

Dismiss Forgery Charge for Drug Prescription

A charge of falsely making and forging a prescription in an attempt to obtain a narcotic drug was dismissed in Dane County Circuit Court Monday by Visiting Judge Allen Kinney of Superior in the case of a University student from Milwaukee.

The defendant was Scott Bear, 22, who was arrested in Madison last October.

The court upheld a defense motion made by Atty. James Shellow of Milwaukee that the drug, hydroxydihydromorphone, also known as numorphane, is not described as a narcotic under state statutes.

Kinney's ruling came after testimony before a jury by a pharmacist, Phillip Mendel, who said that the drug was a "class A narcotic." The term is only applied in federal law.

Kinney presided in the absence of Circuit Judge Norris Maloney, who is ill.