

Sentencing...from Page 1A

but he has volunteered his stewardship in our community for five years at no pay.”

Heaton, who surrendered his medical license to the Georgia Composite Medical Board in February 2020, told the court that he was sorry for his actions.

“I know I didn’t document Mike’s care like I should,” he said. “I took being a doctor seriously. That’s all I did. It got out of hand unintentionally. That was my fault. All I tried to do was help.”

Representing Heaton, Atlanta attorney Kristen Novay told the court that only 6 percent of Heaton’s patients were prescribed pain medication.

“He didn’t have a large house and fancy lifestyle – he was clearly not trying to get rich,” she said, adding that some patients even paid him in vegetables, and that it was dishonest to say he wielded power over the community.

Assistant U.S. Attorney Laurel Boatright, however, said evidence from the trial indicated that Heaton had illegally prescribed pain medication to multiple people over the course of 3 1/2 years, even while knowing that some of them had become addicted or were otherwise abusing the drugs.

“We are here today because of the way he abused his medical license for personal gain, greed and lust,” Boatright said, alluding to sex-for-pills relationships alleged in trial. “It is also significant that Dr. Heaton did this after already being on the radar of the Georgia Composite Medical Board.”

“He had twice been investigated, he had been warned, and yet he continued for years after doing exactly that.”

She added his relationship with Mike Gowder provided him with significant financial and professional benefits, given his expanded role inside Union General Inc. as the nursing home director, as well as the hospital’s purchase of his sleep clinic, which he was then paid to run.

“He was effectively bribed,” she said. “The impact of his conduct in the community was tremendous. He wanted to get close to the power, and Mike Gowder supplied it.”

Judge Story agreed that the volume of pills Mike Gowder acquired through Heaton was a problem.

“Many patients who wrote described how you said ‘no’ when they asked for something stronger,” he said to Heaton. “That showed you knew the dangers. The failure to keep records is a problem because you forget how many pills you’ve given.”

On the other hand, the judge said he did not believe the incidents were driven by greed.

“I don’t buy into Mike Gowder paying you off,” he said. “I think it was a relationship matter.”

Story said he had read each of the more than 70 letters of community support for Heaton, acknowledging that, “without question, you have been an excellent and competent physician to your patients.”

“There were significant cases where you caught something that others had missed and saved lives,” Story said, while also noting the significant negative impact opiate use has had on society, due in large part to the serious offense of unlawful distribution of controlled substances.

“As a society, we put so much confidence in our doctors, and we give them a lot of power,” he said. “There are a lot of places where doctors are borderline saviors. That carries a huge burden. My hope for you is that you are able to get through this and get it behind you.”

Mike Gowder’s hearing followed. He was accompanied in court by his wife, children and Atlanta attorney Steve Sadow.

Rex Fortenberry, vice president and founder of diagnostic medical company R&F Imaging, spoke on Gowder’s behalf, telling the court that in the many years he’d worked with him, Mike always kept the hospital’s best interests in mind, and that all his dealings had been ethical.

“Union General Hospital would not have been as successful as it was if Mike Gowder had not been there,” he said.

Stacy Dyer, former pastor of Harmony Grove Baptist Church, also offered words of support for Gowder, remarking to the judge that he had known three generations of Gowders.

“The good in Mike Gowder, in my opinion, sir, far outweighs the bad,” he said.

Dyer, too, praised the former CEO’s leadership at the hospital, positively describing the operation of Chatsuge Regional Hospital in Towns County and Gowder’s development of the dialysis center.

“He led the purchase of the Hill farm,” Dyer added, referencing a multimillion-dollar deal orchestrated by Gowder to purchase nearly 600 acres of land in Union County. “His vision was for a retirement home. The hospital was able to do that because of Mike Gowder’s leadership.”

Assistant U.S. Attorney Boatright agreed that Mike Gowder had brought the Hill property to the attention of the Hospital Authority Board, though she characterized the deal in less charitable terms than Dyer.

“On the side, unknown to the board, Mike had a deal with the owner of the house (in the middle of the property) that he got the property upon her death,” Boatright said. “It was another example of the self-dealing of Mike Gowder.”

She described Gowder’s sentencing as, “in some respects, the most important.”

“As far as the government is concerned, his position drove, enabled and facilitated what happened,” she said. “The government found it very compelling – the testimony of (local) people, for whom it could not have been easy.”

“This case is extremely important to the North Georgia community and Blairsville. Mike Gowder is not a doctor. But like a white-collar offender, he used his power and influence to enable his own behavior and the criminal conduct of Dr. Heaton.”

“It is inappropriate for him to be considered as a ‘mere possessor’ (of illegal pills). This offense was broader than just pills. He exercised great power. He is a trained medical professional. He knew what Dr. Heaton’s responsibilities were.”

