

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

JUN - 3 13

KIM HENRY, COURT CLERK

STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
vs. )  
)  
KENNETH A. ADAMS )  
D.O.B. )  
SSN: )  
)  
Defendant. )

Case No. CF-2013-285

DEPUTY

INDICTMENT

FOR:

SECOND DEGREE FELONY MURDER - CARETAKER NEGLECT in violation of Title 21 O.S. § 701.8 [Counts 1 and 3]

Or in the Alternative

SECOND DEGREE MANSLAUGHTER in violation of Title 21 O.S. § 716 [Counts 1 and 3]

CARETAKER NEGLECT in violation of Title 21 O.S. § 843.1 [Counts 2 and 4]

FAILING TO INITIATE A MEDICOLEGAL INVESTIGATION BY THE OFFICE OF CHIEF MEDICAL EXAMINER in violation of Title 63 O.S. § 938 [Count 5]

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

By the order of the Supreme Court of Oklahoma, the Fourteenth Multicounty Grand Jury was convened with its principal site to be in Oklahoma City, Oklahoma County, Oklahoma, to serve from January 22, 2013 until July 22, 2014 or until the designated presiding judge determines the Fourteenth Multicounty Grand Jury has reached reasonable completion of its investigations, but in any event, no more than twenty-four (24) months from the commencement of its term. That the said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and woman, legally drawn and summons according to law and then and

there examined, empanelled, sworn and charged according to law to diligently inquire into and true presentment make of all public offenses against the State of Oklahoma committed and triable within the State of Oklahoma, upon their oath and in the name and by the authority of the State of Oklahoma, do present and find that:

**COUNT 1: SECOND DEGREE FELONY MURDER – CARETAKER NEGLECT**

Commencing on or about the 2<sup>nd</sup> day of May, 2012, A.D., through the 3<sup>rd</sup> day of May, 2012, A.D., the crime of **SECOND DEGREE FELONY MURDER** was feloniously committed in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting knowingly and intentionally committed the crime of Caretaker Neglect which led to the death of Peter “Jay” Minter to wit:

**KENNETH A. ADAMS** who acting as a licensed physician’s assistant was called to give medical aid to Peter “Jay” Minter, a vulnerable adult and resident of the Claremore Veterans Center. **KENNETH A. ADAMS** ignored the life threatening injuries inflicted upon Peter “Jay” Minter thereby failing to provide Peter “Jay” Minter with adequate health care for thermal burns covering in excess of fifty percent of his body as provided in section 843.1 of Title 21 of the Oklahoma Statutes. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

*Or in the Alternative*

**COUNT 1: SECOND DEGREE MANSLAUGHTER**

Commencing on or about the 2<sup>nd</sup> day of May, 2012, A.D., through the 3<sup>rd</sup> day of May, 2012, A.D., the crime of **SECOND DEGREE MANSLAUGHTER** was feloniously committed

in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting knowingly failed to exercise usual and ordinary care in the medical care given to Peter "Jay" Minter which led to the death of Peter "Jay" Minter to wit:

**KENNETH A. ADAMS** who acting as a licensed physician's assistant was called to give medical aid to Peter "Jay" Minter, a resident of the Claremore Veterans Center. **KENNETH A. ADAMS** withheld adequate health care evidencing a degree of carelessness amounting to a culpable disregard of the rights, health and safety of Peter "Jay" Minter which caused the death of Peter "Jay" Minter. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

#### **COUNT 2: CARETAKER NEGLECT**

Commencing on or about the 2<sup>nd</sup> day of May, 2012, A.D., through the 3<sup>rd</sup> day of May, 2012, A.D., the crime of **CARETAKER NEGLECT** was feloniously committed in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting knowingly and intentionally failed to provide adequate health care to Peter "Jay" Minter, a vulnerable adult to wit:

**KENNETH A. ADAMS** who acting as a licensed physician's assistant failed to render or obtain proper medical assistance to Peter "Jay" Minter, a vulnerable adult, after Peter "Jay" Minter sustained 2<sup>nd</sup> degree thermal burns over fifty percent of his body. **KENNETH A. ADAMS** knowing the severity of the burns and the lack of adequate resources at the Claremore Veterans Center allowed Peter "Jay" Minter to languish without proper care until he succumbed to death. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 843.1 of

Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

**COUNT 3: SECOND DEGREE FELONY MURDER – CARETAKER NEGLECT**

Commencing on or about the 28<sup>th</sup> day of March, 2012, A.D., through the 29<sup>th</sup> day of March, 2012, A.D., the crime of **SECOND DEGREE FELONY MURDER** was feloniously committed in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting knowingly and intentionally committed the crime of Caretaker Neglect which led to the death of Louis Arterberry to wit:

**KENNETH A. ADAMS** who acting as a licensed physician's assistant was called to give medical aid to Louis Arterberry, a vulnerable adult and resident of the Claremore Veterans Center. **KENNETH A. ADAMS** ignored reports evincing signs of a stroke but instead neglected his duties as the physician's assistant assigned to the care of Louis Arterberry engaged in communications with another person in an effort to arrange a sexual liaison thus depriving Louis Arterberry with appropriate and adequate health care as provided in section 843.1 of Title 21 of the Oklahoma Statutes. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 701.8 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

*Or in the Alternative*

**COUNT 3: SECOND DEGREE MANSLAUGHTER**

Commencing on or about the 28<sup>th</sup> day of March, 2012, A.D., through the 29<sup>th</sup> day of March 2012, A.D., the crime of **SECOND DEGREE MANSLAUGHTER** was feloniously committed in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting

knowingly failed to exercise usual and ordinary care in the medical care given to Louis Arterberry which led to the death of Louis Arterberry to wit:

