

BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS



FILED
May. 28, 2019

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

IN THE MATTER OF §
TSHOMBE ALI ANDERSON § CAUSE NO. 60492
STATE BAR CARD NO. 24012218 §

MOTION FOR ENTRY OF JUDGMENT OF DISBARMENT

TO THE HONORABLE BOARD:

COMES NOW, Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), and files this its Motion for Entry of Judgment of Disbarment, showing as follows:

1. On May 24, 2018, Petitioner filed its Petition for Compulsory Discipline against Respondent, Tshombe Ali Anderson. On August 14, 2018, Petitioner filed its First Amended Petition for Compulsory Discipline against Respondent, Tshombe Ali Anderson, (hereinafter called "Respondent") seeking compulsory discipline based upon Respondent's conviction in Cause No. 3:15-CR-00409-M(1), styled *United States of America v. Tshombe Anderson, Defendant*, in the United States District Court for the Northern District of Texas, Dallas Division, wherein Respondent pled guilty to Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. 1349 (18 U.S.C. § 1347), and was committed to the custody of the Bureau of Prisons for ten (10) years, ordered upon release from imprisonment to be on supervised release for three (3) years and was further ordered to pay restitution in the amount of \$26,572,458.93.

2. On October 9, 2018, an Interlocutory Order of Suspension was entered by the Board of Disciplinary Appeals which provides in pertinent part, as follows:

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

3. Following the appeal by Respondent of his criminal conviction in Cause No. 3:15-CR-00409-M(1), on the charge of Conspiracy to Commit Health Care Fraud, an Order (Exhibit A) was issued by the United States Court of Appeals for the Fifth Circuit, on or about February 26, 2019, in Case No. 18-10634, styled *United State of America, Plaintiff – Appellee v. Tshombe Anderson, Defendant – Appellant*, which dismissed Anderson’s appeal.

4. On or about March 20, 2019, a Judgment was issued as Mandate (Exhibit B) by the United States Court of Appeals for the Fifth Circuit, in Cause No. No. 18-10634, *United State of America, Plaintiff – Appellee v. Tshombe Anderson, Defendant – Appellant*, which dismissed the appeal as frivolous.

5. True and correct copies of the Order and Judgment Issued as Mandate by the United States Court of Appeals for the Fifth Circuit, are attached hereto as Exhibits A and B, and are made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce certified copies of Exhibits A and B at the time of hearing of this cause.

6. Petitioner represents to the Board that the Judgment entered against Respondent, Tshombe Ali Anderson, has now become final. Petitioner seeks the entry of a judgment of disbarment. Attached hereto is a true and correct copy of the form of the proposed judgment of which Petitioner seeks the entry herein.

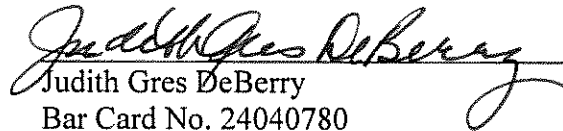
PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays, upon notice to Respondent, that the Board enter its order disbarring Respondent and for such other and further relief to which Petitioner may be entitled.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: 512.427.1350
Telecopier: 512.427.4167
Email: jdeberry@texasbar.com


Judith Gres DeBerry
Bar Card No. 24040780
ATTORNEYS FOR PETITIONER

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Motion for Entry of Judgment of Disbarment heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at **9:00 a.m. on the 26th day of July 2019.**


Judith Gres DeBerry

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been sent by U. S. Mail, Certified, Return Receipt, Requested, to Tshombe Ali Anderson #50107-177, FCI Beaumont Low, Federal Correctional Institution, 5560 Knauth Road, Beaumont, TX 77705 on May 28, 2019.


