
22 THE COURT: Mr. Harper, do you wish to make a
23 statement to me on your own behalf before I impose
24 sentence?

25 THE DEFENDANT: Yes, I do, Your Honor. During the

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

1 process, which started in 2005, when our building was
2 raided, I became quickly indoctrinated into this legal
3 system here in America. One of the things that I was
4 always raised as a young boy, my father was a military
5 man, was just respect authority. To this day, I believe
6 in that.

7 However, what this process has taught me is that a
8 person that is in authority must rule right and must stand
9 for truth, and if he or she does that, then I think you
10 will win every time. You can only do something for the
11 truth. You can never do anything against the truth.

12 The Government alleges that we never intended to
13 pay the debt. And I have a problem with that, because
14 time and time again, I believed in the dream that Gary set
15 forth. I believe in it to this day. And I do believe
16 that if the Government would have gotten out of the way
17 and stopped what I call the "self fulfilling prophecy."

18 In regard to the fact that they never intended to
19 pay, well, every potential customer that we ever tried to
20 get the software installed, guess who came knocking at the
21 door? It was the Government. So, for them to say, no,
22 they never intended to pay, but every time we even went
23 outside America to sell the software, with the last two
24 years, specifically. Why? My name was -- I put my
25 personal guarantee to say, you know what, regardless of

1 what happens, I will do my best to pay this debt. I live
2 with that every day. Why? Because my name is attached to
3 it.

4 One of many things my father taught me is "your
5 word is your bond." It is an old cliché. It might be
6 cast to the wayside, but I still believe in it to this
7 day. So to have someone say you never intended to pay, I
8 take great offense to that, because we have tried
9 everything. We went outside the doors to sell our
10 software package. I understand the excitement people had.

11 This was all birthed from one event; 9/11. As an
12 IT person myself, the data is very and vitally important
13 to people making accurate decisions based off the
14 information they have. And we didn't have that on 9/11.
15 And from what you know, different things you read on the
16 internet and different focus groups, is you had disparate
17 information, but nobody was collaborating with that. Our
18 system was going to bring that to America.

19 Every time we tried to sell, even as quick as -- as
20 far back as the Philadelphia PD, we had Mr. Kirsch here
21 calling the individuals saying, an Indictment is pending.
22 How is that possible, unless he's God and can foresee the
23 future? We were in Philadelphia, ready to sell our
24 software. But guess who comes calling? The Government.

25 So I take great offense. We have tried every

1 aspect ever afforded to us to go and pay those debts. My
2 name is on that. And I still -- to this day, it bothers
3 me, absolutely. And even after you sentence me today,
4 that is fine, that is your right, I will still feel an
5 obligation to pay those. Because I look men and women in
6 the face and I gave them my word. That may not mean
7 anything to you, but it does to me.

8 And I still -- I wanted the record to reflect that
9 I will do everything in my power to pay that debt. And
10 whatever you give me, that's, again, that is your
11 discretion. But my life -- you say a portion of my life
12 is in your hands. I disagree with you. My life is in
13 God's hands. And you can rule as you see fit.

14 One of the things that it says in the Bible is a
15 judge must first rule right and in the fear of God. But
16 what this process has taught me is I did not see that,
17 unfortunately, in this courtroom, and that troubles me.

18 So I'm going away. I can leave your courthouse --
19 courtroom today, Judge, with the caveat that I can hold my
20 head up. And I will, like I said, given the opportunity,
21 it is 5 million.

22 One of the things, as well, Mr. Kirsch says, is he
23 doesn't know where the money is. What you are failing to
24 see, again, is the mark-up is included in that 5 million.
25 So there might be 30 to 40 percent as a typical standard

1 in a staffing and payrolling system to do a mark-up. So
2 that \$5 million, everyone saying we don't know where it
3 went. A lot of that was profit that they are not
4 accounting for. So, in essence, you take that out, then
5 you start getting to the real numbers.

6 You also mentioned Government witnesses that were
7 credible. Time and time again, on cross-examination, we
8 heard from the staffing industry, "I believe Mr. Harper
9 told me that they had a contract." "I assumed." "I
10 thought." And "my impression was." When asked directly,
11 did Mr. Harper tell you that they had a contract? "I
12 believed." "I assumed."

13 I can tell you today that I am a 6 foot 5 white
14 man. I believe that. And you obviously can sit here and
15 say I am a short black man, 5 foot 6. So, regardless of
16 what they said, we, time and time again, we impeached
17 Government staffing witnesses, but yet these are the same
18 witnesses today that you are using as credible testimony
19 to sentence me.

20 All I asked is for a fair and impartial decision
21 when we went to trial, and I do not believe that we got
22 that. One of the comments made earlier was respecting the
23 law. I respect the law. But if it is not respected by
24 the people that administer it, we have a definite problem.
25 That is exactly what happened in this case.

1 You had Special Agent Smith that said he executed
2 the search warrant February 9, 2005, looking for financial
3 records. But, in discovery, that was handed over by the
4 Government, and financial records were gotten as early as
5 2003 and 2004. But yet you went into a judge's courtroom
6 and said, I need a search warrant for financial records,
7 and never stated that he had already been looking at it.

8 Mr. Kirsch said, as well, even if the bank records
9 were gotten illegally, he said -- the statement out of his
10 own mouth, even if the bank records were gotten illegally,
11 it would seriously undermine the way the FBI does
12 investigation, or something along those lines. Totally
13 false. So, again, the law I have no problem with, it is
14 the people who administer the law.

