BROWNSVILLE PARTNERS ACQUIT CLIENT ON ALL COUNTS IN FEDERAL CRIMINAL TRIAL

On February 28, 2018, Robert L. Guerra, Jr., lead attorney, and John D. Plumlee received a verdict from US District Judge Andrew Hanen acquitting their client on nine (9) criminal counts alleging a conspiracy to defraud Texas Medicaid through fraudulent billings.

The criminal case was tried to the bench over the course of two weeks in September 2017. Judge Hanen found Cody Davis Phillips, former owner of Children’s First Pediatric Rehabilitation in San Benito, not guilty of conspiracy to commit healthcare fraud, aggravated identity theft and mail fraud. During the trial, the US Attorney’s Office presented 24 witnesses and voluminous documentary evidence in an attempt to prove that Phillips conspired to defraud Texas Medicaid by submitting false and fraudulent claims in the amount of $821,145. Guerra and Plumlee successfully argued that Phillips took no part in any alleged conspiracy, as Judge Hanen held that the government failed to prove its case against Phillips beyond a reasonable doubt.

The investigation into Mr. Phillips and his business commenced in 2012, and resulted in an indictment in June 2015. The indictment of Phillips and his co-defendants was part of what the US Attorney’s Office called in a press release at the time the “Largest National Medicare Fraud Takedown in History.” The Texas Attorney General’s Medicaid Fraud Control Unit, Department of Health and Human Services – Office of Inspector General, FBI and Texas Health and Human Services commission conducted the investigation. Given the counts alleged by the government, Phillips was facing a maximum punishment of 10 years in federal prison and a potential $250,000 maximum fine.

Robert L. Guerra, Jr., is a partner in the Rio Grande Valley office, and has been with the firm since 2004. Prior to his work with the firm, Guerra had a successful career as a misdemeanor and felony prosecutor with the Cameron County District Attorney’s Office. Guerra’s practice centers on complex litigation in the fields of construction litigation, personal injury and professional liability.

John D. Plumlee is a partner in the Rio Grande Valley office, and has been with the firm since 2012. Upon graduating from law school, Plumlee gained experience in the field of criminal defense working on a broad range of cases from simple misdemeanors to complex felony cases. With the firm, Plumlee currently handles a wide array of complex civil matters in a number of fields, including construction defect, personal injury and mass tort litigation.