

FILED

JUL 13 2020

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

RETA MAYS,

Defendant.

Criminal No.

1:20-cr-27
Kleeh

Violations:

18 U.S.C. § 7(3)
18 U.S.C. § 113(a)(1)
18 U.S.C. § 1111(a)

INFORMATION

The United States Attorney charges that:

Background

1. At all relevant times, the United States Department of Veterans Affairs operated a hospital in Clarksburg, Harrison County, West Virginia, named Louis A. Johnson Veterans Affairs Medical Center ("VAMC Clarksburg"), to provide healthcare services to eligible veterans of the United States military.

2. At all relevant times, VAMC Clarksburg was a federal healthcare facility situated on land acquired for the use of the United States and under its jurisdiction.

3. In or about June 2015, the defendant, RETA MAYS, began her employment as a nursing assistant at VAMC Clarksburg.

4. At all relevant times, VAMC Clarksburg did not require a nursing assistant to have a certification or licensure for initial appointment or as a condition of continuing employment.

5. At all relevant times, a nursing assistant at VAMC Clarksburg was responsible for measuring patients' vital signs, documenting patients' intake and output, testing patients' blood glucose levels with a glucometer, and sitting one on one with patients who required close observation.

6. At all relevant times, a nursing assistant at VAMC Clarksburg was not qualified or authorized to administer medication, including insulin.

7. At all relevant times, the defendant was assigned to work the night shift, 7:30 p.m. to 8:00 a.m., in VAMC Clarksburg's medical surgical unit, referred to as Ward 3A.

8. At all relevant times, Ward 3A housed patients who were not in a condition to be discharged but who did not require care in the intensive care unit.

9. At all relevant times, a number of Ward 3A patients suffered from diabetes mellitus ("diabetes"), a disease characterized by elevated blood glucose.

10. Type 2 diabetes, the most common subtype of diabetes, is characterized by a combination of resistance to insulin at the cellular level and inadequate pancreatic production of insulin, resulting in a higher than normal blood glucose. Treatments include diet and exercise, oral medications, and injectable hormones such as insulin.

11. Insulin is a hormone produced by the pancreas to keep blood glucose normal after food digestion. Insulin produced naturally by the pancreas is called endogenous insulin. Insulin produced in a laboratory for therapeutic use is called exogenous insulin. Exogenous insulin is most commonly administered by injection under the skin.

12. Hypoglycemia is a condition characterized by a lower than normal blood sugar.

13. Glucagon is a hormone available for therapeutic use by injection for a patient suffering from hypoglycemia that cannot be treated with ingestion of carbohydrates.

14. Dextrose is a manufactured simple sugar chemically identical to blood glucose, which is commonly used in intravenous hydration solutions. A concentrated solution containing 25 grams of dextrose in 50 milliliters of water, called D50, is administered intravenously to treat hypoglycemia when the patient cannot not take oral treatment or oral treatment is insufficient.

15. Hypoglycemia is considered refractory when it does not respond rapidly to the administration of oral or intravenous glucose or glucagon.

16. Hypoglycemia is a known effect of administering exogenous insulin to a non-diabetic patient or administering more than the prescribed dosage of insulin to an insulin-dependent diabetic patient.

17. Risks of severe hypoglycemia include seizures, coma, and death.

18. In or about June 2018, a medical doctor employed by VAMC Clarksburg as a hospitalist reported to the hospitalist's supervisor a concern about the deaths of patients who had suffered unexplained hypoglycemic episodes on Ward 3A, including the deaths of multiple non-diabetic patients. This concern led to an internal investigation that culminated in a referral for criminal investigation.

19. In or about July 2018, VAMC Clarksburg removed the defendant from a position of patient care.

COUNT ONE

(Second Degree Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

2. On or about July 20, 2017, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special

Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill Robert Edge, Sr., by administering, and causing the administration of, exogenous insulin to Robert Edge, Sr., a VAMC Clarksburg patient who was a Type 2 diabetic but who did not receive any prescribed insulin during his admission, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT TWO

(Second Degree Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

2. On or about January 29, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill Robert Kozul, by administering, and causing the administration of, exogenous insulin to Robert Kozul, a VAMC Clarksburg patient who was not diabetic and not prescribed insulin, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT THREE

(Second Degree Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

2. On or about March 24, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill Archie Edgell, by administering, and causing the administration of, exogenous insulin to Archie Edgell, a VAMC Clarksburg patient who was a Type 2 diabetic but who did not receive any prescribed insulin during his admission, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT FOUR

(Second Degree Murder)

1. Paragraphs 1 through 1 of this Information are incorporated by reference as though fully set forth herein.

2. On or about March 26, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill George Shaw, by administering, and causing the administration of, exogenous insulin to George Shaw, a VAMC Clarksburg patient who was not diabetic and not prescribed insulin, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT FIVE

(Second Degree Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

2. On or about April 4, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill W.A.H., by administering, and causing the administration of, exogenous insulin to W.A.H, a VAMC Clarksburg patient who was a Type 2 diabetic prescribed a certain type and dosage of insulin, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT SIX

(Second Degree Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

2. On or about April 9, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill Felix McDermott, by administering, and causing the administration of, exogenous insulin to Felix McDermott, a VAMC Clarksburg patient who was not diabetic and not prescribed insulin, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT SEVEN

(Second Degree Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

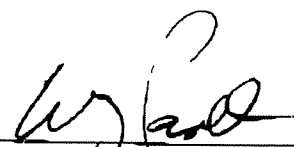
2. On or about June 4, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, willfully, deliberately, maliciously, and with malice aforethought, did unlawfully kill Raymond Golden, by administering, and causing the administration of, exogenous insulin to Raymond Golden, a VAMC Clarksburg patient who was a Type 2 diabetic and who required only a single administration of a certain type and dosage of insulin during his admission, in violation of Title 18, United States Code, Section 7(3) and Section 1111(a).

COUNT EIGHT

(Assault with Intent to Commit Murder)

1. Paragraphs 1 through 19 of this Information are incorporated by reference as though fully set forth herein.

2. On or about June 18, 2018, in Harrison County, West Virginia, within the Northern District of West Virginia, the defendant, **RETA MAYS**, at VAMC Clarksburg, within the Special Maritime and Territorial Jurisdiction of the United States, on land acquired for the use of the United States and under its jurisdiction, did assault R.R.P. with intent to commit murder, by administering, and causing the administration of, exogenous insulin to R.R.P., a VAMC Clarksburg patient who was not diabetic and not prescribed insulin, in violation of Title 18, United States Code, Section 7(3) and Section 113(a)(1).



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AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Northern District of West Virginia

United States of America
v.
Reta Mays
Defendant

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Case No. 1:20CR27

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title