
Appendix G

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
[Filed February 10, 2025]

APPEAL FROM U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
- SPRINGFIELD (6:21-CR-03016-BCW-1)

JUDGEMENT

UNITED STATES V. PATRICIA ASHTON DERGES,
No. 23-1462

Before SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

February 10, 2025

Order Entered in Accordance with Opinion:

Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

Appendix H

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
[February 10, 2025]

PER CURIAM ORDER

UNITED STATES V. PATRICIA ASHTON DERGES,
No. 23-1462

Before SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

Patricia Derges, who was counseled below but is now proceeding pro se, appeals after a jury convicted her of wire fraud, unlawfully issuing prescriptions, and making false statements, and the district court¹ sentenced her to 75 months in prison and ordered her to pay \$500,600.54 in restitution. On appeal, Derges challenges her conviction and the restitution amount. Upon careful review, we conclude that the evidence presented at trial was sufficient to support Derges' convictions. *See United States v. Timlick*, 481 F.3d 1080, 1082 (8th Cir. 2007) (reviewing the sufficiency of evidence to sustain conviction *de novo*). The government presented adequate evidence that she committed wire fraud by deliberately misleading patients into believing that her amniotic fluid treatments contained stem cells and by providing false information to secure a CARES Act grant; that she prescribed controlled substances without

¹ The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

examining patients in person and did not qualify for any exception to the in-person examination requirement; and that she made false statements to the investigating agents when she told them that the amniotic fluid contained stem cells and that she had never used amniotic fluid to treat urinary incontinence. *See United States v. Spears*, 454 F.3d 830, 832 (8th Cir. 2006) (holding that the appellate court does not weigh evidence or assess the credibility of witnesses; examining evidence in light most favorable to the verdict and accepting all reasonable inferences which tend to support the jury verdict; appellate court will reverse only if no reasonable jury could have found defendant guilty beyond reasonable doubt).

We also conclude that the district court did not plainly err in ordering restitution of the full amount of loss sustained by Greene County and Derges' patients. Although the majority of the CARES Act funds had been forfeited to the federal government, the forfeiture did not affect Derges' restitution obligation to Greene County, and her patients constituted victims because they were misled by her representations that they were receiving stem cells. *See* 18 U.S.C. § 3663A(a)(2) (a victim is a person directly and proximately harmed as a result of the commission of the offense or the defendant's criminal conduct in the course of a scheme); *United States v. Louper-Morris*, 672 F.3d 539, 566 (8th Cir. 2012) (reviewing unobjected-to restitution award for plain error; noting that Mandatory Victims Restitution Act (MVRA) requires individuals convicted of wire fraud to pay restitution to their victims); *United States v. McCracken*, 487 F.3d 1125, 1129 (8th Cir. 2007) (holding that district court has no

discretion to adjust the total restitution due to the victim based on funds held by law enforcement).

Accordingly, we deny Derges' pending motions and affirm.

Appendix I

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
[May 2, 2025]

APPEAL FROM U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI - SPRINGFIELD
(6:21-CR-03016-BCW-1)

ORDER ON REHEARING EN BANC

UNITED STATES V. PATRICIA ASHTON DERGES,
No. 23-1462

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Order Entered at the Direction of the Court:

Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Additional material
from this filing is
available in the
Clerk's Office.