

## SPECIAL REPORT: PRESCRIPTION FOR PAIN

Nobody knew how bad Eastern Kentucky's prescription drug problem was. The Herald-Leader revealed that the region was the painkiller capital of the United States. And nobody – not the doctors, the cops, the court system or society – was doing anything to stop the abuse.



# ADDICTED AND CORRUPTED

DRUG TRADE INFECTS EASTERN KENTUCKY  
FROM LIVING ROOM TO COURTROOM

### AS RUINED LIVES MULTIPLIED, BEATTYVILLE TRIED TO FIGHT BACK

Originally published Jan. 26, 2003  
By Tom Lasseter and Bill Estep  
HERALD-LEADER STAFF WRITERS

BEATTYVILLE — Riding down Main Street in the back of a white Corvette convertible, Michele Moore felt like the prettiest girl in town.

On Sept. 8, 1984, everyone in Beattyville knew she was homecoming queen.

It was her parade.

Moore wore a rhinestone necklace. The sun shone on her bare shoulders and pink dress. Her blond hair was spritzed and swept back from her face.

She carried a bouquet of roses, and waved and smiled to the crowd, pausing now and then to adjust a silver tiara.

Her father and mother stood in front of the courthouse, waving back. They'd saved several copies of that week's edition of The Beattyville Enterprise, which had Michele's coronation at the top of its front page.

In her diary, Michele wrote: "Won home coming night. The real thing." She decorated the day's borders with stars.

At age 14, she was the youngest Lee County High School homecoming queen that anyone could remember. Michele was already thinking of the life that lay ahead, beyond the close horizons of the little mountain town.

The crowd went by in a slow, sweet way.

Camille Congleton, 8, like so many other girls, watched Michele with wide eyes. Maybe one day, Camille thought, she could be like Michele.

In time, like too many other girls, she would.

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## BEATTYVILLE COULDN'T GET HELP TO UPROOT ITS DRUG PROBLEM

# 'NO FAMILY'S IMMUNE TO IT'



### Poverty, disability plague Lee County

Beattyville sits at the confluence of the Kentucky River's three forks; at the edge of the Daniel Boone National Forest; amid rolling hills that give way to Eastern Kentucky's Cumberland Plateau.

#### POPULATION

Lee County: 7,916  
Beattyville: 1,193

#### EDUCATION

In Lee County, about 30 percent of those 25 and older have less than a 10th-grade education.

#### INCOME

The gap between rich and poor is greater in Lee than in any other Kentucky county. In 1999, 42 percent of Lee County households made less than \$15,000, and about 3.6 percent made more than \$100,000.

#### POVERTY

About 25 percent of families lived at or below the federal poverty level in 1999.

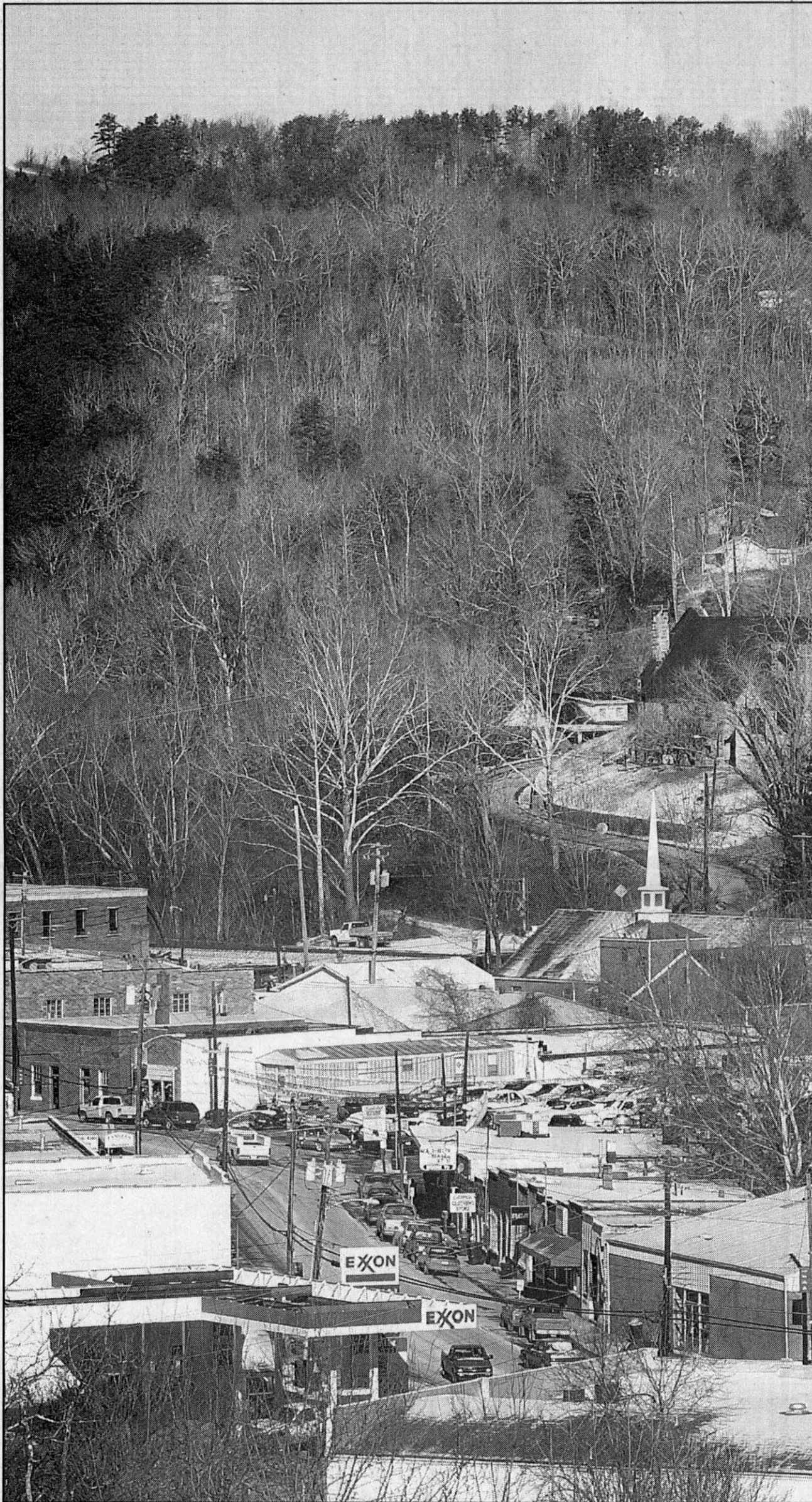
#### DISABILITY

About 40 percent of those older than 20 report that they are disabled.

#### RUNNING DRY

Kentucky's largest oil field lies under part of the county; it once provided hundreds of jobs. But production last topped 1 million barrels in the mid-1980s, when 200 people worked in the industry. Last year, the county had only 60 jobs in the industry.

SOURCES:  
2000 U.S. Census;  
Kentucky Workforce  
Development  
Cabinet; Kentucky  
Geological Survey



DAVID STEPHENSON | STAFF

In Beattyville, it's not difficult to find someone whose family has been affected by the abuse of prescription drugs.

#### From preceding page

Today, to follow the route of Michele Moore's parade is to tour a town of broken hearts and quiet shame.

To the left, there's the office of local prosecutor Tom Hall, who wears cowboy boots and likes to smoke cigars. His stepdaughter stole from him, court records say, to buy painkillers from a man who later pleaded guilty to dealing drugs.

A couple blocks down, on the right, is the Purple Cow Restaurant, a home-cooking diner where the local Kiwanis Club meets. Owner Hazel Davidson had to post bond after her son was charged with selling OxyContin in 2001.

A little farther, next to the courthouse, former Circuit Judge Ed Jackson, 84, still keeps a law office and knocks away on his 1950s Royal typewriter. His wife swore out an arrest warrant in 1997 accusing their daughter of assaulting her, charges she later dropped. By court order, the girl was sent to a drug-treatment center.

Near the courthouse is a parking lot where police last year said they found magistrate Ronnie Paul Begley's son with a syringe full of an OxyContin solution. The charges were diverted on the condition that he join the Army.

Such stories of lives undone, and many more, had piled high enough that by 2001, no one in town could deny it: Beattyville was watching its future be destroyed, one addict at a time.

People started talking to one another — police, parents, business leaders and city officials.

They spoke about their individual experiences, the county's history of corrupt law enforcement and a general frustration with the courts.

They formed a support/activist group called People Encouraging People, with a mission of slowing drug abuse.

But prevention alone, they decided, was not enough.

So in the cold, dark morning hours of Dec. 18, 2001, Beattyville police unveiled Operation Grinch, a Christmastime drug roundup.

Police fanned out across Beattyville to arrest more than four dozen alleged drug dealers.

In one visit, around 4:30 a.m., police pounded on the door of a mobile home that sat halfway up a hill behind the courthouse.

No answer. Same thing at 8:30 a.m.

Someone was inside. She just didn't want to come to the door.

When police returned in the afternoon, they smashed their way in. The suspect was gone.

Michele Moore had fled.

A few hundred yards from where she'd taken her homecoming ride, Moore was no longer living the life of the town darling.

She was a drug addict, a single mother of two, with a sallow, acne-scarred face.

After years of intravenous drug use, each of Moore's arms had a half-open sore, a little smaller than a dime, with the lumpy, gray look of dead flesh.

She was strung out on OxyContin and methamphetamine. Over the years she had been, in her own words, punched and kicked "like a man" in front of her children.

The police were carrying a warrant for Moore's arrest on a charge of selling methamphetamine. She turned herself in three days later and pleaded not guilty. (The substance turned out not to be methamphetamine — Moore had allegedly ripped off the undercover buyer — and the charge was later amended to a misdemeanor.)

Inside her mobile home, she had taken down her high school photographs.

"I couldn't look at my pictures, to look at what I was and what I'd become," she said.

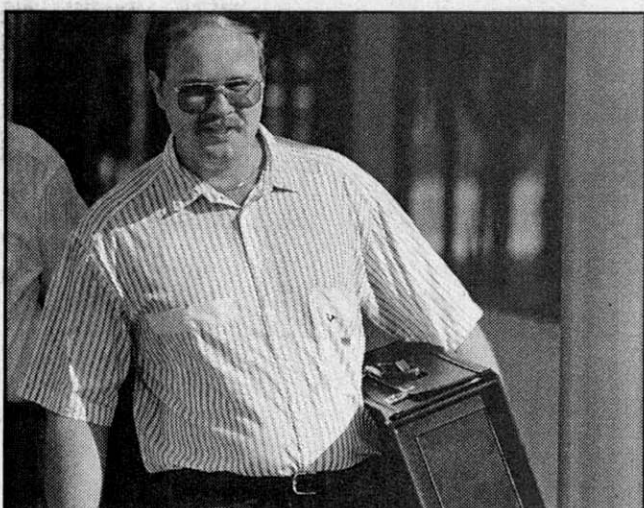
Moore says she has been to drug treatment three times since her arrest in December 2001.

Her future, like Beattyville's, remains very much in doubt. As for the sores, it's hard to tell how much they've healed.

In planning Operation Grinch, Mayor Charles Beach III sought help from the Kentucky State Police, often a key force in rural drug operations.

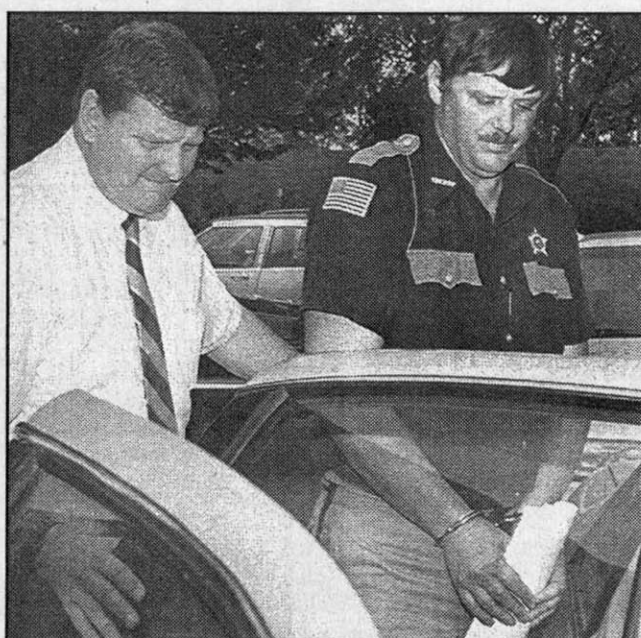
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## Lawmen gone bad



CHARLES BERTRAM | 1991 STAFF FILE PHOTO

Beattyville Police Chief Omer Noe walked into U.S. District Court in London. In 1990, he was arrested during a federal drug bust, along with Lee County Sheriff Johnny Mann.



ED REINKE | ASSOCIATED PRESS FILE PHOTO

Lee County Sheriff Johnny Mann, right, was arrested in 1990 during an FBI investigation. Authorities said he and Omer Noe received money to protect drug shipments.



CHARLES BERTRAM | 1994 STAFF FILE PHOTO

Lee County Sheriff Douglas Brandenburg was arrested on drug charges. In 1995, he was sentenced to nine months in prison after pleading guilty to obstructing a drug investigation.





PHOTOS BY DAVID STEPHENSON | STAFF

Michele Moore talked about how her life has gone since she was crowned Lee County High School's homecoming queen in 1984. She said she has been to drug treatment three times since December 2001. She took down her high school photographs. "I couldn't look at my pictures, to look at what I was and what I'd become," she said.

## BANK LOAN PAYS FOR TOWN'S DRUG BUST

From preceding page

Busy with its own cases, KSP didn't get involved.

Beach went to the federal Drug Enforcement Administration, as well, but came away empty-handed. The agency decided that Beattyville's problems didn't involve the type of gang activity or violent crime required for sending a street-level enforcement team.

The city was forced to devise, execute and even fund its own large-scale crackdown — unusual steps for a town of its size.

Beach didn't want to go solo, but he said he understood other agencies' reluctance to partner with local police.

"The credibility of law enforcement in Lee County left something to be desired," Beach said recently.

In 1990, the FBI had busted Lee County Sheriff Johnny Mann and Beattyville Police Chief Omer Noe for taking money to protect shipments of cocaine and marijuana.

Authorities said Mann received \$44,000 in payoffs and even deputized two FBI agents who were posing as drug traffickers. He and Noe were convicted of taking bribes.

In 1995, Sheriff Douglas Brandenburg was sentenced to nine months in prison after pleading guilty to obstructing a drug investigation. Witnesses testified that Brandenburg was getting \$1,000 a month to protect drug shipments.

Given that history, "we had to prove ourselves," said Beattyville police Officer Matt Easter, who went from directing traffic outside the elementary school to coordinating drug buys.

Step one was to round up some money. Beattyville's \$500,000 general fund couldn't begin to pay for a major sting operation.

So Mayor Beach persuaded the city council to try an alternative. Beach's family controls the local bank, Peoples Exchange Bank, which agreed to extend a line of credit to the city.

The cash was advanced a few thousand dollars at a time over several months. By the end, Easter and his partner, Capt. Joe Lucas, would spend some \$15,000 on the bust.

Easter and Lucas were natural partners. The pair had been buddies ever since Easter joined the Lee County Volunteer Fire Department as a high school student. There he met Lucas, 13 years his senior.

"He's sort of like a second father," said Easter, who with his military crew cut resembles a skinnier version of Lucas.

Neither officer had done undercover work before. They got a state police detective to give them a crash course.

The three of them sat in an unmarked state police car in the parking lot of the Save-A-Lot and went over the right way to document a drug buy, how to set up tape recorders and other details.

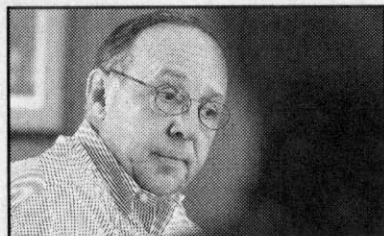
Afterward, Lucas and Easter went back to their office, called an electronics company and ordered the same kind of recorder the state police use. They also typed up an evidence form modeled after one the detective gave them, substituting "Beattyville Police" where it said "Kentucky State Police."

It's too simple to say all the bad things started for Michele Moore on the day in 1994 when she ran into the mayor's cow.

Most of the pain, and medication, came after that, but tragedy had already visited: Michele's father, Jesse Moore, died of a heart attack in 1991.

Jesse Moore was the longtime property valuation administrator for Lee County. A former teacher in Lee and Owsley counties, he was a pillar of the community.

More important, Jesse Moore's daughter



"The credibility of law enforcement in Lee County left something to be desired."

Charles Beach III  
Beattyville mayor

adored him. For years, Michele sang at county fairs. If her father was in the crowd, she'd always do *Daddy's Hands* just for him:

*I remember Daddy's hands  
Folded silently in prayer  
And reachin' out to hold me,  
When I had a nightmare.*

After he died, "I died inside, I guess," she recalled.

The next year, 1992, Moore left the husband she'd married at 19 and moved to Lexington.

A licensed beautician, she got a job at Supercuts during the day and worked at a bar a few nights a week. There was some partying — she tried cocaine a few times and didn't like it — but nothing that was too far over the top, Moore said.

Then, on a weekend trip back to Lee County in 1994, she drove into a cow owned by Mayor Beach. Moore herniated a disc in her back and was prescribed painkillers.

Within a year, she was hooked, she said.

Moore's daughter, Cheyenne, was born in 1996. Soon after, Moore's relationship with Cheyenne's father ended, and she went back to Lee County in 1997. She was pregnant with her son, Dylan, within a few months.

The prescription drugs had become a serious problem. "By '98, when I had Dylan, I was just eating them," she said.

She tried cocaine again and liked it better this time. In a while, it was on to methamphetamine.

Along the way, Moore said, she was beaten many times. Once, when she was eight months pregnant, a man threw her to the floor and held a shotgun to her head, she said.

Still, she said, she didn't feel she had many options. "There's nothing to do. This is Beat-

tyville," Moore said. "I come back to the same old hole."

The Grinch came for her in 2001.

Officer Easter and Capt. Lucas found it wasn't easy trying to run a drug sting in a small town.

