

INFORMATION

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

DEC 07 2011

THE STATE OF OKLAHOMA,)
Plaintiff,)
v.)
CHARLIE LEE JONES,)
Defendant.)

PATRICIA PRESLEY, COURT CLERK

BY

~~DEPUTY~~

CF-2011-6702

Elliott

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW E. SCOTT PRUITT THE DULY ELECTED, QUALIFIED AND ACTING ATTORNEY GENERAL IN AND FOR THE STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE DISTRICT COURT THAT

COUNT 1: ON OR ABOUT THE 20th DAY OF OCTOBER, 2010, A.D. THE CRIME OF WORKERS' COMPENSATION FRAUD WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY CHARLIE LEE JONES, WHO WILLFULLY, WRONGFULLY AND FELONIOUSLY PRESENTED DURING A DEPOSITION TO AN ATTORNEY REPRESENTING HIS EMPLOYER, SOUTHWEST ELECTRIC, IN SUPPORT OF A CLAIM FOR PAYMENT OR OTHER BENEFITS PURSUANT TO A CONTRACT OF INSURANCE THAT HE WAS UNABLE TO DO ANYTHING WITH HIS RIGHT HAND AND THAT HIS CONDITION HAD CHANGED FOR THE WORSE, KNOWING THAT THE STATEMENTS CONTAIN FALSE, FRAUDULENT, INCOMPLETE, AND/OR MISLEADING INFORMATION CONCERNING ANY FACT OR THING MATERIAL TO THE PURPOSE FOR THE STATEMENT WITH THE INTENT TO DEFRAUD AND/OR DECEIVE ANOTHER, CONTRARY TO THE PROVISIONS OF SECTION 1663 (C)(1) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

By:

K. Savage
KATHRYN R. SAVAGE, OBA #18990
ASSISTANT ATTORNEY GENERAL
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I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO ISSUE, (22 O.S. 231).

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
THE STATE OF OKLAHOMA**

THE STATE OF OKLAHOMA,)	
)	
PLAINTIFF,)	Case No.:
)	
vs.)	
)	
CHARLIE LEE JONES)	
DOB: FEBRUARY 7, 1966)	AFFIDAVIT OF
SSN: [REDACTED])	PROBABLE CAUSE
)	
DEFENDANT.)	

The undersigned, being first duly sworn and upon oath, does depose and state as follows:

I, Terry R. Adkins, am employed as an investigator with the Workers' Compensation Fraud Unit in the Office of Attorney General. I was assigned to investigate an alleged case of workers' compensation fraud involving Charles Jones, Date of Birth: February 7, 1966, Social Security Number: [REDACTED]. In the course of my investigation, I obtained and reviewed numerous files and documents and interviewed witnesses pertaining to the case.

The records I reviewed included an order awarding Permanent Total Disability (PTD) Benefits to Charlie Jones from an right arm and right hand injury initially suffered on June 25, 2003. Jones also suffered from psychological overlay. The PTD order was entered at the Workers' Compensation Court on November 18, 2008.

A Form 13 was filed by James Ferguson, Attorney on behalf of Consolidated Benefits Resources, asking that there be a re-evaluation of appropriate treatment by asking the court to appoint an IME to determine necessity/appropriateness of medical maintenance on April 6, 2010.

John A. Munneke, M.D., saw Jones on June 1, 2010, for a medical evaluation in his office located at 36 W. Memorial Rd., Oklahoma City, Oklahoma, 73114, in Oklahoma County. Jones told Munneke that he was in constant pain in his right arm, wrist, and especially his elbow. He stated that he cannot straighten out his elbow and his pain level was an 9 out of 10 all of the time. He described his pain as shooting, throbbing, aching, burning, and sharp. He had difficulty sleeping and was in constant pain. Munneke determined that there were inconsistencies with regard to his examination; however, Munneke recommended ongoing medical maintenance at that time.

On July 10, 2010, Privates Investigator Justin Gould of Heath & Heath Associates obtained video footage of Jones at his residence carrying a bucket of feed in his left hand and use his right hand to scoop feed into the bucket. Jones was then observed in his pool without a brace, vigorously vacuuming the pool with both hands and twisting the pole part of the vacuum with no difficulty.

Jones then exited the pool and carried the hose with his right arm. He returned to the pool and washed his hair with both hands, used his right hand to apply lotion, and brush his hair.

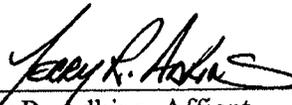
Kent Hensley, M.D., saw Jones on September 20, 2010, in his office located at 6515 N. Ollie, Suite E, Oklahoma City, Oklahoma, 73116, in Oklahoma County. Jones told Hensley that he had pain in his right hand which was accompanied by numbness. He claimed to have no grip in the right hand. He also stated that he had pain in his left shoulder, elbow and hand. He could not fully extend his left elbow. He also could not fully pronate his right hand. Hensley also reviewed the surveillance video taken on July 10, 2010. Hensley observed Jones vigorously clean a pool by using both upper extremities while performing multiple activities. He also grasped normally. He believes Jones was never PTD and had grossly exaggerating his findings. He determined that Jones did not require continued medical maintenance. He recommended Jones return to employment.

Jones was deposed on October 20, 2010, at the office of Jones' Attorney, Michael A. Emmons located at 6301 N. Waterford Blvd., Suite 401, Oklahoma City, Oklahoma, 73118, in Oklahoma County. During the deposition he claimed he could not brush his hair, could not reach up and touch the back of his head with his right hand. Jones claimed to only take off his brace when showering or icing his shoulder. He claimed he could not perform activities or chores in his yard except the feeding of his dog. All of these limitations claimed by Jones were contrary to his activities documented on the surveillance video taken on July 10, 2010.

John Munneke, M.D., wrote a letter dated October 25, 2010, after reviewing the video surveillance footage. Munneke noted Jones' activities with a horse, in and around the pool, and compared them with the way in which Jones represented himself to Munneke on June 1, 2010. Munneke opined that Jones could perform tasks with his right arm and was not PTD. He also noted that Jones displayed no pain behavior whatsoever at any time in the video.

Judge Clarence Kent Eldridge ordered on July 5, 2011, that Jones has had a change of condition to the extent that he is not PTD. Eldridge terminated PTD as of October 21, 2010. This was the date the respondent moved to terminate PTD. Jones filing of a motion to show a change of condition to the worse was denied. Eldridge also stated that Jones' testimony was lacking in credibility and demonstrated numerous misrepresentations. He added that Jones' credibility was impeached by the deposition testimony. Eldridge ordered Jones repay the respondent \$11,385.64 for benefits dated October 21, 2010, to July 5, 2011, (37 weeks).

Based on the above information, I believe that probable cause exists to show that Charlie Lee Jones committed multiple counts of the crime of Workers' Compensation Fraud in violation of 21 O.S. § 1663 (C)(3). Therefore, I request that a warrant be issued for his arrest.



Terry R. Adkins, Affiant

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

ss:

The Affidavit of Probable Cause for Charles Lee Jones was subscribed and sworn to before me this 5th day of Dec., 2011, by Terry R. Adkins.

(SEAL)



Tonya L. Lawson
Notary Public

My commission Expires: _____