

1 CANDACE GONZALES,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. VOLLMAN

5 Q Can you please tell the jury your name, please?

6 A Candace Gonzales.

7 Q Where do you work?

8 A The financial crimes division of the District
9 Attorney's office.

10 Q How long have you worked there?

11 A A little over a year.

12 Q Can you tell us where you worked before that?

13 A The office of the Attorney General.

14 Q Can you tell us how long you worked for the
15 office of the Attorney General?

16 A Almost six years. I retired last summer.

17 Q Can you tell us what you did for the office of
18 Attorney General?

19 A I was an investigative auditor.

20 Q Can you tell us what an investigative auditor
21 is?

22 A We work with the investigators to investigate
23 Medicaid provider fraud complaints.

24 Q Can you give us your background, training and
25 qualifications and experience to do that type of job?

1 A Well, I worked as a tax examiner for the Work
2 Force Commission. I was also a regional tax trainer.
3 We -- I produced and conducted training, monthly
4 training on tax law, procedures, and policies.

5 Q How long did you do that?

6 A A number of years; maybe four, five years as a
7 tax trainer. But I also reviewed other tax offices for
8 compliance with policies and procedures in other parts
9 of the State. I was a tax program administrator where I
10 supervised and trained tax examiners. And I was a
11 contract monitor where I conducted contract monitoring
12 reviews and risk assessments of large State contracts.

13 Q Okay. When you started working for the
14 Attorney General's office, give us an idea about the
15 duties and responsibility that you had as an
16 investigative auditor.

17 A Well, I conduct interviews, gather information,
18 books and records, to identify and substantiate illegal
19 activities.

20 Q At some point in time did you become involved
21 in an investigation involving several DME companies?

22 A Yes.

23 Q How did you become involved in that
24 investigation?

25 A Well, we normally receive assignments based on

1 complaints. This particular one was -- the initial
2 company that started this one was Anointed.

3 Q Okay. And do you remember who the owner was of
4 that company?

5 A Demetria Boston.

6 Q And how did you become involved in that
7 particular investigation?

8 A I was assigned to it with Investigator Gillie.

9 Q Okay. What did you do first when you started
10 that investigation regarding Anointed?

11 A Initially I pulled business records -- excuse
12 me. I pulled a Business Objects Report from the Texas
13 Medicaid and Healthcare Partnership. It's a billing and
14 payment record, Medicaid billing and payment record for
15 providers.

16 Q Once you got the information from the entire
17 BOR, what else do you do?

18 A We organize it in a number of different ways.
19 Usually we will put it in alphabetical order, maybe by
20 service date. We also may organize it by amount,
21 highest to lowest; that sort of thing.

22 Q You can sort the information. Does it appear
23 to be a spreadsheet of some kind?

24 A Yes. It arrives in spreadsheet form. We open
25 it in Excel, a software package, a worksheet software

1 package, and it's just a number of columns in rows that
2 we work with.

3 Q Okay. Let me show you what has been marked
4 State's Exhibit Number 2CX. Can you tell us what that
5 is?

6 A Yes. This is the billing and payment records
7 for Anointed Medical Supply. It's the Medicaid claims
8 billing and payment provider bills and what's paid, as
9 well as the Medicaid recipient identifying information
10 and services provided.

11 Q Is all this the printout information of State's
12 Exhibit 2, which is already in evidence?

13 A Excuse me?

14 Q The billing records that originally this board
15 came on, was it a disk?

16 A Yes, that's correct.

17 MS. VOLLMAN: We are offer 2CX into
18 evidence.

19 MR. MARTIN: No objection, Judge.

20 THE COURT: Admitted.

21 Q (By Ms. Vollman) When we're talking about a
22 BOR, I want to show one page but just --

23 MS. VOLLMAN: Judge, may I publish this?

24 THE COURT: You may.

25 (Exhibit Published)

1 Q (By Ms. Vollman) That's what a BOR looks like.
2 It's a lot of information, correct? Are the columns in
3 a BOR even longer than this?

4 A Yes.

5 Q How many pages could it be as far as
6 information that you get?

7 A I don't know. Maybe ten pages. It's
8 voluminous information.

9 Q Are these basically summaries of that
10 voluminous information?

11 A Yes.

12 Q Okay. Now, when you're looking at the BOR, why
13 is it important to look at those billing and payment
14 records?

15 A Well, what we're looking at is to see what the
16 provider billed for, who they billed for, the client,
17 and then what services they provided, or they claim to
18 have provided. So we're looking at the dates that they
19 say they provided these services and then the service or
20 products. Sometimes it's a product rather than a
21 service.

22 Q Okay. Now, in addition to downloading this
23 information, is it also important to find out where the
24 money went?

25 A Oh, yes.

1 Q Can you give us an idea about how you go about
2 looking for and trying to find out where the Medicaid
3 money went?

4 A We initially review the bank records. The way
5 we obtain those is normally for provider, you know,
6 sometimes if we're investigating people that are not
7 providers, but in people like Anointed, they normally,
8 on their provider packet, indicate a bank.

9 Q How do you go about getting records from a
10 bank?

11 A We would subpoena the records.

12 Q Was that done in this particular case?

13 A Yes.

14 Q And after the bank records are received from
15 the bank, what do you do with them?

16 A Well, we review them. We input the information
17 into an Excel spreadsheet. The detail information of
18 all the checks and deposits, withdrawals, everything
19 that goes through the bank. We review the bank
20 statements to do this and the items. When we subpoena
21 the records, we get the bank statement and we also get
22 the withdrawals slips, withdrawal items, checks, deposit
23 slips, any deposits and cashier's checks; that sort of
24 thing.

25 Q Do you get any documents to identify who the

1 owner of that bank account is?

2 A Yes.

3 Q What documents do you usually ask for in the
4 subpoena?

5 A We ask for the signature card, which is a form
6 that shows who has signature authority on the account.

7 Q Okay. Now, when you analyze those accounts, is
8 there a particular form that you put that information in
9 so that it can summarize those particular records?

10 A Yes. As I mentioned, we enter all the
11 information in so we have a detailed record of
12 everything that has gone through the bank. Then we do a
13 pivot table, which is a summary of each category of
14 items. For example, if checks were written to an
15 individual person 20 times, the pivot table would
16 summarize that into one entry for the total. We also do
17 analysis page, which identifies the account and who the
18 signature authority is, the period that we reviewed the
19 accounts; that sort of thing. And then the significant
20 entries to that account, the most significant.

21 Q Did you do that for Anointed?

22 A Yes.

23 Q And did you start your analysis involving
24 State's Exhibit Number 56, 57, 58?

25 A Yes.

1 Q Okay. Did you do a bank detail, a bank
2 analysis and bank pivot for the records, for these
3 records, the voluminous bank records that were involved
4 in this case?

5 A Yes, ma'am.

6 Q Let me show you what has been marked State's
7 Exhibit Number 1203A, 1203B and 1203C. Can you tell us
8 what those are?

9 A Okay. 1203C is the detail. 1203B is the
10 summary of the detail, the pivot table, which is a
11 summaray category, as I mentioned before. And 1203A is
12 the analysis page, which identifies the account and
13 significant activity.

14 Q How many accounts did you analyze for the
15 voluminous records in 56, 57, 58?

16 A Two.

17 Q And so State's Exhibit Number 1204A, B, C, can
18 you tell us what those are?

19 A They are the same items for each account, the
20 detail, pivot, and summary.

21 Q That is for the second account?

22 A Yes.

23 Q Show you also State's Exhibit Number 1205. Can
24 you tell us what that is?

25 A This is a summary taken from the bank records

1 which indicates payments made to Dyain Frazier --

2 Q Hang on.

3 MS. VOLLMAN: Judge, at this time we would
4 offer State's 1203A, B, C. 1204A, B, C. And State's
5 Exhibit 1205.

6 MR. MARTIN: No objections.

7 THE COURT: They are admitted.

8 Q (By Ms. Vollman) Let's take a look at State's
9 Exhibit Number 1203A.

10 A Okay.

11 Q Can you tell us what was the account styling,
12 bank, account number, the opening branch, whether in
13 Harris County, Texas, the date it was opened and closed?

14 A Yes. The account styling was Anointed Medical
15 Supplies. The bank is Hibernia/Capital One. They
16 changed owner. And the account number, 3820118080. The
17 opening branch was Houston, the Westheimer location,
18 opened in July 2005.

19 Q Is that Houston Westheimer address in Harris
20 County, Texas?

21 A Yes.

22 Q Can you also tell us who was the owner of this
23 account?

24 A The owner is usually the signature authority
25 person and the person we have identified is Lameshia

1 Johnson.

2 Q Can you tell us when the analysis timeframe was
3 for this particular account?

4 A Yes. July 26, 2005 through July 31st, 2006.

5 Q Can you tell us what the total deposits were
6 and withdrawals?

7 A Total deposits were \$542,718.15. Total
8 withdrawals were \$542,935.59.

9 Q And can you tell us what were the significant
10 deposit sources?

11 A TMHP, Texas Medicaid and Healthcare
12 Partnership.

13 Q Did you also, further down on that document,
14 identify the significant withdrawal activity?

15 A Yes.

16 Q Can you tell us what that is?

17 A These checks that were issued to individuals:
18 Checks issued to Dyain Frazier totaled \$262,148.10.
19 Checks issued to Lamisha Johnson totaled \$127,300.
20 Checks issued to the Greater Vision Church totaled
21 \$42,000. Checks issued to Demetria Boston totaled
22 \$5,500. And purchased cashier's checks totaled \$18,000.
23 And payment to various jewelers totaled \$13,408.31. And
24 ATM withdrawals, \$17,380.

25 Q Let's take a look at the second account, 1204A.

1 And the same thing. Can you tell us what was the
2 account style, what bank it was, the last four digits of
3 the account number, what branch it was, day it was
4 opened and closed.

5 A The account styling is Anointed Medical
6 Supplies; bank, J. P. Morgan Chase Bank. The last four
7 digits for the account number are 7865. The opening
8 branch location is Houston. Date opened was July 27,
9 2005 and the date closed, July 31st, 2006.

10 Q Okay. Was that Houston location also in Harris
11 County, Texas?

12 A Yes, ma'am.

13 Q Who was the owner of the account?

14 A Lamesha Johnson.

15 Q Can you tell about -- what was the analysis
16 period and then the total deposits, total withdrawals
17 from that account?

18 A The analysis period began July 27, 2005 and
19 ended July 31st, 2006. The total deposits were
20 \$1,372,818.41. Total withdrawals were \$1,372,818.41.

21 Q Did you identify the significant deposit
22 sources and withdrawals coming out of that particular
23 account?

24 A Yes.

25 Q Significant deposits first.

1 A The significant deposits were from TMHP, Texas
2 Medicaid Healthcare Partnership, \$1,319,878.80. And
3 then the other significant deposit was cash. And it was
4 \$52,153.18.

5 Q Okay. Let's take a look at the withdrawals.

6 A The cash withdrawal was \$554,347.39.

7 Q Go ahead. Let us know where the checks, who
8 they were issued to.

9 A The checks were issued to Lamisha Johnson in
10 the amount of \$335,390.17. Checks issued to Demetria
11 Boston were total \$208,734. Checks to Chase Bank
12 totaled \$92,454.09. Check issued to Greater Vision
13 Church totaled \$63,565. And checks issued to Dyain
14 Frazier totaled \$8,550. ATM withdrawals totaled
15 \$7,124.25. Checks issued to Kinshasa Carter totaled
16 \$2,257.68.

17 Q Okay. I want to focus your attention to
18 State's Exhibit Number 1205. And can you tell us what
19 we're looking at in State's Exhibit Number 1205.

20 A This is just a summary taken from the bank
21 records which indicate the payments made to Dyain
22 Frazier. Some checks payable to Lamisha Johnson,
23 Demetria Boston, Dyain Frazier, and Chase Bank were used
24 to pay Dyain Frazier. So even though they were issued
25 to other people, they were used to buy cashier's checks

1 or pay Dyain Frazier. Lamisha Johnson's total is
2 \$236,900 and Demetria Boston's total is \$39,300 and then
3 the one check that -- or the total that Dyain Frazier
4 was listed as the payee was \$8,550.

5 Q Okay.

6 A And do you want me to --

7 Q Please.

8 A And then it's broken down here to Lamisha
9 \$236,900 to the right. Demetria, \$39,300. And Dyain,
10 \$8,550 and cashier's check in the amount of \$600,311.51.
11 And so that was a total of \$885,061.51. And then a
12 second amount from a Hibernia Bank was \$262,148.10 to
13 Dyain, for a total of \$1,147,209.61.

