



# United States v. Dicter, 198 F.3d 1284 (11th Cir. 1999)

Topics Covered: Criminal Law

## **Outcome: Very Unfavorable**

Richard Dicter, M.D., was convicted of over 200 counts of unlawful distribution of a controlled substance. A federal district court ordered his state medical license forfeited, fined him, and sentenced him to prison. On appeal, the 11th Circuit Court of Appeals affirmed. The Court held that Dr. Dicter's state medical license constituted property subject to forfeiture under federal criminal forfeiture law.

Dr. Dicter petitioned to the U.S. Supreme Court to review the case. The Litigation Center joined the Medical Association of Georgia (MAG) in an amicus curiae brief filed in his support. MAG and the Litigation Center argued that the federal forfeiture of a state medical license is an unconstitutional (10th Amendment) interference with a state's power to regulate the practice of medicine. Also, while Georgia law recognizes a property interest in a medical license, the license is not, alone, property. The Supreme Court denied Dr. Dicter's petition.