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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CR 00 0728
INDICTMENT

UNITED STATES OF AMERICA

- against -

Cr. No. _____
(T. 18, U.S.C., §§
113(a)(3), 1001(1993),
1111, 1341, 1343, 1346
and 3551 et seq.)

MICHAEL J. SWANGO, also known as
"Jackson Kirk" and
"David Jackson Adams,"

Defendant.

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MISELER, J.

ORENSTEIN, M.

THE GRAND JURY CHARGES:

INTRODUCTION TO COUNTS ONE AND TWO

1. In or about April 1983, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," graduated from the medical school of Southern Illinois University.

A. OVERVIEW OF SWANGO'S SCHEME

2. From 1990 through June 1997, SWANGO engaged in a scheme to obtain and maintain employment as a physician at hospitals in the United States and abroad under fraudulent pretenses. Once hired as a physician at these hospitals, rather than care for his patients pursuant to his responsibilities under the Hippocratic oath and his duty of honest services to the hospitals, SWANGO murdered, attempted to murder, and assaulted various patients entrusted to his care.

3. In order to obtain and maintain positions with these hospitals, SWANGO engaged in a number of fraudulent practices in an effort to disguise his mistreatment of patients and conceal his background so that he could obtain employment. These fraudulent practices included the following:

- a. SWANGO provided fraudulent, altered, and fictitious documents to hospitals;
- b. SWANGO adopted and used aliases, including "Jackson Kirk" and "David Jackson Adams;"
- c. SWANGO misrepresented the nature and extent of his employment history; and
- d. SWANGO provided false information about the nature of his conviction in Quincy, Illinois.

4. Once employed as a physician, SWANGO would and did use his position as a physician to murder, attempt to murder, and assault various patients entrusted to his care by using intravenous and intramuscular injections of poisons and other harmful substances.

5. While purportedly working as a physician, SWANGO also made false statements and created false records relating to patients in order to assist his ability to murder and assault patients. For example, in certain cases, SWANGO attempted to procure a "do not resuscitate" order ("DNR order") with respect to patients that he intended to murder and assault in order to prevent efforts from being made to revive those patients.

6. Once hired as a physician, SWANGO also made false statements to supervisors and hospital administrators concerning his background in order to maintain his position and continue to murder, attempt to murder, and assault various patients entrusted to his care.

B. SWANGO'S 1980s EMPLOYMENT HISTORY

7. Following his graduation from medical school, SWANGO obtained a position in or about July 1983, as a medical resident in the internship program of Ohio State University Hospital ("OSUH").

8. While working as an intern at OSUH, SWANGO murdered, attempted to murder, and assaulted patients by intentionally injecting them with poisonous substances. For example, on or about January 14, 1984, SWANGO murdered Cynthia McGee, a patient at OSUH, by administering an injection of potassium that caused cardiac arrest. Similarly, on or about February 7, 1984, SWANGO assaulted Rena Cooper, a patient at OSUH, by administering an intravenous injection of a toxic substance that caused respiratory and neurological paralysis.

9. In or about February 1984, the residency review committee of OSUH voted not to continue SWANGO in the residency program. SWANGO left OSUH on or about June 30, 1984. In addition, in 1985, Ohio authorities launched a murder investigation of SWANGO and SWANGO became aware that he was the

subject of the murder investigation. The investigation did not result in the prosecution of murder charges against SWANGO.

10. In or about July 1984, SWANGO procured a position as a paramedic with the Adams County Ambulance Service ("ACAS") in Quincy, Illinois. However, on or about May 3, 1985, SWANGO was convicted of aggravated battery after having poisoned co-workers with arsenic at ACAS. On or about August 23, 1985, SWANGO was sentenced to five years in prison.

C. SWANGO'S OPERATION OF THE SCHEME

11. After his release from prison in August 1987, SWANGO worked at several non-medical positions. Then, between 1990 and 1997, SWANGO applied for positions as a physician at Ohio Valley Medical Center, the Veterans Affairs Medical Center in Sioux Falls, South Dakota, the Veterans Affairs Medical Center in Northport, New York, the Zimbabwe Association of Church Hospitals, and the Royal Hospital in Dharan, Saudi Arabia (collectively "the Hospitals").

I. OHIO VALLEY MEDICAL CENTER

12. In or about November 1990, SWANGO, using the name "David Adams," applied to the residency program of the Ohio Valley Medical Center ("OVMC").

13. In connection with his application to OVMC, on or about May 20, 1991, SWANGO submitted altered court documents purporting to demonstrate that his criminal conviction in Quincy, Illinois, was a result of a barroom brawl, when in fact, as he

then and there well knew and believed, his criminal conviction resulted from his poisoning of co-workers at ACAS.

