

STATE OF INDIANA)
) SS:
COUNTY OF MARSHALL)

IN THE MARSHALL SUPERIOR COURT 1
2014 CALENDAR TERM

STATE OF INDIANA

FILED
IN OPEN COURT

VS

CAUSE NUMBER: 50D01-1311-MC-089

DAVID A. FERGUSON

FEB 20 2014

Julie A. Goh
CLERK OF SUPERIOR COURT No. 1
MARSHALL COUNTY, STATE OF INDIANA

INDICTMENT IN FOURTEEN COUNTS

The Grand Jury of the County of Marshall, being duly sworn, empaneled and charged in the name and upon the authority of the State of Indiana, and upon their oath and affirmation do charge and present that on or about the 13th day of February, 2012, at and within Marshall County, Indiana:

**COUNT I:
THEFT
D Felony
I.C. 35-43-4-2(a)**

David A. Ferguson, on behalf of Stone Creek Homes of Indiana, Inc., did knowingly or intentionally exert unauthorized control over the property of Jeff Jones, to wit: \$78,426 by creating or confirming a false impression in Jeff Jones, and/or by promising performance that the said David A. Ferguson knows will not be performed, all with the intent to deprive Jeff Jones of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about the 24th day of February, 2012, at and within Marshall County, Indiana:

**COUNT II:
THEFT
D Felony
I.C. 35-43-4-2(a)**

David A. Ferguson, on behalf of Stone Creek Homes of Indiana, Inc., did knowingly or intentionally exert unauthorized control over the property of Jeff Jones, to wit: \$74,385 by creating or confirming a false impression in Jeff Jones, and/or by promising performance that the said David A. Ferguson knows will not be performed, all with the intent to deprive Jeff Jones of any part of the use or value of said property.

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The Grand Jury further charges and presents that on or about the 9th day of March, 2012, at and within Marshall County, Indiana:

**COUNT III:
THEFT
D Felony
I.C. 35-43-4-2(a)**

David A. Ferguson, on behalf of Stone Creek Homes of Indiana, Inc., did knowingly or intentionally exert unauthorized control over the property of Jeff Jones, to wit: \$74,385 by creating or confirming a false impression in Jeff Jones, and/or by promising performance that the said David A. Ferguson knows will not be performed, all with the intent to deprive Jeff Jones of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about the 23rd day of March, 2012, and on or about the 12th day of April, 2012 and subsequent dates, at and within Marshall County, Indiana:

**COUNT IV:
RECEIVING STOLEN PROPERTY
C Felony
I.C. 35-43-4-2(b)(1)**

David A. Ferguson, did knowingly or intentionally receive, retain, or dispose of the property of another person, to wit: Todd Morse, said property having been the subject of theft from Todd Morse, and said property having a fair market value in excess of \$100,000, to wit: \$233,000.

The Grand Jury further charges and presents that on or about the 23rd day of March, 2012, and on or about the 12th day of April, 2012, and subsequent dates, at and within Marshall County, Indiana:

**COUNT V:
CONSPIRACY TO COMMIT RECEIVING STOLEN PROPERTY
C Felony
I.C. 35-43-4-2(b)(1) and I.C. 35-41-5-2**

David A. Ferguson, with intent to commit a felony, to wit: Receiving Stolen Property, did agree with Alan G. Donohue to commit the felony of Receiving Stolen Property, by accepting, receiving, retaining or disposing of the property of Todd Morse, said property having been the subject of theft from Todd Morse, and said property having a fair market value in excess of \$100,000, to wit: \$233,000; and Alan G. Donohue did commit an overt act in furtherance of the conspiracy, to wit: did cause to be transferred by wire instructions portions of the stolen funds

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from a bank in Nevada to a bank in Plymouth, Marshall County, Indiana, for the purpose of using said funds in part for the personal expenses incurred in Marshall County, Indiana by David A. Ferguson and/or to subsequently cause to be transferred by wire instructions said funds to a separate account of David A. Ferguson and a separate account of Alan G. Donohue.

The Grand Jury further charges and presents that on or about the 18th day of May, 2012, at and within Marshall County, Indiana:

**COUNT VI:
THEFT
D Felony
I.C. 35-43-4-2(a)**

David A. Ferguson did knowingly or intentionally exert unauthorized control over the property of Dan Flynn, to wit: \$ 188.68, said sum withheld from the earned wages of Dan Flynn and designated for payment to Blue Cross Blue Shield of Nebraska as his portion of the group health insurance premium for the month of May, 2012, all with the intent to deprive Dan Flynn of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about the 1st day of June, 2012, at and within Marshall County, Indiana:

**COUNT VII:
THEFT
D Felony
I.C. 35-43-4-2(a)**

David A. Ferguson did knowingly or intentionally exert unauthorized control over the property of Dan Flynn, to wit: \$ 686.81, said sum being earned, but unpaid, wages from Stone Creek Homes of Indiana, Inc. (SCH of Indiana) and/or Stone Creek Homes of Nebraska, Inc. (SCH of NE), up until the date of their closing on May 24, 2012, all with the intent to deprive Dan Flynn of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about 18th day of May, 2012, at and within Marshall County, Indiana:

