



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

January 8, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Melanie Beth Cane, M.D.
30 Marjory Lane
Scarsdale, New York 10583

RE: License No. 188428

Dear Dr. Cane:

Enclosed please find Order #BPMC 93-04 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

Esq.
10017-5842

in. Esc.

Part of document
Anne Bohm

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :
OF : ORDER
MELANIE BETH CANE, M.D. : BPMC #93-04

-----X

Upon the Application of MELANIE BETH CANE, M.D.
(Respondent) to Surrender her license as a physician in the State
of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions
thereof are hereby adopted; it is further

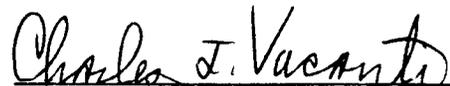
ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order via certified mail, whichever is
earliest.

SO ORDERED,

DATED: 6 January 1993


CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER :
OF : APPLICATION TO
MELANIE BETH CANE, M.D. : SURRENDER
: LICENSE

STATE OF NEW YORK)
COUNTY OF) SS.: 128 40 16 73

MELANIE BETH CANE, M.D., being duly sworn, deposes and says:

On or about February 20, 1992, I was licensed to practice as a physician in the State of New York having been issued License No. 188428 by the New York State Education Department.

I am registered with the New York State Education Department to practice as a physician in the State of New York for the period beginning on January 1, 1991, and ending on December 31, 1992. My registration address is 81 Hawley Avenue, Port Chester, N.Y. 10573. My current address is ~~532 West 114th Street, New York, NY.~~ 30 Margary Lane, Scarsdale, NY 10583

I understand that I have been charged with professional misconduct as set forth in the Statement of Charges, (Exhibit

"A"), based upon my guilty plea (Exhibit "B") to a Superior Court Information (Exhibit "C"). (All Exhibits are annexed hereto and made a part hereof.)

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the specification of professional misconduct set forth in the charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Melanie Beth Cane, MD

MELANIE BETH CANE, M.D.
Respondent

Sworn to before me this
2nd day of DEC. , 1992

Leon Lerea

NOTARY PUBLIC

LEON LEREA
NOTARY PUBLIC, State of New York
No. 4839815
Qualified in Westchester County
Commission Expires March 30, 1993

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

MELANIE BETH CANE, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: Dec. 2, 1992

Melanie Beth Cane, M.D.

MELANIE BETH CANE, M.D.
Respondent

Date: 12/22/92, 1992

Peter Crean

PETER CREAN, ESQ.
Attorney for Respondent

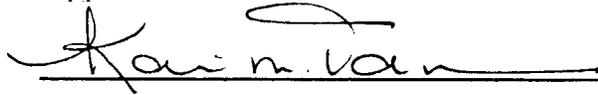
Date: 12/28/92, 1992

Roy Nemerson

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

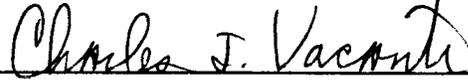
MELANIE BETH CANE, M.D.

Date: Jan. 7, 1992



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 6 January, 1993^{ew}



CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : STATEMENT
OF : OF
MELANIE BETH CANE, M.D. : CHARGES

-----X

MELANIE BETH CANE, M.D., the Respondent, was authorized to practice medicine in New York State on February 20, 1992 by the issuance of license number 188428 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from 81 Hawley Avenue, Port Chester, NY 10573.

FACTUAL ALLEGATIONS

On or about September 22, 1992, in the County Court of the State of New York, County of Westchester, Respondent pleaded guilty to the crime of ASSAULT IN THE SECOND DEGREE, as charged in Superior Court Information number 92-1236. Respondent, on or about and between April 24, 1992 and May 17, 1992, for a purpose other than lawful medical or therapeutic treatment, intentionally caused stupor, unconsciousness or other physical impairment or injury to another person by administering to him, without his consent, a drug, substance or preparation capable of producing same. Respondent put the drug Prolixin into beverages in her

ex-boyfriend's refrigerator, with the intent of hurting him. The medication caused Parkinsonian symptoms.

Sentencing in the criminal matter has not yet taken place, but is currently scheduled for December 4, 1992.

