

1 MR. MARTIN: Yes.

2 THE COURT: Thank you, sir. You're excused.
3 Call your next witness.

4 MS. VOLLMAN: Mike Massey.

5 THE COURT: You may proceed.

6 MS. VOLLMAN: Thanks, Judge.

7 MIKE MASSEY,
8 having first been duly sworn, testified as followed:

9 DIRECT EXAMINATION

10 BY MS. VOLLMAN:

11 Q. Could you please introduce yourself to the ladies
12 and gentlemen of the jury by telling them your name and
13 where you work?

14 A. My name is Mike Massey. I'm an investigator with
15 the National Insurance Crime Bureau.

16 Q. And what is the National Crime Bureau?

17 A. National Insurance Crime Bureau?

18 Q. Yes.

19 A. I do medical fraud investigations for property
20 and casualty company like State Farm, Progressive, things
21 like that.

22 Q. And how long have you been doing that?

23 A. Almost five years.

24 Q. What did you do before that?

25 A. Prior to going to work for NICB, I worked for the

1 State of Texas, Office of the Attorney General Medicaid
2 Fraud Control Unit.

3 Q. And what did you do for them?

4 A. I investigated Medicaid fraud.

5 Q. And how long did you work for the Attorney
6 General's Office before you left to go to MICB?

7 A. About two and a half years.

8 Q. Okay. What did you do for them when you were at
9 the Attorney General's Office? Were you a primary
10 investigator of Medicaid fraud?

11 A. Yes, ma'am.

12 Q. Can you give us a brief prescription of your
13 background, training, expertise and experience that
14 qualifies you to do the work you do involving Medicaid or
15 healthcare insurance fraud?

16 A. Prior to going to work for the Attorney General's
17 Office, I was a policeman in the City of Pasadena. I
18 retired after 27 and a half years there. I had experience
19 there. I was a supervisor for 20 years. I worked in
20 investigative units. I supervised investigative units.

21 I attended classes, schools, different
22 investigation type schools of that nature.

23 Q. Okay. Now, when you were working for the
24 Attorney General's Office, you said you worked Medicaid
25 fraud cases. How were you assigned cases?

1 A. We would get referrals from Austin. They would
2 get sent to our office here in Houston. At the time, we
3 had, I think, two teams in our office. I was on one of
4 the teams, and the cases would be assigned to
5 investigators by my supervisor.

6 Q. Can you give us an idea of about how many
7 investigations you've worked on around this time frame, as
8 of this time frame?

9 A. Between problem 35 and 45.

10 Q. Are you familiar with the Medicaid guidelines
11 regarding the qualifications of a recipient to receive
12 incontinent supplies?

13 A. Yes, ma'am.

14 Q. What are they?

15 A. The recipient has to have a Title 19 certificate
16 of medical necessity to receive certain kinds of
17 supplies. The person can only receive so many per month,
18 or if they receive more than the allowed amount, they
19 have to have permission to do so.

20 Q. And is that called prior approval before they can
21 bill?

22 A. Yes.

23 Q. Okay. At some point, did you become involved in
24 an investigation involving several DME companies?

25 A. Yes.

1 Q. How did you become in that investigation?

2 A. I was assigned to investigate a couple of
3 companies in conversation with other investigators. In
4 the office, they had -- they were assigned to investigate
5 other companies also; and the billing patterns were
6 strikingly similar in all of these investigation that me
7 and the other investigators had.

8 Q. Now, what particular companies did you look into?

9 A. Perkins Mobility, Wickware Medical Supply, I
10 believe, and Dreammakers Medical Supply.

11 Q. When did you become involve in those
12 investigations?

13 A. For Perkins and Wickware, January of '07. For
14 Dreammakers, I believe it was May of '07.

15 Q. Okay. When you begin your investigation into
16 those three companies, what did you do?

17 A. Well, we reviewed the report that came down from
18 Austin to see what the person in Austin had found; and
19 when they did the analysis of the other company, would
20 also review what's called a BOR.

21 And it contains demographic information
22 about the Medicaid recipient, address, phone number, city,
23 state -- so on and so forth, what was billed to that
24 recipient and what quantities of items were billed to that
25 recipient.

