**SEALED**

United States District Court

DISTRICT OF TEXAS

COMPLAINT

CASE NUMBER: 3-15-MJ-

3-15MJ707-BF

DOREEN MITCHELL
JOHN MITCHELL
MICHAEL MITCHELL
SONNY MITCHELL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning on or about 1978 and continuing through the present, in the Dallas Division of the Northern District of Texas and elsewhere, defendants, Doreen Mitchell, John Mitchell, Michael Mitchell and Sonny Mitchell did,

Intentionally and willfully combining, conspiring, confederating and agreeing together to conceal or fail to disclose the true activity level and medical condition of Doreen Mitchell, Michael Mitchell, and Sonny Mitchell, which would have affected each person's continued entitlement to Supplemental Security Income payments, with the intent to fraudulently secure such benefits in a greater amount or quantity than was due or when no such benefit was authorized

in violation of Title 18, United States Code, Section(s) 371 (42 U.S.C. § 1383a(a)(3)).

I further state that I am a Special Agent with the Social Security Administration's (SSA) Office of the Inspector General (OIG) and that this complaint is based on the following facts:

See attached Affidavit of Special Agent Cynthia M. Roberts which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: XX Yes No

[Signature]
Signature of Complainant
Cynthia M. Roberts
Special Agent, SSA OIG

Sworn to before me and subscribed in my presence, on this 25 day of Sept, 2015, in Dallas, Texas.

PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

INTRODUCTION

I, Cynthia M. Roberts, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the U.S. Social Security Administration (SSA), Office of Inspector General (OIG), and have been since November 2012. I have been a Special Agent with other federal agencies since September 1997. As a Special Agent with SSA / OIG, I have been trained in the investigation into violations of federal law impacting the SSA's benefits programs, including but not limited to Title 18, United States Code, Section 641 (Theft of Government Funds) and Title 42, United States Code, Section 1383a generally (Supplemental Security Income Fraud). I also investigate identity theft impacting the SSA's maintenance of Social Security numbers, including violations of Title 42, United States Code, 408(a)(7) generally (Social Security Number Misuse).

2. Since May 2014, I have been actively involved in an investigation into Doreen Mitchell, John Mitchell (also known as Patrick Rena), Michael Mitchell, and Sonny Mitchell and, as a result, have reason to believe that these individuals are engaged in violations of federal law as part of a conspiracy to defraud the Social Security Administration in violation of 18 U.S.C. § 371.

PURPOSE OF AFFIDAVIT

3. This affidavit is made in support of a criminal complaint against Doreen Mitchell, John Mitchell, Michael Mitchell, and Sonny Mitchell. If at any time I make reference to an individual named "Patrick Rena," this is truly a reference to John Mitchell, who often uses the identity of Patrick Rena when conducting Social Security related business.

4. I submit there is probable cause to believe that, beginning in or about 1978 and continuing through the present, the defendants, Doreen Mitchell, John Mitchell, Michael Mitchell, and Sonny Mitchell are intentionally and willfully combining, conspiring, confederating, and agreeing together to conceal or fail to disclose the true activity level and medical condition of Doreen Mitchell, Michael Mitchell, and Sonny Mitchell, which would have affected each person's continued entitlement to Supplemental Security Income (SSI) payments, with the intent to fraudulently secure such benefits in a greater amount or quantity than was due or when no such benefit was authorized, in violation of 18 U.S.C. § 371 (42 U.S.C. § 1383a(a)(3)).

5. Venue for this offense lies in the Northern District of Texas, as false statements were made at Social Security offices in Arlington, Texas and Fort Worth, Texas, and withdrawals of improperly obtained benefits took place in Dallas, Texas.

6. The statements in this affidavit are based upon my own observations, information provided to me by Special Agents and other law enforcement officers affiliated with SSA/OIG, information provided by reliable witnesses, and public source and business records.

7. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe the offenses described above have been committed.

8. The SSA is an independent agency of the executive branch of the United States. The SSA is responsible for administering programs under the Social Security Act, codified at Title 42, United States Code, Section 301, et. seq. Relevant to the instant complaint, these programs include the Supplemental Security Income program for the Aged, Blind, and Disabled under Title XVI of the Social Security Act (hereinafter "SSI Program").

9. The SSI program, which is funded through general tax revenues of the United States, provides monthly cash benefits to individuals who are medically "disabled" within the meaning of Title XVI and who, in addition, are eligible for the program on the basis of financial need.

10. The ability of the SSA to properly make initial determinations as to an applicant's medical and financial eligibility for the SSI program is directly dependent upon the SSA's access to accurate and current information regarding that applicant. Moreover, if an applicant is initially found to be eligible, and therefore becomes an SSI recipient, the SSA's ability to properly determine that recipient's continuing eligibility, and the correct monthly benefit due that recipient, likewise is directly dependent upon the SSA's ongoing access to accurate and current information regarding that recipient.

