

Texas judge: Remove brain-dead woman from ventilator, other machines

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Fort Worth, Texas (CNN) -- A Texas judge ordered a Fort Worth hospital to remove a pregnant and brain-dead woman from respirators and ventilators on Friday, perhaps ending a wrenching legal debate about who is alive, who is dead and how the presence of a fetus changes the equation.

Erick Munoz, husband of Marlise Munoz, broke down in tears after Judge R.H. Wallace told John Peter Smith Hospital to act on his order by 5 p.m. Monday.

Munoz and other family members had been fighting to have the body released for burial. Hospital officials resisted, saying they were trying to obey a Texas law that says "you cannot withhold or withdraw life-sustaining treatment for a pregnant patient," in the words of the hospital spokesman.

Munoz left the courthouse without talking to reporters, but the family's lawyers spoke out. Jessica Janicek argued that the hospital was "utilizing (Marlise Munoz's) body as a science experiment."



Emergency court hearing scheduled today



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Attorney on judge's order: We are relieved



Attys: Brain-dead mom's fetus abnormal

breakthrough came when the hospital and the Munoz family agreed on crucial facts listed in a court document: that Marlise Munoz, 33, has "met the clinical criteria for brain death since November 28" and that "the fetus gestating inside Mrs. Munoz is not viable."

The woman's husband repeatedly made these claims in his efforts to have her removed from the machines.

Mom of pregnant woman: Change the law

The story may have more chapters. The hospital could appeal or decide to remove Marlise Munoz from a ventilator and respirator before that deadline. The judge did not rule on the

constitutionality of a state law regarding the treatment of a pregnant patient.

Erick and Marlise Munoz, two trained paramedics, had been awaiting the arrival of their second child when she was found unconscious on her kitchen floor around 2 a.m. November 26. She was rushed to the north-central Texas hospital.

Once there, Erick Munoz said, he was told his wife "was for all purposes brain dead." The family also says the fetus may have been deprived of oxygen. Erick Munoz had contended doctors told him his wife "had lost all activity in her brain stem" and an accompanying chart stated that she was "brain dead."

Husband said wife didn't want to be on ventilator

During Friday's hearing in Fort Worth, representatives of the hospital -- in this case, from the Tarrant County District Attorney's office -- argued that state law was correctly applied.



Attys: Brain-dead mom's fetus abnormal



Ethics and law regarding brain-dead mother

Erik Munoz and other family members said the hospital should abide by her wishes

-- which weren't written down but, they said, relayed verbally to them -- and not have machines keep her organs and blood running.

In an affidavit filed Thursday in court, Erick Munoz said little to him now is recognizable about Marlise. Her bones crack when her stiff limbs move. Her usual scent has been replaced by the "smell of death." And her once lively eyes have become "soulless."

After the Friday hearing, another family lawyer, Jessica King, said, "Pregnant women die every day. They die in car accidents, of heart attacks and other injuries. And when they die, their fetus dies with them.

"It's the way it's always been and the way it should be."

Lawyers: Records back claim that woman is brain dead

In his lawsuit, Munoz claims subsequent measures taken at the hospital -- and, in turn, the state law used to justify them -- amounted "to nothing more than the cruel and obscene mutilation of a deceased body against the expressed will of the deceased and her family."

The hospital and the Tarrant County District Attorney's Office, which defended the medical facility, did not offer the same level of detail as members of the Munoz family.

But earlier this month, hospital spokesman J.R. Labbe told CNN that his hospital believed "the courts are the appropriate venue to provide clarity, direction and resolution in this matter."

Late Friday, the hospital issued this statement: "JPS Health Network appreciates the potential impact of the consequences of the order on all parties involved and will be consulting with the Tarrant County District Attorney's office."

When life support is really 'death support'

CNN's Ed Lavandera and Josh Rubin reported from Fort Worth. Greg Botelho reported and wrote from Atlanta. CNN's Ralph Ellis, Dana Ford and Jason Morris contributed to this report.

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