



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Robert Pitman, U.S. Attorney

FOR IMMEDIATE RELEASE

On the web: www.usdoj.gov/usao/txw/index.html

Daryl Fields, Public Information Officer
(210) 384-7440

April 12, 2012

**AUSTIN PHYSICIAN PLEADS GUILTY TO DRUG DISTRIBUTION SCHEME
RESULTING IN THE DEATH OF HIS SON**

United States Attorney Robert Pitman announced that in Austin, 63-year-old David James Jacoby, a licensed Emergency Room physician at the Hospital at Westlake Medical Center in West Lake Hills, Texas, faces up to 15 years in federal prison after pleading guilty to his role in a conspiracy to distribute hydrocodone which resulted in the death of his son.

“Although some consider the abuse of prescription drugs to be of a different character than the abuse of illicit drugs, this case is a tragic reminder that drug abuse is drug abuse. And the consequences can be deadly. While rare, it's particularly disturbing when a health care professional, whose duty it is to use his credentials to heal, breaches his ethical and legal duties and is complicit in doing harm to others,” stated U.S. Attorney Robert Pitman.

Appearing before United States Magistrate Judge Mark Lane this morning, Jacoby pleaded guilty to one count of conspiracy to distribute controlled substances. According to court documents, from December 2009 until January 2011, Jacoby and others conspired to obtain and distribute the controlled substances through the use of invalid and fraudulent prescriptions based on no documented or verified medical need and in exchange for a “share” or portion of the controlled substances once the prescriptions were filled at pharmacies. Contrary to accepted medical practice, Jacoby also prescribed controlled substances to patients at a casual meeting or informal visit without conducting a physical examination, proper testing, x-rays, or taking a medical history of such individuals to verify the claimed illness or condition, or only after conducting an extremely limited physical examination, and without reviewing drug screen tests or maintaining any medical records memorializing the patient visits. In other instances, Jacoby issued unlawful prescriptions for controlled substances to coconspirators despite obvious indications that such coconspirators were abusing, misusing, or distributing the controlled substances he prescribed. prescribe excessive amounts of controlled substances, knowing that such practice could result in overdoses, dependence, addiction, and, in some cases, death to those receiving the prescriptions. At times, Jacoby also provided funds to coconspirators to assist with insurance copays.

On December 19, 2010, Jacoby's son, Brandon Dale Jacoby, was found dead at the home he shared with Jacoby. The autopsy report indicated that Brandon Dale Jacoby, who had a known history of illicit and prescription drug abuse, died due to multiple drug toxicity. The toxicology report showed that carisoprodol, hydrocodone, diazepam, and other drugs were found in his system at the time of his death.

Noting DEA's responsibility to enforce the controlled substance laws and regulations of the United States, DEA Special Agent in Charge Javier Pena stated, “Job titles do not hinder DEA in its efforts to protect the public from drug traffickers. Unfortunately, Dr. Jacoby did not uphold the responsibilities of his profession.”

No sentencing date has been scheduled. This case was investigated by agents with the Drug Enforcement Administration together with cooperation from the Texas Medical Board. Assistant United States Attorneys Ashley Chapman Hoff and Grant Sparks are prosecuting this case on behalf of the Government.

#####