



CASE NO. 380-82430-09 COUNT Single INCIDENT NO./TRN: 9161701319 TRS: A001

THE STATE OF TEXAS

v.

THOMAS LESTER IRBY II

STATE ID NO.: TX08472806

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IN THE 380TH JUDICIAL  
DISTRICT COURT  
COLLIN COUNTY, TEXAS

NUNC PRO TUNC

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. SUZANNE WOOTEN	Date Judgment Entered:	12/20/2010
Attorney for State:	CHRISTOPHER MILNER	Attorney for Defendant:	ANDREW FARKAS

Offense for which Defendant Convicted:  
**MONEY LAUNDERING OF THE VALUE OF \$200,000.00 OR MORE/AGGREGATED**

Charging Instrument: **INDICTMENT** Statute for Offense: **34.02 Penal Code**

Date of Offense: **7/1/2008 THRU 08/01/2009**

Degree of Offense: **1ST DEGREE FELONY** Plea to Offense: **GUILTY** Findings on Deadly Weapon: **N/A**

Terms of Plea Bargain: **N/A**

Plea to 1 <sup>st</sup> Enhancement Paragraph:	<b>N/A</b>	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	<b>N/A</b>
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Findings on 1 <sup>st</sup> Enhancement Paragraph:	<b>N/A</b>	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	<b>N/A</b>
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Date Sentence Imposed:	<b>12/20/2010</b>	Date Sentence to Commence:	<b>12/20/2010</b>
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Punishment and Place of Confinement: **TWENTY-FOUR (24) YEARS INSTITUTIONAL DIVISION, TDCJ**

**THIS SENTENCE SHALL RUN CONCURRENTLY.**

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$ <b>302.00</b>	\$ N/A	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A** years.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.  
From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_ **13 Days**

Time Credited: If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

**N/A DAYS** NOTES: **N/A**



All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Collin County, Texas. The State appeared by her District Attorney.

**Counsel / Waiver of Counsel (select one)**

- Defendant appeared in person with Counsel.  
 Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

**Punishment Options (select one)**

- Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Collin County, Texas on the date the sentence is to commence. Defendant shall be confined in the Collin County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Collin County **District Clerk**. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

**Execution / Suspension of Sentence (select one)**

- The Court **ORDERS** Defendant's sentence **EXECUTED**.  
 The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

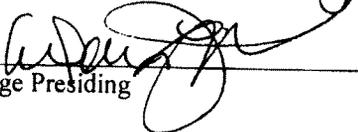
It is further **ORDERED** that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.



Following the disposition of this cause, the defendant's fingerprints were, in open court, placed upon a Judgment Certificate of Defendant's Prints. Said Certificate is attached hereto and is incorporated by reference as a part of this Judgment.

Furthermore, the following special findings or orders apply:

Signed on the 4 day of Jan, 2011.

  
\_\_\_\_\_  
Judge Presiding

DON JARVIT  
\_\_\_\_\_  
PRINTED NAME  
If sitting for Presiding Judge

Clerk:

DEFENDANT THOMAS LESTER IRBY II CHARGE MONEY LAUNDERING, TPC §§ 34.02 (a)(1) and (e)(4) - F1  
ADDRESS 6000 Eldorado Parkway #1514, Frisco, Texas 75034 CAUSE# 380-82430-09  
DESCRIPTION W/M/600/175/DOB: 02/16/1969; TX DL: 13235382 AGENCY# GJR  
ARREST INFORMATION N/A  
C/C \_\_\_\_\_ Witness: Mike Gunst

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Collin County, State of Texas, duly organized at the July Term, A.D., 2009 of the 417<sup>th</sup>

District Court of said county, in said court at said term, do present that \_\_\_\_\_

**THOMAS LESTER IRBY, II,**

on or about and between the dates of July 1, 2008, and August 1, 2009, in Collin County, Texas, did then and there knowingly acquire an interest in and possess the proceeds of criminal activity, to wit: current money of the United States of America in the aggregated amount of two hundred thousand dollars (\$200,000.00) or more, and said proceeds were generated from the commission of the offense of Theft of property having a value of two hundred thousand dollars (\$200,000.00) or more, a felony under the laws of the State of Texas;

Against the peace and dignity of the State.

FILED

09 OCT 23 PM 2:56

*David W. Lanier*

FOREMAN OF THE GRAND JURY

CLERK OF DISTRICT COURT  
COLLIN COUNTY, TEXAS

*Edwards*



CASE NO. 380-82431-09 COUNT Single INCIDENT NO./TRN: 9161701319 TRS: A002

THE STATE OF TEXAS

v.

