

1 attention probably arose from Juror Number 9, Ms.
2 Wilson, unclear about whether she lived in Harris County
3 or not. But given the address that she gave me, I'm
4 confident that 249 and 1960 is in Harris County. And so
5 unless either side wants to proceed with it further --
6 she lists Houston, Texas, on her juror information card.

7 Are you satisfied with that?

8 MS. VOLLMAN: State is satisfied, Judge.

9 MR. MARTIN: Defense is satisfied, too,
10 Judge.

11 THE COURT: We will proceed. Both sides
12 are ready to bring the jury out?

13 The witness may take his seat.

14 (Jury enters courtroom)

15 THE COURT: Thank you. Please be seated.
16 I believe when we stopped yesterday we were on direct
17 examination by the State.

18 You may proceed.

19 KERRY GILLIE,

20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. VOLLMAN

23 Q You're the same Kerry Gillie that testified
24 yesterday when we broke for the day; is that correct?

25 A Yes.

1 Q We were talking about a letter that you had
2 prepared, a demand letter for Demetria Boston's company,
3 Anointed. Let me show you what has been marked State's
4 Exhibit Number 858. And can you tell us what that is?

5 A This is the demand letter.

6 Q Okay. Is that the demand letter that you
7 prepared even though it was signed by someone else?

8 A Yes.

9 Q And did you have a chance to deliver this
10 letter to Demetria Boston?

11 A Yes, I did.

12 MS. VOLLMAN: Judge, at this time we would
13 offer State's Exhibit Number 858.

14 Q (By Ms. Vollman) And just on the back, with all
15 the names of -- whose names are those?

16 A The Medicaid recipients.

17 Q Were those all that were billed for her
18 company?

19 A Yes, at that time.

20 THE COURT: Any objections to Exhibit 858?

21 MR. MARTIN: No objection, Judge.

22 THE COURT: It's admitted.

23 Q (By Ms. Vollman) Now, when you -- first off,
24 when you went out to go to talk to Ms. Boston, what
25 address did you go to?

1 A 6420 Richmond.

2 Q That's in Harris County, Texas, isn't it?

3 A Yes, ma'am.

4 Q When you went out there, what did you find?

5 A It was an office building, a highrise office
6 building, and she was in Suite 463. It was also like a
7 chiropractic therapy type of clinic.

8 Q Now, at some point in time did you look into
9 that therapy clinic, that other business that Demetria
10 Boston was in, to determine whether there were any type
11 of suspicious billing patterns associated with the
12 chiropractic clinic?

13 A Yes, I did.

14 Q And did you find anything?

15 A No, nothing suspicious.

16 Q Let me ask you this: You and who else in your
17 office assisted in analyzing the records for that
18 particular --

19 A The auditor, Candace Gonzales.

20 Q And you said they was nothing found?

21 A No.

22 Q Okay. When you went to present the demand
23 letter to Demetria Boston, was she present?

24 A Yes.

25 Q And did you give her that letter?

1 A Yes, I did.

2 Q Now, when you spoke with her, can you tell us
3 of the -- the number of recipients that are in that
4 letter, what is the number around, the total of
5 recipients. Anointed --

6 A 2000, I believe.

7 Q Now, were you asking for statistical samples?
8 Why was it that you asked for every single Medicaid
9 recipient that she billed for? Why were you looking for
10 all the records?

11 A We wanted a complete and accurate report.

12 Q When you wrote this letter, what type of
13 information are you looking for from her?

14 A We're asking for numerous things. There's
15 actually eight listed, items. Do you want me to read
16 them?

17 Q Just real briefly.

18 A All the Title 19s for the prescriptions or the
19 orders for the supplies, any company purchase orders
20 between January 1st, 2003 and 2006, company shipping
21 tickets, receipts for the same time period. Medicaid
22 billing files for the client list, copy of all the
23 company's employees files, sales receipts for the
24 attached client list, delivery tickets for the client
25 list, and any billing, contract or other related company

1 contracts.

2 Q On the date there, you have February 28, 2006.
3 When we're establishing a timeline -- so, is her company
4 still in business as of that February 28 date? Were
5 they still in business?

6 A Yes, they were.

7 Q Okay. And your letter is dated in August 2006?

8 A Yes.

9 Q Okay. When you met with her, did she have any
10 of the records you needed to have?

11 A None.

12 Q What did you tell her about the records -- what
13 did she tell you about the records when you asked her
14 about it?

15 A She told me that she had scanned all the
16 records, everything that I was asking for, those eight
17 items listed, and they were all on a disk and she had
18 left the disk in her car and the sun had damaged it.

19 Q Did you believe her?

20 A No.

21 Q What did you do next as far as Demetria Boston?

22 A I began to interview her at her office there
23 and explained to her the importance of turning over
24 these records. And she became real sad at one point,
25 put her head on the table, and said she just doesn't

1 have anything.

2 Q Okay. And did you ask her to do anything after
3 she responded to you in that way?

4 A I asked her to search, see if she could find
5 anything. Then she said she also has a storage facility
6 or something, and she was going to look and see if she
7 could find something there. She was clearly trying to
8 come up with some excuse to not have the records.

9 Q Did you talk with her at any other location
10 other than this particular location?

11 A Yes. Later she came to the DA's office, and
12 that was a recorded interview.

13 Q Was she under arrest at the time she gave that
14 recorded interview?

15 A No.

16 Q Was she free to leave?

17 A Yes.

18 Q Did she provide you with any information that
19 you followed up on?

20 A Yes.

21 Q And from the information she provided to you in
22 that recorded interview, what happened next? What
23 information did it lead you to?

24 A The Fraziers and the defendant.

25 Q Okay.

1 A Mr. Jefferson.

2 Q We're going to talk about Mr. Jefferson in a
3 little bit, but let me talk to you a little bit more
4 about the progression of how you conducted this
5 investigation.

6 The entire time that you're investigating
7 this case, are you doing multiple things at one time?

8 A Yes.

9 Q Is it -- when you're investigating a case such
10 as this, do you follow up many avenues, leads all at the
11 same time, or try to?

12 A Yes.

13 Q Is it realistic to say you're going to go one
14 lead and then just go and then stop and come back and
15 start over or are many things happening at the same
16 time?

17 A There are many things happening at the same
18 time.

19 Q The entire investigation that you worked on
20 involving Anointed, the Fraziers, Mr. Jefferson, did it
21 take a period of time to investigate and gather all the
22 information?

23 A A couple years.

24 Q Okay. Now, so from looking at the companies
25 and the billing practices, did you ever come to a

1 conclusion at any point that someone must have been
2 giving or selling them numbers?

3 A Yes.

4 Q Can you explain that for us? What -- how did
5 you come to that conclusion?

6 A Due to talking to the owners with their
7 attorneys -- some of them had attorneys -- and when we
8 interviewed them, some didn't. When we gave them all
9 the demand letters, none of them could provide any
10 information about how they were marketing or getting
11 these Medicaid customers, these recipients, and they had
12 no information about how they were making their money or
13 how they were getting their business. And they all
14 pointed toward the Fraziers, and that led us to go
15 further.

16 Q Now, let me ask you this: Do you know what the
17 total of the recipients were for the eight companies
18 that are a part of this scheme?

19 A The total dollar or the --

20 Q No. The total number of recipients.

21 A I think there were 9,600 something.

22 Q In that neighborhood?

23 A Uh-huh.

24 Q Okay. Now, what was it that caused you, in
25 addition to what the providers told you, to look at the

1 Fraziers? What all evidence did you have that you
2 focused on the Fraziers?

3 A The DME owners of the other companies were
4 providing us with emails, various exchanges of
5 information between the Fraziers and them, which was
6 showing the split of money and how it was being
7 delivered, and asking for different things, emails about
8 hey, what do we do about this demand letter. We don't
9 have the records they are asking for, and things like
10 that.

11 Q Let me ask you this, too. Was one of the folks
12 that you talked to and interviewed a DME owner by the
13 name of Jacqueline Briscoe?

14 A Yes.

15 Q How did you become involved with that
16 particular investigation? Was it a part of the original
17 group or just a company, just an individual company at
18 the time?

19 A It was an individual company that became a part
20 of the eight.

21 Q Did you have an opportunity to interview any of
22 the recipients that were involved in her company?

23 A Yes.

24 Q When you were talking to those individuals, how
25 many, around, did you talk to; do you remember?

1 A Between five and 20, I would say. That and
2 another investigator, I believe.

3 Q Now, when you talked to the group that you
4 spoke to, what information were you trying to obtain?

5 A If the recipients getting the supplies that was
6 getting billed under their name and their Medicaid
7 recipient number and if they needed those supplies.

8 Q Okay. And did everybody you talked to answer
9 your questions and provide information?

10 A Yes, they all denied needing these supplies.

11 Q You can't say what they said, but you talked to
12 them and you continued your investigation, right?

13 A Yes.

14 Q All right. Did you also at some point in time
15 provide her with a demand letter just as you did with
16 Demetria Boston?

17 A Yes.

18 Q Let me show you what's been marked as State's
19 Exhibit Number 860. And can you take a look at that and
20 can you identify it?

21 A Yes. This is the demand letter.

22 MS. VOLLMAN: At this time we would offer
23 State's Exhibit Number 860.

24 MR. MARTIN: No objection, Judge.

25 THE COURT: It's admitted.

1 (Exhibit Published)

2 Q (By Ms. Vollman) And is it the same draft
3 letter that you sent to Demetria Boston asking for the
4 same type of information?

5 A Yes, it is.

6 Q Now, Jacqueline Briscoe's company, do you know
7 what the address was for that company?

8 A 505 North Sam Houston Parkway.

9 Q Okay. That's a location in Harris County,
10 Texas?

11 A Yes.

12 Q Now, did you have an opportunity to talk with
13 her?

14 A Yes.

15 Q And was her attorney present?

16 A Yes.

17 Q And did you continue your investigation after
18 speaking with her and her attorney?

19 A Yes.

20 Q What was the next company that you
21 investigated?

22 A May I look at --

23 Q Sure.

24 (Pause)

25 A I believe we looked at Resource Solutions.

1 Q Okay. And can you tell us, do you remember who
2 the owner was of that company?

3 A Christopher Williams and Jaie Brown.

4 Q And I assume -- how did that initial
5 investigation come to you?

6 A It was the same as the others, with a referral.
7 The EOBs came in.

8 Q Okay. And EOBs, you're talking about the
9 explanation of benefits?

10 A Yes.

11 Q At that point in time did you also have an
12 opportunity to interview any of their recipients?

13 A Yes.

14 Q Did you ask them for the same type of
15 information that you asked of the other two companies?

16 A Yes.

17 Q Did they provide answers or give you
18 information to your questions?

19 A Yes.

20 Q Now, did you continue your investigation after
21 you spoke with those individuals?

22 A Yes.

23 Q Okay. Now, did you have an opportunity to get
24 the bank records of Anointed, Briscoe and Resource
25 Solutions?

1 A Yes.

2 Q And how did you get those?

3 A Through a subpoena.

4 Q Okay. Once you had those bank records, who did
5 you provide them to and for what purpose?

6 A They went to the auditor, Candace Gonzales, for
7 analysis.

8 Q Was there any -- can you tell us, was there any
9 money going out as you saw the Medicaid money going in
10 from those accounts in either cash or cashier's checks?

11 A Yes.

12 Q Did you notice who some cashiers checks were
13 made out to?

14 A Yes.

15 Q Who?

16 A The Fraziers.

17 Q Was it Dyain or Tajuana primarily?

18 A Primarily Dyain.

19 Q Did you ever take any action to determine
20 whether Christopher Williams was purchasing medical
21 supplies that would be consistent with the amount of
22 billing he was doing?

23 A Yes, looking at the bank records.

24 Q Did you notice any type of companies that he
25 would pay for things that could have been supplies that

1 would correspond to how much he was billing?

2 A No.

3 Q Now, at the point that you finish with your
4 interviews, as far as the eight providers, did you talk
5 to anybody regarding who they were providing you with
6 who could have been billers for the company in addition
7 to the Fraziers? Did you talk to anybody?

8 A Demetria Boston and one of the other owners. I
9 don't remember the other owner, one of the other ones.

10 Q Did you talk to them, and did they lead you to
11 any other biller other than the Fraziers that could have
12 been providing you information regarding the billing
13 practices of the Fraziers?

14 A Yes.

15 Q Who did you talk to?

16 A One of the other information, was Ms. Perkins,
17 Wilma Perkins, and Demetria Boston. They told us about
18 two other billers that they were dealing with, Trina
19 Brown and Kinshasa Carter.

20 Q Would you recognize them if you saw them?

21 A Yes.

22 Q Let me show you what has been marked -- and I
23 don't think in evidence yet -- is 752 and 751. Can you
24 identify the person in those pictures?

25 A That is Trina Brown.

1 MR. MARTIN: Judge, at this time we would
2 offer State's Exhibit Number 750, 751 which are -- No.
3 I'm sorry. 751, 752, which are certified copies of
4 Texas Department of Public Safety records, DL.

5 MR. MARTIN: No objections.

6 THE COURT: They are admitted.

7 Q (By Ms. Vollman) Judge, can I publish these,
8 please?

9 THE COURT: You may.

10 (Exhibits Published)

11 Q (By Ms. Vollman) That is Trina Brown, the woman
12 that you spoke with?

13 A Trina Brown, yes.

14 Q Okay. State's Exhibit Number 608 and 609,
15 which are in evidence, do you know who this person is?

16 A That is Kinshasa Carter.

17 Q Okay. Now, did you talk with both of them?

18 A Yes, I did.

19 Q And did they both provide you with information?

20 A Yes, they did.

21 Q At the time were either one considered a
22 potential suspect originally?

23 A No.

24 Q In light of what you now know, was one of them
25 under investigation for theft?

1 A Yes.

2 Q Which one?

3 A Kinshasa.

4 Q After you spoke with Trina Brown, Kinshasa
5 Carter, providers, did you talk to anyone else?

6 A After speaking to both of them, did I talk to
7 anyone else?

8 Q And all the providers.

9 A And all the providers. I came to the DA's
10 office and spoke with the prosecutor.

11 Q Okay. What did you talk to the prosecutor
12 about?

13 A The information that Trina provided and
14 Kinshasa, and the analysis of the bank records and
15 stuff.

16 Q At this point have you gathered enough
17 information to seek additional information that you need
18 a legal document to go get?

19 A Yes.

20 Q Okay. What is it that you were requesting and
21 for what purpose?

22 A Came spoke to prosecutor requesting search
23 warrants to get more information from the Fraziers and
24 the -- Mr. Jefferson's place of employment where he was
25 employed.

1 MS. VOLLMAN: Judge, may I approach?

2 THE COURT: You may.

3 Q (By Ms. Vollman) Now, first of all, what was
4 the first location that you were talking about? You
5 talked about the Fraziers. Let me show you what has
6 been marked as State's Exhibit Number 1078. Can you
7 tell us -- can you identify that?

8 A That is the Frazier's address on the key map,
9 Google map.

10 Q Is this map a fair and accurate representation
11 of the area of town that address is in and a point on
12 the map that shows the particular location?

13 A Yes, it is.

14 MS. VOLLMAN: Judge, at this time we would
15 offer State's 1078.

16 MR. MARTIN: No objection, Judge.

17 THE COURT: It's admitted.

18 MS. VOLLMAN: Can we publish that, Judge?

19 THE COURT: Okay.

20 (Exhibit Published)

21 Q (By Ms. Vollman) Now, what area of town is
22 that?

23 A Humble.

24 Q Okay.

25 A North, Beltway 8 north, between 45 and 59.

1 Q Let me show you State's Exhibit 862A. Can you
2 tell us what that is?

3 A A search warrant.

4 Q Can you explain to us how -- once you talk to a
5 prosecutor and the search -- once you talk to the
6 prosecutor and you establish, probable cause is
7 established to draft a search warrant, what action do
8 you take next?

9 A Upon the search warrant being completed,
10 drafted, it's taken to a district court judge and
11 presented and the judge then --

12 Q Let me ask you this: When you say a district
13 court judge, it would it be a district court judge such
14 as the judge who is presiding over this court?

15 A Yes.

16 Q Although she's not the person that signed it?

17 A No.

18 Q But it's her level?

19 A Yes.

20 Q When you go to that Judge, explain to us what
21 we would have observed, seen, if we were watching. What
22 happened?

23 A First we tell a little bit about it, what we're
24 trying to do, and how we got to that point where we need
25 a search warrant to go further to get more evidence.

1 Q Is that usually prepared in the affidavit that
2 accompanies your search warrant?

3 A Yes.

4 Q Okay. And is it detailed as to everything
5 you're talking about?

6 A Yes.

7 Q What information you found, who you spoke with?

8 A Yes, all that.

9 MR. MARTIN: Objection as to the leading.

10 THE COURT: Sustained.

11 Q (By Ms. Vollman) After you get to that point
12 and the Judge has had an opportunity to read that
13 affidavit, what happened?

14 A I swear to it and then he signs it.

15 Q Okay. Does he swear you to it, or she swear
16 you to it?

17 A Yes.

18 Q Okay. Then you sign it. Then what happened?

19 A Then an operational thing, is go back to the
20 office and operational plan to execute the warrant is
21 developed.

22 Q Okay. Let me show you what is marked as
23 State's Exhibit Number 862. Can you tell us -- take a
24 look at State's Exhibit Number 862A and 862. Can you
25 tell us what 862 is?

1 A The search warrant and the property receipt.

2 MS. VOLLMAN: Judge, at this time we would
3 offer State's Exhibit Number 862, the search warrant and
4 the inventory presented to --

5 MR. MARTIN: No objection, Judge, to 862.

6 THE COURT: 862 is admitted.

7 Q (By Ms. Vollman) Now, when you went to the
8 Judge before you get to the operational plan and going
9 for these items, can you give us an idea about what it
10 is you're asking the Judge for? What are you asking the
11 Judge permission to go search and seize?

12 A We're asking permission to go search and seize
13 anything that would be related to these DME companies
14 and the funds that's connected to those companies, the
15 monies that has moved from that DME company to, say, the
16 Fraizers and anything linking the companies. That is
17 the main --

18 Q Is it basically an entire list of what we can
19 see on State's Exhibit Number 862, files, documents,
20 records pertaining to or from any domestic or foreign
21 financial institution or investment institution, any and
22 all business records pertaining to Texas
23 Medicaid/medicare program, any and all patient files
24 pertaining to the Texas Medicaid/Medicare program. And
25 then you've got an entire list there of additional items

1 that you believe you would find if you executed this
2 search warrant at the Frazier home; is that correct?

3 A Yes.

4 Q Okay. Now, when you have white collar cases as
5 opposed to other type of cases as far as looking for
6 particular evidence, are you also, possibly could find
7 evidence from documents and from computers that may be
8 at the residence?

9 A Yes.

10 Q Is that why you ask the Court for permission to
11 seize that pursuant to your warrant?

12 A Yes.

13 Q Now, you also have listed some vehicles. Why
14 is it that you're asking the Court for those particular
15 vehicles?

16 A Due to analysis of the bank records and other
17 information we investigated and found related to these,
18 we were trying to recoup Medicaid funds that had been
19 lost.

20 Q Okay. All right. Now, when you talked about
21 that you were going to execute that search warrant, can
22 you tell us what execute the search warrant means?

23 A To enter the residence and look for the things
24 lined out in the search warrant.

25 Q Okay. Now, at the same time did you also

1 present the Judge with a second search warrant?

2 A Yes.

3 Q Let me show you State's Exhibit Number 863A and
4 863. Can you take a look at those and tell us if you
5 can identify them?

6 A This is the search warrant and search warrant
7 receipt for Mr. Jefferson's office.

8 Q Okay. And did you also -- is 863 just a search
9 warrant itself and the inventory?

10 A Yes.

11 MS. VOLLMAN: Judge, at this time we would
12 offer 863.

13 MR. MARTIN: No objections, Judge.

14 THE COURT: 863 is admitted.

15 Q (By Ms. Vollman) And are you -- what type of
16 information are you looking for here?

17 A The same evidence, of anything connecting.

18 Q Now, let me ask you this: As far as the
19 information of any vehicles that were seized, why go to
20 the Travis County? Why are asking permission from the
21 judge to have the vehicles go to Travis County?

22 A They were going to be stored there. There was
23 a question whether we would locate the vehicles and due
24 to their value and maintenance and the upkeep, it was
25 possible that they might have to be stored at an

1 enclosed facility in Travis County.

2 Q Now, at some point when you're talking about
3 the execution -- because now you have two different
4 locations, correct?

5 A Yes.

6 Q Can you explain to us your thought process why
7 you were doing both of those locations and how you were
8 going to execute those locations?

9 A We had to have two different groups or teams to
10 execute a warrant at one place and another at the same
11 time.

12 Q Why?

13 A In hopes that there wouldn't be phone calls
14 made or time for somebody maybe to get rid of evidence.

15 Q Okay. At this point in time did you have
16 probable cause to believe that Marcus Jefferson and the
17 Fraizers were working together?

18 A Yes.

19 Q Is that the reason for the execution at the
20 same time?

21 A Yes.

22 Q Which search warrant did you execute?

23 A Hickory Canyon, the Fraziers.

24 Q Who was going to be executing the search at
25 Marcus Jefferson's office location?

1 A John Roth and Steve Acker.

2 Q Okay. Now, have you been to Marcus Jefferson's
3 office location on the search warrant, 650 North Sam
4 Houston Parkway, have you been there before?

5 A Yes.

6 Q Can you tell us, is it a location on the
7 Beltway between Highway 45 and 59?

8 A Yes.

9 Q Can you tell us what date the execution of
10 these simultaneous warrants were going to be executed?

11 A I believe it was the 14th. I'm not sure.
12 February 14th.

13 Q Can you check?

14 (Pause)

15 Q Do you need the inventory?

16 A Or February 7th.

17 Q Just make sure. It's been a long time.

18 A February 7th.

19 Q Okay. Now, when you went to that Hickory
20 Canyon Court location, the Fraziers' residence, what was
21 the first thing that you did?

22 A Secured the residence, make sure everybody was
23 safe and there wasn't any issues or problems with
24 children or animals or anything like that.

25 Q Was there children in the Frazier home?

1 A Yes.

2 Q Okay. After securing the residence and making
3 sure everyone inside is safe, what do you do before you
4 start searching?

5 A We explain to the Fraziers what was going on
6 and they were given a copy of the search warrant.

7 Q Then what did you do?

8 A We began to search a room by room search of the
9 residence.

10 Q Okay. Before you do that searching, what do
11 you do to insure that everything is as it was when you
12 first walked in?

13 A Photograph.

14 Q Okay. Let me show you what has been marked
15 State's Exhibit Numbers --

16 MS. VOLLMAN: Judge, they are not
17 consecutive, all of them, so let me call them out.

18 Q (By Ms. Vollman) Can you look at these, please,
19 while we go through them? 864 (sic), 865, 866, 867,
20 872, 873, 879, 880, 881, 883, 887, 888, 889, 892, 893,
21 894, 897, 898, 900, 912, 913, 914, 918, 921, 922, 927,
22 934, 935, 937, 938, 940, 943, 946, 953, 955, 956, 959,
23 960, 963, 964, 966, 967, 968, 969, 970, 971, 972, 973,
24 974, 975, 976, 977, 978, 979, 986, 989, 996, 1007, 1012
25 and 1017.

1 Did you have a chance to look at all of
2 those as I was flipping quickly through them?

3 A Yes.

4 Q Do they all fairly and accurately represent
5 what is depicted in each photograph?

6 A Yes.

7 MS. VOLLMAN: Judge, at this time we would
8 offer those exhibits.

9 MR. MARTIN: No objections, Judge.

10 THE COURT: They are admitted.

11 Q (By Ms. Vollman) Very briefly can you tell
12 us --

13 MS. VOLLMAN: Judge, may we publish them?

14 THE COURT: You may.

15 (Exhibits Published)

16 Q (By Ms. Vollman) 864?

17 A The front of the Fraziers' residence.

18 Q 865?

19 A Same. Same.

20 Q Okay. That was 866. 867?

21 A Same, the front.

22 Q 872?

23 A The backyard.

24 Q Wait a minute. 8 -- okay. It's freezing?

25 873?

1 A The backyard.

2 Q 879?

3 A Interior entryway.

4 Q 879?

5 MS. VOLLMAN: Judge, can I show these? I
6 can I just hold them up.

7 THE COURT: Yes.

8 Q (By Ms. Vollman) 879. Can you tell us what
9 that is?

10 A Interior, entering the residence of the
11 Fraziers.

12 Q 880.

13 A Okay.

14 MS. VOLLMAN: I think we may have it back.

15 (Exhibits Published)

16 Q (By Ms. Vollman) 880, what is that?

17 A Dining room.

18 Q 881?

19 A A closet and a laundry room.

20 Q 883?

21 A Kitchen.

22 Q 887?

23 A Breakfast area, dinning area.

24 Q 8 --

25 MS. VOLLMAN: Judge, I don't think it's

1 working right.

2 Q (By Ms. Vollman) 877?

3 A Breakfast area, dining table.

4 Q 889?

5 A The living room.

6 Q 892?

7 A The living room, electronics.

8 Q 893?

9 A Master bedroom.

10 MS. VOLLMAN: Can I have just a minute,
11 Judge?

12 (Pause)

13 Q (By Ms. Vollman) 893?

14 A Master bedroom.

15 Q 894?

16 A Master bedroom.

17 Q 897?

18 A I believe that was in the --

19 Q One of the computers?

20 A I don't recall if that was in the office or on
21 the ledge in the master bath area.

22 Q 898?

23 A Master bedroom/bathroom.

24 (Recess taken due to malfunction of court
25 reporter's stenotype machine)

1 DIRECT EXAMINATION (CONTINUED)

2 Q Officer Gillie, you're the same Investigator
3 Gillie that was testifying at the break, correct?

4 A Yes.

5 Q State's 8 -- 973 and 974. Tell us what those
6 are.

7 A Photographs for the office area of the second
8 floor of the Fraziers's house.

9 (Exhibits Published)

10 Q (By Ms. Vollman) State's Exhibit Number 876 --
11 I'm sorry -- 976 and 975. Can you tell us what those
12 are?

13 A Photographs of various equipment in that same
14 office area.

15 (Exhibits Published)

16 Q (By Ms. Vollman) One a computer and a telephone
17 or fax machine?

18 A Yes.

19 Q And State's 977 and 978?

20 A Shredder and other electronic equipment in the
21 office upstairs at the Fraizers.

22 (Exhibit Published)

23 Q (By Ms. Vollman) Now, did you also happen to
24 seize anything while you were at your -- once you
25 started your search, were you also able to seize

1 anything?

2 A Yes.

3 Q Let me show you State's Exhibit Number 1018B
4 and its content. Can you take a look at the contents
5 and tell me if you can identify those exhibits?

6 A These all look like the documents taken from
7 upstairs in the office area of Frazier Marketing; I
8 mean, at their home.

9 Q Okay. Don't go into what detail they are.
10 Just let me know if you can identify them all as items
11 that were seized from the residence pursuant to that
12 search warrant. Just for the record, the blue backs are
13 not what you found them on, is it?

14 A No. This is all paperwork seized from the
15 office area upstairs at the Fraizers.

16 MS. VOLLMAN: We would offer into evidence
17 those items that were identified as State's Exhibit
18 Number 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025,
19 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034,
20 1035, 1036.

21 MR. MARTIN: No objections, Judge.

22 THE COURT: They are admitted.

23 Q (By Ms. Vollman) I just want to go through some
24 of these exhibits that you have. State's Exhibit Number
25 1018. Can you tell us what that is?

1 A It looks like a service agreement between a
2 billing company and a provider.

3 Q Okay.

4 A A blank one.

5 Q Just a form?

6 A Uh-huh.

7 Q All right.

8 A Basic form.

9 Q Take a look at State's Exhibit --

10 MS. VOLLMAN: Can I publish these as I go?

11 THE COURT: You may.

12 Q (By Ms. Vollman) Show you 1019. Can you tell
13 us what is 1019?

14 A 1019 is what we refer to as and R and S, a
15 remittance and status report that would come from TMHP
16 back to the providers.

17 Q Can you tell us what State's 1020 is just so --
18 the R and S statements are basically what Medicaid paid
19 for, correct?

20 MR. MARTIN: Objection. Leading.

21 THE COURT: Sustained.

22 Q (By Ms. Vollman) Does this go back to the
23 provider?

24 A Yes.

25 Q Okay. Can you tell us what 1020 is?

1 A A business card from Kinshasa Carter. It's
2 just a fax, information.

3 Q State's 1021, what is that?

4 A A tax form for income, reported income.

5 Q Okay. For who?

6 A For Frazier Medical Marketing, Kinshasa Carter.

7 Q Tell us what State's 1022 is.

8 A Just an enrollment packet from CMS to provider,
9 an early enrollment packet.

10 Q Okay. That CMS, that is Medicare, right?

11 A Yes.

12 Q Let me show you State's 1023. Can you tell us
13 what is reflected on that?

14 A These are handwritten notes talking about 505
15 North Sam Houston Parkway, Suite 610, some tax ID
16 numbers, some other things, driver's license, social
17 security number.

18 Q Let me ask you this: Which provider -- do you
19 remember -- was located at 505 North Sam Houston
20 Parkway, which one of the providers; do you remember?

21 A I believe it was Briscoe.

22 Q Okay. Take a look at State's Exhibit 1024.
23 Can you tell us what that is?

24 A Just a note, handwritten notes talking about
25 company mission, purpose, service fees, marketing,

1 50 percent billing, five percent -- and then there is a
2 deposit slip for \$5,000 into an account.

3 Q Okay. Let me show you State's Exhibit Numbers
4 1025, 1026, 1027. Can you tell us what those documents
5 represent?

6 A These are all Dreammakers Medical Supply
7 documents.

8 Q And are those all --

9 A Blank forms.

10 Q I'm sorry?

11 A Blank forms.

12 Q Okay. And the provider company name is who?

13 A Dreammakers.

14 Q And that is Vincent Walker's company, isn't it?

15 A Yes, Vincent Walker's company.

16 (Exhibits Published)

17 Q (By Ms. Vollman) Take a look at that next
18 exhibit. Tell us what number it is and tell us what it
19 is, please.

20 A Exhibit 1028. It's a certificate of title.

21 Q Who is -- a certificate for what?

22 A I believe it's a 2003 Mercury. It's an
23 automobile title.

24 Q Tell us, what is State's Exhibit Number 1030?

25 A This is a list of Medicaid recipients, their

1 names, date of births, home addresses, and their
2 Medicaid numbers and looks like it's been sorted by zip
3 codes.

4 Q Let me show you State's Exhibit Number 1033.
5 Can you tell us what that is?

6 A This is information.

7 Q Okay. As far as State's Exhibit Number 1031,
8 can you tell us what that is?

9 A Looks like an application stating for purchase
10 of a vehicle, credit application, I believe.

11 Q Who is the name?

12 A Last name is Gary.

13 Q Antwine Gary?

14 A Antwine Gary.

15 Q Okay. Can you tell us what is State's Exhibit
16 Number 1034?

17 A This is CP manual for the codes, procedures for
18 billing Medicaid/Medicare.

19 Q Would you need that to bill Medicaid?

20 A Yes.

21 Q Let me show you State's Exhibit Number 1037A
22 and its contents. Can you tell us if you recognize
23 State's Exhibit Number 1037, 1038?

24 THE COURT: Are you going through the
25 whole box?

1 MS. VOLLMAN: Not the whole box, Judge.
2 We just picked out certain exhibits that we're showing.
3 The box is full, but we only have these that we are
4 offering.

5 A This is a checkbook, different checking boxes.

6 THE COURT: Objection, Judge. Testifying
7 about an exhibit that hasn't been admitted.

8 Q (By Ms. Vollman) Just identify it. These are
9 items that were seized?

10 A Yes.

11 Q State's Exhibit Number 1039, State's Exhibit
12 Number 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047,
13 1048, 1049, 1050, those items. Do you recognize those?

14 A Yes. Those were all seized from the Frazier
15 residence.

16 MS. VOLLMAN: Judge, we would offer those
17 exhibits into evidence.

18 THE COURT: Did you say 1039?

19 MS. VOLLMAN: It started with 1037, 1038.

20 THE COURT: I got the rest of it. Any
21 objection?

22 MR. MARTIN: No objections, Judge.

23 THE COURT: They are admitted.

24 Q (By Ms. Vollman) Okay. Can you tell us what is
25 State's Exhibit No. 1037?

1 A Just blank counter deposits for Hibernia Bank.

2 Q Okay. Is that one of the banks that was in
3 this group of bank records that you seized as far as
4 from Hibernia?

5 A Yes, it was.

6 Q State's 1038?

7 A These are all just money wraps for all
8 denominations, 2000 to 500.

9 Q In fives, tens, twenties?

10 A Fives, tens, twenties, 5,000.

11 Q 50?

12 A Fifties, hundreds, all denominations.

13 Q Okay. Then State's Exhibit No. 1039?

14 A Check stub.

15 Q Do you notice on State's Exhibit Number 1039
16 one of the provider names that is in this case?

17 A Charles Wickware.

18 Q Let me show you what has been marked State's
19 1040, 1041, 1042, 1043, 1044, 1045. Can you tell us
20 what all those exhibits are?

21 A Titles to vehicles.

22 Q Okay. Who's the owner of those vehicles?

23 A Dyain Frazier.

24 Q Okay. State's Exhibit Number 1047, can you
25 tell us what those are?

1 A These are wrappers like these that are stamped
2 "received".

3 Q Okay. In other words, was the cash in them at
4 one time?

5 A Yes.

6 Q State's Exhibit Number 1048. Can you tell us
7 what that is?

8 A Deposit tickets; one to Hibernia Bank, one to
9 Capital One. One is for \$200, the other is \$4,000. The
10 Hibernia is \$4,000.

11 Q Are they cash deposits?

12 A Yes.

13 Q And let me show you State's Exhibit Number
14 1051. Can you tell us what that is?

15 A These are cash deposits into Chase Bank
16 account.

17 Q Let me show you State's Exhibit Number 1054A
18 and its contents, State's Exhibits Number 1065, 1073A
19 and its contents, State's Exhibit Number 1072, State's
20 Exhibit Number 1054, 1055, 1056, 1057, 1058, 1059, 1060,
21 1061, 1063, 1064, 1066, 1067, 1068, and 1069, 1070 and
22 1071. Can you identify all those?

23 A Yes.

24 Q What are they?

25 A Items seized from the Frazier's office on the

1 second floor.

2 MS. VOLLMAN: Judge, we would offer those
3 exhibits into evidence.

4 MR. MARTIN: No objections, Judge.

5 THE COURT: They are admitted.

6

7 Q (By Juror) State's Exhibit 1070. Can you tell
8 us what 1070 is?

9 A It is an R and S, Remittance and Status report.

10 Q For what company?

11 A For Easley Care Wheelchairs.

12 Q State's Exhibit Number 1071?

13 A This is the odometer statement for the purchase
14 agreement for a Bentley.

15 Q Okay. And did you have information that a
16 Bentley was purchased in this case by somebody?

17 A Yes.

18 Q Who?

19 A Dyain Frazier had bought it.

20 Q Okay. Let me show you State's Exhibit Numbers
21 1066 and 67. Can you tell us what those two items are?

22 A These are faxes from Frazier Medical Marketing
23 to Cindy Franco from Tajuana Frazier and to Trina Brown
24 from Tajuana Frazier.

25 Q Let me ask you this: Cindy Franco is who?

1 A Investigator for the FBI.

2 Q And Trina Brown?

3 A A biller.

4 Q Is that a biller you identified here in court
5 earlier?

6 A Yes.

7 Q Let me show you State's Exhibit Numbers 1063
8 and 64. Can you tell us what those are?

9 A Sales tax license and DBA, a Harris County DBA
10 for Frazier Medical Supply, Dyain Eligha Frazier and
11 Tajwana Krischelle Frazier.

12 Q All right. Take a look at State's Exhibit
13 Numbers 1061, 1062, (sic) 1060. Can you tell us what
14 those three exhibits are?

15 A These are, looks like standard letter forms,
16 some possible drafts that was worked on, from Frazier
17 Medical Marketing. One of them is blank. It's relating
18 to working with Perkins Mobility, Resource Solutions;
19 Perkins Mobility and Resource Solutions.

20 Q Is that like a welcome letter type thing?

21 A Yes.

22 Q So we've got Resource and Perkins?

23 A Yes.

24 Q Take a look at State's Exhibits Numbers 1057,
25 1058, 1059, 1065?

1 A It's 6.

2 Q Oh, I'm sorry. 1056, 1055, and 1054. Can you
3 tell us what those are?

4 A They are various lists with names and addresses
5 of Medicaid -- of different individuals, with their
6 Medicaid recipient numbers.

7 Q Are there -- most of them have more than one
8 page of these numbers on it?

9 A Yes.

10 Q I think there is one that has one page,
11 correct?

12 A Yes.

13 Q The other ones have multiple.

14 The fact that they had these documents in
15 the Fraziers' possession, was that significant to you?

16 A Yes.

17 Q Why?

18 A They had to have received them from somewhere,
19 somehow.

20 (Exhibits Published)

21 Q *(By Ms. Vollman)* Now, State's Exhibit Number
22 1073A and its contents, can you tell us what those are?

23 MS. VOLLMAN: And, Judge, we're offering
24 State's 1073A at this point to keep those two exhibits
25 together.

1 A This is several spreadsheets with recipient,
2 Medicaid recipient information, including their social
3 security number, names, other information regarding
4 enrollment and different things.

5 Q Is this also significant in your investigation
6 that you found them?

7 A Yes.

8 Q Why?

9 A Like it had other information about outside
10 counselors on the spreadsheet, had a thing that said OC
11 on it.

12 Q What?

13 A The fact it had OC on it, we felt that would
14 have some direction for us to look into.

15 Q Okay. Let me show you what has been marked
16 State's 1065. Can you tell us what that is and what the
17 significance of that is?

18 A This is just a patient record list for -- it's
19 titled Dreammakers Medical Supply. It has the patient's
20 name -- and it's in alphabetical order. It has their
21 Medicaid number, PCN number, Medicaid number. And it's
22 got different checks and marks and Xs by each name.
23 Some of them have nothing, but there are several pages.

24 Q I'm going to ask you to compare a document that
25 was introduced through Betty Sam. Can you please

1 compare State's Exhibit Number 854 and 1065?

2 A They are the same list of names and numbers in
3 identical order but the notes are different.

4 Q Okay. But what you got from the Fraziers' home
5 is 1065, correct?

6 A Correct.

7 Q Now take a look at 1072. Can you tell us what
8 that is?

9 A This is a binder found in the office of the
10 Fraizers' second floor at their house.

11 Q Is that what we saw in the picture that we
12 took?

13 A Yes, it is.

14 Q Did you find anything significant in State's
15 1072?

16 A Yes, we did.

17 Q Let me show you State's Exhibit Number 1072B.
18 Can you tell us what 72 -- 1072B is?

19 A It's a company contact information and from
20 medical supply company contact information. Says
21 contact person Broderick Carter.

22 Q State's 1072C, who does that say?

23 A Demetria Boston.

24 (Exhibits Published)

25 Q (By Ms. Vollman) Did you find that significant?

1 A Yes.

2 Q Why is that?

3 A They were the owners of the other DME
4 companies.

5 Q Let me show you also State's Exhibit Number
6 1072D and 1072E. Do you recognize those?

7 A Yes. It was a checklist for First American and
8 Wickware Medical Supply.

9 Q Is that also significant in your investigation
10 into this group of companies?

11 A Yes.

12 Q Why is that?

13 A It linked the Fraizers to those companies.

14 Q And First American was whose company?

15 A May I look?

16 Q Sure.

17 A Robert Turner.

18 Q And State's Exhibit Number 1072A, what is that?

19 A This is a Medicare advisory, which is supplier
20 manual and fee schedule.

21 Q Let me show you what has been marked as --

22 A It's for Perkins Mobility.

23 Q State's 1072F and 1072G. Can you tell us what
24 those are?

25 A Business information checklist for Briscoe

1 Medical Supply and Dreammakers Medical Supply.

2 Q Is that also significant to you in this case?

3 A Yes.

4 Q Why is that?

5 A It shows they were working with the Fraziers.

6 Q During your search did you ever find any
7 incontinence supplies that were being stored at the
8 Frazier home?

9 A No.

10 Q During your search did you find any proof of
11 the Fraziers buying incontinent supplies?

12 A No.

13 Q Any proof of them delivering any incontinent
14 supplies?

15 A No.

16 Q Now, who was the officer in charge of all the
17 evidence that was seized at the Frazier residence?

18 A I was.

19 Q Were you also in charge of the evidence that
20 was seized at another location?

21 A Yes.

22 Q And can you tell us what evidence were you in
23 charge of at the other location?

24 A Everything that was seized from Mr. Jefferson's
25 office was listed and brought back to our office.

1 Q Okay. Did they come after their search of the
2 Maximus location to your Fraizer location?

3 A Yes, they did.

4 Q Let me show you what has been marked State's
5 Exhibit Number 1074A and its contents, 1074 Tag 9. Do
6 you recognize these exhibits, or that exhibit that is,
7 that thumb drive?

8 A Yes, taken from the search warrant from the
9 defendant's office.

10 Q And they were provided to you by who?

11 A Steve Acker.

12 Q Okay. Let me show you State's Exhibit Number
13 1075 and its contents, State's Exhibit 10 -- this is
14 1075A, 1075, Tag 8. Do you recognize that exhibit?

15 A Yes, they were both taken from the same
16 location.

17 Q Okay. And is Steve Acker the one to testify
18 regarding where they came from?

19 A Yes.

20 Q Now, when you take custody of all this
21 evidence, where do you take it?

22 A To the office.

23 Q Okay. And then where?

24 A From there it goes to the -- the computer
25 itself goes to computer forensic personnel who analyze

1 it here at the DA's office.

2 Q All right. And can you tell us, did you take
3 the computer equipment and State's 1074A and 1075A to
4 the forensic analysis unit at the DA's office?

5 A Yes, we did.

6 Q And who did you give it to?

7 A Bill Brown.

8 Q Now, after you seized all that evidence, did
9 you analyze the evidence for additional evidence?

10 A Yes.

11 Q Now, based on your review of all the evidence
12 that you had, did you need to search another location?

13 A Yes.

14 Q Can you tell us what location you were going to
15 search for? Let me show you State's Exhibit Number
16 1077A and 1077. Can you tell us what is it that you
17 were -- tell us first if you can identify those
18 documents.

19 A These are search warrants.

20 Q Okay. Same search warrant?

21 A Same search warrants to go back to the
22 Fraziers' residence to seize additional property.

23 Q And let me ask you this: Is State's 1077 the
24 search warrant and the inventory for that second group
25 of search warrants that you did?

1 A Yes.

2 MS. VOLLMAN: Judge at this time we would
3 offer State's Exhibit Number 1077.

4 MR. MARTIN: No objections, Judge.

5 THE COURT: It's admitted.

6 MS. VOLLMAN: Could we publish that,
7 Judge?

8 THE COURT: Yes.

9 (Exhibit Published)

10 Q (By Ms. Vollman) Can you explain in your first
11 search why didn't you seize those items when you were
12 there the first time?

13 A We didn't have probable cause. The evidence
14 hadn't led enough to seize those items at that time.

15 Q Once you had seized the documentation that you
16 had in the first warrant, does that give you probable
17 cause to go for a second warrant to seize those items
18 that were purchased with stolen money?

19 A Yes.

20 Q Is that what you are doing here in State's
21 1077?

22 A Yes.

23 Q All right. So you're going after the Range
24 Rover, the Mercedes, and some of those various items?

25 A And a safe.

1 Q Okay. And a safe. Let me ask you this:
2 Why -- do you seize houses?

3 A Normally we don't seize houses.

4 Q Why is that?

5 A It's too costly to keep them up, maintain them,
6 auction them, and there is mortgages on them. This
7 house had an extremely high mortgage on it, if I'm not
8 mistaken.

9 Q Let me show you -- did you go back to that
10 location, the Frazier residence, to seize these things?
11 First off, did you go through the procedure that you
12 told us about with a district court judge to get the
13 search warrant signed?

14 A Yes.

15 Q And did the Judge review it and then sign it?

16 A Yes, he did.

17 Q And once you had it, did you attempt to execute
18 it?

19 A Yes, we did.

20 Q Now, when you went back to the Frazier
21 residence, did you find anything unusual when you got
22 there?

23 A Yes.

24 Q What did you find?

25 A It had been a fire. Severe fire damaged it.

1 Q Let me show you State's Exhibit Number 1081.
2 Can you tell us what is depicted -- first off, can you
3 identify State's Exhibit Number 1081?

4 A It's a picture of the Frazier residence on
5 Hickory Canyon.

6 Q Is one of the -- does it fairly and accurately
7 represent what is in it?

8 A Yes.

9 MS. VOLLMAN: We would offer what is
10 represented in the picture, State's Exhibit Number 1081.

11 MR. MARTIN: No objection.

12 THE COURT: Admitted.

13 Q (By Ms. Vollman) Were you able to seize
14 anything once you got back to that location? Do you
15 remember what day it was that you went back?

16 A I believe April 2nd. Yes, April 2nd.

17 Q Okay.

18 A 2008.

19 Q That was after all the records were analyzed
20 and you believed that those items that were listed in
21 the search warrant were purchased with stolen goods?

22 A Yes.

23 MR. MARTIN: Judge, objection. Leading.

24 THE COURT: Sustained.

25 Q (By Ms. Vollman) When you went back to this

1 location and it was burned, there is no finding or
2 anything of arson, it just burned?

3 A Yes.

4 Q Okay. Now, from your research of everything
5 else that you found in the Frazier home, did you do
6 initial searches for additional property?

7 A Yes.

8 MS. VOLLMAN: Judge, may I approach?

9 THE COURT: You may.

10 Q (By Ms. Vollman) Let me show you briefly
11 State's Exhibit Number 1086. Can you tell us what this
12 depicts and can you tell us what you are looking at that
13 particular location? First off, what is 1086?

14 A It's a Google map of 3700 Atascocita Road.

15 Q Does it accurately represent the area of town
16 that it's in and where that particular storage facility
17 is located?

18 A Yes.

19 Q And can you tell us why you were looking at
20 this particular storage facility?

21 MS. VOLLMAN: And, Judge, we would offer
22 State's 1086.

23 MR. MARTIN: No objection to 1086, Judge.

24 THE COURT: It's admitted.

25 Q (By Ms. Vollman) Why were you going to the

1 Atascocita storage?

2 A From the items we seized from the house, we
3 located storage receipts for storage facility that was
4 close to their house, so we were looking for items
5 either purchased and/or monies. And so we were
6 searching the storage facility to try and locate items
7 or things that would recoup Medicaid funds.

8 Q Let me show you State's 1087A and 1087. Can
9 you tell us what they are?

10 A Search warrants and search warrant receipt for
11 3700 Atascocita, number 133.

12 Q Okay. And is that where you believed and had
13 probable cause to believe that there would be some of
14 the property that was in the house?

15 A Yes. Because the house was empty after the
16 fire.

17 Q All right. And did you get this search warrant
18 the same you did as every other search warrant that you
19 got with a district judge reviewing it, signing it,
20 swearing you to it and then going forward?

21 A Yes.

22 MS. VOLLMAN: Judge, we would offer
23 State's Exhibit Number 1087.

24 MR. MARTIN: No objections.

25 THE COURT: Admitted.

1 Q (By Ms. Vollman) Did you find anything when you
2 went there?

3 A No.

4 Q Okay. Let me show you State's Exhibit Number
5 1092. Can you identify that?

6 A It's Microsoft area map of 7707 North Sam
7 Houston Parkway.

8 Q Does it fairly and accurately represent what is
9 depicted in it?

10 A Yes.

11 Q Why are you looking at this address of 7707
12 North Sam Houston Parkway?

13 MS. VOLLMAN: And, Judge, we would offer
14 State's 1092.

15 MR. MARTIN: No objection.

16 THE COURT: Admitted.

17 A It was another storage facility where we had
18 found receipts showing that the Fraziers were actively
19 using those facilities for storage.

20 Q (By Ms. Vollman) Okay. And did you believe you
21 had probable cause to go forward?

22 A Yes.

23 Q Let me show you what has been marked State's
24 1093A and 1093. Can you tell us what those are?

25 A Search warrant, search warrant and receipt.

1 Q So the warrant and the inventory?

2 A Yes.

3 Q Did you go get this warrant the same way that
4 you got the other warrants, through a district judge who
5 had an opportunity to review it, swear you to it, and
6 sign off on it?

7 A Yes.

8 MS. VOLLMAN: Judge, we would offer
9 State's 1093.

10 MR. MARTIN: No objections.

11 THE COURT: It's admitted.

12 Q (By Ms. Vollman) What were you going to look
13 for there, and did you seize anything?

14 A Yes. We were looking for evidence connecting
15 anything to the Fraziers and the other companies and/or
16 the defendant.

17 Q Let me show you what has been marked State's
18 Exhibit Number 1094, 1097, 1099, 1103, 1111 and 1116.
19 Do you recognize those?

20 A Yes. Photos of that storage facility.

21 MS. VOLLMAN: Judge, at this time we would
22 offer State's Exhibit Numbers 1094, 1097, 1099, 1103,
23 1111, 1116.

24 MR. MARTIN: No objections, Judge.

25 THE COURT: They are admitted.

1 Q (By Ms. Vollman) Let me show those just so --
2 State's 1094?

3 A That's the entryway to the storage facility.

4 Q 1097?

5 A The outside of the storage.

6 Q Okay. 1099?

7 A That's when we opened the door. That's the
8 front of the storage.

9 Q 1103?

10 A Picture of the other storage facility and the
11 vehicle inside.

12 Q 1111 and 1116?

13 A Same, contents.

14 Q Now, did you have an opportunity --

15 A Storage facility contents.

16 Q Let me show you what has been marked State's
17 Exhibit Number 1129A and 1129. Can you tell us first
18 off why are you going -- why are you seeking a search
19 warrant to a different unit at 7707 North Sam Houston
20 Parkway?

21 A It was also another storage facility we found
22 that they were using.

23 Q Did you believe that you would find property of
24 the Fraizers at that location?

25 A Yes.

1 Q And is State's Exhibit Number 1129 the search
2 warrant and the inventory?

3 A Yes.

4 MS. VOLLMAN: And, Judge, we would offer
5 State's Exhibit Number 1129.

6 MR. MARTIN: No objections, Judge.

7 THE COURT: It's admitted.

8 Q (By Ms. Vollman) And you got that search
9 warrant with a district judge just like you got all the
10 other ones?

11 A Yes.

12 Q Now, did you go to one other location
13 attempting to try to seize property, get the property
14 that was purchased with stolen goods back to Medicaid?

15 A Yes.

16 Q What were you looking for at this point?

17 A Property and/or evidence connecting everything.

18 Q Okay. Were you going after one specific item?

19 A Yes. We were trying to locate a Bentley.

20 Q Okay. Let me show you what has been marked
21 State's 1132. Can you identify that for us?

22 A It is another -- it's a Microsoft map of 59,
23 10151 Southwest Freeway.

24 Q Okay. Does it fairly and accurately represent
25 what is depicted in it?

1 A Yes.

2 Q And can you tell us what is State's 1133A and
3 1133?

4 MS. VOLLMAN: And, Judge, we would offer
5 State's Exhibit Number 1132.

6 MR. MARTIN: No objections to 1132.

7 THE COURT: Admitted.

8 A Search warrant, receipt.

9 Q (By Ms. Vollman) And as far as State's Exhibit
10 Number 1133, is it the search warrant and the inventory
11 you obtained in this case?

12 A Yes.

13 Q And did you go about obtaining this search
14 warrant like you got all the other search warrants in
15 this case, with a district judge reviewing it, signing
16 it, swearing you to it?

17 A Yes.

18 MS. VOLLMAN: We would offer State's
19 Exhibit 1133.

20 MR. MARTIN: No objections.

21 THE COURT: It's admitted.

22 MS. VOLLMAN: May I have a minute, Judge?

23 THE COURT: Yes.

24 (Pause)

25 Q (By Ms. Vollman) Now, when you had all that

1 computer equipment, I think you told us that you took it
2 to Bill Brown at the DA's office for him to analyze,
3 correct?

4 A Yes.

5 Q Now, during the process of you obtaining
6 evidence, did you also search for other records to try
7 to determine certain facts regarding the providers, the
8 Fraziers, and Mr. Jefferson?

9 A Yes. With all the evidence that was seized
10 we -- I went through each box, each paper, trying to
11 match things, you know, from the Fraziers to the storage
12 facility. There was documents seized there, or to the
13 defendant's office. Went through that and along with
14 that, matching emails found from the Fraziers to the
15 computer equipment that was seized and the providers of
16 the other companies, were providing the stuff that they
17 had that matched also what we found.

18 Q Did you also take any steps to find
19 documentation from companies that were suppliers of
20 incontinent supplies or whether any of these items were
21 shipped by the relevant providers in this case or
22 whether they had any employees or anything like that?
23 Did you go to outside organizations or outside agencies,
24 companies, to look for records that they may have?

25 A Yes. We checked with Fed X, UPS, also some of

1 the area local DME wholesalers, along with checking
2 records for those kind of receipts, where they had paid
3 for those services.

4 Q Okay. Let me show you what has been admitted
5 into evidence as State's Exhibit Number 60. Can you
6 tell us what records they reflect? Who are they from?

7 A This is Direct Home Care Supply.

8 Q Okay. State's Exhibit Number 61?

9 A CMS Mobility, which is a DME.

10 Q Also State's Exhibit Number 62?

11 A Summit.

12 Q Okay. And United Parcel Service records in
13 State's Exhibit Number 64, what were you looking for
14 there?

15 A Proof of deliveries.

16 Q Okay. For which company or which group?

17 A For the eight companies and Frazier.

18 Q Okay. State's Exhibit Number 65, also from the
19 United Parcel Service?

20 A The same thing, from the DMEs.

21 Q Okay. And the third one, State's Exhibit
22 Number 66?

23 A The same thing.

24 Q Let me show you, which have not been offered
25 into evidence yet, 1184, 1185 through 1199, and then

1 State's Exhibit Number 1252 through 1256. Do you
2 recognize those exhibits?

3 A Yes. These are the certified copies of the
4 Texas Work Force Commission records.

5 Q And why are you subpoenaing records for the
6 work force commission?

7 A We're trying to find out if they have -- if
8 they are reporting earnings and they have any employees
9 on their payroll that they are -- such as delivery
10 drivers, secretaries, warehouse mangers, different
11 things like that.

12 Q Did you find anything that was significant
13 regarding those records?

14 A No, other than the record for the ones that had
15 another full time job. It had their earnings for those
16 jobs.

17 MS. VOLLMAN: We would offer 1185 through
18 1199 and 1252 to 1256.

19 MR. MARTIN: No objections, Judge.

20 MS. VOLLMAN: They were on file 14 days
21 prior to trial as required by the Rules.

22 THE COURT: They are admitted.

23 Q (By Ms. Vollman) Now, did you have an
24 opportunity to investigate a company by the name of
25 eCapital?

1 A Yes.

2 Q And were any indictments handed down in
3 reference to eCapital?

4 A No.

5 Q Let's talk about Marcus Jefferson specifically.
6 Now, can you tell us when was the first time that his
7 name came up in your investigation regarding all of
8 these DME companies?

9 A It was when I spoke with Demetria Boston.

10 Q Okay. Now, prior to that, in the bank records,
11 did you notice anything or find any connection between
12 Marcus Jefferson and any of the DME providers or the
13 Fraizers?

14 A There was a check; one check, I believe.

15 Q Okay. And it was from who to whom?

16 A I believe it was from, or signed by Tajuana
17 Frazier to Marcus Jefferson. I'm not sure if it was
18 Tajuana or Dyain, but it was one of the Fraizers.

19 Q Okay. Did you know what that was for?

20 A No.

21 Q Okay. When you talked to Demetria Boston, did
22 she give you the name of Marcus Jefferson complete --
23 you know, the whole name?

24 A No. When she first told the name, it was
25 Marcus.

1 Q Okay. At that point in time, what was she
2 giving you that name for? What question had you asked
3 that elicited that particular response?

4 A I was asking her how they were getting the
5 numbers or how she was getting the numbers and the
6 source for all these customers for this massive amount
7 of billing. And she told me she didn't know but she
8 had -- exactly -- but she had been told by the Fraizers
9 that it was their cousin or relative of some sort,
10 Marcus, who she believed had met before or knew before
11 from previous party or something at their house, who
12 worked at the State. It was a relative who worked at
13 the State.

14 Q Now, at the time that she gave you that
15 information, did she tell you what the context was at
16 the house she learned it was Marcus, in what context?
17 How did she learn about Marcus?

18 A She was getting a lot of calls from, you know,
19 from different people, recipients, parents and different
20 people because they weren't getting their supplies. And
21 the reason they weren't getting their supplies is her
22 company had billed for a lot of things in these
23 recipients' names and so, got their limit, and they
24 couldn't get any supplies that they did need for
25 something else, other than incontinence supplies,

1 medication, or whatever it was. And it was causing
2 problems with people using Medicaid/Medicare. So they
3 were -- they call her, she would turn around, call the
4 Fraziers, say, hey, what is going on. And she was
5 told -- again, this is what she told me -- don't worry
6 about it, we've got it covered, got a relative that
7 works for the State, Marcus is the one, you know.

8 Q Did Dyain tell her about Marcus or did Marcus
9 tell Demetria about Marcus?

10 A I believe Dyain told Demetria about Marcus.

11 Q Okay. Do you know -- can you look in your
12 report or do you need something to refresh your memory
13 as to how that took place?

14 A I guess.

15 Q Do you want the report?

16 A The binder is over there.

17 (Pause)

18 THE COURT: While he's doing that, can I
19 see the attorneys, please.

20 (Discussion at the Bench, off the record)

21 A I believe it was Dyain that told Marcus -- I
22 mean, Dyain that told Demetria about where he was
23 getting the numbers from, he would handle it.

24 Q (By Ms. Vollman) Let me ask you this: All
25 right. So after you spoke with Demetria, how did your

1 investigation go to investigate whether or not it was
2 true about what she said, because all you had at this
3 point is the name Marcus, right?

4 A Of course, you know, I asked her to try to
5 think back as far as she could, because she said she met
6 Marcus like, she believed, he was a relative, and she
7 had met him before back when they all went to school or
8 something or at other parties that the Fraziers had.
9 But she wasn't for sure, but she was going to try and
10 see if she could figure out what the last name was and
11 talk to different people and stuff and she would let me
12 know.

13 Q Okay. Did she get back with you right away or
14 in the meantime did you take steps to try to determine
15 who this Marcus person was?

16 A Immediately started to take steps to find out
17 who this Marcus person was.

18 Q Tell us about the steps that you took.

19 A When they said working for the State and having
20 access to Medicaid numbers, there are a lot of people in
21 human services, all the different agencies who have
22 outreach to Medicaid/Medicare, there are just thousands
23 of case workers. So we started calling each director
24 and explaining what we're looking at, and trying to find
25 people with the middle name, last name, first name,

1 anything Marcus. But primarily first name Marcus and
2 with the human resource department for the State. While
3 we're doing all that is when we get a call from -- I get
4 a call from Demetria, and she tells me his last name is
5 Jefferson. She did some looking on Facebook or
6 something and she was sure that was him.

7 Q Okay. And once you got the full name, what
8 action did you take?

9 A I then started looking for a State employee by
10 the name of Marcus Jefferson in the records and where he
11 works, because she did not know where he works. We
12 didn't know if he was in Austin, El Paso, Houston or
13 what. We tried to locate where this Marcus Jefferson
14 was. At first it was kind of hard because we were going
15 through health and human services and stuff. They
16 didn't have a record of a Marcus Jefferson working for
17 the State. So we started looking into it a little
18 further and started outreaching to the brokers and going
19 to them. And then that is where -- made a call to
20 Maximus and they told us, yes. That and along with
21 being able to narrow Marcus Jefferson down to this local
22 area, and showing his employment was with Maximus, who
23 was -- with employee records and stuff. So we focused
24 on Marcus who was employed by Maximus.

25 Q Okay. And what was the next step?

1 A The next step was to contact Maximus and tell
2 them what we were looking about and ask for their
3 assistance.

4 Q And were they helpful to you?

5 A Very helpful.

6 Q Okay. So give us a timeframe about when this
7 is going on, in addition to the timeframe you executed
8 the search warrant -- not you but your team -- at the
9 650 North Sam Houston Parkway address.

10 A This is months, two to six months; something
11 like that.

12 Q Okay. Let me ask you this: As far as the
13 information, when Demetria provided you that
14 information, was that sufficient to get a search warrant
15 at the Marcus Jefferson office at Maximus?

16 A Yes.

17 Q All right. So when you had that connection and
18 evidence was seized, how long does the evidence take to
19 be analyzed to find out what, if anything, is present in
20 the evidence, especially those computerized stuff?

21 A Months.

22 Q So as you -- once you found out who this Marcus
23 Jefferson is, what action did you take?

24 A Worked with my auditor, Candace Gonzales and
25 then developed a list of all the recipient numbers from

1 these companies and provided that list, contacted the
2 people at Maximus, a Melinda Meterie. (spelled
3 phonetically)

4 Q Mattuer?

5 A Mattuer, and their attorney and provided them
6 that list and wanted them to do research and just see if
7 that list of numbers that we gave them, would Marcus
8 have possession of those numbers. And they said due to
9 the list and the dates and aging of it, it was going to
10 take a while for them to do that analysis and compare
11 because of the way their systems worked, it was going to
12 take a while. But they agreed to work and said they
13 would.

14 Q Okay. And while -- so you've got multiple
15 facets of your investigation going on at the same time;
16 is that true?

17 A Yes.

18 Q Okay. Now, do you remember from the time you
19 submitted the request for them to try to compare and
20 find out whether the recipients and their names and
21 Medicaid numbers ever came across Marcus Jefferson's
22 office and him personally having access to that, how
23 long did it take from the time you submitted that
24 request till you got an answer back?

25 A I think it was three months; something like

1 that.

2 Q Okay. In the meantime, at any point in time
3 did you make contact with Marcus Jefferson personally?

4 A Yes. Marcus had called me, you know, and was
5 asking me --

6 Q And hang on for a minute. We need to go
7 through this a little bit slower. Okay?

8 A Okay.

9 Q All right. So after the -- was the first
10 contact with you directly and Marcus Jefferson, was it
11 after the search warrant?

12 A Yes.

13 Q All right. So the search warrant occurs at his
14 office, correct?

15 A Yes.

16 Q And was he arrested at that time?

17 A No.

18 Q After that, how did the contact, if any, come
19 up involving you and Marcus Jefferson?

20 A I called him and asked him to come in.

21 Q Okay. And did you identify who you were?

22 A Yes.

23 Q And did Marcus Jefferson come and meet you?

24 A Yes.

25 Q And can you tell us where that meeting took

1 place?

2 A 5425 Polk, Houston.

3 Q Okay. And what is that address?

4 A Was the Attorney General's Medicaid fraud unit.

5 Q Did they subsequently move?

6 A Yes.

7 Q Okay. But back then, do you remember about
8 when this was -- if the search warrant was February 7 of
9 2008, when was this first contact with Marcus Jefferson?

10 A I want to say around 14th of February, I
11 believe.

12 Q Okay. Shortly after that?

13 A Shortly after that.

14 Q Okay. Did you -- did Mr. Jefferson come and
15 speak with you at that 5425 Polk address?

16 A Yes.

17 Q Okay. And did he introduce himself to you?

18 A Yes.

19 Q And do you see that gentleman in the courtroom
20 today, Marcus Jefferson that came to meet you at your
21 office at 5425 Polk?

22 A Yes, that is the defendant in the white shirt.

23 MS. VOLLMAN: Judge, may the record
24 reflect the witness has indicated the defendant in this
25 case, Marcus Jefferson?

1 THE COURT: The record will so reflect.

2 Q (By Ms. Vollman) All right. So, when Mr.
3 Jefferson got there, can you tell us where y'all had
4 this conversation?

5 A It was on -- in the conference room, three
6 doors, a big ole conference table.

7 Q Okay. And at that time was Mr. Jefferson under
8 arrest?

9 A No.

10 Q Was he there voluntarily?

11 A Yes.

12 Q And was he free to leave at the end of the
13 interview?

14 A Yes.

15 Q And did you tell him that?

16 A Yes.

17 Q And did he voluntarily want to talk to you
18 about this case?

19 A Yes.

20 Q And can you tell us what took place in that
21 conversation?

22 A Well, when I first talked to him, I wanted him
23 to understand his rights. I didn't want him to think
24 that it wasn't a criminal investigation or anything like
25 that. So I did read him his rights, even though he

1 wasn't in custody. He waived his rights and said he
2 wanted to talk about the case.

3 Q Okay. And what did you tell him?

4 A I told him that his name had come up in a case
5 involving hundreds and hundreds of thousands of dollars
6 of services that had been billed to the system and they
7 had a provider. We contacted a lot of recipients who
8 didn't receive the stuff, these supplies. And that his
9 name is the name that we had been given that was
10 providing those numbers.

11 Q What did he say to you in response?

12 A Well, he became very sad. You could just tell
13 he was distraught. And he said he was sorry. And then
14 he said he had done it. And he knew it was wrong. And
15 started apologizing.

16 Q Okay. At that point in time, did you talk to
17 him about the scope of how many numbers had been
18 compromised?

19 A Yes. But he couldn't give me a lot of numbers.
20 He just said sheets, there was a lot of sheets, you
21 know, pages of numbers. And he wasn't sure himself
22 about how much it was. And I would try and get him to
23 give me a range of numbers, you know, or --

24 Q Let me ask you this: When he talked to you
25 about sheets of numbers, did you talk about what type of

1 information was on those sheets of those or those
2 documents and where he got those documents?

3 A Yes. He said it would just be the printouts, a
4 lot of times it was spreadsheet form and sometimes it
5 wasn't, just depended on how he printed it off.

6 Q Did he tell you at that time that the
7 information came from his employer, Maximus?

8 A Yes.

9 Q Did he tell you why he was giving -- why he was
10 giving these numbers and these sheets of documents to
11 the Fraziers?

12 A He told me that he was being pressured by Dyain
13 Frazier to provide those numbers. I -- Dyain called him
14 a lot, emailed him a lot, wanting these numbers.

15 Q Did he give you any proof of that, that Dyain
16 had been emailing him or calling him?

17 A He said he was going to provide those
18 documents.

19 Q Did he ever provide you emails or any of those
20 documents showing pressure somehow that the Fraizers
21 were doing that?

22 A No.

23 Q Or that Dyain was doing that?

24 A No.

25 Q What else, if anything, was said during that

1 conversation? Let me ask you this: Did he give you an
2 indication during that first meeting that he had been
3 paid to do that?

4 A Well, I asked Marcus, you know, did -- was this
5 something that was a payroll thing where he got so much
6 a week or so. And he told me no, it was like every now
7 and then. It would be a hundred here, 200 there, 300,
8 maybe one time, 500 at the most.

9 Q And you're talking money or numbers?

10 A Money. Money that he would get from Dyain.
11 And he never really could narrow it down how much money,
12 it was just here and there. It was every, you know, he
13 would say, every month or so.

14 Q Okay. When he was talking about this deal
15 involving some type of pressure from Dyain, did he give
16 you any details about what Dyain was doing other than
17 calling and asking for the numbers?

18 A No. I remember specifically asking about that
19 because some of the other DME providers had told me
20 Dyain was a CHL. We had looked at that.

21 Q What is a CHL?

22 A Concealed handgun license.

23 Q Okay.

24 A And Dyain always had a gun when he was driving
25 around and meeting with people and stuff so I -- when he

1 said pressure, I asked him if Dyain was threatening him or
2 his family, you know, to get him those numbers. And he
3 said, no, it was nothing like that, it was just emails
4 and phone calls.

5 Q He was just calling and say, hey, will you give
6 me the numbers, would you give me the numbers, that type
7 of thing?

8 A Yes. I believe he did tell me at one point
9 Dyain came to his office and called him from a parking
10 lot. I think that was the severe pressure.

11 Q That was as severe as it got, he came to his
12 office?

13 A I think.

14 Q Now, did you have -- is that the extent of that
15 conversation that you had on that first time?

16 A He asked me, you know, what was going to happen
17 to him, was he going to lose his job, different things
18 like that.

19 Q What did you tell him?

20 A I told him I didn't have anything to do with
21 that. I'm not going to call his employer and tell them
22 what to do with their employees.

23 Q Okay.

24 A And he asked about the going to jail, different
25 things like that, if he was going to go to jail. And I

1 told him I had to gather everything he's told me, you
2 know, go forward with that and then bring everything to
3 the DA's office and let the prosecutors decide on who is
4 indicted, not indicted. And at that point he wanted to
5 know if he was indicted what would happen, if he would
6 be arrested. I told him since he is working and has a
7 family, that I would call him and/or his attorney if he
8 decided to get an attorney, let them know that he was
9 indicted, and he could post a cash bond, so that he
10 wouldn't be arrested or humiliated in front of his
11 family, you know, or at his work or something like that.

12 Q At that point in time, had any decision been
13 made regarding indictment?

14 A No.

15 Q And was the investigation into trying to
16 corroborate what Marcus Jefferson told you ongoing?

17 A Yes.

18 Q And at this point on your first conversation,
19 did you have any idea of the scope of the amount of
20 numbers that he had given to the Fraziers?

21 A No. No way.

22 Q Now, at some point in time did you have a
23 second conversation with him at another location?

24 A Yes.

25 Q And where did that occur?

1 A Here at the DA's office.

2 Q Can you give us an idea what occurred?

3 A It was a recorded interview after he had
4 obtained an attorney, Nathan Mayes.

5 Q No. Try again.

6 A So many attorneys --

7 Q Crystal Moody?

8 A Crystal moody. Excuse me. Sorry.

9 Q That's okay. So you at some point in time, did
10 Marcus Jefferson and Crystal Moody come and talk to you
11 at the DA's office?

12 A Yes.

13 Q And can you tell us what occurred? Was he
14 under arrest at this time?

15 A No.

16 Q Had he been charged yet?

17 A No.

18 Q Okay. So what happened?

19 A We had a recorded interview. His attorney was
20 present and then left right prior to the interviews, if
21 I'm not mistaken, and she was advised of his rights, you
22 know, the rights. And she said her client knew his
23 rights and was waiving them voluntarily, was here to
24 cooperate.

25 Q And did he provide -- were any promises made to

1 him?

2 A No.

3 Q Did he provided a video statement regarding his
4 involvement in this the scheme?

5 A Yes.

6 Q At the time of this interview, did you know the
7 full ramifications and the scope of how many numbers he
8 provided for the Fraziers?

9 A No.

10 MS. VOLLMAN: Judge, may I approach?

11 THE COURT: You may.

12 Q (By Ms. Vollman) I'm going to show you what has
13 been marked State's Exhibit Number 1271. And I'm going
14 to ask you if you recognize that?

15 A This is the interview of Marcus Jefferson.

16 Q Was it so long ago that it's on a VHS?

17 A Yes, 2/18/08.

18 Q All right. Now, have you watched that
19 videotape?

20 A No, not recently.

21 Q Okay. But you've watched it back at the time?

22 A Yes.

23 Q Okay. And was the -- was the tape recorded on
24 a device capable of making an accurate recording?

25 A Yes, ma'am.

1 Q And were you trained and competent to operate
2 the equipment that recorded State's Exhibit Number 1271?

3 A Yes.

4 Q And is that recorded recording an accurate
5 copy of the deposition -- I'm sorry. Was that an
6 accurate copy of the interview that you had with Marcus
7 Jefferson on the date that you had this tape, 2/18/08?

8 A Yes.

9 Q Has it been altered in any manner since the
10 time that you watched it?

11 A No.

12 Q Can you identify the voices and who is being
13 seen on the video recording of State's 1271?

14 A Yes.

15 Q Who is recorded on it?

16 A Myself and Marcus Jefferson.

17 Q Was his attorney in the room or outside the
18 room?

19 A I believe she was outside the room.

20 Q Okay. Let me also show you State's 1271A.
21 Have you had a chance to review that?

22 A Yes.

23 Q Okay. Is that an accurate transcription of
24 State's 1271?

25 A Yes, except there is a typo.

1 Q Okay. As far as who is talking, right?

2 A Yes.

3 Q What page is that on?

4 A On 22, instead of M.J. it says K.J.

5 Q And it was supposed to be Marcus Jefferson,
6 correct?

7 A Yes.

8 Q Other than that, the wording and what is
9 actually taking place in the transcription, is that
10 accurate?

11 A Yes.

12 MS. VOLLMAN: Judge, at this time we would
13 offer State's Exhibit Number 1271. And we would offer
14 1271A for demonstrative purposes.

15 MR. MARTIN: No additional objections
16 other than those we've previously noted, Judge.

17 THE COURT: Your previous objections are
18 overruled and it's admitted.

19 MS. VOLLMAN: Judge, could we play certain
20 excerpts of this?

21 THE COURT: How long is that going to
22 take, Counsel?

23 MS. VOLLMAN: Maybe 40 minutes.

24 THE COURT: I think we should break for
25 lunch.

1 MS. VOLLMAN: Judge, just for the
2 record --

3 Q (By Ms. Vollman) You have had a chance to --

4 MS. VOLLMAN: Could I just do a little bit
5 more prep?

6 THE COURT: Yes.

7 Q (By Ms. Vollman) As far as what the jury is
8 going to see, is that an accurate rendition of what is
9 1271, being played; have you had a chance to see it --

10 A Yes.

11 Q -- all the excerpts?

12 And the transcriptions that are underneath
13 the pictures, are those from 1271A?

14 A Yes.

15 Q And you've had a chance to compare both of
16 them, what is going to be displayed?

17 A Yes.

18 MS. VOLLMAN: Okay.

19 THE COURT: Okay. Ladies and gentlemen,
20 we will be in recess for lunch. And I believe the
21 deputy has arranged to take you out somewhere.

22 (Luncheon recess)

23 THE COURT: Thank you. Be seated. We'll
24 be in recess for and lunch.

25 (Luncheon recess)

1 THE COURT: Ready for the jury?

2 MS. VOLLMAN: Ready, Judge.

3 (Jury enters courtroom)

4 THE COURT: Ms. Vollman, you may proceed.

5 MS. VOLLMAN: At this time we would play
6 the excerpt from State's Exhibit Number 1271.

7 (Exhibit Published)

8 MS. VOLLMAN: Judge, that's all we have as
9 far as the excerpts.

10 THE COURT: You may proceed.

11 MS. VOLLMAN: Okay. Thank you.

12 Q (By Ms. Vollman) Now, after you've talked to
13 Marcus Jefferson, did the Fraziers ever talk to you?

14 A No.

15 Q As far as all the interviews that you
16 conducted, the bank analysis, at some point in time did
17 Maximus get back with you after their analysis of all
18 the recipient numbers that were compromised or used or
19 billed on in this case? Did they get back with you with
20 how many numbers they compared and were able to show?

21 A Yes, they did.

22 Q And did they give that information to you?

23 A Yes, they did.

24 Q And then who did you forward that information
25 to?

1 A Candace Gonzales, the auditor.

2 Q Was the number, the comparison, significant to
3 you?

4 A It was overwhelming.

5 MS. VOLLMAN: That's all I have, Judge.

6 THE COURT: Mr. Martin.

7 MR. MARTIN: Thank you, Judge.

8 CROSS-EXAMINATION

9 BY MR. MARTIN

10 Q Good afternoon.

11 A Good afternoon.

12 Q How are you doing today?

13 A Good.

14 Q Good. I have some questions for you. The
15 questions basically go about your investigation and then
16 also, as you might expect, your conversation that you
17 had with Mr. Jefferson. If you don't understand a
18 question that I ask, please let me know that and I'll be
19 happy to re-ask the question or if I use a phrase or
20 term that you're not familiar with, please just let me
21 know that you don't understand what I'm asking, and I'll
22 be happy to talk to you again and ask the question
23 again. Is that okay?

24 A Yes, sir.

25 Q You indicated that, in your direct testimony,

1 that the checks were being written out of the various
2 company bank accounts to Dyain Frazier, correct?

3 A From the DME providers account?

4 Q Yes, sir.

5 A Yes, sir, at first.

6 Q And some of those checks were regular checks,
7 other checks were cashier's checks?

8 A Yes.

9 Q And also you were alerted that some of the
10 items were, in fact, cash withdrawals just handed to
11 Dyain Frazier, right?

12 A That is what I was told, yes.

13 Q And all of those, perhaps too obviously stated,
14 Marcus Jefferson's name is not anywhere or prints are no
15 where on any of those transactions, right?

16 A No, sir.

17 Q Now, Ms. Boston shared with you that she had a
18 person that she believed provided information by the
19 first name of Marcus, right?

20 A Yes, sir.

21 Q And provided the information to the Fraziers?

22 A Yes, sir.

23 Q And you made an assessment of Ms. Boston's
24 credibility, right?

25 A Yes.

1 Q And you already knew that Ms. Boston had lied
2 several times on her Medicaid form and also had lied
3 several times to the inspectors when they were asking
4 her for information, right?

5 A Yes.

6 Q Okay. And so when Ms. Boston came in and had a
7 conversation with you, you didn't take what she was
8 saying automatically as true, did you?

9 A No.

10 Q Okay. Because her credibility was suspect to
11 you, right?

12 A Yes.

13 Q Now -- and again, just final comment on
14 Ms. Boston. Her last lie to the investigator was that
15 about the warped disk in the sun?

16 A Yes.

17 Q Almost ludicrous explanation, wasn't it?

18 A Yes.

19 Q And that was based off of your training and
20 experience, right?

21 A Yes. She couldn't at first describe whether it
22 was a CD or floppy disk or what kind of disk she had
23 downloaded it on.

24 Q Has your investigation come up with a total
25 number of recipients that were falsely billed through

1 Medicaid with these eight companies?

2 A I believe it was somewhere over, right at,
3 right at 9,000.

4 Q I'm not holding you to the exact number but
5 approximately 9,000?

6 A 9,126.

7 Q Again, I'm not holding you to the exact number,
8 but ballpark, 9,000; is that fair?

9 A Yes, sir.

10 Q Okay. Now, you went and obtained a search
11 warrant for the Frazier house, right?

12 A Yes, sir.

13 Q And also for Marcus Jefferson's employer,
14 Maximus?

15 A Yes, sir.

16 Q You were the one that organized the search and
17 seizure at the Frazier house, right?

18 A Yes.

19 Q And another investigator handled the Maximus
20 search and seizure?

21 A Yes.

22 Q Now, at the Frazier house, you went through and
23 collected a whole bunch of information and documents,
24 right?

25 A Yes, sir.

1 Q And you revised and analyzed those documents?

2 A Yes, sir.

3 Q And with the exception of one check that you
4 say you found, was there any other indication in any
5 other document of any link between Marcus Jefferson and
6 the Fraziers in the documents you recovered?

7 A When I reviewed the documents, after I reviewed
8 all the documents?

9 Q Yes, sir.

10 A Is that the question? When I viewed the
11 documents from his office and the house, there was two
12 lists with several pages that were --

13 Q I'm talking just at the house.

14 A Okay.

15 Q And I apologize for that confusion. That is my
16 fault, not yours. I asked a question that was vague and
17 I apologize.

18 When you reviewed just the information
19 from the Frazier house -- blinders on for right now,
20 okay?

21 A Yes, sir.

22 Q Was there anything on that information from the
23 Frazier house that was connected to or related to Marcus
24 Jefferson except for that thousand dollar check?

25 A No.

1 Q Okay. Now, you took a whole bunch of photos,
2 right?

3 A Yes.

4 Q And you indicated in direct testimony with
5 Ms. Vollman that you did not find a whole bunch of cash?

6 A No.

7 Q No, you didn't say that or no, you are agreeing
8 that you didn't find --

9 A No, we did not find a whole bunch of cash.

10 Q Just so the jury has a ballpark figure, do you
11 have an estimate as to how much cash you actually
12 recovered or seized from the house, ballpark?

13 A No. I think it was none. I don't believe
14 there was very much cash at all.

15 Q But you did from the Frazier house find leads
16 to other evidence that it appeared to you that the
17 Fraziers were putting ill-gotten money into things; is
18 that correct?

19 A Yes.

20 Q Things, big umbrella term. It certainly
21 includes the Bentley?

22 A Yes.

23 Q The Mercury?

24 A Yes.

25 Q The Land Rover?

1 A Yes, sir.

2 Q The Mercedes?

3 A Yes, sir.

4 Q The boat?

5 A Yes, sir.

6 Q The pickup truck?

7 A Yes, sir.

8 Q Certainly the furnishings of the house?

9 A Yes, sir.

10 Q The house itself?

11 A Yes.

12 Q Okay. And that's not uncommon, based on your
13 training and experience, is it?

14 I'll be more specific. People that --

15 MS. VOLLMAN: Judge, I'm going to object.

16 I think the witness has the right to answer the
17 question, if he can.

18 THE COURT: Would you rephrase your
19 question?

20 MR. MARTIN: Happy to.

21 Q (By Mr. Martin) Based on your training and
22 experience, sir, if you're not finding a lot of cash
23 that you believe is the form of ill-gotten gain, do you
24 then go looking for things that they might have
25 purchased or invested that cash in?

1 A Yes, we do.

2 Q Why do you do that?

3 A To try and recoup the loss.

4 Q And you talked a little bit about that with
5 Ms. Vollman, haven't you?

6 A Yes, sir.

7 Q Okay. Now, you also found some guns?

8 A Yes, sir.

9 Q And ammunition to the guns?

10 A Yes, sir.

11 Q Do you remember talking to Ms. Vollman about
12 handwritten notes and post-it notes, various exhibits?

13 A Yes.

14 Q Okay. I can pull them up if you need me to but
15 I'm not going to ask you about the contents of them,
16 just if you remember what is not on them. And what is
17 not on the handwritten notes related to Briscoe, that is
18 State's 1023 for the post-it notes; 1024. There is
19 nothing related to Marcus Jefferson on any of those
20 documents, is there?

21 A No, sir, other than on one post-it, the address
22 is close to where his office was but it doesn't say
23 Marcus's office or anything.

24 Q Does not specifically identify Marcus
25 Jefferson, does it?

1 A No, sir.

2 Q Now, State's Exhibits 1030 and 1033 were pages
3 of recipient numbers that you obtained from the Frazier
4 house. You remember that testimony?

5 A Yes, sir.

6 Q Okay. And there is nothing on those recipient
7 number pages by themselves that refer or relate to
8 Marcus Jefferson in any way, do they?

9 A No.

10 Q His name is not on them?

11 A No, sir.

12 Q His office phone number is not on them?

13 A No, sir.

14 Q Home phone number not on them?

15 A No, sir.

16 Q No identifying information tying it back to
17 Marcus Jefferson?

18 A No, sir.

19 Q And, again, we had print some various other
20 recipient list pages, State's Exhibit 1054, 1055, 56,
21 57, 58, 59. Same question as I asked before. There is
22 nothing in those recipient list pages themselves that
23 tie anything to Marcus Jefferson in terms of identifying
24 information?

25 A No, sir.

1 Q Okay. And you mentioned also in State's
2 Exhibit 1073 and the contents that you were provided
3 a -- not provided -- excuse me -- you received a
4 spreadsheet. Remember that testimony?

5 A Yes.

6 Q And that spreadsheet had some recipient names
7 and numbers on it, right?

8 A Yes, sir.

9 Q And that spreadsheet was different than the
10 form of the documents that you had on previous exhibits,
11 wasn't it?

12 A Yes, sir.

13 Q And there is nothing on that spreadsheet that
14 indicates that it came from Marcus Jefferson, is there?

15 A Yes, that's correct.

16 Q And there is a Dreammaker client list, State's
17 Exhibit 1065. Again, that client list coming out of the
18 Fraziers' home, there is no reference or ID information
19 tying it to Mr. Jefferson, correct?

20 A No, sir.

21 Q Now, I also want to ask you about some other
22 information from Perkins. Perkins Mobility was one of
23 the companies you investigated, right?

24 A Yes, sir.

25 Q And you pulled information from Perkins

1 Mobility as part of your seizure, right?

2 A Yes, sir.

3 Q And there was nothing in your information from
4 Perkins Mobility, any documents you had, related to
5 Perkins Mobility that tied anything to Marcus Jefferson,
6 correct?

7 A In the documents that I seized?

8 Q From the Fraziers.

9 A No, sir.

10 Q Okay. Let's talk about your interviews with
11 Marcus Jefferson. The State, Ms. Vollman, she asked you
12 about two of them, correct?

13 A Yes.

14 Q You had two interviews with Marcus Jefferson?

15 A Yes.

16 Q One interview was just the two of you?

17 A Yes.

18 Q A second interview was ostensibly set up by
19 Mr. Jefferson's then attorney, Crystal Moody?

20 A Yes.

21 Q But Ms. Moody was not in attendance in the
22 room, although you said she was outside the room, right?

23 A She showed up and then I believe she left.

24 Q Okay. But she was no where around at the first
25 interview at all?

1 A No.

2 Q And you were not aware of Ms. Moody at all
3 during the first interview, correct?

4 A No.

5 Q Okay. Now, during the first conversation with
6 Mr. Jefferson, that is where you had an initial
7 conversation about a check for a thousand dollars,
8 right?

9 A Yes.

10 Q And we're going to talk about that later on
11 because that also came up in the second interview,
12 right?

13 A Yes.

14 Q And we also -- you also talked in the first
15 interview about how you all came to identify
16 Mr. Jefferson, right?

17 A Yes.

18 Q How would you describe Mr. Jefferson's tone and
19 demeanor with you during the first interview? Was he
20 cooperative or hostile?

21 A Cooperative but hesitant and sad, all of those.

22 Q Okay. Cooperative, hesitant, sad. Not at all
23 unusual for somebody chatting with you, is it, in an
24 official context?

25 A Not everybody is in that mood but some subject

1 investigations are.

2 Q That wasn't the first time you had encountered
3 somebody with that demeanor, being cooperative but
4 somewhat hesitant and sad?

5 A Yes.

6 Q And Mr. Jefferson, during that first interview,
7 he wasn't pointing fingers at anywhere else, was he?

8 A No.

9 Q In fact, Mr. Jefferson owned up and/or manned
10 up, some people might call, and accepted the
11 responsibility for what he said he was doing; isn't that
12 true?

13 A Yes.

14 Q Okay. And while there is some discussion in
15 the second interview, I want to get to in a bit, you
16 left -- is it true that you left the first interview
17 with Marcus Jefferson thinking, well, now we have an
18 understanding where they got some, most, or all of the
19 numbers; is that true?

20 A At the close of that interview and learning
21 what his position was, because I really didn't know his
22 full -- at that time of the interview -- what his full
23 capabilities were and how many numbers he could possess.

24 Q Okay.

25 A So I didn't --

1 Q You know --

2 A I'm sorry.

3 MS. VOLLMAN: Object to him interrupting
4 the witness trying to answer the question.

5 MR. MARTIN: That's my fault and I
6 apologize. Please complete the answer.

7 A So I didn't know if everything he had told me
8 in that first interview was the truth. So the next step
9 is to corroborate. Sometimes even when they come in and
10 they are manning up, you say, they man up a little bit,
11 they don't man up all the way. So my next step was to
12 start going further with what he had told me.

13 Q (By Mr. Martin) Are you familiar with the
14 phrase stated by former President Regan, trust but
15 verify? You've heard that phrase before?