She said that in the year before Heaton began prescribing opiates to Gowder, Heaton had gone through a bad time financially, getting divorced, facing bankruptcy and having to sell his medical building at a loss.

“At that time, the money mattered to Dr. Heaton, and Mike Gowder knew it,” she said. “Getting closer to Mike Gowder paid off for Dr. Heaton.”

Boatright further contended that, unlike David Gowder, the court only had Mike Gowder’s word that he was addicted to opioid pills, of which he received more 15,000 in just 3 1/2 years.

“He never went through a detox program, never attended a (Narcotics Anonymous) meeting, and never had any signs of this painful addiction,” she told the court, pointing to the existence of inconsistencies in his explanations about when and how he had stopped using opiates.

“There is evidence that it is not true,” she said of his addiction, reminding the court of trial testimony that Mike’s son had allegedly been getting pills from his father to sell. “Some or many or most of the pills made their way into the hands of his son.”

Gowder’s attorney Sadow disagreed, telling the court that this line of testimony could not be believed.

“The one thing (Mike Gowder) has been adamant about is that there was no distribution (of the pills),” Sadow said. “Mike took them ... he consumed a substantial quantity of pills.”

Gowder addressed the court himself, explaining that he took the medication because of back pain and his desire to continue working “at a job I loved.” He said it never occurred to him he was taking too many until the arrest of his

brother in 2015.

“I realized at the time I was taking way too much medication,” he said. “On June 29, it will be five years since I took the last pill. I told the people I worked with I was having a procedure on my back, but I stayed home with my wife, a (registered nurse), and self-detoxed. It was seven to 10 days of pure hell.”

He thanked his family for their love and support, especially his wife Gail, whom he described as “my rock.” He told the judge that he had lost everything because of this case – “my dignity, my reputation, my career.”

For his part, Story said he had spent countless hours thinking through the case, which had begun with a multijurisdictional investigation in 2015. He agreed that a message had to be sent to Blairsville, but he said he had to follow the law in determining sentencing.

“In my view, your conduct was the least criminal,” Story said. “These are legitimate convictions, but the greater culpability lies with the physician (Heaton).”

The judge added that he believed Gowder had been put in the untenable position of having to testify on his own behalf due to the accusation that he gave opiates to his son. Moreover, Story described Gowder’s testimony that he would never have given his son, who suffers from addiction, the pain medication as “most compelling.”

Story said the government had argued very strongly about its lack of belief in Gowder’s having detoxed on his own, though he remained unconvinced of this position.

“If you did that – and I believe you did – it says a lot about you,” Story said. “Mr. Gowder, this is an odd case. My hope is that this lets you close that chapter, move through this seamlessly, and live through the remainder of your days.”

The Gowders and Heaton’s cases involved a multijurisdictional effort by the Union County Sheriff’s Office, Cherokee County (North Carolina) Sheriff’s Office, the Drug Enforcement Administration, Georgia Drugs and Narcotics Agency, and the Zell Miller Mountain Parkway Drug Task Force.

It has taken a long time for the cases to be concluded – from the April 1, 2015, arrest of David Gowder and subsequent investigation leading to the February 2016 public arrests of all three men, to their individual sentencing hearings in June 2020.

Then there’s the question of the state’s charges, which were still pending at the time of federal sentencing.

Enotah Judicial Circuit District Attorney Jeff Langley’s office was in the process of preparing to prosecute the state’s cases against the men when the federal indictment was unsealed in April 2018, and Langley was at the federal courthouse last week to witness the sentencing hearings.

“Three one-time leading members of our medical community, each in very different ways, failed in our expectations of their profession and clearly committed crimes,” he said. “All three are now under sentence to serve time in federal prison. All three have lost their reputations and the ability to practice their profession and spent untold sums on their defense.”

He said the outcome was not exactly what he had sought, noting his frustration in the long delays in the federal process and saying that “the sentence in the case of Mike Gowder was less than I expected.”

“The U.S. District Judge simply did not accept the argument made by the prosecutors that Mike Gowder’s power over Dr. Heaton’s actions by being CEO of the hospital justified a heavier sentence as an abuse of power,” Langley said. “The judge sought to treat him as a patient knowingly getting improper opiates from his doctor, thus the relatively light sentence.”

Langley said that law enforcement and prosecutors, both local and federal, had worked very hard to make sure that reputations, wealth and power did not hinder justice.

“On the other hand, the sentencing judge was very careful not to let considerations of these factors be weighed unfairly against the defendants,” he said. “While I may not agree precisely with the sentencing, the system eventually worked.”

He said it is unlikely his office will pursue state charges on the same facts presented in the federal trial unless additional evidence comes to light in the near future.

