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Director who prosecutors say called nurse 'angel of death' is fired

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An indicted nursing home director who allegedly told a nurse to act as an "Angel of Death" has been fired following an investigation into six fatalities at the facility, an attorney said Monday.

Penny Whitlock's dismissal from the Woodstock Residence followed a 15-month investigation into the deaths between 2004 and 2006 - research that culminated in charges against Whitlock and a former nurse.

Whitlock, 59, was dismissed Friday, the day of her arrest on criminal neglect and other charges tied to overdosing residents with morphine, Woodstock Residence attorney Meyer Magence said. A former licensed practical nurse, Marty Himebaugh, 57, faces similar charges.

Prosecutors stopped short of saying the overdoses caused the residents' deaths.

"We charged what we could prove," McHenry County State's Attorney Louis Bianchi said Monday. "We charged with what evidence we could muster and present to a grand jury."

Bianchi declined to elaborate on details of the prosecution's case, including a reference in the indictment to Whitlock allegedly telling Himebaugh that she "could continue to play the 'Angel of Death.'"

Himebaugh's attorney said his client would fight the charges.

"I'm very confident that my client will be exonerated of these ridiculous charges," said Chicago attorney Sam Amirante. "I don't see any evidence that would support the accusations made against her."

A message left Monday at a telephone listing for Whitlock was not returned.

The Woodstock Residence attorney insisted that neither Whitlock's arrest nor the charges triggered her dismissal.

"Just because you are arrested is not sufficient grounds for termination - but she was terminated," Magence said. He added he did not know why Whitlock was fired, and said he could not immediately find out why.

The family of at least one of the residents who died said they planned to file a wrongful death lawsuit.

Virginia Cole's daughter said her 78-year-old mother was in good health before she died, despite the onset of Alzheimer's disease.

The day before Cole fell unconscious and was admitted to the hospital she had her hair done and spent the day talking and laughing with friends at the nursing home, Vickie Lund said in a statement.

"Virginia enjoyed life," added Lund's husband, Frank Lund.

The Lunds' Chicago attorney, Steve Levin, said Cole was not suffering and did not have any life threatening ailments before she became unconscious on Sept. 6, 2006. She died four days later.

"If these allegations prove true, there was nothing about this that was a mercy killing," Levin said.

The McHenry County state's attorney's office has said Himebaugh is only charged with administering morphine to three of the six residents who died. Bianchi said on Friday that he did not expect more charges to be filed against the two.

Three bodies, including Cole's, were exhumed and tested for morphine as part of the investigation. The results of the tests have not been released.

One Waukegan-based attorney who is not connected to the Woodstock Residence case said it is likely McHenry County prosecutors will continue to review the case and could always file new charges later.

"Most prosecutors are only going to charge what they think they can prove," said Michael Perillo. "They may not feel they can get to the next level here. ... Neglect is generally an easier charge to prove."

Whitlock was charged with five counts of neglect of a long-term resident and two counts of obstruction of justice.

Himebaugh was charged with four counts of neglect of a long-term resident, obtaining a substance by fraud, illegal possession and unlawful possession of morphine.

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