



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

Robert Pitman, U.S. Attorney

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**AUSTIN PHYSICIAN SENTENCED FOR 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, was sentenced to 71 months in federal prison followed by four years of supervised release for his role in a conspiracy to distribute hydrocodone which resulted in the death of his son.

"Today's sentencing illustrates the fact that the abuse of prescription drugs is no different than the abuse of illicit drugs. Prescription painkillers like hydrocodone are controlled because they have the potential to be lethal, as shown by the tragic death of the defendant's son. By his actions, David James Jacoby violated the law, failed in his duty to heal, and was complicit in doing harm to others. Patients and their families rely on doctors to monitor and prescribe prescription drugs for legitimate medical purposes. Most health care professionals do. David James Jacoby did not and today he learned that a serious consequence of his actions was the loss of his freedom," stated U.S. Attorney Robert Pitman.

On April 12, 2012, 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. In addition, Jacoby prescribed 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.

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.

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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."

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.

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