Kappa Alpha ‘Bring a Dish to Share’ supper meeting



(L-R): Perfect Attendance: Vee Kearney, Marcy Walsh, Pam Ippolito, Cathy Robson, Jennie Priven and Ursula Whitelock

The members of Kappa Alpha Chapter of Beta Sigma Phi Sorority planned their first meeting since early March for June 23, 2020, by having a ‘Bring a Dish to Share’ supper at a Meeks Park Pavilion. The weather chased us indoors but we were still able to have a successful Founder’s Day celebration which is usually held annually in late April.

After partaking of a wonderful array of dishes we had a brief meeting and then proceeded with the program for the evening. President Sheila Garrison introduced our 2020 Union County High School Scholarship Recipient, Krysten Hodges; congratulations and best wishes, Krysten. President Garrison also read the annual message from the International Office and announced the 2020-2021 Theme: Sisters By Choice.

The sisters who had Perfect Attendance for the past year were: Pam Ippolito (20 years), Sophia Brown (20), Jennie Priven (13), Ursula Whitelock (9), Cathy Robson (3), Vee Kearney (2) and Marcy Walsh (1). Our two “Programs of the Year” winners were Joan Crooks for a self-directed program on “Protocol for folding the Flag of the United States of America” and Judi Solberg whose guest speaker was Dr Meg Whitley who spoke about CROP Walk and Church World Services.

Our 2019-2020 Woman of the Year is Vee Kearney who has been a wonderful as-



(L-R): 20-21 Officers: Pam Ippolito, Joan Crooks, Marcy Walsh, Marilyn Cook and Marie Geesa



(L-R): Joan Crooks, Program of the Year; Vee Kearney, Woman of the Year and Judi Solberg, Program of the Year

set in our chapter. Two sisters were honored with sorority rituals: Joan Crooks received the Preceptor ritual and Marie Geesa is now a member of the Golden Circle, signifying 50 years of membership. President Sheila Garrison was the Officiant for both rituals.

President Garrison also installed the 2020-2021 chapter officers: President Pam

Ippolito, Vice-President Joan Crooks, Extension Officer Sophia Brown, Recording Secretary Marcy Walsh, Corresponding Secretary Marie Geesa and Treasurer Marilyn Cook.

Beta Sigma Phi is an international women’s network; we are women of all ages, interests, and educational and economic backgrounds.

UCSO Arrests...from Page 1A

for a shopping cart full of merchandise, Osborn said.

Deputy Lisa Foes was in the area and quickly responded to the scene, where she witnessed a vehicle matching the description of the suspect’s making a right turn from Walmart onto Kiutuestia Creek Road, Osborn said.

She pulled the vehicle over and found the driver, Daves, to be in possession of the alleged stolen merchandise, and she returned to Walmart with him and the merch to verify the stolen property, Osborn said.

The stolen property from June 19 and June 21 included personal and food items like clothing and ice cream, as well as higher dollar merchandise such as a personal computer, a movie projector and a soundbar, Osborn said.

His arrest for the June 21 theft led to Walmart discovering the June 19 occurrence, Osborn said, noting that Daves was able to be positively identified on surveillance footage due to his distinctive tattoos, despite having worn a mask, hat and sunglasses.

Daves’ was previously arrested and convicted for shoplifting at the Blairsville Walmart in 2015, Osborn said.

In a separate theft case, Osborn said investigators had identified and arrested a man who stole a trailer back in 2017 and another two weeks ago.

“On June 15, a suspect driving a blue Dodge Dakota pickup stole a trailer from Appalachian Water off Highway 515,” Osborn said, referencing security footage. “Nobody knew who he was.”

A few days before the theft, the driver of the vehicle in question had entered the business to ask if anyone had any scrap metal to haul off, which they didn’t, so he left, “but it was the same man who came back” on June 15, Osborn said.

“When he pulled on the door, they were closed, so he backed up to the trailer, which was parked in front of the building, and drove off,” Osborn said. “I couldn’t identify him, so I put it on Facebook.”

“Not long after that, I got a call from an agency in West Georgia. They identified him right on the spot, saying he’d stolen a trailer in their county the same day – had the same clothing on – and took it to the scrapyard in Bartow County.”

“They also said he went into that place of business in their county and asked if they had any scrap metal. That business said, ‘Yes, you can go behind the building and

get what you want.’ Well, he hooked their trailer up, loaded the scrap on it and took off.”

After learning the identity of the man involved in the June 15 theft, Osborn realized he’d seen his name before.

“I typed the name into our computer system, and he had been named a suspect in the theft case of a trailer back in 2017,” Osborn said. “We couldn’t ever find him, and we didn’t have enough evidence to charge him at the time.”

“But after we got him back up here and did some

more investigating, we tied all the pieces together and were able to charge him with another theft.”

Roy Everett Overby, 75, of White, Georgia, was arrested and charged with two felony counts of theft by taking. Overby, who Osborn said has a long history of property crime convictions, had yet to bond out of the Union County Jail by press time.

The above individuals have been charged only and are presumed innocent until found guilty in a court of law.