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Two charged in 'angel of death' case

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WOODSTOCK – An ex-nurse and her former supervisor were charged Friday with giving unprescribed medication and excessive levels of morphine to four patients who later died.

Authorities are not accusing the women of killing the patients at the Woodstock Residence nursing home, but prosecutors said their conduct “recklessly endangered” the patients’ lives and in the indictments described the actions as playing the “angel of death.”

A McHenry County grand jury Thursday indicted ex-nurse Marty Himebaugh, 57, on six felony charges, including criminal neglect of long-term care residents, distribution of a controlled substance and obtaining a prescription by fraud. The indictments were sealed until Friday.

[Click here for video of the press conference.](#)

The grand jury also indicted nursing director Penny Whitlock on charges of criminal neglect and obstructing justice. Whitlock was arrested at the nursing home, where she still worked Friday.

Himebaugh, who was fired from the nursing home when police began investigating in October 2006, was arrested at her Lake in the Hills home. Through her attorney, Himebaugh denied the allegations. Whitlock could not be reached for comment.

Illinois State Police started investigating suspected fatal morphine overdoses at the 115-bed home at 309 McHenry Ave. after receiving tips from other employees.

“The fact that we exhumed three bodies was a good indication this was a serious matter,” McHenry County State’s Attorney Louis Bianchi said.

Authorities said Whitlock, 58, of Woodstock encouraged Himebaugh to give the drugs to the patients and then directed another employee to destroy medication when police began investigating.

According to her indictment, Whitlock stated that “Himebaugh could continue to play the ‘angel of death’ in the facility after receiving a report of alleged abuse or neglect.”

At a news conference, Bianchi wouldn’t discuss what prosecutors believed the motives to be, including whether the women’s actions intended to be mercy killings.

“I can only tell you we have made the charges that we can prove,” Bianchi said.

Both women were released from the McHenry County Jail on Friday on \$50,000 bond. If convicted on the charges, they could be sentenced to up to three years in prison.

Himebaugh’s attorney, Sam Amirante, said Himebaugh gave proper medical care to her patients.

“I have not been presented with any evidence that my client did anything wrong whatsoever,” he said. “I’m certain she’ll be vindicated of all these accusations eventually.”

Nursing home officials directed questions about the arrests to attorney Meyer Magence.

Magence said the home’s management took the allegations seriously but cautioned the public not to jump to conclusions.

The home has been under new ownership since December 2007, he said.

"What exactly transpired, the current owners do not know, and they are leaving it in the hands of the investigators," Magence said. "The final chapter of this book has not been written, and until such time and there has been a conviction in this matter, we should make no such assumptions."

Prosecutors said workers from the Illinois Department of Public Health were at the nursing home Friday, informing the home's management of its findings.

Agency spokeswoman Kimberly Parker said it still was too early to tell whether the department would take any action against the nursing home.

"Obviously, all considerations for the health and safety of residents is our first priority," Parker said.

Friday's arrests offered some comfort to at least one family who had a loved one under the care of Himebaugh.

"I think they're relieved that the investigation has come to an end and there is some closure and there is going to be a trial," said Steven M. Levin, an attorney for Vickie Lund. "On the other hand, it is forcing Vickie to relive this again."

Lund's mother, Virginia Cole, died Sept. 10, 2006, at 78. According to Himebaugh's indictment, she recklessly gave morphine to Cole on the day of the death "at a time when Cole was unresponsive and exhibiting delayed breathing patterns."

Cole was the only victim named in the indictments whose body was exhumed as part of the probe.

Bianchi thanked the victim's families involved for their cooperation and offered his condolences.

"I want to thank them for their patience in a lengthy investigation," Bianchi said. "Unfortunately, what was behind them had to be resurrected again."

- Northwest Herald senior reporter Kevin Craver contributed to this report.

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