14. On or about June 3, 1991, having learned the true facts about his conviction, a representative of OVMC rejected SWANGO's application.

II. VETERANS AFFAIRS MEDICAL CENTER IN SIOUX FALLS

15. In or about September 1991, SWANGO applied to a medical residency program operated by the University of South Dakota ("USD") in conjunction with the Veterans Affairs Medical Center in Sioux Falls, South Dakota ("VAMC-SF").

16. In connection with that application, SWANGO falsely claimed that his criminal conviction for aggravated battery in Quincy, Illinois, arose out of an incident in which he and his co-workers became ill, when in fact, as he then and there well knew and believed, his criminal conviction resulted from his poisoning of co-workers at ACAS.

17. On or about July 1, 1992, SWANGO began working as a resident physician at VAMC-SF. However, in or about December 1992, having learned the true facts about SWANGO's conviction and his activities at OSUH, officials at VAMC-SF discharged SWANGO from the medical residency program.

III. VETERANS AFFAIRS MEDICAL CENTER IN NORTHPORT

18. After his discharge from VAMC-SF, SWANGO applied, in or about April 1993, to the medical residency program operated by the Stony Brook Health Sciences Center ("SBHSC") in

conjunction with the Veterans Affairs Medical Center in Northport, New York ("VAMC-Northport"). On or about July 1, 1993, SWANGO began working as a resident physician at VAMC-Northport.

19. On or about July 26, 1993, SWANGO falsely advised physicians and staff at VAMC-Northport that the family and attending physician of George Siano, a patient at VAMC-Northport, had agreed to a DNR order. SWANGO subsequently recorded the DNR order in Siano's official medical chart, when in fact, as he then and there well knew and believed, Siano's family and attending physician had not agreed to a DNR order.

20. On or about July 26, 1993, SWANGO murdered George Siano by administering an intravenous injection of epinephrine that caused cardiac arrest.

21. In or about August 1993, SWANGO told the Director of Residency Training at SBHSC, who inquired about a prior investigation of SWANGO, that he had not been investigated for murder, when in fact, as he then and there well knew and believed, he had been the target of a murder investigation arising from his activities at OSUH.

22. In or about August 1993, SWANGO told the Director of Residency Training at SBHSC that the only criminal charges he ever faced were those arising from a barroom brawl in Quincy, Illinois, when in fact, as he then and there well knew and

believed, he was convicted of aggravated battery in Quincy, Illinois, arising out his poisoning co-workers at ACAS.

23. On or about September 23, 1993, SWANGO murdered Aldo Serini, a patient at VAMC-Northport, by administering intramuscular and intravenous injections of one or more toxic substances that caused respiratory failure.

24. On or about October 2, 1993, SWANGO assaulted Barron Harris, a patient at VAMC-Northport, by administering an intravenous injection of succinylcholine.

25. On or about October 2, 1993, SWANGO fraudulently obtained a DNR order from family members of Thomas Sammarco, a patient at VAMC-Northport, by falsely telling the family that they were agreeing to a "do not intubate" order. SWANGO recorded in Sammarco's official medical chart that the DNR order was approved by Sammarco's family, when in fact, as SWANGO then and there well knew and believed, Sammarco's family had not consented to a DNR order.

26. On or about October 4, 1993, SWANGO murdered Thomas Sammarco by administering an intravenous injection of succinylcholine that caused respiratory and neurological paralysis.

27. On or about October 13, 1993, after having learned the true nature of SWANGO's conviction, the Director of Residency Training at SBHSC suspended SWANGO from patient care at VAMC-

Northport. On October 22, 1993, SWANGO was terminated from the medical residency program at VAMC-Northport.

IV. ZIMBABWE ASSOCIATION OF CHURCH HOSPITALS

28. Following his discharge from the VAMC-Northport, SWANGO applied for employment as a physician with the Zimbabwe Association of Church Hospitals ("ZACH") in Zimbabwe, Africa.

29. In support of his application for employment as a physician, on or about May 19, 1994, SWANGO provided ZACH with a letter purporting to demonstrate that he was in good standing with the Federation of State Medical Boards of the United States, when in fact, as he then and there well knew and believed, he was not a physician in good standing with the Federation of State Medical Boards of the United States.

30. In or about November 1994, SWANGO began working as a physician at Mnene Mission Hospital in Zimbabwe, Africa, which was a member of ZACH.

31. On or about May 14, 1995, SWANGO assaulted Kenias Mueaza, a patient at Mnene Mission Hospital, by administering an intramuscular injection of a toxic substance that caused respiratory and neurological paralysis.

