

CJB/DAG/KSH

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

*

CRIM. NO. 19-CR-00209-WS FILED IN OPEN COURT

*

USAO NO. 17R00581

*

v.

*

VIOLATIONS:

FEB 27 2020

CHYKEETRA SHINNYETTE MALTBIA,

*

21 U.S.C. § 846

CHARLES R. DIARD, JR.
CLERK

aka DR. CHE CHE, and

*

21 U.S.C. § 841(a)(1)

LEROY RAY DOTSON

*

18 U.S.C. § 1347

*

Forfeiture Notice

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SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

At all times material to this Superseding Indictment:

INTRODUCTION

THE DEFENDANTS

1. Defendant **CHYKEETRA SHINNYETTE MALTBIA, aka DR. CHE CHE**, (“**MALTBIA**”) was a physician licensed to practice medicine in the State of Alabama who owned and operated a medical clinic named Premier Choice Medical, located in Mobile, Alabama. **MALTBIA** was the only physician at Premier Choice Medical.

2. Defendant **LEROY RAY DOTSON (“DOTSON”)** was employed at Premier Choice Medical. He is also **MALTBIA**’s step-father.

CONTROLLED SUBSTANCES PRESCRIBED TO PREMIER CHOICE MEDICAL PATIENTS

3. **MALTBIA** obtained a Drug Enforcement Administration (DEA) registration number, which allowed her to prescribe certain controlled substances from Premier Choice Medical, so long as the prescriptions were issued in the usual course of professional practice and for a legitimate medical purpose. **MALTBIA** was the only person who had a DEA registration at Premier Choice Medical.

4. DEA was the agency of the United States charged with the responsibility of enforcing the controlled substance laws and regulations of the United States. DEA was also responsible for, among other things, regulating medical professionals in complying with the Controlled Substances Act (“CSA”), codified at Title 21, United States Code, Section 801, *et seq.* The CSA governed the manufacture, distribution, and dispensing of controlled substances in the United States.

5. The CSA was the federal law that placed all controlled substances into one of five categories, or schedules, according to the drug’s potential for abuse, physical and psychological dependence liability, and current accepted medical use. Various prescription drugs, to include all opioids referenced in this Superseding Indictment, were controlled substances under the CSA. There were five schedules of controlled substance — Schedules I, II, III, IV and V.

6. The CSA makes dispensing or distributing controlled substances illegal for anyone unless they are registered with the DEA and acting in conformity with the DEA registration. A DEA registration requires a physician, among other duties, to maintain effective controls against diversion and comply with all state and local laws.

7. The DEA issues registration numbers to qualifying medical practitioners, which is required before a practitioner is authorized to prescribe a controlled substance. If a practitioner has the appropriate DEA registration number, then a prescription for a controlled substance is valid so long as it is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of her professional practice.

8. Federal regulations require a prescription for a controlled substance to be dated as of, and signed on, the day issued, bearing the patient’s full name and address, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address, and DEA registration number of the prescriber.

9. Defendant **MALTBIA**, while a registered practitioner and doctor, distributed and dispensed, and caused to be distributed and dispensed, certain prescriptions for Schedule II controlled substances, outside the usual course of professional medical practice and not for a legitimate medical purpose, by, among other things:

- a. Giving some patients a physical at the initial appointment, but failing to do any physical examination or only a cursory physical examination at subsequent appointments;
- b. Causing prescriptions for controlled substances to be printed and postdated prior to dates she would be out of her medical clinic, and representing in certain patient records that she had actually seen the patient when, in fact, she had not seen the patient as represented in the patient record;
- c. Failing to adequately determine the suitability of certain patients for long term opioid therapy;
- d. Failing to monitor compliance of some patients; and
- e. Prescribing high doses of Schedule II opioid painkillers for some patients, thereby placing some of her patients at risk.

DURABLE MEDICAL EQUIPMENT ORDERED FOR MEDICARE BENEFICIARIES

10. In addition to operating Premier Choice Medical, **MALTBIA** contracted with purported telemedicine companies through which she ordered a variety of medical devices for individuals who were insured by Medicare.

11. The federal Medicare program is a “health care benefit program” as that term is defined in Title 18, United States Code, Section 24(b).

12. An individual who is eligible to receive benefits through the Medicare program is referred to as a Medicare “Beneficiary.” To be a Beneficiary, the individual must be 65 or older or have a qualifying disability.

13. A medical professional who is approved to provide services to Medicare Beneficiaries is referred to as an individual Medicare “Provider.” To enroll as a Provider, the applicant must certify that they will abide by the applicable Medicare laws, regulations, and program instructions.

14. **MALTBIA** was enrolled as an individual Medicare Provider on or about September 12, 2012. However, shortly thereafter, **MALTBIA** withdrew from the Medicare program, and her status as a Provider who could treat Beneficiaries and bill Medicare for services was deactivated on or about June 18, 2013.

15. Beginning July 1, 2010, certain medical professionals had the option of enrolling in Medicare, not to be a Provider, but for the sole purpose of ordering items or referring services for Beneficiaries. For the purposes of this Superseding Indictment, an individual enrolled in this limited part of the Medicare program will be referred to as an “Ordering/Referring Physician.”

16. To enroll as an Ordering/Referring Physician, the applicant must sign a Form CMS-8550 certifying, among other things, that:

- a. “I agree to abide by all Medicare regulations, program instructions and Title XVIII of the Social Security Act. . . . I understand that a payment of a claim by Medicare is conditioned upon the claim and the underlying transaction complying with such laws, regulations and program instructions (including, but not limited to, the federal anti-kickback statute and the Stark law), and on my compliance with all applicable conditions of participation in Medicare.”
- b. “I will not knowingly order and/or refer an item and/or service that allows a false or fraudulent claim to be presented for payment by Medicare.”

17. **MALTBIA** was approved as an Ordering/Referring Physician on or about February 21, 2014, and remained actively enrolled as an Ordering/Referring Physician throughout the time period relevant to Counts Eighteen through Thirty-Five.

18. Accordingly, as a Medicare Ordering/Referring Physician, **MALTBIA** could order durable medical equipment (“DME”) for a Medicare Beneficiary. However, **MALTBIA** could not bill Medicare for her own services rendered, such as an office visit.

19. Federal regulations define DME as equipment, furnished by a Medicare-enrolled DME supplier, that meets the following conditions:

- a. Can stand repeated use;
- b. Has an expected life of at least three years;
- c. Is primarily and customarily used to serve a medical purpose;
- d. Generally not useful to an individual in the absence of an illness or injury; and
- e. Is appropriate for use in the home.

20. Within the category of DME are Off-the-Shelf (“OTS”) braces for an individual’s back, knee, shoulder, hand/wrist, ankle, or hip. OTS braces require minimal self-adjustment for appropriate use, and do not require expertise in trimming, bending, molding, assembling, or customizing to fit the user.

21. To be reimbursable under the Medicare program, a DME order must meet Medicare coverage requirements, including documentation that the DME is medically necessary for the Beneficiary. Furthermore, the DME must also be “reasonable and necessary” for the diagnosis or treatment of an illness or injury to improve the functioning of a malformed body member.

22. For certain DME items, Medicare promulgates additional requirements that a DME order must meet to be deemed “reasonable and necessary.” Specifically, for OTS knee braces billed under the Healthcare Common Procedures Coding System (“HCPCS”) Codes L1833 and L1851, an order will be deemed “not reasonable and necessary” and reimbursement will be denied unless the Ordering/Referring Physician documents the Beneficiary’s knee instability using an objective description of joint laxity determined through a physical examination of the Beneficiary.

COUNT ONE
21 U.S.C. § 846

(Conspiracy to Possess with Intent to Distribute Controlled Substances)

23. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

24. Beginning in or about January 2015 and continuing through on or about February 6, 2019, in the Southern District of Alabama, Southern Division, and elsewhere, the defendants,

CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE, and
LEROY RAY DOTSON,

did knowingly and intentionally conspire with one another and with others, both known and unknown to the Grand Jury, to unlawfully distribute and dispense, and cause to be distributed and dispensed, Schedule II Controlled Substances by means of a prescription, for no legitimate medical purpose and outside the usual course of professional practice, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO
21 U.S.C. § 841(a)(1)

(Possession with Intent to Distribute Controlled Substances)

25. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

26. On or about November 5, 2018, in the Southern District of Alabama, Southern Division, the defendant,

CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE,

aided and abetted by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Oxycodone, a Schedule II Controlled Substance, for no legitimate medical purpose and outside the usual course of professional practice.