**KENNETH A. ADAMS** who acting as a licensed physician's assistant failed to exercise prudent medical care usually and ordinarily exercised by persons under similar circumstances and conditions to Louis Arterberry after Louis Arterberry exhibited symptoms of a stroke. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 716 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

#### **COUNT 4: CARETAKER NEGLECT**

Commencing on or about the 28<sup>th</sup> day of March, 2012, A.D., through the 29<sup>th</sup> day of March, 2012, A.D., the crime of **CARETAKER NEGLECT** was feloniously committed in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting knowingly and intentionally failed to provide adequate health care to Louis Arterberry, a vulnerable adult to wit:

**KENNETH A. ADAMS** who acting as a licensed physician's assistant abandoned reasonable medical care of Louis Arterberry after receiving information that Louis Arterberry was exhibiting symptoms of a stroke. Instead of examining Louis Arterberry **KENNETH A. ADAMS** was attempting to arrange a sexual liaison thereby causing in an unreasonable risk of harm to a vulnerable adult. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 843.1 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

#### **COUNT 5: FAILURE TO INITIATE A MEDICOLEGAL INVESTIGATION BY THE OFFICE OF CHIEF MEDICAL EXAMINER**

Commencing on or about the 3<sup>rd</sup> day of May, 2012, A.D., through the 4<sup>th</sup> day of May,

2012, A.D., the crime of **FAILURE TO INITIATE A MEDICOLEGAL INVESTIGATION BY THE OFFICE OF CHIEF MEDICAL EXAMINER** was unlawfully committed in Rogers County, State of Oklahoma by **KENNETH A. ADAMS**. During all times set forth herein, and within said County and State, **KENNETH A. ADAMS** who acting knowingly and intentionally provided false and misleading information to the Office of Chief Medical Examiner thereby causing the Office of Chief Medical Examiner to decline initiating a medicolegal investigation to wit:

**KENNETH A. ADAMS** who acting as the primary health care provider at the time of the death for Peter "Jay" Minter and fully aware that medicolegal investigations are required when the decedent sustains thermal burns, reported atherosclerosis cardiovascular disease with minor thermal burns as the cause of death for Peter "Jay" Minter thereby inducing the Office of Chief Medical Examiner to waive jurisdiction when instead Peter "Jay" Minter succumbed to second degree thermal burns followed by the lack of appropriate medical care. Said acts by **KENNETH A. ADAMS** are contrary to the provisions of section 953 of Title 37 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

TRUE BILL (  )

NO BILL (  )

  
\_\_\_\_\_  
FOREMAN  
14<sup>TH</sup> MULTICOUNTY GRAND JURY

*Penalties:*

- Counts 1 and 3: A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be guilty of a felony punishable by imprisonment in a state penal institution for not less than ten (10) years nor more than life.
- Counts 1 and 3: Manslaughter in the second degree shall be a felony punishable by imprisonment in the State Penitentiary not more than four (4) years and not less than two (2) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both fine and imprisonment.
- Counts 2 and 4: Any person convicted of Caretaker Neglect shall be guilty of a felony and upon conviction, shall be punished by imprisonment for a term not to exceed ten (10) years, and by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment, and in addition, the first thirty (3) days of the sentence shall not be subject to probation, suspension or deferral
- Count 5: A person who fails to initiate a medicolegal investigation shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed thirty (30) days, or by both such fine and imprisonment.

**WITNESSES APPEARING BEFORE THE MULTICOUNTY GRAND JURY:**

*Investigator Steven Pancoast, ODVA, 2311 N. Central Ave, Oklahoma City, OK 73015*

*Cynthia Adams*

*Kenneth Adams*

*Frank Chenowith, 1811 South Cheyenne Ave, Tulsa, Ok 74119*

*Regina Christie, 31 Payne Street, Pryor, OK 74361*

*Liz Coldwell, OCME, 1115 W. 17<sup>th</sup> Street, Tulsa, OK 74107*

*Melinda Cross,*

*Dorothy Devore, 12070 s. 42030 Road, Chelsea, OK*

*Larry Fowler, 22288 S. 4190 Road, Claremore, Pryor, OK 74019*

*Heidi Gagle, 352 Lake Side Drive North, Adair, OK 74330*

*Dr. Mike Herndon,*

*Dr. Gordon Jones, 510 S. Wortman, Claremore, OK 74018*

*Roxanne Libasci, OCME, 1115 W. 17<sup>th</sup> Street, Tulsa OK 74119*

*Alan McElwain, 631 E. Will Rogers Blvd, Claremore, OK 74018*

*Frances Minter, 21092 S. 4120 Road, Claremore, OK 74019*

*Kaylee Moody, 1104 W. Chambers Court, Claremore, OK 74018*

*Stephanie Schavers, 101 E. 12<sup>th</sup>, Claremore, OK*

*Dr. Michael Sibley, 7117 W. 51<sup>st</sup> Street, Tulsa, OK 74107*

*Laura Sly, 2782 W. 605, Chateau, OK*

*Sherry Anderson*

*Tarin Keener, 13506 E. 450 Rd, Claremore, OK 74017*

*Heather Maderazo*

*Sandra Roach, 20611 E. Hwy 28A, Chelsea, OK 74016*

*Lisa Spencer, 1823 W. 480, Pryor, OK 74361*

*Julia Willhite*