14 Q Okay. Did you also happen to look at the
15 records regarding another company by the name of C and M
16 Medical Supply owned by Broderick Carter?

17 A Yes.

18 Q Let me show you what has been marked State's
19 Exhibit Numbers 33, 34, 35, 36, 37. And I am going to
20 ask you, did you have an opportunity to review those
21 voluminous records and did you do the analysis for those
22 accounts as I talked about for the other accounts?

23 A Yes.

24 Q All right. Let me show you then State's
25 Exhibit Numbers 106A, B, C; 1207A, B, C, D; State's

1 1207A, B, C, and State's Exhibit Exhibit 1208A, B, C --
2 or. I'm sorry. A and B. And 1209A and B. And let me
3 ask you, are those summaries of the voluminous bank
4 records that you analyzed in this case?

5 A Yes, ma'am.

6 MS. VOLLMAN: Judge, at this time we would
7 offer State's Exhibits Number 1206A, B, C, D; 1207A, B,
8 C. 1208A, B, and 1209A, B.

9 MR. MARTIN: No objections, Judge.

10 THE COURT: They are admitted.

11 MS. VOLLMAN: Judge, on the first one, did
12 I say 1206D? I don't know if I said "D".

13 THE COURT: I believe you did.

14 Q (By Ms. Vollman) Okay. Let's take a look at
15 1206A first off. How many of these accounts did you
16 analyze?

17 A I believe there were nine and I analyzed --

18 Q Were there five and you analyzed --

19 A No. There were nine and I analyzed five.

20 Q Okay. State's Exhibit Number 1206A. Can you
21 tell us again the account style, bank, account number,
22 date it was opened, and who was the owner of the
23 account?

24 A The account styling is C and M Medical
25 Equipment, J. P. Morgan Chase, 5265. The date opened,

1 March 15, 2005; closed, January 31st, 2006. Signature
2 is Broderick J. Carter, the owner of the account.

3 Q What was the analysis period?

4 A March 15, 2005 to January 31st, 2006. But the
5 last activity was in December of 2005.

6 Q Can you tell us what were the total deposits in
7 that account, total withdrawals?

8 A Total deposits were \$1,534,731.91. And total
9 withdrawals, \$1,534,731.91.

10 Q Can you tell us where the significant deposits
11 came from that went into that account?

12 A Yes. It's TMHP, Texas Medicaid Healthcare
13 Partnership, \$1,532,848.06. And then the others are for
14 purchase returns.

15 Q Did you also have an opportunity to look at the
16 significant withdrawals on that account?

17 A Yes.

18 Q All right. Let's take a look at those.

19 A The most significant is the withdrawal by
20 Broderick Carter, \$736,996.76. Then C and C Healthcare,
21 \$173,023.44. ECapital, \$110,499.03. Tajuana Frazier,
22 \$122,139.25. The last three, C and C, eCapital billers,
23 Impression Jewelers, \$113,853.99 --

24 Q Let's hold off there. Can you tell us how was
25 this account being used, as a personal or business

1 account?

2 A Well, although the styling is for a business
3 account, it was used for personal expenses.

4 Q Did you see a lot of repetitive type payments?

5 A Yes.

6 Q Withdrawals?

7 A Yes.

8 Q Let's take a look at State's Exhibit Number
9 1207A. I'm sorry. 1206D. And can you tell us what
10 this document is?

11 A This is just a summary of the categories of the
12 way the money was spent.

13 Q Can you tell what the categories were and the
14 total?

15 A Rental cars, and, too, keep in mind the period
16 of this is only a few months.

17 Q So from 3/15/05 to 1/31/2006?

18 A Less than a year. Okay. Rental cars
19 \$11,717.32. Weaponry, \$9,452.13. Shoes and -- sports
20 shoes, \$4,610.02. Furniture, \$15,446.45. Travel,
21 \$5,561.50. Auto accessories, \$18,600. Hotels,
22 \$11,202.27. Clothes, \$6,063.62. Electronics
23 \$19,184.46. Money that was given to relatives total
24 \$48,580.83. Impression Jewelers total \$113,853.99. And
25 then for billing and marketing services the total was

1 \$404,643.41 and --

2 Q That's pretty good. The rest will be on that
3 document, correct?

4 A Yes.

5 Q 1207A. Can you give us the same information
6 that you provided to us before, the account style, what
7 the bank was, the last four digits of the bank number,
8 when it was opened and when it was closed?

9 A C and M Medical Equipment, J. P. Morgan Chase,
10 3937, the opening branch location was in Sugarland, 2430
11 Highwa 6. The date --

12 Q Is that in Harris County; do you know?

13 A Yes. Date opened is December 8, 2005. The
14 date closed is January 16, 2008.

15 Q Can you tell us who the owner was and what was
16 the analysis period?

17 A The owner is Broderick J. Carter. December 8,
18 2005 to September 29, 2006.

19 Q Can you give us the total deposits, total
20 withdrawals?

21 A The total deposits were \$715,515.96. Total
22 withdrawals was \$715,566.17.

23 Q All right. Just significant deposits.

24 A Again, is TMHP, \$562,720.12. And then a
25 transfer from another of his accounts \$92,013.69 and a

1 transfer from a second account, \$6,450. And then
2 unknown deposits for 53,385.

3 Q What about significant withdrawals?

4 A Broderick Carter had the most significant,
5 \$289,174.40. Kendra Murray Carter was \$15,400. Mitch
6 Carter was 16,000. The Boston law firm 25,000. C and C
7 Healthcare was \$63,307. ECapital was \$36,502. Tajuana
8 Frazier was \$78,656.

9 Q All right. Let's go down to State's Exhibit
10 Number 1208A. Can you tell us the same information
11 regarding that account?

12 A Again, the account styling is C and M Medical
13 Equipment, bank is Chase. Last four digits, 5028. The
14 opening branch location, again, is 2430 Highway 6,
15 Sugarland. The opening date is December 8, 2005.
16 Closing date, September 29, 2006. The signature
17 authority or the owner is Broderick J. Carter. And the
18 analysis period is December 8, 2005 to September 29,
19 2006.

20 Q Okay. Can you tell us the total deposits and
21 withdrawals and where the deposits and significant
22 withdrawals were from?

23 A Total deposits were \$40,427.90. Total
24 withdrawals were \$40,427.90. The significant deposits
25 were a cashier's check by Broderick Carter for \$30,000

1 and then a transfer from one of his other accounts of
2 \$10,000.

3 Q What about withdrawals?

4 A The significant withdrawal is \$33,977.90 by
5 Broderick Carter.

6 Q Let's go to the last account for Broderick
7 Carter. 1209A. Can you tell us what was the account
8 style, bank, when it was opened, the owner of the
9 account and the analysis period?

10 A Account styling is Broderick J. Carter, DBA.
11 Gang Breed Music Group. Chase, 4075. Opening branch
12 location 430 Highway 6, Sugarland. Opening date is
13 January 24, 2006. Closing date is June 21st, 2006.
14 Signature or owner is Broderick J. Carter. Analysis
15 period is January 24, 2006 to June 30, 2006.

16 Q Can you tell us what the total deposits were
17 and withdrawals?

18 A Cash deposits were \$500 and withdrawals was by
19 the owner, Broderick Carter, \$452.54.

20 Q Now, did you also have an opportunity to review
21 the record for Jacqueline Briscoe in State's Exhibit
22 Number 39?

23 A Yes, ma'am.

24 MR. MARTIN: Judge, may we approach
25 briefly?

1 THE COURT: Yes, you may.

2 (Discussion at the Bench, off the record)

3 THE COURT: We are going to take a very
4 brief break.

5 (Jury leaves courtroom)

6 (Recess)

7 THE COURT: Thank you. Be seated.

8 (Jury enters courtroom, defendant present)

9 THE COURT: You may proceed.

10 MS. VOLLMAN: Thank you, Judge.

11 Q (By Ms. Vollman) Are you the same Candace
12 Gonzales that was testifying before the break?

13 A Yes.

14 Q I think we were talking about the total
15 deposit, total withdrawals?

16 A Yes.

17 Q Can you tell us what those are? Let me show
18 you what -- what significant withdrawals from that, if
19 any?

20 A Well. The significant withdrawal by the owner,
21 \$452.54.

22 Q Did you also happen to analyze any records
23 involving Jacqueline Briscoe and her company, Briscoe
24 Medical Supply?

25 A Yes.

1 Q I've shown you State's Exhibit Number 39. And
2 did you have a chance to look at those and are those the
3 records that you analyzed, the voluminous records, and
4 did you prepare summaries for those particular accounts?

5 A Yes.

6 Q Take a look at State's Exhibit Number 1210A, B,
7 C; State's Exhibit Number 1211A, B, C; State's Exhibit
8 Number 1212A, B, C. And are those your summaries that
9 you prepared on those accounts in State's Exhibit Number
10 39, the voluminous bank records in this case?

11 A Yes.

12 MS. VOLLMAN: Judge, at this time we would
13 offer State's Exhibit Numbers 1210A, B, C. 1211A, B, C,
14 1212A, B, C.

15 MR. MARTIN: No objections.

16 THE COURT: Admitted.

17 Q *(By Ms. Vollman)* First one, which 1210A, and in
18 this account can you please tell us the account style,
19 the bank, the last four numbers on the bank account,
20 where it was opened, when it was opened?

21 A Bank account style is Jacqueline A. Briscoe,
22 the Bank of America. The last four digits of the
23 account number are 3797. The opening branch location
24 was Greenspoint. The date opened is June 28, 2003. The
25 owner of the account is Jacqueline A. Briscoe. Analysis

1 period is January 1st 2004 and went through December 27,
2 2006.

3 Q Okay. Can you tell us what the total deposits
4 were, total withdrawals, and where the significant
5 deposits came from?

6 A Total deposits were \$110,312.56. Total
7 withdrawals were \$108,145.01. Significant deposit
8 sources would be the Harris County salary \$48,346.47.
9 Internal Revenue Service, \$16,257. The Texas Attorney
10 General's office, \$17,262.59 and then transfers from
11 another account, \$16,742.25.

12 Q Can you tell us what the significant
13 withdrawals from this particular account were?

14 A The most significant withdrawal is the
15 mortgage, \$23,054.74. Transfers, two other accounts,
16 \$18,743.27 and then there were ATM withdrawals, \$4,470.

17 Q State's Exhibit Number 1211A. Can you tell us
18 what the account style was on this account, what the
19 bank was -- those Greenspoint accounts, are they in
20 Harris County, Texas?

21 A Yes, they are.

22 Q Can you tell us in addition to that the last
23 four digits of the account number, when it was opened
24 and who had signature authority on it?

25 A The account styling is Briscoe Medical Supply,

1 Bank of America, 4815. The opening branch location is
2 Greenspoint. The date opened, November 21st, 2005.
3 Signature owner is Jacqueline A. Briscoe, the analysis
4 period began November 21st, 2005 and ends December 31st,
5 2006.

6 Q Can you tell us what the total deposits were,
7 total withdrawals and where the significant deposits
8 came from?

9 A Total deposits were \$113,094.05. Total
10 withdrawals were \$113,051.82. The significant deposits
11 source again is TMHP, Texas Medicaid Healthcare
12 Partnership, \$86,097.16. Then there is a loan of
13 \$5,000.14 and some transfers in another checking
14 account. The significant withdrawal activity is cash
15 withdrawal \$16,860.36, transferred to other accounts.
16 And then the most significant transfers would have been
17 to the J. P. Morgan Chase \$54,650.

18 Q Okay. And what is your next one?

19 A 1212A.

20 Q Okay. Let's take a look at that one. And can
21 you give us the same information regarding the account
22 style, the bank, last four digits of the account, where
23 it was opened and the date it was opened.

24 A The account styling is Jacqueline A. Briscoe.
25 The bank is Bank of America. The last four digits of

1 the account is 7735. It's a savings account. Opening
2 branch location is Greenspoint. The date it was opened
3 June 28, 2003. The signature authority is Jacqueline A.
4 Briscoe. The analysis period began January 1st, 2004
5 and ended December 27, 2006.

