

PHILADELPHIA — An abortion doctor convicted of killing three babies born alive at his rogue clinic dodged a possible death sentence on Tuesday in a hasty post-verdict deal with prosecutors.

Dr. Kermit Gosnell waived his right to appeal in exchange for a sentence of life without parole. Gosnell, 72, was convicted Monday of first-degree murder in a case that became a flashpoint in the nation's abortion debate.

Former clinic employees testified that Gosnell routinely performed illegal abortions past Pennsylvania's 24-week limit, that he delivered babies who were still moving, whimpering or breathing, and that he and his assistants dispatched the newborns by "snipping" their spines, as he referred to it.

Prosecutors had been seeking the death penalty because Gosnell killed more than one person and his victims were especially vulnerable given their age. But Gosnell's own advanced age had made it unlikely he would ever be executed before his appeals ran out.

Gosnell's lawyer, Jack McMahon, said his client accepts the verdict and isn't sorry he went to trial. He said Gosnell gave up a somewhat better deal early on but wanted to air the issues in court and is satisfied that he did so.

"He wanted this case aired out in a courtroom and it got aired out in a courtroom in a fair way. And now he's accepting what will happen. He's an intelligent guy," said McMahon, who said Gosnell would now plead to federal drug charges that are still pending.

The sentencing deal, reached after hours of terse negotiations, spares Gosnell's family the task of pleading for his life in court, McMahon said. Gosnell has six children, the youngest of them a teenager born to his third wife, who has also pleaded guilty in the case.

"He's a proud man. To bring his young family into court was something he did not want to do," McMahon said.

Gosnell was instead sentenced Tuesday to two life sentences for two of the infant deaths. He faces a mandatory third life term Wednesday in the third death, when he will also be formally sentenced in the overdose death of a patient and hundreds of lesser charges.

A 2011 grand jury investigation into Gosnell's alleged prescription drug trafficking led to the gruesome findings about his abortion clinic. An FBI raid had turned up 47 aborted fetuses stored in clinic freezers, jars of tiny severed feet, bloodstained furniture and dirty medical instruments, along with cats roaming the premises.

Prosecution experts said one teen was nearly 30 weeks pregnant when Gosnell aborted her fetus, and then allegedly joked the baby was so big it could "walk to the bus." A second baby was said to be alive for about 20 minutes before a clinic worker snipped the neck. A third was born in a toilet and was moving before another clinic employee severed the spinal cord, according to testimony.

A fourth baby let out a whimper before Gosnell cut the neck, prosecutors alleged. Gosnell was acquitted in that baby's death, the only one of the four in which no one testified to seeing the baby killed.

McMahon has argued that none of the fetuses was born alive and that any movements were posthumous twitching or spasms.

The defense also contended that the 2009 death of 41-year-old Karnamaya Mongar of Woodbridge, Va., a Bhutanese immigrant who had been given repeated doses of Demerol and other powerful drugs to sedate her and induce labor, was caused by unforeseen complications and did not amount to murder, as prosecutors charged.

"I wanted to be an effective, positive force in the minority community," Gosnell told The Philadelphia Daily News in a 2010 interview, when he predicted he would be "vindicated."

He declined to offer any remarks in court Tuesday to Common Pleas Judge Jeffrey Minehart but thanked McMahon and said he was "very satisfied" with his legal representation.

Prosecutors continued to refrain from commenting on the case, citing a gag order that is expected to be lifted Wednesday when the sentencing concludes. Pennsylvania authorities had failed to conduct routine inspections of all its abortion clinics for 15 years by the time Gosnell's facility was raided in 2010. In the scandal's aftermath, two top state health officials were fired, and Pennsylvania imposed tougher rules for clinics.

Gosnell was also convicted of infanticide, racketeering and more than 200 counts of violating Pennsylvania's abortion laws by performing third-term abortions or failing to counsel women 24 hours in advance.