16 A Yes, I have.

17 Q Is that a fair statement as to what you were
18 doing with Mr. Jefferson? You trust the statement but
19 you're going to verify what he said?

20 A Yes.

21 Q And during the interview is it a fair statement
22 that Mr. Jefferson gave you no reason to distrust him,
23 in the first interview?

24 A In the first interview when we first started
25 talking about how much money, a hundred here or there,

1 you know, every two or three months, and, you know, I
2 was thinking well, that's, you know, if you do it
3 quarterly that is three or \$400 a year, you know. And
4 so I put that off and later asked him about it again.
5 And that's when we got up to maybe more than 5,000 or,
6 you know. So with that pattern, I was thinking maybe
7 there is more to this and to verify, as you said.

8 Q And you're familiar with your interviewing
9 skills that sometimes people that you interview employ a
10 technique, minimization, aren't you?

11 A Yes.

12 Q What does that phrase, minimization, mean to
13 you?

14 A Reduces the amount of responsibility,
15 accountability.

16 Q Right. And is it often also true that with
17 minimization the finger tries to get pointed somewhere
18 else?

19 A A lot of times it does, yes.

20 Q And did you see that finger being, tried to be
21 pointed at somewhere else with Mr. Jefferson?

22 A The only pointing of that finger pointing is
23 when he said it was a lot of pressure.

24 Q Haven't gotten there yet.

25 A Okay.

1 MS. VOLLMAN: Judge, he's trying to answer
2 the question.

3 THE COURT: Overruled.

4 Q (By Mr. Martin) Just so we're clear, I'm
5 focused right now on the first interview. Okay. When
6 we go to the second interview, I'll promise you I'll
7 give you a heads up.

8 MS. VOLLMAN: Judge, I'm going to object
9 to Counsel testifying.

10 THE COURT: Overruled.

11 Q (By Mr. Martin) I'll promise I'll give you a
12 heads up that we're on a different topic for the second
13 interview.

14 A Yes, sir.

15 Q Right now we're still in the first interview.
16 And you felt there was some minimization going on on the
17 dollars. Okay. Did you feel that he was truthful with
18 you regarding the fact that some lists had been
19 transferred, given, exchanged; true?

20 A Yes.

21 Q And that some money, somehow, someday had been
22 provided?

23 A Yes.

24 Q And did you, in reference to that phrase trust
25 but verify, were you able to verify the statements that

1 he made to you in the first interview?

2 A Yes.

3 Q Okay. And on the basis of that, Mr. Jefferson
4 came across how exactly to you? Did he come across as
5 truthful or untruthful?

6 A Somewhat truthful.

7 Q Okay. Where was he truthful, in your opinion?

8 A That he was owning up to giving some lists and
9 receiving some money.

10 Q Is it a fair statement that at that time you
11 believed there were more lists and more money that he
12 just hadn't owned up to?

13 A Yes. Because in interviewing about the lists,
14 I remember asking him how many names are on a list, on a
15 standard list, which he deals with. He described what
16 he did. And he didn't tell me how many names were on a
17 single list. That's what he does. He gets spreadsheets
18 and gives the list to the -- his people and they would
19 go further with what they do. And he couldn't tell me.
20 So I felt he was holding back, not being completely
21 truthful.

22 Q And based on your review and analysis of the
23 recipient pages that you personally reviewed, how many
24 folks are on a list?

25 A Depending on how you do the followup, the

1 spreadsheets and the type of spreadsheets, most of them
2 were 35 to 42, depending on the, which spreadsheet and
3 which program at Maximus you're looking at. The ones I
4 was getting and reviewing, you know -- I would have to
5 look on the screen where they pulled it up on their
6 program.

7 Q We go to the second conversation and the second
8 interview that you had with him.

9 A Yes, sir.

10 Q That's where we are now.

11 A Yes, sir.

12 Q Okay. And you stated that he was not under
13 arrest?

14 A No, sir, he was not.

15 Q That he was not in custody?

16 A He was not.

17 Q Okay. And free to leave at any time?

18 A Yes.

19 Q You said you advised him of his rights?

20 A Yes.

21 Q Did you do that on the tape or before the
22 meeting started?

23 A Before the meeting started his attorney was
24 there. I just wanted to make sure Crystal had explained
25 to him his rights and he didn't have to be there, it was

1 all voluntary, he could leave any time.

2 Q So that happened before the tape started?

3 A Yes. Because she -- I believe she had to go
4 somewhere or something. I don't remember.

5 Q But your testimony is you did provide him with
6 his rights, even though he was not in custody?

7 A Yes, sir.

8 Q And clearly voluntary?

9 A Yes, sir.

10 Q Did he appear cooperative to you?

11 A Yes, sir.

12 Q Did he appear interested in answering your
13 questions?

14 A Somewhat, yes.

15 Q And we'll go through whichever ones you don't
16 think so. Did he appear that he was engaged in the
17 answers; in other words, it was full sentences, not
18 broken up type?

19 A Yes, sir.

20 Q As with the first interview, the phrase -- I'll
21 use the phrase again, manning up. Did he man up and
22 accept responsibility for what he says he did?

23 A Yes, sir.

24 Q Okay. Any finger pointing anywhere else?

25 A No, sir.

1 Q And during the second interview, that's when we
2 talk about -- first go, this lengthy discussion of
3 pressure. You remember that?

4 A In the first interview?

5 Q I'm in the second interview.

6 A Second interview.

7 Q Do you recall in the interview where
8 Mr. Jefferson says that he felt pressured?

9 A Yes.

10 Q You do recall that?

11 A Yes.

12 Q Okay. Because that's where I'm at right now.

13 A All right.

14 Q Now, had you ever known Mr. Jefferson before
15 this assignment?

16 A No.

17 Q Had you ever interacted with him before?

18 A No.

19 Q Had you ever even heard of Mr. Jefferson before
20 your assignment on this case?

21 A No.

22 Q So would it be a fair statement to say that you
23 didn't know how Mr. Jefferson might react to things?

24 A No.

25 Q Okay. And would it be a fair statement that

1 based on your training and experience, that people react
2 differently? Some people might blow something off as no
3 big deal and to somebody else, it's my God, the sky is
4 falling?

5 A Yes.

6 Q Okay. And what is -- using the word
7 "pressure," what is one person's pressure might be
8 somebody else's pleasure. Everybody is different,
9 right?

10 A Yes.

11 Q And he was pretty direct with you about talking
12 about the pressure he was feeling, right?

13 A It wasn't as if other people had talked about
14 being pressured or threatened. You know, it was -- it
15 wasn't that kind of pressure. Really, when I talked to
16 him it was minimized. It wasn't -- you know, I even
17 asked, make sure you have my cell number; told him if
18 anyone threatens him, his family, to call 911. If
19 anybody involved in any these cases, he could call me
20 direct, call the office, whatever, and --

21 Q And I'm not suggesting that Mr. Jefferson said
22 to you that he was threatened for his life, because if I
23 told you that that was said on that interview tape you
24 would know I was lying to you, wouldn't you, because
25 Mr. Jefferson never said that, did he?

1 A No, he didn't.

2 Q So you have no indication of Dyain Frazier or
3 anybody connected with the Fraziers -- I'll use the
4 phrase, holding a gun to his head. You had no
5 indication of that, did you?

6 A No, no report of that, no, sir.

7 Q All you have is he was talking about pressure
8 and the pressure he was feeling?

9 A Yes, sir.

10 Q Okay. Now, even though he says he's feeling
11 pressure, he still feels that he wants to be truthful
12 and cooperative with you. Did you get that feeling from
13 him?

14 MS. VOLLMAN: Judge, asked and answered.

15 THE COURT: Overruled.

16 A Yes.

17 Q (By Mr. Martin) And throughout this
18 conversation that you had with him, you never offered
19 him a deal?

20 A No.

21 Q You never promised him any immunity?

22 A No.

23 Q You never said to him hey, if you talk I'm
24 going to go talk to Ms. Vollman and put in a good word
25 for you. You never said that, did you?

1 A No.

2 Q And I'm not suggesting that you did, I'm just
3 clarifying.

4 Now, at the very end of the tape you ask
5 Mr. Jefferson two questions. One, that if anything goes
6 forward beyond the second interview, that he promises to
7 tell the truth. Do you remember that?

8 A Yes.

9 Q What was his answer?

10 A Yes.

11 Q And that he promises to testify. You remember
12 that?

13 A Yes.

14 Q In connection with telling the truth?

15 A Yes.

16 Q What was his answer?

17 A Yes.

18 MR. MARTIN: Pass.

19 REDIRECT EXAMINATION

20 BY MS. VOLLMAN

21 Q Let me ask you this: What were the documents
22 in the videotape that you were showing Mr. Jefferson?

23 A Those were the documents seized from the
24 Fraziers' house.

25 Q Okay. What documents?

1 A The Medicaid list of recipients and all their
2 identifiers, social security numbers, Medicaid numbers,
3 date of birth, address.

4 Q Okay. And when you were talking with
5 Mr. Jefferson and you showed them to him, what was his
6 response?

7 A Yeah, that's what I would give Dyain.

8 Q Did he -- was he forthcoming in telling you how
9 expansive his giving those numbers were or did he just
10 admit that the ones that you presented him with, yeah,
11 those are some of the ones I gave?

12 MR. MARTIN: Objection to the phrase
13 "expansive".

14 THE COURT: Overruled.

15 A He described how sometimes he would change them
16 up. The way he would get the list, it would be too big,
17 he would have to change fonts and styles, list styles so
18 they wouldn't all be exactly like that. He would
19 give -- he would give Dyain different lists, but they
20 all had the same pertinent information that you need to
21 do the billing.

22 Q *(By Ms. Vollman)* Did he ever come forth and
23 tell you how many lists he gave Dyain and Tajuana?

24 A No. He just said he didn't have any idea.
25 Even when I would ask him about, you know, when he would

1 say "lists," he would never tell me two pages, three
2 pages, 20 pages. He would never tell me exactly how
3 many.

4 Q And as far as the money, what was his last
5 amount that he would agree with?

6 A I believe after he met with the auditors and
7 they reviewed bank records, I think he agreed that he
8 got \$30,000 or more than 30,000, right at that. I
9 believe that's --

10 Q Was it 20?

11 A Twenty. 20 on the video but at a later time I
12 believe it was 30.

13 Q Okay.

14 A I'm not sure.

15 Q Did you have a chance at the break to review
16 Demetria Boston's taped interview?

17 A Yes, I did.

18 Q Did I ask you to do that?

19 A Yes, you did.

20 Q One of the questions that I had asked you
21 previously was how was it that Demetria told you she
22 first became, how she knew that it was Marcus; remember
23 me asking you that question?

24 A Yes.

25 Q After reviewing the tape, can you tell us as

1 far as what -- how did Demetria learn about Marcus?

2 A She had called Dyain because there was some
3 problems with Medicaid recipients calling her
4 complaining about her company billing for stuff that
5 they weren't getting, messing up their benefits
6 packages, and she was really upset because a lot of
7 complaints were starting to come in on her business,
8 because she had a lot of numbers, a large amount of
9 billing going out. And he said, don't worry about it.
10 Don't worry about it. And that's when she spoke to --
11 Dyain Frazier handed the phone to Marcus and Marcus said
12 this is Pookie, (sic) don't worry about it. I work for
13 the State. I got this. It's all okay. And when she
14 heard Pookie and she heard Marcus and Pookie together,
15 that was her nickname in high school back then, and she
16 put it together that that was Tajuana's cousin. And
17 that is when she called and said -- started giving us
18 more information, telling us where to go look for his
19 last name. And she wasn't sure of his last name then,
20 but she was going to get it.

21 MS. VOLLMAN: That's all I have, Judge.

22 MR. MARTIN: No re-cross, Judge.

23 THE COURT: May this witness be excused?

24 MS. VOLLMAN: Yes, please.

25 THE COURT: Call your next witness,

1 please.

2 MS. VOLLMAN: Steve Acker.

3 STEPHEN ACKER,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. VOLLMAN

7 Q Could you please introduce yourself to the
8 ladies and gentlemen of the jury by telling them your
9 name?

10 A Yes. I'm Steven Acker, investigator with the
11 Texas Attorney General's Office.

12 Q How long have you been with the Texas Attorney
13 General's office?

14 A Fourteen years.

15 Q Can you tell us what you do for them?

16 A I'm a criminal investigator.

17 Q And your title is sergeant?

18 A Sergeant, yes, ma'am.

19 Q Okay. Now, tell us what type of investigations
20 you work on with the Attorney General's Office.

21 A Well, for the last nine years I've investigated
22 Medicaid fraud.

23 Q Okay. And prior to that?

24 A Prior to that I was a criminal investigations
25 internet, money laundering, various types of undercover