

1 THE COURT: May this witness be excused?

2 MS. LEWIS: Yes.

3 THE COURT: Thank you, ma'am. You are
4 excused. Call your next witness.

5 MS. LEWIS: Vantrice Crayton.

6 THE COURT: Ms. Lewis, has this witness been
7 sworn?

8 MS. LEWIS: Yes.

9 THE COURT: You may proceed.

10 VANTRICE CRAYTON,
11 having first been duly sworn, testified as followed:

12 DIRECT EXAMINATION

13 BY MS. LEWIS:

14 Q. Please state your name?

15 A. Vantrice Crayton.

16 Q. And where are you employed?

17 A. Currently, I'm with the Health and Human
18 Commission, Office of Inspector General, Medicaid Fraud
19 Integrity.

20 Q. And what are your duties there?

21 A. Well, now, I'm a manager of about 12 people who
22 investigate Medicaid fraud; but before that, I was an
23 investigator.

24 Q. Was that in 2005, 2006 era?

25 A. Yes.

1 Q. Give us a brief description of your background
2 and training that qualifies you to do the work that you
3 did in 2005, 2006 as an investigator.

4 A. After I graduated from college, I applied with
5 the Health and Human Service Commission, got hired as a
6 Medicaid worker; and one of the duties with that was
7 investigating complaints.

8 I basically certified the elderly or
9 disabled for Medicaid benefits. I also investigated
10 complaints; and basically after that, I just promoted. I
11 did different things. With every job that I had, it
12 involved investigation.

13 Q. I'm directing you back to '06 when you were an
14 investigator; is that right?

15 A. That's correct.

16 Q. At some point, did you become involved in an
17 investigation involving Perkins Mobility?

18 A. Yes, I did.

19 Q. How did you become involved in that
20 investigation?

21 A. I received an inquiry or the State of Texas
22 received an inquiry for individuals who apply for Medicaid
23 TBI, which is a Medicaid number. So Perkins Mobility
24 applied for a Medicaid number. So that's the first
25 encounter I had. I was the person given that assignment,

1 rather.

2 Q. You did the initial inspection?

3 A. Yes, I did.

4 Q. Can you describe what's involved in an
5 inspection?

6 A. It's an impromptu inspection. It's not
7 announced. You just walk in and you give the individual
8 or individuals your business card and you tell them you're
9 with the State of Texas. "I'm here to do an impromptu
10 inspection based upon your inquiry or your request for a
11 Medicaid TBI."

12 You ask a series of questions such as,
13 "How long have you been in business? Why are you
14 acquiring this Medicaid TBI? Who will you be servicing?
15 Who will you get your supplies from? What will the
16 supplies be?" And take a couple of pictures just to
17 substantiate this is going to be a legitimate business and
18 not a store front.

19 Q. Is there a checklist involved?

20 A. There's a series of questions, yes.

21 Q. And after conducting this inspection, did you
22 have report?

23 A. An impromptu report basically stating what I saw
24 and what I talked to. At that time -- now we have a
25 format; but at that time, we had just started doing it so

1 it was just a couple of questions we asked.

2 But the pictures basically substantiate
3 you took pictures of the inventory. You had to make sure
4 that it looked like it was going to be a legitimate
5 business, not just some empty room.

6 Q. And did it appear legitimate?

7 A. Yes, it did.

8 Q. Can you describe some of the things you saw at
9 the business?

10 A. It was in a suite. It's like a bunch of these
11 offices, but a suite. The door had the name, Perkins
12 Mobility, and the address, the hours of operation. It was
13 one of those clear glasses where you can see through.

14 I went in and introduced myself. It was
15 like a little waiting area with a desk and a chair, maybe,
16 and a couple of durable medical equipment supplies. I
17 don't remember if it was a walker. It was like canes. It
18 wasn't a whole lot of stuff.

19 Q. Was there incontinent supplies there?

20 A. I didn't see any incontinent supplies.

21 Q. Was there other type of durable medical
22 equipment?

23 A. Yes, correct.

24 Q. How large was this space?

25 A. I'm not good with square foot; but I'd say twice

1 the size of that little section back to the exit sign,
2 maybe. Maybe two rooms, three rooms. It wasn't very big.

