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'This man is no monster': Before Gosy sentencing, patients urge leniency

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Dr. Eugene Gosy faces a recommended sentence of 6 1/2 years in prison on his plea of conspiracy to unlawfully distribute controlled substances and health care fraud.

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In letters to a federal judge, 60 patients echoed appreciation and concern as they urged leniency for Dr. Eugene M. Gosy.

One sentiment stood out: The Williamsville pain specialist helped them when others did not.

"He saved my life, and for that I will be eternally grateful," said Tracy Diina, a communications and grant-writing consultant for nonprofits.

Among the 30,000-plus words in their letters to Chief U.S. District Judge Frank P. Geraci Jr. — who is scheduled to sentence Gosy Thursday for unlawfully prescribing painkillers and health care fraud — some cropped up repeatedly about Gosy: caring, help and relief.

The word they did not use: felon.

But when Gosy appears in federal court in Buffalo today, he will face a recommended sentence of 6 1/2 years in prison. In his plea last January, Gosy acknowledged prescribing fentanyl, oxycodone and other drugs without a legitimate medical purpose.

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As part of the plea deal with prosecutors, the 60-year old doctor did not admit any connection to the six overdose deaths detailed in the indictment against him.

Gosy's lawyers want the presentence investigation report — which the judge considers before deciding the sentence — to omit any information regarding his role relating to the deaths of his six former patients.

But his role in those six cases is essential to the court's understanding of his conduct, Assistant U.S. Attorney Brendan Cullinane said in the government's written response.

"The evidence in this case clearly indicates that the defendant's conduct resulted in the loss of six lives," Cullinane said. "Regardless of the level of complexity of each of these individuals' medical issues or pain, the defendant, who was their physician, failed to act appropriately and issued prescriptions outside the course of normal medical care and not for a legitimate medical purpose, all of which resulted in addictions and overdoses."

Many of the patients writing on Gosy's behalf do not believe him to be a criminal, with some saying he unfairly became the symbol of the opioid crisis that brought so much pain and death to Western New York.

"I have dealt with criminals my entire adult life. Dr. Gosy is not one of them," wrote Gregory L. Arquette, a New York State trooper for more than 31 years and a one-time patient. "Dr. Gosy is without a doubt the kindest, most sincere man I have ever met. Mistakes may have been made. I am not privy to any of that. However, I can say with certainty that Dr. Gosy does not possess any criminal intent."

In 2012, Arquette was carrying a heavy bag strapped across his shoulders and injured his neck.

"The pain in my neck was awful. I was unable to work," he said in his letter to the judge. "I saw my personal physician, physical therapists and a neurosurgeon. No one could provide any relief of the pain. Then I saw Dr. Gosy.

"Shortly after the procedure and additional therapy I made a full recovery," Arquette said in his letter to the judge.

An undercurrent through many of the letters is a perceived unfairness that Gosy is shouldering the blame for deaths that should fall on others.

"The fact that individuals abused their medication should not be held against Dr. Gosy," said Diina, a recovering addict. "I know firsthand how addiction hijacks the brain, leading to poor judgment and impulsivity. Trust me, I have been there and it is horrific.

"In recovery I learned to take responsibility for my actions," she wrote the judge. "If a doctor prescribes medication that says to take one per day, that is what I am supposed to do. When I take more than that, I am choosing to risk my health and possibly my life. It is tragic that anyone, anywhere dies from addiction or overdose but the blame cannot be placed on a doctor. Ingesting the medication is a choice made by the individual which cannot be attributed to someone else. From everything I have heard about this case, I do not think Dr. Gosy did anything wrong."

Diina, who suffered debilitating migraines, began treatment with Gosy in 2010.

"He never once tried to treat me with narcotics or painkillers. He tried to eradicate my migraine problem instead of simply putting a Band-Aid on it. As a longtime recovering addict, I was extremely heartened by his attention and methodology. Dr. Gosy treated me with respect and ensured I would not be exposed in any way to medication that could trigger a relapse," said Diina, who for the past nine years has taken the medication that Gosy prescribed.

Russel E. Bower was a patient of Gosy's for more than 20 years. He has used a wheelchair since 1981, his high school senior year, when a car crash on Halloween left him paralyzed.

Bower's spinal cord damage was causing pain, but "Dr. Gosy had found where my pain was coming from in a matter of seconds, where all the other doctors had no clue on how to help me," he said.

"The media right along has portrayed Dr. Gosy as this horrible monster who kills people through the use of opiates and other pain medications," Bower wrote. "This man is no monster. This is a man that grew a practice very quickly because all the other doctors in Western New York were referring their patients to him as he was doing what a doctor is supposed to do."

Bower blames the patients for abusing the painkillers.

"They did not conduct themselves in the manner they told Dr. Gosy that they would," he wrote the judge. "This is not Dr. Gosy's fault."

"I really feel, Your Honor, that if you give Dr. Gosy anything more than an ankle bracelet for a year (it) is a tragedy," he wrote.

The sentiment is not universal.

Sheryl Hunley switched doctors in 2016 after a disagreement with Gosy over a prescription for OxyContin after she had lower back surgery.

Doctors like Gosy who overprescribed opioid painkillers "are the reason why people are having a hard time getting their medications now," Hunley told The News.

The 63-year-old former Buffalo Public Schools food service worker has received disability payments for more than a decade after being diagnosed with spinal stenosis.

"He needs to go to jail," she said. "He needs to do his time, because he was a doctor and he knows what he was doing was wrong when he did wrong."

A new pain management doctor who has since overseen care for Hunley prescribes a small amount of narcotic painkilling medication for flare-ups. It is part of a larger treatment regimen that includes physical therapy and regular exercise.

In their Oct. 8 sentencing memorandum, Gosy's lawyers — Joel L. Daniels, Herbert L. Greenman and Eric Soehnlein — said Gosy understands the impact his poor decisions had on his patients and their families.

"He acknowledges that, at times, the shortcuts of his practice hurt his patients," according to their memo.

Starting in 1999, Gosy was an owner and shareholder in Gosy and Associates Pain and Neurology Treatment Center. Over the years his office saw and treated over 40,000 patients.

Gosy built his practice around what his lawyers called "an extensive, experienced staff which he believed allowed his practice to expand efficiently and safely."

"Unfortunately, the practice became too large and was not as well managed as it should have been," his lawyers said.

"In building his practice, Dr. Gosy made mistakes and broke the law," according to his lawyers. "He acknowledges his shortcomings, admits his misconduct, and remains prepared to accept the consequences of his poor judgment."

Refresh Editor Scott Scanlon contributed to this report.





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