

S. Florida doctor acquitted of illegal prescription charges

Emotional jurors shake doctor's hand in court

By Vanessa Blum | South Florida Sun-Sentinel

March 13, 2009



Dr. Ali Shaygan, left, walks into the Federal Courthouse in Miami with his attorney David Markus. ((SUN SENTINEL, MICHAEL LAUGHLIN) / February 12, 2009)

The jury did not just acquit the South Florida physician of drug trafficking; some jurors wanted to hug him.

So ended a yearlong ordeal for Dr. Ali Shaygan on Thursday with tears, handshakes and emotional embraces outside the courtroom where he was tried for prescribing medication that allegedly caused the death of a patient from West Palm Beach.

"I feel vindicated," Shaygan said. "I feel that my life can move forward again."

During his three-week trial in Miami federal court, prosecutors called Shaygan a drug dealer who sold prescriptions for dangerous narcotic painkillers like oxycodone to boost his income.

Shaygan met addicts in a [Starbucks](#), kept incomplete files and readily prescribed narcotics to two undercover police officers who came to him seeking drugs, prosecutors said.

But after just four hours of deliberations, the jury found Shaygan not guilty of 141 counts of unlawful prescribing, setting off a cheer from his friends and relatives. If convicted, he could have been sentenced to more than 20 years in prison.

Several jurors lingered outside the courtroom to congratulate Shaygan and his defense team.

"The jury did the right thing," said David O. Markus, Shaygan's lead attorney. "This sends a message that justice prevails."

But Shaygan said he is unsure he will return to practicing medicine.

"I know 100 percent that I want to continue helping people," he said. "That's the most important thing."

In addition to Markus, Shaygan was represented by Marc Seitles and Robin Kaplan. The case was prosecuted by Sean Cronin and Andrea Hoffman of the U.S. Attorney's Office.

Shaygan, 36, who lives in [Miami Beach](#), came under investigation in 2007 after the fatal overdose of James "Brendan" Downey, 29, of West Palm Beach. Federal agents arrested Shaygan in February 2008 at his medical office.

Prosecutors said Downey died as a result of taking methadone prescribed by Shaygan. However, defense lawyers said the exact cause of death could not be proven because Downey abused several drugs, including cocaine.

Prescription bottles from Shaygan were found in Downey's bedroom but so were multiple prescriptions from other doctors, the evidence showed.

Throughout the trial, Shaygan's lawyers called him a caring and trusting doctor who did his best to treat patients.

Shaygan used random urine tests on pain patients and dismissed those he suspected of abusing drugs, proving he was not a drug dealer, Markus said.

Shaygan's case has been closely watched by doctors who specialize in pain management — an area increasingly subject to law enforcement because of a rising death toll from prescription drug overdoses.

The Drug Enforcement Administration considers the misuse and diversion of prescription medications a significant drug threat. Since 2003, nearly 400 physicians nationwide, including 51 Florida doctors, have been charged with prescription-related offenses, the agency says.

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