

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 SAMPHOUN TES,)
 aka: SAM PHOUN TES,)
 DOB: 6/12/1968)
 APSIN ID: 6311568)
 DMV NO. 6311568 AK)
 ATN: 107-504-577) Case No. 3AN-12- Cr.
)
 PENINA TES,)
 DOB: 1/17/1962)
 APSIN ID: 6382095)
 ATN: 107-504-586) Case No. 3AN-12- Cr.
)
 Defendants.)

SW No. 012162 State of California

INFORMATION ADDING MISDEMEANOR TO INDICTMENT

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

Count V - AS 47.05.210(a)(5), Misd A
Medical Assistance Fraud
Samphoun Tes - 003
Penina Tes - 003

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count V

That between December 13, 2007 and January 31, 2008, at or near Anchorage in the Third Judicial District, State of Alaska, SAMPHOUN TES and PENINA TES, knowingly made a false entry or falsely altered a medical assistance record.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

Defendant Samphoun Tes submitted timesheets reflecting he provided personal care services from December 13, 2007 through January 03, 2008 and January 11, 2008 through January 31, 2008 for Solanaima (AKA Toita) Afualo. Immigration & Custom Enforcement Agency (ICE) records reflect Solanaima (AKA Toita) Afualo was out of the country and/or state of Alaska from December 13, 2007 through January 03, 2008 and Samphoun Tes was in the United States. Immigration & Custom Enforcement Agency (ICE) records reflect Samphoun Tes was out of the country from January 11, 2008 through January 31, 2008 and Solanaima (AKA Toita) Afualo was in the United States.

Timesheets received from Caridad Home Care substantiates Samphoun Tes completed and signed timesheets alleging he provided personal care services for December 13, 2007 through January 03, 2008 for Solanaima (AKA Toita) Afualo. Penina Tes, Samphous Tes' spouse signed as Solanaima (AKA Toita) Afualo's legal representative, acknowledging the services where provided by Samphoun Tes during these time periods.

During a October 16, 2012 interview with Samphoun and Penina Tes, Penina Tes acknowledged Solanaima (AKA Toita) Afualo travel to New Zealand and Samphoun Tes travel to Cambodia. Claims data from STARS database documents Caridad Home Care LLC billed for personal care services provided for Solanaima (AKA Toita) Afualo (recipient) for this time period resulting in a total Medicaid loss of \$3,171.00.

CRIMINAL HISTORY: Samphoun Tes

06/10/1987	Assault	87-2592	SIS 01/07/1988
06/10/1987	Shoplifting	87-2592	SIS 01/07/1988

CRIMINAL HISTORY: Penina Tes

03/08/2003	Assault 3	3AN-03-2561	Dismissed 4/25/2003
------------	-----------	-------------	---------------------

Dated at Anchorage, Alaska, this _____ day of November, 2012.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
A. Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

SUBSCRIBED AND SWORN to before me this _____ day of November,
2012 at Anchorage, Alaska.

Notary Public in and for Alaska
My commission expires: End of Hire