

Heparin Overdose: Murder Conviction Upheld.

The Court of Appeal of California upheld the second-degree murder conviction of the man who stabbed the victim outside a bar.

A nurse at the hospital where the victim bled to death gave 100,000 units of Heparin instead of the 1,000 units ordered in preparation for a transfusion. The medical examiner ruled the stab wounds the primary cause of death and the Heparin a significant contributing factor.

A healthcare provider's negligence in treatment of a crime victim is a defense to prosecution for homicide only if the negligence fits the legal definition of "gross negligence" and the negligence can be ruled to have been the sole cause of the victim's death.

In this case, according to the court, it could not be proven conclusively that the victim would have survived his wounds even without the nurse's negligence, so the nurse's negligence was no defense. **People v. Gutierrez, 2006 WL 2875504 (Cal. App., October 11, 2006).**