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Doctor acquitted on pill charges

BY JAY WEAVER

A federal jury in Miami found a Miami Beach doctor not guilty Thursday of illegally prescribing painkillers to his patients, including a West Palm Beach man who died of a drug overdose.

The jurors, who deliberated for half a day, cleared Dr. Ali Shaygan of 141 charges after a month-long trial that was marred by clashes between prosecutors and defense attorneys over government witnesses.

Shaygan, 37, who completed his residency at the Mayo Clinic, had his career on the line. Had the jury found him responsible for the 2007 death of the West Palm Beach patient, James "Brendan" Downey, the physician could have faced a minimum of 20 years in prison.

"Justice prevailed," said the doctor's attorney, David O. Markus, who worked on the case with lawyers Marc Seitles and Robin Kaplan. "This shows why the American justice system is the best in the world."

Markus sparred with prosecutors throughout the trial, accusing them of misconduct. He found out inadvertently that two government witnesses had tape-recorded him and his private investigator -- at the direction of the prosecution -- and then kept it all secret during their testimony in February. On Tuesday, one of the government witnesses, Trinity Clendening, admitted he recorded Markus on his home telephone twice in December. Clendening acknowledged he was an informant for the U.S. Drug Enforcement Administration.

Markus contended that the recordings, along with a second government witness' taping of his private investigator, may have improperly given prosecutors a window into the defense strategy.

U.S. District Judge Alan Gold said he would address that matter Monday. It could result in sanctions against the prosecution team: Assistant U.S. Attorneys Sean Cronin and Andrea Hoffman and their narcotics section supervisor, Karen Gilbert, who authorized the recordings.

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