The Beattyville Police Department, with a staff of five, couldn't spare them for full-time drug work. So Easter and Lucas would spend hours on accident reports and routine arrests, only to get off shift and then start Grinch duty. Much of the extra time was unpaid, the two said.

There were some difficulties along the way. A few times when Easter met informants on some small country road, sitting in a city police car, people spotted them.

If word got around that a drug buyer was meeting with the police, the secrecy of the sting would be ruined. Gossip travels fast in a small town.

"We were in the middle of nowhere, and I thought nobody would drive by. Well, they did," Easter said. "And you're wondering, 'Did we just get caught?'"

Once, during the middle of the investigation, the town's drug problems came uncomfortably close. Lucas' sister, Yvonne Lucas Angel, a dispatcher for police and emergency services, was arrested by state police on charges of conspiracy and complicity to sell OxyContin, and conspiracy to sell Tylox.

An indictment said she and another defendant traded drugs for a stolen police radio, an IOU and a dog. The drug charges were dismissed; under a plea agreement, she pleaded guilty this month to complicity in receiving stolen property.

"No family's immune to it," Joe Lucas said.

The first Grinch undercover buy was in June 2001: four bags of poor-quality cocaine, totaling one gram, for \$100.

Over the next five months, police said, informants made 85 more purchases. The list of alleged dealers grew to eight pages; it included sales of methamphetamine, cocaine, marijuana, Lortab, Xanax, OxyContin and other drugs.

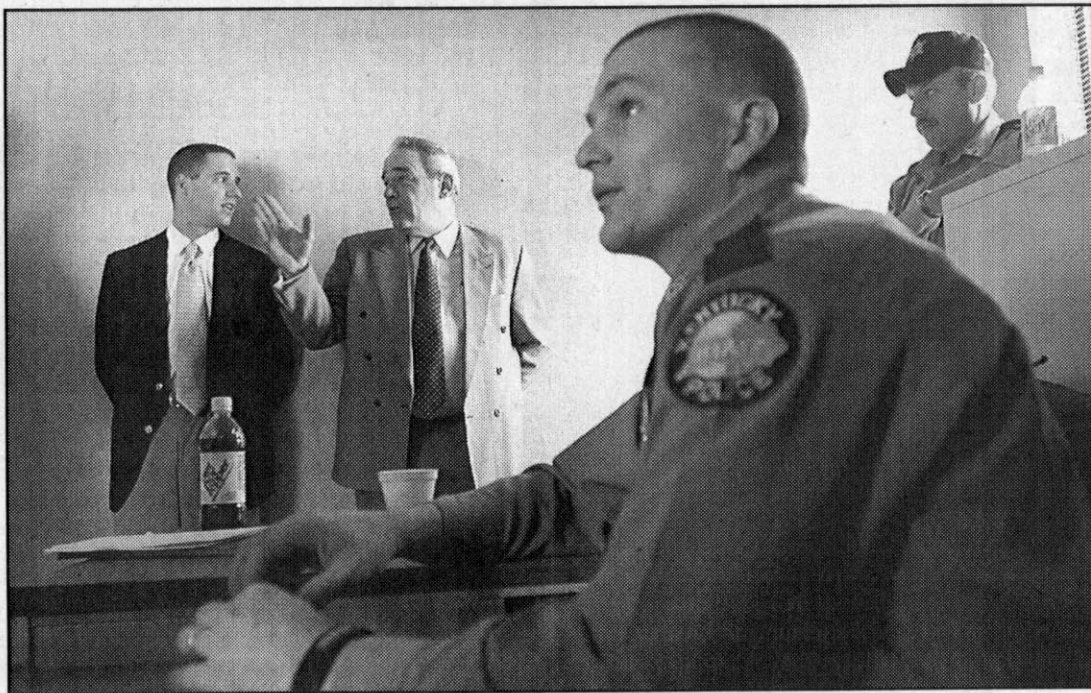
The purchases continued through late November. "We could have kept right on going and got twice that much," Lucas said.

In December, when it came time to start arresting people, state and federal agencies finally sent some help: about a half-dozen officers.

Police set up a booking area at the fire station on Dec. 18, complete with a poster of the mean one, Mr. Grinch. They ran the operation there because the police station — located in a renovated 1868 house — was too small for the rush of officers and accused drug dealers.

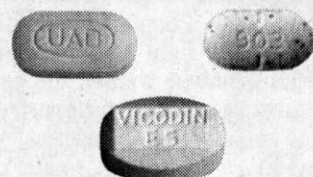
Carl Noble, one of those arrested, said the scene was "kind of like going to a high school ballgame. It was crowded."

Lexington television and newspapers across the state covered the big bust. Beach accepted congratulations, shaking hands and slapping backs.



Beattyville police Officer Matt Easter, left; Commonwealth's Attorney Tom Hall, gesturing; and state trooper and former Beattyville officer Joe Lucas, foreground, waited in court during a case from Operation Grinch.

### Drugs in this series



LORCET, LORTAB AND VICODIN  
(clockwise from left)

For relief of moderate to moderately severe pain. Made from hydrocodone, with aspirin or acetaminophen.

**Overdose dangers:** Slow, shallow breathing; drowsiness leading to coma; liver damage; in extreme cases, cardiac arrest and death.

**Street price:** \$6-10 per pill.

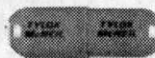


OXYCONTIN

Prescription drug for continuing relief of long-term, moderate to severe pain. Made from oxycodone, with a time-release mechanism that its addicts disarm by crushing pills.

**Overdose dangers:** Abnormally slow heartbeat and low blood pressure; drowsiness leading to coma and death.

**Street price:** About \$1 per milligram. Doses range from 20 to 80 milligrams.

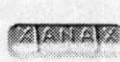


TYLOX

Prescription drug for relief of moderate to moderately severe pain. Made from oxycodone and Tylenol.

**Overdose dangers:** Depressed breathing; drowsiness leading to coma and death; liver damage.

**Street price:** Increasingly rare, about \$20 a pill.



VALIUM, XANAX

For managing anxiety disorders and short-term relief of anxiety; Xanax also relieves panic disorders. Side effects include drowsiness and fatigue.

**Overdose danger:** Confusion, coma, diminished reflexes; with Xanax, risk of death.

**Street price:** \$1 to \$2 per Valium; \$3 to \$4 per Xanax.

### METHAMPHETAMINE

White powder or clear, chunky crystals cooked in illegal labs; base ingredient is pseudoephedrine, a decongestant.

**Dangers:** Can cause psychotic behavior; brain damage similar to Alzheimer's disease; stroke; and epilepsy.

**Street price:** \$100 a gram.

### COCAINE

**Dangers:** Powerfully addictive. Cocaine-related deaths are usually caused by cardiac arrest or seizures, followed by respiratory arrest.

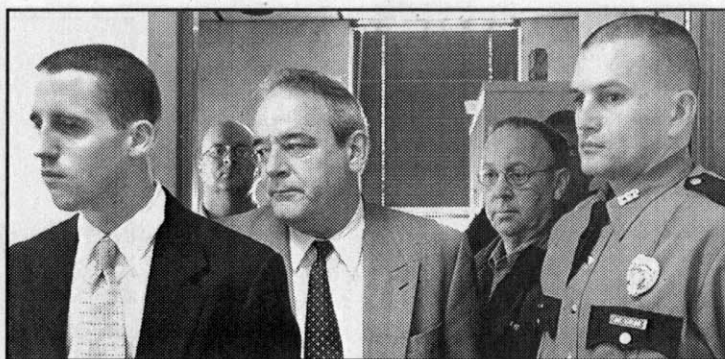
**Street price:** \$100 a gram.

### MARIJUANA

**Dangers:** Possible frequent respiratory infections; impaired memory and learning; increased heart rate; anxiety; and panic attacks.

**Street price:** Mexican marijuana sells for up to \$1,100 a pound; Kentucky-grown marijuana sells for about \$2,200 a pound if it's grown outdoors or up to \$3,200 a pound if it's grown indoors.





Beattyville police officer Matt Easter, left; prosecutor Tom Hall; Beattyville Mayor Charles Beach III; and Kentucky State Trooper Joe Lucas listened to a guilty plea in Lee Circuit Judge William Trude Jr.'s chambers.

# PUSHING FOR JUSTICE

## WHEN DRUG CASES FINALLY REACH COURT IN BEATTYVILLE, THERE ARE NO GUARANTEES

Originally published Jan. 27, 2003

By Tom Lasseter and Bill Estep

HERALD-LEADER STAFF WRITERS

**BEATTYVILLE** — Mayor Charles Beach III had just begun to savor Operation Grinch, a major drug bust by his police department, when the phones started to ring.

With the defendants behind bars, a group of citizens was making calls, sending e-mail and knocking on doors throughout Beattyville.

Come to court on Dec. 21, 2001, callers said. Help make a show of force.

The group, People Encouraging People, was formed to fight substance abuse in the town. Its members wanted the judge and the prosecutor to know they supported tough sentences, said Lynda Congleton, who helped create PEP.

When the day arrived, and indictments were presented, nearly 40 friends and neighbors joined Mayor Beach and Congleton in Lee Circuit Court.

Beach surveyed the scene and said, "I think the rest of the story will be how the courts deal with these cases."

Circuit Judge William W. Trude Jr. was not impressed.

"When you get 100 people up there sitting in the courtroom trying to put pressure on the court, you've got a problem," Trude said recently. "I think they were trying to intimidate me, and if I let that happen, what kind of judge am I?"

Congleton, Beach and others assembled the crowd out of fear that the Grinch bust would end in little more than dismissals and probation. That sort of thing had happened before — usually because prosecutors agreed to plea bargains or had questions about the quality of police evidence.

Also, some in Beattyville feared what Trude, who by his own admission has had personal contact with drug suspects, might do with the cases.

The stakes were high for Beattyville, and the small Eastern Kentucky community was no longer keeping quiet.

Operation Grinch had its roots in outrage — outrage Beach and others felt as they watched drugs crawl up from the streets into polite society.

In Lee County, census data show, the gap between rich and poor is greater than in any other Kentucky county.

For people in Beattyville, one aspect of the divide is clear: You live either at the top of the hill, or at the bottom.

At the top are people like Mayor Beach, whose family controls the town bank, Peoples Exchange Bank. He resides in an affluent enclave called Gourley Heights and keeps a \$500,000 home in Lexington.

Then there are those who live in mobile homes with trash in the yard, like the one at the bottom of Beach's hill, which he passes daily in his BMW.

For decades, the embarrassment of drug addiction simply had not climbed the hill. That changed during the 1990s.

"You started seeing how rampant it was," said Lynda Congleton, whose husband, Terry Congleton, runs a large family business, including a hardware store that began in 1921.

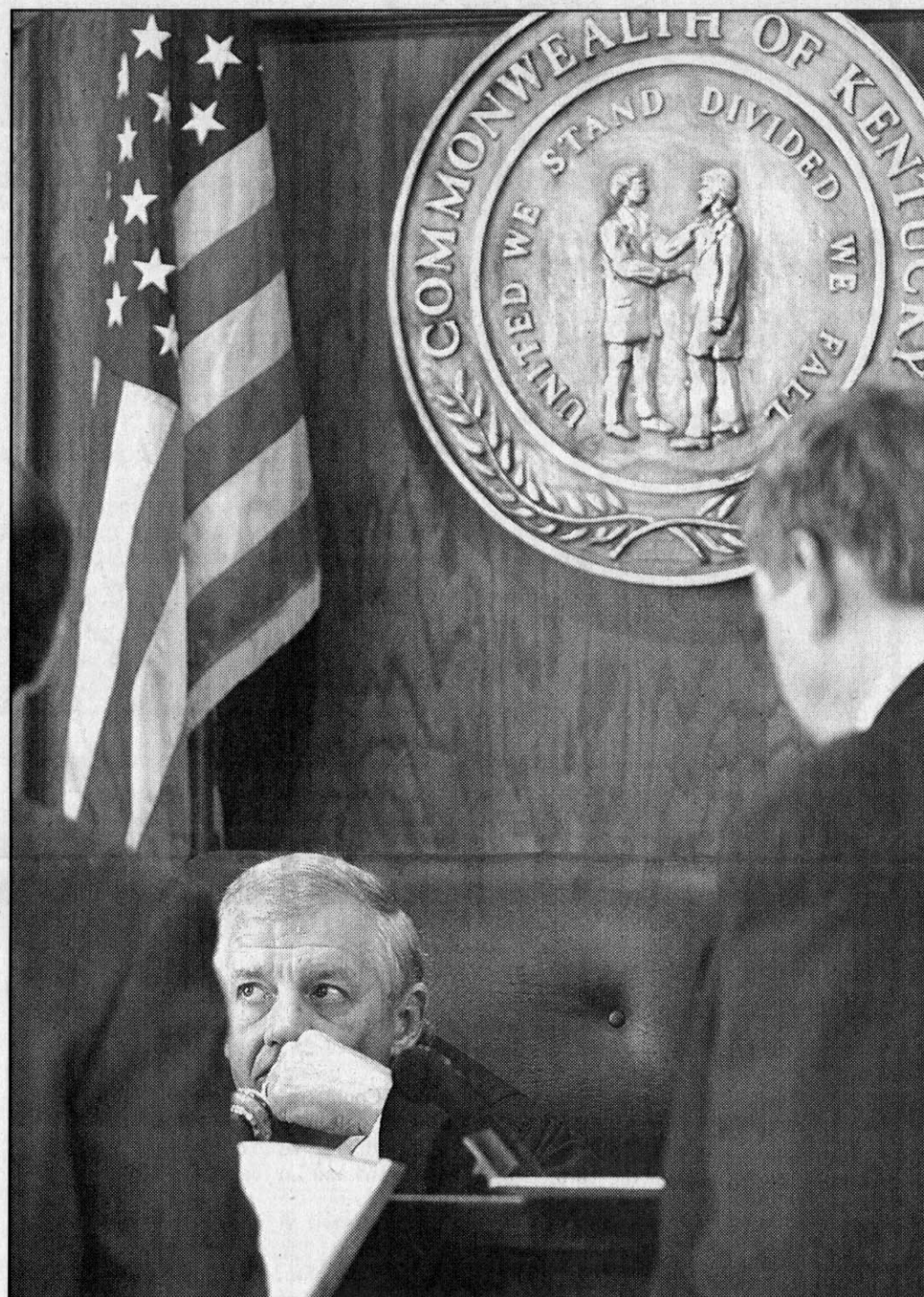
One of Lynda Congleton's stepdaughters, Camille, was a little girl in 1984, when Michele Moore was crowned Beattyville's homecoming queen. Camille recalls standing in the crowd, watching the parade. She wanted to be just like the queen.

Moore was charged in the Grinch operation with trafficking drugs, just like 48 other alleged dealers.

Camille Congleton grew up to join a group of kids of Beattyville elite who began using drugs during the 1990s. Another, whose drug treatment is documented in court records, was Cherry Jackson, the daughter of a former circuit judge.

Jackson peeled away in a red Camaro in response to an interview request.

During high school, Camille Congleton recalled, the group "just ruled the school up there."



PHOTOS BY DAVID STEPHENSON | STAFF

Trude talked with attorneys who are involved in an Operation Grinch case. Trude says he has had personal contact with drug suspects outside the courtroom.

"The way we wanted it," she said, "was the way it was."

Today, Congleton lives in a mobile home in Lee County and says she no longer uses drugs. As she sat on the sofa with her boyfriend last month and spoke about her life, Congleton's eyes got wet.

"Look at what I could have had, and look at what I am. I will never get that back," she said.

Her experiments with drugs started as flirtation, she said. By the end, she saw a lot of ugly things.

"There's a lot of being taken advantage of. Pill dealers think they have this power over you," Congleton said. "They say, 'I've got what you need. What are you willing to do for it?'"

She shifted around on the sofa and changed the subject.

When talking about the young women, Mayor Beach looks uncomfortable, too. It wasn't until his friends began having problems in their families that he realized something needed to be done, he said.

"That's really where my passion came from," Beach said.

Jennifer Burgess, a friend of Beach's daughter, often came over after school when she was younger.

Burgess, the daughter of a local school board member, was arrested in 1999 and accused of forging one of her father's checks. The case was dismissed, but only after Larry Burgess told the judge that his daughter was addicted to Tylox and Xanax. She was sent to a drug-rehabilitation center.

"This child grew up in our house. She was beautiful and smart as hell," Beach said.

Jennifer Burgess declined to comment, saying she didn't want to embarrass her family.

Others also suffered the pain of a child's addiction.

In 1997, prosecutor Tom Hall's wife, Karen, submitted a statement during the sentencing of a drug dealer. Karen Hall said the

dealer sold Tylox to her daughter, Lyn Pelfrey.

Pelfrey wouldn't comment for this story beyond saying she's clean these days. She added that the drug problem is worse in Beattyville than it has ever been. "They just need to stop it," Pelfrey said. "It's crazy. It's killing people."

Karen Hall wrote in the statement that her daughter traded the dealer \$2,000 worth of jewelry — presents she had received from her parents and grandmother on her 16th birthday and other occasions. Pelfrey also hocked \$800 worth of her sister's jewelry and stole money from the family, her mother wrote.

The Halls eventually had Pelfrey arrested to force her into treatment, according to Karen Hall's statement. "A part of me died that day."

"When you give birth to a child, you want only the best for that child and you work so hard to attain that," Karen Hall wrote. "When you have to face the fact that your child is a drug addict, it tears your heart out ..."

The man who allegedly sold drugs to Hall's daughter was arrested in a drug operation in 1995.

Few of the accused in that roundup were sentenced to prison — which made some in Beattyville apprehensive about the local justice system.

Fifteen cases made their way through Lee Circuit Court; 11 were probated. One was dismissed after the defense cited insufficient evidence and the prosecution agreed. Under a plea deal, another defendant got seven weeks in jail.

Two cases went to trial. In one, the jury recommended that Frankie Brandenburg, the man accused of selling to Hall's daughter, serve 15 years. Judge Trude gave him 10. (The charges were dismissed three years later, after the Kentucky Court of Appeals overturned the verdict. By then, Brandenburg was out on parole.)

In the other trial, a defendant charged

with selling Tylox was sentenced to eight years. But after the defense asked for shock probation — a request that the prosecutor said he opposed — Judge Trude freed the defendant in less than 11 months.

Trude, who has been on the bench for more than a decade, says it's unfair to pin the lack of prison time on him or any other judge.

Several factors — from weak police work to ineffective prosecution — can get cases thrown out, he noted, but the public sees it as light punishment for drug criminals.

A 1997 roundup was little different. Of 12 people facing drug-dealing charges in circuit court, eight got probation as a result of plea bargains.

"A lot of times, you have to compromise the case by going for a plea for probation just to avoid trial," said prosecutor Tom Hall. "Because you know if you go to trial, you're going to lose."

Prosecutors were pushed toward cutting plea deals for the '97 defendants when an informant began signing statements saying she would not testify.

Also of concern, according to court records, was that some grand-jury proceedings were not recorded, and in at least one case, undercover police tapes "simply had music on them."

The lone defendant who had to serve time?

Frankie Brandenburg, the same man who had been accused of selling drugs to Tom Hall's stepdaughter. His 10-year sentence was run alongside his 1995 case.

The mishaps behind the dismissals and most of the probations were beyond Trude's control, but it's clear that some people in Beattyville don't have much confidence in the judge.

Even Trude acknowledges the persistent talk in his circuit that he associates with drug dealers, and rumors that he himself uses drugs.

"I hear it about myself. I hear it about everybody. It's just a perception they have," Trude said in an interview this month. "I don't know what to do about that."

One reason for the rumors, Trude says, is that he collects agate, a semi-precious stone. The people who come over to his house to show him rocks have included some who sold drugs in the past, he said.

"But that doesn't bother me," Trude said. "They're not out there selling me drugs. They're not selling drugs now, as far as I know. I don't critique people who sell agate. All I do is buy the rocks."

Just last month, in a deposition, a long-time friend of Trude's testified that he knew the judge had used drugs.

"Judge Trude and I were friends for a number of years and I know a lot about his drug habits and I can prove them all," said Olin Estes, who had served as one of Trude's trial commissioners.

That testimony came as part of Estes' bitter divorce from his former wife, Tammy Estes. Trude said a big factor in the acrimony is that Tammy Estes now lives with him.

The judge denied Olin Estes' allegation and said that he's contemplating filing suit against his former friend.

"If he's got proof of anything like that, he needs to bring it out," the judge said.

"Hell, I'll go take a test today, tomorrow or whenever you want," he said.

Trude also said that he once asked a former girlfriend to leave his house when he discovered her cocaine on his kitchen floor.

In the past, Trude has taken campaign contributions from people who later made headlines for ties to drug trafficking.

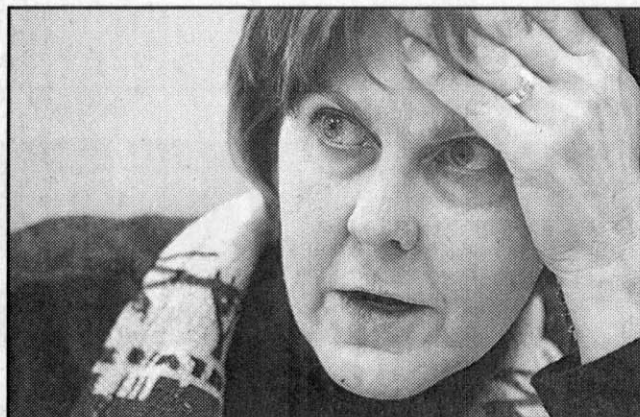
Among the contributions he received in 1991, for his last contested race, was a \$750 in-kind donation of food for a fish fry from Paul "Buddy" Johnson of Lee County. Trude also got a \$750 donation of food from Judy Little, owner of Cotton's Restaurant in Owsley County and wife of Willis "Cotton" Little.

The next year, Johnson and Cotton Little were arrested at Little's home in rural Owsley County when state police and the FBI burst in and confiscated more than 100 pounds of marijuana.

See next page



"WHAT I HOPE HAPPENS IS WE HAVE A HEALTHIER COMMUNITY," SAID LYNDA CONGLETON, WHO HELPED START A GROUP TO FIGHT SUBSTANCE ABUSE.



PHOTOS BY DAVID STEPHENSON | STAFF

Camille Congleton was among a group of children of the Beattyville elite who began abusing drugs during the 1990s. Today, she laments what she could have been and what she has become.

## COURT'S PAST LEADS TO FEAR

### From preceding page

The pair pleaded guilty to drug charges. During a trial in 1994, a key prosecution witness testified that Johnson paid former Lee County Sheriff Douglas Brandenburg to protect his drug business. Brandenburg later pleaded guilty to obstructing a drug investigation.

Little and Johnson declined to comment.

Trude said that after the men were arrested, he went to state police and volunteered that they had made the contributions.

"They never offered me anything; they never asked for anything," said the judge, who also said, "You certainly can't run a court system doing favors for people."

Trude said he was unaware of the men's criminal connections during his campaign. But another of his 1991 contributors had run afoul of the law before he gave to the candidate. In 1989, Estill County car dealer Delmus "Bunt" Gross was sentenced to five years for laundering drug money through his car lot.

Then in October 1991, while appealing his conviction, Gross provided two dressed hogs worth \$355.50 for another Trude fund-raiser, according to finance records.

Gross recently said he didn't remember buying the hogs but conceded that he might have.

Trude said he probably knew about Gross's conviction at the time. "Obviously, if it bothered me I wouldn't have taken the pigs," he said.

Despite concerns about the past, Beattyville police Capt. Joe Lucas was expecting big things from the drug cases he had built with Officer Matt Easter.

"When I went into this, we had high hopes of getting a lot convicted and gone, getting a lot of the drug dealers off the street," said Lucas, who has since moved on to a job with the state police.

"I was hoping to actually clean up our county fairly quick, but they're still out here doing it," Lucas said.

Of the 49 Grinch defendants, only two have gone to trial, and the outcomes sent mixed signals. The jury recommended seven years in one. The other ended in mistrial.

In the mistrial case, Sharon Bray was facing two counts of selling Lortabs. Her case was the first to go to trial, and she said her lawyer said "they were going to make an example out of me."

Last June, three jurors were not convinced by a tape of Bray allegedly arranging a drug deal and taking money. Police and an informant also testified that Bray sold drugs.

A new trial is scheduled for next month.

"It was like, we've just wasted countless money and countless hours," Easter said. He was in the courtroom when the verdict, or lack thereof, was read.

Two other Grinch offenders pleaded guilty in district court. Each was given a year, but 335 days of that were probated, leaving just 30 to serve. And one case was dismissed when the drugs, thought to be morphine, turned out to be some other substance.

In three other Grinch cases, prosecutors arranged plea deals that are unusually tough for drug cases in Lee County: two for five years in prison, the other for six.

Hall said he intends to oppose any motions for shock probation in those cases — though his opposition doesn't always matter, he acknowledged. "If they get it, it's not going to be with my blessing," he said.

In a pending case, a potential problem for the prosecution surfaced. In it, Trude suppressed the testimony and undercover tapes of one of the main informants for Grinch after a special prosecutor failed to produce medical records.

The defense was entitled to records from any institutions where the informant had been treated for psychological disorders "so that this Court can determine her competen-

cy to testify as a witness," according to a court order.

With 41 cases to go, it remains to be seen what kind of message the courts' handling of the Grinch cases will send about drug charges in Lee County.

One defendant, Carl Noble, who was arrested during Grinch on charges of selling marijuana and Lortab, doesn't seem too troubled.

"I could've sold some (marijuana), but not no pills. They just made that up," Noble said. He has had four drug-related charges dismissed, probated or thrown out since 1993.

While showing a visitor the three marijuana plants in his front yard last summer, Noble ran his hand up a stalk and offered the pungent smell on his fingers as proof of quality.

Is it a bad idea for a man charged with trafficking the stuff to be showing it off in his yard?

Noble shrugged. "Well," he said, "it's just a \$100 fine and \$82.50 court costs."

Since Beattyville first began grappling with the issue, it has had some successes in fighting drugs.

Mayor Beach spearheaded the construction of a mental health counseling center, which will offer substance-abuse treatment. He hopes that it will eventually feature residential care.

Judge Trude is mulling the idea of a drug court program that would help him monitor offenders more closely.

And the PEP group has won hundreds of thousands of dollars in grants for its programs to try to keep young people from getting into trouble with drugs.

"What I hope happens is we have a healthier community," Lynda Congleton said. "It's not impossible if we pull together."

As for Michele Moore, 18 years after her homecoming parade, she still lives in Lee County. Until a couple of weeks ago, she was staying in a small house with particleboard ceilings and junk cars in the yard.

Mounds of dirty clothes and trash littered the home. There was a pile of tools and car parts on the kitchen floor.

On Jan. 10, Moore moved back into her old mobile home, the same one she was in when the police came for her during Operation Grinch in 2001.

Her mother, Patty, also still lives in the county but is trying to sell her house.

"I feel like I'm a prisoner in my own home, and my life. I'm embarrassed to go out, and I'm bitter," Patty Moore said. "I don't even do grocery shopping or go into town anymore ... I feel like they're looking at me and telling each other, 'Do you know Michele is a drug addict?'"

Grinch wasn't the end of Michele Moore's legal troubles. Last March, state police arrested her on charges of selling what she said was methamphetamine. As in the Grinch case, it later turned out not to be.

Also in March, Beattyville police charged Moore with making a false report by saying that her home had been burglarized. Police said she had been seen selling the items she reported missing.

About four months later, she was charged with forging her aunt's signature on checks that were allegedly stolen.

Moore is scheduled to stand trial in Lee District Court in a couple months for the state-police bust and false-report charge.

In the entry to the courthouse, there's a plaque that hangs in honor of Jesse Moore, the county's former property valuation administrator, who died in 1991.

Carved on the plaque are the words, "Father of Michele Moore."

It's hard to say whether his daughter will stop in front of his picture and read the many accomplishments listed below. "Sometimes I can't even look at him," she said.

Whatever passes through her mind, Michele Moore, once the future of Beattyville, probably won't linger before walking upstairs, to the courtroom.

She will be there, after all, to answer for what she has become.



Since March, Michele Moore, Beattyville's former homecoming queen, has been charged with trafficking what she said was methamphetamine; making a false report to police; and forging her aunt's checks. Moore is scheduled to stand trial in March for charges in the trafficking bust and the false-report charge.



INVESTIGATION REVEALS NARCOTICS FLOOD MOUNTAIN COUNTIES AT HIGHEST RATE IN NATION

# EASTERN KENTUCKY: PAINKILLER CAPITAL

'Drugged driving' is the new DUI

LAB BACKLOG CHOKES SYSTEM

Originally published Jan. 19, 2003

By Lee Mueller  
EASTERN KENTUCKY BUREAU

PIKEVILLE — His new pickup was doing 81 mph, and Charles Christopher Morris was also flying — on prescription drugs — when he plowed into a family's vehicle and killed a pregnant woman and her full-term fetus.

Morris later tested positive for what a state police detective described as a "drug cocktail": painkillers, anti-anxiety medications, muscle relaxants and amphetamines.

When Morris pleaded guilty to manslaughter charges in the March 2001 death of Veronica Jane Thornsberry, 22, he had already become part of a deadly trend.

Eastern Kentucky's raging prescription-drug problem has changed the face of DUI.

It's not just for drunks anymore. "Everybody you're looking at now is a pill head," said former Martin County Sheriff Darrell Young, who left office last month.

"In the last couple of years, it's gotten a whole lot worse. Everybody's pilling," Young said.

County after county, particularly in Eastern Kentucky, has seen explosive growth in "drugged" driving, a signal that the abuse of narcotics now rivals — or even surpasses — the abuse of alcohol.

"Hell, the day of the old-fashioned drunks on the road is about over," said Flatwoods Police Chief Buddy Gallion.

Gallion said more than half of his DUI arrests now involve drugs.

Last June, 24 of 27 DUI cases in Martin District Court involved drugs, not alcohol, court records show.

In 2000, Martin, Laurel and Clay became the first Kentucky counties in which drug-related DUI charges outnumbered alcohol-related DUIs, state records show.

Local officials say the change has created new problems. Quick, easy Breathalyzer tests, routine in drunken-driving arrests, will not work in drug cases.

Instead, drivers' blood samples must go to the state crime lab, where a nine-month backlog jeopardizes prosecutions in some counties.

## Cases dismissed

Clay County Attorney Clay Bishop Jr. said that more than a few drug-related DUIs have been dismissed because of delayed test results.

State court officials have recommended that DUI cases be processed within 60 to 90 days, Bishop said. "We try to leave it on the docket for as long as possible, but after nine or 10 months, if a defense attorney is worth anything he'll move to dismiss," Bishop said. "I have to object, of course, but sometimes the judge will overrule me — and I can't blame him."

The Kentucky State Police crime lab has a backlog of about 6,000 drug-identification cases that will take about nine months to process, said Lt. Lisa Rudzinski, an agency spokeswoman.

The last General Assembly approved the hiring of 25 new lab analysts, Rudzinski said. Eleven were hired before tight budgets forced a state government job freeze, she said.

"We anticipate that backlog to diminish, depending on what happens to the budget when the legislature meets," she said.

## State quit counting

Though state records show significant growth in drug-related DUIs across Kentucky during the late '90s, the problem was particularly acute in Eastern Kentucky.

In 2000, one out of every three motorists stopped on a first-offense DUI in Eastern Kentucky was alleged to be impaired by drugs, not alcohol.

In the rest of the state, the figure was one out of every 10.

No one can say how the situation has changed since then.

Until 2000, the state police and the Administrative Office of the Courts kept track of drugged driving by using different codes to separate first-offense DUI arrests into two categories: drugs and alcohol.

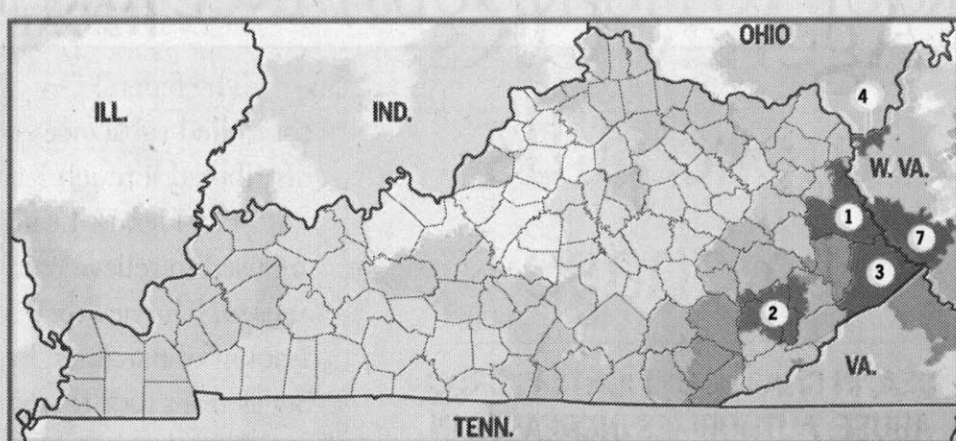
It is unclear why the two codes were merged into one that year.

Rudzinski of the state police said she assumed that the separate codes were dropped in 2000 when the legislature adopted a new law that lowered the legal blood-alcohol limit for drivers from 0.10 to 0.08.

But Rep. Rob Wilkey, D-Franklin, a co-sponsor of that bill, said any code change was made by bureaucrats — and not because of the law required it.

Wilkey said he expects to "fix" a few things in the new DUI law during the current legislative session, and he said he might seek to return to keeping track of drug- and alcohol-related charges by using separate codes.

"We need to be able to do that," he said. "I think that's an important thing to know."

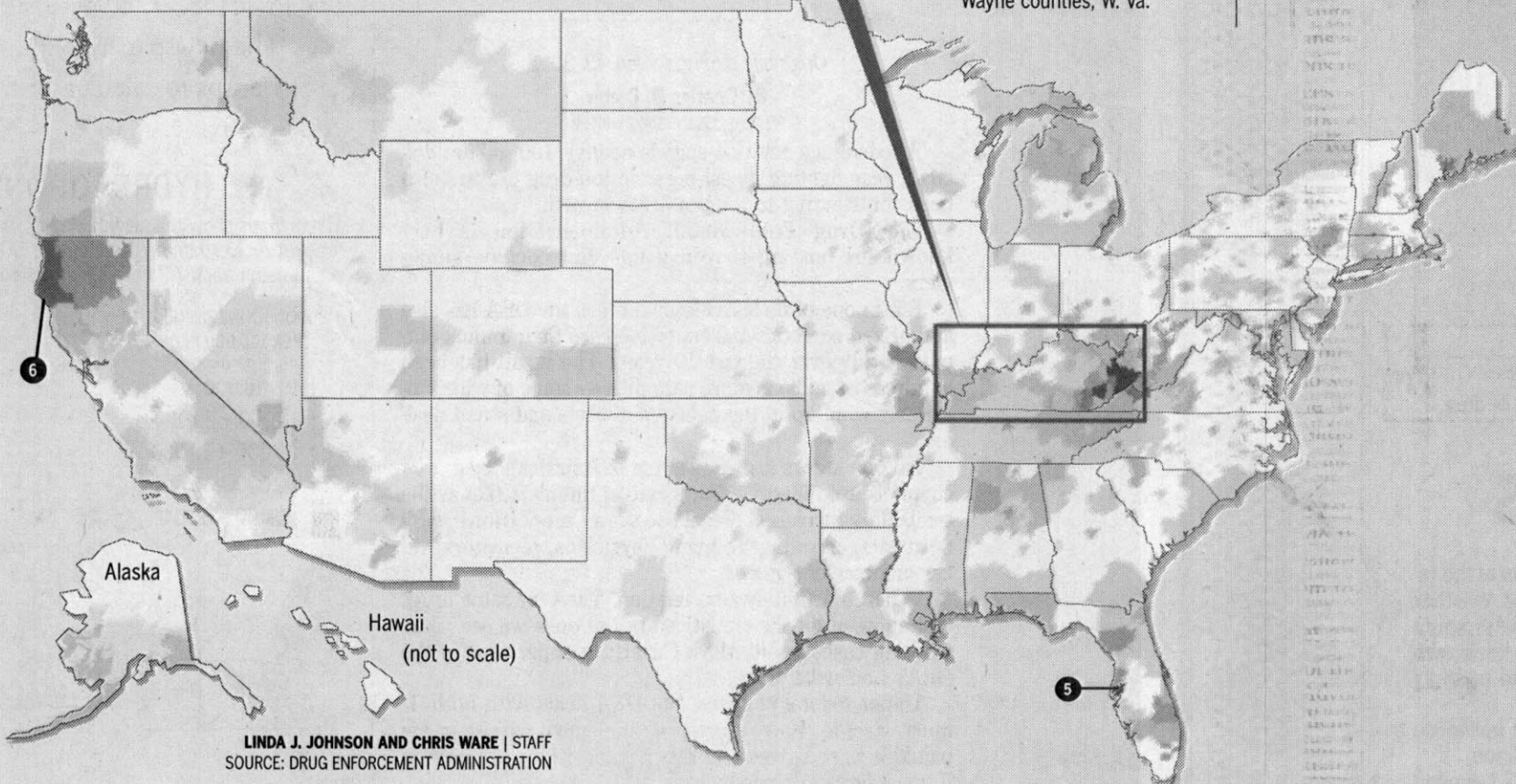


**Places for painkillers**

These maps show areas that received the most narcotics per capita from 1998-2001.

