

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

CAUSE NO. 1:02-CR-1144-VEC

BERNARD J. EBBERS

MOTION FOR REDUCTION IN SENTENCE

Bernard J. Ebbers, by and through undersigned counsel, hereby files his Motion for Reduction in Sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) and related authority. In support of this Motion, Ebbers shows the following:

I. INTRODUCTION

1. Following a jury trial, Mr. Ebbers was found guilty of 9 counts involving fraud, false statements, or false filings related to securities associated with MCI/WorldCom, a telecommunications company of which Ebbers was CEO, President, and a Director. The offenses were non-violent in nature. The above convictions were Ebbers' first convictions for any felony offense.

2. Mr. Ebbers is now 78 years old. He suffers from a variety of serious medical conditions and overall deterioration of health, as detailed below. Because of his medical condition, the former United States District Court Judge who sentenced Mr. Ebbers, Hon. Barbara Jones, supports his release from prison. Judge Jones states: "A reduction in sentence now, however, after he has served almost 14 years of his sentence and developed serious medical issues, would not diminish the message that I sought to convey in 2005. It would show compassion. And, to state the obvious, it would not jeopardize public safety.

In short, I believe that given his serious health problems, Mr. Ebbers has been punished enough.” Exhibit “1,” Letter from Judge Jones to Judge McMahon dated 09/03/2019.¹

3. With the enactment of Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act or “First Step Act,” 2018, Pub. L. 115-391, 132 Stat. 5194, 5239 (Dec. 21, 2018), new avenues are available to federal prisoners to seek a reduction in sentence or compassionate release due to age, health, and other factors. The changes to the compassionate release laws under the First Step Act were designed to increase “the use and transparency of compassionate release”.

4. For the reasons set forth herein, Mr. Ebbers respectfully requests that this Court enter an Order reducing his term of imprisonment to time-served and for immediate release under the least restrictive conditions.

II. PROCEDURAL HISTORY

5. Mr. Ebbers was charged in this cause by a Superseding Indictment that was unsealed on March 24, 2004.

6. Following a jury trial, Mr. Ebbers was convicted of 9 counts in the superseding indictment. Count 1 was Conspiracy to Commit Securities Fraud, Make False Statements and Falsifying Corporate Financial Records pursuant to 18 U.S.C. § 371; Count

¹ Since Judge Jones did not know to which District Judge the matter would be reassigned, she addressed her letter to the Chief Judge of the Southern District of New York.

2 was Securities Fraud pursuant to 15 U.S.C. §§ 78j(b) & 78ff; Counts 3 through 9 were False Filing with the Securities and Exchange Commission pursuant to 78m(a) & 78ff. United States District Court Judge Barbara Jones presided over Mr. Ebbers' trial.

7. On July 13, 2005, Judge Jones sentenced Mr. Ebbers to a total term of imprisonment of 25 years.

8. Mr. Ebbers was allowed to delay reporting to federal prison while his direct appeal was pending.

9. Mr. Ebbers appealed his conviction and sentence to the United States Court of Appeals for the Second Circuit. The conviction was affirmed. *United States v. Ebbers*, 458 F.3d 110 (2d Cir. 2006). The United States Supreme Court denied Ebbers' petition for certiorari review. *Ebbers v. United States*, 127 S.Ct. 1483, 549 U.S. 1274 (2007).

10. Mr. Ebbers reported to federal prison on September 26, 2006. Mr. Ebbers began serving his sentence at FCI Oakdale in Louisiana, where he remained until 2017, when he was transferred for health reasons to FMC Fort Worth, an administrative security federal medical center.

11. As of the date of this filing, Mr. Ebbers has served 12 years, 11 months, and 10 days of his sentence. He has completed over 50% of his sentence.

12. According to the Bureau of Prisons (“BOP”), Mr. Ebbers’ tentative release date is July 4, 2028.²

13. Mr. Ebbers is currently incarcerated at FMC Fort Worth, an administrative security federal medical center.

14. On July 16, 2019, one of Mr. Ebbers’ daughters, Joy Ebbers Bourne, submitted a Compassionate Release Request to the Warden of FMC Fort Worth. Exhibit “2,” Compassionate Release Request.³ The request (Exhibit “2”) and materials submitted in support of the request (Exhibit “3”)⁴ are incorporated herein by reference as if reproduced in words and figures. The request was received at FMC Fort Worth on July 17, 2019. Exhibit “4,” Federal Express Delivery Confirmation.

15. Upon information and belief, the Warden of FMC Fort Worth recommended that the request for compassionate release be approved by the BOP. However, Assistant Director/General Counsel of BOP, Ken Hyle, denied the request on August 12, 2019. Exhibit “5,” Memorandum from Hyle to Warden, FMC Ft. Worth.

² Another reform under the First Step Act was a more favorable calculation of “good time credits” for inmates. It is not believed that the anticipated release date for Mr. Ebbers as shown on the BOP’s website has yet taken those into account. But even accounting for that reduction, Mr. Ebbers will still have a significant amount of prison time yet to serve.

³ Under BOP Policy Statement 5050.50 § 571.61, requests for compassionate release can be made by another person on behalf of an inmate. Such requests are processed “in the same manner as an inmate’s request.” Mr. Ebbers’ daughter submitted the request on his behalf because Mr. Ebbers was unable to submit it himself due to being legally blind.

⁴ To save space, some of the letters of support included with the request have been removed. However, these can be provided to the Court if desired.

16. Mr. Ebbers now seeks a reduction in sentence and release from this Court pursuant to 18 U.S.C. § 3582(c)(1)(A).

III. APPLICABLE LAW

17. This Court is empowered by 18 U.S.C. § 3582(c)(1)(A) to reduce Mr. Ebbers' sentence. That statute sets forth the following requirements for the court to grant a reduction in sentence when requested directly by a defendant: (1) "exhaustion of administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility"; (2) consideration of "the factors set forth in section 3353(a) to the extent that they are applicable"; (3) a finding that "extraordinary and compelling reasons warrant such a reduction"; and (4) a finding that "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission".

18. 18 U.S.C. § 3582(c)(1)(A) was amended as part of the First Step Act, with the express purpose of expanding compassionate release. These changes to the law occurred after the system which permitted BOP to act as the only gatekeeper to compassionate release. *See, e.g.,* Bryant S. Green, Comment, *As the Pendulum Swings: The Reformation of Compassionate Release to Accommodate Changing Perceptions of Corrections*, 46 U. Tol. L. Rev. 123, 136-39 (2014); Casey N. Ferri, *A Stuck Safety Valve: The Inadequacy of Compassionate Release for Elderly Inmates*, 43 Stetson L. Rev. 197, 219-25 (2013); Human Rights Watch & Families Against Mandatory

Minimums, *The Answer Is No: Too Little Compassionate Release in US Federal Prisons* (2012), available at the following URL: <https://www.hrw.org/report/2012/11/30/answer-no/too-little-compassionate-release-us-federal-prisons> (visited Sept. 3, 2019).

19. In fact, the Department of Justice’s own Inspector General found, in 2013, that “the existing BOP compassionate release program is poorly managed and that its inconsistent and ad hoc implementation has likely resulted in potentially eligible inmates not being considered for release[, and] . . . terminally ill inmates dying before their requests for compassionate release were decided.” U.S. Dep’t of Justice, Office of the Inspector General, Evaluation and Inspections Division, *The Federal Bureau of Prisons’ Compassionate Release Program* (April 2013) at p. 53.⁵

20. It was dissatisfaction with the BOP’s crabbed interpretation and administration of its compassionate release program that led to the reforms contained in the First Step Act. *See, e.g.*, Erica Zunkel, *18 U.S.C. § 3553(a)’s Undervalued Sentencing Command: Providing a Federal Criminal Defendant with Rehabilitation, Training, and Treatment in “the Most Effective Manner,”* 9 Notre Dame Journal of International Law 49, 61 (2019) (“The First Step Act aims to increase ‘the use and transparency of compassionate release’ by broadening eligibility and removing sole discretion for determining who is eligible for compassionate release from the BOP.”) (footnote omitted).

⁵ Available at the following URL: <https://oig.justice.gov/reports/2013/e1306.pdf> (visited Sept. 3, 2019).

21. As noted above, one of the factors that 18 U.S.C. § 3582(c)(1)(A) requires is that the reduction in sentence be “consistent with applicable policy statements issued by the Sentencing Commission”. The applicable Policy Statement of the Sentencing Commission is U.S.S.G. § 1B1.13. Reduction in Term of Imprisonment Under 18 U.S.C. § 3582(c)(1)(A).

22. The Sentencing Commission’s Policy Statement provides that, when reviewing a request for reduction, consideration should be made as to whether the Defendant poses a danger to the safety of any other person or to the community, pursuant to 18 U.S.C. § 3142(g). The other considerations are those specified in 18 U.S.C. § 3582(c)(1)(A).

23. Application Note 1 of § 1B1.13 sets forth the Sentencing Commission’s recommendations for what constitutes “extraordinary and compelling reasons” for reduction of sentence under Section 3582(c)(1)(A). The Commission has been expressly empowered by Congress to do so by 28 U.S.C. § 994(t). The Commission finds that extraordinary and compelling reasons for reduction exist under any of four broad sets of circumstances: (A) Medical Condition of the Defendant; (B) Age of the Defendant; (C) Family Circumstances; and (D) Reasons “other than, or in combination with” the previous three circumstances.

24. Under Application Note 1(A), Medical Condition of the Defendant, extraordinary and compelling reasons are further delineated as (i) “suffering from terminal

illness” or (ii) suffering from “serious physical or medical condition”, “serious functional or cognitive impairment”, or “experiencing deteriorating physical or mental health because of the aging process, that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.”

25. Under Application Note 1(B), Age of the Defendant, extraordinary and compelling reasons exist where “[t]he defendant (i) is at least 65 years old; (ii) is experiencing a serious deterioration in physical or mental health because of the aging process and (iii) has served at least 10 years or 75 percent of his or her term of imprisonment, whichever is less.”

26. Application Note 1(C), Family Circumstances, does not apply to these proceedings.

27. Application Note 1(D) states: “As determined by the Director of the Bureau of Prisons, there is in the defendant’s case an extraordinary and compelling reason other than, or on combination with, the reasons described in subdivisions (A) through (C).” Now that defendants can file for reduction in sentence, and not just BOP as when this Policy Statement went into effect, courts have found that they are empowered to determine extraordinary and compelling reasons other than those specifically defined in the Policy Statement. *See, e.g., United States v. Cantu*, 2019 U.S. Dist. LEXIS 100923 at *12 (S.D. Tex. June 17, 2019) (“[W]hen a defendant brings a motion for a sentence reduction under

the amended provision, the Court can determine whether any extraordinary and compelling reasons other than those delineated in U.S.S.G. § 1B1.13 cmt. n.1(A)-(C) warrant granting relief.”). *See also United States v. Fox*, 2019 U.S. Dist. LEXIS at *7 (D. Maine July 11, 2019) (“I treat the previous BOP discretion to identify other extraordinary and compelling reasons as assigned now to the courts.”); *United States v. Rivernider*, 2019 U.S. Dist. LEXIS 137134 at *7 (D. Conn. Aug. 14, 2019).

28. Application Note 2 provides that “an extraordinary and compelling reason need not have to be unforeseen at the time of sentencing in order to warrant a reduction in the term of imprisonment.”

29. Application Note 4 “encourages the Director of the Bureau of Prisons to file such a motion [for reduction of sentence] if the defendant meets **any of the circumstances** set forth in Application Note 1”.⁶ (emphasis added).

30. The Sentencing Commission’s Policy Statement § 1B1.13 has not been amended since the enactment of the First Step Act. Indeed, the Commission is currently without a quorum of voting members to amend the Policy Statement or take similar action.⁷

⁶ The Policy Statement was last amended prior to the enactment of the First Step Act, which amended 18 U.S.C. § 3582(c)(1)(A) to allow defendants to file a motion for reduction themselves. However, this encouragement demonstrates the desire of the Sentencing Commission for expanded use of compassionate release procedures. *See United States v. Bellamy*, 2019 U.S. Dist. LEXIS 124219 at * 3 (D. Minn. July 25, 2019) (noting that the Commission passed amendments “that ‘strengthened and broadened the criteria for compassionate release.’”) (internal citations omitted). Congress has since expanded the availability of compassionate release even further, and in doing so expressly stated its intent that there be greater use of compassionate release procedures. *See id.*

⁷ *See United States v. Beck*, 2019 U.S. Dist. LEXIS 108542 at *15, n.7 (M.D.N.C. June 28, 2019).

However, courts still use § 1B1.13 as a tool for guiding decisions for motions to reduce sentence pursuant to Section 3582(c)(1)(A).

31. Finally, the Bureau of Prisons issued Program Statement 5050.50 on January 27, 2019. Program Statement 5050.50 sets forth how BOP reviews requests for it to file a motion for reduction of sentence with the court under Section 3582(c)(1)(A). While Program Statement 5050.50 sets forth how the BOP reviews requests made for it to file such a motion on behalf of a defendant, it is not one of the factors that this Court is bound to consider under Section 3582(c)(1)(A). This differentiates BOP Program Statement 5050.50 from the Sentencing Commission's applicable policy statements. A reduction in sentence under Section 3582(c)(1)(A) must be "consistent with applicable policy statements issued by the Sentencing Commission".

32. Program Statement 5050.50 sets forth criteria for evaluating requests based on Medical Circumstances in § 571.61(3), which delineates different standards for those with a Terminal Medical Condition [§ 571.61(3)(a)] and Debilitated Medical Condition [§ 571.61(3)(b)].

33. Program Statement 5050.50 sets forth criteria for evaluating requests based on Non-Medical Circumstances—Elderly Inmates § 571.61(4), which sets forth different standards for "New Law" Elderly Inmates [§ 571.61(4)(a)]; Elderly Inmates with Medical Conditions [§ 571.61(4)(b)]; and Other Elderly Inmates [§ 571.61(4)(c)].

34. It bears noting that the Other Elderly Inmates criteria under § 571.61(4)(c) are substantially more restrictive than the Sentencing Commission’s § 1B1.13 Application Note 1(B), Age of the Defendant. The BOP Program Statement limits “Other Elderly Inmates” eligible for sentence reduction to “Inmates age 65 or older who served the greater of 10 years or 75% of the term of imprisonment to which the inmate was sentenced.” *See e.g., Totaro v. Warden Fort Dix Fed. Corr. Inst.*, 742 Fed. Appx. 596, 597 (3d Cir. 2018) (noting conflict between Sentencing Commission Policy Statement and BOP Program Statement 5050.49, which was superseded by 5050.50 but identical in its treatment of “Other Elderly Inmates”). The *Totaro* opinion from the Third Circuit affirmed a decision of the District Court, *Totaro v. Ortiz*, 2017 U.S. Dist. LEXIS 190209 at *7-9 (D.N.J. Nov. 17, 2017). The District Court opinion contains further discussion of the conflict and the history of the addition of the “Age of Defendant” criteria to the Sentencing Commission Policy Statement. The conflict between these criteria and the impact of that conflict in this matter will be discussed further herein.

35. Program Statement 5050.50 sets forth criteria for evaluating requests based on Non-Medical Circumstances for situations involving death or incapacitation of certainly family members of the inmate in § 571.61(5)&(6). Those provisions have no application to this matter.

36. Finally, Program Statement 5050.50 sets forth factors to consider in evaluating requests for compassionate release in § 571.61(7). The factors “are neither

exclusive nor weighted”. Overall, the BOP states that it should always “consider whether the inmate’s release would pose a danger to the safety of any other person or the community”.

IV. ARGUMENT

A. Mr. Ebbers Has Exhausted Administrative Remedies

37. Mr. Ebbers’ request for compassionate release was received by the Warden of FMC Ft. Worth on July 17, 2019. *See* Exhibit “4”. More than 30 days have passed since the request was received.

38. While the Warden recommended approval of the request, BOP denied the request on August 12, 2019. *See* Exhibit “5”. BOP’s denial was made by Ken Hyle, its Assistant Director/General Counsel. Pursuant to BOP’s Program Statement, denial by BOP’s General Counsel “constitutes a final administrative decision.” *See* Program Statement 5050.50 at § 571.63(b). A denial by BOP General Counsel may not be appealed through the Administrative Remedy Procedure. *See* Program Statement 5050.50 at § 571.63(d).

39. Based on the foregoing, Ebbers is authorized to proceed in this Court by 18 U.S.C. § 3582(c)(1)(A).

B. Extraordinary and Compelling Reasons for Reduction in Sentence

1. Age

40. Mr. Ebbers is currently 78 years old.

41. Mr. Ebbers' age (over 65) combined with his service of over 10 years of his sentence (he has served nearly 13 years) and "serious deterioration in physical or mental health because of the aging process" (discussed in more detail below) constitutes an extraordinary and compelling circumstance under Application Note 1(B) of § 1B1.13 of the Sentencing Commission's Policy Statement.

42. Significantly, Application Note 1(B) of § 1B1.13 (Elderly Inmates) does not require a further finding that the inmate lacks the ability to provide self-care and adequately function in a custodial setting. While Ebbers can also satisfy that standard, as set forth below, he need not do so under 18 U.S.C. § 3582(c)(1)(A), since Ebbers otherwise qualifies under the statute and an extraordinary and compelling circumstance under Application Note 1(B) of § 1B1.13 (Elderly Inmates) is "consistent with applicable policy statements issued by the Sentencing Commission."

43. It is acknowledged that the BOP has not adopted the Sentencing Commission's recommendation of Application Note 1(B) of § 1B1.13 (Elderly Inmates) as it relates to the amount of time served. While the Sentencing Commission recommends release of such persons after serving the **lesser** of 10 years or 75% of their sentence, the

BOP's guidelines only recommend release to such persons after serving the **greater** of 10 years or 75% of their sentence.⁸

44. While BOP is not bound by the Sentencing Commission's recommendation, neither is this Court bound by the BOP's criteria. In *United States v. Beck*, 2019 U.S. Dist. LEXIS 108542 (M.D.N.C. June 28, 2019), the court granted a reduction in sentence despite the fact that BOP denied the request and the Government opposed the relief sought. In reviewing the matter, the court analyzed the extent to which BOP's determinations were due any deference, and concluded that BOP was entitled to "little, if any, deference". *Id.* at *33.

45. The *Beck* court reasoned: "For one, BOP's internal criteria for assessing when compassionate release is appropriate are stricter than U.S.S.G. § 1B1.13 and the application note." *Id.* "Moreover, the terms of the First Step Act give courts independent authority to grant motions for compassionate release and says nothing about deference to BOP, thus establishing that Congress wants courts to take a *de novo* look at compassionate release motions." *Id.* at *34. In short, when Congress expanded the availability of compassionate release under the First Step Act, it removed the singular responsibility for determining eligibility for compassionate release from BOP and empowered the courts to make their own determinations.

⁸ For Mr. Ebbers to qualify under BOP's guideline, he would have to serve nearly 19 years in prison, or almost double the term that the Sentencing Commission's Policy Statement requires. In light of express Congressional intent in the First Step Act to expand the use of compassionate release procedures, BOP's guideline is overly restrictive and should be accorded no deference.

46. Simply put, if the Court determines that Mr. Ebbers satisfies with all other requirements of 18 U.S.C. § 3582(c)(1)(A), then his status as an “Elderly Inmate” as defined by Application Note 1(B) of § 1B1.13 is a sufficient extraordinary and compelling reason to grant this Motion. Since Mr. Ebbers is 78, has served more than 10 years in prison, and suffers from “serious deterioration in physical or mental health because of the aging process,” he qualifies for compassionate release without examining any other factors.

2. Medical Conditions

47. Mr. Ebbers has developed macular degeneration, an incurable eye disease, while incarcerated. In order to minimize the impact of macular degeneration, early diagnosis and a proactive medical approach must be taken. Ebbers is now legally blind in both eyes. His macular degeneration is described as severe.

48. Ebbers’ macular degeneration has caused at least two major incidents in prison in recent years. Because of his diminished eyesight, Ebbers unintentionally bumped into another prisoner while walking in the facility in September of 2017. The prisoner came to Ebbers’ open cell later in the day and physically attacked him for bumping into him. Ebbers suffered fractured orbital bones, blunt head trauma, and other injuries as result of this assault. Ebbers could not identify his attacker due to his severely limited eyesight. Ebbers was placed in solitary confinement because he was unable to identify his attacker.

49. More recently, Ebbers fell while doing laundry because of his severely limited eyesight. Ebbers suffered an injury to his head, requiring medical attention. Mr.

Ebbers' eyesight will only continue to worsen. When coupled with his other medical conditions, discussed below, his ability to function and provide self-care in prison will also continue to diminish.

50. Because of his worsening vision, Ebbers used for several years a magnifying glass to help him read and carry out activities of daily living (such as making phone calls, reading his watch, completing his requests for medical care, and completing weekly commissary orders). Approximately 6 months ago, Ebbers' magnifying glass broke. His family sought to secure him a replacement, but this was denied.⁹ However, because of the continued deterioration of Mr. Ebbers' eyesight due to macular degeneration, there is great doubt that his sight will be significantly aided at this point by a magnifying glass. His eyesight will only continue to worsen, as macular degeneration is incurable.

51. Because of his legal blindness resulting from incurable macular degeneration, Mr. Ebbers is unable to read documents requiring his signature, books, newspapers, or his Bible. He cannot fill out his weekly commissary order; fill out medical request forms; read his name on the list of inmates with scheduled medical visits; read announcements posted in the facility; put in the code on a locker; read a watch or clock or date on a calendar; safely cut his fingernails and toenails; or shave. He also has severe

⁹ Remarkably, one of the justifications the BOP used for denying Ebbers' request for compassionate release was that his ability to function in prison is aided by a magnifying glass that he no longer has. *See* Exhibit "5" at p. 2.

difficulty seeing the buttons to make a phone call. He no longer sleeps through the night, and when he wakes up he is unable to read a clock or watch and know the time.

52. At the time Ebbers was sentenced, he had a heart murmur that was later diagnosed as nonischemic cardiomyopathy. A heart defibrillator/pacemaker was surgically installed in or around February 2017 to help with Ebbers' heart condition. Within several months of the heart defibrillator/pacemaker being installed, Mr. Ebbers was transferred from FCI Oakdale to FMC Ft. Worth, a medical prison facility where he is currently incarcerated. Mr. Ebbers' heart ailments leaves him vulnerable to sudden heart attack, stroke, or other fatal events. For instance, during a pacemaker check in November of 2018, it was discovered that Mr. Ebbers' heart went 8 seconds between beats in August of 2018.

53. Ebbers carries nitroglycerin pills due to his increased risk of heart attack and stroke. Mr. Ebbers' cardiomyopathy has recently worsened. In late 2018/early 2019, his ejection fraction (EF, which measures the heart's pumping ability) was found to be 25%. Earlier in 2018, his ejection fraction had been found to be 35%. An ejection fraction of 50-75% is considered normal, 36-49% is considered below normal, and anything below 35% is considered severely low. According to the Cleveland Clinic, "If you have an EF of less than 35%, you have a greater risk of life-threatening irregular heartbeats that can cause sudden cardiac arrest/death."

54. In October of 2017, Ebbers was found to be suffering from prediabetes, as a result of an A1c level of 6.2. Upon information and belief, Ebbers was recently diagnosed

with diabetes following a more recent A1c level of 8 or higher. This is a recent development that will only further complicate Mr. Ebbers' overall health condition.

55. Mr. Ebbers was found to have a left inguinal hernia in October of 2018. Surgery has been recommended, but not performed. In January of 2019, Mr. Ebbers was found to have a right inguinal hernia as well. Surgery has also been recommended, but not performed, on this second hernia.

56. Mr. Ebbers has lost significant weight over the past year, and particularly in the past few months. On July 12, 2018, his weight was recorded as 200 pounds. On January 17, 2019, his weight was 187 pounds. Upon information and belief, his current weight is approximately 160 pounds. Mr. Ebbers has also recently developed shortness of breath and a persistent cough, common symptoms for those suffering from serious heart ailments. He tires easily, even when just having routine conversations. While Mr. Ebbers used to walk regularly for exercise (which aids with his cardiomyopathy and overall health), he is now unable to do so. He spends a great deal of time sleeping and non-ambulatory. Ebbers was also recently diagnosed with anemia. His family members have observed physical and mental deterioration that has been quite drastic over the past 6 months. *See* Exhibit "6," Declaration of Joy Ebbers Bourne.

57. Though the BOP denied Mr. Ebbers' request to file a motion on his behalf, the BOP acknowledges that Mr. Ebbers suffers from several "chronic" medical conditions. *See* Exhibit "5," at p. 2. These conditions include: "hyperlipidemia, hypertension,

cardiomyopathy, heart failure, macular degeneration, low vision in both eyes, and inguinal hernia.” *See* Exhibit “5,” at p. 1. The BOP agrees that Ebbers is “legally blind”. *See* Exhibit “5,” at p. 1.

58. As set forth herein, BOP’s denial is not entitled to any deference by this Court. However, it must be noted that the BOP’s justifications for denying Mr. Ebbers’ request for compassionate release do not comport with his current medical condition. Mr. Ebbers’ overall physical health has deteriorated dramatically in the past 6 months. *See* Exhibit “6,” Declaration of Joy Ebbers Bourne. Many of the daily activities that the BOP says Mr. Ebbers can easily perform are, in fact, quite difficult. BOP even cites to the fact that Mr. Ebbers can see just fine with a magnifying glass, though Mr. Ebbers has not had access to a magnifying glass for months. He was denied a replacement (though at this stage there is significant doubt that a magnifying glass would provide much assistance to Mr. Ebbers).

59. Upon information and belief, Mr. Ebbers’ request for compassionate release was recommended for approval by the Warden of the medical facility at which Mr. Ebbers is incarcerated. The denial came from BOP’s Assistant Director/General Counsel, following review of the warden’s determination. *See* Exhibit “5”. It is significant that those at the facility who see Mr. Ebbers daily and who are in charge of his care (including medical care) found his condition warranted compassionate release. It was only upon

further review within the higher levels of BOP, and using criteria that are stricter than required under the law, that Mr. Ebbers' request was denied.

60. Ebbers' medical condition caused Barbara Jones, the now-retired federal judge who sentenced Ebbers to 25 years imprisonment, to write a letter in support of this Motion. Jones writes:

These medical conditions cause me to support Mr. Ebbers' request for a reduction in sentence. In doing so, I do not mean to minimize the severity of his crimes. His conduct inflicted substantial harm on many good people. The 25-year sentence that I imposed was intended to underscore the seriousness of that conduct and to serve as a deterrent to others who would commit financial fraud. A reduction in sentence now, however, after he has served almost 14 years of his sentence and developed serious medical issues, would not diminish the message that I sought to convey in 2005. It would show compassion. And, to state the obvious, it would not jeopardize public safety. In short, I believe that given his serious health problems, Mr. Ebbers has been punished enough.

See Exhibit "1," Letter to Judge McMahon dated 09/03/2019.

61. In an earlier letter, written to the President in 2017 in support of commutation of Mr. Ebbers' sentence, Judge Jones wrote: "Releasing Mr. Ebbers at age 76 [now 78] and in poor health after 12 years [now nearly 13] in prison would not diminish respect for the law." *See* Exhibit "1," Letter to President Trump dated 09/15/2017.

62. While each motion for reduction in sentence under Section 3582(c)(1)(A) turns on highly individualized facts, granting Mr. Ebbers' the relief requested in this Motion would be consistent with decisions from other District Courts around the nation. *See, e.g., United States v. Beck*, 2019 U.S. Dist. LEXIS 108542 (M.D.N.C. June 28, 2019)

(47 year old convicted of distribution of methamphetamine and use of firearm granted reduction after serving 76 months of 165 month sentence, due to cancer that was not timely treated); *United States v. Bellamy*, 2019 U.S. Dist. LEXIS 124219 (D. Minn. July 25, 2019) (71 year old inmate confined to wheelchair and suffering from heart ailments, diabetes, and kidney disease granted reduction of sentence from conviction for conspiracy to traffic heroin); *United States v. Johns*, 2019 U.S. Dist. LEXIS107850 (D. Ariz. June 27, 2019) (81 year old suffering from severe heart disease, including 35% ejection fraction, along with other conditions granted release after serving 23 years of life sentence for multiple serious drug offenses); *United States v. McGraw*, 2019 U.S. Dist. LEXIS 78370 (S.D. Ind. May 9, 2019) (72 year old inmate with limited mobility, diabetes, kidney disease, Hepatitis C, and other issues released after serving 17 years of life sentence for conspiracy to possess with intent to distribute methamphetamine); *United States v. Peterson*, 2019 U.S. Dist. LEXIS 93480 (E.D.N.C. June 4, 2019) (80 year old inmate with dementia, leg amputation, glaucoma, coronary artery disease, and other conditions granted reduction of 132 month sentence following service of 91 months for conviction of possession with cocaine base with intent to distribute and discharge of firearm in furtherance of drug trafficking, a serious crime of violence); *United States v. York*, 2019 U.S. Dist. LEXIS 119768 (E.D. Tenn. July 18, 2019) (60 year old wheelchair bound inmate with congestive heart failure, kidney failure, diabetes, and other conditions released following 73 months of 106 month sentence for multiple drug offenses and Social Security fraud).

3. Judge Jones' Support of Mr. Ebbers' Release

63. Another extraordinary and compelling reason to reduce Ebbers' sentence is the nearly unprecedented support of his release by the former District Court Judge that issued his 25-year prison sentence.

64. Hon. Barbara Jones, now retired from the federal bench, has written a letter to the Court in support of this Motion. Judge Jones previously wrote to the President to voice her support for Ebbers' release. In light of Mr. Ebbers' age, perilous medical condition, and significant prison time already served, Judge Jones believes Mr. Ebbers has been punished enough and should be released from prison. *See* Exhibit "1," Letter to Judge McMahon dated 09/03/2019 and Letter to President Trump dated 09/15/2017.

65. In her 2019 letter, Judge Jones notes that Mr. Ebbers' sentence, while within the Sentencing Guidelines, was "unarguably a very lengthy sentence, particularly for a man in his 60's." *See* Exhibit "1," Letter to Judge McMahon dated 09/03/2019. "A reduction in sentence now, however, after he has served almost 14 years of his sentence and developed serious medical issues, would not diminish the message that I sought to convey in 2005. It would show compassion. And, to state the obvious, it would not jeopardize public safety. In short, I believe that given his serious health problems, Mr. Ebbers has been punished enough." *See* Exhibit "1," Letter to Judge McMahon dated 09/03/2019.

66. As stated previously, courts have found that they are empowered to determine extraordinary and compelling reasons other than those specifically defined in

the Sentencing Commission's Policy Statement. *See, e.g., United States v. Cantu*, 2019 U.S. Dist. LEXIS 100923 at *12 (S.D. Tex. June 17, 2019) (“[W]hen a defendant brings a motion for a sentence reduction under the amended provision, the Court can determine whether any extraordinary and compelling reasons other than those delineated in U.S.S.G. § 1B1.13 cmt. n.1(A)-(C) warrant granting relief.”). *See also United States v. Fox*, 2019 U.S. Dist. LEXIS at *7 (D. Maine July 11, 2019) (“I treat the previous BOP discretion to identify other extraordinary and compelling reasons as assigned now to the courts.”); *United States v. Rivernider*, 2019 U.S. Dist. LEXIS 137134 at *7 (D. Conn. Aug. 14, 2019).

67. The fact that the former federal judge that sentenced Mr. Ebbers to 25 years imprisonment now supports his release is an extraordinary and compelling reason to grant the reduction in sentence.

68. In *Cantu*, the Government did not oppose the motion for release of the defendant to home confinement. 2019 U.S. Dist. LEXIS 100923 at *1. The court found the Government's lack of opposition to be an extraordinary and compelling reason for granting the motion. *Id.* At *13-14. In doing so, the court looked at the meaning of “extraordinary” from Black's Law Dictionary: “beyond what is usual, customary, regular, or common.” *Id.* at *13 (citing Black's Law Dictionary (10th ed. 2014)). The court further extrapolated from the Black's Law Dictionary of “compelling need” that “a compelling reason is one ‘so great that irreparable harm or injustice would result if [the relief] is not

[granted]’”. *Cantu*, 2019 U.S. Dist. LEXIS 100923 at *13 (citing Black’s Law Dictionary (10th ed. 2014)).

69. The *Cantu* court continued: “For the Government to advocate that the Court issue an order ‘that would cause BOP to release the Defendant’ is beyond what is usual, customary, regular, or common. And given the Government’s position, irreparable harm and injustice would result if the Court failed to craft such an order.” *Id.* at *13 (internal citations omitted). Finding the “Government non-opposition is both the touchstone of the determination and rare,” the court noted that its decision reducing the sentence would be “narrow and unlikely to have far-reaching implications.” *Id.* at *13-14.

