

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-20403

Hon. Nancy G. Edmunds

vs.

D-2 BOBBY W. FERGUSON,

Defendant.

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**DEFENDANT BOBBY FERGUSON'S SENTENCING MEMORANDUM**

Defendant, BOBBY W. FERGUSON, by and through his attorney, GERALD K. EVELYN, submits the following Sentencing Memorandum:

**I. INTRODUCTION**

While our system seeks justice, it does so with a keen eye towards preventing injustice, that no matter the crime, the Constitution acts to temper zealotry, to ensure that fundamental rights are protected no matter how despicable society may perceive the person advancing them. Justice can never work backwards, no matter the case or cause. Indeed, the search for justice must begin without a specific end in sight, and meander blind towards the truth. Justice served any other way is no justice at all.

Mr. Ferguson is now before this Court to be sentenced against the backdrop of inflamed passions and vitriol hatred. The electronic and print media's outcry for extreme sentences has risen to a fevered pitch. With Detroit in peril, strapped with an emergency manager and mired in bankruptcy, there is a belief that Mr. Ferguson and Mr. Kilpatrick must be held responsible for all our City's wrongs. The extraordinary historical inaccuracies aside, this Court must resist the temptation to get caught up in the groundswell of this passion and zealotry.

This sentencing is not meant to redress every wrongdoing in Mr. Ferguson's entire life, nor should it be an exercise in laying every ill our City faces at his doorstep. The Government seeks to do both: in essence, asking this Court to sentence Mr. Ferguson for conduct, in some cases where charges were never brought, and to apportion blame for Detroit's economic ills almost solely to Mr. Ferguson and Mr. Kilpatrick.

The jury spoke in this case, and their verdict is the only sound that matters – not the media and public's call for outrageous prison terms. The Government, who has been in lockstep with the media regarding this entire case, has fallen victim to the same way of thinking. Surely, justice requires more than mischaracterizing trial testimony, distorting past events, and ignoring everything good Mr. Ferguson ever did in his life. The media's efforts to demonize both Mr. Ferguson and Mr. Kilpatrick have taken real effect. This Court stands as a paladin at the gates of justice, bound only to maintain the system's constitutional integrity. In this arena, form cannot be allowed to masquerade as substance, and it can never be enough that the ends justify the means; rather, it must be that proper means lead to a just end.

## **II. MR. FERGUSON'S BACKGROUND AND PERSONAL HISTORY**

Mr. Ferguson is the only child of Annie and Homer Ferguson. Bobby's father, Homer, worked full-time at General Motors for over 30 years. While working at GM in the evening, Homer Ferguson simultaneously ran Ferguson Hauling during the day, building the company from the ground up. Mr. Ferguson learned to operate a backhoe at age 8, and began working with his dad at age 12. Working is how they spent their time together, and it laid the foundation of a strong work ethic in future family businesses. Mr. Ferguson graduated from High School and went on to attend Lawrence Technological University, majoring in Construction Engineering.

Under Mr. Ferguson's direction, Ferguson Enterprises, Inc. ("FEI") (established by Homer and Annie Ferguson in 1968) experienced slow but steady growth over the course of 20 plus years. Mr. Ferguson has over 30 years of hands-on experience in the construction industry, as well as significant experience associated with specialty contracting in earthwork, underground utilities, and demolition. Mr. Ferguson was featured in an article titled "40 Under 40," published in *Crain's Detroit Business*, which described his extraordinary achievements as a young businessman helping to develop FEI. One of Mr. Ferguson's greatest personal achievements was continuing to build on his father's family-owned construction business at the young age of 17, and expanding it to employ over 100 people, many from within the very community he was raised. The article states that Mr. Ferguson's "current goal is to maintain stability of his company after exponential growth, while adding the ability to do more long-term government contracting."

FEI is a third-generation company that has been in business for over 40 years. Derek Stoudemire of Stoudemire Trucking, Inc. wrote a letter in support of Mr. Ferguson. See attached **Exhibit 1**. Mr. Stoudemire is a small business owner who did work with Mr. Ferguson on numerous jobs. He found Mr. Ferguson to be true to his word. (*Id.*) Arthur Rowe of Rowe Trucking, LLC also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 2**. Mr. Rowe has been in business for over 40 years, and worked with FEI under both Homer and Bobby Ferguson. Mr. Rowe did quite a bit of work with FEI. (*Id.*)

Mr. Ferguson took over the company at age 17 due to his father's failing health. By 1993, expanding on his father's vision, Mr. Ferguson changed the name to Ferguson Enterprises, Inc. In 1996, FEI was called on to solve an excavating problem at Comerica Park. Because of their expertise, FEI was added to the bidder's list for the next phase of Comerica Park, which

they bid and won. Some other major projects FEI participated in include Ford Field, the Motown Museum, and MGM Casino. FEI was a major part of Southeast Michigan's water and sewerage infrastructure. FEI's underground utility division installed over 500,000 lineal feet of water and sewer main, forming upgrades, improving the quality of the domestic water service, and fire protection flows within the community.

At its peak, FEI employed over 150 employees, consisting mostly of Detroit residents with community roots. FEI provided salaries, union wages and benefits, healthcare, educational benefits, internship opportunities, and second chances for those who thought there was no such thing as a second chance. Mr. Ferguson, like his father, was always involved in his community, and was committed to reaching out and giving back to his community. Mr. Ferguson was always concerned about his employees being the best they could be, and always demanded dedication and encouraged education. Mr. Ferguson paid out-of-pocket for several employees to return to school and receive college degrees and a variety of educational certifications.

FEI established a long-term outstanding relationship with Caterpillar (a nationwide company). (2/16/13 at pps. 5-6.) That good-standing relationship had been in place for over 15 years when company representative Greg Schneider testified on Mr. Ferguson's behalf during the trial. FEI also had a long-term outstanding business relationship with the Zervos Bond Agency, and Mr. Steve Zervos also testified on Mr. Ferguson's behalf during the trial. (2/6/13 at pg. 16.) One of FEI's unique accomplishments was not having any claims or major losses during the 20 plus years they did business with the Zervos Bond Agency. (*Id.* at pg. 20.) Mr. Zervos said that this is virtually unprecedented in his experience and serves to underscore the quality work FEI performed over the years. FEI was one of Zervos' largest clients.

The Government attempts to define any success had by FEI and Mr. Ferguson as the direct and sole byproduct of a corrupt relationship with Mr. Kilpatrick. Nothing could be further from the truth. FEI's largest jobs were awarded and completed during the Archer administration including, but not limited to, the MGM temporary casino, Comerica Park, Ford Field, and various MDOT projects for the State of Michigan. In addition to building and extending existing relationships with community suppliers and subcontractors, FEI was also the main source of income for hundreds of City of Detroit residents and families.

