

REGINA MCKNIGHT

REGINA MCKNIGHT IS IN PRISON IN SOUTH CAROLINA BECAUSE THE STATE ATTORNEY GENERAL THINKS SHE HAS COMMITTED MURDER.

SHE IS THE FIRST WOMAN IN AMERICA TO BE CONVICTED OF MURDER BECAUSE OF HER BEHAVIOR WHILE PREGNANT.

REGINA IS A 27 YEAR OLD AFRICAN-AMERICAN WOMAN WHO LEFT SCHOOL AFTER 10th GRADE AND WENT TO WORK ON A TOBACCO FARM. WHEN HER MOTHER WAS KILLED BY A HIT AND RUN DRIVER SHE BECAME HOMELESS AND ADDICTED TO DRUGS.



IN 1999 SHE WAS PREGNANT WITH HER THIRD CHILD, A GIRL SHE'D NAMED MERCEDES. THE BABY WAS DELIVERED STILLBORN. WHEN AN AUTOPSY FOUND TRACES OF COCAINE IN THE FETUS, REGINA WAS ARRESTED AND PUT ON TRIAL FOR MURDER.

EVEN THOUGH THERE IS NO MEDICAL EVIDENCE THAT COCAINE USE CAUSES STILLBIRTH AND A LARGE PERCENTAGE OF STILLBIRTHS HAVE NO OBVIOUS CAUSE, REGINA WAS TRIED FOR THE DEATH OF HER OWN FETUS.



SHE WAS TRIED UNDER SOUTH CAROLINA'S "HOMICIDE BY CHILD ABUSE" LAW WHICH CAN BE APPLIED TO A FETUS. IN SOUTH CAROLINA A "VIABLE FETUS" IS A PERSON FOR PURPOSES OF PROSECUTION.

DURING REGINA'S TRIAL THE STATE'S OWN EXPERTS TESTIFIED THAT THEY COULDN'T SAY FOR CERTAIN IF COCAINE USE HAD CAUSED REGINA'S STILLBIRTH. MANY TESTS THAT SHOULD HAVE BEEN DONE WERE NOT DONE. WHEN TWO JURORS ADMITTED TO USING THE INTERNET TO RESEARCH THE CASE A MISTRIAL WAS DECLARED.



AT THE RETRIAL THE SAME EXPERTS WITH NO NEW EVIDENCE CLAIMED THAT COCAINE WAS THE DEFINITE CAUSE FOR REGINA'S STILLBIRTH.

THE JURY CONSIDERED THE CASE FOR 15 MINUTES

REGINA WAS FOUND GUILTY OF HOMICIDE BY CHILD ABUSE AND SENTENCED TO 20 YEARS WITH 8 SUSPENDED.

THE CASE WAS APPEALED TO THE STATE SUPREME COURT MANY MEDICAL AND PUBLIC HEALTH GROUPS TRIED TO SUPPORT REGINA'S CASE FILING NUMEROUS STATEMENTS EXPLAINING HOW COCAINE USE ALONE COULD NOT CAUSE THE STILLBIRTH.

PROSECUTORS ADMITTED THAT REGINA HAD NO INTENTION OF HARMING HER PREGNANCY, AND YET THEY UPHELD HER SENTENCE OF MURDER. THIS WAS ESSENTIALLY BECAUSE SHE WAS A DRUG USER WHICH THE COURT INTERPRETED AS SHOWING:

EXTREME
INDIFFERENCE TO
HUMAN
LIFE . . .



THEY ALSO STATED THAT REGINA WOULD BENEFIT FROM DRUG ABUSE TREATMENT BUT WITH LIMITED RESOURCES AVAILABLE IN SOUTH CAROLINA FOR DRUG ABUSE PROGRAMS SHE WENT TO PRISON INSTEAD.

- FALL 2003 U.S. SUPREME COURT DECIDES NOT TO HEAR THE CASE. IT IS STILL ON APPEAL.
- SINCE 1985 OVER 200 WOMEN HAVE BEEN ARRESTED ON THE GROUNDS THAT THEIR BEHAVIOR JEOPARDIZED THEIR PREGNANCY. 1