

DATE: 3/2/2009 CASE NUMBER: CR 06-00464-001-PHX-SRB

Hon. SUSAN R. BOLTON, United States District Judge #: 7026

USA vs. Ira Willie Gentry, Jr.

DEFT: PRESENT NOT PRESENT Custody

Deputy Clerk Maureen Williams Crt Rptr/ECR: Elizabeth Lemke

A.U.S. Attorney Frank Galati, Michael Vasiliadis and Reid Pixler Interpreter
Language _____

Attorney for Defendant Gregory T. Parzych (Appointed)

Dft not appearing, on mot of US Atty, order bond revoked/forfeited and B/W issued

JUDGMENT [SENTENCE]

Defendant is placed on probation for a period of _____
on Ct(s) with supervision w/o supervision

Committed to the custody of the Bureau of Prisons to be imprisoned for a period of 180 Months on
Ct(s) consisting of 60 months on Counts 1, 24, 26, 28, 29, 32, 33; 180 months on Counts 2, 4, 7, 8, 11,
12, 15, 16, 17, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51 and 52; and 120 months on Counts 53,
54 and 59, all counts to run concurrently.

Supervised release term of 3 Years by law on Ct(s) 1, 2, 4, 7, 8, 11, 12, 15, 16, 17, 24, 26, 28, 29, 32,
33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54 and 59 to run concurrently.

Fine of Waived TOTAL FINE Waived

Restitution of to be determined ordered pursuant to 18 U.S.C. 3596

Special Assessment of \$3,300.00 pursuant to 18 U.S.C. 3013 on Ct(s) 1, 2, 4, 7, 8, 11, 12, 15, 16, 17,
24, 26, 28, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54 and 59

On Motion of U.S. Atty: Ct(s) _____

Order bond exonerated Bond exonerated upon surrender to USM

Dft advised of right to appeal Appeal bond set at \$ _____

Dft to surrender under Voluntary Surrender Program as directed to the designated institution by the
U.S. Marshal.

The Court adopts the Magistrate Judge's Findings and Recommendations filed in this matter and accepts
the defendant's plea of guilty.

Other: IT IS ORDERED denying Defendant's pro se Ex Parte Motion for New Attorney [doc. 587]. IT
IS FURTHER ORDERED granting Government's Motion to Set Date for Final Determination of
Victims' Losses [doc. 585]. Restitution Hearing set on May 18, 2009, at 1:30 p.m. Objections to the
presentence report are argued to the Court. Glen Tolman addresses the Court on behalf of the
Defendant.

Hearing length: 1 hour and 26 minutes

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

Ira Willie Gentry, Jr.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed on or After November 1, 1987)

No. CR 06-00464-001-PHX-SRB

Gregory T. Parzych (Appointed)
Attorney for Defendant

USM#: 85461-008

THERE WAS A verdict of guilty on 9/12/08 as to Counts 1, 2, 4, 7, 8, 11, 12, 15, 16, 17, 24, 26, 28, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54 and 59 of the Indictment.

THERE WAS A verdict of not guilty on 9/12/08 as to Counts 23, 57 and 58 of the Indictment; the defendant is acquitted and discharged as to these counts [Judgment of Discharge entered on 9/12/08].

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 18, U.S.C. §371, Conspiracy, a Class D Felony offense, as charged in **Count 1** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 2** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 4** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 7** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 8** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 11** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 12** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 15** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 16** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 17** of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class D Felony offense, as charged in **Count 24** of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class D Felony offense, as charged in **Count 26** of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class D Felony offense, as charged in **Count 28** of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class D Felony offense, as charged in **Count 29** of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class D Felony offense, as charged in **Count 32** of the Indictment; Title 26, U.S.C. §7201, Tax Evasion, a Class D Felony offense, as charged in **Count 33** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 35** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 36** of the Indictment; Title 18, U.S.C.

§1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 37** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 38** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 39** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 40** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 41** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 42** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 43** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 44** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering , a Class C Felony offense, as charged in **Count 45** of the Indictment; Title 18, U.S.C. §1956(a)(1)(B)(i), Concealment Money Laundering , a Class C Felony offense, as charged in **Count 49** of the Indictment; Title 18, U.S.C. §1956(a)(1)(B)(i), Concealment Money Laundering , a Class C Felony offense, as charged in **Count 51** of the Indictment; Title 18, U.S.C. §1956(a)(1)(B)(i), Concealment Money Laundering , a Class C Felony offense, as charged in **Count 52** of the Indictment; Title 18, U.S.C. §1957(a) and (b), Transactional Money Laundering , a Class C Felony offense, as charged in **Count 53** of the Indictment; Title 18, U.S.C. §1957(a) and (b), Transactional Money Laundering , a Class C Felony offense, as charged in **Count 54** of the Indictment; Title 18, U.S.C. §1957(a) and (b), Transactional Money Laundering , a Class C Felony offense, as charged in **Count 59** of the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **ONE HUNDRED EIGHTY (180) MONTHS** which consists of **SIXTY (60) MONTHS** on Counts 1, 24, 26, 28, 29, 32 and 33; **ONE HUNDRED EIGHTY (180) MONTHS** on Counts 2, 4, 7, 8, 11, 12, 15, 16, 17, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52; **ONE HUNDRED TWENTY (120) MONTHS** on Counts 53, 54 and 59. All counts are to run concurrently with each other, with credit for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** on Counts 1, 2, 4, 7, 8, 11, 12, 15, 16, 17, 24, 26, 28, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54 and 59, said counts to run concurrently. The Court recommends that the defendant be placed in an institution in Arizona, or as close to Arizona as possible, to facilitate visitation with family.

Pursuant to 18 U.S.C. §981 and 982 and 28 U.S.C. §2461, the defendants have forfeited all right, title and interest in the property described in the Preliminary Order of Forfeiture issued by the Court on February 25, 2009. Such Order is hereby made a part of this Judgment and shall be attached to this Judgment as Exhibit A. The Court also issues a money judgment against the defendants in the amount of \$9,469,841.74, for which the defendants are jointly and severally liable.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$3,300.00 **FINE:** Waived **RESTITUTION:** To be determined

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$3,300.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Counts 1, 2, 4, 7, 8, 11, 12, 15, 16, 17, 24, 26, 28, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54 and 59 of the Indictment. **The balance of criminal monetary penalties is due in equal monthly installments of \$300.00 over a period of 35 months to commence 30 days after the release from imprisonment to a term of supervised release.**

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant is placed on supervised release for a term of **THREE (3) YEARS** on Counts 1, 2, 4, 7, 8, 11, 12, 15, 16, 17, 24, 26, 28, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54 and 59, said counts to run concurrently.

The drug testing condition is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that, pursuant to General Order 05-36, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You 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.

- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You 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.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. You shall provide the probation officer access to any requested financial information.
2. You are prohibited from making major purchases, incurring new financial obligations, or entering into any financial contracts without the prior approval of the probation officer.
3. You shall cooperate with the Internal Revenue Service and pay all tax liabilities. You shall file timely, accurate and lawful income tax returns and provide proof to the probation officer.

THE DEFENDANT IS ADVISED OF DEFENDANT'S RIGHT TO APPEAL WITHIN 10 DAYS OF ENTRY OF JUDGMENT.

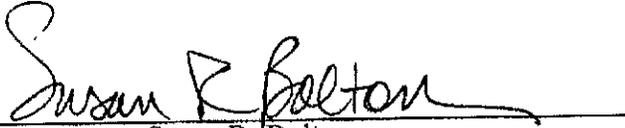
The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons and recommends: that the defendant be placed in an institution in Arizona, or as close to Arizona as possible, to facilitate visitation with family.

The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Monday, March 2, 2009**



Susan R. Bolton
United States District Judge

DATE: March 5, 2009

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

By: _____
Deputy Marshal

Exhibit A

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America
Plaintiff,
v.
Ira Gentry, Jr. and
Randy Jenkins,
Defendants.

