

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF TEXAS
 TYLER DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
 (For **Revocation** of Probation or Supervised Release)

v.

MICHAEL J WING

Case Number: **6:06-CR-00040-001**
 USM Number: **12855-078**
Kenneth R. Hawk II
 Defendant's Attorney

THE DEFENDANT:

<input checked="" type="checkbox"/>	admitted guilty to violation of condition(s)	Standard of the term of supervision.
<input type="checkbox"/>	was found in violation of condition(s)	after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
2	The defendant obtained new credit on 2/2/15, 10/15/15, 1/4/16, and 2/10/16. The defendant did not have permission to obtain new credit and the U.S. Probation Office was unaware of these transactions.	02/10/2016

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) and is discharged as to such violation(s) condition.

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.

Last Four Digits of Defendant's Soc. Sec. 1734

July 16, 2017

 Date of Imposition of Judgment

Defendant's Year of Birth: 1959



 Signature of Judge

City and State of Defendant's Residence:

RON CLARK
UNITED STATES DISTRICT JUDGE

 Name and Title of Judge

Tucson, Arizona

7/26/2017

 Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 6 months, followed by 1 year of supervised release.

- The court makes the following recommendations to the Bureau of Prisons:
The Court recommends the defendant serve his term of imprisonment at the Federal Prison Camp in Tucson, Arizona, if deemed appropriate by the Bureau of Prisons.
- 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 2 p.m. on the date
 - as notified by the United States Marshal.
 - no later than 30 days after this judgment is entered, as notified by the Probation or Pretrial Services Office, Eastern District of Texas

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MICHAEL J WING
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 1 year.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must 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 you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*

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.

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.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at the www.uscourts.gov.

Defendant's Signature _____

Date _____

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ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall submit to a search of his computer (including any handheld computing device, any electronic device capable of connecting to any on-line service, or any data storage media) conducted by a U.S. Probation Officer, at a reasonable manner, based on reasonable suspicion of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn all individuals that have access to the defendant's computer that it is subject to search and/or seizure.

You shall submit to a search of your person, residence, office, or vehicle when conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. You shall warn other residents that the premises may be subject to searches pursuant to this condition.

The defendant shall provide to the U.S. Probation Office complete access to all business and personal financial information.

The defendant shall pay any financial penalty that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release.

The defendant shall provide the probation office with access to any requested financial information, for purposes of monitoring the defendant's ability to pay restitution.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office unless payment of any financial obligation order by the Court has been paid in full.

The defendant shall maintain no more than one business and/or personal checking account, and shall not open, maintain, be a signatory on, or otherwise use any financial institution account without the prior approval of the U.S. Probation Office.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a value of \$500 or more without the approval of the U.S. Probation Office.

The defendant shall not enter into any self-employment while under supervision without prior approval of the U.S. Probation Office.

The defendant shall not be employed by, affiliate with, or own or control, or otherwise participate, directly or indirectly, in the business of securities and investments without the approval of the probation office.

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CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00		\$0.00	\$9,171,262.07

- The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. 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>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
ALL AMERICAN MORTGAGE	\$1,230,000.00	\$1,230,000.00	0%
JIM BARRETT	\$80,000.00	\$80,000.00	0%
BERNARD BRENNAN	\$17,000.00	\$17,000.00	0%
JANA COLE	\$15,000.00	\$15,000.00	0%
MIKE CONSTANTZ	\$20,000.00	\$20,000.00	0%
DON COONTZ	\$10,020.00	\$10,020.00	0%
DOUG CORLEY	\$25,000.00	\$25,000.00	0%
J.L. CURRY	\$300,000.00	\$300,000.00	0%
RICK DYKES	\$12,760.00	\$12,760.00	0%
RICK ELLIOTT	\$37,250.00	\$37,250.00	0%
WILLIAM ESTES, JR.	\$200,000.00	\$200,000.00	0%
HELEN FLEMING	\$85,000.00	\$85,000.00	0%
CLETUS GRAVES	\$200,000.00	\$200,000.00	0%
TIM GRISTY	\$30,000.00	\$30,000.00	0%
BART HACKLEY	\$291,000.00	\$291,000.00	0%
TOM HANNEMANN	\$30,000.00	\$30,000.00	0%
CHRISTOPHER KIMBELL	\$2,000.00	\$2,000.00	0%
JAMES LANDERS	\$155,000.00	\$155,000.00	0%
MARJORIE MARINOS	\$240,000.00	\$240,000.00	0%
GARY MASON	\$10,000.00	\$10,000.00	0%
TOTALS	<u>\$ 9,171,262.07</u>	<u>\$ 9,171,262.07</u>	

- 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 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:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
DARRELL MCCUTCHEON	\$250,000.00	\$250,000.00	0%
MARTIN MILLER	\$53,000.00	\$53,000.00	0%
EDWARD MULDOON	\$3,000,000.00	\$3,000,000.00	0%
CARA MULSON	\$5,000.00	\$5,000.00	0%
TRAVIS PECK	\$8,000.00	\$8,000.00	0%
RONALD PETERSON	\$8,000.00	\$8,000.00	0%
BOB SCHMIDT	\$124,000.00	\$124,000.00	0%
LEE SWAIN	\$1,023,881.00	\$1,023,881.00	0%
CLAIR THOMAS	\$470,000.00	\$470,000.00	0%
UNDERWRITERS GROUP	\$125,000.00	\$125,000.00	0%
SYBRAND VANDERDUSSEN	\$500,000.00	\$500,000.00	0%
MICHAEL WHITE	\$60,000.00	\$60,000.00	0%
KIRBY WILLIAMS	\$37,250.00	\$37,250.00	0%
MARC WING	\$297,000.00	\$297,000.00	0%
DWAIN WOODY	\$50,000.00	\$50,000.00	0%
LYNDA LORETIC	\$150,000.00	\$150,000.00	0%
DANIELLE MAI NGUYEN	\$20,000.00	\$20,000.00	0%

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SCHEDULE OF PAYMENTS

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

- A Lump sum payments of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance 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 20 (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 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:

This revocation judgment incorporates all of the terms and conditions regarding payment of criminal monetary penalties established by the original judgment, as if set forth herein. Any criminal monetary penalties previously ordered in the final judgment should be imposed in this revocation, with all payments collected credited towards outstanding balances.

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 Clerk, U.S. District Court. Fine & Restitution, 1910 E SE Loop 323 No. 287, Tyler, TX 75701.

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

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

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) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.