

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE:** 3/8/2017

**DISTRICT JUDGE**

**COURT REPORTER:** Jan Mason

**Amos L. Mazzant, III**

**COURTROOM DEPUTY:** Debbie McCord

USA vs. Roger Harvey Wagner (1) Rodney Lee Wagner (2)	4:15CR175

<b>ATTORNEY FOR PLAINTIFF</b>	<b>ATTORNEY FOR DEFENDANT</b>
Andy Williams	Robert Arrambide for Roger
	Rafael De La Garza for Rodney

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Sentencing</b>
4:07 pm	Court in session. Roger will respond to Court questions first, followed by Rodney.
	No changes/corrections to Presentence Report. Mr. Williams advised the Court that there has been some change to restitution amount, agreed upon by all parties.
	Court notes guilty plea to Count 1 by both Defendants, plea agreement accepted by the Court.
	For both Defendants: TOL: 25, CHC I, 57 - 60 months imprisonment.
	Restitution addressed. Mr. Williams submits \$1,895,318.62. All parties and counsel agree.
	Mr. Wallace, the probation officer, will present updated restitution list to courtroom deputy.
4:13 pm	Court noted receipt of letters and motion for variance and amended sentencing memorandum.
	Mr. Arrambide addressed the Court, requesting probation.
4:20 pm	Mr. De La Garza addressed the Court, requesting probation.
4:26 pm	Defense witness: Edith Henderson, sworn in. Direct by Mr. De La Garza.
4:29 pm	Defense witness: Deanna Wagner, sworn in. Direct by Mr. Arrambide.

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<b>TIME:</b>	<b>MINUTES:    Sentencing</b>
4:34 pm	Defense witness: Michelle Wagner, sworn in. Direct by Mr. De La Garza.
4:39 pm	Defense witness: James Fullbright, sworn in. Direct by Mr. De La Garza. Cross examinatin by Mr. Williams.
4:43 pm	Defense witness: Jonathan Evans, sworn in. Direct by Mr. Arrambide, cross examination by Mr. Williams.
4:45 pm	Court heard from Mr. Williams, who presented Government Exhibits 1 and 2.
	Court heard allocution from Mr. Roger Wagner.
4:52 pm	Court heard allocution from Mr. Rodney Wagner.
4:55 pm	Court addressed Defendants. Motion for variance granted.
4:58 pm	Sentence imposed: 48 months, Count 1 Information. Inmate financial responsibility program, jointly and severally liable to pay restitution totaling \$1,895,318.62 to victims. Interest on restitution is waived, payments to begin immediately, fine is waived, SA of \$100.00, SR for 3 years.
	Standard, special and mandatory conditions of release.
	Self report date of 4/19/2017, 2pm to BOP.
5:01 pm	Question: house at Seagoville, but maintain work to pay restitution, denied.
5:02 pm	BOP: North Texas.
5:03 pm	Rights of appeal are addressed. Indictment is dismissed.
5:04 pm	Court is in recess.

**DAVID O'TOOLE, CLERK**

BY: Debbie McCord  
Courtroom Deputy Clerk