Guilty Plea Finally Entered From Fleeing "Surgeon"

(AP) A former northwestern Indiana nose surgeon who disappeared while vacationing in Greece and was captured five years later on an Italian mountainside has pleaded guilty to 22 counts of healthcare fraud, his second attempt at a plea deal. Mark Weinberger pleaded guilty on Monday before U.S. District Judge Philip Simon, who in April 2011 rejected a plea agreement that called for Weinberger to serve a four-year prison sentence. At that time, Simon said he wasn't confident the sentence took into account the magnitude of Weinberger's crimes.
"I'm virtually certain I'm going to accept the plea agreement," Simon said Monday. The new agreement sets a prison term limit of 10 years. If Simon doesn't agree, Weinberger could withdraw his guilty plea. The *Post-Tribune of Merrillville* reported Tuesday that federal prosecutors are asking Simon to sentence Weinberger to between three years and 10 months in prison and four years and nine months. Weinberger has reserved the right to argue for a sentence of about two and half to three years.

Weinberger admitted to Simon on Monday that he had fraudulently billed insurance companies in each of the 22 counts he was originally charged with. He objected, though, to some statements assistant U.S. attorney Diane Berkowitz made about his crimes, noting he admits only that he lied in each case. "If this plea agreement is rejected and I have to go to trial, I have to be very careful about what I say," Weinberger told Simon.

Weinberger was reported missing in 2004 after his wife, Michelle, said she woke up aboard a 79-foot powerboat in Mykonos where they had been vacationing and discovered he was gone. She later reported his credit cards had been used in the French Riviera. Soon after, dozens of malpractice lawsuits were filed. He became the target of an international dragnet after he was indicted in December 2006 by a federal grand jury on charges he overbilled insurance companies for procedures that were either not needed or sometimes never performed. He was captured in December 2009 camping on a snowy Italian mountainside.

The plea agreement Monday calls for Weinberger to pay restitution to the insurance companies he fraudulently billed and to the patients for any money they spent. That is in addition to several civil claims that he has been ordered to pay, including $13 million that a Lake County jury awarded to the family of one of Weinberger's former patients who died from cancer. The jury found that he should have detected the cancer and didn't.

Weinberger's federal attorney, Vivaldis Kupsis, said Monday that he was not involved in the civil cases. However, he said that he does expect Weinberger will be able to pay the criminal restitution. "Dr. Weinberger is an intelligent guy," he said. "I

expect him to still lead a productive life."

Sentencing is scheduled for October 12.

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