Mr. Ferguson struggled to build a black-owned construction company where most, if not all, of the contractors were owned by non-minority individuals. He assisted other small minority-owned companies get their start, and assisted in job development opportunities for minorities. For example, Theo Simmons testified that Mr. Ferguson encouraged him to bid on the 8 Mile project, which helped his company grow significantly. (2/4/13 at pg. 52.) Mr. Simmons testified that Mr. Ferguson allowed him to use old operating space. (*Id.*) Mr. Ferguson would often go so far as to loan his equipment to companies who could not otherwise afford to have it. Maurice Hill of New Beginning Landscape also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 3**. Mr. Hill has known Mr. Ferguson since 1986 when he was a young man with a briefcase, an entrepreneurial sprit – focused, and always driven. Mr. Hill describes his encounters with Mr. Ferguson as always positive and motivating. He indicates that Mr. Ferguson was always willing to loan out his equipment and offer advice about business ventures and possible work. (*Id.*)

Mr. Ferguson took pride in the opportunity to offer gainful employment to those in his community. Taneshia Gibbs-El also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 4**. Ms. Gibbs-El worked for FEI for about 12 years and is grateful for that experience. Mr. Ferguson took time to mentor Ms. Gibbs-El, and train her in the construction industry. She recalls working in the office all night at times, preparing for a bid, and that the FEI team always gave their best. She also fondly remembers working with the Homer Ferguson Foundation every year to give back to the community. She knows Mr. Ferguson to be a loving, caring, dedicated, hardworking man, for whom she has great respect. (*Id.*)

Freddie Evans also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 5**. Mr. Evans worked as a mechanic for 16 years at FEI, and found Mr. Ferguson to be the best thing on earth. He said that Mr. Ferguson always treated him right and looked out for him. (*Id.*)

Sherry Bonds, a former FEI employee, also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 6**. Ms. Bonds described Mr. Ferguson as the kindest boss she had ever had. When Ms. Bonds was sick, Mr. Ferguson would tell her not to worry about her job, and to take care of her own issues. Ms. Bonds described Mr. Ferguson as one of the best employers she ever had. (*Id.*)

Albert Miller, another former FEI employee, also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 7**. Even though Mr. Miller had no experience in the construction, Mr. Ferguson gave him a break, and in that sense, he feels forever indebted to FEI. (*Id.*)

Lonnell Shepherd, another former FEI employee, also wrote a letter of support for Mr. Ferguson. See attached **Exhibit 8**. Mr. Shepherd spent seven years at FEI, which he called “the foundation of his career in construction.” (*Id.*) Mr. Ferguson also taught him how important it is to give back to your community. He called Mr. Ferguson “[a] very positive man who stands for the little people.” (*Id.*)

Mr. Ferguson was especially mindful of employing those who had hard time finding employment elsewhere, some because of prior criminal convictions. FEI had several employees who worked for the company since its inception in the early 1970s. FEI always had a mission to work with and mentor smaller local contractors; helping them grow while strengthening their ties with the larger majority contractors, even when this meant eventually they would be competitors. One example of this mission is Mr. Theo Simmons, who credits much of his success to Mr. Ferguson helping him start his business and bid on larger projects. (2/4/13 at pps. 44-45, 52.)

Another example is Sidney Johnson of Sid’s Restoration, LLC who also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 9**. Mr. Johnson has been in the construction business for over 23 years, and his company performs concrete work, excavation, and landscaping. (*Id.*) FEI helped Mr. Johnson to secure work, and when he first started out, FEI was one of the first companies to hire him. (*Id.*) Mr. Johnson states that if it were not for FEI, he would not be where he is today. (*Id.*)

The Homer Ferguson Foundation was established in 1996 to offer physical and financial support and much needed services to clothe, feed, nurture, and educate the most vulnerable population of Mr. Ferguson’s community: the youth and the elderly. The Homer Ferguson Foundation has been providing hot meals, necessities, tutoring, mentoring to seniors and at-risk youth consistently for over 14+ years. One particular program offered by the Homer Ferguson

Foundation is the “By His Grace” Thanksgiving event. Every year for the last nine years, Mr. Ferguson and the Homer Ferguson Foundation provided approximately 600 hot meals to senior citizen homes and homeless youth shelters in the City of Detroit during holidays. The Homer Ferguson Foundation solicits over 60 youth volunteers yearly to help prepare and deliver the meals, and provide companionship and nurturing while serving takes place. The Homer Ferguson Foundation has a twofold mission: it provides a much-needed service to the community, and it gives the youth a hands-on opportunity to give back to the community.

Following in the wake of the devastating earthquake in Haiti, the Homer Ferguson Foundation, in cooperation with another foundation, committed \$50,000 to a month-long radio-thon to help raise dollars to benefit the relief effort for the earthquake. The direction of these funds was for Doctors Without Borders and the Missionary Flight International. Mr. Ferguson always thought of his dad while helping others, and knew that his dad would be proud that FEI was helping dig out a community from a horrible catastrophe.

Seana Page of Sheridan Place I and II Apartments also wrote a letter of support on behalf of Mr. Ferguson. See attached **Exhibit 10**. Her letter details the wonderful work that the Homer Ferguson Foundation has done, particularly regarding the Thanksgiving meals they provide every year to seniors. The Homer Ferguson Foundation has provided over 300 dinners every Thanksgiving at the Sheridan Place I and II Apartments, and with the support of the Foundation, they can provide their senior residents with nutritional Thanksgiving dinners at no cost. Ms. Page indicates they will continue to work with the Homer Ferguson Foundation to ensure that the seniors receive those Thanksgiving meals every year. (*Id.*)



FEI also had an internship program, hiring several high school and college students every summer to shadow someone in each department of FEI. Mr. Ferguson felt it was very important to expose the youth of the community to both construction and professional environments. During their time at FEI, these youths were trained in various areas: skilled trades, construction, equipment and background, administration, estimating, management, customer service, and accounting. This often led to opportunities many of these youth would have never known. Many of the interns pursued and maintained successful careers in the construction industry due to the exposure and opportunities offered at FEI.

A great example of the success of this program is Tiara Clark, a project manager at Ferris State University, who also wrote a letter in support of Mr. Ferguson. See attached **Exhibit 11**. Through the years, she had three internships at FEI and the experience “had a great impact on her career.” *Id.* She refers to FEI as “the foundation of her career.” *Id.* She went on to say that “[w]ithout the foundation I started to build at Ferguson Enterprises, Inc. I can’t imagine where I would be today in life.” *Id.*

When FEI began to shut down due to loss of business arising out of the federal investigation, Mr. Ferguson met with his employees to make them aware of financial hardships and dwindling work due to media scrutiny and FBI tactics meant to intimidate anyone who was still willing to work with FEI. Mr. Ferguson told employees he was willing to do anything to help them secure positions with other companies, and tried to keep as many people on staff as possible until the doors were finally closed for good. He even offered many employees the opportunity to keep their company-provided computers and cell phones to assist in their efforts of securing employment elsewhere.

Mr. Ferguson has always been someone with a big, compassionate heart. Every year, he holds a back-to-school picnic that feeds hundreds of families and supplies them with backpacks, books, school supplies, and other items.

Mr. Ferguson is a father of five children, who he involved in all aspects of his work and community efforts. All five of his children went through the internship program at FEI and were always involved in the planning, fundraising, and giving aspects of the Homer Ferguson Foundation. Mr. Ferguson's compassion for business and giving laid a strong foundation in his children. His oldest daughter graduated with honors in agricultural business. Three of his children are currently in college studying construction management, architecture, design and entrepreneurial business. His youngest is heading off to college soon. All of his children are looking forward to coordinating and managing this year's "By His Grace" Thanksgiving event.

Three of Mr. Ferguson's five children wrote letters in support of their dad. See attached **Exhibit 12**. It is clear from the letters that Mr. Ferguson's has formed an indelible bond with his children, which is clearly in line with reason to vary a sentence based on familial connection and importing. There is no doubt from the letters that Mr. Ferguson's has always been an integral part of his children's lives. And now, as his children begin to have children, they all want Mr. Ferguson to be a part of their lives as a grandfather. The well-written letters clearly provide a basis to vary downward in setting Mr. Ferguson's because of his overwhelming importance to his family.

Mr. Ferguson has paid for various funerals of youth in the community who had their lives taken away when the families were unable to pay for the burial services.

**III. OBJECTIONS TO PRESENTENCE REPORT**

Mr. Ferguson incorporates his unresolved objections to the Presentence Report herein:

**PARAGRAPH 7:**

Defendant objects that the probation investigation was not independent as is required by law, but instead relies on documents and statements provided by the Government, in addition to other sources, most of which were not admitted during the underlying trial. Even worse, there are only vague or non-descript references to the people or documents used to form the substance of the paragraphs contained herein.

**PARAGRAPH 10:**

Defendant objects to the conclusory language contained in this paragraph. Moreover, defendant objects to being characterized as Kwame Kilpatrick's longtime friend. In addition, defendant objects to what "the investigation revealed" as that is not relevant to the determination of sentence.

**PARAGRAPHS 11-76:**

Defendant objects to the broad language in these paragraphs that, in conclusory fashion, detail criminal wrongdoing by Bobby Ferguson, Kwame Kilpatrick, and Bernard Kilpatrick. Most of the allegations contained in these paragraphs are either unsupported by evidence offered during the trial, or even worse, flatly contradicted by the evidence that was introduced during trial (defendant will offer examples of such instances). These paragraphs are nothing more than an inaccurate and exaggerated recitation of the evidence at trial. For these reasons, defendant objects to the substance of Paragraphs 11-76.

**PARAGRAPH 21:**

Defendant objects to the statements that "Mayor Kilpatrick and Ferguson put pressure on Alberici Constructors Inc. to get Ferguson a multimillion dollar subcontract to demolish the interior of the Book Cadillac Hotel as part of the renovation of the hotel. Alberici executives gave the contract to Ferguson to avoid problems with the city, despite the fact that they determined Ferguson lacked the specialized experience to do interior demolition and asbestos removal on a historic high rise building." The uncontroverted evidence at trial was that Mr. Ferguson bid the Book Cadillac job, won the job as the low bidder, and completed his work. Both Odell Jones and Derrick Miller testified that there was nothing wrong with the bid process and that Mr. Ferguson was selected based on competitive bidding, and nothing to do with his relationship with the Mayor.

**PARAGRAPH 25:**

Defendant objects to the use of a statement by an assistant vice president of Walbridge regarding Ferguson Enterprises inability to perform work at the Book Cadillac. Nobody at that level testified from Walbridge during the course of the trial, and further, it is unclear as to who this individual might be.

**PARAGRAPH 28:**

Defendant objects to the statement that "evidence at trial suggests that the owner of J.O.A. Construction stated that when Kilpatrick was elected as mayor his business with the City of Detroit started to dry up." Johnson Akinwusi testified that he did not bid many jobs with City of Detroit after Mayor Kilpatrick was elected mayor. In addition, Mr. Akinwusi also testified that he was awarded work on restoring the Manoogian Mansion early on in Mayor Kilpatrick's term as mayor in office.

**PARAGRAPH 30:**

Defendant objects to the statement that he received contracts 2012, 615, and 651 as a result of intervention by Kilpatrick and Mercado. Defendant also objects to the use of "case information" to state that Ferguson's companies were not the most qualified or the lowest bidder on the contracts. To the contrary, Pratap Rajadhyaksha testified at trial that he made a decision to select Bobby Ferguson to work on the pilot project which was a precursor to CM 2012. He further testified that Bobby Ferguson worked on CM2012, WS 650, and WS 651 as the result of his work on the pilot project.

**PARAGRAPH 31:**

Defendant objects to the entire paragraph as being unsupported by the testimony and evidence at trial.

**PARAGRAPH 32:**

Defendant objects to the paragraph as being unsupported by the testimony and evidence at trial.

**PARAGRAPH 33:**

Defendant objects to the statement that contract 1368 had been awarded to Inland Waters. In fact, the testimony at trial stated that the contract had not been awarded to Inland Waters on December 19, 2001 as stated in PSIR.

**PARAGRAPH 34:**

Defendant objects to this paragraph as being unsupported by the evidence and testimony at trial.

**PARAGRAPH 38:**

Defendant objects to the use of Grand Jury testimony regarding Mr. Ferguson's inclusion in the contract referenced in this paragraph is contradicted by trial testimony.

**PARAGRAPH 40:**

Defendant objects to the use of statements by Dennis Oszust regarding Bobby Ferguson's involvement in city work because he did not testify regarding any contracts.

**PARAGRAPH 42:**

Defendant objects to the use of text messages in this paragraph that were not introduced during the course of trial.

**PARAGRAPH 43:**

Defendant objects to the use of Inland Waters' employee statements regarding what DWSD officials would ask them regarding Mr. Ferguson.

**PARAGRAPH 44:**

Defendant objects to the use of Kathleen McCann's notes regarding meetings about Ferguson. Defendant further objects to the use of statements by Dennis Oszust regarding Mr. Ferguson's involvement in 1368.

**PARAGRAPH 45:**

Defendant objects to the use of statements by Dennis Oszust to law enforcement regarding Ferguson's involvement in 1368.

**PARAGRAPH 46:**

Defendant again objects to the use of Dennis Oszust statements to law enforcement, along with his notes.

**PARAGRAPH 47:**

Defendant objects to the use of Derrick Miller's statements regarding the amendment to 1368. Specifically, Derrick Miller did not testify to any of the information contained in this paragraph.

**PARAGRAPH 48:**

Defendant objects to this paragraph as being unsupported by the testimony and evidence at trial.

**PARAGRAPH 49:**

Defendant objects to the statement that "after his dispute with Inland had been resolved, Mayor Kilpatrick signed a special administrative order authorizing DWSD to pay Inland the \$12 million amendment to the sewer lining contract." That statement is flatly contradicted by the testimony and evidence at trial. Specifically, Bernard Parker testified that at the time the special administrative order was entered on December 23, 2005, the dispute with Mr. Ferguson had not yet been resolved. Defendant further objects to statements by Dennis Oszust regarding this issue contained in this paragraph.

**PARAGRAPH 50:**

Defendant objects to this paragraph as being unsupported by the evidence and testimony at trial. In addition, defendant objects to the use of statements by a maintenance supervisor DWSD regarding his submission of fraudulent invoices for work on 1368. Defendant also objects to the use of any statements by Dennis Oszust regarding this issue.

**PARAGRAPH 51:**

Defendant objects to this paragraph as unsupported by the evidence and testimony at trial. In addition, defendant objects to the use of statements from an unidentified Inland employee, in addition to the statements from Walter Rozycki regarding the substance in this paragraph.

**PARAGRAPH 53:**

Defendant objects that this paragraph is unsupported by the testimony and evidence at trial. Specifically, the evidence at trial did not indicate that WPM was the low bidder on PC 748.

**PARAGRAPH 54:**

Defendant objects to the paragraph that is unsupported by the testimony and evidence at trial. Defendant further objects to any use of Derrick Miller's statements regarding the substance of this paragraph since he did not testify consistently with that at trial.

**PARAGRAPH 55:**

Defendant objects to the use of statements from a Walbridge vice president, since that person is not identified and never testified at trial.

**PARAGRAPH 56:**

Defendant objects to this paragraph as unsupported by the testimony and evidence at trial.

**PARAGRAPH 57:**

Defendant objects to this paragraph as unsupported by the evidence and testimony at trial.

**PARAGRAPH 58:**

Defendant objects to this paragraph as unsupported by the testimony and evidence at trial.

**PARAGRAPH 59:**

Defendant objects to this paragraph as unsupported by the testimony and evidence at trial. Furthermore, the evidence at trial contradicts what is contained in this paragraph. Specifically,



the evidence showed that Walbridge, without any outside pressure, approached Ferguson regarding PC 755.

**PARAGRAPH 60:**

Defendant objects to this paragraph as unsupported by the testimony and evidence at trial. Defendant also objects to the use of statements from Walbridge employees since none of those employees testified during the trial.

**PARAGRAPH 61:**

Defendant objects to the use of statements by Ron Hausmann and John Rakolta as the basis for this paragraph.

**PARAGRAPH 62:**

Defendant objects to this paragraph as unsupported by the testimony and evidence at trial. Furthermore, defendant objects to the use of any statements made by those individuals from Walbridge who were not called to testify during the trial.

**PARAGRAPH 63:**

Defendant objects to the use of statements made by Walbridge who were not called to testify during the trial.

**PARAGRAPH 64:**

Defendant objects to this paragraph as unsupported by the testimony and evidence at trial. Furthermore, defendant objects to the use of statements made by individuals not called during the trial.

**PARAGRAPH 65:**

Defendant objects to this paragraph as unsupported by the testimony and evidence offered during trial.

**PARAGRAPH 66-72:**

Defendant objects to this paragraph as unsupported by the testimony and evidence offered during trial.

**PARAGRAPH 74-76:**

Defendant objects to this paragraph as unsupported by the testimony and evidence offered during trial.

**PARAGRAPH 77:**

Defendant objects to this paragraph as being based on a vague reference to records seized by the Government which reveal a profit margin between 26% and 85% on the listed contracts. That grossly inflated number is not supported by any document obtained by the Government and results in a vastly inflated amount of loss to the Government.

**PARAGRAPH 78:**

Defendant has yet to receive a copy of any of the victim's letters referenced in this paragraph. Therefore Mr. Ferguson is unable to object to the substance of any of the letters unless they are provided to him in a timely manner by the probation department.

**PARAGRAPH 79:**

Defendant objects to being scored points for obstruction of justice. The testimony at trial regarding this issue was vague, unsubstantiated, and clearly does not warrant a finding that he obstructed justice in any manner. Furthermore, there is nothing about possession of a driver's license that resulted in the obstruction of justice.

**PARAGRAPH 84:**

Defendant objects to the scoring of two points for their being more than one bribe or extortion.

**PARAGRAPH 85:**

Defendant objects to the scoring of twenty points based on the profit in this case being \$16,802,773.00. That number is incredibly inflated and unconnected to any supporting documentation.

**PARAGRAPH 86:**

Defendant objects to being scored four points for being a public official.

**PARAGRAPH 89:**

Defendant objects to the scoring of two points for the reasons stated in his objection to Paragraph 79.

**PARAGRAPH 94:**

Defendant objects to his criminal history category of three because it vastly overstates the seriousness of his prior offenses and contact with law enforcement.

**PARAGRAPH 141:**

Defendant objects to this paragraph. Specifically, defendant objects that he exercised managerial responsibility over the activities of the criminal organization as a whole.

**PARAGRAPH 144:**

Defendant objects to the language that he began to "muscle" his way into the City of Detroit contracts.

**IV. SENTENCING FACTORS PURSUANT TO 18 U.S.C. § 3553(a)**

In accordance with *United States v Booker*, 543 US 220 (2005), a sentencing court is required to review and consider all of the factors identified in §3553(a) (2) and "impose a sentence sufficient, but not greater than necessary to comply with the purposes set forth in paragraph (2)". *United States v Foreman*, 436 F 3d 638, 644 (Sixth Cir. 2006).

**(a) Factors to be considered in imposing a sentence.** The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed:
  - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) to afford adequate deterrence to criminal conduct;
  - (C) to protect the public from further crimes of the defendant; and
  - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established [under the guidelines];
- (5) any pertinent policy statement [issued by the Sentencing Commission];
- (6) the need to avoid unwanted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

Moreover, the law does not require a sentence close to the guidelines. *United States v. Adelson*, 441 F. Supp. 2d 506, 512 (S.D.N.Y. 2006) (describing “the utter travesty of justice that sometimes results from the guidelines’ fetish with abstract arithmetic, as well as the harm that guideline calculations can visit on human beings if not cabined by common sense”), *aff’d*, 301 Fed.Appx. 93, 95 (2d Cir. 2008); *United States v. Parris*, 573 F. Supp. 2d at 745, 754 (describing the Sentencing Guidelines as “a black stain on common sense” and sentencing the defendant “to a term of incarceration of 60 months in the face of an advisory guidelines range of 360 to life”).

Further, while this Court must calculate and consult the guidelines range, that range does not generate a presumptively-reasonable sentence. “[A] district court may determine, on a case-by-case basis, the weight to give the Guidelines, so long as that determination is made with reference to the remaining §3553(a) factors that the court must also consider in calculating the defendant’s sentence.” *United States v. Hunt*, 459 F.3d 1180, 1185 (11th Cir. 2006). “Whether, after consideration of section 3553(a) in its entirety, a court finds the Guidelines to be compelling is a fact-specific judgment that [the Eleventh Circuit] neither mandate[s] nor foreclose[s].” *Id.*; see also *Rita v. United States*, 551 U.S. at 351 (a district court may consider arguments that “the Guidelines sentence itself fails properly to reflect §3553(a) considerations”).

The fundamental consideration in sentencing is the directive of Congress, called the “parsimony provision” of 18 U.S.C. §3553(a), that the district court “shall impose a sentence sufficient, but not greater than necessary, to comply with [the goals of §3553(a)(2)].” *United States v. Lazo*, 227 Fed. Appx. 882, 883-84 (11th Cir. 2007). Under that directive, “[t]he sentence must be no greater than necessary to punish, deter, protect the public, and provide the training and care outlined in the statute.” *United States v. Brown*, 294 Fed. Appx. 437, 438 (11th Cir. 2008). Indeed, the “parsimony provision” is said to be the “guidepost” of the sentencing statute. *United States v. Ferguson*, 456 F.3d 660, 667 (6th Cir. 2006); accord *United States v. Husein*, 478 F.3d 318, 340 (6th Cir. 2007) (“[T]he plain import of *Booker* is that a 1-day, below-the-Guidelines sentence, no less than a 7,300-day, above-the-Guidelines sentence, is now a viable sentence for a district court to impose so long as it is authorized by statute and reasonable within the meaning of 18 U.S.C. §3553(a).”).

