



Mississippi v. Buckhalter, 119 So.3d 1015 (Miss. S.Ct. 2013)

Topics Covered: Pregnant Women's Rights

Outcome: Favorable

Issue

The issue in this case was whether a woman could be prosecuted for manslaughter if she had voluntarily ingested illegal drugs during the course of her pregnancy, which resulted in the death of her unborn child.

AMA Interest

The AMA opposes legislation that criminalizes maternal drug addiction.

Case Summary

A woman who gave birth to a stillborn child was indicted for manslaughter. The indictment alleged that she had ingested illegal drugs, which had caused the stillbirth. The trial court dismissed the indictment, holding that the Mississippi manslaughter statute should not be construed to cover the injuries a pregnant woman's actions might cause to her fetus. The State of Mississippi appealed the dismissal order to the Mississippi Supreme Court.

The Mississippi Supreme Court affirmed the dismissal of the indictment. However, it did not reach the merits of the issues raised on appeal. It held that the accused in this case could have been indicted under other homicide statutes, but the manslaughter statute did not apply to a person liable under other homicide statutes.

AMA Involvement

The AMA joined several other organizations in an *amicus* brief, supporting the dismissal. The brief argued that the imposition of criminal sanctions on women who continue pregnancies in spite of drug dependency problems will not deter their drug abuse. It also argued that such prosecutions would jeopardize the therapeutic relationships between pregnant women and their physicians and thus imperil women's access to health care.

Mississippi Supreme Court brief