

STATE OF LOUISIANA : ORLEANS CRIMINAL DISTRICT COURT

VERSUS : PARISH OF ORLEANS

ANNA M. POU : STATE OF LOUISIANA
928 LOUISIANA AVENUE
NEW ORLEANS, LA 70115
W/F, D.O.B. 02-21-1956
LA OLN: 004039743

LORI L. BUDO
92 PARK AVENUE
NEW ORLEANS, LA 70123
W/F, D.O.B. 02-22-1963
LA OLN: 004725783

CHERI A. LANDRY
319 METAIRIE HEIGHTS AVENUE
METAIRIE, LA 70001
W/F, D.O.B. 01-28-1957
LA OLN: 004368998

AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared Virginia B. Rider, Special Agent for the Louisiana Department of Justice, Criminal Division, Medicaid Fraud Control Unit, Baton Rouge, Louisiana, who, having been duly sworn, did depose and say that Anna M. Pou, Lori L. Budo and Cheri A. Landry did violate La. R.S. 14:24(30.1), Principal to Second Degree Murder, on or about September 1, 2005, by intentionally killing multiple patients by administering or causing to be administered, lethal doses of morphine sulphate (morphine) and/or midazolam (Versed), at Memorial Medical Center located at 2700 Napoleon, New Orleans, Parish of Orleans, State of Louisiana.

On September 14, 2005, Lifecare Hospitals self-reported, through their attorneys, the possible euthanasia of patients following Hurricane Katrina by personnel working at Memorial Medical Center. Lifecare Hospitals leases space and operates a long term acute care unit on the seventh floor of Memorial Medical Center. Memorial Medical Center is owned and operated by Tenet Health System, whose corporate offices are

located in Dallas, Texas.

K.J. (Director of Physical Medicine for Lifecare Hospitals) advised affiant that at approximately 7:00 a.m. on Thursday, September 1, 2005, K.J. attended an Incident Command meeting on the Emergency Room ramp on the first floor of Memorial Medical Center. Susan Mulderick, (Incident Commander for Memorial Medical Center) stated she knew the Lifecare patients were very sick and “we don’t expect them to make it.” Approximately two hours later, three Lifecare employees, K.J., S.H. (Director of Pharmacy) and D.R. (Assistant Administrator) sought out Ms. Mulderick to learn what Memorial Medical Center planned to do regarding the evacuation of Lifecare patients. Ms. Mulderick advised them the plan was they “were not going to leave any living patients behind.” Ms. Mulderick then advised them that they needed to locate Dr. Pou. D.R. and S.H. went to find Dr. Pou. K.J. returned to the seventh floor in order to assist family members of Lifecare patients with their evacuation from the facility.

Later T.M. (Nurse Executive and Director of Education for Lifecare Hospitals) found K.J. downstairs assisting family members with evacuation. T.M. told K.J. “they” were going to give the Lifecare patients a “lethal dose.” K.J. and T.M. returned to the seventh floor and were advised that the Lifecare staff was to prepare to evacuate. On the seventh floor, K.J. observed Dr. Pou and two nurses in the Lifecare Therapy Charting Room drawing something up from vials into syringes. Afterward, K.J. accompanied Dr. Pou and the two nurses down the hall on the seventh floor. Dr. Pou appeared to be nervous. Dr. Pou said she was going to tell patient E.E. that she was going to give him something to help with his dizziness. One of the nurses asked Dr. Pou if Dr. Pou wanted the nurse to go in with her but Dr. Pou said no. Then Dr. Pou entered E.E.’s room and closed the door.

K.J. was then asked to show Dr. Pou and the two nurses where all of the remaining patients were located. K.J. accompanied the taller nurse (later identified in a photograph by K.J. as being Lori Budo) into the room occupied by patients R.S. and A.H... Out of the corner of her eye, K.J. saw the nurse inject R.S. with something. K.J. then heard R.S. say “That burns.” K.J. then accompanied the nurses and Dr. Pou to all the patient’s rooms and identified the patients for them.