**V. SENTENCING FACTORS**

**A. The Nature and Circumstances of the Offense and the History and Characteristics of the Defendant.**

**1. Nature and circumstances of the event.**

The nature and circumstances are discussed herein to the extent they are relevant to the calculation of the sentencing guidelines, and offering this Court a recommendation of sentence in this case. Defendant Bobby Ferguson was convicted of Counts 1, 2, 3, 4, 5, 7, 8, 9 and 17 of the Indictment. The jury found Mr. Ferguson not guilty or reached no verdict on two counts – Count 10 and Count 16. Both the Government and the Probation Department assert that the value received should be determined by the 11 DWSD contracts and the contract with Heilmann Recreation Center, which is the basis for an increase in the guideline range by 20 levels.

As also noted in Mr. Kilpatrick's Sentencing Memorandum, the jury was only asked to decide guilt on five of these contracts, and no specific findings were made by the jury except for those contracts that were charged as separate counts. As stated above, none of the specific acts alleged in Count 1 were the subject of any specific determination by the jury. In as much as the jury could find a conspiracy existed based upon Mr. Ferguson having committed only two acts of Racketeering, it therefore does not follow that Mr. Ferguson's conviction on Count 1 means there was a determination by the jury as to each of the acts alleged in Count 1. The jury verdict, therefore, does not provide a basis, and this Court should not find, that there is sufficient evidence to conclude the commission of those acts was otherwise established.

While it is clear there were some contractors that testified Mr. Ferguson was added to contracts because of a belief that his presence would improve a general contractor's opportunity of securing a contract, his participation did not necessarily always have to amount to extortion. Mr. Ferguson had a real company and was not a "front" as was the case all too often prior to

Kwame Kilpatrick becoming mayor. In fact, Government witness George Woods testified that he had encouraged Mr. Ferguson to not let Ferguson Enterprises be used as a front for white companies that wanted fake minority participation for purposes of securing government contracts. Mr. Ferguson's and FEI's participation was often times sought because of his expertise, ability, and proven track record, and not just because of a perceived relationship with Mr. Kilpatrick. That Mr. Ferguson took an aggressive posture in seeking participation did not always reflect an effort or intent to extort.

As such, we ask that this Court not make a determination on such an important issue (loss amount) without an adequate, legally sufficient, factual basis.

**2. History and characteristics of the defendant.**

Mr. Ferguson's history and characteristics are discussed herein at length, and clearly support the sentence recommendation made in this case.

**3. The need for the sentence imposed:**

**(a) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;**

The sentence recommended by counsel in this Memorandum will reflect the seriousness of Mr. Ferguson's involvement in the underlying matter, promote respect for the law, and provide a just punishment for the offense.

**(b) to afford adequate deterrence to criminal conduct;**

The sentence recommended by counsel in this Memorandum will afford adequate deterrence to the types of criminal conduct Mr. Ferguson engaged in.

**(c) to protect the public from further crimes of the defendant;**

The sentence recommended by counsel in this Memorandum verifies Mr. Ferguson is no threat to the public.

**(d) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.**

The sentence recommended by counsel in this Memorandum will address this factor.

**VI. LOSS ANALYSIS**

Mr. Ferguson incorporates by reference all the briefs and motions filed on behalf of Mr. Kilpatrick concerning the issue of loss amounts. Specifically, Mr. Ferguson incorporates the arguments made regarding the Government's inflated calculation of loss in this case. These facts propounded by the Government and the Probation Department were not found by the jury. Not all the racketeering acts in Count 1 were separately charged, and thus no specific determination by the jury could be made regarding amounts of loss. As mentioned by Mr. Kilpatrick, Agent Beeckman testified that 5% profit was typical in the construction industry, as did Tom Hardiman. In addition, Avinash Rachmale testified that 2-3% was considered a legitimate profit margin in the construction industry. 11/27/12 at pg. 67. Kathleen McCann testified it was her understanding that Mr. Ferguson was seeking a 3% profit on CS-1368, the "as needed" sewer work contract that is the basis of Count 3. Agent Carol Paskiewicz testified that she did not make any attempt to determine Mr. Ferguson's alleged profits on the revenues he received from the contracts at issue in this case. Based on the evidence presented at trial, a profit rate of 10% is completely unreasonable and unsupported by any evidence.

The Government's approach to calculating loss in this case is clearly disfavored, and is something akin to the inflated sentences received under the drug laws, where amounts of drugs result in disproportionate sentences. The reason for this is that this approach is not empirically based, and is thus disfavored by the Sentencing Commission.



There was no evidence presented at trial that the over \$9 million figure represents Mr. Ferguson's "profits" in the PSR's determination that 10% should be used to determine the amount for guideline enhancement, and it is contradicted by the evidence presented at trial. Simply, there is no evidence that 10% or any percentage was established as a standard amount of profit for Mr. Ferguson to realize on any contracts in this case. The Government must prove every re-scoring it espouses, unless it is conceded by the defendant. *United States v. Vanenburg*, 201 F.3d 805, 811 (6<sup>th</sup> Cir. 2008). The statements in the PSR are not evidence. *United States v. Mann*, 701 F.3d 274, 310 (8<sup>th</sup> Cir. 2012). The PSR scoring should be based on the evidence at trial, not the allegations in the Indictment *United States v. Correy*, 570 F.3d 373, 383-84 (1<sup>st</sup> Cir. 2009). There has not been any disclosure to Mr. Ferguson of the nature or content of the "records" on which the alleged profit margin is based, and there is no reference to any criminal evidence that supports the accuracy of this percentage.

As stated in Mr. Kilpatrick's Memorandum, in quantifying the amount of value received for the bribe offense conviction under 18 U.S.C. § 1962(c) in Count 1, the relevant amount begins with profit or net revenue, not gross revenue. *United States v. Sapoznik*, 161 F.3d 1117 (7<sup>th</sup> Cir. 1998). The value must be a net value after it is reduced by direct cost. *United States v. Gray*, 521 F.3d 514, 543 (6<sup>th</sup> Cir. 2008). For these reasons, the PSR's calculations of loss value are incorrect and unreasonable, and should not be used to enhance Mr. Ferguson's base offense level by 20 points.

There is no substantive count of conviction that concerns the Book Cadillac project. The jury did not make any specific finding as to any act that was alleged only as a part of the Count 1 conspiracy. The jury's verdict on Count 1 does not establish any basis upon which to use conduct or any dollar amount related to the Book Cadillac project for guideline computations or

for purposes of sentencing. Indeed, only two witnesses testified regarding the Book Cadillac project – Odell Jones and Derrick Miller. Both of these witnesses testified that Mr. Ferguson won the Book Cadillac job fair and square, and as the result of a competitive bid. Similarly, there was no jury finding regarding the Heilmann Project and, likewise, no dollar loss amount can be used to calculate Mr. Ferguson’s guideline scoring. In fact, Tyrone Clifton testified, and the DBA solicitation for bids demonstrated, that the selection process regarding Heilmann would not award the contract solely based on low bid. As an aside, Mr. Ferguson’s team was the only all-black project team, and that included the architects, engineers, and construction managers.

