

Counts 44–46 & 51–54 of the indictment charge the defendants with the crime of unlawfully distributing controlled substances. For you to find the defendants guilty of this crime, you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt:

1. That the defendant issued a prescription in the name of the individual listed in a particular count, for the controlled substance alleged in that count; or the defendant aided and abetted in the writing or filling of the prescription in the name of the individual listed in a particular count, for the controlled substance alleged in that count;

If the defendant produces any evidence that the particular prescription was authorized, i.e., issued inside the course of professional practice and for legitimate medical purpose, then the government must prove beyond a reasonable doubt;

1. that the defendant knowingly or intentionally issued the particular prescription in an unauthorized manner, i.e., outside the course of professional practice or for no legitimate medical purpose.

You must consider each of Counts 44–46 & 51–54 separately. Your decision on any one charge, whether it is guilty or not guilty, should not influence your decision on the other charges.

If you are convinced that the government has proved all of these elements, say so by returning a guilty verdict on that charge. If you have a reasonable doubt about any one of these elements, then you must find the defendants not guilty of that charge.