

FILED

NO CR46899 Count I

THE STATE OF TEXAS
V
JOSEPH FOSTER

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2021 AUG -2 PM 12 09
IN THE DISTRICT COURT
441st JUDICIAL DISTRICT
MIDLAND COUNTY TEXAS
MIDLAND COUNTY TEXAS
BY *Don Price*
DEPUTY CLERK
DONNA PRICE

**TRIAL JUDGMENT OF CONVICTION
Confinement TDCJ ID**

Judge Presiding HONORABLE JEFFREY TODD ROBNETT
Date Judgment Signed The 29th day of July 2021
Date Sentence Pronounced The 29th day of July 2021
Defendant s State Id # TX01987230
Defendant s Birth date 11/4/1956

Attorney for State ANDREW VAN DER HOEVEN
Attorney for Defendant Paul Williams
Presiding Juror PATRICIA TEXTER

Offense Convicted Securities Fraud Aggregated over \$100 000 00
DPS Offense Code 26070077
Degree Offense Felony - 1st Degree
Penal Code VCS §581 29(C)(3)
TRN / TRS Unavailable

Date Offense Committed The 31st day of December 2011
Date Trial Began The 26th day of July 2021

Charging Instrument Indictment/Information
Plea of Defendant Not Guilty
Plea Made Before Jury

Verdict of the Jury Guilty TO THE OFFENSE OF Securities Fraud Aggregated over \$100 000 00 Over \$100 000
Presiding Juror PATRICIA TEXTER
Punishment Assessed by The Judge

Punishment Confinement TDCJ ID Confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of ELEVEN (11) YEARS and by a fine in the amount of \$0 and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

Restitution/Reparation \$324 400 00 in total Paid out in the following amounts
1 Ezio Maiolini \$205 000 00
2 Alexander Forest \$39 800 00
3 James Freel \$39 800 00
4 Ralf Hofmann \$39 800 00

The Court Concurrent less otherwise specified The defendant shall be give credit s equired by A ticle 42 03 V A C C P tow ds
the s tenc this cause f all time spe t n j il pretrial fi ement in connect with this cause f om the date of rrest of the
defend t to the date of th se te ce of the def da t, excluding o fi ment serv d as ditio of mm nity s pervision, as certified
by the Sh rff d/ o d red by th Co t as p rat orde fil di th p pers of th s

FILED

NO CR46899 Count 1

2021 AUG -2 PM 12 09

THE STATE OF TEXAS

V

JOSEPH FOSTER

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IN THE DISTRICT COURT, 441st JUDICIAL DISTRICT, MIDLAND COUNTY, TEXAS

441st JUDICIAL DISTRICT

MIDLAND COUNTY TEXAS

DISTRICT CLERK
MIDLAND COUNTY TEXAS
BY *Diana Price*
DIANA PRICE

**JUDGMENT OF CONVICTION
Confinement TDCJ ID**

On the 26th day of July 2021 the above numbered and entitled cause was regularly reached and called for trial when came the State of Texas by her District Attorney and the Defendant in person and by the Defendant's Attorney and both parties announced ready for trial Thereupon the Defendant in open court pleaded Not Guilty to the charge contained in the indictment or information before the Jury Having heard the defendant entered a plea of Not Guilty thereto and after hearing all of the evidence adduced by the State and the Defendant and after hearing the argument of counsel the Jury was of the opinion and so finds beyond a reasonable doubt that the said defendant is guilty of the offense of **Securities Fraud Aggregated over \$100 000 00** as charged in the indictment or information and that the said defendant committed the said offense on the 31st day of December 2011

The Judge then heard all of the evidence adduced by the State and the Defendant on the issue of punishment and after considering the said evidence and the argument of counsel the Judge finds that the punishment of the Defendant should be fixed at confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of ELEVEN (11) YEARS and by a fine of \$0 and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

IT IS THEREFORE CONSIDERED ORDFRFD ADJUDGED AND DECREED that the said defendant is guilty of the offense of **Securities Fraud Aggregated over \$100 000 00** and that the said defendant committed the said offense on the 31st day of December 2011 and that the Defendant's punishment be fixed as assessed by the Judge to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of **ELEVEN (11) YEARS** and by a fine of **\$0** and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

ON THE 29th day of July 2021 the Defendant and the Defendant's Attorney of Record appeared before the Court for sentencing and the Defendant being asked by the Court if sufficient reason existed why the sentence of this Court should not be pronounced failed to give such reason whereupon the Court proceeded in the presence of the said Defendant and Defendant's attorney to pronounce sentence as follows

IT IS THE ORDER OF THIS COURT that the said Defendant **JOSEPH FOSTER** who has been adjudged guilty of the offense of **Securities Fraud Aggregated over \$100 000 00** be and is hereby sentenced to confinement in the Institutional Division of the Texas Department

of Criminal Justice for a period of ELEVEN (11) YEARS and by a fine of \$0 and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

IT IS THE ORDER OF THE COURT that the defendant pay the restitution and/or reparation as stated on the first page of the judgment

IT IS THE ORDER OF THE COURT that all court costs fines fees assessments and restitution are due and owing and shall be paid by the defendant in full on the day the judgment and/or sentence is entered in writing against the defendant All courts costs fines fees assessments and restitution shall be paid to the Midland County Constable Precinct Four 709 Washington Street Midland Texas 79701 who shall disperse the same according to the directions of the Court

IT IS THE FURTHER ORDER OF THE COURT that the defendant if applicable be given credit as required by Article 42 03 V A C C P towards the sentence in this cause for all time spent in jail in pretrial confinement in connection with this cause from the date of arrest of the defendant to the date of the sentence of the defendant excluding confinement served as a condition of community supervision as certified by the Sheriff and/or ordered by the Court in a separate order filed in the papers of this cause

IT IS THE FURTHER ORDER OF THE COURT that the Court affirmatively finds as found by the Jury

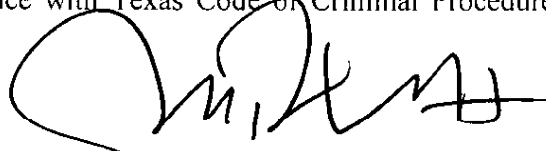
We the jury find beyond a reasonable doubt that the defendant JOSEPH FOSTER is guilty of the offense of FRAUD IN CONNECTION WITH THE SALE OR OFFER FOR SALE OF SECURITIES IN THE AMOUNT OF \$100 000 00 OR MORE as charged in Count I of the indictment

7 29 2021
DATE

/s/ Patricia Texter
PRESIDING JUROR

IN THE EVENT THAT THIS OFFENSE IS A STATE JAIL FELONY OFFENSE the Court finds that the defendant (check one) *is* or *is not* presumptively entitled to diligent participation credit in accordance with Texas Code of Criminal Procedure articles 42 0199 and 42A 559

Signed the 29th day of July 2021



JEFFRELY TODD ROBNETT
JUDGE PRESIDING
441st DISTRICT COURT
MIDLAND COUNTY TEXAS

CERTIFICATE OF FINGERPRINTS

I the undersigned witness hereby certify that on this day I affixed the thumbprints of the defendant as appearing below on the Judgment in Cause Number CR 46899 CT I rendered in the 441ST Judicial District Court of Midland County Texas and witnessed the said Defendant affix his or her signature thereto

SIGNED the 29 day of July, 20 21

Angel Hernandez
ANGEL HERNANDEZ #287
BAILIFF 441ST DISTRICT COURT



I the defendant in this cause hereby certify that the thumbprints appearing below are my thumbprints affixed by me to the Judgment in Cause Number CR 46899 CT I in the 441ST Judicial District Court of Midland County Texas on the 29 day of July, 20 21

X [Signature]
DEFENDANT

CAUSE NUMBER CR 46899 CT I

STATE ID NUMBER _____

BIRTH DATE 11-4-56

DEFENDANT S LEFT THUMBPRINT BELOW	DEFENDANT S RIGHT THUMBPRINT BELOW
	

FILED

NO CR46899 Count II 2021 AUG -2 PM 12 10

THE STATE OF TEXAS

* IN THE DISTRICT COURT
* CLERK
* DISTRICT
* MIDLAND COUNTY JUDICIAL DISTRICT
* BY _____ CLERK
* MIDLAND COUNTY TEXAS

V

JOSEPH FOSTER

TRIAL JUDGMENT OF CONVICTION
Confinement TDCJ ID

Judge Presiding HONORABLE JEFFREY TODD ROBNETT
Date Judgment Signed The 29th day of July 2021
Date Sentence Pronounced The 29th day of July 2021
Defendant s State Id # TX01987230
Defendant s Birth date 11/4/1956

Attorney for State ANDREW VAN DER HOEVEN
Attorney for Defendant Paul Williams
Presiding Juror Patricia Texter

Offense Convicted THEFT OF PROPERTY \$200 000 OR MORE
DPS Offense Code 23990013
Degree Offense Felony 1st Degree
Penal Code PC §31 03(e)(7)
TRN / TRS Unavailable

Date Offense Committed The 15th day of June 2011
Date Trial Began The 26th day of July 2021

Charging Instrument Indictment/Information
Plea of Defendant Not Guilty
Plea Made Before Jury

Verdict of the Jury Guilty of THEFT OF PROPERTY \$200 000 OR MORE
Presiding Juror Patricia Texter
Punishment Assessed by The Court

Punishment Confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of ELEVEN (11) YEARS and by a fine in the amount of \$0 and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

Time Credit Concurrent unless otherwise specified The defendant shall be given credit as required by Article 42 03 V A C C P towards the sentence in this cause for all time spent in jail in pretrial confinement in connection with this cause from the date of arrest of the defendant to the date of the sentence of the defendant excluding confinement served as a condition of community supervision as certified by the Sheriff and/or ordered by the Court in a separate order filed in the papers of this cause

FILED

NO CR46899 Count II

2021 AUG -2 PM 12 10

THE STATE OF TEXAS

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IN THE DISTRICT COURT
MIDLAND COUNTY TEXAS
441st JUDICIAL DISTRICT

Don Price
DONALD PRICE

V

JOSEPH FOSILR

MIDLAND COUNTY TEXAS

**JUDGMENT OF CONVICTION
Confinement TDCJ ID**

On the 26th day of July 2021 the above numbered and entitled cause was regularly reached and called for trial when came the State of Texas by her District Attorney and the Defendant in person and by the Defendant s Attorney and both parties announced ready for trial Thereupon the Defendant in open court pleaded Not Guilty to the charge contained in the indictment or information before the Jury Having heard the defendant entered a plea of Not Guilty thereto and after hearing all of the evidence adduced by the State and the Defendant and after hearing the argument of counsel the Jury was of the opinion and so finds beyond a reasonable doubt that the said defendant is guilty of the offense of **THEFT OF PROPERTY \$200 000 OR MORE** as charged in the indictment or information and that the said defendant committed the said offense on the 15th day of June 2011

The Jury then heard all of the evidence adduced by the State and the Defendant on the issue of punishment and after considering the said evidence and the argument of counsel the Jury finds that the punishment of the Defendant should be fixed at confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of **ELLVEN (11) YEARS** and by a fine of **\$0** and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

IT IS THREFORF CONSIDERED ORDERFD ADJUDGED AND DECREED that the said defendant is guilty of the offense of **THFFT OF PROPERTY \$200 000 OR MORF** and that the said defendant committed the said offense on the 15th day of June 2011 and that the Defendant s punishment be fixed as assessed by the Jury to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of **ELEVFN (11) YEARS** and by a fine of **\$0** and that the State of Texas Do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

ON THE 29th day of July 2021 the Defendant and the Defendant s Attorney of Record appeared before the Court for sentencing and the Defendant being asked by the Court if sufficient reason existed why the sentence of this Court should not be pronounced failed to give such reason whereupon the Court proceeded in the presence of the said Defendant and Defendant s attorney to pronounce sentence as follows

IT IS THE ORDER OF THIS COURT that the said Defendant **JOSEPH FOSTER** who has been adjudged guilty of the offense of **THEFT OF PROPERTY \$200 000 OR MORE** be and is hereby sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of **ELEVEN (11) YEARS** and by a fine of \$0 and that the State of Texas do have and recover of and from the said defendant all costs in this proceeding incurred for which let execution issue

IT IS THE ORDER OF THE COURT that the defendant pay the restitution and/or reparation as stated on the first page of the judgment

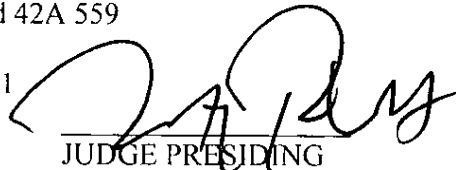
IT IS THE ORDER OF THE COURT that all court costs fines fees assessments and restitution are due and owing and shall be paid by the defendant in full on the day the judgment and/or sentence is entered in writing against the defendant All courts costs fines fees assessments and restitution shall be paid to the Midland County Constable Precinct Four 709 Washington Street Midland Texas 79701 who shall disperse the same according to the directions of the Court

IT IS THE FURTHER ORDER OF THE COURT that the defendant if applicable be given credit as required by Article 42 03 V A C C P towards the sentence in this cause for all time spent in jail in pretrial confinement in connection with this cause from the date of arrest of the defendant to the date of the sentence of the defendant excluding confinement served as a condition of community supervision as certified by the Sheriff and/or ordered by the Court in a separate order filed in the papers of this cause

IT IS THE FURTHER ORDER OF THE COURT that the Court affirmatively finds as found by the Jury

IN THE EVENT THAT THIS OFFENSE IS A STATE JAIL FELONY OFFENSE the Court finds that the defendant (check one) *is* or *is not* presumptively entitled to diligent participation credit in accordance with Texas Code of Criminal Procedure articles 42 0199 and 42A 559

Signed the 29th day of July 2021



JUDGE PRESIDING
441st DISTRICT COURT
MIDLAND COUNTY TEXAS

CERTIFICATE OF FINGERPRINTS

I the undersigned witness hereby certify that on this day I affixed the thumbprints of the defendant as appearing below on the Judgment in Cause Number CR46899 CT# rendered in the 441ST Judicial District Court of Midland County Texas and witnessed the said Defendant affix his or her signature thereto

SIGNED the 29 day of July, 2021

[Handwritten Signature]

ANGEL HERNANDEZ #277
BAILIFF 441ST DISTRICT COURT

I the defendant in this cause hereby certify that the thumbprints appearing below are my thumbprints affixed by me to the Judgment in Cause Number CR46899 in the 441ST Judicial District Court of Midland County Texas on the 29 day of July, 2021 ^{CT#}

[Handwritten Signature]
DEFENDANT

CAUSE NUMBER CR46899 CT# ^{II}

STATE ID NUMBER _____

BIRTH DATE 11-4-56

DEFENDANT S LEFT THUMBPRINT BELOW	DEFENDANT S RIGHT THUMBPRINT BELOW