Lastly, there was no specific jury finding on CM-2012, WS-650, or WS-651. Thus, no numbers related to those contracts can be added to the loss amount used in calculating Mr. Ferguson’s guideline.

This Court should vary Mr. Ferguson’s sentence from the guideline range because the fraud loss/gain table in U.S.S.G. §2B1.1 as incorporated into §2C1.1 to determine the value of benefit received by Mr. Ferguson, which enhances his offense level by 20 points, does not deserve the usual deference accorded to the guidelines. Mr. Ferguson adopts by specific reference Mr. Kilpatrick’s memorandum, which details the law regarding the loss table and its lack of empirical data and reliability.

Furthermore, Mr. Ferguson specifically adopts Mr. Kilpatrick’s argument that the fraud guideline loss enhancements are improperly pegged to track guidelines for drug offenses. Specifically, “the enhancements to the values in the fraud loss table have led to the absurd result that an offender like Defendant is subject to a guideline range higher than those imposed on armed drug traffickers, and higher than that applicable to many violent offenders.” Since the Commission has recognized, but not corrected, the problem of over-assessment due to multiple

overlapping enhancements, courts have recognized that a departure or variance is warranted to avoid it. *See, for example, United States v. Adelson*, 441 F.Supp.2d 506, 510 (SD New York 2006). Guidelines in fraud cases have “so run amuck that they are patently absurd on their face” in describing enhancements as “representing instead the kind of piling on of points for which guidelines have frequently been criticized.”

## **VII. OVERREPRESENTATION OF CRIMINAL HISTORY**

Mr. Ferguson’s classification in Criminal History Category III overstates the seriousness of his prior conduct. In an attempt to paint Mr. Ferguson in the most unfavorable light, the Government references every apparent allegation of wrongdoing by Mr. Ferguson they can find. In so doing, the Government distorts the facts of these prior incidents relating to Mr. Ferguson. An example of this is the incident that took place in Farmington Hills, where they allege Mr. Ferguson engaged in wrongdoing. In fact, Mr. Ferguson was actually the victim of being jumped by three individuals, and he acted in self-defense in that matter. This distortion and others like it have resulted in Mr. Ferguson being classified as a Category III offender, which overstates the seriousness of his prior contact with law enforcement.

Regarding the Government’s allegations that post-trial, Mr. Ferguson misrepresented to counsel the nature of his assets, it suffices to say that someone needed to assist Mr. Ferguson’s 88-year-old mother in connection with the Government seizing all of her assets including proceeds of her pension and social security from her bank accounts in Alabama. Again, this is a Government distortion of events that was skewed in order to make Mr. Ferguson appear like the worst person possible.

**VIII. CONCLUSION AND SENTENCING RECOMMENDATION**

This Court should sentence Mr. Ferguson to a term of imprisonment of not more than 10 years. In making this recommendation, Mr. Ferguson specifically incorporates by reference the comparative sentencing table attached to Mr. Kilpatrick's Sentencing Memorandum. The Government selectively describes and mischaracterizes past events from Mr. Ferguson's life, and ignores the entirety of who Mr. Ferguson is. The Government only presents their jaded one-sided story in an attempt to jack up Mr. Ferguson's prison sentence. The media's agenda in this case is clear: they seek to walk through all the wrongs of the City in an effort to make Bobby Ferguson and Kwame Kilpatrick the cause of all the City's ills. Mr. Ferguson's sentence should not be driven by the Detroit Free Press, Detroit News, or any other media's demonization of him, nor should the sentence ignore all of who Mr. Ferguson is as a man.

Respectfully submitted,

s/ Gerald K. Evelyn  
**GERALD K. EVELYN (P29182)**  
Attorney for D-2 Bobby Ferguson  
535 Griswold, Suite 1030  
Detroit, MI 48226  
(313) 962-3500  
geraldevelyn@yahoo.com

Dated: October 8, 2013

<b>PROOF OF SERVICE</b>		
<i>The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause and to each of the attorneys of record herein at their respective addresses as directed on the pleading(s) of October 8, 2013.</i>		
Delivery By:		
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Fax	<input checked="" type="checkbox"/> E-File (ECF)
<input type="checkbox"/> Hand-Delivered (Court)	<input type="checkbox"/> Overnight Express	
<input type="checkbox"/> Federal Express	<input type="checkbox"/> E-mail	<input type="checkbox"/> Other
Signature: <u>s/ Megan E. Lang</u>		
Megan E. Lang		

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-20403

Hon. Nancy G. Edmunds

vs.

D-2 BOBBY W. FERGUSON,

Defendant.

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EXHIBIT LIST

- 1 Letter from Derek Stoudemire
- 2 Letter from Arthur Rowe
- 3 Letter from Maurice Hill
- 4 Letter from Taneshia Gibbs-El
- 5 Letter from Freddie Evans
- 6 Letter from Sherry Bonds
- 7 Letter from Albert Miller
- 8 Letter from Lonnell Shepherd
- 9 Letter from Sidney Johnson
- 10 Letter from Seana Page
- 11 Letter from Tiara Clark
- 12 Letters from Mr. Ferguson's children – Brittany, Brandy and BJ Ferguson



**Stoudemire Trucking Inc.**

2635 Ferry Park  
Detroit, MI 48208  
(313) 618-6974

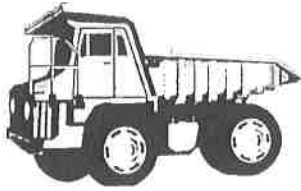
August 8, 2013

To Whom It May Concern:

I am a small business owner. I worked with Bobby Ferguson on numerous jobs. I did trucking for Ferguson Enterprises. When it came time to get paid, he always told me, when he gets paid he will pay me. He was true to his word.

Thank you,

Derek Stoudemire



Rowe Trucking LLC  
4049 Field Street  
Detroit, MI 48214

I am Arthur Rowe. I have been in business over 40 years. I worked with Ferguson Enterprises under the father and the son. I did quite a bit of trucking with Ferguson Enterprises. I kind of hate that they are not in business anymore. I did not have any problems with the father or the son.

A handwritten signature in cursive script that reads "Arthur Rowe". The ink is dark and the handwriting is fluid.

Arthur Rowe

## **NEW BEGINNING LANDSCAPE**

P.O. BOX 02792, DETROIT, MI 48202, (313) 491-1218

August 7, 2013

To Whom It May Concern:

When you speak of a man whom you have known for over 25 years, there is nothing but the truth that one should be able to offer about his character. I have known Bobby Ferguson from 1986, from the years we spent in high school, the young guy with a briefcase, entrepreneur-spirit, focused and always driven.

