

IN THE SUPERIOR COURT OF DEKALB COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

ANDRE DAMIAN WILLIAMS

CRIMINAL ACTION #:

12CR6359-4

September Term of 20 14

Clerk to complete if incomplete:

OTN(s): \_\_\_\_\_

DOB: \_\_\_\_\_

Ga. ID#: \_\_\_\_\_

Final Disposition:  
**FELONY with PROBATION**

First Offender/Conditional Discharge entered under:

O.C.G.A. § 42-8-60  O.C.G.A. § 16-13-2

Repeat Offender as imposed below

Repeat Offender waived

PLEA:

Negotiated  Non-negotiated

VERDICT:

Jury  Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty- <del>Alford</del> , Guilty-Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	MEDICAID FRAUD	GUILTY	10 YEARS PROBATION		
2					
3					
4					

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

**Sentence Summary:** The Defendant is sentenced for a total of 10 YEARS

with the first \_\_\_\_\_ to be served in confinement and the remainder to be served on probation; or  to be served on probation.

The Defendant is to receive credit for time served in custody:  from \_\_\_\_\_; or  as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of \_\_\_\_\_, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

§ 17-10-7(a);  § 17-10-7(c);  § 16-7-1(b);  § 16-8-14(b); or  § \_\_\_\_\_.

### GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

**FINE SURCHARGES or ADD-ONS:** The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that:  the Defendant shall pay the probation supervision fee as required by law; or  the probation supervision fee is waived.
- 2) If counsel was provided under the Georgia Indigent Defense Act:  the Defendant shall pay the \$50 Public Defender Application Fee; or  the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense:  the Defendant shall pay attorney's fees of \$\_\_\_\_\_ to DEKALB County; or  attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

### SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation:  as designated on the attached Inventory of Special Conditions of Probation; or  as follows: (*import conditions to be imposed from Inventory of Special Conditions of Probation*).

### FIRST OFFENDER OR CONDITIONAL DISCHARGE

*Sentencing* (If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced

to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

*For Court's Use:*

CASE MAY BE CLOSED AFTER 5 YEARS IF DEFENDANT IS IN COMPLIANCE AND RESTITUTION PAID IN FULL.  
MUST COMPLETE 250 HOURS OF COMMUNITY SERVICE.  
MUST PAY RESTITUTION IN THE AMOUNT OF \$215,003.30.

The Hon. KEVIN T. CONNOR/PAUL SPIZZIRRI, Attorney at Law, represented the Defendant by:  employment; or  appointment.

**SO ORDERED** this 22 day of September, 2014.

Filed in Open Court  
This 22<sup>nd</sup> day of SEPT 2014  
[Signature]  
Deputy Clerk  
Time 9:34A M

Gail C. Flake  
Judge of Superior Court  
STONE MOUNTAIN Judicial Circuit  
GAIL C. FLAKE  
(print or stamp Judge's name)

**FIREARMS** – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

**Acknowledgment:** I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

\_\_\_\_\_  
Defendant

**ADDENDUM TO SENTENCE SHEET REFLECTING SURCHARGES, ADD-ONS, AND FEES  
REQUIRED BY LAW**

COURT COST .....						
FINE .....						
POPIDF-A FUND (10% TO MAX).....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
POPIDF-B FUND (10%) .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
JAIL FEE (10%) .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DUI SURCHARGE (10%/\$26 MAX) .....						
DATE SURCHARGE (50%) .....						
CRIME VICTIM ASSISTANCE (5%) .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LAW LIBRARY (\$2.00) .....						
BSIT FUND (10%) DUI'S ONLY .....						
DETF (5%) .....						
ONE TIME FELONY FEE .....	\$50.00					
TOTAL: COURT COSTS AND FINES .....	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PLUS CRIME LAB FEE .....						
TOTAL TO CLERK OF COURT .....	\$50.00					

and a PROBATION FEE of \$23.00 and \$9.00 G.C.V.E.F. per month.

TRANSCRIPT-SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

#  
#  
#  
#

CASE NO: 12 CR 6359 - 4

OFFENSE: \_\_\_\_\_

VS.