32. On or about July 7, 1995, SWANGO assaulted Virginia Sibanda, a patient at Mnene Mission Hospital, by administering an intravenous injection of a toxic substance that caused respiratory and neurological paralysis.

33. On or about July 21, 1995, the defendant MICHAEL J. SWANGO was suspended from practice at the Mnene Mission Hospital.

V. ROYAL HOSPITAL IN SAUDI ARABIA/KAMA ENTERPRISES

34. On or about May 1997, in an effort to obtain employment at Royal Hospital in Dharan, Saudi Arabia, SWANGO prepared and submitted an employment application and a curriculum vitae to KAMA Enterprises Inc. ("KAMA"), an employment agency located in Portland, Oregon.

35. In his employment application, SWANGO falsely stated that he had never been convicted of a crime, when in fact, as he then and there well knew and believed, he had been convicted of aggravated battery in 1985, in Quincy, Illinois.

36. In his curriculum vitae that he sent to KAMA, SWANGO falsely represented that he had worked as an emergency room physician at a number of hospitals -- including the District of Columbia General Hospital, Kings County Hospital Center in Brooklyn, New York, and Harlem Hospital Center in New York, New York -- between 1990 and 1995, when in fact, as he then and there well knew and believed, he did not work as an emergency room physician at those hospitals.

37. In his curriculum vitae that he sent to KAMA, SWANGO falsely represented that he had worked as a physician in the "U.S. Government Service" between 1984 and 1990, when in fact, as he then and there well knew and believed, he was

imprisoned in Illinois between 1985 and 1987 and did not so work as a physician between 1984 and 1990.

COUNT ONE

(Scheme To Defraud by Use of the United States Mails)

38. Paragraphs one through thirty-seven are realleged and incorporated as if set forth fully herein.

39. In or about and between November 1990 and June 1997, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud the Hospitals, and to deprive the Hospitals of the intangible right of honest services of SWANGO, and for the purpose of executing such scheme and artifice, and attempting to do so, SWANGO did deposit and cause to be deposited in authorized depositories for mail matter, mail to be sent and delivered by the United States Postal Service according to the directions thereon.

40. It was a part of the scheme and artifice to defraud that, on or about November 23, 1990, in connection with the application to OVMC, SWANGO deposited and caused to be deposited a letter in the United States mail addressed to a representative of OVMC.

41. It was a further part of the scheme and artifice to defraud that, on or about September 21, 1991, in connection

with his application to VAMC-SF, SWANGO deposited and caused to be deposited a letter in the United States mail addressed to the Director of the Internal Medicine Residency program seeking the position of resident physician at USD.

42. It was a further part of the scheme and artifice to defraud that, on or about May 12, 1993, in connection with the application to SBHSC, SWANGO deposited and caused to be deposited a letter in the United States mail addressed to House Staff Services Department at SBHSC in Stony Brook, New York and a postcard to the Linen Department at SBHSC in Stony Brook, New York.

43. It was a further part of the scheme and artifice to defraud that, on or about June 1, 1993, an official at SBHSC deposited and caused to be deposited a letter in the United States mail from Stony Brook, New York, appointing SWANGO as a psychiatry resident in the medical residency program operated by SBHSC and VAMC-Northport.

44. It was a further part of the scheme and artifice to defraud that, on or about June 7, 1993, in connection with his position at SBHSC, SWANGO deposited and caused to be deposited a letter in the United States mail addressed to House Staff Services Department at SBHSC in Stony Brook, New York.

(Title 18, United States Code, Sections 1341, 1346 and 3551 et seq.)

COUNT TWO
(Scheme To Defraud by Use of Wires)

45. Paragraphs one through thirty-seven are realleged and incorporated as if set forth fully herein.

46. In or about and between November 1990 and June 1997, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud the Hospitals, and to deprive the Hospitals of the intangible right of honest services of SWANGO, and for the purpose of executing such scheme and artifice, and attempting to do so, SWANGO did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures, and sounds.

47. It was a part of said scheme and artifice to defraud that on or about May 31, 1991, SWANGO transmitted and caused to be transmitted from Virginia to a representative of OVMC in West Virginia, via facsimile, a letter concerning his application to the medical residency program at OVMC.

48. It was a further part of said scheme and artifice to defraud that, on or about January 31, 1992, SWANGO made a telephone call from Virginia to a representative of USD in South

Dakota, in connection with his application to the medical residency program at USD and VAMC-SF.

49. It was a further part of said scheme and artifice to defraud that on March 19, 1994, SWANGO transmitted to ZACH, via facsimile, using international wires, a letter purporting to demonstrate that he was in good standing with the Federation of State Medical Boards of the United States.

