

1 to Marcus Jefferson coming out of the Chase account?

2 A. I don't recall.

3 Q. Last item, you sent a demand letter to  
4 Mr. Carter?

5 A. Yes.

6 Q. And you remember that testimony?

7 A. Yes.

8 Q. Okay. And you say you never got a response from  
9 Mr. Carter?

10 A. I did not.

11 Q. And is it a true statement there's nothing in  
12 that demand letter relating to Marcus Jefferson?

13 A. That's a true statement.

14 MR. MARTIN: Thank you, pass.

15 MS. VOLLMAN: Nothing further, Judge.

16 THE COURT: May this witness be excused?

17 MS. VOLLMAN: Please.

18 THE COURT: Thank you, sir. You're excused.

19 Call your next witness.

20 MS. VOLLMAN: John Roth.

21 THE COURT: You may proceed.

22 JOHN ROTH,

23 having first been duly sworn, testified as followed:

24 DIRECT EXAMINATION

25 BY MS. VOLLMAN:

1 Q. Could you please tell us your name and where you  
2 work?

3 A. My name is John Roth, R-O-T-H. I work for M&M  
4 Protection in LaPort.

5 Q. Tell us what M&M Protection in LaPort does?

6 A. M&M Protection in LaPort is an emergency  
7 management. We clean up oil spills, fight industrial  
8 fires.

9 Q. Okay. How long have you done that type of work?

10 A. Three years now.

11 Q. Okay. And before you went to work for M&M, what  
12 did you do?

13 A. I was a peace officer.

14 Q. Okay. Peace officer licensed in the State of  
15 Texas?

16 A. Yes, ma'am.

17 Q. And who did you work for?

18 A. The last people I worked for was the Office of  
19 the Attorney General Medicaid Fraud Control Unit here in  
20 Houston.

21 Q. And what rank were you when you were working for  
22 the Attorney General's Office?

23 A. I started as an investigator, promoted to  
24 sergeant and eventually promoted to lieutenant. That was  
25 an investigative management team.

1 Q. Okay. And how long did you do all that work with  
2 the Attorney General's Office?

3 A. Three years.

4 Q. Total of three?

5 A. Yes, ma'am.

6 Q. Kind of give us a brief description of your  
7 background, from say college forward, what you've done,  
8 what training you've had, where you've worked, kind of  
9 your expertise so we have an understanding of what  
10 qualifies you to do the work that you do.

11 A. Yes, ma'am. I was a policeman for 33 years. I  
12 retired from the Attorney General's Office. I was a  
13 military police investigator for five years and a military  
14 policeman for three. I did eight years in the United  
15 States Army. I worked for the City of Deer Park as a  
16 patrolman, sergeant, lieutenant, and I retired from Deer  
17 Park with 20 years.

18 I became a chief of police in the State  
19 of Arkansas at a small town where my wife is from. I was  
20 a chief of police for three years before my wife got home  
21 sick for the grandchildren here in Houston and in Houston  
22 became an investigator with the Attorney General's Office.

23 I graduated from college at 48. I  
24 graduated macum laude from the University of Houston with  
25 a bachelor's degree in criminal justice. I hold two

1 associate degrees. I'm a graduate of the FBI National  
2 Academy. I have hundreds and probably thousands of  
3 continuing education hours in law enforcement.

4 Q. Okay. Can you give us an idea about your day-to-  
5 day duties when you were with the Attorney General's  
6 Office?

7 A. Day-to-day, we investigated alleged criminal  
8 activity and the defrauding of the Medicaid system either  
9 through false billings or substituting a lesser quality of  
10 product and billing for the higher quality product. An  
11 example is wheelchairs.

12 You will provide a scooter, a mobility  
13 scoot and then bill Medicaid and Medicare for a wheelchair  
14 with all the accessories, in a differences about 5- or  
15 \$6,000.