70. Similarly, Mr. Ebbers is in the rare position of having the former judge who sentenced him to a lengthy term of imprisonment now supporting his release. This is “beyond what is usual, customary, regular, or common” in our criminal justice system. If Judge Jones was still on the bench, then this Motion would have returned to her for consideration.¹⁰ In light of Judge Jones’ view that Mr. Ebbers should be granted compassionate release in light of his age, failing health, and service of already significant prison time (the very questions before this Court), Mr. Ebbers would suffer irreparable harm and an injustice would result if he was not granted the relief sought in this Motion.

¹⁰ See Local Criminal Rule 34.1 & Rule 9, Local Rules for the Division of Business Among District Judges, Southern District.

71. For these reasons, Judge Jones' support of Mr. Ebbers' request for a reduction in sentence and compassionate release is an extraordinary and compelling reason (on its own or in conjunction with the others presented herein) that permits this Court to grant this Motion.

C. Compliance With Sentencing Commission Policy Statements

72. Mr. Ebbers has already detailed above how his extraordinary and compelling reasons for reduction in sentence are in line with the Sentencing Commission's § 1B1.13 Application Note 1(A), (B), and (D). Those arguments are incorporated herein by reference.

73. Application Note 4 of § 1B1.13 "encourages the Director of the Bureau of Prisons to file such a motion [for reduction of sentence] if the defendant meets **any of the circumstances** set forth in Application Note 1". (emphasis added). This reflects the Sentencing Commission's desire to broaden compassionate release. As demonstrated herein, Ebbers meets 3 of the 4 extraordinary and compelling circumstances.

74. Ebbers meets all other criteria in § 1B1.13, including that he does not pose a danger to another person or the community.

75. Potential dangerousness is to be evaluated under the standards of 18 U.S.C. § 3142(g), which are set forth below, along with the showing of how Mr. Ebbers satisfies the standard:

Nature and circumstance of offense charged: Mr. Ebbers was convicted of securities fraud and submitting false security filings. These were non-violent offenses and Mr. Ebbers was a first-time felony offender.

Weight of the evidence: this factor is inapplicable to this matter.

Character: as set forth in the Pre-Sentence Report, Mr. Ebbers' character, outside of the convictions in this cause, was remarkable. He was noted as a kind and generous man who took care of his family and was active in his community. *See also*, Exhibit "3," Materials in Support of Request for Compassionate Release, Letters and Statements of Support.

Physical and mental condition: As detailed above, Mr. Ebbers' physical condition is such that he would pose no danger to anyone.

Family ties: If released, Mr. Ebbers will live with continuous family support in Mississippi, where the great bulk of his family is located. Mr. Ebbers has had remarkable family support throughout his incarceration. *See* Exhibit "6," Declaration of Joy Ebbers Bourne.

Employment: Mr. Ebbers will be unable to work due to his health and physical conditions.

Financial resources: Mr. Ebbers surrendered all of his assets prior to reporting for prison. His family has sufficient means to provide support and care for him upon release, and he will apply for Social Security and Medicare benefits.

Length of residence in community: If released, Mr. Ebbers will reside in Mississippi, where he lived the bulk of his adult life prior to his incarceration.

Community ties: Mr. Ebbers has significant community ties in Mississippi.

Past conduct: Outside of the convictions in this cause, Mr. Ebbers lived an exemplary life marked by generosity, charitable giving, and closeness to his family. His only other conviction was for misdemeanor Reckless Driving and Violation of Implied Consent Law in Nashville, Tennessee. He was sentenced to pay a \$1,000 fine plus court costs. The fine and court costs were paid.

History of drug or alcohol abuse: None.

Criminal history: Outside of the convictions in this cause, Mr. Ebbers has no other felony convictions. His only other conviction was for misdemeanor Reckless Driving and Violation of Implied Consent Law in Nashville, Tennessee. He was sentenced to pay a \$1,000 fine plus court costs. The fine and court costs were paid.

Appearance at court proceedings: Mr. Ebbers has a history of attending all court proceedings.

At time of offense, whether person was on probation, parole, or other release pending trial, sentencing, appeal, etc.: No.

Nature and seriousness of danger to any person or the community that would be posed by Ebbers' release: Mr. Ebbers was a first-time felony offender, for non-violent offenses. He has no history of violence. The Pre-Sentence Report in this matter specifically found he was not a danger to the community.

76. As set forth herein, a reduction of Mr. Ebbers' sentence and his release from prison is consistent with applicable policy statements issued by the Sentencing Commission.

D. Application of 18 U.S.C. § 3553(a) Factors to Mr. Ebbers' Request

77. The Court must also examine any applicable factors under 18 U.S.C. § 3553(a). Those factors are set forth below along with how they weigh in favor of a reduction in sentence and release:

Nature and circumstances of offense: Securities fraud/false filings, which are non-violent offenses.

History and characteristics of defendant: These were Mr. Ebbers' first and only felony convictions. He has no history of violence. Rather, he has a history of being a loving and supportive father and active in his community. He also has a well-documented history of being generous in donations (many of which were anonymous) to charities, ministries, college students in need of financial assistance, etc.

Need for sentence to reflect seriousness of offense, promote respect for law, and provide just punishment: Mr. Ebbers has served nearly 13 years in prison, a substantial punishment. Indeed, retired Judge Barbara Jones has noted that releasing Ebbers after he has served his significant prison term would not diminish respect for the law. *See* Exhibit “1”.

Need for sentence to afford adequate deterrence to criminal conduct: Mr. Ebbers has served nearly 13 years in prison, a substantial punishment. He also surrendered all of his assets. Deterrence has been achieved even if the sentenced is reduced. Retired federal judge, Barbara Jones, states that deterrence was a major factor in determining Mr. Ebbers sentence. *See* Exhibit “1,” Letter from Judge Jones to Judge McMahon dated 09/03/2019. Even so, Judge Jones finds that the goal of deterrence would not be diminished by reducing Mr. Ebbers’ sentence in light of his poor health and having served nearly 13 years in prison. *See* Exhibit “1,” Letter from Judge Jones to Judge McMahon dated 09/03/2019.

Need for sentence to protect the public from further crimes of defendant: Mr. Ebbers is a first-time, non-violent felony offender. The Presentence Report specifically found he was not a danger to the community. In light of his physical health, he will not be a danger to anyone. Judge Jones wrote that releasing Mr. Ebbers “would not jeopardize public safety”. *See* Exhibit “1,” Letter from Judge Jones to Judge McMahon dated 09/03/2019.

Need for sentence to provide defendant with needed educational or vocational training, medical care, or other correctional treatment in most effective manner: Mr. Ebbers would most benefit now from medical treatment and family support outside of a correctional environment. He is not in need of educational or vocational training, as he will not be returning to the workforce in light of his health.

Kinds of sentences available: not applicable, other than to note that the court can impose terms of supervision if Ebbers is released.

Kinds of sentence and sentencing range under guidelines: not applicable, other than to note that the court can impose terms of supervision if Ebbers is released.

Any pertinent policy statement of Sentencing Commission: *see* Section IV.C, *supra*.

Need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct: Mr. Ebbers' sentence was one of the longest for similar conduct by a similarly situated defendant. Serving 13 years of imprisonment is on par with others convicted of similar offenses (for instance, Jeff Skilling of Enron received a 14-year sentence; Sam Waskal, 7 years; and John Rigas of Adelphia, 15 years).

Need to provide restitution to victims of the offense: Prior to reporting to prison, Mr. Ebbers forfeited all of his assets, which were placed in a fund for compensation of the

company and investors who lost money. Ebbers could not have done anything further to contribute to restitution.

78. The 18 U.S.C. § 3553(a) factors weigh heavily in favor of granting this Motion.

VII. CONCLUSION

79. In summary, Mr. Ebbers meets all of the criteria for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A). He has exhausted administrative rights prior to this filing, the applicable factors set forth in section 3353(a) weigh in his favor, he demonstrates extraordinary and compelling reasons that warrant the reduction, and a reduction in sentence is consistent with applicable policy statements issued by the Sentencing Commission.

80. Judge Jones, who imposed the substantial sentence in this case, believes that Mr. Ebbers “has been punished enough” and should be shown compassion and released. This Court is empowered to do just that, and Mr. Ebbers prays that this Court will grant this Motion, order a reduction of his prison sentence to time-served, order his immediate release, and impose the least-restrictive post-release conditions available under the circumstances.¹¹

¹¹ “[S]pecial conditions of supervised release must cause no greater deprivation of liberty than reasonably necessary to achieve the goals supervised release, including the need to provide effective medical treatment.” *United States v. Sotelo*, 2019 U.S. Dist. LEXIS 135051 at *34 (E.D. Pa. Aug. 8, 2019) (quoting *United States v. Dimasi*, 220 F. Supp. 3d 173, 198 (D. Mass. 2016)).

WHEREFORE, PREMISES CONSIDERED, Bernard J. Ebbers respectfully requests that this Court GRANT this Motion for Reduction in Sentence and order his immediate release from imprisonment under the least restrictive conditions available under law. Mr. Ebbers prays for any further or additional relief to which he may be entitled in the premises.

RESPECTFULLY SUBMITTED this the 5th day of September, 2019.

BERNARD J. EBBERS

BY: /s/ Graham P. Carner
GRAHAM P. CARNER

OF COUNSEL:

GRAHAM P. CARNER (MSBN 101523)
Graham P. Carner, PLLC
775 N. Congress Street
Jackson, Miss. 39202
T: 601.949.9456
F: 601.354.7854
E: graham.carner@gmail.com
Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I, Graham P. Carner, do hereby certify that I served a true and correct copy of the above and foregoing document by electronically filing same in accordance with this Court's electronic filing procedures, resulting in notice to ALL COUNSEL OF RECORD.

So certified this the 5th day of September, 2019.

/s/ Graham P. Carner
GRAHAM P. CARNER

BRACEWELL

September 3, 2019

The Honorable Colleen McMahon
Chief United States District Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Bernard Ebbers' Request for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)

Dear Judge McMahon,

I was the sentencing Judge who imposed a 25-year sentence on Bernard Ebbers after his conviction for securities fraud as CEO of WorldCom. I write to support Mr. Ebbers' request for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(1)(A).

Although the sentence of 25 years (21 years with good time) was well within the Sentencing Guidelines range, it was unarguably a very lengthy sentence, particularly for a man in his 60's. Today at age 78, Mr. Ebbers is approaching year 14 of his incarceration. I understand that he now suffers from (1) macular degeneration – an untreatable condition that has currently rendered him legally blind; (2) cardiomyopathy – resulting in such low heart pumping capacity that he is at risk for stroke or heart attack; and (3) diabetes. Mr. Ebbers has had a defibrillator inserted and is incarcerated in a medical facility prison.

I also understand that due to his medical conditions, in particular his macular degeneration, Mr. Ebbers is unable to read documents integral to functioning in prison. He cannot fill out medical request forms or read his name on the list of inmates with scheduled medical visits. He also cannot enter a code on a locker, read a clock, or safely cut his fingernails and toenails or shave. He has serious difficulty seeing the buttons to make a phone call.

These medical conditions cause me to support Mr. Ebbers' request for a reduction in sentence. In doing so, I do not mean to minimize the severity of his crimes. His conduct inflicted substantial harm on many good people. The 25-year sentence that I imposed was intended to underscore the seriousness of that conduct and to serve as a deterrent to others who would commit financial fraud. A reduction in sentence now, however, after he has served almost 14 years of his sentence and developed serious medical issues, would not diminish the message that I sought to convey in 2005. It would show compassion. And, to state the obvious, it would not jeopardize public safety. In short, I believe that given his serious health problems, Mr. Ebbers has been punished enough.

Bracewell LLP

T: +1.212.508.6100 F: +1.800.404.3970
1251 Avenue of the Americas, 49th Floor, New York, New York 10020-1100
bracewell.com

BRACEWELL

September 3, 2019

Page 2

I thank the Court for considering this letter when evaluating Mr. Ebbers' request.

Sincerely yours,



Hon. Barbara S. Jones (ret.)
Partner

BRACEWELL

September 15, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Honorable Lawrence Kupers
Office of the Pardon Attorney
U.S. Department of Justice
145 N Street N.E., Room 5E.508
Washington, DC 20530

Re: Bernard Ebbers, Petition for Commutation of Sentence

Dear Mr. President and Mr. Pardon Attorney:

I was the sentencing judge who imposed a 25-year sentence on petitioner Ebbers after his conviction for securities fraud as CEO of WorldCom. I am no longer on the bench but when I was, it was not unusual to be asked for my views on commutation of sentence petitions. I do so here to assist your consideration of Mr. Ebbers' petition. I write to support it.

Although the sentence of 25 years which I imposed was well within the range advised by the Sentencing Guidelines, it was unarguably a very lengthy sentence, particularly for a man in his 60's. Today at age 76, approaching year 12 of his incarceration I now understand that he suffers from (1) impending blindness because of macular degeneration – an untreatable condition; and (2) cardiomyopathy – resulting in such low heart pumping capacity that he is at risk for stroke or heart attack, has had a defibrillator inserted and has been moved to a medical facility prison. I am also advised that for several years, lack of personnel at the prison resulted in missed cardiology appointments and medication issues. By this I do not intend to criticize the Bureau of Prisons. I sat on the federal bench for nearly 17 years and I know that the Bureau works very hard to provide adequate medical care to inmates and usually succeeds. Sometimes, however, the medical needs of a prisoner eclipse the resources of the Bureau and this appears to be such a time. Being subject to the inconsistent medical resources and treatment options was not part of the sentence I intended to impose.

Barbara S. Jones
Partner

T: +1.212.508.6105 F: +1.800.404.3970
1251 Avenue of the Americas, 49th Floor, New York, New York 10020-1100
barbara.jones@bracewell.com bracewell.com

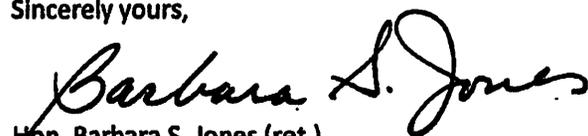
BRACEWELL

September 15, 2017

Page 2

Therefore, on health grounds alone, I do not object to the exercise of your discretion to grant the petition for commutation of sentence and in fact think it appropriate under these circumstances. Releasing Mr. Ebbers at age 76 and in poor health after 12 years in prison would not diminish respect for the law.

Sincerely yours,

A handwritten signature in black ink that reads "Barbara S. Jones". The signature is written in a cursive style with a large initial 'B'.

Hon. Barbara S. Jones (ret.)

Partner

BSJ/wr

Compassionate Release Request – Bernard J. Ebbers

This request for compassionate release of inmate Bernard J. Ebbers is made pursuant to 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, which sought to expand the availability and use of compassionate release in the federal system. As detailed below, there are extraordinary and compelling medical circumstances that have arisen in the nearly 13 years since Mr. Ebbers has been incarcerated. These medical circumstances have even led the sentencing judge, Hon. Barbara S. Jones (now retired), to send a letter to President Donald Trump, supporting Mr. Ebbers' release from prison.

Below, we have included the information that is required pursuant to 18 U.S.C. § 3582(c)(1)(A) and the Bureau of Prisons Program Statement Number 5050.50, dated January 17, 2019.

For the reasons set forth herein, it is requested that Mr. Ebbers be given a compassionate release from his prison sentence.

Extraordinary and compelling circumstances which could not reasonably have been foreseen by the court at the time of sentencing:

Bernard J. Ebbers has developed macular degeneration, an incurable eye disease, while incarcerated. In order to minimize the impact of macular degeneration, early diagnosis and a proactive medical approach must be taken. Ebbers is now legally blind. His macular degeneration is described as severe. His condition has caused two recent incidents in prison: (1) Because of his diminished eyesight, Ebbers unintentionally bumped into another prisoner while walking in the facility in 2017. The prisoner came to Ebbers' open cell later in the day and physically attacked him for bumping into him. Ebbers suffered fractured orbital bones and other injuries as result of this assault. Ebbers could not identify his attacker due to his severely limited eyesight. Ebbers was placed in solitary confinement because he was unable to identify his attacker. (2) More recently, Ebbers fell while doing laundry because of his severely limited eyesight. Ebbers suffered an injury to his head, requiring medical attention. Because of his diminished vision, Ebbers has for several years used a magnifying glass to help him read and carry out activities of daily living (such as making phone calls, reading his watch, completing his requests for medical care, and completing weekly commissary orders). 6 months ago, Ebbers' magnifying glass broke. His family has sought for months to secure him a replacement. On July 16, 2019, Ebbers was told that he would not be allowed a replacement magnifying glass. This further inhibits Ebbers' ability to function in a custodial environment. At the time of sentencing, Ebbers did not have any eyesight issues. Macular degeneration, an incurable disease of the eye, developed during his imprisonment.

At the time Ebbers was sentenced, he had a heart murmur that was later diagnosed as nonischemic cardiomyopathy. A heart defibrillator was surgically installed in 2017 to help with Ebbers' heart condition. He carries nitroglycerin pills due to his increased risk of heart attack and stroke. Mr. Ebbers' cardiomyopathy has recently worsened. In late 2018/early 2019, his ejection fraction (EF, which measures the heart's pumping ability)

was found to be 25%. Earlier in 2018, his ejection fraction had been found to be 35%. An ejection fraction of 50-75% is considered normal, 36-49% is considered below normal, and anything below 35% is considered severely low. According to the Cleveland Clinic, "If you have an EF of less than 35%, you have a greater risk of life-threatening irregular heartbeats that can cause sudden cardiac arrest/death."

Ebbers' medical condition caused Barbara Jones (now retired), the federal judge who sentenced Ebbers to 25 years imprisonment, to write a letter to President Trump in August 2017. Jones supports Ebbers being released from prison. Jones wrote: "[O]n health grounds alone, I do not object to the exercise of your discretion to grant the petition for commutation of sentence and I think it appropriate under these circumstances. Releasing Mr. Ebbers at age 76 [now nearing 78] and in poor health after 12 years [now nearly 13] in prison would not diminish respect for the law." A copy of Barbara Jones' letter is included with this request.

Proposed release plans, including where the inmate will reside, how the inmate will support himself/herself, and, if the basis for the request involves the inmate's health, information on where the inmate will receive medical treatment, and how the inmate will pay for such treatment:

Bernard J. Ebbers would be cared for by daughters Joy E. Bourne and Faith E. Gates. Ebbers would reside at [REDACTED], next door to Faith E. Gates, her husband Michael, and their family, who would provide daily care and support. Given the current state of Ebbers' medical condition, 24-hour care would be provided by his family. Ebbers would receive medical care from the Brookhaven, Mississippi and Jackson, Mississippi medical communities. He would be transported by family members to all medical appointments, since he will not be able to drive due to his macular degeneration. Ebbers will apply for Medicare and Social Security. He was not eligible for either when he was sentenced in 2005 and reported to prison in 2006. Any medical costs not covered by Medicare will be paid for with his Social Security benefits and private pay by his family. Ebbers will support himself with Social Security benefits and his family members will provide any additional financial support that is needed, since Mr. Ebbers will be unable to work due to his medical condition.

Inmate's Full Name: Bernard John Ebbers

Federal Register Number: 56022-054

Date of Birth and Age: [REDACTED] 77

Institution: Federal Medical Center (FMC) Forth Worth

Date RIS request was submitted to institution: July 16, 2019

Reason for RIS request: Elderly/Medical Compassionate Release Under First Step Act

Whether the request was submitted by a third party (attorney, partner, family member): This request is submitted by Mr. Ebbers' daughter, Joy Ebbers Bourne.

Nature and circumstances of the inmate's offense: Ebbers was found guilty of 9 counts following a jury trial. All 9 counts involved fraud or false statements/filings related to securities associated with MCI/WorldCom, a telecommunications company of which Ebbers was CEO, President, and a Director. Count 1 was Conspiracy to Commit Securities Fraud, Make False Statements and Falsifying Corporate Financial Records pursuant to 18 U.S.C. § 371; Count 2 was Securities Fraud pursuant to 15 U.S.C. §§ 78j(b) & 78ff; Counts 3 through 9 were False Filing with the Securities and Exchange Commission pursuant to 78m(a) & 78ff. The offenses were non-violent in nature. The above convictions were Ebbers' first convictions for any felony offense.

Criminal history: On 08/18/1993, Ebbers entered a plea of Guilty to Reckless Driving and Violation of Implied Consent Law in Nashville, Tennessee. He was sentenced to pay a \$1,000 fine plus court costs. The fine and court costs were paid.

Comments from victims: Mr. Ebbers has the support of people who lost money in the WorldCom collapse. Representative letters are included.

Unresolved detainers: None

Supervised release violations: None

Institutional adjustment: None

Disciplinary infractions: None

Personal history derived from the PSR:

Mr. Ebbers was a positive influence in the community in his local town of Brookhaven and across the State of Mississippi. He has donated millions to charitable and faith-based causes in his community. The Presentence Report notes that his charitable contributions from 1989 to 2003 totaled \$96,316,324. He was active in his church and taught Sunday school. He gave back to his alma mater, Mississippi College, through monetary donations (often anonymously), employment of graduates, and through mentoring and college internships. The Presentence Report notes that many people (169) wrote to the sentencing judge in support of Mr. Ebbers, describing him as an honorable and generous man who helped many people throughout his life.

Ebbers is a non-violent offender who poses no threat to the safety of any person or the community. Indeed, the Presentence Report noted that Mr. Ebbers was a non-violent first-time offender who did not pose any danger to the community.

Length of sentence and amount of time served. This factor is considered with respect to proximity to release date or Residential Reentry Center (RRC) or home confinement date: The sentence length is 25 Years. The amount of time served to date is 12 Years, 9 Months, 20 days (as of July 16, 2019). Mr. Ebbers reported to prison on 09/26/2006.

Inmate's age at the time of offense and sentencing: The third superseding indictment charged Ebbers with offenses ranging from September of 2000 through June of 2002, at which times Ebbers ranged in age from 59 to approximately 61 years of age. Ebbers was nearly 64 years old when sentenced on 07/13/2005, and had just turned 65 years of age when he reported to prison on 09/26/2006.

Inmate's release plans (employment, medical, financial): Bernard J. Ebbers would be cared for by daughters Joy E. Bourne and Faith E. Gates. Ebbers would reside at [REDACTED], next door to Faith E. Gates, her husband Michael, and their family, who would provide daily care and support. Given the current state of Ebbers' medical condition, 24-hour care would be provided by his family. Ebbers would receive medical care from the Brookhaven, Mississippi and Jackson, Mississippi medical communities. He would be transported by family members to all medical appointments, since he will not be able to drive due to his macular degeneration. Ebbers will apply for Medicare and Social Security. He was not eligible for either when he was sentenced in 2005 and reported to prison in 2006. Any medical costs not covered by Medicare will be paid for with his Social Security benefits and private pay by his family. Ebbers will support himself with Social Security benefits and his family members will provide any additional financial support that is needed, since Mr. Ebbers will be unable to work due to his medical condition.

Whether release would minimize the severity of the offense: No. Indeed, Barbara Jones, the retired federal judge who has submitted a letter to President Trump in support of Mr. Ebbers' request for a commutation stated that his release after serving a significant prison sentence and in light of his health status "would not diminish respect for the law".

Has the inmate committed violent acts before or during the period of incarceration, as reflected in the PSR, institution disciplinary records, or other appropriate documentation: No. Mr. Ebbers was convicted of non-violent offenses and has no history of violence.

To what extent would the inmate and spouse or registered partner be relying on publicly available resources (e.g., financial or medical) to provide care to the spouse or registered partner? Mr. Ebbers is not currently married. He will apply for Medicare and Social Security, which he would rely on for medical care and support expenses. His family members will also provide financial support as needed.

Has the inmate ever been charged with, or convicted of, a crime of domestic violence: No.

Did the inmate share a residence with the spouse or registered partner prior to the period of incarceration? Yes, but Mr. Ebbers is now divorced (since 2008).

Did the inmate have drugs, drug paraphernalia, firearms, or other dangerous substances in the home shared with the spouse or registered partner prior to incarceration: No.

To what degree has the inmate had contact with (or cared for) the spouse or registered partner prior to arrest, pretrial or pre-sentence, and during incarceration? Staff should review institution records for evidence of contact (telephone, mail, email, visiting log, etc.): Not applicable, as Mr. Ebbers has been divorced since 2008. His spouse at the time of his sentencing and reporting to prison filed for divorce shortly after he began his term of imprisonment.

Is there any evidence of abuse or neglect involving the spouse or registered partner in the PSR or other documents? No.

Are there any documents regarding the inmate's custodial skills or obligations (e.g., child support orders, restraining orders for physical or emotional abuse of spouse or registered partner or children, certificates for classes in anger management or other types of counseling, removal of children from the home for any reasons)? Not applicable. The Presentence Report did note that Mr. Ebbers satisfied all child support obligations arising from his divorce from his first wife. Indeed, Mr. Ebbers' first wife noted that his support far exceeded what was ordered by the Court.

Does the inmate have a detainer as a deportable alien to a country other than where the spouse or registered partner resides? No.

Has the inmate received public funding or had a job with a living wage for any period of time prior to incarceration? Prior to incarceration, Mr. Ebbers was continuously employed or self-employed in a variety of business ventures.

Has the inmate engaged in programming (e.g., anger management, financial responsibility program) during incarceration that would indicate efforts to improve custodial skills and/or that would indicate a commitment to the inmate's spouse or registered partner upon release? Not applicable, as Mr. Ebbers is no longer married and his children are all adults.

Elderly Inmates with Medical Conditions. Inmates who fit the following criteria:

Age 65 and older: Mr. Ebbers is currently 77 years old. He will turn 78 on [REDACTED] 2019.

Suffer from chronic or serious medical conditions related to the aging process: Cardiomyopathy and macular degeneration.

Experiencing deteriorating mental or physical health that substantially diminishes their ability to function in a correctional facility: Yes. Ebbers suffers from severe macular degeneration, an incurable eye disease. This has caused two recent incidents in prison that exhibit how his condition diminishes his ability to function in a correctional facility: (1) Because of his diminished eyesight, Ebbers unintentionally bumped into another prisoner while walking in the facility in 2017. The prisoner came to Ebbers' open cell later in the day and physically attacked him for bumping into him. Ebbers suffered fractured orbital bones and other injuries as result of this assault. Ebbers could not identify his attacker due to his severely limited eyesight. Ebbers was placed in solitary confinement because he was unable to identify his attacker. (2) More recently, Ebbers fell while doing laundry because of his severely limited eyesight. Ebbers suffered an injury to his head, requiring medical attention. Because of his diminished vision, Ebbers has for several years used a magnifying glass to help him read and carry out activities of daily living (such as making phone calls, reading his watch, completing his requests for medical care, and completing weekly commissary orders). 6 months ago, Ebbers' magnifying glass broke. His family has sought for months to secure him a replacement. On July 16, 2019, Ebbers was told that he would not be allowed a replacement magnifying glass. This further inhibits Ebbers' ability to function in a custodial environment. Mr. Ebbers also suffers from cardiomyopathy, which has recently worsened.

Conventional treatment promises no substantial improvement to their mental or physical condition: It does not. Macular degeneration is considered an incurable eye disease. Mr. Ebbers' macular degeneration is characterized as "severe".

In addition, Mr. Ebbers's cardiomyopathy has recently worsened. In late 2018/early 2019, his ejection fraction (which measures the heart's pumping ability) was found to be 25%. In 2018, his ejection fraction had been found to be 35%. An ejection fraction of 50-75% is considered normal, 36-49% is considered below normal, and anything below 35% is considered severely low. According to the Cleveland Clinic, "If you have an EF of less than 35%, you have a greater risk of life-threatening irregular heartbeats that can cause sudden cardiac arrest/death."

Have served at least 50% of their sentence: Yes. Mr. Ebbers has 12 years, 9 months, 20 days of his 25 year prison sentence (as of July 16, 2019). The 50% mark was 12 years, 6 months.

Additionally, for inmates in this category, the BOP should consider the following factors when evaluating the risk that an elderly inmate may reoffend:

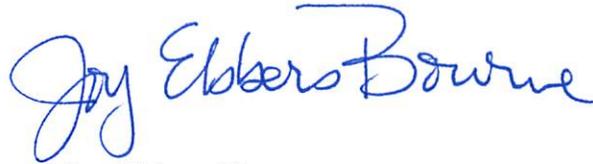
The age at which the inmate committed the current offense: 59-61 years old (according to the third superseding indictment).

Whether the inmate suffered from these medical conditions at the time the inmate committed the offense: No. Ebbers did not suffer from macular degeneration prior to being incarcerated. While he suffered from heart ailments at the time of sentencing, his cardiomyopathy has recently worsened, as described above.

Whether the inmate suffered from these medical conditions at the time of sentencing and whether the Presentence Investigation Report (PSR) mentions these conditions:

No. Ebbers did not suffer from macular degeneration prior to being incarcerated. While he suffered from heart ailments at the time of sentencing, his cardiomyopathy has recently worsened, as described above.

Respectfully submitted, the 16th day of July, 2019.



Joy Ebbers Bourne
Daughter of Bernard J. Ebbers

**CHARACTER REFERENCES
SUBMITTED TO JUDGE BARBARA S. JONES
PENDING SENTENCING IN 2005**

“As the years went by, Bernie shared his growing wealth and fame with people in our church and community. For example, several local family-owned businesses were in danger of going bankrupt. Bernie quietly bought the businesses and essentially gave them back to their owners, allowing them to stay in business. I only know this because the families were so grateful they told the good news.

“My personal world crashed in April 1995: Our beloved son Campbell was killed in a car wreck. Among my most vivid memories of those dark days is when I looked out in the driveway, and there stood Bernie sobbing uncontrollably. His empathy spoke volumes —more than any words of comfort could have. In addition, he and a couple of other men in our church anonymously paid for Campbell’s funeral. (My husband pressed our pastor until he told us whom to thank for such generosity.)”

— Cynthia O. Doty

“I have known Bernie Ebbers for approximately ten years and have had opportunities to work with him on philanthropic projects. In every experience I had with him I found him to be thoughtful, sensitive, compassionate, and humble.

“I believe Bernie Ebbers to be a good man who has made significant contributions to society. Given the opportunity he will continue to be a force for good.”

— Robert C. Khayat, Chancellor, The University of Mississippi

“I do not deny that he may be guilty of poor management and judgment, but I do not believe he is guilty of any criminal activity. I have and will continue to believe in him as a good, God-fearing person and will continue to support him as I have done in the past.”

— A. Wallace Connerly, M.D., Vice Chancellor Emeritus for Health Affairs,
Dean Emeritus, School of Medicine, The University of Mississippi Medical Center

“Neither his rise to fame and fortune, nor his difficult fall with legal problems has changed my relationship with Bernie. His love for his church is very evident. His desire to help improve the community around him is on-going. Bernie’s heart is right. He is so committed to his family – as well as to his former employees. He made huge efforts to help his alma mater, Mississippi College.”

— Tim Ford, Balch & Bingham LLP, Jackson, MS

“He is blessed with one of the most generous hearts of sharing his material possessions with his church and his college, Mississippi College, and many other charitable causes.

“In 1998, he gave a personal gift of forty-five million dollars, anonymously, as he led the Alumni of Mississippi College in a successful financial enlargement campaign to raise eighty-five million dollars for Mississippi College. In 1997, his giving spirit led him to give \$50,000 to reconstruct a Kids Park facility that someone’s vandalism had destroyed by fire and total destruction. Another local church, of which he was not a member, was building a new facility and he gave a most generous gift of over a million dollars to help their building fund for that church. This is the kindhearted Bernie that I have known for these thirty plus years.”

—Charles E. Lofton

“My parents had a heavy burden of expenses with three children in college at the same time. I applied for and received several small scholarships, played for the MC fast pitch softball team and was part of ‘The Naturals,’ a singing and dancing group all of which helped with tuition costs. However, on my tuition bill each semester there was always listed a miscellaneous scholarship that I could never figure out from where it came. I have just learned, with the request to write this letter, that the miscellaneous scholarship came from Mr. Ebbbers.”

—Hayley Loftin

“Bernie never wanted any praise or credit for the many people he put through college so he would send someone else to go and take care of it for him.”

—Fleet and Martha Loftin

“I worked for a group home for abused and neglected children and teenagers from 1993 until this past December. In that time, I know this agency would not have been able to meet the needs of all the many children (some 300 per year) seeking love, safety and care, without the financial assistance of Bernie. He made great contributions in finances and care to the work of The Baptist Children’s Village during my time there. He was faithful to support this agency even when undergoing stress and when times were lean for him. He gave to us when it hurt. His gifts allowed this agency to continue a level of care that rivaled all other agencies in our state. Once again, there was no rational reason for this action. It was just kindness.

