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Ex-nursing home supervisor acquitted in deaths of 6 residents

Prosecutors failed to prove she had 'sinister' motives, judge says

By Amanda Marrazzo, Special to the Tribune

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A nursing home supervisor accused of looking the other way while a co-worker allegedly dispensed overdoses of morphine has been cleared of all charges in the case.

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Wednesday's acquittal of former Woodstock Residence supervisor Penny Whitlock for obstruction of justice — a day after the same judge dismissed criminal neglect charges against her — brought a swift end to a legal ordeal for Whitlock that dates to 2006, when state police began probing the deaths of six nursing home residents.

Whitlock, 62, showed no emotion as McHenry County Judge Joseph Condon rendered his not-guilty verdict, saying prosecutors failed to prove that she had "sinister" motives, tried to cover up evidence or even knew state police were investigating activities at the former nursing home.

The judge said he found nothing improper in Whitlock ordering the disposal of patient medication. He noted she documented what she had done — hardly the actions of someone trying to cover up wrongdoing.

In a statement read by her attorney after the verdict, Whitlock compared herself to McHenry County State's Attorney Louis Bianchi, who was cleared last month of unrelated conspiracy and official misconduct charges and said he would never forget what it was like to be falsely accused.

"What Bianchi doesn't know is what it is like losing your professional license to false accusations, what it is like losing your job to false accusations, what it is like losing your income to false accusations," Whitlock said in the statement.

Her attorney, Nils von Keudell, lamented the toll the case has taken on his client and her reputation in the three years since she was charged. He held up a supermarket tabloid story with Whitlock's mug shot under the headline "Angel of Death." That became the catchphrase of the trial after authorities said Whitlock used those words in reference to Marty Himebaugh, the nurse accused of overmedicating elderly and terminally ill patients with morphine.

After the verdict, Whitlock denied she ever made the "angel of death" statement.

Said her attorney: "The only angel that was here in this case was the angel of justice, whose wings were heard beating from Judge Condon's bench."

Prosecutors said they still intend to move forward with Himebaugh's trial this year. She is charged with criminal neglect and unlawful distribution of a controlled substance.

Disappointed by the verdict, a relative of one patient who died at the nursing home said he hopes to see justice served in the pending civil lawsuits against the facility's operators, Whitlock and Himebaugh.

"The law is the law, and the judge made his decision," said Frank Lund, son-in-law of Virginia Cole, who died at the nursing home in 2006 and whose body was exhumed as part of the investigation. He and other relatives of Cole wore white ribbons in court Wednesday in her memory.

"Obviously, we're a little disappointed. We feel that we will prevail in a civil trial because (that) is a totally different burden of proof," Lund said.

An attorney for the Cole relatives, Steven Levin, said the testimony at the trial showed a systemic problem at the care facility.

"The nursing home should have been aware of the wrongdoing that was happening in the home," Levin said. "The saga is that administration would let this go on without doing anything."

Woodstock Residence has since closed. Another care facility that has opened at the same location, Crossroads Care Center, is owned and operated by a separate company.

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