

United States District Court Eastern District of Michigan

United States of America

V.

BERNICE BROWN

JUDGMENT IN A CRIMINAL CASE

Case Number: 09CR20213-1

USM Number: 43657-039

Dionne E. Webster-Cox

Defendant's Attorney

THE DEFENDANT:

■ Was found guilty on count(s) **1s-10s Of the Superseding Indictment.** after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 1349	Conspiracy to Commit Health Care Fraud.	April 2007	1s
18 U.S.C. 1347 and 2,	Health Care Fraud	April 2007	2s-10s

The defendant is sentenced as provided in pages **2 through 8** of this judgment. This sentence is imposed pursuant to the Sentencing Reform Act of 1984

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 14, 2010 _____

Date of Imposition of Judgment



s/Arthur J Tarnow

United States Senior Judge

December 16, 2010 _____

Date Signed

DEFENDANT: BERNICE BROWN
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **Ct. 1, 120 months, and Cts. 2-10, 31 months to run consecutive to Ct. 1 but concurrent with each other.**

The court makes the following recommendations to the Bureau of Prisons: **Defendant is to surrender to the Bureau Of Prisons in the ordinary course, but not sooner than January 2, 2011.**

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ a
_____, with a certified copy of this judgment.

United States Marshal

Deputy United States Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **36 months on Cts. 1-10 to be served concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

If the defendant is convicted of a felony offense, DNA collection is required by Public Law 108-405.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. Revocation of supervised release is mandatory for possession of a controlled substance.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. Revocation of supervised release is mandatory for possession of a firearm.

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SPECIAL CONDITIONS OF SUPERVISION

- The defendant shall make monthly payments on any remaining balance of the: **restitution, special assessment** at a rate and schedule recommended by the Probation Department and approved by the Court.
- The defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer.
- The defendant shall provide the probation officer access to any requested financial information.
- The defendant shall participate in a program approved by the Probation Department for mental health counseling.
- The defendant shall participate in a program approved by the Probation Department for substance abuse which program may include testing to determine if the defendant has reverted to the use of drugs or alcohol. ■ If necessary.

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CRIMINAL MONETARY PENALTIES

	Assessment	Fine	Restitution
TOTALS:	\$ 1,000.00	\$ 0.00	\$ 6,721,272.30

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Medicare Trust Fund c/o CMS Office of Financial Mgmt. 7500 Security Boulevard Baltimore, MD 21244	\$0.00	\$6,659,551.34	
Blue Cross Blue Shield Acct. No. 22044 600 Lafayette Boulevard P.O. Box 366 Detroit, MI 48226	\$0.00	\$61,720.96	
TOTALS:	\$ 0.00	\$ 6,721,272.30	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
Unless the court has expressly ordered otherwise in the special instructions above, while in custody, the defendant shall NOT participate in the Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made to the Clerk of the Court, except those payments made through the Bureau of Prison's Inmate Financial Responsibility Program.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number

Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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____ See attached detailed sheet.

The defendant shall forfeit the defendant's interest in the following property to the United States:

See detail list attached.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL

Joint and Several

Case Number

**Defendant and Co-Defendant Names
(including defendant number)**

Total Amount

**Joint and Several
Amount**

**Corresponding Payee,
if appropriate**

09-20213

Daniel Smorynski

6721272.30

6721272.30

Medicare Trust Fund, Blue
Cross Blue Shield

09-20213

Norris Moore, Jr.

61117.81

61117.81

Medicare Trust Fund, Blue
Cross Blue Shield

09-20213

Steve Sherman

31864.21

31864.21

Medicare Trust Fund, Blue
Cross Blue Shield

09-20213

Willie Manning

100.00

100.00

Medicare Trust Fund, Blue
Cross Blue Shield

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ADDITIONAL FORFEITED PROPERTY

Pursuant to 18 U.S.C. Section 982, defendant Bernice Brown shall forfeit Six Million Seven Hundred Twenty One Thousand Two Hundred Seventy Two Dollars and Thirty Cents (\$6,721,272.30) as proceeds, or property traceable thereto, of conspiracy to commit health care fraud and health care fraud.

In partial satisfaction of that judgment amount, defendant Bernice Brown shall forfeit (1) One Hundred Eighty Four Thousand Five Hundred Twenty Nine Dollars and Ninety Seven Cents From Citizens Bank Account No. 4000012495 (\$184,529.97); (2) Eleven Thousand Six Hundred Fourteen Dollars And Thirty Seven Cents From Citizens Bank Account No. 4528709530 (\$11,614.37); (3) Fifty Four Thousand Seven Hundred Sixty Two Dollars and Eighty Three Cents From Citizens Bank Account No. 4527176186 (\$54,762.83); and (4) One 2006 Ford E350 Van, VIN 1FBSS31L06HA94098.