11. The SSA requires disabled SSI recipients to advise the SSA of any improvements in their medical condition, their return to work of any kind, and any changes in their income, resources, address, living arrangements, family size or composition, family income or resources, or absences from the United States for thirty consecutive days or more. The SSA also requires SSI recipients to periodically complete various forms and questionnaires as a means of updating eligibility and benefit level information. Like the initial application, these forms and questionnaires again notify the recipient of his or her continuing responsibility to notify the SSA of any changes in his or her condition.

12. A representative payee is an individual approved by the SSA to manage a beneficiary's funds to ensure that their needs are met. Representative payees are typically named to receive benefits on behalf of a beneficiary who is incompetent, either by age or disability. In cases where a beneficiary is appointed a representative payee, that representative payee is responsible both for using all funds paid for the benefit of that beneficiary for their daily needs and promptly informing the SSA if the beneficiary's condition improves or they return to work.

13. Doreen Mitchell applied for the SSI program in or around 1978 based on allegedly disabling mental impairments, including but not limited to schizophrenia. She was approved for the SSI program in January 1979 with a disability onset date of November 24, 1978.

14. John Mitchell re-applied for the SSI program in or around 2013 based on allegedly disabling mental impairments, including but not limited to schizophrenia; he was denied. Historically, he had been previously allowed benefits in 2002, alleging a disability onset in 1984 for allegedly disabling mental impairments, including but not limited to schizophrenia. He was denied for continued SSI benefits in 2004.

15. On or about March 29, 2001, Doreen Mitchell applied for the SSI program on Michael Mitchell's behalf, while he was still a minor, based on allegedly disabling mental impairments, including but not limited to mild mental retardation. He has received SSI benefits since 2001. Patrick Rena also provided information for Michael Mitchell's application. Doreen Mitchell acts as Michael Mitchell's representative payee.

16. In or around mid-2002, Doreen Mitchell applied for the SSI program on Sonny Mitchell's behalf, while he was still a minor, based on allegedly disabling mental impairments, including but not limited to mental issues and autism. He has received SSI benefits since 2002. Patrick Rena also provided information for Sonny Mitchell's application. Doreen Mitchell acts as Sonny Mitchell's representative payee.

17. John Mitchell has also used the name "Patrick Rena" and the Social Security number belonging to another individual, K.B., and represented it as his own. Furthermore, the investigation uncovered that John Mitchell has an expired Texas identification card and an active Arizona driver's license in the name of Patrick Rena, which both bear his photograph.

18. Beginning in or about 1978, and continuing through the present, Doreen Mitchell and John Mitchell made a series of representations to the SSA, which are more fully described below, that caused the SSA to believe that she was more mentally impaired than she truly was. Further, beginning in or around 2001, Doreen Mitchell and John Mitchell made a series of representations to the SSA, more fully described below, that caused the SSA to believe that Doreen Mitchell's sons, Michael Mitchell and Sonny Mitchell, were more mentally impaired than they truly were. Based on these representations, the SSA concluded that Doreen Mitchell, Michael Mitchell, and Sonny Mitchell were eligible for SSI benefits. Additionally, since May 2014, Doreen Mitchell, John Mitchell, Michael Mitchell and Sonny Mitchell have appeared at interviews and examinations and willfully misrepresented their actual levels of intelligence and functioning in order to either obtain benefits or ensure their benefits would continue.

19. Over the 37-year period, beginning in 1978 and continuing through the present, SSA paid and continues to pay SSI benefits each month to Doreen Mitchell, Michael Mitchell, and Sonny Mitchell. As of August 31, 2015, the SSA has paid approximately \$461,913.02 in benefits based on the representations made that these three individuals were disabled.

Doreen Mitchell – Disability History

20. In or about November 1978, Doreen Mitchell applied for benefits alleging visual and auditory hallucinations. During examinations related to her benefits application, examiners could not estimate her actual level of intelligence because she responded to most questions with “I don’t know.” She was approved for the SSI program in January 1979. When she turned 18, she underwent a Continuing Disability Review and another psychiatric examination, which revealed no medical improvement. However, it was noted that she resisted all efforts of being tested. Her SSI benefits were subsequently continued. She has been her own payee for benefits since in or around 1981.

21. In or around 2004, the SSA / OIG / Cooperative Disability Investigations (CDI) Unit initiated an investigation into the Mitchell family based on an allegation that multiple family members were receiving benefits for the same or similar conditions, as well as inconsistencies in the SSA claim files.

22. In 2004, in an interview in which the CDI unit was covertly involved, but which Doreen Mitchell believed was an interview with an SSA employee related to her benefits, Doreen Mitchell continued to allege hallucinations and stated that despite being unable to read or write, she could manage her own affairs as well as those of her sons. She also claimed to talk to her deceased father, but it appeared to the interviewer that it was rehearsed. Further, despite alleging this disabling mental disorder, her appearance was appropriate, she was properly groomed, and she maintained good eye contact with the employee. On or around May 6, 2004, after this interview, Doreen Mitchell attended a psychiatric consultative examination, at which she did not talk much, but when she did,

her speech was intelligible and there appeared to be no evidence of hallucinations or delusions. Ultimately, it was determined that she showed no evidence of a mental impairment.