Andre Damien Williams

Mechanical Fraud

The defendant, being sworn, makes the following answers to the court in the presence of attorney for the defendant and district attorney:

- (1) Are you able to hear and understand my statements and questions? Ans. yes
- (2) Are you now under the influence of any alcohol, drugs or any other substance? Ans. No
- (3) Has your lawyer explained the charges against you? Ans. yes
- (4) Do you understand that you have a right to a jury trial? Ans. yes
- (5) Do you understand that you could have a jury trial by pleading not guilty or by remaining silent and not entering a plea? Ans. yes
- (6) Do you understand that you have the right to assistance of counsel during trial? Ans. yes
- (7) Do you understand that you are entitled to the presumption of innocence? Ans. yes
- (8) Do you understand that you have the right not to incriminate yourself? Ans. yes
- (9) Do you understand that at a jury trial you would have the right to question witnesses against you, the right to subpoena witnesses on your own behalf, and the right to testify yourself and offer other evidence? Ans. yes
- (10) Do you understand that by pleading guilty you are giving up all of those rights? Ans. yes
- (11) Has anyone made any threats or promises to influence you to plead guilty in this case? Ans. No
- (12) Do you understand that if you are not a citizen of the United States, a plea of guilty may have an impact on your immigration status? Ans. yes
- (13) Have you had a chance to discuss your case thoroughly with your lawyer? Ans. yes  
Who is your lawyer? Ans. Kevin Connor, Paul Spizziri
- (14) Are you satisfied with the services and advice of your lawyer? Ans. yes
- (15) Do you understand that the ~~district attorney~~ attorney general has made the following recommendations?  
10 years probation; \$215,003.30 restitution; first offender treatment;  
early terminate after 2 years if restitution paid Ans. yes
- (16) The maximum sentence for these charges would be 10. Do you understand that the court is not bound by any promises or recommendations and that the court can impose that sentence? Ans. yes
- (17) How do you plead to the charge, guilty or not guilty? Ans. Guilty
- (18) Are you in fact guilty? Ans. yes Do you want to plead guilty? Ans. yes
- (19) Have you understood all these questions and given truthful answers? Ans. yes

FIRST OFFENDER INFORMATION

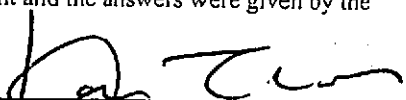
Since you have asked to be treated under the provisions of the First Offender Act, there are some questions you must answer:

- (20) Have you ever pleaded guilty or nolo contendere to, or been convicted of, a felony in the State of Georgia or in any other jurisdiction? Ans. no
- (21) Has your lawyer explained the First Offender Act to you? Ans. yes
- (22) Have you ever been sentenced for any crime, felony or misdemeanor, under the First Offender Act? Ans. no


I have read or heard all of the above questions and answers, and understanding them to be the questions asked of me and the answers I have given in open court, and they are true and correct.

  
DEFENDANT

I hereby certify that the above questions were asked the defendant and the answers were given by the defendant in my presence.

  
ATTORNEY FOR THE DEFENDANT

Sworn to and subscribed before me this  
the 22nd day of September, 20 14.

  
DEPUTY CLERK,

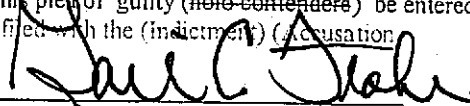
CERTIFICATE OF SERVICE

The undersigned Presiding Judge hereby certifies:

I. That the above-named defendant was sworn in open court and the questions were asked him as set forth in the foregoing transcript, and the answers given thereto by said defendant are as set forth therein.

II. That the defendant, Andre Williams, being represented by attorney Mr. Connor / Mr. Spizits who was (court appointed) or (privately employed), pled guilty (~~nolo contendere~~) as charged in the (Bill of Indictment) (Accusation) (or) to the lesser included offense of \_\_\_\_\_, and in open court, under oath, further informs the court that he is and has been (1) fully advised of his rights and the charges against him; (2) the maximum punishment for said offense charged, and for the offense to which he pleads guilty (~~nolo contendere~~); (3) that he is guilty of the offense to which he pleads guilty (~~nolo contendere~~); (4) that he authorized a plea of guilty (~~nolo contendere~~) to said charge; (5) that he has had ample time to confer with his attorney and to subpoena witnesses desired by Him; (6) that he is ready for trial; (7) that he is satisfied with the counsel and services of his attorney. And after further examination by the court, the court ascertains, determines and adjudges that the plea of guilty (~~nolo contendere~~) by the defendant is freely and understandingly and voluntarily made, and was made without undue influence, compulsion of duress, and without promise of leniency. It is, therefore, ordered that this plea of guilty (~~nolo contendere~~) be entered on the minutes, and that this Transcript and Certificate be filed with the (indictment) (accusation).

Date: September 22 2014

  
Presiding Judge

State Witness: Inv. Shakethia Morgan  
Georgia Medicaid Fraud Control Unit

**FILED**  
1 2017 DEC 20 P 5:04  
CLERK OF SUPERIOR CRT  
DEKALB COUNTY GEORGIA

No. **12-CR 6359 - 4**

DeKalb County Superior Court  
November Term, 2012

**THE STATE**

VERSUS

**ANDRE DAMIAN WILLIAMS**

D-0233924 - 4

Medicaid Fraud, a felony  
O.C.G.A. § 49-4-146.1(b)(2)

True BILL.  
Shannon Thomas for person.

