

Doctor Gains Acquittal

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Heberle, 39, a doctor of osteopathic medicine, was acquitted of 14 counts of violating state drug laws and 12 counts of Medicaid fraud.

The prosecution had withdrawn one count of each charge at some point before the case went to the jury.

The trial, which started May 9, featured testimony from medical experts and Heberle's former patients and their families. Heberle's practice was at Southeast Medical Center, 1306 E. 38th St.

Juror Marci Berlin said problems with the prosecution's case surfaced on the second day of testimony in the two-week trial.

"(Heberle) was dealing with an impossible population of patients who no one else wanted. We all realized there are some things he could have done differently. He did all he could do," she said.

Each day of the trial, Heberle's supporters lined the benches in the small courtroom.

Heberle's wife, Christine, wept at the verdict. Afterward, she stood and gave her husband a long hug.

The couple declined to comment at length Monday.

"I am just glad it is over," Christine Heberle said.

Heberle's attorney, John Moore, called the verdict "absolutely correct."

He said the prosecution's expert made several mistakes when he reviewed the patients' medical records.

"He really didn't have all the information about how Dr. Heberle interacted with some of his patients," he said.

Moore said the defense's strongest evidence was that the patients at issue in the case were already on pain medication when they came to see Heberle.

Many of the patients were former patients of David Klees, D.O., who was convicted of writing illegal prescriptions in 2002. Heberle was not in a position to just cut them off of their medications, Moore said.

"He had to work without their past records and history and try to find the most beneficial (treatment) without pushing them to the point where they got more than they actually needed," he said.

Moore said the prosecution told jurors that two of Heberle's patients died. But testimony failed to show "any link between Dr. Heberle's treatment and the causes of those deaths," he said.

One of Heberle's other attorneys, Donald Wagner, credited the verdict to Heberle's testimony.

The jury saw the "professional sacrifices" Heberle made. "He took a group of people nobody else would treat," he said.

The prosecution alleged Heberle did not adhere to medical standards when he wrote prescriptions for powerful narcotics such as fentanyl and OxyContin for several patients. It said two of those patients died.

"The crime comes in blatant disregard for safety in the way he prescribed these drugs," Senior Deputy State Attorney General Doug Wright told jurors in his closing argument.

Wright said such cases can be difficult to prove in court.

"You are dealing with a standard-of-care argument. You have conflicting testimony from experts. It is difficult to discern what is the appropriate standard of care," he said.

Wright accepted the jury's verdict.

"We feel we had a full hearing," he said.

"We worked very hard for the two weeks bringing a case we felt needed to be brought before a jury's consideration. Although we were disappointed in the verdict that they reached, we have absolutely no doubt they worked very hard in reaching their decision and paid very close attention," he said.

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