APPENDIX A

United States Court of Appeals
for the Fifth Circuit

No. 21-30127

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GERTRUDE PARKER,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:19-CV-13616

(Filed Jun. 15, 2021)

ORDER:

IT IS ORDERED that Appellant's motion for a certificate of appealability is DENIED.

/s/ Carl E. Stewart
Carl E. Stewart
United States Circuit Judge

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	CRIMINAL ACTION
VERSUS	NO: 15-152
GERTRUDE PARKER	SECTION: J(3)

ORDER

(Filed Feb. 24, 2021)

Before the Court is a *Motion to Vacate Sentence under § 2255* (Rec. Doc. 388), filed by Defendant, Gertrude Parker, as well as well as an opposition (Rec. Doc. 400) by the Government. Defendant filed a reply. (Rec. Doc. 431). Having considered the motion and legal memoranda, the record, and the applicable law, the Court finds the motion should be **DENIED** for essentially the reasons stated in the Government's opposition, but especially due to the following reasons.

In order to prove a claim of ineffective assistance of counsel, the defendant must show that the lawyer's representation "fell below an objective standard of reasonableness" and "that the deficient performance prejudiced the defense." *Strickland v. Washington,* 466 U.S. 668, 687-88 (1984). In this case, Defendant primarily argues that: (1) her lawyer failed to make an argument that her conduct was not criminal if her conduct was appropriate under her reasonable interpretation of Medicare; and (2) her lawyer failed to find an expert that would testify that her interpretation of the statute

was reasonable. After reviewing the evidence raised in this case, the Court is convinced that no jury would find Defendant's conduct complied with any reasonable interpretation of the statute. Further, Defendant merely speculates that there is a qualified expert that would have testified to the effect that her conduct was a reasonable interpretation of Medicare. Given the egregious conduct of Defendant, the Court has serious doubts as to whether such a qualified expert exists. Further, there was evidence that Defendant's son and co-defendant, Rodney Hesson fraudulently modified documents in order to cover up their Medicare fraud, which shows that they were aware that their practices were not compliant with the requirements of Medicare. Accordingly,

IT IS HEREBY ORDERED that Defendant's *Motion to Vacate Sentence under § 2255* is **DENIED.**

New Orleans, Louisiana, this 24th day of February, 2021.

/s/ Carl J. Barbier
CARL J. BARBIER
UNITED STATES
DISTRICT JUDGE

APPENDIX C

Hesson's Average Hours Worked Per Calendar Day and Per Date of Service (96101 Only)

Year	Min_dt	Max_dt	Hours	Average Hours per Day	Service Days	Average Hours per Date of Service
2009	1/2/2009	12/31/2009	9,202	25	134	69
2010	1/1/2010	12/31/2010	14,191	39	181	78
2011	1/3/2011	12/21/2011	9,936	28	111	90
2012	1/2/2012	4/8/2012	630	6	21	30
Total	**1/2/2009**	**4/8/2012**	**33,959**	**28**	**447**	**76**

[Government Exhibit 1027]

APPENDIX D

Patients seen by Rodney Hesson at Hattiesburg Health and Rehab on 6/29/2011

Patient initials	90801 Intake Units	96101 Interview Units	96101 Record review Units	96101 Testing Units	96101 Report Writing Units	Total Units billed	Total Face to Face Units	Total Face to Face Time in Minutes	Total Report Writing Time in Minutes
L.C.	1	1	1	1.5	2	6.5	4.5	197	91
J.M.	1	1	1	1.5	2	6.5	4.5	197	91
B.S.	1	1	1	2	2	7	5	213	91
J. S.	1	1	1	1.5	2	6.5	4.5	197	91
W.W.	1	1	1	2	2	7	5	213	91
H. W.	1	1	1	1.5	2	6.5	4.5	197	91
D. A.		0.5	0.5	0.5	1	2.5	1.5	45	31
S. B.		0.5	0.5	0.5	2	3.5	1.5	45	91
L. B.		0.5	0.5	0.5	2	3.5	1.5	45	91
D. C.		0.5	0.5	0.5	1	2.5	1.5	45	31
J. C.		0.5	0.5	0.5	2	3.5	1.5	45	91
J. D.		0.5	0.5	0.5	1	2.5	1.5	45	31
A. F.		0.5	0.5	1	2	4	2	61	91
D. G.		0.5	0.5	0.5	1	2.5	1.5	45	31
C.M.		0.5	0.5	0.5	2	3.5	1.5	45	91
G.M.		0.5	0.5	0.5	1	2.5	1.5	45	31
J.R.		0.5	0.5	0.5	1	2.5	1.5	45	31
N.S.		0.5	0.5	0.5	2	3.5	1.5	45	91

Total patients seen on this day	18
Total units billed for this day	76.5
Total hours billed for this day	50 h 48 min
Total face to face units	46.5
Total face to face min	1770
Total face to face hours	29 h 30 min

[Government Exhibit 1038B]