16 Also, there would be cases where someone  
17 would submit Medicaid claims for people they've never  
18 seen, thousands of dollars or months's worth of  
19 incontinent supplies was the big one -- 300 diapers, 150  
20 pads for your bed and two tubes of wipes; and they would  
21 bill those three identical items for 500 people, all the  
22 exact same size, all the same quantity; and the computer  
23 would kick them out and say this billing looks odd, since  
24 the statistical probability of 500 people requiring the  
25 exact same three items of the exact same size is just

1 astronomical.

2 Q. So you would work pretty much on any type of  
3 fraud scheme involving Medicaid money?

4 A. Yes, ma'am.

5 Q. Now, did you also investigate Medicare, or was  
6 that a different agency?

7 A. Medicare was federal. If we came across it, we  
8 would document it and turn the information over to the FBI  
9 who was tasked with that.

10 Q. Okay. Can you give us an idea about how many  
11 investigations involving Medicaid fraud abuse and waste  
12 did you investigate during your three years at the  
13 Attorney General's Office?

14 MR. MARTIN: Objection, relevance.

15 THE COURT: Overruled.

16 A. Actually, I was assigned over the three years  
17 probably 15; but when I became an investigative manager, I  
18 had input or review over nine investigators who had 8 or  
19 15; and I read everything they did.

20 Q. (BY MS. VOLLMAN) Okay. Are you familiar with  
21 the Medicaid guidelines regarding the qualifications of  
22 recipients to receive incontinent supplies?

23 A. Used to be.

24 Q. All right. Did a recipient have to have some  
25 type of prescription or a doctor's order to get

1 incontinent supplies?

2 A. Yes, ma'am. I believe it was called a Title 19  
3 and it was signed by a doctor and it would list what type  
4 of incontinent supplies and it usually would have a  
5 diagnosis of incontinent or urinary tract problem and that  
6 would be what the person would take to a DME, a durable  
7 medical provider to get the items.

8 Q. Okay. At some point in time, did you become  
9 involved in an investigation involving First American  
10 Medical Supplies?

11 A. Yes, ma'am.

12 Q. Do you remember about when you became involved in  
13 that? And I've -- do you have a copy of your report?

14 A. Yes, ma'am. It has the date of the  
15 investigation.

16 Q. Do you need your review your offense report?

17 A. Yes, ma'am. I've been retired from police work  
18 for a while. It's been 40 years. It says 1-31 of 2007 is  
19 when the investigation begin. That would be more than  
20 likely the date it was assigned to me.

21 Q. And how did you become involved in that  
22 particular investigation to actually work it up?

23 A. It was just assigned to me. I was the next  
24 investigator up or my caseload was low and it came in from  
25 Austin.

1 Q. Once you were assigned to it, what did you do?

2 A. I initially reviewed the paperwork that is sent  
3 to you from Austin. There would be a person in Austin who  
4 would discover the irregular billing patterns and they  
5 would send a forward to MPI or Medicaid Fraud Control for  
6 criminal investigation.

7 And I would review all that paperwork  
8 and start running criminal background checks on the owner,  
9 operators and then have our auditors pull a business  
10 objects report, which is a huge -- depending on the size  
11 of the product, a huge spreadsheet, hundreds and hundreds  
12 of pages that would detail the name of the recipients with  
13 all their information and then every billing that they  
14 had, every item that Medicaid was billed for, how much was  
15 billed for, how much was paid, the differences, what date  
16 it was paid and you ask the auditors to pill those down?

17 Q. And did you do that?

18 A. Yes, ma'am.

19 Q. Was there anything unusual that you noticed about  
20 the BOR in the First American Medical Supplies company?

21 A. Yes, ma'am. Initially, the fact that it went  
22 there 0 to 517 customers. Every one of them received the  
23 same three identical supplies for three months, and then  
24 it vanished.

25 Q. Okay. So instead of just being billed one month,

1 they were billed three months?

2 A. Yes.

3 Q. And there were 517. Was that the total for the  
4 company or at the time you were looking at it?

5 A. Apparently, the company because it disappeared.  
6 It was just three months of billing for American Medical.

7 Q. Now, once you had the BOR, you had that billing  
8 pattern, what did you do next?

9 A. I had my auditor download a portion of it to me  
10 with names, addresses, amounts; and it was just a miniBOR;  
11 and from that, I developed a witness list to make it easy  
12 on myself.

13 I went by zip code and address and  
14 identified witnesses in circles from the office radiating  
15 from the office. So I started to work my way out and I  
16 used that as my witness list.

17 Q. And what do you do with that witness list?

18 A. At the time, we did face-to-face interviews with  
19 everyone, unless they were very far away. We didn't call  
20 anybody and try to do a telephone interview. We went out  
21 physically and located the witness, talked to them and had  
22 them -- we would write up a statement on the spot and they  
23 would sign a statement for us.

24 Q. Let me ask you this: When you went out to talk  
25 to them, do you know how many you talked to?



1 A. 26.

2 Q. Okay. And when you talked to them, what type of  
3 information were you trying to obtain?

4 A. Well, after the initial identifying information,  
5 we would verify that they were, in fact, Medicaid  
6 recipients; and then we'd ask them direct questions about  
7 the billing company or the DME company where you're  
8 looking at -- have you ever heard of them? Have you ever  
9 heard of this person?

10 And then the embarrassing question, are  
11 you, in fact, incontinent? Do you require diapers, wipes  
12 and pads? And it would progress. Of the 26 --

13 Q. You can't say what they say.

14 A. I apologize.

15 Q. But did you ask them, each one of the 26, exactly  
16 those type of questions?

17 A. Yes.

18 Q. And did they all answer your questions?

19 A. Yes, ma'am.

20 Q. Okay.

21 MS. VOLLMAN: Judge, may I approach?

22 THE COURT: You may.

23 Q. (BY MS. VOLLMAN) Let me show you what I've  
24 prepared from your offense report a list of recipients.  
25 Can you take a look at your offense report, make sure they

1 are all the folks that you talked to?

2 A. Yes, ma'am, that appears to be an exact list of  
3 recipients I interviewed.

4 MS. VOLLMAN: Okay. Judge, could we use that  
5 as a demonstrative aid?

6 THE COURT: Any objection?

7 MR. MARTIN: No objection as a demonstrative  
8 aid.

9 THE COURT: Admitted for demonstrative  
10 purposes only.

11 (State's Exhibit No. 589 was admitted into  
12 evidence for demonstrative purposes only.)

13 Q. (BY MS. VOLLMAN) So those are the folks -- I  
14 guess normally if the recipient is too young, do you talk  
15 to somebody else?

16 A. Yes, their parent or guardian.

17 Q. And those are the folks you talked to and they  
18 answered all your questions. Now, did you continue your  
19 investigation after you talked to them?

20 A. Yes, ma'am.

21 Q. Okay. Now, did you also -- what was the next  
22 thing that you did?

23 A. I gave a -- the statements to my auditor; and she  
24 prepared a spreadsheet of claims that were billed, what  
25 was paid and how much of it was -- what was considered a

1 false billing at that time.

2 Q. Okay. And do you have those numbers?

3 A. For the 26...

4 Q. Let me ask you this: Do you have the total  
5 amount that First American billed -- First American and  
6 Robert Turner billed?

7 A. Yes, ma'am. It's \$581,032.86.

8 Q. And do you know how much they received as a  
9 company?

10 A. \$422,732.48.

11 Q. And for those 26, what was the amount billed for  
12 those 26 and what was paid for them?

13 A. I guess I just don't know where it is in my  
14 report anymore.

15 Q. I guess the investigative auditor would have  
16 that, correct?

17 A. Yes, ma'am.

18 Q. Is that Candice Gonzalez?

19 A. Yes, Candice Gonzalez was my auditor on that  
20 case.

21 Q. Okay. Did you at any point in time -- were you  
22 able to talk to, who were the owners of this company? Did  
23 you ever meet them?

24 A. Yes, Robert Christopher Turner and a Mr. Jeffrey  
25 Benard Scales was a manager, consultant.

1 Q. Were you able to talk to them?

2 A. Yes, ma'am, both of them.

3 Q. Would you be able to identify them if you saw  
4 them? Would you be able to identify them?

5 A. Probably.

6 Q. Let me show you what's been marked as State's  
7 Exhibit No. 85 and 86. Do you recognize him?

8 A. Yeah, that's Robert Christopher Turner.

9 Q. Let me show you what's been admitted into  
10 evidence as State's Exhibit No. 87, and you should be able  
11 to see it right next to your screen. Do you recognize  
12 him?

13 A. Yes.

14 Q. And is he...

15 A. Mr. Scales, Jeffrey Bernard.

16 Q. Now, at any point in time, did you have or did  
17 you subpoena bank records that First American was using?

18 A. Yes, ma'am. Almost immediately after we saw the  
19 billing patterns, we sent, I believe it was JP Chase Bank  
20 for all of Mr. Turner's billing, his banking records.

21 Q. Okay. And did you receive those?

22 A. Yes, ma'am. And they were turned over to  
23 Ms. Gonzalez, the auditor.

24 Q. Okay. And then after you had all the bank  
25 records done, did you send out any type of demand letter

1 to Mr. Turner for records?

2 A. Yes, ma'am. We sent a standard demand letter to  
3 Mr. Turner. I don't believe we hand delivered. It was  
4 the demand letter for the 517 clients.

5 Q. Did you ever get any records in return?

6 A. For Mr. Turner, no.

7 Q. Did either he -- did Robert Turner or Jeffrey  
8 Scales provide, in response to that demand letter, any of  
9 the records?

10 A. Any of the patients records, no, ma'am.

11 Q. Okay. And then after compiling all your  
12 information, what did you do?

13 A. We decided it was time to talk to Mr. Turner and  
14 Mr. Scales.

15 Q. Okay. After those interviews, what was the next  
16 step?

17 A. We filed a report and filed charges.

18 Q. Okay.

19 MS. VOLLMAN: Pass the witness, Judge.

20 THE COURT: Mr. Martin.

21 MR. MARTIN: Thank you, Judge.

22 CROSS-EXAMINATION

23 BY MR. MARTIN:

24 Q. Good afternoon, sir.

25 A. Hello, sir.

1 Q. Your only involvement with this case is through  
2 First American Medical Supply, correct? No other DME  
3 company?

4 A. Correct, yes, sir.

5 Q. Now, Ms. Vollman asked you about some of your  
6 early steps that you took; and one of the steps that you  
7 say you took was to develop a witness list regarding  
8 possible recipients. And from that witness list, you then  
9 wanted to conduct interviews. You remember that direct  
10 testimony?

11 A. Yes, sir.

12 Q. At that point in time, had you heard of Marcus  
13 Jefferson?

14 A. No.

15 Q. And so naturally from that, you did not develop a  
16 witness list or have interviews relating at all to Marcus  
17 Jefferson?

18 A. No, sir.

19 Q. And Marcus Jefferson's name did not come up in  
20 your interviews, either in questions or answers?

21 A. No, sir, not that I recall.

22 Q. If it had come up, that would have been something  
23 you would have put in your report, correct?

24 A. Yes, sir.

25 Q. And there's nothing in your report to reflect

1 that?

2 A. No, sir.

3 Q. You also indicated that you subpoenaed bank  
4 records from JP Morgan Chase for First American?

5 A. Yes, sir.

6 Q. Is it okay with you if I just refer to the bank's  
7 name as Chase?

8 A. Yes, sir, that's fine.

9 Q. Okay. And as part of this subpoena of the bank  
10 records, did you access a signature card?

11 A. I believe it came in with the bank records.

12 Q. Do you recall specifically looking at the  
13 signature card?

14 A. No, sir, I don't remember specifically.

15 Q. Is it part of your normal procedure as an  
16 investigator or when you were an investigator to notice  
17 the names on a signature card and then to use that as  
18 leads for possible further investigation?

19 A. Yes, sir. It sounds logical that I would do  
20 that, but I don't recall.

21 Q. I appreciate it sounding logical. Thanks for the  
22 compliment. But is that something that you would normally  
23 do when you look at a signature card subject to a  
24 subpoena?

25 A. Yes, sir.

1 Q. And if -- and you don't recall whether Marcus  
2 Jefferson's name was on that signature card?

3 A. No, sir.

4 Q. If his name had been on that signature card, that  
5 would have been reflected in your investigation report,  
6 correct?

7 A. Yes, sir, more than likely.

8 Q. And you also took a look at the items that have  
9 been paid out that checking account, Correct?

10 A. Yes, sir.

11 Q. Of course you were looking for monies paid in by  
12 Medicaid?

13 A. Yes, sir.

14 Q. Your employer into that checking account?

15 A. Yes, sir.

16 Q. But you also want to see to whom was Mr. Turner  
17 writing the checks?

18 A. Yes, sir.

19 Q. And in your review of those bank records from  
20 Chase, you did not uncover Marcus Jefferson's name as  
21 receiving a check from Mr. Turner, did you?

22 A. No, sir, it was not brought to my attention. My  
23 auditor would go through and prioritize who got paid the  
24 most, and I don't recall seeing Mr. Jefferson's name at  
25 all.



1 Q. And again, just tying it up, if Mr. Jefferson's  
2 name had been in your auditor's report after your auditor  
3 looked at it, that would have been something you would  
4 have put into your investigation report noting that Marcus  
5 Jefferson received some money from Mr. Turner?

6 A. Yes, sir.

7 Q. And your investigation report reflects he  
8 received no money coming out of those bank records?

9 A. No, sir. There's no record that Mr. Jefferson  
10 received any money from Mr. Turner.

11 MR. MARTIN: Pass.

12 REDIRECT EXAMINATION

13 BY MS. VOLLMAN:

14 Q. We talked a little bit about your work as an  
15 investigator, but you also had some dealings as a  
16 supervisor regarding this overall case; is that true?

17 A. Yes, ma'am.

18 Q. Let's talk about that. As a supervisor, kind of  
19 gives us an idea about when you're supervising  
20 investigators that are handling multiple cases, can you  
21 explain how that's done?

22 A. When an investigator is assigned a case, we would  
23 go over the initial assignment. We would go through the  
24 paper; and then as they progress, if they would go out and  
25 take statements, they would send the statements to me

1 either electronically or hard copy.

2 I would review them for content. I had,  
3 on occasion, sent an investigator back out to ask a  
4 question or two, face-to-face and grammar; and I would  
5 review everything that came through if it went into the  
6 offense report.

7 I would review subpoenas and just to  
8 make sure they were worded correctly; and as the report  
9 was being written, I reviewed drafts of it. I would do  
10 that for all my investigators.

11 Q. Would you also, at times, assist in search  
12 warrant executions?

13 A. Yes, ma'am. And sometimes it was just a man  
14 power issue. I was a commissioned peace officer. So I  
15 would go out and assist in the serving of a search  
16 warrant. Sometimes it was just handy to have somebody to  
17 carry boxes.

18 Q. And did you assist another investigator in  
19 executing a search warrant at the Maximus Inc. location at  
20 650 North Sam Houston Parkway?

21 A. Yes, ma'am, I did.

22 Q. And what was your assignment or job or what were  
23 you doing when you went to that location to execute a  
24 search warrant?

25 A. We were there looking for evidence of the sell of

1 Medicaid names and information.

2 Q. Now, did -- and I know that the primary  
3 investigator is someone else; but you had an opportunity  
4 to assist that investigator in the execution of that  
5 search warrant at that location, correct?

