

# Detroit Free Press

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**By Tresa Baldas, Detroit Free Press**

*October 2, 2015*



In a rare move, a federal judge today refused to accept the guilty plea of a Birmingham neurosurgeon who admitted to performing unnecessary spinal surgeries on his patients and cheating insurers out of \$11 million for them.

Under the terms of a plea deal, Dr. Aria Sabit faced a maximum of 11 years in prison.

But U.S. District Judge Paul Borman rejected that agreement -- though without elaborating -- and sent both sides back to the drawing board to come up with a different deal.

Sabit was scheduled to be sentenced today, but instead returned to jail with his fate still unknown because the judge refused to accept his plea deal -- which is required before a criminal defendant can be sentenced.

More than a dozen of Sabit's victims attended the sentencing hearing, but left with no closure.

Detroit attorney Brian McKeen, whose law firm represents two of Sabit's victims, applauded Borman's decision to reject the plea deal "until more facts are known especially with respect to how Dr Sabit's misconduct has adversely effected his many victims.

"Regardless of the eventual outcome of the criminal case I intend to continue on my quest to hold Dr Sabit -- and the hospitals that allowed these travesties to occur -- fully accountable," McKeen said today.

Sabit's lawyer, Joseph Niskar, was not available for comment. Sabit, 39, has been locked up since his arrest nearly a year ago. He tried to get released on bond, but Borman refused to let him out after declaring him a flight risk in January. Prosecutors had argued that Sabit would flee to his native Afghanistan – or somewhere else -- to avoid prosecution. The defense said Sabit wouldn't do that, but Borman didn't take that chance and ordered him jailed pending the outcome of his case.

Sabit struck a deal with the federal government in May when he pleaded guilty to four counts of health care fraud, conspiracy and unlawful distribution of a controlled substance. He admitted that he convinced patients to undergo spinal fusion surgeries with medical stabilizing devices that he actually never used, but billed public and private healthcare programs for it anyway. In some instances, Sabit admitted that he billed insurance programs for implants, when in fact the implants were tissue.

Since 2011, Sabit owned and operated the Michigan Brain and Spine Physicians Group with various locations in metro Detroit, including Southfield, Clinton Township and Dearborn.

According to the government, Sabit also admitted that, prior to moving to Michigan from California, he was involved in a kickback scheme in which he convinced a California hospital to buy spinal implant devices from a company that he was secretly involved in.