

Baltimore County jury convicts man in fetal homicide case

A Maryland Catholic Conference official says justice was served when a Hillendale man was convicted March 26 of murdering his unborn daughter – the first conviction in the state’s 2.5-year-old fetal homicide law.

It took the Baltimore County Circuit Court Jury less than an hour to hand down two first-degree murder convictions for 25-year-old David L. Miller, who had been accused of killing his pregnant girlfriend and their unborn child June 11, 2007.

“Clearly this man took the lives of two human beings, so why shouldn’t he be convicted of two murders,” said Nancy Paltell, associate director for the Respect for Life department of the Maryland Catholic Conference. “It should serve as a lesson too. The reason for the murder was the baby. It’s not acceptable for fathers to try and kill or harm the fetus if the woman won’t have an abortion.”

The conviction declares that Mr. Miller shot Elizabeth C. Walters, 24, who was seven months pregnant with his child, in a parked car in a Parkville shopping center lot June 11.

The 2001 graduate of The Catholic High School of Baltimore and her unborn daughter died and her friend, Heather Lowe, now 25 – who was also shot during the attack – testified during the three-day trial that Mr. Miller was the shooter.

He was also convicted of attempted first-degree murder for the double shooting of Ms. Lowe.

“Obtaining the first conviction under a new criminal statute is always important,” said Scott D. Shellenberger, Baltimore County state’s attorney. “The conduct of the defendant in this case presented the exact factual scenario this statute was enacted to address. I am gratified that this case may serve as groundwork for other prosecutors who may be evaluating prosecutions under this statute.”

Mr. Shellenberger contends that Mr. Miller killed Ms. Walters – whose parents are

parishioners of St. Michael the Archangel, Overlea – and her baby to keep his wife from finding out about his infidelity.

During the trial, Ms. Lowe testified the married Mr. Miller climbed into the backseat of the car she was sitting in with Ms. Walters and told the pregnant woman she was not going to ruin his life, then pulled out a gun and shot her in the head.

Friends of Ms. Walters – a popular waitress at the Charles Village Pub in Baltimore – said she had enthusiastically made the choice to raise the daughter she was carrying and was preparing for the birth.

Medical experts testified the fetus Ms. Walters was carrying could have survived if it had been delivered within a few minutes after the shooting.

Mr. Shellenberger said he intends to push for the maximum prison term of life without the possibility of parole when Mr. Miller is sentenced in July.

The fetal homicide law was passed by the Maryland General Assembly in 2005 and allows charges to be brought for murder or manslaughter of a viable fetus – one that could live outside of the womb.

The MCC had lobbied to strengthen the legislation to include the death of a fetus regardless of the gestation, for any pregnant woman who has made a choice to have their baby, but accepted the law would only pass in its present form.

“I want to be clear, this case has nothing to do with abortion,” Ms. Paltell said. “It’s about a woman who made a choice to carry her baby to term and a man who has taken that choice from her by taking the life of that baby and hers.”

Though Mr. Shellenberger expects the case will be appealed, the MCC is confident the courts will uphold the verdict, Ms. Paltell said.

“Similar laws in other states have been challenged over the years and none of those appeals have been successful,” she said. “This is a good law that provides justice for the murder of unborn children.”