SPECIFICATION OF CHARGE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law section 6530(9)(a)(i) (McKinney Supp. 1992) by being convicted of committing an act constituting a crime under New York state law in that Petitioner charges the facts alleged above.

DATED: Albany, New York

CHRIS STERN HYMAN
Counsel, B.P.M.C.
Bureau of Professional Medical
Conduct

COUNTY COURT OF THE STATE OF NEW YORK

COUNTY OF WESTCHESTER

-----X

THE PEOPLE OF THE STATE OF NEW YORK,

SCI #

-against-

1236S-92

MELANIE CANE,

PLEA

Defendant.

-----X

Westchester County Courthouse
111 Grove Street
White Plains, New York
September 22, 1992

BEFORE:

HON. JOHN CAREY,

Judge.

APPEARANCES:

CARL A. VERGARI, ESQ.
District Attorney
111 Grove Street
White Plains, New York
BY: ELYSE LAZANSKY, ESQ.

ROBERT ANELLO, ESQ.
Attorney for Defendant
530 Fifth Avenue
New York, New York 10036

DEBRA L. RINALDI,
Senior Court Reporter

1
2
3 THE CLERK: Number one on the SCI
4 arraignment calendar, People of the State of
5 New York against Melanie Cane, under SCI
6 1236S of '92. Will all parties step forward.
7 People ready?

8 MS. LAZANSKY: Ready.

9 THE CLERK: Defendant and defense
10 counsel ready?

11 MR. ANELLO: Ready.

12 THE CLERK: Counsel, put your appearance
13 on the record.

14 MR. ANELLO: Robert J. Anello,
15 from the firm of Morvillo, Abramowitz,
16 Grand, Isaacson and Silverberg for the
17 defendant, 530 Fifth Avenue, New York,
18 New York.

19 THE CLERK: Will the People put their
20 appearance on record, please.

21 MS. LAZANSKY: ADA Elyse Lazansky.

22 THE CLERK: Thank you.

23 MS. LAZANSKY: Elyse Lazansky,
24 Domestic Violence and Child Abuse
25 Bureau.

Judge, I submit to you a copy of

1
2 the felony complaint, copy of the SCI
3 and one copy of the order and waiver.

4 THE COURT: Miss Cane, I'm going
5 to arraign you on the felony complaint
6 which the district attorney has just
7 handed up. That means I'm going to
8 tell you the essence of what you're
9 accused of, after which you will confer
10 with your lawyer and make two
11 determinations. One is whether you
12 want to waive a felony hearing and the
13 other is whether you want to waive the
14 presentation of your case to the Grand
15 Jury. Now listen carefully.

16 The complaint charges that at 80
17 Hawley Avenue in the Village of Port
18 Chester, New York in May, 1992 you
19 committed the offense of assault in
20 the second degree in that during the
21 week of May 11th while at 80 Hawley
22 Avenue in Port Chester, New York, with
23 intent to cause physical injury to
24 another person you caused said injury
25 by means of a dangerous instrument.

1
2
3 You're also charged that in a
4 procedure other than lawful medical or
5 therapeutic treatment you intentionally
6 caused stupor, unconsciousness or other
7 physical impairment or injury to
8 another person, administering to him
9 without his consent a drug substance or
10 preparation capable of producing the
11 same. Namely, you introduced the drug
12 Prolixin into a soda bottle which the
13 person injured consumed causing serious
14 physical injury in the form of
15 Parkinson-like symptoms so severe that
16 the victim required brain biopsy and
17 other extended medical treatment.

18 Now, as I said you should confer
19 with your lawyer and decide whether you
20 want to waive felony hearing and
21 whether you want to waive presentation
22 of your case to the grand jury.

23 MR. ANELLO: Your Honor, we have
24 conferred on that matter and I believe
25 Miss Cane is prepared to waive.

THE COURT: We will require written

waiver of indictment.

3 MR. ANELLO: Miss Cane has read
4 them and is signing them now.

5 THE CLERK: They have the copies
6 in front of them, your Honor. They
7 gave the extra copy back. Waiver has
8 been signed, Judge.

