

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JAMES M. DAVIS**

§  
§  
§  
§  
§  
§

**Criminal No. H-09-335**

**AGREED PRELIMINARY ORDER OF FORFEITURE**

The defendant, James M. Davis, pleaded guilty to Counts One, Two and Three of the information. Count One charges the defendant with conspiracy to commit wire, mail and securities fraud, in violation of Title 18, United States Code, Section 371. Count Two charges the defendant with mail fraud, in violation of Title 18, United States Code, Section 1341. Count Three charges the defendant with conspiracy to obstruct an SEC proceeding, in violation of Title 18, United States Code, Section 371.

The United States provided notice to the defendant in the information that pursuant to Title 18, United States Code, Section 981(a)(1)(C), in the event of his conviction of Counts One and Two, it would seek a money judgment in the amount of up to \$1 billion and would seek to forfeit all property constituting or derived from proceeds traceable to the violations charged in Counts One and Two of the information.

Based on the written plea agreement, and pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, the Court has determined that the defendant should be ordered to forfeit \$1,000,000,000 (one billion dollars) to the United States.

It is ORDERED that:

1. The defendant, James M. Davis, shall forfeit \$1,000,000,000 (one billion dollars) to the United States. A personal money judgment is hereby awarded in that amount in favor of the United States and against the defendant.
2. The United States of America may, at any time, move to amend this Order to substitute property, in whole or in part, up to one satisfaction of \$1,000,000,000 (one billion dollars), pursuant to 21 U.S.C. § 853(p) and Rule 32.2(e) of the Federal Rules of Criminal Procedure.
3. The Court retains jurisdiction to enforce this Order. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order shall become final as to the defendant at the time of sentencing, and shall be made part of the sentence and included in the judgment.

Signed in Houston, Texas, on August 27, 2009.

  
UNITED STATES DISTRICT JUDGE