**NARCOTICS IN GRAMS PER 100,000 PEOPLE FOR 1998-2001**

- National median and below
- 85,000 - 115,000
- 115,000 - 145,000
- 145,000 - 175,000
- 175,000 - 205,000
- 205,000 - 235,000
- 235,000 - 275,410



LINDA J. JOHNSON AND CHRIS WARE | STAFF  
SOURCE: DRUG ENFORCEMENT ADMINISTRATION

## MANY PILLS DIVERTED TO ILLEGAL SALES

Originally published Jan. 19, 2003

By Linda J. Johnson  
HERALD-LEADER STAFF WRITER

Eastern Kentucky is the prescription-painkiller capital of the United States, a place where narcotics such as OxyContin and Vicodin pour in at much higher rates than in Miami, Detroit or Los Angeles.

Nearly half a ton of narcotics reached parts of seven small mountain counties from 1998 to 2001 — the equivalent of more than 3,000 milligrams for every adult who lives there. A typical pill might contain 10 to 20 milligrams.

All the drugs were legal, but they didn't all stay that way.

In fact, federal officials say that the more legal narcotics are available in an area, the more will be diverted to illegal use. That's bad news for a region suffering from nothing less than a prescription-drug crisis.

In an analysis of federal data, the Herald-Leader found that, on a per capita basis, Eastern Kentucky drugstores, hospitals and other legal outlets received more prescription painkillers than anywhere else in the nation.

April Vallerand, a Detroit pain expert, thinks doctors should manage patients' real pain more aggressively. But "I can't imagine that Kentucky has any more pain than Detroit has. There's something going on," she said.

In truth, Eastern Kentucky has plenty of pain: the pain of an addiction epidemic, state health officials say.

■ A state police captain says that for every prescription-drug dealer his officers take off the small-town streets, four replacements are ready to take over.

■ A public defender in Perry County estimates that 95 percent of his clients either sell or abuse prescription drugs.

■ Eastern Kentucky circuit court dockets are jammed; possession and trafficking charges for all controlled substances jumped 348 percent from 1997 through 2001.

■ Residential drug-treatment centers are overwhelmed. Their admissions of prescription-drug addicts tripled from 1998 to 2001.

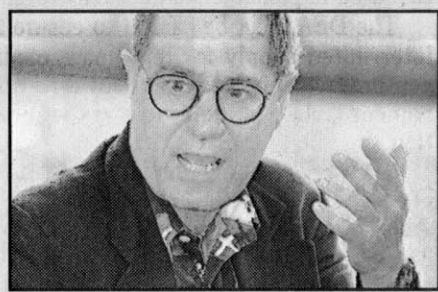
"This may be the first epidemic — if it is an epidemic — that started in rural areas," said Richard Clayton, an addiction expert who heads the University of Kentucky's Center for Prevention Research.

Clayton and others have known for some time that Eastern Kentuckians use lots of prescription drugs, legitimate or otherwise. He said he suspects that many turn to drugs for relief from poverty, unemployment and low educational attainment.

The nation caught a glimpse of Appalachia's drug dependency in 2001, when major media outlets carried stories about the abuse of OxyContin, a painkiller linked to dozens of overdose deaths in Eastern Kentucky and elsewhere.

Still, national experts said they were surprised by the Herald-Leader's analysis of data from the federal Drug Enforcement Administration. The DEA tracks the distribution of all controlled substances used in medicines.

Dr. Eduardo Bruera, who directs pain treatment at the noted M.D. Anderson Cancer Center in Houston, said he was amazed.



"This may be the first epidemic — if it is an epidemic — that started in rural areas."

Richard Clayton, an addiction expert who heads the University of Kentucky's Center for Prevention Research

## More pain treatment

Eastern Kentucky counties led the nation in per capita narcotics distribution in 1998, 1999 and 2000, the newspaper found. In 2001, the St. Louis area passed Kentucky, driven by large increases in the amount of OxyContin and of morphine, which is widely used to treat pain after surgery.

St. Louis is home to many oncologists, plus a teaching hospital, which accounts for some of its numbers, said Susan McCann, administrator of the Missouri Bureau of Narcotics and Dangerous Drugs.

As a whole, the nation saw rapid growth in the amount of prescription narcotics distributed during the late '90s, which reflected a national trend toward treating chronic pain more aggressively.

## Legitimate need?

One Appalachian pain specialist suggested that Eastern Kentucky, with its older population, many injured coal miners and high rates of lung cancer, might need large amounts of narcotics to treat legitimate pain sufferers.

"An older population with more chronic disease and more chronic pain would, of course, explain at least part of the need for more pain meds," said Dr. Philip Fisher, head of the Huntington, W.Va.-based Appalachian Pain Foundation, a non-profit organization.

The foundation, which tries to teach health care providers and law enforcement officials about the proper use of painkillers, is funded by dues-paying members, most of them health care providers, Fisher said. As it was forming in 2001, however, it received a \$20,000 matching grant from Purdue Pharma, the maker of OxyContin. Fisher said the grant has had no effect on the foundation's work.

Fisher and other pain specialists argue that law enforcement intimidates too many doctors into avoiding the use of OxyContin to treat pain. The American Pain Foundation, a non-profit that lobbies for better access to pain treatment, says that 33 million to 125 million Americans suffer from undertreated pain — a claim other experts find hard to believe.

"Pain in the butt, I can believe," said UK's Clayton, laughing at the suggestion that more than 40 percent of Americans are in pain.

Deciding who really needs narcotics isn't easy for doctors whose practices serve low-income people, said Dr. Danny Clark, a Somerset physician and chairman of the Kentucky Board of Medical Licensure.

Such patients "do not have the money to go to places to be evaluated for chronic pain," Clark said. So to relieve their pain, doctors prescribe pills.

It ought to be easy to tell the difference between legitimate sufferers and addicts, said April Vallerand, an assistant professor at Detroit's Wayne State University who serves on pain advisory panels. In 2000, she won a three-year, \$489,000 grant from the National Cancer Institute to study cancer pain management in the home.

"My patients with pain take these drugs so they can go back out and do the things that are important in their lives," Vallerand said. "My addicted population takes them to escape."

## Trying to get away

Peyton Reynolds, head of the Hazard office of the Department of Public Advocacy, said he sees many addicts among his clients — 95 percent of whom sell or use prescription drugs, he said.

"Our economy has failed," Reynolds said. "Young people are in despair. They have no future."

Police who try to stop the pill-sellers say the nature of the crimes makes enforcement seem like trying to hold back the tide.

With drugs such as cocaine and marijuana, police could occasionally work their way to Mr. Big, said Capt. Mike Reichenbach, who heads drug investigations in Eastern Kentucky for the Kentucky State Police.

"You work it long enough, you get back to the head and take it out," Reichenbach said.

But in the prescription-drug trade, each day brings a new kingpin: whoever "has got their prescription filled at 9 a.m.," he said.

Those who get arrested sometimes wind up in the care of people such as Scott Walker, the substance abuse program director for Mountain Comprehensive Care.

Every person in Mountain Comp's 21-bed Layne House in Prestonsburg is a recovering prescription-drug addict. Each might have another addiction as well, but it's "Loret, Lortabs and Oxy, mostly," Walker said.

"They are younger and sicker," Walker said, compared with clients from previous years.

The number of people seeking residential treatment for painkiller addiction in Eastern Kentucky nearly tripled from 1998 through 2001, and the wait for admission to one of the region's five community treatment centers can take several months.

Prescription-drug abuse has been "slow and insidious over the years; the last three or four years, it's been overwhelming," Walker said.

Staff writer Charles B. Camp contributed to this story.

Agency OKs more pills to chase

DEA, IN CHARGE OF FIGHTING DRUG ABUSE, AUTHORIZES INCREASES IN NARCOTICS PRODUCTION

Originally published Jan. 19, 2003

By Charles B. Camp  
HERALD-LEADER STAFF WRITER

A federal agency that spends nearly \$100 million dollars a year fighting illegal prescription-drug use has also been contributing to the problem's growth.

The Drug Enforcement Administration is best known for busting heroin gangs and cocaine smugglers.

But in one of its lesser-known roles, the DEA has also authorized narcotics-makers to increase their annual output sharply over the last 10 years. The result has been hundreds of millions more pain pills — some of which inevitably wind up in the hands of abusers and street dealers.

No one knows just how much of America's legal drug supply is used illegally. But a rule of thumb is that as the availability increases, illegal use grows proportionately, if not faster, according to many physicians, regulators and law-enforcement officers.

"There's definitely a correlation. The very same drugs that show up in the statistics are the ones we see when working cases," said Mark Caverly, a supervisor in the DEA's Louisville office.

Under federal statutes, the DEA deals with both. It must decide how much of the most abuse-prone painkillers, sedatives and other medications are needed to meet bona fide needs.

It then must try to keep those same substances out of the wrong hands.

The agency controls total availability by setting annual manufacturing quotas for scores of legitimate chemicals used in painkillers and other drugs.

The DEA must be careful to ensure an adequate, uninterrupted supply for legitimate medicine while preventing oversupply that would feed abuse, said Frank Sapienza, chief of the drug and chemical evaluation section.

"These substances are not marijuana or heroin. These are good medicines when given to the right people for the right reasons," Sapienza said.

To arrive at volumes it thinks will meet domestic, export and inventory needs, the DEA collects data on production, sales and inventory from manufacturers. It also reviews information on new products, total U.S. medical needs and prescription trends.

It divides the overall quota for each chemical among the companies that use it in their products.

Most of the process is secret. The DEA says information that companies provide is confidential under trade-secret laws. The same goes for their allotments; only totals for each broad chemical category, expressed by weight, are made public.

The DEA has a good relationship with drug-makers, Sapienza said. That helps avoid surprises that could create shortages of important drugs. But the companies don't get everything they want, he said.

Their market projections are viewed with caution because "companies are generally optimistic," Sapienza said.

Drug-makers that don't like the DEA's quotas have the right to squawk.

For example, the DEA posted its first 2003 quotas in November. Ten companies wanted more of 20 drugs, according to the Federal Register, the daily record of government actions. In response, the DEA raised 11 quotas.

Twelve requests and five increases were for materials classified as narcotics.

The latest version of that list, issued last month, authorizes a total narcotics output that is 27 percent higher than five years ago and 75 percent higher than a decade ago.

This year's quota for output of hydrocodone, which is used in many brands of pain pills, is 14 percent higher than last year's and 79 percent higher than five years ago.

The ceiling for oxycodone, the active ingredient in OxyContin, remains the same as last year's, 26 percent below the record set in 2001. But it's nearly triple 1998's level. Many doctors say adverse publicity in 2001 slowed their prescribing of OxyContin.

The DEA has made huge midstream adjustments in the past. In 2000, it raised the oxycodone quota four times to nearly double the 1999 level.

In one round, Purdue Pharma, the maker of OxyContin, advised the DEA that it would seek a formal hearing if the oxycodone quota and one other quota weren't increased to meet its estimates of medical need. The oxycodone quota rose 35 percent. Purdue said it didn't ask for a hearing.

In 2001, two DEA administrators told Congress, about six months apart, that they might cut quotas to fight OxyContin abuse. The oxycodone limit fell in 2002, but by then demand was slowing, too.

Sapienza said that it is impractical to try to quell potential abuse just by adjusting quotas. "If we cut a certain percentage, how do we know that's the percentage going to the abusers?" he asked.

That's where the DEA's other job comes in. The agency has requested a \$114 million budget for this fiscal year — an increase of \$24.6 million — for its division that combats prescription-drug diversion. Much of that money would pay 75 new investigators to help chase down illicit pill users and suppliers.

## Tracking prescription narcotics

The federal Drug Enforcement Administration keeps track of all controlled substances used to make hundreds of trade-name medicines that are distributed through legal outlets, including physicians, drugstores and hospitals.

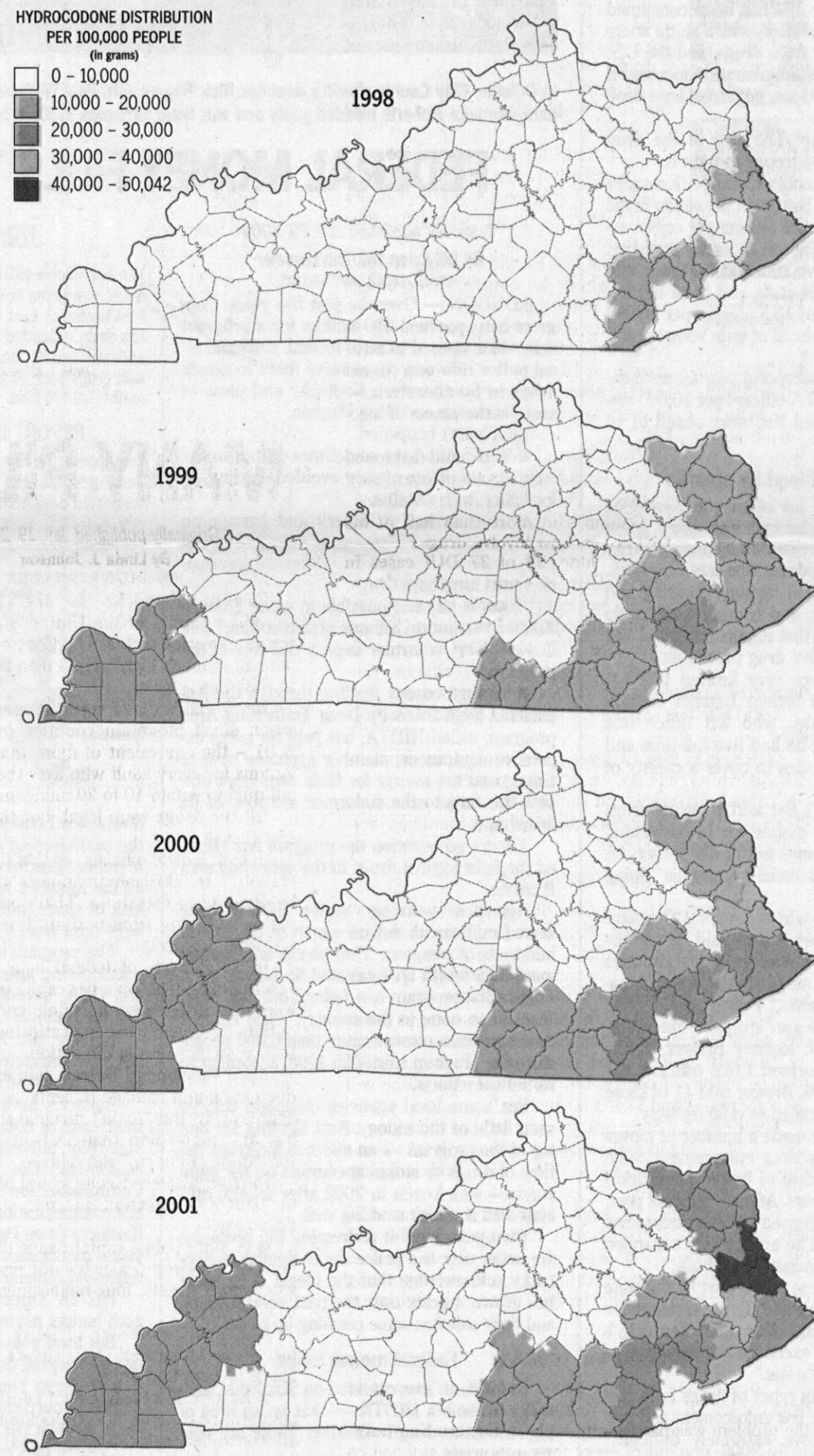
The Herald-Leader examined the DEA data related to narcotics. Narcotics are used to relieve pain, but they can be habit-forming, and dangerous when abused. The newspaper studied thousands of electronic records that showed the amount of narcotics, by weight in grams, distributed throughout the United States from 1998 to 2001, the most recent year for which data are available.

The data were sorted into 3-digit ZIP code prefixes. For example, if you live in 40502, 40507 or 40508, your ZIP code prefix is 405.

The newspaper combined the drug data with population data from the U.S. Census to calculate the amount of drugs distributed per capita for each ZIP code prefix.

## HYDROCODONE BECOMES THE DRUG OF CHOICE

These maps show the growth of hydrocodone-based drugs in Kentucky from 1998 through 2001. The largest amount received in any location was 50,042 grams per 100,000 people in 2001. For each year, the drug amounts for each ZIP code prefix were calculated in five ranges, from 0 - 50,042 grams.



## Treatment centers see increase in narcotics abuse

Kentucky officials track the primary drugs abused by people who are placed in residential treatment centers. The growth rate of narcotics abuse among these people far surpasses that of any other class of drugs.