9 THE COURT: Miss Cane, I find that
10 you have knowingly and voluntarily
11 executed a waiver of indictment and I'm
12 entering an order approving and
13 accepting your waiver now charged in
14 superior court information 92-1236 with
15 assault in the second degree committed
16 as follows:

17 The Defendant, in the Village of
18 Port Chester, County of Westchester,
19 State of New York, on or about and
20 between April 24th and May 17th, 1992
21 for a purpose other than lawful medical
22 or therapeutic treatment, intentionally
23 caused stupor, unconsciousness or other
24 physical impairment or injury to
25 another person by administering to him

3 without his consent a drug, substance
4 or preparation capable of producing the
5 same.

6 Please confer with your lawyer and
7 decide whether you want to plead guilty
8 or not guilty to that charge.

9 MR. ANELLO: Your Honor, we have
10 conferred and we've indicated we would like
11 to plead guilty pursuant to the
12 conference.

13 THE COURT: Miss Cane, you'll be
14 sworn and then we'll ask you some
15 questions.

16 (Defendant sworn.)

17 MS. LAZANSKY: Miss Cane, I'm going to
18 ask you some questions. Now if there
19 is anything you don't understand ask me
20 or your attorney to explain. Okay?

21 THE DEFENDANT: Yes.

22 MS. LAZANSKY: Are you Melanie
23 Cane represented by Mr. Anello?

24 THE DEFENDANT: Yes.

25 MS. LAZANSKY: Do you have any
problem in understanding the English

1
2 language?

3 THE DEFENDANT: No.

4 MS. LAZANSKY: Did you hear your
5 attorney's application to the Court?

6 THE DEFENDANT: Yes.

7 MS. LAZANSKY: Is this also your
8 application?

9 THE DEFENDANT: Yes.

10 MS. LAZANSKY: How old are you?

11 THE DEFENDANT: 31.

12 MS. LAZANSKY: Have you consumed any
13 alcoholic beverages, any medication or other
14 drugs today?

15 THE DEFENDANT: Yes. I had
16 Prozac, 20 milligrams, in the morning.

17 MS. LAZANSKY: Does that affect
18 your ability to understand anything
19 that has gone on here today?

20 THE DEFENDANT: No, it does not.

21 THE COURT: I didn't hear what you
22 said.

23 THE DEFENDANT: Prozac, 20
24 milligrams.

25 THE COURT: You took that today?

1
THE DEFENDANT: Yes.

3 THE COURT: What's the daily dose?

4 THE DEFENDANT: 20 milligrams.

5 THE COURT: Go ahead.

6 MS. LAZANSKY: Do you understand that
7 you have an absolute right to remain
8 silent in the face of the charges
9 against you and that by entering a plea
10 of guilty you're giving up that right
11 and incriminating yourself?

12 THE DEFENDANT: Yes, I do.

13 MS. LAZANSKY: Have you discussed this
14 matter with your attorney?

15 THE DEFENDANT: Yes.

16 MS. LAZANSKY: Have you had enough
17 time to talk to your attorney and make
18 a decision?

19 THE DEFENDANT: Yes.

20 MS. LAZANSKY: Are you satisfied with
21 the representation given to you by your
22 attorney?

23 THE DEFENDANT: Yes.

24 MS. LAZANSKY: Do you understand
25 that you have a right to a trial by a

jury or by the Court sitting alone with
3 respect to these charges?

4 THE DEFENDANT: Yes.

5 MS. LAZANSKY: Do you understand that at
6 such a trial the People would have to prove
7 every element of the crimes with which you
8 are charged beyond a reasonable doubt to
9 secure a conviction of those crimes?

10 THE DEFENDANT: Yes.

11 MS. LAZANSKY: Do you understand
12 that at such a trial you would have the
13 right to confront the People's
14 witnesses and cross-examine them
15 through your attorney?

16 THE DEFENDANT: Yes.

17 MS. LAZANSKY: Do you understand that at
18 such a trial you would have the right
19 to call witnesses and testify on your
20 own behalf if you wished?

21 THE DEFENDANT: Yes.

22 MS. LAZANSKY: Do you understand that by
23 your plea of guilty you waive, that is give u
24 all of those rights I just mentioned?

25 THE DEFENDANT: Yes.

3 MS. LAZANSKY: Do you understand that
your plea of guilty is a conviction?

4 THE DEFENDANT: Yes.

5 MS. LAZANSKY: Just as if you had gone
6 to trial and been found guilty of those
7 charges?

8 THE DEFENDANT: Yes.

9 MS. LAZANSKY: Has anyone
10 threatened, coerced or forced you in
11 any way to plead guilty?

12 THE DEFENDANT: No.

13 MS. LAZANSKY: Are you entering this
14 plea of guilty freely and voluntarily?

15 THE DEFENDANT: Yes.

16 MS. LAZANSKY: Do you understand that
17 you are pleading guilty to a class D felony
18 for which the maximum sentence is seven years
19 in State prison?

20 THE DEFENDANT: Yes.

21 MS. LAZANSKY: Do you understand
22 that if you are again convicted of a
23 felony your plea today may subject you
24 to a greater sentence than if you had
25 not been convicted?

THE DEFENDANT: Yes.

3 MS. LAZANSKY: The Court has held a
4 conference with myself and your
5 attorney. During that conference the
6 Court made a preliminary sentence
7 indication.

8 Your Honor, would you like to
9 indicate your preliminary sentence
10 recommendation for the record?

11 THE COURT: Yes. Miss Cane, I
12 had a meeting with your lawyer and the
13 district attorney on September the 4th
14 and we discussed the facts of the case.
15 We discussed your own situation, the
16 professional vantage point from which
17 you committed this offense, and I made
18 the following promise: That you would
19 receive five years probation, during
20 which you would be forbidden to engage
21 in any health-related activity
22 whatsoever, which would of course mean
23 you would surrender your medical
24 license, pay \$60,000 in restitution and
25 serve up to four months of weekends in

1 the county jail. I said you would pay
2 a fine of several thousand dollars and
3 I'll specify that now as \$5,000. Is
4 that clear?
5

6 THE DEFENDANT: Yes.

7 MS. LAZANSKY: Miss Cane.

8 MR. ANELLO: Your Honor, if I might.

9 In connection with the agreement I understand
10 in addition to that the assault charge that
11 she pleads to will be in satisfaction of all
12 charges, and that the People do not
13 oppose our request for probation, and
14 that your Honor will keep your mind
15 open with regard to the sentencing.
16 We plan on making a sentencing
17 presentation to your Honor which will
18 include letters from Miss Cane's
19 psychiatrist.

20 THE COURT: According to my notes
21 the People have not requested anything
22 particular in regard to sentence. Am
23 I right?

24 MS. LAZANSKY: Yes, that's
25 correct, your Honor. We stand by the

1
2 earlier conference.

3 MR. ANELLO: And we will be making
4 a presentation to your Honor concerning
5 the background and the mitigating
6 circumstances that led to this offense.

7 THE COURT: Bear in mind, Mr.
8 Anello, if I find out something in the
9 course of your presentation or in any
10 other way --such as the probation
11 report -- that I'm not now aware of
12 which is extremely bad, I might be put
13 in the position where I could not honor
14 my promise and therefore you would have
15 a -- your client would have an
16 opportunity in consultation with you to
17 consider withdrawing her guilty plea.

18 MR. ANELLO: We understand that,
19 your Honor. We also are asking, there
20 were circumstances concerning the
21 offense which we believe your Honor may
22 not be fully aware of which we hope to
23 make you aware of in a sentencing
24 presentation.

25 THE COURT: Well, there may be

1
2 some good things that I don't know and
3 there may also be some bad things, so
4 bear that in mind.

5 MR. ANELLO: Also, with regard to
6 restitution in full, for full
7 restitution we understand that Brad
8 Foote (phonetic) would provide releases
9 in connection with the event.

10 THE COURT: Well, that is a civil
11 matter which is not the concern of this
12 Court.

13 MS. LAZANSKY: And that can be
14 determined at a later date.

15 MR. ANELLO: Very well.

16 MS. LAZANSKY: Miss Cane, other
17 than the Court's intention on sentence
18 which he has just indicated, has anyone
19 made you any promises or threatened or
20 coerced you in any way to get you to
21 plead guilty today?

22 THE DEFENDANT: No.

23 MS. LAZANSKY: And you also understand
24 that if the Court feels that a later date
25 that it cannot comply with its

1
2 preliminary sentence indication you
3 will have an opportunity to withdraw
4 your plea?

5 THE DEFENDANT: Yes.

6 MS. LAZANSKY: Do you understand
7 that you would have the right to appeal
8 your conviction and sentence to the
9 Appellate Division, Second Department
10 by the filing of a notice of appeal
11 unless you have waived, that is given
12 up, your right to do so?

13 THE DEFENDANT: Yes.

14 MS. LAZANSKY: Do you further
15 understand that if you wish to enter
16 this plea agreement you will be
17 required to waive this right to appeal
18 your conviction and sentence?

19 THE DEFENDANT: Yes.

20 MS. LAZANSKY: Have you discussed
21 this particular matter with your
22 attorney?

23 THE DEFENDANT: Yes.

24 MS. LAZANSKY: Do you now
25 voluntarily waive your right to appeal

1
2 your conviction and sentence under this
3 SCI?

4 THE DEFENDANT: Yes.

5 MS. LAZANSKY: This is an SCI if
6 I'm correct, and there are no motions
7 to be withdrawn; is that correct?

8 MR. ANELLO: That's correct.

9 MS. LAZANSKY: Do you understand
10 that your statements made here today by
11 you may be used against you in other
12 judicial proceedings?

13 THE DEFENDANT: Yes.

14 MS. LAZANSKY: Do you now plead
15 guilty to assault in the second
16 degree?

17 THE DEFENDANT: Yes.

18 MS. LAZANSKY: Do you admit that
19 in the Village of Port Chester, County
20 of Westchester and State of New York,
21 on or about and between April 24th,
22 1992 and May 17th, 1992, for purposes
23 other than lawful medical or
24 therapeutic treatment, you
25 intentionally caused stupor,

1
2 unconsciousness or other physical
3 impairment or injury to another person
4 by administering to him without his
5 consent a drug, substance or
6 preparation capable of producing the
7 same, in that you administered an
8 amount of Prolixin in a soda bottle
9 which was then ingested by the victim
10 Bradley Foote which caused Parkinsonian
11 symptoms?

12 THE DEFENDANT: Yes.

13 MS. LAZANSKY: Miss Cane, do you
14 have any questions?

15 THE DEFENDANT: No.

16 MS. LAZANSKY: Do you understand
17 everything that's been said here?

18 THE DEFENDANT: Yes.

19 MS. LAZANSKY: Your Honor, this is
20 a plea of guilty to assault two
21 offered in full satisfaction of the SCI
22 and the charge contained therein. In
23 view of the conference the People
24 recommend acceptance of the plea in the
25 interests of justice.

1
2 THE COURT: Miss Cané, tell me what
3 happened.

4 THE DEFENDANT: In or about May of
5 1992 I put Prolixin into beverages in
6 my ex-boyfriend's refrigerator in Port
7 Chester with the intent of hurting him,
8 knowing that this medication was not
9 legal but it would affect him.

10 THE COURT: What effect did you
11 know it would have on him?

12 THE DEFENDANT: I knew that it
13 would make him feel very tired and
14 probably cause him to have physical
15 pain.

16 THE COURT: Is that all you knew
17 it would do to him?

18 THE DEFENDANT: Yes.

19 THE COURT: Before you did this
20 did you research the effects of a
21 massive overdose of Prolixin or did you
22 depend on your memory?

23 THE DEFENDANT: I researched it.

24 THE COURT: And that's all you
25 found?

1
2 THE DEFENDANT: I found that there
3 were other possible consequential side-
4 effects. However --

5 THE COURT: What are they?

6 THE DEFENDANT: -- I did not
7 intend on having those.

8 THE COURT: What are they?

9 THE DEFENDANT: Dystonic
10 reactions, Parkinsonian-like symptoms.

11 THE COURT: Long term, right?

12 THE DEFENDANT: Very unlikely with a
13 small dose.

14 THE COURT: Small dose?

15 THE DEFENDANT: One time deal.

16 THE COURT: Was the dose small?

17 THE DEFENDANT: I would estimate
18 that it was roughly 40 milligrams or
19 so.

20 THE COURT: Oh, really?

21 THE DEFENDANT: Yes.

22 THE COURT: Well, the district
23 attorney at the conference told me that
24 it was between 125 and 150 milligrams.
25 Any idea where that information came

1
2 from?