Dr. Pou asked K.J. to make a list of all the remaining patients and their locations and leave the list on the desk in the Therapy Charting room. Dr. Pou advised K.J. that she needed the list because they would be coming back to the seventh floor and checking on the patients and wanted to make sure they didn't miss anyone. Dr. Pou told K.J. that the remaining Lifecare staff needed to evacuate, that the Lifecare patients were in "our care now" and "you've done everything you can." K.J. and other members of the remaining Lifecare staff went room to room to make sure that all the Lifecare staff had left the floor. Dr. Pou had instructed the Lifecare staff to cover any deceased patients with a sheet. During this final sweep of the floor, they found that one patient had died and pulled the sheet over his head. K.J. and the remaining Lifecare staff then left the seventh floor and went down to the second floor to evacuate. While on the second floor, in an attempt to check on the Lifecare patients, they were prohibited from entering the patient area on the second floor.

T.M., Nurse Executive and Director of Education for Lifecare Hospitals, advised affiant that on Thursday, September 1, 2005, conditions at Memorial Medical Center had deteriorated. Lifecare patients were located on three floors awaiting evacuation. There were several patients remaining on the seventh floor of Memorial Medical Center. That morning, Dr. Pou came up to the seventh floor and told T.M. that the patients remaining on the seventh floor were probably not going to survive. Dr. Pou told T.M. that "a decision had been made to administer lethal doses" to these patients. T.M. asked Dr. Pou "Lethal doses of what?" T.M. does not recall exactly what Dr. Pou said, but T.M. believes that Dr. Pou replied morphine and ativan. T.M. asked Dr. Pou if she was just talking about Lifecare patients and Dr. Pou responded that was not the case and that they (meaning Lifecare staff) were not involved in this at all. Dr. Pou stated that "there was no telling how far it would go." Dr. Pou further advised T.M. that nurses were coming from another part of the hospital to assist Dr. Pou. Dr. Pou made it clear that Lifecare had nothing to do with this. T.M. was advised that Dr. Pou and these nurses were taking responsibility for the patients and that Lifecare staff should leave. T.M. told Dr. Pou that it would take a little while to round up all of the Lifecare staff and get them off of the floor. As T.M. was rounding up the Lifecare staff, she saw two people on the floor who

she did not know, but assumed them to be the nurses that would assist Dr. Pou. T.M. left the floor at this time with K.J., D.R., and S.H. They went to the second floor and attempted to check on the Lifecare patients remaining on the second floor, but they were advised by three or four Memorial Medical Center staff that they could not enter that area.

D.R., Assistant Administrator for Lifecare Hospitals, advised affiant that on the morning of Thursday, September 1, 2005, she asked Susan Mulderick, Incident Commander for Memorial Medical Center, what the plan was for the evacuation of the Lifecare patients and the hospital in general. Ms. Mulderick responded that the plan was to “not leave any living patients behind” and advised D.R. that she needed to speak with Dr. Pou. D.R. and S.H. searched for Dr. Pou on the first and second floors, but were unable to find her. Someone said that they thought Dr. Pou had gone to the seventh floor, so D.R. and S.H. returned to the seventh floor.

D.R. found Dr. Pou sitting in the therapy office on the seventh floor. Dr. Pou advised D.R. that she had spoken with Lifecare’s nurse leader (T.M.). Dr. Pou said that the Lifecare patients were not going to survive. However, D.R. advised affiant that Dr. Pou did not appear to be familiar with the condition of the Lifecare patients. Dr. Pou advised D.R. that she was under the impression that the patients were not aware of what was happening. D.R. informed Pou that one patient, E.E., was aware, conscious and alert, but that he weighed 380 pounds and was paralyzed. Dr. Pou decided E.E. could not be evacuated. Dr. Pou asked if one of D.R.’s staff members would sedate him. D.R. advised that they had a nurse who E.E. knew. They briefly discussed the matter with the nurse, but D.R. decided that she did not want Lifecare staff involved. At some point during this conversation, two nurses who D.R. did not recognize came into the room. As D.R. was preparing to leave the room, Dr. Pou asked her if she wanted the Lifecare staff to be there. D.R. responded that she did not want her staff there. Dr. Pou advised D.R. that they didn’t have a lot of time and that she needed to clear the floors as soon as they could. At that point, Dr. Pou asked for a tray and D.R. went to gather all of the remaining Lifecare staff to leave the floor. Later Dr. Pou told D.R. “I want ya’ll to know I take full responsibility and ya’ll did a great job taking care of the patients.” After

leaving the seventh floor, D.R., S.H., K.J. and T.M. went to the first floor and then to the second floor to check on the Lifecare patients and staff on those floors. On the second floor, a Memorial Medical Center staff member stopped them and would not allow them to pass through the patient area. D.R. advised this person that she needed to know the status of the Lifecare patients on the second floor. This person advised D.R. that they would get that information to her and gave D.R. an e-mail address. Someone wrote the e-mail address on the back of T.M.'s scrub shirt. They were subsequently allowed to go through the hallway to access the parking garage, but were not allowed to pass through the patient area on the second floor.