Years later my encounters with Bobby have always been positive and motivating. As years progressed and we became older, our conversations became more spiritual and well diverse as business owners. He has always been well liked with employees that I have encountered and other business owners. Bobby has always been willing to loan equipment and offer the truth about his business ventures and possible work.

When you speak of a trust-worthy, family-oriented business –man; Bobby Ferguson will always come to my mind.

Sincerely,

A handwritten signature in cursive script that reads "Maurice Hill". The signature is written in dark ink and is positioned above the printed name.

Maurice Hill



On behalf of the Bobby Ferguson and the Ferguson Enterprises team, I Taneshia Gibbs-El worked for Ferguson Enterprises for about 12 years. I am grateful for the years I spent working for Bobby and the Ferguson Enterprise team. I sincerely appreciate the time Bobby Ferguson took to mentor and teach me career objectives in the construction industry. Working for Ferguson Enterprises was a very learning experience for me throughout the years. Ferguson Enterprises provided hands on training for me whom allowed me to grow with the company and gave me new perspectives on available opportunities. The time I spent with Ferguson allowed me to see that he was a smart dedicated family man who loved to work. The Ferguson Enterprise team was a hard working team. When I worked in the construction field as a labor, there were times we would work all night to make sure the job was done correctly. When I worked in the office there were times we would work all night preparing for a bid, The Ferguson team has always gave their best. Working with the Homer Ferguson Foundation was a great joy for the entire team who participated every year. Giving back to the community was not an option for Bobby it was something he loved to do. I know Bobby Ferguson to be a loving, caring, dedicated, hard working man whom I have great respect for.

  
Sincerely

Taneshia Gibbs- El

8.13.13

My name is Freddie Evans. I worked  
as a mechanic for 16 years. Mr. Ferguson  
was the best thing on earth. He treated  
me right. He always looked out for me.  
He trained me in heavy machinery operation

Freddie Evans  
313 790.9122

August 13, 2013

To Whom It May Concern:

My name is Sherry Bonds. I worked for Ferguson Enterprises for about 4 years. Mr. Ferguson was the kindest boss I ever had. I had about 15 years of construction accounting experience before I was hired in at Ferguson.

I am not in the best health, and when I would become ill, he would tell me not to worry about my job.

One time, shortly upon being hired, I tried to still come to work and he sent me home. He was always concerned about my well being.

He was one of the best employers that I have ever had.

Sincerely,

A handwritten signature in cursive script that reads "Sherry K. Bonds". The signature is written in black ink and is positioned above the printed name.

Sherry K. Bonds

(313) 608-4407

08.13.13

Albert Miller is my name. I worked for Ferguson for about a year. Although I had no construction experience, Mr. Ferguson gave me a break. I will forever be indebted to Ferguson Enterprises.

Even though I did not work there long, I was able to feed my family and maintain my household.

*Albert Miller*

*313 484-5596*

August 28, 2013

To Whom It May Concern

I spent seven years at Ferguson Enterprise Inc. Those years at Ferguson were the foundation of my Career in construction. Bobby Ferguson gave me a job without any background in construction trained me well. He gave me an opportunity to take care of my family without anything but a High school diploma. He also taught me how it is important to give back to your Community. We volunteered to serve Food to the unfortunate on thanksgiving every year. He also threw a picnic every year for his employees and People from his community. They are a lot of men and women he gave an Opportunity and hope for who without it probably wouldn't have a chance. A very positive man who stands for the little people.

Sincerely,

Lonnell Shepherd

**SID'S RESTORATION LLC**

15371 STAHELIN  
DETROIT, MICHIGAN 48223  
(313) 469-3732

August 8, 2013

To Whom It May Concern:

My name is Sidney Johnson. I have been in construction business for over 23 years. My company has performed concrete work, some excavation and landscaping.

Ferguson Enterprises helped me to secure work . When I first started out he was one of the first companies to hire me. If it was not for Ferguson Enterprises, I would not be where I am today.

Sincerely,

  
Sidney Johnson



RESIDENT SERVICES DEPARTMENT  
1301 EAST JEFFERSON  
DETROIT, MI 48207  
313.877.8609

August 8, 2013

Homer Ferguson Foundation  
256 Walker Suite #158  
Detroit MI 48207

To whom it may Concern,

I am writing to you in support of the Homer Ferguson Foundation. Our organization serves seniors that will undoubtedly benefit from the Homer Ferguson Foundation Thanksgiving meals. For our seniors, the opportunity to receive nutritional meals on the holiday is a wonderful opportunity for them and our organization.

The Homer Ferguson Foundation has provided throughout the years over 300 hundred dinners every Thanksgiving at Sheridan I & II Place Apartments. In addition, they also deliver the dinners to Sheridan I & II Place Apartments, making it convenient for our senior residents to come to receive their Thanksgiving dinner. With Homer Ferguson support, we can provide our senior residents with nutritional Thanksgiving dinners at no cost to them.

Our staff will continue to work closely with the Homer Ferguson Foundation, their staff, and volunteers to make sure that all of our seniors will continue to receive Thanksgiving dinners.

If you have any questions, please do not hesitate to call (313) 877-8114

Sincerely,

A handwritten signature in black ink, appearing to read "Seana Page", written over a large, stylized flourish.

Seana Page  
Detroit Housing Commission  
Director of Resident Services



Equal Housing Opportunity



October 3, 2013

To whom it may concern:

My name is Tiara Clark I am a Project Manager at Ferris State University. I have a Bachelors of Science In Construction Management with a minor of Applied Science in Civil Engineering. I graduated from Ferris State University in May of 2012. I have had three internships with Ferguson Enterprises, Inc. being the very first internship holding the position of an estimator. In the summer of 2007 I interned at Ferguson Enterprises, Inc. under the supervision of Lakreasha Ware. My experience at Ferguson Enterprises, Inc. has had a great impact on my career. During the course of my internship I was granted the opportunity to gain knowledge of how to properly prepare and execute a bid. I prepared bids, submitted them and attended pre and post bid meetings. This was the start of me properly understanding how things work in the construction industry when it came to bidding on a project.

Before my internship at Ferguson I struggled with my estimating course that I had previously taken the semester before interning at Ferguson Enterprises Inc. I like to refer to Ferguson as the foundation of my career. Having an internship at Ferguson Enterprises, Inc. has made me stand out above the rest of my competition in comparison to other candidates for other internships and job opportunities upon graduation. With the help of Bobby Ferguson and his company's reputation many companies recognized and highlighted that in my interviews when reading my resume. I was foreseen as the perfect candidate for many job opportunities I applied for. Upon graduation I was offered 3 positions. Without the foundation I started to build at Ferguson Enterprises, Inc. I can't imagine where I would be today in life. His internship program has not only helped me but has helped other interns as



well who are just as successful as me today in their life after college. I am very thankful and honored to have interned at Ferguson Enterprises, Inc. for it has been a major highlight in my career.