3 Q. Is there anything -- after the inspection, did
4 you have a chance to encounter Perkins again?

5 A. Yes.

6 Q. And what was the nature of that encounter?

7 A. Because I was the individual who performed the
8 inspection for the Medicaid TPI, I was given the
9 assignment when there was a complaint with Perkins
10 Mobility.

11 Basically, there is someone -- at that
12 time, Carol Klunk who was our nurse analyst, she would
13 just do impromptu searches for a particular billing
14 patterns; and this provider billed for the same three
15 incontinent supplies over and over again.

16 MR. MARTIN: Objection to hearsay unless it's
17 based on personal knowledge.

18 THE COURT: Sustained.

19 MS. LEWIS: Judge, can we approach?

20 THE COURT: Yes, you may.

21 MS. LEWIS: I think this may be a good time
22 to take our morning break.

23 THE COURT: At this time, we're going to take
24 our morning break a little bit early so I can take up a
25 matter outside the presence of the jury. You will go with

1 the bailiff, please. We will be in recess for about 20
2 minutes.

3 MS. VOLLMAN: Judge, I just want to give you
4 the head's up on a couple of things. All the records that
5 are currently in evidence right now, through the bank
6 records, show the connection between the Fraizers and all
7 of the folks.

8 With the white-collar case,
9 unfortunately, you're never going to get, as you know, all
10 of it -- "I saw them do it." So a lot of this is going to
11 be piecemeal. The purpose of the interview sheet is it
12 saves time because -- you know, we could, as lawyer, sit
13 there and write everything out on the board; and then what
14 we would be offering it for in addition, not that it's
15 cumulative.

16 But the problem is, these are folks that
17 they can go back to the board, which is already in
18 evidence, and say, "Hey, did this person" -- you know,
19 "What supplies did they get? Was it in line with all the
20 other stuff?"

21 So it saves time on the Court; and we
22 could write it out all and offer it for that purpose, not
23 that it's cumulative, but it gives the jury an opportunity
24 at the end, with all the evidence, to go through without
25 having to ask the court reporter, "Tell us again all the 9

1 people that she talked to, the 10 that she talked to, the
2 100 that this other investigator talked to." Do you see
3 what I'm mean?

4 We're not playing games -- we're not
5 trying to get in stuff that we could not get in; but what
6 we're trying to do is link everything together and save it
7 on the Court, the court reporter. The evidence is already
8 -- these people's names are already going to be there.
9 They're already in evidence.

10 THE COURT: Well, then, I will allow it for
11 demonstrative purposes only; but it is still a document
12 that you've prepared. I'm not sure it's -- I understand
13 it summarizes your documents that are already in
14 evidence. How does that in and of itself make it anymore
15 admissible than any other prosecutor?

16 MS. VOLLMAN: We're basically -- it's
17 prepared by us; but that's not the issue. The issue is,
18 did the witness testify about all the information
19 contained on it?

20 What I'm saying is, if we wrote the
21 information out and the objection was cumulative, we could
22 come back and say, "Judge, it's not cumulative of the
23 testimony. It's an opportunity -- it's an aid for the
24 jury," that when they're back in the jury room, they can
25 go through the BORS that are already in evidence and say,

1 "This is the person they talked to. This is what was
2 billed from." You know what I'm saying?

3 THE COURT: I do. What's your response to
4 that?

5 MR. MARTIN: My response is that I have made
6 the objection that it's cumulative. I have made the
7 objection that it's hearsay. I have made the objection on
8 that form to lack of business record predicate. They've
9 not identified it being that way, and I also made the
10 objection hearsay because they had not yet shown that it
11 was a co-conspirator's statement. Those are my objections
12 at this time.

13 THE COURT: Well, I'm given them some
14 latitude on the co-conspirator because I did see the
15 person here and she's been sworn here and she's got
16 recommendation that she's going to testify. That
17 objection is overruled. I still think that the document
18 that the prosecutor produced is an out-of-court statement
19 and is hearsay. I will allow it for demonstrative
20 purposes only.

21 MS. VOLLMAN: Can I throw in an argument with
22 the Court for just a minute?

23 THE COURT: Yes.

24 MS. VOLLMAN: It's not out of court. It's
25 something that she is adopting as information that

1 she -- "yes, his is the person" -- "these are the people
2 that I spoke to" -- because that's usually the predicate
3 is, "Do you see this list? Yes, I do. Are these the
4 people that you spoke to? Yes. Does it also list their
5 address?" I mean, all of that is in-court stuff. It's
6 not hearsay.

7 One more point on it, Your Honor --

8 THE COURT: Yes.

9 MS. VOLLMAN: -- as far as the hearsay part.

10 THE COURT: You know, I'm going to allow it.
11 I'm not convinced that it's hearsay; but it's already in
12 evidence, so I can't imagine how it can possibly be
13 harmful. Objection sustained. I'm changing my objection,
14 but that was not the last hearsay objection.

15 My reflection was she was asking her
16 questions and answers that the other witness --

17 MS. VOLLMAN: Okay. Which one? Say that
18 again.

19 THE COURT: The last question, weren't you
20 asking her questions about what the nurse told her?

21 MR. MARTIN: Yes.

22 THE COURT: That's sustained.

23 MS. VOLLMAN: Okay. On this particular
24 witness, she is not a -- do you need her to be here or
25 no?

1 She's not a peace officer, correct?

2 THE WITNESS: No.

3 MS. VOLLMAN: Now, there's two different
4 parts to this. One is the inspection that she did; and
5 the other one is to go out -- you know, where the
6 complaint has been made by Carol Klunck, she's not a peace
7 officer; but the second part of the job is to go out and
8 find out do they have records? Are they billing
9 properly? That's where the demand letter comes in with
10 all the recipients.

11 So before we get into that, I just
12 wanted to let you know, that's what that part of the
13 testimony is, whether it's going to confrontation,
14 argument or whatever, testimonial -- and I think when you
15 said you had a question regarding that from the case law,
16 it gave you -- that's the stuff that work.

17 THE COURT: Based on the cases that you
18 provided me, if you don't call the witnesses to testify,
19 their out-of-court statements are not coming in.

20 MS. VOLLMAN: No, they were affirmed. It was
21 affirmed.

22 THE COURT: One was affirmed because they
23 said it was harmless. They said it was clearly error and
24 it was harmless. You need to re-read the cases you
25 provided. The other one said they were only affirmative

1 because reasonable minds could disagree, which was their
2 standard on a federal habeas, but they felt like it was
3 error.

4 MS. VOLLMAN: Well, okay. I'm going to ask
5 mechanics. Do you want me to talk about it and then put
6 the Defendant on to be cross-examined?

7 THE COURT: Yes, absolutely. These are 2012
8 cases -- one from the 6th Circuit, one from the 7th
9 Circuit. They said the witness has to testify. You can't
10 just call for their out-of-court statements. It's a
11 violation of the law.

12 MS. VOLLMAN: Okay. Let me ask you this. Is
13 the testimony --

14 THE COURT: Available means testifying, not
15 standing in the hallway.

16 MS. VOLLMAN: That's fine. I mean, that's
17 fine. I think I'm hoping when the Supreme Court gets that
18 issue, they're going to say, "Let's not make the onerous
19 burden on the State when they have the person there."

20 But it's mechanics. How do you want to
21 do it? If we call the witness, all I'm going to say is,
22 "Your name is Robert Turner? Yep. Pass the witness."

23 I mean, I'm not trying to be hard on the
24 Court. I'm not -- I have no need to call him and testify
25 about him. What I want is in the furtherance of the

1 conspiracy, what did they say before -- what did they say
2 when they went out to talk? It's different than an
3 in-custody statement where the cop is taking it down
4 clearly to be used in another hearing.

5 THE COURT: That makes it not hearsay. It
6 does not make it not testimonial. They still have to be
7 available to testify. So I supposed you can do it in any
8 order you want; but in the event -- Mr. Martin has already
9 indicated, in the event these witnesses aren't called,
10 he's going to move for a mistrial; and I'll grant it.

11 So if your representation is, yes, these
12 people are here, at some point, I'm going to have them
13 take the stand and be available for cross-examination. We
14 can do it in that order.

15 MS. VOLLMAN: Well, I mean, this is all new.
16 So --

17 THE COURT: That's fine, if you want to do it
18 that way.

19 MS. VOLLMAN: Let me ask you this --

20 MR. MARTIN: Rober Turner is on his way here.

21 MS. VOLLMAN: I think we had -- we were going
22 to ask -- we had problems. We didn't think he would make
23 himself available for cross-examination. He's on his way.
24 So as soon as he gets sworn in, then everybody has been
25 sworn in.

1 If I need to call him to get my stuff
2 in, I will; but it's pretty much going to be, "What's your
3 name?" And I'm going to ask that the Court keep out the
4 sentences that they got.

5 THE COURT: Okay.

6 MS. VOLLMAN: And let me ask you this, too.
7 The next inspector that we have and the person that went
8 out trying to find out about the inspection, they're
9 talking to Turner and Scales.

10 THE COURT: Okay.

11 MS. VOLLMAN: Are we in agreement that that's
12 not testimonial on the inspection? They're not peace
13 officers. They're going out -- the primary purpose is
14 for -- to okay them for a provider license. Not one thing
15 has been taken because they haven't got their provider
16 number.

17 It's our position that that stuff is not
18 testimonial, because the primary purpose is to inspect
19 their business to see if they can even be accepted in the
20 Medicaid program.

21 MR. MARTIN: But then, the power of the
22 statement and in futurance of a conspiracy, that makes it
23 a co-conspirator statement.

24 MS. VOLLMAN: Well, because they have already
25 already -- the evidence will show, that they have been

1 told how to answer certain questions.

2 THE COURT: Yeah. I think it probably is
3 testimonial. I mean, statements that are made through an
4 investigator, testimonial, does not take it out because
5 they are not certified peace officer.

6 MS. VOLLMAN: I agree; but the primary
7 purpose, Judge, we're not offering it -- I mean, I know
8 this is sticky; and I know we're in the middle of case law
9 that really has not been fully developed. I know that;
10 but the primary purpose of them talking to these
11 defendants at this point, is for them to get a Medicaid
12 license.

13 And I think the testimony will come out
14 through the co-defendants as to what they were told by the
15 Fraizers, what they were to say on the inspections, what
16 equipment they were supposed to buy. All that is going to
17 come out; and what's happening now in the furtherance of
18 the conspiracy is, they're prepping their office so they
19 can --

20 THE COURT: Well, let me ask you this: Are
21 these some of the same people that you're going to call
22 later to make available for cross-examination, or are you
23 saying you were not going to call them?

24 MS. VOLLMAN: I was not planning on calling
25 Scales, Turner and Christopher Williams, although they've

1 subpoenaed him and Carter. Carter did not have
2 statements, so his is easy; and Walker is a Defendant and
3 we will not bring out his statement, except for we're
4 requesting it on the primary purpose of the business.

5 Let me ask you this: Do you want me to
6 go, when I'm ready to offer, so you can see it in
7 context? I don't want to violate your rule and I don't
8 want to get in trouble with the Court; but this is an
9 engaging case. You know, that's...

10 THE COURT: I think that's a close call.

11 MS. VOLLMAN: I really don't want to get in
12 trouble with the Court's ruling; but I -- you know, I want
13 to come as close as I can without going off. I really
14 want to be in synch with your ruling so that...

15 THE COURT: I will, in the interim, re-read
16 the cases you've provided me on testimonial. I thought I
17 was up to speed on all of those; but when it's not a peace
18 officer but made in the course of a Medicaid
19 investigation, I think it probably is.

20 I'm going to have to look at it again;
21 but in the interim, I'm changing my ruling on the lists.
22 Although, I'm not changing my ruling on statements on
23 nurses. Okay? Anything else while the jury is out? So
24 you're going to have to bring the witnesses, at least, to
25 the stand and provide them for cross-examination on the

1 ones who gave statements to the DA's investigators or
2 other police officers.

3 MS. VOLLMAN: I'll do that. Can I ask, one
4 of our motions in limine, which I think you've ruled on,
5 was that the sentences don't come out. I think that's
6 real important, if they're called to the stand, that they
7 don't come out.

8 THE COURT: The only way that I would think
9 that it would be admissible if it's somebody -- they had a
10 deal with the State.

11 MS. VOLLMAN: Well, one did.

12 THE COURT: I mean --

13 MR. MARTIN: That's fair game.

14 THE COURT: -- I think that's fair game to
15 show that they --

16 MS. VOLLMAN: He paid all the money back.

17 THE COURT: If it was an agreement with
18 you -- if it were these folks were just tried and
19 convicted, no, that's not coming in.

20 MS. VOLLMAN: Scales, his criminal history
21 was too bad. We did not do a deal with him at all; but
22 Turner, there was an agreement -- well, let me put it this
23 way and you make the call on this.

24 Our offer was -- and I gave Mr. Martin,
25 you know, "This is what we offered the co-defendants."

1 None of the defendants has accepted our offer, including
2 Robert Turner, to testify. My offer was -- just so you
3 know -- and correct me if I'm wrong on this. I gave you
4 the notice on this. We had offered five years probation
5 on -- if they would pay all the money back that they got,
6 minus what they can show was given to the Fraizers.

7 So they were to testify truthly and
8 accurately, pay all the money back; and if they did, we
9 would offer five years probation. All of them are going
10 without an agreed rec., including Robert Turner because he
11 didn't like that. He wanted deferred. So that's a little
12 different. We didn't have an agreement that he accepted.
13 We had an offer. He wanted to better our deal, and so he
14 went to the Judge without an agreed rec.

15 THE COURT: And that's his pending for
16 sentencing?

17 MS. VOLLMAN: No, no, no.

18 THE COURT: He has been sentenced?

19 MS. VOLLMAN: He has been sentenced. That's
20 why we were not going to call him. We weren't going to
21 call him again.

22 THE COURT: Mr. Martin?

23 MR. MARTIN: My view, Judge, he's been
24 sentenced. That's fair game for me to go into cross-
25 examination.

1 THE COURT: And one of them falls into that
2 category?

3 MS. VOLLMAN: Well, Robert Turner did not
4 accept our agreement. We made an offer of what I told
5 you. He did not like it. He went -- without an agreed
6 rec, he showed the Judge, "I paid all the money. I want
7 deferred." The Judge gave it to him. I didn't.

8 MR. MARTIN: But is he still corporating with
9 you?

10 MS. VOLLMAN: I mean, I wasn't going to call
11 him. I don't think he's on my subpoena list, either.

12 THE COURT: I think we should explore with
13 the witness in front of the jury whether he's testified in
14 exchange for some deal or whatever with the State.

15 MS. VOLLMAN: And if it's over?

16 MR. MARTIN: Yes, I understand.

17 THE COURT: If there was any motivation to
18 testify, you can explore that with the witnesses. Just to
19 get in, you know, "This is what the jury gave you or no?"

20 MR. MARTIN: Am I allowed to state that they
21 have a plea agreement?

22 MS. VOLLMAN: No. We don't have a plea
23 agreement.

24 THE COURT: But you can ask him that
25 question, "Do you have a plea agreement," and the answer

1 being no. He's entitled to ask him that.

2 MS. VOLLMAN: Well, here's another question
3 that I have, too. If I just offer, "Can you state your
4 name for the jury? My name is Robert Turner. Pass the
5 witness."

6 Now, my question is: What motivation to
7 testify? I am offering him solely to allow the Defense to
8 go into their -- have their right of confrontation. So
9 then really, the only reason he would want to bring that
10 in is to hurt the State's case and benefit his own
11 client.