6 A. Yes, ma'am.

7 Q. Do you remember what office, whose office that  
8 you went to?

9 A. Yes, Mr. Jefferson.

10 Q. And you pointed to someone in the courtroom.  
11 Could you describe who you're pointing to and just  
12 identify the person as who you know him as.

13 A. That's Marcus Jefferson in the peach colored  
14 shirt.

15 MS. VOLLMAN: Judge, may the record reflect  
16 that the witness has indicated the Defendant in this case,  
17 Marcus Lee Jefferson?

18 THE COURT: The record will so reflect.

19 Q. (BY MS. VOLLMAN) Now, when you went to execute  
20 that search warrant, what did you do? Do you remember?

21 A. Yes, ma'am. We had talked -- as a senior officer  
22 on scene, I talked to the supervisor on that floor where  
23 Mr. Jefferson worked and showed her the warrant, told her  
24 who we were; and she directed me to where his office was.  
25 It was myself, Sergeant Steve Aker, I believe another

1 investigator. I don't recall off the top of my head.

2 Q. Okay.

3 A. I buttoned my jacket to cover my badge and gun  
4 and walked in, stuck my hand out, shook Mr. Jefferson's  
5 hand and didn't let go of it.

6 Q. And what's the purpose of that?

7 A. He was sitting next to his laptop computer, and I  
8 didn't want him to touch it.

9 Q. And what's the purpose of not letting someone get  
10 back to have access to a computer?

11 A. If he has set it up to where there's a single key  
12 stroke or a series of key strokes that would delete  
13 certain information, I just didn't want him to have the  
14 opportunity to touch the computer and delete something.

15 Q. Okay. Was he cooperative?

16 A. Yes, ma'am, very cooperative.

17 Q. And did he -- what did you -- did you ask him to  
18 step away from the computer?

19 A. Yes, ma'am. He sat in a chair across from his  
20 desk.

21 Q. And did you and Steve Aker search the office and  
22 seize any items?

23 A. Yes, ma'am. We looked through the office, took  
24 some paperss, copies of what appears to be reports with  
25 recipient names and identifying information, a thumb drive

1 off the computer. I believe we took the computer. I'm  
2 pretty sure we took everything.

3 Q. Was Steve Aker the investigator that was in  
4 charge with all the evidence that you were seizing?

5 A. Yes, ma'am.

6 Q. And he would be the guy to talk to about what  
7 exactly was taken from where?

8 A. Yes, ma'am.

9 Q. And what happened to it after that?

10 A. Yes, ma'am.

11 Q. Okay. Now, at -- so I assume evidence was  
12 seized?

13 A. Yes, ma'am.

14 Q, You seized some things pursuant to that search  
15 warrant, and then it was turned over to Steve Aker?

16 A. Yes, ma'am.

17 Q. Now, at some point in time, do you remember about  
18 when that search warrant was executed?

19 A. No, ma'am.

20 Q. At some point later, did you have an opportunity  
21 to sit in an interview that was being conducted between  
22 Candice Gonzalez and another individual?

23 A. Yes, ma'am.

24 Q. Okay. Who was the other individual that she was  
25 talking with, and who else was present?

1 A. It was Mr. Jefferson and his attorney.

2 Q. Do you remember the attorney's name?

3 A. No, but I have it. Crystal Moody.

4 Q. Okay. Can you tell us what was the --

5 MR. MARTIN: Objection at this time, Judge.

6 May we approach, please?

7 THE COURT: Yes, you may.

8 MR. MARTIN: Judge, just for record purposes,  
9 this was also part of the motion to suppress, and I'd like  
10 to have a ruling by the Court outside the presence of the  
11 jury as to the admission of any statements that he made  
12 during this interview.

13 MS. VOLLMAN: Judge, I believe you previously  
14 denied the motion to suppress.

15 MR. MARTIN: I thought that was for the --

16 THE COURT: No. This is the same interview  
17 he was in.

18 MS. VOLLMAN: She's the one that was  
19 conducting the interview.

20 MR. MARTIN: Oh, I apologize. I got  
21 confused. I apologize. You did deny it. Thank you.

22 MS. VOLLMAN: And there's other statements.  
23 I'm aware of the Court's ruling. We will do everything --  
24 but this is not -- this is not the one.

25 Q. (BY MS. VOLLMAN) And can you tell us, what was

1 the purpose of you sitting in on the interview with  
2 Candice Gonzalez, Crystal Moody, Mr. Jefferson's attorney,  
3 and Marcus Jefferson?

4 A. As the managing investigator, it's my option to  
5 sit in on interviews for multiple reasons. I wrote the  
6 evaluations for everyone, so I needed to see their  
7 interview skills and how detailed they were.

8 I wasn't aware of how many interviews  
9 Ms. Gonzalez had done, and I wanted to be there as support  
10 for her. I was her supervisor.

11 Q. So when Mr. Jefferson and Crystal Moody came into  
12 the interview, were you there when they arrived?

13 A. I believe I was.

14 Q. And was it a voluntary interview?

15 A. Yes, ma'am.

16 Q. And was Mr. Jefferson free to leave at any point  
17 in time?

18 A. Yes, ma'am.

19 Q. And was his lawyer aware of that, that they could  
20 leave at any time they wanted to?

21 A. Yes.

22 Q. He was not in custody?

23 A. No, ma'am.

24 Q. This was -- had he already been charged with the  
25 offenses back then? Had he already been charged before he

1 came in?

2 A. I believe so, yes, ma'am.

3 Q. Why did he want to come in?

4 A. He wanted to come in and explain some payments  
5 that was, what Ms. Gonzalez was interested in, where the  
6 money in these accounts came from in his account from  
7 Chase, where the money came from and how it came to be in  
8 his account. There were just some questions she had.

9 Q. And what were the payments for?

10 A. Allegedly, the payments were for the purchase of  
11 Medicaid recipient names and identifying information so  
12 someone else could bill against those accounts and  
13 Medicaid.

14 Q. Had Mr. Jefferson already admitted that that's --  
15 that was the case and you were trying to locate the money?

16 A. Yes, identify which payments were for the names  
17 and which were just odds and ends.

18 Q. Let me ask you this: Were you looking for cash  
19 payment or where the cash went or for checks?

20 A. Mostly cash, I believe.

21 Q. Would Ms. Gonzalez be the one that would be able  
22 to -- is she the one that wrote the report summary of that  
23 interview?

24 A. Yes, ma'am.

25 MS. VOLLMAN: Pass the witness, Judge.



1 MR. MARTIN: May I proceed, Judge?

2 THE COURT: Yes, you may.

3 MR. MARTIN: Thank you.

4 RECROSS EXAMINATION

5 BY MR. MARTIN:

6 Q. You indicated that you assisted in a search  
7 warrant at Maximus?

8 A. Yes, sir.

9 Q. And do you recall the date?

10 A. No, sir, I do not.

11 Q. That would not be in your report?

12 A. No, sir. My report is for First American. This  
13 was a...

14 Q. And on the search warrant episode, is it true to  
15 state that you were not the lead person on that? You were  
16 just more of an assistant role?

17 A. Yes, sir, other than my rank made me the senior  
18 onsite.

19 Q. But you were deferring to one of your associates?

20 A. Yes, ma'am -- sir.

21 Q. Now, you mentioned, as the -- at this interview  
22 between Ms. Gonzalez, yourself and attorney Crystal Moody,  
23 who did the talking from your side? Was it yourself or  
24 Ms. Gonzalez?

25 A. I'm sure we both had input into the interview.

1 Q. And who provided the, for lack of a better  
2 phrase, the Miranda Warnings? Are you familiar with that  
3 phrase, Miranda Warnings?

