

Roy Eugene KERRY M.D.
Docket Number: CR-0000257-07



CRIMINAL COMPLAINT

AFFIDAVIT of PROBABLE CAUSE

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

In the summer of 2005, Marwa NADAMA took her then 5 year old son to be cared for and treated by Dr. Roy E. KERRY. Dr. KERRY agreed to care for and treat Dr. KERRY did assume the care of. Among other things, Dr. KERRY determined to administer disodium EDTA to by way of an IV push.

During such an administration on or about August 23, 2005, went into cardiac arrest and pulmonary distress. Local emergency medical response personnel were summoned, and was transported to Butler Memorial Hospital.

At Butler Memorial Hospital, life saving treatment was attempted, but was unavailing. During treatment at Butler Memorial Hospital it was determined that he was hypocalcemic.

Subsequently an autopsy was performed by Dr. Leon ROZIN, then the Chief Forensic Pathologist for the Office of the Coroner of Allegheny County. Dr. ROZIN concluded that died as a result of diffuse, acute cerebral hypoxio-ischemic injury, secondary to diffuse subendocardial myocardial necrosis. Myocardial necrosis is a result of hypocalcemia due to administration of EDTA.

The care and treatment of has been reviewed by Dr. Mary M. CARRASCO. Among other things, Dr. CARRASCO is the Director of "A Child's Place at Mercy" and a director of the "Internal and Community Health Department of Pediatrics." She also helped to establish the Pittsburgh region's first hospital based center for child abuse evaluation at Children's Hospital of Pittsburgh. She is a Fellow of both the American Academy of Pediatrics and the American College of Forensic Examiners. She has been a member of the Pennsylvania Attorney General's Medical Legal Advisory Board on Child Abuse since 1988.

In connection with the death Dr. CARRASCO has reviewed in excess of 600 pages of medical and investigative documentation. Based upon that review, Dr. CARRASCO has concluded death was caused by gross negligence on the part of Dr. Roy Kerry. She further states that while under the care of Dr. Roy KERRY he was to be treated with Calcium EDTA, initially prescribed to him by Dr. USMAN from Chicago. Instead of Calcium EDTA was given Disodium EDTA, a compound only indicated for the emergency treatment of acute hypercalcemia and for ventricular arrhythmias associated with digitalis toxicity. had neither of these conditions. Additionally, when Calcium EDTA or Disodium EDTA is used the guidelines clearly indicate the need to administer these substances over several hours with close clinical monitoring for evidence of hypocalcemia that may need treatment.

I, CPL CHERYL POLENA/05885, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Col Cheryl Polena
Sworn to me and subscribed before me this 22 day of AUG 07

[Signature] Magisterial District Judge

My commission expires first Monday of January, 12.
AOPC-4128PC(05)

SEAL

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF: BUTLER



POLICE
 CRIMINAL COMPLAINT

Magisterial District Number: 50-3-01
 MDJ Name: Hon. Clifford J. Woessner
 Address: 520 Kelly Blvd.
 Slippery Rock, PA 15057
 Telephone: 724-794-1807

COMMONWEALTH OF PENNSYLVANIA
 VS.
 DEFENDANT:
 Roy Eugene KERRY M.D.
 3811 Cardinal Drive
 Sharpsville, PA 18150

Docket No: CR-0000257-07
 Date Filed: 8/22/07
 OTN: K 582B13-0

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown		Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D. O. B.	Defendant's Social Security Number	Defendant's BID (State Identification Number)
Defendant's A.K.A. (also known as)		Defendant's Vehicle Information Plate Number: State: Registration Sticker (MMYY)		Defendant's Driver's License Number State: PA	
Complaint/Incident Number: D01-1172480	LiveScan Tracking Number	Complaint/Incident Number if other Participants			UOR/NIBRS Code 01B

Office of the Attorney for the Commonwealth Approved Disapproved because:
(The Attorney for the Commonwealth may decide that the complaint, cover warrant, arrest, or bill be approved by the attorney for the Commonwealth prior to filing. PA.R.C.M.P. 101.1)

William T. Fullerton
(Attorney for the Commonwealth)

William T. Fullerton
(Attorney for the Commonwealth)

8-21-07
DATE

I, CPL CHERYL POLENA
(Name of Officer)

05886/00138136
(Officer's Police Number)

of the Pennsylvania State Police, Troop D, Butler
(Officer's Name)

PAPSP0900
(Police Agency and Number)

D01-1172480
(Complaint/Incident Number (OTN))

do hereby state: (check appropriate box)

- I accuse the above named defendant who lives at the address set forth above
- I accuse the defendant whose name is unknown to me but who is described as
- I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at
Advanced Integrated Medicine Center, 160 E Portersville Road, Portersville Borough
(Place Address on Complaint)

In BUTLER County on or about 08/23/2005 @ 1145 hrs.

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)
Roy Eugene KERRY M.D.

Lab User fee applies
 AOPC-4126PA(05)

Defendant's Name: Roy Eugene KERRY M.D.
 Docket Number: CR-0000257-07



**POLICE
 CRIMINAL COMPLAINT**

2. The acts committed by the accused were:
(If for form a summary of the facts sufficient to advise the defendant of the nature of the charges charged. A charge in the statute illegally violated, where there is not a specific or statutory term, you must cite the specific section and subsection of the statute or criminal code properly violated.)

CC 2504(a) Involuntary Manslaughter, F2

IN THAT, on or about said date, in doing a lawful act in a reckless or grossly negligent manner, THE DEFENDANT caused the death of _____, a child under the age of 12 years of age. That is to say DEFENDANT did administer medical care or did direct to be administered medical care in a reckless or grossly negligent manner which caused the death in violation of Section 2504(a) of the PA Crimes Code.

CC 4304(a) Endangering Welfare of Children, F3,

IN THAT, on or about said date, being a parent, guardian, or other person supervising the welfare of a child under the age of 18 years of age, THE DEFENDANT did knowingly endanger the welfare of said child by violating a duty of care, protection or support, namely, did knowingly administer medical care or direct the administering of medical care in a reckless and/or grossly negligent manner which did cause the death _____ in violation of Section 4304(a) of the PA Crimes Code.

CC 2705 Recklessly Endangering Another Person, M2,

IN THAT, on or about said date, THE DEFENDANT did recklessly engage in conduct which placed or may have placed in danger of death or serious bodily injury, that is to say THE DEFENDANT did administer or direct to be administered medical care in a reckless manner which caused the death _____ in violation of Section 2705 of the PA Crimes Code.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. 2504(a) of the Title 18, PA Crimes Code 1 F2
(Section) (Subsection) (Title) (Section) (Count) (Grade)
2. 4304(a) of the Title 18, PA Crimes Code 1 F3
(Section) (Subsection) (Title) (Section) (Count) (Grade)
3. 2705 of the Title 18, PA Crimes Code 1 M2
(Section) (Subsection) (Title) (Section) (Count) (Grade)
4. _____ of the _____
(Section) (Subsection) (Title) (Section) (Count) (Grade)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

4. I verify that the facts set forth in the complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. §4904) relating to unsworn falsification to authorities.

August 21, 2007. Cd. Cheryl A. Paul
(Date) (Signature of Affiant)

AND NOW, on this date, 8/22/07 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

50-3-01 [Signature] **SEAL**