The Defendant, ANDRE WILLIAMS, waives copy  
of Indictment, list of witnesses, full panel,  
formal arraignment, and pleads

guilty  
This 22<sup>nd</sup> day of Sept, 2014

Harry B. Alister  
Assistant Attorney General

[Signature]  
Defendant's Attorney

[Signature]  
Defendant

**I REQUEST TO BE TREATED  
UNDER THE FIRST OFFENDER ACT**

[Signature]  
**DEFENDANT**

STATE OF GEORGIA, COUNTY OF DEKALB

**BILL OF INDICTMENT**

IN THE SUPERIOR COURT OF SAID COUNTY,

The Grand Jurors selected, chosen and sworn for the County of DeKalb to wit:

1. Shannon R. Thomasson, Foreperson

~~2. Brian A. Anderson~~

~~3. Kathy Ash~~

4. Patricia A. Byers

5. Judson Davis

~~6. Erica A. Dumas~~

7. Jacqueline Dunnaway

~~8. Norma L. Feagin~~

9. Jorge R. Fernandez

10. Allen A. Jackson

~~11. Todd C. Jackson~~

12. Myron E. Lane

13. Callie Lathangue

14. James Lloyd, III

~~15. Patrick Mikos~~

16. Melvin A. Perling

17. Ieisha Poitier

18. Frankie L. Roberts

~~19. Joshua Segue~~

20. Kilisa Shepherd

~~21. Sara Sherkat~~

22. Hettie Summerlin

23. L' Tangaa Terrell

24. Cynthia M Woods-Wheeler

25. Kristopher W. Young



the GRAND JURORS, aforesaid, in the name and behalf of the citizens of the State of Georgia, charge and accuse

**ANDRE DAMIAN WILLIAMS**

with the offense of **Medicaid Fraud, O.C.G.A. § 49-4-146.1(b)(2), a felony**, for that said accused, in the County of DeKalb and the State of Georgia, **beginning on or about January 12, 2009 and continuing until on or about September 26, 2011**, did knowingly and willfully accept medical assistance payments to which he was not entitled and in amounts greater than that to which he was entitled, from the State of Georgia Medicaid program, to wit:

**Background of the scheme**

The Georgia Medicaid program, administered by the Georgia Department of Community Health, Division of Medical Assistance was established to provide an array of health care services and benefits to those who, due to economic circumstances and other reasons, could not otherwise afford such health care services and benefits. The Georgia Medicaid program was funded jointly by the State of Georgia and by the United States Department of Health and Human Services, acting through the Centers for Medicare and Medicaid Services. Since 1976, the federal law known as the *Hyde Amendment* has prohibited the use of federal funds to pay for elective abortions and services associated with elective abortions. In conformance with federal law and regulations, the *Policies and Procedures for Physician Services, Section 904.2*, provides that elective abortions and services associated with elective abortions are not covered by the Georgia Medicaid program.

Beginning on or about July 8, 1981, WILLIAMS was enrolled in the Georgia Medicaid program in the Physicians' Services program to provide medical services to Georgia Medicaid recipients. Beginning on or about 2005, WILLIAMS owned and operated DeKalb Gynecology Associates, located at 4229 Snapfinger Woods Drive, Decatur, DeKalb County, Georgia. WILLIAMS and other physicians employed by WILLIAMS at DeKalb Gynecology provided elective abortions to patients who were Georgia Medicaid recipients.

1.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$110,085.36 for the performance of detailed ultrasound tests, CPT Procedure Code 76811, which payments were in an amount greater than that to which he was entitled to receive because the procedures had not been performed.

2.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$52,889.69 for the performance of Evaluation and Management office visits, CPT Procedure Code 99204, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

3.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$2,445.69 for the performance Evaluation and Management office visits, CPT Procedure Code 99214, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

4.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$43,796.90 for the performance of transvaginal ultrasound procedures, CPT Procedure Code 76817, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

5.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of 4,123.28 for pregnancy tests, CPT Procedure Code 81025, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

6.

Between January 12, 2009 and September 26, 2011, the accused accepted medical assistance payments in the approximate amount of \$1,662.78 for urinalysis, CPT Procedure Code 81002, which payments were in an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

7.

Between January 12, 2009 and September 26, 2011, the accused accepted a total of approximately \$215,003.30 in medical assistance payments, an amount greater than that to which he was entitled to receive because the procedures were associated with the performance of elective abortions.

*contrary to the laws of said State, the good order, peace and dignity thereof.*

DEKALB SUPERIOR COURT

SAMUEL S. OLENS, Attorney General  
ROBERT D. JAMES, District Attorney