

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-CR-00519-CEJ
)	
WILLIAM DAVIDSON,)	
)	
Defendant.)	

DEFENDANT’S OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

Comes now Defendant, by his attorney, John D. Stobbs II, and for his Objections to Presentence Investigation Report states:

Introduction

Probation Officer Anderson is to be commended for the thoroughness of the Presentence Investigation Report. Her thoroughness is impressive in light of the limited time she had to prepare the PSR.

The PSR was received by the undersigned on July 24, 2007 and it was sent to Mr. Davidson for his review on that date. On Monday July 30, 2007 the undersigned met with Mr. Davidson and went through the PSR paragraph by paragraph. He advised the undersigned which objections he desired to make to the PSR.

On July 31, 2007 the undersigned met with Ms. Anderson to discuss these objections informally. After meeting with Ms. Anderson the undersigned met with Mr. Davidson on three occasions to ensure that all objections Mr. Davidson desired be made to the PSR have been made. The undersigned met earlier this date with Defendant to discuss the draft of this document to ensure that this was how the Defendant wanted to proceed. As such, the objections are made with Defendant’s knowledge and at his behest.

Ms. Anderson indicated that typographical and minor errors would be corrected. She indicated that she would think about some of the objections posed to her informally and as yet the undersigned has not been advised what, if any changes, would be made to the Disclosure Copy PSR. Since a final PSR has not been prepared and due to the fact that objections are due this date, the undersigned is filing these objections and if need be will file amended objections depending on the ultimate conclusions reached by Ms. Anderson.

Objections

1. Defendant objects to the face sheet because he has never used the name Gary Wideman.

2. Defendant objects to paragraph 15 and states that Brother Hess had authorization to enter into contracts and he did not withhold information from Fr. Gagnepain.

3. Defendant objects to paragraph 16 and states that he was originally named to an advisory Board at Allegiant Bank. He was not appointed because of his close relationship with the Vincentians. The Vincentians transferred their account to Allegiant Bank due to lower fees, not Mr. Davidson's position on the Board.

4. Defendant objects to paragraph 17 and states that Brother Hess was aware of all of the transactions mentioned therein.

5. Defendant objects to paragraph 18 and states that Brother Hess received statements and reconciled them. Furthermore, Defendant believes the \$6,000,000.00 did not go to an unknown location.

6. Defendant objects to paragraph 19 and states that all of the money mentioned in this paragraph went to Brother Hess.

7. Defendant objects to paragraph 20 due to the reasons stated in #4 above.

8. Defendant objects to paragraph 21 due to the reasons stated in #4 above and furthermore states that Brother Hess received all of the statements.

9. Defendant objects to paragraph 22 and states that the contract he entered into with the Vincenzians did not involve real estate transactions.

10. Defendant would object to paragraph 23 and states that Mr. Armbruster and the Johnson Group were co-brokers. Defendant was entitled to remuneration for work done. Furthermore, Brother Hess knew about all of the payments to Mr. Davidson and received a copy of the letter mentioned in this paragraph.

11. Defendant objects to paragraph 24 and states the Johnson Group was not entitled to share in the commissions regarding the transaction with McBride and Sons.

12. Defendant would object to paragraph 25 and states that the statements contained therein are false.

13. Defendant objects to paragraph 27 and states that he did not arrange for his wife Debra to be a listing agent with Mr. Armbruster as well as to the \$249,999 loss figure.

14. Defendant objects to paragraph 28 and states that he did not inflate the cost of construction by more than \$2,390,000. Likewise Defendant had no signatory authority.

15. Defendant objects to paragraph 29 and the \$264,682.92 figure which is contained therein.

16. Defendant objects to paragraph 30 and the \$33,329 figure contained therein.

17. Defendant objects to paragraph 31 and the amount consisting of his relevant conduct in part due to the fact that this amount does not include any credits for work performed.

18. Defendant objects to paragraph 32 because it does not contain how much is owed to these individuals. Furthermore, these individuals were all paid in full and as such are not victims.

19. Defendant objects to paragraphs 33 through 35 because these paragraphs inaccurately state what truly happened and the \$114,000 figure is incorrect.

20. Defendant objects to paragraph 46 and states that Brother Hess was the leader/organizer and that his wife was not part of this conspiracy.

21. Defendant objects to paragraph 49, 50, 51, and 52 because these individuals are not victims.

22. Defendant objects to paragraphs 53 through 55 and states that he did not obstruct justice. In speaking with Ms. Anderson, it is the undersigned's understanding that paragraph 53 is what would constitute obstruction of justice and as such Defendant would state that he did not wilfully fail to appear on February 9, 2007. Defendant denies that any conduct contained in the other allegations contained in the other paragraphs constitute obstruction of justice.

23. Defendant objects to paragraphs 57, 59 and 125. It was an error on the undersigned's part to allow this to remain in the final Plea Agreement which was consummated the day before the Change of Plea. On May 2, 2007 the undersigned went through the 2002 Guideline Manual with Defendant and discussed Guideline calculations. The undersigned would have advised Defendant not to plead "guilty" if the 2006 Guidelines were being used because in part there would be no benefit for Defendant to plead "guilty" to something which would carry a greater sentence. The undersigned would have recommended Defendant contest at sentencing which set of Guidelines to use.

24. Defendant would object to paragraphs 60 through 62 and the conclusions contained therein.

25. Defendant would object to paragraphs 64 through 66 and the conclusions contained therein. Also, it would be "double counting" for Defendant to receive an enhancement for paragraphs 62 and 65.

26. Defendant would object to paragraphs 68, 70, 124 and 125 and the conclusions contained therein.

27. Defendant would object to paragraphs 93 and 94 because his physical and mental conditions are set-out in his medical records. Defendant signed medical releases which would indicate that he was in fact hospitalized on the dates mentioned therein. He specifically requests that the Probation Office obtain his complete medical file so that these paragraphs can be modified accordingly.

28. Defendant would object to paragraph 108 and states that he does not have a financial interest in Anne Reid Capital.

29. Defendant would object to paragraph 110 and states that he does not recall establishing Dad and Associates LLC with his wife. He believes that she is the sole organizer.

30. Defendant would object to paragraph 112 and states that he does not have any financial interest in this corporation.

31. Defendant would object to paragraph 115 and states that he only has one account at Oppenheimer open in the amount of around \$100,000 and that the statements are no longer sent to him. He requests that the Probation Office use the releases he signed to confirm this. Also, there is property tax owed on the Westhampton View Lane residence in the amount of approximately \$27,000.00.

32. Defendant objects to paragraph 116 and states that the numbers contained therein are inaccurate.

33. Defendant would object to paragraph 117 and states that he does not have an ownership interest in Emprise, Anne Reid, Dad and Associates or Tobecont.

34. Defendant objects to paragraph 119 in its entirety.

WHEREFORE, Defendant hereby files his objections to the Presentence Investigation Report and requests a Hearing where the Government would be required to carry its burden to prove the conclusions contained in the PSR.

WILLIAM DAVIDSON

STOBBS LAW OFFICES

BY:

/s/John D. Stobbs II

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2007, a copy of the attached *Defendant Objections to Presentence Investigation Report* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Ms. Tracy Berry
Assistant U.S. Attorney
111 S. 10th Street
St. Louis, Missouri 63102

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/s/ John D. Stobbs II
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