

## Prosecutor of the Year Award Goes to Colorado Duo who Cracked Fraud Scam

By: Coalition Against Insurance Fraud

A serial insurance thief faked injuries from minor crashes she set up to steal more than \$275,000 worth of insurance money until two Colorado state prosecutors derailed her nearly 20-year crime spree with a fraud conviction.

Their hard-fought jury conviction, superior preparation and creative legal arguments earned Cynthia Kowert and Crystal Littrell the Prosecutor of the Year Award from the Coalition Against Insurance Fraud.

“Staged crashes raise auto premiums for honest drivers and place innocent motorists at risk. These prosecutors’ courtroom excellence made Colorado’s roadways safer and turned costly auto scams into an expressway straight to jail,” said Coalition executive director Dennis Jay.

The award honors distinction with insurance fraud prosecutions. It stands as a model of best practices in courtroom skill that contributes materially to the fight against insurance fraud. The Coalition is a nonprofit alliance of consumer groups, insurers and government agencies combatting insurance fraud.

Kowert and Littrell are prosecutors with the Colorado Attorney General’s Office. They assembled complex evidence into a clearly understandable case.

Briana Nguyen made 25 suspect claims for crashes that bilked auto insurers beginning in 1995. She typically jammed on her brakes, forcing drivers to rear-end her car. The damage usually was minor and the impact slight. Even so, Nguyen lied to auto insurers that she had painful injuries to her back neck, shoulders and other areas of her body. Soft-tissue injuries typically are difficult to medically challenge.

Many of Nguyen’s claims were identical. She often recycled the same small dents for prior crashes and claimed the same injuries. Nguyen used her young daughter as a passenger, once claiming the child suffered partial paralysis. She used others as passengers in setup wrecks and falsely claimed they were injured. Nguyen used aliases to avoid detection and often highly exaggerated her “injuries.”

After one small vehicle bump, she falsely claimed “pins and needles” in her arms, shortness of breath, nervousness, loss of taste, depression, insomnia, nausea, and inability to care for her children or drive to the store for groceries.

Nguyen made 53 insurer-paid visits to one doctor after another setup wreck. She also claimed extensive lost wages for a job at a fast food restaurant. Yet Nguyen only worked there for one day cutting potatoes, and forged the manager’s signature to wage forms.

Kowert and Littrell meticulously in built a case that revealed Nguyen’s lengthy pattern of defrauding numerous auto insurers. At least 80 witnesses testified. Some 80,000 pages of evidence were assembled and 182 exhibits used. The prosecutors worked deep into the evening and on weekends assembling and prosecuting the complex case.

Well-prepared, they won most of the dozens of Nguyen’s stalling motions. The prosecutors also won the objections Nguyen made for every witness the pair called to testify. They overcame the court’s excluding critical medical evidence as well.

The prosecutors also used creative legal arguments when Nguyen contended the statute of limitations prevented prosecuting of claims. The statute of limitations should run from the date the false claims were discovered, not when the claims were made, Kowert and Littrell successfully countered.

Nguyen was convicted of 21 felonies, and sentenced to 90 days of jail and restitution.

Kowert and Littrell credit the auto insurers, their own trial team and the National Insurance Crime Bureau.

The Coalition, in turn, credits Kowert and Littrell with courtroom excellence that derailed a serial insurance scammer and made the roadways of Colorado safer.