FIVE CENTERS IN EASTERN KENTUCKY			
Primary drug reported	Fiscal year 1998	Fiscal year 2001	Percent change
Alcohol	2,728	3,468	27
Cocaine and crack	231	191	-17
Marijuana	638	790	24
Narcotics	143	555	288

STATEWIDE			
Primary drug reported	Fiscal year 1998	Fiscal year 2001	Percent change
Alcohol	11,197	11,785	5
Cocaine and crack	2,015	1,719	-15
Marijuana	2,067	3,005	45
Narcotics	473	1,152	144

SOURCE: Kentucky Division of Substance Abuse

Analysis of DEA data by Linda J. Johnson, computer-assisted reporting coordinator. Maps by Johnson and graphic artist Chris Ware.



A LACK OF INTEGRITY, MONEY AND UNITY LIMITS INVESTIGATION OF DRUG OPERATIONS

# HANDCUFFING ENFORCEMENT

Shortages of cash, manpower plague police

Originally published Jan. 29, 2003

By Bill Estep and Tom Lasseter  
HERALD-LEADER STAFF WRITERS

**MCKEE** — When police in Jackson County investigated two people last August on suspicion of selling drugs, Sheriff Tim Fee said he forked over \$80 of his own money so an informant could buy two OxyContin pills.

That helps explain why there's not more drug enforcement in rural Kentucky. Many sheriffs' offices don't have the money or manpower to do much of it.

The Kentucky State Police has only two dozen officers specifically assigned to drug investigations for 56 Eastern and Southern Kentucky counties.

"It's really, really slim," said state police Maj. Mike Sapp. "To properly enforce the drug problem, we would need to at least triple the amount of people."

Instead, the agency is 64 officers short of its budgeted strength.

Meanwhile, the FBI has been consumed with combating terrorism, which shifts attention and staff away from drugs, and the U.S. Drug Enforcement Administration focuses on large drug organizations, not street-level dealers.

The bottom line: The size of the drug problem exceeds the troops to fight it.

Though the numbers fluctuate, Kentucky has ranked near the bottom in the nation in the number of sworn police officers per capita, according to the U.S. Bureau of Justice Statistics.

In 1997, only two states had a lower rate of police officers in state and local departments. Kentucky had 15.5 officers per 10,000 residents, ranking ahead of only Vermont and West Virginia.

By 1999, the most recent year for such data, the figure was 17.6 officers per 10,000 residents, which ranked Kentucky ahead of 10 other states.

## Heavy workload for sheriffs

Sheriffs wear a lot of hats in Kentucky. They're responsible for collecting taxes, transporting prisoners, providing court security and serving court papers, such as summonses.

Combine that with meager funding and big areas to cover, and few are able to do drug investigations that require extended surveillance or expensive drug purchases.

"The sheriffs are very limited in what they can do," said former Letcher County Sheriff Steve Banks, who left office this month. Banks said he had five full-time and two part-time deputies to cover a county of more than 25,000.

Jackson County's Fee said he wants drugs off the street, but money for investigators' drug buys often comes out of his pocket. "A man suffers from financial pneumonia" doing that, he said.

In Lee County, which covers 210 square miles, Sheriff Harvey Pelfrey said he and his lone deputy rely on volunteer special deputies for help. "It keeps me busy just doing ... paperwork and transports," Pelfrey said.

The state police are "strapped like everyone else," said Col. Rodney Brewer. While the state has authorized 1,020 officers, the agency has only 956. Brewer said 11 of those officers have been called to military duty.

The state police made a number of moves last year to beef up drug enforcement, such as setting up a system to better share information among officers. At each regional post, a detective was assigned to be a street-level drug investigator. The agency also expanded education efforts against drug abuse.

The changes came as a report by the state police and the National Drug Intelligence Center was making clear that Kentucky's drug problem "has exceeded the resources of law enforcement officials."

"Abuse of certain types of drugs is so pervasive that effective law enforcement and prevention efforts prove extremely difficult," said the report, released in July.

## FBI focuses on terrorism

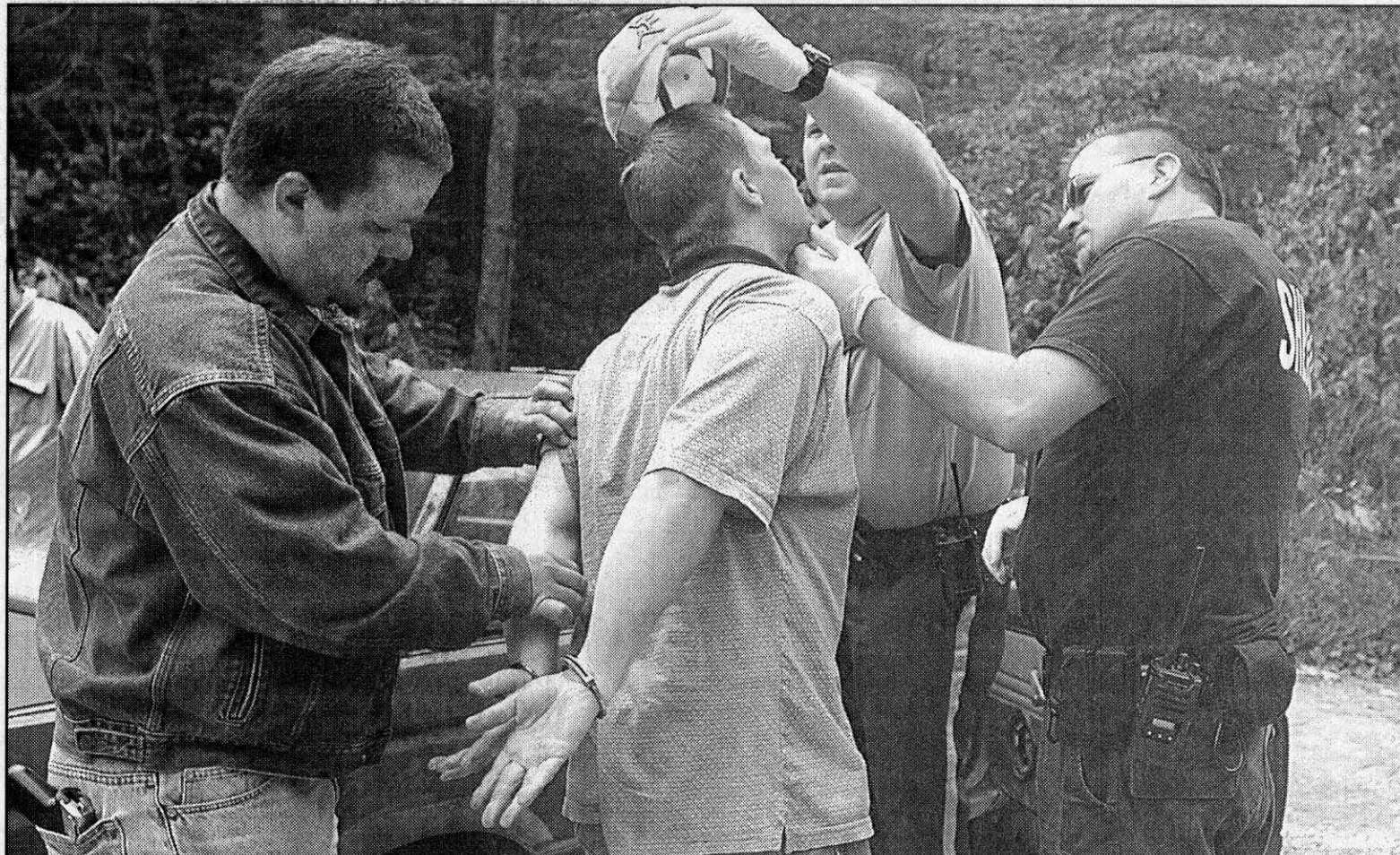
The FBI has long played a key role in Kentucky drug investigations, especially cases involving police corruption related to drugs. The agency investigated the largest such case in state history, charging four Eastern Kentucky sheriffs, a deputy and a police chief in 1990 with taking payoffs to protect drug runners.

Because it can severely damage the quality of life in communities, public corruption remains a top priority for the FBI, said J. Stephen Tidwell, special agent in charge of the FBI in Kentucky.

Since Sept. 11, 2001, however, the FBI has shifted resources to deal with terrorist threats. The agency has fewer agents in Eastern Kentucky now than before the attacks, although officials declined to say exactly how many agents it has in the state.

Tidwell said there was a time when the agency could put other matters on the back burner, if necessary, in order to concentrate resources on investigating a large drug organization.

"Now we're not in the position to do that as much as we'd like to," Tidwell said.



DAVID STEPHENSON / STAFF

In October, Clay County sheriff's deputies Rick Wagers, left, Paul Whitehead and James Sizemore charged James Roberts with use or possession of drug paraphernalia. Roberts pleaded guilty and was fined \$25, plus \$130.50 in court costs.

## FEDERAL MONEY FAILS TO UNITE POLICE AGENCIES

Originally published Jan. 29, 2003

By Bill Estep and Tom Lasseter  
HERALD-LEADER STAFF WRITERS

**LONDON** — Over the past five years, Congress has approved \$30 million for a program that was supposed to meld federal, state and local police into one cooperative force to attack drugs in Southeastern Kentucky and parts of east Tennessee and West Virginia.

That hasn't happened.

■ Turf fights have sometimes gotten in the way, as one police agency avoided sharing information with another.

■ The history of bribery and corruption among local lawmen has made state and federal police reluctant to share confidential information with local cops.

"That is just not possible in some Eastern Kentucky counties, because of corruption," said Dave Gilbert, a former deputy director of the program.

■ Though money flowing through the Appalachia High Intensity Drug Trafficking Area program, called HIDTA, has paid for some expensive equipment, member agencies have at times used the money for their own work outside the target area, a former member of its board said.

There's no question the program has boosted the fight against drugs in the sprawling area it covers.

Agencies working under HIDTA have seized millions of dollars worth of drugs and hundreds of weapons. They've cut and burned marijuana worth an estimated \$5 billion in an eradication program one federal official called "second to none in the country." And HIDTA members have arrested more than 6,000 people since the program started in 1998, according to its annual reports.

But some local agencies complain they've seen little of the money. And funding for one leg of the program — an effort to interrupt the flow of drugs by stopping couriers on the highways — was frozen in 2002 after federal officials said it wasn't working well.

Changes aimed at addressing the problems are under way. But police across Southeast Kentucky acknowledge that the illegal drug trade has grown quickly over the past several years, and their side has some catching up to do.

## Federal money helps

In 1998, an area centered on Southeast Kentucky became a HIDTA — that is, an area of high-intensity drug trafficking. There are now 28 such areas.

The region's enduring status as one of the five largest marijuana-producing states in the country helped it win that designation. The considerable influence of Republican U.S. Rep. Hal Rogers, who represents much of Eastern Kentucky, also played a role.

Without HIDTA, the federal Drug Enforcement Administration probably wouldn't have several agents stationed in Laurel County. The U.S. Forest Service wouldn't have extra officers to prowling for pot patches. And the Internal Revenue Service and the federal Bureau of Alcohol, Tobacco and Firearms wouldn't have extra agents in rural Kentucky to investigate money laundering and gun crimes related to drugs.

HIDTA's headquarters in London includes an intelligence center to help police. The program also brings money for increased prosecution in state and federal courts.

But the core of the HIDTA concept — bringing federal, state and local police together to share information and target drug traffickers — hasn't come to pass.

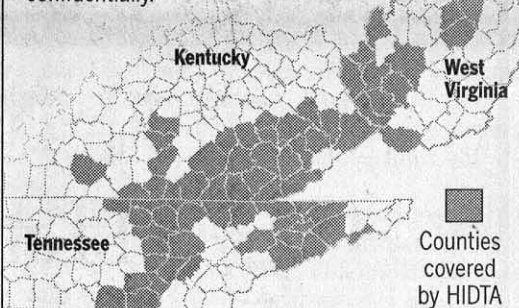
■ For example, one goal of the program is called "co-location" — getting police from each agency moved into the same office to share information. Though HIDTA rents office space in

## Joining forces

The Appalachia HIDTA was designated in 1998 to target marijuana in 65 counties, primarily in Southeast Kentucky, East Tennessee and West Virginia. It has since expanded to 68 counties, shown below, and switched its focus because of growing problems with drugs such as prescription narcotics and methamphetamine.

## REPORT DRUG TRAFFICKING

The Appalachia High Intensity Drug Trafficking Area Task Force has a tip line where people can report suspected drug activity. The toll-free number is 866-424-4382. Reports can be made confidentially.



downtown London for \$150,000 a year, not all the participating agencies keep officers there. Member agencies say it has been difficult to get all the agencies together, in part because of a lack of space, and because they cover such a large rural area.

The program has been a financial boon for participating agencies, which include the FBI and DEA, several state-level police agencies and the National Guard.

For the last fiscal year, state-level police agencies requested more than \$750,000 from HIDTA to pay officers overtime.

Agencies have also put in for hundreds of thousands of dollars to lease vehicles and buy high-tech surveillance and communications equipment. The West Virginia Public Safety Commission, for instance, asked for seven mobile communication systems at \$7,728 each. The Kentucky State Police sought two \$3,000 night-vision monoculars. And the U.S. Forest Service requested cameras that cost \$7,300 each.

HIDTA Director Roy Sturgill said most such budget requests have been honored.

But local police departments say little money has trickled down to them. Harlan County Sheriff Steve Duff said his office got about \$5,000 in overtime funding over the past three years through HIDTA.

"Where they're lacking with locals is they're not giving us enough funding," Duff said.

Col. Steve Lundy of the Corbin police said HIDTA once offered the department \$4,000. That would have paid an officer to work only a few hours a week to investigate drug couriers, he said.

"It's too limited to do anything with drug traffic," Lundy said.

Some police said they hadn't seen much of an effort to bring local police into investigations.

"We expected more of a cooperative type thing," said Todd Roberts, assistant police chief in Manchester.

Glen Thomas, who recently retired as a law-enforcement supervisor for the U.S. Forest Service and was on the HIDTA executive board, said the board urged local police to apply for funding by submitting specific plans, but got little response.

## Misdirection of funds

The Appalachia HIDTA faced the first comprehensive review by its parent agency last summer. The federal Office of National Drug Control Policy declined to release findings from the review, saying the document wasn't final.

But several people who saw results of the review said it raised questions about whether participating agencies were using the program to boost their budgets and continue their own work, rather than coming together to multiply effectiveness.

The review noted concerns that investigative agencies weren't sharing information.

Some agencies had used HIDTA-funded equipment, such as cameras, drug-sniffing dogs and vehicles, for work outside the target counties, said Thomas, the former Forest Service supervisor.

Agencies participating in the "interdiction" initiative aimed at stopping drug couriers were in effect using HIDTA money to fund their own individual programs, reviewers noted.

Maj. David Herald of the Kentucky Division of Vehicle Enforcement said there was a shortfall in exactly what the HIDTA program is supposed to promote: cooperation, communication and information sharing.

The vehicle enforcement division had participated in the interdiction program that was canceled.

Herald said investigators from other agencies didn't let his officers know about potential leads. And when the interdiction cops made an arrest, there was no attempt to follow up and connect the drug courier to other investigations.

"Everybody was basically doing their own thing, and you're not going to be successful that way," Herald said.

Herald and others said the HIDTA concept is good, but has been undermined at times when participating agencies looked to protect turf.

The federal reviewers also said federal and state agencies needed to work with local officers on task forces, said U.S. Attorney Gregory F. Van Tatenhove.

## 'It's done a lot of good'

Several current and former HIDTA officials said it's not unusual that there were some bumps in developing such a large program. Some say the Appalachia program didn't get a great deal of firm direction from ONDCP in its early days.

Nonetheless, the good has far outweighed the bad, they said.

"I think it has been a successful program. It's done a lot of good," said Gilbert, the former deputy director.

HIDTA officials are working on changes aimed at making the program more effective.

For instance, the DEA, state police and the Forest Service have started working on task forces with local police, or developing such joint efforts, in several counties.

The program's executive board has requested federal approval to pick up salary and overtime costs for some local officers to take part in task forces, said Sturgill, the HIDTA director.

And though there have been concerns about trusting local officers, there are a lot of good cops throughout the region who can work with federal and state authorities to bust drug operations, Thomas said.

At the direction of its federal overseers, the Appalachia HIDTA board will be putting its money behind the concept of cooperation. Before any agency can get funding, it will have to be part of a formal task force with a defined objective, said Van Tatenhove, who is on the board.

That change is aimed at ensuring that money goes to specific anti-drug operations, instead of just going to agencies.

As HIDTA nears the end of its fifth year in business, Van Tatenhove said he is excited about its potential.

"This is a great resource for our community," he said, "particularly a part of our state that continues to struggle with the war on drugs."



# Government corruption widespread, studies say

Originally published Jan. 29, 2003

By Bill Estep and Tom Lasseter  
HERALD-LEADER STAFF WRITERS

In the late 1980s, two professors compiled a list of criminal rings in Eastern Kentucky, then hung around game rooms, roadhouses and restaurants, played a little poker and did a lot of listening.

The goal was to make contact with people in crime rings and find out whether drug dealers, gamblers, prostitutes and others used bribes or relationships with local public officials to protect illegal activity.

Turns out they did.

Gary W. Potter and Larry K. Gaines, then criminal-justice professors at Eastern Kentucky University, reported that of 28 criminal organizations they studied in five counties, 25 benefited from some corrupt or compromising relation with government and law-enforcement officials.

The study reported payoffs; family ties between people paid to enforce the law and people breaking it; and cases of "official acquiescence," or cops looking the other way.

"It is inconceivable that in these rural counties, illicit gambling, prostitution, alcohol and drugs could be delivered on a regular and contin-

ual basis without the knowledge of government officials, law enforcers and 'legitimate' businessmen in the community," said the study, published in February 1992 in the Journal of Contemporary Criminal Justice, an academic journal.

Potter and Gaines used news accounts to identify criminal organizations. They later interviewed 16 people involved in the rings, promising them anonymity.

The professors did not identify the five counties in the study.

