

Judge clips jail time for MB drug doctors

By Kenneth A. Gailliard | Mar 28, 2006 | 611 words, 0 images

A federal judge on Monday slashed prison sentences for three former doctors from a now-closed Myrtle Beach pain clinic where federal prosecutors say drugs were illegally prescribed.

In a federal courtroom in Florence, U.S. District Judge Weston Houck changed Michael Jackson's sentence to 30 months from 292, and Deborah Bordeaux's and Ricardo Alerre's to 24 months from 97 and 235, respectively, prosecutors said.

Monday's resentencing hearing was scheduled after a federal appeals court ruled in 2005 that Houck, who first sentenced the three in 2004, could have used more discretion in those sentences.

The trio are the only doctors from the former Comprehensive Care and Pain Management Center, which operated in Myrtle Beach between 1997 and 2001, who have yet to begin serving prison sentences.

"These three doctors just got lucky," said Assistant U.S. Attorney Bill Day, who prosecuted the doctors.

The three had appeals pending when the U.S. Supreme Court ruled that federal judges, when sentencing, could stray from the strict federal sentencing guidelines.

Prosecutors said that in passing the sentence Monday, Houck noted that Alerre, Jackson and Bordeaux, as doctors, were different from most drug dealers, and because they no longer have medical licenses, they are no threat to society.

"If you're going to be sentenced, this is an excellent sentence," said Lionel Lofton, a Charleston lawyer who represented Alerre, the senior of the three doctors at 79 years old.

He said 19½ years would have amounted to "a death sentence" for his client, who is now retired. "It was a major victory."

Lawyers for the doctors said they do not intend to appeal the sentences.

Day, who objected to the new sentences, said federal authorities haven't decided whether to appeal.

Eli Stutsman, an appellate lawyer who represented all three doctors on appeal, said while he agrees with Monday's sentences, he plans to ask the U.S. Supreme Court to review the doctors' conviction, which was upheld in 2005 by the Fourth Circuit Court of Appeals.

Meanwhile, the doctors await notice from federal authorities of the dates they must report to prison. Those dates were uncertain Monday.

In 2002, a federal grand jury indicted eight doctors, including one who committed suicide before he could go to trial, on charges related to the illegal distribution of the potent pain killer OxyContin and other narcotics.

Most of the former doctors began serving sentences soon after their 2004 convictions, including Michael Woodward, the clinic's owner, who pleaded guilty and was sentenced to 15 years in prison.

Federal prosecutors said the Myrtle Beach clinic had become widely known in South Carolina and in other states as a place where narcotics could be obtained easily.

Authorities said nearly \$6 million went through the clinic during the time it operated.

Shutting down the clinic hasn't stopped the distribution of OxyContin in South Carolina, said Jon Ozaluk, assistant special agent in charge of the U.S. Drug Enforcement Agency in South Carolina, but he said Myrtle Beach is no longer a central location for distribution of the drug.

"We still have a demand for illegal OxyContin in the state, but by dismantling that group of physicians we don't see people from across the state and other states going there anymore," he said.

Shutting down the pain clinic has forced addicts to seek narcotics in new places, Ozaluk said.

"Unfortunately it's a routine occurrence to have investigations of those types of cases [illegal narcotics distribution] open in our office because of the demand of the pills," Ozaluk said.

Staff writer Paul Nelson contributed to this report.