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September 21, 2004 Tuesday

HEADLINE: Charges filed against worker held in nursing home assault;  
SUSPECT DESCRIBED AS AMONG RESIDENTS' FAVORITES

BYLINE: By Kim Vo; Mercury News

Santa Clara County prosecutors have filed criminal charges against a Palo Alto nursing home worker who allegedly had sexual contact with an elderly female resident, officials said Monday, the same day state investigators visited Lytton Gardens.

Ronnie Mitchell, 47, will be arraigned today on charges of lewd acts against a dependent adult, said Deputy District Attorney Victoria Brown. Brown would not detail what "lewd acts" were committed but said the charge involves sexual contact. If ultimately convicted, Mitchell could face three years in prison.

Mitchell was arrested on a rape charge Saturday after he allegedly tried to attack the elderly woman at the 500-resident facility near downtown Palo Alto. The attack was interrupted when a nursing assistant happened by and heard the woman's protests, Lytton Gardens officials said.

The arrest stunned those who know Mitchell, a father of seven who lives with his mother in Menlo Park. His former employer -- Mitchell has since been fired from Lytton Gardens -- said Mitchell was among the residents' "favorites." And his mother, Dorothy, said she didn't believe the charges are true.

Dorothy Mitchell visited her son in Santa Clara County Jail on Sunday and said, "He told me he didn't do it."

After an internal investigation, Lytton Gardens concluded its policies were properly followed, said CEO Gery Yearout. Mitchell was fingerprinted when he was hired and had no criminal record, she said. The nursing assistant allegedly caught the suspect, stopped him from continuing the assault and immediately told a supervisor, who called police.

Lytton Gardens informed the state Department of Health Services about the attack, Yearout said, and state officials were at the facility Monday. "Anything like this automatically gets reviewed by the state," Yearout said.

A health services spokesman confirmed that his department was investigating Lytton Gardens but would not characterize it as a routine procedure following a crime. Spokesman Robert Miller also wouldn't specify what the state was looking into and how

long the investigation is expected to take.

Palo Alto police have not ruled out the possibility of other victims, said detective Kara Apple. However, Yearout said police have interviewed residents and employees, and she said "there's no indication that this was anything but a first time."

The victim was examined at the hospital and has since returned to Lytton Gardens.

"She came back and resumed all normal routines," Yearout said. Since the attack, she said, no one has moved out of Lytton Gardens, which has facilities for independent living, assisted living and skilled nursing.

Mitchell originally went to Lytton Gardens as a dishwasher and later began work as a "comfort aide." He left and worked elsewhere, Yearout said; Dorothy Mitchell said he had worked at Stanford University, but Stanford officials did not return calls confirming what position he held.

Eighteen months ago, Mitchell returned to Lytton Gardens. As a "comfort aide," he tended to residents' non-medical needs, such as bringing them water or wheeling them to activities and meals.

"He would do anything for them. If they said they needed a sweater, he would go down the hall and get a sweater," Yearout said. She added that Mitchell was "always smiling. We did trust him. Everybody trusted him."

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September 6, 2004, Monday, BC cycle

HEADLINE: Elmore Co. grand jury to consider elderly rape case

DATELINE: WETUMPKA, Ala.

The Elmore County grand jury will review a rape case involving a 90-year-old woman with dementia living at a Millbrook nursing home.

Forensic evidence from the rape, which occurred Oct. 10, 2003, has been tested by the state crime lab and returned to the Millbrook Police Department, said Sam Partridge, chief assistant district attorney.

The findings will go before the grand jury, which begins deliberations Oct. 18, Partridge said.

"This is a particularly disturbing case because the victim suffers from an advanced state of dementia," he said.

"Our investigation shows the attack occurred in her room at the nursing home," he said. "There was no way this woman could have consented to sexual contact, and we believe there was no way she could have defended herself."

The home, Resurrection Life Center, is run by Resurrection Catholic Missions in Montgomery. The state Public Health Department inspected the center after the assault was reported and found several concerns, including not conducting proper background checks on employees.

Marc Givhan, attorney for the mission, said the problems have been addressed.

"The well-being of residents at Resurrection Life Center has always been the center's top priority," Givhan said.

No arrests have been made in the case.

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Omaha World Herald (Nebraska)

May 29, 2004, Saturday IOWA;MIDLANDS EDITION

HEADLINE: Omaha nursing home had problems before sex assault

BYLINE: Lynn Safranek

The nursing home where Omaha police say an employee sexually assaulted a 97-year-old woman has had problems with state compliance checks.

The two inspections conducted at Echo Hills Health Care Center this year and in 2003 found residents with sores that weren't properly cared for and an injury that wasn't reported to the resident's family or physician, according to the Nebraska Health and Human Services System.

At one point, the center was denied Medicare payments for new admissions -- a serious blow to a facility with low-income residents.

The nursing home at 4835 S. 49th St. corrected its most recent violations by submitting plans in February for employee training, said Marla Augustine, a spokeswoman for the state.

Then, in April, the center called Omaha police to investigate a sex assault.

A 97-year-old resident told police that a worker forced her into her bed sometime after midnight April 5 and used his hand to assault her, Sgt. Teresa Negron said.

The 25-year-old man was arrested Wednesday on suspicion of second-degree sexual assault.

The woman told the police the assault was painful. She was treated at Bergan Mercy Medical Center's emergency room.

The center's director, who wouldn't give her name, said Thursday the case is "a privacy issue" and declined to comment. She said the man no longer works at the center.

The man told police he was employed by another Omaha nursing home. An administrator at that facility declined to say whether he worked there.

The man, who told police he lived in Omaha, has never been convicted of a felony or serious misdemeanor in Nebraska or Iowa.

During an inspection this January, some residents at Echo Hill were found with pressure sores and others with sores that weren't cared for, said Augustine. Other residents weren't

cleaned properly after soiling themselves, she said.

The center set up employee training for skin-care treatment and instruction on proper cleansing and formulated an emergency plan in case of power loss -- another problem area.

The disciplinary action this year was more severe than provisions the center followed after being placed on probation in February 2003.

Last year's inspection found that a resident's accidental injury wasn't reported to the person's physician or family and that other residents had injuries of unknown origin, which weren't being investigated.

Inspectors found, in general, that the center needed to perform more complete assessments of residents and that some parts of the nursing home needed repairs.

Echo Hills administrators were told to report any residents' injuries and file periodic reports. The center submitted a plan of corrections and went off probation a month later.

Copyright 2004 Daily News, L.P.  
Daily News (New York)

May 9, 2004 Sunday

HEADLINE: NURSING HOME RAPE SHOCKER

BYLINE: By KERRY BURKE, JOSE MARTINEZ and TRACY CONNOR DAILY  
NEWS STAFF WRITERS With Jonathan Lemire

A double amputee confessed to raping and beating a 78-year-old invalid in the Brooklyn nursing home where they both lived, prosecutors said yesterday.

Samuel Irving, 43, was arraigned last night in Brooklyn Criminal Court for the depraved attack at the Greenpark Care Center in Fort Greene.

The shocking crime occurred Friday night on the 10th floor - right under the noses of nurses and orderlies.

Irving, 43, with both legs amputated below the knees after a truck accident, was arrested after an orderly caught him in the victim's room.

The bedridden woman, who had been at the home just a week, was in serious condition yesterday at Bellevue Hospital with a broken eye socket, internal bleeding and other injuries.

Nursing home officials defended the staffers who were on duty when Irving allegedly wheeled himself into the woman's room and assaulted her.

"A nurse cannot be in a dozen places at one time," said Paul Parawan, assistant administrator at the 400-bed facility. "It's not a prison. [Patients] have their freedom to move around as they wish."

But those with loved ones at the home were aghast.

"How could this happen?" said Louisa Chen, who was visiting a relative. "Isn't there somebody walking around?"

The crime was discovered about 8:30 p.m. when an orderly found Irving, who uses a wheelchair and prosthetic limbs to get around, hitting the woman, officials said.

She was unconscious and bleeding from the mouth.

Cops were called, and they arrested Irving, a formerly homeless man who has five drug, weapons and robbery arrests on his record.

It wasn't until the victim was taken to the hospital that the sexual assault was discovered and Irving was charged with rape.

Prosecutors said he took off the woman's adult diaper and that his ring was found in her bed.

But Greenpark officials denied that the woman had been sexually abused, saying the suspect's pants were on when they found him.

They insisted Irving was in the victim's room - which she shared with another patient - for just three minutes while a nurse and three aides assigned to the floor made rounds.

"It's not something that we could have foreseen," Parawan said.

He also gave a glowing description of Irving, who has been undergoing rehab at the home for the past year.

"He has been sort of a ladies' gentleman," Parawan said. "He's always been helpful to the rest of the residents."

Irving, who said nothing at his arraignment, was ordered held without bail.

GRAPHIC: ANDREW THEODORAKIS Samuel Irving arrives at 88th Precinct stationhouse.

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The Seattle Times

January 13, 2004, Tuesday Fourth Edition

HEADLINE: Nursing-home rape suspect enters plea to lesser charge

BYLINE: Seattle Times Eastside bureau

DATELINE: Kirkland

KIRKLAND A second-degree rape charge against a 50-year-old former nursing assistant was downgraded to fourth-degree assault yesterday.

Budhi Y. Margiono, of Kirkland, entered an Alford plea to the lesser charge in King County Superior Court. The plea means that while Margiono did not admit that he sexually assaulted a 50-year-old female patient at Kirkland's Lake Vue Gardens Convalescent Center, he agreed that a jury would likely find him guilty.

Margiono allegedly assaulted the woman, who suffered from multiple sclerosis, while assisting her in the shower on April 10, court documents say. Soon after, the woman was diagnosed with a brain tumor and died.

Though county Deputy Prosecutor John Castleton was able to interview the woman and videotape a deposition before her death, "she had deteriorated to such a degree that it would have been very difficult" to prove the case against Margiono based solely on her testimony, Castleton said. He said that's why the state agreed to the lesser charge.

The maximum penalty for fourth-degree assault is a year in prison and a \$5,000 fine. Margiono is to be sentenced Feb. 6.