

A Just Cause and Friends of Justice Examine Federal Court Case Appeal of African American Businessmen in Colorado; IRP6 Appeal Includes Speedy Trial Violation

A Just Cause and Friends of Justice, advocates for judicial reform to prevent wrongful convictions comments further on their investigation into the IRP6 case

May 16, 2013 (FPRC) -- A Just Cause continues to investigate a federal case in Colorado that involved six Colorado business executives who were convicted of mail and wire fraud charges in 2011. The six executives represented themselves pro se. Case is currently under appeal.

The six executives (Kendrick Barnes, Gary L. Walker, Demetrius K. Harper, David A. Zirpolo, Clinton A. Stewart and David A. Banks) were executives with the IRP Solutions Corporation, a software development company engaged in the development of criminal investigations software for federal, state and local law enforcement.

Dr. Alan Bean, Executive Director, Friends of Justice, has been analyzing the case and compiling his findings. "The IRP6 case is characterized by an unusually deep divide between the government's story and the defendants' story. Such a wide gap is rare, 95% of federal cases are resolved short of trial because few defendants ultimately maintain their innocence. If a federal case proceeds to trial it is either because the government isn't offering much of a plea deal or because the defendants actually believe in their own innocence," reports Dr. Bean.

"When you examine the issues related to the Speedy Trial Act, one has to wonder how this situation could have gone as far as it did," asks Sam Thurman, A Just Cause. "Why are there six men sitting in prison when there is such a strong appeal based on violations of the Speedy Trial Act," adds Thurman.

According to appellant documents filed with the courts, attorney for the defense, Gwendolyn Solomon writes, "...the Government never acknowledges its or the Court's responsibility to assure the adherence to the requirements of the Speedy Trial Act." Solomon adds in the appellant brief, "Also, the Government minimizes the decision in *United States v. Toombs*, 574 F.3d 1262 (10th Cir. 2009) and importance of the Court's compliance with 18 U.S.C. § 3161(h)(7)(B) - listing the factors justifying proper continuances of excludable time and glossing over the Court's responsibility to meet the requirements on the record."

Court records show that the defendants terminated their court appointed attorneys for lack of due diligence on behalf of the defendants. "The court appointed attorneys filed several continuances in the case, but upon closer examination there was 'inaction and dithering'", says David Banks, co-defendant and COO of IRP Solutions Corporation. "They (court appointed attorneys) were doing nothing, yet the clock was running, and when we fired them the judge tried to hold that against us," Banks adds.

"When you review the appellant documents, the appellant attorneys clearly show where the violations occurred," says Thurman. "Court transcripts plainly show that before granting one of the continuances the judge didn't do any analysis of how the continuance would impact the speedy trial

guidelines. No one had to even justify why the extra time was being requested,” Thurman adds. During this situation, court transcripts show that Judge Arguello stated, “All right. Well, you all are much more experienced at this than I am, so I will take you at your word that this is the time that was needed...(Transcript Vol. II, p. 44:18-20).”

Gwendolyn Solomon, attorney for five of the six appellants makes several key points in the appellant brief. Solomon writes, “The Court improperly granted and excluded time that violated the Speedy Trial Act... The Appellants have never waived their speedy trial rights.”

“There was no time whatsoever devoted to assuring that the defendants and the public’s right to a speedy trial had been protected, and made clear upon the record; hence, there is neither a Toombs nor Bloate analysis,” Solomon concludes.

The case is currently under appeal based on Fifth Amendment Prohibition of Compulsory Testimony, Sixth Amendment Right to Present a Defense and Speedy Trial Act Violation.

For more information about the story of the IRP6 or for copies of the legal filings go to <http://www.freetheirp6.org> .

For more information on the ongoing appeal or A Just Cause, contact Sam Thurman at (877) 573-5554 or visit <http://www.a-justcause.com>.

Related stories: (1) Racial Bias Is the Foundation for a Federal Criminal Case Against African American Businessmen in Colorado <http://www.prweb.com/releases/2013/5/prweb10693207.htm>

(2) A Just Cause and Friends of Justice see Congressional Inquiry Into Missing Transcript in the IRP6 Case <http://www.prweb.com/releases/2013/5/prweb10711118.htm>

(3) A Just Cause and Friends of Justice Examine Federal Court Case Appeal of African American Executives in Colorado; IRP6 Appeal Includes Denial of Expert Witnesses' Testimonies <http://www.prweb.com/releases/2013/5/prweb10718289.htm>

(4) Documentary Film, “What Color Is the American Dream? The IRP6 Story: An American Dream Turned Nightmare” Due to be Released this Summer <http://www.prweb.com/releases/2013/5/prweb10730650.htm>

(Case of the IRP6 is currently under appeal - US District Court for the District of Colorado, Honorable Christine M. Arguello, D. Ct. No. 1:09-CR-00266-CMA; Case Nos: NO. 11-1487, Case Nos. 11-1488, 11-1489, 11-1490, 11-1491 and 11-1492)

Note: A Just Cause is collaborating with Jabar International on the development of documentary telling the IRP Story - "What Color Is The American Dream? The IRP6 Story: An American Dream Turned Nightmare". <http://www.youtube.com/watch?v=7T1OlqHa7j8>

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