Thank you,

*Tiara Clark*

Tiara Clark

To whom it may concern

I have had the pleasure of knowing Bobby Ferguson for 23 years. Which is all of my life; I can't remember him not being there. That is exactly why it's very hard not having him around. My brother Bryce is still young and growing I think it's unfair to him to have to grow up without a father. My oldest brother Bobby jr. who's 19 years old has grown to become a wonderful man. I love who has become and without my father he would not be where he is and honestly he still needs guidance. I'm not saying my younger brother Bryce is going down the wrong path, but it's different for him. My father made my brother Bobby jr. wake up and go to work, because of that he has work ethic. My younger brother Bryce doesn't have anyone to instill that into him and really show him how to be a real man, and explain to him what men should do within their families. He spends too much time with friends; children in society to me aren't children anymore. They see and do too much, not to mention play video games all the time. My brother needs someone to keep him on the right path. My mother does a great job keeping him occupied with sports and things, but it's not the same having a father to guide you, having you someone you look up to. I know my brother will remember the great things about my dad and how hard he worked. It's not cool to look up to someone in prison or have someone in prison as your remodel. My father woke up every morning early to go to work, and every summer my siblings and I were at the office working because my dad wanted us to know the importance of working. He wanted us to know that you had to work for things nothing is handed to you. Because of that each of us attended college my sister has graduated. My other two siblings are still enrolled; Bianca is due to graduate next year. Also my brother Bryce plans to attend college he also plays soccer and enjoys it. I plan to go back to school in January. I recently gave birth to an amazing baby girl whom I am very thankful for. I wish my dad could experience motherhood with me. My daughter isn't quite old enough to know she's missing him. I never thought I would have to visit my father in jail and I especially never imagined my daughter having to visit her grandfather in jail. I would never keep my daughter from seeing her grandfather but I

also don't want her to get old enough to notice that she's visiting someone in jail. I wouldn't even know where to start on explaining something like that to her. Not that I'm going to keep it from her it's just not idealistic. Life isn't fair and I've learned that. I really miss my dad and sometimes I cry because I can't call him and see him whenever I like. Unlike some men my dad is a great father and was with me through every step of my life good or bad. I can't say we've always agreed on everything but in the end he was a father and was there for us no matter what. I think back on incidents in my life where he has come to my rescue, like every girl wants from her father, like every girl should get from a father; a hero, a protector and so on. What would I have done if he wasn't there for me to call on? I am blessed and thankful to have a loving, strong, caring, and disciplinary man in my life. He showed me what my sisters and I should expect in a man. Of course no man will ever treat me like my dad but because we had a man in our life who truly loved us unconditionally. I am a woman who will not let a man mistreat her, and will settle for nothing less than someone who absolutely cares about me. This is because I know how it should feel thanks to my father. I am saying these things in no way to portray him as anything he's not, anyone that knows me knows that I love my dad above and beyond despite his flaws, and I'm very thankful to have been blessed with having him as a dad. He has always been a great father. While my friends were complaining about their dads not being there or not supporting them financially, I could never get in on those conversations. The only thing I had to complain about was my dad being too strict. Which now I am very thankful for. I pray that my daughter has the same experience with her father as I've had the privilege to have with mine. My brother is an awesome uncle to her and that I am thankful for. As I have stated before I hope my younger brother grows into a wonderful and successful man. I hope my dad is around to help guide him there. Every child needs their father in his/her life in order to be complete. You learn different things from every family member and the father is the backbone. The father should hold the family together and be there to provide. I use to believe that children don't need a father, like why you guys are complaining. I've come to realize how could I have come to that

conclusion without ever living life without my father? Now I know how it feels and I would do anything to have my dad back in my everyday life. I know he's not completely gone but it sure feels like it. It hurts not having him around. My life isn't drastically different but it sure isn't the same. I don't even feel comfortable in this world anymore my protector is gone. Who do I call to tell me everything will be ok? It's not ok. I've never spent a holiday without my dad and I don't look forward to celebrating without him. It just won't be the same. My daughter keeps me together, she's the reason I look past the negativity in the situation. I can't ruin it for her and my dad wouldn't want me to. It would mean the world to me if she could experience holidays like I did. I will try but without my dad it will never be the same. When we were younger we use to bake cookies for Santa with my father, and he actually went down stairs to eat them. Moments like that you can never forget and I'm thankful to have many great moments with my mother and father together. I personally miss my dad a lot words can't explain. Thanks for listening to what I had to say I deeply appreciate it.

Brittany Ferguson

My father means the world to me. When I was younger I used to think my dad was my super hero. He was there whenever I needed him most. He was there to help solve problems, and teach lessons. He was there for all my special programs, award ceremonies and every graduation. My father has been a major factor in my life and I can't imagine growing old without him. I want him to be able to experience more of my joys and accomplishments. I want him to continue to be my super hero and to be there when I need him. A father is very important to a daughter and it's comforting to know that he is there when you call on him for whatever you may need.

It is disappointing to know that since he has been away in this little time to imagine how much he will miss if has to stay away much longer. He has already missed the birth of his first and second grandchild. I am his oldest daughter and mother to his second grandchild; I always imagined that my children would grow up with their grand father and that he would take them to see the latest movies, take them to their first concert just as he had taken me to my first concert. I imagined he would take them to the park to ride bikes and make them wear their helmets and take them skating on Sundays. I know he will miss some of these special moments but I do not want him to miss Chloe growing up.

The lessons and values my father has taught me I want him to introduce to Chloe. He instilled in me at a very young age the importance of working and being able to provide for myself. He taught me the value of giving back to the community. Every summer I worked at my fathers construction company. That was my first job, that's where I first learned how to interact with people on a professional level, how to have conversations and how to dress professionally. He helped me build my resume by giving me the work experience. My father also made sure I participated in community service projects, which I was also able to add to my resume. I was there when my father started his first service foundation " The Homer Ferguson Foundation" it was named after my grand father my fathers father who taught my father the importance of giving back. Every Thanksgiving we passed out food to the less fortunate, this kind of stuff is important to my father and has now become a great part of my life.

I have learned a great deal from my father and he has indoctrinated in me many values. I still have more to learn from him. I need him at home to continue to see me grow into the woman he helped raise and to be the best granddad to Chloe that I know he will be. I love my dad very much and miss him.

Love,  
Brandy Ferguson

My father, Bobby Ferguson is the man who has instilled in me that family is everything; and without it what do we live for. To separate a person from the very reason they're living is the equivalence of taking their breath from their lungs! In many households it is rare that there will be both a mother and a father. Our family was fortunate enough to have both, and it was a plus to have such a family with a farther who was also the supporter. I grew up experiencing the true example of a man.

The troubles that my father is experiencing have been going on for awhile. My younger brother was still quite young when this all started, so he was less fortunate and was not able to grow to learn the things that my father has taught me. I have educated my brother on a few things, but I cannot teach him everything because there is still so much for both of us to learn; by my father not being able to participate in our daily lives makes it very difficult for us to truly understand certain situations. It is unfair to both my brother and I knowing that our father may not take those steps with us into manhood!

Recently two of my three older sisters have given birth to two beautiful baby girls, one who is six months and the other a week old. Within this time my father has missed both births of his grand-daughters and has seen one of them only twice! I can only imagine how devastating this must be for him, to be in a place locked away from family, especially grandbabies you have never seen or held! I truly hope that my nieces will have the pleasure of growing up with their grandfather as my siblings and I did; I hope that they will get the chance to gain as much knowledge from him as we did!