

A Just Cause Questions Validity of Verdict In Light of Inconsistent Witness Testimony

How can a jury return a guilty verdict when government witness testimony is flawed, Questions A Just Cause in Newly Released Case Study

([PRWEB](#)) July 18, 2013 -- A Just Cause announces today the release of a case study on the subject of witness impeachment during a criminal trial. The study comes following a six-month investigation conducted by Dr. Alan Bean Executive Director of Friends of Justice regarding the IRP6.

The case study by A Just Cause is entitled “Witness Impeachment in Federal Court; The True Story of the IRP6”. IRP Solutions is an African American owned company in Colorado that developed software for law enforcement. The case of the IRP6 (Kendrick Barnes, Gary L. Walker, Demetrius K. Harper, Clinton A. Stewart, David A. Zirpolo and David A. Banks) is currently under appeal in the 10th Circuit Court of Appeals. The men were convicted in 2011 and have been incarcerated at the Federal Prison Camp in Florence, Colorado since the summer of 2012.

“A Just Cause is very interested in uncovering the various angles of the IRP6 case”, says Sam Thurman, A Just Cause. “As we examine the transcripts from the trial, there are several instances where the IRP6 impeached the government witnesses”, adds Thurman. “There are numerous inconsistencies in what government witnesses said back in 2004 during FBI interviews, to what they said to a different FBI agent in 2009, to what was stated during trial in 2011”, Thurman emphasizes.

According to Lawyers.com, any witness that testifies at trial can be impeached. Impeachment involves challenging a witness' testimony for truthfulness, and can occur on direct examination or during cross-examination. Lawyers.com goes on to say that a prior inconsistent statement is the most common type of impeachment - the "gotcha" moment at trial. The purpose of impeaching with a prior inconsistency is to show that a witness made conflicting statements about a material issue in the case. First, it casts doubt on the truthfulness of their trial testimony. Then, because the witness told two stories, one of which is untrue, it suggests that the witness has a general tendency to lie. (Lawyers.com, <http://criminal.lawyers.com/Criminal-Law-Basics/Whats-Impeachment-of-a-Witness.html>, 2013).

According to court transcripts the IRP6 impeached several government witnesses based on inconsistent statements. Records show that several witnesses were interviewed in the 2004 timeframe by FBI Special Agent John Smith. Records show that the government was not successful at gaining an indictment in 2007. In 2009, FBI Agent Robert Moen interviewed several of the same witnesses that Smith had interviewed previously. FBI interview documents show that several of the statements changed. When witnesses were challenged during trial, records show that their statements changed again.

A Just Cause reviewed several court documents and witness statements and found many inconsistencies. On 9/28/11 Mr. Matthew Sheptock testified regarding the business relationship between his company and DKH Enterprises and IRP Solutions. Court records show that defendant David Banks (Chief Operating Officer of IRP Solutions) impeached Mr. Sheptock regarding the details of conversations had between Sheptock and DKH and IRP. Court records further show that Mr. Sheptock made inconsistent statements regarding debt owed by DKH and IRP. Mr. Sheptock contended that his recollection of events was clear and accurate, yet he nearly double the amount that was recorded as owed by the companies. (Court Transcript, Criminal Action No. 09-cr-00266-

CMA)

Court records show that another government witness was impeached by the IRP6 on 9/28/11. Discovery documents show Dean Hale of Systems Engineering Services Corporation provided a detailed chronology of interactions with defendant Demetrius Harper (DKH) to the Government. During cross-examination government witness Dean Hale made inconsistent statements regarding alleged misrepresentations on the part of DKH and IRP. Court testimony reveals that Mr. Hale stated that he was told the IRP had contracts and that he based his decision to do business with them as a result of that information. However, government documentation outlined email communication to the contrary; emails showing that Hale never mentioned that he was told by Harper that his company had government contracts. In fact, Hale stated that he first heard about Harper when a friend from another staffing company told him that Harper's company presented too much of a credit risk to engage in business. Then in spite of being aware of the credit risk, Hale initiated contact with Mr. Harper to do business. Based on these contradictions Mr. Hale's testimony was impeached. Court evidence in email communication showed that Mr. Hale was aware that IRP did not have contracts but was "pursuing contracts" with the government. (Court Transcript, Criminal Action No. 09-cr-00266-CMA)

On 9/29/11, court records show that Susan Holland took the witness stand. When Ms. Holland was cross-examined on her knowledge of Greg Goldberg, she avoided the questions. Court records would show that Ms. Holland made several inconsistent statements and that she had actually contacted Mr. Goldberg in her efforts to take legal action against defendant Demetrius Harper. Court records show, and Ms. Holland's testimony validates, that Ms. Holland "knew people in the government and that she threatened to "destroy" Mr. Harper's life. (Court Transcript, Criminal Action No. 09-cr-00266-CMA)

A Just Cause found that on 9/29/11 Gregory Krueger testified to being told that IRP had contracts with the government and that he based his decision to do business with the company based on that information. When cross-examined by defendant Gary Walker (CEO, IRP Solutions), Mr. Krueger stated that he was told that "IRP was close to closing business with NYPD". Krueger's testimony later changed to "(IRP was in a situation of government) slow pay during the procurement process...". Records show that when Walker pressed Krueger, he admitted that being in the procurement process did not equate to having a contract. Court records show that Krueger made additional inconsistent statements regarding "moonlighting" (working multiple jobs/contracts) in the IT industry. When cross-examined by Walker, Mr. Krueger acknowledged that "moonlighting" was practiced in the IT industry. Upon redirect examination by the prosecution, Mr. Krueger stated that he had never seen "moonlighting" practiced in the IT industry in his entire career. (Court Transcript, Criminal Action No. 09-cr-00266-CMA)

In yet another example, Susan Slakey testified for the prosecution she made a decision to do business with IRP based on information that she found on the company's website. Ms. Slakey stated that the IRP website made claims that IRP had a contract with the Department of Homeland Security. Company records show that IRP never made such claims on their company website. Court transcripts show that upon cross-examination by the defense that Ms. Slakey backed off on that assertion. Additionally court documentation does not record Ms. Slakey's involvement in any detailed chronology of interactions ESG provided to the Government. (Court Transcript, Criminal Action No. 09-cr-00266-CMA)

"It is a very serious matter when government witness after government witness are called to the stand and their story has holes", says Thurman. "How can a jury of your peers sit and hear obvious inconsistencies and not see that there is a problem with the prosecution's claims of wrongdoing. This case study is an eye-opener in how legal proceedings can be swayed by witnesses who alter their testimony to fit the mold of the prosecution",

adds Thurman. “A Just Cause will continue to seek truth in this case, and cases like it”, Thurman concludes.

These are five clear instances of impeachment of government witnesses by the defense. These are testimonies where during the trial these government witnesses were found to have conflicting and contrary statements in their recollection of what was presented as supposed facts by the prosecution. This is contrary and conflicting testimony that should have instilled reasonable doubt in the mind of any juror. The conviction of the six IRP Solution’s company executives, on the premise of conducting a scam to defraud staffing companies, should be questioned for its validity and fairness. With multiple impeachments of government witnesses the question becomes, just what is the truth? Did the defendants say they had a contract or did they say they were pursuing business with the government? With the defendants multiple two inch thick black books of evidence outlining activities to support years of pursuit of government contract closures, how is it that a five, six or seven year recollection, in most cases, of a verbal conversation becomes more credible?

The case of IRP Solutions (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).

For more information about the story of the IRP6 or for copies of the legal filings go to

<http://www.freetheirp6.org>



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