

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA
Plaintiff(s)
v.
TERRY C. ELLISON
Defendant(s).

Case Number: CR00-PT-469-S

Inst # 2001-38580

09/06/2001-38580
02:32 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
008 CH 32.00

CERTIFICATE OF JUDGMENT

I, **Perry D. Mathis**, Clerk of the United States District Court for the Northern District of Alabama, do hereby certify that on the 22nd day of June, 2001, a Criminal Judgment was rendered in the United States District Court for the Northern District of Alabama, in the above-styled cause, wherein it was **ORDERED** by the Court that Blue Cross and Blue Shield recover restitution from Terry C. Ellison in the sum of \$220,840.52 Dollars. Judgment for Blue Cross was ordered by the court pursuant to the Victim and Witness Restitution Act. The address of Blue Cross is 450 Riverchase Parkway East, Birmingham, Alabama 35224. No costs were awarded and the interest rate in effect on the date of judgment is 3.46%.

WITNESS My Hand and Seal of this Court on August 30, 2001.

PERRY D. MATHIS, CLERK

By: *Y. Berry*
Deputy Clerk



UNITED STATES DISTRICT COURT
Northern District of Alabama

01 JUN 22 AM 9:47

UNITED STATES OF AMERICA

v.

Case Number CR 00-PT-469-S

TERRY C. ELLISON
Defendant.

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

ENTERED *rc*

JUN 22 2001

JUDGMENT IN A CRIMINAL CASE
(For Offense(s) Committed On or After November 1, 1987)

The defendant, TERRY C. ELLISON, was represented by Wilson Myers.

The defendant pleaded guilty to count(s) 1. Accordingly, the defendant is adjudged guilty of the following count(s), involving the indicated offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 U.S.C. § 1347(2)	Health Care Fraud	1

As pronounced on June 21, 2001, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, for count(s) 1, which shall be due immediately and may be collected in accordance with the Bureau of Prisons Inmate Financial Responsibility Program.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 21st day of June, 2001.

Robert L. Clark
Senior United States District Judge

Defendant's SSAN: [REDACTED]
Defendant's Date of Birth: 11/14/56
Defendant's address: 11108 County Road 51; Jemison, AL 35085



14

Defendant: TERRY C. ELLISON
Case Number: CR 00-PT-469-S

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWELVE MONTHS AND ONE DAY.

The defendant shall surrender to the United States marshal for this district or to the institution designated by the Bureau of Prisons on Tuesday, July 24, 2001 at 10:00 a.m.

The court recommends that defendant be placed in a facility where defendant may receive psychiatric/psychological counseling for schizord personality and gambling addition.

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By

Deputy Marshal

Defendant: TERRY C. ELLISON
Case Number: CR 00-PT-469-S

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 months. The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

STANDARD CONDITIONS OF SUPERVISED RELEASE

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime; specifically, the defendant shall not illegally possess a controlled substance and shall not own or possess a firearm or destructive device.
- 2) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 3) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 4) The defendant shall answer truthfully all inquiries by the probation officer, shall provide the probation officer access to requested financial information, and shall follow the instructions of the probation officer.
- 5) The defendant shall support his or her dependents and meet other family responsibilities.
- 6) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) The defendant shall notify the probation officer ten(10) days prior to any change in residence or employment. (On change of residence to a new jurisdiction of a person convicted either of a crime of violence or of a drug trafficking offense, the Probation Office is responsible for complying with the notice provisions of 18 U.S.C. § 4042(b).)
- 8) The defendant shall refrain from excessive use of alcohol, except that a defendant while in the Drug and Alcohol Intensive Counseling and Aftercare Service Program (DAICASP) (or comparable program in another district) shall consume no alcohol. The defendant shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 9) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 10) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 11) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 12) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 13) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 14) The defendant shall comply with any directions from the probation officer to serve notice of third party risks the defendant may pose, and shall cooperate with the officer's efforts to confirm compliance.
- 15) The defendant shall comply with the probation office's Policies and Procedures Concerning Court Ordered Financial Obligations to satisfy the balance of any monetary obligation resulting from the sentence imposed in the case. Further, the defendant shall notify the probation office of any change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine, restitution, or assessment fee. If the defendant becomes more than 60 days delinquent in payments of financial obligations, the defendant may be (a) required to attend a financial education or employment preparation program if and as directed by the probation officer, (b) placed on home confinement subject to electronic monitoring for a maximum period of 90 days at the direction of the probation officer (with the defendant to pay the cost of monitoring if the probation officer determines that the defendant has the ability to do so), and/or (c) placed in a residential treatment program or community corrections center for up to 180 days at the direction of the probation officer (with the defendant to pay the cost of subsistence if the probation officer determines that the defendant has the ability to do so).
- (16) Unless excused by a special condition of probation or supervised release in the Judgment or by a subsequent court order, the defendant shall comply with 18 U.S.C. § 3563 (a) (probation) or § 3583 (d) (supervised release) regarding mandatory drug testing (with the defendant to contribute to the cost of drug testing if the probation officer determines that the defendant has the ability to do so). A positive urinalysis may result in the defendant's placement in the probation office's Drug and Alcohol Intensive Counseling and Aftercare Service Program (DAICASP) (or comparable program in another district) at the direction of the probation officer.
- (17) The defendant may be placed in the probation office's Drug and Alcohol Intensive Counseling and Aftercare Service Program (DAICASP) (or comparable program in another district) by virtue of a special condition of probation or supervised release contained in the Judgment, at the direction of the probation officer after a positive urinalysis, or a court order entered during the period of probation or supervision for other good cause shown. This program may include (a) testing by the probation officer or an approved vendor to detect drug or alcohol abuse (with the defendant to contribute to the cost of drug testing if the probation officer determines that the defendant has the ability to do so), (b) a mandatory drug education program (which may include individual or group counseling provided by the probation office or an approved vendor with the defendant to contribute to the cost of drug/alcohol treatment if the probation officer determines that the defendant has the ability to do so), (c) placement in a residential treatment program or community corrections center for up to 180 days at the direction of the probation officer (with the defendant to pay the cost of subsistence if the probation officer determines that the defendant has the ability to do so), and (d) home confinement subject

