

## 2.02 DEFINITION OF THE CRIME

The defendant is charged with the crime of distributing oxycodone, oxymorphone, hydromorphone, methadone, morphine, alprazolam, clonazepam, diazepam, and carisoprodol, as detailed in Counts 1 – 34. Oxycodone, oxymorphone, hydromorphone, methadone, morphine, alprazolam, clonazepam, diazepam, and carisoprodol are controlled substances as defined by the Controlled Substances Act.

For you to find the defendant guilty of this crime, you must find that the government has proved each and every one of the following elements beyond a reasonable doubt:

- The defendant knowingly or intentionally distributed oxycodone, oxymorphone, hydromorphone, methadone, morphine, alprazolam, clonazepam, diazepam, and/or carisoprodol;
- The defendant knew at the time of distribution that the substance was a controlled substance; and
- The defendant knowingly or intentionally distributed the substance without a legitimate medical purpose outside the usual course of professional practice.

Now I will give you more detailed instructions on some of these terms.

- The term “distribute” means the delivery or transfer of a controlled substance. This term also includes the writing or issuing of a prescription.

- The terms “legitimate medical purpose” and “usual course of professional practice for a legitimate medical purpose” mean acting in accordance with a standard of medical practice generally recognized and accepted in the State of Ohio. You have heard testimony about what constitutes the usual course of professional practice and legitimate medical purpose for the prescription of controlled substances, and you are to weigh that evidence the same way that you would weigh any other evidence in this case. In considering whether a defendant issued a prescription with a legitimate medical purpose in the usual course of professional practice, you may consider all of the defendant’s actions and the circumstances surrounding them.

If you find that the government has proved beyond a reasonable doubt each of the elements of the offense charged in the count you are considering as set out in these instructions, then you must return a verdict of guilty for that count. If you find that the government has not proved beyond a reasonable doubt any one or more of the elements of the offense charged in the count you are considering as set out in these instructions, then you must return a verdict of not guilty as to that count.