

United States District Court
CRIMINAL MINUTES - SENTENCING AND JUDGMENT

Time Commenced: 10:08 am
Time Concluded: 1:54 pm

Case No. 3:09cr11/RV
Date August 19, 2009

PROCEEDINGS: Sentencing Hearing

Sentence imposed as to Counts 1 & 2 : Custody of BOP for 51 months; supervised release for 3 years; fine waived, restitution \$34,649.07 to USCG & \$871,387.85 to HDDC and SMA of \$200 (due immediately). Deft remanded to custody of U.S. Marshal. SEE FORMAL JUDGMENT. Govt Exhibits Admitted (envelope) placed in clerk's secured storage. Govt Exhibit List and Witness List attached.

PRESENT: HONORABLE **Roger Vinson**, Senior Judge

<u>Mike Constantakos</u> Probation Officer	<u>Susan Simms</u> Deputy Clerk	<u>Donna Boland</u> Court Reporter	<u>Tiffany Eggers</u> Asst. U.S. Attorney
---	------------------------------------	---------------------------------------	--

U.S.A v. (DEFENDANT LISTED BELOW)

ATTORNEYS FOR DEFENDANT

(1) **Marcus Schrenker**
 present custody bond O/R

(1) Thomas Keith
 present apptd. retained

DFT has read the presentence investigation (PSR) report and has discussed it with his/her attorney.

Objections were made to the PSR.

Notice of Enhancement filed Court Question defendant about prior conviction

DEFENDANT ADJUDICATED GUILTY OF COUNT(S): 1 & 2; SENTENCE IMPOSED:

DFT remanded to custody of Bureau of Prisons
on count(s) 1 imprisonment for a term of 51 months
2 imprisonment for a term of 51 months

with said sentences to run concurrently or consecutively

Additional recommendation:

Substance Abuse Treatment Counseling
 Mental Health Treatment while in the custody of BOP
 Intensive Confinement Center (ICC)

FINE PAYMENT: Fine waived; Fine of \$; SMA OF \$ 200.00 due immediately

Dft is liable for restitution of: (interest waived)
\$ 34,649.07 made payable to U.S. Coast Guard
\$ 871,387.85 made payable to Harley Davidson Credit Corp.
\$ made payable to

DFT is jointly and severally liable for restitution with

S/R or PROBATION. Dft is under:

Supervised Release upon completion of term of imprisonment for a period of 3 years.
 Probation for a period of years.
 Home Detention of months

With the following special conditions or modifications:

- DFT to be deported upon release from BOP
- DFT shall cooperate with the US Probation Officer and the Dept.of Homeland Security regarding Immigration status.
If removed dft shall not re-enter the United States without permission of the Dept. of Homeland Security.
- DFT shall not own or possess a firearm, dangerous weapon or destructive device.
- DFT shall submit to: testing for the use of drugs or alcohol to excess;
- DFT shall participate in a program of substance abuse treatment;
- DFT shall participate in a program of mental health treatment.
- DFT shall provide requested financial information to the U.S. Probation Officer.
- DFT shall make any unpaid fine on a payment schedule to be determine by the US Probation Officer.
- DFT shall make any unpaid restitution on a payment schedule to be determine by the US Probation Officer.
- Upon release dft to: maintain employment or enroll as full-time student; complete High School Education.
- DFT shall cooperate with the US Probation Officer and/or the appropriate state agency in the establishment and enforcement of child support payments
- ADDITIONAL TERMS: Dft shall not incur any new credit charges; Dft shall pilot or command any aircraft.

CUSTODY STATUS

- DFT committed to the custody of the U.S. Department of Justice.
- DFT to surrender to USMS at _____ or _____ designated institution at his/her own expense no later than _____ on _____.
- DFT remains on bond with _____ the same terms and conditions or _____ modified terms as follows:

Remaining count(s) _____ is/are dismissed on government motion.

- Court informs Dft of right to appeal.
 Dft request that the Clerk of Court file a notice of Appeal on his/her behalf.

Court recommends place of incarceration at / near Indiana.

DFT addresses the Court.

NO FORFEITURE _____ FINAL ORDER OF FORFEITURE entered.