**COUNT VIII:
THEFT
D Felony
I.C. 35-43-4-2(a)**

David A. Ferguson did knowingly or intentionally exert unauthorized control over the property of Randy Weaver, to wit: \$45.14, said sum being withheld from the earned wages of Randy Weaver and designated for payment to Blue Cross Blue Shield of Nebraska as his portion

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of the group health insurance premium for the month of May, 2012, all with the intent to deprive Randy Weaver of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about the 1st day of June, 2012, at and within Marshall County, Indiana:

**COUNT IX:
THEFT
D Felony
I.C. 35-43-4-2(1)**

David A. Ferguson did knowingly or intentionally exert unauthorized control over the property of Randy Weaver, to wit: \$645.61, said sum being earned, but unpaid, wages from Stone Creek Homes of Indiana, Inc. (SCH of Indiana) and/or Stone Creek Homes of Nebraska, Inc. (SCH of NE), up until the date of their closing on May 24, 2012, all with the intent to deprive Randy Weaver of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about the 18th day of May, 2012, at and within Marshall County, Indiana:

**COUNT X:
THEFT
D Felony
I.C. 35-43-4-2(1)**

David A. Ferguson did knowingly or intentionally exert unauthorized control over the property of Judith Reinhold, to wit: \$ 45.14, said sum being withheld from the earned wages of Judith Reinhold and designated for payment to Blue Cross Blue Shield of Nebraska as her portion of the group health insurance premium for the month of May, 2012, all with the intent to deprive Judith Reinhold of any part of the use or value of said property.

The Grand Jury further charges and presents that on or about the 1st day of June, 2012, at and within Marshall County, Indiana:

**COUNT XI:
THEFT
D Felony
I.C. 35-43-4-2(1)**

David A. Ferguson did knowingly or intentionally exert unauthorized control over the property of Judith Reinhold, to wit: \$480.77, said sum being earned, but unpaid, wages from Stone Creek Homes of Indiana, Inc. (SCH of Indiana) and/or Stone Creek Homes of Nebraska, Inc. (SCH of NE), up until the date of their closing on May 24, 2012, all with the intent to deprive Judith Reinhold of any part of the use or value of said property.

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The Grand Jury further charges and presents that from at least the 13th day of February, 2012 until on or about the 1st day of June, 2012, at and within Marshall County, Indiana:

**COUNT XII:
CORRUPT BUSINESS INFLUENCE
C Felony
I.C. 35-45-6-2(1)**

David A. Ferguson did knowingly or intentionally receive proceeds, to wit: money from customers and employees of Stone Creek Homes of Indiana, Inc. and/or Stone Creek Homes of Nebraska, Inc., said proceeds being directly or indirectly derived from a pattern of racketeering activity, to wit: a series of thefts, receiving stolen property and conspiracy to receive stolen property, and said David A. Ferguson did use or invest those proceeds or the proceeds derived from them to operate an enterprise, to wit: Stone Creek Homes of Indiana, Inc.

The Grand Jury further charges and presents that from at least the 13th day of February, 2012 until on or about the 1st day of June, 2012, at and within Marshall County, Indiana:

**COUNT XIII:
CORRUPT BUSINESS INFLUENCE
C Felony
I.C. 35-45-6-2(2)**

David A. Ferguson through a pattern of racketeering activity, to wit: a series of thefts, receiving stolen property and conspiracy to receive stolen property, did knowingly or intentionally maintain, either directly or indirectly, control of an enterprise, to wit: Stone Creek Homes of Indiana, Inc.

The Grand Jury further charges and presents that from at least the 13th day of February, 2012 until on or about the 1st day of June, 2012, at and within Marshall County, Indiana:

**COUNT XIV:
CORRUPT BUSINESS INFLUENCE
C Felony
I.C. 35-45-6-2(3)**

David A. Ferguson, as president, chief executive officer and an employee of an enterprise, to wit: Stone Creek Homes of Indiana, Inc. and/or Stone Creek Homes of Nebraska, Inc., did knowingly or intentionally conduct or participate in the activities of said enterprise through a pattern of racketeering activity, to wit: a series of thefts, receiving stolen property and conspiracy to receive stolen property,

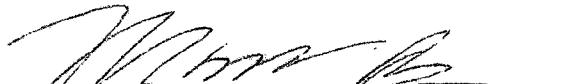
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Contrary to the form of the statutes in such cases made and provided and against the peace and diginty of the State of Indiana.

Dated this 20th day of February, 2014.

WITNESSES:

Jeff Jones
Todd Morse
Daniel Flynn
Randy Weaver
Judy Reinhold
Don C. Curl


Grand Jury Foreperson


David R. Holmes
Prosecuting Attorney
72nd Judicial Circuit

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