15 And, again, the self-fulfilling prophecy, we can
16 never pay our debt. Every chance we get, every company,
17 every potential law enforcement agency we talked to, here
18 is the Government right behind them. They are under
19 investigation. Obviously, we will never be able to gain a
20 contract with an FBI person saying we are investigating
21 them. Immediately they back off.

22 I always ask myself in regards to the law, how did
23 my forefathers feel as an African-American? I take that
24 very seriously. The 18th, 19th, as late at 20th Century,
25 folks that look like myself were lynched and hanged from a

1 tree. Obviously you can't do that in 2012. But I stand
2 before you in a courtroom, and it is another form of
3 lynching. Nothing has changed, just the venue. I don't
4 swing. I am not hanging from a tree with my neck sitting
5 to the side of my shoulder, but yet I stand before you
6 accused.

7 And, yes, sure, the jury found me guilty. I tell
8 you unequivocally, I'm not guilty. And I will do
9 everything in my power once this is vacated -- I have a
10 strong belief that God will bring me up. My life is in
11 his hands, and he has the final say on everything
12 concerning my life.

13 One other thing, as I said with Mr. Kirsch, I read
14 a book, and the writer, I believe, was named Janet Sue
15 (phonetic), and this is what she said, "He is a good man
16 who does what is right." Their father, Bill, always
17 taught them to do the right thing. And I can tell you,
18 the last 7 years of my life, living through this hell,
19 these accusations, going through the grand jury in 2007,
20 getting indicted in 2009, I wonder if Janet Sue (phonetic)
21 had been sitting here watching the proceedings up in this
22 courtroom, and before we even got to the Indictment, the
23 thing that always rings in my mind, they taught Matt and
24 Daniel to always do the right thing.

25 And I can honestly say, unequivocally, that has not

1 been done on be my behalf. So, in closing, they said we
2 had an idea for a great software. I have to use the
3 eternal words of Dr. Martin Luther King; "I have a dream."
4 We had a dream. We really did. We believed in it. To
5 this day, as I sit and stand before you, I believe in it,
6 as much as I did back then.

7 I know within my heart of hearts that given the
8 opportunity, the CILC solution is and always will be the
9 answer to what is plaguing government agencies and
10 inter-agency communication to this day. I find it so
11 ironic, too, Sentinel, which is a competitive -- direct
12 competitor, by the FBI -- our software is exactly, if you
13 look at some of the specs. And here we are, me and my
14 brothers and I are being ushered off, and Sentinel is
15 supposed to go live here shortly.

16 Very interesting that they wanted financial
17 records, and during the search warrant they imaged every
18 computer looking for the software. And I will take that
19 to my grave. So, again, if the Government is wanting the
20 software, great, call us up and pay for it. But yet they
21 imaged every computer.

22 And, in closing, like I said, I take what I told
23 these men and women very seriously. I did have to file
24 for bankruptcy. I had no other option. But, even with
25 that, I have kept track of every dollar owed, every

1 promissory note I signed. It wasn't a tactic to continue
2 to -- it was a tactic to say I believe in this so much I
3 am putting my name to it.

4 It is embarrassing someone calling you saying you
5 owe me this amount of money. That is very embarrassing.
6 When you can't pay it, that is embarrassing. I feel bad
7 about that to this day. But if given the opportunity for
8 my brothers and I to sell what we initially -- our dream
9 being brought to fruition, we can make it happen.
10 Unfortunately, the Government got in the way. And that's
11 exactly what happened.

12 So I leave you with that, Judge. I'm very proud
13 that we represented ourselves. I think we fought a good
14 fight. We really did. Six individuals going against the
15 United States Government. So I think if our whole
16 story -- you can't ask a jury to look at all of the facts
17 and not all of the evidence be put on display.

18 Some of the things we tried to admitted but didn't
19 get admitted. I am sure you know, I'm not a lawyer. None
20 of us were attorneys. So knowing the protocol, that is
21 fine. I am not using it as an excuse. I am making a
22 point that no man or woman can make an effective decision.
23 That is why the jury came back the second day of
24 deliberations and asked, is there anything else we can
25 consider? We didn't have expert testimony that could have

1 told you about the staffing industry.

2 For 2-and-a-half years, I worked two jobs at one
3 time, simultaneously. And Mr. Kirsch said it is not
4 possible. It is possible. At the end of the day, if he
5 was honest with himself, he knows it is possible. A
6 laptop here, a laptop here, laptop here. It happens all
7 of the time. I know individuals that work three. It is
8 no big secret. Our IT gives us that right.

9 You come into a court of law, they say it is
10 criminal to work two to three jobs. I hope this case gets
11 some merit in regards to, if that is the case, you better
12 start lying, you are going to be a busy woman. People
13 work two to three jobs. I never made a false statement.

14 I believe we are going to sell this any day. By
15 golly, if a belief in a product, a belief in values, is
16 conveyed to another man and woman, and you say, well, he
17 lied because it didn't happen, well, your house is going
18 to be full. But, again, I never lied. I told them what I
19 believed. My belief was, and to this day, that the
20 software installed will help revolutionize the way
21 government agencies talk to one another and how data is
22 stored.

23 That is my job; database administrator. So I know
24 the value of data. That was our dream. Our dream still
25 holds true today. And I believe that we will be

1 vindicated of all charges, and I just want to leave that
2 on the record. Thank you.
