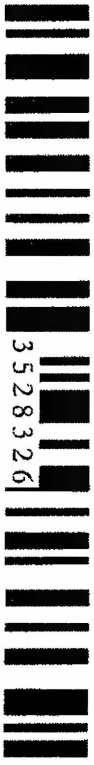
CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK -against- Anita Augustin (F 62), Defendant.	FELONY ADA Attorney Generals Office



Detective Christopher Marshall, Shield # 4000 of the New York State Office of the Attorney General Medicaid Fraud Control Unit ("MFCU"), states as follows:

The defendant is charged with:

1 PL 125.10	Criminally Negligent Homicide (defendant # 1 : 1 count)
2 PL 260.25	Endangering the Welfare of an Incompetent/ Disabled Person in the First Degree (defendant # 1 : 1 count)
3 PL 175.05(1)	Falsifying Business Records in the Second Degree (defendant # 1 : 1 count)
4 PHL 12-b(2)	Wilful Violation of the Health Laws, in violation of Public Health Law Sections 12-b (2), PHL 2803 (d)(7), and 10 NYCRR 81.1(c) (defendant # 1 : 1 count)

On or about May 09, 2025 at about 04:00 PM, inside 1752 Park Ave; in the County and State of New York, the defendant, with criminal negligence, caused the death of another person; the defendant knowingly acted in a manner likely to be injurious to the physical, mental and moral welfare of a person who was unable to care for himself and herself because of physical disability, mental disease and defect; the defendant, with intent to defraud, made and caused a false entry in the business records of an enterprise; while employed at a residential health care facility, did willfully subject a resident to an act of neglect in violation of Sections 12-b (2) and 2803-d (7) of the Public Health Law, and a regulation promulgated thereunder, to wit: 10 NYCRR §81.1 (c), by failing to provide timely, consistent, safe, adequate, and appropriate services, treatment, and care to said resident of a residential health care facility while such resident was under the supervision of the facility, including nutrition, medication, therapies, sanitary clothing and surrounds, and activities of daily living.
;

The factual basis for these charges are as follows:

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3528326

Deponent is informed by witnesses known to the Office of the Attorney General (""OAG") and by Deponent's review of the records of Henry J. Carter Specialty Hospital and Nursing Facility ('Henry J. Carter"), a residential health care facility, that on May 9, 2025, the defendant, a licensed respiratory therapist ("RT"), left A.D., a 71-year-old resident of Henry J. Carter who was under defendant's care and whose full name is known to your Deponent, unattended for more than 30 minutes after failing to ensure that A.D. was breathing and connected to a functioning mechanical ventilator, thereby depriving A.D. of oxygen support, which ultimately caused A.D.'s death.

Deponent is further informed by witnesses known to the OAG and by Deponent's review of Henry J. Carter's records that, on May 9, 2025, defendant knew that A.D. was a "ventilator dependent" resident who required to be connected to a mechanical ventilator for oxygen support to sustain her life, that defendant was responsible for A.D.'s care, and that defendant was trained on the established professional and facility protocols and procedures for ventilator care.

Deponent is informed by witnesses and after reviewing Henry J. Carter records and video surveillance footage outside A.D.'s room that on May 9, 2025, defendant failed to connect A.D. to a functioning bedside ventilator before leaving A.D. alone in her room, that Defendant failed to complete a ventilation check as required, which included defendant's duty to perform the most basic checks to ensure that A.D.'s ventilator was functioning and that A.D. was actually breathing, and that defendant walked out of A.D.'s room leaving A.D. unattended for approximately 30 minutes without life support, which deprived A.D. of oxygen causing her death on May 19, 2025.

Deponent is further informed by witnesses known to the OAG and by a review of Henry J. Carter's records that on or about May 9, 2025, defendant entered vital readings into A.D.'s electronic health records ("EHR") at approximately 4:00 p.m., despite the fact that A.D. was not physically present in her room when the alleged vital readings were documented.

The above allegations of fact are made by the deponent herein upon direct knowledge and upon information and belief, with the sources of deponent's information and the grounds for his belief being his review of the file on this matter maintained by MFCU,

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including records obtained by the New York State Department of Health, the records of Henry J. Carter, interviews of witnesses known to the deponent, and conversations with members of MFCU assigned to this matter.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

Detective Christopher Marshall #4000 — Date 11/24/2006 — Time 1127