S.H. (Pharmacy Director for Lifecare Hospitals) advised affiant that on the morning of September 1, 2005, he attended an Incident Command meeting on the Memorial Medical Center Emergency Room ramp. During that meeting, Susan Mulderick, Incident Commander for Memorial Medical Center, advised participants she was aware Lifecare had nine critical patients on the seventh floor. Ms. Mulderick stated she did not expect these patients would be evacuated with the rest of the hospital. Later that morning, S.H., K.J. and D.R. spoke with Ms. Mulderick again. Ms. Mulderick advised that some decisions had been made regarding the Lifecare patients and they should speak with Dr. Pou. S.H. and D.R. found Dr. Pou and two nurses on the seventh floor in the Lifecare Physical Medicine charting room. Dr. Pou informed S.H. and D.R. that a decision had been made to administer lethal doses to the Lifecare patients remaining on the seventh floor. D.R. brought up the fact that patient E.E. was alert and oriented. Dr. Pou asked if someone from Lifecare could talk with E.E. or sedate him. Initially someone mentioned that A.G., a Lifecare RN, had a close relationship with E.E., but A.G. refused to participate in sedating E.E. At that point, D.R. decided that no Lifecare staff should be involved. S.H. asked Dr. Pou which medication she was going to administer. Dr. Pou showed S.H. a pack of 25 vials of morphine and also some loose vials of morphine. Dr. Pou requested supplies, such as syringes and saline flushes. S.H. left the room to retrieve the supplies requested by Dr. Pou. (S.H. advised affiant that saline flushes would be given following an intravenous (IV) administration of medication to ensure the medication did not stay in the IV port and entered the patient's system.)

S.H. returned with the supplies and then prepared to leave the hospital. S.H. saw Dr. Pou and the two nurses walking in and out of the Lifecare patient rooms. Before they left the floor, K.J. advised S.H. that Dr. Pou had asked that the Lifecare staff check on all the Lifecare patients and pull sheets over the heads of those who were deceased. After they had checked on the patients and made sure all of the remaining Lifecare staff had left, S.H., K.J., D.R. and T.M. left the seventh floor. They went to the first floor but saw no Lifecare staff or patients there, so they went to the second floor. In the doorway leading to the patient area on the second floor, they were stopped by a Memorial Medical Center staff member who S.H. did not recognize. She told them they could not go through that area. S.H. went to the parking garage to look for another Lifecare employee and then returned to the second floor, joined the remaining Lifecare staff and left the hospital.

In a subsequent interview, S.H. was shown photographs of a number of Memorial Medical Center nurses and physicians, who were known to be present at the facility following the hurricane. S.H. positively identified Dr. Anna Pou in these photographs. On December 7, 2005, S.H. accompanied affiant to the seventh floor of Memorial Medical Center to complete an inventory of the Lifecare pharmacy. Also present at Memorial Medical Center on this date were, Lori Budo and Cheri Landry along with their attorneys who had made arrangements with Tenet Health System to walk through the hospital. S.H. positively identified both Lori Budo and Cheri Landry as the nurses who assisted Dr. Anna Pou on the seventh floor on September 1, 2005.

The bodies of all patients who died at Memorial Medical Center were retrieved by representatives of Kenyon International and the Disaster Mortuary Operations Team (DMORT) on September 11, 2005. Among those bodies retrieved were the following:

H.A. – Date of Birth 2/5/1939
R.S. – Date of Birth 12/16/1914
I.W. – Date of Birth 1/6/1916
E.E. – Date of Birth 2/20/1944

Autopsies were subsequently performed by DMORT. Various samples, including liver tissue, brain tissue, muscle tissue and purge fluids, were collected from the bodies, and delivered to National Medical Services, Inc. for testing. The test results were positive for morphine and midazolam (generic for Versed).

The test results, along with medical records for the period of August 29 through

September 1, 2005, were sent to a forensic pathologist for review. After the forensic pathologist reviewed the records and the test results, he advised that in all four cases it appeared that a lethal amount of morphine was administered. Additionally, in two cases the concentration of midazolam was greater than expected from normal therapeutic doses. The forensic pathologist advised that according to the medical records, none of the four patients were being administered morphine or midazolam for their routine pharmaceutical care requirements.

A principal is defined under La. R.S. 14:24 as a person concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime.

Second Degree Murder is defined under La. R.S. 14:30.1 as the killing of a human being when the offender has a specific intent to kill or to inflict great bodily harm.

THEREFORE, for the above stated reasons, affiant prays for the issuance of warrants of arrest for Anna M. Pou, Lori L. Budo, and Cheri A. Landry, on (4) four counts of Principal to Second Degree Murder.

AFFIANT

SWORN TO AND SUBSCRIBED before me, this _____ day of July, 2006, at
New Orleans, Louisiana.

DISTRICT COURT JUDGE
ORLEANS CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA : ORLEANS CRIMINAL DISTRICT COURT
VERSUS : PARISH OF ORLEANS
ANNA M. POU : STATE OF LOUISIANA
928 LOUISIANA AVENUE
NEW ORLEANS, LA 70115
W/F, D.O.B. 02-21-1956
LA OLN: 004039743

WARRANT OF ARREST

TO: ANY LAW ENFORCEMENT OFFICER:

Affidavit having been made by Special Agent Virginia B. Rider of the Louisiana Department of Justice, Criminal Division, Medicaid Fraud Control Unit, that on or about September 1, 2005, the offender, Anna M. Pou, 928 Louisiana Avenue, New Orleans, LA 70115, did commit the crime of:

Principal to Second Degree Murder, four counts, by intentionally killing four patients at Memorial Medical Center, New Orleans, LA, by administering or causing to be administered lethal doses of morphine sulphate (morphine) and midazolam (Versed),

as defined in Louisiana Revised Statute 14:24 and 14:30.1.

You are, therefore, commanded forthwith to arrest the said offender and take her forthwith to be booked and charged in accordance with the law.

Dated in New Orleans, Louisiana, this _____ day of July, 2006.

DISTRICT COURT JUDGE
ORLEANS CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA : ORLEANS CRIMINAL DISTRICT COURT
VERSUS : PARISH OF ORLEANS
LORI L. BUDO : STATE OF LOUISIANA
92 PARK AVENUE
NEW ORLEANS, LA 70123
W/F, D.O.B. 02-22-1963
LA OLN: 004725783

WARRANT OF ARREST

TO: ANY LAW ENFORCEMENT OFFICER:

Affidavit having been made by Special Agent Virginia B. Rider of the Louisiana Department of Justice, Criminal Division, Medicaid Fraud Control Unit, that on or about September 1, 2005, the offender, Lori L. Budo, 92 Park Avenue, New Orleans, LA 70123, did commit the crime of:

Principal to Second Degree Murder, four counts, by intentionally killing four patients at Memorial Medical Center, New Orleans, LA, by administering or causing to be administered lethal doses of morphine sulphate (morphine) and midazolam (Versed),

as defined in Louisiana Revised Statute 14:24 and 14:30.1.

You are, therefore, commanded forthwith to arrest the said offender and take her forthwith to be booked and charged in accordance with the law.

Dated in New Orleans, Louisiana, this _____ day of July, 2006.

DISTRICT COURT JUDGE
ORLEANS CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA : ORLEANS CRIMINAL DISTRICT COURT

VERSUS : PARISH OF ORLEANS

**CHERI A. LANDRY : STATE OF LOUISIANA
319 METAIRIE HEIGHTS AVENUE
METAIRIE, LA 70001
W/F, D.O.B. 01-28-1957
LA OLN: 004368998**

WARRANT OF ARREST

TO: ANY LAW ENFORCEMENT OFFICER:

Affidavit having been made by Special Agent Virginia B. Rider of the Louisiana Department of Justice, Criminal Division, Medicaid Fraud Control Unit, that on or about September 1, 2005, the offender, Cheri A. Landry, 319 Metairie Heights Avenue, Metairie, LA 70001, did commit the crime of:

Principal to Second Degree Murder, four counts, by intentionally killing four patients at Memorial Medical Center, New Orleans, LA, by administering or causing to be administered lethal doses of morphine sulphate (morphine) and midazolam (Versed),

as defined in Louisiana Revised Statute 14:24 and 14:30.1.

You are, therefore, commanded forthwith to arrest the said offender and take her forthwith to be booked and charged in accordance with the law.

Dated in New Orleans, Louisiana, this _____ day of July, 2006.

DISTRICT COURT JUDGE
ORLEANS CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA