

CASE NO. 2-09-336 COUNT Single

INCIDENT NO./TRN: 9126278448

THE STATE OF TEXAS

v.

WAYNE ANTHONY RAND

STATE ID No.: TX08127771

382nd JUDICIAL DISTRICT COURT

IN AND FOR

ROCKWALL COUNTY, TEXAS

FILED FOR RECORD
BY MCDANIEL DISTRICT CLERK
ROCKWALL COUNTY, TEXAS
JAN 24 2011
AM 7:18, 9, 10, 11, 12, 1, 12, 13, 14, 15, 16 PM

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. JOHN NELMS	Date Judgment Entered:	JANUARY 24, 2011
Attorney for State:	DALE BARRON	Attorney for Defendant:	DOUGLAS MULDER

Offense for which Defendant Convicted:
THEFT PROP>=\$200K

Charging Instrument:	Statute for Offense:
INDICTMENT	31.03 Penal Code

Date of Offense:
03/04/04

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

Terms of Plea Bargain:
TWENTY (20) YEARS TDCJ; \$263.50 COURT COST

Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A

Date Sentence Imposed: **JANUARY 24, 2011** Date Sentence to Commence: **JANUARY 24, 2011**

Punishment and Place of Confinement: **TWENTY (20) YEARS TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

THIS SENTENCE SHALL RUN CONCURRENTLY.

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

Fine:	Attorney Fees (if applicable):	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$	\$ 263.00	\$ 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** .

Time Credited: **(2 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 **Rockwall** 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 Texas Department of Criminal Justice. 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, Texas Department of Criminal Justice.** 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 **Rockwall 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 **Rockwall** County, Texas on the date the sentence is to commence. Defendant shall be confined in the **Rockwall** County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the **Rockwall 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 **Rockwall** 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.

Furthermore, the following special findings or orders apply:

Signed and entered on *Jan. 24, 2011*

X *John Nelms*

JOHN NELMS
JUDGE PRESIDING

Clerk:

No. 2-09-336

Bond \$ _____

The State of Texas vs. **WAYNE A. RAND**
W/M D.O.B. 01/07/1962

Charge: **Theft of Property \$200,000.00 or more; Sec. 31.03 T.P.C.**

382nd Judicial District Court
Rockwall County, Texas

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

THE GRAND JURY for the County of Rockwall, State of Texas, duly selected, empanelled, sworn, charged, and organized as such at the July Term A.D. of 2009, of the 382nd Judicial District Court for said county, upon their oaths present in and to said court at said term that

WAYNE A. RAND

hereafter referred to as defendant, on or about the dates listed below, and before the presentment of this indictment, in Rockwall 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 owners, and in the following amounts:

<u>Owner</u>	<u>Date of Appropriation</u>	<u>Amount of Appropriation</u>
Earl G. Alexander	March 4, 2004	\$24,998.00
Sandy C. Giglio	April 1, 2004	\$12,499.00
Sandy C. Giglio	April 9, 2004	\$12,499.00
Ralph Rod	May 7, 2004	\$12,499.00
John D. Fox	May 20, 2004	\$49,996.00

Sandy C. Giglio	May 21, 2004	\$6,249.50
Ralph Rod	July 6, 2004	\$12,499.00
Jack R. English	July 7, 2004	\$132,500.00
Robert L. Thesken	July 19, 2004	\$12,499.00
Billy Don English	July 22, 2004	\$132,500.00
Calvin L. Hornsby	July 30, 2004	\$12,499.00
Jeri T. Kelley	July 30, 2004	\$99,992.00
Herman Schmitt	November 12, 2004	\$24,998.00
Milan L. Miller	December 16, 2004	\$12,499.00
Carl Dewitt Hare	January 13, 2005	\$12,499.00
Milan L. Miller	January 18, 2005	\$6,249.50
Clyde Russell, Jr.	February 3, 2005	\$12,400.00
Robert L. Thesken	February 16, 2005	\$12,499.00
Herman E. Williams, Sr.	February 16, 2005	\$6,429.50
James E. Weech	February 18, 2005	\$24,998.00
Carl Dewitt Hare	March 4, 2005	\$12,000.00
Simmie Becton	March 23, 2005	\$6,249.50
William Brett Johnson	March 28, 2005	\$6,249.50
Charles Busby	April 5, 2005	\$6,249.50
Nicholas G. Vrionis	April 8, 2005	\$24,998.00
Clyde Russell, Jr.	May 27, 2005	\$9,374.25
Robert H. Livingstone	June 10, 2005	\$12,499.00
Robert H. Livingstone	July 7, 2005	\$10,959.00

Simmie Becton	July 21, 2005	\$6,249.50
Gary and Nanci Sackman	July 21, 2005	\$22,000.00
Herman Schmitt	August 1, 2005	\$44,000.00
Jack R. English	August 12, 2005	\$440,000.00
Jack Carpenter	September 7, 2005	\$11,000.00
Donald Oseroff	September 7, 2005	\$11,000.00
John Morrow	September 8, 2005	\$11,000.00
John Morrow	September 16, 2005	\$11,000.00
Donald Oseroff	September 20, 2005	\$11,000.00
Charles Busby	September 30, 2005	\$11,000.00
Milan Miller	September 30, 2005	\$29,000.00
Herman Schmitt	October 6, 2005	\$29,500.00
Ralph Rod	October 11, 2005	\$14,750.00
Robert Thesken	October 12, 2005	\$14,750.00
James Weech	October 26, 2005	\$33,000.00
Jack Jensen	October 27, 2005	\$14,750.00
John Morrow	October 28, 2005	\$29,500.00
Clyde Russell, Jr.	November 3, 2005	\$14,750.00
Ralph Rod	November 10, 2005	\$14,750.00
James Weech	November 13, 2005	\$11,000.00
Claude Lester, Jr.	November 17, 2005	\$14,750.00
Donald Oseroff	November 21, 2005	\$14,750.00
Claude Lester, Jr.	December 16, 2005	\$59,000.00

Nicholas Vrionis	January 3, 2006	\$25,750.00
Jack Jensen	January 5, 2006	\$14,750.00
Milan Miller	January 17, 2006	\$17,750.00
Donald Oseroff	January 26, 2006	\$14,750.00
Jack Jensen	February 2, 2006	\$29,500.00
James Severance	February 17, 2006	\$59,000.00
Nicholas Vrionis	February 13, 2006	\$25,750.00
Armin Gerhardt	February 28, 2006	\$29,500.00
Ralph Rod	March 2, 2006	\$14,750.00
Claude Lester, Jr.	March 7, 2006	\$29,500.00
Armin Gerhardt	March 20, 2006	\$29,500.00
John Morrow	March 20, 2006	\$14,750.00
Robert Livingstone	March 21, 2006	\$11,000.00
James Severance	March 23, 2006	\$44,200.00
William Kredel	April 3, 2006	\$69,996.00
John Morrow	April 12, 2006	\$17,499.00
Bill Wagley	May 2, 2006	\$17,499.00
Charles Studer	May 8, 2006	\$69,996.00
James Severance	May 23, 2006	\$17,499.00
Carl Edward Wilson	June 8, 2006	\$17,499.00
Armin Gerhardt	July 7, 2006	\$54,600.00
Robert Livingstone	July 12, 2006	\$72,800.00
James Severance	July 13, 2006	\$18,200.00

Donald Oseroff	July 18, 2006	\$18,200.00
Gary Varney	July 21, 2006	\$18,200.00
Douglas Bagley	July 26, 2006	\$36,400.00
Carl Edward Wilson	August 4, 2006	\$18,200.00
Reed Pedrick	August 23, 2006	\$36,400.00
James Severance	August 28, 2006	\$18,200.00
Eugene Scorzelli	August 28, 2006	\$36,400.00
Jack Jensen	November 27, 2006	\$22,000.00
Ralph Rod	November 29, 2006	\$22,000.00
Otto Slater	December 1, 2006	\$11,000.00
Robert Theskin	December 4, 2006	\$11,000.00
Otto Slater	December 7, 2006	\$11,000.00
Bill Wagley	December 8, 2006	\$11,000.00
Jack Jensen	December 15, 2006	\$22,000.00
Robert Livingstone	December 19, 2006	\$11,000.00
Arthur Paisley	December 22, 2006	\$11,000.00
Reed Pedrick	December 27, 2006	\$11,000.00
Otto Slater	December 27, 2006	\$11,000.00
Bill Wagley	January 5, 2007	\$11,000.00
James Severance	January 16, 2007	\$22,000.00
Donald Oseroff	January 19, 2007	\$11,000.00
Douglas Bagley	March 2, 2007	\$11,000.00
Armin Gerhardt	March 6, 2007	\$11,400.00

Jack R. English	April 9, 2007	\$440,000.00
Reed Pedrick	November 1, 2007	\$11,000.00
Jerry Camilli	January 25, 2008	\$44,000.00
Jerry Camilli	February 2, 2008	\$22,000.00
Pamp Maiers	February 8, 2008	\$22,000.00
Pamp Maiers	March 13, 2008	\$22,000.00

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

said defendant created and confirmed by words and conduct a false impression of fact that was likely to affect the judgment of said owners in the transactions and that the defendant did not believe to be true; and/or,

said defendant failed to correct a false impression of fact that was likely to affect the judgment of said owners in the transactions, that said defendant previously created and confirmed by words and conduct, and that said defendant did not at the time believe to be true; and/or,

said defendant promised performance that affected the judgment of said owners in said transactions that said defendant did not intend to perform and knew would not be performed;

And said defendant acted with the intent to deprive said owners 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 owners, and by disposing of said property in a manner that makes recovery of the property by the owners thereof unlikely;

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

Against the peace and dignity of the State.

Cathy M. Callan
FOREMAN OF THE GRAND JURY