27. Specifically, **MALTBIA** prescribed 90 pills of Oxycodone at the 30 mg strength to an individual known to the Grand Jury and identified herein as P.W.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE
21 U.S.C. § 841(a)(1)
(Possession with Intent to Distribute Controlled Substances)

28. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

29. On or about November 5, 2018, in the Southern District of Alabama, Southern Division, the defendant,

CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE, and
LEROY RAY DOTSON,

aided and abetted by one another, and by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Oxycodone, a Schedule II Controlled Substance, for no legitimate medical purpose and outside the usual course of professional practice.

30. Specifically, **MALTBIA** prescribed 90 pills of Oxycodone at the 30 mg strength to an individual known to the Grand Jury and identified herein as J.L.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR
21 U.S.C. § 841(a)(1)
(Possession with Intent to Distribute Controlled Substances)

31. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

32. On or about December 3, 2018, in the Southern District of Alabama, Southern Division, the defendant,

**CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE,**

aided and abetted by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Oxycodone, a Schedule II Controlled Substance, for no legitimate medical purpose and outside the usual course of professional practice.

33. Specifically, **MALTBIA** prescribed 90 pills of Oxycodone at the 30 mg strength to an individual known to the Grand Jury and identified herein as P.W.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIVE
21 U.S.C. § 841(a)(1)
(Possession with Intent to Distribute Controlled Substances)

34. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

35. On or about December 3, 2018, in the Southern District of Alabama, Southern Division, the defendant,

**CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE,**

aided and abetted by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Oxycodone, a Schedule II Controlled Substance, for no legitimate medical purpose and outside the usual course of professional practice.

36. Specifically, **MALTBIA** prescribed 90 pills of Oxycodone at the 30 mg strength to an individual known to the Grand Jury and identified herein as J.L.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX
21 U.S.C. § 841(a)(1)
(Possession with Intent to Distribute Controlled Substances)

37. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

38. On or about September 10, 2015, in the Southern District of Alabama, Southern Division, the defendant,

CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE,

aided and abetted by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Oxymorphone, a Schedule II Controlled Substance, for no legitimate medical purpose, and outside the usual course of professional practice.

39. Specifically, **MALTBIA** caused a prescription to be issued for 120 pills of Oxymorphone at the 10 mg strength to an individual known to the Grand Jury and identified herein as C.M.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SEVEN
21 U.S.C. § 841(a)(1)
(Possession with Intent to Distribute Controlled Substances)

40. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Count.

41. On or about September 10, 2015, in the Southern District of Alabama, Southern Division, the defendant,

CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE,

aided and abetted by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully, distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Oxymorphone, a Schedule II Controlled Substance, for no legitimate medical reason and outside the usual course of professional practice.

42. Specifically, **MALTBIA** caused a prescription to be issued for 60 pills of Oxymorphone at the 40 mg strength to an individual known to the Grand Jury and identified herein as C.M.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNTS EIGHT THROUGH SEVENTEEN

21 U.S.C. § 841(a)(1)

(Possession with Intent to Distribute Controlled Substances)

43. The Grand Jury hereby re-alleges and incorporates paragraphs 1–9 into this Counts 8–17.

44. On or about the dates listed in the chart below, in the Southern District of Alabama, Southern Division, the defendant,

**CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE, and
LEROY RAY DOTSON,**

aided and abetted by one another, and by others both known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully distribute and dispense, and cause to be distributed and dispensed, by means of a prescription, Schedule II controlled substances, as listed in the chart below, outside the usual course of professional practice.

45. The allegations in paragraphs 43–44 are re-alleged for each of Counts Eight through Seventeen as if they are fully set forth therein.