“I have seen the character of Bernie as kind, compassionate, courageous, and most of all approachable. He believes in the better parts of us all. He seeks to help the helpless. This is not just true because I say it is true. This is true because he has demonstrated this over and over.

“His family loves him and so do a lot of other people, myself included. I know Bernie will, as the scripture says, ‘fight the good fight, finish the race, and give the glory to God.’ This is the Bernie I know that many others may never have the wonderful opportunity to discover and that is regretful. I feel his work on earth is not finished. I feel there is more for him to do and I pray he has the opportunity to accomplish all he is afforded. His family, his friends, and the world need his kindness.”

—Chip Price, M.Div., MCP, LMFT

“My wife & I operate a restaurant in downtown Brookhaven since 1989. Bernie (as he asks us to call him) has been a customer since we have opened the business. His civic & community activities locally & around the state of Mississippi have always stood out. Not in a manner of him doing things to receive anything in return or to be singled out as, ‘That person who did such wonderful things.’”

—Don L. Davis

“I have known Mr. Ebbers for approximately twenty-five years. Mr. Ebbers touched my life on a spiritual level through Sunday School class at First Baptist Church where we are both members.

“In November 1997 he personally financed heavy equipment for my business. That same year, he hired me to perform land clearing and drainage work on his farm.

“I must say that he inspired my life and given me a positive impact on my life both spiritually and financially.”

—Meade B. Mathis

“His contributions to Mississippi College, The Baptist Children’s Village, and many other worthy needs are known, not by his efforts, but as in small towns anything a person does is known. Bernie lived his faith and belief in God and was an outspoken servant of our Lord.

“The knowledge of and friendship with Bernie for more than 35 years can be summed up; ‘His honesty and character is above reproach.’

“This is being sent as a witness to the personal life and community involvement of Bernie, of whom I have known over one-half of his life.”

—F. Joe Speights P.E. (Retired)

“... I firmly believe he is a good Christian man. He has been dedicated to the people of Brookhaven and has helped the community in many ways, including improvements to the schools, churches, office buildings and country club.”

—Dr. Mark P. Smith

“Bernie Ebbers has been a wonderful asset to our community here in Lincoln County and in the city of Brookhaven. Bernie has been at the forefront of economic development here in our community as well as being a leader in charitable giving to many worthy causes. He has always had a deep love for his family and for the people of Lincoln County, Mississippi. He has demonstrated this in both word and deed. He has always been consistent in his core values of faith, family, and community.”

—Steve Mills, M.D.

“Ever since my first interaction with Bernie, I have always known him to be a man of unquestionable character. He has held firm to his principles throughout the time that I have known him, even in these recent difficult times.

“He has made a significant impact in the community of Brookhaven, not only with his financial contributions, but also with his time and energy. He has always been an excellent ambassador for the city of Brookhaven.

“I know that Mr. Ebbers has been convicted in a court of law, but I also know that this conviction is, in my opinion, completely inconsistent with the character of the man I know.”

—W. Richard Rushing, M.D.

“I am writing this letter on behalf of Bernie Ebbers, a friend of over ten years. We first got to know each other attending church together, and various Christian activities.

“For many years he taught Sunday School to the Singles Adult Class. Often I heard various class members voicing their appreciation of his teaching, his preparation, and his commitment to them. He made often and significant contributions to various church and mission needs, both locally and overseas.

“Friends and other church members have worked for Bernie. He was considered to be fair and a ‘good man.’ Bernie has always been held in high respect in the community. He has worked well with various community leaders. A lot of the growth and success in this community can be attributed to Bernie’s involvement.”

—Kyle S. Bateman, M.D.

“Our organization has a long history of helping troubled children and families in our state and the financial assistance given by Mr. and Mrs. Ebbers to our organization was instrumental in building a special education facility and gymnasium for children with severe emotional and behavioral problems. Mr. Ebbers gave the keynote address for our 2000 Annual Meeting. His message gave us a very human and caring insight into his personal and spiritual life’s journey.

“Our organization has been very blessed by the support Mr. Ebbers and his family have given to help those we serve and we in turn would like to offer our support of him during this very difficult time.”

—Christopher M. Cherney
Chief Executive Officer, Mississippi Children’s Home Services

“Mr. Ebbers served not only as a deacon and Sunday School teacher, but he also used opportunities to speak in public (i.e., graduation commencement addresses, key note addresses, awards banquets, etc.) to express with humility how he had been blessed to give to others. It was obvious to me that his faith was something not only important to him to practice, but was important for him to pass on to his family.

“Second, Mr. Ebbers’ servant’s heart toward his community continues to reverberate in the lives of children and families throughout Mississippi. While it is well known that Mr. Ebbers has given generously to many charitable organizations, it may not be well known that he has always wanted to do so without recognition.

“His selfless gift has provided a safe, therapeutic and vibrant place for children to receive education, recreation, and counseling services. As a result of his contribution, we have been able to extend the mission of our organization to hundreds of children and families around the state, helping them set a new course for generations to come.”

—John D. Damon, Ph.D.
Chief Operating Officer, Mississippi Children’s Home Services

“In my heart of hearts, I know that Bernie Ebbers is a man of integrity. His move to my hometown of Brookhaven, Mississippi, changed the lives and fortunes of people I have known since childhood and brought a new sense of worth to the people in the churches, schools and other organizations he supported there. He never sought recognition and even resisted the lime-light when he made significant charitable contributions not only in Brookhaven, but also across the State.

“His love for his Lord Jesus and his dedication to church and community needs are without question of an enduring nature. The good he has done will last beyond his lifetime.”

—Scherry Gilliland, CFRE

Chief Development Officer, Mississippi Children’s Home Services

“I have known Bernie as a close neighbor, friend, fellow church attendee and business colleague now for some 16 to 18 years.

“I have witnessed his helping hand through various church activities and contributions to numerous churches, as well as holding down a teaching position for a Sunday School class.

“I have been involved in a community service organization in which Bernie has also participated.

“I know he did not do these things for recognition and he would not want it known even now, but he did them because he felt like it was the right thing to do.

“As a neighbor living just down the road, I know that I could call upon him to pull my tractor from the mud and he (not one of his employees) would come to help. He has that kind of character and is aware of what is important in life.”

—J. Ted Ratcliff

“For almost fifteen years, I was one of Bernard Ebbers’ ministers at First Baptist Church in Brookhaven, Mississippi. In that time, I came to know him as a Sunday School teacher, a member of my Sunday School class, and a church member. During that time, he made many contributions to First Baptist Brookhaven.

“On a personal level, he and his family were very kind to me, and to my family. My children were able to go to Mississippi College on great scholarships, I feel sure he helped arrange.

“I know that I am not the only one who could mention such generosity. Many others could mention his help as well. I know stories about people he saved from bankruptcy, men he helped establish in business, men who came to work for him when other options were closed, college students who were given an education, schools that received large sums of money for scholarships and many, many people who came to Mr. Ebbers for advice.

“What was said about Mr. Ebbers, does not balance with the man I know and appreciate. There is much good in this man. Please give him the opportunity to show that goodness again.”

—Bart Latner

Pastor, Gilgal Baptist Church

“I’ve known Bernie for approximately 15 years now and we’ve shared many special experiences together. I served as a young minister in his church from 1991 - 1995 and I grew to love him deeply.

“One of the programs that I conducted was a children’s basketball league on Saturdays. I’m sharing this with you because there’s something special about Bernie that I want you to know. With each worker that I had in the program, (concession stand workers, game room observers, basketball referees, score keepers and etc...), I paid them for their services from the money that the program generated. Bernie was no different. But note something. I had no idea in the beginning that the man that I was paying \$10.00 a game was a millionaire. He tried to refuse the money, but with my insistence he accepted that small \$10.00 per game for each game that he worked for me throughout the year.

“At the end of the year when the basketball program was all over, Bernie gave me back every penny that I had paid him throughout the year and said, ‘I want you to use this money to help you purchase gas for your travels back and forth to school.’ You see, I was a young ministerial student at the age of 28 that had a wife and two children and I was for the first time going to college to be a preacher. And Bernie Ebbers was a part of helping me get my education.

“... I was later to find out that a scholarship program that I was receiving at Mississippi College was actually not a scholarship program. It was Bernie Ebbers paying for my college expenses with his own money.

“I’ve also learned over the past 10 years that I wasn’t the only person that Bernie helped through college. He helped many people like a young boy that came from a family that could never sent him to school and yet Bernie sent him. That family still to this day has no clue that Bernie did what he did.

“Bernie isn’t the man that he is for show, he’s real and he’s very inspirational to us in Mississippi.”

—Rev. Stuart Givens
Sylvarena Baptist Church

“The Bernie Ebbers that we know, love, and wholeheartedly support is an honorable man, a compassionate man, a man who has shared of himself and of his wealth without reserve. I’m not sure that a complete accounting of his charity could ever be accomplished since so much of it he offered in secret – not seeking glory but the betterment of his beneficiaries.”

—Tommy Alderman
Perfect Law Ministries

“His generosity is legendary. When he learned of a church in Dalton, GA, that was struggling to meet its debt payments, Mr. Ebbers drove there, attended worship and then gave the pastor, Jeff Smith, a check for more than \$100,000 to retire the debt. And, he never asks for anything in return.

“This good and noble man deserves the highest consideration for leniency.”

—Dr. Bailey E. Smith
Bailey Smith Ministries

“Bernie is one of the most generous men that I know. He has given millions of dollars to colleges and homes for troubled teenagers and displaced children, as well as many other charitable organizations. Though his monetary gifts are perhaps the most ever given to some of these institutions, his name is not on any of their buildings. There are no plaques recording his contributions for future generations to know. He gave quietly. The truth is Bernie is a very quiet person. He spends his time here teaching Bible studies for single adults; riding his lawn mower; playing with his grandkids; watching high school ball games; and spending time with his family and friends.

“Those who know Bernie best see his wonderful qualities and know the many contributions he makes to help others.”

—Rev. Greg Warnock
First Baptist Church Brookhaven

“In the course of his service in our church and community, Bernie always preferred to serve in the background. His character was beyond reproach and his commitment to his faith was quite commendable. In the years that I served as his pastor from 1981-1996, I never once had cause to question his integrity.

“I knew Bernie to be a person who loved his family very much. He also had a deep love for his employees. There are many people that he helped significantly along the way without the world knowing about it. In Brookhaven, the quality of life enjoyed by many was elevated. He provided jobs for people there. He often was engaged in helping people who needed a boost to get on with life. Bernie never wanted to be known for the things that he did to help others.

“While I was his pastor, I know that his financial support of his church was outstanding. His walk was commendable and I am thankful for our time together as friends and fellow servants. Bernie continues to be my friend and I love him.”

—Robert E. Self
Pastor, Friendship Baptist Church

“While I was employed by Mr. Ebbers, I had the opportunity to see a side of him that many people have never seen. I began to realize that he would pay me to cut grass all week, only for him to spend his entire weekend cutting grass. He never portrayed himself as better than me, even though he was the CEO of a large company. He has been generous and kind toward me as my employer, friend, and brother in Christ.”

—Derek S. Lambert, Pastor

“I am a trustee at The Mississippi Baptist Children’s Village. The Village has five campuses across the state of Mississippi. The Village’s annual budget is about four million five hundred thousand dollars. For a number of years, Bernie has given two million dollars a year to the Village. He never received any recognition for this and no one but the trustees knows about this. I know that every morning children ate breakfast, wore shoes and clothing, went to school, ate lunch and supper because of Bernie’s love and compassion for children.”

—Charles W. Renfrow

“In ways far beyond my ability to describe to you, Bernie Ebbers has helped the needy and down trodden in ways that few people have known. He has been generous and quietly helpful behind the scenes to make a difference in thousands and thousands of lives that would not have had a chance had it not been for him. The mission work, the childcare services, and the Christian institutions of higher learning have all been recipients of his generosity with no request or thought of personal gain.

“While his many good deeds may not excuse anything that the court may have passed judgment on as being illegal, I do believe that it is worthy of being included in seeing the totality of a man’s life and showing some degree of mercy and leniency in his behalf.”

—Jim Futral
Executive Director-Treasurer
Mississippi Baptist Convention Board

“We have known Bernie since 1998 when he came to view and then purchase the Douglas Lake Ranch where we live and work. He graciously built our remote community a beautiful church which is a centerpiece of this small community. He gave generously to this community and to individuals and we saw the joy this brought to him.

“Many great people have come and gone from this ranch in the twenty-six years I have managed it, but few have connected to the individuals working here and their families like Bernie did.”

—Joe W. Gardner
Sandra J. Gardner
Douglas Lake Ranch

“I have watched Mr. Ebbers very unselfishly give of himself to others as well as helping people in need with food, clothing, transportation and even cash gifts. Most of the time he gave anonymously.”

—Shannon E. Aker

“I know Bernie as a man who has given generously of his time, energy and financial resources to his church, to his college, to his community and to this state. He cares deeply about his own spiritual development as well as that of his fellow man.

“Bernie is a good person. I have never known him to cut a corner, and his business ethics and dealings were always above reproach.”

—Leigh B. Allen III

“He has been a faithful example of the principles he teaches and has earned the respect of all who know him best. It is certain that Mr. Ebbers is a man of strong faith, especially as the success he worked so long to attain is no more.”

—Billy and Judy Amos

“I have never known a more caring, giving or supportive person as Bernie Ebbers. His commitment to his family, friends and to this City has been overwhelming. He is the type person that has helped numerous people, churches, organizations, etc., however not many people knew who made the anonymous contribution. He is truly a man that gives and expects nothing in return.”

—Martha Arrington

“I was working for TMC of MS when it was purchased by LDDS in 1986. I worked for the company until January 2004. I personally benefitted from his generosity both through the company and him personally. I know that my children and I would not be where we are today without what he’s done for us.

“He taught me that nothing happens by mere luck; but by hard work, dedication and the blessings of God. He taught me many things about the business world. But I also was fortunate enough to get to know the ordinary man. The man who gave time and money to the charities he supported, to the community and to higher education. The man who would take the time to get to know many of his employees, who their children were and what was going on in their life. The man who would stop and share a story from his childhood, college days or his professional life before telecommunications. I know I’m thankful to have gotten the opportunity to know this man.”

—Sheila Baggett

“Mr. Ebbers was excited each year when he sat down and made out his ‘charitable contributions’ list. He would work on it for days. There were those organizations that he loved dearly on the list: Mississippi College, Bethany Christian Services, Baptist Children’s Village, and French Camp Academy. There were many other recipients through the years. Mr. Ebbers knew that he was very blessed, and he generously gave millions of dollars back to society. His instructions every year were that the recipients not know who gave them the money.”

—Deborah Blackwell,
Former Ebbers Administrative Assistant

“In addition to our personal relationship, Bernie has been a marvelous friend and generous contributor for over 20 years to Bethany Christian Services, where I am employed. Bethany serves vulnerable and hurting children and families from 73 office locations across the United States and in 13 foreign countries. The extent and effect of Bernie’s investment in Bethany is stunning. In addition to his generosity, there are a couple of things that characterize Bernie’s gifts to Bethany and are representative of his approach to people.

“We never asked Bernie for a gift. His giving to Bethany was spontaneous. His character is one of giving to people. When we thank him, his consistent response is ‘it’s all God’s money; He is giving it to me so I can help others.’

“Bernie gave with no strings attached. His gifts were never designated and while we gladly and appreciatively kept him informed on how his giving was used, he trusted us to use it well

and did not expect an accounting statement. This, too, fits Bernie's approach to life and business. He entrusts people with an investment and then gets out of the way, expecting and trusting that the receiver will perform with integrity.

"I can say to you and to the court with complete confidence that Bernie's financial investment in Bethany Christian services has transformed the lives of thousands of children. Children have families because of Bernie. The lives of children waiting to be born have been given the gift of life because of Bernie.

"Bernie is a person of character, of integrity, and of generosity who has transformed the lives of thousands."

—Richard Roeters

"In October, 1989 I was called as Executive Director of the Mississippi Baptist Children's Village in Jackson, MS. The ministry provides a safe haven for battered, abused, neglected and orphaned children across our state. Bernie was so proud when I was chosen Director. He made a commitment in his heart to financially support this ministry. He never publicly let this be known and he asked that I not disclose his efforts. I certainly agreed to his wishes and over the next twelve years he actually matched the total amount of support given by all churches in our state (14 million). This enabled me to develop a ministry that was unparalleled in our state and even recognized nationally for our efforts to meet the total needs of every child referred to us.

"Once he learned of a young lady who had been at the Village for several years. She was academically outstanding and wanted to attend the University of Mississippi Pharmacy School but I knew that this was not financially possible. Bernie learned of this through another source and he personally saw to it that she attended and graduated. She was chosen as the Outstanding Student and went in the Hall of Fame for the pharmacy school. Bernie never told anyone about this. I also know of several other youth that have received educations because of his generosity."

—Ronny Robinson

"My father always told me that you could give a person money or power; then you would see their true character. I think this is why I watched Bernie. Obviously, he had both money and power. Yet, he proved to me to be a genuine person. What I saw on Sunday was identical to what I saw on Monday! As a father, I watched as he lavished love on his daughters.

"Without his knowing, Bernie has challenged me to be a better father and never to be too busy to spend time with my kids. I believe that our society is sorely lacking in folks who consistently portray honor and character. As one who aspires to have both of these words on my tombstone, I know that these traits don't manifest themselves in one big event, but in little, painstaking, thankless events over a period of time. Over eleven years, Bernie has shown me that he is a man of honor and character. I do so hope that you have been able to see this in him as well."

—Marty Stephens

“I have had the privilege of knowing Bernie for approximately 15 years. As I was friends with his daughter, I met him for the first time in my home town of Brookhaven, MS at the age of 16. Little did I know at the time, what impact Bernie would prove to have in my life. It was only a few years later that my Dad had a major heart attack that left my family in financial distress. I, a sophomore at a community college, could no longer depend on my parents for financial assistance for the furtherance of my education. It was at that time that I was informed that I had an ‘anonymous’ scholarship available to me that would cover my entire Senior College education if I chose to attend Mississippi College. Additionally, I was given the opportunity to ‘work’ at WorldCom while attending Mississippi College. Although speculated, it wasn’t until recent years that I was able to confirm that Bernie was behind this gracious act. Bernie’s generosity afforded me the opportunity to get a top notch education, while also starting my career in my chosen field with a major corporation.

“I am still employed at MCI and remain grateful to Bernie for his kindness and generosity shown to me and my family during my time of need. In knowing Bernie for the past 15 years, both personally and professionally, I know Bernie to be:

“A christian, who is quick to speak of the God he serves.

“A loving Father, who has raised his children with good Christian morals and values.

“A giver, whose generosity has directly impacted my life.

“A friend, who despite his position of CEO, would speak to me and ask about my family, while passing in the halls at WorldCom.”

—William Kelly Thurman

“I am a single mother and did not have the money to pay for college for my son. When Mr. Bernie Ebbers became aware of the situation, he provided the funds for him to attend Mississippi College. He did not do it for attention or applause. He never let me know that he was the one who provided the scholarship. I only found out later that Bernie provided the money. He just wanted to help someone who needed help.”

—Sandra Walker

“I once had a friend named Keith Foster. He lived in Brookhaven, MS with his parents. Keith was in his early 20’s when he got cancer. He was a carpenter here. As time went on, Keith got progressively sicker. He asked me to take him to Kenneth Hagin’s ‘Prayer Healing Center’ in Oklahoma. Keith was very sick and could not drive himself. I agreed to take him. Bernie heard about the trip and called Keith and asked him to come by his house on the way out of town. We went by Bernie’s house and Bernie talked with Keith. Bernie gave Keith great comfort and prayed with him. Bernie also gave Keith \$1,200 in cash and asked him if that would be enough for the trip. Keith said ‘yes.’ Bernie told Keith if he needed more to just call and he would send more money. Keith told Bernie that God would bless him for the kindness he had shown. Bernie told Keith that God has already blessed him or he would not have the money to give. Bernie has always been very generous to others; both with his time and resources. Bernie also offered to call ahead and make reservations at the Best Western hotels along the trip.”

—Don Wally

“I came into a close relationship with Bernie from 1996 to 1999 when he became my Sunday school teacher at First Baptist Church of Brookhaven. During this time I grew to know Mr. Bernie as a true friend as he taught me about having faith in my Lord, Jesus Christ. For 15 years I had a landscape business in Brookhaven and had done several jobs for Mr. Bernie. I will always remember the great appreciation Mr. Bernie always gave me for doing a great job. Over the past six years my friendship with him has grown as close as a brother. Even in some of my deepest needs of my life, he would stop and take time to pray with me about the things that were going on in my life. One time my truck broke down and I was going to have to get another one. He came to me and said ‘Come ride with me, I want to do something to help you out, Warren.’ He bought me a truck to use so I would have good transportation. There are many more stories I could tell you about the caring heart of Mr. Bernie, but I wanted you to know a few.”

—Warren Stamps

“Characteristics I came to know and admire in Bernie include generosity, loyalty, honesty and integrity. An example of his generous spirit is in the granting of stock options to employees. He took great pride in granting employees at all levels a chance to own a part of the company. The granting of options at WorldCom went far beyond what was necessary to attract and retain employees and reflected a level of generosity not found elsewhere in corporate America. The number of options granted reflected his sincere desire to see employees at all levels have financial success that they might not otherwise have seen. He took great pride in knowing that stock options helped someone purchase a new home or pay for a child’s college education.

“I recall a handwritten letter I, along with several others, received from him letting us know of a significant contribution he was able to make to a certain charitable cause. He was thanking us and giving us credit for the financial success that enabled him to make that contribution. Bernie truly believed his and the company’s success was a blessing from God. He had a humble spirit about the success – always showing sincere appreciation and thankfulness.”

—David B. Roberts

“Once again, words can’t express my gratitude and deep appreciation for your involvement in our [adoption]. Your acts of kindness [have] definitely affected many people throughout the world, not just us.”

—John and June Harvey

“He is not only a business associate, but a good friend. I have always known him to be a good Christian man who cared a lot about his family, friends, and community. I have never known Bernie to be anything other than truthful, honest, and a man of good character in his personal and business life. With a stern look, Bernie could encourage you to accomplish anything if you try hard enough.

“Not long after meeting Bernie, I discussed with him the plans of my wife and me to adopt a child from Romania. He could not have been more supportive with encouragement and

prayer. It was then that he discussed his continued support of Bethany Christian Services in Mississippi, which is an adoption agency for domestic and foreign children. His charitable efforts in his community and state were always given unselfishly, from his support of higher education to the local 4-H club.”

—Tommy A. Ellett

“Bernie has provided many college students, including our own, with the scholarships necessary to attend Mississippi College, an outstanding, private Christian college of which Bernie is an alumnus. These scholarships were not based on social standing or athletic abilities. They were awarded by what Bernie knew was important in life; such as good grades, character and leadership abilities.”

—Cecil and Velma Estess

“... my father suffered a stroke and a heart attack. This was very sudden as he had always been very active and healthy. My step-mother, sister and I kept a constant vigil at the hospital in Jackson – an hour’s drive from our home in Brookhaven. We had been there a couple of days (and nights) when Bernie came to see us. He had just flown in from a trip and come straight to the hospital. I don’t even know how he knew about this. My sister and I were trying to juggle families and be at the hospital, too. Bernie gave us a very nice hotel room to use so we could leave the hospital and sleep. He said to use it as long as we needed. This was invaluable as my father was in the hospital and rehab for at least a month. It was a thoughtful, kind and generous offer that helped make a difficult time easier for my family... we had not asked anything of Bernie. He saw the need and offered.”

—Nancy Fisher Sinclair

“A specific business situation that really showed me what ‘kind’ of man Bernie Ebbers is happened in 1987 in New Orleans. Bernie had the opportunity to buy a small long distance company from a ‘soon to retire’ man and his wife who were asking \$500,000. Bernie told the man, ‘You are not asking enough for your company’ and offered him \$600,000. I did not understand Bernie’s approach to this and questioned him. He said, ‘This company is probably their whole life savings and I wasn’t going to take advantage of someone who didn’t realize the value in what he had.’ This is the kind of businessman I know Bernie Ebbers to be.

“Personally I have experienced Bernie’s kindness and thoughtfulness. When my father died in 1989 he sent his plane for me and he attended my father’s funeral. In 1994 or there about, my sister and brother-in-law were struggling with their family farm in Mississippi. They called me to ask if they should sell the farm. However, I was not in a position to advise them. I knew that Bernie had some farming operations and asked for his advice. He immediately wanted to set up a meeting with my sister, my brother-in-law, their banker and myself. Ultimately he made it possible for my sister and brother-in-law and their five children to continue operating the farm. He did this by sending equipment, offering farming expertise and providing the financing. This is the “person” side of Bernie that I know. He wanted to share what he had, to take care of others, to extend a helping hand and he did it.”

—Harry L. Evans, Jr.

“There are many in Mississippi that can write volumes about Bernie’s integrity and generosity. The community is full of stories about his charitable contributions and commitment to building the state’s image and business climate. I told my children throughout Bernie’s trial that I could only judge him based on our relationship. On that basis I found Bernie to be a humble man with great respect for others and of strong moral fiber.”

—Brad Ewing

“Bernie loves God first, then his family, and his friends. But most of all, Bernie is human. He makes mistakes just like everyone and probably his biggest mistake is that he trusts his fellow man and he believes that a man’s word is his bond. This is still a belief in the South even though most of the world has long abandoned this belief. Bernie is a born leader, he knows how to delegate and get things done... I believe that Bernie carried this concept into the business world and even when LDDS became WorldCom and eventually MCI WorldCom, Bernie still believed that this was the way to run a Fortune 500 Company. He hired men and women to be part of the WorldCom team and delegated authority to them according to their expertise.”

—Terry Fisher

“Please know that Mr. Ebbers is so much more than what the media has portrayed him to be. He is a man of character who seeks to do good because of the goodness that God has shown him.”

—Chester and Mary Foster

“Yes, he had planes, cars, homes and a yacht, but he was always careful to give away as much as he could. Bernie financially supported hospitals, children’s causes, education, and religious organizations. He gave to many orphanages, colleges, and churches. Bernie Ebbers has paid for the education of many a child who has no idea who their benefactor was. Most of his giving was done anonymously because he never wanted any attention for his giving. He truly believed that to whom much is given, much is expected and he kept his end of the bargain.”

—Robie Daniels-Frizzel

“I, like many others, [was] so saddened by the collapse of WorldCom. It destroyed many people financially and personally. The indictments and Bernie’s conviction [have] been especially hard for me and my family. I know him to be an honest, loyal and compassionate friend. I know that no one has suffered more because of this than he has. He surely would have changed the course the company took if he could have, not just for himself but for the many, many friends and families that had faith in him to invest in his company. I know he had much to lose, but I truly believe the loss and hurt that his family, friends, and employees suffered has been the bigger heartache for him.”

—Becky S. Green

“In spite of the trials and tribulations that he himself is going through, he never ceases to be concerned about the well-being of all employees here at the company. He will take time out of his schedule each week to come and visit them and share a laugh. As a result of Bernie’s concern, our workforce enjoys a thriving business that shares in its success with each and every member of the team. In a time in which so many businesses are trying to cut back benefits such as profit-sharing, insurance coverage, and competitive wages, Bernie has stood at the forefront of the effort to maintain and augment these programs to benefit the team members. Quite honestly, he is without a doubt, the most generous and fair person I have ever worked for; my experience in the industry being 20 plus years.”

—Raymond “Jeff” Grierson

“... My pessimism quickly turned into optimism though when I received a letter from Mississippi College saying that I had received a 100% scholarship that would cover my entire tuition, and on top of that I would receive a miscellaneous scholarship that would cover my other expenses.

“... At the time I had no idea where the miscellaneous scholarship was coming from. It was not until recently that I found out that Mr. Bernie had funded this scholarship, and that I was one among many who were receiving similar funding. As I look back seven years, and as I prepare to graduate law school, I realize just how meaningful Mr. Bernie’s assistance was.

“Without it, financially, it would be a struggle, just as I predicted it would be. But most importantly to me, someone said “I think I see something in this kid, so I’ll give him a chance.” Mr. Bernie owed no obligations to me, he merely acted out of kindness.”

—Andy Hammond

“... In October 1994, we traveled to Arad, Romania and completed our long, heart-rendering journey. The first time I held our little boy in my arms, I cried and thanked God for pointing us in this direction. If it had not been for Bernie, our family would never have been complete. Not only did he help us, but with his abundant love for children and his generous contributions to Bethany, he saved hundreds of God’s children from starvation and a life of despair. Bernie helped make our family, and helped hundreds of others like us fulfill their dream.”

—June C. Harvey

“Let me introduce my situation in the context of this case. I have known Bernie Ebbers since 1990. I have worked for LDDS and its successor companies in a legal or regulatory affairs capacity since 1993. I lost my retirement as a result of the events surrounding Bernie’s conviction. There is a side of me that cries for retribution; yet another side says that there is so much more about Bernie’s character that must be considered in reaching a fair sentence that was not presented in the myopia of the trial. I know Bernie to be a loving husband and father, a God-fearing man, a dedicated, tenacious, but fair, leader and a benefactor to many. Most importantly, it is my experience that Bernie has held the company to legal standards when he became aware that someone in the Company was about to cross [the line].”

—Richard J. Heitmann

“In my business dealings with Bernie, I found him to be of the highest character and integrity one could possibly know.

“I have personally observed Bernie through his community and charitable activities as being a caring and concerned individual for others and their personal welfare.

“... in my twenty years of knowing Bernie through business, family, education, philanthropy, and community activities, I have never observed anything of question about his character.”

—J.L. Holloway

“I have witnessed Bernie live by example and lead by example as shown by his hard work and dedication to his church, family, and work. He has taught me so much about what it is to be a living, walking example to the world, and what it is to be an unselfish giver. He has given to families, charities, and schools to benefit others never thinking twice or expecting anything in return.”

—Michael Gates

“When I was a mixed up 17-year-old Bernie took me in and let me live with his then young family. During the months that I stayed with Bernie, I felt welcome and instantly a part of the family. He listened, we talked and he impressed upon me that I was at an age when it was time for me to make my own decisions. To be honest with others and even more importantly it was important to be honest with myself. In short to be a ‘stand up guy.’”

—Stephen Ebbers, Brother

“As I said, I have grown up seeing what it is to be unselfish in giving. I can recall many facets of giving I witnessed over the years such as his home church, the Baptist Children’s Village, Mississippi Children’s Home Society, Mississippi College, and individual scholarships for students who would have otherwise never had the opportunity. I can also remember one Thanksgiving he helped serve lunch to the needy in Jackson at Frank’s Restaurant.”

—Faith Ebbers Gates, Daughter

“Dad cares about individuals, not only his family, but others as well. My dad saw a pattern among the young people in our church. He saw good, smart, solid character kids not being able to go to college because their families couldn’t afford it. In response, he set up a confidential scholarship at Mississippi College to help these kids get an education. If they were willing to take out loans to help themselves, get a job to work their way through school, then he was willing to make up the difference – but these students were to never know where this money was coming from. It was incredible the difference he made in the lives of these students. They went on to be ministers, teachers, accountants, nurses, etc. That is just one example of the kind of giving nature he has. It is not the amount that is important, it is the heart.”

—Joy Ebbers Bourne, Daughter

“In the years we have known Mr. Bernie, he has always been there in times of need. We have been the recipients of his thoughtfulness many times, but more importantly we have observed countless acts of goodness in what he has done for others. We have never seen him expend resources unless it was for the good of others or it served a business purpose. I have never seen him expend resources solely for his gain, pleasure or to elevate himself. I have seen him anonymously buy homes for people who lost theirs in a disaster. I have seen him buy cars for students who couldn't afford one to get to college. I have seen him provide scholarships to disadvantaged students. His donations allowed his church to expand in size and in missions work. He greatly contributed to Mississippi College to allow a better education to be provided to even more disadvantaged kids in Mississippi. I feel strongly there are multiple acts of selflessness unknown to the public that will forever remain hidden. I have often been humbled in his presence, noting how, even when he was surrounded by people working under him, he always, without fail, took on the role of servant – frequently asking anyone, no matter their position, what he could get or do for them.”

—Dr. and Mrs. David P. Easley

“The principal beneficiaries of following this internal leadership were the numerous individuals, couples, churches, schools, and colleges that were blessed from his contributed time, finances, and other resources, with practically all going unnoticed by the general public. His kindness and generosity was experienced by dozens of individuals and organizations throughout my tenure on the board. Bernie believed in giving to others and he consistently practiced it.”

