

Forced to have an abortion at 13, then molested for seven more months

Details of Santa Clara County sex-abuse case show need for passage of Prop 4

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A Santa Clara County sexual predator impregnated his 13-year-old stepdaughter, forced her to undergo a late-term abortion, then continued to molest her for another seven months until the child's mother discovered the abuse and contacted police. Despite two visits to Planned Parenthood and a surgical abortion at San Francisco General Hospital, no healthcare provider bothered to inform law enforcement.

"This heart-rending and tragic real-life case illustrates better than any theoretical argument why Proposition 4 is so desperately needed in California," said Katie Short, a campaign spokeswoman. "Had Proposition 4 been in place, the victim's mother would have learned of the pregnancy and been there for her daughter. She would have contacted law enforcement right away, and spared her daughter months more of abuse. Think about it: how long would this abuse have continued -- or even been inflicted on this victim's younger sister or other young girls -- had the mother not happened to find out?"

"Obviously, Californians cannot rely on assurances from abortion providers that they are protecting children," she added. "Are there any predators in jail right now because of a report from Planned Parenthood?"

Details of the case came in an Aug. 28 decision by the California Supreme Court in an appeal filed by Gary W. Cross, who was 39 at the time he committed the crimes, following his conviction in Santa Clara Superior Court. An appellate court upheld the sentence of 21 years to life imprisonment, and the Supreme Court agreed, 7-0.

According to the high court's written opinion, the abuse began in the summer of 2002, while the child's mother was at work and her younger siblings were asleep.

The child, identified in court records as "K," told Cross in August 2002 that she might be pregnant. "On September 25, her suspicion was confirmed by a positive

pregnancy test performed at a local clinic to which defendant had taken her,” said the opinion. “In December 2002, after K.’s mother commented on K.’s weight gain, defendant took the girl back to the clinic for an abortion. The advanced stage of the pregnancy, five and a half months, required a surgical procedure that could not be performed at the clinic, which then referred K. to San Francisco General Hospital. The abortion required certain medical procedures at the hospital on two successive days. Each day, without her mother’s knowledge, defendant kept K. out of school to take her to the hospital. . . .

“An ultrasound image of the fetal head indicated that the fetus was 22 weeks and two days old — near the end of the second trimester of pregnancy. Such a late-stage pregnancy required a surgical abortion. That day, hospital staff inserted dilators into K.’s cervix. The next day, defendant brought K. back to the hospital. K. was given anesthesia and, after additional dilation of her cervix, the fetus was removed from her uterus. . . .

“After the abortion, defendant resumed sexual activity with K. until July 9, 2003, when her mother came across documents relating to the abortion. The next day, K. reported her sexual molestation to the police, who arrested defendant.”

Read the Supreme Court decision for yourself:

<http://www.courtinfo.ca.gov/opinions/documents/S139791.PDF>