Count	Date	Controlled Substance	Patient
Eight	03/31/17	Oxycodone 15 mg, and Opana ER (Oxymorphone) 30 mg	S.B.
Nine	03/31/17	Oxycodone 30 mg, and MS Contin ER (Morphine Sulfate) 30 mg	N.N.
Ten	10/19/17	Oxycodone 30 mg	C.M.
Eleven	10/18/17	Oxymorphone 20 mg	L.H.
Twelve	10/18/17	Oxycodone 15 mg, and Oxymorphone 30 mg	L.M.
Thirteen	10/20/17	Oxycodone 30 mg	A.M.
Fourteen	10/18/17	MS Contin ER (Morphine Sulfate) 30 mg	C.A.
Fifteen	10/19/17	Oxycodone 30 mg	J.R.
Sixteen	10/20/17	Oxycodone 20 mg	M.B.
Seventeen	10/20/17	Oxycodone 20 mg	E.O.

All in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNTS EIGHTEEN THROUGH THIRTY-FIVE
18 U.S.C. § 1347
(Healthcare Fraud)

46. The Grand Jury hereby re-alleges and incorporates paragraphs 1, and 10–22 in Counts Eighteen through Thirty-Five.

47. On or about the dates listed in the chart below, in the Southern District of Alabama, Southern Division, and elsewhere, the defendant,

**CHYKEETRA SHINNYETTE MALTBIA,
aka DR. CHE CHE,**

aided and abetted by others, both known and unknown to the Grand Jury, in connection with the delivery of a payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme or artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money owned by, and under the custody and control of health care benefits programs.

SCHEME AND ARTIFICE TO DEFRAUD

48. The scheme and artifice to defraud involved the submission of false and fraudulent claims to Medicare associated with OTS braces ordered by **MALTBIA** for the purpose of seeking Medicare reimbursement.

EXECUTION OF THE SCHEME AND ARTIFICE TO DEFRAUD

49. On or about January 8, 2018, **MALTBIA** entered into what purported to be a “Doctor Agreement” (hereinafter “contract”) with a company registered in Las Vegas, Nevada whose identity is known to the Grand Jury and who is identified herein as “Company A.” Through this contract with Company A, **MALTBIA** performed assessments of and consultations with Medicare Beneficiaries on behalf of a different company based in Boca Raton, Florida whose identity is known to the Grand Jury and who is identified herein as “Company B.”

50. The scheme and artifice to defraud Medicare typically operated as follows:

- a. First, a Medicare Beneficiary either received an unsolicited call from an agent of Company A, or the Beneficiary called a toll-free number, which was answered by an agent of Company A.
- b. The agent of Company A gathered basic medical information about the Beneficiary, as well as his or her Medicare number.

- c. Thereafter, **MALTBIA** received this basic information about the Beneficiary. On some occasions, **MALTBIA** conducted a follow-up phone consultation with the Beneficiary. Using this limited medical information, **MALTBIA** made a decision regarding whether it was medically necessary to order an OTS brace or braces for the Beneficiary.
- d. For each brace ordered, **MALTBIA** signed a Medical Necessity Form in which she certified that: "By my signature, I am prescribing the items listed above and certify that the above-prescribed item(s) is medically indicated and necessary and consistent with current accepted standards of medical practice and treatment of the patient's physical condition."
- e. The OTS brace Order certified by **MALTBIA** was then sold to a third-party Medicare DME supplier, which shipped the OTS brace to the Beneficiary.
- f. Finally, the DME supplier billed Medicare for the OTS brace using **MALTBIA's** certification of medical necessity as the basis for reimbursement.

51. Per the terms of the contract with Company A, **MALTBIA** was compensated as follows in exchange for the assessments of and consultations with Beneficiaries:

- a. \$20.00 per assessment if a telephone consultation was not needed to make an assessment of medical necessity.
- b. \$35.00 per consultation performed during the work day.
- c. \$40.00 per consultation performed during evenings, nights, weekends, and holidays.

52. During the seventeen-month period that **MALTBIA** was associated with Company A and Company B, **MALTBIA** ordered approximately 2,300 OTS braces for over 1,000 different Beneficiaries located in Alabama, California, and Georgia. However, in many instances, the OTS braces ordered by **MALTBIA** were not requested, not needed, and not medically necessary.