23. As a result of the CDI investigation, Doreen Mitchell's benefits were discontinued because she did not meet the requirements of the SSI program. Doreen Mitchell appealed the decision to terminate her benefits, and she appeared before a hearings officer in or around April 8, 2005. Unlike her previous interview, she stated she could not perform chores, prepare meals, or drive, and that she spent all of her time at home and did not like to talk to anyone. She spoke loudly and appeared to be upset about being at the hearing, repeatedly asking where she was, why she had to be there, and wondering when she could leave. At the hearing, she once again appeared to talk to her deceased father, but the hearings officer noted that "her auditory hallucinations during the hearing appeared to be an act and didn't appear to be legitimate," and adopted the decision that she was not disabled "because further review of the medical and non-medical findings, testimony of the beneficiary and the hearing officer's observations do not alter the assessment."

24. Doreen Mitchell appealed this decision to an Administrative Law Judge (ALJ). Prior to that hearing, in connection with her benefits, she attended another consultative examination in 2008, in which she alleged similar mental impairments. The examiner noted that Doreen Mitchell's demeanor reflected marked-to-severe emotional and cognitive regression and that she had "difficulty coping with the demands of society and the practical demands of daily living." She then attended a hearing with the ALJ on June 11, 2008. Following the hearing and review of the recent consultative examination, the

ALJ accepted a medical opinion of a physician who testified at the hearing that Doreen Mitchell's disability continued. While the ALJ considered the substance of the CDI investigation, he stated that any differences between the State Agency Medical Consultants' "opinions and conclusions herein are based chiefly on the testimony and opinions of Dr. Bishara, who had the benefit of new and material medical evidence, namely," the "findings and opinions from March 2008." The ALJ also stated that the opinions of Dr. Bishara were consistent with the consultative examiner, and were "given significant weight." As such, despite the SSA's investigation, payments to Doreen Mitchell continued.

Michael Mitchell – Disability History

25. As stated above, on or about March 29, 2001, Doreen Mitchell applied for SSI benefits on Michael Mitchell's behalf, based on allegedly disabling mental impairments, including but not limited to mild mental retardation. Patrick Rena assisted in the completion of Michael Mitchell's disability application and associated paperwork. At a July 20, 2001 psychological consultative examination, paid for by the SSA and related to Michael Mitchell's benefits application, the examiner assessed a Vineland Social Maturity Scale score of 55, which yielded a social age of 4.8 years old (he was 15 years old at the time) and a social quotient of 30, which led the examiner to assess a provisional diagnosis of moderate mental retardation. The examiner also diagnosed Michael Mitchell with autism and a psychotic disorder. According to the SSA's disability guidelines, the SSA concluded that Michael Mitchell was disabled.

26. As part of the CDI investigation discussed above, on May 6, 2004, during an

approximately 35-minute ruse interview with an SSA / OIG Special Agent and a local sheriff's office detective working in the CDI Unit, Michael Mitchell made regular eye contact with the investigators and answered most of the questions asked of him without hesitation. He stated that he never worked, but did some automotive work on the side; drove a car despite not having a driver's license; shopped regularly; could handle cash; and had gone to Las Vegas to get married six months prior to the interview. He also arranged an interview between the investigators and his mother for the following day, though that interview ultimately did not take place. Conversely, on May 22, 2004 – a little more than two weeks later – at a consultative examination related to his application for SSI benefits, Michael Mitchell would not respond to questions or speak, and no intelligence test could be performed because he did not cooperate with the examination.

27. As a result of the CDI investigation, Michael Mitchell's benefits were discontinued because he did not meet the requirements of the SSI program. Michael Mitchell appealed the decision to terminate his benefits to a hearings officer, who heard testimony from Patrick Rena and Doreen Mitchell that Michael Mitchell did not talk to strangers and was easily scared. The hearings officer found this testimony not credible, since the evidence from the CDI investigation showed that Michael Mitchell had no problems talking to people whom he believed had nothing to do with his disability claim, but did not talk to people or answer questions when he was to see a counselor or other professional trying to evaluate his alleged mental condition. The hearings officer concluded he had no severe mental impairment or mental limitations.

28. However, Michael Mitchell appealed this decision to an ALJ, who also ordered a

new consultative examination in September 2007. At that examination, Michael Mitchell's speech was understandable, although he initially sat mute and uncooperative. He was resistant, but did cooperate after his uncle (Patrick Rena) insisted that he do so. Patrick Rena was the primary informant. The examiner noted that Michael Mitchell's thought processes were simplistic and concrete. His vocabulary was limited. He reported that he saw ghosts "all the time." He was only oriented to person and the fact that he lived in a house. He could not name the President and when asked what day followed Saturday, he said "church." The examiner noted that he could not tell on what basis Michael Mitchell was believed to be malingering, since it was not noted in his chart. He did not think that that was the case and indicated that Michael Mitchell's behavior was consistent with his reported history and current test data. As a result, the ALJ issued a decision relying entirely on these findings, giving little weight to the opinion that Michael Mitchell had no mental impairment and failing to reference either the hearings officer's findings or the CDI investigation in the ALJ's decision to continue benefits.

