

# United States District Court

## Western District of Wisconsin

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**  
(for offenses committed on or after November 1, 1987)

V.

**Case Number:** 12-CR-98-BBC-01

P. EDWIN GRAY

**Defendant's Attorney:** Mark A. Eisenberg

The defendant, P. Edwin Gray, pleaded guilty to count 1 of the information.

**ACCORDINGLY**, the court has adjudicated defendant guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 371	Conspiracy to Submit a False Loan Application, in violation of 18 U.S.C. § 1014, a Class D felony	April 21, 2006	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

**IT IS FURTHER ORDERED** that the defendant shall 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 shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

**Defendant's Date of Birth:** [REDACTED] 1953

**Defendant's USM No.:** 07864-090

**Defendant's Residence Address:** [REDACTED]  
Oregon, WI 53575

**Defendant's Mailing Address:** [REDACTED]  
Oregon, WI 53575

October 29, 2012  
Date of Imposition of Judgment

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/s/ Barbara B. Crabb

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Barbara B. Crabb  
District Judge

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October 29, 2012  
Date Signed:

## PROBATION

As to count 1 of the information, defendant shall be on probation for a term of three years.

While on probation, defendant shall not commit another federal, state, or local crime.

While on probation, defendant shall not illegally possess a controlled substance.

If defendant has been convicted of a felony, defendant shall not possess a firearm or destructive device while on probation.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervision in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

Defendant shall comply with the standard conditions that have been adopted by this court (set forth on the next page).

In light of the nature of the offense and defendant's personal history, I adopt the special conditions proposed in the presentence report. Neither party has raised any objections to the proposals.

The offense is not drug related but defendant has a history of drug use. The provision for drug testing set forth at 18 U.S.C. § 3563(a)(5) is not waived. Defendant shall submit to one drug test within 15 days of his placement on probation and at least 10 periodic tests thereafter.

The U.S. Probation Office is to notify local law enforcement agencies and the state attorney general of defendant's release to the community. As special conditions, defendant is to:

- 1) Provide the supervising U.S. probation officer any and all requested financial information, including copies of state and federal tax returns;
- 2) Refrain from incurring new credit charges, opening additional lines of credit or opening other financial accounts without the prior approval of the supervising U.S. probation officer;
- 3) Not transfer, give away, sell or otherwise convey any asset without the prior approval of the supervising U.S. probation officer;
- 4) Cooperate with the Collection Division of the IRS in the payment of all taxes, interest and penalties due and owing and allow unrestricted communication between the Collection Division and the probation office to monitor compliance;
- 5) File all tax returns in a timely manner and provide copies of all federal and state income returns to the supervising U.S. probation officer;
- 6) Submit his person, property, residence, office or vehicle to a search conducted by a U.S. probation officer at a reasonable time and in a reasonable manner, whenever the probation officer has reasonable suspicion of contraband or of the violation of a condition of release; failure to submit to a search may be a ground for revocation; defendant shall warn any other residents that the premises he is occupying may be subject to searches pursuant to this condition; and
- 7) Undergo at least one financial evaluation per year which may involve use of a polygraph, as approved by the supervising U.S. probation officer.

### ACKNOWLEDGMENT OF CONDITIONS

I have read or have had read to me the conditions of supervision set forth in this judgment, and I fully understand them. I have been provided a copy of them. I understand that upon finding a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer

\_\_\_\_\_  
Date

## STANDARD CONDITIONS OF SUPERVISION

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

## CRIMINAL MONETARY PENALTIES

Defendant shall pay the following total financial penalties in accordance with the schedule of payments set forth below.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$0.00	\$336,100.00
<b>Total</b>	\$100.00	\$0.00	\$336,100.00

It is adjudged that defendant is to pay a \$100 criminal assessment penalty to the Clerk of Court for the Western District of Wisconsin immediately following sentencing. (I note that defendant has paid this assessment.)

Defendant does not have the means to pay a fine under § 5E1.2(c) without impairing his ability to support himself or pay restitution.

## RESTITUTION

Defendant is to make mandatory restitution in the amount of \$336,100 to the U.S. Clerk of Court for the Western District of Wisconsin to be disbursed to: Claims Agent, FDIC Receiver of Washington Mutual Bank, 1601 N. Bryan Street, Dallas, Texas 75201-3430.

Defendant's restitution obligation is joint and several with that of any other co-conspirator ordered to make restitution in this case.

Defendant does not have the economic resources to allow him to make full payment of restitution in the foreseeable future under any reasonable schedule of payments. Pursuant to 18 U.S.C. § 3664(f)(3)(B), he is to begin making nominal payments of a minimum of \$100 each month, beginning within 30 days of this judgment.

Defendant shall notify the court and the Attorney General of the United States of any material change in his economic circumstances that might affect his ability to pay restitution obligation.

No interest is to accrue on the unpaid portion of the restitution.

## SCHEDULE OF PAYMENTS

Payments shall be applied in the following order:

- (1) assessment;
- (2) restitution;
- (3) fine principal;
- (4) cost of prosecution;
- (5) interest;
- (6) penalties.

The total fine and other monetary penalties shall be due in full immediately unless otherwise stated elsewhere.

Unless the court has expressly ordered otherwise in the special instructions above, if the judgment imposes a period of imprisonment, payment of monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court, unless otherwise directed by the court, the probation officer, or the United States Attorney.

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

In the event of a civil settlement between victim and defendant, defendant must provide evidence of such payments or settlement to the Court, U.S. Probation office, and U.S. Attorney's office so that defendant's account can be credited.