53. Included in the total number of OTS braces ordered by **MALTBIA**, were approximately 737 Orders for L1833 or L1851 OTS knee braces. As discussed above, Medicare requires such Orders to be supported by documentation of a physical examination for the claim to

be deemed reimbursable. **MALTBIA** did not physically examine Beneficiaries for whom she ordered L1833 and L1851 OTS knee braces. However, she certified Clinical Summary documents that falsely made it appear as if the requisite physical examinations had been performed.

54. In most instances, **MALTBIA** made determinations of medical necessity for the OTS braces billed to Medicare despite:

- a. Never meeting the Beneficiary in person,
- b. Never performing a medical examination on the Beneficiary,
- c. Never reviewing any diagnostic material such as an X-Ray or MRI,
- d. Never consulting with the Beneficiary's primary physician, and
- e. Never forming a doctor-patient relationship with the Beneficiary.

Rather, **MALTBIA** frequently ordered two or more braces for multiple Beneficiaries per day based only on superficial medical information provided by Company A or B and a cursory phone conversation with the Beneficiary. In some instances, the information on the Medical Necessity form used to justify ordering the brace was completely false.

55. From in or about January 2018 through in or about May 2019, the OTS braces fraudulently ordered by **MALTBIA** as part of this scheme cost Medicare hundreds of thousands of dollars in reimbursements paid out on false claims.

56. In exchange for her assessments of and consultations with Beneficiaries, Company B paid **MALTBIA** approximately \$68,661.70.

57. In order to execute, and attempt to execute, the scheme and artifice to defraud, and to obtain money and property, and to accomplish the objectives of the scheme and artifice, **MALTBIA** committed, caused others to commit, and aided and abetted others in committing, the following acts on or about the dates listed in the chart below. Specifically:

- a. **MALTBIA** certified Medical Necessity forms that falsely made it appear as if OTS braces were medically necessary for the associated Beneficiaries;
- b. **MALTBIA** certified Clinical Summary documents that made it falsely appear as if a physical examination had been conducted on a Beneficiary's knee prior to ordering an L1833 or L1851 knee brace for that Beneficiary; and
- c. **MALTBIA** caused various DME suppliers to submit false and fraudulent claims to Medicare for OTS braces that were not eligible for Medicare reimbursement.

58. The allegations in paragraphs 47–57 are re-alleged for each of Counts Eighteen through Thirty-Five as if they are fully set forth therein.

Count	Date of Medical Necessity Certification	Beneficiary Initials	HCPCS Code Type of Brace	Amount Paid by Medicare
Eighteen	08/15/18	S.O.	L3960 Shoulder Brace	\$573.91
Nineteen	09/13/18	W.M.	L3960 Shoulder Brace	\$573.91
Twenty	09/13/18	W.M.	L1971 Ankle Brace	\$358.59
Twenty-One	10/12/18	L.R.	L1851 Knee Brace	\$686.44
Twenty-Two	10/17/18	L.R.	L3960 Shoulder Brace	\$573.91
Twenty-Three	10/29/18	M.C.	L1851 Knee Brace	\$686.44
Twenty-Four	10/29/18	M.C.	L3960 Shoulder Brace	\$573.91
Twenty-Five	11/21/18	J.B.	L1851 Knee Brace	\$686.44
Twenty-Six	11/21/18	J.B.	L0650 Back Brace	\$1,041.50
Twenty-Seven	11/21/18	J.B.	L3960 Shoulder Brace	\$573.91
Twenty-Eight	01/25/19	S.B.	L3960 Should Brace	\$522.56

Twenty-Nine	03/28/19	B.P.	L1971 Ankle Brace	\$366.84
Thirty	03/29/19	B.P.	L3960 Shoulder Brace	\$587.11
Thirty-One	03/29/19	B.P.	L1851 Knee Brace	\$702.23
Thirty-Two	04/01/19	E.L.	L3960 Shoulder Brace	\$587.11
Thirty-Three	04/01/19	E.L.	L0650 Back Brace	\$1,065.45
Thirty-Four	04/01/19	E.L.	L1851 Knee Brace (RT)	\$702.23
Thirty-Five	04/01/19	E.L.	L1851 Knee Brace (LT)	\$702.23

All in violation of Title 18, United States Code, Sections 1347 and 2.

