



U.S. Department of Justice

Carlie Christensen

**United States Attorney
District of Utah**

**FOR IMMEDIATE RELEASE
Aug. 18, 2011**

**CONTACT: MELODIE RYDALCH
U. S. Attorney's Office
801-325-3206
801-243-6475 (CELL)**

U.S. v MacKay
Statements of
U.S. Attorney Carlie Christensen
FBI Special Agent in Charge David L. Johnson
DEA Assistant Special Agent in Charge Frank Smith
following this evening's verdict

SALT LAKE CITY – Carlie Christensen, U.S. Attorney for the District of Utah, FBI Special Agent in Charge David L. Johnson and DEA Assistant Special Agent in Charge Frank Smith issued the following statements following this evening's jury verdict in U.S. v Dewey C. MacKay, III, finding the defendant guilty on two counts of distribution of controlled resulting in death, three counts of use of a communication facility in a drug trafficking offense, and 35 counts of distribution of a controlled substance. The jury found Dr. MacKay not guilty on 44 distribution counts.

Statement of U.S. Attorney Carlie Christensen:

“For nearly five weeks, a jury sitting in federal court in Salt Lake City heard evidence that Dr. MacKay dispensed significant amounts of controlled substances without a legitimate medical purpose and outside the usual course of professional treatment.

“The evidence presented at trial showed that Dr. MacKay prescribed to as many as 100-120 patients per eight-hour day from about 2005 through February 2007. From March 2007 through at least October 2009, Dr. MacKay saw and prescribed to as many

as 59 patients per four-to-five-hour day. From Jan. 1, 2005, through Dec. 31, 2009, Dr. MacKay wrote 18,578 prescriptions for Oxycodone. During four of those years, he was one of the top four prescribers of Oxycodone in the state dispensing 1,717,650 pills of all strengths. From Jan. 1, 2005 through Dec. 31, 2009, he wrote 23,020 prescriptions for Hydrocodone products totaling 2,219,351 pills. He was the top prescriber of Hydrocodone in the state four of those years.

“The evidence also showed that Dr. MacKay wrote many of those prescriptions without conducting medically-sufficient examinations or in many instances, any examination at all. He ignored the warnings of patients’ family members, other physicians, and local law enforcement, who advised him that his patients were addicted to, abusing, and in some cases, selling the narcotics which he prescribed.

“Justice was served by today’s verdict. We are gratified that the jury decided to hold Dr. MacKay criminally responsible for his actions.

“The non-medical use of prescription pain relievers is the fastest-growing drug problem in the United States today and poses a serious threat to public health. Its tragic consequences are seen in substance abuse treatment centers and hospital emergency rooms throughout our nation. Families, including some who testified in this trial, have experienced the heartbreaking consequences of this growing problem.

“Any strategy to reduce illicit drug abuse requires the effective enforcement of the laws which regulate the distribution of controlled substances. We recognize that the vast majority of physicians in Utah dispense controlled substances in an appropriate and lawful way. However, this office is committed to combating prescription drug abuse through the aggressive prosecution of those few health care providers who do not follow appropriate prescription practices and thereby jeopardize the safety and well-being of their patients. This type of prosecution serves to deter other physicians from unlawfully dispensing controlled substances and educates the public about the dangers of taking prescription medication for non-medical purposes.

“Today’s outcome is the result of a collective effort. First, extraordinary work was done by the team prosecuting this case, including Assistant U.S. Attorneys Michael Kennedy, Richard Daynes, and Carlos Esqueda. The investigative work done by the DEA, the FBI, the Box Elder County Sheriff’s Office, the Brigham City Police Department, the Utah Division of Occupational and Professional Licensing, the Logan City Police Department, the Utah Attorney General’s Office, and other members of the Utah Pharmaceutical Drug Crime Project was exceptional.”

Statement of DEA Assistant Special Agent in Charge Frank Smith:

"The Drug Enforcement Administration will relentlessly pursue all drug traffickers. Dr. MacKay abused the public trust and utilized his profession as platform for profit. It is my hope today's verdict brings comfort to the many families in Utah who have suffered due to the illegal

diversion of prescription drugs."

Statement of FBI Special Agent in Charge David L. Johnson:

"The FBI is pleased with the outcome of this trial. Prescription abuse is an extremely serious issue for our citizens, our communities, and our country. When a medical professional is accused of contributing to this widespread problem by prescribing massive amounts of painkillers to patients, FBI Special Agents are mandated to conduct a thorough investigation and ensure that justice is served. I want to personally extend my appreciation to the Drug Enforcement Agency, the United States Attorney's Office, and our other law enforcement partners who collaborated in this investigation."

Sentencing is set for Oct. 23, 2011, at 2:30 p.m. He faces a 20-year minimum mandatory sentence for the conviction on Count 1 of the indictment, distribution of oxycodone resulting in death. The second count, distribution of hydrocodone, carries a potential 15-year sentence. The remaining distribution counts are up to 20 years. The potential sentence for each communication count is up to three years.

####