

AO 245B (Rev. 9/11) Judgment in a Criminal Case  
Sheet 1 TXND Rev. 12/11

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
JUL 25 2012  
lag  
CLERK, U.S. DISTRICT COURT  
By Deputy

UNITED STATES DISTRICT COURT

Northern District of Texas - Dallas Division

UNITED STATES OF AMERICA  
V.

JUDGMENT IN A CRIMINAL CASE

FRED HOWARD

Case Number: 3:11-CR-316-M (01)

USM Number: 43725-177

Sam Ogan, Asst. Federal Public Defender

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- pleaded guilty to count(s) before a U.S. Count 1 of the Indictment, filed November 1, 2011  
Magistrate Judge, which was accepted by the court.
- pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

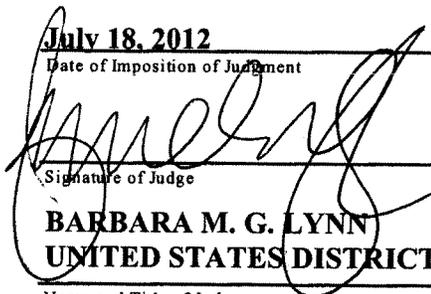
Title & Section	Nature of Offense	Offense Ended	Count
15 U.S.C. §§ 77q(a) & 77x and 18 U.S.C. § 2	Securities Fraud and Aiding and Abetting	July 5, 2007	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_ is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 18, 2012  
Date of Imposition of Judgment

  
Signature of Judge

**BARBARA M. G. LYNN**  
UNITED STATES DISTRICT JUDGE

Name and Title of Judge

July 25, 2012  
Date

DEFENDANT: **FRED HOWARD**  
CASE NUMBER: **3:11-CR-316-M (01)**

**IMPRISONMENT**

Pursuant to the Sentencing Reform Act of 1984, but taking the Guidelines as advisory pursuant to United States v. Booker, and considering the factors set forth in 18 U.S.C. Section 3553(a), the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **SIXTY (60) MONTHS. This sentence should run concurrently with the remainder of the defendant's state sentence and he should receive credit for time already served on that state sentence.**

The court makes the following recommendations to the Bureau of Prisons:  
**The Court recommends the defendant participate in drug treatment within the Bureau of Prisons to the extent he is eligible, if appropriate.**

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before \_\_\_\_\_ on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

DEPUTY UNITED STATES MARSHAL

DEFENDANT: **FRED HOWARD**  
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### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **THREE (3) YEARS.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**DEFENDANT: FRED HOWARD**  
**CASE NUMBER: 3:11-CR-316-M (01)**

**SPECIAL CONDITIONS OF SUPERVISION**

The defendant is ordered to pay restitution in the amount of \$4,742,946.57, to the U.S. District Clerk, 1100 Commerce Street, 14th Floor, Dallas, Texas 75242. Restitution shall be joint and several with Eric Hall in Case No. 3:08-CR-183-M (01), and John Priest in Case No. 3:10-CR-229-M (01). Restitution shall be payable immediately and any unpaid balance shall be payable during incarceration. Restitution shall be disbursed to:

See attached victim restitution list  
(EXHIBIT A - Pages V-1 through V-3)

If upon commencement of the term of supervised release any part of the restitution remains unpaid, the defendant shall make payments on such unpaid balance in monthly installments of not less than 10 percent of the defendant's gross monthly income, or at a rate of not less than \$50 per month, whichever is greater. Payment shall begin no later than 60 days after the defendant's release from confinement and shall continue each month thereafter until the balance is paid in full. In addition, at least 50 percent of the receipts received from gifts, tax returns, inheritances, bonuses, lawsuit awards, and any other receipt of money shall be paid toward the unpaid balance within 15 days of receipt. This payment plan shall not affect the ability of the United States to immediately collect payment in full through garnishment, the Treasury Offset Program, the Inmate Responsibility Program, the Federal Debt Collection Procedures Act of 1990 or any other means available under federal or state law. Furthermore, it is ordered that interest on the unpaid balance is waived pursuant to 18 U.S.C. § 3612(f)(3).

The defendant shall cooperate in the collection of DNA as directed by the U.S. Probation Officer, as authorized by the Justice for All Act of 2004.

The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. If the defendant is receiving treatment, the defendant may not use alcohol and/or all other intoxicants at any time. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$25 per month.

The defendant shall refrain from incurring new credit charges or opening additional lines of credit without approval of the U.S. Probation Officer unless the U.S. Probation Officer makes a determination that the defendant is in compliance with the payment schedule.

The defendant shall provide to the U.S. Probation Officer any requested financial information.

The defendant shall not be employed by, affiliated with, own or control, or otherwise participate, directly or indirectly, in the business of securities without the U.S. Probation Officer's approval in advance.

The defendant shall cooperate with the IRS, file all outstanding tax returns, and comply with any IRS requirements to pay delinquent taxes, penalties, and interest according to the schedule of payments that the IRS imposes.

The defendant shall pay any remaining balance of restitution in the amount of \$4,742,946.57, as set out in this Judgment.

DEFENDANT: **FRED HOWARD**  
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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	<b>\$ 100.00</b>	<b>\$</b>	<b>\$ 4,742,946.57</b>

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution), payable to the U.S. District Clerk to be disbursed to the following payee(s) in the amount(s) listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See attached victim restitution list (EXHIBIT A - Pages V4 through V3)	<b>\$ 4,742,946.57</b>	

**TOTALS** \$ 4,742,946.57

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the  fine  restitution.
- the interest requirement for the  fine  restitution is modified as follows:

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**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ 50.00 over a period of XXXXXXXX (e.g., months or years), to commence 60 days (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

**It is ordered that the Defendant shall pay to the United States a special assessment of \$100, for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the U.S. District Clerk, 1100 Commerce Street, 14th Floor, Dallas, Texas 75242.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

**Eric Hall, Case No. 3:08-CR-183-M (01), \$4,742,946.57, and John Priest, Case No. 3:10-CR-229-M (01), \$4,742,946.57.**

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States: See Sheet 6B.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

V - 1

FRANCIS BALL REV LIV TRUST \$46,927.00	DIANE CALBECK REV TRUST \$46,927.00	DELMA F. & THOMAS W. GIMBERT \$93,854.00
FRANK J. BANKS REV LIV TRUST \$46,927.00	SHEELA RABELER CHAPMAN \$19,052.00	JOSHUA GREENSPAN \$46,927.00
MARY R. BERGER \$103,411.00	STEVE & KIM CURTIS \$93,854.00	WILLIAM H. GRIMES \$46,927.00
LESTER & GODFRIDA BLACK \$92,118.00	JOSEPH R. DESIATA \$47,748.00	RUTH HAAS REV LIV TRUST \$46,927.00
EMMA BLOCH \$219,063.00	ISTVAN & ANNETTA DOJCSANSZKY \$46,927.00	WILLIAM HANNA \$46,927.00
IMMA & EMMA BLOCH \$56,335.41	DAVID EVANS \$84,469.00	THOMAS G. HANSON \$93,854.00
ROBERT & JEANNETTE BLOWER \$30,204.00	CHARLES & ELAINE FLEMING \$45,102.00	BRENDA HAYMAN-WATSON \$46,927.00
ADRIAN PHILLIP BOUDON \$82,216.00	JOAN FRISCO \$112,625.00	JOHN HERBERT \$90,475.00
WAYNE E. & MARY B. BOYER \$56,313.00	RICHARD & ELVA GILLELAND \$45,866.00	REV LIV TRUST HERWAGON \$123,719.00

FYLLIRIT A

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BARBARA JEAN HOLMES  
\$90,835.00

WILLIAM KOPPLEKAM  
\$46,927.00

ALAN & JOE ANN O'HARRA  
\$93,854.00

JOHN B. HOLMES  
\$90,835.00

LARSON REV LIV TRUST  
\$46,927.00

MARILYN PIQUETTE  
\$65,771.00

HERMAN HOLZMILLER  
\$93,667.00

SHIRLEY DORENE LARSON  
\$46,384.00

KENNETH & RUTH RABBERS  
\$46,927.00

SHIRLEY HUBBARD  
\$46,927.00

DOROTHY & ROBINETTE, *and*  
\$93,854.00 *Barbara Laye*

WILLIAM RIESTER REV TRUST  
\$92,884.00

PATRICK R. HUDSON  
\$49,564.00

CAROL LAZZERI  
\$146,570.99

BEVERLY W. RITTENHOUSE  
\$28,156.00

MARTIN & PAULA JOHNSEN  
\$13,623.00

BODO A. & EMMA LEOFFLER  
\$93,854.00

BIPIN & KETKI SHAH  
\$67,106.00

MARTIN JOHNSEN REV LIV  
TRUST  
\$63,489.00

EUGENE & ROSEMARIE  
MCGOVERN  
\$93,854.00

JOHN SOMSKY  
\$74,916.00

SYLVIA SUE KALLSEN  
\$46,927.00

DENNIS S. MIKUS REV LIV TRUST  
\$70,391.00

GLORIA STEPHENS  
\$10,405.00

DEL & JANE KOHN  
\$68,700.00

THOMAS & ANDREA MURRAY  
\$46,927.00

RICHARD C. SWETT  
\$90,021.00

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SHIRLEY M. THOMPSON  
\$46,927.00

CRAIG WILLIAMS  
\$56,100.00

EDWARD & PRICILLA TRIPP  
\$93,854.00

HAROLD W. WIRTJES  
\$92,369.00

LEE & GERALDINE TURK  
\$23,354.00

JOHN E. WISNER REV TRUST  
\$46,927.00

CARLOS VAZQUEZ  
\$38,125.00

KENNETH & FRANCES WOOD  
\$75,084.00

VITA VAZQUEZ  
\$12,034.00

BRIGETTE & JOHN WOS  
\$93,854.00

VITA & CARLOS VAZQUEZ  
\$30,186.00

CARL OR PATRICIA YANDOH  
\$48,110.00

JEAN WALLIS  
\$74,232.00

SALOME MARIE YODIS  
\$83,869.00

MICHELLE WEINER  
\$46,927.00

FRANTISEK ZAJICEK  
\$31,150.17

JAN & CORSTINA WESTERINK  
\$116,927.00