

4 THE COURT: Mr. Stewart, do you wish to make a
5 statement to me on your own behalf before I impose
6 sentence?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: You may.

9 THE DEFENDANT: Thank you. Your Honor, there are a
10 number of statements that you made in what you've read
11 there that are incorrect. And I'd just like, for the
12 record, to clarify.

13 With respect to my nickname, C. Alfred, I have used
14 that since 1989. It is not special to IRP. So my middle
15 name is Alfred. You see Alfred on occasion doing
16 business. And that is nothing new. C. Alfred.

17 I would like to say that we did make sales of CILC
18 software to agencies; more than one. The evidence is in
19 discovery. So if you haven't seen that, perhaps, I don't
20 know, the Government should have shared that with you. I
21 don't know how that statement got into your records that
22 we haven't made sales.

23 THE COURT: Well, I actually meant you hadn't made
24 sales to any of the agencies you told the companies you
25 had made sales to.

*DARLENE M. MARTINEZ, RMR, CRR
United States District Court
For the District of Colorado*

1 THE DEFENDANT: I don't remember any of the
2 companies talking about sales of software that we said we
3 had made to agencies that we didn't make. But I would
4 just like to continue with my statement, Judge.

5 And I just want to clarify some of these things,
6 just to make it clear for the record. The way that --
7 along those lines, the government -- the way the
8 government buys software, is the government contracts are
9 structured in terms of a bidding process. They do their
10 requirements. There's nothing been built. There is
11 nothing been made. Then they chose a company to construct
12 for them from scratch software capabilities according to
13 their requirements that they have defined, and then they
14 go on to implementation. So that's the normal process.

15 We actually have software that has functionality
16 features and was demonstrated to the government, which
17 they absolutely loved. And that's why they were so very
18 positive on continuing to engage with us to move the
19 process forward. So that's just a clarification I would
20 like to make.

21 And, you know, coming to this Court, I remember the
22 case with Lawanna Clark and that situation, and we came
23 here having seen that. We didn't have any anticipation
24 for justice of any sort. And because of what we saw in
25 that case, that even though the Court saw that she had

1 evidence to present that that was not her handwriting and
2 that she did not lie; that she did say that that is not my
3 handwriting, the Court saw that and would not vacate that
4 sentence, but sent her to prison; a federal penitentiary
5 in Arizona, even though it had that information in front
6 of it.

7 So, in that sense, we really were not
8 disillusioned. But we did want to give the process the
9 opportunity to work for us. And, you know, going through
10 the trial, I didn't say much. At the end of the
11 situation, I just imagine the jury with the Scales of
12 Justice, holding it up, trying to weigh evidence.

13 And on the second day, they asked us, is there
14 anything more? Do you have any more evidence that we
15 might consider? And on the Government's side, all of
16 their evidence is admitted. And so it is on the scale,
17 and obviously the scale is tilted one way.

18 And on our side, even though we saw impeachment
19 after impeachment of the Government's witnesses, the
20 documentation of that and other things that we wanted to
21 get into the hands of the jury was not allowed in. So
22 that meant that they had no choice but to come back with a
23 guilty verdict, because they had no evidence from the
24 defense. So they couldn't do nothing but weigh in the
25 Government's favor and call us guilty, according to all of

1 the theories that Mr. Kirsch has so articulated.

2 But two points on the witnesses. Mr. Donald
3 Crockett. I must identify the Government's theme of
4 saying that we had contracts and pending contracts, lying
5 to people and misleading them so they can get a contract
6 with us for services.

7 Mr. Donald Crockett took the witness stand, under
8 oath, and when led by the prosecution as to -- because I
9 was the one that talked to him. Did he not tell you that
10 he had contract? Well, Mr. Crockett denied that under
11 oath and said, no, no, no, no, no. Let me clarify, he did
12 not tell me he already had a contract, he had an impending
13 contract. We lost money. I regret that. So do I.

14 I regret that CTG lost their money. And we tried
15 to get -- to pay them, but we were black listed. Followed
16 around by the Government. Every time we tried to make a
17 dollar to be able to fulfill these obligations, we had the
18 Government0was right behind us to make sure we didn't make
19 any sales.

20 So, if they wanted to help us, they could have put
21 in a good word, but that's not what they did. They black
22 listed us, and put in bad words everywhere we went, to
23 make sure we didn't make any sales. That is what
24 Mr. Harper was talking about, as far as a "self-fulfilling
25 prophecy."

