

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

1 claims down, downloads, I get Medicaid enrollment
2 packets and bank records, and anything else they need me
3 to do.

4 Q What is your title?

5 A Investigative auditor.

6 Q Can you give us a little bit about your
7 background, training, and experience that qualifies you
8 to do the type of work you do for the Texas Attorney
9 General?

10 A I have a Bachelor's degree in accounting and I
11 worked in my previous job in accounting, auditing,
12 production, inventory control. And like I said, I've
13 worked for the Attorney General for six years.

14 Q Where did you work before this?

15 A In the private sector.

16 Q At some point in time did you become involved
17 in an investigation regarding several DME companies?

18 A Yes.

19 Q How did you become involved in that
20 investigation?

21 A I was asked to help by one of the
22 investigators.

23 Q Okay. What companies were you asked to work
24 on?

25 A I did some telephone interviews in the Anointed

1 Medical Supply case, and I did bank records for Briscoe
2 Medical Supply. I did claims download for, I believe,
3 Wickware, Resource Solutions. And the other one, I
4 can't remember.

5 Q Perkins?

6 A Perkins Mobility. Thank you.

7 Q And -- now, as far as the Briscoe case, what
8 did you do exactly for them?

9 A I did one set of the bank records.

10 Q Okay. Now, when you say -- let's go back a
11 little bit. Now, you did some work as far as those four
12 companies -- Briscoe, Wickware, Resource, and Perkins.
13 You told us that you at times will prepare a BOR,
14 correct?

15 A Yes.

16 Q What is a BOR?

17 A That stands for Business Objects Report. It's
18 a claims download that we -- it's an inquiry that we run
19 based on a certain providers' number and a date range of
20 dates of service. And when we get that information, it
21 tells every claim that was billed by a certain provider,
22 who it was build to, the recipient, the procedure code
23 that was billed against that recipient, how much was
24 billed, and how much was paid for each procedure.

25 Q Okay. Now, in addition to pulling the BORs on

1 those companies, you talked about bank records. What do
2 you do with bank records?

3 A I basically -- we get them by subpoena from the
4 banks and when I get them -- it's actually the bank
5 statements. And all I do is pretty much duplicate them
6 onto an Excel spreadsheet so that we can summarize them,
7 total them.

8 Q And analyze them, I guess?

9 A Yes.

10 Q What are you trying to find when you look at
11 the bank records that are subpoenaed? What is it you're
12 looking for?

13 A We're looking to see the account that Medicaid
14 money was deposited into and in addition to that, how
15 the Medicaid money was spent.

16 Q Now, when you looked at the bank records, were
17 you able to determine how Medicaid money was being paid
18 to these particular providers?

19 A Yes.

20 Q At that point in time how was the providers
21 getting the money from Medicaid?

22 A Some of the deposits were by direct deposit and
23 some of them were actual hard checks.

24 Q Now, after determining how the Medicaid money
25 came into the account, were you also able to determine

1 how the Medicaid money left the account on those
2 particular companies?

3 A Yes.

4 Q Now, when you subpoena records, do you always
5 get everything you ask for in a subpoena?

6 A Not always.

7 Q Why is that?

8 A Sometimes the items that we prepare, when they
9 were scanned or microfiched, the copy is illegible or
10 sometimes items are lost. So we don't the always get
11 everything that we've requested.

12 Q Okay. Now, were you successful in locating
13 where the Medicaid money went for those four companies
14 that you just told us about?

15 A Yes.

16 Q Now, after the bank records were subpoenaed,
17 you talked about you analyze them. And you talked about
18 looking at them so you can analyze them. What method do
19 you use to the analyze those particular bank records?
20 Do you use particular forms? What do you use?

21 A We use -- it's actually entered into an Excel
22 spreadsheet, so when I first enter it, it looks pretty
23 much like your bank statement. You can take a copy of
24 your bank statement and this spreadsheet and they would
25 look pretty much the same. Then from there, on another

1 sheet, which is the same information, the information is
2 sorted so that all of the deposits to or from a certain
3 company are sorted together so we can get a total of
4 those deposits, and then not just deposits. If you have
5 a deposit from a certain company, that there is also a
6 check written to or payment made to, those are all
7 grouped together. So it just puts everything in a
8 different view; same information, different view.

9 Q What do you call the different types of forms
10 that you use when you analyze an account? You talked
11 about the spreadsheet. Are there any other forms that
12 you use to draw up when you're analyzing bank accounts?

13 A We use a different table which summarizes the
14 information I just said in a bank analysis form.

15 Q Okay. Let's take a look at the companies one
16 at a time. How many accounts were identified as
17 belonging to or opened by Briscoe Medical Supplier,
18 Jacqueline Briscoe?

19 A Can I look at --

20 Q Sure.

21 (Pause)

22 A In the accounts for Briscoe, this is the J. P.
23 Morgan. I think there was another bank that I didn't do
24 the analysis on.

25 Q Did another investigative auditor look at that

1 other bank account for Ms. Briscoe and her company?

2 A Yes.

3 Q Was that Candace Gonzales?

4 A Yes.

5 Q Okay.

6 A It looks like five accounts.

7 Q Okay. Did you analyze them?

8 A Yes.

9 Q Okay. Let's talk about some of them. Did you
10 do a bank analysis in the pivot on each one of those
11 Briscoe accounts?

12 A Yes.

13 MS. VOLLMAN: Judge, may I approach?

14 THE COURT: You may.

15 Q (By Ms. Vollman) Okay. Let me show you --
16 first off, which account for the Briscoe -- what exhibit
17 number -- State's Exhibit Number 38. Now, as far as --
18 let me show you what has been marked State's Exhibit
19 Number 713A, 713B and there should be a 713C.