6 Q Can you tell us what the total deposits were,
7 total withdrawals were?

8 A Total deposits were \$14,969.77. Total
9 withdrawals were \$12,331.

10 Q Were the significant deposits primarily from
11 transfers from other accounts?

12 A Yes.

13 Q Can you tell us about, were there any
14 significant withdrawals?

15 A They were transfers to other accounts as well.

16 Q Okay. And did you have an opportunity to look
17 at the accounts for Robert Turner?

18 A Yes.

19 Q First American Medical Supply?

20 A Uh-huh.

21 Q And I have before you State's Exhibit Number
22 32. Did you have a chance to go through those?

23 A Yes.

24 Q And let me show you State's Exhibit Number
25 1213A, B, C. Can you identify those for us?

1 A These are the detailed pivot summary and the
2 bank analysis report.

3 Q Are those exact summaries of voluminous bank
4 records in this case?

5 A Yes.

6 *MS. VOLLMAN:* Judge, we would offer
7 State's Exhibit Numbers 1213A, B, C.

8 *MR. MARTIN:* No objections.

9 *THE COURT:* They are admitted.

10 Q *(By Ms. Vollman)* Let's take a look at 1213A.

11 A Okay.

12 Q Can you tell us the account style, the bank
13 where it was opened, whether it was in Harris County,
14 Texas, and the date it was opened?

15 A Account styling is Robert Christopher Turner,
16 DBA, First American Medical Supplies. The bank is Chase
17 Bank. The account number is 7196. The opening branch
18 location is Chase in Humble.

19 Q Is that in Harris County, Texas?

20 A Yes.

21 A And the date opened is December 5, 2005. The
22 signature authority or the owner's name is Robert C.
23 Turner. The analysis period began December 5, 2005 and
24 extended to January 31st, 2007.

25 Q Can you tell us what the total deposits were,

1 total withdrawals, and where the significant deposits
2 came from?

3 A Total deposits \$422,860.42. Total withdrawals
4 were \$422,809.49. The significant deposits were from
5 Texas Medicaid Healthcare Partnership, \$405,892.16. And
6 AmeriTrade, \$4,999.28.

7 Q Can you tell us what the significant
8 withdrawals were from?

9 A The significant withdrawals were made to Robert
10 Turner, \$165,607. Jeffrey Scales, \$155,700. Pro
11 Billing Plus, \$28,308.19. Kinshasa Carter, \$17,027.08.
12 Cornell Williams, attorney, \$2,300. Fidelity for
13 \$11,392.94. And then Summit Dental/Medical \$1,648.

14 Q Okay. Can you tell us whether there were any
15 repetitive payments?

16 A Yes, there were repetitive payments to Jeffrey
17 Scales --

18 Q I don't need the amounts, but just the names?

19 A Jeffrey Scales, Kinsasha Carter, Robert Turner,
20 and then two others, Harley Davidson place.

21 Q Okay. That's good. Did I also put in front of
22 you and did you have an opportunity to review State's 42
23 and 43?

24 A Yes.

25 Q And did you review those and did you also

1 complete summary of the voluminous records included in
2 the bank records in this case?

3 A Yes.

4 Q Let me also show you State's Exhibit Number
5 42I, L, 43A, 43D, 43E, 43G, 43H and 43I. Did those come
6 out of State's Exhibit 42 and 43?

7 A Yes.

8 Q Did you also -- I think you said you made the
9 same type of summary bank analysis and bank detail pivot
10 for that account?

11 A That's correct.

12 Q Let me show you what has been marked State's
13 1214AA and 1214B and 1214C. Are those the summaries for
14 those records?

15 A Yes.

16 Q Let me --

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

19 THE COURT: Starting with 1214A?

20 MS. VOLLMAN: It's AA. And then it's
21 1214B, 1214C and then specific documents from those
22 particular bank records, Judge.

23 THE COURT: So 42 and 43 series?

24 MS. VOLLMAN: Yes.

25 MR. MARTIN: No objections.

1 THE COURT: Admitted.

2 Q (By Ms. Vollman) Look at State's Exhibit Number
3 1214AA. And can you tell us from that exhibit the
4 account style?

5 MS. VOLLMAN: Go back.

6 (Exhibit Published)

7 Q (By Ms. Vollman) Last four digits of the
8 account number, branch it was opened, whether it was
9 Harris County, and the date opened.

10 A The Dreammakers Medical Supplies, J. P. Morgan
11 Chase, 3335. Opening branch location is at Beltway and
12 Wilson Road. The date opened is July 13, 2006. The
13 signature of the owners on the account, Vincent A.
14 Walker and Erica R. Andrews.

15 Q The analysis period was when?

16 A December 30, 2006 to April 30, 2007.

17 Q Total deposits and withdrawals were?

18 A Total deposits \$281,054.92. Total withdrawals,
19 \$280,485.05.

20 Q And can you tell us what the source of the
21 deposits were?

22 A The most significant source is Texas Medicaid
23 Healthcare Partnership, \$273,414.92. Cash, \$7,113.

24 Q And take a look at the significant withdrawals.

25 A The most significant withdrawals is cash,

1 \$122,748.26. The next is the payments to Connie
2 Mallard, \$38,956.98. And to Dyain Frazier \$76,221.21.
3 Post Oak Motor Cars, \$15,566. And then transfers,
4 2,500, and then Eugene Kursh, (spelled phonetically)
5 \$10,900.

6 Q Okay.

7 MS. VOLLMAN: Could we publish State's
8 42I?

9 THE COURT: You may.

10 MS. VOLLMAN: We would publish State's
11 Exhibit 42L and we would publish --

12 Q (By Ms. Vollman) On that notation on State's
13 Exhibit 42L, is there a notation on the record that does
14 not appear in that exhibit, on the side, a note right
15 over there?

16 A Yes. Looks like it says probably cashier's
17 check to --

18 Q Hard to read?

19 A Uh-huh.

20 Q Right on that side?

21 A Cashier's check.

22 Q And that came from the bank, correct?

23 A Uh-huh.

24 MS. VOLLMAN: Let me publish, Judge,
25 State's Exhibit Number 43A, both pages.

1 (Exhibits Published)

2 MS. VOLLMAN: And State's Exhibit 43D.
3 State's Exhibit 43E.

4 (Exhibits Published)

5 MS. VOLLMAN: 43G, all pages.

6 And State's Exhibit 43H all pages.

7 (Exhibits Published)

8 MS. VOLLMAN: And State's Exhibit 43I,
9 last one.

10 Q (By Ms. Vollman) Now, in addition to the
11 providers that you spoke about, did you also obtain the
12 analysis that was completed for the other providers and
13 provided to you?

14 A Yes.

15 Q Do you remember which ones those were? Who did
16 you get them from?

17 A From Lynn Wilson. It was Perkins, Wickware,
18 Resource Solutions.

19 Q The other half of Briscoe?

20 A Yes.

21 Q Okay. Now, did you also have an opportunity to
22 analyze any accounts for the Fraziers and Marcus
23 Jefferson?

24 A Yes.

25 Q Show you State's Exhibit Number 44, 45, 46, 47,

1 48, 49, 50 regarding the Frazier accounts. Did you have
2 a chance prior to testifying just now to go through all
3 those records?

4 A Yes.

5 Q Are these the records that you did?

6 A Yes.

7 Q 1216A, 1217AA, 1217B, 1217C. Let me also show
8 you State's Exhibits Number 50A, 50B, 50C, 50D, 50E,
9 50F, 50G, 50H, 50I, 50J, 50K, 50L, 50M.

10 Let me also show you State's Exhibits
11 Number 1219A, 1219B, 1219C, and State's Exhibit Number
12 49A, 49B, 49C.

13 And State's Exhibit Number 1220A, 1220B,
14 1220C, 44A, 49D.

15 And State's Exhibit Number 1222A, B, C.

16 State's Exhibit Number 1226A, 1226B.

17 Did you have a chance to review all those?

18 A Yes.

19 MS. VOLLMAN: Judge, we would offer those
20 exhibits.

21 MR. MARTIN: No objections, Judge.

22 THE COURT: They are admitted.

23 Q (By Ms. Vollman) Let's take a look at the
24 summary, 1216, and can you tell us what that is?

25 A Yes, a summary of bank accounts that we

1 subpoenaed for Dyain Frazier.

2 Q Do all the -- which one do you find that is
3 most important to talk about right now, the highlighted
4 ones?

5 A Right. That's correct, the five highlighted
6 ones.

7 Q 1217AA?

8 A Okay. And same question as before. Can you
9 give us the account style, the bank, last four digits on
10 the account number, where it was opened and who was the
11 owner of the?

12 A The account styling is Frazier Medical
13 Marketing firm. Hibernia National Bank, Capital One.
14 The last four digits of the account number is 7718. The
15 opening branch location is North Sam Houston Parkway.

16 Q Is that in Harris County, Texas?

17 A Yes. The date opened is December 29, 2005.
18 The signature names are Dyain Frazier and Tajuana
19 Frazier.

20 Q What was the analysis period?

21 A December 29, 2005 to November 30, 2006.

22 Q Can you tell us what the significant deposits
23 were, what the withdrawals were?

24 A Total deposits were \$136,995.02. Withdrawals
25 were \$127,952.06. The most significant deposit was

1 Resource Solutions Medical Supplies, \$83,870.35. Cash
2 \$16,700. And other customer deposits that were not
3 identified further is \$33,910.67.

4 Q Okay. What about the significant withdrawals?

5 A Cash is \$48,444. Tajuana Frazier, 29,000.
6 Dyain 8,000. Charles Wickware, \$500. And Continental,
7 \$5,974.20.

8 MS. VOLLMAN: Could we publish, Judge,
9 State's Exhibit Number 50A?

10 THE COURT: Yes.

11 (Exhibit Published)

12 Q (By Ms. Vollman) And is that the signature card
13 for that account?

14 A Yes, it is.

15 Q Let's go to 50 -- the next one, 50B.

16 A Yes.

17 Q Did you find anything significant about 50B?

18 A This is a withdrawal slip.

19 Q And did you find anything significant on the
20 second page of that exhibit regarding --

21 A It's identified as Resource Solutions Medical
22 Supply. \$8,921.36.

23 Q Okay. And --

24 A It's a deposit to Frazier from Resource
25 Solutions.

1 Q Take a look at 50C. Can you tell us what was
2 significant about that document?

3 A This, too, is an amount withdrawn from Resource
4 Solutions Medical Supply, \$13,910 and deposited into
5 Fraziers' Medical account.

6 Q State's Exhibit Number 50D?

7 A It's another withdrawal by Resource Solutions
8 from their account, \$10,396.32 that was deposited into
9 Frazier Medical Marketing.

10 Q Okay. 50E?

11 A Another counter withdraw from Resource
12 Solutions of \$8,885.

13 Q 50F?

14 A Another Resource Solutions withdrawal, \$11,530
15 and deposited into Frazier Medical Marketing.

16 Q State's Exhibit Number 50G?

17 A A counter withdrawal from Resource Solutions of
18 \$30,227.67 deposited into Frazier Medical Marketing.

19 Q 50H?

20 A This is a check issued by Frazier Medical
21 Marketing to Charles Wickware.

22 Q Okay. 50I?

23 A Did you ask me what was significant about that?

24 Q Yes.

25 A The comment on the bottom says a two-week

1 payment. So it's one of the providers paying Frazier
2 for a two week period.

3 Q Take a look at State's Exhibit Number 1218AA
4 and can you tell us what is the account style, the bank
5 where it was opened, the date it was opened and who had
6 signature authority on it.

7 A Dyain Frazier or Tajuana Frazier. Hibernia
8 National Bank, Capital One. The last four digits of the
9 account number are 0556. The opening branch location is
10 5718 Westheimer. The date opened, December 24, 2004.
11 The signature are Dyain Frazier and Tajuana Frazier.
12 The analysis period is March 8, 2005 to December 1st
13 2006.

14 Q Can you tell us the total significant deposits
15 and withdrawals?

16 A Total significant deposits were \$329,992.61.
17 Total significant withdrawals were \$254,792.20. The
18 significant deposits sources are cash of \$162,950.86.
19 Then other customer deposits of \$126,503.70. R and L
20 Carriers \$17,172.97. Anointed Medical Supply, \$14,737.
21 Impression Jewelers, \$4,994. And then various payments
22 paid to Dyain Frazier, 12,024.69

23 Q Can you tell us what the significant
24 withdrawals?

25 A There was a significant payment to Marcus

1 Jefferson of a thousand dollars. Broderick Carter,
2 \$100. Demetria Boston, \$500. And then there were cash
3 withdrawals of eight -- \$8,659.65. Dyain Frazier,
4 withdrawals, \$21,670.62. And then withdrawals of
5 payments to Hibernia Bank, \$8,000. Continental,
6 \$7,775.76. Kroger, \$22,205.34. Mary Kay, \$15,881.66.