Not much had changed by the late '90s, according to a 1999 report from the Appalachia High Intensity Drug Trafficking Area, based in London.

The assessment said the marijuana problem in Appalachia, compounded by the rural nature of the area and "increasing law enforcement and government corruption, is beginning to overwhelm the limited capacity of state and local officials."

## Lawmen broke the law

Since the professors compiled their information, the courts have been busy dealing with corrupt cops.

In August 1990, six Eastern Kentucky law-enforcement officers, including the sheriffs of

Lee, Wolfe, Owsley and Breathitt counties, were arrested in an FBI drug sting described as the largest of its kind in Kentucky history.

A 42-count indictment charged them with conspiracy to extort money, distribute drugs and protect drug dealers. Five of the six were convicted.

Two years later, Terrence Cundiff, a former honorary deputy in Breathitt County who was running for sheriff, was arrested in Texas en route to Kentucky with 400 pounds of marijuana. Cundiff later pleaded guilty to being involved in a multistate marijuana conspiracy.

In 1994, Douglas Brandenburg became the second Lee County sheriff charged with drug crimes since 1990. Brandenburg, charged with conspiring to distribute marijuana and obstruction of justice, later pleaded guilty to obstructing justice. He was sentenced to nine months in prison.

Other arrests of cops followed in Bell, Breathitt and Perry counties over the years.

Potter said this month he doubts the incidence of police and government corruption has declined in Eastern Kentucky since he wrote about it a decade ago.

"I think that it's pretty ingrained," he said.

## ANATOMY OF A FAILED BUST

# Thanks to bad tapes, Bell cases drew a blank

Originally published Jan. 29, 2003

By Tom Lasseter and Bill Estep  
HERALD-LEADER STAFF WRITERS

PINEVILLE — The informant got more than \$3,000. The cops and the prosecutor got nothing except a note back from the jury that said, "not enough evidence."

And a dozen defendants went free.

A failed 1996 drug roundup in Bell County shows how police can be burned by unreliable informants, bad recordings and their own missteps.

In the Bell cases, informant Ricky Adkins was sent to make secret audiotapes of drug buys with a hidden recorder — but the tapes turned out to be either blank or garbled, court records show.

State police Det. Alice Chaney, then a 15-year veteran with several commendations, was running the investigation. When she was named Post 10 Trooper of the Year in 1990, her boss wrote that no case was too complicated for her.

Had Chaney checked the tapes soon after getting them — as police say she should have — she would have discovered the problem and could have tried again.

Instead, Chaney testified, she didn't listen to the tapes until later.

In all, a dozen people were indicted in the roundup.

But Bell Commonwealth's Attorney Karen Blondell said she didn't learn of the tape problem until her office was preparing for the first trial — a cocaine-trafficking case against Derrick "Bugsy" Hariston, 26.

"It's disappointing, but you have got to do the best you can with what you're brought by the police," Blondell said in a recent interview. "I'll say this — it was embarrassing."

Even without tapes, Blondell decided to take the Hariston case to trial with testimony from Adkins and Chaney.

Chaney testified that she had worked about 400 drug cases in one 10-month period.

Defense attorney Jennifer Nagle bore down on the tape issue, according to a transcript.

Nagle: "That tape is totally blank?"

Chaney: "Yes ma'am."

Nagle: "That tape had to be turned off, didn't it?"

Chaney: "It was either turned off or the tape recorder wasn't working."

Hariston denied selling cocaine to Adkins, saying it was a case of mistaken identity. Jurors acquitted Hariston, writing "not enough evidence" on the verdict form.

Charges against the other 11 Bell County defendants were eventually dismissed because of the poor quality of the tapes and problems locating Adkins, according to state police files.

Adkins could not be reached for comment.

Chaney testified that for working as an informant, Adkins received a standard payment of \$100 for each felony drug buy he made and \$50 for each misdemeanor. That would have totaled more than \$3,000 for the charges listed in the 12 Bell County indictments.

Chaney resigned from the state police in April 2000. She recently said she suffers post-traumatic stress disorder from her service as a state-police officer and receives federal and state disability payments.

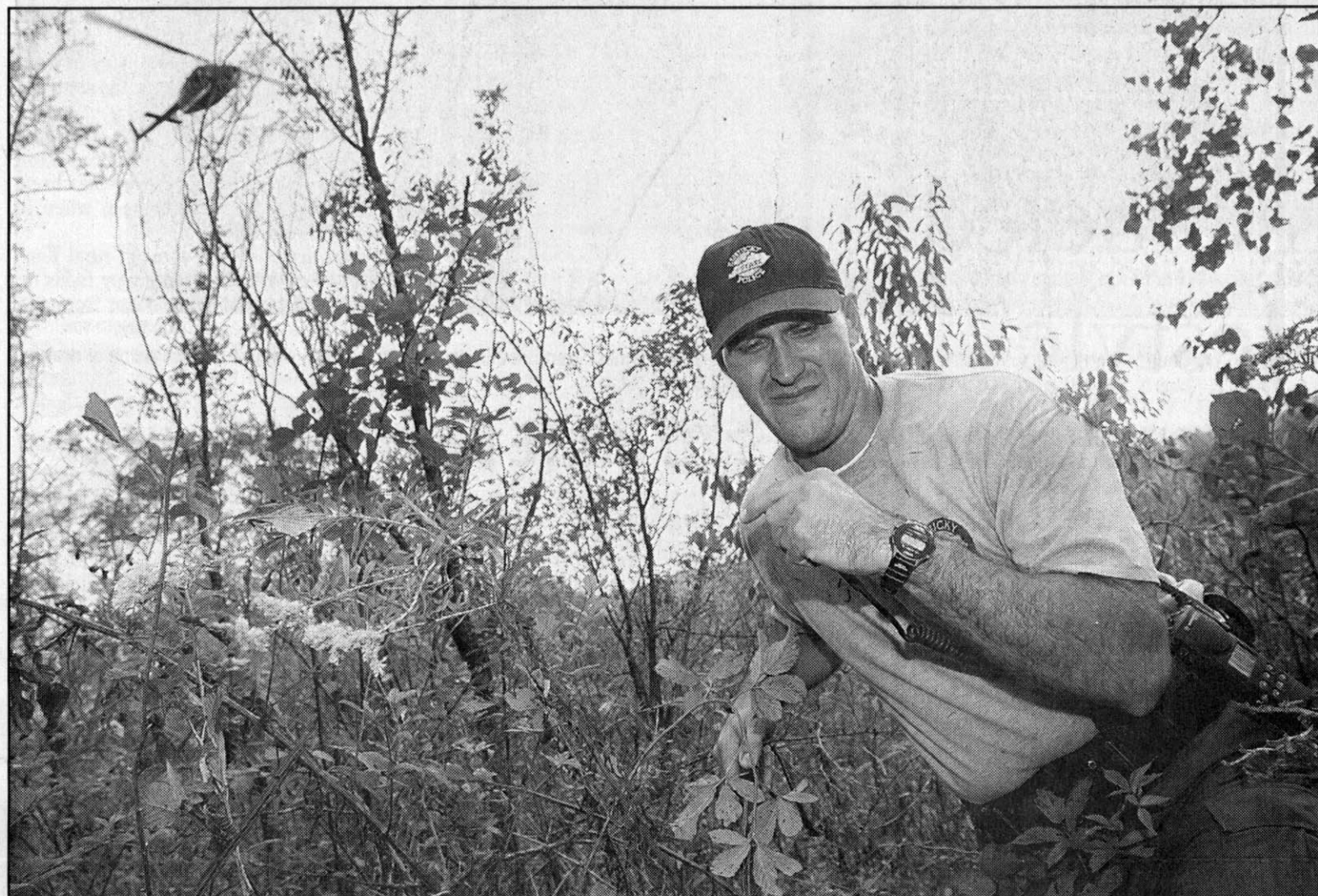
"It bothered me a lot ... when those things started going to trial and the complications started happening," Chaney said, though she did not recall specific details of the 1996 drug roundup.

State police Maj. Mike Sapp said that a few years ago, some detectives doing street-level drug investigations out of regional posts — such as Harlan, where Chaney worked — didn't have enough training in such work. Nor were post-level supervisors specifically trained to oversee such investigations, Sapp said.

The Kentucky State Police now trains detectives who do drug investigations to listen to audiotapes of undercover buys soon after the transactions, Sapp said. Also, supervisors now get specific training in narcotics investigations, he said.

Sapp also said the state police had problems with recording equipment at the time of the Bell County roundup. The agency has since upgraded its equipment.

Prosecutor Blondell said she also has a new policy: She or someone in her office listens to undercover tapes before presenting a case to the grand jury.



PHOTOS BY DAVID STEPHENSON | STAFF

State police Trooper Bret Kirkland hacked through briars while looking for a plot of marijuana. Anti-pot efforts in Kentucky cost about \$7 million a year.

# 'Just growing marijuana'

## SOME SAY ANTI-POT MONEY SHOULD BE SPENT ELSEWHERE

Originally published Jan. 29, 2003

By Tom Lasseter and Bill Estep  
HERALD-LEADER STAFF WRITERS

HAZARD — As he prepared for another workday scrambling around Eastern Kentucky's hills, cutting and burning marijuana, state police Trooper Chris Clark pondered the future.

"I feel like I'm going to show my kids photos one day — 'Look at me burning this marijuana' — and it'll be like Prohibition, like I was busting liquor barrels," said Clark, a one-year veteran of the most-questioned front in Kentucky's drug war.

Clark is part of an annual effort by state police, the National Guard and the U.S. Forest Service to cripple the state's giant marijuana industry.

The strike-force campaign in Kentucky costs taxpayers about \$7 million a year. It patrols the mountains in helicopters, Humvees and pickups on a search-and-destroy mission that has burned an estimated \$4.2 billion worth of pot over the past five years.

But as prescription-drug abuse has skyrocketed in Eastern Kentucky, many people have come to think that marijuana eradication burns time and money that should be focused on deadlier, more-addictive drugs.

One example is the abuse of prescription painkillers. Federal officials report that between January 2000 and May 2001, Kentucky had 69 deaths in which the drug that makes up the painkiller OxyContin was present in the deceased. In 36 deaths, the levels were toxic, according to a federal report.

"Marijuana is a big problem in all of Eastern Kentucky, but it's not killing people," said Susan Ramos, the executive director of the Owsley County Industrial Authority.

Ramos spends her days trying to bring employers to one of the poorest counties in the nation — a job she said is complicated by the area's drug problem. But it's harder drugs, not pot, that scare off companies and limit the supply of able workers, she said.

Meanwhile, police are "busy flying helicopters and driving Humvees looking for marijuana," Ramos said. "It's backward."

Some prosecutors agree. "I think they waste too much time on marijuana," said Clay County Attorney Clay Massey Bishop Jr. "I have yet to

hear of anyone overdosing on marijuana."

## Not a 'benign herb'

Larry Carrico, head of the Kentucky Agency for Substance Abuse Policy, said the eradication campaign is needed.

Marijuana can cause health problems for users and serves as an entry-level drug for young people, which can lead to bigger problems; it's not the "benign herb" some people claim, Carrico said.

Sgt. Ronnie Ray, director of operations for the strike force, said the marijuana trade would explode if not for his team's efforts. "I look at what we do as drawing a line in the sand," he said.

In some ways, it's hard to imagine the illegal crop growing much more.

Kentucky and Tennessee account for almost half of the marijuana grown outdoors in the United States, according to a 2000 federal report.

Marijuana, not tobacco, is Kentucky's No. 1 cash crop, federal law-enforcement agents say. They are not alone in that conclusion. A national group that has campaigned for legalizing marijuana, the National Organization for the Reform of Marijuana Laws, says that in 1997, Kentucky's marijuana crop was worth \$1.36 billion, eclipsing approximately \$814 million from tobacco.

## Local impact

Those who grow pot might think they are not contributing to local drug problems because they sell their crop out of state, said Leslie County Attorney Phillip Lewis, who took office this month.

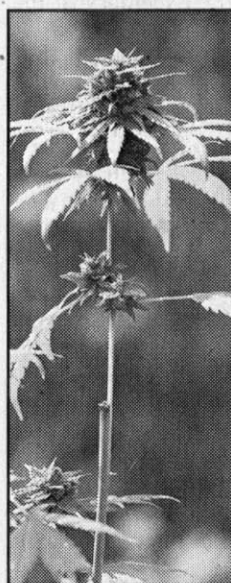
In reality, he said, the business brings in a bad element. The drug trafficker who comes to buy marijuana might try to barter with pills, which could be sold locally, Lewis said.

"I don't think you can fool with drugs and keep it a clean crop going north," Lewis said.

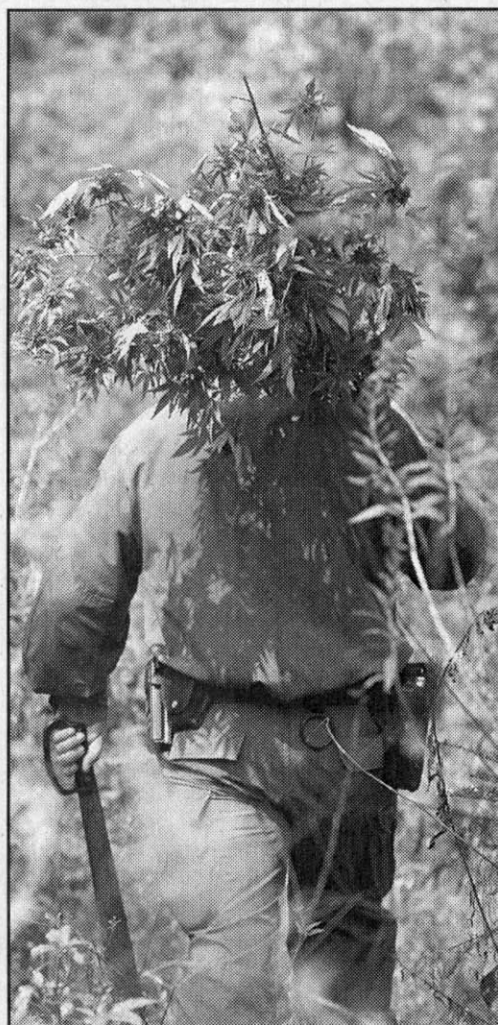
Other prosecutors take a less-stringent view.

Lori Daniel, the assistant commonwealth's attorney for Magoffin and Knott counties, said marijuana is nowhere near the top of her list of drug crimes to prosecute.

"I'm to the point now where when I'm looking at cases, it's 'Oh, he's just growing marijuana.' When did it get to that point? We just have another, bigger problem," Daniel said. "As bad as it sounds, people on marijuana stay home, get the munchies and don't go out and rob and steal."

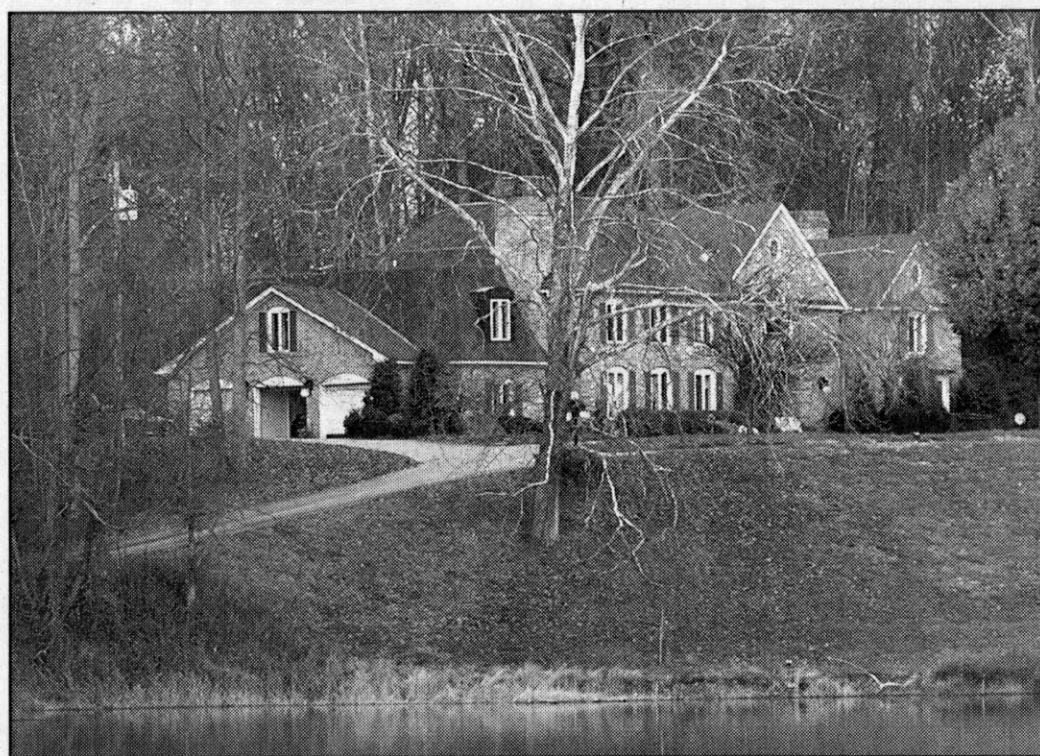


Left: Kentucky and Tennessee account for almost half of the marijuana grown outdoors in the United States, according to a federal report. Below: State police Trooper Mike Wolfe carried marijuana cut down during a raid in Perry and Breathitt counties in October.





# QUESTIONABLE PRACTICES



DAVID STEPHENSON | STAFF

Dr. David H. Procter's home in South Shore cost \$750,000. The estate includes a swimming pool and maid's quarters. Procter filled the home with Victorian furniture, Chinese rugs, African art and an \$1,800 pair of 7-foot-tall bronze storks, according to bankruptcy records.

## Suspect clinic fueled a lavish lifestyle

Originally published Jan. 31, 2003

By Lee Mueller and Charles B. Camp  
HERALD-LEADER STAFF WRITERS

ASHLAND — Dr. David H. Procter stood still as a bird outside the federal courthouse here one day last July — until someone pointed a television camera at him.

