provider).

The obvious conclusion is that a public official so closely connected to the abortion industry that successfully fought against a law in Colorado that would have made the killing of the Wilkins baby an automatic homicide is not the most impartial judge of whether to prosecute Lane for murder in this case.

Colorado is one of 12 states that do not have laws making the violent death of an unborn child a homicide. A measure to enact such a law, as exists in 38 other states, was rejected by the state legislature in 2013. Political observers said the primary reason the law was rejected was that pro-abortion advocates feared it could be used to punish abortionists in some circumstances. Colorado voters overwhelmingly rejected a similar measure placed on the ballot in 2014.

Colorado has a long history of enacting laws favorable to abortion. In 1967, it became the first state to decriminalize abortion, supposedly only in cases of rape, incest, or in which pregnancy would lead to permanent physical disability of the woman. However, subsequent court decisions, including the 1971 Supreme Court decision in *United States v. Vuitch*, extended the scope of such laws by declaring that “health” meant “psychological and physical well-being.”

Fox News reported that State Rep. Gordon Klingenschmitt of Colorado Springs said on March 25 in a video posted on YouTube that current Colorado law does not protect unborn children and that the attack was a sign from God that the nation has lost its way.

“This is the curse of God upon America for our sin of not protecting innocent children in the womb and part of that curse for our rebellion against God as a nation is that our pregnant women are ripped open,” Klingenschmitt said passionately.

The *Washington Post* reported that Maryann Zegarra, a Longmont resident who is eight months pregnant, believes that prosecutors are morally obligated to charge Lane with first-degree murder. “I feel every movement of my baby. Every hiccup. Every kick,” Zegarra told the *Boulder Daily Camera*. “It’s just sad to think that little baby girl was just kicking probably 15 minutes before her mom got to the door.”

Since the determination of exactly what Lane will be charged with hinges on when the baby died, that decision will not be made until after complete autopsy results are in. CNN reported that Lane’s husband, David Ridley, told police he found the baby on the day of the attack in a bathtub taking a breath, suggesting that the baby died after being removed from the womb. Since this affirms the humanity of the baby even under Colorado’s laws, it may strengthen the case for a murder charge.

When Lane was arrested, she was held on charges of suspicion of attempted first-degree murder, first-degree assault, and child abuse knowingly/recklessly resulting in death.

It is not unusual in other jurisdictions for people to be charged with homicide for actions leading to the



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death of an unborn baby. For example, last January, a man named David Diaz drove his pickup truck into a car in Memphis, Tennessee, killing one woman and causing the miscarriage of another woman's baby. The woman had been 12 weeks pregnant. Diaz was charged with two counts of vehicular homicide, in addition to leaving the scene of an accident involving death, DUI, reckless driving, not having a license or car insurance, public intoxication, and reckless endangerment with motor vehicle. The law in this case — which is not unusual in most states — evidently considered the unborn baby at only 12 weeks of gestation to be a human being.

Yet, Colorado law does not regard Michelle Wilkins' baby to be human, unless it was killed outside the womb. Wilkins was seven to eight months pregnant and had already named her baby girl Aurora. Babies born prematurely at that level of gestation almost always survive.

The oddity and irony of the law in Colorado is that the personhood or humanity of an individual can be so dependant on his or her mere location. Kill them outside the womb and they are a person and you can be charged with murder. Kill them inside the womb and they are a non-entity. If this killing is done without the consent of the mother, the perpetrator can be charged with the lesser crime of unlawful termination of a pregnancy, a class 3 felony that carries a sentence of merely four to 12 years.

If the mother consents to an abortion, however, the law considers that no crime has been committed at all. Which, for those who defend the right to life from the moment of conception, is a crime in and of itself — a crime against humanity and all that is sacred.

Photo of Dynel Lane: AP Images/Longmont Police Department



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