—Danny M. Dunnaway

“Bernie is a Christian leader who shared with me his love for serving Christ. Bernie is responsible for leading me to an intimate walk with our Lord. This is the greatest gift Bernie ever gave me. He is a man of conviction for God, his family and his friends. Bernie Ebbers has a heart of love and is a person that I know I can always trust. I am proud that Bernie is my friend and our paths continue to cross. I thank him for the positive influence he has had in my life. Bernie is the one I most admire.”

—Diana Day-Cartee

“Mr. Ebbers has contributed a great deal of his wealth to local churches, local universities, including Mississippi College (a well-respected institution of higher learning within our state) and local events. To his credit, Mr. Ebbers conducted almost all of these activities ‘behind-the-scenes’ and did not seek credit for the work in the public arena.”

—Michael R. Cooper

“Bernard Ebbers has done so much for many people over the years. For instance, there are numerous young people in our community who would not have been able to attend college had it not been for Mr. Bernie. He regularly gave of himself as a Sunday School teacher at my church, and his classes were always overflowing. His financial support was not limited to just one

area — he gave to churches, schools, students, charities, missionaries, and orphanages. Mr. Bernie has always been willing to share his good fortune with others. On a personal note, I will be forever grateful to him for the assistance he gave my mother and sister with my father when he suffered a stroke in 1991. He came to our home and stayed with them until an ambulance arrived, and his wife drove my mother to the hospital in Jackson. This was not done for any type of recognition; he was simply being a good neighbor and friend.”

—Amanda Sproles Dann

“The stories of Mr. Ebbers’ generosity and charitable contributions are endless. From the small town business owner to the singles Sunday school class to those he employed and worked with to his daughters and grandchildren — his love and devotion to friends and family is far reaching. Mr. Ebbers is a mentor and a true leader. He has provided opportunity for myself and others, and has given us hope to realize dreams that would not otherwise be possible. I am now accomplished in my profession, surrounded by a sphere of lifelong Christian friends, and try to serve and lead in much the same manner as Mr. Ebbers. I am honored to be his friend and, with conviction, contend that Mr. Ebbers is of high moral character and is an integral part of society.”

—Thomas J. Crozier, CCIM

“Bernie supported and stood behind the entire church congregation and especially was interested in the young people and was absolutely devoted to missions ... Bernie didn’t just give financial help, he gave of himself and he physically worked to help build a church as part of mission trips — all these things I’m telling you about took place before there was a WorldCom or even a LDDS. After the success these businesses brought, he increased his support to not just the church where he was a member, but to other churches in our state and in other states. I believe with all my heart that Bernie Ebbers has a ‘heart for missions’ and he put his money where his mouth is — he didn’t just talk about helping, he actually helped by giving of himself as well as his finances. He gave much needed support to colleges, again, helping young people.

“Long after Bernie Ebbers had become very successful in WorldCom, he still had time to minister to others who were hurting, such as a personal phone call of encouragement to a dad whose daughter was going through some very rough teenage years. Bernie didn’t have to do that by any stretch of the imagination, but he did it because he felt it was needed!”

—M.V. and Janie Cooley

“He is willing to help anyone regardless of age, race or gender when he is aware of any need he can assist with. He is a charitable human being. He makes himself available to those who call on him. He is a person who stands in the shadow of those he helps. I know first hand how he has given support to young people through his abilities and knowledge to help in Christian counseling. He teaches young adults Sunday school class and is instrumental in leading them in the right direction. He and his family are widely appreciated and respected here in our church and hometown.

“I have been closely associated with him through business and find him to put safety and

the interest first and foremost for all employees. Company benefits improved for the employees and he shows personal concern in their well-being. He is a family man, a businessman and a friend committed to doing what is fair. I believe Bernie can best serve his community, business and needs of his family and friends here at home.”

—Margie R. Chance

“Bernie, personally, gave financial support to Miss. Baptist College, his alma mater, the Children’s Village for orphans, and numerous other charities of which I am unaware. I discussed with him that we could accumulate the profit from our company vending machines and use it for Jackson, MS charities to which he readily agreed. It was not unusual for Bernie to sacrifice being with his family on Thanksgiving Day to help prepare and serve a meal at Frank’s restaurant for the needy in Jackson.

“I know Bernie Ebbers to be a godly man with compassion for those less fortunate than he. I have known him as a friend for 20 years and count it a privilege to have been Bernie’s friend and a part of the history of WorldCom.”

—Peggy Byrd

“Although Mr. Ebbers has made so many positive contributions in the lives of many people in our community, the fact that the vast majority of his contributions were done anonymously confirms, in my mind, that his motives were not self serving. For example, I know Mr. Ebbers personally made it possible for many young people in our area to attend college. Neither these young people nor their parents were ever told of the source of their financial aid.”

—Bobby Britt

“He encouraged us to believe in great things for ourselves. His attitude of setting a vision and staying committed to the goal inspired many of us to reach ours.

“Bernie is a Christian man. He is faithful to his church. He has been a Sunday school teacher for many, many years. Bernie has been an example to many people through his love and faith in Jesus Christ. Through the storms of his life, his faith has been unwavering. His faith is what sustains him now. It is evident in all areas of his life. Complete.

“Bernie made the difference in my life and that of my family during a period of desperation. We had nothing to offer back to him.”

—Eunice Brabham

“Apart from a professional standpoint, I have seen Mr. Ebbers not only verbalize, but commit his time and resources to the needs of mankind. I have seen this exemplified in his being a faithful father to his own children and in assisting in helping orphans and those who care for them. I have seen his involvement in helping childless couples to adopt children. I have seen him invest in people and provide them with second chances to become productive citizens in our community. I have observed his leadership role in improving the quality of educational facilities in colleges in our state.”

—Terry Bonham

“I have lived in Brookhaven for over 30 years and it is fair to say that Bernie living in Brookhaven has been a plus to this community in more ways than one can imagine. On numerous occasions, Bernie has touched the lives of people here and also as far as Jackson, Mississippi and elsewhere. He has helped small businesses in our community and always found the time for those in need. I think I can speak not only for myself, but also for the citizens of this great community of ours, Bernie has and will always be welcome here.”

—Mary G. Bohn

“I am quite sure you will read many examples of his generosity to people ... locals in distress with their businesses, entire mission groups, underprivileged kids that couldn't have attended college had it not been for his generosity and his basic love for his community. There are several businesses in town that would have failed had Bernie not availed himself and his checkbook to them.

“Throughout these last couple of years I have watched this man worry more for his family, his employees and friends than for himself. His loyalty, his honesty, his love and generosity to all people bear out a man that would never knowingly hurt a single person. While I am immensely saddened by the verdict, it is my honor to show complete support and love for a man that has given so much of himself to his town, his family, his friends and his neighbors. We are all better people for knowing him.”

—Marie Behan

“Bernie has more than lived up to that responsibility; I have great respect for this man. He has made many fine contributions to the employees of the business. For example, it was Bernie's idea to implement a profit sharing plan which has positively affected the livelihood for more than 150+ employees and their families. Bernie is a very fair man who shows no signs of arrogance. Recently during a hot Mississippi summer we had a company barbeque and Bernie made it a point to shake the hands of each and every employee in the sawmill, thanking them for their hard work and dedication. These gestures can be traced back to a man who is sincerely devoted to making an impact on the lives of the people in his community. I also know Bernie to be a faith-based man, before convening our quarterly executive committee meetings he leads us in prayer. Finally, I was most impressed by the fact that given his initial success, he still chose to build a home and invest in the (less glamorous) small town community where he had his roots.”

—Michael C. Behan

“I remember him telling me earlier in our relationship, ‘his ownership is an opportunity to pass along good fortune to others; in fact it is his responsibility.’ I had never experienced this kind of outreach to people he did not know by name.

“Today, our minority dominated workforce has a competitive compensation plan, an active profit share plan, a health benefit plan and a bright future of business development that makes Columbus Lumber Co. LLC one of the success stories of Brookhaven, Mississippi. The 150 direct employees and estimated 300 indirect employees have benefited from Bernie Ebbers' investment in their livelihood. What's most impressive about this act of commitment is, Bernie asks for no

acclaim for his actions. He was merely fulfilling his own 'responsibility' to pass along opportunity and good fortune. I am confident that this is the act of a selfless man.

"I ask that you consider Bernie's high moral character and unselfish concern for humanity when deciding sentencing. Bernie Ebbers has taught me there is more to life than business success. True success lies in the fulfillment of making a difference in someone's life. He taught me this by his own actions in life and I was fortunate enough to be there to watch."

—William L. Behan IV

"I have known Mr. Ebbers personally to be an extremely generous man not only in a financial way but also in his talents and time. In our hometown of Brookhaven, he has resurrected community centers, sent underprivileged students to college and provided jobs for our local economy. I think because of the numerous second chances that he has given to so many people that I personally know, I am asking for mercy in his sentencing."

—Deanna S. Blackledge

"Mr. Ebbers began a company named Joshua Management, LLC in March of 1995. He wanted it to oversee investments that were to be made in the future. He did not want a company bearing his name, rather as it states in the Book of Joshua, he wanted the holdings to be the Lord's, both now and in the future. He did not want to leave a stock portfolio, bonds, etc. for God's kingdom. Rather, he wanted to give these companies to charitable organizations that would receive the blessings of the ownership for years to come.

"[Joshua Management's] first purchase was a sawmill that was to be sold. If a large national company bought it, many local jobs would have been lost. He bought it and kept everyone on the payroll. In addition, he set up a profit sharing and bonus plan for the employees that this company never had. Since that time, he has not taken a dime out of this company. All the profits were paid on the debt and given back to the company and employees."

— Mark Lewis, Brookhaven, MS

"I have known Bernie and his family for 20 years and consider our relationship to be like family. We have been blessed with a close personal and family friendship and have seen Bernie in almost every situation a man encounters during his life. During these years, I have always witnessed Bernie to be an honest, caring, generous and loving man. He loves his family. He loves his friends. He loves his community and took pride in supporting and providing for it. He cared for people in need and provided for them ..."

— Lorin W. Lewis, Brookhaven, MS

"In our community, Bernie Ebbers is known for his generosity to our churches, youth programs and other worthy organizations with both his time and funds. He is a dedicated, visible and an active player in our team effort to improve the quality of life for all citizens in the City of Brookhaven and the State of Mississippi."

—B. Clint Gardner, The Gardner Group, PA, Brookhaven, MS

“... in about 1998 the president of a significant trucking company headquartered locally (in Jackson, Mississippi) contacted Bernie in desperation. The company was losing money and a large rival had just made a tender offer for the company that would be successful without a ‘white knight’. The result would have been the loss of hundreds of jobs in our community. Without any prior relationship with that individual or the trucking business and with little current prospect for turnaround, Bernie made a competing tender offer, took the company private and preserved it for our community.”

— Charles P. Adams, Jr., Managing Partner, Adams and Reese LLP, Jackson, MS

“Bernie is a longtime business acquaintance and friend of 16 years. He is a personal friend as well as a client of my accounting firm. Over the years, I have observed his genuine concern for others and their business opportunities. He always wanted to give others the opportunity to succeed in their business endeavors ...

“Bernie is a very charitable person. He consistently gives out of his sincere desire and strong beliefs in helping others.”

— Richard W. Russ, Tann, Brown & Russ Co., LTD, CPAs, Jackson, MS

“Over the years I have seen first hand his generosity to the community, and his concern for those in need.

“He has given funds to his local church to build a new facility and given millions of dollars to Mississippi College (a church affiliated college) to expand their facilities. More importantly to me is his generosity to individuals who were down and out and needed a helping hand. Most of those instances that I personally know about occurred before he became independently wealthy.”

— Carl Aycock, Pathway Planning Inc., Brookhaven, MS

“On many occasions we had the opportunity to take advantage of situations that would have been profitable to the company but would have been either marginally or out-right unethical, and in some cases may have been illegal. I was always inspired by how he would attempt to take the high road and ‘do the right thing’ even though the results may not have reaped the best short-term financial results. What was reaped was a high level of respect and admiration from our business associates and employees. Bernie and the company developed a reputation for being tough but fair and for years it paid handsome returns for us all.”

— Charles T. Cannada, Chairman, Nanoventions,
Former CFO of LDDS [prior to its becoming WorldCom], Jackson, MS

“Mr. Bernie cares a great deal about people, family, and church. He takes his Bible studies and teachings very seriously and I believe his faith is very strong. He has been that way since the first day I met him.”

— John Serafin III, CPA, Natchez, MS

“Many of the charitable things that he did were not known to the public.

“I know of a particular case. A fellow member of his church was badly disabled but holding down a job bagging groceries. Bernie helped him and his wife regularly with monetary gifts.”

— Alvin C. Smith, Vice President, Insurance & Risk Managers, Brookhaven, MS

“The bedrock of Bernie’s integrity is his faith in God, which he shares with those around him in many ways. He is quite a student of the Bible and regularly teaches a young couples class at the church he attends. Bernie is a generous and caring person who is always looking for ways to help people in need. He especially has a tender heart for children and has given significantly to several organizations that minister to them.”

— Bill Groethe, Jr., President & CEO, KLLM Transport Services

“I would just like to state that since his acquisition of KLLM, in all of my dealings with Mr. Ebbers, I have found him to be fair and a man of high integrity and character. I have also observed that he is a man who believes strongly in his faith and has been a very generous contributor to many charitable and non-profit organizations.”

— Jim Richards, COO, KLLM Transport Services

“Mr. Ebbers is the great American story ... started with meager opportunity and accomplished history-making successes because of his abilities, character, morals and values. It is a shame that his talents would be wasted serving time in prison when he could continue to contribute to the betterment of his community.”

— Linda P. Kirk, Brandon, MS

“Bernie is a unique person in the sense that the fame and fortune that he had – he did not squander it – he did not blow it – he was very obedient in giving to numerous, numerous charitable organizations. There have been numerous times around our state, where he has given hundreds of thousands of dollars to some worthy organization and did not want any recognition for it.”

— Duane Allred, Agent, New York Life Insurance Co., Brookhaven, MS

“Mr. Ebbers has been a Sunday School Teacher as long as I have known him, mentoring many young adults with Christian virtues, jobs, and Biblical wisdom. Mr. Ebbers has continually supported numerous churches, missions, and missionaries. He has been committed to serving God, his family, his fellow man, and the needy evident through his love, support, and his generous spirit of giving to others. Mr. Ebbers has lived through various trials and tribulations with an unwavering faith in God. He is a man of prayer with a grateful and repentant heart.”

— Lyle Hobbs, Hobbs Realty, Brookhaven, MS

“My education at Mississippi College was funded in part by a Bernie Ebbers scholarship fund. An education is a priceless gift, and I know that Mr. Bernie’s generosity helped me as well as many others attend college.”

—Aimee Hudson

“Since taking a job here at BCC [Brookhaven Country Club], Mr. Bernie has worked hand in hand with me. He has opened the doors to all children of all the area high schools. Member or not, he would not deny a child a place to learn to play tennis or golf. He made sure that the tennis professional and I spend time with all the children in our area. His ideas are that by giving a child a chance, it could change their lives. This speaks volumes for what kind of compassionate individual he is.”

— Ronny Ross, Head Golf Professional, Brookhaven Country Club, Brookhaven, MS

“What makes Bernie Ebbers a great man, is not his fame, fortune, or achievements, but his love of the Lord. He and his family were kind enough to share that with me. It took years for me to understand. I have been a Christian now for three years and my life has changed in amazing ways I cannot begin to number. Every day, I spend time in prayer, I thank the Lord for these countless blessings, one of which was Bernard Ebbers.”

— Mark L. Macioce

“It has been my opportunity to become acquainted with Mr. Ebbers, through the Mission Ministry of our Community, both through serving those in greatest need on the Mission Field in our Local, State, Foreign Mission Endeavors. His willingness to share his time, talent and resources has made it possible for many of our less fortunate mankind – many who will not know now or ever of his Humanitarian Endeavors.”

— Roberta Johnston, Chairman of King’s Daughters Medical Center
Executive Director, Habitat for Humanity of Lincoln County, Brookhaven, MS

“I know of numerous individuals whom Bernie counseled who were struggling from various trials in life and who were able to work through their issues because of his influence. I know of underprivileged children and families who were able to send their children to college and they never knew where the tuition money came from. Bernie paid it. I know of families where members were permanently afflicted from strokes and other ailments where monthly stipends appeared unsolicited. They came from Bernie. I submit to you that Bernie is a man of compassion and love for his fellow man and I consider it a pleasure and privilege to call him friend and present this to you.”

— Mark T. Buys, Executive Vice President, BancorpSouth, Vicksburg, MS

“I don’t know anyone who has helped people regardless of who they were – churches that needed help in their building program, schools and individuals.”

—Paul Jackson and Charlotte Jackson

“Bernie is a very loving and caring father and grandfather and would not do anything that would bring shame on his family. Next to his relationship with God, his family is the most important thing in his life.”

—Sandra Jordan

“As CEO of a financial institution, I continue to be directly involved with Mr. Ebbers in large loan transactions. From every indication I currently have, Mr. Ebbers, family members and company representatives have always been straightforward and honest in our financial dealings. All payments of loans have been made on precisely the day agreed. If the past is any indication, I look forward to a long association with him and his company.”

—Darrel Jans

“No, I never saw the business side of Bernie, yet I believe he held to the same moral and Christian standards there that he did in his private life. My husband and I are one of the thousands of couples who lost money in the WorldCom scandal, yet we hold no malice toward Bernie for it. We have always known him to be truthful, and a man of integrity in all his dealings.”

—Susan G. Jones

“Bernie’s gifts and leadership have literally transformed the college’s ability to provide a quality Christian education to thousands of students who will be able to obtain a quality education and have productive and successful careers.”

—Bob Lyle

“I truly believe Mr. Ebbers didn’t realize the incorrectness, or any unlawfulness of any of the accounting procedures that were used by WorldCom. I will always believe that Mr. Ebbers thought the procedures were within the law or he would not have accepted or approved otherwise. Your Honor, he is just that type of fellow. That’s the way I know him.”

—D.W. Maxwell

“The people of Brookhaven have seen his loyalty, his giving heart, his gift of teaching the word of Christ, and the way that he seeks out the Lord’s direction.”

—Misty Mears

“Over the years I have seen him help countless employees with financial or personal problems, not to mention the long line of charitable organizations, foundations, ministries, and civic groups that he has contributed to over the years. It is that devotion and commitment that would not allow him to knowingly do anything to jeopardize the company that so many depended on.”

—Harold Miller

“His philanthropic work is legendary in his adopted hometown and state. Mississippi College and numerous religious institutions were the beneficiaries of his generosity.”

—Dick Molpus

“His knowledge of the Bible, his concern for his Sunday school students, his honesty, lack of hypocrisy, and tremendous humility have led all of us to respect and appreciate him. His character is beyond reproach in my opinion. He truly is one of those who practices what he preaches, not only in his private life and local areas of community, but in a far grander realm.”

—Beverly Nations

“Bernie Ebbers is one of the most compassionate, understanding people that I know. I have firsthand been the recipient of Bernie’s understanding and willingness to help others.”

—Barry Newell

“I have been around this old world for 82 years. I know the difference in a good and bad man. Mr. Ebbers is a good man. Please give him a chance to continue to be an asset to our town.”

—Ed Norwood

“I was literally blown away the night in Mississippi at Bernie’s church when his wife Kristie came up and gave me a card thanking me for encouraging her husband during these very difficult times. As I proceeded to read, I turned over this piece of paper that was actually a check, to my amazement it was for the amount of \$10,000 for our ministry.”

—Lynda Randle

“Bernie was someone that became singularly focused on one objective, and that mission was to grow the company within the bounds of his ability to lead and manage. Unfortunately, economic forces caused many of their customers to exit the marketplace, thus causing a cascading effect on to LDDS/WorldCom’s financials.”

—Ronald R. Reese

“My nephew had been chosen to spend a summer touring with a Christian concert group. However he was responsible for raising the needed funds to be able to participate. His efforts were coming up well short until he contacted Mr. Ebbers. Mr Ebbers was more than generous in his support. This was a life changing experience for my nephew. The experience was priceless and there is no amount of money that can repay what was done for him.”

—Jeff Richardson

“I have known Bernie Ebbers for fifteen years. We first met in my restaurant in 1989. I am writing in support of Bernie Ebbers. My dealings with Bernie both personally and in business showed me he is a man of good character and honesty.”

—Tico Hoffman

President, TCH, Inc., DbA Tico’s Steak House

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:		Sex: M	Race: WHITE
Note Date:	04/11/2019 13:49	Facility:	FTW
		Provider:	Tutor, Dana HIT
		Unit:	D09

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Tutor, Dana HIT

79 copies (BEMR - 05-01-2018 thru 03-31-2019) were made of inmate Ebbers' medical record on 04-11-2019 during open house.

Copay Required: No

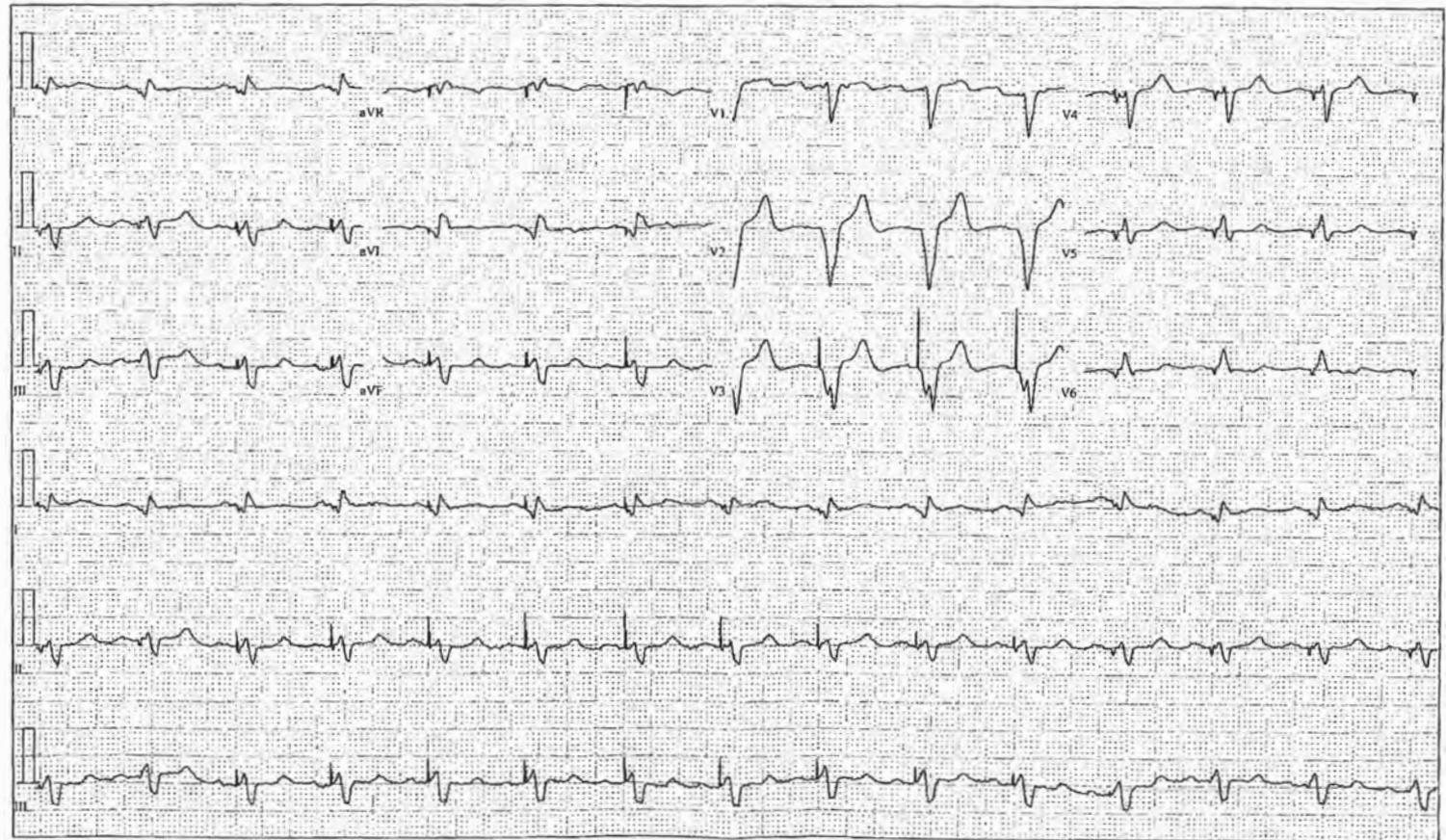
Cosign Required: No

Telephone/Verbal Order: No

Completed by Tutor, Dana HIT on 04/11/2019 13:52

Name: BERNARD EBBERS	Midmark Diagnostics Group	Rate: 85	BPM	Interpretation:
ID: 56022-054	Req. Physician:	PR: -	msec	Electronic ventricular pacemaker
Sex: Male	Technician: lw	QT/QTc: 408/453	msec	Pacemaker ECG. No further analysis
BP:	History:	QRSD: 148	msec	INSUFFICIENT DATA
Weight: lbs	Medication:	P Axis: 49		
Height: inches	Date of Report: 02/20/19 12:15:03	QRS Axis: -73		
DOB:	Reviewed By:	T Axis: 68		
Comments: Unconfirmed Report	Review Date:			

*Dr. C. Eiler, D.O.
Medical Officer*



**Bureau of Prisons
Health Services
Consultation Request**

Inmate Name: EBBERS, BERNARD J Reg #: 56022-054 Complex: FTW
Date of Birth: Sex: M

Report of Consultation: Cardiology

Subtype: Inhouse Cardiology

Inmate Name: EBBERS, BERNARD J

Reg #: 56022-054

Date of Birth:

Sex: M

Institution: FORT WORTH FMC
3150 HORTON ROAD
FORT WORTH, Texas 76119
8175348400

1/17/19

Assessment:

Imp 1) Ni CM
2) Chronic syst CHF
3) S/P B-V I CO

Rec f/u 4 months



Plan:

Signature
Date

Completed By:

Report may be hand-written or (preferably) typed on this form. If dictated on office or hospital letterhead to follow, please indicate essential findings or recommendations to be acted upon pending final report.

Follow-up services and primary responsibility for inmate health care remains with Bureau of Prisons staff. While discussion of diagnostic/treatment options with the inmate may be appropriate, they are subject to review by the inmate's primary care provider, the institution utilization review committee and/or the BOP National Formulary.

Please notify institution prior to scheduling surgery dates or follow-up appointments.

Inmate not to be informed of appointment dates.

**Bureau of Prisons
Health Services
Consultation Request**

Inmate Name: EBBERS, BERNARD J Reg #: 56022-054 Complex: FTW
Date of Birth: Sex: M

Report of Consultation: Cardiology
Inmate Name: EBBERS, BERNARD J
Date of Birth:
Institution: FORT WORTH FMC
3150 HORTON ROAD
FORT WORTH, Texas 76119
8175348400

Subtype: Inhouse Cardiology
Reg #: 56022-054
Sex: M

WT 187 BP 111/62 P 63 R 16 T 98.0
96%

Assessment:

Stable. No new L/O
echo - EF 25%

Imp 1) NICM

Plan:

Signature
Date

Completed By: **Ceciley P Kline, DO, PhD**
Cardiology

Report may be hand-written or (preferably) typed on this form. If dictated on office or hospital letterhead to follow, please indicate essential findings or recommendations to be acted upon pending final report.

Follow-up services and primary responsibility for inmate health care remains with Bureau of Prisons staff. While discussion of diagnostic/treatment options with the inmate may be appropriate, they are subject to review by the inmate's primary care provider, the institution utilization review committee and/or the BOP National Formulary.

Please notify institution prior to scheduling surgery dates or follow-up appointments.

Inmate not to be informed of appointment dates.

UNT HEALTH

PATIENT SERVICES

Inmate Name: EBBERS, BERNARD	Reg #: 56022-054	Complex: FTW
Date of Birth: 02/17/1951	Sex: M	Date: 01/17/2019

Report of Consultation: CARDIOLOGY

Institution: FORT WORTH FMC
3150 HORTON ROAD
FORT WORTH, TEXAS 76119

HISTORY OF PRESENT ILLNESS: Mr. Ebbers has a nonischemic cardiomyopathy. He has been doing well, stable and with no volume overload symptoms. He really has no complaints. He tries to exercise. He has New York Heart Class 2-3 symptoms. He had an echocardiogram here at the prison done last month to reevaluate his EF. The previous study said 35%. This one was technically difficult study and gave it 25%. It mentioned his chamber size was normal. He had some mild valvular insufficiency with nothing relevant. His defibrillator has been interrogated routinely, last was in November of 2018 showing near 100% bi-V pacing, no therapies., very brief, nonsustained VT.

MEDICATIONS: Reviewed and listed in the EMR. He is on aspirin, Lipitor, Lisinopril and Toprol.

PHYSICAL EXAMINATION:

VITAL SIGNS:	BP 111/62 , heart rate 63, weight 187 lbs.
GENERAL:	No acute distress, alert and oriented x3.
HEENT:	Pupils are equal, eyes are atraumatic.
NECK:	Supple, nontender, no masses.
CARDIOVASCULAR:	Heart rate regular. S1 and S2 were normal. There is an S3 gallop.
LUNGS:	Clear and nonlabored.
ABDOMEN:	Soft, nontender.
EXTREMITIES:	No edema or cyanosis.

IMPRESSIONS:

1. Nonischemic cardiomyopathy.
2. Chronic systolic CHF.
3. Status post biventricular ICD.

RECOMMENDATIONS:

1. He is quite stable and tolerating medical therapy. We will continue his current meds.
2. I will follow up with him for routine visit in four months.

THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED

GEOFFREY P. KLINE, D.O., PhD, RPVI
Assistant Professor of Medicine
Division of Cardiology
UNT Health Science Center

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Sex:	M	Reg #:	56022-054
Date of Birth:				Race:	WHITE
Scanned Date:	01/31/2019 14:55 EST			Facility:	FTW

Reviewed with New Encounter Note by Mercado, Sergio MD on 02/19/2019 13:22.

Bureau of Prisons
Health Services
Consultation Request

Inmate Name: EBBERS, BERNARD J
Date of Birth:

Reg #: 56022-054
Sex: M
Complex: FTW

Report of Consultation: General Surgery

Subtype: Inhouse General Surgery Consult

Inmate Name: EBBERS, BERNARD J
Date of Birth:
Institution: FORT WORTH FMC
3150 HORTON ROAD
FORT WORTH, Texas 76119
8175348400

Reg #: 56022-054
Sex: M
77 WM c L2H x b mo2
Recent ↑ in size / thickness. Reduce manually.
⊖ bowel / bladder issues.

Assessment:

Ⓟ AE: gynohi: BIH ① > ②.
Ⓡ gynohi ③ @' end of pipe.
Residual stranding / gynohi.

PMH
CHF
Mae. app.
PSH
Med
Mometate
Lipoid
Retinol
NKIA

dx: BIH

- Plan:
- ① sched for cardiology eval for pre-op risk assessment.
 - ② sched for BIH Repair after cardiology eval completed
 - ③ Plan per postop protocol

Signature
Date

Joseph E Ronaghan 1/14/19

Completed By:

Joseph E Ronaghan, MD, FACS, FICS
General Surgery

(Dict)

Report may be hand-written or (preferably) typed on this form. If dictated on office or hospital letterhead to follow, please indicate essential findings or recommendations to be acted upon pending final report.

Follow-up services and primary responsibility for inmate health care remains with Bureau of Prisons staff. While discussion of diagnostic/treatment options with the inmate may be appropriate, they are subject to review by the inmate's primary care provider, the institution utilization review committee and/or the BOP National Formulary.

Please notify institution prior to scheduling surgery dates or follow-up appointments.

Inmate not to be informed of appointment dates.

Joseph Ronaghan, M.D.

Inmate Orders

Name: Bernard EBBERS
DOB: _____
Inmate #: _____

Diagnosis: BIH Code: ~~BIH~~

Procedure: BIH Repair Code: 49505-50

Special Requests: ⊕ Pre-op CARDIAC RISK ASSESSMENT ⊕

FS: ___ NL: ___ C-Arm: ___ Asst. ___

Anesthesia Type: GET Requested Time 1 Hrs

Disposition: Out Patient X AM Admit ___ Admit 1 2 Days

Work Up: CBC X CMP ___ BMP X Liver Panel ___ UA ___
PT ___ PTT ___ Type & Screen ___ HCG Urine ___
CXR ___ EKG ___ Bowel Prep ___ HCG Serum ___

VTE Prophylaxis Risk Assessment ___ No risk X One/multiple risk factors

Mechanical Prophylaxis: SCD ___ TED ___

Pharmacologic Prophylaxis: _____

AntiBiotics: Acef ii Gms IVPB preop

Facility: Medical City Sx Date: _____ Arrive: _____ SX Time: _____

Orders Faxed: Facility: _____ FMC Coordinator: _____

Joseph Ronaghan 1/14/19
Joseph Ronaghan, M.D.