3 THE DEFENDANT: No.

4 THE COURT: It could not have come
5 from anybody but you, could it?

6 MR. ANELLO: Your Honor, I think
7 the district attorney indicated that
8 she had information that Melanie Cane
9 used her fingers to indicate how much.
10 I think that it is that Ms. Cane is
11 unaware of exactly how much she used,
12 and I think --

13 THE COURT: Well, would you mind
14 if I get my information from her at
15 this stage?

16 MR. ANELLO: Very well.

17 THE COURT: Where would this
18 figure of 125 to 150 milligrams have
19 come from except from you, Miss Cane?

20 THE DEFENDANT: The only time that
21 I had mentioned or indicated any amount
22 was as Mr. Anello said, by using my
23 fingers to show Brad how much I
24 administered.

25 THE COURT: How was it that

1
2 they came up with the figure of 125 to
3 -150?

4 THE DEFENDANT: I don't know.

5 MS. LAZANSKY: I believe I can
6 clarify that.

7 THE COURT: I'm trying to get
8 information from the defendant right now.

9 MS. LAZANSKY: All right.

10 THE DEFENDANT: I don't know that.

11 THE COURT: Who did you indicate with
12 your fingers to?

13 THE DEFENDANT: To Brad Foote.

14 THE COURT: Pardon?

15 THE DEFENDANT: To Brad Foote. To
16 my ex-boyfriend.

17 MR. ANELLO: He's the victim.

18 THE COURT: And you took a dose
19 today of how many milligrams of Prozac?

20 THE DEFENDANT: 20 milligrams.

21 THE COURT: At the time when you
22 put the Prolixin in the beverage is it
23 true that you had overdosed yourself on
24 Prozac?

25 THE DEFENDANT: I'm not very

1
2 clear. At that time I was on a
3 variety of medications. I was -- I
4 took more than 20 milligrams of Prozac
5 I'm sure once I overdosed.

6 THE COURT: How much did you take?

7 THE DEFENDANT: I was taking 40
8 milligrams.

9 THE COURT: You took 40 or you
10 were taking 40?

11 THE DEFENDANT: I took 40
12 milligrams. I was taking 40
13 milligrams.

14 THE COURT: By prescription?

15 THE DEFENDANT: Yes. I had
16 discussed it with my psychiatrist.

17 THE COURT: Who decided on the 40,
18 you or your psychiatrist?

19 THE DEFENDANT: We did it
20 together.

21 THE COURT: Did your psychiatrist
22 write out a prescription?

23 THE DEFENDANT: I don't really remember.
24 Sometimes he wrote it, sometimes I
25 wrote it.

1
2 THE COURT: Did you go to a drugstore
3 and buy it or did you have it on hand,
4 or what?

5 THE DEFENDANT: No. I got it
6 through -- I think I got it through the
7 hospital where I was working with a
8 prescription.

9 THE COURT: Are you licensed by the
10 State of New York to practice medicine?

11 THE DEFENDANT: Yes, I was.

12 THE COURT: Are you licensed by any
13 other State to practice medicine?

14 THE DEFENDANT: No, I'm not.

15 THE COURT: When did you get your
16 license?

17 THE DEFENDANT: Roughly in
18 February of '92.

19 THE COURT: Are you aware of any
20 notorious instances of misuse by licensed
21 doctors of their craft in this century
22 on a massive scale?

23 THE DEFENDANT: I'm aware of unethical
24 behavior.

25 THE COURT: Do you want me to repeat my

1
2 question?

3 THE DEFENDANT: I'm aware of -- am
4 I aware of any notorious?

5 THE COURT: Instances of misuse of
6 medical knowledge by licensed physicians on
7 a massive scale? Are you aware or
8 not?

9 THE DEFENDANT: No, I'm not.

10 THE COURT: You're sure you're not?

11 THE DEFENDANT: (No response.)

12 THE COURT: I'm going to require
13 you to do some reading in that field as
14 part of your probation. You may have
15 only done this once, but it's a
16 slippery slope when a doctor first
17 decides to use his or her profession by
18 misusing medical skills. I'll ask the
19 district attorney to research recent
20 books on the use by Nazi doctors of
21 medical skills, abuse of people.
22 There is a definitive book that came
23 out about that three or four years
24 ago regarding the Nazi war doctors.

25 MS. LAZANSKY: Yes.

1
2 THE COURT: A normal dose if there
3 is such a thing on Prolixin is what,
4 would you say?

5 THE DEFENDANT: Roughly 10 to 20
6 milligrams a day.

7 THE COURT: That's prescribed for
8 what?

9 THE DEFENDANT: Excuse me?

10 THE COURT: That is prescribed for
11 what?

12 THE DEFENDANT: Psychotic
13 symptoms.

14 THE COURT: All right. Guilty
15 plea will be accepted and we'll discuss
16 the date of sentence. For a crime in
17 which there is a victim it is required
18 now that they allow at least ten weeks
19 for the district attorney to fulfill
20 her duties and contact the victim for a
21 definitive victim impact statement.
22 Make it December 1st.

23 Mr. Anello, if there is a
24 particular day of the week that suits
25 you best please say so.

MR. ANELLO: No, I think I'm free
3 in December.

4 THE COURT: All right. Let's make
5 it Friday the 4th.

6 (Pedigree taken.)

7 THE CLERK: Counsel, your client
8 is presently out on bail?

9 MR. ANELLO: Yes.

10 THE CLERK: Bail was posted where?

11 MR. ANELLO: It was posted in Port
12 Chester.

13 THE CLERK: And what was the amount of
14 that bail?

15 MR. ANELLO: \$500 cash.

16 THE CLERK: Will you make
17 application that that bail be
18 transferred to County Court. Make
19 application.

20 MR. ANELLO: I would ask that be
21 transferred.

22 THE COURT: So ordered.

23 THE CLERK: I'm handing to defense
24 counsel a copy of the Court's request
25 for probation information. Suggest

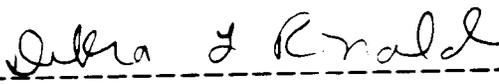
1
2 your client go to the fifth floor now,
3 show that paper and set up an interview
4 date. And also a copy of the cash bail
5 transfer order, and that should be
6 given to the suretor so that you know
7 where the money is located.

8 MR. ANELLO: Your Honor, you said
9 December 4th. Did you set a time for
10 sentence?

11 THE COURT: First thing in the
12 morning, 9:30.

13 MR. ANELLO: Thank you.
14

15 CERTIFIED TO BE A TRUE AND CORRECT
16 TRANSCRIPT OF MINUTES IN THIS CASE

17 
18 _____
19 DEBRA L. RINALDI
20 Senior Court Reporter
21
22
23
24
25

COUNTY COURT
COUNTY OF WESTCHESTER : STATE OF NEW YORK

-----X

THE PEOPLE OF THE STATE OF NEW YORK

SUPERIOR COURT INFORMATION

S.C.I. #92-1236

FILED

SEP 29 1992

ANDREW J. SPINA
COUNTY CLERK
COUNTY OF WESTCHESTER

- against -

MELANIE CANE,

Defendant.

-----X

FIRST COUNT

120.05/05/67

BE IT REMEMBERED, that I, CARL A. VERGARI, District Attorney of the County of Westchester, by this Superior Court Information, accuse the defendant of the crime of **ASSAULT IN THE SECOND DEGREE**, committed as follows:

The defendant, in the Village of Port Chester, County of Westchester and State of New York, on or about and between April 24, 1992 and May 17, 1992, for a purpose other than lawful medical or therapeutic treatment, intentionally caused stupor, unconsciousness or other physical impairment or injury to another person by administering to him, without his consent, a drug, substance or preparation capable of producing same.

Carl A. Vergari

CARL A. VERGARI
District Attorney, Westchester County