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## Fletcher Allen surgeon to face new sex charges

By Sam Hemingway  
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Joseph A. Abate, a Fletcher Allen Health Care orthopedic surgeon, will be arraigned today on 12 new charges involving sexual misconduct with a number of female patients, Attorney General William Sorrell said Wednesday.

"There are multiple charges and multiple victims," Sorrell said.

Sorrell said the new charges, all felony counts, included sexual assault, aggravated sexual assault, and lewd and lascivious claims. He declined comment on how many victims were involved.

"I think the charges will speak for themselves," Sorrell said. "We are taking this case very seriously."

Eric Miller, Abate's lawyer, issued a statement Wednesday calling the new charges a "tragic mistake." He said Abate's conduct in "these types of examinations" was medically proper and similar to procedures followed by other doctors in Vermont and the nation.

"While the state's additional charges are disappointing, they are not surprising," Miller said. "We urge the rest of the community to withhold judgment until all the facts are in."

Abate, director of sports medicine within orthopedics and rehabilitation at Fletcher Allen in Burlington, has been on administrative leave from the hospital and his teaching position at the University of Vermont since he was charged in June with sexual assault and lewd and lascivious conduct involving a 22-year-old woman.

According to a police affidavit in that case, Abate touched the woman's genitals during follow-up examinations after she had undergone knee surgery in early 2007. She told police about the incidents in April.

"She didn't understand why Abate was doing it, and he never explained what he was doing and why," the affidavit from the June case said in recounting Abate's actions during the examinations.

Abate pleaded not guilty to the charges in June and was released on \$25,000 bail. Sorrell declined to say whether he would seek to have Abate's bail increased after today's arraignment on the new charges.

Sorrell said the new charges were the result of an extensive investigation by the Chittenden Unit for Special Investigations and the investigation remains active.

Sorrell also said his office had taken over prosecution of the case. Thomas J. Donovan, Chittenden County state's attorney, said the move to have Sorrell's office prosecute the case was his idea.

"When I saw the allegations and the nature of the allegations, I recognized my office did not have the resources to handle it, and I asked the attorney general to take the case," Donovan said. "Bill did it without question."

Abate, 47, of South Burlington, has been at Fletcher Allen for about 10 years, according to UVM's Web site. He was the orthopedic team physician for UVM and St. Michael's College and, according to the Web site, the recipient of several awards for research and teaching.

"Dr. Abate has spent his career helping young athletes at the University of Vermont, St. Michael's College and area high schools and youth leagues," Miller's statement said in part. "He has performed much of this work on a volunteer basis."

His arraignment on the new charges is scheduled to take place at 1 p.m. in Vermont District Court in Burlington.

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