to electronic monitoring for a maximum period of ninety (90) days at the direction of the probation officer (with the defendant to pay the cost of monitoring if the probation officer determines that the defendant has the ability to do so).

- (18) If ordered to a period of supervised release after incarceration, the defendant shall report in person, within 72 hours of release from the custody of the Bureau of Prisons, to the probation office in the district where the defendant is released.

Defendant: TERRY C. ELLISON
Case Number: CR 00-PT-469-S

SPECIAL CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall participate, if and as directed by the probation officer, in such mental health/vocational rehabilitation programs as the officer may direct. The defendant shall contribute to the cost of mental health treatment if the probation officer determines that the defendant has the ability to do so.
- 2) The mandatory drug testing provisions of 18 U.S.C. § 3583(d) are waived upon the court's finding that the offense of conviction is not drug-related, there is no current or past history of substance abuse, and there is a low risk of future substance abuse by the defendant.
- 3) The defendant shall not incur any new debts (other than normal debts for utilities and rental expenses) or open any new lines of credit without permission of the probation officer unless the defendant is in compliance with the payment of any monetary obligations ordered.

Defendant: TERRY C. ELLISON
Case Number: CR 00-PT-469-S

RESTITUTION AND FORFEITURE

RESTITUTION

The court, pursuant to the Victim and Witness Restitution Act, finds that the following is/are victim(s) of defendant's criminal conduct and has/have sustained loss in the indicated amounts and orders restitution by the defendant as follows:

<u>Name & address of payee(s)</u>	<u>Amount</u>
Blue Cross & Blue Shield of Alabama; Attn: Wanda Horn, Cost Accounting; 450 Riverchase Parkway East, Birmingham, AL 35224	\$220,840.52

Payments of restitution are to be made to Clerk, U. S. District Court, for transfer to the payee(s).

Restitution is due and payable immediately and may be collected in accordance with the Bureau of Prisons Inmate Financial Responsibility Program.

If there are multiple payees, any payment not made directly to a payee shall be divided proportionately among the payees named unless otherwise specified here:

Defendant: TERRY C. ELLISON
Case Number: CR 00-PT-469-S

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	15
Criminal History Category:	I
Imprisonment Range:	18 months to 24 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$4,000.00 to \$40,000.00
Restitution:	\$220,840.52

The court declines to impose a fine because payment of a fine would interfere with the defendant's ability to pay restitution.

The court finds that the defendant's motion for downward departure pursuant to § 5K2.13 of the Guidelines and 18 U.S.C. § 3553(e) based on the defendant's diminished capacity should be granted. The court finds that the Guideline level should be Level 13, which when combined with criminal history category I creates a guideline range of 12 to 18 months and a fine range from \$3,000 to \$30,000.

Inst # 2001-38580

09/06/2001-38580
02:32 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
2:00cr46900#14 32.00
Page 7/7