

Dr. Knox Employee [Beverly Boone] Wants Attorney Fees Paid by Government

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Beverly Gale Boone is seeking more than \$250,000 for the expense of defending herself in what she calls "wrongful prosecution."

A co-defendant in the federal case against Roanoke pain specialist Dr. Cecil Knox is seeking to have the government reimburse her for legal expenses she incurred in her defense of charges that were later dropped.

Beverly Gale Boone, who was an office manager for Knox, filed a complaint this week under the Hyde Amendment, saying the United States should pay her more than \$250,000 for attorney fees and other costs.

The Hyde Amendment allows a prevailing party to recover litigation expenses if the court finds the United States' position in the case was "vexatious, frivolous, or in bad faith."

"By filing this petition against the government, I am not only seeking financial compensation for the expense of defending this wrongful prosecution, I am seeking justice and accountability as well," Boone said Friday.

But John Brownlee, U.S. Attorney for the Western District of Virginia, said Boone signed a statement agreeing not to take the kind of step she has taken.

Boone and Knox were arrested along with co-workers in 2002. They were charged with conspiring to illegally distribute prescription drugs, distributing narcotics for no legitimate purpose, racketeering and health care fraud, among other things.

After an October 2003 jury trial, Knox and Boone were acquitted on some charges. The jury was hung on others.

Knox and Boone were later indicted again, but after Knox pleaded guilty to three charges in September 2005, charges were dropped against Boone.

In the complaint filed Wednesday against the U.S. Attorney's Office, Department of Justice and Drug Enforcement Administration, Boone says federal authorities tried to bully her into cooperating with their investigation and threatened to prosecute her if she did not.

The complaint states that after Boone refused to assist, Brownlee said, "In the quest to bring Dr. Knox to justice, you are just collateral damage and that is going to happen."

Boone also cites the number of charges filed against her as a bad faith move by the government. At one point, she was facing more than 300 charges.

Boone added in her complaint that she was not even working at the practice when many of the offenses were alleged to have occurred.

She claims to qualify as a "prevailing party" under the Hyde Amendment because all drug charges brought against her in the third indictment resulted in not guilty verdicts.

The government had filed no response to Boone's complaint as of Friday afternoon, but Brownlee provided a written statement.

He pointed out that Boone entered into and signed a pretrial diversion agreement Sept. 14, 2005, when charges against her were dropped.

That agreement includes the statement, "I stipulate that the United States had probable cause to bring all counts in said indictment which are being dismissed under the agreement, that these charges were not frivolous, vexatious or in bad faith, and that I am not a 'prevailing party' with regard to these charges."

A pretrial diversion agreement usually means 18 months' probation for a defendant, but the government accepted the period of supervised release that Boone had already served.

But Boone refuses to interpret the agreement as an admission of guilt. "I did not violate the law," she has said, "and I stood by that."

The U.S. Attorney's Office is standing by its claims as well.

"Beverly Boone and Dr. Cecil Knox caused great pain and suffering to a great many people in the Roanoke Valley," Brownlee said, "and we are pleased this medical practice is no longer in business."

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