

## Virginia Doctor's Conviction Overturned Due to Misstated Law



In a significant turn of events, a federal appeals court in Richmond, Virginia, has overturned the conviction and 40-year prison sentence of Dr. Joel Smithers, a Virginia doctor who had prescribed over 500,000 opioid doses in less than two years. The 4th U.S. Circuit Court of Appeals ruled on Friday, ordering a new trial for Smithers, 41, who has been serving his sentence in an Atlanta prison.

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### Opioid Crisis and Overprescription

According to the U.S. Centers for Disease Control and Prevention, nearly 645,000 individuals lost their lives to opioid-related overdoses from 1999 to 2021, with a staggering 80,411 deaths recorded in 2021 alone.

### Prosecution's Allegations and Conviction

Prosecutors alleged that Dr. Smithers prescribed controlled substances, including potent opioids like fentanyl, hydromorphone, oxycodone, and oxymorphone, to every patient he encountered at his Martinsville, Virginia office, which he opened in August 2015. Many patients traveled long distances to see him, some covering hundreds of miles, as Dr. Smithers did not accept insurance and collected over \$700,000 in cash and credit card payments before his office was raided by law enforcement in March 2017.

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### Jury Instruction Error

Dr. Smithers was convicted on 861 counts in May 2019. However, the appeals court found a critical flaw in the jury instructions. The court highlighted a 2022 U.S. Supreme Court decision, which emphasized that a defendant must "knowingly or intentionally" act in an unauthorized manner to be guilty of prescribing controlled substances unlawfully. The jury in Smithers' case was instructed differently, focusing on whether he acted "without a legitimate medical purpose or beyond the bounds of medical practice."

### Judicial Review and Reversal

Circuit Judge Roger Gregory, writing for the three-judge panel, asserted that the defective jury instructions could have led jurors to convict Dr. Smithers solely based on his actions diverging from medical norms, irrespective of his intent or knowledge. The court emphasized that such an error was significant and not merely harmless, even in cases with substantial evidence of guilt.

### Response and Future Proceedings

Following the decision, there was no immediate response from the office of U.S. Attorney Christopher Kavanaugh in the Western District of Virginia. However, Beau Brindley, a lawyer representing Dr. Smithers, emphasized that the ruling underscored the importance of considering a doctor's subjective beliefs in such cases, rejecting any attempt by the government to argue otherwise.

The case, titled U.S. v. Smithers, will now proceed to a new trial as ordered by the 4th U.S. Circuit Court of Appeals.

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