10:08 am Court in session
Counsel present objections to PSR; Court rules on objections

10:38 Govt witness **GLEND A WHITE** sworn - Direct; No Cross
Govt Exhibits #2A1, 2A2, 2B,1A, 21, 3,5, 4A,17,18,18B, 18C - admitted

11:50 Court in recess

12:00 Court in session

12:02 Govt witness **JOHN ALLEN** sworn - Direct; No Cross
Govt Exhibits #6,7A&B,19,20 admitted

12:22 Deft witness **SKIP BEYER** sworn - Direct; 12:35 Cross; 12:45 Redirect

12:48 Counsel argue downward departure/sentencing guidelines

1:12 Deft addresses the Court

Filed in Open Court

8-19-2009

Initials of Deputy Clerk sps

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 3:09cr11/RV

MARCUS SCHRENKER

GOVERNMENT'S WITNESS LIST FOR SENTENCING

1. Special Agent Glenda White, U.S. DOT-OIG - *sworn 8-19-09*
2. Special Agent John Allen, CGIS - *sworn 8-19-09*
3. Patrick Montgomery, GAB Robins Aviation

Defendant's Witness List

1. Skip Beyer - *sworn 8-19-09*

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 3:09cr11/RV

MARCUS SCHRENKER

GOVERNMENT'S SENTENCING EXHIBIT LIST

NO.	EXHIBIT	WITNESSES	ID	ADMITTED
1	Certified copy of Marcus Schrenker's Airman Medical Record (Sealed)	Self Authenticating/ White		
1A	FAA Form 8500-8 Medical Certificate 1 st Class for Marcus for Marcus Schrenker for the following years: 9/29/92; 9/21/94; 5/10/97; 4/21/99; *5/31/00; *6/20/02; *11/12/04; *1/10/07 (these certificates are copies of those found in Government Exhibit 1)(Sealed)	Self Authenticating/ White	✓	8-19-09
2A1, 2A2 & 2A3	Three DVD-R containing the transcript of Marcus Schrenker in <i>Kenneth G. Horton, et al v. Marcus Schrenker and Heritage Wealth Management</i> , Superior Court of Cobb County, Georgia, 7-1-11053-35	White	2A1 ✓ 2A2 ✓	8-19-09 8-19-09

2B	Transcript of 2A	White	✓	8-19-09
3	Records from AOPA Agency and business record affidavit for the aircraft insurance policy for N428DC	Self Authenticating/ White	✓	8-19-09
4A	FAA Form 8500-9 Medical Certificate 3 rd Class for Marcus Schrenker signed by Patrick Rankin, M.D. dated 1/10/07 seized from defendant at the KOA Campground (Sealed)	White	✓	8-19-09
4B	Purported FAA Form 8500-9 Medical Certificate 3 rd Class for Jason Galoozis purportedly signed by Patrick Rankin, M.D. dated 1/10/07 and identification cards for Jason Galoozis seized from defendant at the KOA Campground (Sealed)	White	✓	8-19-09
5	Letter from Steve Nagel, Deputy Division Chief of Aircraft Operations Division of NASA, Johnson Space Center, Houston, Texas	White	✓	8-19-09
6	Dick's Sporting Goods, Marrisonville, IN receipt dated 1/8/09 and Business Records Affidavit	Allen	✓	8-19-09
7A & 7B	Two (2) photographs of the crash site	Allen	✓	8-19-09
8	Loan and purchase documents for N428DC dated 12/4/04 signed by Michelle Schrenker including - Unconditional and Continuing Guaranty and Aircraft Promissory Note for 1,067,870.24	Stipulation/ HDCC		
9	Aircraft Bluebook Price Digest for Summer 2009	Montgomery		
10	Aircraft Bluebook Price Digest for Spring 2009	Montgomery		
11A	Page from the Aircraft Log Book for N428DC dated 9/24/08 listing the hours on the aircraft's airframe as 1184.0	White/Montgomery		

11B	Page from the Aircraft Log Book for N428DC dated 9/24/08 listing the hours on the aircraft's engine as 1184.0	White/Montgomery		
12	Photo of N428DC's Hobbs meter taken at the Atlanta Air Salvage facility listing the aircraft's hours as 1246	Montgomery		
13	Aircraft valuation chart listing the Average Retail Value in Winter 2009 as \$1,022,697 and the Average Wholesale as \$884,500	Montgomery		
14	Letter from defendant to AOPA Insurance Agency dated June 9, 2009 stating that "There are two companies bidding for the auction rights to the aircraft which its estimated intrinsic value is nearly \$3 million dollars."	Montgomery		
15	Chart listing the cost to the United States Coast Guard as \$34,649.07	Stipulation/Allen		
16	Commandant Instruction 7310.1L dated 4/8/08	Stipulation/Allen		
17	1 DVD-R Containing Good Morning America telephonic interview of Marcus Schrenker on or about 4/21/09	White	✓	8-19-09
18A	1 DVD+R of N428DC Track Analysis	White	✓	8-19-09
18B	Two (2) graphs comparing altitude versus time and ground speed versus time with reference points A through K	White	✓	8-19-09
18C	Index of reference points A through K	White	✓	8-19-09
19	1 CD containing a jail telephone on 1/20/09 to 850-267-1552 (2:50 to 3:00)	White/Allen	✓	8-19-09
20	1 CD containing a jail telephone call on 3/26/09 to 850-267-1552 (3:00 - 4:00 and 5:10 to 5:40)	White/Allen	✓	8-19-09

