

Case No. CR-4581-09-J
TRN 9177059417 D001

THE STATE OF TEXAS §
v. MARTIN GRAHAM TYSON SR., §
DEFENDANT §
SID: TX 01568502

IN THE 430TH JUDICIAL
DISTRICT COURT OF
HIDALGO COUNTY, TEXAS

ORDER OF DEFERRED ADJUDICATION & COMMUNITY SUPERVISION

DATE OF ORDER: February 23, 2010
JUDGE PRESIDING: ISRAEL RAMON JR.
ATTORNEY FOR THE STATE: NANCY ELMILADY
ATTORNEY FOR THE DEFENDANT: STEPHEN ORR
OFFENSE CODE: 26.9901(e)
OFFENSE: SALE OF UNREGISTERED SECURITY,
TSA, 29.B a lesser included offense
DATE OF OFFENSE: FEBRUARY 3, 2005
DEGREE OF OFFENSE: A FELONY
STATUTE FOR OFFENSE: V.T.C.A. 581-29.B
PUNISHMENT RANGE: 2-10 YRS IN PRISON/\$10,000 FINE MAX
(Including enhancements if any):
CHARGING INSTRUMENT: INDICTMENT
TERMS OF PLEA AGREEMENT OR
FINDINGS OF THE COURT, TO WIT,
PLEA TO OFFENSE: GUILTY
COMMUNITY SUPERVISION PERIOD: TEN (10) YEARS
PLEA TO ENHANCEMENT(S): NONE
FINDING TO ENHANCEMENT(S): NONE
DEADLY WEAPON FINDING: NONE
DISMISS: NONE
CONCURRENT WITH: NONE
TIME SPENT IN JAIL: 1 DAY
FINE: \$7,500.00
RESTITUTION: \$200,000.00
COURT COSTS: \$ 270.00

On **FEBRUARY 23, 2010**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **ANGELA COLE**, and the Defendant and the Defendant's attorney, **STEVE ORR**, were also present. Thereupon both sides announced ready for trial, and the Defendant, Defendant's attorney, and the State's attorney agreed in open court and in writing to waive a jury in the trial of this cause and to submit it to the Court. The Court consented to the waiver of a jury. The Defendant further waived the reading of the indictment or information, and, upon being asked by the Court as to how the Defendant pleaded, entered a plea of **GUILTY** to the offense of **SALE OF UNREGISTERED SECURITY, TSA, 29.B a lesser included offense, A FELONY**. Furthermore, as to the enhancement paragraphs, if any, the Defendant entered a plea of **NONE**.

Thereupon, the Court admonished the Defendant of the range of punishment attached to the offense, that any recommendation of the State is not binding on the Court, that the Deferred Adjudication & Community Supervision Order CR-4581-09-J

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existence of a plea bargain limits the right of an appeal to only pre-trial matters raised and preserved, and that if the Defendant is not a citizen of the United States of America, a plea of guilty or no contest may result in deportation under federal law; it appeared to the Court that the Defendant was competent to stand trial and was not influenced in making said plea(s) by any consideration of fear or by any persuasion prompting a confession of guilt; and that the Defendant understood the admonitions of the Court and was aware of the consequences of the plea(s); and the Court received the free and voluntary plea(s), which are now entered of record in the minutes of the Court.

The Court then proceeded to hear evidence from the State and the Defendant and, having heard argument of counsel, found there was sufficient evidence to support the Defendant's plea and found the offense was committed on **FEBRUARY 3, 2005**, and made a finding of **NONE** on the enhancement paragraph(s), if any.

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Section 9, CCP.

However, the Court, after due consideration, is of the opinion and so finds that the best interests of society and the Defendant are served in this cause by deferring further proceedings without an adjudication of guilty.

It is, therefore, **ORDERED**, by the Court that further proceedings in this cause shall be and are hereby deferred. The Defendant is placed on community supervision for a period of **TEN (10) YEARS** with a fine of **\$7,500.00** subject to the conditions of supervision imposed by the Court in an Order that is hereby incorporated into this Order.

Order Imposing Conditions of Community Supervision

In accordance with the authority conferred by Article 42.12 of the Code of Criminal Procedure, the Court has placed the Defendant on community supervision in the above styled and numbered cause for the offense of **SALE OF UNREGISTERED SECURITY, TSA, 29.B a lesser included offense** for a period of **TEN (10) YEARS**. The Court hereby **ORDERS** the Defendant to comply with the following conditions of community supervision:

1. Commit no offense against the laws of this State, or of any other State, or the United States.
2. Avoid injurious or vicious habits.
3. Avoid persons or places of disreputable or harmful character.
4. Obey all rules and regulations of the Hidalgo County Community Supervision and Corrections Department.
5. Permit the Supervision Officer to visit Defendant at Defendant's home or elsewhere.
6. Work faithfully at suitable employment as far as possible.
7. Remain within the limits of Hidalgo County, Texas, unless given permission to leave there from.
8. Support any dependents.
9. Attain an educational skill level that is equal to or greater than the average skill level of students who have completed the sixth grade in public schools in this State by participating fully in the Hidalgo County Community Corrections & Supervision Education and Employment Program beginning immediately, comply with the developmental training, and obey all rules and regulations of the program.

10. Permit, during the term of community supervision and on the basis of a "reasonable suspicion of criminal activity", any community supervision officer, government agency or their designee, to search Defendant's person, property, vehicle(s), residence or any place where Defendant may be living, with or without a search warrant.
11. Report monthly in person to the Supervision Officer beginning immediately and continue as directed by the Supervision Officer.
12. **PAY the FINE** in the amount of \$7,500.00 to be paid **INSTANTER**, payable at the Hidalgo County Clerk Collections Department, 100 N. Closner, Edinburg, Texas.
13. **MAKE RESTITUTION** to the victim(s) in the amount of **\$200,000.00**, the amount of **\$20,000.00** to be paid within 90 days and the **remaining balance of \$180,000.00 to be paid at \$1,540.00** per month and continuing every month thereafter until paid in full, payable at the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
14. **AVOID BARS, TAVERNS, "CANTINAS", LOUNGES, POOL HALLS,** and all establishments whose primary business or source of income is selling or distributing alcoholic beverages.
15. **AVOID the USE OR ABUSE OF ANY AND ALL ALCOHOLIC BEVERAGES OR MIND-ALTERING DRUGS** during the entire period of community supervision.
16. **MAKE ONE payment** on or before **ten (10) days** from the date of this Order to the local **CRIME STOPPERS PROGRAM**, as defined by Section 414.001 of the Government Code and certified by the Crime Stoppers Advisory counsel, in the amount of **\$50.00**, payable at the Hidalgo County Community Supervision and Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
17. **PAY A MONTHLY FEE** to the Court in the amount of **\$40.00** on or before/within **thirty (30)** days from the date of this Order, and continuing every month thereafter during the community supervision period, payable at the Hidalgo County Community Supervision & Corrections Department, 3100 S. Highway 281, Edinburg, Texas.
18. **PAY COURT COSTS** to the County of Hidalgo within **ten (10)** days from the date of this Order payable at the Hidalgo County Clerk Collections Department, 100 N. Closner, Edinburg, Texas.
19. **SUBMIT AS DIRECTED BY THE SUPERVISION OFFICER** to other programs within the community supervision continuum of programs and sanctions designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the Defendant, and comply with the rules and regulations of such programs.
20. **SUBMIT** to random testing for alcohol or controlled substances by authorized personnel of the Hidalgo County Community Supervision and Corrections Department.
21. **WORK 160 HOURS** at a **COMMUNITY SERVICE PROJECT(S)** for an organization(s) approved by the Judge and designated by the Hidalgo County Community Supervision & Corrections Department at the rate of not less than eight (8) hours per week beginning immediately and continuing every week thereafter until completed in full.

Furthermore, the following special findings or orders apply:

The Court finds that all court-ordered payments, if any, are suspended during the Defendant's custodial supervision, if any, and such payments shall be reinstated thirty days from the date of discharge from such custodial supervision.

The Court finds that **THERE IS A** plea bargain agreement between the State and the Defendant.

The Court, upon the State's motion, **DISMISSED** the following count(s), case(s), or complaint(s): **NONE**.

The Court finds that this deferred adjudication community supervision order shall run concurrent with: **NONE**.

The Court finds that the Defendant has spent ^{MT} 1 **DAY** in county jail.

The Defendant is hereby advised that, under the laws of the State of Texas, the Court shall determine the conditions of community supervision and may, at any time during the period of supervision, alter or modify the conditions of supervision. The Court also may extend the period of supervision and has the authority to revoke the community supervision at any time during the period of supervision for any violation of the conditions

Signed on the 23 day of February, 2010

Judge Presiding

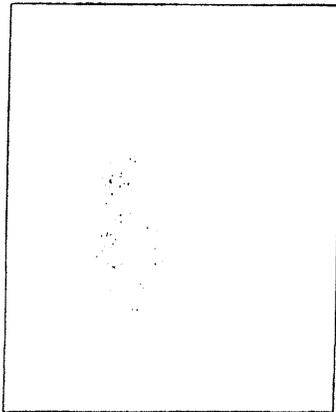
Receipt is hereby acknowledged on the date shown above of one copy of the above Order.

Martin Ivan
Defendant

Nick Villar, Jr.
Community Supervision Officer

sg

Defendant's right thumbprint



DATE 2/23/10
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By [Signature]

ACTION

NASD

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Hidalgo, State of Texas, duly selected, impaneled, sworn, charged and organized as such at the _____ term A.D. 2009 of the 27th Judicial District Court for said County, upon their oaths present in and to said court at said term that MARTIN GRAHAM TYSON, SR., hereinafter styled defendant, on or about the dates listed below, and before the presentment of this indictment, in Hidalgo County, Texas, did then and there directly and indirectly, and through agents, sell and offer for sale securities, to-wit: shares of stock issued by Upper Valley Investment Club, Inc., and South Valley Investment Club, Inc. and Panorama Global Realty Group, Inc., to each of the persons listed below, and in the following amounts:

<u>PERSON</u>	<u>DATE</u>	<u>AMOUNT</u>
Elvin H. Wofford	February 3, 2005	\$40,000
Elvin H. Wofford	March 4, 2005	\$10,000
Elvin H. Wofford	September 22, 2005	\$20,000
Kenneth & Margaret Schultz	February 4, 2005	\$10,000
Kenneth & Margaret Schultz	March 4, 2005	\$10,000
James & Betty Phillips	September 22, 2005	\$5,000
Dyan Windsor	December 2, 2005	\$5,000
William and Noveta Mitchell	February 14, 2006	\$25,000
Renuka Sathiyaraj	February 8, 2005	\$60,000
Renuka Sathiyaraj	March 11, 2005	\$10,000
Sharon K. Hecker	February 16, 2006	\$30,000
Sharon K. Hecker	February 22, 2006	\$10,000
Harold W. & Sandy J. Schultz	February 18, 2005	\$10,000

Harold W. & Sandy J. Schultz	March 4, 2005	\$4,000
Hal Schultz	March 4, 2005	\$6,000
Jack R. & Mary Anne Lindborg	March 3, 2005	\$50,000
Jack R. & Mary Anne Lindborg	September 22, 2005	\$50,000
Henry C. & Margie A. Pichner	February 1, 2005	\$10,000
Henry C. & Margie A. Pichner	February 2, 2005	\$40,000
Henry C. & Margie A. Pichner	September 22, 2005	\$20,000
Sam Henson	September 25, 2005	\$3,500
Sam Henson	September 25, 2005	\$4,000
Sam Henson	October 7, 2005	\$7,500
Sam Henson	February 1, 2006	\$9,953.68
Robert Henson	February 1, 2006	\$5,104.45

and said defendant committed fraud in connection with the sales and offers for sale of said securities by:

- intentionally failing to disclose that on or about the 14th day of December, 2005, a lawsuit was filed by plaintiffs Michael J. Rogers, Richard Oates, Jose E. Chapa, Jr., and Roberto J. Yzaguirre, styled *Michael J. Rogers, et al v. Panorama Global Realty Group, Inc., Ron Kilby and Martin Tyson, Jr.* in the 93rd Judicial District Court of Hidalgo County, Texas in Cause No. C-2987-05-B, alleging that the defendants Panorama Global Realty Group, Inc., Ron Kilby and Martin Tyson, Jr., engaged in common law fraud, fraud in stock transactions, negligent misrepresentation, and breach of contract, in connection with the sale of shares of stock in Panorama Global Realty Group, Inc., to the plaintiffs, said information being a material fact; and

2. intentionally failing to disclose that funds invested by investors in the purchase of share stock in Upper Valley Investment Club, Inc., and South Valley Investment Club, Inc. and Panorama Global Realty Group, Inc., would be used by the Defendant for purposes other than for development of a software program for an online gambling website, said information being material fact; and

3. intentionally failing to disclose that funds invested by investors in Upper Valley Investment Club, Inc., and South Valley Investment Club, Inc. and Panorama Global Realty Group, Inc., would be used for the benefit of, and to pay commissions and management fees to Martin Tyson, and Martin Tyson, Jr., said information being a material fact; and

4. intentionally failing to disclose that funds invested by investors in Upper Valley Investment Club, Inc., and South Valley Investment Club, Inc. and Panorama Global Realty Group, Inc., would be paid to Computer Engineering Organization, Inc., (CEO) and that Martin Tyson, Jr., who was President of Panorama Global Realty Group, Inc. was also a partner and branch manager of C. said information being a material fact; and

5. intentionally failing to disclose that on or about December 7, 2005, a search warrant issued by the 92nd Judicial District Court of Hidalgo County, Texas, was served upon Richard A. Taylor, salesman for Upper Valley Investment Club, Inc., and South Valley Investment Club, Inc., at the office of Valley Financial Marketing in Mission, Texas, and that records relating to the sale offer for sale of stock in Upper Valley Investment Club, Inc., and South Valley Investment Club, Inc. were seized by law enforcement officers and representatives of the Texas State Security Board; said information being material facts; and

6. intentionally failing to disclose that in and around December of 2005, defendant be aware that there was a high probability that the United States Congress would be passing legislation making the business of on-line gambling illegal; said information being a material fact; And all of said amounts were obtained under one scheme and continuing course of conduct, an aggregate amount obtained or appropriated was \$100,000 or more;

AGAINST THE PEACE AND DIGNITY OF THE STATE.


FOREPERSON OF THE GRAND JURY

No. CR-1581-09-J Arrest Date: Agency: OTHER AGENCY
By: IDA Case No. 09-17813 Bond: \$0.00
\$0.00
State of Texas vs. MARTIN GRAHAM TYSON
Charge FRAUD SECURITY BUS PRACTICE >=\$100K
THEFT >=\$200K
1223126

CR-1693-09-J

FILED
AT 4:20 O'CLOCK P M
NOV 13 2009
LAURA HINCHOSA, CLERK
District Court, Hidalgo County
By  Deputy