20 Can you tell us -- can you identify those
21 exhibits?

22 A Yes. 713A is the bank analysis for the account
23 ending in 5429.

24 Q Okay. 5429. Okay.

25 A 713B is the pivot table for the same account.

1 And 713C is the sorted spreadsheet for the same account.

2 Q Is that like another word for bank detail?

3 A Yes.

4 Q Now, State's Exhibit Number 713A, B, C, do they
5 summarize the voluminous records of the bank accounts in
6 this case?

7 A Yes.

8 MS. VOLLMAN: Judge, at this time we would
9 offer State's Exhibit Number 713A, 1713B, (sic) and
10 713C.

11 THE COURT: Any objection?

12 MR. MARTIN: May I take the witness
13 briefly on voir dire, Judge?

14 THE COURT: You may.

15 VOIR DIRE EXAMINATION

16 BY MR. MARTIN

17 Q Ma'am, on 713A, 713B, and 713C, who was the
18 originator of those forms, or the generator of those
19 forms? Was it your office or the DA's office?

20 A My office.

21 Q And the numberings on the forms, those come
22 from your work?

23 A Yes, sir.

24 MR. MARTIN: No objections, Judge.

25 THE COURT: They are admitted.

1 DIRECT EXAMINATION (CONTINUED)

2 MS. VOLLMAN:

3 Q Now, let's take a look at 713A.

4 (Exhibits Published)

5 Q (By Ms. Vollman) First off, can you tell us
6 what we're looking at?

7 A This is the bank analysis.

8 Q Keep your voice up because the juror at the
9 other end has to be able to hear.

10 A Bank account analysis record. And it's an
11 overall summary, kind of a high level summary of bank
12 account 727125429.

13 Q Okay. And can you tell where this account was
14 opened?

15 A It was opened at the north freeway branch
16 location.

17 Q Is that a location in Harris County, Texas?

18 A Yes.

19 Q Okay. When was it opened?

20 A On August 29, 2006.

21 Q Okay. Let me ask you this: You had listed ID
22 used to open account. Why is that there on a business
23 account?

24 A To show that it's a business account.

25 Q Do they use a DBA or some --

1 A DBA or assumed name.

2 Q Can you tell us when the analysis period was?

3 A August 29, 2006 to January 31st of 2007.

4 Q Can you tell us what the total deposits were?

5 A \$154,049.73.

6 Q And withdrawals?

7 A \$154,073.51.

8 Q Now, what were the sources of the money into
9 the business account?

10 A Three of the most significant sources were a
11 petty cash from another account ending in 4815.

12 Q Was that one of the other Briscoe accounts?

13 A Yes.

14 Q Okay.

15 A I don't know if it was one of the ones that I
16 analyzed though.

17 Q Okay. But you can see the transfer in on the
18 bank records that you had?

19 A Yes.

20 Q Okay. And what were the other sources?

21 A The other two sources were both from TMHP,
22 which is Texas Medicaid Healthcare Partnership. And the
23 reason they are separated, the TPI numbers are the same
24 but the suffixes are different.

25 Q Do you know what the suffixes mean?

1 A It's usually either the type of provider or an
2 address or location.

3 Q And did you also have an opportunity to view
4 the significant withdrawal activity?

5 A Yes.

6 MS. VOLLMAN: Can you highlight that,
7 Mike?

8 (Exhibits Published)

9 Q (By Ms. Vollman) Okay. Where did some of the
10 checks or the withdrawals come from and go to in this
11 account?

12 A Cash was withdrawn in the amount of \$23,842.14.
13 There were checks totaling \$25,033.69. There were ATM
14 withdrawals of \$2,062. There were other withdrawals.
15 One in the amount of the -- when I say one, it doesn't
16 mean it was just one withdrawal -- or withdrawals
17 totaling \$31,759.94 to Dyain Frazier.

18 Q Dyain?

19 A Frazier. \$10,306.41 to Jacqueline Briscoe, and
20 \$5,142 to Tajuana Frazier.

21 Q Did you also find any type of transfers in and
22 out of that account and where they came from?

23 A There was a transfer -- there were transfers to
24 Jacqueline Briscoe's checking account ending in 5384 in
25 the amount of \$15,000, and a transfer to the Briscoe

1 Medical Supply savings account ending in 5190 in total,
2 \$1,000.

3 Q Okay. Then what were the significant --

4 A Checks?

5 Q Yep.

6 A There was a check, number 1170, in the amount
7 of \$10,276.41 to Jacqueline Briscoe and check number
8 1171 in the amount of \$9,484.71 to Jennifer Sonngui.

9 Q Do you know what that check went for? Do you
10 know if that's a daughter or not?

11 A I think that's her daughter.

12 Q Okay. State's Exhibit Number 713B, we're not
13 going to show that, but what is 1713B, (sic) if the jury
14 wants to take a look at it?

15 A It's just a summary. It's a summary of every
16 dollar that went in or out and who it was to. So the
17 totals -- well, these are more of the significant ones.