Blinking once behind his wire-rimmed glasses, he suddenly turned on the heels of his square-toed shoes and fled directly into the traffic on four-lane Greenup Avenue. "He was escaping you," his lawyer, Tracy Hoover, told reporters. Moments earlier, Procter had pleaded not guilty to criminal drug charges.

Of all the physicians linked to the plague of prescription-pill abuse in this region, Procter is alternately the most visible — and the most elusive.

Some South Shore residents say he's a fine doctor they'd gladly see again if he extracts himself from his legal problems and retrieves his license.

But law-enforcement officials claim Procter's clinic supplied drugs to a legion of Eastern Kentucky and southern Ohio abusers, and effectively served as a launching pad for other doctors who went on to start similar practices.

In response to a federal indictment last summer, he denied writing illegal prescriptions and claimed someone else in his office hired the doctors, some of whom he said he never met.

Procter's penchant for fine living has long made him conspicuous in an area where the annual income averages \$27,000. He was clearing more than \$200,000 a year by the late 1980s, according to old bankruptcy records. By 1997, his clinic was generating as much as \$450,000 a year before expenses.

He built a \$750,000 house with a swimming pool and maid's quarters on a gated estate. He bought Victorian furniture, Chinese rugs, African art and an \$1,800 pair of 7-foot-tall bronze storks, according to bankruptcy records. He owned a Mercedes, a motorcycle, a black Porsche 930 and a classic red Corvette.

Procter and two former employees indicted with him face trial April 23.

Procter arrived in South Shore at age 26, wearing an Afro-style haircut and fresh from a one-year internship in Nova Scotia, Canada. After working briefly for a well-known local doctor, he soon opened his own office beside a used-car lot along U.S. 23.

By the early 1990s, an estimated 4,000 to 5,000 patients from the region were trekking to little South Shore to see Procter.

Then things began to sour.

Citing tax problems and losses on \$1.2 million of rental properties, Procter and his wife, Karen, filed for bankruptcy protection in 1992. They listed nearly \$1.6 million in debts and \$1.4 million in assets.

Then, in 1993, Procter was acquitted of threatening a youngster in a local schoolyard at gunpoint over a T-shirt that Procter said belonged to one of his boys. He later settled a civil suit with the youngster's family.

Procter denied that he ever threatened the schoolboy with a gun. But twice in court papers he volunteered that shortly before the incident, he borrowed and returned a .357-caliber Magnum state-issued pistol from Keith

Cooper, a state trooper at the time who is now Greenup County sheriff.

Cooper claims ownership of about 100 guns. He did not recall lending one of them to Procter. "If (Procter) gets in trouble, he tells everybody, 'I'm so-and-so's friend,'" said Cooper, who enjoys a solid reputation among local lawmen.

Procter also sold Cooper a house in 1985 on a land contract for \$52,000 — \$4,000 less than Procter had paid for it in 1979. Cooper resold it for \$66,000 in 1993.

The link between the two is a political issue to some. "People had a lot of concerns," said Sgt. Kevin Diedrich, a Flatwoods policeman whom Cooper beat in the primary election for sheriff last year.

Cooper dismissed the criticism as warmed-over election rhetoric, claiming he busted more than 80 people coming and going from Procter's clinic.

Procter was accused of pressuring some patients into performing sexual acts in the 1990s, according to a complaint prepared in 2000 by the state Board of Medical Licensure to support a license-suspension order.

One patient said Procter began counseling her for depression, but then initiated sexual activities and eventually established a pattern of visits that included no counseling — only sex and prescriptions, according to the complaint. Procter repeatedly denied the sexual-misconduct allegations in fighting the attempt to suspend him.

In November 1998, Procter drove off U.S. 23 and hit a utility pole. He said in a warrant that an angry patient knocked him off the road. Procter later changed his story and dropped the charge.

Citing injuries from that wreck, he surrendered his medical license in August 2000; he has been collecting \$198,000 a year in disability insurance, court records show.

Still, he kept the clinic open until last fall, paying as much as \$3,250 a week for a series of fill-in doctors. Procter showed up at the clinic occasionally, but claimed he was doing nothing more than emptying trash or opening mail.

Last month, Procter changed lawyers, hiring Scott C. Cox of Louisville, a former federal prosecutor, to replace Hoover. Cox wouldn't comment on the charges against Procter.

Before he was replaced, Hoover had argued that Procter was being made a scapegoat for government agencies that have failed to prevent trafficking in prescription drugs.

"It will be a trial about drugs, sex and money," Hoover said. "He's the one they're going to hang out there."

Until the day it closed last August, Procter's clinic had a large sign inside the door declaring that office visits cost \$80 to \$120.

The last physician to work in the clinic, Dr. Steven Preston, 33, of Carlisle, Pa., said he arrived knowing the clinic's history, but Preston said Procter told him to operate a family practice, offering pediatric care.

Unfortunately, "about 100 percent" of the patients he inherited were pain patients, Preston said.

When he prescribed anti-inflammation medication instead of pain pills, many did not return, he said.

## PROSPECT OF DOCS DEALING DRUGS PRESSURES MEDICAL-LICENSING BOARD

Originally published Jan. 31, 2003

By Charles B. Camp and Lee Mueller  
HERALD-LEADER STAFF WRITERS

SOUTH SHORE — Illegal machine guns. Drug arrests and drug addiction. Tales of bad debts, exploitative sex and gunpoint confrontations.

Credentials for a street gang, perhaps. Not a medical career.

But these five men weren't gangsters. They were doctors — doctors who authorities say supplied millions of dollars' worth of prescription narcotics to drug abusers in Eastern Kentucky.

Each of the physicians, who have been indicted on specific counts of illegally prescribing drugs, worked at one time or another at a small clinic in the tiny Ohio River town of South Shore.

Each got started or managed to stay in business in Kentucky thanks to the way the state polices doctors.

At a time when a raging drug crisis has killed or damaged thousands of Kentuckians, the state Board of Medical Licensure has been confronted by a problem unforeseen when it was created 30 years ago:

The narcotics of choice choking rural Kentucky don't come from Turkish poppy fields or Colombian coca plants. Most come from the prescription pads of licensed doctors.

And a board created to monitor professional standards and assure high-quality health care has been overmatched by the growth of a lucrative, illicit market for pills.

The panel, which screens more than 1,000 new applicants for licenses annually, often makes trusting assumptions. It doesn't get as much information about applicants as it could. And it's confined by statutes that limit its powers in controlling — or even monitoring — the 8,800 doctors already practicing in Kentucky.

In the South Shore cases:

■ Three of the physicians were granted Kentucky licenses despite histories of criminal, civil or professional trouble elsewhere.

■ A fourth escaped scrutiny by Kentucky regulators until an Ohio coroner raised questions about him. By the time Kentucky acted, he had been linked to seven patient deaths.

■ The fifth doctor, who at various times employed all the rest, first came into regulators' sights 20 years ago, but kept his clinic open until last fall despite two attempts to sanction him. One has pleaded guilty; the others face trials this year.

Board members say they know it's their job to prevent all this.

The board "is not in business to protect physicians, we're in business to protect the public," said president Danny M. Clark, a Somerset doctor with 16 years on the panel.

Still, the state's soaring prescription-drug problem has some members of the board reeling. They aren't accustomed to looking for criminal potential in a fellow doctor.

"Until a few years ago, you just didn't think about physicians having felony convictions," Clark said.

A very small number of Kentucky doctors are unscrupulous, but just one can do serious damage, said Michael Duncan, director of special investigations for the state attorney general's office.

"Bad docs are just overwhelmingly horrible for a community," Duncan said. "Get people addicted, take their money."

### Regulator can't look for trouble

In a 66-month stretch that ended last month, Kentucky licensed 4,715 new medical and osteopathic doctors, and rejected just 27. Eight rejections came in the last six months.

The medical board couldn't check any applicants' backgrounds through the FBI's criminal record database — despite a law passed by the General Assembly last year authorizing such checks. The FBI rejected the bill's wording as too vague.

This session, lawmakers will be asked to try again, specifying that the board would submit applicants' fingerprints to the FBI for checking.

Kentucky doesn't look for or ask applicants about bankruptcies, income-tax liens or big disputed debts — many of which are easily discoverable through Internet searches or credit reporting agencies.

Few if any states do those things, though some states' medical boards ask about delinquent child support; and other states, including Kentucky, ask about delinquent student-loan payments.

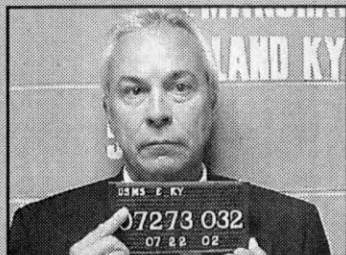
Such financial information might signal that a doctor is "desperate for money," said Dr. L. Douglas Kennedy, a Lexington pain specialist who often evaluates suspect physicians for the board. But the board's general counsel, C. Lloyd Vest II, said members couldn't deny an applicant a license on financial grounds alone without citing some violation of state law.

Kentucky runs applicants' names through two national databases for evidence of misconduct. It checks medical degrees; training; hospital connections; old jobs; and any disciplinary records from other states. Candidates must answer about two dozen questions about current or old sins.

The checks must turn up serious defects before the board can refuse a license. "Both morally and legally, we have to be able to defend our position," Clark said.

See next page

### Lineup of the accused



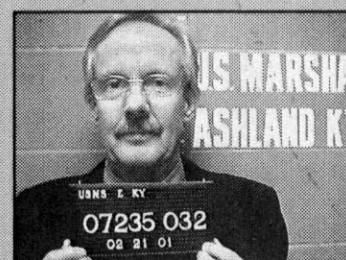
DAVID H. PROCTER

■ Opened medical clinic in South Shore in 1978. Kept his last location, called Plaza Healthcare, open until 2002.

■ In 1987, successfully fought attempted discipline by Kentucky Board of Medical Licensure. In 1999, board filed new allegations, including claims that he traded narcotics for sexual acts.

■ Is accused in a federal indictment of conspiring with two office aides to illegally prescribe narcotics.

**Now:** Pled not guilty. Living in South Shore on gated estate, he awaits trial April 23.



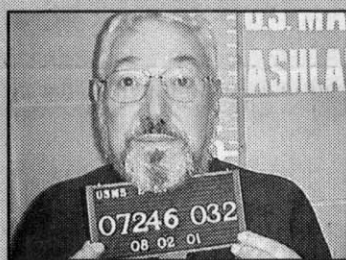
STEVEN PARIS SNYDER

■ Licensed by Kentucky in 1997 despite earlier drug and weapons charges in Indiana. Began working for Procter in January 1999. Pay: about \$2,800 a week.

■ Left Procter after eight months; began working on his own. Pay: up to \$2,100 a day.

■ Admitted taking up to 30 Lorcet pain pills a day and injecting OxyContin, a powerful painkiller. Now drug-free and expected to testify in Procter's trial, his lawyer said.

**Now:** Awaits sentencing after pleading guilty to federal weapons and drug charges in April 2001. Owned 107 firearms at one time, records say.



FREDERICK COHN

■ Began working for Procter in September 1999. Procter paid a physician-placement agency \$3,250 a week for his services, plus living expenses, court records say.

■ Left Procter to open his own clinic in Paintsville in August 2000. He and a partner wrote prescriptions for 45,000 pills a day. Charged with illegal distribution of drugs.

■ **Now:** Free on \$25,000 bond, living in Albuquerque, N.M.; awaiting Feb. 24 trial in London.



FORTUNE J. WILLIAMS

■ Licensed by Kentucky in 1996 despite his failure to disclose a drug charge. Started in Kentucky as a diet doctor in Covington.

■ Began working for Procter in August 2000, but left shortly afterward for Garrison, about 20 miles away in Lewis County. There, he worked in a clinic managed by Procter's former office manager.

■ Left Kentucky for Jamaica before his sealed indictment was opened last year. Was arrested upon his return, charged with writing illegal prescriptions.

**Now:** Unable to post \$10,000 bond after pleading not guilty, he awaits trial in the Lewis County Jail.



RODOLFO SANTOS

■ Joined Procter's payroll in 2001 at \$2,500 a week; stayed until his arrest last summer.

■ As many as seven of his patients died of drug overdoses, according to a Kentucky medical board document.

■ Told medical board investigator that his patients were all liars and drug addicts. "I am not the police; I do not know if they are selling or sharing their prescriptions." Charged with writing illegal prescriptions.

**Now:** In Pennsylvania; awaiting trial April 14 in Greenup Circuit Court.

**"It will be a trial about drugs, sex and money. He's the one they're going to hang out there."**

Tracy Hoover,  
former attorney for Dr. David H. Procter



# 'HE DIDN'T HAVE A STETHOSCOPE'

From preceding page

When it comes to penalizing errant physicians who already have licenses, only four states were tougher than Kentucky in 2001. "This is a tough board," said Dr. Emery Wilson, dean of the University of Kentucky College of Medicine. "If we know about something, we will take action."

But state laws limit how aggressive the board can be. Statutes make the board a "reactive agency" that can respond to complaints but can't look for problems on its own, Vest said. The reason for a penalty or denial of a license must be rooted in one of 21 specific offenses, he said.

Overall, Vest added, "We feel we do a very good job of protecting citizens, with the resources we have and the statutory authority we have."

## Doctor was dubbed 'Ray Kroc'

One Kentucky lawman likes to call 51-year-old Dr. David H. Procter, the former proprietor of South Shore's now-defunct Plaza Healthcare clinic, "Ray Kroc." Kroc built the McDonald's hamburger chain. Procter employed a string of doctors who have since been indicted on charges of pushing pills.

The Canadian-born Procter got a Kentucky license in 1977. By 1983, a medical-board investigator was at his door, asking for records related to patients on pain pills.

In 1986, the board tried to keep him from prescribing certain narcotics. In 1987, it tried to suspend his license.

Procter hired experts to assure the board he was fixing his fast-growing practice, and then hired lawyers to argue for him. The board dropped its case after a hearing at which Procter presented a detailed defense of his treatment of 23 patients.

In 1999, the board, armed with a bulging file of complaints, again tried to take Procter's license. The complaints included allegations that he pressured some patients into sexual acts during office visits, and required one to have sex with him as a condition for prescribing tranquilizers for her.

Procter fought the new board order at first, but surrendered his license in 2000. He denied all charges and declared that his surrender came only after injuries from a 1998 car wreck left him mentally unable to practice medicine.

Last summer, Procter was indicted along with two former office employees on federal charges of conspiring to illegally distribute drugs and of writing illegal prescriptions. Like Procter, the aides have pleaded not guilty.

Procter and his attorney, Scott C. Cox of Louisville, a former federal prosecutor, wouldn't comment for this story. But in court papers, Procter blamed his co-defendants and said he had nothing to do with hiring the doctors who followed him at the clinic. He said he hadn't even met most of them.

## Machine guns and Lorcet

Among the 15 physicians who worked for Procter between 1998 and 2002, three left after one day or less. Others quit after a week or so, federal records show.

Dr. Steven Snyder hung around a bit longer. Snyder received a license in 1997 despite a messy application. Kentucky medical board records say he'd been arrested in Indiana in 1985 on charges of writing illegal prescriptions, and in 1986 on charges of possessing two illegal machine guns. Indiana suspended his license twice in about three years.

Snyder, a Kentucky native making a pitch to come home, suggested to the board that an undercover cop tricked him on the drug charges. He also said he was a gun collector, and that the weapons charges were a technicality. Anyway, all the charges were dropped for lack of prosecution, he said. (In truth, the charges were dropped only after he kept out of trouble under a pretrial diversion agreement.)

Still, Snyder's application contained an important clue that he might have a personal drug problem. In a 1991 affidavit he provided to Kentucky, Snyder said he had turned in his Indiana license and moved to Florida because he resented Indiana's demand that he be evaluated by a psychiatrist and an addiction specialist.

That kind of information about an applicant would normally prompt Kentucky regulators to require a similar evaluation, said Vest, the board counsel. But "no one in the process directed an evaluation," he said. "I don't have a reason."

Snyder arrived at Procter's clinic in 1999 and stayed about eight months. At times, he was popping up to 30 Lorcet pain pills a day, board records say.

In November 2000, Snyder admitted to federal agents that he had been secretly using narcotics, sometimes heavily, since his Indiana days, Kentucky board records say.

Procter recalls a raucous breakup in which he fired Snyder because Procter caught him prescribing improperly. Snyder "pulled a pistol and pointed it at me and threatened to kill me," Procter said in an affidavit filed as part of a civil dispute with the placement service that sent Snyder to his clinic.

Afterward, Snyder practiced on his own. He began writing illegal prescriptions, sometimes for patients he hadn't met, board records say. He collected \$2,100 in fees on some days.

Snyder has pleaded guilty to federal weapons and drug charges. He declined to comment, but his lawyer said he is drug-free and cooperating with prosecutors as he awaits sentencing.

Dr. Rice C. Leach, state commissioner for public health, was the board member who moved to give Snyder a license. Leach said the board sometimes gives "second chances" when it thinks a doctor has learned a lesson.

The lack of any bad reports from Snyder's five years in Florida also helped, said Clark, the board president.

## Considering fingerprint checks

If state lawmakers and the FBI approve, Kentucky this year will become the 13th state to authorize criminal background checks as part of licensing doctors.

Each applicant for a new license would pay \$24 to cover the cost of fingerprint checks by the FBI. The state Board of Medical Licensure could also require a fingerprint check as part of a doctor's annual license renewal.

California regulators report getting a match in 5 to 10 percent of cases. Most "hits" reflect minor offenses, but checks have found people with records of drug trafficking and even murder.

Idaho reports a 2 to 3 percent hit rate. Louisiana has done fingerprint checks for three years but has never denied a license because of what it found.

Florida started fingerprinting for new applications in 1998; for license renewals, in 2000. The latter step turned up about 20 doctors who had lied, a board spokesman said. They were fined and disciplined.

CHARLES B. CAMP

"Obviously, in retrospect, we wish we hadn't issued a license," Clark said.

## Millions of pills, thousands of patients

Dr. Fortune J. Williams got a Kentucky license in 1996, aided by the medical board's inability to check criminal backgrounds at the time.

On his application, he failed to report a 1987 California drug arrest.

