(Continued)

for medical assistance until February 22. . . . Further, despite Gargus's testimony that she bathed the victim daily and rubbed lotion on the victim's feet as late as February 22, she somehow failed to notice that the victim's left leg was not getting any blood supply, was cold and blue, and had gas under the skin consistent with gangrene. The jury was entitled to infer that as a trained CNA, Gargus knew that failing to seek treatment for a diabetic whose leg was in such a necrotic condition was practically certain to cause serious physical injury or harm to the victim. Last, as a CNA, Gargus was trained in the importance of hygiene, but isolated the victim in a mobile home infected with mice that had feces on the floor, molding food in the kitchen, and a nonworking bathroom. Moreover, Gargus stated to investigators that she washed the victim's clothing in flea-ridden, foul-smelling muddy gray water. Because she was a CNA trained in the importance of hygiene, the jury could infer Gargus knew the condition of the home was certain to cause serious physical injury or harm to the victim, a diabetic with multiple bedsores in various stages of development. Indeed, the victim later died of a massive infection.

The evidence shows that Gargus had a duty to act to prevent injury to the victim and that Gargus knew about but failed to provide the proper treatment of bedsores, failed to ensure the victim ate and drank, and failed—despite her twenty-plus years as a CNA—to notice the condition of the victim's leg. . . . Therefore, we find there was sufficient evidence from which a reasonable trier of fact could conclude Gargus knowingly caused serious physical injury to the victim.