UNT HEALTH

PATIENT SERVICES

Inmate Name:	EBBERS, BERNARD J.	Reg #:	56022-054	Complex:	FTW
Date of Birth:		Sex:	M	Date:	01/14/2019

Report of Consultation: GENERAL SURGERY

Institution: FORT WORTH FMC
 3150 HORTON ROAD
 FORT WORTH, TEXAS 76119

HISTORY OF PRESENT ILLNESS: The patient is referred at this time for evaluation of a left inguinal hernia. The patient states that he does a lot of walking up to five miles per day and gets an aching and pressure sensation in the left groin. He is evaluated by his PCP and found to have a reducible left inguinal hernia. The patient states that when he does get discomfort if he manually reduces the "lump", then his symptoms improve. He denies any urinary or bladder problems. No excessive coughing, lifting or straining. No history of constipation. He is seen today for assessment for possible surgical intervention.

PAST MEDICAL HISTORY:

1. Congestive heart failure
2. Macular degeneration

PAST SURGICAL HISTORY:

1. Left orbital surgery
2. Ophthalmic vitreous injections

CURRENT MEDICATIONS:

1. Lisinopril
2. Lovastatin
3. Metoprolol

ALLERGIES: NKDA

SOCIAL HISTORY: No tobacco, no alcohol.

FAMILY HISTORY: Noncontributory.

CHILDHOOD DISEASES: Usual.

REVIEW OF SYSTEMS: The review of systems is unremarkable except as noted in the HPI and past medical history.

PHYSICAL EXAMINATION:

VITAL SIGNS: Stable, the patient is afebrile.

EBBERS, BERNARD J.

01/14/2019

GENERAL: The patient is a well-developed, well-nourished, thin 77-year-old white male in no acute distress.

HEENT: Normocephalic, PERRLA, EOMI, ears clear. Throat without exudates.

NECK: Full range of motion. Trachea is midline. Thyroid nonpalpable.

BACK: Nontender, no CVA tenderness.

LUNGS: Clear bilaterally.

HEART: Regular sinus rhythm without murmurs or rubs. No S3s or gallops.

ABDOMEN: Flat and nondistended. Active bowel sounds. No megaly, masses, guarding or rebound.

GENITALIA: Within normal limits for age and sex. Testicles are bilaterally descended. Examination of the left inguinal area reveals a fullness in the left inguinal canal is palpable transabdominally. It is easily reducible with the patient standing. Valsalva and cough reproduces the mass. Examination of the right inguinal canal reveals a similar defect in the same position. This mass is also reducible with the patient standing and recurs easily with minimal Valsalva. The examining finger in the canal reveals the mass on the back of the examining finger. With the patient supine, both masses reduce spontaneously.

RECTAL: Deferred.

EXTREMITIES: Bilaterally symmetrical without evidence of fracture or dislocation. No cyanosis or clubbing.

VASCULAR: Peripheral pulses are 2/4 bilaterally. No bruits or thrills.

NEUROLOGIC: Cranial nerves grossly intact. DTRs are 2/4 bilaterally. No atrophy or wasting. No clonus or fasciculations.

LYMPHATICS: No evidence of cervical, axillary or inguinal adenopathy.

IMPRESSION: Bilateral inguinal hernia.

PLAN:

1. The patient has been advised to have bilateral inguinal hernia repair with plug-and-patch at his earliest convenience.
2. We will require cardiology preoperative risk assessment before scheduling him for his procedure.
3. The patient understands our plans and has no questions.
4. We will follow up per postop protocol.

Sincerely,

Joseph E. Ronaghan, M.D.

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD	Sex:	M	Reg #:	56022-054
JDate of Birth:				Race:	WHITE
Scanned Date:	01/18/2019 10:25 EST			Facility:	FTW

Reviewed with New Encounter Note by Mercado, Sergio MD on 01/24/2019 16:36.



MOBILE ULTRASOUND SERVICES



American Diagnostic Services
101 Rock Road
Horsham, PA 19044
800.837.8496

ECHOCARDIOGRAM REPORT

This report is based solely upon the echocardiogram examination. Correlation with the clinical examination is essential.

Facility : FCI FORT WORTH - 26718

Patient Name : Ebbers, Bernard J

MRN/File # : 56022-054 DOB : Gender : M Order

Claim Number : 28619431

/ Accession Number :

Ordering Physician : SERGIO MERCADO JR MD

Reporting Physician : JACK NEWMAN MD

Sonographer : RICHLAND BAILEY

Date of Service : 12/11/2018

Report Date : 12/12/2018

Report Time : 03:00 PM

FOLLOW UP/LIMITED ECHOCARDIOGR

Results: DIMENSIONS AND CONTRACTILITY

Patient Normal

Aortic Root — (2.0-3.6 cm)
Left Atrium — (1.9-4.0 cm)
LVID diastole -- (3.7-5.6 cm)
LVID systole -- (2.0-3.5 cm)
Interventricular septum — (0.6-1.1cm)
LV posterior wall -- (0.6-1.1 cm)
Estimated Ejection Fraction 25% (55-75%)

1. Technically difficult study
2. The aortic root is normally sized
3. The left atrium is normally sized
4. The right atrium is normally sized
5. The left ventricle is normal in size and shape. There is severe global left ventricular systolic dysfunction. The estimated ejection fraction is 25%. The diastolic Doppler mitral inflow patterns are consistent with abnormal relaxation
6. The right ventricle is normal in size
7. The aortic valve is normal in structure. There is no aortic stenosis. There is mild aortic insufficiency
8. The mitral valve is normal in structure. There is no mitral stenosis. There is mild mitral insufficiency
9. The tricuspid valve is normal in structure. There is no tricuspid stenosis. There is mild tricuspid insufficiency with pulmonary artery systolic pressures of approximately 35-40 mmHg
10. The pulmonic valve is normal in structure. There is no pulmonic stenosis. There is no pulmonic insufficiency
11. There is no evidence of intracardiac mass or embolus
12. Right heart pacemaker leads are present
13. There is no pericardial effusion



MOBILE ULTRASOUND SERVICES



American Diagnostic Services
101 Rock Road
Horsham, PA 19044
800.837.8496

ECHOCARDIOGRAM REPORT

This report is based solely upon the echocardiogram examination. Correlation with the clinical examination is essential.

Facility : FCI FORT WORTH - 26718

Patient Name : Ebberts, Bernard J

MRN/File # : 57622-054 DOB :

Gender : M

Claim Number : 28619431

Order / Accession Number :

Ordering Physician : SERGIO MERCADO JR MD

Reporting Physician : JACK NEWMAN MD

Sonographer : RICHLAND BAILEY

Date of Service : 12/11/2018

Report Date : 12/12/2018

Report Time : 03:00 PM

Conclusion: IMPRESSION:

- 1. Mild aortic insufficiency
- 2. Mild mitral insufficiency
- 3. Mild tricuspid insufficiency with mild pulmonary hypertension
- 4. Severe global left ventricular systolic dysfunction
- 5. Right heart pacemaker leads

Electronically signed by JACK NEWMAN JR, M.D. 12/12/2018 3:00:30 PM CST.

CONFIDENTIALITY NOTICE: This report (including any accompanying documents) is intended for the use of MobilexUSA or the use of the named addressees to which it is directed, and may contain information that is privileged or otherwise confidential. It is not intended for transmission to, or receipt by, anyone other than the named addressees or persons authorized to deliver it to the named addressees. If you received this report in error, please report the error by calling the MobilexUSA Privacy Office toll free at 866.686.1717, and providing your name, telephone number and the date. Once you have reported the error, someone from the Privacy Office will contact you within one business day. They may ask you to fax back the information you received so that the company can correct its records and prevent further miscommunication. Please keep the information in a secure place until you are contacted by the Privacy Office and complete the return of the information to that office. Once this is done, please destroy all copies of the mistakenly sent information, without forwarding it.

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Sex:	M	Reg #:	56022-054
Date of Birth:				Race:	WHITE
Scanned Date:	12/18/2018 15:03 EST			Facility:	FTW

Reviewed by Mercado, Sergio MD on 12/18/2018 15:56.

FORT WORTH EYE ASSOCIATES

OPHTHALMOLOGY CONSULTATION SHEET
ANN RANELLE, DO TYLER MOORE, MD

Reg. # 30000 054

Date: 11-02-18 Pt. Name Ebbers, Bernard y.o. M/F? DOB: _____

(Symptoms, location, quality, severity, duration, time course)

CC: vision poor OU

HPI: Pt says vision very poor. Not sure if it is getting worse. He can read large print only w/ magnifier. Cannot see W. Does not smoke.

Eye Hx: CE/IOL OU, ARMD OU, left orbital floor fx

Med Hx: HTN, see list FamHx: ARMD - Mother/father.

Med: see list Eye Meds: ATs 1-2x/day

Allergies: φ

PSYCH: Mood / Affect (anxiety, anguish, depression) WNL NEURO: Oriented (person, time, place) WNL Last VF: _____ OCT: _____ Photo: _____ CIE: _____

GTTS: ALCAINE 1% / NEO 2.5% 10% / MYD 2.5% 5% (1%) Cyclo: 1% OD/OS/OU: φ @ _____ AM/PM

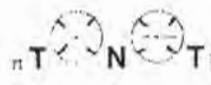
Exam: _____

Va cc 20/ _____ ph 20/ _____ sc 20/ CF Na 20/ _____
20/ _____ 20/ _____ 20/ CF cc 20/ _____
W: OS _____ ADD _____

Stereo: WNL. Ishihara color: WNL

Pupils: ERRLA APD: +/- R _____ mm L _____ mm
dilated

IOP: R: 16 L: 17 ATN TP CCT _____ / _____
Baseline R: _____ L: _____ ATN/TP _____

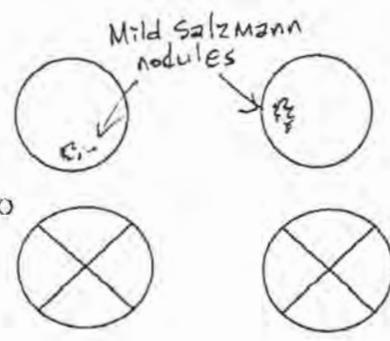
CVF: WNL Restricted 

EOM: Versions FULL MB: Ortho Eso _____ Exo _____ Hyper _____

RET: OD _____ 20/ _____ → M _____ 20/ _____

Cyclo / Lindil OS _____ 20/ _____ → M _____ 20/ _____

EXT: Lids WNL Dermatochalasis 1+ 2+ 3+ 4+ Brow Droop 1+ 2+ 3+ 4+
Lacrimal WNL Ptosis RT LT
Adnexa WNL Proptosis RT LT
Lid Slits RT _____ / LT _____ EXOPHTHALMOMETER: BASE _____ OD _____ OS _____

SLE: R L
WNL WNL
Lids DCH OU
Conj
Tears
Cornea
AC dn mod sh clear
Iris gr hr bombe
Lens PC IOL OU
NS 1+ 2+ 3+ 4+ 1+ 2+ 3+ 4+ GONIO
Cortical 1+ 2+ 3+ 4+ 1+ 2+ 3+ 4+ 
PSC 1+ 2+ 3+ 4+ 1+ 2+ 3+ 4+
PCO 1+ 2+ 3+ 4+ 1+ 2+ 3+ 4+
Ant, Vit

Date: 11-02-18 Name Ebbers, Bernard

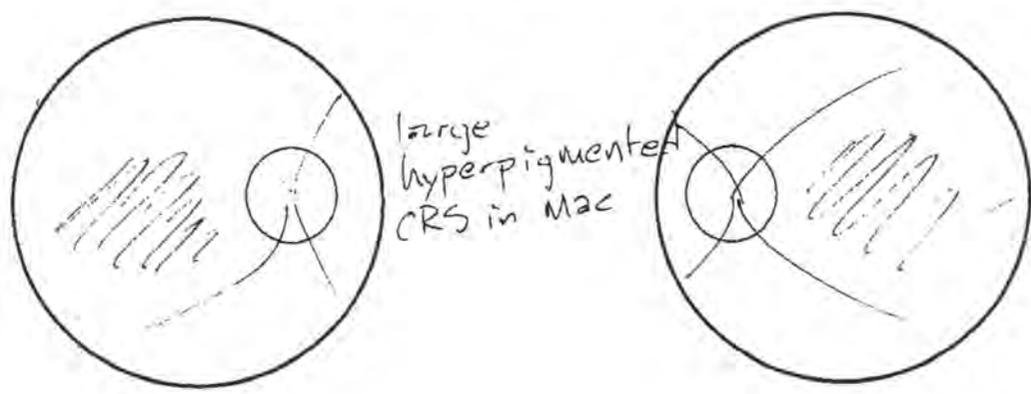
Direct Ophthalmoscopic View

FUNDUS: 20/ _____ 20/ _____ OD C/D H ____ / V ____ OS C/D H ____ / V ____

	R	L	
	WNL	WNL	
Disc	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	sharp pink round flat elevated drusen pale edema tilted heme myopic hyperopic
Vessels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	SVP +/- arteriole attenuation shunt vessels tortuosity MA dot blots hemes
Macula	<input type="checkbox"/>	<input type="checkbox"/>	drusen mottling pigment changes choroidal atrophy ERM CME CSMB lipids
Periphery	<input type="checkbox"/>	<input type="checkbox"/>	reticular changes hole tear floaters lattice atrophy dialysis

EXTENDED OPHTHALMOSCOPY: (90Δ) 78Δ 20Δ 28Δ IO360 Scleral Depression

R L
0.2 C/D 0.2



- IMP: 1. Exudative ARMD ou end stage Plan: 1. Rec OCT macula when available
 2. Legally blind ou, low vision ou 2. Needs ability to replace his magnifier
 3. Pc IOL ou 3. Obs
 4. Dry eye / Salzmann degen 4. Cont ATs
 5. _____ 5. _____

RTN: Next avail D W M Y PRN

RX Given: _____

To Do at Next Visit: OCT macula

ADD _____

- Above findings discussed with patient
- Education materials given concerning DM, Cataract, POAG. _____
- Warning concerning RD DM Worsening Vision, Pain, Redness
- Schedule OCT / VF / PHOTOS _____

DR/TECH: Nyle Moore

RTN VISIT _____ SUNGLASSES GIVEN _____
 D-STRN _____ YES NO _____
 REF TO _____

dictated

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Sex:	M	Reg #:	56022-054
Date of Birth:				Race:	WHITE
Scanned Date:	11/16/2018 14:09 EST			Facility:	FTW

Reviewed by Mercado, Sergio MD on 12/07/2018 13:57.

UNT HEALTH# PATIENT SERVICES 56022-054

Patient Name: Ebbers, Bernard DOB: [REDACTED] Date: 11/15/18

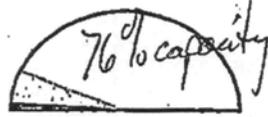
3369-400 ASSURA #1212567

Device Model: St. Jude QUADRA IPG/ICD/BIV-D/BIV-P Implant Date: 2/23/2017

Presenting Rhythm: 100% AS/B.V.P 67 Underlying Rhythm: SR 67

DX: DILATED CM; CHF; HTN

Device Status:

Battery Status:  Est. Longevity: 5.3 Years/Months Charge Time: 9.3 sec
(9/14/2018)

	Atrial Lead	RV Lead	LV Lead	Shock
Sensing:	<u>4.6</u> mV	<u>10.9</u> mV	_____ mV	
Impedance:	<u>440</u> Ω	<u>410</u> Ω	<u>1050</u> Ω	<u>43</u> Ω
Threshold:	<u>0.625 @ 0.5</u>	<u><0.25 @ 0.5</u>	<u><0.25 @ 0.5</u>	
% Pacing	<u>17</u> %	<u>> 99</u> %	_____ %	

Episodes: YES/ NO

(AT, AF, ATR) _____

(VT, VF) _____

(NSVT, PMT) 8/12/18 8sec - no therapy

(RRT) _____

Parameter Settings:

Mode: DDD (Accel/MV/Bleedid) LRL/MTR/MSR: 60/110/110 PAV/SAV: 160/110

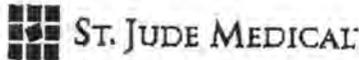
	Output	Sensitivity	Polarity	
RA:	<u>2.5 @ 0.5</u>	<u>AUTO</u>	<u>Bipolar (P/S) / Unipolar (P/S)</u>	VT-1: <u>350ms (171 bpm)</u>
RV:	<u>2.5 @ 0.5</u>	<u>AUTO</u>	<u>Bipolar (P/S) / Unipolar (P/S)</u>	VT-2: _____
LV:	<u>2.5 @ 0.5</u>		<u>Bipolar (True/Reversed) Extended Bipolar (T/R) Unipolar (T/R)</u>	VF: <u>280ms (214 bpm)</u>

Comments/Changes:

No shocks reported recorded Asymp to natic
Normal function

Physician: [Signature] Next in office check: 3 mos

Representative: Laney, Pema RNACNP-BC Next Latitude check: _____



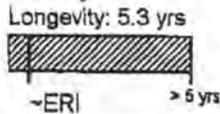
Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

FastPath® Summary

Page 1 of 1

Battery



Implant Date: Feb 23, 2017
Last Max Charge: 9.3 sec (Sep 14, 2018)
Battery Current: 17 uA
Remaining Capacity to ERI: 76%

Test Results Nov 15, 2018

A Automatic

	Capture	Sense	Lead Impedance
A	0.625V @ 0.5ms (BI) 0.625V @ 0.5ms (BI) Jul 26, 2018	4.6mV (BI) 3.6mV (BI) Jul 26, 2018	440 Ω (BI) 430 Ω (BI) Jul 26, 2018
RV	<0.25V @ 0.5ms (BI) <0.25V @ 0.5ms (BI) Jul 26, 2018	10.9mV (RV BI) 11.7mV (RV BI) Jul 26, 2018	410 Ω (BI) 410 Ω (BI) Jul 26, 2018
LV	<0.25V @ 0.5ms (D1-M2) <0.25V @ 0.5ms (D1-M2) Jul 26, 2018		1050 Ω (D1-M2) 1100 Ω (D1-M2) Jul 26, 2018
HV			43 Ω (RV to SVC & Can) 43 Ω (RV to SVC & Can) Jul 26, 2018

Parameters

Mode	DDD	Zone Configuration	VT	VF
Base Rate	60 bpm	Detection Criteria	171 bpm	214 bpm
Max Track Rate	110 bpm	Therapy (ENABLED)	ATP x3	ATP x1
Paced AV Delay	160 ms		25.0 J	36.0 J
Sensed AV Delay	110 ms		36.0 J	36.0 J
Ventricular Pacing	Simul.		40.0 J x2	40.0 J x4

Capture & Sense

	A	RV	LV	LV2
Cap Confirm	Monitor	Off	Off	
Pulse Amplitude (Margin)	2.5 V (4.0:1)	2.5 V (>10.0:1)	2.5 V (>2.25V)	
Pulse Width	0.5 ms	0.5 ms	0.5 ms	
AutoSense	On	On		
Sensitivity	Auto A	Auto A		

Diagnostics Summary

Since Jul 26, 2018

AP	17 %
BP	>99 %
AMS Episodes	0
Mode Switch	0%
AT/AF Burden	0%

VT/VF Episodes: 1

Since Jul 26, 2018

	VT	VF
Episodes	0	0
ATP Delivered	0	0
Shocks Delivered	0	0
SVT Episodes: 0		
Non-sustained Episodes: 1		

No Alerts

Manual-programmed Auto-programmed



ST. JUDE MEDICAL

Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Episodes Summary

Page 1 of 1

Episodes Last Cleared Jul 26, 2018 11:03 am Last Read Nov 15, 2018 10:29 am
SEGMs Last Cleared Feb 23, 2017 5:00 pm

Therapy Summary

	VT	VF
ATP Delivered	0	0
Shocks Delivered	0	0
Max Energy Shocks	0	0
Last HV Lead Impedance	n/a	
Total Aborted Shocks	0	

Results of ATP Delivery

	VT	VF
Episodes Terminated	0	0
Episodes Not Terminated	0	0
Accelerations	0	0

Episode Tree

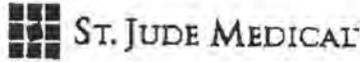
Total VT/VF Episodes	1
SVT Episodes	0
Non-sustained Episodes	1

VT/VF Episodes

Date / Time	Type	Rate (bpm)	Duration (M:S)	Therapy Delivered	Alerts
Aug 12, 2018 1:21 am	Non-sustained		00:08		

Other Episodes

Date / Time	Type	Peak A / V Rate (bpm)	Duration (D:H:M:S)	Alerts
Oct 16, 2018 5:51 am	Non-sustained RV Oversensing			
Oct 3, 2018 2:01 am	Morphology Template Update			



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Diagnostics Summary

Page 1 of 1

Events	Since Jul 26, 2018	Lifetime	Events	Since Jul 26, 2018
AP	17%	24%	AS-VP	82%
RVP	n/a	0%	AS-VS	<1%
BP	>99%	98%	AP-VP	17%
VSt	n/a	0%	AP-VS	<1%
Includes time in AMS			PVC	<1%, 71K counts
			Excludes time in AMS	

Heart Rate Histogram

Since Jul 26, 2018

Atrial

AF Suppression™

n/a

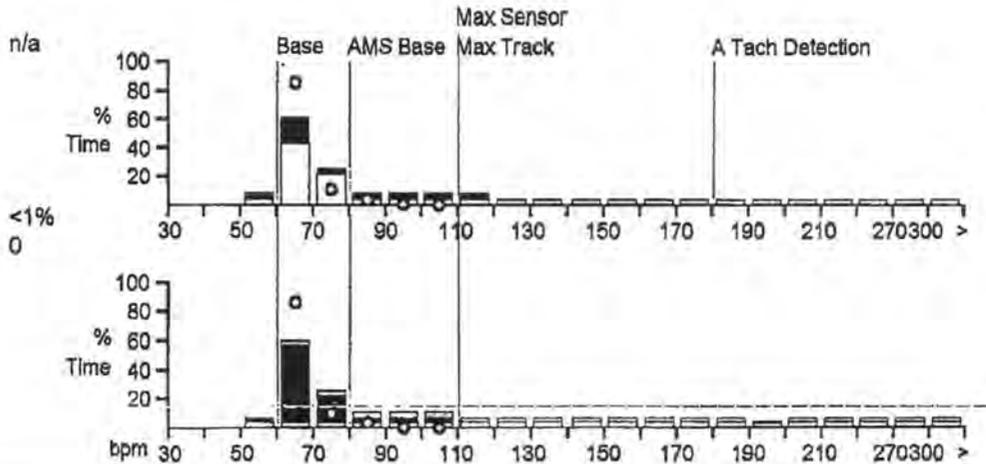
- Paced (AP)
- Sensed (AS)
- Sensor-Indicated Rate

Ventricular

Time at Max Track Rate
PMT Detections

- Paced (AS-VP, AP-VP)
- Sensed (AS-VS, AP-VS)
- ▣ PVC
- Sensor-Indicated Rate

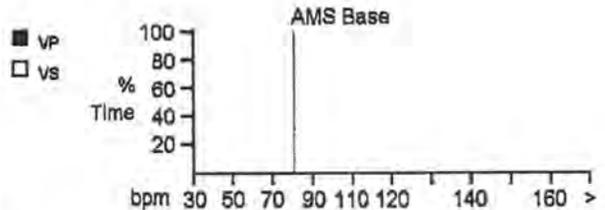
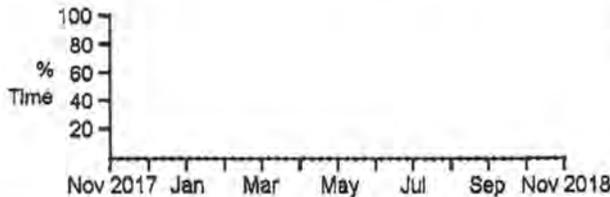
Excludes time in AMS



AT/AF Burden	0%	Since Jul 26, 2018
Total AT/AF Burden	<1%	Since Feb 23, 2017

V Rates During AMS

Since Jul 26, 2018

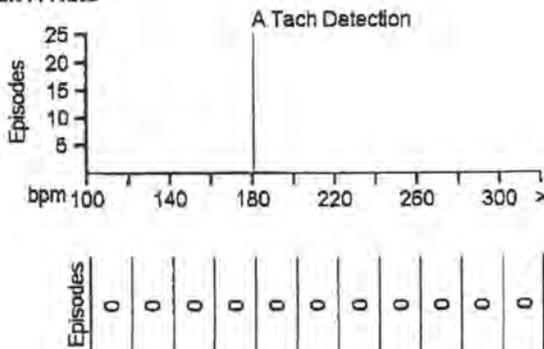


AMS Summary

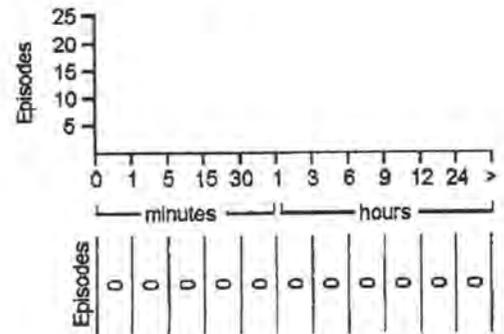
Since Jul 26, 2018

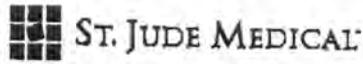
AMS Episodes	0
Mode Switch	0%

Peak A Rate



Duration

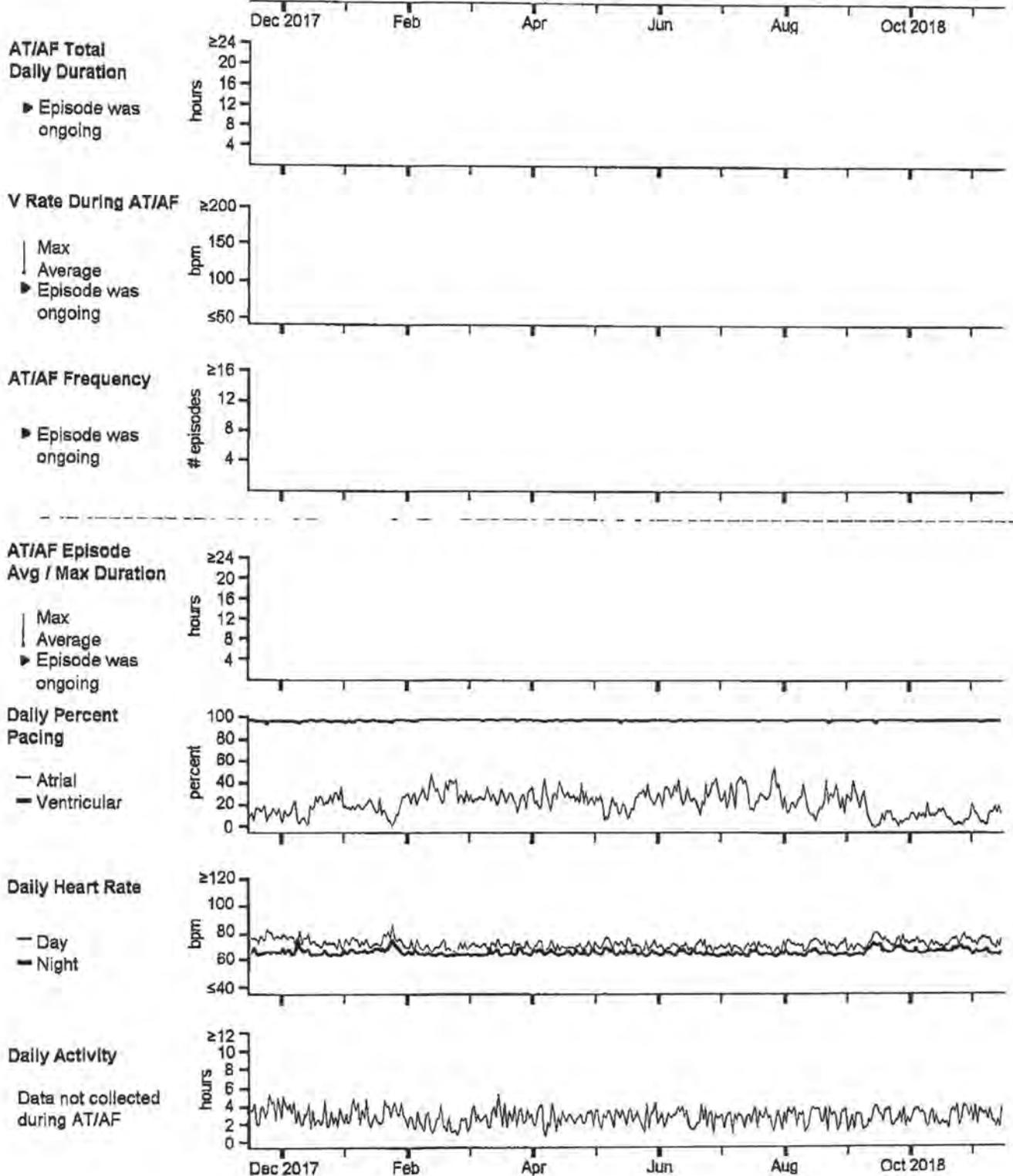


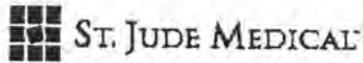


Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

DirectTrend® 1 Year Daily





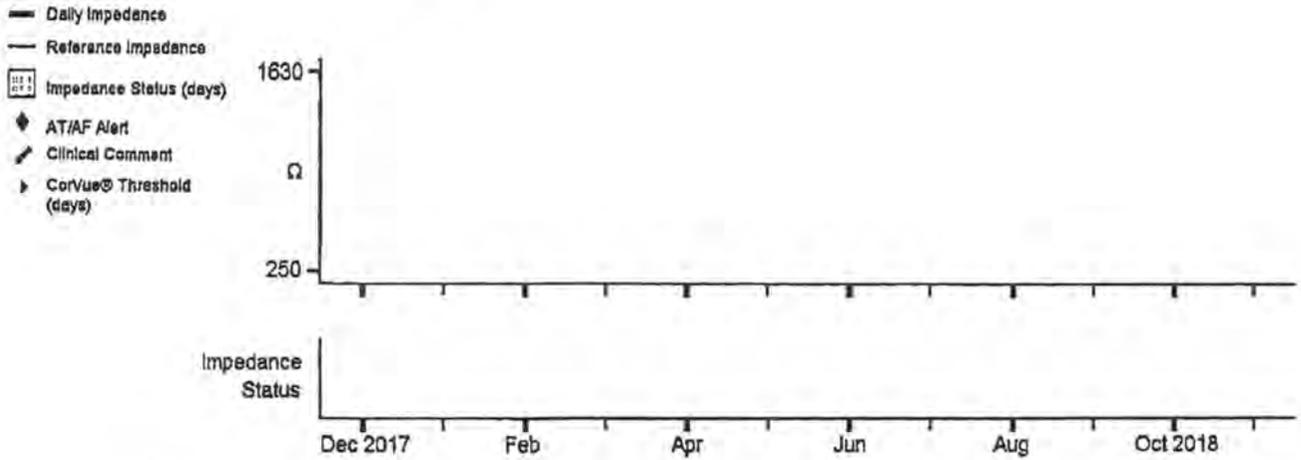
Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

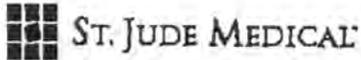
DirectTrend® 1 Year Daily

Page 2 of 2

CorVue® Impedance Monitoring Is OFF



CorVue® Impedance Monitoring is an additional information source for patient management. It is not meant to replace clinical assessments that are part of standard clinical practice.