1 So, Mr. Crockett clarified, he was one of the
2 earliest companies that complained to the Government about
3 what we were doing. He had every opportunity to say that
4 Clinton Stewart deceived me, he defrauded me. He didn't
5 say that on the witness stand. He indicated that was not
6 the case, even though he wanted his money back. And I
7 certainly want to get him his money back.

8 Mr. Scott Boe, Boecore, sat on the witness stand,
9 and he talked about the misleading representations made to
10 him by Mr. David Zirpolo. Then, during the time Suneeta
11 Hazra asked him to identify Mr. David Zirpolo, he couldn't
12 do it. He looked over at the defense table. Mr. Zirpolo
13 is the only white man sitting at the table, and he
14 couldn't identify Mr. Zirpolo.

15 So the credibility you mentioned of these
16 witnesses, I fail to see, when they were consistently
17 impeached. The preponderance of impeachment is what I
18 would say, because there were so many of them. It took
19 the courtroom almost out of order. There was laughter all
20 over the courtroom when one of the witnesses was getting
21 ready to be impeached. But none of that documentation of
22 those facts got to the jury. So none of this stuff adds
23 up. No evidence gets to the jury; the odds are stacking
24 against us.

25 Twelve marshals present at the reading of the

1 verdict. Makes us think that everybody but us knew what
2 the verdict was going to be, including the 12 marshals
3 that were in the room. So it makes us suspicious as to,
4 you know, we're not going to get a fair trial here.

5 And then to put a gag order on the jurors, which we
6 have obeyed, is very strange to us. Jurors talk to the
7 public all of the time. But, in this case, they can't
8 talk to us. And so it's just -- we're quite amazed and
9 astounded at the vendetta against us. We consider it to
10 be phenomenal.

11 If you feel that strong language, well, the
12 President has said in the Inslaw case, where there was a
13 congressional hearing, where the Government stole software
14 from this company and actually committed a number of
15 atrocities, that is a matter of history. We feel like the
16 same thing is happening to us.

17 Now, with respect to our request for a transcript,
18 I would like to go there. We requested a transcript that
19 we might get a rehearsal and get in writing the things
20 that we heard during the course of the trial. Now, the
21 Supreme Court Justice holds that accurate and timely
22 recording of the transcription of trial proceedings is
23 crucial to the fair, prompt and official judicial review
24 of cases. As a matter of fact, they have identified the
25 transcripts are the life blood of the judicial appeals

1 process. Where the transcript is incomplete, inaccurate
2 or unavailable, the interest of justice and the people's
3 faith in a fair and efficient court system are harmed.

4 So, in as much as the transcript had been destroyed
5 by a court officer, prior to the adjudication in a
6 criminal case, we feel this is a violation -- a direct
7 violation of Title 18, that we're being prosecuted under
8 Section 1506, which requires that whoever steals, takes
9 away, alters, falsifies, or otherwise avoids any record,
10 process or other proceedings, in any court of the United
11 States where any judgment is reversed, made void, or does
12 not take effect, shall be fined under this title of
13 imprisonment for 5 years or both.

14 So, we see that the guidelines are being followed
15 in a lot of things here, and in the majority of things
16 here, but not the guidelines that are being followed with
17 regard to self reporting.

18 So, if the Government, you know, wanted our
19 software, they could have easily purchased our software.
20 But we feel they didn't want to see a black company earn
21 that kind of money for the software, because it wasn't
22 cheap. But the vendetta we are seeing against ourselves,
23 just it really underscores what we saw before we came in
24 during the trial; that Lawanna Clark didn't get a fair
25 trial.

1 The Judge saw that the evidence was on the table
2 that showed that she should not have been convicted. The
3 Government already knew that. And we're not likely to
4 look at this picture -- we can't get a fair trial here.
5 That is what we mean by the new Jim Crow that Mr. Harper
6 was talking about. The lynching is just in a different
7 forum now.

8 So the cards are already stacked up against you.
9 You go in there, and try as you may, you know -- I mean,
10 even if they have a witness like Samuel K. Thurman,
11 talking about executives turning around placards, he
12 wasn't an executive at IRP. At the end of his testimony,
13 the Government asked him, did he believe that the company
14 was defrauding staffing companies. He said, I don't know
15 what I believe. His testimony is not credible. His
16 testimony is just plain old not credible. So it is
17 horrible coming into a court of law and find that there is
18 a vendetta against us.

19 And that's what we mean by the new lynching
20 process. That is all I have, Your Honor.

21