

COPY

STATE OF OKLAHOMA)
) SS.
COUNTY OF CANADIAN)

FILED
MARIE RAMSEY COURT CLERK
CANADIAN COUNTY OKLA.

JUN 22 2012

BY _____
DEPUTY

**AFFIDAVIT OF PROBABLE CAUSE
FOR ARREST WARRANT FOR**

JOE ALLEN GORDON

**ABUSE BY CARETAKER, 21 O.S. § 843.1
A PERSON WHO HAS ASSUMED THE RESPONSIBILITY FOR THE
CARE OF A VULNERABLE ADULT VOLUNTARILY OR BY
CONTRACT**

Jack Ballard, being of lawful age and after having affirmed upon his oath to tell the truth, states as follows:

I am a certified Peace officer in Oklahoma, currently employed as an Investigator in the Oklahoma Attorney General's Office, Medicaid Fraud Control Unit.

Part of my duties include investigating allegations of abuse and neglect of residents in nursing homes and facilities receiving Medicaid funding. I was assigned to investigate the resident abuse case of Imogene Menter, a resident of Ranchwood Nursing Center located at 824 S. Yukon Parkway Yukon, OK 73099. The facility accepts Medicaid funds.

Your affiant states Imogene N. Menter was admitted to Ranchwood Nursing Center on August 1, 2011. On November 14, 2011 the Physician Order Form shows Menter diagnosed with 300-Anxiety, Dissociative and Sotomatoform Disorders which are Symptoms of Anxiety. A Physician Order Form signed by a Physician on November 23, 2011 shows Resident Menter is unable to care for herself and is dependent upon facility staff for assistance with activities of daily living. Resident Menter did not have Physician's Orders authorizing the use of physical restraints.

Your affiant states Gordon was working as a Certified Nurse Aide (CNA) November 26, 2011 to November 27, 2011 on the 11pm to 7am shift. Gordon was employed as a Certified Nurse Aide (CNA) at Ranchwood Nursing Center. The duties of a (CNA) are the care of the resident, ambulating (walking) and assistance with daily

living needs. According to the shift records (CNA) Gordon was assigned to hall 300 on the day of the incident. Records also show that Resident Menter lives on that hall. This would make (CNA) Gordon responsible for the care of Resident Menter and all other residents living on hall 300.

Prior to using restraints as a method of fall prevention or for positioning purposes, a resident must provide written consent for their use. All restraints used shall allow for quick release and may not be used for convenience. Restraints may only be used on a physician's written order.

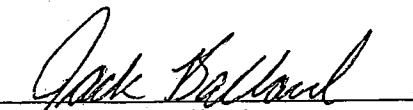
Your affiant states on the morning of November 27, 2011, Certified Nurse Aide (CNA) Joe Gordon used a sheet to tie Resident Menter to her recliner. (CNA) Gordon made a written statement admitting he put a sheet around Menter so she would not get up and fall while he was waking other residents at 5:00am.

Your affiant states there are two independent witnesses that saw Menter with a sheet wrapped around her.

Your affiant states a third witness untied the sheet from Menter. The sheet was tied in a double knot and was difficult to release.

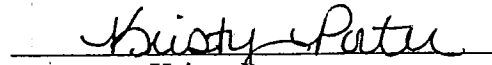
Your affiant requests, upon probable cause, the court issue a warrant for the arrest of Joe Allen Gordon for Abuse by Caretaker, 21 O.S. § 843.1

Further, your affiant sayeth not.



Jack Ballard

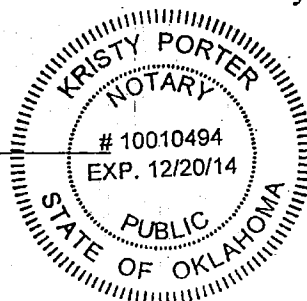
Subscribed and affirmed before me this 6 Day of June
Two Thousand Twelve.



Kristy Porter

My commission expires:

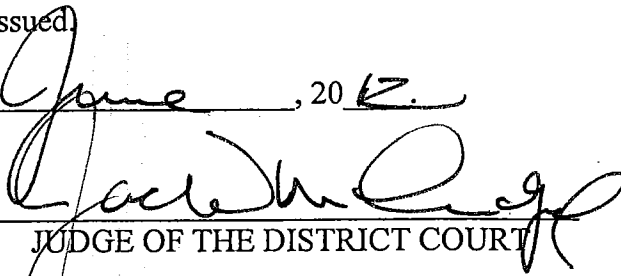
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FINDING OF PROBABLE CAUSE

On this 22 day of June, 2012, the above styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court, and upon the Affidavit of Jack Ballard requesting that a warrant of arrest be issued for the within named Defendant, that s/he might be arrested and held to answer for the offense of Abuse by Caretaker. The Court finds that the offense of Abuse by Caretaker has been committed and there is probable cause to believe that the within Defendant has committed said offense and that a warrant of arrest should be issued.

Dated this 22 day of June, 2012.


JUDGE OF THE DISTRICT COURT

JACK D. MCCURDY II