

1 whether it was a Medicaid recipient, caregiver, or  
2 guardian?

3 A That is correct, it was.

4 Q Now, as far as the dates, when was the video  
5 recording taken?

6 A This one is December 9th. This one is December  
7 8th.

8 Q Okay. Do the videotapes fairly and accurately  
9 reflect the depositions that were taken in this  
10 courtroom on that date and are reflected on the disk?

11 A Yes, ma'am.

12 MS. VOLLMAN: Judge, at this time we would  
13 offer State's Exhibit Number 733 and 734.

14 MR. MARTIN: No objections, Judge.

15 THE COURT: They are admitted.

16 MS. VOLLMAN: Pass the witness, Judge.

17 MR. MARTIN: No questions, Judge.

18 THE COURT: May this witness be excused?

19 MS. VOLLMAN: Yes, please.

20 THE COURT: Call your next witness.

21 MS. VOLLMAN: Gary Johnson.

22 GARY JOHNSON,

23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25

1 BY MS. VOLLMAN

2 Q Sir, could you please tell us your name?

3 A Gary Johnson.

4 Q Where do you work?

5 A Harris County District Attorney's office.

6 Q How long have you worked for the District  
7 Attorney's office?

8 A Thirty and-a-half years.

9 Q A long time?

10 A Uh-huh.

11 Q Can you give us an idea about your, about what  
12 your background, training, and qualifications for, and  
13 what you currently do with the District Attorney's  
14 office?

15 A In police work 45 years. Been here 30 plus.  
16 The last 28 years I've been in special crimes, now  
17 called special prosecutions, undercover operations,  
18 electronic surveillance, editing, duplicating, preparing  
19 audio visual for court.

20 Q Can you tell us, at some point in time were you  
21 asked to videotape, tape record depositions that were  
22 taken in this case?

23 A Yes, I was.

24 Q Can you describe just generically at this point  
25 what you did?

1           A       Came to this courtroom. In each case I put two  
2 cameras up, just for redundancy sake, and I videotaped  
3 each one of the witnesses as they were taken under  
4 direct and cross-examination by the attorneys, much like  
5 you see today. A judge sitting up here, attorneys, the  
6 defendant, I guess, and record each one.

7           Q       Were the folks you were recording basically  
8 Medicaid recipients, guardians, or caretakers?

9           A       All of the above, yes.

10          Q       Okay. Have you had an opportunity --

11                   MS. VOLLMAN: Judge, may I approach?

12                   THE COURT: You may.

13          Q       (By Ms. Vollman) Let me show you what has been  
14 marked and, I guess you're the one that did most of  
15 them, huh?

16          A       Yes.

17          Q       Let me show you what has been marked State's  
18 Exhibits Number 735.

19          A       I did.

20          Q       736 -- and why don't we do this? What date did  
21 you tape 735 on?

22          A       November 2.

23          Q       State's Exhibit Number 736?

24          A       November 3rd.

25          Q       State's Exhibit Number 737?

- 1           A       These are all '09, by the way.  
2                       November 4th, '09.
- 3           Q       State's Exhibit Number 738?  
4           A       November 6, '09.  
5           Q       739?  
6           A       9, November '09.  
7           Q       State's Exhibit Number 740.  
8           A       10, November '09.  
9           Q       741?  
10          A       11, November '09.  
11          Q       742?  
12          A       12, November.  
13          Q       743?  
14          A       16, November.  
15          Q       745.  
16          A       19, November.  
17          Q       746?  
18          A       30, November.  
19          Q       747?  
20          A       December 3rd '09.   And then 47 would be  
21   December 10, '09.
- 22          Q       748.  
23          A       12 February -- Sorry.   22, February, '10.  
24          Q       749?  
25          A       23, February '10.

1 Q And 750?

2 A 24, February '10.

3 Q Approximately how many folks were spoken to on  
4 each one of the dates that the depositions occurred,  
5 just generically, because it changed from day to day,  
6 didn't it?

7 A Yes, it did. Anywhere from ten to 14, probably  
8 an average of a dozen.

9 Q Okay. And have you had an opportunity to watch  
10 the videotapes?

11 A Yes, I did.

12 Q Were these tapes prepared on a recording device  
13 capable of making an accurate recording?

14 A Yes.

15 Q Were you trained and competent to operate the  
16 video recorder that you used to record the videotapes?

17 A Yes.

18 Q Are the recordings an accurate copy of the  
19 depositions that took place in the case and that were  
20 downloaded onto these disks?

21 A Yes.

22 Q Have the recordings been altered in any manner?

23 A No.

24 Q Can you identify whose the voices, if the jury  
25 were watching the tapes, would hear on the videotape?

1           A        You'll hear the Judge swearing in each one of  
2 the witnesses. You'll hear the chatter of course in the  
3 courtroom. But then you have the prosecution asking  
4 direct and then relinquishing to one of several defense  
5 attorneys again on the cross, and then witness will be  
6 released.

7           Q        Okay. Do the videotapes fairly and accurately  
8 reflect the depositions shown on the disk?

9           A        Yes.

10                   MS. VOLLMAN: Judge, at this time we would  
11 offer State's Exhibit 735 through 750.

12                   MR. MARTIN: No objections, Judge.

13                   THE COURT: I did not hear him. Did he  
14 identify 744?

15                   THE WITNESS: What?

16                   THE COURT: Did she show you 744?

17                   THE WITNESS: She did.

18                   THE COURT: They are admitted.

19                   MS. VOLLMAN: Pass the witness.

20                   THE COURT: No questions, Judge.

21                   MS. VOLLMAN: Judge, can I ask one other  
22 question?

23                   THE COURT: Sure.

24           Q        (By Ms. Vollman) For the bulk ones that you  
25 video recorded, did any of those folks get the supplies

1 from the companies listed in this case?

2 *VENIREPERSON:* No. No one did.

3 *MR. MARTIN:* Objection. Calls for  
4 hearsay.

5 *MS. VOLLMAN:* On the tape in evidence.

6 *THE COURT:* Overruled.

7 *MS. VOLLMAN:* Okay. Nothing further.

8 *THE COURT:* You may be excused.

9 *MS. VOLLMAN:* Can we approach?

10 (Discussion at the Bench, off the record)

11 *THE COURT:* Okay, ladies and gentlemen.

12 We are going to break early for lunch because of  
13 scheduling issues. You may go with the bailiff. We'll  
14 go to lunch as soon as we can.

15 (*Jury leaves courtroom*)

16 *THE COURT:* Thank you. Be seated. We'll  
17 be in recess.

18 *MS. VOLLMAN:* Judge, at this time the  
19 State would withdraw -- as far as the depositions, there  
20 were several exhibits on some of them that we used. We  
21 used a BOR page which we will be introducing with  
22 Candace Gonzales at the end, but there were also EOB's,  
23 which are Explanation of Benefit forms, and some files  
24 and DL's to identify their signature that we would like  
25 to withdraw at this time.

1                   THE COURT: Thank you.

2                   Deputy, I assume the jurors are here?

3                   THE BAILIFF: Yes, ma'am.

4                   MR. MARTIN: We don't object, Judge.

5                   (Jury enters courtroom)

6                   THE COURT: Ladies and gentlemen, while  
7 you were on break but before your lunch arrived, a  
8 witness arrived, so we're going to push forward and do a  
9 little bit more testimony until your lunch gets here.

10                  MS. VOLLMAN: Lynn Wilson.

11                  THE COURT: Thank you. And Ms. Wilson has  
12 been sworn outside your presence.

13                                 LYNN WILSON,  
14 having been first duly sworn, testified as follows:

15   DIRECT EXAMINATION

16                   BY MS. VOLLMAN

17                   Q       Ms. Wilson, can you please introduce yourself  
18 to the jury by telling them your name and where you  
19 work?

20                   A       Lynn Wilson, and I work for the office of the  
21 Texas Attorney General, Medicaid Fraud Control Unit.

22                   Q       How long have you worked for them?

23                   A       A little over six years.

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

25                   A       I aid the investigators in their cases. I pull