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Judge Wants Date Set for Next Luyao Trial

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FORT PIERCE – One of the biggest trials in St. Lucie County this year could be repeated by year's end. A date has not been set for the new trial of Dr. Asuncion Luyao, 63, but attorneys on both sides met for the first time Friday to begin talking about scheduling because a hung jury resulted in a mistrial in her case on June 3. Prosecutors want to see the case back before a jury in September.

The former Port St. Lucie physician faces charges of racketeering, manslaughter and trafficking in oxycodone and has maintained her innocence.

Circuit Judge James McCann, who presided over the hearing, said the case likely would be assigned to Senior Judge Dwight Geiger. Because attorneys could not agree on a date for trial, McCann gave them an additional two weeks to confer, but said the retrial should be soon.

Assistant State Attorney Erin Kirkwood asked for the trial to begin September 12, which she said could fit between some of defense attorney Joel Hirschhorn's other commitments. Prosecutors want to avoid having the trial begin in November or December because of the difficulty of having judges, lawyers, witnesses and jurors available for a long case around the holidays.

Luyao's trial began May 9th and lasted for 18 days, with testimony from 68 witnesses and more than 200 exhibits. Ultimately, jurors could not reach a unanimous decision – either of guilt or innocence – on any of the 13 counts against her after five days of deliberation.

During the trial, prosecutors argued she didn't follow proper medical procedures and recklessly prescribed painkillers, causing the overdose deaths of six patients. The defense countered she was a caring physician who was duped by lying addicts and other factors, not Luyao's care that led to the patient deaths.