

# Judge blasts federal prosecutors in Miami prescription case; orders \$600,000 paid to physician

[Judge blasts secret recordings in prescription case; orders \\$600,000 sanction to help pay physician's legal bills](#)

By Vanessa Blum South Florida Sun-Sentinel April 10, 2009

MIAMI

Calling the actions of prosecutors "profoundly disturbing," a federal judge has ordered the U.S. government to pay sanctions topping \$600,000 in the case of a South Florida physician charged with illegally prescribing painkillers.

In a harshly-worded order, U.S. District Judge Alan Gold said the "win-at-any-cost behavior" of federal prosecutors Sean Cronin and Andrea Hoffman raised "troubling issues about the integrity of those who wield enormous power over the people they prosecute."

Dr. Ali Shaygan, 36, a Miami Beach resident, was found not guilty March 12 of 141 counts of unlawful prescribing.

Prosecutors had accused Shaygan of selling prescriptions for powerful pain medications without legitimate medical purpose, leading to the overdose death of a West Palm Beach man.

As his trial was under way, defense lawyers learned that two witnesses had secretly recorded their phone conversations with the defense team with approval from prosecutors and government agents.

The investigation, purportedly to look into witness tampering by the defense, resulted in three recordings that were not disclosed to Gold or Shaygan's lawyers, David O. Markus, Marc Seitles and Robin Kaplan.

The recordings captured of Markus and his investigator violated internal policies of the U.S. Attorney's Office and federal evidentiary rules because defense lawyers were not informed of their existence.

"We regret that any of this ever happened in the first place but we are grateful that Judge Gold took it seriously and did the right thing," Markus said.

Alicia Valle, a spokeswoman for the U.S. Attorney's Office, said mistakes were made in the case, but they were not intentional. Following the jury's not-guilty verdict, Gold grilled the government team at a two-day hearing to determine whether the U.S. government should pay part of Shaygan's legal fees.

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