

Lee County Dentist Is Sentenced To Two Years

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ABINGDON, Va. – A federal judge dipped below sentencing guidelines Thursday when doling a two-year prison sentence to a Pennington Gap, Va., dentist convicted of overbilling Medicaid patients.

Roy Silas Shelburne walked into the courtroom facing a state-recommended minimum of slightly less than four years in prison. Yet Western District Judge James P. Jones ignored the guideline and noted that Shelburne is a disgraced professional who will lose his dentist license, yet remains highly esteemed in his community.

It wasn't enough to gain the dentist total freedom.

"The system requires trust in the medical providers. Dr. Shelburne, I have to tell you, you have violated the trust that was placed in you. For that, you must be punished," Judge Jones said.

The low-ball sentence garnered Shelburne backslaps, teary hugs and one declaration of a "miracle" from family and friends after the hearing.

Still, Shelburne was fined \$75,000 and, in coming weeks, has to report to a federal prison for his convictions of defrauding Medicaid, racketeering and structuring financial transactions to avoid reporting requirements.

Shelburne, in the courtroom lobby after the sentencing, declined an interview and referred to his speech to the judge as his public comment.

Moments before hearing the judge's sentence, his comments came in a cracked voice that issued apologies to family, friends, supporters and patients.

"I've tried to be kind to all my patients and give them the treatment they deserve," Shelburne said while fighting back tears in the courtroom. "I know it's the jury's verdict, that I'm guilty, and I need to serve [time]. I ask your honor to show me mercy."

Judge Jones also nixed the prosecution's attempt to increase Shelburne's restitution to Medicaid to more than \$200,000 from the \$17,889 that had been agreed on before the sentencing.

The prosecution, led by U.S. Assistant Attorney Tony Giorno, presented a computer-generated statistical estimate that Shelburne likely bilked Medicaid of roughly \$263,000. The actual amount of money, as well as the number of patients overbilled, remains unknown.

But Giorno's team claimed to have filled in the gaps with a statistical model based on the files of patients known to have been overcharged.

Judge Jones said he would need more information than readily available to accept the estimate.

Giorno said after the sentencing that Shelburne could face as much as \$700,000 in restitution if the U.S. Attorney General's Office decides to pursue a civil case.

A federal jury in March convicted Shelburne of haphazard work and medically unnecessary procedures on Medicaid patients, mostly children. The jury, following a nine-day trial, found him guilty of seven money laundering charges as well as the three charges he was sentenced for on Thursday.

A U.S. Supreme Court decision last month led to those seven charges being overturned. The case, *United States v. Santos*, set higher standards for prosecutors seeking money laundering convictions. Shelburne would have faced as much as 120 years in prison and a \$1.2 million fine had those charges not been overturned.

Shelburne has agreed to surrender his dentist license to the Virginia Department of Health, which regulates the state's medical practitioners, defense attorney Dennis Jones told the *Bristol Herald Courier*.

In the meantime, Shelburne will continue to do only paperwork at his office.

"He's not drilling teeth," Jones said.

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