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Test Results: Atrium

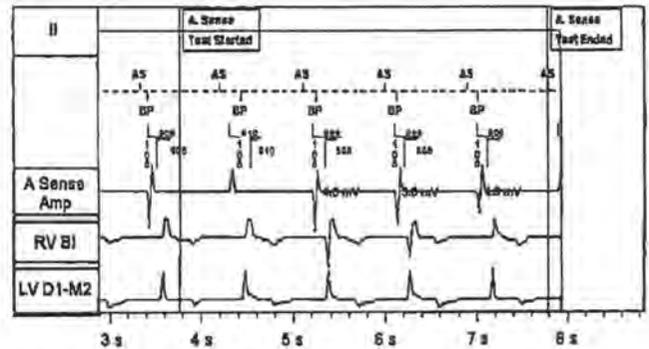
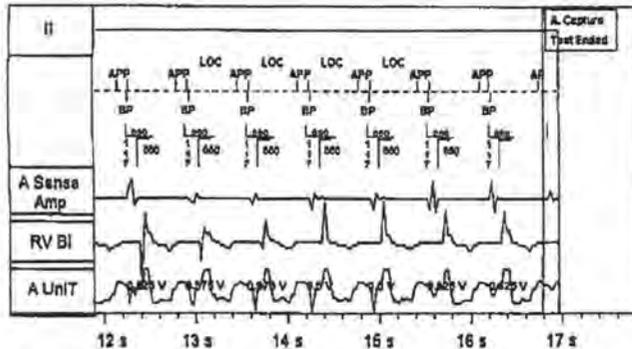
Page 1 of 4

Atrial Capture Test

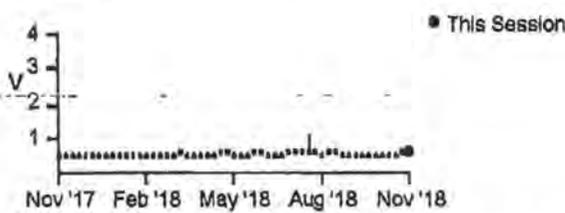
0.625 V @ 0.5 ms (Bi) Nov 15, 2018
Safety Margin: 4.0 : 1 @ 2.5 V
0.625 V @ 0.5 ms (Bi) Jul 26, 2018

Atrial Sense Test

4.6 mV (3.6 - 4.8 mV) (Bi) Nov 15, 2018
3.4 - 3.8 mV (Bi) Jul 26, 2018

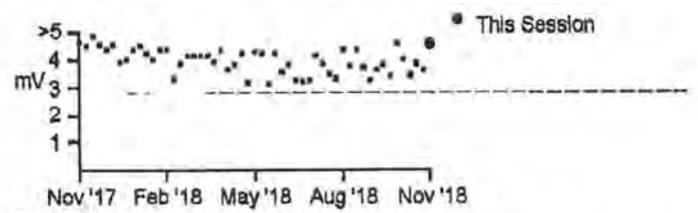


ACap® Confirm Trend



Other Results:
0.625 V @ 0.5 ms (Bi) **A** Nov 15, 2018

Atrial Sense Amplitude Trend

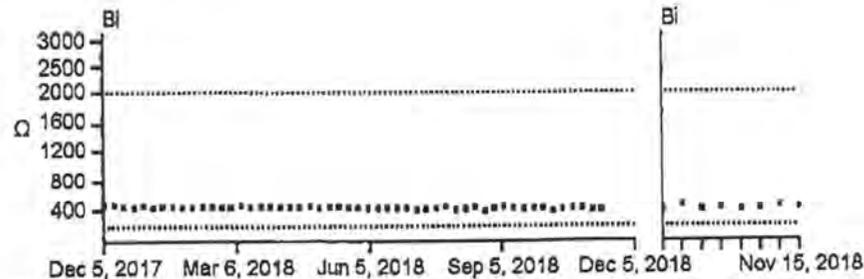


Other Results:
2.4 - 2.9 mV (Bi) **A** Nov 15, 2018

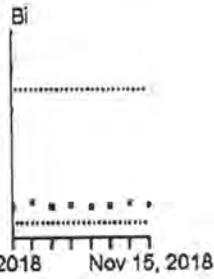
Atrial Lead Impedance:

440 Ω (Bipolar) Nov 15, 2018

1-year trend

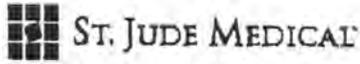


Last 7 Days



Programmed Pulse Configuration: Bipolar
Lead Monitoring: Monitor
Lower Limit: 200 Ω
Upper Limit: 2,000 Ω

Configurations: Bipolar
First Measurement: 590 Ω (Feb 23, 2017)
Lifetime Range: 400 - 590 Ω



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Test Results: Right Ventricle

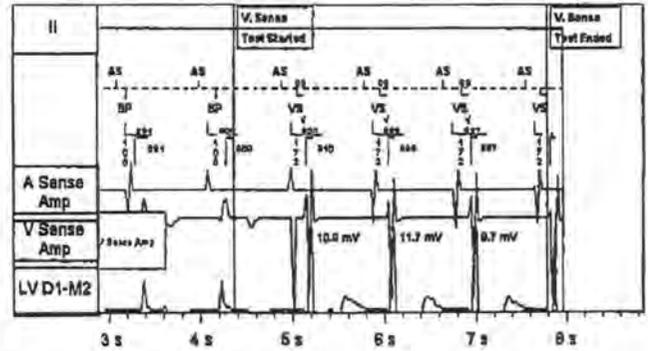
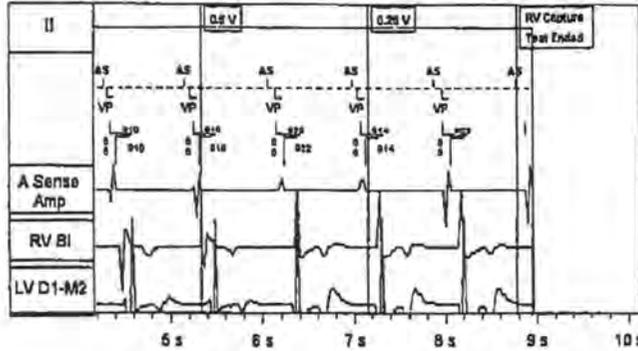
Page 2 of 4

Right Ventricular Capture Test

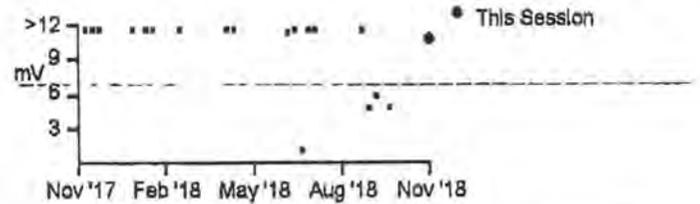
<0.25 V @ 0.5 ms (Bi) Nov 15, 2018
Safety Margin: >10.0 : 1 @ 2.5 V
<0.25 V @ 0.5 ms (Bi) Jul 26, 2018

Ventricular Sense Test

10.9 mV (9.7 - 11.7 mV) (RV Bi) Nov 15, 2018
0.7 - 11.7 mV (RV Bi) Jul 26, 2018

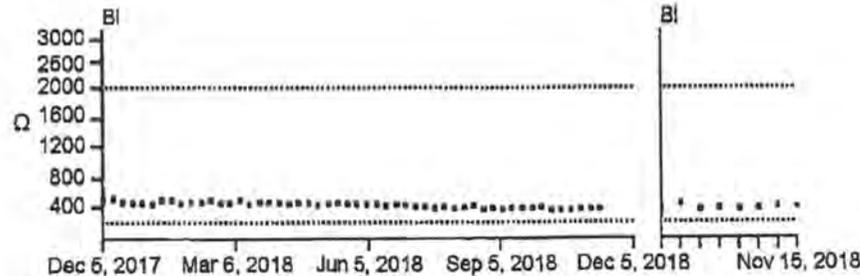


RV Sense Amplitude Trend

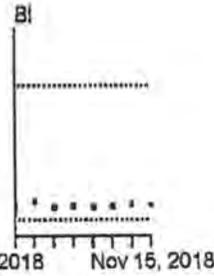


Right Ventricular Lead Impedance: 410 Ω (Bipolar) Nov 15, 2018

1-year trend

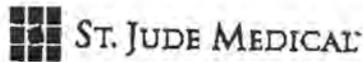


Last 7 Days



Programmed Pulse Configuration: Bipolar
Lead Monitoring: Monitor
Lower Limit: 200 Ω
Upper Limit: 2,000 Ω

Configurations: Bipolar
First Measurement: 690 Ω (Feb 23, 2017)
Lifetime Range: 350 - 740 Ω



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Test Results: Left Ventricle

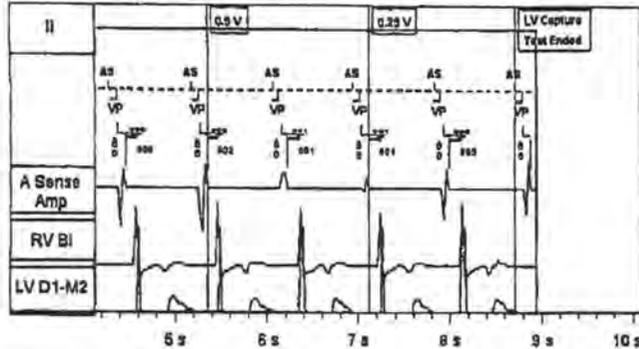
Page 3 of 4

Left Ventricular Capture Test

<0.25 V @ 0.5 ms (D1 - M2) Nov 15, 2018
Pacing Margin: >2.25 V @ 2.5 V
<0.25 V @ 0.5 ms (D1 - M2) Jul 26, 2018

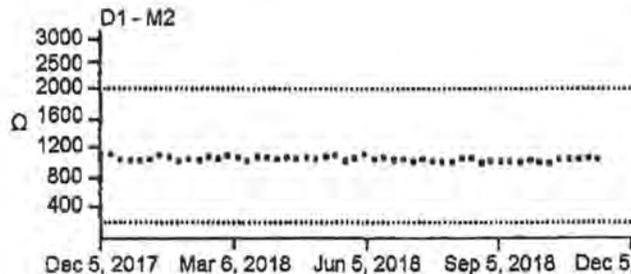
LV2 Capture Test

No result recorded Nov 15, 2018
No previous results

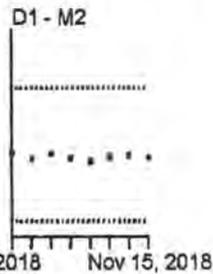


LV Lead Impedance: 1050 Ω (Distal tip 1 - Mid 2) Nov 15, 2018
LV2 Lead Impedance: 710 Ω (Mid 3 - RV Coil) Nov 15, 2018

LV: 1-year trend

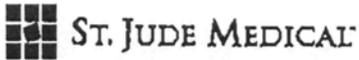


Last 7 Days



LV Pulse Configuration	D1 - M2
LV2 Pulse Configuration	M3 - RVc
Lead Monitoring	Monitor
Lower Limit	200 Ω
Upper Limit	2,000 Ω

Configurations	First Measurement	Lifetime Range	Configurations	First Measurement	Lifetime Range
Distal tip 1 - Mid 2	1350 Ω (Feb 23, 2017)	830 - 1350 Ω	Mid 3 - RV Coil	800 Ω (Feb 23, 2017)	710 - 900 Ω



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Test Results: HV Lead Impedance and Battery

Page 4 of 4

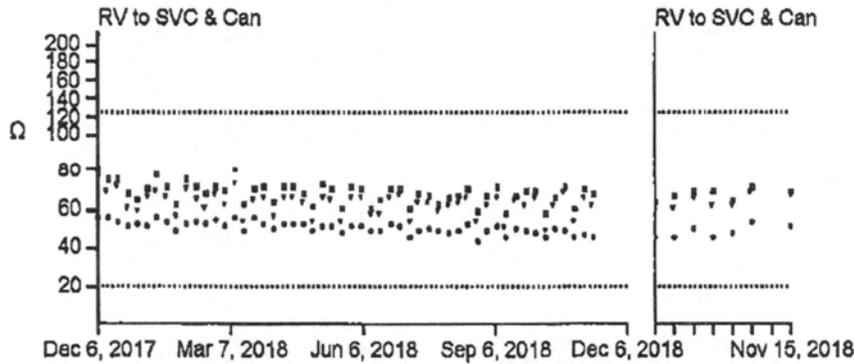
HV Lead Impedance:

43 Ω (RV to SVC & Can) Nov 15, 2018

1-year trend

Last 7 Days

Programmed Shock Configuration: RV to SVC & Can
Lower Limit: 20 Ω
Upper Limit: 125 Ω



- RV to Can
- RV to SVC
- ▼ SVC to Can
- Therapies

	RV to Can	RV to SVC	SVC to Can
First Measurement	74 Ω (Feb 23, 2017)	60 Ω (Feb 23, 2017)	60 Ω (Feb 23, 2017)
Lifetime Range	52 - 87 Ω	42 - 65 Ω	42 - 79 Ω

Battery Information

Longevity: 5.3 yrs



Last Max Charge

9.3 sec (Sep 14, 2018)

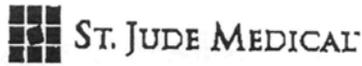
Longevity estimate is based on patient history

Battery Current

17 uA

Remaining Capacity to ERI

76%



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

CRT Toolkit

Page 1 of 1



Proximal 4
Mid 3
Mid 2
Distal Tip 1

Programmed Parameters
Paced/Sensed AV Delay
Ventricular Pacing Chamber
LV Pulse Configuration
LV Pulse Amplitude & Width

160 / 110 ms
LV+RV (Simultaneous)
Distal tip 1 - Mid 2
2.5 V @ 0.5 ms

RV-LV Conduction Time (RV Sensed, LV Sensed)

Not Performed

VectSelect Quartet™ MultiVector Testing

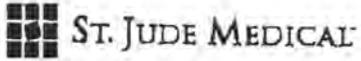
Not Performed

SyncAV™ CRT

Intrinsic AV Conduction Intervals	172 ms (172,172,172 ms)
SyncAV™ CRT Delta	-30 ms
Shortest AV Delay	100 ms

QuickOpt™ Timing Cycle Optimization

A Sense	Programmed	Optimal
Paced AV Delay	160 ms	Not Performed
Sensed AV Delay	110 ms	Not Performed
Interventricular Pace Delay	LV+RV (Simultaneous)	Not Performed



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Presenting Rhythm Freeze

Page 1 of 1

Nov 15, 2018 10:29 am

Key Parameters

Mode	DDD
Base Rate	80 bpm
Rest Rate	Off
Paced AV Delay	160 ms
Sensed AV Delay	110 ms
Max Track Rate	110 bpm
Max Sensor Rate	110 bpm
Hysteresis Rate	Off
ACap® Confirm	Monitor
RVCap® Confirm	Off
LVCap™ Confirm	Off
AF Suppression™	Off
SyncAV™ CRT Delta	-30 ms
Rate Responsive AV Delay	Medium
Rate Responsive PVARP/V Ref	Low
Ventricular Safety Standby	On

1: II AutoGain (100.0 mm/mV)

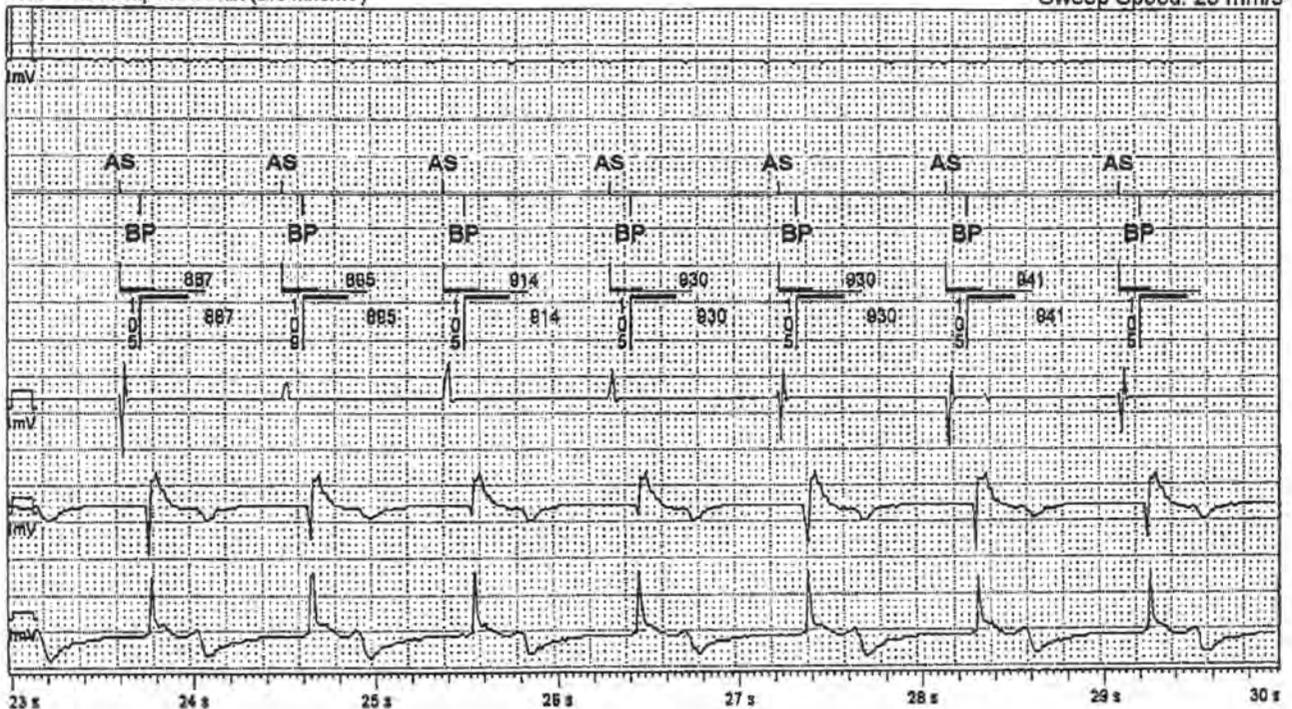
4: RV Bipolar AutoGain (2.2 mm/mV)

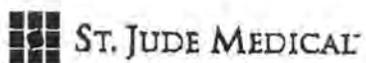
2: Markers

5: LV Distal tip 1 - Mid 2 AutoGain (1.4 mm/mV)

3: A Sense Amp AutoGain (2.6 mm/mV)

Sweep Speed: 25 mm/s





Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

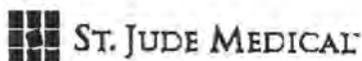
Parameters

Page 1 of 4

Patient		Indications for Implant			
Date of Birth	Unknown				
EF %					
Device	Manufacturer	Model	Serial	Implant Date	
CRT-D	St. Jude Medical	Quadra Assura MP™ 3369-40Q	1212587	Feb 23, 2017	
A Lead					
RV Lead					
LV Lead					
Basic Operation		Refractories & Blanking			
Mode	DDD	PVARP		350 ms	
Ventricular Pacing	Simul.	Post-Vent. Atrial Blanking		70 ms	
V. Triggering	Off	Rate Responsive PVARP/V Ref		Low	
Magnet Response	Normal	Shortest PVARP/V Ref		225 ms	
V. Noise Reversion Mode	Pacing Off	A/V Pace Refractory		190/250 ms	
Episodal Pacing Mode	DDI	A/V Sense Refractory		93/125 ms	
Sensor	Passive	Ventricular Blanking		52 ms	
Threshold (Measured Avg.)	Auto (+0.0) (2.0)	Ventricular Safety Standby		On	
Slope	8	Arrhythmia Unhiding		3 intervals	
Max Sensor Rate	110 bpm	PVC Response		Off	
Reaction Time	Fast	PMT Response		Atrial Pace	
Recovery Time	Medium	PMT Detection Rate		110 bpm	
Rates		AT/AF Detection & Response			
Base Rate	60 bpm	Auto Mode Switch		DDIR	
Rest Rate	Off	AMS V. Triggering		Off	
Max Sensor Rate	110 bpm	A. Tachycardia Detection Rate		180 bpm	
Max Track Rate	110 bpm	AMS Base Rate		80 bpm	
Hysteresis Rate	Off	AF Suppression™		Off	
2:1 Block Rate	139 bpm				
Delays					
Paced AV Delay	160 ms				
Sensed AV Delay	110 ms				
Rate Responsive AV Delay	Medium				
Shortest AV Delay	100 ms				
SyncAV™ CRT Delta	-30 ms				
Capture & Sense		A	RV	LV	LV2
Cap Confirm	Monitor	Off	Off	Off	
Backup Pulse Configuration	Bipolar				
Search Interval	8 hours				
Pulse Amplitude (Margin)	2.5 V (4.0:1)	2.5 V (>10.0:1)	2.5 V (>2.25V)		
Pulse Width	0.5 ms	0.5 ms	0.5 ms		
AutoSense	On	On			
Sensitivity	Auto A	Auto A			

Last Programmed: Aug 3, 2017 9:57 am
Parameters that are "n/a" are not shownBold values were changed this session (See
Wrap-up™ Overview report for details)

Manual-programmed **A** Automatic
 Auto-programmed



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Parameters

Page 2 of 4

Leads	A	RV	LV	LV2
Lead Type	Bipolar	Bipolar	Quadripolar	
Pulse Configuration	Bipolar	Bipolar	Distal tip 1 - Mid 2	
Sense Configuration	Bipolar	RV Bipolar		
Lead Monitoring	Monitor	Monitor	Monitor	
Lower Limit	200 Ω	200 Ω	200 Ω	
Upper Limit	2,000 Ω	2,000 Ω	2,000 Ω	
HVLI Lower Limit		20 Ω		
HVLI Upper Limit		125 Ω		

ShockGuard™ Settings (Zone Configuration)

	VT	VF
Detection Criteria	171 bpm/350 ms 16 intervals	214 bpm/280 ms 12 intervals

SVT Discrimination On

Therapy	ATP x3	ATP x1
	25.0 J/704 V	36.0 J/845 V
	36.0 J/845 V	36.0 J/845 V
	40.0 J/890 V x2	40.0 J/890 V x4

VT Therapy Timeout Off

SVT Discrimination

SVT Discrimination	Dual Chamber
SVT Discrimination Timeout	Off
SVT Upper Limit	Same as VF

Rate Branch	Additional Discriminators			Diagnosis
AF/A Flutter V < A	Morphology	Off	Interval Stability Interval Stability Stability Delta AV Association Delta Window Size	On w/AVA 40 ms 60 ms 12 intervals
				Deliver therapy only if the criteria in this rate branch indicate VT.

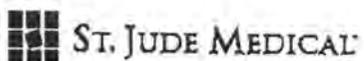
Sinus Tach V = A:	On	Morphology	Off	Arrhythmia Onset Chamber Onset Sudden Onset	On On Off	Deliver therapy only if the active criteria in this rate branch indicate VT.
AV Interval Delta:	Off					

VT/VF
V > A
If Ventricular Rate is greater than the Atrial Rate, deliver therapy.

Last Programmed: Aug 3, 2017 9:57 am
Parameters that are "n/a" are not shown

Bold values were changed this session (See Wrap-up™ Overview report for details)

Manual-programmed Automatic
Auto-programmed



ST. JUDE MEDICAL

Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Parameters

Page 3 of 4

SecureSense™ Settings

SecureSense™	On
Far Field MD / SecureSense™ Configuration	RV Coil-Can
Timeout Until Therapy	Off
Trigger alert for Non-sustained RV Oversensing (NSO)	5 episodes

ATP Details

ATP Pulse Amplitude	7.5 V
ATP Pulse Width	1.0 ms

	VT		VT
	Therapy 1	Therapy 2	Therapy 1
ATP Type			ATP While Charging
ATP Upper Rate Cutoff			250 bpm/240 ms
Number of Bursts	3		1
Number of Stimuli	8		8
Add Stimuli per Burst	Off		
Burst Cycle Length	85 %		85 %
Min. Burst Cycle Length	200 ms		170 ms
Readaptive	Off		
Scanning	On (Dec)		
Scan Step	10 ms		
Ramp	Off		Off

SenseAbility® Settings

	A	RV	
		Pacemaker	Defib
Max Sensitivity	0.3 mV (0.3 mV @ 110 bpm)	Same as Defib (0.5 mV @ 110 bpm)	0.5 mV (0.5 mV @ 110 bpm)
Low Frequency Attenuation			On
Decay Delay	Post-Sensed 0 ms	Post-Paced 0 ms	Post-Sensed 60 ms
Threshold Start	50 %	0.8 mV	Post-Paced 95 ms 1.0 mV

DeFT Response® Settings (Shock Waveform)

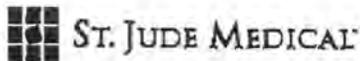
Waveform	Biphasic	
Waveform Mode	Tilt	
Shock Configuration	RV to SVC & Can	
RV Polarity	Anode(+)	
DynamicTx™ Over-Current Detection Algorithm	On	
VF Shocks (Defib)	1st Phase 85 %	2nd Phase 65 %
VT Shocks (CVRT)	Same as Defib	
Estimated Defib Pulse Width	5.3 ms	
Estimated CVRT Pulse Width	5.3 ms	
Shock Impedance	43 Ω (Measured)	

Last Programmed: Aug 3, 2017 9:57 am
Parameters that are "n/a" are not shown

Bold values were changed this session (See
Wrap-up™ Overview report for details)

↗ Manual-programmed
↘ Auto-programmed

Ⓐ Automatic



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic**Parameters**

Page 4 of 4

Post-Shock Pacing

Mode	DDD
Base Rate	60 bpm
Pause	2 sec
Duration	0.5 min

Redetection & Post-Detection

VT Redetection	6 intervals
Sinus Redetection	Nominal (5 intervals)
Post VF Detection	Same as VT
Post VT Detection	Same as VT

	A	BV
Pulse Amplitude	7.5 V	7.5 V
Pulse Width	1.5 ms	1.5 ms

Capacitor Maintenance

Charge Interval	4 months
-----------------	----------

CorVue® Thoracic Impedance Monitoring

Impedance Monitoring	Off
----------------------	-----

Trigger Alerts When

AT/AF Episode (3 hours)	On
AT/AF Burden (6 hours evaluated daily)	On
V Rate during AT/AF (100 bpm for 6 hours, evaluated daily)	On
A Lead Impedance Out of Range (200 - 2,000 Ω)	On
RV Lead Impedance Out of Range (200 - 2,000 Ω)	On
Therapy Inhibits due to RV lead noise	On
5 episodes of Non-sustained RV Oversensing detected	On
LV Lead Impedance Out of Range (200 - 2,000 Ω)	On
HV Lead Impedance Out of Range (20 - 125 Ω)	On
Percent BiV Pacing Alert (<90% over 7 days)	On

Show on FastPath®

On

Notify Patient

Off
Off
Off
On
On
On
Off
On
On
On

Device at ERI	On
Charge Time Limit Reached (32 sec)	On
Possible HV Circuit Damage	On
Device Parameter Reset	On
Backup VVI	On

On

Patient Notifier Delivery

Vibration Duration	6 sec
Number of Notifications	4
Time Between Notifications	10 hours

Episode Triggers

Atrial Episode (AMS)	Low
VT (Detection)	High
VF (Detection)	High
Non-sustained RV Oversensing	High
Non-sustained VT/VF	Low
PMT	Off
Noise Reversion	Off
Magnet Response	Low

Stored EGM Configuration

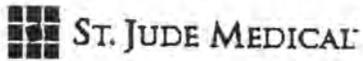
VT/VF EGM Max Duration	1 min
VT/VF Pre-Trigger Max Duration	14 sec
Channels (Storage)	2 (22 min)
Channel 1	A Sense Amp
Channel 2	V Sense Amp

Last Programmed: Aug 3, 2017 9:57 am
Parameters that are "n/a" are not shown

Bold values were changed this session (See
Wrap-up™ Overview report for details)

▶ Manual-programmed
↳ Auto-programmed

Ⓐ Automatic



Quadra Assura MP™ 3369-40Q CRT-D 1212587

Nov 15, 2018
10:42 am
In-Clinic

Wrap-up™ Overview

Page 1 of 1

Patient
Date of Birth
EF % Unknown

Indications for Implant

Device	Manufacturer	Model	Serial	Implant Date
CRT-D	St. Jude Medical	Quadra Assura MP™ 3369-40Q	1212587	Feb 23, 2017
A Lead				
RV Lead				
LV Lead				

Battery

Longevity: 5.3 yrs

 Last Max Charge 9.3 sec (Sep 14, 2018) Longevity estimate is based on patient history
 Battery Current 17 µA
 Remaining Capacity to ERI 76%

Test Results Nov 15, 2018

A Automatic

	Capture	Sense	Lead Impedance
A	0.625V @ 0.5ms (Bi)	4.6mV (Bi)	440 Ω (Bi)
RV	<0.25V @ 0.5ms (Bi)	10.9mV (RV Bi)	410 Ω (Bi)
LV	<0.25V @ 0.5ms (D1-M2)		1050 Ω (D1-M2)
HV			43 Ω (RV to SVC & Can)

Parameters

	DDD	Zone Configuration	VT	VF
Mode	DDD			
Base Rate	60 bpm	Detection Criteria	171 bpm	214 bpm
Max Track Rate	110 bpm	Therapy (ENABLED)	ATP x3	ATP x1
Paced AV Delay	160 ms		25.0 J	36.0 J
Sensed AV Delay	110 ms		36.0 J	36.0 J
Ventricular Pacing	Simul.		40.0 J x2	40.0 J x4

Programming Changes

No changes this session

No Alerts

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Scanned Date:	11/15/2018 14:04 EST	Race:	WHITE
		Facility:	FTW

Reviewed by Mercado, Sergio MD on 12/07/2018 13:56.

UNT HEALTH PATIENT SERVICES

#56022-054

Patient Name: Ebbers, Bernard DOB: [REDACTED] Date: 7/26/18

Device Model: St. Jude - QUADRA ASU ³³⁶⁹⁻⁴⁰⁰ ICD/BIV-D/BIV-P Implant Date: 2/23/2017

Presenting Rhythm: 100 VAP/BIVP Underlying Rhythm: SB52

Di: DILATED CM; CHF; HTN

Device Status:

Battery Status:  80% capacity Est. Longevity: 5.5 ⁽²⁾ Years/Months Charge Time: 9.1 sec
(5/15/2018)

	Atrial Lead	RV Lead	LV Lead	Shock
Sensing:	<u>3.6</u> mV	<u>11.7</u> mV	_____ mV	
Impedance:	<u>430</u> Ω	<u>410</u> Ω	<u>1075</u> Ω	<u>43</u> Ω
Threshold:	<u>0.625 @ 0.5</u>	<u><0.25 @ 0.5</u>	<u><0.25 @ 0.5</u>	<u>LV2 = 800 ohms</u>
% Pacing	<u>28</u> %	<u>99</u> %	_____ %	

Episodes: YES ⁽¹⁾ ~~NO~~

- (AT, AF, ATR) _____
- (VT, VF) _____
- (NSVT, PMT) _____
- (RRT) _____

Parameter Settings:

Mode: DDD (Accel/MV/Blended) LRL/MTR/MSR: 60/110/110 PAV/SAV: 160/110

	Output	Sensitivity	Polarity	
RA:	<u>2.5 @ 0.5</u>	<u>AUTO</u>	<u>Bipolar (P/S) / Unipolar (P/S)</u>	<u>VT-1: 350ms (171 bpm)</u>
RV:	<u>2.5 @ 0.5</u>	<u>AUTO</u>	<u>Bipolar (P/S) / Unipolar (P/S)</u>	<u>VT-2: -</u>
LV:	<u>2.5 @ 0.5</u>	<u>DISTAL Tip</u>	<u>Bipolar (True/Reversed) Extended Bipolar (T/R) Unipolar (T/R)</u>	<u>VF: 280ms (214 bpm)</u>

Comments/Changes:

Asymptomatic No checks reported/needed
Normal function

Physician: G.A.

Next in office check: 3 mos

Representative: Jocelynn Penney RNACNP-BC

Next Latitude check: _____

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name: EBBERS, BERNARD J
Date of Birth: [REDACTED]
Scanned Date: 07/26/2018 15:09 EST

Sex: M

Reg #: 56022-054
Race: WHITE
Facility: FTW

Reviewed by Mercado, Sergio MD on 08/28/2018 16:05.

**Bureau of Prisons
Health Services
Consultation Request**

Inmate Name:	EBBERS, BERNARD J.	Reg #:	56022-054	Complex:	FTW
Date of Birth:	██████████	Sex:	M	Date:	07/12/2018
Report of Consultation: CARDIOLOGY			Subtype: FOLLOW-UP		

Institution: FORT WORTH FMC
3150 HORTON ROAD
FORT WORTH, TEXAS 76119

HISTORY OF PRESENT ILLNESS: Mr. Ebbers has nonischemic cardiomyopathy and chronic systolic CHF. He is status post biventricular ICD, St. Jude implanted in 2017. He has been doing well and he has no volume overload symptoms. He has been stable and taking his medications. He walks frequently on the track. Last echocardiogram was done two months ago showing an EF of 35%.