1 Q. Now, can you recall -- do you have your reports
2 or do you need them?

3 A. I have two of them.

4 Q. Which one do you need?

5 A. I have Wickware and Perkins.

6 Q. If you need any to review -- let's talk about
7 Perkins first. When you reviewed the BOR from that
8 company, what did you notice?

9 A. I noticed that everybody was billed for one month
10 of incontinent supplies. There was no, there was no
11 difference. All the clients were billed for one month
12 only.

13 Q. Do you remember how many clients Perkins billed
14 for? You're welcome to review the offense reports if you
15 need to.

16 A. Perkins had 1015 clients.

17 Q. And do you know how much money was billed by
18 Perkins and how much was paid?

19 A. Perkins billed Medicaid \$394,273.52 and they were
20 paid \$292,150.33.

21 Q. And what you're talking about what they were
22 billed, was that at the time you were looking at the
23 company?

24 A. Yes, ma'am. That was prior to the time I was
25 actually looking at the company.

1 Q. Okay. As far as Perkins, who was the owner?

2 A. Her name was Wilma Gibson.

3 Q. And would you recognize Wilma Gibson if you saw
4 her?

5 A. Yes, ma'am.

6 Q. Let me show you State's Exhibit No. 99 and 100.
7 Do you recognize the person who is pictured in those
8 exhibits?

9 A. That's Wilma Gibson.

10 Q. Okay.

11 MS. VOLLMAN: Could we publish 100, please?

12 THE COURT: Yes, you may.

13 MS. VOLLMAN: Judge, can I post this board?

14 THE COURT: Yes, you may.

15 Q. (BY MS. VOLLMAN) And Wilma Gibson?

16 A. This is Wilma Gibson right there.

17 Q. Okay. Now, as far as Wickware, did you have an
18 opportunity to look at the BOR in that case?

19 A. Yes, ma'am.

20 Q. And what did you notice about the BOR in that
21 case?

22 A. It was almost identical to the BOR in the Perkins
23 case.

24 Q. Do you know how many clients that Wickware had?
25 And let me ask you, as you're looking for that, were all

1 these three investigations of these three companies, part
2 of the criminal investigation?

3 A. Yes, ma'am.

4 Q. Okay.

5 A. Wickware had 942 clients.

6 Q. And what about Dreammakers?

7 A. I do not know the answer to that question. I
8 can't find it in the report.

9 Q. Okay. Would that be something that the
10 investigative auditor would know?

11 A. Yes.

12 Q. And who was the investigative auditor? Do you
13 know offhand?

14 A. For Dreammakers, it was Candice Gonzalez.

15 Q. Okay.

16 A. For Perkins Mobility, it was Lynn Wilson.

17 Q. Okay.

18 A. And for Wickware, it was Lynn Wilson, also.

19 Q. Okay. So after you look at the BORs, as far as
20 Dreammakers, did you find the same pattern as to
21 Dreammakers company?

22 A. Yes, ma'am.

23 Q. And that was Vincent Walker, correct?

24 A. Yes, ma'am.

25 Q. Do you see Vincent Walker on State's Exhibit No.

1 109A, the big board right behind you?

2 A. Yes, ma'am.

3 Q. Can you point him out to us?

4 A. That man right there.

5 Q. Now, after you reviewed the BOR, you saw the
6 billing patterns, what was the next thing that you did in
7 your investigation?

8 A. I basically sorted the BORs -- it's a big
9 spreadsheet, sorted them by different areas of town,
10 different counties to determine who I was going to go
11 interview regarding these cases.

12 Q. What's the point of interviewing?

13 A. To determine whether or not the people got the
14 items that they were billed for.

15 Q. And did you do a list for each company?

16 A. Yes, I did.

17 Q. Did I make out a list for you, and did you have a
18 chance over the break to verify each list and the
19 recipients and whether or not you talked to them?

20 A. Yes, I did.

21 MS. VOLLMAN: Judge, may I approach the
22 witness?

23 THE COURT: You may.

24 Q. (BY MS. VOLLMAN) Let me show you State's Exhibit
25 No. 593, and can you tell us what is 593?

1 A. This is a list of the Medicaid recipients or
2 relatives that I interviewed for Perkins Mobility.

3 Q. And these are the ones that are in your offense
4 report, just a change where it's the name and it's their
5 address?