FORFEITURE NOTICE
(COUNTS ONE THROUGH SEVENTEEN)

Pursuant to Rule 32.2(a), FED. R. CRIM. P., the allegations contained in Counts One through Seventeen of this Superseding Indictment are hereby repeated, re-alleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Sections 853(a)(1) and (a)(2).

Upon conviction of an offense as set forth in Counts 1 through 17 of this Superseding Indictment, the defendant shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853(a)(1) and (a)(2), any property, real or personal, which constitutes or is derived from any proceeds the defendant **CHYKEETRA SHINNYETTE MALTBIA** obtained, directly or indirectly, as the result of such violation(s), and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation(s). The property to be forfeited includes, but is not limited to, the following:

- a. \$122,000.00 in United States currency,
- b. MALTBIA's Alabama Medical License,
- c. MALTBIA's California Medical License, and
- d. MALTBIA's Georgia Medical License.

All pursuant to Title 21, United States Code, Sections 853(a)(1) and (a)(2).

SUBSTITUTE ASSETS

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), and Section 982(b)(1), Title 21, United States Code, Section 853(p), as incorporated by 28 U.S.C. § 2461, and Rule 32.2 Fed. R. Crim. P., to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

FORFEITURE NOTICE
(COUNTS EIGHTEEN THROUGH THIRTY-FIVE)

Pursuant to Rule 32.2(a), FED. R. CRIM. P., the allegations contained in Counts Eighteen through Thirty-Five of this Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purposes of alleging forfeiture against defendant,

CHYKEETRA SHINNYETTE MALTBIA
aka DR. CHE CHE

pursuant to Title 18, United States Code, Section 981 and 982, and Title 28, United States Code, Section 2461.

Pursuant to Title 18, United States Code, Section 982(a)(7), upon being convicted of the crimes charged in Counts Eighteen through Thirty-Five of this Superseding Indictment, the convicted defendant shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

The property to be forfeited includes, but is not limited to, the following:

- a. **\$68,661.70 in United States currency,**
- b. **MALTBIA's Alabama Medical License,**
- c. **MALTBIA's California Medical License, and**
- d. **MALTBIA's Georgia Medical License.**

SUBSTITUTE ASSETS

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant,


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), and Section 982(b)(1), Title 21, United States Code, Section 853(p), as incorporated by 28 U.S.C. § 2461, and Rule 32.2 Fed. R. Crim. P., to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL


FOREMAN, UNITED STATES GRAND JURY
SOUTHERN DISTRICT OF ALABAMA

RICHARD W. MOORE
UNITED STATES ATTORNEY
By:


CHRISTOPHER J. BODNAR
Assistant United States Attorney


DEBORAH A. GRIFFIN
Assistant United States Attorney


KASEE S. HEISTERHAGEN
Assistant United States Attorney


SEAN P. COSTELLO
Assistant United States Attorney
Chief, Criminal Division

FEBRUARY 2020

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PENALTY PAGE

CASE STYLE: UNITED STATES v. MALTBIA, et al.

DEFENDANTS: CHYKEETRA SHINNYETTE MALTBIA (COUNTS 1-35)
LEROY RAY DOTSON (COUNT 1, 3, 8-17)

USAO NUMBER: 17R00581

AUSAS: Christopher J. Bodnar
Deborah A. Griffin
Kasee H. Heisterhagen

CODE VIOLATIONS:

COUNT 1: 21 U.S.C. § 846 (Conspiracy to Dist. Controlled Substances)

COUNTS 2-17: 21 U.S.C. § 841(a)(1) (Poss. w/Intent to Dist. Controlled Substances)

COUNTS 18-35: 18 U.S.C. § 1347 (Healthcare Fraud)

PENALTIES:

COUNTS 1-17: 20 yrs/\$250,000/3 yrs SRT/\$100 SA

COUNTS 18-35: 10 yrs/\$250,000/3 yrs SRT/\$100 SA

FORFEITURE NOTICE