PHYSICAL EXAMINATION:

VITAL SIGNS:	BP 130/72, heart rate 69, weight 200 lbs.
GENERAL:	No acute distress, alert and oriented x3.
HEENT:	Pupils are equal, atraumatic.
NECK:	No JVD, no masses.
CARDIOVASCULAR:	Heart rate regular. S1 and S2 were normal. 1/6 systolic murmur, S3 gallop.
LUNGS:	Clear and nonlabored.
ABDOMEN:	Soft, nontender.
EXTREMITIES:	No edema or cyanosis.

IMPRESSIONS:

1. Nonischemic cardiomyopathy
2. Chronic systolic CHF
3. Status post biventricular ICD

RECOMMENDATIONS:

1. Increase Lisinopril to 15 mg daily
2. Echocardiogram in three months
3. Follow up in four months.

THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED

GEOFFREY P. KLINE, D.O., PhD, RPVI
Assistant Professor of Medicine
Division of Cardiology
UNT Health Science Center

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Scanned Date:	07/17/2018 15:00 EST	Race:	WHITE
		Facility:	FTW

Reviewed with New Encounter Note by Mercado, Sergio MD on 08/28/2018 16:06.



Report Status: Final
EBBERS, BERNARD

Patient Information	Specimen Information	Client Information
EBBERS, BERNARD DOB: ████████ AGE: 76 Gender: M Phone: NG Patient ID: 56022-054	Specimen: DL975359W Requisition: 0018939 Collected: 01/23/2018 Received: 01/24/2018 / 01:57 CST Reported: 01/26/2018 / 12:20 CST	Client #: 33918 30FW140 MERCADO, SERGIO FEDERAL MEDICAL CTR 3150 HORTON RD FOREST HILL, TX 76119-5905

Test Name	In Range	Out Of Range	Reference Range	Lab
=====				IG

CULTURE, AEROBIC BACTERIA

MICRO NUMBER: 80121180
 TEST STATUS: FINAL
 SPECIMEN SOURCE: THIGH, RIGHT
 SPECIMEN QUALITY: ADEQUATE
RESULT: Heavy growth of Staphylococcus aureus
 Negative for inducible clindamycin resistance.

S. aureus

	INT	MIC	
CIPROFLOXACIN	S	<=0.5	
CLINDAMYCIN	S	<=0.25	
ERYTHROMYCIN	R	>=8	
GENTAMICIN	S	<=0.5	
LEVOFLOXACIN	S	0.25	
OXACILLIN	S	0.5 **1	<i>OM</i>
TETRACYCLINE	S	<=1	
TRIMETHOPRIM/SULFA	S	<=10	
VANCOMYCIN	S	1	

S=Susceptible I=Intermediate R=Resistant * = Not Tested
 NR = Not Reported **NN = See Therapy Comments

THERAPY COMMENTS

Note 1:
 Oxacillin-susceptible staphylococci are susceptible to other penicillinase-stable penicillins (e.g. Methicillin, Nafcillin), beta-lactam/beta-lactamase inhibitor combinations, and cepheims with staphylococcal indications, including Cefazolin.

PERFORMING SITE:

IG QUEST DIAGNOSTICS-IRVING, 4770 REGENT BLVD., IRVING, TX 75063 Laboratory Director: ROBERT L BRECKENRIDGE, MD, CLIA: 45D0697943

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name: EBBERS, BERNARD J
Date of Birth: [REDACTED]
Scanned Date: 05/14/2018 14:10 EST

Sex: M

Reg #: 56022-054
Race: WHITE
Facility: FTW

Reviewed by Mercado, Sergio MD on 05/17/2018 16:42.

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name: EBBERS, BERNARD J	Reg #: 56022-054
Date of Birth: [REDACTED]	Sex: M Race: WHITE Facility: FTW
Note Date: 02/20/2019 12:31	Provider: Eilert, Charles D.O. Unit: D09

Admin Note - Chart Review encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Eilert, Charles D.O.

refer to note dated 2/20/19 acute shingles with no active vesicles times 4 days age 77 will treat with acyclovir and Elavil.

ASSESSMENTS:

Herpes zoster (shingles), B029 - Current

New Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
	Acyclovir Tablet/Capsule	02/20/2019 12:31	800mg Orally Mouth Five times a day x 7 day(s)
	Indication: Herpes zoster (shingles)		
	Amitriptyline Tablet	02/20/2019 12:31	25mg Orally Mouth at bedtime PRN x 30 day(s) Pill Line Only – for prevention of shingles pain
	Indication: Herpes zoster (shingles)		

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Eilert, Charles D.O. on 02/20/2019 12:34

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: EBBERS, BERNARD J
Date of Birth: [REDACTED]
Encounter Date: 02/20/2019 12:29

Sex: M Race: WHITE
Provider: Eilert, Charles D.O.

Reg #: 56022-054
Facility: FTW
Unit: D09

Physician - Evaluation encounter performed at Health Services.

SUBJECTIVE:

COMPLAINT 1 **Provider:** Eilert, Charles D.O.

Chief Complaint: Skin Problem

Subjective: 77 year old male with pmhx CHF AICD cardiomyopathy seen in clinic for acute constant 4 day hx of left sided chest pain found to have shingles lesions no vesicles around T6-T7 dermatomes from left chest to left back no drainage EKG shows paced rhythm no ectopy with appropriate discordance will treat with acyclovir 800mg 5 times a day and Elavil. Discharged from clinic. chest pain appears all related to new outbreak of shingles EKG shows paced rhythm with appropriate discordance chest pain started at rest no relieved with rest non exertional lasting constant for 4 days.

Pain: Yes

Pain Assessment

Date: 02/20/2019 12:29

Location: Chest-Left

Quality of Pain: Burning

Pain Scale: 6

Intervention: acyclovir ekg

Trauma Date/Year:

Injury:

Mechanism:

Onset: 3-5 Days

Duration: 3-5 Days

Exacerbating Factors: none

Relieving Factors: none

Reason Not Done:

Comments:

OBJECTIVE:

Temperature:

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
02/20/2019	12:17 FTW	98.2	36.8		Sayarath, Vasana RN

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
02/20/2019	12:17 FTW	85			Sayarath, Vasana RN

Respirations:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
02/20/2019	12:17 FTW	18	Sayarath, Vasana RN

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
-------------	-------------	--------------	-----------------	-----------------	------------------	-----------------

Inmate Name: EBBERS, BERNARD J
 Date of Birth: [REDACTED]
 Encounter Date: 02/20/2019 12:29

Sex: M Race: WHITE
 Provider: Eilert, Charles D.O.

Reg #: 56022-054
 Facility: FTW
 Unit: D09

Date	Time	Value	Location	Position	Cuff Size	Provider
02/20/2019	12:17	FTW	152/72			Sayarath, Vasana RN

SaO2:

Date	Time	Value(%)	Air	Provider
02/20/2019	12:17	FTW	98 Room Air	Sayarath, Vasana RN

Exam:

General

Affect

Yes: Pleasant, Cooperative
 No: Irritable, Agitated, Flat, Anxious

Appearance

Yes: Appears Distressed, Alert and Oriented x 3, Alert & Oriented to Person, Alert & Oriented to Place, Alert & Oriented to Time, Oriented to person, place and time
 No: Appears Well

Neck

General

Yes: Within Normal Limits, Supple, Symmetric, Trachea Midline

Cardiovascular

Observation

Yes: Within Normal Limits, Normal Rate, Regular Rhythm

Abdomen

Palpation

Yes: Within Normal Limits, Soft

ASSESSMENT:

Herpes zoster (shingles), B029 - Current

PLAN:

Disposition:

- Discharged to Housing Unit with Convalescence
- Follow-up at Sick Call as Needed
- Follow-up at Chronic Care Clinic as Needed
- To be Evaluated by Provider
- Will Be Placed on Callout
- Return Immediately if Condition Worsens

Patient Education Topics:

Date Initiated	Format	Handout/Topic	Provider	Outcome
02/21/2019	Counseling	Access to Care	Eilert, Charles	Verbalizes Understanding

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Eilert, Charles D.O. on 02/21/2019 06:50

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex: M Race: WHITE	Facility: FTW
Note Date:	02/19/2019 13:22	Provider: Mercado, Sergio MD	Unit: D09

Review Note - Consultation Report Review encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Mercado, Sergio MD

Cardiology consult review. CHF, NICM, stable on current meds. Next follow up in 4 months.

Other:

Follow up consult already in place.

Copay Required: No **Cosign Required:** No

Telephone/Verbal Order: No

Completed by Mercado, Sergio MD on 02/19/2019 13:23

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: EBBERS, BERNARD J
Date of Birth: [REDACTED]
Encounter Date: 01/29/2019 11:41

Sex: M Race: WHITE
Provider: Amaechi, O. RN

Reg #: 56022-054
Facility: FTW
Unit: D09

Nursing - Medical Trip Return encounter performed at Health Services.

SUBJECTIVE:

COMPLAINT 1 Provider: Amaechi, O. RN

Chief Complaint: Other Problem

Subjective: Medical trip return

Pain: No

OBJECTIVE:**Temperature:**

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
01/29/2019	11:41 FTW	97.8	36.6		Amaechi, O. RN

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
01/29/2019	11:41 FTW	77			Amaechi, O. RN

Respirations:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
01/29/2019	11:41 FTW	17	Amaechi, O. RN

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
01/29/2019	11:41 FTW	143/80				Amaechi, O. RN

SaO2:

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
01/29/2019	11:41 FTW	99		Amaechi, O. RN

Weight:

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
01/29/2019	11:41 FTW	183.0	83.0		Amaechi, O. RN

Exam:**General****Appearance**

Yes: Appears Well, Alert and Oriented x 3

Pulmonary**Auscultation**

Yes: Clear to Auscultation

Cardiovascular**Auscultation**

Yes: Regular Rate and Rhythm (RRR)

Abdomen**Auscultation**

Yes: Normo-Active Bowel Sounds

Inmate Name: EBBERS, BERNARD J

Reg #: 56022-054

Date of Birth: [REDACTED]

Sex: M Race: WHITE

Facility: FTW

Encounter Date: 01/29/2019 11:41

Provider: Amaechi, O. RN

Unit: D09

Exam:

ASSESSMENT:

No Significant Findings/No Apparent Distress

Seen for medical trip return for ophthalmology, scheduled appointment. There is no discharge paper work for this medical trip

PLAN:

Disposition:

Follow-up at Sick Call as Needed

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
01/29/2019	Counseling	Access to Care	Amaechi, O.	Verbalizes Understanding

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Amaechi, O. RN on 01/29/2019 11:45

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054		
Date of Birth:	██████████	Sex:	M Race: WHITE	Facility:	FTW
Note Date:	01/25/2019 11:54	Provider:	Amaechi, O. RN	Unit:	D09

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Amaechi, O. RN

Per Physician's request "Please call inmate down to inform him to pick up new medication from pharmacy. Labs show he has iron deficiency anemia and needs to start treatment".
Inmate instructed to pick up his medication at 1430 Pharmacy medication pick up time. Verbalized understanding.

Copay Required: No **Cosign Required:** No

Telephone/Verbal Order: No

Completed by Amaechi, O. RN on 01/25/2019 11:56

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M Race: WHITE
Note Date:	01/24/2019 16:36	Provider:	Mercado, Sergio MD
		Facility:	FTW
		Unit:	D09

Review Note - Consultation Report Review encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Mercado, Sergio MD

Reviewed General surgeon evaluation. Inmate has a RIH and recommendation is to obtain Cardiac clearance first then if cleared proceed with a plug and patch hernia repair. At this time will only enter cardiology consultation and if cleared then will request RIH surgery.

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Cardiology	04/26/2019	04/26/2019	Routine	No	

Subtype:

Inhouse Cardiology

Reason for Request:

This is for a cardiology follow up after the ICD check and echocardiogram due to CHF. Note that this inmate also has a right inguinal hernia that needs repair. Surgeon is requesting Cardiac clearance for the surgery.

Provisional Diagnosis:

CHF, cardiomyopathy

Discontinued Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Cardiology	02/28/2019	03/31/2019	Routine	No	

Subtype:

Inhouse Cardiology

Reason for Request:

This is for a cardiology follow up after the ICD check and echocardiogram due to CHF.

Provisional Diagnosis:

Cardiomyopathy, HTN, CHF

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Mercado, Sergio MD on 01/24/2019 16:42

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M Race: WHITE
Note Date:	01/24/2019 16:08	Provider:	Mercado, Sergio MD
		Facility:	FTW
		Unit:	D09

Cosign Note - Lab Report Cosign encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Mercado, Sergio MD

Reviewed lab report showing inmate has IDA.

ASSESSMENTS:

Iron deficiency anemia, D509 - Current

New Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
	Ferrous Gluconate Tablet	01/24/2019 16:08	1 tab Orally - Two Times a Day x 365 day(s)

Indication: Hyperlipidemia, mixed

Copay Required: No **Cosign Required:** No

Telephone/Verbal Order: No

Completed by Mercado, Sergio MD on 01/24/2019 16:11

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054				
Date of Birth:	██████████	Sex:	M	Race:	WHITE	Facility:	FTW
Note Date:	12/28/2018 13:37	Provider:	Radulovich, Boishea	Unit:	D09		

POC Note - Default encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Radulovich, Boishea Medical Assistant

Fecal Occult Blood point of care testing completed on EBBERS, BERNARD J, register number 56022-054 at 12/28/2018 13:36

Fecal Occult Blood: Negative Guaiac Test

Reference Range: Negative

Critical Result: Positive

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Radulovich, Boishea Medical Assistant on 12/28/2018 13:37

Requested to be reviewed by Mercado, Sergio MD.

Review documentation will be displayed on the following page.

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Encounter Date:	12/28/2018 13:37	Provider:	Radulovich, Boishea
		Race:	WHITE
		Facility:	FTW

Reviewed by Mercado, Sergio MD on 01/04/2019 15:20.

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: EBBERS, BERNARD J	Sex: M Race: WHITE	Reg #: 56022-054
Date of Birth: [REDACTED]	Provider: Mercado, Sergio MD	Facility: FTW
Encounter Date: 10/16/2018 08:52		Unit: D09

Chronic Care - Chronic Care Clinic encounter performed at Health Services.

SUBJECTIVE:

COMPLAINT 1 **Provider:** Mercado, Sergio MD

Chief Complaint: Chronic Care Clinic

Subjective: Mr. EBBERS is a 77 year old WHITE Male here for a chronic care visit. His medical history is positive for cardiomyopathy with a Cardiac Defibrillator, hypertension, CHF, prediabetes, Hyperlipidemia, and Severe Age Related Macular degeneration.

Today he is complaining of having left inguinal pain that gets worse with walking. Notes that he will get a bulge into the testicle and he is able to press on it and "push" it back in. When he does that the pain improves. He also complains that due to his eye condition, he is not able to read and the current magnifying glass is not powerful enough or large enough for him to be able to use. He is requesting to have a magnifying glass large enough that is covers a whole line in a book and that it have a light. He thinks that he needs at least 4X magnification for him to make out the words.

Pain: Yes

Pain Assessment

Date: 10/16/2018 14:03
Location: Genitalia
Quality of Pain: Deep
Pain Scale: 6
Intervention: rest, reduction of hernia
Trauma Date/Year:
Injury:
Mechanism:
Onset: 6-12 Months
Duration: 1-5 Hours
Exacerbating Factors: Prolonged walking
Relieving Factors: reducing the hernia
Reason Not Done:
Comments:

Seen for clinic(s): Cardiac, Endocrine/Lipid, General, Hypertension

OBJECTIVE:

Temperature:

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
10/16/2018	08:52 FTW	98.1	36.7		Mercado, Sergio MD

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
10/16/2018	08:52 FTW	69			Mercado, Sergio MD

Respirations:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
-------------	-------------	------------------------	-----------------

Inmate Name: EBBERS, BERNARD J	Reg #: 56022-054
Date of Birth: [REDACTED]	Sex: M Race: WHITE Facility: FTW
Encounter Date: 10/16/2018 08:52	Provider: Mercado, Sergio MD Unit: D09

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
10/16/2018	08:52 FTW	14	Mercado, Sergio MD

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
10/16/2018	08:52 FTW	127/67				Mercado, Sergio MD

SaO2:

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
10/16/2018	08:52 FTW	98	Room Air	Mercado, Sergio MD

Weight:

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
10/16/2018	08:52 FTW	186.0	84.4		Mercado, Sergio MD

Exam:**Diagnostics****Laboratory**

Yes: Results

General**Affect**

Yes: Cooperative

Appearance

Yes: Appears Well, Alert and Oriented x 3

No: Appears Distressed, Appears in Pain

Nutrition

Yes: Within Normal Limits

Head**General**

Yes: Symmetry of Motor Function, Atraumatic/Normocephalic

No: Facial Asymmetry, Sinus Tenderness

Eyes**General**

Yes: PERRLA, Extraocular Movements Intact

Ears**Tympanic Membrane**

Yes: Within Normal Limits, Pearly, Landmarks Normal

Canal

Yes: Within Normal Limits, Patent

Nose**General**

Yes: Nares Patent

Mouth**Pharynx**

Yes: Within Normal Limits, Uvula Midline

No: Tonsillar Exudate, Erythema, Uvula Deviation, Tonsillar Hypertrophy

Neck**General**

Inmate Name: EBBERS, BERNARD J

Date of Birth: [REDACTED]

Encounter Date: 10/16/2018 08:52

Sex: M Race: WHITE

Provider: Mercado, Sergio MD

Reg #: 56022-054

Facility: FTW

Unit: D09

Exam:

Yes: Within Normal Limits, Supple, Symmetric, Trachea Midline

No: Growth/Mass(es)

Pulmonary**Auscultation**

Yes: Clear to Auscultation

No: Crackles, Wheezing

Cardiovascular**Auscultation**

Yes: Regular Rate and Rhythm (RRR)

No: Systolic Murmur, Diastolic Murmur

Abdomen**Inspection**

Yes: Inguinal Hernia, Diastasis Recti

Palpation

Yes: Soft

No: Guarding, Rigidity

Exam Comments

Hgb= 12.89 (L) Hct= 39.18 (L)

A1c= 6.3 (H)

Left Inguinal Hernia

ASSESSMENT:

Cardiomyopathy in other diseases classified else, 425.8 - Current

Hyperlipidemia, mixed, 272.2 - Current

Hypertension, Unspecified essential, 401.9 - Current

Macular degeneration (senile), unspecif, 362.50 - Current

Blindness, both eyes, H540 - Current - *Legally blind in both eye due to end stage Exudative Age Related Macular Edema*

Heart failure, I509 - Current

Inguinal hernia, K4090 - Current - *Left side inguinal hernia*

Low vision, both eyes, H542 - Current

Prediabetes, R7303 - Current

Presence of automatic (implantable) cardiac defibrillator, Z95810 - Current

Unspecified disorder of eye and adnexa, H579 - Current

PLAN:**Renew Medication Orders:**

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
369722-FTW	Aspirin 81 MG EC Tab	10/16/2018 08:52	Take one tablet (81 MG) by mouth every morning with food x 365 day(s)
369723-FTW	Atorvastatin 10 MG Tab	10/16/2018 08:52	Take one tablet (10 MG) by mouth each evening x 365 day(s)

Indication: Hyperlipidemia, mixed, Hypertension, Unspecified essential

Indication: Hyperlipidemia, mixed, Heart failure

Inmate Name: EBBERS, BERNARD J

Date of Birth: [REDACTED]

Encounter Date: 10/16/2018 08:52

Sex: M Race: WHITE

Provider: Mercado, Sergio MD

Reg #: 56022-054

Facility: FTW

Unit: D09

Renew Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
393831-FTW	Lisinopril 5 MG Tab	10/16/2018 08:52	Take three tablets (15 MG) by mouth each day ***note increased dose*** (per cardiology) x 365 day(s)
Indication: Hypertension, Unspecified essential, Cardiomyopathy in other diseases classified else			
369726-FTW	Metoprolol Succ XL 24 Hour 25 MG Tab	10/16/2018 08:52	Take one tablet (25 MG) by mouth each day x 365 day(s)
Indication: Cardiomyopathy in other diseases classified else, Heart failure			

New Laboratory Requests:

<u>Details</u>	<u>Frequency</u>	<u>Due Date</u>	<u>Priority</u>
Chronic Care Clinics-Cardiac-CBC w/diff	One Time	09/02/2019 00:00	Routine
Chronic Care Clinics-Cardiac-Lipid Profile			
Chronic Care Clinics-Cardiac-TSH			
Chronic Care Clinics-Diabetic-Hemoglobin A1C			
Lab Tests-V-Vitamin D, 25-Hydroxy			
Chronic Care Clinics-Cardiac-Comprehensive Metabolic Profile (CMP)			
Chronic Care Clinics-Hypertension-Urinalysis w/Reflex to Microscopic			
Lab Tests-H-H. Pylori Antigen, stool	One Time	12/21/2018 00:00	Routine
Lab Tests-I-Iron & TIBC (%sat)			

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Cardiology	12/31/2018	12/31/2018	Urgent	No	

Subtype:

Echocardiogram

Reason for Request:

77 year old inmate with Cardiomyopathy, CHF, Hypertension who needs an echocardiogram prior to being seen by cardiology.

Provisional Diagnosis:

Cardiomyopathy, CHF, Hypertension

Ophthalmology	12/31/2018	12/31/2018	Urgent	No
---------------	------------	------------	--------	----

Subtype:

Offsite Appt

Reason for Request:

This inmate was evaluated by Ophthalmology and found to be legally blind due to end stage EARMD and the recommendation is to perform an OCT of the macula at the next available appointment.

Provisional Diagnosis:

end stage ARMD

General Surgery	02/28/2019	02/28/2019	Routine	No
-----------------	------------	------------	---------	----

Subtype:

Inhouse General Surgery Consult

Reason for Request:

This is for an evaluation of this 77 year old inmate who has a left inguinal hernia that is becoming symptomatic. Hernia increases in size with walking and pain is improved when he manually reduces the hernia. This inmate does have multiple co-morbidities that might require clearance prior to getting any surgery, so this request is to see if this is something that will end up requiring surgery. Inmate is aged 77

Inmate Name: EBBERS, BERNARD J
 Date of Birth: [REDACTED]
 Encounter Date: 10/16/2018 08:52

Sex: M Race: WHITE
 Provider: Mercado, Sergio MD

Reg #: 56022-054
 Facility: FTW
 Unit: D09

and he still has about 10 more years to serve.

Provisional Diagnosis:

Left inguinal hernia

Cardiology 02/28/2019 02/28/2019 Routine No

Subtype:

Inhouse Cardiology

Reason for Request:

This is for a cardiology follow up after the ICD check and echocardiogram due to CHF.

Provisional Diagnosis:

Cardiomyopathy, HTN, CHF

New Non-Medication Orders:

<u>Order</u>	<u>Frequency</u>	<u>Duration</u>	<u>Details</u>	<u>Ordered By</u>
Fecal Occult Blood	One Time		Fecal Immunochemical Test (FIT)	Mercado, Sergio MD
Order Date:		10/16/2018		

Disposition:

- Follow-up at Sick Call as Needed
- Follow-up at Chronic Care Clinic as Needed

Other:

CARE 3, next CCC in one year with interim follow up through sick call and/or MLP CCC follow up as needed.

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
10/16/2018	Counseling	Compliance - Treatment	Mercado, Sergio	Verbalizes Understanding
10/16/2018	Counseling	Plan of Care	Mercado, Sergio	Verbalizes Understanding

Copay Required: No **Cosign Required:** No
Telephone/Verbal Order: No
 Completed by Mercado, Sergio MD on 12/07/2018 15:02

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	[REDACTED]	Sex:	M Race: WHITE
Note Date:	08/28/2018 16:06	Provider:	Mercado, Sergio MD
		Facility:	FTW
		Unit:	D09

Review Note - Consultation Report Review encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Mercado, Sergio MD

Cardiology consultation review and Cardiac device check.

Treatment recommendations as follows:

New Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
	Lisinopril Tablet	08/28/2018 16:06	15mg Orally - daily x 365 day(s)
Indication: Hypertension, Unspecified essential, Cardiomyopathy in other diseases classified else			

Discontinued Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
369725-FTW	Lisinopril 10 MG Tab	08/28/2018 16:06	Take one tablet (10 MG) by mouth each day

Discontinue Type: When Pharmacy Processes

Discontinue Reason: Order changed

Indication:

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Cardiology	11/30/2018	11/30/2018	Routine	No	

Subtype:

Device check

Reason for Request:

This is for routine follow up s/p recent medication changes. Patient with ischemic cardiomyopathy with stable Ef.

Provisional Diagnosis:

Ischemic cardiomyopathy with cardiac device.

Cardiology	10/26/2018	10/26/2018	Routine	No
------------	------------	------------	---------	----

Subtype:

Inhouse Cardiology

Reason for Request:

This is for a routine I Biventricular ICD check to be done prior to next Cardiology consultation.

Provisional Diagnosis:

CHF, Ischemic cardiomyopathy.3

St. Jude BIV ICD

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Mercado, Sergio MD on 08/28/2018 16:12

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name: EBBERS, BERNARD J	Reg #: 56022-054
Date of Birth: [REDACTED]	Sex: M Race: WHITE Facility: FTW
Note Date: 06/13/2018 08:19	Provider: Sebastian, B. DO Unit: D09

Admin Note - Orders encounter performed at Telehealth.

Administrative Notes:

ADMINISTRATIVE NOTE 1 **Provider:** Sebastian, B. DO
Scabies- Close contact.

Weight:

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
06/08/2018	13:00 FTW	192.0	87.1		Barnett, D. MA

ASSESSMENTS:

Exposure to scabies, Z207S - Current

New Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
	Ivermectin Tablet	06/13/2018 08:19	6 tabs Orally - daily x 8 day(s) Pill Line Only -- repeat additional dose in 7 days

Indication: Exposure to scabies

Copay Required: No **Cosign Required:** No

Telephone/Verbal Order: No

Completed by Sebastian, B. DO on 06/13/2018 08:21

**Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex: M Race: WHITE	Facility: FTW
Note Date:	05/03/2018 13:27	Provider: Heller, Barry RHIT	Unit: D09

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1

Provider: Heller, Barry RHIT

Provided BEMR records from 1-1-18 through 4-30-18, 59 pages. No mental health or HIV records provided.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Heller, Barry RHIT on 05/03/2018 13:33

**Bureau of Prisons
Health Services
Medication Summary
Current as of 04/11/2019 13:47**

Complex: FTW--FORT WORTH FMC	Begin Date: N/A	End Date: N/A
Inmate: EBBERS, BERNARD J	Reg #: 56022-054	Quarter: D09-279U

Medications listed reflect prescribed medications from the begin date to end date on this report.

Allergies: Denied

Active Prescriptions

Aspirin 81 MG EC Tab

Take one tablet (81 MG) by mouth every morning with food

Rx#: 404912-FTW **Doctor:** Mercado, Sergio MD

Start: 12/10/18 **Exp:** 12/10/19

Pharmacy Dispensings: 120 TAB in 123 days

Atorvastatin 10 MG Tab

Take one tablet (10 MG) by mouth each evening

Rx#: 404913-FTW **Doctor:** Mercado, Sergio MD

Start: 12/10/18 **Exp:** 12/10/19

Pharmacy Dispensings: 120 tab in 123 days

Ferrous Gluconate 324 (5 GR) MG Tab

Take one tablet by mouth twice daily

Rx#: 409425-FTW **Doctor:** Mercado, Sergio MD

Start: 01/25/19 **Exp:** 01/25/20

Pharmacy Dispensings: 180 TAB in 77 days

Lisinopril 5 MG Tab

Take three tablets (15 MG) by mouth each day

Rx#: 404914-FTW **Doctor:** Mercado, Sergio MD

Start: 12/10/18 **Exp:** 12/10/19

Pharmacy Dispensings: 360 TAB in 123 days

Metoprolol Succ XL 24 Hour 25 MG Tab

Take one tablet (25 MG) by mouth each day

Rx#: 404915-FTW **Doctor:** Mercado, Sergio MD

Start: 12/10/18 **Exp:** 12/10/19

Pharmacy Dispensings: 120 TAB in 123 days

**Bureau of Prisons
Health Services
Health Problems**

Reg #: 56022-054

Inmate Name: EBBERS, BERNARD J

Description	Axis	Code Type	Code	Diag. Date	Status	Status Date
Current						
Hyperlipidemia, mixed						
11/08/2012 16:22 EST Jones, Roger MD/CD	III	ICD-9	272.2	12/01/2008	Current	11/08/2012
11/21/2011 14:02 EST Palispis, G. R. MD	III	ICD-9	272.2	12/01/2008	Resolved	11/21/2011
12/01/2008 17:34 EST Frias, R. MLP	III	ICD-9	272.2	12/01/2008	Current	12/01/2008
Macular degeneration (senile), unspecif						
04/20/2012 11:20 EST Gerdes, Gerald OD	III	ICD-9	362.50	04/20/2012	Current	04/20/2012
Cataract, unspecified						
02/11/2011 11:30 EST Palispis, G. R. MD	III	ICD-9	366.9	02/11/2011	Current	02/11/2011
Hypertension, Unspecified essential						
11/08/2012 16:22 EST Jones, Roger MD/CD	III	ICD-9	401.9	11/10/2008	Current	11/08/2012
11/21/2011 14:02 EST Palispis, G. R. MD	III	ICD-9	401.9	11/10/2008	Resolved	11/21/2011
11/10/2008 14:08 EST Frias, R. MLP	III	ICD-9	401.9	11/10/2008	Current	11/10/2008
Cardiomyopathy in other diseases classified else						
08/24/2016 15:56 EST Peloquin, C. ANP-BC 08/24/16 EF 25-30%	III	ICD-9	425.8	11/24/2009	Current	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD 3/08/10 had ECHO done with an EF of 35-40%. no current evidence, patient denies, runs 7mi/day	III	ICD-9	425.8	11/24/2009	Current	11/08/2012
09/10/2010 16:30 EST Freeborn, Isaac MD 3/08/10 had ECHO done with an EF of 35-40%. no current evidence, patient denies, runs 7mi/day	III	ICD-9	425.8	11/24/2009	Resolved	11/24/2009
09/10/2010 16:28 EST Freeborn, Isaac MD no evidence, patient denies, runs 7mi/day	III	ICD-9	425.8	11/24/2009	Resolved	11/24/2009
11/24/2009 15:07 EST Villalon, Salvador MD	III	ICD-9	425.8	11/24/2009	Current	11/24/2009
Dermatitis/eczema due to unspecified cause						
06/05/2013 15:50 EST Starr, Yolanda FNP-BC	III	ICD-9	692.9	06/05/2013	Current	06/05/2013
Herpes zoster (shingles)						
02/20/2019 13:33 EST Eilert, Charles D.O.		ICD-10	B029	02/20/2019	Current	
Dermatophytosis [tinea, ringworm]						

Reg #: 56022-054

Inmate Name: EBBERS, BERNARD J

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
01/23/2018 10:28 EST Been, Candace PA-C		ICD-10	B359	01/23/2018	Current	
Iron deficiency anemia						
01/24/2019 17:11 EST Mercado, Sergio MD		ICD-10	D509	01/24/2019	Current	
Presbyopia						
07/28/2016 14:32 EST Nwafor, Shamekia OD		ICD-10	H524	07/28/2016	Current	
Blindness, both eyes						
12/07/2018 15:15 EST Mercado, Sergio MD Legally blind in both eye due to end stage Exudative Age Related Macular Edema		ICD-10	H540	12/07/2018	Current	
Low vision, both eyes						
05/01/2017 12:41 EST Mercado, Sergio MD secondary to ARMD (VA= 20/400 OU)		ICD-10	H542	05/01/2017	Current	
05/01/2017 12:40 EST Mercado, Sergio MD secondary to ARMD		ICD-10	H542	05/01/2017	Current	
Unspecified disorder of eye and adnexa						
06/03/2016 16:07 EST Savant, Theresa FNP Bilateral: Dry eye syndrome, pseudophakia		ICD-10	H579	06/03/2016	Current	
Heart failure						
08/25/2016 11:12 EST Savant, Theresa FNP CHF by Framingham criteria		ICD-10	I509	08/25/2016	Current	
Inguinal hernia						
12/07/2018 15:15 EST Mercado, Sergio MD Left side inguinal hernia		ICD-10	K4090	12/07/2018	Current	
Local infection of the skin and subcutaneous tissue, unsp						
01/23/2018 11:55 EST Been, Candace PA-C buttocks, right thigh		ICD-10	L089	01/23/2018	Current	
01/23/2018 10:28 EST Been, Candace PA-C		ICD-10	L089	01/23/2018	Current	
Sicca syndrome, unspecified						
05/01/2017 12:31 EST Mercado, Sergio MD		ICD-10	M3500	05/01/2017	Current	
Prediabetes						
01/26/2018 17:21 EST Mercado, Sergio MD		ICD-10	R7303	01/26/2018	Current	
Presence of automatic (implantable) cardiac defibrillator						
03/01/2017 16:45 EST Savant, Theresa FNP		ICD-10	Z95810	02/23/2017	Current	