50. It was a further part of the scheme and artifice to defraud that on or about May 21, 1997, SWANGO transmitted and caused to be transmitted an employment application and his curriculum vitae via facsimile from Africa to KAMA in Portland, Oregon.

(Title 18, United States Code, Sections 1343, 1346 and 3551 et seq.)

COUNT THREE
(Murder of George Siano)

51. On or about July 26, 1993, within the Eastern District of New York and the special maritime and territorial jurisdiction of the United States, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," did, with premeditation, deliberation, and malice aforethought, knowingly, willfully and unlawfully kill a human being, to wit:

George Siano, by injecting him with a poisonous substance, to wit: epinephrine.

(Title 18, United States Code, Sections 1111 and 3551 et seq.)

COUNT FOUR
(Murder of Aldo Serini)

52. On or about September 23, 1993, within the Eastern District of New York and the special maritime and territorial jurisdiction of the United States, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," did, with premeditation, deliberation, and malice aforethought, knowingly, willfully and unlawfully kill a human being, to wit: Aldo Serini, by injecting him with a poisonous substance.

(Title 18, United States Code, Sections 1111 and 3551 et seq.)

COUNT FIVE
(Murder of Thomas Sammarco)

53. On or about October 4, 1993, within the Eastern District of New York and the special maritime and territorial jurisdiction of the United States, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," did, with premeditation, deliberation, and malice aforethought, knowingly, willfully and unlawfully kill a human being, to wit: Thomas Sammarco, by injecting him a poisonous substance: to wit, succinylcholine.

(Title 18, United States Code, Sections 1111 and 3551 et seq.)

COUNT SIX
(Assault on Barron Harris)

54. On or about October 2, 1993, within the Eastern District of New York and the special maritime and territorial jurisdiction of the United States, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," did knowingly and with intent to do bodily harm, and without just cause and excuse, commit assault upon Barron Harris with a dangerous weapon, to wit: a needle containing succinylcholine, a poisonous substance.

(Title 18, United States Code, Sections 113(a)(3) and 3551 et seq.)

COUNT SEVEN
(False Statement Regarding George Siano)

55. On or about July 26, 1993, within the Eastern District of New York, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," in a matter within the jurisdiction of the United States Department of Veterans Affairs, an agency of the United States, did knowingly and willfully make a false writing and document, knowing the same to contain a materially false, fictitious and fraudulent statement and entry, in that he recorded in the medical chart of George Siano that Mr. Siano's family members had requested that a "do not resuscitate" order ("DNR order") be entered on behalf of Mr. Siano, when in fact, as he then and there well knew and believed,

Mr. Siano's family members had not requested a DNR order.

(Title 18, United States Code, Sections 1001(1993) and 3551 et seq.)

COUNT EIGHT

(False Statement to Director of Residency Training)

56. In or about August 1993, within the Eastern District of New York, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," in a matter within the jurisdiction of the United States Department of Veterans Affairs, an agency of the United States, did knowingly and willfully make a materially false, fictitious and fraudulent statement and representation, in that he represented to the Director of Residency Training at SBHSC, that he had never been investigated for murder, when in fact, as he then and there well knew and believed, he had been investigated for murder in connection with his activities at Ohio State University Hospital.

(Title 18, United States Code, Sections 1001(1993) and 3551 et seq.)

COUNT NINE

(False Statement Regarding Thomas Sammarco)

57. On or about October 1, 1993, within the Eastern District of New York, the defendant MICHAEL J. SWANGO, also known as "Jackson Kirk" and "David Jackson Adams," in a matter within the jurisdiction of the United States Department of Veterans Affairs, an agency of the United States, did knowingly and willfully make a false writing and document, knowing the same to

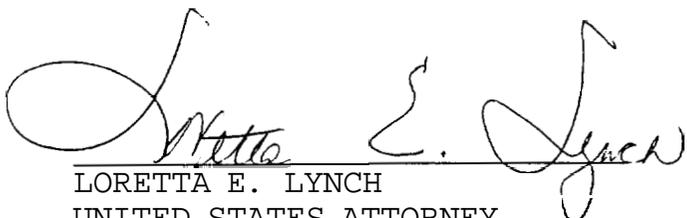
contain a materially false, fictitious and fraudulent statement and entry, in that he recorded in the medical chart of Thomas Sammarco that Mr. Sammarco's family had requested that a "do not resuscitate" order ("DNR order") be entered on behalf of Mr. Sammarco, when in fact, as he then and there well knew and believed, Mr. Sammarco's family had not requested a DNR order.

(Title 18, United States Code, Sections 1001(1993) and 3551 et seq.)

A TRUE BILL



FOREPERSON



LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK