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### **Boss not guilty of allowing nurse to overmedicate patients with morphine**

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Her supervisor was acquitted of all charges, but a former nurse will still be tried for allegedly overmedicating patients with morphine, McHenry County prosecutors said Wednesday.

The verdicts clearing Penny Whitlock won't affect the upcoming trial of ex-nurse Marty Himebaugh on charges she intentionally gave patients at a Woodstock nursing home excessive doses of the powerful painkiller, prosecutors insisted.

"We plan to proceed," prosecutor Philip Hiscock said, adding: "There are different charges and different facts."

Himebaugh's attorney, though, said the verdicts clearing Whitlock show neither woman committed any crimes.

"There's been no evidence of any wrongdoing, and these verdicts show that," Himebaugh attorney Sam Amirante said. "I don't know what different evidence they can present at our trial."

Both Himebaugh and Whitlock were charged following an investigation into six suspicious patient deaths in 2006 at the Woodstock Residence nursing home where both women worked.

But Judge Joseph Condon ruled Wednesday that prosecutors failed to prove Whitlock had tried to obstruct the investigation by ordering an employee to destroy morphine and other drugs she allegedly kept in her desk.

A day earlier, Condon had tossed out criminal neglect charges alleging Whitlock allowed Himebaugh to overmedicate patients and alleging she had described Himebaugh as the "Angel of Death."

Whitlock, 62, showed little reaction Wednesday as she was acquitted, but later denied ever using the phrase "Angel of Death."

Her attorney praised Condon for his rulings, then blasted prosecutors for charging Whitlock in the case.

“The only angel that was here in this case was the angel of justice, whose wings were heard beating from Judge Condon’s bench,” defense attorney Nils von Keudell said.

Von Keudell appeared to mock State’s Attorney Louis Bianchi, quoting what Bianchi said last month when he was acquitted of criminal charges that alleged office staffers were ordered to do political work on county time.

Bianchi proclaimed then that being falsely accused is “a feeling I will take with me to the grave,” von Keudell noted.

“But what Mr. Bianchi doesn’t know is what it is like losing your professional license because of false accusations, losing your job because of false accusations, losing your income because of false accusations,” von Keudell said as Whitlock stood next to him.

Himebaugh, 60, faces charges of criminal neglect and improperly dispensing morphine. If convicted, she faces up to three years in prison.

Relatives suing the nursing home over the death of 78-year-old Virginia Cole in 2006 are still pleased prosecutors proceeded with the criminal charges against Whitlock, even though that case failed, their attorney said.

“The testimony that came out certainly indicated the nursing home should have been aware of the wrongdoing that was happening,” attorney Steven Levin said.

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