12 That's not the purpose of bringing out
13 those type of issues. I mean, that's not what we're
14 doing. We're doing it strictly so he can have his
15 confrontation right; and the statements we want to come in
16 is through other witnesses who are more credible,
17 believable and reliable.

18 MR. MARTIN: The natural part of the Defense
19 is to discredit, if at all possible, any witnesses'
20 statement. You're putting up witnesses that are going to
21 try to show the depth and breath of a conspiracy. It's
22 natural for us to want to do everything we can to contest
23 their credibility and show the jury that they're not...

24 THE COURT: Part of their confrontation right
25 is to explore biases and prejudices. He can ask him the

1 question. I don't think you can get around that. He's
2 here in the courtroom. If he get into something that I
3 think is outside --

4 MR. MARTIN: I will not ask what their final
5 sentences were.

6 MS. VOLLMAN: Well, then I would ask too is,
7 "Did you have an agreement with the State for sentencing?"
8 I think that's -- if the answer is no. "Who sentenced you
9 with an agreed recommendation," the answer is no, that
10 should end the exploration.

11 MR. MARTIN: I agree with that.

12 THE COURT: I think we're in agreement with
13 that.

14 MS. VOLLMAN: Fair enough.

15 THE COURT: What is the objection to the
16 photographs? Fairly and accurately depict -- that's my
17 understanding of the predicate.

18 MR. MARTIN: There's one, have they been
19 altered and revised since she took them. That's the other
20 predicate trait.

21 THE COURT: That's covered by fairly and
22 accurately depicted.

23 MR. MARTIN: I understand that. That's the
24 basis of my objection. I've shared that.

25 (Jury present.)

1 THE COURT: Ms. Lewis, you may proceed.

2 MS. LEWIS: Thank you, Your Honor.

3 Q. (BY MS. LEWIS) Ms. Crayton, before we broke --
4 before we had our morning break, we were at the point
5 where you had your second encounter with Perkins Mobility.
6 How does an investigation get assigned to you?

7 A. The complaints come from Austin. Our
8 headquarters is in Austin. We're housed here in Houston.
9 So intake is there. So when a complaint in through the
10 hotline, either it be through the phone or mail or
11 wherever it is, that's where the complaint is assembled.
12 Then it's sent to the different regions. So I received a
13 complaint from Austin.

14 Q. Okay. And once you receive a complaint, what is
15 the first step in your investigation?

16 A. The first step is to read the allegations. The
17 second is to run a business objects report.

18 Q. What does the business objects report tell you?

19 A. It looks at the billing patterns for that
20 particular provider for a certain time frame.

21 Q. And what did this BOR tell you?

22 A. It showed --

23 MR. MARTIN: Objection. Hearsay, Judge.

24 THE COURT: It's just a document.

25 MS. LEWIS: Your Honor, it's already in

1 evidence.

2 THE COURT: It's overruled.

3 MR. MARTIN: Can they then refer to a
4 specific State's exhibit?

5 MS. LEWIS: Yes, Your Honor.

6 Q. (BY MS. LEWIS) What does the BOR, Exhibit No.
7 22 -- when you analyzed Perkins' BOR, what did you see?

8 A. A pattern of the same three incontinent supplies,
9 which would be extra large diapers, underpads and wipes.
10 All clients do not wear extra large diapers; but for each
11 one of these clients, that's what was billed -- extra
12 large diaper, wipes and underpants.

13 Q. Did you determine how much money was received by
14 Perkins?

15 A. \$397,296.67.

16 Q. Where was the business located?

17 A. 9030 North Freeway, 206, in Houston, Texas,
18 Harris County, Texas.

19 Q. Are you familiar with these locations?

20 A. Yes.

21 MS. LEWIS: May I approach?

22 THE COURT: You may.

23 Q. (BY MS. LEWIS) I'm showing you State's Exhibit
24 143. Can you please identify this exhibit? Can you
25 identify the exhibit?

1 A. Yes.

2 Q. What is it?

3 A. Exhibit 143 and it's a map of the North Freeway
4 and other streets, and it has the 900 North Freeway
5 address.

6 Q. Does it fairly and accurately represent the
7 location you visited?

8 A. Yes.

9 MS. LEWIS: State offers State's 143.

10 (State's Exhibit No. 143 was offered into
11 evidence.)

12 MR. MARTIN: No objection, Judge, to 143.

13 THE COURT: It's admitted.

14 (State's Exhibit No. 143 was admitted into
15 evidence.)

16 Q. (BY MS. LEWIS) Does this show the location of
17 Perkins Mobility?

18 A. Yes.

19 Q. Is this address in Harris County, Houston, Texas?

20 A. Yes, it is.

21 Q. Did you visit this location?

22 A. Yes, I did, on two different occasions.

23 Q. Why would you visit the location?

24 A. The first was for the Medicaid TPI application.

25 Q. Which you've already testified to; is that right?

1 A. Yes.

2 Q. Okay.

3 A. The second is when I went to collect records
4 based on the complaint that I received from Austin.

5 Q. Why do you collect records?

6 A. The records are what substantiate the billing
7 patters in addition to the business objects report. The
8 business objects report tells what recipients were billed
9 for.

10 Q. How many records did you requests?

11 A. 1,237; but the business was out -- it was out of
12 business when I went there.

13 Q. Did you make other attempts contact the owner?

14 A. I tried to call the number that was listed on the
15 enrollment application for TMHP but it was disconned and I
16 could see through the door of the window that the room was
17 vacant. It looked totally different from when I went back
18 in June of 2006.

19 Q. Now, did that conclude your investigation?

20 A. No. I went back to the office and called my
21 manager and told him that we needed to put the provider on
22 immediate payment hold to stop payment.

23 Q. Okay. And is that standard?

24 A. Yes.

25 Q. Did you do anything else?

1 A. Wrote up a case summary.

2 Q. Did you speak to any...

3 A. I took three recipients' statements to
4 substantiate, the find out if they actually received the
5 supplies or even if they needed it.

6 Q. You cannot say what someone else told you. Okay?

7 A. Okay.

8 Q. Were these in person or on the phone?

9 A. They were on the phone.

10 Q. And do you recall who you spoke with?

11 A. Yes, I do.

12 Q. Who did you speak with me?

13 A. I spoke with Sooner Bell, Elva Vega and --

14 MR. MARTIN: Judge, just for record purposes,
15 she's testifying from a document that's not been admitted
16 into evidence. If she needs her memory refreshed, they
17 can certainly ask to refresh her memory.

18 THE COURT: Sustained.

19 MS. LEWIS: Thank you, Your Honor.

20 Q. (BY MS. LEWIS) Ms. Crayton, did you prepare the
21 report?

22 A. Yes, I did.

23 Q. Do you need to use it to refresh your memory?

24 A. Yes.

25 Q. When you called the three people -- the three

1 recipients, what type of information do you want to glean
2 from them?

3 A. I'll ask first, have they ever heard of the
4 provider? Do they have a need for incontinent supplies?
5 And have they ever ordered or received any from the
6 provider?

7 Q. And did the recipients answer your question?

8 A. Yes, they did.

9 Q. And did that complete your investigation?

10 A. Yes.

11 Q. Let's go back to the recipients you interviewed.
12 Can you please identify their addresses?

13 A. Yes, I can, Sooner Bell's address is 15314 Winter
14 Midst.

15 MS. VOLLMAN: Judge, can we approach real
16 quick?

17 THE COURT: Yes.

18 MS. VOLLMAN: Our last witness is in here.
19 Can we swear him in and let him go?

20 THE COURT: What's his name?

21 MS. VOLLMAN: Robert Turner.

22 THE COURT: Mr. Turner, can you approach the
23 Bench and get sworn, please? And then we'll ask you to
24 wait outside.

25 THE CLERK: (Sworn.)

1 MR. MARTIN: Judge, would you please admonish
2 the witness regarding the witness exclusion rule?

3 THE COURT: Mr. Turner, let me just tell you
4 that the Rule has been invoked. Which means, you cannot
5 be in the courtroom when another witness is testifying.
6 You also cannot discuss your testimony with the other
7 witnesses. So if you will go outside with the bailiff, we
8 need to get some phone numbers from you so they can
9 contact you when it's time for your testimony? Okay.