Williams said in an interview that he forgot, because the charges were dropped. That omission let him avoid special board scrutiny reserved for applications with special questions.

Had Kentucky asked about financial problems before granting Williams' license, it also might have found \$85,500 in California state tax liens filed against him. He also had an outstanding order to pay a child-support arrearage that dated to 1988. Williams now says those bills were overstated.

In 2000, after a term at Procter's clinic, Williams went to work about 20 miles away at a small cinder-block clinic in Garrison that sprang up "like a mushroom," said Lewis County Sheriff Bill Lewis.

As the parking lot overflowed with cars, Williams toiled inside. He prescribed more than 2.3 million pills to more than 4,000 patients during a stretch of 101 working days, according to board records.

Williams, 53, denies doing anything wrong, even as he concedes that his prescription total in Garrison looks huge at first.

"I said, 'Wow.' But then, when you do the math, the numbers are normal," Williams said. "In no way did I overprescribe."

Big numbers — and crowds — weren't exclusive to Williams. Dr. Frederick Cohn, another South Shore alumnus licensed by Kentucky after a troubled past, turned a former Paintsville supermarket into a clinic in 2000. Cohn said in a 2001 interview that he and an associate signed up more than 9,000 patients in less than a year.

Overall, authorities said, the pair collected nearly \$1 million and prescribed more than 5 million doses of controlled substances before being arrested.

Their files showed "no evidence of even a basic attempt to practice medicine," the medical board said in the order suspending Cohn's license.

Cohn had a long career in New Mexico before that state's medical board found him "grossly negligent" while doing an abortion. He was put on probation. Three years later, he quit medicine to sell real estate. He won his license back in 1992.

Citing New Mexico's lead, Kentucky accepted him in 1993, imposing a shorter probation.

Cohn declined comment, but in a 2001 interview, he said he was tricked by some patients. "I'm a very believing kind of guy," he said.

## Coroner sends a warning

By the time Dr. Rodolfo Santos hit South Shore in late 2001, Procter had given up his license. Snyder had been indicted; Cohn was under arrest. Williams was under investigation.

But there were more problems coming. According to board records, an Ohio coroner sent a Nov. 29 alert about a new drug problem in South Shore.

One of Santos' patients had been found dead, clutching a bottle that had contained drugs he prescribed. "This is a familiar pattern to us and warrants your attention," Thomas O. Morris III, the coroner of nearby Scioto County, Ohio, advised.

The Kentucky board quickly interviewed the coroner, local lawmen and a federal drug agent. A federal Drug Enforcement Administration agent told board officials that in the preceding year, six other patients of Santos had died of drug overdoses. A doctor who reviewed 18 patient files for the board called Santos' prescriptions "alarming."

In July, the board took Santos' license, and a Greenup County grand jury indicted him. But it had taken six months from the Ohio coroner's first alert.

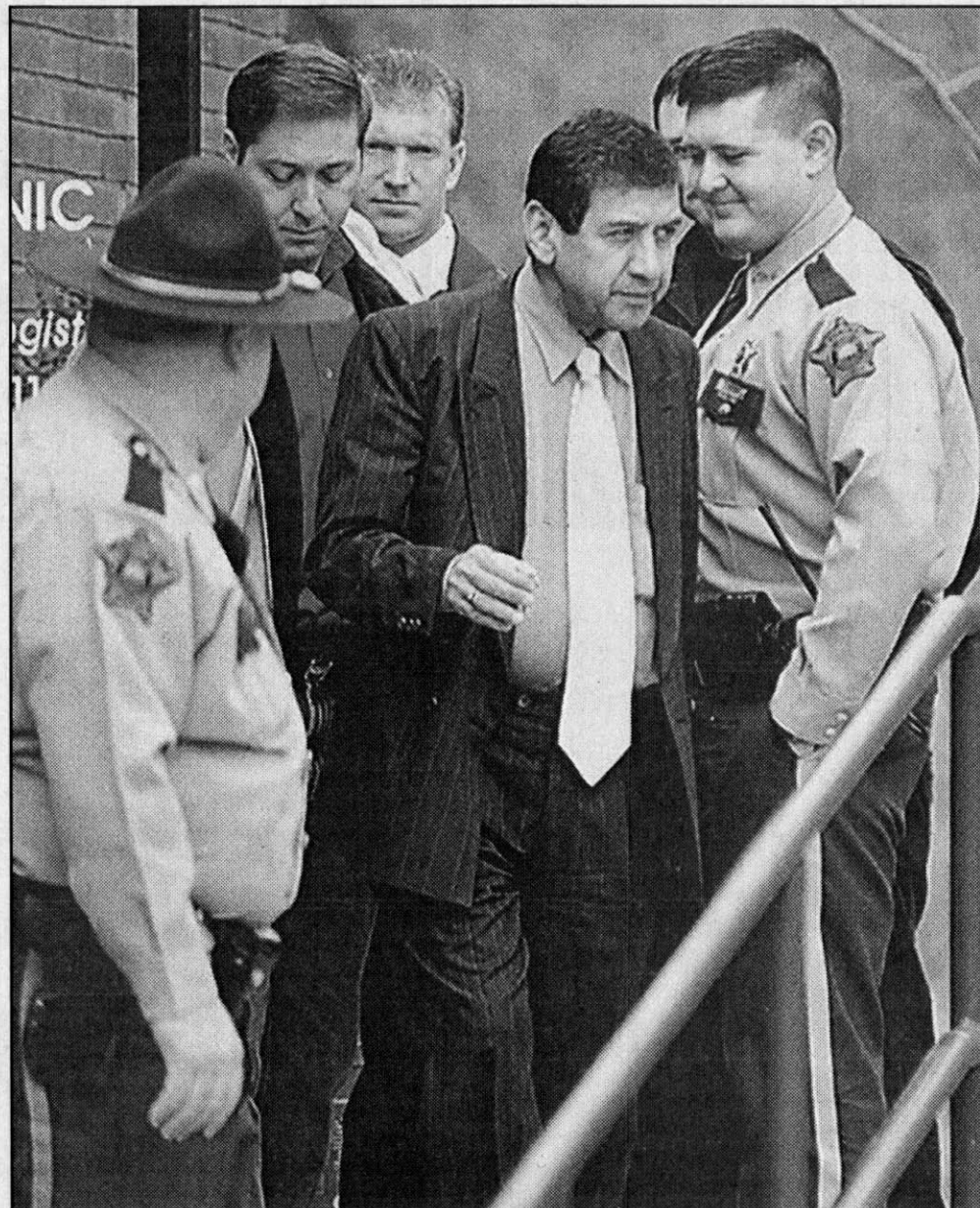
Santos did not respond to several interview requests that were made to his lawyer.

The medical board last month crafted a new policy requiring that "high priority" cases be handled in 90 days or less.

Why didn't regulators monitor the new doctor at Procter's clinic from the beginning?

"That's something we probably should have been doing," said Clark, the board president.

But Vest, the counsel, doesn't think the board could have done that legally. As a complaint-driven agency, the board must "have a reason" for investigating, and "we never had anyone coming in saying (Santos) was doing anything." Vest said he doubted that allegations about earlier South Shore doctors would be enough.



DEBBIE CALDWELL | ASSOCIATED PRESS FILE PHOTO

Dr. Ali Sawaf was arrested at his office, Harlan Urology Clinic, in February 2001. He is now serving 20 years in prison on charges that he prescribed drugs without a legitimate medical purpose. On one winter day, Sawaf saw 133 patients even though his office had no electricity, jurors were told.

# Denied in Virginia, licensed in Kentucky

## DR. ALI SAWAF'S FALSEHOODS DIDN'T DETER MEDICAL BOARD

Originally published Jan. 31, 2003

By Charles B. Camp  
HERALD-LEADER STAFF WRITER

The first Eastern Kentucky doctor arrested amid the OxyContin crackdown of 2001 would not have been in business if Kentucky had used the same medical-licensing standards Virginia does.

Records show that Dr. Ali Sawaf submitted false information about his past in license applications to both states.

Virginia caught him and refused him a license. Kentucky caught him, but ultimately gave him one.

The case of Sawaf turns largely on his 1997 guilty plea to felony state income tax charges in Michigan. After the conviction, Michigan briefly yanked his license.

In 1998, he applied for a license in Kentucky, answering "no" to questions about whether he'd ever been convicted or had his license suspended. Two years later, when he applied for a license in Virginia, he admitted the conviction but denied the suspension.

Today, Sawaf, 61, is serving 20 years in federal prison on drug convictions after police arrested him at his Harlan County clinic in February 2001.

Long lines of patients often waited in front of the door to his office, located in a shopping center, Harlan County Sheriff Steve Duff recalled. On one winter day, Sawaf saw 133 patients even though his office had no electricity, jurors at his trial were told.

"He didn't have an examination table. He didn't have a stethoscope. He didn't have anything, except for a receptionist," Duff said later. "I don't know whether he thought he was not doing anything wrong or if he thought we were too dumb to know."

Sawaf is appealing his conviction. He testified that undercover agents lied to obtain the prescriptions they now say were illegal. And in a handwritten note to the Kentucky Board of Medical Licensure, he has denied "all allegations brought against me."

Kentucky board officials aren't saying much about their decision to give Sawaf a license, partly because he's appealing their decision to suspend it. That suspension came three weeks after Sawaf's arrest, as he sat in the Harlan County jail, unable to make \$650,000 bail.

Sawaf's licensing was "totally a matter of board discretion," said C. Lloyd Vest II, general counsel to the board. "You can always find cases where one state does something and another does something else." He declined further comment about Sawaf. Sawaf, through his attorney, declined to comment.

## Trouble with taxes and gambling

Sawaf, a urologist, had been practicing more than 23 years in Michigan's Upper Peninsula when regulators suspended his license in 1997 after he pleaded guilty in the tax case.

He served 38 days in jail. The court also sentenced him to five years' probation and 2,320 hours of community service, and told

him to get help for a gambling problem.

Sawaf argued to the Michigan Board of Medicine that his crime didn't endanger patients, and he had his license back in two weeks. The following August, the Michigan board put him on probation until he proved he was in treatment for gambling addiction.

He had been losing about \$20,000 a year at a local casino, according to Michigan records, but he denied being hooked.

Fast-forward to 2000, when Virginia rejected Sawaf's request for a license.

The state board of medicine cited his false statement about his license suspension, as well as a statement that he had never lost hospital privileges, when he had.

"If we find they have deceived us, it is grounds enough" for denial, said Ola Powers, Virginia's top licensing official. "We try to catch them before we give them a license."

(On top of all that, Sawaf's \$200 check to cover Virginia's application fee bounced.)

## License granted despite untruths

Two years earlier, when he'd applied to Kentucky, regulators took seven months to consider his application. They collected numerous records, sent him to an addiction evaluator and conducted a face-to-face interview.

But while Sawaf had made false statements on Kentucky's application — which routine checks easily detected — the board didn't make an issue of them, according to records.

Under state law, the board could have cited Sawaf's misstatements and felony convictions as grounds for denying him a license.

Instead, it deferred a vote and encouraged him to settle his pending case with the Michigan medical board.

By then, Sawaf had told Michigan officials he wanted to "practice medicine elsewhere," according to the state's records.

Michigan quickly ordered probation on the condition that Sawaf enter counseling for gambling addicts. He did so, and Michigan terminated the probation in less than a week.

Fifteen days later, Sawaf was in Louisville, making his case to the Kentucky board. He left with its approval for a license.

The fact that Sawaf's crime was a tax offense — instead of a crime involving his medical practice — might have been a factor. "What we got him for now is a whole lot different from what Michigan got him for," said Dr. Danny M. Clark, president of the Kentucky board.

Clark declared that the board "rarely will give you a license if you lie to us." He said he can't recall why Sawaf got one. "Every once in a while, someone gets through the cracks." Kentucky had addiction experts evaluate Sawaf, but "they apparently didn't feel he had a problem with addiction," Clark said.

After Sawaf's arrest in 2001, Kentucky board members quickly suspended his license. Records show the board discussed, among other things, a report that he was prescribing OxyContin and Viagra to teen-age boys.

But its final order cited only the drug charges on which he was arrested — and the fact that Virginia had denied him a license.

Staff writer Lee Mueller contributed to this story.



# LESSER-KNOWN FAVORITES CHEAP, ABUNDANT

Originally published Jan. 19, 2003

By Linda J. Johnson  
HERALD-LEADER STAFF WRITER

While OxyContin was making headlines in 2001, another group of powerful painkillers was pouring into Eastern Kentucky at a higher clip — with little publicity, but eager acceptance in illegal markets.

Pills such as Lorcet, Lortab and Vicodin — as easy to find in the hill country as dogwoods in spring — are the drugs of choice in a region swamped with prescription narcotics.

The pills all share the same key ingredient: hydrocodone, an opium derivative that flows into Eastern Kentucky at a higher per capita rate than anywhere else in America. More hydrocodone pills than OxyContin come to the region each year, federal data show.

"Oxy" made national news when it was linked to dozens of overdose deaths in 2001, but one close observer said hydrocodone-based drugs might be more lethal these days. Roger Nelson, coroner in Floyd County, said he's seen more overdose deaths from them than from OxyContin because "it's easier to get."

Nationally, abuse of such drugs as Lortab, Lorcet and Vicodin escalated during the last decade, the Drug Enforcement Administration says. From 1990 through 2000, emergency room visits for hydrocodone overdoses increased 500 percent.

Locally, enough of the stuff went to Johnson, Martin and much of Lawrence counties in 2001 to provide every adult there with 89 pills, at the standard dose of 7.5 milligrams per pill.

OxyContin pills range from 20 to 80 milligrams worth of narcotic, and their active ingredient is slightly more potent than hydrocodone. Still, abusers seek Lorcet, Lortab and Vicodin, partly because they're cheaper on the street.

Undercover police officers recently bought OxyContin from street dealers for about \$40 a pill, said Capt. Mike Reichenbach of the Kentucky State Police.

Lorcet tablets went for about \$9 a pill, and Lortabs brought \$20 a pill, Reichenbach said.

Hydrocodone-based pills are also less regulated. The DEA ranks them a notch below OxyContin in terms of their potential for abuse. That means doctors have fewer restrictions on writing prescriptions for them.

The prescriptions are refillable — unlike those for OxyContin — and there's generally less jail time for those caught abusing them.

Dr. Philip Fisher, a West Virginia pain specialist, said hydrocodone use is growing in part because negative publicity attached to OxyContin has frightened physicians away from prescribing it.

Several of his own patients are "deathly afraid that they are going to be investigated by the local constable" if they take OxyContin, Fisher said.

So Fisher prescribes four hydrocodone-based pills to equal one OxyContin pill. That's one reason, he says, for rapid increases in the amount of hydrocodone hitting the market.

Pound for pound, hydrocodone is stronger than morphine, making it an effective painkiller for people suffering from chronic back pain, severe arthritis and other problems.

It is usually combined with non-controlled substances such as acetaminophen, the base drug in Tylenol. That raises another danger, Fisher said.

In large doses, the acetaminophen can cause liver damage, he said.



DAVID STEPHENSON | STAFF

Patricia Powers sued Dr. Fortune J. Williams. Her son, Tony Stiltner, frequently visited Williams' offices; Powers said Stiltner died as a result of Williams' "drug prescribing."

## Dead before 30, Tony Stiltner followed easy path to addiction

Originally published Jan. 19, 2003

By Lee Mueller  
EASTERN KENTUCKY BUREAU

The first prescription Tony "T-Bone" Stiltner, 29, got from Dr. Fortune J. Williams read a bit like a laundry list, according to a federal lawsuit: three Stadol, an analgesic nasal spray; 45 alprazolam, a tranquilizer; and 60 Vicodin, a painkiller.

Ten months and many similar prescriptions later, Stiltner was dead — another in a long line of Appalachian drug addicts who died before reaching 30.

An autopsy found that Stiltner died not of a drug overdose but of hypertensive heart disease, a condition associated with high blood pressure. Still, a lab report said that he had marijuana and prescription drugs, including Lorcet, Soma and Xanax, in his blood.

Regardless of how it ended, the brief life of T-Bone Stiltner shows how readily junkies have been able to feed their prescription-drug addictions in Eastern Kentucky.

A wrongful-death lawsuit claims that Stiltner or his wife drove from their Portsmouth, Ohio, home to Williams' offices in Greenup or Lewis counties 34 times in 10 months. For much of 2000 and 2001, they got prescriptions from various doctors every three to 10 days, court records show.

Stiltner generally avoided trouble until 1997, when a serious dirt-bike accident, followed by a divorce the next year, sent him spiraling on a pill-fueled odyssey with a new wife, said his mother, Patricia Powers, 48.

By 2000, his sister, Mary Howard, 24, was driving Stiltner to see Williams at a clinic in South Shore, Ky. "You couldn't get in the door," recalled Howard, a



**Tony Stiltner**  
and his wife got prescriptions every three to 10 days.

nurse's aide. "They were lined up all the way out to the road. You could see them selling their prescriptions in the parking lot."

Stiltner's widow, Felicia Stiltner McManus, 25, said in an interview that she and her husband spent much of their time looking for prescription drugs. Many friends who did the same died of overdoses, she said.

"Jackie Burton did," she said. "Crystal Thomas did. ... Pearl Walker died. ... That's just off the top of my head, people I knew directly." She paused. "I'm the only one left, I guess."

Last year, McManus said, she married a disabled Wellston man and quit taking drugs.

Powers, Stiltner's mother, has sued Williams in federal court, claiming that, as a result of the doctor's "drug prescribing, Anthony Stiltner died."

Williams wrote her a one-sentence response: "I am not guilty of malpractice in the death of Anthony Stiltner."

Williams sent that note from the Lewis County Jail, where he is being held on prescription-drug charges. State and federal officials seized records from his office in September 2001 and suspended his medical license the next month.

A state record showed that in 101 days, Williams wrote prescriptions for 46,160 prescriptions, an average of 457 a day. That's nearly one for every minute of an eight-hour day.

In an interview, Williams said he did not practice medicine improperly; is innocent of the criminal charges; and did nothing to cause Stiltner's death.

Personally, Williams said, he doesn't remember Stiltner. "Four thousand patients," he said, shrugging.