

1 of your presence.

2 You may proceed.

3 CALVIN JOHNSON,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. VOLLMAN

7 Q Can you please introduce yourself to the jury  
8 by telling them your name and where you work?

9 A Okay. I'm Calvin Johnson. I am employed here  
10 at the Harris County District Attorney's office as an  
11 investigator.

12 Q Can you tell us what job you do at the DA's  
13 office?

14 A I'm assigned to the white collar section of the  
15 special crimes bureau. I investigate cases, white color  
16 crimes. Also I do technical support. Technical support  
17 deals with cameras, making copies of evidence and so on,  
18 so forth. And I also do some digital forensics with  
19 cell phones.

20 Q How long have you worked for the District  
21 Attorney's office?

22 A I've been with the DA's office for 12 years  
23 now.

24 Q Can you tell the jury briefly a little bit  
25 about your background that qualifies you to do the work

1 you do?

2 A Well, my background starts 22 years. I was  
3 with Houston Police Department for 22 years as an  
4 investigator there. I had some technical support type  
5 classes there at HPD. And since coming to the District  
6 Attorney's office, I've also been to national. I'm a  
7 member of National Technical Investigations Association,  
8 which we have schools every year to keep us up on the  
9 change in technology that we have here.

10 Q Is it fair to say that the technology is  
11 constantly changing?

12 A It changes almost daily. It changes,  
13 technology.

14 Q Okay. At some point in time were you asked to  
15 assist in the video recording of depositions in this  
16 case?

17 A Yes, ma'am, I was.

18 Q Can you describe what you did, just generally?

19 A Generally what we did is we set up two cameras,  
20 one a backup in case something happened to the first  
21 one. And we centered the cameras towards the Judge and  
22 toward the person who was being -- the witness who was  
23 on the stand.

24 Q Okay. Was there a district judge sitting on  
25 the Bench presiding over the deposition?

1           A       Yes, ma'am, there were.

2           Q       And can you tell us who else you saw in the  
3 courtroom? And just so we're clear, it wasn't this  
4 Judge. Do you know which judges were sitting on the  
5 Bench at the time?

6           A       It would have been Judge Stricklin. There are  
7 two Judge Strickles, male and female. Be one of those  
8 two. Along with the Judges Stricklin, it would have  
9 been the prosecutor and whoever may have been assisting  
10 the prosecutor. You would have had the defense attorney  
11 and their clients. And on most of the occasions there  
12 were several defense attorneys and their clients in the  
13 courtroom. And of course the witness who is testifying  
14 in the case at that time.

15          Q       And were all the witnesses Medicaid recipients,  
16 caregivers or guardians?

17          A       Yes, ma'am, they were.

18          Q       And were they all testifying as to whether or  
19 not they got supplies from the companies involved in  
20 this case?

21          A       Yes, ma'am. That would be correct.

22          Q       Let me show you --

23                   MS. VOLLMAN: Judge, may I approach?

24                   THE COURT: You may.

25          Q       *(By Ms. Vollman)* Let me show you what has been

1 marked State's Exhibit Numbers 728, 729, 730, 731, and  
2 732. Can you identify those disks?

3 A These two are disks that I made during the  
4 depositions.

5 Q Okay.

6 A And I can identify them because I will usually  
7 put the copy, what it was, the date, which camera it  
8 came from, and I put all big "C" for Calvin. And  
9 everybody knows me as Calvin, so that's how I sign my  
10 signature.

11 Q Okay. What about the other three?

12 A The others were made by another investigator  
13 and I recognize these as, would be Gary Johnson.

14 Q Okay. And did you -- were you the one filming  
15 these on these three particular days?

16 A No. I only filmed the two here that I have  
17 right here, which would be Exhibit 729 and 730 are mine.

18 Q Okay. And if you -- have you had a chance on  
19 729 and 730 to review all the depositions that were  
20 taken on those days?

21 A I take that back. These are mine. It's got  
22 "Calvin". I normally sign it with a C but this has got  
23 Cal J. So Cal J would be mine also.

24 Q Okay. So all these are yours?

25 A Yes, ma'am. They all are.

1 Q Okay. Now, you -- you took all these. Can you  
2 tell us, were these depositions videotaped on a  
3 recording device capable of making an accurate  
4 recording?

5 A Yes, ma'am. They were taken with a Sony. We  
6 only have Sony cameras in the office. So it was taken  
7 with a Sony camera.

8 Q Were you trained and competent to operate the  
9 video recorder that you used to record these videotapes?

10 A Yes, ma'am. I can operate a camera.

11 Q And are these recordings an accurate copy of  
12 the depositions that took place in this case and that  
13 were downloaded onto the disk?

14 A Yes, ma'am.

15 Q Have the recordings been altered in any manner?

16 A No.

17 Q Were the voices that would be reflected on each  
18 one of these disks the voice of the defense attorney,  
19 the defendant, the prosecutor, and assistant assisting  
20 the prosecutor, the Judge, and the Medicaid witness  
21 recipient, guardian, or caretaker?

22 A Yes, ma'am. That would be correct.

23 Q Now, can you tell us from the dates when these  
24 were all made?

25 A Okay. This one --

1 Q Call it by number.

2 A State's Exhibit 730 was deposition dated 12/1  
3 of 2009.

4 And this one is Exhibit 729. It was done  
5 on November 18, 2009.

6 Q Okay.

7 A This one was done -- this is State's Exhibit  
8 731 and this one was done on December 2, 2009.

9 And this is State's Exhibit 732, and it  
10 was done on December 7, 2009.

11 Q Did the videotapes fairly and accurately  
12 reflect the depositions shown on each one of these  
13 exhibit disks?

14 A Yes, ma'am, they did.

15 MS. VOLLMAN: Judge, at this time we would  
16 offer State's Exhibits Number 728, 729, 730, 731, 732.

17 MR. MARTIN: No objections, Judge.

18 THE COURT: They are admitted.

19 MS. VOLLMAN: Pass the witness.

20 MR. MARTIN: No questions, Judge.

21 THE COURT: May this witness be excused?

22 MS. VOLLMAN: Yes, judge.

23 THE COURT: Thank you. You are excused.

24 MS. VOLLMAN: Joe Strange would be the  
25 next one, Judge.