7 Q Take a look at State's Exhibit Number 50I.
8 That's the signature card?

9 A Yes, it is.

10 Q Take a look at 50J. Can you tell us what is
11 significant about that particular deposit?

12 A This is a check from one of the providers,
13 Anointed Medical Supplies, written to Dyain Frazier for
14 \$14,737 and it's designated as salary.

15 Q Okay. State's Exhibit Number 50K?

16 A This is a check from Dyain and Tajuana Frazier
17 written to Marcus Jefferson for a thousand dollars.

18 Q Okay. State's Exhibit Number 50L?

19 A This is a check from Dyain and Tajuana Frazier
20 written to Broderick Carter for \$100.

21 Q State's Exhibit Number 50N?

22 A This is a check written by Dyain and Tajuana
23 Frazier to Demetria Boston for \$500.

24 Q State's Exhibit Number 1219AA. (sic) Can you
25 tell us what the account was, last four digits of the

1 account, what the bank was, and when it was opened and
2 whose account was it?

3 A The account styling is Tajuana K. Frazier and
4 Dyain Frazier. JP Morgan Chase, 2256. Opening branch
5 location is Beltway 8 and Wilson Road. The date opened
6 is November 21st, 2006. The owner names are Tajuana
7 Frazier and Dyain Frazier. The analysis period is
8 November 21st, 2006 to December 6, 2007.

9 Total significant deposits are
10 \$140,859.70. Total significant withdrawals are
11 \$131,402.26. The significant deposit sources are cash,
12 \$35,650; Vincent Walker, \$34,973.75. A second provider,
13 Wilma Gibson, \$62,088.42.

14 Q And what were the significant withdrawals from
15 that account?

16 A The most significant is cash of \$91,074.27.
17 And then array of personal -- Best Buy, rental car,
18 catalog.

19 Q Okay.

20 MS. VOLLMAN: Let's publish State's
21 Exhibit Number 49A.

22 (Exhibit Published)

23 Q (By Ms. Vollman) And is that one of the
24 signature cards?

25 A Yes.

1 Q State's Exhibit 49B. This is a -- these are a
2 couple of deposits; includes two withdrawals and two
3 deposits. The first one is a withdrawal by Wilma
4 Gibson, 45,000, and a deposit slip for Dyain Frazier to
5 his account for 45,000.

6 The second one is a withdrawal slip by
7 Wilma Gibson again, for \$17,088.42 and correspondencing
8 deposit to Dyain Frazier's account for the same amount.

9 Q 49C?

10 A This is a cashier's check purchased by Vincent
11 Walker. Another one of the providers for \$22,800.59,
12 paid to the order of Dyain Frazier, and a deposit slip
13 to Dyain Frazier's account for the same amount.
14 Actually, it shows the amount of the cashier's check,
15 but then it shows he held out cash of 20,000 and only
16 deposited the \$2,859.

17 Q Okay. And let's take a look at State's Exhibit
18 Number 1220A. And, again, can you tell us as far as the
19 bank style, the bank where it was opened, the last four
20 digits of the account number and who had signatory
21 authority?

22 A The account styling is Tajuana Frazier or Dyain
23 Frazier, J. P. Morgan Chase. Last four digits of the
24 account, 1571. Opening branch location is Beltway and
25 Wilson Road location. Date opened, November 20, 2006.

1 Signature authority and the owner's names are Tajuana
2 Frazier and Dyain Frazier. Analysis period is November
3 20, 2006 to January 9, 2008.

4 The total significant deposits were
5 \$77,567.34. Total significant withdrawals are
6 \$55,612.32.

7 The most significant deposit source is
8 cash and it is \$68,460. But there are also deposits
9 from Jacqueline A. Briscoe, one of the providers,
10 \$5,142, and Vincent Walker for \$2,000. And then T and R
11 Medical Supply, \$1,000.

12 Q What were the significant withdrawals?

13 A The most significant is cash \$17,814.71.
14 Payments to Tajuana Frazier, \$10,727.49. And then
15 insurance payments of \$6,731.64 and \$4,821.03.

16 MS. VOLLMAN: Can we publish 44A, please?

17 THE COURT: Yes.

18 (Exhibit Published)

19 Q (By Ms. Vollman) And is that the actual
20 signature card for that account?

21 A Yes.

22 Q Okay. State's 49D?

23 A These are two cashier's checks. One is from T
24 and R Medical Supply for \$1,000 and pay to the owner of
25 Dyain Frazier. A second one is a cashier's check from

1 Jacqueline Briscoe for \$5,142 paid to Tajuana Frazier
2 and then a deposit into the Fraziers' account.

3 Q Okay. Take a look at 1222A. And can you tell
4 us about that account as far as the account, the bank,
5 when it was opened, and the signature, who had signature
6 authority and what was the analysis period?

7 A Tajuana K. Frazier and Dyain Frazier, DBA,
8 Frazier Medical Marketing Firm. The bank is J. P.
9 Morgan Chase. The last four digits of the account is
10 5758. The opening branch location is the Beltway and
11 Wilson Road location. The date it was open was November
12 21st, 2006. The signature or owner names are Tajuana K.
13 Frazier and Dyain E. Frazier. The analysis period is
14 November 21, 2006 through February 9, 2007. Total
15 significant deposits are \$2100. The total significant
16 withdrawals are \$600. The only deposit source is cash
17 of 2100. The withdrawal is also the cash of 600.

18 Q Okay. Let me show you State's Exhibit Number
19 1226A. Can you tell us what that is?

20 A This is a pivot summary, which is a summary by
21 category of expenses.

22 Q Can you tell us what account that came from and
23 the account number and period of analysis?

24 A The account styling is Frazier Medical Supply
25 and Equipment. The name on the account is Dyain E.

1 Frazier and Tajuana K. Frazier. Name of the bank is
2 Bank of America. The last four digits of the account
3 are 2309. And the period of analysis is June 24, 2003
4 to December 30, 2003.

5 Q Okay. And do you see some money coming in
6 there from Broderick Carter and C and M Medical Supply?

7 A Yes. We see \$8,000 from Broderick Carter and
8 \$11,000 from C and M Medical Supply.

9 Q Okay. Let me show you what has been marked as
10 State's Exhibit Number 6II, 18P, 29AK, 15L, 22V, 17N and
11 10AQ. Could you take a look at those and tell us if you
12 can identify those?

13 A Yes. These are the Medicaid billing and
14 payment records from the Texas Medicaid Healthcare
15 Partnership. Those are the reports for C and M Medical,
16 for Briscoe and for Wickware, First American, Perkins,
17 Dreammakers, and Resource Solutions.

18 Q Okay. And are those summaries of the
19 voluminous records that --

20 A Yes.

21 Q -- that are already in evidence?

22 A Well, those are more detailed than summary of
23 the voluminous records, but that is still -- it is a
24 summary.

25 Q State's Exhibit Number 2, 3, 5, 6, 7, 9, 10,

1 11, 13, 14, 15, 17, 18, 19, 21, 23, 22, and I believe 28
2 and 29. Are those summaries of these voluminous records
3 like we talked about with Anointed?

4 A Yes, ma'am.

5 MS. VOLLMAN: Judge, we would offer those
6 exhibits.

7 MR. MARTIN: No objections, Judge.

8 THE COURT: Admitted.

9 Q (By Ms. Vollman) Now, did you also have an
10 opportunity to summarize, as far as the voluminous bank
11 records, to show exactly what amounts were directly sent
12 to the Fraziers and what was provided to them from the
13 various providers? Let me show you what has been marked
14 State's Exhibit Number 1228 and 29. Do you recognize
15 those?

16 A Yes.

17 Q What are they?

18 A It is a summary of amounts paid by the
19 providers to the Fraziers.

20 MS. VOLLMAN: We would offer State's 1228
21 and 1229, summaries.

22 MR. MARTIN: No objections.

23 THE COURT: Admitted.

24 Q (By Ms. Vollman) Let's take a look at State's
25 Exhibit Number 1228. And can you tell us what we're

1 looking at?

2 A Well, we're looking at totals from the bank
3 analysis, the bank records, which show that, for
4 example, Anointed Medical Supply, from different bank
5 accounts from their bank accounts, they paid
6 \$262,148.10; 8,550; \$876,511.51.

7 Q For the remainder of the providers, did you
8 come up a total of how much money went to the Fraziers?

9 A Finding what we were able to identify that went
10 to the Fraziers was \$1,756,193.62.

11 Q Now, can you explain to us what is State's
12 Exhibit Number 1229?

13 A This is some of the same information; shows the
14 payments that were identified as going to the Fraziers
15 from the providers, but there was also -- but it also
16 shows cash that was withdrawn from the providers'
17 accounts that may have gone, that we could not trace.
18 So, when I say we identified traced to Fraziers, those
19 were identified. And there may be additional cash that
20 may or may not have gone to them.

21 Q That would have been testified to?

22 A Yes.

23 Q Or what was shown through the bank records as
24 going to the Fraziers?

25 A Correct.

1 Q Let me show you State's Exhibit Number 1241.
2 Can you tell us what that is, without going into detail?
3 What is it?

4 A This is a Frazier-related provider billing to
5 Medicaid. This is the procedures for which the Frazier
6 providers billed Medicaid.

7 Q And does it summarize a lot of the BOR records
8 that are now in evidence?

9 A Yes.

10 MS. VOLLMAN: Judge, we would offer
11 State's Exhibit Number 1241.

12 MR. MARTIN: No objection.

13 THE COURT: Admitted.

14 (Exhibit Published)

15 Q (By Ms. Vollman) Can you tell us generally what
16 we're looking at?

17 A Okay. Well, the very first line you'll see
18 adult sized pull-on briefs, extra large. The first
19 column says bill the client, that is six million extra
20 large briefs were billed. And the actual number of the
21 briefs. And then the billed amount was 9,196,593.93.
22 The paid amount was 4,108,133.63 cents. And that was
23 just for the extra large briefs.

24 Then you have the other procedures that
25 they billed for, such as the -- some of the higher

1 numbers from disposable underpads and disposable liners
2 and shields, which is typical of these providers. They
3 all billed for the same type of procedures.

4 Q Okay.

5 MS. VOLLMAN: And could you show the last
6 part, Mike?

7 (Exhibit Published)

8 Q (By Ms. Vollman) And let me show you State's
9 Exhibit No. 1242. Can you identify that document?

10 A Yes. This is a summary of the billing pattern
11 I was just speaking of, predominant billing patterns
12 among these Frazier providers.

13 Q And talk about the time period that they were
14 routinely billing for each recipient?

15 A Yes.

16 MS. VOLLMAN: Judge, at this time we would
17 offer State's Exhibit Number 1242.

18 MR. MARTIN: No objections.

19 THE COURT: Admitted.

20 Q (By Ms. Vollman) And as far as -- what did you
21 note?

22 A First column lists the name of the providers
23 and the second column lists the period in which they
24 billed for each client, each Medicaid recipient. And as
25 you can see, Anointed billed for each Medicaid recipient

1 about three months. Briscoe, one month. C and M was
2 the only one that stretched any of them out and billed
3 continuously for 12 months -- billed from one to 12
4 months. But as you can see from most of these, it's one
5 to three months or one to two months that they billed
6 for each recipient. So they had to have a huge volume
7 of names to only bill for one month for each recipient.
8 And normally, if they were using incontinence it would
9 be for a much longer period than one month. So they had
10 to have a lot of names to be able to change it up with
11 all they did bill for such short period of time.

12 Q Let me show you State's Exhibit Number 1244A.
13 Can you tell us --

14 MS. VOLLMAN: Don't show yet, Mike.

15 Q (By Ms. Vollman) You can tell us what it is?

16 A This is a Texas Medicaid billing and payment
17 record for the eight Frazier providers for Medicaid
18 recipients 12 years of age and younger.

19 MS. VOLLMAN: Judge, we would offer
20 State's Exhibit Number 1244A.

21 MR. MARTIN: No objections, Judge.

22 THE COURT: It's admitted.

23 MS. VOLLMAN: Can we show that, Judge?

24 THE COURT: Okay.

25 Q (By Ms. Vollman) Can you tell us briefly what

1 we're looking at?

2 A Okay. This top section is for the age three
3 years and younger. And what it shows is their age at
4 the date that the service was claimed for them. And
5 what that means is when they billed Medicaid they
6 indicated a date they provided a service. So this was
7 their age at those dates. For infants -- this is under
8 the age of one -- they billed \$78,000 -- \$78,037.58.
9 For one age, age group of one year they billed
10 \$130,577.36. Two years of age they billed \$87,588.38
11 Three years of age they billed \$73,448.42. For a total
12 of just the children three years and younger,
13 \$369,651.74.

14 The second grouping is for ages four to
15 12. As you can see, the age four to 12 went up to
16 \$3,075,032.51 cents that was billed for a total -- for
17 all under age 12 -- I mean, excuse me -- 12 years of age
18 and younger, it was 3,444,684.25.

19 And then down below at the bottom shows
20 the procedures, procedures descriptions for 12 years of
21 age and younger. So for everyone they billed for that
22 was 12 years of age and younger, these are the
23 procedures or what they claim they provided to these
24 clients.

25 Q Was the greatest total of the adult size

1 pull-on, extra large?

2 A The adult size pull-ons, extra large, they
3 billed 848,201 of those for a total amount of money that
4 the billed was \$1,677,111.93.

5 Q Okay. Let me show you State's Exhibit Number
6 1246. Can you tell us what that is?

7 A This is a summary of Medicaid clients used by
8 more than one Frazier provider. The Frazier providers
9 used some of their names --

10 Q Excuse me.

11 MS. VOLLMAN: Judge, we would offer
12 State's Exhibit Number 1246.

13 MR. MARTIN: No objection.

14 THE COURT: Admitted.

15 THE COURT: Counsel, we're going to break
16 for lunch.

17 Ladies and gentlemen, you can go with the
18 bailiff.

19 *(Jury leaves courtroom)*

20 THE COURT: Thank you. Please be seated.
21 We'll be in recess for about an hour.

22 *(Luncheon recess)*

23 *(Jury enters courtroom defendant present)*

24 THE COURT: Ms. Vollman.

25 Q *(By Ms. Vollman)* Ms. Gonzales, you're the same

1 Candace Gonzales testifying before the break, right?

2 A Yes.

3 Q I think we had just started with State's 1246.
4 Can you tell us what that is?

5 A This is a chart showing the Medicaid plans used
6 by more than one Frazier provider to bill Medicaid.

7 MS. VOLLMAN: Judge we would offer State's
8 Exhibit Number 1246.

9 MR. MARTIN: No objections.

10 THE COURT: Admitted.

11 Q (By Ms. Vollman) And just --

12 MS. VOLLMAN: Can you do the whole scan,
13 Mike?

14 (Exhibit Published)

15 Q (By Ms. Vollman) Now, this is a multipage
16 document, correct?

17 A Yes.

18 Q What is the pattern that you saw on State's
19 Exhibit Number 1246 as far as how many times each of
20 those clients would be billed when they were double
21 billed, one for more than one company?

22 A Well, as you can see, the individuals' names
23 are listed to the far left and each individual company
24 is listed across the top and is the column titled. And
25 what this indicates for the first person, Joyce Acres,

1 she was billed by Anointed Medical Supply and she was
2 also billed by First American. You see the ones in both
3 columns, all the way down, Anointed and First American,
4 they are very similar. They used a lot of the same
5 people. They billed for a lot of the same numbers and
6 you can see that through. For example, on Olivia
7 Alonzo. She was billed by Briscoe and also by Resource
8 Solutions. This is just to show you they used some of
9 the same numbers, the providers.

10 Q Can you take a look at 1247 and tell us what
11 that is?

12 A This, across the top --

13 Q Just identify what it is.

14 A The MSC cases related to the Fraziers. This is
15 Medicaid fraud control unit, cases related to Frazier.
16 Provided bank records with Frazier bank records input.

17 MS. VOLLMAN: Judge, we would offer
18 State's Exhibit Number 1247.

19 MR. MARTIN: No objections.

20 THE COURT: Admitted.

21 Q (By Ms. Vollman) Can you briefly describe what
22 we're seeing on this particular exhibit?

23 A The first section at the top, it says TMHP
24 deposits. To the far left, that's Texas Medicaid
25 Healthcare Partnership, again, deposits. Across the top

1 you'll see each provider's name and the deposits that
2 were made to their accounts during the periods listed
3 for each one. So there was a total of 6,053,825.86
4 deposited to the bank accounts during these periods.

5 Q Okay.

6 A Then the second section are amounts we
7 identified as paid to Dyain and Tajuana Frazier. And
8 that total is 1,756,193.62.

9 And then the bottom half is just how the
10 money was taken out, how other uses for the cash and
11 owner withdrawals and such.

12 Q Let me show you what has been marked as State's
13 Exhibit Number 1251A. Can you tell us what that is?

14 A This is the summary of Medicaid recipient
15 depositions that were taken for this case. This is
16 their name and the amounts that were billed to Medicaid
17 and paid by Medicaid.

18 Q Okay. And let me show you those exhibits that
19 are listed on State's 1251A. Do those correspond to all
20 the various exhibits according to their Exhibit Number
21 for the depositions?

22 A Yes, they do.

23 MS. VOLLMAN: Judge, would offer State's
24 Exhibit Number 1251A and all the according depositions
25 used on the BORs at the deposition.

1 THE COURT: Any objection?

2 MR. MARTIN: For record purposes, it's
3 vague after we get past 1251A as to what is being
4 admitted.

5 THE COURT: No objection to 1251A?

6 MS. VOLLMAN: Judge, each of the 254
7 depositions that were done had an individual BOR with
8 their amount of money that they testified to in the
9 deposition. So each one of the individual exhibits,
10 2A -- it's on State's Exhibit Number 1251 listed as a
11 summary. So we would offer all the individual BORs that
12 are the exhibit numbers listed on State's Exhibit 1251A.

13 THE COURT: Can you show Mr. Martin
14 numbers or the exhibits you are referring to?

15 MR. MARTIN: I'm interested, just for
16 record purposes, Judge, if we could have a bracketing
17 for the individual exhibit numbers that are being
18 admitted as part of the overall summary. I have no
19 objection to 1251A, but just for record purposes, the
20 individual recipients are starting at exhibit number 2A
21 and going until what number, just for record purposes?

22 MS. VOLLMAN: There's going to be some
23 holes. So it's State's Exhibit Number 2A to 2P,
24 skipping 2Q, starting at 2R, then stop 2Z, and then
25 picking up at 2AA.

1 THE COURT: I understand what you are
2 saying. It's 2A through 2"O"; is that correct?

3 MS. VOLLMAN: Correct.

4 THE COURT: And skipping 2P.

5 MS. VOLLMAN: It's kind of -- if this is
6 in, then the record will reflect that every individual
7 BOR is listed in the exhibit.

8 THE COURT: I understand but Mr. Martin
9 would like you, for the record, to break them down.

10 MS. VOLLMAN: 2A through 2Z and then from
11 2AA to 2AL, starting at 2AO stopping at 2AQ --

12 THE COURT: Then there isn't a Q?

13 MS. VOLLMAN: 2AS, stopping at 2AZ.
14 Picking up at 2BA. 2BO. Picking up at 2BQ. Stopping
15 at 2BU. Picking up at 2BW, ending 2BX. 2CA, ending
16 2CE. Picking up at 2CG, stopping at 2CH. Picking up
17 again at 2CJ. Stopping at 2CW. 2DB, 6A to 6Z, 6AA
18 through 6HH, 10A. Then picking up at 10C, stopping at
19 10Z. Picking up at 10AA stopping at 10AL, picking up at
20 10AP. Starting at 15A to 15E, 15G, 15K. Starting at
21 15M, 17A to 17M. 18A to 18N. 22B. 22U. 29A, 29C to
22 29Z. 29AA to 29AB. Picking up at 29AD. That's it.

23 THE COURT: So stops at 29AD?

24 MS. VOLLMAN: 29AJ is the last one.

25 THE COURT: Any objection, Mr. Martin?

1 MR. MARTIN: No, Judge. And we appreciate
2 the consideration from the Court. Thank you.

3 THE COURT: They are admitted.

4 Q (By Ms. Vollman) Okay. State's Exhibit Number,
5 let me show you -- did you have an opportunity also to
6 analyze the bank record for Marcus Jefferson?

7 A Yes.

8 Q Were there few or many accounts?

9 A I believe there were ten. We used eight of
10 them.

11 Q As you went through them -- let me show you
12 what has been marked State's Exhibit Number 1230D. Can
13 you tell us what 1230D is?

14 A It's a listing of his bank accounts.

15 Q Let me show you State's 1230A, B, C. 1231A, B,
16 C; 1232A, B, C. 1233A, B, C. 1234A, B, C. 1235A, B,
17 C. 1236A, B, C. No -- just A and B. 1236, just A and
18 B. 1237, A and B. 12238, A and B. 1238C. Okay.

19 Now, when you were looking at Mr.
20 Jefferson's accounts, what were you looking for?

21 A Well, we were looking for cash deposits. We
22 were aware that he had received one check from Dyain
23 Frazier. We found one check in the records of Dyain
24 Frazier that he had issued to Marcus Jefferson, so we
25 looked for checks first. We found none, so we looked

1 for cash and --

2 Q So other than that one check, through all the
3 bank accounts, that's what you found, was one check from
4 Dyain Frazier to Marcus?

5 A That's correct.

6 Q Okay. And is all that information regarding
7 the analysis that you did on the bank accounts reflected
8 in State's 1230A through D and all the remaining ones
9 that we talked about?

10 A Yes.

11 MS. VOLLMAN: Judge, at this time we would
12 offer those exhibits into evidence.

13 MR. MARTIN: Again, just for record
14 purposes, to be specific as to the exhibits that are
15 being offered.

16 MS. VOLLMAN: Judge, we're offering
17 State's Exhibits Number 1230A, 1230B, 1230C, 1230D.
18 1231A, B, C. 1232A, B, C. 1233A, B, C. No -- yes.
19 1233A, B, C. 1234A and B and C. 1235A, B, C. 1236A
20 and B. State's Exhibits Number 1237A and B. State's
21 Exhibits Number 1238A and B and C.

22 MR. MARTIN: No objections, Judge.

23 THE COURT: They are admitted.

24 Q (By Ms. Vollman) So even though you looked at
25 these accounts, you only found one check. So when you

1 were looking -- what else were you looking for in that
2 account?

3 A In this?

4 Q In the various accounts that Marcus Jefferson
5 had.

6 A Well, we were looking for any deposits, if we
7 could determine the source of the deposit. Specifically
8 we were looking for cash deposits.

9 Q Did you find any cash deposits?

10 A Yes, we did. We --

11 Q State's Exhibit Number 1260?

12 A Summary of significant deposit detail. Now
13 these -- this is including employment income.

14 Q Does it identify the cash deposits that you saw
15 throughout the accounts?

16 A Yes. The cash deposits from or equal to \$50 on
17 that one.

18 MS. VOLLMAN: Offer 1260.

19 Q Is this a summary of your analysis of all those
20 deposits?

21 A Yes.

22 MR. MARTIN: No objections to 1260, Judge.

23 THE COURT: It's admitted.

24 Q (By Ms. Vollman) Okay. Could we publish that,
25 Judge?

1 THE COURT: Yes.

2 (Exhibit Published)

3 Q (By Ms. Vollman) Can you just walk us through
4 what we have here?

5 A For each year we have the amount of income or
6 the amount of deposits that were made to this account.
7 You can see the first column or first column year,
8 second column employment income. Third column cash
9 deposits greater than \$50. And fourth column,
10 miscellaneous tax refund, involve the deposits or
11 payments from a college.

12 Q Let me ask you this: Is it difficult to trace
13 cash?

14 A Yes.

15 Q Why is that?

16 A Well, because cash is so fluid and you have no
17 record of it unless someone does deposit it or it goes
18 through a banking institution or some type of financial
19 institution. And cash just does not leave an audit
20 trail normally, a very good one. If there are deposits
21 to the bank you can determine that, but as far as an
22 audit trail, very difficult.

23 Q Okay. Take a look at State's Exhibit Number
24 1261. Can you tell us what that is?

25 A This is a summary of significant cash deposit

1 activity for Marcus Jefferson's accounts.

2 MS. VOLLMAN: Judge, we would offer
3 State's Exhibit Number 1261.

4 MR. MARTIN: No objections, Judge.

5 THE COURT: It's admitted.

6 Q (By Ms. Vollman) Okay. Can we just --

7 MS. VOLLMAN: Mike, can you go through
8 though by year, please.

9 (Exhibits Published)

10 Q (By Ms. Vollman) In your experience, how do
11 individuals who take money or given stolen money, how do
12 they handle it if it's cash?

13 MR. MARTIN: Judge, that calls for
14 speculation and relevance to this case.

15 THE COURT: Overruled.

16 Q (By Ms. Vollman) How is it handled?

17 A Well, in many cases it's handled -- for
18 example, with the Texas Medicaid and Healthcare
19 partnership, they will make direct deposits to a bank
20 account, and then the provider will take it out in cash
21 almost immediately or take out large sums of it in cash.
22 So it's difficult to determine what they do with that.

23 Q Okay. And if somebody is paid cash and it does
24 not go into a financial institution, in a bank, is it
25 possible to trace that?

1 A Well, it's very difficult to trace it because
2 once they have it in cash, they can retain it and use it
3 on a daily basis, pocket it --

4 Q Cash?

5 A Right. They can keep it anywhere. So it's
6 very difficult to trace.

7 Q Have you had any contact with Marcus Jefferson?

8 A Yes.

9 Q Can you tell us on how many occasions?

10 A Two.

11 Q Okay. Can you tell us when they occurred?

12 A The summer and fall 2008.

13 Q Can you describe when you had the first
14 meeting? Who was present?

15 A I believe it was Investigator Gillie, Marcus's
16 attorney, Crystal Moody, Marcus Jefferson, and myself.

17 Q Was he in custody at the time you talked to
18 him?

19 A No.

20 Q Was he free to leave?

21 A Yes.

22 Q Did he come with his attorney?

23 A Yes.

24 Q Did he leave --

25 A Yes.

1 Q -- after the interview?

2 Okay. Were you leading that particular
3 meeting in the summer?

4 A No.

5 Q Who was?

6 A I believe it was Officer Gillie.

7 Q What was the purpose of the meeting?

8 A Investigator Gillie had spoken with Marcus's
9 attorney and she had indicated that --

10 MR. MARTIN: Objection. Hearsay.

11 THE COURT: Sustained.

12 Q (By Ms. Vollman) You can't say what she said,
13 but what was the purpose of him coming to the meeting?

14 A To identify the amounts he was paid by the
15 Fraziers in the bank accounts.

16 Q Okay. And can you describe for us what
17 happened?

18 A Well, we didn't have enough information. At
19 the time we only had one bank account and it was not the
20 bank account that -- we only had one bank account
21 information and it wasn't the bank account where the
22 money was deposited. It was -- turns out it was, you
23 know, it was a bad bank account number that was given to
24 Officer Gillie. So they brought in one set of records
25 at that time and that set of records was not the account

1 where the money was deposited, so --

2 Q Did Mr. Jefferson lead you to believe that the
3 money that he got from the Fraizers which we had talked
4 about was going to be in that account?

5 A Well, I don't know if he led us to believe
6 that, but those are the records they brought in. But
7 they had identified where the money came from in that
8 account and, no, none of it was from the Fraziers. So
9 we asked him -- or Officer Gillie asked him what other
10 bank accounts he had. And he provided that information
11 to Officer Gillie. So the meeting was concluded.
12 Officer Gillie then subpoenaed those records for the
13 other bank that he identified. And then when that
14 information came in, I analyzed that and summarized it
15 and prepared cash reports of it so that he could come
16 back in -- so that Marcus and his attorney could come
17 back into our office and identify those payments.
18 That's what the fall meeting was intended to.

19 Q Okay. When was this second meeting?

20 A September 2008.

21 Q Okay. And who was present at that meeting?

22 A Myself, our investigating manager, John Roth,
23 Marcus Jefferson and his attorney, Crystal Moody.

24 Q Okay. When they came in, who was leading the
25 meeting?

1 A I was.

2 Q Okay. Now, when you were at the meeting, what
3 was the purpose then of that meeting?

4 A The purpose of that meeting was to identify the
5 amount in the bank accounts that the Fraziers had paid
6 to him, the cash amounts.

7 Q And can you describe how that meeting took
8 place?

9 A Well, I just wanted to go in order of it.

10 Q Let me show you what has been marked as State's
11 Exhibit Number 1263 and 1262. Do you recognize those
12 two exhibits?

13 A Yes.

14 Q Can you identify them for us?

15 A These are cash summaries that I made in
16 preparation for the meeting after review of his bank
17 accounts. He had indicated --

18 Q Hang on a second.

19 MS. VOLLMAN: Judge, at this time we would
20 offer State's Exhibit Number 1262 and 1263.

21 MR. MARTIN: No objection, Judge.

22 THE COURT: They are admitted.

23 Q (By Ms. Vollman) Okay.

24 A He had indicated --

25 Q And when you say "he" refer to?

1 A Marcus Jefferson indicated that one particular
2 account had some of the deposits from the Fraziers and
3 that was the account ending in 3838.

4 Q Okay. Let me ask you this: Do you see the --
5 and I don't remember if I did this before -- do you see
6 the person who, in the courtroom, that came to meet you
7 who you know as Marcus Jefferson?

8 A Yes.

9 Q Can you point him out to us and just describe
10 something he's wearing?

11 A He's in a navy blue suit with a lighter blue
12 shirt.

13 MS. VOLLMAN: Judge, may the record
14 reflect the witness has identified the defendant, Marcus
15 Lee Jefferson?

16 THE COURT: The record will so reflect.

17 Q (By Ms. Vollman) And before we do that, I
18 forgot to ask you before. All the records, State's
19 Exhibit 51 through 55, were these all the records that
20 you subpoenaed to analyze the records from Marcus
21 Jefferson and his wife?

22 A That's correct. Bank records.

23 Q Okay. All right. So please explain to us what
24 took place in the meeting where State's Exhibit Number
25 1263 and 1262 were discussed.

1 A Okay. I had prepared cash statements prior to
2 the meeting because -- to just make it more convenient
3 for him to identify the cash amounts. I prepared one
4 for the bank account ending in 3838. And there were a
5 number of thousand dollar cash deposits in that bank
6 account. And so I gave this to him and asked him to
7 look at it and identify which amounts were payments from
8 the Fraziers.

9 Q (By Ms. Vollman) Mike, 1263.

10 (Exhibit Published)

11 Q (By Ms. Vollman) Okay. Go ahead.

12 A And he identified -- you can see by the marks
13 next to some of the thousand dollar amounts. He had
14 identified those amounts, six amounts, that were a
15 thousand dollars each. And for some reason, after he
16 did that, he stopped said he needed to call his wife.
17 He called his wife. And after the phone call he said,
18 no. He said -- he scratched them out and he said, no,
19 those were transfers from the Bank of America account.
20 I later checked Bank of America to see if there were --
21 and there were no matching transfers from Bank of
22 America to this account.

23 Q So when he said to you that those amounts,
24 which he originally indicated were payments by the
25 Fraziers, that they were coming from Bank of American,

1 in fact, they were not?

2 A That's correct.

3 Q Okay.

4 A And so -- but he went ahead and wrote that down
5 for a lot of these amounts that were on this page, even
6 ones he had not identified earlier. And he signed it
7 and dated it.

8 Q Okay.

9 MS. VOLLMAN: Let's show that part.

10 (Exhibit Published)

11 Q (By Ms. Vollman) Okay. So then what happened
12 after you went through this list?

13 A Well, since he had identified, had changed his
14 mind about identifying those, I had also prepared
15 another list of all his accounts, of all the cash
16 deposits for all his other accounts, and asked him if he
17 would look at those to see if he could identify any of
18 the amounts. And so he did. On page two of Exhibit
19 1262, he went through and identified some smaller
20 amounts. You can see they were Woodforest Bank
21 accounts.

22 Q And what did he tell you about these particular
23 amounts that he's put in this check, little line next
24 to?

25 A He said these were payments from the Fraziers

1 for the Medicaid client names that he had provided to
2 them.

3 Q What did you do with that information?

4 A Well, from --

5 MS. VOLLMAN: Go to the third page.

6 (Exhibit Published)

7 Q (By Ms. Vollman) Were there additional ones on
8 the third page that were marked?

9 A Yes, there are some additional ones on the
10 third page. There are a couple \$500 ones on page three
11 and a couple \$100 ones. And he had indicated that he
12 received smaller amounts of \$100 at a time, and he would
13 say one to \$500. He would save it up till he got 500 to
14 a thousand and then he would deposit it into this
15 account. And so that was consistent with the ones he
16 noted here and these thousand dollar ones were
17 consistent with the \$1000 check we had seen earlier in
18 Frazier's account that Frazier had written to Marcus.
19 So it was odd that he scratched those out and then
20 selected these smaller amounts in other bank accounts.

21 Q Could you tell us how long the meeting was?

22 A Well, I would have to look. It was probably an
23 hour or so.

24 Q Okay. Was there anything else that was
25 discussed during the meeting other than just these

1 particular numbers and this cash? Did he tell you
2 anything else?

3 A Well, he did tell us that he thought that he
4 received a maximum of 20,000 from the Fraziers in
5 exchange for the numbers.

6 Q Okay. That's what he represented?

7 A Yes.

8 Q And how did the meeting end?

9 A Well, he actually just said he was finished and
10 got up and walked out. But that's how our meeting with
11 him ended. And his attorney stayed for a few minutes
12 later.

13 Q So when he walked out, did you -- what
14 impression did that leave on you?

15 A Well, it was confusing because he had come in
16 willingly and what we thought was an effort to cooperate
17 and reveal this information. And then when he changed
18 it midway through the meeting, it was difficult to
19 determine why he had done that, why he had changed his
20 mind. Maybe it was the realization of what he was
21 doing --

22 MR. MARTIN: Objection. Calls for
23 speculation.

24 THE COURT: Sustained.

25 Q (By Ms. Vollman) What was your impression about

1 the way that ended? Were you expecting the meeting to
2 end that way?

3 A No. I got the impression that he thought we
4 didn't have --

5 MR. MARTIN: Objection again. Calls for
6 speculation.

7 THE COURT: Sustained.

8 Q (By Ms. Vollman) Did you believe he was being
9 completely truthful with you?

10 A No.

11 Q Now, did you do a couple of other things as far
12 as comparison? What was the total amount of cash that
13 you found in all these accounts, total?

14 A Well, I would have to look, maybe look at --

15 Q I'll give you back the --

16 A Over 80,000. It might have been --

17 Q That is assuming --

18 A The amounts over \$50 was 85,000. This is over
19 a hundred dollars. I did two different summaries. The
20 one that is over \$100 was 84,000. But the one when I
21 counted all the cash that was over \$50, it was 85,000
22 something. I don't know what the --

23 Q In the meeting did he ever tell you that he
24 didn't deposit any of the cash, he was using it as
25 pocket money? Did he ever tell you that?

1 A No.

2 Q Now, at some point in time were you asked to
3 analyze a group of records, State's Exhibit Numbers 754
4 through 850 and the documents on a thumb drive marked as
5 State's Exhibit Number 1158?

6 A Yes.

7 Q Do you know which disk I'm talking about?

8 A Yes.

9 Q And did you initial that disk? Would your
10 initials be on the disk, 1158?

11 A Should be, yes.

12 Q Okay. Now, did you have an opportunity to make
13 any comparisons regarding that?

14 A Yes.

15 Q Okay. Let me show you what has been marked as
16 State's Exhibit 1264. Can you tell us what that is?
17 Just identify it.

18 A This is the comparison of the Medicaid billings
19 and payments identified as billed by the Fraziers and
20 reflected in the Medicaid information found in Exhibit
21 754 through 850. And then the bottom half --

22 Q Well, don't go into it, but that is the
23 comparison with the results?

24 A The thumb drive.

25 Q The thumb drive and these documents?

1 A Well, the thumb drive and the Frazier clients.

2 MS. VOLLMAN: Judge, at this time we would
3 offer State's Exhibit Number 1264.

4 MR. MARTIN: No objections Judge.

5 THE COURT: It's admitted.

6 Q (By Ms. Vollman) Now, explain this to us, what
7 we're seeing here. Let's do the top portion first.

8 A Okay. As you can see, the eight Frazier
9 providers are listed to the far left and across the top
10 of the column we have number of Frazier Medicaid clients
11 listed in exhibits 754 through 850. That's these
12 exhibits. As you can see, these are clients. This is
13 client identifying information. And these are the
14 numbers on each page. They all look about the same.
15 And so I compared the numbers, the clients, the Medicaid
16 client numbers on this to the numbers that were billed
17 by the Frazier providers, by the eight providers. And
18 so what we have is for C and M Medical Equipment there
19 was no match in these. But for Anointed there were 35
20 matches for 48,000 -- \$48,741.20 billed; paid by
21 Medicaid, \$29,493.84.

22 First American Medical Supplies there were
23 32 matches for \$16,226.80 billed. \$11,908.80 paid.

24 Perkins Mobility there were 167 matches
25 for \$72,998.34 billed, and paid, \$51,067.68.

1 For Resource Solutions there was a 1093
2 matches in this, which means there were a 1093 Medicaid
3 client numbers that were billed by Resource Solutions
4 that were also found in this stack, for \$439,017.52.
5 That was what was billed. The amount paid was
6 \$314,085.31.

7 Wickware Medical Services there was 71
8 matches, for \$33,818.44 billed; \$24,441.28 paid.

9 For Briscoe Medical there 14 matches for
10 \$5,773.88 billed. \$4,111.80 paid.

11 For Dreammakers Medical Supply there were
12 7 matches for \$2,886.94. billed and \$2,405.70 paid.

13 For a total of 1419 matches for
14 \$619,463.12 billed and \$437,474.47 paid. And we have to
15 understand that this is just what was available at a
16 moment in time.

17 Q What do you mean by that? When you were
18 analyzing those exhibits, what do you mean available at
19 one moment in time?

20 A Well, this is what -- this is a set of
21 information that we were able to gain or to gather on a
22 certain day. There might have been many others of these
23 but this one -- because there is such a high match to
24 Resource Solutions, it indicates that this was probably
25 intended for Resource Solutions.

1 MR. MARTIN: Objection. Calls for
2 speculation.

3 THE COURT: Sustained.

4 MR. MARTIN: Move to strike.

5 Q (By Ms. Vollman) Take a look at the bottom
6 half.

7 A The bottom half is another match, a thumb drive
8 that was from --

9 Q Tag 8 that was downloaded to a disk, but it was
10 the -- State's Exhibit Number 1158. And when we find
11 that, will we find your initials on that document, that
12 that's what you reviewed?

13 A Yes.

14 Q Okay.

15 MS. VOLLMAN: That's okay. Don't worry
16 about it. We'll get it.

17 Q (By Ms. Vollman) Okay. Can you tell us what is
18 depicted on that bottom part about thumb -- the thumb
19 drive that was taken in Tag 8?

20 A Again, the providers are listed to the far
21 left. The number of matches is the next total. And the
22 total amounts that were billed and paid, again, same
23 way.

24 This one, C and M Medical, had eight
25 matches for \$42,102.36 billed; \$10,495.08 paid.

1 Anointed Medical had 330 matches for
2 \$579,992.94 billed and \$292,720.98 paid.

3 Q And let me ask you this: Just of what we're
4 talking about, we're talking about the recipient names
5 that were on the thumb drive that were downloaded onto
6 that disk, those particular folks were actually billed
7 by the Fraziers and that's what you're matching up?

8 A That's correct.

9 Q Okay.

10 A Did I say First American?

11 First American Medical Supplies had 177
12 matches for \$213,505.66. Medicaid paid \$142,244.26.

13 Perkins Mobility had 223 matches for
14 \$93,611.92. \$67,339.68 paid.

15 Resource Solutions had 274 matches for
16 \$103,387.50 billed and \$78,044.14 paid.

17 Wickware Medical Services had a match of
18 77 clients for \$36,292.96 billed and \$24,248.40 paid.

19 Briscoe had no matches on that thumb
20 drive.

21 On the files in the thumb drive that I
22 reviewed, there were a number of other files, but --

23 Dreammakers Medical Supply had a match of
24 3 for \$1,237.26 billed and \$1,031.04 paid.

25 Q So the total --

1 A The total match from the thumb drive was 1,092
2 and the total billed was 1,070,130.60. The total paid
3 by Medicaid was \$616,223.58.

4 Q And can you tell us what State's Exhibit Number
5 1250 is?

6 A This is the cross reference of four files from
7 the Jefferson thumb drive of Medicaid recipient numbers
8 to Medicaid recipient numbers on Frazier provider
9 billers.

10 Q Is that a summary of -- a listing of all those
11 individuals?

12 A Yes.

13 MS. VOLLMAN: Judge, we would offer
14 State's Exhibit Number 1250.

15 MR. MARTIN: No objection, Judge.

16 THE COURT: It's admitted.

17 Q (By Ms. Vollman) Now, at some point in time did
18 you attempt to find out how many of the recipients would
19 have been sent reminder letters to Marcus Jefferson?

20 A Yes.

21 Q Can you explain to us how you went about trying
22 to determine that number?

23 A What I did was combined all of the client --
24 all the Medicaid clients that were billed by all the
25 Frazier providers into one listing. We sent that to

1 Maximus, Marcus Jefferson's employer. And they ran a
2 cross reference from the list of our Medicaid clients, I
3 mean, the Frazier Medicaid clients. They ran a cross
4 reference to their reminder letters to determine if
5 there was a match and -- do you want me to explain the
6 reason?

7 Q Yes, please.

8 A The reminder letters, when those are generated,
9 a listing is sent to the supervisors in the area for
10 Maximus. And so what they were telling us, that --

11 Q You can't say what they were telling you, but
12 who were the three individuals that you were dealing
13 with?

14 A Melinda Mattuer, Patrick Wickliff, and Veronica
15 Laduc.

16 Q All right. And did you coordinate with them
17 to -- allowing them to do the research, you giving them
18 the numbers and allowing them to compare what would have
19 gone to Marcus Jefferson?

20 A Correct.

21 Q All right. Let me show you what has been
22 marked --

23 MS. VOLLMAN: Can I approach, Judge?

24 THE COURT: Yes.

25 Q (By Ms. Vollman) Let me show you what's been

1 marked as State's Exhibit Number 1269 and 1268. Can you
2 tell us what those exhibits are?

3 A Okay. The first one --

4 Q Just identify it first.

5 A Maximus letter, listing one. It matched the --
6 they did two matches for us because some of the records
7 were not --

8 Q Not yet. But just kind of say what this is.

9 A Okay. This is a Maximus letter, Listing One,
10 matched to Medicaid clients used by Frazier to bill
11 Medicaid.

12 Q Okay. And State's Exhibit Number 1269?

13 A This is a Maximus letter, Listing Two, which is
14 matched to Medicaid clients matched to Frazier used to
15 bill Medicaid.

16 Q Okay. So the first one, 1268, occurred first
17 and State's Exhibit Number 1269 occurred second?

18 A That's correct.

19 MS. VOLLMAN: Judge, we would offer State
20 Exhibit Numbers 1268 and 1269.

21 MR. MARTIN: No objections.

22 THE COURT: They are admitted.

23 Q (By Ms. Vollman) Can you explain what is
24 State's 1268 and then 1269? And then we'll talk about
25 1270.

1 A This first one is the match -- this is the list
2 of Medicaid clients that were matched to reminder
3 letters. These are the dates of the reminder letters in
4 the last column. So this is telling us that for all of
5 these people who have a date in this far left column,
6 Marcus Jefferson had possession and control of these
7 numbers, this information, this client information,
8 because the reminder letters listing was sent to him.

9 Q Okay. What is State's Exhibit Number 1269?

10 A Okay. This is a second match that they did for
11 us. Same situation, except that when they did the first
12 match they didn't have access to some of the
13 information. Some of it had been archived and just
14 wasn't available, for whatever reason. So what they
15 did, they were able to expend man hours to go ahead and
16 get this information to make it available and they ran a
17 second match for us. So in the first match we had over
18 five thousand that matched.

19 Q Hold on. We're going to take those --

20 A Okay. And then the second match they were able
21 to match another group of them to the letters, so --

22 Q Okay. And did you do a summary to be able to
23 explain how the two works?

24 A Yes.

25 Q Is that in State's 1270?

1 A That's correct.

2 MS. VOLLMAN: Judge, we would offer 1270.

3 MR. MARTIN: No objections, Judge.

4 THE COURT: Admitted.

5 Q (By Ms. Vollman) Can you explain, using State's
6 1270, what matches you found between what the recipient
7 numbers that the Fraizers billed and what was sent to
8 Marcus Jefferson as part of his job in those reminder
9 letters?

10 A Okay. You'll see the first number, 8,786.
11 That's a listing of the unique client, because as I
12 mentioned earlier, because these providers re-used some
13 of the numbers for other providers, we actually had over
14 9,000, but the unique numbers, with no duplicates, where
15 none of the people were duplicated, was 8,786. So when
16 that comparison was run, they matched 5,648 in the first
17 run, the first cross reference. And that left 3,000
18 that were not matched, or 3,138 that were not matched in
19 that first cross reference. But they agreed to get the
20 records for us so we can run the remaining 3,000. And
21 when they did that, they came up with another 1678 that
22 matched. So the final non match out of 8,786, there
23 were only 1460 that didn't match. So the bottom line
24 will tell you the total number, you know, of no
25 duplicate client numbers that used by Frazier, 8,786.

1 And then the match that Maximus had to the letters and
2 the letter listing that was sent to Marcus Jefferson was
3 7,326. So that was 83 percent of the names that were
4 used by the Fraziers were found in the listings that
5 were sent to Marcus Jefferson.

6 Q Let me show you State's Exhibit Number 1243C.
7 And can you tell us what this is?

8 A This is a timeline showing -- this is a
9 timeline showing services billed to Medicaid by
10 Frazier-related providers.

11 MS. VOLLMAN: Judge, at this time we would
12 offer State's Exhibit Number 1243C.

13 MR. MARTIN: No objections.

14 THE COURT: It's admitted.

15 MS. VOLLMAN: Judge, we have a bigger
16 thing we would like to post and we also have copies for
17 the jurors, if you would want the bailiff to hand that
18 that out.

19 Judge, we would use for demonstrative
20 purposes 1244D.

21 MR. MARTIN: No objections as
22 demonstrative.

23 MS. VOLLMAN: Can we post that, Judge?

24 THE COURT: Okay.

25 (Exhibit Published)

1 Q (By Ms. Vollman) Could you briefly describe
2 State's 1243C?

3 A Okay. This is a timeline showing the providers
4 by name to the far left and then, as you can see, we
5 have 2003, 2004, 2005, 2006, 2007 across the top. What
6 this shows is their activity, their Medicaid billing and
7 payment activity during this period of time. So when
8 you look at C and M Medical Equipment you can see that
9 from June 2003 through April 2007, in June and
10 July 2003, they billed a little bit then. They billed
11 some in September, but their greatest billing was in
12 2005; 2004 and 2005. And so that's what that shows.
13 It's just showing you when they billed. The color is
14 just showing you when they billed, when each provider
15 billed Medicaid.

16 Q Okay.

17 A It also shows you the numbers in the -- shows
18 you for how many recipients during this period they
19 billed. And you can see these are very short periods of
20 time with a great number of recipients, or Medicaid
21 clients, that were used in a very short period of time.
22 So, you know, legitimate business takes time to develop
23 clients.

24 MR. MARTIN: Objection. Calls for
25 speculation.

1 THE WITNESS: I apologize.

2 THE COURT: Sustained.

3 Q (By Ms. Vollman) Just what is present here.

4 A So it shows the numbers. Also to the far left
5 by each name it shows billed and paid. So above C and M
6 Medical, you could see the amount they billed Medicaid
7 and the amount they were paid. So for each provider the
8 amounts are there. Would you like for me to read those?

9 Q That is fine. Just explain what groupings of
10 information are next to each colored grouping of
11 recipients. What are those numbers?

12 A Okay. To the left of each colored group, these
13 just recount the matches found in that stack of papers
14 that I had a moment ago, those loose papers. That was
15 exhibit 754 through 850. Those were Medicaid numbers.
16 So for this particular client, for this particular
17 provider, there were no matches. But to the thumb drive
18 there were eight matches and their provider also shared
19 13 Medicaid clients with other providers.

20 The second one was Anointed Medical
21 Supplies. There were 35 matches in the stack of hard
22 copy papers. There were 330 matches in the thumb drive,
23 and there were 192 Medicaid clients that were shared
24 with other providers.

25 For First American Medical Supplies there

1 were 32 Medicaid clients that matched the hard copy
2 exhibits and there were a 177 Medicaid clients who
3 matched the thumb drive. There were 160 Medicaid
4 clients that were shared with other providers.

5 For Perkins Mobility, there were 167
6 Medicaid clients that matched the hard copy exhibits.
7 There were 223 who matched the thumb drive. And 142 who
8 were shared with other providers.

9 Resource Solutions there was 1093 who
10 matched the hard copy exhibits and 274 that matched the
11 thumb drive. 222 clients who were shared with other
12 providers.

13 Wickware had 71 matches to the hard copy
14 exhibit and 77 matches to the thumb drive and 178
15 Medicaid clients who were shared with other providers.

16 Briscoe had 14 Medicaid clients who
17 matched the hard copy exhibit and there were no matches
18 to Briscoe on the thumb drive. 76 clients were shared
19 with other providers.

20 Dreammaker's Medical had seven clients who
21 matched the hard copy exhibits, three clients who
22 matched the thumb drive, and 20 Medicaid clients who
23 were shared with other providers.

24 Another thing about the timeline is you
25 can see that, for example, when Anointed stopped billing

1 Medicaid, First American picked it up. They started
2 almost immediately when Anointed stopped, First American
3 started. Anointed and First American shared -- they
4 were the highest two providers that shared clients. You
5 may remember an earlier exhibit where I showed that the
6 ones in the columns that showed common clients that were
7 used between the providers, well, Anointed and First
8 American had the highest correlation or the highest
9 common use of client numbers.

10 And then you see Perkins, Resource,
11 Wickware. Perkins and Resource start at the same time,
12 just right after First American. Wickware and Briscoe
13 start up just thereafter again. And you can see they
14 end at the same. They stopped billing all at the same
15 time. So it implies there may have been a reason why
16 they all stopped billing at the same time.

17 And then Dreammakers picked up again for a
18 very short time and billed a large number of recipients
19 in a very short period of time.

20 *MS. VOLLMAN:* Pass the witness, Judge.

21 *MR. MARTIN:* Judge, can the bailiff
22 retrieve the demonstrative aids that have been passed
23 out to the jury?

24 *THE BAILIFF:* (Complies)

25

1 CROSS-EXAMINATION

2 BY MR. MARTIN

3 Q Good afternoon, ma'am.

4 A Good afternoon.

5 Q Ma'am, if I ask you a question that you don't
6 understand, please let me know and I'll do my best to
7 rephrase it.

8 A Okay.

9 Q If I use a term or phrase that is vague to you
10 or you don't understand what term I'm using, just let me
11 know and I'll again try to rephrase it or redefine it.
12 Is that okay?

13 A Yes.

14 Q You went through at the very beginning the, a
15 company by company discussion. And you talked about
16 Anointed with approximately 1.3 million dollars in work
17 with Medicaid. And you remember going through their
18 bank accounts and whatnot? But there was no checks
19 provided from Anointed to Marcus Jefferson that you were
20 able to uncover, correct?

21 A That's correct.

22 Q C and M. You went through their bank account;
23 in fact, bank accounts. I have that they had four
24 accounts -- excuse me -- three bank accounts. You
25 uncovered no checks issued to Marcus Jefferson from C

1 and M?

2 A That's correct.

3 Q Okay. Briscoe, you uncovered three separate
4 bank accounts, or at least three. No checks were issued
5 to Marcus Jefferson?

6 A That's correct.

7 Q First American, one account. No checks issued
8 to Marcus Jefferson?

9 A That's correct.

10 Q Dreammakers. No checks issued to Marcus
11 Jefferson, on either one account, correct?

12 A That's correct.

13 Q Now, out of the Frazier bank records where they
14 had at least, I recall you saying four accounts, there
15 was one check for \$1,000?

16 A To Marcus Jefferson.

17 Q To Marcus Jefferson. I apologize. That was
18 vague. That was my fault. One check for \$1,000 to
19 Marcus Jefferson?

20 A That's correct.

21 Q Okay. Now, we talked about there were some
22 charts. I believe it was 1244A (sic) about common
23 client billings. You remember that? Just in general.
24 I'm not going to ask you what was on line seven of the
25 charge.

1 Judge?

2 *THE COURT:* You may.

3 Q (By Mr. Martin) I'm showing you what has been
4 already admitted as State's Exhibit 1247. And you
5 recall my question about the total deposits?

6 A Yes, sir.

7 Q And that was a little over 6 million dollars?

8 A Correct.

9 Q And the total paid to the Fraziers was ballpark
10 1.8 million.

11 A Yes. 1,756,193.

12 Q Did I interpret that right off of your exhibit?

13 A Yes.

14 Q You went through several bank accounts for
15 Marcus Jefferson. Did you have any conversations with
16 Mr. Jefferson during your meetings as to when the
17 accounts were opened, when they were closed, why
18 accounts were opened, why accounts were closed; that
19 sort of thing?

20 A No.

21 Q Why not?

22 A It wasn't an issue at the time. We knew when
23 the accounts were opened and closed from but did you
24 inquire as to his reasoning for opening and closing
25 accounts?

1 A Not that I recall.

2 Q And you remember from the bank summary that
3 automatically tells you when the account was first
4 opened, pretty much off the signature card, doesn't it?

5 A Yes.

6 Q Now, on State's Exhibits 1260 and 1261, you
7 come up with cash deposits of roughly \$85,000?

8 A Yes.

9 Q Again, my just approximating. Do you agree
10 with that?

11 A Yes.

12 Q Okay. And from the cash deposits of \$85,000
13 you don't know, from your report, whether all or none is
14 legitimate, do you; legitimately sourced, legally
15 sourced?

16 A That's correct.

17 Q Or could be any number in between, as legally
18 sourced or illegally sourced. You can't tell from your
19 report, can you?

20 A Not from the report, but he did indicate --

21 Q I understand. Just from the report.

22 A That's correct.

23 Q You took a look at some deposits that you
24 reviewed with Mr. Jefferson. And on some of the
25 deposits you had, there was some handwriting on the form

1 which first indicated that it would have been from the
2 Fraziers and then later from Bank of America. Remember
3 the handwriting on those forms?

4 A Yes.

5 Q Okay. That wasn't Marcus Jefferson's
6 handwriting, was it?

7 A Yes, it was.

8 Q He made a notation?

9 A Yes.

10 Q He made a notation from Bank of America?

11 A Yes.

12 Q You made a comment and Ms. Vollman asked you
13 about it, about him supposedly, using her phrase,
14 walking out or walked out of a meeting?

15 A Yes.

16 Q Did you ask him why he was leaving?

17 A No. It was very abrupt. He walked out very
18 quickly, just said, I'm finished and waked out.

19 Q But you didn't ask him why he was leaving?

20 A No.

21 Q Didn't ask him if he had someplace to go at
22 that moment?

23 A No.

24 Q And again, he was certainly free to leave?

25 A Yes.

1 Q You conducted a comparison between items on the
2 thumb drive and -- Medicaid recipient numbers on the
3 thumb drive and Medicaid recipient numbers found at the
4 Fraziers, correct, in sheets or spreadsheets?

5 A Medicaid numbers that were billed by the
6 Fraziers.

7 Q Thank you for the clarification. Medicaid
8 numbers billed by the Fraziers versus Medicaid numbers
9 found on the thumb drive?

10 A Yes.

11 Q Okay. Other than what Marcus Jefferson has
12 shared with you, his verbal statements to you, what
13 additional information or proof do you have that the
14 thumb drive material was passed to the Fraziers, as an
15 example?

16 A None.

17 Q Okay. Let me give you an example. Were any of
18 the documents that were provided or recovered from the
19 Fraziers, did they have any notations on them, adoptions
20 or approvals, signatures or initials from Marcus
21 Jefferson?

22 A Not that I'm aware.

23 Q Was there any indication on any of the sheets
24 that were recovered the Fraziers that identified it to
25 Maximus as being the source of those numbers? I'm not

1 saying they provided them illegally, I'm just saying --

2 A Right. Right.

3 Q I'm just saying -- if Maximus --

4 A If their -- you're asking if their name was on
5 the document.

6 Q Yes.

7 A No, their name wasn't on it.

8 Q So other than Marcus Jefferson volunteering to
9 you that he passed some numbers to the Fraziers, there
10 is no proof that the thumb drive is the source of the
11 Frazier numbers?

12 A Well, except there are so many that agree with
13 the numbers that were billed by the Fraizers. So, you
14 would look at how many numbers were on the thumb drive
15 and also the --

16 Q And you came up with the percentage of
17 approximately 83 percentage?

18 A Well, this -- actually, the 83 percent is for
19 the reminder letters.

20 Q I apologize. I don't want to misstate. On the
21 comparison between the documents at the Fraziers and the
22 thumb drive -- okay -- what is that percentage number?
23 I don't want to have a wrong number. If I had a wrong
24 number, I apologize.

25 A The thumb drive compared to the Frazier

1 billing, other than what was found at the Fraziers.
2 you're asking for a percentage. What we have to do is
3 add these numbers. I have an individual percentage for
4 each one. For example -- we can go through each one.
5 For example, we can go through each one and I can give
6 you the percentage.

7 Q Okay. Please do that.

8 A For Anointed, 15 percent of the numbers were --
9 15 percent of the Frazier numbers were on the thumb
10 drive.

11 For First American, 34 percent of the
12 Frazier numbers were on the thumb drive.

13 For Perkins Mobility, 17 percent of the
14 Frazier numbers were on the thumb drive.

15 For Resource Solutions, 19 percent of the
16 Frazier numbers were on the thumb drive.

17 For Wickware, 5.5 percent of the numbers
18 were on the thumb drive.

19 For Briscoe no numbers were on the thumb
20 drive.

21 And for Dreammakers, it was less than 1
22 percent of numbers on the thumb drive.

23 Q If the number on the comparison between what
24 was billed by the Fraziers and found on the thumb drive
25 is not one hundred percent -- if it is not one hundred

1 percent, what does that tell you?

2 A Well, that tells us that we only got the
3 information that happened to be on the thumb drive at
4 the time we got the thumb drive. So there could be many
5 thumb drives. So, again, when we collect information we
6 only get what is available to us at the time we collect
7 it. So because the thumb drive may not have had
8 everyone on it just means that those were the numbers
9 that happened to be on the thumb drive when we got it.

10 Q And that is certainly one possible explanation,
11 that there were the other thumb drives. Is it also
12 another possible explanation that there was another
13 source for the numbers other than the thumb drive.

14 MS. VOLLMAN: Judge, objection.
15 Speculation.

16 THE COURT: Overruled.

17 Q (By Mr. Martin) Okay. Another source for the
18 numbers?

19 A Yes. For example, the hard copies. That was
20 another source other than the thumb drive, the hard
21 copies. There could have been other sources, that's
22 correct.

23 Q And those other sources could have been from
24 people other than Mr. Jefferson?

25 A Perhaps.

1 Q Same question relating to reminder lists. The
2 reminder lists and the thumb drive -- now am I on solid
3 ground with the 83 percent?

4 A Well, actually, the reminder list was compared
5 to the Frazier -- to the total of the Fraziers' billing,
6 not the thumb drive.

7 Q I apologize again. My fault.

8 A It's another source, talking about sources.

9 Q So 83 percent of the Frazier billing matched to
10 the reminder list?

11 A That's correct.

12 Q Since that number is less than 100 percent,
13 does that indicate to you another possible source of
14 numbers going to the Fraziers other than Mr. Jefferson?

15 A Well, I can't say that it would indicate that
16 to me because they may have missed some of it when they
17 did their cross records because their records, it was
18 difficult for them to retrieve the records. They may
19 not have been able to retrieve all of them and find a
20 hundred percent match. But what they did find and they
21 were able to cross reference it to, we have 83 percent.

22 Q And would you have felt a lot more comfortable
23 with your degree of confidence if instead of 83 the
24 number, say, 99 plus?

25 A Well, I'm really pleased with this number

1 because we really couldn't expect -- everything would
2 have to be perfect for us to find a hundred percent.
3 You know, we would have perfect records. You know, we
4 would have to have all the records, you know what I
5 mean, to find a hundred percent. So -- what was your
6 question? Sorry.

7 Q Wouldn't you have a better and higher degree of
8 confidence if the number was 99 plus?

9 A Well, I would if that were possible but it's
10 unlikely.

11 Q Again, it's possible that there was an
12 alternative source for the numbers other than
13 Mr. Jefferson, because the numbers are only 83 and it's
14 not a hundred?

15 A Well, it's possible.

16 MR. MARTIN: Pass.

17 MS. VOLLMAN: Nothing further, Judge.

18 THE COURT: May this witness be excused?

19 MS. VOLLMAN: Yes, Judge.

20 THE COURT: Call your next witness.

21 MS. VOLLMAN: The State rests.

22 THE COURT: Mr. Martin.

23 MR. MARTIN: We have some matters to take
24 up outside the presence of the jury.

25 THE COURT: Good time to take our