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A Rush To Judgment

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During the investigation into possible wrongdoing in Rush Limbaugh's opiate addiction, the Palm Beach Prosecutor's Office has attempted to prosecute Limbaugh in the press rather than the courtroom. Palm Beach Prosecuting Attorney Barry Krischer asserts he has sufficient evidence to convict Limbaugh on doctor shopping. If this is so, Krischer should file the charges rather than doing his best to influence the jury pool.

Since shortly after the National Enquirer story that reported Limbaugh's addiction to opiates, leaks regarding the Palm Beach prosecutor's investigation of Limbaugh have occurred. The sources for the reports have been described as "close to the investigation."

According to the Enquirer, Limbaugh was tied via his former maid Wilma Cline to an illegal-prescription drug-ring. Subsequent reports during this time tied Limbaugh to a husband and wife-owned pharmacy that was allegedly selling medications illegally. The reports had Limbaugh purchasing thousands of pills from this ring. The pharmacy owners were charged, but Limbaugh was not. Shortly thereafter, Limbaugh admitted his addiction, and entered a drug-treatment program.

When Limbaugh emerged from rehabilitation, reports of money-laundering surfaced. The reports asserted that Limbaugh withdrew amounts of money just under \$10,000 in order to avoid filing IRS forms regarding the withdrawals, a crime if it is being done to avoid notice from the IRS. The reports asserted that Limbaugh had done this frequently. Limbaugh denied any criminal intent and no charges were filed.

Next, leaks emerged associating Limbaugh with "doctor-shopping," a concept that asserts a person will frequent multiple doctors simultaneously in order to get prescriptions from each for the same medication. According to the reports, prosecutors had seized Limbaugh's pharmacy records and based on an examination of them, found enough evidence to charge Limbaugh with doctor-shopping.

The Palm Beach prosecutor also obtained and executed search warrants for Limbaugh's doctor's offices. Because of the legal concept of doctor-patient privilege, this was an abnormally aggressive approach. Normally, a subpoena is issued for medical

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records. Limbaugh went to court attempting to block Palm Beach prosecutors from opening them. He lost initially, but 24 hours later the judge granted a stay of his own ruling to let the appeal be decided.

Krischer claimed in a letter to Limbaugh attorney Roy Black on December 15th that he has enough to charge Limbaugh with 10 counts of doctor-shopping based on the examination of the pharmacy transactions. But he has yet to do so. More likely, Krischer needs the medical records to support his claim of doctor shopping. However, even this is unclear. Krischer had 24 hours to examine the records while they were unsealed, yet no charges have been brought against Mr. Limbaugh.

Limbaugh and others claim that the prosecutors are using tactics and media leaks to intentionally discredit and smear Limbaugh, and that his rights have been violated in the process. Based on the history of leaks and actions of the Palm Beach Prosecutor's Office, they may be correct.

The Palm Beach Prosecutor's Office released hundreds of documents recently in response to a request by the Landmark Legal Foundation. However, the documents were released directly to the media and many of the documents were clearly marked confidential. The foundation claims that Palm Beach prosecutors sent them a fax prior to the document release stating that no confidential documents would be included. As a result, Landmark is threatening suit against Krischer's office.

In executing the search warrant on Limbaugh's medical doctors, the prosecutors may have violated Limbaugh's constitutional rights in Florida. This is the viewpoint of not only Limbaugh's legal team, but also the American Civil Liberties Union, and the Association of American Physicians and Surgeons, who are filing briefs on Limbaugh's behalf.

For months, the public has been treated to accusations and rumors of wrongdoing on Limbaugh's part, yet Limbaugh has not been charged with a crime. Krischer's office has repeatedly stated that Limbaugh is presumed innocent. Yet the actions of the Palm Beach Prosecutor's Office contradict this.

If Palm Beach Prosecutor Barry Krischer has evidence that shows Limbaugh has broken the law, it is time for him to put up, or shut up.

John S. Pappas

John S. Pappas is a journalist specializing in socio-political commentary. His work has appeared in The Washington Times, Washington Dispatch, Bushcountry.org, and others. He may be reached at johnpappas16@verizon.net

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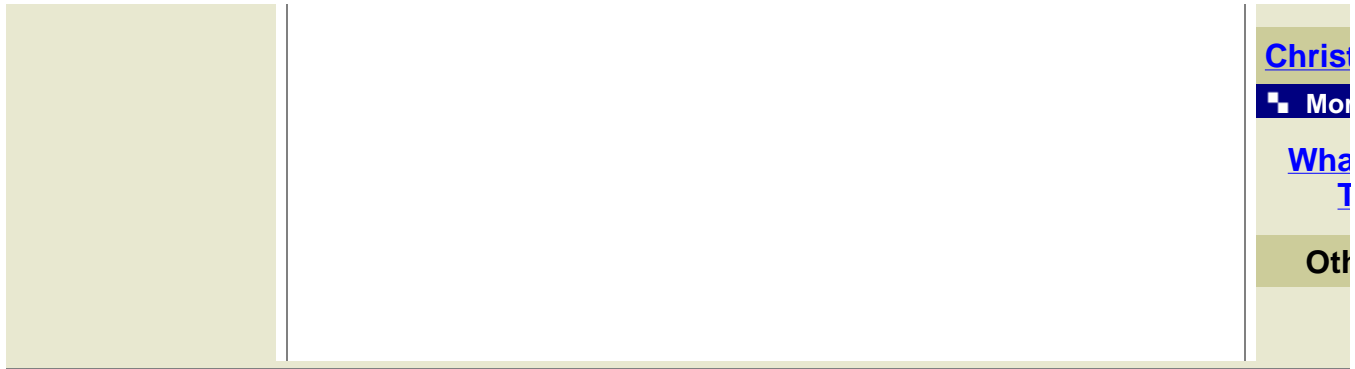
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