Sonny Mitchell – Disability History

29. Doreen Mitchell applied for SSI benefits on Sonny Mitchell's behalf in or about early 2002, based on allegedly disabling mental impairments, including but not limited to mild mental retardation. Patrick Rena assisted in the completion of Sonny Mitchell's disability application and associated paperwork. In or around August 2002, Sonny Mitchell was approved for benefits.

30. In or about November 2004, as part of the CDI investigation, Sonny Mitchell was ordered to attend a psychological consultative examination, at which he sat with his head

bowed while his cousin, Patrick Rena, was interviewed. During the examination, he demonstrated no speech and an examiner determined a direct mental examination was not feasible; he was given a diagnosis of psychotic disorder. Sonny Mitchell's benefits were continued.

31. In 2007, when he turned 18, Sonny Mitchell underwent another consultative examination to determine whether his benefits should be continued; he alleged he was still disabled due to a learning disability and schizophrenia. On or about May 10, 2007, Sonny Mitchell attended a psychological consultative examination at which his only cooperative effort was drawing geometric figures on request. Otherwise, he sat with his head down and was uncommunicative, made poor eye contact, appeared to have a minimal vocabulary, and was unable to draw a figure commonly drawn by an average three-year-old. His benefits were continued.

Current Investigation - John Mitchell

32. In or around December 2013, John Mitchell applied for SSI benefits. Despite previously alleging that she could not read or write in her own attempts to get benefits, Doreen Mitchell completed his Adult Function Report and, despite constantly responding to questions about her own condition with "I don't know," was the primary resource for information about John Mitchell's condition. In these forms, Doreen Mitchell claimed she had to tell John Mitchell when to shower, shave, and take his medicine and that he was unable to do housework, prepare meals, or handle money. Doreen Mitchell also stated John Mitchell could only leave the house with her, go to the doctor or the store, and that he could not pay attention or socialize with strangers. John Mitchell's

application for benefits was referred to the CDI Unit for an investigation because of doubts regarding his actual identity, as he has no original identification, and the credibility of his alleged impairments. The referral states that the document sent with the consultative exam reports is a photocopy of an identification card, which his cousin, Doreen Mitchell, says she found.

33. On or about May 28, 2014, John Mitchell appeared for an interview related to this application at the SSA's Fort Worth South Office in Fort Worth, Texas. Doreen Mitchell accompanied him and was the primary informant for his medical condition. During this interview, Doreen Mitchell stated that their family wanted to put John Mitchell in a nursing home, but she made the choice to take care of him and had done so for the last six years, including providing meals for him and taking him to the grocery store. She reported that John Mitchell did not like to communicate with anyone, communicated with spirits, talked to his deceased mother, and that his leg needed surgery and prevented him from engaging in physical activities. She also stated that neither of them could drive and that a family friend took them to the store when necessary. During the interview, John Mitchell put his feet up on Doreen Mitchell's chair and answered few questions.

34. That same day, Doreen Mitchell drove them both from the interview at the SSA office approximately 26 miles and stopped at a grocery store, at which she shopped by herself and politely asked the investigator, who was conducting covert surveillance, if he would like to check out ahead of her.

35. Contrary to Doreen Mitchell's assertions and John Mitchell's presentation at the interview, John Mitchell was seen driving on or about May 20, 2014; May 21, 2014; May

22, 2014; July 11, 2014; July 17, 2014; July 18, 2014; July 21, 2014; July 22, 2014; July 27, 2014; August 1, 2014; August 6, 2014; and August 8, 2014. John Mitchell was also seen soliciting customers for on-the-spot automobile body repair on or about July 11, 2014 and August 1, 2014 and performing repairs on vehicles on or about May 22, 2014; July 11, 2014; and July 27, 2014.

Current Investigation – Doreen Mitchell

36. Doreen Mitchell was scheduled for an interview at the SSA office on July 22, 2014. Prior to this interview, the CDI Unit conducted surveillance at or around the home where Doreen Mitchell and John Mitchell resided and confirmed that her activity level was greater than she had previously disclosed to the SSA. On July 8, 2014, she was observed taking out her trash and scrolling through her cell phone. On July 9, 2014, she was observed driving her black Hyundai SUV to Family Dollar and waiting in the car while a minor child entered the store alone. On July 11, 2014, Doreen Mitchell and John Mitchell were both followed to a Wal-Mart, where they shopped and made separate purchases. On July 17, 2014, Doreen Mitchell was observed entering a Chase Bank by herself, and on July 21, 2014, Doreen Mitchell was observed walking down the street, near her home, talking on her cell phone. She was, at all times, dressed appropriately.

37. On or about July 22, 2014, Doreen Mitchell appeared for an interview related to her entitlement to SSI benefits at the SSA's Mid-Cities Field Office in Grand Prairie, Texas. John Mitchell, using the alias "Patrick Rena," accompanied her. Contrary to the previous interview in May regarding John Mitchell's benefits, where Doreen Mitchell provided most of the relevant information and John Mitchell was largely unresponsive,

John Mitchell now provided most of the information regarding Doreen Mitchell's condition and her daily activities. During the interview, contrary to the surveillance obtained from the previous month, Doreen Mitchell appeared disheveled, actively avoided conversation, mumbled unintelligibly to herself, and claimed she could not leave the house alone. Much like Doreen Mitchell's story two months prior, John Mitchell claimed Doreen Mitchell's brothers were institutionalized, and Doreen Mitchell's father wanted to put her into an institution too, but he would not allow it and had been caring for her for a number of years. John Mitchell claimed Doreen Mitchell talks to her deceased parents and can dress herself, but he has to pick out her clothes. When SSA employees noted that Doreen Mitchell was wearing a nightgown, John Mitchell explained that she refused to change that morning. Doreen Mitchell claimed she never went out alone, and got angry when she was repeatedly asked whether she drove. She claimed she knew how to drive, but claimed she has not driven since she hit a parked car; John stated this incident occurred a few years prior. Doreen Mitchell was generally uninterested and responded to most questions with "I don't know," until approximately one hour into the interview at the subject of how her benefits were managed. At that point, she made eye contact and was engaged in the conversation, providing competent answers. She stated that she was her own payee and was adamant that it stay that way for her and her children. At the end of the interview, Doreen Mitchell claimed that she could not write cursive and had to be shown how to and what it was; however, in 2001 she had signed her name in cursive writing on a Texas Department of Public Safety form for a Texas identification card.

38. Despite these assertions and her presentation at this interview, Doreen Mitchell was observed reviewing her disability paperwork in the car immediately following the interview. Further, later that same date, July 22, 2014, Doreen Mitchell was seen walking with two children who appeared under the age of 18. Together, these three walked approximately one mile down a fairly busy road, waited appropriately at the crosswalk and pressed the button for a walk sign. Doreen Mitchell was no longer wearing the nightgown and was appropriately dressed. On July 29, 2014, Doreen Mitchell was again observed walking around the block near her address with two juvenile females, and later driving and shopping at a Liberty Shoe Warehouse and Thrift Town with the two juvenile females and another adult. On August 6, 2014, she was followed to the Dallas First Church, where John Mitchell and the two juveniles accompanied her, and was seen sweeping the floors of the building at the church where they were gathering. On August 10, 2014, Doreen Mitchell drove herself to the same church – approximately 20 miles from her address – where she remained for a couple of hours. On December 22, 2014, Doreen Mitchell drove to a DD's Discounts and Dollar Tree with the same two children and appeared to make purchases at both stores. On January 16, 2015, Doreen Mitchell was followed to a funeral home in Irving, Texas and was observed placing tablecloths on the tables delivered for an evening gathering, serving food at the gathering, and socializing with friends and family. Finally, on February 20, 2015, Doreen Mitchell was followed alone to a Kroger grocery store near her residence where she purchased over-the-counter liquid medicine. As she was able to leave the house unaccompanied, drive, care for children, and socialize with large groups of people, Doreen Mitchell

clearly demonstrates a higher level of functioning than she related to the SSA.

Current Investigation – Michael Mitchell

39. On or about October 8, 2014, Michael Mitchell appeared for an interview related to his entitlement to SSI benefits at the SSA's Mid-Cities Office in Grand Prairie, Texas. Doreen Mitchell and John Mitchell, using the alias Patrick Rena, accompanied him.

40. During the October 8, 2014 interview, Doreen Mitchell and John Mitchell stated that Michael Mitchell needed help completing simple tasks, did not interact with anyone he did not know, and had not worked since his last disability hearing in or around 2007. Michael Mitchell attended the interview wearing a t-shirt and athletic shorts with unkempt hair and an unshaven face, sat down, facing off to the side, and would not look either of the SSA employees in the eye. Doreen Mitchell provided all of the information relevant to Michael Mitchell's condition and claimed that Michael Mitchell only spoke to her and Patrick Rena and did not communicate with others. Michael Mitchell whispered once under his breath that the SSA employees did not need to know how his finances were being handled. Doreen Mitchell and John Mitchell claimed that Michael Mitchell needed reminders to complete daily hygiene, did not make meals for himself, did not drive, did not shop, could not count or manage money, only spoke to people he knew, had not worked since his last medical hearing, and did not associate with anyone that he did not know. SSA employees reviewed the paperwork with Doreen Mitchell and Michael Mitchell, who both signed forms indicating that they understood that anyone who misrepresented facts or lied to SSA was committing a federal crime. Doreen Mitchell signed the form in cursive and Michael Mitchell signed the form with a simple "M."

41. Contrary to Michael Mitchell's appearance at this interview and the representations made to SSA regarding Michael Mitchell's functioning, later that same day, October 8, 2014, Michael Mitchell was observed driving a vehicle – alone – advertising paintless dent repair and purchasing items from a gas station. On November 26, 2014, Michael Mitchell drove from an address in White Settlement to Doreen Mitchell's residence, which is approximately 23 miles away. On January 8, 2015, Michael Mitchell was seen at a QT gas station and later followed to Sonny Mitchell's apartment, driving a white Dodge Ram that displayed signs advertising on the spot body repair. On January 16, 2015, Michael Mitchell drove his own vehicle from Doreen Mitchell's residence to a funeral home in Irving, Texas and stopped for gas at a 7-11 on the way. He spent the entire day at the funeral home, where he was observed socializing with family and friends. On January 21, 2015, Michael Mitchell was seen driving to a QT gas station alone and purchasing items. He was later followed to a business where he appeared to be assisting friends or family with the purchase of a vehicle. Michael Mitchell test drove the vehicle and inspected the engine compartment as well as the vehicle's title. On March 20, 2015, Michael Mitchell was seen driving a woman and two children to a Walgreen's and waited in the car while the others shopped.

42. On or about May 4, 2015, Michael Mitchell was also observed driving, going to the grocery store by himself, shopping for groceries, going to Ace Cash Express and leaving with paperwork. My investigation confirms that Michael Mitchell has an active account at Ace Cash Express where he used an Arizona driver's license. On

February 2, 2015, Michael Mitchell cashed a \$4,191.32 check from Durable Specialties,

Inc., P.O. Box 535969, Grand Prairie, TX 75053, for "Release for property [illegible]" at an ACE Cash Express location. According to a printout from Ace Cash Express, the check code is "91 Payroll Handwritten." I subsequently verified that the driver's license on file with ACE Cash Express is valid and was issued by the State of Arizona on November 3, 2004. Finally, on July 18, 2015, four days before a consultative examination, a new vehicle bearing signs advertising dent repair was located and found to be registered to Michael Mitchell. As he was able to leave the house unaccompanied, drive, perform work activity, and socialize with large groups of people, as well as appear to handle money and read a car title, Michael Mitchell clearly demonstrates a higher level of functioning than he related to the SSA.

Current Investigation – Sonny Mitchell

43. On or about October 8, 2014, Sonny Mitchell appeared for an interview related to his entitlement to SSI benefits at the SSA's Mid-Cities Office in Grand Prairie, Texas.

Doreen Mitchell and John Mitchell, using the alias "Patrick Rena," accompanied him.

44. On or about October 8, 2014, relevant to Sonny Mitchell's condition, Doreen Mitchell and John Mitchell claimed Sonny Mitchell does not communicate with others and only spoke to them and his girlfriend. Sonny Mitchell arrived wearing a blue colored t-shirt and athletic shorts. His hair was unkempt and his face was unshaven. He was observed looking disinterested and never made eye contact with the SSA employees. Sonny Mitchell simply whispered once, under his breath, that he wanted to go home. John Mitchell claimed Sonny Mitchell does not like to be around individuals he did not know and would not look anyone in the eye. Doreen Mitchell claimed that Sonny

Mitchell needed help completing simple tasks and his hygiene. Doreen Mitchell also claimed Sonny Mitchell had not worked since the last medical hearing, and John Mitchell claimed that Sonny Mitchell likes to help him around the shop fixing cars, every now and then. Doreen Mitchell stated that Sonny Mitchell had to be told to take his medication, did not drive, did not shop, could not manage money, only spoke to people he knew, did not remember things and did not associate with anyone he did not know. Both Doreen Mitchell and Sonny Mitchell signed the redetermination paperwork indicating that they understood that anyone who misrepresented facts or lied to SSA was committing a federal crime. Doreen Mitchell signed the form in cursive and Sonny Mitchell signed the form, "2 ONNy MiteLL."

45. Contrary to the representations made to the SSA regarding Sonny Mitchell's functioning, that same day, October 8, 2014, Sonny Mitchell was seen driving a pick-up truck that displayed magnetic signs advertising on-the-spot body repair. He was followed to a QT gas station near Doreen Mitchell's residence, where he was observed performing dent repair on a customer's vehicle. He appeared to be compensated for that repair with gasoline for his vehicle. After the job was completed, he entered the QT with a female and they purchased items. He was later observed driving through a nearby Home Depot parking lot looking for body repair work. Sonny Mitchell was also seen soliciting or performing automobile repair work on October 10, 2014; October 17, 2014; October 24, 2014; and October 28, 2014. On November 14, 2014, Sonny Mitchell was seen removing dents on a vehicle in the parking lot of his apartment complex and was followed to the self-service carwash driving the vehicle where he washed the exterior.

On January 16, 2015, Sonny Mitchell was also seen at the funeral home with the rest of his family and, later that day, Sonny Mitchell drove John Mitchell and two unidentified males to a store to purchase beer. He was also seen socializing with friends and family. On May 22, 2015, Sonny Mitchell was followed to a Kroger grocery store, where he was observed exiting the driver's seat and entering the store alone. Sonny Mitchell was seen at the Western Union counter, which is located within Kroger near the front registers. A CDI Unit investigator was able to overhear the conversation at the counter, in which it appeared that Sonny Mitchell purchased a money order. Sonny Mitchell was then observed shopping for grocery items alone. As he was able to leave the house unaccompanied, drive, handle money and purchases, socialize with large groups of people, and perform regular work activity, Sonny Mitchell clearly demonstrates a higher level of functioning than he related to the SSA.

2015 Consultative Examinations

46. On or about July 21, 2015, Doreen Mitchell appeared for a consultative examination with Dr. Alicia Coleman for the purpose of determining her continued right to benefits. John Mitchell also appeared as Patrick Rena. At the exam, Doreen Mitchell presented her Social Security disability paperwork as identification, and was uncooperative. She was dressed in a dirty, somewhat transparent nightgown with visible black undergarments and a scarf sloppily tied around head. She displayed poor hygiene, and her speech, though choppy with a hostile tone and loud volume, was generally understandable. Dr. Coleman found it difficult to gather detailed information from her due to her generally hostile presentation, and she was observed to put forth inadequate

effort on the mental status examination. Doreen Mitchell claimed she did not know why she was applying for disability and claimed she needed to ask her father. She claimed to experience auditory hallucinations, but stated she has never received psychiatric treatment or taken medication for her condition. Doreen Mitchell made statements such as "I don't like to see nobody or go nowhere" and "the lady told the judge a long time ago, medication doesn't help me." When asked about her activities of daily living, she stated she was independent in self-care activities, but did not have a driver's license and either walks or relies upon Patrick Rena for transportation and that Patrick Rena buys her groceries. When asked about a typical day, Doreen Mitchell responded "just stay home, nothing." When asked what city she lives in, Doreen Mitchell started to say "Arlington," but then stopped herself and indicated she does not know which city she lived in. Doreen Mitchell frequently stated she wanted to go home and "I won't see no more judges." Dr. Coleman noted that Doreen Mitchell's eye contact was generally poor but that she was indeed capable of making it at times and that, while she walked into the room slowly, she walked out fairly quickly. When asked, Doreen Mitchell did not know the current date, which city she was in, or which floor of the building she was on, but knew that she was in the state of Texas. Doreen Mitchell spent 30 minutes of this examination providing information by herself before John Mitchell entered the room to assist with information.

47. Dr. Coleman determined that Doreen Mitchell's presentation during this assessment was not judged to be a valid representation of her true level of functioning. Her alleged symptoms suggested a psychotic or mood disorder, but her description of hallucinations was incongruent with the typical reports of symptoms of this type, and her

records indicated varying degrees of functional ability that could not be attributed to being on or off medication. Dr. Coleman instead felt that she demonstrated personality pathology suggestive of a personality disorder with antisocial traits. Further, because there were discrepancies between previous reports of her functional ability and her stated current functional ability, along with her presentation during the evaluation, Dr. Coleman felt Doreen Mitchell was engaging in impression management and was given a code for malingering to account for an attempt on her part to feign or overexaggerate her issues for secondary gain. Dr. Coleman felt Doreen Mitchell's prognosis was poor, but that her assessment was not valid based on what was observed.

48. On or about July 21, 2015, Michael Mitchell also appeared for a consultative examination with Dr. Alicia Coleman for the purpose of determining his continued right to benefits. John Mitchell also appeared as Patrick Rena. Michael Mitchell presented his disability paperwork as identification. Patrick Rena had to coax him into signing the consent forms related to the examination, and Michael Mitchell responded by picking up the clipboard and slamming it on the table. During the interview, Michael Mitchell was uncooperative, selectively responsive and deemed to be a poor historian, and Dr. Coleman was required to obtain some information from John Mitchell.

49. During the part of the examination where Michael Mitchell was the sole informant, when asked about his reason for applying for disability, he stated "I want my grandfather" and, when asked again, was unresponsive. He generally appeared tired and lethargic, stated he was afraid of the examiner because he did not know her, and stated "I don't know" or was largely nonresponsive to questions. He wore stained and ill-fitting

clothing and displayed poor hygiene and he frequently mumbled and was unintelligible at times. He claimed to experience auditory hallucinations of laughter, and saw "all kinds" of people "all of the time." He also reported symptoms of anxiety around "everyone I don't know." He claimed to be independent in all self-care activities, but his girlfriend had to remind him. He did not cook because "I make too much mess," and did not clean up his home environment because "girls do that." Contrary to what was observed prior to the examination, Michael Mitchell reported he was dependent upon others, specifically Patrick Rena, for transportation because riding the bus was "too scary," and that his family accompanies him shopping for basic necessities. He reported he spent his day watching cartoons. Dr. Coleman noted he appeared to have problems following verbal instructions, but that, while he stated he did not know letters and could not sign his name, he had signed other documents in his SSA file. When asked if he had ever had surgery, he responded nonsensically with "pizza." He did admit that he sometimes helped Patrick Rena "fix cars." When asked, he could not identify his birth day, month, or year; the day of the week; or the city, county or state that he was in; but he knew his age and what floor he was on in the building.

50. As a result of the examination, Dr. Coleman determined that the information Michael Mitchell presented indicated a developmental or psychotic disorder, but that he seemed to overly emphasize the negative aspects of his condition for secondary gain. He instead demonstrated personality pathology suggestive of a personality disorder with antisocial traits. As such, she gave him a diagnosis of antisocial personality disorder and malingering to account for an attempt on his part to feign / exaggerate his issues for

secondary gain. She did not believe the examination to be a valid assessment of Michael Mitchell's abilities or a valid representation of his true level of functioning and current abilities due to lack of cooperation and effort.

51. Contrary to Michael Mitchell's statements and presentation during the examination, that same day, July, 21, 2015, prior to the examination, Michael Mitchell had an argument with some painters about paint on his truck and moved that vehicle away from the painters prior to getting in the car and attending the examination. Three days later, on the afternoon of July 24, 2015, Michael Mitchell had care of a child, who he took to a gas station. While there, he pumped gasoline and talked to another customer about automotive body work, pointing to magnetic signs on his door. Michael Mitchell then drove to Sonny Mitchell's residence and chatted with him in the parking lot. Investigators observed Michael Mitchell driving for approximately one hour, but he drove in a manner intended to keep others from following him.

52. On or about July 21, 2015, Sonny Mitchell also appeared for a consultative examination with Dr. Alicia Coleman for the purpose of determining his continued right to benefits. John Mitchell also appeared as Patrick Rena. Sonny Mitchell presented his disability paperwork as identification. During the interview, Sonny Mitchell was uncooperative, selectively responsive and deemed to be a poor historian and Dr. Coleman was required to obtain some information from John Mitchell.

53. During the part of the examination where Sonny Mitchell was the sole informant, when asked about his reason for applying for disability he stated, "I want to go home," and when asked again, stated, "I don't know." At the beginning of the interview, he was

uncooperative and unresponsive to questions asked by the examiner and appeared tired and lethargic with poor eye contact. His clothing appeared dirty and too small. Sonny Mitchell was unable to describe his symptoms; John Mitchell stated Sonny Mitchell has a history of treatment for schizophrenia since age 11, to include visual hallucinations and a talking doll. Sonny Mitchell is independent in self-care, but completes it with less frequency due to his symptoms. He makes simple meals and can clean. He is dependent upon John Mitchell for transportation, stating he is "scared" to ride the bus. John Mitchell assists him in shopping for basic necessities, but he requires assistance with finances from John Mitchell. He spends his day watching "TV," primarily cartoons like SpongeBob. Sonny Mitchell reported problems with interactions with other people. He stated he has "ten" children, but John Mitchell indicated that he only had three. John Mitchell stated he lives in Arlington, but Sonny Mitchell did not know whether he lived in a house or an apartment. When asked if he has ever held a job, Sonny Mitchell said, "I don't know." When asked if there was any type of work, he can do, Sonny Mitchell replied, "fix cereal." Dr. Coleman noted that Sonny Mitchell laughed at a joke she made and he referenced it later. When asked, he could not identify his age, birth day, month, date, year, day of the week, or city, county, and state of the evaluation; however, he knew what floor he was on in the building.

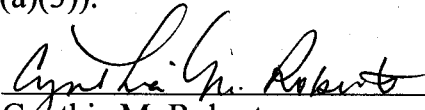
54. As a result of the examination, Dr. Coleman determined that the information Sonny Mitchell presented indicated a developmental intellectual / psychotic disorder, although he exhibited several behaviors discrepant with his reported condition that are consistent with those that overly emphasize the negative aspects of their condition for

secondary gain. He instead demonstrated personality pathology suggestive of a personality disorder with antisocial traits. As such, she gave him a diagnosis of antisocial personality disorder and malingering to account for an attempt on his part to feign / exaggerate his issues for secondary gain. She did not believe the examination to be a valid assessment of Sonny Mitchell's abilities or a valid representation of his true level of functioning and current abilities due to lack of cooperation and effort.

55. Since surveillance of the Mitchell family began in or around May 2014, investigators have noted that, despite alleging they were unable to drive, John Mitchell has had one vehicle registered in his name, "Patrick Rena" has had two vehicles registered in his name, Michael Mitchell has had two vehicles registered in his name, and Sonny Mitchell has had one vehicle registered in his name.

56. Western Union records show numerous financial transactions affiliated with Michael Mitchell, Sonny Mitchell, and John Mitchell over the last five years. Some of the transactions are over \$20,000 and have been sent to overseas locations. Further, bank records belonging to Michael Mitchell revealed a February 2015 check in the amount of \$4,191.32 from Durable Specialties, Inc., which, whether income or resources, was not reported to the SSA. Michael Mitchell's accounts also show checks in July and August 2014 for payment for "car repair" and "bike repair."

57. In light of the evidence summarized above, there is probable cause to believe that Doreen Mitchell, John Mitchell, Michael Mitchell and Sonny Mitchell are intentionally and willfully combining, conspiring, confederating, and agreeing together to conceal or fail to disclose the true activity level and medical condition of Doreen Mitchell, Michael Mitchell, and Sonny Mitchell, which would have affected each person's continued entitlement to SSI payments, with the intent to fraudulently secure such benefit in a greater amount or quantity than was due or when no such benefit was authorized, in violation of 18 U.S.C. § 371 (42 U.S.C. § 1383a(a)(3)).


Cynthia M. Roberts
Special Agent
SSA/OIG

Sworn and subscribed to me under penalty of perjury this 25 day of September, 2015.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE