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**BEI BEI SHUAI MOVES TO DISMISS THE CHARGES AGAINST HER  
WHILE IN JAIL ALMOST EIGHT MONTHS FOR HAVING  
ATTEMPTED SUICIDE WHILE PREGNANT**

**INDIANAPOLIS, IN - October 19, 2011** –Bei Bei Shuai, who is charged with murder and attempted feticide after becoming so depressed during her pregnancy that she attempted suicide and suffered the loss of her newborn, urged the Indiana Court of Appeals to dismiss the criminal charges against her this week. Lawyers for Ms. Shuai argue that the legislature never intended to criminalize a suicide attempt for a pregnant woman.

Linda Pence of Pense Hensel LLP, co-counsel on the case, explains, “Indiana’s murder and feticide statutes, and their harsh penalties, were enacted to protect pregnant women from violent attacks by third parties who hurt them and the fetus, not to punish pregnant women for having poor pregnancy outcomes.”

Ms. Shuai is still awaiting the Court’s decision on her application for bail that she made in August. Ms. Shuai turned herself in to authorities on March 14, and has been imprisoned in the Marion County Jail ever since. Her incarceration, for a crime argued not to exist under Indiana law, has cost Indiana taxpayers \$54 a day.

Eighty locally and nationally renown health care, child welfare and legal advocacy groups and individuals, who supported Ms. Shuai’s application for bail, again filed five *amicus* (friend of the court) briefs in support of Ms. Shuai’s motion to dismiss the charges. The signatories to the *amicus* briefs include the American College of Obstetricians and Gynecologists (ACOG), which boasts 54,000 physician members, and Mental Health America (MHA), which has 300 national affiliates, condemn the arrest and prosecution of women who, because of something they allegedly did or did not do during pregnancy, experience a miscarriage or stillbirth. They argue that such prosecutions are likely to deter pregnant women from seeking prenatal care, treatment for drug and alcohol problems and mental health services that are beneficial to them and their infants and because a punitive approach has no proven benefits for the health of children.

“If Ms. Shuai was not pregnant, her suicide attempt would have been medically treated as a mental health issue. Instead she is being charged with murder and feticide which will deter pregnant women, among whom suicide attempts is one of the highest causes of death, to seek help and treatment for their mental health,” said Katherine Jack, co-counsel from National Advocates for Pregnant Women.

Emma Ketteringham, Director of Legal Advocacy at National Advocates for Pregnant Women explains, “by pursuing this case, the Attorney General seeks to create a dangerous precedent in Indiana with consequences reaching far beyond suicide attempts. If this case goes forward, women who risk their lives and health by becoming pregnant, may then be arrested as criminals if they engage in any intentional act that law enforcement believes will threaten the life or health of the fertilized eggs, embryos, and fetuses they carry. Applying the criminal law in this way is unconstitutional and will increase, rather than decrease, risks to maternal, fetal and child health and wellbeing. Every major medical and public health group to address this issue has already recognized this.”

In addition to drawing the opposition of lawyers and experts, students from Butler University in Indiana are also advocating for Ms. Shuai’s immediate release and all criminal charges against her to be dropped. Students plan to demonstrate their opposition to this case this evening at 6 p.m. on Alabama Street, outside of the Marion County Jail. Caitlin Jackson, one of the organizers, explained, “It is imperative that we not remain silent on this case, which could have broader implications for women’s agency and access to mental health care. It is shameful that instead of continuing to receive the mental health care that she needed, Shuai was thrown into jail on murder charges.”

Signatories to the Amicus briefs filed in support of dismissing the case include:

**Public Health Brief:**

American Association of Suicidology  
American College of Obstetricians and Gynecologists  
American Congress of Obstetricians and Gynecologists  
American Medical Women’s Association  
American Nurses Association  
American Society of Addiction Medicine  
Association of Reproductive Health Professionals  
Baron Edward de Rothschild Chemical Dependency Institute  
Child Welfare Organizing Project  
Depression and Bipolar Support Alliance  
HealthRight International  
International Mental Disability Law Reform Project  
Mental Health America  
Mental Health America of Indiana  
National Alliance on Mental Illness

National Alliance on Mental Illness – Indiana  
National Asian Pacific American Women’s Forum  
National Association of Nurse Practitioners in Women’s Health  
National Association of Social Workers  
National Association of Social Workers, Indiana Chapter  
National Coalition for Child Protection Reform  
National Institute for Reproductive Health  
National Latina Institute for Reproductive Health  
National Perinatal Association  
National Women’s Health Network  
Society for Maternal-Fetal Medicine  
The Women’s Therapy Centre Institute  
Richard Ashcroft, PhD  
Edmund F. Byrne, PhD, JD  
Arthur L. Caplan, PhD  
Wendy Chavkin, MD, MPH  
Debra Debruin, PhD  
Anne Donchin, PhD  
Nafisa Ghadiali, MD  
Leslie Hartley Gise, MD  
Linda MacDonald Glenn, JD, LLM  
Jodi Hall  
Karey Harwood, PhD  
Andrea L. Kalfoglou, PhD  
Joan H. Krause, JD  
Rebecca Kukla, PhD  
Kimberly J. Leighton, PhD  
Hilde Lindemann, PhD  
Anne Drapkin Lyerly, MD, MA  
Mary Faith Marshall, PhD, FCCM  
Alan Meisel, JD  
Seema Mohapatra, JD, MPH  
Mallay Occhiogrosso, MD  
David Orentlicher, MD, JD  
Constance Perry, PhD  
Gail Erlick Robinson, MD, DPsych,  
Jeffrey M. Rothenberg, MD, MS  
Douglas David Scudamore, MD  
Diane N. Solomon, MSN  
Bonnie Steinbock, PhD  
Nada L. Stotland, MD, MPH  
Leonore Teifer, PhD  
Katherine L. Wisner, MD, MS  
Silvia Woods, MA  
Linda L.M. Worley, MD

## **Perinatal Psychiatric Brief**

Postpartum Support International

Vivien K. Burt, MD, PhD

Michelle Oberman, JD

Margaret Spinelli, MD

## **Perinatal Loss Brief**

The Indiana Perinatal Network (IPN)

Legal Voice

The MISS Foundation

Open Arms Perinatal Services (Open Arms)

Joanne Cacciatore, Ph.D.

Cynthia R. Daniels, Ph.D.

Anne Hohenstein, J.D.,

Barbara Katz Rothman, Ph.D.

Linda Layne, Ph.D.

Laury Oaks, Ph.D.

Sarah Kye Price, Ph.D., MSW

Dr. Deb Rich

## **Civil Liberties Brief**

American Civil Liberties Union

American Civil Liberties Union, Indiana

## **Sex Discrimination Brief**

Indiana National Organization for Women

Law Students for Reproductive Justice

National Women's Law Center

Sistersong Women of Color Reproductive Justice Collective

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