10 All right, Ms. Lewis, you may proceed.

11 MS. LEWIS: Thank you, Your Honor.

12 Q. (BY MS. LEWIS) Ms. Crayton, you were identifying
13 the address for the recipients.

14 A. For Sooner Bell, 15314 Winter Midst in San
15 Antonio, Texas with a zip of 78247; Elva Vega, 8718 Laqure
16 Lane, San Antonio, Texas 78247; and Mar Flores, 2611 Kings
17 Wheeling Avenue, San Antonio, Texas 78247.

18 MS. LEWIS: Pass the witness, Your Honor.

19 THE COURT: Mr. Martin.

20 MR. MARTIN: Thank you, Judge.

21 CROSS-EXAMINATION

22 BY MR. MARTIN:

23 Q. Good morning, ma'am.

24 A. Good morning or good afternoon.

25 Q. Excuse me, good early afternoon. I do have a

1 couple of questions for you. Your investigation focused
2 strictly on Perkins Mobility, correct?

3 A. Correct.

4 Q. And you indicated that you went out there as part
5 of an initial inspection. Do you remember that direct
6 testimony?

7 A. Excuse me?

8 Q. Do you remember the direct testimony about your
9 initial inspection about Perkins Mobility?

10 A. Yes, I do.

11 Q. There was nothing about that initial inspection
12 that involved or related to Marcus Jefferson; is that
13 true?

14 A. True.

15 Q. And later, you indicated that based off of a
16 complaint, you pulled what you state as an acronym of a
17 BOR?

18 A. Business objects report.

19 Q. Will you state again what that stands for,
20 please?

21 A. Business objects report.

22 Q. Okay. My notes had that incorrectly. I
23 apologize.

24 A. No problem.

25 Q. My fault. And on those business objects report,

1 it has a lot of information that's pertinent and relevant
2 to what you do and what you're looking for, correct?

3 A. Correct.

4 Q. And it gives you a lot of information that can
5 lead to a lot of other questions and inquiry areas,
6 correct?

7 A. Possibly.

8 Q. There was nothing on the BOR that either named
9 Marcus Jefferson or related to Marcus Jefferson; isn't
10 that true?

11 A. That's correct.

12 Q. You also indicated that you took three statements
13 from various recipients, I believe, you called them?

14 A. Yes.

15 Q. Now, were these recipients also be known,
16 generally, as patients? Or is recipient a Medicaid term?

17 A. Well, recipients are patients of doctors.
18 Providers don't provide care like a doctor would.

19 Q. Okay. But these are recipients of the --

20 A. Medicaid Program of Texas.

21 Q. So still talking about three people?

22 A. Right.

23 Q. And your questions to these three people, none of
24 your questions related to Marcus Jefferson?

25 A. Correct.

1 Q. And the answers you recieved from these three
2 people, none of the answers related or referred to Marcus
3 Jefferson?

4 A. Correct.

5 MR. MARTIN: Pass.

6 THE COURT: Anything further?

7 MS. LEWIS: We're done, Your Honor.

8 THE COURT: May this witness be excused?

9 MS. LEWIS: Yes, she may.

10 THE COURT: Thank you, ma'am. You may be
11 excused. Call your next witness.

12 MS. VOLLMAN: Consuelo Chavez.

13 THE COURT: Ma'am, have you already been
14 sworn in?

15 THE WITNESS: Yes.

16 MS. VOLLMAN: May I proceed, Judge?

17 THE COURT: Yes, you may.

18 CONSUELO CHAVEZ,
19 having first been duly sworn, testified as followed:

20 DIRECT EXAMINATION

21 BY MS. VOLLMAN:

22 Q. Could you please tell us your name and where you
23 work?

24 A. My name is Consuelo Chavez, Consuelo Torres
25 Chavez; and I'm a employeed by Universal America.