

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 EMMANUELO ARTISTA INFANTE,)
 DOB: 9/17/1944)
 APSIN ID: 7544732)
 DMV NO. 7358982 AK)
 ATN: 113-971-788)
)
 Defendant.)
)

Case No. 3AN-13-6740 CR.

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

AS 11.41.230(a)(2)
Assault In The Fourth Degree
Emmanuel Artista Infante - 001

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

That on or about April 26, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, EMMANUEL ARTISTA INFANTE with criminal negligence, caused physical injury to another person by means of a dangerous instrument.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 11.41.230(a)(2) and against the peace and dignity of the State of Alaska.

The undersigned swears under oath this Information is based upon a review of investigative reports submitted to date.

On April 29, 2013, Adult Protective Services (APS) forwarded a report of harm to the Alaska Medicaid Fraud Control Unit (MFCU). APS was contacted on April 27, 2013 by Yalanda Moore regarding her father Rodsney Bingham. Yalanda reported that her father received third degree burns to both of his feet at his assisted living home (ALH) the previous day. Yalanda reported that her father asked his care giver Emmanuel Infante to bring hot water to soak his feet. Infante heated hot water from the tap on the stove and then poured it into a basin for Bingham. Bingham then soaked his feet for about 20 minutes. Bingham was subsequently noticed to have large blisters on both feet and was transported to the Emergency Room with Alaska Regional Hospital. Bingham is a 60 year old Medicaid recipient that suffers from Diabetes and kidney failure and as a result has no feeling in his feet.

APD Officer Roberts and MFCU Investigator Lowell Webb both interviewed Bingham at different times regarding his injuries. Bingham indicated that he asked Infante to boil water which Infante did and then poured the water onto his skin as it was added to the basin. Bingham stated that neither he nor Infante checked the water temperature first. Bingham indicated that he cannot feel his legs from his knees down. Bingham indicated that he soaked his feet for 25-30 minutes.

Officer Roberts next interviewed Infante who stated that Bingham asked him for warm water to soak his feet. Infante initially took warm water from the tap, but Bingham requested more water, so he heated the water on the stove. Infante stated that the water was hot when he added it to the basin, but that it was not steaming. Infante claimed that he checked the water and asked Bingham to check the water. Another employee later noticed that Bingham's feet were swollen.

Investigator Webb interviewed Dr. O'Malley regarding Bingham's condition. Dr. O'Malley indicted that Bingham's treatment plan called for leaving his blisters intact until they drained. Bingham's dead skin would then be debrided (removed) and the burns treated with antibiotic ointment and bandages. Dr. O'Malley

stated that the biggest risk for Bingham was an infection and/or amputation of his leg due his poor circulation in his lower legs and feet. Bingham was transferred to the University of Washington's Harborview Medical Center in Seattle around May 17, 2013. Seattle doctors amputated Bingham's left foot because the skin was too damaged to heal. Bingham is still hospitalized at this time for continued observation.

Dated at Anchorage, Alaska, this ____ day of June, 2013.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
A. Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

SUBSCRIBED AND SWORN TO before me this ____ day of
July 2013, at Anchorage, Alaska.

Notary Public in and for Alaska
My Commission Expires: End of Hire