

Lawyer to defend California nurse Nicole Linton at preliminary hearing over fatal car accident

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12 April 2023

Nicole Linton, a traveling nurse facing six murder charges and five manslaughter charges for her role in a car accident, recently appeared before a judge in Los Angeles. Her lawyer, Jacqueline Sparagna, told the judge that on the night of the accident, Linton had a seizure while driving and temporarily froze at the wheel. Sparagna plans to provide evidence for this assertion at Linton's preliminary hearing, which is scheduled for April 17.

Linton, who was working at Kaiser Permanente's West Los Angeles Medical Center at the time of the accident, is being held without bail in a county jail. She has pleaded not guilty to all the charges and has appeared visibly distraught in court. Conviction on all counts could entail a sentence of 90 years to life in prison.

Like nurses around the world, Linton has confronted punishing conditions, such as short staffing and overwork, that have been exacerbated by the pandemic. The health care corporations have refused to improve these conditions, which risk the health of nurses and patients alike. They have preferred to keep their expenses at a minimum so that they may maintain their profits. When these unsafe conditions have given rise to tragedies, the corporations have been scapegoating nurses to obscure their own responsibility.

The accident for which Linton has been charged took place on August 4, 2022. Police say that she was traveling at 130 mph when she drove through a red light. She hit several cars, and three of them burst into flames. Asherey Ryan, her son Alonzo Quintero and her fiancé Reynold Lester all died in the crash, along with Nateshia Lewis and Lynette Noble. Ryan was pregnant at the time of the accident. The sixth murder

charge, which relates to the death of Ryan's fetus, is a reactionary concession to the religious right and occurs in the context of the overturn of *Roe v. Wade*.

"We are going to put on a defense at the preliminary hearing, which is rare," Sparagna told the *New York Post*. She said that at the time of the accident, Linton had not slept for four days. Lack of sleep can not only trigger seizures, but also increase their intensity or length.

Sparagna told Judge Victoria Wilson that she plans to call a leading neurologist to testify in Linton's defense. She did not give the neurologist's name but said that he or she is a leading expert in epilepsy and seizures. "Everything that the doctor has reviewed is consistent with her having a seizure," Sparagna told the *Post*. "People who fall asleep at the wheel go limp, but if they have a seizure, everything tenses up. That is consistent with why her foot was on the pedal."

The night of the accident would not have been the first time that Linton had a seizure. In 2018, she had a seizure characteristic of frontal lobe epilepsy and lapsed into a catatonic state. This event was the first of several such attacks.

Linton also has a history of mental health problems. After having a manic episode in May 2018, she received a diagnosis of bipolar disorder, according to a website created by her family. Linton has had several manic episodes and has received inpatient treatment several times, as well as outpatient treatment. "She's being treated for mental health issues in county jail, so the government's own doctors concede this is a mental health case," Sparagna told the *Post*. "She simply did not, and could not, commit murder."

Prosecutors, however, have flatly denied that Linton

was unconscious or incapacitated at the time of the accident, even suggesting that her actions were deliberate. They maintain that she is fully responsible for the “NASCAR-worthy performance,” as they sneeringly described the accident in a court filing. Judge Wilson has adopted the prosecution’s attitude. She denied Linton bail and said that “she stole six innocent lives.”

Notably, the California Nurses Association and its parent union National Nurses United have said nothing in Linton’s defense. Their silence indicates their tacit acceptance of Linton’s vilification and prosecution.

The horrific car accident comes at a time when short staffing and rising inflation are contributing to increases in burnout, emotional exhaustion and compassion fatigue among nurses. Recent data indicate that the combined incidence of anxiety symptoms among nurses worldwide is 29 percent, and the combined incidence of depression is 22 percent. The International Council of Nurses has found that the current state of the nursing workforce should be considered a global health emergency. These dangerous conditions have increased the risk of errors and accidents that put lives at risk.

They also have contributed to a wave of health care worker strikes around the world. To cite only one example, nurses in the United Kingdom have struck against grueling conditions and government plans to impose austerity. But the Royal College of Nursing (RCN), which claims to represent these workers, agreed to a contract that provides raises of only 5 percent, which represents a cut to real wages when inflation is considered. Rather than fighting for nurses’ most urgent needs, the RCN has sought to control workers’ anger and impose the government’s terms on them. In health care and other industries, the unions have degenerated into the handmaidens of the companies and of the state. They no longer represent workers in any genuine sense.

As the unions seek to suppress health care workers’ opposition, the hospital corporations are scapegoating nurses for errors and accidents made possible by unsafe conditions. Former nurse RaDonda Vaught was prosecuted for a medical error that led to a patient’s death. The error resulted from serious failures in Vanderbilt University Medical Center’s medication dispensing system.

Michelle Heughins, a nurse in charge of involuntary manslaughter in the death of an inmate who was killed by police officers. Heughins was the only person at the scene who tried to save the inmate’s life.

Aminata Fofana, a former nurse at a nursing home, pleaded guilty to involuntary manslaughter for failing to replace a debilitated patient’s tracheostomy mask after she had removed it and cleaned it. It is unclear whether the nursing home had any alarms, safeguards or video surveillance in place to prevent such an occurrence.

Like these nurses, Linton is being held responsible for the systemic failures of the health care industry. To protect overworked and exhausted nurses from scapegoating, and to protect patients from potentially fatal accidents and errors, will require health care workers to fight to replace for-profit medicine with socialized medicine.



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