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Special Agent Robert Middleton
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via e-mail: robert.middleton@asp.arkansas.gov

April 24, 2018

Re: Rick Perry investigation

Special Agent Middleton-

Two deputy prosecutors and I have reviewed your case file regarding potential criminal activity committed by Rick Perry. I appreciate the time and effort you put into investigating these matters.

As we have discussed, I am declining to file criminal charges against Perry at this time. While many of the expenses on Perry's credit card— especially fast food purchases— raised concerns for us, I think the available proof falls short of what a jury or judge would need to convict Mr. Perry of a crime.

My decision has nothing to do with the quality of the investigation. Rather, my concerns are with the lack of a clear spending policy and the lack of action taken by the city of Damascus. While theft of property from an employer does not require the State to prove that adverse employment action was taken against the suspect or that he was reprimanded in some way, it gives me considerable pause in this case that no action was taken by the city of Damascus before Perry's departure. If Perry was in fact repeatedly committing theft of property by making unauthorized credit card charges, then I would have expected the mayor or the city council to formally reprimand Perry or to confiscate his credit card along the way. Ultimately, the evidence suggests that there was ongoing vagueness and some disagreement about which expenses were appropriate, but there is no written policy to clarify, and there is no evidence of clear action that would have required Perry to alter his known behavior.

Finally, regarding the sale of ballistic vests, I have reviewed A.C.A. 14-54-302 in light of the facts in this case, and I am not convinced that the statute was violated in this instance.

Please feel free to contact me if you have questions or would like to discuss the case further. Again, thank you for taking time to investigate these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luke Ferguson", with a long horizontal flourish extending to the right.

Luke Ferguson
Prosecuting Attorney
Twentieth Judicial District