THOMAS LESTER IRBY II

STATE ID No.: TX08472806

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IN THE 380TH JUDICIAL

DISTRICT COURT

COLLIN COUNTY, TEXAS

**NUNC PRO TUNC  
ORDER OF DEFERRED ADJUDICATION**

Judge Presiding: **HON. SUZANNE WOOTEN** Date Order Entered: **12/20/2010**

Attorney for State: **CHRISTOPHER MILNER** Attorney for Defendant: **ANDREW FARKAS**

Offense:

**THEFT OF PROPERTY OF THE VALUE OF \$200,000.00 OR MORE/AGGREGATED**

Charging Instrument: **INDICTMENT** Statute for Offense: **31.03 Penal Code**

Date of Offense: **07/15/2008 THRU 07/25/2008**

Degree of Offense: **1ST DEGREE FELONY** Plea to Offense: **GUILTY** Findings on Deadly Weapon: **N/A**

Terms of Plea Bargain: **N/A**

Plea to 1<sup>st</sup> Enhancement Paragraph: **N/A** Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph: **N/A**

Findings on 1<sup>st</sup> Enhancement Paragraph: **N/A** Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph: **N/A**

ADJUDICATION OF GUILT DEFERRED;  
DEFENDANT PLACED ON COMMUNITY SUPERVISION.  
PERIOD OF COMMUNITY SUPERVISION: **TEN (10) YEARS**

Fine: **\$ N/A** Court Costs: **\$ 302.00** Restitution: **\$ 600,000.00** Restitution Payable to:  VICTIM (see below)  AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62  
The age of the victim at the time of the offense was **N/A**

Time **N/A DAYS**  
Credited: **NOTES: N/A**

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.



This cause was called for trial in Collin County, Texas. The State appeared by her District Attorney as named above.

**Counsel / Waiver of Counsel (select one)**

Defendant appeared in person with Counsel.

Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered a plea as indicated above. The Court admonished the Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court FINDS such evidence substantiates Defendant's guilt. The Court FINDS that, in this cause, it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on community supervision.

The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS that Defendant is given credit noted above for the time spent incarcerated. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

The Court ORDERS restitution be paid to:

**Victims c/o CSCD, 200 S. McDonald, Suite 210, McKinney, Texas 75070.**

The Court ORDERS that no judgment shall be entered at this time. The Court further ORDERS that Defendant be placed on community supervision for the adjudged period so long as Defendant abides by and does not violate the terms and conditions of community supervision. See TEX. CODE CRIM. PROC. art. 42.12 § 5(a).

It is further ORDERED that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.

Following the disposition of this cause, the defendant's fingerprints were, in open court, placed upon a Judgment Certificate of Defendant's Prints. Said Certificate is attached hereto and is incorporated by reference as a part of this Judgment.

Furthermore, the following special findings or orders apply: N/A

Signed on the 6 day of Jan, 2011.

[Signature]  
Judge Presiding

Don J. [Signature]  
PRINTED NAME

If sitting for Presiding Judge

Clerk:

DEFENDANT THOMAS LESTER IRBY II CHARGE THEFT, TPC §§ 31.03 (a) and (e)(7) - F1  
 ADDRESS 6000 Eldorado Parkway #1514, Frisco, Texas 75034 CAUSE# 380-82431-0<sup>c</sup>  
 DESCRIPTION W/M/600/175/DOB: 02/16/1969; TX DL: 13235382 AGENCY/# GJR  
 ARREST INFORMATION N/A  
 C/C \_\_\_\_\_ Witness: Mike Gunst

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Collin  
 County, State of Texas, duly organized at the July Term, A.D., 2009 of the 417<sup>th</sup>  
 District Court of said county, in said court at said term, do present that \_\_\_\_\_

**THOMAS LESTER IRBY, II, hereinafter "defendant,"**

on or about the dates listed below, in Collin County, Texas, did then and there unlawfully appropriate, to wit:  
 acquire and exercise control over property other than real property, to wit: current money of the United States of  
 America, from the following owner and in the following amounts:

<u>Owner</u>	<u>Date of Appropriation</u>	<u>Amount of Appropriation</u>
Jeffrey R. Staubach	July 15, 2008	\$150,000.00
Jeffrey R. Staubach	July 25, 2008	\$450,000.00

And said appropriations were without the effective consent of said owner in that consent was induced by  
 deception, to wit:

- a) defendant created and confirmed by words and conduct a false impression of fact that was likely to affect the judgment of said owner in the transactions and that defendant did not believe to be true; and
- b) defendant promised performance that affected the judgment of said owner in said transactions that defendant did not intend to perform and knew would not be performed;

And defendant acted with the intent to deprive said owner of said property, by withholding said property permanently and for so extended a period of time that a major portion of the value and enjoyment of said property was lost to said owner, and by disposing of said property in a manner that made recovery of said property to said owner unlikely;

And all of said amounts were obtained, as alleged, as part of one scheme and continuing course of conduct, and the aggregate value of the property so appropriated was two hundred thousand dollars (\$200,000.00) or more;

Against the peace and dignity of the State.

*Donald W. Lanett*

FOREMAN OF THE GRAND JURY

FILED

09 OCT 29 PM 2:59

HARRIS COUNTY  
DISTRICT CLERK  
COLLEGE STATION, TEXAS

*Dawn*



CASE NO. 380-82549-09 COUNT Single INCIDENT NO./TRN: 9161704423 TRS: A001

THE STATE OF TEXAS

IN THE 380TH JUDICIAL

V.

DISTRICT COURT

THOMAS LESTER IRBY II

COLLIN COUNTY, TEXAS

STATE ID No.: TX08472806

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**NUNC PRO TUNC**

**ORDER OF DEFERRED ADJUDICATION**

Judge Presiding:	HON. SUZANNE WOOTEN	Date Order Entered:	12/20/2010
Attorney for State:	CHRISTOPHER MILNER	Attorney for Defendant:	ANDREW FARKAS
<u>Offense:</u>			
SECURITIES FRAUD OF THE VALUE OF AT LEAST \$100,000.00 OR MORE/AGGREGATED			
<u>Charging Instrument:</u>		<u>Statute for Offense:</u>	
INDICTMENT		Art. 581, Section 29C(1) Texas Securities Act	
<u>Date of Offense:</u>			
10/10/2008			
<u>Degree of Offense:</u>		<u>Plea to Offense:</u>	
1ST DEGREE FELONY		GUILTY	
<u>Findings on Deadly Weapon:</u>			
N/A			
<u>Terms of Plea Bargain:</u>			
N/A			
<u>Plea to 1<sup>st</sup> Enhancement Paragraph:</u>		<u>Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph:</u>	
N/A		N/A	
<u>Findings on 1<sup>st</sup> Enhancement Paragraph:</u>		<u>Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph:</u>	
N/A		N/A	

ADJUDICATION OF GUILT DEFERRED;  
 DEFENDANT PLACED ON COMMUNITY SUPERVISION.  
 PERIOD OF COMMUNITY SUPERVISION: TEN (10) YEARS

Fine: \$ N/A      Court Costs: \$ 302.00      Restitution: \$ 100,000.00      Restitution Payable to:  VICTIM (see below)       AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62  
 The age of the victim at the time of the offense was N/A .

Time Credited: N/A DAYS  
 NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.



This cause was called for trial in Collin County, Texas. The State appeared by her District Attorney as named above.

**Counsel / Waiver of Counsel (select one)**

- Defendant appeared in person with Counsel.
- Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered a plea as indicated above. The Court admonished the Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court **FINDS** such evidence substantiates Defendant's guilt. The Court **FINDS** that, in this cause, it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on community supervision.

The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** that Defendant is given credit noted above for the time spent incarcerated. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

The Court **ORDERS** restitution be paid to:  
**Victims c/o CSCD, 200 S. McDonald, Suite 210, McKinney, Texas 75070.**

The Court **ORDERS** that no judgment shall be entered at this time. The Court further **ORDERS** that Defendant be placed on community supervision for the adjudged period so long as Defendant abides by and does not violate the terms and conditions of community supervision. See TEX. CODE CRIM. PROC. art. 42.12 § 5(a).

It is further **ORDERED** that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.

Following the disposition of this cause, the defendant's fingerprints were, in open court, placed upon a Judgment Certificate of Defendant's Prints. Said Certificate is attached hereto and is incorporated by reference as a part of this Judgment.

Furthermore, the following special findings or orders apply: N/A

Signed on the 10 day of Jan, 2011

[Signature]  
Judge Presiding

Don Jarvis  
PRINTED NAME

If sitting for Presiding Judge

Clerk:

DEFENDANT THOMAS LESTER IRBY II CHARGE SECURITIES FRAUD > \$100K; Art. 581, Sec. 29.C (1), TX SECURITIES ACT - F1

ADDRESS 6000 Eldorado Parkway #1514, Frisco, Texas 75034 CAUSE# 380-82549-09

DESCRIPTION W/M/600/175/DOB: 02/16/1969; TX DL: 13235382 AGENCY/# GJR

ARREST INFORMATION N/A

C/C \_\_\_\_\_ Witness: Mike Gunst

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Collin  
 County, State of Texas, duly organized at the July Term, A.D., 2009 of the 417<sup>th</sup>  
 District Court of said county, in said court at said term, do present that \_\_\_\_\_

**THOMAS LESTER IRBY II, hereinafter "defendant,"**

on or about November 10, 2008, did then and there sell to Jason Marshall a security, to wit: an investment contract in an amount of one hundred thousand (\$100,000.00) or more, and defendant engaged in fraud in connection with the offer for sale and sale of said security by:

**PARAGRAPH ONE**

knowingly and intentionally representing that funds paid by Jason Marshall for the purchase of said investment contract would be used by defendant to purchase European Mid-Term Notes from European banks, said representation being a misrepresentation of a relevant fact; and,

**PARAGRAPH TWO**

intentionally failing to disclose that funds invested by previous investors with defendant, doing business as Titan Wealth Management, L.L.C., and/or Point West Partners, L.L.C., for the purchase of European Mid-Term Notes, were used for purposes other than for the purchase of European Mid-Term Notes, said information being a material fact;

**FILED**

Against the peace and dignity of the State.

HANNAH KUNKLE  
 DISTRICT CLERK  
 COLLIN COUNTY, TEXAS  
*Davis*

*David W. Lanett*  
 FOREMAN OF THE GRAND JURY