18 Q Okay. Now, what was the next account that you
19 did?

20 A It's the --

21 Q Let me show you State's Exhibit 1714A -- 1714A,
22 1714B and 714C. Do you recognize those?

23 MR. MARTIN: Are we per chance getting the
24 exhibit numbers confused -- 1714?

25 MS. VOLLMAN: I'm sorry. 714, Judge, A,

1 B, C.

2 (Exhibits Published)

3 Q (By Ms. Vollman) And are these also summaries
4 of the voluminous bank records that we have throughout
5 this case?

6 A Yes.

7 THE COURT: Judge, at this time we would
8 offer into evidence State's Exhibit Number 714A, B, C.

9 MR. MARTIN: No objections, Judge.

10 THE COURT: Admitted.

11 MS. VOLLMAN: Let's show 714.

12 (Exhibit Published)

13 Q (By Ms. Vollman) As far as the information on
14 714A, could you tell us what account styling, bank,
15 account number, opening branch and the date it was
16 opened?

17 A Styling is Briscoe Medical Supply. The account
18 number, 2721525190. It was also opened at the north
19 freeway branch location on Tuesday, August 29, 2006.

20 Q Okay. Can you tell us, as far as the total --
21 analysis timeframe and then the total deposits and total
22 withdrawals?

23 A The beginning date was August 29, 2006 through
24 January 31st, 2007. Total deposits of \$7205. Total
25 withdrawals \$7,179.97.

1 Q Can you tell us what the significant deposit
2 sources were for that particular account?

3 A \$5,000 of that came from the Jacqueline Briscoe
4 checking account ending in 5384. A \$1,000 from Briscoe
5 Medical Supply, account ending in 5429, and cash
6 deposits totaling \$1200.

7 Q Okay. And let's take a look just briefly at
8 that last portion, transfers.

9 A Transfers out of this account went to
10 Jacqueline Briscoe checking account ending in 5384
11 totaling \$6700.

12 Q Let me show you also State's 715A and B. Can
13 you take a look at those -- and C. Can you identify
14 those exhibits?

15 A Yes. It's Jacqueline Briscoe checking account.

16 Q Is this also again these document summaries of
17 the voluminous bank records we have in this case?

18 A Yes.

19 MS. VOLLMAN: Judge, at this time we would
20 offer State's Exhibit Number 715A, B, C.

21 MR. MARTIN: No objections, Judge.

22 THE COURT: They are admitted.

23 MS. VOLLMAN: Let's show 715.

24 (Exhibits Published)

25 Q (By Ms. Vollman) Can you take the top portion

1 and just tell us what we see?

2 A This is the Jacqueline Briscoe checking
3 account, account number 732835384, opened at the
4 Greenspoint branch location.

5 Q Is that a location in Harris County, Texas?

6 A Yes.

7 Q Okay.

8 A On October 30, 2006.

9 Q And can you -- so this was a personal account?

10 A Yes.

11 Q Can you tell us what the of total deposits
12 were, total withdrawals?

13 A Total deposits \$27,626.22s and total
14 withdrawals \$8,141.13.

15 Q Where were the significant deposits coming
16 from?

17 A Deposits totaling \$15,030 came from the Briscoe
18 Medical Supply checking account ending in 5429. The
19 Briscoe Medical Supply savings account totaling \$6700,
20 and that account ended in 5190. There was also deposits
21 totaling \$5,892.53 from the Texas County and District
22 Retirement System.

23 Q Okay. And what were the total -- did you have
24 any transfers in that account?

25 A Yes. There were transfers totaling \$5,000 to

1 the Briscoe Medical Supply account ending in 5190, and
2 \$150 transfer to an account for, in an account ending
3 number is 1779.

4 Q Let me show you State's Exhibit Number 716A, B,
5 C. Can you identify those exhibits?

6 (Exhibits Published)

7 A Yes. This is the bank analysis for the account
8 styled Tiffany J. Gittens or Jacqueline Briscoe account
9 736811779, opened at the Greenspoint branch.

10 Q (By Ms. Vollman) Wait. Wait. Stop.

11 A Sorry.

12 Q Can't talk about it yet. Are these included
13 the voluminous records of this case?

14 A Yes, ma'am.

15 MS. VOLLMAN: Judge, would offer State's
16 Exhibit 716A, B, and C.

17 MR. MARTIN: No objection.

18 THE COURT: They are admitted.

19 Q (By Ms. Vollman) Okay. Now, can you tell us
20 the bank style, the branch where it was opened, the type
21 of analysis, the total deposits, withdrawals and any
22 significant withdrawals?

23 A This is an account opened in the name of
24 Tiffany J. Gittens or Jacqueline A. Briscoe, account
25 number 736811779, opened at the Greenspoint branch

1 location on November 10, 2006. The analysis period was
2 November 10, 2006 to January 24, 2007. The deposits
3 totaled \$350. Withdrawals total \$247.33. The \$350
4 deposit came from the Jacqueline Briscoe checking
5 account ending in 5384. And there were ATM withdrawals
6 in the amount of \$119.25.

7 Q Is it fair to say that other than the money
8 that was coming into the various accounts for Jacqueline
9 Briscoe from TMHP, there wasn't a lot of money?

10 MR. MARTIN: Objection, Judge. Leading.

11 THE COURT: Overruled.

12 A I'm sorry?

13 Q (By Ms. Vollman) Okay. As far as the money
14 that was coming into the accounts belonging to
15 Jacqueline Briscoe, can you tell us whether or not the
16 significant amount of money was strictly from Medicaid
17 money?

18 A Yes.

19 Q Okay.

20 THE COURT: Counsel, at this time the
21 jury's lunch is here. We'll take our lunch recess.

22 We're in recess for 45 minutes.

23 (Luncheon recess)

24 (Jury enters courtroom)

25 THE COURT: Ms. Vollman, you may proceed.

1 Q (By Ms. Vollman) Are you the same Lynn Wilson
2 that was testifying before the lunch break?

3 A Yes.

4 Q I forgot to ask you. As far as all the Briscoe
5 accounts, how was she using that account in the sense of
6 as a business account?

7 A Personal account.

8 Q Okay. She was using it as a personal account.
9 Let me show you what has been marked
10 State's Exhibit Number 40. And I want to talk about the
11 next company that you analyzed, Wickware Medical
12 Services.

13 First, how many accounts were identified
14 as belonging to or opened by Wickware Medical Services?

15 A Two. Two business and one personal.

16 Q Okay. You're going to have to keep your voice
17 up again.

18 Let's take a look at -- did you do an
19 analysis, bank analysis, a pivot, and the detail for
20 those accounts that you did?

21 A Yes.

22 (Exhibits Published)

23 Q (By Ms. Vollman) Let's take the first one which
24 is State's Exhibit Number 717A, B, C. Can you take a
25 look at this and tell us if you can identify those three

1 exhibits?

2 A Yes.

3 Q Keep your voice up. What are they?

4 A The bank analysis report, the pivot table
5 summary, and the bank detail.

6 Q And you prepared each one of those?

7 A Yes.

8 Q Do they summarize voluminous bank records that
9 we have in this case?

10 A Yes.

11 MS. VOLLMAN: Judge, at this time we would
12 offer State's Exhibit Numbers 717A, B, C.

13 MR. MARTIN: No objections, Judge.

14 THE COURT: They are admitted.

15 Q (By Ms. Vollman) On 717A, can you tell us what
16 was the account styling, what bank, where it was
17 located, when the analysis period was? And then we'll
18 get to the deposit and withdrawals.

19 A The account styling is Charles R. Wickware, DBA
20 Wickware Medical Services. The account number is
21 702822784. The opening branch location was at I-10
22 east. The account was opened on February 24, 2006. And
23 the analysis period was July 1st of 2006 to December 29,
24 2006.

25 Q Okay. And then the next group of information,

1 can you tell us what were the total deposits and total
2 withdrawals?

3 A Total deposits were \$405,104.22 and total
4 withdrawals were \$444,410.2s.

5 Q Okay. And take a look at the significant
6 withdrawal activity. First off, where was most of the
7 money coming in to this account?

8 A It came from TMHP.

9 Q That is Medicaid?

10 A Yes.

11 Q Okay. Almost 400,000, correct?

12 A Right.

13 Q Let's take a look at the significant withdrawal
14 activity as far as the ATMs and other withdrawals. Can
15 you tell us what you found in that bank account?

16 A ATM withdrawals total \$10,991.20. And other
17 withdrawals by Charles Wickware totaled \$280,550.81.

18 Q Okay. Take a look at the transfers to other
19 accounts. The bottom portion of State's Exhibit Number
20 717A. Can you tell us what was there as far as the
21 transfers?

22 A There was a transfer of, totaling \$8500 to
23 Charles Wickware account ending in 4245, and a transfer
24 to the Charles Wickware DBA, Wickware Medical Services
25 totaling \$100.

1 Q Okay. Take a look at State's Exhibit Number
2 717B. Can you tell us, as far as what were some of the
3 major withdrawals from out of that account?

4 A I already mentioned that \$10,000 ATM.

5 Q Keep your voice up, please.

6 A City Financial AULN payment, 17 -- over 1700.
7 Diamonds Unlimited for \$1,000. Dyain Frazier,
8 \$79,939.31. Antwine Gary, \$4,222.69, and Walmart
9 totaling \$2200 -- 246.23.

10 Q Now, looking at State's Exhibit 717B, did you
11 see any purchases, whether it's Walmart or the
12 designated DME company where he was, Charles Wickware,
13 was buying any type of incontinent supplies?

14 A Let me look through here.

15 (Pause)

16 Walmart is the only business that could
17 have been for DME supplies.

18 Q Let me ask you this: When you look at the TMHP
19 deposit of 399,000, with the Walmart, assuming that was
20 all used for incontinent supplies. Would that pay for
21 those type of supplies in that number?

22 A No.

23 Q Let's take a look then at State's Exhibit 718A,
24 B, C. Can you identify those?

25 A This is also an account, Charles R. Wickware,

1 DBA Wickware Medical Services. The account number is
2 232 --

3 Q Hang on. You can't start talking about it yet.
4 So these are from that next account.

5 A Yes.

6 Q Are these also summaries of the voluminous
7 records in the case?

8 A Yes.

9 MS. VOLLMAN: Judge, we would offer
10 State's Exhibit Number 718A, B, C.

11 MR. MARTIN: No objections, Judge.

12 THE COURT: They are admitted.

13 Q (By Ms. Vollman) First of all, this other
14 account you looked at, the 717, how was he using that
15 account?

16 A Like a personal account.

17 Q Why do you say that? When you're analyzing a
18 bank record like that, what do you look for to determine
19 if somebody is using it as a business account or
20 personal account?

21 A Because the expenditures and checks written are
22 for personal items, not business expenses.

23 Q Okay. Take a look at State's 718. Can you
24 identify for us the account, where it was, where was it
25 opened, whether the location was in Harris County,

1 Texas. Was the other one in Harris County, Texas?

2 A Yes.

3 Q And the analysis period.

4 A The account styling is Charles R Wickware, DBA
5 Wickware Medical Services. The account number is
6 2332761820. Opening branch location was I-10 east,
7 which is in Harris County.

8 Q Texas?

9 A Yes.

10 Q Okay.

11 A And it was opened on February 24, 2006.

12 Q And your analysis date began?

13 A September 26, 2006 to December 29, 2006.

14 Q Is it fair that the total deposits and total
15 withdrawals were minimal in this account?

16 A Yes.

17 Q Okay. State's Exhibit Number 719. Can you
18 tell us -- can you identify those exhibits?

19 A Yes. The bank analysis report, pivot table,
20 and detail from another Wickware account, personal
21 account.

22 Q Okay. And the other account, was that being
23 handled as a personal account, too, for the minimal
24 activity that was in it?

25 A The second one, yes.

1 Q The 718. And are these, State's Exhibit Number
2 719A, B, C, are these summaries of the voluminous bank
3 records in this case?

4 A Yes.

5 MS. VOLLMAN: Judge, we offer State's
6 Exhibits Number 719A, B, C.

7 MR. MARTIN: No objections, Judge.

8 THE COURT: Admitted.

9 Q *(By Ms. Vollman)* The same information, please,
10 regarding this bank account?

11 A Account styling is Charles R. Wickware. The
12 account number is 732934245. The opening branch
13 location was Beltway 8 and Wilson Road.

14 Q Is that a location in Harris County, Texas?

15 A Yes.

16 Q Okay.

17 A The account was opened on September 21st, 2006.
18 The analysis beginning date was September 21st, 2006 to
19 November 6, 2006.

20 Q Okay. Total withdrawals, total deposits?
21 Where did the deposits come from?

22 A They were transferred from the Wickware Medical
23 Services account ending in 2784.

24 Q Can you -- as far as you -- same question that
25 I asked regarding this account as I did with Briscoe.

1 Other than the Medicaid money that is coming into Mr.
2 Wickware's account, is that virtually all the money that
3 he has and is dealing with between these accounts?

4 A Yes.

5 Q All right. What was your next company? I
6 think it was Perkins you said?

7 A Perkins Mobility.

8 Q Show you State's Exhibit 31, if you need to
9 refer to those. Did you have an opportunity to analyze
10 those records?

11 A Yes.

12 Q How many accounts did you analyze for Perkins
13 Mobility?

14 A Three.

15 Q Okay. And same question. Did you do a pivot,
16 a bank detail, and bank analysis on each one of those
17 accounts?

18 A Yes.

19 Q As far as the first one, let me show you what
20 has been marked State's Exhibit Number 720A, B, C. Can
21 you identify those exhibits?

22 A Yes.

23 Q What are they?

24 A The bank analysis report, pivot table, and bank
25 detail for the account ending 6565.

1 Q And are these, again, summaries of the
2 voluminous bank records in this case?

3 A Yes.

4 MS. VOLLMAN: Judge, we would offer
5 State's Exhibit Number 720A, B, C.

6 MR. MARTIN: No objections, Judge.

7 THE COURT: They are admitted.

8 Q (By Ms. Vollman) Okay. Let's take a look at
9 720A. And can you give us the information regarding the
10 account title, the bank, where it was opened, whether in
11 Harris County, Texas, when it was opened and the
12 analysis start, end date?

13 A Account styling is Wilma Perkins Gibson, DBA
14 Perkins Mobility. Account number is 91245086565. The
15 opening branch location is north freeway, which is in
16 Harris County, Texas. The account was opened on
17 September 6, 2005. The analysis period is September 6,
18 2005 to December 29, 2006.

19 Q Okay. Was that north freeway, was that
20 location in Harris County, Texas?

21 A Yes.

22 Q Total deposits, total withdrawals. Can you
23 tell us what they are and also tell us where the
24 deposits, the bulk of the money came from?

25 A Total deposits were \$416,455.77 and of that

1 \$412,355.77 came from TMHP, which is Texas Medicaid
2 Healthcare Partnership. And the total withdrawals were
3 \$416,060.22.

4 Q Can you tell us where the withdrawals went?
5 What was significant about this particular account as
6 far as where the money went?

7 A Most of the money, \$335,425.46 was withdrawn by
8 Wilma Gibson.

9 Q Okay. Do you see any money going out of
10 withdrawals to Dyain Frazier?

11 A Yes.

12 Q And do you also see that there was a small
13 check for Direct Home Care Supply?

14 A Yes.

15 Q Would you expect that to be where incontinent
16 supplies could be purchased?

17 A Could be.

18 Q Okay.

19 MS. VOLLMAN: If you could go to the last
20 part of that document. Okay. Just that last -- okay.

21 (Exhibit Published)

22 Q (By Ms. Vollman) As far as the checks, does it
23 show what amounts that money came out in and was payable
24 to Ms. Gibson?

25 A Yes.

1 Q Okay. All right. As far as State's Exhibit
2 Number 720B, can you tell us, does it appear that any of
3 those places where you could buy incontinent supplies,
4 other than the Walmart down on the bottom and the Direct
5 Home Supply that we talked about?

6 A No.

7 Q Okay. Does it appear again that this
8 particular account was being used as a personal account
9 as opposed to a business?

10 A Yes.

11 Q Let me show you State's Exhibit Number 721A, B,
12 C. Can you identify those exhibits?

13 A Yes.

14 Q What are they?

15 A The bank analysis, pivot table, and bank detail
16 for account ending in 6566.

17 Q Are these also summaries of the voluminous bank
18 records that we have in this case?

19 A Yes.

20 MS. VOLLMAN: Judge, we would offer
21 State's Exhibit Number 721A, B, C.

22 MR. MARTIN: No objections, Judge.

23 THE COURT: Admitted.

24 Q (By Ms. Vollman) Please give us the same
25 information regarding 721A.

1 A The account styling is Wilma Perkins Gibson,
2 DBA Perkins Mobility. The account number is
3 91245086566. The opening branch location was north
4 freeway, which is in Harris County, Texas. The date
5 opened was September 6, 2005. The analysis period began
6 on September 6, 2005 through December 29, 2006.

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

10 A Total deposits were \$41,164.91.

11 Q Ninety-four cents?

12 A I'm sorry. 94 cents. Of that, \$41,000 came
13 from Perkins Mobility checking account ending in 6565.

14 Q Okay. And what about significant withdrawals?

15 A \$37,088.42 was withdrawn by Wilma Gibson.

16 Q Let me show you quickly as far as 721B. Okay.
17 Can you take a look at that and does that reflect the
18 payee, source of deposits?

19 A Yes.

20 Q Now, again, was this account being used as a
21 personal account?

22 A Yes.

23 Q Now, take a look at State's Exhibit Number
24 722A, B, C. Can you identify those exhibits? Just A
25 and B. Do you recognize those?

1 A Yes, the bank analysis report and the pivot
2 table for account ending in 1741.

3 Q Okay. And do these also summarize the
4 voluminous bank records that we have in this case?

5 A Yes.

6 MS. VOLLMAN: Judge, we would offer
7 State's Exhibit Number 722 A and B.

8 MR. MARTIN: No objections.

9 THE COURT: Admitted.

10 Q (By Ms. Vollman) Same information, if you could
11 tell us as far as State's 722A as far as the bank style,
12 account number, where was it opened, whether it was in
13 Harris County and the analysis period?

14 A Account styling is Wilma R. Gibson. Account
15 number 727121741. Opening branch location was the north
16 freeway, which is in Harris County, Texas. The account
17 was opened on July 27, 2006. The analysis period was
18 July 27, 2006 to January 22, 2007.

19 Q Can you tell us what the total deposits were,
20 total withdrawals and the source of the deposits?

21 A Total deposits were \$10,334.32. Of that
22 \$10,000 came from the Perkins Mobility checking account
23 ending in 6565.

24 Q Now, I want to direct your attention to the
25 bottom portion of that page where it's talking about --

1 MS. VOLLMAN: No, Mike. Just a little bit
2 up.

3 (Exhibits Published)

4 Q (By Ms. Vollman) Let me direct your attention
5 to State's Exhibit Number 722A at the bottom. You -- do
6 you see what is being withdrawn and for what right
7 there?

8 A Yes.

9 Q Is that stuff that you would typically see in a
10 DME business?

11 A No.

12 Q Okay. Now, let's go to the last one that you
13 dealt with, which was the Resource Solutions.

14 MS. VOLLMAN: Do you have the bank records
15 for those?

16 Okay.

17 (Exhibit Published)

18 Q (By Ms. Vollman) How many accounts did you
19 analyze for Resource Solutions?

20 A Three.

21 Q Okay. And did you do a bank analysis pivot and
22 a bank detail on each one of those bank accounts?

23 A Yes.

24 Q Let me take the first one, State's Exhibit
25 Number 723.

1 MS. VOLLMAN: Judge, can I do this all at
2 one time?

3 THE COURT: Yes.

4 MS. VOLLMAN: State's Exhibit 723A, B, C;
5 724A, B, C; and State's Exhibit Number 725A, B, C. Are
6 each of those, summaries of the voluminous records that
7 you have in this particular case that you analyzed
8 involving Resource Solutions?

9 A Yes.

10 MS. VOLLMAN: Judge, at this time offer
11 State's Exhibit Number 723A, B, C; State's Exhibit
12 Number 724A, B, C; and State's Exhibit 725A, B, C.

13 MR. MARTIN: No objections, Judge.

14 THE COURT: They are admitted.

15 Q (By Ms. Vollman) Okay. Same information, if
16 you could, for us on State's Exhibit No. 723A?

17 A Account styling is Resource Solution Medical
18 Supply. The account number is 3620136122. The opening
19 branch location was Woodlake Plaza. Yes, it is in
20 Harris County, Texas. The date opened was March 17,
21 2006.

22 Q Let me ask you this: As far as this particular
23 account that you're looking at, who was the owner of the
24 account?

25 A Christopher Williams.

1 Q All right. And how did he open this particular
2 account, with what document?

3 A His driver's license and social security
4 number.

5 Q Okay. And can you tell us what the analysis
6 period was?

7 A March 17, 2006 to December 31st, 2006.

8 Q All right. Can you tell us what were the total
9 deposits for, into that particular account and where
10 those deposits came from?

11 A Total deposits were \$423,534.34 and of that
12 \$421,008.02 came from Texas Medicaid Healthcare
13 Partnership.

14 Q Medicaid again?

15 A Yes.

16 Q Take a look at the significant withdrawal
17 activity. Can you tell us how much cash out was the
18 total, how many checks went out total, the ATM
19 withdrawals and then other withdrawals?

20 A Cash out totaled \$132,076.05. Checks out
21 totaled \$239,508.73. There were ATM withdrawals in the
22 amount of \$4,916. And there withdrawals by Christopher
23 Williams totaling \$183,947.99.

24 Q Okay. Let me show you then State's Exhibit
25 Number 41A, 41B, 41C, D, E, F, G, H, I, J, K, L, M, N,

1 O, P, Q, R, S, T, U, V, W, X, Y, Z, and then 41AA
2 through QQ.

3 (Exhibits Published)

4 Q (By Ms. Vollman) Did you get a chance to review
5 all those records?

6 A Yes.

7 Q Are those part of State's Exhibit Number 41?

8 A Yes.

9 MS. VOLLMAN: Judge, at this time we would
10 offer State's Exhibit Number 41A and the exhibits I just
11 mentioned, A through Z, AA through QQ.

12 MR. MARTIN: No objections, Judge.

13 THE COURT: They are admitted.

14 Q (By Ms. Vollman) I don't want to go through all
15 of these but some select.

16 State's 41A. Can you tell us what that
17 is?

18 (Exhibits Published)

19 A It's the signature card for the account ending
20 in 6122.

21 Q (By Ms. Vollman) Is that the one we were
22 talking about on 723A?

23 A Yes.

24 Q State's 41B.

25 MS. VOLLMAN: Just, Mike, the top part.

1 Right there.

2 (Exhibits Published)

3 Q (By Ms. Vollman) Can you tell us when this
4 account was opened, how much money was the beginning
5 balance?

6 A On this particular statement?

7 Q Correct.

8 A The beginning balance was \$27.52.

9 Q Okay. And as far as the next, State's Exhibit
10 Number, 41D, can you tell us when the money started
11 coming in, what the denominations were they coming in?
12 In other words, how much money came in in credits and
13 deposits on that account?

14 A During that month there were total deposits of
15 \$84,285.75.

16 Q Okay. State's Exhibit Number 41J. Can you
17 tell us as far as who was that made payable to?

18 A Dyain Frazier.

19 Q And the person who is writing out the check is
20 who?

21 A Christopher Williams.

22 Q Let me show you what has been marked State's
23 Number 41L. Can you tell us what is the notation for
24 the cash -- check of \$12,518.17?

25 (Exhibits Published)

1 A Billing and claims.

2 Q (By Ms. Vollman) Let me show you State's
3 Exhibit 41M. Can you tell us the same, as far as what
4 is the notation on the check for \$15,168.55?

5 A Billing slash claims.

6 Q State's Exhibit Number 41"0". Can you tell us
7 on that one how much deposits were coming in and how
8 much debits were going out?

9 A In this particular month there were deposits of
10 \$140,381.12 and money coming out of the account totaled
11 \$77,867.73.

12 Q Let me show you what has been marked State's
13 Exhibit Number 41U. Can you tell us on that who was the
14 payee for that particular check?

15 A Capital One slash cash slash Dyain Frazier.

16 Q Let me show you what has been marked State's
17 Exhibit Number 41X. Can you tell us on that what is the
18 memo on that particular check?

19 A Billing, claims.

20 Q Okay. State's Exhibit Number 41Y. Can you
21 tell us what month that bank statement is for, and can
22 you tell us how much money was coming in, from where?
23 And can you tell us also how much money went out?

24 A This statement is for the month of September,
25 2006. The deposits totaled \$66,642.10. Checks

1 withdrawals from this account totaled \$83,342.75. The
2 direct deposits are listed on here as TMHP. The
3 customer deposits, I believe, are also from TMHP.

4 Q Okay. But that will be reflected on your
5 State's Exhibit Number 723A, correct?

6 A Yes.

7 Q Take a look at State's Exhibit Number 41CC.
8 And can you tell us what is notated on that check as far
9 as note?

10 A Billing.

11 Q State's Exhibit Number 41HH. Can you tell us
12 the information about what month that was, how much
13 money is coming in in deposits, and how much money is
14 going out?

15 A This statement is for the month of October,
16 2006. Total deposits were \$92,827.41. Total debits and
17 withdrawals were \$68,533.57. And the deposits were
18 mostly from TMHP.

19 Q Let me show you what's been marked as State's
20 Exhibit Number 41NN. Same thing on that one, please?

21 A This statement is for the month of November,
22 2006. Deposits total \$25,592.50. Those deposits were
23 from Texas Medicaid Healthcare Partnership. And the
24 debits and withdrawals for that month totaled
25 \$91,469.05.

1 Q Okay. And in December, State's Exhibit Number
2 41QQ, can you tell us the same information? What month
3 are you looking at there?

4 A This is December, 2006.

5 Q Okay. Tell us how much money came in and how
6 much debit is going out. And tell us what the ending
7 balance was in that December bank statement.

8 A Credits and deposits totaled \$1,929.46 and that
9 was because of a purchase return by Kelsey Seybold.
10 Debits and withdrawals from that month totaled \$28.11,
11 leaving an ending balance of \$28,800.45.

12 Q Now, you also had a chance to review another
13 bank account, correct, that was involving Christopher
14 Williams and Resource Solutions, correct? Let me show
15 you what has been marked State's Exhibit Number 724A, B,
16 and C.

17 A Yes.

18 Q Okay. Can you tell us, as far as that
19 particular account, whose name is on it, how is it
20 styled, what account number, what branch, and whether it
21 was a personal or whether it was a business account?

22 A The account styling is Jaie Brown, I'm not sure
23 I pronounced that right. The account number is
24 3311130934. It was opened at the Woodlake Plaza branch
25 location in Harris County, Texas. The account was

1 opened on August 19, 2005. The analysis period was
2 August 19, 2005, to November 1st, 2005.

3 Q Okay. Not much in that account?

4 A Right.

5 Q State's Exhibit Number 725 or -- 725A, B, C.
6 Let's take a look at 725A.

7 A The account styling is Jaie Brown, account
8 number 3311130977. Opened at Woodlake Plaza branch
9 location on August 19, 2005. The analysis period is
10 August 16, (sic) 2005, of April 28, 2006.

11 Q Is it fair to say that the account that Jaie
12 Brown had opened and apparently maintained had very
13 little money in it?

14 A Yes.

15 Q And that the bulk of the THMP money that was
16 handled by Resource Solutions was in the bank account
17 handled by Christopher Williams?

18 A Yes.

19 Q Okay. Now, when you finished your analysis and
20 all these various summaries that you did, did you
21 provide them to somebody else in your office?

22 A They were given to the investigator and also to
23 Candace Gonzales, another auditor.

24 Q And was she the primary auditor in the Anointed
25 case?

1 A Yes.

2 Q Okay. Now, did you assist the investigator in
3 this case in any other thing having to do with
4 recipients?

5 A I made telephone interviews.

6 Q Can you tell us how many of those folks that
7 you interviewed?

8 A I don't remember the exact number.

9 Q Do you have -- take a look at State's 726.
10 Does that refresh your memory as far as who the folks
11 were that you talked to?

12 (Exhibits Published)

13 A Yes.

14 Q (By Ms. Vollman) Can you tell us how many folks
15 that you talked to?

16 A Twenty-five, if I counted right.

17 Q I'm sorry?

18 A Twenty-five.

19 Q Twenty-five. Now, when you talked to them,
20 what information were you looking for?

21 A We called to ask if they ordered supplies from
22 Anointed Medical Supply, did they actually need
23 incontinence supplies, and if they got any supplies from
24 this company.

25 Q On the 25 folks that you talked to, did they at

1 all answer your question?

2 A Yes.

3 Q Did they all provide answers to your questions?

4 A Yes.

5 Q Based on that information, did you provide it
6 to Investigator Gillie and continue with the
7 investigation?

8 A Yes.

9 MS. VOLLMAN: Pass the witness.

10 THE COURT: Mr. Martin, you may proceed.

11 MR. MARTIN: Thank you, Judge.

12 CROSS-EXAMINATION

13 MR. MARTIN:

14 Q Good afternoon, ma'am.

15 A Hi.

16 Q I have just a couple of brief questions for
17 you. From start to finish, how long do you estimate
18 that you've been personally involved in the
19 investigation; how many months?

20 A It's probably more -- at least a year.

21 Q At least 12 months?

22 A Yes.

23 Q Do you have an idea as to how many hours you
24 put on it all total?

25 A I couldn't even begin to guess.

1 Q Through your investigation you developed a list
2 of everybody that you thought was a key player in terms
3 of name; isn't that true?

4 A That's really not something that I do.

5 Q Well, when you were analyzing the bank records,
6 you were pulling out information from the source of the
7 money into the bank account and primarily that was
8 Medicaid money, correct?

9 A Yes, sir.

10 Q You also pulled out information regarding the
11 major people that received money out of those accounts,
12 correct?

13 A Yes.

14 Q And you grouped that information or sorted it?

15 A Yes, sir.

16 Q And you did by account?

17 A Yes, sir.

18 Q And on -- the first one is on Briscoe Medical
19 Supply. Through the result of your bank analysis and
20 banking review, there was no deposits from Marcus
21 Jefferson?

22 A No, sir.

23 Q And you did not notice any payments to Marcus
24 Jefferson coming out of that account or any of those
25 accounts from Briscoe, did you?

1 A No, sir.

2 Q The next one is for Wickware. Same question.
3 You didn't see Marcus Jefferson putting money in those
4 accounts?

5 A No, sir.

6 Q And you saw no money coming out of those
7 accounts to Marcus Jefferson?

8 A No, sir.

9 Q Perkins Mobility. Same question. You reviewed
10 the bank records?

11 A Yes.

12 Q You found no reference to Marcus Jefferson in
13 any of your bank reviews or bank analysis?

14 A No, sir.

15 Q He didn't make any deposits into the account
16 that you could tell?

17 A No, sir.

18 Q And he received no money from those accounts?

19 A Not that I could tell.

20 Q And Resource Solutions. Now, that was
21 Christopher Williams' company. You reviewed the bank
22 records?

23 A Yes.

24 Q You determined that no reference to Marcus
25 Jefferson and any bank deposit?

1 A No, sir.

2 Q No reference to Marcus Jefferson in any payment
3 coming out of those accounts?

4 A No, sir.

5 Q Were you aware of Marcus Jefferson's identity
6 at the time you did the bank review?

7 A No, sir.

8 Q So there was no question that you asked the
9 folks at Anointed, those 25 people, you asked no
10 questions regarding Marcus Jefferson?

11 A No, sir.

12 Q And you received no answers coming back from
13 those people in regard or relating to Marcus Jefferson?

14 A No, sir.

15 MR. MARTIN: Pass.

16 REDIRECT EXAMINATION

17 BY MS. VOLLMAN

18 Q Did you know at the time whether Marcus
19 Jefferson had come into focus yet?

20 A No.

21 Q Okay. Explain that. They didn't or --

22 A No, he had not.

23 Q Okay.

24 MS. VOLLMAN: That's all I have, Judge.

25 MR. MARTIN: No re-cross, Judge.

1 THE COURT: May this witness be excused?

2 MS. VOLLMAN: Yes, please.

3 THE COURT: Thank you, ma'am. You are
4 excused.

5 Call your next witness.

6 MS. VOLLMAN: Trina Brown.

7 TRINA BROWN,
8 having been first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. VOLLMAN

11 Q Ms. Brown, can you please tell the ladies and
12 gentlemen of the jury your name and what part of town
13 you live in?

14 A My name is Trina Brown Boyd, and I live in
15 Spring, Texas.

16 Q Let me ask you this: Are you currently
17 working?

18 A Not at the moment.

19 Q Okay. Can you -- married, kids?

20 A I'm separated. I am married but separated.

21 Q Okay. Let me ask you this: Can you give us a
22 brief description of your background, what jobs you've
23 held say for the last five, ten years?

24 A Okay. Mainly security but I've also been an
25 office manager at an insurance company, but mainly