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9 Attorneys for Plaintiff

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

11 **IN AND FOR THE COUNTY OF YAVAPAI**

12  
13 STATE OF ARIZONA,

14 Plaintiff,

15 v.

16 MICHAEL LEE HAM,

17 Defendant.  
18

Case No. P1300CR201901558

**STATE'S NOTICE OF DISCLOSURE  
AND REQUEST FOR DISCLOSURE**

(Assigned to Div. 3)

19 The State of Arizona, hereby gives notice of disclosure pursuant to Rule 15.1,  
20 Arizona Rules of Criminal Procedure, and requests disclosure pursuant to Rule 15.2.  
21

22 **Rule 15.1(b)(1) - Witnesses:**

23 The State may call in its case-in-chief or in rebuttal any witnesses from the defense  
24 disclosure and any person named in the police reports, including the following:

- 25 1. Special Agent (SA) Mark McClain, Arizona Attorney General's Office (AGO)  
26

- 1 2. Special Agent Robert Becsey, Health and Human Services OIG Investigator
- 2 3. Supervising Special Agent Travis Smith, AGO
- 3 4. Supervising Special Agent Travis Williams, AGO
- 4 5. SA Ron Davis, AGO
- 5 6. SA Aninna Batista, AGO
- 6 7. SA Adrian Barreras, AGO
- 7 8. Reserve SA Jim Schwegel, AGO
- 8 9. SA Luis Huante, formerly with AGO, now with Yavapai County Attorney's  
9 Office
- 10 10. SA Dustin Hemp, AGO
- 11 11. SA Ariel Perez, AGO
- 12 12. SA Jim Connell, AGO Digital Forensic Examiner
- 13 13. SA Scott Hirsch, AGO
- 14 14. Auditor 3 Donald Carroll, AGO
- 15 15. Analyst Tammy Sunvold, AGO
- 16 16. SA Scott Cunningham, AGO
- 17 17. Agent Amy Wong, HHS-OIG Digital Investigations Branch
- 18 18. Agent Jeff Meissner, HHS-OIG
- 19 19. Agent Brian Roach, HHS-OIG
- 20 20. Agent Patrick Luk, HHS-OIG
- 21 21. Agent Robert Braun, HHS-OIG
- 22 22. Jason Cantrell, supervisor, HHS-OIG
- 23 23. Investigative Supervisor Delores (Dee Dee) Roy, HHS-OIG
- 24 24. Special Investigator Heather Becker, AHCCCS
- 25 25. Sergeant Kardos, Maricopa County Sheriff's Office
- 26 26. Deputy Pruitt, Maricopa County Sheriff's Office

- 1 27. SA Alicia Pineda, US Veteran's Administration
- 2 28. Officer Lichlyter, Prescott Valley Police Department
- 3 29. Officer O. Hernandez, Prescott Valley Police Department
- 4 30. Deputy Colvin, Yavapai County Sheriff's Office
- 5 31. Crysanne Rinderknecht, M.D.
- 6 32. Steve Kopp, D.O.
- 7 33. Oksana Menshesha, ophthalmologist, NAVAHCS
- 8 34. Peter D'Orazio, M.D.
- 9 35. Denise Garcia, M.D. Southwestern Eye Center
- 10 36. Dan Crook, O.D. , Nationwide Vision
- 11 37. Mark Barakat, M.D. Retina Consultants of Arizona
- 12 38. Dr. Jamie Kuhn, Optometrist
- 13 39. Sheila M. Willems, Optometrist, Veteran's Administration (VA)
- 14 40. Candi L. Carroll, Certified Nurse Case Manager, VA
- 15 41. Dr. Renee A. Jelinek, VA
- 16 42. Joann H. Bean, VA
- 17 43. Thomas M. MacPhee, VA
- 18 44. RN Rebecca J. Sullivan, VA
- 19 45. RN Deborah J. Bryant, VA
- 20 46. Blanca Hernandez, Southwestern Eye Center
- 21 47. Amber Medley, Technician, Southwestern Eye Center
- 22 48. Dr. Monica Stotler
- 23 49. Dr. Shepard Bryan
- 24 50. Dr. Cassidy Stock
- 25 51. Dr. Joan E. Haynes-Lee