Reg #: 56022-054

Inmate Name: EBBERS, BERNARD J

Description	Axis	Code Type	Code	Diag. Date	Status	Status Date
Remission						
Follicular disorder, unspecified						
12/07/2018 15:13 EST Mercado, Sergio MD bacterial VS candidal		ICD-10	L739	02/16/2018	Remission	12/07/2018
02/16/2018 11:34 EST Naeem, Mohammad MLP bacterial VS candidal		ICD-10	L739	02/16/2018	Current	
Chest pain, unspecified						
01/26/2018 17:19 EST Mercado, Sergio MD		ICD-10	R079	10/14/2016	Remission	01/26/2018
10/14/2016 20:17 EST Savant, Theresa FNP		ICD-10	R079	10/14/2016	Current	
Injury, Eye/Orbit Injury						
12/07/2018 15:13 EST Mercado, Sergio MD Left eye orbital floor fracture with reconstruction.		ICD-10	S0590X	01/26/2018	Remission	12/07/2018
01/26/2018 17:20 EST Mercado, Sergio MD Left eye orbital floor fracture with reconstruction.		ICD-10	S0590X	01/26/2018	Current	
Resolved						
Scabies						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	133.0	08/19/2013	Resolved	10/08/2013
10/09/2013 13:30 EST Autin, Carol RN, IOP/IDC	III	ICD-9	133.0	08/19/2013	Resolved	10/08/2013
08/19/2013 08:07 EST Galante, Gaeton PA-C	III	ICD-9	133.0	08/19/2013	Current	08/19/2013
Sympathetic uveitis						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	360.11	12/18/2010	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD	III	ICD-9	360.11	12/18/2010	Resolved	11/08/2012
12/18/2010 10:43 EST Freeborn, Isaac MD	III	ICD-9	360.11	12/18/2010	Current	12/18/2010
Peripheral retinal degeneration, unspecified						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	362.60	02/27/2009	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD	III	ICD-9	362.60	02/27/2009	Resolved	11/08/2012
03/05/2009 15:48 EST Frias, R. MLP	III	ICD-9	362.60	02/27/2009	Current	02/27/2009
Aphakia						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	379.31	07/17/2014	Resolved	07/17/2014
07/17/2014 09:56 EST Nwafor, Shamekia OD	III	ICD-9	379.31	07/17/2014	Current	07/17/2014
Acute upper respiratory infection of unspec site						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	465.9	11/24/2009	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD	III	ICD-9	465.9	11/24/2009	Resolved	11/08/2012
11/24/2009 14:52 EST Villalon, Salvador MD	III	ICD-9	465.9	11/24/2009	Current	11/24/2009

Reg #: 56022-054

Inmate Name: EBBERS, BERNARD J

Description	Axis	Code Type	Code	Diag. Date	Status	Status Date
Dental caries, unspecified						
02/23/2016 07:20 EST SYSTEM possibility of irreversible pulpitis	III	ICD-9	521.00	12/06/2010	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD possibility of irreversible pulpitis	III	ICD-9	521.00	12/06/2010	Resolved	11/08/2012
12/06/2010 12:11 EST Bacon, Richard E. DDS possibility of irreversible pulpitis	III	ICD-9	521.00	12/06/2010	Remission	12/06/2010
Periapical abscess without sinus						
02/23/2016 07:20 EST SYSTEM apical abscess and advanced periodontal condition	III	ICD-9	522.5	09/30/2009	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD apical abscess and advanced periodontal condition	III	ICD-9	522.5	09/30/2009	Resolved	11/08/2012
09/30/2009 09:34 EST Bacon, Richard E. DDS apical abscess and advanced periodontal condition	III	ICD-9	522.5	09/30/2009	Current	09/30/2009
Urticaria, chronic, other specified						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	708.8	07/29/2013	Resolved	08/07/2014
08/07/2014 11:02 EST Tubera, Butch MD, CD	III	ICD-9	708.8	07/29/2013	Resolved	08/07/2014
07/29/2013 10:21 EST Shalabi, R. MLP	III	ICD-9	708.8	07/29/2013	Current	07/29/2013
Rash and other nonspecific skin eruption						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	782.1	06/25/2013	Resolved	07/17/2013
07/17/2013 15:34 EST Fletcher, Kenneth APRN, ANP-C	III	ICD-9	782.1	06/25/2013	Resolved	07/17/2013
06/25/2013 10:08 EST Galante, Gaeton PA-C	III	ICD-9	782.1	06/25/2013	Current	06/25/2013
Cough						
02/23/2016 07:20 EST SYSTEM	III	ICD-9	786.2	03/30/2010	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/CD	III	ICD-9	786.2	03/30/2010	Resolved	11/08/2012
03/30/2010 15:16 EST Frias, R. MLP	III	ICD-9	786.2	03/30/2010	Current	03/30/2010
Retinopathy, NOS						
12/07/2018 15:13 EST Mercado, Sergio MD Severe Proliferative Diabetic retinopathy OD		ICD-10	H3500	07/28/2016	Resolved	12/07/2018
07/28/2016 14:32 EST Nwafor, Shamekia OD Severe Proliferative Diabetic retinopathy OD		ICD-10	H3500	07/28/2016	Current	
Dermatitis due to unspecified substance taken internally						
01/26/2018 17:19 EST Mercado, Sergio MD		ICD-10	L279	12/05/2017	Resolved	01/26/2018
12/05/2017 09:54 EST Been, Candace PA-C		ICD-10	L279	12/05/2017	Current	
Abnormal results of function studies of organs and systems						

Reg #: 56022-054

Inmate Name: EBBERS, BERNARD J

Description	Axis	Code Type	Code	Diag. Date	Status	Status Date
03/01/2017 16:45 EST Savant, Theresa FNP Positive Stress Test		ICD-10	R948	08/24/2016	Resolved	03/01/2017
08/24/2016 15:56 EST Peloquin, C. ANP-BC Positive Stress Test		ICD-10	R948	08/24/2016	Current	
Injury, unspecified						
12/07/2018 15:13 EST Mercado, Sergio MD left eye due to trauma received 9/5/2017		ICD-10	T1490	09/12/2017	Resolved	12/07/2018
09/12/2017 15:51 EST Frykman, M. RN/FNP left eye due to trauma received 9/5/2017		ICD-10	T1490	09/12/2017	Current	09/12/2017
Exposure to scabies						
12/07/2018 15:13 EST Mercado, Sergio MD		ICD-10	Z207S	06/13/2018	Resolved	12/07/2018
06/13/2018 09:20 EST Sebastian, B. DO		ICD-10	Z207S	06/13/2018	Current	
Macular degeneration (senile), unspecif						
02/23/2016 07:20 EST SYSTEM s/p intravitreal injection OD on 3/19/09, 5/06/09 and 10/16/09 s/p intravitreal injection OS on 6/10/09 and 7/15/09 - duplicate	III	ICD-9	362.50	05/11/2009	Resolved	11/08/2012
11/08/2012 16:22 EST Jones, Roger MD/GD s/p intravitreal injection OD on 3/19/09, 5/06/09 and 10/16/09 s/p intravitreal injection OS on 6/10/09 and 7/15/09 - duplicate	III	ICD-9	362.50	05/11/2009	Resolved	11/08/2012
11/24/2009 14:48 EST Villalon, Salvador MD s/p intravitreal injection OD on 3/19/09, 5/06/09 and 10/16/09 s/p intravitreal injection OS on 6/10/09 and 7/15/09	III	ICD-9	362.50	05/11/2009	Current	05/11/2009
08/20/2009 12:49 EST Villalon, Salvador MD s/p intravitreal injection OD on 3/19/09 and 5/06/09 s/p intravitreal injection OS on 6/10/09 and 7/15/09	III	ICD-9	362.50	05/11/2009	Current	05/11/2009
05/11/2009 09:37 EST Villalon, Salvador MD s/p intravitreal injection OD on 3/19/09 and 5/06/09	III	ICD-9	362.50	05/11/2009	Current	05/11/2009

Total: 38

**Bureau of Prisons
Health Services
Immunizations**

Begin Date: 03/11/2000

End Date: 04/11/2019

Reg #: 56022-054

Inmate Name: EBBERS, BERNARD J

<u>Immunization</u>	<u>Immunization Date</u>	<u>Administered</u>	<u>Location</u>	<u>Dosage</u>	<u>Drug Mfg.</u>	<u>Lot #</u>	<u>Exp Date</u>
H1N1	02/03/2010	Now	Left Deltoid	0.5mL	Novartis	10247P1	04/30/2010
	Orig Entered: 02/03/2010 11:46 EST	Sonnier, Clint RN/HSS History Unknown					
Hepatitis A Series							
	Orig Entered: 05/03/2017 09:35 EST	Naeem, Mohammad MLP History Unknown					
Hepatitis B Series							
	Orig Entered: 05/03/2017 09:35 EST	Naeem, Mohammad MLP					
Influenza - Trivalent	10/12/2016	Now	Left Deltoid	0.5mL	Other	14249221a	06/30/2017
	Orig Entered: 10/12/2016 13:54 EST	Ducote, Kerstin RN					
Influenza - Trivalent	10/07/2015	Now	Left Deltoid	0.5mL	Other	1094211A	06/30/2016
	BioCSL Pty Ltd						
	Orig Entered: 10/07/2015 13:13 EST	Autin, Carol RN IOP/IDC					
Influenza - Trivalent	10/22/2014	Now	Right Deltoid	0.5mL	GSK	239JD	06/30/2015
	Orig Entered: 10/22/2014 10:53 EST	Bradford, Patricia RN					
Influenza - Trivalent	09/30/2013	Now	Left Deltoid	0.5mL	GSK	DF3KK	06/30/2014
	Orig Entered: 09/30/2013 12:04 EST	Autin, Carol RN IOP/IDC					
Influenza - Trivalent	10/04/2012	Now	Left Deltoid	0.5mL	Novartis	1205801	06/30/2014
	Orig Entered: 10/04/2012 12:09 EST	Soileau, Lisa RN IOP/IDC					
Influenza - Trivalent	11/01/2011	Now	Left Deltoid	0.5mL	Sanofi Pasteur	UH463AC	06/30/2012
	Orig Entered: 11/01/2011 12:46 EST	Manuel, Rachel LPN					
Influenza - Trivalent	10/27/2010	Now	Left Deltoid	0.5mL	Sanofi Pasteur	U3726AA	06/30/2011
	Orig Entered: 10/27/2010 09:28 EST	Howard, Heather HSA/RN					
Influenza - Trivalent	10/16/2009	Now	Right Deltoid	0.5mL	Novartis	98446P1	06/30/2010
	Orig Entered: 10/16/2009 13:16 EST	Sonnier, Clint RN/HSS					
Influenza - Trivalent	10/12/2009	Unavailable					
	Duplicate order						
	Orig Entered: 10/12/2009 14:29 EST	Soileau, Lisa RN IOP/IDC					
Influenza - Trivalent	10/24/2008	Now	Left Deltoid	1mL	GSK	09795-002	06/30/2009
	Orig Entered: 10/24/2008 12:07 EST	Soileau, Lisa RN IOP/IDC					

Begin Date: 03/11/2000**End Date:** 04/11/2019**Reg #:** 56022-054**Inmate Name:** EBBERS, BERNARD J

<u>Immunization</u>	<u>Immunization Date</u>	<u>Administered</u>	<u>Location</u>	<u>Dosage</u>	<u>Drug Mfg.</u>	<u>Lot #</u>	<u>Exp Date</u>
Influenza - Immunization Afluria quadrivalent	10/25/2018	Now	Right Deltoid	0.5mL	Seqirus	03344621A	06/30/2019
Orig Entered: 10/25/2018 16:31 EST		Valenzuela, Sara RN/IDC					
Influenza - Quadrivalent	10/27/2017	Refused					
Orig Entered: 10/27/2017 12:10 EST		Rivers, Kathleen RN					
Measles/Mumps/Rubella Series		History Unknown					
Orig Entered: 05/03/2017 09:35 EST		Naeem, Mohammad MLP					
Measles/Mumps/Rubella Series 07/20/2016		Refused					
Orig Entered: 07/20/2016 15:27 EST		Ducote, Kerstin RN					
Pneumovax 23 consent form signed	11/14/2017	Now	Right Deltoid	0.5mL	Merck	n014188	01/31/2019
Orig Entered: 11/14/2017 11:35 EST		Warren, L. LPN					
Pneumovax 23	10/30/2013	Now	Left Deltoid	0.5mL	Merck	j006082	04/30/2014
Orig Entered: 10/30/2013 10:42 EST		Taylor, R. RN					
Pneumovax 23	11/14/2012	Now	Left Deltoid	0.5mL	Merck	0087AE	08/31/2013
Orig Entered: 11/14/2012 09:20 EST		Autin, Carol RN IOP/IDC					
Smallpox Series		History Unknown					
Orig Entered: 05/03/2017 09:35 EST		Naeem, Mohammad MLP					
Tdap	07/20/2016	Refused					
Orig Entered: 07/20/2016 15:32 EST		Ducote, Kerstin RN					
Tetanus		History Unknown					
Orig Entered: 05/03/2017 09:35 EST		Naeem, Mohammad MLP					
Varicella Series		History Unknown					
Orig Entered: 05/03/2017 09:35 EST		Naeem, Mohammad MLP					
Total: 24							

Report Status: Final
EBBERS, BERNARD

© 2015 Quest Diagnostics Incorporated. All rights reserved. SCLX - 153286



Patient Information	Specimen Information	Client Information
EBBERS, BERNARD DOB: ████████ AGE: 77 Gender: M Phone: NG Patient ID: 56022-054	Specimen: DL354572G Requisition: 0021657 Collected: 12/18/2018 / 07:00 CST Received: 12/19/2018 / 02:10 CST Reported: 12/20/2018 / 13:05 CST	Client #: 33918 30FW140 MERCADO, SERGIO FEDERAL MEDICAL CTR 3150 HORTON RD FOREST HILL, TX 76119-5905

Test Name	In Range	Out Of Range	Reference Range	Lab
-----				RGA

HELICOBACTER PYLORI AG, EIA, STOOL

MICRO NUMBER: 81967278
 TEST STATUS: FINAL
 SPECIMEN SOURCE: MALE
 SPECIMEN QUALITY: ADEQUATE
 RESULT: Not Detected

Antimicrobials, proton pump inhibitors, and bismuth preparations inhibit H. pylori and ingestion up to two weeks prior to testing may cause false negative results. If clinically indicated the test should be repeated on a new specimen obtained two weeks after discontinuing treatment.

PERFORMING SITE:

RGA QUEST DIAGNOSTICS HOUSTON, 5850 ROGERDALE ROAD, HOUSTON, TX 77072-1602 Laboratory Director: JULIA KENNY, M.D., CLIA: 45D0660150

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Encounter Date:	12/26/2018 12:58	Provider:	Lab Result Receive
		Race:	WHITE
		Facility:	FTW

Cosigned by Baruti, A. MD on 12/26/2018 14:05.



FMC Butner
 1000 Old Highway NC 75
 Butner, NC 27509
 919-575-3900 x5707

*** Sensitive But Unclassified ***

Name EBBERS, BERNARD	Facility FMC Fort Worth	Collected 12/17/2018 09:33
Reg # 56022-054	Order Unit D09-279U	Received 12/18/2018 10:35
DOB [REDACTED]	Provider Sergio Mercado, MD	Reported 12/18/2018 11:39
Sex M		LIS ID 341182242

CHEMISTRY				
Iron	L	17	65-175	ug/dL
TIBC	L	196	237-450	ug/dL
% Saturation	L	9	20-50	%

FLAG LEGEND L=Low LI=Low Critical H=High HI=High Critical A=Abnormal AI=Abnormal Critical

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Encounter Date:	12/18/2018 11:43	Provider:	Lab Result Receive
		Race:	WHITE
		Facility:	FTW

Cosigned with New Encounter Note by Mercado, Sergio MD on 01/24/2019 16:08.



FMC Butner
 1000 Old Highway NC 75
 Butner, NC 27509
 919-575-3900 x5707

*** Sensitive But Unclassified ***

Name EBBERS, BERNARD	Facility FMC Fort Worth	Collected 07/30/2018 08:52
Reg # 56022-054	Order Unit D09-279U	Received 07/31/2018 10:48
DOB [REDACTED]	BUX Unit	Reported 07/31/2018 12:46
Sex M	Provider Sergio Mercado, MD	LIS ID 162181856

CHEMISTRY

Cholesterol	119	<200	mg/dL
Triglycerides	52	<150	mg/dL
HDL Cholesterol	46	40-60	mg/dL
LDL Cholesterol (calc)	63	<130	mg/dL
Chol/HDL Ratio	2.6	0.0-4.0	

SPECIAL CHEMISTRY

TSH	1.158	0.350-4.940	uIU/mL
-----	-------	-------------	--------

HEMOGLOBIN A1C

Hemoglobin A1C	H	6.3	<5.7	%
5.7 - 6.4 Increased Risk				
> 6.4 Diabetes				

FLAG LEGEND L=Low LI=Low Critical H=High HI=High Critical A=Abnormal AI=Abnormal Critical

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Encounter Date:	07/31/2018 13:37	Provider:	Lab Result Receive
		Race:	WHITE
		Facility:	FTW

Cosigned by Mercado, Sergio MD on 08/28/2018 16:04.

FEDERAL MEDICAL CENTER,
SCOTT BEVAN, MD./ DIRECTOR

3150 Horton Dr
Software 2A6

Fort Worth, 76119
817-413-3475

First Name: BERNARD : Gender: Male
Last Name: EBBERS Physician: MERCADO, SERGIO
Patient ID: 56022-054 Age: 76 Years Date of Birth: [REDACTED]
: : Drawn Date: 07/30/2018
: :
: :

Date: 7/30/2018 Sample ID: 162181856 Cass / Pos: 003405 Operator ID: LABADMIN
Time: 9:54:09 Sample Type: CD A Completed Listname: 01U7UD8E Instrument: Instrument 1

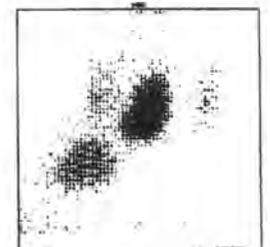
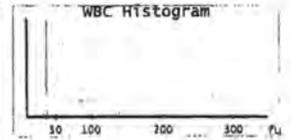
			Low	High
WBC	8.11	10 ³ /μL	4.30	10.30
NE %	68.0	%	41.0	73.0
LY %	19.6	%	19.4	44.9
MO %	7.8	%	5.1	10.9
EO %	2.5	%	0.9	6.0
BA %	2.1	H %	0.3	1.5
NE #	5.5	10 ³ /μL	2.1	6.1
LY #	1.6	10 ³ /μL	1.3	3.5
MO #	0.6	10 ³ /μL	0.3	0.9
EO #	0.2	10 ³ /μL	0.0	0.5
BA #	0.2	10 ³ /μL		0.2

Limit Set Name: Neut
Adult

Last Modified: 3/2/2017

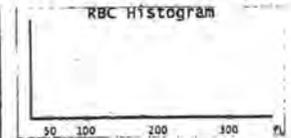
By: LabAdmin

WBC Est	
Neut	
Lymph	
Mono	
Eos	
Baso	
NRBC	
Band	
Imm Gran	
Var Lymph	
Blast	



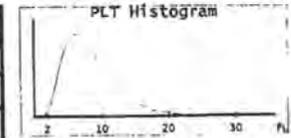
RBC	4.861	10 ⁶ /μL	4.380	5.770
HGB	12.89	L g/dL	13.60	17.20
HCT	39.18	L %	39.53	50.33
MCV	80.6	L fL	80.7	95.5
MCH	26.53	L pg	27.20	33.50
MCHC	32.91	g/dL	32.65	35.60
RDW	15.37	H %	11.77	14.30

RBC	



PLT	365.3	10 ³ /μL	156.0	373.3
MPV	9.29	fL	6.85	10.80

Platelet	



RET %		0.52	3.53
RET #		.0200	.1600

Retic	

Reviewed	
----------	--

Comments:

KM 0800

End of Completed Report

**Federal Medical Center, Fort Worth
3150 Horton Rd
Fort Worth, TX 76119**

Urinalysis Worksheet

Name: EBBERS, BERNARD 56022-054 [REDACTED]	Date/Time of Collection: 07 130 118 @ 0800
Reg #:	Tech: M.S / O.F / <u>K.M</u>
DOB: / / SEX: MALE	Provider: TUBERA/EILERT/BARUT/ <u>MERCADO</u> /HYDER/SEBASTIAN

Analyte	Reference range
Color (COL)	YELLOW
Clarity (CLA)	CLEAR
Spec. Gravity (SG)	1.005-1.030
Urobili(URO)	0.2-1.0 mg/dL
Blood (BLO)	NEG
Bilirubin (BIL)	NEG
Ketones (KET)	NEG (mg/dL)
Glucose (GLU)	NEG (mg/dL)
Protein (PRO)	NEG (mg/dL)
pH (pH)	5.0-7.5
Leukocyte Esterase(LEU)	NEG
Nitrite (NIT)	NEG

Results: Clinitek Printout

CLINITEK Advantus
+ Auto-Checks
Serial Number: 770514
03848 07-30-18 09:24
Tech ID:
ID: 56022-054EBBE
Strip:
MULTISTIX 10 SG
GLU NEGATIVE
BIL NEGATIVE
KET NEGATIVE
SG 1.025
BLO NEGATIVE
PH 5.5
PRO NEGATIVE
URO 0.2 E.U./dL
NIT NEGATIVE
LEU NEGATIVE
COL YELLOW
CLA CLEAR

K.M

Collection Method:

*midstream	<input checked="" type="checkbox"/>	*Indwelling Cath	<input type="checkbox"/>	*Cath leg/bag	<input type="checkbox"/>	*Straight cath*	<input type="checkbox"/>
------------	-------------------------------------	------------------	--------------------------	---------------	--------------------------	-----------------	--------------------------

Microscopic Analysis: Not Required **Culture Sent:** YES/NO

WBC/hpf:	Bact.(NEG-4+):	Mucus(NEG-4+):
RBC/hpf:	Casts/lpf:	Yeast(NEG-4+):
Epith/hpf:	Crys/hpf(NEG-4+):	Other:

Updated: 04/12/2018

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054		
Date of Birth:	██████████	Sex:	M	Race:	WHITE
Encounter Date:	07/31/2018 07:52	Provider:	Lab Result Receive	Facility:	FTW

Cosigned by Mercado, Sergio MD on 08/21/2018 11:38.

FEDERAL MEDICAL CENTER
 3150 HORTON RD
 FT WORTH, TX 76119
 817-413-3475

Patient Name: EBBERS BERNA
 Physician: MERCADO

ID: 56022-054

Sex: M Age: 76

Sample ID: 56022-054

Fluid: SERUM

Priority: ROUTINE

CLIA # 45D0676544

GLUCOSE		93.	mg/dL	70.	-	110.
UREA NITROGEN		17.	mg/dL	7.	-	24.
CREATININE		.9	mg/dL	.5	-	1.5
SODIUM		145.	mmol/L	137.	-	145.
POTASSIUM	HI	5.1	mmol/L	3.5	-	5.1
CHLORIDE		105.	mmol/L	95.	-	110.
CARBON DIOXIDE	HI	31.	mmol/L	22.	-	30.
CALCIUM		9.4	mg/dL	8.5	-	10.5
PHOSPHORUS		3.2	mg/dL	3.0	-	4.5
URIC ACID		5.2	mg/dL	4.0	-	9.0
TOTAL PROTEIN		8.2	g/dL	6.0	-	8.5
ALBUMIN		3.8	g/dL	3.4	-	5.2
AST		24.	U/L	10.	-	37.
ALT		20.	U/L	8.	-	40.
ALKP	HI	148.	U/L	49.	-	130.
GGT		36.	U/L	8.	-	40.
TOTAL BILI		.9	mg/dL	.1	-	1.1

Test Init Date: Jul 30 18 10:33:37
 coll.date/time:
 tech/date/time:

e704

 M. Staehle, CLS
 Medical Technologist
 FMC Fort Worth

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	EBBERS, BERNARD J	Reg #:	56022-054
Date of Birth:	██████████	Sex:	M
Encounter Date:	07/30/2018 10:51	Provider:	Lab Result Receive
		Race:	WHITE
		Facility:	FTW

Cosigned by Mercado, Sergio MD on 08/21/2018 11:37.

July 25,2019

Dear Customer:

The following is the proof-of-delivery for tracking number **788498853058**.

Delivery Information:

Status:	Delivered	Delivered to:	Shipping/Receiving
Signed for by:	S.WESTIN	Delivery location:	Fort Worth, TX
Service type:	FedEx Priority Overnight	Delivery date:	Jul 17, 2019 08:49
Special Handling:	Deliver Weekday		
	Direct Signature Required		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	788498853058	Ship date:	Jul 16, 2019
		Weight:	3.0 lbs/1.4 kg

Recipient:
Fort Worth, TX US

Shipper:
Madison, MS US

Thank you for choosing FedEx.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

AUG 12 2019

MEMORANDUM FOR ERIC D. WILSON, WARDEN
FEDERAL MEDICAL CENTER
FORT WORTH, TEXAS

FROM:

Zachary J. Kelton
Jean Hyle
Assistant Director/General Counsel

SUBJECT:

EBBERS, Bernard J.
Federal Register No. 56022-054
Request for Reduction in Sentence

Please be advised that Mr. Ebbers' request for a reduction in sentence (RIS) pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and PS 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), section 4(b) ("Elderly Inmates with Medical Conditions"), is denied. We have carefully reviewed the documentation submitted with this request and have consulted with DOP's Medical Director.

Section 4(b) of PS 5050.50 provides that an inmate who meets the following criteria may be considered for a RIS: (1) is age 65 and older; (2) suffers from chronic or serious medical conditions related to the aging process; (3) is experiencing deteriorating mental or physical health that substantially diminishes his ability to function in a correctional facility; (4) conventional treatment promises no substantial improvement to his mental or physical condition; and (5) has served at least 50 percent of his sentence.

Mr. Ebbers is 77 years old and has served 12 years and 10 months, or 51.5 percent, of his term of imprisonment. He has a history of hyperlipidemia, hypertension, cardiomyopathy, heart failure, macular degeneration, low vision in both eyes, and inguinal hernia. He is considered legally blind. He is closely

followed by cardiology and ophthalmology, and his treatment providers report that his medical conditions are chronic but stable at this time. Although Mr. Ebbers is visually impaired, he remains capable of independently performing his activities of daily living (ADLs) and instrumental ADLs such as bathing, dressing, grooming, toileting, ambulating, using the telephone with large numbers, managing his medication with a magnifying glass, performing light housekeeping, and navigating the correctional environment. He currently works as a unit orderly and has acknowledged he is not having any difficulties performing his duties. He also is physically active and capable of navigating stairs on the unit without difficulty.

As Mr. Ebbers is independent with the majority of his ADLs and instrumental ADLs and is not experiencing deteriorating mental or physical health that substantially diminishes his ability to function in a correctional facility, he does not meet the criteria for a RIS under section 4(b). Accordingly, his RIS request is denied.

Please provide Mr. Ebbers with a copy of this decision.

cc: J. Baltazar, Regional Director, South Central Region

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

S4 02 CR 1144

BERNARD J. EBBERS

DECLARATION OF JOY EBBERS BOURNE

Pursuant to 28 U.S.C. § 1746, I, JOY EBBERS BOURNE, state as follows:

1. My name is Joy Ebbers Bourne.
2. I am one of Bernard J. Ebbers' daughters.
3. Since my dad has been in prison, I have visited him regularly.
4. I am submitting this Declaration to detail the substantial changes I have observed in my dad's physical, mental, and overall health condition the past 6 months.
5. From February of 2019 to date, I have visited my dad approximately 10-11 times at FMC Ft. Worth.
6. I also speak to my dad frequently on the phone. On a typical week, I speak to my dad on the phone at least 5 times for 10-minute phone calls. On some weeks, I speak to him more often, and sometimes we have multiple phone calls during one day.
7. In February, I noticed that my dad was easily confused in several of our phone calls. Since I knew he had been recently diagnosed with anemia and was having trouble sleeping, I dismissed this confusion as being related to these conditions.
8. During visits in February and March, I would have to explain things to my dad repeatedly. He used to be a whip at numbers but could not recall basics like phone numbers or

dates. Dad told me then that he had tried to walk some for exercise, but after a couple of laps he got exhausted and had to sit. It would then take him several days to recover from the fatigue.

9. During visits in March and April of 2019, I observed that my dad's prior mental fog continued. His weight loss and weakness began to be evident. When walking into the visit room, he began to shuffle and have more difficulty finding us. Due to his vision, we have always had to stand so he could find us in the room. Now we would have to go to the center aisle to meet him and bring him to our seats.

10. In May of 2019, Dad reported that his lack of sleep had increased. He told me he wakes up every night around 2 AM, wet with sweat. He's unable to see what time it is due to vision so sometimes is up for rest of night. A few times he has ventured down the hall to the recreation room because there is a large clock on wall there and he can see time. He has been "caught" by guards in hallway, and they question him on why he's up at that time. He also reports struggling with making phone calls. He reported difficulties in not having phone calls go through, because he is not recalling the numbers properly or he cannot see the buttons on the phone. Phone calls are his lifeline, and he gets into a panic state when he can't get a call through.

11. In May, I also noticed that Dad was continuing to lose weight. He became and remains very thin. While visiting in May, I noticed that he was winded when he entered the visitation room from walking over from his unit. I observed him get tired very easily, even just talking. When we got up to have our picture made, he was unsteady on his feet. I had to help him stand and get steady. I have observed him trip often so I stay close by. I also noticed in May that he has developed a persistent cough. Throughout our visit, he had to cough every couple sentences. I believe this to be cardiac cough, a result of a weakened heart.

12. In June of 2019, I noticed that Dad continued to struggle with brain fog. He reported having a couple episodes where he wakes in the afternoon after a nap, thinks it is the next morning so gets fully dressed and ready for breakfast.

13. Also in June, I noticed continued weight loss. He reported that he was told he is 160 pounds. He walked into that visit hunched over, shuffling his feet, sweating, and out of breath from the short walk between buildings. He was very unsteady on his feet. He reported that he stays in his room and in his bed most of the day, because there are not many things he can do due to his eyesight but he also has an overall lack of energy.

14. In June, I noticed a significant change in his breathing. He gets short of breath easily with conversations. He has to pause to take a deep breath often. He commented on being short of breath often. Dad lives on the second floor, and stated he has to pause part way up due to shortness of breath and leg weakness.

15. In July 2019, we had to shorten our visits due to Dad's health. He gets tired more quickly and is weak. We used to visit from approximately 8:30 am - 2:00 pm. We now leave by noon so he can go rest. We also limit to one visit day per weekend because of the toll those visits take on him physically. When I hug him he is merely skin and bones. This man was walking 2 miles a couple days a week just a year ago. At times he slurs his words, and does not have the energy to engage in lengthy discussions.

16. On my last visit, on August 19, 2019, I gasped when my father walked in the room due to his physical deterioration in the short time since I had last visited. My mother, who was with me, teared up when she saw him. As I walked to meet him in center of room, I noticed

other visitors and inmates had paused to look at him and us. His appearance was shocking to those of us who see him regularly. (Other regular visitors as well.) My dad looks like a hospice patient. He is frail, weak, shuffles, is hunched over, is skin and bones, and is exhausted from the walk over to the visiting area. He spoke very softly but was communicative. His memory is fading, and he has lost all ability to do even simple work with numbers.

17. Every time I see my father, I fear it may be my last time.

18. I pray every day that my father can be released to live out his remaining days surrounded by his family.

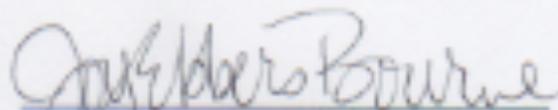
19. If released, either I or another family member will be with him constantly.

20. I met recently with a probation officer to approve the location where my father would live if released.

21. I pray that the Court will have compassion on my father and release him to his loving family.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2019.


JOY EBBERS BOURNE