6 A. Yes, ma'am.

7 MS. VOLLMAN: Judge, we would ask to use this
8 as a demonstrative aid.

9 MR. MARTIN: No objection to 593 as a
10 demonstrative aid.

11 THE COURT: It's admitted for that purpose.

12 (State's Exhibit No. 593 was admitted into
13 evidence as a demonstrative aid purposes only.)

14 Q. (BY MS. VOLLMAN) How many people did you talk to
15 in the Perkins Mobility group?

16 A. 60 people.

17 Q. And is there 60 there? Let me ask you this --
18 and so that's the first page; and then there's another
19 page, correct --

20 A. Yes, ma'am.

21 Q. -- of recipient names? Okay. When you talked to
22 these individuals, what information were you trying to
23 obtain?

24 A. I was trying to obtain did they receive the items
25 that they had been billed for, had the every heard of this

1 company Perkins Mobility, did the recipient or the
2 relative use or need incontinent supplies and had they
3 ever heard of this company to begin with or received any
4 kind of supplies from them.

5 Q. And did they all answer your questions?

6 A. Yes, ma'am.

7 Q. They answered all the questions that you had.
8 Did you continue your investigation after speaking with
9 them in the Perkins Mobility case?

10 A. Yes, I did.

11 Q. Let me show you what's been marked as State's
12 Exhibit No. 594. Take a look at the pages in that, and
13 can you tell us how many folks did you interview in the
14 Wickware Medical?

15 A. These are the recipients and/or relatives I
16 interviewed in the Wickware case, and I interviewed 69
17 people.

18 Q. And again, did you ask them the same type of
19 questions that you asked the other ones?

20 A. Yes, ma'am.

21 MS. VOLLMAN: Judge, we would offer that as a
22 demonstrative aid, 594.

23 (State's Exhibit No. 594 was offered into
24 evidence as a demonstrative aid.)

25 MR. MARTIN: No objection.

1 THE COURT: It's admitted for that purpose.

2 (State's Exhibit No. 594 was admitted into
3 evidence for demonstrative purposes only.)

4 Q. (BY MS. VOLLMAN) Okay. And that's also a
5 multiple page one, correct?

6 A. Yes, ma'am.

7 Q. Did they -- each one of those individuals the
8 recipient or their caregiver, did they answer all your
9 questions?

10 A. Yes, they did.

11 Q. And did you continue your investigation even
12 after speaking with them?

13 A. Yes, I did.

14 Q. Okay. Let me show you what's been marked as
15 State's Exhibit No. 595. Do you recognize that list?

16 A. These are the people that I interviewed regarding
17 Dreammakers Medical Supply.

18 Q. And did you also interview some folks that are
19 not on this list?

20 A. Yes.

21 Q. And who were those?

22 A. I didn't -- well, there are some people on this
23 list that I did not interview. Those were people that
24 Betty Sam who was an HHSOIG investigator, I used some of
25 her interviews in this case, also.

1 Q. I believe the jury has heard those names. The
2 remainder of the names that we have not talked about or
3 introduced before, those are the ones you interviewed,
4 correct?

5 A. Yes, ma'am.

6 MS. VOLLMAN: Judge, we would State's Exhibit
7 No. 595.

8 (State's Exhibit No. 595 was offered into
9 evidence for demonstrative purposes only.)

10 MR. MARTIN: If 595 is for demonstrative
11 purposes only --

12 MS. VOLLMAN: I do, Judge.

13 MR. MARTIN: No objection for demonstrative
14 purposes.

15 THE COURT: It's admitted for that purpose.

16 (State's Exhibit No. 595 was admitted into
17 evidence for demonstrative purposes only.)

18 Q. (BY MS. VOLLMAN) And that's just a one pager,
19 right?

20 A. Yes, ma'am.

21 Q. So you talked to these folks. Did you ask them
22 the same type of questions that you were asking all the
23 other ones?

24 A. Yes, ma'am.

25 Q. And did they all answer your questions and

1 provide information that you needed to have?

2 A. Yes.

3 Q. And did you continue your investigation after
4 talking with them?

5 A. Yes.

6 Q. Now, after you talked to these recipients, what
7 was the next step?

8 A. I prepared an investigative report and had
9 subpoenaed bank records for each of the companies.

10 Q. Okay. And did you get those records?

11 A. Yes, ma'am.

12 Q. Okay. Once you got those banking records, what
13 did you do after you obtained them?

14 A. I gave them to the investigative auditor to
15 review.

16 Q. Did you get those records through a grand jury
17 subpoena?

18 A. Yes, ma'am.

19 Q. Now, did you also have an opportunity to see and
20 to talk to the owners?

21 A. I spoke to two of the owners.

22 Q. Okay. Which ones did you speak to, but don't say
23 what they said?

24 A. I spoke to Wilma Gibson, and I spoke with Vincent
25 Walker.

1 Q. Okay. Now, were you ever able to talk to the
2 Wickware -- Charles Wickware?

3 A. No, I did not speak with him.

4 Q. Now, when you went to go interview or talk to the
5 company owners, did you go to their location?

6 A. I went to their business address.

7 Q. Okay. Do you remember where you went for the
8 Perkins locate?

9 A. It was the 9000 block of North Freeway, 9030
10 North Freeway in Houston.

11 Q. When you went there, whose business -- were you
12 able to talk to the owner?

13 A. No, the business was closed.

14 Q. Was this during business hours?

15 A. Yes, ma'am.

16 Q. Was there a sign on the door that says it's
17 closed or was it just...

18 A. It was just a vacant suite.

19 Q. Now, did you take pictures when you were at that
20 Perkins Mobility business?

21 A. Yes, I did.

22 Q. Let me show you --

23 MS. VOLLMAN: Judge, may I approach?

24 THE COURT: You may.

25 Q. (BY MS. VOLLMAN) -- State's Exhibit 598, 599 and

1 600. Can you tell us what location that was?

2 A. This is the office suite or location for Perkins
3 Mobility.

4 Q. Do those pictures fairly and accurately represent
5 what is depicted in each one of them?

6 A. Yes, ma'am.

7 MS. VOLLMAN: Judge, we would offer State's
8 Exhibit 598, 599 and 600.

9 (State's Exhibit Nos. 598-600 were offered
10 into evidence.)

11 MR. MARTIN: No objections, Judge.

12 THE COURT: They're admitted.

13 (State's Exhibit Nos. 598-600 were admitted
14 into evidence.)

15 MS. VOLLMAN: Can we publish those, Judge?

16 THE COURT: You may.

17 Q. (BY MS. VOLLMAN) Now, is this like a strip
18 center or where is this?

19 A. It's located at the 9000 block of North Freeway.
20 It's a little office park. It's not a strip center but a
21 little office park. There are offices on either side of
22 this particular building or particular suite.

23 Q. Okay. Now, when you went to Ms. Gibson, what did
24 you do?

25 A. When I spoke with her?

1 Q. Uh-huh.

2 A. I located her at her residence.

3 Q. What was the purpose of going to talk to her?

4 A. To present her with a letter to get client files,
5 client records from her.

6 Q. Okay.

7 MS. VOLLMAN: Judge, may I approach?

8 THE COURT: You may.

9 Q. (BY MS. VOLLMAN) Let me show you State's Exhibit
10 No. 596. Can you tell us what that is?

11 A. This is a demand letter requesting or demanding,
12 for lack of a better term, client files and client records
13 pertaining to this investigation.

14 Q. And are those all the records that her company
15 Perkins Mobility billed Medicaid for?

16 A. Yes.

17 Q. Those particular recipients?

18 A. Yes.

19 Q. Now, is this letter issued at your request?

20 A. This letter is issued -- I write the letter and
21 hand it to the owner of the company; and they are to
22 comply with the letter.

23 Q. Let me ask you this, why is it that Rick Copeland
24 is the one that signs the letter if you're issuing it?

25 A. 'Cause he was the director.

1 Q. Is that just protocol?

2 A. Yes, that's just how it is.

3 Q. But the letter is yours?

4 A. Yes, it is.

5 Q. And you're the one that hand delivered this
6 letter with the names of clients on it and asking for
7 report?

8 A. That's correct. I prepared the letter, signature
9 Rick Copeland, he was the director and that's just the
10 procedure of the Medicaid at the time.

11 MS. VOLLMAN: Judge, we would offer State's
12 Exhibit No. 596.

13 (State's Exhibit No. 596 was offered into
14 evidence.)

15 MR. MARTIN: No objection to 596.

16 THE COURT: It's admitted.

17 (State's Exhibit No. 596 was admitted into
18 evidence.)

19 Q. (BY MS. VOLLMAN) Okay. Take a look at the first
20 couple of paragraphs, and is this -- can you just describe
21 what this letter is, what you're seeking?

22 A. The letter -- again a demand letter and I'm
23 seeking client files, records from her concerning each of
24 the individuals that were named in that letter.

25 Q. Okay. And especially, I want to take a look at

1 that second paragraph. Why is it that you advise the
2 providers that the Health Insurance Portability and
3 Accountability Act, HIPPA, imposes obligations on
4 providers to protect individually, identifiable health
5 information? Why do you notify them that...

6 A. They're required, they're required to provide the
7 information to us. Part of their contract is they're
8 required to. They can't hide behind HIPPA. We're an
9 oversight agency, and they're required to provide that
10 information to us.

11 Q. So they're supposed to keep that information
12 private, but not from you-all when you have ongoing
13 investigation and specifically request that information?

14 MR. MARTIN: Objection. Leading.

15 THE COURT: Overruled.

16 A. That's correct.

17 Q. (BY MS. VOLLMAN) Okay. Let's look at the third
18 paragraph. And there again just advising them on what the
19 law is regarding that. It's advising them that you are an
20 oversight agency, and it's okay for them to give the
21 records?

22 A. That's correct.

23 Q. Now, when you handed this to Wilma Gibson, what
24 did you say to her?

25 A. I asked her for the records.

1 Q. Did she have them?

2 A. No, she did not.

3 Q. Did she tell you where they were?

4 A. She told me they were in a --

5 MR. MARTIN: Objection. Hearsay.

6 MS. VOLLMAN: Testimonial and cross-
7 examination will be allowed.

8 MR. MARTIN: I'm going to ask that they be
9 conditionally granted.

10 THE COURT: Conditionally granted subject to
11 our earlier agreements.

12 A. She told me that they were in a storage building.

13 Q. (BY MS. VOLLMAN) And what did you do when she
14 told you that?

15 A. I asked her where the storage building was and
16 she gave me a location.

17 MR. MARTIN: Judge, may I have a running
18 objection to this line of testimony?

19 THE COURT: You may.

20 MR. MARTIN: Thank you, Judge.

21 Q. (BY MS. VOLLMAN) Okay. What did she say then?

22 A. I just -- they were not on site. They were not
23 easily accesible. I gave her X number of days to provide
24 the records to me.

25 Q. Did she ever provide the records to you?

1 A. No, she did not.

2 Q. Was there ever an explanation as to why she
3 didn't have the records to provide them to you?

4 A. She never provided me with one.

5 Q. Now, on the next one, Charles Wickware, did you
6 have an opportunity to speak with him?

7 A. I never spoke with Mr. Wickware.

8 Q. Okay. What efforts did you make to try to locate
9 him?

10 A. I had been advised he had retained an attorney.
11 I spoke with his attorney.

12 Q. At some point in time, did you go to his office
13 to see if he was there?

14 A. Yes, I did.

15 Q. And did you take pictures while you were there?

16 A. Yes, I did.

17 MS. VOLLMAN: Judge, may I approach?

18 THE COURT: You may.

19 Q. (BY MS. VOLLMAN) Let me show you State's Exhibit
20 No. 601 and 602 and take a look at those and can you tell
21 us what those are?

22 A. This is the outside of a door to Wickware Medical
23 Services. It was located at --

24 MR. MARTIN: Objection. He's testifying
25 about an exhibit that's not been admitted into evidence.

1 THE COURT: Sustained.

2 Q. (BY MS. VOLLMAN) Do they fairly and accurately
3 represent what's depicted in the photograph?

4 A. Yes, they do.

5 MS. VOLLMAN: Judge, at this time, we would
6 offer State's Exhibit No. 601 and 602.

7 (State's Exhibit Nos. 601 and 602 were
8 offered into evidence.)

9 MR. MARTIN: No objection to 601 and 602.

10 THE COURT: They're admitted.

11 (State's Exhibit Nos. 601 and 602 were
12 admitted into evidence.)

13 Q. (BY MS. VOLLMAN) And I guess it lists the name
14 of the business and the hours of operation?

15 A. That's correct.

16 Q. Now, did you try any other locations to see if
17 you could find Mr. Wickware?

18 A. I went to his residence.

19 Q. Okay. And did you take pictures when you were at
20 his residence?

21 A. Yes, I did.

22 Q. Let me show you what's been marked as State's
23 Exhibit No. 603, 604 and 605, and I'm going to ask you if
24 you can identify those?

25 A. Yes, I can.

1 Q. And what are they?

2 A. These are the pictures of Mr. Wickware's
3 residence.

4 MR. MARTIN: Objection. Judge, he's
5 testifying from exhibits that have not yet been admitted
6 into evidence.

7 THE COURT: Sustained.

8 Q. (BY MS. VOLLMAN) Do they fairly and accurately
9 represent what is depicted in the pictures?

10 A. Yes, they do.

11 Q. Let me show you --

12 MS. VOLLMAN: Judge, at this time, we would
13 offer State's Exhibit No. 603, 604, 605.

14 (State's Exhibit Nos. 603-605 were offered
15 into evidence.)

16 MR. MARTIN: No objection, Judge.

17 THE COURT: They're admitted.

18 (State's Exhibit Nos. 603-605 were admitted
19 into evidence.)

20 Q. (BY MS. VOLLMAN) 604 and 605. Now, did you, did
21 you do also make a demand of the -- for the files in the
22 Charles Wickware case?

23 A. Yes, I did.

24 Q. And let me show you what's been marked as State's
25 Exhibit 597, and can you tell us what that is?

1 A. This is the demand letter that I presented to
2 Mr. Wickware's attorney.

3 Q. And does it also have all the information behind
4 it as far as who were the Complainants and what files you
5 were specifically requesting?

6 A. Yes, ma'am.

7 Q. And does your signature appear on it?

8 A. No, Rick Copeland's.

9 Q. Does this -- is this made at your direction and
10 you presented it to Mr. Wickware's attorney?

11 A. Yes, I did.

12 MS. VOLLMAN: Judge, we would offer State's
13 Exhibit No. 597.

14 (State's Exhibit No. 597 was offered into
15 evidence.)

16 MR. MARTIN: No objection to 597, Judge.

17 THE COURT: It's admitted.

18 (State's Exhibit No. 597 was admitted into
19 evidence.)

20 Q. (BY MS. VOLLMAN) Is that the same letter and
21 same writing as the one to Ms. Gibson?

22 A. Yes, it is.

23 Q. Now, after you -- did you make any demands of
24 Dreammakers, Mr. Walker?

25 A. No, I did not.

1 Q. Okay. After making demands for these records,
2 you told us that you subpoenaed bank records for the
3 companies?

4 A. That's correct.

5 Q. And those went to Candice Gonzalez and Lynn
6 Wilson?

7 A. Yes.

8 Q. Okay.

9 MS. VOLLMAN: Pass the witness, Judge.

10 THE COURT: Before you begin, Mr. Martin, let
11 me just ask the jurors, is there anyone who needs to take
12 a break at this time? If not, we'll push forward. Yes?
13 Okay. We will take a brief break.

14 (Jury out.)

15 THE COURT: Thank you. Be seated. We will
16 take a ten-minute break.

17 (Off the record.)

18 THE CLERK: (Witness sworn.)

19 THE COURT: Ms. Boston, just a couple of
20 instructions. We're going to excuse you for the evening
21 because we're going to start with you first thing in the
22 morning at 10:00. So the Prosecutor wants you here at
23 9:30. Please be back at 9:30 sharp.

24 THE WITNESS: Yes, ma'am

25 THE COURT: Ready for the jury?

1 MS. VOLLMAN: We are ready, Judge.

2 MR. MARTIN: Yes, Your Honor.

3 (Jury present.)

4 THE COURT: Thank you. Please be seated. I
5 believe Ms. Vollman had just passed the witness, so
6 Mr. Martin, you may proceed.

7 MR. MARTIN: Thank you, Judge.

8 CROSS-EXAMINATION

9 BY MR. MARTIN:

10 Q. Good afternoon. I have a couple of questions for
11 you. You got into the cases Perkins Mobility, January of
12 '07, Wickware January of '07, Dreammakers May of '07,
13 correct?

14 A. That's correct.

15 Q. And all of your involvement was with regard to a
16 possible criminal investigation versus a civil
17 investigation; is that correct?

18 A. That's correct.

19 Q. And on those dates, approximately dates,
20 approximately January and May, had you become aware of the
21 name Marcus Jefferson?

22 A. No.

23 Q. So then when you prepared your interview list for
24 Perkins, Wickware and Dreammakers, you prepared it without
25 any reference to Marcus Jefferson?

1 A. That's correct.

2 Q. And you received no indications back from anybody
3 indicating his name at all?

4 A. No.

5 Q. If you had, that would have been your report,
6 correct?

7 A. Yes.

8 Q. It's not in your report?

9 A. No, it's not.

10 Q. Now, do you remember Ms. Vollman showing you some
11 photos of the office situation for Perkins?

12 A. Yes, sir.

13 Q. Those three photos? And as part of your criminal
14 investigation, did you check the office lease?

15 A. No, I did not check the lease.

16 Q. So you don't have any personal knowledge, based
17 on your investigation, as to Mr. Jefferson that he's not
18 on that lease, do you?

19 A. Again, I did not check the lease.

20 Q. Do you know who did?

21 A. I don't know that anyone checked the lease.

22 Q. You -- changing topics now to Wickware. On
23 Wickware, you had photos again of the office during your
24 direct testimony with Ms. Vollman, correct?

25 A. That's correct.

1 Q. And again, did you check the office lease there?

2 A. No, I did not.

3 Q. Your final comment that you gave before you were
4 passed, you talked about bank records --

5 A. Yes.

6 Q. -- just in general? Now, do you check the bank
7 records on all three of these companies?

8 A. I subpoenaed the bank records.

9 Q. And I want to be exact as to what your
10 involvement was. You subpoenaed the bank records?

11 A. Yes, I did.

12 Q. Did you personally review the bank records?

13 A. No, I did not.

14 Q. Do you know who did?

15 A. The auditors Ms. Gonzalez and Ms. Wilson.

16 Q. And did they make a report to you as a result of
17 their findings from review of the bank records?

18 A. Yes, they did.

19 Q. Do you recall reading in your report any
20 reference to Marcus Jefferson being on the signature card
21 for those three companies at their respective banks?

22 A. I did not include that in my report. Again, I
23 would have to review the reports for Ms. Wilson and
24 Ms. Gonzalez, to answer your question.

25 Q. But if that would have been something you

1 personally would have observed, you would have included
2 that in your report?

3 A. If I would have reviewed the bank records.
4 Again, I did not review the bank records.

5 Q. If you would have seen it, you would have put it
6 in your report?

7 A. Not necessarily. If they indicated it in their
8 report, then I probably would not have put it in my
9 report.

10 Q. Are you aware of them having it in their report?

11 A. I would have to look to see.

12 MS. VOLLMAN: Judge, I'm going to object.
13 That calls for hearsay.

14 MR. MARTIN: And I pass, Judge.

15 THE COURT: Anything further from this
16 witness?

17 MS. VOLLMAN: Nothing further, Judge.

18 THE COURT: May he be excused?

19 MS. VOLLMAN: Yes, please.

20 THE COURT: Thank you. You may step down.

21 And your next witness is the one I released. All right,
22 my timing might be a little bit off. I thought that I was
23 planning at stopping about 4:30.

24 I hope that you won't be too offended if
25 we stopped at 4:00 today and begin tomorrow at 10:00. I