

<http://www.ohio.com/mld/ohio/news/local/7344798.htm?1c>

Posted on Tue, Nov. 25, 2003

**Life-support ruling this week; Summit judge to decide man's care**

By Phil Trexler, Beacon Journal staff writer

For now, Gerald Carpenter is in the hospital's intensive care unit. He is no longer on a respirator and is breathing on his own.

Doctors have said, however, he is unresponsive to all stimuli except pain and there is no hope for recovery after suffering three strokes in September. He is being fed through a tube and his airways repeatedly are cleared to allow his lungs to function.

Carpenter can open his eyes and move his limbs, but a doctor testified he has little time left, regardless of the judge's decision.

Dr. Steven Radwany, an ethics committee representative for the hospital, testified that Carpenter, as he is being treated now, will die in the next several months as infections and pneumonia recur in his lungs.

Without the clearing of his lungs and the feeding tube, Carpenter would die in a few days, he said.

Radwany said it was in Carpenter's "best interest to discontinue all invasive, life-sustaining measures" that would stop the dying process.

"It is the consensus among the physicians that he will not improve from this state," Radwany testified. "He is terminal."

---

<http://www.ohio.com/mld/beaconjournal/news/local/7361841.htm>

**Comatose man's fate sealed: Summit County judge sides with son of 82-year-old patient, saying Akron physicians should not prolong dying process'**

By Phil Trexler Beacon Journal Nov. 27, 2003

Prolonging the life of a comatose patient "would be futile and cruel," a Summit County judge has ruled in resolving a dispute between a son and a court-appointed attorney.

Late Wednesday, Probate Judge Bill Spicer issued an order siding with the son of Gerald Carpenter.

The judge ruled that doctors at Akron City Hospital should keep the 82-year-old man "comfortable with no surgical procedures to prolong the dying process."

Ashland lawyer Josiah Mason, appointed Carpenter's guardian by another judge, had wanted doctors to do all they could to keep the Ashland County man alive.

Mason, who has never talked to Carpenter, was relying on a medical form the man signed when he was admitted to an Ashland nursing home in June. Carpenter told a nurse he wanted medical staffers to do all they could to prevent his death.

Spicer ruled that the form is invalid because it addressed only life-saving measures to be taken in the event Carpenter suffered a heart

attack -- and not the prolonged state of unconsciousness the man is currently in.

"I think that's absolutely appropriate and I think the judge did the right thing," said Wm. Travis McIntyre, the attorney for Carpenter's son, Ernest.

McIntyre said he expects Carpenter to meet with his father's doctors on Friday to determine a treatment plan.

Ernest Carpenter, 54, of Perrysville testified this week that his father would not want to live in a vegetative state.

An Akron City Hospital doctor also testified on Monday that the elder Carpenter's condition is terminal, the result of three strokes in September. Carpenter was recently removed from a ventilator and is breathing on his own.

While he can open his eyes and move his limbs, Carpenter is otherwise unresponsive to all stimuli except pain. He is fed through a tube and has his airways regularly cleared of fluid.

Dr. Steven Radwany testified that Carpenter will continue to suffer bouts of pneumonia and could live several months in his current condition, or just days if his feeding tube is removed and his lungs are no longer cleared.

Mason did not return a call for comment. Wallace W. Walker Jr., an Akron attorney Mason hired to represent him and Gerald Carpenter in the probate proceeding, could not be reached.

An Ashland County judge appointed attorney Mason as Carpenter's guardian in October when hospital officials could not locate any family members. The hospital had determined Carpenter's health was terminal and wanted permission to remove him from life support.

Mason testified hospital officials knew about the form Carpenter signed at the nursing home but did not tell him. He went to court to fight Ernest Carpenter, who wanted to be his father's legal guardian, and he fought the hospital, whose doctors recommended suspending life support.

Ernest Carpenter lost his bid to be guardian when Ashland County Probate Judge Damian Vercillo ruled the son had not seen his father in many months and may have a conflict of interest in seeing his father die.

Ernest Carpenter is the direct heir of his father's estate, estimated to be worth \$300,000. The amount is expected to be reduced from medical bills and fees charged to represent him by Mason and Walker.

Gerald Carpenter, a retired steelworker, was divorced more than 50 years ago and lived a reclusive life in a tiny house worth about \$5,000. His ex-wife and two other children are dead.

Ernest Carpenter testified he had not talked to his father since April when the two had a spat. Ernest Carpenter was unaware of his father's admission to the nursing home for arthritis or his transfer to Akron City Hospital following the strokes.

"You talk about winning and losing, well, Mr. Carpenter still has to arrange a funeral and bury his dad," McIntyre said. "That's not winning. But when you're in line with the doctors, it helps out."

Phil Trexler can be reached at 330-996-3717 or [ptrexler@thebeaconjournal.com](mailto:ptrexler@thebeaconjournal.com)