- 1 52. Dr. Deanna Kaye Price
- 2 53. Dr. Feingold
- 3 54. Dr. Kunimoto
- 4 55. Dr. Morgan
- 5 56. Dr. Mark Rummel
- 6 57. NP Autumn Bolles
- 7 58. O.D. Bradley D. Packer
- 8 59. Charles Starkey, Kokopelli, Kingman office
- 9 60. Vickie Crawford, Kokopelli, Kingman office
- 10 61. Kirstie Esler, Kokopelli, Kingman office
- 11 62. Shelley Jensen, Kokopelli, Kingman office
- 12 63. Jamie Windmiller, Kokopelli, Kingman office
- 13 64. Pamela Frickle, Kokopelli, Referral Coordinator, Prescott Valley office
- 14 65. Cynthia Sutton, accounts receivable, Kokopelli, Prescott Valley office
- 15 66. Rebecca Clark, front office manager, Kokopelli, Prescott Valley office
- 16 67. Shelby D. Rookstool, student intern, Kokopelli, Prescott Valley office
- 17 68. Marla Fonseca, assistant billing manager, Kokopelli, Prescott Valley office
- 18 69. Heather Moreno, eye technician trainee, Kokopelli, Prescott Valley office
- 19 70. Penny Minear, front desk, Kokopelli, Prescott Valley office
- 20 71. Jessica Boettcher, front desk, Kokopelli, Prescott Valley office
- 21 72. David Leininger, accountant/bookkeeper, Prescott Valley office
- 22 73. Mary Cheney, RN, Kokopelli, Prescott Valley office
- 23 74. FNP Frank Colella, Kokopelli, Prescott Valley office
- 24 75. NP Suzie Viaud, Kokopelli, Prescott Valley office
- 25 76. Staci Andersh, optician, Kokopelli, Prescott office

- 1 77. Desiree Guy, optician, Kokopelli, Prescott office
- 2 78. Rose Streeter, financial/surgical coordinator, Kokopelli, Prescott office
- 3 79. Lizeth Sanchez, administrative assistant, Kokopelli, Prescott office
- 4 80. Amy Goodman, front desk, Kokopelli, Prescott office
- 5 81. Cassidy Culwell, front desk, Kokopelli, Prescott office
- 6 82. Sarah Payne, phone operator, Kokopelli, Prescott office
- 7 83. Teri Schenck, phone operator, Kokopelli, Prescott office
- 8 84. Cynthia Cedro, former office manager, Kokopelli, Prescott office
- 9 85. Samantha Weyermiller, former employee, Southwestern Eye Center, Kingman
- 10 86. Kelly Campbell-Diehl, billing, Kokopelli
- 11 87. Barbara Sutton, billing, Kokopelli
- 12 88. Ryan Norton, former office manager, Kokopelli
- 13 89. Diane Hall, former Kokopelli employee
- 14 90. Joyce Armstrong Cooper
- 15 91. Harry Mcelroy
- 16 92. Koren White
- 17 93. Gloria Hiatt
- 18 94. James Hiatt
- 19 95. Joseph Francayigla
- 20 96. Laurie DeVries
- 21 97. Cornelia Smith
- 22 98. Nancy Killingsworth
- 23 99. Greg Meriwether
- 24 100. Barbara Favor
- 25 101. Bill Williams

- 1 102. Dan Bergen
- 2 103. Carol Martin
- 3 104. Elizabeth Lee
- 4 105. Deborah Lowe
- 5 106. Linda Miller
- 6 107. Donna Cruzen
- 7 108. Lesley Donahue
- 8 109. Susan Tribble
- 9 110. Paul Beckwith
- 10 111. Diane Rothwell
- 11 112. Charleen Mitzer
- 12 113. Betty Owens
- 13 114. Christopher Janis
- 14 115. Carol Brown
- 15 116. Joe Guterrez
- 16 117. Rita Guterrez
- 17 118. Tammy Lewellen
- 18 119. Diana Hoad
- 19 120. Cindy Wick
- 20 121. Doris Vaughn
- 21 122. Georgia Lampkin
- 22 123. Darane Richardson
- 23 124. Sherry Magaglen
- 24 125. Phillip Magaglen
- 25 126. Mary Phares

- 1 127. Michael Lee
- 2 128. Geri Ingmire
- 3 129. Brenda Prevo
- 4 130. Candice Young
- 5 131. Lenice O'Connel
- 6 132. Kathy Chasse
- 7 133. Adam Devin
- 8 134. Verlene Love
- 9 135. Irene Muraco
- 10 136. Jeff Gallegos, Camino Eye Clinic, Sun City, AZ
- 11 137. Erin Kay Ham (Victim)
- 12 138. Jared Head, MD
- 13 139. Jessica Lowe, MedInformatix
- 14 140. Paul Giovanni, MerIT Technology
- 15 141. Melissa Summers, MedInformatix
- 16 142. Kathy Richer, Supervisor, West Team, Aetna Special Investigations Unit
- 17 143. John Reinhold, MedInformatix
- 18 144. Margaret Whelan, Executive Director, Arizona State Board of Optometry
- 19 145. Steve Barresse
- 20 146. Paul Shifrin
- 21 147. Jeanne Roush, Team Leader, AZ DHS
- 22 148. Ben Lawrence, Mutual of Omaha Insurance Company, Medicare Supplement  
Claim Department
- 23 149. Linda Elliott, Legal Department, Mutual of Omaha Insurance Company
- 24 150. John Killingsworth
- 25 151. Sasha Lopez, former Kokopelli employee

- 1 152. Gary Cain
- 2 153. Mary Ferris
- 3 154. Denver Puckett
- 4 155. Jessica Goss
- 5 156. Byron Clutterbuck
- 6 157. Robert L. Armstrong
- 7 158. Nick Barrese
- 8 159. Bruce Sherman
- 9 160. Nanette G. Burcham
- 10 161. Sara L. Campbell
- 11 162. Michael Clubine
- 12 163. Michelle Dilley
- 13 164. James F. Dixon
- 14 165. Sharon L. Egan
- 15 166. Wendy Falls
- 16 167. Janice P. Faust
- 17 168. Ronald French
- 18 169. Steven Fullenwider
- 19 170. Frank J. Garrido
- 20 171. Charles Goodson
- 21 172. Lowell Goshow
- 22 173. Linda I. Graham
- 23 174. David I. Groneberg
- 24 175. John Jacobsen
- 25 176. Gail A. Jedlund



- 1 177. Ronald Kovara
- 2 178. Alyssa Lacaze
- 3 179. Toney D. Largo
- 4 180. Clinton Larremore
- 5 181. Ricky Launius
- 6 182. Joann Lee
- 7 183. Joseph F. Maresh
- 8 184. Michael McCarthy
- 9 185. Margitta H. McKinney
- 10 186. Mary C. Meiring
- 11 187. Arthur C. Mize
- 12 188. Ronnie Proctor
- 13 189. Diane F. Robertson
- 14 190. Rita Scheler
- 15 191. Patricia J. Sterner
- 16 192. Julie A. Tarpley
- 17 193. Laurie A. Tetreault
- 18 194. Sandra K. Ward
- 19 195. Jerry L. Wilson
- 20 196. Scott Workman
- 21 197. Toni L. Yowell
- 22 198. Laura Crain
- 23 199. Tricia Fagelman, fka Tricia McMillan
- 24 200. Jennifer Head
- 25 201. Sheradri Compson, fka Sheradri Khan

- 1 202. Elizabeth Price, aka Elizabeth Kieren
- 2 203. Jessica Erks
- 3 204. Ann Nelson
- 4 205. Heidi Elmer
- 5 206. Bethany Pachel
- 6 207. Hollie Tomaszycski
- 7 208. Lindsay Rader
- 8 209. Jennafer Topitzhofer
- 9 210. Renee Azzarello
- 10 211. Jose Alvarez
- 11 212. Shawnee Clarida
- 12 213. Taylor Hahn
- 13 214. Nina Kinsey
- 14 215. Jessica Bicker, aka Jessica Church
- 15 216. Sarah Duncanson
- 16 217. Natasha Klein
- 17 218. Theresa Velasco, aka Theresa Rupp
- 18 219. Jenae Furr
- 19 220. Samantha "Sam" Denny
- 20 221. Christopher Bohn
- 21 222. Lindsay Martell
- 22 223. Amber Havenner
- 23 224. Miranda Kendall
- 24 225. Bobbie Scarborough
- 25 226. Kelsi Bentley, aka Kelsi Popik

- 1 227. Sarah Morgan
- 2 228. Katalina Reda
- 3 229. Jeff Harris
- 4 230. Paije Golledge
- 5 231. Alexis Fagg
- 6 232. Gabriel Anderson
- 7 233. Brooke Croy
- 8 234. Carissa Wall
- 9 235. Daina Christian
- 10 236. Jeffrey Chambers
- 11 237. Jordan Montoya
- 12 238. Daniel Gagnon
- 13 239. Danielle Pascoe
- 14 240. Carlos Garcia
- 15 241. Dinusha Bandaranayake
- 16 242. Monica Zavala
- 17 243. Donalda Sue Sticka
- 18 244. Custodians of Records
- 19 245. Any person listed on any Defense disclosure statement.

20  
21 Any police officer listed above may also be called as an expert witness with  
22 respect to an area within the officer's training and experience.

23 In lieu of calling a custodian of records, the State hereby provides notice that it  
24 may seek to introduce business records through certificate(s) as provided in Arizona  
25

1 Rules of Evidence, Rule 902(11) and Rule 803(6). As a part of the discovery process,  
2 copies of the certificate(s) will be provided for the Defendant's inspection upon  
3 Defendant's request and the records have been provided.

4 Interviews of any of the above referenced witnesses will be arranged and attended  
5 by the State. The State requests that the defense notify the State, in writing, as to which  
6 witnesses will be interviewed, dates and times available for the interviews and how long  
7 the interviews are expected to take.

8  
9 Any additional disclosure may be provided via the Arizona Attorney General's  
10 Office File Transfer server. Defense counsel will receive an email from the State with a  
11 link to the File Transfer server and specific instructions regarding how to download the  
12 disclosure directly from the server. Disclosure will only remain on the server for 60  
13 minutes from the time that the email with the link is sent. In the alternative, Defense  
14 counsel may create an account with the Arizona Attorney General's Office and the  
15 disclosure will remain on the server for 60 days from the time that the email with the link  
16 is sent.

17  
18 For discovery too large to send via the Arizona Attorney General's Office File  
19 Transfer server, or upon request from defense counsel, the State will provide the  
20 discovery on CD or DVDs or external hard drive. CDs/DVD or external hard drive will  
21 be provided to counsel upon the agreement to reimburse the Arizona Attorney General's  
22 Office with replacement blank CDs/DVDs or for the standard office rate of CDs at \$8.00  
23  
24  
25  
26

1 each and DVDs at \$10.00 each. In the alternative, viewing of the discovery is available  
2 at the Attorney General's Office by appointment.

3 **Rule 15.1(b)(1) - Victims:**

- 4 1) Arizona Health Care Cost Containment System (AHCCCS)
- 5 2) Medicare
- 6 3) Department of Veterans' Affairs
- 7 4) Medicaid
- 8 5) Arizona Blue Cross/Blue Shield (BCBS)
- 9 6) Spectera Vision
- 10 7) AETNA
- 11 8) University Care Advantage
- 12 9) United Health Care Group (UHC)
- 13 10) TriWest Healthcare
- 14 11) Humana
- 15 12) Erin Ham

16 **Rule 15.1(b)(2) – Statements of the Defendant:**

17 All Statements of the Defendants were provided to the Defendants as a part of the  
18 State's initial discovery materials provided to defense counsel.

19 **Rule 15.1(b)(3) - Reports:**

20 Ninety seven (97) (as of this filing) investigative reports prepared by various  
21 Special Agents with the Arizona Attorney General's office; reports prepared by Special  
22 Agents / investigators with HHS – OIG. These reports, together with related  
23 documentation, photographs, and audio files, were provided to counsel for Defendant  
24 with the State's initial disclosures, Bates numbered AG000001-AG002330, on January 9,  
25 2020, or with the State's First Supplemental Disclosures, Bates numbered AG002331-  
26 AG002840, on February 7, 2020.

1 **Rule 15.1(b)(4) - Experts:**

2 See Rule 15.1 (b)(1) List of Witnesses, *supra*.

3 **Rule 15.1(b)(5) - Documentary Evidence:**

4 The State intends to use the following documents and/or tangible objects at trial:

- 5 1) Numerous photographs taken during service of search warrant at Kokopelli  
6 locations in Kingman, Sun City, Prescott, and Prescott Valley, AZ.  
7 2) Electronic and/or physical patient medical and billing records.  
8 3) Any item listed on any Defendant's disclosure.  
9 4) Any summary or analysis of any of the above items.  
10 5) Any reports given, written, or previously disclosed.

11 **Rule 15.1(b)(6) - Prior Felony Convictions:**

12 None known at this time.

13 **Rule 15.1(b)(7) - Prior Acts:**

14  
15 The State is not aware of any "prior acts" testimony that it would use at trial, but  
16 reserves the right to use such testimony with proper notice to the parties.

17 **Rule 15.1(b)(8) - Mitigating Information or Circumstances:**

18 Materials that may be a required disclosure pursuant to *Brady v. Maryland*, 373  
19 U.S. 83 (1983) are available for inspection upon request.  
20

21 **Rule 15.1(b) (9) - Electronic Surveillance:**

22 There was no electronic surveillance.

23 **Rule 15.1(b) (10) - Search Warrants:**

24 A copy of P1300SW201800126 and all related materials were provided to the  
25 Defendant as a part of the discovery materials. Additional information regarding the  
26

1 search warrants can be found in the law enforcement reports provided to Defendant.

2 **Rule 15.1(b) (11) - Confidential Informants:**

3 None.

4 **Rule 15.1(b) Evidence**

5 The State may introduce into evidence:

6 Crime/Crime Scene Evidence

- 7
- 8 1. Pictures, reproductions, PowerPoint presentations, charts or diagrams of the
  - 9 crime, crime scene, or any damage or injuries that were a result of the
  - 10 crime.
  - 11 2. All physical evidence taken from the defendant.
  - 12 3. Any fingerprints, footprints, hairs, fibers, blood, bodily fluids, chemicals or
  - 13 other forensic evidence found as a result of the investigation of the crime
  - 14 and their analyses.

15 **Identification Evidence**

- 16 1. Any arrest/booking report or photograph of the defendant related to the
- 17 charged offenses.
- 18 2. MVD records, prior conviction records or other records demonstrating a
- 19 prior identification of the defendant.
- 20 3. Any photographic line-ups.
- 21 4. Any DNA and related examinations or statistical analyses.
- 22 5. Fingerprints or handwriting of the defendant.

23 **Rule 15.1(b) Notices**

- 24 1. Any other witnesses or evidence will be disclosed seasonably according to Rule
- 25 15.6.

1 2. The State has no obligation to provide witness telephone numbers. The only  
2 witness telephone numbers to be disclosed are those that are included in police  
3 reports or other disclosure materials. Some witness personal information, (Social  
4 Security numbers, dates of birth, and phone numbers) may have been redacted  
5 from the disclosure material provided to defense. Unredacted copies of all Rule  
6 15.1 disclosure, except information redacted pursuant to A.R.S. § 13-4434 and  
7 Rule 39(b), Arizona Rules of Criminal Procedure, is currently available to the  
8 defense for review at the Office of the Attorney General, 1000 Ainsworth Drive,  
9 Suite A-210, Prescott, Arizona.  
10

11  
12 3. All of the listed witnesses' existing relevant written statements have been provided  
13 in the police reports or are provided with this notice. Any other statement of a  
14 witness that any witness may remember may be obtained through witness  
15 interviews.  
16

17 4. All existing written statements of defendant have been provided in the police  
18 reports or are provided with this notice. Any other statement of defendant that any  
19 witness may remember may be obtained through witness interviews.  
20

21 5. Any exhibit presented to the grand jury has been disclosed to the defense except  
22 insofar as disclosure may be prohibited by A.R.S. § 13-2812 or any other statute  
23 or rule.  
24

25 6. Defense counsel shall be responsible for recording any witness statement made at  
26



1 an interview of the witness. Unless otherwise indicated, the State wishes to be  
2 present during the interviews of all potential State's witnesses. The State's  
3 witnesses will be made available for defense interviews, except those who testified  
4 at a preliminary hearing or juvenile transfer hearing.  
5

6 7. Experts to be called as witnesses in this case are listed in the witness list. The  
7 names and addresses of experts along with completed results of physical  
8 examinations, scientific tests, experiments, or comparisons have been provided,  
9 are provided with this notice, or will be provided upon completion.  
10

11 8. Any police officer listed above may be called as an expert witness with respect to  
12 an area within the officer's training and experience, including expert knowledge of  
13 illegal drugs, their possession or sale, useable amounts, or any other topic.  
14

15 9. Any criminalist, fingerprint analyst, identification technician, or other similar  
16 witness will be called as an expert in his/her respective field.

17 10. If a witness becomes unavailable pursuant to Rule 804(a), the State will attempt to  
18 introduce prior statements under Rules 804(b) and 807.  
19

20 11. All existing original and supplemental reports prepared by a law enforcement  
21 agency in connection with this case have been provided or are provided with this  
22 notice

23 12. The State is unaware of any existing material or information, unknown to the  
24 defense that would tend to mitigate the defendant's guilt or punishment. Pursuant  
25  
26

1 to *Kyles v. Whitley*, 514 U.S. 419, 437-438 (1995), the State will review any  
2 evidence in its possession, determine if any of it is exculpatory, and, if so, turn  
3 such evidence over to the defense. *Id.*

- 4 13. The State gives notice of additional documents (physical patient files and  
5 electronic medical records in the possession of the Arizona Attorney General's  
6 Office that were gathered during the investigation process but due to the volume  
7 and/or periphery nature to the investigation were not disclosed. The physical  
8 documents are available for review by the defense, by appointment, at the Arizona  
9 Attorney General's Office, 1000 Ainsworth Drive, Suite A-210, Prescott, Arizona.  
10 Electronic medical records will be provided to Defendant subject to the State  
11 being provided with an external hard drive with sufficient memory to contain said  
12 records.  
13  
14  
15


16 **State's Request for Disclosure**

- 17 1. The State requests a list of all papers, documents, photographs, and other tangible  
18 objects that the defendant intends to use at trial.  
19  
20 2. The State requests any completed written reports, statements and examination  
21 notes made by experts the defense intends to call at trial.  
22  
23 3. The State requests copies of any recorded statements made during interviews  
24 conducted without the presence of an Assistant Attorney General.  
25  
26

1 4. The State requests, pursuant to Rule 15.2(a)(3), that defendant submit to being  
2 fingerprinted, palm-printed, or foot-printed at any scheduled court hearing.

3 RESPECTFULLY SUBMITTED this <sup>5<sup>th</sup></sup>20<sup>th</sup> day of February, 2020.

4 MARK BRNOVICH  
5 ATTORNEY GENERAL

6   
7 BRET HARAMES or  
8 CYNTHIA GILTNER  
Assistant Attorney General  
Criminal Division

9 ORIGINAL of the foregoing filed  
10 this 20<sup>th</sup> day of February, 2020, with:

11 Clerk of the Court  
12 Yavapai County Superior Court  
120 S. Cortez Street  
Prescott, Arizona 86303

9489 0090 0027 6140 0194 41

13 COPY of the foregoing delivered  
14 this 20<sup>th</sup> day of February, 2020, to:

15 Hon. Tina Ainley  
16 Yavapai County Superior Court, Div. 3  
120 S. Cortez Street  
Prescott, Arizona 86303

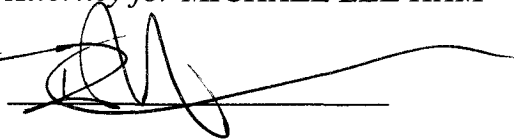
9489 0090 0027 6140 0194 58

17 COPY of the foregoing mailed/delivered  
18 this 20<sup>th</sup> day of February, 2020, to:

19 J. Andrew Jolley  
20 PRESCOTT LAW GROUP, PLC  
116 N. Summit Avenue  
21 Prescott, Arizona 86301  
[andy@plgnaz.com](mailto:andy@plgnaz.com)

9489 0090 0027 6140 0194 65

22 *Attorney for MICHAEL LEE HAM*

23   
24

25 #8460397