

FOR IMMEDIATE RELEASE:

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DOCTOR WRONGFULLY ACCUSED

HOUSTON, TX. April 30, 2012 –

Dr. Tony Ha, a Bellaire chiropractor, has now experienced every medical or legal professional's worst nightmare - a visit from Harris County Assistant District Attorney Wendy Baker and her Barratry Task Force. To make matters worse, Baker and her task force seized confidential patient records.

Add to the ordeal that Dr. Ha voluntarily surrendered himself to Lonnie Blevins, Baker's investigator on the task force, so that he could be processed in a prompt and professional manner. He appeared at 8:30 with an understanding that by voluntarily presenting himself, he would be processed in short order. Instead, he was designated by Blevins to be released with the last group of detainee's being released for the day, at 4 a.m. the following morning. His initial court appearance was a mere 5 hours later, at 9:00 a.m.

Ha hired Houston attorney Bob Bennett to protect his liberty, practice and license. Bennett spoke to Blevins the previous week, and questioned why Ha was even involved in this barratry investigation. Blevins responded that he wasn't sure how or if Dr. Ha was involved in barratry, but despite being unsure of Ha's role, the District Attorney's Office proceeded to not only charge him with a crime, but with a crime that he was never alleged to have committed.

Says Bennett: "It is very disconcerting to defend a doctor in a matter, being prepared to defend against probable cause, and then the charge is read and your client has been charged with 'Falsely Holding Oneself out as a Lawyer' when you believe your client is there to face another charge". Bennett continues that the District Attorney's Office was so confused and disorganized, that upon trying to prove that probable cause existed, The prosecutor Wendy Baker cited a string of facts completely unrelated to the charges presented, and at one point the Judge had to refocus Ms. Baker's attention back to the name of the Defendant. Baker then admitted that a mistake had been made, and those charges were ultimately dismissed.

Not to be deterred, Baker refilled barratry charges against Ha a few days later. The initial appearance in that case was scheduled earlier this morning.

Ha maintains that he has done nothing wrong, and as Bennett notes, the underlying complainant in this case is a lawyer named Marcela Halmagean who "went undercover" to try to catch a lawyer or a doctor doing something unethical or illegal. Halmagean presented at the doctor's office in need of medical care, or so Dr. Ha thought. Instead, the attorney, along with Blevins, surreptitiously recorded their visit, using both video and audio means. The main complaint seems to be that while filling out intake paperwork, Halmagean was presented with an intake form from a lawyer, namely State Representative Ronald Reynolds. After seeing the doctor, Halmagean determined that a copy of her paperwork was at Ron Reynolds' office the following day, and she turned over all the information to Wendy Baker. Based on the information Halmagean provided, an affidavit was prepared in support of a search warrant, and a search warrant was issued and served on Dr. Ha's office, resulting in the seizure of confidential patient files, computers and assorted other property from the office. The extent and detail of items seized is not known at this time because despite repeated requests for copies of documents that prosecutors are by law required to provide, Baker continues to even acknowledge the requests or follow the mandated procedures. When a warrant is obtained, the affidavit in support of the warrant is required to be maintained in the magistrate's file, and the officer's executing the warrant are obligated under the law to provide a detailed list of items seized during the execution of the warrant. On April 25, 2012, the affidavit supporting the search warrant and the inventory of the items seized during the search were not in the magistrate's file as required by law.

Wendy Baker's dreams must have come true the minute she thought she snared a sitting State Representative in her little sting. Reynolds maintains that he is innocent of these charges, and will vigorously defend his honor and reputation.

Another party charged is Adriene Anderson, a local woman who has been an investigator for nearly 20 years, and has had a business supporting legal and medical professionals in their marketing during that time. Anderson contends that there is nothing improper about the way her marketing firm operates, adding that her company structure, marketing methods and telephone scripts have been either drafted or reviewed by a prominent law firm, and that all particulars of her marketing programs are within the bounds of the law.

All parties are charged with Barratry, a third degree felony under the Texas Penal Code. In essence, barratry is engaging in unlawful solicitation of potential clients, with the intent to obtain an economic benefit, when the potential client has not first contacted the professional, or has not requested contract by the professional. The barratry statutes have been heatedly debated over the years, and parts of the current barratry law are still considered unconstitutional.

Bennett says that he is confident that when all the facts are known, Ha and the other Defendant's will be found not to be in violation of any laws, and they will be vindicated.

Bob Bennett & Associates is a Houston based law firm that maintains a statewide practice that specializes in the area of Professional Discipline Defense for doctors, lawyers and judges, and Professional Licensing Issues before the respective Medical and Law Examiner Boards. Bennett has been engaged in this specialized area for more than 15 years, and has enjoyed overwhelming success in the defense of his clients. For more information, contact Bob Bennett at (713) 225-6000. See client and attorney recommendations at [www.avvo.com](http://www.avvo.com).

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REPORTER'S RECORD

337TH DISTRICT COURT CAUSE NO. 1344962

THE STATE OF TEXAS	*	IN THE DISTRICT COURT OF
	*	
VS.	*	HARRIS COUNTY, TEXAS
	*	
TON THANH HA	*	337TH JUDICIAL DISTRICT

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PROBABLE CAUSE HEARING

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On the 24th day of April, 2012, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Herb Ritchie, Judge Presiding, held in Houston, Harris County, Texas.

Proceedings reported by computerized stenotype machine.

Jill Hamby, Official Reporter  
337th District Court, 713-755-0847

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APPEARANCES

FOR THE STATE OF TEXAS:

MS. WENDY BAKER, Assistant District Attorney  
SBOT No. 24013864  
District Attorney's Office  
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Houston, Texas 77002  
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FOR THE DEFENDANT:

BOB BENNETT & ASSOCIATES, P.C.  
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Houston, Texas 77002  
Telephone: 713-225-6000

1 (In open court, defendant present.)

2 THE COURT: We're on the record in Cause  
3 No. 1344962, styled The State of Texas versus Ton Thanh  
4 Ha.

5 Let the record reflect that the defendant  
6 is before the Court with his attorney, Mr. Bob Bennett.  
7 The State of Texas is represented by Ms. Baker -- Wendy  
8 Baker?

9 MS. BAKER: Yes, sir.

10 THE COURT: I thought it was Wendy.

11 All right. At this point, I'm going to  
12 ask Mr. Ha if you would come up and stand with your  
13 attorney.

14 I'm going to ask the State of Texas  
15 through Ms. Baker to present probable cause to the Court;  
16 and while the State is doing this, setting up probable  
17 cause as to why they contend you should continue to  
18 answer the charges, I'm going to ask that you not say  
19 anything. Don't make any statements. Just listen. And  
20 if I find that the State has shown probable cause, I'm  
21 going to give you your statutory legal warnings. And  
22 after that, I'm going to ask that you step over to my  
23 left, to the clerk, and acknowledge receipt of those  
24 statutory warnings in writing; and you're going to be  
25 given a date to come back to court.

1 So, Ms. Baker, if you would be kind enough  
2 at this point to present probable cause.

3 MS. BAKER: Yes, Your Honor.

4 Our complainant in this case is a lawyer.  
5 She was involved in a motor vehicle accident.

6 She received a solicitation from a female  
7 named Sally, by telephone. Sally offered to find a  
8 doctor for the complainant. The complainant told Sally  
9 that she was not injured, but she didn't have any money  
10 for a doctor.

11 Sally said, Don't worry. Don't say that  
12 you're not injured or you won't get any money from your  
13 accident. I can find a doctor for you. I will set up an  
14 appointment, and I will get a rental car.

15 This lawyer pretended to be indigent.  
16 Said, I don't know how I'm going to get there, things  
17 like that. She recorded the telephone call and brought  
18 it to our office.

19 When she arrived at our office, she spoke  
20 with my investigator, Lonnie Blevins. Blevins went with  
21 the complainant to Dr. Ma's office, which is located in  
22 Harris County, Texas. He impersonated her husband. He  
23 wore audio and video recording equipment. When they  
24 entered the clinic, the complainant stated she was there  
25 for her appointment.

1 She was given a clipboard, and the first  
2 piece of paper on the clipboard was not a medical  
3 information form; it was an attorney/client contract -- a  
4 contract with a lawyer named Ronald Reynolds. The  
5 contract lists that he will get 33 and a third percent of  
6 any and all settlements from the car accident. She went  
7 ahead and filled out the paper.

8 She saw Dr. Ha. This is on audio and  
9 video. Dr. Ha asked her, Where are you hurt?

10 She says, I'm not hurt.

11 He kept saying, I'm a doctor. Let me see  
12 where you're hurt.

13 So, he pushes on her until she says, Ouch.  
14 That hurts. You just hurt me.

15 He tells her that she should come back  
16 three times a week for the next four weeks.

17 She then tries to contact the lawyer the  
18 next day. She calls the law office. They confirmed that  
19 they have received her paperwork.

20 We call the law office, and they tell us  
21 they won't tell us the address of where it is. We go  
22 talk to the lawyer.

23 Let me back up.

24 First, we run a search warrant on Dr. Ha's  
25 office a few days later; find files in Dr. Ha's office,



1 including the complainant's file which contained the  
2 attorney/client contract. The attorney/client contract  
3 had been faxed to Mr. Reynolds.

4 We then went to Mr. Reynolds' office and  
5 spoke with Mr. Reynolds. He admits that he has contracts  
6 with Dr. Ha's office and that he receives them several  
7 times a day from Adrian Anderson, these completed  
8 attorney/client contracts.

9 An employee of Dr. Ha said that she faxes  
10 the contracts to a girl named Ashley and gave us a fax  
11 number that came back to a sister of Adrian Anderson.

12 THE COURT: The complaint says Ton Thanh  
13 Ha.

14 MS. BAKER: Excuse me, Judge?

15 THE COURT: The complaint said Ton Thanh  
16 Ha held himself out as a lawyer.

17 MS. BAKER: Well -- yep. They filed as it  
18 falsely holding out as a lawyer, in Intake. It should  
19 have been filed as barratry. He did not hold himself out  
20 as a lawyer. So, that's a problem.

21 I can either rearrest Dr. Ha and he can  
22 post a new bond or we can refile it correctly.

23 THE COURT: Well, at this point the Court  
24 finds no probable cause.

25 MS. BAKER: Okay.

1 MR. BENNETT: Judge, could we then go to  
2 my motion, please?

3 THE COURT: The Court's got no probable  
4 cause.

5 MR. BENNETT: I still can't get my things  
6 back. And so, if we could -- could I get an indication  
7 from the Court as to our motion?

8 THE COURT: I think a dismissal will be  
9 coming from the State until it's refiled.

10 MS. BAKER: It will be refiled.

11 MR. BENNETT: I just -- for the record,  
12 Your Honor, I'd like to present my motion for return of  
13 the items. I understand the Court's ruling. We would  
14 like the Court to rule on that. There's an order there.

15 We've had problems in the past. I've  
16 represented other lawyers and doctors. They've held  
17 personal telephones. They've held computers for months  
18 on end. And we want to start from the very beginning of  
19 making a record that they're refusing to return things  
20 that were improperly taken.

21 THE COURT: When do you anticipate you  
22 will have your nolle?

23 MS. BAKER: Shortly.

24 THE COURT: Okay.

25 MS. BAKER: I mean, the question becomes:

1 Do I make Dr. Ha post a new bond or not? And I'd like to  
2 talk to Mr. Bennett about that.

3 THE COURT: Well, I can give you a few  
4 moments to visit about logistics; and then we can take up  
5 the matter.

6 MR. BENNETT: May we be excused, Your  
7 Honor?

8 THE COURT: You may be.

9 MR. BENNETT: Thank you.

10 (Brief recess.)

11 MR. BENNETT: Your Honor, may I be  
12 excused? I think we've covered everything we have.

13 THE COURT: Yes, sir.

14 MR. BENNETT: Thank you, Your Honor.

15 (Proceedings concluded.)  
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1 STATE OF TEXAS  
2 COUNTY OF HARRIS

3  
4 I, Jill Hamby, Official Court Reporter in and for  
5 the 337th District Court of Harris, State of Texas, do  
6 hereby certify that the above and foregoing contains a  
7 true and correct transcription of all portions of  
8 evidence and other proceedings requested in writing by  
9 counsel for the parties to be included in this volume of  
10 the Reporter's Record in the above-styled and numbered  
11 cause, all of which occurred in open court or in chambers  
12 and were reported by me.

13 I further certify that this Reporter's Record of the  
14 proceedings truly and correctly reflects the exhibits, if  
15 any, offered by the respective parties.

16 I further certify that the total cost for the  
17 preparation of this Reporter's Record is \$ 50.00 and was  
18 paid/will be paid by Harris County.

19 *Jill Hamby*  
20 /s/ Jill Hamby  
21 JILL HAMBY, CSR  
22 Texas CSR 5814  
23 Official Court Reporter  
24 337th District Court  
25 Harris County, Texas  
1201 Franklin  
Houston, Texas 77002  
Telephone: 713-755-0847  
Expiration: 12/31/2013

Jill Hamby, Official Reporter  
337th District Court, 713-755-0847

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Date: April 24, 2012

Re: Cause No. 1344962, The State of Texas vs. Ton Thanh Ha

\* \* \* \* \*

REPORTER'S RECORD  
Transcription of the proceedings held on  
April 24, 2012,

Total due: \$50.00

THANK YOU,  
*Jill Hamby*  
Jill Hamby

Jill Hamby, Official Reporter  
337th District Court, 713-755-0847