

Congress of the United States
Washington, DC 20515

November 1, 2017

Robin C. Ashton, Counsel
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Avenue, NW, Suite 3529
Washington, DC 20530-0001

RE: District of Colorado Federal Criminal Case 09-cr-00266-CMA Complaint

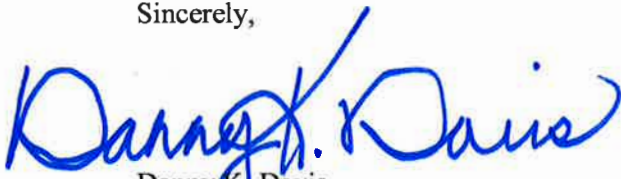
Dear Ms. Ashton:

As lawmakers, we take complaints of prosecutorial misconduct very seriously and want to ensure that all Americans are treated fairly in criminal proceedings when life or liberty is at stake. We have recently been in contact with individuals concerned about potential abusive practices in District of Colorado federal criminal case 09-cr-00266-CMA and allegations of official misconduct in violations of federal law and the Constitution.

We are particularly interested in the circumstances surrounding the sudden release of the CEO of the IRP6 of a six-man conspiracy, who after being imprisoned for five years, claimed he was now guilty and committed the alleged offense and fired his attorney only because he was under the duress of Pastor Rose M. Banks, his mother-in-law. The CEO was given a 4-point leadership enhancement by the judge after being convicted in a jury trial for conspiring with five similarly situated subordinate executives who remain in prison. This was a very small family-based technology company where the CEO is married to the sister of the COO (who is Pastor Banks' son); all the executives are close friends and have attended the same church under the leadership of Pastor Banks for decades. We are asking for an investigation into whether this downward departure and the CEO's selective release from prison was permissible under U.S. sentencing laws and why the prosecutor, after arguing in his brief against the CEO's release, failed to appeal.

Along with this letter, we are sending you correspondence and information received from Lamont Banks, Executive Director of Just Cause, which has taken up this issue and other allegations of misconduct related to this case. I ask that your office look into the matter and take whatever appropriate action is consistent with the law. If you have any questions, please contact Yul Edwards with my office at 202-225-5006 or yul.edwards@mail.house.gov. Thank you for your prompt attention to this important matter.

Sincerely,


Danny K. Davis
Member of Congress


Gerald E. Connolly
Member of Congress



Bennie Thompson
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress

cc: The Honorable Robert Troyer
Acting Colorado U.S. Attorney
Kenneth A. Blanco
Acting Assistant Attorney General