4 A. Yes, sir.

5 Q. Who said that Mr. Jefferson had a right to remain  
6 silent?

7 A. I'm not sure that he was given his Miranda  
8 Warnings.

9 MS. VOLLMAN: Judge, I'm going to object to  
10 this. He wasn't in custody, and that's been established.

11 THE COURT: Objection sustained.

12 Q. (BY MR. MARTIN) And did anybody say to him that  
13 he was free to leave? I believe you mentioned that?

14 A. I'm sure he was.

15 Q. You didn't say it?

16 A. I don't recall saying it. He did eventually  
17 stand up and walk out of the interview unencumbered.

18 Q. And did Mr. Jefferson and Ms. Moody come into the  
19 meeting together or one come in first or do you remember?

20 A. I know we all went into the room together.  
21 Whether they arrived simultaneously, I couldn't tell you.

22 Q. And purpose of this interview again was?

23 A. To identify the source of deposits into  
24 Mr. Jefferson's account.

25 Q. Into Mr. Jefferson's account?

1 A. Yes, sir.

2 Q. And what bank account was that?

3 A. That was the -- gosh, I don't remember.

4 Q. Your report reflects First American, correct?

5 A. Right. My report reflects First American.

6 Q. Do you have a separate report on this interview?

7 A. Yes, sir. I have the memorandum of interview.

8 Q. Okay. You need to refresh your memory?

9 A. Woodforest National Bank.

10 Q. Okay.

11 A. And there's a Washington Mutual account also  
12 mentioned, sir.

13 Q. Any other banks?

14 A. Not that I recall. Those are the two that I see  
15 in the memorandum.

16 Q. Okay. And are we talking check transactions or  
17 cash transaction?

18 A. Cash.

19 Q. Cash?

20 A. Yes.

21 Q. And how many different cash transactions are we  
22 talking about?

23 A. I don't recall, but there were multiple ones in  
24 the ranges from 100- to \$500. I don't recall the exact  
25 number.

1 Q. Okay.

2 A. That would be in another report somewhere, sir.

3 Q. And would that be for Woodforest or Washington  
4 Mutual or for both?

5 A. Both, I'm sure.

6 Q. And the answer that you recall Mr. Jefferson  
7 given again was what?

8 A. To what question, sir?

9 Q. On the money going into the account.

10 A. Where he said it came from?

11 Q. Yes, sir.

12 A. I think initially he said it -- can I say what?

13 Q. Yes.

14 A. Initially, he said it was from Dyain and Tajuana  
15 Frazier for payment for the Medicaid numbers.

16 Q. Initially, that implies that there's something  
17 subsequently.

18 A. Subsequently, he made a phone call. I don't  
19 recall that and changed some of the deposits were in fact  
20 not for the numbers, but he did guesstimate how much he  
21 received in payment for the numbers.

22 Q. And you said subsequent, he made a phone call.  
23 Do you have direct personal knowledge as to whom he  
24 called?

25 A. No, I don't.

1 Q. Were you a party to that conversation?

2 A. No, sir, I was not.

3 Q. And I forgot to ask you this earlier, when you  
4 were talking about your First American, you sent a demand  
5 to First American?

6 A. Yes.

7 Q. Okay. And you remember demanding records for 517  
8 recipients?

9 A. Correct.

10 Q. You didn't reference Marcus Jefferson in that  
11 demand letter, did you?

12 A. No, sir.

13 MR. MARTIN: Pass.

14 FURTHER REDIRECT

15 BY MS. VOLLMAN:

16 Q. Did you know about Marcus Jefferson at the time  
17 you were finishing up your report on First American?

18 A. I don't believe so.

19 Q. Was that --

20 A. There may have been some overlap, but I don't  
21 recall.

22 MS. VOLLMAN: Pass the witness, Judge.

23 MR. MARTIN: No recross, Judge.

24 THE COURT: May this witness be excused?

25 MS. VOLLMAN: Please.

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