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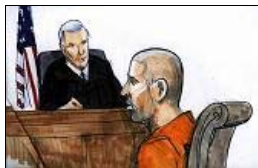
March 2, 2010

BY TERESA AUCH SCHULTZ, (219) 648-3120

Six years ago, Dr. Mark Weinberger lived the high life, with a downtown Chicago condo, a personal driver and European vacations on his yacht.

Monday, he sat before a judge for the first time, legs shackled together, head shaved and, according to him, penniless.

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Dr. Mark Weinberger (right) appears before federal magistrate Paul Cherry in U.S. District court Monday in Hammond. (Illustration for the Post-Tribune/L.D. Chukman)

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Dr. Mark Weinberger's Porter County Jail booking photo.

WHAT'S NEXT

Mark Weinberger will enter a plea at his Thursday arraignment hearing, and Judge Paul Cherry will rule whether to set a bond for Weinberger or order him to be held. A trial date will likely be set, and from then on both sides will have a

The former Merrillville nose doctor, accused of lying to patients about surgeries he supposedly performed, appeared in U.S. District Court in Hammond on Monday afternoon, more than two months after he was caught in northern Italy camping at the base of a mountain, and six years after he fled the United States as hundreds of patients began filing complaints against him.

Weinberger is accused of scheming to commit health care fraud by saying he had performed surgeries on patients when he really hadn't. According to the indictment, the supposed surgeries would last 20 minutes. He fled the country in 2004 before the federal indictment came down. He was on the lam for nearly six years.

Weinberger appeared befuddled as U.S. District Court Magistrate Judge Paul Cherry questioned him on the 22 counts he has been charged with, pausing before answering most of the questions. When Cherry asked if he understood the charges, Weinberger sat silent for about 10 seconds before being prompted again.

"I understand the language of the charges, if that's what you're asking," he finally said.

He spoke clearly, if not loudly, most of the time, although he did stumble over his words once.

Weinberger, who wore a Porter County Jail orange jumpsuit, told the court he didn't know if he could afford his own attorney. Weinberger said he hasn't worked since he fled the



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...on both sides will have a chance to file various motions, including motions to delay the trial. The two sides could also reach a deal to file a plea agreement.

country and had no idea what assets he still had. To his knowledge, he said, he has no cash.

He wasn't sure what had happened to his medical practice. Cherry told him that he presided over other

cases that put his Merrillville practice in receivership, and nothing was left.

Cherry granted Weinberger a court-appointed attorney. Mary Hatton, spokeswoman for the U.S. attorney's office, said it would be up to the public defender's office to investigate whether Weinberger really couldn't afford a lawyer.

Attorney Ken Allen, who represents the family of one of Weinberger's former patients who died after her cancer went undetected, watched the hearing. He said afterward he doubts that a man who was living in Europe with no reported income didn't have any cash.

"We believe that it's highly unlikely that he's broke," Allen said.

Italian police had reported they first noticed Weinberger when he moved to the northern Italian town of Aosta last year, living in an apartment with a luxury car and driver. He told several people he was going to hike in the mountains for seven to 10 days but never returned. Italian authorities eventually found him on Dec. 14, living in a yellow tent at the foot of Mount Blanc.

When police questioned him, he asked if he could go to the bathroom and subsequently stabbed himself with a penknife in the neck. He spent the next two months in an Italian hospital under supervision before being extradited to the United States last week.

No scars were visible on Weinberger, who appeared to be in good health and of average weight. His hair had been shaved down to a stubble, and the beginnings of a beard sprouted on his face. He sat calmly throughout the hearing, facing Judge Cherry most of the time.

Cherry ordered Weinberger to be held in jail and scheduled a detention and arraignment hearing for 1:30 p.m. Thursday.

Allen announced he had received an order from Lake County Superior Court Judge Diane Kavadias Schneider to have U.S. marshals bring Weinberger to his office for deposition.

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I don't think he's broke. The picture that showed him being caught in Italy, he had an expensive coat on, skis, etc. He was living on something. There's money stashed somewhere. Check his wife she probably has it. Like Ken Allen said, there's something somewhere.

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