Judith Gres DeBerry

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-10634
Conference Calendar



A True Copy
Certified order issued Apr 12, 2019

Steph W. Conyer
Clerk, U.S. Court of Appeals, Fifth Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TSHOMBE ANDERSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CR-409-1

Before KING, ELROD, and WILLETT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Tshombe Anderson has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Anderson has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Exhibit

A

No. 18-10634

Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 20, 2019

Ms. Karen S. Mitchell
Northern District of Texas, Dallas
United States District Court
1100 Commerce Street
Earle Cabell Federal Building
Room 1452
Dallas, TX 75242

No. 18-10634 USA v. Tshombe Anderson
USDC No. 3:15-CR-409-1

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

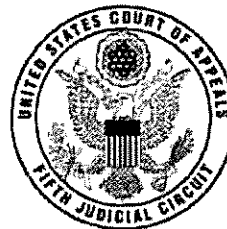
Sincerely,

LYLE W. CAYCE, Clerk

Deborah M. Graham

By: _____
Debbie T. Graham, Deputy Clerk

cc:
Mr. Tshombe Anderson
Mr. James Wesley Hendrix



A True Copy
Certified order issued Apr 12, 2019

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

Exhibit

B

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-10634
Conference Calendar

D.C. Docket No. 3:15-CR-409-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

TSHOMBE ANDERSON,

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas

Before KING, ELROD, and WILLETT, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the appeal is dismissed as frivolous.



A True Copy
Certified order issued Apr 12, 2019

Styfe W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF	§	
TSHOMBE ALI ANDERSON	§	CAUSE NO. 60492
STATE BAR CARD NO. 24012218	§	

JUDGMENT OF DISBARMENT

On the 26th day of July 2019, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Tshombe Ali Anderson. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) On March 20, 2019, the United States Court of Appeals for the Fifth Circuit issued a Judgment as Mandate dismissing Anderson’s appeal as frivolous;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about May 28, 2019, and served same on Respondent in accordance with TRDP 8.05;
- (4) Respondent’s conviction for the commission of an Intentional Crime as defined by TRDP 1.06(V) and for a Serious Crime as defined by TRDP 1.06(GG), for which he was sentenced in the United States District Court for the Northern District of Texas, Dallas Division, has become final and is not subject to appeal;
- (5) Petitioner’s Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

On the 9th day of October 2018, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Tshombe Ali Anderson, whose State Bar Card number is 24012218, is licensed but is not currently authorized to practice law in the State of Texas by the Supreme Court of Texas.

- (2) On or about July 24, 2017, Respondent was charged by Superseding Information with Count One – Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. § 1349 (18 U.S.C. § 1347), in Cause No. 3:15-CR-409-M, styled United States of America v. Tshombe Anderson (1), in the United States District Court for the Northern District of Texas, Dallas Division.
- (3) On or about May 9, 2018, a Judgment in a Criminal Case was entered in Cause No. 3:15-CR-00409-M(1), styled United States of America v. Tshombe Anderson, Defendant, in the United States District Court for the Northern District of Texas, Dallas Division, wherein Respondent pled guilty to Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. 1349 (18 U.S.C. § 1347), and was committed to the custody of the Bureau of Prisons for ten (10) years. Upon release from imprisonment, Respondent shall be on supervised release for three (3) years. Respondent was further ordered to pay restitution in the amount of \$26,572,458.93.
- (4) Respondent, Tshombe Ali Anderson, is the same person as the Tshombe Anderson who is the subject of the Judgment described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. ("TRDP") 7.08(G);
- (7) Respondent, Tshombe Ali Anderson, has been convicted for purposes of TRDP 8.04 of an Intentional Crime as defined by TRDP 1.06(T). Such crime is as well a Serious Crime as defined by TRDP 1.06(AA).
- (8) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Tshombe Ali Anderson, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (9) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Disbarment

The Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Tshombe Ali Anderson, State Bar No. 24012218, be and he is hereby DISBARRED from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Tshombe Ali Anderson, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED Respondent, Tshombe Ali Anderson, shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is ORDERED to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further ORDERED to file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further ORDERED Respondent, Tshombe Ali Anderson, shall, on or before thirty (30) days from the signing of this judgment by the Board, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing. Respondent is further ORDERED to file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414

Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further ORDERED that Respondent, Tshombe Ali Anderson, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Compulsory Discipline on file herein along with a copy of this Final Judgment of Disbarment be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this ____ day of _____ 2019.

Chair Presiding
BOARD OF DISCIPLINARY APPEALS