



## News Release

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### **DeWitt Group Home Nurse Pleads Guilty to Endangerment Charge after Resident in Her Care Dies**

*Case Prosecuted by NYS Justice Center for the Protection of People with Special Needs*

Syracuse, NY-- NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced today that Tanya Lemon (DOB: 1/31/79) of Syracuse, who was employed as a nurse at a state-operated group home for individuals with developmental disabilities in DeWitt, New York has pleaded guilty to a felony stemming from an incident in which a medically frail individual in her care later died.

As part of the agreement, Lemon pleaded guilty to:

- 1 count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the First Degree, a class "E" Felony.

The defendant will be sentenced on December 12, 2014. She faces 90 days in jail and five years probation. She agreed to resign her state position and be barred for life from working with vulnerable persons in New York State.

"This case should serve as a wakeup call literally and figuratively," said Prosecutor Gunning. "When you are a professional responsible for someone who is vulnerable-- you cannot sleep on the job. This defendant put a medically fragile individual at risk, and this criminal conduct is something that will be pursued by the Justice Center and the District Attorneys of this state."

Justice Center investigators and the Town of DeWitt Police Department launched a joint investigation after the Justice Center received a complaint that Lemon, who worked the overnight shift at the facility had been routinely sleeping on the job. The charges stem from the defendant's failure to check on the service recipient every two hours as she was required to do. As a result, the victim went more than eight hours without receiving supplemental oxygen from an oxygen mask. He died 14 days later after being diagnosed with a brain injury that resulted from prolonged oxygen deprivation.

Justice Center Deputy Special Prosecutor Jacqueline Kagan and Assistant Special Prosecutor Andrew Botts are prosecuting the case.

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The Justice Center and its statewide hotline and incident reporting system began operations on June 30, 2013. It is staffed 24-hours a day, seven days a week by trained professionals who receive reports of allegations of abuse and neglect of people with special needs. Once a report is received by its (VPCR) Hotline, it is logged and assessed. Serious cases of abuse or neglect are assigned to the Justice Center’s investigation team or, when appropriate, to a local law enforcement agency for follow-up.

The Justice Center also maintains a statewide registry of all persons who have been found to be responsible for serious or repeated acts of abuse and neglect. Once placed on the registry, known as the “Staff Exclusion List” or SEL, they are prohibited by law from ever working again with people with disabilities or special needs.

The group home where the incident occurred is operated by the Office for People With Developmental Disabilities (OPWDD). OPWDD is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs that are operated, licensed or certified by the Office of Children and Family Services (OCFS), the Department of Health (DOH), the Office of Mental Health, (OMH), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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Editor’s note: In compliance with Disciplinary Rule 7-107A of the Code of Professional Responsibility, you are advised that a charge is an accusation and that a defendant is presumed innocent until and unless proven guilty.

Tanya Lemon