CR 06-0464-PHX-SRB
**PRELIMINARY ORDER
OF FORFEITURE**

IT IS HEREBY ORDERED THAT:

As the result of the guilty verdicts regarding the below specified Counts of the Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. §§ 981, 982, and 28 U.S.C. § 2461, defendants shall forfeit to the United States: all property involved in or traceable to offenses involving 18 U.S.C. § 1956, and all property constituting, or derived from, proceeds the defendants obtained directly or indirectly, as the result of such violations:

Ira W. Gentry Jr. (1) found Guilty as to Counts 1,2,4,7-8,11,12,15-17,24,26,28-29,32,35-45,49,51-52,53-54,59; and

Randy W. Jenkins (2) found Guilty as to Counts 1,5,10,31,35-45,49,51-52.;

The Court has determined, based on the evidence already in the record and on evidence or information presented at a post-trial hearing on the forfeiture allegations in the Indictment, that the following property is subject to forfeiture pursuant to 18 U.S.C. Sections 981(a)(1), 982 and 28 U.S.C. Section 2461 and that the defendants had an interest in such property and that the government has established the requisite nexus between such property and such offenses:

Property to be forfeited:

- 1 A. 2006 Mercedes Benz E320CDI, 4 Door Sedan, VIN #
2 WDBUF26J46A885459 registered to ProTech Mgmt., Inc.;
- 3 B. \$1,154,250.00 in U.S. Currency representing the net proceeds due
4 Ira GENTRY and ProTech Management, Inc., a New Mexico
5 Corporation, from the sale of a drilling rig, and related equipment,
6 by Rig #4 Group LLC, a Texas Limited Liability Corporation of
7 which ProTech Management, Inc., successor of Panda International
8 Trust, Panda International Enterprises Ltd., and Ira W. GENTRY
9 held a 45% undivided interest;
- 10 C. The entire contents of Global Bank of Commerce, formerly the Swiss
11 American Bank (Woods Centre, St. John's Antigua) account number
12 2006211 in the name of Hung Hai Ltd. (approximately \$720,000);
- 13 D. Approximately \$111,766.44 in U.S. Currency, which represents the net
14 revenue proceeds due Ira W. GENTRY and ProTech Mgmt Inc., a New
15 Mexico Corporation, from the operating income earned by Rig #4
16 Group LLC, a Texas Limited Liability Corporation, prior to the May
17 2006 sale of drilling rig #4 and related equipment;
- 18 E. ProTech Mgmt Inc.'s investment interests in property held and managed by
19 3TExploration Inc., to include:
- 20 1. ProTech 's undivided interest in: Starrville Gas Gathering , LLC
21 which includes the Net-Proceeds Operating account at American
22 National Bank held by 3T Exploration for ProTech Mgmt with a value
23 of approximately \$41,098.11 as of June 6, 2008; and
- 24 2. ProTech 's undivided interest in: Conley Prospect and Scaling Ranch
25 Prospect which includes the Net-Proceeds Operating account at
26 American National Bank held by 3T Exploration for ProTech Mgmt
27 with a value of approximately \$62,148.44 as of June 6, 2008.
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1 In addition, as a result of the offenses in the above specified Counts, for which each
2 defendant was convicted, a money judgment in the amount of \$9,469,841.74 shall be entered
3 against both defendants as the amount of the property constituting or derived from any proceeds
4 obtained directly or indirectly from the offenses and property involved in such offense. This
5 sum is composed of \$8,963,362.34 representing Unreported Capital Gains associated with Ira
6 Gentry, Jr., and \$506,479.40 as funds associated with financial transactions conducted by Randy
7 Jenkins regarding Monex and vehicle purchases. This money judgment shall be reduced by the
8 net liquidated value of the items forfeited above, as that sum is deposited with the Assets
9 Forfeiture Fund.

10 Defendants shall also forfeit any property involved in and proceeds traceable to the offenses
11 for which each has been convicted, which property has not yet been identified or located.

12 Upon the entry of this Order, the United States/Attorney General (or a designee); Secretary
13 of the Treasury (or a designee)-- is authorized to seize any property subject to forfeiture, whether
14 held by the defendants or by a third party, and to conduct any discovery proper in identifying,
15 locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P.
16 32.2(b)(3).

17 Upon entry of this Order, the United States/Attorney General (or a designee); Secretary of
18 the Treasury (or a designee) is authorized to commence any applicable proceeding to comply
19 with statutes governing third party rights, including giving notice of this Order.

20 The United States shall publish notice of the order and its intent to dispose of the property
21 in such a manner as the [United States/Attorney General (or a designee); Secretary of the
22 Treasury (or a designee)-- if case is a Treasury case] may direct. The United States may also, to
23 the extent practicable, provide written notice to any person known to have an alleged interest in
24 the Subject Property. No such notice is required to the extent that this Order consists solely of
25 a money judgment against the defendants. Rule 32.2(c)(1).

26 Any person, other than the above named defendants, asserting a legal interest in the Subject
27 Property may, within thirty days of the final publication of notice or receipt of notice, whichever
28 is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged

1 interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21
2 U.S.C. § 853(n); or 18 U.S.C. § 982(b)(1), or 28 U.S.C. § 2461(c) which incorporate 21 U.S.C.
3 § 853(n).

4 Upon the entry of this Order, the United States is authorized to seize the property listed
5 above and to conduct any discovery proper in identifying, locating or disposing of the property
6 subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

7 Upon entry of this Order, the United States/Attorney General (or a designee); is authorized
8 to commence any applicable proceeding to comply with statutes governing third party rights,
9 including giving notice of this Order.

10 The United States shall publish notice of the Order and its intent to dispose of the property
11 in such a manner as the United States/Attorney General (or a designee), may direct. The United
12 States may also, to the extent practicable, provide written notice to any person known to have
13 an alleged interest in the Subject Property.

14 Any person, other than the above named defendants, asserting a legal interest in the Subject
15 Property may, within thirty days of the final publication of notice or receipt of notice, whichever
16 is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged
17 interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21
18 U.S.C. § 853(n) or 28 U.S.C. § 2461(c).

19 Pursuant to Fed. R. Crim. P. 32.2(b)(3), as the result of the conviction of the defendants, this
20 Preliminary Order of Forfeiture shall become final as to the defendants at sentencing and will
21 be included in the judgment. If no third party files a timely claim, this Order shall become the
22 Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

23 Any petition filed by a third party asserting an interest in the Subject Property shall be
24 signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the
25 petitioner's right, title, or interest in the Subject Property, the time and circumstances of the
26 petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts
27 supporting the petitioner's claim and the relief sought.

28

1 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before
2 a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of
3 Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual
4 issues.

5 The United States shall have clear title to the Subject Property following the Court's
6 disposition of all third-party interests, or, if none, following the expiration of the period
7 provided in 21 U.S.C. § 853(n)(2), for the filing of third party petitions.

8 The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary,
9 pursuant to Fed. R. Crim. P. 32.2(e).

10 The Clerk of the Court shall forward two certified copies of this order to Assistant U.S.
11 Attorney Reid Pixler, U.S. Attorney's Office, Two Renaissance Square, 40 North Central
12 Avenue, Suite 1200, Phoenix, Arizona 85004-4408,

13 SO ORDERED:

14 DATED this 25th day of February, 2009.

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18 Susan R. Bolton
United States District Judge

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Ira W Gentry JR
CAD# # 85461008
PO Box 6300
Florence AZ 85232

<input checked="" type="checkbox"/> FILED <input type="checkbox"/> RECEIVED	<input type="checkbox"/> LODGED <input type="checkbox"/> COPY	<input checked="" type="checkbox"/> FILED <input type="checkbox"/> RECEIVED	<input type="checkbox"/> LODGED <input type="checkbox"/> COPY
MAR 17 2009		MAR 13 2009	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA BY _____ DEPUTY		CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA BY _____ Z DEPUTY	

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA
Plaintiff,
VS
Ira W. Gentry Jr.
Defendant

CASE # CRO6-464-PHX-SRB
NOTICE OF
APPEAL

Notice is hereby given that Defendant IRA W Gentry JR. appeals ~~to~~ to the United States Court of Appeals for the Ninth Circuit as the judgment of guilt and as well as sentencing, additionally the judgement of forfeiture and restitution order.. Entered in this case on 02 MARCH 2009..

Respectfully Submitted this 11th day of March, 2009

Ira W Gentry Jr.
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on 11 MAR 2009, I mailed from the CCA prison mail service (US First Class Mail) to the following:

Original and Copies to:
Clerk of the Court
401 West Washington
Phoenix AZ 85003

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America

v.

Randy W. Jenkins

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. CR 06-00464-002-PHX-SRB

Barbara Lynn Hull (Appointed)
Attorney for Defendant

USM#: 85460-008

THERE WAS A verdict of guilty on 9/12/08 as to Counts 1, 5, 10, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 57 and 58 of the Indictment.

THERE WAS A verdict of not guilty on 9/12/08 as to Counts 23, 53, 54 and 59 of the Indictment; the defendant is acquitted and discharged as to these counts [Judgment of Discharge entered on 9/12/08].

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 18, U.S.C. §371, Conspiracy, a Class D Felony offense, as charged in **Count 1** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 5** of the Indictment; Title 15, U.S.C. §78ff to violate §78j(b), Securities Fraud - False and Misleading Statements, Records, a Class C Felony offense, as charged in **Count 10** of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class D Felony offense, as charged in **Count 31** of the Indictment; Title 26, U.S.C. §7201, Tax Evasion, a Class D Felony offense, as charged in **Count 34** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 35** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 36** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 37** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 38** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 39** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 40** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 41** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 42** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 43** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 44** of the Indictment; Title 18, U.S.C. §1956(a)(2)(B)(i), International Concealment Money Laundering, a Class C Felony offense, as charged in **Count 45** of the Indictment; Title 18, U.S.C. §1956(a)(1)(B)(i), Concealment Money Laundering, a Class C Felony offense, as charged in **Count 49** of the Indictment; Title 18, U.S.C. §1956(a)(1)(B)(i), Concealment Money Laundering, a Class C Felony offense, as charged in **Count**

51 of the Indictment; Title 18, U.S.C. §1956(a)(1)(B)(i), Concealment Money Laundering, a Class C Felony offense, as charged in **Count 52** of the Indictment; Title 18, U.S.C. §1957(a) and (b), Transactional Money Laundering, a Class C Felony offense, as charged in **Count 57** of the Indictment; Title 18, U.S.C. §1957(a) and (b), Transactional Money Laundering, a Class C Felony offense, as charged in **Count 58** of the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **NINETY (90) MONTHS** which consists of **NINETY (90) MONTHS** on Counts 5, 10, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 57 and 58 and **SIXTY (60) MONTHS** on Counts 1, 31 and 34. All counts are to run concurrently with each other, with credit for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** on Counts 1, 5, 10, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 57 and 58, said counts to run concurrently. The Court recommends that the defendant be placed in an institution in Arizona, or as close to Arizona as possible, to facilitate visitation with family.

Pursuant to 18 U.S.C. §981 and 982 and 28 U.S.C. §2461, the defendants have forfeited all right, title and interest in the property described in the Preliminary Order of Forfeiture issued by the Court on February 25, 2009. Such Order is hereby made a part of this Judgment and shall be attached to this Judgment as Exhibit A. The Court also issues a money judgment against the defendants in the amount of \$9,469,841.74, for which the defendants are jointly and severally liable.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$2,100.00 FINE: Waived RESTITUTION: To be determined

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$2,100.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Counts 1, 5, 10, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 58 and 58 of the Indictment. **The balance of criminal monetary penalties is due in equal monthly installments of \$300.00 over a period of 35 months to commence 30 days after the release from imprisonment to a term of supervised release.**

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant is placed on supervised release for a term of **THREE (3) YEARS** on Count 1, 5, 10, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 51, 52, 57 and 58, said counts to run concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The drug testing condition is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is the order of the Court that, pursuant to General Order 05-36, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You 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.
- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You 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.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any

federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. You shall provide the probation officer access to any requested financial information.
2. You are prohibited from making major purchases, incurring new financial obligations, or entering into any financial contracts without the prior approval of the probation officer.
3. You shall cooperate with the Internal Revenue Service and pay all tax liabilities. You shall file timely, accurate and lawful income tax returns and provide proof to the probation officer.

THE DEFENDANT IS ADVISED OF DEFENDANT'S RIGHT TO APPEAL WITHIN 10 DAYS OF ENTRY OF JUDGMENT.

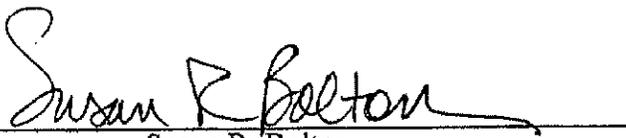
The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons and recommends: that the defendant be placed in an institution in Arizona, or as close to Arizona as possible, to facilitate visitation with family.

The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Monday, March 2, 2009**



Susan R. Bolton
United States District Judge

DATE: March 5, 2009

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

By: _____
Deputy Marshal

Exhibit A

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America
Plaintiff,
v.
Ira Gentry, Jr. and
Randy Jenkins,
Defendants.

CR 06-0464-PHX-SRB
**PRELIMINARY ORDER
OF FORFEITURE**

IT IS HEREBY ORDERED THAT:

As the result of the guilty verdicts regarding the below specified Counts of the Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. §§ 981, 982, and 28 U.S.C. § 2461, defendants shall forfeit to the United States: all property involved in or traceable to offenses involving 18 U.S.C. § 1956, and all property constituting, or derived from, proceeds the defendants obtained directly or indirectly, as the result of such violations:

Ira W. Gentry Jr. (1) found Guilty as to Counts 1,2,4,7-8,11,12,15-17,24,26,28-29,32,35-45,49,51-52,53-54,59; and

Randy W. Jenkins (2) found Guilty as to Counts 1,5,10,31,35-45,49,51-52.;

The Court has determined, based on the evidence already in the record and on evidence or information presented at a post-trial hearing on the forfeiture allegations in the Indictment, that the following property is subject to forfeiture pursuant to 18 U.S.C. Sections 981(a)(1), 982 and 28 U.S.C. Section 2461 and that the defendants had an interest in such property and that the government has established the requisite nexus between such property and such offenses:

Property to be forfeited:

- 1 A. 2006 Mercedes Benz E320CDI, 4 Door Sedan, VIN #
2 WDBUF26J46A885459 registered to ProTech Mgmt., Inc.;
- 3 B. \$1,154,250.00 in U.S. Currency representing the net proceeds due
4 Ira GENTRY and ProTech Management, Inc., a New Mexico
5 Corporation, from the sale of a drilling rig, and related equipment,
6 by Rig #4 Group LLC, a Texas Limited Liability Corporation of
7 which ProTech Management, Inc., successor of Panda International
8 Trust, Panda International Enterprises Ltd., and Ira W. GENTRY
9 held a 45% undivided interest;
- 10 C. The entire contents of Global Bank of Commerce, formerly the Swiss
11 American Bank (Woods Centre, St. John's Antigua) account number
12 2006211 in the name of Hung Hai Ltd. (approximately \$720,000);
- 13 D. Approximately \$111,766.44 in U.S. Currency, which represents the net
14 revenue proceeds due Ira W. GENTRY and ProTech Mgmt Inc., a New
15 Mexico Corporation, from the operating income earned by Rig #4
16 Group LLC, a Texas Limited Liability Corporation, prior to the May
17 2006 sale of drilling rig #4 and related equipment;
- 18 E. ProTech Mgmt Inc.'s investment interests in property held and managed by
19 3TExploration Inc., to include:
- 20 1. ProTech 's undivided interest in: Starrville Gas Gathering , LLC
21 which includes the Net-Proceeds Operating account at American
22 National Bank held by 3T Exploration for ProTech Mgmt with a value
23 of approximately \$41,098.11 as of June 6, 2008; and
- 24 2. ProTech 's undivided interest in: Conley Prospect and Scaling Ranch
25 Prospect which includes the Net-Proceeds Operating account at
26 American National Bank held by 3T Exploration for ProTech Mgmt
27 with a value of approximately \$62,148.44 as of June 6, 2008.
28

1 In addition, as a result of the offenses in the above specified Counts, for which each
2 defendant was convicted, a money judgment in the amount of \$9,469,841.74 shall be entered
3 against both defendants as the amount of the property constituting or derived from any proceeds
4 obtained directly or indirectly from the offenses and property involved in such offense. This
5 sum is composed of \$8,963,362.34 representing Unreported Capital Gains associated with Ira
6 Gentry, Jr., and \$506,479.40 as funds associated with financial transactions conducted by Randy
7 Jenkins regarding Monex and vehicle purchases. This money judgment shall be reduced by the
8 net liquidated value of the items forfeited above, as that sum is deposited with the Assets
9 Forfeiture Fund.

10 Defendants shall also forfeit any property involved in and proceeds traceable to the offenses
11 for which each has been convicted, which property has not yet been identified or located.

12 Upon the entry of this Order, the United States/Attorney General (or a designee); Secretary
13 of the Treasury (or a designee)-- is authorized to seize any property subject to forfeiture, whether
14 held by the defendants or by a third party, and to conduct any discovery proper in identifying,
15 locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P.
16 32.2(b)(3).

17 Upon entry of this Order, the United States/Attorney General (or a designee); Secretary of
18 the Treasury (or a designee) is authorized to commence any applicable proceeding to comply
19 with statutes governing third party rights, including giving notice of this Order.

20 The United States shall publish notice of the order and its intent to dispose of the property
21 in such a manner as the [United States/Attorney General (or a designee); Secretary of the
22 Treasury (or a designee)-- if case is a Treasury case] may direct. The United States may also, to
23 the extent practicable, provide written notice to any person known to have an alleged interest in
24 the Subject Property. No such notice is required to the extent that this Order consists solely of
25 a money judgment against the defendants. Rule 32.2(c)(1).

26 Any person, other than the above named defendants, asserting a legal interest in the Subject
27 Property may, within thirty days of the final publication of notice or receipt of notice, whichever
28 is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged

1 interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21
2 U.S.C. § 853(n); or 18 U.S.C. § 982(b)(1), or 28 U.S.C. § 2461(c) which incorporate 21 U.S.C.
3 § 853(n).

4 Upon the entry of this Order, the United States is authorized to seize the property listed
5 above and to conduct any discovery proper in identifying, locating or disposing of the property
6 subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

7 Upon entry of this Order, the United States/Attorney General (or a designee); is authorized
8 to commence any applicable proceeding to comply with statutes governing third party rights,
9 including giving notice of this Order.

10 The United States shall publish notice of the Order and its intent to dispose of the property
11 in such a manner as the United States/Attorney General (or a designee), may direct. The United
12 States may also, to the extent practicable, provide written notice to any person known to have
13 an alleged interest in the Subject Property.

14 Any person, other than the above named defendants, asserting a legal interest in the Subject
15 Property may, within thirty days of the final publication of notice or receipt of notice, whichever
16 is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged
17 interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21
18 U.S.C. § 853(n) or 28 U.S.C. § 2461(c).

19 Pursuant to Fed. R. Crim. P. 32.2(b)(3), as the result of the conviction of the defendants, this
20 Preliminary Order of Forfeiture shall become final as to the defendants at sentencing and will
21 be included in the judgment. If no third party files a timely claim, this Order shall become the
22 Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

23 Any petition filed by a third party asserting an interest in the Subject Property shall be
24 signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the
25 petitioner's right, title, or interest in the Subject Property, the time and circumstances of the
26 petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts
27 supporting the petitioner's claim and the relief sought.

28

1 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before
2 a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of
3 Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual
4 issues.

5 The United States shall have clear title to the Subject Property following the Court's
6 disposition of all third-party interests, or, if none, following the expiration of the period
7 provided in 21 U.S.C. § 853(n)(2), for the filing of third party petitions.

8 The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary,
9 pursuant to Fed. R. Crim. P. 32.2(e).

10 The Clerk of the Court shall forward two certified copies of this order to Assistant U.S.
11 Attorney Reid Pixler, U.S. Attorney's Office, Two Renaissance Square, 40 North Central
12 Avenue, Suite 1200, Phoenix, Arizona 85004-4408,

13 SO ORDERED:

14 DATED this 25th day of February, 2009.

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18 Susan R. Bolton
19 United States District Judge
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1 The Honorable Susan R. Bolton
United States District Court
2 401 West Washington Street
Phoenix, Arizona 85003-0001
3 at: Bolton_chambers@azd.courts.us

4 Copies of the foregoing delivered
electronically this date to:

5 Gregory Parzych, Esq.
6 (Attorney for Defendant Gentry)
at: gparzlaw@aol.com

7 Frank Galati, Esq.
8 Assistant United States Attorney
at: Frank.Galati@usdoj.gov

9
10 /s/ Barbara L. Hull