

Dr. Knox Pleads Guilty, Surrenders License

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The Roanoke pain doctor who once faced more than 300 federal charges pleaded guilty Friday to four crimes and agreed to surrender his license to practice medicine.

Cecil Byron Knox's plea in an Abingdon courtroom marks the homestretch in more than four years of legal wrangling. While defense attorneys say the case was settled on Knox's terms in the end, U.S. Attorney John Brownlee said it is a victory for the many people the government alleged were hurt by Knox.

"In my opinion, it's the most significant conviction in this district in the United States in the past 30 years," Brownlee said, later adding: "Our goal was to stop him and this plea allows us to do that."

A month and a half before he was scheduled to go to trial for the second time, Knox, 56, opted instead to plead guilty to felony racketeering, two counts of felony marijuana distribution and misdemeanor health care fraud. He also surrendered his medical license and Drug Enforcement Agency registration number, which allowed him to prescribe controlled substances.

The racketeering charge relates to two incidents in 1998 when Knox distributed the controlled substance Fastin to a patient with the understanding that she would share the drug with him. Those acts constitute racketeering because they represent a pattern of illegal activity committed within the operation of an enterprise, the medical practice.

For reasons that included Knox's ongoing battle with non-Hodgkin's lymphoma, the government has agreed to a sentencing range that maxes out at one year in prison but also includes alternatives to jail time. Knox is scheduled to be sentenced in November.

Knox was first indicted in February 2002, along with his practice, his former office manager, Beverly Boone, and employees Willard Newbill James and Kathleen O'Gee.

Knox's charges included prescribing controlled substances such as the painkiller OxyContin outside the scope of legitimate medical practice, and the government alleged that in multiple cases the doctor's irresponsible drug dispensing resulted in injury or death to patients.

As more charges were added and subtracted before the first trial, the total number at one point reached 313. Knox went to trial on 81 counts, which were whittled down to 69 over the course of the eight-week trial.

The October 2003 trial ended with not guilty verdicts on about half of the charges. The jury could not reach a verdict on the rest of the charges. Boone also was acquitted.

Charges against O'Gee and James were dismissed at different times, but three months after the first trial ended, Knox and Boone were indicted again. The second time, Knox faced 95 charges, including racketeering, conspiracy to commit racketeering, criminal conspiracy, mail fraud and perjury.

Boone was indicted a second time and is scheduled to go to trial on her charges later this year. Her attorney, William Cleaveland, could not be reached for comment Friday.

Defense attorneys John Lichtenstein and Tony Anderson said Friday that the Fastin incidents and the two marijuana incidents were never alleged against Knox until he admitted them under oath during his 2003 trial. It was those admissions that led to the felony charges he pleaded to, not the government's original evidence in the case, they said.

They also said that none of the charges in the original indictments, including allegations that Knox overprescribed painkillers and caused harm to patients, were part of the agreement on Friday. All of those remaining charges have now been dropped.

"He is not entering any plea to any charge that he was originally indicted on," said Lichtenstein, who later added: "The reason Dr. Knox said, 'I want to close it on this basis' is because, if you look where he started and where he came from, the government basically walked away from the case."

But Brownlee said the racketeering charge encompassed many acts, including repeated distribution of drugs such as OxyContin, methadone and Fastin. Knox and his attorneys chose to plead to the Fastin-related acts rather than others, but the effect was the same, he said: Knox was convicted of racketeering.

"I don't think if there were just two incidents of illegal Fastin distribution that we would be talking about a racketeering conviction today," Brownlee said. "It's much broader in scope."

He added that the most important objective in the case was putting an end to Knox's career as a doctor. Although Knox could conceivably reapply for his medical license in the future, he can never prescribe medicine without a DEA registration number.

"Lawyers may debate about what he pled guilty to and OxyContin's role in that guilty plea, but I can guarantee you this: He will never write another prescription for OxyContin," Brownlee said.

Knox, who continues to receive treatment for his illness, said he was ready to take his daughter to college for her first year and get on with his life.

Forfeiture of Knox's home and other property was not part of the plea agreement. Immediately after Knox's plea, his attorneys said they were able to unfreeze much-needed assets, including proceeds from the sale of his office that have been held in escrow.

"It's been a long trail," Knox said. "I'm glad to finally have put it to rest on my terms and to go home with my family."

In regard to Brownlee's reference to Knox as a "rogue doctor" who needed to be removed from the medical community, Knox would only say quietly: "I think we would say differently."

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